

SESS. II.—1891.
NEW ZEALAND.

NAVAL AND MILITARY CLAIMS COMMITTEE.

(GENERAL REPORT OF THE)

Brought up 13th August, 1891, and ordered to be printed.

THE Select Committee appointed on the 26th June, 1891, to consider and report upon the claims of old soldiers and Volunteers, have the honour to report—

That the claims rejected by the several Commissioners of Crown Lands—many petitions and communications of less formal shape, in considerable numbers—were referred to your Committee; and it would appear that there are claims, amounting in numbers to about one thousand, still unsatisfied.

Most of these claims have been reported on by the various Commissioners and Committees appointed from time to time to inquire into the claims of those who have served the colony in the various branches of the military and naval services; and, as the claimants are living in all parts of New Zealand, from the Bay of Islands to the Bluff, and on the east and west coasts of the colony, it became evident that it was quite impossible for your Committee to examine into each particular claim, and they therefore determined to report on what seemed to them the general nature of the claims.

At the very first, a difficult question had to be considered—viz., whether or not any claims rejected by the Commissioners of Crown Lands, under the provisions of “The Naval and Military Settlers’ and Volunteers’ Land Act, 1889,” ought to be reopened, as tending to prevent that finality so much to be desired; but, as the reports from the various Commissioners in the different districts bear on the face of them evidence that each Commissioner interpreted the provisions of that Act somewhat differently—viz., some appearing to have only recommended claims they considered undoubted, while others seemed to have questioned their powers to waive technical objections. The result has been that in Auckland more than two-thirds of the claims were rejected; while in Southland and Westland (where, however, the claims were very few) all were recommended. Again, in Canterbury, the recommendations were only five, and the number rejected twenty-three; while in Otago the recommendations were twenty-two, and the rejected only four. And, as a further illustration, it appears the claim of David Dunlop, private, 43rd Regiment, was rejected by the Commissioner of Crown Lands in Taranaki, and that of D. Dunlop, private, 43rd Regiment (the same man) was recommended by the Commissioner in Nelson.

The date—31st December, 1868—after which no discharged soldier or sailor was allowed to claim land under the provisions of “The Naval and Military Settlers’ and Volunteers’ Land Act, 1889,” was presumably fixed because the last statute granting land to naval and military settlers was repealed by “The Auckland Waste Lands Act, 1867,” having effect from the 10th October in that year; and the Committee, which was appointed in 1889, on whose report “The Naval and Military Settlers’ and Volunteers’ Land Act, 1889,” was prepared, evidently considered that by extending the date to which applications for grants of land would be received—viz., to the 31st December, 1868, more than fourteen months afterwards—ample time was given to all soldiers and sailors who had served in New Zealand to become aware of the repeal of the laws under which they were entitled to select land, and to decide accordingly whether or not to settle in the colony. Of course, many men who served in the same regiments or ships, under identical circumstances with those whose claims have been recognised owing to their arrival in New Zealand before the 31st December, 1868, feel hardly used, because the terms of their enlistment prevented them from returning to this colony until after that date; and, as there are comparatively few affected by the provision, and as the date was purely arbitrary, and as no deviation from principle will be involved by including all soldiers and sailors who served in New Zealand and returned to settle in the colony so soon as their retirement from the service permitted them, your Committee recommend these claims for favourable consideration.

Petitions have been before this Committee from men who received injuries during the time of their active service, which prevented them from completing the actual term of service for which they were enrolled. And, in some instances, this has been held to be fatal to their claims for land; but, as a soldier cannot give more than his life or strength in fulfilment of his engagement, your Committee recommend that such claims should be recognised and dealt with in the most liberal manner.

Petitions have been received from men who had already earned grants of land for services in the Imperial Forces, for additional grants of land earned as Volunteers; and others from retired soldiers or sailors who have received grants of land for service in the Colonial Forces, but who did not receive land for the services they had rendered in the army or navy. It appears that, in either category, these claimants were entitled to grants of land under their separate engagements, but subsection 2 of clause 10 of "The Naval and Military Settlers' and Volunteers' Land Act, 1889," prohibits all such claims. That policy, however, does not appear to have been recommended in the report of the Committee of the 21st August, 1889, and your Committee can see no reason why the conditions of a separate and entirely different enrolment should be set aside because the claimant was entitled to a grant of land for other services.

There are also cases of men who were allotted grants of land, which they occupied for limited periods, but who were unable to remain upon their allotments, either from actual danger from hostile Natives or from the unsettled state of the district, were unable to earn a subsistence for themselves and families, and consequently migrated to other parts of the colony where employment was obtainable. And there are others, again, who retired from the Imperial services to settle in New Zealand, and who, on arriving in districts where there was no law in force granting land to retired soldiers or sailors, and who nevertheless remained in such districts, the Committee consider these cases differ in so small a degree from many which have already been favourably reported on, that they recommend these also should be dealt with in a liberal manner.

The position of claimants, being the widows (or children) of men who retired from the Imperial service to settle in New Zealand, or of men who served in the Colonial Forces, has also been considered; and your Committee is of opinion that, where it can be satisfactorily proved that had the husband (or father) been alive he would have been entitled to a grant of land, such grants of land should be allotted to the widow or children.

Applications have been received from men who served in New Zealand, but who, subsequent to their retirement from the service, have been domiciled beyond the limits of the colony. As the special object of the Acts granting land to naval and military settlers was to induce settlement in the colony, these applicants, not having complied with the spirit of the law, cannot, in the opinion of this Committee, have any claim upon the colony.

Your Committee are of opinion, therefore, that, to give effect to these recommendations, a special Commissioner should be appointed to inquire into all alleged claims under the foregoing categories; and, if such claims are substantiated, a list thereof be sent to the Government to be included in a Bill authorising the issue of land-orders, and a notification forwarded to each applicant of the decision arrived at in his case by the Commissioner. And, in order that due publicity may be attained, an advertisement should be inserted in at least one newspaper circulating in each district, stating that no claims will be considered after the 31st March, 1892, and also that a copy of this report, printed in large type, be posted in a conspicuous place at every post office throughout the colony.

And, further, that a Bill be introduced this session to amend "The Naval and Military Settlers' and Volunteers' Land Act, 1889," in the directions indicated in this report, and to authorise the immediate issue of land-orders to all claimants recommended by the several Commissioners of Crown Lands under the provisions of the Act.

13th August, 1891.

W. R. RUSSELL, Chairman.

Approximate Cost of Paper.—Preparation, nil; printing (1,300 copies), £1 3s.

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1891.

Price 3d.]