

therefore these Military Settlers were not entitled to pay. This doctrine, though apparently countenanced by the word "accordingly" in the condition before quoted, is evidently erroneous, from the wording of the similar condition as published in the *Government Gazette*, which says: "11. Each man, according to his rank, will be entitled to pay and rations, *until* he is authorized," &c., without reference to the conditions under which the Auckland Militia are entitled to their pay, &c.; and in a note to this condition, are specified the particulars of pay, rations, and allowances, referred to. The doctrine of the Defence Minister would necessarily imply that these men might have been brought to this country, kept in the Waikato in "actual service" with all the restrictions and liabilities of men on active service, but not doing any duty, not placed on their land, and yet be entitled to no pay, &c. Such a doctrine would be manifestly absurd, and contrary to the spirit of the conditions; and however applicable to Militiamen in the neighbourhood of their own homes, would be manifestly inapplicable to the circumstances in which these Military Settlers were placed, unable to move about or obtain other employment when "not doing any duty."

Upon these grounds I have respectfully to urge that these men have a legal right to their pay, rations, and allowances, till relieved from actual service on 5th December last; and have to request that the opinion of the Honorable the Attorney-General be taken thereon.

As many of the men, with their wives and families, are suffering severe privations from the withholding of their pay and allowances since March last, I have to beg your very earliest attention to this matter, and your reply at your earliest convenience.

I enclose a copy of the claims of the three individuals whose names I have mentioned.

I have, &c.,

THOMAS B. GILLIES.

To the Hon. the Colonial Secretary.

Enclosures in No. 1.

Auckland, 17th February, 1866.

The COLONIAL GOVERNMENT of New Zealand, *Dr.* to No. 664, Private WILLIAM ARCHIBALD GRAY, 2nd Regiment Waikato Militia.

For pay and allowances according to our conditions of enrolment until relieved from actual service by Government *Gazette* proclamation of 5th December, 1865, viz:—

Pay from 5th August, 1865, to 5th December, 1865,	122 days	£	s	d.
Less payment received for 7th August, 1st September, 1st October, and 1st November ...	4 "			

118 days at 2s. 6d. 14 15 0

Allowances as follow, viz:—

118 days of rations of rum at 1½d. ... 0 14 9

Summer suit of clothing due 1st September, 1865—

	£	s.	d.
1 serge shirt ...	0	11	3
1 pair trowsers ...	0	9	3
1 pair boots ...	0	11	6
1 forage cap ...	0	2	5

1 14 5

£17 4 2

Auckland, 17th February, 1866.

The COLONIAL GOVERNMENT of New Zealand *Dr.* to Ensign JOHN BROWN, No. 8 Company, 3rd Waikato Regiment Militia.

For pay and allowances according to conditions of enrolment until relieved from actual service by Government *Gazette* proclamation of 5th December, 1865.

Pay from 31st March, to 1st June, 1865, 61 days, at 8s. 3d. per diem	£	s.	d.
Pay from 1st July, to 5th Dec., 1865, 158 days, at 8s. 3d. per diem	25	3	3
219 rations of grog, 1½d. each ...	65	3	6
	1	7	4½

£91 14 1½

Auckland, 17th February, 1866.

The COLONIAL GOVERNMENT of New Zealand *Dr.* to JOHN CARLISLE, No. 350, Private 4th Regiment Waikato Militia.

For pay and allowances according to conditions of enrolment until relieved from actual service by Government *Gazette* proclamation, 5th December, 1865, viz:—

Pay from 1st March, 1865, to 5th December, 1865, inclusive,	£	s.	d.
280 days at 2s. 6d. per diem ...	35	0	0
276 rations of rum 1½d. ...	1	14	6

Summer suit of clothing, due 1st September—

	s.	d.
1 serge shirt ...	11	3
1 pair trousers ...	9	3
1 pair boots ...	11	6
1 forage cap ...	2	5

1 14 5

38 8 11