

4. *Mr. Dargaville.*] Do I understand that the period of service for which you claim a pension expired in 1874; the seventeen years you speak of expired then?—I claimed under different Acts. The question has been raised as to the incompatibility of the offices which I held in the Civil Service with the ministerial office, and I did not press my claim for the reasons I have stated, namely, that I was a Minister; and my colleagues agreed that I should retire unconditionally, and leave the question to be settled in the future.

5. The difficulty the Committee will have to deal with is presented by the fact of your having closed the matter to all intents and purposes in the receipt that you gave in 1880, as shown by Mr. Dick's letter of 1882. In your letter of the 1st March, 1880, you say, "I do not and did not make any claim for pension," &c. (see letter referred to). You urge, as against that, the fact that Parliament reopened the matter, and that is your sole justification for making this claim?—I hold that the question was not finally settled, and that the fact of my getting any pension at all was still in abeyance. In one of the Acts passed in the House there was a clause which was retrospective in its operation, and which would have fatally cut me off altogether from any kind of consideration for my long services. The passing of the Act was resisted in the Council (I was not here at the time), and only by this resistance I was saved from having to begin the world again. I believed that the compromise which I made not having been held, and the question reopened, I was entitled to claim the whole of the consideration for my services. I may be permitted to say this generally: that where a Civil servant gives his time to the Government under the sanction of the Civil Service Acts, as in my case, his retiring allowance should be regarded not as a gratuity or a privilege or an act of grace, but as a right, as, in fact, a deferred payment for services performed; and if I had not been quite sure of this I would not have remained in the Government service for one hour. It was always open to me to make two or three times the income in other ways. It was merely by an accident that an Act was not passed which would have deprived me of everything.

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## APPENDIX.

### DR. POLLEN'S CLAIM.

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

SIR,—

Wellington, 3rd July, 1885.

With reference to the more recent correspondence on the subject of my retiring allowance, as laid before the Houses of Assembly last year, and printed in the Appendix to the Journal of the Legislative Council, I venture to express the hope that all doubt has been removed as to the validity of the claim put forward by me, and that I have been able to show satisfactorily that, even waiving the technical objection based upon my having held place in the Executive Council of the Colony in the years 1861–62, and 1868–69, I had given more than a sufficient length of public service to entitle me to the half-pay of my Civil appointments at the time when in June, 1873, I had attained the full age of sixty years, and when, in accordance with the provisions of clause 33 of "The Civil Service Act, 1866," I ought to have retired.

If, when in July, 1873, I accepted the portfolio of Colonial Secretary in the Ministry of Sir Julius Vogel, I abstained from pressing my claim, it was because then, as at a later period, in 1876, I was unwilling to use my influence or authority as a Minister in a decision upon my own case; and because by continuing to do the work of my Civil appointments, not doubting of the future, I was enabled to save to the colony the cost of providing a successor in those offices.

You will find that it has been admitted by the Controller and Auditor-General, and by the Assistant-Controller and Auditor, Mr. Batkin, as well as by the law officers of the Crown, that I was entitled to receive payment of my retiring allowance as from July, 1873; and if, in 1880, after more than three years of patient waiting for a decision, I accepted the settlement then made, it was in a sense under duress, and with the hope that it would be regarded as complete and final.

In this I was disappointed; and, therefore, after the whole case had been reopened in the House of Representatives, and referred for adjudication to the Public Accounts Committee, I felt that I was at liberty to prefer the claim made in my letter of date 8th September, 1882, for payment of my retiring allowance from 3rd July, 1873, to 30th October, 1876.

That claim I now beg most respectfully to renew. The provisions of "The Pensions Act, 1884," will prevent any similar claim to mine from arising in the future; but, as that Act has not a retrospective operation, it does not affect my case; the only bar to my present claim appears to be that set forth in the letter of date 15th September, 1882, from the Hon. Mr. Dick, and this bar I submit has been removed by the reopening of the case as hereinbefore mentioned.

The Hon. Sir William Fitzherbert and the Hon. Mr. Gisborne have been permitted, as they were indeed entitled, without question, to draw their retiring allowance during the whole time of their holding ministerial office, and the right to do so has been conceded in my own case as to the period from 30th October, 1876, to 13th October, 1877. I hope, therefore, that there is now no sufficient reason why I should be exceptionally treated, and a distinction, which appears invidious, continued in my regard.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

DANIEL POLLEN.

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