

First Plenary Council of Australasia, 14-29 November 1885 – Part 1

First Published in *The Swag*, Vol. 26, No. 2, Winter 2018, pp. 8-12, republished with permission by Catholics For Renewal 8 June 2018

This is the fourth in a series of articles looking at the particular (provincial and plenary) councils of the Catholic Church held in Australia between 1844 and 1937. It examines, in 2 Parts, the 1885 First Australasian Plenary Council which officially brought together the Churches in Australia and New Zealand for the first time. Part 2 will appear in the Spring 2018 edition.

In the period 1870-1885 fourteen particular councils were held in English-speaking mission territories across the world: 3 in Canada, 1 in England, 1 in Ireland, 8 in the USA and 1 in Australasia. The 1875 Maynooth Plenary in Ireland would significantly influence the Australasian council.

Developments and preparations

Between 1869 and 1885 three new dioceses were established in Australia - Ballarat (1874), Sandhurst (1874) and Rockhampton (1882) – as well as the Vicariate Apostolic of Queensland (1877)). In 1874 Melbourne became an Archdiocese and Metropolitan See for the new Province of Melbourne which in 1885 had 5 suffragan sees: Hobart, Perth, Adelaide, Ballarat and Sandhurst. Councils representing all the churches of Australia would now have to be ‘plenary’, not ‘provincial’.

The 1869 Provincial Council had made no plans for a follow-up, but in 1882 Archbishop Vaughan sought permission to convoke a provincial council for Sydney. The Sacred Congregation de Propaganda Fide (‘Propaganda’) was supportive, but urged him to plan carefully and make use of the 1st Vatican Council (1869-1870) and the councils of Westminster, Baltimore and Québec. He died before he could convene it.

In 1884, Pope Leo XIII (1878-1903) informed the bishops of Australia and New Zealand that he wanted a ‘plenary’ council to be held within two years and delegated the new Irish Archbishop of Sydney, Cardinal Patrick Francis Moran, to convoke and preside at it. Moran convoked the 1st Australasian Plenary Council on 15 April 1885, advising all the bishops and all other clerics who had to be present by law or custom, that they were to gather at Sydney on 14 November 1885, and that the council’s objectives were to emphasize the decrees of the 1st Vatican Council (1869 -1870), to correct abuses in ecclesiastical discipline, to support and preserve Catholic education, and to do whatever else might promote the salvation of souls and the good of the Church.

As neither country had canonical ‘cathedral chapters’, Moran attached a Memorandum to the convocation decree, advising that the priests of every diocese should elect one of their number to represent them at the council’s public sessions on matters concerning their own dioceses. Other priests, including provincials of clerical congregations, rectors of major seminaries, and selected theologians and canonists, acting as episcopal advisors, could also

attend, but only with a consultative vote. Any laymen admitted might only act as a notary or advisor on civil law.

Five public sessions were scheduled in St Mary's Cathedral with solemn pontifical Masses, as well as the solemn promulgation of the Council's decrees. All meetings of bishops, joint meetings of bishops and priests, and committee meetings, were to be in private.

Demographic situation in 1885

In 1885 the total European population of Australia was 2.7 million, with Catholics numbering around 540,000, some 20 percent of the total. One third was Irish-born. New Zealand's Catholics numbered around 80,000 (87,272 in the 1891 Census), constituting just 13 per cent of the total population of 614,000. Australia had 2 archdioceses, 12 dioceses, 1 vicariate apostolic, and 1 abbacy nullius, situated within the provinces of Sydney and Melbourne. There were 512 priests ministering in 259 districts ('parishes' did not exist), and 622 Catholic schools educating over 65,000 students. New Zealand had 3 dioceses with no established hierarchy, 79 priests ministering in 55 districts, and at least 65 Catholic schools (Table 1).

Table 1: Provinces of Sydney and Melbourne, and Dioceses of New Zealand: demographic and ecclesiastical data for 1885

Colony	Total Population	Catholic Population	Diocese/Abbacy/Vicariate Apostolic	Year Est.	Bishop/Abbot/Vicar Apostolic (*not bishop) (Country of Origin)	Clergy	Districts (not parishes)	Catholic Schools/Students
			Prov. of Sydney	1842				
NSW	943,867	120,000	Sydney (AD)	1842	Patrick Francis Moran (IR)	115	46	113/20,000
		30,000	Maitland (D)	1847	James Murray (IR)	36	18	38/3,118
		27,000	Goulburn (D)	1862	William Lanigan (IR)	33	18	39/3,346
		14,600	Armidale (D)	1862	Eleazar Torregiani OSFC(IT)	19	14	15/1,622
		25,000	Bathurst (D)	1865	Joseph Byrne (IR)	32	16	56/3,676
QLD	316,681	50,000	Brisbane (D)	1859	Robert Dunne (IR)	28	13	59/6,000
		2,000	Queensland (VA)	1877	John Hutchinson OSA (IR)*	6	5	1/80
		n/a	Rockhampton (D)	1882	John Cani (IT)	11	8	9/n/a
NT	n/a	n/a	Port Victoria (D)	1847	Rosendo Salvado OSB (SP)	6	2	n/a
			Prov. of Melbourne	1874				
VIC	959,777	140,000	Melbourne (AD)	1847	James Goold OSA (IR)	72	30	85/12,000
		15,000	Ballarat (D)	1874	James Moore (IR)	28	18	61/6,000
		35,000	Sandhurst (D)	1874	Martin Crane OSA (IR)	24	12	41/2,777
SA	309,313	44,000	Adelaide (D)	1842	Christopher Reynolds (IR)	57	28	56/4,384
WA	35,959	10,000	Perth (D)	1845	Martin Griver y Cuni (SP)	17	12	23/1,535
		n/a	New Norcia (AN)	1867	Rosendo Salvado OSB (SP)	5	3	4
TAS	128,860	26,000	Hobart (D)	1842	Daniel Murphy (IR)	23	16	22
Australia TOTAL	2,695,518	c. 540,000 (c. 20% of total)	2 Provinces 14 Dioceses 1 VA & 1 Abbacy			512	259	622/ 64,538+
New Zealand	613,900	n/a	Auckland (D)	1848	John Luck OSB (EN)	19	11	n/a
		40,500	Wellington (D)	1848	Francis Redwood SM (EN)	44	31	59
		18,000	Dunedin (D)	1869	Patrick Moran (IR)	16	13	6+
NZ TOTAL	613,900	80,000 (estimate)	3 Dioceses			79	55	65+/n/a
G-Total	3,309,418	620,000	2AD; 15D; 1VA; 1AN			591	314	687/ 65,000+

Sources: *Australasian Catholic Directory for 1886* (data is for 1885); *ABS. Cat. No. 3105.0.65.001*. Notes: 1. The Directory incorrectly lists the Diocese of Port Victoria in the Province of Melbourne. 2. Bishop Salvado was both Bishop of Port Victoria (NT) and Abbot of the Territorial Abbey of New Norcia (WA).

Council members and opening

The 18 prelates at the Council (Table 1 and photo below) - 12 Irish, 2 English, 2 Italian and 2 Spanish - met on 14 November to decide the order of business, the rules of procedure and the council officials, and to elect a 5-member Bishops' Committee, with Moran as Chair. This committee assigned all Council members to one of 4 other committees dealing with Faith, Discipline, the Sacraments, and Education. Absent were Archbishop Goold (sick, but represented by Archdeacon Slattery) and Bishop Martin Crane (in Europe). No prelates from Oceania were invited or present.

The non-prelate members included 34 diocesan priests from both countries, and 18 religious priests, including 6 Jesuits, 4 Benedictines, 4 Marists, and a single Carmelite, Franciscan, Redemptorist, and Vincentian. All were listed as 'theologians'. There were no lay members, men or women.



Bishops present at the 1885 First Australasian Plenary Council (*Left to right*): Stephen Reville OSA, Martin Griver, William Lanigan (*above*), Daniel Murphy (*below*), Christopher Reynolds, Cardinal Moran, Patrick Moran, James Murray (*above*), Francis Redwood SM (*above*), Rudisendo Salvado OSB (*below*), James Moore (*above*), John Cani (*below*), John Byrne (*above*), Eleazer Torreggiani OSFC. Source: O'Farrell, Patrick, *The Catholic Church and Community in Australia*, Nelson, West Melbourne, 1977, p. 249. Absent are Fr John Hutchinson, Vicar Apostolic of Queensland, and Archdeacon Patrick Slattery representing Archbishop James Goold.

The Council's *schemata* was largely prepared by Moran, who borrowed significantly from the 1875 1st Maynooth Plenary Council at which he was present. Many of the draft decrees were new; others repeated decrees of the 1844 and 1869 Provincial Councils.

The Council opened on Sunday 15 November 1885 with Pontifical Mass in St Mary's Cathedral, attended by over 5000 people.

Cardinal Moran's vision for the Church in Australia

Each of the first three archbishops of Sydney had clear but differing visions for what they wanted the Church in Australia to be, and how it might be achieved. Polding envisaged a medieval Benedictine abbey-cathedral church, with missionary monks electing their abbot-bishop in perpetuity and spawning other monasteries throughout the land. It was never going to work, and well before his death in 1877 was in ruins. His singular achievement, gained at the 1844 Provincial Council, was securing uniformity of discipline within the single ecclesiastical province and episcopal unity of direction.

The second archbishop, Roger Vaughan OSB, dismantled Polding's Benedictine vision and sought instead to build the Church in Australia on education. This would also protect it from anti-Catholic secularism. He wanted multiple diocesan seminaries acting as 'feeders to one great central ecclesiastical university ... for the education and training of Australian ecclesiastics', and causing the Church to 'spring forward with invigorated life'. However, his public emphasis on Catholic doctrine made him a contentious figure, and his zeal for church construction detracted from the spiritual life. He died in 1883 before he could realize his vision.

The third archbishop, Patrick Francis Moran, had the grandest vision. The nephew and protégée of Cardinal Paul Cullen, Archbishop of Dublin, Moran had watched his ultramontane uncle remake the Church in Ireland in the image of the Roman model. He also saw how Cullen used the 1850 Thurles and 1875 Maynooth synods to implement his plans.



Cardinal Patrick Francis Moran, Archbishop of Sydney (1884-1911)

Confident of his own knowledge, experience, skill, diplomacy and connections, Moran determined to emulate Cullen and use Australian councils to achieve his own vision, namely, of a united Australian church, modelled on the Church in Ireland. He planned to use the 1885 Plenary Council to lay the foundation of this vision, imposing uniformity of practice and discipline, and building a church with a 'national' character, free of state distinctions and the image of a collection of separate colonial churches. For Moran, unity and authority were paramount, and he would not hesitate to persuade, cajole or bully his brother bishops, overwhelming them with his prodigious work ethic and administrative skills.

Diocesan governance: cathedral chapters, canons, diocesan consultors, and irremovable rectors

Until 1885 Australian dioceses and vicariate apostolic had no canonical structure to assist the bishop in the governance of his diocese, or to act as a check on his authority. With the exception of Ireland, England, Scotland, and Holland, this was the normal situation for mission territories under the jurisdiction of Propaganda, which were exempted from the common law prevailing in the established churches in Europe, which mandated 'cathedral chapters'.

Cathedral chapters, which had evolved from the early *presbyterium* in the 4th century, were small officially constituted moral and collegiate bodies of selected priests, known as 'canons', whose principal purpose, besides their liturgical duties, was to assist the bishop in the governance of his diocese. Each chapter had a president and operated as a diocesan 'senate', with the bishop obliged to seek its counsel or consent for certain administrative acts, particularly those concerning property, finances and parishes. The chapter was the lawful defender of diocesan rights, and on the death of the bishop, would elect a vicar capitular to administer the diocese, and nominate the new bishop.

In mission territories such as Australia, where cathedral chapters did not exist, diocesan bishops enjoyed almost unfettered authority and autonomy, especially the ability to appoint (non-stable) missionary priests to any place at any time and for any duration. They also had the exclusive privilege of recommending new and replacement bishops.

After emancipation in 1850, Pope Pius IX established cathedral chapters in all 13 new dioceses in England with the responsibility for nominating bishops, and in Scotland in 1878 Pope Leo XIII required cathedral chapters to be established wherever possible.

For years Propaganda had tried to have cathedral chapters established in America, but the US bishops resisted strongly, arguing that chapters were not suited to the American character and had a history of controversy. At the 1866 Baltimore Plenary Council, a proposal to have cathedral chapters, and canons with the right to nominate episcopal candidates, was rejected on the grounds that they would restrict the role of the bishops. Though the 1852 and 1866 Baltimore Plenaries and the 1855 Provincial Council had recommended that dioceses should have 'diocesan consultors', rather than cathedral chapters, none made them obligatory or gave them a defined role. The 1884 Baltimore Plenary, resisting strong pressure from Propaganda, again rejected cathedral chapters and canons and determined that 'diocesan consultors' be obligatory. Following Scotland, it also insisted that bishops choose half the consultors from names proposed by the priests.

When Moran was drafting the *schemata* for the 1885 Plenary Council, he was aware of the 1884 Baltimore legislation, yet proposed that each Australian diocese have 2-4 'titular canons' appointed by the bishop permanently. They were to have special status, be the bishop's consultors, and have a defined role, including proposing names for new bishops. The Council endorsed Moran's proposal, but when Propaganda reviewed the decrees it insisted that the term 'titular canons' be replaced with 'diocesan consultors', replicating the

1884 Baltimore model. However, the Australian bishops were free to appoint them without input from the priests, but only for a 3-year term.

At the 1844 Australian Provincial Council priestly ministry was viewed as essentially itinerant and missionary. It wanted no stable offices, such as cathedral canons or parish priests, and no inequality among priests. At their 1862 unofficial gathering, however, when local circumstances had changed significantly, the bishops agreed that where several missionaries were assigned to a single 'district' (similar to a parish) one was to have 'pastoral charge' of the others. When Bishop James Quinn of Brisbane broke ranks and started appointing 'parish priests', Archbishop Polding charged that 'it changes the aspect of a missionary country' and requires 'the concurrence of his episcopal brethren'. Though the issue was not raised at the 1869 Provincial Council, it was on the 1885 Plenary agenda, where it became the most hotly contested issue because, until then, all priest appointments had been 'diocesan' not 'parochial', and bishops could vary them at will.

Moran's *schemata* also proposed 'irremovable rectors' in each diocese, with a minimum of 3 districts and a maximum of 20 percent of all districts to have this stable priest. Some bishops wanted canonical 'parishes' and 'parish priests', as in Ireland, but Propaganda insisted that 'for now' this was not opportune and that, like the US and England, there should only be a small number of irremovable rectors. For bishops with few priests (Table 1), even having 3 priests they could not move was a major restriction, so when a secret vote was taken on the proposal, the tied result (9:9) showed a major division, Moran used his casting vote to pass the motion, but Propaganda, in its review, insisted that canonical parishes not yet be established, and that Australia should follow the 1884 Baltimore decision and have only a limited number of 'irremovable parochial rectors'. While the bishops explained in their Pastoral Letter that 'the extent of the country now settled makes an opening to give a comparatively greater permanence to some of the priests', the legislated decrees still contained some escape clauses for those bishops who did not want diocesan consultors or irremovable rectors.

Selection of Bishops and the *Antistites*

To November 1885, three popes had appointed 33 men to the Australian hierarchy: 4 English, 21 Irish, 4 Italian, 3 Spanish and 1 Belgian. That 64 per cent were Irish is not surprising, given that Irish-born Australian Catholics peaked at 228,000 in 1891, some 40 per cent of all Catholics.

Until 1885, only bishops, inside and outside Australia, could make recommendations to the Holy See for episcopal appointments. But Propaganda always made it clear that the pope was not bound to heed them and could choose whomever he wished. Propaganda also tapped into the clerical resources of both the migrant-sending and migrant-receiving countries.

The earliest episcopal appointments had involved delicate negotiations between Propaganda, the British Government, the English Benedictines, and certain bishops in Australia, England and Ireland. Ethnicity and politics were major factors, as were key advisors, such as Cardinal Paul Cullen of Dublin (1803-1878), who had 12 of his relatives and

former students receive Australian bishoprics. In fact, during the 1850s, 1860s and 1870s, planning for the Australian mission was largely shaped by three cardinals: Alessandro Barnabò and Karl von Reisach of Propaganda, and Cullen. In Australia, Archbishop Polding was increasingly shut out of the planning, only being informed after decisions had been made, including those concerning the appointment of bishops. Moreover, much of the planning derived from innovations trialled by Propaganda in Ireland, England and the US.

In 1788, for example, Pope Pius VI (1775-1779) had permitted all 34 priests of the US mission to elect that nation's first bishop, John Carroll. When Carroll requested a second election, he was told to consult the 'older and more prudent priests', and the pope would appoint the recommendation. In 1808, when Pope Pius VII (1800-1823) was appointing the next group of bishops, the US bishops and priests were completely left out of the selection process, causing huge discontent and confusion. When Bishop John Ireland pleaded in 1833 for a process allowing 'recommendations' to be made to the Holy See, Propaganda pushed hard for the establishment of cathedral chapters, with the canons having the right to elect bishops. But the US bishops were totally opposed, and at the 1855 Baltimore Provincial Council preferred that each diocese have a 10-12 'diocesan consultors' who, on the death of the bishop, would recommend to the metropolitan archbishop (or senior bishop of the province) a suitable successor.

In Ireland, after the 1829 emancipation, Propaganda told the bishops that, when a diocese became vacant, the 'Antistites' (i.e. the cathedral canons and parish priests) were to forward to the Holy See a list of 3 names (*terna*), an innovation designed to ensure there was no suggestion of an 'election', or that the pope had no choice. In 1835 Propaganda told them they to follow another new process, namely, on an episcopal vacancy, the vicar general of the diocese is to summon the *Antistites*, ask each to write in secret the name of the most suitable candidate of his choice, and after a ballot, send the names of the three candidates with the most votes to the provincial bishops, who are to forward the *terna* to Propaganda with their own comments, but no new names. In the case of a coadjutor with the right of succession, the same process was to be followed, but at the electoral meeting, the bishop seeking the coadjutor was to preside. This process gave the *Antistites* a significant voice, but excluded all other clergy and the laity.

In 1845 in the Instruction *Neminem profecto*, Propaganda told the heads of all mission territories they must notify it when more bishops were needed, and should recommend as the most suitable episcopal candidates missionaries with experience in the local territory.

After 1850, when a diocese in England fell vacant, the metropolitan was to convene the cathedral canons who, in 3 successive ballots, would determine the *terna* to be sent to Propaganda, with the provincial bishops only commenting, although from 1874, they could propose other names.

In the US, after persistent problems and requests for a uniform process for selecting and appointing bishops, in 1859 Propaganda asked the US archbishops to suggest improvements and, in 1861, issued its *Instruction on the Election of Bishops for the United States of America*. Its 10 articles incorporated most of the recent Irish process, but also required

regular, informed and updated lists of potential candidates, intended to provide 'extensive information on priests with a view to promoting them to the office and dignity of bishops'.

The *Instruction* stated: 'Every three years, each and all the *Antistites* shall first present to their provincial Metropolitan, then to the Sacred Congregation [of Propaganda], the names of suitable, worthy and distinguished priests to be considered for promotion to the office of bishop. They must carry this task out in the utmost secrecy, to ensure that ambition of any kind is strongly averted, and every care is taken in the process of gathering information to ensure a level of certainty about the qualities of those who are recommended'. Further: 'When a diocese becomes vacant, all the *Antistites* shall gather in synod within 3 months of the vacancy, under the presidency of the Metropolitan (or senior bishop), to discuss at least three potential candidates, whose names have been circulated prior to the synod, to assess each against a prescribed set of questions (listed in the *Instruction*), and to propose one candidate for the vacancy. At a gathering of the bishops, at which the Metropolitan or a senior *Antistes* presides, the qualities of all the candidates are to be discussed publicly, a secret vote taken, and the minutes of the gathering (with the name of the candidate elected) forwarded to Propaganda by the Metropolitan or another bishop of the province.'

This regular triennial updating of suitable candidates was to make Propaganda and the pope far better prepared for filling vacancies and establishing new dioceses. But the Latin word '*Antistites*' (singular *Antistes*) - a term used in classical literature to refer to 'high officials in the sacral ranks' or 'overseers of the sacred rituals', and in ecclesiastical literature to 'senior clergy' with sufficient rank to exercise considerable authority and influence in church governance - created some ambiguity and left the *Instruction* open to interpretation. Propaganda had not intended the term to refer to 'bishops' or 'prelates', and initially the US bishops took it to refer only to the 'diocesan consultors', legislated but not obligated by the 1855 Baltimore Council since, as bishops, they could review the merits of the candidates proposed by the *Antistites*, and, by secret ballot, could come up with their recommendation, so long as they gave reasons if their choice differed from that of the *Antistites*.

But the 1861 *Instruction* did not meet with universal approval, and at the 1866 Baltimore Plenary Council, another proposal to have cathedral chapters and canons, who would nominate episcopal candidates, resurfaced. It was again rejected, on the grounds that chapters would constrain the bishops. But relations between the US priests and bishops were now tense, with many priests resenting their exclusion from the process of selecting their own bishop. At the 1884 Baltimore Plenary Council the issue of priest participation in the selection of bishops again emerged, and only now did Propaganda propose the appointment of 'irremovable rectors' who would have a vote in the selection process, so long as the bishops could determine the final *terna* to be sent to Rome. Though most US bishops already had diocesan consultors, the 1884 Plenary, after resisting strong pressure from Propaganda to establish cathedral chapters, finally mandated them for all dioceses, with a defined role and duties. Bishops had to seek the consultors' advice and had to select one half of them from a list drawn up by the priests.

Propaganda trialled the 1861 *Instruction* for 5 years in the US, then on 19 May 1866, sent an almost identical *Instruction concerning the Election of Bishops in Australia* to the Australian hierarchy, explaining that Australia's situation was similar to the US, had also previously had

a haphazard selection process, and was poised for a rapid population expansion necessitating several new dioceses. To ensure timely action, it wanted Australia also to provide triennially updated lists of episcopal candidates.

1.—INSTRUCTIO S. CONGREGATIONIS DE PROPAGANDA FIDE, CIRCA ELECTIONEM EPISCOPORUM IN AUSTRALIA.

Quum ad catholicae Ecclesiae utilitatem atque ad animarum salutem promovendam nil magis conferre compertum sit, quam ut Dominico gregi Sacrorum Antistites doctrina ac prudentia insignes praeficiantur, ideo S. Sedes peculiare quovis tempore studium in negotio electionis Episcoporum adhibendum curavit. Quam utique in rem sapientissimae extant canonicae sanctiones, variae quidem pro varietate temporum ac regionum, at specialibus semper et temporum et locorum adiunctis accommodatae. Nil igitur mirum si pro regionibus, ubi novae passim efformantur civitates, novaeque

Image: Title and first paragraph of the 1866 Propaganda *Instruction concerning the Election of Bishops in Australia*. Source: Appendix III of *Acta et Decreta* of 1885 1st Australasian Plenary Council

The 1866 *Instruction* assigned a pivotal role to the metropolitan archbishop, and insisted that all the 'Antistites' were to forward to him and, through him to Propaganda, the names of priests they thought suitable for episcopal appointment. But it made no mention of bishops making comments on the list of names prepared by the *Antistites*, or changing names with reasons provided. This was not necessary, as the only *Antistites* (strictly interpreted) in Australia were the bishops themselves. In 1866, although all dioceses had a vicar general, and some had deans, there were no canonical cathedral canons, diocesan consultants, parish priests, or irremovable rectors. Therefore, identifying future episcopal candidates had to be a closed-shop process for the bishops only, with other clerics and the laity excluded.

So, in the case of a vacant Australian diocese, whether metropolitan or suffragan, 'all the *Antistites* (i.e. bishops) of the province were to meet in synod within three months of the vacancy to discuss at least three possible candidates, with a view to proposing one. Before meeting, the names of the candidates were to be circulated by the metropolitan (or senior bishop of the province), and the bishops were to consider them, using the set of written questions (attached to the *Instruction*) to arrive at their recommendation. At the synod, the qualities of each candidate were to be discussed publicly in the presence of the Metropolitan (or senior bishop of the province), and in a strictly secret ballot, each bishop was to place his vote in an urn. The result and minutes of the synod were then to be sent to Propaganda by the Metropolitan (or senior bishop of the province)'.

In the case of selecting a coadjutor with right of succession, or where the Holy See for some reason required it, 'the bishop wanting a coadjutor was to send his request to Propaganda with three names, which he had already shown to the Metropolitan and other provincial suffragans and received their agreement'.

The Australian *Instruction*, issued in 1866, was not discussed at the 1869 Provincial Council, and no decisions on it taken until 1885. Only after the 1885 Plenary Council were the *Antistites* taken to be the 'diocesan consultors' and 'irremovable parochial rectors', not the bishops. But the *terna* prepared by the *Antistites* had to be shown to the bishops before being sent to the Holy See, and the bishops could delete names, so long as they attached their reasons (Decree 23). Moreover, when new dioceses were being erected, the Metropolitan had to convoke all the diocesan consultors and irremovable rectors of the relevant territory (Decree 25).

New dioceses and ecclesiastical provinces

The 1866 *Instruction* also prescribed the process for establishing new ecclesiastical provinces and for electing new archbishops and coadjutor-archbishops: 'All bishops from all the existing provinces are to meet to recommend candidates for the new archdiocese(s), and if any proposed candidate is from outside the province concerned, that candidate's bishop and the metropolitan of the concerned diocese are to be advised in writing. When a new archbishop or coadjutor archbishop is to be selected, all the metropolitans are also to be consulted'. While the *Instruction* advised that Propaganda only wanted a clearly stated recommendation, it also noted that 'the Holy See will not be limited in the advice that it might seek, and is under no obligation to follow the recommendation sent by the Australian bishops; for the Holy See's freedom to choose has to be safeguarded, and Propaganda must have no restrictions placed on its liberty'.

At the 1885 Plenary Council, significant effort went into planning new dioceses, vicariates apostolic, and ecclesiastical provinces. There was strong support for new dioceses at Grafton, Wilcannia, Sale, Port Augusta and Christchurch, as well as new vicariates apostolic in the Kimberley (WA), northern Queensland, and New Zealand, which were to have special focus on the indigenous peoples. There was majority support for Brisbane and Adelaide to become metropolitan sees, but hesitation on having a New Zealand metropolitan see. There was unanimous agreement that the Prefecture Apostolic of Fiji become a diocese, but deadlock on a similar proposal for the existing Vicariate Apostolic of Queensland. Moran's proposal for a new diocese to be carved out of the southern section of the Sydney archdiocese was rejected. Other specific recommendations on the new territories were drafted and the recommended names of episcopal candidates and coadjutors were drawn up by the bishops gathered according to province.

Author's note: In preparing this article many primary and secondary sources were consulted. However, special recognition must be given to the original research of Dr Ian B Waters contained in his unpublished doctoral thesis *Australian Conciliar Legislation prior to the 1917 Code of Canon Law: A Comparative Study with similar Conciliar Legislation in Great Britain, Ireland, and North America*, St Paul University, Ottawa, 1990.

Part 2 of this article will be published in the Spring 2018 edition.

Peter J Wilkinson

2 May 2018