

have come under the provisions of clause 4 in the Act of 1858, which would clearly have forbidden him to draw his pension as he did, whilst receiving £1,250 a year as the salary of the high political offices he held in the Grey Ministry. As the colony will no doubt consider itself responsible for the actions of its Governments, however impolitic or illegal they may have been, it becomes desirable that an Act should be passed legalizing the pensions that have been granted to Sir William Fitzherbert and the Hon. Mr. Gisborne, and removing all doubts as to the legality, the due date, and the amount of Dr. Pollen's pension. At the same time it is most desirable that clause 36 of "The Civil Service Act, 1866," should be amended, so as to distinctly comprise the same provisions as those of clause 4 in the repealed Civil Service Superannuation Act of 1858, the provisions of which clause it was evidently and most naturally intended to re-enact. The Attorney-General considers the spirit and intention of the existing Act, clause 36, to be the same; but, in practice, it has proved insufficient to prevent Sir William Fitzherbert and the Hon. Mr. Gisborne drawing their superannuation allowances, at the same time that they were receiving large annual payments from the colony for political or other services: advantage having been taken in their cases of the more technical circumstance that their office did not bring them under the category of Civil servants."

On the motion of Mr. McLean, *Resolved*, To postpone the consideration of this motion for the present.

On the motion of Mr. Montgomery, *Resolved*, That the Chairman and Mr. Saunders prepare a statement of the facts in the pension cases upon which to base the Committee's report.

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THURSDAY, 11TH AUGUST, 1881.

The Chairman read the statement prepared by Mr. Saunders and himself on the facts of the pension cases.

Mr. Saunders having withdrawn his motion of the 9th August, by leave, it was moved by Mr. Saunders, That, although there has been irregularity in the granting of the pensions to Sir William Fitzherbert, the Hon. W. Gisborne, and the Hon. Dr. Pollen, the Committee does not think 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.

Amendment proposed by Mr. Moss, That, all the words after "That," in the first line, be omitted, for the purpose of inserting the words, "the circumstances under which these pensions were granted vary in each case; and it is therefore just to the pensioners that the cases should be judged separately, and a separate report and recommendation on each be made to the House."

And the question being put, That the words be so omitted, the Committee divided.

*Ayes*, 2.—Grey, Moss.

*Noes*, 6.—Atkinson, Ballance, Hall, McLean, Montgomery, Saunders.

So it passed in the negative.

Amendment proposed by Sir George Grey, To add the following words to the motion: "and there are no circumstances that would in any case have justified the repudiation of the pension granted to the Hon. Mr. Gisborne."

Amendment negatived.

And the question being put, That Mr. Saunders's motion be agreed to, the Committee divided.

*Ayes*, 6.—Atkinson, Ballance, Hall, McLean, Montgomery, Saunders.

*Noes*, 2.—Grey, Moss.

So it was resolved in the affirmative.

On the motion of Mr. Montgomery, *Resolved*, That the Chairman report to the House in accordance with the draft report passed by the Committee.

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