

(No. 13.)



1857.

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T A S M A N I A.

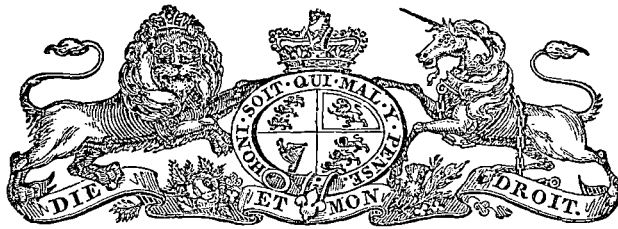
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C O R R E S P O N D E N C E

BETWEEN THE GOVERNMENT AND MR. KIRWAN.

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Laid upon the Table by Mr. Henty, and ordered by the Council to be printed,  
26 November, 1857.



*Colonial Secretary's Office, 24th June, 1857.*

SIR,

THE Governor in Council has approved of a considerable reduction in the number of Police Magistrates, and a new distribution of Police duties, by which your services will not be required beyond the 1st August next.

In communicating this decision to the several Magistrates whom it has been found necessary to reduce, His Excellency and Council have expressed their acknowledgments of their past services, and the sense of the painfulness of the duty imposed in being obliged to dispense with them; and they would not desire to make an exception, in this respect, of your case. But I am bound, in reference to the charges preferred against you to the Government, and to which your answer is awaited, to say, that should they fail to be disproved, and should they appear to His Excellency in Council of sufficient gravity, the intimation I have given that your services will be dispensed with, on the ground of necessary reductions, (and by which you would in ordinary circumstances be entitled to compensation,) must not be interpreted to compromise the Government in respect to the course which it might be found necessary to pursue towards any officer in its service for official misconduct.

I have, &c.

WM. HENTY.

J. W. KIRWAN, *Esq.*

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*Kingston, 26th June, 1857.*

SIR,

I BEG to acknowledge the receipt of your letter of the 24th inst., wherein you inform me that my services as Police Magistrate will not be required beyond the 1st August next.

May I request to be informed why my services are no longer required when there are so many Police Magistrates by appointment junior to myself?

I shall immediately forward my remarks upon the charges preferred against me by Mr. Balfe; and I doubt not but that my explanation will be perfectly satisfactory.

I have, &c.

J. W. KIRWAN.

*The Hon. the Colonial Secretary.*

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*Colonial Secretary's Office, 29th June, 1857.*

SIR,

I HAVE to acknowledge your communication of the 26th instant, wherein you request to be informed why your services are no longer required, when there are so many Police Magistrates by appointment junior to yourself; and, in reply, I have to state that the Governor and Council do not deem themselves bound to defer to the consideration of seniority of service, but solely to what appears to them most conducive to the public advantage.

I have, &c.

WM. HENTY.

J. W. KIRWAN, *Esq.*

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*Oyster Cove, 17th June, 1857.*

SIR,

As Visiting Magistrate of the Oyster Cove Establishment, I beg to bring under the notice of the Government the very indifferent quality of the ration Mutton supplied to

the Aborigines. I have in my monthly reports, from time to time, brought this matter under notice; but the Contractor does not appear to make any change for the better. Indeed, the Meat I see every week furnished to the Natives has, by its poor quality, attracted the notice of many persons, and drawn forth many observations. The sheep appear in many instances not to have been killed by the butcher, but to have died; and I feel assured that the great object and desire of the Government is that the condition of these poor people should be made as comfortable as possible, and that every reasonable want should be administered to.

I would take the liberty of suggesting that the Contract should be put an end to, and that the Establishment should be supplied with Meat at the market price,—thus securing good and wholesome provisions to the Natives.

I would desire also to submit to the consideration of His Excellency the Governor that the Natives should each be supplied with a ration of Coffee, in addition to their ration of Tea; and that, as an inducement to them to avoid the Public-houses, they should each be supplied with a pint of Beer per diem. The Natives are not many, and in the ordinary course of nature cannot live long; and the trifling expense involved by the suggestions I have taken the liberty of making will be deemed of little moment in comparison with the comfort of the Natives, and impressing upon their minds that they are neither unminded nor unthought of by the Government.

I have, &c.

J. W. KIRWAN, *Visiting Magistrate.*

*The Hon. the Colonial Secretary.*

REFERRED to the Accountant of Stores.

19th June, 1857.

WM. HENTY.

REFERRED to the Superintendent for explanation as to the quality of provisions, which he will perceive by the accompanying invitation of Tenders should be the best. If provisions of the best quality cannot be obtained under the ordinary conditions, the Superintendent will be good enough to suggest a better method of procuring supplies. The Superintendent will be good enough to express an opinion in reference to the other suggestions of the Visiting Magistrate; and whether, if allowed, beer in wood or bottle should be supplied.

M. DRISCOLL, *C.C., for the Accountant of Stores.*

22nd June, 1857.

I HAVE made every enquiry possible as to the practicability of obtaining Meat for this Station from the Settlers in the District; several have sheep at Bruni Island, but I can find no one who is willing to enter into any engagement. The Meat must, therefore, still be supplied from Hobart Town. If the recommendation of the Visiting Magistrate be carried out—namely, “to buy the meat at market prices”—it will involve an expense of nearly £200 over and above that at present incurred during the course of the year. I consider the chief reason of our so frequently receiving such indifferent supplies, is to be found in the fact of there being no person to reject meat after it has once left Hobart Town; and that, whatever trash may be sent, I am obliged to receive it. A frequent inspection of the Meat at Hobart Town, at uncertain times, would, I am sure, secure the end desired by the Visiting Magistrate, without the expense attendant upon his proposal. I may add, that during the last month—*i. e.* since these papers have been forwarded to me—the supply has been very satisfactory.

An occasional supply of Coffee would, without doubt, be very acceptable, and, I have no doubt, beneficial to them.

The last recommendation of the Visiting Magistrate, to allow to each a daily ration of beer, I consider a most valuable one, and calculated to improve both their moral and physical condition; but I fear that, if the supply be limited to only a pint a day, the anticipated beneficial effects will not be realised. I would strongly advise a liberal issue—a pint at dinner and a pint at supper-time: their passion for drinking is so great, that they will undergo any fatigue and encounter any hardship in trying to obtain it; and the experience that I have had of them, during the last two years, impresses very forcibly upon my mind the painful conviction that the greater number of those unfortunates who have died since their establishment at this Station have fallen victims,

either directly or indirectly, to their love of strong drinks. Every case of illness—every accident—and every injury, (and they have been many) that I have had to treat, has been brought on, caused, or received during their absence from the Station in search of drink. At the present moment I have one woman under treatment for a very severe burn of the foot; she had been to North-west Bay, no doubt drinking the greater part of the day; in the evening she lit a large fire in the bush, and went to sleep by its side; the fire fell upon her foot, and her insensibility was so great, that she did not feel it until she awoke in the morning; very providentially the fire did not reach her clothes, or she, in all probability, would have been burned to death. I mention these facts because I feel that I cannot too strongly urge upon the Government the necessity of allowing them beer,—and that in sufficient quantity to induce them to stay at home.

If the beer be allowed, I should say it would be better supplied in wood.

J. S. DANDRIDGE.

August 1, 1857.

*The Accountant of Stores.*

In this correspondence the Visiting Magistrate represents the inferior quality of the rations, especially the Mutton, generally supplied to the Aborigines from Hobart Town, and recommends that the Contract should be cancelled so far as they relate to this station. The Superintendent in reply admits the fact to a certain extent, and reports the impossibility of procuring any provisions from the settlers in the neighbourhood, and suggests that a departure from the Contract system would involve an additional and unnecessary expense, as it appears to him that if the rations were examined at uncertain times in this town the good quality of the provisions would be ensured. It appears to me that the present Contracts cannot be departed from unless it can be very clearly shown that they have not been observed by the Contractors; it is, however, quite likely that a better quality of articles would be observed were the persons at present supplying Oyster Cove allowed an increase of price. It is quite possible that even a still better description of articles could be had by purchasing at the fluctuating market rates, as suggested by Mr. Kirwan; but it is a question whether the additional expense should be incurred before, in the first instance, testing the Contract system under a more rigid superintendence. There is no person in this office who could be conveniently spared to institute the examination suggested by Mr. Dandridge, nor would it be necessary under any system of supply were the Superintendent to report the faults of the Contractors to this Office in due time to remedy the evils in the manner provided by the Conditions of the Contracts, which would seem to provide fully for the requirements of the service.

The Visiting Magistrate recommends also a ration of Coffee, which is usually one ounce daily,—in which the Superintendent concurs.

Mr. Kirwan further advises a pint of beer daily, and Mr. Dandridge thinks that two pints should be allowed to each Aborigine daily, and both Officers support this recommendation with reasons of considerable weight.

M. DRISCOLL, C.C., for the Accountant of Stores:

*The Hon. the Colonial Treasurer.*

3rd August, 1857.

AFTER consulting with Dr. Milligan, it was considered unadvisable to accede to the recommendation respecting beer. The meat, it was ascertained, had been of an improved character since the date of the representation as to its quality.

F. M. INNES.

15th October, 1857.

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*Cloghrea, Port Cygnet, 18th May, 1857.*

SIR,

I BEG to bring under the consideration of the Executive the conduct of the Returning Officer (Mr. Kirwan) on the occasion of his declaring the state of the Poll at Franklin, on the 14th instant. The facts are these:—

The Candidates, with their accompanying friends, proceeded to the Hustings to hear the poll announced. Mr. Cleburne was declared duly elected. There was neither disturbance nor interruption of any kind whatever. Both Candidates had returned thanks to their respective supporters, and towards neither was there the slightest manifestation of hostile feeling. Mr. Cleburne, as well as Mr. Knight, omitted to make the usual reference to the conduct of the Returning Officer, whose duties had, of course, terminated

after he had declared the successful Candidate. I moved forward to the platform, after Mr. Knight the last of the candidates had addressed his friends, to suggest the propriety of *befittingly* acknowledging the conduct of the Returning Officer, when Mr. Kirwan tapped me on the shoulder, and, with a most ferocious, insulting, and menacing look, threatened "that if I uttered a single word he would have me sent to, and locked up in, the Watch-house."

It must be remarked that, up to this time from my arrival on the platform, I had not made a single remark, nor did I utter a word in reply to Mr. Kirwan's most astounding and insulting menace. For the truth of these facts I can refer to the testimony of the Solicitor-General, Mr. Walpole the Resident Magistrate, as well as to that of scores of the most respectable settlers in the district.

Were it not for the very fortunate presence of Mr. Walpole, and some other temperate persons, who persuaded Mr. Kirwan to retire as his duties were completed, there cannot be the smallest doubt but that his unprovoked attempt to degrade the Representative of the District in the midst of his constituents, by dragging him to the Watch-house through the assistance of his own Convict Constables, for no other cause than that he was about to exercise his undoubted right as an Elector of the District, would have terminated in a most serious riot.

With this simple statement of facts, I leave the case in the hands of the Executive; but, at some future time, I shall not fail to bring further particulars of this gentleman's conduct as a Magistrate and Returning Officer under the notice of Parliament and the Country.

I have, &c.,

J. D. BALFE.

*The Hon. the Colonial Secretary.*

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*Three Hut Point Police Office, 17th July, 1857.*

SIR,

I HAVE the honor to draw attention to the great inconvenience and loss which parties resident in D'Entrecasteaux Channel, who have business at the Police Office, sustain in consequence of the difficulty which I experience in procuring the services of a second Magistrate, which renders it necessary that their cases should be adjourned from week to week. This has frequently occurred, and parties in the Channel, after travelling a distance of twenty miles, have again to attend the Police Office, and have been again disappointed: a case has this day occurred in which the parties have attended two consecutive weeks; but as I was disappointed in obtaining the assistance of the only Magistrate in the Channel, these persons had to return home, and their case to stand further adjourned. The distance to Kingston from here is thirty miles and thirty back, making sixty miles, and they must occupy three days in travelling it; they therefore will not do so.

I have, therefore, the honor to request that I may have authority to obtain the assistance of Mr. Williamson, from Kingston, in hearing the cases next week.

I have, &c.,

J. W. KIRWAN.

*The Hon. the Colonial Secretary.*

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*Colonial Secretary's Office, 28th July, 1857.*

SIR,

IN reply to your letter of the 17th instant, received at this Office on the 25th, requesting leave to procure a Special Magistrate to proceed to Three-hut Point, I have to state that Mr. Walpole, the Police Magistrate at Franklin, will be always ready to attend on occasions such as you have named.

You are requested, therefore, to put yourself in communication with that Officer at any time you stand in need of the services of a second Magistrate.

I have, &c.

WM. HENTY.

J. W. KIRWAN, *Esq.*