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HOUSE OF REPRESENTATIVES.

PETITION OF JOHN T. W. BACOT.

Presented to the House of Representatives June 6, 1856, and ordered to be printed.

TO THE HONORABLE THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF NEW
ZEALAND IN SESSION ASSEMBLED.

The Petition of the Undersigned humbly Sheweth—

That in October, 1847, the Medical Department of the War Office offered to your Petitioner the appointment of Assistant Staff Surgeon of the Pensioner Corps with promise of promotion at the end of five years, and the usual house, land, and other advantages granted to subaltern officers of Pensioners.

That your Petitioner accepted the appointment and at once proceeded to this Colony, when he was placed in medical charge of Pensioners located at Panmure and Howick, and, subsequently, was put in occupation of a house and thirty acres of land at the latter village.

That at the end of five years he was promoted in due course, and consequent thereon the Colonial Government bestowed upon him ten acres additional of land as commensurate with his advanced rank, and that your Petitioner availed himself of the privilege allowed to Pensioner Officers and applied for leave to purchase fifty acres pre-emption land, in contiguity with his first forty acres, which was at once granted, and a Crown title for the land issued.

That he duly and faithfully fulfilled his seven years' service, and then applied for the title deeds of his house and forty acres, which, to his astonishment, were refused by the Officer Administering the Government; and your Petitioner, therefore, now appeals to your honourable House for redress.

Your Petitioner founds his claim on the original letter conveying the offer of appointment and its conditions, of date 9th October, 1847, as follows:—

[Copy.]

Army Medical Department,

9th October, 1847.

SIR,—

In the event of the Director General being able to offer you an appointment as Medical Officer to take charge of Enrolled Pensioners about to be located in New Zealand, with promotion at the expiration of five years, I am directed to request you will state whether you are disposed to accept such appointment and be prepared to embark immediately.

E.—No. 5.

Besides promotion, you will have in the interim a house and the like quantity of land with any other advantages extended to Staff Officers of Pensioners who are subalterns,

I am, &c.,
(Signed) ANDREW SMITH, M.D.,
Deputy Inspector General.

Assistant Surgeon Bacot,
39th Foot.

Your Petitioner has been officially informed that the letter meant only temporary occupancy (as quarters) of the house and land; but your Petitioner understands the words, "Besides promotion, you will have in the interim a house and the like quantity of land with any other advantages extended to staff officers who are subalterns" to convey no other meaning than placing him on a footing with other subaltern officers, every one of whom were supposed to be put in occupation of house and land immediately on arrival in the colony, and were placed in possession of the title deeds of the same at the expiration of the seven years.

And your Petitioner believes that he could not furnish your Honorable House with a stronger proof of the sense in which he accepted the offer of the War Office than by submitting to them the fact of his having purchased land adjoining the forty acres, which, without the latter would be comparatively worthless to him. Your Petitioner would also draw the attention of your Honorable House to the unreasonableness of regarding the mere temporary occupancy of forty acres of fern land as an advantage, - for the land, to be of any use, must be cultivated; and even supposing that nothing more were done than fencing in the acres, and laying them down in grass an outlay of not less than £10 per acre would be incurred—an expense which no man would think of incurring for an occupancy of two or three years only—not seven years; for it was long after his arrival in this colony that your Petitioner was placed in occupation of the house and land.

That the Local Government itself at one time viewed the compact with the Home Government in the same light as your Petitioner, for upon his promotion and so recently as 1854, it granted an additional ten acres, evidently not for mere occupancy, seeing that in that same year your Petitioner's seven years' service would expire.

That on his applying for the Deeds of Grant, the Government here wrote to the officer in command of the Pensioners for his opinion as to whether your Petitioner was entitled to them, and the reply of that officer was in substance, that whatever legal difficulties might arise in the matter, your Petitioner was in justice as much entitled to his deeds as any other officer of the Pensioner Corps.

That during the Government of Sir George Grey your Petitioner applied to the Government that he might be allowed a grant of land in lieu of a house and land, and that his Excellency expressed himself as quite willing to comply with that wish, were it not that it would necessitate a long correspondence between the different Departments of the Home Government, and this opinion of Sir George Grey may be seen by reference to a correspondence with his Excellency, which doubtless is still in the office of the Private or Colonial Secretary, and your Petitioner would respectfully submit to your Honorable House whether this opinion of Sir George Grey should not be held decisive of the matter.

That on the receipt of the opinion of the Officer commanding the Pensioners, the Officer administering the Government replied to that officer assigning the following reasons for differing with him—"That the fact of granting to Dr. Bacot the usual indulgencies extended to Pensioner Officers, *while serving*, does not, in his Excellency's opinion, entitle him to other privileges on completing a certain period of service in New Zealand."

"Dr. Bacot," his Excellency observes, "is on full pay of the army, and is merely attached for special service to the Pensioner Forces, and, in such position, is far better situated than officers of corresponding rank in the Colony, and is, moreover, liable to be called upon for service in any part of Her Majesty's dominions."

"Pensioners," his Excellency further remarks, "*volunteered* their services in New Zealand on specific terms, and after the completion of a certain term of service, obtain their grants as *settlers*."

Your Petitioner would respectfully draw the attention of your honorable House to the fact that the underlined words "*while serving*" in the above quoted reasons are not in the original contract, and further, that although your Petitioner was, doubtless, liable to be called elsewhere by the War Office, he was not so called, but was allowed to complete his seven years' service here, and to become entitled to all the rewards consequent thereon.

That the Pensioners volunteered to come here, and that your Petitioner also came voluntarily, as is shown by the above quoted letter of October, 1847.

That no Pensioner was required to become a permanent settler at the end of seven years. In point of fact, many Pensioners have sold their land and cottages, and have left the Colony.

Although your Petitioner has been refused the conveyance of the house and land in question, he understands that the same remain unappropriated in the hands of the Colonial Government.

For the foregoing reasons, your Petitioner craves that your honourable House will be pleased to take his case into consideration.

And your Petitioner will ever pray, &c.

JOHN T. W. BACOT,
Staff Surgeon, 2nd Class.

