

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

under the usages of the tribe in that respect, and the validity of estates obtained as Mr. Webster obtained his, and indeed of a portion of the titles which thus inured to Mr. Webster, was repeatedly recognised by Great Britain after that Government had established its sovereignty over the islands. That Power was indeed bound to so acknowledge them, not only upon settled principles of international law, but by the very terms of the treaty by which it acquired its sovereignty over New Zealand. Not only had no foreign Government ever asserted or claimed any sovereignty over New Zealand, but Great Britain had repeatedly recognised it as an independent State long before that most conclusive act of recognition, the treaty of 6th February, 1840, by which that Power acquired by a national act of cession all of its sovereign and proprietary rights to New Zealand.

“Lord John Russell, of the Colonial Office, expressed his opinion that ‘New Zealand was by solemn Acts of Parliament and of the King recognised as a sovereign and independent State.’ (Memorandum sent to Lord Palmerston: Parliamentary papers, House of Commons, 1840, Vol. xxxiii.)

“In 1839 the Government of Great Britain appointed Captain Hobson, R.N., as Consul to New Zealand, and also commissioned him as Lieutenant-Governor. He received, under date of 14th August of that year, a letter of instructions from the Marquis of Normanby. That letter contained the following declaration:—

“‘I have already stated that we acknowledge New Zealand as a sovereign and independent State.’

“The Marquis of Normanby, in this letter of instructions to Consul Hobson, stated further that the Government concurred with a Committee of the House of Commons (1836)—

“‘In thinking that the increase of national wealth and power promised by the acquisition of New Zealand would be a most inadequate compensation for the injury which must be inflicted on the Kingdom itself, by embarking in a measure essentially unjust, and but too certainly fraught with calamity to a numerous and inoffensive people, whose title to the soil and to the sovereignty of New Zealand is indisputable, and has been solemnly recognised by the British Government.

“‘It is not, however, to the mere recognition of the sovereignty of the Queen that your endeavours are to be confined, or your negotiations directed. It is further necessary that the chiefs should be induced, if possible, to contract with you as representing Her Majesty. Henceforward, no lands shall be ceded, either gratuitously or otherwise, except to the Crown of Great Britain. . . . You will, therefore, immediately upon your arrival, announce by a Proclamation, addressed to all the Queen’s subjects in New Zealand, that Her Majesty will not acknowledge as valid any titles to land which either has been or shall hereafter be acquired in that country which is not either derived from, or confirmed by, a grant to be made in Her Majesty’s name or on her behalf.

“‘Extensive acquisitions of land have undoubtedly already been obtained, and it is probable that before your arrival a great addition will have been made to them. The embarrassments occasioned by such claims will demand your earliest and most careful attention.’

“If these instructions had been intended when issued to apply to titles of citizens or subjects of other States, acquired during that period in which Great Britain ‘acknowledged New Zealand as a sovereign and independent State,’ and in which that Power declared as to the people of that island that their ‘title to the soil and sovereignty of New Zealand is indisputable, and has been solemnly recognised by the British Government,’ they would rightfully have been denounced as without warrant even in the law of conquest, and would have been repelled by the resentment of every nation whose citizens should suffer by their enforcement. This, it is true, was the practical construction afterwards given to them in Mr. Webster’s case by the colonial authorities; but at the time when they were issued, and by their very terms, it was intended that they should apply only to British subjects. It will be observed that the Proclamation which this British Consul, who had been empowered to treat with New Zealand as a sovereign Power for annexation to Great Britain, was directed to issue, was to be addressed to the Queen’s subjects only. The reasons for this limitation appear in the events which led that Government to accredit Captain Hobson as Consul to New Zealand, with more than Consular powers; powers which invested him with plenipotentiary authority to treat with a sovereign and independent State for the cession of its sovereignty and the transfer of its title to its soil.”

The Confederation alluded to is what is known as Mr. Busby’s Confederation, and a reference to the published Declaration of Independence by the chiefs will show that there were only thirty-five chiefs who declared their independence, and these were chiefs and heads of tribes in the extreme north of New Zealand only—from the north down to the Firth of the Thames. This covers only a very small part of New Zealand; and I doubt if even all the chiefs in the district I have mentioned signed Mr. Busby’s Declaration of Independence. If the signatures to this Declaration of Independence be looked at, it will be seen that not one of the chiefs from whom Mr. Webster purchased, or is alleged to have purchased, signed the Declaration of Independence. If, therefore, it be said that this was a Confederation, then at all events the sellers of land to Mr. Webster were outside of it. As to what forms a sovereign and independent State, there may be some difference of opinion, but, taking the rule laid down by the Supreme Court of the United States in the case of the Cherokee Nation *v.* the State of Georgia (9 Curtis, 178), it will be seen that in no respects could New Zealand be termed a sovereign and independent State. Before New Zealand could have been recognised as a foreign State or nation, I conceive that there must have been some Government applicable to the people as a whole—in fact, there must have been some organised society recognised amongst them. This was the view put forward by Mr. Justice Johnson in the case I have just

quoted; and I submit that, if that principle is applied to New Zealand, it will be seen that it is entirely a misnomer to speak of New Zealand as a State or nation at the time of Mr. Webster's alleged purchases. The fact is that the various tribes that inhabited the colony at that time were continually at war. No definite line between their various territories was ever laid down or kept. Each new war altered it, and the territory of the confederated tribes, as I have said, was only a small part of the North Island, and did not include any of the land that Mr. Webster claims, or, if it did include the land he claims, he had not the assent of the chiefs or people to the sale. Whether the English Government by their statements have recognised New Zealand as a sovereign and independent State is a separate question; but I apprehend the State may be recognised as such for some purposes, and not for others. We see this happening in the case of many islands of the Pacific—Samoa, for example. It may be contended that Ministers of Great Britain have stated that New Zealand had been recognised as a sovereign and independent State. I do not think that the doctrine of estoppel could be invoked in such a case as this. In any further inquiries to be made, as to what New Zealand really was, the truth alone must be looked at and not statements of Ministers of the Crown of Great Britain. The doctrine of estoppel, even as between individuals, can only apply where one has acted on the faith of the representations being true. No one can contend that Mr. Webster entered into his land transactions because of any statement made by any Ministers of the Crown of Great Britain. The opinions, therefore, of Lord John Russell and of other English Ministers can really have little to do with the real position that New Zealand occupied before the Treaty of Waitangi in 1840.

2. It is then said that the Treaty of Waitangi, by its very terms, acknowledged the validity of Mr. Webster's titles. The treaty consists of three articles; they are as follows:—

Article the First.—The chiefs of the Confederation of the United Tribes of New Zealand, and the separate and independent chiefs who have not become members of the Confederation, cede to Her Majesty the Queen of England, absolutely and without reservation, all the rights and powers of sovereignty which the said Confederation or individual chiefs respectively exercise or possess, or may be supposed to exercise or possess, over their respective territories as the sole sovereigns thereof.

Article the Second.—Her Majesty the Queen of England confirms and guarantees to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession; but the chiefs of the united tribes and the individual chiefs yield to Her Majesty the exclusive right of pre-emption over such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the Third.—In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her Royal protection, and imparts to them all the rights and privileges of British subjects.

It will be seen from these articles that there is nothing recognising the titles of those who had purchased land from the Maoris, and this seems to be entirely ignored by the Committee of the Senate.

3. The next point to be noticed is as to the time when the purchases were made by Mr. Webster. Dr. Pollen, in his memorandum dated the 29th July, 1874, stated that towards the close of the year 1839, when it became certain that the sovereignty of New Zealand was to be acquired by Great Britain, Mr. Webster, as did many others, commenced to treat with the Natives for the purchase of land. This is questioned in the first report; but it will be observed that many of Mr. Webster's claims were not purchased until 1839. If the dates of the deeds be looked at it will be seen that Dr. Pollen was right in his memorandum; that many of the deeds from the Maoris were signed immediately before the treaty. Several of them are dated 1839; some as late as the 31st December, 1839. For example the following claims are 1839: 305B, 305C, 305H, 305J, 305K, 305L. Of the claims lodged: there were none in 1835, one in 1836, two in 1837, and the rest were in 1838 and 1839.

4. The next point that will have to be considered is that, though Mr. Webster got these lands from the Maoris, he was actually received into one of

the tribes; married a Maori wife, according to Maori custom, and was treated as one of the tribe; and I venture to assert that neither the tribe nor the chief would have assumed for one moment that the land that they had given to him was to be treated as anything but tribal land. At that time in the history of the Maoris they did not understand what individual ownership meant. They were communists, and if any one of the tribe had either land or personal property it was understood that the tribe was to get the benefit of both. Mr. Webster having been received into the tribe, they would not for one moment have imagined that the land given to him was to be treated as separate and apart from tribal tenure; and, if he had attempted to so treat it, he would have found it impossible to have asserted individual ownership to any of the land conveyed to him. And this will explain how it happened that land granted by the chiefs to Mr. Webster still remained in the possession of the Maoris. The fact is, that they did not imagine that they were giving up the total possession of their lands to the purchasers, and the purchasers could not have turned them off the land.

5. Another remark that is necessary to make here is this: The rights of those persons who signed the deeds to dispose of the tribal land to an individual have not been decided, except in the case of the grants which he has received. This is a question that has always to be considered in dealing with Native land-claims.

I make these general observations because it appears to me from the opening remarks of the report that the Committee has not been properly informed of the position of Native land-claims in New Zealand.

6. I now wish to point out a gross inaccuracy which appears in the report. It appears at page 10 of the report, and is as follows:—

“Another circumstance indicates that the conduct of the colonial authorities towards Mr. Webster was governed by no principle whatever of settled law or of abstract justice. The official *Gazette* of the New Zealand Government for May, 1842, containing the following:—

“SCHEDULE of Titles *proved* before Commission.

Number of Claim.	Acreage.	Situation.
305	250	Coromandel Harbour.
305A	600	On the River Thames.
305B	1,500	Coromandel Harbour, Taupiri.
305C	2,500	Waiau.
305D	1,000	Great Barrier Island.
305E	About 100,000	Motutaupiri.
305F	300	Point Rodney.
305G	40,960	We have not been able to trace this claim.
305H	...	On the Nickiaranga Creek.
305I	3,000	Big Mercury Island.
305J	6,000	Left bank of the River Brako.
305K	80,000	Wanaki, on the River Waihou.
305L	3,000	South-east side of the River Weahoko.
305M	2,000	

“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 241,110 acres.”

This is entirely incorrect. There is no such statement in any *Gazette* for May, 1842, or any other date. The right *Gazette* could not, therefore, have been produced to the Committee, but they must have accepted this as a fact from the representation of Mr. Webster or his attorney. The fact really is that at this date the Commission had not given its decision on Mr. Webster’s land-claims. The hearings were not fixed until 1842 and 1843*; the decisions given in 1843. The notification in the *Gazette* of the decisions was made in 1844, as follows:—

EXTRACT FROM “NEW ZEALAND GOVERNMENT GAZETTE” No. 13, AUCKLAND, 3RD MAY, 1844.

Land Claims Awards.—Crown Grants.

Colonial Secretary’s Office, Auckland, 2nd May, 1844.

THE undermentioned deeds of grant are now lying at this office, and will be delivered to the grantees, on application, on and after Monday, the 6th instant, and on presentation of the Colonial Treasurer’s receipt when the land has been purchased at Crown sales.

* See Appendix A hereto, pp. 13, 14.

In cases where it is impossible for the grantee to attend in person to receive his deed, it will be delivered to the bearer of an authority according to the subjoined form, certified by a Magistrate or by a solicitor of the Supreme Court.

The days for delivery of the deeds will be Monday and Tuesday in every week.

* * * * *

Form of Authority for a Deed of Grant on an Approved Claim to Land.

I hereby authorise A.B., of _____, to receive the deed of grant in my favour for land-claim case No. _____ (Signature of grantee.)

Witness,

(Signature of a Magistrate, or of a solicitor of the Supreme Court.)

Coromandel Harbour.

William Webster, said to contain one hundred and twenty-five acres, being part of claim No. 305.

Henry Downing, said to contain one hundred and twenty-five acres, being part of claim No. 305.

William Webster, said to contain one hundred and twenty-five acres, being part of claim No. 305a.

Peter Abercrombie, one hundred and twenty-five acres, being part of claim No. 305a.

William Webster, said to contain four hundred acres, being part of claim No. 305c.

Henry Downing, said to contain four hundred acres, being part of claim No. 305c.

River Thames.

David E. Munro, five hundred and fifty acres, being claim No. 305b.

Point Rodney.

William Webster, said to contain one thousand nine hundred and forty-four acres, being claim No. 305g.

Island of Waiheke.

William Webster, said to contain one thousand one hundred and eighty-seven acres, being claim No. 305i.

West Bank of the River Piako.

William Webster, said to contain one thousand two hundred and nineteen acres, being part of claim No. 305k.

Peter Abercrombie, said to contain five thousand acres, being part of claim No. 305k.

Felton Mathew, said to contain two thousand five hundred and sixty acres, being part of claim No. 305k.

John Johnson, said to contain one thousand two hundred and eighty acres, being part of claim No. 305k.

Jeremiah Nagle and John W. Renn, said to contain one hundred and fifty acres, being part of claim No. 305k.

Vincent Wanostroch, said to contain two hundred and fifty acres, being part of claim No. 305k.

George Russell, said to contain six hundred and forty acres, being part of claim No. 305k.

Henry Downing, three hundred and twenty acres, being part of claim No. 305k.

* * * * *

EXTRACT FROM "NEW ZEALAND GOVERNMENT GAZETTE" No. 19, AUCKLAND, 23RD JULY, 1844.

Colonial Secretary's Office, Auckland, 18th July, 1844.

THE undermentioned deeds of grant to land-claimants have been issued from this office:—

The Great Barrier Island.

William Abercrombie, claim said to contain eight thousand one hundred and nineteen acres, being part of case No. 32.

William Webster, claim said to contain eight thousand and eighty acres, being part of case No. 32.

Jeremiah Nagle, claim said to contain eight thousand and seventy acres, being part of case No. 32.

* * * * *

This is sufficient to show how the Committee of the Senate has been misled.

7. The next point of importance has been dealt with at considerable length. It is that Mr. Webster put in his claims as a British subject. Bearing on that, it will be noticed that by the Act, 6 George IV., cap. 10, sec. 13, which was the law in force in New South Wales at the time of Mr. Webster's purchases, no person but a British subject could be the owner of a British ship. Mr. Webster was the owner of a British ship. He says that he was not a British subject; but did he pretend to be so? If he did, then the doctrine of estoppel would apply to him, for the Government of New Zealand dealt with him in sending his claims to the Land Commission for decision as if he were. That Mr. Webster put in his claims as a British subject, and waived his rights as a United States subject,—if such he were—is proved, I submit, by his letter, and by the fact that he attended before the Commission and gave evidence. He was distinctly told that if he claimed as a United States subject, the Land Commission could not deal

with his claims. He then asked that his claims should be laid before the Commission; and he significantly added, "I am willing to take my chances with all others." Who are the "all others" meant here? It is clear that the "all others" could only refer to British subjects. No one but British subjects had their claims submitted to the Commission; and Mr. Shortland stated in his letter of the 7th August, 1841, that if Mr. Webster did not claim as a British subject then his claim would have to be sent to Britain for advice. Is it fair now to allow him to repudiate his action at this distance of time, when perhaps necessary evidence regarding his claims may not be forthcoming? It is now nearly fifty-one years since his claims were ordered to be adjudicated upon. He did not protest against the tribunal set up for the purpose, or against the Statute by which the tribunal was guided, for he submits his claim to the tribunal. To allow him now to repudiate his own act, and deny the validity of the tribunal that decided his claims, is surely contrary to all law both international and municipal.

8. In my former memorandum, I showed the exact quantity of land that Webster claimed, and what was granted by the Commission. I put it now in tabular form, showing all the claims that were lodged in his behalf and what was done with them:—

SCHEDULE of PURCHASES of LAND in NEW ZEALAND, made by WILLIAM WEBSTER.

No. of Claim.	Date of Purchase.	Consideration allowed by Commissioners.	Consideration stated in Deed.	Locality.	Area claimed.	Award of First Commission.	Approved Award of Second Commission.	Grants issued to Webster and his Co-claimants.
		£ s. d.	£		Acres.		Acres.	
305	June 4, 1837	343 16 0	208	Coromandel ..	250	250 acres.	250	Webster .. 125
305A	Dec. 8, 1836	284 3 6	260	Coromandel ..	250	<i>Bonâ fide</i> purchase 250 acres.	250	Downing .. 125
305B	Nov. 23, 1839	215 15 6	102	Thames ..	1,500	<i>Bonâ fide</i> purchase 550 acres.	550	Webster .. 125
305C	Jan. 30, 1837	268 10 0	203	Coromandel ..	800	<i>Bonâ fide</i> purchase 800 acres.	800	P. Abercrombie 125
305D	1836	..	400	Coromandel ..	1,000	<i>Bonâ fide</i> purchase		D. E. Munro .. 550
305E	1838	..	1,200	Great Barrier Island*	20,000	No grants recommended. Withdrawn by claimant, 23rd May, 1844	..	Webster .. 400
305F	1836	..	80	Coromandel ..	200			Downing .. 400
305L	1839	..	90	Thames ..	3,000			
305G	1839	421 4 0	490	Point Rodney	10,000	1,944 acres.	1,944	Webster .. 1,944
305H	Nov. 23, 1839	169 3	450	Bay of Plenty (Tairua)	3,000	<i>Bonâ fide</i> purchase No grant recommended. Not purchased from the rightful owners	..	
305I	May 8, 1838	202 16 0	108	Waiheki Island	3,000	1,187 acres.	1,187	Webster .. 1,187
305J	May 20, 1839	278 0 0	948	Mercury Island	6,000	<i>Bonâ fide</i> purchase No grant recommended.† Maximum already received.	..	
305K	Dec. 31, 1839	1,726 8 0	1,195	Piako River ..	80,000	2,560 acres.	12,674	Webster .. 1,219
305M	1838	80 0 0	..	Waiheki Island	3,500	<i>Bonâ fide</i> purchase No grant recommended. Purchase not completed before 14th Jan., 1840	..	His co-claimants 11,455
32	Mar. 20, 1838	580 15 0	1,149	Great Barrier Island	20,000 (estimated)	No grant recommended, claimants having received maximum. <i>Bonâ fide</i> purchase	24,269	W. Abercrombie 8,119
								J. Nagle .. 8,070
								Webster .. 8,080
	Totals	4,570 11 0‡	6,983		152,500		41,924	41,924§

* See *infra*, claim 32: Abercrombie, Nagle, and Webster. † *Bonâ fide* purchase proved of a small piece of land at south end of island. ‡ The Second Commission increased this amount to a total of £7,787 13s., by adding thereto the estimate of the cost of buildings erected by Webster on the lands claimed, and interest on his outlay from the date of purchase. § Total, Webster, 13,080 acres; his co-claimants, 28,844 acres.

I may add that it will be seen by reference to this Schedule that the Committee of the Senate has been deceived, for several of the statements in the report are inaccurate.

9. There is one question that may possibly be raised, and it is that if New Zealand is to be recognised as a sovereign and independent Foreign State, did not Mr. Webster himself become a citizen of that State by marrying into the tribe and accepting lands from the chiefs. I do not say that New Zealand was such; I submit that New Zealand could not be so deemed. If that be contended, however, then everything that Mr. Webster did in connection with the chiefs showed that he treated himself, not as a United States subject, but practically as one having rights as a Maori, as one received into the tribes by a great chief. This is a question that would have to be considered if it is insisted that New Zealand was an independent State, and it may be that if this were contended Mr. Webster has lost his United States nationality.

10. I may point out that the statement I previously made, that Mr. Webster had received exceptional liberal treatment, will be proved, if the amount of land claimed by British subjects under properly-executed deeds be looked at, and then the awards which were made concerning the claims examined and compared with what has been given to Mr. Webster or his assignees. It is well known that more than half the North Island was purported to have been conveyed by the Natives to British subjects, and hundreds of thousands of acres in the South Island were also conveyed by deeds to British subjects. In no case were these enormous land-claims allowed. The only persons who got more than the maximum area of 2,560 acres allowed by the Ordinance were Mr. Webster and his assignees, and one or two others; the latter by special Act of Parliament. I may mention, for example, the names of Wentworth, Rhodes, Green, &c., who had as valid claims as Mr. Webster, and whose claims were not recognised; and these were British subjects. I only mention this to point out that Mr. Webster and his claims received exceptional liberal treatment, and I would respectfully submit that if the British Government is to be asked now to question what the Commission did in Mr. Webster's claims, or to allow him to reopen his claims now after a lapse of fifty years, then surely the same treatment should be meted out to the British subjects who purchased land in a similar manner to Mr. Webster. It surely cannot be intended that because Mr. Webster happens to be a citizen of the United States he is to receive consideration that is denied to British subjects. In fact, he has already received consideration that was denied to many British subjects. To listen to the preposterous claims that he now advances, and to ask a tribunal to deal with them, would surely be contrary to all precedent as well as unfair to the British Government.

11. The Committee of the Senate assumes that all the lands claimed now by Mr. Webster were seized and sold by the New Zealand Government. That is made the basis of the claim against the Government of Great Britain. The second paragraph of the report states,—

“The claim of William Webster, a native of Maine, and always a citizen of the United States, for reparation for the seizure and sale by the Government of Great Britain, acting through the colonial authorities of New Zealand, of large tracts of land in New Zealand to which he had acquired the title, and of which he was in possession before the acquisition of that colony by such Government in the year 1840, and for other wrongs, arises from a series of events that began more than fifty years ago.”

Now, the fact is that there was neither “seizure nor sale” by the Government of New Zealand or Great Britain of a single acre ever claimed by Mr. Webster. If the title of purchasers of lands from the Natives prior to the Treaty of Waitangi was not proved to the satisfaction of the various Commissioners who investigated the claims, or if Crown grants were not issued, the lands claimed and not awarded remained Native lands*—that is, the Government recognised that these lands belonged to the aboriginal inhabitants. The Government neither seized nor sold a single acre. If, then, Mr. Webster has any claim it must be against the Native owners, who obtained all the lands which, though claimed, were not awarded to him. The case really stands thus: The Government of New Zealand said to persons not of the aboriginal race who claimed to be the owners of land in New Zealand, “Come in and prove your claims under the Land Claims Ordinance.” If they either did not come in, or failed to prove their titles, the land remained in the ownership of the Natives—it did not become Government land; and every single acre of land that the Government

* See Appendix A hereto, p. 20, last column but one of table.

has ever owned in New Zealand has been obtained by purchase from Native owners, or by escheat, or from surplus lands, which did not occur in Webster's case. In the Piako case (305k), the Crown had actually to purchase land from the Natives to make up the amount awarded to Webster by the second Commission.* The claim of Mr. Webster cannot, therefore, in any event, be against the Government—it must be against the Native owners; and the utmost he could claim would be the passing of a statute to enable him to prosecute his claims against the Native owners. As I again repeat, the Natives remained the possessors of lands not awarded to claimants; the Government did not seize nor sell them. How possibly, then, can the Government be under any liability to Mr. Webster?

12. I have not dealt *seriatim* with all the statements in the report, because I imagine that the Home Government is now seized of the facts, and can sufficiently reply to them. I make these remarks so that it may not be assumed that there are not many further paragraphs in the report that may not be questioned. The large question as to whether, for example, Mr. Webster's claim is barred by previous treaties or agreements between the Imperial Government and the Government of the United States, is a question which I do not think it necessary for me to enter upon. They can be better dealt with by the Law Advisers of the Crown in Britain.

13. It will be noticed that the report concludes with suggesting that, if the Government of Great Britain refuses to consider Mr. Webster's claims for reparation, "special reprisals" should be resorted to. I am not aware whether it is usual, in a document asking for the consideration of claims of a citizen, to threaten the Government to which such a document is addressed in such a manner. In private society, in a civilised State, it is not usual to threaten your antagonist with revolvers and bowie knives, or even to state that there will be an appeal to a judicial tribunal if your arguments are not listened to; and I would respectfully submit that this threat of reprisals shows weakness on the part of the Committee.

14. I may state here that, so far as the Government of New Zealand is concerned, whatever party or Ministry have been in power, the citizens of the United States and the Government of the United States have always been treated with the greatest respect and consideration—with as much respect and consideration as the citizens of England, or the Home Government of the Empire. Even now, New Zealand is maintaining, with really very little aid from the American Government, a steam-service between New Zealand and San Francisco; and the imports to New Zealand from the United States far exceed our exports to that country. There has also of late years been growing up a strong bond of amity between New Zealand and the United States. I do not suppose that any report of the Committee of the Senate is likely to prevent the growth of such friendly feelings.

Dunedin, 18th April, 1893.

ROBERT STOUT.

* See Appendix A hereto, p. 20, the note marked (b) in last column of table.

APPENDICES.

APPENDIX A.

CONTAINING THE OFFICIAL NOTICES RELATING TO THE LAND-CLAIMS OF W. WEBSTER AND HIS SEVERAL CO-CLAIMANTS, SHOWING THE DATES OF THEIR ORIGINAL REFERENCE TO THE COMMISSION, THE DATES APPOINTED BY THE COMMISSION FOR HEARING THE CLAIMS, AND THE AWARDS MADE THEREON.

EXTRACTS FROM SUPPLEMENTS OF NEW SOUTH WALES GOVERNMENT GAZETTES.

Land Claims referred to Commission.

(New Zealand.)

Colonial Secretary's Office, Sydney, 9th March, 1841.

HIS Excellency the Governor directs it to be notified that the following claims to lands in New Zealand have been referred to the Commissioners appointed under the Act of the Governor and Council, 4th Victoria, No. 7, being in addition to the claims notified as referred on the 9th November last.

The parties are reminded that before their claims can be investigated they must pay to the Commissioners a fee of five pounds, as prescribed by the Act.

Case No. 28.—CHARLES ABERCROMBIE, of Sydney, Claimant in part.

(80,000) Eighty thousand acres, more or less, being all that piece or tract of land situate and bounded in manner following, that is to say: Commencing at the mouth of a creek called Orua, on the left bank of the River Piako, which empties itself into the Frith of the Thames, to run from the mouth of the said creek due west by compass to the summit of a hill Mangakawa; then south by west to the summit of a hill called Tukuenui; then south by west to another hill called Pukemoko; then south by west along the division-line of the Piako and Waikato land to a point due west from the western extremity of a low ridge of hills, called Panawhau; then due east from the said point to the west extremity of the said range of low hills, and along the said range to the eastern extremity; and then due east to the River Piako, and then to follow the River Piako downwards northerly to the mouth of the said creek Orua to the commencement.

Alleged to have been purchased on the 21st December, 1839, from the Native chiefs Koinaki, Hanuari, Pekoe-hoe, Tetwareponga, Hwareteatoa, Ngatireuhea, Tumakoe, I Tamabo, Tekeraki, and Ngatihwata, by Mr. William Webster, who sold a moiety to Mr. Peter Abercrombie, who sold a tenth part of his interest to Mr. Charles Abercrombie, who thus claims a twentieth part of the land above described.

Consideration: Various articles of merchandise, value not stated.

Nature of conveyance: Deed in favour of Mr. Webster, dated 31st December, 1839.

Case No. 29.—PETER ABERCROMBIE, of Sydney, Claimant in part.

A tract of land situated and bounded in manner following, that is to say: The half of the island which forms Coromandel Harbour, commencing at a rock called Ti Perau, on a beach called Tawiti, and running from the said rock by compass north-west to the opposite shore, and in continuation to the north-east point.

Alleged to have been purchased on or about the 8th December, 1836, from the Native chiefs Te Arakuri, Te Tawaroa, Te Aomerere, and Tau Rua by Mr. William Webster, who sold a moiety to the present claimant.

Consideration: Various articles of merchandise, value not stated.

Nature of conveyance: Deed in favour of Mr. Webster, of the above date.

Case No. 29A.—PETER ABERCROMBIE, of Sydney, Claimant.

All that piece or tract of land situate on the north-east part of Coromandel Harbour, on the Warrau Creek, commencing on the west side of the creek by a small creek or rivulet called Hokoe-waka, and running one mile and a half in a westerly direction, and then following the windings of the creek to the south-west six miles, and commencing opposite on the Waiau Creek, and running one mile in an easterly direction, and then following the windings of the creek one mile back, and in a northerly direction down to another small creek called Matawai, following the said creek down to the Waiau Creek. (Contents not stated.)

Alleged to have been purchased from the Native chiefs Pokaia, Korio, Ritahi, Horeto, Taeorea, and Etua by William Webster, who sold to claimant.

Consideration : Goods to the amount of £400.

Nature of conveyance : Deed to Webster, dated 18th January, 1837.

Case No. 29B.—PETER ABERCROMBIE, of Sydney, Claimant.

(300) Three hundred acres, more or less—viz., all that piece or tract of land situate on the south-east side of Coromandel Harbour, known by the name of Waitataramo, commencing at the centre of the inner head, and running back in a south-easterly direction to the summit of the hill, and along the top of the hill to the westward abreast the centre of the outer head of the beach, and thence running down in a westerly direction to the low-water mark, forming about three-quarters of a mile, more or less.

Alleged to have been purchased from the Native chiefs Horeta, Kitahi, Korio, and Hau-wenua, by Mr. William Webster, who sold to claimant.

Consideration : Goods to the amount of £142.

Nature of conveyance : Deed in favour of Webster, dated 18th January, 1837.

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Case No. 29D.—PETER ABERCROMBIE, of Sydney, Claimant.

All that land or island called Motutau-pere, situated on the left-hand side of the entrance of Coromandel Harbour, together with all ways, waters, and watercourses, &c.

Alleged to have been purchased from the Native chiefs Pe-ra-Kuri, Tea-umo, Hare, and Tauawa, by Mr. William Webster, who sold to claimant.

Consideration : Goods to the amount of £41 sterling.

Nature of conveyance : Deed to the original purchaser, dated 10th November, 1838.

Case No. 30.—ROBERT ABERCROMBIE, of Sydney, Claimant in part.

(80,000) Eighty thousand acres, more or less—viz., a tract of land situated and bounded in manner following, that is to say : Commencing at the mouth of a creek called Orua, on the left bank of the River Piako, which empties itself into the Frith of the Thames, to run from the mouth of the said creek due west by compass to the summit of a hill Mangakawa ; then south by west to the summit of a hill called Tukuenui ; then south by west to another hill called Pukemoko ; and then south by west along the division-line of the Piako and Waikato land, to a point due west from the western extremity of a low ridge of hills called Panawhau ; then due east from the said point, from the west extremity of the said range of low hills, and along the said range to the eastern extremity ; and then due east to the River Piako ; and then to follow the River Piako downwards northwardly to the mouth of the said Creek Orua to the commencement.

Alleged to have been purchased on the 31st December, 1839, from the Native chiefs Koinaki, Hanauri, Tehoe-hoe, Tetwareponga, Hwareteatoa, Negatireuhe, Ngatiwhata, Tunalere, I Tumabo, and Tekerako, by Mr. William Webster, who sold a moiety to Mr. Peter Abercrombie, who sold a tenth part of his interest to Mr. Robert Abercrombie, who thus claims a twentieth part of the land above described.

Consideration : Various articles of merchandise, value not stated.

Nature of conveyance : Deed in favour of Mr. Webster, dated 31st December, 1839.

Case No. 31.—WILLIAM ABERCROMBIE, of Sydney, Claimant in part.

(80,000) Eighty thousand acres, more or less—viz., a tract of land situated and bounded in manner following, that is to say : Commencing at the mouth of a creek called Orua, on the left bank of the River Piako, which empties itself in the Frith of the Thames, to run from the mouth of the said creek due west by compass, to the summit of a hill Mangakawa ; then south by west to the summit of a hill called Tukuenui ; then south by west to another hill called Pukemoko ; and then south by west along the division-line of the Piako and Waikato land, to a point due west from the western extremity of a low ridge of hills called Panawhau ; then due east from the said point to the west extremity of the said range of low hills, and along the said range to the eastern extremity ; and then due east to the River Piako ; and then to follow the River Piako downwards northwardly to the mouth of the said Creek Orua to the commencement.

Alleged to have been purchased on the 31st December, 1839, from the Native chiefs Koinaki, Henuri, Tehoe-hoe, Tetwareponga, Hwareteatoa, Ngatireuhe, Tumakoe, I Tamabo, Tekereko, and Ngatiwhata, by Mr. William Webster, who sold a moiety to Mr. Peter Abercrombie, who sold a tenth part of his interest to Mr. Robert Abercrombie, who thus claims a twentieth part of the land above described.

Consideration : Various articles of merchandise, value not stated.

Nature of conveyance : Deed in favour of Mr. Webster, dated 31st December, 1839.

Case No. 32.—WILLIAM ABERCROMBIE, JEREMIAH NAGLE, and WILLIAM WEBSTER and Co., Claimants.

(20,000) Twenty thousand acres, more or less—viz., all that island called Aotea, or Big Barrier, laying in 36° 4' south latitude, 175° 40' east longitude, howsoever the said island or any part thereof is bounded, situated, known, or distinguished, or intended to be.

Alleged to have been purchased by the present claimants on the 20th March, 1838, from the Native chiefs Horeta, Urimibia, Kitabi, Te Mariri, I Ingare, I Maurie, E Rite, Tawa Te Kune, I Ngabue, I Rukeroo, Taumara Huato Hua, Taru Whotu, Rukoo, Rupa Rupa, I Moona, Tau Toko, and Te Heru.

Consideration : Various articles of merchandise to the amount of £1,140 sterling.

Nature of conveyance : Deed to claimants, dated 20th March, 1838.

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(New Zealand.)

Colonial Secretary's Office, Sydney, 23rd March, 1841.

His Excellency the Governor directs it to be notified that the following claims to lands in New Zealand have been referred to the Commissioners appointed under the Act of the Governor and Council, 4th Vict., No. 7, being in addition to the claims notified as referred on the 9th November, 1840, and 9th and 16th instant.

The parties are reminded that before their claims can be investigated they must pay to the Commissioners a fee of five pounds as prescribed by the Act.

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Case No. 80.—W. DRAKE, of Sydney, Merchant, Claimant in part.

(80,000) Eighty thousand acres, more or less, being a tract of land situated and bounded in manner following, that is to say : Commencing at the mouth of a creek called Orua, on the left bank of the River Piako, which empties itself into the Frith of the Thames, to run from the mouth of the said creek due west by compass to the summit of a hill called Mangakawa ; then south by west to the summit of a hill called Tukinui ; then south by west to another hill called Pukemoko ; and then south by west along the division-line of the Piako and Waikato land to a point due west from the western extremity of a low ridge of hills called Panawhau ; then due east from the said point to the west extremity of the said range of low hills, and along the said range to the eastern extremity ; and then due east to the River Piako ; and then to follow the River Piako downwards, northwardly, to the mouth of the said creek Orua, to the commencement.

Alleged to have been purchased on the 31st December, 1839, from the Native chiefs Koinaki, Hanauri, Tekoekoe, Tetwareponga, Hwareteatoa, Ngatireuhea, Ngatiwhata, Tumakoe, I Tamaho, and Tekerako, by Mr. William Webster, who sold a moiety to Mr. Peter Abercrombie, who sold a tenth part of his interest to Mr. Drake, who thus claims a twentieth part of the land above described.

Consideration : Various articles of merchandise, value not stated.

Nature of conveyance : Deed in favour of Mr. Webster, dated 31st December, 1839.

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Case No. 83.—R. G. DUNLOP, of Sydney, Merchant, Claimant in part.

(80,000) Eighty thousand acres, more or less, being all that piece or tract of land situated and bounded in manner following, that is to say : Commencing at the mouth of a creek called Orua, on the left bank of the River Piako, which empties itself into the Frith of the Thames, to run from the mouth of the said creek due west by compass to the summit of a hill called Mangakawa ; then south by west to the summit of a hill called Tukenui ; then south by west to another hill called Pukemoko ; and then south by west along the division-line of the Piako and Waikato land, to a point due west from the western extremity of a low ridge of hills called Panawhau ; then due east from the same point to the west extremity of the said range of low hills, and along the said range to the eastern extremity ; and then due east to the River Piako ; and then to follow the River Piako downwards, in a northwardly direction, to the mouth of the said creek Orua, to the commencement.

Alleged to have been purchased on the 31st December, 1839, from the Native chiefs Koinaki, Hanauri, Tekoekoe, Tetwareponga, Hwareteatoa, Ngatereuhea, Ngatiwhata, Tumakoe, I Tamaho, and Tekerako, by Mr. William Webster, who sold a moiety to Mr. Peter Abercrombie, who sold a tenth part of his interest to Mr. Dunlop, who thus claims a twentieth part of the land above described.

Consideration : Various articles of merchandise, value not stated.

Nature of conveyance : Deed in favour of Mr. Webster, dated 31st December, 1839.

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Case No. 93.—J. GIBBES, of Sydney, Claimant in part.

(80,000) Eighty thousand acres, more or less, all that piece or tract of land, situated and bounded in manner following, that is to say : Commencing at the mouth of a creek called Orua, on the left bank of the River Piako, which empties itself into the Frith of the Thames, to run from the mouth of the said creek due west by compass to the summit of a hill called Mangakawa ; then south by west to the summit of a hill called Tukenui ; then south by west to another hill called Pukemoko ; and then south by west along the division-line of the Piako and Waikato land, to a point due west from the western extremity of a low ridge of hills called Panawhau ; then due east from the said point to the west extremity of the said range of low hills, and along the said range to the eastern extremity ; and then due east to the river Piako ; and then to follow the river Piako downwards, northwardly, to the mouth of the said creek Orua, to the commencement.

Alleged to have been purchased on the 31st December, 1839, from the Native chiefs Koinaki, Hanauri, Te-hoe-hoe, Ngatereuhea, Hware Tea-toa, Tetwareponga, Ngatiwhata, Tumakoe, I Tamaho, and Tekerako, by Mr. William Webster, who sold a moiety to Mr. Peter Abercrombie, who sold a tenth part of his interest to Mr. Gibbes, who thus claims a twentieth part of the land above described.

Consideration : Various articles of merchandise, value not stated.

Nature of conveyance : Deed in favour of Mr. Webster, dated 31st December, 1839.

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EXTRACT FROM "NEW ZEALAND GOVERNMENT GAZETTE" No. 19, AUCKLAND, 24TH NOVEMBER, 1841.

Land Claims referred to Commission.

Colonial Secretary's Office, Auckland, 20th November, 1841.

His Excellency the Governor directs it to be notified that the following claims to land in this colony have been referred to the Commissioners appointed under the ordinance of the Governor and Council of New Zealand, 4 Victoria, No. 2, being in addition to the claims notified in the *Government Gazette* of New South Wales, as referred to the Commissioners appointed under the Act of the Governor and Council of that colony on the 9th November, 1840, and on the 9th, 16th, 23rd, and 30th March, and 6th, 13th, 20th, and 27th April, and in the *Government Gazette* of this colony of the 18th August, and 13th, 20th, and 27th October, 1841.

Parties are reminded that before their claims can be investigated they must pay to the Commissioners a fee of five pounds, as prescribed by the ordinance.

By His Excellency's command.

WILLOUGHBY SHORTLAND.

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Case No. 305.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(250) Two hundred and fifty acres, more or less, situated at Coromandel Harbour. Bounded on the south-west by the outlet at the head of Coromandel Harbour, and extending along the beach to the north-east to a marked tree.

Alleged to have been purchased from the Native chief Tawaroa and others in 1837.

Consideration given to the Natives: Merchandise to the value of £208.

Nature of conveyance: Deed in favour of claimant.

Case No. 305A.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(600) Six hundred acres, more or less, being part of the island which forms Coromandel Harbour. Bounded on the north-east by the outlet at the head of the harbour, and on the south-west by a large rock on a beach called Tawiti.

Alleged to have been purchased from the Native chiefs Tawaroa, Arakuri, and others, in 1836.

Consideration given to the Natives: Merchandise and cash to the value of £260.

Nature of conveyance: Deed in favour of claimant.

Case No. 305B.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(1,500) Fifteen hundred acres, more or less, situated on the River Thames. Bounded on the south by a marked tree, and on the north by a tree.

Alleged to have been purchased from the Native chiefs Patupo, Wakare, Iru, and others, in 1839.

Consideration given to the Natives: Merchandise to the value of £90.

Nature of conveyance: Deed in favour of the claimant.

Case No. 305C.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(2,500) Two thousand five hundred acres, more or less, situated at the head of Coromandel Harbour, known by the name of Taupiri.

Alleged to have been purchased from the Native chiefs Tawaroa, Arakuri, and others, in 1837.

Consideration given to the Natives: Merchandise to the value of £203.

Nature of conveyance: Deed in favour of the claimant.

Case No. 305D.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(1,000) One thousand acres, more or less, situated on the east side of Coromandel Harbour, known by the name of Waiau, commencing at a creek called Hokoe-awaka, running one mile to the south, about five miles to the east, and across the creek one mile to the north, and following the creek down about five miles to another small creek called Matawi.

Alleged to have been purchased from the Native chiefs Taniwa, Kitahi, To-Kia, Pokaia, and others, in 1836.

Consideration given to the Natives: Merchandise to the amount of £450.

Nature of conveyance: Deed in favour of claimant.

Case No. 305E.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

An island called Aotea (Great Barrier), bearing north-east from Cape Colville, about twenty miles.

Alleged to have been purchased from three hundred of the principal chiefs of the Thames in 1838.

Consideration given to the Natives: Cash and merchandise to the value of £1,200.

Nature of conveyance: Deed in favour of claimant.

Case No. 305F.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

A small island on the left of the entrance to Coromandel Harbour, known by the name of Motutaupere.

Alleged to have been purchased from the Native chiefs Tawaroa, Arakuri, and others, in 1836.

Consideration given to the Natives: Cash and merchandise to the value of £80.

Nature of conveyance: Deed in favour of claimant.

Case No. 305G.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

A portion of land, extent not stated. Bounded on the north-west by Point Rodney; on the south-east by point Tahwarunnui; running from each point westerly to a mount called Pulkmore; on the east by the sea: being about eight miles frontage, and running back eight miles.

Alleged to have been purchased from the Native chiefs Kaukoti, Ku-pe-nga, Tanaroa, and others; date of purchase not stated.

Consideration given to the Natives: Merchandise to the value of £490.

Nature of conveyance: Deed in favour of claimant.

Case No. 305H.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(3,000) Three thousand acres, more or less, situated near the River Tairua (Bay of Plenty), commencing one quarter of a mile to the northward of a creek called Punaruku, and running along the beach one quarter of a mile to the southward of another creek called Tekano, and running south-west from each corner boundary to the summit of a hill called Porewa.

Alleged to have been purchased from the Native chiefs Ko Hokianga, Ko Pehi, Nga Wane, Te-nga-hahu, on the 23rd November, 1839.

Consideration given to the Natives: Merchandise to the value of £450.

Nature of conveyance: Deed in favour of claimant.

Case No. 305I.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(3,000) Three thousand acres, more or less, situated on an island called Waiheke. Bounded on the south by a creek called Nikiairanga, on the west by the sea, on the north by the north point, and on the east by the sea.

Alleged to have been purchased from the Native chiefs Ruinga, Pounoto, Honepa, and others, on the 8th May, 1838.

Consideration given to the Natives: Merchandise to the value of £108 1s.

Nature of conveyance: Deed in favour of claimant.

Case No. 305J.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(6,000) Six thousand acres, more or less, being an island called Ahuahu (Big Mercury Island), bearing south-east of Cape Colville, about twenty miles distant.

Alleged to have been purchased from the Native chiefs Kaweno, Ko Pariera, and others, on the 20th May, 1839.

Consideration given to the Natives: Merchandise to the value of £944.

Nature of conveyance: Deed in favour of claimant.

Case No. 305K.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(80,000) Eighty thousand acres, more or less, commencing at the mouth of a creek called Orua, on the left bank of the River Piako, from the mouth of the said creek running west to the summit of a hill called Maengakawa, and then south by west to the summit of a hill called Tukenui, and then south by west to another hill called Pukemoko, and then south by west along the division-line of the Piako and Waikato land, to a point due west from the western extremity of a low ridge of hills called Panawhau, then due east to the River Piako, and then following the Piako downwards to the mouth of the said creek, Orua, at the commencement.

Alleged to have been purchased from the Native chiefs Wane Kawa, Te hoe-hoe, Te wane-ponga, Te-weono, and others, on the 31st December, 1839.

Consideration given to the Natives: Cash and merchandise to the value of £1,195.

Nature of conveyance: Deed in favour of the claimant.

Case No. 305L.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(3,000) Three thousand acres, more or less, situated on the north side of the River Waihou, commencing at a place called Wanaki, and running along the northern bank to a place called Wai-two-wo, from thence to a tree on the north-eastern side of the wood, and from thence in a northerly direction to another tree on the outskirts of the wood, and from thence to Wanaka.

Alleged to have been purchased from the Native chief Tapunu and others, on the 24th November, 1839.

Consideration given to the Natives: Merchandise of the value of £90.

Nature of conveyance: Deed in favour of claimant.

Case No. 305M.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(2,000) Two thousand acres, more or less, situate on the south-eastern side of the Island of Waiheke. Commencing at a point called Opatia, running north along the shore to a point called Ta-nihwa-Nui, and from each of these points north-west by west to the north-west side of the island.

Alleged to have been purchased from the Native chiefs Ngake-te, Kupunga, Tuaruhi, and others, on the 8th May, 1838.

Consideration given to the Natives: Merchandise of the value of £108.

Nature of conveyance: Deed in favour of the claimant.

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EXTRACT FROM "NEW ZEALAND GOVERNMENT GAZETTE" No. 21, AUCKLAND, 25TH MAY, 1842.

Notice of Hearing of Land Claims by Commission.

WE Edward Lee Godfrey and Mathew Richmond, Commissioners appointed to examine and report upon claims to grants of land in New Zealand, do hereby give notice that we will investigate those undermentioned, in the District of Auckland, at our office, on the 13th day of June, 1842, and following days, at 10 o'clock forenoon.

All parties interested are hereby summoned to be in attendance with their witnesses and documents, and copies of the latter, with translations thereof if they be in the Maori language, to remain with the Commission.

Claimants are reminded that the fee of five pounds must be paid to the Commissioners before the investigation of any claim or opposition to it.

Land Commissioners' Office, Auckland, 25th May, 1842.

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Case No. 305I.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(3,000) Three thousand acres, more or less, on the Island of Waiheke. Bounded on the south by a creek called Nikiaranga, on the west by the sea, on the north by the north point, and on the east by the sea.

Alleged to have been purchased by claimant from Ruinga, and other Native chiefs, on the 8th May, 1838.

Case No. 305M.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(2,000) Two thousand acres, more or less, on the south-east side of the Island of Waiheke. Commencing at a point called Opatia, running north along the shore to a point called Tanihwa-nui, and from each of these points north-west by west to the north-west side of the island.

Alleged to have been purchased by claimant from Ngakete, and other Native chiefs, on the 8th May, 1838.

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EXTRACTS FROM SUPPLEMENT TO THE "NEW ZEALAND GOVERNMENT GAZETTE" No. 14, OF WEDNESDAY, 5TH APRIL, 1843.

Notice of Hearing.

Land Commissioner's Office, 5th April, 1843.

I, MATHEW RICHMOND, a Commissioner appointed to examine and report upon claims to grants of land in New Zealand, do hereby give notice that I shall proceed to investigate the following claims at Hauraki, River Thames, the residence of Mr. Preece, of the Church Missionary Society, on the 8th of June, 1843, and following days, at 10 o'clock in the forenoon.

The sittings of my Court will be continued at the aforesaid place until the 8th of July, 1843.

All parties interested are hereby summoned to be in attendance, with their witnesses and original deeds and documents, and copies thereof (with translations if in Maori), the latter to remain with the Commissioner; and claimants are reminded that the fee of five pounds must be paid to the Commissioner before the investigation of any claim, or of any opposition thereto.

Case No. 28.—CHARLES ABERCROMBIE, of Sydney, Claimant in part.

(80,000) Eighty thousand acres, more or less, being all that piece or tract of land, situate and bounded in manner following, that is to say: Commencing at the mouth of a creek called Orua, on the left bank of the River Piako, which empties itself into the Frith of the Thames, to run from the mouth of the said creek due west by compass to the summit of a hill Mangakawa; then south by west to the summit of a hill called Tukuenui; then south by west to another hill called Pukemoko; then south by west along the division-line of the Piako and Waikato land to a point due west from the western extremity of a low ridge of hills, called Panawhau; then due east from the said point to the west extremity of the said range of low hills, and along the said range to the eastern extremity; and then due east to the River Piako, and then to follow the River Piako downwards northerly to the mouth of the said creek Orua to the commencement.

Alleged to have been purchased on the 31st December, 1839, from the Native chiefs Koinaki, Hanuari, Pekoe-hoe, Tetwareponga, Hwareteatoa, Ngatireuhea, Tumakoe, I Tamabo, Tekeraki, and Ngatihwata, by Mr. William Webster, who sold a moiety to Mr. Peter Abercrombie, who sold a tenth part of his interest to Mr. Charles Abercrombie, who thus claims a twentieth part of the land above described.

Consideration: Various articles of merchandise, value not stated.

Nature of conveyance: Deed in favour of Mr. Webster, dated 31st December, 1839.

Case No. 29.—PETER ABERCROMBIE, of Sydney, Claimant in part.

A tract of land situated and bounded in manner following, that is to say: The half of the island which forms Coromandel Harbour, commencing at a rock called Ti Perau, on a beach called Tawiti, and running from the said rock by compass north-west to the opposite shore, and in continuation to the north-east point.

Alleged to have been purchased on or about the 8th December, 1836, from the Native chiefs Te Arakuri, Te Tawaroa, Te Aomerere, and Tau Rua, by Mr. William Webster, who sold a moiety to the present claimant.

Consideration: Various articles of merchandise, value not stated.

Nature of conveyance: Deed in favour of Mr. Webster, of the above date.

Case No. 29A.—PETER ABERCROMBIE, of Sydney, Claimant.

All that piece or tract of land situate on the north-east part of Coromandel Harbour, on the Waiau Creek, commencing on the west side of the creek by a small creek or rivulet called Hokoe-waka, and running one mile and a half in a westerly direction, and then following the windings of the creek to the south-west six miles, and commencing opposite on the Waiau Creek, and running one mile in an easterly direction, and then following the windings of the creek one mile back, and in a northerly direction down to another small creek called Matawai, following the said creek down to the Waiau Creek.

Alleged to have been purchased from the Native chiefs Pokaia, Korio, Ritahi, Horeto, Taeorea, and Etua, by William Webster, who sold to claimant.

Consideration : Goods to the amount of £400.

Nature of conveyance : Deed to Webster, dated 18th January, 1837.

Case No. 29B.—PETER ABERCROMBIE, of Sydney, Claimant.

(300) Three hundred acres, more or less—viz., all that piece or tract of land situate on the south-east side of Coromandel Harbour, known by the name of Waitataramo, commencing at the centre of the inner head, and running back in a south-easterly direction to the summit of the hill, and along the top of the hill to the westward abreast the centre of the outer head of the beach, and thence running down in a westerly direction to the low-water mark, forming about three-quarters of a mile, more or less.

Alleged to have been purchased from the Native chiefs Horeta, Kitahi, Korio, and Hauwenua, by Mr. William Webster, who sold to claimant.

Consideration : Goods to the amount of £142.

Nature of conveyance : Deed in favour of Webster, dated 18th January, 1837.

* * * * *

Case No. 29D.—PETER ABERCROMBIE, of Sydney, Claimant.

All that land or island called Motutau-pere, situated on the left-hand side of the entrance of Coromandel Harbour, together with all ways, water, watercourses, &c.

Alleged to have been purchased from the Native chiefs Pe-ra-Kuri, Tea-umo, Here, and Tauawa, by Mr. William Webster, who sold to claimant.

Consideration : Goods to the amount of £41 sterling.

Nature of conveyance : Deed to the original purchaser, dated 10th November, 1838.

Case No. 30.—ROBERT ABERCROMBIE, of Sydney, Claimant in part.

(80,000) Eighty thousand acres, more or less—viz., a tract of land situated and bounded in manner following, that is to say : Commencing at the mouth of a creek called Orua, on the left bank of the River Piako, which empties itself into the Frith of the Thames, to run from the mouth of the said creek due west by compass to the summit of a hill, Mangakawa ; then south by west to the summit of a hill called Tukuenui ; then south by west to another hill, called Pukemoko ; and then south by west along the division-line of the Piako and Waikato land, to a point due west from the western extremity of a low ridge of hills called Panawhau ; then due east from the said point, from the west extremity of the said range of low hills, and along the said range to the eastern extremity ; and due east to the River Piako ; and then to follow the River Piako downwards northwardly to the mouth of the said creek Orua to the commencement.

Alleged to have been purchased on the 31st December, 1839, from the Native chiefs Koinaki, Hanauri, Tehoe-hoe, Tetwareponga, Hwareteatoa, Negatireuheia, Ngatihwata, Tunalere, I Tumabo, and Tekerako, by Mr. William Webster, who sold a moiety to Mr. Peter Abercrombie, who sold a tenth part of his interest to Mr. Robert Abercrombie, who thus claims a twentieth part of the land above described.

Consideration : Various articles of merchandise, value not stated.

Nature of conveyance : Deed in favour of Mr. Webster, dated 31st December, 1839.

Case No. 31.—WILLIAM ABERCROMBIE, of Sydney, Claimant in part.

(80,000) Eighty thousand acres, more or less—viz., a tract of land situated and bounded in manner following, that is to say : Commencing at the mouth of a creek called Orua, on the left bank of the River Piako, which empties itself into the Frith of the Thames, to run from the mouth of the said creek due west by compass to the summit of a hill, Mangakawa ; then south by west to the summit of a hill called Tukuenui ; then south by west to another hill, called Pukemoko ; and then south by west along the division-line of the Piako and Waikato land, to a point due west from the western extremity of a low ridge of hills called Panawhau ; then due east from the said point, from the west extremity of the said range of low hills, and along the said range to the eastern extremity ; and due east to the River Piako ; and then to follow the River Piako downwards, northwardly, to the mouth of the said creek Orua to the commencement.

Alleged to have been purchased on the 31st December, 1839, from the Native chiefs Koinaki, Henuri, Tekoe-hoe, Tetwareponga, Hwareteatoa, Ngatireuheia, Tumakoe, I Tamabo, Tekereko, and Ngatihwata, by Mr. William Webster, who sold a moiety to Mr. Peter Abercrombie, who sold a tenth part of his interest to Mr. Robert Abercrombie, who thus claims a twentieth part of the land above described.

Consideration : Various articles of merchandise, value not stated.

Nature of conveyance : Deed in favour of Mr. Webster, dated 31st December, 1839.

* * * * *

Case No. 80.—W. DRAKE, of Sydney, Merchant, Claimant in part.

(80,000) Eighty thousand acres, more or less, being a tract of land situated and bounded in manner following, that is to say : Commencing at the mouth of a creek called Orua, on the left bank of the River Piako, which empties itself into the Frith of the Thames, to run from the mouth of the said creek due west by compass to the summit of a hill called Mangakawa ; then south by west to the summit of a hill called Tukuenui ; thence south by west to another hill called Pukemoko ; and then south by west along the division-line of the Piako and Waikato land to a point due west from the western extremity of a low ridge of hills called Panawhau ; then due east from the said point to the west extremity of the said range of low hills, and along the said range to the eastern extremity ; and then due east to the River Piako ; and then to follow the River Piako downwards, northwardly, to the mouth of the said creek Orua, to the commencement.

Alleged to have been purchased on the 31st December, 1839, from the Native chiefs Koinaki, Hanauri, Tekoe-koe, Tetwareponga, Hwareteatoa, Ngatireuheia, Ngatihwata, Tumakoe, I Tamaho,

and Tekerako, by Mr. William Webster, who sold a moiety to Mr. Peter Abercrombie, who sold a tenth part of his interest to Mr. Drake, who thus claims a twentieth part of the land above described.

Consideration: Various articles of merchandise, value not stated.

Nature of conveyance: Deed in favour of Mr. Webster, dated 31st December, 1839.

Case No. 83.—R. J. DUNLOP, of Sydney, Merchant, Claimant in part.

(80,000) Eighty thousand acres, more or less, being all that piece or tract of land situated and bounded in manner following, that is to say: Commencing at the mouth of a creek called Orua, on the left bank of the River Piako, which empties itself into the Frith of the Thames, to run from the mouth of the said creek due west by compass to the summit of a hill called Mangakawa; then south by west to the summit of a hill called Tukuenui; then south by west to another hill called Pukemoko; then south by west along the division-line of the Piako and Waikato land, to a point due west from the western extremity of a low ridge of hills called Panawhau; then due east from the same point to the west extremity of the said range of low hills, and along the said range to the eastern extremity; and then due east to the River Piako; and then to follow the River Piako downwards in a northwardly direction to the mouth of the said creek Orua, to the commencement.

Alleged to have been purchased on the 31st December, 1839, from the Native chiefs Koinaki, Hanauri, Tekoe-koe, Tetwareponga, Hwareteatoa, Ngatererehea, Ngatiwata, Tumakoe, I Tamaho, and Tekerako, by Mr. William Webster, who sold a moiety to Mr. Peter Abercrombie, who sold a tenth part of his interest to Mr. Dunlop, who thus claims a twentieth part of the land above described.

Consideration: Various articles of merchandise, value not stated.

Nature of conveyance: Deed in favour of Mr. Webster, dated 31st December, 1839.

Case No. 93.—J. GIBBES, of Sydney, Claimant in part.

(80,000) Eighty thousand acres, more or less, all that piece or tract of land situated and bounded in manner following, that is to say: Commencing at the mouth of a creek called Orua, on the left bank of the River Piako, which empties itself into the Frith of the Thames, to run from the mouth of the said creek due west by compass to the summit of a hill called Mangakawa; then south by west to the summit of a hill called Tukuenui; then south by west to another hill called Pukemoko; and then south by west along the division-line of the Piako and Waikato land, to a point due west from the western extremity of a low ridge of hills called Panawhau; then due east from the said point to the western extremity of the said range of low hills, and along the said range to the eastern extremity; and then due east to the River Piako; and then to follow the River Piako downwards northwardly, to the mouth of the said creek Orua to the commencement.

Alleged to have been purchased on the 31st December, 1839, from the Native chiefs Koinaki, Hanauri, Te-hoe-hoe, Ngateruehea, Hware, Teatoa, Tetwareponga, Ngatihwata, Tumakoe, I Tamaho, and Tekerako, by Mr. William Webster, who sold a moiety to Mr. Peter Abercrombie, who sold a tenth part of his interest to Mr. Gibbes, who thus claims a twentieth part of the land above described.

Consideration: Various articles of merchandise, value not stated.

Nature of conveyance: Deed in favour of Mr. Webster, dated 31st December, 1839.

* * * * *

Case No. 305.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(250) Two hundred and fifty acres, more or less, situated at Coromandel Harbour, bounded on the south-west by the outlet at the head of Coromandel Harbour, and extending along the beach to the north-east to a marked tree.

Alleged to have been purchased from the Native chief Tawaroa and others, in 1837.

Consideration given to the Natives: Merchandise to the value of £208.

Nature of conveyance: Deed in favour of claimant.

Case No. 305A.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(600) Six hundred acres,† more or less, being part of the island which forms Coromandel Harbour. Bounded on the north-east by the outlet at the head of the harbour, and on the south-west by a large rock on a beach called Tawiti.

Alleged to have been purchased from the Native chiefs Tawaroa, Arakuri, and others, in 1836.

Consideration given to the Natives: Merchandise and cash to the value of £260.

Nature of conveyance: Deed in favour of claimant.

Case No. 305B.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(1,500) Fifteen hundred acres, more or less, situated on the River Thames; bounded on the south by a marked tree, and on the north by a tree.

Alleged to have been purchased from the Native chiefs Patupo, Wakare Iru, and others, in 1839.

Consideration given to the Natives: Merchandise to the value of £90.

Nature of conveyance: Deed in favour of the claimant.

Case No. 305C.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(2,500) Two thousand five hundred acres, more or less, situated at the head of Coromandel Harbour, known by the name of Taupiri.

Alleged to have been purchased from the Native chiefs Tawaroa, Arakuri, and others, in 1837.

Consideration given to the Natives: Merchandise to the value of £203.

Nature of conveyance: Deed in favour of the claimant.

† This is the estimated area of the whole island.

Case No. 305D.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(1,000) One thousand acres, more or less, situated on the east side of Coromandel Harbour, known by the name of Waiau, commencing at a creek called Hokoe-awaka, running one mile to the south, about five miles to the east, and across the creek one mile to the north, and following the creek down about five miles to another small creek called Matawi.

Alleged to have been purchased from the Native chiefs Taniwa, Kitahi, To-Kia, Pokaia, and others, in 1836.

Consideration given to the Natives: Merchandise to the amount of £450.

Nature of conveyance: Deed in favour of claimant.

Case No. 305E.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

An island called Aotea (Great Barrier), bearing north-east from Cape Colville, about twenty miles.

Alleged to have been purchased from three hundred of the principal chiefs of the Thames in 1838.

Consideration given to the Natives: Cash and merchandise to the value of £1,200.

Nature of conveyance: Deed in favour of claimant.

Case No. 305F.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

A small island on the left of the entrance to Coromandel Harbour, known by the name of Motutapuere.

Alleged to have been purchased from the Native chiefs Tawaroa, Arakuri, and others, in 1836.

Consideration given to the Natives: Cash and merchandise to the value of £80.

Nature of conveyance: Deed in favour of claimant.

Case No. 305G.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

A portion of land, extent not stated, bounded on the north-west by Point Rodney, on the south-east by Point Tahwarunnui, running from each point westerly to a mount called Pulkmore, on the east by the sea, being about eight miles frontage, and running back eight miles.

Alleged to have been purchased from the Native chiefs Kaukoti, Ku-pe-nga, Tanaroa, and others; date of purchase not stated.

Consideration given to the Natives: Merchandise to the value of £490.

Nature of conveyance: Deed in favour of claimant.

Case No. 305J.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(6,000) Six thousand acres, more or less, being an island called Ahuahu (Big Mercury Island), bearing south-east of Cape Colville, about twenty miles distant.

Alleged to have been purchased from the Native chiefs Kaweno, Ko Pariera, and others, on the 20th May, 1839.

Consideration given to the Natives: Merchandise to the value of £944.

Nature of conveyance: Deed in favour of claimant.

Case No. 305K.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(80,000) Eighty thousand acres, more or less, commencing at the mouth of a creek called Orua, on the left bank of the River Piako, from the mouth of the said creek due west by compass to the summit of a hill called Mangakawa; then south by west to the summit of a hill called Tukuenui; then south by west to another hill, called Pukemoko; then south by west along the division-line of the Piako and Waikato land, to a point due west from the western extremity of a low ridge of hills called Panawhau; then due east to the River Piako; then following the Piako downwards to the mouth of the said creek, Orua, at the commencement.

Alleged to have been purchased from the Native chiefs Wane Kawa, Te Hoe-hoe, Te Wane-pongu, Te-Weono, and others, on the 31st December, 1839.

Consideration given to the Natives: Cash and merchandise to the value of £1,195.

Nature of conveyance: Deed in favour of the claimant.

Case No. 305L.—WILLIAM WEBSTER, of Coromandel Harbour, Claimant.

(3,000) Three thousand acres, more or less, situated on the north side of the River Waihou, commencing at a place called Wanaki, and running along the northern bank to a place called Waiwowa, from thence to a tree on the north-eastern side of the wood, and from thence in a northerly direction to another tree on the outskirts of the wood, and from thence to Wanaki.

Alleged to have been purchased from the Native chief Tapuna and others, on the 24th November, 1839.

Consideration given to the Natives: Merchandise of the value of £90.

Nature of conveyance: Deed in favour of claimant.

* * * * *

Case No. 32.—WILLIAM ABERCROMBIE, JEREMIAH NAGLE, and WILLIAM WEBSTER and Co., Claimants.

(20,000) Twenty thousand acres, more or less—viz., all that island called Aotea or Big Barrier, lying 36° 4' south latitude, 175° 40' east longitude, howsoever the said island or any part thereof is bounded, situated, known, or distinguished, or intended to be.

Alleged to have been purchased by the claimants, on the 20th March, 1838, from the Native chiefs Horeta, Uramibia, Kitabi, Te Mariri, I Ingare, I Maurie, E Rite, Tawa, Te Kene, I Ngobue, I Rukeroo, Taumara, Huata, Hue, Taru Whotu, Ruko, Rupa Rupa, I Moona, Tau Toko, and Te Huru.

Consideration: Various articles of merchandise to the amount of £1,140 sterling.

Nature of conveyance: Deed to claimants, dated 20th March, 1838.

* * * * *

EXTRACTS FROM

LAND CLAIMS RETURN, showing the whole of the CASES HEARD by the ORIGINAL COMMISSIONERS, and the Nature of their AWARDS in each Case; also the DECISION of the GOVERNOR, and how the Claim was originally disposed of.

Being a Paper laid by the Governor on the Table of the Legislative Council of New Zealand, and published, together with the Proceedings of the said Council, in the New Zealand Government Gazette, Province of New Ulster, in November, 1849.

No. of Claim.	Name of Claimant.	Locality of Claim.	Area Claimed.	Original Award by First Commission.	By whom originally reported.	Amended Award by Second Commission, and Confirmed.	Remarks by First Commissioners on the several Cases.
28	Charles Abercrombie	Piako	Acres. 4,000	Not recommended	Richmond and Godfrey	..	Claim derived from W. Webster, case 305k, to whom the maximum grant has been awarded.
29	Peter Abercrombie	Coromandel	125	"	Ditto	..	Claim derived from W. Webster, case 305A, to whom the maximum grant has been awarded.
29A	"	"	1,000	"	Godfrey	..	Identical with case 305D, which is withdrawn.
29B	"	"	800	"	Richmond and Godfrey	..	Derived from Mr. Webster, to whom maximum grant already awarded.
29n	Peter Abercrombie	Coromandel	Not stated	Not recommended	Godfrey	..	* Identical with 305F, withdrawn.
30	Robert Abercrombie	Piako	4,000	"	Godfrey and Richmond	..	W. Webster, 305k.
31	William Abercrombie	"	4,000	"	Ditto	..	W. Webster, 305k.
32	William Abercrombie, Jeremiah Nagle, and William Webster	Great Barrier Isl'd	20,000	"	Godfrey	..	The Commissioner recommends "No grants," on the grounds that claimants have received a maximum grant of 2,560 acres, but reports that a valid purchase of part of the island has been made. N.B.—W. Webster is the only one of the three claimants to whom a maximum grant has been awarded. Case referred to Mr. FitzGerald by minute of Executive Council on the 18th June, 1844, with authority to recommend an extended award; on the 15th June Mr. FitzGerald recommends that claimants may receive a grant of land in the island within certain "boundaries of which His Excellency is fully cognisant." Referred back on the 20th June to recommend a specified quantity. Commissioner states on the 21st June that he cannot do so, not having any data, but adds a memorandum stating that the claimants are entitled for their expenditure to a grant of 8,611 acres. Governor Fitzroy's order for grants is contained in a memorandum made out in the Land Office, dated the 4th July, 1844, to which is appended the following: N.B.—Grants for 4,269 acres more than the claim, and 15,658 acres more than the quantity to which the claimants are entitled by their expenditure.
80	William Drake	Piako and Thames	4,000	Not recommended	Godfrey and Richmond	..	* Claim derived from W. Webster, to whom 2,560 acres have been awarded.
83	R. G. Dunlop	Piako	4,000	Not recommended	Richmond and Godfrey	..	* Claim derived from W. Webster, to whom maximum grant has been recommended, case 305k.
93	J. Gibbes	Piako and Thames	4,000	Not recommended	Godfrey and Richmond	..	* Webster, 305k.

EXTRACTS FROM LAND CLAIMS RETURN—continued.

No. of Claim.	Name of Claimant.	Locality of Claim.	Area claimed.	Original Award by First Commission.	By whom originally reported.	Amended Award by Second Commission, and Confirmed.	Remarks by First Commissioners on the several Cases.
305	W. Webster	Coromandel	Acres.	Recommended	Godfrey and Richmond	Grants: Webster, 125 acres; H. Downing, 125 acres	The Commissioners state that, as W. Webster has been awarded maximum grant, no award can be made in favour of H. Downing; also, the land claimed by J. C. Conway (case 266A), being a portion of this claim, no grant can be recommended to him.
305A	"	Coromandel (half an island called Wanganui) Thames ..	250	"	Ditto	Grants: P. Abercrombie, 125 acres; W. Webster, 125 acres	Derived from W. McLeod. For the same reasons as above, no grant can be recommended to P. Abercrombie. This island was divided between McLeod and Webster on their dissolution of partnership in 1837; the latter therefore claims half.
305B	"	Thames ..	1,500	"	Ditto	Grant: D. E. Munro, 550 acres	D. E. Munro claims this land in case 175. But for the reason on 305 no grant can be recommended.
305C	"	Coromandel	800	"	Ditto	Grants: Webster, 400 acres; H. Downing, 400 acres	No grant recommended to Downing, for reasons as on 305.
305D	"	"	1,000	Not recommended.	Godfrey	..	Withdrawn. 305E is identical with case 32, Abercrombie, Nagle, and Webster.
305E	"	"	20,000				
305F	"	"	Not stated				
305L	"	Great " Barrier Isl'd	3,000	Recommended	Richmond and Godfrey	Grant: Webster, 1,944 acres.	Not purchased from right owners. No compensation recommended, claimant having already had maximum grant awarded.
305G	"	Point Rodney	10,000	Not recommended	Godfrey	..	
305H	"	Tairua	3,000	Recommended 811 acres	Richmond and Godfrey	Grant: Webster, 1,187 acres.	
305I	"	Waiheke	3,000	Not recommended	Richmond and Godfrey	..	Maximum grant already awarded.
305J	"	Big Mercury Island	6,000	Recommended 4,316 acres	Richmond and Godfrey	Grant: 12,674 acres	Opposition from Native chiefs. The maximum grant had been previously awarded to W. Webster, wherefore no grant can be recommended in favour of the following claims: 267, 283, 285, 320, 321, 396, 414E. The under-mentioned have received grants in virtue of their claim, as follows: 305K, Webster, 1,219 acres; 267, Downing, 320 acres; P. Abercrombie, 5,000 acres; 283, F. Mathews, 2,560 acres; 285, J. Johnson, 1,280 acres; 320, Wanostrucht, 250 acres; 321, Nagle and Wren, 150 acres; 414E, Russell, 640 acres; 396, Devin, 1,255 acres: total, 12,674 acres.
305K	"	Piako	80,000	Compensation recommended	Godfrey and Richmond	..	Purchased after Proclamation. Compensation awarded at the rate of 1 acre for every £1 expended.
305M	"	Waiheke	3,500	Compensation recommended	Godfrey and Richmond	..	Purchased after Proclamation. Compensation awarded at the rate of 1 acre for every £1 expended.

COMPARATIVE ANALYSIS of STATEMENT of CLAIMS as asserted by WEBSTER (*ante*, page 4).

Schedule of Claims asserted by Mr. Webster to have been proved before Commission.			Schedule of Areas actually claimed, and of the Acreages awarded thereon, or disputed by the Native Owners or admitted by them, together with the Actual Areas of the Claims as ascertained on Survey.				
No of Claim.	Locality.	Area said to be claimed.	Actual Area claimed.	Acreage awarded by Second Commission.	Acreage ascertained on Survey.	Area reverting to Native Owners.	Remarks.
305	Coromandel	Acres. 250	Acres. 250	Acres. 250	Acres. 115	Acres. ..	H. Downing, co-claimant for half area.
305A	"	600	250	250	335	..	P. Abercrombie, co-claimant for half area in case 29.
305B	Thames ..	1,500	1,500	550	..	950	D. E. Munro, co-claimant for whole area in case 175.
305C	Coromandel	2,500	1,800	800	727	..	H. Downing, co-claimant for half area.
305D	"	1,000	1,000	..	..	1,000	Withdrawn by claimant.
305E	Great Barrier Island*	100,000†	20,000	..	..	20,000	Withdrawn by claimant.
305F	Coromandel	300†	..	..	..	..	Withdrawn by claimant.
305G	Point Rodney	40,960	10,000	1,944	1,944 (a)	8,056	(a) Ultimately commuted for scrip issued by the Crown at 15s. per acre, as Natives disputed the boundaries awarded.
305H	Tairua, Bay of Plenty	Not stated	3,000	..	..	3,000	Not purchased from rightful owners.
305I	Waiheke	3,000	3,000	1,187	885	1,813	Only small area admitted by Natives to be purchased.
305J	Mercury Island‡	6,000	6,000	..	..	6,000	(b) This area only being admitted by Natives to have been bought, the difference of area awarded the cost of survey thereof
305K	Piako ..	80,000	80,000	12,674§	7,500 (b)	67,326	was made good by the Crown purchasing the necessary land. For co-claimants, see page 19.
305L	Thames	3,000	3,000	..	..	3,000	Withdrawn by claimant.
305M	Waiheke	2,000	3,500	..	..	3,500	Purchase not completed before the 14th January, 1840.
	Totals ..	241,110	132,300	17,655	..	114,645||	

* Total area of island by survey, 71,800 acres.

† About.

‡ Total area of island by survey, 4,090 acres.

§ The larger area of grants ultimately awarded under the third Commission is explained by an allowance made, according to law, in respect of the survey of the claim after the rate of one acre for every 1s. 6d. of the cost of survey thereof

|| The Crown obtained no land whatever in respect of Mr. Webster's claims that could be granted to any other person. All the land in the several claims that were not satisfactorily proved to the Commission to have been validly purchased by Mr. Webster reverted to the Natives.

APPENDIX B.

RESOLUTIONS ADOPTED IN THE SENATE OF THE UNITED STATES OF AMERICA ON
MR. W. WEBSTER'S LAND CLAIMS IN NEW ZEALAND.

14TH APRIL, 1892.—*Resolved by the Senate*, That after due re-examination of the matters presented in the petition of William Webster, and the evidence brought to their attention in support of his claim for indemnity from the British Government for lands in New Zealand, purchased by him in good faith from Native chiefs, and duly conveyed to him before the Government of Great Britain acquired the sovereignty over that country by a treaty made with said chiefs, and after due examination of the refusal of the Government of Great Britain to entertain such claim, and of the allegations and principles upon which such refusal is based, the Senate of the United States consider that said claim for indemnity is founded in justice and deserves the cognisance and support of the Government of the United States. And that said claim, as a claim for money indemnity, was not presented by the United States to Great Britain prior to September, 1858.

Resolved, That the President is requested to take such measures as, in his opinion, may be proper to secure to William Webster a just settlement and final adjustment of his claim against Great Britain, growing out of the loss of the lands and other property in New Zealand, of which he has been deprived by the act or consent of the British Government, and to which he had acquired a title under purchases and deeds of conveyance from the Native chiefs, prior to 6th February, 1840, and prior to any right of Great Britain to said islands; and that the President is particularly requested, among other measures that may seem to him proper, to propose to the Government of Great Britain that the entire contention be submitted to arbitration, to the end that a final and conclusive settlement thereof and of all questions involved may be thereby attained.

Approximate Cost of Paper.—Preparation, not given; printing (1,300 copies), £15 10s.

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