

tions or certificates to whosoever applied for them. Some of the cases recommended or approved seemed to them preposterously opposed to the intention of the Act. Your letters in reply are very argumentative, but they do not do away with the claims which have arisen through your rendering of the Act. The proof of your total misconception of the course you should take was supplied in the conversations between us on the subject, before I saw the copies of the despatches to which I am now replying. I stated to you my opinion that it would be desirable that regulations should be drawn out, to show generally the persons who were eligible to be considered suitable emigrants. You replied that you were convinced you had no option—that the Act was so drawn that it was incumbent on you to continue to give certificates to those who complied with the formalities of the Act. You would only concur in regulations for guiding your selection upon my obtaining legal advice on the subject. In consequence, I was obliged to obtain that advice. In your letter of the 15th December, you say you will strictly adhere to the instructions I had given you, which instructions were that you should exercise discretion. I am aware that this assurance on your part was inconsistent with your statement to me that you had no power to exercise discretion. As far as I am aware, you acted on the opinions expressed to me personally, rather than upon the instructions to exercise discretion.

5. You raise another difficulty on account of my having instructed you not to give certificates to persons who had already paid their passages, whilst the form of the certificate requires the production of the passage receipt. I really think you should endeavour to understand my meaning. There can be no question that what I meant was, that you should not give certificates to persons who had already paid their passages before asking you to approve of them as "suitable emigrants." The very nature of my letter supplied this meaning, for the first principle laid down was, "That land was to be given as a real inducement to those who might otherwise not be disposed to emigrate to New Zealand." I gave you the instruction because I found you disposed to give certificates to persons who paid their passages before applying to you, and who meant to go to the colony whether or not they received grants.

6. With respect to your despatch of December 22nd, I have to observe that you seem to have misunderstood the nature of the objections to which you were replying. For example, the objection to the course you adopted with Mr. D. U'Ren was, not that you failed to give him a certificate, but that you forwarded the application with the recommendation to the Government to favourably consider it. You virtually admit, in your despatch of the 22nd December, that Mr. U'Ren had no more claim than the people who went to New Zealand with Captain Cook.

7. I do not understand how you could consider that the intention of taking advantage of the Act influenced in emigrating to the colony the "Otago settler," who went to that province ten years previous to the passing of the Act.

8. The way in which, generally, you remark upon the *précis* of cases, appears to me to be open to much complaint. You assume that it was sent without being duly considered. Most of your remarks upon the *précis* are met by the observations with which it was accompanied in my letter of the 8th September, as follows:—"I attach a schedule of applications for land, which have been received here, and from which it seems, that anyone about to sail for the colony, whose passage has been paid, has had only to send to you a letter asking for a recommendation, in order to induce you to give it; that you have not generally considered the granting of a certificate necessary; but that you have given certificates in cases so anomalous that I am at a loss to understand how you could have given them." I then cited the case of Mr. Passmore. You have chosen to be very severe and facetious upon the case in the schedule which was referred to as that of the father-in-law of the new Head Master of the College. You have assumed that the objection to this gentleman was, that he was a father-in-law; and, following the not very novel device of raising a supposititious case, you have managed to insinuate that I "father a frivolous plea," and that my letter should be "treated with either suspicion of my motives or doubt of my capacity." If you will have the goodness to read the paper again, you will see that the reference to the gentleman being a father-in-law was meant to help in describing who he was, the officer probably not remembering, at the moment, the name. The supposition that the objection was to the fact of the gentleman being a father-in-law is so preposterous, that I cannot understand how you could reconcile it to yourself to write at such length upon it. All that the officer implies is, that this gentleman was not a "suitable emigrant," within the terms of the Act. Probably, this is one of many cases in which the applicant intended to go to the colony in any event, and, therefore, in which we should be giving away land unnecessarily.

The Agent-General for New Zealand.

I have, &c.,

JULIUS VOGEL.

(LEGAL OPINION REFERRED TO ABOVE.)

Messrs. J. MACKRELL and Co. to the Hon. Sir J. VOGEL.

SIR,—

21, Cannon Street, London, 2nd March, 1875.

*Re "The Immigrants' Land Act, 1873."*

In reply to your inquiry as to the powers of the Government and the Agent-General to determine as to who are or not suitable immigrants, we beg to advise—

1st. That the Agent-General is entitled to exercise his judgment as to who are or are not suitable immigrants.

2nd. That "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 his Government upon the subject;" and

3rd. 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 immigrants, but such conditions should appear to emanate from and be published by the Agent-General.

We return the print of the Act.

The Hon. Sir Julius Vogel, C.M.G.

We have, &c.,

JOHN MACKRELL AND Co.