

## Second Australian Provincial Council, 18-25 April 1869

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*This third article in the series on the seven particular councils held in Australia between 1844 and 1937, examines the 1869 2<sup>nd</sup> Australian Provincial Council which addressed five main issues: Catholic education, marriage, the formation of priests, clerical support and temporal goods, and the evangelization of Australia's indigenous peoples.*

### Introduction

Between the 1844 and 1869, 33 particular councils (provincial and plenary) were convened in several 'mission territories' across the English-speaking world: 18 in the US, 7 in Ireland, 3 in England, 5 in Canada, and 2 in Australia.

The 2<sup>nd</sup> Australian Provincial Council, scheduled for 1847, was deferred until 1862, but when only 4 of the 7 bishops turned up, it failed to gain official approval (*recognitio*). Another 5 years passed before Archbishop Polding could be persuaded to plan another council, but when Pope Pius IX announced plans in June 1868 for the 1<sup>st</sup> Vatican Council in December 1869, Polding urged another postponement. However, at a bishops' meeting in August 1868, he agreed to hold a provincial council in early 1869 with an agenda that included Catholic education, marriage, support for the clergy and administration of temporal goods, the formation of priests, and evangelization of the Australian Aborigines. Polding convoked the Council on 15 March 1869.

### Council opening

The 2<sup>nd</sup> Australian Provincial Council opened on 18 April 1869 at St Patrick's Cathedral, Melbourne, attended by clergy, religious and laity.

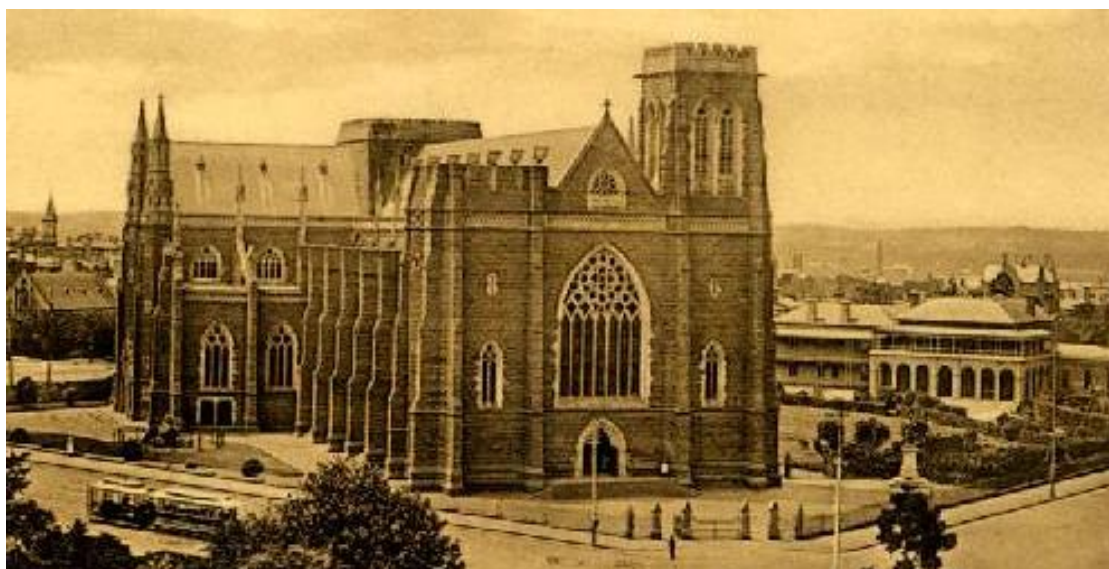


Image: St Patrick's Cathedral, East Melbourne, venue for the 2<sup>nd</sup> Australian Provincial Council, in 1869.  
Source: Urban Melbourne

The council members, exclusively clerics, included: Metropolitan Archbishop Polding OSB of Sydney, his seven Irish suffragan bishops – Daniel Murphy of Hobart, James Goold OSA of Melbourne, James Quinn of Brisbane, Matthew Quinn of Bathurst, James Murray of Maitland, Lawrence Bonaventure Shiel OFM of Adelaide, and William Lanigan of Goulburn – and 30 priests, including the Jesuit and Marist provincials, 5 vicars-general, 3 archdeacons, and 5 deans. Seventeen priests acted as theological advisors to the bishops. Absent were Bishop John Brady of Perth (banned from his diocese), Bishop/Abbot Rudisendo Salvado OSB of Port Victoria and New Norcia (in Europe), and Fr Martin Griver, Perth Apostolic Administrator (insufficient notice). The Armidale Diocese was vacant.

Before the Council met, the bishops set the rules of procedure, appointed council officials, assigned theologians to deal with education and marriage, approved English for the council deliberations, prescribed Latin for the written acts and decrees, and determined that Fr Sheehy OSB, Administrator of the Armidale Diocese, attend the Council as Vicar-General of Sydney.

### **Denominational schools**

There were no schools in Australia until 1807, when child numbers reached 1,831. The first Catholic 'denominational' school was opened by Fr J J Therry at Parramatta in 1820 and in 1826 a Clergy and Schools Corporation was established, funded by land grants. By 1830, 18 Public (Free) Schools in NSW were educating 500-600 pupils and by 1832, 4 Catholic 'Free and Parochial' schools were operating in the Sydney area with government payments of £244 for teachers' salaries and expenses. When the Corporation proved unpopular and closed in 1833, Governor Bourke proposed a national secular education system modelled on the Irish National System, but the Anglicans, who benefited most from the denominational system, opposed it and the proposal died.

From 1833 until the various colonies began introducing their own educational legislation, the denominational schools of Anglicans and Catholics – and other religious groups after the 1836 *Church Act* - received government support via land grants, building costs, books and requisites, and part payment of teacher's salaries (see 1842 *NSW Return of Schools* below). This support did not make the schools free, but allowed them to function. The various governments also set up special denominational school boards to assist with improved administration and facilities.

When Bishop Polding arrived in Sydney in 1835 he found 10 Catholic schools receiving government assistance, but 'in a very low state', and the mostly uneducated Catholic parents apathetic to both education and religious instruction. By 1842 there were 35 NSW Catholic schools educating 2088 students and receiving £3029 in government funding.

As representative legislatures were established in NSW, Victoria, Tasmania, South Australia and West Australia, following the *Australian Constitutions Acts* of 1842 and 1850, each used

British law and equitable principles to establish their educational legal frameworks and recognized education provision as primarily a matter for parents, with the state generally not intervening. The provision of schooling was left to the churches, voluntary philanthropic societies, and private individuals.

### *Recapitulation of the Return of Schools*

<i>Denomination</i>	<i>Number of Schools</i>	<i>Number of Scholars</i>			<i>Expense</i>		
		<i>Male</i>	<i>Female</i>	<i>Total</i>			
<i>Church of England</i> { <i>Public Schools</i> _____	47	1576	1359	2935	2904	16	8
{ <i>Male &amp; Female Orphan Schools</i> _____	2	137	138	275	4438	10	1
<i>Presbyterian</i> _____	29	1071	736	1807	1033	17	7
<i>Methodian</i> _____	13	254	237	491	474	9	1
<i>Independent</i> _____	1	35	4	39	113	8	4
<i>British and Foreign School Society</i> _____	1	33	36	69	300	0	0
<i>Roman Catholic</i> { <i>Public Schools</i> _____	34	1061	937	1998	1408	14	1
{ <i>Male &amp; Female Orphan Schools</i> _____	1	55	42	97	1621	7	-
<i>Towards the erection of Orphan Schools, &amp;c.</i> _____	—	—	—	—	644	4	112
	128	4272	3533	7805	12879	8	43
<i>Colleges &amp;c</i> _____	3	about 250	—	250	—	—	—
<i>Private Schools</i> _____	126	1674	1595	3269	—	—	—
<i>Totals....</i>	257	6196	4978	11174	12879	8	43

Source: NSW Colonial Secretary: Returns of the Colony (Blue Book) 1842, p. 415

### **Dual System of education**

By 1844, however, the denominational system was failing to offer satisfactory education, especially in the country districts. It was wasteful, expensive, promoted sectarianism, made teachers subservient to clerics, and attracted poor quality teachers. In its place a 'dual system', secular and denominational, was introduced in NSW in 1848, which provided state aid to both denominational schools controlled by the Denominational Schools Board, and to government schools supervised by the National Schools Board. Ministers of religion could offer religious instruction in government schools at specific times. The dual system was soon adopted in Tasmania (1849), Victoria, Queensland and West Australia.

However, while all wanted elementary education to be free and compulsory, the funds available to support the dual system were insufficient to supply the schools and teachers needed for the growing population. In 1851, SA determined not to provide state aid to denominational schools and legislated "to introduce and maintain good secular instruction,

based on the Christian Religion”, where “no attempt shall be made to influence or disturb the peculiar tenets of any religious sect”, “no denominational catechism [will] be used”, and “[all schools] shall be conducted and maintained on the self-supporting principle, by periodical payments of school fees” (*SA Education Act, 1851*, No. 20). Children in SA schools were to be taught religious ‘opinions’, not religious doctrines. The Catholic and Anglican bishops protested, warning that religion without doctrine would lead to an ‘age of disbelief’, and Fr (later Bishop) Patrick Geoghegan told a Victorian Inquiry that “if there could not be Catholic education it would be better if there be no education at all”. However, Methodists, Baptists and Congregationalists embraced secular education as a shield against Anglican and Catholic authoritarianism.

By 1854 there were 64 Catholic primary schools in NSW educating 5669 students (equally boys and girls) with all lay teachers. Their expenses of £7047 were covered by £4262 from government and £2785 from voluntary contributions. But an 1855 NSW Report found that, of all schools in the colony, denominational schools were the worst, with Catholic teachers “quite unfit and incompetent” and their students “in a deplorable state of ignorance.” These schools, especially Catholic, were not producing quality educational outcomes, and a proliferation of uneconomic schools was denying education where it was desperately needed. Besides, Catholic parents generally had no great interest in their schools, and lacked any real commitment to religious education. One third of all Catholic parents sent their children to government schools, believing them to be educationally superior and no threat to their children’s faith. Moreover, the Catechism was taught by rote with little explanation, and frequently accompanied by corporal or other punishments.

In 1858, 246 Catholic schools were educating over 11,000 students nationwide, with the stated aim of helping poor and uneducated Catholic parents educate their children in the Catholic faith, and providing students with a basic knowledge. But the denominational school boards were refusing to sanction Catholic text books, questioning Catholic syllabuses, and inspectors were becoming increasingly abrasive with teachers, especially nuns.

By 1860 the denominational schools had lost popular support and the colonies of Queensland (1860), Victoria (1862), NSW (1866), Tasmania (1868), and WA (1871) began legislating to bring both denominational and government schools under a single board. Official inquiries in NSW, Victoria and Queensland also found extensive truancy in both cities and country areas, with parental indifference to education a principal cause.

### **National secular system of education**

In 1866, the NSW government unveiled plans to establish a national free, compulsory and secular system of education based on the Irish National system, with funding to be withdrawn from all denominational schools. Faced with the prospect of Catholic schools being without government support, the Catholic bishops united in opposition to the proposed National System. The Irish bishops knew well that Cardinal Paul Cullen and the 1850 Synod of Thurles had condemned the Irish National System, as had Pope Pius IX in his 1864 *Syllabus of Errors*.

The bishops saw the politicians promoting the national system as eager to destroy all principles of religion. Bishop Willson declared in 1858: “Without religion and morality, secular learning may be a great evil” and, in 1860, Bishop Geoghegan said that within “a few years [the state system] would thoroughly unsettle Catholicity among our young people”. Bishop Goold viewed the national secular system as a blatant attempt to destroy the very foundations of Catholicism in Australia. Together, the bishops declared: “What can be more false, what more fatal to men, to families and to States, than to call this [national] system from which Christianity is banished, education.”

At their 1862 meeting, the bishops denounced the National Education proposal as ‘an attempt to deprive Catholics of liberty of conscience’ and to force them to accept a ‘vitally defective system’. They warned Catholic parents to be wary, and advised them to call publicly and politically for the retention of religious education in schools. The bishops held that “the subjects taught, the teacher and his faith, the rule and practices of the school day, all combine to produce the result which we Catholics consider to be education.”

Though believing that the secular education system was aimed at the debilitation, if not destruction of the Catholic Church, the bishops had never planned a Catholic ‘system’. Their only interest was in having Catholic schools continue as part of a state-financed system. Now they were being forced out by state education boards becoming increasingly hostile. The prospect of setting up a separate system supported by Catholics was daunting. The practical problems were gigantic, and the bishops knew that many Catholic parents, having ignored their 1862 pitch for Catholic education, believed it a waste of time.

In 1866 there were 19 Catholic schools in Adelaide, all under lay instruction. Five years later there were 68, with 35 staffed by religious teachers, and triple the number of students. This was mainly due to Mary MacKillop and Fr Julian Tenison Woods who had, in 1866, founded the Josephite congregation of religious sisters for the single purpose of establishing Catholic schools to educate the children of poor families, particularly in remote locations. It was one of two congregations of sisters founded in Australia for education. Until then, 13 religious teaching congregations had been recruited from overseas to provide education to the young (Table 1).

**Table 1: Religious teaching congregations: foundations in Australian dioceses pre-1869**

Congregation	Source Country	Diocese and date of Foundation
Benedictine Monks (English)	England	Sydney (1835)
Augustinian Fathers	Ireland	Sydney (1838)
Sisters of Charity (RSC)	Ireland	Sydney (1838); Hobart (1847)
Marist Fathers	France	Sydney (1845)
Benedictine Monks (Cassinese)	Italy	Perth (1846)
Sisters of Mercy	Ireland	Perth (1846); Melbourne (1857); Brisbane (1861)
Jesuits (Society of Jesus)	Austria; Ireland	Adelaide (1848), Melbourne (1865)
Benedictine Sisters (English)	England	Sydney (1849)
Sisters of St Joseph of the Apparition	France	Perth (1855)
Good Samaritan Sisters	Australia	Sydney (1857)
Marist Missionary Sisters	France	Sydney (1858)
Presentation Sisters	Ireland	Hobart (1866)

Sisters of St Joseph of the Sacred Heart	Australia	Adelaide (1866)
Dominican Sisters	Ireland	Maitland (1867)
Christian Brothers	Ireland	Melbourne (1868)

Source: *The Official Directory of the Catholic Church in Australia, 2017-2018*

Some Irish bishops wanted congregations they could control and manipulate, but the Josephite congregation was not one of them.

Fr Tenison Woods also devised ways of financing schools of which Catholic parents could be proud. His community-based functions brought Catholics together for a common purpose: to raise money, and to promote efficiency, high standards, and a broad interest in education. His model was taken up in many dioceses.

The enactment of the NSW *Public Schools Act* in 1866 gradually destroyed denominational education. Catholic schools were forced out of the government system by administrative policies: tightening of conditions, allocation of the worst teachers, harsh inspections, and denial of proficiency certificates. Bishop Murray denounced politicians both individually and collectively and saw all parties as “leagued against us”. Bishop Goold even threatened to excommunicate Catholic parents who would send their children to state schools. Polding, however, blamed the Irish bishops for their militant Hibernianism, aggressive self-assertion, belligerent sectarianism, and clan leadership.

But Polding had already become isolated, both in Australia and in Rome. The Irish bishops had little confidence in him, offered him little aid, and intrigued against him and his policies. In Rome, he was thwarted by the Propaganda authorities, who with the Irish bishops saw him as an old man to be pitied, and his opinions to be dismissed, often with impatience and contempt. His Irish suffragans even alleged it was Polding’s maladministration which had caused the withdrawal of state aid from Catholic schools. The unity, collegiality and *communio* which Polding had sought to forge at the 1844 Provincial Council was fast dissipating. The Irish bishops wanted to establish an Irish Church in Australia, even if it risked importing all the old divisions and hatreds it embodied. In 1869, while sectarianism was rampant, within the Catholic community there was intense bitterness and little hope for Catholic education.

### **Demographic and ecclesiastical situation**

An estimated Catholic population of 300,000 in 1869 constituted around 20 per cent of the total European population of 1.6 million. The Church was structured into 11 dioceses and an Abbey Nullius, all within the Province of Sydney. There were 142 ‘districts’ (not ‘parishes’) nationwide, served by some 160 priests (Table 2). The hierarchy included the English Metropolitan Archbishop of Sydney, his 7 Irish suffragan bishops, and one Spanish suffragan bishop/abbot. The diocese of Armidale was vacant.

### **Provincial Council decree on education**

When the bishops came to formulate the Council decree on education, they saw the Australian National Education system as a clone of the Irish system, intended to tack ‘religion’ on to a totally secular curriculum. It was the same fully state-controlled and purely

secular system that Pope Pius IX had roundly denounced in Propositions 45, 47 and 48 of his *Syllabus of Errors*. They could and would not accept a secular education system which excluded specifically Catholic teaching, practices and atmosphere and replaced it with ‘non-denominational’ religious instruction. It had to be Catholic or not at all. They also rejected the idea that it was the parents’ responsibility to provide religious instruction, since many Catholic parents were far too ignorant or indifferent to be able to discharge this duty.

**Table 2: Demographic data for Australia, 1869 (other years): total and Catholic population, dioceses, clergy, districts and schools**

Colony	1869 Total Population M/F	Diocese/Abbacy (erection year)	Catholic Population (year)	Catholic Clergy (year)	Districts (= parishes)	Catholic Schools/ Students
NSW	263,487/ 217,297	Sydney 1842) Maitland (1847) Goulburn (1862) Armidale (1862) Bathurst (1865)	Sydney- 71,000 (1862)  Total-147,627 (1871)	Sydney – 21; Maitland -8; Goulburn – 10; Armidale – 3; Bathurst -3; Total - 47	Sydney-24 Maitland-6 Goulburn-12 Armidale;8 Bathurst-8 Total - 58	Sydney- 99 (1862/n/a;  Total – 99+/ n/a
NT	n/a	Port Victoria (1847)	n/a	n/a	1	nil
QLD	66,073/ 43,088	Brisbane (1859)	12,000 (1864 est.)	26 (1867)	11	31/n/a
SA	93,759/ 87,848	Adelaide (1842)	24,491 (1866)	32 (1871)	14	19 (1866); 68 (1871)/
TAS	52,835/ 46,355	Hobart (1842)	20,000 (1861)	15 (1862)	14	4 (1862)/
VIC	383,665/ 313,097	Melbourne (1847)	170,620 (1871)	36 (1858)	33	115 /17,000 (1872)
WA	15,320/ 9,333	Perth (1845) New Norcia (1867)	Perth – 8500 (1882)	5 (est.)	Perth -8; New Norcia-1	n/a/1300 (1882)
<b>TOTAL</b>	<b>875,139/ 717,018</b>	<b>12</b>	<b>300,000 (estimate only)</b>	<b>160 (estimate only)</b>	<b>142 districts (1869)</b>	<b>246 (1858)/ 11,000 (1858)</b>

Sources: Various (years are not consistent)

For the bishops, education was integral to the Church’s mission, and the Church could not surrender its authority in education to either the state or anyone else. It had a duty to give instruction in the Catholic faith and to ensure that Catholic parents discharged their duty to do the same. Ideally, this would best be done in harmony with the state, but the state had no right to control or impair parents’ rights of conscience or the authority of the Church. The state had no right to compel parents to violate their consciences by forcing them to send their children to schools where non-Catholic religion or no religion at all was being taught. The essence of Catholic education for the bishops was that it must take place in, and be infused by, a religious atmosphere which acts on the child’s whole character of mind and heart. It was not just the direct teaching of Catholic doctrine, but above all the interpenetration of a vital Catholic atmosphere in the school, its infusion with a Catholic life, and a spirit of prayer.

But not all Catholic parents shared the bishops’ views and, even where Catholic schools were available, many sent their children to other schools. Just prior to the Council, Bishop James Quinn had issued regulations prohibiting parents who did not send their children to Catholics schools from being admitted to the sacraments. Bishops Murray, Lanigan, Murphy, and Serra followed suit. But Polding balked, and refused to join them.

The Council decree on education had 7 sections, the first six being: 1) disapproval of any education system that would impede the Church from teaching faith and morals; 2) insistence on Catholic parents removing their children from mixed schools outside the Church's authority; 3) insistence on Church authorities being able to set its own curriculum, choose its own textbooks, and select its own teachers; 4) a requirement of erect Catholic schools; 5) insistence of the right of Catholics to have a share of public monies to build and maintain their own schools; and 6) allowing state authorities to inspect Catholic schools and their teachers to ensure they met the required standards. The seventh simply quoted *verbatim* Propositions 45, 47 and 48 of the *Syllabus of Errors*.

Though the decree made its point about state-funding, it implicitly recognized that the battle had been lost. The policy to be followed henceforth was to set up independent and self-funded Catholic schools, with the firm insistence that Catholic parents must send their children to these schools. Finding the funds to build the schools, and attracting teachers and paying for them was the next big hurdle. That burden would fall almost entirely on the Australian lay faithful.

### **Mixed marriage**

From the earliest days of the colony, 'mixed marriages' (i.e. between a Catholic and a non-Catholic) were problematic for church leaders. With few or no priests, significant gender imbalance, small Catholic numbers (Table 1), and difficult living circumstances, many Catholics had never married and were in *de facto* relationships, often with a non-Catholic partner, or had married before a Protestant minister of religion or a civil celebrant.

By 1869, the male/female imbalance had improved from 100 males/60 females in 1844 to 100 males/82 females, but there was still a significant imbalance in WA (100 males/61 females) and Queensland (100 males/ 65 females). This imbalance continued to have an effect in moral behaviour and marriage, particularly 'mixed marriage' for Catholics. Catholics were also a minority group (circa 20%) in the total population.

From the outset, Archbishop Polding had preferred a 'mixed marriage' to no marriage at all, and at the 1844 1<sup>st</sup> Provincial Council succeeded in having this position accepted by his suffragan bishops. As late as 1860, 30-40 per cent of all marriages of Catholics were mixed.

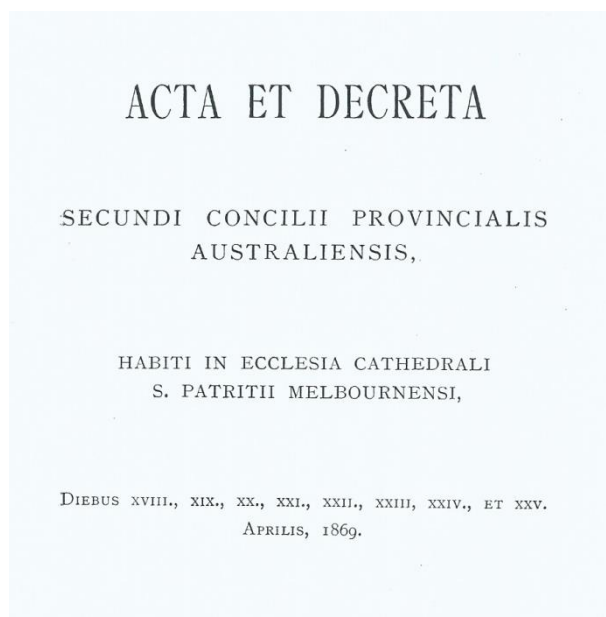
In 1858 Pope Pius IX issued a stern Instruction on 'mixed marriages' to bishops worldwide. He urged them *to most religiously keep the teaching of the Church respecting these marriages, [to] turn the Catholics away from mixed marriages, and teach them the doctrine and laws of the Church affecting these marriages, [for] the Church has always reprobated mixed marriages, and has held them to be unlawful and pernicious because of the danger of perversion that hangs over the Catholic party, and of the disastrous influences affecting the education of children.*

Though well aware of this instruction, the priest members of 1869 Council formerly requested, before discussions had begun, that the council decree be benign. And when a harsh decree was drafted, they asked that it be modified or deleted, arguing that their pastoral experience told them that it was too harsh for the circumstances of the mission,



would likely cause religious disharmony, and that some of its regulations should be left to the discretion of the priest celebrant. But with the Irish bishops refusing to budge, a robust debate followed with the priests again seeking modification. The bishops, however, were adamant and insisted on full adoption the Pius's 1858 Instruction.

Bishop Murray was the most insistent on a strict decree, believing that Australian Catholicism was being menaced, to the point of imminent destruction, by the prevalence of 'mixed marriages'. He desperately wanted Catholics to be kept apart from Protestants and their contamination, and in his own diocese he refused to allow mixed marriages. He was irked when refused couples went to Sydney, which he interpreted as a threat to his authority.



The Council's enacted decree on marriage contained 12 paragraphs which: confirmed the rubrics of the Roman missal and ritual; confirmed the decrees of the 1844 Council; made marriage banns obligatory; allowed diocesan bishops to permit mixed marriages, but only under strict conditions (with *cautiones* and grave reasons) and outside the church without any sacred rite; made it a sin reserved to the bishop for a Catholic to enter a mixed married before a non-Catholic minister or civil celebrant; and imposed automatic excommunication on two Catholics if they married before such celebrants. The bishops also ordered all the Council's Latin decrees on marriage to be translated into English and read in all parishes.

In a Pastoral Letter composed at the Council the bishops wrote: *The frequency of mixed marriages is a terrible blot upon the character of our Catholic community. It is sad to think with what facility Catholic parents consent to such irreligious connections, and with how little caution they expose their young people to social intercourse, where passionate fancy and the thoughtlessness of youth are certain to entail the danger of mischievous alliances. It is in the main the fault of the parents more than of the children, who hear so little warning against mixed marriage ...and its dangers and miseries. If young people did hear from the clergy and from parents the sense and doctrine of the Church concerning such marriages, these unholy unions would be a far rarer calamity than they are.*

## **Formation of priests and provincial Seminary**

Australia's first seminary, St Mary's at Sydney, was opened by Bishop Polding in 1838 as an integral part of his Benedictine 'dream'. When it moved to Glebe in 1857, it had produced 28 priests, but few Australian-born. In the meantime, three other seminaries had opened: at Hobart (1854), Melbourne (1849) and Sevenhill, SA (1856). However, by 1862 all these had closed. Following a strong call for an 'Australian priesthood' and an ecclesiastical seminary in the late 1850s, the bishops had discussed establishing a 'central ecclesiastical college [seminary] for the Australian province' at their 1862 meeting, but deferred a decision. Several preferred an Australian seminary in Rome, but not urgently.

At the 1869 Council, Polding proposed "a common or provincial seminary", but it was not considered a priority. Bishop Matthew Quinn wrote to Bishop Lanigan: "We have said nothing about seminaries, because we do not know what to say. Please suggest something." There was no discussion of the matter at the formal council meetings, and the earlier proposal for an Australian seminary in Rome was not even raised. The only proposal, put forward by Bishop Quinn, was "that a provincial seminary be established in Melbourne under the care and management of the Jesuit Fathers." But only after the Council had closed did the bishops discuss privately a Jesuit-staffed seminary in Melbourne, though they made no decision. The Irish bishops seemed content to let the seminaries in Ireland supply all the priests they needed, and when they went to Rome for the 1<sup>st</sup> Vatican Council later that year, most used the opportunity to recruit more Irish priests. Later that year, following the ordination of the last 3 seminarians at St Mary's, Glebe, it too was closed, rendering the whole country without any functioning seminary.

## **Support for the Clergy and administration of temporal goods**

In their 1862 Pastoral Letter, the bishops reminded the laity of their obligation to provide financial support to the clergy. In 1869, after an animated discussion on support for the clergy, 5 decrees were enacted which included: the faithful must be instructed on their obligation to support the clergy; priests are not to raise money in an inappropriate manner; all income is subject to ecclesiastical authority; the bishop's income can derive from a tax on parish collections, offerings and stole fees; a diocesan society for infirm priests is to be established; collections and borrowings are not permitted without the ordinary's permission; every priest to draw up a will with a priest executor; priests are not to borrow money or act as executors of wills of laypersons without permission; and all parishes are to keep an inventory and financial records.

## **Evangelization of Aboriginal peoples**

For 60,000 years prior to 1788, possibly 300,000 Aboriginal people, living in hundreds of small nomadic groups or tribes and speaking 250 distinct languages, had inhabited the Australian mainland and adjacent islands. Living as hunters and gatherers, they shared customs, totemic rites, laws, ceremonies, marriage and kinship arrangements, and had a strong spiritual bond to their respective tribal lands.

On arrival in 1788, the British classified the place as a 'settled colony', and simply assumed ownership of the land which they considered uninhabited by a recognized sovereign or people with recognisable institutions and laws (*'terra nullius'*). As they did not consider it a conquered or ceded land, they made no treaty with the indigenous people, and made no arrangements to acquire the land or to regulate mutual dealings. They treated all indigenous people solely as 'individuals', not as groups, tribes or communities. Some colonists doubted that the Aboriginal people were true 'humans' and considered them wild savages who could never be 'civilized'. Others recognized them as an inoffensive people with natural virtues, attached to their land, affectionate to their children, and not given to warlike or treacherous actions, unless there was interference with their tribal laws and customs.

British colonial policy had three basic principles for Aborigines: 1) they were to be 'civilized' and converted to Christianity; 2) they were to have the full status and legal rights of British subjects; and 3) their physical well-being was to be fully protected. However, as contact with Europeans increased, the first two principles were gradually abandoned, the third neglected, and all notion of white responsibility let slide.

The British told the Aborigines they were British subjects, subject to and protected by British law. But it was protection as a privilege, not a right. When serious crimes were committed by Aborigines against Europeans, or *vice versa*, or by Aborigines against one another, only British law was applied, with the minimum of 'administrative flexibility' and scant or no recognition of Aboriginal customary laws and traditions. Though a 1837 House of Commons Select Committee considered it absurd and unjust to apply British notions of law to Aboriginal people unless tempered with discretion and 'special measures', British civil law refused to recognize Aboriginal land rights and customary law. While the Aborigines were not treated as 'trespassers' on Crown Land, the Crown freely alienated their traditional lands to settlers who displaced them, often by force. Aboriginal marriages were not recognized, the right of parents to the custody of their children was precarious to non-existent, their legal right to make contracts, own property and sue in the courts was treated as irrelevant, and their testimony in the courts was refused unless they were Christians. By 1850 it was firmly established that there should be no formal recognition of Aboriginal customary laws.

### **First outreach to Aborigines**

The first Catholic outreach to the Aborigines came from Fr John J Therry, the compassionate Irish priest with the touch for spiritual communication. On arrival at Sydney in 1820, he found the Aborigines living near the settlements had already been corrupted by the convicts and their overseers, and little attention given to their welfare or evangelization. Therry instinctively did what he thought best and baptized the few indigenous children who were brought to him by their parents. But his superior, Fr William Ullathorne OSB, who knew nothing of Aboriginal religious beliefs, disapproved of his actions. Ullathorne depicted the Australian Aboriginal in 1833 as a "naked savage, who wanders through these endless forests, who [previously] knew nothing monstrous in crime, except cannibalism, until England schooled him in horrors through her prisoners." Ullathorne believed that nothing religious could be done for those Aborigines living near the settlements, but that only

beyond the limits of settlement could they be won over by missionaries and assimilated to European ways, i.e. 'civilized'. In 1840 the editor of the Catholic *Chronicle*, wrote: "We have deprived [the Aborigines] of the means of sustenance. We have driven them from their haunts; we have communicated to them our diseases and vices; in a word, an edict has gone out for their extermination." That same year, Bishop Polding, then Vicar Apostolic of the Australian mission, wrote to the Society for the Propagation of the Faith in France stating that he did not have a single priest to evangelize the Aborigines.

Polding was always well-disposed to Australia's indigenous peoples. In an 1849 Pastoral Letter he wrote: "*The wretched unfortunate Aborigines of the country – the first occupants of the lands over which your flocks and herds now roam – have a very strong claim upon you. Nor will the Lord hold you innocent if you have not used your best endeavours to promote their temporal and eternal well-being*". Though deeply concerned at the way white settlers were mindlessly depriving the indigenous peoples of their land, culture and way of life, especially their spiritual attachment to the land, Polding did not fully comprehend its implications. At the 1862 bishops meeting, no mention was made of the Aborigines or their evangelization.

### **Italian Passionists at Moreton Bay Settlement (QLD)**

In 1842, Pope Gregory XVI established a separate Prefecture Apostolic for a 'mission to the Aborigines' in Australia and put it in the care of 4 Italian Passionist priests. Although placed outside the provincial structure and Polding's jurisdiction, when the Passionists arrived in Australia, Polding immediately assumed command and sent them to minister to a small Aboriginal group on Stradbroke Island at the Moreton Bay Settlement (QLD). When they realized that the Aborigines were nomadic, they accompanied them on their 'walkabouts' to gain their confidence and to understand their customs. But they soon concluded that, apart from some hope for the young boys, they could do little to convert the adults. After several years, the mission failed, not least because Polding would not endorse the Passionists' plans and starved them of resources. Nor did he invite the Passionists to attend the 1<sup>st</sup> Provincial Council in 1844, where no mention was made of evangelizing the indigenous peoples. The prefecture apostolic and the Moreton Bay mission were closed in 1847.

In 1844, two Spanish Benedictine priests, Rudesindo Salvado and José Serra, deciding to dedicate their lives to the 'conversion of primitives', signalled their intentions to Propaganda in Rome which suggested they evangelize the Australian Aborigines. At the same time, Fr John Brady, Polding's vicar-general for Western Australia, was also in Rome, and had devised a plan for the evangelization of "two million Aborigines" in Western Australia. In his *Memorandum* to Propaganda, Brady proposed a new diocese at Perth, with vicariates apostolic at Essington (near Darwin) and King George Sound (Albany) to evangelize the Aborigines. Propaganda opted for a single diocese only and offered the bishopric to Fr Ullathorne who declined the offer, but said that the new diocese would be "the most suitable for a mission to the blacks". When Pope Gregory XVI was informed, he approved Brady's original plan and in 1845 appointed Brady the new bishop. Brady immediately recruited Salvado and Serra whom the pope officially named as 'Missionaries Apostolic for the Diocese of Perth', requested that the Passionists struggling at Moreton Bay be transferred to work among the Aborigines at Essington and King George Sound, and

recruited 28 other missionaries, including several French priests of the Society of the Immaculate Heart of Mary, some seminarians, and several Irish sisters.

**French, Italian and Spanish missionaries at King George Sound (WA), Port Essington (NT) and Victoria Plains (New Norcia)**

Brady assigned the French priests to evangelize the Aborigines near Albany, but they were soon starving, and were transferred to Mauritius. He assigned the Italian priest, Angelo Confalonieri, to Essington, who, though shipwrecked on the voyage there, survived and eventually spent two years evangelizing the Iwaidja Aborigines living near Essington before dying at age 35 in 1848. Brady sent a Benedictine contingent of 5 missionaries to Victoria Plains where they settled and began the New Norcia mission. However, Brady had collected insufficient funds for his various projects, and with meagre support from the 306 European Catholics at Perth, within two years the whole new diocesan enterprise became a financial disaster.



Image: Italian priest, Angelo Confalonieri, first Catholic missionary to the Iwaidja Aboriginal people at Port Essington, NT, 1846-1848. Died 1848, age 35 years.

When the British Government were planning a new colony at Port Victoria (Darwin), it asked the Holy See to appoint a bishop. Gregory XVI appointed Jose Serra, but suddenly transferred him to Perth as coadjutor bishop. His compatriot Salvado was appointed his replacement, but he never took possession of the diocese, preferring to remain at the New Norcia mission which was separated from Perth in 1867. Salvado became its first Abbot. In 1868, the Perth Vicar General reported that "there are about forty [blacks] at the Benedictine mission of New Norcia. Almost all the females were educated in [Perth] by the Sisters, and were then married to young Christian blacks belonging to the New Norcia station. There are few blacks, however, in this vast but almost uninhabited colony. The greater part ... die young, those especially who are at service among the colonists: the food and manner of life of the Europeans are not suitable to them."

The 1869 Plenary Council members should have been aware of the three failed missions – Moreton Bay, (QLD), Albany (WA) and Port Essington (NT) – as well as the struggling Benedictine mission at New Norcia. Yet the only resolution that the 1869 Council came up with was to seek out another religious congregation to take up the evangelization of the Aborigines.

### **Miscellaneous**

Besides the decrees on the five main agenda items, the Council enacted several miscellaneous decrees relating to baptism, the Society for the Propagation of the Faith, the annual collection for the Pope, use of Latin when conferring the sacraments, and the need to read the Council's decrees and Pope's instructions. The bishops also published a Pastoral Letter on 24 April denouncing 'indifferentism' ("the deadliest of all errors"), mixed schools ("a gross invasion of freedom of conscience") and mixed marriages. They pleaded for justice for the Aborigines, and reminded the Catholic laity of their responsibility to support the Church.

After the Council closed on 25 April, the bishops continued to meet privately until 4 May, discussing the suitability of Melbourne becoming a Metropolitan see, the establishment of a new diocese at Ballarat, the separation of the northern section of the Brisbane diocese for a new and separate vicariate apostolic, and the establishment of a provincial seminary in Melbourne. No date was set for a follow-up council.

Polding forwarded the Council's acts and decrees to the Holy See on 16 June and, shortly after, most of the bishops began making their way to Rome for the opening of the 1<sup>st</sup> Vatican Council. Propaganda initially wanted to defer approval of the Provincial Council's decrees until after the conclusion of the ecumenical council, but when it was suspended indefinitely on 20 October 1870, approval (*recognitio*) was given on 18 July 1872 with three qualifications: there was to be no admission fees for Mass, no permanent pew-rents, and Episcopal taxation was to be decided at an annual diocesan synod in consultation with the clergy. Propaganda also requested more background information on the proposed new Ballarat diocese and the North Queensland vicariate apostolic.