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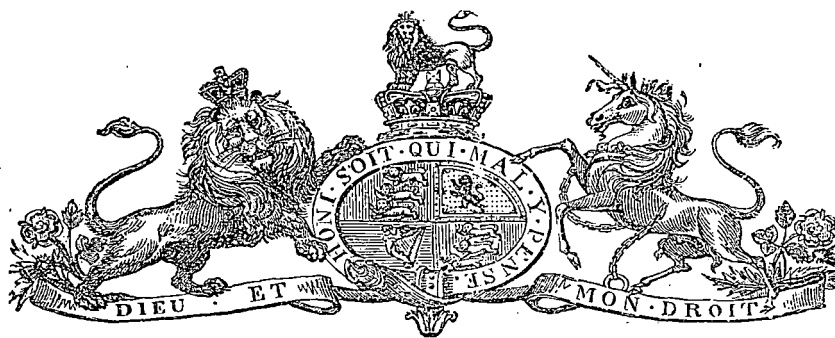
PARLIAMENT OF TASMANIA.

MR. ALEXANDER THOMAS MORRISON'S CASE :

REPORT OF SELECT COMMITTEE, WITH MINUTES OF
PROCEEDINGS, EVIDENCE, AND APPENDIX.

Brought up by Mr. Stafford Bird, August 5, 1898, and ordered by the House of
Assembly to be printed.

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SELECT COMMITTEE appointed, on the 8th July, 1898, to inquire and report as to the retirement of Mr. Alexander Thomas Morrison from the service of the Public Works Department, and as to the pension, compensation, or retiring allowance which it would be reasonable to grant to that officer: with power to send for Persons and Papers.

MEMBERS OF THE COMMITTEE.

MR. HARTNOLL.
MR. CRISP.
MR. W. H. T. BROWN.
MR. PAGE.

MR. HAMILTON.
MR. EVANS.
MR. BIRD. (*Mover.*)

DAYS OF MEETING.

Friday, July 15; Wednesday, July 20; Thursday, July 21; Wednesday, July 27; Friday, July 29;
Wednesday, August 3.

REPORT.

Your Committee have the honour to report to your Honourable House:—

1. That they have held several meetings, examined several witnesses, and carefully considered all the evidence and correspondence which have been placed before them.
2. That Mr. Morrison was a volunteer in the Government service, and also did survey work for the Government, prior to the date of "The Abolition of Pensions Act, 1863."
3. That, after a short break in his service, he returned to the Public Works Department in 1865, and that he appears to have held a Government appointment almost continuously from that time till 1897.
4. That the adoption of new Regulations in the Survey Department imposed obligations on Mr. Morrison, which, at his advanced age, and after his long recognition as a Government surveyor, amounted to a hardship, in that he is thereby prevented from following his profession as a surveyor.
5. That while Mr. Morrison cannot be held to have any legal claim to a pension, on account of the break in his service from 1863 to 1865, your Committee are of opinion that the facts adduced entitle him to very special consideration at the hands of Parliament.
6. Your Committee, having carefully considered all the circumstances of this case, and having in view the fact that other officers who had no better claim than Mr. Morrison to a pension have been liberally provided for by Parliament, have the honour to recommend the provision by Parliament of a pension for Mr. Morrison equal to one-half the amount to which he would have been entitled if his service had been continuous from its commencement in 1861 to its close in 1897.

STAFFORD BIRD, *Chairman.*

*Committee Room, House of Assembly,
3rd August, 1898.*

MINUTES OF PROCEEDINGS.

FRIDAY, JULY 15, 1898.

The Committee met at 11 o'clock.
Members present.—Mr. Bird, Mr. W. H. T. Brown, Mr. Crisp, Mr. Evans, Mr. Hamilton, Mr. Hartnoll, and Mr. Page.
Mr. Bird was appointed Chairman.
The Clerk read the Order of the House appointing the Committee.
The Committee deliberated.
Mr. Alexander Thomas Morrison was called in and examined.
Mr. Morrison withdrew.
Resolved, That the Honourable the Minister of Lands and Works be asked what witnesses he would like to have examined.
Ordered, That Mr. William Smith, late Secretary of Public Works, and Mr. James Mallard Clarke, Surveyor, be summoned to give evidence on Wednesday, 20th July, at 11 o'clock.
The Committee adjourned till 11 o'clock on Wednesday next.

WEDNESDAY, JULY 20, 1898.

The Committee met at 11 o'clock.
Members present.—Mr. Bird (Chairman), Mr. W. H. T. Brown, and Mr. Hartnoll.
Mr. William Smith was called in and examined.
Mr. Smith withdrew.
Mr. James Mallard Clarke was called in and examined.
Mr. Clarke withdrew.
The Committee deliberated.
Ordered, That Mr. E. A. Counsel be summoned to give evidence to-morrow, 20th July, 1898, at 11 o'clock.
The Committee adjourned till to-morrow at 11 o'clock.

THURSDAY, JULY 21, 1898.

The Committee met at 11 o'clock.
Members present.—Mr. Bird (Chairman), Mr. W. H. T. Brown, Mr. Evans, Mr. Hartnoll, and Mr. Page.
Mr. Edward Albert Counsel was called in and examined.
Mr. Crisp took his seat.
Mr. Counsel withdrew.
Resolved, That the Clerk be instructed to write to the Minister of Lands and Works requesting him to furnish the Committee with all correspondence relating to the appointment and qualifications of Mr. Morrison.
The Committee adjourned until 11 o'clock on Wednesday next.

WEDNESDAY, JULY 27, 1898.

The Committee met at 11 o'clock.
Members present.—Mr. Bird (Chairman), Mr. Hamilton, Mr. Hartnoll, Mr. Evans, and Mr. Page.
The Minutes of last three Meetings were read and confirmed.
The Clerk laid upon the Table the correspondence received from the Honourable the Minister of Lands and Works, in accordance with the Order of the Committee passed at the last Meeting.
Mr. Crisp took his seat.
The Committee adjourned till Friday next at 11:30 o'clock.

FRIDAY, JULY 29, 1898.

The Committee met at 11:30 o'clock.
Members present.—Mr. Bird (Chairman), Mr. W. H. T. Brown, Mr. Crisp, Mr. Evans, and Mr. Page.
The Minutes of last Meeting were read and confirmed.
The Committee deliberated.
Ordered, That Mr. Morrison be recalled.
Mr. Morrison was, accordingly, called in and further examined.
Mr. Morrison withdrew.
The Committee adjourned *sine die*.

WEDNESDAY, AUGUST 3, 1898.

The Committee met at 12 o'clock.
Members present.—Mr. Bird (Chairman), Mr. Crisp, Mr. W. H. T. Brown, Mr. Evans, Mr. Hartnoll, and Mr. Page.
The Minutes of the last Meeting were read and confirmed.
The Committee deliberated.
Resolved, That no more witnesses be called to give evidence.
Mr. Hamilton took his seat.
At 1:10 the Committee adjourned till half-past three.
The Committee met again at half-past three.
Members present.—Mr. Bird (Chairman), Mr. W. H. T. Brown, Mr. Crisp, Mr. Evans, and Mr. Hartnoll.
Draft Report was brought up and agreed to.
The Committee adjourned *sine die*.

EVIDENCE.

FRIDAY, 15TH JULY, 1898.

ALEXANDER THOMAS MORRISON, *called and examined.*

1. *By the Chairman.*—Your name is? Alexander Thomas Morrison.
2. What has been your position in the Government service? I have been a Government Surveyor.
3. When did you first join the service? In 1861 I first joined the service.
4. In what capacity? I went out as assistant to the Inspector of Surveys.
5. How long did you remain in that position? About nine months; I was then transferred to one of the District Surveyors, Mr. Thomas. That was to enable me to gain a qualification to make surveys in Tasmania.
6. You were transferred from the Inspector of Surveys Office to that of a District Surveyor? Yes.
7. Were you recognised then as a Government officer? No; not as on the staff. No, I was a volunteer.
8. You had no Government appointment? No, just an appointment which was to qualify me to make surveys in Tasmania. I had to make surveys for two years in the field before being qualified for an appointment in Tasmania.
9. Then, you were not a Government officer? No.
10. Nor before you went with the District Surveyor? No.
11. Then, when do you say you became a Government officer? When I went to work in the office. I could not tell you the date exactly, but it was in 1862 that I went into the office. The records in the Survey Office will tell when I first entered my name in the books there. I can't remember exactly when it was.
12. What was the capacity in which you entered? I was employed in the Drafting Department.
13. And that was really the beginning of your Government service? Yes.
14. How long did you remain in that position? Until 1863.
15. That was one year? Yes.
16. And what became of you then? Well, there were reductions made in the department and I went out. I was reduced at that time.
17. Your services were dispensed with? Yes.
18. That was in 1863? Yes.
19. *By Mr. Page.*—Do you remember the month? No, I have no recollection. I was reduced and I went out of the colony.
20. *By the Chairman.*—That was in 1863. When did you next join the service? When I was brought back by the Government in 1865.
21. Oh! you were brought back; from where? I was written to when I was in New Zealand, and asked to come back to the service in 1865.
22. You were sent for? Yes, I was written to and asked to come back.
23. And in 1865 you came back? Yes.
24. In what capacity? As a surveyor.
25. Had you got such a qualification then as was satisfactory? Yes, I had a sufficient qualification under the regulations in those days. It was the qualification wanted in those days.
26. You rejoined the service, then, in 1865? Yes, in 1865.
27. Well, how long was your service from that time forward? Up to the time I was transferred to the goldfields.
28. How long would that be? It was in 1869 I was transferred to the goldfields.
29. Were you then still a Government officer? Yes.
30. And you remained in that position until when? I think until 1871 or 1872.
31. You say you were transferred to the goldfields—what do you mean by that, as a surveyor? I was clerk and surveyor first, then I was gazetted as Mining Registrar. I was first sent to Waterhouse, then to Back Creek, and then to Nine Mile Springs.
32. What was your first appointment? I was first appointed clerk and surveyor to assist Mr. Hurst, who was acting surveyor of the district. There were so many little offices to which men were transferred in those days, it is hard to define it.
33. But you say you were in the service from 1865 up till the time you now mean? Yes, until 1871 or 1872.
34. Then you ceased to be a Government officer in these capacities? No, I went off to lay out the cemetery.
35. The Cornelian Bay cemetery in 1872, was that it? Yes, in 1872, I think that was it.
36. In what capacity did you go there? As superintending surveyor.
37. What body controlled that cemetery? It was a Trust appointed by the House of Assembly.
38. Were you an officer of the Trustees, then? Yes, I was an officer of the Trustees.
39. Do you consider that a break in your Government service then? No, Sir.
40. If you were an officer of the Trustees, how could you be a Government officer? The work at the cemetery was carried out with Government funds, and when the work was finished and the money expended I went back to the Lands and Works Department. The Trustees had to get an Executive

authority to pay me my salary, and I considered it a Government appointment. I was considered a Government servant at the time, and everybody considered me as such.

41. How long did you remain in that appointment? Till 1875, I think it was, and then I joined the Public Works Department again.

42. And from that time until recently you have been constantly in the Department? Yes.

43. Up till last year, 1897? Yes, until last year, 1897.

44. Was your removal in 1897 at the instance of the Government, or on your own motion? I asked if they would allow me to retire, as I was suffering very much from my knee which had been put out, and from a diseased hip. I asked to retire, and if they would recommend me for a retiring allowance. The first answer I got to that was that they retired me at the end of the month.

45. On what terms? On no terms, whatever; simply that at the end of the month I was retired.

46. Then did you retire at the end of the month? I retired before the end of the month. I got another notice retiring me right off immediately with three months' leave of absence on full pay, to date from the 1st instant.

47. Was that the first offer to you? It was, although I had already been at work the half of one month.

48. Your services were to cease on that day? Yes, in the middle of August.

49. Have the Government made any other offer to you in regard to a retiring allowance? No, that was the only offer I know of until up to a few days ago, when I was told that they had increased the allowance by another three months. That was intimated to me by one of the clerks in the office, who asked me why I did not draw it. I received no notice of it. My solicitor was informed of it, but not me.

50. Did your solicitor make application for an answer to your letters? Yes.

51. And he received an answer that the Government will now give you six months retiring allowance? Yes.

52. And how much would that be? £127 10s. Then, you must bear in mind they have taken away my profession from me by several Acts of Parliament. Under the new state of things, unless I undergo an examination and obtain a certificate, I could not carry on my profession here, and I have nothing to live on.

53. What reason do you think the Government had for so early falling in with your suggestion as to retiring? I don't know.

54. What was the cause, do you think—was it dissatisfaction with your work as a surveyor? No, Sir; there could be no dissatisfaction with my work as a surveyor.

55. Was it on account of any disqualification? They did not give me any reason. I simply put it down to retrenchment, but it was not retrenchment.

56. Would the Government have retained your services, do you think, if you could have shown qualification? I can't tell; I only know my qualifications were there in every shape and form.

57. Did the Government give you any chance to do anything to show your qualifications? Well, Mr. Pillinger asked me verbally if I would make a trial survey, and I said I would not object, on certain conditions, as Mr. Counsel was stating that I was not a qualified surveyor.

58. You are aware that the qualifications which you would get in a few months' service, and which were enough several years ago, were not what the Regulations require now? Yes, but you must bear in mind that I was a qualified Surveyor when I first came here. I was on the Geodetic Survey in Victoria before I came here. I was on that survey in Victoria in the fifties. I came here as a qualified man, and sought employment, but they could not give it to me then, because the Regulations required a service of two years in Tasmania.

59. *By Mr. Page.*—Then you had no qualification until you had done that service in Tasmania? No, not until I did the two years' service.

60. Then the question of disqualification occurred about the time you asked to retire? Yes.

61. Was your request to retire made before you were asked to make the trial survey? About that time. Mr. Pillinger asked me to make a trial survey, so that he could admit me as a surveyor under the Act. I objected, and said I thought it was *infra dig.* that he should ask me to do such a thing.

62. But you were aware that your qualifications were not regarded as sufficient under the Regulations? I was aware that I was a surveyor by law; I was a paid Government officer and a surveyor.

63. But, when the new Regulations were framed under the law it was intended to become necessary that every man in the service, not having the qualifications which the new Regulations required, should show that he was approved by them and competent under them, if required to do so? That would be when he was out of the Government service, not when he was in the Government service.

64. Then, you think that any man in the service at that particular time, whom the Government feared had not the proper qualifications—you think Government would not be justified in calling upon that man to show his qualifications? I don't know. If a man did his work under the Regulations, and had been doing it satisfactorily for a considerable time, I don't know how they could be justified by Act of Parliament, or anything else, to tell him to prove his qualifications. I don't see what right they would have to take away a right that had been once accorded to him.

65. *By Mr. Hartnoll.*—Did you not offer to make the trial survey under certain conditions? I offered to make the trial survey to please Mr. Pillinger, if they would appoint one examiner and let me appoint the other. I said if I made a survey that would please the angels, they would find fault with it. Those were the very words I made use of, because I knew that all they wanted to do was to find fault. I am speaking of Mr. Counsel, and I knew he would take exception to anything that I put in.

66. He was not satisfied with your work? He was satisfied with my work. He has recorded all my surveys, so he must have been satisfied with them.

67. *By Mr. Hamilton.*—Has the position you occupied in the Department been filled up since your retirement? No, it has not been filled up. The work is still going on, but it is done by contract now; my work is thus given to the district surveyors.

68. The work you have done, has it been found accurate or inaccurate—has any fault been found with it? Yes, any amount of fault has been found with it. I don't think Mr. Counsel understands the work I

did. Nothing has ever been sent back to me as inaccurate ; if there has been a little error it has been a clerical error, and it has been rectified. The reason I asked to retire was that I had injured myself in the Government service, and I found that I could not honestly do the work. I can't go and jump over logs now as I used to do, and I am getting old. Through the injury to my hip, and putting my knee out of joint, I have to go very slow.

69. *By the Chairman.*—But this question as to your qualifications had been raised before you retired? Nothing, so far as I know, was ever raised officially.

70. Were you not asked to make a trial survey? No, that was unofficial; it was done in the street when I met Mr. Pillinger; that is not official. I made an offer to do the survey, of course under certain conditions. I knew there was a great deal of animosity in Mr. Counsel's breast against me, and therefore I wanted justice.

71. Then, the question as to qualification arose before you asked to retire. Mr. Pillinger asked you in the street to make the trial survey; he wanted to meet you as far as possible, and give you a chance to prove your qualification by making this survey; this all arose before you asked to retire? Yes; he asked me to make a trial survey, and I considered it was *infra dig.* that he should ask me to do so.

72. *By Mr. Hartnoll.*—But you did offer to make the survey? Yes, to please Mr. Pillinger.

73. What were the conditions on which you offered to do it? I offered to do it if they allowed me to appoint one examiner, and they could appoint their own.

74. *By the Chairman.*—Is it not the correct thing if work is submitted by an applicant to have that work submitted to the Board of Examiners appointed to carry out these Regulations? Yes, the work of those applying for employment.

75. To be reasonable, you think they should have allowed you to appoint one of the examiners where you could not accept this form? I don't know, I never heard a word more about it.

76. Was all this negotiation verbal? Yes, there was never a word in writing at all.

77. And to close the thing, you said, Well let me retire, and they said you can go at once? Yes, but there was a condition.

78. Yes, they allowed you to retire on an allowance of three months' pay, and they made it six months in the end? Yes, but that was some months afterwards. I asked for a retiring allowance on the same conditions that other officers had received allowances, others who were not more entitled to it than myself.

79. Did you mean a pension? Yes, I mean a pension. That is what I wanted.

80. Was that request made verbally? No, it was made in writing, the application for a pension. A pension is always considered a retiring allowance.

81. What reply did you receive to that request? That they would consider it.

82. And, so far as you know, the only reply to your question is that they would only allow you six months' full pay? Yes.

83. And what you desire is that we should ask Parliament or Ministers to provide this pension for you? Yes, that is what I ask, sir. I don't want more than others in a similar position have had granted to them. I have served the Government faithfully for a long time, and I don't think, excepting through illness, that I have had six weeks' holidays during the whole thirty-two years. I have frequently worked night and day, and have never received a penny overtime for my services.

84. And you ground your claim on what? On the fact that others with a break in their services like myself have been favourably treated by Parliament.

85. *By Mr. Page.*—You ground your application, then, on the fact that others in a similar position to you had pensions granted them, although there was a break in their service. I suppose you mean men who entered the service before the abolition of the Pensions Act was passed? Yes.

86. A break may have occurred in their service, but they entered the service before? Yes.

87. You joined, you say, in 1861—were you at that time paid by fixed salary or by fees, or were you serving without pay? I was serving without pay.

88. When did you first begin to draw pay? At different times I was paid for work that I did—out-door work; and I was paid when I joined the office I was in.

89. When did you first begin to draw pay, either salary or fees? In 1862.

90. That was as an officer in a Trust Department? Yes.

91. When did you first draw salary? In 1862.

92. I draw a distinction between a fixed salary and fees? It was a bonus that was paid me, not a fixed salary.

93. Then, you did not draw a salary? No, not at this time. I was reduced, you know, and went away, and when I came back I got a fixed salary.

94. When was that? That was in 1865.

95. Here is the letter in which you ask for a retiring allowance:—

Public Works Department, Hobart, 17th July, 1897.

SIR,

I HAVE the honour to request that you will be good enough to take into your most favourable consideration the question of granting me a retiring allowance.

I desire to point out that I joined the Public Works Department in 1865, and was then employed by Mr. W. R. Falconer, Director of Public Works, as Surveyor and Draftsman. Owing to the cessation of Public Works Expenditure in 1869, I was appointed as Assistant Surveyor to the Goldfields Department, at Waterhouse, and afterwards Mining Registrar, but owing to the total collapse of mining in 1872, my services were dispensed with, and I was appointed Surveyor and Superintendent of Cornelian Bay Cemetery.

I returned to the Public Works Department in 1875, in the capacity of Surveyor, and since then I have been employed in that Department.

I now desire to retire from the service if the Government will recommend Parliament to grant me a retiring allowance, which I consider I am fairly entitled to, and I trust that my case will be considered by the Government in the same favourable light as has been done in other instances.

I have the honour to be,
Your obedient Servant,

A. T. MORRISON.

The Hon. Minister of Lands and Works, Hobart.

That was your first beginning in the Government service? Yes, it was dated from that, but afterwards I was informed that I should not have left out the time I was in the service beforehand.

96. Then, you at first were under the impression that you joined the service in 1865. What caused a change in your opinion as to your service. You first considered you had no claim to a pension. You are aware the Pensions Abolition Act was passed in 1863, and if you joined in 1865 you could have no claim. If you made out a case it must be based on services before that. What made you change your opinion? Because I was first under the impression that I could not claim because of the break in service; then I found that other officers similarly situated had got pensions. At first I did not know they had a break in their service.

97. But there is no question of a break, because you say:—"I joined the Public Works Department in 1865, and was then employed by Mr. W. R. Falconer as Surveyor and Draftsman. Owing to the cessation of Public Works Expenditure in 1869, I was appointed as Assistant Surveyor to the Goldfields Department, at Waterhouse, and afterwards Mining Registrar, but owing to the total collapse of mining in 1872 my services were dispensed with"—what do you mean by that? Yes, I ought to have said I was reduced.

98. It is not a question of break or no break, that. If you did not join again until after the break your services would only date from 1875, that is, your return to the Public Works Department in 1875. From the break you would count only from 1875? Yes, the letter is badly worded; it did not mean a break in the service.

99. At first you say you joined in 1865; that is practically an admission that you are not entitled to any pension. What is the cause of your change of view? Because I was informed I should have put in that I was in the service before 1865.

100. As to this appointment by the trustees of the cemetery, who appointed you practically? I received an appointment, but I could not now say who signed that appointment. Some years ago, when I had thoughts of retiring from the Colony altogether, I burnt up and destroyed all my papers, so, unfortunately, I can't produce it. I think it was the Hon. Alfred Kennerley who signed the appointment.

101. Did he sign as a Minister? He was in Parliament at the time, and Chairman of the Trustees; that was in 1872.

102. You met Mr. Pillinger in the street, you say, and he proposed that you should undergo an examination, and you proposed conditions? Yes.

103. Different from the ordinary conditions? Yes.

104. Do you mean to tell us that Mr. Pillinger left you in doubt as to whether he would accept your offer? He never said a word on the subject.

105. And the conversation ended? That was an end of the matter and of the conversation. I left town after.

106. He said if you would undergo an examination I will give you a certificate so that you can practice your profession as a surveyor after you left the service? Oh! no; this was two years before I left the service.

107. I understood you that Mr. Pillinger proposed you should undergo an examination, and you said yes, if I may choose the examiners, or one of them? Yes.

108. And was that the end of it—did he make no communication to you? No. He said, Why not go before the Board of Examiners. I said No, they were only the nominees of Mr. Counsel, and would only do as he told them; they were all surveyors under his thumb. I had good cause for making that statement or I should not have made it.

109. Well, did Mr. Pillinger leave you in uncertainty as to whether he would accept your conditions? He never said a word to me; the next I saw was that he had appointed a new Board of Examiners.

110. Who were the Members of the Board at the time? Two or three of the district surveyors; I think either three or four.

111. And what was your objection to having your work subjected to their opinion? Simply that these very men had formed part of a deputation that had waited upon the Minister asking him to dispense with my services so that my work might be given to them.

112. When was that? Some years before.

113. At what time? I could not exactly tell you; perhaps Mr. Hartnoll might know, he was in office at the time. I can't tell the date; it was some years ago.

114. You say that these surveyors were under the thumb of Mr. Counsel: are you in a position to suggest any personal hostility on the part of Mr. Counsel against yourself so that he or his nominees would not deal fairly with you? No, I only have it by hearsay, and that is not evidence. If what I have heard is true, there is a great deal of hostility against me. It is not the first time I have heard of it, either.

115. Is that hearsay information?—you speak of information you don't care about giving: was it received since you left the Department, or before? It was before.

116. Had you any reason to think, from the way Mr. Counsel treated you, that he was showing any unfriendly feeling towards you? Yes, from some of his memorandums in connection with my work. I took it from that and the manner in which he worded them that there was hostility towards myself in it.

117. Do you mean that he was dissatisfied? Yes, he was dissatisfied with me.

118. And did the memorandum express dissatisfaction with your work? Yes; the work was unsatisfactory to him, but it was not so to anybody else.

119. Oh, that was in his discretion. Why should you infer from that that he had any personal animosity against you?—men may differ as to work, and may have an unfavourable idea of the work, but they need not necessarily have any improper feeling? Oh, but he has made statements that he would have me out of the department, and from that time all this animosity has been shown against me.

120. That was not said to you, was it? No; he dare not have said it to me.

121. You have heard something, not even at first hand; you have heard things repeated. I asked you had you any reason when in the office to suppose there was any unfriendly feeling on the part of Mr. Counsel towards you. You state, from memorandums he has written, you think he has expressed dissatis-

-faction with your work, although you think it would have pleased anybody else? Well, he imputed to me that I had fudged my work.

122. He said that to you? No, that was in his memorandum. I said I could not fudge my work, it was beyond my ability to do it.

123. What work was that? It was a survey that would not close; I said that it would close.

124. *By Mr. Hartnoll.*—Is that a surveyor's term—a technical term? Yes.

125. Was that the expression used in the memorandum, that the work was fudged? Yes, that my work was fudged. It was referred to me for explanation, and my explanation was that I did not know how to fudge.

126. *By the Chairman.*—Did you ever receive any other memorandum as to your work that would show animosity against you? No, that was all.

127. You know it is a serious accusation to make against the head of an office that he does not treat his officers fairly? Oh, I was not a subordinate of his.

128. Well, I suppose he had a right to criticise your work? Yes.

129. I am only saying that I think you are imputing unfairness, and I want to know exactly on what grounds, that is all. You tell us he said your work would not close, and that it was fudged; is that all you have to go on? You asked me something else; you are putting it in a different form now to what it was before. You asked me if there was any sign of animosity towards me.

130. Yes; and that is still what I am asking? And I tell you, yes. The animosity he had shown against me was by what he had said he would do to me to other people.

131. Have you had any experience personally of unfair treatment? No, not personally.

132. Your first application was for a retiring allowance, and the Government said they would consider it. Have you that letter? Yes, I gave it to you, Mr. Bird.

133. Have you any reply excepting that put in, which is dated 23rd July, 1897—"Sir, in reply to your letter of the 17th inst., making application to the Government to grant you a retiring allowance, I desire to inform you that the Abolition of Pensions Act, 27 Vict. No. 4, excluded all Civil Servants who joined the service after 1863 from the privilege of claiming pensions," and so on—is there anything more favourable than that? Did I give you that letter; I wrote another letter after that?

134. Have you anything besides this letter? There is a letter dated 13th August, 1897, and at the end of it, "your case has, however, been reconsidered by the Government, and it has been decided to grant you three months' leave of absence, as from the 1st inst., on full pay." They then say, "In regard to your claim for a retiring allowance, the Government do not consider that you have any claim in this respect, but are considering whether they will submit to Parliament a proposal for the recognition of your long service."

135. *By Mr. W. H. T. Brown.*—Were you in any employment in New Zealand when you were sent for? Yes, I was.

136. Who sent for you? Mr. Falconer, who was then Director of Public Works.

137. And you gave up your employment in New Zealand to come back here—what to do? To join the department. I arrived here on the Friday, and I was at work in the office on the Monday morning.

138. Did Mr. Falconer tell you at the time that you entered the Government service? I was brought back for special work.

139. What sort of work? To prepare specifications and plans for the Public Works Department, and to make surveys.

140. And all the surveys you made—did you send in your surveys always closed? Yes; my surveys were always closed within the radius allowed for error. I did not mathematically close them, but they were closed in such a manner as to be satisfactory to the officer I submitted them to.

141. When any surveys failed, were they ever sent to you at the time with a statement that they were not proper surveys? One survey was.

142. Only one? Yes, only one.

143. That is the one you have been referring to now? Yes.

144. That was not fudged? I had not fudged it; I made an error in it.

145. Were all your surveys recognised by the Department? I believe so.

146. Just as they left your hand? I believe so. I can't tell if they have been altered unless I saw them.

147. Your attention has never been drawn to it? I never heard of it.

148. You have made many hundreds of surveys, I suppose? Yes, I have.

149. *By Mr. Hamilton.*—You say, when you were asked to make a trial survey, you considered it *infra dig.* that you should be asked to pass another examination to qualify you to remain as a surveyor? Yes.

150. Why do you consider it *infra dig.*? Well, I think it is lowering me down.

151. Why? Because I think they had sufficient of my work to go on to prevent them from doing it.

152. It has been pointed out that new regulations came in, and you think it is *infra dig.* that you should have been called on to pass an examination; why is that?—I don't want to put words into your mouth, but I want to get you to say what you ought to say? I can't tell you any more.

153. But you must have some other reasons besides that? To undergo an examination at my age, as if I were a boy, is a thing that would be beyond me. I know quite well I never could pass such an examination now-a-days. If it had come fifty years ago I could pass any examination they liked, but, as to doing it now, I could not do it.

154. When you came back from New Zealand did you not consider that you were a qualified surveyor? When I came back I thought there was no one who could surpass me in the work of a surveyor.

155. And when you came back you did work that you think fully qualified you as a surveyor here? Yes. I was in the Provincial Engineer's Department in New Zealand, and underwent an examination to get in. When I came here I could do my work perfectly.

156. *By Mr. Crisp.*—You received an appointment in New Zealand, and afterwards came back to Tasmania? Yes.

157. At the request of Mr. Falconer? Yes.

158. Have you a copy of that letter? No, I have not.

159. Do you know if there is any official record of that letter? No. I don't know if they kept records at all then, in fact I know there were very few records kept in those years.

160. I understand in the service there is a permanent status and a temporary status: were you classed in the temporary or the permanent status? I was both.

161. You say, that afterwards you were appointed as superintending surveyor of the cemetery, and laid down the roads and so on? Yes.

162. Of course, that cemetery had to be carefully surveyed. Did you do the work of laying out the design, the carriage drives and so on? Yes; I laid it out and made the survey, but I did not make the plans.

163. You surveyed and formed it into roadways, paths, and so on, and laid out the ground for the different denominations? Yes; I did the survey, but Mr. Burgess made the plans.

164. Did the fees, then, go into the Consolidated Revenue, or did they go to the Trustees? I don't know; that was out of my department. When the money was spent I know my services were dispensed with, and I went back into the Public Works Department.

165. You are only responsible if any fault is found with your work? That is all.

166. In all the years you have been there no fault has been found with your work? Not until recently, since the new Board was appointed.

167. Now, did you take kindly to Mr. Pillinger's offer to undergo a trial survey? Yes, I took kindly to that upon certain conditions.

168. And you are not satisfied with the six months' retiring allowance that the Government offer you, but you want a pension? Yes, that is what I want.

169. If the Minister of Lands has stated in Parliament that on considering the matter, and in consequence of your long services, he would feel inclined to recommend that you should receive twelve months' pay as retiring allowance, would that satisfy you. Understand, this statement was made only on the condition that this Committee was not appointed by the House, but I think it might be still open? No, that would not pay me for the loss of my profession. You see I am shut out of my profession, and I can't, at my age, go at anything else but my profession, and I can do very little of that now. I am deprived of my profession by being put out of the Government service.

170. You always obeyed all lawful commands while you were in the service? Yes, there is not the scratch of a pen against me; on the contrary I have any amount of letters of commendation. When Sir James Wilson was head of the Department, I have letters from him, and from Mr. Nicholas Brown, and from others as well.

171. *By Captain Evans.*—What were your duties while in the service? I was a surveyor to the Public Works Department.

172. And in the course of your business you were ordered all over the colony? Yes, from one end of the colony to the other.

173. Who were you subordinate to? To the Minister, but I received my instructions from the Secretary for Public Works.

174. And you acknowledged him as your head? Yes.

175. Was there any other officer to whom you looked for orders? None whatever.

176. And there was nothing in regard to your work to show dissatisfaction with you during all that period? Nothing at all.

177. You state that you would look to the fact that others, similarly situated to yourself, had been allowed to retire with pensions for long service. Can you give the Committee the names of the other officers who have been treated similarly to what you now ask? Oh yes, there was Mr. Packer, Mr. Nowell, Pilot Begent, Mr. Belstead, and some others; I have not all their names at the tip of my fingers.

178. Do you look upon those gentlemen as in the same position as yourself? Exactly; they were out of the service after I had returned to the service.

179. Do you mean that they joined after you? Yes, they were in the same position, because in their service, as well as mine, there was a break.

180. They were out of the service after you had returned? Yes.

181. Were they in the service previous to your return? Yes.

182. Their services had been dispensed with? Yes.

183. And they were taken into the service again after you were brought back? Yes.

184. During the whole term of your service had you any of your work ever returned as unsatisfactory? Yes, I have had some of my work returned with clerical errors in it.

185. But nothing against you professionally? No, nothing against me professionally.

186. Have you any other correspondence anywhere in reference to your claim? No, none at all.

187. *By Mr. Hartnoll.*—For many years past have not all the titles to real property held by the Crown been registered on surveys made by you? Yes.

188. Has Mr. Counsel ever refused to record your surveys? Yes, he has refused, but the matter did not come before me officially.

189. Do you know if the surveys he refused to record before you left the service have since been recorded? I have been informed they have.

190. *By Mr. Hamilton.*—You say that your instructions were generally received from the secretary to the Department, and that he was recognised as your head? Yes.

191. Mr. Counsel, in his position as Surveyor-General, had nothing to do with you as a district surveyor? I am not a district surveyor.

192. But you were a district surveyor? No, I never had a district.

193. Then you had no connection with Mr. Counsel's department in any way, and you were not responsible to him? Not in any way whatever.

194. You say you are in possession of full qualifications, or do you possess full qualifications for a district surveyor? I have no qualifications at all under the present regulations as a surveyor, only the work I have done, that is my qualification.

195. Does the qualification of a surveyor require also the qualifications of a draftsman? Oh, yes.

196. And are you a draftsman as well? Oh, yes.

197. Have you not been, in the performance of your duty, relying on the assistance of a draftsman to bring your work into form? In late years I have had to do so. I can't see now so well as I used to do, and I have paid a draftsman to make my plans.

198. But in your earlier days you could do it? Oh, yes.

199. In connection with your letter to the Minister when you asked to be allowed to retire, on what terms did you expect to be allowed to retire?—did you expect anything very widely different from what the Minister proposed to you? I expected that he would recommend me to Parliament for a retiring allowance on the same conditions as others were so recommended.

200. You felt assured you would be placed on the terms you have named for a retiring allowance? Yes.

201. *By Mr. Hartnoll.*—You say you have no qualifications as a surveyor except the work you have done; were you not appointed for some years to make surveys under the Real Property Act? No, I came under that in accordance with the the Real Property Act Law, which says that plans must be made by a Government surveyor. When a moot point was raised as to how they were to be signed, and referred to the Crown Law officers, they decided that a Government surveyor was a salaried officer of the Government, and that if I was a salaried officer of the Government I held that position.

202. Have not titles to real property—as between private individuals and the Crown—have not they been established from your surveys under the Real Property Act? Oh, yes, nearly all of them. There are many surveys which I have made that do not come under the Real Property Act; there are others on which the grants have never been issued yet, but surveys of land taken from those have been carried out by me.

203. *By Mr. Hamilton.*—You say that objection has been taken sometime to some of your work. Has the Government or the Department practically suffered through your work, or from its inaccuracy? No, nothing of the kind.

204. *By Capt. Evans.*—Do I understand that exception has been taken to your work? There has been.

205. *By the Chairman.*—You said just now that since the new Board had been appointed, some objection had been taken to the character of your work. Is that the only instance (since the new regulations have been in force and the new Board appointed) that doubt has been thrown on the quality of your work? Yes. I said it was not on the character of my work.

206. *By Mr. Hamilton.*—Has the Government or the Department ever suffered practically, and had to make good anything through any inaccuracies or imperfect work? No, not as far as my knowledge goes.

207. *By Capt. Evans.*—Has any other surveyor ever had to be called on to do your work over again?—You say your superior was the Minister of Lands through the Secretary; to your knowledge was any other officer ever called upon to re-survey your work? Yes, there was, but unfortunately the poor fellow who did it did not re-survey my work at all, but did some other work altogether.

208. For what reason was he called on to re-survey the work? Because it would not fit to the work in the office.

209. And was your work proved to be wrong? No.

210. Is that still in the office? I made a survey through some property by another route, which was more rapid. There has been a very long survey through the town of Alma, and it has been stuck up for a long time because they would not fit. Two surveyors were sent out, and one has come back and reported that my work is correct, and that the other two are wrong.

211. *By Mr. W. H. T. Brown.*—Is it usual, then, with all surveyors, that there are occasions when their work won't close? With surveyors, yes.

212. There are instances of that in the office? Yes, any amount of them. It would be impossible for any surveyor to make a number of surveys and make them all fit in with the work done in the old times. Surveys were made on quite a different principle then.

213. Are there occasions, then, where the surveys won't close? No. The surveys should always close, but they won't fit in with the old survey work in the office.

214. Are there not occasions when a survey won't close? Oh, yes; but I don't think that any surveyor would be so foolish as to send in a survey that would not close, but a large margin is allowed for error.

215. *By Mr. Page.*—When Mr. Pillinger made this proposal about an examination, did he give you any reason for it?—did you know of any reason?—did he want to get you out of the department? Yes, he gave me a reason. He said it was to allow my surveys to be registered in the Lands Branch. Mr. Counsel had said he could not record them, because, he said, I was not an authorised surveyor; but an authorised surveyor is nothing.

216. To whom were your surveys and plans submitted during all the time you were in the department? There was a Board of Examiners who reported on the work. Before I took to field-work, I used to have to examine all their surveys, and I would not act on them until I knew they were correct. When I took to field-work, Mr. Clark took my place in the office, then he prepared all the transfers of land or conveyances.

217. Is he still in the office? Yes, he is in the Lands Branch now.

218. *By the Chairman.*—What is his name? James Mallard Clark.

219. Could you, between now and next Tuesday say, fill up this form, showing the several appointments you have held, the dates, and so on? Yes; I don't think I could fill all the details in unless I had access to the books in the office.

220. Oh, you can get that; will you endeavour to fill in the form? Yes, I will do so.

Witness withdrew.

WEDNESDAY, 20TH JULY, 1898.

WILLIAM SMITH, *called and examined.*

221. *By the Chairman.*—Your name is ? William Smith.
222. Your office in the Civil Service was what ? Secretary for Public Works.
223. When did your service in that Department begin ? On the 12th January, 1863.
224. Do you know if Mr. Morrison was in the Public Works Department at that time ? No, he was not.
225. Do you know if he had been in the service prior to that ? No, I do not.
226. As far as your knowledge goes, when did you first know Mr. Morrison to be in the service ? Towards the end of 1865, when the Reproductive Works scheme was brought in by the Whyte-Meredith Ministry.
227. In what position was Mr. Morrison then ? He was employed by the Director of Public Works, Mr. Falconer, in the capacity of a surveyor. Mr. Morrison was employed in the capacity of a surveyor and draftsman in his early connection with the department. The footnote on page 4 of printed Return, House of Assembly Paper No. 105, Session 1870, shows that Mr. Morrison was actually surveying for the department in 1866, for which he was paid salary as stated.
228. And what surveys had he to do ? He had to survey lands required for roads. As far as my memory serves me, he was first on the Huon Road, and then in the Port Cygnet district.
229. Then he was employed at that time solely for road surveys ? Yes, solely for road surveys.
230. And the surveys of lands that were wanted for the public service ? At that time he was employed more in connection with the roads.
231. That was in 1865 ? Yes, towards the end of 1865.
232. Can you remember how long his service in the department lasted—we understand there was some break in it ? There were two breaks, I think. I can't give you the dates from memory, but I could easily get them by looking at the returns furnished at the time. The first break was when the first stoppage in expenditure took place, I think about—I could not give you the date from memory—but he then went to Waterhouse as Commissioner of Goldfields, and later on he became Superintendent and Surveyor of the cemetery at New Town—that was the second break in his service in the Public Works Department. The above-mentioned Return also shows that the first break in Mr. Morrison's service was in 1867, but he was re-employed, as will be seen from that Paper, during 1868.
233. Would you deem his term of service at Waterhouse as a break in his Government service ? No, certainly not ; it was a break in his Public Works Department service. His services in the department were discontinued for a time in consequence of the partial cessation of expenditure on public works. See printed Return, Paper 86. House of Assembly, 1871, which includes Mr. Morrison's name (when Mining Registrar) as an officer of the department.
234. Then, it was after his services in the Mining Department at Waterhouse, Back Creek, and other places—it was after that he took the position of Superintending Surveyor of the Cornelian Bay Cemetery ? Yes.
235. He went from the cemetery to the Works branch ? I could not say from memory ; I would have to look at the records.
236. He tells us that, in 1875, he joined the Public Works Department, having come from the Cornelian Bay Cemetery ? I am not certain of that.
237. With regard to his services at the Cornelian Bay Cemetery, would you regard that as Government service—as much as his previous Public Works Department service I mean ? Certainly, I would. In my opinion, it is.
238. The cemetery was conducted under a Trust, I believe ? I believe so ; but the appointment had, I think, to be made by the Governor in Council ; executive authority had to be got for it.
239. And the salaries, were they paid by executive authority ? I don't know.
240. Had the trustees entire control ? I believe they had. The appointment to the cemetery was made, in my opinion, in consequence of Mr. Morrison's qualifications and previous Government service.
241. Then, from his return to the Public Works Department in 1875, or whenever it was that he left the cemetery, his service was continuous, as far as you know, until last year ? Yes, I believe it was continuous, Sir.
242. Can you speak as to the character of his work—whether it gave satisfaction ? Yes. All orders for Mr. Morrison's work were given by myself, or through me—latterly, directly by me—for many years. The work was for all surveys of lands required by the Crown for roads or for other public purposes. Whenever we took a piece of land for a deviation of a road or for a new road, or a piece of land for the construction of a public building, Mr. Morrison was the officer ordered to make the survey, with a few exceptions. When he could not do all the surveys of the lands the department might require. His work, as far as I know, was satisfactory, but of late years considerable fault was found by the head of the Lands Department with his work.
243. You mean the head of the Survey Department ? The head of the Survey Department, yes.
244. And during all the period prior to that his work was most satisfactory ? Yes, Sir. We never had any fault found with Mr. Morrison's work until Mr. Sprent took some exception to it, but the principal exception has been taken by Mr. Counsel.
245. Was his work subjected to any examination in the office before being recorded ? Yes ; it had to undergo examination by Mr. Clarke, who was the examining draftsman. His surveys were checked by Mr. Clarke before being sent down to the Lands Department or the Survey Department for record.
246. And during all the years until Mr. Sprent and Mr. Counsel began to take exception, were all his surveys recorded ? Yes, and from the date of his return to the Works Branch many hundreds of his surveys have been recorded. For several years after Mr. Morrison's last return to the department he was employed on office work, checking surveys made by other surveyors for the department, and in preparing descriptions for titles from same prior to record and conveyances, also in keeping records of funds and expenditure under Crown Lands Acts. During this period he made but few surveys.

247. Do you know the nature of the objections that were made by Mr. Sprent and Mr. Counsel to Mr. Morrison's work? I am bound to say that in my opinion objections were made because errors were sought for. If you search for errors in any man's work you can find them, no matter whose work it was.

248. Would those errors be in what is called the clerical work or in the survey work? No doubt there might be errors in the survey work, but of that I cannot speak, because I am not an authority; but, of course, errors might be found in any man's work. I know that when errors were pointed out and the work sent back, they were rectified.

249. Then, you do not think there was a greater percentage of errors in Mr. Morrison's work than in the work of any other surveyor? I do not, Sir.

250. Were the errors of an important nature? No, Sir; occasionally there might be one, as in any other man's work, but they were not important.

251. Did the objections raised either by Mr. Sprent or Mr. Counsel ever go so far as to lead the department to contemplate dispensing with Mr. Morrison's services? Yes. When Mr. Nicholas Brown was Minister, I believe certain action was taken in that respect.

252. Was that because of grievous or frequent errors, or from what cause? I can't say what the real cause was. I believe it was from a feeling of opposition towards Mr. Morrison in that department, simply from the fact that he was not a certificated surveyor, and because he would not subject himself to an examination to obtain a certificate.

253. At that time, I believe, the present regulations for the examination of surveyors were not in force? I can't say from memory.

254. It was during Mr. Sprent's régime? I think so.

255. And that goes a long time back? Yes.

256. That would be about 1884 or 1883? Yes.

257. Do you know whether any effort was made to get rid of Mr. Morrison, or was it just dissatisfaction with his work, that never went so far as to interfere with his status? His services were dispensed with for a short time, I think. He was deprived of his status or connection with the department, but he was restored to his position afterwards.

258. Was he paid by salary when in that position? Yes, always paid by salary.

259. And that salary would be charged against the votes? Yes; against the votes for the respective works for which his services were required.

260. You say his services were dispensed with? I think Mr. Morrison took exception to an alteration of his title, which Mr. Brown, when Minister, wanted to impose on him. He left the office, and refused to come back until satisfied that he would be restored to his original status.

261. And was he so restored? Yes, ultimately he was.

262. Then that would not count as a break in his service? No, Sir, undoubtedly not.

263. Was any effort ever made to dispense with his services? Not that I am aware of, not till the effort lately made by Mr. Counsel. I am not aware of any effort then to dispense with him. There is a lot of correspondence in the office on Mr. Morrison's case. Mr. Counsel has taken, as Surveyor-General, a very decided objection to Mr. Morrison, but I do not know that any effort has been made to dispense with him. On reference to this file of correspondence there will be found endorsements by the then Ministers (the Hons. E. Braddon and A. Pillinger), recognising Mr. Morrison in the position of surveyor to the Public Works Department, and ordering his surveys to be recorded.

264. Was any effort made to induce Mr. Morrison to qualify himself—I mean as far as his qualification for the work of the department is concerned? Yes; whenever friction took place, which was frequent, Mr. Pillinger would speak to Mr. Morrison and endeavour to get him to submit himself to an examination so as to put him in a position to comply with the regulations.

265. Was any similar attempt made in Mr. Brown's time? Not that I recollect now, but there may have been.

266. Then, it is more since Mr. Counsel has been Surveyor-General that the question was raised? Yes.

267. How long has it been going on? It has been going on ever since Mr. Counsel has been appointed, just a few years. There was a clause passed in a recent Lands Act giving Mr. Counsel full control of the surveys, and from the time of the passing of that clause friction began, and has been going on in real earnest.

268. Do you know if Mr. Morrison raised any sufficient or reasonable objection to the recommendation that he should undergo an examination? I regard it as both a reasonable and sufficient objection, when a man has been in the service of the country professionally for from twenty-five to thirty years doing work which has been accepted during all that period, and which forms the basis of the records of the Colony, and for him to be called on suddenly to pass an examination, I think, was altogether out of the question. No doubt there were other surveyors who had not passed the examination required.

269. And, so far as you know, Mr. Morrison's objection to pass the examination suggested was based on the same grounds? I believe so, Sir.

270. Have you any reason to think that Mr. Counsel's objection to Mr. Morrison's work was based on any other than professional grounds—was there any personal hostility? I don't know if there was, Sir. Except from what I may believe, I cannot give an opinion or evidence on the point.

271. From your knowledge of the Members of the Board of Examiners, would you have thought that any work of Mr. Morrison's submitted to them would have been dealt with otherwise than fairly? Certainly not.

272. Then, Mr. Morrison need not have feared the result of an examination as regards that? No, Sir.

273. Would you be prepared to give an opinion as to the amount of retiring allowance which Mr. Morrison, from his long service, might expect? No, I could scarcely give that, Sir.

274. By Mr. W. H. T. Brown.—How long has Mr. Clarke been examiner—was he in that position before the Commissioners or Board took up the duty for the Surveyor-General? Yes, a very long while, I think; I can't give you the time from memory.

275. You are not sure? No; I think so, but I am not sure.

276. And Mr. Clarke checked Mr. Morrison's work? Yes.

277. You said that you were sure there were other surveyors who had not passed the required examination? No, I was not sure. If I said that, I should have said, no doubt there were other surveyors who had not passed.

278. *By Mr. Hartnoll.*—With regard to the great length of Mr. Morrison's services and the many different positions he has held in the department, you stated that a statement could be furnished from the records in the office? Yes, there are returns already furnished and in print which would give you that information. I have not been able to get this information beyond the papers above referred to, but it is easily procurable from the office records.

279. Could you get those returns and attach them to your evidence? Yes. I believe they are in print in the records of the office. I will look and see if I can get them.

280. *By the Chairman.*—Was there ever any record of any kind against Mr. Morrison for neglect of duty or for carelessness in the discharge of his duty within your knowledge? Never. He was one of the most energetic and devoted officers I ever had any knowledge of in my experience.

281. *By Mr. Hartnoll.*—Was his work always perfectly satisfactory to you? Perfectly so. Of course I was not a professional officer, and I had to submit his work to others. I had to forward Mr. Morrison's work on to a professional officer, who took exception where exception might be taken.

282. *By the Chairman.*—Do you know whether in late years Mr. Morrison had to get the assistance of a draftsman to do his work, or was that part of it done by himself? No, I believe he did get the assistance of a draftsman.

283. Did he adopt that course because of complaints having been made, or for his own satisfaction? For his own satisfaction, I believe, and he paid for it.

284. Are you aware whether the Government ever sustained any loss through having to get Mr. Morrison's work done over again, either from its inaccuracy or insufficiency? There was a case where, owing to Mr. Counsel's objection, a survey was made by another officer, but that cannot be called an exception. It can be shown to have been the case as regards the work of other surveyors. Take the case of some township surveys,—which do not appear to have been made at all.

285. *By Mr. Hartnoll.*—When the other officer you speak of made that survey it was a sort of exception? Yes, it was Mr. Richard Hall who made the survey, to check Morrison's work.

286. *By the Chairman.*—And his survey went against Mr. Morrison? Yes, there was an error.

287. And that might happen to any surveyor? Yes. Several instances of errors in other surveys came under my knowledge.

288. Do I understand that Mr. Clarke is the only officer you know of who had to report on Mr. Morrison's surveys? Yes, Mr. Clarke was the only officer in our department who checked Mr. Morrison's work.

The witness withdrew.

JAMES MALLARD CLARKE, *called and examined.*

289. *By the Chairman.*—Your name is? James Mallard Clarke.

290. What is your position in the Survey Department? I am an authorised surveyor, employed at the present time in the Survey Office under Mr. Counsel.

291. How long have you occupied that position? Just twelve months.

292. But you have been connected with the Public Works Department for some time? Yes, from the year 1886. I entered the service in 1860.

293. Have you any recollection as to when Mr. Alexander J. Morrison first entered the Government Service? I cannot say exactly; my first recollection of him as an officer was when I was Secretary to the Hobart Cemetery. He was then appointed as Superintendent and Surveyor at Cornelian Bay. That was many years ago. I recollect him, because he was associated with me at that time.

294. When you say the Hobart Cemetery, I suppose you mean that at Cornelian Bay? Yes.

295. Subsequent to that date, and after ceasing your connection with the Cornelian Bay Cemetery, you were employed in connection with the Public Works Department? Yes.

296. Do you know how the business of the Cemetery was conducted?—was it as a Government Department or managed by a Trust, with funds provided by the Government in addition to a public fund, or how? The Government appointed Trustees, and handed them over £8000, with which they proceeded with the work and laid out the Cemetery. The whole work was managed by the Trustees.

297. Would the office which Mr. Morrison held be from the Government or from the Trustees, or was it directly a Government appointment? As far as I recollect, he was appointed by the Trustees.

298. Would that appointment have to be confirmed by the Government? Yes, I think it would, because, in my own case, my appointment as Secretary was confirmed by the Government of the day. That might have occurred because I was a Government officer.

299. If he had held different other services in connection with the Government, and then held only the appointment in connection with the Cemetery, would it have had to be confirmed by Government? I think so. At the time Mr. Morrison was appointed it was a moot point whether I should take the position, and go and live at Cornelian Bay Cemetery. I did not do so, because I was afraid it would make a break in my services if I held no other appointment under Government.

300. Well then, so far as you are able to say, Mr. Morrison's continuous services are what would be deemed his actual service under Government, and that about which there could be no doubt, commenced after his services at the Cemetery were ended? Yes, I should think so. If that was so in my own case, I should have feared I should have made such a break as would have interfered with my chances of obtaining a pension.

301. Then, so far as you know, his official connection with the Government began after he left the Cemetery Trust? I don't recollect him before then.

302. With regard to his work: I understand his work was that of a Surveyor in connection with the Public Works Department, making surveys of land for roads, or any kind of survey work required by the Government? Yes, he did that as well as the roads.

303. To what officer or officers was his survey work submitted in the Department? The work would be sent on to the Head of the Public Works Department, but it was always subject to the supervision of the Surveyor-General before being recorded.

304. Always? Well, you touch me close there. It was subject to be examined by an official of the Department, and it should then pass through the Survey Office.

305. And before being recorded it was always subject to some examination? Yes, before being recorded in the Public Works Office.

306. Who was the officer who did that work? I did it.

307. Did all Mr. Morrison's work from the time you recollect him coming into that position until he resigned, or on his retirement, pass through your hands? Yes.

308. From first to last? Yes, all the work he prepared for the Public Works Department would necessarily come to me first.

309. Then, was his work accepted on your examination and certificate, or was it ever passed on or referred from you to the Surveyor-General? All his work had to be sent on to be recorded on the maps in the Lands Office.

310. And was his work always recorded? No, it was not always recorded.

311. Was the difficulty about recording raised during the whole time of his service or only in recent years? It was during the whole time I was in the office as examining draftsman to his work. It was always under query; Mr. Sprent, as well as Mr. Counsel, refused to record certain surveys of his.

312. Was that on account of inaccuracies in the survey work generally, or in the clerical work, or what? The queries amounted generally to this, that Mr. Morrison's work would not agree with the old work in the office. There were discrepancies between the old work in the office and his new work.

313. Would that be on account of defects in the old work, or defects in Mr. Morrison's work? It would be impossible to say that without a third survey whether it was in the old work or the new. I may say that they took it for granted it was through Mr. Morrison's inaccuracy in most cases.

314. Did they ever seek to check Mr. Morrison's work? Yes; I knew it to be done.

315. Do you know of any case where Mr. Morrison's work was found inaccurate and had to be replaced by a new survey? I could only speak of one such case.

316. Are such defects frequent, such defects as you state—may they not arise in connection with any survey work, or was the defect indicative of carelessness or lack of thorough qualification? I don't think that. Well, I will put it in another way: Mr. Morrison's work was not of a character that fulfilled the requirements of the Surveyor-General or the regulations; he had not been accustomed to send in his work in that way.

317. Do you mean that his work did not fulfil or come up to the requirements of the regulations of recent years, or does your remark apply to all the time he was in the service? During the ten years I was in the office the regulations were the same nearly all the time. His style of work was that which obtained before there were really any regulations, so that any work he sent in in the old-fashioned style would not come nearly up to the requirements of the regulations of the day.

318. Do you remember when the regulations were first made—was the result to make Mr. Morrison's work unacceptable to the department? Not exactly. I remember that just at the time when Mr. Morrison went out into the field; at that time the new method of closing surveys was introduced, and also the appointment of special examining draftsmen in the Survey Office took place.

319. That would be in Mr. Hardy's time? Yes, that was in Mr. Hardy's time; it occurred just a few months before the time when Mr. Morrison went into the field to make surveys.

320. Prior to that period of 1875—that would be the date when he came into the Public Works Department from the Cemetery—the regulations which evidently proved Mr. Morrison's work to be unsatisfactory were not in existence? I don't think so.

321. And who examined his work then? Oh, he was not out then; he was not paid as an out-door surveyor until I took the place in the office which he vacated by going out. Up to that time he occupied the place in the office which I occupied afterwards. He had, I believe, occasionally gone out when anything particular was wanted.

322. Are you aware of any pressure having been put on Mr. Morrison in any way to induce him to prove his qualification by passing an examination? I have seen a long correspondence which took place, but I had nothing to do with it; it was between himself, the head of the Public Works Department, and the Surveyor-General.

323. That was official correspondence? Yes. I am justified in saying there has been a long correspondence.

324. *By Mr. Hartnoll.*—Is it not always the experience of all surveyors that there is great difficulty in mathematically closing the work of the old surveys to the new ones; the old surveys are such that in nearly all cases there is great difficulty in closing the work? Nearly all the old surveys would fail to pass under present regulations. In the old days the surveys were run by compass, and the angles obtained were not close enough to give work as accurate as under the new system.

325. Then, Mr. Morrison's difficulty in mathematically closing his surveys would be experienced by every surveyor? Yes. Mr. Morrison's difficulty in reconciling the old work with the new is mentioned by everybody at the present day.

326. At the time Mr. Morrison left the Public Works Department, were any of his surveys refused to be recorded? Yes.

327. Do you know whether these particular surveys which were refused to be recorded have been recorded since? Yes; a great many of them have been recorded, some have not.

328. In regard to the matter of your own doubts about accepting the position of surveyor at the Cornelian Bay Cemetery—you say you had doubts as to whether it would not make a break in your continuous service: I presume you made close enquiry into that matter, to satisfy yourself that it was not

merely a surmise on your part? I can't say positively that I ever looked into the matter; but it was so thoroughly impressed on my mind and the minds of my friends that a break might affect my interests, that I felt it was running a risk. I had ten or twelve years' service under Government then, and I felt that if I took the appointment, although it was better than the one I then held, I was convinced that it would have been a break in my service.

329. Supposing you had taken the risk, and had become afterwards to recognise that it interfered with your pension, I suppose you would have taken up the position that there never had been a break? Oh, yes, of course; but I would have gone with the conviction in my own mind that it had severed my connection with the Government.

330. *By Mr. W. H. T. Brown.*—Up to what date was it, or was it after Mr. Counsel's appointment, that surveys were refused from Mr. Morrison, and accepted since? I don't quite see how to answer you, excepting in this way:—When I left the Public Works Department in July last year, there were numerous surveys unrecorded. It was understood then that Mr. Counsel would record as many as he could of them, and the rest would be hung up. Ever since Mr. Counsel came into office there are records as to surveys that are inaccurate.

331. *By the Chairman.*—Recorded as being hung up, but which have since been accepted? Yes, accepted, I should say, for what they were worth; Mr. Counsel took no responsibility in regard to them—they were ear-marked, as it were.

332. But have they been recorded as correct? No. Mr. Counsel has taken them for what they are worth, and in hope that any future transactions in regard to that bit of land will not reveal any serious error.

333. And were his other surveys also taken? I think not. It is understood that there are so many marked and put aside, to be re-surveyed when necessary.

Witness withdrew.

THURSDAY, 21ST JULY.

EDWARD ALBERT COUNSEL, *called and examined.*

334. *By the Chairman.*—What is your name? Edward Albert Counsel.

335. You are aware that the Committee desire you to give them some information in regard to Mr. Alexander Morrison's relations with the Survey Department? Yes.

336. What is your position in the service? I am Surveyor-General and Secretary for Lands.

337. You are acquainted with Mr. Morrison? Yes.

338. From what date do you hold your present office—when did you take it? I was appointed Deputy Surveyor-General in 1889, and Surveyor-General by Act of Parliament in 1894.

339. You had no official relations with Mr. Morrison, I presume, until you took office as Deputy Surveyor-General? No, I knew very little of him until then.

340. You have no official recollection of him before that? My first acquaintance with him was at Waterhouse, in 1870.

341. Had you any knowledge of the character of his work in those days? No.

342. Had you any knowledge of his work, professionally or officially, until taking office as Deputy Surveyor-General? He was, at the time I am speaking of—that was in 1870—sent up as Assistant Surveyor to Mr. Hurst, to whom I was attached in that year. Some trouble arose, and he did not remain with Mr. Hurst.

343. About what year was that? In 1870.

344. Do you know what became of him after leaving Mr. Hurst? I believe he was appointed Registrar of Mines at Lefroy.

345. In connection with the same department? Yes, under the Minister of Lands.

346. Was he regarded as a Government officer when he was with Mr. Hurst? No, I did not understand so. I think there was some misunderstanding about his appointment, but I did not know the particulars.

347. Was his work necessarily submitted to you, as Deputy Surveyor-General, when you took office? Yes; he was then making surveys of roads under the Public Works Department, and the surveys of these roads came from the Public Works Department to me to be recorded on the charts in the Survey Office. In that way I was brought into contact with him.

348. Did you find his work satisfactory generally? No, it was not satisfactory. The question as to his qualification was a matter that gave trouble always.

349. Did the question as to his qualification arise before you took office? Yes, it arose in 1886. I think I have some notes on the matter, if I may refer to them. After I had been appointed Deputy Surveyor-General, I found that, in 1886, Mr. Morrison tendered his resignation as an officer of the Public Works Department in connection with the question of his qualification. Mr. Sprent at that time objected to accept his surveys. The question, then, was submitted to the Minister of Lands, Mr. Nicholas J. Brown, and he supported the Surveyor-General in that Mr. Morrison had no certificate as a qualified surveyor: that led to his resignation at that time. Then he wrote, asking to withdraw his resignation, in November, 1886. It was tendered on the 1st September, and withdrawn in November. Of course you will understand I am only giving the records we have; I had nothing to do with the matter then. When he wrote and withdrew his resignation, in November, 1886, the Minister of Lands replied that it was too late, as the resignation had been accepted, but said he would use his best endeavours to get him other employment. He took exception, at that time, to Mr. Morrison being styled Land Surveyor. In 1890 seems to be the first time I took exception to his surveys; that was shortly after I was appointed Surveyor-General. I took the ground that he was not qualified within the meaning of the regulations, and that, until he did qualify, I did not think the Survey Department should be called on to record his work.

350. Was that on the question of qualification only, or was the work not satisfactory? It was on the ground of qualification at first. I did not think his surveys should be recorded from what I knew of his qualifications at that time. The question from time to time cropped up, but no definite action was taken. The matter went on in that unsatisfactory condition for a long time, but afterwards, when I was appointed Surveyor-General and had control of the surveys, I refused to accept his work. Up to that time it was a matter for Ministerial action, as the Minister was then Surveyor-General, and, as such, instructed me to record the surveys. At this time there were surveys not recorded. The question then came to an issue when his surveys were questioned, as to whether he was qualified or not. I undertook to say that I would accept them if he could satisfy me that he was a surveyor; he contended that he was, but he produced no certificate.

351. He produced no certificate? No, he was not an authorised surveyor. As far as I am aware no grant has ever been issued on his surveys. Later on, when the question of Mr. Morrison's qualification arose, there were a number of his surveys in hand held by the Public Works Department in different stages of progress, and I undertook to record such of these surveys as within themselves satisfied the Department. I said that they should be recorded on the plans, as they had been made and a considerable amount of expense incurred. I thought if they could be utilised they should be.

352. Was the difficulty in accepting and recording these surveys based upon imperfections in the work, or simply on the fact that Mr. Morrison could not show the qualifications which the regulations required? The non-qualification was the basis of the objection.

353. Not the work so much? No, because I did not think the Survey Office should even examine them until satisfied as to his qualification.

354. Prior to the period, when Mr. Sprent raised his objection, no difficulty had been raised about recording his work? Not as far as I know.

355. Then the difficulty was in consequence of the new regulations issued at the time Mr. Hardy came as Inspector of Surveys? Yes.

356. And up to that time was not Mr. Morrison regarded as a surveyor to the Government, recognised as such, and paid as such? I have not been able to ascertain what Mr. Morrison's position was so recognised up to that time.

357. He appears to have been allowed to make surveys on sufferance simply? He was not frequently employed as a surveyor at that time. As far as I know he was an office official most of the time in the Public Works Department. From the correspondence I have seen it would appear that he went out in the field about the time the trouble arose as to his qualification.

358. Did he go out into the field by direction of the department or by his own desire or preference? I don't know; it is not shown in the records of our office how it occurred.

359. Then, I gather from you that the chief objection to his position and to the recording of his work was that he could not show the necessary qualification that the later regulations now require? My objection was, that he could not show any qualification as a surveyor.

360. Are you aware as to whether Mr. Pillinger ever suggested to him that he should make a trial survey, when he would be appointed if passed? Yes, I believe he did make such an offer.

361. Is that in the correspondence? I don't know. I said if he did do that I would do what I could to have him qualified, if he made a survey that would satisfy the Department, leaving the other question as to his status to be settled afterwards.

362. Then you wished the Minister to understand that if Mr. Morrison would make a trial survey which would be satisfactory to the Board of Examiners the probability was that he would be regarded as qualified? Yes, the practical subjects.

363. Do you know the ground of his refusal to do that? I believe Mr. Morrison thought it would be *infra dig.* to submit himself to any test.

364. Do you know if he took any objection to the *personnel* of the Board of Examiners to whom his work would be submitted? I am not aware that he did.

365. Do you know if there were any records in the office as to the dates of his joining the service originally, or the dates of his removal from one office to another? There should be in the Public Works Department. They would not be in the Survey Office.

366. *By Mr. Page.*—I should like to take you through a few of the answers given by Mr. Morrison in his evidence. In question 65, in reference to the suggestion of Mr. Pillinger that he should make a trial survey, he said:—

“If I made a survey that would please the angels, they would find fault with it. Those were the very words I made use of, because I knew that all they wanted to do was to find fault. I am speaking of Mr. Counsel, and I knew he would take exception to anything that I put in.”

Can you account for any suggestion such as this, that he knew you would take exception to anything he put in? No, I can't account for it in any way. I think I did more, or certainly as much as anyone possibly could do, to get him to qualify.

367. Then, question 68:—

“68. The work you have done, has it been found accurate or inaccurate—has any fault been found with it? Yes, any amount of fault has been found with it. I don't think Mr. Counsel understands the work I did.”

I presume the work he did you would have no difficulty in understanding? No, not if it was understandable. I may say in reference to that that we see the bare results as to how the surveys look in an office. When I took over the surveys from the Public Works Department there were a lot of surveys in hand. There were sixteen allotments of land for road purposes which were acquired on Mr. Morrison's surveys under the Lands Vesting Act. Twenty-one surveys have been found so incomplete as to render it inadvisable to deal with them, and they had to be left. In regard to complaints as to Mr. Morrison's work, there were five cases in which re-surveys of roads were made to test his own surveys, where it was found they did not agree with the work in the office. In the five cases where re-surveys were made his surveys were found to be all at fault. That is the record of the examining draftsman.

368. In answer to question No. 70, in reference to this question as to the trial survey, he says:—

"I made an offer to do the survey, of course under certain conditions. I knew there was a great deal of animosity in Mr. Counsel's breast against me, and therefore I wanted justice."

Is there any ground for that statement? I am sorry to be in a position that requires me to even reply to a question like that. It is utterly groundless. If the Committee would simply call for the correspondence which is in the office it would save all questioning, or dealing with it *viva voce*. The correspondence is recorded, and shows what took place.

369. Understand I am not imputing anything to you, Mr. Counsel, but I think it right that you should know what Mr. Morrison said. Go now, to question 108—by the way, who were the Board of Examiners before whom Mr. Pillinger suggested that Mr. Morrison should appear: were they a Board before whom, in ordinary circumstances, he would have to appear: did they hold their positions *ex officio*, or were they specially appointed by name? No. They consisted of the Engineer-in-Chief, Engineer of Roads, the Chief Draftsman in the Lands Office, myself, and two Land Surveyors.

370. Then they were *ex officio* Members of the Board? No, not at that time, they were appointed by the Governor in Council.

371. Well, in question 108, Mr. Morrison says Mr. Pillinger said:—

"Why not go before the Board of Examiners. I said No, they were only the nominees of Mr. Counsel, and would only do as he told them; they were all surveyors under his thumb."

What do you say to that? I suggested to the Minister that, if Mr. Morrison would make a trial survey I would use my best endeavours to accept a practical bare qualification.

372. Then you tried to help Mr. Morrison out of his difficulty? I have always done so as far as consistent with my official position.

373. *By Captain Evans.*—Was there any possibility that you could have had these men under your thumb? No.

374. *By Mr. Page.*—There are some other questions and answers you might explain:—

"114. You say that these surveyors were under the thumb of Mr. Counsel: are you in a position to suggest any personal hostility on the part of Mr. Counsel against yourself so that he or his nominees would not deal fairly with you? No, I only have it by hearsay, and that is not evidence. If what I have heard is true, there is a great deal of hostility against me. It is not the first time I have heard of it, either."

"116. Had you any reason to think, from the way Mr. Counsel treated you, that he was showing any unfriendly feeling towards you? Yes, from some of his memorandums in connection with my work. I took it from that and the manner in which he worded them that there was hostility towards myself in it."

"117. Do you mean that he was dissatisfied? Yes, he was dissatisfied with me."

"118. And did the memorandums express dissatisfaction with your work? Yes; the work was unsatisfactory to him, but it was not so to anybody else."

"119. Oh, that was in his discretion. Why should you infer from that that he had any personal animosity against you?—men may differ as to work, and may have an unfavourable idea of the work, but they need not necessarily have an improper feeling? Oh, but he has made statements that he would have me out of the department, and from that time all his animosity has been shown against me."

What do you say to that? I never made such a statement; in fact, it would have been a source of satisfaction to me, in more ways than one, if the difficulty in accepting his surveys could have been got over.

375. Another question which was put to him was this:—

"I asked you had you any reason, when in the office, to suppose there was any unfriendly feeling on the part of Mr. Counsel towards you. You state, from memorandums he has written, you think he has expressed dissatisfaction with your work, although you think it would have pleased anybody else? Well, he imputed to me that I had fudged my work."

Those are the suggestions? It is possible, from the simple fact that in examining the surveys discrepancies were found in them that were irreconcilable with the plans in the office or consistent work.

376. But the written remarks you made were merely in connection with the work—they conveyed no personal feeling? No, none whatever.

377. *By Mr. Hartnoll.*—You say, as far as you are personally aware, no grants were issued on any of Mr. Morrison's surveys. Have not most of the lands acquired from private individuals for the public service for roads or other purposes—have not the grants been issued on Mr. Morrison's surveys? This would be in connection with Certificate of Title, Mr. Hartnoll; that is a matter that I intended to speak to you about when I saw your Motion in the House. So far as the Lands Office is concerned, those surveys would not be dealt with there: they were for the Public Works, and for Certificates of Title from Recorder's office.

378. But they are in effect grants issued by the Crown on the surveys of Mr. Morrison, are they not? No, they are not grants; they are Certificates of Title; that is, for a transfer from a different office. The Survey Department considers its responsibility is at an end when the original Crown grant is issued.

379. In regard to that question of resignation—there appears to be two months when Mr. Morrison was out of the Government employment—did he receive pay during those two months? I don't know.

380. If he did receive pay during that time would you consider then that there was any severance of his general Government employment? No.

381. In regard to these surveys, I suppose there are many other instances where you have had to have re-surveys made—even in the case of certificated surveyors, have you not had to have them made? Yes, there are such cases from time to time.

382. In the department as a fact there is difficulty in mathematically closing the work when you have to adapt surveys which might be thoroughly correct to old plans; almost every surveyor experiences that difficulty, does he not? Yes, there is difficulty at times in reconciling new standard of work to the work done in the old days.

383. Then, Mr. Morrison's case in that regard is not an isolated instance, it has occurred to other surveyors in whom you have confidence? Never a case as exceptional; their errors are generally of a different character. These were very plain surveys, and there ought not to have been any errors in them; they were not checked in the same rigorous way as ordinary circuit surveys; if they could be put on the Survey Office plans they were accepted.

384. When Mr. Morrison left the Public Works Department I understand you had a number of unrecorded surveys on hand which were practically refused to be recorded? Yes.

385. Have some of these surveys been since recorded? Yes, a few.

386. *By Capt. Evans.*—You stated to the Committee that when Mr. Morrison was employed at Waterhouse you were of opinion he was not a Government official? I understood he was not.

387. You can't say definitely? No; I am only in a position to say that some trouble arose as to his qualification.

388. At that time? Yes, at that time.

389. And has the trouble been going on since? I don't think he was ever looked upon as a land surveyor in the ordinary sense of the words. He was not employed as a surveyor, to my knowledge, after that time, for many years. He went from Waterhouse to Lefroy as Registrar of Mines, and then he came into the Public Works Department as an in-door officer.

390. He said he went to Cornelian Bay Cemetery: were you in office then as Deputy Surveyor-General? No, I was not.

391. He says in 1875 he took charge of the Cemetery: could you give an opinion of him as an official then? No, I was at the other end of the Island.

392. You were not in office then in 1875? No, I was on the other side of the Island, in the field.

393. Then you are not in a position to give us information as to what position he took up when he returned in 1875? No, I am not.

394. In your opinion did you think it was *infra dig.* to ask Mr. Morrison to qualify himself? No, I don't think it was.

395. Not *infra dig.* not interfering with his position? No, I should have thought it would have been welcomed as a good opportunity for him to take a recognised position. I may say that in all the other colonies, surveyors have to undergo examination. One member of the Board of Examiners that Mr. Morrison took exception to had to pass examinations in three of the colonies. He had to pass the whole of the examination before being allowed to make a survey, in a colony in which he held a high official and professional appointment.

396. Is not Mr. Morrison now in this position that he cannot do any survey work? No title to land would be issued on his survey.

397. And if he had passed examination according to regulation he would have been in a position to do work outside the office? Yes.

398. You told us there was correspondence that would give us correct information—where is that correspondence? I believe in the Public Works Department.

399. Of course it is available? I take it that it is. It will deal with the basis of the notes I have read.

400. *By Mr. W. H. T. Brown.*—You say that when Mr. Morrison's surveys were objected to he was sent into the field? He went into the field at that time.

401. Was he sent in? I can only assume from the correspondence that he was sent in. Mr. Brown spoke of an appointment, and he was making surveys for the department.

402. Were they accepted? These are the surveys we have been speaking of which have not been dealt with up to the present time.

403. How long was he at that work? It would appear he was employed in that capacity from 1887 up till 1897.

404. If I recollect right, I think you said that some of the surveys that the department wished to avail themselves of were found to be inaccurate? Yes; when these were examined we found they could not be recorded.

405. Were they found inaccurate under a new system of survey, different from that Mr. Morrison had been accustomed to do? They were too inaccurate to be plotted on a diagram. They were not subjected to the present prescribed rule as to closure.

406. And they had to be re-surveyed? Some have been re-surveyed and some remain to be dealt with. Fresh surveys will be required.

407. Mr. Morrison's surveys were not being treated under the new system of survey? Not in the respect I have mentioned.

408. The person you speak of as having to undergo three examinations—that would be really to qualify himself for that colony? Yes, the colony in which he held a high appointment.

409. You say Mr. Morrison's objection to undergo examination was that it was *infra dig.* because he had been always a surveyor, and should not be called on to pass an examination? If those conditions existed there might be something in it, but it is not shown that he was a surveyor.

410. *By the Chairman.*—That is the question if he was a surveyor all through? No; there is no parallel case. I know of no case in which a surveyor was not qualified by law in some way. In this case there has been no evidence ever produced that Mr. Morrison ever really had prescriptive authority to proceed with a survey.

411. *By Mr. Brown.*—Were there any other surveyors who objected to undergo an examination? Not that I am aware of.

412. Were there any who had been as long in the service as he had been? When the new regulations were brought into operation there were surveyors who had not passed an examination, but who were regularly qualified, but they produced authority, and were recognised.

413. Mr. Morrison would be about the oldest in the department at that time? No, there were men dating back to 1858.

414. They therefore won't have a break? They have since retired.

415. They were qualified surveyors? Yes.

416. *By Captain Evans.*—Can you tell us who Mr. Morrison was subordinate to? The Secretary to the Public Works Department, when he was asked to do these surveys.

417. At any time during your position as Deputy Surveyor-General or as Surveyor-General, were you as closely connected with him as to be called his superior officer? No, I had nothing to do with him. The witness withdrew.

FRIDAY, 29TH MAY.

ALEXANDER THOMAS MORRISON, *recalled and examined.*

418. *By the Chairman.*—You have read the evidence, Mr. Morrison, so far as we have taken it? Yes.

419. Is there any remark that you wish to make on it? Yes; there are several misstatements made in it.

420. Will you speak of those particularly? Yes. Mr. Counsel has made a statement as to knowing me at Waterhouse. He never knew me at Waterhouse: I refer to Question 339. The question is—"You have no official recollection of him before that?" Answer: "No, my first acquaintance with him was at Waterhouse, in 1870." I can say that I never saw Mr. Counsel in 1870, and I never knew him at Waterhouse. After I left Waterhouse I heard that he had been there.

421. Might he not have seen you there, and you not know of it? But he was not there until after I left.

422. He may have meant nothing more than that states, which is, that Mr. Morrison was there? Yes, that might be it. Then, in answer to Question 341, he says that I was "sent up as Assistant Surveyor to Mr. Hurst, to whom I was articled for that year." I never was articled to Mr. Hurst. He says, "some trouble or other arose, and he did not remain with Mr. Hurst."

423. As to your being articled, he says "I think" he was articled; he is not certain? No, I see that. Then, Question 345—"Was he regarded as a Government Officer when he was with Mr. Hurst? No, I did not understand so. I think there was some misunderstanding about his appointment, but I did not know the particulars." I can simply say that my appointment was made by the then Surveyor-General, who wrote me a letter which said I was appointed Clerk to the Goldfield at Waterhouse.

424. I thought it was Assistant Surveyor to Mr. Hurst—that had nothing to do with the Goldfields? Oh yes, Mr. Hurst was Surveyor for the Goldfield. There was no misunderstanding about the appointment, unless this, that a fortnight after I joined him, Mr. Hurst went home to Launceston. He had been away from home a long time, and when he was away I was also away, having hurt my foot. There was no misunderstanding at all. I was a Government Officer at the time, appointed by the Surveyor-General. There is another statement in Question 348, in reference to Mr. Sprent and what took place between him and Mr. N. J. Brown when Minister of Lands and Works. Here is the statement of it:—"Mr. Sprent at that time objected to accept his surveys. The question then was submitted to the Minister of Lands, Mr. Nicholas J. Brown, and he supported the Surveyor-General in that Mr. Morrison had no certificate as a qualified surveyor: that led to his resignation at that time. Then he wrote, asking to withdraw his resignation, in November, 1886. It was tendered on the first September, and withdrawn in November." That is wrong.

425. Do you say that is incorrect, when I tell you that we have all the correspondence here? The correspondence won't show that; it is perfectly incorrect. It was not on account of any exception being taken to my surveys,—it was on account of my status that I resigned. Mr. N. J. Brown took my name off the Estimates as surveyor and made me a clerk, but immediately afterwards they appointed me as a surveyor.

Mr. Page read an abstract from a letter of Mr. Sprent's, dated 19th November, 1886, as follows:—

"When the Minister consulted me as to whether I saw any objection to the title Mr. Morrison sought, I pointed out that there were grave objections, and suggested that he might be styled 'Road Surveyor and Draftsman.' It was arranged that this was to be his title, but I understand Mr. Morrison is not satisfied, and urges that he should be styled 'Surveyor and Draftsman.' Seeing that Mr. Morrison's work is not of a professional nature, being neither surveying nor drafting, it seems to me that his original designation was the correct one, but, be that as it may, I shall show that his real object is to achieve recognition as a Government Land Surveyor, to become eligible for employment on surveys under the Real Property Act. I make no charge of incompetency against Mr. Morrison; his abilities are altogether unknown to me. He has never been gazetted or appointed a surveyor, nor has he applied to the Board of Examiners in the prescribed manner. He seeks to get into the ranks of surveyors 'by a dodge.' This is struck out, and the words substituted, 'in an indirect manner.'"

426. *By the Chairman.*—What have you to say to that? I know nothing of that letter, I never heard of it. I can only say it was nothing of the sort.

427. It is evident there were objections on that head: you can't take exception to that letter? It seems it was said I was not a surveyor. The reason for what then took place, the reason for my resignation, was not what that letter states at all. The reason for my resignation was different, and that was as to my position or status. It was between Mr. N. J. Brown and myself in the matter.

428. You said the letter was a misstatement? Yes, and I say it is a misstatement now.

429. What part of it? As to the cause of my resignation.

430. But the Minister himself endorses it.

Mr. Page read a memorandum by the Minister, dated 20th November, 1886, as follows:—

"The Minister regrets very much that he is unable to comply with Mr. Morrison's request to be described on the Estimates as a surveyor. To do so would enable Mr. Morrison to defy the professional head of the Survey Department, and would be a violation of the Regulations as to the examination and certifying of surveyors."

What have you to say to that? What is the date of that?

431. The date is 20th November, 1886, and it is addressed to you? Ah, that letter, unfortunately, was one of those that were burnt.

432. *By the Chairman.*—You said there were several misstatements in Mr. Counsel's evidence: have you gone through them? No. The next question is with regard to the number of surveys: did he state that I signed the diagrams of these surveys? Of course I can't repeat these things, it requires cross-questioning on this matter.

433. You said there were misstatements, what are they? You said, and correctly said, he had said something else.

434. No; what he said is in the report of the evidence. Have you anything else to say? No, I have nothing else to say.

435. What other remarks have you to make on the matter? I have no other remarks.

436. *By Mr. W. H. T. Brown.*—I may tell you, Mr. Morrison, that nothing is done in this Committee in the way of evidence excepting what is reported there? I understand. You might have asked Mr. Counsel if the diagrams of the surveys to which he referred were signed by me, as I can't know otherwise. He says a lot of diagrams were not acted on because, I suppose, some little matters were wanted. They may have been incomplete, but that is not an error in the work.

437. Is there any other general remark you wish to make? No; only to state that my work was honestly and fairly done, and I am sure that it will compare well with any other surveyor's work in the Colony. That I state positively on my own behalf. It is impossible for me to be wrong in my angles. I might, perhaps, drop a link—that would be in one of the four sections of the chain; or might drop a few links—that would be from misreading it. That is all. I may have done that, but I am quite sure there is not one of my angles that were wrong; I checked them all carefully through, and they can't be wrong.

438. We find from the correspondence that in September, 1886, the question of your status was raised and your resignation was put in? Yes.

439. And that in November of the same year you were betwixt heaven and earth, as it were—your resignation was not accepted, and you asked to withdraw it, but you were met by the Minister, who wanted to make some other appointment. What was your position from November, 1886, to January, 1887?

Mr. Page read from a letter of the Engineer-in-Chief, Mr. Fincham, dated 1st January, 1887—

"I desire to inform you that provided there is no difficulty in the acceptance of your surveys by the Lands Titles Department, I am prepared to offer you employment as Land Surveyor on the temporary or special staff of the Public Works Department in making surveys of deviations of roads, and of lands purchased for public purposes. When not occupied in such surveys you would be required to assist the Engineer of Roads in such work as he might direct, and to give such assistance to the Chief Clerk in connection with Waste Lands matters as from your knowledge and experience in this respect you could afford. Your salary would be at the rate of £200 per annum and travelling expenses, with hotel expenses as authorised for District Inspectors, also travelling expenses for one chainman. Other men to be obtained on the works. If you are willing to accept this offer, you may enter upon your duties on Tuesday next (4th inst.), and your salary will commence from to-day, subject, however, to the condition first mentioned herein.

"I am, Sir, your obedient Servant,

"J. FINCHAM, *Engineer-in-Chief.*

"A. T. MORRISON, *Esq.*"

This letter was referred by Mr. Morrison to the Recorder of Titles for his opinion, that letter dated 1st January. Then, after that, by some mistake—no authority having been obtained for the appointment, they seemed to have made the appointment first, and trusted to getting the authority after. The Engineer-in-Chief Mr. Fincham referred it for his authority to the Minister, and then the Minister records in his own writing, on 25th January, 1887, the following:—

Memorandum.

"The accompanying letter from the Engineer-in-Chief to Mr. Morrison was written without my authority, so far as the title 'Land Surveyor' is concerned, and also as regards the instruction to Mr. Morrison to enter upon his duties on any specific date. I instructed the Chief Clerk that, as a preliminary, I desired that the Engineer-in-Chief should confer with the Deputy Surveyor-General as to the possibility of removing the objections that existed to the acceptance of Mr. Morrison's surveys by the Lands' Titles Office. It ought to have been obvious, in view of all that had passed previously on the subject, that I could not, by the mere conferring of a title, enable Mr. Morrison to evade the conditions which the Deputy Surveyor-General, as the head of the survey service has, very properly and in the best interests of the efficiency of the department, recommended for my approval. The reference of the letter of the Engineer-in-Chief to the Recorder of Titles by Mr. Morrison was extremely irregular. The status of Mr. Morrison must be fixed, so far as surveys are concerned, by my approval of a recommendation from the professional head of the survey service. But in any case the whole proceeding is null and void, because it lacks any authority. I have every desire to obtain Mr. Morrison's services for the department, because I am well aware how useful and efficient he has been in connection with the clerical and general work appertaining to the transfer of land for roads and other purposes, and I will communicate with Mr. Morrison in a few days.

NICHOLAS J. BROWN."

440. *By Mr. W. H. T. Brown.*—Was, then, your resignation in before that? Yes.

Mr. Page explained from the correspondence that the resignation was sent in in September, 1886; attention was called to it on the 5th October, and attention was again called to it on the 8th November. Then, on the 26th November, Mr. Morrison wrote to the Minister asking leave to withdraw his resignation.

441. *By the Chairman.*—Then it was in September, 1886, that you resigned? Yes, I did, and I intended it.

442. And in November you asked to withdraw your resignation? No, Sir.

443. Why, your letter says so? No, there is only the letter of appointment in January.

444. Let us understand. You resigned in September; in November you ask to withdraw your resignation, and in November you were told it was too late, and could not be done? That may be so. You have the correspondence, I have not.

Mr. Page read from the correspondence a letter dated 26th November, 1886, from Mr. Morrison to the Minister:—

"I sincerely thank you for the expressions of regret for my severance from the office, but I felt it incumbent on me to do so under the regulations, so that I could consult my friends on the subject. By their advice I beg respectfully to withdraw my resignation. Hoping this will receive your favourable consideration."

On that letter there was an endorsement by the Minister:—

"The withdrawal came too late, the vacancy created by Mr. Morrison's resignation having been filled up by the appointment of another officer. An effort will, however, be made to provide for Mr. Morrison in another appointment connected with the Roads Branch.—N.J.B."

445. *By the Chairman.*—You retired from the service, then, when you sent in that resignation? Yes, I retired, but it was not to be considered a break of service. You take a wrong view of the matter altogether.

446. But if, when you sent your resignation and afterwards asked leave to withdraw it, you were told to leave, and that it could not be withdrawn, that was clearly a break? No, it was not. I can refer you to Sir James Agnew and to Mr. Dodds, the Acting Chief Justice, who were in the Ministry.

447. For what purpose? On this question of a break, I refer you to them. I can also refer you to the Hon. W. H. Burgess, who was Sir James Agnew's colleague at the time.

448. Do you mean to say that the statements that you retired from office are not to be relied on? They are to be relied on, but there are things behind that.

449. Is it a fact that you tendered your resignation? Yes.

450. And you afterwards asked to withdraw it? Oh, yes; there is my own writing for that.

451. Do you dispute the fact that you withdrew the resignation and was told it was too late? That is understood in my letter, but, if you look at my answer, it was given verbally by Mr. Dodds, who was Attorney-General at the time.

452. But you were out of the service? I was distinctly told it would not be understood to be a break. I was told so by the Premier, by Mr. Dodds, and by Mr. Burgess, that if I went back to the office my status would appear as a surveyor.

453. But that would not make it better—it was a break, was it not? It was not to be considered as a break.

454. *By Mr. Page.*—That would be if you withdrew your resignation in time, but when you did it was too late, is that not so? The withdrawal of my resignation was in within half an hour after it was intimated to me that my appointment could go on. That resignation was put into Mr. Nicholas Brown's hands before any appointment was made at all. I can go further than that, and say, that when the question arose, Mr. Burgess adjourned the Council, and went over and enquired when the resignation was put into Mr. N. J. Brown's hands, and he was told, to the very moment, when it was put into his hands, which was two days before any appointment was made.

Mr. Page again referred to Mr. Morrison's letter to the Minister of Lands, dated 26th November, 1886, withdrawing his resignation, and said the Minister's endorsement was:—

"The withdrawal came too late, the vacancy created by Mr. Morrison's resignation having been filled up by the appointment of another officer. An effort will, however, be made to provide for Mr. Morrison in another appointment connected with the Roads branch.—N. J. B."

That was not dated.

Witness.—Could Mr. Smith be recalled to verify my statement?

455. *By the Chairman.*—What is your statement? That the withdrawal of my resignation was not too late.

456. That would only dispute what the Minister said; it does not alter the fact that your resignation makes a break in your service? No, it was not to be considered a break. I was to go back just as if I had never been away.

457. It could not possibly alter the fact that there was a break. Let me ask you, then, during that period, between your resignation and your asking to withdraw it, were you taking any steps against the department? Yes, I was taking steps to settle my status as a surveyor by bringing it before Parliament. That is the origin of all this; that is what I was doing.

458. How far did you go, then: was it before the House at all? No; there was a meeting of Members called together to take my case up. It was in Mr. Fitzgerald's hands, and he waited on the Premier, and he was distinctly told that if I withdrew my resignation at once I should return to my position as a surveyor in the department, and no notice should be taken of my resignation; it should be as if it never had appeared.

459. Have you any writing to that effect, or was that merely verbal? No, I have nothing in writing. I can bring evidence of that, though.

460. Well, we have to be guided by the correspondence of the Department whether any arrangement was made subsequently or not. The point is, was there a break in your service? No, there was no break, no.

461. Your not doing work for the Government during your resignation, could you be practically said to be in the Department? No; I would have gone back there, and there would have been no break in my pay.

462. *By Mr. Page.*—When you got the letter of appointment did you return to the office? Yes, on the 31st December I got that letter, and I was in the office the next month. I was in the office on the 1st January.

463. But the Minister said your appointment was null and void? Yes; but I was working in the office all the same. I was told to stop there, and I stopped there.

464. *By the Chairman.*—Were you paid all that time? Yes, I was paid.

465. And your post? Was that of surveyor.

466. Were you recognised as a surveyor? Yes.

467. Were you doing surveyor's work? Yes, I was.

468. And were you on the Estimates for the year? I was put down on the temporary special staff as doing surveyor's work.

469. When this difficulty occurred about your status, and your being continued in the Government service as a surveyor, reference was made to the Recorder of Titles as to whether there would be any objection on the part of that office to recording your work. Is that so? Yes. I went and took my appointment to the Recorder of Titles and asked him, in the face of that, if he would record my work. He said he would, and he took my appointment and wrote his memo. upon it.

470. Had there been any objection made in the Department as to recording your work at that time? Yes, I believe so; I don't know. Mr. Sprent made some movement with the Recorder in the matter.

471. The Recorder of Titles in this correspondence, subsequent to that you have just referred to, stated that his office was not the only one in which objection had been taken to your work. Were you aware of that? No, I was not aware of it.

472. Do you think the ground of his agreeing to accept your work in that office was because he had been shown an appointment as a surveyor recognised by the Department, or because he knew your work was what it ought to be? He accepted the statement that I was a Government surveyor.

473. Then, although dissatisfied with the work he could not refuse it, seeing that the Government had recognised you and appointed you as a surveyor?

Mr. Page read the Memo. of the Recorder of Titles, Mr. Whyte, 1st February, 1887, as follows:—

“Returned to the Hon. Attorney-General. I have perused the correspondence herein. At the date of the letter of 12th ult. from the Public Works Office, offering Mr. Morrison employment, I understood that he had ceased to belong to the Civil Service, and it appeared that I was the only person standing in the way of his employment. In the face of the opinion of the Solicitor-General, referred to in my Memo. on the said letter, I respectfully submit that it was not competent for me to have written any other Memo. than that referred to. It must be remembered by Mr. Morrison that this is not the only Department which does not at present recognise surveys made by him.—
JAMES WHYTE.”

474. What office does that refer to? That referred to the Lands Department at the time.

475. That was in February, 1887? Yes; that referred to Mr. Sprent.

[Witness withdrew.]

APPENDIX.

Public Works Office, Hobart, 21st July, 1898.

SIR,

Re MR. A. T. MORRISON.

I have the honour to inform you, in reply to your letter of the 30th instant with reference to the employment of Mr. Morrison in this Department, that:—

1. Mr. Morrison was employed as a surveyor by the Survey Office in 1863. A survey made by him at New Town is dated 11th May, 1863.
2. The statistics show that Mr. Morrison was appointed Surveyor to the Public Works Department on 6th September, 1865, but for a considerable period he was not engaged on survey work.
3. Mr. Morrison was appointed Mining Registrar at Waterhouse on 14th December, 1869.
4. It is believed about three years elapsed between the termination of Mr. Morrison's service in the Mines Department and his return to the Public Works Department.
5. Mr. Morrison's service has been continuous from this last-named return until his retirement in 1897.

Yours faithfully,

ALFRED T. PILLINGER, *Minister of Lands and Works.*

The Honourable B. S. BIRD, M.H.A., Hobart.