

Masterton, Wellington, Christchurch, Timaru, Oamaru, Dunedin, and Invercargill, and in the order named.

In determining the various claims we have been guided chiefly by the following considerations: 1. That it was not our duty to recommend the applications of those who never had a claim either in law or equity, or those who, perhaps having a claim at one time, yet never attempted to enforce it. 2. That we were required to do justice to those who, from ignorance or other excusable reasons, failed to enforce their claims within the period prescribed by law, or were barred by the subsequent repeals of those Acts under which they claimed. In no single case have we recommended the claims of discharged soldiers for consideration of the Government where there has been a doubt as to their character or to qualification by residence within the province wherein the original claim was made.

We beg to recommend for favourable consideration the claims of those discharged soldiers (Schedule II.) who—(1), being of good character, left Her Majesty's service expressly to settle in New Zealand, and, having applied to the Land Office of the province for scrip, were either put off from time to time by the officials of that department, or, having obtained scrip, failed to select their land within the time prescribed by law, but who in all other respects had fulfilled their part of the contract; (2) those men who did not apply for their land until the Act under which they claimed had been repealed, but who nevertheless had been entitled, and afterwards resided within the province, as provided by the Act.

We have rejected the claims of all discharged soldiers who fall within the following classes: (1.) Those who were discharged from Her Majesty's service after the repeal of the Act within the province in which they afterwards resided. (2.) Discharged soldiers who had or had not served within the colony, but who in the former case had left it and returned as military settlers, and subsequently became entitled to land as such. These men clearly did not come to the colony to settle as discharged soldiers but as military settlers, and ought not to receive a double grant of land by assuming both characters at choice. (3.) Men who, although they had at one time an undoubted claim, have forfeited the same by leaving the province, and thus failing to carry out the residential clauses of the Act. (4.) Men of the 58th Regiment who have already received scrip or land for service in the Bay of Islands in 1845. (5.) Men who, having received due notice of the sittings of the Commission, have failed to appear before it for examination, and whose written claims were of so meagre a character as to give no information whatever, and who have also failed to reply to the queries sent them by the Commission.

In the case of Volunteers enrolled between the year 1873 and the 31st October, 1876, we have required that the service and efficiency should be continuous.

In pursuance of "The Wellington Free Grants Ordinance, 1869," we have rejected the claims of all Volunteers for service within that province who did not enrol before the 2nd April, 1869, and in the case of Hawke's Bay have, under the provisions of a local ordinance which adopted "The Volunteers Land Act, 1865," for two years only, viz., from August, 1868, to August, 1870, declined to consider the claim of any Volunteer whose five years' service was not complete by the latter date. The Taranaki claims have been treated in a similar manner, for in that province also the Act was adopted for two years (from the 31st December, 1872, to the 31st December, 1874). The provinces of Nelson and Canterbury did not, as far as we can ascertain, adopt the Act in any form, and therefore within those provinces the Volunteers have no claim.

We have rejected the very numerous applications made for actual service against the enemy dating from 1860 to 1868, for the following reasons: (1.) If these claims were ever good in law or equity they ought to have been satisfied twenty years since. (2.) There are now no records obtainable whereby these applications can be verified, and we consider it very doubtful whether the claimants were ever employed on service of such a nature as to bring them within the terms of the Act of 1865, or, if so employed, whether they served the minimum period of six months required by that Act.

Amongst the miscellaneous claims received by the Commission are those of the Hawke's Bay Volunteers. These men were enrolled by the late Major Biggs, and did good service on the East Coast during the years 1865 and 1866. From the evidence given by men belonging to this corps it is evident that no promise of land was made to them on enrolment, but it would appear that the late Sir Donald McLean did promise, in consideration of their good service, that he would endeavour to get them a grant of land, and did, some years after, try to give effect to his promise by introducing a Bill into Parliament, which was, however, withdrawn after its second reading. We consider that no promise was made to this corps which would warrant us in recommending it for the favourable consideration of the Government.

A similar case is that of Major Jackson and those men of the Forest Rangers who were enrolled in August, 1863, and disbanded in the following November. These men received the very high rate of pay of 8s. per diem, and were to receive land, the only contention being as to whether the three months served by them would entitle them to the grant, it being admitted that those men who re-joined at a lower rate of pay (5s.), and who served a term of three years, not only were entitled but did receive some of the best land in Waikato. Major Jackson and some of his men are now claiming a second grant. Major Jackson bases his claim—First: On Mr Russell's minute of the 6th August, 1863, by which he is authorized to enrol the Forest Rangers, and the men are promised land, for distinguished service, "in addition to the ordinary grant." Secondly: On the verbal promises of Sir George Grey, the then Governor, and Mr. Russell, the then Defence Minister. Thirdly: That the Government of New Zealand, by letter No. 2,541, of the 16th November, 1864, recognized his claim. The Commission is of opinion, with respect to the first point, that the "ordinary grant" of land mentioned in the memorandum of the 6th August, 1863, above quoted, involved three years' service. This view was taken by Mr. Holt, the then Under-Secretary, in his memorandum of the 17th of November, 1865; and Mr. T. Russell, in his minute of the 18th October, 1864, distinctly repudiates the claims of the three months' men. As to the verbal promises of Sir George Grey and Mr. Russell, the former gentleman, in reply to queries addressed him by