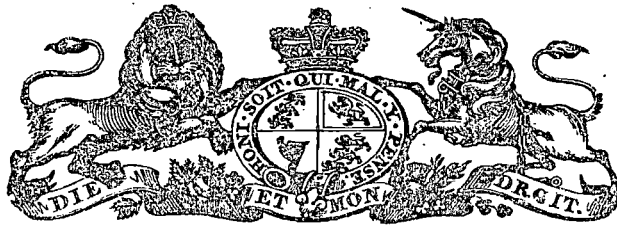


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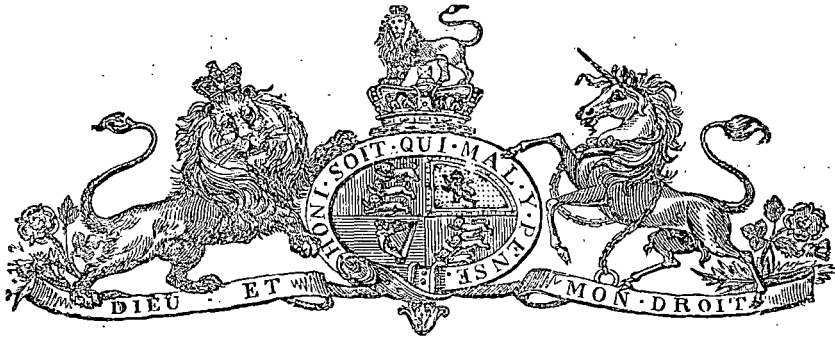
1862.

TASMANIA.

PETITION No. 13.

FIELDING BROWNE, ESQUIRE.

Presented by Mr. Adams, and ordered by the House to be printed,
6 August, 1862.



To the Honorable the House of Assembly, in Parliament assembled.

The humble Petition of FIELDING BROWNE, Esquire, of the Middle Temple, Barrister-at-Law, Commissioner of Insolvent Estates for Hobart Town, and Commissioner of the Court of Requests for the District of Hobart Town.

SHOWETH :

THAT your Petitioner was, by Letters Patent under the hand of His Excellency Sir William Denison, bearing date the Twenty-sixth day of May, in the year of Our Lord one thousand eight hundred and fifty-four, appointed Commissioner of Insolvent Estates for Hobart Town, and was therein confirmed by Her Majesty; and his said appointment was duly notified in the *Hobart Town Gazette*.

That your Petitioner has performed the duties of such Office thenceforth up to the present time.

That your Petitioner's Remuneration, until the first day of October, in the year one thousand eight hundred and fifty-nine, was by Fees paid by Insolvents by virtue of the Act of Legislature of Tasmania, the third of Victoria, No 1,—the average yearly amount of which, for three years preceding that date, was Five hundred and seventy-five Pounds.

That, by the Act of the Parliament of Tasmania, twenty-third of Victoria, chapter 25, it was provided that your Petitioner should thenceforth receive a Salary in lieu of such Fees; but he should receive the Fees, and pay the same into the Public Treasury.

That not any Salary was fixed by the said last-mentioned Act; but the sum of Five hundred Pounds was fixed in the Estimates of Expenditure up to the present period.

That the Remuneration to which your Petitioner was entitled at the time of his acceptance of that Office being secured to him by an Act of the Legislature, your Petitioner humbly submits that the Salary substituted for the same should have been in like manner secured to him by the twenty-third of Her Majesty No. 25: nevertheless, your Petitioner has been induced to place equal confidence in the Annual Vote of your Honorable House as in an Act of the Parliament; trusting in that honor which is the National Motto,—the soul and essence of every British Institution throughout the world.

That, in consequence of the illness of the late respected Joseph Hone, Esquire, your Petitioner, at the request of the Government, performed the duties of his office of Commissioner of the Court of Requests from September, in the year of Our Lord one thousand eight hundred and sixty, until the same month in the following year, without any remuneration whatever.

That, on the death of that gentleman, your Petitioner received a communication from the Government that he was appointed to that Office without any increase of Salary.

That your Petitioner perceives that in the Estimates of Expenditure for the ensuing year the Salary of the Commissioner of Insolvent Estates for Hobart Town is proposed to be reduced from Five hundred Pounds to Two hundred Pounds; and Two hundred Pounds is proposed to be the Salary for the Commissioner of the Court of Requests for Hobart Town.

That your Petitioner has made a representation to the Government of the inadequacy of the Salary of Five hundred Pounds as a Remuneration for the double duties of these Courts which have been thus imposed upon him; these duties being of a very important and onerous nature, constantly involving legal questions of great difficulty requiring much research in order correctly and efficiently to render justice to the suitors therein.

That the amount of property which is brought under adjudication in those Courts very greatly exceeds that in any other Court in the Colony; and His Excellency Sir Henry Young, in a Minute dated November twenty-eight, in the year one thousand eight hundred and fifty-seven, expressed his opinion with respect to the Insolvent Court, as follows:—"Sound policy requires that the Commissioner should be supported in the execution of judicial functions second in importance, in respect to trade and commerce, only to those of the the Supreme Court."

Your Petitioner begs leave to state that the Government took occasion, in a communication to him, to express their acknowledgements to him for his services.

That your Petitioner is placed under the necessity of collecting and paying into the Public Treasury the Fees, and to perform all the business of the Insolvent Court himself.

Your Petitioner therefore humbly prays that the public faith which has been thus pledged to him may be kept, and that no diminution of his Salary of Five hundred Pounds per annum for his Office of Commissioner of Insolvent Estates for Hobart Town, may be made.

And your Petitioner, as in duty bound, will ever pray, &c.

F. BROWNE.

Hobart Town, 4th August, 1862.