

This statement, and indeed the whole argument, rests upon the fact that in 1856 an Act was passed in New Zealand "for the final settlement of claims arising out of dealings with the aborigines." The report of Mr. F. Dillon Bell (pp. 82-87), the Commissioner under this Act, shows that Webster had no longer an interest in the questions that came before him; these questions, so far as related to Webster's land, being entirely as to the respective rights of various persons who had purchased from him.

13. Commissioners had been appointed under previous laws for dealing with, and had, in fact, dealt with many claims, including those put forward by Webster; but the land-grants issued for carrying out the decisions of the Commissioners were in some cases informal, and in others were disputed; other claims were still unsettled, and further proceedings were requisite in order finally to wind up the troublesome and complicated questions arising out of the land-purchases made before 1840, and the subsequent dealings with these lands by the original purchasers. Such proceedings were authorised by the Act of 1856, and the Committee's Report purports (p. 13) to give a summary of its provisions.*

14. This summary, omits, however, to refer to the provisions of the Act, which prohibited the consideration of any case "in which the claim shall not have been made and notified to the Government of the colony before the passing of this Act"; "in which the claims shall have been heard and allowed, wholly or in part, and in respect of which the claimant shall have accepted, in satisfaction of such claim, compensation in money or debentures, or a grant of land;" "in which the claimant shall not, before the 1st day of July, 1858, have notified his intention to have his claim heard under the provisions of this Act." Webster made no fresh claim, gave no notices, and never, in fact, did anything to bring himself within the Act (p. 73). He had originally made fourteen claims, Nos. 305 to 305m. These fourteen were excluded from the Act, for they had all been heard in 1843 and 1844, some allowed wholly or in part, some disallowed, some withdrawn, and in every case but one the decision was accepted, and Webster sold every acre allotted to him, some before, and the rest after the investigation (see pp. 73, 82-87). The dealings by Webster with the Natives were not re-examined, though the rights of his sub-purchasers had to be adjusted by Mr. Bell.

15. The one exception was Mercury Island, 305j. Webster claimed the whole island, estimated at 6,000 acres. On survey (p. 74), it was found to contain only 4,090 acres, and he failed to prove anything more than (pp. 63-74) the purchase of two small pieces of land, the area of which was not ascertained, and no grant was recommended. He left the colony in 1847, and from that date to 1858 had made no complaint, nor did he bring the matter before the International Commission. It is impossible to admit that any claim by Webster on account of these small portions of land has been kept alive, notwithstanding the plain language of the Convention.

16. Her Majesty's Government have hitherto refrained from taking their stand on the Convention, and have more than once invited the Colonial Government to examine and report upon Webster's case, in fear of the possibility that some mistake might be discovered in the early records of the colony, or that some other fact might come to light which, on the ground of a failure of natural justice, might entitle Webster to consideration, but in each case his contentions were refuted. The Government have taken the same course on this occasion, but again, as will be seen from the enclosure to this letter, without any results favourable to Webster.

17. Seeing that the case is on this occasion specially pressed by the American Government, and is supported by a printed document embodying numerous records of the American official departments, Her Majesty's Government, while communicating with the colony, have also examined these documents for themselves, feeling sure that the Government of a friendly Power would not again bring forward a claim of this nature after it had been already more than once refused, unless they were relying upon documents which Her Majesty's Government had not previously seen, or, by inadvertence, had overlooked on former occasions. Three important papers—viz., the full text of Webster's letter to the American Consul, 4th November, 1840 (pp. 121-122), Mr. Dacre's affidavit (p. 138), and Webster's petition to Congress of the 23rd February, 1884 (p. 117)—had not been previously communicated to Her Majesty's Government; and at p. 10 of the print the following statement occurs: "The official *Gazette* of the New Zealand Government for May, 1842, contained the following: 'Schedule of titles proved before Commission.'"

The schedule contains the fourteen claims, 305 to 305m, and the report continues: "These were Mr. Webster's claims. So that it was at one time officially announced that the 'titles proved before Commission' of Mr. Webster covered an aggregate of 241,450 acres."

18. This statement and schedule were entirely new to Her Majesty's Government, and obviously required investigation in order to reconcile them with the assertion that Webster had afterwards only been allowed 2,560 acres, which is the view of the case specially emphasized by Mr. Lincoln in his note of the 9th February, 1893. The first step was naturally to refer to the *Gazette* of the date cited, and it is to be regretted that it did not occur to the Senate or to the Government

* The following extract from a speech made by Captain Rous in the House of Commons, 18th June, 1845, shows the extravagant nature of New Zealand land-claims:—

"The two principal islands were computed at about 56,000,000 acres, of which, at this period—

	Acres.
Mr. Busby claimed	50,000
Mr. Wentworth	20,100,000
Weller and Company	3,557,000
Catlin and Company	7,000,000
Jones and Company	1,930,000
Peacock and Company	1,450,000
Green and Company	1,377,000
Guatel and Company	1,200,000
And the New Zealand Company	20,000,000

"So that in the whole 56,654,000 acres were claimed by only nine purchasers, leaving the Natives 654,000 acres less than nothing."