

P A P E R S

RELATIVE TO

CLAIMS OF CERTAIN WAIKATO MILITIAMEN

FOR ADDITIONAL PAY.

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY BY COMMAND OF
HIS EXCELLENCY.

WELLINGTON.

—
1866.

PAPERS
RELATIVE TO CLAIMS OF CERTAIN WAIKATO MILITIAMEN
FOR ADDITIONAL PAY.

No. 1.

Copy of a Letter from Mr. T. B. GILLIES to the Hon. E. W. STAFFORD.

SIR,—

Auckland, 22nd February, 1866.

I am instructed by Messrs. W. A. Gray, of the Second Waikato Regiment, John Brown, of the Third Waikato Regiment, and John Carlisle, of the Fourth Waikato Regiment, on behalf of themselves and their comrades, to take the necessary steps for enforcing their claims against the Colony for pay and allowances due to them under their terms of enrolment as Military Settlers, until relieved from actual service by the Proclamation of 5th December last.

Before doing so, however, I consider it to be due to the Government to lay definitely before you the grounds on which these claims are made, as I feel sure that your Government would not knowingly repudiate engagements entered into by the Government of the Colony with these men, and that the refusal of their claims hitherto must have arisen from these grounds not having been distinctly laid before you.

These claims are founded on a distinct printed agreement, signed by the men on their acceptance by the Government Agent, one copy of which I have before me. It states :—“ I do hereby declare that I fully understand the conditions hereunto annexed, and I do engage and agree to be bound thereby, and punctually on my part to fulfil all the terms thereof.” The agreement and conditions are virtually the same as those published in the Government *Gazette*, signed by “ George Dean Pitt,” and dated “ Auckland, August 4, 1863.” One of these conditions is :—“ Every settler under these conditions who, upon being relieved from actual service, receives a certificate of good conduct, will be entitled to one town allotment and one farm section.” From this it appears that relief from actual service is a condition precedent to any settler becoming “ entitled ” to his land. Another condition is :—“ He will be enrolled and required to serve in the Militia in the Province of Auckland, and will be entitled to pay, rations, and allowances accordingly,” until he is authorized by the Government “ to take possession of his land, when he will be relieved from actual service.” At first sight this condition might appear to imply that the settler would receive possession of his land first, and then immediately after be relieved from actual service. That this is not the true interpretation is evident from the comparing it with the previous condition, and from the consideration that the land was not “ his ” until he became entitled thereto by relief from actual service, and by receipt of a certificate of good conduct. The sequence of events contemplated by these conditions appears to be: 1st., relief from actual service; 2nd., certificate of good conduct; 3rd., becomes entitled to land; 4th., authorized to take possession of the land to which he has become entitled. Until happening of the latter event, which cannot occur until the three former have occurred, he is entitled to pay, rations, and allowances.

This interpretation further appears to be the correct one, from the consideration that until the men were relieved from actual service they could not possibly take possession of their farm land, lying, in many cases, over twenty miles distant from the scene of their duties, the camp from which they dare not absent themselves. The Proclamation of 5th December, 1865, taken in conjunction with General Order No. 5, of 4th March, 1865, which states that the “ officers and men will still remain upon actual service, subject to the provisions of the Militia Act and Articles of War, and will be liable at any moment to be called out for consecutive duty,” is conclusive of the fact that until 5th December, 1865, the men were not relieved from actual service.

It is urged, however, as I understand, that because in March last the lands were balloted for and selected by these settlers, and many of them then took possession of the town acres selected by them, they then ceased to have right to pay, rations, &c., on the ground that they were then “ authorized by the Government to take possession of their land.” In reply to this, I would observe, first, that it was not their land until they became entitled to it by relief from actual service; misconduct, prior to relief from actual service, would have forfeited all their claim; whereas, misconduct after such relief would not affect their title to the land, which had then already vested. Next, I would remark, that although they in March selected their lands, and in some instances had since occupied the town lands so selected, they were never “ authorized by the Government ” to take possession; no certificates of occupation were issued; no proclamation published; no public announcement made authorizing them to take possession. No possession was taken of their farm lands. Their taking possession of the town lands was simply permitted by the Government, and in some instances that permission was withdrawn and men removed from the lots on which they had settled, which could not have occurred had they once been lawfully authorized to take possession and become entitled to the land. That the selection and occupation, in March, was not an authorization by the Government, appears almost to be recognized by the Proclamation of 5th December, which recites that various officers, &c., “ have now been authorized to take possession of their land.”

No doubt others of the conditions speak of the rights and duties of these settlers, “ after taking possession,” but that possession must mean legal possession under the authorization of the Government consequent on their becoming “ entitled ” to land upon relief from actual service.

The Honorable Minister for Colonial Defence, in his letter to Colonel Harington, of 30th December last, relative to this matter, seems to take up the position that these settlers were only entitled to such pay, and on the same conditions, as other Auckland Militia, and that because the Auckland Militia, “ while on actual service but not doing any duty, were not receiving pay,”

therefore these Military Settlers were not entitled to pay. This doctrine, though apparently countenanced by the word "accordingly" in the condition before quoted, is evidently erroneous, from the wording of the similar condition as published in the *Government Gazette*, which says: "11. Each man, according to his rank, will be entitled to pay and rations, *until* he is authorized," &c., without reference to the conditions under which the Auckland Militia are entitled to their pay, &c.; and in a note to this condition, are specified the particulars of pay, rations, and allowances, referred to. The doctrine of the Defence Minister would necessarily imply that these men might have been brought to this country, kept in the Waikato in "actual service" with all the restrictions and liabilities of men on active service, but not doing any duty, not placed on their land, and yet be entitled to no pay, &c. Such a doctrine would be manifestly absurd, and contrary to the spirit of the conditions; and however applicable to Militiamen in the neighbourhood of their own homes, would be manifestly inapplicable to the circumstances in which these Military Settlers were placed, unable to move about or obtain other employment when "not doing any duty."

Upon these grounds I have respectfully to urge that these men have a legal right to their pay, rations, and allowances, till relieved from actual service on 5th December last; and have to request that the opinion of the Honorable the Attorney-General be taken thereon.

As many of the men, with their wives and families, are suffering severe privations from the withholding of their pay and allowances since March last, I have to beg your very earliest attention to this matter, and your reply at your earliest convenience.

I enclose a copy of the claims of the three individuals whose names I have mentioned.

I have, &c.,

THOMAS B. GILLIES.

To the Hon. the Colonial Secretary.

Enclosures in No. 1.

Auckland, 17th February, 1866.

The COLONIAL GOVERNMENT of New Zealand, *Dr.* to No. 664, Private WILLIAM ARCHIBALD GRAY, 2nd Regiment Waikato Militia.

FOR pay and allowances according to our conditions of enrolment until relieved from actual service by *Government Gazette* proclamation of 5th December, 1865, viz:—

Pay from 5th August, 1865, to 5th December, 1865,	122 days	£	s	d.
Less payment received for 7th August, 1st September, 1st October, and 1st November ...	4 "			

118 days at 2s. 6d. 14 15 0

Allowances as follow, viz:—

118 days of rations of rum at 1½d.				0	14	9
Summer suit of clothing due 1st September, 1865—		£	s.	d.		
1 serge shirt		0	11	3		
1 pair trowsers		0	9	3		
1 pair boots		0	11	6		
1 forage cap		0	2	5		

1 14 5

£17 4 2

Auckland, 17th February, 1866.

The COLONIAL GOVERNMENT of New Zealand *Dr.* to Ensign JOHN BROWN, No. 8 Company, 3rd Waikato Regiment Militia.

FOR pay and allowances according to conditions of enrolment until relieved from actual service by *Government Gazette* proclamation of 5th December, 1865.

Pay from 31st March, to 1st June, 1865, 61 days, at 8s. 3d. per diem	£	s.	d.
Pay from 1st July, to 5th Dec., 1865, 158 days, at 8s. 3d. per diem	25	3	3
219 rations of grog, 1½d. each	65	3	6
	1	7	4½

£91 14 1½

Auckland, 17th February, 1866.

The COLONIAL GOVERNMENT of New Zealand *Dr.* to JOHN CARLISLE, No. 350, Private 4th Regiment Waikato Militia.

FOR pay and allowances according to conditions of enrolment until relieved from actual service by *Government Gazette* proclamation, 5th December, 1865, viz:—

Pay from 1st March, 1865, to 5th December, 1865, inclusive,	£	s.	d.
280 days at 2s. 6d. per diem	35	0	0
276 rations of rum 1½d.	1	14	6

Summer suit of clothing, due 1st September—

1 serge shirt	s.	d.
1 pair trowsers	11	3
1 pair boots	9	3
1 forage cap	11	6
	2	5

1 14 5

38 8 11

WAIKATO MILITIAMEN FOR ADDITIONAL PAY.

5 D.—No. 4.

Cr. by one day's pay in April, May, June, July, August,
September, and October, 7 days, at 2s. 6d.

0 17 6

£37 11 5

No. 2.

Copy of a Letter from the UNDER SECRETARY to Mr. T. B. GILLIES.

(No. 185.)
SIR,—

Colonial Secretary's Office,
Wellington, 8th March, 1866.

I have the honor, by the direction of Mr. Stafford, to acknowledge the receipt of your letter of the 22nd ultimo, submitting claims preferred by certain persons for pay and allowances which they allege to be due to them under the terms of their enrolment as Military Settlers.

A definite reply cannot be given to your letter until some papers, which are at Auckland, connected with this question, have been received. These papers have been written for, and when they arrive no time will be lost in communicating further with you on the subject.

I have, &c.,

W. GISBORNE,
Under Secretary.

T. B. Gillies, Esq., Auckland.

No. 3.

Copy of a Letter from the UNDER SECRETARY for Colonial Defence to Lieutenant-Colonel MOULE.

(No. 1028-1.)

Colonial Defence Office,
Wellington, 9th March, 1866.

SIR,— I am directed by the Hon. Colonel Russell (acting for the Defence Minister) to request you will forward the following information which is required immediately by the Government:—

1. An exact statement showing the mode in which the officers and men of the 2nd, 3rd, and 4th Regiments were placed in possession of their town and farm sections, with a certified copy of any order bearing on the point.

2. A certified copy from the register books of the three regiments of an officer's, non-commissioned officer's, and private's town acre and farm section, showing his title to the same.

3. A certified copy of all "General Orders" issued by the Commandant of the Waikato Militia during the month of March, 1865.

With reference to paragraph "No. 1," I am to state for your guidance that the information required is the exact process (from the time blocks of land are handed over for allotment to the Waikato Militia) by which officers and men receive their particular town acre and farm section.

In conclusion, I am to impress upon you the necessity of losing no time in having this information prepared and transmitted to this office.

I have, &c.,

J. HOLT,
Under Secretary.

Lieutenant-Colonel Moule,
Commanding Waikato Militia, Hamilton.

No. 4.

Copy of a Letter from Lieut.-Colonel MOULE to the UNDER SECRETARY for Colonial Defence.

(No. 541-2.)

Head Quarters Waikato Force,
Hamilton, 17th April, 1866.

SIR,— I have the honor to forward herewith enclosed for the information of the Hon. the Defence Minister, in reply to your letter No. 1028, dated 9th March, 1866, the information called for therein.

I may add that no instructions as to the mode in which the officers, non-commissioned officers, and men were to be placed in possession of their land were issued from this office, to officers commanding regiments.

I have, &c.,

W. MOULE,
Lieut.-Colonel commanding Waikato Forces.

The Under Secretary, Colonial Defence,
Wellington.

Enclosure 1 in No. 4.

General Order No. 5.

Head Quarters, Waikato Militia,
Alexandra, 4th March, 1865.

It is notified, for general information, under instructions from Government, that the officers and men of the Waikato Force, when relieved from consecutive duty and struck off pay, will still remain upon actual service, subject to the provisions of the Mutiny Act and Articles of War, and will be liable at any moment, to be called out for consecutive duty.

The force will be relieved from actual service at the earliest possible opportunity.

(By order)

T. C. S. SPEEDY,
Captain and District Adjutant Waikato Militia.

General Order No 6.—Extract.

Head Quarters, Waikato Militia,
Alexandra, 5th March, 1865.

Par. 2.—The men of the Waikato Force who have been put in possession of their land, and struck off pay and duty, are prohibited from leaving the district without a pass obtained from the officer commanding the regiment to which they belong.

Commanding officers are requested to be most vigilant in carrying out this regulation.

(By order)

T. C. S. SPEEDY,
Captain and District Adjutant Waikato Militia.

General Order No. 7.

Head Quarters, Waikato Militia,
Alexandra, 14th March, 1865.

1. Officers commanding regiments are requested to furnish the Comptroller's Department with copies of all regimental orders which may affect the pay of officers of the Waikato Militia.

2. Officers commanding regiments will, without delay, send in estimates to the Comptroller for the money that will probably be required for the one day's pay and fuel allowance of the officers and men struck off duty.

The Comptroller will be requested to have the money paid into the Bank of New Zealand at Ngaruawahia, in sufficient time to enable its being received at the head-quarters of regiments before the next muster-day, 3rd April.

As pay-serjeants of companies have been retained on pay, they will be available to assist in preparing the pay rolls, &c., and, if necessary, one from each regiment might be sent to Ngaruawahia to procure the requisite funds.

(By order)

T. C. S. SPEEDY,
Captain and District Adjutant, Waikato Militia.

Enclosure 2 in No. 4.

Copy of a Letter from Captain W. ST. CLAIR TISDALL to the STAFF ADJUTANT.
(No. 285-66.)

SIR,—

Alexandra, 7th April, 1866.

Memorandum
1301, 28th March,
1866; received
7th April, 1866.

In reply to your Memorandum as per margin, endorsed on extract from Defence Office Letter No. 1028, 9th March, 1866, calling for information respecting the mode in which officers and men of the Waikato Force were placed in possession of their town and farm sections, together with copy from Orders, and an extract from the Register Books.

I have the honor to report for the information of the Lieutenant-Colonel commanding, that in the 2nd Regiment Waikato Militia, the township plans were received in July and August, 1864, seven or eight months before any farm sections were received, and the mode of allotment was as follows:

The Commanding Officer divided the township plans into blocks, proportioned to the numbers in the companies to be located. The captains of companies then drew lots, to decide the position of their companies in the town; next, officers, non-commissioned officers and men selected or drew for their allotments under the tenth clause of the Waikato Regulations, deciding priority of choice for each rank by lot.

Returns of the lots so drawn were immediately sent to the Orderly Room for official record and registration.

The blocks for farm sections were first handed over for location in March, 1865. These blocks were sent to officers commanding regiments by the officer in command of the Waikato Force, with strict orders in each case to locate the men, and to strike those located off pay and consecutive duty, which was done, and the men not called upon to perform military duty, after the date published in Orders, placing them in possession of their land. The process of location on the farm sections was similar to that above detailed for the town lots—officers commanding companies drawing lots for the various blocks, and then the officers, non-commissioned officers and men selecting and drawing lots according to rank, the lots drawn being at once officially recorded in the Orderly Room books and on the authorized plans. I append for example, copy of a Military Secretary's letter, handing over certain blocks for location, and giving the usual directions, copy of Regimental Orders, distributing these blocks to companies, and of the following Regimental Order, striking those off pay and consecutive duty, who were placed in possession.

I have further the honor to append a certified extract from the Land Register Book of the regiment under my command.

I have, &c.,

WILLIAM ST. CLAIR TISDALL,

Captain and Adjutant commanding 2nd Regiment Waikato Militia.

The Staff Adjutant, Waikato Force, Hamilton.

Sub-Enclosure to Enclosure in No. 4.

(No. 298.)

SIR,—

Head Quarters, Waikato Force, Auckland, 3rd October, 1865.

I am directed to forward to you two tracings on cloth, of blocks of land for the location of the officers and men of the regiment under your command, as per margin, and to request you will be good enough to acknowledge their receipt, and cause them to be allotted without delay, and the officers and men to whom allotted to be struck off consecutive duty and pay with as little delay as possible.

I have, &c.,

To the Officer commanding 2nd Waikato
Regiment, Alexandra.

J. H. R. HARRISON, Captain,
(for Military Secretary.)

Mr. Walker's Survey near Whata Whata.

Reserves	...	...	...	...	...	...	...	...
Temporary reserves	...	...	...	...	...	...	...	7
Available lots	...	...	...	...	...	...	...	33
Total	...	...	...	...	...	...	...	45

Captain Simpson's Survey near Whata Whata.

Reserves	...	...	...	...	...	...	...	...
Temporary reserves	...	...	...	...	...	...	...	7
Available lots	...	...	...	...	...	...	...	30
Total	...	...	...	...	...	...	...	37

Camp Alexandra, 9th October, 1865.

(Extract.)

Regimental Orders.

1. The plan of additional allotments in Walker's survey, near Whata Whata, having been received, the same are handed over to No. 10 Company, for location.
4. The adjoining Surveys, near Whata Whata, by Messrs. Simpson and McDonald, the plans of which are just received, are handed over for the location of No. 6 Company.

23rd October, 1865.

1. The undermentioned officer, non-commissioned officer, and men, having been placed in possession of their farm sections, are struck off pay and relieved from consecutive duty from the 24th instant, inclusive, from which date their twelvemonth's rations will reckon.

Ensign Charles Finnerty, No. 10 Company.

No. 1036	Corporal McGibbon, A.	„	10	„
„	248 Private Doo, George	„	3	„
„	1011 Private Bain, John	„	10	„

And twenty others.

Camp Alexandra, 4th November, 1865.

Regimental Orders.

1. The undermentioned officer, non-commissioned officers, and men, having been placed in possession of their farm sections, are struck off pay and relieved from consecutive duty from the 6th instant inclusive.

Lieutenant Coulter.

No. 599	Sergeant Rowe, Joseph	No. 6 Company.
„	670 Corporal Johnston, Edward	„ 6
„	721 „ Thompson, John	„ 7
„	660 Lance-Corporal Frith, C. L.	„ 7
„	1339 „ Wentworth, Charles	„ 7
„	675 Corporal Hallett, Henry	„ 7
„	38 „ Duke, R. H.	„ 6
„	1388 Private Campbell, Alfred	„ 6

And fourteen others.

W. ST. CLAIR TISDALL,

Captain and Adjutant commanding 2nd Waikato Regiment.

EXTRACT.

Station Alexandra.

Land Register, 2nd Regiment, Waikato Militia.

Regimental No.	Rank and Name.		Company.	Date of Appointment.	Land.				Remarks.
					Town.		Country.		
					No. Section.	No. Lot.	No. Section.	No. Lot.	
	Colonel	Haultain, Theodore Minet	...	28th Sept., 1863	Alexandra, East	48	Burselm's Survey,	2, 3, 4, 5, 6, 8, 9, & 10	400 acres.
100	Sergt.-Major	Nelly, Michael Lewis	...	21st October, 1863	Alexandra, East	192	Te Rore Puniu Block, Gundry & Goodall	156 & 158	100 acres.
881	Private	Adams, R. A.	9	27th August, 1863	Alexandra, West	152	Burselm's Survey, near Te Rore	T. R. 45 and T. R. part 33	50 acres.

Enclosure 3 in No. 4.

Copy of a Letter from Captain W. CLARE to the STAFF ADJUTANT.

SIR,—

Camp Cambridge, 6th April, 1866.

I have the honor to acknowledge receipt of an extract of letter from the Under Secretary for Colonial Defence, No. 1028, of the 9th ultimo, with your indorsement thereon, directing me to furnish the information called for, that is—

1. A statement showing the exact process by which the several officers and men of the 3rd Waikato Regiment have had their particular acres and sections of land allotted to them; and
2. A certified copy from the Land Register Book of an officer's, non-commissioned officer's, and private's town acre and farm section, showing his title to the same.

Instead of appending separate extracts of the several orders bearing on the subject, the first requirement will, I think, be best met by weaving them in with the body of the necessary explanation, and this course, therefore, I will follow.

The Waikato River divides the Township of Cambridge into two parts—that is east and west—each containing about 550 surveyed acres, irrespective of reserves and roads. Plans were handed over to the regiment in December, 1864. On receipt of these the town on each side of the river was divided into four equal parts, the regiment was formed into eight companies, and these sub-divisions of the town were distributed to them by lottery. Two series of papers were prepared, the one having thereon the numbers of the companies, the other the several sub-divisions of the township.

Staff officers, selected throughout the town, officers of companies, took choice by seniority in the sub-division which had fallen to the company; sergeants then took priority of selection by lot among themselves, corporals following in like manner, and by lottery each private of the company had afterwards his acre assigned to him. It may be mentioned that all drawings of land have taken place in the Regimental Orderly Room, in presence of the Adjutant, one officer at least of each company, and all non-commissioned officers and men off duty.

This distribution of town acres did not affect the duties or discipline of the regiment, which was still held together for military duty.

In February, 1865, plans of five blocks of country land in the vicinity of Cambridge were handed over to the regiment, instructions were received to allot them to the officers and men with despatch, and to strike the recipients off pay. The following Memorandum having reference to the subject, and explaining that the men to be struck off pay were afterwards to appear at monthly musters and receive pay for that day, was received and published in Regimental Orders by Lieutenant-Colonel Lyon on the 26th of that month:—

Head Quarters Waikato Force,
Alexandra, 22nd February, 1865.

“(Memorandum 22 A.)

“Para 3.—The officers and men who are struck off pay are to be warned to attend a muster parade on the first Monday in each month, commencing on Monday, the 3rd April, 1865.

“Attendance at such muster parades will entitle them to pay for the day, and all ranks are to be cautioned that an unauthorized absence from the district for more than one month in each year, or from two consecutive muster parades, will render them liable to forfeit their land, and all other benefits to which they may be entitled under the Waikato regulations.

“Nominal returns of all absentees, showing whether with or without authority, will be sent to Head Quarters immediately after each muster parade.

(By order)

“P. F. DE QUINCEY,
“Lieut.-Colonel, Military Secretary.”

The five blocks of country land mentioned above were allotted to companies in the same manner as explained with regard to the town acres,—officers taking priority of choice, according to seniority, in the block apportioned to the Company, non-commissioned officers following, and the farm sections were allotted to the privates on the 27th of February. The order to strike the recipients of country land off pay was, by telegraphic instructions suspended for a few days, and finally carried into effect on the 6th March, by Regimental Order, of which an extract here follows, and by which seven officers, and 351 non-commissioned officers and men were struck off and became non-effective:—

Regimental Orders by Major Wilson.

Camp, Cambridge, 6th March, 1865.

“Under instructions from the Commandant of the Waikato Militia, country lands having been allotted to No. 9 Company, the under-mentioned commissioned, non-commissioned officers and men are authorized to take possession of their allotments, and will be struck off consecutive pay, and relieved from ‘actual service,’ from and after the 7th instant:—

Captain James Rowles	No. 920. Corporal Edward C. Dry
Ensign Harry T. Owen	„ 905. „ Alexander Malcolm
No. 987. Sergeant John Walsh	„ 935. Lance-Corporal Joseph Wilkins
„ 388. Lieut. George Edwards	„ 1443. Bugler C. C. Froyte
„ 924. Corporal James Lamb	„ 898. Private Thomas Atkinson

(By order)

“WILLIAM CLARE,
“Captain and Adjutant.”

The day after the publication of the preceding, other General Orders were received and made known to the regiment in the following terms:—

Regimental Orders by Major Wilson.

Camp, Cambridge, 7th March, 1865.

- “2. That part of Regimental Orders Nos. 2, 5, 8, 11, and 14, of the 6th instant, directing that men

having been placed in possession of their country lands should be relieved from "actual service" is cancelled, and particular attention is drawn to the following General Orders, Nos. 5 and 6, of the 4th and 5th instant."

Head Quarters, Waikato Militia,
Alexandra, 4th March, 1865.

General Order No. 5.

"It is notified for general information, under instructions from Government, that the officers and men of the Waikato Force when relieved from consecutive duty and struck off pay will still remain upon "actual service," subject to the provisions of the Mutiny Act and Articles of War, and will be liable at any moment, to be called out for consecutive duty.

"The force will be relieved from "actual service" at the earliest possible opportunity.

(By order)

"T. C. S. SPEEDY,

"Captain and District Adjutant, Waikato Militia."

Head Quarters, Waikato Militia,
Alexandra, 5th March, 1866.

General Order No. 6.

"The men of the Waikato Force who have been put in possession of their land and struck off duty are prohibited from leaving the district without a pass obtained from the officer who may command the regiment to which they belong.

"Commanding officers are requested to be most vigilant in carrying out this regulation.

(By order)

"T. C. S. SPEEDY,

"Captain and District Adjutant Waikato Militia."

The course adopted in allotting the lands first handed over to the regiment as above described has been followed on all subsequent occasions, and the words of the Regimental Orders on the subject have been these:—

"The under mentioned officers and men having had country land allotted to them will be struck off consecutive pay from the instant inclusive."

An extract from the Land Register Book of the 3rd Waikato Regiment is herewith enclosed showing an officer's, non-commissioned officer's, and private's town acre and farm section; the title thereto appears to rest upon the period of service in each case, as on the records in this office.

I have, &c.,

WILLIAM CLARE,

Captain and Adjutant commanding 3rd Waikato Regt.

[The Staff Adjutant, Waikato Militia, Hamilton.]

Extract from the Land Register Book of the 3rd Waikato Regiment.

Accompaniment to Letter No. 446, dated 6th April, 1866.

Regimental No.	Rank and Name.		Company.	Date of Enrolment.	Land.				Remarks.
					Town.		Country.		
					No. of Section.	No. of Lot.	Survey.	No. of Lot.	
	Lieut.-Colonel	Lyon, William Charles		Joined, 16th Oct., 1863, from 2nd Waikato Regiment	52	36	O'Meara's, Ohaupo	93, 95 @ 96	
462	Sergeant-Major	Rose, Charles Edward Stuart		13th Oct., 1863	6	51	Bellair's, Pukerimo	16 @ 17	
1644	Private	Acheson, Thomas	1	31st Jan., 1865	64	565	Shepherd's, McDirvell's, Cambridge	83	

WILLIAM CLARE,

Captain and Adjutant

Commanding 3rd Waikato Regiment.

Camp, Cambridge, 6th April, 1866.

Enclosure 4 in No. 4.

Copy of a Letter from Captain ALFRED W. EAST to the STAFF ADJUTANT.

(No. 609.)

Camp Hamilton,

14th April, 1866.

Statement of mode of placing in possession.

SIR,—

With reference to your memorandum of the 28th ultimo, No. 1301, and accompanying

Certified copies of
Orders.
Certified copy
from Register
Book.

extract from Colonial Defence Office letter, No. 1028-1, of the 9th ultimo, I have the honor, in the various documents noted in the margin and attached, to supply the information therein called for.

I have, &c.,

The Staff Adjutant,
Waikato Force, Hamilton.

ALFRED W. EAST,
Captain and Adjutant commanding 4th Regt.,
Waikato Militia.

Sub-enclosure to Enclosure 4 in No. 4.

4th Waikato Militia.

STATEMENT showing the mode in which the Officers and non-commissioned Officers and Men of the above Corps were placed in possession of their Town and Farm Sections.

In drawing for the town sections the officers commanding companies drew lots for a choice of blocks, the officers according to seniority, selected, and where more than one of the same rank was in a company, priority of choice was determined by lot.

The non-commissioned officers in like manner selected. The privates' names were placed in one bag and the number of the allotments in another, and as the names were drawn the corresponding number as taken from the bag showed the man's town section.

With reference to the allotment of farm sections the above course has been pursued excepting that the officers and non-commissioned officers instead of exercising their right of selection over the whole area allotted to the regiment, had to choose from surveys as they were handed over, and before they were aware of where the rest of the land would be, in many cases having to regret the choice of selections they had to make.

Originally the land was allotted without reference to its suitability for location, and on complaints being made by the men that their lots were inferior ones, their retention or rejection was a matter for the consideration of a Board of Officers, appointed by the officer commanding the regiment, to inspect the sections, the report of the Board being subject to the approval of the officer commanding the regiment. Latterly, however, the blocks have been inspected and reported on, prior to allotment.

Camp Hamilton,
14th April, 1866.

ALFRED W. EAST,
Captain and Adjutant Commanding 4th Regt.,
Waikato Militia.

Regimental Orders by Lieut.-Colonel Moule.

(Extract.)

Camp Hamilton, 27th February, 1865.

3. The undermentioned non-commissioned officers and men will be relieved from actual service, and take possession of their land, on Wednesday next, the 1st proximo.

No. 3 Company.
No. 251. Private Thomas Aldridge.
" 410. " Thomas Clarke.
" 324. " George Green.
" 411. " Thomas Green.

&c., &c., &c.

(By order) ALFRED W. EAST,
Captain, Adjutant 4th Regiment Waikato Militia.

The day after the publication of this Order, a General Order, copy of which follows, was received, cancelling such portion of the preceding Order which had reference to the men being relieved from actual service.

General Order No. 5.

Head Quarters, Waikato Force, Alexandra,
4th March, 1865.

"It is noted for general information, under instructions from Government, that the officers and men of the Waikato Force, when relieved from consecutive duty and struck off pay, will still remain upon actual service, subject to the provisions of the Mutiny Act and Articles of War, and will be liable at any moment to be called out for consecutive duty. The force will be relieved from actual service at the earliest possible opportunity.

(By order) "T. C. S. SPEEDY,
"Captain, and District Adjutant Waikato Militia."

Extract from General Order No. 6.

Head Quarters, Waikato Militia, Alexandra,
5th March, 1865.

"2. The men of the Waikato Force who have been put in possession of their land, and struck off duty, are prohibited from leaving the district without a pass obtained from the Officer commanding the Regiment to which they may belong.

"Commanding Officers are requested to be most vigilant in carrying out this regulation.

(By order) "T. C. S. SPEEDY,
"Captain, District Adjutant Waikato Militia."

Regimental Orders by Lieut.-Colonel Moule.

Camp Hamilton, 31st March, 1866.

3. The undermentioned officers, non-commissioned officers, and privates, are put in possession of their land, relieved from consecutive service, and struck off pay, from to-morrow inclusive.

Lieutenant Stokes.

- No. 104. Serjeant Robert Taylor.
- „ 15. Corporal Samuel Bardsley.
- „ 105. „ Matthias Tonhill.
- „ 17. „ Samuel Brown.
- „ 25. „ John Carbey.
- „ 30. „ David Downs.
- „ &c., &c., &c.

(By order) A. W. EAST,

Captain and Adjutant 4th Regiment Waikato Militia.

Extract from the Land Register Book of the 4th Waikato Regiment.

Regimental No.	Rank and Names.		Company.	Date of Enrolment.	Land.				Remarks.
					Town.		Country.		
					No. of Section.	Locality.	Survey.	No. of Lot.	
454	Major	Keddell, Jackson	...	25th August, 1863	74	East Hamilton	Lepong's 1st Survey, West Hamilton	1, 2	
	Sergeant-Major	Warren, James	...	7th October, 1863	71	East Hamilton	Graham's 1st Survey, East Hamilton	160, 161	
	Private	Alexander, William	1	27th January, 1864	25	West Hamilton	Knight's Survey, Puketa	12	

(True Extract.)

ALFRED W. EAST,
 Captain and Adjutant
 Commanding 4th Regiment Waikato Militia.

No. 5.

Copy of a Letter from Colonel HAULTAIN, Commanding Waikato Militia, to DEFENCE MINISTER, SIR,—
 Alexandra, 13th February, 1865.

I have the honor to represent to you, that it is necessary that I should be empowered to call out for training and exercise, or for actual service, the men of the Waikato Militia, who have been placed in possession of their land and struck off pay.

I propose that these men should muster once a month, to check their absence from the district, and for the inspection of their arms and accoutrements; and it is possible that circumstances may arise requiring all the available men to be called out for actual service at a moment's notice, but according to the conditions of service, a Waikato Militiaman can only be called upon in the manner provided by the Militia Act for other Militiamen.

I have, &c.,
 T. M. HAULTAIN,
 Commanding Waikato Militia.

The Hon. Minister for Colonial Defence.

No. 6.

Copy of a Letter from the UNDER SECRETARY to Colonel HAULTAIN.

Taranaki, 22nd February, 1865.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 13th inst., representing the necessity of empowering you to call out for training and exercise, or for actual service, men of the Waikato Militia who have been placed on their land and struck off pay, and proposing that those men should muster once a month to check their absence from the district, and for inspection of their arms and accoutrements.

I reply, I am directed by the Minister for Colonial Defence to inform you that, such of the Waikato Militia as are placed upon their land, although relieved from duty and struck off pay, are still upon active service and subject to the Mutiny Act and Articles of War, (from which, however, they will be relieved at the earliest possible moment.) Should, therefore, any sudden emergency arise your authority is quite sufficient, as Commanding Officer, to call upon any or all the men you may think

D.—No. 4. 12 CLAIMS OF WAIKATO MILITIAMEN FOR ADDITIONAL PAY.

necessary to meet it, and I am to state that one parade a month should be held for the purpose mentioned in your letter, for which the men will be paid.

I have, &c.,
W. J. MORPETH,
For J. HOLT, Captain, Acting Under Secretary.

Colonel Haultain, Alexandra, Auckland.

No. 7.

Copy of a Letter from Mr. T. B. GILLIES to the Hon. the COLONIAL SECRETARY.

SIR,— Auckland, 2nd June, 1866.

On 22nd February last, I addressed you on behalf of the Waikato Militiamen, making certain claims for pay and allowances. Up to this date I have received no reply, but merely an acknowledgment and a promise of reply after certain inquiries were made.

My clients are suffering great hardships and privations in consequence of the non-settlement of their claims, and delay is to them equivalent to a refusal. Many of them will be driven by their necessities to abandon their settlements, which they are most unwilling to do were their just claims recognized.

If the Government have determined to resist these claims, I trust that you will afford facilities for having the question at issue speedily determined by a Court of Law. Of course these men can only take legal action by a petition of right, but I would suggest that they should not be driven to that tedious mode. By consent, an action to determine the legal liability might be commenced against one of the Ministers, or a special case might be agreed upon, and argued before the Supreme Court. The latter course would be the more convenient one, and the essential facts not being, I believe, in dispute, the whole question resolves itself into one of law.

I trust, however, that the Government have ere this, resolved to recognize the claims which appear so well founded, and so the necessity of any legal action may be avoided.

I have respectfully to urge an early reply to my former and this letter.

To the Colonial Secretary, Wellington.

I have, &c.,
THOMAS B. GILLIES.

No. 8.

Copy of a Letter from the UNDER-SECRETARY to Mr. GILLIES.

SIR,— Colonial Secretary's Office,
Wellington, 10th July, 1866.

I have the honor, by the direction of Mr. Stafford, to acknowledge the receipt of your letter of the 2nd ultimo, referring to your letter of the 22nd of February last, on the subject of certain claims from the Waikato Military Settlers for alleged arrears of pay.

In reply, I am to inform you that the Government proposes to submit the whole question to the consideration of the House of Representatives, now in session.

T. B. Gillies, Esq., Auckland.

I have, &c.,
W. GISBORNE,
Under-Secretary.