

led you to make such statements, when the despatch, with the advertisement appended to it, was already actually published in the correspondence laid before Parliament. But I am sure I did not feel, and therefore could not exhibit, any such unworthy spirit as you impute to me, in discharging a duty concerning which I had no possible choice.

3. In your remarks relating to my conduct in administering the Act, both those contained in your despatches of 1st July, 1874, No. 186, and 8th September, 1874, No. 260, and those in your despatch now under reply, it seems to me that you overlook the effect which this advertisement, coupled with certain passages of your own despatch considered in my letter of 15th December, 1874, No. 1956, must have had in guiding my discretion. Your advertisement informed all persons—"especially," but not solely, "those who desire to settle on land," and who were "willing to pay their own passages to New Zealand"—that they were "entitled to free grants of land" on "registering their names" at this office. These words, dictated by yourself, and at once circulated widely throughout the United Kingdom, would alone have sufficed to reduce my discretion under the Act to almost a nullity. Having announced that the mere desire to settle on land gave, with registry of name and payment of passage, a title to a free grant of land, how could I, without further authority, have imposed conditions inconsistent with an invitation so simply unlimited, and which, though written by you, was issued in my name on behalf of the Government? There was nothing in the language of your despatch or in the provisions of the Act, as I have fully explained in my letter of 15th December, 1874, No. 1956, contradictory to or inconsistent with the terms of the advertisement; and I submit that my plain duty was so to exercise the discretion vested in me, that your advertisement, your despatch, and the Act might be interpreted in unison; but especially to remember, in the situation in which I am placed here, that the advertisement was a notice to the emigrating classes throughout the United Kingdom, to which the honor of the colony was pledged. You say, referring to the time at which you wrote your despatches of 1st July, 1874, and 8th September, 1874, that the Government saw with dismay my inclination to give recommendations or certificates to whosoever applied for them. Until the latter date, certainly, I only heard complaints of my inaction, such as that in your telegram to the Superintendent of Otago, on the 3rd June, saying that I had not yet advised you that I had approved of a single person under the Act. In your despatch to me of the 1st July, you say that a few persons had, indeed, applied for land at that date under the Act, but not one of them had been able to produce my certificate. It does not at all follow that that was my fault. I could not give my certificate to persons who never applied for it; and I think it is very probable that many persons, misled by the terms of the advertisement, proceeded to New Zealand at that time in the expectation of getting land, and utterly ignorant that my certificate was necessary. I think, too, I was morally justified in forwarding for the consideration of the Government the applications of persons who went to the colony under such a not unreasonable misapprehension. You will remember that the schedule containing the regulations and forms of certificate under the Act was only issued at Wellington in May, was not sent to me until 1st July, and only reached me on the 31st August, being appended to your Despatch No. 186, condemning the terms of your advertisement. About a fortnight afterwards, on the 18th September, I received your telegram, saying, "You fail to understand Immigrants' Land Act. Not intended to give land unnecessarily, but to those who otherwise would be unlikely to come, and to those who intend to settle. Am visiting England to confer with you." I confess I could not help at this date yielding to a feeling of confusion, and to a sense of my utter inability to reconcile instructions, the completely conflicting character of which is best evidenced in your own expressions to Superintendent Macandrew, which show that you yourself had in June completely forgotten the form in which you had instructed me to invite the people of the United Kingdom to avail themselves of the Act. I began to see that, until I had the promised opportunity of conferring with you, I could not pretend to understand what policy the Government really wished me to pursue in regard to the Act. Meantime, I felt it was necessary I should explain, for the information of the Government, and in my own vindication, my views as to the scope of the Act; and that I should also take notice of some of the applications under the Act contained in the *précis* of cases appended to your despatch of 8th September. Such were the motives and such the subject matter of my letters of 23rd September, No. 1663; 15th December, No. 1956; 22nd December, No. 1986; and 22nd January, No. 52, to which you have referred, and which I am sorry to see you regard as if they originated in a propensity to analytical criticism, or an argumentative disposition, and not in the difficulties in which conflicting instructions had placed me.

4. My memory is not in accord with yours as to the substance of what passed between us in conversation on the occasion to which you refer. I could not, as you seem to suppose, have doubted the authority of the Government to give instructions for guiding my selections, for the simple reason that I had already stated, in my letter of 15th December, that I would in all future selections observe certain rules you had indicated to me in your despatch of 8th September, No. 260. What I did and do maintain is, that your instructions of 21st October, 1873, read in connection with the advertisement and the Act, did not leave me any reasonable ground, before you had censured that advertisement and given me further instructions, upon which I could refuse my certificate to any person of either sex, and of any age between eighteen and sixty, who satisfied me that it was his or her desire to settle on land, and who produced evidence that he or she had paid the passage. If, however, I had entertained any doubt as to the power of the Government so to instruct me, the opinion of Messrs. Mackrell, to which you refer, would so far have sustained me, for they say that, under the Act, "no authority is given to the Government to instruct the Agent-General as to how he shall exercise his judgment; but he would doubtless be guided by the views of the Government upon the subject." As a matter of fact, however, my own desire was to follow your instructions, so far as I could understand them, reading the Act, the advertisement, and your despatches in concordance. You say, referring again to my conversation with you, that I would only concur in regulations for guiding my selections upon your obtaining legal advice on the subject. The opinion of Messrs. Mackrell says nothing of regulations for guiding my selections. It says "that there is no objection to conditions being prepared and published as a guide to persons desiring to know whether or not they would be suitable emigrants." Messrs. Mac-