

(No. 140.)



1889.

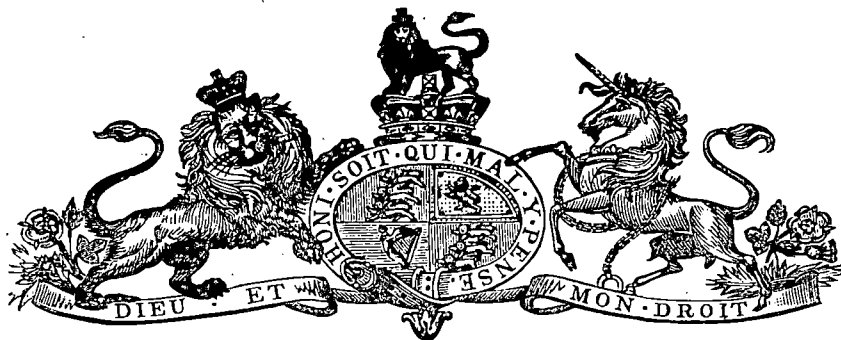
PARLIAMENT OF TASMANIA.

ROMAN CATHOLIC CHURCH TRUSTEE AMEND-
MENT BILL, 1889:

PETITION FROM MEMBERS OF THE ROMAN CATHOLIC
CHURCH.

(Mr. Salier, October 29, 1889.)

Ordered by the Legislative Council to be printed.



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

The humble Petition of the undersigned Members of the Roman Catholic Church of Tasmania,

RESPECTFULLY SHOWETH :

1. THAT a Bill, intituled "A Bill to amend 'The Church of Rome Trustee Act,'" is now before your Honourable House.

2. That the said Bill, although affecting vitally the interests of the Roman Catholic Church, has been introduced to the Legislature without the concurrence and assent of the general Roman Catholic body, either clerical or lay, having been obtained or even sought for.

3. That the said Bill, although professing merely to amend a previous Act which was passed for the specific purpose of empowering the Bishop of the Church of Rome in this Colony to appoint Trustees of the property of the said Church, would, if passed into law, really be an amendment of a most sweeping and subversive character of the general "Church of Rome Act" (1 Victoria, No. 16); and the provisions of the proposed Bill would, in several instances, amount to a virtual repeal of the most important and cherished clauses of the said general Act.

4. That your Petitioners were misled in consequence of the title given to the proposed Bill, and of the same having never been submitted to the consideration of the general Roman Catholic body, and have only just become aware of the serious nature of the changes sought to be effected by the said Bill, and therefore were unable to oppose its progress at an earlier period.

5. That your Petitioners would respectfully point out, as one particular instance of the grave and far-reaching nature of the changes which would be produced by the passing into law of the proposed Bill, that, by Clause 4 thereof, property held upon private trusts for the benefit of the Roman Catholic body must be conveyed, upon demand to that effect being made by the Archbishop, to the Trustees of the property of the Roman Catholic Church; and since by "The Church of Rome Trustee Act," 27 Victoria, No. 16, such Trustees are nominees of the Archbishop, the indirect result of the passing of the said clause would be to place at his sole and absolute disposal the whole of the property of the present or future private trusts of the Church; and your Petitioners would also respectfully point out that whenever similar powers have been granted by the Legislature to the governing bodies of other religious denominations (for instance, the Church of England, the Congregational Union, and the Baptist Union) such powers have been carefully surrounded with safeguards of a kind of which there are none whatever in the proposed Bill.

6. That your Petitioners would respectfully point out, as another instance, that the effect of Clause 6 of the proposed Bill would be to enable the Archbishop to direct at his pleasure the sale or other disposition of the whole of the landed property of the Church; and although the said clause provides that the proceeds of such sale or disposition should be applied in accordance with the trusts declared by the instruments affecting the lands, yet inasmuch, as very often is the case, there are no special trusts so declared, the Archbishop would be enabled in these instances to direct the application of such proceeds entirely as he might think fit. And your Petitioners would again respectfully point out that wherever similar powers have been granted by the Legislature to the governing bodies of other religious denominations, it has invariably provided that such sale or other disposition shall only take place after the approval and consent of the representative assemblies of the respective denominations have been first obtained.

7. That, inasmuch as by Clause 3 of the general Church of Rome Act above referred to (1 Victoria, No. 16), every place of worship and minister's dwelling in the building of which public moneys have been expended is inalienable, the powers proposed to be conferred upon the Archbishop by the said Bill would amount to an actual repeal of the above cited clause of the general Act, although the said Bill only purports to amend a subsequent Act.

8. That, inasmuch as provision is made in the said general Act for the election by seatholders of Trustees to accept and hold lands adapted for the site of a Church, or minister's dwelling, or for use as a burial ground, and inasmuch as the powers proposed to be conferred upon the Archbishop by the said Bill would enable him to direct such Trustees to convey lands so held by them to the general Church Trustees, the latter being the nominees of the Archbishop, therefore the said Bill, if passed into law, would amount to a virtual repeal of the provisions cited from the general Act, and would entirely frustrate the intention of that Act.

9. That your Petitioners would respectfully draw the attention of your Honourable House to the practically unlimited powers proposed to be conferred upon the Archbishop by Clause 7 of the said Bill; and particularly to the power of disposition of any surplus solely as he might think fit, to the frustration of the intentions of the original donors of the land.

10. That the safeguard supposed to be afforded in Clause 7, requiring the consent of the Priest in charge of the district, is really no safeguard at all, since obedience to his spiritual superior is an essential and fundamental part of the duty of every Priest of the Roman Catholic Church; and, similarly, the insertion in Clause 4 of a condition that the consent of private Trustees must be first obtained would be valueless, as such Trustees are almost invariably Priests.

11. That your Petitioners having taken into very careful and most earnest consideration the provisions of the proposed Bill, and having obtained legal advice as to the powers which the said provisions would confer upon the Archbishop, respectfully submit that it would be unwise, undesirable, and even dangerous to place such arbitrary, uncontrolled, and unlimited powers in the hands of any one man, no matter how exalted his position or worthy his character.

12. That your Petitioners have every reason to believe that the great majority of the members of the Roman Catholic Church throughout the Colony are in entire ignorance of even the existence of the proposed Bill, and your Petitioners respectfully submit that it ought not to be passed into law until the members have had reasonable opportunity to consider the proposed measure.

Your Petitioners therefore humbly pray that your Honourable House will be pleased to take such steps as may be necessary to prevent the passing into law of the proposed Bill until the members of the Roman Catholic Church throughout the Colony have had reasonable opportunity to consider the proposed measure.

And your Petitioners will ever pray, &c.

[Here follow 373 Signatures.]