

11. On receipt of Dr. Featherston's telegram, but before receiving the letter just quoted, Mr. Kirchner wrote (24th February), saying that he was unable to forward the documents required, "as our way of carrying on the acceptance of emigrants is different from yours;" but that, "at the close of last season," he had authorized his various agents to "engage emigrants according to the following distribution:—

"Agents in Denmark, Sweden, and Norway	...	...	...	400
" the German Empire	...	...	...	800
" Austrian Tyrol, Switzerland	...	...	...	100
" Italy	...	...	...	200
"In all				1,500 "

He continues:—"When, in January, my agents informed me that their applications exceeded their orders, I lost no time in advising you thereof, and it was then only that I received your telegram to suspend emigration arrangements as far as possible. I received this telegram on the 18th, and lost no time in informing all agents to refuse all further applications; and I hope to bring you proofs that none of the emigrants who have to be forwarded were accepted after the 20th January last. My present position between you, Sloman, and my other agents, is a most disagreeable one: it is, nevertheless, my duty to remain in it until all engagements have been performed conscientiously. It is my earnest desire to adjust everything amicably, to fulfil the obligations to emigrants without taxing you too much, and to arrange matters between you and Sloman without resort to law. There may be ever so many flaws in Sloman's agreement with you, which might prevent a recovery of damages, but the fact of such an action being brought, and the least semblance of repudiation, would, believe me, do no good to the colony. I really believe I could induce Sloman, without any promises from you, to cancel the remaining agreement, holding only out the hope to him that in case of a return to free emigration, his vessels might be employed again."

12. To this letter the Agent-General at once replied, by telegraph (27th February), in the following terms:—"I absolutely repudiate any liability whatever in respect of a single one of the fifteen hundred people you say you authorized your agents to engage, and will, if necessary, take immediate steps to prevent you proceeding further with such unauthorized transactions." To another letter from Mr. Kirchner re-stating his position in much the same terms, Dr. Featherston replied again, by telegraph (28th February),—"Further correspondence useless; my decision conveyed in yesterday's telegram is final and unalterable." And on the 4th March, he wrote, sending copies of those telegrams, and saying they contained "the only answer" he "deemed necessary."

13. The day before the Agent-General despatched the first of the telegrams just quoted, he had received the Hon. Major Atkinson's instructions by cable, "Send no more foreign ships." The fact that the Government had thus twice telegraphed to him, within little more than a month, in such positive terms to stop German emigration, had, of course, the greatest weight with him as to the course of action that it was proper and even open to him to pursue.

14. Mr. Kirchner wrote again on the 6th March. The Agent-General's telegram of the previous week had had an evident effect. The number of emigrants accepted had fallen from 1,500 to 588 statute adults; and it was even possible that these numbers might be reduced. His letter, which, follows, claims, it will be observed, that the Agent-General shall allow this number to be despatched as balance of the Queensland contract:—"I beg to enclose now the original applications of emigrants which were accepted by me in Germany, Italy, and Switzerland. There were 125 emigrants more accepted by me, engaged by my agents in Scandinavia, and I hope to forward the originals in a day or two. I have to regret that I could not forward them sooner, but I had to obtain them from the various agents. I confess that I ought to have kept copies of them, but the pressure of business was so great, and my office assistance so small, that it was not done. I could only keep a register. All emigrants were engaged previous to the 10th February, the date on which I had notice from you that free emigration would cease, as the emigrants will testify, if you are inclined to examine them. The number of accepted emigrants, according to the enclosed lists, amount to 433 statute adults, to which 125 from Scandinavia, as mentioned above, will be added; therefore in all 558 adults. As I mentioned to you before, I have made more promises of free passages; but as I did not formally accept, nor fix a date of departure, I trust that no liability can be fixed upon me. On my return from London, where you mentioned to me that you wished faith to be kept with the engaged emigrants, I wrote to Mr. Sloman to lay on two vessels on the 10th and 25th of April for them: this is my whole extent of liability to Mr. Sloman. As it may be possible that the above-mentioned number might still be reduced by reason of some of the emigrants being prevented from leaving, by not obtaining the Government permit, from sickness or other causes, Mr. Sloman proposes that, should the number be reduced to 470, to despatch the 'Fritz Reuter' only, which vessel measures for that number. I sincerely trust now that you will allow me to forward the above emigrants. I tried to do my best for you and the colony. My position would not only be terrible, and involve me in ruin and disgrace, but the poor emigrants, who trusted to me, would also be plunged into unspeakable misery, as they have broken up their homes and sold their little property at a great sacrifice. Would you kindly telegraph your reply, to save me from anxiety, and to mention also, in case of your assent, if the above number of people is to be forwarded as balance of the transferred Queensland contract?"

15. The Agent-General replied by telegraph,—"The more your proceedings are disclosed the more necessary it becomes that I adhere strictly to my decision communicated in my telegrams of the 27th ultimo. Sloman already advised that I neither intend to extend period for completing Queensland contract, nor to charter a single vessel for the conveyance of emigrants from Hamburg this year Bailey acting without proper authority." The last sentence of the telegram refers to a negotiation opened by the Secretary of the Emigrant's Aid Corporation with Mr. Kirchner, to which reference is made in the Agent-General's letter No. 364, concerning the "Fritz Reuter" emigrants.