

(No. 41.)



1861.

TASMANIA.

MR. TARLETON.

RETURN TO AN ORDER OF THE HOUSE. (*Mr. Balfe, 29 August.*)

Laid upon the Table by Mr. Chapman, and ordered by the House to be printed,
5 September, 1861.



20th May, 1861.

SIR,

I HAVE the honor to resign the post of Returning Officer of the Electoral District of Queenborough from this date.

I have, &c.,

W. TARLETON.

The Honourable the Colonial Secretary.

Colonial Secretary's Office, 27th May, 1861.

SIR,

HAVING observed in the public prints that you have addressed the electors of one of the constituencies as a candidate for their suffrages at the coming election, the Government deem it expedient to direct your attention to the correspondence which took place between yourself and the Government in the year 1858, in which you were informed that the Government were of opinion "that to allow any Member of the Legislature to hold any other than a political office necessarily tends to produce embarrassment, not only to the Government, but to the Member himself, and that such a position is incompatible with that perfect independence which is essential to the due discharge of the functions of a Representative."

Since that period, as you are of course aware, the Government announced this rule as part of their general policy, by introducing a Legislative enactment into the Houses of Parliament, which passed through all its stages in the House of Assembly, and met with approval in the Legislative Council, though the Bill was stopped in its progress on a point of privilege.

The Government assume that, having a perfect knowledge of these data, you offer your services to the constituency on the condition conveyed to you in the above correspondence, and that it is your intention, should you be elected a Member of the House of Assembly, to resign forthwith your appointments held under the Government.

I beg you to understand that the decision now renewed to you has no particular relation to the situation you hold, or personally to yourself, but is adopted as a general principle, and as part of the general policy of the Government.

No one of the many officers in the service of the Government can ever have reason to complain of disfavour shown to him by the enforcing of a rule which is meant for the whole body; and none can claim the invidious privilege of having the rule set aside in his case, as if he had a special claim, beyond other officers, to be excepted from its application.

I have, &c.,

W. HENTY.

WILLIAM TARLETON, *Esquire.*

27th May, 1861.

SIR,

I HAVE the honor to acknowledge the receipt of your communication of this date, in reference to my having "addressed one of the constituencies as a candidate for their suffrages at the coming

(No. 41.)

4

election," and should feel obliged by your informing me *distinctly*, whether, in the event of my permitting myself to be elected a Member of the House of Assembly, it is the intention of the Executive Government to dismiss me *ipso facto* from the appointments I now hold under the Government.

I have, &c.,

W. TARLETON.

The Honourable the Colonial Secretary.

Colonial Secretary's Office, 27th May, 1861.

SIR,

IN reply to your letter of this day's date, I beg leave to state that in assuming, as expressed in my letter, that you would, if elected, be prepared to resign your appointments, it was expected that the intimation would have been acceded to without further communication from the Government; but otherwise, though I regret to be called upon to make this additional statement, I can have no hesitation in answering your letter in the affirmative.

The consistency of the Government is pledged to maintaining the rule, which was adopted on general grounds, and though its establishment may for a time shut out from Parliament many men whose services would be of great benefit to the Colony, and whose absence is therefore much to be lamented, the dangers of an opposite course were deemed by the Parliament, and have been deemed by the Parliaments of the neighbouring Colonies, and by nearly all constitutional writers, to outweigh the disadvantages which attend the exclusion of office-holders from a share in the government of the country.

I have, &c.,

W. HENTY.

WILLIAM TARLETON, *Esquire.*