

1911.  
NEW ZEALAND.

# NAVAL AND MILITARY CLAIMS.

## LIST OF RECOMMENDED CASES.

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

WM. C. KENSINGTON. Under-Secretary to the Right Hon. the MINISTER OF LANDS.

### *Old Soldiers' Claims.*

Department of Lands, Wellington, 28th August, 1911.

I HAVE prepared a report upon the whole question, which is attached. As, however, the several Stipendiary Magistrates only recommended for favourable consideration the persons whom they considered had established their claims, without making any specific recommendation, I append a list of the cases, with remarks for your guidance in arriving at a conclusion in regard to each claimant. You will observe that the number recommended is small, and it is evident that the majority of persons who had any claim for consideration, so far as the statutes governing the matter are concerned, have been satisfied.

### LIST OF RECOMMENDED CASES, WITH REMARKS.

Name.	Service.	Remarks.	Recommendations and Suggestions.
Allen, James (M.C. 2571)	Navy	Claimant retired from army in 1865 and settled in Otago. Acts of 1858 provided grants would be made to old soldiers who retired to settle in North Island. Magistrate in recommendation points out that Act of 1889 extends "settlement" to any part of New Zealand. This is so; but it is considered that present inquiry does not give privileges now that did not exist at time retirement took place	Held that claimant did not comply with existing conditions at the time of retirement, and is therefore not entitled.
Baker, Robert (M.C. 77)	Taranaki Volunteers	According to <i>Taranaki Provincial Gazette</i> , 1872, claimant was awarded allowances under Volunteer Land Act, 1865, for five years' Volunteer service, and for four years' and a half active service. This was pointed out to Magistrate, who referred matter to Mr. Baker. Claimant denies on oath that he received such allowances. Magistrate, in the absence of proof that he did, recommends that allowances awarded in 1872 be now granted him. There is proof, however, that claimant received the scrip, as he admits in application made in 1896 that he "applied to Provincial Government and was awarded scrip"	Held that claimant received his scrip under Act of 1865, as set forth in <i>Taranaki Gazette</i> , 1872, and is therefore not entitled to further consideration.
Brown, John Henry (M.C. 235)	Hawke's Bay Volunteers	Has proved six months' active service. The claim comes under the Volunteer Land Act 1865	Grant of £5 recommended.

## LIST OF RECOMMENDED CASES. WITH REMARKS—continued.

Name.	Service.	Remarks.	Recommendations and Suggestions.
Bullock, Edward A. H. (M.C. 2469)	Taranaki Volunteers.	This is a case similar to the above. Claimant's name also appears in <i>Taranaki Gazette</i> as having received an allowance in 1872. On being confronted with this fact, applicant denied on oath that he received it, and Magistrate has recommended the claim. There is evidence to show that in 1874 scrip amounting to £12,270 was deposited in the Superintendent's Office, New Plymouth, and the Treasury advise that £7,030 was paid to Mr. Chilton, then Collector of Customs, to redeem the certificates. Though no record can be found giving list of claims settled, there appears to be very little doubt that the Taranaki men received their allowances.	Held that claimant received his scrip under Act of 1865, as set forth in the <i>Taranaki Gazette</i> , 1872, and is therefore not entitled to any further consideration.
Carter, John [(M.C. 2536)	H.M. 40th Regiment.	There is a great doubt as to whether Carter retired for purpose of settling in New Zealand, but he settled at Auckland and has lived there ever since.	Grant of £30 recommended.
Coffey, Denis (M.C. 384A)	H.M. 57th Regiment.	Claimant was discharged at Auckland in 1867—conduct "Good"—and has resided in New Zealand ever since. Saw a good deal of active service.	Ditto.
Collins, John	H.M. 14th Regiment.	Retired from Imperial service before 1872 and settled in New Zealand, where he has resided ever since. Fought in several engagements.	"
Dearlove, Charles (M.C. 499), (deceased)	Colonial Defence Force, Hawke's Bay	Entitled under conditions of enlistment to a grant of land; was lawfully discharged; joined another corps, and was killed in action. Representatives now claiming.	"
Edgecombe, William (M.C. 591A)	Taranaki Volunteers.	This is a similar claim to M.C. 2469, Mr. E. A. H. Bullock, above set forth. Was awarded an allowance under Volunteer Land Act, 1865, but denies having received it. Magistrate recommends.	Held that claimant received allowance under Land Act, 1865, as set forth in <i>Taranaki Gazette</i> , 1872, and is not entitled to further consideration.
Evans, Robert (M.C. 630)	Colonial Defence Force and several other corps	There is no proof of five years' continuous Volunteer service, though claimant saw a good deal of field service, mostly intermittent.	Held that claim is not entitled to consideration.
Fahey, Peter (M.C. 2230), (deceased)	H.M. 65th Regiment.	Claimant was discharged in 1859, and joined Militia, being killed in battle of Waireka. Niece (Mrs. Meachem) is claiming.	Grant of £30 recommended.
Fitzgerald, John (M.C. 665)	Militia	Claimant retired from Imperial service and joined Militia, &c., and has furnished proof as to twelve months' active service against late Queen's enemies.	Grant of £10 recommended.
Focett, Charles (M.C. 2346)	H.M. 14th Regiment.	Discharged from Imperial service in 1868 and has resided in New Zealand ever since. Has had active service.	Grant of £15 recommended.
Hamilton, Michael (deceased), by his sister (M.C. 838)	H.M. 58th Regiment.	Claimant was discharged in 1862, but there is no satisfactory evidence to show that he came direct to New Zealand after discharge to settle.	Held that claimant is not entitled to consideration.
Hanlen, William E. (M.C. 845)	Auckland Volunteers	Claimant had no active service, though the late Major Derrom certifies that he completed five years' continuous Volunteer service.	Ditto.
Harper, Henry (by his son), (M.C. 865)	Wanganui Volunteers	There is doubt as to whether claimant completed five years' service, as Defence Department advise that he had three years and three months. Messrs. Liffiton and Jones both swear, however, that claimant served from 1860 to 1866. He was actively engaged against the Maoris on several occasions, and has claims for consideration for active service.	Grant of £15 recommended.
Hesketh, Charles (M.C. 2368)	Auckland Volunteers	Though claimant completed five years' continuous Volunteer service, he has had no active service.	Held that claimant is not entitled to consideration.
Hooker, Henry (M.C. 2403)	Taranaki Militia	This is another Taranaki claim wherein claimant denies that he received the allowance set opposite his name in the <i>Taranaki Provincial Gazette</i> , 1872.	Held that claimant received allowance under Act of 1865, and is not entitled to further consideration.
Howell, Henry (M.C. 2509)	Taranaki Volunteers.	There is sufficient evidence to show that claimant had about twelve months' active service, during which he was actually engaged against the Maoris.	Grant of £10 recommended.

LIST OF RECOMMENDED CASES, WITH REMARKS—*continued*.

Name.	Service.	Remarks.	Recommendations and Suggestions.
Kerr, James (by daughter), (M.C. 2573)	Royal Artillery	There is no proof that claimant retired for the purpose of settling in district where free grants of land were made, but left for Canterbury to take up a position as Artillery Drill Instructor and settled there	Held that claim is not entitled to consideration.
Kerr, William (M.C. 1093)	Auckland Colonial Defence Force	Service in this corps was for three years, or until legally discharged. There is no evidence that claimant was legally discharged	Held that claimant is not entitled to consideration.
Langman, Thomas (M.C. 2508)	Taranaki Volunteers	A further Taranaki claim in which applicant denies having received allowance provided for and set opposite his name in the <i>Taranaki Provincial Gazette</i> , 1872	Held that claimant received allowance under Act of 1865, as set forth in <i>Taranaki Gazette</i> , 1872, and is not entitled to further consideration.
McAuley, James (M.C. 1366)	H.M. 14th Regiment	Discharged from Imperial service in 1864, and settled in the Hawke's Bay district in 1865, and has resided in New Zealand ever since. There was some doubt as to the date of settlement, but Captain Goodwyn - Archer, Veterans' Home, states that from records in his possession it is shown that claimant settled in 1865	Grant of £30 recommended.
Marsh, Esau (M.C. 2507)	Taranaki Volunteers	The same remarks apply to this claim as to that of Thomas Langman above	Held that claimant received allowance as set forth in the <i>Taranaki Gazette</i> , 1872, and is not entitled to further consideration.
Neale, Joseph (M.C. 2467)	Auckland Volunteers	Completed five years' efficient Volunteer service, during a part of which claimant was engaged in active service	Grant of £10 recommended.
Nicolson, Angus (M.C. 2253)	Auckland Naval Volunteers	Completed five years' continuous Volunteer service, part of which time claimant was on active service	Ditto.
Parkes, Frederick R. (by widow), (M.C. 2374)	Wanganui Rifles	Completed five years' continuous Volunteer service as captain of the corps. Was also on active service	..
Preece, George A. (M.C. 1618)	Hawke's Bay Military Settlers, Forest Rangers Defence Force	It appears that though claimant did not serve in corps that came within the Acts, as the conditions of enrolment made provision for grants, Major Gascoyne and Lieut.-Colonel Goring credit him with having two years' continuous service in the field, which supports the Magistrate's recommendation that claimant is entitled at least for two years' active service, during which he was actually engaged against the late Queen's enemies	Grant of £20 recommended.
Pugsley, Silas (M.C. 2322)	Greytown Rifles	Though this claimant completed five years' Volunteer service, he has had no active service in the field	Held that claimant is not entitled to consideration.
Ross, Richard (M.C. 1717)	Auckland Naval Volunteers	Has proved six months' active service. The claim comes under the Volunteer Land Act, 1865	Grant of £5 recommended.
Shirley, Thomas E. (M.C. 1792)	Hawke's Bay Volunteers and Militia	Claimant did not complete five years' Volunteer service, but rendered valuable service under Majors Biggs and Westrup against the rebel Natives, at the time when Te Kooti escaped, and took part in several engagements	Grant of £10 recommended.
Simpson Edmund S.T.	H.M. 70th Regiment	Retired from the Imperial service in 1865 and settled in New Zealand, where he has resided ever since	Grant of £30 recommended.
Smith, Henry (by daughter), (M.C. 2312)	Land Transport Corps	This is a case where a remission certificate for £30 was issued under the Act of 1891 and allowed to lapse. The certificate stated clearly on its face that "it shall be barred unless exercised on or before the 31st March, 1894." Claimant made no application for land or a debenture within the time specified, and the certificate became null and void. The Magistrate has recommended the claim, stating, <i>inter alia</i> , that "the equities in this case are all on the side of the applicant, and I consider the Government should make some provision to meet a case of this kind." Claimant had ample time in which to exercise the certificate, but failed, and it does not appear to be a case for favourable consideration in this inquiry	Held that claim is not entitled to consideration.

LIST OF RECOMMENDED CASES, WITH REMARKS—*continued*.

Name.	Service.	Remarks.	Recommendations and Suggestions.
Standish, Arthur (M.C. 2478)	Militia .. ..	Claimant completed eighteen months' active service, during which he was actually engaged against the late Queen's enemies. Claim comes within the Volunteer Land Act, 1865	Grant of £15 recommended.
Thelwall, Robert (M.C. 2533)	Poverty Bay Mounted Rifles	Completed five years' continuous service, and took part in an engagement. Had active service	Grant of £10 recommended.
Walker, John H. (M.C. 2473)	Wellington Rangers, Kaiwarra Rifles	This is a case where claimant served in corps which does not come within the Acts. It was a special service, for which the men were paid. He did not have sufficient Volunteer service to qualify for grant of land. Part of the service was active	Held that claimant is not entitled to consideration.
Walters, William (M.C. 2004)	Waiuku Volunteers ..	Claimant completed five years' continuous Volunteer service, and during service had about two years' active service, and actually engaged against the late Queen's enemies several times	Grant of £30 recommended.
Wilson, Charles W. (M.C. 2401)	Taranaki Militia ..	Has proved six months' active service. The claim comes under the Volunteer Land Act, 1865	Grant of £5 recommended.
Wilson, John W. (M.C. 2310)	H.M. 65th Regiment ..	Claimant was discharged from the regiment and settled in New Zealand, where he has resided ever since	Grant of £30 recommended.

The recommendations and suggestions are nine. The following is a short summary of the position: The Stipendiary Magistrates recommended thirty-nine persons for favourable consideration. These recommendations have been examined and compared with other claims, with the result that twenty-three persons have been passed, and the sum of £420 is the total amount involved. This leaves sixteen cases favourably reported upon by the Magistrates which are not included in my recommendations, for the reasons above given. It is understood that there are still a few cases with the Magistrates that have not yet been decided.

The Right Hon. the Minister of Lands, Wellington.

WM. C. KENSINGTON,  
Under-Secretary.

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