

# New Zealand.

ANNO TRICESIMO

V I C T O R I Æ R E G I N Æ .

No. 6.

ANALYSIS.

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**AN ACT to Regulate the Granting of Pensions to Officers and Men of the Colonial Forces for Wounds or Injuries received while on Actual Service and to the Widows and Families of the same in certain cases.** Title.

[6th September 1866.]

**W**HEREAS it is expedient to grant pensions to officers and men of the Colonial Forces for wounds or injuries received while on actual service and to make provision for the widows and families of the same in certain cases Preamble.

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 Military Pensions Act 1866.” Short Title.

II. In the interpretation of this Act the term “Colonial Forces” shall include all officers non-commissioned officers and privates whether of the European or Native race enrolled by and serving under the New Zealand Government The term “Officer” shall mean an European officer holding a commission under the seal of the Colony The term “Native Chief” shall mean an Aboriginal Native holding the rank of a commissioned officer in the Colonial Forces. Interpretation.

III. So much of every Act of the General Assembly heretofore passed as enables and concerns the granting of pensions to officers and men of the Colonial Forces whether as Militia or Volunteers or otherwise and to their widows and families and of any regulations made Repeal clause.

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pursuant thereto as concerns such pensions are hereby repealed Provided always that nothing herein contained shall invalidate or in any way affect any pensions which have been granted under such Acts or regulations.

Governor may appoint Board.

IV. It shall be lawful for the Governor from time to time to constitute and appoint a Board or Boards of Medical Officers and to cancel or vary any appointment at pleasure for the purpose of examining every officer and man who is an applicant for a pension or gratuity under this Act and to report upon his case which report with a certificate of examination must be signed by each member of the Board in every instance before any pension or gratuity is granted such Board or Boards shall in each case consist of not less than three duly qualified medical practitioners.

Remuneration of Board.

V. Medical officers comprising a Board constituted under the last preceding section shall if they are not at the time being in the receipt of consecutive pay from the Colonial Government be entitled to a remuneration of one guinea for each day or part of day during which they shall respectively sit as members of such Board.

PENSIONS AND ALLOWANCES TO OFFICERS AND MEN.

Pensions and allowances.

VI. There shall be paid out of the general revenue of the Colony pensions and allowances to officers native chiefs non-commissioned officers and privates of the Colonial Forces as hereinafter specified.

*Officers.*

- (a.) If an officer shall receive a wound in action which shall occasion the loss of an eye or a limb or the total use of a limb or shall receive bodily injury fully equal to the loss of a limb he may be eligible to receive a gratuity in money of one year's full pay of the regimental rank or staff appointment held by him at the time he was wounded.
- (b.) If an officer shall be wounded in action and it shall appear upon an inspection made of him by the medical Board that such officer has in consequence of his wound lost a limb or an eye or has totally lost the use of a limb or that he has sustained a severe injury in action fully equal in every respect to the loss of a limb he shall be entitled to a pension at not exceeding the following rate according to the rank held by him when he was wounded and commencing one year after the wound was received the continuance of which pension shall depend upon subsequent examination before a medical Board.

| RANK.                            | AMOUNT OF ANNUAL<br>PENSION TO BE<br>SPECIALLY CONSIDERED. |     |     |     |      |
|----------------------------------|--|-----|-----|-----|------|
| Colonel or<br>Lieutenant-Colonel | }  | ... | ... | ... | £250 |
| Major                            | ...  | ... | ... | ... | 200  |
| Captain                          | }  | ... | ... | ... | 150  |
| Surgeon                          | ...  | ... | ... | ... | 100  |
| Lieutenant                       | }  | ... | ... | ... | 75   |
| Assistant-Surgeon                | ...  | ... | ... | ... | 75   |
| Cornet                           | }  | ... | ... | ... | 75   |
| Ensign                           | ...  | ... | ... | ... | 75   |
| Second Lieutenant                | }  | ... | ... | ... | 75   |

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- (c.) If the officer shall have lost more than one limb or eye he may be recommended for an additional pension not exceeding one-half of the foregoing sums respectively.
- (d.) If the wound received by an officer in action shall be so severe in its permanent effects as to be nearly equal but not fully equal to the loss of a limb such officer may be recommended for a gratuity of eighteen months full pay of his regimental rank or staff appointment held by him when wounded in which case no pension shall at any subsequent time be granted to him.
- (e.) If any wound received in action shall be certified to be severe and dangerous but in its permanent effects not equal to the loss of a limb the officer receiving such wound may in consideration of the expense attending the cure thereof receive a gratuity varying according to the nature of the case from three to twelve months full pay of the regimental rank or staff appointment held by him at the time he was wounded.
- (f.) If an officer shall have held a pension for a wound received in action for a term of five years and shall have been examined twice at the least before a medical Board he may be recommended for the permanent continuance of such pension but if the officer before the expiration of the term of five years shall have so far recovered that his wound or injury is not fully equal to the loss of a limb then he shall cease to receive such pension and shall have a gratuity of full pay according to the degree of his injury.
- (g.) If within the period of five years after a wound has been received an officer does not apply for the pension or applying for it the wound shall not have been proved to be fully and permanently equal to the loss of a limb such officer's claim to a pension shall not at any subsequent period be entertained.
- (h.) No gratuity or allowance for any wound shall be granted after the lapse of five years from the time the wound was received.
- (i.) No pension for the loss of one eye from a wound received in action shall be granted unless the actual loss of vision shall have occurred within five years after the wound was received and be solely attributable to such wound.
- (j.) As a general rule the pension shall be granted according to regimental rank but in cases in which officers with brevet rank shall have been employed at the time they were wounded in discharge of duties superior to those attached to their regimental commissions the pensions shall be given according to the brevet rank.

*Native Chiefs Non-commissioned Officers and Privates.*

- (a 1.) Pensions shall be granted to native chiefs non-commissioned officers and privates for wounds or injuries received in action according to the following scales such pensions may be either permanent or temporary according to the circumstances of the case and the report of the medical Board :—

*Military Pensions.**Europeans.*

| RANK.           | FIRST DEGREE.   |             | SECOND DEGREE.  | THIRD DEGREE.   |             |
|-----------------|---|-------------|---|---|-------------|
|                 | When losing two limbs or both eyes from wounds or being so severely wounded as to be totally incapable of earning a livelihood and to require the assistance and care of some other person. |             | Men rendered incapable by wounds of earning a livelihood but not requiring the aid of another person. | Men able to contribute towards earning a livelihood although rendered by wounds unfit for the ordinary duties of a soldier. |             |
|                 | From<br>s. d.   | To<br>s. d. | s. d.   | From<br>s. d.   | To<br>s. d. |
| Sergeant ... .. | 2 6   | 4 0         | 3 0   | 1 3   | 2 8         |
| Corporal ... .. | 1 10  | 3 4         | 2 6   | 1 0   | 2 3         |
| Private ... ..  | 1 6   | 3 0         | 2 2   | 0 8   | 2 0         |

} per diem.

*Natives.*

|                      | £ s. d. | £ s. d. | £ s. d.          |
|----------------------|---------|---------|------------------|
| Native Chiefs ... .. | 75 0 0  | 60 0 0  | 50 0 0 per annum |
| Sergeant ... ..      | 0 1 6   | 0 1 3   | 0 1 0 per diem   |
| Corporal ... ..      | 0 1 3   | 0 1 0   | 0 0 9 per diem   |
| Private ... ..       | 0 1 0   | 0 0 9   | 0 0 6 per diem   |

(a 2.) In special cases where it may be considered more advantageous to the native chief non-commissioned officer or private that a gratuity in money proportioned to the rate and duration of the pension which would have been awarded should be given instead of such pension a sum varying from one pound to thirty pounds may be allowed at the discretion of the Governor.

(a 3.) When any aboriginal native shall have been or shall be employed by the authority or with the sanction of the Governor in military operations within the colony either with or without pay but shall not have been formally enrolled within the meaning of the second section of this Act it shall be lawful for the Governor by Order in Council to direct that such native shall for the purposes of this Act be regarded as belonging or as having belonged whilst so employed to the Colonial Forces and by the same or any other Order in Council to determine whether such native shall be deemed to have held the rank of a Native chief a non-commissioned officer or a private and shall be entitled to pension or gratuity accordingly.

## PENSIONS TO WIDOWS.

Pensions to widows.

VII. Subject to the limitations and restrictions hereinafter provided pensions in accordance with the annexed scale may be given to the widows of officers native chiefs non-commissioned officers and privates of the Colonial Forces in the following cases—

(a.) If the deceased was killed in action or died of his wounds within six months after being wounded in either of which cases and in those only the special pension fixed in the annexed scale may be allowed.

*Military Pensions.*

(b.) If the officer native chief non-commissioned officer or private died from illness brought on by the fatigue privation and exposure incident to active operations in the field before an enemy within six months after his being first certified to be ill the special pension fixed in the annexed scale may be allowed Provided always that the pensions to widows herein authorized cannot be claimed as a right they are granted as rewards for good and faithful military service rendered by their deceased husbands they are only to be conferred on deserving persons they are not to be granted to widows left in wealthy circumstances and are liable to be discontinued altogether in case of any misconduct on the part of the individuals receiving them Provided further that in all cases on a widow re-marrying her pension is suspended from the date of her re-marriage but in the event of her again becoming a widow her pension may be restored upon proof being adduced that she is not in wealthy circumstances and is otherwise deserving but will be again liable to suspension during future re-marriage.

VIII. The widow's pension will in general commence from the date of her husband's death but the claim must be established by the production of satisfactory documents in support of it within one year after the death of her husband. Claim of widows.

IX. If the claim of a widow to her pension shall not be established before her death the amount of pension to which she would have been entitled if living shall not be allowed to her representatives. Limitation.

X. Pensions to widows of staff of regimental and of medical officers shall not be given according to any brevet rank which their husbands may have held but according to the regimental or staff commission by which they received pay. To be according to regimental rank of deceased.

## SPECIAL ALLOWANCES TO RELATIVES.

XI. If an officer non-commissioned officer or private of the European race be killed in action or die of his wounds within six months after being wounded and leave a widow or children or both a gratuity of one year's pay of the regimental commission held by him may be given to his widow in addition to her pension and one-third of the amount of such gratuity to each of his children under age and unmarried. Gratuities to widow and children.

XII. If such officer non-commissioned officer or private leave no widow or child an annual allowance equal to the ordinary rate of widow's pension attached to the regimental rank of the deceased may be granted to his mother provided she be a widow and in distressed circumstances and was mainly dependent upon the deceased for support but if the mother shall be herself in receipt of a pension from the Government or shall have any other provision of any kind from the public no allowance under this regulation shall be made to her on account of her son unless she relinquish such pension or provision in the event of her re-marrying any allowance that may have been granted to her shall cease. To mother.

XIII. If such officer non-commissioned officer or private shall have left no widow child nor mother but shall have left a sister or sisters being orphans having no parent nor surviving brother and having been dependent for support upon the deceased officer non-commissioned officer or private an allowance equal to the ordinary rate of widow's pension may be granted to such sister or to such sisters collectively under extraordinary and special circumstances to be judged of by the Governor but the allowance in such case shall cease when the person receiving it shall marry or shall be in any other manner sufficiently provided for. To sister.

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To children.

XIV. Allowances to the children may be given in those cases in which the widow would be entitled to be placed on the pension list provided it be shown that the children have no other allowance pension or provision from the Government and that their pecuniary circumstances and those of their family are so limited that they actually require assistance.

Periods of allowances to children.

XV. The allowances granted to sons may be continued until they attain the age of eighteen or are otherwise previously provided for and those to the daughters may be continued until they marry or attain the age of twenty-one whichever shall first happen and no longer except in very special cases in which it shall be shown that such sons or daughters are afflicted with any mental or bodily infirmity rendering them incapable of making any exertion for their own support and that they are still in distressed circumstances.

Scale of allowances to families.

XVI. The aggregate amount of the foregoing allowances granted to the family of any officer non-commissioned officer or private killed in action including the widow's pension if he leave a widow shall in no case exceed the rates specified in the scale hereunto annexed.

## SCALE.

| RANK.  | WIDOWS' PENSION.  |   | Allowance to the mother or sister whose son or brother was killed in action. | ALLOWANCE TO CHILDREN.                 |   |
|--|---|---|--|--|---|
|  | To widows whose husbands died from illness contracted in the field. | To widows whose husbands were killed in action. |  | Where the father was killed in action. | Where the father died from illness contracted in the field. |
|  | £   | £   | £  | £                                      | £   |
| Colonels                                     | 120   | 150   | 80   | 18 @ 25                                | 16 @ 20   |
| Lieutenant-Colonels } ...                    | 90  | 120   | 70   | 16 @ 20                                | 14 @ 17   |
| Majors ...                                   | 65  | 80  | 50   | 12 @ 16                                | 10 @ 14   |
| Captains } ...                               | 50  | 60  | 40   | 8 @ 14                                 | 6 @ 12  |
| Surgeons } ...                               | 40  | 46  | 36   | 8 @ 14                                 | 6 @ 12  |
| Lieutenants } ...                            | 30  | 36  | 26   | 6 @ 10                                 | 4 @ 8   |
| Assistant Surgeons } ...                     | 30  | 36  | 26   | 6 @ 10                                 | 4 @ 8   |
| Second Lieutenants } ...                     |   |   |  |  |   |
| Cornets } ...                                |   |   |  |  |   |
| Ensigns } ...                                |   |   |  |  |   |
| Native Chiefs ...                            |   |   |  |  |   |
| Non-Commissioned Officers and Privates } ... |   |   |  |  |   |

Exemption from seizure.

XVII. All pensions or gratuities granted under the authority of this Act shall be exempt from seizure in execution and from distress and assessment.

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