

## The PRIVATE SECRETARY to Mr. WEBSTER.

SIR,—

I am desired by the Governor to acquaint you that His Excellency has examined and taken advice respecting your land-claims marked 305H and 305J, and is sorry to find himself precluded from authorising any further grant to be made to you at present, on account of the largeness of those grants already made in your name.

J. W. HAMILTON, Private Secretary.

P.S.—The Governor directs me to say that the land which you now hold in undisputed possession will probably be granted to you eventually.

As the recommendation of Commissioner FitzGerald is, in the memorandum of Sir Robert Stout, declared to be a "mystery," the reply of the Governor, made through the Private Secretary, is pronounced in the same memorandum to be "unfortunate in its expression." As the reply only evinced an intention to treat the acquisitions of Mr. Webster in a spirit of justice, on the clear principle of allowing him what he held "in undisputed possession," the unfortunateness of its expression is not perceived. In the memorandum of Sir Robert Stout the fact appears to have been wholly neglected that the reports of the Commissioners, so far as they recommended grants, were only advisory. This fallacy is disclosed in the argument that, because the Commissioners reported that no grants could be made in certain cases on account of the largeness of the grants made in other cases, the Governor could not have referred to the claims mentioned by Mr. Webster, in which no grants were recommended. It is to be remembered that in those very cases, or, at least, in some of them, the Commissioners had reported valid titles, and in no instance discovered any evidence of bad faith. Nothing unfortunate is perceived in the language of the Governor, nor is there any reason to suppose that it was intended to have any other effect than to declare the principle that the undisputed possession of land was to be treated as constituting a valid basis for a grant. It is not denied that Mr. Webster had made use of a portion of his lands; nor, notwithstanding the effort to throw discredit on Commissioner FitzGerald's recommendation, is any attempt made to impugn his statements that Mr. Webster had made large outlays on his land in addition to the purchase-money, and that he was "one of the most enterprising settlers" in the colony, "having established a shipbuilding-yard, several whaling-stations, water-mills, and other improvements." It is not strange, therefore, that the Governor should have expressed the belief that the land which Mr. Webster held in undisputed possession would ultimately be granted to him.

*Third Commission.*—But Mr. Webster's claims were not in reality disposed of until 1862, long after he had left the country, and without notice, by a third Commission, consisting of Mr. F. D. Bell. This Commission was constituted under "The Land-claims Settlement Act, 1856," which made provision for the setting-aside of all grants made under previous ordinances. It required all claimants to have the exterior boundaries of their claims surveyed, and plans sent in to the Commission, together with their grants and all documents and deeds relating to the alienation of any claims by an original claimant; but it prohibited the reconsideration of any case disallowed by any previous Commission, or that had been withdrawn by the claimant.

Under this prohibition the third Commission did not examine, and made no grant in, Cases 305D, 305E, 305F, 305L, 305J, and 305M, comprising claims to extensive tracts of land for which valuable consideration was given. The grants set forth in the report of Mr. Bell accompanying the memorandum of Sir Robert Stout are the only ones finally made in respect to the claims of Mr. Webster. It is stated in that memorandum that "all the grants issued under the ordinances were surrendered to him [Mr. Bell], together with all documents relating to the land described in such grants."

Referring to the report of Mr. Bell, we find, in respect to the claims of Mr. Webster, the following result:—

In Case No. 305, in which the Commissioners reported in 1843 that Mr. Webster had purchased in good faith and paid for 250 acres, this third Commission in 1861 granted to R. Daker 57·5 acres, and to H. Downing 57·5 acres—in all, 115 acres.

In Case No. 305A, in which the Commissioners reported in 1843 that Mr. Webster had purchased and paid for 250 acres, this third Commission in 1860 granted to G. Beeson 335 acres.

In Case No. 305B, in which the Commissioner reported in 1843 that Mr. Webster had purchased in good faith and paid for 1,500 acres, this third Commission ordered a grant to be issued to J. Solomon; but no grant was, in fact, issued.

In Case No. 305C, in which the Commissioners reported in 1843 that Mr. Webster had purchased in good faith and paid for 800 acres, this third Commission, on the 20th November, 1847, granted to R. Daker 284 acres, and on the 3rd May, 1860, to the same person, 384 acres, and on the 25th January, 1861, to T. Keran, 59 acres—in all, 727 acres.

In Case No. 305G, in which the Commissioners reported in 1843 that Mr. Webster had purchased in good faith and paid for 10,000 acres, this third Commission, at a time not known, granted to R. Daker 1,944 acres, which is said to have been commuted for scrip.

In Case No. 305L, in which the Commissioners reported in 1843 that Mr. Webster had purchased in good faith and paid for 3,000 acres, this third Commission, on the 3rd July, 1860, granted to J. Solomon 885 acres.

In Case No. 305J, in which the Commissioners reported in 1843 a *bonâ fide* purchase of a tract which Mr. Webster alleged to contain 6,000 acres, this third Commission made no grant, and no grant was ever made.

In Case No. 305K, in which the Commissioners reported in 1843 that Mr. Webster had purchased 80,000 acres, this third Commission, on the 27th November, 1878, granted to the heirs of Sir S. Donald 1,464 acres; to F. Whitaker 12,855 acres and 2,141 acres, and for 294 acres 30th September, 1878: total, 16,754 acres.

In Case No. 305M, in which the Commissioners in 1843 reported that Mr. Webster had purchased in good faith, but only partly paid for, 3,500 acres, no grant was ever made.

Every one of these grants, it may be observed, was made to some person or persons alleged to be derivative owners from Mr. Webster.