

INTEGRITY

*An Online Student Journal of Australian Church History
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Edited by Dr Colin Bale & Dr Mark Thompson

Students in their fourth year of the Bachelor of Divinity degree at Moore Theological College have the opportunity to research and write a 6 000 word essay in Church History on some aspect of evangelicalism in Australia or Britain (post-1600). The excellent quality of some of these essays has encouraged the Church History Department to seek a way to share the fruits of the research and writing of these students with a broader audience. This is the reason for the launch of this new journal *Integrity*.

The journal seeks not only to provide access to some of these quality essays, and thus commend the work of the contributors, but also to acknowledge that undergraduate research and writing can make a valuable contribution to the field. It is hoped the journal will stimulate current and future students to continue with research after they leave the College. Readers should keep in mind that these are undergraduate essays, often written by students who have not been extensively schooled in historical research method. Nevertheless, the editors believe that the essays selected for each issue will display scholarship and perception that will benefit those who read them.

Note about the Title

The journal title *Integrity* was chosen by the editors because of the term's association with Thomas Moore, whose bequest of his estate was the means for the establishment of Moore College in 1856. Thomas Moore was a successful businessman, ship builder, Government official, the owner of significant agricultural land and a generous Protestant layman in colonial Sydney. In 1804 he began building a boat, a schooner, at Sydney Cove. He named the vessel *Integrity*. Governor King sailed to the Sydney Heads on *Integrity*'s maiden voyage in February 1805 and reported that 'both in salt sailing, working, and her appearance under way, this handsome vessel answers every expectation'.¹ It is hoped that the journal is the means of displaying similar excellence in student writing.

¹ Recounted in Peter G. Bolt's book, *A Portrait in his Actions: Thomas Moore of Liverpool (1762-1840)* (Camperdown, N.S.W.: Bolt Publishing, 2010), p. 216.

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The Unexpected Chaplain: Henry Fulton and Early Colonial Evangelicalism

Tom Melbourne

The history of the Early Colonial period of Sydney has, at its heart, the Chaplains who served and strived for Christ amongst the people of the city. And rightly so. The dozen or so men who over a thirty year period left England and came to this remote outpost of the empire played a key part in shaping the overall life of Sydney and its immediate environs.

It is in this milieu that the story of Henry Fulton needs to be told. In many ways Fulton was relatively unremarkable amongst the Chaplains of the colony. He did not rise to high office, nor did he pioneer inland and overseas mission work. The majority of his ministry was spent in a rural backwater, well and truly separate from the importance and power of the inner-city churches. As such, Fulton gives us an insight into the more ordinary life, distinct from those of the city-centric ministers Samuel Marsden and William Cowper.

And yet at the same time Fulton was a most unique early minister of the gospel in New South Wales. He was more highly educated than many of his fellow Chaplains. He came to the position with an acute understanding of politics, due to his involvement in the Irish Rebellion of 1798. His work in New South Wales was relatively wide-ranging, being engaged in parish work across multiple centres. Perhaps most significantly of all, Fulton fell into Colonial chaplaincy rather unexpectedly, arriving at Sydney Cove as a convict at a time when only one other man, Marsden, was employed in church work. These factors undoubtedly led to Fulton beating a relatively atypical path in his colonial ministry, seeing him come into conflict multiple times with both Governors and also senior clergy.

It is to our collective shame, then, that Fulton is generally left out of histories of the early colonial church in New South Wales. Judd and Cable's *Sydney Anglicans* makes scant mention of him, erroneously asserting that 'Fulton ministered chiefly at Norfolk Island' and briefly noting his suspension from duties by the Johnston rebel government.² The autobiography of William Macquarie Cowper covers the time period of his father, but although most of the other colonial chaplains are discussed, he fails completely to mention Fulton.³

This paper aims to fill this notable void in our understanding of both the history of evangelicalism in New South Wales and the history of the Sydney colony in general. Following Fulton's life chronologically, it will chart the key events in both his formation and his influence on life in the colony. It will also draw out from Fulton's experience a picture of what ordinary life was like for a minister of the gospel working in these circumstances.

Beginnings: An Irish Evangelical Rebel

Fulton's beginnings are frustratingly shady. One researcher, Marjorie Quarton, in the course of writing a historical fiction based on Fulton's Irish years reached the conclusion that his name had deliberately been expunged from the record, presumably by a family ashamed at their criminal son.⁴ Even his date and place of birth is in question, Cable listing it as 1761, based presumably on his burial record,⁵ while the Convict Registers of the *Minerva* show him being 34 years old in 1799, suggesting a birth date closer to 1765.⁶ Fulton first turns up on the

² Stephen Judd and Kenneth Cable, *Sydney Anglicans : a History of the Diocese* (Sydney: AIO, 1987), 5–6.

³ William Macquarie Cowper, *The Autobiography and Reminiscences of William Macquarie Cowper, Dean of Sydney* (Sydney: Angus & Robertson, 1902).

⁴ Marjorie Quarton, *Renegade* (London: Andre Deutsch, 1991), 308–9.

⁵ 'Castlereagh Christ Church of England - Burial Register 1826-1875', 1989/032, Sydney Diocesan Archives; K. J. Cable, 'Fulton, Henry (1761–1840)', *Australian Dictionary of Biography* (Canberra: National Centre of Biography, Australian National University, 1966).

⁶ 'NRS 1151: List of Convicts: "Minerva", "Speedy", "Royal Admiral", "Minorca", "Canada", "Nile".', Item 4/3999, State Archives NSW.

historical record enrolling as a Pensioner at Trinity College Dublin on the 1st of March 1788.⁷ Quarton wisely notes that although Fulton would go on to be an ordained Minister, this does not mean that his time at Trinity was spent studying theology, and indeed, there is no record of Henry having formally studied divinity.⁸ A catalogue of his personal library, although now lost,⁹ was once extant, and the brief references to it by later commentators indicate that it contained a substantial number of mathematical and legal works, giving a strong indication that Fulton's study was undertaken in those areas.¹⁰ Nevertheless, he graduated with a B.A. in 1792, his university career undoubtedly forming the backbone of Fulton's love of education and learning, something we see carried over strongly into his ministry years in the colony.

Sometime after his graduation from university Fulton was ordained into the Church of Ireland by Bishop William Knox (contra Cable, who suggests Bishop Barnard).¹¹ We do not know where Fulton's first ministry position was undertaken, despite the speculations of both Quarton and Cable. His first confirmed ministry was as Curate of the Kilmore Union and Vicar of Monsea, both in County Tipperary, which Fulton took up in September 1796.¹² Later in 1797 he had moved, being named as one of twenty-seven key evangelical clergy in the nearby Silvermines region.¹³

Fulton's time in Ireland saw him get married and start a family. Ann Walker was the daughter

⁷ Cable, 'Fulton, Henry (1761–1840)'.

⁸ Quarton, *Renegade*, 308.

⁹ Thanks a lot, State Library of NSW.

¹⁰ Cable, 'Fulton, Henry (1761–1840)'; Quarton, *Renegade*, 308.

¹¹ Cable, 'Fulton, Henry (1761–1840)'; Acheson, 'Dictionary of Evangelical Biography'; Quarton, *Renegade*, 308. Had Barnard been involved in Fulton's entry into vocational Church it must have happened within 18 months of his graduation from Trinity and been a rather rushed process, for Barnard translated to a different diocese in September 1794. Since this would leave little time for any specifically theological study to be undertaken by Henry in preparation for his ministry, it is preferable to see Knox as having ordained Fulton. This also explains the highly supportive relationship between Knox and Fulton which emerged in the coming years. It would seem that Knox knew Fulton before September 1794 and was keen to see him involved in ministry, perhaps impressed by his scholarship, and as such ordained him soon after became Bishop.

¹² Acheson, 'Dictionary of Evangelical Biography'.

¹³ Acheson, 'Dictionary of Evangelical Biography'.

of James Walker, a prominent clergyman in the aforementioned Silvermines area.¹⁴ Henry's marriage to Ann was undertaken in 1795, and by February 1798 two children had joined them, James and Jane.

Fulton's conduct in these different parts of Killaloe Diocese gives us an insight into his ministry practices. The judge in his later trial, Sir William Osborne, commented in a letter to the influential Lord Claremont that 'disregarding the Sacred Duties of his Function, he [Fulton] turned that Influence he once had gained from an apparent Shyness of Demeanor bordering on Methodism....'¹⁵ Fulton, evidently, had touched a raw nerve in conservative Ireland by his ministry practices, being loose on ecclesiastical strictness. This is not to say, however, that Fulton was lazy. Despite saying of Fulton that 'I cannot conceive a more Compleat Wolf in Sheep's clothing', Osborne's letter also cannot help but note that '[Fulton] wormed himself into the Confidence of a Gentleman of the most respected in the County by the apparent Sanctity of his Manners, undertook the tuition of his Son and the defence of his House...', and that 'he used to go on Foot, with the Affectation of Humility, to visit the Parishioners.'¹⁶ It is telling that even this judge, so adamant that Fulton was guilty that he commented 'Mr Fulton is one of the last Men I would turn loose amongst the People', was forced to concede that Fulton has been a careful and thoughtful Pastor of his flock, humbly visiting them on foot, being involved in the life of the local landlord's household, even going so far as to organise the defence of the landlord's estate should it be attacked! For all his supposed abandonment of the 'Sacred Duties of his Function', it would seem that Fulton remained a dutiful minister of the Gospel, even if it meant he looked more like a Methodist in his practice. We also see Fulton's interest in education shining through, taking on the

¹⁴ Joseph Holt, *Memoirs of Joseph Holt: General of the Irish Rebels in 1798* (H. Colburn, 1838), 28–29.

¹⁵ Cited in Quarton, *Renegade*, 201. According to Quarton, this letter was found deep in the archives of Dublin Castle. Without any way of accessing this document, I am having to assume that she has quoted from it accurately.

¹⁶ Quarton, *Renegade*, 201–2.

education of the local landlord's son.

The part of Fulton's Irish ministry with the greatest long-term impact, however, was not to be his commitment to certain ministry practices, but rather his connection with the 'United Irishman' cause, without which he would never have exercised his ministry in New South Wales. Fulton, along with a neighbouring Roman Catholic priest named William O'Mara, was caught administering the 'Defender's Oath' to local men, an outlawed practice because of its links to the Rebel cause.¹⁷

It is impossible to know precisely how Fulton became caught up in this movement, or even what his motivations were in doing so. One of the leading generals of the rebels, Joseph Holt, found himself sharing a cabin with Fulton on his journey to Sydney, and even he was thoroughly puzzled as to why Fulton would have involved himself in the rebellion.¹⁸ In his opinion, a man such as Fulton had absolutely no reason to want to be involved in an illegal revolt, given that there was no potential for personal gain or revenge.¹⁹ Given this, it seems likely that his motivation stemmed from his role as Minister in the local community. That is, in the course of involving himself in the lives of the people under his care, Fulton must have seen the suffering of the Irish people under the British, and so was convinced that the United Irishman cause was worthy of his personal support, in spite of the obvious risks it brought. If this was indeed the reason for Fulton's involvement in the Irish rebellion of 1798, it was not to be the last time that he identified with his people in such a personal way – this character trait would go on to have a big impact on his ministry in New South Wales.

In August 1799 Henry Fulton was found by the Tipperary court to be guilty of sedition and

¹⁷ Ruan O'Donnell, 'Desperate and Diabolical: Defenders and United Irishmen in Early NSW', Cited 30 May 2013, Online: <http://members.pcug.org.au/~ppmay/defenders.htm>; Quarton, *Renegade*, 309.

¹⁸ Holt, *Memoirs of Joseph Holt*, 29–30.

¹⁹ Holt, *Memoirs of Joseph Holt*, 32.

sentenced to life transportation.²⁰ This conviction saw him loaded onto the convict transport ship *Minerva* on the 26th of February,²¹ yet it would be six more months before the boat finally left Cork bound for Sydney, being delayed by conviction appeals and rough weather.²² Ann Fulton and her two young children joined Henry as free travellers on the voyage,²³ James and Jane being described as ‘two of the finest I ever saw in my life, they are sweet representatives of innocence’ in a testimony to the stability of the Fulton family.²⁴

The family’s journey to New South Wales was to be a relatively pleasant one by the standards of the day. Travelling alongside 193 convicts and 89 free men and women,²⁵ the Fultons were afforded a cabin together for the long journey,²⁶ and spent most of their time fraternizing with the military officers who were bound for the New South Wales Corps. The leader of this company was William Cox, travelling along with his wife and children.²⁷ Little did both families know that this would be the start of a long-running friendship, with two of the Cox boys going on to become key landowners in Fulton’s parish and even being named as ‘my friends’ and executors of his will.²⁸

Blessed with a wise captain, the ship took the gentler route via Rio de Janeiro instead of the Cape of Good Hope.²⁹ And even with an early failed attempt by some convicts to overthrow the ship’s guard, in which Fulton had no involvement, minimal loss of life was sustained on

²⁰ ‘NRS 1151: List of Convicts: “Minerva”, “Speedy”, “Royal Admiral”, “Minorca”, “Canada”, “Nile”.’ It is important to note that, according to the extant records, the rebellious Reverend did not surrender for self-transportation. Some confusion opened up over this question later on in his life, when the issue of his guilt was raised in connection with his proposed appointment as a Crown-sanctioned Chaplain. The “Convict Indent” on which Fulton appears, though, clearly delineates those who self-surrendered and those who were convicted of political crimes, and Fulton is firmly in the latter camp. .

²¹ J.W. Price, ‘MSS AJCP M1574: A Journal of Voyage from Ireland to Sydney Cove, Port Jackson, New South Wales, Kept on Board the *Minerva*’, Journal, trans by. William Taylor, January 1799, 6.

²² Price, ‘Journal of Voyage’, 44.

²³ Holt, *Memoirs of Joseph Holt*, 30.

²⁴ Price, ‘Journal of Voyage’, 47.

²⁵ Price, ‘Journal of Voyage’, 52.

²⁶ Holt, *Memoirs of Joseph Holt*, 33.

²⁷ Price, ‘Journal of Voyage’, 46.

²⁸ Henry Fulton, ‘Last Will and Testament of Henry Fulton’, May 6, 1840, Probate 1-1218, NSW State Archives.

²⁹ Price, ‘Journal of Voyage’, 8.

the nearly five month voyage.³⁰ This was in deep contrast with the *Atlas*, similarly carrying Irish rebels to Sydney, which had one death for every 2.7 convicts aboard.³¹ As the only Protestant clergyman aboard Fulton stepped up to perform funeral rites for one deceased convict on the 18th of October,³² and also baptized the newborn son of Joseph Holt on the 19th of July.³³ Fulton had clearly conducted himself in an upright and helpful manner during the journey, for upon the *Minerva's* arrival in Sydney Cove on the 12th of January 1800 Fulton was singled out to Governor Hunter by the ship's surgeon J.W. Price as a man of good behaviour who should be allowed to leave the ship earlier than the other convicts. This led to him and his family coming ashore on Thursday the 16th of January 1800.³⁴ The Fulton's Australian journey had begun.

The Period of Uncertainty: Hawkesbury, Norfolk, Sydney and London

The colony Fulton found himself in upon stepping ashore in Sydney Cove was at a turning point. A greater knowledge of the local soil and climate had led to successive successful harvests in the preceding years, making the terrible famines of the 1790s a thing of the past and bringing with it increased security.³⁵ Over those years a definite power shift had begun to take place, with certain members of the NSW Corps using their position to control the trade of grain and other goods, shoring up their power somewhat independently of the official government. Demographically, too, a shift was beginning to occur, to which the arrival of the *Minerva* directly contributed. That is, the number of Irish convicts in the colony was becoming a substantial minority, making up over one-fifth of all the convicts in the colony.³⁶

³⁰ Price, 'Journal of Voyage', 63.

³¹ Charles Bateson, *The Convict Ships, 1787-1868* (Library of Australian History, 2004), 182–3, 276.

³² Price, 'Journal of Voyage', 69.

³³ Holt, *Memoirs of Joseph Holt*, 42.

³⁴ Price, 'Journal of Voyage', 111.

³⁵ A. T. (Alexander Turnbull) Yarwood, *Samuel Marsden : The Great Survivor* (2nd ed.; Carlton, Vic.: Melbourne University Press, 1996), 43.

³⁶ Yarwood, *Samuel Marsden*, 70.

By 1804 these convicts and their families made up one-fifth of the total population!³⁷ Since a good number of these had been involved in leading the United Irishman rebellion, it is understandable that the arrival of these Irish convicts set many in the colony on edge, fearful that rebellion, rather than being snuffed out, would now simply spread to the antipodes.³⁸

On the religious front, things were not healthy. Rev. Samuel Johnston as the first Chaplain was still Principal Chaplain in early 1800, having been joined in the work by Samuel Marsden as Assistant Chaplain in March of 1794.³⁹ However, Johnston was fast tiring of the difficulties that faced a colonial chaplain, especially the constant struggles with the successive governors and the trials of balancing pastoral and farming work. Longing for the ‘green pastures’ of England, he left Sydney in October of 1800, leaving the more resilient Marsden as the sole Church of England minister in the entire colony.⁴⁰

‘The Reverend Mr Fulton will perform divine service once every six weeks at the Hawkesbury, where he will Baptise, and perform other duties of a Clergyman.’⁴¹ So decreed the newly appointed Governor King on the 26th of October 1800. Less than a year after his arrival in the colony, Fulton had been given ministerial work, and by the 7th of December he had begun to preach in the ‘Green Hills’ area.⁴² The fact that Fulton’s ministry was restricted to the Hawkesbury region makes it clear that his appointment was not meant as a replacement for the just-departed Johnston, which would have necessitated Fulton taking up work in either Sydney Cove or Parramatta. Rather, it instead points to a recognition by King that the outlying settlement of Hawkesbury was in need of leadership/ministry, and that the growing Irish population in that area would respond well to a fellow Irishman working amongst them.

³⁷ Kate White, *Dharug and Dungaree: The History of Penrith and St Marys to 1860* (North Melbourne: Hargreen Publishing, 1988), 73.

³⁸ Yarwood, *Samuel Marsden*, 72.

³⁹ Yarwood, *Samuel Marsden*, 30.

⁴⁰ Judd and Cable, *Sydney Anglicans*, 3–4.

⁴¹ ‘Colonial Secretary’s Papers: Special Bundles’, 1825 1794, 32, NRS 898, NSW State Archives.

⁴² Frank Murcot Bladen, *Historical Records of New South Wales: King, 1803 1804, 1805* (vol. 5; Lansdown Slattery & Co., 1897), 259.

This arrangement was not to last long, however, as Fulton was soon in March 1801 to be sent to Norfolk Island, to ‘perform the duties of a clergyman until another can be sent from England.’⁴³ The language used here indicates that King still considered using Fulton as a temporary measure borne out of desperation. That said, the Governor did consider Fulton to be highly competent, commenting that in his short time in the colony Fulton had ‘conducted himself with great propriety and in a most exemplary manner’ and that, as such, King had conditionally pardoned him before sending him to Norfolk.⁴⁴ The role given to Fulton was not to be an easy one, for as King notes, he had previously been promised that a Rev. Mr Haddock had been appointed as Chaplain to the Island, but that Haddock had neglected to ever leave England, not exactly being enthusiastic about heading to a place as isolated as Norfolk.⁴⁵

Fulton later admitted to feeling negatively about this commission. It would have been difficult for him to leave the Hawkesbury community where he and his family had settled, to go to a place he later described as ‘a very disagreeable place for a person who has a growing up family.’⁴⁶ Nevertheless, Fulton was only conditionally emancipated and needed to continue to impress Governor King, leaving him little choice but to go, and on the 10th of June we have the earliest record of Fulton’s ministry on the Island, a brief note in a rudimentary Burial Register.⁴⁷ Although the records are damaged, they show that Fulton was busy in his time on Norfolk, with an average of 30 baptisms,⁴⁸ 20 marriages⁴⁹ and 10 burials

⁴³ Bladen, *Historical Records of New South Wales* 5, 467.

⁴⁴ Bladen, *Historical Records of New South Wales* 5, 719.

⁴⁵ Bladen, *Historical Records of New South Wales* 5, 467.

⁴⁶ Henry Fulton, ‘Copy of a Letter Received by Elizabeth Bligh from Henry Fulton’ (Sydney, 1809), CY3007, Mitchell Library.

⁴⁷ ‘Sydney St Philip’s Church of England - Norfolk Island Burial Register, 1801-1805’, SAG 90, Mitchell Library.

⁴⁸ ‘Sydney St Philip’s Church of England - Marriage Register 1789-1809’, SAG 90, Mitchell Library.

⁴⁹ ‘Sydney St Philip’s Church of England - Norfolk Island Marriage Register, 1801-1806’, SAG 90, Mitchell Library.

per year.⁵⁰ This time was also tinged with sadness, with the harshness of life on this remote convict outstation leading to the death of Jane Fulton, Henry's four year old daughter, later memorialized in the Old Sydney Burial Ground alongside James, their earlier deceased son.⁵¹

Ultimately, Fulton's conduct as Acting Chaplain impressed King, who as a result in March 1802 proposed to London that Fulton be paid half of the stipend which had been set aside for the Norfolk Island clergyman,⁵² which was agreed to in late August 1802.⁵³ King's view of Fulton had risen again by May 1803, describing him as 'exemplary', leading to Fulton being paid the full £96 annual stipend.⁵⁴ Although no doubt thankfully received by the Fulton family, this and the entire Norfolk Island ministry highlights an attitude towards Fulton which enveloped this phase of his ministry – that of his being considered a second-rate minister. In a report to London in February 1807 now-Governor Bligh was full of praise for Fulton, 'a good, moral man, becoming his situation.' And yet, even in the midst of this praise, he casts doubt on whether Fulton will be allowed to continue his work once a replacement clergyman can be found.⁵⁵ As a pardoned convict Fulton struggled to win the absolute support of his superiors, both civil and religious.

Governor Bligh and Marsden would have happily left Fulton to toil away on Norfolk Island, were it not for Marsden's keen desire to return to England in 1806 to enjoy a furlough, spruik his proposed mission to New Zealand and also express his support of Bligh and his reforms, which had been proving unpopular.⁵⁶ He was also wary of the fast-changing political landscape in Sydney, and did not wish to be caught up in any overthrow of the government.

⁵⁰ 'Norfolk Island Burial Register'.

⁵¹ William Freame, 'By the Way the Floods of 67', *Windsor and Richmond Gazette* (NSW, July 25, 1930).

⁵² Bladen, *Historical Records of New South Wales* 5, 720.

⁵³ Bladen, *Historical Records of New South Wales* 5, 828.

⁵⁴ Bladen, *Historical Records of New South Wales* 5, 116.

⁵⁵ Bladen, *Historical Records of New South Wales* 5, 251.

⁵⁶ Samuel Marsden, *The Letters and Journals of Samuel Marsden, 1765-1838* (ed by. John Rawson Elder; Dunedin: Coulls, Somerville, Wilkie and A.H. Reed, 1932), 41.

And so Fulton was unconditionally pardoned on the 8th of February 1806,⁵⁷ recalled to Sydney to be Acting Chaplain,⁵⁸ making it to Port Jackson on the 7th of May.⁵⁹ When it turned out that Fulton would be able to return to Sydney sooner than planned, Marsden commented:

‘I considered this circumstance a highly favourable dispensation of Providence towards myself at that time, being aware that a great political storm was fast gathering in which, if I remained, I could not well avoid being involved.’⁶⁰

Fulton, then, was left alone to bear the brunt of the religious response to the looming political crisis, at the same time feeling vulnerable that, as only Acting Chaplain with no firm appointment, he was liable to being usurped at any time. This prompted him to write to his longstanding friend Bishop Knox seeking his favour in applying to the Archbishop of Canterbury for a permanent and properly paid appointment.⁶¹ Such an appointment was not forthcoming, however, despite a favourable reference being given by Knox to the Archbishop a year later, praising Fulton’s ‘exemplary conduct’ and ‘zealousness in the discharge of his duties’ as a clergyman in Ireland.⁶²

In the meantime, Fulton’s life had become even more complicated. From his arrival in Sydney in May 1806 through to Marsden’s departure in February 1807 the two men had worked alongside each other.⁶³ Although neither commented on this arrangement, we can assume a certain level of discomfort, especially from Marsden, who had developed a resentment of emancipated convicts like Fulton, especially those who were Irish.⁶⁴ Something of this tension between the two men can be seen in Fulton’s 1809 letter to Mrs Bligh in London, where he had railed against Marsden for his earlier failure to condemn the treachery

⁵⁷ ‘Copies of Conditional Pardons Registered’, 16, 4/4486, Reel 800, NSW State Archives.

⁵⁸ Frank Murcot Bladen, *Historical Records of New South Wales: King and Bligh, 1806, 1807, 1808* (vol. 6; Lansdown Slattery & Co., 1898), 21.

⁵⁹ Bladen, *Historical Records of New South Wales* 6, 80.

⁶⁰ Marsden, *The Letters and Journals of Samuel Marsden, 1765-1838*, 60.

⁶¹ Bladen, *Historical Records of New South Wales* 6, 277.

⁶² Bladen, *Historical Records of New South Wales* 6, 276–7.

⁶³ Yarwood, *Samuel Marsden*, 111.

⁶⁴ Yarwood, *Samuel Marsden*, 79–80, 121.

against Bligh, for forcing Fulton to work on Norfolk Island, and for reneging on an arrangement to share his stipend with Fulton while in England.⁶⁵ Marsden, for his part, saw Fulton as being a second-rate citizen because of his convict past,⁶⁶ and must have resented leaving his colonial churches in the hands of this emancipated Irishman.

Once Marsden left Sydney, Fulton was incredibly busy, conducting services at both St John's Parramatta and St Philip's Sydney. Sunday gatherings aside, the role of Chaplain required Fulton to be taking the vast majority of weddings, baptisms and burials in the colony, which, when spread out over two sites 25km apart, must have quickly taken up Fulton's entire week. This was made more difficult by the fact that Fulton had purchased a horse from Marsden for this purpose which, in his disgruntled opinion, was 'unfit for riding or drawing'.⁶⁷ Nevertheless, Fulton was able to officiate at 56 weddings in 1807 at Parramatta,⁶⁸ on one occasion conducting six in a single day, and across the same period conducting 39 weddings at Sydney.⁶⁹

This busyness was brought to an abrupt halt on the 30th of January 1808, with Fulton's suspension from discharging the office of Chaplain in the colony.⁷⁰ Evidently Fulton's Irish experience had not scared him away from involving himself in political disputes, for the cause of this suspension was his opposition to the so-called Rum Rebellion. This rebellion against the incumbent Governor Bligh was motivated by Bligh's efforts to shift power away from the officers of the NSW Corps by way of trade restrictions. It was hoped by Bligh and his supporters that this would finally allow the emancipated settlers of the Hawkesbury region to prosper, rather than continue to be oppressed for the financial gain of a core group

⁶⁵ Fulton, 'Copy of a Letter Received by Elizabeth Bligh from Henry Fulton'.

⁶⁶ Marsden to Cooke, quoted in Fulton, 'Copy of a Letter Received by Elizabeth Bligh from Henry Fulton'.

⁶⁷ Fulton, 'Copy of a Letter Received by Elizabeth Bligh from Henry Fulton'.

⁶⁸ 'Parramatta St John's Church of England - Marriage Register 1790-1838', 56-70, SAG 55, Mitchell Library.

⁶⁹ 'St Philips Marriage Register'.

⁷⁰ Bladen, *Historical Records of New South Wales* 6, 458.

of officers.⁷¹

Fulton, like in the 1798 Irish Rebellion, would no doubt have been better served personally through this 1808 Rebellion if he had simply kept his head down and not involved himself. As it was, however, Fulton chose to involve himself deeply, siding defiantly with the Bligh government. He was in attendance at Government House when the soldiers came to arrest Bligh, and personally held the door closed to bar them access.⁷² He wrote in support of Bligh, upholding the Governor's good character and intentions,⁷³ and acted as a representative for the exiled Bligh.⁷⁴ The price of this support was initially house arrest,⁷⁵ followed by the aforementioned suspension from office, the 'silencing of a most sound divine' as Rowland Hassall described it to the London Missionary Society.⁷⁶ This soon proved damaging to the religious devotion of the colony, with the churches being neglected and Sabbath devotion ignored,⁷⁷ despite services being taken by various laypeople.⁷⁸ Fulton for his part acted as a personal chaplain to the Bligh family during this period,⁷⁹ despite the rebels insistence that he desist from all clerical functions,⁸⁰ and he was forced to go into 'considerable debt' to purchase a house for his family, despite uncertainty over whether he would continue to be paid as Chaplain.⁸¹

In a letter to Viscount Castlereagh on the 20th of July 1808 Fulton revealed his motivation in supporting Bligh, arguing that Bligh's reforms were bringing genuine relief to the embattled

⁷¹ George Johnston, *A Charge of Mutiny: The Court-Martial of Lieutenant Colonel George Johnston for Deposing Governor William Bligh in the Rebellion of 26 January 1808* (Canberra: National Library of Australia, 1988), XIV.

⁷² Bladen, *Historical Records of New South Wales* 6, 558; Johnston, *A Charge of Mutiny*, 106; Holt, *Memoirs of Joseph Holt*, 301.

⁷³ Henry Fulton, 'Letter from Fulton to Bligh', May 18, 1808, CY179, Mitchell Library.

⁷⁴ Bladen, *Historical Records of New South Wales* 6, 713.

⁷⁵ Johnston, *A Charge of Mutiny*, 106; Bladen, *Historical Records of New South Wales* 6, 603.

⁷⁶ Bladen, *Historical Records of New South Wales* 6, 708.

⁷⁷ Bladen, *Historical Records of New South Wales* 6, 708.

⁷⁸ Bladen, *Historical Records of New South Wales* 6, 666.

⁷⁹ Frank Murcot Bladen, *Historical Records of New South Wales: Bligh and Macquarie, 1809, 1810, 1811* (vol. 7; Lansdown Slattery & Co., 1901), 12.

⁸⁰ Bladen, *Historical Records of New South Wales* 7, 172.

⁸¹ Bladen, *Historical Records of New South Wales* 7, 32.

and debt-ridden settlers of the Hawkesbury region.⁸² It would seem likely, then, that Fulton's months spent in the Hawkesbury area upon first arriving in the Colony had given him a particular burden for the mainly Irish settlers there, and that this was a key contributing factor in his support for Bligh, even though it brought with it significant personal costs. Fulton was a Minister not afraid of 'putting his neck on the line' when it came to defending the fair treatment of people in his care.

Governor Macquarie, upon arriving in Sydney to end the rebellion, wasted no time in correcting the injustices and mismanagements of the previous regime. On the 8th of January 1810, at 12 noon, Fulton was officially reinstated to his role as Assistant Chaplain.⁸³ Macquarie was firm that attending church services was to be encouraged, making the Chaplain's work once again aligned with the wishes of the Governor.⁸⁴

Despite his reinstatement, however, Fulton's position was still in doubt, not because of incompetence, but because of Marsden's success. Marsden had in England managed to find two men willing to come work as Assistant Chaplains in the colony, William Cowper and Robert Cartwright. Cowper arrived first, reaching Sydney in August 1809, and had begun working as Assistant Chaplain under the rebel government.⁸⁵ While Marsden, Cowper and Cartwright had all been Crown appointments, Fulton's position remained that given to him by Governor King.⁸⁶ As such, when Macquarie ordered that Fulton and other officials be reinstated, there was confusion as to his position, with Cowper immediately enquiring to the Governor as to what role he envisaged Fulton to play in the colony.⁸⁷ Marsden, for his part,

⁸² Bladen, *Historical Records of New South Wales* 6, 696.

⁸³ Bladen, *Historical Records of New South Wales* 7, 266.

⁸⁴ Bladen, *Historical Records of New South Wales* 7, 337.

⁸⁵ Peter Bolt, *William Cowper (1778-1858) : The Indispensable Parson : The Life and Influence of Australia's First Parish Clergyman* (Studies in Australian Colonial History; Camperdown, N.S.W.: Bolt Publishing Services, 2009), 11.

⁸⁶ Bladen, *Historical Records of New South Wales* 7, 465.

⁸⁷ William Cowper, 'Cowper to Macquarie R.e. Fulton's Resumption of Clerical Duties', January 4, 1810, NRS 897, Item 4/1723, NSW State Archives.

felt that in Cowper and Cartwright he had finally found men to help ease ‘the burden he had so long borne alone’, clearly not considering a man like Fulton to be of any *real* benefit to the work.⁸⁸

The issue of Fulton’s position was eventually resolved by his return to England. Bligh had requested that he and several others accompany him to London to testify at the trial of the rebels, and as a holder of a civil office Fulton was obliged to acquiesce.⁸⁹ His family remained in Sydney, being supported via the public stores by Macquarie. Fulton’s testimony at the trial and the fact that he had given great support to Bligh during the rebellion saw him come into favour, and on the 31st May 1811 he was given a Crown Commission to return as an Assistant Chaplain to the settlements in New South Wales.⁹⁰ Macquarie’s initial appointment for Fulton under this new commissioning, given on 9th May 1812, was for him to remain in Sydney,⁹¹ which meant working alongside Cowper at St Philip’s.⁹²

Stability and Progress: Castlereagh

It was not until June 1814 that Fulton was at last granted a permanent place to do ministry, being sent to ‘perform all the clerical duties in the two Districts of Castlereagh and Richmond: preaching every Sunday in each district, when his health and the weather permits’.⁹³ The Castlereagh region had previously been a part of Cartwright’s massive Hawkesbury parish, encompassing Windsor, Wilberforce, Pitt Town, Richmond and Castlereagh. This area was far too large for one clergyman, and so Cartwright was more than

⁸⁸ Marsden, *The Letters and Journals of Samuel Marsden, 1765-1838*, 43.

⁸⁹ Bladen, *Historical Records of New South Wales* 6, 547; Bladen, *Historical Records of New South Wales* 7, 336–7.

⁹⁰ Bladen, *Historical Records of New South Wales* 7, 539.

⁹¹ ‘Colonial Secretary’s Papers: Special Bundles’, 254.

⁹² ‘Sydney, 26 December 1812’, *Sydney Gazette and New South Wales Advertiser*, December 26, 1812.

⁹³ ‘Government and General Orders, 18 June 1814’, *Sydney Gazette and New South Wales Advertiser*, June 18, 1814.

happy to carve off Richmond and Castlereagh as a separate area under Fulton.⁹⁴

Having invested a large sum of money into the Castlereagh Glebe Building,⁹⁵ Macquarie's plan was for the local settlers to contribute towards a school building that would also double as a church, as was the norm for the outlying towns at the time.⁹⁶ Fulton took the lead on this, arranging a meeting at the Glebe House where he gathered funds from both local and Sydney subscribers to ensure that this building was built swiftly.⁹⁷

With arrangements for a schoolhouse well underway, Fulton next moved to establish a school. We have seen that Fulton's own education was strong and that in his early years he availed himself of opportunities to teach. Now, finding himself in an outlying part of New South Wales devoid of any kind of educational facility, Fulton decided to complement his pastoral work by establishing the 'Castlereagh Classical Academy'. This school, which began in the Glebe House, was

'for the accommodation of a few young Gentlemen not exceeding twelve; wherein are taught the Latin and Greek classics, French and English grammatically, Writing, and such Parts of the Mathematics, both in Theory and Practice, as may suit the Taste of the Scholar, according as he may be intended for Commercial, Military or Naval Pursuits.'⁹⁸

His fees were set at £50, not including books and bedding, giving a clear indication that Fulton was clearly hoping to provide a first-class education, not so much for poorer local children, but for prosperous young men from across the colony.

Castlereagh Classical Academy was the first secondary school in the colony,⁹⁹ and has been

⁹⁴ White, *Dharug and Dungaree*, 132 Citing Bonwick Transcript, Box 24, pp.5275-6.

⁹⁵ White, *Dharug and Dungaree*, 131.

⁹⁶ *Historical Records of Australia, June 1813-December 1815* (vol. 8; The Library Committee of the Commonwealth Parliament, 1916), 154.

⁹⁷ 'Public Advertisement, District of Castlereagh', *Sydney Gazette and New South Wales Advertiser*, June 18, 1814.

⁹⁸ Henry Fulton, 'Advertisement, 2 July 1814', *Sydney Gazette and New South Wales Advertiser*, July 2, 1814.

⁹⁹ J.D. Partridge, 'The History of Public Education in the Penrith Area to 1900 (with Special Emphasis on the

viewed as being on par with the better secondary schools in England.¹⁰⁰ A review in the *Sydney Gazette* commented that ‘The Castlereagh Academy sufficiently demonstrates the capacity of the reverend gentleman who rules it; the learned languages and the sciences are there taught in the first style of perfection,’¹⁰¹ while Macquarie commented to Marsden that the Academy ‘provides for the high Attainment of learning’.¹⁰² Kate White notes, having seen the now-lost inventory of Fulton’s library, that the scholars had access to one of the most full and varied libraries in the colony, containing:

‘Latin, Greek and Hebrew bibles, Cook’s *Voyages*, Locke’s *Essays on Human Understanding*, Virgil, evangelical magazines, the *History of Greenland*, Cicero’s Orations, Calvin’s Life, Goldsmith’s *England*, the *Life of Charles XII*, Roman History (5 vols), Aristotle’s *Ethics*, Tacitus (3 vols), St Augustine’s *Confessions*, Soame’s *History of the Reformation*, Oteaheiti Testaments, *Letters of Clement XIV*, a *New Zealand Grammar*, A *Portuguese Grammar*, A *Spanish Grammar*, Jamison’s *School Dictionary*, Foxe’s *Martyrs*, *Psalms in Latin*, and Wesley’s *Hymns*.’¹⁰³

Fulton’s interests were evidently diverse, covering various areas of history, politics, language, philosophy and, if Cable and Quarton are also to be believed, mathematics and law,¹⁰⁴ making him well equipped to lead the way in secondary education in New South Wales.

We have Charles Thompson to thank for a description of life at Fulton’s Academy. Thompson was one of the school’s most successful students, a testimony to Fulton’s skill as a teacher, going on from Castlereagh to be Australia’s first native-born poet. In his poems, dedicated to his ‘muse, tutor, father and friend’ Fulton, we learn that the scholars were encouraged to enjoy free time playing in the bush and by the river. He also notes with fondness the way the Headmaster would encourage the Christian faith amongst his pupils, requiring Sunday church

Period 1865-1900)’ (University of Sydney, 1972), 31.

¹⁰⁰ White, *Dharug and Dungaree*, 132.

¹⁰¹ ‘Sydney, 25 November 1820’, *Sydney Gazette and New South Wales Advertiser*, November 25, 1820.

¹⁰² *Historical Records of Australia, January 1816-December 1818* (vol. 9; The Library Committee of the Commonwealth Parliament, 1917), 780–81.

¹⁰³ White, *Dharug and Dungaree*, 132.

¹⁰⁴ Cable, ‘Fulton, Henry (1761–1840)’; Quarton, *Renegade*, 308.

attendance. In describing Fulton as pastor, he wrote:

‘The pastor's sacred tongue diffuses round
The Gospel truths with holy precepts crown'd;
For him bright hands prepare, in realms above,
A wreath of glory and a crown of love!
For, pious in himself, his lips impart
Those conscious truths that live within his heart;
Cheerful in life, and to his calling true,
He knows the Word by books and practice too!’¹⁰⁵

Toby Ryan, attending the school in the early 1820s, relates that Fulton taught the older boys, while an assistant named Fraser took the younger years. He also notes that the pupils were involved in growing fruits and vegetables, and that the majority boarded on-site, some returning home on the weekends.¹⁰⁶

The Academy's success under Fulton is seen in the men it produced. We have already mentioned Charles Thompson who, along with his more substantial poems from later in his life, also published a surprisingly sophisticated piece of prose, ‘Ode VII: To Spring’, written when he was only twelve and under Fulton's tutelage.¹⁰⁷ Fulton's son, John Walker Fulton, launched a journal in 1828 filled with scholarly articles.¹⁰⁸ Toby Ryan spent only one year at the school, yet emerged an articulate and educated man, capable of writing his memoirs.¹⁰⁹ Clearly a Fulton education was both academically rigorous and yet also prompted an enthusiasm for knowledge.

¹⁰⁵ Charles Thompson, *Wild Notes: From the Lyre of a Native Minstrel* (Sydney: Albion Press, 1826).

¹⁰⁶ James T. (Toby) Ryan, *Reminiscences of Australia* (South Penrith, N.S.W: Nepean Family History Society, 1982), 30–31.

¹⁰⁷ Thompson, *Wild Notes: From the Lyre of a Native Minstrel*.

¹⁰⁸ White, *Dharug and Dungaree*, 133.

¹⁰⁹ Ryan, *Reminiscences of Australia*; White, *Dharug and Dungaree*, 136.

By 1825, though, Fulton's school was to close.¹¹⁰ This was brought about, not by a lack of enrolments but because Fulton could no longer cope with the many other demands being a Chaplain placed on him. From his coming to Castlereagh in 1814 Fulton had also been the Chaplain for Richmond, necessitating a 19km trip at least once a week to take services there, more if funerals or weddings were called for. In 1815 this Richmond work involved 4 burials and 7 weddings, but by 1820 population growth had seen this climb to 17 burials and 6 weddings for the year, along with 24 baptisms.¹¹¹ At the same time the work at Castlereagh was becoming steadily busier, reaching 23 baptisms, 21 weddings and 6 funerals for the year 1822.¹¹² Thankfully for Fulton a new group of Chaplains arrived from England in the mid-1820s, allowing him to hand over the Richmond side of the work to John Cross from September 1825.¹¹³ However, with Castlereagh and Emu Ford being the main point of access for the growing western regions of NSW, Fulton's work remained as busy as ever, taking an ever increasing number of baptisms, funerals and weddings for people living all around the Nepean region as well as those from the Blue Mountains and beyond.¹¹⁴

Fulton's preaching of 1813 had been described by a visiting retired missionary as being of a 'cold though often eloquent manner'.¹¹⁵ We have but one extant sermon of Fulton's, from towards the end of his life in November 1838 by which to judge his manner of regular preaching.¹¹⁶ Given at Castlereagh and Penrith on the occasion of a colony-wide day of 'fasting, humiliation and prayer to Almighty God to avert the punishments which our sins

¹¹⁰ White, *Dharug and Dungaree*, 135.

¹¹¹ 'Richmond St Peter's Church of England - Baptism Register 1814-1968', SAG 148, Mitchell Library; 'Richmond St Peter's Church of England - Marriage Register 1815-1869', SAG 148, Mitchell Library; 'Richmond St Peter's Church of England - Burial Register 1814-1874', SAG 148, Mitchell Library.

¹¹² 'Castlereagh Christ Church of England - Baptism Register 1816-17, 1820-24', CY627, Mitchell Library; 'Castlereagh Christ Church of England - Marriage Register 1815-1825', CY627, Mitchell Library; 'Castlereagh Christ Church of England - Burial Register 1818-1825', CY627, Mitchell Library.

¹¹³ 'St Peter's Richmond Burial Register'.

¹¹⁴ 'Castlereagh Christ Church of England - Marriage Register 1826-1856', 1989/032/E3B-1, Sydney Diocesan Archives; 'Castlereagh Christ Church of England - Burial Register 1826-1875'; 'Castlereagh Christ Church of England - Baptism Register 1826-1875', 1989/032, Sydney Diocesan Archives.

¹¹⁵ W.P Crook to Tracy, London Missionary Society. Cited in Yarwood, *Samuel Marsden*, 147.

¹¹⁶ Henry Fulton, 'A Sermon, Preached at Castlereagh and Penrith, on Friday the 2nd Day of November 1838.' (Executors of the late Robert Howe), DSM/042/P25, Mitchell Library.

deserved’,¹¹⁷ it reveals that Fulton’s style clearly improved as the years went on. In this latter sermon Fulton works hard to gain a hearing and to help his audience feel interested in what he has to say, referring pointedly to the present drought in the colony. It feels like the work of an accomplished rhetorician, employing repetition and assonance and collective pronouns to ensure the message is heard. In his use of the Bible Fulton is careful to note the gap between the original audience of Amos and his own hearers, and yet this is no exegetical sermon, with the text being addressed only for a comparatively short time, with exhortations driven by the general doctrines of judgement and the sufficiency of Christ alone for salvation. Fulton was convinced that the judgments of the Old Testament give us a clear insight into God’s attitude towards sinners and that physical suffering is a mercy from God to highlight his coming judgement.¹¹⁸ The hope held out, though, is explicitly eschatological: ‘The whole world is but as dust in the balance to that soul who has the everlasting God for his portion, Heaven for his home, and an exceeding and eternal weight of glory for his inheritance.’¹¹⁹

In amongst this regular Parish work came a host of other responsibilities, some unavoidable, others self-imposed. In September 1819 a Prison Farm had been established on the alluvial plains of Emu, just south-west of Castlereagh on the opposite bank of the Nepean.¹²⁰ Fulton was by default the chaplain to the soldiers and convicts of this outpost, and under Macquarie’s General Order all convicts were required to attend church services, leading to Fulton often preaching at a makeshift chapel in Emu Plains or at the courthouse in Penrith.¹²¹ After Norfolk Island Fulton was no stranger to working amongst convicts under terrible conditions, and yet it cannot have been easy to have returned to seeing people living under

¹¹⁷ Fulton, ‘Sermon at Castlereagh and Penrith’, 1.

¹¹⁸ Fulton, ‘Sermon at Castlereagh and Penrith’, 5.

¹¹⁹ Fulton, ‘Sermon at Castlereagh and Penrith’, 14.

¹²⁰ *Historical Records of Australia, January 1819-December 1822* (vol. 10; The Library Committee of the Commonwealth Parliament, 1917), 279.

¹²¹ *Historical Records of Australia, January 1816-December 1818*, 522–3.

such notoriously squalid and immoral conditions.¹²² That said, when Fulton had a chance in 1822 to address an inquiry into conditions at Emu, especially regarding allegations of widespread prostitution, Fulton's testimony was that he had seen no such immorality,¹²³ running against the grain of a multitude of other testimonies.¹²⁴ Either the Pastor was blissfully unaware of what was taking place, or his roles as Minister and also overseeing Magistrate were beginning to conflict.

Fulton had from October 1815 taken on the role of 'Justice of the Peace in the Township of Castlereagh and in the District of Evan, both in the County of Cumberland and in the Territory of New South Wales'.¹²⁵ This had been a controversial appointment, for many in the colony were wary of Macquarie's policy of allowing former convicts to be admitted to the bench.¹²⁶ In 1821 he was progressed a step higher, becoming a colony-wide Magistrate, the only clergyman to hold the position at the time.¹²⁷ For his part Fulton rose to these roles, with dozens of extant documents showing the way he dutifully and energetically paid attention to the different judicial and civil responsibilities that came his way. At one point in his zeal Fulton even acted as though he outranked Sir John Jamison, prompting Jamison to seek clarification on which of the two men had higher jurisdiction in the District of Evan, a battle Jamison inevitably won despite the fact that Fulton chaired the Penrith magistrates until 1827.¹²⁸

This elevation in public stature led to Fulton taking on the role of advocate for a number of

¹²² White, *Dharug and Dungaree*, 163–67.

¹²³ *Historical Records of Australia, January 1823–November 1825* (vol. 11; The Library Committee of the Commonwealth Parliament, 1917), 829.

¹²⁴ White, *Dharug and Dungaree*, 160–62.

¹²⁵ 'NRS 1394: Oaths and Recognizances, 1791–1818', NSW State Archives; 'Colonial Secretary's Papers: Special Bundles', . pt. 1015.

¹²⁶ *Historical Records of Australia, January 1816–December 1818*, XI.

¹²⁷ 'Government and General Orders, 3 February 1821', *The Sydney Gazette and New South Wales Advertiser*, February 3, 1821.

¹²⁸ John Jamison, 'Jamison to Colonial Secretary', January 23, 1822, NRS 937, Item 4/3504A, Page 351–2, State Archives NSW; White, *Dharug and Dungaree*, 177.

causes in the growing colony. Foremost of these was the need for aid for struggling settlers in the Hawkesbury-Nepean region. Aware of their plight, Fulton joined other prominent men from the area in appealing to the Governor for assistance to be brought.¹²⁹ Macquarie was sympathetic, and the resulting wider public appeal brought in enough money for six months worth of aid.¹³⁰ Fulton was also active in campaigning for the rights of emancipated colonists to be maintained at a time when some were calling for their freedoms to be wound back.¹³¹ In this he was no doubt more personally motivated, being an emancipated colonist himself, and one holding significant amounts of land and cattle in the colony granted to him by a succession of favourable Governors.¹³²

Along with these civil causes, as a well-educated clergyman Fulton increasingly involved himself in wider church concerns in Sydney and beyond, even taking centre stage on occasion. Most prominent of these was the debate in the early 1830s over public support for Roman Catholic churches. Fulton's was the main Protestant voice to be heard, even above that of Archdeacon Broughton, driven by his publication of three short books attacking the idea of the Roman church being a true Christian church.¹³³ His argument is driven largely from an understanding of ecclesiastical history, and goes into great depth on questions of church practice and doctrinal precedents, seeking to show that Roman Catholicism is nothing but idolatrous. Aware that he is likely to be labeled a persecutor, Fulton is careful to point out

¹²⁹ 'Government and General Orders, 28 June 1817', *The Sydney Gazette and New South Wales Advertiser* (NSW, June 28, 1817).

¹³⁰ 'Subscriptions Paid into the Bank', *The Sydney Gazette and New South Wales Advertiser* (NSW, November 22, 1817).

¹³¹ 'General Meeting of the Emancipated Colonists', *Sydney Gazette and New South Wales Advertiser*, January 27, 1821.

¹³² 'Register of Land Grants', NRS 898, NSW State Archives Volume 1, Grant 477; Volume 2, Grant 1151; Volume 3, Grant 253; Volume 3, Grant 266.

¹³³ Henry Fulton, *Reasons Why Protestants Think the Worship of the Church of Rome an Idolatrous Worship; to Which Are Added Some Allusions, in Answer to the Observations in the Australian Newspaper of 2nd November 1832. Some Observations in the Sydney Monitor Are Also Noticed.* (Sydney: Stephens and Stokes, 1833); H Fulton, *Strictures Upon a Letter Lately Written by Roger Thierry, Esquire, Commissioner of the Court of Requests, in New South Wales, to Edward Blount, Esq. M.P.* (Sydney: Stephens and Stokes, 1833); Henry Fulton, *A Letter to the Rev. W. B. Ullathorne: In Answer to a Few Words to the Rev. Henry Fulton and His Readers* (Sydney: Stephens and Stokes, 1833).

that to not promote a religion is not the same as persecuting it. It would seem that, unlike some clergy, Fulton was genuinely not motivated by a desire to maintain the privileged status quo of the Church of England in Sydney. Rather, ‘if I am persuaded that any religion will lead them to eternal misery, and yet teach them that religion, or employ others to teach them, or contribute in any way to propagate that religion or confirm people in it, I would consider myself an inhuman brute.’¹³⁴

In 1838 Fulton was to conduct 20 weddings, 45 baptisms and 29 burials in Castlereagh.¹³⁵ With the opening of St Stephen’s Penrith in 1839, for which Fulton took responsibility, the load was simply too much for an ageing and now widowed minister. As the Register entries go on Fulton’s signature gets increasingly shaky, until his last record, a baptism on the 8th of November 1840. He died on the 17th of November 1840, at Castlereagh, aged 79 years.

Fulton’s involvement in the history of Sydney, and especially its religious life, is significant. It was he who through his actions gave a clear Christian response to the Rum Rebellion. It was he who pioneered the use of a superior education to further both the colony and the gospel by way of education and polemical writings. Looking at Fulton allows us to note some of the biases of the other early colonial clergy, shying away from supporting somebody who was not one of their own, not sent by the English evangelicals. It also enables us to see the humanity of these men, struggling under massive workloads, navigating the difficult path between religious and civil duties. While it is certainly possible to tell the religious history of Sydney without reference to Fulton, the story loses so much colour and nuance without him in it.

¹³⁴ Fulton, *Reasons Why Protestants Think the Worship of the Church of Rome an Idolatrous Worship; to Which Are Added Some Allusions, in Answer to the Observations in the Australian Newspaper of 2nd November 1832. Some Observations in the Sydney Monitor Are Also Noticed.*, 30.

¹³⁵ ‘Castlereagh Christ Church of England - Marriage Register 1826-1856’; ‘Castlereagh Christ Church of England - Baptism Register 1826-1875’; ‘Castlereagh Christ Church of England - Burial Register 1826-1875’.

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The Response of the Anglican Dioceses of Perth and Sydney to the Introduction of State Lotteries from 1920 to 1945.

Cameron Howard

INTRODUCTION

Between 1920-1933, a series of legislative changes introduced State Lotteries into Queensland, New South Wales (NSW) and Western Australia (WA) for the first time in Australian history. These developments were a source of considerable public debate and received widespread condemnation from Protestant churches across Australia. This essay will examine the specific responses of the Anglican Dioceses of Perth and Sydney to State Lotteries from 1920 to 1945. In particular, this essay will focus on the specific theological/moral reasoning that led each Diocese to adopt their respective position. After discussing the historical context in which State Lotteries developed, it will be shown that the Perth Diocese initially opposed the Lottery as it considered it intrinsically evil, illegal, detrimental to wider society and ineffective at fundraising. However, Perth's strong emphasis on the social gospel combined with the effects of the Great Depression meant that it became necessary not simply to endorse the State's use of lotteries for raising revenue but to accept such finances themselves to fund their orphanages. Likewise, they adopted a consequentialist ethic which justified lotteries morally, and employed numerous arguments to distinguish lotteries from other forms of gambling which they remained opposed to. In contrast, it will be demonstrated that despite similar economic challenges, Sydney remained resolute in its opposition to lotteries, regardless of their use. It viewed them as sinful; rejected consequentialist justifications for lotteries; considered them detrimental to society and wasteful economically. Moreover, its strong evangelicalism meant that it required its own

fundraising to be sacrificial direct-giving; that it considered gambling to be risking eternal salvation and so must be opposed; and viewed its ultimate responsibility not to enact social change or welfare, but to preach the gospel.

HISTORICAL BACKGROUND

Legal, Political and Economic

Throughout the nineteenth century, a raft of legislation across Australian States widely prohibited lotteries and similar gambling practices.¹³⁶ Consequently, when the first Australian lottery began operating in 1881 by George Tattersall, although it was economically successful and often temporarily tolerated by officials, it faced regular Government opposition.¹³⁷ Tattersall's Lottery, which initially began in NSW, was forced to move to Queensland and then Tasmania due to legislative opposition.¹³⁸

The first Government operated lottery commenced in Queensland in 1920. In 1916, the Queensland Patriotic Committee had gained permission to conduct a lottery for their soldier repatriation fund which was extremely successful in raising funds and by 1920, the Queensland Government took over control of the lottery and placed all profits into the newly created Motherhood, Child Welfare and Hospital Fund.¹³⁹ Numerous economic and political factors led to the Queensland Labor Government's support of this lottery. By 1919, Queensland hospitals required an extra £250,000 per year, which was far beyond the government's financial capabilities.¹⁴⁰ Similarly, the Government had adopted numerous social welfare reforms and public investment policies that required additional social and

¹³⁶ Wendy Selby, 'Social Evil or Social Good? Lotteries and State Regulation in Australia and the United States', in *Gambling Cultures: Studies in History and Interpretation* (ed. Jan McMillen; London: Routledge, 1996), 65-8; John O'Hara, *A Mug's Game: A History of Gaming and Betting in Australia* (Kensington: NSW University Press, 1988), 115.

¹³⁷ Selby, 'Lotteries', 66-8.

¹³⁸ Selby, 'Lotteries', 68.

¹³⁹ Selby, 'Lotteries', 65.

¹⁴⁰ Selby, 'Lotteries', 70.

health services and thus additional funding.¹⁴¹ When combined with the ‘Queensland loans affair’, when from 1920-4 the Government received an embargo on funding loans from London, it was forced to adopt the Lottery to provide the necessary funding for hospitals and similar institutions.¹⁴²

Whilst initially opposed to such measures, Queensland’s success in raising revenue encouraged the Governments of NSW and WA to follow suit, and in 1931 and 1933 respectively, each adopted State Lotteries to fund social welfare activities.¹⁴³ It is widely agreed that the Great Depression was the major factor in encouraging the adoption of lotteries, as increased public demand on social services and reduced revenue meant the States could not effectively fund social institutions.¹⁴⁴ This was exacerbated by the loss of revenue to the Queensland lottery, with 31 per cent of all Queensland Lottery tickets sold in NSW whilst WA lost considerable potential revenue to the Queensland and NSW lotteries.¹⁴⁵ As Selby argues, ‘the loss of this gambling revenue at a time of great economic hardship tipped the scales’ for Governments initially opposed to lotteries.¹⁴⁶

Public Perception

As is widely noted, it was Protestantism and the largely Protestant middle-class that had been mostly responsible for earlier prohibition against gambling and this opposition continued with the introduction of State Lotteries.¹⁴⁷ There was almost unanimous condemnation from

¹⁴¹ Selby, ‘Lotteries’, 70.

¹⁴² Selby, ‘Lotteries’, 71.

¹⁴³ Sian Danielle Supski, *A Proper Foundation: A History of the Lotteries Commission of Western Australia 1932–2008* (Perth: Black Swan Press, 2009), 28, 22, 64; Selby, ‘Lotteries’, 77. Victoria did not loosen restrictions until 1953 and South Australia was the last state to introduce lotteries for public funding in 1966.

¹⁴⁴ Selby, ‘Lotteries’, 77; Supski, *History*, 20, 64; NSW Lotteries, “Our History,” n.p. [cited 1 April 2013]. Online: <http://tatts.com/nswlotteries/about/our-history>.

¹⁴⁵ Selby, ‘Lotteries’, 73; Supski, *History*, 21, 24-5; ‘State Lotteries: The Government Proposition, Opposition by Churches’, *Geraldton Guardian*, October 14, 1924: 1; ‘State Lotteries: Another Clerical Protest. Letter to Politicians’. *The West Australian*, October 9, 1924: 13.

¹⁴⁶ Selby, ‘Lotteries’, 77.

¹⁴⁷ Jan McMillen, ‘Understanding Gambling: History, Concepts and Theories’, in *Gambling Cultures: Studies in History and Interpretation* (ed. Jan McMillen; London: Routledge, 1996), 12-13; Selby, ‘Lotteries’, 66-7; O’Hara, *Game*, 131-6, 142; Supski, *History*, 3.

Protestant churches across Australia. Even a cursory glance at newspaper records of the time shows the prevalence of this opposition, with widespread official condemnation from the Synods (or equivalent bodies) and representatives of the Anglican,¹⁴⁸ Methodist,¹⁴⁹ Presbyterian,¹⁵⁰ Baptist,¹⁵¹ Congregationalist,¹⁵² and Salvation Army churches¹⁵³ across Australia as well numerous interdenominational bodies such as the Women's Christian Temperance Union¹⁵⁴ and various Councils of Churches.¹⁵⁵ Gambling was seen not just as inherently immoral, but as a threat to national efficiency.¹⁵⁶

However, whilst the largely Protestant middle-class was opposed to lotteries, gambling had always been popular amongst the largely Roman Catholic, working-class of Australia and this too continued with lotteries.¹⁵⁷ Newspaper articles after the introduction of lotteries show how widely it was accepted, with regular news regarding upcoming draws and winners,¹⁵⁸

¹⁴⁸ 'Local and General', *Albany Advertiser* [Adelaide]. September 12, 1929: 2; 'Lotteries and Synod: Bishop's Criticism', *The Mercury* [Hobart]. August 25, 1941: 2; 'Bishop Opposes Synod's View: Use of Lotteries', *The Sydney Morning Herald*. August 25, 1941: 4.

¹⁴⁹ 'Church News and Notes', *The Mercury* [Hobart]. November 30, 1921: 2; 'Methodist Ministers: Problem of Unpaid Stipends', *The West Australian*. December 7, 1932: 10; 'Lottery Die-Hards', *The Daily News* [Perth]. November 3, 1932: 6; 'The Lotteries Bill: Methodists' Attitude. "Uncompromising Hostility"', *The West Australian*. November 3, 1932: 16; 'General News', *The West Australian*. November 7, 1936: 15; 'Methodists to Renew Their Onslaught on State Lotteries', *The Daily News* [Perth]. February 20, 1937: 2.

¹⁵⁰ 'Among the Churches', *The West Australian*. February 29, 1931: 5; 'The Churches' Attitude: Opposition Predominant', *The West Australian*. October 12, 1932: 14; 'Churches Favor Fewer Betting Shops: Anglican and Presbyterian Protest', *The Advertiser* [Adelaide]. February 14, 1934: 19-20; 'Summed Up: Epitome of To-day's News', *The Daily News* [Perth]. October 10, 1921: 1.

¹⁵¹ 'The Churches' Attitude: Opposition Predominant', *The West Australian*. October 12, 1932: 14; 'Lotteries and Charity', *The Argus* [Melbourne]. August 27, 1941: 3.

¹⁵² 'The Churches' Attitude: Opposition Predominant', *The West Australian*. October 12, 1932: 14; 'Religious Notes', *The Registrar* [Adelaide]. July 19, 1924: 4.

¹⁵³ 'The Churches' Attitude: Opposition Predominant', *The West Australian*. October 12, 1932: 14; 'Council of Churches and State Lottery', *The Central Queensland Herald*. August 28, 1941: 29; 'Against Aid By Lottery', *Sunday Mail* [Brisbane]. August 24, 1941: 3.

¹⁵⁴ 'The Lotteries Bill', *The West Australian*. October 12, 1932: 14; 'Women's Fight for Vice Reform', *The Daily News* [Perth]. September 3, 1941: 19.

¹⁵⁵ 'Council of Churches Against Lotteries', *Cairns Post*. August 25, 1941: 4; 'Council of Churches and State Lottery', *The Central Queensland Herald*. August 28, 1941: 29; 'Dean Against Gambling', *The Mail* [Adelaide]. August 23, 1941: 2.

¹⁵⁶ Selby, 'Lotteries', 66-7; McMillen, 'Gambling', 13; Supski, *History*, 11, 36.

¹⁵⁷ David Dixon, 'Illegal Betting in Britain and Australia: Contrasts in Control Strategies and Cultures', in *Gambling Cultures: Studies in History and Interpretation* (ed. Jan McMillen; London: Routledge, 1996), 93; Selby, 'Lotteries', 65, 67, 71; O'Hara, *Game*, 171-6; Selby, 'Lotteries', 71; Supski, *History*, 41. It likewise received approval from the Roman Catholic church e.g. 'Council of Churches and State Lottery', *The Central Queensland Herald*. August 28, 1941: 29; 'Against Aid By Lottery', *Sunday Mail* [Brisbane]. August 24, 1941: 3.

¹⁵⁸ 'Buckets of Money', *Geraldton Guardian and Express*. August 26, 1933: 1; 'News in a Nutshell', *Western Mail* [Perth]. August 5 1937: 33; 'Summary', *Sydney Morning Herald*. March 25, 1933: 1; 'Home News', *Sydney Morning Herald*. September 29, 1936: 1; 'What is Happening in Your Home State', *Army News* [Darwin]. October 4, 1944: 2.

lottery advertisements,¹⁵⁹ and even businesses advertising their location in relation to the lottery office address¹⁶⁰ whilst opponents were criticised as ‘wowsers’.¹⁶¹

The diminishing influence of Protestant churches and the relative smallness of Australia’s middle class meant the widespread Protestant opposition had minimal impact on legislation and lotteries’ popularity.¹⁶² Moreover, by linking lotteries with causes such as funding hospitals, State Lotteries were further legitimised and popularised amongst Australians.¹⁶³

THE DIOCESE OF PERTH

Early Opposition

Whilst by 1941 the Perth Anglican Diocese had officially endorsed the acceptance of Lottery proceeds, its initial response was one of opposition to the State Lottery. As early as 1921, when a State Lottery was first suggested, the Diocese’s Social Questions Committee unanimously carried a resolution which ‘earnestly urges representatives of Parliament not to sanction the holding of lotteries’.¹⁶⁴ It rejected lotteries as not just ‘morally unsound’ but also as a means of funding charities, arguing ‘that when associated with any charitable or other worthy movement it becomes even more harmful’.¹⁶⁵ It urged Parliament to consider alternate means of funding good causes ‘by a more equitable method which will not be injurious to the moral welfare of the community, and will ensure each adult member of the community bearing a fair share of the cost’.¹⁶⁶ This Committee’s findings were adopted by

¹⁵⁹ e.g. ‘Zero Hour is Almost Here’, *The Daily News* [Perth], August 18, 1939: 15.

¹⁶⁰ *Sydney Morning Herald*. January 28: 1933: 3; *Sydney Morning Herald*. December 3, 1949: 40.

¹⁶¹ ‘Notes and Comments’, *Sunday Times* [Perth], November 6, 1921: 4

¹⁶² Selby, ‘Lotteries’, 76-8; also O’Hara, *Game*, 151, 248-9. Queensland in particular was the most Catholic Australian state, and the Catholic church had strong political influence and so the introduction of a lottery was widely supported at a social and institutional level (Selby, ‘Lotteries’, 71).

¹⁶³ McMillen, ‘Gambling’, 18; Selby, ‘Lotteries’, 73, 79, 81-2; Supski, *History*, 3.

¹⁶⁴ ‘Legalising Lotteries: Protests from Public Bodies’, *The West Australian*. October 3, 1921: 8.

¹⁶⁵ ‘Legalising Lotteries: Protests from Public Bodies’, *The West Australian*. October 3, 1921: 8.

¹⁶⁶ ‘Legalising Lotteries: Protests from Public Bodies’, *The West Australian*. October 3, 1921: 8.

the 1921 Synod,¹⁶⁷ with no apparent record of opposition. When the first Bill permitting lotteries was defeated in Parliament, Synod members expressed 'keen satisfaction'.¹⁶⁸

Opposition continued in 1924 when the Lotteries Bill was reintroduced, and the Synod passed a motion expressing 'regrets that the Government is seeking to establish State lotteries as a means of raising funds to maintain hospitals and charitable institutions'.¹⁶⁹ It asked the Legislative Council 'to reject a Bill for which there is no justification and for which there is no public sanction'.¹⁷⁰

Perth also partnered with other Denominations to oppose the Lottery. For instance, in 1924 Archbishop Riley, as part of an Inter-Church Committee, wrote to members of Parliament condemning the State Lottery and urging them to vote against it.¹⁷¹

Indeed, even after Le Fanu became Archbishop of Perth (under whom the Diocese would approve the Lottery), the Diocese still expressed opposition. For example, at the 1932 Inter-Church Committee of Social Questions meeting, Canon Parry stated, 'the Government should have nothing to do with the organisation of State-wide lotteries' and for churches cited the Perth Parochial Statute which prohibited 'any methods of gambling for the purpose of raising funds' for Church work.¹⁷²

This initial opposition consisted of several key interrelated objections to lotteries. First, lotteries were viewed as intrinsically immoral as seen in statements by its Social Questions

¹⁶⁷ 'Anglican Synod: Social Questions', *The West Australian*, November 5, 1921: 9.

¹⁶⁸ 'Anglican Synod: Social Questions', *The West Australian*, November 5, 1921: 9

¹⁶⁹ 'Metropolitan News', *Geraldton Guardian*, October 23, 1924: 4.

¹⁷⁰ 'State Lotteries: Government's Bill. Opposition by Anglican Church', *The West Australian*, October 1924: 8.

¹⁷¹ 'State Lotteries: The Government Proposition, Opposition by Churches', *Geraldton Guardian*, October 14, 1924: 1; 'State Lotteries: Another Clerical Protest. Letter to Politicians', *The West Australian*, October 9, 1924: 13; Riley's opposition also noted by P. J. Boyce, 'The First Archbishop: Charles Owen Leaver Riley', in *Four Bishops and Their See: Perth, Western Australia 1857-1957* (ed. Fred Alexander; Nedlands: UWA Press, 1957), 97-8.

¹⁷² Church of England Diocese of Perth, *Code of Statutes with a List of Legislative Ordinances, Canons of Provincial Synod and Determinations of General Synod* (Perth: E. B. Bayliss Print, 1937), 18; 'The Churches' Attitude: Opposition Predominant', *The West Australian*, October 12, 1932: 14.

Committee, which said ‘the principle in itself is morally unsound’¹⁷³ or Diocesan newspapers which called it ‘morally... evil’.¹⁷⁴

Secondly, it argued against lotteries because gambling was illegal. Thus, one Diocesan newspaper urged the Government to safeguard citizens ‘from a practice which is illegal’.¹⁷⁵ It was argued that if the Government simply enforced the existing laws prohibiting gambling, there would be no need to run a Lottery in order to regulate illegal gambling.¹⁷⁶ Related to this, it likewise saw a State Lottery as creating a conflict of interest that was damaging to the Government’s ‘prestige and to the impartial administration of the law’.¹⁷⁷

The Diocese of Perth also considered lotteries harmful to social order.¹⁷⁸ For instance, the 1921 Committee argued ‘the passion to get rich quickly, without honest work or by chance is inimical to a sound social order, opposed to the development of a true standard of national productiveness, and therefore operates against the best interest of State itself’.¹⁷⁹

Finally, the Diocese simply considered lotteries to be poor fundraisers. The Diocese’s letter to Parliamentary members cited the case of England where although used for 200 years to raise revenue, lotteries had been abolished from 1826 due to their ineffectiveness.¹⁸⁰

However, whilst the official position of the Diocese in this early period was opposition to the lotteries, a change of attitude can clearly be seen developing. For instance, whilst the 1924 Synod condemned lotteries, numerous members nonetheless defended the morality of lotteries. The Archdeacon of Fremantle said ‘Let it not go out from Synod that we consider it

¹⁷³ ‘Legalising Lotteries: Protests from Public Bodies’, *The West Australian*. October 3, 1921: 8.

¹⁷⁴ ‘Among the Churches’, *The West Australian*. January 2, 1926: 9.

¹⁷⁵ ‘Among the Churches’, *The West Australian*. January 2, 1926: 9.

¹⁷⁶ ‘The Churches’ Attitude: Opposition Predominant’, *The West Australian*. October 12, 1932: 14; ‘State Lotteries: The Government Proposition, Opposition by Churches’, *Geraldton Guardian*, October 14, 1924: 1; ‘State Lotteries: Another Clerical Protest. Letter to Politicians’, *The West Australian*, October 9, 1924: 13.

¹⁷⁷ ‘The Churches’ Attitude: Opposition Predominant’, *The West Australian*. October 12, 1932: 14.

¹⁷⁸ e.g. ‘The Churches’ Attitude: Opposition Predominant’, *The West Australian*. October 12, 1932: 14; ‘Legalising Lotteries: Protests from Public Bodies’, *The West Australian*. October 3, 1921: 8.

¹⁷⁹ ‘Legalising Lotteries: Protests from Public Bodies’, *The West Australian*. October 3, 1921: 8.

¹⁸⁰ ‘State Lotteries: The Government Proposition, Opposition by Churches’, *Geraldton Guardian*, October 14, 1924:1; ‘State Lotteries: Another Clerical Protest. Letter to Politicians’, *The West Australian*, October 9, 1924: 13.

a sinful act to take a ticket in a lottery'.¹⁸¹ There were likewise amendments to the motion which, whilst rejected, attempted to remove all language condemning the Lottery as immoral.¹⁸² Likewise, in 1932 Canon Parry, whilst opposing lotteries acknowledged 'there were some who recognised that a hard and fast rule should not be laid down as to what was actually gambling, and who would have welcomed the rescission' of the Parochial Statute prohibiting gambling as a fundraising means.¹⁸³ Such statements show a clear minority developing who were unopposed to lotteries.

Official Acceptance

The two competing views regarding lotteries came into direct conflict at the 1939 Synod. In 1937, the Lotteries Commission began funding all Anglican orphanages throughout Western Australia with a subsidy of three shillings per week per child.¹⁸⁴ In light of this, Rev. Brown moved 'that this Synod is not in agreement with the Church receiving money from the Lotteries Commission' and argued it was contrary to the Parochial Statute prohibiting fundraising through gambling.¹⁸⁵

However, because of conflicting opinions, an amendment was passed appointing 'a small committee to consider the morality of accepting money from the Charities Commissioners'.¹⁸⁶ The Committee, which reported to the 1940 Synod and was discussed in 1941 found 'no moral fault against the laws of God and man in the theory and practice of The

¹⁸¹ 'Notes and Comments on Topical Matters', *The Daily News* [Perth]. October 20, 1924: 5; 'Metropolitan News', *Geraldton Guardian*. October 23, 1924: 4; 'State Lotteries: Government's Bill. Opposition by Anglican Church', *The West Australian*. October 1924: 8.

¹⁸² 'State Lotteries: Government's Bill. Opposition by Anglican Church', *The West Australian*. October 1924: 8.

¹⁸³ 'The Churches' Attitude: Opposition Predominant', *The West Australian*. October 12, 1932: 14.

¹⁸⁴ Supski, *History*, 35.

¹⁸⁵ Church of England Diocese of Perth, *Diocese of Perth Synod Minute Book Number 4 1924-1944*. VolB 025 Accession 2008/00005, 241, 233; Church of England Diocese of Perth, *Code of Statutes*, 18.

¹⁸⁶ Church of England Diocese of Perth, *Minute Book*, 241, 233, 257; Church of England Diocese of Perth Committee on Lotteries, *The Lotteries Commission*, 1940; Church of England Diocese of Perth, *Diocese of Perth Yearbook 1940-1941* (Perth: E. B. Bayliss Print, 1941), 56.

Charities Commission'.¹⁸⁷ Consequently, it ruled 'the practice of the Orphanages Committee [and by extension all church institutions] receiving money from the Charities Commissioners is justifiable'.¹⁸⁸

There was extensive debate over the report, with anti-Lottery proponents arguing that accepting Lottery proceeds was immoral and disobedient to God and calling gambling an evil that must be opposed.¹⁸⁹ They argued that lotteries were prohibited by the Biblical command to love one's neighbour and challenged Synod to trust God's provision, stating 'God has given us work to do, and He will provide the means for us to do it'.¹⁹⁰

However, despite such opposition, the report received widespread support including from the Archbishop. When Brown again moved 'that this Synod heartily disapproves of our Church's present practice of accepting moneys from the Lotteries Commission', the motion was lost by 84 votes to 33.¹⁹¹

The Rationale of the Perth Diocese

Whilst there were numerous factors which influenced Perth's decision to accept lottery money, the two major factors that appear to have led to this acceptance were the Diocese's strong emphasis on the 'social gospel' which prioritised social action combined with the financial problems created by the Great Depression.

It has noted by historians that Archbishop Riley (1894-1929) brought a strong emphasis on the social gospel to the High Church Diocese and this appears to have continued under

¹⁸⁷ Church of England Diocese of Perth, *Minute Book*, 248, 257; Church of England Diocese of Perth Committee on Lotteries, *The Lotteries Commission*, 1940; Church of England Diocese of Perth, *Yearbook 1940-1941*, 57; 'Lottery Money: Anglican Church's Stand. Committee Finds "No Moral Fault"', *The West Australian*. September 27, 1940: 12.

¹⁸⁸ Church of England Diocese of Perth Committee on Lotteries, *The Lotteries Commission*, 1940; Church of England Diocese of Perth, *Yearbook 1940-1941*, 57.

¹⁸⁹ 'Church and Lotteries: Anglican Synod Divided', *The West Australian*. August 18, 1939: 22.

¹⁹⁰ 'Church and Lotteries: Anglican Synod Divided', *The West Australian*. August 18, 1939: 22.

¹⁹¹ Church of England Diocese of Perth, *Minute Book*, 257.

Archbishop Le Fanu (1929-1946).¹⁹² Unfortunately, no detailed historical work has been undertaken on how this affected their priorities. However, it is clear from the argument surrounding the Lottery that it prioritised welfare activities such as running orphanages over other considerations, and this arguably is a result of Perth's social gospel influence. For instance, the paramount importance of funding lotteries is demonstrated by one author of the Lottery Report who 'asked if the conscience of objectors... should be satisfied at the expense of orphans – that a high moral resolution should be carried into effect at someone else's expense'.¹⁹³ This statement demonstrates a prioritisation of funding orphanages over the consciences of others. Canon Stillwell shows a similar priority in his reasoning in the 1939 Synod, arguing 'because the gambling instinct is deep in human nature we have been able to keep these charities going'.¹⁹⁴ For him, funding charities is the priority action and this motivates his justification of gambling.

Even the Committee Report notes that funding orphanages was the key motivation for accepting lotteries. Whilst the Report did argue that lotteries were not sinful, it conceded that 'it is arguable whether, in the event of full support being available for the orphanages from other sources, the Orphanages Committee should continue to receive funds from the Lotteries Commission'.¹⁹⁵ Such statements demonstrate that it was the inability to fund orphanages that warranted accepting lottery proceeds, as there were reservations about accepting such money if it could be found from other means.

When this strong prioritisation of social activities was combined with the financial cost of the

¹⁹² Douglas Pike, review of *Four Bishops and Their See: Perth, Western Australia 1857-1957* (ed. Fred Alexander), *Historical Studies: Australian and New Zealand* 8:29 (1957): 109; Boyce, 'First', 97; J. H. M. Honniball, 'Archbishop and Primate: Henry Frewen Le Fanu', in *Four Bishops and Their See: Perth, Western Australia 1857-1957* (ed. Fred Alexander; Nedlands: UWA Press, 1957), 198; Brian H. Fletcher, *The Place of Anglicanism in Australia: Church, Society and Nation* (Mulgrave: Broughton Publishing, 2008), 164-5.

¹⁹³ 'Lottery Money: Use for Church Work. Divided Views in Synod', *The West Australian*. August 21, 1941: 4.

¹⁹⁴ 'A Matter of Ethics', *Geraldton Guardian and Express*. August 26, 1939: 2.

¹⁹⁵ Church of England Diocese of Perth Committee on Lotteries, *The Lotteries Commission*, 1940; Church of England Diocese of Perth, *Yearbook 1940-1941*, 57.

Great Depression which ‘kept the Church’s finances crippled’,¹⁹⁶ this arguably necessitated the acceptance of assistance from the Lotteries Commission. The influence of the Depression meant Perth was no longer able to fund its charitable actions. For example, in 1929, voluntary donations which the orphanages relied upon were £1,750 but the Depression caused subscriptions to fall to £123 by 1936.¹⁹⁷ Consequently, donations from the lotteries commission were necessary to supplement church finances.¹⁹⁸ Indeed, the 1939 Synod acknowledged ‘the difficulty the church would have in raising the money for its charitable institutions without the aid of the Lotteries Commission’.¹⁹⁹ When combined with a prioritising of social institutions like orphanages, it arguably necessitated the acceptance of lottery proceeds.

Consequentialist Ethic

Related to this, a clear consequentialist ethic arose that evaluated the lottery’s morality based on its results.²⁰⁰ Thus, lotteries were considered not to be immoral as long as those purchasing tickets were able to afford it. At the 1939 Synod, Padbury argued that ‘providing people were not starving their families by buying tickets, he saw no harm in the lotteries’.²⁰¹ Archbishop Le Fanu likewise argued in 1941 that the Lottery was good because it was ‘the least harmful form of gambling’ and as an indirect taxation ‘caused no grievances’.²⁰² Such statements show lotteries were evaluated as not immoral because they were not seen as harming those involved.

Canon Stillwell makes the clearest statement that results are what determine the lotteries’

¹⁹⁶ Honniball, ‘Archbishop’, 167.

¹⁹⁷ Honniball, ‘Archbishop’, 204.

¹⁹⁸ Honniball, ‘Archbishop’, 205.

¹⁹⁹ ‘Church and Lotteries: Anglican Synod Divided’, *The West Australian*. August 18, 1939: 22.

²⁰⁰ Further research is necessary to determine if this approach was dominant in other moral deliberations.

²⁰¹ ‘A Matter of Ethics’, *Geraldton Guardian and Express*. August 26, 1939: 2; also ‘Lottery Money: Use for Church Work. Divided Views in Synod’, *The West Australian*. August 21, 1941: 4.

²⁰² ‘Council of Churches Against Lotteries’, *Cairns Post*. August 25, 1941: 4; ‘Council of Churches and State Lottery’, *The Central Queensland Herald*. August 28, 1941: 29; ‘Church Favours Lottery’, *Sydney Morning Herald*. August 23, 1941: 12; ‘Will Accept Money from Lottery’, *The Argus* [Melbourne]. August 23, 1941: 5.

morality: 'There are some fruits by which you can judge whether a matter is good or evil. I cannot see any evil whatever in feeding the hungry and clothing the naked, even if it is done through a lottery ticket.'²⁰³ Stillwell clearly indicates that it is the results ('fruits') which determine whether something is evil, and concludes lotteries cannot be if they feed the hungry. Stillwell likewise said 'he would not be ashamed to gamble... but would be ashamed if the church let people go hungry'.²⁰⁴ For Stillwell, the actual evil would be to let people starve by refusing lottery proceeds.

Another consequentialist reasoning why the Diocese favoured State Lotteries was to curtail illegal gambling. Le Fanu for instance said, 'He did not think they would get rid of gambling, and for the State to regulate it was perfectly fair and right.'²⁰⁵ The positive effect of regulating gambling justified State Lotteries for Perth.

The result of this consequentialist justification was the Diocese no longer considered lotteries sinful. Canon Stillwell concluded from this that he could not see much wrong in buying a lottery ticket²⁰⁶ whilst the Committee likewise concluded lotteries contained 'no moral fault against the laws of God and man'.²⁰⁷ Likewise, Le Fanu concluded that saying 'you are never to touch funds from lotteries because they are morally wrong' is 'saying what is not true' and called the State Lottery 'a good thing'.²⁰⁸

Distinction from other gambling

Importantly, throughout this period, the Anglican Diocese of Perth continued to condemn other forms of gambling. In response to accusations that the 1941 Synod's decision showed it

²⁰³ 'A Matter of Ethics', *Geraldton Guardian and Express*. August 26, 1939: 2; 'Gambling and Want', *Border Watch* [Mount Gambier]. August 29, 1939: 4.

²⁰⁴ 'Church and Lotteries: Anglican Synod Divided', *The West Australian*. August 18, 1939: 22.

²⁰⁵ 'Church Favours Lottery', *Sydney Morning Herald*. August 23, 1941: 12; 'Will Accept Money from Lottery', *The Argus* [Melbourne]. August 23, 1941: 5.

²⁰⁶ 'Church and Lotteries: Anglican Synod Divided', *The West Australian*. August 18, 1939: 22.

²⁰⁷ Church of England Diocese of Perth Committee on Lotteries, *The Lotteries Commission*, 1940; Church of England Diocese of Perth, *Yearbook 1940-1941*, 57.

²⁰⁸ 'Gambling and Want', *Border Watch* [Mount Gambier]. August 29, 1939: 4.

favoured all gambling, the Archbishop declared such allegations ‘absurd’.²⁰⁹ The 1939 Synod for instance ‘unanimously’ passed a motion urging ‘the Government to close down all betting shops’ ‘in order to suppress the growing evil of betting amongst the youth of the state’.²¹⁰

Perth was able to condemn other forms of gambling by making a distinction between them and lotteries. Thus, the Archbishop wrote, ‘I think there is no comparison between, for instance, the Lotteries Commission and S.P. shops.’²¹¹ It made this distinction in numerous ways. As previously demonstrated, Perth’s consequentialist ethic allowed lotteries to be approved as distinct from other gambling practices because of the supposed lack of negative impact from lotteries and their positive effect of raising funds for orphanages.

However, the Perth Diocese also distinguished between lotteries and gambling in general by making distinctions based on the amount gambled. In reporting the Lottery Committee findings to Synod, Rev. Hawkins ‘maintained that gambling was a question of degree and not of kind’.²¹² The Committee likewise made such a distinction, stating there is a ‘distinction between moderate and excessive participation in a lottery’.²¹³ It argued that gambling ‘is like drinking tea, eating food, or smoking tobacco, harmful only when done in excess’.²¹⁴ They considered that it was the degree to which one gambles that determines its sinfulness, and not gambling in and of itself. Thus, the purchase of a lottery ticket which contains little financial cost was not considered immoral.²¹⁵

Another aspect was simply legality. As the earlier opposition to the Lottery included the

²⁰⁹ ‘S.P. Betting: Dr. Le Fanu’s Condemnation’, *The West Australian*. September 6, 1941: 4; ‘Money from Lottery: Acceptance Defended by Primate’, *Morning Bulletin* [Rockhampton]. September 8, 1941: 4; ‘Clerics Clash on SP’, *The Daily News* [Perth]. September 6, 1941: 1.

²¹⁰ Church of England Diocese of Perth, *Minute Book*, 236, 242.

²¹¹ ‘S.P. Betting: Dr. Le Fanu’s Condemnation’, *The West Australian*. September 6, 1941: 4; ‘Money from Lottery: Acceptance Defended by Primate’, *Morning Bulletin* [Rockhampton]. September 8, 1941: 4.

²¹² ‘Lottery Money: Use for Church Work. Divided Views in Synod’, *The West Australian*. August 21, 1941: 4.

²¹³ Church of England Diocese of Perth Committee on Lotteries, *The Lotteries Commission*, 1940; Church of England Diocese of Perth, *Yearbook 1940-1941*, 56.

²¹⁴ Church of England Diocese of Perth Committee on Lotteries, *The Lotteries Commission*, 1940; Church of England Diocese of Perth, *Yearbook 1940-1941*, 56.

²¹⁵ Again, this arguably represents a form of consequentialist ethic, as the resulting cost to the participant is the matter that determines gambling’s morality.

reason that that it was illegal, once lotteries were legalised this was viewed as endorsing its morality. For example, Le Fanu distinguished between starting price betting and lotteries by stating ‘the lottery is legal by Act of Parliament. S.P. shops are illegal... The Lotteries Commission is carefully regulated, and above dishonest practice, whereas the starting-price system is damaging to everybody concerned, *because* it is continually dodging the law’.²¹⁶ The Dean of Perth likewise said it must be recognised that the Lottery had been legalised and because of this he had no compunction about accepting its proceeds because this was the Government’s way of funding charitable institutions.²¹⁷ Such means of morally evaluating lotteries allowed Perth to distinguish them from other forms of gambling which it still opposed as evil.

Questionable Use of Sources

One final aspect of Perth’s response that must be evaluated is its questionable citing of external authorities in the Lotteries Committee report. The report states the committee considered ‘various statements of opinion not only from the Diocese of Perth, but also from the Lecturer of Canon Law in the University of Oxford’.²¹⁸ The following paragraph then also mentions consulting Canon Green’s book *Betting and Gambling*.²¹⁹ Without denying that these statements may have been included simply as a record of the Committee’s endeavours, they arguably also have the rhetorical effect of adding validity and respectability to the report’s findings.

²¹⁶ Emphasis mine. ‘S.P. Betting: Dr. Le Fanu’s Condemnation’, *The West Australian*. September 6, 1941: 4; ‘Money from Lottery: Acceptance Defended by Primate’, *Morning Bulletin* [Rockhampton]. September 8, 1941: 4. The poor logic of this was noted by Presbyterian Moderator, who states ‘If S.P. betting were legalised, as has been suggested in many quarters, the Archbishop’s logic would lead him to contend that S.P. betting had thus become morally good’ (‘Money from Lottery: Acceptance Defended by Primate’, *Morning Bulletin* [Rockhampton]. September 8, 1941: 4; ‘Clerics Clash on SP’, *The Daily News* [Perth]. September 6, 1941: 1.

²¹⁷ ‘Church and Lotteries: Anglican Synod Divided’, *The West Australian*. August 18, 1939: 22.

²¹⁸ Church of England Diocese of Perth Committee on Lotteries, *The Lotteries Commission*, 1940; Church of England Diocese of Perth, *Yearbook 1940-1941*, 56.

²¹⁹ Church of England Diocese of Perth Committee on Lotteries, *The Lotteries Commission*, 1940; Church of England Diocese of Perth, *Yearbook 1940-1941*, 56.

However, through personal correspondence with the archivists for the Perth Anglican Diocese and Oxford University, it was discovered that no Lecturer of Canon Law position existed at Oxford University during this time and, indeed, it had not even awarded degrees in Canon Law since 1556.²²⁰ It is possible that this unnamed lecturer was Canon Green, with the Committee in error about Green's role and poorly communicating its sources. However, Green's biography records no links with Oxford to warrant the committee's confusion about his identity, whilst newspaper reports on the Synod clearly understand the report as referring to two separate individuals.²²¹ It is also possible that Canon Green misrepresented his position; that another individual falsely claimed to be this Lecturer and the Committee reported in good faith; or that one or more members of the Committee deceitfully claimed the support of a non-existent 'expert'. Unfortunately, there are no further records within the Diocesan Archives or newspapers records that provide clarity on the issue.

The case for deliberate misrepresentation by Committee members may be strengthened though, when the citation of Canon Green is also considered. He defines gambling as 'an agreement between two parties whereby the transfer of something of value from one to other is made dependent on an uncertain event, in such a way that the gain of one party is balanced by the loss of another'.²²² The report states that it agrees with this definition although it argues the final phrase is not true for lotteries as a proportion goes to a charitable third party.²²³ It then makes no further mention of Green's book, arguably implying its support. However, Green explicitly includes lotteries in his definition and counters Perth's argument

²²⁰ Personal correspondence between myself, Lara Lynch (Perth Diocesan Archivist) and Sian Astill(Oxford University Archives Assistant)via email from 9th to the 11th of April, 2013.

²²¹ H. E. Sheen, *Canon Peter Green: A Biography of a Great Parish Priest* (London: Hodder and Stoughton, 1965); 'Gambling and Charity', *The Daily News* [Perth]. September 27, 1940: 4; 'Points from Letters', *The West Australian*. October 3, 1940: 13.

²²² Peter Green, *Betting and Gambling* (London: Student Christian Movement, 1924), 17.

²²³ Church of England Diocese of Perth Committee on Lotteries, *The Lotteries Commission*, 1940; Church of England Diocese of Perth, *Yearbook 1940-1941*, 56.

that they can be justified for State or charitable revenue.²²⁴ He likewise counters their argument that gambling is acceptable if it is not done to excess or if legalised or to reduce illegal gambling.²²⁵ Indeed, he condemns all gambling as rebellious to God and unloving to one's neighbour.²²⁶ It is possible they cited Green merely for his definition, but on a plain reading their statement arguably implies his agreement even though this was demonstrably false. If this is true, they thus falsely implied his approval and this may support falsely citing an Oxford Lecturer. Unfortunately, there are again no further records to indicate whether it was poor communication, an innocent mistake or deliberate deceit.

THE DIOCESE OF SYDNEY

Throughout this period, the Anglican Diocese of Sydney faced similar pressure to the Diocese of Perth. Sydney Synod records regularly highlight the difficulties in funding its ministry and charitable activities experienced during the Great Depression.²²⁷ It was noted that Sydney needed extra finances to run their orphanages, 'slums' and schools; that many churches could not afford curates; that building projects had to be halted; and that the Home Mission Society was in debt and receiving inadequate support to function properly.²²⁸

During this time, Sydney also expressed a similar concern to Perth (albeit with a differing priority) in caring materially for those in need. For instance, the Synod Presidential addresses show strong concern for orphanages, assistance in the 'slums', and education.²²⁹ Indeed, Canon R. B. S. Hammond for example, who strongly opposed the lottery, is widely noted for

²²⁴ Green, *Betting*, 18, 81-2.

²²⁵ Green, *Betting*, 56-9, 77-9.

²²⁶ Green, *Betting*, 51-61.

²²⁷ e.g. Church of England Diocese of Sydney, *Year Book of the Diocese of Sydney 1932* (Sydney: William Andrews Printing, 1932), 167-171.

²²⁸ Church of England Diocese of Sydney, *Year Book of the Diocese of Sydney 1935* (Sydney: William Andrews Printing, 1935), 278; Church of England Diocese of Sydney, *Year Book of the Diocese of Sydney 1939* (Sydney: William Andrews Printing, 1939), 251-3, ; Church of England Diocese of Sydney, *Year Book of the Diocese of Sydney 1933* (Sydney: William Andrews Printing, 1933), 245-6; Church of England Diocese of Sydney, *Year Book 1932*, 168, 180.

²²⁹ E.g. Church of England Diocese of Sydney, *Year Book of the Diocese of Sydney 1935* (Sydney: William Andrews Printing, 1935), 278; Church of England Diocese of Sydney, *Year Book 1939*, 245.

his pastoral work among the unemployed and homeless, providing food, clothing and shelter to large numbers before and during the Great Depression.²³⁰

Yet despite these pressures, Sydney, in contrast to Perth, remained resolutely opposed to the State Lottery from its inception. Motions opposing gambling in general and lotteries specifically were carried regularly and unanimously throughout this period. In 1920, when a NSW Lottery was first being considered, Synod carried a motion ‘deploring the proposal to introduce a State Lottery’.²³¹ Similar resolutions were passed under Archbishops Wright (1909-1933) and Mowll (1933-1958) in 1921, 1931, 1932, 1934, 1935, 1936, and 1945.²³² These motions protested specifically against the State Lottery as a means of funding public hospitals and urged its abolition.²³³ Synod likewise opposed any fundraising for ‘church or charitable or any purposes whatever’ through means of gambling and stated that church members should give via ‘direct giving’.²³⁴

The Synod Presidential addresses were also replete with opposition to the Lottery. Archbishop Wright, for instance, in 1921 called gambling evil, and condemned the proposed public lottery.²³⁵ He said, ‘Christians of every denomination ought to make their voice heard so that legislators will hesitate before they sully our name by the permission of such a

²³⁰ Fletcher, *Anglicanism*, 136; Marcus Lawrence Loane, *Mark these Men: A Brief Account of some Evangelical Clergy in the Diocese of Sydney who were Associated with Archbishop Mowll* (Kambah: Acorn Press, 1985), 36.

²³¹ ‘Anglican Synod’, *Sydney Morning Herald*. December 18, 1920: 14.

²³² ‘Gambling: Anglican Synod’s Protest’, *The Sydney Morning Herald*. November 29, 1921: 8; ‘Church Funds: Card Parties and Raffles’, *The Sydney Morning Herald*. September 15, 1931: 10; Church of England Diocese of Sydney, *Year Book 1933*, 280; Church of England Diocese of Sydney, *Year Book of the Diocese of Sydney 1934* (Sydney: William Andrews Printing, 1934), 344; Church of England Diocese of Sydney, *Year Book of the Diocese of Sydney 1936* (Sydney: William Andrews Printing, 1936), 350; Church of England Diocese of Sydney, *Year Book of the Diocese of Sydney 1937* (Sydney: William Andrews Printing, 1937), 334; Church of England Diocese of Sydney, *Year Book of the Diocese of Sydney 1946* (Sydney: William Andrews Printing, 1946), 68.

²³³ e.g. Church of England Diocese of Sydney, *Year Book 1932*, 187-8; ‘Church Funds: Card Parties and Raffles’, *The Sydney Morning Herald*. September 15, 1931: 10; Church of England Diocese of Sydney, *Year Book 1936*, 350; Church of England Diocese of Sydney, *Year Book 1934*, 344.

²³⁴ Church of England Diocese of Sydney, *Year Book 1932*, 187-8; also Church of England Diocese of Sydney, *Year Book 1933*, 280.

²³⁵ ‘Anglican Synod: Responsibilities of the Church. Outspoken Address’, *The Sydney Morning Herald*. November 22, 1921: 10; ‘Anglican Synod: State’s Attitude on Gambling Condemned by Archbishop’, *Barrier Miner* [Broken Hill]. November 22, 1921: 3.

measure.²³⁶ The Diocesan Administrator Bishop Kirkby in his address in 1933 said that despite the Lottery's popularity within society, he hoped 'it will not be allowed to remain in our midst', arguing there was no 'sound moral defence offered for it'.²³⁷ He condemned it as a means for the State to raise funds for hospitals and said the Government 'must wipe them out, and that quickly'.²³⁸ Archbishop Mowll likewise condemned lotteries in his 1935, 1936 and 1938 Addresses and urged their abandonment, stating 'it is impossible for us to endorse State lotteries, no matter in what direction some of the proceeds are to be applied'.²³⁹

The Diocese also actively partnered with other churches in opposing the Lottery. In a 1921 meeting of Sydney Protestant Churches, Archdeacon D'Arcy Irvine representing the Diocese said they must oppose the State lottery bill.²⁴⁰ Canon R. B. S. Hammond likewise convened meetings of the Anti-Gambling League of Australia, 'with the declared intention of ridding the State of gambling'.²⁴¹ Archdeacon Davies also seconded the Bishop of Newcastle's 1932 General Synod motion which highlighted the 'the social, political and economic evils' accompanying gambling and recorded an 'emphatic protest against the policy of those States which are raising revenue by means of lotteries...' as well as condemning 'the use of any form of gambling in raising funds for Church purposes'.²⁴² Furthermore, Archbishop Mowll and other Diocesan representatives, such as Canon R. B. S. Hammond and Archdeacon Davies, were involved in numerous deputations to the State Premier with other Protestant denominational leaders, to 'urge the abandonment of Government lotteries' and argue for

²³⁶ 'Anglican Synod: Responsibilities of the Church. Outspoken Address', *The Sydney Morning Herald*. November 22, 1921: 10.

²³⁷ Church of England Diocese of Sydney, *Year Book 1934*, 304.

²³⁸ Church of England Diocese of Sydney, *Year Book 1934*, 305.

²³⁹ Church of England Diocese of Sydney, *Year Book 1939*, 266; also Church of England Diocese of Sydney, *Year Book 1936*, 300-2; Church of England Diocese of Sydney, *Year Book 1937*, 288-9.

²⁴⁰ 'The Lottery: Vigorous Protest by Churchmen. Personal Appeals to Legislators', *The Sydney Morning Herald*. August 24, 1921: 11.

²⁴¹ 'Growth of Gambling: Protest at Government's Part', *The Sydney Morning Herald*. July 30, 1937: 10.

²⁴² Church of England in Australia and Tasmania, *Summary of Proceedings of the General Synod of the Dioceses in Australia and Tasmania Session 1932* (Sydney: Joseph Cook, 1932), 67. This motion passed 'almost unanimously' ('Gambling Condemned by Anglican Synod', *Singleton Argus*. October 24, 1932: 2).

alternative means of public funding.²⁴³

Rather than simply provide opposition, the Sydney Synod conversely proposed that the public funding of utilities should reflect ‘the Christian ideal of the corporate responsibility of all citizens for the welfare of each’.²⁴⁴ It proposed, with the backing of experts such as the Chairman of the Hospital Board, that hospitals be funded like other public utilities through direct taxation or hospital insurance.²⁴⁵

Moreover, unlike Perth there is no evidence of a minority favouring gambling. Synod notes and newspapers record these Synod motions as being adopted ‘unanimously’ in 1931, 1933, 1935, and with ‘only two dissentients’ in 1930.²⁴⁶ Moreover, although it was noted that some Church people ‘were prepared to countenance the lottery’²⁴⁷ and one Presidential Address bemoaned that ‘even Church-people have been known to descend as low as to offer a lottery ticket as the prize in a parochial effort’,²⁴⁸ these were rare exceptions that received Synod disapproval.

The Basis of Sydney’s opposition

There were numerous reasons why Sydney opposed the State Lottery and like the early response of Perth, the first is because it considered gambling inherently evil. This is

²⁴³ Church of England Diocese of Sydney, *Year Book 1936*, 300; *Text of Deputation to Premier Stevens: ‘Moral Considerations Bearing on the Question of the State Lottery’*, 1933 or 1935, Canons Box 0417; ‘Fate of Lottery: Deputation to Premier’, *Northern Star* [Lismore]. November 5, 1932: 7; ‘The Lottery: Combined Protest. Deputation to Premier’, *Goulburn Evening Penny Post*. November 4, 1932: 3; Presbyterian Church of Australia, *Typescript Statement Regarding the Evils of Gambling Employed by Anglican Member of Deputation to Premier Stevens*. n.d. Canons Box 0417.

²⁴⁴ Church of England Diocese of Sydney, *Year Book 1936*, 350; ‘Sydney Synod: Condemnation of Lottery. Request to Government’, *The Sydney Morning Herald*. October 17, 1935: 12.

²⁴⁵ Church of England Diocese of Sydney, *Year Book 1933*, 249; ‘Fate of Lottery: Deputation to Premier’, *Northern Star* [Lismore]. November 5, 1932: 7; *Text of Deputation to Premier Stevens: ‘Moral Considerations Bearing on the Question of the State Lottery’*, 1933 or 1935, Canons Box 0417; Church of England Diocese of Sydney, *Year Book 1936*, 302; ‘Church Funds: Card Parties and Raffles’, *The Sydney Morning Herald*. September 15, 1931: 10.

²⁴⁶ Church of England Diocese of Sydney, *Year Book of the Diocese of Sydney 1932*, 187-8; ‘Anglican Synod: Social Questions. Important Resolutions’, *The Sydney Morning Herald*. November 11, 1933: 16; ‘Sydney Synod: Condemnation of Lottery. Request to Government’, *The Sydney Morning Herald*. October 17, 1935: 12; ‘Anglican Synod: All Gambling Condemned’, *Barrier Miner* [Broken Hill]. September 5, 1931: 1. Other years have no record of dissentients.

²⁴⁷ ‘Sydney Synod: Condemnation of Lottery. Request to Government’, *The Sydney Morning Herald*. October 17, 1935: 12.

²⁴⁸ Church of England Diocese of Sydney, *Year Book 1933*, 249.

demonstrated repeatedly in the Synod motions, Presidential Addresses, and statements by leading Diocesan figures throughout this period. For instance, a 1931 Synod motion protested ‘against the State Lottery which organises the evil of gambling upon a wide scale’,²⁴⁹ whilst gambling was again explicitly rejected as ‘evil’ in the 1938 motion.²⁵⁰ Other motions expressed similar sentiment, with a 1921 motion opposing the State lottery because gambling is ‘wrong in principle and immoral’ and the 1935 Synod opposing raising money through the lottery because ‘gambling is ethically wrong’.²⁵¹ In their Presidential Addresses, Wright calls the lottery a ‘great evil’ and Mowll calls it ‘evil’ and ‘a sinister influence’.²⁵² Furthermore, in a deputation to the Premier, Canon R. B. S. Hammond labelled it ‘an abomination’.²⁵³ Such a view of gambling’s inherent sinfulness was the main reason Sydney opposed lotteries.

Lotteries were also condemned by Sydney as they considered them motivated by selfishness and greed. For example, one deputation to the Premier argued the lottery was ‘partly the outcome of sheer avarice; a desire to obtain money for the sake of money and by any means available’.²⁵⁴ They thus argued it should be opposed as covetous: ‘Moral objections to the State Lottery may also be based upon the Tenth Commandment; “Thou shalt not covet.”’²⁵⁵

Conversely it was felt they encouraged further selfishness. Mowll for instance argued that ‘gambling destroys the spirit of true charity’²⁵⁶ and whilst the Lottery system had helped aid hospitals, it did ‘nothing to develop a real sense of obligation to assist these necessary and

²⁴⁹ Church of England Diocese of Sydney, *Year Book of the Diocese of Sydney 1932*, 188.

²⁵⁰ Church of England Diocese of Sydney, *Year Book 1939*, 286.

²⁵¹ ‘Gambling: Anglican Synod’s Protest’, *The Sydney Morning Herald*. November 29, 1921: 8; Church of England Diocese of Sydney, *Year Book 1936*, 350; see also Church of England Diocese of Sydney, *Year Book 1937*, 334; Church of England Diocese of Sydney, *Year Book 1933*, 280.

²⁵² ‘Anglican Synod: Responsibilities of the Church. Outspoken Address’, *The Sydney Morning Herald*. November 22, 1921: 10; ‘Sydney Synod: Condemnation of Lottery. Request to Government’, *The Sydney Morning Herald*. October 17, 1935: 12; Church of England Diocese of Sydney, *Year Book 1936*, 300; Church of England Diocese of Sydney, *Year Book of the Diocese of Sydney 1941* (Sydney: William Andrews Printing, 1941), 54.

²⁵³ ‘The Lottery: Combined Protest. Deputation to Premier’, *Goulburn Evening Penny Post*. November 4, 1932: 3; ‘Fate of Lottery: Deputation to Premier’, *Northern Star* [Lismore]. November 5, 1932: 7.

²⁵⁴ *Text of Deputation to Premier Stevens: ‘Moral Considerations Bearing on the Question of the State Lottery’*, 1933 or 1935, Canons Box 0417.

²⁵⁵ *Text of Deputation to Premier Stevens: ‘Moral Considerations Bearing on the Question of the State Lottery’*, 1933 or 1935, Canons Box 0417.

²⁵⁶ Church of England Diocese of Sydney, *Year Book 1937*, 289.)

excellent institutions, but tends to destroy it, and, at the same time, encourages the propensity to selfishness and the fostering of the gambling spirit'.²⁵⁷ Indeed, Mowll noted in 1935 that since lotteries began, 'personal subscriptions to hospitals have fallen in five years from £564,000 to £192,000' as proof 'the lottery had killed charity as far as hospitals were concerned'.²⁵⁸

It was also seen as undermining society in numerous other ways. One deputation argued lotteries were anti-social in character, setting 'the people one against the other as competitors in avarice, with each competitor hoping that he will be able to secure the possessions of others. It disintegrates communal life. It sets selfishness against altruism'.²⁵⁹ The deputation also argued it undermined hard work, stating:

'In this day the Gospel of Easy Money is being very widely preached... Our need at the present is that every incentive should be given to individual effort and that the old standard that every man should earn his living by the sweat of his brow should not be thrown into the discard. The State Lottery cuts across the honest decencies of ordinary life making the alluring offer of money without work.'²⁶⁰

These detrimental social impacts, such as encouraging selfishness and laziness whilst reducing altruism were another reason why Sydney opposed the Lottery.

The Sydney diocese, in contrast to Perth, was also unwilling to accept consequentialist justifications for lotteries such as funding hospitals. For instance, Mowll stated 'it is impossible for us to endorse State lotteries, no matter in what direction some of the proceeds are to be applied',²⁶¹ whilst Wright argued 'evil does not become good merely because it is

²⁵⁷ Church of England Diocese of Sydney, *Year Book 1941*, 54.

²⁵⁸ Church of England Diocese of Sydney, *Year Book 1936*, 301; 'Sydney Synod: Condemnation of Lottery. Request to Government', *The Sydney Morning Herald*. October 17, 1935: 12.

²⁵⁹ *Text of Deputation to Premier Stevens: 'Moral Considerations Bearing on the Question of the State Lottery'*, 1933 or 1935, Canons Box 0417, 1.

²⁶⁰ *Text of Deputation to Premier Stevens: 'Moral Considerations Bearing on the Question of the State Lottery'*, 1933 or 1935, Canons Box 0417, 1.

²⁶¹ Church of England Diocese of Sydney, *Year Book 1939*, 266.

used to promote a good end'²⁶². Such a view is also demonstrated by Archdeacon Hammond who calls gambling proceeds 'blood money unadulterated'.²⁶³ Indeed, the extent of this unwillingness is seen in the words of Rev. Bidwell who said 'he would rather go out of the church than build it up with the aid of card parties, dances or raffles'.²⁶⁴ For him the end result clearly does not justify the means, as he would rather leave the church than have gambling proceeds build it up.

It was also held that lotteries were a waste of money at both an individual and societal level. At an individual level, Mowll laments that lotteries encourage 'people to waste wealth which ought to be a sacred trust, and, whether in small or large proportions, waste of this kind is positively sinful'.²⁶⁵ At a wider societal level, he likewise called it 'a most extravagant waste of the money of the people'.²⁶⁶ Archdeacon Hammond likewise considered it an alarming misuse of money which 'should be working hard for the nation's legitimate and productive commercial enterprises'.²⁶⁷

Finally, at an economic level it was argued that such a scheme simply did not work. The Diocese cited the South Australian Royal Commission which, in deciding against State lotteries, concluded 'that a lottery is an insecure foundation on which to base a system of financing hospitals' and 'that the amount of money that eventually went to hospitals was small compared with the amount invested by the public'.²⁶⁸ It likewise cited an 1808 British Government report which concluded 'that the pecuniary advantage derived from the State

²⁶² Church of England Diocese of Sydney, *Year Book of the Diocese of Sydney 1922-3* (Sydney: William Andrews Printing, 1923), 257; 'Anglican Synod: Responsibilities of the Church. Outspoken Address', *The Sydney Morning Herald*, November 22, 1921: 10.

²⁶³ 'Australian Gambling: "Degrading the Nation"', *The West Australian*, October 12, 1939: 12.

²⁶⁴ 'Protest by Church Synod: Card Parties and Raffles Condemned', *Singleton Argus*, September 7, 1931: 4. The context clearly indicates that the terms card parties and raffles are not limited to just these but apply to all gambling forms.

²⁶⁵ Church of England Diocese of Sydney, *Year Book 1941*, 54.

²⁶⁶ Church of England Diocese of Sydney, *Year Book 1933*, 249.

²⁶⁷ 'Australian Gambling: "Degrading the Nation"', *The West Australian*, October 12, 1939: 12; 'Cleric on "Economic Waste" of Gambling', *The Courier-Mail* [Brisbane], October 12, 1939: 9; 'Gambling in Australia "One of Australia's Major Industries": Denunciation by Archdeacon', *Morning Bulletin* [Rockhampton], October 12, 1939: 7; 'Gambling Major Industry: Attack in Anglican Synod', *The Canberra Times*, October 12, 1939: 2.

²⁶⁸ Church of England Diocese of Sydney, *Year Book 1937*, 289.

Lottery is much greater in appearance than in reality'.²⁶⁹

These are just some of the reasons the Anglican Church in Sydney opposed State Lotteries. Others included the view that the public nature of lotteries would corrupt children, encourage crime, and rather than suppress illegal betting would tacitly endorse and thus encourage all gambling.²⁷⁰ It also rejected views that Perth found convincing such as lotteries not being sinful if made legal or if individuals spent only a small amount, arguing 'financial expediency should never govern our morals'.²⁷¹

Sydney's Evangelical Nature

One major feature that ultimately distinguished Sydney's response to Perth however was how it evaluated this issue in relationship to the gospel. As is widely noted, the Diocese of Sydney at this time was conservatively evangelical, and became more so during the 1930-40s.²⁷² Its evangelical theology shaped its response to lotteries and gambling in four distinct ways.

First, Sydney's evangelicalism meant that it had a cross-shaped understanding of giving when it came to funding church-based activities. This is evident in the 1931 Synod motion which states:

'this Synod, recognising that the self-sacrificing spirit of the Cross is the Divine ideal of giving to God's work, strongly recommends to all church people the method of direct giving for Church objects, condemns all games of chance for any purposes, and also strongly deprecates the organisation of dances and card parties for the support of God's work...'273

²⁶⁹ Church of England Diocese of Sydney, *Year Book 1936*, 301.

²⁷⁰ Church of England Diocese of Sydney, *Year Book 1933*, 249; Church of England Diocese of Sydney, *Year Book 1934*, 304; Church of England Diocese of Sydney, *Year Book 1936*, 300-1; 'Growth of Gambling: Protest at Government's Part', *The Sydney Morning Herald*. July 30, 1937: 10; 'Anglican Synod: Responsibilities of the Church. Outspoken Address', *The Sydney Morning Herald*. November 22, 1921: 10.

²⁷¹ *Text of Deputation to Premier Stevens: 'Moral Considerations Bearing on the Question of the State Lottery'*, 1933 or 1935, Canons Box 0417; 'Sydney Synod: Condemnation of Lottery. Request to Government', *The Sydney Morning Herald*. October 17, 1935: 12.

²⁷² Tricia Blombery, *The Anglicans in Australia* (Canberra: Australian Government Publishing Service, 1996), 18; Stephen Judd & Kenneth Cable, *Sydney Anglicans: A History of the Diocese* (Sydney: Anglican Information Office, 1987), 247.

²⁷³ Church of England Diocese of Sydney, *Year Book of the Diocese of Sydney 1932*, 187-8.

Such motions demonstrate how for Sydney, the cross was viewed as the model of self-sacrifice that giving should follow and so Christians were encouraged to give sacrificially through direct giving, rather than indirectly and non-sacrificially through gambling. This evangelical understanding of giving was thus one reason why it would not allow gambling for fundraising.’

Secondly, Sydney’s evangelical nature meant that having identified lotteries as sinful, it could not endorse them regardless of their temporal benefits. For instance, Wright argues that ‘the support of the hospitals is no excuse for the corruption of the public mind... Even if the Lottery did produce an adequate return, it ought to be condemned, for the health of the mind is far more important than the health of the body’.²⁷⁴ For Wright, without denying the importance of eradicating poverty, his evangelical view clearly saw avoiding sin (‘the corruption of the mind’) as having greater priority.

Indeed, Sydney could not endorse lotteries as it viewed individual’s eternal salvation as potentially at stake. Mowll for instance, having condemned the lottery argued ‘in the last analysis it is the conflict between the spirit of materialism and the spirit of Christianity with which we are confronted’.²⁷⁵ In discussing this materialism he recites Jesus’ question, ‘what shall it profit a man to gain the whole world yet lose his own soul?’²⁷⁶ Such statements arguably demonstrate that for Mowll, to accept gambling was to capitulate to something contrary to Christianity and which endangered a man’s soul. His evangelical beliefs meant that this thus could not be accepted. This is seen in another address condemning gambling where he said, ‘if our Christianity is to be anything more than a name it will... put the supreme things of the soul in the higher category, and directs men to labour not for the meat

²⁷⁴ Church of England Diocese of Sydney, *Year Book 1933*, 249.

²⁷⁵ Church of England Diocese of Sydney, *Year Book 1937*, 288-9.

²⁷⁶ Church of England Diocese of Sydney, *Year Book 1937*, 305-6.

which perisheth, but for that which remaineth unto everlasting life'.²⁷⁷ His evangelicalism meant that eternal matters had priority over temporal ones and when combined with the belief that gambling threatened eternal salvation, felt that it must be opposed.

The evangelical nature of the Diocese also meant it viewed the Gospel as the only means to transform behaviour so that gambling was abolished. For instance Mowll, whilst conceding that legislation 'is of undoubted assistance' in tackling gambling, said 'the real need is virile religion, that will create a public opinion which will not tolerate these obstacles to true national progress and Christian living'.²⁷⁸ Indeed, he argued, 'it was the rise and growth of the Evangelical movement that led to the abolition of the State Lottery in England' and from this and other examples concluded 'that a renewed heart is the source of a renewed life' and so warned against focusing on mere social reform which neglected preaching the gospel.²⁷⁹

Finally, because Sydney viewed eternal salvation as the highest priority, the Diocese considered that its key responsibility in response to the lottery was preaching the gospel for the sake of others' salvation. For instance, in his 1938 Address, Mowll acknowledged that the church had a 'duty and obligation' regarding 'social problems and social evils' yet nonetheless argued the gospel is the church's true priority.²⁸⁰ He stated:

'in and through all we must give our wholehearted attention to the great commission our Lord had laid upon us---the work of evangelism at home and abroad. Nothing can compensate for any neglect of this... Men have immortal souls; they have needs which no betterment of their material condition can ever supply; they stand in peril because of sin...'²⁸¹

For Mowll, saving immortal souls was the Diocese's ultimate responsibility and the issue of gambling was not to detract from that. He thus warned against 'well meant social reforms'

²⁷⁷ Church of England Diocese of Sydney, *Year Book 1941*, 47.

²⁷⁸ Church of England Diocese of Sydney, *Year Book 1939*, 266.

²⁷⁹ Church of England Diocese of Sydney, *Year Book of the Diocese of Sydney 1948* (Sydney: William Andrews Printing, 1948), 52.

²⁸⁰ Church of England Diocese of Sydney, *Year Book 1939*, 245.

²⁸¹ Church of England Diocese of Sydney, *Year Book 1939*, 246.

that neglected the gospel and sunk ‘to lower and lower levels of mere humanitarian ameliorations’.²⁸² Rather, he urged the Diocese to ‘address ourselves earnestly to the task appointed us by the Apostle: "We preach Christ crucified"’.²⁸³

CONCLUSION

Whilst their initial responses were similar, the economic influence of the Great Depression combined with their distinct theological emphases and ethical approaches meant that the Anglican Dioceses of Perth and Sydney reached opposite conclusions about State Lotteries. Although the Perth Diocese initially opposed State Lotteries, the economic impact of the Great Depression meant the Diocese was unable to fund its welfare institutions such as orphanages. When combined with its strong emphasis on the social gospel which prioritised social work, Perth moved not only to endorse the State Lottery but to accept its proceeds to fund their orphanages. Its consequentialist ethic also meant that it was able to justify lotteries as moral, and it distinguished them from other forms of gambling to which it remained opposed to on the basis of this ethic, as well as additional arguments regarding the amount gambled and these actions’ legality. In contrast, whilst Sydney faced similar financial pressures during the Great Depression and maintained a desire to help those in need, it vigorously opposed State Lotteries, even as a means for the Government to fund social institutions and it rejected all forms of gambling for its own church fundraising. This is because it viewed lotteries as inherently sinful, motivated by greed and selfishness and encouraging these vices as well as laziness in society. It explicitly rejected a consequentialist ethical approach which Perth used to justify lotteries, whilst it also viewed lotteries as economically immoral and unsound. Moreover, the strong evangelical nature of Sydney Diocese greatly influenced its response. It viewed the cross as the model for giving to God’s

²⁸² Church of England Diocese of Sydney, *Year Book 1948*, 52.

²⁸³ Church of England Diocese of Sydney, *Year Book 1948*, 52.

work and so believed its fundraising should come from church members' sacrificial, direct-giving rather than through gambling. Having identified gambling as sinful, it could not endorse lotteries because it felt individuals' eternal salvation was at stake; something it considered to be of paramount importance. Finally, whilst it did not neglect caring for the poor, it viewed its ultimate responsibility in light of the increasing prevalence of gambling in society to simply keep preaching the gospel both because this was the only means through which gambling would be truly abolished, but more importantly, so that people could receive eternal salvation through Christ.

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A survey of the Federal Methodist Inland Mission and an account of the ministry of the Rev Keith Lachlan Doust.

Katherine Cole

The Federal Methodist Inland Mission (‘**FMIM**’) was an initiative of the Methodist Church to minister to non-indigenous dwellers of outback Australia. It sprang from a mission policy for the evangelisation of large tracts of inland Australia, adopted in 1926.²⁸⁴ This paper will survey the establishment and strategy of FMIM, and examine the challenges which its missionaries faced in ministering across a vast expanse.²⁸⁵ It will focus, by way of detailed case study, on the ministry of Rev Keith Lachlan Doust (1912-1981) as he worked in Western Australia (Port Hedland/Marble Bar 1941-1942; Wiluna 1942-1946) and in the Northern Territory (Alice Springs 1946-1948).²⁸⁶ After sketching a preliminary biography, the paper will outline and illustrate the many difficulties of Keith’s ministry, drawing heavily from personal correspondence from that period. These challenges included: loneliness and isolation; a small yet scattered population; financial strain and limited resources; occasional conflict with other organisations; and disruptions caused by World War II. It will offer an assessment of his ministry and briefly outline FMIM’s history up to the present date.

Part 1 | An overview of FMIM

The plan for the FMIM was received by the 1926 General Conference of the Methodist Church of Australasia in Brisbane. The Conference resolved that a Federal Home Mission

²⁸⁴ Pederick, 7

²⁸⁵ As Keith referred to himself as ‘missioner’ rather than ‘missionary’ in all of his reports, this essay retains this choice of language.

²⁸⁶ For a map of the FMIM mission field and base locations, see Appendix 1.

Policy be adopted ‘for the evangelisation of the country north of the 28th parallel of latitude for Western Australia, the Northern Territory excluding those portions already occupied by the Foreign Missions Society, and that portion of Queensland bounded by latitude 28 and west of longitude 142’.²⁸⁷ (The boundaries were amended in subsequent years.) While there had already been sporadic attempts by the Methodist Church to minister to people in inland Australia, these had been sponsored by state Home Mission Departments and ‘it was realised that this was a work on a national front, and beyond the means and the manpower of groups in the several States’.²⁸⁸ The vision was to establish ‘at least ten stations...as soon as practicable at an estimated cost...of £6,000 per annum’.²⁸⁹ Missioners were to live on the field for three years between furloughs, fully immersing themselves in the lives of the inland people.²⁹⁰ The Conference appointed a governing board, the Methodist Inland Mission Board (**‘Board’**).²⁹¹ The financial cost of the mission was to be shared between the various state Conferences, with New South Wales and Victoria/Tasmania shouldering the greatest load (32.5% each; with South Australia contributing 15%, Western Australia 7.5%, and Queensland 12.5%).²⁹² The Board first met in November 1926. The President-General, the Rev J. G. Wheen, said, ‘[t]his will be an historic meeting. It signifies that the Methodist Church (in common with other Churches) is now arranging to provide the ministries of religion to every town, village, hamlet, and individual life in Australia.’²⁹³

The FMIM plan was received after consultations with other denominations about existing work. Missioners were not to be placed in any areas ministered to by any other Protestant

²⁸⁷ A. W. Pederick, *Men on the Frontier: A Brief History of the Federal Inland Mission* (Methodist Publishing House (Aldersgate Press), 1970), 8.

²⁸⁸ Pederick, *Men on the Frontier*, 7.

²⁸⁹ Pederick, *Men on the Frontier*, 8.

²⁹⁰ Pederick, *Men on the Frontier*, 11.

²⁹¹ Pederick, *Men on the Frontier*, 8.

²⁹² Pederick, *Men on the Frontier*, 9. These percentages were later amended.

²⁹³ Quoted in Pederick, *Men on the Frontier*, 9.

minister,²⁹⁴ and care was taken in the original planning to avoid such double-up.²⁹⁵ *The Brisbane Courier*, reporting on the conference, explained, '[t]he mission, which will be mainly one of travelling preachers, will work in co-operation with the Presbyterian Inland Mission [otherwise known as Australian Inland Mission (AIM)], whose work is largely of a medical character.'²⁹⁶ As AIM's Aerial Medical Service (established 1928, later to be known as the Royal Flying Doctors Service)²⁹⁷ could initially only attend emergency cases, in the early years many FMIM missionaries were also involved in 'day-to-day medical care of people with minor ailments'.²⁹⁸

Although in 1927 the Aboriginal population outstripped the white population in the FMIM's field, 40 000 to 23,439 respectively,²⁹⁹ the mission was geared 'primarily to the white settlers'.³⁰⁰ The population in view were those who either owned or worked on sprawling pastoral-lease cattle or sheep stations, or who worked in or around the minefields, at a time when '[g]old had become again an industry of national importance.'³⁰¹ An early motto of the FMIM as they reached out to was, 'every day is Sunday; every house is a church; every child a Sunday School; and every person a congregation'.³⁰²

Part 2 | A brief biography of Rev Doust

Rev Keith Doust entered the FMIM mission field with limited experience. From the age of

²⁹⁴ *The Methodist inland link (March 1, 1933)* (Melbourne: Victorian Home Mission Dept. of the Methodist Church of Australasia, 1933), 8.

²⁹⁵ Pederick, *Men on the Frontier*, 10.

²⁹⁶ 'Inland Missions - Methodist Board. Northern Australian Appointments, Melbourne January 27', *The Brisbane Courier* (Qld., January 28, 1927).

²⁹⁷ National Archives of Australia, 'Reverend John Flynn and the Australian Inland Mission - Fact sheet 159', Cited 14 May 2013, Online: <http://www.naa.gov.au/collection/fact-sheets/fs159.aspx>.

²⁹⁸ Pederick, *Men on the Frontier*, 13.

²⁹⁹ Pederick, *Men on the Frontier*, 10.

³⁰⁰ Pederick, *Men on the Frontier*, 15. There were, at the time, a few mission stations for Aboriginal people but they were widely scattered. Harry Griffiths, *An Australian adventure* (Adelaide, SA: Rigby, 1975), 29.

³⁰¹ Geoffrey Blainey, *The rush that never ended: a history of Australian mining* (5th ed.; Carlton, Vic.: Melbourne University Press, 2003), 315.

³⁰² Griffiths, *An Australian adventure*, 29; Pederick, *Men on the Frontier*, 12.

fifteen to twenty three he had worked in retail, though qualified as a lay preacher of the Methodist Church.³⁰³ At twenty six, after some circuit work in NSW and study, he undertook three years of full time theological training at the Leigh Theological College (Enfield) and The United Faculty of Theology (based at St Andrew's, Sydney University).³⁰⁴ Perhaps not the most confident student, Keith was concerned whether he would pass his final New Testament Greek and Exegesis exams.³⁰⁵ Nevertheless, having sat (and passed) his final exams, he quickly found himself on a train en route to his first FMIM appointment.³⁰⁶

Keith had three FMIM appointments. He was first appointed to Port Hedland for patrol duties 1941-2,³⁰⁷ and was known as a 'Patrol Padre'.³⁰⁸ Here he ran church services, a Sunday school and patrolled outlying stations and Marble Bar, a large goldmining area. During this time he corresponded frequently with his sweetheart, Myra Chandler of Windsor, NSW, whom he had met prior to leaving for Western Australia and whom he was desperate to marry. He was appointed to the Murchison Patrol from Wiluna, WA from 1942-1946. Having been granted permission to marry Miss Chandler, he did so promptly in 1942.³⁰⁹ Wiluna, a once-prosperous gold mining town, was in slow decline and towards the end of his appointment there were doubts whether the town would remain viable.³¹⁰ While in Wiluna, Keith also retained continuing responsibility for the 'North West' area as far as Port Hedland and Marble Bar,³¹¹ since no one could be found to fill his former post,³¹² though there was no

³⁰³ 'Resume of Keith Lachlan Doust, Minister of Religion, of 4 Beaumont Close, Chapman ACT', Undated, 1, Black Folder 1, Personal Collection of Terry Doust.

³⁰⁴ 'Resume of Keith Lachlan Doust', 1.

³⁰⁵ Keith Lachlan Doust to Myra Chandler, '12 December 1940 - The Parsonage, Clement St Forbes', December 12, 1940, Folder 2, Personal Collection of Terry Doust.

³⁰⁶ 'Certificate from the United Faculty of Theology - Keith Lachlan Doust', October 29, 1940, Folder 1, Personal Collection of Terry Doust. Keith Lachlan Doust to Myra Chandler, '1 May 1941 - en route to Kalgoorlie, WA', May 1, 1941, Folder 2, Personal Collection of Terry Doust.

³⁰⁷ 'Resume of Keith Lachlan Doust', 1.

³⁰⁸ 'Resume of Rev. K. L. Doust', Undated, 1, Black Folder 1, Personal Collection of Terry Doust.

³⁰⁹ 'Resume of Keith Lachlan Doust', 1.

³¹⁰ For example, Keith Lachlan Doust to Rev T.C Rentoul, '7 November [1945] (Carbon Copy)', November 7, 1945, Folder 2, Personal Collection of Terry Doust.

³¹¹ 'Resume of Keith Lachlan Doust', 1.

way he could effectively maintain patrol of that area. He also undertook a number of civic responsibilities, working for the local Council and as Scout Master.³¹³ While at Wiluna, he was also awarded a Diploma of Divinity from Melbourne College of Divinity.³¹⁴ He was transferred to Alice Springs in 1946 where he worked until 1948 undertaking patrol and pastoral duties.³¹⁵ In 1948 he returned to Forbes, NSW, where he continued to serve as a Methodist and, later, a Uniting Church, minister.³¹⁶

Part 3 | Challenges to ministry

The tyranny of distance

The challenges to ministry in this mission field were numerous and complex. The first and perhaps most obvious challenge was the enormous size of the overall mission field: some 1,300,000 square miles [i.e. 3,336,984 square kilometres].³¹⁷ In an early edition of the *Methodist Inland Link*, designed to garner support for the mission, the magazine informed its readership that ‘the Inland Mission area is larger than all the following countries put together: France, Spain, Germany, Sweden, Poland, Finland, Norway, Roumania [sic], Great Britain and Ireland, Switzerland, Hungary, Portugal and Denmark.’³¹⁸ Travel over these distances was not with the speed or comfort of aeroplanes, but by trains, mission cars and trucks.³¹⁹ (Only in 1946 was a small aeroplane first purchased and used by missionary Cliff Lanham.³²⁰) The countryside was also difficult: ‘[r]oads were practically non-existent and they battled

³¹² Rev T.C. Rentoul to Keith Lachlan Doust, ‘24 December 1941’, December 24, 1941, Folder 2, Personal Collection of Terry Doust.

³¹³³¹³ ‘Resume of Keith Lachlan Doust’, 1.

³¹⁴ ‘Divinity Degrees and Diplomas’, *The Argus* (Melbourne, Vic: 1848 - 1956, June 22, 1944), 5.

³¹⁵ ‘Resume of Keith Lachlan Doust’, 1.

³¹⁶ ‘Resume of Keith Lachlan Doust’, 1.

³¹⁷ ‘Inland Missions - Methodist Board. Northern Australian Appointments, Melbourne January 27’.

³¹⁸ *The Methodist inland link* (March 1, 1933), 8.

³¹⁹ Noni Faragher, ed., ‘Finale’, in *Prelude fugue and variations: letters to a loved one from Chaplain T.C. Rentoul in World War One* (Richmond, Vic.: Spectrum, 1989), 180.

³²⁰ Pederick, *Men on the Frontier*, 43.

through sandy or flooded creek beds, over gibber plains, and looked for the right track amongst a multitude of tracks leading from a mud patch. The trucks were strong and capable, but were not four-wheel-drive in these days.³²¹ Mission cars were especially built so they would have enough clearance to traverse obstacles.³²² Missioners usually carried with them extra petrol, oil and grease along with books, magazines, medical equipment, hair-cutting and dental instruments, swags, changes in clothing, food to last a month, an axe, shovel and gallons of water.³²³ The number of missioners was small: in the first year of 1927, five ministers were accepted for the field yet 'at the end of the first year's operation on the field the aggregate mileage for the five trucks was 77,241 miles [that is, 124,307 kilometres] – more than three times around the earth at the equator.'³²⁴ There were eleven missioners on the field during Keith's time of service, though he did not have much contact with many of them.³²⁵

The journey in May 1941 from NSW to Keith's first posting took him a full month. He travelled by various trains to Leonora in Western Australia, and then by mission ambulance van making stopovers at Wiluna, Meekatharra and Cue. He then took an overland route to Marble Bar and onto Port Hedland, an overall trip of some 4000 miles³²⁶ which included a serious car breakdown.³²⁷ The landscape was foreign to him: '[t]alk of desolation! ... What a sight this outback is!' he exclaimed.³²⁸ Travelling vast distances could be marked by loneliness and a sense of isolation. Keith certainly felt this at first, writing, 'I must confess

³²¹ Faragher, 'Prelude fugue and variations', 180.

³²² Pederick, *Men on the Frontier*, 11.

³²³ Griffiths, *An Australian adventure*, 53. Mission cars were especially fitted for such ambulance work: 'Inland Missions - Methodist Board. Northern Australian Appointments, Melbourne January 27', 6.

³²⁴ Pederick, *Men on the Frontier*, 11. Also 'Methodist Parliament: Evangelising the North', *The Register* (Adelaide, SA, May 28, 1926), Cited 13 May 2013.

³²⁵ Faragher, 'Prelude fugue and variations', 179.

³²⁶ 'Port Hedland', *Northern Times (Carnarvon, WA: 1905 - 1952)*, June 5, 1941, sec. Social and Personal, 3.

³²⁷ Keith Lachlan Doust to Myra Chandler, '14 May 1941', May 14, 1941, Folder 2, Personal Collection of Terry Doust.

³²⁸ Keith Lachlan Doust to Myra Chandler, '5 May 1941 (Monday)', May 5, 1941, 5, Folder 2, Personal Collection of Terry Doust.

that I'm not nearly as tough as I thought I was!'³²⁹

Once settled in Port Hedland, Keith would often visit various stations throughout the week, sometimes going on extended patrols. Homesteads would readily welcome travelling pastors to stay with them, if they had sufficient room. Despite this, sleeping out in the open, or in the car, was not uncommon.³³⁰ It is difficult to calculate the total size of the areas Keith had responsibility for. To give some indication, the local government area of Port Hedland alone (not including the Marble Bar region) was some 10,587 square kilometres.³³¹ When later posted at Alice Springs, his patrol duties extended from Katherine to the South Australian border,³³² a distance of over 1,400 kilometres from north to south.³³³ Many of Keith's early letters to Myra list station after station he visited, and all manner of driving incidents: punctures, getting bogged, dodging in and out of clumps of trees and bush which scratched the car, getting lost because of dust obscuring the tracks, broken radius (suspension) rods and 'terrible' roads.³³⁴ Flies were also a pesky problem.³³⁵ Having advertised a church service at Marble Bar, Keith would often have to make an extra effort to press on through terrible conditions to arrive in time, though sometimes delays (and cancelled meetings) were unavoidable.³³⁶ Company was very welcome on these long trips.

³²⁹ Keith Lachlan Doust to Myra Chandler, 'Commercial Hotel, Leonora WA Monday 6 May [1941]', May 5, 1941, 1, Folder 2, Personal Collection of Terry Doust.

³³⁰ Keith Lachlan Doust to Myra Chandler, '20 May 1941', May 20, 1941, 2, Folder 2, Personal Collection of Terry Doust.

³³¹ 'Town of Port Hedland', *Wikipedia, the free encyclopedia*, May 12, 2013, Cited 13 May 2013, Online: http://en.wikipedia.org/w/index.php?title=Town_of_Port_Hedland&oldid=541164882.

³³² 'Resume of Keith Lachlan Doust', 1.

³³³ 'Google Maps', Cited 13 May 2013, Online: <https://maps.google.com/>.

³³⁴ For example, Keith Lachlan Doust to Myra Chandler, '7 May 1941', May 7, 1941, Folder 2, Personal Collection of Terry Doust; Keith Lachlan Doust to Myra Chandler, '24 June 1941 - Port Hedland', June 24, 1941, Folder 2, Personal Collection of Terry Doust.

³³⁵ Doust to Chandler, '20 May 1941', 3.

³³⁶ For example, Keith Lachlan Doust to Myra Chandler, '5 August 1941 - Pilga Station', August 5, 1941, 6, Folder 2, Personal Collection of Terry Doust. For a cancellation see Keith Lachlan Doust, *Report (Copy) 31 May 1946 - Alice Springs* (Alice Springs, May 31, 1946), Folder 2, Personal Collection of Terry Doust.

Enforced singleness

Keith was evidently a man in love, having left his sweetheart Myra Chandler in New South Wales. Keith wrote to Myra of his hope that the time to marry would come quickly: 'I love you with an ever-lasting love darling so you can guess how I'm hoping for these years to roll away.'³³⁷ His initial plans had been to remain at Port Hedland for three years, but to marry 'if possible', and within a month of arriving he was already making mental notes of improvements he could make to his living arrangements to make it more comfortable for Myra.³³⁸ However, he was required to seek approval by the Board for permission. His friend and fellow missionary, Rev Ray Noble, warned him against optimism.³³⁹ While the then director Rev T.C. Rentoul was sympathetic, the Board considered it too expensive to provide suitable furnished housing for Keith to marry.³⁴⁰ The Board had previously declined staff applications to marry, similarly on the ground of added expense: finances were extraordinarily tight in these war years.³⁴¹ As T.C Rentoul explained, Port Hedland was best suited for a single man and the Board thought it bad policy to change it temporarily and then have to revert back later.³⁴²

This was a trying time for Keith, who wrote repeatedly to Myra of his wish to have her by his side supporting him.³⁴³ Only when the opportunity arose to be transferred to Wiluna, a 'married' posting, was it possible for Keith to proceed with an engagement.³⁴⁴ First, though,

³³⁷ Doust to Chandler, '7 May 1941', 7.

³³⁸ Keith Lachlan Doust to Myra Chandler, '2 June 1941 - Port Hedland', June 2, 1941, 1, Folder 2, Personal Collection of Terry Doust.

³³⁹ Keith Lachlan Doust to Myra Chandler, '12 August 1941', August 12, 1941, 4, Folder 2, Personal Collection of Terry Doust.

³⁴⁰ Doust to Chandler, '2 June 1941 - Port Hedland', 2-3.

³⁴¹ *The Methodist inland link (December 2, 1935)* (Melbourne: Victorian Home Mission Dept. of the Methodist Church of Australasia, 1935), 5.

³⁴² Keith Lachlan Doust to Myra Chandler, '27 September 1941', September 27, 1941, 2, Folder 2, Personal Collection of Terry Doust.

³⁴³ For example, Doust to Chandler, '5 August 1941 - Pilga Station'; Doust to Chandler, '12 August 1941'.

³⁴⁴ Doust to Chandler, '27 September 1941'.

he checked with Myra if she thought she could stand the heat of Western Australia.³⁴⁵ The previous missionary at Wiluna was returning to NSW on account of his wife's inability to cope with the heat.³⁴⁶ (The average high temperature in Wiluna in January is 38 degrees Celsius).³⁴⁷ Myra, evidently undeterred, submitted the necessary medical certificates³⁴⁸ and made the long trip west. They married on February 2 1942, after a low-key ceremony held at Wesley Church, Perth.³⁴⁹ From this point on, Keith had the support he so longed for. Myra also involved herself in the mission, especially with the Sunday School and using her musical gifts.³⁵⁰

Small-sized ministry

For Keith, the impact of his ministry often felt very small. Church services were small, and resources were limited. He writes to Myra about his first service at Port Hedland, held in June 1941, exclaiming '6 people!!! The parson ought to have a wife – then there'd be 7. You'd better practice the organ or piano a bit darling – organists are scarce here!'³⁵¹ Despite the small and predictable turnout at his Port Hedland services, he resolved to 'keep plodding'.³⁵² Sundays involved taking a small Sunday School at 10am and church at 7:30pm.³⁵³ On occasion he would conduct baptisms, marriages and funerals.³⁵⁴ Keith evidently felt very

³⁴⁵ Keith Lachlan Doust to Myra Chandler, '31st, Sat [May 1941]', May 31, 1941, 2, Folder 2, Personal Collection of Terry Doust.

³⁴⁶ Doust to Chandler, '7 May 1941', 3.

³⁴⁷ 'Bureau of Meteorology - Climate statistics for Australian locations - Wiluna', Cited 14 May 2013, Online: http://www.bom.gov.au/climate/averages/tables/cw_013012_All.shtml#temperature.

³⁴⁸ Rev T.C Rentoul to Doust, '24 December 1941'.

³⁴⁹ 'Wedding Doust-Chandler', *Windsor and Richmond Gazette*, March 11, 1942, 6.

³⁵⁰ For example, Rev T.C Rentoul to Keith Lachlan Doust, '21 October 1942', October 21, 1942, Folder 2, Personal Collection of Terry Doust; Keith Lachlan Doust, *Report (Copy) 31st October 1946 - Alice Springs* (Alice Springs, Undated), Folder 2, Personal Collection of Terry Doust.

³⁵¹ Doust to Chandler, '2 June 1941 - Port Hedland', 2.

³⁵² Doust to Chandler, '24 June 1941 - Port Hedland', 2.

³⁵³ Keith Lachlan Doust to Myra Chandler, '1 Sept 1941 - Port Hedland', September 1, 1941, Folder 2, Personal Collection of Terry Doust.

³⁵⁴ Keith Lachlan Doust to Myra Chandler, '8 September 1941 - Callawa Station', September 8, 1941, 3, Folder 2, Personal Collection of Terry Doust; Keith Lachlan Doust to Myra Chandler, '11 October 1941', October 11, 1941, Folder 2, Personal Collection of Terry Doust; Doust, *Report (Copy) 31 May 1946 - Alice Springs*; Keith

frustrated at times in Port Hedland, writing that the work seemed like a ‘dead end’ that might ‘drive me crazy and I don’t think I can do it’. He complained that ‘Hedland with its Methodist population of three’ was becoming ‘a nightmare’, whereas Marble Bar, the centre of a mining community embracing a much bigger population, was ‘offering more scope’.³⁵⁵ However, if he or another missionary were to be posted out there, Keith noted they would need to ‘live hard and probably camp in some kind of improvised humpy made with the sweat of his own brow’.³⁵⁶ His ministry in Wiluna was more promising, though also small. For a sense of the size of his ministry, the 1947 Census showed that of its 1,065 residents, Wiluna was home to just 123 professing Methodists, with the majority identifying as Church of England (464), then Roman Catholic (127), with far fewer Presbyterians (39), Baptists (7) or no religion (2).³⁵⁷

Physical demands

The ministry was varied, with physical not just spiritual demands. Missioners needed to be adept at all sorts of jobs, including medical treatment. Keith was involved, for instance, in treating a man at the Abydos Station, a cattle station 126 kilometres south of Port Hedland. Contacting the Flying Doctors with a portable transceiver, Keith was able to be given instructions on how to care for the man’s torn leg muscle.³⁵⁸ Missioners also needed to be able to serve as mechanic, sometimes even fashioning car parts when the required replacement was unavailable. Keith would work for days on end to repair his own car.³⁵⁹

Lachlan Doust, *Report (Copy) 30 April 1947 - Alice Springs* (Alice Springs, May 7, 1947), Folder 2, Personal Collection of Terry Doust.

³⁵⁵ Doust to Chandler, ‘1 Sept 1941 - Port Hedland’, 2.

³⁵⁶ 144 gave no reply. Doust to Chandler, ‘11 October 1941’, 1–2.

³⁵⁷ Roland Wilson, ‘Census of the Commonwealth of Australia, 1947 Part V WESTERN AUSTRALIA Analysis of Population in Local Government Areas’, June 30, 1947, 369, 375, 412–3, 418–9.

³⁵⁸ Keith Lachlan Doust to Myra Chandler, ‘14 July 1941 - De Grey Station’, July 14, 1941, Folder 2, Personal Collection of Terry Doust.

³⁵⁹ Keith Lachlan Doust to Myra Chandler, ‘Friday 18 July [1941] - Warralong Siding’, July 18, 1941, 3, Folder 2, Personal Collection of Terry Doust.

Missioners also needed to work on the upkeep of church and manse property. Keith spent over three months substantially renovating the manse at Alice Springs, which impinged greatly upon his pastoral and patrol work.³⁶⁰ The buildings were often portable structures so they could be easily relocated if circumstances changed. Keith was involved in purchasing properties (both land and huts) for expanding FMIM's resources.³⁶¹ In 1947, Keith was given less than half a day's notice to prepare to travel to Katherine, some 1460 miles away, to dismantle and relocate an ex-army prefabricated corrugated Sidney Williams hut purchased by the mission from the Commonwealth Disposal Commission.³⁶² On the trip, which lasted over a week, Keith averaged 17 hours driving or working per day.³⁶³ There was also a level of emotional intensity in his patrol ministry: when staying at stations, there was very little time to himself, which Keith seemed to find a little trying at times.³⁶⁴

Keith confesses to having lost weight due to the physical labour which came with the job.³⁶⁵ In his first year he also collapsed in the middle of a baptismal service he was conducting with suspected dengue fever, though he joked about it afterwards.³⁶⁶ It was necessary for Keith and Myra, on occasion, to travel all the way to Perth for medical attention for their firstborn son, Richard.³⁶⁷ Two years prior, FMIM missionaries Ray and Eileen Noble, who had

³⁶⁰ Keith Lachlan Doust, *Report (Copy) 31 July 1946 - Alice Springs* (Alice Springs, September 2, 1946), Folder 2, Personal Collection of Terry Doust; Keith Lachlan Doust, *Report (Copy) 31 August 1946 - Alice Springs* (Alice Springs, undated), Folder 2, Personal Collection of Terry Doust; Keith Lachlan Doust, *Report (Copy) 30 September 1946 - Alice Springs* (Alice Springs, October 8, 1946), Folder 2, Personal Collection of Terry Doust; Doust, *Report (Copy) 31st October 1946 - Alice Springs*.

³⁶¹ Rev T.C Rentoul to Keith Lachlan Doust, '4 July 1944', July 4, 1944, Folder 2, Personal Collection of Terry Doust.

³⁶² Keith Lachlan Doust, *Report (Copy) 31 December 1947 - Alice Springs* (Alice Springs, January 6, 1948), Folder 2, Personal Collection of Terry Doust; The Katherine Museum, 'Sidney Williams Huts' (The Northern Territory Government), Cited 15 May 2013, Online: www.katherinemuseum.com/wp-content/.../Sidney_Williams_Hut.pdf.

³⁶³ Keith Lachlan Doust, *Report (Copy) Untitled [appears to be for November 1947- Alice Springs]* (Alice Springs, Undated), Folder 2, Personal Collection of Terry Doust.

³⁶⁴ Doust to Chandler, 'Friday 18 July [1941] - Warralong Siding', 2.

³⁶⁵ Doust to Chandler, 'Friday 18 July [1941] - Warralong Siding', 5.

³⁶⁶ Doust to Chandler, '11 October 1941'.

³⁶⁷ See Rentoul's reference to this in Rev T.C Rentoul to Keith Lachlan Doust, '21 January 1944', January 21, 1944, Folder 2, Personal Collection of Terry Doust.

responsibility for the Kimberley Patrol (Wyndham and Derby), lost a child on account of their isolation. Ray wrote to Keith, 'We feel sure that the little infant would have had every chance had he been in a well equipped hospital with good attention, but that is by the way.'³⁶⁸

Isolation

Slow communication was a fact of life in the inland. Patrol duties meant missionaries could be isolated for weeks at a time. News that his mother had been dangerously ill with a ruptured appendix reached him long after the fact upon returning from an extended patrol.³⁶⁹ Radio was not yet widespread and Keith did not yet have one in his car. In fact, the only reason he had been able to contact the Flying Doctors at Abydos Station was because he had an AIM radio technician on patrol with him, testing some sets in the outback.³⁷⁰

Limited resources

Financial support for the mission was limited, especially in the shadow of the Great Depression. The *Methodist Inland Link* reported in 1936 that 'financial resources are spread to the utmost limit. Stipends are very meagre and the administrative work of the Director and office staff are entirely voluntary', and that missionaries' stipend (reduced from £6,000 per annum to £3,300) 'is scarcely a fair proportion of Methodism's contribution to missionary enterprise' given the 'magnitude and value of the work'.³⁷¹ Overhead costs were kept to a bare minimum. Keith was keenly aware of the financial stress (himself receiving the reduced stipend), and a large proportion of his mission reports were spent outlining expenses and income, including from fundraising. As postage was even expensive, Keith would joke to Myra that he would rather go without dinner than not write to her.³⁷² It was also difficult to

³⁶⁸ Rev R. J Noble to Keith Lachlan Doust, '1 January 1941 - Wyndham', January 1, 1942, Folder 2, Personal Collection of Terry Doust. Note that it appears the letter is incorrectly dated as 1941 and should read 1942.

³⁶⁹ Doust to Chandler, '12 August 1941', 3.

³⁷⁰ Doust to Chandler, 'Friday 18 July [1941] - Warralong Siding'.

access materials and some medication. Prior to getting married, Keith often wrote to Myra to enlist her to buy things and post them to him, including books and prescriptions.³⁷³

Mixed attitudes towards the FMIM

On the mission field, people's perceptions of, and attitudes towards, the FMIM varied. Despite being separated by distance, some people remained divided along denominational lines. Inlanders would readily show hospitality but were reticent to be ministered to by ministers other than those belonging to their own denomination. In 1941, Keith visited one Church of England family, the Goodes, with whom he stayed with for several days because of car troubles. Keith wrote that Mr Goode, '[t]old me that they would be hypocrites if they asked me to conduct a service because they were C of E and they wouldn't enjoy it and didn't want it.'³⁷⁴ There was also a perception that Methodist church resources could be directed elsewhere. Four months into his mission work, Keith's initial impression, while hesitant, was that he agreed. Of the same conversation, Keith writes, 'Mr Goode told me frankly, and probably rightly, in front of all, that he considered it a waste of good time and that the energy of the church could be spent in better ways....They were quite prepared to talk on Christian issues but thought that a lot of propaganda about the thirst of the Inland for religion was only propaganda!'³⁷⁵ This was a matter that Keith determined to personally pursue silently.³⁷⁶ He wrote to the Home Missions Department four months later, evidently to express his conflicted feelings over these matters, but the Department Secretary, eager to receive material suitable for publication advertising the mission, requested he submit 'matter which comes from your

³⁷¹ *The Methodist inland link (December 1 1936)* (Melbourne: Victorian Home Mission Dept. of the Methodist Church of Australasia, 1936), 6–7.

³⁷² Doust to Chandler, '2 June 1941 - Port Hedland'.

³⁷³ Doust to Chandler, '31st, Sat [May 1941]', 2. Also Doust to Chandler, '2 June 1941 - Port Hedland'. Doust to Chandler, '24 June 1941 - Port Hedland'.

³⁷⁴ Doust to Chandler, '5 August 1941 - Pilga Station', 8.

³⁷⁵ Doust to Chandler, '5 August 1941 - Pilga Station', 8.

³⁷⁶ Doust to Chandler, '5 August 1941 - Pilga Station', 8.

well considered judgment rather than that which comes from your first impressions'.³⁷⁷

However, by July 1944 Keith and Myra had agreed to stay on the FMIM staff³⁷⁸ and it appears that Keith's estimation of the ministry had changed.

Conflict

There were times when the mission, and Keith himself, came into conflict with other denominations or other organisations. For example, in 1944 T.C. Rentoul, normally polite and even-handed in his correspondence, wrote with exasperation, '[t]he Presbyterians have decided to set up their headquarters in Alice Springs. They have been more awkward than a team of mules. There isn't a spark of cooperation in them, nothing but jealousy and pride.'³⁷⁹

Early on in his mission work, Keith encountered problems with the Freemasons and 'Buffaloes'. These fraternities were in competition for the halls Keith used for church services at Marble Bar. Hearing second-hand that there was to be a big lodge meeting there all day Sunday, Keith lamented, '[t]here is a tough crowd up there – don't tell you that they cancelled your hall arrangements or anything.'³⁸⁰ He would then have to hang around the district for another week to secure a definite promise of the hall. He was not fond of these organisations, commenting, '[t]his Lodge business over here is purely a drunks turnout – they get great stacks of beer and spend all day Sunday and Sunday night just soaking....the Buffs are by far the worst. She's certainly a tough country.'³⁸¹ Despite this occasional conflict, Keith was welcomed into homesteads by Roman Catholics,³⁸² was on very friendly terms

³⁷⁷ Rev A.G Manefield to Keith Lachlan Doust, 'Department of Home Missions (NSW) to Rev Keith Doust, Port Hedland - 5 Dec 1941', December 5, 1941, 1, Folder 2, Personal Collection of Terry Doust.

³⁷⁸ Rev T.C Rentoul to Doust, '4 July 1944'.

³⁷⁹ Rev T.C Rentoul to Keith Lachlan Doust, '24 April 1944', April 24, 1944, Folder 2, Personal Collection of Terry Doust.

³⁸⁰ Doust to Chandler, '8 September 1941 - Callawa Station'.

³⁸¹ Doust to Chandler, '8 September 1941 - Callawa Station'.

³⁸² For example, see Keith Lachlan Doust to Myra Chandler, '22 May 1941 - Three Creek Station', May 22, 1941, Folder 2, Personal Collection of Terry Doust. Of the Bender family he wrote, 'RC's but I felt quite at home with them.'

with a pastor from the Hermannsberg Lutheran Mission,³⁸³ and seemed to generally to work cooperatively with AIM, with Dr Flynn accepting an invitation to take the Alice Springs service one Sunday when Keith was away.³⁸⁴

Disruption of war

Understandably, World War II had a significant impact on the FMIM. As a minister of religion, Keith was exempt from serving in the military and so continued his work.³⁸⁵ He did, however, participate in the Voluntary Defence Corps during his time at Port Hedland and Wiluna,³⁸⁶ in part as a way to get to know some of the men.³⁸⁷ At this time petrol had become a scarce resource, which hamstrung patrol work.³⁸⁸ The Director believed it was impossible to replace mission trucks with either new or second hand vehicles, and so in 1942 warned missionaries to take great care of the trucks.³⁸⁹ Administration staff numbers were reduced.³⁹⁰ Understanding the scarcity of finances, Keith approached the Board to ask whether he should take up secular work to help tide the church over. The Board said no, citing that ‘we feel over here that you have a man-sized job in looking after the spiritual and moral interests of the town and district’.³⁹¹ The Sydney Morning Herald reported in February 1943 that the work of the FMIM had been ‘greatly affected by the war, according to a report presented to the Methodist Conference yesterday’, noting that ‘patrols, ambulance work, medical and dental

³⁸³ Keith Lachlan Doust, *Report (Copy) 31st July 1947 - Alice Springs* (Alice Springs, Undated), Folder 2, Personal Collection of Terry Doust.

³⁸⁴ Doust, *Report (Copy) 30 April 1947 - Alice Springs*.

³⁸⁵ Australian Military Forces, ‘Certificate of Exemption No. 2077 - Keith Lachlan Doust of Box 149 Wiluna’, April 2, 1942, Black Folder 1, Personal Collection of Terry Doust.

³⁸⁶ ‘Resume of Keith Lachlan Doust’, 1.

³⁸⁷ Doust to Chandler, ‘24 June 1941 - Port Hedland’, 6.

³⁸⁸ For example, Rentoul lamented that even if they could find man to post at Port Hedland to replace Keith, ‘he could do little or nothing on account of the petrol situation.’ Rev T.C Rentoul to Doust, ‘24 December 1941’.

³⁸⁹ Rev T.C Rentoul to Doust, ‘21 October 1942’.

³⁹⁰ Rev T.C Rentoul to Keith Lachlan Doust, ‘12 May 1943’, May 12, 1943, 2, Folder 2, Personal Collection of Terry Doust.

³⁹¹ Rev T.C Rentoul to Doust, ‘21 October 1942’.

help had all been disrupted'.³⁹² Keith was able to undertake limited patrol work, which he described in one report as 'costly and strenuous but entirely successful,' and hoped to recoup some of the heavy petrol costs from donations.³⁹³

Some denominations withdrew personnel from inland centres during wartime. T.C. Rentoul mentioned in 1942 that other churches, including the Salvation Army, had been withdrawn from Wiluna. He wrote, 'In this city the Methodists are described as being "the first to enter and the last to leave"'. It seems to be true over there also.' However, the FMIM did not hold their ground everywhere. They did not, for example, have a missionary posted at Port Hedland and the military authorities requisitioned the FMIM's Port Hedland premises.³⁹⁴ With ministers withdrawing, Rentoul advised Keith to minister to Christians regardless of denominational ties, '[s]o long as we do not attempt to draw his people into membership I think we are spiritually bound to do everything we can to keep them in the faith...'³⁹⁵ On a very practical level, there were delays for Keith receiving his stipend because of the FMIM treasurer losing a few sons in the war.³⁹⁶ Director Rentoul was heavily occupied by military work which affected his ability to oversee Keith's work and his characteristic encouragement.³⁹⁷

There were also population movements which impacted the ministry. In 1942 Rev Ray Noble wrote with deep regret about people migrating south and his mission field disappearing,

³⁹² 'Inland Mission Work: War Problem for Methodists', *The Sydney Morning Herald* (NSW, February 25, 1943), 9, Cited 13 May 2013.

³⁹³ Keith Lachlan Doust to Rev T.C. Rentoul, '30 June 1943', June 30, 1943, 1, Folder 2, Personal Collection of Terry Doust.

³⁹⁴ Rev T.C. Rentoul to Doust, '12 May 1943'.

³⁹⁵ Rev T.C. Rentoul to Keith Lachlan Doust, '2 June 1942', June 2, 1942, Folder 2, Personal Collection of Terry Doust.

³⁹⁶ Rev T.C. Rentoul to Doust, '2 June 1942'.

³⁹⁷ See, for example, his references to this in Rev T.C. Rentoul to Keith Lachlan Doust, '4 August 1943', August 4, 1943, Folder 2, Personal Collection of Terry Doust. Also Rev T.C. Rentoul to Doust, '21 January 1944'.

‘It is possible that I shall be looking for a job any day now. This place has flopped badly. All the women have [2] packed up and have set off helter skelter to Perth as quickly as they can get seats in the aeroplanes. The Japs have them bluffed. Unless something turns up, I think that I shall have to go looking for some parishioners. If we can get petrol it will not be so bad, but at present I am mourning about 4 years work disappearing in about a fortnight. The position here is bad.’³⁹⁸

The war reconfigured people’s mission fields, especially once Japan entered the war. Some coastal evacuees arrived in Keith’s parish in early 1942.³⁹⁹ In many mission areas, however, missionaries now found themselves working alongside defence force members⁴⁰⁰ and saw their congregations swell. This was the case in Alice Springs. At its peak, Alice Springs was home to some 8000 troops and administration staff.⁴⁰¹ In the financial year October 1944 – September 1945, the offertory totalled a high of £329.10, something Keith later had to defend to the Board when army personnel withdrew and the regular offertory fell to under £70.⁴⁰²

The plight of Aboriginals

Although Keith had little contact with Aboriginal people, unlike some other FMIM missionaries,⁴⁰³ the question of how to minister to them had been raised in his mind ever since arriving in Western Australia and hearing a policeman blame ‘religious missions’ for making Aboriginal people dependent on handouts.⁴⁰⁴ On one particular occasion, years later, Keith had some close dealings which caused him to question the role of white people in governing

³⁹⁸ Rev R. J Noble to Doust, ‘1 January 1941 - Wyndham’. In February and March 1943, there were another series of air raids, including one on Wyndham, although there were no casualties in that particular raid. Australian War Memorial, ‘Air raids on Australian mainland - Second World War’, Online: http://www.awm.gov.au/encyclopedia/air_raids/; ‘Air raids on Australia, 1942–43’, *Wikipedia, the free encyclopedia*, April 25, 2013, Cited 15 May 2013, Online: http://en.wikipedia.org/w/index.php?title=Air_raids_on_Australia,_1942%E2%80%9343&oldid=552052285.

³⁹⁹ Keith Lachlan Doust to Rev T.C Rentoul, ‘10 March 1942 (carbon copy)’, March 10, 1942, Folder 2, Personal Collection of Terry Doust.

⁴⁰⁰ ‘Inland Mission Work: War Problem for Methodists’, 9.

⁴⁰¹ Keith Lachlan Doust, *Report (draft) November [presumably 1947] - Handwritten* (Alice Springs, undated), Folder 2, Personal Collection of Terry Doust.

⁴⁰² Doust, *Report (draft) November [presumably 1947] - Handwritten*.

⁴⁰³ Such as Harry Griffiths, Griffiths, *An Australian adventure*, 167–168.

⁴⁰⁴ Doust to Chandler, ‘5 May 1941 (Monday)’, 5.

the aboriginal people In 1945, he appeared at an inquest into the death of a native aboriginal man called Nudda who was speared during a camp argument at Wiluna,⁴⁰⁵ reportedly over a quarrel over a native woman.⁴⁰⁶ Keith had been asked to interview a second native man charged with the murder of the deceased,⁴⁰⁷ though the man later died in hospital⁴⁰⁸ so manslaughter charges were not pressed.⁴⁰⁹ In his report, although Keith said the inquest was ‘fair and open,’ he expressed significant apprehension ‘as to whether these natives should be judged (in tribal matters) by a white man’s law without a greater understanding of tribal practices, laws and custom, the tradition of which are far more prevalent in his mind and make up than the prohibitions of the white man.’⁴¹⁰ That Keith had found the application of law perplexing is an interesting window into the difficult relationship between aboriginal and white people at the time, an issue which has remained complex until today.

Part 4 | Assessment

It is interesting to reflect on what Keith’s correspondence does not contain. In his letters and reports, while he frequently comments on running church services and Sunday school, and how these were attended, rarely (if ever) does he specify what message he preached, how he went about preparing or how the message was received. He merely summarises, ‘I did my

⁴⁰⁵ C.L. McBeath to Keith Lachlan Doust, ‘Department of Native Affairs regarding Inquest of Jack Scaddan (Ref: 1275/44 16/02/1945)’, February 16, 1945, Black Folder 1, Personal Collection of Terry Doust. For this purpose he was given a temporary ‘honorary appointment’ as a Protector under *The Native Administration Act 1905-1941* as ‘Protector of Natives for the Wiluna District.’ Minister for the North-West, ‘Certificate of Appointment of Protector - Rev. Keith Doust of Wiluna from 19-31 January 1945 - No. 1991’, January 19, 1945, Black Folder 1, Personal Collection of Terry Doust.

⁴⁰⁶ ‘Wiluna Tribal Fight Quarrel Over Woman: Second Native’s Death’, *Geraldton Guardian and Express* (WA, January 27, 1945), 2, Cited 12 Mar 2013.

⁴⁰⁷ McBeath to Doust, ‘Letter re inquest of Jack Scaddan (Feb)’. Keith Lachlan Doust, ‘Report (draft, handwritten) to C.L. McBeath, Acting Commissioner of Native Affairs, regarding Inquest of Jack Scaddan’, Undated, 2, Black Folder 1, Personal Collection of Terry Doust.

⁴⁰⁸ ‘Wiluna Tribal Fight Quarrel Over Woman: Second Native’s Death’.

⁴⁰⁹ McBeath to Doust, ‘Letter re inquest of Jack Scaddan (Feb)’.

⁴¹⁰ Doust, ‘Report (draft, handwritten) to C.L. McBeath, Acting Commissioner of Native Affairs, regarding Inquest of Jack Scaddan’, 3.

best to give them the gospel message.’⁴¹¹ Occasionally he comments on a ‘deepening interest’ observed in Sunday School children.⁴¹² Once, while critiquing theologians and books to read, Keith made a passing comment to Myra that theology doesn’t matter ‘out here’.⁴¹³ He did, nevertheless, ensure he had a Hebrew vocabulary and Greek lexicon, with which he thought he’d be ‘ok’.⁴¹⁴ Describing recent patrol work, he goes as far as mentioning in his mission reports of taking his ‘Testament’ from his pocket, reading ‘the word of God’ and leading ‘the household in prayer’.⁴¹⁵ However, not all homesteads offered ‘opportunity for open spiritual fellowship’ and did not extend beyond ‘social fellowship’.⁴¹⁶ Keith’s monthly reports are pragmatic and activity-centred: reporting on Ladies Guild activities, meetings of the Committee of Church management, Sunday School and Scripture activities, hospital visitation, community events, sport and social activities, recent expenses and petrol prices, renovations to church property, places he had patrolled.

It is difficult, however, to draw any firm conclusions from these sources about Keith’s personal faith, his attitude to Scripture or prayer, or the place they had in his mission work. It is also difficult to evaluate just how much spiritual impact his ministry had upon people. It is quite possible that his monthly reports to the Board emphasised activities because, unlike spiritual growth, these were concrete indicators of progress. Certainly, there were times when he needed to make a defence to the Board of the usefulness of the ministry, and as reports were used as ‘propaganda’ they were expected to have a positive angle in a magazine that certainly had a moralistic flavour.

⁴¹¹ Doust to Chandler, ‘1 Sept 1941 - Port Hedland’.

⁴¹² Keith Lachlan Doust, *Report (Copy) 30 June 1946 - Alice Springs* (Alice Springs, July 19, 1946), Folder 2, Personal Collection of Terry Doust.

⁴¹³ Doust to Chandler, ‘24 June 1941 - Port Hedland’, 4.

⁴¹⁴ Doust to Chandler, ‘24 June 1941 - Port Hedland’, 5.

⁴¹⁵ *The Methodist inland link* (December 1952) (Melbourne: Victorian Home Mission Dept. of the Methodist Church of Australasia, 1952), 6.

⁴¹⁶ *The Methodist inland link* (December 1952), 6.

From his limited extant correspondence from this period, Keith does seem more reserved or less ‘expressive’ than some missionaries. Rev Boulter’s own mission reports to the Board, for example, included an impassioned plea for more men on the field, with stirring rhetoric absent from Keith’s own writings: ‘We must seek out these men soon... let a note of urgency be sent throughout all our connectional journals calling for volunteers in this commando work for the Kingdom of Christ... Every day we postpone our decision is a day lost in the Master’s service...’⁴¹⁷

Despite this, Keith seems to have worked quietly and persistently, in step with his own personality and temperament, faithfully employing the resources and abilities that were available to him. His reports reflect considered reasoning on strategic decisions and also show a proper sensitivity regarding the financial pressures the FMIM was under.⁴¹⁸ The Director was satisfied with his work, writing of a recent visit, ‘I was particularly pleased with the work that you are doing in your own town. I shall not forget the spirit of devotion in the morning communion service, and the two well conducted and happy Sunday Schools.’⁴¹⁹ Thanking him for his years of service, the then secretary A.W. Pederick said, ‘in every respect you have served with ability and sincerity.’⁴²⁰

As Keith said himself of the mission field, ‘[i]t’s not all beer and skittles’.⁴²¹ Sundays were spent ‘in the usual manner of *trying* to get people to church’!⁴²² Keith had struggled, particularly in that first year. Three months in he had written ‘Sunday night I...was feeling fed up... Was truly down in the dumps...Decided that I’d have to toughen up a lot before I

⁴¹⁷ Rev Robert Boulter, *Copy of August 1945 Report to T.C. Rentoul* (Wesley Manse, Cue, August 1945), 2, Folder 2, Personal Collection of Terry Doust.

⁴¹⁸ For example, Doust to Rev T.C. Rentoul, ‘7 November [1945] (Carbon Copy)’.

⁴¹⁹ Rev T.C. Rentoul to Doust, ‘12 May 1943’.

⁴²⁰ A.W. Pederick to Keith Lachlan Doust, ‘25 November 1945 - Methodist Church of Australasia - Federal Methodist Inland Mission’, November 25, 1945, Folder 2, Personal Collection of Terry Doust.

⁴²¹ Doust to Chandler, ‘27 September 1941’.

⁴²² Doust to Chandler, ‘1 Sept 1941 - Port Hedland’. Emphasis his own.

really fit in up here. My four days at Marble Bar were such a failure that I was all worked up and felt like cracking up on the spot.⁴²³ However, to his credit, he persevered. When on patrol he held services at homesteads on cattle stations and persisted in inviting some of the shearers along, knowing ‘most of them are tough guys and probably won’t [come]’.⁴²⁴ His evangelism efforts, while perhaps modest, were genuine. He also demonstrated his love for people by getting his hands dirty, not shying away from helping with labour on the stations, something which won missionaries much respect.⁴²⁵

Part 5 | The remaining years of FMIM

After World War 2, modern means of transport, bitumen roads and new communication technologies began to transform inland Australia. Tourism and discoveries of mineral wealth accelerated the development of some isolated areas.⁴²⁶ The mission continued, though with far less primitive resources. For example, by at least the late 1960s, missionaries enjoyed modern air-conditioned houses similar to all others in the town.⁴²⁷ Many of the challenges faced by early missionaries abated, though some will have continued and new ones will have emerged. Pederick, in his brief history of the FMIM, lists 93 men who served on the field from 1927 to 1970.⁴²⁸ In 1977 the Uniting Church was established and the FMIM and the inland missions of the Presbyterian and Congregational Churches were combined to form Frontier Services.⁴²⁹ Much of the history of this period and mission field focuses on the Presbyterian work of AIM, established by John Flynn in 1912.⁴³⁰ However, the contribution

⁴²³ Doust to Chandler, ‘12 August 1941’, 1.

⁴²⁴ Doust to Chandler, ‘Friday 18 July [1941] - Warralong Siding’, 5.

⁴²⁵ Doust to Chandler, ‘Friday 18 July [1941] - Warralong Siding’, 5.

⁴²⁶ Pederick, *Men on the Frontier*, 6.

⁴²⁷ Pederick, *Men on the Frontier*, 30.

⁴²⁸ Pederick, *Men on the Frontier*, 23–25.

⁴²⁹ ‘Our history’, *Frontier Services - serving remote Australia*, Cited 14 May 2013, Online: <http://www.frontierservices.org/about-us/our-history>.

⁴³⁰ John Flynn, *Northern Territory and Central Australia: a call to the church* (Sydney: Angus & Robertson, 1912).

of the FMIM should not be overlooked.

Conclusion

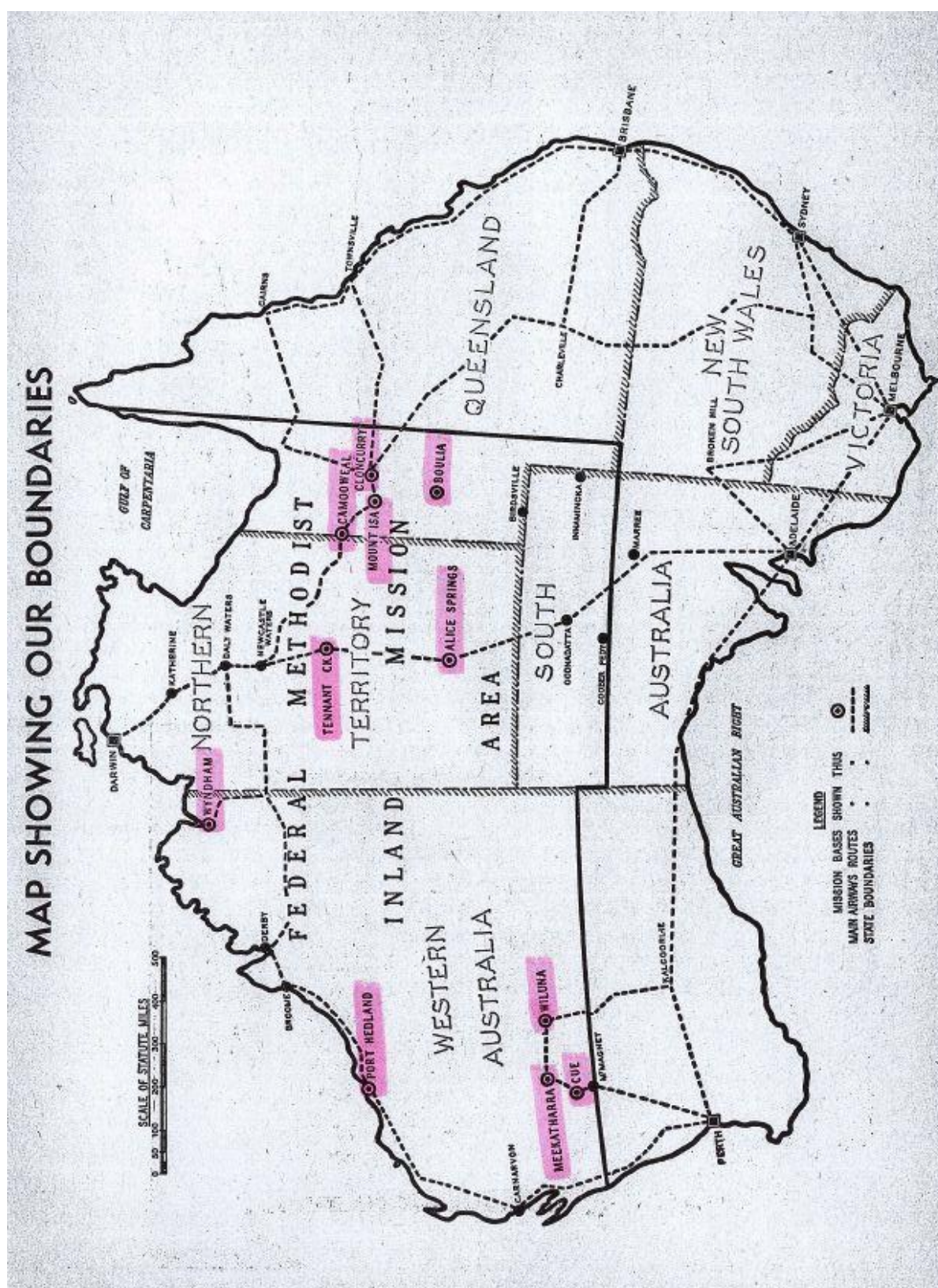
Missioners like Rev Keith Doust faced many hurdles in their ministry to evangelise the inland. While it is difficult to draw conclusions about the effectiveness of Keith's ministry and FMIM's wider efforts since 1926, it must be said that Keith, and many others, persevered in meeting with fellow Christians and seeking to love and serve people in the isolated outback. The missioners of the FMIM indeed worked 'penetrating to its loneliest homesteads and remotest prospectors' in Australia,⁴³¹ travelling huge distances to reach people. While the FMIM initiative was modest in size, with only eleven missioners on the field during Keith's service, it can be argued, nevertheless, that the FMIM was a bold and ambitious initiative to take the gospel to the heart of Australia at a time when transport, communications and resources were extremely limited.

Appendix 1 | *Map showing the mission bases of the FMIM mission*

Appendix 2 | *The trucks of the FMIM, circa 1940s*

⁴³¹ *The Methodist inland link (March 1, 1933), 1.*

Appendix 1



Map showing the mission bases of the FMIM mission⁴³²

⁴³² The Methodist inland link (December 1952), inside cover.

Appendix 2

*The trucks of the FMIM, circa 1940s*⁴³³



Photo 1: 'On Inland mission trip Oct 9 1944 Meekatharra' [Keith is the tallest, on the right]

Photo 2: 'Methodist Inland Mission camp east of Mt Edgerton Oct 12 1944' [Keith is on the left]

⁴³³ Unknown, 'Photo Album - unlabelled', Personal Collection of Terry Doust.

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An Analysis of the Reasons for the Opposition in Tasmania in the 1850s of the Rev Dr Henry Fry and other Evangelical Anglican Clergy to their Bishop, Dr Francis Nixon

Sam Gough

Dr Henry Fry and the Evangelicals opposed Bishop Nixon over the true character of Protestantism in the Church of England to prevent the exclusion of Evangelicals from the diocese of Tasmania. A critical evaluation of standard portrayals of Fry will be offered. The historical background that led to the conflict will be outlined. The catalysts for the dispute over the true character of Protestantism will be analysed in the context of the wider philosophical and cultural milieu. The predicament of exclusion presented to Fry and the Evangelicals will be highlighted and the options of responding, including opposing Nixon, will be evaluated. Finally the resolution and consequences of the conflict will depict the legitimacy of Fry's concerns in opposing Nixon.

Historians typically portray Fry in a negative light. Stephens uses loaded terms such as 'extremism' and 'hysterical' to describe Fry's actions.⁴³⁴ Batt and Roe have written the most thorough account of the conflict. They paint some of Fry's opinions as 'confused megalomania', and assert that his theology had undergone a 'revolution', switching 'from an extreme High to an extreme Low Church position' in seven short years.⁴³⁵ While both works accurately acknowledge Fry lost influence during the 1850s, their depiction of Fry generally adopts the victorious faction's caricature of Fry's theology and actions. Further research needs to explore whether Fry's views became more radical over time, or simply more

⁴³⁴ G. Stephens, *The Anglican Church in Tasmania* (Hobart: Trustees of the Diocese, 1991), 55.

⁴³⁵ N. Batt and M. Roe, 'Conflict Within the Church of England in Tasmania, 1850-1858', *The Journal of Religious History* 4 (July 1966): 40, 55, 59.

alienated. This paper will re-examine the reasons why Fry was willing to oppose Nixon so vigorously.

Tension had existed between the Evangelicals and Bishop Nixon prior to the fierce conflict that erupted in 1850. Tasmania was separated from New South Wales in 1825.⁴³⁶ Many Evangelicals came to Tasmania as convict chaplains. When the Bishop arrived in 1843, Evangelicals comprised over half of the clergy and the majority of the laity.⁴³⁷ Henry Phibbs Fry was born in Ireland in 1807, was educated at Trinity College, Dublin, and became the minister of St. George's, Battery Point in 1839.⁴³⁸ He also became the leader of the Low Church faction against Nixon. This group included William Bedford, Philip Palmer, William Browne and Alfred Stackhouse.⁴³⁹ There had been animosity between Bedford, in particular, and Nixon, before 1850, when on three occasions Bedford had refused to allow the Bishop to lecture at the Cathedral.⁴⁴⁰

Bishop Nixon led the High Church faction. He was born in 1803, had a privileged upbringing and studied at St. John's, Oxford. He was consecrated Bishop in 1842 and arrived in Tasmania in July, 1843. He identified with the Laudian tradition.⁴⁴¹ His High Church priorities were clear in his first Charge delivered to the clergy of the diocese. He impressed on his clergy the importance of respecting liturgical ceremony, clerical hierarchy and discipline.⁴⁴² Nixon was sympathetic to the Tractarian movement. Fry wrote of Nixon,

‘He is not himself desirous of embracing Romanism. But Archdeacon Marriott and six Oxford Clergymen whom he brought out to the Colony with him have

⁴³⁶ S. Piggin, *Spirit, Word and World* (3rd Ed.; Acorn Press), 29.

⁴³⁷ Batt and Roe, 39.

⁴³⁸ Batt and Roe, 40.

⁴³⁹ R. Ely, *The Australian Dictionary of Evangelical Biography* (ed by B. Dickey; Sydney: Evangelical History Association, 1994), 34.

⁴⁴⁰ Ely, *The Australian Dictionary of Evangelical Biography*, 35.

⁴⁴¹ Letter to Davies, 5 and 9 September, 1851 as quoted in Batt and Roe, 49.

⁴⁴² F. R. Nixon, *A Charge Delivered To the Clergy of the Diocese of Tasmania at the Primary Visitation, in the Cathedral Church of St. David, Hobart Town, on Thursday, the 23rd April, 1846*. (Hobart Town: William Gore Elliston, 1846), 37, 43–44, 64, 69–70.

surrounded the Bishop.⁴⁴³

Marriott, a Tractarian, had recruited from England six other Tractarians who became influential advisers to the Bishop, including Frederick Cox, S. B. Windsor, William Tancred and Arthur Davenport among others.⁴⁴⁴ By 1850, no Synod had been established and the theological character of the diocese had not been decisively determined. With an influx of Tractarians at a crucial time into a diocese dominated by Evangelicals, the scene was set for a polarizing conflict.

Baptismal regeneration became the first issue to trigger conflict over the true character of Protestantism in Tasmania after the Minutes were published from the (Australian) Bishops' Conference held in October 1850. The statement by the majority of the Bishops, which affirmed that they 'believe that it is the doctrine of our Church that all infants do by baptism receive this grace of regeneration', caused controversy.⁴⁴⁵ This was a 'Roman' view held by Tractarians. Only Bishop Perry of Melbourne dissented, stating that baptism 'is not to be understood as declaring positively a fact ... that every baptized infant ... is regenerate'.⁴⁴⁶ His view reflected an evangelical understanding of infant baptism.

The Bishops' statement on baptismal regeneration came in response to the Gorham Judgment earlier in 1850. In England, the Judicial Committee of the Privy Council upheld the position of George Gorham after the Bishop of Exeter had refused him a licence because he held an evangelical conviction that an infant was not unconditionally spiritually regenerated by the sacrament of baptism.⁴⁴⁷ The Privy Council instituted a living for Gorham by law, despite the

⁴⁴³ H. P. Fry, 'Letter From the Rev. Dr. Fry, To the Archbishop of Canterbury, Hobart Town, February 20, 1852.', *Colonial Times* (Hobart, March 5, 1852), 3.

⁴⁴⁴ Batt and Roe, 40.

⁴⁴⁵ Augustus Adelaide et al., *Minutes of Proceedings at a Meeting of the Metropolitan and Suffragan Bishops of the Province of Australasia, Held at Sydney, from October 1st to November 1st, A.D. 1850*. (Sydney: Kemp and Fairfax, 1850), 17.

⁴⁴⁶ Adelaide et al., *Minutes of Proceedings at a Meeting of the Metropolitan and Suffragan Bishops of the Province of Australasia*, 19.

⁴⁴⁷ Wolfe, *The Expansion of Evangelicalism*, 211.

will of his Bishop. This judgment was meant to secure the position of Evangelicals as not contrary to the principles of the Church of England, granting them liberty to reject the belief of absolute baptismal regeneration.⁴⁴⁸ The decision of the Privy Council ruled that the evangelical interpretation was consistent with the sense of the Church of England Articles.⁴⁴⁹

However, Nixon strongly held to the doctrine of the absolute baptismal regeneration of infants and rejected the ruling of the Privy Council. He believed the Privy Council judgment was a 'manifest contradiction' because though the Council ruled the issue was an open question legally, he refused to accept that the baptism was an open question theologically.⁴⁵⁰ Nixon was adamant that the 'plain and full meaning' and the 'literal and grammatical sense in which [the Church] enjoins her Articles' was clear.⁴⁵¹ He went so far as to assert that Mr Gorham's view was 'heresy'.⁴⁵² The problem for the Evangelical clergy in Tasmania was that if Nixon thought Gorham was heretical, then in the Bishop's opinion they must be heretical on this point. Nixon was convinced his view was clearly the only true interpretation throughout church history, including the Reformers.⁴⁵³ On this basis he rejected accusations of Romanizing.⁴⁵⁴ The Tasmanian Evangelicals thought otherwise, that his view tended 'to narrow the terms of communion with our Church'.⁴⁵⁵ Nixon's stance meant that Evangelicals

⁴⁴⁸ D. W. Bebbington, *The Dominance of Evangelicalism* (A History of Evangelicalism; Nottingham: IVP, 2005), 147.

⁴⁴⁹ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 177.

⁴⁵⁰ F. R. Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII* (Hobart Town: Walch, Hobart Town, 1852), 26.

⁴⁵¹ Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII*, 27.

⁴⁵² F. R. Nixon, *A Charge, Delivered to the Clergy of the Diocese of Tasmania, at the Visitation, Held in the Cathedral Church of St. David, Hobart Town, on Thursday, 22nd May, 1851; and in the Church of the Holy Trinity, Launceston, on Thursday, 27th May* (Hobart Town: H. & C. Best, 1851), 43.

⁴⁵³ Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII*, 32–33.

⁴⁵⁴ Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII*, 38.

⁴⁵⁵ Address of the Clergy of the Archdeaconry of Hobart Town, Resolutions Adopted at the Quarterly Meeting of the Chapter, on the 18th March, 1851, as quoted in the appendix of Nixon, *A Charge, Delivered to the Clergy of the Diocese of Tasmania, at the Visitation, Held in the Cathedral Church of St. David, Hobart Town, on Thursday, 22nd May, 1851; and in the Church of the Holy Trinity, Launceston, on Thursday, 27th May*, 74.

were either dissenters at best, or heretics, at worst. Moreover, for Evangelicals, ‘if imposed, [Nixon’s view would] be equivalent to a new Article of Faith’.⁴⁵⁶ So for Fry and the Evangelicals, Nixon’s understanding of infant baptism became the first issue that undermined the true character of Evangelical Protestantism in the diocese.

The second issue that acted as a catalyst for the conflict over the true character of the Church of England’s Protestantism in Tasmania was the dissemination of three books with semi-Roman doctrines by Nixon and his Tractarian supporters. In August 1851, twenty-two Evangelical clergy signed the *Solemn Declaration* to uphold the five Principles of the Protestant Reformation. The declaration was a response to three books which were believed to ‘inculcate principles of Romanizing tendencies’ and that were ‘calculated to undermine the evangelical truths of religion’.⁴⁵⁷ *The Steps to the Alter* and *Theophilus Anglicanus* had been used and distributed at Christ College by Tancred, Cox and Windsor. Marriott had also disseminated the book, *Spiritual Communion*.⁴⁵⁸ The books were given as manuals of devotion, for preparation for Confirmation and to teach about the religious life.⁴⁵⁹ The signatories to the *Solemn Declaration* objected to the principles implied about the Lord’s Supper, confession and absolution, as well as the recognition of the Church of Rome.⁴⁶⁰ *The Steps of the Alter* taught that once a Confessor has been chosen, that he is commissioned by God ‘as His ministerial deputy, to hear, to judge and absolve you’.⁴⁶¹ The Evangelicals needed no more evidence about the true nature of the books than the statement by the Roman

⁴⁵⁶ Address of the Clergy of the Archdeaconry of Hobart Town, Resolutions Adopted at the Quarterly Meeting of the Chapter, on the 18th March, 1851, as quoted in the appendix of Nixon, *A Charge, Delivered to the Clergy of the Diocese of Tasmania, at the Visitation, Held in the Cathedral Church of St. David, Hobart Town, on Thursday, 22nd May, 1851; and in the Church of the Holy Trinity, Launceston, on Thursday, 27th May, 74.*

⁴⁵⁷ H. P. Fry and et al, *Solemn Declaration of Ministers of the Church of England in Van Diemen’s Land, on the Present Condition of the Church in That Colony, 1851* (Hobart Town: Colonial Times, 1851), 4.

⁴⁵⁸ Fry and et al, *Solemn Declaration of Ministers of the Church of England in Van Diemen’s Land, on the Present Condition of the Church in That Colony, 1851*, 3.

⁴⁵⁹ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 37.

⁴⁶⁰ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 67.

⁴⁶¹ Fry and et al, *Solemn Declaration of Ministers of the Church of England in Van Diemen’s Land, on the Present Condition of the Church in That Colony, 1851*, 5.

Catholic Bishop of Hobart in a sermon on 29 June 1851 that the use of *Steps to the Alter* was evidence of the progress of Roman Catholic doctrines.⁴⁶² Moreover, *Theophilus Anglicanus* stated that ‘the church of England never did separate herself’ from the Church of Rome and that ‘the Church of Rome is a part of the Catholic Church, as the Church of Greece and Church of England is’. It continues that ‘in the main points of religion they are all ‘one and the same’ and in respect of faith and practice, as teaching all truth’.⁴⁶³ These statements undermined Protestantism by equating the Church of England and Rome as fundamentally the same in nature and doctrine. Fry believed that the doctrines at stake were the same doctrines that the Reformers were martyred for.⁴⁶⁴ Yet, these books had been endorsed and disseminated by Nixon and his faction. The fear was that these devotional books and manuals, if they were not actually Roman doctrine, were so close to it that they mislead young disciples. The ambiguity of the language would distort the true character of Protestant teaching in the minds of the young, impressionable clergy in training. Moreover, the students would naturally be unsuspecting since the books came with the full support of the Bishop and college lecturers.⁴⁶⁵

The cases of Makinson and Sconce secession to the Church of Rome in Sydney highlighted the danger of Catholic devotions adapted for use in the English Church.⁴⁶⁶ Thus Evangelicals in the Church of England in Tasmania believed that true character of Protestantism was being undermined by the propagation of semi-Roman books.

The fear of Romanizing in the Church of England in Tasmania reflected a wider concern

⁴⁶² Fry and et al, *Solemn Declaration of Ministers of the Church of England in Van Diemen's Land, on the Present Condition of the Church in That Colony*, 1851, 4.

⁴⁶³ Fry and et al, *Solemn Declaration of Ministers of the Church of England in Van Diemen's Land, on the Present Condition of the Church in That Colony*, 1851, 16.

⁴⁶⁴ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 54.

⁴⁶⁵ Fry and et al, *Solemn Declaration of Ministers of the Church of England in Van Diemen's Land, on the Present Condition of the Church in That Colony*, 1851, 3.

⁴⁶⁶ Fry and et al, *Solemn Declaration of Ministers of the Church of England in Van Diemen's Land, on the Present Condition of the Church in That Colony*, 1851, 19.

among Anglican Evangelicals worldwide, but especially in England. An undercurrent of anti-Catholic sentiment had grown during the 1830s and 1840s. These attitudes had been stirred by several factors. Firstly, Catholic Emancipation in 1829 was a significant change.⁴⁶⁷ Many feared that this would encourage the ‘papal aggression’ of Pope Pius IX to seek to restore the Catholic hierarchy in England in 1850.⁴⁶⁸ Secondly, the Oxford Movement from 1833, led by John Henry Newman, a former Evangelical, was also perceived to set a clear ‘Romeward’ course for the Church of England.⁴⁶⁹ The Tractarians also took an interest in the colonial church in the 1830s and 1840s. The hope of Tractarians was that the English church might be built on Catholic principles, under bishops independent of the state.⁴⁷⁰ Newman wrote to Pusey in 1840, that the *Tracts* ‘shall go to Van Diemen’s Land and be welcome: if they have not already gone’.⁴⁷¹

Fry was not ignorant of these events and movements. In 1849, he took leave and travelled back to England to witness ‘the religious condition of the English Churches’.⁴⁷² Fry had always identified as an evangelical. He was concerned by the direction that Tractarianism sought to push the Church of England. In his farewell sermon in 1849 he warned his congregation about the ‘many false brethren, who covered their design of treason against Protestantism under the profession of reviving the Apostolical usages of our Church’.⁴⁷³ His experience of the religious climate in England only hardened his resolve to oppose the Roman doctrines endorsed by Nixon in the diocese.

⁴⁶⁷ Wolffe, *The Expansion of Evangelicalism*, 205–208.

⁴⁶⁸ Bebbington, *The Dominance of Evangelicalism*, 225.

⁴⁶⁹ Wolffe, *The Expansion of Evangelicalism*, 208.

⁴⁷⁰ D. Hilliard, *Re-visioning Australian Colonial Christianity* (ed by. M. Hutchinson and E. Campion; Sydney: Centre for the Study of Australian Christianity, 1994), 197.

⁴⁷¹ Newman to Pusey, 15 July 1840, quoted in Cooper, “The Oxford Movement and Australia,” 188, as quoted in Hilliard, *Re-visioning Australian Colonial Christianity*, 197.

⁴⁷² H. P. Fry, *A Sermon Preached at St. George’s Church, Hobart Town, on Sunday, February 4, 1849, by the Rev. Henry Phibbs Fry, A. B., Upon Taking Farewell of His Congregation*. (Hobart Town: H. and C. Best), 12.

⁴⁷³ Fry, *A Sermon Preached at St. George’s Church, Hobart Town, on Sunday, February 4, 1849, by the Rev. Henry Phibbs Fry, A. B., Upon Taking Farewell of His Congregation.*, 10.

The third and most bitter issue that triggered the conflict over the true character of Protestantism for Fry was the rule of faith. The aim of the *Solemn Declaration* was to affirm the principles of the Protestant Reformation. These included salvation by faith alone, grace alone, Christ alone, for the faithful alone, according to the Scriptures alone.⁴⁷⁴ It was the statement on the rule of faith that was the most controversial. It read,

‘Holy Scripture is the sole rule of faith; and that every individual has the right to read and interpret the Word of God by his own private judgment, with the aid of the Holy Spirit. Denying the authority of Tradition, or the right of any Church or Minister to prescribe to individuals in matters of religion in opposition to their own judgment.’

Nixon interpreted this statement as advocating ‘*solo scriptura*’, a position similar to that adopted by the diverse groups of the radical Reformation. Turning the Evangelicals’ own language against themselves, Nixon described their position as a ‘new article of faith’.⁴⁷⁵ He believed the statement was loosely worded and gave every individual the ‘liberty to reject any doctrine of the Church, that does not agree with his own interpretation’.⁴⁷⁶ He argued it was not a principle of the Protestant Reformation, but ‘the leading principle of dissent’.⁴⁷⁷ It took ‘little account of either heresy or schism, as sin’, and legitimized sects, such as the Socinians, who rejected the doctrine of the Trinity.⁴⁷⁸ Nixon accused Fry of hypocrisy on this matter. In his book, *The Scriptural Evidence of the Apostolic Ministry and Tradition of the Church Catholic*, published in 1843, Fry wrote,

‘the infallible rule of faith, that is, the Holy Scriptures interpreted by the Catholic Church, ... If men have no other guide to the interpretation of

⁴⁷⁴ Fry and et al, *Solemn Declaration of Ministers of the Church of England in Van Diemen’s Land, on the Present Condition of the Church in That Colony*, 1851, 20–22.

⁴⁷⁵ Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII*, 9.

⁴⁷⁶ Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII*, 11.

⁴⁷⁷ Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII*, 11.

⁴⁷⁸ Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII*, 10–11.

Scripture but their own private judgments, their chief security against error would be incredulity, and the questioning of the evidence of every doctrine.’⁴⁷⁹

It appeared to Nixon that Fry’s theology had been revolutionized. Certainly Fry’s thinking was influenced by the Enlightenment. Fry had a high view of reason. He argued, ‘in admitting this doctrine [of the Roman rule of faith] we dethrone reason, condemn our understanding as a false guide.’⁴⁸⁰ Enlightenment philosophy in the nineteenth century stressed the individual as the arbiter of truth, as opposed to traditions of thought.⁴⁸¹ Fry’s views may also have been shaped by a belief in the democratic rights of the individual, also popular at that time.⁴⁸² Tasmanians voted for their first elected legislature in 1851 and talk of popular rights filled the air.⁴⁸³ With his emphasis on the reason of the individual and hyperbolic language, Fry was interpreted as not merely overstating his argument, but preaching the unsound doctrine of the radical Reformers.

Nixon, in contrast, emphasized the authority of the church in determining matters of spiritual truth. He was more sympathetic to the Tractarian doctrines which gave priority to the tradition and ancient lineage of the Church of England.⁴⁸⁴ Nixon stated, ‘the declaration which I have declined to affirm is ... equivalent to reducing everything to each individual’s private judgment; before which creeds, catechism, articles, liturgy, all, must give way.’⁴⁸⁵ Nixon desired to be guided by ‘Holy Scripture, interpreted by the Catholic Church’, since ‘there must be some authority within the Church, by which a check is placed upon unlicensed

⁴⁷⁹ Fry, H. P., *The Scriptural Evidence of the Apostolic Ministry and Tradition of the Church Catholic* (Van Diemen’s Land: Advertisers Office, 1843), 148–149.

⁴⁸⁰ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 89.

⁴⁸¹ T. Ward, *Words of Life* (Nottingham: IVP, 2009), 150.

⁴⁸² Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 88.

⁴⁸³ Batt and Roe, 40.

⁴⁸⁴ Bebbington, *The Dominance of Evangelicalism*, 141.

⁴⁸⁵ Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII*, 6.

private interpretation or repudiation of Catholic verities.’⁴⁸⁶ As Bishop in a new diocese, without a synod, Nixon stated, ‘in my own Diocese, I am the authorized exponent, should any doubt or difficulty arise.’⁴⁸⁷ Fry argued this gave Nixon absolute power, as the sole rector, sole patron and sole judge in the diocese.⁴⁸⁸ The Church’s voice became the Bishop’s voice. The Bishop’s opinion became the rule of faith and supreme authority.⁴⁸⁹ Fry illustrated the problem that when new Romanish doctrines were introduced into the diocese, the clergy were bound to receive them, as Nixon was the authorized exponent, otherwise the clergy would face discipline or loss. From Fry’s perspective, Nixon had more power than the Pope.⁴⁹⁰ Fry argued that if Nixon’s rule of faith was the Protestant view, then ‘it follows that the Protestant and Romish Churches have the same rule of faith’.⁴⁹¹

Fry and the Evangelicals actually argued that Scripture was the supreme authority of faith, not the only authority of faith. Fry’s argument was often implied or elaborated in the footnotes and so this vital qualification and nuance was lost in the heated conflict with Nixon. The *Solemn Declaration*, in the footnote under the controversial second principle concerning the Scriptures as the rule of faith, quoted a commentary on Luther: ‘it is not the Fathers who are to be taken to elucidate Scripture, but it is the Scripture that must elucidate the Fathers.’⁴⁹² Traditions serve Scripture, rather than complete it. If this was its intended meaning, then Nixon was correct to assert the declaration was loosely worded. The word ‘supreme’ would have been clearer than ‘sole’ rule of faith. Evidently, Fry did not deny other authorities, he

⁴⁸⁶ Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII*, 46.

⁴⁸⁷ Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII*, 7.

⁴⁸⁸ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 47.

⁴⁸⁹ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 97–98.

⁴⁹⁰ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 140–142.

⁴⁹¹ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 64.

⁴⁹² Fry and et al, *Solemn Declaration of Ministers of the Church of England in Van Diemen’s Land, on the Present Condition of the Church in That Colony*, 1851, 20.

just did not believe they were unlimited or infallible.⁴⁹³ An explanation subsequently followed the *Solemn Declaration* to make clear that,

‘the second article of the “Declaration” does not contradict the right of the Church of England to frame Articles of Religion, and to decree rites and ceremonies (the same not being contrary to God’s Word), which its members are bound to receive and to observe as long as they continue members of the Church of England.’⁴⁹⁴

This explanation upholds a high regard for the inherited traditions of the English Church. Traditions were a tool for the faithful interpretation of Scripture, but only Scripture was an infallible source of divine revelation. For Fry, if the Scriptures were not the supreme authority of faith, then the sufficiency and clarity of the Scriptures were undermined. This would undermine the confidence of believers to read their Bibles. Fry argued that Nixon had misquoted his book of 1843. The book upheld the authority of the Church, tradition and Scripture, against the radical Reformers rule of faith that Scripture is the only authority.⁴⁹⁵ But it did not advocate the Roman rule of faith, which understands tradition to have divine authority. The authoritative tradition Fry advocated was the ‘historical testimony, in many cases important, but of course always entirely subordinate to Holy Scripture’.⁴⁹⁶ The conflict was intense and bitter because, as Fry stated, the rule of faith in practical influence is ‘perhaps the most important in determining [a person’s] faith, and so influencing their salvation’.⁴⁹⁷ This issue was central to the conflict during the Reformation and between Fry and Nixon. Any doctrine that displaced Scripture as the supreme authority of faith undermined the true character of Protestantism.

⁴⁹³ Henry Phibbs Fry, *An Appeal to the Right Reverend the Lord Bishop of Sydney, Metropolitan of the Dioceses of Australia, Tasmania, &c. from Henry Phibbs Fry, D.D., Minister of St. George’s, Hobart Town* (Hobart Town: Burnet, 1856), 36–37.

⁴⁹⁴ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 40.

⁴⁹⁵ Fry, H. P., *The Scriptural Evidence of the Apostolic Ministry and Tradition of the Church Catholic*, 148.

⁴⁹⁶ appendix II Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, iv.

⁴⁹⁷ Fry, *An Appeal to the Right Reverend the Lord Bishop of Sydney, Metropolitan of the Dioceses of Australia, Tasmania, &c. from Henry Phibbs Fry, D.D., Minister of St. George’s, Hobart Town*, 22.

The consequence for Fry and the Evangelicals of Nixon's convictions about the character of the true nature of Protestantism was that it effectively excluded them from the diocese. Fry summed it up, 'the imminent danger in this Diocese is caused by the exclusion of Protestant ministers, and the filling of every pulpit with men who will preach the principles of "*The Steps*".'⁴⁹⁸ The problem was that when Nixon decided to enforce upon all ministers the doctrine of invariable regeneration in Baptism and condemn the rule of faith as stated in the *Solemn Declaration*, the terms of communion in the Church of the colony were narrowed.⁴⁹⁹ Since Nixon's doctrines 'not only subverts the Reformation, but the Gospel', the effect according to Fry was 'to chain our consciences and judgments'.⁵⁰⁰ Fry believed that the 'system of religious teaching if not openly Romanizing, [is] at least bitterly opposed to Protestant and Evangelical principles'.⁵⁰¹ Their only hope of peace was to publicly recant and withdraw their signatures from the *Solemn Declaration*. Archdeacon Davies, offered the terms of reconciliation,

'if you retract that portion of the *Solemn Declaration* which your Diocesan considers a denial of the authoritative teaching of the Church as enforced in her twentieth article, I shall be happy to do everything in my power to make peace between your deeply injured Bishop, ... and yourself.'⁵⁰²

Some Evangelicals did recant under the pressure. Fry recalled, 'I have been told by a minister of the Bishop's party that he would gladly have taken the opposite side but for the sake of his large family.'⁵⁰³

⁴⁹⁸ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 59.

⁴⁹⁹ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 180.

⁵⁰⁰ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 99.

⁵⁰¹ H. P. Fry, 'Letter from Dr Fry to the Bishop of Sydney', July 23, 1856, 5.

⁵⁰² Letter IV, Archdeacon Davies to Dr Fry, 3 March 1853, as quoted in Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 14.

⁵⁰³ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 194.

Many Evangelicals were excluded from the diocese because they were denied licences for either rejecting baptismal regeneration or affirming the *Solemn Declaration's* statement on the right of private judgment. Nixon dismissed the Gorham Judgment as only an 'opinion delivered by five lawyers'.⁵⁰⁴ He refused to accept anything legally binding without 'the concurrence of convocation' or 'to suffer the judgment of the Privy Council, in the smallest degree, to fetter or guide my discretion, as to the admission of Candidates for Holy Orders'.⁵⁰⁵ Nixon understood it as his duty to guard against both Romanism and Puritanism. Upon this logic, he questioned candidates on baptismal regeneration. After the Bishops' conference, the Evangelicals asked Nixon for confirmation that baptismal regeneration would not be a test for ordination.⁵⁰⁶ Nixon responded that he intended to continue asking questions on the issue as an integral part of the examinations, 'even if it is unpopular'.⁵⁰⁷ He admitted that some would describe this view of Baptism as Tractarian or Puseyite, but Nixon was adamant that if a candidate 'cannot take upon himself to pronounce a baptized child "regenerate", though the Church declares that he is so' because he 'feels called upon thus to exercise his right of private judgment, and to explain away the ancient doctrine of the Church ... he can scarcely find fault with the Bishop'.⁵⁰⁸ Nixon thought it was not uncommon for Bishops to reject candidates, and that it did not make him an illegal persecutor.⁵⁰⁹ The result was that Evangelicals felt they could not recruit Evangelical assistant ministers from

⁵⁰⁴ Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII*, 26.

⁵⁰⁵ Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII*, 24, 26.

⁵⁰⁶ Nixon, *A Charge, Delivered to the Clergy of the Diocese of Tasmania, at the Visitation, Held in the Cathedral Church of St. David, Hobart Town, on Thursday, 22nd May, 1851; and in the Church of the Holy Trinity, Launceston, on Thursday, 27th May*, 57.

⁵⁰⁷ Nixon, *A Charge, Delivered to the Clergy of the Diocese of Tasmania, at the Visitation, Held in the Cathedral Church of St. David, Hobart Town, on Thursday, 22nd May, 1851; and in the Church of the Holy Trinity, Launceston, on Thursday, 27th May*, 58.

⁵⁰⁸ Nixon, *A Charge, Delivered to the Clergy of the Diocese of Tasmania, at the Visitation, Held in the Cathedral Church of St. David, Hobart Town, on Thursday, 22nd May, 1851; and in the Church of the Holy Trinity, Launceston, on Thursday, 27th May*, 60.

⁵⁰⁹ Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII*, 16.

England, or renew their own licences if they sought to change parishes.⁵¹⁰

Evangelicals were in danger of becoming totally excluded from the Diocese of Tasmania, because Nixon was replacing them with strategic appointment of Tractarians in the diocese. Three of the six Tractarians that Marriott recruited from Oxford were entrusted with establishing Christ College to train young ministers.⁵¹¹ Nixon also filled vacancies in Evangelical parishes with clergymen who shared his own views.⁵¹² The Rev. Philip Palmer, the incumbent of Trinity Parish, shortly before he died wanted to appoint Mr Medland, a convict chaplain, to succeed him. However, the Bishop declared, ‘while Mr. Medland’s name remained attached to the *Solemn Declaration* he would not to his dying day consent to Mr Medland’s appointment as Curate to Mr Palmer.’⁵¹³ Instead, he wanted to appoint Brickwood, one of his supporters.⁵¹⁴ Fry also believed that ‘the Bishop and his party [were] in reality reluctant to our obtaining a Constitution, until such a number of Tractarian clergy shall be introduced as may Romanize the Church and form a majority of the assembly’.⁵¹⁵ Fry and the Evangelicals wanted greater lay representation in a proposed Synod to balance the Bishop’s power.

Since the true character of Protestantism was being undermined in the diocese and Evangelicals were being excluded as a result, the only option for Fry and the Evangelicals was to oppose Nixon. For Fry, given the condition of the Church in the colony, ‘silence and submission in a minister is now a betrayal of religious truth’ since ‘we cannot any longer

⁵¹⁰ Fry, *An Appeal to the Right Reverend the Lord Bishop of Sydney, Metropolitan of the Dioceses of Australia, Tasmania, &c. from Henry Phibbs Fry, D.D., Minister of St. George’s, Hobart Town*, 64.

⁵¹¹ Fry, *An Appeal to the Right Reverend the Lord Bishop of Sydney, Metropolitan of the Dioceses of Australia, Tasmania, &c. from Henry Phibbs Fry, D.D., Minister of St. George’s, Hobart Town*, 19.

⁵¹² Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 49.

⁵¹³ Fry, *An Appeal to the Right Reverend the Lord Bishop of Sydney, Metropolitan of the Dioceses of Australia, Tasmania, &c. from Henry Phibbs Fry, D.D., Minister of St. George’s, Hobart Town*, 57.

⁵¹⁴ Batt and Roe, 56.

⁵¹⁵ Letter from Rev. Dr Fry to the Archbishop of Canterbury, 20 February 1852, as quoted in Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII*, appendix.

indulge the hope that proceedings equally hostile to the principles of the Church, and to the rights of its members, will be silently relinquished'.⁵¹⁶ Silence was not an option because the problem for the Evangelicals was only getting worse as time passed. So Fry felt compelled that speaking out in opposition to Nixon was his only choice. His motivation was 'for saving the people from the grievous calamity of being given over to the Romanism or semi-Romanism inculcated under the disguise of being the true teaching of the Church of England'.⁵¹⁷

The Evangelicals appealed to politicians in opposing Nixon. When Nixon refused to appoint Mr Medland as assistant minister to Mr Palmer, six hundred members of Trinity Parish signed a petition to Governor Denison. He replied sympathetically to the Evangelicals' cause, advising the Bishop to grant the licence.⁵¹⁸ Nixon refused, despite acknowledging Medland's ministerial usefulness and irreproachable character.⁵¹⁹ Even though Medland had been ministering in the same parish to the convicts for the last ten years under a licence issued by him, the Bishop refused to concede unless Medland withdrew his name from the *Solemn Declaration*. Denison's intervention was unsuccessful and Arthur Davenport, one of Marriott's Oxford recruits, was appointed to Trinity instead.⁵²⁰

Fry appealed to the people in opposing Nixon. Fry saw appealing to the people as his main weapon in opposing Nixon. He appealed both to the Church's laity, the majority of whom were Evangelical, as well as the wider public. Fry believed,

'the refusal of the Bishop of Exeter, who preceded Bishop Nixon, was corrected

⁵¹⁶ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 50.

⁵¹⁷ Fry, *An Appeal to the Right Reverend the Lord Bishop of Sydney, Metropolitan of the Dioceses of Australia, Tasmania, &c. from Henry Phibbs Fry, D.D., Minister of St. George's, Hobart Town*, 86.

⁵¹⁸ Fry, *An Appeal to the Right Reverend the Lord Bishop of Sydney, Metropolitan of the Dioceses of Australia, Tasmania, &c. from Henry Phibbs Fry, D.D., Minister of St. George's, Hobart Town*, 56–57.

⁵¹⁹ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 48.

⁵²⁰ Batt and Roe, 57.

by the law; but in this Colony there is no restriction upon the will of the Bishop but popular opinion, and the combined efforts of the lay members of the Church.’⁵²¹

Fry published letters to the Primate from himself and the Protestant Association in the local newspapers. However, this backfired when it was revealed that he had not even raised some of his concerns with the Bishop, and the first Nixon heard of these problems was only after they were published.⁵²² The Protestant Association organized a public meeting for a deputation to request the Bishop to overturn his stance on baptismal regeneration, the *Solemn Declaration*, and the use of Romanizing books at Christ College.⁵²³ Nixon published his reply in the newspaper stating, ‘No Bishop can recognize the authority of public meetings to call upon him virtually to render an account to them for the ordinary exercise of his pastoral office.’⁵²⁴ He went further and condemned the Evangelical clergy, including Fry, for ‘their illegal conduct in appealing to the people through the medium of newspapers and public meetings’.⁵²⁵ The tactic did not endear Nixon to the Evangelicals, but Fry believed that the public outcry did slow the ‘Romanizing proceedings’.⁵²⁶

Fry and the Evangelicals appealed to the Primate of all England in opposing Nixon. They hoped that the weight of the Archbishop of Canterbury’s opinion would vindicate their doctrine, galvanize the laity, and sway Nixon. On all three doctrinal issues of concern to Fry and the Evangelicals in Tasmania, the Primate fully concurred. On baptism, the Primate had

⁵²¹ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 206.

⁵²² Nixon, *A Charge, Delivered to the Clergy of the Diocese of Tasmania, at the Visitation, Held in the Cathedral Church of St. David, Hobart Town, on Thursday, 22nd May, 1851; and in the Church of the Holy Trinity, Launceston, on Thursday, 27th May*, 34–35.

⁵²³ Correspondence, Resolutions, as quoted in Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII*, prefix.

⁵²⁴ Correspondence, Bishopstowe, 24 May, 1852, as quoted in Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII*, prefix.

⁵²⁵ Correspondence, Bishopstowe, 24 May, 1852, as quoted in Nixon, *Substance of a Reply To a Deputation Appointed at a Public Meeting of the Members of the Church of England Held in Hobart Town, On Thursday, April XXII, MDCCCLII*, prefix.

⁵²⁶ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 56.

said publicly that ‘liberty had been enjoyed by all Churchmen from the Reformation to the present day’ and that ‘the will of God in this matter had need to be very plainly declared, before I could think myself justified in accusing Mr Gorham of heresy’.⁵²⁷ The irony was that the Primate did not think it appropriate to call Mr Gorham a heretic, unlike Nixon. In reply to a letter from Fry about the three Romanizing books, the Primate wrote, ‘that there is much in the books to which it particularly refers which is far more in accordance with principles of the Church of Rome than of the Church of England.’⁵²⁸ The Primate’s opinion confirmed Fry’s concerns about that the Romanizing of the diocese was not merely alarmist. On the rule of faith, the Primate had published advice to his own diocese that ‘amongst the population ... too many, unhappily, are little able to test the truth of any religion which is proposed to them by its only sure standard – the Bible’.⁵²⁹ He affirmed that the laity ought to test everything against the Scriptures, as the supreme authority of faith. This is the crucial point that Fry believed the *Solemn Declaration* expressed, but Nixon had rejected as unsound. These were powerful arguments for Fry against Nixon. Fry asked Nixon the question, ‘Is it not a monstrous anomaly that a body of clergy should be condemned by you as being in great error because they hold the opinions of the Primate of the Church?’⁵³⁰ In other words, if Nixon consistently applied his stance, he would not have given the Primate a licence to minister in the colony. Ironically then, it was not merely Fry and the Evangelicals who were being insubordinate and dissenters, for Nixon opposed the position of his own ecclesiastical superior.

⁵²⁷ Letter of the Archbishop of Canterbury in reply to the Metropolitan Church Union, as quoted in W. Bedford, ed., *Reprint of a Review of The Rev. Mr. Maskell’s Letter on the Dogmatical Teaching of the Church, as It Appears in the Christian Observer of July 1850* (Hobart Town: William Pratt & Son, 1851), 23.

⁵²⁸ Archbishop of Canterbury’s Letter on Receipt of “the Solemn Declaration,” &c. Lambeth, Feb 19th, 1852, as quoted in Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, xxxiii.

⁵²⁹ Advice of the Archbishop of Canterbury, as quoted in Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, appendix II xvi.

⁵³⁰ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 13.

Lastly, Fry appealed to the Metropolitan (Bishop Barker) in opposing Nixon. In Fry's final attempt to persuade Nixon to change his stance, and stem his increasing loss of influence, he turned to the Metropolitan. As a fellow Evangelical, Fry hoped for a sympathetic ear from Barker and for his authoritative voice to defend the evangelical cause against the advancing Tractarian movement in Tasmania. Bishop Perry, the Bishop of Melbourne, had dissented at the Bishops' Conference about baptismal regeneration and expressed an alternative evangelical opinion. Fry argued that Nixon would not grant Perry a licence in his diocese either, yet Perry allowed liberty on the issue in his diocese.⁵³¹ Likewise, Dr Short, Bishop of Adelaide, and a signatory to the statement affirming baptismal regeneration in the Minutes, had stated, 'The Bishops, at the Sydney Conference, by incorporating in the same Minute the statement of the Bishop of Melbourne, ... thereby indicated liberty of judgment on this subject.'⁵³² Barker had remarked in a letter to Dr Browne, an ally of Fry, 'It is well known that I do think there was sufficient cause for the *Solemn Declaration*.'⁵³³ Barker had also carefully worded a statement which he hoped would be satisfactory to all parties and secure peace. It read,

'If the Church prescribes anything contrary to the Word of God, it is no man's duty to yield obedience to such a decree. If any individual, in the exercise of his private judgment, conscientiously and prayerfully seeking the guidance of the Holy Spirit, believes that a prescription of the Church in matters of religion is contrary to the Word of God, it becomes a case of conscience in what way he shall signify his dissent, or oppose what he believes to be an unrighteous decree.'⁵³⁴

Barker's statement cleverly upheld the supreme authority of Scripture, without erroneously

⁵³¹ Fry, *An Appeal to the Right Reverend the Lord Bishop of Sydney, Metropolitan of the Dioceses of Australia, Tasmania, &c. from Henry Phibbs Fry, D.D., Minister of St. George's, Hobart Town*, 61.

⁵³² Letter from Bishop of Adelaide to Mr Morphet, 31 January, 1851, as quoted in Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, appendix II x.

⁵³³ Letter from Dr Fry to the Bishop of Sydney, 23 July 1856, as quoted in F. Barker, 'Reply of the Bishop of Sydney to the Appeal', July 2, 1856, 6.

⁵³⁴ Letter from Bishop of Sydney to Dr Brown, as quoted in Letter from Dr Fry to the Bishop of Sydney, Hobart Town, 23 July, 1856, as quoted in Barker, 'Reply of the Bishop of Sydney to the Appeal', 5.

implying that Scripture is the only authority or that Church tradition bears no authority. At the same time, Barker's statement liberated individuals to dissent. Fry affirmed this statement but did not believe Nixon would affirm it as Fry thought it was exactly the same as the *Solemn Declaration*.⁵³⁵ By 1856, the plight of the Evangelicals in Tasmania had become more desperate, so Fry was hoping for a fuller written statement from Barker vindicating Protestant principles to prevent further suppression of Evangelicals.⁵³⁶ He saw Barker as 'the last hope ... of preserving Protestant teaching in this colony.'⁵³⁷ But Barker's reply to the Appeal did not help Fry in his cause any further. He wrote, 'Legally, I have no ground for interposition; extrajudicially, I decline to give an opinion.' He defended his reply and said, 'there are many reasons why I should decline to adopt a course so inconvenient and so unsatisfactory', but the only reason he gave Fry was that he desired to stay impartial in the event he needed to adjudicate in a court of appeal in the future.⁵³⁸ As a result, Fry was mocked in the newspapers.⁵³⁹

The conflict only partially lessened with the establishment of a diocesan Synod for Tasmania in 1857. The Bishops' Conference had suggested synods be set up with lay involvement. The Bishops had envisaged that the clergy and laity would consult upon the temporalities of the Church.⁵⁴⁰ When the Evangelicals in Tasmania proposed equal participation for lay representatives in all deliberations and judgments, Nixon rejected the idea as too far-fetched as it was a revolutionizing of the Church.⁵⁴¹ However Fry felt that equal representation of

⁵³⁵ Letter from Dr Fry to the Bishop of Sydney, Hobart Town, 23 July 1856, as quoted in Barker, 'Reply of the Bishop of Sydney to the Appeal', 5.

⁵³⁶ Fry, *An Appeal to the Right Reverend the Lord Bishop of Sydney, Metropolitan of the Dioceses of Australia, Tasmania, &c. from Henry Phibbs Fry, D.D., Minister of St. George's, Hobart Town*, 13–14.

⁵³⁷ Fry, *An Appeal to the Right Reverend the Lord Bishop of Sydney, Metropolitan of the Dioceses of Australia, Tasmania, &c. from Henry Phibbs Fry, D.D., Minister of St. George's, Hobart Town*, 16.

⁵³⁸ Barker, 'Reply of the Bishop of Sydney to the Appeal', 2.

⁵³⁹ 'Review', *The Courier* (Hobart Town, September 14, 1857), 4.

⁵⁴⁰ Adelaide et al., *Minutes of Proceedings at a Meeting of the Metropolitan and Suffragan Bishops of the Province of Australasia*, 8.

⁵⁴¹ Nixon, *A Charge, Delivered to the Clergy of the Diocese of Tasmania, at the Visitation, Held in the Cathedral Church of St. David, Hobart Town, on Thursday, 22nd May, 1851; and in the Church of the Holy Trinity,*

clergy and laity was the only remedy 'and protection against the design and unrelaxing attempts to render our Colonial Church a Tractarian sect'.⁵⁴² After legal clarification from the Solicitor-General in England in 1854 declaring Synods in the colonies were not illegal, Tasmania followed the model established in Melbourne, with the Bishop, clergy and laity, all distinct elements, but requiring concurrent assent to pass all resolutions.⁵⁴³ Nixon instituted the Synod that Fry and the Evangelicals had originally proposed. It would provide a system to balance the Bishop's power. At the Synod, the newspaper recorded, 'His Lordship here left his place and approaching the Revd Dr Fry, cordially shook hands with him' eliciting a burst of applause.⁵⁴⁴ Fry left Tasmania forever soon after in February 1858. Nixon refused to allow Charles Bardin to replace Fry at St. Georges because he had signed the *Solemn Declaration*.

The outcome of the conflict left the Evangelical voice in the colony significantly weakened, but not extinct. Initially, the protest of the Evangelical clergy and laity was partially successful and slowed the 'Romanizing proceedings'.⁵⁴⁵ But the Evangelicals, clergy who were once in the majority, became a minority 'now nearly suppressed'.⁵⁴⁶ Two dozen Evangelical clergy opposing Nixon in 1851 had been reduced to three or four by 1856.⁵⁴⁷ Some of the key Evangelical leaders, such as Bedford and Palmer, had died.⁵⁴⁸ Many, such as Medland, had been forced to leave Tasmania while others had recanted under pressure.⁵⁴⁹ Fry lamented, 'the cause of truth struggles against error enforced by influence and power'.⁵⁵⁰ The

Launceston, on Thursday, 27th May, 16.

⁵⁴² Fry, 'Letter From the Rev. Dr. Fry, To the Archbishop of Canterbury, Hobart Town, February 20, 1852.', 3.

⁵⁴³ A. Davenport, *History of Synodal Proceedings in Tasmania: With an Appendix Containing the Act of Parliament by Which the Diocesan Synod Is Constituted* (Hobart Town: J. Walch & Sons, 1858), 4–11.

⁵⁴⁴ Launceston Examiner, 2 October 1857, as quoted in Stephens, *The Anglican Church in Tasmania*, 55.

⁵⁴⁵ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 55.

⁵⁴⁶ Fry, *An Appeal to the Right Reverend the Lord Bishop of Sydney, Metropolitan of the Dioceses of Australia, Tasmania, &c. from Henry Phibbs Fry, D.D., Minister of St. George's, Hobart Town*, 50.

⁵⁴⁷ Fry, 'Letter from Dr Fry to the Bishop of Sydney', 7.

⁵⁴⁸ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, xxii.

⁵⁴⁹ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, 51.

⁵⁵⁰ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy*

large Evangelical congregations in the parish churches, where Tractarian clergy were appointed by Nixon, were often reduced to only a handful people as many of the laity joined the Wesleyans.⁵⁵¹ At the cathedral Bedford, an Evangelical, was replaced by Nixon and Davies, and the cathedral's theology became a mixture of 'Sacramentalism and Tractarianism', with other 'Broad Church' ministers preaching there as well. Palmer was replaced at Trinity by Davenport, a Tractarian. At St. George's, after Fry left for England, his pulpit was occupied by 'High and Dry, Tractarian, Broad Church and Neologian' preachers in rapid succession.⁵⁵² Sadly, one itinerant preacher observed, 'I have not discovered any instances of conversion under any ministry.'⁵⁵³ Fry and the Evangelicals had spent so much time defending the gospel, that they had not been able to advance it either.

Despite the fact Fry and the Evangelicals had the support, in principle, of the Governors, Privy Council, Primate, the Bishops of Sydney and Melbourne, and the large majority of the laity, their opposition was generally in vain against Nixon. Bishop Nixon's stance on baptismal regeneration, his sympathy towards Tractarians, and his caricature of the *Solemn Declaration* as the doctrine of the radical Reformers, led him to exclude Evangelicals by denying them licences to minister. The Protestant character of the Church of England in Tasmania was gradually changed by the replacement of Evangelical clergy with Tractarians promoting semi-Roman doctrines. The strength of the Evangelical clerical voice was reduced to near silence. Many of the laity deserted the denomination. Only through equal participation of the laity in all Synodal decisions was a small victory won for the Evangelical cause.

Condemned for Asserting the Right of Private Judgment., 23.

⁵⁵¹ Fry, *Answer to the Right Rev. F. R. Nixon DD., Lord Bishop of Tasmania: Being a Vindication of the Clergy Condemned for Asserting the Right of Private Judgment.*, xviii.

⁵⁵² J. Roberts, *A Mirror of Religion and Society in Tasmania, During the Years 1857 and 1858* (Hobart Town: Walch & Sons, 1858), 8–9.

⁵⁵³ Roberts, *A Mirror of Religion and Society in Tasmania, During the Years 1857 and 1858*, 9.

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An Assessment of the Contribution of the Anglican Diocese of Sydney to the Debate on the Introduction of 'No-Fault Divorce' in the Family Law Act (1975).

Mark Wormell

Introduction

Gough Whitlam, the Prime Minister of Australia from 1972 to 1975, and many members of his Government, were immensely proud of the Family Law Act that passed with bi-partisan support in the Australian Parliament in 1975. Opinion polls showed the legislation, including its central provision that divorce would be granted for irretrievable breakdown to be evidenced only by twelve months continuous separation ('no-fault'), had the support of 60 – 70 per cent of the adult population.⁵⁵⁴ Yet the Anglican Diocese of Sydney (the 'Sydney Diocese') fought a strong battle against 'no-fault' divorce. This assessment of that battle will consider how well the Sydney Diocese understood its role in society, how well it understood the social and political movement for changes to the divorce law, and how well it engaged with government and the wider society. This assessment is necessary in the light of contemporary assessments that 'no-fault' divorce destroyed the institution of marriage.⁵⁵⁵

The paper will start with a brief look at the history of divorce in non-indigenous Australia since 1788. The Government's case for divorce law reform will then be outlined. The discussion will be limited to the grounds for divorce and not other changes introduced with

⁵⁵⁴ Opinion poll results quoted by Senator Alan Missen, Family Law Bill, 1974, Second Reading Speech, Senate, 29 October, 1974, at pp. 4-6, Hansard, http://www.aph.gov.au/Parliamentary_Business/Hansard.

⁵⁵⁵ For this view see Philip Jensen, 'No-Fault Today; No Marriage Tomorrow', first published 17 July 2011, at <http://www.phillipjensen.com/articles/no-fault-today-no-marriage-tomorrow/> accessed 26/5/2013

the Family Law Act (1975).⁵⁵⁶ The Diocese's response will then be critically assessed, with a particular focus on the contribution of the leadership. The response of Sydney Anglicans was much broader than this, but that would be hard to assess in the space available.⁵⁵⁷

A Brief History of Divorce Before 1972

Prior to 1857 there was no divorce in Australia. In England divorce was expensive and rare. It was largely confined to the rich and powerful, as each divorce required a specific Act of Parliament.⁵⁵⁸ In the Australian colonies desertion was quite common, and remarriage could follow. The potential charge of bigamy was dealt with by the 'presumption of death'. Finlay says, 'The defence was utilised particularly where the missing spouse had been beyond the seas for seven years, sometimes even where the defendant knew her or him to be alive'.⁵⁵⁹ This may be seen as a pragmatic forerunner of 'irretrievable breakdown' based on a period of separation.⁵⁶⁰ It appears that both bigamy and cohabitation were common in the Colonies.⁵⁶¹ It is difficult to get accurate figures, but there are claims that the number of women in legal marriages could have been as low as twenty-five per cent.⁵⁶² Hence, the

⁵⁵⁶ These included the establishment of The Family Court of Australia, attempts at reconciliation, and changes to laws relating to maintenance, custody and property division. The Sydney Diocese recognised the need for some of these changes.

⁵⁵⁷ However, for a very critical assessment of the letter-writing activities of Sydney Anglicans, see the quote from Senator Arthur Gietzelt at p.25 below.

⁵⁵⁸ Theoretically this avenue applied in the Australian colonies, but no Australian divorce is recorded: see Henry A. Finlay, *Family Law in Australia*, 3rd Edition (North Ryde, NSW: Butterworths, 1983), 8. Also see Henry Finlay, 'Divorce and the Status of Women: Beginnings in Nineteenth Century Australia', Presentation to a seminar at the Australian Institute of Family Studies, 20 September 2001, found at <http://www.aifs.gov.au/institute/seminars/finlay.html> accessed 26/5/2013

⁵⁵⁹ Finlay, 'Divorce'.

⁵⁶⁰ For example, see section 55 of *The Tasmanian Criminal Law Consolidation and Amendment Act of the 27th Vict*, section 55, Hobart 1864, at 30-31.

⁵⁶¹ Professor Peter McDonald says of mid 19th Century Australia, 'The fact that only 27% of the adult women were reported as married should not, therefore, be seen as a revolt against the institution of marriage, but rather as a result of a number of factors which led the majority of the population to ignore the official or legal form of marriage.', *Marriage in Australia*, (Canberra: ANU 1974), at p.33

⁵⁶² McDonald, *Marriage*, p.33. McDonald may have relied on Samuel Marsden's assessment of about 395 married women out of approximately 1,430 women, or 28%, which excluded Catholic marriages and common law marriages, hence was low. See - Revd Samuel Marsden: a few Observations on the Situation of the Female Convicts in New South Wales. c.1806 (M.L.Mss18) found at

colony was not established with a strong commitment to marriage, although marriage became the norm by 1900.⁵⁶³

The changes brought about by urbanisation and economic development resulted in the English Divorce and Matrimonial Causes Act of 1857. At the suggestion of the Colonial Secretary, Lord Stanley, each colony passed similar legislation. New South Wales was the last to do so in 1873.⁵⁶⁴ The law differed from colony to colony, and was only unified in the Matrimonial Causes Act, 1959 (Cmth) (the '1959 Act'). The grounds for divorce in New South Wales changed over time, but at their most extensive were adultery, rape, sodomy, bestiality, drunkenness, various forms of violence, refusal to reinstate conjugal rights, imprisonment, insanity, and desertion for more than three years. So a spouse could walk out on his/her spouse, and abandon all care for that spouse and any children, and the deserted spouse would have grounds for divorce. It was not used much, as desertion often accompanied adultery or abuse, and they were quicker and easier to prove. In fact, in 1973, under the 1959 Act some 43-45 per cent of marriages were granted a divorce within one year of separation, usually on grounds of adultery or cruelty, and hence twelve months separation would be slower in many cases.⁵⁶⁵

One peculiarity of the debate in the early 1970s is how little reference there is to, or apparent knowledge of, the controversies that preceded the enactment of the 1959 Act. The most controversial provision was section 28(m),⁵⁶⁶ which introduced the new ground of separation

<http://www.records.nsw.gov.au/state-archives/guides-and-findings-aids/short-guide-2/marriages>, accessed on 26/5/2013.

⁵⁶³ See marriage rate at Australian Bureau of Statistics, <http://www.abs.gov.au/ausstats/abs@.nsf/94713ad445ff1425ca25682000192af2/0b82c2f2654c3694ca2569de002139d9!OpenDocument>, accessed 27/5/2013.

⁵⁶⁴ *An Act to confer jurisdiction on the Supreme Court in Divorce and Matrimonial Causes*, No IX of 1873 (NSW).

⁵⁶⁵ Senator Lionel Murphy, Family Law Bill 1974, Second Reading Speech, Senate, 3 April 1974, Hansard, http://www.Aph.Gov.Au/Parliamentary_Business/Hansard.

⁵⁶⁶ Which was referred to as section 27(m) in early debates before the final form of the bill was brought forward.

for five years.⁵⁶⁷ Among the other thirteen grounds for divorce was desertion for more than two years.⁵⁶⁸ One could be excused for saying, 'what's the difference between desertion for two or three years, and separation for five years, other than the number of years?' However, this question goes to the heart of the controversy. First, separation neither required nor permitted an allocation of guilt. Second, a 'deserter' could not sue for divorce, and thereby be 'rewarded' for his/her reprehensible behaviour, whereas seeking divorce was open to each separated spouse. As will be seen, many Christians could not accept divorce without identifying and punishing the 'guilty' party.⁵⁶⁹ Third, the evidentiary burden for proving desertion was hard because the 'deserter', unlike the 'separator', was unlikely to give evidence of his/her intention to not resume the marriage.

Although not unanimous, there was strong opposition from various churches to this new ground for divorce. The Anglican and Roman Catholic churches combined to send a petition to the Queen to disallow the whole Act because of this one provision.⁵⁷⁰ The debates in both houses of Parliament reflected the opposition from various churches that the change made divorce 'easier'. The Attorney General, Sir Garfield Barwick QC, defended his proposed legislation at a public debate at All Soul's Anglican Church, Woollahra, arguing 'laws of divorce do not cause breakdowns in marriage'.⁵⁷¹ Similar arguments had been made for sometime but they did not persuade Sydney Anglicans. Archbishop Gough said, simply, 'The Divorce Bill now before the Federal Parliament cannot fully be supported by us for it

⁵⁶⁷ The text of the section is, '(m) that the parties to the marriage have separated and thereafter have lived separately and apart for a continuous period of not less than five years immediately preceding the date of the petition, and there is no reasonable likelihood of cohabitation being resumed'.

⁵⁶⁸ For all the grounds, see <http://www.comlaw.gov.au/Details/C2004C05265>. The text of the section for desertion was, '(b) that, since the marriage, the other party to the marriage has, without just cause or excuse, wilfully deserted the petitioner for a period of not less than two years'.

⁵⁶⁹ The biblical basis for this is discussed below in relation to the Family Law Act, 1975 (Cmth), but it is based on analogical thinking drawing on the teaching of Jesus in Matthew 5:31-32 and 19:8-9, that, it is argued, permits divorce when the 'guilty' party is an adulterer, or, by analogy, the perpetrator of some other offence that is clearly incompatible with marriage, e.g. repeated violence or desertion.

⁵⁷⁰ 'Appeal to Queen on Divorce: Backing in 2 Churches', Sydney Morning Herald, 4/9/1960, p.27.

⁵⁷¹ Reported in Sydney Morning Herald, 21/11/1959, p.6.

would make divorce easier.’⁵⁷² He recognised ‘the sincerest desire on the part of its supporters to remedy ills of the present situation’, but beside a ‘no’ to the bill, advocated ‘proper preparation and instruction for bride and bridegroom’ and suggested ‘that one practical thing that can be done towards...[preventing marriage breakdowns] is to raise the marriage age’.⁵⁷³

The Case for Change

Despite the codification and changes introduced by the 1959 Act, recognition grew during the 1960s that the divorce laws did not work well. The problems included that ‘fault’ had to be established by the petitioning party. This involved costly lawyers and legal proceedings in local courts, which meant petitioners had to line up with petty criminals.⁵⁷⁴ The fact that 95 per cent of divorce applications were not contested⁵⁷⁵ suggests that, in most cases, both parties wanted the divorce.⁵⁷⁶ Adultery was a common ground for divorce and this produced two social ills. The first was the need to use often unscrupulous private investigators, and the

⁵⁷² Presidential Address to the Sydney Diocese Synod on 25/9/1959, reported in *Sydney Diocese Year Book*, 1960 at p.233.

⁵⁷³ This does reflect a different social context to the present. Then cohabitation before marriage was widely perceived as ‘living in sin’ and reprehensible. Compare that with 2009, when the majority of couples registering their marriage in 2009 lived together before marriage (77.4%), per the Australian Bureau of Statistics, <http://www.abs.gov.au/ausstats/abs@.nsf/0/A6D91E3F9CAA4766CA2577ED001461A8?opendocument> (accessed 17/4/2013). Also, ‘in 2006, de facto partners represented 15% of all people living as socially married – that is, all those either in a registered marriage or a de facto relationship, per the Australian Bureau of Statistics’, <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1301.0~2012~Main%20Features~Marriages,%20de%20facto%20relationships%20and%20divorces~55> (accessed 17/4/2013).

⁵⁷⁴ Senator McClelland, in his second reading speech, empathised with ‘the wife, who is already in a distressed condition which normally accompanies the breakdown of marriage, has to take her place in the queue with prostitutes, pickpockets and the general criminal element of society’, Family Law Bill 1974, Senate, 29 October, 1974, Hansard, p.4. http://www.aph.gov.au/Parliamentary_Business/Hansard.

⁵⁷⁵ Various speakers referred to this figure, including William McMahon, Speech, House of Representative, 19 May 1975, Hansard, http://www.aph.gov.au/Parliamentary_Business/Hansard.

⁵⁷⁶ The cost of defending divorce proceedings would have been a factor in some cases.

second was fabricated evidence and perjury.⁵⁷⁷ Both these practices were corrupting of personal morality and the legal system. The Senate agreed with Senator Lionel Murphy in 1971 to allow the Standing Committee on Constitutional and Legal Affairs (the 'SCCLA') to review marriage and divorce law.⁵⁷⁸ The review continued when the Labor Party won the Federal election on 2 December 1972.

The Family Law Bill (the 'Bill') was introduced into Federal Parliament in late 1973 by Senator Murphy. Both major parties gave their members a conscience vote. The Bill passed in 1975 with bipartisan support.⁵⁷⁹ The arguments for the Bill need to be considered, as it is these that the Church had to understand and respond to.

There were three main parts to Murphy's argument. First, he said the SCCLA had received uncontested evidence that divorce based on 'the principle of matrimonial fault' was 'not in accord with current social standards' and the 'public attitude to divorce had changed dramatically since 1959'.⁵⁸⁰ This evidence included two opinion polls taken in late 1973. Despite the question being loaded against the 'yes' vote,⁵⁸¹ the Gallup Poll showed 63 per cent were in favour of the proposed change. The second poll was conducted along denominational lines, and showed that the total 'Protestant, Anglican and other' Christian

⁵⁷⁷ Finlay, *Family*, 27. The major grounds for granting divorce in 1975 were desertion (8,888 cases), adultery (8,023 cases), separation for more than 5 years (3,390) and cruelty (2,615 cases). These ills were also referred to in the Parliamentary debate: see fn. 30.

⁵⁷⁸ Although the Prime Minister of the time, William McMahon, lost badly to the Whitlam government in the 1972 Federal election, he was a strong supporter of the Family Law Bill: William McMahon, Speech, House of Representative, 19 May 1975, Hansard, http://www.aph.gov.au/Parliamentary_Business/Hansard.

⁵⁷⁹ The vote for the single ground of separation for 12 months was approved in the committee stage of the legislative process in the House of Representatives by 66 votes to 52, see 'Single ground for divorce, Parl't decides', Sydney Morning Herald, p.1, 20/5/1975.

⁵⁸⁰ Senator Lionel Murphy, Family Law Bill 1973, Second Reading Speech, Senate, 13 December 1973, Hansard, http://www.aph.gov.au/Parliamentary_Business/Hansard.

⁵⁸¹ The question was 'The Federal Attorney-General has proposed that in future the only ground for divorce should be evidence of 12 months separation. *This will make divorce easier to obtain*. Do you think this is a good thing or a bad thing?' (italics added): quoted by Senator Alan Missen, Family Law Bill 1974, Second Reading Speech, Senate, 29 October 1974, Hansard, p.4. http://www.aph.gov.au/Parliamentary_Business/Hansard. As discussed below, the claim that the proposed change made divorce 'easier' was hotly contested, including by Senator Missen.

(but not Catholic) support for divorce after no interval or an interval of 12 months was 71.8%.⁵⁸² Murphy noted some 'traditionalists' had wanted to retain some sense of fault and preferred two to three years separation over the proposed sole ground of twelve months separation, but Murphy contended they were in the minority and out of step with community views.⁵⁸³ Second, the laws were 'unnecessarily prolix and cumbersome'. Third, the current legal practices resulted in 'high costs, delays and indignities to the parties'.⁵⁸⁴

Murphy went on to argue the laws were in line with developments elsewhere,⁵⁸⁵ and that his new 'good divorce law' would 'buttress, rather than undermine, the stability of marriage'. He made the point that the laws should be 'understandable and respected by the public'.⁵⁸⁶ It was hard to see how people could respect laws based on fault, when most people accepted one defaulting party alone very rarely caused a failed marriage.

A significant feature of the Bill was the initial focus on meetings to assess whether reconciliation was possible. This was subsequently watered down after the Bill became law, but this focus may have taken some of the sting out of the argument that divorce was to become an easy, administrative process that took the marriage out of the hands of someone seeking reconciliation.⁵⁸⁷ Murphy argued 'the Bill recognises the desirability of reconciliation' while also contending that the evidence was that very few marriages were

⁵⁸² Quoted by Senator Alan Missen, Family Law Bill, 1974, Second Reading Speech, Senate, 29 October, 1974, at pp. 4-6, http://www.apf.gov.au/Parliamentary_Business/Hansard.

⁵⁸³ The second poll referred to in the preceding footnote suggested only 3.7% wanted divorce granted after 2 years separation.

⁵⁸⁴ Other speeches buttressed this criticism with reference to the 'proof of fault [being] nearly always defective, often collusive and frequently manufactured': Senator James McClelland, Family Law Bill 1974, Second Reading Speech, Senate, 29 October, 1974, Hansard, http://www.Apf.Gov.Au/Parliamentary_Business/Hansard. It also involved perjury. Interjection from Senator Poysner, confirmed by Senator McClelland: Senator James McClelland, Family Law Bill 1974, Second Reading Speech, Senate, 29 October, 1974, Hansard, http://www.Apf.Gov.Au/Parliamentary_Business/Hansard.

⁵⁸⁵ For example, England, Canada and California.

⁵⁸⁶ Senator Lionel Murphy, Family Law Bill 1973, Second Reading Speech, Senate, 13 December 1973, Hansard, http://www.Apf.Gov.Au/Parliamentary_Business/Hansard.

⁵⁸⁷ The reconciliation provisions under the 1959 Act were referred to as a 'hollow farce': Senator James McClelland, Family Law Bill 1974, Second Reading Speech, Senate, 29 October, 1974, Hansard, http://www.Apf.Gov.Au/Parliamentary_Business/Hansard.

ever retrieved after twelve months separation.⁵⁸⁸ Murphy asserted that people did not rush into divorce because of the financial and social implications, and that society needed to recognise that marriages breakdown, and needed to be dealt with 'the maximum fairness and the minimum bitterness, distress and humiliation'.⁵⁸⁹

The Anglican Diocese of Sydney Responds

The Sydney Synod resolved on 18 October 1972 to establish a committee to 'examine the teaching of the Bible and the doctrine and practice of the Church of England concerning marriage and divorce'.⁵⁹⁰ The committee was called 'The Committee on Marriage, Divorce and Re-Marriage'. The addition of 'Remarriage' is significant. It is apparent from the interim (and only) report delivered to Standing Committee in August 1973 that the committee saw its primary task to consider whether, and in what circumstances, the Church could remarry a divorced person.⁵⁹¹ This issue had been around for some time. For a number of centuries remarriage was precluded by the Canons of 1603. Broughton Knox opined that the position changed about the time the English Divorce and Matrimonial Causes Act of 1857 was passed, but the position was unclear.⁵⁹² The Archbishop of Sydney, Dr H.W.K. Mowll, said in response to some Anglican clergy in England in 1957, who were revolting against their bishops and proposing to marry divorcees, 'The clergy has not my approval if

⁵⁸⁸ This was substantiated later by reference to evidence from lawyers and the Scottish Law Commission that after 12 months separation 'all prospects of reconciliation have in the vast majority of cases evaporated': Senator James McClelland, Family Law Bill 1974, Second Reading Speech, Senate, 29 October, 1974, Hansard, http://www.Aph.Gov.Au/Parliamentary_Business/Hansard.

⁵⁸⁹ Senator Lionel Murphy, Family Law Bill 1973, Second Reading Speech, Senate, 13 December 1973, Hansard, http://www.Aph.Gov.Au/Parliamentary_Business/Hansard.

⁵⁹⁰ Resolution 37/72, reported in the *Year Book of the Diocese of Sydney, 1973*, at p.300. This was in addition to the committee appointed by Synod resolution 20/71, *Year Book of the Diocese of Sydney, 1972*, at p.289. to consider Christian Teaching on Family Life. This committee submitted a report 'Christian Teaching on Family Relationships', referred to in Synod resolution 13/73, *Year Book of the Diocese of Sydney, 1974*, at p.250. This report recommended practical steps, including through the Diocese's Marriage Guidance Centre, to strengthen families, see *Year Book of the Diocese of Sydney, 1974*, at p.369-385.

⁵⁹¹ *Anglican Diocese of Sydney Year Book 1974*, 389-391. The interim report was received by the Synod by resolution 3/73, *Year Book of the Diocese of Sydney, 1974*, at p.248.

⁵⁹² Reported in 'Thou shalt not... Atomic age religion', *Sydney Morning Herald*, 21/7/1957, p.7.

they take the marriage of anyone who has been divorced'.⁵⁹³ The attitude shifted in the 1960s with more Sydney Anglicans supporting remarriage for the 'innocent' party.⁵⁹⁴

The issue became more pressing with the prospect of more divorces and divorces with no external evidence of fault. The General Synod of Australia received a detailed report dated 20 November 1972 in which divorce on the grounds of 'irretrievable breakdown' was accepted, and recommended remarriage in church when 'due safeguards' were implemented.⁵⁹⁵ This view drew on 'An adequate doctrine of grace [which] can loose as well as bind, forgive as well as bless'.⁵⁹⁶ It contended that it 'is to be doubted...whether the institution of marriage is really strengthened at all when the Church absolutely and unequivocally sets its face against affording relief in hard cases'.⁵⁹⁷ A provisional canon permitting remarriage in limited circumstances was passed with the support of the Sydney Diocese, but was ruled invalid.⁵⁹⁸

It appears that initially many in the Sydney Diocese focussed more on the internal issue of remarriage than the external threat to society proposed by Murphy's innovations. The only reference the interim report made to the reforms Senator Murphy was considering was to

⁵⁹³ Reported in Sydney Morning Herald, 19/11/1957, p.9.

⁵⁹⁴ See the support for 'A Canon concerning the Marriage of Divorced Persons', discussed below.

⁵⁹⁵ Report of The Commission on Marriage and Divorce from the Commission appointed by General Synod of the Church of England in Australia (Minute 7/69), presented to the General Synod, Session - May, 1973, at p.7. Source: General Synod Archives. Bruce Smith, then a lecturer at Moore Theological College was a member of the Commission, and contributed to the majority submission. The Sydney Synod noted the majority conclusion was in accord with its own view, although 'reached upon a different theological basis', resolution 3/73, *Anglican Diocese of Sydney Year Book 1974*, p.248.

⁵⁹⁶ Here citing from 'Putting Asunder: A Divorce Law of Contemporary Society.' (The Report of Group appointed by the Archbishop of Canterbury), S.P.C.K. 1966, p. 73. We will meet this report again below, as proponents of the Family Law Bill were able to use it to good effect against the Sydney Diocese, and other church opposition

⁵⁹⁷ Report of The Commission on Marriage and Divorce from the Commission appointed by General Synod of the Church of England in Australia (Minute 7/69), p.7. The report contained a long 'indissolubilist' view of marriage in a minority report. The indissolubilist view was not a significant position in the Sydney Diocese.

⁵⁹⁸ 'A Canon concerning the Marriage of Divorced Persons, revised version containing all amendments', dated 25/5/73. Source: General Synod Archives. The indissolubilists challenged the provisional canon and it was found invalid in a ruling of the Appellate Tribunal: Report of The Hon. Mr. Justice Athol Richardson, dated 25 September, 1974. Source: General Synod Archives.

correspondence with Senator Murphy. It was reported that the Senator Murphy had replied on 18 June 1973 that he was 'inclined to the view that irretrievable breakdown of marriage should be established by one year's separation of the parties'. The Committee reported that it was seeking the views of other interested parties on this proposal and waiting on draft legislation.⁵⁹⁹

The rest of the interim report comprised an analysis of the biblical teaching on divorce, an endorsement of the pastoral recommendations of the Lambeth Conference in 1948,⁶⁰⁰ and a comment on General Synod Provisional Canon. In other words, the Committee said nothing on the social, legal and political pressures that had given rise to the proposed rewrite of the law of marriage and divorce. It did not recommend making any submission to the SCCLA or the Attorney General, despite a general invitation to do so. There was no recognition of the support for 'no-fault' divorce in the community, or the need to stop or redirect the initiative before it was introduced in Parliament.

The interim report was not unanimous as some argued an 'indissolubilist' position. However, the first conclusion in the interim report is worth quoting in full:

'We accept that Matthew 19:1-12 and Mark 10:1-12 are both equally to be determinative in relation to Christ's teaching, and we reject the view that material found exclusively in Matthew is to be treated as non-authentic or later church additions.'⁶⁰¹

In the later debates Sydney Anglicans generally did not take an 'indissolubilist' position, but extrapolating from Matthew 19, they accepted divorce when there was fault akin to adultery, or other objective evidence that the marriage was untenable or had been abandoned.⁶⁰²

⁵⁹⁹ *Anglican Diocese of Sydney Year Book 1974*, 389-391.

⁶⁰⁰ Resolutions 92-99 from the 1948 Lambeth Conference, <http://www.lambethconference.org/resolutions/1948/>

⁶⁰¹ *Anglican Diocese of Sydney Year Book 1974*, 389-391

⁶⁰² See the endorsement of the Open Letter of Concerned Christians to the Attorney General: Family Law Bill, dated 3 February, 1975, discussed below: Standing Committee of Synod - Minute Book, 1973-1974, Volume 30, at p. 45, Sydney Diocesan Archives, [Accession Number 2008/001]..

Various inferences could be drawn from this report. First, the Committee may have seen its primary purpose was to get the theology of divorce right, rather than to engage with arguments for and circumstances behind the push for 'no-fault' divorce. Second, differences of opinion, evident in the need to address the apparent absolute prohibition on divorce in Mark 10 took up the time of the Committee. Third, the very existence of the report suggested, beside a general opposition to divorce, that a coherent, agreed, well publicised view on the biblical teaching on marriage and divorce had been absent.

The report contained no discussion of how twelve months separation may relate to the biblical concept of 'sundering'. Further, there was no discussion of whether a divorce granted on the basis of twelve months separation satisfied the biblical test for divorce. By focussing on theological issues that could arise at any time, it appears that there was no perceived need to deal with the particular theological issues raised by the proposed changes to the law.

Following the introduction of the Bill in Parliament through the Senate in late 1973, the Standing Committee of the Sydney Synod, and three leading Anglicans in Sydney, Archbishop Marcus Loane, Dean Lance Shilton and Broughton Knox, Principal of Moore College, fought a public battle against the draft legislation. They were joined by Anglican clergy who preached against the Bill and who wrote letters to Members of Parliament.⁶⁰³ Lay Anglicans also wrote letters to their members.

⁶⁰³ Mention is made of this correspondence in the following speeches: Senator Arthur Gietzelt, Family Law Bill 1974, Second Reading Speech, Senate, 19 November, 1974, Hansard, http://www.Aph.Gov.Au/Parliamentary_Business/Hansard; Senator Don Grimes, Family Law Bill 1974, Second Reading Speech, Senate, 30 October, 1974, Hansard, http://www.Aph.Gov.Au/Parliamentary_Business/Hansard.

In February 1974, the Sydney Diocesan Standing Committee set up a committee to review the Bill.⁶⁰⁴ The next month it received a report on the Bill claiming it would make divorce 'easier' and that it was 'anti-family'. The report called the Bill 'A Bill for Disposable Marriages' and a 'fraud on the community'. Standing Committee resolved that it 'was not necessarily satisfied with the present law and is aware of human problems'. However, when it wrote to the Attorney-General on 3 April 1974 with a copy of the report, it proposed no alternative. Rather, it opposed the Bill outright because it 'may well cause fundamental changes in society and the family structure'.⁶⁰⁵ This assertion was neither argued nor substantiated. Nor was there any attempt to engage with the arguments Senator Murphy had advanced in support of the Bill. Murphy's arguments concerning many 'no-fault' divorces being slower, and his focus on reconciliation, were ignored. Further, the Sydney Diocese did not grapple with the common view that marriages fail because of the failings of both parties, yet its own theology was that all people sin.

The correspondence file of Archbishop Loane shows he was greatly concerned by the Bill.⁶⁰⁶ He corresponded with many members of Parliament and kept annotated copies of speeches, reports and newspaper cuttings. In early 1974 he had Prime Minister Gough Whitlam to dine at Bishopscourt. This came as a surprise to Whitlam, who was even more surprised when Loane expressed his vigorous opposition to the Bill, and urged Whitlam to direct his party to oppose it.⁶⁰⁷ Did Loane really expect Whitlam to oppose legislation his own party had introduced? Although Whitlam came from deeply religious parents, his

⁶⁰⁴ Resolution 10(e), dated 25 February 1974, Standing Committee of Synod - Minute Book, 1973-1974, Volume 28, Sydney Diocesan Archives, [Accession Number 2008/001]

⁶⁰⁵ Standing Committee of Synod - Minute Book, 1973-1974, Volume 28, Sydney Diocesan Archives, [Accession Number 2008/001]

⁶⁰⁶ Archbishops Office - Correspondence Issues - 1973-1974. Family Law Bill. Sydney Diocesan Archives, [Accession Number 1992/026/139]

⁶⁰⁷ Jenny Hocking, *Gough Whitlam, It's Time: The Biography*, (Carlton, Vic: Miegunyah Press, 2012), 183.

irreligion was well known and he would later describe himself as 'post-Christian' and the Sydney Diocese as 'wealthy, and aggressive towards its neighbours'.⁶⁰⁸

It is hard to see that Loane's strategy of 'going to the top' stood much chance of success. Whitlam was immensely proud of the Bill. He said:

'Australia...will have the most enlightened matrimonial and family law in the world. The medieval concept of guilt and fault will be removed from divorce proceedings...By recognising the fundamental status of marriage as a profoundly personal human relationship, a relationship requiring the full consent, the continuing consent, of two partners.'⁶⁰⁹

Loane followed up his meeting with Whitlam with a letter to the editor of the Sydney Morning Herald on 6 April 1974.⁶¹⁰ He criticised the Bill and urged it not to be passed because it would 'change our traditional understanding of marriage' and would be 'likely to encourage people to enter into marriage unadvisedly, lightly or wantonly'. He produced no evidence, such as market research, to support this. He then argued that a one year separation, 'without regard for causes, motives or consents', was not evidence that the marriage was broken beyond repair. He did not deal with the evidence the SCCLA had received that marriages were rarely retrievable after twelve months separation. His arguments were again based on the idea that 'easy divorce' would provoke more divorce. This had two problems. First, again there was no evidence to support it.⁶¹¹ Second, it did not address the fact that

⁶⁰⁸ Book launch reported by Tony Stephens 'Churches feel Whitlam's smiling wrath', <http://www.smh.com.au/news/National/Churches-feel-Whitlams-smiling-wrath/2004/12/08/1102182365088.html> accessed 14/5/2013

⁶⁰⁹ E.G. Whitlam, Prime Minister, Press Conference 30 May 1975, Whitlam Institute E-Collection. Looking back on this, it is easy to see where the movement for 'gay-marriage' tapped into. Whitlam required only 'two partners' not a 'man and a woman'.

⁶¹⁰ 'Family Law Bill Attacked: Appeal to MPs to reject measure', Sydney Morning Herald, 6 April 1974, p.5. See also Archbishops Office - Correspondence Issues - 1973-1974. Family Law Bill. Sydney Diocesan Archives, [Accession Number 1992/026/139]. Loane wrote in similar terms in the Diocese's *Southern Cross* publication: J.R. Reid, *Marcus Loane: A Biography* (Brunswick East, Vic.: Acorn Press, 2004), 85-86.

⁶¹¹ The divorce rate did spike after the Bill became operational on 5 January 1976, but then dropped back to be in line with the slow increase that had been evident since 1950, such that the rate in the

nearly half of the petitions for divorce under the 1959 Act were filed earlier than 12 months after separation. Hence, the link between the grounds for divorce and marriage breakdown was never proved, and Loane's argument appeared as rhetorical speculation.⁶¹²

Loane went on to argue, 'Our legislators in the past have declined to allow divorce by mutual consent'. Although technically correct, this was misleading because that is not what the Bill proposed. Further, the 'no-fault' Rubicon had been breached in the 1959 Act. Loane objected to 'divorce by abandonment', although this had been the law and practice since the Colony was founded. He criticised divorce 'without penalty or disability', without explaining what good such penalties or disabilities would be to a couple whose marriage had in fact broken down irretrievably (a state he recognised as a reality, despite Christian hope and prayer), or how that would preserve a marriage in difficulty. Finally, he criticised the law change for not being based on 'wider consultation', although English Anglicans had advocated the change eight years before,⁶¹³ and there had been a huge public debate for several years. The Anglican Church had been consulted, but had been slow in responding.⁶¹⁴

Murphy responded to Loane personally with a long, detailed letter which Loane received on 10 May 1974. Murphy criticised Loane for showing no evidence to support his assertion that people would now enter marriage 'unadvisedly'. He argued that requiring an objective

early 2000's was at the rate it could have been expected to have been at without the change of law in 1975. Hence, Loane's speculation has not been proved right. Since then, the divorce rate has dropped. See Australian Bureau of Statistics, <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/947114F16DC7D980CA25773700169C64?opendocument> (accessed on 23/5/2013).

⁶¹² See, for example, Senator Alan Missen, Family Law Bill 1974, Second Reading Speech, Senate, 29 October, 1974, Hansard: http://www.Aph.Gov.Au/Parliamentary_Business/Hansard.

⁶¹³ See the 'Putting Asunder' report referred to above.

⁶¹⁴ Senator James McClelland stated that the view there had not been enough consultation was 'just so much hogwash' and that it took the churches, including the Anglican church, two years to make submissions to the Senate Committee, and did so only after he wrote to them to chase them up, 'We had to go after them to get them to tell us what their opinions were': Family Law Bill 1974, Second Reading Speech, Senate, 16 October 1974, Hansard: http://www.Aph.Gov.Au/Parliamentary_Business/Hansard.

ground of fault had not worked in England,⁶¹⁵ and criticised Loane for not recognising that one party alone seldom caused marriage breakdowns.

Loane followed up with a letter of 22 May 1974 in which he did not refute Murphy's criticisms. Rather he changed his point of attack, claiming not recognising fault 'must lead to injustice in many cases'.⁶¹⁶ He had in mind the moral opprobrium that would attach to deserted wives. Again Loane missed the point, which was that the Bill was trying to deal with marriages that had failed because both parties had failed, and to let parties get on with their lives without pretending that fault lay only with one party. Murphy's argument was that the stigma of divorce would not keep a marriage together as a marriage, though it may keep two people under the same roof.

Dean Lance Shilton took a more strident position than Loane. He derisively claimed that people marrying at marriage registries would use 'the Murphy Marriage Manual with verbal inspiration of the Family Law Bill' as their Bible when marrying. He criticised the Bill for its 'take it or leave it approach to marriage' and contrasted it with Christian marriage.⁶¹⁷ Shilton spoke at a mass rally of 25,000 in Hyde Park on 7 April, 1974 organised by the Festival of Light. He linked divorce law reform with concurrent debates on pornography, euthanasia and abortion, and questioned the openness and integrity of some politicians.⁶¹⁸

Other leading Sydney Anglicans bought into the debate. Broughton Knox wrote to the Sydney Morning Herald:

⁶¹⁵ Following the recommendations of the Archbishop of Canterbury's Committee in 1966, England had streamlined its divorce laws, but kept the requirement for a finding of fault. This was removed for 'no-fault' in 1976.

⁶¹⁶ Archbishops Office - Correspondence Issues - 1973-1974. Family Law Bill. Sydney Diocesan Archives, [Accession Number 1992/026/139]

⁶¹⁷ Alan Gill, 'Vote 1 for Morality Dean Tells Rally', Sydney Morning Herald, 8 April 1974, p.8.

⁶¹⁸ Alan Gill, 'Anglican dean hits out at divorce bill', Sydney Morning Herald, 23 October, 1974, p.20.

'Up until now marriage has been "for better, for worse, for richer, for poorer, in sickness and in health," but Senator Murphy's Family Law Bill scraps this. Marriage is now only "for better" ... Divorce by consent has never yet been accepted by the Australian community but at least if both parties consent to the divorce the likelihood of injustice will be minimised but Senator Murphy's Bill is divorce by unilateral decision by one spouse only forced on the other willy-nilly. It will be a fruitful source of great and cruel injustice and indignity.'⁶¹⁹

The similarities with Loane's position are obvious. One cannot doubt Knox's sincerity or concern for the oppressed, but this letter evidences how much Knox was out of touch with Australian culture, both past and present. He correctly quoted the promises made in many church weddings, but ignored the high level of unmarried cohabitation in the early colony and the growing incidence of it in the 1970s. The high level of uncontested divorces prior to 1975,⁶²⁰ and the incidence of contrived evidence, suggest that 'consent' was a very common feature of divorce. Further, desertion had always been a 'unilateral decision' of one spouse, and a feature of practice since the early 1800s and a feature of the law since 1873.⁶²¹ It is one thing to bravely and consistently put forward the biblical view of marriage and divorce, as many Sydney Anglicans (including Knox) did. It is another thing to misunderstand the context in which one speaks and writes.

Two days later Knox took to the airwaves with a talk on 'Marriage and Divorce' in his 'The Protestant Faith' series.⁶²² His arguments were largely the same, but more rhetorical. He

⁶¹⁹ D.B. Knox to the Editor, Sydney Morning Herald, 15 March 1974, Box 16, Folder 2, Knox papers, Moore College archives, cited in Marcia Cameron, *An Enigmatic Life: David Broughton Knox, Father of Contemporary Sydney Anglicanism*, (Brunswick East, Vic: Acorn, 2006) p.217.

⁶²⁰ Senator McClelland cited the 'Putting Asunder' report of the 'Archbishops of Canterbury's Group' as noting 'every uncontested divorce is in fact a divorce by consent': Senator James McClelland, Family Law Bill 1974, Second Reading Speech, Senate, 29 October, 1974, Hansard, p.2. http://www.aph.gov.au/Parliamentary_Business/Hansard.

⁶²¹ Technically, desertion did not end a marriage, only a legal divorce did that. However, the common view was that the behaviour of the parties ends marriage, and the role of the law was to reflect reality.

⁶²² Transcript of talk in Robinson, Donald - Personal Papers - 1973-1974 Family Law Bill, Sydney Diocesan Archives, [Accession Number 1993/053/114].

claimed, 'every existing marriage and every future marriage comes under threat', without showing how this applied to the majority of marriages that were between people who worked through the difficulties of marriage and stayed together until death separated them, or how the Bill was conceptually different from the 1959 Act. It appears part of his anger was directed against the Labor Party, as he claimed it had no mandate for this legislation.⁶²³ Claims of what constitutes a mandate are notoriously slippery, but whether Knox was accurate or not, the issue would evaporate on 18 May 1974 when Labor was re-elected. Knox could not claim to have the people on his side.

A review of the private papers of Donald Robinson (then Bishop of Parramatta) indicate there was much sharing of letters and reports between Loane, Knox and Robinson.⁶²⁴ However, there is no evidence that an assessment was ever made of what was achievable, given the broad community and political support for the Bill. Nor was any detailed plan made to prosecute the 'no' case. Throughout 1974, the position that Loane, Shilton and Knox took was outright rejection of the Bill (while recognising there were some good bits).

This changed in 1975. The debates in Parliament in late 1974 showed the 'no' position was getting nowhere. The arguments of the Sydney Diocese were rejected by Labor.⁶²⁵ Standing Committee resolved in February 1975 that 'the existing divorce and family laws require substantial reform and improvement' but advocated unspecified changes that would assist the preservation of marriage as a 'voluntary and exclusive union of one man and one woman

⁶²³ Divorce law reform did not get a mention in Whitlam's famous 'It's Time' election launch and policy speech on 13 November 1972: <http://whitlamdismissal.com/1972/11/13/whitlam-1972-election-policy-speech.html>, accessed 24/5/2013. However, Murphy had showed his hand in 1971 with his arguments for the referral of divorce law to the SCCLA.

⁶²⁴ Robinson, Donald - Personal Papers - 1973-1974 Family Law Bill, Sydney Diocesan Archives, [Accession Number 1993/053/114].

⁶²⁵ Letter from Senator Alan Missen to Archbishop Loane dated 22 October 1974, Standing Committee of Synod - Minute Book, 1974-1975, Volume 30, at p. 45, Sydney Diocesan Archives, [Accession Number 2008/001].

for life'.⁶²⁶ Standing Committee supported an open letter to Members of Parliament from a number of Christians, including some Sydney Anglicans, dated 3 February 1975. This accepted 'irretrievable breakdown as the ground for divorce', but wanted 'objective tests' beyond twelve months separation. They wanted evidence (a) that the other party had behaved in such a way that the applicant cannot be reasonably expected to live with that party, or (b) of adultery, or (c) of three years separation.⁶²⁷ This represented something of a compromise. They appeared to be happiest with attributing fault, but would accept three years separation. Again there was no evidence adduced that a marriage that had been separated for 3 years was less retrievable than one separated for 12 months. They compromised on the principles, without being able to support their pragmatics.

The Anglican Church was not united in its opposition to the Bill. Although Sydney at times is at odds with the General Synod, the General Synod, through its Social Responsibilities Commission, 'strongly criticised' the 'no-fault' provision of the Bill.⁶²⁸ However, there was 'vocal minority support' for the Bill, including from Anglican Dean of Brisbane, Ian George, and this minority position at times got more media coverage than the Anglican opponents of the Bill.⁶²⁹

The Effect of Sydney's Arguments

The Sydney Diocese, along with Anglicans elsewhere, detected a drafting flaw in the Bill. While divorce could be granted only after twelve months separation, an application for divorce could be lodged earlier (e.g., after one day of marriage). The proponents of the Bill

⁶²⁶ Resolution 8(c), 24 February, 1975, Standing Committee of Synod - Minute Book, 1974-1975, Volume 30, at p. 45, Sydney Diocesan Archives, [Accession Number 2008/001].

⁶²⁷ Standing Committee of Synod - Minute Book, 1973-1974, Volume 30, at p. 45, Sydney Diocesan Archives, [Accession Number 2008/001]. Copies of this open letter also in the private papers of Loane and Robinson referred to above.

⁶²⁸ Alan Gill, 'Churchmen disagree on family law issue', Sydney Morning Herald, 6 December 1974, p.6.

⁶²⁹ Ibid.

recognised this flaw and thanked the Church for bringing it to their attention.⁶³⁰ However, beyond this, it is difficult to see that anything positive was achieved outside the Church. It is hard to assess whether the mobilisation of many Anglicans against the Bill did any good within the Church. It probably encouraged some to see their leaders involved in social action, while it irritated others with the failure to grapple with the arguments for change.

Seeing where the legislation was heading, some Sydney Anglicans, including Shilton, tried to delay the debate by six months.⁶³¹ This was lost.⁶³² It is hard to see what the delay would have achieved, as the Bill had bipartisan support, and this delaying tactic only diminished the standing of the Sydney Diocese.⁶³³

Senator Gietzelt argued that the delaying tactics and the letter writing campaign containing the same phraseology, advocated by Standing Committee and adopted by some Sydney Anglicans (who, he claimed, represented a 'church that grew out of bigamy but which has been pretty conservative over the years in these matters'), and public preaching, 'does not move us at all. In fact, it probably went the other way and hardened one's attitude because of the infantile tactics' that had been adopted.⁶³⁴ The case against the Bill was also hampered by intemperate abuse. Senator Grimes referred to an offensive phone call in which he was

⁶³⁰ Senator Alan Missen, Family Law Bill 1974, Second Reading Speech, Senate, 29 October, 1974, Hansard p.8: http://www.Aph.Gov.Au/Parliamentary_Business/Hansard. In this Speech Missen made specific reference to a letter from the Melbourne Synod noting this problem, but the Sydney Diocese had noticed and communicated the same problem.

⁶³¹ The delay had the support of Sydney Synod, see resolution 27/74, *Year Book of the Diocese of Sydney, 1975*, at p.245.

⁶³² See the speech of Senator Sir Kenneth Anderson, and the petition referred to in it, Family Law Bill 1974, Second Reading Speech, Senate, 30 October, 1974, Hansard, http://www.Aph.Gov.Au/Parliamentary_Business/Hansard.

⁶³³ For example, see the report of the failed delaying tactic in 'Move to stall Family Law Bill rejected', *Sydney Morning Herald*, date 20 November, 1974, p.20.

⁶³⁴ Senator Arthur Gietzelt, Family Law Bill 1974, Second Reading Speech, Senate, 19 November, 1974, http://www.Aph.Gov.Au/Parliamentary_Business/Hansard

told supporters of the Bill were 'perpetrators of promiscuity'.⁶³⁵ This was not a claim the Sydney Diocese was making, but it made the 'no' case harder.

A number of Senators (Labor and Liberal) referred to the Church of England's 'Putting Asunder Report' of 1966.⁶³⁶ This was a detailed report that analysed changes in society and defects in divorce law in Britain that were very similar to those in Australia. It recommended wide-ranging change, including 'no-fault' divorce. The tone of these contributions was that this report provided 'Church' backing for the move to 'no-fault'. Senator McLelland drew support from this report, and argued that divorce law should not be:

'a reward for marital virtue on the one side and a penalty for marital delinquency on the other; not the victory for one spouse and a reverse for the other; but a defeat of both, a failure of the marital "two-in-oneness" in which both its members, however unequal their responsibility, are inevitably involved together.'⁶³⁷

In all the debates, this report was given far more prominence than any other submission by a religious group. Many outside the Church probably did not understand the political separation and theological differences between English Anglicans and Sydney Anglicans. It appears that some Senators saw the report as a more legitimate expression of the 'Church's position' than local expressions.

A number of members of Parliament undercut the arguments from the Anglican Church by arguing that the 'no-fault' provision was not a new thing advocated by 'permissive trendies', and had been around since 1959. Hence, the failure to stop the '5 year separation' ground in 1959 meant the argument was now about detail rather than the principle of 'no-fault'. The

⁶³⁵ Senator Don Grimes, Family Law Bill 1974, Second Reading Speech, Senate, 30 October, 1974, Hansard, http://www.Aph.Gov.Au/Parliamentary_Business/Hansard.

⁶³⁶ 'Putting Asunder: A Divorce Law for Contemporary Society: the Report of a Group Appointed by the Archbishop of Canterbury in Jan. 1964', S.P.C.K. 1966

⁶³⁷ Senator James McClelland, Family Law Bill 1974, Second Reading Speech, Senate, 29 October, 1974, Hansard, http://www.Aph.Gov.Au/Parliamentary_Business/Hansard.

evidence was that 'no-fault' had not 'opened the floodgates', yet a five year delay disadvantaged deserted wives.⁶³⁸

Conclusions

Historian Marcia Cameron comments on the introduction of the Bill, and a number of social changes introduced by the Whitlam government, that the 'churches were caught unaware in the maelstrom of change'.⁶³⁹ Yet, given the innovation of the 1959 Act, the opposition to 'no-fault divorce' then from the Church, the social change all so evident in the 1960s with the contraceptive pill, changing views on the role of women, obscenity, drugs, conscription etc, Cameron's conclusion stands only if one concedes that the Sydney Diocese had spent a large part of that time looking inwards, or perhaps looking outwards in evangelism following the success of the Billy Graham crusades in 1959 and 1968,⁶⁴⁰ rather than also exegeting and engaging with the rapidly changing society. A good case can be made that the Whitlam Government was not shaping a new and poorer view of marriage, but rather bringing the law into line with significant changes that had occurred in the 1960s.⁶⁴¹

It is apparent that the Sydney Diocese had little understanding of the changes that had occurred in popular attitudes towards marriage, and was not representative of developments in attitudes of Christians, including many Anglicans. The Diocese's response was slow and reactive. It did not come up with a coherent view of what was achievable or what a 'good Christian' outcome might be. It was initially distracted by the need to clarify its own theology of divorce and to neutralise the indisolubilists, and the internal debate on

⁶³⁸ Senator Alan Missen, Family Law Bill 1974, Second Reading Speech, Senate, 29 October, 1974, Hansard, http://www.Aph.Gov.Au/Parliamentary_Business/Hansard.

⁶³⁹ Cameron, *Enigmatic*, p.215.

⁶⁴⁰ Stephen Judd and Kenneth Cable, *Sydney Anglicans: A History of the Diocese*, (Sydney: Anglican Information Office, 1987), pp.258-59.

⁶⁴¹ Philip Jensen has noted that, 'It was not the law alone that brought about...social change. It was the consequence of the community moving from a Christian culture to a materialist culture, especially through the sexual revolution of the sixties.' 'No-Fault'.

sanctioning remarriage. It was later hampered by the well argued and very different approach advocated by the 'Putting Asunder' report.

The Diocese's strategy changed from advocating the total rejection of the Bill, to advocating changes that still relied largely on a determination of fault. It failed to engage with the fundamental argument that marriages fail because both parties fail. It never established beyond rhetorical assertion that divorce law shapes people's reasons to marry or their conduct in marriage. Further, the failure to engage with the arguments for change suggests the Sydney Diocese did not understand how it must engage with contemporary debate if it was to be an effective voice. Its position as 'the Church' was increasingly marginal. Evidence based argument was required, not claims to know what is right and best. Finally, Sydney Diocese failed to explain why something that applied to Christians should apply to a society that saw the Bible as largely irrelevant to its needs. Sydney Anglicans would need to learn to work from a biblical understanding of the world, but couch their arguments in ways that did not rely on society sharing that understanding.

In the light of the post-Enlightenment world-view Whitlam was expressing, and the broad support his views held, we may ask what the Sydney Diocese could have done differently. One suggestion would have been to endorse those changes that were either good or unobjectionable. These may have included the initial focus on reconciliation, recognising that 'fault' in marriage is rarely one sided, recognising that there is little, if anything, left of a marriage that one party has abandoned (whether physically, emotionally or financially), and lowering legal costs and complexity.

In time the Sydney Diocese would come up with a coherent, constructive strategy for advocating and protecting the biblical view of marriage. It did this by pouring more resources into marriage preparation, marriage enrichment and marriage counselling. With

the benefit of hindsight, one could conclude the Diocese would have prosecuted its mission better by accepting that marriage is shaped by how well people are prepared for it, and supported through it in understanding that a successful marriage must be based on love, understood as passionate, sacrificial, other person centred, action (John 3:16: Eph 5:22-33), rather than by the legal proceedings by which a failed marriage can be terminated.

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