

210. Then, when he held the office nominally, while he was a Minister, what became of the salary?—I do not know, but it would go to the credit of the colony. It would be paid into the Treasury as miscellaneous revenue. It would have been very much better if this money, which was received by the Imperial Government, had been always considered Colonial revenue.

211. *Hon. W. Johnston.*] I understand you to say that payments made to the Colonial Government by the Home Government for services rendered should not be considered colonial revenue. Do you not consider the moneys received by the Post Office for money orders from the Home Government colonial revenue?—No, they are not colonial revenue. They are not brought into account as revenue, but they are made public moneys, and the property of the Crown, for the purpose of bringing them under the control of the Audit.

212. I refer to the commission received for money orders?—That is brought to charge as part of the postal revenue.

213. Is not that an exactly similar case to that of the payment of Imperial pensions?—Yes, it is. The only difference is that the one thing is authorized by statute, and the other is not. One is settled by law, and the other is a transaction outside the law.

214. *Mr. G. McLean.*] Let us suppose a case of this sort: if that money came out to you as the servant of the House, and you chose to put it into your pocket, and used it for your own purposes, who would have to refund it to the Home Government?—Of course the colony, having undertaken to do the work, would have to do it, whether it lost or gained by it. If any of the money was lost, no doubt the colony would have to make it good.

215. Now, the Government is the Government of the colony, and I wish to ask you, whether, as such, it has any right to enter into private transactions of this kind, which might cause a loss to the colony?—Certainly not. Any contract made by the Crown for the expenditure of moneys without the sanction of Parliament is *ab initio* null and void.

216. And if anything had happened to this money, the colony would have been responsible for it?—Yes, practically; but if the House chose not to vote it, I am not prepared to say what would be the position then.

217. *Mr. Moss.*] How is an officer appointed, so as to bring him under the Act of 1858 or 1861?—If I may say so, without being deemed impertinent, I think it would be a very good thing if the Committee were to ask how all the officers in the Civil Service were appointed, because at present there is a good deal of irregularity. There are men who are considered to be in the Civil Service who have never had a proper official appointment; and some portion of the staff is employed temporarily on day wages, the only warrant for their employment being the initials of a Minister. Those men are not considered to be in the service. I hold that every person who is appointed to the Civil Service should receive an official letter of appointment, and that certain officers should be appointed under the hand of the Governor.

218. Was Dr. Pollen's appointment as Paymaster of Imperial Pensions gazetted?—I think not.

219. Is it not usual to gazette appointments to the Civil Service?—Yes; but I do not think that Dr. Pollen belonged to the Civil Service in his capacity as Paymaster of Imperial Pensions, although he drew salaries for other offices.

220. Were the duties of the Sub-Treasurer so light that Dr. Pollen could perform them in addition to his other work?—I cannot say; but I know that Dr. Pollen always did perform his duties. He really was a hard worker, and was the most satisfactory man of business I ever met.

221. Was not the whole of the work of the Paymaster of Imperial Pensions performed by officers other than Dr. Pollen, and had he not only to sign the vouchers?—I do not know. I cannot say.

222. *Hon. W. Johnston.*] Under the Public Revenues Act, out of what account was the commission paid?—It was not paid at all; it would only be deducted from the amount which the colony owed the English Government.

223. On the receipt of the money, what fund would it go into?—Perhaps into the Imperial Pensions Advance Account, or, probably, to the Consolidated Fund. I am not quite sure; but I will look up that point, and inform the Committee.

---

TUESDAY, 26TH JULY, 1881.

HON. W. GISBORNE, M.H.R., examined.

224. *The Chairman.*] The object of the Committee in asking you to attend here again, Mr. Gisborne, was to inform you of a point of difference between a statement you made when you were last before the Committee and a statement on the same subject which has since been made by Sir William Fox. His attention was drawn to the statement made in your letter of the 27th November, 1876, to the effect that, you accepted the office of Commissioner of Annuities on the distinct understanding that while you performed the duties in addition to those of Minister your time should count, but that the time during which you were a Minister should not count in the computation of your pension. I will read to you the questions that were put to Sir William Fox on that point, and his replies to them. They are as follows:—Mr. Gisborne was asked: "You say there was a distinct understanding that, while you performed the duties of Commissioner of Annuities in addition to those of Minister, that time should count in the computation of your pension?" His reply was, "I say that that was what was told me by the Premier, Sir William Fox, and other Ministers at the time. They told me that the time during which I held office in the Civil Service would count in respect of my pension, notwithstanding that at the same time I was a Minister of the Crown. In making my claim to Major Atkinson, I understood that the Law Officers were of opinion that the services in question would count. I took the Insurance Office on that understanding." Then I asked him, "Do I understand you to imply that you risked the possible interpretation of the law when you took political office, as to your right to take Civil office?" and the reply was, "I was under the impression that the law allowed it, and I was aware that the same thing had been done in the case of other officers." Then I said, "On the very face of these papers, Sir William Fox, who was, I believe the head