

1893.

NEW ZEALAND.

WEBSTER'S LAND-CLAIMS

[In continuation of A.—4, 1892].

Presented to both Houses of the General Assembly by Command of His Excellency.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

THE Premier presents his respectful compliments to His Excellency the Governor, and desires to forward the enclosed memorandum by Sir Robert Stout, K.C.M.G., in reply to the despatch No. 2, of the 9th January, 1893, from the Right Hon. the Secretary of State for the Colonies, relating to William Webster's land-claims.

The Premier desires to point out to His Excellency that Sir Robert Stout was asked by the Government to draw up this reply on Mr. Webster's claims, owing to the fact that he was Premier and Attorney-General in New Zealand when the matter was previously before the Government, and that all the facts of the case were well-known to him, he having had them before him when Land Claims Commissioner in 1878.

The Premier does not see any reason for the Home Government abandoning the position previously taken up—namely, that there are no sufficient facts calling for either a reinvestigation of Mr. Webster's claims or for agreeing to any arbitration concerning them.

Wellington, 22nd April, 1893.

J. BALLANCE.

OPINION BY THE HON. SIR ROBERT STOUT.

I AM asked for my opinion on the Report of the Committee of the Senate of the United States on these claims.

I may first note that the inaccuracies in the report of the Committee on Foreign Relations of the Senate of the United States regarding Mr. Webster's claims, on which I commented when Premier on the 15th August, 1887, have not been met in this new report by the same Committee. I pointed out that there were seven statements in that report that were inaccurate, and that these statements contained the pith of the charges against the Government of New Zealand or the British Government by Mr. Webster. Practically, my reply to the inaccuracies has been passed over without notice. A new report has been prepared; and again I have to state that it contains inaccuracies, and that the Committee of the Senate must have been deceived. I proceed to point out these errors:—

1. It is assumed that New Zealand, prior to the Treaty of Waitangi and the proclamation of sovereignty over it by Great Britain, existed in the shape of a Confederation, and that it was a sovereign and independent State, as appears from the following extract from the report of the Senate:—

“Up to the year 1840 no foreign Government had acquired any territory or pretended to exercise any sovereignty over New Zealand. The island was under the dominion of the Native tribes, and these were to a great extent confederated.

“This confederation was entered into 28th October, 1835, by a convention of chieftains, who declared their independence under the name of the United Tribes of New Zealand, and also declared that within their territory all sovereign power and authority was vested exclusively in the hereditary chiefs and heads of tribes collectively, and that a congress should meet annually for the purpose of enacting laws. The immediate cause of this declaration was the proceedings of a Frenchman named De Thierry, who had arrived from Tahiti in August of the same year, and had issued a Proclamation styling himself ‘Charles, Baron de Thierry, sovereign chief of New Zealand.’

“The tenure of the soil was tribal. The boundaries of the territory of each tribe were definitely determined. The mode of transfer by which Mr. Webster obtained his titles was perfectly valid