

(No. 76.)



1862.

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TASMANIA.

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C. ARTHUR, ESQUIRE.

CORRESPONDENCE RELATIVE TO PENSION.

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

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Presented by Mr. Innes, and ordered by the House to be printed,  
28 August, 1862.



Longford, 25th June, 1862.

SIR,

IN my letter dated 1st June, 1858, I intimated that I was not satisfied with the decision of the Government upon my claim to a Pension on the abolition of the Office which I had held of Police Magistrate of Longford for nearly 25 years,—a change stated by you to have been made with a view to the redistribution of the Police and retrenchment of expenditure.

2. On the 4th March, 1862, I reiterated my feeling of dissatisfaction, and stated that I should, at a future period, submit to the Government a review of my claim for a Retiring Allowance; expressing, at the same time, my conviction that my case had not received that consideration in the amount of Pension to which, as an old Officer (nearly the oldest), I felt myself entitled.

3. I have now, therefore, the honor to submit my case to the Government, and to beg the most liberal consideration of the claim which I urge to a larger Pension.

4. Your letter of the 24th June, 1857, addressed to me when I was both mentally and physically able to perform any duties which might be assigned to me, clearly pointed to my reduction as having been made on the plea of retrenchment; and I have no reason to doubt that the new arrangement was productive of a large saving to the public.

5. Your letter of the 5th October, 1857,—prepared with all necessary information before you, and, I presume, after due consideration,—pointed out the amount of Pension to which “I should be entitled were it found expedient to dispense with my services altogether.” *That amount of Pension I am now willing to accept; viz., £283 8s. 4d.* It is a legitimate calculation, and meets the justice of my case.

6. I find, on reference to the Estimates as passed by Parliament for 1858, that a Pension of £197 0s. 10d. was voted to me; the reduction of £86 7s. 6d. having been made because my services as Aide-de-Camp and Private Secretary were not permitted to be counted. Why? Because they were not looked upon as giving the Officer holding those appointments (duly gazetted as appointed to them—duly confirmed by the Secretary of State—performing analogous duties to those of Colonial Secretary) any claim to consideration from the Colonial Treasury, from whose coffers his monthly stipend was paid.

I respectfully submit that recent circumstances, to which I need not allude (MR. NOWELL'S APPOINTMENT\*), have removed from my case this objection.

7. Under “The Superannuation Act,” passed by Parliament, (24th Victoria, No. 15,) and now the Law of the land, I submit I am entitled to a full revision of my Pension. I claim it: and I feel assured that an active, zealous, service in responsible Offices for 31½ years will enable me to come boldly forward in support of my claim. Moreover, by the 5th Section of the above Act, I can fairly and reasonably look for the exercise of the power given therein to the Governor in Council (to add 10 years to the number I have actually served) to be accorded to me.

I enclose copies of the whole Correspondence since 1857 in my case. And, should the Executive Government feel themselves unwilling to act in the absence of a distinct expression of the Parliament in the matter; I trust they will do me the justice of placing the whole of the papers before that body at its next Meeting.

I am, &c.,

CHARLES ARTHUR.

The Hon. W. HENTY, Esq., Colonial Secretary.

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\* This gentleman was appointed Clerk of the Executive and Legislative Councils in consequence of the claim which his services as CLERK to the *Private Secretary* gave him on the Government.

*Colonial Secretary's Office, 5th October, 1857.*

SIR,

THE Government, having had under its consideration the present Police arrangements with reference to the Districts entrusted to you, has arrived at the conclusion that the Public Service will be consulted by limiting your sphere of duty to Longford and Morven. I beg, therefore, to say that you are relieved from the duties in Launceston from the 15th instant.

In reference to the pay to which you will be entitled, His Excellency in Council has approved of the sum of £383 8s. 4d., and forage allowance for one horse, being assigned to you—£100 being for the duties to be performed by you, and £283 8s. 4d. as a personal allowance for past services; that being the amount to which you would be entitled as Pension, were it found expedient to dispense with your services altogether.

I have, &c.,

WM. HENTY.

CHARLES ARTHUR, *Esq., Longford.*

*Longford, 8th October, 1857.*

SIR,

I beg to acknowledge your letter of the 5th instant, informing me that the Government has arrived at the conclusion that the Public Service will be consulted by limiting my sphere of duty to Longford and Morven, and that I am relieved from the duties in Launceston from the 15th instant, and further, that the sum of £383 8s. 4d., and forage allowance for one horse, is to be assigned to me—£100 being for the duties to be performed by me, and £283 8s. 4d. as a personal allowance for past services.

I cannot but think that the allowance of £100, and forage for one horse, is very far short of a fair remuneration for the performance of the duties of two important Districts,—duties involving serious responsibilities.

Is the allowance proposed a fair remuneration for the time and attention to be bestowed to the several duties, such as Magisterial, Deputy Chairman of Quarter Sessions and Courts of Requests, (these Courts are held at both Longford and Morven), Returning Officer for each District, the supervision of Stock and Crops, Census and other Returns in each, besides all the Correspondence with the Government connected with the Districts? It surely cannot be so considered.

Will this sum remunerate me for loss of time,—for my personal expenses attendant on my weekly visits to Morven? If it were not for the allowance for past services, I should be obliged to decline the performance of the duty, and devote my attention and energies to some more lucrative employment; and I feel satisfied the Government could not find a gentleman willing to undertake the combined duties for the very scanty pittance of £100 a year and forage for one horse.

I have always been led to hope that £100 a year, at the least, would be allotted to each of these Districts, with forage, independent of any allowance for past services. I trust, therefore, the Government will view the matter in a more liberal spirit, and, even although I am to be requited for my past services, give me the allowance I have named; which I submit is very reasonable, and much below what any gentleman would expect for the performance of these combined duties.

I have, &c.,

CHARLES ARTHUR.

*The Hon. the Colonial Secretary.*

*Colonial Secretary's Office, 8th October, 1857.*

SIR,

WITH reference to my letter of the 5th instant, in which I had the honor to inform you of the Police arrangements decided upon by the Government as relates to the change about to take place in the sphere of your duties, and intimating that the sum of £283 8s. 4d. would be the annual amount of the allowance granted to you for past services, I have now to state that there appears to have been an error in the calculation—the Scale now adopted, in conformity with the Resolution of Parliament, not admitting of any difference between Officers appointed before or subsequent to the year 1829.

Your allowance, having been calculated according to the Scale formerly applicable to Officers appointed anterior to the year 1829, has been stated in excess of that to which, by the present Regulations, you are entitled,—the correct amount being £197 Os. 10*d.*

I have, &c.,

WM. HENTY.

CHARLES ARTHUR, *Esq.*, *Police Magistrate, Longford.*

[*Private.*]

*Hobart Town, 16th October, 1857.*

MY DEAR SIR,

THERE have been one or two mistakes made in the communications to you from this Office; and I write this, not to clear them all up, but to ask you to consider the calculations as in suspense for the present. I allude both to the amount of your personal allowance, and the salary as Visiting Magistrate for Morven and Longford.

The communications were made to you in considerable hurry, and, from Mr. Smith's engagements, without any opportunity whatever of conferring with him. I have seen him since my last, and find that it was he who stated all the terms of the present arrangements to you, and of which he has a clear recollection. I was guided by Memorandums in our Journal, which I now presume were the first suggestions as they occurred, and not such as you were a party to.

I hope in a very few days to make you a satisfactory communication; and, with respect to the other matter regarding travelling expenses, there is another Magistrate similarly situated, so that we have desired both the cases to be considered together, which they will be in a few days.

Believe me, &c.,

WILLIAM HENTY.

CHARLES ARTHUR, *Esq.*

*Longford, 19th October, 1857.*

MY DEAR SIR,

THE accompanying letter was written previous to the receipt of your letter on Saturday last, 16th October, marked private. As it may serve to assist you in considering my case, I send it.

At the same time, I forward my Accounts for personal expenses for the months of September and October, to the date of my being relieved from the Launceston duties,—this matter being also before you.

Believe me, &c.,

CHARLES ARTHUR.

*The Hon. W. M. HENTY, Esq.*

*Longford, 16th October, 1857.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 8th instant, in reference to your communications on the subject of the annual amount of allowance granted to me for past services, and intimating that there appears to have been an error in the calculation,—the Scale now adopted, in conformity with the Resolution of Parliament, not admitting of any difference between Officers appointed before or subsequent to the year 1829.

I would beg to submit that the calculation named in your letter of the 5th October as a personal allowance for past services (*viz.*, £283 8*s.* 4*d.*.) is the only legitimate one in my case, inasmuch as I cannot come within the Scale adopted in conformity with the Resolution of Parliament. That Resolution applies only to Officers who may be reduced during the present year. I am not reduced, being still in the service, performing the duties of a Police Magistrate for two Districts. Even were it found expedient to dispense with my services altogether, I contend my claim for allowance for past services should be based on the Imperial Act, 4 & 5 William 4th,—my appointments to Colonial service taking effect long anterior to 1829.

If, however, the Government determine to continue my services as Police Magistrate for Longford and Morven, it is only to be expected that such reasonable allowance will be granted

for the duties to be performed, in addition to the allowance for past services I have named (viz., £283 8s. 4d.,) as will recompense me for retention of Office.

I have, &c ,

CHARLES ARTHUR.

*The Hon. the Colonial Secretary.*

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*Colonial Secretary's Office, 31st October, 1857.*

SIR,

I AM able now to write conclusively as to the terms on which the appointments you now hold were originally proposed to you (if the circumstances then alluded to should dictate the necessity of such appointments), and which I now beg to repeat; viz.—the appointment of Visiting Magistrate for Longford and Morven, at a conjoint salary of £200, without forage or other allowance, but with the receipt of such sum, by way of personal allowance during the tenure of those Offices, as your Pension would amount to if you were to be reduced under the Scale sanctioned by Parliament.

In the calculation of this latter sum, none but Colonial services, as was expressly mentioned to you, are to be regarded, and the Scale is that prescribed by the Resolutions of Parliament already alluded to.

I have the honor to be, &c.,

WM. HENTY.

CHARLES ARTHUR, *Esq., Longford.*

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*Colonial Secretary's Office, 31st October, 1857.*

MY DEAR SIR,

I HAVE forwarded a public communication to you; and I think, if you call to mind what passed between you and Mr. Smith formerly, you will not fail to recognise all in this communication that took place then. When this proposal (at least I think it was identical) was first mentioned to you in my Office, I have a vivid recollection of my giving a decided preference for it over that of your being removed to Launceston.

With regard to forage, it is easy to show you that it is impossible to entertain it. We have just made three similar appointments—Dr. Sharland for Hamilton, A. M'Dowall for Bothwell, and Mr. G. Kemp for Green Ponds,—all at a salary of £100, without forage or other allowance; and the arrangements are highly approved of. Following in the same course, it would be natural to appoint two separate Magistrates for Longford and Morven, by which forage would certainly be saved to the Government.

Let me also mention that these and similar appointments assume the character of trusting the Police management to the Local Magistracy, the Government appointing one of their number as a salaried and responsible Chairman, so that the Magistrates in Petty Sessions are the guardians of the Police District; and we trust you may succeed in imbuing the gentlemen in the Commission more and more with this impression.

Believe me, &c.,

WM. HENTY.

CHARLES ARTHUR, *Esq., Longford.*

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*Longford, 5th November, 1857.*

MY DEAR SIR,

I DO not rightly understand the meaning of your official letter with reference to the amount by way of personal allowance. You say, "the appointment of Visiting Magistrate for Longford and Morven, at a conjoint salary of £200, without forage or other allowance, but with the receipt of such sum, by way of personal allowance during the tenure of those Offices, as your Pension would amount to if you were now to be reduced under the Scale sanctioned by Parliament."

According to this Scale, this sum would be £197 as named in your former letter; but I am left in doubt whether this sum would be a permanent allowance in the event of the discontinuance of the appointment of Visiting Magistrate to the two districts,—in other words, whether this sum is now fixed as my Pension.

You also say, "in the calculation of this latter sum none but Colonial services are to be regarded, and the Scale is that prescribed by the Resolution of Parliament already alluded to."

I must adhere to my former statement, that I consider I have a claim for past services from the year 1829, it being for Colonial service, as shown by the *Gazette* Notice appointing me Aide-de-Camp. I was, moreover, paid from the Colonial Funds.

“GOVERNMENT ORDER.

“*Colonial Secretary's Office, 8th October, 1829.*

“CHARLES Arthur, Esq., is appointed *Colonial Aide-de-Camp* to His Excellency the Lieutenant-Governor until His Majesty's pleasure be known.

“By His Excellency's Command,  
“J. BURNETT.”

I look upon this, therefore, as *Colonial service*, entitling me to consideration for Pension from that date at all events, and bringing me under the Scale applicable to Officers referred to in the Imperial Act, 4 & 5 William 4th.

I trust you will bear this in mind, and, after reconsideration, favor me with the amount to which I am entitled as Pension, in order to enable me to insert it in the Salary Abstracts for the present month when they are prepared.

Your observations respecting forage are conclusive.

Believe me, &c.,  
CHARLES ARTHUR.

*The Hon. the Colonial Secretary.*

*Colonial Secretary's Office, 18th November, 1857.*

MY DEAR SIR,

A DIFFICULTY exists in the calculation of your “personal allowance,” with respect to the period during which you were on “leave of absence” and Captain F. C. Smith acted as your *locum tenens*.

It is evident you cannot both count the time; and no precedent can be discovered to guide the decision as to whether Captain Smith or yourself is entitled to include it in his service.

Can you throw any light on this subject, as the final adjustment of your allowance now only awaits the settlement of this point.

I remain, &c.,  
B. TRAVERS SOLLY.

C. ARTHUR, *Esq., Longford.*

*Longford, 21st November, 1857.*

MY DEAR SIR,

I AM not aware that I can throw any light on the subject of your note. If there is no precedent to guide the decision as to whether Captain Smith or myself is entitled to include the period (2 years) in our services, probably the fairest method would be to divide the time between the two. Captain Smith received half pay.

I trust, however, my whole period of *Colonial service* will be taken into consideration, as communicated in my letter to the Colonial Secretary of the 5th of this month, in adjusting my personal allowance.

I remain, &c.,  
CHARLES ARTHUR.

B. TRAVERS SOLLY, *Esq.*

*Colonial Secretary's Office, 26th March, 1858.*

SIR,

In reply to your Memorandum requesting information as to the drawing of your personal allowance, I am directed to inform you that the amount awarded you by the Government is £154 7s. 10d. per annum.

The sum £197, voted by Parliament, was allowed to remain as originally placed on the Estimates before the amended calculation which was forwarded to you was made, rather than by an alteration raise any question which might have affected the whole subject; the actual amount voted being simply a limit which must not be exceeded by the annual payment. It was practically

immaterial whether the sum passed in the Estimates tallied with the personal allowance decided on by the Government or was in excess thereof.

Upon application to the Treasury you can receive the amount due to the 31st December, 1857 ; and the future payments will be made quarterly as they become due.

I have, &c.,

B. TRAVERS SOLLY, *Assistant Colonial Secretary.*

CHARLES ARTHUR, *Esq., Longford.*

*Longford, 1st April, 1858.*

SIR,

I HAVE the honor to acknowledge your letter of the 26th ultimo, informing me that the amount awarded to me by the Government as personal allowance is £154 7s. 10d. per annum.

This intimation has, I confess, surprised me ; and I cannot understand upon what principle a further reduction has been made of the sum voted to me by Parliament.

This is the third time an alteration has been made in the amount of my personal allowance. The first, communicated by the Colonial Secretary under date 5th October, 1857, was £283 ; the second, under date 8th October, 1857, £197 ; and now it is £154 7s. 10d.

I am at a loss to comprehend upon what basis the amended calculation alluded to has been made so as to reduce the amount to £154 7s. 10d. ; and I should be glad to be favored with information thereon.

I consider I have fair and just reason to complain of the injustice which has been meted out to me in this most vacillating mode of adjusting the amount to be awarded to me as personal allowance for past services.

In the Colonial Secretary's letter of the 31st October, 1857, it is expressly stated " that the calculation was based on the Scale sanctioned by Parliament, and that none but Colonial services were to be regarded."

Is my *Colonial* service as Colonial Aide-de-Camp disregarded ? if so, on what grounds ? The service was *purely Colonial*. I was paid from the Colonial Funds ; included in the Estimates for the amount of my salary ; and to all intents and purposes was a Colonial Servant.

The very mode of my appointment in the *Gazette*, which is as follows :—

*" Colonial Secretary's Office, 8th October, 1829.*

" CHARLES ARTHUR, Esquire, is appointed Colonial Aide-de-Camp to His Excellency the Lieutenant-Governor until His Majesty's pleasure be known,

*" By His Excellency's Command,*

*" J. BURNETT."*

shows that it was a Colonial appointment ; and therefore, as such, I consider I have an undoubted claim to reckon for past services from the date of my appointment as Colonial Aide-de-Camp. This would bring me under the Scale formerly applicable to Officers appointed anterior to 1829,—at all events under the Scale now adopted in conformity with the Resolution of Parliament.

By this I claim to be reckoned an Officer who has served above 24 and under 31 years, entitling me to five-twelfths of my average annual salary for the last three years prior to reduction. This average I estimate at £562 : five-twelfths of this would be £234 3s. 4d.,—the sum I maintain which is fairly due to me for past services.

It is clear that the first calculation, as stated by the Colonial Secretary's letter of the 5th October (viz., £283), embraced the whole period of my services from the date of my first appointment in 1826, thus giving six-twelfths for 31 years' service.

How this was subsequently reduced to £197, which, by the Colonial Secretary's letter of the 8th October, was then stated to be " the correct amount," and how, by your letter of the 26th March, it is again further reduced to £154 7s. 10d., I am at a loss to comprehend.

I shall therefore defer drawing any amount that may be due until my claim is fairly and equitably adjusted ; and I request you will submit the matter for consideration as soon as possible.

I have, &c.,

CHARLES ARTHUR,

B. TRAVERS SOLLY, *Esq., Assistant Colonial Secretary.*

*Colonial Secretary's Office, 14th April, 1858.*

SIR,

I BEG to acknowledge your letter of the 1st instant, respecting the amount awarded to you as personal allowance for past services, and requesting an explanation as to the grounds upon which it has been fixed at £154 10s. 7d.

In reply, I would beg to refer you to the Colonial Secretary's letter of the 31st October last, in which he recalls to your recollection that the Scale upon which the calculation was to be based was that prescribed by Parliament, and that none but Colonial services (which exclude those of Aide-de-Camp and Private Secretary,) were to be regarded.

Your services as Private Secretary and Aide-de-Camp could not be reckoned as Colonial service, both appointments being connected with the Governor's Staff, and therefore of a personal character. This does not apply to your appointment as Barrack Master, which, being added to the period you have held your Police Magistracy, gives a total of 23 years and 7½ months; and this time, calculated under the Scale fixed by the before-mentioned Resolutions of the Parliament, gives £154 10s. 7d. as the amount to which you are entitled.

I trust this statement may serve to explain how the amount has been altered from £283 8s. 4d., (which was a calculation embracing your entire service in the Colony as the time, and the old Scale as the rate,) down to £154 10s. 7d.; the original calculation being an error of mine, in ignorance of the precise arrangements settled at your previous interview with the Attorney-General. I may also remind you that the letter which mentioned the erroneous calculation of £283 8s. 4d. also contained the announcement that the remuneration for your present Police duties would be only £100 with forage, which item now stands at £200.

It would have afforded the Members of the Government much satisfaction to have left the amount as originally calculated, had they felt themselves justified in doing so; but involving, as it does, an important principle in the calculation of retiring Pensions, and one which they feel is based on equitable grounds, they regret it is not in their power to make any exception in your case.

I have the honor to be, &c.,

WILLIAM HENTY.

CHARLES ARTHUR, *Esq., Visiting Magistrate, Longford.*

*Longford, 19th April, 1858.*

SIR,

I ACKNOWLEDGE the receipt of your letter of the 14th instant, respecting the amount to be awarded to me as personal allowance for past services.

I again respectfully submit that the amount I claim in my letter of the 1st inst. (*viz.*, £234 3s. 4d.) is the sum to which I am entitled, if not for my services as Private Secretary and Aide-de-Camp with those of Police Magistrate, at all events for those of Barrack Master with Police Magistrate.

The former, it appears, the Members of the Government cannot recognise "as being connected with the Governor's Staff, and therefore of a personal character. This does not apply to your appointment as Barrack Master, which, being added to the period you have held your Police Magistracy, gives a total of 23 years and 7½ months."

I am obliged to point out a serious error which the Government have fallen into in estimating the period of my past services as Barrack Master: it is made only 2 years and 7½ months.

I was appointed to this Office (see *Gazette Notice*) on the 1st March, 1827; and continued to hold it without intermission until my appointment, (see *Gazette Notice*, No. 211, 20th October, 1836,) to the Police Magistracy at New Norfolk.

I was appointed Colonial Aide-de-Camp in 1829, which situation I held in conjunction with the Office of Barrack Master. The Aide-de-Campship "being now considered as connected with the Governor's Staff, and therefore of a personal character," cannot militate against the full period of my services as Barrack Master, which runs over nine years nine months, less ten days. This, added to my services as Police Magistrate from 20th October 1836, to 20th October, 1857 (twenty-one years), gives a total of thirty years nine months, less ten days, wanting little more than ten weeks to complete the period of thirty-one years, which would give me the benefit of six-twelfths of my average salary for the last three years in accordance with the Scale prescribed by Parliament.

It is possible the Government may be under the impression that, when I was appointed Aide-de-Camp, I ceased to hold the Office of Barrack Master, and thus have based their calculation

in estimating the period of my services at 23 years and 7½ months; but how this time gives only £154 10s. 7d. I am at a loss to discover. The time entitled me to four-twelfths of the average salary for the last three years according to the Scale alluded to: this average being £562, gives the sum of £177 6s. 8d.; but possibly there may be some other method of making these calculations of which I am ignorant, but of which I should be glad to be informed.

I do not forget when the sum of £283 8s. 4d. was first named that it was intimated that the remuneration for my present Police duties would be only £100 with forage, nor my remonstrance thereto conveyed in my letter of the 8th October, 1857. But your letter of the 31st of the same month completely sets the matter at rest in this respect.

It is quite clear, for you write "conclusively" on the point, that I was to receive "a conjoint salary of £200 as Visiting Magistrate to Longford and Morven, without forage or other allowances, but with the receipt of such sum, by way of personal allowance during the tenure of those Offices, as your Pension would amount to if you were now to be reduced under the Scale sanctioned by Parliament."

"In the calculation of this latter sum, none but Colonial services, as was expressly mentioned to you, are to be regarded; and the Scale is that prescribed by the Resolutions of Parliament already alluded to."

Now, on this conclusive and explicit announcement I base my claim. I have been an Officer of the Government ever since the 1st March, 1827, to the present hour, having throughout that period (upwards of 31 years) performed *Colonial service* as Barrack Master and Police Magistrate; I am therefore fairly entitled to the sum my Pension would amount to if I had been reduced under the Scale sanctioned by Parliament."

I fully appreciate the kind feeling of the Members of the Government "to have left the amount as originally calculated," and their expression of regret, "involving as it does, an important principle in the calculation of retiring Pensions, and one based on equitable grounds,"—that they cannot "make an exception in my case." It is far from my wish that this should be the case. The principle involved, I presume, is that the same measure, with regard to claimants for retiring Pensions, should be meted out to all with equal justice. This is all I seek; and I think, in accordance with the Resolution of Parliament, I can claim it as a right.

In according this right, the Members of the Government are afforded the opportunity of exercising a little liberality towards an Officer of nearly 31 years' service, by conceding the few months that are needed to make that period complete, and thus giving me the benefit of classification, in accordance with the Scale prescribed by Parliament, as an Officer entitled to six-twelfths of his average salary.

This would bring the amount to within Two Pounds of the original calculation, viz., £283 8s. 4d.; and it is not too much, after such a lengthened service of 31 years, to ask the Government to take this favorable and liberal view of my case.

I have the honor to be, &c.,

CHARLES ARTHUR.

*The Hon. W. HENTY, Esq.*

*Colonial Secretary's Office, 28th May, 1858.*

SIR,

WITH reference to your letter of the 19th April last, I beg to state that the only entry of your having received pay as Barrack Master ended on the 30th September, 1827.

As the Government have given you credit for filling that appointment up to the 1st October, 1829, when you were appointed Aide-de-Camp, they have really gone beyond the proper time; for the holding of an appointment, if unaccompanied by pay, cannot properly be reckoned.

It is more than doubtful if the situation of Barrack Master could be reckoned at all; but, inasmuch as that has been admitted in this case, there is no intention to question it for the period which has been already notified to you.

I have the honor to be, &c.,

W. HENTY.

CHARLES ARTHUR, *Esq.*

Longford, 1st June, 1858.

SIR,

I HAVE to acknowledge your letter of the 28th ultimo in reply, after a protracted delay of nearly six weeks, to mine of the 19th April last, in which you inform me "that the only entry of my having received pay as Barrack Master ended on the 30th September, 1827; and as the Government have given me credit for filling that appointment up to the 1st October, 1829, when I was appointed Aide-de-Camp, they have really gone beyond the proper time; for the holding of an appointment, if unaccompanied by pay, cannot properly be reckoned."

I have already, in my letter of the 19th April, pointed out the great mistake the Government committed in computing my length of service as Barrack Master; and now again I am obliged to rectify another very serious error which it labors under in supposing that I was not in receipt of pay as Barrack Master after the 30th September, 1827.

I know not what enquiry has been instituted in the matter, or what entries were made of my pay as Barrack Master; but I have to state that I was the recipient of pay in that capacity from April, 1827, to October, 1836. Of course I am not responsible for the non-entries.

The enclosed copy of a Correspondence on the exchange of Offices with Mr. Mason, in October, 1836, will serve to show that I was in receipt of emoluments as Barrack Master. It must be borne in mind that I was not at that period Colonial Aide-de-Camp, Captain Forth having succeeded me in that Office on the 18th March, 1835; so that, at the time of exchange with Mr. Mason, and for eighteen months previously, I held only the situation of Barrack Master.

That I received pay as such is also to be inferred from the Despatch of the late Sir George Arthur to the Secretary of State, dated Toronto, 22nd December, 1838, on the subject of my confirmation as Police Magistrate of Norfolk Plains, copy of which is enclosed. In it Sir George gives me credit for twelve years' services,—which, I imagine, he would not have done had my "holding the appointment been unaccompanied by pay."

Is it reasonable that I should be the recipient of pay up to the 30th September, 1827, and that it should then suddenly cease, although I continued to perform the duties until October, 1829, when I was appointed Aide-de-Camp? Is it reasonable that I should perform the duties of Barrack Master *without pay* for the lengthened period of ten years,—from September, 1827, to October, 1836?

Is it likely that Mr. Mason would exchange his Police Magistracy with full pay for a Barrack Mastership with *no pay*?

I am reluctantly compelled to express my surprise that the idea of my holding the Office without pay should have been for one moment entertained. It evinces the very great eagerness with which the Government have been induced to take hold of anything likely to upset my claim as set forth in my letter of the 19th April.

I respectfully reiterate my complaint that I have not received at the hands of the Government that measure of justice in the adjustment of the claim due to me (an Officer of 32 years' standing) for personal services.

In the first place, those of Aide-de-Camp (contrary in my opinion to equity and justice, have been deemed inadmissible, and now *those of Barrack Master* are sought to be ignored) But your letter of the 14th April states these are admitted. I quote the passage:—"Your services, as Private Secretary and Aide-de-Camp, could not be reckoned as Colonial service, both appointments being connected with the Governor's Staff, and therefore of a personal character. *This does not apply to your appointment as Barrack Master*, which, being added to the period you have held your Police Magistracy, gives," &c. This is explicit.

But the following observation in your last letter comes most unexpectedly, and I am constrained to say with a bad grace, its tendency being to confirm the view already expressed of the desire of the Government to throw obstacles in the way of a fair adjustment of my claims:—"It is more than doubtful if the situation of Barrack Master could be reckoned at all; but inasmuch as that has been admitted in this case, there is no intention to question it for the period which has been already notified to you." At all events, Sir George Arthur so reckoned when he urged my claim for confirmation to the Secretary of State; and surely the Government would not now wish to revoke the admission they have made. If it be good as regards one portion of the period of my services, it must have the same effect in reference to the whole.

It is the principle of justice I seek to have established in my case; and if I fail in obtaining it at the hands of the present Government, I shall endeavor to have my claims, together with all the Correspondence connected therewith, brought before Parliament at its next sitting.

I have the honor to be, &c.,

CHARLES ARTHUR.

The Hon. W. HENRY, Esq.

*Hobart Town, 16th October, 1836.*

~~SIR,~~

I HAVE received a communication from the Police Magistrate at New Norfolk, in which he appears very anxious to effect an exchange of Offices with me. I entertain no particular desire to vacate my present Office, which for so long a period I have enjoyed with comparative ease and independence.

It appears, however, to be an object of so much importance that the Government should be relieved from the very unpleasant embarrassment attendant on Mr. Mason's continuance at New Norfolk, that I am induced, on mature consideration, to acquiesce in the arrangement, if the Government wishes to avail itself of my services in the Police Department.

I beg leave to observe that I am quite disinterested in the matter, as, in a pecuniary point of view, it is of very little moment to my interests. My only wish is, at this juncture, to place my services at the command of the Government, and to have the satisfaction of relieving Mr. Mason from his present difficulty.

I have the honor to be, &c.,

CHARLES ARTHUR.

*The Colonial Secretary.*

(COPY.)

*Colonial Secretary's Office, 21st October, 1836.*

SIR,

HAVING submitted to the Lieutenant-Governor your letter of the 16th instant, expressing your readiness, in compliance with the request of Mr. Mason, the Police Magistrate at New Norfolk, to exchange Offices with that gentleman in order to relieve the Government from the embarrassment attendant on his continuance in that situation, I am directed to convey to you the high sense which His Excellency entertains of the very handsome manner in which you have tendered your services on the occasion, as well as of the motives which have dictated the proceeding, and, in accordance with which, the Lieutenant-Governor will approve of the proposed exchange between you and Mr. Mason; which is to take effect from this date.

I have, &c.,

JOHN MONTAGU.

CHARLES ARTHUR, *Esq.*, *Barrack Master, Hobart Town.*

(SEPARATE.)

*Government House, Toronto, 22nd December, 1838.*

MY LORD,

WHEN the untoward occurrence took place in Van Diemen's Land respecting Mr. Mason, the Police Magistrate of New Norfolk, which occasioned the Government so much perplexity, I reported to Your Lordship that Mr. Charles Arthur, who then filled the Office of Barrack Master had, at my particular request, exchanged Offices with Mr. Mason, subject to the approval of Her Majesty's Government, as the only means that could at the moment be devised to get rid of the temporary difficulty.

In many respects, the exchange of Offices was far from being desirable to Mr. Arthur.

On Mr. Mason being reinstated at New Norfolk, the Master-General of the Ordnance had, I find, filled up the vacancy of Barrack Master by a new appointment from England; and the consequence would have been that, after 12 years' service, Mr. Charles Arthur would have been altogether removed from the Public Service, had not a vacancy occurred in the Office of Police Magistrate at Norfolk Plains, to which Sir John Franklin very considerably appointed him.

Under such circumstances, I do not feel the least doubt but that your Lordship will confirm that appointment; but I feel it to be an act of justice which I owe Mr. Charles Arthur, very strongly to bring the circumstance under your Lordship's most favorable consideration.

I have the honor to be, &c.,

GEORGE ARTHUR.

*The Right Hon. Lord GLENELG.*

*Colonial Secretary's Office, 16th June, 1858.*

SIR,

I BEG to acknowledge the receipt of your letter of the 1st instant, upon the subject of your personal allowance.

Upon enquiry, it appears that the salary attached to the Office of Barrack Master was paid to you out of the Military Chest from the 30th September, 1827; and, consequently, the Colonial Government have, as stated in my letter of the 28th ultimo, included a period in the calculation of your services beyond that for which you were entitled as in the receipt of Colonial pay. Under these circumstances, it is obvious the claim upon Colonial Funds cannot be admitted for a longer period than that named in my letter of the 14th April last.

I have the honor to be, &c.,

WILLIAM HENTY.

CHARLES ARTHUR, *Esq.*, *Visiting Magistrate, Longford.*