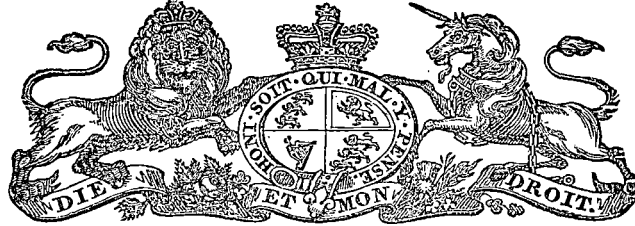


(No. 113.)



1882.

TASMANIA.

HOUSE OF ASSEMBLY.

CHRIST'S COLLEGE:

PETITION FROM THE VENERABLE ARCHDEACON HALES.

Presented by Mr. Adye Douglas, and ordered by the House to be printed,
September 26, 1882.



To the Honorable the Speaker and Members of the House of Assembly.

The humble Petition of Francis Hales, Archdeacon of Launceston, and Administrator of the Diocese of Tasmania.

RESPECTFULLY SHOWETH :

1. THAT he has read the Report of a Select Committee of your Honorable House upon Christ's College.

2. That he feels it his duty to respectfully call the attention of your House to the following circumstances, affording, as he submits, reasons why it should refrain from taking any action in the affairs of the College.

3. The College was founded under the following circumstances :—From a pamphlet published by the Hon. T. Reibey, in 1874 (page 27), it appears that the proposal for a College was first made, in 1834, by Governor Arthur; but that all efforts made by secular authorities ended in failure. That (p. 23) the Bishop then took it in hand, as a Church Institution, and appealed to the Church; and in his Charge, publicly delivered in St. David's Cathedral on April 13, 1846, six months before the College was opened, he said—"The immediate object which we have at heart is to train up those of our own communion in the fear and nurture of the Lord; but we desire also to offer to all who are willing to avail themselves of it, an education similar to that which they might have obtained in the foundation schools of England. *Remembering that the funds which enable us to offer this boon, &c., are furnished exclusively by members of the Church of England, it is not too much, &c.*"

4. The failure of the Colony to found a College is chronicled by West in his History, vol. 2, page 216, where he relates how, after the foundation-stone of a College was laid by Sir John Franklin at New Norfolk, on the 6th November, 1840, fatal difficulties beset it, arising from the rivalry of Churches; and how the Queen's School, the pilot institution, endowed by the Colony with £1000 a year, was not more successful, and was finally closed by Sir Eardley Wilmot,—Mr. Gell being its Head Master.

5. That the College here mentioned, and not Christ's College, was the one referred to by Sir John Franklin in his Minute in 1840, on which your Select Committee relied.

6. That Archdeacon Marriott, in a letter to Mr. Reibey dated 17th November, 1864, and published by the latter gentleman (page 23), stated that the Government failed to found a College; and that he then urged Mr. Gell to appeal to the "English Church," adding, "it was my happiness, when the presence of a Bishop was the turning point in its fortunes, to help in *connecting it with the Church rather than the Government.*"

7. That the principal portion of the subscriptions for founding the College were obtained on the statements of a pamphlet circulated in England by the late Archdeacon Marriott. In that pamphlet was the following quotation from a letter of the late Dr. Arnold, of Rugby, to Lord Stanley :—"I cannot conceive a good theory of education in a Christian country which should separate education from the Church. For let the Church's teaching be overstrict or not, still it seems an absurdity that the children of its members should not be brought up according to its system of instruction."

8. That the Rev. S. B. Windsor, who was Sub-warden of the College in 1848, and afterwards Warden till 1854, in a letter written to Mr. Reibey and published by him (p. 21), dated 12th October, 1864, says, "I think it is of very great importance to the Church that an institution like Christ's College, where an education on strictly Church principles is given," &c.; and again, "Christ's College was, when it existed, and ought to be when it shall rise again, a centre of churchmanship, and a nucleus for spreading its principles throughout the Colony."

9. Having shown what was the intention of the originators of the College, your Petitioner will demonstrate that whilst those originators were alive and conversant with the proceedings of the College, it was carried on in accordance with those intentions as hereinbefore stated. To quote again from Mr. Reibey's pamphlet (page 19), in a letter to him from Mr. Gell, dated October 18, 1864, appears the following statement:—"The original Abstract of Statutes as approved by the originators of Christ's College will be found in pages 6 and 7 of the enclosed pamphlet. *The Abstract was circulated before any subscriptions were collected*, and during the time I served the College *I always felt bound to maintain the Abstract as a fundamental compact* among the supporters of the College. None of the matters therein set forth (so the document runs) can be in any way altered but by the special authority of the Bishop." Mr. Gell was the first Warden of the College, and had the control and management of it.

10. That the Abstract referred to, which was published in the *Courier* as well as circulated, made the Bishop Visitor, and rendered it necessary that the Warden should be in Holy Orders (a requirement which has been strictly complied with), and also the Senior Fellow; and that the Divinity Fellows should be candidates for Holy Orders,—“the rules being adapted to the principles of the Church of England in all matters of religious discipline.”

11. From Mr. Reibey's pamphlet (page 2), it appears that he recognised the Bishop as Visitor, for on 19th January, 1871, he writes to the Bishop, "*You, as Visitor, from the declaration of trust have merely the right of acting*," &c. Again, from the same pamphlet (page 31), it appears that the Bishop appointed the following gentlemen as Commissioners to enquire into the state of Christ's College, and they accepted the appointment and acted, thus acknowledging the Bishop's power to visit and enquire:—Archdeacon Tancred, Rev. Thomas Reibey, W. Henty, Esq., M.L.C., J. D. Toosey, Esq., Charles Arthur, Esq., R. W. Nutt, Esq., Dr. Gaunt.

12. That recently the question of the administration of the Endowments of Christ's College came before the Supreme Court, when the Bishop, the original Subscribers, the Trustees, and the Attorney-General as protecting any public interests, were all represented before the Court and heard; and, with the consent of all parties, the Court made a Decree declaring that the Bishop was Visitor, and also what were the other trusts, in accordance with the intentions of the originators of and subscribers to the College.

13. Your Petitioner humbly submits that the Supreme Court of the Colony is the recognised constitutional tribunal for declaring the Trusts of the College Endowments, and for enforcing and controlling their due performance.

14. Your Petitioner further submits that the College is an Institution founded by private subscriptions, without any aid from public funds; and that spontaneous interference by the Legislature in the administration of the Trusts of such an Institution would be unprecedented.

15. That neither the body of Trustees nor the Council of the College, nor the Church speaking through its governing body, the Synod, have shown any desire for the interference of Parliament.

16. That, under any circumstances, to legislate, especially without affording the constituted Authorities of the Church and of the College an opportunity of being heard and of stating and defending their claims, would be fraught with danger to the rights of individuals and of sections of the community.

Your Petitioner therefore humbly prays that your Honorable House will refrain from any action which may affect the administration of the Endowment of Christ's College.

And your Petitioner, as in duty bound, will ever pray.

FRANCIS HALES, *Archdeacon of Launceston,*
Administrator of the Diocese of Tasmania.