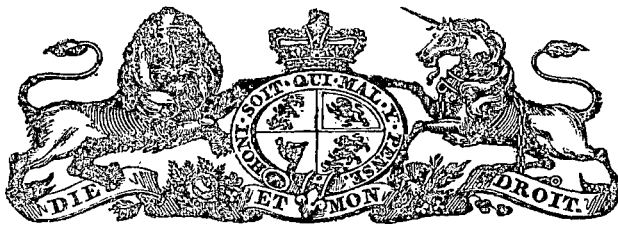


(No. 15.)



1866.

SESSION II.

T A S M A N I A .

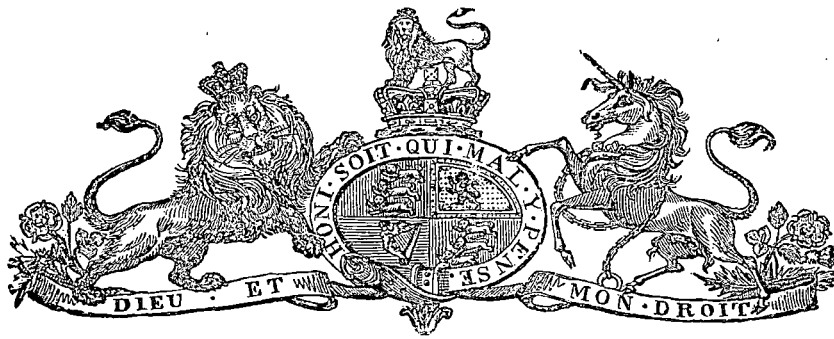
LEGISLATIVE COUNCIL.

APPOINTMENTS CANCELLED.

RETURN OF, SINCE THE PRESENT MINISTRY CAME INTO
OFFICE, WITH CORRESPONDENCE.

Return to an Order of the Council dated January 24, 1867. (Mr. Whyte.)

Laid upon the Table by Sir R. Dry, and ordered by the Council to be printed,
February 1, 1867.



RETURN of the APPOINTMENTS and NOMINATIONS made by the late Government which have been cancelled since the present Ministry came into Office, with the Reasons assigned to His Excellency the Governor in each case.

H. D. Church, Esq., Clerk of the Supreme Court.—Appointment cancelled in consequence of representations made by their Honors the Judges to His Excellency the Governor, as shown in the accompanying correspondence.

J. J. Turnbull, Esq., Clerk of the Peace and Clerk to the Solicitor-General.—Appointment cancelled as a consequence upon the cancellation of Mr. Church's appointment, the latter gentleman resuming his former duties,

William Windsor, Esq., Assistant Colonial Treasurer.—Nominated to an Office not then vacant.

Samuel Birchall, Office Keeper at the Public Buildings.—Nominated to an Office not vacant.

John Benjamin Horne, Esq., Clerk in the Account Office, Colonial Treasury.—This gentleman was on three months' trial. The report of the Officers of the Department having been unfavorable, his services were discontinued.

Mr. James Morris, Landing Waiter, Swansea.—This Office was abolished as being unnecessary.

J. W. Kirwan, Esq., Landing Waiter, Emu Bay.—This Office was abolished as being unnecessary.

Judges' Chambers, 23rd November, 1866.

SIR,

WE take permission to apprise Your Excellency that we have this morning received a communication from the Colonial Secretary, notifying to us that you have been pleased to appoint Mr. H. D. Church to be Clerk of the Supreme Court. We feel assured that the close and confidential relation which must of necessity exist between that Officer and ourselves could not have been brought under Your Excellency's notice, as, had it been so, we cannot think you would have given sanction to the appointment without any reference to the sense which we might entertain of its fitness and desirableness.

The course which has been adopted imposes upon us the painful necessity of declaring to Your Excellency our conviction that the appointment is an unfit one, and that the confidential relation to which we have referred can never exist between ourselves and the gentleman who has been nominated to the office. We desire Your Excellency to understand that we disclaim all intention of interfering with the right of appointment by the Executive Government. We simply ask the exercise towards us of that courtesy and consideration which has been previously accorded, and which would prevent the forcing of an objectionable person into so intimate a relation. We hope it will now be apparent to Your Excellency that the nature of the office obviously requires the existence of the most perfect harmony between the Judges and one brought into such close communion with them, and we fear that the absence of such harmony cannot but impair the efficient transaction of the business of the Court.

We therefore earnestly trust that Your Excellency will be pleased to allow the propriety of this appointment to undergo reconsideration.

We have the honor to be
Your Excellency's most obedient humble Servants,

V. FLEMING, *C.J.*
FRANCIS SMITH, *J.*

His Excellency the Governor.

(Copy.)

Government House, 24th November, 1866.

GENTLEMEN,

I HAVE the honor to acknowledge the receipt of your letter, dated 23rd November.

In reply I beg to say that I exceedingly regret that every courtesy due to your high position was not paid you, and that your wishes were not consulted in the appointment of an Officer who you inform me must of necessity be placed in confidential relation with yourselves. But you are aware that the appointment to the Office in question is one which by Constitutional practice is made by the Governor upon the advice of the Executive Council. It was upon such advice that the appointment of Mr. Church was made, and I am not aware of any reason which would have justified me in departing from the usual Constitutional course in this particular instance.

I have, &c.,

(Signed) T. GORE BROWNE.

*Their Honors the Chief Justice
and the Puisne Judge.*

Judges' Chambers, 24th November, 1866.

SIR,

WE have the honor to acknowledge the receipt of Your Excellency's letter of the 24th instant.

Having in our communication of the 23rd expressed to you our conviction that the appointment is an unfit one, and if unrevoked that there will result the absence of that harmony which must subsist between ourselves and the Officer in question in order to the official transaction of the business of the Court, we respectfully request that Your Excellency will be pleased to bring the Correspondence which has passed on the subject under the cognizance of your Executive Council.

We have the honor to be,

Your Excellency's most obedient humble Servants

V. FLEMING, *C. J.*
FRANCIS SMITH, *J.*

His Excellency the Governor.
