

might receive in respect of his position in the Ministry. He continued to discharge, as far as possible, the duties of his Civil Service offices while a Minister of the Crown. While he was still a member of the Executive, the Disqualification Act of 1876 was passed. By it a person holding any Civil Service office was prohibited from being a member of either House of Parliament. The Hon. Dr. Pollen being a member of the Legislative Council, the alternative before him was to resign his political position or his Civil Service offices. On the 30th October, 1876, he resigned the Civil Service offices, from which he had retired so far as emoluments were concerned over three years before. When he resigned these offices he expressly reserved his right to such pension as he might be entitled to. He might have then further claimed to have had the amount of the pension settled, but, being at the time in a position of power which other men might have used to their own advantage, he honourably refrained from raising the question till he was no longer in a position to influence the decision.

He continued a Minister of the Crown till the 13th October, 1877, when he applied that the amount of his pension might be settled. It was ultimately fixed at the amount mentioned in the previous report, but was allowed only from the 30th October, 1876. A point has been sought to be made of a mistake in a memorandum by the Hon. Dr. Pollen as to the date from which he claimed his pension, but, unless his explanation of the matter is to be rejected, there is nothing to be made of that. The question is as to his right, and not as to verbal accuracy in the course of a somewhat heated controversy. There is, however, a point worthy of notice in the course of that controversy. The Controller-General minuted, "If all were treated alike, Dr. Pollen is entitled to pension from 1873." The question, therefore, which appeared to the Committee as that to be considered was whether the pension fixed in 1880 should be paid from the time when the salaries ceased, on which it was calculated, or from the time the offices were formally resigned. It is true that during the interval he received larger allowances as a Minister of the Crown, but that does not appear to your Committee to touch the question of principle—whether the pension should be paid from the time when he ceased to draw the salaries on which the pension itself was calculated.

Your Committee consider that no good reason can be urged against the payment of the arrears from the date when the right accrued.

Your Committee therefore beg to affirm the recommendation of their former report.

10th September, 1891.

ALFRED SAUNDERS, Chairman.

No. 2.

The Hon. Dr. POLLEN to the Hon. the COLONIAL SECRETARY.

SIR,—

Wellington, 25th September, 1891.

In a letter which I had the honour to address to the Colonial Secretary on the 12th September, 1889, on the subject of arrears of pension due to me, I mentioned a letter (No. 944, 5th September, 1888), from the Hon. Mr. Hislop, in which I was informed that "the Government can do nothing in the matter of my claim until it has been before a Select Committee of the House."

My claim having been again submitted to the Public Accounts Committee, and its favourable report—arrived at with only one dissentient—having been laid before the House of Representatives, and referred by the House to the Government for its consideration, I am led to hope that all difficulties in the way of its satisfaction have now been removed.

It is in evidence, as I have before shown, that my legal right was long ago admitted by the Controller and Auditor-General, by the permanent officers of the Treasury, and by the Law Advisers of the Crown; if there were any doubt as to the equity of the claim, that doubt, I submit, has been removed by the decision, after patient inquiry, of the Public Accounts Committee in my favour.

I have now, therefore, respectfully to request that the money (£1,389 0s. 5d.), shown to be legally and equitably due to me, a voucher for which is enclosed herewith, may be paid to me.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

DANIEL POLLEN.

Enclosure in No. 2.

NOTE.—The voucher referred to in above letter has not been printed.

No. 3.

The Hon. Dr. POLLEN to the Hon. the COLONIAL SECRETARY.

SIR,—

Avondale, Auckland, 14th October, 1891.

In my letter of date 25th September ultimo, on the subject of arrears of retiring-allowance due to me, I stated that it was in evidence that my legal right was long ago admitted by the Controller and Auditor-General, by the Permanent Officer of the Treasury, and by the Law Officers of the Crown.

In order to facilitate consideration of the case by the Government, I have now the honour to forward enclosed herewith a memorandum giving abstracts of the opinions mentioned, and indicating the places in the public records where the opinions in question are to be found printed in full.

I have, &c.,

The Hon. the Colonial Secretary, Wellington

DANIEL POLLEN.