

1894.
NEW ZEALAND.

WEBSTER'S LAND-CLAIMS.

[In continuation of A.—4, 1893.]

Presented to both Houses of the General Assembly by Command of His Excellency.

The SECRETARY of STATE for the COLONIES to His Excellency the GOVERNOR.

(New Zealand, No. 20.)

MY LORD,—

Downing Street, 18th April, 1893.

I have the honour to acknowledge the receipt of your telegrams of the 27th March and 15th instant, in reply to mine of the 11th March, respecting the land-claims of Mr. W. Webster in New Zealand.

I enclose for your information, and for that of your Government, a copy of a letter from the Foreign Office, with copy of a note from the United States Minister at this Court, on the subject of these claims, which will explain the telegram which I had the honour of addressing to you.

Governor the Right Hon. the Earl of Glasgow,
G.C.M.G., &c.

I have, &c.,
RIPON.

[Enclosures.]

Mr. T. H. SANDERSON to the UNDER-SECRETARY of STATE, Colonial Office.

SIR,—

Foreign Office, 25th February, 1893.

With reference to my letter of the 23rd August, 1892, respecting the land-claim of Mr. W. Webster, in New Zealand, I am directed by the Earl of Rosebery to transmit copy of a further note from the United States Minister at this Court, requesting that the decision arrived at by Her Majesty's Government with regard to this case may be reconsidered.

Lord Rosebery would suggest that the attention of the Government of New Zealand should be again called to this matter, and that they should be requested by telegraph to forward as soon as possible their observations on the report of the United States Senate Committee, which was communicated to them in August last.

On the receipt of those observations it may be desirable to consult the Law Officers of the Crown as to the answer to be returned to the fresh representation now made by the United States Government, and generally as to the course to be adopted.

Mr. Lincoln has requested that the matter may have Lord Rosebery's personal attention. This would in any case have been given to it, but the request implies that the United States Government are not likely to drop the claim unless either a conclusive reply can be furnished, or some method of impartial investigation proposed.

The Under-Secretary of State, Colonial Office.

I have, &c.,
T. H. SANDERSON.

Mr. ROBERT LINCOLN to the Right Hon. the Earl of ROSEBERY.

MY LORD,—

Legation of the United States, London, 9th February, 1893.

With reference to the note of the Marquess of Salisbury, of 18th August, 1891, relative to the claim of Mr. Webster growing out of his alleged wrongful deprivation of lands owned by him in New Zealand, I have again the honour, under the instructions of the Secretary of State, to bring the subject of a consideration of Mr. Webster's claim to the attention of Her Majesty's Government, and to say that my Government are unable to admit the validity of the ground upon which was put, in the above-mentioned note, the declination of Her Majesty's Government to consider the claim as that of a United States citizen, entitled to the protection of the principle as to land-claims of foreigners in New Zealand, which was announced by Lord Aberdeen to Mr. Everett on 10th February, 1844, as that which was to control the administration of the then newly-organized colony. The declination I have referred to was based upon the proposition as stated, that Mr. Webster voluntarily accepted the conditions imposed upon him by Governor Fitzroy in 1841, and submitted his claim as a British subject under the colonial ordinance of that year; and it is my duty to represent to your Lordship that, in the view of my Government, this proposition is not supported by the uncontroverted facts in the case.

Mr. Webster is a native-born citizen of the United States, and has never in any manner renounced that status. Having acquired lands in good faith from the Natives of New Zealand, he was, with all other foreigners, upon the assumption of sovereignty over that country by Her Britannic Majesty, ordered to present his claims to land for the consideration of the new colonial authorities, and he presented claims distinctly and formally asserting his American citizenship. Upon this a letter was written to him demanding that he should distinctly state whether he claimed as a British subject or as an American citizen. By his reply he left himself resting upon his former distinct assertion of his American citizenship, and said in effect that he was willing to trust the decision of the *bona fides* of his land-claims to the tribunal before which he (as were all other foreigners) was compelled by public order to appear. This tribunal admitted the *bona fides* of his purchases as to many thousand acres of land, and then applied to him an arbitrary rule which, if enforceable against British subjects, was not properly enforceable against foreigners. This arbitrary rule was that no claim should be recognised for more than 2,560 acres of land without the special authorisation of the Governor in Council; and it is the view of my Government that by its enforcement against Mr. Webster he was wrongfully deprived by the New Zealand Government of many thousand acres of land, the title of which was lawfully vested in him, and that this deprivation was an administrative act in clear disregard of the assurance given by Lord Aberdeen in the premises of Mr. Escott.

Since the above-mentioned note of Lord Salisbury the subject has been re-examined by the Committee on Foreign Relations of the Senate of the United States, and I have the honour to enclose, and to invite your Lordship's consideration of, a copy of the report of that Committee, which gives much more fully than I have attempted to do the grounds upon which my Government find themselves unable to assent to the disposition of Mr. Webster's case indicated in Lord Salisbury's note.

I venture to express the hope that the examination of these grounds will cause Her Majesty's Government to reconsider this case, and to take a more favourable view of it than they have heretofore done.

I have, &c.,

The Right Hon. the Earl of Rosebery.

ROBERT LINCOLN.

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