

his claim : he mentions twenty-seven as the total number, but states that the documents referring to the other claims are mislaid.—WILLOUGHBY SHORTLAND.—30th October.

*Minute by Governor.*—Let Mr. Webster's claims be submitted in the usual way.—W. HOBSON.—2nd November, 1841.

On the strength of these communications the memorandum of Sir Robert Stout contains the following assertions :—

From the foregoing correspondence, no other inference can be drawn but that Mr. Webster intended to have his claims heard as those of a British subject ; and

Firstly, that the Governor so interpreted his intention is apparent from the minute of the 2nd November, 1841, where, in directing Mr. Webster's claims to be submitted in the usual way, he adopts the course, and uses the identical language, which the Colonial Secretary, in his letter of the 7th August, informs Mr. Webster would be adopted if he advanced his claims as a British subject.

Secondly, Mr. Webster, in his reply of the 3rd October, where he expresses his wish that his claims should be laid before the Commissioners, requests that very course to be adopted which the Colonial Secretary informed him would be adopted if he advanced his claims as a British subject.

Thirdly, Mr. Webster appeared before the Commissioners' Court, and gave his evidence on oath in respect of each claim, without protest, after his claims had been notified in the usual way, and never asserted any exceptional claim as an American citizen ; and, also, he accepted the awards in each claim and the Crown grants issued in virtue of the said awards.

Fourthly, Mr. Webster did not relinquish the rights of a British subject, such as the ownership of a British vessel, which he possessed, and which in the aforesaid letter of the Colonial Secretary he was informed he would be required to do if he advanced his claims as a foreigner.

It is to be specially noted here that, although Mr. Webster's letter of the 20th July, 1841, to the Colonial Secretary, wherein he advances his claims as an American citizen, has been submitted to the Senate of the United States, and is referred to in the report of the Committee of the Senate (post, page 41), yet no evidence appears of Mr. Webster having submitted to the Senate either the Colonial Secretary's letter of the 7th August or his own reply thereto of the 3rd October, 1841. From this surprising omission I cannot but conclude that it was an act of wilful disingenuousness on Mr. Webster's part, done for the purpose of suppressing all evidence which might be adduced to prove that he advanced his claims before the Land Claims Commissioners as a British subject, and not as an American citizen.

It is not thought to be necessary now to consider so much of the above-quoted passage as makes against Mr. Webster a charge of "wilful disingenuousness" and suppression of evidence. On his part Mr. Webster vehemently denies that some of the documents which accompany Sir Robert Stout's memorandum, apparently as contemporaneous records of the investigation of the land-claims, possess that character. Mr. Webster asserts that he left Coromandel Harbour on the 23rd June, 1843, when the examination of his cases was concluded, and never afterwards saw any Commission then or afterwards appointed ; and that all proceedings subsequent to that date in respect to his titles were *ex parte*, and without notice to him and without his knowledge.

In respect to some of the proceedings that appear to have taken place in and after June, 1843, before Commissioner Godfrey, Mr. Webster points, in confirmation of his statement, to the following passage in Sir Robert Stout's memorandum : "The first Commission concluded its labours by reporting on all the claims referred to it. Major Richmond, on the 8th March, 1844, was appointed Superintendent of the Southern Division of New Zealand, and Colonel Godfrey returned to England." Just after this the following statement is also noted : "In the year 1844 an ordinance in amendment of the above-recited ordinance was passed, giving to a single person the powers granted to two Commissioners under the ordinance of 1841. This was called 'The Land-claims Ordinance, 1844, Session III., No. 3 ;' and, Mr. Robert Appleyard FitzGerald being appointed on the 25th March, 1844, sole Commissioner thereunder, he formed what is herein called the second Commission."

In the memorandum of Sir Robert Stout there are found seventeen or eighteen pieces of evidence which purport to have been "taken in Court" before Commissioner Godfrey from May to August, 1844. It is found that the amended and last report of Commissioners Richmond and Godfrey bears date the 18th December, 1843. Their recommendations were referred to the second Commission, consisting of Mr. FitzGerald, on the 10th April, 1844, and the report of Commissioner FitzGerald, which is said to have been adopted, bears date 22nd April, 1844.

The charge of suppression of evidence made against Mr. Webster in respect to the submission of his claims to the Land Commission adds force to the impression that the answer to his claims made in the memorandum of Sir Robert Stout is chiefly based upon the ground that Mr. Webster sought to be, and was, treated as a British subject. In the passage above quoted from the memorandum four reasons are set forth to sustain that pretension. In respect to these it is to be observed,—

1. That the notice issued to claimants required foreigners, as well as British subjects, to present their claims to the Commission.

2. That the Commissioners did not possess power to make grants, but only to investigate claims and make reports and recommendations to the Governor.

3. That the letter of Mr. Webster of the 20th July, 1841, in which he submitted seven titles for examination, clearly and unmistakably asserted his American citizenship.

4. That the reply of the Colonial Secretary of the 7th August, 1841, intimating that Mr. Webster's claims would not be considered so long as he should seek the protection of his Government, was inconsistent with the notice previously issued to claimants, and not warranted by the scope and functions of the Commission.

5. That Mr. Webster's statement in his letter of the 3rd October, 1841, that he was "willing to take his [my] chances with all others," was not a renunciation of his American citizenship nor an assumption of British citizenship.

6. That there is no evidence whatever to show that Mr. Webster was ever supposed to be a British subject, nor is it asserted that he ever performed any act by which he could be held to have assumed that character.

7. That the statement in the Colonial Secretary's letter of the 7th August, 1841, that Mr. Webster was "understood to possess" a British vessel, is not an allegation that he did own such a vessel, and that no evidence whatever is adduced to show that the statement had any other foundation than rumour of the vaguest character. No authority is given for the statement—neither