

1885.

NEW ZEALAND.

WASTE LANDS COMMITTEE

(MINUTES OF EVIDENCE TAKEN BY THE) ON THE CLAIMS OF OLD SOLDIERS, VOLUNTEERS,
AND OTHERS.

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

WEDNESDAY, 2ND SEPTEMBER, 1885.

Colonel HAULTAIN examined.

1. *The Chairman.*] Colonel Haultain, you were the Chairman of the Commission of 1882 to inquire into the claims of military settlers?—Yes.

2. Since that time a large number of petitions have been presented to the House—this session, for instance, there were eighty: there are twenty that are in reference to cases that were not before the Commission at that time, and some sixty that were rejected by the Commission; thus showing that there is a widely-spread feeling among these settlers that they have not received justice. Whether this feeling is groundless or not is what we now wish to find out. These settlers are evidently dissatisfied, and the Waste Lands Committee are desirous of obtaining your evidence, in order to satisfy them as to whether further legislation is required on the subject. You are, no doubt, fully aware of the circumstances in connection with the forming of the Commission, and we desire to get information from you as to whether you consider the evidence which was received at that time was felt by the Commission to be sufficiently satisfactory as to be able to say that the work of the Commission at that time was exhaustive with the evidence before it?—The evidence taken by the Commission was considered entirely satisfactory in every case. They considered it would be a final hearing of these claims, and that no further recognition would be admitted.

3. *Hon. Mr. Ballance.*] How many claims were heard before the Commission altogether?—About fifteen hundred altogether. It is stated in the Commission.

4. *The Chairman.*] One thousand five hundred and eighty-two?—Yes. They are not merely claims by old soldiers but also by Volunteers.

5. *Hon. Mr. Ballance.*] Did you admit any claims from Volunteers?—Yes; I think one hundred and nineteen claims altogether were admitted.

6. Of Volunteers?—No; altogether. I can give you the number of the old soldiers if you wish it.

7. It is not necessary. Do you remember the terms of the Commission under which you acted?—Yes; I have them here.

8. On what principle did you proceed to admit or reject these claims?—The Commissioners stated that they were guided by two considerations—(1) That it was not within their province to go beyond the law by entertaining claims that might have been valid had they been preferred at the proper time and in the proper manner, but which had been allowed to lapse through the manifest neglect or indifference of the claimants themselves; (2) that we were required to do justice to those who, from purely technical difficulties, excusable ignorance, or from the neglect or error of those in authority, who ought to have forwarded the claims and furthered the interests of their men, had failed to secure those advantages which the law allowed to them. Amongst these last we have included a number of discharged soldiers, who, from having no one to inform them of their privileges or to advise and assist them in obtaining the land to which they were entitled, either omitted to make their applications within the stipulated time, or were rebuffed by difficulties and technical objections often raised by Crown Lands Commissioners. These were the considerations which guided the Commissioners.

9. Then, you drew a line, I suppose, between neglect and ignorance?—Yes.

10. When it was shown that they had erred through ignorance, and not through culpable neglect, did you admit the claim?—Yes; up to a certain date we drew the line. We satisfied our-

selves that the claimants so recommended completed the requisite period of service in their respective provincial districts; and, as a rule, we have excluded all those in provincial districts where the Acts were never in force, and also those discharged in the colony subsequent to 1861, after which time no plea of ignorance could reasonably be admitted, as the conditions were then well known in the regiments serving in New Zealand. We considered it was impossible that any soldiers discharged subsequent to 1861 could have been in ignorance of the terms under which land was to be granted.

11. And did you admit any claims of soldiers discharged subsequent to 1861?—Where exceptions have been made to this rule, special circumstances have been shown to influence the decision. In some few such cases we did recommend grants of land.

12. On what ground, then, did you admit these claims?—I cannot recollect exactly, nor can I tell you exactly the names of the men who were discharged, nor how many there were.

13. I suppose you admitted these claims on the ground of some equitable right?—I cannot exactly remember the ground on which they were admitted.

14. But I suppose that would have been the ground—that they had some equitable right?—I do not think any claimants had a legal right.

15. Not, perhaps, a legal or a technical right, but a good equitable claim. That would be the ground, I suppose?—We were anxious to be as liberal as possible.

16. And you made exceptions to that principle you laid down yourselves?—Yes.

17. And I presume the grounds showed by some had no right or equitable claim?—Precisely so.

18. You say you did not admit those who left one district and went to another as entitled to land: did you take into consideration the circumstances under which these men went from one district to another?—Not at all. The object of granting the land was that the men should go and reside in that particular district or province. They are required by the Act to reside four out of five years in the province in which the land is granted. The object of giving the land within the provincial district was to retain in the district men who might be of service in that province as military men, in case there should be occasion to make use of their services. If the men left that province they broke their contract.

19. Legally, no doubt?—More than legally. The man is no longer of any use in that district. Why should the land be given to men who did not fulfil their contract?

20. Did you inquire into the circumstances under which they left one district and went into another?—No.

21. Might there not have been circumstances which, to a large extent, excused persons going from one province into another?—I do not know of any.

22. Might it not have been desirable to inquire into those circumstances?—We did not think so.

23. Did you admit any cases where men went from one district to another?—I do not think so.

24. *Mr. Fulton.*] Was it not the understanding of the Commissioners that the contract between the Government and the soldiers, in promising the land, that the men should continue to reside on it, and that only upon those grounds were they to obtain the land?—Only with that object—to retain men in the province which gave them, out of its provincial estate, land. The province said, “If you will stop here for four years out of five you shall have sixty acres of land. If you go away you will forfeit the land—you are no longer of any use to us.”

25. *Hon. Mr. Ballance.*] I am asking you whether you inquired into all the circumstances as to equitable rights. I take it that is the direction to you in the Commission.

26. *Mr. J. McKenzie.*] That would not apply to soldiers taken for military purposes?—In what way?

27. A Volunteer may be called from one district to another?—No; I think not. How could he? No man can be called out of his district. These men were no longer soldiers—they were settlers. Supposing, for instance, a man left Wellington before his time was up and went to Napier. He did it of his own free will and option, and is no longer entitled to his land in Wellington.

29. Was the evidence given before the Commission taken down?—Generally.

30. Is there any record of it?—Yes.

31. Showing the evidence in each case?—There was not evidence taken in each case. There were many applications rejected on the face of them at once. In many cases it was seen that the claimants had no claim, and had never had any.

32. So that it was not taken down?—No.

33. The evidence was taken down on the successful cases which you admitted? I suppose you have some record of them?—Yes.

34. *Mr. Fulton.*] Hundreds of these men who were rejected never appeared before the Commission?—Yes.

35. *Hon. Mr. Ballance.*] Did they receive notice?—Notice was published in every newspaper in the colony.

36. Did you take down the evidence on all the claims which you admitted?—Yes.

37. And is it on record?—I think so.

38. So that it could be referred to in case of a petition being presented to the House?—Yes.

39. I see you rejected some claims which you think ought to be restored by legislation—claims of Volunteers?—Yes.

40. Nearly all between 1873 and 1876?—Yes.

41. Did you take evidence in these cases?—Yes; I think we did; but these cases were very simple and clear. After a certain length of time a Volunteer was entitled to claim a grant of land; but in 1876 that Act was repealed. There were then a number of Volunteers who had served for one, two, or three years, but had not completed the full term of five years. These men, having

served, say, two, three, or four years, by the repeal of the Act which guaranteed the land, lost their claim altogether. This, we thought, was a hardship. We thought some consideration should be shown to them.

42. For the time for which they had served?—Yes.

43. Though they had not complied with the Act?—They had complied with the Act as far as they were able to; but the Act was repealed. The men would have complied with the Act if they had been allowed to do so; but the Act was repealed in 1876, and the men who served after 1871 lost their claims.

44. But are you not aware that the claims have been renewed by special Act?—No; I am not aware that they have been renewed. Not up to two or three years ago.

45. I think they are on two distinct occasions?—Not subsequent to 1883, I am quite certain they were not.

46. Then, I take it that where people appeared before you the evidence was taken down, and is on record, so that if a petition is presented now we should be able to have the evidence that was before the Commission?—Yes.

47. And is it stated on what ground you rejected the claims?—Yes, in some cases; in other cases No. For instance, many men who sent in applications took their discharges at a period subsequent to the repeal of the Act. The Act was repealed in different provinces at different times.

48. Did you not think old soldiers would have rights before getting their discharges?—None whatever. The colony said to them, If you will take your discharge for the purpose of settling in this country, and remain four out of five years, so that we may have your military services if we require them, we will give you a certain grant of land. The land was not given for any past services, but as an inducement to settle in the particular district.

48A. *Mr. Macandrew.*] Were you present as Chairman of the Commission at each of the meetings which resulted in claims being rejected?—No; I was not.

49. How many claims were rejected at the meetings at which you were present?—I could not tell you. The Commission did not sit as a whole at Napier. The Napier claims were inquired into by one of the Commissioners, Mr. Fulton, whilst others went round the West Coast. These claims were inquired into by Mr. Fulton, who handed them to the whole of the Commission, who then considered them. It was the same way at Dunedin and at Christchurch—only one of the Commissioners went down there.

50. *Mr. Fulton.*] Two at Dunedin?—Yes; Mr. Fulton and Mr. Bunny went down to Dunedin.

51. *Mr. Macandrew.*] Then, the decisions of the Commission were arrived at by the evidence taken by individual members?—Yes; in some cases.

52. Then, if it could be shown that non-appearance of claimants was owing to ignorance of the existence of the Commission, would that, in your opinion, be a good ground for reconsideration?—I do not think so. We had the notice inserted in every newspaper in the colony, I believe.

53. Well, but I am assuming that they could prove that they had had no notice—that they had no opportunity of seeing newspapers or receiving any notice?—I think such cases are very very few.

54. You say that a large number of claims were reported against, although the claimants did not appear. How did these claims come before the Commission?—Each man was required to send in an application, in which the circumstances under which he claimed were to be set forth.

55. Then, you did not deal with any cases unless there was a written application or personal appearance?—With none whatever. In all cases, assuming that the printed form had been filled in, there was sufficient evidence to guide the Commissioners as to their judgments.

56. *Mr. Brown.*] You state that 1,582 claims were dealt with?—Yes.

57. Did you know the names of these people?—We had their names.

58. Did you take any steps to let them know with regard to the work of the Commission?—We did.

59. You advertised in all the papers?—Yes.

60. And only 119 claims were admitted?—Yes.

61. Out of 1,582?—Yes.

62. Did it not occur to the Commission that these people whose claims you were considering, and whose names you knew, and possibly their residences, had not had sufficient notice, or were not aware of the existence of the Commission?—The men in every case were furnished with the printed claims.

63. Then, 1,582 forms were sent to persons who had claims?—The forms were distributed all over the districts.

64. How?—They were sent to the officers in command of the Militia and Volunteers in each district. Then notices were inserted in the papers that claimants were to make their claims, and would get forms from the officers in command. They were not necessarily required to fill in that particular form, but to send certain information.

65. What steps were taken by the officers to inform the claimants?—They furnished application-forms to men applying.

66. Then, no one got a form who did not apply?—How could we know the different claimants if they did not apply? 1,582 men sent in forms.

67. How many appeared before you?—I could not tell you.

68. One-half?—I could not say. The Commission sat in all places in which it had given notice of its intention to sit. They sat in Wellington, Auckland, New Plymouth, Thames, Wanganui, Napier, Oamaru, Christchurch, and Blenheim.

69. Then, 1,582 did send in claims for land?—Yes.

70. Were any other claims adjudicated upon except these?—No.

71. We have had before us a petition in which the husband has died and the widow has

petitioned?—Yes; we had some of those cases, where the widow has sent in an application on behalf of her late husband, or the children have petitioned. We have had several of those cases.

72. Your inquiry was simply confined to those who had sent in their names, and none others?—Well, I may add a little to that. The 8th section of the commission says, "You are hereby empowered, in case no claim is made or evidence offered before you in respect to any matter which might have been made the subject of such a claim as aforesaid, on your own motion to examine into and report on such matter which might have been brought under your knowledge, although the same shall not be made or preferred before you by any claimant." In reference to that we searched up all documents and petitions that had been presented to the House, to see that applications had been received from the claimants, and we also searched all the Defence Office records.

73. What I wish to know is, whether it would be known in the department what number of claims were likely to be presented to the Commission. That is the rule, I suppose?—No.

74. Then, there is no record?—None whatever.

75. Then, the only record you had was by the people applying, and your own investigation of the claims?—Yes.

76. *Mr. Fulton.*] And the records in the Defence Department?—Yes.

77. *Mr. Brown.*] Four years' residence, you say, was necessary?—Yes; in the particular district where the land was granted.

78. The province?—Yes.

79. Then, if a person residing at Gisborne, in the Auckland District, removed eighty miles away—to Wairoa, say—he would forfeit?—Yes; he would forfeit.

80. Or if he went a mile or two away across the boundary?—Yes; you must draw the line somewhere.

81. *Mr. Fulton.*] And that line was drawn by the Provincial Governments themselves?—Yes; the boundaries of the provincial districts.

82. *Mr. Brown.*] These claims have extended over a long period?—Yes.

83. What time, do you think?—Some from 1845 down to the sitting of the Commission.

84. That is to say, some of these claims were made in 1845, and some in, say, 1870?—No; some of the claims for land to which they said they were entitled went as far back as 1845. The land was first granted in 1856, only to soldiers who served in what is called Heke's war.

85. What period of time did those men put in—what time before the applications came in? What were the dates: was it seven, eight, or nine years?—The applications we got were sent in response to our advertisements.

86. While the Commission was in existence?—Yes.

87. One thousand five hundred and eighty-two applications?—Yes. The first notice was published on the 25th February, 1882, and we continued to receive applications until the date of sending our report in June.

88. So, then, I understand that these 1,582 applications were put in during the currency of the Commission?—Yes.

89. And that, in response to these applications, the Commission simply advertised the districts where they were sitting, but never informed the claimant, otherwise?—No. Some claimants were summoned to attend.

90. How long were you sitting?—Nearly four months. The Commission was directed to report within three months in the first instance, but they found that they could not complete their inquiries within that period, and an additional month was granted.

91. So that in each district you had applicants before you while sitting?—Yes.

91a. And the only means they had of knowing was by the advertisements in the newspapers?—Yes.

92. And still you know the addresses of each one?—Each applicant was directed to give his address.

93. *The Chairman.*] You have not exactly stated whether there was a record kept by the Commission of the grounds upon which these claims were rejected in each case?—They were not stated in each case.

94. You kept no record of the grounds upon which they were rejected?—No; but as a rule the applications would show the reason why they were rejected.

95. *Hon. Mr. Rolleston.*] When the soldiers took their discharges, were they supposed then to put in formal applications and state their residences? Would you state the course which they were expected to take?—The soldier, knowing that a grant of land was to be given—and it was very generally known throughout the regiments—it would be his duty to apply to the Waste Lands Commissioners.

96. At the time he took his discharge?—Yes, within twelve calendar months of his discharge. He would then get a land order and select his land. Land at that time was of very little value. The prospective title of land at the end of a period of five years—sixty acres—was of very little value. Very few contemplated settling on the land, and many never made application for orders at all. They were generally indifferent. Many got land orders and neglected to use them. They did not like being bound to reside in one particular district. Soldiers, as a rule, unless they are married or have families, like to wander about from one district to another. Men who really did settle down in the province no doubt got the land to which they were entitled. Many got land and are on it now.

97. And it was fully understood among the men that if they did not avail themselves of the privilege the State would have no liability?—Thoroughly.

98. You were an officer of the Imperial army, Colonel Haultain, and quartered with the regiment here? What has been your connection with the Imperial army?—I left the Imperial army in 1857, but I was acquainted with the different regiments serving in this country, and was acquainted with old soldiers.

99. You would be in a position to state whether there could be any misunderstanding?—Certainly. I should say there could not have been any ignorance of the conditions since 1881.

100. And you subsequently, I believe, dealt with many cases as a Minister?—Really I forget. I think it is very likely.

101. *Mr. Lake.*] Was there any list of the discharged soldiers who made application to the Waste Lands Commissioner?—Yes; we got a great deal of information from the Commissioners. We applied to that department frequently to know whether a man had made his application for land.

102. And did the Commissioners make any inquiry to know what proportion they bore to the 1,582?—We did not ask that. The whole of the 1,582 were not old soldiers. The claims of Volunteers rested on entirely different grounds.

103. In the case of men who had got rights to a grant of land, and had settled on the land and afterwards volunteered for service on the East Coast, as with many, would that claim lapse?—Their claims would be considered to have lapsed, but there were not many cases of that kind—they must have been few indeed. Their are very few cases in which men claimed land that had been forfeited on the ground that they had gone to another district for military purposes. If a man had gone to another district for military service he gave up his claim in the district he left. What benefit, for instance, would the service of a man be to Auckland, say, if he was serving in Hawke's Bay?

104. *Mr. Fulton.*] I think many of them wanted a second claim?—If a man went and served on the East Coast as a military settler, he would get land there. No land was ever given merely for military service.

105. *Mr. Lake.*] Was it not Hawke's Bay that first revoked these conditions?—Yes; in 1863.

106. *Mr. Bruce.*] I think I understood you to say that you did entertain the claims of some men who had not complied strictly with the legal regulations?—Yes; I think so.

107. Would you not have allowed a claim in which a man could have shown that he was unable to obtain a living or to obtain work in the Auckland District?—I should not have counted that as a claim.

108. I know a respectable man in my district who left Auckland on that account. You would not entertain his claim?—No.

109. Do you not think a very large number of soldiers living in remote places never heard of this Commission?—There might be a few, but they are very few, I think. Of course there are men living in remote districts who do not come into contact with a neighbour for months at a time.

110. Then, had soldiers no right to land in any British colony unless the colony gives it?—Not after representative institutions were granted to the colony. When the colony had the management of its own land the Imperial Government could not say, We will give a certain grant of land to old soldiers.

111. A good deal of misconception appears to prevail. They believe that they have all a claim?—They would all make claims no doubt.

112. Well, they think they are entitled to land or a passage Home when they leave the Imperial army?—No. Instead of being sent Home, these men, by one of the Imperial regulations, who were discharged in the colony and elected to remain there were entitled to a grant of money after a certain term of service. They got £18 5s.—twelve months' pay.

113. They are entitled to that on their discharge?—On having completed their term of twelve years. If the man purchased his discharge, as some did, after six or seven years' service he was not entitled to his passage Home. But on the completion of the full period of service they are entitled to a passage Home.

114. *Mr. Fulton.*] Was this Commission the first opportunity that soldiers had of preferring their claims?—By no means. They had the privilege of petitioning the House, which many availed themselves of.

115. Had not an extension of time been granted beyond the period that the first repeal made?—Yes; there were different laws in different districts.

116. Did not Parliament, on two or three occasions, exceed the time during which applications might be made?—Yes; and existing claims were also saved by some of the different Acts?

117. So that men could have no complaint that this last Commission was the only occasion on which they could apply?—Not by any means.

118. You have had, I think, special facilities for coming into contact with old soldiers?—Yes; on account of payment of pensions.

119. Have you met with many of those men who have preferred anything like equitable claims?—No; very few indeed. I have frequently had men come to me and ask me whether they were not entitled to land, because So-and-so, with whom they had served, had got land; and I have, in almost every case, known that they had no claim through having been discharged after the repeal of the Act.

120. Have you found it a common notion that soldiers are entitled to land merely because they have been soldiers?—Many made application on the ground that they had served in the colony, and did not see why they should not have land as well as any other soldiers.

121. What notice was given to people by the Commission to send in their claims?—The notice was delivered on the 27th February that the Commission would sit at Wellington to hear and consider any claims that were brought before them till the 16th March, and afterwards at other places.

122. Generally, I mean?—Claims were received during the whole period of the Commission. Up to the time the Commission concluded its labours all claims that were sent in were considered.

123. And were instructions sent to the officers in command asking them to make it as widely

known as possible?—Yes; instructions were given through the Defence Office to make it as public as possible that the Commission had been appointed, and to render every assistance to applicants.

124. Was it possible for the Commission to give consideration to any claims except those made by application, and a few which the Commission were able to discover from petitions to the House and from the records in the Defence Office?—I do not think the Commission could have taken any other course than that they did take to bring the matter to the notice of claimants.

125. Had the Commission in many cases to supplement the information given by applicants themselves by making inquiries on their own account?—Yes; in many cases.

126. Were any of those, do you know, successful?—I really forget. I think it is very likely.

127. With regard to the old soldiers, did the Commission, in your opinion, deal in a favourable manner with their claims?—I think the Commission dealt very liberally with the old soldiers, on the ground that it would be the last opportunity given to them to make their claims.

128. Something has been said with regard to the soldiers who went from one district to another: would the going from one district to another necessarily bar their claims in cases where they got a permit?—There was no power to give a permit.

129. There were cases inquired into by the Commission with regard to men who went to the East Coast?—Yes.

130. Were none of these cases favourably considered?—I do not think we recognized that any man leaving his district on any ground whatever was entitled to the land.

131. Even if he came back again?—He might be absent for twelve months out of the five years.

132. There were some cases of special hardship referred to the Commission in connection with Colonel Nixon's and Major Jackson's men?—Yes.

133. In your individual opinion, were these cases specially hardly dealt with?—I do not think so. The Commission gave their grounds for recommending as they did in their report. They entered into the matter rather minutely and explained why they refused these claims.

134. With reference to the Commission not having sat as a whole at each place: did any portions of the Commission arrive at a decision without first consulting the Commission as a whole?—No.

135. In point of fact, did they not simply take evidence upon the matter?—Yes; that was the way.

136. Unless further time had been given, do you think it was possible for the Commission to enter more exhaustively into the question?—Impossible. We were constantly at work during the four months without intermission.

137. In your opinion, are there many old soldiers still within the colony whose claims have been barred by the Commission unfairly?—I do not think there is one.

138. *Mr. McMillan.*] Is the evidence taken by the individual members of the Commission at the various towns on record?—Generally speaking, I think it is. In all difficult cases it would be fully entered.

139. You say that the Commission took every opportunity to give publicity to the fact of their sitting? Was it also understood that this would be the last opportunity these claims would have of being entertained?—No; the Commission could not do that of course. They did not state that no other opportunity would be given to claimants.

140. We have got the evidence of the claimants that were recommended, and also of a number of the claimants who were rejected; but the difficulty arises that in the petitions there might be some that were rejected by the Commission; and there is no evidence to show what actuated the Commission in excluding them?—I think probably in some cases there would be no evidence. If any evidence was taken it would be shown why the application was granted or refused.

141. From your knowledge of the petitioners whose claims were not recommended by the Commission, and in view of the circumstances, do you think that if grants of land were offered to persons within the provincial districts in respect to which the claims were adjudicated on, subject to settlement—do you think they would avail themselves of it?—Subject to the four years regulations?

142. Yes?—I do not think so in many cases.

143. You state that from your general knowledge?—Yes.

144. *Mr. Brown.*] At what number of places did the Commission sit?—At Wellington, Auckland, Thames, Napier, New Plymouth, Wanganui, Dunedin, Christchurch, Oamaru, and Blenheim.

145. And it was advertised in all the country papers?—Yes; I think in every paper in the colony.

146. *The Chairman.*] Was information given to each claimant of the grounds on which his application was rejected?—No.

147. They did not know?—No; they were not informed.

148. Were they informed that their claims should have been founded on the fact of their residing in the provincial district, and not simply for length of service?—No; they were not informed by the Commission of any reasons.

148A. Did they know it?—They ought to have known it. They knew the conditions under which the land was offered to them, and that the period of four years' residence was required.

149. How do you account for so many fresh applications coming in?—Well, every man who thinks he has a chance of getting a piece of land or a sum of money will ask for it. A great many think there is nothing like importunity, and that they have nothing to do but go to their member to present a petition for them.

150. *Mr. Fulton.*] Was it not a fact that a very large number of applications were in the handwriting of one person?—In some districts.

151. By a person who had got up those claims?—Yes.

152. And there was evidence before the Commission to show that that person had been paid for doing that?—Yes; but there was no evidence as to what those persons were paid.

153. *The Chairman.*] We have applications here—take No. 8, for instance—Valentine Henry: he states that he was a sergeant in the 2nd battalion 18th Royal Irish; that he claims eighty acres of land; that, after nineteen years and two hundred and twelve days' service, he was discharged, for the express purpose of settling in New Zealand, with a pension of 1s. 9d. per day for life; that he has made no previous claim?—The application bears rejection on the face of it. I know that man; he was discharged in 1878, eleven years after the Act was repealed.

154. He has no claim, then: his petition would be rejected at once, and no evidence would be taken?—He has no claim; his application shows it.

155. And in all such cases no evidence would be taken?—No; it would not be necessary.

156. *Mr. Macandrew.*] There is a petition presented by Sir George Grey from some widow-woman in Auckland: the name is Maria Doble?—I have no knowledge of that case.

157. *Mr. Lake.*] Were the original applications preserved?—Yes; in the Defence Office, or in the Waste Lands Office.

158. *The Chairman.*] This is the petition of Maria Doble: It sets forth that her husband, Robert Doble, was in the Auckland Coastguard, and that he, being at sea, lost his life, and did not get his grants. With it is a certificate from William Daldy: "I hereby certify that your husband was in the Auckland Coastguard, and afterwards in the Auckland Volunteers, when I was in command. I believe he joined when I did, in 1860, but I do not know the time of his discharge, as I resigned the command." Then, there is another from Emilius Le Roy, captain, Auckland Naval Brigade: "This is to certify that on an old roll of the Auckland Naval Volunteers the name of Robert Doble is entered, the date of his joining being 29th June, 1860, and the date of his discharge 30th November, 1867." That is a Volunteer claim, and we heard nothing of it. If he was an efficient Volunteer for seven years he ought to have got his land.

159. *Mr. Fulton.*] Did several Volunteers make application and prove that they had served the number of years, and then it was found that they were not efficient Volunteers?—Yes.

160. *The Chairman.*] Desertion, in any case, I suppose, would exclude a man?—From what?

161. From his grants?—As a Volunteer.

162. As a Volunteer or as in the regular army?—A deserter from the Imperial army could not, of course, claim anything. But I do not know there was one case of what would be called desertion.

TUESDAY, 8TH SEPTEMBER, 1885.

Colonel HAULTAIN examined.

162A. *The Chairman.*] We understand, Colonel Haultain, that you have examined the petitions before you—those of this year, last year, and the year before—for the three years?—Yes; I have examined the whole of them.

163. That is, since 1882?—Yes.

164. And you have given a specific report on each of them?—I have.

165. Have you any general statement to make as to the nature of the petitions beyond what is specifically set out in your reports?—A great many of these claims came before the Commission, and were not recommended, for different reasons, which I have stated upon the documents themselves. A large number of claims, and especially this is the case with applicants from the Wanganui District, are from men who were discharged subsequent to the repeal of the Acts which granted the land to discharged soldiers.

166. In that particular locality where they settled?—Yes. The Acts were repealed at different periods; in Auckland, for instance, it was finally repealed in 1867; and in the Wellington Province in 1863. A large number of these men took their discharges in 1865, two years after the Act had ceased to be in force. Therefore, of course, they never had any claim to land. These men, we know, were only informed of the rules and regulations under which land was to be granted, because we have it in evidence that the rules and regulations were read out on parade; and, if other proof were necessary, it is a fact that these men, at the time they were located in Wanganui, never made any application for land. The fact of the matter is, they knew they were not entitled to it.

167. That is in Wanganui?—Yes. Some men in other districts were discharged subsequent to the repeal of the Acts. At the time the land was offered, it was of very little value, and I know of my own knowledge that some of these grants were sold for £5—that is, where they actually got the title; whereas these men would not get their title for four or rather five years. They were not given a title for five years after the land-order was granted, four out of which they had to reside in the province in which the land was granted. Some of them would have been entitled to a grant of land if they had applied for it and completed the conditions of residence. But they did not take the trouble to apply for it. In more than one case it is stated so. When asked, "Why did you not apply for land?" they replied, "Oh, I did not care to trouble about it." There are other cases in connection with members of the Defence Force—Colonel Nixon's men—in which the only remark I have made is referring the Committee to the report of the Commission. There are two or three cases which did not come before the Commission, and upon which I can give no opinion without further information. But I doubt very much whether there is a single case in which there is a valid claim to land.

168. No case at all?—There are no cases at all in which if they had come before the Commission, as far as I can judge, the Commission would have recommended a grant.

169. The particulars contained in the petitions enabled you to judge whether or not the claims were good?—Precisely so. They included many Wanganui men who did not give their regiments or other information, such as the dates when they were discharged; and therefore it is impossible

to come to a conclusion as to what claims there might have been. I have noted these in red ink. If they had any claim they never applied for it. It is, I think, *prima facie* evidence that they had no claim, as they did not apply to the Commission.

170. *Mr. Fulton.*] That is nearly twenty years after their permissive claim expired?—Yes; I should imagine they were discharged about 1865; a great many men were discharged then.

171. *The Chairman.*: There are no cases of hardship owing to the men's ignorance—no cases of that kind?—Not one, I think. The whole thing was very well known at that time certainly. There might have been a plea of ignorance before 1856 or 1858 amongst the soldiers who had been discharged. They might not have had the opportunity of learning of the privilege. In one case a man comes forward and makes a claim who was discharged in 1849, and this is the first occasion on which he makes his claim. The Act of 1858—the Auckland Waste Lands Act—provides that every man should make his application within twelve months of his discharge, or, if he had obtained his discharge, within three months of the passing of the Act.

172. That is thirty-six years ago. There is no proof?—He never had made any application—so he states in his petition,

173. *Mr. Fulton.*] Was every case of possible ignorance dealt with fully by the Commission?—I think so; and I think I can state (and you will corroborate me) that I took a special interest with regard to the claims of these old soldiers, and on account of that my colleagues on the Commission thought I was rather soft-hearted and liberal in dealing with the cases with some of the men whom we did recommend for land.

174. Did the Commission, besides taking evidence submitted by the applicants, take the trouble to examine records and make inquiries otherwise?—The Commission examined every record they could get hold of in the Defence Office and the Volunteer Offices. They spared no pains. Men were summoned wherever there was any doubt, and wherever it did not appear on the face of the application that the claim was utterly invalid, either from the date of discharge or circumstances of that kind, the men were summoned by the secretary to come and give their evidence before the Commission.

175. Were not claims actually made out for applicants in many cases?—Yes.

176. *The Chairman.*] The case of Maria Doble. That is a case in which the Committee did not offer any objection to the petition being referred back from the House, because it was said that further evidence was obtainable. No further evidence has been obtainable so far, and no attempt appears to have been made to bring further evidence. I understand that the woman lives in Auckland, and that you can obtain definite information?—I mentioned with regard to her application that I would be quite willing to see the woman, and endeavour to obtain further information about the case. She did not appear before the Commission—why, I do not know. On the face of her application there is no satisfactory proof that her husband was really entitled to a grant; and we had a statement made by Captain Daldy, who was in command of the coastguard, that, to the best of his knowledge, none actually had a claim to land.

177. This is in a different category to the others. It has been referred back to us on the ground that further information could be obtained?—Well, I should be very willing to see the woman, and make the necessary inquiries, and make a report to the Government. It would be too late, I am afraid, to report to the Committee. There was another case on which I suggested further information would be obtainable. That is the case of a woman whose husband was in the original New Zealand Fencibles, who came out in 1847. Her name is Kyle.

178. *Mr. Macandrew.*] Are there many of these applicants in a position to occupy the land to advantage if they got it?—I could not tell you that.

179. I mean as to their age?—Well, a man who was discharged from the army in 1849 must be pretty old now.

180. Their object is to turn it into money, I suppose?—The object is to get money, no doubt, because all the recommendations of the Commission were paid in money—ten shillings an acre.

181. *Mr. McMillan.*] So that in most of these petitions now coming in the applicants have for their object money instead of land?—Yes.

182. *Mr. Macandrew.*] In respect to what area?—It varied—60 acres for a private soldier, 80 acres for a non-commissioned officer, and more for an officer.

183. *The Chairman.*] You state here that the Commissioner of Crown Lands at Auckland might be able to give some information in this case which did not come before the Commission?—Yes; that is a very peculiar case. I do not believe there is anything in it myself, but on the face of it I could not say there was not. The woman claims £50 from what I can understand, but it would be a long story, perhaps, to explain all the circumstances.

184. Would you be able to make inquiries about that?—Yes; I could go to the Commissioner of Crown Lands at Auckland and see whether the claim was registered. As to the claim, if he had any it was by special order of the Provincial Council of Auckland. Some of these men forfeited their land, and the Provincial Council, for political reasons, took the cases up, and gave them compensation for what they had lost.

185. There are no others upon which you would be able to give definite information as far as the information on them is concerned?—There might be one or two more, but I forget without going through them all again.