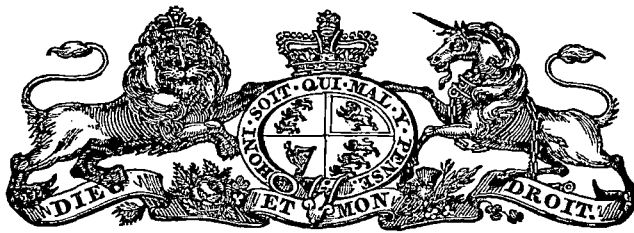


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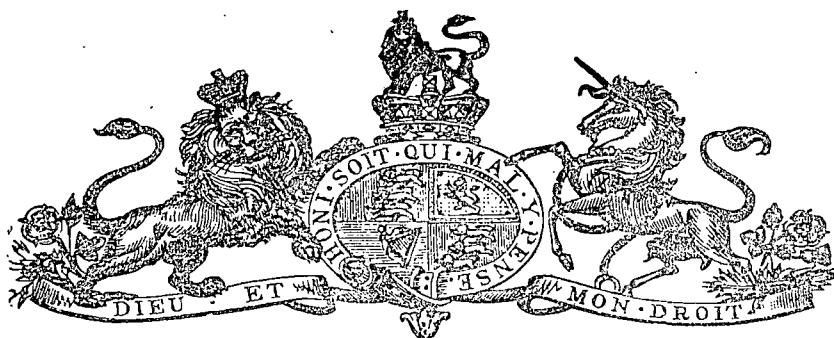
MR. CATLEY'S PENSION:

PAPERS AND CORRESPONDENCE.

*Return to an Order of the House. (Mr. Burgess.)*

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Laid upon the Table by the Treasurer, and ordered by the House of Assembly  
to be printed, August 6, 1890.



## MR. CATLEY'S PENSION.

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"Newington," New Town, 30th December, 1889.

SIR,

My constitution having completely broken down, I am reluctantly obliged to ask your interest in obtaining for me leave of absence for six months upon full pay, as during the time I have been in the Government Service—viz., thirty-five years—I have never applied for leave. I would not do so now, but I feel I am unable conscientiously to fulfil the duties required of me, being in my sixty-second year.

I would much prefer my pension recently kindly offered me by the Honorable the Premier, if I could obtain it.

I herewith forward Medical Certificate as to my state of health, in support of my application.

I am, Sir,

Yours respectfully,

WM. A. CATLEY, I.O.

Rev. J. W. SIMMONS, Chairman Ex. Com. B. Society.

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155, Macquarie-street, 30th December, 1889.

THIS is to certify that I have seen Mr. Catley, and he is now suffering from severe renal spasms due to a stone in right kidney, and is quite unfit to follow his usual occupation.

GEO. H. GIBSON, M.B.

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FORWARDED for the consideration of the Honorable the Chief Secretary. The state of Mr. Catley's health for a long time past has rendered his work a matter of difficulty, and his request is cordially supported by the Members of the Executive Committee.

J. W. SIMMONS.  
31. 12. 89.

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DR. BARNARD is requested to visit Mr. Catley and report fully—(1) upon his state of health, (2) the probable time which must elapse before he is fit for duty.

P. O. FYSH.  
31. 12. 89.

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IN accordance with the instructions of the Honorable the Chief Secretary contained in his Minute of 31st ultimo, I have the honor to report that I have visited Mr. W. A. Catley on three separate occasions, and have gone carefully into his case.

I find he is suffering from nervous prostration, with a plethoric condition of body which is the cause of many of the symptoms he complains of, such as want of appetite, sleeplessness, pains in head and down right side, mental irritability, prostration, &c. His pulse was normal, showing steady heart action. Temperature normal. Urine, sp. gr. 1028, clear, free from albumen, pus, blood, or other morbid products, but it contained mucus slightly more than normal, showing some vesical irritation. Tongue coated. Head flushed. Brain hyperæmic.

I saw him also on the 6th instant, and again to day, when he appeared somewhat better.

As regards the second point in the Minute, "the probable time which must elapse before he is fit for duty," I think that, with rest and change, combined with appropriate treatment, he should be able to resume his duties in the course of a few weeks.

C. E. BARNARD, *M.D.*, *Government Medical Officer.*  
8th January, 1890.

*Chief Secretary's Office, 13th January, 1890.*

SIR,

I HAVE to acknowledge the receipt of your letter addressed to the Chairman of the Executive Committee of the Benevolent Society, dated the 30th ultimo, applying for six months' leave of absence on full pay, and enclosing a Medical Certificate from Dr. Gibson.

In reply, I have to inform you that the Government approve of your being granted sick leave up to the 28th February next; at the expiration of that time you will be good enough to report yourself to the Administrator of Charitable Grants, and if your health is not then in a satisfactory state, it will be necessary for you to undergo a further medical examination.

I have, &c.

Mr. W. A. CATLEY, "*Newington*," *New Town*.

P. O. FYSH.

*"Newington," New Town, 3rd March, 1890.*

SIR,

MY leave of absence having expired, and my health still being very bad renders me quite unfit to take up my duties, I have no alternative but to ask you will kindly recommend me to the favourable consideration of the Hon. the Premier?

I am given to understand that my only chance of recovery is lengthened quietness and entire change of scene. I therefore beg to renew my application for pension, and forward Dr. Smart's medical certificate, by whom I have been examined.

I have, &c.

JOHN O'BOYLE, *Esq.*, *Administrator Charitable Grants.*

WM. A. CATLEY.

*54, Macquarie-street, 1st March, 1890.*

I CERTIFY that I have on two occasions lately examined William A. Catley with a view to ascertain the state of his health, and these are the conclusions arrived at:—

- 1st. An examination of the urine gives no indication of organic disease of the kidneys.
- 2nd. There is no disease of the heart or lungs nor of the abdominal viscera.

The abnormal state of health under which he labours points to the nervous system, and of this there can be no doubt. The colour and expression of the face indicate great mental trouble and worry, and so also does his great restlessness and inability to sleep, pain in the head and limbs, numbness and partial loss of sensation and power, &c.

I consider him quite unfit for business in his present condition, and am of opinion that long mental strain and worry, with possible predisposition to brain mischief such as fits, apoplexy, or paralysis, have combined to bring about Mr. Catley's present condition; and I believe that were he compelled to continue in his daily avocation there would be no hope of improvement, and that a complete breakdown would be the result.

THOS. C. SMART, *F.R.C.S. Ed.*, *Surgeon, &c.*

FORWARDED, with former papers, to the Hon. the Chief Secretary.

J. O'BOYLE, *Administrator Charitable Grants.*  
4. 3. 90.

Dr. Barnard is requested to again report upon Mr. Catley's state of health.

P. O. FYSH  
27. 3. 90.

I HAVE this day seen Mr. W. Catley, and find him much improved since my last report though he still complains of sleeplessness and nervous depression. The rest from his duties has so far improved him that I am induced to think that a longer leave of absence may bring about a complete recovery so far as his nervous condition will allow.

C. E. BARNARD, *M.D., Government Medical Officer.*  
31. 3. 90.

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*Hobart, 9th April, 1890.*

SIR,

IN obedience to your order, I called upon Mr. Catley at New Town, and examined him very carefully. He is a strong, well-built, well-nourished man, and wears well for his age. The only doubtful trace of disease I could find about him is around the right kidney, where a small renal stone is probably located, and the past history of his troubles would further indicate this.

I consider him quite able for many years to do light work, but I question whether he would be able to do daily such an amount of walking as I imagine would be required in the capacity of Enquiring Officer.

I remain, &c.

*Hon. P. O. FYSH, Premier.*

*H. BENJAFIELD, M.B.*

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THE Government have decided to allow Mr. Catley to retire on a pension, in consequence of ill-health, and the Administrator of Charitable Grants will please forward to him the enclosed Pension Paper, to be filled up and returned to this Office.

P. O. FYSH.  
12th April, 1890.

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*Charitable Grants Department, 16th April, 1890.*

SIR,

I AM instructed to inform you that the Government have decided to allow you to retire on a pension from the 1st proximo, in consequence of ill-health, as requested in your letters of the 30th December last and 3rd ultimo.

I have to ask you to be good enough to fill up the enclosed form, and return it to this Office at your early convenience.

I am, &c.

*J. O'BOYLE, Administrator Charitable Grants.*

*Mr. W. A. CATLEY, New Town.*

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*"Newington," New Town, 2nd June, 1890.*

SIR,

I BEG respectfully to inform you that, having been confined to bed three weeks from a serious attack of the kidneys, from which I have not yet recovered, and still under medical treatment, has prevented my calling upon you as desired.

It was my wish to have brought under your notice my claim for consideration upon Hospital collections, the Auditor being of opinion I am justified in asking for the same; and as it will seriously affect the amount of my pension, I beg very respectfully to ask your kind interest in my favour.

I have, &c.

*The Hon. the Premier.*

*WM. A. CATLEY.*

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*Chief Secretary's Office, 4th June, 1890.*

SIR,

THE Government have decided to grant you a retiring allowance calculated upon the salary you received up to the 30th April last, namely £180 a year, upon 35 years' service.

The commission paid to you upon the fees collected for the General Hospital, Hobart, cannot be looked upon as an emolument of the office of Inquiring Officer, and cannot therefore be allowed. You resigned the discharge of those duties in December last, and your pension will commence from the 1st ultimo.

If you will be good enough to fill up the enclosed Pension Paper and return it to this Office, your pension will be calculated and submitted for the approval of the Governor in Council.

I have, &c.

P. O. FYSH.

Mr. W. A. CATLEY, "Newington," New Town.

"Newington," 6th June, 1890.

SIR,

I BEG respectfully to forward the annexed particulars as requested. I trust the information given will be found sufficient, having furnished the same as near as I could from memory.

I have, &c.

W. A. CATLEY.

The Hon. the Premier.

THE Chief Secretary begs to forward the annexed application for pension to the Chairman of the Executive Committee of the Benevolent Society, with the request that he will endorse his certificate as to Mr. Catley's services on the third page, in order to meet the requirements of the Superannuation Act.

P. O. FYSH.  
10th June, 1890.

The Rev. J. W. SIMMONS, Glebe Town.

*PARTICULARS required to be furnished in reference to Persons recommended for Retiring Allowances.*

Name of Applicant—William Aubrey Catley.

Official Station—Inquiring Officer.

Recommended for—Superannuation.

Age—62.

Service, in years and months—35 years, 9 months.

Actual Salary, if three years have elapsed since last promotion; but if not, then average Salary for last three years—£180.

Total amount on which Pension is calculated—£180.

Correct.

H. E. SMITH, *Chief Clerk.*

Service in years—35 years 9 months. 35-60ths of £180 = £105.

Certified that the above calculation is correct, so far as the amount stated is concerned; but it is noticed that Section 1 of "The Superannuation Act," 24 Vict. No. 15, authorises the inclusion in the sum upon which a Pension is calculated all emoluments of office enjoyed by the officer, and that in this case part of the emoluments, amounting to about £30 per annum, have been excluded.

W. LOVETT, *Auditor-General.*

16th June, 1890.

Cause of Retirement, [with annexed Medical Certificate, if from infirmity of mind or body, and under 60.]—Infirmity of body—62 years of age.

Dates of commencement and termination of the several Appointments held by Applicant, with their Emoluments, distinguishing Salary from other Allowances, and specifying such Allowances—Appointed Police Department, 31. 8. 54; continuous service, being transferred to the Charitable Grants Department, and Inquiring Officer's position from the 9th January, 1874.

Whether holding any other Public Appointment, or receiving any Public Money by Compensation, Half-pay, or otherwise—Have been Collector of Hospital Fees in addition to the above duties for the last three years; average income from the same, £30 per annum.

Date of cessation of Duty—1st January, 1890.

Absences during each of the last 10 years—From 1st January, 1890, received leave of absence through illness to the 31st May, 1890.

Date of cessation of Salary—30th April, 1890.

Correct, to the best of my belief.

WM. A. CATLEY, *late Inquiring Officer.*

Statement in terms of Sect. vi. of *The Superannuation Act* of 1860, that the Applicant "has discharged his duties with diligence and fidelity, to the satisfaction of the Head Officer or Officers of his Department" (without which no Pension or Compensation can be granted), to be signed by any two of such Head Officers if there shall be more than one, or by such Head Officer if there should be but one, together with "such a

statement as will exhibit the merit and value and labour of the services of the Person recommended, embracing as long a period of his public services as can be authentically stated," together with observations as to Special Services, Suspension, Reprimand, &c., with full particulars of any injuries received on duty, or other claims or matters for consideration—

As this officer's services have been placed at the disposal of the Executive Committee of the Hobart Benevolent Society since the 1st March, 1880, I beg to suggest that the Chairman of the Committee be applied to for the necessary certificate.

*The Hon. the Chief Secretary.*

J. O'BOYLE, *Administrator Charitable Grants.*  
7th June, 1890.

Mr. W. A. Catley was instructed by the Hon. the Chief Secretary to place his services at the disposal of the Executive Committee of the Benevolent Society. His duties were varied. He had not only to enquire into cases requiring out-door relief, but was charged with the proper distribution of rations. Paupers admitted into the Dépôt from Hobart and suburbs were submitted to his scrutiny before being passed on for medical examination. The collection of Hospital Fees was also a portion of his work. Considering the classes dealt with, Mr. Catley displayed considerable tact, and I have no hesitation in expressing the opinion that he frequently worked beyond his strength, and regret to notice that the pension is so small.

J. W. SIMMONS, *Chairman Executive Committee Benevolent Society.*

FORWARDED to the Auditor-General for examination.

B. TRAVERS SOLLY.  
13th June, 1890.

EXAMINED and returned.

W. LOVETT.  
16th June, 1890.

*The Honorable the Chief Secretary.*

#### MINUTE PAPER FOR THE EXECUTIVE COUNCIL.

*Chief Secretary's Office, Hobart, 16th June, 1890.*

SUBMITTED,

THAT a retiring allowance at the rate of One hundred and five Pounds (£105) per annum be granted to Mr. William Aubrey Catley, Inquiring Officer.

To take effect on and from the 1st May last, and to be provided for upon a Supplementary Estimate.

P. O. FYSH.

THE Governor in Council approves.

R.G.C.H.

E. C. NOWELL.  
16th June, 1890.

#### MEMORANDUM.

THE Board of Management, General Hospital, Hobart, on 15th June, 1885, recommended that Mr. Catley should be appointed Collector for the Hospital. On the 16th June the Chief Secretary enquired if Mr. Catley's present duties would admit of his undertaking those of Collector for the General Hospital. The Chairman replied in the affirmative, and Mr. Catley was appointed Collector for the City of Hobart of fees due to the General Hospital from the 9th July, 1885, for which he was to receive 10 per cent. commission. Before this, Mr. Propsting, Superintendent of Territorial Police, was the Collector.

Mr. Catley resigned the office on the 31st December, 1889, and Mr. Olney, of the General Hospital, was appointed from 1st January, 1890.

It was quite within the province of the Board to recommend any one for the appointment, and it was never regarded as part of the duties of the Enquiring Officer. Had this been so, Mr. Catley's successor would, as a matter of course, have been appointed.

Will the Honorable the Attorney-General be good enough to obtain the opinion of the Law Officers of the Crown as to whether the Hospital fees collected by Mr. Catley should be looked upon as "emoluments of his office" (Inquiring Officer) in the calculation of his pension, as defined in Section 1 of "The Superannuation Act," 24 Victoria, No. 15?

P. O. FYSH.  
17th June, 1890.

*The Honorable the Attorney-General.*

REFERRED to the Solicitor-General.

F. STOPS, *Secretary*.  
18. 6. 90.

I THINK the words "emoluments of his office" used in 24 Vict. No. 15, Section 1, refer to the emoluments of *any* office or position held by a Civil Servant. He may hold more than *one* office.

The Court of Appeal in England have held, under "The Telegraph Act, 1868," (Compensation Act for loss of office), that the word "emoluments" is the most comprehensive word that can possibly be used in such a case; it refers to any possible gain or advantage derived from an office. The question in such cases always is, what is the office or what are the offices worth to the officer? See the *Queen v. Postmaster-General*, 3, Law Reports, G.B.D., p. 428.

I think that the remuneration for collecting hospital fees should be looked upon as emoluments of Mr. Catley's office in the calculation of his pension under 24 Vict. No. 15.

ALFRED DOBSON.  
27th June, 1890.

THE collection of the fees did not appertain to the duties of Mr. Catley's office as Inquiring Officer, and his appointment as Collector was made after the abolition of pensions; but I still think that when once the right to a pension has begun to run the Civil Servant should be entitled to a pension calculated upon the total salary received by him in respect of all offices held by him under the Government, and also upon his total emoluments, and I am informed that this has always been the practice. Should there be doubt about the absolute legal right, I think it would be almost a breach of faith to depart from the usage.

A. D.

RETURNED to the Hon. the Chief Secretary with the opinion of the Solicitor-General.

F. STOPS, *Secretary*.  
30th June, 1890.

WILL the Solicitor-General please to state the source of his information that the practice has been to allow such fees to be calculated in the emoluments of an officer for the purpose of his pension?

P. O. FYSH.  
2. 7. 90.

I WAS so informed by the Auditor-General.

ALFRED DOBSON.  
2. 7. 90.

WILL the Auditor-General please to supply the Chief Secretary with reference to the case in authority?

P. O. FYSH.  
3. 7. 90.

THERE have been numerous cases in which the total emoluments of office have been added to the salary in calculating pensions, and the records are in the Honorable the Chief Secretary's Office.

*The Honorable the Chief Secretary.*

W. LOVETT.  
4th July, 1890.

The Auditor-General having passed unobserved the distinction, viz., between emoluments and whether fees are emoluments, the Chief Secretary will be glad to have pointed out any example where "fees" such as those received by Mr. Catley have been added as an emolument of office.

P. O. FYSH.  
7. 7. 90.

Having to some extent to trust to memory, I cannot point to any special case; but the fees collected by schoolmasters from private individuals are invariably allowed as emoluments of office, although the work for which these fees are collected is not performed for the Government; this being the case, it seems to me that the fees collected, as in the case of Mr. Catley, in connection with Government work, have a stronger claim to be considered emoluments of office than the private fees of schoolmasters.

*The Honorable the Chief Secretary.*

W. LOVETT.  
8th July, 1890.

*Chief Secretary's Office, 10th July, 1890.*

MEMO.

The schoolmasters' or teachers' fees are payable to them in virtue of their office under the provisions of Section 14 of "The Education Act, 1885," 49 Victoria No. 15, and would not be payable to the individual unless he held the office of schoolmaster. The commission received by Mr. Catley as collecting officer for the General Hospital, Hobart, was quite distinct from the remuneration paid to him as inquiring officer—in other words, the commission is not an emolument of such office, and might have been paid to any other person not connected with the Civil Service.

There is no case on record where any officer has been allowed pension on any fees or commission not received by virtue of his office in respect of which he has been pensioned on retirement, but, on the contrary, numerous instances are on record where commissions have been received by Government Officers upon collection of Revenue which have not been allowed as an "emolument of office," although shown by the various officers in their respective pension papers. The "usage," therefore, is distinctly against such commission as Mr. Catley received being looked upon as an emolument of his office.

Referred back for the further consideration of the Solicitor-General.

P. O. FYSH.

FORWARDED to the Solicitor-General.

F. STOPS, *Secretary.*  
11th July, 1890.

I AM unable to advise absolutely as a matter of law that Mr. Catley will be entitled to pension based upon the fees in question.

If, as I am now informed, the "usage is distinctly against such commission as Mr. Catley received, being looked upon as an emolument of his office," then I do not see how his claim can be supported.

ALFRED DOBSON.  
11. 7. 90.

FORWARDED to the Honorable the Chief Secretary.

F. STOPS, *Secretary.*  
11. 7. 90.

*Chief Secretary's Office, 16th July, 1890.*

SIR,

I HAVE the honor to inform you that the Governor in Council has been pleased to grant you a retiring allowance at the rate of One hundred and five Pounds per annum; to take effect on and from the 1st May last. Your pension will be payable monthly.

I have, &c.

P. O. FYSH.

Mr. WILLIAM AUBREY CATLEY, *Newington, New Town.*

*Chief Secretary's Office, 16th July, 1890.*

MEMORANDUM.

THE Governor in Council has been pleased to grant a retiring allowance at the rate of One hundred and five Pounds per annum to Mr. William Aubrey Catley, Inquiring Officer; to take effect on and from the 1st May last, and to be provided for upon a Supplementary Estimate.

By Command,

P. O. FYSH.

*The Treasurer.*