

25. What about this £1 8s., that Mr. Taylor suggests you have deducted twice?—I am only too willing to admit a clerical error when it has been made.

26. Do you find that it really is a clerical error?—Well, I will allow the £1 8s. I am quite willing to admit there may be a clerical error of £1 8s.

27. With regard to Captain Clark's case generally, was the whole of his claim against the Army Council or this colony?—I was acting on the instructions of the Minister of Defence, that £102 13s. 4d. was to be paid to Captain Clark. Well, according to this, he has already received a portion of this amount by overpayment.

28. The Minister of Defence sent a letter in June in which he stated Captain Clark's whole case to the Army Council?—Yes.

29. Was he paid on that according to the Army Regulations?—That letter has not been answered yet. The case is before the Army Council at Home, and that is the position in which we are at the present time.

30. *Mr. Taylor.*] It is your opinion that Captain Clark's case was treated fairly and impartially, according to the regulations, the same as anybody else's claim would be?—Most decidedly.

31. *Hon. Mr. Hall-Jones.*] In this matter you are acting for the Imperial Government?—Yes.

32. And there are certain regulations laid down for your guidance?—Yes.

33. Some of which you had not seen, perhaps, until after this case was reached?—Yes.

34. Captain Clark made more than one claim for his general services, did he not?—Yes.

35. With regard to the preparation of the rolls, you had one voucher claiming captain's allowance?—Yes.

36. And then you had another voucher claiming payment of £4 4s. a week?—I believe that is so.

37. There was another claim for exactly the same services of £4 4s. a week, and your final offer was based upon the claim for £4 4s. a week—is that so?—Yes, part of it.

38. Are these deductions you have made according to the Imperial Regulations?—Yes.

39. Can you suggest any better way of sifting the difference that has arisen between Captain Clark and your Department, as representing the Imperial authorities? Can you suggest any better way of finally settling the matter?—I cannot say. The matter is before the army authorities.

40. It has been sent to the Imperial authorities?—It has gone direct to the Army Council.

41. We may assume, then, that it is in their hands?—Yes.

42. And they will deal with the question in a similar manner to other questions of the same nature in the Empire that have been dealt with?—Yes.

43. In dealing with so large a number of men I suppose it is possible for these little overpayments to be made?—Yes.

44. And everything is rectified in the final settlement?—Yes.

45. And that is exactly what you are doing in this case?—Yes.

36. *Captain Clark.*] Referring back to the letter of the 30th March, practically the offer of the Paymaster-General is the sum of £102 13s. 4d. in full satisfaction of my claim, less the deductions he enumerates. The first deduction is the amount for seven days at 15s. per day, £5 5s. I understood, Mr. Mabin, that you made the statement that all these moneys that are due to me came from the Imperial Government?—Yes.

47. Well, I think it was an understood thing all through the colony that the thirty days New Zealand furlough was paid by the New Zealand Government. Out of that thirty days it is proposed to stop seven days, because during that time I was employed in the Commandant's office. In the case of any other officer belonging to the Railway Department or any other Department working in his office when he returned, was that pay deducted from him?—All I can say is this: as far as the Imperial funds are concerned, they will not allow overlapping periods. The Imperial Government are paying this New Zealand furlough, and it is inadmissible according to instructions from the Army Council. I regret that I have had to deduct it.

48. *Hon. Mr. Hall-Jones.*] You cannot pay twice for the same time?—They will not allow it. It has been deducted from pay in many instances. In fact, we had to deduct it from sick-leave.

39. *Mr. Taylor.*] Are there not scores of cases where officers have been employed in Railway or other Departments and where the pay has been paid?—That is out of my jurisdiction.

50. *The Chairman.*] Do you know whether that has been so or not?—It could only be deducted out of Imperial funds.

51. *Mr. Wood.*] Has there been any other case where it has been paid?—Not that I am aware of, as long as the pay is drawn from the Imperial funds.

52. *Captain Clark.*] With reference to the deduction of £8 9s. 11d., I have not received any notice of that yet. When was the reply received from the War Office advising you of that further deduction?—It was sent from the War Office on the 19th May.

53. In the letter signed by the Minister to be put before the War Office there was one paragraph I would like you to read again which refers to the question of rank. I think you will find in that letter the words, "it being held that he held similar rank in the Ninth Contingent"?—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."

54. "It being understood that he held similar rank in the Ninth Contingent." I ask you, Mr. Chairman, to particularly remember that. In reply to Mr. McKenzie, Mr. Mabin made a statement that I had no claim against the New Zealand Government, meaning by that, I suppose, that all my claims were against the Imperial Government?—Your claim is against the Imperial Government.

55. And you made the remark that I had no claim against the New Zealand Government?—As far as I know.