

Enclosure in No. 3.

MEMORANDUM BY DR. POLLEN.

THERE were so many technical objections raised to my claim for a retiring-allowance—made under the provisions of the Civil Service Acts, 1858 and 1861—in my letter to the Hon. Colonial Secretary, on the 13th October, 1877, that I was unable to obtain any settlement which I could accept; the question remained therefore in abeyance until the 11th October, 1879, nearly three years after my resignation of offices.

I then applied for a retiring-allowance, under section 33 of “The Civil Service Act, 1866,” which was granted (11th May, 1880) as from the 30th October, 1876, the date of my resignation of my appointments.

Anticipating trouble because of what had previously occurred, and hoping in vain to obtain a quiet and unquestionable settlement, and not wishing to appear, under the circumstances, exacting, I asked that the allowance should be made to begin as from the 30th October, 1876, when my resignation was accepted by His Excellency the Governor (Appendix H. of R., No. 46, B.-17, 1880).

In my memorandum to the Hon. Attorney-General, under date 1st March, 1880 (No. 60, B.-17, 1880), I wrote: “I did not and do not (now) make any claim for payment of pension before the time when the resignation of my offices was accepted by His Excellency the Governor.” In the draft of that memorandum the word “now” was written advisedly after “do not” in the above quotation, but was unfortunately omitted, carelessly, by me in copying it; and this accident has been used to my disadvantage. I only discovered the error when it was in print.

With respect to my claim as it now stands, the Hon. Attorney-General, Sir Frederick Whitaker, wrote (No. 59, B.-17, 1880, 1st January, 1880): “Assuming the facts and dates to be correctly stated in the papers, Dr. Pollen is entitled to an annual allowance of half the amount of salary received by him during the two years preceding the acceptance of Ministerial office in July, 1873, if not on the 3rd June preceding, under clause 33, “Civil Service Act, 1866,” above referred to.”

Subsequently, a question having been raised as to date of commencement, Sir Frederick wrote (No. 66, B.-17, 1880, 3rd May, 1880): “It appears to be a great anomaly that any officer should be entitled to a large salary and a pension at the same time; but I must admit that there is not in the Civil Service Acts any express prohibition against it, and the view appears to have been acted on in former cases. This would entitle Dr. Pollen to a retiring-allowance as from 1873.”

The Solicitor-General, Mr Reid, writes (No. 59, B.-17, 1880, 28th January, 1880): “Dr. Pollen, in his letter, 11th October, 1879, bases his claim to superannuation allowance upon the 33rd section of “The Civil Service Act, 1866.” This puts his case in a new aspect, the previous claim having been based upon the Civil Service Acts, 1858 and 1861. I have read the opinion of the Attorney-General herewith, and, upon consideration of the facts, I concur in the opinion that Dr. Pollen is entitled to a retiring-allowance, upon the terms and in the manner stated by the Attorney-General.”

Mr. Batkin, Secretary to Treasury and Assistant Controller and Auditor, says (No. 65, B.-17, 1880, 23rd April, 1880): “In regard to the date from which the retiring-allowance to which Dr. Pollen is entitled should be paid, I am of opinion that it is payable from the date when he accepted the portfolio of Colonial Secretary—namely, the 4th July, 1873. . . . The pension payable will therefore be £418 15s, payable from the 4th July, 1873.”

The Auditor-General, Mr. FitzGerald, has been throughout favorably disposed to my claim, and, as may be seen in the printed papers, has contended against the view that the holding of a Ministerial office vitiated my right in any way to a retiring-allowance. Finally, with reference to the date (30th October, 1876); from which payments were to be made, he wrote (No. 61, B.-17, 1880, 30th March, 1880): “In passing this pension, I feel it right to add that a different interpretation has been given to the law from that hitherto in force. If all are to be treated alike, Dr. Pollen is entitled to pension from 1873.”

The Hon. Premier, Sir John Hall, in a telegram to the Attorney-General, says (No. 66, B.-17, 1880, 27th April, 1880): “Re Dr. Pollen’s pension, in your memorandum of January last you state that the pension should commence from 13th October, 1877. The Controller and Deputy-Controller are both of opinion that he is entitled to it from 1873, but, at any rate, from 30th October, 1876.”

The reply (No. 66, B.-17, 1880, 3rd May, 1880) from Sir Frederick Whitaker I have previously quoted in this memo.

Annexed are copies of the reports of the Public Accounts Committee on my claim* (4th September, 1891, 10th September, 1891, I.-9A.).

DANIEL POLLEN.

Auckland, October.

No. 4.

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

SIR,—

The Whau, Avondale, 11th January, 1892.

On the 25th September ultimo I had the honour to address to you a letter covering voucher for the sum of £1,389 0s. 5d., arrears of pension due to me, as from the 3rd July, 1873, to the 30th October, 1876, payment of which was recommended by the Public Accounts Committee in reports presented to the House of Representatives on the 7th and 10th September last respectively.

Subsequently, in the following month (October), in order to facilitate the consideration of my claim by the Government, I forwarded a memorandum indicating the several public and official

*The reports referred to are dated 4th and 10th September, 1891, and are printed as No. 1 on this Paper.