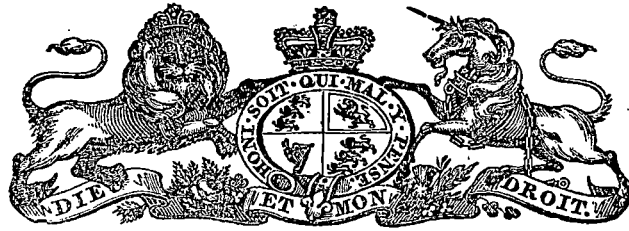


(No. 94.)



1870.

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T A S M A N I A.

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MR. CALDER.

CORRESPONDENCE CONNECTED WITH HIS RETIREMENT AS  
SURVEYOR-GENERAL.

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Laid upon the Table by the Minister of Lands and Works, and ordered by the  
House to be printed, September 22, 1870.



*Survey Office, 12th November, 1869.*

SIR,

REFERRING to our recent conversations as to my going into the field again, to superintend survey operations, I trust you will kindly pardon me offering a few remarks on the subject.

I need scarcely remind you that in this Colony the Surveyor-General has always been the head of the Survey Department, including the office of course, a position of great trust and responsibility, and any field-work or inspection required has been hitherto performed by officers under his immediate control and supervision.

It is obvious that your appointment as Minister of Lands and Works, taking the duties hitherto performed by me, will place me in a subordinate position; and the effect of my taking the field again will be to reduce me to the rank of an Inspecting Surveyor only, even though possibly permitted to retain my present official designation.

With great deference I submit, that after my very long period of service, upwards of Forty years, (Eleven and more in charge of the Department), the alternative should be given me of retiring.

Referring to my term of service in Tasmania, I would here take leave to say that I was appointed to the Survey Department, by the Secretary of State for the Colonies, on the 5th of June, 1829, and the same was officially intimated to the Lieutenant-Governor of the time on the 13th following; and I may add that I have continued in the same Department, either as a Surveyor or Surveyor-General, ever since.

You will permit me to say that at the time of my appointment, in 1829, the pensions of those then in the service were calculated by the scale laid down in the Imperial Act, by which my Pension, after more than Forty years' service, would be ten-twelfths ( $\frac{10}{12}$ ths) of my present pay and emoluments, if any.

But inasmuch as the abolition of my office, which will be practically effected by sending me into the field—really as an Inspector of Surveys—will be caused in furtherance of “economy and the greater efficiency of the Public Service,”\* I humbly conceive, if the alternative of retiring be conceded to me, that I may then be permitted to ask to claim the additional ten years customarily allowed to all who quit the service through abolition of office or any similarly urgent cause, not being misconduct, which would raise the term of my service to Fifty Years; and then, according to the scale in the Act that I come under, my Pension would be equal to my present pay.

I may add that in the case of the contemplated reduction of the office of one of my predecessors, the late Mr. Power, on the appointment of the Hon. Mr. Anstey to the same position that you now hold, the Government of the day was prepared to deal with him in a more liberal manner than that which I ask may be accorded to me, by introducing a Bill into Parliament† granting him a pension of £500 a year, after only 15 years' service‡, when the Pension Act that applied to his case entitled him to less than £180 a year: thus he would have received greatly more than double that allowed by the scale in the Act in question. I therefore think that my request, to be allowed only one-fifth more than I am at present entitled to, will not be viewed as an unreasonable one.

I may here remind you, if not out of place, that I am the only officer in the service who can claim to come under the higher scale of Pensions in the old Imperial Act, or who can in any circumstances be allowed full pay on retiring; so that the conceding to me of my request can govern no future case.

\* I quote, as nearly as I can remember them, the words of His Excellency's Speech at the opening of the last Parliamentary Session, when he referred to the amalgamation of the Survey and Public Works Departments.

† December, 1856.

‡ Dating from 1841.

Without desiring to enlarge on the character of my services, I hope I may be allowed to add, that I believe few or none will deny me the merit of having always acted with zeal and fidelity in the discharge of my duties.

My proposition, if approved of, will leave the Executive unembarrassed in any future arrangements it may please to make; and I now most respectfully submit it for consideration.

I have, &c.,

(Signed) J. E. CALDER.

*The Hon. Minister of Lands and Works.*

*Survey Office, 29th November, 1869.*

#### MEMORANDUM.

I beg respectfully to return my letter of the 12th instant to the Honorable Minister of Lands, &c., which he was good enough to let me have back to copy, with thanks for his courtesy.

In doing so I hope he will kindly excuse me referring him to the Pension Act that I come under, 4th and 5th of William IV. Cap. xxiv., Clause ix., for confirmation of what I said of the rate of Pensions allowed to persons who, like myself, entered the service before the 5th August, 1829, of which the following is the scale laid down therein:—

“To an Officer, Clerk, or Person, who shall have served Ten years and upwards, and under Fifteen years, an annual allowance not exceeding in amount four-twelfths of the annual Salary and Emoluments of his Office:

“For Fifteen years and upwards, and under Twenty years, not exceeding five-twelfths of such Salary and Emoluments:

“For Twenty years and upwards, and under Twenty-five years, not exceeding six-twelfths of such Salary and Emoluments:

“For Twenty-five years and upwards, and under Thirty years, not exceeding seven-twelfths of such Salary and Emoluments:

“For Thirty years and upwards, and under Thirty-five years, not exceeding eight-twelfths of such Salary and Emoluments:

“For Thirty-five years and upwards, and under Forty years, not exceeding nine-twelfths of such Salary and Emoluments:

“For Forty years and upwards, and under Forty-five years, not exceeding ten-twelfths of such Salary and Emoluments:

“For Forty-five years and upwards, and under Fifty years, not exceeding eleven-twelfths of such Salary and Emoluments:

“For Fifty years and upwards, any annual allowance not exceeding the net amount of the Salary and Emoluments of his Office.”

In returning my letter of the 12th instant, I respectfully solicit the advocacy of the Honorable Minister of Lands and Works of the request contained therein, namely, that in prospect of the practical abolition of my office of Surveyor-General, through the expressed intention of sending me into the field again as Inspector of Surveys, I may be allowed the alternative of retiring with the customary ten years added to my period of service (presently over forty years), which, according to the scale in the Pension Act that I come under, will entitle me to a retiring allowance equal to my present Salary.

J. E. CALDER.

*The Hon. Minister of Lands and Works.*

*Survey Office, 13th June, 1870.*

SIR,

REFERRING to the conversation that took place between us this day, when you proposed to me that I should retire from the Survey Department on a Pension of Four hundred and seventy Pounds a year, accepting at the same time of the office and salary of Serjeant-at-Arms, or if I preferred it, the Chief Commissionership of the Fingal Gold Fields, at Six hundred Pounds a year, I beg respectfully to state that if I am to retire, I prefer the first-named arrangement, namely the Superannuation Allowance with the office and pay of Serjeant-at-Arms.

From the very friendly way in which you spoke to me, encouraging me indeed to state my views frankly on the subject of your proposal, I will take leave to say that, touching the amount of

Pension to be granted me, I humbly conceive I am entitled by the Superannuation Acts that I come under to a larger retiring allowance than you named, in virtue of more than Forty-one Years' service.

In confirmation of the above statement, I would very respectfully remind you that the first Clause of the Colonial Superannuation Act (24 Vict. No. 15) expressly secures to all who entered the service when I did, 5th June, 1829, the benefits of the Imperial Act (4th William, Chapter 24); and as there is really nothing whatever in the Colonial Act that debars them from the enjoyment of all its own privileges, it necessarily confers on them the advantages of both Acts.

The Colonial Act, Section 5, I need hardly say, empowers the Governor in Council to add Ten Years to the service of any Civil Servant of the Government who may be deprived of his situation by the Executive in re-arranging the Department he belongs to; and this, if conceded to me, will give me Fifty-one Years' service, which should entitle me to full pay.

And as my retirement will proceed from no solicitation of my own, but will be brought about in the causes of economy and the efficiency of the Public Service, I trust that before the proposed arrangement is considered complete, you will be enabled to assure me that the Executive will interpose no obstacle to any legitimate endeavours I may hereafter make to obtain what I conceive myself to be fairly entitled to in virtue of long service, good conduct, and a right to the combined benefits of the two before recited Acts.

Thanking you for your great courtesy, and for your kindly manner in encouraging me to express my sentiments to you, which I hope I have not taken undue advantage of, I beg in conclusion to express my willingness to accept the proposals you offered me of a retiring allowance with the office and emoluments of Serjeant-at-Arms superadded.

I remain,  
Sir,

Your very obedient Servant,

*The Hon. Colonial Secretary.*

J. E. CALDER.

MINUTE PAPER FOR THE EXECUTIVE COUNCIL.

*Colonial Secretary's Office, Hobart Town, 15th June, 1870.*

SUBMITTED,—

THAT, in consideration of his long and meritorious services, James Erskine Calder, Esquire, be allowed to retire from the Office of Surveyor-General and Commissioner of Crown Lands, and that he be granted a Pension at the rate of Four hundred and seventy Pounds per annum: to take effect on and after the 1st July proximo.

J. M. WILSON.

THE Governor in Council approves.

E. C. NOWELL.  
15. 6. 70.

*The Hon. the Colonial Secretary.*

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

Name of Applicant—James Erskine Calder.

Official Station—Surveyor-General.

Recommended for—Retiring Allowance.

Age—

Service in Years and Months—Forty-one Years.

Actual Salary, if 3 years have elapsed since last promotion; but if not, then } £600  
average Salary for the last three years .....

|                 |             |                     |   |
|-----------------|-------------|---------------------|---|
| <i>Correct.</i> | Allowances. | Quarters.....       | £ |
|                 |             | Servant.....        |   |
|                 |             | Rations .....       |   |
|                 |             | Fuel and Light .... |   |

Total amount on which Pension is calculated. £600

Service in years ..... 41 years.  
 Addition under 5th Section of *Superannuation Act, 1860*, and Council Minute of 9th June, 1862.....

Total Years .... 41  $\frac{2}{3}$  +  $\frac{2}{3}$  of £600 = £470

Certified that the above calculation is correct.

E. J. MANLEY, *Colonial Auditor.*  
 15. 6. 70.

Cause of retirement, [with annexed Medical Certificate, if from infirmity of mind or body, and under 60.]—Reorganisation of the Department.

Dates of Commencement and Termination of the several Appointments held by Applicant, with their Emoluments, distinguishing Salary from other Allowances, and specifying such Allowances—Appointed in England as Assistant Surveyor, on the 5th June, 1829. Embarked on 4th July, 1829, from which date he received half Salary till 20th November, 1829, when he entered on his duties on full Salary.

Remained on the Staff of the Survey Department till 1st September, 1859, when he was appointed Surveyor-General and continued so ever since, with a Salary of £600 per annum.

Whether holding any other Public Appointment, or receiving any Public Money by Compensation, Half-Pay, or otherwise.

| Absences during each of the last 10 years..... | YEAR. | NUMBER OF DAYS. |                     |
|--|-------|-----------------|---------------------|
|  |       | <i>Illness.</i> | <i>Other Cause.</i> |
| Date of Cessation of Duty, 30th June .....     | 1870  |                 |                     |
|  | 18    |                 |                     |
|  | 18    |                 |                     |
| Date of Cessation of Salary, 30th June.....    | 1870  |                 |                     |
|  | 18    |                 |                     |
|  | 18    |                 |                     |
|  | 18    |                 |                     |
|  | 18    |                 |                     |
|  | 18    |                 |                     |

Statement in terms of Sect. vi. of *The Superannuation Act of 1860*, that the Applicant "has discharged his duties with diligence and fidelity, to the satisfaction of the Head Officer or Officers of his Department," (without which no Pension or Compensation can be granted), to be signed by any two of such Head Officers, if there shall be more than one, or by such Head Officer, if there should be but one, together with "such statement as will exhibit the merit, and value, and labour of the services of the Person recommended, embracing as long a period of his public service as can be authentically stated," together with observations as to Special Services, Suspension, Reprimand, &c., with full particulars of any injuries received on duty, or other claims or matters for consideration.

Mr. Calder has for many years held the responsible office of Surveyor-General, and has conducted the duties of it with zeal and integrity. The institution of a Minister of Lands and Works has rendered it unnecessary for him to continue at the head of the Department; and during the time I have had charge of the Department his duties have been discharged with diligence and fidelity to my complete satisfaction.

HENRY BUTLER, *Lands and Works.*

Colonial Secretary's Office, 15th June, 1870.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 13th instant, in which you notify your acceptance of the proposal made by me with reference to your retirement from the Office of Surveyor-General on a Pension of £470 per annum, and your undertaking the duties of Serjeant-at-Arms with Salary at the rate of £100 per annum.

In accordance with the request contained in the 5th paragraph of your letter, I desire to assure you that the Government will interpose no obstacle to any legitimate endeavours you may hereafter make to obtain such increase to your Pension as you may deem yourself entitled to; but I am not prepared to afford you any pledge as to the course the Government may consider it incumbent upon them to adopt, should the question be remitted to the Legislature.

Your Pension will commence on the 1st proximo, and your appointment as Sergeant-at-Arms will take effect on the same day.

I have, &c.,  
(Signed) JAMES MILNE WILSON.

J. E. CALDER, *Esq.*, *Surveyor-General*.

*Colonial Secretary's Office, 16th June, 1870.*

SIR,

UPON the occasion of your retirement from the Offices of Surveyor-General and Commissioner of Crown Lands, I have much pleasure in conveying to you the expression of the high estimation in which His Excellency the Governor and the Members of the Administration hold your long and valuable services to the Colony.

I sincerely trust that the rest from official anxiety and unremitting labour, which you have so fairly earned, may enable you to pass the remaining years of your useful life in the enjoyment of every happiness.

I have, &c.,  
(Signed) JAMES MILNE WILSON.

J. E. CALDER, *Esq.*, *Surveyor-General*.

*Survey Office, 16th June, 1870.*

SIR,

IN acknowledging the receipt of your letter of yesterday on the subject of my retirement from the Survey Department, I beg very respectfully to thank you, and through you your Honorable Colleagues, for the appointment of Sergeant-at-Arms additional to my Pension, to which I beg to add my very sincere acknowledgments of the uniform friendliness and courtesy I have experienced at the hands of yourself and such of them as my duties have brought me into connexion with.

I remain,  
Sir,  
Your very obedient Servant,  
J. E. CALDER.

*The Honorable the Colonial Secretary.*

*Colonial Secretary's Office, 16th June, 1870.*

#### MEMORANDUM.

THE Governor in Council has been pleased to sanction the retirement of James Erskine Calder, Esquire, from the Office of Surveyor-General and Commissioner of Crown Lands, and to grant to him a Pension at the rate of Four hundred and seventy Pounds per annum.

To take effect on and after the 1st July proximo, and to be provided for in a Supplementary Land Fund Estimate.

By Command,  
JAMES MILNE WILSON.

*The Colonial Treasurer.*

#### GOVERNMENT NOTICE.

No. 101.

*Colonial Secretary's Office, 27th June, 1870.*

THE Governor in Council having been pleased to sanction the retirement on a Pension of James Erskine Calder, Esquire, from the office of Surveyor-General, His Excellency desires to place on record the high estimation in which Mr. Calder's long and faithful services in Tasmania are held by himself and the Members of his Government.

His untiring energy and zealous attention to the important duties of his office entitle him to the cordial thanks of the Executive Government.

By His Excellency's Command,  
J. A. DUNN, *for the Colonial Secretary (absent.)*

Hobart Town, Macquarie-street, 13th September, 1870.

SIR,

IN the letter that you did me the honor of addressing me on the 15th of June last, on the occasion of my reduction from the Offices of Surveyor-General and Commissioner of Crown Lands, you were good enough to say, "that the Government will interpose no obstacle to any legitimate endeavors I might hereafter make to obtain such increase to my pension as I may deem myself entitled to;" I therefore now take permission to bring the following facts under notice, in the hope that the Executive will be pleased to grant the request which I am now about to prefer.

But before proceeding I will take leave to say that I was appointed by the Imperial Government to a situation in the Survey Department of this Colony on the 5th of June, 1829, or more than forty-one years ago; and am therefore entitled to have my pension calculated by the Act that refers to Governmental appointments of that time,—viz., the Imperial Act 4th and 5th Gulielmi IV. cap. XXIV.—which for such a period of service as mine (namely, "between 40 years, and not exceeding 45 years") awards a pension "not exceeding ten-twelfths of the salary and emoluments" of the retiring Officer: and as at the date of my reduction I was receiving a salary of £600 a year, my pension—ten-twelfths of my pay—should clearly give me £500 a year, and not £470 only, which is the amount that I receive.

But I very respectfully take leave to urge that there are *special circumstances* in my case that entitle me to more consideration than has been accorded to me.

It will not, I think, be contended that it was fair to reduce me from the Offices I held (the duties of which I was quite as well able to perform as ever I was) in consequence of a measure of Departmental or Ministerial convenience, if by this Act I am to be for ever shut out from reaching the highest advantages contemplated by the Imperial Pension Act, and which in a very few years I should have gained, that is, a pension "not exceeding the net amount of the salary and emoluments of the office" I was required to vacate.

Moreover, if the convenience of the Public Service demanded my removal, I then submit that my future prospects should not have been damaged as they have been by this Act of the Executive; but the full amount of the pension I should have become entitled to in a few years more ought, in justice, to have been granted me, as I believe is commonly done in England, in cases like my own.

Indeed, in Tasmania itself, pensions are not infrequently increased, even to the full amount contemplated by the Pension Act of the Colony, by granting additional service to any retiring employé who may have been, like myself, displaced for public convenience, and not on account of any act or solicitation of his own.

The Imperial Act that I come under goes even far beyond this in certain cases; such, for example, as where *meritorious conduct* (which I humbly think will not be denied to me) may have marked the career of the retiring Officer, by granting him even a larger pension than full pay itself.\*

I would also point out that my present appointment of Sergeant-at-Arms carries with it no pension.

I very respectfully call the earnest attention of yourself and Honorable Colleagues to the above statements; and humbly hope that they will recommend to Parliament that I should receive as pension "the net amount of my salary," in consideration of the disadvantageous circumstances they have placed me in by reducing me.

It will not be out of place here to say, that when one of my predecessors, the late Mr. Power, was reduced in 1856, under circumstances similar to my own (a Secretary of Lands and Works having been then appointed), the Executive of the day submitted a Bill to Parliament to secure to him £500 a year for life, although the pension he was entitled to by his comparatively limited service had not nearly reached £200 a year at the time.

As I am the only Officer in the Service, appointed by the Home Government, who is entitled to claim the advantages of the Imperial Pension Act, I trust that the Government will not be indisposed to accord me the highest rate of pension therein named, more especially as no inconvenient precedent can be occasioned thereby, for the reason just above stated, namely, that there is none other remaining in the Service who can by any possibility be reached by the Imperial Act.

I remain,

Sir,

Your obedient Servant,

J. E. CALDER.

*The Honorable Colonial Secretary.*

\* See Sections 17 and 24 of 4th and 5th Gulielmi iv. cap. xxiv. given at the end.

*Copy of Section XVII., 4th and 5th Gulielmi IV.*

XVII.—Provided always, and be it further enacted, That in any case in which it shall appear to the Commissioners of His Majesty's Treasury that any special circumstances afford to any Officer or Clerk in the several Offices or Departments mentioned in the Schedule to this Act—or in the addition authorised to be made thereto, who is not within the exceptions therein contained—a just claim to an amount of Superannuation Allowance not authorised by this Act, or exceeding the amount therein specified with reference to the length of his Service, it shall be lawful for the Commissioners of His Majesty's Treasury to grant, or give authority for granting, any special Superannuation which such Officer or Clerk shall appear to them to deserve; but in every such case the grounds on which such special Superannuation shall be granted or authorised shall be stated in the Grant thereof, or in the authority for granting the same, and also entered in the Minutes of the Treasury, and shall likewise be laid before Parliament within one month after the fifth day of *January* in each year, if Parliament be sitting during that period, or if not, then within one month after the ensuing Meeting of Parliament.

“XXIV.—And whereas the Scale of Allowance under this Act specifies the highest Rate which a Superannuated Officer can receive, unless his case be specially laid before Parliament: And whereas it is expedient that the Lords of His Majesty's Treasury, and the Lords of the Admiralty for the time being respectively, should consider the Health, Age, Meritorious Conduct, and other circumstances of each Party applying for a Superannuation Allowance, in order to exercise their discretion in fixing the Amount of such Allowance, subject always to the Limitation prescribed by this Act: And whereas it is expedient that Parliament should be made acquainted with the manner in which such discretion shall be exercised;” be it therefore enacted, That all Orders of His Majesty in Council, and Minutes of the Lords of the Treasury, which shall at any time be framed or passed, laying down any General Rule or Regulation respecting the granting of Superannuation Allowances, shall within one month of the date thereof, if Parliament should be then sitting, or if not, then within one month after the commencement of the next ensuing Session of Parliament, be laid before the Two Houses of Parliament respectively.