

(No. 63.)



1865.

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T A S M A N I A .

LEGISLATIVE COUNCIL.

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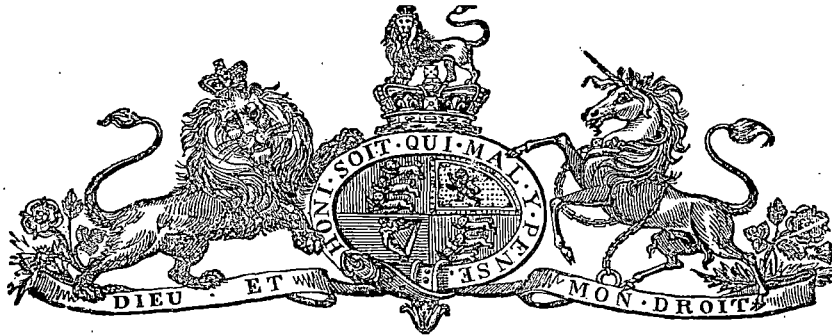
**CASE OF *STORIE* v. *SIMSON* AND OTHERS.**

**CORRESPONDENCE BETWEEN REV. MR. SIMSON AND  
THE HON. COLONIAL TREASURER.**

*(In continuation of Paper No. 55.)*

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Laid upon the Table by Mr. Whyte, September 12; and ordered by the Council  
to be printed, September 13, 1865.



To His Excellency the Governor and the Honorable the Executive Council of the Colony of Tasmania.

The humble Petition of the undersigned.

MOST RESPECTFULLY SETTETH FORTH :

THAT your Petitioners are Members of the Presbytery of the Church of Scotland in Tasmania, and constitute the Standing Committee of that Presbytery.

That, in the case of *Storie v. Simson* and others, the Judges of the Supreme Court, leaving undisturbed the spiritual finding of the Presbytery and assuming it to be correct, have, nevertheless, on other grounds decided that Mr. Storie is entitled to Salary and Allowances, and decreed that the same shall be paid to him by the Presbytery.

That the Certificate required by the Colonial Auditor as warrant for payment of said Salary and Allowances is one which the Presbytery cannot set their names to, looking at the fact that the righteousness of their spiritual finding has not been called in question.

Wherefore, may it please Your Excellency and your Honorable Council to authorise the reception of one or other of the accompanying Certificates, being such as your Petitioners and their constituents can conscientiously give.

And your Petitioners, as in duty bound, &c.

C. SIMSON.  
ROBT. M'CLEAN.  
J. MACKERSEY.  
R. K. EWING.

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*CERTIFICATE to be first presented.*

"I, the undersigned Moderator of the Presbytery of Tasmania, do certify that Mr. John Storie is the person named in Schedule No. 1 of 'The State Aid Distribution Act'; that the Judges of the Supreme Court have decreed that the said Mr. John Storie is entitled to his Salary and Allowances, as the Minister of St. Andrew's Church, Hobart Town, from the 19th day of April, 1864; and that Mr. Storie has been acting as the Minister of that Church for the period specified."

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*CERTIFICATE to be presented secondly.*

"I, the undersigned, &c., do solemnly swear that the Supreme Court of this Colony having declared in the Suit *Storie v. Simson* and others, as Trustees under 'The State Aid Distribution Act,' as follows:—That the said John Storie has been and still is acting as Minister of St. Andrew's Church, Hobart Town; and having decreed that the Defendants (other than the Attorney-General) do on or before the Eighth day of September now next ensuing pay to the Plaintiff all arrears of Salary and Allowances to which the Plaintiff is entitled by virtue of 'The State Aid Distribution Act,' from the 19th day of April, 1864, and do continue to pay such Salary and Allowances. I therefore certify that he is entitled, by virtue of the said decree of the Supreme Court, to the said Salary and Forage Allowance now in arrear."

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*Colonial Treasury, 12th September, 1865.*

REVEREND SIR,

IN reply to a Petition, accompanied by two Certificates from yourself and others, addressed to the Governor in Council in the case of *Storie v. Simson* and others, I have the honor to inform you that I have submitted the Certificates referred to to the Honorable the Attorney-General, and that Officer states that in his opinion the Auditor could not possibly act upon either.

I have, &c.,

CHARLES MEREDITH, *Colonial Treasurer.*

*The Rev. C. SIMSON.*