

emigrants and of those who might be brought out by Messrs. Brogden. Again, on the 23rd December, 1871, in a memorandum to the Agent-General, Mr. Gisborne says:—

The memoranda which have been addressed to you by previous mails will have informed you of the desire of the Government that emigration to New Zealand should be prosecuted with the utmost vigour, and they hope shortly to learn that you have been equally successful in making arrangements for the introduction of a large and continuous flow of emigrants from the United Kingdom. The necessity of this immigration, always imperative as a part of the general policy of the Government, is now still more so in consequence of the arrangement entered into with Messrs. Brogden and Sons for the immediate commencement of several of the railways authorized last session, and the intention of the Government to submit others to public competition as early as they can safely do so without deranging the labour-market. To this end you have already been left free to make such terms as to passage as shall in your judgment be sufficient to insure that supply of labour which the Government have indicated, and they confidently rely on your using every exertion to carry out the spirit of the instructions on this subject which have been from time to time communicated to you.

There is, as the Committee will observe, a remarkable passage in that memorandum, to which I would specially invite their attention, and that is, that the Agent-General was left absolutely free to make such terms with regard to passages, &c., as he thought fit, in order thereby to insure the sending out of the very large number of immigrants that the Government required. On the 20th January, 1872, Mr. Gisborne wrote to the Agent-General as follows: "Of the regulations issued in reference to nominated immigration, or that immigration which originates in the colony, I enclose a copy; but, as you are already aware, the Government have for the present, in the absence of the information necessary to guide them, devolved upon you the initiation of a uniform system of assisted immigration, or that immigration which originates in Europe." That also shows that the Government of the day found it necessary to give the Agent-General the largest powers, so far as the cost of bringing out the immigrants was concerned. Very soon after the arrival of Mr. James Brogden in the colony, I think in October, 1871, the Government urged Mr. James Brogden to arrange with them for carrying on a scheme of immigration; but, although a draft agreement was prepared, the arrangements were never concluded, as Mr. James Brogden thought it a matter which should be referred to his firm at Home. Whatever might have been the reasons which actuated him in breaking off negotiations, they were broken off, and the matter was remitted to England. In his memorandum of the 8th February, 1872, the Agent-General says:—

I have the honor to acknowledge receipt of memorandum No. 56, of the 25th November, 1871, relative to the contract which it was thought the Government would be able to arrange with Messrs. John Brogden and Sons, for sending to New Zealand a certain number of emigrants, but which contract (a copy of which I have received) has not been arranged. You request me, in consequence, to endeavour to come to some arrangement with the members of the firm in London. In reply, I beg to inform you that, in the interview of a few minutes which I had two days ago with the Messrs. Brogden, they expressed their readiness to discuss the matter at an early date; they left, however, an impression on my mind that they were not disposed to enter into any emigration contract. At the same time, I am satisfied that they could and would afford valuable aid in procuring emigrants.

I may here state, parenthetically, that the petitioners wish it to be understood that they do not impute wilful misrepresentation to any member of the Government, or any of their officers, in connection with this matter. They do not pretend to say that any information was wilfully kept from them with any intention to deceive them. On the 7th March, the Agent-General sends out a memorandum to the following effect:—

I have the honor to inform you that, although I have had several interviews with the Messrs. Brogden, on the subject of the proposed emigration contract, I have not yet arrived at any definite understanding with them. Messrs. Brogden are, in fact—owing to the non-arrival of the December mail—so entirely without advices from Mr. James Brogden, that they scarcely feel themselves in a position to enter into any arrangement. I have, however, reason to believe that on the arrival of the mail they will be prepared to agree to the proposals submitted to Mr. James Brogden, with certain modifications. In the meantime they are engaging a considerable number of men, on terms which appear to me fair and reasonable. They hope to send out 150 by the "Schiehallion," which will sail for Wellington on the 27th instant.

It will be observed that, although no definite arrangement had been come to, the Messrs. Brogden had agreed to commence sending out emigrants, upon the general terms that they should neither be gainers nor losers by so doing. That is to say, they were to make no profit out of the transaction, nor were they to sustain any loss. It was distinctly understood that the Messrs. Brogden were not to suffer any loss; and they were expected to make no profit by the transaction. In a letter dated 4th April, 1872, to Mr. James Brogden, from his firm in England; they say:—

Mr. Noble has written to you about our efforts and success in this matter. I will confine myself to state the position of the negotiations. After receiving the copy of the agreement which it was proposed you should enter into, we discussed the question several times with Dr. Featherston, and, as I mentioned in my last letter, he proposed that the Government should pay the passage, and we repay them by instalments, less 25 per cent. to cover loss, which the Government would bear. We have proposed and arranged verbally with the Agent-General that we act upon these terms, keeping a strict ledger account of the cost actually incurred in the emigration; and we will see how the account rectifies itself by the repayments recovered from the men's promissory notes; and, if any modification of the arrangement is applied for, it must be justified by a reference to the accounts, the intention being that we are to be reimbursed the cost, but not to make profit or suffer loss by it.

This sufficiently shows that the petitioners entered into the matter on the understanding that they were not to make any profit or sustain any loss. On the 18th April, the Agent-General informs the Hon. Mr. Gisborne of the sailing of the first ship (the "Schiehallion"), sent by Messrs. Brogden, with emigrants for New Zealand. At that time the Messrs. Brogden were not engaged in carrying out works under definite authority, and, therefore, had not the same opportunity of employing the immigrants that they had after the contracts were entered into in August, 1872. On 2nd May, 1872, the Agent-General notifies that an arrangement has been made, and that he hoped to be able to send particulars by the next mail. On the 6th June, 1872, Mr. Ormond, then a Minister, wrote a memorandum to the Agent-General as follows:—

Referring to the arrangement proposed by the Government to Mr. James Brogden, in Wellington, as fully advised in the memorandum of 25th November, No. 56-71, and to your letter of the 2nd May, No. 256-72, reporting the arrangement you had effected with Messrs. Brogden and Sons, in London, I am informed that in consequence of neither of them being satisfactory to Mr. James Brogden, that gentleman has resolved to telegraph to his firm by this opportunity, that the existing agreement is so unfavourable, as compared with the arrangement with which each emigrant might make for himself under the Home regulations, that it cannot be continued, and that he has not now time for a fresh arrangement with the Government before the departure of the present mail.

It must be remembered that at that time Mr. James Brogden had been in the colony for seven or eight months, and, consequently had become acquainted with the fact that considerable difficulty was