

# Naval and Military Settlers' and Volunteers' Land Act 1889

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## Contents

	Page
Title	1
Preamble.	
1 Short Title.	2
2 Persons to whom Act applies.	2
3 Claimants to send claims in writing to Commissioner of Crown Lands of district wherein they reside or wish to have land.	3
4 Commissioner to inquire into claim.	3
5 May refer claim for investigation to another Commissioner.	3
6 To satisfy himself as to identity of claimant.	4
7 May take evidence on oath.	4
8 Commissioner may decide, according to rank of claimant on retirement, and report to Governor.	4
9 Special provision as to Forest Rangers.	4
10 No person to be entitled to relief under this Act who has previously obtained land or scrip for services.	5

## **An Act for the Further Investigation of all Claims to Land of Naval and Military Settlers and Volunteers.**

### **Preamble.**

WHEREAS a Select Committee of the House of Representatives appointed on the ninth day of July, one thousand eight hundred and eighty-nine, to consider and report upon all petitions relating to claims for grants of land by naval and military settlers

and Volunteers, reported, on the twenty-first day of August of the same year, certain resolutions (*see* Appendix to the Journals of the House of Representatives, 1889, I.-7), and recommended that power should be given to the Chief Commissioner of the Land Board of every land district to inquire into the case of any claimant to land as aforesaid, and to decide thereon upon its merits and according to the equity of each case, and notwithstanding that the claimant may have heretofore forfeited his claim by reason of not having advanced the same within the time limited by law, or of not having advanced such claim by reason of the difficulty of obtaining land at the time when he became entitled thereto, or by reason of the Acts granting land to naval and military settlers having been repealed before he could make such claim, or otherwise in any manner as in the aforesaid report recommended by the aforesaid Committee: And whereas it is expedient to give effect to the recommendations of the said Committee:

**Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows;—**

**1 Short Title.**

The Short Title of this Act is “The Naval and Military Settlers’ and Volunteers’ Land Act, 1889.”

**2 Persons to whom Act applies.**

This Act shall apply, subject as hereinafter mentioned, to—

- (1.) All officers, non-commissioned or warrant officers, private soldiers, seamen, and marines formerly of Her Majesty’s Naval and Military Forces engaging in suppressing the insurrection of the Natives in the northern part of the former Province of Auckland, and, being discharged from the said services, have since then been resident within New Zealand, and claim under “The Naval and Military Settlers Act, 1856,” of the said province; and to
- (2.) All persons who retired from Her Majesty’s Naval or Military Service with a good character for the purpose of settling in New Zealand, at any time before the thirty-first day of December, one thousand eight hundred and sixty-eight, and who have so settled in New Zealand as aforesaid; and to
- (3.) All persons enrolled in the Forest Rangers under the conditions prescribed in a memorandum of the Honourable Thomas Russell, Minister for Colonial Defence, dated the sixth day of August, one thousand eight hundred and sixty-three, or of another memorandum of the same Minister, dated the ninth day of November, one thousand eight hundred and sixty-three respectively; and to
- (4.) All officers of Volunteers or efficient Volunteers who were enrolled in any Volunteer corps within the colony on or prior to the thirty-first day of October, one thousand eight hundred and seventy-six, and who, either

prior to the said thirty-first day of October, or who, inclusive of any period of service prior as aforesaid, subsequently completed five years' continuous service; and to

- (5.) 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 tenth day of October, one thousand eight hundred and sixty-seven, 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.

**3 Claimants to send claims in writing to Commissioner of Crown Lands of district wherein they reside or wish to have land.**

Every person who thinks himself entitled to a grant of land in respect of services rendered in any of the classes mentioned in the last-preceding section shall send in his claim in writing, together with all documents calculated to substantiate such claim, to the Commissioner of Crown Lands of the district wherein he may be residing, or wherein he desires to obtain land, not later than the thirty-first day of December, in the year one thousand eight hundred and ninety.

Every Commissioner is hereby required to reject without inquiry any claim sent in to him after the said day.

**4 Commissioner to inquire into claim.**

The Commissioner of Crown Lands in each land district is hereby appointed a Commissioner for the purposes of this Act to inquire and determine upon all claims for grants of land by naval and military settlers and Volunteers and other persons coming within the category described in section two which may be sent to him within the prescribed time.

**5 May refer claim for investigation to another Commissioner.**

For the purpose of more fully investigating any claims, and of arriving at a just decision thereon, the Commissioner of any district may transmit any claim made to him to the Commissioner of any other district for the examination of witnesses in relation thereto, or for receiving other evidence in connection therewith; and every Commissioner shall, in respect of every claim so transmitted to him, have all the powers and authorities as if the same were a claim originally sent in to him.

After investigating the claim so transmitted to him as aforesaid, the Commissioner shall remit the claim back to the Commissioner from whom he received it, together with his opinion thereon, and all documents connected therewith; and such last-mentioned Commissioner shall make such report on the claim as he thinks just and equitable.

**6 To satisfy himself as to identity of claimant.**

Upon every such inquiry the Commissioner, before reporting on any claim, shall satisfy himself of the identity of the claimant, and of his rank and good conduct on retirement from the service for the purpose of settling as aforesaid, or on completion of the term of service in respect whereof he claims, and of his having duly completed such term; and also whether the claimant has at any time previous to the passing of this Act obtained land or compensation of any kind in respect of his services or on retirement as aforesaid, under any Act whatsoever now or any time previously in force in the colony.

**7 May take evidence on oath.**

For the purpose of inquiring into any matter coming within his cognisance under this Act, every Commissioner may examine upon oath or affirmation all persons appearing before him in support or against any such claim, and may administer oaths or affirmations to any such persons, and may call for the production of all papers and documents he may deem necessary for the inquiry; and may postpone the hearing of any case for further evidence; and may refuse to enter upon or proceed with any inquiry in case of the refusal or neglect of any person to appear before him, or to be sworn or make affirmation, or to produce any papers or documents when required by the Commissioner; and may reject any claim which he shall deem not substantiated.

**8 Commissioner may decide, according to rank of claimant on retirement, and report to Governor.**

If the Commissioner as aforesaid shall be satisfied that any claim brought before him has been substantiated, he shall report accordingly to the Governor, stating in such report that the claimant has proved his claim, according to the category in section two in respect whereof he claims, to a certificate entitling him, according to his rank on retirement or discharge from service, as the case may be, to the remission of money in the purchase of land in any part of the colony.

All such reports shall be submitted by the Governor to Parliament at the session next after the receipt thereof.

**9 Special provision as to Forest Rangers.**

Any officer, non-commissioned officer, or private who was enrolled as a Forest Ranger under the above-mentioned memorandum of the sixth day of August, one thousand eight hundred and sixtythree, who served therein until their disbandment, and who enlisted again as a Forest Ranger under the memorandum of the ninth day of November, one thousand eight hundred and sixty-three, shall not be debarred from obtaining a certificate in respect of each of such services, if he proves his claim thereto.

**10 No person to be entitled to relief under this Act who has previously obtained land or scrip for services.**

Saving and except as mentioned in the last-preceding section, and except in the case of persons enrolled under the conditions prescribed in a memorandum of the Honourable Thomas Russell, Minister for Colonial Defence, dated the sixth day of August, one thousand eight hundred and sixty-three, —

- (1.) No person shall be entitled to more than one certificate of remission-money under this Act; and
- (2.) No person shall be entitled to a certificate under this Act who has already received any land or certificate of remission in payment or consideration of his services, or who has received any land or certificate of remission-money for land as a naval or military settler of any rank, under any Act whatsoever other than this Act.