

of the United States to verify the citation for themselves, as might have been done by the Consul at Wellington or the Legation in London. For examination of the New Zealand Government *Gazette* shows that this supposed schedule is not there, either under date of May, 1842, or any other date. On the other hand, examination of the documents appended to the Report of the Senate Committee shows that this "Schedule of Titles proved" was fabricated by Webster in 1884. Its origin and development will be seen later.

19. Further, it is the fact that the rule limiting a claimant to a maximum grant of 2,560 acres was not enforced against Webster; he, and the people who bought from him, obtained (pp. 81-79) just ten times that amount—25,735 acres—besides 16,189 acres allotted to Abercrombie and Nagle, partners with Webster in the Barrier Island purchase: total, 41,924 acres.

20. But, even if the claim were not so barred, Webster is by his own act estopped from raising it. A notice was issued in February, 1841 (p. 29) by the Governor of New Zealand, directing that all foreigners should forward a copy of their land-claims to the Colonial Secretary's Office, Auckland, on or before the 1st June, 1841. Accordingly, Webster wrote on the 20th July, 1841, sending in seven copies of titles and seven statements of purchases, to be laid before the Commissioners *for examination only*, adding that he had sent all his claims to land before the United States' Government, by the advice of the American Consul of Sydney. In reply, he was told, on the 7th August, 1841, that he must distinctly state whether he claimed the land as a British subject or American citizen. If the former, his claims would be dealt with as the law allowed; if the latter, his claims must depend upon the decision arrived at by the two Governments. He was also informed that, in seeking assistance from a foreign Government, he must relinquish all the rights of a British subject, such as the ownership of a British ship, which he was understood to possess; but if the claims were lodged as a British subject, the Governor would consent to their being laid before the Commissioners in the usual way. On the 3rd October, 1841, Webster answered as follows: "Sir, in reply to yours concerning my claims to land, I wish my claims to be laid before the Commissioners, and I will take my chance with all others. But I trust they may be left until the last, for it will put me to a serious inconvenience to attend to them now." The full correspondence is at pp. 53, 54.

21. He thus made his election, not indeed as to the nationality which he desired to claim, but as to the mode in which he wished his claims to be dealt with. Time was given him; and on the 1st July, 1843, and at subsequent dates up to August, 1844, every claim brought forward by Webster, fourteen in all, was dealt with by the Commissioners (pp. 55-73), with the result that his purchases were allowed to the amount of 41,924 acres, of which 16,189 were allotted to his partners in the purchase, 305E, of part of Barrier Island, and the remainder to Webster himself, or to persons to whom he had already sold. The whole of these 41,924 acres are included in the present claim, except 5,000 acres sold to Mr. Dacre (p. 39).

22. The Senate Committee's Report argues at length (pp. 19-23) that Webster, notwithstanding this correspondence, remained an American citizen, and retained all his rights, especially under a correspondence which passed between Mr. Everett and Lord Aberdeen in 1844, more than two years after he had chosen to take his chance before the Commission rather than wait for the delays of diplomatic correspondence. It is not suggested that his nationality was affected; but having, in 1841, made his election between the two modes of procedure offered to him, and having had the benefit of practically everything to which he could prove his title, he must abide by the choice which he then made.

23. Assuming, however, that the claim was not barred by the Convention, and assuming that Webster had not precluded himself from raising it, the claim must still be rejected on its merits. It is grossly exaggerated, it is tainted with fraud, and so much of it as was genuine was allowed to Webster and his assigns half a century ago. He claims for 500,000 acres (p. 2): as regards 255,890 acres, there is no proof that he ever bought one single acre; the remaining 244,110 acres form the "Schedule of Titles proved." The figures 241,540 at p. 10 is inaccurate; the Schedule totals 241,110, and adding 3,000 acres (p. 60) for 305H, which, though "proved," could not be traced, the result is 244,110 acres.

24. No document of title has ever been produced in respect of any part of the 255,890 acres, nor any statement of the localities where the land was situated. It is true that (pp. 121, 122) Webster informed the American Consul on the 4th November, 1840, that he had paid for land on the banks of the River Waitemata £280, and the Senate Committee (p. 8) state that Webster had, in all, twenty-seven claims. This statement is based (p. 94) upon a note attached by Webster to his letter of the 20th July, 1841, asserting twenty-seven purchases, of which the title-deeds of thirteen were missing, but would be produced when found—they never have been produced. Webster's attorneys, Kimber and Ellis, in 1873 stated (p. 140) that he had sent to the Commissioners notice of his *principal* claims, of which they append a schedule (p. 142), obviously intending that the existence of other claims should be inferred. But no proof in support of these statements, or of this inference, has ever been forthcoming. Indeed, Kimber and Ellis themselves say (p. 140) that Webster states that "he duly proved *all his claims* to the satisfaction of the Commissioners." He made no claim before them in respect of any part of the 255,890 acres.

25. The Committee (p. 2) state, after speaking of 500,000 acres, that "all the tracts are situated on the north and north-east coast of the North Island," and that "their location is indicated on the annexed map by red boundaries and letters." A map is given opposite to p. 114, but if this is the map referred to by the Committee it contains only twenty tracts indicated by red lines, not twenty-seven, and only eleven are marked with letters, viz., 305, 305B to K. It is possible to identify 305A, L, M, but no authority or evidence is forthcoming to explain why the other six are marked in one place rather than another, or, indeed, why they are there at all.

26. On the other hand, the Committee (p. 2) say he purchased "about 500,000 acres in all. He expended for these lands in cash and merchandise, and in substantial improvements thereon, £15,672 (somewhat more than 78,000 dollars)." A reference to Webster's letter to the Consul of