

56. *Mr. Remington.*] In connection with the statement submitted Home, where it was stated that it was understood the petitioner had been promoted to be captain, was it in the knowledge of the office that Colonel Porter had, by consent of the Commandant, promoted Captain Clark to be Captain on the 14th April, 1902? Was that within the knowledge of the office when they said, "It was understood"?—It was understood that he was recommended for promotion.

57. *Right Hon. the Minister of Defence.*] Mr. Mabin, are you aware of several cases where the New Zealand Government and Defence Minister recommended a number of officers for promotion, and where the recommendation was declined on the ground that there were already a sufficient number of officers in the establishment?—Yes.

58. There have been several cases of that kind?—Yes.

59. And in those cases the pay of the reduced rank only has been allowed?—Yes; they will not pay over the establishment.

60. Captain Clark in that respect is in the same position as other officers, unless at the reduced rank?—Yes; unless at the reduced rank.

61. That applies not only to N.C.O.'s, but to other officers?—Throughout the ranks, non-commissioned officers as well as commissioned officers.

62. In reference to the paragraph you were just asked a question about, that he had been placed with the rank of captain in the Militia, that information given to the War Office would be in his favour?—Yes.

63. You read the letter. In submitting the matter to the War Office, do you think that is a fair and impartial statement of the position?—I do, sir.

64. Has it, directly or indirectly, been intimated to you, or have you been instructed to make any special deduction from Captain Clark's claim?—No.

65. Then, when you received instructions to pay the £102 13s. 4d., you commenced to look up the account with a view to paying him that which he was legally entitled to?—Yes.

66. It was during that investigation you discovered these overpayments?—Yes.

67. Will you turn to that 601b: It is since that that your attention has been called by the Army Council to that position?—Yes.

68. On receiving that you then had to go through Captain Clark's and other accounts to see whether or not there had been any payment wrongly made?—Yes.

69. You discovered in your investigation, then, that this £8-odd had been overpaid?—Yes.

70. And you notified that to the Paymaster?—I did.

71. After you had done that your duty was complete, and whether the Paymaster notified Captain Clark or otherwise you would not know?—No, but he would advise me.

72. You had simply drawn the attention of the Paymaster to it?—Yes.

73. Suppose Captain Clark had taken the £46 and then this further discovery had been made, what would have occurred?—I should have written to Captain Clark to make a refund.

74. And he would have been liable for the refund to the Imperial funds?—Certainly.

75. There have been a lot of poor troopers summoned for these sums, have there not?—Yes, I am sorry to say.

76. *Mr. Hall.*] By instructions of the Imperial Government?—Yes.

77. *Right Hon. the Minister of Defence.*] You mentioned something about an order of General Kitchener as to promotions?—Yes.

78. Have you a copy of that?—Yes.

79. Will you read the general order?—"Army Headquarters, Pretoria, 10th April, 1901.—The following is approved as regards all officers, N.C.O.s, and men of oversea corps who desire to continue to serve in South Africa on the departure of their contingents: (1.) All corporals and privates to be promoted to the rank of sergeants, if recommended by their O.C. (2.) All sergeants to be promoted to lieutenant, if recommended by their C.O. (3.) All officers to be given a step in rank, if recommended by their C.O. (4.) Pay for all ranks to be on the scale of S.A. Mounted Irregular Forces. (5.) Officers, N.C.O.s, and men will be posted to the new contingents from their respective colonies as far as possible. (6.) They will be borne in excess of establishment until absorbed.—Approved. KITCHENER, General." "War Office, London, S.W., 10th March, 1904.—SIR,—With reference to your letter No. 7197/1904 of the 4th instant, I am commanded by the Army Council to acquaint you that Lord Kitchener was referred to relative to the promotion of the officers, non-commissioned officers, and men of the Sixth and Seventh New Zealand Contingents who remained in South Africa for service with the Eighth, Ninth, and Tenth Contingents. He replied, 'he considered that it was undesirable to make promotions after such a considerable time had elapsed, and had he considered these promotions necessary he would have carried them out at the time.'—I have, &c., GUY FLEETWOOD WILSON.—The Under-Secretary of State, Colonial Office." This letter was in reply to a communication sent to the Secretary of the Army Council, as follows: "Downing Street, 4th March, 1904.—SIR,—I am directed by Mr. Secretary Lyttelton to acknowledge the receipt of your letter of the 27th ultimo, No. 079/Oversea/2188 (M.S. 2), and to inquire whether he is correct in inferring from it that the officers, non-commissioned officers, and men of the Sixth and Seventh New Zealand Contingents who remained in South Africa for service with the Eighth, Ninth, and Tenth Contingents were not entitled to promotion under the circular issued by Lord Kitchener at Pretoria on the 10th April, 1901.—I am, &c., H. BERTRAM COX."

80. Are you aware whether those promotions were recommended by the officer commanding?—I am not prepared to state that.

81. Have you any knowledge?—No.

82. In reference to the question put to you as to what is known as the New Zealand furlough of thirty days: no one else has received that out of New Zealand moneys, to your knowledge?—No, not that I am aware of.