

followed, and the result was that, on the faith of the assurances referred to below, an instrument dated the 27th day of June, 1872, and expressed to be made between the Governor of New Zealand by the Agent-General, of the one part, and your petitioners of the other part, was executed by the Agent-General, on behalf of the Governor, and by your petitioners, by the hands of Alexander and Henry Brogden. This instrument is fully set forth in the Parliamentary Paper, 1872, D. No. 19*n*, and it purports that your petitioners will send out such a number, not exceeding 2,000 able-bodied men, besides wives and children, as the Agent-General shall require; that the Agent-General shall cause them to be conveyed to the colony, and the Governor will make all payments in respect of their conveyance; that the Governor will deal with them on their arrival in as beneficial a manner as other immigrants are received and dealt with on behalf of the Governor on arrival in the colony; that your petitioners will repay the Governor £10 in respect of every such adult immigrant, to be secured, with interest, by joint and several promissory notes of your petitioners in a given form, and with liberty to the Governor to deduct the amount of any due notes from any moneys payable by him to your petitioners in respect of any railway or other works executed by them; and that your petitioners might take from every adult immigrant a promissory note for a sum not exceeding £15 in payment of their passage-moneys, the extra £5 being intended to cover risk of non-payment and expenses of collection.

6. The scheme embodied in this instrument of the 27th June, 1872, was accepted by our petitioners, Alexander and Henry Brogden, entirely at the instance and upon the faith of the representations of the Agent-General, who from time to time communicated to them the urgent despatches of the Government on the subject of the paramount necessity of a prompt and continuous flow of from 8,000 to 10,000 immigrants into the colony (Parliamentary Paper, 1872, D. No. 1) and earnestly pressed upon them the resumption and completion of the treaty which had begun between the Minister in the colony and Mr. James Brogden. Acceding to the Agent-General's request, your petitioners intimated their willingness to assist the immigration schemes of the Government by some arrangement which should neither yield them any profit nor expose them to any loss; and they suggested that they should keep account of the moneys expended and the repayments received from immigrants, and that the accounts should be ultimately settled upon the terms of their being repaid actual outlay. In was in anticipation that such would be the basis of agreement between themselves and the Government that your petitioners, before the execution of the document, the 27th June, 1872, sent out between 600 and 700 immigrants and their families. But the Agent-General objected that there was no finality in such an agreement. At the same time, he vouched to your petitioners, Alexander and Henry Brogden, in the strongest possible manner, and as from his own actual personal experience, that the terms which were ultimately embodied in the document of June, 1872, would fully and effectually indemnify them from all loss; and they implicitly relying upon this assurance (which to them was invested with all the weight attaching to the *ex officio* utterance of a Government authority), and confiding entirely in it, executed the document in question, and proceeded to act upon it until, in the whole, they had despatched 1,290 able-bodied men, besides women and children, to the colony.

7. At the same time he also represented to them that the Government itself was dealing with immigrants on a similar footing of advancing the passage-moneys and taking promissory notes; that it was found a satisfactory course to the Government; that there were no difficulties in the way of recovering and enforcing these notes; that the law of arrest for debt prevailed in the colony and was effectual; and that other immigrants would be sent out by the Government upon very similar terms. These representations were received by your petitioners as authentic, and contributed to induce them to accept the deed of June, 1872, instead of the basis they had themselves desired.

8. Immediately after the execution of the deed, the Government began taking out their own immigrants in the same vessels with those of your petitioners upon other and more favourable terms, thus creating jealousy and discontent on the part of the latter. They then proceeded to vary the terms upon which they took out immigrants, and finally to grant entirely free passages to immigrants other than those of your petitioners, and so raised the feeling of the latter from one of discontent to one of accusation against your petitioners, whom they charged with defrauding them, and against whom every device to avoid payment of their promissory notes was deemed legitimate. The Government afterwards ceased to enforce the promissory notes of their own immigrants, thereby showing their estimate of the value of securities which your petitioners had been so strongly assured by the Agent-General to be effectual. At length every possible chance of recovery was extinguished by the repeal of the law of arrest for debt, yet the Government claimed to remain creditor of your petitioners, after having itself destroyed the security which, the Agent-General had assured them, was ample to protect them from loss.

9. In this state of things, and in consequence of the losses sustained by your petitioners through their endeavour to assist the immigration plans of the Government by the means provided in the deed of June, 1872, Mr. James Brogden, in October, 1872, at an interview with the Hon. the Minister for Immigration, claimed that the Government should relieve your petitioners from that deed. The claim was further urged in a correspondence between the Minister and Mr. James Brogden in October and November, 1872, and between the petitioners in England and the Agent-General on the 15th, 26th, 27th, and 28th May, the 12th June, and the 10th July, 1873. This correspondence is all set out *in extenso* in the appendix to the report of the Committee hereinafter referred to (see the Parliamentary Paper, 1873, I.-5, pages 19 to 22). The letter of the petitioners to the Agent-General of the 12th June, 1873, recapitulated the fact of the Government having originated the negotiations which resulted in the deed of June, 1872; the pressure put both by the Government and himself upon them to undertake it; their statements to the Agent-General at the time that they sought no profit, but desired to make no loss; the strong assurances of the Agent-General of the amplitude of the security against loss, and upon the faith of which assurance alone your petitioners entered into the deed; and many of those subsequent measures of the Government to which the defalcations of the immigrants, in spite of the assurances of the Agent-General, are to be traced.