

42. Did you resign your position as Under-Secretary with the deliberate intention of depriving yourself of all rights to a pension; or, rather, with the intention of getting another appointment, and so getting a right to a pension?—My object was this: I was very much pressed by Sir William Fox and Sir Donald McLean to become a Minister, and I ran the risk of losing my service by so doing; but, of course, I had the idea that I was not to be a Minister always, and I did not see that there was any reason why, when I ceased to be a Minister, I should not have a chance of re-entering the Civil Service. Of course there was no certainty about the matter. I thought also that, if I were put out of office as a Minister, I should, on account of my long service, have a claim to get into the Government employ again.

43. *Mr. Oliver.*] You did actually perform the duties of Commissioner of Annuities?—Yes, I did the work.

44. *Mr. Saunders.*] Do you think that the duties of Colonial Secretary are of such a character that such an officer could discharge the duties of a subordinate office, in addition to his own work, without neglecting his superior office?—It may appear egotistical to say so, but, though the duties of a Minister have increased very much since 1869, I do not think I could have done the work if it had not been for the fact that I had had great official experience in the Civil Service. I am positive that I could not have done the work if I had not been so long in the Civil Service that I had gained a great insight into the administration of public affairs, and, perhaps, thus acquired a special faculty for dealing with the current business of an office.

45. In your correspondence, you have laid special stress on the fact that you have saved the colony a certain amount of money by discharging the duties of the two offices together. Now, do you not think that the colony must have lost far more by any interruption of your duties in the superior office than it could have gained by anything you did in the inferior office?—I really think the colony did not suffer by that. I consider that the experience which I had in the Civil Service was useful for the purposes of the inferior office, as well as for those of the superior; and I venture to say so, though, as I stated before that, for ten months I had no Under-Secretary. I feel now that, as a general rule, a Minister has quite enough to do, without undertaking anything else that may be considered to entail onerous duties.

46. Now, with regard to Sir William Fitzherbert's pension: is there any Act which gives power to the Government to give a Civil servant more than one year's leave of absence on full pay?—Mr. Stafford's Government considered they had authority to do so.

47. Do you consider it indispensable, in considering a pension, that the last three years' service should be taken into account?—Yes; in the case of a person fifty years of age. The Act says that.

48. It appears, in Sir William Fitzherbert's case, that he had no salary for the last year or so, and yet his pension is calculated on the highest salary he ever received?—That point was referred to the Attorney-General.

49. Does it not strike you that it is contrary to law to give a pension on a salary that has not been received?—That is a question for a lawyer to decide. I should say, in regard to its legality, that the opinion of the Attorney-General was the proper guide to the Government.

50. I understand that, according to your view, a Civil servant can resign at any time, and if he is afterwards reappointed, there is really no break in his claim?—If a Civil servant resigns, and receives compensation, in the event of his being reappointed he must repay that compensation, or his time will not count; but if an officer resigned, and did not get compensation, but was subsequently reappointed to the service, he would be allowed to count the two periods during which he had served, when he was making a claim for a pension.

51. You are aware that Sir William Fitzherbert resigned his position as Commissioner of Crown Lands in 1865?—I do not remember the date, but I remember the letter which came to Mr. Stafford, in which the reasons for his resignation were given. Mr. Stafford would not accept his resignation on that occasion; and if Sir William Fitzherbert resigned in 1865, he must have been reappointed.

52. *The Chairman.*] I see by the papers, Mr. Gisborne, that in your case there was a question raised on this matter of the counting of the time while you were a Minister. Major Atkinson made a minute, in which he says that he is willing to approve of the payment of the pension to you, less the time when you were a Minister?—Yes.

53. But ultimately your pension was computed on the full time of your service?—No, I withdrew my claim, and the three years during which I was a Minister has not been counted.

54. The reason why I ask the question is that somewhere in Dr. Pollen's case it was stated that it was so?—The time that I was a Minister was not counted.

55. *Hon. W. Johnston.*] There appear to be many cases in which officers of the Civil Service on becoming Ministers were allowed their former service; but do you know of any case similar to your own, in which a Minister has become a Civil servant?—I have known the case of a Minister of the Crown who was called a Government Agent. I think that Mr. George McLean acted as a Government Agent in Otago while he was a Minister.*

FRIDAY, 15TH JULY, 1881.

SIR WILLIAM FITZHERBERT, examined.

56. *The Chairman.*] Sir William Fitzherbert has attended this meeting of the Committee with a view, if he thinks fit, of making any statement with regard to this question of his pension; and it is understood he is prepared to reply to questions afterwards. He would like, perhaps, to make a statement first.—What I would say is this: I have perused the printed documents. I looked out the correspondence I had by me—the original correspondence—comparing them with what is printed.

* I should like to add, in reply to this question, that I have since recollected two other cases—namely, that of Mr. Stout, who, when Attorney-General, and a member of the Cabinet, took the office of Land Claims Commissioner; and also that of Colonel Whitmore, who, when Colonial Secretary, was also appointed Commissioner of Armed Constabulary. If the Committee think I should give oral evidence to this effect, in order to make this addition part of my evidence, I am ready to do so.—W. GISBORNE.—19th July, 1881.