

1895.  
NEW ZEALAND.

# THE HON. DR. POLLEN'S PENSION

(FURTHER CORRESPONDENCE RELATIVE TO).

[In continuation of I.-11c., 1886, and I.-9a., Sess. II., 1891.]

*Presented to both Houses of the General Assembly by leave.*

No. 1.

SESSION II., 1891. I.-9a.

PUBLIC ACCOUNTS COMMITTEE (REPORTS OF) ON THE ARREARS OF THE HON. DR. POLLEN'S PENSION.

*Brought up 4th and 10th September, 1891, and ordered to be printed.*

The papers relating to the retiring-allowance of the Hon. Dr. Pollen having been referred to the Public Accounts Committee, with a request that the Committee will take into their consideration and report upon the Hon. Dr. Pollen's claim for payment of retiring-allowance for the period from the 3rd July, 1873, to the 30th October, 1876, the Committee have the honour to report as follows:—

The Hon. Dr. Pollen in 1873 had the right to retire on an annual pension. Instead of retiring he took office on the 3rd July, 1873, as Minister of the Crown, and ceased to draw the salary attached to his Civil Service offices, the duties of which, however, he continued to perform. In consequence of the passing in 1876 of the Disqualification Act, the Hon. Dr. Pollen, on the 30th October in that year, resigned his offices in the Civil Service, but continued Minister till 1877. The Hon. Dr. Pollen then claimed his pension, which after some time was fixed at £418 15s. per annum, calculated from the date at which he resigned his office in the Civil Service. He now claims that his pension should date from the time when he became entitled in 1873.

In the circumstances, and following the precedent in the Hon. W. Gisborne's case, the Public Accounts Committee recommend that the Hon. Dr. Pollen be paid the equivalent of the time from the 3rd July, 1873, to the 30th October, 1876, being £1,389 0s. 5d.

4th September, 1891.

ALFRED SAUNDERS, Chairman.

The House having been pleased to refer back the report of this Committee on the claim of the Hon. Dr. Pollen for reconsideration, your Committee have again given the subject their most careful attention. It is probable that the report referred back dealt too briefly with a subject which has caused much disputation and has engaged the attention of several previous Public Accounts Committees; but your Committee found, on investigation, that, freed from political bias, the conclusion they came to appeared so clear, and was arrived at with such unanimity, that your Committee did not consider that an exhaustive report was necessary.

Even now your Committee do not think any good purpose would be served by dealing minutely with the various stages of the claim; but the following parliamentary papers on the subject may be noted for reference, viz.: B.-17, 1880; I.-5, 1881; Legislative Council Journals, No. 13, Sess. II., 1884; Report of Public Petitions (I.-11c.), 1886. In particular, your Committee did not, and do not now propose to, deal with the calculations by which the exact amount of the annual pension was arrived at. It was adjusted after considerable disputation, but, having been fixed more than eleven years ago, it appeared to your Committee that no good purpose would be served by reopening the subject after the lapse of several Parliaments and the recognition of many Ministries.

Your Committee directed their attention, and have again given their consideration, to what they took, and again take, to be the real question—viz., whether the Hon. Dr. Pollen has a claim to the payment of arrears of pension for the period between the date when he ceased to draw the salaries on which the pension was based and the date from which that pension was paid—a period of over three years.

In 1873 the Hon. Dr. Pollen attained an age and had completed a period of service which entitled him to retire on a pension. On the 3rd July of that year he accepted, with Ministerial rank, a seat in the Legislative Council, of which he had been previously a member. It would have been competent for him to have previously had his pension fixed; and if that had been done he would, without doubt, have been entitled to draw his pension, quite irrespective of any salary he

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.

## Enclosure in No. 3.

MEMORANDUM BY DR. POLLEN.

THERE were so many technical objections raised to my claim for a retiring-allowance—made under the provisions of the Civil Service Acts, 1858 and 1861—in my letter to the Hon. Colonial Secretary, on the 13th October, 1877, that I was unable to obtain any settlement which I could accept; the question remained therefore in abeyance until the 11th October, 1879, nearly three years after my resignation of offices.

I then applied for a retiring-allowance, under section 33 of "The Civil Service Act, 1866," which was granted (11th May, 1880) as from the 30th October, 1876, the date of my resignation of my appointments.

Anticipating trouble because of what had previously occurred, and hoping in vain to obtain a quiet and unquestionable settlement, and not wishing to appear, under the circumstances, exacting, I asked that the allowance should be made to begin as from the 30th October, 1876, when my resignation was accepted by His Excellency the Governor (Appendix H. of R., No. 46, B.-17, 1880).

In my memorandum to the Hon. Attorney-General, under date 1st March, 1880 (No. 60, B.-17, 1880), I wrote: "I did not and do not (now) make any claim for payment of pension before the time when the resignation of my offices was accepted by His Excellency the Governor." In the draft of that memorandum the word "now" was written advisedly after "do not" in the above quotation, but was unfortunately omitted, carelessly, by me in copying it; and this accident has been used to my disadvantage. I only discovered the error when it was in print.

With respect to my claim as it now stands, the Hon. Attorney-General, Sir Frederick Whitaker, wrote (No. 59, B.-17, 1880, 1st January, 1880): "Assuming the facts and dates to be correctly stated in the papers, Dr. Pollen is entitled to an annual allowance of half the amount of salary received by him during the two years preceding the acceptance of Ministerial office in July, 1873, if not on the 3rd June preceding, under clause 33, "Civil Service Act, 1866," above referred to."

Subsequently, a question having been raised as to date of commencement, Sir Frederick wrote (No. 66, B.-17, 1880, 3rd May, 1880): "It appears to be a great anomaly that any officer should be entitled to a large salary and a pension at the same time; but I must admit that there is not in the Civil Service Acts any express prohibition against it, and the view appears to have been acted on in former cases. This would entitle Dr. Pollen to a retiring-allowance as from 1873."

The Solicitor-General, Mr Reid, writes (No. 59, B.-17, 1880, 28th January, 1880): "Dr. Pollen, in his letter, 11th October, 1879, bases his claim to superannuation allowance upon the 33rd section of "The Civil Service Act, 1866." This puts his case in a new aspect, the previous claim having been based upon the Civil Service Acts, 1858 and 1861. I have read the opinion of the Attorney-General herewith, and, upon consideration of the facts, I concur in the opinion that Dr. Pollen is entitled to a retiring-allowance, upon the terms and in the manner stated by the Attorney-General."

Mr. Batkin, Secretary to Treasury and Assistant Controller and Auditor, says (No. 65, B.-17, 1880, 23rd April, 1880): "In regard to the date from which the retiring-allowance to which Dr. Pollen is entitled should be paid, I am of opinion that it is payable from the date when he accepted the portfolio of Colonial Secretary—namely, the 4th July, 1873. . . . The pension payable will therefore be £418 15s, payable from the 4th July, 1873."

The Auditor-General, Mr. FitzGerald, has been throughout favorably disposed to my claim, and, as may be seen in the printed papers, has contended against the view that the holding of a Ministerial office vitiated my right in any way to a retiring-allowance. Finally, with reference to the date (30th October, 1876), from which payments were to be made, he wrote (No. 61, B.-17, 1880, 30th March, 1880): "In passing this pension, I feel it right to add that a different interpretation has been given to the law from that hitherto in force. If all are to be treated alike, Dr. Pollen is entitled to pension from 1873."

The Hon. Premier, Sir John Hall, in a telegram to the Attorney-General, says (No. 66, B.-17, 1880, 27th April, 1880): "Re Dr. Pollen's pension, in your memorandum of January last you state that the pension should commence from 13th October, 1877. The Controller and Deputy-Controller are both of opinion that he is entitled to it from 1873, but, at any rate, from 30th October, 1876."

The reply (No. 66, B.-17, 1880, 3rd May, 1880) from Sir Frederick Whitaker I have previously quoted in this memo.

Annexed are copies of the reports of the Public Accounts Committee on my claim\* (4th September, 1891, 10th September, 1891, I.-9A.).

DANIEL POLLEN.

Auckland, October.

## No. 4.

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

SIR,—

The Whau, Avondale, 11th January, 1892.

On the 25th September ultimo I had the honour to address to you a letter covering voucher for the sum of £1,389 Os. 5d., arrears of pension due to me, as from the 3rd July, 1873, to the 30th October, 1876, payment of which was recommended by the Public Accounts Committee in reports presented to the House of Representatives on the 7th and 10th September last respectively.

Subsequently, in the following month (October), in order to facilitate the consideration of my claim by the Government, I forwarded a memorandum indicating the several public and official

\*The reports referred to are dated 4th and 10th September, 1891, and are printed as No. 1 on this Paper.

records in which would be found the verification of the statement made and reiterated by me—that the validity of my claim had already been admitted by the Law Officers of the Crown—Attorney-General and Solicitor-General—by the Controller and Auditor-General, Mr. FitzGerald, and by the Permanent Officer of the Treasury, Mr. Batkin; I might have added also, by the Hon. Colonial Treasurer, Sir Julius Vogel, who, knowing all the circumstances under which, at his instance, I joined his Ministry in 1873, endeavoured when lately in office to obtain for me the just settlement desired, and so long withheld.

As in similar cases, and with such official and parliamentary sanction as above noted, it has been usual—as was done in my own case on a former occasion—to make the payment and take a vote on the estimates afterwards for the amount. As I have not had answer to my letter first above mentioned, and am ignorant as to the course proposed to be taken by the Government in a matter to me at this moment of very great importance, I respectfully crave the favour of a reply.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

DANIEL POLLEN.

### No. 5.

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

SIR,—

Wellington, 8th October, 1892.

On the 25th September, 1891, after the Public Accounts Committee of the House of Representatives had reported favourably upon my claim for arrears of pension, I had the honour to forward a voucher for the amount (£1,389 Os. 5d.) recommended, with a request that the money—my legal and equitable right to which was long ago admitted by the Controller and Auditor-General, by the permanent officers of the Treasury, by the Law Officers of the Crown, and finally, after due inquiry, by the Public Accounts Committee—might be paid to me.

Subsequently, in the month of October, in order to facilitate reference to the evidence of the facts alleged, I forwarded a memorandum indicating the places in the several public documents in which that evidence was to be found.

On the 11th January ultimo I wrote calling attention to the letters above mentioned, and asking that, as I was still in ignorance of the course proposed to be taken by the Government in a matter of great importance to myself, I might receive the favour of a reply.

As I have not received official answer or acknowledgment of the receipt of any of the letters above mentioned, I again respectfully crave the favour of a reply.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

DANIEL POLLEN.

### No. 6.

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

SIR,—

The Whau, Avondale, 27th November, 1892.

On the 8th October last I had the honour to address to you a letter in which, with reference to letters of dates 25th September, 1891, October, 1891, and 11th January, 1892, on the subject of my claim for arrears of pension, of the receipt of which I had received no official acknowledgment, I craved the favour of a reply. To that letter I have not yet received an answer.

Originally, in 1877, I was made very painfully to feel that the fair consideration of my claim to a retiring-allowance as a Civil servant was prejudiced by political party feeling, and, as the records show, a long time elapsed before I obtained even the courtesy of a reply from the Government, or such an instalment of justice as I could accept; but now, at this distance of time, I may be permitted with all due respect to say that it seems very hard that the question of the discharge of a just debt to an old public servant should depend, even in appearance, upon a party vote in the House of Representatives.

It is a just debt or it is not. It has been admitted to be just by the Controller and Auditor-General, by the Permanent Chief of the Treasury (Mr. Batkin), by the Hon. the Attorney-General, by the Solicitor-General, and finally, after careful consideration, by the Public Accounts Committee of the House of Representatives, who recommended that the money (£1,389 Os. 5d.) should be paid to me. If any other evidence or proof be necessary, I will endeavour to furnish it if so required.

I hope that I shall not be considered to be unreasonably importunate in this matter: at my time of life, and for my family's sake, a speedy settlement is desirable. I have done in the public service, loyally as I think, more than thirty years' of hard and very responsible work, often, in the early time, gratuitously, or with very slender pay, and I only ask now that the public faith officially pledged to me when, in 1873, at the urgent instance of the Premier (Sir Julius Vogel) and his colleagues I accepted Ministerial office, and reaffirmed by the Governor in Council in 1876, should be as loyally kept.

The report of the Public Accounts Committee having been referred by the House of Representatives to the Government for consideration, it is not, I hope, too much to ask for an official intimation of what is intended to be done. In any case, as I desire to leave the record of my claim complete—if it is not to be satisfied in my lifetime—I may respectfully crave to receive at least an official acknowledgment of the receipt of this letter, and of the other letters herein above mentioned.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

DANIEL POLLEN.

## No. 7.

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

SIR,—

The Whau, Avondale, Auckland, 24th April, 1893.

On the 27th November last, I had the honour to address to you a letter in which, with reference to former letters specified therein (25th September, 1891, October, 1891, and 11th January, 1892), on the subject of my claim for arrears of pension, admitted to be due to me, I stated that I had not received any official reply.

I am anxious, I repeat, if I cannot obtain justice in this matter during my lifetime—which must now be short—to leave the record of my claim complete, and I now, therefore, again respectfully crave the courtesy of an official reply to that letter (27th November, 1892), or, at least, a curt acknowledgment of its receipt, if nothing more can be accorded.

The Hon. the Colonial Secretary, Wellington.

I have, &c.,  
DANIEL POLLEN.

## No. 8.

The Hon. Dr. POLLEN to the Hon. the PREMIER.

SIR,—

The Whau, Avondale, 13th November, 1893.

My claim for arrears of pension having been investigated by the Public Accounts Committee of the House of Representatives in the session of 1891, and the report recommending payment of that claim having been referred by the House to the Government for consideration, I have been endeavouring since that time, as the letter (24th April, 1893), copy of which is herewith, shows, to obtain from the Hon. the Colonial Secretary an official intimation of the intentions of the Government in regard to that report. I have not received an official answer to any of these letters, or even the courtesy of an official acknowledgment of their receipt.

Under these circumstances, and as you were good enough to inform me by telegram before the close of last session that you would bring the report of the Public Accounts Committee before the Cabinet, I crave respectfully that you will give, or cause to be given, to me an official intimation of the intentions of the Government in regard to that report, or even, for record, a curt acknowledgment of the receipt of these letters, if nothing more can be accorded.

Permit me to add that I think that I am entitled to this ordinary courtesy, or, at least, to some explanation of the exceptional and apparently offensive treatment to which I am subjected in this matter.

The Hon. the Premier, Wellington.

I have, &c.,  
DANIEL POLLEN.

## Enclosure in No. 8.

NOTE.—The letter of 24th April, 1893, referred to in above letter, is already printed as No. 7.

## No. 9.

The Hon. Dr. POLLEN to the Hon. the PREMIER.

SIR,—

The Whau, Avondale, Auckland, 5th December, 1893.

On the 13th November last, I had the honour to address to you a letter on the subject of arrears of pension due to me, to which was attached copy of a letter of date 24th April, 1893, to the Hon. the Colonial Secretary.

It is intelligible that pressure of public work and engagements has prevented you from giving attention to the request contained in that letter; and I venture to trouble you now only to place before you, as additional information in the matter, a copy of the letter of date 27th November, 1892, specially referred to in the letter above mentioned to the Hon. the Colonial Secretary.

The Hon. the Premier, Wellington.

I have, &c.,  
DANIEL POLLEN.

## Enclosure in No. 9.

NOTE.—The letter of 24th November, 1892, referred to above, is already printed as No. 6.

## No. 10.

The Hon. the PREMIER to the Hon. Dr. POLLEN.

(No. 1059.)

SIR,—

Premier's Office, Wellington, 14th December, 1893.

I have the honour to acknowledge the receipt of your letters of the 13th ultimo and 5th instant, in which you ask for an official intimation of the intention of the Government as regards the report of the Public Accounts Committee in 1891 on your claim for arrears of pension. I have also to acknowledge your letters of the 15th September and 14th October, 1891, and 11th January, 1892.

In reply, I have to inform you that, having carefully considered the question, the Government regret that they cannot see their way to reopen it, unless by the express direction of Parliament.

I have, &c.,  
R. J. SEDDON.

The Hon. Dr. Pollen, M.L.C., The Whau, Avondale, Auckland.

## No. 11.

The Hon. Dr. POLLEN to the Hon. the PREMIER.

SIR,—

The Whau, Avondale, 26th December, 1893.

I have the honour to acknowledge receipt of your favour of date 14th December instant, and to thank you for notice of the several letters therein mentioned, a courtesy which I failed to obtain from the Hon. Colonial Secretary.

You are good enough to express "regret that the Government cannot see their way to reopen it"—my claim for arrears of pension—"unless by the express direction of Parliament." Permit me to observe with great respect that there seems to be error here; the question cannot need to be reopened, that having been effectively done when it was referred by the Premier and Colonial Treasurer, the Hon. Mr. Ballance, to the Public Accounts Committee. That Committee, after careful inquiry and consideration—with one dissentient only—recommended that payment of the sum claimed (£1,389 0s. 5d.) should be made; that report having been then referred by the House of Representatives to the Government for consideration, the question, I submit, remains open—widely open—and the refusal of the Government, upon grounds of which no indication is vouchsafed, to enable the House of Representatives to give judgment upon the report of its most influential and important sessional Committee presented in response to official Ministerial requirement, amounts, in my view, to a simple denial of justice to me.

The grounds for such denial ought to be—and, although unknown to me, may be—strong and sufficient; nevertheless, I hope that I shall not be considered impertinent or unreasonable if, in a matter which affects my personal honour as well as my private interests, I should now desire to be informed what these grounds are, and respectfully crave the favour of an answer.

I have, &amp;c.,

The Hon. the Premier, Wellington.

DANIEL POLLEN.

## No. 12.

The Hon. Dr. POLLEN to the Hon. the PREMIER.

SIR,—

The Whau, Avondale, Auckland, 15th February, 1894.

On the 26th December ultimo, I had the honour to acknowledge receipt of your letter (No. 1059), of date 15th December, in which you were good enough to express the regret of the Government that they "cannot see their way to reopen it" (my claim for arrears of pension) "unless by the express direction of Parliament."

I venture to point out that, the case having been officially reopened by the Premier and Colonial Treasurer (the Hon. Mr. Ballance), when it was by him referred to the Public Accounts Committee, it stands widely open, and that the refusal of the Government to enable the House of Representatives to deal with the favourable report of its Committee amounts to a practical denial of justice to me; I therefore begged to be informed of the grounds of that denial.

As I have not yet received the information desired, I now again respectfully crave the favour of an answer.

I have, &amp;c.,

The Hon. the Premier, Government Buildings, Wellington.

DANIEL POLLEN.

## No. 13.

The Hon. Dr. POLLEN to the Hon. the PREMIER.

SIR,—

The Whau, Avondale, Auckland, 7th June, 1894.

In the month of December last, in reference to my claim for arrears of retiring-allowance, I received a letter, in which you were good enough to express the regret of the Government that "they cannot see their way to reopen it without the express direction of Parliament."

In my letter of date, 26th December, I pointed out that the case having been reopened by the late Premier, the Hon. Mr. Ballance, when he referred it to the Public Accounts Committee, it stood, as it still stands, open, and that the refusal of the Government to enable the House of Representatives to give judgment on the report of its Committee was, from my point of view, a practical denial of justice to me, and I craved the favour of being informed of the reasons which appeared to the Government sufficient to justify such denial. I have not yet received a reply.

For nearly fifty years I have been, in one capacity or another, a servant of the people of New Zealand. In the early days, when Government and people were alike poor, my service was given in general gratuitously; but, as it was professional and official, it was not, I think, less real and useful on that account.

When, in 1873, holding offices of great trust and responsibility in the Civil Service, I accepted the portfolio of Colonial Secretary in the Ministry of Sir Julius Vogel, the public faith was pledged to me that my claim to a retiring-allowance as a Civil servant should not in any way be thereby prejudiced, and I thereupon continued to hold and to discharge the duties of my Civil Service appointments, with all their responsibilities, until the passing of "The Disqualification Act, 1876," put before me the alternative of deserting my Ministerial colleagues or resigning my Civil Service offices. I might then have settled my own claim as I wished, but thought it not becoming as Minister to do so; and, having received from the Governor in Council a practical renewal or indorsement of the pledge before mentioned, I allowed my claim to stand over, and, in order to avoid the necessity of making new appointments, I continued unofficially to supervise the working of my old offices until the defeat of the Ministry in 1877.

When I made application to the new Government to "keep troth," I was made quickly to feel that the security upon which I relied would fail. The technical legal objection was raised that

the holding of the minor offices was "incompatible" with the Ministerial office, and that I could not therefore reckon the years—some eight—during which I was a member of the Executive Council as part of my Civil Service, although on one occasion in 1861–62 I had neither pay nor portfolio as a Minister. It was long before I could obtain even the courtesy of a reply to my letters, and it was not until more than three years had elapsed after my retirement, and upon the accession to office of another Ministry, that I obtained such a settlement as I could accept; even that settlement, moderate and incomplete as it was, barely escaped from abrogation—on purely party grounds, as it appeared to me—after a party battle in which I bore all the blows.

In the year 1891, the Hon. Mr. Ballance expressed his willingness to take a vote on the report of the Public Accounts Committee in my favour, but very kindly advised that, as the temper of the House in regard to the Civil Service was disturbed by the Public Trust Office inquiry and matters connected therewith, it would be better to wait until the next session. To this I agreed. I need not remind you of the occurrences of the following year, to which, as having somewhat of a private and friendly character, I now merely allude in support of the view I have expressed that my claim remains open and still unsettled.

I venture here to reiterate that the public faith was pledged that my right to a retiring-allowance as a Civil servant, should be preserved intact; that my claim has been admitted to be just by the Controller and Auditor-General, by the permanent official head of the Treasury, by the Attorney-General, by the Solicitor-General, and, finally, by the Public Accounts Committee of the House of Representatives, who, with one dissentient only, recommended that the arrears (£1,389 0s. 5d.) claimed as due should be paid to me. In the face of these facts, I shall not, I hope, be considered unreasonable in again respectfully asking for information as to the grounds upon which what I am obliged to regard as a denial of justice to me by the present Government is based.

If the Government should not think fit to give me the information desired, I ask respectfully that copies of all letters addressed to you on this subject, with enclosures, and copies of the replies with which you have favoured me, may be laid before Parliament in the next session, as in continuation of former papers already on record.

I have, &c.,

DANIEL POLLEN.

The Hon. the Premier, Wellington.

#### No. 14.

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

(No. 557.)

Colonial Secretary's Office,

SIR,—

Wellington, New Zealand, 11th June, 1894.

I have the honour to acknowledge the receipt of your letter of the 26th December, in which you comment on the refusal of the Government to reopen the question of your claim for arrears of pension.

In the first place I beg you to accept my assurance that no reflection of the slightest kind was intended by the Government upon you in adopting the decision they arrived at, a decision which they must adhere to, nor is there any desire to do you any injustice.

The fact, however, remains that no action was taken on the recommendation of the Public Accounts Committee of the late Parliament. A new Parliament is now in existence and the Government think that the new Parliament must be directly consulted in the matter.

The Hon. Dr. Pollen, M.L.C.,

I have, &c.,

The Whau, Avondale, Auckland.

P. A. BUCKLEY.

#### No. 15.

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

SIR,—

The Whau, Avondale, Auckland, 16th June, 1894.

I have the honour to acknowledge receipt of your letter (No. 557) of date 11th instant, and to thank you for that communication.

I had previously, a few days ago, sent to the Hon. the Premier a letter which you will probably have seen, in which, after recapitulating the leading points of my case, I asked that he would be good enough to cause copies of the letters, &c., addressed by me to him on the subject, together with copies of the replies with which he had favoured me, to be laid before Parliament in the coming session, as in continuation of former papers already on record.

Should this request be, as I hope, complied with, an opportunity may be afforded to honourable members of the House of Representatives of expressing their views of the question, either upon motion for the printing of the papers or for giving effect to the recommendation of the Public Accounts Committee of the late Parliament in my favour.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

DANIEL POLLEN.

#### No. 16.

The Hon. Dr. POLLEN to the Hon. the PREMIER.

SIR,—

Wellington, 20th August, 1894.

With reference to my letter to you of date 26th December ultimo, I have now the honour to enclose copy of a letter (No. 557, 11th June, 1894), from the Hon. Colonial Secretary, together with copy of my reply. As I have not yet received an answer to the letter last mentioned, I venture to

ask respectfully that you will be good enough to inform me whether I may hope that my request that copies of my letters to you on the subject of my claim for payment of arrears of pension should be laid before Parliament, as in continuation of former papers on record, will be complied with.

I have, &c.,  
DANIEL POLLEN.

The Hon. the Premier, Wellington.

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Enclosure in No. 16.

NOTE.—The letters referred to in above are already printed as Nos. 14 and 15.

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No. 17.

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

(No. 780.)

SIR,—

Premier's Office, Wellington, 22nd August, 1894.

In reply to your letter of the 20th instant, I have been directed by the Premier to inform you that copies of your letters on the subject of your claim for payment of arrears of pension will be laid before Parliament as requested.

I have, &c.,  
ALEX. WILLIS.

The Hon. Dr. Pollen, M.L.C.

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