

(No. 24.)



1867.

T A S M A N I A.

LEGISLATIVE COUNCIL.

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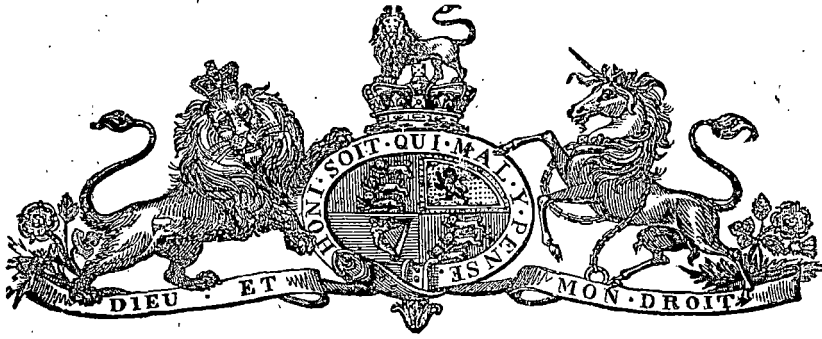
GOVERNMENT OFFICERS IN PARLIAMENT.

ORDER IN COUNCIL AND CORRESPONDENCE.

*Return to an Order of the Council dated 21st August, 1867. (Mr. Whyte.)*

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Laid upon the Table by Sir R. Dry, and ordered by the Council to be printed,  
September 6, 1867.



GOVERNMENT NOTICE.

No. 190.

*Colonial Secretary's Office, 24th November, 1856.*

THE Governor directs the publication of the following Order of His Excellency in Council for the information of all whom it may concern.

By His Excellency's Command,

W. CHAMP, *Colonial Secretary.*

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At a Meeting of the Executive Council at the Government House, Hobart Town, on Friday, 21st November, 1856, it is ordered by the Governor in Council that those Officers of the Government who, not holding political offices, may nevertheless have been, or may hereafter be, elected Members of the Tasmanian Parliament, be informed that they will be expected not only to abstain from any action adverse to the Government, but to afford it their unqualified support, inasmuch as any proceeding of a contrary nature could not fail to be productive of embarrassment to the Government, and would, moreover, be utterly inconsistent with that subordination which it is essential should be maintained throughout the Executive Departments. It is to be understood, therefore, that in the Legislature every paid servant of the Public must support the policy of the Government on every question which may not be distinctly declared to be an open one; and that he also may be required to take his share in the Government business. Should any Officer of the Government, being a Member of the Parliament, fail to comply with these conditions, or should it at any time appear that his attendance in Parliament is incompatible with the proper discharge of his official duties, he cannot be permitted to continue in office.

By Order,

CHESTER EARDLEY-WILMOT, *Clerk of the Council.*

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13th November, 1857.

MY DEAR SIR,

CAPTAIN LANGDON proceeds to England in February next, and intends on his departure to resign his seat in the Council. To the vacancy thus occasioned I have been requested by him and other influential electors of the Derwent district to endeavour to succeed; and in order that I may determine what reply to give to their proposition, I should feel obliged by your informing me whether, in the event of my election, I should be in a perfectly independent position, free to record in my votes my own conscientious convictions without regard to the policy of the Government for the time being, or whether the Order in Council promulgated by Mr. Champ's Ministry is considered to be in force in reference to Public Officers now or henceforth elected to serve in Parliament.

I am,

My dear Sir,

Yours faithfully,

W. TARLETON.

*The Hon. the Attorney-General, Premier.*

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21st November, 1857.

MY DEAR SIR,

WILL you be kind enough to afford me, at your early convenience, a reply to my note of the 13th instant? The gentlemen at whose instance I addressed you are pressing me for an answer.

I am,

My dear Sir,

Yours faithfully,

W. TARLETON.

*The Hon. the Attorney-General, Premier.*

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*Attorney-General's Office, 21st November, 1857.*

MY DEAR SIR,

I HAVE laid your letter of the 13th instant before my colleagues, and in reply I beg to acquaint you that the Ministry is of opinion that your official duties as Police Magistrate are incompatible with your taking a seat in the Legislature.

I remain, &c.,

F. SMITH.

W. TARLETON, *Esq.*

*Hobart Town, 2nd August, 1858.*

SIR,

WHEN I received your communication of the 21st November last, acquainting me that with reference to the Derwent district "the Ministry were of opinion that my official duties as Police Magistrate were incompatible with my taking a seat in the Legislature," although I could not acquiesce in the decision of the Government, I submitted to it in silence. Nor should I now have re-opened the question, or again addressed you on the subject, had it not been for the receipt of the enclosed letter. But, Sir, looking to the respectability, influence, and large amount both of intelligence and property represented by the signatures thereto affixed, I do not feel at liberty to refuse the request therein conveyed to me. I have now, therefore, the honor to request that the previous decision of the Ministry may be re-considered, and that the Derwent constituency may be permitted, should it think fit so to do, to elect me as its Representative in the Council.

I have the honor to be,

Sir,

Your obedient Servant,

W. TARLETON.

*The Hon. the Attorney-General, Premier.*

[Copy.]

*July, 1858.*

SIR,

UNDERSTANDING that Captain Langdon, R.N., has instructed that his resignation should be tendered in the event of a candidate presenting himself who would probably be acceptable to the majority of the electors, we have the honor to request that you will allow yourself to be nominated to fill the contingent vacancy in the representation of the Derwent district in the Legislative Council.

We beg to assure you that we place full confidence as well in your independence as in your ability efficiently to represent this District.

In the event of your acceding to this application, we would request you to communicate with the Ministry, in order that they may be induced to decline re-adopting grounds of opposition which, looking at the purely judicial nature of your duties, we cannot but consider untenable, and calculated, without adequate reason, to thwart the elective choice of an important District.

We have the honor to be,

Sir,

Your obedient Servants,

FRED. SYNNOT, *J.P.*

A. McDOWALL, *J.P.*

THOS. AXFORD.

W. M. HESKETH, *M.A.*

T. L. GELLIBRAND, *J.P.*

R. C. READ, *J.P.*

J. C. JAMIESON.

ROBT. WALKER.

JOHN YOUNG.

RD. THOMPSON.

W. DAVIS.

R. WATSON.

ALEX. REID, *J.P.*

E. NICHOLAS, *J.P.*

JOHN ROBERTSON, *Pres. Minister.*

J. TURNBULL, *J.P.*

G. F. HUSTON, *J.P.*

J. A. MOORE, *Surgeon.*

WM. DOWNIE.

EBENEZER SHOOBRIDGE.

A. MANN.

G. H. RAYNER.

THOS. TRIFFETT.

THOS. WILLCOX.

*Attorney-General's Office, 18th August, 1858.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 2nd instant, and in reply to inform you that, having laid the same before my colleagues, we have, after mature deliberation, come to the unanimous conclusion that it is inconsistent with the best interests of the community that any Officer of the Government whose office is not of a political character should have a seat in the Legislature.

We are 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. We have, therefore, considered it to be our duty to advise His Excellency not to continue in office any Officer of the Government not holding a responsible office who may accept a seat in Parliament.

In the particular case to which your letter refers there appears to be the additional objection that it would be highly improper on the part of the Government to enter into any understanding with a Public Officer in reference to his election to a seat in Parliament which is not yet vacant, and the vacation of which appears to be made contingent on the terms to which the Government may be brought to assent.

I have, &c.,

FRANCIS SMITH.

W. TARLETON, *Esq.*, *P.M.*