

1910.
NEW ZEALAND.

NAVAL AND MILITARY CLAIMS.

Laid upon the Table by leave of the House.

MEMORANDUM BY THE UNDER-SECRETARY FOR JUSTICE FOR THE GUIDANCE OF MAGISTRATES.

Department of Justice, Wellington, 30th April, 1910.

It has been decided that the investigation of claims for grants for naval and military services rendered during the Maori wars shall be made by Stipendiary Magistrates, and I am directed by the Minister of Justice to issue the following memorandum for the guidance of Magistrates in connection therewith:—

In order to enable claimants to submit their claims, it will be necessary that the dates and places of the sittings of Magistrates should be made known as widely as possible to the general public. Notices are being printed for exhibition in the principal post-offices, railway-stations, &c. To prevent waste of time it should be made known that no claims will be considered from those persons who have previously received grants of land or money for naval, military, or Volunteer services, or from persons who settled in New Zealand subsequently to the 31st December, 1872, or in cases where the service performed was in the Militia, unless such Militia service was undertaken by any Volunteer by command of his superior officer or the Governor.

The persons who are to be considered eligible to make claims are defined as follows:—

- (1.) All officers, non-commissioned or warrant officers, private soldiers, seamen, and marines formerly of Her late Majesty's naval and military forces, who were engaged in suppressing the insurrection of the Natives in the northern part of the former Province of Auckland, and, having been discharged from the said services, have since then been resident within New Zealand, and claim under the Naval and Military Script Act, 1856.
- (2.) All persons who retired from Her late Majesty's naval and military service with a good character for the purpose of settling in New Zealand at any time before the 31st December, 1868, and who have so settled in New Zealand as aforesaid.
- (3.) All persons who served in New Zealand and who retired from Her late Majesty's naval or military service with a good character for the purpose of settling in New Zealand at any time before the 31st December, 1872, and who, prior to such date, have so settled and resided in any part of New Zealand.
- (4.) All persons who were enrolled in the Forest Rangers under the conditions prescribed in a memorandum of the Hon. Thomas Russell, Minister for Colonial Defence, dated the 6th August, 1863, or in another memorandum of the same Minister dated the 9th November, 1863, respectively.
- (5.) All officers of Volunteers or efficient Volunteers who were enrolled in any Volunteer corps within the colony on or prior to the 31st October, 1876, and who, either prior to the said 31st October, or, inclusive of any period of service prior as aforesaid, subsequently completed five years' continuous service.
- (6.) All persons enrolled under the Colonial Defence Force Act, 1862, who served within the Provincial District of Auckland under the late Colonel Nixon or Major Walmsley, and who had, on or before the 10th October, 1867, completed the conditions of their enrolment under such Act before the said date, or, having served under such Act partly before the said date, completed such service after that date.
- (7.) Every person who at any time heretofore has sent in a claim for land under the Naval and Military Claims Settlement and Extinguishment Act, 1896, or any Act of a similar tenor theretofore in force, and has had the same rejected by any Commissioner.

- (8.) Every person who, through death or through injuries received during the time of his actual service, was thereby prevented from completing the full time of service to entitle him to a claim of land, or the widow and children or legal representative of such person.
- (9.) The widow or children or legal representative of every person who served on active service in the Volunteer or Colonial Defence Forces, and who, had he lived, would have been entitled to land for such service.
- (10.) Every person who, having at any time heretofore received a remission certificate, shall produce conclusive proof that such certificate was absolutely destroyed by fire or other inevitable accident before the expiration of the time within which it could have been exercised.
- (11.) Any Volunteer who by command of his superior officer or the Governor took service in the Militia, and thereby lost his claim for full time of service as a Volunteer.

A form of application to be filled in by the claimant has been printed, and a supply has been sent to each Chief Postmaster throughout the Dominion. This form will bring out the main points in each claim, and any further particulars which the Magistrate requires relating thereto will be obtained from the claimant in person at the public examination.

As the majority of claimants will probably be old men of limited means, it is important that the sittings of the Magistrates should be regulated so as to give every opportunity to claimants of personally submitting their claims with the minimum amount of labour and expense.

Claims will, of course, be made by persons who have claimed previously and had their claims rejected by earlier Commissions. The files of papers relating to such cases are in the custody of the Lands Department at Wellington, and are available for reference when required.

It is the desire of the Government that finality in the matter shall be attained by the present investigation, and, with that object in view, it is essential that the judgments of the Magistrates in regard to the various classes of claims brought before them shall be uniform. The following principles are therefore laid down :—

- (a.) No claim shall be admitted that does not come within the limits defined in any previous Act of Parliament or regulation dealing with the granting of awards to naval and military settlers and Volunteers.
- (b.) All claimants must prove by documentary or other sufficient evidence either that they were employed on actual service against the late Queen's enemies in New Zealand, and retired from such service with a good character, or that they retired from the service for the purpose of settling continuously in New Zealand, and did actually so settle prior to the 31st December, 1872.

F. WALDEGRAVE,
Under-Secretary.

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