

hoped to obtain something. No doubt that in May, 1844, when Webster gave his evidence in both these cases, he heard from the Commissioners that no grant had been recommended in Claim No. 305M, for he never mentions it again.

The first evidence in both 305H and 305J was taken by Major Richmond, and after his promotion to Wellington was continued by Colonel Godfrey. In Claim 305H, at Tairua, in the Bay of Plenty, the evidence taken by Major Richmond was of a preliminary nature only. Colonel Godfrey, knowing that Mr. Webster proposed to advance a claim of £2,000 against the Government in respect of the cutting of spars for the "Tortoise" from the land claimed, noted the original papers with a minute, "This case requires caution." At Coromandel, in May, 1844, he received the evidence of Webster and the witnesses in his favour; and then removed his Court to Tauranga, in the Bay of Plenty, where, in the following July, he received ample evidence in opposition, and that no purchase had been rightly concluded. He recommended no grant, and also awarded no compensation in land elsewhere for the money, £169 5s., proved to have been paid by Webster to persons not the rightful owners, because Webster had already received a maximum award of 2,560 acres.

In Claim 305J, at the Mercury Island, Webster claimed 6,000 acres. The whole island, by survey, contains only 4,090 acres. Ample evidence was given to show that Mr. Webster's valid purchase was limited to a small piece of land at the south end of the island, and another small piece on the north-east coast thereof, the supposed contracts being unknown; but Colonel Godfrey recommended no grant, as Webster had already received a maximum grant of 2,560 acres.

The report in both these claims was made at Auckland on the 29th August, 1844. No notification of the substance of either report was made in the *Gazette*, and Mr. Webster seems to say that he knew nothing of them, and also adds that no opposition was made to either of these claims. This may be so as respects the claim at Tairua, because the evidence of the opposing witnesses was taken at Tauranga; but it can scarcely be so in respect of the claim at Mercury Island, seeing that the opposing evidence was taken at Coromandel on the 29th May, at the place where his own evidence had been taken on the 23rd May, only six days previous. However this may be, when Governor Fitzroy, on the 16th October, 1844, referred the reports on Mr. Webster's claims to the second Commission for a recommendation of extended grants the reports on the three claims—305H, 305J, and 305M—were included in the reference, but with a direction to the Commissioner to lay them aside for further consideration, his intention possibly being ultimately to make a grant to Webster of the small pieces of land he was proved to have bought at the Mercury Island, and to compensate him for his wasted outlay in respect of the claims 305H and 305M by making him a grant of Crown lands of average value at the rate of one acre for each pound sterling of such outlay.

It has been necessary to say thus much on the claims 305H and 305J in order to throw a true light upon the correspondence which follows.

Whilst the Governor's decision on the above two claims was yet in abeyance Mr. Webster wrote a letter to Mr. Commissioner FitzGerald to ascertain the decision in these claims, and, in reply, received from Mr. Hamilton, the Private Secretary to Governor Fitzroy, that letter of the 10th March, 1845, which has provoked so much comment in the report of the Committee of the Senate.

The correspondence, which is remarkable, is as follows :—

MR. WEBSTER to MR. COMMISSIONER FITZGERALD.

SIR,—

Auckland, 8th March, 1845.

I take the liberty of writing to you to know what has been the decision on my two land claims. I believe they are No. 305H, one is the Big Mercury Island, and the other is a piece of land near the River Tairua, in the Bay of Plenty. Both of those claims was examined before Commissioner Godfrey at Coromandel Harbour, and I have not yet heard any more of them. The Mercury Island was purchased in 1838. I paid upwards of £300 for it, and have had possession of it ever since, and have expended a deal of money on it; but the whole of the payment agreed on was not given to the Natives, and when the claim was examined they agreed to give me a part of it for what they had received. The piece of land near Tairua was also purchased in 1838, and I paid about £400 for it; and since that I have expended about £400, for which I have never received any return