

First Provincial Council of Melbourne, 17-24 November 1907

This is the final article by Peter Wilkinson in the series looking at the various particular councils (provincial and plenary) convened by the hierarchy of the Catholic Church in Australia between 1844 and 1937. It examines the First Provincial Council of Melbourne held in Melbourne from 17-24 November 1907.

Provincial Councils

Provincial councils are assemblies of bishops of an ecclesiastical province, convened and presided over by the metropolitan archbishop to discuss ecclesiastical matters and to legislate for the province.

Ecclesiastical provinces emerged in the early life of the Church. Their boundaries were usually co-terminus with the provinces of the Roman Empire. The Councils of Nicaea I (325 CE) and Antioch (341 CE) initially mandated bi-annual provincial councils. The Councils of Trullo (692) and Nicaea II (787) reduced them to annual. The 4th Lateran Council (1215) reaffirmed this, but it was largely ignored. The Councils of Basle (1433) and Trent (1545-63) mandated a 3-year cycle, but that too was disregarded. In the 19th century, the Sacred Congregation de Propaganda Fide revived provincial councils in the mission territories of Australia, Canada, England, Ireland, and USA, but without Trent's rigour.

Trent gave metropolitan bishops the right and duty to convoke provincial councils, set their agenda, and to preside over them. They were to call all their suffragan bishops to attend as well as those entitled "by right or by custom". At the council they did not have an overriding voice, and could only adjourn or close the council with their suffragans' consent.

Provincial councils can deal with matters of faith, morals, and discipline, promote the Christian life of clergy and laity, settle disputes and make laws binding on all dioceses of the province. Though individual bishops can dispense from council decrees in their own dioceses, they cannot abrogate decrees. Provincial councils do not require the Holy See's approval for validity, but normally do seek approval.

Provincial Councils in Australia

Australia's first two provincial councils were the 1st Provincial Council of Sydney in 1844 and the 2nd Provincial Council of Sydney in 1869. Until 1874 Sydney was the sole Australian ecclesiastical province encompassing all dioceses, so both these councils had a plenary character with their decrees applicable in all dioceses (12 in 1873).

A third council for the Province of Sydney was planned for 1888, but as three other ecclesiastical provinces - Melbourne, Brisbane and Adelaide – had been established by 1887, the proposal council morphed into a 'national synodal conference' with bishops from dioceses across the country attending. It was not a plenary council.

Melbourne Provincial Council

Two years after the 1905 3rd Australian Plenary Council, the Metropolitan Archbishop of the ecclesiastical Province of Melbourne, Thomas Carr, decided to convoke a provincial council for the four dioceses of the Province – Melbourne, Ballarat, Sandhurst and Sale – for the purpose of formulating “one harmonious body of provincial laws” to replace “the numerous and divergent decrees” of the 40 diocesan synods that had been held within the Province up to 1906: 21 in Melbourne, 11 in Ballarat, and 4 each in Sandhurst and Sale (Table 1).

Table 1: Diocesan synods held in the Province of Melbourne, 1875-1906

Diocese	Established	Year in which Synods were held
Melbourne	1847	1875, 1885, 1887-1906 (3 rd -21 st held annually)
Ballarat	1865	1881, 1885, 1889, 1890, 1892, 1894, 1899, 1900, 1901, 1902, 1906
Sandhurst	1874	1881, 1888, 1893, 1901
Sale	1887	1898, 1901, 1905, 1906

Sources: *Acta et Decreta* of the various synods: *The Advocate, Summary and Index 1868-1990*; information supplied by diocesan archives.

These diocesan synods had usually been held after the annual diocesan priests retreat. Until the 1917 *Code of Canon Law*, Trent’s mandate of annual diocesan synods was variously observed in Australia. From 1887 onwards, Melbourne’s bishop held them annually, but other bishops less frequently. When they were convened by the diocesan bishop, on his own authority, to discuss and decide on matters relating to faith, morals, and discipline in his diocese, he always presided and had the sole decisive vote on the matters under consideration. Their decrees did not require the Holy See’s approval, and once promulgated, bound the clergy and laity of the entire diocese.

The Province of Melbourne in 1907

In 1907, the 4 dioceses of the Melbourne Province had a Catholic population of 263,710, or 21.4 per cent of the total Victorian state population of 1,232,807. The Archdiocese of Melbourne had more Catholics than the other 3 dioceses combined, but they had more ‘districts’ (akin to ‘parishes’). The Province had 275 priests – 221 diocesan and 54 religious – with an average one priest for every 960 Catholics. It also had 73 religious brothers and 1243 religious sisters, with most teaching in 5 Boys’ Colleges, 36 Girls’ Boarding Schools, 56 Superior Day Schools, and 205 Parish Primary Schools with a total enrolment of 35,193 students (Table 2).

Just 50 years earlier, the whole Colony of Victoria had one diocese, 60,000-70,000 Catholics, 25 churches, 36 priests and 74 Catholic schools educating 4000 students.

Table 2: Demographic and ecclesiastical data for the Province of Melbourne in 1907

Diocese	Year Estab.	Catholic Pop'tion	Bishop (Country of Origin: IR - Ireland)	Districts (not parishes)	Priests: Diocesan/ Religious	Relig. Brothers	Relig. Sisters	Catholic Schools/ Students
Melbourne	1847	145,333	Thomas Carr (IR)	56	104/39	50	761	160/24,918
Ballarat	1865	59,488	Joseph Higgins (IR)	31	65/9	17	221	81/4,900
Sandhurst	1874	45,368	Stephen Reville (IR)	22	34/6	6	200	51/4,500
Sale	1887	13,521	James Corbett (IR)	8	18/0	0	61	10/875
Totals		263,710		117	221/54	73	1,243	302/35,193

Source: *Australasian Catholic Directory for 1908*. Note: The Catholic population for the 4 dioceses in the Melbourne Province published in the 1908 *Directory* was the same for the years 1902-1909. In the same period the total population increased from 1,208,231 to 1,277,022 (+68.791).

Convoking the 1907 Council

Before his appointment as Archbishop of Melbourne by Leo XIII in 1886, Thomas Carr had been vice-president of Ireland's premier seminary, Maynooth College, and Bishop of Galway and Kilmacduagh.

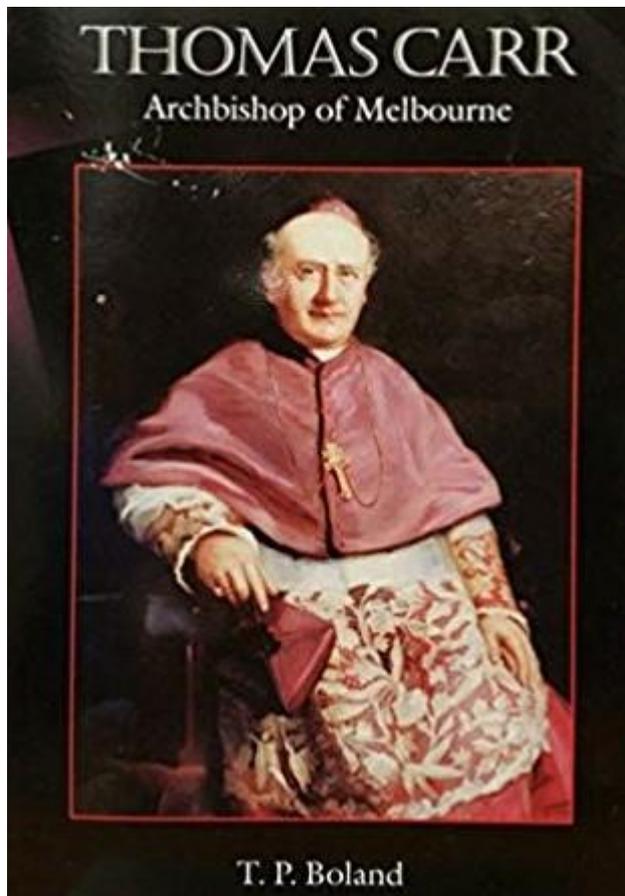


Image: Archbishop Thomas Carr Source: University of Queensland Press

On 14 September 1907, Carr convoked the 1st Melbourne Provincial Council, calling his three Irish suffragan bishops – Joseph Higgins (Ballarat), Stephen Reville OSA (Sandhurst), James Corbett (Sale) – to attend, as well as 23 priest ‘theologians’ (17 diocesan and 6 religious). It was to be held in Melbourne from 17-24 November 1907 with its prime purpose to harmonize the various diocesan laws of the province for administrative, disciplinary and pastoral reasons.

On 16 September 1907, the eve of the Council, all those called met at the archbishop's residence and all priests were assigned to one of three committees dealing with Sacraments, Discipline, and Education. One suffragan bishop appointed to preside at each committee.

The Solemn Opening Session was celebrated on Sunday 17 September 1907 in St Patrick's Cathedral, with the committees meeting privately on Monday, Tuesday and Wednesday, followed by two public sessions in the Cathedral on Thursday and Sunday 24th.

The Council produced 112 decrees, with many derived from the previous 21 Melbourne diocesan synods. Most dealt with the life and discipline of priests (e.g. dress, residence, remuneration, etc.) and the administration of property and money (e.g. offerings, debts, special collections, wills, bequests, and inventories); 51 concerned administration of the sacraments; several promoted sodalities and the Catholic Truth Society; and the sole decree on education mandated priests in the 'districts' to make weekly visits to nearby schools and monthly visits to distant schools to teach or supervise the teaching of the catechism and church history. The Council also planned common policy on teacher training, teacher and school registration, and a Catholic college at the University of Melbourne.

The bishops published a *Pastoral Letter to the Clergy and Laity of the Province* and decreed that another provincial council be held in 1910, unless they changed their mind.

The Council decrees were sent to the Holy See on 3 March 1908 and examined by the Commission for the Revision of Provincial Councils. Apart from 18 minor amendments and the removal of Decree 33 on reserved sins, they were found to accord fully with the general laws of the Church and the decrees of the previous Australian plenary councils. Pope Pius X approved the decrees on 2 June 1909 and the decree of approval was issued on 12 July 1909. The *Acta et Decreta* were printed in 1909, including 27 appendices with various documents issued by the Holy See during the previous decade. The decrees came into force shortly after.

Acknowledgment: In preparing this article many primary and secondary sources were consulted. However, special acknowledgment is given to the original research of Dr Ian B Waters 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.

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