

(No. 21.)



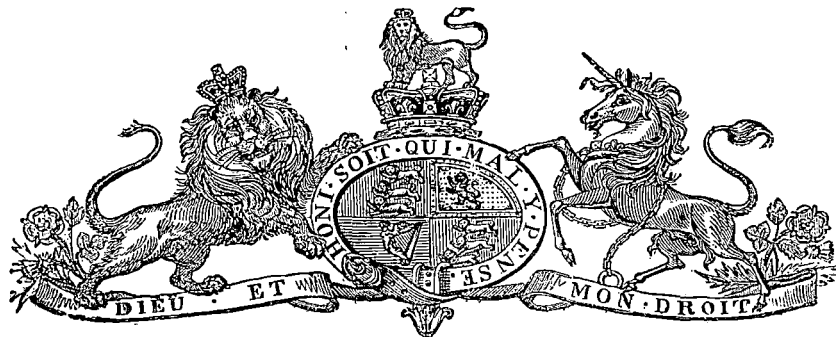
1856.

T A S M A N I A.

FORMATION OF THE MINISTRY.

CORRESPONDENCE.

Presented by Mr. Colonial Secretary, and ordered by the House to be printed,
11 December, 1856.



Hobart Town, 16th August, 1856.

SIR,

WE take the liberty of submitting to Your Excellency our opinion that the time has now arrived when arrangements should be made, by the formation of a Responsible Ministry, for the introduction of the new system of Government contemplated by the Constitutional Act.

We conceive it to be in accordance with the spirit of the Constitutional Act that the responsibility of the Political Officers should commence at the period when, by the issue of the Writs for the election of Members for the first Parliament of Tasmania, the existing Legislature will be finally dissolved, and the present Constitution superseded.

The Writs will probably issue in a few days, and it appears to us to be desirable that the new Government should be constructed before the general election, as an opportunity will thus be afforded to the country of expressing its opinion of the new Ministry, while delay, inconvenience, and expense will be avoided; as, if the nominations to office be not made till after the elections are over, the Officers appointed must vacate their seats and present themselves again to their Constituents for re-election, by which the assembling of the Parliament will necessarily be retarded.

Entertaining these views, we submit them for Your Excellency's consideration; and, lest our retention of office should in any way impede or embarrass the arrangements which Your Excellency may consider it most conducive for the Public interests to effect, we consider it our duty to remove the obstacle; and actuated, therefore, by that motive, and by that motive alone, as we earnestly assure Your Excellency, we beg leave respectfully to tender our resignations of our respective offices of Colonial Secretary and Attorney-General.

We have, &c.

W. CHAMP.
F. SMITH.

His Excellency

SIR H. E. F. YOUNG, *Knt.*

MEMORANDUM.

BEFORE adopting any course as the result of this letter, I wish to realise, as far as possible, the precise position in which the Governor and the Colonial Secretary and the Attorney-General stand under the approaching operation of the new Constitution Act. With this view, I request to be furnished with the opinion of the Law Officers of the Crown upon the following points; viz.—Assuming that the Colonial Secretary and Attorney-General should retain their respective offices until all the Writs for the election of the new Members shall be returned, and that they themselves should be returned for constituencies, whether, in the event of my nominating them as part of the Responsible Ministry in the new Parliament, it is legally necessary that they should be re-elected by the same or any other constituency; and if so, under what provision of the 18th Vict. No. 17, or other governing law in force in this Colony, is such an obligation necessitated?

H. E. F. YOUNG.

8th August, 1856.

If the Colonial Secretary and Attorney-General retain their offices, and are returned to Parliament for constituencies, they would not require re-election, although as Colonial Secretary and Attorney-General they might form part of a Ministry which should only be completed after their elections. We notice that His Excellency has used the expression, "in the event of my nominating them as part of the Responsible Ministry in the new Parliament." We would most respectfully remark, that we apprehend that the constitutional mode by which a Responsible Ministry would be formed would be, not by His Excellency's nominating individuals to particular offices in the Ministry, but by His Excellency calling upon some gentleman of influence to form an Administration, who would submit the names of the various persons, with the offices he proposed they should fill, as the Ministry which he would propose to form; and then it would be for His Excellency to accept or reject such nominations, and upon His Excellency's acceptance or rejection of the persons named would depend the formation of a Ministry by the person entrusted to form one.

FRANCIS SMITH.
J. W. ROGERS.

19th August, 1856.

Government House, Hobart Town, 20th August, 1856.

DEAR SIRS,

I BEG to acknowledge the receipt of your communication of the 16th instant, tendering the resignation of your respective offices of Colonial Secretary and Attorney-General, lest their retention should in any way impede or embarrass the arrangements which it may be most conducive to the public interests to effect in the construction of the new Government under the Constitutional Act of this Colony.

2. Having given the importance of your communication the serious consideration which is due to it, the conclusion at which I have arrived is,—that no obstacle is presented to me in the construction of the new system of Government by your retaining office, and that no moral or absolute necessity can arise for your retirement unless on political grounds, made apparent after the Elections have taken place; and I must therefore decline to accept your resignations.

3. I am unable to concur with you in opinion that the new Government should be constructed before the General Election. The country under the provisions of the Constitutional Act expects, in my opinion, the new Ministry to be selected from members of an entirely elective Parliament; and a selection made antecedently to the election of such a Parliament must be made without that full and certain information of the entire number of persons possessing the confidence of the Public which the returns to the Writs would supply, and without which information whoever attempted to select would be unable to appreciate the practical value of his selection, and to ascertain the probable influence of that selection on the Members of Parliament.

4. As respects the delay, inconvenience, and expense likely to arise if the nominations to the Ministry be not made until after the Elections are over, it is to be observed that, your communication having been referred to the Law Officers of the Crown, they hold that when once you are elected a re-election will not be necessary.

5. With regard to the mode of proposing a Ministry for the Governor's acceptance or rejection, it is scarcely necessary for me to state that it is my purpose to act, when the proper time for action has arrived, in the Constitutional mode indicated by the Law Officers of the Crown, and will then require nominations to offices in the Ministry to be submitted to me; for in conversation with the Colonial Secretary, and before the above opinion was obtained, I expressed my intention to him of acting in the above manner.

6. It appears to me that the effect of the issue of the Writs is only to put an end to the present Legislature; and beyond this to do no more than pave the way for the creation of a new Legislature, out of which it is intended that a Responsible Ministry shall be formed.

7. With regard to any argument that may be raised from analogy in England, that during the dissolution of Parliament a Ministry may be formed, I think no such analogy holds at the present moment, nor until the creation of the new Parliamentary Constitution by the return of the Writs; for in England there is the theory and practice of a venerable and existing Constitution, whilst in Tasmania the old Constitution is about to

be annihilated and a new one substituted, which can be said to be fully established only after the return of the Writs. After the Constitutional Act shall have been effectually launched, and a Responsible Ministry once formed of popular origin, in a future dissolution of the Parliament there could be no hesitation to act upon such an analogy as that to which I have alluded.

8. I may add, in conclusion, that if Colonial precedent should form any guide under the New Constitution recently introduced and flowing from the same authority, I have only to refer to New South Wales, where the Ministry was not formed until after the General Election, and no demur seems to have been raised from the inconvenience that the newly appointed officers were compelled to go back to their constituents for re-election.

I am, &c.

H. E. F. YOUNG.

The Hon. W. CHAMP, Esq., Colonial Secretary.
The Hon. F. SMITH, Esq., Attorney-General.

Launceston, 18th October, 1856.

MEMORANDUM.

THE Colonial Secretary having informed me that returns have been made to the several Writs issued for the Election of Members to the Parliament for the various Electoral Districts throughout the Island, the time has arrived for the formation of a Ministry upon the principles of Responsible or Parliamentary Government.

Mr. Champ having held the office of Colonial Secretary under the former system of Government, and holding that office at the period of the initiation of the new system, and having also been returned as a Member of the House of Assembly to the Parliament, the Governor considers him as the proper person to whom should be confided in the first instance the task of forming a Ministry. The Governor therefore requests Mr. Champ to inform him whether he is prepared to undertake the formation of a Ministry whose tenure of office must depend upon their ability to command a majority in the Parliament.

Should Mr. Champ be prepared to undertake the task, the Governor would require that the number and the names of the gentlemen whom Mr. Champ would propose to associate with himself in the Ministry, and the offices proposed to be assigned to its various Members, should be submitted to him; and further, that he should be informed of the basis upon which the co-operation of the several Members of the proposed Ministry would be expected, and upon which the measures of the Ministry to be laid before Parliament would be founded. The step thus indicated will be necessary before the appointment of the Ministry. When the Ministry has been once formed, the Governor considers that all measures will be discussed and finally resolved on by the Governor and Executive Council, which will constitute the Government of the Colony, and be presided over, and summoned, by the Governor, and consist exclusively of the Governor and Ministry.

H. E. F. YOUNG.

Hobart Town, 21st October, 1856.

SIR,

I HAVE had the honour to receive this morning Your Excellency's Memorandum of the 18th instant, intimating that the time has arrived for the formation of a Ministry upon the principles of Responsible Government, and requesting to be informed if I am prepared to undertake the task of constructing such a Ministry.

In reply, I lose no time in conveying to Your Excellency my acceptance of the Commission with which I have been thus honoured, and shall immediately place myself in communication with those gentlemen whom I propose to invite to join the Administration.

As soon as my arrangements are completed, I shall submit for Your Excellency's approval the names of the Members of the Ministry, and the offices which it is proposed

that they should hold; and I shall also at the same time, in accordance with Your Excellency's desire, submit the views of my proposed Colleagues and myself as to the general principles on which our Government will be conducted.

I have, &c.

W. CHAMP.

His Excellency Sir H. E. F. YOUNG, Knt.

Hobart Town, 21st October, 1856.

MY DEAR FRASER,

I HAVE this morning received from the Governor a Memorandum intimating that the time has arrived for the formation of a Ministry on the principles of Responsible Government, and confiding to me the task of forming such a Ministry.

From our long acquaintance and association in the service of the Government, and from my knowledge of the manner in which you have for so many years discharged the duties of Colonial Treasurer, it is almost unnecessary for me to say that it would have afforded me much satisfaction could you have continued to hold that office under the new system of Government; but, as you are aware, it is absolutely essential that the Colonial Treasurer should have a seat in one or other of the Houses of the New Parliament, and as you have not been returned by any of the Constituencies, you will at once perceive that I am under the necessity of associating with myself in the Ministry another gentleman who has a seat in the Legislature. I have accordingly invited Mr. Chapman to undertake the duties of Colonial Treasurer; and the arrangements for the formation of the new Ministry will be greatly facilitated by your immediate retirement from office. I would, therefore, ask you to express your willingness to retire at once on political grounds, upon a request to that effect from the Governor; it being, of course, distinctly understood that you do so in accordance with the provisions of Section 32 of the Constitutional Act, by which you are secured a pension of three-fourths of your salary upon your retirement under circumstances such as now exist, with reference to the necessity of appointing on political grounds some other gentleman in your place as Colonial Treasurer.

Believe me, &c.

W. CHAMP.

P. FRASER, *Esq.*

Treasury, Hobart Town, 23rd October, 1856.

MY DEAR CHAMP,

IN answer to your letter of the 21st instant, in which you state that the Governor has confided to you the task of forming a Ministry upon the principles of Responsible Government, and that you are under the necessity of associating with yourself in the Ministry another gentleman as Colonial Treasurer,—and that you have invited Mr. Chapman to undertake the duties of that office,—and that, in order to facilitate your arrangements for the formation of the new Ministry, you ask me to express my willingness to retire upon political grounds, upon a request to that effect from the Governor; it being distinctly understood that I do so in accordance with the provisions of the 32nd Section of the Constitutional Act, by which I am secured a pension of three-fourths of my salary upon my retirement under circumstances such as now exist,—I can only say that, whilst I am quite ready to continue in my office, unless my retirement be required upon political grounds, I shall not consider myself justified in throwing the slightest impediment in the way of realising that change to the system of Responsible Government contemplated by the Constitutional Act, and shall therefore retire at once, if the Governor shall himself intimate to me in writing his desire that I should so retire from my office of Colonial Treasurer upon political grounds, and upon the pension secured to me by the Constitutional Act.

I take it for granted that my retirement from office shall be duly notified to the Colony, and to the Secretary of State, to have taken place upon political grounds only.

In conclusion, I beg to thank you for the kind manner in which you have alluded to myself, and to my long association with you in the service of the Government.

I am, &c.

P. FRASER.

W. T. N. CHAMP, *Esq.*

Hobart Town, 21st October, 1856.

MY DEAR CHAPMAN,

I HAVE this day received from the Governor a Note, intimating that, in His Excellency's opinion, the time has arrived for the formation of a Ministry upon the principles of Responsible Government, and confiding to me the task of forming such a Ministry.

This Commission I have accepted, and having ascertained, in various conversations which we have held, that your views and opinions correspond generally with those which I myself entertain on the various subjects which will require the consideration of the Government, I lose no time in inviting you to co-operate with me as a Member of the future Administration.

The office which I propose you should fill is that of Colonial Treasurer, taking charge of the Finance of the Colony.

Mr. Smith has consented to continue in office as Attorney-General, and I need hardly say that it is with his cordial concurrence that I now ask you to join us; and should you consent to do so, I propose that an early conference should take place, for the consideration of such other arrangements as it may be desirable to adopt to complete the formation of the Ministry.

Believe me, &c.

W. CHAMP.

Sunnyside, 22nd October, 1856.

MY DEAR SIR,

ON my return home this evening I found your Note of yesterday's date, informing me that His Excellency the Governor had entrusted you with the formation of a Ministry on the principles of Responsible Government,—that you had accepted the Commission,—and requesting me to fill the office of Colonial Treasurer, taking charge of the Finance of the Colony. I need only say that I feel it my duty to render what assistance I can in bringing into operation the principles of Responsible Government; and, as I understand that Mr. Smith has consented to continue in office as Attorney-General, it will afford me much pleasure to accept the office of Colonial Treasurer, taking charge of the Finance of the Colony in the Administration now about to be formed.

I shall be prepared to meet you at any time to-morrow that you may name, for the purpose of considering what other arrangements it may be desirable to make.

I am, &c.,

THOS. D. CHAPMAN.

W. CHAMP, *Esq.*

Hobart Town, 23rd October, 1856.

MY DEAR SIR,

THE Governor having done me the honor to confide to me the formation of a Ministry upon the principles of Responsible Government, I have accepted the Commission, and as a first step (Mr. Smith having consented to remain in office as Attorney-General) have proposed to Mr. Chapman to join the new Administration as Colonial Treasurer, taking charge of the Finance of the Colony. Mr. Chapman has intimated his willingness to accept the office; and having, in conjunction with the Attorney-General and myself, considered the propriety of giving immediate effect to that portion of the report of the Select Committee of the late Legislative Council which recommends the appointment of a Secretary for Public Lands and Works, we have agreed that it is desirable to do so.

Under these circumstances, I now, with the entire concurrence of the gentlemen I have named, invite you to become a member of the Administration in the Office which we propose immediately to create; and I, should you feel disposed to accept the offer, would suggest that you should visit Hobart Town without delay, in order that we may consider what further arrangements it may be necessary to make. Awaiting the favour of an early reply,

I remain, &c.,

W. CHAMP.

H. F. ANSTEV, *Esq.*

Anstey Barton, 24th October, 1856.

MY DEAR SIR,

IN reply to your letter of yesterday's date, inviting me to take office as Land Secretary in the Administration which you are at present forming on the principles of Responsible Government, in conjunction with Messrs. Chapman and Smith, I beg to say that I have no hesitation in acceding to your offer,—and I shall try to be in Town before one o'clock to-morrow, in order that we may consult as to our future course of action.

I remain, &c.,

H. F. ANSTEY.

W. CHAMP, Esq.

Hobart Town, 25th October, 1856.

MY DEAR NAIRN,

HIS Excellency the Governor having entrusted to me the task of forming a Ministry on the principles of Responsible Government, Mr. Smith has consented to remain in office as Attorney-General; and Messrs. Chapman and Anstey have also accepted office, the former as Colonial Treasurer, and the latter as Secretary for the Land and Public Works Departments.

It is necessary, however, that the Government should be represented in the Legislative Council; and my object in writing to you is to enquire if you have any objection to undertake the conduct of our business, and become the exponent of our measures, in the House of which you are a Member.

I make this application to you, of course, with the concurrence of my intended Colleagues; and should you accede to it, it is proposed that you shall have a seat in the Executive Council; and thus become a Member of the Administration.

Yours, &c.,

W. CHAMP.

W. NAIRN, Esq.

Tuesday, 30th October, 1856.

MY DEAR CHAMP,

BEFORE replying to your letter of the 27th, I deemed it right to ascertain whether the Governor has any objection to my joining your Ministry on the terms proposed by you. Having received His Excellency's reply stating that he has no objection, I am now able to acquaint you that I am quite willing to act as the exponent in the Upper House of the views of the Ministry about to be formed under your Leadership; it being understood that I join the Ministry as a private individual, and connected with it solely by my being a Member of the Executive Council.

Yours, &c.,

W. NAIRN.

W. CHAMP, Esq.

Hobart Town, 31st October, 1856.

SIR,

REFERRING to Your Excellency's Memorandum of the 18th instant, on the subject of the formation of a Ministry on the principles of Responsible Government, and to my reply of the 21st instant, I have now the honour to inform Your Excellency that I propose to associate with myself in the Ministry Mr. Smith as Attorney-General, Mr. Chapman as Colonial Treasurer, Mr. Anstey as Commissioner of Crown Lands, and Mr. Nairn, who will not be the holder of any political office, but who is willing to take charge of the Government business in the Legislative Council. I propose that these gentlemen shall, with myself, be appointed Members of the Executive Council, and shall form the first Responsible Ministry of the Colony.

I have intimated to Mr. Fraser that, as he has no seat in the Legislature, and cannot, therefore, continue to hold the office of Colonial Treasurer under the new system of Government, his immediate retirement will much facilitate the arrangements for the formation of the Administration; and he has expressed his willingness to retire at once on political grounds, under the provisions of the 32nd Section of the Constitutional Act, on being requested by Your Excellency to do so.

In the distribution of the departmental duties of the Ministry, it is proposed that the Police and Magistracy shall, in all matters involving legal questions, correspond directly with the Attorney-General.

That the Colonial Treasurer shall act as Secretary for Finance and Customs.

That the Commissioner of Crown Lands shall act as Secretary for all matters connected with the Public Lands and Public Works. And

That all the remaining business of the Government shall be, as heretofore, transacted by and through the Colonial Secretary.

These nominations and arrangements I now respectfully submit for Your Excellency's consideration; and, should they meet with approval, I would ask Your Excellency to make at once to Mr. Fraser the communication I have before indicated.

The general principles on which the proposed Ministry have agreed to co-operate may be briefly stated as follows:—

1st. That the Public Expenditure shall be reduced within the narrowest limits compatible with the efficiency of the Public Service.

2nd. That a rigid enquiry shall be instituted into the various Departments of the Executive Government, with a view to testing their efficiency, and carrying out such reform and retrenchment as may be found necessary and practicable.

3rd. That such additional taxation only shall be resorted to as may be found necessary to maintain the financial credit of the Colony on a satisfactory footing; adhering, so far as the revenue derivable from import duties is concerned, to the principles of the existing Tariff.

4th. That Public Works of a permanent or reproductive character may properly be effected by means of Loans raised on the security of the Public Credit.

5th. That, with regard to the alienation and disposal of the Public Lands, every effort should be made to keep the surveys in advance of the demand, and to afford the utmost facilities for the settlement and reclamation of the land; and that it is expedient that the present minimum price should be maintained, unless a reduction should be necessitated by the course pursued in the adjacent Colonies.

6th. On the important subject of Education it is considered that the General System at present in operation should be continued, and that its administration should be confided to a Board of four or five Members presided over by a salaried Chairman.

7th. In reference to State Aid to Religious Worship, the opinion is entertained that, from 1st January next, the contribution should be restricted to the amount fixed by the Constitutional Act.

It is proper that I should also acquaint Your Excellency that, as from the state of the Public Revenue the Parliament must be called together with the least possible delay, and as the shortness of the intervening period will not admit of all the measures of the Ministry being sufficiently matured for submission to the Legislature at its first meeting, it is not proposed then to introduce any Government business except in connection with the Estimates for the forthcoming year, and the provision of the necessary Ways and Means.

I have, &c.

W. CHAMP.

Sir H. E. F. YOUNG, *Knt.*

Government House, Hobart Town, 31st October, 1856.

MEMORANDUM.

THE Governor acknowledges the receipt of Mr. Champ's letter of to-day, reporting the completion of the task confided to him on the 18th instant, of submitting for approval the names of gentlemen who, with himself, should be appointed Members of the Executive Council, and constitute the first Responsible Ministry of Tasmania; as also the departmental arrangements, and the general principles on which the proposed Ministry have agreed to co-operate.

The Governor approves of the nominations and arrangements thus submitted, and they are hereby authorised to be notified in the *Government Gazette*.

H. E. F. YOUNG.

FORMATION OF THE MINISTRY.

Ordered to be printed, 11 December, 1856.