

Pensioners Claims Act 1861
New Zealand – Anno Vicesimo Quarto Et Vicesimo Quinto
VICTORIÆ REGINÆ No.31

An Act to provide for the settlement of certain outstanding claims by Pensioners lately serving in the New Zealand Fencible Force.

Whereas by certain instructions under the hand of the Right Honourable Earl Grey one of Her Majesty's Principal Secretaries of State for the Colonies dated 8th March 1847 it was proposed that the Military Settlers enrolled to serve in the New Zealand Fencible Force should be entitled to a certain right of pre-emption over land in the vicinity of the Pensioner Villages then proposed to be established in New Zealand And whereas complaint has been made by certain persons who have been enrolled in the New Zealand Fencible Force that they have had no means of exercising the right of pre-emption thus proposed to be granted to them and it is expedient to enquire into the validity of such complaints in order that compensation may be awarded to those persons.

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

I. The Short Title of this Act shall be the "Pensioners Claims Act 1861."

II. Within three months after this Act shall come into operation every Pensioner of the New Zealand Fencible Force or representative of such Pensioner if dead who having been entitled to a right of pre-emption as aforesaid shall not have exercised right shall send in his claim to a Commissioner to be from time to time appointed for that purpose by the Governor by Warrant under his hand for examination and after the expiration of such term no such claim shall be received or entertained.

III. It shall be lawful for the said Commissioner to investigate and settle all such claims as shall be so sent in as aforesaid.

IV. The said Commissioner shall at some convenient time to be fixed by him by notice in the *Government Gazette* proceed to investigate the said claims and in such investigation such Commissioner shall proceed according to equity and good conscience and the award of such Commissioner in each case shall be final and conclusive.

V. It shall be lawful for the said Commissioner to award the amount of compensation to which he may deem such claimant entitled under the provisions of this Act provided that in no case shall such amount exceed the sum of £50.

VI. Upon any such award being made and certified to the Governor under the hand of such Commissioner it shall be lawful for the Governor to issue to the claimant a Land Order to the extent of two acres for every one pound sterling mentioned in the award and the person to whom such Land Order shall be granted shall be entitled to the same right of selection and other privileges as if the said Land Order had been granted by an emigration agent appointed under the authority of the "Auckland Waste Lands Act 1858." Provided that the Grant for any selection so made may be issued at the expiration of two years from the date of any such Land Order.

VII. Provided always that no Pensioner or the Representative of any Pensioner who may have been dismissed from the said Force by competent authority or who may have ceased to reside in the Province of Auckland shall be entitled to any benefit or advantage under the provisions of this Act.

VIII. This Act shall not come into operation until the same shall have received the Royal Assent and a Proclamation of such Assent having been given with the advice of Her Majesty's Privy Council shall have been issued by the Governor.