

1903.
NEW ZEALAND.

PUBLIC PETITIONS A TO L COMMITTEE:

REPORT ON THE PETITION OF J. J. CLARK, TOGETHER WITH MINUTES OF EVIDENCE.

MR. W. SYMES, CHAIRMAN.

Presented to both Houses of the General Assembly, and ordered to be printed.

ORDER OF REFERENCE.

Extract from the Journals of the House of Representatives.

FRIDAY, THE 3RD DAY OF JULY, 1903.

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 form a quorum: the Committee to consist of Mr. E. G. Allen, Mr. Hall, Mr. Hardy, Mr. Lethbridge, Mr. R. McKenzie, Mr. Remington, Mr. Symes, Mr. Taylor, Mr. Wood, and the Mover."—(Hon. Mr. HALL-JONES.)

PETITION.

To the Hon. the Speaker and members of the House of Representatives of the Colony of New Zealand in Parliament assembled.

THE petition of James John Clark, of Kilbirnie, near Wellington, but at present residing at Dannevirke, humbly sheweth,—

1. That on the 15th August, 1902, your petitioner returned to New Zealand as brigade adjutant of the Ninth New Zealand Contingent.

2. That your petitioner was engaged from the 18th August until the 11th September in making out discharge-certificates for the men of the above-mentioned contingent, a period of twenty-five days. Your petitioner for this service submitted a voucher for £40 12s. 6d., made up as follows:—

To duty making out discharge-certificates of Ninth New Zealand	£	s.	d.
Contingent, 25 days at £1 per diem	25	0	0
Detention, 25 days at 12s. 6d. per diem	15	12	6
	40	12	6

This sum was duly paid.

3. As the discharge-certificates for the Seventh New Zealand Contingent had at that period not yet been issued, and as your petitioner had acted successively as wing adjutant and assistant adjutant to that contingent before transferring to the Ninth, the Chief Staff Officer, Major N. L. D. Smith, instructed your petitioner to proceed with that duty. This occupied your petitioner from the 12th September until the 6th October.

4. On the completion of that duty, the Chief Staff Officer instructed your petitioner to proceed with the compilation of the rolls for the requisition of the King's South African Medal and clasps for the whole of the ten contingents which had proceeded from New Zealand.

This was a long and difficult task, as it embraced upwards of six thousand names of officers and men, a number of whom had served in two contingents, and others again in three. These officers and men had to be successively transferred from one contingent to the other, and, in the case of the contingents in which they last served, their total time in South Africa had to be worked out, in order to ascertain if they had qualified for the medal. An idea of the large amount of work that had to be performed will be obtained from a perusal of the copy of the medal roll (the fourth) now on record at the Headquarters Office. In the absence of any authentic record of a man's total service in South Africa, this could only be ascertained by going through the various records available at Headquarters, and in some cases only by a personal knowledge of the man concerned.

The special army order dated the 29th September, 1902, granting the decoration, and republished in General Order 563 of the 20th November, 1902, made the conditions of qualification so stringent that out of the whole of the officers and men who proceeded with the New Zealand contingents only 117 had qualified for the medal.

As your petitioner had gone to the front with the Second Contingent, with whom the First and Third had continually worked, your petitioner had opportunities of becoming, and became, acquainted with the officers and men of these contingents. On the return of the Second Contingent, and while waiting for the Seventh, your petitioner did duty with the Sixth for a period, thus obtaining a personal acquaintance with the officers and men of that contingent. As all the officers and men of the Fourth and Fifth Contingents who remained for further service came over to the Seventh, your petitioner also became acquainted with them. Likewise, when your petitioner finally transferred to the Ninth he became acquainted with all the officers and men from the Sixth and Seventh who also transferred. In this way, in the course of your petitioner's duty, he obtained a more general personal knowledge of the members of the various contingents than any one who had left New Zealand. Your petitioner submits, therefore, that he was qualified to make out the King's Medal roll more expeditiously and correctly than any one in New Zealand, and it was made out as expeditiously as possible.

This duty occupied your petitioner until the 28th February, 1903. On the 1st March your petitioner presented a voucher as follows:—

To duty making out discharge-certificates of Seventh New Zealand	£	s.	d.
Contingent, 26 days at £1 per diem	26	0	0
Detention, 26 days at 12s. 6d. per diem	16	2	6
To duty, under orders of C.S.O., preparing King's Medal rolls for			
First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth,			
Ninth, and Tenth Contingents, 144 days at £1 per diem	144	0	0
Detention, 144 days at 12s. 6d. per diem	90	0	0
Total	276	2	6

5. Your petitioner has not received payment of this sum although he has repeatedly applied for payment.

6. Your petitioner quite recently received a letter from the Defence Department, of which the following is a copy:—

"Sir,—

"Defence Office, Wellington, N.Z., 5th August, 1903.

"Referring to your claim against the Imperial Government for services rendered (in the Commandant's office) in assisting to prepare" [entirely preparing] "medal rolls and discharge-certificates of the Seventh New Zealand Contingent, I have been directed by the Hon. the Defence Minister to inform you he regrets he cannot sanction any payment over and above the amount and period authorised by the Hon. the Acting Defence Minister on the 9th July, 1902—viz., for three months at £4 per week.

"Please inform me whether you will accept that amount in full satisfaction of your claim in this regard, and if so a voucher will be passed.

"As your domicile was in Wellington prior to your leaving New Zealand with the original contingent you served in, and also on your return, you are not therefore entitled to claim detention allowance while doing any work in Wellington in connection with the contingents, and therefore any amount paid to you by the paymaster of your regiment (or other officer) must be deducted from any moneys which may be due to you.

"I have, &c.,

"T. F. GREY,

"For Under-Secretary for Defence.

"Captain J. J. Clark, N.Z.M., Titaru Sawmilling Company, Dannevirke."

7. When your petitioner commenced duty for the Department no mention was made of any stated sum per week or stated time of employment. Your petitioner had been paid in accordance with his rank for the period occupied in preparing the discharges for the Ninth Contingent, and the N.C.O. who afterwards assisted in preparing the discharges for the Seventh was paid, according to his rank, for his services without question. Your petitioner was requested by the Chief Staff Officer to perform the services claimed for. This officer would be aware of the rate of pay to which your petitioner would be entitled, and it is submitted that it was his duty, if the Government did not intend to pay that rate, to have informed your petitioner before he commenced, and to have ascertained if your petitioner would be willing to perform the duty at the rates the Government now offer. Your petitioner was quite unaware that any authority was required or existed for his employment for any stated length of time, and if the Chief Staff Officer was aware of this your petitioner submits that he should have been stopped when the period quoted in the authority had elapsed. Instead, your petitioner was instructed to commence and was permitted to continue duty with the full expectation that his pay and allowance would be the same as those previously paid to him.

8. The offer the Department now makes does not even cover your petitioner's service by two months, and is, it is respectfully submitted, quite inadequate and unreasonable.

9. Your petitioner has suffered considerable hardship by reason of the non-payment of his claim.

10. Wherefore your petitioner humbly prays that your honourable House will be pleased to take his petition into favourable consideration, and that a just and adequate sum may be paid to him for the services which he has performed.

And your petitioner, as in duty bound, will ever pray, &c.

Dated at Dannevirke, this twenty-first day of August, one thousand nine hundred and three.

JAMES J. CLARK,

Captain, New Zealand Militia.

REPORT.

No. 530.—Petition of J. J. CLARK, of Dannevirke.

PETITIONER prays that he may receive a just and adequate sum for services rendered in the Defence Department.

I am directed to report that, in the opinion of the Committee, this petition, together with a copy of the evidence, should be referred to the Government for favourable consideration.

13th November, 1903.

WALTER SYMES, Chairman.

MINUTES OF EVIDENCE.

THURSDAY, 29TH OCTOBER, 1903.

Rt. Hon. R. J. SEDDON made a statement and was examined. (No. 1.)

Rt. Hon. R. J. Seddon: Mr. Chairman and gentlemen, I beg to state that I was not informed when the petition was to be heard: I was neither directly nor indirectly notified as to when the Committee was to deal with it. A most unusual procedure occurred: neither the Acting Under-Secretary nor the Commandant submitted to me their reports. The usual practice is that, before a reply is sent to Committees, the memorandum is submitted to the Minister. In this case no memorandum from either the Under-Secretary or the military section of the Defence Department was submitted to me. It was only on my colleague, the Hon. Mr. Hall-Jones, coming to the Cabinet on the day that the Committee decided to report that I was acquainted for the first time with what had been going on. I then took the necessary steps to ask that the full facts should be placed before you, as, though what was submitted to you may have been correct, it was what was held back from you that I came to the conclusion should be placed before you, and you should thus be enabled to deal with the question upon its merits. Briefly put, the first time that I was made acquainted with this matter was when a claim was submitted to me for over £600. This is the claim in question: "11th March, 1903.—I have the honour to request that vouchers submitted by me, on the dates as set forth, be passed for payment. August 18, 1902—Difference in pay, £50 2s.; extra-duty pay, £5 2s.; sundries, £9 5s. 5d.; February 28, 1903—Pay, £277 17s. 6d.; gratuity, £191 13s. 4d.; ditto, £50; ditto, £50; total, £634 0s. 3d. I am verbally informed by the Acting Under-Secretary for Defence that they must first be submitted for your approval. The total sum is a considerable one, and I would be glad if payment could be facilitated.—I have, &c., J. J. CLARK, Captain N.Z.M." I hand in the claim. [Produced.] On receipt of this I made inquiries. I thought a claim for £634 seemed rather tall, and why £200 and some odd pounds should have accumulated for pay also seemed to me to be passing strange. I stopped the payment. I desire to put in now an amended claim for £442 6s. 11d. You will notice by this that there is an elimination of £191 odd from the account previously submitted, the amounts claimed being: August 18, 1902—Difference in pay, £50 2s.; extra-duty pay, £5 2s.; sundries, £9 5s. 5d.; February 28, 1903—Pay, £277 17s. 6d.; gratuity, £50; ditto, £50; total, £442 6s. 11d." [Document handed in.] I also put in the memorandum from the Acting Under-Secretary to the Commandant, dated the 5th March, 1903: "With reference to attached claim from Captain and Adjutant J. J. Clark, N.Z.M., late Seventh and Ninth New Zealand Contingents, for pay and allowances from 11th September, 1902, to 28th February, 1903, I beg to say that the claim seems to me an extraordinary one—a period of over five months being covered for the duty. It is noticed that Captain Clark has been employed, *inter alia*, on making out King's Medal rolls for all of the contingents. Could not these rolls have been made out by one of your own staff at a cost of 10s. per diem? If no Ministerial authority exists for the employment of Captain Clark, then it will be necessary for you to obtain it before the claim can be passed. I would also point out that, as Captain Clark has his home in Wellington, he is not entitled to detention allowance—this has been decided in other cases. Vouchers returned. With regard to that officer's claim for the extra gratuities for services as adjutant to the Seventh and Ninth Contingents, I beg to inform you that the authority quoted, 'Army Order 151, of July, 1900,' refers to 'embodied militia.' A similar claim, recently received, has been referred to the Imperial authorities for decision as to whether the order applies to the New Zealand contingents, and in the meantime, therefore, the present claim from Captain Clark will have to stand over until a reply is received. Vouchers and certificates are returned." [Document handed in.] Now, on these claims coming in, and on carefully going into matters, I saw that Colonel Porter had actually certified for gratuities which were entirely wrong, and I minuted to say that I was surprised. It seems that there were two adjutants; but there cannot be two adjutants. There was a time when Captain Johnson was away and Lieutenant Clark—I say "lieutenant," because he never was, whilst with the contingents in South Africa, a captain in the contingents; he was, however, acting-adjutant. That will be seen from the papers. Therefore, Captain Johnson—I think he has been made a major since, but I do not know whether he was at that time—was getting the gratuity, and he did get it. It meant, of course, if the lieutenant's claims were met, that for the same period there were two adjutants getting the money, which should not be. Then the next development was the despatch of the following memorandum on the 21st March by Colonel Chaytor to Captain Clark: "Your claim for £277 17s. 6d. for pay and detention allowances, under orders of C.S.O., has been referred by this office to the Hon. the Minister of Defence for his approval, and you will be informed of his decision when the papers are returned. Claims for £50 2s. difference in pay, £5

2s. extra-duty pay, and £9 5s. 5d. sundries, were referred to the Minister by the Under-Secretary for Defence. The two claims for adjutant's gratuity, £50 each, are with our file, but the Under-Secretary for Defence reports that the question of payment of the allowance has been referred to Chief Paymaster at Cape Town." This is the memorandum which was sent to me by the Commandant, and which I told you I had declined: "The attached claims are forwarded for your approval: Captain Clark was engaged from the 11th September to the 6th October, 1902, in preparing discharge certificates for the Seventh Contingent. From the 7th October, 1902, to the 28th February, 1903, he was engaged in issuing, in preparing rolls for the King's South Africa Medal, and clasps for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Contingents." You will notice that General Babington sent that on without a recommendation. I minuted on it—"Declined.—30/3/03."

Mr. Barber: When a document is sent "for approval," is not that a recommendation?

Rt. Hon. R. J. Seddon: No. The Commandant said, "Here is a statement of the claim," but he made no remarks. I noticed that that was strange, because the usual thing would be to recommend it for payment. At all events, there is the document. [Produced.] It speaks for itself. It is not for me to say any more upon that point. This matter of the claim was again submitted by General Babington. "In resubmitting Captain Clark's claims I desire to bring the following facts to your notice: After his return from South Africa with the Ninth Contingent, Captain Clark was engaged till the 10th September, 1902, preparing discharges for all N.C.O.'s and men of that contingent, and received pay from the Imperial Government for the time he was occupied on that duty. On the 11th September he was instructed to prepare discharges for the Seventh Contingent, and was occupied on that duty till the 6th October, when he was instructed to assist in the issue of all clasps for the First to the Seventh Contingents and in preparing the King's South Africa Medal rolls for all New Zealand contingents. Captain Clark served in the Second, Seventh, and Ninth Contingents, and he was selected for this duty as his personal knowledge was of the greatest assistance." Thus the claims were again submitted with no recommendation, the reason being, I suppose, that I should take the matter into consideration. I bring this letter in so that you may see that General Babington was able to fix the date upon which the instructions were given. I shall have later on to submit evidence as to who gave the instructions and what the instructions were. To this memorandum I said, "I do not see my way to recognise this claim, and I am surprised at Colonel Porter certifying to the two vouchers for £50 each, as there is no Ministerial authority for the other employment." This was dated the 15th April, 1903. Major Babington again wrote on the 25th April, 1903: "I would respectfully resubmit for your favourable consideration the item of £277 17s. 6d. in Captain Clark's claim for payment. Captain Clark was employed to settle up the affairs of the Ninth Contingent, and the same procedure was adopted with previous contingents, the officers remaining on pay. Before the Ninth Contingent returns, &c., were completed the press of work connected with medals and discharges of other contingents occurred. As the officers of these contingents had dispersed before this time, Captain Clark did the work they would have been retained to do if they were available. 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." My minute reads—"The claim is unreasonable. I cannot therefore admit same." On this point I shall call your attention to the fact, and produce the two vouchers, that Captain Clark when employed on other work did send in, it appears to me, his two vouchers punctually, and received payment of one of them. He suddenly stopped sending in vouchers from that time until the £277 was payable. I have no explanation whatever as to why those vouchers were kept back. However, I asked the General to show me the authority upon which Captain Clark had been employed—the Ministerial authority. This is his reply: "The authority referred to in your minute of the 10th instant appears to have been filed with Captain McGee's papers, to whom the temporary appointment was offered. Although application for salary for Captain Clark was forwarded and recommended, this was not claimed for under Ministerial authority, but was submitted for your approval." I rejoined: "What I complain of is that I was recommended to pay Captain Clark a large sum of money in excess of what the Acting Defence Minister had authorised." I further sent this to the Commandant: "I desire you to ascertain how the Acting Defence Minister's authority has been kept from me, and payment for large sums of money in excess of the authority has been recommended. Kindly let me have all the papers when giving results of your inquiries." The authority on which this was claimed to have been given was for a time lost. When the departmental officers were brought face to face with the fact that they had apparently been incurring liabilities without authority, this turned up. It was intended for Captain McGee. That will clear up a point that was troubling members of the Committee, no doubt, as to how it was that an authority could be given for Lieutenant Clark when Lieutenant Clark himself was in South Africa. I produce the authority. [Document produced.] You will see that it was a general authority asked for under which the Commandant acted, although, if the Audit Department had been aware of the fact, no payment could have been made without Ministerial authority. No officer has the right to engage a person without Ministerial authority. In this case, when Captain McGee could not do the work, the Commandant ought to have asked that Captain Clark should be authorised to do the work for which the order had been given for Captain McGee. That was the proper departmental way, and, in accordance with the rule laid down, would have been observed. I just wish to show the Committee where the extraordinary departure took place. If you admit the principle Lieutenant Clark might have been going on still.

Mr. Lethbridge: But all this is not Captain Clark's fault, you will recognise.

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

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

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

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

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

Mr. R. McKenzie : Make the officers pay.

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

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

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

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

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

Mr. R. McKenzie : He had Ministerial authority.

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

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

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

The Chairman : Imperial gratuity?

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

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

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

Defence.—Captain Clark appears to have been employed from the 18th August, 1902, to the 28th February, 1903, and has charged—Per No. 1 (paid), £40 12s. 6d.; No. 2, £42 5s.; No. 3, £235 12s. 6d.; total: £318 10s.—since reduced to £275 14s. 6d. The authority is for three months at £4 per week—13 weeks at £4—£52. The claims are in excess of the authority, and cannot be passed.” I do not know whether the last two items have been paid.

Captain Clark: The two latter have not been paid.

Rt. Hon. R. J. Seddon: You received payment of the £40 12s. 6d.

Captain Clark: Yes.

Rt. Hon. R. J. Seddon: Well, then, that makes my first statement correct that the total amount paid, if pay in South Africa is included, is £379 10s. 10d. Mr. Grey's memorandum goes on: “Mr. Clark was promoted to lieutenant on the 31st March, 1901, and it is assumed he drew pay for that rank (15s. per day) from that date until date of arrival in New Zealand. We do not know how officers' accounts stand at all. He is only claiming the difference in pay between the rank of lieutenant and captain—that is, from the 23rd May, 1902, to the 18th August, 1902, end of over-sea period of pay on return to New Zealand. He was promoted to captain on the 13th April, 1902. He has amended (without prejudice) his claim for pay as a captain while working in the Commandant's office. Mr. Clark first sent in his large claim for duty in the Commandant's office on the 2nd March, 1903. On the 5th August, 1903, we offered Mr. Clark three months' pay at the £4 per week, in settlement.” Now, in respect to this rank of captain, there was an army order that those who remained behind were to have promotion.

The Chairman: You say that on the 13th April, 1902, Lieutenant Clark was promoted to captain.

Rt. Hon. R. J. Seddon: Nominated.

The Chairman: Although we have it in evidence that it was on the 14th August, 1902, that he was promoted to the rank of captain.

Rt. Hon. R. J. Seddon: He has never been promoted to captain at all as far as the Imperial force is concerned. You are thinking of this: There was a recommendation made by Colonel Porter for a step in rank, and an adjutant of course would naturally, for the time being, take the rank of captain; but the army orders and the rules were that promotions could only be made on the recommendations of the officers approved by Lord Kitchener. He has been recommended, but the approval or confirmation by Lord Kitchener has never yet been given, as far as I have been able to ascertain.

The Chairman: Then, Captain Clark was not gazetted captain in New Zealand on the 14th August, 1902.

Rt. Hon. R. J. Seddon: Whatever we do here applies to only the New Zealand Militia. It does not affect the position whilst serving in South Africa. Captain Clark, I think, has applied to be captain of militia. The question is, what was his rank with the Imperial forces as far as his pay was concerned. I have had no notice, as Minister of Defence of this colony, from the army authorities in South Africa that Lieutenant Clark has been promoted to the rank of captain. If it were so I should be notified and asked to concur. In all the cases where promotions were made Lord Kitchener sent a communication, and asked the confirmation of the Government of New Zealand. However, I must leave this matter, because I know your time is precious. I asked General Babington certain questions, and I received the following reply, dated the 28th October, 1903: “Referring to the second paragraph of your letter of to-day, I have the honour to inform you that it is usual for each officer to make out and send in his monthly salary abstract. The question of the correctness or otherwise of these is entirely a matter for the Under-Secretary for Defence.”

The Chairman: Is that a general instruction issued to all officers?

Rt. Hon. R. J. Seddon: Yes. The reply goes on: “Lieutenant Clark being an officer, it was concluded that he was submitting vouchers for his pay, and receiving such at the time, and it was not until the work was completed that it became known in this office that he had not done so. Had Lieutenant Clark submitted his vouchers monthly the question in dispute would then and there have been settled.”

The Chairman: Each officer sends in his voucher without it being certified by any one?

Rt. Hon. R. J. Seddon: The voucher goes to the certifying officer, which would be the Chief Staff Officer, Major Smith. This voucher which I produce will show you that when Lieutenant Clark was at work on the Ninth Contingent work he sent in the voucher for £40 12s. 6d. His superior officer at that time was Colonel Frederick William Abbott, and the voucher is certified to by this gentleman. [Voucher handed in.] The other vouchers which I have mentioned and which were sent forward to me were certified to by Major Norman L. Smith. I put in a voucher for £199 7s. as showing the manner which they are certified to. The other vouchers are submitted in the same way, and have Major Smith's certificate attached to them. The ones that I want to show you are those which are certified to by no one. I give this voucher, for the second month, for £42 5s. as a specimen copy. [Vouchers handed in.] The voucher for £42 5s., as will be seen, is written out by Captain Clark, and the word “Major” is put in just after the space left for the signature of the certifying officer; while on the voucher for £277 17s. 6d. Major Smith has forgotten to put his title after his name, Captain Clark not having done so. This voucher which I have here is the one which there would have been trouble about—the one in regard to which you saw my minute to Colonel Porter. It reads: “To gratuity under A. O. 151, of July, 1900, as brigade adjutant Second New Zealand Brigade, £50.” It is certified to by Colonel Porter, and is dated the 28th February, 1903. There is this indorsement on it, “Imperial Government since decided this gratuity did not apply to New Zealand contingents.” I may say that I am simply explaining my action to you and showing that the matter has been carefully considered and reasons given for what has been done. Why there are two gratuities for £50 each claimed I cannot understand, because when I

come to look at them it is the same on both. I produce this other voucher which reads: "28th February, 1903.—To gratuity under A. O. 151, of July, 1900, as wing adjutant Seventh New Zealand Contingent, £50." The other voucher was as brigade adjutant; this is as wing adjutant.

Mr. R. McKenzie: Do they cover the same period?

Rt. Hon. R. J. Seddon: Yes. [Vouchers handed in.] You will see now that I was justified in expressing my surprise that Colonel Porter should have given both these certificates and not have stated that Lieutenant Clark was acting adjutant during the absence of Captain Johnson. At all events there is a claim as brigade adjutant and another as wing adjutant.

Captain Clark: They relate to different contingents.

Rt. Hon. R. J. Seddon: But to the same period.

Captain Clark: No, to two totally different periods. Both of these were submitted with certificates showing the service.

Rt. Hon. R. J. Seddon: The only thing I can say about that is this: that according to the records in the office Lieutenant Clark was acting-adjutant during the absence of Captain Johnson. It is shown in the papers here. I suppose you do not dispute that—the acting-adjutancy?

Captain Clark: It is stated in the papers.

Rt. Hon. R. J. Seddon: It is stated on the papers here, but I do not want to detain the Committee. There is not only that, but there is the date fixed when Captain, or Lieutenant, Johnson resumed duty, and when Lieutenant Clark abdicated. Here are the papers: "Regimental Orders by Lieutenant-Colonel T. W. Porter, commanding Seventh New Zealand Regiment.—Standerton, 5th June, 1901.—Appointments: To be assistant adjutant, Acting-Captain J. J. Clark, Second New Zealand Contingent.—G. R. JOHNSON, Captain and Adjutant." Now, there is proof that he was not a captain. He was acting-captain, for the reasons that I have mentioned. His position of captain was not confirmed. You have it there in an army order. This is another regimental order: "Elandsberg, 30th October, 1901.—Appointments: Lieutenant Clark will act as regimental adjutant during the absence of Captain Johnson." Then, there is this one: "Myerton, 4th September, 1901.—Referring to regimental orders of 18th May, the following wing appointments are now made and confirmed: Right wing, Lieutenant J. J. Clark, wing adjutant." Now, Colonel Porter has signed, in the face of his own orders, for captain, when there is his wing appointment as lieutenant-adjutant. There is also this one, under date 31st January, 1902: "Captain and Adjutant Johnson, having rejoined column, resumes duty. Lieutenant Clark resumes duty as wing adjutant.—J. J. CLARK, Lieutenant and Adjutant." [Document handed in.] I think I have now cleared up that point. As I have said, there is nothing to show from the 31st January, 1902, until the time Lieutenant Clark came back that he had been promoted to the rank of captain. I have never received any confirmation of that rank; and I think Lieutenant Clark—I wish gentlemen to understand that when I speak of him as lieutenant I do so in connection with his position in the contingent in South Africa.

Mr. Wood: Under the Imperial authorities?

Rt. Hon. R. J. Seddon: Yes. I have also noticed what has been set down in some of the vouchers since. Lieutenant Clark accepted the rank of lieutenant on reduced pay, and every case of reduced rank is sent for confirmation or otherwise, and the reduced rank carries with it reduced pay. I should be very sorry to do an injustice to a contingent officer, but I think that is the position.

1. *Mr. R. McKenzie*.] There is one phase of the case that I do not see very clearly. The Premier seems to repudiate the action of his officers in allowing Captain Clark to work in the Government office during a lengthened period without being paid, and he thinks that the Government are not responsible for his wages after he was allowed to work there under the instructions of a superior officer for three or four months, and the Government now decline to pay him. I would like the Premier to explain that position if he can, because I take it that the Government are responsible for the actions of their servants the same as any ordinary employer?—If a duly appointed servant commits an act under which damage is done the colony is responsible; but there is no power given to any officer, unless specially granted by Ministers, to employ persons to do specific work. Mr. Otterson had to get a delegation of power from me in reference to the appointment of clerks. It is constitutional that no person can be employed in the Government service without Ministerial authority. Of course we delegate that power to the General Manager of Railways, for instance, in the case of men employed from day to day. There is a delegation in those cases, but in a case of this kind there was no such delegation—the Department themselves say that the employment of Lieutenant Clark was under the authority of the Hon. Mr. Hall-Jones, which was a general authority to get particular work done and pay so much for it, and limited the time in which it was to be done.

2. *Mr. Wood*.] I understood you to say that it is only in the case of damage or anything like that occurring that you are responsible, and not for your servant putting on men?—The law of employer and servant is this: If I have employed a man and he does certain things as a workman, and in doing them some one else is hurt, then I become responsible for the act of my servant; but I am not responsible for my servant putting a man on to work. Suppose a farmer took a trip Home and when he came back found that a number of persons had been put on by whoever was left in charge—I am inclined to think the farmer would not pay them.

3. *Mr. Hardy*.] I think a Magistrate would make him do it?—He could not make him do it unless the person who appointed them showed that he had authority to do so. In the present case the Controller and Auditor-General wanted the authority. Here is the authority under which they say they acted: "9th July, 1902.—Memorandum from the Hon. the Acting-Minister of Defence.—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." This is signed by General Babington, and is minuted, "Approved.—9th July, 1902.—W.H.-J." That is the authority. We do not want to go further than to ask whether there was Ministerial authority. The Ministerial authority was for this particular work, and it was reckoned that it was worth £4 a week—that an ordinary officer of the staff getting 10s. a day could do it, and there was £1 a week in addition to that. The work was intended for Captain McGee. There is no question as to who was responsible. In accordance with this authority I offered the £4 a week for the three months

4. *The Chairman.*] I understood you to say that it was a general order issued to all officers that they were to submit monthly vouchers for their pay?—Yes.

5. Then Captain Clark would naturally know that it was a general order?—He was working in the office alongside of Colonel Chaytor, and I will call the officers and ask them as to what the practice is. I may say that I have one or two more vouchers that I intend to submit later on—I refrain from doing so at present—vouchers which, I think, ought to have been submitted to you at the last meeting, but which were held back.

6. *Mr. R. McKenzie.*] What the Department want to establish now is that Captain Clark was aware of this Ministerial authority for his employment. He denies that?—Of course, if Captain Clark denies that it will not alter the position so far as the Government are concerned. General Babington has distinctly stated in his memorandum that the instructions were given, and given on a particular day, for Lieutenant Clark to go on with this work. I will find out what the instructions were, probably. As to why this Ministerial authority was kept back from Lieutenant Clark—the feature of this is that presumably Lieutenant Clark was not a millionaire—he had sent in his voucher for a month's work before, and had been paid for it; and why did he not send in vouchers each month after that instead of going on without doing so? I do not suppose he thought that the Government—or rather the Imperial Government—were so hard up that they could not pay his salary from month to month! I may say that the job was a good one. I intend to bring evidence to show what was a reasonable time for the work to be done in, and what was done in the case of other contingents. £1 12s. 6d. a day is extremely good pay.

7. *Mr. Barber.*] You put in two vouchers for £600-odd and £422. These vouchers were certified to by some one?—They are not recommended.

8. But they are certified to by some one?—No, they are not. The voucher for £277 is certified to by Major Smith, and the two vouchers for £50 each by Colonel Porter.

9. In reference to the question that Mr. McKenzie asked just now, you inferred that Captain Clark had no right to assume that Major Smith, in telling him to go on with this work, had authority for doing it. I would like to point out what would be the state of the Civil Service if subordinates were allowed to question the authority of their superior officers in giving instructions to them to carry out work?—I hope that there are no cases of this kind going on. The first thing to do is to tell a person his duties, and in the second place to tell him what he is to get. If a man were put on without being told what he was to get, he might claim £2 a day.

10. Captain Clark was paid for doing similar work previously, up to a certain period, and was then told to go on with similar work. It would not be right for him to question the authority of his superior officer—to ask him what authority he had for telling him to go on with the work. It was the business of the superior officer not to have employed the man without authority?—My answer to that is this: The Imperial authorities would say: "You are paying for similar work 10s. a day; why should this work cost £1 12s. 6d. a day? Why should you pay 12s. 6d. a day for detention in Wellington, when the person is resident in Wellington, as shown by the roll?"

11. *Mr. R. McKenzie.*] But Captain Clark was working for the New Zealand Government, not for the Imperial authorities?—No; it was Imperial work.

12. He was employed by your servant, any way?—No; he was simply told to go on doing it. The making-up of the rolls and so on was all Imperial work.

13. Do you not pay him?—No. Whatever I certify to will be paid out of the fund given to us by our principals.

14. A trust fund?—Yes; and as trustees we are bound to keep within reasonable limits.

15. *The Chairman.*] All the officers and men in the contingents from the Sixth understood that they were Imperial men and officers, did they not?—Yes. The compilation of the roll for the Seventh Contingent was done on board the ship between Africa and here, completed, and handed in by Colonel Davies.

16. *Captain Clark.*] Mr. Seddon has stated that the New Zealand Government are acting as agents for the Imperial Government. I would like to ask Mr. Seddon how it comes then that Mr. Hall-Jones is competent to give an authority for three months' employment at £4 a week. Has he got the Imperial Government's sanction to do that?—Yes; he was the Minister of Defence for the time being. We made the appointments to all our contingents; that authority still remains until the thing is completed. We have instructions to complete this from the Imperial Government under certain limits. There is a paymaster appointed, and the Minister for the time being—in this case the Hon. Mr. Hall-Jones—was acting as Defence Minister, and it was within his authorities to give this approval, and on that the Paymaster would pay.

17. Previous officers having been paid at the rate of officers for the rank which they held, why should there be any special reason for reducing the pay to £4 a week?—Each such officer was still an officer of his contingent, and you were treated the same in respect to your contingent. After you had completed your own contingent's work this was general work for the other contingents, and it was different entirely from finishing up the same duties as an officer. The alteration of

status is fixed by the documents and to your own knowledge, because when you were acting as an officer of a contingent you went to Colonel Abbott and got him to certify to your voucher. Colonel Abbott had left; you were no longer under him; you admit that otherwise your next voucher would have been sent to him for his certificate.

18. *Mr. Wood.*] Could a clerk have done this work?—A clerk could have done the work, but there was an advantage, of course, in the person doing it having a personal knowledge of the work; but an ordinary clerk could have done it. There were some sergeant-majors who did the other work, and if it had not been that Lieutenant Clark was there I suppose one of these men would have been given the work.

19. *Captain Clark.*]—You mentioned that I had received £379 10s.; might I ask how you make up that sum?—You received New Zealand furlough for rank of captain, 31 days at 15s.—£23 5s.; S.W. gratuity for rank of lieutenant, £37 10s.; received for making out discharge certificates and handing over books of Ninth Contingent, 25 days' pay at £1, and 25 days' detention allowance at 12s. 6d.—£40 12s. 6d.; a gratuity under pay-warrant B. 601, £191 15s. 8d. It is calculated that you got 15s. a day during the time as lieutenant. The document that I handed in shows how much you received. Here it is. [Document shown.]

20. What is the rate for a captain in New Zealand?—I think it is a guinea a day, or £1.

21. Are you aware that this account says, "Received New Zealand furlough for rank of captain 31 days at 15s."?—Yes; I see it marked, and I see by the next item that you received something as lieutenant.

22. Are you aware of the rate of pay as lieutenant in New Zealand?—From memory, I think it is about right—I think it is 15s. a day.

23. Would it be possible that this amount mentioned here would be at the rate for lieutenant instead of captain?—I could not tell you from memory; I have nothing to do with that. I simply handed in the written document and it must speak for itself.

24. You mentioned that I received the sum of £379 10s. since I returned to New Zealand?—That is so according to that paper.

25. Are you aware that the amount stated on the paper is £297 10s.?—You must add to that the money that you received for the period outside; it is not on this paper at all. You will see a sidenote on this paper. I asked the secretary to add to this 15s. a day during the time that you were in South Africa; that is added to it and makes the difference.

26. But you are aware that I have not been paid for that period?—I am not personally aware of it.

27. Well, I am petitioning the House now to be paid for it, and yet you have stated that I received £379 10s.?—I have said that that is according to the document submitted by the Under-Secretary. I suppose he presumed that you received the pay for the time being whilst in South Africa, which would make up the £379 10s.

28. But I did not. I am now petitioning Parliament for it?—The only thing I can say is that it would be very strange if you were paid for one duty here and then claimed pay for the same period as an Imperial officer; it would be an overlapping.

29. Have you any recollection of Colonel Porter while in South Africa mentioning to you that he wished to promote some officers from the Seventh Contingent into the Ninth?—I would not like to tax my memory to that extent. If there were any promotions I would not do it verbally, it would be done by a written application. I did not promote officers by any officer asking me to do so, more particularly when, as in this case, it had to go before the general commanding; it would require my signature. I know that Colonel Porter always spoke very highly of the officers and of you, I think; amongst them. Colonel Porter recommended a number, but the general commanding said they were fully staffed—even in excess of the required number—and he would not promote, and he did not, although I, myself, had recommended them.

30. Are you aware of the conditions under which the army orders—under which I drew £191 15s. 8d.—are granted?—No.

31. You are not aware of the conditions of service?—I am not.

32. Are you aware of the difference between the rank of captain and adjutant and lieutenant and adjutant so far as pay is concerned?—No; I do not know anything about it.

33. Would it surprise you to learn that there is no difference in pay?—No, I should not be surprised; if it is a fact the army order to which you refer will speak for itself.

34. Can you say from memory whether I have been made a captain in New Zealand?—I should say from memory, yes, but not a captain retrospectively. I have given most of the officers promotions on their coming back here.

35. *Hon. Mr. Hall-Jones.*] In the New Zealand Militia?—Yes.

36. Apart from the contingents altogether?—Yes.

Major-General BABINGTON, Commandant New Zealand Forces, examined. (No. 2.)

37. *Rt. Hon. R. J. Seddon.*] You have submitted a written statement—this is your signature, General? [Document produced and shown to witness.]—Yes, sir.

38. According to the statement the rule prevailing in your Department is that vouchers must be sent in monthly?—Yes; I understand it is a Treasury regulation. I have been told—I will not state it as an absolute fact—that you are liable to a fine of £1 if you do not do it. It is a custom, at all events, to send the vouchers in monthly.

39. Were you aware of the fact that you had an officer working in your Department—Captain Clark—for months without sending in his accounts?—That does not come under my supervision. Each officer sends in his vouchers direct to the Under-Secretary for Defence. We have no check. The Under-Secretary for Defence is entirely separate from us. He is not under my control, nor am I under his control. If an officer did not send his voucher in the Under-Secretary would, I presume, bring it to our notice if the thing was carried out on regulation lines.

40. Do you say that Major Smith does not certify to the vouchers sent in?—Not to my knowledge.

41. Whose signature is that on this document? [Document shown to witness.]—That is Major Smith's.

42. What is that document?—A voucher of Captain Clark's. I certify to no vouchers.

43. You do not certify to vouchers?—No.

44. You would not say that your staff officers do not certify?—No; I do not know whether they do or not.

45. Would you think it a most unusual thing for an officer to be employed for months without sending in his vouchers?—Yes, I certainly would. That is where the whole difficulty in this case has come up—that the vouchers were not rendered monthly. I think it most unusual that they were not rendered monthly.

46. You see this document, General. [Authority shown to witness.] You asked for special authority to have that particular work done. Is that your signature?—That is my signature.

47. You recommended the payment of £4 per week?—Yes.

48. Do you think £4 a week a fair payment for that particular work?—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.

49. You state in this letter, "The period for which the officer will be required will be three months, and I recommend pay at the rate of £4 per week"?—Yes.

50. When you made that recommendation you believed it to be a fair payment?—Yes, because I knew that in this colony we do not pay more than we can help. It is less than the officer was getting in South Africa.

51. Your recommendation to the Acting-Minister was for £4 a week?—Yes.

52. When the Minister gave that authority it would go back to you, would it not? What is the practice?—To send it to the Under-Secretary for Defence.

53. That would be the authority for the payment of £4 a week to whoever did the particular work?—Yes.

54. The question has been raised that Captain Clark was never appointed to do the work, because the authority to do it was given while he was in South Africa?—The authority was never acted on.

55. It was a general order standing over for whoever did the work?—Yes, it stood over. The £4 a week has never been drawn.

56. *Mr. Wood.*] You say that the money has never been drawn: Somebody was appointed?—No.

57. Not to do that work?—No; the £4 a week has never been drawn.

58. But somebody was appointed to do the work. I presume you knew who was appointed to do it?—Oh, yes. As each of the contingents came home an officer was delegated to do the discharge-work till it was finished.

59. Whose duty is it to see that vouchers are sent in?—The Under-Secretary ought to report if a voucher is not sent in. There is no question of payment in my hands at all.

60. Still, somebody is supposed to see that the vouchers are sent in monthly?—No; I certify to nothing. In the Imperial service I should certify for the whole of my staff, but it is not the practice here.

61. Would the practice be that men could be put on in the Department and work for six, eight, or twelve months, no one being responsible to them, and they being responsible to no one, and then at the end of that time a voucher be sent in?—No. I believe the regulation is that vouchers ought to go in monthly. If that had been done it would have been checked at once.

62. That is not the point. This man Clark was put on by somebody?—Yes.

63. Then somebody ought to see that his vouchers were sent in monthly?—The Under-Secretary for Defence.

64. He would be the responsible person?—Yes.

65. *Rt. Hon. R. J. Seddon.*] Did you notify the Under-Secretary for Defence that an officer had been put on to do this work under the authority for £4 a week?—I presume it went down. I cannot say for certain without referring to the registers in the office. All authorities are sent down.

66. When asked for the Ministerial authority are you aware that you stated that the authority under which Captain Clark was put on was the £4-a-week one—this was when Captain Clark's claim came in? You were asked for the Ministerial authority, and your reply was that there it was?—For the work beyond that of the Ninth and Seventh Contingents, for which there was the ordinary authority?

67. Yes?—I think I stated in a letter that I asked for Ministerial authority. I have a copy of that letter. It was dated the 11th July, 1903, and in it I said that although the application for the salary of Captain Clark was forwarded and recommended this was not claimed for under Ministerial authority, but was submitted for approval. That was my minute of the 11th July.

68. *Mr. Wood.*] You did not make any recommendation at all?—Oh, yes: "Forwarded and recommended."

69. *Rt. Hon. R. J. Seddon.*] This is my minute of the 20th July, 1903: "The attempt made by Captain Clark to obtain a large sum of money in excess of what he must have known was pay-

able warrants my not approving for the period he alleges he was employed in excess of that approved by the Hon. Mr. Hall-Jones, Acting Defence Minister." That was my minute when the two vouchers I have shown you came in. Here is a letter which I sent the Commandant on the 10th July: "I desire you to ascertain how the Acting-Defence Minister's authority has been kept from me, and payment for large sums of money in excess of the authority has been recommended. Kindly let me have all the papers when giving result of your inquiries." That is the letter that I asked you about, General?—Yes. This was my reply: "The authority referred to in your minute of the 10th instant appears to have been filed with Captain McGee's papers, to whom the temporary appointment was offered. Although application for salary for Captain Clark was forwarded and recommended, this was not claimed for under Ministerial authority, but was submitted for your approval."

70. I wish to make it clear that when I asked to know the Ministerial authority, this was what was given—that it was originally intended for Captain McGee to do the work. This is the minute that I put upon that letter from the Commandant: "What I complain of is that I was recommended to pay Captain Clark a large sum of money in excess of what the Acting-Defence Minister had authorised." When asked for the Ministerial authority, that letter of the General's, with the Hon. Mr. Hall-Jones's approval indorsed on it, was sent along to me. Beyond that authority of the Hon. Mr. Hall-Jones's there was no authority to have this work done, was there, General?—No.

71. It is not usual to incur liabilities without the approval of Ministers?—No, certainly not.

72. Would Major Smith be authorised to put a person on in the office without the authority of the Minister?—No.

73. Or without your authority?—No.

74. Do you think it would be right to put a person on to perform a duty without telling him what he was to receive as remuneration?—No, I do not think so. I do not think he would accept it without asking.

75. It would be a very unusual thing for a person to go into an office and not know what he was to get?—Yes.

76. *Mr. R. McKenzie.*] You stated in reply to Mr. Wood that the Under-Secretary ought to have reported if vouchers were not sent in monthly?—Well, it would be the usual course.

77. To whom should he have reported?—He communicates direct with me.

78. He should have reported direct to you?—That would have been the usual course, if the Treasury Regulation is that vouchers should be sent in monthly, which I am informed is the case.

79. So that unless you received that report you would not know whether Captain Clark was really employed or not?—I should know whether he was employed, but that report would be the only notification I should have that the vouchers were not being forwarded monthly.

80. You also stated that it was very unusual for any one to be employed in the office without knowing what he was to receive. Do you think Captain Clark was informed as to what remuneration he was to receive?—I never told him. That is all I can say.

81. Do you think any one informed him?—I could not say. There are three other staff officers there, and they may have told him or they may not. I can only say that I never did.

82. *Hon. Mr. Hall-Jones.*] But you were aware of the memorandum in connection with the special work?—Oh, yes. He may or may not have been informed, as far as I know.

83. *Mr. R. McKenzie.*] The only authority for his employment was the Hon. Mr. Hall-Jones's approval of your recommendation of the payment of £4 a week?—Yes, beyond Captain Clark's completing the discharges of the Ninth and Seventh Contingents. They are admitted and have been paid for. For the work beyond that, the only authority is the Hon. Mr. Hall-Jones's authority for £4 a week.

84. Here is a duplicate voucher sent in by Captain Clark on the 29th June, 1903, signed by Major Smith, accepting £82 13s. 4d. in settlement of this claim and leaving the question of his promotion to captain in South Africa for further consideration. Was this sum ever offered to Captain Clark?—Not that I know of.

85. So that you do not know whether he would have accepted this or not, had it been offered to him at £4 a week before he started the work?—No. The question of his rank as captain is outside of this business altogether, and I understand it has been referred to the Imperial authorities.

86. *Mr. Wood.*] The amount of money would not have anything to do with the rank, would it?—No, excepting that if the rank of captain were granted to him, he would claim extra.

87. *Rt. Hon. R. J. Seddon.*] Which of your officers would send that order of Mr. Hall-Jones's for £4 a week to the Under-Secretary?—Major Smith.

88. It would come back from the Minister to you?—It came back to me, yes.

89. To whom would you give it?—I would sign it myself when I sent it down. When I am away on inspection duty, Major Smith signs for me.

90. You have read the note saying that this authority had been filed away with Captain McGee's papers?—Yes.

91. Who had Captain McGee's papers?—They are filed in the office in charge of the Chief Staff Officer.

92. Well, then, having said it was filed away with Captain McGee's papers, how could the authority have gone to the Under-Secretary for Defence?—It may have gone and been returned.

93. If it is a Ministerial authority it must remain with the Under-Secretary, must it not?—That would depend on how it originated.

94. Now, if, as is stated in your notes, the authority was filed with Captain McGee's papers, how could the Under-Secretary know anything about it?—He could not unless it had gone to him and been returned. It may or it may not have been.

95. *Hon. Mr. Hall-Jones.*] Would not that be minuted on the papers—if it had gone to the Under-Secretary?—Yes, or on a separate sheet. It would depend upon whether there was room on that sheet or not.

96. *Rt. Hon. R. J. Seddon.*] Is there anything on that authority to show that it has ever been sent out of your office?—No; but, as I say, I do not write at the bottom of the paper or across it, and a minute may have gone on a separate piece of paper, or it may not. I cannot say without reference to the office file.

97. *Hon. Mr. Hall-Jones.*] It would not go without a minute?—No; but, as I say, the minute may have been on a separate sheet of paper.

98. But there is no evidence on the document, as we have it here, to show that it has ever been sent out of your office?—No.

99. *Rt. Hon. R. J. Seddon.*] It came from your office when I asked for the authority?—Yes.

100. *Mr. Barber.*] I understood you to say, General, that Major Smith signs vouchers when you are absent?—Not vouchers. I sign no vouchers. What I said was that he would sign for me if we were forwarding anything to the Under-Secretary or to the Minister for Defence.

101. He is really the proper officer to certify to a voucher for work done in the Department?—Yes.

102. If you think £4 a week was sufficient remuneration for doing this work, why was a larger sum paid to Captain Clark for the first work that he did?—That was under Imperial sanction. The Imperial people accept that.

103. But this was the same class of work that he was carrying out?—No. The class of work that he was paid for at a lieutenant's rate, or whatever it was, was the making-out of the discharges of the men belonging to the contingent that he was in. An officer from each contingent as it came back was employed to make out the discharges, and these officers were paid by the Imperial authorities at their rate of pay in South Africa. When the work in connection with the Ninth and Seventh Contingents was finished Captain Clark was put on the distribution of 2,000 clasps, which came out *en masse*, and then on the preparation of the King's Medal rolls. The Imperial authorities may or may not have an understanding with the colonial people about paying full rates for such work. Apparently they have not, and that is where this question begins, if I may say so. There is no question raised as to the pay up to the time Captain Clark finished the Seventh Contingent work; it is from then onwards.

104. Captain McGee ought really to have gone on with this work?—No. There was an idea of bringing Captain McGee from Canterbury. It was thought that he was the officer whom we should bring up; but, as a matter of fact, he never came up.

105. Are you aware that Major Smith put in a voucher certifying to the full claim of Captain Clark? There is a voucher that you have not seen?—I presume that he would have done so.

106. Are you aware that Major Smith certified to Captain Clark's claim, and certified that the work had been performed?—I am aware that he would. I have not actually seen the paper, but I am aware that he would sign to say the work had been performed.

107. You think that Major Smith certified?—He certified that the work was done.

108. I have here the rolls that Captain Clark made up. Do you know how many names there are on this?

Captain Clark: About 6,700 names.

General Babington: The trouble with regard to the King's Medal roll beyond the other one is this: that no man serving in only one contingent could possibly get the King's Medal. He must have been transferred to, at any rate, one other contingent. Some of them were transferred to two or three contingents. That information had to be got. If a man had served in only one contingent he could not have put in the requisite time to qualify for the King's Medal.

109. *Mr. Hardy.*] What means had Captain Clark for tracing the men's service: what difficulties had he to encounter?—He had to get the regimental records.

110. Had he much difficulty?—He had very great difficulty in finding out about these men. A great many men applied for the King's Medal, many of whom did not understand the conditions. We get applications from men up to the present time who are by no means entitled to the King's Medal.

111. The records, I presume, were to be found in the Defence Department?—No; we could not get all the information we wanted, because many of these regimental records were not as well kept as they might have been.

112. *Hon. Mr. Hall-Jones.*] Had Captain Clark any assistance in doing this work?—Colonel Chaytor assisted him in his spare time.

113. *Mr. Barber.*] The result of that has been that 6,700-odd searches have had to be made?—We refused a number of applications that were made.

114. The 6,700 are what have been certified to; in addition to those a number of others have been refused?—Yes; I may say that I got an application only yesterday.

115. You say that the instructions are that vouchers should be sent in monthly, and you understand that a fine of £1 is inflicted if this is not done. A new man coming back with one of the contingents may not be aware that it is necessary to send the vouchers in monthly. Does it not show that there is a very loose system in the control of the Defence Department if the vouchers are not sent in? Somebody in authority should see that the employees are instructed to send their vouchers in monthly if that is the rule?—Well, it is talking about a Department which is not my own.

116. I understand that there is a separation of the two Departments; but how can the Under-Secretary know that there is an extra individual employed in the Department unless he is informed?—The authority for that person's employment ought to go down to him.

117. But there was no authority in this case?—No, excepting the Ministerial authority.

Whether that authority went down or did not is not settled yet, until reference has been made to the records. In the ordinary course a Ministerial authority for the employment of an extra officer ought to go to the Under-Secretary for Defence.

118. As the Under-Secretary for Defence did not report that the vouchers were not sent in monthly, it would seem that the authority was not sent?—If everything was done according to regulation the authority was not sent to the Under-Secretary.

119. *Rt. Hon. R. J. Seddon.*] If Major Smith or any other member of your staff did not report that Captain Clark was engaged on this work, you have had a man employed in your office for five months without the Paymaster knowing anything about it?—Yes, no doubt, that is the state of the case.

120. The King's Medals, I understand, have only been given since the death of the Queen?—The condition is that men must have completed eighteen months' service in all before peace was signed—and a portion of that service must have been between the 1st January, 1902, and the date of peace being signed—in order to get the medal.

121. Then, all the former returned contingenters could not obtain this medal?—No. The only exceptions were men invalidated on account of wounds.

122. What was the last contingent that returned before the death of the Queen?

Captain Clark: The Fifth.

123. *Rt. Hon. R. J. Seddon.*] All you refer to, then, would be those who served in the Sixth and Seventh Contingents?—Excepting those who were transferred.

124. *The Chairman.* You stated that it was generally an officer of the contingent who made up the discharge rolls on returning?—Yes.

125. Why, then, was Captain Clark, who was only in the Ninth, employed to make up the discharge rolls of the Seventh?—He was in the Seventh, and we could not get another man of the Seventh to do it, though we tried to.

126. Then, of course, he would be entitled to exactly the same pay for that work as a man of the Seventh would be?—Yes. I understand that Captain Clark was attached to the Seventh at one time.

Captain Clark: That is so.

General Babington: That is why he was employed.

127. *Hon. Mr. Hall-Jones.*] With reference to the position of an officer in the service who was an acting-lieutenant: would he enjoy the privileges of the office when he was acting—would he draw the pay in the Imperial service as an acting-lieutenant?—There is no such thing.

128. It is not recognised?—No. The only appointments on at all similar lines are local rank or temporary rank. Local rank draws exactly the same pay as the subordinate rank.

129. If an officer was known as an acting-captain, we will say?—There is no such thing recognised. He would draw the pay of his subordinate rank.

130. *The Chairman.*] How about a man who was a captain and acting-adjutant?—He would draw the pay of a captain and allowance as adjutant.

131. *Mr. Taylor.*] What principle governs the gratuities? I can understand the pay, that can be checked; but what governs the gratuities?—There was an army order under which we were each given a gratuity of so many days' pay at a certain rate.

132. This gratuity of £191 13s. 4d. would be paid by the Imperial authorities?—Entirely.

133. *Mr. R. McKenzie.*] It has cropped up that Colonel Porter recommended several lieutenants to be promoted to the rank of captain. Would that entitle them to the pay of a captain?—Not until the appointments were confirmed by the Imperial authorities.

134. Can you tell us whether the appointment of Lieutenant Clark had ever been confirmed by the Imperial authorities?—I understand it has never been confirmed.

135. *Mr. Taylor.*] Is there any guarantee that if the Government were to pay this amount the Imperial authorities would refund it? Are they compelled to, or might they dispute the service?

Rt. Hon. R. J. Seddon.] If we make a mistake and make an overpayment they detect it. If we overpay they stop it, and the colony has to pay. I, as Minister of Defence, am only the trustee or agent for the Imperial Government within the limits prescribed by them.

136. *Mr. Taylor.*] The rate of pay for which Captain Clark is claiming is some Imperial rate; the rate of pay that he was offered, £4 a week, was the rate that the local authorities thought commensurate with the services rendered?

Rt. Hon. R. J. Seddon: Yes.

137. *Captain Clark.*] In the preparation of the King's Medal rolls, General, is it customary to have an officer to certify to the service?—Yes, because there is practically a certificate which demands that an officer who prepares medal rolls must have personal knowledge of the services of the men.

138. It has been stated before the Committee that a clerk—one of your regular staff—paid at the rate of 10s. a day, could have done the work. Could he have done it?—If the War Office knew that it had been done by a clerk they would not accept it.

139. *Mr. Taylor.*] Why?—Because the man doing it must practically certify that the work has been done by an officer having personal knowledge of the men.

140. *Mr. Wood.*] Could a clerk in the office have done the clerical work?—He could have copied out what the officer went through with him.

141. Was there anything to stop a clerk doing the work?—Oh, yes.

142. Barring what you have just mentioned—that the Imperial authorities would not have accepted it?—He could not have done it otherwise than that he had personal knowledge of the men.

143. *Rt. Hon. R. J. Seddon.*] You have said that an officer must do it. Would that mean that an officer must prepare the rolls?—Any person could prepare them. Take a regiment, for instance. The adjutant practically does it, but the commanding officer certifies that it is correct.

144. Who certifies to those now?—I think that Colonel Chaytor does.

145. The officer who certifies is Colonel Chaytor?—Yes.

146. Could not a non-commissioned officer who had been on service, if he were in your office—a sergeant-major or a lieutenant—have done that work just the same, supposing he had a knowledge of the contingents just the same as Captain Clark had?—No; the officer must have knowledge of the men.

147. But these were contingents in which Captain Clark never served at all?—He served in the Second, Seventh, and Ninth, and was attached to the Sixth for some time.

148. There was an advantage in his knowing more men because he was with the four contingents?—Very much so. I do not suppose that we could have got anybody who knew more about the details.

149. Supposing that he had been non-existent, or would not do the work, you could have got somebody else?—We should have got the next best man.

150. And you would have reckoned £4 a week fitting remuneration?—That is what we recommended.

151. Were you aware that £1 12s. 6d. a day was claimed?—No; we recommended £4 a week.

152. For that class of work would you think the claim of £1 12s. 6d. a day exorbitant?—Based on what custom?

153. Simply paying according to the class of work, which you stated was worth £4 a week. Do you think the claim exorbitant based upon the class of work?—If you put it as a marketable value I should say that the claim is exorbitant; but I only say that the custom for an officer—

154. *Mr. Taylor.*] Surely it is not the custom for a man to claim detention at 12s. 6d. a day when the city in which he was working was really his ordinary place of abode?—No, I should not think it was.

155. *Rt. Hon. R. J. Seddon.*] Do you think that if it was proved from the roll that the domicile of Captain Clark was Wellington, and we paid 12s. 6d. a day detention, that the Imperial authorities would recognise it?—No; under the Imperial regulations you are not allowed to claim detention when you are working in the same place as you live in.

156. *Mr. Hardy.*] Does Captain Clark take any responsibility for the preparation of this roll which I have here? Is it the captain who prepared the roll or the colonel who signed it that takes the responsibility?—The man who signs, of course, takes the responsibility; but Captain Clark was practically in the position that the adjutant of a regiment would be in when preparing the medal rolls of a regiment, we will say. The colonel would sign, but the adjutant would bring them to him.

157. *Mr. R. McKenzie.*] Captain Clark would have to satisfy Colonel Chaytor that the information on the roll was correct before Colonel Chaytor would sign?—Yes. The authorities deal only with the man who signs.

158. *Mr. Hardy.*] Who would be responsible for returning a man as being dead when it could be proved that he was still alive?—You mean on the roll?

159. Yes?—The man who signed it. But in this case Colonel Chaytor would come down upon the man who was helping him to make it up—Captain Clark.

Captain J. J. CLARK examined. (No. 3.)

160. *Rt. Hon. R. J. Seddon.*] What was the last contingent you were in in South Africa?—The Ninth.

161. When did you join the Ninth?—I actually joined it on the 23rd May, 1902, to the best of my knowledge; that was when I officially joined it.

162. What contingent were you in before that?—The Seventh.

163. When did you join the Seventh?—On the 18th May, 1901.

164. What contingent were you in before that?—The Second.

165. Will you tell me on what date you joined the Second?—20th December, 1899.

166. *Mr. R. McKenzie.*] In New Zealand?—In Wellington, New Zealand.

167. *Rt. Hon. R. J. Seddon.*] What rank did you hold in the Second?—Regimental Quarter-master-sergeant.

168. Did you join as that?—We all joined as troopers.

169. Were you with Major Pilcher in Cape Town for some time?—Yes.

170. What rank did you hold with him?—Do you mean was I employed officially by Major Pilcher, or in any way connected with the office?

171. What was your position with Major Pilcher?—Nothing; I was only a friend.

172. How long were you there?—Eleven days.

173. Did you receive notice of promotion?—No, not at that time.

174. When were you promoted to be lieutenant?—On the 31st March, 1901; that was the date of my commission. It went through the Army Orders on the 15th June, 1901, I think.

175. Have you any commission as captain in Army Orders?—In the New Zealand Militia.

176. I mean in South Africa?—No.

177. When did you leave South Africa?—I left Durban on the 10th July, 1902.

178. When did you arrive in Wellington?—On the 14th August, 1902.

179. You were instructed to go on and finish the pay-sheet and details affecting the Ninth Contingent?—No.

180. How did you come to do the work?—I had nothing to do with the pay-sheets; that is not in my department.

181. What were you doing with Colonel Abbott?—Making out discharges.

182. Who told you to do that?—Colonel Abbott.

183. When you finished that work you sent a voucher to Colonel Abbott for £40 12s. 6d.?—Yes.

184. And the money was paid?—Yes.

185. What occurred next?—I was instructed to proceed with making out the discharges for the Seventh Contingent by Major Smith.

186. Have you any recollection of the date of that?—About the 11th or 12th September, speaking from memory—that is near the date, at any rate.

187. How long were you engaged on that?—For about twenty-five days, I think—till the 4th October.

188. Did you send in a voucher for that?—No, not at that time.

189. When did you send in a voucher for that?—On the 1st, March, 1903.

190. You were preparing rolls for medals and clasps, and so on: who gave you instructions to do that?—Major Smith.

191. What occurred at the time? Where did you receive those instructions?—At the headquarters office.

192. How did he give you his instructions—in writing or orally?—Orally.

193. There were no written instructions?—No.

194. You did not raise any question as to pay?—None whatever.

195. Did he make any statement as to pay?—None whatever.

196. Then you went on?—I went on.

197. Why did you not put in your vouchers monthly, as you had done at the end of the first month?—In the first place, the voucher was not put in monthly; it was put in on the completion of the work. It happened about the middle of the month, and then I understood that my work was done. I had come back with the Ninth, and had finished my work, and I was to leave Wellington. Then, immediately the voucher had been put in, I was told to go on with this work.

198. The reason you put in the voucher was because the work was completed?—Yes.

199. You said you finished the work in respect to the discharges for the Seventh Contingent on the 25th September?—The 3rd October.

200. You finished that work on the 3rd October: why did you not put in your voucher for it then, as you said the reason why you put in the voucher for the other was because you had finished the work?—I was told just before I finished the work for the Seventh that they wanted me to carry on the King's Medal rolls.

201. But you had finished the work for the Seventh?—I had.

202. And you put no voucher in?—Not till the expiration of the time—28th February, 1903.

203. You say that you did not know anything about the Hon. Mr. Hall-Jones giving any instructions or orders for employment for three months at £4 a week? When did you first know that?—I did not know anything at the time. The first I knew of it was about three months after the vouchers had been submitted, when the question of pay was raised; that was my first knowledge of that authority. It would be about June of this year.

204. Then, if the Government had offered you £4 a week for the full period would you have accepted it?—No.

205. Did you never say that you would accept it?—No; it was not offered to me.

206. But you never said that you would accept it?—I had no occasion to. Nobody asked me to say so.

207. You would have positively refused it?—I would.

208. You never said to Major Smith or to Mr. Grey, or to any other person, that you would accept it?—No.

209. I suppose you know your own writing?—Yes, sir.

210. Is this your signature on this document [Document shown to witness]?—That is my signature.

211. I will read the document for you: "(A.) September 12 to October 7, 1902—To making out discharge certificates of Seventh New Zealand Contingent, both days inclusive—26 days at lieutenant's rate, 15s. per day, £19 10s.; October 8, 1902, to February 28, 1903—To preparing King's Medal rolls under orders of C.S.O., and by authority of the Hon. Mr. Hall-Jones, Acting Minister of Defence, both days inclusive—20 weeks 4 days, at £4 per week, £82 13s. 4d.: total, £102 3s. 4d. (The question of my rank of captain being still under discussion, the lower rank is hereby claimed for without prejudice to any subsequent claim for difference in rank for period marked (A).)" It is certified by Major Smith, on the 23rd June, 1903, that the service had been performed. You say that is your signature?—Yes.

212. In the face of that voucher, I ask you, as an officer, why did you make that statement to the Committee—that you had not offered in any way to take the money?—I made that statement to the Committee, acting on the supposition that your question referred to a time prior to my being employed on the work; and I repeat it.

213. I asked you a plain, straightforward question: had you either orally or in any other way offered to take £4 a week in accordance with the Hon. Mr. Hall-Jones's authority?—Quite so, and I say again what I said then.

214. Here is your voucher?—That was submitted some months after the work was done.

Rt. Hon. R. J. Seddon: The only difference between Captain Clark and the Government, gentlemen, after the receipt of this voucher, was as to whether he should receive three months' pay or for the full period.

Hon. Mr. Hall-Jones: At the £4 a week?

Rt. Hon. R. J. Seddon: Yes; that was the only point in dispute on receipt of these vouchers. [Vouchers handed in.]

Hon. Mr. Hall-Jones: The item marked "A" on the voucher refers, I presume, to Captain Clark's work on the contingent, and has nothing to do with the charge of £4 a week?

Rt. Hon. R. J. Seddon: That is so. My last minute in respect to this was—I cannot find the minute at the moment—to this effect: that the claim was exorbitant, and that I must keep to the Ministerial authority. However, the claim of £277 was reduced to £102 by the claimant, as shown by the voucher that I have handed in.

Mr. Barber: Pending a disputed point as to position?

215. *Rt. Hon. R. J. Seddon:* The only other question at issue was the question of rank. Taking this money was not to prejudice Captain Clark's position as captain. To whom did you give that voucher, Captain?—To Major Smith for signature.

216. Then, if you had received a cheque the next day, so far as this petition is concerned, you would not have been here?—No. I will tell you before you go further that that was done simply to avoid trouble. Major Smith recommended me to try to get the lower amount. At the time I had an excellent opportunity to go into business, and I agreed to put in the vouchers for the lesser sum, and, of course, I am now petitioning the House for the larger sum. Your questions also led me to say that I had not been offered £4 per week prior to my commencing work for the Department. You then brought forward the vouchers which I had submitted three or four months after the vouchers for the larger amount had been submitted.

217. Was not your answer absolutely contrary to fact after your asking Major Smith to certify to the voucher for £4 a week?—No; because my answer covered the period before I was employed by the Government on the rolls. I understood your question to refer to that time.

218. I must leave it to the Committee to decide upon that point?—That is just the trouble. The Committee will be misled by the reply I made.

219. Does it not show that you ought to have made a clean breast of it? Did you tell the Committee the last time that you were before them that you had offered to take this money?—No.

220. Why did you not tell them that you had put in a voucher for the £4 a week and were prepared to take it?—Because it was not paid.

221. *The Chairman.*] Did you know that under general orders it was necessary to send in vouchers monthly?—No.

222. Did you not know that as an officer?—I had never been told it at all till the whole service was completed.

223. Did you know at any time that it was necessary to send in vouchers monthly?—Not till after my work was completed.

224. Did you send your vouchers in monthly whilst on service in Africa?—No; we had a paymaster who did all that for us.

225. But it was done monthly?—Two-monthly.

226. Why did you send in your voucher after the completion of the work with the Ninth?—Because then, as I explained earlier, I thought I was done. I had finished my work, and was prepared to leave Wellington.

227. Then you were engaged on work for the Seventh for some time?—Yes.

228. On completion of that why did you not send in your voucher?—Because before the completion of that I was told I would be wanted to go on with the King's Medals.

229. *Hon. Mr. Hall-Jones.*] Why did you not send in your voucher then—it was just the same position as with regard to the Ninth Contingent?—Quite so. The work in connection with the King's Medals was rather an awkward affair, and we did not know how long it would take. I thought it might take a week or a fortnight, or perhaps a month, and I might as well keep the voucher, and make the one do for the two services. There was absolutely no object in keeping it back. I was not absolutely requiring the money, and I thought I might just as well let it remain as have it.

THOMAS FRANCIS GREY, Acting Under-Secretary for Defence, examined. (No. 4.)

230. *Rt. Hon. R. J. Seddon.*] When did you first see this document [authority handed to witness]?—After I had written to the Commandant asking for the authority for Captain Clark's employment on the King's Medal rolls.

231. *Hon. Mr. Hall-Jones.*] At about what date?—It was about the 2nd or 3rd March, I think, when I asked. They could not find it at that time.

232. After Captain Clark's account came in?—Yes.

233. *Rt. Hon. R. J. Seddon.*] Was that after you received the voucher for £600-odd?—Yes.

234. When the voucher came in you asked for the authority?—Yes.

235. And what was produced?—This document was sent down.

236. Was that the first you ever knew that Captain Clark had been employed in the office?—Yes.

237. *The Chairman.*] What date was it when the voucher came in?—The first time it came in was about the 2nd or 3rd March of this year. I wrote a few days later to the Commandant asking for the authority, and that paper was subsequently sent down.

238. The voucher was received by you some time in March?—Yes.

239. And that was the first intimation you had that Captain Clark was engaged on the work?—The first official intimation.

240. *Rt. Hon. R. J. Seddon.*] What is the practice in respect to sending in vouchers? Is there a Treasury order that they must be sent in monthly?—Yes.

241. Is there a penalty if that is not done?—Yes, I believe there is.

Mr. W. H. P. BARBER examined. (No. 5.)

242. *Rt. Hon. R. J. Seddon.*] Will you look at these papers, Mr. Barber. Have you ever seen them before?—No.

243. Quite sure of that?—Not to my knowledge.

244. And if Mr. Clark says he got them from you, he or you are telling a taradiddle?—I understood that I returned to Mr. Clark only those papers which Mr. Clark gave me. If I returned additional papers they must have been included with Mr. Clark's papers either in the Premier's office or the Defence Department. I had no papers from any one else—not from you or your officers.

245. These vouchers are Defence papers, and were found with Mr. Clark?—If I sent them back with Mr. Clark's papers they must have been included in them in the Defence Department. I never received papers from any one else. I returned the papers I got from him. What Mr. Clark gave me I have no record of.

Captain CLARK further examined. (No. 6.)

246. *Rt. Hon. R. J. Seddon.*] On what date did you receive those papers from Mr. Barber?—About two days after the petition was sent to the House. This was about two months ago. Mr. Barber's theory is quite correct.

247. (To Mr. Barber.) What officer did you see?—Mr. Grey.

248. Did you see any other officer of the Defence Department?—No; I saw Mr. Collins.

249. (To Mr. Grey.) If you were making up a voucher and put the items on two sheets would you tear half off [producing voucher with bottom half torn off]?—I do not think the Auditor would pass that voucher, but he might.

250. *Mr. R. McKenzie* (to Mr. Grey).] Would that voucher pass the Auditor?—I do not think so. It might or might not.

251. *Rt. Hon. R. J. Seddon* (to Captain Clark).] Who did you give the voucher to originally?—To Sir Arthur Douglas.

252. When did you get them again?—I received them again when I got them from Mr. Barber.

253. *Mr. Barber.*] If there was any irregularity would it not be sent back to you for correction?—I have not that experience.

254. The receipts are there?—Yes.

255. Then the whole thing belongs to the Department?—Yes; nobody has any right to have vouchers of this kind.

256. *The Chairman.*] Do you not have files of these vouchers? Are they not all recorded?—Yes.

257. Can you account for them getting off the file?—No, I cannot.

Major N. SMITH examined. (No. 7.)

258. *Rt. Hon. R. J. Seddon.*] What is your position?—Staff Officer under General Babington.

259. Do you know Lieutenant Clark?—Yes.

260. Was he in the office at any work?—Yes.

261. Did you give him any instructions at any time?—I do not know that I did personally.

262. You have no recollection?—No.

263. Captain Clark says you gave him instructions?—I possibly did through Captain Joyce. I would have told Captain Joyce about Captain Clark.

264. What is the custom if you are giving any instructions to any person to perform any specific duty: you would tell him it?—Certainly.

265. And also the emolument he was to receive?—Certainly.

266. Have you seen the authority signed by the Acting Minister in this matter?—I have seen it.

267. Have you ever seen it before?—Yes.

268. Are you not a chief officer, responsible for the staff in the Commandant's office?—Yes.

269. You are aware that Captain Clark was working for a number of months?—Yes.

270. Are you aware that he signed any vouchers?—I have no doubt he did so.

271. Would they not have to be certified to by you?—Yes, the voucher to be sent in.

272. Could any voucher be sent in without Ministerial authority for the work in which Captain Clark was engaged?—I did not take the authority signed by the Acting Minister of Defence as Ministerial authority for the work done by Captain Clark.

273. If General Babington says this is a Ministerial authority, would you say it is not?—I would say it is.

274. Captain Clark sent in some vouchers; have you certified to them?—Yes.

275. At the time he gave you that voucher [produced] and asked you to certify to it, do you not see on the face the authority of the Hon. Mr. Hall-Jones?—Yes, I see that.

276. You have actually certified to the payment of that order?—Yes, that is so, sir.

277. Now look at that sent with a duplicate?—Yes.

278. So that you have signed twice?—Yes.

279. Had it escaped your memory?—Yes, sir.

280. Now, when Captain Clark gave you those two vouchers did he say he was prepared to accept that amount?—He asked me to certify to it. I know we discussed the matter on two or three occasions. This is the amended voucher. First of all it was that the salary was as for captain, and I think he eventually sent in a lieutenant's claim.

281. Is that a lieutenant's claim [voucher produced for pay at £4 per week]? Is there anything there about lieutenant's pay?—No, sir.

282. That is a payment at £4 per week?—Yes.

283. You say that all salaries go on an ordinary pay-sheet; is that a pay-sheet?—No; it is a voucher.

284. The fact is he has nominally been in your Department five months without payment, and you did not know it?—No.

285. Have you any others in that position?—No, sir.

286. Who was the officer immediately between you and Captain Clark?—Captain Joyce.

287. Then, if Captain Clark has stated that it was you who gave him instructions, will you say it is correct?—I may have given Captain Joyce instructions. I never discussed the question of pay.

288. If Captain Clark says you gave instructions and not Captain Joyce, is it correct?—Very likely. The instructions would come from me; I should be responsible.

289. And the question of emolument—you did not make any inquiries about?—No, sir. I knew if there was any question it would come back at once. I concluded Captain Clark drew his pay without any hitch.

290. If the Commandant said he gave instructions and this order was given to you, would that be correct [order produced]?—Yes; it came back to him and he gave it to me.

291. Did you know where it was all these months?—When Captain McGee accepted the employment it was attached to the papers.

292. You see by the document there was no money mentioned?—No money.

293. This is an authority to have a particular work done?—Yes.

294. You knew nothing about it till this dispute, and then you were asked to supply Ministerial authority, and produced that?—Yes.

295. *Mr. R. McKenzie.*] Would you mind telling the Committee who was responsible for the vouchers certified?—I think I referred to Captain Clark's claim. This is the claim for the total amount, and not for the salary. When you draw your salary you draw it on a different form.

296. Who was responsible for Captain Clark's pay?—The Under-Secretary for Defence was responsible. This is different from salary; it is a claim for certain payments.

297. Why did you not tell us so the other day?—I am not responsible.

298. Did you certify to any vouchers other than this £32?—I certified to the amended one.

299. Did you certify to the £277 claim?—Yes.

300. And then did you certify to the £32?—Yes.

301. Did you certify that was all Captain Clark was entitled to?—For this work that item is correct.

302. Why did you certify to this claim of £277 17s. 6d. Why did you certify to both?—The first one was refused by the Audit, and Captain Clark put in an amended claim.

303. Why did you tell the Committee the last day you were here that this voucher was certified to by you?—I certified on the 26th June this year.

304. What about the other one—£277?—There is no date to that.

305. Here is another voucher for the same work—£199—to which you certified?—Yes.

306. So that you certified to three vouchers for three different amounts?—They are not quite the same.

307. Can you give the Committee any information as to which of these amounts Captain Clark is entitled to? Does that £4 per week refer to Ministerial authority?—Yes.

308. Supposing you had authority to pay £4 per week, the question of rank is not involved?—No.

309. If a voucher passes the office without being certified to by you or other superior officer, who pays it?—It must be certified to by a superior officer.

310. *Rt. Hon. R. J. Seddon.*] The pay-abstract has to be first passed by the Minister?—Yes.

311. Whose duty is it to prepare the pay-abstracts and send them down?—Each officer prepares and signs his own pay-sheet.

312. Are you responsible for what the Commandant authorises?—Yes.

313. In this case there ought to be a pay-abstract prepared by Captain Clark?—Yes.

314. And then through you it ought to come to me?—Yes.

315. *The Chairman.*] Did you know, when you said each officer sent in his claim for pay direct, it was not correct?—It is correct.

316. *Rt. Hon. R. J. Seddon.*] Before the salary abstract is certified as correct has it not to receive Ministerial approval?—Yes.

317. This is the paper I received [showing a document]?—Yes.

318. This is approved, and is a standing order to the Paymaster?—Yes.

319. But before it is paid he has to have a statement of claim on that?—Yes.

320. *The Chairman.*] It must be approved by the Minister before the Paymaster can pay?—Yes.

321. Last week you gave us to understand that each officer sent in his claim to the Paymaster and was paid?—That is after it is approved.

322. And you knew all this?—I knew that; but I am afraid you misunderstood me.

323. Do you keep any records at all?—Oh, yes, sir.

324. Do you keep papers, vouchers, files?—Yes.

325. Nature of employment?—Yes.

326. And the amount of remuneration?—Yes; but the Under-Secretary most likely keeps that.

327. The Under-Secretary does not know if you employ a person unless advised by you?—That is so.

328. Then when you engaged Captain Clark you said it was to prepare the medal roll. Have you no document showing you engaged him? Did the engagement not intimate the amount to be received?—Captain Clark was doing work in our office for his own contingent, and when finished he was put on to other work.

329. Did you not know when he completed his engagement and made out the voucher that he sent in his claim for that?—Yes.

330. Then, after he had completed his month's work in connection with his own contingent, he must be given authority before he could undertake any other duty?—Yes.

331. You have no documents showing his employment?—I do not think so.

332. Is your memory good enough to assure the Committee that you gave a statement of his work?—No.

333. Do you not think important engagements should be in writing?—Captain Joyce would give the order.

334. But you would instruct him?—Yes.

335. You told him what work you wanted Captain Clark to perform?—No, I did not say that, sir. Captain Joyce would attend to detail.

336. Then you would be the officer to tell him the rate of pay?—If the question came up.

337. Surely there would be some question of pay?—I do not know that it did come up.

338. You must have known last week when before this Committee that Captain Clark sent in more than one voucher?—Yes.

339. Well, so far as this is concerned, neither the Acting Under-Secretary nor yourself knew anything about these vouchers except the £277. That is all the Committee had before them?—It was impossible for me to remember all the vouchers.

340. Did it not occur to you to refer to the files?—I had the files.

341. Had you those vouchers on the file?—I could not say.

342. We asked you to help the Committee in a matter that involves a great deal of money. If Captain Clark's statement is borne out by the Commandant's report and contradicted by the Under-Secretary, having the files, do you not think the Chief Staff Officer should give the Committee all the information he can?—I think so; but I have not lately done much with contingent matters.

343. You are aware that the whole point turns upon the £4 a week?—Yes, sir.

344. And you know that he was paid £4 per week?—No; the officers have to receipt their own vouchers. I take it that they are certified.

345. *Rt. Hon. R. J. Seddon.*] Will you read that, Major Smith [handing witness a document].—"Wellington, 9th July, 1902.—Memorandum for the Hon. the Acting Minister of Defence.—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 headquarter's 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.—J. M. BABINGTON, Major-General, Commandant New Zealand Forces." Have you ever seen that before?—Yes.

346. Who drafted it?—I did, sir.

347. What is this [handing a document to witness]?—A letter from General Babington to the Under-Secretary for Defence about Captain Clark.

348. And you gave evidence in support of this the other day?—Yes, sir.

349. Will you read this paragraph: "Lieutenant Clark (as he then was) was engaged to complete the discharges of the Sixth Contingent at the rate of pay according to his rank in South Africa. This had in cases of other contingents always been done. When he was detailed for further work it was presumed it was at the same rate—i.e., according to his rank. Captain Clark did not tender any claim for his services during the continuation thereof, which he should have done monthly, as is the invariable rule. Had he done this—as the Chief Staff Officer naturally presumed he was doing—the question of the rate of his pay and the continuation of his services would then have been brought up and the matter settled." Now, having certified to that voucher two months before, were you not misleading the General?—Well, I do not know, sir.

350. Is not that a direct statement that he is to receive £4 per week, and that he was detailed for further work? Is not that for the same work?—Yes.

351. *The Chairman.*] What is the date of the last voucher?—23rd June.

Rt. Hon. R. J. Seddon: On the 23rd June you certified to £82, and on the 10th September you drafted this communication to the General.

352. *The Chairman.*] Did you keep any record of the vouchers?—No. Many vouchers I do not sign as correct.

353. Do you not keep any record of any item, of anything connected with the employment?—They are kept on a file. Salary abstracts are sent to the Under-Secretary during the month, and the receipts to be signed come to the office.

354. Then there would be a file in connection with Captain Clark?—Yes.

355. *Mr. Barber.*] You say you assumed Captain Clark was kept on at the same pay?—Yes.

356. You are in charge of the Department?—Yes.

357. And no one else can give Captain Clark his pay?—I am Chief Staff Officer, and no one can give instructions to pay except myself.

358. At that time the authority from the Hon. Mr. Hall-Jones, about £4 per week, was not known?—No.

359. And it was only some months afterwards—on the 23rd June—after this authority was turned up that you got Captain Clark to amend his claim. Did you get Captain Clark to put in his amended claim?—I think Captain Clark brought it to me and asked me to certify to it.

360. *Captain Clark.*] There is authority from the Hon. Mr. Hall-Jones for the employment of some one at £4 per week?—Yes.

361. That was given on the 9th July?—Yes.

362. On that date I was in South Africa?—Yes.

363. It was given in evidence that my claim was sent in without authority?—Yes.

364. Do you know that at the time that authority was given the arrangements for the King's Medals had reached New Zealand?—I could not say; I should think they had not.

365. And yet in evidence it is tried to be brought in that this £4 per week was for the preparation of these rolls?—I do not think the conditions for the King's Medal had then arrived.

366. Had this £4 a week anything to do with the medals or not?—We know we had to prepare the medal rolls.

367. Would you be surprised to know that the conditions had not arrived on the 9th?—No.

368. You thought the pay would be the same?—I thought so. Before Captain Clark was employed I tried to get Major Johnston, but he did not accept. Captain Clark was a good man for the work, and was put to do it.

369. You have said that Major Johnston would have been paid according to his rank?—Yes.

370. You think Major Johnston would have been paid if he had made out the roll?—Yes; by his regimental paymaster.

371. Do you know any reason why I should not be paid for similar work?—No.

372. From memory, it would be some time in June, 1900, that I went to your office, and, in course of conversation, you said the authority had turned up?—Yes.

373. And, in the course of conversation, as we were chatting together, you said perhaps if I submitted a claim for £4 per week it might possibly go through?—I may have done. I remember your talking about the question of your rank.

374. Do you remember my coming to the office the first time I submitted a claim for £277 as ranking as captain, and you said a difficulty had cropped up as to the rank of captain, and that if I submitted a claim at the rate for lieutenant possibly it might go through?—Yes.

375. And it is possible I acted on that advice?—Yes.

376. *Rt. Hon. R. J. Seddon.*] How is it your memory is so good in this conversation, and so oblivious when you were writing this report? How is it you forgot it when you were framing this?—I did forget it; I forgot the £4 per week.

377. How was it you forgot it when you gave evidence last?—I did not know until you pointed it out now. I did not know about this £4.

378. Why could you not have told the Committee the authority had turned up, and that the captain had amended his voucher?—I did not know about the amended voucher for £4. I knew he had amended his voucher as far as his rank was concerned.

379. The question is this order. You distinctly recollect several conversations with the captain. Why did you not relate them when giving evidence before?—I did not recollect it; I thought you would ask me questions.

380. And when you saw us involved you did not think it worth while to enlighten us? Who drafted that? [Document handed to witness and read.] "Wellington, 9th July, 1902.—Memorandum for the Hon. the Acting Minister of Defence.—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 headquarter's 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.—J. M. BABINGTON, Major-General, Commandant New Zealand Forces." Would not that "necessary work" be the preparation of the rolls?—Yes.

381. Would not the "returning contingents" include the contingent Captain Clark was in?—Yes.

382. Then that order would apply?—Yes.

383. *Mr. R. McKenzie.*] Who put that authority away?—I believe I did.

384. Could you have put Major Johnston to do the work of the Seventh Contingent rolls without authority?—Yes; we always get a member of the contingent to do the work, and he is paid by the regimental paymaster.

CAPTAIN JOYCE examined. (No. 8.)

385. *Rt. Hon. R. J. Seddon.*] Do you know Captain Clark?—Yes.

386. Do you remember giving him any instructions about rolls?—No.

387. Did you ever speak to him about the question of discharges?—Yes.

388. With respect to the medal rolls, did you ever give him instructions?—No.

389. Did you ever receive any instructions from Major Smith with respect to him?—Yes, sir; I instructed him to prepare discharges of the Seventh New Zealand Contingent.

Major CHAYTOR examined. (No. 9.)

390. *Rt. Hon. R. J. Seddon.*] What is your position?—I am A.A.G. (Assistant Adjutant-General).

391. Were you employed in the Commandant's office from September until the 8th February last?—From the 16th September last year until February last.

392. Do you know Captain Clark?—Yes, sir.

393. What work was he engaged upon?—When I went into the Commandant's office he was working at the discharges in the office at the back of the building. Afterwards I was told he was to assist me in preparing the King's Medal roll and in issuing clasps. He came then into the same office with me for about a month issuing the clasps for the Third, Fourth, and Fifth Contingents, and then in preparing the King's Medal roll until the 28th February.

394. Who told you he was to go into your office to assist you?—Major Smith, sir.

395. Are you positive?—He issues instructions in the office as Chief Staff Officer. All instructions are given by him.

396. Did he say anything about payment of salary?—No.

397. All the time Captain Clark was with you were you aware he was sending in vouchers for his salary?—I did not speak to him on the subject. I took it he was, and was drawing his money.

398. He never told you he was not drawing it?—No.

399. Have you met any other case of a man working for five months and not drawing pay?—No. In the conditions which prevailed with the early contingents there was no settling up from month to month.

400. Is it contrary to the Imperial practice to sit in office for five months without pay?—The rule is that the men should be paid monthly.

401. Then you think an officer like Captain Clark would be aware of such a regulation?—Well, it was a regulation that was not enforced when on service in South Africa. The regular forces did do it, but in the field it was found impossible, and advances only were made.

402. In the field it is different to sitting in the office?—There is nothing to prevent a man in the office being paid.

403. *Mr. R. McKenzie.*] A circular was issued lately to the effect that the accounts are to be sent in monthly. It is a reminder of an old regulation?—I was not aware it was a regulation until I saw this.

404. Do you know any other case of this kind?—No. This is the only case that has come under my notice.

405. *Mr. E. G. Allen.*] Is it not the custom to receive payment monthly?—Yes; the vouchers are sent in in the beginning of the month.

406. Who sends them in?—In our office each officer sends in his own voucher, and provisionally certifies to it.

407. Is it not a fact that you have Ministerial authority for the first payment?—Yes, sir.

408. Are you aware there was any difficulty in the case of Captain Clark?—There was a Ministerial authority for some work in the office, sir.

409. Is that what you allude to [referring to document]?—Yes, sir.

410. Do you know Captain McGee?—I never saw him.

411. Did you know he was likely to do this medal work?—I was told there was authority, but it could not be found at the time.

412. *Mr. R. McKenzie.*] Every officer signs his own voucher. Is it not certified to by a superior officer?—An officer provisionally certifies his claim; the Ministerial authority is held by the Under-Secretary.

413. *Rt. Hon. R. J. Seddon.*] Before a first payment is made you must have the Ministerial authority?—Provided the Under-Secretary held the Minister's authority, he would pay on the officer certifying that the person had done the work. An ordinary claim is certified by a superior officer.

414. You must be aware there is the specific authority of the Minister for certain expenditure?—Yes.

415. *The Chairman.*] Is it the usual practice to allow detention pay where a man is resident?—Not at his own home. The regulations provide for travelling-allowance for seven days, and after that a reduced allowance is given.

416. *Rt. Hon. R. J. Seddon.*] Is this detention money looked upon as travelling-expenses?—Travelling, if travelling. The service detention allowance is less than travelling-allowance. It provides hotel expenses where they are necessary.

417. What would a lieutenant get?—I could not say; I think about 9s.

418. And a captain?—About 12s. 6d.

419. *Mr. E. G. Allen.*] What order does that refer to [presenting a document]?—It was an instruction from the Treasury Department that claims against the Government were to be sent in monthly, at the 1st of the month.

420. *Mr. Barber.*] Do you know that there must be a number of people who fail to send in monthly claims?—There are many claims come in practically a year old and more than that, and it makes the work difficult. They are not for salaries. But this is a general instruction.

421. *The Chairman.*] Are salaries six months unpaid?—No.

422. Three months?—No; not unless there is a dispute.

423. *Mr. Barber.*] Supposing you employed a man to do a particular work, such as preparing the King's Medal roll, and you thought you could do it perhaps in five weeks, would you think it strange to have left the claim over for five weeks?—I should not have thought it strange.

424. If you thought it would take only a few more days you would naturally keep your voucher back. Captain Clark was given the whole of the work?—I did part, but only a little, as my time was occupied.

425. *Rt. Hon. R. J. Seddon.*] Were you responsible?—Yes.

426. Do you not think it an extraordinary thing for a man to sit in an office five months without salary?—Yes.

427. *Mr. Barber.*] If you knew the work was going to take five months. You said this authority for Captain Clark's employment was found some time after?—Yes.

428. Have you authority for your employment?—The Under-Secretary holds it.

429. Has any one been employed in the Defence Department where the authority has been obtained after the work has been done?—No.

430. Why was Captain Clark allowed to go on all these months without authority?—I did not know there was no authority. I was instructed he was to get certain work, and when it was done he left. I did not know there was no authority.

431. *The Chairman.*] Was it not your duty to find out how he was engaged?—No.

432. You sent in your monthly returns?—I do not send them in. They would be sent in for the whole of the Commandant's office.

433. Who does it for the whole office?—The Chief Staff Officer supervises the general work of the office.

434. Does not each officer of each particular branch send in a daily or weekly or monthly report?—No. I prepare a report of the work to the Commandant daily or twice a day. It is a daily report.

435. And you reported to the Commandant that Captain Clark was employed in your office for certain work?—I report what work I am employed on. I cannot say definitely I spoke about Captain Clark.

436. You have others under you?—Yes.

437. And you would not report an extra hand put on to the Commandant?—Not in the ordinary course. I take it the instruction would emanate from the Commandant.

438. Do you know any one who keeps a check or record of the number of officers employed in and about the Commandant's office?—There is a daily book to sign, and the work is practically checked by the Commandant by being seen from day to day.

439. Sometimes he is away?—In that case it is necessary to send the more important work to him.

440. Then there are no vouchers or records to show the number of hands employed or what they are doing?—That I cannot say, sir. There is a daily book which the clerks sign, and they are detailed for various duties. If a clerk were absent I would report the matter.

441. Are those clerks temporary or permanent?—That I cannot say.

442. Do you know any one there longer than five months?—Yes; in fact all have been longer than I have with one exception.

443. Would you place Captain Clark in the same category as a permanent clerk?—No.

444. Then you conclude he was employed for his special knowledge in some special work?—Yes. The regulations require that the medal rolls must be certified by some one who knows the claims and service. A large number of records had to be looked up. We had to look up the dates of the men's service, and it was not possible to prepare all the rolls at once. The King's Medal is granted for eighteen months' service, but men can claim a clasp for 1901 and 1902 without getting the King's Medal.

445. Then you would have, in the ordinary course, reported that Captain Clark had been sent into your office?—I suppose so.

446. It is not part of your duty to find out upon what terms he was engaged?—No, sir. I have no power to engage.

447. As a matter of fact you do not know any arrangement, special or otherwise, made with Captain Clark?—No, sir, I do not.

448. *Mr. E. G. Allen.*] You gave it in evidence that you have to trace the men from the records in the office?—Experience in the field would greatly assist, and private notes often assist. Many of the names were mixed up, and it was hard to trace these men.

449. *Captain Clark.*] I worked in the office five months?—You were working in the office before I went in.

450. During the course of my work in the office did you think the work was done expeditiously?—Yes.

451. No rate was mentioned as to any future pay. You did not mention any pay matters to me at all?—So far as I know, I never mentioned pay until you left the office.

452. And the nature of the work in compiling the King's Medal roll would require a great deal of research?—Yes.

453. Do you think the work was done as expeditiously as possible?—Yes.

454. *Rt. Hon. R. J. Seddon.*] Do you remember his coming to you with the vouchers?—When he came to make his claim he brought vouchers the same as those in front of you.

455. Did he show you the vouchers?—Not to my memory.

456. How do you know they were vouchers?—He told me.

457. Did he tell you he had not drawn anything for five months?—Yes.

458. Were you surprised?—Yes.

459. What took place about these vouchers?—I cannot remember what transpired. He was only in about three minutes.

460. That was the first you knew that he had not put in a claim?—Yes.

461. Is it a fact that the Seventh medal rolls were made coming out on board ship?—That I could not say anything about. Each officer commanding a regiment was ordered to send in medal rolls. The Eighth and Ninth medal rolls were compiled in the office. The Eighth were prepared on board ship, excepting certain information which I could not get.

462. They were practically done on board ship?—Yes; the Eighth.

463. *Mr. Barber.*] There were six or seven thousand men on the roll?—There were about seven thousand names to go through.

FRIDAY, 30TH OCTOBER, 1903.

Mr. THOMAS FRANCIS GREY, Acting Under-Secretary for Defence, examined. (No. 10.)

1. *Rt. Hon. R. J. Seddon.*] In continuation of your examination yesterday, you stated, in giving evidence, that you had received no notification of the employment of Captain Clark?—That is so.

2. The first time you saw that authority of the Acting Minister of Defence was when it came down with the vouchers for £600?—The first time I knew Mr. Clark was employed in doing duty in the Commandant's office was on the 2nd or 3rd March, 1903. I saw the authority with that. [Papers produced.]

3. What is the practice in the case of a man being engaged in the Defence Department?—Immediately the Minister gives his provisional authority it comes to us, and then we make out a form, which is signed by the Minister and sent to the Audit.

4. In respect to the Paymaster, who is Secretary to the Treasury, you would follow the same course?—Yes; the Paymaster would himself ask for the authority.

5. In respect to detention, you see by this claim of Captain Clark's 12s. 6d. a day is charged?—We do not allow detention allowance in respect to officers residing in the city.

6. Then, in reality, Captain Clark received more than he ought to have received?—In respect to that he has. The Under-Secretary did not know Mr. Clark or where he lived. He simply passed the voucher for the amount. He would not know every officer. The Paymaster passed it on the Under-Secretary's certificate. The voucher for Captain Clark's pay, together with the detention allowance, was certified to by Lieut.-Colonel Abbott. The Under-Secretary passed the voucher on that certificate.

7. You said this does not apply to the New Zealand Force [handing witness a voucher]?—This voucher is for extra pay which Captain Clark claimed. That is the £50 gratuity [referring to another voucher]. This is another £50 gratuity.

8. Then, according to the Imperial Government regulations, these are both gratuities which are only applicable to embodied militia in the United Kingdom?—Yes.

9. And Colonel Abbott, in certifying to these two vouchers, is wrong according to the military regulations?—Yes.

10. Will you take that claim [handing witness a document] and point out how you took exception to it?—Well, it is for detention allowance all round for the long period that Mr. Clark was employed.

11. Your statement is contained in this letter. [Letter produced. Witness read letter and was questioned as he proceeded.] Now, according to this voucher for £217 7s. 6d., what is the amount of detention money?—£116 17s. 6d.

12. That is wrong?—Yes. The £16 5s. detention allowance is also wrong.

13. Is this one of the vouchers you got with the A, B, C?—Yes, I think so.

14. Now, are you aware there has been a voucher submitted for an amended claim? Have you ever seen this before [document handed to witness]?—If it has our stamp on. This is a duplicate.

15. Did that come down to you for payment from the military section of the Defence Department?—Yes.

16. Did you ask for payment of this?—It was submitted for approval.

17. And the result?—We declined to recognise the payment for the amount.

18. Now, you put this statement into my hand yesterday. [Document handed to witness]. Will you just explain the item, £23 5s.?—This is for New Zealand furlough, which is a bonus paid by the New Zealand Government over and above the gratuities the men received from the Imperial Government. The Paymaster in a great many cases pays this furlough to men on leaving the ship on arrival in New Zealand. Mr. Clark received 15s., New Zealand furlough, for the rank of captain instead of 11s. as lieutenant. His rank is in dispute—that is, the higher rank. He should only have received 11s. The £37 10s. special war gratuity for the rank of lieutenant has been paid, and we hold the receipt.

19. And if Mr. Clark says he has not received it, that is not correct?—It is not correct.

20. Next item?—"Received for making out discharge certificates and handing over the books of Ninth Contingent, &c., 25 days' pay and 25 days' detention allowance: total, £40 12s. 6d. Received gratuity under pay-warrant B." This gratuity is over and above the pay.

21. Mr. Clark got £191 16s. 8d. under that warrant?—That gratuity would apply to any officer if he served under the conditions laid down in that warrant. It is over and above pay.

22. Now, did that period at £2 per week cover the time he was working in the office?—Yes. This last gratuity has been computed and paid down to the 28th February, 1903.

23. Then, if he received £4 per week now, it means he received from us £6 per week?—Yes, practically.

24. Give the latter part of it: "Mr. Clark was promoted to Lieutenant on the 31st March, 1901, and it is assumed he drew pay for that rank (15s. per day) from that date until date of arrival in New Zealand. We do not know how officers' accounts stand at all. He is only claiming the difference in pay between the rank of lieutenant and captain—that is, from the 23rd May, 1902, to the 18th August, 1902, end of oversea period of pay on return to New Zealand. He was promoted Captain on the 13th April, 1902. He has amended (without prejudice) his claim for pay as a captain while working in the Commandant's office. Mr. Clark first sent in his large claim for duty in the Commandant's office on the 2nd March, 1903. On the 5th August, 1903, we offered Mr. Clark three months' pay at the £4 per week in settlement." At all events, there is no dispute about that 15s. a day?—No.

25. And what does the 15s. per diem make altogether?—£379 10s. Mr. Clark only claimed the difference between the rank of lieutenant and that of captain. Captain Clark was promoted in 1902. He has amended, without prejudice, his claim to pay as captain.

26. There is not anything you have to show he was commissioned as captain in the Imperial forces?—No.

27. But he has been allowed to draw pay as captain (while he ranked as lieutenant) while making out discharge certificates and handing over books of Ninth Contingent, £40 12s. 6d.?—Yes.

28. Now, you are very positive you never received from any one any information about Captain Clark being employed in the Department?—Yes.

29. Did the military section of the Defence Department claim that the only authority was that given by the Hon. Mr. Hall-Jones?—Yes.

30. *The Chairman.*] What has Captain Clark received?—£293 3s. 2d. is the actual amount received in this colony.

31. *Rt. Hon. R. J. Seddon.*] He has actually received nearly £300?—Yes.

32. *Mr. Barber.*] You said the first amount was a voucher for £600?—I presume the vouchers all came in at one time. I think Mr. Clark brought them all down to me. [Statement of claim here read.] It is not a claim at all. Captain Clark sent in so many vouchers and to so many different persons—as far as my knowledge goes. Some of them were sent to the Paymaster-General direct.

33. This is a statement in Mr. Clark's own writing. Now, when the claim first came to you you sent it back to obtain authority. Why did you do that?—It is the ordinary custom of the service.

34. You have done that before?—In all cases.

35. Are people often employed without authority?—No; in this sense, that the authority has been got.

36. You said you sent this back because there was no authority. Is it a fact that the vouchers were sent back for the Ministerial authority?—No.

37. Never?—No.

38. Why have these been sent back?—You do not understand. The Commandant may get authority for any service without my knowledge.

39. Then every time you have sent a claim back for Ministerial authority it has always been produced?—Yes.

40. Was it obtained after the voucher came in?—Yes.

41. *The Chairman.*] Have you ever had a similar case?—No, never. I have been in the office nearly eighteen years now and never knew a case.

42. *Rt. Hon. R. J. Seddon.*] What is the date of that you hold in your hand now?—This is a letter from Captain Clark dated the 19th March: "Wellington, 19th March, 1903.—To General Officer Commanding.—SIR,—I would be glad if I could be informed of the present position of vouchers submitted by me, detailed herewith. The first three amounts were submitted as far back as August, 1902, and the last advice from the Under-Secretary for Defence *re* this matter was that they would be referred to South Africa: August 18th, 1902—Difference in pay, £50 2s.; August 18th, 1902—Extra-duty pay, £5 2s.; August 18th, 1902—Sundries, £9 5s. 5d.; February 28th, 1903—Pay, £277 17s. 6d.; February 28th, 1903—Gratuity, £50; February 28th, 1903—Gratuity, £50: total, £442 6s. 11d.—I have, &c., J. J. CLARK, Captain, N.Z.M."

43. You said just now he sent in so many claims. This is the claim he sent direct to the Commandant's?—Yes.

44. Nineteenth March, £442 16s. 11d. Eight days afterwards the claim was reduced by £200-odd?—Yes.

45. What has he taken off on the second claim?—£191 15s. 8d.

46. He received in the meantime £191 gratuity?—Yes.

47. Is there any item there you do not know anything about?—There are two items about which I know nothing at all.

48. *The Chairman.*] Are sundries generally allowed?—Not unless Captain Clark had authority from the officer commanding the contingent. The two extra items do not appear in the first vouchers I sent to the Commandant direct.

49. Have you ever known an officer to send in vouchers for work for five months?—The officer has to certify the voucher, and send it in within the first week of the current month.

50. And you think an officer like Mr. Clark would know that?—I think that, working in the Commandant's office, and the staff following that custom, he must have known it.

51. *Captain Clark.*] Are you certain you never saw the voucher?—To my knowledge I never saw it.

52. Is that the stamp of the Department?—Yes. It is the stamp of the office, 23rd August, 1902. It does not follow that I saw the vouchers personally, Mr. Clark.

53. *Rt. Hon. R. J. Seddon* (handing witness a document, which witness read as follows: "Memorandum from Captain J. J. Clark, N.Z.M., late Ninth New Zealand Contingent, Kilbirnie.—To the Under-Secretary for Defence—29th April, 1903.—Difference in pay, &c.—Referring to your letter of the 17th November last *re* the above matter, I would be glad to learn if any decision has yet been arrived at.—J. J. CLARK, Captain.")]. Has there not been a reply to that? "Memorandum.—Captain J. J. Clark, N.Z.M., late IX., N.Z.M.R., Kilbirnie.—Pay and allowances for difference in rank.—In reply to your letter of the 29th April, I beg to inform you that the question *re* the above is still under the consideration of the Hon. the Minister for Defence.—T. F. GREY, for Under-Secretary for Defence." If Captain Clark says he has received no answer he is making a mistake?—He was informed that his claim was under consideration.

54. How does it come that these vouchers with the office stamp are in the hands of Captain Clark?—That I cannot understand. There must be some unlawful irregularity somewhere. Once the vouchers come into our hands and bear the stamp they become the property of the Department.

55. Is that the property of the Department?—Yes.

56. How do you account for it going out of the hands of the Department?—I cannot account for it.

Rt. Hon. R. J. Seddon : Perhaps Captain Clark can explain.

Captain Clark : I got them from Mr. Barber. I gave him all my papers, and he handed them back to me. I presumed when I got them back the Department did not want them. I was surprised myself in getting them back. With regard to the personal voucher, I may explain that a man became sick, and I had to engage a cab and paid 12s. 6d. out of my own pocket. Then I paid 7s. 6d. for writing-paper out of my own pocket. I naturally expected I should get a refund, but I have not received it.

57. *Rt. Hon. R. J. Seddon* (continuing examination of Mr. Grey).] You sent a report to this Committee in answer to their request. [Report produced.] You did not submit the Committee's request to me, did you, Mr. Grey?—No.

58. The report you sent back was on your own motion?—Yes.

59. Why did you depart from the usual rule?—I thought the case was so decided, to my mind, that it was unnecessary to ask you. If there had been any doubt I should have asked for advice.

60. *The Chairman*.] Have you the Commandant's report?—Yes.

61. *Rt. Hon. R. J. Seddon*.] Did you submit the Commandant's report to me?—No.

62. In the face of that, why did you not do so? Did you see it?—Well, as I said just now, the position was so decided.

63. According to that, Captain Clark was detailed for further work. Does not that practically set aside the Ministerial authority altogether and support Captain Clark's claim?—I think it does.

64. Is not that a contradiction of what you said?—Yes; I must confess now I should, under the circumstances, have submitted the report to you.

65. According to the facts, that report is misleading?—Yes.

66. He ignores all reference to the authority of the Minister for £4?—Yes.

67. Could you not have sent it?—I should have done so, I can see that now; but I could not alter the Commandant's report.

68. *The Chairman*.] Just ask Mr. Grey about these vouchers certified to by Colonel Abbott. Are they in order?—They would be in order after being checked by the Department, but it does not appear that they have been checked.

MONDAY, 2ND NOVEMBER, 1903.

Captain J. J. CLARK further examined. (No. 11.)

1. *The Chairman*.] We shall be pleased to hear you, Captain Clark?—I understand, sir, and gentlemen of the Committee, that the previous statement I made last Thursday week has been annulled by the statements of the Hon. the Defence Minister, and I think I had better recapitulate the thing from the start. I will do so as briefly as possible. To start from the first: I left New Zealand as regimental quartermaster-sergeant in the Second Contingent in January, 1900. I was promoted to be lieutenant in the Seventh Contingent on the 31st March, 1901, on the strong recommendation of Colonel Cradock. I served with the Seventh until their return, when I was transferred to the Ninth Contingent as captain. My promotion as captain is dated the 13th April, 1902, but I could not assume the duties and the rank until the 23rd May, the date of the landing of the contingent. It was not possible for me to be a captain until the contingent actually arrived in Africa. Colonel Porter and I met them at Durban. He at once ordered me to assume the rank of captain, and I carried out the duties of captain. You will notice that the claim for my services as captain—in the joint petition—is only dated from the 23rd May, not from the date of my actual promotion.

2. *Hon. Mr. Hall-Jones*.] The date of the arrival of the contingent?—Yes, that is the date from which I claim pay as captain. I remained with the Ninth until they came home to New Zealand, arriving here on about the 14th August. It was the duty of the adjutant of each regiment on arriving home to complete the discharges for his own particular regiment. On that day I was ordered to commence that work by Colonel Abbott. That occupied from the 18th August till the 11th September, a total of twenty-five days. I submitted a voucher for that when it was finished—25 days at £1—£25; and detention, 25 days at 12s. 6d.—£15 12s. 6d.: £40 12s. 6d. together. That was duly paid. There was no question about it whatever. They got the account in one day, and the cheque reached me the day but one afterwards. Now, I may say that no less than one lieutenant-colonel, one major, another captain in addition to myself, and five N.C.O.'s were all employed on this work at the same time, and we were all paid for it. That is a large staff to run for one regiment. The pay of a lieutenant-colonel for the duty is, I think, £1 8s. a day; that of a major, I think, is about £1 4s. a day, in addition to detention allowance of 12s. 6d. a day. We were all paid without question.

3. *Rt. Hon. R. J. Seddon*.] Eight officers to prepare the discharges of one regiment?—Nine altogether—four officers and five N.C.O.'s.

4. *Hon. Mr. Hall-Jones*.] Was that for one contingent?—Yes.

5. *Mr. Hardy*.] What was the duty?—Making out the discharge-certificates. The Ninth landed in New Zealand with its medal rolls and everything complete, with the exception of the discharge-certificates, which we were unable to give on the ship because we had no forms on board. You will naturally wonder why so large a staff was employed. Well, the Ninth was properly termed a brigade. It comprised two regiments, each one of about five hundred men. Each of these had a regimental adjutant, and then I was supervising as brigade adjutant, being appointed such by Colonel Porter. So they made out the discharge-certificates, but all of these had to come before me before being issued. It was really a waste of time in one sense having all these officers engaged on the work, because I could have done the thing myself in almost the same time as I could check their work. When the Ninth Contingent work was done, Colonel Abbott returned to his

home in Auckland. We had heard that the Seventh Contingent discharges had not then been issued, and the men were writing to the papers and inquiring as to why they had not got their discharges from the Seventh Contingent, when the men in the later contingents—the Eighth, Ninth, and Tenth—had had theirs. Major Johnston, who came back in command of the Seventh, had gone home to Patea preparatory to returning to Africa, and he did not want to be bothered, and could not wait to do the work. Major Johnston was adjutant of the regiment. I was assistant-adjutant, and had acted for three or four months as adjutant of the regiment; so I knew as much about it as he did. Colonel Abbott suggested to Major Smith that I should prepare the discharge-certificates of the Seventh. I did so. That was commenced on the 12th September, and was finished on the 6th October—a period of twenty-six days. For that duty, instead of the big staff engaged on the work for the Ninth Contingent, there was myself and one N.C.O. Of course, the Seventh Contingent was seven hundred strong, whereas the Ninth was twelve hundred.

6. *Hon. Mr. Hall-Jones.*] Was not the work of the Seventh partly done?—Not as regards the discharge-certificates. That had not been touched. It was done in one day more than the Ninth's, when the big staff was working, but for the Seventh's discharges, as I stated, there was but one N.C.O. besides myself employed. The N.C.O. lived up Waipukurau way. As soon as the work was done I told him that I should not require him any longer, and he submitted his voucher and was paid without any question.

7. *Mr. Hardy.*] What was the amount of his voucher?—It would be at the rate of, I think, 6s. a day for a corporal, and I think his detention was about 8s. a day. I think his voucher was for about 15s. a day net. Of course, he was only a corporal. You may ask, Why did I not submit my voucher for that work as well as the corporal. He had finished his work, and he submitted his voucher and was paid. If I had submitted mine it also would have been paid on that supposition. Just before that work was completed Major Smith had an idea that the King's Medal roll would be required, and he practically sounded me as to whether I would take that work on. I said Yes. So that when the work for the Seventh was done and I reported the fact to Major Smith, he at once told me to go on with the King's Medal roll. As I will tell you later on, it was not known at that time how long that work would take. We did not know how long it would take at all; in fact, there were some clasps, as you heard General Babington say—about a thousand—to distribute, and it was just a puzzle as to how long it would take. No one could possibly say how long; so that it was, I suppose, pure negligence in not sending in the voucher. But there was no intention in not doing so—there was absolutely nothing behind it. Of course, if I had thought that there would have been such trouble as there has been I would have sent it in more quickly. By the time we had finished the Seventh Contingent work Major Smith told me to go on with the clasps, and by the time they were very nearly finished—I had been about a month on them—the actual conditions of the King's Medal became known in the colony, and then I was ordered to prepare the King's Medal roll, leaving the clasps alone. I proceeded with the King's Medal roll—this was about the 4th October that I started on this—and it occupied, including the distribution of the clasps, till the 28th February—practically five months. During the whole time I was in the office up to the 28th February I was not entirely engaged in making out the King's Medal roll. As I have said, there were a thousand clasps to be distributed, and right up to the time of my leaving the office—the last day—there were clasp affairs that had to be fixed up: there were men writing about the clasps from all over the colony, and I had to attend to this. Sometimes I might have been occupied an hour a day and sometimes two hours a day on that; and while so engaged, of course, the King's Medal roll had to be put on one side, and I did it when I could. The preparation of the King's Medal roll was especially intricate in the case of the later contingents—the Eighth, Ninth, and Tenth—because a number of men who had served with irregular corps in South Africa had come back to New Zealand and gone back with a New Zealand contingent later on. We had no record of their services in the irregular corps, and we had to write to them individually. Each man had to be written to to get his discharge-certificate from the irregular corps, so that we could see if the service with the irregular corps would, if added to the service which we knew of in the contingent, entitle him to the King's South Africa Medal. That had to be done by writing to each man and getting his discharge-certificates. In addition to the distribution of the clasps and the preparation of the King's Medal roll, the conditions under which the King's Medals were issued also opened up the question of the clasps belonging to the Queen's South Africa Medal as regarded the Seventh Contingent. The date for the clasps closed in the original War Office order on the 15th July, 1901, on which day the Seventh crossed the Vaal River into the Orange River Colony, and only those men who were actually present with the regiment on column were entitled to the clasp. The other men had not actually crossed into the Orange River Colony. That, of course, was an intricate point. Fortunately, at the time we crossed the river a roll of the men on column that day was taken, and I had retained a copy of that right through, thinking it would be required. It was most important, because it determined those men who were actually entitled to the clasp. Now, when the conditions of the King's Medal became known it reopened the conditions of the clasps regarding the Queen's Medal, and it made the Orange River Colony clasp applicable to the whole contingent; so that the Queen's Medal roll had to be revised, and those men who had not got the Orange River clasp all became entitled to it under the later order. Of course, all these things took time. You may say that five months was a good while. I think I heard a remark the other day by the Hon. the Minister that I had made a good thing of it, and that I wanted to spin it out as long as I could. I do not think that Mr. Seddon knows me, or has personal knowledge of me, or he would not have made that remark. I do not think I have been accused of a thing like that before. It may be news to Mr. Seddon to be told it, but if the work had been done by one of his clerks that work would still be going peacefully on. The roll perhaps would be done in a year's time.

8. *Mr. Hardy.*] In the event of that work having to be done by one of the clerks, would they

have had the roll which you mentioned as showing those who were entitled to the clasps in the Seventh?—Yes; it was on record in the office. They may not have found it, for it was amongst the Seventh Contingent's books. I could have found it for them if they had asked me.

9. A clerk would have been able to do it?—Yes, if he had had the necessary roll; but the roll was not marked in the necessary form. There was a tick opposite certain names, and unless it had been explained to him he would not have known what that tick was for. The tick meant that a man was on column.

10. *Rt. Hon. R. J. Seddon.*] Supposing you had been killed in action, no one would have known what that tick represented?—The tick would not have been known. Instead of, as the Minister said, making the work spin out, as soon as it was done by me, on the 28th February, I at once left the office. It had not then been finished as far as the typewriting was concerned. If I had been wanting to make the work spin out I could have stayed there for another month, because the typewriting was not finished till then. When the work was done I submitted a voucher as follows: "To duty making out discharge-certificates of Seventh Contingent, 26 days at £1 per day, £26; detention, 26 days at 12s. 6d., £16 2s. 6d.; to duty under orders of C.S.O., preparing King's Medal rolls of First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Contingents, 144 days at £1 per day, £144; detention, 144 days at 12s. 6d., £90: total, £276 2s. 6d. This is the amount I now claim in the petition before the House, not £634 0s. 3d., as has been stated by the Hon. the Minister. Coming to the detention-money not being allowable to me, certainly before I left for the war my home was in Wellington, but during the course of the war I remitted money—of this I can bring proof—through the bank to my brother, who has a store near Eltham. It was my intention to go into partnership with him when I came back to New Zealand, and that was why I remitted the money. Immediately my work was done at the Headquarters Office I went to Eltham. I could not go before because I was engaged on the work of which I have spoken. Certainly, though my home was in Wellington before the war commenced, the war had been going on for very nearly three years, and I have a perfect right to change my home, I presume. I will go back to the £634 0s. 3d. quoted by the Hon. the Minister. He said that at a certain date I wrote him a letter saying that that amount was due to me. That was quite right. At the date I wrote the letter I presumed that the amount was actually due to me. This is a copy of the letter I wrote: "From Captain J. J. Clark, N.Z.M., late Adjutant, Ninth New Zealand Contingent, to the Hon. the Minister of Defence.—Wellington, 11th March, 1903.—Pay, gratuities, &c.—Sir,—I have the honour to request that vouchers submitted by me on the dates as set forth be passed for payment. August 18, 1902—Difference in pay, £50 2s.; extra-duty pay, £5 2s.; sundries, £9 5s. 5d.: February 28, 1903—Pay, £277 17s. 6d.; gratuity, £191 13s. 4d.; gratuity, £50; gratuity, £50: total, £634 0s. 3d. I am verbally informed by the Acting Under-Secretary for Defence that they must first be submitted for your approval. The total sum is a considerable one, and I should be glad if payment could be facilitated.—I have, &c., J. J. CLARK, Captain, N.Z.M."

11. *The Chairman.*] You saw the Acting Under-Secretary when you presented that?—I had seen him personally before then.

12. And he made no remark to you about any lesser payment?—No; but I may say that this was only eleven days after my submission of the original voucher. Certainly at the time I wrote the letter to the Minister that amount, according to my calculations, was actually due to me. The Committee must not run away with the idea that that total sum of £634 had accrued during my services in New Zealand at the Headquarters Office. Nothing like it. Let me first take the amounts stated in that memorandum to the Premier. The first item was a voucher for £50 2s. This was presented immediately on the arrival of the Hon. the Minister in New Zealand when he returned from the Coronation ceremonies, and this amount is really embodied in the joint petition, so that I do not think I need necessarily go into it, because it is not so immediately concerned. The £50 2s. was the difference in rank between lieutenant and captain; but, as I say, it is in the joint petition. The next item is extra-duty pay, £5 2s. The original account for that I handed in the other day. There is extra-duty pay on each ship coming back as a transport where she was a regular transport, as in the case of the "Orient." There is a certain allowance due to various officers, and this allowance was due to me. The allowance is perfectly justified according to the King's Regulations, and has been claimed and obtained. The men of other contingents have claimed it. As I say, it is allowable according to the King's Regulations, and in my case it amounted to, I think, 3s. 6d. a day for the time I was on board the ship. The amount can be open to no question at all. That it is allowable by the King's Regulations could be easily found out from the officers in the Department, and the non-payment of it so far is simply negligence on the part of the Department. There is no question whatever about the validity of the claim. No doubt, if the matter is again brought under notice I presume a voucher will be passed for the payment of it, because, as has been seen, the voucher had been lying in the office for some time without being found. Fortunately Mr. Barber, in his search through the office, discovered the voucher, where it had been lying unpaid, and now I have no doubt it will be paid.

13. *Rt. Hon. R. J. Seddon.*] Is this the voucher that I have here?—That is the voucher for £9 5s. 5d. for sundries. I have not remarked on that yet.

14. There is no date on which it is certified?—Would that stop payment of it?

15. Certainly?—In the course of twelve months would it not have been possible to have returned it to the officer certifying to insert the date?

16. *The Chairman.*] I think you gave evidence that you had only had the papers in your possession since —?—Since the 18th August of this year, and then they had been in the office since the previous 18th August—within a few days of twelve months, at any rate. The next item in this memorandum is £9 5s. 5d. for sundries. That is the sum that I had paid during the time we were in the Seventh and Ninth Contingents. Colonel Porter was not always on column; in fact, he was more often off column than on column. He had the imprest account, and so any

little sundries which we may have had to obtain had to be paid for in cash. Of course, I carefully kept a record—at Colonel Porter's suggestion—and he said he would give me a cheque for the lot. He was ordered away Home in the Coronation Contingent, and had a lot of work to do before he went. He was very busy, and the matter was overlooked. Colonel Abbott, on taking command of the Ninth Contingent, had no imprest account, and the consequence was that we could not get a cheque for these things. The £9 5s. 5d. was all cash actually disbursed by myself, and I do not think that, after the submission of that voucher when I came back to the colony, it reflects credit on the Department that it should be allowed to outstand, especially as it represented cash out of pocket. The next item is the gratuity, £191 13s. 4d. This gratuity, I may explain, is applicable to every officer who went to South Africa, providing that his services were satisfactory. The simple fact of my working in the Defence Office when I came back would make not the slightest difference as to the gratuity being payable—in fact, the officers who went out with the Eighth, Ninth, and Tenth Contingents practically got £100 for about four months' service, whereas the amount was greater in my case—£191 13s. 4d.—the gratuity being payable on the whole time I had been an officer—since the 31st March, 1901. It is at the rate of £100 per year, and so-much a day after that. It really works out to about 5s. 5d. per day. Of course, the gratuity in the case of some officers who had been on service a long time was greater. There is no difference between a major, a captain, or a lieutenant—the gratuity is £100 to each. In the case of the Eighth, Ninth, and Tenth Contingents some of the officers got the gratuity without being satisfactory. I can mention the case of Surgeon-Major Bakewell. His voucher was not certified to by the officer commanding as to his services being satisfactory, but he got the gratuity without that. He did not go on column.

17. *Rt. Hon. R. J. Seddon.*] That was the reason why the officer did not certify—because he had not served under him; he was in hospital?—Quite so; the services could not be deemed to be satisfactory considering that the officer had not been out of hospital till he returned to New Zealand.

18. I am told that Colonel Abbott did first of all certify to Surgeon-Major Bakewell's satisfactory services, but subsequently he declined to confirm that, because Surgeon-Major Bakewell had not been with them on column. Of course, I know that you do not want to make any reflection?—No; I was only quoting *Hansard* on the subject. That gratuity of £191 13s. 4d., as you will notice, covers my service certainly up to and including the time that I was employed in the Headquarters Office in New Zealand—28th February, 1903. If that had been closed on the date of my return to New Zealand it would have meant, I suppose, that I should have five months less of that gratuity to receive. 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.

19. *Hon. Mr. Hall-Jones.*] Who was the officer you saw?—I decline to say, sir.

20. *Mr. Hardy.*] Was it a member of the military section of the Department who gave you this instruction?—Before replying to your question I will put a question to the Chairman. Is it necessary to answer, sir? If so, I shall have no hesitation in answering.

21. *The Chairman.*] Yes; please answer the question?—It was a member of the civil portion of the Department.

22. *Mr. Hardy.*] Who was the officer?—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.

23. *Hon. Mr. Hall-Jones.*] What was the position held by Mr. Williams?—I am not quite certain about Mr. Williams. I had always understood Mr. Simpson to be Accountant or Cashier, and Mr. Williams was, I think, Assistant Accountant. Well, this voucher for £191 13s. 4d. was submitted, and about a week afterwards I got a cheque for the amount through Colonel Collins, of the Treasury. The next item is a gratuity, as being adjutant for the Seventh Contingent, of £50. This is a copy of the voucher: "February 28, 1903.—To gratuity under Army Order 151, July, 1900, as wing adjutant, Seventh New Zealand Contingent, £50." That voucher is supported by extracts from regimental orders, not extracts from army orders, as the Hon. the Minister remarked the other day. Extracts from regimental orders are different things. The Regimental Order-book is available now at the Headquarters Office, and the following extracts will be borne out by reference to it: "Regimental Orders by Lieut.-Colonel T. W. Porter, commanding 7th New Zealand Regiment.—Standerton, 5th June, 1901.—Appointments.—To be Assistant Adjutant, Acting-Captain J. J. Clark, Second New Zealand Contingent.—G. R. JOHNSTON, Captain and Adjutant." "Regimental Orders by Lieut.-Colonel T. W. Porter, commanding 7th New Zealand Regiment.—Meyerton, 4th September, 1901.—Appointments.—Referring to regimental orders of the 18th May, the following wing appointments are now made and confirmed: Right Wing, Lieutenant J. J. Clark, Wing Adjutant.—G. R. JOHNSTON, Captain and Adjutant." "Regimental Orders by Lieut.-Colonel T. W. Porter, commanding 7th New Zealand Regiment.—Elandsberg, 30th October, 1901.—Appointments.—Lieutenant Clark will act as Regimental Adjutant during the absence of Captain Johnston.—G. R. JOHNSTON, Captain and Adjutant." "Regimental Orders by Lieut.-Colonel T. W. Porter, commanding Seventh New Zealand Contingent.—Fanny's Home, 31st January, 1902.—Staff.—Captain and Adjutant Johnston, having rejoined column, resumes duty. Lieutenant Clark resumes duty as Wing Adjutant.—J. J. CLARK, Lieutenant and Adjutant." At the time I was working in the office a report came round that this gratuity was payable to an adjutant, and, of course, I put in a voucher for the amount. The next item is a gratuity as brigade adjutant, £50—brigade adjutant of the Ninth Contingent—"To gratuity under Army Order 151, July, 1900, as Brigade Adjutant, 2nd New Zealand Brigade, Ninth Contingent, £50." "Brigade Orders by Colonel T. W. Porter, C.B., commanding

2nd New Zealand Brigade, Ninth Contingent.—Newcastle, 20th April, 1902.—(Extract.)—Staff.—Captain J. J. Clark, Right Wing Adjutant, Seventh New Zealand Contingent, to be Staff Adjutant to the Brigade.—J. J. CLARK, Captain, Staff Adjutant." These documents that I have quoted are extracts from regimental orders—in the last case brigade orders—affecting the two gratuities of £50 each. I have learned during the course of the inquiry that these are only applicable to embodied Militia, and are not applicable to New Zealand contingents. If that is the case I presume that no further notice can be taken of the claims, as the gratuities are not applicable to us; but I may say that it has only been in a casual way during the course of the inquiry that I have learned that. The vouchers have been in since the 28th February, 1903. When the reply giving the information that these gratuities are only applicable to embodied Militia came to hand in New Zealand I could not say, but I have not been advised of it yet. I will be perfectly satisfied if the Department only tell me honestly and fairly that we are not entitled to them, and will not press the matter further. But I think it rather irregular that I should only hear of an important matter like this casually during the inquiry. If it had not come out then, very likely I should have gone on for some considerable time without being informed. All these vouchers that I have mentioned amount to £634 0s. 3d. Certainly, that is a fair sum of money, you will say: how does that come to one officer? The Committee must not forget that the sum of £357 17s. 9d. of this was earned before my return to New Zealand, not after my return. That reduces the total claim from £634 0s. 3d. to £276 2s. 6d.—the amount for which I am now petitioning the House. Regarding the voucher for £276 2s. 6d., I think I have already pretty well touched upon it. You have heard the General's remarks about the intricate nature of the work. The General said that the work was intricate. You have heard also Colonel Chaytor's evidence that the work was carried out as expeditiously as possible. I worked in the same office as Colonel Chaytor for four months, and he had every opportunity of judging whether the work was carried out satisfactorily and quickly, and you have heard what he has said. It has been remarked during the inquiry that an ordinary clerk at 10s. per day could have done the work. Well, the General seems to think otherwise; Colonel Chaytor seemed to think otherwise; Major Smith seemed to think otherwise; and I most assuredly say otherwise. The work could not have been done by an ordinary clerk. An ordinary clerk could have done the work if I had dictated it to him, but it would have been impossible for him to have found out the information contained in the rolls. That an ordinary clerk could have done the work at 10s. is not correct. Besides, I went out to Africa as a sergeant; I came back a captain. Being there close on three years, I certainly considered it an insult to be offered practically a labourer's wages on my return. Other officers had been paid according to their rank. Supposing a young fellow goes to Edinburgh to study medicine; he goes away uncultured; he comes back cultured and qualified and has his degree. How will he like then to be paid little better than an ordinary labourer?

24. *Hon. Mr. Hall-Jones.*] You do not call £4 a week a labourer's wage, do you?—I do not call it anything special. I do not think it was compatible with my rank since I came back. Besides, they have not even the fairness to offer it for the whole period. Now, to come to the authority given by the Hon. Mr. Hall-Jones on the 9th July, 1902, for three months' employment at £4 a week, it has been suggested that that was offered to me, and that I was preparing the King's Medal roll under this authority. You heard what the General had to say about that. He distinctly stated that it was not understood I was working under that authority when I prepared the King's Medal roll.

25. *The Chairman.*] It would be hardly possible if, as you say, you never heard of it?—Quite so. I have already said that I have been paid for the Ninth Contingent work according to my rank. Major Smith, in his evidence on Friday, stated that they had tried to get Major Johnston to do the Seventh work; but he was returning to Africa on the "Montrose," and could not do the work. Now, it was either Major Johnston or myself who could do the Seventh work. Nobody else but Major Johnston and myself could—or perhaps I should say Colonel Porter as well, and if they had had to pay him according to his rank it would have been much more serious. Why I make that statement is that making out the discharge-certificates is a very simple thing. Anybody could do that. You have to get the names from the roll; but the peculiar part about the certificates is that you have to give a man a character. Anybody could do that too, you might say; but he could not without having a personal knowledge of the man. There was no record at the office to define a man's character. That, as I say, could only be obtained by a personal knowledge of the man. It was either Major Johnston, myself, or Colonel Porter who could have done that; and I may say that Colonel Porter, being the Commanding Officer, naturally could not know the men as well as I, who had to mix more closely with them.

26. *Rt. Hon. R. J. Seddon.*] There were more officers in the Seventh, surely?—Quite so, but they did not know the men as well as I did.

27. Could not the captains of the squadrons have done it?—Yes, you could have got the squadron-leaders to report on their men; but there was no single officer who could have characterised the whole lot. In the case of captains, you must remember that three of them had remained in Africa, so that three squadrons could not have been reported upon by their captain on that account. You heard what Major Smith had to say about Major Johnston—that he would have done the work if he had had time. Major Johnston's pay, according to his rank, would have been £1 8s. a day, with detention allowance 12s. 6d., a total of £2 0s. 6d. a day. I did the work, and claimed, according to my rank, £1 12s. 6d. a day. Major Johnston would have had to be paid £2 0s. 6d. Whatever may be thought with regard to the preparation of the King's Medal roll, I may point out that the portion of time I was employed at the Headquarters Office making out the discharges for the Seventh Contingent must be reckoned entirely different from the preparation of the King's Medal roll. It was work that had to be done by an officer. Major Smith admitted that Major Johnston would have had to be paid if he had done it. I did it, and it was exactly the same

work that I had been paid for doing in connection with the Ninth, and I do not see why there should be any question about the payment of that portion of it.

28. *Hon. Mr. Hall-Jones.*] You did not claim for that separately; it was claimed with the other? But if the Department had been willing to pay that they could easily have done so separately. Coming, after the Seventh Contingent work, to the distribution of the clasps and the preparation of the King's Medal roll, let us look at it a little more from a moral point of view. When I had done the Seventh work I was ordered by Major Smith to go on with the distribution of the clasps, and then from this to the preparation of the King's Medal roll. I was not told by Major Smith at any time about any difference in the pay which the Department would give me, and which I was at least fully entitled to. Nor was I told of any stipulated length of service. Instead, I was allowed to proceed with the work, and I completed it, and I had not the faintest idea, nor was I informed till some months afterwards, that an authority existed for the work. That was told me only about three months after the work was completed. I ask the members of the Committee, was that honourable on the part of the Government? They allowed me to go on with the work; they did not say anything about the rate of pay; three months afterwards they told me the rate of pay at which I should have worked, and of the stipulated term of service for it. Was it fair, was it businesslike, was it honourable on the part of the Government? Again, returning to the question of the authority given by the Hon. the Acting Minister of Defence, the Hon. the Minister has said that the authority was given, and it was acted upon by me when I made out the King's Medal roll. Now, I think that is almost impossible. I think I have already said that at the date of the authority being given—the 9th July, 1902—I was still in Africa. Again, to further increase the unlikelihood of such an idea being correct, the authority was given on the 9th July, whereas the conditions of the King's Medals were not publicly announced in London until the 29th September, 1902, and they were not known in New Zealand till the 20th November, 1902—four months after the giving of the authority by the Hon. Mr. Hall-Jones. I tender a copy of the Army Orders in support of my statement. [Document produced.] I ask the Committee very specially to note this point. I say again that when the Hon. Mr. Hall-Jones gave the authority for the employment of somebody at £4 a week for three months the authority, if it had been taken up, would have lapsed, because it was not acted upon till four months afterwards. Even by the wildest stretch of imagination the Hon. Mr. Hall-Jones could not have foreseen when giving the authority that this work would be required, because it was not known in London till nearly three months afterwards—the conditions were not actually evolved till three months afterwards. The Hon. the Minister said, with regard to the vouchers, that I could have stopped all this trouble if I had sent them in monthly. Perhaps I could. I am sorry that the mistake has occurred—very sorry. No one is sorrier than I am that we have had to go to all the trouble; but the trouble was caused simply through my not knowing the regulations. You have heard what Colonel Chaytor said—that he was not aware of the regulations on the subject. Colonel Chaytor was appointed to the staff, and it was his business to find out. I was only casually employed. It certainly might have been my business to find this out also, but I did not find it out. It was not with any object that I kept the vouchers back. Certainly I had a little money when I came back to New Zealand—I had enough money to keep me going. The work had now been completed, the vouchers had been submitted, but they had not been paid. Two or three months afterwards—I think, in April or May—I saw Major Smith. I may say that I saw him almost every other week casually to see if anything had turned up. I knew him very well personally. As I say, I saw him about three months after I had submitted the vouchers—to the best of my recollection, in April or May—and he said that a question had been raised about my rank as captain, and he did not think that the Hon. the Minister would pass my vouchers as a captain, but he said he thought it could not be denied that I was a lieutenant, and that if I cared to amend the vouchers and make them out for pay as a lieutenant they might go through. I did so, agreeing to take the pay and allowance of a lieutenant without prejudice to my rank of captain. The vouchers were signed by Major Smith, and I sent them in again, claiming pay as a lieutenant. There was nothing heard of them till about three months after that. I had seen Major Smith several times, and in June he mentioned that they were still stuck up, and, in fact, he told me then for the first time that an authority existed for the work at £4 a week for three months. That was the first intimation of the authority that I had at any time. That was five months after the work was all completed. Major Smith advised me to amend my vouchers again, and to take the £4 a week which the Government offered. Of course, he did not say that I should claim for the three months; he reckoned there would be no trouble about getting the £4 a week for the five months, and I amended my vouchers accordingly. You may ask, why did I do that? Well, in ordinary business if you have, shall we say, a bad debt, and a man offers you 10s. in the pound, are you going to throw that away? I was prepared to accept the £4 a week without prejudice and fight it out for the balance. I was prepared to accept that at the time. The Government did not see fit to give it to me, and, of course, I have since been put to considerable expense; that is to say, I have been delayed for six months, and, of course, I petition the House for the original amount. I do not petition for the amended amount. I do not see that I should. I have been kept out of the money, put to additional expense, and put to considerable inconvenience through the want of the money, because I could have gone into business in the meantime on my own account. So I petition for the full amount. In summing up I would say that the work was done in a Government office. I do not know whether that is any special point about the matter, but it was done with the knowledge of the Government officers immediately above me—Major Smith, Colonel Chaytor, the General—all knew that I was employed there, and what I was doing. Major Smith, on the completion of the work, gave me a certificate to say that the work had been duly carried out. I hand a copy of it to the Committee. [Document produced and handed in.] I do not know whether the original is obtainable, but it has not been brought to light.

29. *Rt. Hon. R. J. Seddon.*] The original is not on the file. I do not question that he gave you the certificate.

30. *Hon. Mr. Hall-Jones.*] What became of the original?—It was attached to my voucher when I submitted it. I kept a copy of the voucher, and also a copy of the certificate.

31. You say that the original of this was not handed to you—that it was attached to your voucher and sent in to the Department?—Quite so. It was attached to the voucher.

32. *Rt. Hon. R. J. Seddon.*] Where did you get that copy?—I retained it.

33. *Hon. Mr. Hall-Jones.*] How did it come into your possession?—I had two copies type-written, and when I submitted my voucher the original was attached to the voucher. I kept a copy of the voucher and a copy of the certificate. The duplicate copy was not signed. It was simply for retention by me.

34. Was that at the time you were employed in the office?—Immediately I had finished up—the day after.

35. *Rt. Hon. R. J. Seddon.*] What typewriting-machine was that done on?—A Government machine. I had a couple of copies made, one for my retention and one for attaching to the voucher.

36. *The Chairman.*] Did you post the voucher yourself, was it left with Major Smith, or did you deliver it?—I think I delivered it.

37. At the Under-Secretary's office?—No. It had then to go from Major Smith to the Accountant's office. I think I took it down there, but I am not quite certain. The work was done in the Government office. Major Smith gave the certificate that the work had been done. Colonel Chaytor said that the work had been done as expeditiously as possible, and the General said in his evidence on Thursday that he had no doubt that if the claim had been presented direct to the Imperial authorities, instead of to the New Zealand Government as agents, it would have been paid without comment. He said he had no doubt that it would have been paid without comment if I had presented it direct to the Imperial authorities. I then ask, why should the New Zealand Government, acting simply as agents for the Imperial Government, retard the payment?

38. *Mr. Hardy.*] A trustee is often more particular than the principal, because he is responsible later on in case of inquiry. If the principal does a thing there is an end of it. That would be a reason why the Government should be more particular?—Quite so. Regarding the King's Medal portion, as distinct from the Seventh work, the work done in connection with the Seventh must be absolutely without question, because Major Johnston or some officer connected with the contingent should have done the work and must have done it. There can be no doubt about the validity of that portion. The other portion simply resolves itself into the question, Was the Hon. Mr. Hall-Jones's authority of the 9th July, 1902, actually acted upon in my (from the 4th November till the 28th February) making out King's Medal rolls? I submit that it could not possibly have been, because, as I have pointed out, the order giving the conditions was not made public in London till the 29th September, nor in the colony till the 20th November, 1902. That was four months clear after the Hon. Mr. Hall-Jones's authority had been given. If it had been acted upon when given the authority would have been worked out a month before. I think that is all I have to say, gentlemen. I thank you for the patient hearing which you have given me.

39. *Rt. Hon. R. J. Seddon.*] In your statement you admitted that you had been guilty of negligence in not sending in your vouchers?—I believe I did say that perhaps I made a mistake. I do not say "negligence"; "want of knowledge of the regulations" would perhaps be a better way of putting it.

40. When did you first leave Wellington?—On the 20th January, 1900.

41. When you came back did you remain in Wellington, and, if so, for how long?—I remained in Wellington, I think, till Christmas. During the time the offices were shut at Christmas-time I went away to my brother at Eltham.

42. When you came back you remained in Wellington until Christmas, and then went to Eltham?—Quite so. I was employed in the office up till Christmas, and after the holidays I came back to resume the work. I had not been free to go away earlier.

43. You admit that if I had paid the two vouchers for £50 each which Colonel Porter certified to that would have been a wrong payment, and would have had to be refunded, seeing that the gratuities did not apply to New-Zealanders?—I do not think I admitted that. I do not think it has been suggested that they should be paid or were to be paid.

44. You claimed the money, did you not?—Yes.

45. And you stated in your statement that you had found out since, from what the Department had told you, that those claims were wrong?—No; I said that during the course of the inquiry I had learnt that the gratuities were not applicable to New Zealand contingent men. I did not learn that from the Department; I only casually learnt it during the inquiry.

46. Did you not say that you would not have made the claims for those gratuities had you been acquainted with the fact that they did not apply to New Zealand?—If I had been acquainted with that fact I certainly should not have made the claims.

47. Then the question I ask is, supposing I had paid them I should have been paying them wrongly, should I not?—I presume so, sir, in the light of recent events.

48. This is the minute I put on the paper: "I do not see my way to recognise the claim, and I am surprised at Colonel Porter certifying to the two vouchers for £50 each." That minute is dated "15/4/03," so you see some one had knowledge that it was wrong to pay them?—Quite so; but was I informed of that fact?

49. Now, what replies have you had from the Department? Can you produce them?—I have three or four here. You will remember that a deputation of about eight of us interviewed you about the day after you returned from the Coronation. We submitted our vouchers then for

the pay for difference in rank. That is, of course, the matter affecting the co-petitioners. About a week after submitting the claims to you we got a note saying the matter would be duly considered. I do not think I have a copy of that letter, but it was to that effect. Then, of the next communication on the subject I have a copy: "To the Under-Secretary for Defence. — Difference in pay, &c.—Referring to your letter of the 17th November last *re* the above matter, I would be glad to learn if any decision has yet been arrived at." That is dated the 29th April, 1903, and was signed by me. The letter of the 17th November there referred to was the one from the Under-Secretary acknowledging the receipt of our claims. The reply to that letter of mine which I have just quoted from the Under-Secretary was as follows, dated the 4th May, 1903: "In reply to your letter of the 29th April, I beg to inform you that the question *re* the above (pay and allowances for difference in rank) is still under the consideration of the Hon. the Minister of Defence." My next communication is dated the 20th May: "Pay and allowances for difference in rank.—I have the honour to again bring this matter under your notice. As it has now been under consideration for nine months, I must respectfully request that the decision of the Hon. the Minister be made known as early as possible." That was to the Under-Secretary. His reply, dated May, 1903—the day is not filled in—is as follows: "Pay and allowances for difference in rank.—In reply to your letter of the 20th instant *re* the above, I beg to inform you that no decision has yet been arrived at as regards your claim." My next communication to the Department I do not appear to have a copy of, but I have their next reply, dated the 5th August, 1903: "Referring to your claim against the Imperial Government for services rendered (in the Commandant's office) in assisting to prepare [entirely preparing] 'medal rolls' and 'discharge-certificates' of the Seventh New Zealand Contingent, I have been directed by the Hon. the Defence Minister to inform you he regrets he cannot sanction any payment over and above the amount and period authorised by the Hon. the Acting Defence Minister on the 9th July, 1902—viz., for three months at £4 per week. Please inform me whether you will accept that amount in full satisfaction of your claim in this regard, and, if so, a voucher will be passed. As your 'domicile' was in Wellington prior to your leaving New Zealand with the original contingent you served in and also on your return, you are not, therefore, entitled to claim 'detention allowance' while doing any work in Wellington in connection with the contingents, and therefore any amount paid to you by the paymaster of your regiment (or other officer) must be deducted from any moneys which may be due to you." My reply to that was—dated 21st August: "I am in receipt of memo. 675 of 5th inst. I will not accept the amount mentioned therein in full satisfaction of my claim." My next action was to present the petition to the House. That is the whole of the correspondence that has taken place between the Department and myself.

50. Do you mean to tell the Committee that, although I refused payment on the 15th April, and notified it, this was the first you heard that payment of your claim for £634 was refused?—I think I read you my letter of the 11th March, 1903, asking you to pass the vouchers for £634 0s. 3d. for payment. I do not recollect any reply being sent to that letter.

51. Were you never told by the Under-Secretary or Major Smith? You have just told us that Major Smith did tell you that the vouchers would not be paid. You said that you had several interviews with Major Smith, and he told you that the accounts would not be paid, and that you had better amend them by claiming for the rank of lieutenant. When was that?—That, I think, was in April or May. You will find that out from the voucher which you have there, in which the reduction is shown. It was on the same day that I made out the amended voucher.

52. Do you recollect the date when you got Mr. Barber to interest himself?—It was just about the day before you went to the Islands, Mr. Barber. Do you recollect asking me why I troubled you just before you were going away?

Mr. Barber: Yes, I do.

Captain Clark: Again, I might say that I interviewed you personally, Mr. Seddon, before I saw Mr. Barber. Perhaps you do not recollect.

53. You finished work on the 28th February. According to your own showing your claim for the £634 0s. 3d. was sent in on the 11th March. It reached me on the 30th March?—No, Sir; you have made a slight mistake. Some of my claims had been in since the 28th February previously—those for £50 2s., £5 2s., and £9 5s. 5d.

54. At all events, that was the first I saw of your claims?—You saw the claim for £50 2s. before, because we presented the claims to you personally at the interview.

55. The one for the difference in pay?—Yes.

56. There were a good many more in the same box?—Yes.

57. I am speaking of the claim for £634?—Quite so. It embraced the one for £50 2s.

58. This is the next one that I received—amended on the 19th March to £442 6s. 11d.?—Quite so; but by that time the gratuity for £191 13s. 4d. had been paid; it was paid on the 18th. The claim was reduced on account of a portion having been paid.

59. You say, Captain Clark, that from the 3rd April you had never heard anything till just before Mr. Barber was going away that your claim had been reduced, either orally or in writing?—No; I had interviewed you once in the meantime.

60. Did I not tell you that I would not pay it, and refused it?—You did not actually say that you would not pay or that you refused it. You said there was a difficulty, and led me to believe there was the difficulty about my position as captain. At any rate, that was the view I took of it, for I may have misunderstood you. I did not take it that you absolutely refused to pay the claim. Of course, you say that Major Smith was in a position to inform me of these things. Quite so; he had the minutes and the whole correspondence.

61. The Under-Secretary would not know anything whatever about that. It is a military question. That refusal went to General Babington, and it is only from General Babington's office that you would get your reply?—I have had no reply from the General's office. The first reply directly bearing on the question in any way was the offer of the £4 a week through Mr. Grey.

62. Did not Major Smith tell you shortly after that that it would not be paid?—No.

63. Then, how did you come to see me, and how did you find out that I declined to pay?—Major Smith said there was a difficulty about the matter of my captaincy—he as much as hinted that perhaps if I saw you the thing might be put through.

64. You say that you got no notice that I declined to pay, but you could come to me and tell me that I declined to do it and ask me why?—Major Smith has access to the whole of the minutes. I have, since submitting the voucher, had no direct communication from the military section of the Department with regard to my claims—not one communication. Major Smith has access to the whole of the minutes—to your replies. He may be in possession of the information, and may not give it to me, but he can give me very good hints.

65. Then, you think you got the hint from Major Smith that I had declined to pay your claim?—No, sir. I got the hint from him that you were raising difficulties about it, and that I had better interview you.

66. *Hon. Mr. Hall-Jones.*] Did you get no written reply to your claim, only what you picked up from Major Smith?—Yes.

67. *Rt. Hon. R. J. Seddon.*] Instead of giving a written reply Major Smith hinted that Captain Clark had better come and see me. That is the trouble?—While speaking like that, I might say with regard to the civil portion of the Department I did get the replies. The difference-in-pay question came under the civil department. In any communications that I had with Mr. Grey I got each reply two or three days after sending the letter.

68. Although your vouchers had been sent through the Commandant, and I had refused to pay them, the Commandant's office never gave you any official reply?—No, sir, none whatever.

69. Beyond the interview you had with Major Smith?—Quite so.

70. You have made rather a serious statement, as you will recognise, though, of course, the reply was practically forced from you by the Committee—that Mr. Simpson and Mr. Williams advised you to claim the gratuity for the time that you were in the office—five months?—Quite so!

71. Did you yourself state that you did not think it was a proper thing?—I did not say so.

72. Was this the only interview that you had with Mr. Simpson and Mr. Williams?—With regard to that amount of £191 13s. 4d.?

73. Yes, or in connection with those vouchers. Have you had several interviews?—Yes, certainly, with regard to one or other of the vouchers—with Mr. Williams and Mr. Simpson.

74. Did you ever see these vouchers with Mr. Williams and Mr. Simpson [vouchers for sundries handed to witness]?—I cannot say that I have, with Mr. Williams.

75. Or with Mr. Simpson?—Nor with Mr. Simpson—at least, not to my knowledge.

76. You made a very serious statement—probably unintended or without reflecting—that Colonel Porter was oftener off column than on. Was he sick or on duty in connection with the column when he was off, or what do you wish to be inferred from that statement?—That he was off on duty, I presume.

77. At all events, he took away the imprest money with him?—Quite so.

78. Would not that infer that he was not going to be away very long?—I do not know. At one time, when we were round about Vryheid, we were in a very weak state. A lot of men were without horses, and only about half the regiment at that time were on column. About 161, if my recollection serves me, were attached to another body, and were sent into Dundee for blockhouse duty. That was at the time of Botha's second threatened invasion of Natal, and Colonel Porter took charge of these men. The remainder of the men remained on column under Major Abbott.

79. The New-Zealanders had been reduced to 161?—About 161, being without horses, went in under Colonel Porter at that time, and did not rejoin us till, if my recollection serves me right, in March. From about the 20th November till about March we were on our own; Colonel Porter did not rejoin us till then. Of course, he was on duty for that period, but he had the imprest account with him for that time.

80. You said that you had several interviews with Major Smith, and he told you that this authority had been discovered and that you had better put in the claim for £4 a week?—He did not tell me I had better do so; he suggested that it might be possible that I should get that money if I put in the claim for that amount.

81. You had previously altered the voucher from captain to lieutenant?—Without prejudice.

82. You said that you looked upon it as a bad debt, and that you meant to take the £4 a week offered and get the balance later on: what do you mean by that?—I think that at that time a portion of my claim—the £50 2s., the £5 2s., and the £9 5s. 5d.—had then been submitted to the Department for nine or ten months. The balance had then been under consideration by the Department for five months. During the whole of that time I was absolutely requiring the money to open up a business for myself, and here was a chance of getting some of the money. Major Smith suggested that I might get the £88 in cash, which it amounted to, right away if I amended the voucher; and I could then use my best endeavours to get the balance. Here was a chance, at any rate, of getting £88. I took the chance of getting that £88.

83. Is the Committee to infer that, although you put in a claim for the £4 a week—the voucher for £102 13s. 4d.—if you had been paid that money you were going to take it, and at the same time you meant to come back for the balance?—Yes. I added on the foot of the voucher, "The question of my rank of captain being still under discussion, the lower rank is hereby claimed for, without prejudice to any subsequent claim for difference in rank for period marked 'A.'"

84. *Hon. Mr. Hall-Jones.*] What is the period marked "A"?—"September 12 to October 7, 1902.—To making out discharge-certificates of Seventh New Zealand Contingent, both days inclusive; 26 days at lieutenant's rates, 15s. per day, £19 10s."

85. *Rt. Hon. R. J. Seddon.*] Will you look at the bottom of that voucher, where it says, "The sum of one hundred and two pounds thirteen shillings and fourpence sterling, in full payment of the above account"? [Voucher handed to witness.] Do you find those words there?—Yes.

86. This was only a subterfuge: you would have taken the money and still made a further claim? That was your intention?—That was my intention. That note was put on the voucher accordingly.

87. On that voucher the "A" is placed opposite the item of £19 10s., so that according to the voucher your only question would be in regard to the £19 10s.?—That is so.

88. Were you going to make a further claim on that?—Yes.

89. *Hon. Mr. Hall-Jones.*] Did you put in that letter "A"?—Yes.

90. It entirely dissociates the note from the question of the payment of the £4 a week for the medal work—there is no question about that?—No.

91. Look at the voucher yourself. [Voucher handed to witness.] Will you point out if there is any connection between the two?—I have already said there is no connection between the two.

92. What I understood you to say was that you made this claim for £4 a week without prejudice?—No.

93. I took it down in my notes that you sent in this voucher without prejudice to your original claim, because you intended to get the difference later on?—I think you will find that my words were that, in amending my claim from captain to lieutenant, I marked the claim "without prejudice," and in amending it to £4 a week I minuted "without prejudice."

94. Why do you draw a distinction between the two items—one for work in connection with the contingent and the other for the preparation of the King's Medal rolls? With regard to the contingent roll, you put it without prejudice to your rank as captain, but with regard to the other it is perfectly clear that there is nothing about "without prejudice," or anything of the sort?—No, I do not think so.

95. Will you show me if there is anything to allow you to make a further claim—whether there is any statement "without prejudice" to any previous claim? For instance, in making out this voucher you must have known about that footnote "in full payment of the above account"?—I should know it.

96. You have had to do with vouchers a good deal?—No.

97. Not in the office?—I only submitted one voucher.

98. You received other payments from the Department?—Yes.

99. And you have seen similar footnotes to those?—Yes, I have.

100. You are aware that the moneys were "in full payment of the above account"?—No; I would not like to say that I was.

101. You are aware that, from the manner in which this voucher of yours is made out, any previous claim of yours with regard to that portion marked "A" is protected because you have put "without prejudice" to that?—Yes.

102. Is there anything there to protect any previous claim with regard to the medal roll?—No.

103. Supposing the Department had agreed to pay you the £82 13s. 4d. for the medal roll, and they had offered you a cheque for that, and you had had this put before you, what would you have done?—I would have accepted it.

104. And have signed this receipt?—Yes; because I could not get payment without signing it.

105. With regard to your rank, you were an Imperial officer, I understand, while in South Africa—at any rate, for the later contingents?—I understood so. We were paid by the Imperial Government.

106. What was your rank in the Imperial service?—Lieutenant.

107. You were a lieutenant in the Imperial service for the time you were making up the contingent rolls. Why did you make a claim for pay as a captain?—Because I was a captain in New Zealand.

108. I am speaking of the Imperial service. You were an Imperial officer?—We have not touched on that exactly. That is more in connection with the other petition, that of the co-petitioners.

109. I want to keep the two distinct?—But you cannot; that is the trouble.

110. You were a lieutenant in the Imperial service; why did you put in a claim for pay as a captain?—Because I had already made claims for the difference in pay between the rank of lieutenant and captain.

111. Your rank was that of a lieutenant in South Africa?—Yes; but immediately I put my foot on land here my rank was that of captain.

112. While you were an Imperial officer engaged on Imperial work your rank in the Imperial service was that of lieutenant?—Quite so.

113. But still you put in a claim for pay for the rank of captain?—Yes.

114. Were you doing right?—I also put in a claim for the difference in pay between the rank of lieutenant and captain.

115. You charge £1 a day—a captain's pay?—Quite so; but in connection with the other petition I have also put in a voucher for the difference in pay between the rank of captain and lieutenant from the time of my promotion by the New Zealand Government.

116. I want to keep to this petition. Where were you made a lieutenant?—In Africa.

117. Were you a captain in the Imperial service when you reached New Zealand?—I do not think so.

118. Then, you are only a lieutenant still?—We had left the Imperial service immediately on leaving Durban.

119. Were you not an Imperial officer until you were discharged?—I do not think so.

120. The later contingents all belonged to the Imperial service?—I am not certain of the conditions. I could not say.

121. With regard to the detention allowance: You joined the contingent in Wellington, and were residing in Wellington at the time you joined?—Quite so.

122. And after your return here you had a few days' work upon the squaring-up of the accounts of the Ninth?—Yes; twenty-six days' work.

123. And for those twenty-six days' work you charge detention allowance although you were domiciled in Wellington before going away?—Quite so.

124. Why?—I think I have already explained.

125. I think the explanation applied to a long period?—You can term it a long period.

126. Your explanation covered the five months. I am dealing with the account you rendered first, for £40 12s. 6d. Would you get detention allowance if the detention in Wellington was so brief?—Quite so. For the Ninth work it was twenty-six days, and I was then prepared to go the country, but I was not allowed to go. Major Smith told me to stop and do the Seventh work, and then when that was done to stop and do the clasps.

127. Apart from any payment made by the paymaster, do you know of any payment made by the Department for detention allowance to officers who were domiciled in Wellington?—I would like to explain with regard to that. There was a Captain Brown came back with the Tenth Contingent. He did the discharge-certificates of the Tenth. That gentleman's address is some place in Yorkshire, England. He gave his address before he went out as Onehunga, Auckland. That gentleman came down to Wellington here to try to get into the First Contingent, and subsequently with the Second, but I think he was rejected for the Second. At any rate, he did not go with us; but he finally got away with the Fifth. When he came back he had come back with the Fifth. He stayed in Wellington, and went back to South Africa again with the Seventh. He came back with the Tenth, and while he was here in Wellington he got detention allowance. You may say that his home was in Onehunga, but immediately he was done he went to Yorkshire.

128. That was his last known residence—his place of residence was given as Onehunga?—On the same supposition I may have given my address as somewhere else.

129. Did you give it as Wellington?—Yes, because it was Wellington at the time.

130. After the completion of the work on the 28th February where did you take up your residence?—In Wellington.

131. Have you been in Wellington ever since?—No.

132. How long did you remain after you had completed the work in February?—About three or four days afterwards I went up to Eltham.

133. Have you been there ever since?—No; I have been down to Wellington and to Dannevirke.

134. You have had no settled place of abode?—No. My settled place of abode now is Dannevirke.

135. Since when has it been Dannevirke?—Since July last.

136. Between the end of February and July you had no settled place of residence?—I have put in a good deal of time at Eltham.

137. Where did you put in most of the time between February and July?—In Wellington, but I was simply in Wellington to try to get the money.

138. You have been a long time in the service of the contingents in one form and another. Apart from the time covered by the amount which you claim, what was the greatest length of time, even when you were on active service, that you went without any pay?—Six months.

139. On active service in the field?—Yes.

140. And the reason for that was that you could not get near the money-chest?—No; the paymaster had just come over to Africa and had not got his accounts settled, and the colonel had not been on column the whole time. I forget the exact circumstances, but it was between five and six months.

141. That was the only occasion?—Yes. Our cheques were made out every two months.

142. You would get them at about intervals of two months?—Pay was claimed only once in two months. We did not claim it ourselves. The paymaster made out the whole of the claims. He resided at the base, with the exception of occasional visits to the regiment.

143. What do you reckon you had due to you on the 28th February?—On the 28th February, according to my calculations, £634 0s. 3d., I think.

144. Included in that £634 0s. 3d. was the sum of £277 which you considered that you had only to send in your voucher to get—or, rather, portions of it. The £277 account, less the contingent work—the work on the medal roll at £1 12s. 6d. a day—you considered you were entitled to?—Yes.

145. You supposed you would get it if in November you chose to send in a voucher for what was then owing?—I presumed so.

146. If you had sent in another voucher in December you would have got the month's pay?—Quite so.

147. And yet you let the large sum keep growing?—Yes.

148. What was your reason for leaving the money?—I thought it was as good as being in the bank. I did not actually want it just then.

149. *Mr. Barber.*] With regard to the preparation of the King's Medal roll, which took so long, was it a colonial work in connection with the whole of the contingents, rather than a provincial work? It was not done in the other centres?—No; it was done in Wellington.

150. What was the total cost of the preparation?—£277 17s. 6d., less the amount for the work on the contingent, £40 12s. 6d. That would be £237 5s.

151. There is no chance of finding out what it cost in the other colonies, but I question whether it would not cost more in the Australian Colonies. It was not a work connected with one contingent, but with all the contingents that went away?—According to the correct interpretation of the spirit of the regulations it was strictly proper that one officer from each of the contingents should come and make the roll up. In my case it was known that my knowledge was such that I could do the lot.

R. H. WILLIAMS examined. (No. 12.)

152. *Rt. Hon. R. J. Seddon.*] Will you have a look at these vouchers, please, Mr. Williams? [Vouchers handed to witness.] Have you ever seen those vouchers before?—Not to my knowledge.

153. Do you see whether they have the stamp of the office there?—Yes.

154. Who stamps the papers when they come in?—This is the Under-Secretary's department stamp, not the Accountant's office.

155. Those vouchers never reached you as Accountant?—No.

156. If they reached you would they be marked?—With the Accountant's branch stamp.

157. Not being marked with the Accountant's branch stamp, they have never been to you?—No, never yet.

158. There is the original voucher and the duplicate?—Yes.

159. 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.

160. Whilst he was connected with the contingent—in connection with the pay of the contingent. Was that it?—Yes.

161. You say that you did not advise him to put a claim in for the time after he had finished the work in connection with his contingent?—No. Captain Clark brought the voucher for £191 down, I think, and asked if he was entitled to receive the gratuity for that period. I gave him the reply that an officer engaged in connection with the pay, &c., of a contingent was entitled to claim for that period.

162. His statement that you advised him to put in a claim for the period after he had finished his work in connection with the contingent is wrong?—Certainly—after he had finished his work in connection with the contingent.

163. 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?—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.

165. You know, I suppose, that he was engaged for only about a month finishing the work of his own contingent, and then went on with medal rolls, and so on? Are you aware of that?—No.

166. If it is so—that he was so engaged—would he be entitled to the gratuity for the period after he had left the contingent?—Not for the period after he had left the contingent.

167. It would be contrary to regulations to pay him for that, would it not? As Accountant would you certify?—No, not for the period after he had left the contingent.

168. *The Chairman.*] What are we to understand by "left the contingent"? Do you consider the whole of this work part of the contingent work, or do you mean by "leaving the contingent" when Captain Clark got his discharge?—Officers do not get discharges. I would say that if Captain Clark was engaged in connection with the Seventh Contingent for that five months he would be entitled to receive the gratuity.

169. Was the work on the medal roll something outside of the contingent, or part of the contingent work?—It was outside; it had no connection with the Seventh Contingent, I should say.

170. *Rt. Hon. R. J. Seddon.*] He was an officer of the Ninth Contingent: when you say the "Seventh" you mean the Ninth?—Yes.

171. *The Chairman.*] What I want to know is, would you call making out the King's Medal rolls part of the contingent work or not? Was it connected with some body outside the contingent altogether?—It would depend on whom he received his instructions from.

172. That is not the question. Was this making-out of the King's Medal rolls contingent work or not?—I am not prepared to say what work that was. I do not know anything about the medal roll.

173. *Mr. E. G. Allen.*] What is your position?—I am Assistant Accountant in the Defence Office.

174. The Under-Secretary's?—Yes.

175. *The Chairman.*] You have regulations for your guidance, I suppose; or do you take instructions from some one else?—I take instructions from my chief.

176. *Rt. Hon. R. J. Seddon.*] I want the point cleared up as to whether Captain Clark had the voucher made up when he came down to you. You are positive that he had the voucher made up when he came?—Yes.

177. *The Chairman.*] What impresses it on your memory so that you remember this particular case? Have you had any similar cases, or was it that this was impressed upon your memory by

being an extraordinary case?—I can remember the circumstances very plainly. There was nothing exceptional about the circumstance of an officer bringing in a voucher.

178. They had often brought in vouchers made up, I suppose?—We always did receive them made up, or nearly always.

179. You remember this particular case?—Yes.

180. Was it anything out of the ordinary?—No.

181. Were you friendly with Captain Clark?—Yes.

182. You knew him?—I knew Captain Clark. I was very often in conversation with him.

183. When you made that remark to him you must have been under the impression that he was entitled to his gratuity during the whole term of his contingent service?—I gave him an answer to a question that he asked me. I said that an officer engaged on work in connection with a contingent was entitled to claim for that period. I did not make any remark as to whether Captain Clark himself was entitled to it, or whether he was likely to get it himself or not.

184. You applied it generally?—Yes.

185. *Mr. Barber.*] It would not be your business to decide whether this particular work would be contingent work?—No.

186. That would be certified to by the military branch; it is not in your department at all?—No.

187. It is not your business to judge, when a voucher comes in, whether the man has been doing contingent work? It is certified to by the officer in charge of the military section of the department, and, being so certified, you would not question the superior officer's right to certify to that, would you?—If I knew that it was against the regulations—

188. If he had been doing work in the Defence Department and the superior officer sent down a voucher certified to that the man had been doing the work, it would really not be your business to inquire whether the man had been on contingent work or anything else?—If I knew that the officer had made a mistake in certifying to the voucher I would draw the attention of my chief to it.

189. But if the voucher was certified to by the military officer how would you be able to find out whether the man had been doing Defence work or not?—By minuting back asking what particular work he had been engaged on.

190. But you are not supposed to be aware of the military rules—the definition of what is contingent work would be more the office of the military section of the Defence Department than of the Accountant's branch?—Generally speaking, the military officer should know better, but at the same time the Accountant's office should check the claim.

191. *Captain Clark.*] Can you carry your recollection back to the morning I took the voucher down to you, and remember whether the amount of the claim—£191 15s. 8d.—was filled in?—No; I cannot say that I can remember whether it was filled in or not. I can remember that you had claimed for the full period. I think it was filled in.

192. You do not remember helping me to calculate the time?—I remember checking the voucher with you for the period.

193. You know me personally?—Yes.

194. You know that I was employed at the Headquarters Office?—Yes.

195. You did not know that I was employed on the King's Medal rolls, but you knew that I had something to do with the contingents up there?—Yes.

196. When you advised me that I was entitled to the gratuity for the full period, did you regard it that I was only entitled to the gratuity as an officer of the Ninth, or in general for what work I had done in connection with the contingents?—Not as an officer of the Ninth. Your service as an officer covered three contingents, I believe, and as an officer you were entitled to the gratuity for the period you served as such.

197. I take it from you that I was acting ostensibly as an officer of each contingent?—I do not mean to convey that impression. What I mean is that your service as an officer in the Seventh and Ninth Contingents would count for the gratuity—it would not be confined to your service with the Ninth.

198. *Rt. Hon. R. J. Seddon.*] Will you say, Captain Clark, whether the voucher was filled in or not when you took it down?

Captain Clark: As far as my memory serves me, the voucher was made up, but I do not think the amount had been calculated; I think I did not put it in finally till I had seen Mr. Williams and asked him. I intended to ask him. I think the voucher was incomplete so far as the total amount was concerned. It was completed, Mr. Williams checked it with me, and I left it with him.

Hon. Mr. Hall-Jones: If the voucher shows that the total was filled in with a different pen and ink it supports your case?

Captain Clark: Yes.

A. SIMPSON examined. (No. 13.)

199. *Rt. Hon. R. J. Seddon.* 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." On being asked by Mr. Hardy who the officer was, Captain Clark said, "Mr. Williams and also Mr. Simpson advised me that I was entitled to the gratuity for the time claimed—to the 28th February, 1903."]

You have heard what Captain Clark said. This is the voucher and the claim. [Document handed to witness.] What have you to say in respect to it?—This is a charge in connection with his services as an officer in the Ninth Contingent.

200. Briefly put, the position is this: Captain Clark had been in South Africa; he left South Africa and came home here. He finished up his work with the Ninth a month after he had landed here—or, rather, twenty-five days. He sent in his claim for that. Then he went on with other work—he prepared discharges for the Seventh, and then the King's Medal rolls for the various contingents, being engaged on this for five months. The claim for the gratuity covers the five months, and he says that you advised him to put it in?—No; this amount is under article B 601; it is not for work done at the Commandant's office. It is the gratuity of £100 paid to officers in the field while in the South African campaign, and so-much per day for each day until they gave up service. That is what I take this voucher for. It has nothing to do with the work at the Commandant's office.

201. Then, if that voucher covers the time that he was doing work in the Commandant's office—for five months—it is wrong?—That I could not say.

202. But if the voucher does cover it?—Then it is wrong; but I do not think it does cover it.

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?—If that is so this claim would not be correct. It would only be correct up till the day he was discharged.

204. When he finished the work for his own contingent?—Yes.

205. *The Chairman.*] What do you call "discharged"?—When he finished with his contingent.

206. Which contingent?—The last one he served in—the Ninth, I think.

207. You would not consider that making out rolls for another contingent would be part of the contingent work?—Not of his own contingent.

208. *Hon. Mr. Hall-Jones.*] Supposing that in making up the rolls there were included the rolls for the Seventh and Ninth: would you consider that work to be part of the work for the contingent?—Yes, for the last contingent he served in.

209. But supposing the Seventh and Ninth work was mixed up with all the others?—Then, it would be separate work altogether. If he went on to any other work I take it that that broke his connection with the contingent.

210. *The Chairman.*] 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?—No; only the last one that he was in.

211. The others would not count?—No; because the rolls were supposed to be made up before he came back. He had nothing to do with them after he left South Africa. His gratuity would stop for one contingent the day that he joined the next.

212. This, I understand, is a gratuity paid to officers. Supposing that an officer were engaged in one, two, three, four, or five contingents, would the gratuity cease from the time he was actually in one contingent?—If he came home to New Zealand with the Ninth he would be employed to make up the accounts until they were finally made up for the Ninth, and then he would be discharged. If he was put on to do work for any other contingent after that it would be separate work. The Ninth would be the only contingent, I think, speaking from my experience in the office, in which he would be entitled to draw pay in New Zealand.

213. Then, if he was making out King's Medal rolls for the Ninth that would be a part of the contingent work?—I do not know that it would.

214. *Hon. Mr. Hall-Jones.*] What is the number of this army order?—It is a Royal Warrant—601 B.

215. *Rt. Hon. R. J. Seddon.*] At all events, if you had known the facts—that Captain Clark had finished up with his own contingent and had been put on to other work—you would not have advised him that he was entitled to the gratuity for that time?—You see, I did not know what work he was at in the Commandant's office.

216. Will you kindly read this document—the pay warrant [Document handed to witness]? —“An officer, whether of the Reserve or not, especially 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 a 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.” That is what I was referring to—601 B.

217. The gratuity is for service?—For service.

218. *Mr. Barber.*] Are you an expert in military rules? Are you able to decide whether this preparing King's Medal rolls is contingent work or not, or would you expect the officer in charge of the military portion of the Defence Department of this colony to certify to that?—I should take it that such a thing would be completed before the contingent arrived home.

219. But supposing it was not, supposing Captain Clark was engaged in preparing the King's Medal roll of his own contingent and other contingents, as he knew the details of the other contingents: would you think that a matter for the military officers to certify to rather than the Accountant's branch?—It would be a matter for the Under-Secretary's branch to settle, I should say, from my experience in the office.

220. *The Chairman.*] Captain Clark must have sent his claim for the gratuity to some one?—The voucher came to the Accountant's branch, and as it was payable by the Imperial authorities it was sent on to Colonel Collins, who was in charge of the Accountant's branch, and it was also referred to Mr. Heywood, who had the supervision of the payments. He certified to the vouchers for the

Imperial authorities. A voucher—not this one, but another—was returned uncertified-to. That voucher [indicated] would be the one uncertified-to. This one for £191 15s. 8d. would go through our Department, and if Captain Clark said that he was on duty up to the time stated it would go through. We had no way of checking the work. We relied on the officers themselves. It was for Mr. Heywood to look the vouchers over, and if he was satisfied they were paid.

221. Has that voucher been certified to?—Yes, by Mr. Heywood.

222. An officer submitting a claim would have to get another officer to certify to it?—Captain Clark would have to get his commanding officer, Colonel Porter, to sign the voucher as being correct. If the signature of the officer commanding was attached to it it would be right.

223. *Rt. Hon. R. J. Seddon.*] That has been certified to by Colonel Porter as being correct?—Yes; and the amount was paid and the thing settled.

224. Would the voucher not have to be certified to before it came to you?—Yes; it was certified to by Colonel Porter before it came to me. If it had not been certified to, it would have been sent from our office to him to certify. Colonel Porter was responsible for the correctness of the voucher.

225. Do you remember anything special about this particular voucher, because Captain Clark has said that when he came to you you advised him to claim for the full amount covering the five months he was employed in the office?—I could not say from memory now, but I do not think it at all likely that I should advise him. It was not usual for Mr. Williams or myself to give advice.

Major N. L. D. SMITH further examined. (No. 14.)

226. *Rt. Hon. R. J. Seddon.*] Captain Clark said in his evidence, Major Smith, that he had several interviews with you, and that it was you who advised him to come and see me: that you told him in about April last that there was some difficulty about his pay, and he had better come and see me?—Very likely I did. I could not remember the occasion.

227. Two or three interviews?—Yes.

228. See this document. [Document handed to witness.] In the face of my minutes refusing, which were sent back to the Commandant, why was not Captain Clark informed that I declined to pay his claims?—I understood that he was originally.

229. Would you not have a record in your office?—Possibly not. Colonel Chaytor would know more about Captain Clark's case than I would, and I certainly understood that Captain Clark had been informed that he would not be paid. The natural result would be to inform him.

230. But if Captain Clark says that he never received any reply at all from your office what is the explanation?—I cannot understand Captain Clark not knowing that he was not to be paid; he discussed the matter with me so often.

231. *Hon. Mr. Hall-Jones.*] Did you inform him officially?—No; I did not.

232. Did anybody inform him officially?—I could not say. I did not.

233. *Rt. Hon. R. J. Seddon.*] Whose duty was it to see that he had a reply sent to him?—Colonel Chaytor was immediately looking after the department in which Captain Clark was working. I notice that this file is marked "B." "B" work is Colonel Chaytor's. All mine is marked "A." This document would be received from the Minister with "Declined" minuted on it, and would go on to Colonel Chaytor.

234. Whose branch would this document go into [Document handed to witness]?—Colonel Chaytor's; it is marked "B."

235. What document is it?—The Commandant's memorandum of the 15th April, on which you minuted, "I do not see my way to recognise this claim, and I am surprised at Colonel Porter certifying to the two vouchers for £50 each, and there is no Ministerial authority for the other employment."

236. There is nothing to show that any reply has been sent?—No, I do not think there is.

237. If that document came to you, would you consider there was a reply to be sent to the person whose claim had been refused?—Yes.

238. Would you think that anything had been sent to Colonel Porter about that protest against his certifying to the vouchers?—I do not know that I should have informed Colonel Porter; but I should certainly think that when a person makes a claim and the claim is refused you would notify the person of that refusal.

239. Do you see this minute? [Document handed to witness.] Was any reply sent with regard to that?—That also is a "B" paper.

240. What does "B" stand for?—The "B" duties are those which Colonel Chaytor carries out. Files relating to discipline and organization are marked "A." "B" duties relate to what a quartermaster would do, and at present include contingent files. These go to Colonel Chaytor. "C" files go to another officer.

241. Here is a memorandum from the Under-Secretary to Colonel Chaytor, dated "27/5/03" [Document handed to witness]?—Yes. That is a "B" file.

242. At all events, as far as you know, there has not been any reply sent, notwithstanding this memorandum?—Not as far as I know. Such might have been sent. I would not see the letters that Colonel Chaytor sent out.

243. *Mr. Hardy.*] Who is responsible for sending replies?—It would depend on the department—*i.e.*, whether A, B, or C.

244. How many departments are there in the military branch?—You could hardly call these "departments"; they are subdivisions of duties. "A" duties relate to discipline, organization, efficiency, and so on; "B" duties relate to buildings, rifle ranges, &c.

245. What is your position?—I look after the "A" duties.

246. But what is your position?—Chief Staff Officer.

247. Are you not responsible, then, to the Commanding Officer for everything that goes out of the branch? Are you really not acting as his lieutenant?—Yes.

248. Then, you are responsible to him?—Yes.

249. If anything went wrong in his office he would be responsible?—Yes.

250. It should be your duty, as second in command, to see that nothing goes wrong?—Wait a moment. Colonel Chaytor is an officer, and so is Major Moore. They are responsible to the Commandant for their own particular work.

251. Do you not in a measure carry his instructions to them?—Oh, yes; but they see him every morning and go over their papers with him.

252. But in the Commandant's absence you would act?—Yes.

253. And if any mistakes occur you are largely responsible for them?—Yes. The General would hold me responsible for mistakes in my own department and mistakes in conveying his instructions. Of course, in the event of mistakes being made in the department of any particular officer—A, B, or C—that officer would be blamed.

254. In the event of one of them having made mistakes and your not having discovered them, would not you be to blame?—If I knew of them and did not report them I should be to blame.

255. *Rt. Hon. R. J. Seddon.*] Who would send the reply to Captain Clark—would Colonel Chaytor send it direct, or would it go through you?—He would send it direct. I should not see it.

256. *The Chairman.*] Still, copies are taken of all letters, I presume?—Yes.

257. *Hon. Mr. Hall-Jones.*] For all you know to the contrary there may have been a reply sent to Captain Clark?—There may have been. "B" letters are copied in a separate book.

258. *Rt. Hon. R. J. Seddon.*] Are copies taken of these minutes of mine?—If we were sending one of them out to a stranger and should not get it back we would take a copy of it, or we would send out a copy. Frequently vouchers, &c., pass between our office and the Under-Secretary; sometimes we send whole files along. A copy is not taken then.

259. Supposing that that document went astray with my minute on it, would you have any record of it?—It is not one of our files.

260. Well, one of the others?—We have a record of letters coming in—a book which we call the "inward book"—in which record of the subject-matter of a letter coming from the Minister would be taken.

261. Have you any record of this, for instance? [Memorandum with minute "Declined" thereon handed to witness.] What office would that be in?—That is a "B" file also.

262. Would you take a copy or any record of that, or would you simply file the document?—We should have a carbon copy of that, and would copy your minute on it.

263. If this was lost you could produce a copy?—Yes.

264. Does the same thing apply to this one [Document handed to witness]?—I should think so. If we were sending this away we would make a carbon copy of it. I do not call sending a document down to the Minister or to the Defence Office sending it away.

265. If Captain Clark has not, as he says, received any reply saying that I declined to pay his claim—as mentioned here—who is to blame?—The officer to whom the files would go—in this case the "B" files.

266. *Mr. Hardy.*] If he had received a reply you would have a copy?—Yes. If the reply was written in manuscript we should have a copy in the press-copy book; if type-written we should have a carbon copy.

267. *Rt. Hon. R. J. Seddon.*] What is this stamp on the document [Handed to witness]?—That is the day we received it back in our office—that is our receipt stamp—"C.O.F., 31 Mar., 1903."

268. I minuted "Declined" on 31st March, and you received the paper on the following day?—Yes.

269. Will you produce at the next meeting all correspondence between Captain Clark and your Department—whether in A, B, or C division?—Very well.

270. Here is a document which throws a light upon the matter. It is written by Colonel Chaytor, is addressed to Captain Clark, and dated the 21st March, 1903: "Your claim for £277 17s. 6d. for pay and detention allowance under orders of C.S.O. has been referred by this office to the Hon. the Minister of Defence for his approval, and you will be informed of his decision when the papers are returned. Claims for £50 2s. difference in pay, £5 2s. extra-duty pay, and £9 5s. 5d. sundries were referred to the Minister by the Under-Secretary for Defence. The two claims for adjutant's gratuity—£50 each—are with our file; but the Under-Secretary for Defence reports that the question of payment of the allowance has been referred to the Chief Paymaster at Cape Town." That is a reply. Do you mean to say that you never got that, Captain Clark?

Captain Clark: I do not remember getting two letters in the month. If that is the original letter how does it come to be there? It is the original. How does it come to be on a Government file. If I had got that letter I should have it in my possession.

Rt. Hon. R. J. Seddon: It is the original, right enough.

Major Smith: Yes.

271. *The Chairman.*] Then, instead of sending it to Captain Clark you may have put it on the file?—The only possible explanation I can give is that people get letters and fix them on to their files and sometimes send the whole lot back to us. I am not saying that that was done in this instance, but Captain Clark may have pinned this letter to other documents.

272. *Rt. Hon. R. J. Seddon.*] When sending the letter would you put that mark on it—"C.O.F./03 B."?—That rubber-stamp mark would not be put on it till the letter came back to us. [NOTE.—I have since found that with "B" letters the rubber stamp is put on before going out.—N. L. D. S.]

273. *The Chairman.*] Do you think that Captain Clark would be likely to return the letter to the office?—It is possible.

274. A bit improbable?—I do not think so.

TUESDAY, 3RD NOVEMBER, 1903.

Colonel CHAYTOR further examined. (No. 15.)

1. *The Chairman.*] We want all the correspondence which has taken place between your Department—the military branch of the Defence Office—and Captain Clark with regard to his claims?—I can only find one letter. That is the one on the file.

2. *Hon. Mr. Hall-Jones.*] You remember Captain Clark lodging his voucher for £277?—Yes, sir.

3. Do you know the date of that?—It was a few days after he ceased work in the office.

4. About the 1st, 2nd, or 3rd March?—Yes, it would be.

5. Was that voucher amended at any time?—I think he lodged his vouchers personally.

6. Did he receive an acknowledgment of the receipt of the voucher, or when did you inform him of what had happened with regard to it?—Some time after that. The ordinary routine in our office is, on the receipt of vouchers, to forward them straight away to the Under-Secretary for Defence without acknowledging them. They are forwarded straight off, usually without a covering memorandum.

7. You received that voucher during the first few days of March?—I did receive the vouchers in the office.

8. When was Captain Clark officially informed of the decision of the Department with reference to his claim?—The letter here is dated the 21st March. Captain Clark had written asking what was the position with regard to his vouchers.

9. Is that the original letter or a copy that you have there?—This is a copy in the outward letter-book.

10. Will you kindly read it?—"Captain J. J. Clark.—21st March, 1903.—Your claims.—Your claim for £277 17s. 6d. for pay and detention allowance under orders of C. S. O. has been referred by this office to the Hon. the Minister of Defence for his approval, and you will be informed of his decision when the papers are returned. Claims for £50 2s. difference in pay, £5 2s. extra-duty pay, and £9 5s. 5d. sundries were referred to the Minister by the Under-Secretary for Defence. The two claims for adjutant's gratuity—£50 each—are with our file, but the Under-Secretary for Defence reports that the question of payment of the allowance has been referred to the Chief Paymaster at Cape Town.—By order. E. W. C. CHAYTOR, Lt.-Col., A.A.G."

11. This letter that we have here is the original of that [Letter handed to witness]?—Yes.

12. Can you explain how this original letter is on the file and yet you have a copy in your book?—Not unless it was left in the office by Captain Clark afterwards. He was in to see the General about his pay many times.

13. Is it likely that an officer receiving a letter such as that in reply to an important claim of his would hand the letter back to the sender?—Many letters are minuted back; but this is not minuted back.

14. Are you aware that Captain Clark says he never received this reply?—I was told so.

15. How do you account for this letter being on the file here, other than the suggestion that Captain Clark may have handed it back?—I cannot account for it at all, other than the suggestion that he handed it back when in the office at some time or other, or left it there. The letter was registered out on Saturday, the 21st March.

16. What do you call "registering out"?—That letter is sent to the clerk for "B" duties, who enters it in the book. It is then handed over to the clerk, who takes two press copies and puts it into an envelope and posts it. One copy is kept for our file, unless it is a case of a typed letter. Two copies are taken in this book, except in cases of typed letters, when duplicate copies are typed, and one is left in the book and the other is put on the file.

17. Do you have many letters such as this—original letters—returned to you and put on the file?—With circulars especially a great many originals have been returned with a minute, but they have nearly always had a minute on them.

18. Something to indicate why they were sent back?—Yes.

19. There is a minute on the side in pencil. Will you read it, please?—"Since refused by Imperial Government." I think that is Mr. Grey's handwriting.

20. Would such a minute have any effect in cancelling the sending-on of a letter?—I think that is the Under-Secretary's writing; at any rate, it was not written in our office. No one in our office would have a right to put any mark at all on a letter which I had written. Of course, letters have been brought back to me when extra information has been received before they were posted.

21. Is this a file belonging to the Commandant's office or the Under-Secretary's Department?—That is the Commandant's office file. The letter was written from the Commandant's office, but it may have been left with the Under-Secretary or at the Commandant's office. That is the only explanation I can give for its being on the file. I was not aware that it was on the file. The letter was posted.

22. You can see from the creases that the letter has been folded?—Yes; and the letter is registered out as being posted on the day on which it was written.

23. *Mr. Hardy.*] Who did you say put this marginal note on the letter?—I think the writing is that of the Under-Secretary.

24. Would the Under-Secretary go to your office to put the marginal note on it?—To my knowledge he has never been up in the office.

25. Then, it must have been sent to whoever put the marginal note on it?—Yes.

26. That might account for the folding of the letter. It has been out of the office, that is clear?—Yes.

27. If the letter had gone to the Under-Secretary, who you say put the marginal note on it, would it not have been folded to go to him?—No; as a rule when we send letters to the Under-Secretary they are done up in a large envelope with files.

28. You would not fold a letter to send it to the Under-Secretary?—No. The register entry here is that the letter was sent to Captain Clark. The letter has probably been left when Captain Clark has been discussing the question of pay. He was in very often to see the General about his claims, and, I understand, to see the Under-Secretary for Defence as well.

29. Would it surprise you to know that Captain Clark says he has never seen the letter?—Very much. It was written in answer to a letter from him, and I think that had he not received a reply to his letter he would have written again.

30. *Hon. Mr. Hall-Jones.*] Is that the only letter that you know of as being sent to Captain Clark from your office?—Yes, on this subject. There were many letters sent to him on other subjects.

31. *Rt. Hon. R. J. Seddon.*] Is that your file?—Yes.

32. That letter was with the file—I detached it yesterday.—Yes.

33. Did you not send that file down to the Under-Secretary for the purpose of this inquiry?—Yes. I may say that the file has been down at the Under-Secretary's office at various times. We send files to the Under-Secretary whenever he asks for them.

34. It is not likely that you would send that letter?—Not to the Under-Secretary. I had no knowledge that it was on the file.

35. Whose writing is that [Press copy of letter handed to witness]?—Mine. A letter such as this is written, sent out, recorded in this outward letter-book by a clerk, and is then sent into the outer office, where the clerk posts it. He takes two press copies, and the letter, when it is taken out, is at once put in an envelope and addressed. The loose press copy is sent into me, and if there is no action to be taken immediately I mark it "File." The copy must be shown to me before it is put away.

36. The letter looks as though it had been folded a good while, does it not?—Yes.

37. You cannot account for it coming back to the office and getting on your file?—Not at all. The only way in which I can account for it getting on the file is that it was left by Captain Clark when in seeing either the Commandant or the Under-Secretary for Defence.

38. But if it was left with the Under-Secretary any communication like that coming back to you again would have your register on it again?—It would if it was the top paper. When a file comes back the register is put on the top paper—the inward date-stamp—and the file is registered in. If a paper like that had been accidentally left on my table by Captain Clark when he was in I would have forwarded it again to him, there being no action to take with regard to it.

39. The letter was in the middle of the file—there were a lot of papers on the top of it.—Yes.

40. There are a number of Ministerial memorandums respecting this matter. Have you sent any other communication to Captain Clark?—I think not.

41. Take this one of the 30th March, 1903—"Declined." [Document handed to witness.] "Memorandum.—14th March, 1903.—To the Hon. the Minister of Defence, Wellington.—The attached claims are forwarded for your approval. Captain Clark was engaged from the 11th September to the 6th October, 1902, in preparing discharge-certificates for the Seventh Contingent. From the 7th October, 1902, to the 28th February, 1903, he was engaged in issuing the clasps, in preparing rolls for the King's South African Medal and clasps for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Contingents.—J. M. BABINGTON, Major-General, New Zealand Forces."—"Declined.—R. J. S., 30/3/03." Was there any reply sent to Captain Clark when you got that memorandum?—No, sir; the matter was resubmitted to you. I drafted a letter under instructions from the General.

42. Do you refer to this letter from the Commandant, dated the 15th April, and minuted back by me on the same day [Document handed to witness]?—Yes; that is it.

43. Was any reply sent to Captain Clark when you received that memorandum?—I think Captain Clark was verbally informed. This was again resubmitted to you; but the letter was not drafted by me. I think it was twice resubmitted to you, but that was not done in my office.

44. Who would do that—it is stamped "B"?—Yes; the file was sent out afterwards.

45. I have here three refusals on my part to pay Captain Clark's claim, the minutes being dated 30th March, 15th April, and 28th May. Was any reply ever sent to Captain Clark?—Not as far as I know. He was told verbally. As far as I know no written reply was sent to him.

46. You are the officer in charge of that division B: was it not your duty to see that a reply was sent to Captain Clark, in view of those decisions? Whose duty was it to see that a reply was sent to him?—Captain Clark was informed by the General. He was from day to day waiting to see if the papers had come back—to see the General about the papers.

47. And being informed verbally from day to day by either you, or Major Smith, or the General, you thought there was no necessity for sending a written reply?—No; I think he ought to have had a written reply.

48. At the same time you are positive that Captain Clark was informed that his claims had been refused?—Yes.

49. He was not taken by surprise subsequently when he found that the Government were opposing his claims?—No; he knew from the first. He told me that the General was submitting the matter back to you. That was after the letters submitting the matter back to you were written. These letters were not done by me.

50. Then, who would do those letters when the matter was resubmitted? Would it be Major Smith?—I think so.

51. The first submission was done by you?—Yes.

52. And then the matter was taken out of your hands and the resubmissions were done by the A section of the Department?—Yes.

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.

80. *Rt. Hon. R. J. Seddon.*] Would you think, from the appearance of the letter, that it has been kept on the file, or has been otherwise used?—From the appearance of it there is every evidence that it has been put in an envelope; there are creases in it. If it had not gone out at all it would not bear those creases, in my opinion.

81. It seems like a paper that had been in a man's possession for a long time, does it not?—Yes; it is not very clean.

82. It is not a paper that you would like to carry about with you, supposing that it came back, or from the Commandant's office?—It is not a paper, of course, that I would carry about.

83. *Captain Clark.*] You saw that paper on the file, Mr. Grey?—Yes.

84. Would you take that to be a departmental paper, without any minute on it from me?—Yes, I think so.

85. What would you form that conclusion from?—I would form the conclusion that you had returned the letter with the other papers.

86. Would it be customary for me, do you think, to return, without a minute on it, any other correspondence to the Department, if I returned the original?—That I could not say.

87. I have had a good deal of correspondence, Mr. Grey?—Yes.

88. You do not think that I have in any other case returned the original letter that you sent me?—I could not say from memory.

89. You say that this pencilled memorandum was put there by you?—Yes.

90. About when?—Quite three months ago.

91. That would be before there was any talk of my presenting my petition?—Yes.

92. What was the memorandum put there for?—Simply to refresh my memory, or the memory of the clerk who had to draft the reply, so that the matter would not be overlooked when a reply was sent to you.

93. The paragraph opposite which you put the memorandum reads: "The two claims for adjutant's gratuity—£50 each—are with our file, but the Under-Secretary for Defence reports that the question of payment of the allowance has been referred to the Chief Paymaster at Cape Town." You put the pencil memorandum "Since refused by Imperial Government" there so as to draw attention to it?—Yes.

94. In the reply to me did you make any mention of it?—No; as I said the other day, we have never informed you as to that because the other claims have not been decided.

95. But in your official reply, on which I based my petition to the House, you make no mention of that fact, and yet you put a pencil memorandum there so as to keep the matter fresh in your memory?—Yes.

96. In your letter to me of the 5th August, 1903, there is no special remark about these two gratuities of £50 each not being payable to me, so that really your pencil memorandum on that original letter—which you say was put on so as to keep your memory fresh on the point, in order that the matter would not be overlooked when you were replying—was not acted upon?—My letter of the 5th August is merely in reply to your claim for the King's Medal rolls. That is all. The other claims, as you know, were not decided, and have not yet been decided.

97. *Rt. Hon. R. J. Seddon.*] What replies are these, Mr. Grey [Documents handed to Mr. Grey]?—This one, dated the 17th November, 1902, reads as follows: "With reference to your claim for the difference in pay, &c., on being transferred from the Seventh to the Ninth New Zealand Contingents, I now beg to inform you that the matter has been referred to the Chief Paymaster at Cape Town for his decision, and on a reply being received you will be further communicated with." That was my letter to Captain Clark. The next one is dated the 4th May: "Pay and allowances for difference in rank.—In reply to your letter of the 29th April, I beg to inform you that the question *re* the above is still under the consideration of the Hon. the Minister of Defence." In the following letter the clerk has omitted to put the date, but it was written in the same month, May, and reads as follows: "Pay and allowances for differences in rank.—In reply to your letter of the 20th instant *re* the above, I beg to inform you that no decision has yet been arrived at as regards your claim." The next one is dated the 27th July: "In reply to your letter of the 23rd instant, I beg to state that no decision has been arrived at yet." Then followed, on the 5th August, the letter about the King's Medal rolls, and in which we offered Captain Clark the £4 a week.

98. Those letters show, at all events, that you were not acquainted with the decisions which had been given, and which were with the military branch of the Department?—That is so.

99. You replied, as far as your Department was concerned, to all letters?—Yes.

100. *Captain Clark.*] The letters which you have read were in reference to simply the question of the difference in rank?—Yes.

101. They do not bear on the point to which I have called attention—that this pencil memorandum on the original letter for the purpose of refreshing your memory about the two gratuities has not been acted upon?—As I said last week, you had put in your claims, and before we could reply to you definitely the whole question as to your pay and rank had to be decided. The reply that was sent to you on the 5th August was simply about your claim with regard to the medal rolls.

Major N. L. D. SMITH further examined. (No. 17.)

102. *Rt. Hon. R. J. Seddon.*] You were questioned yesterday, Major, in respect to the three Ministerial memorandums on the papers, in which I declined to authorise payment of Captain Clark's claims?—Yes.

103. Colonel Chaytor admits that the first submission of the matter to me was done by him?—Yes.

104. After that, he says, it was taken out of his hands and the other two submissions were done by you?—Two letters were drafted by me for the General.

105. The two subsequent ones?—I would not be certain about that without seeing them.

106. You told us yesterday that all these letters were in the B division?—They were B files.

107. But you had written the letters although they were on the B files?—I told you yesterday that I had drafted that letter for General Babington.

108. Who drafted this one [Document handed to witness]?—I should think I drafted that.

109. And who drafted this one [Document handed to witness]?—I should think that very likely I did.

110. You told us the other day that, being marked "B," they belonged to the other division?—Yes, that is so.

111. You did not tell us that, although the papers were in the B division, you drafted the letters for the General?—I told you that I drafted one.

112. Is it either of those?—No; but this would come in marked "B," and would go to Colonel Chaytor for action.

113. At all events, the reference itself for the Commandant to sign would be written by you?—Very likely, in those cases.

114. This paper that I have here is the one on which I minuted, "This claim is unreasonable. I cannot, therefore, admit same" [Paper handed to witness]?—Yes; that is marked "B" in my handwriting. After it was marked "B" it would then go along to the officer who did "B" duties. I open all the letters as they come in.

115. Whose writing is this—the note on this document that "Clark was told by the Accountant to send in claim monthly"?—I do not know whose writing that is. It is not mine. It does not look like Colonel Chaytors's, but it might be.

116. *Hon. Mr. Hall-Jones.*] Who is the Accountant?—I suppose that will be Mr. Simpson, but I do not know how the letter would have got to his office.

117. *Rt. Hon. R. J. Seddon* (to Colonel Chaytor).] Can you tell me whose writing that memorandum is [Document handed to Colonel Chaytor]?—

Colonel Chaytor: I do not know.

118. *Rt. Hon. R. J. Seddon* (to Mr. Grey).] Do you know, Mr. Grey? [Paper handed to Mr. Grey].

Mr. Grey: No. That is not Mr. Simpson's handwriting. I never saw it before; the attached memorandum covers it.

[At this stage Captain Clark's voucher for gratuity, £191 15s. 8d., was brought up from the Treasury, and showed that the total had been £191 10s. 5d., but had been altered to £191 15s. 8d.]

ALEXANDER SIMPSON further examined. (No. 18.)

119. *Rt. Hon. R. J. Seddon.*] Have you any recollection, Mr. Simpson, of telling Captain Clark at any time that he ought to send in his vouchers monthly?—No. His pay had nothing to do with my branch at all. He was not working under me.

120. *Mr. Hardy.*] Do you know the handwriting of this memorandum, "Clark was told by the Accountant to send in claim monthly," on this document [Document handed to witness]?—No.

121. *Rt. Hon. R. J. Seddon.*] Is it not Mr. Williams's handwriting?—No. I do not recognise it at all. It does not appear to be the writing of anybody in the Accountant's office.

122. *Mr. Hardy.*] And the statement is incorrect?—So far as I know.

123. You do know, because you were the Accountant?—I was the Accountant.

124. *Rt. Hon. R. J. Seddon.*] The only person who as Accountant would tell him would be yourself or else Mr. Williams?—That is so. Mr. Williams would act as Accountant if I were absent.

125. *The Chairman.*] Would it not then say "Assistant Accountant"?—No, it would not be necessary. But I do not think it at all probable that Mr. Williams would give such information.

126. *Rt. Hon. R. J. Seddon.*] There is no Accountant in the military department of the Defence Office, is there?—No. The office which I had charge of was recognised as the Accountant's office.

127. *Rt. Hon. R. J. Seddon* (to Mr. Grey).] Whose writing is this on this document where it is indorsed "Attached," &c., in pencil? [Document handed to Mr. Grey.]

Mr. Grey: That is Mr. McGoldrick's. He is our Record Clerk.

Mr. —. MCGOLDRICK, examined. (No. 19.)

128. *Rt. Hon. R. J. Seddon.*] Is this your writing on this document where it is marked in pencil "Attached," "Detached," &c. [Document handed to witness]?—Yes.

129. Is this memorandum, "Clark was told by the Accountant to send in claim monthly," on this document [handed to witness] in your writing also?—No; that is Mr. Baker's writing on that document.

130. *Hon. Mr. Hall-Jones.*] Is he here?—No; he is on leave to-day.

131. *Rt. Hon. R. J. Seddon.*] You recognise the handwriting?—Yes.

132. What is Mr. Baker?—Assistant Record Clerk.

133. *Mr. Barber.*] You know his handwriting?—I can tell his handwriting, I see it so frequently. I may say that when this note (first one) came down from the Minister to have the vouchers attended to and prepared I put those pencilled words "Attached," "Detached," &c., on, showing that I had got the vouchers together. I then sent them over to the Accountant for him to complete what was required; for instance, a copy had to be obtained from the Treasury. It was for the purpose of expedition that I wrote the words "Attached," "Detached," and so on.

134. *Captain Clark.*] Do you know why Mr. Baker put that memorandum, "Clark was told by Accountant to send in claim monthly," on that document?—No; I have no idea. He must have got his information from the Accountant.

135. *Hon. Mr. Hall-Jones.*] What is your position?—Record Clerk.

136. *Rt. Hon. R. J. Seddon.*] Do the vouchers and all these things come in through you?—Yes; every file and document that comes into the office.

137. Then, if these came in while you were away Mr. Baker would see to them?—Yes.

FRANK JENNINGS examined. (No. 20.)

138. *Hon. Mr. Hall-Jones.*] What is your position in the Department?—I hardly know.

139. What is the work you have to do?—My work varies from day to day. I am shifted about from one job to another.

140. Do you have the despatching of letters?—I had the despatching of them during three different periods.

141. Do you recognise the date on this letter addressed to Captain Clark—21st March of this year [Letter handed to witness]?—Yes; I was in the office at the time, but not in the despatch office.

142. At that time were your duties, among others, those of despatching letters?—No.

143. Do you recognise that letter?—I recognise it, but it was not copied by me.

144. After it was copied who would deal with the letter?—In the ordinary course of events it should be put into an envelope and despatched.

145. *The Chairman.*] How do you recognise that it was copied by any one?—In addition to the letter-book number there is a consecutive number; the first letter despatched in January, say, is numbered 1, and the next 2, and so on. This letter is B 514.

146. *Hon. Mr. Hall-Jones.*] It came within your time?—No; I was not despatching then.

147. Do you recognise that letter as having been dealt with by you?—No; it was never dealt with by me. I will explain the circumstances. I was on a holiday at Christmas-time and early in January. I had been Despatch Clerk for eighteen months up to that time.

148. Up to Christmas of last year?—Yes; and on my return from my holiday, by order of Major Smith, I was not allowed to resume my duties as Despatch Clerk; consequently this letter would not come under my cognisance as being despatched.

149. Have you carried out the duties of despatching since last Christmas?—Yes.

150. When did you start again?—In reorganizing the office Major Smith put another clerk in as Despatch Clerk, but after a couple of months he vacated his position.

151. Do I understand that this man was put on after you left at Christmas-time and was kept on for two months?—No; after I came back from holiday leave at Christmas-time I had an assistant in the despatch office, who is now out of the office.

152. Were you still Despatch Clerk after you came back at Christmas-time?—No; my duties as Despatch Clerk were blocked when I resumed duty.

153. What period expired from the time you ceased carrying out the duties of Despatch Clerk—about Christmas-time—until you took up despatching correspondence again?—I was on casual duty from my return after my holiday up to the 1st July.

154. Within that time you had nothing to do with the despatching?—At this particular time I had nothing to do with the despatch office. The particular letter in question was written on the 21st March. I can recognise the writing of the number B 514 in the book. It was despatched by Mr. Digan, who is now in business in Wanganui. He was the one who copied the letter.

155. The writing of the number—B 514—indicates the identification of the person who copied it?—Quite so.

156. Would the person who copied it despatch the letter?—From a *prima facie* point of view this letter was despatched by Mr. Digan.

157. You have never seen that letter before?—I could not give a definite answer to that, but I can emphatically state that, in view of the date of the letter and this number B 514 in Mr. Digan's writing marked on it, it has never passed through my hands.

158. *Rt. Hon. R. J. Seddon.*] In whose writing is that entry in the book on the 21st March?—That is Mr. Rockstrow's writing.

159. Would he be the Despatch Clerk?

Colonel Chaytor: No; he enters the letter and then it is sent out into the outer office to be copied and posted.

Witness: There was an alteration made in the mode of despatching the correspondence.

160. *Rt. Hon. R. J. Seddon.*] What was the alteration?—Up to the month of December, when I went on my holiday, I and an assistant received the letters and copied them, and when a letter was copied by my assistant and handed over to me I entered it and made a *précis* of the contents in the outward despatch-book. That method of despatching correspondence was dispensed with by order of Major Smith after my holiday. The letters were copied by my assistant, passed over to me, and I entered and numbered them, and made a *précis* of the contents of each, and put each one in an envelope and despatched it. That system ceased in January.

161. *Mr. Hardy.*] Do you know the reason why the alteration was made?—I may have my ideas of it, but that would be entirely a matter of office organization on the part of Major Smith.

Colonel Chaytor: In this case instructions were issued that for "B" duties—my duties—a record-book was to be kept showing only those duties. This book here is the record-book for the portion of the office-work which I performed—division B. The letters are entered in that, and are sent out to the clerk, who does the copying for the whole office, and sends the letters out.

162. *Rt. Hon. R. J. Seddon* (to witness).] Are all the letters put in the one letter-book?—The "B" letters are. There is a letter-book for each branch. This book is the copy-book for "B" letters.

163. The one officer does the copying?—Yes.

164. And that register is the record as to what has been done?—Yes; and this is the letter-book.

165. *Mr. Hardy.*] You say the instructions came from Major Smith?—Yes. On the 13th December the “B” duty book was opened.

166. *Hon. Mr. Hall-Jones.*] The man who you say you suppose should have despatched that letter to Captain Clark has now left the service and is in business at Wanganui?—The man who copied the letter is.

167. Would the man who copied it be the man who sent it away?—Yes; he would be the man who addressed the envelope.

168. *Rt. Hon. R. J. Seddon.*] *Primâ facie*, you would say that the letter would be dealt with in the ordinary way, and sent away?—Quite so.

169. *Mr. Hardy.*] Is the present system an improvement, do you think, from your experience as Despatch Clerk?—Certainly not.

170. *Rt. Hon. R. J. Seddon.*] Why not?—Formerly the whole correspondence passed through one man, and any discrepancies could be sheeted home to him. Under the divided authority a letter would go out without any reference further than the one made by the clerk who had charge of the duties.

171. Do you mean to say that the clerk may enter something in the register that would not be consistent with what was done?—What I mean to infer is that this is a fairly correct system, but the system that was done away with was a much more complete system.

172. Will you explain the completeness?—In the system at present in use there are three clerks looking after the three classes of correspondence—A, B, and E. Each clerk, when getting correspondence or documents from his officer, notes them in this particular book—A, B, or E book, as the case may be—and makes a record. He brings them out to the Despatch Clerk and his duty ceases. The Despatch Clerk forwards the letters. Under the present conditions the Despatch Clerk makes no note of the file whatever. He simply takes it, puts it in an envelope, and sends it away. Under the condition of things prior to the beginning of this year all documents went to the Despatch Clerk, and everything that passed through his hands he entered—the number of the file, the subject, the action, and to whom it was sent. Every item of correspondence passing through the office passed through his particular hands.

173. *Mr. Hardy.*] Under the old system if a letter went out there would be no difficulty in tracing it at all?—There is no difficulty in tracing a letter now. The difference is that the responsibility for despatching is divided between two men under the present conditions, while under the former conditions the responsibility rested entirely on one man.

174. *Mr. Barber.*] The record is made in that book and then the letter is sent out to another office to be copied?—Yes.

175. The record is really taken before the letter is copied?—Yes.

176. *The Chairman.*] Could that entry be there and yet the letter not be sent?—Well, the entry appearing in this book would be made in an adjoining room. The letter would be sent out to whoever was despatching, who would put the number on it, put it through the press, and send it out.

177. He may send it?—Quite so.

178. There is nothing to prove that the letter has been sent? The marks on the letter and that entry could be made and yet the letter not be sent?—I am not prepared to offer an opinion on that.

179. Such a thing could happen, could it not?—Of course, in a million chances there is a possibility of the unexpected turning up.

180. *Hon. Mr. Hall-Jones.*] See this letter. [Letter addressed to Captain Clark, dated the 21st March, handed to witness.] Look at the marks upon it—see the creases. In your opinion, was that letter sent or not?—I have no hesitation in saying, on the face of it, that the letter has been folded and put in an envelope.

181. *Rt. Hon. R. J. Seddon.*] If that letter had been kept on the file it would not be in that state as an ordinary file paper?—No; I do not think for a moment that the symptoms which that letter displays now are evidence that it was not in an envelope.

182. If you had put an ordinary sheet of foolscap like that on a file it would not be in that state?—Certainly not, for, looking at the letter, the evidence—circumstantial evidence—is most convincing that the letter has been in an envelope at some time, and has been folded for no other purpose.

183. In your experience as a clerk have you known it to happen that a paper has been sent out to be copied, has been copied, and has then been put on one side on the file and been kept there?—That is a most unprecedented thing to occur. In the whole history of the office that I have been acquainted with I have never known it to occur. Possibly a letter might be left in the basket for a day or two, but I have never known of a letter going on a file without being transmitted.

184. *Hon. Mr. Hall-Jones.*] Supposing that this letter was written, that Captain Clark came to the office, that the letter was handed to him in the envelope, that he opened it, read it, and left it there: have you known of cases of that sort?—I have never known a case of that being done.

185. *Rt. Hon. R. J. Seddon.*] It would be a very mysterious and unprecedented thing for you to put on the file a letter that had been minuted as being sent out and had been copied?—It would be quite an unexpected thing, entirely foreign to the usages of the office.

186. *Mr. Barber.*] Have you found an original letter on a file with a copy of it attached?—Yes, there are cases, but only one particular class of cases, where that happens. It could not occur in this present case.

