

(No. 51.)



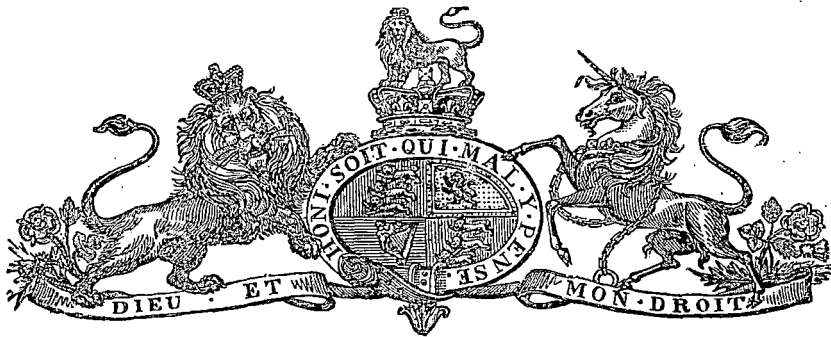
1858.

T A S M A N I A.

M R. K I R W A N.

ADDENDA TO PRECIS OF COMPLAINTS, WITH DECISIONS OF
SIR WILLIAM DENISON.

Laid upon the Table by Mr. Colonial Treasurer, and ordered by the House
to be printed, 19 October, 1858.



ADDENDA to the PRECIS of Complaints against Mr. KIRWAN, late Police Magistrate of Kingborough.

OCTOBER, 1851.

MR. KIRWAN complains of the conduct of his Police Clerk at Bothwell, for having disregarded his instructions and refused to obey his orders; and Mr. Kirwan begs the Police Clerk may be removed from the District.

On the complaint being referred to the Police Clerk for his defence, he justifies his own conduct, and complains of Mr. Kirwan's treatment of him.

The Lieutenant-Governor in his Minute condemns the conduct of the Police Clerk as most improper, and directs that he should be severely reprimanded: the only thing which induces the Governor not to remove him from the District being his long service and high testimonials from former Magistrates.

His Excellency's Minute concludes thus:—"While, however, I am obliged to comment upon the conduct of the Police Clerk thus strongly, it must not be supposed that I am at all disposed to be pleased with the conduct of Mr. Kirwan; on the contrary, the whole correspondence has shown him to have taken an unfair advantage of the powers vested in him for the purpose of annoying and tyrannising over his subordinate. He has shown a lamentable want of temper and discretion throughout the whole business, which has very much lowered my opinion of his qualifications as a Magistrate: had he shown any consideration for the feelings of the Police Clerk, had he tried to make the office duty as little onerous to Mr. Robinson as possible, had he, in plain terms, behaved as a gentleman ought to have done, I should have felt it my duty to have supported him, and I would have at once dismissed or removed the Clerk; but as I find that the blame is fairly to be shared between the two, I am not disposed to give a triumph to either. Mr. Kirwan will therefore be informed that I cannot adopt his suggestion that the Police Clerk should be removed, because I consider his conduct to have been both improper and most irritating towards Mr. Robinson; that I must insist upon a change in his demeanor and habits towards the Police Clerk, whom he is not entitled to consider as a mere drudge to be employed in scribbling at his will and pleasure; and as it may be unpleasant for Mr. Kirwan to remain at Bothwell under the imputation of having failed in his complaint against the Clerk, he had better be, after a short time, removed to the Huon, Mr. Tomlins relieving him at Bothwell.

"Wherever he may go, however, I trust he will take warning by the result of this correspondence, and study to behave to his subordinates with that consideration which a sense of what is due to them and to himself should dictate; for he may rest assured that I will never countenance any species of tyranny over them, whether it be direct or couched under the flimsy veil of official forms.

W. D.

23rd October, 1851."

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OCTOBER, 1852.

Police Department, 9th October, 1852.

SIR,

I have the honor to enclose a copy of a letter addressed to me by Mr. Swifte, late Police Clerk at the Huon, and to inform you that, having laid that document before the Lieutenant-Governor, I am directed to state to you that the complaints which constantly come before His Excellency relative to your conduct to your subordinates are of such a nature as will, if continued, compel him, however reluctantly, to remove you from your appointment as Assistant Police Magistrate, the duties of which, His Excellency remarks, it would appear that neither your temper nor discretion fit you to perform.

I have, &c.

F. BURGESS.

The Assistant Police Magistrate, Huon.