

(No. 99.)



1880.

T A S M A N I A.

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

MRS. KIRWAN :

P E T I T I O N.

Laid upon the Table by the Colonial Treasurer, and ordered by the House to be printed, September 21, 1880.



HOUSE OF ASSEMBLY.

To His Excellency SIR FRANCIS SMITH, KNT., Administrator of the Government of Tasmania and its Dependencies.

MAY IT PLEASE YOUR EXCELLENCY.

WE, Her Majesty's dutiful and loyal Subjects the Members of the House of Assembly of Tasmania, in Parliament assembled, pray that Your Excellency will be pleased to cause to be laid upon the Table of this House the Memorial presented by the Widow of the late J. W. Kirwan in reference to certain claims for arrears of Pension alleged to be due to her deceased husband.

HENRY BUTLER, *Speaker.*

Passed by the House of Assembly
this 16th September, 1880.

HUGH M. HULL, *Clerk of the House.*

FORWARDED to the Honorable the Premier.

WM. MOORE.
21st September, 1880.

To His Excellency SIR FRANCIS SMITH, C.J., Administrator of the Government of Tasmania, and the Members of the Executive Council.

The Memorial of Tryphena Maria Kirwan, Widow of the late James Woodhouse Kirwan, a Pensioner on the list of Retired Colonial Officers.

RESPECTFULLY SHOWETH :

THAT your Memorialist, by the death of her husband who was in the receipt since 1863 of a Pension of £85 17s., has been left with four young children wholly destitute of the means of support.

That from 1857, when through reasons of economy his office was abolished, he received official notice that an Order in Council, dated 28th October, 1857, had been made fixing his Pension at £85 17s. per annum; and this Order it appears from the evidence taken before a Select Committee of the House, which investigated the matter in November, 1877, was never rescinded. (*Vide* House of Assembly Journals, Vol. xxxiii. Paper 45.)

That for six years after the issue of this Order in Council and its being adopted by Parliament your Memorialist's husband received no benefit from it; and it was only in 1863, when the Hon. James Whyte's Ministry was in office, the Pension was first paid to him,—consequently there remains still unpaid six years arrears, amounting without interest to the sum of £520 17s. That during the investigation by the Select Committee above referred to, it will be seen that the evidence of the majority of the witnesses examined, including Dr. Butler, the Hon. Charles Meredith, and the Hon. James Whyte, the two latter being Ministers of the Crown in 1863, when my late husband's Pension was first paid, favoured the justice and equity of his claim to the six years of unpaid arrears; and that the Hon. James Whyte gave very substantial and satisfactory reasons why he had not when proposing the payment of the Pension included the arrears, reasons which in no way were intended to justify their being withheld, but on the contrary prove that he felt that my late husband's claim was founded upon the most obvious principles of law and equity.

That your Memorialist, left as she has been with a young family wholly unprovided for, respectfully urges her claim to consideration for her case, and submits it to be dealt with by Your Excellency and Honorable Advisers as may be deemed most conducive to meet the requirements of equity and justice.

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

TRYPHENA MARIA KIRWAN.

FORWARDED to the Honorable the Premier.

WM. MOORE,
11th Sept. '80.

PERUSED and returned. The claim renewed in this Petition has more than once been rejected by the House of Assembly, and cannot now be recognised.

W. R. GIBLIN,
13.9. '80.

Colonial Secretary's Office, Hobart Town, 16th September, 1880.

MADAM,

REFERRING to my letter of the 13th instant, I have the honor to inform you that the claim renewed in your Memorial having more than once been rejected by the House of Assembly I regret to say cannot now be recognised.

I have, &c.

(Signed) WM. MOORE.

Mrs. KIRWAN, Battery Point.