

1895.  
NEW ZEALAND

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PROPOSED TRANSFER OF MR. A. W. D. BELL TO THE  
PUBLIC WORKS DEPARTMENT

(CORRESPONDENCE IN REFERENCE TO THE).

*Laid on the Table by the Hon. Mr Seddon by Leave of the House.*

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No. 1

Mr. A. D. BELL to the Hon. the MINISTER for PUBLIC WORKS.

SIR,—

New Zealand Defences, Wellington, 26th June, 1890.

Adverting to your memorandum to myself of 21st instant, of which I did myself the honour to acknowledge the receipt, I have inferred from it, and from the views which yourself and the Hon. the Minister of Defence were kindly pleased to express to me, that the transfer of my entire services to the Defence Department "for the next six months," during which period "arrangements have been made for the Engineer-in-Chief to relieve me from my duties in connection with public buildings," is of a provisional nature, and that my salary is to be £600 per annum during the continuance of such services.

I may state that in the letter to me of 11th July, 1885 (P W 85/3811—63/271), not yet superseded, by which the late Government notified the then transfer of my entire services to the Defence Department, the Engineer-in-Chief stated that he was "directed to inform you that should the defence works cease at any time your position in this (the Public Works) Department would not be prejudiced."

I venture therefore to assume that it is the intention of the present Government that the condition of the now transfer, similiarly of my entire services, to the Defence Department, shall, should the defence works cease at any time, equally preserve the right of return to a position in the Public Works Department, or otherwise in the Government service, the rank and pay of which shall fairly recognise the responsibilities and grade of the offices which have recently been intrusted to me.

May I respectfully ask yourself, Sir, and the Hon. the Minister of Defence to say whether this is throughout a correct interpretation of the position?

I have, &c.

ARTHUR BELL,

Engineer-in-Charge of Buildings and Engineer for Defences.

The Hon. the Minister for Public Works, &c., Wellington.

Quite correct.—T FERGUS, 28/6/90 W R. RUSSELL, 28/6/90.

I concur W N BLAIR, 1/7/90.

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No. 2.

Mr A. D. BELL to the UNDER-SECRETARY for DEFENCE.

(Confidential.)

SIR,—

30th January, 1893.

Adverting further to your letter (M. and V 92/2254), and to my interim acknowledgment of the 10th instant, I now do myself the honour to more directly reply thereto. I trust, however, to be first allowed to refer to certain antecedent matters (as intimated in the second paragraph of my note of the 10th), inasmuch as the issues involved cannot but mark a stage in, and therefore form part of, the official record of my service.

On the 6th November last, at Christchurch, the Minister sent for me, and courteously intimated to me the general tenour of his proposals as later outlined in your letter. I expressed provisional acquiescence, adding that I presumed action would only follow the issue of formal instructions.

The Minister however, had not been yet pleased to order the issue of these prior to the 20th ultimo, on which date a further interview (sought by myself) took place, Mr Seddon being then on the point of leaving Wellington for some time.

At this I raised the question of retirement, on the following grounds among others :—

(1.) That I understood the defence works were to cease to be further practically developed, and that a legitimate occasion appeared to be thus brought about, inasmuch as

(2.) Regarded from a professional point of view, the grade of Resident Engineer was a step back in rank compared with those previously and now held by me, and therefore, in my humble opinion, foreign to the spirit of the agreement made with, and confirmed to me by, the late Government. [Vide letter to the Hon. Minister for Public Works, dated 26th June, 1890 (copy appended), and indorsements thereon.] I pointed out to the Minister that, when lately Engineer-in-Charge of Buildings, I ranked as head of the department for the colony, that as Engineer for Defences, as at present, I was no longer head of a department, but still exercised control throughout the colony, and that as Resident Engineer, as proposed, I would rank as such of course, and for a district only, that, at this down-the-ladder rate, it appeared to me that I was in a fair way to arrive at the foot of it again eventually while the successive descents must necessarily connote, with the outside world (unacquainted with the amenities and exigencies of the public service), that I had been tried and found wanting in higher positions, the disproof of which, so far as to be inferred from the official communications to me of successive Ministers, including himself, I could not publish from the housetops, and that thus my professional standing and repute could not but be injuriously affected, &c.

(3.) That by my re-entry into the Public Works Department, under the conditions of the above-quoted agreement, the flow of seniority and promotion in that department might be deemed to be interfered with, and that I had no desire to be the occasion of this.

I therefore respectfully submitted that my services might, at this juncture, be dispensed with, as at my own request.

The Minister replied to the practical effect that, as regards reason 1, what was or was not to be the case with regard to the defence works was a matter for the Government. As regards reason 2, while not refusing to admit force in the contention from a professional point of view, the present case, from his more general point of view, was sufficiently covered by the retention of the rank as well as the salary of my present office, neither of which, he distinctly stated to me, were to be affected or reduced in any way. As regards reason 3, he could not admit the view, the position was analogous to that of an officer, seconded for special duty for a period, returning in ordinary course on completion thereof to his regiment, carrying with him any rank meantime acquired. And summed up the matter by saying that, on these and other general grounds, which he had incidentally mentioned, but which it is not necessary to refer to, he, as Minister, definitely declined to entertain the question of retiring me at present.

I then asked for time to reconsider the position from additional points of view (covering the issue of resignation among others, and relating rather to personal affairs) It is not necessary in this connection to state more than that the Minister met me with very courteous consideration, and at once accorded till the new year as indicated by the terms of your letter. My note of the 10th instant explained the position as at that date, suggesting that the issues involved might stand over till the Minister's return, and I was given to understand that he did not press for an earlier determination thereof.

Mr Seddon having now returned, I have to state that I do not see my way to voluntarily retire from the service, and to ask you to be so good as to convey to the Minister that I have the honour in consequence to remain at his disposal.

I ask leave, however to again argue against the grade of Resident Engineer. It is impossible to cover the position by the conjoint rank of Engineer for Defences. When, in the words of your letter under reply "I take up the duties of Resident Engineer to the Public Works Department, at Wellington," I must necessarily appear as of that rank in any advertisements of local works, in all conditions of contract, and in various other formal, official, and public ways. While, therefore, I should at any time consider it an honour to return to my old department in which I commenced my service in New Zealand and again to serve under the Engineer-in-Chief, I do maintain that this rank and title of Resident Engineer is nothing if not hard upon me professionally, and I enter my respectful but strong protest against it under clause 9 of the Act of 1866 (under which my service is, though I do not propose to carry the point to appeal as therein provided for) as being foreign to the spirit of the agreement of June, 1890.

I venture to submit whether the rank and title of District Engineer might not be accorded to me under the circumstances, pointing out that the supervision of the chief local professional officer of the Public Works Department now extends over no less than five provincial districts, of which two are in the South Island, and includes an area of control and works fully as large as it has been the custom to intrust to an officer of the rank of District Engineer.

I will ask you to convey to the Hon. Minister my sense of the consideration he has displayed towards me throughout this matter, and particularly in the extension of time, and also the expression of my confidence that he will not conceive the views which I have frankly stated at the interviews and in this memorandum to arise from any spirit of opposition, but rather from the right which every permanent officer of the Civil Service may claim and ought to claim, to speak out straight for himself to the Minister of his department when his position in that service is under review

I have, &c.,

ARTHUR D. BELL, M.Inst.C.E.,  
Engineer for Defences.

The Under-Secretary for Defence.

P.S. I have marked this memorandum "Confidential," inasmuch as it contains reference to conversations in the Hon. Minister's room and without his confirmation of their correctness as set down, and sanctioned to their embodiment herein, I do not hold myself at liberty to send forward in open course, but have handed a copy to the Under-Secretary for Public Works in accordance with the intent of paragraph 3 of your letter. If the Hon. Minister does me the honour to concur in and confirm my apprehension of these conversations as set down the "Confidential" may be thereupon cancelled.

## No. 3.

## MEMORANDUM for ENGINEER-IN-CHIEF.

Public Works Department, Engineer-in-Chief's Office,  
7th February, 1893.

MR. ARTHUR BELL having informed me that he was again asking, on his now-proposed retransfer to this department, to receive the rank and salary that he contended for on a former occasion, I beg leave to protest most decidedly on my own behalf against anything being done that should place him in a higher rank or award him higher remuneration for work to be done in this department than my own, leaving for the others affected, perhaps more than myself, to take action in their own interests if they think fit.

As you are aware, Mr Bell is junior by many years to many officers of this department, myself included, my seniority being about five years, and up to the date of his being attached to the Defence Department he occupied a junior position to myself, as some time previous to my transfer to Wellington I was altogether employed in the Head Office, Middle Island, in designing special works and not only so, but in one case I had to take up and do work in the strengthening of the Waimakiriri Gorge Bridge, which he had given him but could not at that time do, except by inapplicable and inaccurate methods. Mr O'Connor, who afterwards gave me the work to do and designs to prepare, never attempted it himself, and he and Mr Blair accepted my results, and carried out the requisite works in accordance therewith.

Since I came to the Head Office in May, 1884, my work, as the office records will show, has all been Head Office work, and shortly after my arrival I was verbally instructed by Mr Blackett to supervise all work done, and see that it was structurally correct, Mr Wrigg, late Chief Draftsman, being present when these instructions were given. Altogether, up to 1888, the special works alone for which I was in all cases very largely responsible, amounted to over £200,000. (See my memorandum of 20th July, 1888, and Messrs. Blackett and Blair's remarks thereon.)

In 1890 I had to repair the Rukia Gorge Bridge, Mr. Bell, as the office records will show, was equally involved in this with Mr O'Connor, to whom the matter was referred by Mr Blair, and his connection with this failure, about which I do not wish to make any strong remarks, is not such as entitles him to rank and precedence in this department over an officer who has succeeded so far in doing a large amount of similar work—the most important class of work dealt with by the department—without unfavourable verdicts at the hands of nature.

If Mr Bell now uses Mr Blair's minute "I concur" of 1st July, 1890, for the purpose of getting higher work and salary in this department than others of us, I can say, from my own knowledge of Mr Blair's opinions on the point, that he (Mr Blair) would never have consented to any such thing, he having assured me, in a long conversation we had a few days after the date of the above memorandum, that he would never think of placing Arthur Bell in a higher position than myself in the department, and I beg to submit that nothing has since transpired which would warrant a reversal of the above statement, and in the same conversation Mr Blair most emphatically stated that he knew, of his own knowledge, that outside influence had been used in Mr Bell's favour as a result of which, perhaps, he had been placed in the very favourable position, as regards salary which he now enjoys.

Shortly put, Mr Bell now practically asks to be made second in this department, irrespective of any hardship that such an act may inflict on others. And I beg respectfully to submit that the professional work yet done by Mr Bell gives him no claim to any such position, especially as he has had many years' less experience of the works usually done in the department than I have had myself, and, as I have shown above, he has not been exceptionally fortunate in his attempts to excel in the highest class of work which has to be done in it.

In writing this I wish it to be distinctly understood that I have no wish to injure Mr Bell's prospects in the public service in any way, his own action has forced me to do so in self-defence. All I ask for is even-handed treatment while I remain in the service, and to be at least equally rewarded if I can do work as well, without preferring any claim to excel, which I could do by sufficiently amplifying the details of the above-cited cases and others.

Hoping that you will kindly forward these remarks for consideration of the Hon. Minister for Public Works before this question comes up for final decision,

The Engineer-in-Chief.

I have, &c.,  
P. S. HAY

## No. 4.

## The ENGINEER-IN-CHIEF to the Hon. MINISTER for PUBLIC WORKS.

Wellington, 24th February, 1893.

In accordance with your instructions I have gone carefully into the matter relating to the claim of Mr A. W. D. Bell, as stated in his memorandum of 30th ultimo to the Under-Secretary for Defence, to the effect that if he is required to resume the position of an engineer in the Public Works Department in accordance with the terms of the letter from the Engineer-in-Chief dated the 11th July, 1885, in which Mr A. W. D. Bell, Assistant Engineer, is informed that "it is proposed to transfer him to the Defence Department as Resident Engineer at a salary of £400 per annum, and should the defence works cease at any time your position in the Public Works Department would not be prejudiced," the rank and position of District Engineer should be conferred upon him, as he contends that accepting the grade of Resident Engineer in the Public Works Department would lower his professional standing in the public estimation, and besides would be contrary to the spirit of an agreement made with him by the late Hon. Minister for Public Works and Defence at the time when he was instructed by memorandum from the late Hon. Minister for Public Works, dated the 21st July, 1890, that "The Hon. Minister for Defence being desirous that your whole attention should be devoted to the harbour defences of the colony during the next six months, I have to

Inform you that arrangements have been made for the Engineer-in-Chief to relieve you from your duties in connection with public buildings during the above period, and to request that you will be good enough to have the transfer effected forthwith." There is nothing in this correspondence to indicate the nature of the conditions stated or implied in the agreement referred to by Mr Bell, and no record of this agreement can be found in the Public Works Department, but from the memorandum dated the 26th June, 1890, addressed to the Hon. Minister for Public Works by Mr Bell, a copy of which is attached to his memorandum to the Under-Secretary for Defence, it appears that as the result of certain conversations with Ministers it was arranged that Mr Bell was to transfer the works in connection with public buildings to the Engineer-in-Chief, and devote his whole time to harbour defences for six months, as directed by the Hon. Minister for Public Works, and that his salary should be £600 per annum during the continuance of such services in the Defence Department.

In this memorandum Mr Bell also referred to the letter of the 11th July, 1885, "not yet superseded," by which the late Government notified the transfer of his entire services to the Defence Department, and the Engineer-in-Chief states that he is directed to inform Mr Bell that should the defence works cease at any time his position in the Public Works Department would not be prejudiced. Regarding which communication Mr Bell says, "I venture, therefore, to assume that it is the intention of the present Government that the conditions of the now transfer similarly of my entire services to the Defence Department shall, should the defence works cease at any time, equally preserve the right of return to a position in the Public Works Department, or otherwise in the Government service, the rank and pay of which shall fairly recognise the responsibilities and grade of officers which have recently been intrusted to me. May I respectfully ask yourself, Sir, and the Hon. Minister for Defence, to say whether this is throughout a correct interpretation of the position."

This is minuted as in margin by the Hon. Mr Fergus, Minister for Public Works, Hon. Mr Russell, Minister of Defence, and Mr W N Blair, Engineer-in-Chief and it is a somewhat singular circumstance that an important official communication of this kind, addressed to the Minister for Public Works and referred to the Engineer-in-Chief, should not have been filed among the records of the Public Works Department, together with some explanation of what was actually understood by the Minister and Engineer-in-Chief to be the nature and extent of the obligation undertaken by the department with regard to Mr Bell's future position in the Government service. It is ascertained, however, that Mr A. W. D. Bell, who, previous to the 11th July, 1885, held the position of Assistant Engineer in the Public Works Department at a salary of £300 per annum, was, on that date, transferred to the Defence Department as "Resident Engineer for Defence," with a salary of £400 per annum, at the same time being assured by memorandum from Mr Blackett, Engineer-in-Chief, that the acceptance of this office in the Defence Department would not, if the defence works should cease at any time, prejudice his position in the Public Works Department. From that time to the present Mr Bell has continued to be "Engineer for Defences," and when, about 1889, it was decided by the Government to construct a separate department for the control of public buildings and domains, he was made "Engineer-in-Charge of Buildings" in conjunction with the position of "Engineer for Defences," both of which offices were held by him until the 21st July, 1890, at which time the Engineer-in-Chief resumed the control of the works in connection with public buildings, and Mr. Bell was instructed to devote his whole attention to harbour defences for the next six months, there was consequently no second transfer of Mr Bell's services to the Defence Department, the only transfer at this time being the handing back to the Engineer-in-Chief the charge of works connected with Public Buildings, the management of which was resumed by the Public Works Department.

It may therefore be inferred that what was intended by the Ministers and Mr Blair when they minuted Mr Bell's memorandum of the 26th June, 1890, was to reassure him that the terms stated in Mr Blackett's memorandum of the 11th July, 1895, when he was transferred to the Defence Department, would be adhered to, and that in the event of the defence works ceasing in six months' time, as appears to have been anticipated, Mr Bell would be placed in a position in the Public Works Department as engineer of equal rank to that held by him at the time of the transfer on the 11th July, 1885, together with all reasonable promotions and increases of salary that would naturally have been accorded to him if he had remained for the whole of the time an engineer of the Public Works Department with increasing duties and responsibilities, and not, as implied by Mr. Bell, that on his devoting his entire attention to the harbour defence works for six months he would, in the event of these works ceasing at about that time, be entitled to receive an appointment in the Public Works Department, or elsewhere in the public service, the rank and pay of which would place him in a position superior to many officers, professional and otherwise, in the department who had been considerably longer in the service than Mr Bell, and had always performed the most important and responsible duties appertaining to their offices in a manner that was satisfactory to the Government and the public.

For the reasons above stated I consider that it would not be to the advantage of the public service to comply with Mr Bell's demand to be given the rank of District Engineer in the Public Works Department at a salary considerably higher than the rate now received by district and resident engineers at present in the service, as that would be likely to cause grave discontent among the officers holding positions of trust and responsibility in the department, who have equal rights with Mr Bell to expect that their official and professional standing shall not be discredited by a junior being placed in a position above them through the mere accident of his having been detached from the department to conduct a special service of no greater importance than the ordinary business and works of the department on which they have all along been engaged.

WILLIAM H. HALES,  
Engineer-in-Chief.

The Hon. the Minister for Public Works.

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