

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

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

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

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

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

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

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

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

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

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

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