

Considering, however, all the circumstances of the case, and that the mistaken view which the Colonial Secretary took of his official position appears to have prevailed for many years, and that interference by members of the Executive Council had been always discouraged by previous Governors, your Committee is not prepared to recommend that the late Colonial Secretary should be held liable for the loss in the present case, although they feel bound to express their opinion that his view of his duty was entirely erroneous, and that the loss is attributable to the neglect in requiring sureties.

The circumstances of the other cases referred to your Committee, which have been carefully investigated, do not, in their opinion, establish any charge against the pensioned officials.

The report of the Committee on Sir George Grey's Land Regulations having exculpated the pensioned officials from the charge of misconduct in reference to that subject, your Committee does not consider it necessary to remark upon it.

WILLIAM FOX, *Chairman.*

*Committee Room, House of Representatives,
July 8, 1856.*

MINUTES OF EVIDENCE

TAKEN BEFORE THE PENSIONED OFFICIALS COMMITTEE.

EXAMINATION OF A. SINCLAIR, ESQ.

SATURDAY, JUNE 14, 1856.

1. *By the Chairman.*—I find in the correspondence referred to the Committee by the House of Representatives, for the purpose of enquiring into the late defalcations at Nelson by the Collector and Sub-Treasurer of that place, that you have allowed that person to retain his office over two years, notwithstanding that he had not given security, or correct returns made by him of moneys entrusted to his care of the public?—Mr Blackmore led us to believe that he was procuring sureties, but I supposed he had very great difficulty, from his embarrassed circumstances several years ago, and from his former conduct; it was not from any neglect of mine; I assure the Committee I have brought this subject at least five times, which I have noted, before the Governor, or the Officer Administering the Government.

2. When the letter was written by Dr. Knight, Auditor-General, to the Collector of Customs at Nelson, was it with your knowledge it was written that he was required to send his returns and give security?—Yes, it was; and I was seldom able to get returns from him; and from the frequency of application, and I may say, the hopelessness at least of expecting of ever getting any reply satisfactorily, relative to returns for the Blue Book, that I recommended the Governor to lay the matter before the Secretary of State.

3. We observe early in the correspondence the threat of suspension; pray why was it not acted upon, was it not your duty as Colonial Secretary to bring the subject of such a transaction before the Governor or Executive Council?—I could do no more than bring it under the notice of the Governor; if I had gone any further than I did, he might have taken umbrage, and considered that I had some personal pique or enmity against Mr. Blackmore; after the complaint I made to Sir George Grey in the case of Mr. Blackmore, he took that officer entirely out of my hands; I had no control over him; the Governor having arranged otherwise, I considered the matters relating to Mr. Blackmore rested in the Governor's hands; I am unable to say why Sir George Grey did not do otherwise; I considered it trenching upon the Governor in a tender point, for me to suggest anything further than I did; he might take offence at my so doing, or offering further uncalled for advice.

4. Was it not within your province to have raised the subject in the Executive Council?—No; as I said before, it is a tender point with a Governor to urge the suspension of an officer; he alone can bring any matter under the notice of the Executive Council; new members have sometimes endeavoured to bring an officer under the notice of the Council; but were informed it was wrong, and from the resistance shewn by the Governor to the innovation, soon learned the proper mode of entertaining such matters. He alone can bring any thing under the notice of the Executive Council; all the Attorney-Generals have agreed in giving an opinion in accordance with this statement.