

for the purpose of creating a Commission "to examine and report on claims to grants of land in New Zealand," and it was doubtless the passage of this Act that gave rise to the reports to which Mr. Webster adverted in his letter. Subsequently this Act became inoperative by reason of the severance of New Zealand from New South Wales, and on the 9th June, 1841, an ordinance, which was virtually a transcript of the New South Wales Act, was passed in New Zealand by the Governor and his Council. This ordinance and the prior Act, both of which were drawn in conformity with instructions of the Home Government, declared, "All titles to land in the said colony of New Zealand which are held or claimed by virtue of purchases or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, leases or pretended leases, agreements, or other titles, either mediately or immediately from the chiefs or other individuals or individual of the aboriginal tribes inhabiting the said colony, and which are not or may not hereafter be allowed by Her Majesty, her heirs and successors, are, and the same shall be, absolutely null and void."

It was further provided that no grant of land should be recommended by the Commissioners under the ordinance which should exceed in extent 2,560 acres, unless they were specially authorised thereto by the Governor, with the advice of the Executive Council, or which should comprehend any headland, promontory, bay, or island that might be required for the purpose of defence, or for the site of any town or village, reserve, or for any other purpose of public utility, nor of any land situate on the sea-shore within 100ft. of high-water mark. And it was further provided that nothing in the ordinance should oblige the Governor to make and deliver any grant unless His Excellency should deem it proper to do so. There was also a provision that the Commissioners should not recommend any grant whatever of any land which, in the opinion of the majority of them, might be required for the site of any town or village, &c.

Orders respecting Foreigners.—By an order of the Lieutenant-Governor of New Zealand dated the 9th February, 1841, it was directed that all persons not the subjects of Her Majesty who had purchased land from the aborigines previous to the 30th January, 1840, should forward a copy of their claims to the Colonial Secretary's office at Auckland on or before the 1st June, 1841.

In the *New Zealand Gazette* of the 20th October, 1841, there was published another order of the Governor, in which it was stated, "for the information of foreigners claiming land in New Zealand by purchase from the Natives prior to the Proclamation issued by His Excellency Sir George Gipps, bearing date the 14th day of January, 1840, that by a despatch from the Right Hon. Her Majesty's Principal Secretary of State for the Colonies it is ordered that all claims, whether British or foreign, be investigated and disposed of by the Commissioners appointed for that purpose." The order continued as follows: "Such foreigners, therefore, as have not already forwarded the particulars of their claim to this Government are required to send them to this office without delay. These particulars should set forth the precise situation of the land claimed, its extent and boundaries, the names of the Native sellers, and the consideration paid to them, and, in case of the claims being derivative, the names of the intermediate possessors of the land and of the original purchaser, and the consideration given by him to the Natives."

Submission of Mr. Webster's Claims.—On the 20th July, 1841, being thus expressly required to do so, Mr. Webster sent seven copies of titles to land and seven statements of purchases to the Colonial Secretary of New Zealand, with a request that they be laid before the Commissioners for examination only. At the same time he said,—

I have sent all my claims to land in this country before the United States Government, by the advice of the American Consul of Sydney, and I trust His Excellency Governor Hobson will not suffer any of my lands to be interfered with until the question is settled. I have been a resident in New Zealand for seven years, and have expended a large sum of money, and undergone a great deal of trouble and hardships.

I am willing to come forward and prove all my purchases; but I trust that I shall be allowed time to do it, for I am very busy now with ships, and am under heavy penalties for the fulfilment of my agreements, and I find it will take a long time to get all the Natives and witnesses to my purchases of land together, and the expense will be very great. I find myself already at a great loss, and it appears to me that I am to be put to much more, and I do not know who to look to for it. I trust, when my claims for purchases to land (in this country) are examined, that they will prove to be all well understood by them that hear them; and it was all bought before that any Government was formed here; and I further consider that all I have has been dearly earned, and I trust that before I am dispossessed of any of it it will be proved who has the best right to it.

Hoping that I have not made any unjust remarks,

I have, &c.,
WILLIAM WEBSTER.

In reply to this letter Mr. Webster received a communication from the Colonial Secretary dated the 7th August, 1841, which is as follows:—

SIR,— Colonial Secretary's Office, Auckland, 7th August, 1841.

I have had the honour to receive and lay before His Excellency the Governor your letter of the 20th ultimo, transmitting copies of titles of claim to land in New Zealand, and am instructed to acquaint you that you must distinctly state whether you claim the land as a British or American subject. If the former, your case will take the course the law prescribes; if the latter, your claims must depend upon the decision which may be arrived at by the joint consent of both Governments. The Governor further directs me to inform you that in seeking assistance from a foreign Government you must relinquish all the rights of a British subject, such as the ownership of a British vessel, which you are now understood to possess; but, if the claims be lodged as a British subject, His Excellency will consent to their being laid before the Commissioners in the usual way.

I have, &c.,
WILLOUGHBY SHORTLAND.

Mr. William Webster, Coromandel Harbour.

On the 3rd October, 1841, Mr. Webster sent the following answer:—

SIR,— Coromandel Harbour, 3rd October, 1841.

In reply to yours concerning my claims to land, I wish my claims to be laid before the Commissioners, and am willing to take my chance with all others. But I trust that they may be left until the last, for it will put me to a serious inconvenience to attend to them now.

I have, &c.,
WILLIAM WEBSTER.

It is stated in the memorandum of Sir Robert Stout that upon the cases submitted by Mr. Webster there were made the following entries:—

Memorandum for the Governor.—The information furnished regarding these claims is sufficiently full to enable them to be referred for investigation. It appears from Mr. Webster's letter of July that these are only a part of