

provision though in one or two instances it might have been wished that it had been on rather a more liberal scale) has been made for all those who have lost their offices which they had previously a right to regard as permanent. Further,—Lord Grey in transmitting to Governor Sir Charles FitzRoy the “New South Wales Government Act” on 30th August, 1850, states for his Excellency’s guidance that the interests of existing office holders must be protected, because they accepted those offices with expectations which cannot be justly disappointed.

Acting upon this principle the new Constitutions for the Colonies of New South Wales, and South Australia have each a clause inserted therein providing compensation for officers who have, or will be deprived of their appointments by the introduction of the new system of Government, and in the act of Parliament, conferring Representative Institutions on the New Zealand Islands, a protective power is vested in the Governor for the same purpose, as well as in the instructions transmitted to his Excellency by the Right Honorable the Secretary of State, in the Despatch accompanying the Act referred to in accordance with the recommendation embodied in Governor Sir George Grey’s Despatch of the 30th August 1851, as follows:—Clause 65, “I think also that a farther restriction should be imposed, and that is that no officer who has received a permanent appointment from the Crown in any of the Provinces in New Zealand, should be removed from his Office by any Provincial Council until his claim shall have been considered, and until, if it is found a valid one, a law shall have been passed by the Provincial Council, and shall have received the assent of the Governor-in-Chief. Securing to such officer such compensation for the loss of his situation as the nature of his office, the amount of salary received, and his length of service may be considered as fairly entitling him to.”

It may perhaps be proper also to give an extract from the proceedings of the Legislative Council of South Australia in the discussion on the Estimates for 1853, when a sum of £2000 was proposed to be set apart as a fund to compensate those officers who might be obliged to retire from the public service from political changes.

“An item of £2000 appeared on the proposed Civil List Bill, and the Colonial Secretary wished briefly to detail to the Council the circumstances under which it had been thought desirable to propose it. The present officers of Government received their offices whilst those offices were held under the Crown. They were consequently looked upon as a fixed tenure, the parties holding them not being liable to removal except by misconduct of their own. But under the new state of things the tenure would be uncertain. On these grounds, it was chiefly that the present item of £2000 for retiring pensions had been introduced. This would provide retiring pensions to the extent of two-thirds of their present salaries for all the officers of Government, liable to be driven from the public service in consequence of their not being able to obtain seats in the first Elective Assembly, or in the event of their not being able to command majorities in the House when elected.

The indisputable evidence which is thus adduced as to the recognition by the highest authorities in the realm of the principle of compensation, will it is presumed be sufficient to establish the claim set up by Mr. Grimstone, and with regard to the mode in which it should be satisfied little remains to be added. Her Majesty in Council having given Her approval to the report of the Privy Council, pointing out that the means for compensation should be supplied by the *Local* or in other words, the Provincial Legislatures.

Finally,—It has been considered as the proper course to bring this case under the notice of the Council of Wellington, because the claimant’s services were chiefly confined to that Province, it having been the Seat of the late Provincial Government of New Munster, and consequently the centre from which all official instructions emanated. The importance of its own position rendering it the focus around which the administration of the public affairs generally necessarily revolved, and moreover, as although the Governor of the Colony might in the exercise of his authority have granted the protection which Mr. Grimstone solicits. Yet, as the amount of compensation must, it is submitted, be borne by the Provincial Treasury, it appeared but just and regular that the Council should possess an entire knowledge of the circumstances under which the claim is advanced, to enable it to use its judgment and discretion in the disposal of that portion of its own revenue.

And because, the new Constitution having been granted at the earnest solicitation of the Colonists, who derive the benefit of its introduction, it is but carrying out a common principle of justice that they should provide for those officers of the late Government, who are deprived of their appointments by the boon which has been conferred upon the Colony by the Imperial Parliament.

(Signed)

S. E. GRIMSTONE.