

53. At all events, you never received instructions to send written replies to Captain Clark on the receipt of those three memorandums, and there were none sent?—I received no positive instructions. When the papers came out afterwards I understood that Captain Clark had seen the General, and had received his reply, and as previous papers were in my possession they were sent out so that all would be kept together.

54. *The Chairman.*] Would you have to submit the matter to the General before sending a reply, or would the General, from those Ministerial notes, construct that reply?—Sending a reply to Captain Clark?

55. Yes?—Yes.

56. *Hon. Mr. Hall-Jones.*] For instance, when a minute came back from the Minister would you on your own motion send a reply, or would you wait for instructions?—I would see the General, and he would instruct me to draft a letter, or I would write a letter and sign it "By order."

57. *The Chairman.*] Then, if such a letter as that had been sent out would there not be a minute on that Ministerial instruction?—No; there would have been a copy of the letter on the file and in this book.

58. If the General was away would you await his return?—I would if he was returning shortly; if not I would forward the letters to him.

59. Before sending them out?—Yes, unless they were ordinary routine letters.

60. Would you not call this rather an important matter?—Yes.

61. And all necessary precautions should have been taken to carry out the Ministerial instructions?—Yes.

62. Do you think they have been carried out?—Not now.

63. You cannot account for the Ministerial instructions not being carried out?—Except that Captain Clark was informed verbally by the General.

64. Do you think that is all that is required to carry out a Ministerial instruction—a verbal notification?—No; not in all cases.

65. Especially where it is an important matter such as this?—Yes.

66. *Captain Clark.*] You know the custom in the Imperial service, Colonel Chaytor—when you get a minute it is customary, I believe, to minute it on?—Yes.

67. That letter has been found on the Government file, and I would take it from that that I had not received it; but supposing that I had received that letter, and had acknowledged it and sent it back, would it not have been customary for me to minute it back?—There should be a minute either on that or on the covering-sheet.

T. F. GREY further examined. (No. 16.)

68. *Rt. Hon. R. J. Seddon* (to Mr. Grey).] Is this marginal note on this letter in your handwriting?—Yes, sir.

69. When did you put it on?—From memory, it must have been some months ago. I presume it came down with the files from the Commandant's office, or it was attached to the vouchers which Captain Clark brought in. I cannot be certain as to that, but the note was simply put on by me so that the claims there would not be overlooked when a reply was sent to Captain Clark on the general question of his claims. That was the reason why I put that note in the margin.

70. The letter either came to you with the file from the Commandant's office or it came from Captain Clark with his papers?—Yes, that is so. Of course, on going through the papers, as I usually do, I should notice this, and should know then that the refusal had come from the Imperial Government.

71. You would not put that note on the letter simply for the purpose of this inquiry?—No; I would swear that it was put on before I knew that Captain Clark intended petitioning or had petitioned.

72. It is a very unusual thing to find an original letter written by a Department on a Government file?—Yes; but in some cases in my experience persons to whom we have written have returned the original letters that we sent them.

73. *Hon. Mr. Hall-Jones.*] With some remark on them, I presume?—No, with no remark. In writing again they sometimes enclose the original letter that we sent them from our office. In many cases they do not mention that they return it, but in those cases we always send the original back again with our further reply.

74. *The Chairman.*] Would you say that a man who understood business would send you the original document back?—Of course, it is not businesslike; but it happens in some cases.

75. If that letter came in with Captain Clark's file you would not detach it from his file, would you?—No, not at all. If Captain Clark sent it back it might be taken to mean that it belonged to the Department as a departmental paper.

76. You would not think that it was a departmental paper, would you?—You might in some cases, if the person to whom it was addressed sent it back again.

77. But it is not the property of the Department after it has been sent out?—No; but in some cases we retain such letters.

78. Then, would you minute on the letter that it had been returned if you put it on the file?—In some cases we might make a pencil note as to how we came to get possession of it again.

79. Do you not see that in this particular case it is necessary to be able to account for the paper being on the file?—I can only account for its being there in two ways: either by Captain Clark sending it in again with his claims—for there was a lot of correspondence; he may have attached his vouchers together and sent them in, and perhaps did not notice that this letter was attached at the time—or he may have thought it was of no real value or significance, and simply sent it in.