

(No. 77.)



1863.

[SECOND SESSION.]

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T A S M A N I A.

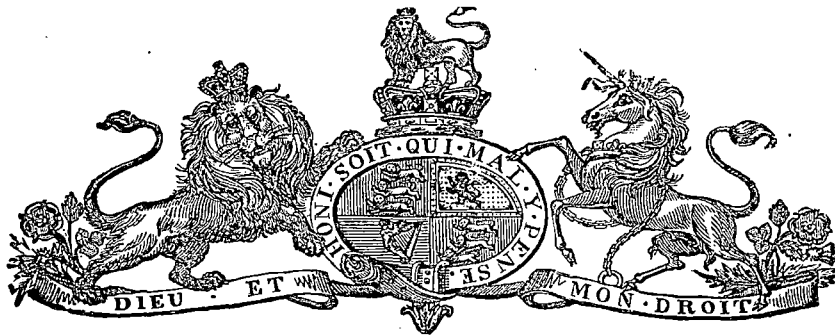
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P E T I T I O N, No. 33.

FIELDING BROWNE, Esq.

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Presented by Mr. Perkins, and ordered by the House to be printed, 20 August, 1863.



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

The humble Petition of Fielding Browne, Esquire, of the Middle Temple, Barrister-at-Law.

SHOWETH :

THAT your Petitioner was, by Letters Patent under the hand of His Excellency Sir William Denison and the Seal of Tasmania, bearing date the 26th day of May, 1854, appointed Commissioner of Insolvent Estates for Hobart Town during Her Majesty's pleasure.

That your Petitioner was confirmed in his said appointment by Her Majesty, and such confirmation was duly notified in the *Hobart Town Gazette*.

That your Petitioner has, thenceforth, performed the functions of his said office, in conformity with the Oath which he was required to take, faithfully, impartially, and to the best of his ability to discharge them.

That His Excellency's Government have, on various occasions, expressed their sense "of the independence and integrity which have been displayed by your Petitioner in the execution of his onerous and important duties."

That your Petitioner perceives that a Bill has been introduced in your Honorable House, for the purpose of making alterations in the Insolvent Acts of this Colony, whereby the tenure of his said office may be affected.

Your Petitioner begs leave to represent to your Honorable House, that, although the tenure of his said office is during the pleasure of Her Majesty, it is, in effect and usage, during his good behaviour.

That, by the Bankrupt and Insolvent Acts of the Imperial Parliament, it is provided that the Judges of the Bankrupt and Insolvent Courts "shall hold their offices during their good behaviour, and shall be removeable only upon the Address of both Houses of Parliament to Her Majesty."

That, on the occasion of an Address of the two Houses of Parliament of South Australia to Her Majesty to remove a Judge in that Colony, His Grace the Duke of Newcastle, in a Despatch to the Governor of South Australia, observed, "that he considered the principal guarantee of the independence of Judges to be found in the assurance that a Judge, when once appointed, will not be displaced without the strongest reason for such a step; and that he refused to recommend to Her Majesty to comply with that request."

That, when His Excellency Sir William Denison dismissed Doctor Turnbull from the appointments which he held in the Public Service in Tasmania, in consequence of that gentleman withholding his political support from His Excellency, and notwithstanding that His Excellency recommended that Doctor Turnbull might never again be employed in the Public Service, the Right Honorable the Secretary of State, although on behalf of Her Majesty he confirmed the suspension of Doctor Turnbull by His Excellency from those offices which were of a political character, refused to sanction his dismissal from the office of Commissioner for investigating Titles to Lands, on the ground of that being a Judicial Office, and directed His Excellency to restore that gentleman to that office.

Your Petitioner therefore humbly prays that your Honorable House will not sanction any enactment which would in any manner interfere with the tenure of his said office.

And your Petitioner further prays that a clause, in conformity with the provisions in the Acts of the Imperial Parliament to that effect, may be inserted in the said Bill, rendering the tenure of your Petitioner's office during his good behaviour, and providing that he shall not be removed therefrom except upon an Address for good reasons from both Houses of Parliament to Her Majesty.

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

F. BROWNE.

August 14, 1863.