

D.

The U.-S. Defence.

ON the arrival of the late Lieut.-Colonel Francis in New Zealand the Commandant of the Forces (Colonel Penton) issued instructions, in February, 1901, to assemble a Medical Board to report on his then state of health (see telegrams on D. 02/785). At that time whenever invalid officers and men returned to the colony the Officer Commanding District wherein they arrived or resided summoned a Medical Board consisting of three doctors on similar lines to the authority on D. 1900/2132, and this seems to have been the course followed with regard to the medical examination of the late Lieut.-Colonel Francis.

6/5/02.

NORMAN L. D. SMITH, Major, G.O.

(in absence of G.O.C).

E.

Defence Office, Wellington, 4th June, 1900.

Defence Record, 1900/2132.

Invalids returning from South Africa.

As several invalids from contingents in South Africa will arrive shortly by s.s. "Monowai" and "Westralia" and by a direct steamer from the Cape, it would be advisable to appoint a Medical Board to examine and report upon each case of disablement with a view to obtaining pecuniary assistance from patriotic and benevolent funds.

If you approve I shall issue the necessary instructions.

To the Hon. the Defence Minister.

A. P. PENTON, Colonel,

Comdt. Forces.

F.

Approved.—W. H.-J. 6/6/00.

The Hon. Minister of Defence.—For your information.—ARTHUR P. DOUGLAS. 7/5/02.

Seen.—W. H.-J. 7/5/02.

G.

Controller and Auditor-General.—Information forwarded.—ARTHUR P. DOUGLAS, U.-S. D. 8/5/02.

No. 20.

The Solicitor-General.
For any further comment.

JAS. B. HEYWOOD.

9th May, /02.

The Audit Office.

THE Solicitor-General asks if the Audit Office will point out in what way the constitution of the Medical Board was defective.

JAS. B. HEYWOOD.

9th May, /02.

No. 21.

The Hon. the Colonial Treasurer.

Pension to Widow of Colonel Francis under "The Military Pensions Act, 1866."

THE Solicitor-General, on the 10th July, 1901, gave it as his opinion that—

"The Act is very loosely drawn, but on the whole I am of opinion that the expression 'certified' in section 7, (b), means certified by a Medical Board appointed under the Act.

"Section 4 provides for the appointment of Medical Boards by the Governor for the purpose of examining every officer and man who is an applicant for a pension or gratuity.

* * * * *

"It appears to me that on the true construction of the Act the provisions of section 4 of the Act apply in every case," &c.

Now, the Medical Board which reported on the 21st February, 1901, does not appear to have been a Board appointed by the Governor under section 4.

J. K. WARBURTON,
Controller and Auditor-General.
10th May, 1902.

No. 22.

The Solicitor-General.—JAS. B. HEYWOOD. 12th May, 1902.

No. 23.

It appears that the Board in question was appointed by the Commandant with the approval of the Minister instead of by the Governor on the advice of the Minister. Seeing it referred to on the papers as the Medical Board, and not having anything before me to show how it was constituted, I naturally assumed it to be regular. Strictly speaking, it was not appointed in terms of the Act. The objection is a technical one, and the Governor could, I think, cure it by ratifying the original appointment. That course, however, is not necessary for the purpose of my opinion as to the validity of the pension. It is true that in my minute of the 20th March I referred to this Board and its report as showing that Colonel Francis died within six months after the report was made, thus complying literally with the requirements of subsection (b) of section 7. But it plainly appears