

(No. 83.)



1862.

---

T A S M A N I A.

---

STATE AID DISTRIBUTION BILL.

PETITION No. 64.

---

Presented by Mr. Innes, and ordered by the House to be printed,  
5 September, 1862.



To the Honorable the Members of the House of Assembly, in Parliament assembled.

The Petition of the Presbytery of Tasmania.

MOST RESPECTFULLY SHOWETH :

THAT the shortness of the time does not allow of a full representation of the case of your Petitioners ; but that we desire, with permission of your Honorable House, to bring under notice some points serving to show the injustice done to us in the Bill now before Parliament, intituled "The State Aid Distribution Act."

That the annual payment of £3070 hitherto made to your Petitioners is not a sum which has been capriciously allotted to us with partiality, or without due consideration : on the contrary, it is the aggregate amount of Salaries severally earned for us by compliance, on the part of our Congregations, with certain conditions proposed by the Government, and on the acceptance and fulfilment of which conditions by our Congregations, each for itself, the Grant of our respective Salaries had been suspended.

That, nevertheless, your Petitioners do not question the right of your Honorable House to redistribute the £15,000 reserved for Public Worship ; but we apprehend it would be a violation of at least the spirit of the compact by which our Salaries were obtained for us should the redistribution injuriously affect any of the present recipients.

That we are further confirmed in this opinion, when we consider the express stipulation in "The Church Act" under which we hold our appointments,—that Salary should not be issued to any Minister "whose appointment had not been made in accordance with the laws and principles of the Religious Denomination to which such Minister belongs." In the Church of Scotland—the designation given to us—a Minister, when appointed to a Charge, is appointed *pro vita aut culpa*,—a fact fully in view of the Colonial Government when sanctioning and confirming our appointments.

That this is also the light in which the Home Government regards our appointments, as appears from the disallowance of a former Act of the Colonial Legislature on the ground that it affected injuriously the rights of existing Incumbents.

That to the same effect, as seems to us, is a recent Despatch of the Duke of Newcastle to His Excellency Governor Gore Browne, wherein it is intimated that His Grace "is not prepared to advise Her Majesty to give effect to an Act that would in any way curtail either the Salary or Allowances to which a Governor was entitled when he was selected by the Crown for the administration of the Government."

That the Act complained of, even if passed, might very possibly, as far as our Church is concerned, remain inoperative, inasmuch as it claims to confer upon the "Governing Body" a power which, by the constitution of our Church, that Body cannot exercise,—to wit, the power of "removing or pensions or compensations" certain Ministers, members of the Governing Body, in order that other Ministers, members of the same Governing Body, may continue to receive their Salaries in full,—the Ministers removed having as undoubted a right to their full Salaries as those removing them.

Wherefore, your Petitioners most earnestly pray your Honorable House to refuse assent to the Act complained of.

And your Petitioners, as in duty bound, will ever pray, &c.

In name and by authority of the Presbytery of Tasmania,

JAMES HENDERSON, *Moderator.*

JOHN MACKERSEY, *Clerk of Presbytery.*