

its legal aspect, as a matter of interpretation of Statutes, the above opinion of the Solicitor-General is correct in stating the law as it stands at present. The only remedy, it appears to me, is a declaratory Act of the Assembly. I think that should be prepared as soon as the Assembly meets again." No such declaratory Act was passed in 1877, the year following the granting of the pension; but, in 1878, the Civil Service Acts Amendment Act was passed, which was apparently intended to cover this and similar cases.

The Committee has also to place before the House an opinion of the Solicitor-General on Dr Pollen's case, which was not furnished to the Committee until after its report of that case of the 1st July last. The reason the Committee had not this opinion before it was, that it was not filed with the papers relating to the case, and its existence was unknown to the Government.

In submitting to the House the accompanying papers, and the foregoing summary of the facts in the respective cases referred to it, the Committee expresses its opinion that, although there has been irregularity in the granting of the pensions to Sir William Fitzherbert, the Hon. William Gisborne, and the Hon. Dr Pollen, the Committee does not consider that the circumstances of the several cases are such as would render it advisable to repudiate liabilities based on the Governor's warrants, and, therefore, recommends that all doubts as to the legality of those pensions should be removed by a special Act.

15th August, 1881

E. C. J STEVENS,
Chairman, Public Accounts Committee.

MINUTES OF PROCEEDINGS.

TUESDAY, 12TH JULY, 1881.

THE order of reference of the 7th July was read.

On the motion of Mr. Montgomery, *Resolved*, That the Chairman should see Sir William Fitzherbert, to ascertain if he wishes to attend the Committee to make any statement as to his pension; and, if so, to arrange a time with him accordingly.

A letter from the Hon. Mr. Gisborne, of the 11th July, was read, offering to give evidence before the Committee. *Resolved*, That the letter be acknowledged, and that the Hon. Mr. Gisborne be informed that the Committee will be happy to meet him to-morrow, if he wishes to make any statement respecting his pension.

On the motion of Mr. Reader Wood, *Resolved*, That all information be obtained with regard to Sir William Fitzherbert's appointment as Commissioner of Crown Lands, his resignations, and his re-appointments, if any; also, the dates of his several appointments to the Executive Council of the colony and as Minister, and his resignations of the same. That similar information be obtained in regard to the several appointments held by Messrs. Gisborne and Domett respectively.

On the motion of Mr. Saunders, *Resolved*, That in all three cases the quantity of leave, on full pay or otherwise, granted to the pensioners respectively, during their terms of service, be ascertained for the information of the Committee. That, in all three cases, the sums of money, if any, received by the pensioners respectively, concurrently with their pensions, be ascertained for the information of the Committee.

WEDNESDAY, 13TH JULY, 1881.

The Chairman reported that he had seen Sir William Fitzherbert, who had appointed to attend the Committee next Friday, at 11 a.m.

Hon. Mr. Gisborne, being in attendance according to appointment, made a statement with regard to his own pension and those of Mr. Domett and Sir William Fitzherbert; and he was subsequently examined by various members of the Committee on the subject of the pensions generally.

FRIDAY, 15TH JULY, 1881.

Sir William Fitzherbert was in attendance according to appointment, and, having made a statement with regard to his pension, he submitted himself for examination by the members of the Committee.

On the motion of Mr. Montgomery, *Resolved*, That the Hon. Sir William Fox be requested to attend the Committee at 11 a.m. on Wednesday, the 20th instant, until which date the Committee should adjourn.

WEDNESDAY, 20TH JULY, 1881.

The Chairman read letters from the Treasury of the 14th July, and the Colonial Secretary's Office, of the 19th July, giving the information asked for on the subject of pensions, and reported that the Hon. Mr. Gisborne desired to make some additions to his evidence. It was resolved that permission be granted.

On the motion of Mr. McLean, *Ordered*, That the following papers be obtained for the Committee, viz.:—(1.) Application form, filled up by Sir William Fitzherbert when applying for his pension. (2.)