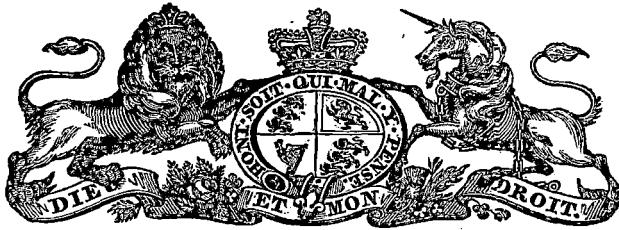


(No. 20.)



1858.

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T A S M A N I A.

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P E T I T I O N

FROM JOHN HARRISON, REGISTRAR OF THE DIOCESE OF  
TASMANIA.

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Presented by Mr. Burgess, and ordered by the Council to be printed, 29 September, 1858.



*To the Honorable the President and Members of the Legislative Council  
of Tasmania, in Parliament assembled.*

The humble Petition of John Harrison, the Registrar in and for the Diocese of Tasmania.

SHOWETH :

THAT by Letters Patent, bearing date the eleventh day of October, one thousand eight hundred and thirty-eight, under the hand and seal of the Venerable William Hutchins, Clerk, Master of Arts, Archdeacon of the Archdeaconry of Van Diemen's Land, your Petitioner was appointed the Registrar in and of the said Archdeaconry, to have, hold and enjoy, receive and take, and do and perform, *quoad se bene gesserit*, all and singular the acts and things, duties, benefits, privileges, and appendages to the said office of Registrar appertaining and due, and of right belonging, or which might and should thereafter appertain, become due, and belong.

That by certain other Letters Patent, bearing date the twenty-sixth day of July, one thousand eight hundred and forty-three, under the hand and seal of the Right Reverend Father in God Francis Russell, by Divine permission the Lord Bishop of Tasmania, your Petitioner was appointed the Registrar in and for the Diocese of Tasmania, to have, hold and enjoy, receive and take, and do and perform, *quoad se bene gesserit*, all and singular the acts and things, duties, benefits, privileges, and appendages to the said office of Registrar appertaining and due, and of right belonging, or which might or should thereafter appertain, become due, and belong.

That the office of Registrar of a Diocese is an office which touches or concerns the administration or execution of justice, within the meaning of the Statute of 6th Edward 6, c. 16., because it concerns matters about matrimony and legitimation, which touch the inheritance of the subjects, and in that respect has been held by the Judges in England in Dr. Trevor's case, reported in Croke James Reports, 269, to be a Court of Justice.

That by a Bill now before your Honorable House, to enable the Bishop, Clergy, and Laity of the United Church of England and Ireland in Tasmania to regulate the affairs of the said Church, it is proposed to be enacted by the third clause, that every act and resolution of the Synod shall be binding on the Bishop and his successors, and on the Clergy and Lay Members of the said Church, so far only as such act or resolution may concern their respective positions, rights, duties, and liabilities in regard to their office, ministry, membership, or communion in the said Church.

That the said Bill, if passed into a Law in the manner proposed, will, your Petitioner is apprehensive, confer power on the Synod to exercise jurisdiction over the office of Registrar of the Diocese of Tasmania, now held by your Petitioner, and to interfere with the duties, benefits, privileges, and appendages to the said office appertaining.

That, previous to and at the time of your Petitioner's appointment to his office, the Archdeaconry of Van Diemen's Land was within, and subordinate to, the See of the Diocese of Australia. That according to the scale of Registrar's fees lawfully established in that Diocese, and on the faith and credit of the continuance thereof, your Petitioner accepted his office. Your Petitioner is entitled to a fee of Two Pounds for every Marriage Licence which he actually grants, but a considerable portion of the time of your Petitioner (and for which he receives no remuneration whatsoever) is consumed in hearing applications for Marriage Licences which he has been obliged to refuse.

That it is contrary to the policy of the Common Law, and the Statute of 6 Edward 6, c. 16, that any Public Officer paid by fees should, in consideration of those fees, have imposed on him the gratuitous performance of other and different duties, in addition to those appertaining to his office.

That the Bill now before your Honorable House would, as your Petitioner conceives, if passed into a Law, enable the Synod to impose on your Petitioner the gratuitous performance of other and different duties than those appertaining to his office, contrary to the policy and meaning of the Statute of 6 Edward 6, c. 16, which was passed with the view that offices might be exercised by persons of skill and integrity, and that they might take only the legal fees.

That, pursuant to the Act of the Imperial Parliament transferring the testamentary jurisdiction of the Bishops in England to a Civil tribunal, your Petitioner has been informed that large sums of money have been paid, or secured to be paid, to the Registrars of every Diocese in England, by way of compensation for the loss which they have sustained by depriving them of the emoluments arising from granting Probates of Wills; but the words of the third clause of the said Bill are so sweeping and comprehensive, that your Petitioner humbly submits to the consideration and judgment of your Honorable House, whether, in the event of the said Bill being passed into a Law as proposed, the Synod might not, under them, claim and exercise the power of depriving your Petitioner of his said office, or the emoluments thereof, without the payment of any compensation whatsoever.

That your Petitioner humbly begs leave to represent to your Honorable House, that as his office is one of such importance to the public interest, and being held by your Petitioner during good behaviour, it is expedient that the same should be expressly exempted from the operation of the said third clause, as your Petitioner conceives that the proviso in the seventeenth clause does not sufficiently and clearly protect your Petitioner from the interference of the Synod in his said office.

Your Petitioner, therefore, humbly prays that your Honorable House will be pleased to protect the rights and interests of your Petitioner in his said office, in such a manner and form as to the wisdom of your Honorable House shall appear just.

And your Petitioner will ever pray, &c.

JOHN HARRISON.