

1875.

## NEW ZEALAND.

## LEAVE OF ABSENCE TO DR. BULLER, C.M.G.,

(FURTHER PAPERS RESPECTING).

*Presented to both Houses of the General Assembly by Command of His Excellency.*

## No. 1.

The AGENT-GENERAL to the Hon. the COLONIAL SECRETARY.

7, Westminster Chambers, Victoria Street, Westminster, S. W.,

SIR,—

11th July, 1873.

I have the honor to acknowledge receipt of your letter of 7th May, No. 47, and to state, in reply, that, from the time of Mr. Buller's arrival in England to the end of last year, he not only acted in a secretarial capacity, but gave me valuable assistance by collecting a mass of information relating to the manufacture of New Zealand flax and other colonial industries. He has also carried out my instructions in other matters connected with the colony, in which I found his special knowledge of real value to me.

I considered that he was fully entitled to the maximum remuneration named in the Hon. Mr. Gisborne's letter of 12th April last, No. 3, namely, £400 per annum, and I paid him accordingly at that rate.

With regard to the apparent discrepancy between Mr. Buller's statement of the amount of his income from official sources at the time of his obtaining his leave of absence, and the amount shown by the Treasury accounts for the year immediately preceding his departure for England, I have the honor to state that, on receiving the Hon. Mr. Gisborne's letter of 5th July, 1872, I communicated it to Mr. Buller, and received from him at once the explanation of the matter, which he now repeats, and which appeared to me perfectly clear and satisfactory.

Till receiving your letter of the 7th May, I was fully under the impression that Mr. Buller's explanation had been forwarded to the colony, and I regret very much that this delay should have occurred in answering Mr. Gisborne's letter.

With regard to the sums of money paid to Mr. Buller since the 31st December last, I have to state that, in compliance with the authority received from the Government, I paid over to Mr. Buller, on the 18th February, the sum of £200, voted by the Assembly, and that since the 1st March last, Mr. Buller has been drawing salary at the rate of £400 a year as Secretary, under the arrangement fully reported to the Government in my letter to the Colonial Secretary, dated 16th May.

I have, &amp;c.,

I. E. FEATHERSTON,

Agent-General.

The Hon. the Colonial Secretary, Wellington.

## No. 2.

Dr. BULLER to the AGENT-GENERAL.

7, Westminster Chambers, Victoria Street, Westminster, S. W.,

SIR,—

8th July, 1873.

It will be in your recollection that, immediately on your showing me the Hon. Mr. Gisborne's letter of 5th July, 1872, I gave you an explanation, in writing, of the "apparent discrepancy" to which your attention was directed, and that, on my speaking to you on the subject afterwards, you informed me that my explanation had been forwarded to the colony.

As, however, you have shown me to-day a letter from the Colonial Secretary, stating that he cannot find that any "notice has been taken of Mr. Gisborne's letter, either by yourself or Mr. Buller," I beg to repeat the substance of that explanation, and shall feel much obliged by your forwarding this letter to the Government, with any observations you may be pleased to make, by the outgoing mail *vid* Brindisi.

The statement of which Mr. Gisborne requested an explanation is contained in my letter to the Hon. the Colonial Secretary of the 6th April, 1871, and is as follows:—

“I may state further that my salary as Resident Magistrate at Wanganui is £400 a year, but that, reckoning Registrar’s fees and other allowances, my total income from official sources amounts to about £600 a year.”

My calculation was made in the following manner:—

	£	s.	d.
Salary as Resident Magistrate	400	0	0
Forage allowance	79	10	0
Salary as Returning and Registration Officer	25	0	0
Fees as Registrar, computed at	50	0	0
Fees as Sheriff, computed at	50	0	0
	<u>£604</u>	<u>10</u>	<u>0</u>

The amount of salary and forage allowance was fixed and certain; that of fees was a matter of computation; and I accordingly placed my total income from official sources at “about £600 a year.”

Under the terms of my appointment as Registrar of Births, Deaths, and Marriages, I was entitled to retain the fees up to £50 a year, the presumption being that they might exceed that amount. I had held the appointment for less than two years. The fees for the first year had slightly exceeded the limit of £50. I had surely a right to assume that with a growing population they would not fall below it in the year following. What amount of fees had actually been received up to April of the second year, I had no better means of ascertaining when I wrote my letter in Wellington than I have here, for it would require a reference to the books in the office at Wanganui. But the manner in which the Treasury has made its calculation—namely, for an arbitrary period—is obviously unfair, because the amount of fees being entirely dependent on the number of marriages is necessarily very uncertain and fluctuating. My predecessor in the office, Major Durie, informed me that in one particular year the fees exceeded £100.

Secondly, as to the office of Sheriff. I had only very recently been appointed, and had no actual knowledge of what the fees were likely to be. I understood that during one of the years that Mr. Harper held the office, the fees amounted to close on £100, although the town was considerably smaller than it is now. Had I supposed for a moment that they would fall short of £50 a year, I certainly would not have accepted the responsibility of such an office, where in consideration of the fees the holder is amenable at law (and possibly in very heavy damages) for the default of himself or *his bailiff*, over whose appointment he has no real control.

In fact it will be found that at the time of my appointment as Sheriff I raised this very question, and proposed in a letter to the Colonial Secretary that in lieu of receiving all the fees, whatever they might amount to, the Government should fix my salary as Sheriff at £50 a year; the Treasury receiving all fees accruing, and the Sheriff being indemnified against actions, *except for his own wilful default*. To that letter I received no reply, the question of my leave of absence having supervened.

I have no copy of my correspondence with me in England, and I am writing on the subject after a lapse of more than two years. But I have a distinct recollection of the letter in question, and of several conversations which I had with the Attorney-General in respect to it.

Having accepted the office, with the fees accruing from it, I could not of course omit this in my calculation of income. And it was this very uncertainty as to the actual amount that led me to qualify the estimated total as “about £600.”

But to go one step further. So far from my having any idea of misleading the Government in this matter, when I called on the Hon. Mr. Gisborne to arrange about the amount of my half-pay, I took my letter of 6th April with me, and explained to him personally how my estimate was made up; the result being that I was authorized to draw only the one-half of my actual salary as Resident Magistrate, leaving to those who were to act for me all the fees as Registrar and Sheriff.

The above is the simple explanation that I have to give of the statement contained in my letter to the Colonial Secretary, and I trust to have an assurance from the Government that it is a satisfactory one. I only regret that through some inadvertence I have been placed at the disadvantage of having a charge of “apparent discrepancy” left so long unanswered.

The Agent-General.

I have, &c.,  
WALTER L. BULLER.

### No. 3.

The AGENT-GENERAL to the Hon. the COLONIAL SECRETARY.

SIR,—

7, Westminster Chambers, 26th November, 1873.

I have the honor to acknowledge receipt of your letter of 2nd August, No. 94, relative to Mr. Buller’s appointment as Secretary.

I beg to forward for the information of the Government, copy of a letter which I have received from Mr. Buller, in which that gentleman, after stating very fairly the facts of the case, declines to accept the terms proposed by the Government, and intimates his wish to retire from the Public Service.

I have only to add that, as soon as I can make other arrangements, Mr. Buller will be relieved of the duties of Secretary, in accordance with his request.

The Hon. the Colonial Secretary, Wellington.

I have, &c.,  
I. E. FEATHERSTON,  
Agent-General.

## Enclosure in No. 3.

Mr. BULLER to the AGENT-GENERAL.

SIR,— 7, Westminster Chambers, 8th November, 1873.  
With reference to the Hon. Dr. Pollen's letter of 2nd August, No. 94, of which you have to day handed me a copy, I beg to offer the following observations.

You will remember that I had made my arrangements for returning to New Zealand by the April P. and O. mail steamer, so as to arrive there within the period of my extended leave; that on the 5th March, when you were lying seriously ill, you sent for me and requested me to undertake the duties of Secretary for a few months longer, on the broad ground that the exigencies of the Public Service required it, and stated that under the circumstances you were ready to assume the responsibility of detaining me in England beyond the period of my leave. At that time I had received from you the grant of £200 voted by the Assembly in aid of my scientific work, with *unconditional leave of absence* to the end of June.

I did not hesitate a moment in placing myself entirely at your disposal, and made no stipulations whatever of any sort or kind.

You afterwards fixed my salary at the rate of £400 a year, and ordered it to commence from 1st March, and although I considered the salary thus fixed quite inadequate to the office, I made no demur to it, as the arrangement was understood to be only a temporary one.

I may here point out that salary at the rate of £400 per annum from the 1st March to the 31st December, with the £200 paid to me in February, would together have amounted to only £533 6s. 8d. for the whole year, thus falling short of the salary which I had previously received under the head of half-pay and acting Secretary, viz. £600.

On the 28th March you telegraphed to Mr. Vogel for permission to detain me till the end of August, my appointments in the colony being kept open. The refusal on the part of the Government was not received here till the 22nd April, and the terms imposed as to time of getting back left me no alternative but to resign all my appointments in the colony.

As to the "conditions" on which, as I am now informed, the Government is prepared to sanction my appointment as Secretary, I beg to observe:—

1. That the full explanation called for in Mr. Gisborne's letter of 5th July, 1872, was furnished to you more than twelve months ago, and (as you have explained in your letter to the Colonial Secretary of July 11th, No. 499) was neglected to be forwarded through inadvertence.

2. That I cannot admit having received from the Government anything more than what I was both legally and honorably entitled to, and must therefore respectfully decline to make any refund of back pay.

Under these circumstances, I beg to intimate that I am ready to be relieved of the duties of my office as soon as you may think fit.

In retiring from the service of the Government, I desire to convey to you personally my deep sense of the confidence and friendship with which you have honored me during an official connection, of one kind or another, extending over a period of many years, and to assure you that if at any time my services in an unofficial capacity can be of any use to you, they will always be at your command.

I shall feel obliged by your forwarding a copy of this letter to the Hon. the Colonial Secretary.

I have, &c.,

WALTER L. BULLER.

I. E. Featherston, Esq., M.D.,  
Agent-General for New Zealand.

## No. 4.

The Hon. the COLONIAL SECRETARY to the AGENT-GENERAL.

SIR,— Colonial Secretary's Office, Wellington, 13th March, 1874.

With reference to your letter No. 307, of date November 26th, which covered copy of Mr. Buller's letter to yourself, of date November 8th ultimo, and which is in reply to mine of date August 2nd ultimo, I observe that you have not reported that you have recovered from Mr. Buller the sum that he has received from you during the period from January 1st to June 30th, 1873, in excess of the £200 voted for him by the General Assembly; that sum appears to be £133 6s. 8d. The instruction conveyed in my letter above noted on this head was definite, and, as Mr. Buller was at the date of your letter, November 26th, and may not improbably still be maintained in your office as confidential Secretary, I shall be glad to learn that the directions of the Colonial Government in this matter have been complied with.

I have, &c.,

DANIEL POLLEN.

The Agent-General for New Zealand, London.

## No. 5.

The AGENT-GENERAL to the Hon. the COLONIAL SECRETARY.

SIR,— 7, Westminster Chambers, 12th June, 1875.

I have the honor to acknowledge receipt of your letter of 13th March, No. 74,189, inquiring whether the instructions conveyed in your despatch of 2nd August, 1873, in the matter of Mr. Walter Buller's salary, have been complied with.

In reply, I beg to refer you to my letter of 26th November, No. 807, in which I informed the Government that Mr. Buller, in a letter to myself (of which I forwarded a copy), had, after fairly

stating the facts of the case, declined to accept the terms proposed by the Government, and had accordingly placed his resignation in my hands. Mr. Buller refused to refund any of the money which I had paid him for services performed, lest his doing so should be construed into an admission that he had drawn salary to which he was not fairly and honorably entitled. Holding a strong view on this point, Mr. Buller preferred to accept the alternative stated in your letter, namely, the refusal of the Government to give him further employment.

As stated in my letter of 26th November, I agreed to relieve Mr. Buller of his duties as soon as I could make other arrangements. From that time Mr. Buller has remained at his post in obedience to my orders, and because the public service required it, drawing meanwhile the salary attached to the office, and signing his pay-sheet as "Acting Secretary." That I have not yet succeeded in obtaining the services of a confidential Secretary to take Mr. Buller's place in this department can hardly be a matter of surprise to the Government when all the difficulties are considered.

In the first place, you must allow that the office is one requiring very peculiar qualifications, and such as cannot easily be obtained.

Secondly, the person holding it must of necessity be one in whom I can place implicit confidence, as many of my negotiations are of a strictly confidential nature.

And, thirdly, I cannot disguise from the Government the fact that the salary which has hitherto been paid (viz. £400 per annum) is wholly inadequate to the duties and responsibilities of the office.

It is hardly necessary for me to point out that a clerk, however zealous and efficient, is not able to perform the duties of Secretary. What is required is an officer who is competent to draft despatches off hand, on receiving from me general instructions, and to perform other duties of a responsible kind. It is quite impossible for me, as Agent-General, to carry on the voluminous correspondence of the department single-handed, or to superintend the enormous amount of business of every kind referred to me by the Government without proper and efficient aid.

I had hoped to secure the services of Mr. Cashel Hoey, who was formerly confidential Secretary to the Right Hon. Mr. Childers when Agent-General for Victoria, but that gentleman declines to accept less than £600 a year, and, as the Hon. Mr. Vogel's telegram, received on the 8th instant, in reply to mine asking the sanction of the Government to these terms, limits the salary definitely to £400, I cannot at present see any prospect of filling the office to my satisfaction.

I have, &c.,

I. E. FEATHERSTON,

Agent-General.

The Hon. the Colonial Secretary, Wellington.

#### No. 6.

The Hon. the COLONIAL SECRETARY to the AGENT-GENERAL.

SIR,—

Colonial Secretary's Office, Wellington, 11th September, 1874.

In reply to your letter No. 1333, of the 12th of June, upon the subject of the sum overpaid to Mr. Buller, I have the honor to inform you that the Government consider that the sum of £133 6s. 8d. should be recovered from Mr. Buller; and I have to request that you will take steps to carry out the instructions you have already received on this subject.

I have, &c.,

DANIEL POLLEN.

The Agent-General for New Zealand, London.

#### No. 7.

Mr. BULLER to the Hon. the COLONIAL SECRETARY.

SIR,—

Northern Club, Auckland, 17th September, 1874.

In forwarding my claim for £100, the cost of return passage from England to New Zealand, I have the honor to refer you to the Colonial Secretary's letter of 8th April, 1871, No. 483, granting me "leave of absence to proceed to England for the purpose of publishing a work on 'The Birds of New Zealand,'" and informing me that "in consideration of the value to the colony of the work" upon which I was engaged, the Government had agreed "to pay my passage to and from England at a sum not exceeding £100 each way."

I have now the honor to report for your information that, having completed the publication of my work on "The Birds of New Zealand," I returned to the colony by the last San Francisco mail boat, and that the cost of my own passage exceeded the maximum named by the Government.

I have the honor at the same time to remind you that I have completed my part of the agreement, by forwarding to the Government (for presentation to Public Libraries) twenty-five copies of my work.

I have, &c.

WALTER L. BULLER.

The Hon. the Colonial Secretary, Wellington.

#### No. 8.

Mr. COOPER to Mr. BULLER.

SIR,—

Colonial Secretary's Office, Wellington, 29th September, 1874.

I am directed by Dr. Pollen to acknowledge the receipt of your letter of the 17th instant, forwarding your claim for £100, the cost of a return passage from England to New Zealand, in terms of the letter from this office No. 483, of the 8th of April, 1871.

I am further directed to forward for your information the copy of a letter recently addressed to the Agent-General for New Zealand in London, upon the subject of the recovery of a sum of £133 6s. 8d. directed to be made by that officer from you; and which letter must have crossed you on your voyage out from Home.

W. L. Buller, Esq., Wellington.

I have, &c.,  
G. S. COOPER.

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No. 9.

The AGENT-GENERAL to the Hon. the COLONIAL SECRETARY.

SIR,—  
7, Westminster Chambers, 22nd January, 1875.  
Adverting to your letter of the 11th September, No. 2046, instructing me to take steps to recover the sum of £133 6s. 8d. from my late Secretary, Mr. Buller, I have the honor to observe that as Mr. Buller had sailed for New Zealand six weeks before your letter was written, it does not seem necessary I should offer any further remarks on the subject.

I have, &c.,  
I. E. FEATHERSTON,  
Agent-General.

The Hon. the Colonial Secretary, Wellington.

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[Price 6d.]

