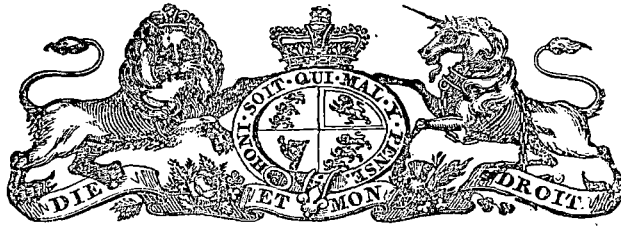


(No. 14.)



1863.

[SECOND SESSION.]

T A S M A N I A.

WRITER OF THE CHURCH OF SCOTLAND.

CORRESPONDENCE.

Laid upon the Table by Mr. Colonial Treasurer, and ordered by the House to be printed, 30 June, 1863.



CORRESPONDENCE and Petition relative to Mr. LIVINGSTON'S Claim to Pension upon Loss of Office.

O'Brien's Bridge, 5th February, 1863.

SIR,

I HAVE received the accompanying letter from Mr. John L. Livingston, desiring me to communicate with Government in reference to his obtaining a Retiring Allowance in consequence of the abolition of his Office through the operation of the State Aid Abolition Act.

Not only from what I have witnessed during the short time that I have been Convener, but from the oft-repeated testimony of the Rev. Dr. Lillie, I can speak in high terms of his zeal and efficiency; and I trust that His Excellency will be pleased to confer upon him such a Retiring Allowance as, upon the abolition of an office, an Officer is considered to be entitled to who has for years occupied a situation of considerable responsibility, and frequently of no small amount of labour, to the entire satisfaction of the Department with which he has been connected.

I have the honor to be,
Sir,

Your most obedient Servant,
C. SIMSON.

The Honorable the Colonial Secretary.

Hobart Town, 4th February, 1863.

SIR,

I AM in receipt of your letter of the 26th ultimo, intimating that no provision has been made for the continuance of the office of Writer to the Church of Scotland, and that my services are no longer required in that capacity.

As I have held the Office for many years continuously, during which I have always been treated as other persons in the Civil Service of the Government, may I beg that you will be pleased to submit for the consideration of His Excellency the Governor, that I should receive the customary allowance in such cases where the Office is abolished.

I have the honor to be,
Sir,

Your most obedient Servant,
J. L. LIVINGSTON.

The Rev. C. SIMSON, Convener of the Presbytery, &c.

Colonial Secretary's Office, 18th February, 1863.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 5th instant, enclosing an application from Mr. J. L. Livingston for a Retiring Allowance for the loss of his Office as Writer to the Church of Scotland; and in reply I have to inform you that the Government are unable to recognise the claim, inasmuch as the appointment in question can only be considered as of a private nature.

I have, &c.,
JAMES WHYTE.

The Rev. C. SIMSON, O'Brien's Bridge.

O'Brien's Bridge, 28th February, 1863.

SIR,

I BEG that the enclosed letter and accompanying documents may be laid before His Excellency, that the case of Mr. Livingston may be reconsidered, as it appears that Mr. Livingston's appointment was recognised by the Government.

I have the honour to be,
Sir,

Your most obedient Servant,

C. SIMSON.

To the Honourable the Colonial Secretary.

Hobart Town, 27th February, 1863.

SIR,

I AM in receipt of your favour of the 19th instant, intimating that the Colonial Secretary could not recognise my claim for a Retiring Allowance, inasmuch as my appointment can only be considered of a private nature.

I beg again respectfully to submit that I have always been treated as a Civil Servant of the Crown, received Salary as being upon the fixed Establishment, and acted under the person who was by the Government the acknowledged head of the Department.

If the Colonial Secretary will be pleased to refer to letter No. 8515, of 19th May, 1854, (signed W. Champ), he will find that the Lieutenant-Governor approved of my Salary being increased,—the Salary before that time was only £30, it was then increased to £50 per annum; and upon that sum I received the increase in aid voted by the then Parliament to all the Servants of the Government.

Under ordinary circumstances any person, however mean his office, in receipt of Salary is entitled to notice to quit, or an equivalent; and I cannot but feel myself aggrieved that a situation which I have held for many years should be discontinued without some intimation or acknowledgment.

I have the honour to be,
Sir,

Your most obedient Servant,

J. L. LIVINGSTON.

The Rev. CHAS. SIMSON.

The Governor in Council decides that Mr. Livingston is not entitled to a Pension or Compensation.

E. C. NOWELL.
5th March, 1863.

The Hon. the Colonial Secretary.

Hobart Town, 16th May, 1854.

SIR,

REFERRING to the Office of Writer to the Presbytery, which I have held for many years, and for which I have up to the present time only received the Annual Salary of £30, I beg that you will be pleased to submit for the consideration of His Excellency the Lieutenant-Governor, that I should be placed on the same footing as regards the increase of pay as other persons employed in a similar capacity under the Colonial Government.

I have the honour to be,
Sir,

Your most obedient Servant,

J. L. LIVINGSTON.

The Rev. J. LILLIE, D.D.

(No. 8515.)

MR. LIVINGSTON has been employed as he has stated, and I beg to recommend his application from the beginning of the current year.

J. LILLIE.

17th May, 1854.

The Colonial Secretary.

THE Lieutenant-Governor approves of the increase of 25 per cent. being allowed to Mr. Livingston.

W. CHAMP.

19th May, 1854.

THERE must I suspect be a mistake in limiting Mr. Livingston's increase to 25 per cent.

Colonial Secretary's Office, 12th March, 1863.

SIR,

I HAVE to acknowledge the receipt of your letter of the 28th ultimo, enclosing a communication from Mr. Livingston, in which he urges his claim to compensation for loss of office.

Having brought the case fully under the consideration of the Governor in Council, I regret to have to inform you that His Excellency has been unable to arrive at any other decision in the matter than that already communicated to you.

I have, &c.,

JAMES WHYTE.

The Rev. C. SIMSON, O'Brien's Bridge.

To His Excellency Colonel THOMAS GORE BROWNE, Governor-in-Chief of the Island of Tasmania and its Dependencies.

MAY IT PLEASE YOUR EXCELLENCY.

The humble Petition of the undersigned,

RESPECTFULLY SHOWETH:

THAT Your Excellency's Petitioner was in the year 1845 appointed by the Rev. Dr. Lillie, the head of the Department, Writer to the Church of Scotland, the salary allowed by the Government being Two shillings per day. That in the year 1850 the salary was altered to £30 per annum, and Your Excellency's Petitioner was put upon the fixed Establishment, the payments being made along with the salaries of the clergymen comprising the Establishment, as will appear by the monthly abstracts.

That in the year 1854 Your Excellency's Petitioner, hearing that the salary to the Writer of the Church of England as well as that of the Writer to the Church of Rome had been increased, made application to the Lieutenant-Governor, through Dr. Lillie, to be placed upon the same footing as regards increase of pay as others employed in a similar capacity under the Colonial Government; to which His Excellency acceded, granting also arrears of pay; and that upon the increased salary, viz., £50 per annum, Your Excellency's Petitioner also received the increase in aid voted by the Parliament of the day to all Civil Servants of the Government.

That in the month of January last Your Excellency's Petitioner received a letter from the Rev. Charles Simson, Convener of the Presbytery, intimating that he had received a letter from the Honorable the Colonial Secretary, communicating that the office of Writer to the Church of Scotland was abolished.

That Your Excellency's Petitioner thereupon addressed a letter to Mr. Simson requesting him to submit for the consideration of Your Excellency that a retiring allowance should be granted. Your Excellency's Petitioner shortly afterwards received a reply from Mr. Simson to the effect that Your Excellency could not accede to his request, as the office was of a private nature; and that upon the case being re-submitted with a copy of letter (accompanying), Mr. Simson again communicated that, in reply, the Honorable the Colonial Secretary affirmed the former decision of Your Excellency.

That after mature deliberation, and having submitted the case *ex parte* to many highly influential and disinterested individuals well qualified to form an opinion on the subject, Your Excellency's Petitioner does not feel satisfied with the decision communicated by the Honourable the Colonial Secretary ; namely, that the office was of a private nature.

That there was no analogy between the case of Your Excellency's Petitioner and that of the Writers of the Churches of England and Rome, inasmuch as they have held office for short periods, while Your Excellency's Petitioner has held office for nearly eighteen years consecutively.

And Your Excellency's Petitioner, therefore, humbly prays that Your Excellency will be pleased to bring his case again before the Executive Council, in order that it may be more fully investigated, and that Your Excellency's Petitioner's claim may not be made an exception to the rule affecting other Civil Servants of the Government whose offices may be abolished, and that he may have the full benefit of the Superannuation Act.

And Your Excellency's Petitioner will ever pray, &c.,

J. L. LIVINGSTON.

THE Governor in Council sees no reason to reverse his former decision.

E. C. NOWELL.
13th June, 1863.

The Hon. the Colonial Secretary.

Colonial Secretary's Office, 15th June, 1863.

SIR,

I HAVE to inform you that the Governor in Council has had under consideration your Petition, in which you appeal against the decision of the Government respecting your claim to pension, and that His Excellency has been unable to arrive at any other conclusion in the matter than that which has been communicated to you.

I am, &c.

B. T. SOLLY.

Mr. J. L. LIVINGSTON.