

made of specific acts of the Government such as can be met and answered. In November, 1840, he wrote (p. 122) that he had not been dispossessed of anything. There is nothing subsequently to show by what methods, forcible or otherwise, he was dispossessed of his lands, or the dates at which the expulsion took place; there is no trace of his having at the time either protested to the Governor or invoked the protection of the law Courts. He says himself that he did not, until 1858, seek the intervention of his Government.

6. Such acquiescence in so cruel a wrong would have been remarkable; but the truth is (as pointed out by Sir Robert Stout) that the wrong was never committed; the Government was not a party to the land cases. The claimants claim to have bought from Natives, and, wherever they failed to prove a claim, the land in question remained the property of its Native owners, it was not seized or sold by the Government. Again, comparing Webster's alleged expenditure of £6,112 with the amount per acre of reparation demanded, it would seem that, in his own opinion, the immediate result of British annexation was to raise the value of his land from under 4d. an acre to over 17s. an acre. It is difficult to understand how such an operation can at the same time have ruined his credit.

7. He began business (p. 1) in 1835 with (p. 27) a capital of £1,200 (6,000 dollars); and at the end of 1840 his creditors (p. 139) lodged him in the debtor's prison at Sydney for £12,000. His arrest was connected with his land transactions in New Zealand (p. 139), a connection which will be explained later. He paid the Natives for land, not £6,612, but in cash £140 10s., and goods £1,476 14s. (p. 73) = £1,617 4s., though the goods counted for £4,430 2s. in the Land Court. His trade debts would therefore appear to have exceeded £10,000, even after giving him credit for £193 11s. 8d., one-third of the expenditure on Barrier Island (p. 68), £580 15s. (see margin above.) The magnitude of his operations (p. 9), ship-building, several whaling-stations, water-mills, Native produce (p. 140) collected over 300 miles of coast, shows that he traded on borrowed money to an extent far in excess of what his original capital would justify. His failure was obviously due to natural causes, such as high interest, commission, discounts, agency charges, and so forth (see p. 73), and not to any action of the Government; whose advent in New Zealand, bringing the machinery of settled administration, would naturally strengthen, rather than weaken, the credit of all legitimate traders.

8. Besides this supposed destruction of his business, the only "other wrong" (p. 1) alleged against Her Majesty's Government is the conversion of spars (p. 40) on a block of 3,000 acres at Tairua, Bay of Plenty (p. 60). Her Majesty's ship "Tortoise" (p. 61) did obtain certain spars from the Natives; but as Webster was not owner of the land, not having bought from the rightful owners (p. 60), he could have no right to the timber on it as against the Natives who supplied the spars to the Commander of the "Tortoise." All claim in respect to "other wrongs" may, therefore, be dismissed, merely observing that in 1844 (p. 74) he appears to have valued the spars at £2,000, and had (p. 73) given £169 3s. for the land (to the wrong people). Land and spars now figure at £25,645, with interest thereon for fifty-three years—say, £53,378: total, £79,023.

9. Returning to his land transactions it will be seen (p. 15), from a document laid before the American Senate in 1859, that his statement of claim (78,145 dollars = £15,672) is said to have been pressed upon the British Government in 1842 and 1843, but was not presented to the Commission acting under the Convention of the 8th February, 1853. Mr. Blaine, however, on the 21st June, 1881 (p. 145), informed Webster that no claim for compensation was directly presented on his behalf until September, 1858. This latter claim appears (p. 15) as amounting to 6,573,750 dollars = £1,314,750, and is stated to be for "loss and damage and indemnity for lands purchased from chiefs of New Zealand from 1835 to 1840 . . . which claimant alleges were sequestered and taken from him by the British authorities after the assertion of the sovereignty of Great Britain over New Zealand in January, 1840."

10. The date at which Webster first urged his Government to apply for compensation is, however, not now material, for it is abundantly clear that the transactions out of which his claim arises occurred before 1847, when (p. 13) he left New Zealand. The Senate Committee in 1887 fixed (p. 114) the final sequestration and sale as having occurred in 1845 or later; but any possible doubt as to their date is removed by the fact that interest is claimed from the 30th January, 1840. The whole claim is therefore barred by the Convention of the 8th February, 1853. By Article V. of that instrument the British and American Governments "engage to consider the result of the proceedings of this Commission as a full, perfect, and final settlement of every claim upon either Government arising out of any transaction of a date prior to the exchange of the ratifications of the present Convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said Commission, shall, from and after the conclusion of the proceedings of the said Commission, be considered and treated as finally settled, barred, and thenceforth inadmissible." The Commission concluded their proceedings in 1854, no claim on behalf of Webster having been presented.

11. In 1858, and again in 1869, the American Government refused to take up Webster's case. Reports to this effect are extant, one dated the 15th September, 1858, the other in Mr. Fish's (Secretary of State) handwriting, dated the 11th May, 1869 (pp. 129-134). The contents of these reports are not known to Her Majesty's Government, for the Senate Committee has not thought it necessary to print either of them, though one at least (p. 129) was appended to a document which is printed; but from a passage at p. 132 it may be inferred that in the report by Mr. Fish, if not in both, the ground of refusal was the Convention of 1853.

12. The Senate Committee has been persuaded that Webster's claim (p. 18) did not arise till after the adjournment of the Commission; that the controversy as to the lands was never within the purview or operation of the Treaty of 1853; that Webster's grievance for taking the lands did not arise until they were finally taken from him, and until it was definitely settled that they would not be returned to him, and they add, "It has been seen that, as late as 1858, the question was under advisement by the Colonial authorities, and the validity of one of the grants was recognised."