

1874.

VICTORIA.



DECEASED PUBLIC SERVANTS.

REPORT OF THE BOARD APPOINTED TO CONSIDER THE CLAIMS
OF CERTAIN WIDOWS AND FAMILIES OF DECEASED PUBLIC
SERVANTS.

Ordered by the Legislative Assembly to be printed, 23rd June 1874.

REPORT.

Melbourne, 14th April 1874.

SIR,

We, the undersigned, the Board appointed to consider the claims of certain widows and families of deceased officers, have the honor to submit our Report on the cases referred to us.

In seeking some leading principle by which we might be guided in our decisions, our attention has been called to the practice which has grown up under *The Civil Service Act*, and has apparently been sanctioned by successive Governments, of permitting public officers in a moribund condition to avail themselves of the 46th section of *The Civil Service Act*, by which "any officer who has served for a less period than ten years," if he were "constrained by infirmity of body or of mind to leave the service," might be granted a "gratuity not exceeding in any case the amount of one month's pay at his then rate of salary for each year of service;" and officers of more than ten years' service have, under legal opinion, been allowed to avail themselves of this provision on condition of waiving their right to a pension under section 42.

Many of the cases referred to us fall clearly within the scope of this application of section 46; in some of them death occurred so suddenly as to render it impossible for the officer to avail himself of its provisions, and in others it may be assumed that he failed to do so under circumstances which should not be allowed to place his family in a worse position than that of an officer who had applied for the gratuity during his last illness.

We enclose a schedule (marked A) of such cases wherein we have discovered no exceptional or disqualifying circumstances; and we recommend the payment of the usual gratuity to the widow or other near relative depending on the deceased.

The last two cases in this schedule are those of officers who, though outside that which is technically called the Civil Service, were *bonâ fide* permanent officers of the Government, and may, we think, be fairly placed on the same footing with the other officers in this schedule.

We place in a separate schedule (marked B) certain officers nominally holding temporary appointments, but who appear to all intents and purposes to have been permanent employés. As we are informed that officers of this description were compensated in the reductions of 1869 on precisely the same principle as those in the Civil Service, we recommend the Government to extend a similar liberality to the present applicants.

Schedule C contains the names of printers in the Government Printing Office, and one lithographic printer in the Lands Department. We call the special attention of the Government to these cases, as there appears to be a long standing and still unsettled discussion of the question as to whether these officers properly come under *The Civil Service Act*, a question which we consider it outside our province to determine. (*Vide* evidence of Mr. J. Saunders, Civil Service Report, page 295.)

In view of a decision in their favor on this point, we have placed against each name the amount of a gratuity calculated on the principle of section 46 of *The Civil Service Act*.

The cases in Schedule D, viz. :—Those of the late Messieurs Wintle, Gunning, Austin, Campbell, Murray, Moody, Ireland, Swan, and McLean, are of a special nature.

In Mr. Wintle's case we find that there are moneys actually owing to the estate as follows, viz. :—

	£	s.	d.
For pension undrawn by him, about	313	0	0
Balance of salary to 13th January 1869	16	12	6
We also consider that the claim is good in respect of two sums of £51 0s. 8d. and £20, which deceased had to pay in 1858 and 1860, through the fault of turnkeys (who were dismissed in consequence), in permitting the escape of certain debtors in gaol	71	0	8
Also in respect of a sum of £75 15s., claimed as value of fittings and improvements to quarters, &c.	75	15	0
Total	£476	8	2

In addition to the above, the late Mr. Wintle claimed various sums, amounting altogether to about £3500. While considering that a claim of such magnitude, is quite untenable, we think that the deceased was entitled to something more than the half-pay pension on which he retired. His service was of unusual length, viz., thirty years, and he had faithfully discharged the duties of an arduous post in troublous times; he had received bodily injury in prison-riots, endangering his life; and had been wounded by the prisoner Melville.

We therefore recommend the Government to place a sum of £500 on the Estimates, as a grant to the widow of the late Mr. Wintle, in addition to the moneys actually due to his estate.

With regard to Mr. Gunning, we find that he died while on leave of absence on half-pay; and on a careful review of all the circumstances of the case, we recommend that the widow of the deceased receive an amount equal to his half-pay for the unexpired period of his leave of absence.

In the case of the late Mr. G. B. Austin, the deceased had retired from the service on a superannuation allowance, owing to mental infirmity, and was placed in a lunatic asylum, where he died about two years afterwards.

A difficulty presents itself to us in this case, from the fact that Mr. Austin's friends selected a superannuation allowance for him in lieu of a gratuity. This may, however, have been done through ignorance of their power, according to the prevalent practice, to avail themselves of the 46th section of *The Civil Service Act*, Mr. Austin having been upwards of ten years in the service, and therefore not strictly coming under the scope of its application. It is also to be borne in mind that the mental infirmity which necessitated Mr. Austin's retirement disabled him from personally exercising his judgment in the matter.

Having regard, therefore, to the character and length of his service, and, further, to the strong recommendation forwarded by the Crown Law Department, we recommend a grant to the widow of the difference between the amount of pension received by the deceased and the amount of a gratuity under the 46th section of *The Civil Service Act*.

Messieurs Campbell and Murray were two officers of the late Board of Education, the latter also for a short time of the newly-created Department of Public Instruction. That department, by remitting these cases to us, has apparently considered them as coming within the range of the Government departments, of which, however, the late Board of Education cannot with strictness be held to have been one.

SCHEDULE A.

Name of Deceased Officer.	Department.	Rank, &c.	Period of Service.		Date of Death.	Remuneration at Death.	Recommendation of Board.	Amount of Recommendation.			Remarks.
			From	To				£	s.	d.	
GROUP I.—PERSONS IN THE CIVIL SERVICE.											
Bolton, Jonathan	Penal ...	Warder (3rd Schedule) ...	8 Oct. 1857	31 Dec. 1857 (office abolished)	...	7s. 6d. per diem ...	Gratuity under 46 section of Civil Service Act, 9 months' pay	102	13	1	
Hamilton, James	Gaol, Ballarat ...	Senior Turnkey (3rd Schedule) ...	14 Jan. 1858	Date of death	4 Aug. 1870	£200, with quarters, fuel, light, and water	Ditto, ditto ...	150	0	0	
Pearce, Thomas	Penal ...	Overseer (3rd Schedule) ...	1 May 1852	30 Sept. 1852 (resigned)	11 July 1862	£200 per annum	Ditto, ditto ...	150	0	0	Recommended for 9 months' pay, notwithstanding slight gaps in his service.
Stafford, William	Gaol ...	Turnkey (3rd Schedule) ...	25 Jan. 1853	31 Aug. 1854 (office abolished)	...	7s. 6d. per diem, with quarters, &c.	Ditto, ditto ...	102	13	1	
Clarke, F.	Chief Secretary's Office	Messenger (3rd Schedule)	21 Aug. 1860	Date of death	27 Mar. 1870	£100 per annum	Ditto, 7 months' pay ...	58	6	8	
Tulk, A.	Public Library ...	Librarian (2nd Class)	5 May 1856	Date of death	1 Sept. 1873	£600 per annum, with an allowance of £150 in lieu of house rent	Ditto, but to be calculated on salary and allowance, viz., 9 months' pay ...	562	10	0	
Wills, A. C.	Police Magistrates and Wardens	Police Magistrate and Wardens (2nd Schedule)	8 Feb. 1858	Date of death	26 June 1871	£650, with forage and travelling expenses, &c.	Ditto, 9 months' pay ...	487	10	0	
Farie, C.	Sheriffs	Sheriff of Victoria (1st Class)	1 Nov. 1852	Date of death	22 Aug. 1870	£1000 ...	Ditto, ditto ...	750	0	0	
Martyn, P. J.	Insolvent Court ...	Bailiff (3rd Schedule) ...	23 April 1860	Date of death	22 Sept. 1870	£200 per ann., with quarters	Ditto, ditto ...	150	0	0	
Haverly, J. J.	Crown Solicitor ...	Clerk (3rd Class)	15 Jan. 1859	Date of death	22 July 1870	£485 per annum	Ditto, ditto ...	363	15	0	
Quinan, R.	County Courts, &c.	Clerk of Courts (4th Class)	28 June 1853	Date of death	10 Nov. 1873	£350 per annum	Ditto, ditto ...	262	10	0	
Drury, A.	Police Magistrates and Wardens	Police Magistrate and Wardens	20 Dec. 1853	Date of death	25 Dec. 1873	£650 per annum	Ditto, ditto ...	487	10	0	
Walden, W.	County Courts, &c.	Clerk of Courts ...	9 May 1853	Date of death	11 Oct. 1864	£485 per annum	Ditto, ditto ...	363	15	0	
Moore, F. F.	Stores and Transport	Inspector of Stores and Secretary to the Tender Board (2nd Class)	4 Feb. 1851 (Railway Department)	15 Jan. 1865	19 Feb. 1869	£566 13s. 4d. per annum ...	Ditto (allowing service in Railway Department as well as that in Civil Service)	377	15	6	
Dawson, W. T.	Lands and Survey	District Surveyor	9 Oct. 1850	Date of death	20 Jan. 1873	£600 per annum	Ditto, 9 months' pay ...	450	0	0	Committed suicide while in a fit of temporary insanity, but reported a steady, efficient officer; his accounts quite correct; widow and four young children left.
Dewey, C.	Customs ...	Locker (3rd Schedule) ...	14 Dec. 1853	Date of death	16 Sept. 1869	£200 per annum	Ditto, ditto ...	150	0	0	Steady man, and of very good character. Died of disease of heart induced by rheumatism caught in the execution of his duties.
Toy, Thomas	Customs ...	Boatman (3rd Schedule) ...	10 Feb. 1859	Date of death	13 Oct. 1866	7s. 6d. per diem ...	Ditto, 7 months' pay ...	79	16	10	
Dick, J.	Ports and Harbors	Seaman (3rd Schedule) ...	10 April 1865	30 Nov. 1865	3 July 1868	7s. 6d. per diem ...	Ditto, allowing service as 3 years	34	4	4	
Edwards, John	Customs ...	Boatman (3rd Schedule) ...	1 April 1867	30 June 1868	10 June 1865	8s. 6d. per diem ...	Ditto, 9 months' pay ...	116	6	10	
Ray, Thomas	Customs ...	Ditto, ditto ...	1 April 1853	9 June 1865	24 May 1872	7s. 6d. per diem ...	Ditto, 6 months' pay ...	68	8	9	
Grant, T.	Post Office ...	Clerk (4th Class)	Oct. 1865	Date of death	18 June 1868	£350 per annum	Ditto ...	262	10	0	
GROUP II.—PERMANENT OFFICERS NOT IN THE CIVIL SERVICE.											
Baydon, Dr.	Lunatic Asylum...	Resident Medical Officer and Acting Superintendent	8 Nov. 1867	Date of death	6 April 1872	£500 per annum	Ditto, allowing service as 5 years	208	6	8	
Farrell, J.	Sheriffs ...	Sheriff's Clerk and Bailiff	3 June 1867	Date of death	18 May 1873	£200 per annum	Ditto, allowing service as 8 years	133	6	8	Killed by being thrown from buggy while returning from Tullymore, which he had been on duty.
								Total Schedule A ...			£ 5,871 18 5

(Signed)

THOS. T. A'BECKETT, Chairman,
W. H. ARCHER,
ROBT. MURRAY SMITH.

(Signed)

E. J. THOMAS,
Secretary to the Board.
13/4/74.

SCHEDULE B.—EMPLOYÉS NOMINALLY TEMPORARY BUT ACTUALLY PERMANENT.

Name of Deceased Officer.	Department.	Rank, &c.	Period of Service.		Date of Death.	Remuneration at Death.	Recommendation of Board.	Amount of Recommendation.	Remarks.
			From	To					
Howe, R. F. ...	Penal ...	Hospital Warder and Dispenser	14 May 1867	Date of death	1 Sept. 1873	7s. 6d. per diem	Gratuity on principle of 46th section Civil Service Act, 6 months' pay	£ 68 6 8	
Agg. T. M. ...	Lands and Survey ...	Supernumery Clerk ...	17 Jan. 1863	Date of death	3 May 1873...	£240 per annum	Ditto, 9 months' pay	180 0 0	
Holmes, J. ...	Ditto ...	Ditto ...	13 July 1868	Date of death	13 Sept. 1873	£187 16s. per ann.	Ditto, 5 months' pay	78 5 0	
Yates, C. S. ...	Post Office ...	Supernumery Letter-carrier	16 Feb. 1864	Date of death	14 Dec. 1871	8s. 6d. per diem	Ditto, allowing service as 2½ years	27 14 3	
Wilks, C. ...	Victorian Water Supply ...	Resident Engineer	1 July 1869	Date of death	2 May 1871 ...	£700 per annum	Ditto, 9 months' pay	525 0 0	
Gabagan, A. ...	Mines ...	Clerk ...	20 July 1865	Date of death	28 Dec. 1869	£250 per annum	Ditto, service to be allowed as 4½ years	93 15 0	
Kerr, J. H. ...	Chief Inspector of Sheep, &c.	Inspector of Sheep and Stock	22 Jan. 1869	Date of death	6 Feb. 1874...	£525 per annum	Ditto, 9 months' pay	393 15 0	
Pollard, N. W. ...	Victorian Water Supply	Chief Clerk ...	17 May 1864	Date of death	28 Jan. 1868	£450 per annum	Ditto, 9 months' pay	337 10 0	
			July 1856 ...	Date of death			Total Schedule B ...	£1,704 5 11	

(Signed) THOS. T. A'BECKETT, Chairman,
W. H. ARCHER,
ROBT. MURRAY SMITH.

(Signed) E. J. THOMAS,
Secretary to Board on Claims of Widows, &c., of Deceased Officers.
13/4/74.

SCHEDULE C.—PRINTERS.

Name of Deceased Officer.	Department.	Rank, &c.	Period of Service.		Date of Death.	Remuneration at Death.	Recommendation of Board.	Amount of Recommendation.	Remarks.
			From	To					
Thomas, C. S. ...	Government Office	Compositor ...	4 June 1858	Date of death	10 Aug. 1873	£3 15s. per week	See Report	£ 146 5 0	
Sullivan, T. ...	Ditto ...	Pressman ...	17 Oct. 1856	21 Dec. 1871*	6 May 1872	£3 15s. per week	Ditto	146 5 0	The Board consider that time of apprenticeship should not be counted in calculating any gratuity that may be given.
Harris, W. ...	Ditto ...	Bookbinder ...	15 April 1855	24 April 1871	25 April 1871	£3 10s. per week	Ditto	136 10 0	
Don, G. ...	Ditto ...	Machine Printer	21 May 1854	21 March 1871	5 April 1871	£4 10s. per week	Ditto	175 10 0	
Warry, T. ...	Ditto ...	Apprentice ...	1 Feb. 1864	31 Jan. 1869	Ditto	52 3 4	
Hamilton, John	Lands and Survey	Compositor ... Lithographic Printer	1 Feb. 1869	Date of death	15 Aug. 1873	£3 10s. per week	Ditto	170 3 10	
			1 Jan. 1857	Date of death	18 May 1873	£226 18s. 6d. ...	Ditto	...	
							Total Schedule C ...	£826 17 2	

(Signed) THOS. T. A'BECKETT, Chairman,
W. H. ARCHER,
ROBT. MURRAY SMITH.

(Signed) E. J. THOMAS,
Secretary to Board on Claims of Widows of Deceased Officers.
13/4/74.

* Retired on account of infirmity.

SCHEDULE D.

Name of Deceased Officer.	Department.	Rank, &c.	Period of Service.		Date of Death.	Remuneration at Death or Retirement.	Recommendation of Board.	Amount of Recommendation.	Remarks.
			From	To					
Windle, G. ...	Gaol ...	Governor of Gaol (3rd Class, Civil Service)	7 Feb. 1838	13 Jan. 1869	Not stated ...	£485 at retirement, with quarters, fuel, light, and water	A grant of £500 in consideration of long service, risk of life, &c. (see Report), in addition to sums due to deceased, amounting to about £476 8s. 2d.	£ 976 8 2	
Austin, G. B. ...	Insolvent Court ...	Chief Clerk (3rd Class, Civil Service)	1 Sept. 1851	June 1870 ...	13 July 1872	£485 at retirement	Difference between the amount of a gratuity under 46 sec. of Civil Service Act, viz., nine months' pay, and the amount of superannuation allowance actually drawn, viz., £299 13s.	64 2 0	In June 1870 Mr. Austin retired, on account of infirmity of mind, on a superannuation allowance of £143 16s. 8d., and was placed in a lunatic asylum, where he died.
Gunning, C. E. ...	Customs ...	Clerk (4th Class, Civil Service)	1 Jan. 1854	Date of death	15 Nov. 1866	£175 per annum...	A gratuity equal to half-pay for the unexpired portion of his leave of absence	80 4 2	Had received six months' leave of absence at half-pay on account of illness, but died fifteen days after its commencement.
Campbell, A. ...	The late Board of Education	Clerk ...	17 Oct. 1862	Date of death	19 April 1872	£265 per annum...	See Report ...	151 9 4	This is the amount of a gratuity on the principle of the 46 sec. of the Civil Service Act, less a sum of £47 5s. 8d. allowed by the Board of Education, being amount of salary for unexpired period of leave of absence.
Murray, R. ...	National School Board, Board of Education, Department of Public Instruction	Messenger ...	Nov. 1854 ... 1 Sept. 1862 1 Jan. 1873	31 Aug. 1862 31 Dec. 1872 7 July 1873	30 July 1873	£130 per annum, with quarters	Ditto ...	97 10 0	
Ireland, G. ... Swan, J. ... Moody, R. S. H. ... McLean, A. ...	Public Works Ditto Ditto Ditto	Inspector of Works Ditto ... Ditto ... Dredge laborer ...	14 June 1869 1 July 1869 5 Nov. 1868 26 Mar. 1860	Date of death 9 Feb. 1874 Date of death Date of death	25 Oct. 1873 ... 3 June 1871 12 Jan. 1870	£5 per week ... £5 per week ... £5 per week ... 7s. per diem ...	Ditto ... Ditto ... Ditto. Total Schedule B ...	{ The employment having been intermittent, only the last continuous period of service is here given.

(Signed) THOS. T. BECKETT, Chairman,
W. H. ARCHER,
ROBT. MURRAY SMITH.

(Signed)

E. J. THOMAS,
Secretary to the Board, &c.

SCHEDULE E.—CLAIMS NOT RECOMMENDED.

Name of Deceased Officer.	Department	Rank, &c.	Period of Service.		Date of Death.	Remuneration at Death.	Reason of Rejection by Board.
			From	To			
Taylor, R. C. ...	Police ...	Superintendent ...	23rd Nov. 1852	Date of death	25th Sep. 1863	£350 per annum	More than a year's pay, viz., £400, has already been paid by vote of Parliament.
Ahern, M. ...	Police ...	Constable ...	1st Oct. 1854	Date of death	10th Oct. 1869	7s. 6d. per diem	This claim has already been rejected by the Police Reward Fund Board. No reason for a contrary decision.
Wardlaw, R. R.	Lunatic Asylum ...	Steward (4th Class Civil Service)	Dec. 1853 ...	Date of death	24th Sep. 1873	£350 per annum, with quarters, fuel, light, and water	The widow has already received the usual gratuity under section 46 of the Civil Service Act.
Taylor, W. ...	Lighthouses ...	Boatman and Assistant Light-house-keeper (3rd Schedule)	1st July 1854	Date of death	8th July 1867	7s. 6d. per diem	The circumstances disclosed in the correspondence do not seem to warrant the claim.
Dewar, A. S. ...	Customs ...	Locker (3rd Schedule)	1st July 1853	21st July 1869	11th July 1870	£225 per annum; superannuated at £60 per annum	Had been superannuated under circumstances which do not warrant favorable consideration.
Grover, W. A.	Post Office Roads and Bridges Insolvent Court ... Master-in-Equity	Clerk ...	10th Jan. 1853 1st Jan. 1856 1st Jan. 1867 1st Jan. 1869	8th Mar. 1855 26th Feb. 1858	7th Oct. 1871	£180 per annum	The usual gratuity under section 46 of the Civil Service Act has already been paid.
Arnold, T. ...	Victorian Water Supply ...	Clerk ...	20th Nov. 1865 16th Dec. 1869 1st June 1871	14th Aug. 1869 30th Sep. 1870 Date of death	10th June 1872	£2 10s. per week	Employment essentially temporary.
Ford, H. ...	Master-in-Equity	Clerk (4th Class)	15th Jan. 1859	17th Aug. 1870	17th Aug. 1870	£350 per annum	The applicant (Mr. Ford's widow) has been dead for some time.
Merriman, J. ...	Government Printing Office	Compositor ...	24th Dec. 1861	21st July 1872	21st July 1872	£3 10s. per week	Merriman entered the Government service at the age of 64 years, a time of life at which it would seem most undesirable to engage officers at a fixed salary.

(Signed)

THOMAS T. A'BECKETT, Chairman,
W. H. ARCHER,
ROBT. MURRAY SMITH.

(Signed)

E. J. THOMAS,
Secretary to the Board, &c.
13/4/74.

