

krell add that such regulations should be addressed by me to the public, and not by the Government to me as you seem to suppose. I certainly did think, and I still think, that I had no right to devise regulations as to my own discretion in selection incompatible with my original instructions, pending official communication to me of other instructions. But when such instructions came, I at once made them the rule of my conduct. You say that your instructions, to which I then referred, were simply that I should exercise discretion. You forget that, in the despatch to which I was then replying, you had laid down two leading principles, which I was for the future to bear in mind in administering the Act—(1) That the applicant must be specially led to emigrate by the Act; and (2) must be a person whom I could fairly regard as a permanent settler; and that you further instructed me, except in very rare cases, not to give my certificate to persons who had already paid their passages. It is impossible to read these last stipulations in connection with your advertisement and your original despatch, and not see that they amounted to something more than a general injunction to me to use discretion. Neither could I possibly have said to you, as it is your impression that I did, that I had no power to exercise discretion. The question throughout the entire correspondence has been how I should exercise the discretion vested in me by the Act, so as to make the terms of the Act accord with your views at the time you sent me the notice to be issued inviting emigrants under the Act, and the time when you censured and repudiated that notice.

5. As to the actual exercise of my discretion in issuing my certificate, I may here be permitted to say that from the commencement I have made it my rule, when my certificate was applied for, to see the applicant personally, to inform myself as far as I could as to his circumstances and intentions, especially as to his desire to take up land either personally or by means of some members of his family; to ascertain that he had a general knowledge of the obligations of the Act, and that he could produce his contract ticket. My instructions to Mr. Ottywell, who on occasion of my absence from London acted on my behalf, were to direct his inquiries to the above effect; and such were my directions to Mr. Adams, to whom I have delegated the power of issuing certificates in Scotland.

6. You observe you think that I should endeavour to understand your meaning, when you say that I should not give certificates, except in very few cases, to persons who have already paid their passages before asking me to approve of them as "suitable emigrants," though the certificate appended to the Act obliges me to certify that I have in each case seen the applicant's contract ticket. Let me say that if the Act is to operate at all, this rule must be relaxed in far more than the very few cases in which you would allow it. How does the Act in fact operate as an inducement to emigration? Persons generally from the agricultural districts, almost always at long distances from my office, have read in the advertisement on the subject, or the Official Handbook, or in the Act itself, that (to quote the first words of the Act) they will be "permitted to acquire land free of cost in proportion to their expenditure on immigration." Naturally, they considered that they should come to me prepared with satisfactory proof of the extent of their expenditure on immigration. In the second clause of the Act, again, the payment of the passage money is stipulated in the first instance, and my certificate in the subsequent proviso. The emigrant is not directed to come to me in the first instance, as should have been the case had such a rule as you lay down been contemplated; but the words of the Act are, "before leaving the place of departure for New Zealand." Accordingly, the very class of emigrants who are most anxious to avail themselves of the advantages of the Act, and who have most carefully considered its provisions, have hitherto been led to conclude that there is little use in seeing me before they are in a condition to satisfy me as to their expenditure on immigration, and do not as a rule come to me until the eve of their departure for New Zealand.

7. I am sorry to be obliged again to refer to the case of Mr. U'Ren, but when you say that the objections to the course I took in that case were not that I failed to give him a certificate, but that I forwarded the application, with a recommendation to the Government to favourably consider it, you evidently forgot the terms of your despatch of 1st July, 1874, No. 186, in which you say, "I think the correspondence in this case supplies evidence, if evidence be wanted, that, had you exerted yourself as I asked you in my letter already referred to, there would have been no lack of people glad to take advantage of the Act." I failed to see how the case of a man who sailed for New Zealand before I had seen the Act could in any way afford evidence that I had omitted to exert myself properly in administering it. With reference to your objection now stated for the first time, I must however submit that, under the circumstances, I could not well have done otherwise than I did. The case was brought before me by a minute of the Under Secretary of State for the Colonies, Mr. Lowther, who had been moved in the matter by an eminent member of Parliament and late Minister, Mr. Horsman. I said, as you will find in my letter of 4th May, 1874, No. 1214, that I had no power in the matter, but would recommend the case to the favourable consideration of the Government. I do not think I could, in common courtesy or official propriety, have treated the recommendation of the Colonial Office in any less respectful way.

8. I readily admit that the case of the "Otago settler," to which you refer, was not one which I need have submitted for the consideration of the Government.

9. I must, however, adhere to the grounds of objection urged in my letter of the 22nd December, 1874, No. 1986, to the manner in which a *précis* of cases of application to the department at Wellington was prepared as matter of charge against me by one of its officials. I objected, and I still object, to a number of cases being huddled together, in general without names, dates, investigation of the circumstances, or inquiry into the veracity of the persons, and made the groundwork of grave charges against me. You say yourself that the reference to a particular applicant as being a father-in-law "was meant to help in describing who he was, the officer probably not remembering at the moment his name." I think I am entitled to ask, is this a way in which charges should be received and recorded against me by the officer of any department of the Government? I will go further. I will ask you, is it a way in which such charges against me should be submitted to you, the head of the Government, by a subordinate official? I am very sorry to see that, in the haste with which you have evidently read my letter, you have attributed language which I used with reference to myself as if I had applied it to your letter. You tell me that I have managed to insinuate that you "father a frivolous plea"—words