

1904.
NEW ZEALAND.

PUBLIC PETITIONS A TO L COMMITTEE:
REPORT ON THE PETITION OF J. J. CLARK; TOGETHER WITH THE PETITION AND MINUTES
OF EVIDENCE.
(MR. SYMES, CHAIRMAN.)

Brought up on the 4th November, 1904, and ordered to be printed.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

THURSDAY, THE 30TH DAY OF JUNE, 1904.

Ordered, "That a Public Petitions A to L Committee, consisting of ten members, be appointed to consider all petitions that may be referred to it by the Petitions Classification Committee, to classify and prepare abstracts of such petitions in such form and manner as shall appear to it best suited to convey to this House all requisite information respecting their contents, and to report the same from time to time to this House, and to have power to report its opinions and observations thereupon to this House; also to have power to call for persons and papers; three to be a quorum: the Committee to consist of Mr. Hall, Mr. Hardy, Mr. Lang, Mr. Lawry, Mr. R. McKenzie, Mr. Remington, Mr. Symes, Mr. Taylor, Mr. Wood, and the mover."—(Hon. Mr. MILLS.)

TUESDAY, THE 2ND DAY OF AUGUST, 1904.

Ordered, "That the name of the Hon. Mr. Hall-Jones be substituted for the name of the Hon. Mr. Mills on the Public Petitions A to L Committee."—(Hon Mr. MILLS.)

R E P O R T.

No. 35.—Petition of J. J. CLARK, of Dannevirke.

PETITIONER prays that a just and adequate sum be paid him for services rendered in the Defence Department.

I am directed to report that, as the subject-matter of this petition is now under the consideration of the Imperial authorities, in the opinion of the Committee this petition, together with a copy of the evidence taken thereon, should be referred to the Government for favourable consideration, in terms of the recommendation of last year, and, further, that the evidence be printed.

4th November, 1904.

WALTER SYMES, Chairman.

MINUTES OF EVIDENCE.

THURSDAY, 4TH AUGUST, 1904.

T. F. GREY, Acting Under-Secretary of the Defence Department, examined.

1 *The Chairman.*] Mr. Grey, the Committee are desirous of ascertaining why Captain Clark's papers were delayed from last session until June of this year before they were submitted to the Imperial Government?—I can give you no information beyond the offer made to Captain Clark. The matter was taken out of our branch of the service and handed over to the Treasury in December, as will appear from the file.

2. *Mr. Taylor.*] Would there be any correspondence between you and the Treasury in reference to it?—No, I think I took these papers down to Mr. Heywood myself, about the 23rd March.

3. Can you remember what you said to him?—I would probably ask him to get the offer sent to Captain Clark as soon as possible. [File referred to.]

4. The offer was made by the Treasury, you think?—Yes, probably.

5. You did not make the offer?—No. The offer appears to have been despatched by the Imperial Pay Branch on the 30th March of this year. That is carrying out the Ministerial instructions of the 23rd March.

6. You say that from December to March the matter was not in your hands?—Practically.

7. From whom can we get information as to what became of this matter during that lapse of time?—From the papers on the file.

8. *Captain Clark.*] You said that about the 20th December you finally dealt with this matter and handed the whole of these things to the Treasury. You took no further action from that date?—In December the Treasury Department took over all the accounts in connection with Contingent matters from the Defence Department.

9. Some time in December?—Yes.

10. And yet you said a little while ago that about the 23rd March you took the papers to Mr. Heywood to give instructions to him?—Yes. Your matter had not been finally dealt with in December. All the Contingent matters were taken over by the Treasury in December.

11. Why was mine not taken over?—On the 9th December I wrote a minute to the Minister about your claim. That came back on the 23rd March of this year. They had not dealt with your matter in December because they did not have the papers.

12. So my matters were not finally dealt with by your office?—You do not understand. Your petition was not dealt with by the Treasury, because it had not the petition before it until March of this year.

13. You said that my petition or my case was not referred to with all the other Contingent matters at that time: Why was my matter hung up?—It was before the Minister at the time, or in the hands of the Private Secretary.

14. *Mr. Hardy.*] I understand you to say that the matter was in the hands of the Premier's Private Secretary?—Yes.

15. And it remained there from the time when it was dealt with by Parliament?—Yes.

16. How long would that be?—My minute is written to the Minister on the 9th December. It lay for the Minister's instructions, and the date is the 23rd March.

Right Hon. the Minister of Defence: As Minister I would like to draw a distinction. The matter was left with the Minister, not with his Private Secretary. It remained with me. Mr. Grey probably did not understand that when he answered the question.

Mr. Hardy: I put the question to the witness, and he presumed that it was left with the Minister's Private Secretary.

Right Hon. the Minister of Defence: Yes. He would send it up to the Secretary and get it back from the Secretary, but in the meantime he would not know whether the Secretary had charge of the papers or whether they were locked up in the Minister's room. After the papers left him he would not know what became of them.

17. *Mr. Taylor* (to witness).] Did you have occasion frequently to go and see the Minister's Secretary about the matter between December and March?—That I cannot say.

18. Can you say you went once or twice, or did not go at all?—I cannot say from memory.

19. Did you cover the document with a letter when you sent it up to the Minister?—No, the minute is sufficient.

20. Did you carry it up to the Minister's office?—Probably a messenger would take it up.

21. It would be just put in an envelope?—Yes.

22. You do not know which of the Minister's Secretaries had the document?—No.

23. Then, your reply was misleading?—Which reply?

24. *Mr. Hardy.*] I asked you whether it was with the Minister, and you said you presumed it was with the Minister's Private Secretary. We want to get at the cause of the delay that has occurred.

Right Hon. the Minister of Defence: I think I can give you the information better than any one else. I suppose you have seen the papers and know the position in which the matter stands. As far as the Defence Department is concerned, we are only the means of communication—the responsibility for payment rests with the Paymaster for the Imperial Government.

Mr. Hardy: Mr. Heywood said he would have paid the claim if the Minister had sanctioned it.

Right Hon. the Minister of Defence: The position he takes up is this: I will pay it on your order, if the Imperial Government does not recognise it yours will be the responsibility.

Mr. Hardy: We naturally thought after what occurred last session that you would have carried out the Committee's wishes equitably.

Right Hon. the Minister of Defence: I wish to tell you that I did so, and agreed to pay the £4 a week for the time—of which there is no specified agreement—and when I made that minute and ordered it to be paid, I found that the Paymaster rightly stepped in and deducted certain amounts which he claimed, and Captain Clark refused to agree to the deductions. As far as I am concerned, I acted according to what I felt and could ascertain to be the wishes of the Committee, and it is no fault of mine that Captain Clark has not got the money. When I get hold of the papers I shall be able to point that out to you. I think there has been some correspondence sent to the Imperial Government about it.

The Chairman: The point that struck the Committee was this, that the Committee's recommendation was given last year, and yet the papers had not gone to the Imperial Paymaster until the 6th June of this year, and we are anxious to know the cause of the delay. No one so far can give us any reason for the delay.

Right Hon. the Minister of Defence: We came to the conclusion that Clark should be offered £4 a week for the full time, and he was offered that.

Captain Clark: I have not been offered that sum complete.

Right Hon. the Minister of Defence: Where is what you were offered?

Captain Clark: It is embodied in the petition.

Right Hon. the Minister of Defence: What was the date of the offer made?

Captain Clark: The 12th March.

Right Hon. the Minister of Defence: It was before March that the matter came before me and I ordered the sum to be paid in accordance with the wish of the Committee. As there were faults on both sides, and it was the wish of the Committee that he should be paid £4 a week, I thought it was a reasonable thing that he should be paid, and I ordered that he should be notified to that effect. Then the Paymaster stepped in and made certain reductions of £56 12s. 2d., and from that stage forward it was entirely out of my hands. The Committee's idea was that he should receive £4 a week for the full time he had been engaged, and I offered him the £4 a week.

Mr. Hardy: I do not think we mentioned any amount.

Right Hon. the Minister of Defence: I took that to be the general idea. The £4 a week was offered to him, and the stoppage of payment is due to his refusal to acknowledge the reduction of certain items set out in the correspondence. What I wanted to make clear to the Committee was that it was not correct to hold that no action had been taken before June. The minuted voucher is here showing that he agreed to take the £4 a week and actually sent in the voucher, which bears his signature. He went back to Major Smith and withdrew his first voucher and put in a second one for £102 13s. 4d., and I ordered payment in accordance with that.

Mr. Hardy: But we have no evidence that that £4 a week was offered him.

Right Hon. the Minister of Defence: Yes; here is the voucher itself for £102 13s. 4d. It is sent in by Captain Clark and signed by Major Smith. That I ordered him to receive. [Voucher referred to and explained.] This is the voucher which Captain Clark sent in and agreed to take—the £102 13s. 4d.

Mr. Taylor: That is, without prejudice.

The Hon. the Minister of Defence: You may put it that way if you like. That is the item Mr. Grey referred to when he said it was put before the Imperial Government. The pay I authorised was on the 23rd March last.

Mr. Hardy: That never came out in evidence.

Right Hon. the Minister of Defence: Why the amount is reduced is shown by a letter here which was sent to the petitioner by the Paymaster-General, showing the items of reduction. All I can say is that I ordered the £102 13s. 4d. to be paid in accordance with the voucher. The question of adjusting the account is a matter entirely for the Paymaster-General. If an amount is due he is held responsible for it by the Imperial Government. Although I ordered the £102 13s. 4d. to be paid I have no authority beyond that. He says that so much is due on account of certain items, and he makes the reduction.

Mr. Hardy: You have placed it on evidence that Clark was told he was to get £4 a week.

Right Hon. the Minister of Defence: Yes.

Mr. Hardy: This Committee last year had no evidence that he was told he was to get that amount.

Right Hon. the Minister of Defence: He put in his own voucher for it. The facts are these: When he put in what I term that exorbitant claim—Major Smith told you about that—I said to Major Smith that the Government would never pay that, and according to the evidence you got last session it was communicated to Clark that if he put in a reasonable claim in all probability the voucher would be passed. Major Smith gave him the hint, and he then put this voucher in for £4 a week. Having done that, it appeared to me from what had occurred before the Committee last year that it was a reasonable thing to pay the £4 a week, and I ordered him to be paid that in accordance with his own voucher, which was certified to by Major Smith. These deductions which have been made are matters between the Department and Clark. I do not know whether they should be deducted or not. That is a matter for the Paymaster, and not for me.

Mr. Hardy: But the £4 a week, with the deductions made by the Treasury, leaves him in a worse position than the Committee, after going through the evidence, felt justified in asking the Government to place him in.

Right Hon. the Minister of Defence: You would not recommend the Government to pay a man moneys which he had already been paid? Is it not better to go into the matter as to whether these deductions are reasonable? You ought to get Mr. Heywood and the military experts to come here and give evidence upon the deductions. As far as I can recollect, I believe the question of some of these deductions has gone Home to the Imperial Government in order to ascertain

whether they should be paid or otherwise; but in the meantime the Paymaster would not pay the full amount I ordered because, as he said, the deductions ought to be made. On the question of rank I allowed the voucher to stand, and it still stands. I did not go into the matter of difference in rank. I was rather surprised when I was told that no action was taken until June last, as the matter came to us in December. It was before Cabinet, and was referred to me, and three days after it was before Cabinet I dealt with it. That settles the matter so far as the Private Secretary mentioned by Mr. Grey in his evidence is concerned. These petitions are put all together in charge of the Cabinet, and some are dealt with by way of sums being placed on the estimates, while others that we cannot deal with are held over and are put away altogether. These papers were with the file, and I may have sent the matter to Cabinet in March last. Cabinet came to the decision to leave it to the Minister of Defence, and three days after I ordered the payment of this £102 13s. 4d. The petitions that are not dealt with during the session come up at any time. Some of them have not been touched at all. We simply say in regard to many, which are questionable, "Let them petition again." The interposition and stoppage is entirely a matter for the Paymaster.

Captain Clark: You said that when you authorised the payment of the voucher for £102 13s. 4d. you took it, from the opinion of the Committee, that it was a just and reasonable sum for my services during the period I worked.

Right Hon. the Minister of Defence: Yes; I took it that as you had been told that if you put in a voucher for a reasonable amount it would be paid, and you had withdrawn the first one, under the circumstances it would be the best way of settling the difficulty if you were paid in accordance with your own voucher. Suppose the Government had issued a cheque for £102 13s. 4d., you would have signed the voucher and taken the money.

Captain Clark: That is so. But you say that the opinion of the Committee was that £102 13s. 4d. was a just and reasonable sum, and you authorised the payment of it.

Right Hon. the Minister of Defence: I could not come to any conclusion, speaking for the Committee; but I came to the conclusion that if you had been paid the £102 13s. 4d. referred to in that voucher and again came before the Committee the Committee would say it had no recommendation to make.

Captain Clark: When you passed that voucher for payment were you aware that any deductions would be made?

Right Hon. the Minister of Defence: I had no personal knowledge of any amounts being overpaid.

Captain Clark: Do you think it would have influenced the Committee if they had known of such deductions?

Right Hon. the Minister of Defence: Well, if you had been overpaid moneys, and it was subsequently discovered that you had been overpaid, I do certainly think that no officer or member of the Government would be doing his duty to let it pass; and I feel also that the Imperial Government would call upon us to make it up.

Captain Clark: You said you thought the feeling of the Committee was that I should be paid £4 a week, and you recommended payment of that sum. Do you think the Committee, if it had known that these deductions were to be made, might have come to the conclusion to recommend an amount which, after the deductions, would have left me a reasonable sum? After the several deductions the amount is reduced to some £30, which is the sum the New Zealand Government tenders me for five months' work.

Right Hon. the Minister of Defence: You were not working for the New Zealand Government.

Captain Clark: I was for the period of the claim.

Right Hon. the Minister of Defence: The payments are a claim against the Imperial Government. I wish to clear the atmosphere. All the time you were doing this work it was for the Imperial Government. It is the same Paymaster. Now, if you put in a claim, say, to Brown, and Brown says, "I will pay you," and he afterwards finds when your claim is put in that you have been overpaid for other services, he will say, "I will give you the balance." That is simply an adjustment of account between the parties.

Mr. Hardy: It was given in evidence last year that the Imperial Government would not employ him at £4 a week, but would pay him according to rank.

Captain Clark: The Imperial Government employed me on the authority of Mr. Hall-Jones.

Right Hon. the Minister of Defence: I simply say this: I should myself—it does not matter who got the pay—only pay in accordance with the value of the work. You draw a distinction as an officer. So long as he was doing the work of the particular Contingent he would be paid according to his rank as an officer; but the moment that work is finished and he goes to other work it is a separate engagement and rank does not apply at all. If a man is offered and values his own work at £4 a week, that is sufficient.

Mr. Taylor: He said, subject to the rank being determined.

Right Hon. the Minister of Defence: That is only in respect to one item. All I wanted to do was to make it clear that all the papers were not hung up until June of this year. I hope I have cleared it up that that offer was made by himself, and I ordered payment. Let inquiry into the deductions be made, and let the Imperial Government settle the matter. I want the Committee clearly to understand that, so far as I am concerned, a conclusion was arrived at, the payment was ordered in accordance with Clark's own voucher, and there the matter was at an end.

THURSDAY, 11TH AUGUST, 1904.

F. BURTON MABIN, Imperial Pay Branch, examined. (No. 1.)

1. *The Chairman.*] You have the departmental file showing how you arrive at the amounts to be deducted from Captain Clark's voucher?—Yes, I think I can explain satisfactorily to you why

we deducted those overpayments. I would like to point out that, as far as the Imperial Government is concerned, we have no desire to take off anything but what is just and proper, and we wish to have the matter amicably settled. So far as the overpayments are concerned, I had instructions to pass the voucher for £102 13s. 4d., but in going into Lieutenant Clark's case I found that there were certain overpayments which are inadmissible by the Army Council. Lieutenant Clark left Durban on the 9th July, 1902, receiving forty days' pay in advance granted to members of oversea contingents, the forty days expiring on the 18th August, 1902. On arrival in New Zealand on the 8th August, 1902, he was granted thirty days' furlough, dating from the 19th August, 1902 (date after expiry of forty days' advance), to the 18th September, and he was paid at captain's rate, 15s. per diem. That was granted to New-Zealanders on their arrival at home in New Zealand.

2. *Mr. Taylor.*] At what rate?—Captain's rate. Lieutenant Clark commenced duty at the Commandant's office, preparing discharge certificates, &c., for his contingent from the 12th September to the 7th October, 1902, and did other work from the 8th October, 1902, to the 28th February, 1903; but as he had already received furlough-pay for the period extending from the 12th to the 18th September, 1902—seven days at 15s.—a sum of £5 5s. was struck out of his amended claim for £102 13s. 4d. As you are aware, the Imperial Government do not pay for the overlapping period—that was, seven days at 15s.—and therefore we had to strike that amount out of the claim. That accounts for the £5 5s. The next item is "Overpayment on New Zealand furlough." Lieutenant Clark was granted thirty-one days' furlough at 15s. per diem, being a captain's rate. We received a letter from the War Office, dated the 27th February, 1904, disallowing Lieutenant Clark's promotion to captain's rank. The Army Council would not agree to the promotion, so the sum of 4s. per diem had therefore to be deducted from his claim, this being the difference between lieutenant's and captain's rates granted for New Zealand furlough. Therefore, we had to deduct thirty-one days at 4s., which accounts for the £6 4s. being deducted off Lieutenant Clark's claim. Now, with regard to the gratuity 60lb payable to New Zealand officers: Lieutenant Clark received this gratuity assessed for the period of New Zealand furlough, and also for the period whilst preparing the King's Medal rolls, &c., in the Commandant's office. A letter from the Army Council, dated the 19th May, 1903, and addressed through the Agent-General for New Zealand says: "You will be good enough to direct the particular attention of your Government to the fact that the gratuity under article 60lb of the Royal Warrant for pay, &c., is not assessable on the period for which officers were paid furlough-pay in New Zealand." A War Office letter of the 30th May, 1903, says, "Officers claiming the gratuity must have actually served satisfactorily for the full period required of them in South Africa, and must have drawn pay from Army funds—the dates between which they drew such pay in respect of their South African service determining the period upon which the calculation of the gratuity is based." This practically means that the gratuity cannot be assessed after expiry of forty days oversea pay, which was paid to Lieutenant Clark. This does not apply to furlough-pay granted to officers on their return to New Zealand. In addition to the sum of £44 13s. 2d. deducted from the claim, there is therefore a further sum of £8 9s. 11d. in consequence of this to be deducted from Lieutenant Clark's claim, being 60lb gratuity assessed and claimed for on account of New Zealand furlough. Owing to our paying this 60lb gratuity for the New Zealand furlough, we shall have to deduct it from the claim of £102 13s. 4d. I think those are the amounts that have been deducted on behalf of the Imperial Government from the claim.

3. *Mr. Hall.*] There is no £8 mentioned?—When we were dealing with Lieutenant Clark's claim we took off the deductions which were inadmissible by the Army Council, but since making those deductions there is still a further deduction to make, and you will find it set out in a further memorandum to Lieutenant Clark. The Army Council has since disallowed this amount.

4. *The Chairman.*] Was this deduction intimated to Lieutenant Clark?—No. It is since we sent the papers Home that this has been discovered. 60lb gratuity was paid to Lieutenant Clark for his New Zealand furlough, and it is not allowed by the Army Council. That covers the still further deduction of £8 9s. 11d.

5. How did you arrive at this discrepancy—how was it discovered?—On the 19th May, 1904, the War Office Army Council sent to the New Zealand Government a communication, of which this is an extract: "Request that you will be good enough to direct the particular attention of your Government to the fact that the gratuity under article 60lb of the Royal Warrant for pay, &c., is not assessable on the period for which officers were paid furlough-pay in New Zealand."

6. *Mr. Taylor.*] Did the two furloughs overlap?—This extra gratuity of £100 a year, or for a portion of the year, for serving with the New Zealand contingents was not assessable.

7. *Mr. Hall-Jones.*] Practically, while on active service?—Yes, and for any portion of a year so count. Supposing a man serves eighteen months, he receives eighteen months' pay at the rate of £100 a year. That is apart from his pay, and is a gratuity.

8. *Mr. Taylor.*] That only applies to active service, and not while he was in the employ of the New Zealand Government?—Yes, while he was on active service.

9. *The Chairman.*] You have dealt with the whole of the deductions up to date now?—Yes.

10. And that £8 9s. 11d. was not submitted with Lieutenant Clark's papers to the Imperial Army Council?—No, because a letter was received giving us information to the effect that the New Zealand furlough is not assessable for the 60lb gratuity.

11. *Mr. Taylor.*] Does the Imperial Government pay the gratuity and also the furlough-pay?—Yes.

12. They pay the lot?—Yes.

13. What portion of the money Captain Clark is claiming really falls upon this colony?—None whatever.

14. It is all Imperial pay?—We are endeavouring to get the whole lot from the Imperial Government.

15. Have you any correspondence that passed between the Imperial Government and the Defence Minister with regard to these amounts?—It is all on the file. There is the following letter, dated the 7th June, 1904: "I have the honour to request that you will be good enough to have the following facts in connection with certain claims submitted by Captain J. J. Clark, New Zealand Militia, late quartermaster sergeant, Second, and lieutenant, Seventh and Ninth New Zealand Contingents, placed before the Army Council for consideration and decision. After service with the Second Contingent this officer (then N.C.O.) was transferred to the 7th N.Z.M.R. and promoted lieutenant. On the return to New Zealand of that regiment Lieutenant Clark volunteered for further service, and was accordingly transferred to the 9th Regiment. In accordance with a circular issued by Lord Kitchener at Pretoria on the 10th April, 1901, Lieutenant Clark now claims that by this transfer he became entitled to promotion to rank of captain, but this claim has since been disallowed by the Army Council (*Vide* 079/Oversea/2188 (M.S. 2). Lieutenant Clark returned to New Zealand per s.s. 'Orient' with the Ninth Contingent, and during the voyage performed the duties of 'ship's adjutant,' notwithstanding the fact that the regiment had its own adjutant on board. For this service he claims extra-duty pay for thirty-two days at 3s. 6d.—£5 2s., which has not yet been paid. On arrival in New Zealand Lieutenant Clark was subsequently appointed a captain in the New Zealand Militia, it being understood that he held similar rank in the Ninth Contingent, but the appointment in the Militia carries with it no pecuniary emoluments. He received one month's furlough as lieutenant at 11s. per diem, but now claims that he should receive 15s., that being the rate paid to a captain. On the expiration of his leave he was employed in the office of the General Officer Commanding New Zealand Forces, preparing discharge-certificates, and handing over books belonging to the Ninth Contingent. For these duties he claimed and was paid at the rate of £1 per diem, together with 12s 6d. per diem detention allowance. His connection with the Ninth as an officer of the regiment then ceased. He was then employed in preparing discharge-certificates for the Seventh Contingent, with medal-rolls for all contingents from No. 1 to No. 10 inclusive, finally completing these duties on the 28th February, 1903. For portion of this service he was offered pay at 15s. per diem, and for the remainder £4 per week, for which Ministerial authority had been obtained, but which he now declines to accept, and claims pay as captain at £1 per diem (which appears to be an error, as captain's pay is £1 1s., and detention allowance 12s. 6d. per diem, although a Wellington resident), for the period 19th September, 1902, to 28th February, 1903, on the authority of the circular issued by Lord Kitchener. He has claimed, and been paid gratuity under article 601b Royal Pay Warrant, for period during which he was employed in connection with the preparation of discharge-certificates for Seventh Contingent and compiling medal-rolls for ten contingents, and this is now a matter for consideration and decision as to whether this period is assessable in computing that gratuity. Captain Clark has been offered the sum of £102 13s. 4d. (less certain deductions) in full and final settlement of all claims and demands, the deductions reducing that sum to £46 1s. 2d. as per statements attached. This sum he refuses to accept, and I would therefore be glad to have the decision of the Army Council, and at as early a date as possible.—I have, &c., R. J. SEDDON, Premier."

16. Here is a letter dated the 30th March, 1904, and on a voucher attached, signed by the Defence Minister, authorising payment of £102 13s. 4d., there is a memorandum by Captain Clark stating that he is willing to accept that sum without prejudice to any further claim he may establish owing to the assertion that he was entitled to payment as captain, and not as lieutenant. In the letter it says, "The voucher will require to be receipted in full." I want to know from the witness whether his office had anything to do with the Treasury in making the stipulation that Captain Clark should cancel all further claims that he might be able to establish against the Imperial authorities?—I might mention that the Imperial authorities are only too pleased to expedite matters in order to get the thing finished.

17. But, why was this stipulation put in this letter addressed to Captain Clark? What right do you think you had to cancel a man's prospective claim?—I am sure that if there was any claim Lieutenant Clark had against the Army Council the Imperial Government would pay it. As far as that stipulation is concerned, it was put in there with the Paymaster-General's approval, and he considered it necessary.

18. In this deduction of £5 5s. from the £102 13s. 4d. there seems to be an error. You have deducted that 4s. twice over for a certain number of days?—It is seven days at 15s.—that is the overlapping period. He is paid at the rate of 15s., when he ought to have been paid at the rate of 11s. a day.

19. About this stipulation in the Paymaster-General's office: do you, as representing the Imperial Government, know anything about that stipulation that Captain Clark must cancel any further claim he may have before he can receive the payment?—No. I would like the Paymaster-General to speak for himself so far as that is concerned.

20. *Mr. R. McKenzie.*] Can you say, from your own knowledge, whether that is a general stipulation put in where there are disputed claims—that the amount must be taken as final payment?—The Imperial Government are very particular on that point.

21. Do not the Colonial Government in all disputed claims put that in before they are settled?—I think it is usual.

22. Do you consider that Captain Clark was paid everything he was entitled to, so far as the Army Regulations are concerned?—I certainly do.

23. You think, as an impartial witness, he has no further claim against the Imperial Government or this colony?—I do not think he has.

24. Have you received instructions from the Imperial Government or the colony to treat Captain Clark exceptionally?—No.

25. What about this £1 8s., that Mr. Taylor suggests you have deducted twice?—I am only too willing to admit a clerical error when it has been made.

26. Do you find that it really is a clerical error?—Well, I will allow the £1 8s. I am quite willing to admit there may be a clerical error of £1 8s.

27. With regard to Captain Clark's case generally, was the whole of his claim against the Army Council or this colony?—I was acting on the instructions of the Minister of Defence, that £102 13s. 4d. was to be paid to Captain Clark. Well, according to this, he has already received a portion of this amount by overpayment.

28. The Minister of Defence sent a letter in June in which he stated Captain Clark's whole case to the Army Council?—Yes.

29. Was he paid on that according to the Army Regulations?—That letter has not been answered yet. The case is before the Army Council at Home, and that is the position in which we are at the present time.

30. *Mr. Taylor.*] It is your opinion that Captain Clark's case was treated fairly and impartially, according to the regulations, the same as anybody else's claim would be?—Most decidedly.

31. *Hon. Mr. Hall-Jones.*] In this matter you are acting for the Imperial Government?—Yes.

32. And there are certain regulations laid down for your guidance?—Yes.

33. Some of which you had not seen, perhaps, until after this case was reached?—Yes.

34. Captain Clark made more than one claim for his general services, did he not?—Yes.

35. With regard to the preparation of the rolls, you had one voucher claiming captain's allowance?—Yes.

36. And then you had another voucher claiming payment of £4 4s. a week?—I believe that is so.

37. There was another claim for exactly the same services of £4 4s. a week, and your final offer was based upon the claim for £4 4s. a week—is that so?—Yes, part of it.

38. Are these deductions you have made according to the Imperial Regulations?—Yes.

39. Can you suggest any better way of sifting the difference that has arisen between Captain Clark and your Department, as representing the Imperial authorities? Can you suggest any better way of finally settling the matter?—I cannot say. The matter is before the army authorities.

40. It has been sent to the Imperial authorities?—It has gone direct to the Army Council.

41. We may assume, then, that it is in their hands?—Yes.

42. And they will deal with the question in a similar manner to other questions of the same nature in the Empire that have been dealt with?—Yes.

43. In dealing with so large a number of men I suppose it is possible for these little overpayments to be made?—Yes.

44. And everything is rectified in the final settlement?—Yes.

45. And that is exactly what you are doing in this case?—Yes.

36. *Captain Clark.*] Referring back to the letter of the 30th March, practically the offer of the Paymaster-General is the sum of £102 13s. 4d. in full satisfaction of my claim, less the deductions he enumerates. The first deduction is the amount for seven days at 15s. per day, £5 5s. I understood, Mr. Mabin, that you made the statement that all these moneys that are due to me came from the Imperial Government?—Yes.

47. Well, I think it was an understood thing all through the colony that the thirty days New Zealand furlough was paid by the New Zealand Government. Out of that thirty days it is proposed to stop seven days, because during that time I was employed in the Commandant's office. In the case of any other officer belonging to the Railway Department or any other Department working in his office when he returned, was that pay deducted from him?—All I can say is this: as far as the Imperial funds are concerned, they will not allow overlapping periods. The Imperial Government are paying this New Zealand furlough, and it is inadmissible according to instructions from the Army Council. I regret that I have had to deduct it.

48. *Hon. Mr. Hall-Jones.*] You cannot pay twice for the same time?—They will not allow it. It has been deducted from pay in many instances. In fact, we had to deduct it from sick-leave.

39. *Mr. Taylor.*] Are there not scores of cases where officers have been employed in Railway or other Departments and where the pay has been paid?—That is out of my jurisdiction.

50. *The Chairman.*] Do you know whether that has been so or not?—It could only be deducted out of Imperial funds.

51. *Mr. Wood.*] Has there been any other case where it has been paid?—Not that I am aware of, as long as the pay is drawn from the Imperial funds.

52. *Captain Clark.*] With reference to the deduction of £8 9s. 11d., I have not received any notice of that yet. When was the reply received from the War Office advising you of that further deduction?—It was sent from the War Office on the 19th May.

53. In the letter signed by the Minister to be put before the War Office there was one paragraph I would like you to read again which refers to the question of rank. I think you will find in that letter the words, "it being held that he held similar rank in the Ninth Contingent"?—On arrival in New Zealand Lieutenant Clark was subsequently appointed a captain in the New Zealand Militia, it being understood that he held similar rank in the Ninth Contingent; but the appointment in the Militia carries with it no pecuniary emoluments."

54. "It being understood that he held similar rank in the Ninth Contingent." I ask you, Mr. Chairman, to particularly remember that. In reply to Mr. McKenzie, Mr. Mabin made a statement that I had no claim against the New Zealand Government, meaning by that, I suppose, that all my claims were against the Imperial Government?—Your claim is against the Imperial Government.

55. And you made the remark that I had no claim against the New Zealand Government?—As far as I know.

56. *Mr. Remington.*] In connection with the statement submitted Home, where it was stated that it was understood the petitioner had been promoted to be captain, was it in the knowledge of the office that Colonel Porter had, by consent of the Commandant, promoted Captain Clark to be Captain on the 14th April, 1902? Was that within the knowledge of the office when they said, "It was understood"?—It was understood that he was recommended for promotion.

57. *Right Hon. the Minister of Defence.*] Mr. Mabin, are you aware of several cases where the New Zealand Government and Defence Minister recommended a number of officers for promotion, and where the recommendation was declined on the ground that there were already a sufficient number of officers in the establishment?—Yes.

58. There have been several cases of that kind?—Yes.

59. And in those cases the pay of the reduced rank only has been allowed?—Yes; they will not pay over the establishment.

60. Captain Clark in that respect is in the same position as other officers, unless at the reduced rank?—Yes; unless at the reduced rank.

61. That applies not only to N.C.O.'s, but to other officers?—Throughout the ranks, non-commissioned officers as well as commissioned officers.

62. In reference to the paragraph you were just asked a question about, that he had been placed with the rank of captain in the Militia, that information given to the War Office would be in his favour?—Yes.

63. You read the letter. In submitting the matter to the War Office, do you think that is a fair and impartial statement of the position?—I do, sir.

64. Has it, directly or indirectly, been intimated to you, or have you been instructed to make any special deduction from Captain Clark's claim?—No.

65. Then, when you received instructions to pay the £102 13s. 4d., you commenced to look up the account with a view to paying him that which he was legally entitled to?—Yes.

66. It was during that investigation you discovered these overpayments?—Yes.

67. Will you turn to that 601b: It is since that that your attention has been called by the Army Council to that position?—Yes.

68. On receiving that you then had to go through Captain Clark's and other accounts to see whether or not there had been any payment wrongly made?—Yes.

69. You discovered in your investigation, then, that this £8-odd had been overpaid?—Yes.

70. And you notified that to the Paymaster?—I did.

71. After you had done that your duty was complete, and whether the Paymaster notified Captain Clark or otherwise you would not know?—No, but he would advise me.

72. You had simply drawn the attention of the Paymaster to it?—Yes.

73. Suppose Captain Clark had taken the £46 and then this further discovery had been made, what would have occurred?—I should have written to Captain Clark to make a refund.

74. And he would have been liable for the refund to the Imperial funds?—Certainly.

75. There have been a lot of poor troopers summoned for these sums, have there not?—Yes, I am sorry to say.

76. *Mr. Hall.*] By instructions of the Imperial Government?—Yes.

77. *Right Hon. the Minister of Defence.*] You mentioned something about an order of General Kitchener as to promotions?—Yes.

78. Have you a copy of that?—Yes.

79. Will you read the general order?—"Army Headquarters, Pretoria, 10th April, 1901.—The following is approved as regards all officers, N.C.O.s, and men of oversea corps who desire to continue to serve in South Africa on the departure of their contingents: (1.) All corporals and privates to be promoted to the rank of sergeants, if recommended by their O.C. (2.) All sergeants to be promoted to lieutenant, if recommended by their C.O. (3.) All officers to be given a step in rank, if recommended by their C.O. (4.) Pay for all ranks to be on the scale of S.A. Mounted Irregular Forces. (5.) Officers, N.C.O.s, and men will be posted to the new contingents from their respective colonies as far as possible. (6.) They will be borne in excess of establishment until absorbed.—Approved. KITCHENER, General." "War Office, London, S.W., 10th March, 1904.—SIR,—With reference to your letter No. 7197/1904 of the 4th instant, I am commanded by the Army Council to acquaint you that Lord Kitchener was referred to relative to the promotion of the officers, non-commissioned officers, and men of the Sixth and Seventh New Zealand Contingents who remained in South Africa for service with the Eighth, Ninth, and Tenth Contingents. He replied, 'he considered that it was undesirable to make promotions after such a considerable time had elapsed, and had he considered these promotions necessary he would have carried them out at the time.'—I have, &c., GUY FLEETWOOD WILSON.—The Under-Secretary of State, Colonial Office." This letter was in reply to a communication sent to the Secretary of the Army Council, as follows: "Downing Street, 4th March, 1904.—SIR,—I am directed by Mr. Secretary Lyttelton to acknowledge the receipt of your letter of the 27th ultimo, No. 079/Oversea/2188 (M.S. 2), and to inquire whether he is correct in inferring from it that the officers, non-commissioned officers, and men of the Sixth and Seventh New Zealand Contingents who remained in South Africa for service with the Eighth, Ninth, and Tenth Contingents were not entitled to promotion under the circular issued by Lord Kitchener at Pretoria on the 10th April, 1901.—I am, &c., H. BERTRAM COX."

80. Are you aware whether those promotions were recommended by the officer commanding?—I am not prepared to state that.

81. Have you any knowledge?—No.

82. In reference to the question put to you as to what is known as the New Zealand furlough of thirty days: no one else has received that out of New Zealand moneys, to your knowledge?—No, not that I am aware of.

83. Is there any order that you are aware of that that money has to be paid by the New Zealand Government?—No, it has to be paid by the Imperial Government.

84. Did the New Zealand officers and men on arrival in New Zealand get the forty days' advance as well as the New Zealand furlough?—Yes, in most cases, if overlapping periods did not occur.

FRIDAY, 12TH AUGUST, 1904.

Captain R. SEDDON, examined. (No. 2.)

1. *Right Hon. the Minister of Defence.*] Will you look at this writing on this voucher, Captain Seddon? [Document handed to witness.] Whose writing is that?—That is my writing.

2. Do you see that pencil-writing in the margin?—Yes; that is mine.

3. When did you put that on?—Before you put this minute on it [Minute pointed out by witness].

4. What authority had you for putting that pencilled memorandum there?—I only put it there for your information.

5. But you did not initial it?—No; I simply put it in there in pencil so that it could be rubbed out when you gave your decision.

6. Had you any reason for supplying that information to me?—Yes. When I saw the voucher I made inquiries at the Department, and asked the Chief Accountant, Mr. Williams, why Captain Clark had not sent in his vouchers, and he said he had asked Captain Clark to send in vouchers. I asked why he had not put that information on the file.

7. That is your explanation?—Yes.

8. And you are positive that you did not put the memorandum in at any other time?—Yes; it was there when the voucher and file were before the Committee last year.

9. *Mr. Taylor.*] Was that not put there while the inquiry was going on before the Committee?—No.

10. That point was in dispute last year?—Mr. Hardy told me something about the writing being on the file.

11. You knew that point was in dispute?—Yes; Mr. Hardy told me on the boat when we were going down to Christchurch.

12. And you knew which officer could give information to the Committee?—Yes, after that.

13. Did you take any steps to make it possible for him to give information to the Committee?—Yes. I asked him why he had not given the information to the Committee, and he said they did not ask him.

14. You made up for his deficiency by making that note on the margin?—No; I made that before the minute was put on.

15. You are unable to say on what date you put that note on?—Yes; I put it on before the Premier put his minute on. I put the note on for his information. I do not usually date notes like that.

16. *Captain Clark.*] You say that you saw Williams prior to putting that pencil note on that voucher?—Yes.

17. That would be prior to the 28th May?—Yes.

18. And Mr. Williams informed you that he told me that I should put my vouchers in monthly?—Yes; quite so.

19. Mr. Williams also informed you that that evidence had not been brought out. He said that they did not ask him that question at all?—Yes.

20. When was that?—I think it was after I had come up from the South. There had been some talk about a minute having been put on the file, and I spoke to Mr. Williams about it. I asked him if he remembered telling me on the Government Buildings stairs, before the session of 1903, that he had told Clark to send in his vouchers, and he said "Yes." I said, "Why did you not give that information to the Committee?" and he said he had not been asked, and forgot to tell the Committee.

21. *Mr. Wood* (to the *Right Hon. the Defence Minister*).] I suppose it is quite a common thing for officers of the Department to put minutes on documents?—Quite common. If there is anything of a special nature they write a minute to draw my attention to it. In this case the officer says he did not intend it to be a permanent minute, and therefore did not initial it.

22. *Mr. R. McKenzie* (to Captain Seddon).] I think you said that the first you knew of the Committee wanting information on the point was when Mr. Hardy mentioned it to you when you were going down to Lyttelton together?—Yes.

23. Did you tell Mr. Hardy then that this memorandum was on the paper before?—I believe I did. He asked me about it and I explained.

24. That it was put on before it came to the Committee?—Yes.

25. You made this marginal note some time before the commencement of last session?—Yes; before it was before the Committee.

26. You had no knowledge that it was to come before the Committee at the time you made it?—No; absolutely none.

27. There was no connection between your note on the voucher and Captain Clark's petition?—No.

28. *Right Hon. the Minister of Defence.*] Was there any feeling between you and Captain Clark of any kind?—No. I think Mr. Mabin, the head of the Imperial Pay Branch, will bear me out in saying that I always endeavoured to see that Captain Clark got justice in the matter of his pay.

F. BURTON MABIN re-examined. (No. 3.)

29. *The Chairman.*] I understand that you wish to make a statement with regard to the item of £1 8s. deducted from Captain Clark's account, and which was referred to as a clerical error?—Yes. It would appear that it is not a clerical error and the deduction must stand. Fifteen shillings per diem was struck off Lieutenant Clark's claim for the period 12-18 September, 1904, on the ground that this period was included in the months' furlough granted to him. He had, however, been overpaid at the rate of 4s. per diem for the full month, and to reduce his pay for the first period mentioned to its proper level—viz., furlough rate 11s., the 4s. must be disallowed. His total claim for pay for the seven days is £1 10s. per diem, rendering it necessary to deduct a total sum of 19s. per day. I have no notification of Lieutenant Clark's recall to duty from furlough. Had such notification reached the office, no doubt seven days at 4s. would have been allowed, but, failing this, the deduction must stand.

30. *Captain Clark.*] You say that you received no notification of my return from furlough to duty?—That is so.

31. If you had been so notified you would have allowed that 4s. a day?—Yes.

32. I think you also say that my pay for a certain period was £1 10s. a day, and you had to deduct 19s. a day to bring it down to 11s.?—You put in a claim for 15s. a day over the same period twice—15s. a day during the furlough period, and 15s. for pay while in the Commandant's office.

33. For those two periods that overlap?—Yes.

34. That brings the amount to a gross £1 10s. a day?—Yes.

CAPTAIN CLARK examined. (No. 4.)

35. *The Chairman.*] We will take your evidence on the main petition now, Captain Clark?—Well, sir, I will go right through from where we left off last session. Last session I came before you, and, after considering the petition, you in due course notified me that the petition was recommended to the favourable consideration of the Government. That was on the 13th November, 1903. Nothing further was heard of the matter, and no action was taken bearing on it until the 23rd March, when I wrote the following letter to the Minister of Defence:—

"SIR,—I have the honour to beg to be informed if any further action has yet been taken in my petition which was recommended to the 'favourable consideration of the Government' by the Public Petitions A to L Committee on the 13th November, 1903.—I have, &c.,

"J. J. CLARK, Capt., N.Z. Militia."

On the 29th March the following reply came to hand:—

"I beg to acknowledge the receipt of your letter of the 23rd instant, addressed to the Hon. the Defence Minister, and to inform you the matter of your claim is now being dealt with by the Paymaster-General.

"T. F. GREY,

For Under-Secretary Defence."

On the day following (30th March) came the following letter from the Paymaster-General:—

"SIR,—I have the honour to inform you that amended voucher of 23/6/03, amounting to £102 13s. 4d., submitted by you has been approved for payment, less the following deductions:—

	£	s.	d.
By amount of voucher	102	13	4
To amount included in New Zealand furlough, 12th to 18th September, 1902—seven days at 15s.	5	5	0
Overpayment on gratuity 601B, 19/9/02 to 28/2/03—163 days at £100 per annum	44	13	2
Error in your addition of voucher	0	10	0
31 days New Zealand furlough at 4s. should have been 31 days at 11s., not 15s. as charged	6	4	0
	56	12	2
Payable	£46	1	2

The voucher will require to be receipted in full, and final settlement of all claims and demands whatsoever against the New Zealand Government, acting on behalf of the Imperial Government, and from whatsoever source arising. The following memorandum embodied by you in voucher is therefore rendered null and void: 'The question of my rank as captain being still under discussion, the lower rank is hereby claimed without prejudice to any subsequent claim for difference in rank for period marked "A."'. Another voucher, amounting to £9 5s. 5d., expenses paid by you in South Africa and at Albany, has also been approved for payment. I should be glad to know if you are prepared to accept payment in accordance with the terms I have stated, when cheques will be immediately forwarded to you.—I have, &c.,

"J. B. HEYWOOD, Paymaster-General."

I replied to that letter on the 6th April as follows:—

"Paymaster-General, Wellington.

"SIR.—I have the honour to acknowledge receipt of your letter of the 30th March. I will give a full discharge for the voucher amounting to £9 5s. 5d. immediately on receipt of a cheque for that amount. With regard to the voucher amounting to £102 13s. 4d., less the deductions shown by you, I would be glad to be clearly informed on this point: Is the sum now proffered by the New Zealand Government given solely by them as agents for the Imperial Government?—I have, &c.,

"J. J. CLARK, Capt., N.Z.M."

The following is the reply, dated 7th April:—

"SIR,—I have the honour to acknowledge receipt of your letter dated the 6th instant, and in reply beg to inform you that the proposed payment to you of £102 13s. 4d., less deductions shown in statement embodied in my letter of the 30th ultimo, is in full and final settlement of all claims and demands whatsoever against the Imperial and Colonial Governments. I have noted your remarks *re* voucher for £9 5s. 5d.—I have, &c.,

"J. B. HEYWOOD, Paymaster-General."

On the 21st April I wrote to the Paymaster-General:—

"SIR,—I should be glad to know when the voucher for £9 5s. 5d., mentioned in your letter of the 30th ultimo, will be forwarded to me.—I have, &c.,

"J. J. CLARK, Captain, N.Z.M."

On the 2nd May, no reply to my letter of the 21st April having reached me, I again wrote to the Paymaster-General:—

"SIR,—I am not yet in receipt of reply to my letters of the 6th and 21st ultimo *re* voucher for £9 5s. 5d. I should be glad of same.—I have, &c.,

"J. J. CLARK, Capt., N.Z.M."

On the 4th May I received the following letter:—

"SIR,—I have the honour to acknowledge receipt of your letter dated the 2nd instant. Voucher in your favour amounting to £9 5s. 5d. has been passed for payment and you should receive cheque during the course of a few days. With reference to voucher for £102 13s. 4d., reduced by overpayments to £46 1s. 2d., I am awaiting your reply to my letter of the 7th ultimo, in which you are informed that the payment of the latter sum is in full and final settlement of all claims and demands whatsoever against the Imperial and Colonial Governments. Your letter of the 6th ultimo was duly answered on the 7th of the same month, and the request contained in your letter of the 21st April has been complied with.—I have, &c.,

"F. BURTON MABIN, For Paymaster-General."

I replied to that on the 11th May as follows:—

"Paymaster-General, Wellington.

"SIR,—I have the honour to acknowledge receipt of your letter of the 4th instant. I am now in receipt of cheque for £9 5s. 5d., in payment of sundry-expenses voucher. With reference to amended voucher of 23/6/03, amounting to £102 13s. 4d., I regret I am unable to accept the sum of £46 1s. 2d., as shown in your statement of the 30th March, in full satisfaction of my claim. It is my intention to bring the matter before the House during the coming session. I have, &c.,

"J. J. CLARK, Capt., N.Z.M."

I wrote again to the Paymaster-General on the 20th May as follows:—

"SIR,—Adverting to your letter of the 30th March last, in which the sum of £102 13s. 4d., less the deductions shown by you, is offered to me in full satisfaction of my claim, I would be glad of a fuller explanation of the items £5 5s. and £6 4s. included in the deductions.—I have, &c.,

"J. J. CLARK, Capt., N.Z.M."

I received a reply to that on the 23rd May:—

"SIR,—Items £6 4s. and £5 5s. deducted from claim, also extra-duty pay £5 2s.—With reference to the above, I have the honour to acknowledge receipt of your letter of the 20th instant, and in reply beg to inform you: (1st.) You received thirty-one days' New Zealand furlough-pay on return of Ninth Contingent at 15s. per diem, the correct rate for lieutenant being 11s., hence you were overpaid thirty-one days at 4s.—£6 4s. (2nd.) You claimed payment for period 12th to 18th September at 15s. per diem, whereas this period was included and paid for in your New Zealand furlough, which expired on the 18th September, 1902. Seven days at 15s.—£5 5s. The amount was accordingly struck out of claim sent in by you. On looking up the copy of your claim for £102 13s. 4d. you will find that you claimed 10s. too much, by an error in your addition. I have also to inform you that the question of extra-duty pay, £5s 2s., claimed by you as ship's adjutant, has been with other matters submitted to Army Council for consideration.—I have, &c.

"F. BURTON MABIN, For Paymaster-General."

I replied to that on the 24th May:—

"Paymaster-General, Wellington.

"SIR,—I have the honour to acknowledge receipt of your letter dated the 23rd instant, *re* sums £6 4s. and £5 5s. deducted from claim, and in reply beg to make the following statement: (1st.) Deduction £6 4s.: This is practically a continuation of the 'Difference-in-rank question,' and the decision governing that would, I take it, apply also to this. (2nd.) Deduction £5 5s.: I maintain that I was entitled to thirty days' furlough, whether employed during that period or not. If, as you maintain, my furlough ceased on taking up employment, I maintain the balance of my furlough should be granted at the expiration of such employment. In the case of officers entering civil employment immediately on their return, were any deductions made? In the first deduction you already reduce the furlough from 15s. to 11s. per diem for the thirty-one days: how, then, can you now deduct 15s. per diem for the seven days under discussion? I wish it to be clearly understood that in making this explanation I in no wise admit the correctness or otherwise of any of the deductions, and still adhere to my reply of the 11th instant.—I have, &c.,

"J. J. CLARK, Capt., N.Z.M."

On the 30th May I received the following letter from the Paymaster-General:—

"SIR,—I am in receipt of your letters (three) dated the 24th instant, and in reply beg to inform you that—(1.) You have already been notified that the question of your promotion to rank of captain in the Ninth Contingent has been finally decided by the Army Council, the promotion being disallowed. Owing to the absence of the Hon. the Minister of Defence the matter has not yet been placed before him, but will be submitted on his return. (2.) As you have given sufficient

particulars with regard to your original claim for £5 2s., extra-duty pay as ship's adjutant, it will not be necessary for you to fill in the forms sent. (3.) As to the deduction of £6 4s.: This is in accordance with the Army Council's ruling that you are not entitled to the rank of captain. (4.) As to the deduction of £5 5s.: If you will look up your copy of claim sent in by you for £102 13s. 4d., you will find that you have asked for double payment for the period mentioned—viz., 12th to 18th September, 1902, and you must know that double payment for the same period cannot be entertained. The amount was, therefore, struck out of the claim. I have further to inform you that credit for thirty-one days' furlough at 11s. per diem as lieutenant has been given in your account, and that the whole of the circumstances of your case have been transmitted to the War Office for the consideration of the Army Council. As the matter is now entirely out of the hands of the Government of New Zealand, I regret that nothing further can be done until the decision of the Army Council has been received.—I have, &c.

"JAS. B. HEYWOOD, Paymaster-General."

That completes the correspondence. The next step is the submission of the petition to Parliament. That takes the matter up to date, from where we left off last session. Now, I am going over these deductions as shown by the Paymaster-General, amounting to £56 12s. 2d. The first is, "To amount included in New Zealand furlough, 12th to 18th September, 1902, seven days at 15s. a day, £5 5s." I have already read my reply to the Paymaster-General, showing that I was entitled to thirty days New Zealand furlough when I returned to New Zealand, irrespective of whether I worked in the Defence Department or any other Department of the colony, or in private service. The mere fact that I happened to be employed in the Defence Department for the period of that furlough should not, in my opinion, militate against my getting the complete amount of furlough I was entitled to. I pointed out to the Paymaster-General that, in the event of officers or men being employed in civil work, they could get the furlough-pay. But, because I happened to go into the Defence Department on my return to the colony, and it was known, the furlough allowance was proposed to be taken away with me. I do not admit that deduction of £5 5s., and still adhere to what I have said, that I am entitled to it whether working for a Department or otherwise. The next item is, "Overpayment on gratuity 601b, 19/9/02 to 28/2/03, equal to 163 days at £100 per annum, £44 13s. 2d." In connection with that, I will read to you Article 601b out of the Royal Pay Warrant, "601b. An officer, whether of the Reserve or not, specially taken into employment during a national emergency, shall, upon ceasing to draw full pay, be entitled to a gratuity of £100, and after the first twelve months of service a further gratuity of £50 for each year of service at home and £100 for each year of service abroad, portions of the year being calculated at the same rate, and subject to the following conditions: (1.) That the officer serves for the full period of his engagement, or of the emergency in respect of which he is employed, unless a shorter period is specially approved by the Secretary of State. (2.) The gratuity shall not be given to an officer paid under Article 488, (b)." We had better read that to make sure that it does not apply in my case: "488, (b). In the case of retired officers under the age of fifty-five, whose names have been previously entered, under Article 666, on a special list of officers who are prepared to accept employment whenever their services may be required in connection with active operations in the field, and who are so employed as medical officers with hospitals at the base or on the line of communications, pay officers, embarkation and disembarkation officers, station commandants, ammunition column officers, special service and transport column officers, commandants of military police on the line of communications, commandants of labourers, commandants of interpreters, or in minor posts on the line of communication, a consolidated salary not exceeding the amount of the officers retired-pay by more than £300 a year, or not exceeding £300 a year if he has no retired-pay. Travelling-allowance, field allowance, and forage allowance shall be issued in addition to the above salary, if these allowances would have been issuable under the allowance regulations had the officer so employed been on ordinary full pay. The salary shall be issued for a period of not less than twelve months, and shall be fixed by our Secretary of State, with the concurrence of the Lords Commissioners of our Treasury." That is paragraph 488, and I have read it to show that it has no connection with 610b. Paragraph 3 of 601b says, "The following officers are eligible, provided that they fulfil the above conditions: Re-employed retired officers; officers of embodied militia, except those of the permanent staff; officers of auxiliary forces employed upon army service; ex-officers or civilians appointed to military positions in Imperial forces, or in colonial forces." That, with what I previously read, is the whole of Article 601b, and I have read it at length to point out that, in my estimation, there is nothing in it to show that the gratuity on my return to New Zealand, or on the expiration of my furlough, or at any other period was not due to me. The claim for the gratuity of £100 per annum to the 28th February, 1903—the period during which I was last employed in the Commandant's office—was made solely on the advice of officers in the Pay Branch of New Zealand. That was stated at the inquiry before the Committee last year. I stated it at great length, and Mr. Williams and Mr. Simpson gave evidence on that matter. I would submit that I claim that, solely on the advice of officers of the Pay Branch of New Zealand, and which I still adhere to.

36. *Mr Taylor.*] Did not one of the officials state that he instructed you to put that claim in?—Yes. My evidence on the subject will be found in question 159, page 36, of the report of the proceedings taken last year. In asking a question the Right Hon. R. J. Seddon said, "I will ask the shorthand-writer to read out to you a portion of Captain Clark's evidence. In his statement here he said that he went to you in reference to a claim which he was about to make for a gratuity, which claim covered the time from his arrival in the colony to the 28th February last, while he was working in the office. But you will hear what his words were." (The shorthand-writer read the following extract from Captain Clark's statement: 'I did not think I should obtain the gratuity for the five months, and when I made out the voucher I went down to the Pay Office and inquired as to what I had better do—whether it would be obtainable up to the 28th

February or not. They said, Certainly it would. They recommended me to claim for it, and told me to put in the voucher for that amount, which I did. It was solely on the recommendation of the officers of the Pay Department.' Being asked by Mr. Hardy who the officer was, Captain Clark said, 'Mr. Williams, and also Mr. Simpson. Both advised me that I was entitled to the gratuity for the time claimed—to the 28th February, 1903.' What do you say to that?—I say that Captain Clark brought down his voucher for the gratuity covering the whole period, and showed it to me, asking me if I thought it was right. I said that in accordance with instructions received from the War Office an officer who was engaged in the office in connection with the pay, &c., of a contingent was entitled to claim for that period."

37. That is Mr. Williams's evidence?—Yes. The next deduction is on account of an error in addition in the voucher of 10s. That is admitted. The next deduction is, "thirty-one days New Zealand furlough at 4s. Should have been thirty-one days at 11s., not 15s.; as charged, £6 4s." That, of course, is a continuation of the question of whether I am a captain or a lieutenant, and entitled to claim the allowance of captain. I pointed out that it was a question of continuation of rank. But, as Mr. Taylor pointed out yesterday, seven days at 15s. has been deducted, and that should not have been deducted. After deducting the seven days at 15s. they wished to deduct the thirty-one days at 4s. I still maintain that the seven days are deducted in error. Those are all the deductions that I have a written acknowledgment of so far. Since the petition came before the House I have heard that there is a further deduction of £8 9s. 11d., also in connection with the gratuity 601B covering the thirty-one days' furlough. That, I understand, will be duly notified to me later on. Now, sir, the whole case practically has resolved itself into this, that a different aspect has been thrown on it since last session. My claim then was for £276 2s. 6d., and that was recommended to the favourable consideration of the Government. The "favourable consideration of the Government" led to the sum of £102 13s. 4d. being offered to me, and it is now proposed to make these deductions from it.

38. Leaving a net amount of what?—Leaving a net amount of £37 11s. 3d. in satisfaction of my claim for £276 2s. 6d. There is a great difference in the balance that will be left, and I think the Committee are apt to forget the main portion of the evidence I submitted last year, and on which I base the chief argument in my case—that is, that I was employed in the Commandant's office in my military capacity under my rank of captain or lieutenant. I was not employed in a civil capacity, but in a military capacity, and the Committee last session could obtain no evidence that I had been advised before taking up that employment that I was put on in a civil capacity. The Committee could not get any evidence that I had been told I was to receive £4 a week during the time I was doing the work, or until four months after the work had been completed. That is a strong point in my case, and should not be overlooked. If the deductions are made by the War Office it means the deductions from the £102 13s. 4d., instead of the £276 2s. 6d. In General Babington's evidence, given last year, he was asked (question 48), "Do you think £4 a week a fair payment for that work?" and he replied, "I think the Imperial authorities would have granted any officer employed up to the rank of captain certainly his pay as a captain for the time he was engaged on the work. The whole of these rolls, discharges, and medal-rolls have to be certified to by a person who is personally acquainted with the services of the men. I could not do it; the War Office would not accept my certificate. Major Smith could not do it; probably they would not accept his. As far as my knowledge of the Imperial service goes, I think that if the charge had been left to the Imperial authorities they would have passed it." That is, a charge of £276 2s. 6d. The "favourable consideration of the Government" of my claim of £276 2s. 6d. has now practically reduced that to £102 13s. 4d., but I do not admit it.

39. You have not agreed to accept it?—No. The Right Hon. R. J. Seddon said yesterday that a letter had gone to the War Office stating the facts of my case, and asking for reconsideration. I think that letter should have been accompanied by a printed copy of the evidence taken before the Committee last year. The letter gives, I admit, a very impartial view of the case, but a printed copy of the evidence should have gone with it so that the authorities could see the arguments on which I rejected their view of the claim.

40. *The Chairman.*] Does that finish your evidence?—Yes.

41. *Mr. Taylor.*] With regard to the rate of pay of £4 a week: do you say positively that the rate of pay had not been fixed until four months after your employment?—Yes.

42. It was not mentioned to you at all?—No.

43. Were you instructed to send in your pay-vouchers at any definite period?—No.

44. When did you render your first pay account?—On the 11th September, 1902.

45. Some time after you had finished the work?—Yes; the first portion of my work.

46. *Mr. Wood.*] How many times were you engaged by the Department—I understand you were engaged twice?—Yes.

47. On the first occasion, when did you put in your pay-sheet?—In the following June.(?)

48. How long were you working?—Twenty-six days.

49. And the second time you were put on, how long after was it when you put in your pay-sheet?—Five months.

50. What is the usual custom in the Department with regard to pay-sheets? Is it not the practice for the pay-sheet to be made up every month?—I do not know.

51. Who put you on the second time?—Major Smith.

52. What was your arrangement with regard to pay?—There was no arrangement whatever.

53. Nothing was stated by you to him or him to you?—No.

54. You went on working for five months and never asked what you were to be paid?—Yes.

55. And you never put in a pay-sheet?—No.

56. *Mr. Hall.*] When you accepted the position to make up these medal-rolls, whom did you consider your employer—the New Zealand Government or the Imperial Government?—The New Zealand Government.

57. Now you claim captain's pay at £1 a day?—Yes.

58. One pound a day and 12s. 6d. detention?—Yes.

59. Were you led in any way to believe that that was a fair remuneration?—I had no correspondence or documents on the matter whatever. I considered it was a fair claim, because I received that rate previously.

60. As a matter of fact, you still thought that you were continuing and had the status of captain?—Certainly, or I might then have asked what the status was. I was informed of nothing to lead me to believe that I was not kept on in the status I had already been employed in.

61. That is, you would have asked the Government what rate you were to receive?—Yes; if I had thought it was to be a different rate from that which I had formerly worked under.

62. Had you any communication with General Babington giving you reason to believe that that was a fair rate of remuneration?—None.

63. Supposing that you had not accepted the work allotted to you, what would have been the difference in the amount you would receive in gratuities and so forth and the amount offered to you?—Well, there was only one gratuity it would affect, that is, the gratuity under 601B. It would mean that the gratuity would cease when I left the office on the 11th September, 1902, instead of continuing to the 28th February, 1903, if I had not accepted the work for which I now claim payment.

64. You do not consider that £4 a week is sufficient payment for the class of work you had to do?—Certainly not.

65. Was it the work of an expert?—It was.

66. How does the salary compare with that for the work of an ordinary clerk?—I do not know their salaries.

67. When you sent in your voucher for £102 13s. 4d., did you do it of your own free will?—Well, it was hinted to me that it would be paid, if I may use the term.

68. And that induced you to send in the voucher?—Yes.

69. You thought you would have no more trouble if you sent in the voucher?—I did not think I would have "no more trouble," because in putting in the voucher I marked it "without prejudice," and it was my intention to claim what I was entitled to on a subsequent date.

70. Still, it reduced the £1 a day and 12s. 6d. detention to £4 a week?—It did.

71. It came, therefore, as a surprise to you when all these deductions were made?—Yes, a very great surprise.

72. And you do not think you are adequately paid by the amount offered to you?—Certainly not.

73. Do you consider that the amount of £276 2s. 6d. was a fair claim to make?—I do, for the services performed.

74. *Mr. Taylor.*] Have you seen a letter signed by General Babington, dated the 9th July, 1902: "In view of the amount of work connected with returning contingents, and the large number of men shortly returning to the colony, I would strongly recommend that an officer be temporarily employed to carry out the necessary work connected with the same. This work has up to the present been carried on by an officer of the headquarters staff, but to the detriment of other business, nor is contingent work up to date. It is most important that matters connected with the contingents should be adjusted without undue delay. The period for which the officer will be required will be three months, and I recommend pay at the rate of £4 per week." Do you remember that?—I remember it being tendered in evidence before the Committee last session.

75. *Mr. Hall.*] Did the Government at any time intimate to you that your salary would be £4 per week?—At no time.

76. *Mr. Taylor.*] There is another memorandum dated the 25th April, 1903, from General Babington to the Minister of Defence in which your claim of £277 17s. 6d. is referred to. The last paragraph says, "I would further point out that the urgency of completing and issuing discharges and medals was very considerable, and it was of importance to expedite the matter as much as possible. Captain Clark was therefore retained to complete this work, as he was the most capable, if not the only officer available. I regret that Captain Clark, through an oversight, omitted to send in his claims monthly, as he should have done, and as was done in previous similar cases, and which received payment." There is a pencil memorandum on the margin, "Clark was told by the Accountant to send in claim monthly." Is that true?—No.

77. Do you say definitely that no rate of pay was arranged when you were employed?—Absolutely none.

78. Were you under the impression then that you were to receive pay according to your military rank?—Yes, according to my military rank, £1 12s. 6d. per day, which I have already been paid for twenty-six days.

79. Do you know any returned troopers who went into civil employ very soon after returning to the colony, and who have drawn their furlough-pay notwithstanding?—Yes.

80. *Hon. Mr. Hall-Jones.*] In reference to that last question as to persons who went into civil employment and at the same time drew their furlough-pay: That would be entirely different from the Imperial Government paying the furlough-pay, and at the same time paying the officer for other work, would it not?—The Imperial Government would not know whether a returned trooper went into civil employment, but they would know if an officer were employed and they had to pay him?—I do not see the distinction.

81. Do you know of any other officers who have drawn furlough-pay while being similarly employed to yourself?—I do.

82. What are their names?—Captain Brown and Captain Stevenson of the Tenth Contingent, Colonel Abbot and Major O'Brien of the Ninth Contingent.

83. Those officers, in squaring up the accounts of the contingents, were receiving furlough-pay at the same time that they were receiving pay for their services?—Yes.

84. With regard to the £4 per week, I would like an answer as to whether you were not aware while doing that work that the pay was to be £4 a week?—No, I stated in my evidence last year that I did not know until June, about four months after the work was completed. That was the first intimation I had. That was borne out by the voucher submitted of the 23rd June, 1903. It was only on that date that I found that the authority existed for the payment of £4 per week. I made up my voucher on the same day accordingly. That was the first intimation I had of any authority.

85. You did not get any information either directly or indirectly that it was to be £4 per week?—I got it indirectly, but it was only on the 23rd June that I got that indirectly.

86. When did you complete your work?—On the 28th February, 1902.

87. And if it were stated that you were indirectly informed, what would you say?—That it was perfectly false.

88. You have been employed before and possibly on a monthly service: Have you ever allowed your salary to accumulate to the extent of £250 before without claiming it?—No.

89. You assume that you are entitled to a certain sum—you said last year that you believed it was as safe as if it were in the bank—you allow it to accumulate until it reaches £250 or £260, and then think you have only to send in an application and draw the money?—That was my assumption. I thought that I had only to put my claim in when the work was done.

90. You never in the course of your lifetime had done anything like that before?—Only once, but I was then employed on other work. I did not know what the custom was and did not put in monthly vouchers.

91. Were you not aware of what other officers in the Department were doing?—No.

92. You knew that months were passing by and that the sum was accumulating largely?—Yes, I recognised that.

93. First of all, you claim £1 per day and 12s. 6d. detention allowance?—Yes.

94. Then you afterwards make a claim for £4 a week?—Yes.

95. And you accepted that in full satisfaction at that time?—Yes, at that time.

96. What service did you consider you were in while in the office—the Imperial or New Zealand Government?—I said that I understood it was the New Zealand Government—practically in the Seventh Contingent. When the discharges of the Ninth Contingent were finished, the Seventh Contingent's were not yet issued, and the men were writing to the papers at that particular time stating that they had not got their discharges, while the members of the Eighth, Ninth, and Tenth had got theirs. Practically I was entitled to consider myself an officer of that contingent, and I based my claim as such, because I really took Johnston's place in doing the discharges.

97. With regard to the furlough-pay, you said that you were under the impression that it was paid by the New Zealand Government?—Yes.

98. Now you recognise it is paid by the Imperial Government and must be in accordance with Imperial regulations. As an officer of the Imperial service you recognise that?—Yes.

99. When do you take it that your Imperial service terminated?—On the 28th February, 1902.

100. In your evidence before the Committee you were asked (question 105), "With regard to your rank, you were an Imperial officer, I understand, while in South Africa—at any rate, for the later contingents?" and your reply is, "I understood so. We were paid by the Imperial Government." The next question was, "What was your rank in the Imperial service?" Do you remember your reply to that?—Lieutenant.

101. In question 11 I say, "Your rank was that of a lieutenant in South Africa?" and your reply is, "Yes; but immediately I put my foot on land here my rank was that of captain." Again, as a man who has been an Imperial officer, you must recognise the right of the Army Council to say what recommendations are allowed?—Yes.

102. And you are prepared, of course, to submit to their decision?—As regards the War Office, certainly.

103. And if they disallow your promotion to captain you must fall in with the decision?—Yes.

104. That affects your pay, does it not?—Yes; but I have petitioned against that.

105. Your claim of £276 2s. 6d. was based upon the payment for roll-work at £1 and 12s. 6d. per day?—Yes.

106. And you were offered £102 by the Department, less certain deductions?—Yes.

107. And that £102 is based upon your claim for payment for roll-work at £4 a week?—I think that is how it is made up.

108. *Right Hon. the Minister of Defence.* You did not read this question, No. 163, page 36, of the evidence, "You did not then advise him to put in a claim for the gratuity for five months' work after he had finished with his contingent?" To this question Mr. Williams replies, "I told him that he was entitled to draw the gratuity for the period during which he was engaged in connection with the contingent." "164. What do you mean by 'the contingent'—the one he was an officer of?" "Yes." At all events, you see that he contradicts your statement. Then we come to Mr. Simpson's evidence, question 201: "Then, if that voucher covers the time that he was doing work in the Commandant's office—for five months—it is wrong?" The answer is, "That I could not say." Question 202: "But if the voucher does cover it?" Answer: "Then it is wrong; but I do not think it does cover it." Question 203: "He finished up on the 28th February, 1903, so that from the 4th October to the 28th February he was engaged on work for other than his own contingent?" Answer: "If that is so, this claim would not be correct. It would only be correct up to the day he was discharged." Question 204: "When he finished the work for his own contingent?" Answer: "Yes." Question 205, by the Chairman: "What do you call 'discharged'?" Answer: "When he finished with his contingent." Question 206: "Which contingent?" Answer: "The last one he served in—the Ninth, I think." Question 207: "You would not consider that making out rolls for another contingent would be part of the contingent work?" Answer: "Not of his own contingent." That is Mr. Simpson's answer to the same

question. The first question I put to Mr. Simpson was: "199. I will ask the shorthand-writer to read that portion of Captain Clark's evidence where he said that Mr. Simpson told him he was entitled to the gratuity for the five months. (The following extract from Captain Clark's statement was accordingly read by the shorthand-writer: 'I did not think I should obtain the gratuity for the five months, and when I made out the voucher I went down to the pay-office and inquired as to what I had better do—whether it would be obtainable up to the 28th February or not. They said, Certainly it would. They recommended me to claim for it, and told me to put in the voucher for that amount, which I did. It was solely on the recommendation of the officers of the Pay Department.')" You have heard Mr. Williams's explanation and Mr. Simpson's explanation, that there has been a misunderstanding—that they intended it to apply to the time you were in the Department?—It does not bear that interpretation to me.

109. The Chairman asks Question 210, "Supposing that he had been detailed off to five or six of the different contingents in South Africa, would you call the work for each of those contingents part of the contingent work?" Answer: "No; only the last one that he was in." That makes it clear what they advised you. Now, will you look at that voucher [Voucher produced]. Is that your signature?—Yes.

110. Did you put that claim in for the £4 a week?—Yes.

111. If, a day or two following, they had given you a cheque, I believe you would have considered yourself satisfactorily paid, leaving the question of rank an open one?—Yes; without prejudice to that position.

112. You would have taken that money?—Yes. The qualification is embodied in the voucher, "The question of my rank of captain being still under discussion, the lower rank is hereby claimed without prejudice to any subsequent claim for difference in rank for period marked A."

113. That voucher was put in in good faith, and, subject to that statement, you would have been satisfied?—Yes, for the period which it covers.

114. Were the officers you referred to—Colonel Abbott, Major O'Brien, and Captains Stevenson and Brown—in the pay of the New Zealand Government or the Imperial Government?—I think it came out in evidence that we were all in the pay of the Imperial Government—that the New Zealand Government pays nothing. I take it from that that they were in the pay of the Imperial Government.

115. If they have been paid, now that the matter has been drawn attention to, they will have to disgorge, I presume?—Well, that has been attempted in my case.

116. It would only be reasonable to make them disgorge?—Yes, if the same procedure were adopted with them as with me.

117. Are you aware that they have been notified to refund these payments?—I am not aware.

118. You say they have been paid?—I presume that they have. One of the officers who has gone to England said before he went Home that everything had been paid up.

119. Are you aware that the Auditor-General—if an officer is drawing an Imperial pension and goes to work in the service—stops the pension and allows pay for the service performed?—I am not aware of that.

120. If that is the case, it is exactly on a par with your case?—The pension would be on a par with the New Zealand gratuity, as we term it?

121. Yes?—I presume so.

F. BURTON MABIN recalled. (No. 5.)

122. *Right Hon. the Minister of Defence.*] In respect to the pay of £4 per week for work done in the Commandant's office, you have had military experience?—Yes.

123. You know the class of work that has been done in the compilation of the rolls?—I do.

124. What would be a fair value to pay for it?—It is certainly special work, and is worth, I would say, £4 a week—a little over that, perhaps.

125. What are you receiving?—Not quite that.

126. Do you think that your work requires as much experience, attention, anxiety, and thought as that class of work?—Yes; but, candidly speaking, I do not think I am receiving sufficient remuneration.

127. Have you in your service men who are receiving 10s. and 12s. a day who are equally competent to do this work?—Yes, 10s. and 10s. 6d.

128. And men who have had military experience?—Yes, and more perhaps than Captain Clark has had.

129. And they are receiving 10s. a day?—Yes, 10s. and 10s. 6d. a day.

130. You have heard something about pay being received by other officers?—Yes.

131. If they are in the same position as Captain Clark are they liable to be surcharged?—Yes. It is a question connected with the War Office, and we are asking for a refund in some cases.

132. *Mr. Taylor.*] Have any of them refunded?—In some cases we cannot get at them.

133. Can you tell us on how many occasions they have paid altogether?—No.

134. Have you made applications for fifty refunds?—I could not say.

135. How many have refunded?—Perhaps ten, or more.

136. Perhaps fifteen?—Yes.

137. What is the remedy for those who will not refund?—The law.

138. Will they be summoned?—Yes.

139. Are any of the clerks you refer to as receiving 10s. a day so qualified as Captain Clark? Have any of them the detailed knowledge of the members of the Seventh and other contingents that Captain Clark has?—Yes.

140. Was the employment offered to them?—I could not say, not being on the spot.

141. Supposing General Babington says that Captain Clark, in his opinion, was the most qualified man for the work, what would you say to that?—I would not back my opinion against his, or I could, as the case may be.

142. You have heaps of men who are as competent as Captain Clark?—I did not say “heaps.”

143. But you said you had a number of such men, although General Babington said that Captain Clark was the most qualified man?—There are some men who have done the work.

144. *Right Hon. the Minister of Defence* (to Lieutenant Gardiner).] You are in the service of the New Zealand Government?—No, in the Imperial Pay Branch.

145. You are connected with the Pay Office?—Yes, for the whole of the contingents.

146. You have had military experience?—Yes.

147. You know the work of compiling the rolls, and so on?—I do.

148. Giving an impartial opinion on the subject, do you know whether there is any one competent to do that work who is receiving 10s. or 12s. a day?—I dare say it could be done for that.

149. Are there officers in the employ of the Department competent to do the work?—Yes, there are.

150. What are they receiving?—10s. and 10s. 6d. a day.

151. And they have had knowledge of the rolls and experience with the contingents?—Yes, and have been actually with the contingents.

152. And would have done it for 10s. a day?—Yes, 10s. or 10s. 6d.

153. *Mr. Hall* (to Lieutenant Gardiner).] Have you any knowledge as to whether any other officers similarly employed to Captain Clark have received full officer's pay?—When the contingents returned the officer who had the best knowledge of the men was generally detailed to finish up the work, and for that work he received the pay of his rank.

154. And they have not received any further pay for that?—No; they receive, of course, the New Zealand furlough.

155. *Right Hon. the Minister of Defence* (to Mr. Mabin).] Who does this work at Home?—A “Tommy,” at a shilling a day.

156. What would he get?—A shilling or 1s. 2d.

157. *Mr. R. McKenzie*.] You say that a “Tommy” does the work of compiling the medal rolls?—The clerical work is done at Home by the Tommies. Of course, purely the military work.

158. What do the officers do while this is going on?—An officer would supervise.

159. *Right Hon. the Minister of Defence* (to Mr. Butler, Chief Clerk, Military Branch of the Department).] Do you know the work which was done by Captain Clark in the compilation of the rolls, and so on?—I know the description of the work he did.

160. What is the value of the work done, from your standpoint?—The medal-rolls and the work he was doing after squaring-up the contingents would be worth from £3 to £4 a week—about £3 10s.

161. That you consider would be a fair remuneration?—Yes.

162. You are Chief Clerk in your Department?—Yes.

163. What do you receive?—Two hundred pounds a year; but, of course, I have had twelve years' experience in the Government service, and have gone up gradually in salary.

164. So that in offering Captain Clark the same money that you are receiving, you think he was fairly paid?—Yes.

165. *Captain Clark* (to Mr. Mabin).] I would like to ask you what military experience you have had?—I was paymaster of the Tenth Contingent.

166. You would have had a large experience of the Tenth Contingent while going out?—I would have sufficient knowledge in going out with the Tenth Contingent to know what was necessary.

167. You say that there are some officers working for 10s. a day who could have done the work?—Some of them.

168. Do you know the declaration which is at the bottom of the King's Medal Roll?—I have seen it.

169. What is it?—It is a declaration which has to be certified to by the officer.

170. And he has to be cognisant of the services of the men and officers receiving the medal?—Yes.

171. Do you not think that is an important thing?—Yes, I do.

172. Can you say that those going out with the Tenth Contingent could have personal knowledge of those who went before them?—The question asked was whether there were any men in my office who could do the work. I referred particularly to Lieutenant Gardiner, who is quite capable of doing it.

173. But personal knowledge of the men's services is the great thing required in compiling the medal-roll?—Yes; but were you the only one available?

174. You think that going out in the Tenth Contingent would have enabled a man to do the work, and that he could have certified to the officers and men of the Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Contingents?—Yes; I would use common-sense, and if I had had the nominal rolls, &c., I could have done it.

175. *Mr. R. McKenzie*.] What is implied by “personal knowledge”?—It is certainly a great advantage to know the men and little details in connection with them; but if you have the nominal rolls and records in front of you it is plain sailing.

176. Captain Clark wants to make out that personal knowledge is necessary. Do you require to know anything further than the records of the men while they are in service? What do you depend upon?—I appeal to the records.

177. You do not appeal to the captain's memory? Is there anything required beyond what is on the records?—No.

178. *Right Hon. the Minister of Defence* (to Lieutenant Gardiner).] What were you doing when this work was being done by Captain Clark?—I was out of employment.

179. Did you know more of the contingents than Captain Clark?—I reckon I knew equally as much, and had no trouble in doing the medal-rolls.

180. What contingent did you go away in?—The Fourth.

181. What contingent did Clark go away in?—The Second.

182. And you are satisfied that you could have done this work?—Quite.

183. Have you had experience of similar work?—Yes. I was a soldier in the First Dragoon Guards, and was doing similar work at Home for 1s. 4d. a day, subject to deductions.

184. Then, you would say, Lieutenant Gardiner, that there were others who could have done this work equally well with Captain Clark?—There are any amount of them knocking about.

185. And yet General Babington has placed it on record that Captain Clark was the only officer available who was competent to do the work?—He was not aware of the *personnel* of the other officers who were equally able to do the work. He had not then sufficient knowledge of the officers and men in the contingents.

186. Is it necessary to have personal knowledge of the officers and men in the compilation of these rolls?—It is not absolutely necessary, but it is of very great assistance. In preparing the rolls, the regimental records ought to show everything. You have the records, and the rolls should be compiled from them.

187. I suppose it relieves your conscience when you come to make that solemn declaration, if you have personal knowledge of those to whom it refers?—Yes, it does. I had to compile the rolls for the Fourth and Fifth Contingents.

188. If a man was wounded and was entitled to a medal, would your personal knowledge have any effect unless there was some record of the occurrence?—It would in some cases. In the Transvaal we lost all our documents. A man was wounded whilst I was present. The record has since been lost, and my personal knowledge was the only means of verifying his right to the medal.

189. Then, you attempted to make up a report after the loss of those papers?—Yes.

190. Would that be available although the Boers had captured the actual papers?—Yes. A board of inquiry would be held concerning the loss, and the proceedings would go Home to England. They would be sent to the officer commanding in South Africa, and he would send them Home.

191. Would they not be available here for making up the roll?—I dare say they would be if they were asked for.

192. The only officers able to make up the roll would be officers having special knowledge?—Yes. I think the Fourth Contingent was the only contingent that met with such a disaster as to lose their records; but if the Seventh, Eighth, and Ninth Contingents had all their rolls and order-books complete I do not see how personal knowledge could be absolutely necessary there.

193. How do you account for losing your rolls?—One night when we were crossing a spruit we got stuck, the Boers fired on us, and we had to leave everything in the hands of the enemy.

194. Then, it is a case of a man having a good memory?—That is exactly it.

195. And only an officer having special knowledge could prepare the roll?—No. A sergeant or trooper could prepare it, but it would have to be signed at the foot by an officer.

196. By the officer in charge at the time?—Yes; the commanding officer of the regiment would be the proper officer to sign it.

197. At all events, you would have considered yourself well paid if you had got the £4 a week?—I should have been very glad at the time, I can assure you.

198. *Mr. Wood* (to Captain Clark).] How many contingents did you go out with?—One.

199. What was that?—The second.

200. And according to the evidence, you are supposed to have personal knowledge of all the other contingents—that is, nine contingents?—Personal knowledge of three contingents to which I belonged.

201. You were with three contingents?—Yes; strictly speaking, four.

202. And there were others that you had no personal knowledge of?—The First, Second, and Third Contingents were in the field together, under Colonel Robin. After taking Bloemfontein, we joined together. I afterwards went with the Sixth, and we were waiting for the Seventh to arrive. A number of the officers of the Sixth were transfers, and were strangers to me. I was only with the Sixth a little under six weeks. By that time the Seventh had arrived, and I was transferred to that. I did not meet the Fourth and Fifth in the field, but all the officers and men were transferred in a mass to the Seventh, and I put a term in in the Seventh, and gained a special knowledge of the men. The Seventh went Home, and I transferred to the Ninth. The Eighth I did not meet in the field. I knew a number of the officers personally that had been out in the Third, Fourth, Fifth, and Sixth Contingents, and in some cases in the Eighth. Some of the Ninth got transferred, and I served with the Ninth until I came home, so I maintain that I had more general knowledge than any other man who had come from New Zealand.

203. But there are some contingents that you knew absolutely nothing about?—That might be said of the Tenth, and yet I knew most of the officers.

204. *Mr. R. McKenzie*.] How many men were there in those ten contingents?—6,700. I think.

205. Does that include both officers and men?—Yes, there were practically 7,000.

206. How long were you in South Africa?—Two years and five months.

207. What do you reckon you could know of those men personally?—I could know a great deal.

208. Is there really anything in your personal knowledge which gives you special facility in compiling these rolls?—Yes, there is.

Witness (to Mr. Butler): Will you tell us, as Chief Clerk in the Commandant's office, what books and papers there are on record there belonging to the Fourth and Fifth New Zealand Contingents?—*Mr. Butler*: I do not know exactly what books there are, but I can get them from my subordinates. I know where to find them. Q. Mr. Mabin stated that you had the records, and that if you had the records of the contingents, it would be quite an easy matter to compile the rolls?—A. It would not be an easy matter, but it could be done. Q. Can you tell me what records

there are now?—A. I could not tell you exactly the name of each book, but I could get the books. Q. Can you state if the casualty-book is there?—A. I am not prepared to state that. Q. Would you be surprised to learn that in the Headquarters Office there are no records belonging to the Fourth and Fifth Contingents?—A. I say that is incorrect.

209. *Mr. R. McKenzie* (to Mr. Butler).] Supposing there are no records of any kind, would your Department accept a statutory declaration? Say that a man went into a hospital in consequence of being wounded?—We would find out the officer who knew most about the particular incident and approach him in reference to it.

210. Supposing there was no evidence available, would your Department accept a statutory declaration in the absence of such evidence?—If there was no other evidence available they would have to.

211. *The Chairman* (to Mr. Butler).] Have you ever seen that memorandum before? [Document with pencil memorandum, "Clark was told by the Accountant to send in claim monthly," handed to witness.]—I do not remember seeing it before.

212. Have you any knowledge of the writing?—I do not know whose writing it is.

213. (To Mr. Mabin.) Have you seen that before?—I have never seen it.

214. (To Mr. Butler.) Would you take any notice of a memorandum of that kind?—I would first ascertain from the Accountant if that were so, if it came before me.

215. *Hon. Mr. Hall-Jones* (to Mr. Butler).] Would you attach any significance or value whatever to an unsigned memorandum like that?—I would attach value to it, and would act upon it if I found it to be true.

216. But you would not attach any value to it until it was verified?—No, not until it was verified.

217. *The Chairman* (to the Right Hon. the Minister of Defence).] Would you attach any importance, as Minister of Defence, to a memorandum attached to a document without any signature?—I would not stop a voucher on anything like that, but I should probably hold it over until I had made inquiry.

TUESDAY, 1ST NOVEMBER, 1904.

ROBERT HENRY WILLIAMS examined. (No. 6.)

1. *Right Hon. the Minister of Defence.*] What are you, Mr. Williams?—Assistant Accountant in the Defence Department.

2. You are aware that Lieutenant Clark has made a claim upon the Government for certain sums of money?—Yes.

3. You are aware, also, that he was engaged in compiling rolls, &c., in the Defence Office?—I understand he was.

4. Can you carry your mind back to the time when he was engaged by the Defence Department?—Yes.

5. There was a long time—in fact, he did not send in any vouchers for payment of his salary?—No; he did not send in vouchers for his pay.

6. Is that very unusual?—Yes.

7. Have you any recollection of speaking to him at any time upon the subject of sending in vouchers for his salary?—Yes. On one occasion I remarked to him that we had received no claim from him for pay, and he said he would send it in in one lump, or words to that effect. It was just a casual remark.

8. That was at the time he was engaged on the work?—Yes.

9. Did you mention this fact to any officers in the Government service?—Yes.

10. Who did you mention it to?—Mr. Simpson, my chief at the time.

11. Did you mention it to Captain Seddon?—I believe I did.

12. And you were surprised that?—That Lieutenant Clark had not claimed.

13. You gave evidence before the Committee on a previous occasion?—Yes.

14. On that occasion you did not give the evidence that you are giving now, did you?—No, I did not.

15. *Mr. Hardy.*] When you were here before, certain questions were asked you about the handwriting of a memorandum on a document. Do you remember whether you were asked if you knew anything about it?—That is the first I have ever heard of it. I was never asked anything about that handwriting. I was never examined on that matter at all.

16. You were never asked if you knew the handwriting?—No.

17. And you did not know anything at all about any dispute or discussion as to the memorandum which was placed on the margin of the document?—No.

18. You knew nothing about it?—I knew nothing of it.

19. You heard nothing of it?—I did hear something about a week or two ago.

20. You heard nothing of it last year?—No, nothing at all.

21. *Hon. Mr. Hall-Jones.*] If I remember rightly, the point upon which you were examined by the Committee was as to Captain Clark and his claim, and how his claim came to be made up, and so on?—Yes.

22. There was no reference to this pencil memorandum on the paper?—None whatever.

23. *Mr. Lawry.*] Did you inform Captain Seddon that Captain Clark had not sent in his accounts?—Speaking to Captain Seddon I said that Captain Clark should have sent them in, because I had spoken to him and said we had received no claim for his pay. I said that Captain Clark could not be unaware that he should have sent it in.

24. *Right Hon. the Minister of Defence.*] There is this passage in the evidence: "(Being asked by Mr. Hardy who the officer was, Captain Clark said, 'Mr. Williams, and also Mr. Simpson."

Both advised me that I was entitled to the gratuity for the time claimed—to the 28th February, 1903.) What do you say to that?—I say that Captain Clark brought down his voucher for the gratuity covering the whole period and showed it to me, asking me if I thought it was right. I said that in accordance with instructions received from the War Office an officer who was engaged in the office in connection with the pay, &c., of a contingent was entitled to claim for that period.” The next question asked of you, Mr. Williams was, “Whilst he was connected with the contingent—in connection with the pay of the contingent. Was that it?” to which you replied, “Yes.” This is the only point upon which you were examined—the question of payment?—Yes.

25. Was this some time after the episode you related just now—this about Captain Clark putting in his claim for the gratuity?—Yes; it was, I should say, some couple of months after.

26. *The Chairman.*] About how long had Captain Clark been engaged when you told him to send in his vouchers? It must have been two or three months, at any rate, because otherwise I would not have remarked about it. Two monthly abstracts had been received from the Commandant's office in which Captain Clark was engaged, and his name did not appear on them.

27. *Hon. Mr. Hall-Jones.*] Is it a very unusual thing for an officer not to claim his salary when it is due?—Yes.

28. Have you, in the course of your experience, ever known any officer in the public service let his salary run on for so long a time without claiming it?—Never before.

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