

(No. 97.)



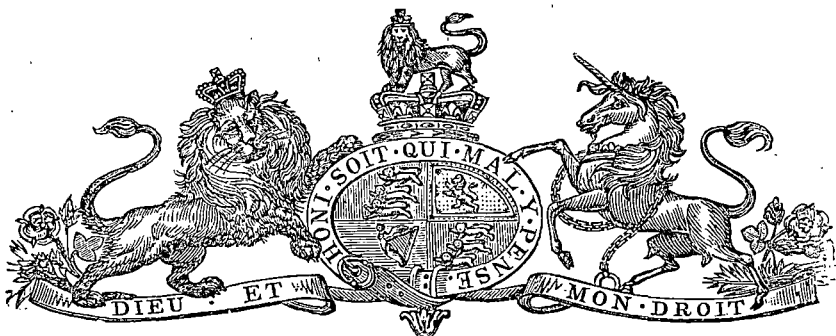
1892.

PARLIAMENT OF TASMANIA.

RETIREMENT OF POLICE MAGISTRATE, HOBART :
CORRESPONDENCE.

Return to an Order of the House of Assembly. (Mr. A. I. Clark.)

Laid upon the Table by the Attorney-General, October 20, 1892; and ordered by the House of Assembly to be printed, October 25, 1892.



Hobart, 25th April, 1892.

SIR,

HAVING nearly completed my 72nd year, I feel that the time must shortly arrive when my retirement from the offices which I now hold will be desirable both for the public interests and my own comfort. In view therefore of the necessity for the consideration of the question by the Ministry before the meeting of Parliament, I desire now to submit that my case is strictly parallel to that of Mr. Whitefoord, and that my long and faithful service in important and responsible positions in the Civil Service fairly entitles me also to the privilege which was conceded to him, of retiring upon the full salary I am now receiving.

From the annexed record of my services it will be seen—

1. That I have completed 50 years of continuous service.
2. That throughout the whole of that period I held magisterial, quasi-judicial, and other important offices.
3. That at every stage of my official career the zeal and fidelity with which I performed the duties entrusted to me were acknowledged by the respective Governments under which I served, by all those with whom I was brought into official relations, and by the public.
4. That in addition to the duties for which I was paid I have devoted no little time and labour to the fulfilment of a variety of unpaid offices, and have endeavoured in every way that lay in my power to promote the welfare of the public.

On these grounds I therefore now beg to request that the Ministry, recognising my services to have been of an exceptional character, will be kind enough to bring into Parliament a Bill to grant to me the same pension which Mr. Whitefoord now receives—namely, £600 per annum.

In making this request I have only further to add that as I have always hitherto been uniformly treated with courteous consideration by Ministries and Parliaments, so now I confidently trust that the present Ministry and Parliament will view my appeal in a kind and liberal spirit, and will grant to me the means of enjoying in ease and comfort the rest which a lifetime of honest work in the service of the colony justly entitles me to seek.

I have the honor to be,

Sir,

Your obedient Servant,

W. TARLETON.

The Honorable the Attorney-General.

RECORD of Mr. Tarleton's Services, 1842–1892.

On the 18th of March, 1842, I was appointed by Lord Stanley, Secretary of State for the Colonies, Assistant Police Magistrate of Hamilton. In pursuance of that appointment I sailed from England on the 1st June, 1842, arrived at Hobart on the 20th of September, and after sitting on the Hobart Bench for a month with the late Mr. Price, P.M., proceeded to Hamilton and took charge of that district on the 20th October. I continued there, having the executive control of the police and performing magisterial duty at Hamilton, and as Visiting Magistrate of two large convict stations at Victoria Valley and Seven Mile Creek, until the 1st December, 1845, when I was promoted by Lieut.-Governor Sir Eardley Wilmot to the Police Magistracy of Launceston.

My appointment having been confirmed by Mr. Gladstone, then Secretary of State, I remained at Launceston presiding on the Police Court Bench and having charge of the Police Force, consisting of two district and 52 petty constables, till the 1st July, 1850, when the office of Police Magistrate was combined with that of Superintendent of Convicts in the person of Mr. William Gunn, my senior officer, and I was temporarily removed to Bothwell. In the letter informing me of this change, Mr. Bicheno, the Colonial Secretary, says, "His Excellency cannot allow this opportunity to pass without conveying to you the approbation of the Government for the efficient manner in which you have conducted the duties of your office;" and in the *Gazette* notice, "His Excellency desires to record the high sense he entertains of the public character of Mr. Tarleton, and of the value of that gentleman's services during the five years he has acted as Police Magistrate at Launceston, from which office he would not now have been transferred but for considerations of economy." I was also presented by the inhabitants of the district with a silver tea service and an address, signed by 30 magistrates and a large number of others, of a highly laudatory character.

In March, 1851, I was appointed to the Police Magistracy of New Norfolk. In notifying my appointment the Chief Police Magistrate says, "I am directed to express to you the pleasure which His Excellency feels in being able to place you in a position analogous to that which you held at Launceston."

I acted as Police Magistrate of New Norfolk till the end of July, 1857, when I was appointed Police Magistrate of Hobart.

In apprising me of this, Mr. William Henty, Colonial Secretary, says, "I have great pleasure in expressing the high sense the Government entertains of the ability, the zeal, and the fidelity with which you have acquitted yourself as a magistrate, in consideration of which your appointment has been approved to the office of Police Magistrate at Hobart."

On leaving the New Norfolk District I received a complimentary address and plate of the value of £50 from the inhabitants.

I took charge of the Hobart Police Court on the 1st August, 1857, and performed the duties of Police Magistrate and Coroner of the city and suburbs, also visiting Kingston and Clarence Plains, until May, 1862, when I was selected to fill the office of Recorder of Titles under the provisions of the Real Property Act, then about to be brought into operation in this colony. Proceeding to Adelaide, I spent a month studying the working of the system at the Lands' Titles Office there under Mr. Torrens, and returned to Hobart in time to open the new department on the 1st July. On relinquishing the office of Police Magistrate I received an address signed by the Mayor, Mr. Alfred Kennerley, and forty other magistrates, in which they express their sense of "the ability, uprightness, and independence which had marked my public career in this colony."

From the 1st July, 1862, I performed the duty of Recorder of Titles, with which were combined the offices of Registrar of Deeds, Collector of Stamp Duties, and for a short time Commissioner of Succession Duties, till 25th September, 1868, when, without any addition to my salary, the additional office of Administrator of Charitable Grants was imposed upon me. The duties of this office, which at that time included the whole distribution of Government Grants both in Hobart and throughout the Colony, as well as the admission to all charitable institutions, entailed on me not only serious responsibilities, but a large amount of heavy correspondence which necessitated constant night-work to get through. I feel happy to think that it was during my tenure of this office that the boarding-out system of dealing with pauper children, which has since worked so successfully, was first established on my recommendation.

On the 1st of May, 1871, the Real Property Act system, having become firmly established, I reverted, at the request of the Attorney-General, Mr. W. R. Giblin, to my former position of Police Magistrate and Commissioner of the Court of Requests, Hobart, retaining the office of Administrator of Charitable Grants. In notifying to me this new arrangement, Mr. Giblin says, "I am directed to express His Excellency's sense of the very efficient and painstaking manner in which you have performed the duties of these offices, more especially those of the Recorder of Titles, which you have held since the first passing of the Real Property Act."

On the 31st December, 1879, I was relieved of the duty of administering the charitable grants, and was appointed Master Warden of the Hobart Marine Board. I held this office till the 31st August, 1882, and during the time I did so I paid into the Treasury the salary of £200 per annum which I received from the Marine Boards funds, the General Revenue thereby gaining the sum of £533 6s. 8d.

On the 30th of June, 1882, a serious attack of paralysis incapacitated me for a time for work of any sort, and I was compelled to seek leave of absence. On my recovery, towards the end of 1883, I resumed my duties of Police Magistrate and Commissioner of the Court of Requests, Hobart, and have continued to discharge them up to the present date.

It will be thus seen that I served as—

	Yrs.	Mths.
Police Magistrate in the Districts of Hamilton, Bothwell, and New Norfolk	10	4
Police Magistrate, &c., Launceston.....	4	8
Recorder of Titles, Registrar of Deeds, and Administrator Charitable Grants	9	0
Police Magistrate, Commissioner Court Requests, &c., Hobart, Administrator of Charitable Grants, and Master Warden Marine Board for part of the time	26	0

Irrespective of the appointments for which I received salary, I have also filled a number of unpaid offices, in all of which I have zealously striven to advance the interests of the community, namely:—Commissioner and regular visitor of Lunatic Asylums for over 20 years; Member of the Board of Education for about 15 years; Member of the Council of Education for 10 years; Salmon Commissioner and Member of the Fisheries Board for 10 years; Captain Commanding Hobart Volunteer Artillery for over 10 years; Member of the Central Board for Boarded-out Children for seven or eight years; Member of the Council of the University of Tasmania for two years; Member of the original Committee of the Benevolent Society for the first two or three years; Trustee of the Church of England property; Trustee of Christ College property; Trustee of Hutchins' School property; and other offices under the Church of England Synod.

W. TARLETON.

Hobart, 25th April, 1892.

LETTERS of Appointment and Testimonials.

1. Despatch from Lord Stanley, Secretary of State for the Colonies, 18 March, 1842, appointing Wm. Tarleton Assistant Police Magistrate at Hamilton.
2. Testimonial from Sir Eardley Wilmot as to service at Hamilton, 14 November, 1844.
3. " " M. Forster, 8 November, 1844.
4. " " F. Burgess, 16 November, 1844.
5. Letter offering Magistracy of Launceston, from Sir Eardley Wilmot, 17 November, 1845.
6. Testimonial from Mr. Forster, 12 April, 1844.
7. Letter from W. E. Gladstone to Lord Fitzroy Somerset *re* Wm. Tarleton, 23 May, 1846.
8. Transfer to Bothwell, letter from J. E. Bicheno, 18 June, 1850.
9. *Gazette* Notice of ditto, 29 June, 1850.
10. Address from inhabitants of Launceston, 1850.
11. Testimonial from Sir Valentine Fleming, 23 July, 1850.
12. " " Thos. Horne, 7 July, 1850.
13. " " Francis Smith, 12 July, 1850.
14. " " A. C. Stonor, 4 September, 1850.
15. " " Major Harold, 19 July, 1850.
16. " " F. Burgess, 10 July, 1850.
17. Appointment to New Norfolk, 18 March, 1851.
18. " " Hobart, 24 June, 1857.
19. " " Recorder of Titles, 6 May, 1862.
20. Testimonial from T. Gore Browne, 21 January, 1867.
21. " " Sir Valentine Fleming, 18 January, 1867.
22. " " Francis Smith, 21 January, 1867.
23. " " Sir Richard Dry, 24 January, 1867.
24. " " W. L. Dobson, 15 January, 1867.
25. " " Sir Robert Officer, 25 January, 1867.
26. " " W. Nairn, 22 January, 1867.
27. " " E. J. Manley, 19 January, 1867.
28. *Re* appointment as Police Magistrate, Hobart, &c., 29 April, 1871.

Attorney-General's Office, Hobart, 17th June, 1892.

MY DEAR MR. TARLETON,

I BROUGHT the matter of your retirement before the Cabinet on Wednesday last, and we have decided to introduce a Bill into Parliament during the coming Session permitting you to retire after the 31st December next on a pension equal to your present salary—viz., £600 per annum.

I am, yours sincerely,

A. INGLIS CLARK.

W. TARLETON, *Esq.*, Hobart.

Attorney-General's Office, Hobart, 3rd September, 1892.

SIR,

I HAVE the honor to inform you that the Cabinet have given very careful consideration to your application dated 25th April last, in which you ask that a Bill should be brought before Parliament to enable you to retire upon a pension equal to the present emoluments of your office;—£600 a year.

While the Members of the Cabinet appreciate to the fullest extent the lengthy and very important services which you have rendered to the Colony, and which have always been performed in such a manner as to win the esteem and confidence of every member of the community, they regret that they cannot comply with your wishes without establishing a precedent which it would be practically impossible to follow in regard to other Officers of the Government who have rendered good service to the Colony, and whose claims to recognition could not be ignored after fixed principles are departed from.

With other Members of the Cabinet, I deeply regret the necessity which makes it impossible for us to comply with the request of your application.

I return you herewith Mr. Clark's letter.

I have, &c.

N. E. LEWIS.

W. TARLETON, *Esq.*, *Hobart*.

Hobart, 10th September, 1892.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 3rd inst., in which you inform me that the present Cabinet declines to comply with the request contained in my communication addressed to the late Attorney-General on the 25th April last.

Whilst I desire to thank you personally for the courteous tone and complimentary terms in which the decision of the Ministry is conveyed to me, I feel nevertheless bound to enter my protest both against the decision itself and the grounds on which, from your letter, it appears to have been based.

My application to the late Ministry was mainly grounded upon two considerations—namely, the strict parallel between Mr. Whitefoord's case and my own, and the exceptional character of the long service I have given to the Colony; and as neither of these points are noticed in your letter, and do not appear to have received at the hands of the Cabinet the consideration to which they are justly entitled, I must again urge them upon the notice of yourself and your colleagues.

In regard to the first point, there is no necessity for me to enter into any invidious comparison as to the respective merits of myself and my good old friend Mr. Whitefoord; it will be sufficient for my argument to say that for over 20 years the position I held as Police Magistrate of the two chief cities and as Recorder of Titles was superior both in importance and in emolument to his, and that after his removal from Oatlands to Launceston the various appointments I filled were quite as responsible as those which he held, and were remunerated by the same salary. In length of service also we are very nearly on an equality, Mr. Whitefoord's having been 51 years 1 month, and mine 50 years 9 months.

The Act giving Mr. Whitefoord the right of retiring on full pay was brought before Parliament in November, 1884, by the Ministry of which the present Chief Secretary was Premier, was passed by both Houses, as I believe, without opposition; and if it be true, as I maintain it is, that his official career and mine have been as closely similar as it is well possible to be, it is difficult to understand upon what principles of consistency or simple justice the privilege granted to him can now be denied to me, whose duties, you admit, have "always been performed in such a manner as to win the esteem and confidence of every member of the community."

The refusal of the Members of the Cabinet to comply with my wishes appears, from your letter, to be based upon the apprehension that a precedent would thereby be established which could not be ignored in regard to other officers of the Government. With all due respect to the Cabinet, I cannot but think that the danger it fears is illusory, and that its decision has been arrived at on grounds which, on examination, will be found to be without foundation. So far as I am concerned, I maintain that Mr. Whitefoord's case has already established a precedent, which ought not in justice to be ignored in dealing with my application. But the services of Mr. Whitefoord and myself have been so exceptional in their character, and differ so essentially from those of other Government officers, that it would be impossible for any other Civil Servant to point to our cases as conferring any right upon him to special consideration: for it must be remembered that the extra pension was not granted to Mr. Whitefoord, and is not now claimed by me, on the strength of mere length of service only, but in consideration of 50 years' meritorious work in high and responsible positions.

Entering the service as Police Magistrate in days when the office entailed not only magisterial work but important executive duties, we were presiding over courts of justice, controlling the police arrangements of our districts, keeping a large convict population in order, and, in short, exercising

functions on the proper discharge of which the peace and safety of society in no small degree depended, at a time when those of the Government servants whose length of service equals or approaches our own were mere junior clerks, performing the simplest clerical duties requiring no special qualifications, and entailing little or no responsibility. In fact, before they had begun to emerge from the subordinate ranks we had completed from 25 to 30 years of important work. I do not in saying this wish to disparage in the slightest degree gentlemen who are now filling with honor to themselves the positions in the Civil Service they have now attained to ; all I desire to insist upon is that a large proportion of their service has been of a subordinate kind, and that therefore they do not stand in the same position, and are not entitled to look for the same privileges, as one whose whole career has been that of the head of a Department.

In asking you to lay this communication before your colleagues with a view to their further consideration of the matter, I desire to point out that all I ask is that an opportunity may be afforded for the consideration of the question by Parliament. The late Ministry promised to bring in a Bill drawn on precisely similar lines to that passed in Mr. Whitefoord's case. I ask the present Cabinet to carry out the promise thus made to me, and to leave the decision of the claim I have put forward to the Legislature. If that be done, whatever that decision may be I shall be prepared to abide by it.

I have only further to add, in order that there may be no misunderstanding on the subject, that if my pension is to be confined to the ordinary rate I have no desire to apply for it at present, but shall be prepared to continue to discharge the duties of my present offices so long as my present health and strength are spared to me.

I have the honor to be,

Sir,

Your obedient Servant,

W. TARLETON.

The Hon. the Attorney-General.

Attorney-General's Office, 3rd October, 1892.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 10th ultimo, which upon receipt I laid before my colleagues. All the matters contained in your letter received our fullest consideration, and the arguments used therein were accorded the weight they merit.

After full deliberation we felt that we could not in the interests of the Public Service alter the decision which we had previously arrived at, and which was communicated to you in my letter of the 3rd ultimo.

I have, &c.

N. E. LEWIS.

WILLIAM TARLETON, *Esq., Police Magistrate, Hobart.*