

pression on the mind of the Committee, that I did not greedily take all that I might have done; because when I was first solicited to become a member of the Government, in 1864, I was holding the position of Commissioner of Crown Lands, and also that of Receiver of Land Revenue, at an additional salary of £100 per year. But, when I found there was a manifest impropriety in retaining the latter office, I gave it up, and I therefore did so far damage my subsequent claim for a larger amount of retiring allowance.

67. Can you say how long your service was, independent of the time that you held a seat in the Government. You were two or three times in the Government during the time you calculated for a pension?—I do not know, but I should think about two or three years—not that quite.

68. Was that counting that time? Of course you could not legally count your pension during that time?—I do not intend to interpret that. It was not for me to be the receiver of the pension and settle the terms of it. I did all I could; and if I had been asked to serve for a longer period as Commissioner of Crown Lands I should have done so. As to whether it is legal or otherwise, it was the duty of the then Attorney-General, the present Chief Justice, to have pointed it out; it was the duty of the Auditor and Controller-General to have said so if anything was wrong. And I think it a great shame and disgrace to those high officers, and to the Government of the day who granted it, if they let me into a hole and gave me what I should not have had. It was a still greater crime upon the public, to grant a claim that would not hold water. I do not want to, even if I had the capacity, to give a legal opinion. There is one thing I would draw attention to in respect to the three years' time: I think you will find in Mr. Prendergast's opinion that he puts the time at somewhat longer date, though he differs in regard to the question of age. I gave a suggestion of what I thought would be a fair ground of computation. He does not seem to have agreed with that, but he remarked that there was a time to come and go upon—some year or more. And, I say, I ask the Committee to consider this: that when leave of absence is given, and even putting aside the apparent incongruity—and, if the Committee wish, I will give an opinion as to the compatibility of holding the two offices—I do think the effect of granting leave of absence is that a person comes in and has the benefit of such leave in computation of service. It is not like a man giving up office and then having to take it again; but the meaning of the leave of absence carries that with it, especially as these documents show it was granted with the view of saving the pension. That was said by the Government of which the present Prime Minister was a prominent member. If the Committee wish me to give them my opinion, whatever it may be worth, as to the question of an individual holding two such offices as those of a Minister of the Crown and permanent officer in the Civil Service, I am quite willing to give it. I say, frankly, I think that anybody—take any outside person, a public man in any of the colonies or in the mother-country—and he would at first be astonished at a Minister of the Crown holding a Civil office in the Civil Service; but I ask the Committee to consider this, that it is not right to insist on the present more perfect order of things and view prior transactions in the light of the more perfect state of opinion which now prevails. I think that consideration is very applicable in this, and, I have no doubt, in other cases. It is well known that in reality I never was one of those to go and gratify ambition. I am far from speaking that in the sense of opprobrium; but every office I have had has been pressed upon me, and I have frequently refused. I frankly say, and it is, I think, to my credit, that this pension is an object to me, and it would be exceedingly hard that I should be deprived of it at this time. It is not the same as a question of now granting it. But I do say, as to incompatibility, it would be a very different thing now than in the times you are treating of. Then it became almost a matter of absolute necessity, if a man was thought capable, that he should agree to do the work of a Minister. I have never willingly consented to forego the just claims that I was entitled to. I think there is a manifest incompatibility in the holding of two such offices; nevertheless it was done with the consent of the authorities. It was on more than one occasion the subject of debate in the House. I say all those things were not done unknown to the House of Representatives. They knew, and the majority concurred in, the anomaly; and the circumstances of the country required such an anomaly.

69. I understand you to say, we should look upon your case as different from the ones to be judged at the present time. Do you mean to say that we are judging some different to yours?—What I wish the Committee to consider is the incompatibility of holding the offices of Minister of the Crown and one in the Civil Service. I pointed out, at the same time, that it would be exceedingly hard to judge a former thing by the light of a future time. I did not say anything that would affect any other person's claim, that was probably contemporaneous or antecedent.

70. Then, I take it, by that answer, that if any change was to be made, it would be after notice was given?—Yes. I think it would be exceedingly hard, when that which was apparently an anomaly, but a necessary one from circumstances, that you should come now and apply stringent rules, that could not have been applicable at the time I refer to.

71. Have you any recollection of your case being before the House itself?—It was on more than one occasion, when the anomaly—as it was then declared by some—of the Crown Lands Commissioner holding a seat in the Government, was referred to.

72. I do not refer to the question of Commissionership; I mean the question of pension?—Does that not involve it? The Parliament could not say this was done behind their back; because the question of having a seat in the House of Representatives and holding the office of Crown Lands Commissioner was involved in the discussion of that question.

73. The principal question just now is, were ever these papers in any way before the House. Had the House any knowledge of them?—Not that I know of.

74. On the face of these papers, would you consider that there was no pretension to a legal claim; but that there was simply an equitable claim?—I do not know, I am sure. I considered the question had to be discussed by the Attorney-General, and that he would not recommend the Governor to sign the warrant, if he thought it was illegal. I think if you look at the letter from the Colonial Secretary's Office, that refers to the question of granting leave of absence for the period from January until July. The action of the Attorney-General should show the question of legality.

75. You will see that the question of holding the office of Minister and Commissioner of Crown Lands being incompatible was never put to him. It was put in the case of Dr. Pollen, but not in your