

*Rt. Hon. R. J. Seddon* : It is the fault of some one if any person is to go into one of the offices and go on doing something and Ministers do not know anything of it. The Audit Office is not to know anything of it. Suppose such a person were to go on working for three, five, or twelve months and to put in a claim for a year's salary—if that is to obtain, what is the use of your Audit Department? It could not go into the question to find out the authorities. The Under-Secretary could not do anything if the vouchers were not sent to him.

*Mr. Wood* : Would not General Babington be the responsible party for allowing this or his officers?

*Rt. Hon. R. J. Seddon* : As I say, who is to pay the man? That is not for me to determine. All I say is that, as far as the colony is concerned or the Imperial authorities, I repudiate any liability, and will not allow any person to be engaged without Ministerial authority. His vouchers must go through the audit.

*Mr. R. McKenzie* : On the other hand, supposing your officers gave certain orders without your knowing anything about them, why should Captain Clark suffer if you allow the officers to do that?

*Rt. Hon. R. J. Seddon* : The answer to that is : Why should the colony pay? and can you make the colony pay?

*Mr. R. McKenzie* : Make the officers pay.

*Rt. Hon. R. J. Seddon* : Lieutenant Clark has his redress against the person who employs him without authority. Then, the person comes to the colony, and says, "I made a mistake, and I want you to overlook it. The service was for the Imperial Government." It is then a matter as to whether the Minister will look over it. I, of course, take up the constitutional question. I say that you cannot, especially in this case, seeing we were trustees, admit a claim or a liability with which those responsible for the administration of the country are not made acquainted, directly or indirectly; and if the principle is to be admitted that an officer can tell another person to go into his office and work away for four or five months, and the first the Minister is to know of it is a claim such as that which I have here for £600, then you will have disorder.

*Mr. R. McKenzie* : Would this not be something like the position : Suppose the Commandant employs me, and puts me to work in one of the offices to do some work for the Government, and then you, as head of the Government, refuse to pay me, are you not responsible for the acts of your servant?

*Rt. Hon. R. J. Seddon* : No.

*Mr. R. McKenzie* : Then, if you are not you ought to be.

*Rt. Hon. R. J. Seddon* : My friend Mr. McKenzie knows perfectly well that this is not without precedent. He has a case in point in respect to an officer in Nelson. That officer had told some person of the name of Kirwin to go into a private hospital.

*Mr. R. McKenzie* : He had Ministerial authority.

*Rt. Hon. R. J. Seddon* : That is your statement. The first I knew of it was the receipt of a bill for £200-odd for the private hospital. My friend said he got some communication from the Acting Minister of Defence; but we have never been able to find it. So that this is not the first time, gentlemen, that I have raised the question that moneys cannot be paid without Ministerial authority. The next point I come to is with regard to the amounts received by Captain Clark. He, if paid during the time he was in South Africa, drew £379 10s., including the period mentioned in claim.

*Mr. R. McKenzie* : For the whole period he was in South Africa and all?

*Rt. Hon. R. J. Seddon* : No, not the whole period. Let me read this : "Received New Zealand furlough for rank of captain, 31 days at 15s., £23 5s."—In that, of course, I have said there was a mistake. "Received S.W. gratuity for rank of lieutenant, £37 10s." You will see that he gets an Irishman's rise. He gets a gratuity as captain of £23 5s., and a gratuity as lieutenant of £37 10s. "Received for making out discharge certificates and handing over books of Ninth Contingent, 25 days' pay at £1, and 25 days' detention allowance at 12s. 6d., £40 12s. 6d. Received gratuity under Pay-warrant B. 601, £191 15s. 8d." This was calculated right down to the 28th February, 1903, after he left the contingents. As gratuity under the pay-warrant he received £191 15s. 8d.

*The Chairman* : Imperial gratuity?

*Rt. Hon. R. J. Seddon* : I may say at once that all this money, if the claim was admitted, would be paid by the Imperial Government. We are only agents. That is a phase of the matter to which I wish specially to call the attention of the Committee—that in making any recommendation, or in doing whatever you may do in the matter, you are dealing with the money of the Imperial Government. If I, as Minister of Defence, certify the Imperial Paymaster naturally passes the vouchers, but the responsibility is mine. If I did it on behalf of the colony, and made a mistake, the colony would have to bear it, and there would be an end to the matter.

*The Chairman* : £191 15s. 8d.—Have you the dates of payment of that?

*Rt. Hon. R. J. Seddon* : This is calculated to the 28th February, 1903. In other words, he has received gratuity money, according to this, as though he were still serving with the contingent, although he left his contingent months before. I may say that I have no feeling in the matter. As far as I know Captain Clark has been a good officer. The young man never came under my ken before, and I do not intend to say anything against him before the Committee. The Under-Secretary points out that "It is a question whether this latter should not have been calculated only to the 7th of October, 1902, as I have much doubt whether the Imperial authorities would sanction the period 8th October, 1902, to 28th October, 1903, as coming within the period of service as an officer of the contingent, during which latter period he was engaged making out the King's Medal rolls." The £379 10s. that I have given you does not include the voucher that I mentioned of £40 12s. 6d. There is a memorandum here by Colonel Collins : "Under-Secretary,