

1889.

## NEW ZEALAND.

NAVAL AND MILITARY SETTLERS' AND VOLUNTEERS'  
LAND-CLAIMS COMMITTEE

(REPORT OF THE).

*Report brought up 21st August, 1889, and ordered to be printed.*

THE Select Committee appointed on the 9th day of July, 1889, to consider and report upon all petitions relating to claims for grants of land by naval and military settlers and Volunteers has the honour to report as follows:—

That eighty-six petitions and many letters on similar subjects were referred to your Committee from claimants under "Naval and Military Scrip Act, 1856" (Auckland); under the various statutes affecting officers, non-commissioned officers, privates, marines, and seamen who retired from the army and navy for the purpose of settling in the Colony of New Zealand; from Jackson's Forest Rangers and the Forest Rangers enrolled subsequently to the disbanding of Jackson's Forest Rangers; from members of the Colonial Defence Force; and from Volunteers claiming under "The Volunteers' Land Act, 1865," and amending Acts. There are also many petitions held over from last session.

Your Committee carefully considered the reports of the Royal Commissions of which Colonel Haultain and Major Gudgeon were Chairmen, which show that the total number of claimants amount to nearly two thousand.

The Committee felt that it was quite impossible to examine properly into the merits of each individual case, and determined, therefore, not to inquire into the prayer of each petitioner, but to limit inquiry to the general principles which should, in its opinion, guide it in recommending the House what course should be adopted to make a final settlement of the various claims.

The Committee examined Major Gudgeon as to the nature and value of the evidence on oath which he took when Chairman of the Naval and Military and Local Forces Land-claims Commission, 1886, and also Mr. Percy Smith, Surveyor-General, on the questions of the surveys of land-grants.

With regard to claimants under "The Naval and Military Scrip Act, 1856," the Committee resolved that such persons late of Her Majesty's naval and military forces who were entitled to scrip under "The Auckland Naval and Military Scrip Act, 1856," whose claims have not been satisfied, are still entitled to a certificate for remission of £20 in the purchase of Crown lands within the Provincial District of Auckland.

With regard to the claims of naval and military settlers, the Committee had some difficulty in arriving at a conclusion. These men, on entering Her Majesty's service, undoubtedly were led to suppose that, if they retired from the service for the purpose of settling in New Zealand, they would be entitled to grants of land, and many men took their discharge with the object of securing land, unaware that subsequent to their enlistment various Provincial Acts provided that claims for land had to be made within a definite period; and, further, that residence within distinct boundaries for a defined period also was essential before the issue of a Crown grant. It appears that those conditions were not well known to most of the claimants, who, in many cases, were quite uneducated men, and did not know how to set to work to acquire the land to which they were entitled. Many, undoubtedly, were careless of those rights, and did not apply for land which they did not know how to make use of. Others were deterred from pushing their claims on account of the poor quality of the available lands near the settled districts which remained open for selection on account of their poverty, and could not, on account of the unsettled state of the Native tribes, and the difficulty of obtaining any employment, occupy lands in the remoter parts of the country. But one of the remarkable features of the case is the fact that the acquisition of land was extremely difficult; most persons applying for land had to wait until surveys were made, and Mr. Percy Smith stated in evidence that surveys took months, and, in many instances, years, to complete. Of course, the ordinary discharged soldier, unprovided with any means of subsistence but his own labour, was unable to wait while surveys were being made, and therefore joined the colonial forces, or wandered away in search of work, and, having got employment, allowed the period during which his claim should have been made to lapse.

Your Committee recognise that by a strict interpretation of the law these men forfeited their rights, but cannot think that the Government of the colony has been without blame. The men were led to believe they would be given land, but, as a matter of fact, they found it practically impossible to obtain it unless in such a remote or dangerous locality that occupation and subsistence would be impossible.

"The Auckland Waste Lands Act, 1867," dated the 10th October of that year, repealed the only then-existing Act granting land to naval and military settlers, but it is reasonable to suppose that the repeal of that Act did not immediately become known in all parts of the colony, and that retired officers and men were still arriving for some months after that date from places outside the colony, unaware of the repeal of the various Acts promising land to naval and military settlers; and therefore it seems to the Committee fair that any officers or men who were discharged in the colony or who, having retired from Her Majesty's service, arrived in New Zealand on or before the 31st December, 1868, should be considered as though they had become entitled to land-claims prior to the passing of "The Auckland Waste Lands Act, 1867."

To compensate these claimants with money would perhaps be unwise, but your Committee is of opinion that all officers, non-commissioned officers, privates, seamen, and marines who retired from the service with a good character for the purpose of settling in the colony, and who have remained therein, are equitably entitled to the grants of land, according to their respective ranks, they would have been entitled to had they put in their claims (as the provincial statutes provided they should) within twelve months.

The Committee is of opinion that the memorandum signed Thomas Russell, dated the 6th August, 1863, distinctly promised land to men enrolling in the Forest Rangers, and that the words "ordinary grant" applied only to area and not to conditions of occupation, as laid down in "The Auckland Waste Lands Act, 1858," which could not apply to men who were enrolled for a period of three months only, and who were disbanded at the expiration of that term. The Committee therefore recommend that all men who were enrolled under the conditions set out in the memorandum of the 6th August, 1863, a photo-lithograph of which was produced, be granted such land as they were entitled to according to their rank. The Committee is also of opinion that all those men who served in the original Forest Rangers who enlisted under the conditions of the memorandum signed T. Russell, dated the 9th November, 1863, are not thereby debarred from the land they earned by their previous service in the Forest Rangers, as that was a distinct and separate enrolment.

There is no evidence to show any man was specially mentioned for distinguished service during the operations between the 6th August and the 9th November, 1863, and therefore no one earned any grants of land for distinguished service. The distinguished service for which Captain Jackson was promoted to the rank of Major, on the 3rd April, 1864, took place some months after the disbanding of the original corps of Forest Rangers, and in a different portion of the campaign. The Committee, therefore, do not hold that Major Jackson has established his claim to a grant of land for distinguished services under the conditions of the memorandum of the 6th August, 1863.

The Committee recommend that Volunteers who were enrolled prior to the passing of "The Waste Lands Administration Act, 1876," should have all rights respected which had been acquired previous to the passing of that Act. That, after careful consideration of such documents and evidence bearing on the subject as can be obtained, the Committee is satisfied that all members of the Defence Force who completed the conditions of their enrolment are entitled to the same grants of land as the officers and men of the Volunteers and Militia settlers.

Your Committee recommend that power be given to the Chief Commissioner of the Waste Lands Board in the various Provincial Districts where any of the before-described claimants were entitled to select land to inquire into the equity of each case which may be brought before him, and to grant the applicant the area of land to which his former rank entitled him without further reference.

21st August, 1889.

W. R. RUSSELL, Chairman.

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