

(No. 100.)



1878.

T A S M A N I A.

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

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

P E T I T I O N .

Presented by Mr. Reibey, and ordered by the House to be printed September 11,
1878.



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

The humble Petition of James Woodhouse Kirwan, Esq., late Police Magistrate.

SHOWETH :

1. That your Petitioner's office of Police Magistrate was, in 1857, abolished, on the ground of Police retrenchment.

2. That in October, 1857, the following Order in Council was issued in your Petitioner's favour:—

“The Governor in Council approves of a Pension of £80 17s. being granted to Mr. Kirwan.—
(Signed) H. E. F. YOUNG.”

3. That the above Order was the solemn and deliberate act of the Queen's Representative in Council, and by the advice of his then Ministers.

4. That the said Order remained in the Colonial Secretary's Office from October, 1857, till July, 1863, unknown to Parliament and your Petitioner; and when it was found, after diligent search, and presented to Parliament, the Order was carried into effect by both Houses by granting your Petitioner his Pension.

5. That your Petitioner submits that the granting of his Pension in 1863, upon the discovery of the Order, was legally and morally admitting his right to have received his Pension in 1857.

6. That your Petitioner submits that an Order in Council, solemnly passed and issued by Her Majesty's Representative, is, under the Constitution, as imperative and obligatory as statutory enactment, and that by the principles of the Constitution that Order in Council recognised and made indefeasible his right to its fulfilment.

7. That your Petitioner's claim was, during the last Session of Parliament, referred to a Committee of your Honorable House; and that the evidence given that Committee by four Members of Parliament, each of whom had been a Minister of the Crown, including the Honorable the Speaker of the House of Assembly, deliberately affirmed the right of your Petitioner to have received his Pension from the date of the Order in Council in 1857.

8. That your Petitioner complains that a deep and grievous injury and wrong has been done to him, in derogation of his vested rights both as a public officer and a private subject of Her Majesty, rights which had been secured to him by an Act of the Imperial Parliament when he entered the service of the Crown; and he therefore humbly prays that your Honorable House will be pleased to adopt such measure as in the wisdom of your Honorable House may appear to be necessary to redress the wrong under which he has so long suffered, and restore to him that right to which, as a subject of Her Majesty, he is, under the Constitution, unquestionably entitled, both legally and morally.

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

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

Hobart Town, September, 1878.