

*Conclusions.*—From the foregoing it appears—

1. That the good faith of Mr. Webster in his land-purchases is unquestionable.
2. That the validity of nearly all his important conveyances from the Natives was recognised and admitted, and valuable consideration established.
3. That, in consequence of the annexation of New Zealand by Great Britain, and of the land ordinances adopted and enforced, Mr. Webster was prohibited from selling or conveying or completing title to any of the lands which he had purchased, and of which he was in quiet and undisputed possession at the time of the annexation.
4. That in certain of Mr. Webster's cases (305, 305A, 305C, 305G, 305I) the Land Commissioners found that 94,300 acres had been purchased by Mr. Webster in good faith, but recommended grants to him and his assigns of only 17,655 acres.
5. That in certain other cases (305B, 305J, and 305M) it was shown that 11,000 acres had been purchased by Mr. Webster in good faith, but that no grant whatever was made.
6. That in certain other cases (305D, 305F, and 305L) no awards were made, on the ground that the claims had been withdrawn, which Mr. Webster denies. And in this relation it is to be observed that the withdrawal of these claims is alleged to have been made before Commissioner Godfrey in May and June, 1844, after he had ceased to be a Commissioner, and had returned to England, and after the second Commission, consisting of Mr. FitzGerald, had entered upon its duties.
7. That these proceedings, which were consummated in 1862 under the Act of 1856, were in derogation of the principle conceded by Lord Aberdeen to Mr. Everett in 1844.
8. That they were in derogation of the same principle as announced by the Governor to Mr. Webster a year later, in 1845.

In view of the facts above set forth, it is not perceived what basis there is for the assertion in the memorandum of Sir Robert Stout that "awards were made in his (Mr. Webster's) favour, or in favour of his acknowledged assigns, of every single acre of land which the Native owners admitted he had justly bought from them."

These words are found in the concluding paragraph of Sir Robert Stout's memorandum. Above them, on the same page, are the following observations: "I have to remark that in the year 1874 the Secretary of State, in a despatch to Governor Sir James Fergusson, required a report on Mr. Webster's claims, in order to reply to a complaint made by Mr. L. C. Duncan, on behalf of Mr. Webster, that he had been treated with injustice in their adjudication. Mr. O'Rorke, the then Commissioner, and at present Sir G. M. O'Rorke, Speaker of the House of Representatives, furnished to the Governor, for transmission to the Secretary of State, a full report on the claims, together with an opinion from Mr. Whitaker as to the accuracy of such report (who had been personally acquainted with all the details of Mr. Webster's land-transactions at the Piako), and a further report from Dr. Pollen, then Colonial Secretary, who had been personally acquainted with Mr. Webster in New Zealand."

An examination of the report of Mr. O'Rorke does not render necessary any change or modification in the statements herein made in regard to Mr. Webster's claims. The "further report," however, of Dr. Pollen merits examination. It is expressly referred to and put forward in the memorandum of Sir Robert Stout as the statement of a contemporaneous witness, and as possessing the peculiar value of a declaration made by an individual "personally acquainted with Mr. Webster in New Zealand." The value of this piece of evidence, which was formulated on the 29th July 1874, is readily tested. Dr. Pollen's statement is as follows:—

I knew Mr. Webster during the period of his residence in New Zealand, from January, 1840. He was what was then called a "trader" on the coast, and was known to represent or to be supported by Sydney merchants.

Towards the close of the year 1839, when it became certain that a sovereignty of New Zealand was about to be acquired by Great Britain, Mr. Webster, as did many others, dealt largely with Natives for land, or, rather, for land-claims. There was then no way of ascertaining the right to land of the Natives who took "trade" for their signatures. There was no survey, and the estimate of area within the boundaries, when any boundaries were defined in the deeds of conveyance, was almost always excessive—in many cases ridiculously so. Hence the exaggerated character of some of the claims.

The early land-purchases, which were made with deliberation and care, and in accordance with Native usage, were rarely questioned; but those which were made in haste immediately before January, 1840, and, as it were, more for the purpose of getting up a "claim" than of acquiring title, were commonly repudiated by the Native owners of the land. Some of Mr. Webster's claims are in this category.

Mr. Whitaker, of Auckland, who has a derivative title through Mr. Webster to a large block of land in the Piako district, has not to this day been able to get possession from the Natives. It will be necessary, in order to keep the faith of the Crown (as the land in question was awarded to Mr. Webster by the Land Claims Commissioner), and to preserve the peace of the country, either to extinguish the Native title to this land by purchase or to find for Mr. Whitaker an equivalent elsewhere. A proposal with a view to settlement of this claim is now before this Government.

Mr. Webster's failure was, as I recollect, of the usual commercial character. He was already in difficulties, as shown by his arrest in Sydney in 1840, and his insolvency was completed in the financial crisis of 1842–43 in New South Wales, by which his principals there were affected. His misfortune was never, as far as I know, until now attributed to the action of the Colonial Government or of the Imperial Government. If any such complaint had been made in the early days of settlement, I think that I must have heard it. I do not think that it would have been made in the presence of any person familiar with the facts. It may at present be regarded as a lawyer's plea merely, on his client's behalf.

29th July, 1874.

DANIEL POLLEN.

The first observation to be made upon this statement is that Dr. Pollen does not assert acquaintance with Mr. Webster prior to January, 1840, before which time every title claimed by Mr. Webster was acquired. The next thing to be noticed is the declaration that "towards the close of the year 1839, when it became certain that the sovereignty of New Zealand was about to be acquired by Great Britain, Mr. Webster, as did many others, dealt largely with the Natives for land, or, rather, land-claims."

In answer to this, it is to be observed, in the first place, that the Commissioners found and reported good faith and valuable consideration in all Mr. Webster's purchases which they examined. In every case but one they found that the purchases had been made from the rightful