

(No. 20.)



1877.

SESSION IV.

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T A S M A N I A.

H O U S E O F A S S E M B L Y.

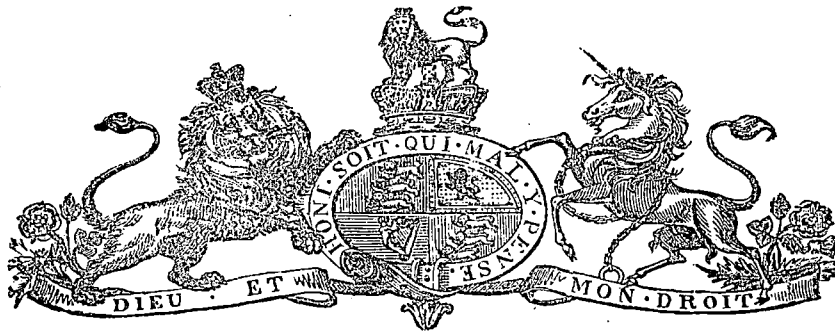
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M R. J. W. K I R W A N.

P E T I T I O N.

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Laid on the Table by Mr. Pillinger, and ordered by the House to be printed,  
October 17, 1877.



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

The Petition of James Woodhouse Kirwan.

HUMBLY SHOWETH :

1. THAT your Petitioner's office of Police Magistrate was abolished on the 31st July, 1857, on the ground of police reductions, as stated in the Colonial Secretary's letter to your Petitioner in June, 1857.

2. That in the month of July, 1857, certain Pension Papers were forwarded to your Petitioner by the Colonial Secretary to be filled up with an account of his services.

3. That on the 28th of October, 1857, the following Order in Council was issued to the Colonial Secretary ; viz.—

“ The Governor in Council approves of a Pension of £80 17s. being granted to Mr. Kirwan.”

(Signed) CHESTER E. WILMOT.  
28th October, 1857.

(Signed) H. E. F. Y.

*To the Honorable the Colonial Secretary.”*

4. That your Petitioner entered Her Majesty's Civil Service under the provisions of an Imperial Statute regulating Pensions.

5. That the Order of the Governor in Council would give effect to that Statute in your Petitioner's favour.

6. That the said Order, having been mislaid, was not discovered until six years afterwards, viz. August, 1863, when, on being submitted to Parliament, the order was carried into effect from that date only.

7. That your Petitioner has not, however, as yet had the benefit of the Order in Council between October, 1857, (its date,) to August, 1863.

8. That your Petitioner submits to your Honorable House, it is a fundamental principle of the Constitution, that an Order of Her Majesty's Representative in Council is mandatory, and possesses all the authority, power, and force of Statutory enactment, and binding on all Her Majesty's subjects in the Colony.

9. That, owing to effect not having been given to the Order in Council in his favour at the date of its issue, your Petitioner has suffered great loss and wrong.

10. That as your Honorable House is the highest Constitutional tribunal in this Colony for the redress of any grievance under which any of Her Majesty's subjects may suffer, and your Petitioner having full reliance in the high sense of justice which guides and influences the deliberations of your Honorable House, prays that you will be pleased to take the premises into your favourable consideration ; and either by the appointment of a Select Committee, or by such other means as in the wisdom of your Honorable House may seem most fitting, cause enquiry to be instituted into the nature and merits of your Petitioner's claim, in order that justice may be done and the wrong under which he believes himself to suffer redressed.

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

J. W. KIRWAN, *late Police Magistrate.*

*Hobart Town, 15th October, 1877.*