

This is not correct. The only question submitted to me was as to the amount of the pension, having regard to the number and ages of the children. A reference to my minute of that date will show that I computed the amount, but distinctly stated that "the terms and conditions subject to which the payments might be granted were set out in the Act." I never considered or was asked to consider whether she was entitled to a pension.

FRED. FITCHETT, Solicitor-General.

Crown Law Office, 10th July, 1901.

No. 6.

The Hon. the Minister of Defence.  
For your information.

ARTHUR P. DOUGLAS.  
15/7/01.

After appointment Board, Christchurch, let the Board inquire and report.

R. J. S.  
17/7/01.

No. 7.

PROCEEDINGS OF MEDICAL BOARD.—Assembled at Christchurch, this 16th day of September, 1901, by order of the Commandant, New Zealand, to inquire into the circumstances under which Lieut.-Colonel Frederick Wyatt Francis was invalided, and to report upon this case.—President, Thomas Wyld Pairman; members, Arthur De Renzie, John H. Deamer.

THE Board, having assembled, proceed to examine the above.

Where taken ill or wounded: Otto's Hoop.

Date: 19th August, 1900.

Hospital where treated: Field hospital, Otto's Hoop; then Mafeking General Hospital; then Civil Hospital, Kimberley; Wynburg Hospital; sent to London, and then to New Zealand.

How long: 1 month 16 days in hospital.

Description and condition of wound or complaint: Acute gastritis with loss of weight, which ultimately took a malignant form.

General condition of health: Died, 31st March, 1901.

It is recommended that a pension to the widow be allowed.

THOS. WYLD PAIRMAN, Surgeon-Captain, President.

ARTHUR C. DE RENZIE, Surgeon-Captain, N.Z.M.,

JOHN H. DEAMER, M.D.,

} Members.

No. 8.

Defence Office, Wellington, New Zealand, 12th February, 1902.

Assistant Controller and Auditor.

*Pension to Mrs. Francis.*

THE matter is submitted to you for reconsideration. The opinion of the Solicitor-General on the matter is attached.

ARTHUR P. DOUGLAS, U.-S. D.  
12/2/02.

No. 9.

The Controller and Auditor-General.

It is with great hesitancy that I venture to disagree with the opinion of the Solicitor-General in this matter. I will state wherein I think we differ.

I gather from the Solicitor-General's memorandum that the words occurring in subsection (b) of section 7 of the Act—viz., "If the officer . . . died from illness . . . within six months after his being certified to be ill"—in his opinion mean, if he died within six months after the date of a report of a Medical Board appointed under the Act. Now, I submit, on the assumption that the application of a widow for a pension must go before such a Board for report, that it is not the date of the report that determines the point whether the period of six months referred to in the section had elapsed, but the date mentioned in that report as the date when the officer was first taken ill: in other words, the six months run from the date of the officer's first illness duly certified, and not from the date of such certificate. The Medical Board reported that Lieut.-Colonel Francis was first taken ill on the 19th August, 1900, and that he died on the 31st March, 1901; the period between these two days exceeds six months.

The date—the 19th August, 1900—on which Lieut.-Colonel Francis first became ill accords with the date mentioned in his diary, referred to in my memorandum of the 12th June, 1901: "I was not very well to-day, and have been ordered rest by the Medical Officer"; and it appears that he never afterwards returned to duty. It was upon the evidence afforded by the papers submitted to the Audit Office that the conclusion was arrived at that Mrs. Francis is not entitled to pension; and the same evidence seems to have been placed at the disposal of the Medical Board, which afterwards sat on the 16th September, 1901, five months and a half after Colonel Francis's death.

As affording a key to the meaning of subsection (b) of section 7 as regards the date from which the six months should run, reference may be made to the practice of the Imperial authorities