

1890.
NEW ZEALAND.

CLAIMS UNDER "THE NAVAL AND MILITARY SETTLERS' AND VOLUNTEERS' LAND ACT, 1889"

(REPORT OF COMMISSIONERS OF CROWN LANDS UPON).

Presented to both Houses of the General Assembly by Command of His Excellency.

THE accompanying reports from Commissioners of Crown Lands upon claims made under "The Naval and Military Settlers' and Volunteers' Land Act, 1889," are forwarded to His Excellency the Governor, in pursuance of the provisions of section 8 of that Act.

G. F. RICHARDSON,
Minister of Lands.

The Hon. the Minister of Lands.

IN preparing the forms, &c., to be used under "The Naval and Military Settlers' Land Act, 1889," I come across the following difficulty in the Act itself—which, it seems to me, will probably require amendment by Parliament before it can be brought into operation, at any rate as to some of the claimants:—

The subsections under section 2 of the Act provide that the class of persons therein named shall be entitled (if they prove their claims) to either grants of land or remission-money, as the case may be, depending on the original Acts.

In some of these Acts the acreages are stated, in some they are not; but in these latter cases, I apprehend, we must be guided by the grants which have issued to claimants under similar terms of engagement. The real difficulty, however, appears to me to be this: Section 8 of the Act requires that a certificate to the remission of money in the purchase of land shall be issued if the claimant is found entitled; but how are the claims of those who, under the subsections quoted, are entitled to an acreage to be converted into money certificates? Where the price of the lands in the colony varies from 5s. to £2 an acre, how are we to fix upon the price to be placed on the acreage claims in order to convert them? I think there is no power to do so; nor are the Commissioners, apparently, empowered to recommend anything but a money certificate. I would suggest that an opinion be obtained on this matter, as it is an important one.

23rd November, 1889.

S. PERCY SMITH.

For Solicitor-General.—G. F. R., 3rd December, 1889.

THERE seems no doubt that under the Act above referred to all the Commissioner can do is to report, in cases proved to his satisfaction, that the claimant is entitled to a certificate for the remission of money in the purchase of land. The claimant does not get any certificate at present; the Commissioner merely reports that he is entitled to such a certificate, and it is apparently left to future legislation to authorise the actual issue of these documents and to decide on what terms they shall be exercised or satisfied. Reports made to the Governor should of course show under what particular part of section 2 or 9 the claim is made, and what claimant would have been entitled to under it had he originally fulfilled legal requirements.

5th December, 1889.

W. S. REID.

(Circular No. 15.)

General Crown Lands Office, Wellington, 8th May, 1890.

To Commissioners of Crown Lands.

REFERRING to Circular No. 20, of the 11th December, instructing Commissioners as to dealing with claims under "The Naval and Military Settlers' and Volunteers' Land Act, 1889," I am directed to state that in some cases claims have been recommended where the claimants were never entitled under any of the Acts or regulations enumerated in the circular.

I am accordingly to point out that the provisions of the Act of 1889 mean, not that every person who has retired from Her Majesty's naval or military service, as mentioned in section 2, has a claim, but that every person who has so retired who would have had a claim but for the existence of some fact or incident, as mentioned in the preamble to the Act, is entitled to take advantage of its provisions. Every claimant must show, in fact, that, being within the terms of