

(No. 123.)

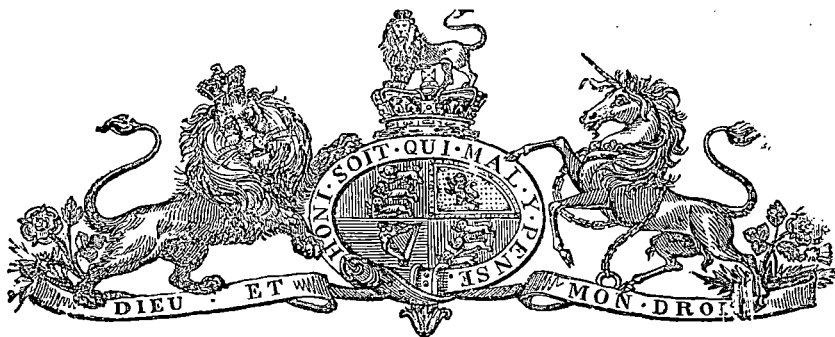


1861.

T A S M A N I A.

A. B. JONES, ESQUIRE.

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



Colonial Secretary's Office, 12th August, 1861.

SIR,

I HAVE the honor to inform you that His Excellency the Governor in Council has been pleased to direct that, from this date, all Stipendiary Magistrates shall perform the duties of Coroner without remuneration, except in those cases where expenses may be incurred for travelling; such charges will be allowed as may be deemed fair and reasonable, and are accompanied by a Certificate that they have been actually incurred.

Where Stipendiary Magistrates are in receipt of Forage Allowance it will cover Travelling Expenses within ten miles from their place of residence.

In those cases where, in consequence of the absence or sickness of a Stipendiary, any unpaid Magistrate, being a Coroner, performs the duty, the same pay and allowances will be continued as heretofore.

I have the honor to be,

Sir,

Your obedient Servant,

WILLIAM HENTY.

A. B. JONES, *Esquire.*

Bleak House, New Town, 6th September, 1861.

SIR,

I HAVE to acknowledge the receipt of your printed letter of the 12th ultimo; and as I am led by its tenor to the conclusion that my office as Coroner of the City and District of Hobart Town has been abolished, and that the duties have been transferred to another officer, I beg to apply for an Annual Allowance by way of compensation, under the provisions of the 5th clause of the Act of this Colony, 24 Vict. No. 15.

I have now held the appointment 15 years and one month, having had a second Commission issued to me when I was directed to act as Coroner of the City and District of Hobart Town, though I had previously held one for seven years.

As my removal from office has not arisen from any ill conduct or want of efficiency on my part, but for purposes provided for by the 5th clause of the 24 Vict. No. 14, I trust that the most liberal interpretation will be put on my application, and that I shall be allowed the full period of addition to which my time of service may entitle me.

That I have faithfully and zealously performed the onerous and responsible duties of the office; the Testimonials (copies of which I annex) will sufficiently prove.

I have the honor to be,

Sir,

Your obedient Servant,

A. B. JONES.

P.S.—The annual average of my emoluments for the last three years has amounted to £156 16s.

A. B. J.

IN 1839 Mr. Jones was gazetted as a Coroner for the Territory, being at the same time appointed Assistant Police Magistrate at Westbury. In 1846, when Mr. Price, the Police Magistrate, Hobart Town, was made Commandant at Norfolk Island, Mr. Mason was brought down from New Norfolk as Police Magistrate, Hobart Town, and Mr. Jones was again gazetted as a Coroner for the Territory. There is no official notification of Mr. Jones's appointment as Coroner for Hobart Town, beyond a Memo. of Sir Eardley-Wilmot's, dated 9th July, 1846, directing him to be appointed Coroner of Hobart Town.

FRANK C. TRIBE,

13th September, 1861.

JONES was appointed to the Orphan Schools on 1st September, 1851.

MY DEAR SIR,

I HAVE great satisfaction in declaring my high sense of the very careful and efficient manner in which you have, during a long series of years, discharged the duties of Magistrate and Coroner. As Attorney and Solicitor-General, and Judge upon the Bench, I have had ample opportunities of forming the opinion above expressed in your favour; and I feel convinced, should the occasion present, that you will bring to bear to either of the offices specified, or any other of an analagous character, not only the necessary ability, but the advantage of an extensive and most valuable experience.

I am,
My dear Sir,
Very truly yours,

V. FLEMING,

Judges' Chambers, 29th August, 1861,

Judges' Chambers, Hobart Town, 31st August, 1861.

DEAR SIR,

IN reply to your note requesting me to give you my testimony as to the manner in which you have conducted the inquiries, either as Coroner or as a Magistrate, which may have come under my notice during the time I was Attorney-General or have presided as a Judge upon the Bench, I have much pleasure in testifying, and I speak from an experience of upwards of ten years, that in the performance of the functions of Coroner and Magistrate, you have ever displayed great ability and sagacity, unremitting diligence, and untiring zeal and industry.

I regret that you are likely to leave us, but if so I hope you will find elsewhere a field for the exercise of these qualifications.

I remain, dear Sir,
Yours faithfully,
FRANCIS SMITH.

Hobart Town, 2nd September, 1861.

MY DEAR SIR,

AS I perceive it to be the intention of the Government to abolish in effect the office of Coroner, I cannot permit the present opportunity to pass without expressing to you the opinion which I, in common with many other residents of Hobart Town, entertain of the services you have so long and effectively rendered this community as Coroner of the District. That opinion is formed by myself, at least by a tolerably close observation of your acts, which reflect upon you the highest honor and praise; and it is something of weight to consider, that in this censorious community not an instance has occurred in your discharge of duty which has or could be reflected upon to your discredit in any way whatever.

I say no more upon this subject but this: for many years I have been Attorney-General and a Judge of the Supreme Court, and I know no one in the Colony whose duties of Coroner have been so effectively discharged as you have discharged yours.

Truly yours,
THOMAS HORNE.

29th August, 1861,

MY DEAR MR. JONES,

IN reply to your note desiring a testimony from me as to the manner in which you have conducted the inquiries, either as Coroner or as a Magistrate, which have come under my notice, I confine myself principally to your conduct as Coroner, for I believe you had ceased to be Police Magistrate of Hobart Town

before I became Solicitor-General, and undertook the public prosecutions. I always thought that you brought to the performance of your duties as Coroner highly useful qualifications. Your mind is imbued with principles essential in the administration of justice; you were painstaking in acquiring the information requisite for the discharge of your duties; you completed your cases with great care, patience, and caution; your extensive knowledge of life and of the world was advantageous to you by giving you facility in reading the language and characters, and the springs of action, of those whom you had to examine.

Carrying my memory back throughout a lengthened period during which, as counsel, I have often come before you (with anxious zeal to serve the interests of the clients by whom I happened to be engaged) I can only recollect your unvarying dignity, and courtesy, and kindness, when presiding as a Magistrate upon the Bench.

Believe me to be,

My dear Mr. Jones,

Very sincerely yours,

THOMAS J. KNIGHT.

A. BURDETT JONES, *Esq.*, Coroner for the Territory of Tasmania, &c.

Attorney-General's Chambers, 3rd September, 1861.

MY DEAR SIR,

I HAVE much pleasure in replying to your letter of yesterday, asking for my testimony as to the manner in which you have, as Coroner, conducted the inquiries which have come under my notice. During the last five years I have conducted at least one half of the criminal prosecutions that have taken place in Tasmania; and latterly, since I have been Attorney-General, the depositions taken by you in every case in which you have committed have been before me. From the opportunities thus afforded me I have formed the highest opinion of the zealous way in which you always discharged your public duties as Coroner, and also of the carefulness and ability you have displayed in conducting the inquiry in every case that has come before me. I cannot conclude without expressing my regret that the services of one who has deserved so well as yourself, should, by reason of the amalgamation of the duties of Coroner with those of Stipendiary Magistrate, be lost to the Public Service.

Believe me,

My dear Sir,

Truly yours,

W. L. DOBSON, *Attorney-General.*

A. B. JONES, *Esq.*, *Bleak House, New Town.*

Colonial Secretary's Office, 19th September 1861.

THE Auditor is requested to favor the Colonial Secretary with his opinion whether the application of Mr. Jones for a Pension comes within the spirit of the Superannuation Act, or is in accordance with the custom and practice of the Government.

The Colonial Auditor.

Audit Office, 23rd September, 1861.

MEMORANDUM.

IN reply to the reference made to me by the Honorable the Colonial Secretary, I beg to state that I have considerable doubt whether the appointment of Coroner is one that would entitle the holder to a Superannuation Allowance under the Act, 24 Vict. No. 15, Section 1, describing the class of persons to come under its provisions, uses these words:—"Persons who have served in an *established* capacity in the *permanent* Civil Service of the Colonial Government, whether their remuneration be computed by day pay, weekly wages, or annual salary." The office of Coroner does not appear to me to stand in this category. No salary is attached to it, nor is any distinct position accorded to it in the Estimates of the fixed Establishments of the Government, the expenses attending Inquests being simply estimated as a contingency. The only case which I can adduce as bearing at all upon the present question is that of Mr. Cathcart, recently pensioned as Deputy Registrar of Births, &c., at Launceston. The records in the Colonial Office will enable the Government to determine how far Mr. Cathcart's case can be viewed as a precedent in deciding on Mr. Jones's claim; but I must not omit to mention that in computing pensions to certain Police Magistrates who have been reduced, the fees received by them as *Coroners* have never formed an element in the calculation.

Still, considering the nature and extent of the duties devolving upon the Coroner in Hobart Town, the large amount of his fees compared to those received in other districts, and the long period (15 years) during which Mr. Jones has discharged the duty, I think his case is one that appears to give him, at all events, an

equitable claim to the consideration of the Government for some compensation on the transfer of his duties to another officer ; but I would respectfully suggest that, should any such compensation be awarded to him by the Executive authorities, a special report should be made of the circumstance to Parliament, and its sanction be obtained before authorising payment of the amount.

E. J. MANLEY.

The Honorable the Colonial Secretary.

New Town, 11th October, 1861.

SIR,

ON the 6th September last I sent in an application for compensation for the abolition of my office of Coroner for the City and District of Hobart Town.

As I have not yet received any answer to it, and I see that the Estimates are passing through the House, may I respectfully beg that an early consideration may be given to my case, so that I may be placed in a position to know what I shall have to do for the future support of my family.

I have the honor to be,

Sir,

Your obedient Servant,

A. B. JONES.

The Honorable the Colonial Secretary.

MR. A. B. JONES'S PENSION.

In calculating Mr. Jones's Pension, the Convict Department did not include the fees he received as Coroner.

A. B. JONES.

THE position held by the Coroner for Hobart Town hitherto may be perhaps regarded as exceptional, and more in the light of a government office than that of any other Coroner.

Hitherto no Police Magistrate, on the consideration of his claim to pension, has ever had his fees as Coroner taken into the calculation.

When Mr. Jones was appointed to do the duties of Coroner the notification was made in an official shape; viz., by a Memorandum of Sir E. Wilmot directing Mr. Jones to be appointed Coroner for Hobart Town. He was thereupon re-gazetted Coroner for the Territory, (1846); perhaps in mistake, for he was appointed a Coroner in 1839, when made Assistant Police Magistrate for Westbury.

The appointment of Mr. Jones was regarded by other officers as assigning to him the specific duties of Coroner for Hobart Town, and in consequence no other Coroner ever acted within the sphere of Mr. Jones's District. At the time of his being so appointed Coroner, Mr. Jones held the appointment of Visiting Magistrate at the Hobart Town Penitentiary, with a salary of £182 10s., and forage allowance; and in 1851 he was appointed Superintendant of the Queen's Orphan Schools,—then under Imperial management—with £300 salary, and temporary aid £110 from 1st January, 1853, and £100 for house rent and forage for horse. From this he was reduced on 31st December, 1859, and received a full pension from the Imperial Government. But in the calculation of this pension it must be observed no allowance was made for the duties performed by him as Coroner in the cases of Imperial Convicts.

If Mr. Jones's case seems to favor some allowance by way of compensation, it can hardly be for more than the brief period since he lost the appointment of Superintendent of the Orphan Schools.

Colonial Secretary's Office, 5th October, 1861.

FEES received by MR. JONES as CORONER, from 9th July, 1846 to 12th August, 1861:—

	£	s.	d.		£	s.	d.
From 9th July to 31st Dec. 1846	37	16	0	1854	119	14	0
1847	98	14	0	1855	153	6	0
1848	81	18	0	1856	105	0	0
1849	109	6	0	1857	151	4	0
1850	134	8	0	1858	163	16	0
1851	77	14	0	1859	138	12	0
1852	109	6	0	1860	149	2	0
1853	118	4	0	To 12 August 1861	92	8	0

Pension from Convict Funds..... £128. 6s. 8d.

24th October, 1861.

THE Governor has had under consideration in the Executive Council Mr. A. B. Jones's application. It appears to the Governor in Council that the appointment of Coroner is not one that would entitle the holder to a Superannuation Allowance under the Act, 24 Vict. No. 15, and the Governor in Council is therefore unable to comply with Mr. Jones's request.

CHESTER EARDLEY WILMOT.

H. E. F. Y.

The Honorable the Colonial Secretary.

Colonial Secretary's Office, 28th October, 1861.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 6th ultimo applying, under the Superannuation Act, for compensation consequent upon your duties as Coroner for the City and District of Hobart Town having been transferred to another officer.

In reply, I have to inform you that, after due consideration of your application, it appears to the Governor in Council that the appointment of Coroner is not one that entitles the holder to a Superannuation Allowance under the Act, 24 Vict. No. 15, and the Governor in Council regrets that he is therefore unable to comply with your request.

I have, &c.,

WILLIAM HENTY.

A. B. JONES, Esq., *New Town.*