

And I make this declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the General Assembly of New Zealand intituled "The Justices of the Peace Act, 1882."

Signature of Claimant: C. J. FRANCIS.
Residing at 33, Wilson Road, near the Post-town of Christchurch, in the Provincial District or County of Canterbury.

Declared at Christchurch, this 1st day of June, 1901—J. A. Cassidy, a Solicitor of the Supreme Court, Christchurch.

No. 2.

The Under-Secretary for Defence.

Audit Office, 10th June, 1901.

Will you kindly refer me to the *New Zealand Gazette* in which will be found the date of the late Lieut.-Colonel Francis's commission under the seal of the colony as such Lieutenant-Colonel.

Will you also inform me of the date on which he was invalided in South Africa, and attach the file of papers relating thereto. The file before me appears to be incomplete.

J. C. GAVIN,
Assistant Controller and Auditor.

A. C. & A.

Gazette No. 78, October, 1895. Papers with reference to invaliding, diary of Colonel Francis, herewith.

ARTHUR DOUGLAS, U.-S. D.

12/6/01.

No. 3.

The Under-Secretary for Defence,

Audit Office, 12th June, 1901.

WHETHER the pension proposed to be given to Mrs. Francis under "The Military Pensions Act, 1866," and "The Military Pensions Extension to Contingents Act, 1900," as the widow of the late Lieut.-Colonel Francis, can be given depends upon the question whether the limitations and restrictions provided by the Act of 1866 are not a bar to the giving of such pension.

In section 7 of the Act of 1866 it is provided that, "subject to the limitations and restrictions hereinafter provided, pensions . . . may be given to the widows of officers in the following cases: . . . (b.) If the officer . . . died from illness brought on by the fatigue, privation, and exposure incident to active operation on the field before an enemy within six months after his being first certified to be ill."

Lieut.-Colonel Francis died on the 31st March, 1901, the medical certificate being that he died of chronic gastritis, the result of enteric fever.

The following extracts have been taken from the diary of the late Lieut.-Colonel (filed in the Defence Office), which has been referred to for the purpose of ascertaining the date "of his being first certified to be ill."

"August 19th, 1900.—I was not very well to-day, and have been ordered rest by the Medical Officer."

"August 20th, 1900.—I was examined to-day by a Medical Board, who advised me being sent to the Mafeking Hospital."

"August 21st, 1900.—As there was a convoy going in to-day, I was sent with them."

"August 23rd to 29th, 1900.—In the Field General Hospital, Mafeking. On the 24th I was again examined by a Medical Board, who told me they did not think I would be fit to go to the front again."

"August 30th to 6th September, 1900.—At the Victoria Hospital, Mafeking. I am sorry to say that I am not getting better, but very much weaker. I was again examined by a Medical Board, and they recommend my removal to Kimberley."

"September 8th to 21st, 1900.—At the Civil Hospital, Kimberley. I was very bad for the first ten days. . . . I was so very weak that I did not expect to get better. . . . The last week in Kimberley I improved a lot, and the doctors advised my removal to Cape Town."

"September 25th to 30th, 1900.—In the Wynberg Hospital."

"October 1st, 1900.—I am glad to say that I am feeling very much better. . . . I was examined by a Medical Board last Thursday. They told me that I would be invalided home. . . . My illness has been the result of exposure, fever, gastritis, dilatation of the stomach, and a general run-down."

Further extracts from his diary down to the time of his arrival in the colony need not be given. He was examined by a Medical Board shortly after his arrival, and thereupon was granted leave of absence from the 21st February to the 20th April, 1901. He died, as already stated, on the 31st March.

The Audit Office is of opinion that the late Lieut.-Colonel Francis's diary affords sufficient proof that he must have been "first certified to be ill" at a date antecedent to the 1st October, 1900, and, therefore, that his death did not occur within six months of the date of his being so certified. The conclusion consequently is that the proposal to give Mrs. Francis a pension is barred by the limitation imposed by the statute, and her claim being barred the children have none; for section 14, which authorises the granting of allowances to children, provides that such allowance may be given only to the children in those cases in which the widow would be entitled to be placed on the Pension List.

J. C. GAVIN,
Assistant Controller and Auditor.