

## Wellington Province – Correspondence relating to land claims

Archives NZ Reference ADXS 19523 LS-W32/3/3 (R17370065)

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**William BROWNE**, 65<sup>th</sup> Regiment, Wanganui – Letter to Crown Lands Commissioner, Wellington 29 Mar 1860

Sir, I have the honour to apply to you for the quantity of land I may be entitled to as a discharged soldier residing in Wanganui and according to a publication in the Wanganui Chronicle that all discharged soldiers of Good Character will obtain land free of cost, on application to the Commissioner of Crown Lands for the same. I herein enclose you my certified copy as to character, I have the honour to be, Sir, Your most obedient servant, William Browne, late Private 65<sup>th</sup> Regiment.

Parchment Certificate – 65<sup>th</sup> Regiment of Foot

These are to certify that No.2008 William Brown, Private, born in the Parish of Escrick in or near the City of York, in the County of York was enlisted at York for the 65<sup>th</sup> Regiment on the 8<sup>th</sup> May 1842 at the age of 24 years. That he served in the Army for thirteen years and 28 days, was in Australia eleven years four months. That he is discharged in consequence of receiving a free discharge and nine months pay agreeably to the Royal Warrant of 01 July 1848 with a view of settling in the Australian Colonies. Signed E. Gold, Colonel 65<sup>th</sup> Regiment, Commanding Officer, dated at Wellington 31 Jan 1857 and confirmed by R. H. Wynyard, Colonel. *Character:* Good and he wears two good conduct badges with Pay. I certify the above to be a correct copy of William Brown's Parchment Certificate of Discharge, D. S. Durie, R.M., Wanganui

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**John Forster KELLS**, 65<sup>th</sup> Regiment, Wanganui - Letter to William Fitzherbert, Commissioner of Crown Lands, Wellington dated 29 Mar 1860

Sir, In accordance with an advertisement in the Wellington papers dated 17 Mar 1860 I beg to enclose my certificate of discharge as a Non-Commissioned officer from the 65<sup>th</sup> Regiment which entitles me to a grant of 80 acres of land according to the Act stated in said Advertisement. I further beg to state that I have resided in the Province of Wellington since the date of my discharge, you will oblige by returning my parchment certificate. I am Sir, Your obedient servant, John Foster Kells, late Sergeant, 65<sup>th</sup> Regiment.

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**William KELLS**, Wellington

Letter to W. Fitzherbert, Esq., Commissioner of Crown Lands, Wellington 28 Mar 1860

Sir, With reference to an advertisement which appeared in the Wanganui Chronicle dated 17 Mar 1860 I beg leave to apply for any land I may be entitled to as a discharged soldier. I enclose a Certified Copy of my discharge. I am Sir, Veary Respectfully, William Kells.

Parchment Certificate – 65<sup>th</sup> Regiment

I certify No.1508 Corporal William Kells was legally discharged from the above Corps on 30 April 1849 at Wellington, His character and conduct was reported by the Regimental Board to be Good and he wore one good conduct badge with pay. Signed C. E. Gold, Colonel commanding 65<sup>th</sup> Regiment at Auckland 03 Nov 1858. I certify that the above is a correct copy – D. S. Durie, R.M., Wanganui

Letter to Commissioner of Crown Lands, Wellington dated 11 May 1860

Sir, I have the honour to bring under your notice the following circumstances. I reside at Wanganui and am only on a visit from here and unfortunately I left the papers connected with my brothers Thomas and Joseph Kells' service in H.M. 65<sup>th</sup> Regiment at Wanganui. I should feel particularly obliged if you would register their claims and I will undertake to forward all the papers necessary to substantiate their claims on my return to Wanganui.

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**Isaiah LEE**, L. Corporal, H.M. 8<sup>th</sup> The Kings Regiment, Wanganui – Letter to Crown Lands Commissioner, Wellington 27 Mar 1860

Sir, I have the honour to apply to you for the Grant of land free of cost, which I may be entitled to as a Discharged Soldier residing in Wanganui according to a notice in the Wanganui Chronicle that all discharged who may be entitled to land should make an early application to the Commissioner of Crown Land for the same. I hereby enclose you a certified copy of my discharge, I have the honour to be, Sir, Your most obedient servant, Isaiah Lee, late L. Corpl H. M. 8<sup>th</sup> The Kings Regiment.

Parchment Certificate – 8<sup>th</sup> The King's Regiment of Foot

These are to certify that No.1222 2<sup>nd</sup> Regt, No.2491 28<sup>th</sup> Regt, No.2711 8<sup>th</sup> Regt, Private Isaiah Lee born in the Parish of Castletown in or near the Town of Rochdale in the County of Lancaster was enlisted at Salford for the 2<sup>nd</sup> Regiment on the 6<sup>th</sup> August 1839 at the age of nineteen years. That he served in the Army for 14 years and 158 days. He is discharged in consequence of receiving a free discharge of his own request with grant of free passage to Australia and by Authority dated Adjutant General's Office Camp Panespeet 12<sup>th</sup> November 1853. Dated at Camp Poona 22 Dec 1853. Signed H. W. Hartley, Lt.Col 8<sup>th</sup> Kings Regiment Commanding Officer, Head Quarters, Bombay 11 Jan 1854, confirmed Frederick F. Clarence, Lieut-General, Commander in Chief, Bombay. *Character*: Good. He is in possession of two distinguishing marks for good conduct with pay attached and entitled to right of Registry for deferred Pension of 4d a day on attaining 50 years of age – I certify the above to be a true copy, D. S. Durie, R. M., Wanganui 27 Mar 1860

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**Charles ROBINSON**, Private 65<sup>th</sup> Regiment - Letter: Charles Robinson, Wanganui to the Crown Lands Commissioner, Wellington dated 29 Mar 1860  
Sir, I have the honour to apply to you for the quantity of land I may be entitled to as a discharged soldier residing in Wanganui and according to a notice published in the Wanganui Chronicle that all discharged soldiers of good character was entitled to land free of cost, should make early application to the Commissioner of Crown Lands for the same. I herein enclose a certified copy of my discharge, I have the honour to be, Sir, Your most obedient servant, signed (his mark) Charles Robinson, late Private 65<sup>th</sup> Regiment. Witness: W. H. Russell, Licensed Victualler, Wanganui.

Parchment Discharge Certificate 65<sup>th</sup> Regiment of Foot – confirmed at Wellington dated 28 Feb 1857  
These are to certify that No.1802 Charles Robinson, Private, born in the Parish of Sunk Island in or near the Town of Patterington in the County of York was enlisted at Hull for the 65<sup>th</sup> Regiment on the 26<sup>th</sup> November 1841 at the age of twenty years. That he served in the Army for fifteen years and 94 days, was in Australia for ten years four months. That he is discharged in consequence of receiving a free discharge and twelve months pay agreeably to the Royal Warrant of 1<sup>st</sup> July 1848 with right to register for a deferred pension of 6d a day after attaining 60 years of age – with a view to settling in the Australian Colonies. Signed C. E. Gold, Colonel, 65<sup>th</sup> Regiment, a Commissioned officer 22 April 1857 and R. H. Wynyard, Commissioned officer. *Character:* Good and he wears three good conduct badges with pay – Signed C. E. Gold I Certify the above to be correct copy of Charles Robinson's Parchment Certificate of Discharge – signed D. S. Durie, Wanganui

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**James TAYLOR**, Wanganui – Letter dated 29 Mar 1860

Sir, The enclosed is a copy of my Discharge which I forward in virtue of advertisement of 17<sup>th</sup> instant, relative to the "Waste Lands Act of 1858". I remain, Sir, James Taylor.

65<sup>th</sup> Regiment of Foot – These are to Certify that No.1764 James Taylor, Private, born in the Parish of Horncastle, in or near the Town of Horncastle, in the County of Lincoln was enlisted at Hull for the 65<sup>th</sup> Regiment on the 6<sup>th</sup> September 1841 at the age of 22 years. That he has served in the army for fifteen years and 116 days, was in Australia ten years, ten months. That he is discharged in consequence of receiving a free discharge and twelve months pay agreeably to the Royal Warrant of 1<sup>st</sup> July 1848 with right of Registry for a deferred pension of 6d a day after attaining 60 years of age with a view of settling in the Australian Colonies. Signed E. Gold, Commanding Officer, Colonel 65<sup>th</sup> Regiment, dated at Wellington 31 Dec 1857. Discharge of Private James Taylor confirmed. *Character:* Good and he wears two good conduct badges with pay. A true copy – D. S. Durie, Wanganui.

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**William RUSSELL**, Colour Sergeant, Royal Regiment of Artillery, Wanganui

Letter to the Crown Lands Commissioner, Wellington dated 26 Mar 1860

Sir, I have the honour of applying to you for the quantity of land I may be entitled to as a Discharged Soldier residing in Wanganui and according to a notice published in the Wanganui Chronicle that all discharged soldiers who may be entitled to land free of cost should make an early application to the Commissioner of Crown Lands for the same. I enclose you a certificate copy of my parchment certificate of discharge, I have the honour to be, Sir, Your most obedient servant, W. Russell, late Colour Sergeant R.A.

Parchment Certificate – Royal Regiment of Artillery

These are to certify that Colour Sergeant William Russell, born in the Parish of Lauder, in or near the Town of Lauder in the County of Berwick was enlisted at Leith for the Royal Artillery on the 31<sup>st</sup> August 1830 at the age of seventeen years nil days, that he served in the Army for 27 years and 334 days, he is in possession of a silver medal for long service and good conduct and receives £15 gratuity on being discharged this 31<sup>st</sup> day of July 1858. That he is discharged in consequence of having been admitted by the Commissioners of Chelsea Hospital upon the Pension List at the rate of 2s 1d per diem. Dated at Auckland 31 Jul 1858. Signed by W. M. King, Captain R.A., Commanding Officer. *Character*: Exemplary. I hereby certify this to be a correct copy of the above William Russell's parchment certificate of discharge – signed D. S. Durie, Wanganui 27 Mar 1860

Letter William Russell, Rutland Hotel, Wanganui 12 Apr 1860 to Mr Homes, Land Office, Wellington

Sir, I have the honour of acknowledging the receipt of your letter dated 05 April 1860 referring to a document which is certified by Major Durie, R.M, in this settlement being insufficient to substantiate a claim of a Discharged Soldier for a Grant of Land. There is nothing in the advertisement claiming the original or parchment certificate to be forwarded, and more (it may be possible in the present state of affairs) that the mails may be stopped and destroyed. I beg only to observe that it is a bad state of things when one Public Department cannot take a certified copy from that of another of the same tenor. I have the pleasure of enclosing the Parchment Certificates of the following persons – William Russell, William Brown, Robert Atkinson, Charles Robinson. I have the honour to be, Sir, Your most obedient servant, W. Russell, late Colour Sergeant, R.A.

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**James WILLIS**

Letter – D. Brown, Longpoint, Porirua to William Holmes, Esq., for the Commissioner of Crown Lands 31 May 1860

Dear Sir, Yours of the 18<sup>th</sup> instant only came to hand today, and I take the earliest opportunity to answer it. Although from the very positive and apparently decisive manner which your letter is worded, there would appear to be no hope of inducing you to alter your decision (which I know to be a legal one according to the meaning of the Act), yet knowing it was impossible for the applicant in the present case to apply personally or by letter before he did, I cannot think it a just one. The applicant has been in my employ for near two years upon the Island of Kapiti where he was at the time the proclamation was published and I went to Kapiti in the early part of this month intending to allow him leave of absence to apply for his land order, but owing to a most unaccountable duration of bad weather were were windbound up to within one day of the time of his application shewing you very plainly that it was owing to accidental circumstances and the situation of the individual, and not to any neglect or carelessness on his part that the fault (if any) his. Please to excuse the feeling and urgent manner of my communication for I feel that the poor fellow if he does not get his land order, will lose it through being my servant on such an out of the way place as Kapiti. There is also another point I should like to draw your attention to, which conjoined with the above statement will I think be very much in his favour. It is this, that his certificate was received at the Land Office just one day after the time allowed by the Act. Now even supposing there to be no palliative causes, this I think is cutting rather close. But when taken into consideration with the circumstances of the present case I think I do not go too far when I say that I think it cruel. The character of the applicant is really good and he bears this character from all his employers ever since he has been in the Colony. This statement ought to carry some weight to turn the beam in his favour. Hoping this will be of some use in proving James Willis's to be an extreme case, that ought to be taken into consideration. I have the honour to be, Yours respectfully, D. Brown acting for James Willis.

Annotation dated 02 Jan 1860. This letter appears to go on the assumption that the Commissioner has a discretionary power in the matter; whereas he has none; his hands being tied by the Act. The Commissioner desires for Holmes to inform the writer, that he regrets exceedingly the hardship of the case and would willing give (as well as several other cases of a similar description) a favourable consideration, if he had any power, which he expects he has not. The Commissioner thinks there is no remedy excepting a legislative enactment. Mr Brown informed 02 Jan 1860.

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Schedule of Claims for Land, free of Cost, by Naval & Military Settlers, under the "Waste Land Act 1858" in which no Documents have been deposited.

Date	Name and Rank	Remarks
26 Mar 1860	William Bowden	
28 Mar 1860	William Kells	Certificate deposited 09 Jun 1860
31 Mar 1860	John Thomas McClenahan	Discharge deposited 18 May 1860
07 Apr 1860	S. J. Goodchild	
19 Apr 1860	Patrick Hewry	Discharge deposited 16 Jun 1860
23 Apr 1860	William Challis	Vide claim 274
05 May 1860	John Hall	3 Certificates received 29 May 1860
11 May 1860	Joseph Dunne	
11 May 1860	David McCorquodale	Copy discharge received 22 Oct 1860
11 May 1860	Thomas Kells	Discharge deposited 02 Jun 1860
11 May 1860	Joseph Kells	Discharge deposited 19 May 1860
12 May 1860	William Tannahill	
12 May 1860	Charles Eastburn	
15 May 1860	Ephraim Cullum	Claim posted at Wanganui; Discharge deposited 19 Jun 1860
09 May 1860	James McGahan	
09 May 1860	Bernard Dounlay	
12 May 1860	Benjamin Hurst	
30 Apr 1860	William Moxham	Certificate deposited 24 Aug 1860
16 Nov 1860	William Camm	

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