

(No. 18.)



1858.

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T A S M A N I A.

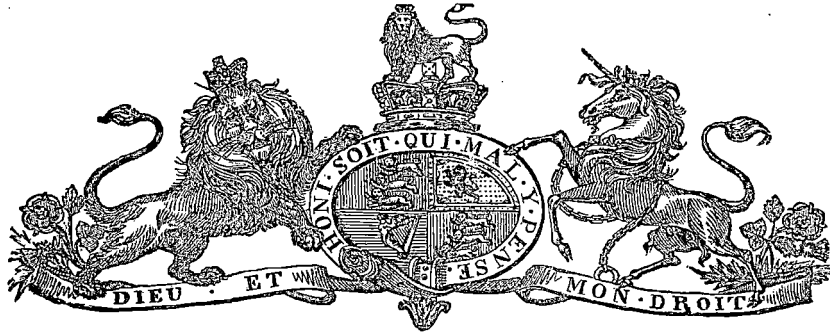
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P E T I T I O N

FROM THE BISHOP OF TASMANIA AND CLERGYMEN AGAINST  
CERTAIN CLAUSES IN THE "MATRIMONIAL CAUSES BILL."

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Presented by Mr. Bedford, and ordered by the Council to be printed, 28 September,  
1858.



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

The humble Petition of the undersigned Bishop and Clergymen of the United Church of England and Ireland in Tasmania.

RESPECTFULLY SHOWETH :

THAT your Petitioners regard with serious misgiving certain Sections of the "Matrimonial Causes Bill," now before your Honourable House; more especially those which provide means whereby, the bond of Marriage being in certain cases dissolved, power may be given to persons divorced for Adultery to contract new Marriages.

That, while your Petitioners are not unmindful that there is Divine authority for permitting a separation between husband and wife on the ground of Adultery, yet neither can they forget the distinct declaration of the same authority, that "he which marrieth her that is put away committeth Adultery." They believe that no human legislation can safely ignore or set aside this declaration of the Gospel of Christ.

That it is evidently desirable, upon merely social considerations, that the purity of public morals should be guarded by all due restraints; and there is too much reason to fear that if it be made easy to obtain Divorces, collusive encouragements will be given to Adultery, in the hope of obtaining the relaxation offered by the law; and that the evils thus produced will be far greater and more widely spread than any that may arise from the present condition of things, in which injured persons have no remedy for their wrongs except endurance. Your Petitioners are persuaded that, although in many cases unhappiness may and does arise from ill-assorted marriages, yet that, on the whole, the practical permanence of the Marriage-bond is the best security for domestic peace, and for the general purity of social life.

Your Petitioners also regard as highly objectionable that section of the proposed Bill which prescribes a certain compulsory course to Ministers of Religion. *First*, because such direction in matters affecting the conscience is a departure from the ordinary policy of modern legislation, and a departure without any plea of justice or necessity, since the intervention of religious rites and ceremonies is not required to secure the legal validity of the Marriage contract. *Secondly*, because the 37th and 38th clauses of the Bill involve the inconsistency of compelling a conscientious man to do indirectly by the ministry of another that which he is excused from doing directly by himself. And *thirdly*, because, whatever under the Imperial Act may have been the supposed application of this proviso to the circumstances of the Established Church in England, it is evidently inapplicable to this Colony, where the title to religious ordinances rests, not upon parochial rights, but upon membership of a particular Church.

For these reasons your Petitioners humbly pray that your Honorable House will refuse to enact any Law under the sanction of which a person guilty of Adultery, and divorced in consequence of such guilt, shall be permitted to contract Marriage.

Or, if your Honorable House shall see fit to enact any such Law, your Petitioners further pray, that no provision may be made requiring Marriage to be solemnized in any Church or Chapel belonging to the United Church of England and Ireland in Tasmania against the wish of the Ministers thereof.

And your Petitioners will ever pray.

F. R. Tasmania.  
R. R. Davies.  
Thos. J. Ewing.  
John Burrowes.

W. R. Bennett.  
Arthur Davenport.  
F. W. Quilter.  
D. Galer.

John Dixon.  
Frederick H. Cox.  
John B. Seaman.