

Tanya Peterson

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Petition to the House of Representatives

I am Tanya Peterson, daughter of Mr Noel Peterson (born 25.12.1918), and granddaughter of Mr William Magnus Peterson (24/11/1885-10/03/1977), who I am now representing in an historic returned soldiers land claim.

After eight years of exhaustive research I have uncovered misappropriation and fraud by Governmental and Crown entities in regard to the disbursement and allocation of Land Ballots and Returned Soldier Entitlements. (Detailed documented evidence available.)

The illegal actions have led to the significant disenfranchisement of returned soldiers who served New Zealand, and the British Empire in the First World War.

One of the returned soldiers significantly marginalised by governmental dishonesty was my grandfather, William Magnus Peterson, who served in World War 1, and then with the Military Police in Samoa in 1929, and again in World War 2.

I present this case to request that the House of Representatives formally address:

That the House reverse an illegal bankruptcy decision against William Magnus Peterson (a soldier and a trooper in the Auckland Mounted Rifles), by the Land Board in 1927, which resulted in the foreclosure of family land (Section 2, Block 5. Hurakia Survey District, Waimiha) awarded under the Discharged Soldiers Settlement Act 1915. I further request that a caveat is placed on the land to prevent its sale by current owners while the situation is fully explored, and that descendants are awarded their entitlement of their estate, and due compensation for loss of productivity and for ongoing hardship.

Time line of events

1900s. The Peterson and the McNeight families settled in the Mokauiti, Tangitu Survey District and established dairy farms.

1914. War was declared. William Magnus Peterson and William George McNeight volunteered for service in the Expeditionary Forces and fought for the Empire under the rule of King George the V.

1915. William Peterson was wounded and sent home.

1918. William McNeight was killed in France.

1920. William Peterson received land from a Soldiers Ballot in Waimiha, King Country. He paid £1,420 for the land.

(The land was highly desirable because of the density of native forest and a good water supply, and easy access to erect a mill. The ballot was necessary, as there were other interested parties.)

This deed, 331/205, came under Section 4 of the Discharged Soldiers Settlement Act, 1915, with Special Tenure Lease (STL) 25/8/1920 Sale Plan Number 1377, with Capital Value.

However, the Land Board did not comply with Section 4 of the Discharged Soldiers Settlement Act 1915. (D.S.S. Act 1915) (STL)

The Estate was registered Section 2, Block 5, Hurakia Survey District, 496 areas, class 2 land, every acre of second class land is reckoned as 2.5 acres, and valued at 10 shillings per acre under The Land Act of 1908 and Land for Settlement Act 1908. These Land Acts are in Peterson's contract.

Two months later "Selection of Land by Soldiers" was filed under Lands and Survey, dated the 9/10/1920, to William Magnus Peterson under the Schedule (1)(2)(3)(4)(5) where this was without competition and the Government empowered to assist the soldiers under the Discharged Soldiers Settlement Act 1915. The Land Board breached their duty by not assisting William Magnus Peterson.

These are the schedules binding the Discharged Soldiers Contract.

- Allotted to discharged soldier under the Discharged Soldiers Settlement Act 1915, by Land Board without competition.
- Allotted to discharged soldier under the Discharged Soldiers Settlement Act 1915 , at soldiers' ballots.
- Acquired at ordinary ballot or auction sale by member of Expeditionary Force or his wife.
- Acquired at ordinary ballot or auction sale by discharged or returned soldier or his wife.
- Acquired by transfer by discharged or returned soldier, member of Expeditionary Force, or his wife.

1921 D H Guthrie, the Minister for Lands gazetted in the Auckland Land District on the 1/1/1921 for financial relief for William Magnus Peterson, along with neighbouring blocks that were allocated to other returned servicemen.

The Crown law at the time empowered the Government under Section 6 of the Discharged Soldiers Settlement Act 1915, to give financial assistance to returned servicemen, to enable them onto land blocks, and to assist them until the blocks

became self-sufficient working units with positive cash flow.

William Peterson applied (under the Discharged Soldiers Settlement Act of 1915, under Section 6) for financial assistance twice, to purchase grass seed. The Land Board declined on both requests.

Documented evidence of the Land Board's response is the decision of financial assistance that, 'No advances be made to this applicant WM Peterson.' In direct contrast, however, properties that neighboured William Peterson's Estate were assisted, and that highlights the Land Board's breach of duty toward William Peterson.

William Peterson's land had great value because of dense and virgin native forest. Peterson's Block was mentioned as being one of the finest and densest forests in the area, with an endless supply of water because of three rivers running through it. R. Cleverdon, a government valuer advised the Land Board that this virgin forest needed to be kept as a reserve. The Land Board did not comply with the valuer's report, thus paving the way for the Land Board to find a way of taking the land from William Peterson and his family.

My family would have been happy with the valuer's decision to keep the native forest as reserve. My grandparents had already cleared 100 acres, put a dwelling on it, fenced for stock, worked the land and erected a cheese factory. The Peterson family helped newcomers in the district as they were well-established and experienced farmers.

1922 In documents dated 13.10.1922 to the Lands and Survey Department of that time James Samuel Dickson, MP for Parnell, Auckland, requests that his name not be mentioned.

Dickson had no authority, nor was it his purview, to overrule the soldier's contract from the King, under the Discharged Soldiers Settlement Act 1915. However, documents (dated 17/10/1922) show that Dickson worked on confiscating the Soldiers Estate held by William Magnus Peterson to assist the timber merchant known as Edean.

On the 20.11.1922 the Minister of Land, H. M. Skeet, and James Samuel Dickson, MP for Parnell, Auckland, determined to proclaim the estate of William Magnus Peterson into Provisional State Forest. The Land Board was 'pre-forecasting' my grandparents' estate for the purpose of personal profit.

1923. The parents of William McNeight were unable to continue farming after the death of their only son (killed in action in World War 1).

The Peterson and McNeight families merged the Mokauiti farms, and leased them to Betty Pattillo for a period of 27.5 years, for a sum of £1,437. The expiry date of the lease was 1950.

Four of the five farms that were neighbouring my grandfather's land received financial assistance, under Section 6 of the Discharged Soldier Settlement Act 1915 as well as Section 2 of the Discharged Soldiers Settlement Amendment Act 1917 then in 1927 /29 further reduction of land value was granted for the neighbours under Section 216 of the Land Act 1924 and under Section 12 of the Land Laws Amendment Act 1927. The Commissioner of Crown Lands waived the Laws for my grandfather by not reducing the rent and the revaluation of his Estate.

My grandfather, William Peterson, asked again for financial assistance. The Land Board declined his request.

This decision was made by the Government to empower the Land Board and timber merchants to enable the conversion of the property to use valuable timber resources and so create financial gain for the timber merchants and speculators through Government authorities behind closed doors.

John Albert Endean, an Auckland timber merchant, was the owner of several mills in the King Country region had acquired Soldiers Land through the same ballot as William Peterson (and other returned soldiers in the location).

John Endean was not a soldier, he was a hotel publican resident in Auckland and a Timber Merchant.

Samuel Dickson was the Member of Parliament for Parnell, Auckland, during the period of 1911-1928.

John Endean son was William Phillip Endean, a lawyer from 1906 – 1930. William Endean moved and worked in the same circles as MP Dickson (in the Endeans Building) in Queen St, Auckland.

William Endean became Member of Parliament for Parnell from 1930 to 1938.

John Endean, William Endean and Samuel Dickson conspired to go against returned soldiers by financially crippling my grandparents off their land. The politicians William Endean and Samuel Dickson used their political connections to complete the deed. (Both were members of the Back Room Boys, which was formed in 1914.)

In a manoeuvre designed to remove my grandparents from the land and from any financial remuneration, timber merchant John Endean forged the signature of William Peterson on legal contracts (document dated 28.11.1921) to give himself the right to mill native timber over a long period of time.

By law, any such contract needed to be renewed yearly by the timber merchants

and signed by the land owners to prevent speculators taking advantage of our Soldiers. The timber merchant, Endean, created an illegal twelve-year contract to keep the contract active to allow time to erect a tramline through Peterson's land. At that point in time, William Peterson was unaware of the forged documents.

Between 1921 and 1927 the New Zealand Government began an investigation into the New Zealand Land Board on 4,900 Soldiers accounts. By 1932 there were well over 5,000.

The estate owned by William Magnus Peterson and his wife was one of the accounts.

Research completed by Tanya Peterson and Wayne Duggan has uncovered the fact that many returned soldiers were in the same situation. The Land Board of that time breached their duty of care by not complying with the Discharged Soldiers Settlement Act 1915, and/or with the 1908 Land and Settlement Act to support returned soldiers awarded land as recognition and reward for services rendered in the First World War.

The Government-instigated investigation into the Land Board resulted in a change to laws for the Land Board that enabled them to forfeit Soldiers Estate as to waive the arbitration Law for the Discharged Soldiers. Such decisions allowed speculators to profit.

The Government used the Land Act of 1924 section 117, for the right of forfeiture on Soldiers Estate, then the Government replaced it, for 118 of the Land Act, 1924, where The Minister of Lands had the power to forfeit a Soldiers Estate, but under Section 11 of the Discharged Soldiers Settlement Act 1915, the Land Board was Empowered to assist my Grandfather for a 10 year period without competition, and under the D.S.S. Act 1915 contract states that Section 9 of the Land Laws Amendment Act 1912, submissions within the meaning of the arbitration Act 1908 a Soldier needs to go through Arbitration.

The law was put in place to stop speculators and Government Officials abusing our returned servicemen, this was then modified by Section 33(2) of the Land Laws Amendment Act, 1913 which protects the Soldiers rights from the speculators.

1924. There was a Memorandum of Mortgage set in place for my grandfather under the Discharged Soldiers Settlement Amendment Act 1915, (April 1921), with King George the V as mortgagee. There is NO Amendment under the Discharged Soldiers Settlement Act 1915.

On the 18.2.1924 the Director of State Forestry understood that Peterson's Sale Plan number was withdrawn from the Soldiers Ballot.

At that point in time, the family were still working their farm, unaware of it been transferred into State Forest for the Timber Merchant.

Peterson's name was on Timber Cruise Sheets Between 1923 - 1925. The Estate had been given a higher value on these documents, then part subdivided into Endean estate, as occupiers in 1924.

1927. William Magnus Peterson paid off the mortgage on his estate, 1/4/1927.

On the 5/4/1927 the Land Board still went ahead and forfeited my grandfather's estate only a few days after the Peterson' mortgage was repaid.

The Land Board struck a timber contract with John Endean, a timber merchant from Auckland. However, John Endean died on the 26.8.1927, and the timber contract became invalid. John Albert Endean forfeited timber cutting rights on Peterson's Estate. As a result of the forfeiture of Endeans Timber contract, another timber cutting contract needed to be drawn up. The Guardian Trust and Executors Company of New Zealand Ltd took over Endean's estate on the 24.11.1927. Guardian Trust used the invalid 1922 contract to establish and extend the cutting rights for the new company under Guardian Trust as the contract had already expired.

The Minister of Lands, W. Fraser should have taken the rightful action and taken it through to arbitration, but instead, it went through the Land Boards decision.

1929. William Peterson was bankrupted by the Land Board on the 26/2/1929, while he was serving with the Military Police in Samoa.

The forfeiture should not have been implemented prior to the Official Assignee's decision. However, the Land Board bankrupted Peterson one month before the decision was released.

The assignee's decision was to have my grandfather released as all monies had been paid in full.

Four months after the Peterson and McNeight family estates were forfeited, the lands were transferred under The Native Land Act Section 385 of 1909, then into Provisional State Forest, then to State Forest 97, now in Government control.

On his return from service with the Military Police in Samoa, William Peterson went to North Auckland. Because Peterson had paid the mortgage in full, he and his family left their land under the belief that he retained full ownership.

1930. On the 16th June 1930 the Minister of Lands, the Commissioner of Crown Lands with the controller and Auditor-General, swap a waterfall for a neighbour's rock,

enabling an endless supply of water to the timber merchants.

The government valuer, R. Cleverdon, tried to justify the actions of the Land Board by degrading William Peterson's Estate on the Valuation of Property documents, to justify forfeiture, abandonment and finally bankruptcy. The Timber Merchant paid the Land Board over 10 thousand pounds for the Milling Timber Contract on a 157 acres, which is a small portion of the block.

1933. Government (Land Board) handed the estate over to Walter Joseph Pittams, a civilian (road worker) from the neighbouring district, on the 1.7.1933 with a new contract for a 66 year lease. Pittams received Peterson's Estate with subdivided lots and with a contract from Lands and Survey for no timber rights. As a result, the Land Board had a fresh contract for the timber-cutting rights, with timber merchant, Guardian Trust.

This action by of leasing land to a civilian was another Breach of Duty by Government.

The Government gave financial support on every level to Walter Joseph Pittams, and wrote a new contract that included:

- A rent-free period of several years;
- A rent deduction period;
- A reduction of value on the property;
- Splitting Timber Cutting Rights.

The contract was signed by the Commissioner of Crown Lands, under the Land Act of 1924 and its Amendments which abled the civilian more privileges than a soldier.

The action was a Breach of Fiduciary Duty by Government in failing to upkeep an obligation (to provide land as redress for service) agreed to under the rule of King George the V.

The new lease with Pittams meant that the Land Board forfeited all timber rights; the rights went to the timber merchant, Edean (Guardian Trust).

In 1933, the Land Board leased the Peterson family Block to Pittams and changed the name of the block from Section 2, Block 5, Hurakia Survey District, to Block 5 Section 4, 5, 6, 7, 8,9,10 and placed it under sixty-six year lease agreement with Walter Pittams, a lease that awarded timber cutting rights to Edean Sawmill, Waimiha. This action was a clear Breach of Duty by the Land Board.

1934. The Director of Forestry were investigating Edean's Sawmill, Waimiha, which operated from 1928 to 1990. The investigation concluded that the timber was held by my grandfather, William Peterson, and should not be included in the area to be sold.

1935. A newly elected government introduced the Fair Rents Act that declared all outstanding debts were to be written off.

1936. The Fair Rents Act was implemented.

A 1936 Bank Statement of Accounts shows an outstanding balance on the Peterson estate of £30. 3s. 3d. This sum of money was created in 1936, so it is unclear how the Land Board bankrupt Peterson for that amount of money in 1927.

William Peterson wrote a declaration, witnessed by Constable Taylor of Kaitia, on the 8.12.1936 saying that Peterson was aware of the debt of £30. 3s. 3d on his Waimiha block, but was unable to clear it at that present time due to low income and the need to support a family.

1937. The Commissioner of Crown Lands made a legal error by liquidating William Peterson in 1937 for the amount of £30. 3s. 3d based on the parameters of the 1929 forfeiture.

On the 11/5/1937 W. Robertson, the Under Secretary of Crown Lands wrote to the Commissioner of Crown Lands addressing previous correspondence and stating that the sum of £30. 3s. 3d was to be written off.

1953. The Land Board sold Peterson's land for £405 to Walter Pittans in 1953, to the same civilian who had been awarded a 66 years lease in 1933 by the Land Board.

TO SUM UP

In 1920 William Magnus Peterson purchased a block of land for £1,420, by ballot, under the Discharged Soldiers Settlement Act of 1915. Documented evidence shows that Peterson complied with the lease in every required way and that the Land Board did not comply with their legal obligations.

In conjunction with politicians and timber merchants, the Land Board conspired to gain ownership of the land to allow profitable milling of native forest by forging documents and forcing an illegal bankruptcy.

In 1953 the government of the day allowed a civilian to purchase my grandfather's land for £405 pounds – barely a third of its original value.

I request justice for my family, and for the undue the harm that the Land Board has caused to be redressed.

Yours sincerely
Tanya Peterson

GOD SAVE OUR QUEEN

