

39. Then, what is to govern the case of a widow?—Section 7, subsection (b), is to govern the case of a widow: “If the officer . . . died from illness brought on by the fatigue, privation, and exposure incident to active operations in the field before an enemy within six months after his being first certified to be ill.”

40. Well, then, a certificate must be issued, because you say you only recognise the New Zealand Board?—I do not think “first certified to be ill” is certified by the Board.

41. Do you or do you not, then, draw a distinction between “first certified to be ill” and “first being ill”? You would say “first being ill”?—“Being first certified to be ill.”

42. “First certified to be ill” or “first being ill”: that is what I want to know?—I think the two mean the same in this case.

43. Then, you say that “first certified to be ill” means “first being ill”?—Yes; first having been removed from duty on account of illness.

44. According to your contention, if the terms are synonymous, it is quite unnecessary to put in the word “certified” at all?—The word “certified” is commonly used when a man’s illness is certified by a medical officer.

45. But you say the real gist of this is not the certificate, it is the actual illness—“first being ill”?—I say, as I have explained in one of my memoranda, it is the date on which he is removed from duty on account of illness.

46. You say that the words really mean the date on which he is removed from duty on account of illness?—No. I say that the Act means what it says—“certified to be ill.”

47. That is what I am coming to. You say the words “certified to be ill” mean actual illness?—Yes; actual illness certified.

48. Then, according to your contention, the words “certified to be ill” could be left out, and the words “first being ill” could be put in?—I could not go so far as to alter the words of the Act.

49. Do not the words “first certified to be ill” mean when first certified?—I take the meaning to be according to that given in the Royal Warrant—“incapacitated from duty by illness contracted as aforesaid.”

50. That Royal Warrant that you refer to now is the Royal Warrant issued in 1848, and subsequently in 1855, eleven years before our Act came into existence at all?—Yes.

51. Then, is this obsolete Act going to be your guide in this case?—I cannot understand the Board under section 4 to be the Board the date of whose certificate is to be the date from which the six months is to begin.

52. You cannot understand it?—No.

53. Why?—Because, before a widow can apply, her husband must be dead. Take the present case, for example: Lieut.-Colonel Francis died five months before the period of six months began. It seems to me absurd on that account to suppose that the date when the Board’s certificate is given should be the date from which the period of six months should run.

54. What is absurd in it?—Because in this case he would have died five months before that period began.

55. In coming to your decision in this case, had the Royal Warrant from which you were quoting just now any influence with you: did you look it up at all?—I read the Act in this case.

56. But did you look at that Warrant from which you quoted to the Committee?—Not when I came to a decision.

57. Then, why do you quote from it now?—I come to the Committee now to give evidence. I do not come here to consider the merits of my judgment. I come to give evidence, and to give the Committee every information possible as far as I can.

58. You said just now that it would be absurd to issue a certificate after the man died?—No; I said that it would be absurd, I think, to make the date of giving the certificate in this case the date from which the six months should run. The Solicitor-General states, in his opinion, that in a case where death occurs—I am using his terms, as far as I can recollect them—before the meeting of the Board for the purpose of examining the claim the limit of six months does not apply. Then, of course, it appears to me that it can never apply.

59. You think it would be absurd, if a man died in South Africa and a Military Board held an inquiry, that a certificate should be issued afterwards here for the purpose of getting the foundation laid under the Act for a military pension: is it not the only course that can be followed?—I think the reasonable course would be to take the evidence of his removal from duty on account of illness.

60. Yes; but to carry out the true intention of this Act, would it not be more reasonable, as has been said, for the Board to sit in all these cases and give a certificate; even if the man is killed in South Africa, why should a certificate not be issued after his death?—I do not think it is necessary for a Board to sit in all cases. I do not think it is necessary in this case.

61. But what is absurd if the Board does sit after his death?—I do not think it is absurd that they should sit and report. It would be absurd if the date of giving the certificate were the date from which the six months mentioned in section 7, subsection (b), is to run.

62. Then, there would be no hardship inflicted on any one if the Board sat after every case where the man died, provided it was necessary to sit?—I do not quite understand your question.

63. Take Colonel Francis’s case: I suppose you admit that on its merits his widow is entitled to recognition from the country?—I do not.

64. Do you think that on the merits of the case she is not entitled to recognition?—According to my judgment, the facts that he took ill on the 19th August, that he was removed from duty on account of illness on that date, and that he died on the 31st March on the following year place his widow outside the title under section 7, subsection (b), which requires that the death should be within six months.

65. Mr. W. Fraser.] Do I understand that you are of opinion that the meaning of the words