

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.