

## Enclosure 2.

SIR,—

13, Victoria Street, S.W., 6th November, 1890.

I have to acknowledge the receipt of your letter of the 25th October, covering copy of a note from Mr. Lincoln to the Marquis of Salisbury, with a printed memorandum on the subject of Mr. Webster's land-claims.

I presume from Mr. Lincoln's note that the memorandum is adopted by the Government of the United States, and forms the ground of their renewed representation to Her Majesty's Government.

Not having any function as Agent-General to intervene in the controversy, I must ask that the few observations I now make in response to Lord Knutsford's request may be taken as made unofficially, as the former Commissioner under the (New Zealand) Land-claims Act of 1856.

It would be an easy task to answer the argument contained in the memorandum, consisting chiefly as it does of a criticism of Sir Robert Stout's exhaustive report on the case in 1887; but there would be no object in making any answer of the kind, so long as it is not known whether Her Majesty's Government do or do not admit the main contention now apparently advanced by the United States Government, that the decisions of successive Commissions under Acts and Ordinances of New Zealand from 1841 to 1856 were "in derogation of the principle conceded by Lord Aberdeen to Mr. Everest in 1844," and that Mr. Webster may still come in and claim as an American citizen under that note.

If Her Majesty's Government admit this contention, then Mr. Webster's case will enter upon a new phase, in which the New Zealand Government could not be expected to take any part. If, on the contrary, Her Majesty's Government hold that Mr. Webster, having submitted his claims under the ordinance of 1841, debarred himself from making a separate claim afterwards as an American citizen, then it follows that he could not take anything under Lord Aberdeen's note in 1844, and can take nothing under it now.

The memorandum sent in by Mr. Lincoln controverts Sir Robert Stout's view that "no other inference can be drawn from Mr. Webster's voluntary submission of his claims than that he intended to have them heard as a British subject." Personally, I conceive this view to be unanswerable; but as Commissioner under the Act of 1856 I held it to be quite immaterial whether Mr. Webster did or did not make any mental reservation when he submitted his claims. The only thing to consider was what the Governor was induced to do by his submitting them. The Governor had expressly imposed the condition that if the claims were heard they should only be heard as those of a British subject, and Mr. Webster knew very well that if he rejected that condition his claims would not be heard at all. He had the choice between staying outside the ordinance of 1841 in his character of American citizen, or of submitting his claims under the condition imposed by the Governor. He made his election, and submitted them. What he could not do was to submit them, appear before the Commission in 1841, petition the Governor in 1844 for a rehearing, obtain that rehearing, receive a number of Crown-grants, resign the grants to his creditors, and then come in afresh as an American citizen under Lord Aberdeen's note to Mr. Everest. He could not take the colonial law for what it gave and reject it for what it denied. And what he could not do for himself then the United States Government cannot do for him now.

I have, &amp;c.,

The Under-Secretary of State for the Colonies, Downing Street.

F. D. BELL.

## No. 2.

The AGENT-GENERAL to the PREMIER.

Westminster Chambers, 13, Victoria Street, London, S.W.,  
29th January, 1891.

SIR,—

In continuation of my letter of the 7th November, No. 1607, I beg to enclose copy of a letter from the Colonial Office, covering a note addressed from the Foreign Office to the United States chargé d'affaires on the subject of Mr. Webster's land-claims.

I have, &amp;c.,

The Hon. the Premier, Wellington.

F. D. BELL.

## Enclosure.

The COLONIAL OFFICE to the AGENT-GENERAL.

SIR,—

Downing Street, 26th January, 1891.

With reference to your letter of the 6th November last, and to previous correspondence, respecting Mr. Webster's claim in regard to certain lands in New Zealand, I am directed by Lord Knutsford to transmit to you, for your information, a copy of a note which has been addressed from the Foreign Office to the United States chargé d'affaires.

A further copy of this note will be sent to the Governor of the colony for communication to his Government.

I have, &amp;c.,

Sir F. D. Bell, K.C.M.G., &amp;c.

ROBERT G. M. HERBERT.

## Sub-enclosure.

Lord SALISBURY to Mr. WHITE.

SIR,—

Foreign Office, 16th January, 1891.

In his note of the 11th October last Mr. Lincoln forwarded for the consideration of Her Majesty's Government a memorandum in regard to the claim of Mr. William Webster for further