

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"The Auckland Waste Lands Act, 1867," dated the 10th October of that year, repealed the only then-existing Act granting land to naval and military settlers, but it is reasonable to suppose that the repeal of that Act did not immediately become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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