

# FURTHER DESPATCHES

FROM

THE RIGHT HON.

THE SECRETARY OF STATE FOR THE COLONIES

TO THE

GOVERNOR OF NEW ZEALAND.

*(In continuation of Despatches presented 14th June, 1870.)*

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PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND OF  
HIS EXCELLENCY.

---

WELLINGTON.

—  
1871.



**SCHEDULE OF DESPATCHES**  
**FROM THE RIGHT HON. THE SECRETARY OF STATE FOR THE COLONIES TO THE GOVERNOR**  
**OF NEW ZEALAND.**

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## DESPATCHES

FROM THE SECRETARY OF STATE TO THE GOVERNOR OF NEW ZEALAND.

No. 1.

COPY of a DESPATCH from the Right Hon. Earl GRANVILLE, K.G., to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 63.)

SIR,—

Downing Street, 6th July, 1870.

The Lords Commissioners of the Admiralty have communicated to this Department a copy of a letter from Commodore Lambert, of 6th April last, relative to a proposed submarine line of telegraph between New Zealand and New South Wales; also copies of correspondence on the subject between that officer and yourself.

The Board of Admiralty will be prepared, at the expense of the Colony, to send out the necessary sounding gear, and place at the disposal of the Colony a competent officer, on being informed that arrangements will be made by the Colonial Government for providing a vessel for this purpose.

I request that you will inform me, as soon as you may be able to do so, whether your Government are prepared to accept these terms.

I have, &c.,

FREDERIC ROGERS

Governor Sir G. F. Bowen, G.C.M.G.

(for Earl Granville).

No. 2.

COPY of a DESPATCH from the Right Hon. Earl GRANVILLE, K.G., to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 64.)

SIR,—

Downing Street, 6th July, 1870.

I have the honor to transmit to you the enclosed extracts from a correspondence which has passed between the Governor of Queensland and myself on the subject of a clause, of which a copy is annexed, in the Queensland "Common Law Process Act, 1867."

You will observe that Mr. Lilley, the Premier in that Colony, suggests that perjury committed by British subjects in any part of the world in affidavits to be used in Courts in Her Majesty's dominions, should by Imperial legislation be made punishable when the criminal can be found in any part of the dominions.

I have informed the Governor of Queensland that I cannot undertake to introduce a Bill at this late period of the Session to remedy the defect pointed out by Mr. Lilley, but that the matter shall receive consideration.

I have requested him in the meantime to inform me whether cases have occurred in which offenders have escaped owing to this want of jurisdiction, and I shall be glad to receive like information from you, so far as the Colony under your Government concerned.

I have, &c.,

GRANVILLE.

Governor Sir G. F. Bowen, G.C.M.G.

Enclosure 1 in No. 2.

Governor BLACKALL to Earl GRANVILLE.

(No. 24, Queensland.)

MY LORD,—

Government House, Brisbane, 16th April, 1870.

1. I have the honor to acknowledge receipt of your Lordship's Despatch No. 4, of 21st January, 1870, and enclose a Report from the Attorney-General of this Colony regarding the amendment proposed in the 24th section of the Common Law Process Act of this Colony, of 1867.

Extract last paragraph of Despatch to Queensland, No. 8, of 12 Mar., 1870.

To Governor of Queensland, No. 4, 21 Jan., 1870.

Governor of Queensland.

Extract sec. 24 of Queensland Act, Act No. 4, 1867, "Common Law Process."

2. At the same time I think it right to submit to your Lordship copy of a further Report from the Hon. C. Lilley, formerly Attorney-General, but now Colonial Secretary and Premier, advocating Imperial legislation on the subject.

3. Mr. Lilley's impression is that these Colonies *inter se*, and even with reference to England, are placed in the same difficulty with regard to prosecuting in cases of perjury committed in affidavits made for legal purposes out of the respective Colonies, as with foreign countries, and that he suggests that this difficulty can only be remedied by Imperial legislation declaring the offence, when committed within British jurisdiction, to be punishable in any country under British control.

I have, &c.

SAM. W. BLACKALL,  
Governor.

The Right Hon. the Earl Granville, K.G.

### Sub-Enclosure 1 to Enclosure 1 in No. 2.

ATTORNEY-GENERAL to GOVERNOR, Queensland.

SIR,—

Crown Law Office, Brisbane, 11th April, 1870.

In reference to extract from Despatch No. 4, 21st January, 1870, from the Secretary of State to the Governor, I do myself the honor to inform your Excellency that there can be no possible objection to the amendment proposed in the 24th section of the Common Law Process Act of 1867.

I would remark, however, that the 24th section of this Act is but a re-enactment, under the consolidated Statutes of Queensland, of the 21st section of the New South Wales Common Law Procedure Act of 1853, 17 Vict., No. 21, and is at present in force in New South Wales.

I have, &c.,

RATCLIFFE PRING,  
Attorney-General.

To His Excellency Colonel Blackall,  
Governor of Queensland.

### Sub-Enclosure 2 to Enclosure 1 in No. 2.

MR. LILLEY to GOVERNOR BLACKALL.

IN reference to the Despatch No. 4, of the 21st January, 1870, and the Report of the Attorney-General thereon, I think it advisable to point out to your Excellency that it suggests an inadequacy in our Colonial legislation which might be supplied by an Imperial enactment.

The Courts would of course, without a repeal of the concluding paragraph of the 24th section of the Common Law Process Act, take judicial notice of their want of jurisdiction.

Upon its repeal, however, we will be left without a semblance of a prohibition of perjury or false swearing made in affidavits *sworn out of our jurisdiction*, but used in causes tried or heard within it.

Perjury committed by British subjects in any part of the world, in affidavits to be used in Courts within Her Majesty's dominions, ought to be made punishable by enactment of the Imperial Parliament, when the criminal can be found in any part of the dominions.

The general principle of British law is to regard crimes as of territorial jurisdiction; and hence a perjured statement in an affidavit sworn in New South Wales, which has been held to be a foreign jurisdiction, could be used with impunity in the adjoining Colony of Queensland.

C. LILLEY.

### Enclosure 2 in No. 2.

EXTRACT of a DESPATCH from EARL GRANVILLE to the ACTING GOVERNOR of QUEENSLAND, dated Downing Street, 12th March, 1868, No. 8.

"THE concluding paragraph (No. 4) of the 24th section of 'The Common Law Process Act, 1867,' which also accompanied Sir G. Bowen's Despatch, assumes to affix a criminal character to acts committed beyond the limits of the Colony. As such a provision is manifestly beyond the power of the Colonial Legislature, I request that you will bring the matter under the notice of your Responsible Advisers, with a view to the amendment of the Act in this particular."

### Enclosure 3 in No. 2.

EARL GRANVILLE to GOVERNOR BLACKALL.

(Queensland, No. 4.)

SIR,—

Downing Street, 21st January, 1870.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the following Act of the Legislature of Queensland, a transcript of which accompanied your predecessor's Despatch No. 64, of the 18th of December, 1867, viz., No. 4 of 1867, "An Act to consolidate and amend the Laws relating to Mesne Process and Process of Execution, and to the Remedies of Plaintiffs in Actions at Common Law."

I should, however, be glad to know whether your Government have taken any steps for the amendment of this Act, with the view of meeting the objection to one of its clauses which was pointed out in my Despatch No. 8, of the 12th of March, 1868.

I have, &c.,

GRANVILLE.

Governor Blackall, &c., &c.



## Enclosure 4 in No. 2.

## AFFIDAVITS SWORN BEFORE A CONSUL.

" 24. Any affidavit for the purpose of enabling the Court or a Judge to direct proceedings to be taken against a defendant residing out of the jurisdiction of the said Court may be sworn before any Consul-General, Consul, Vice-Consul, or Consular Agent for the time being appointed by Her Majesty at any foreign port or place, and every affidavit so sworn by virtue of this Act may be used and shall be admitted in evidence, saving all just exceptions, provided it be signed by such Consul-General, Consul, Vice-Consul, or Consular Agent, and it shall be taken to be so signed if it purport to be so signed without proof of the official character and signature of the person appearing to have signed the same: Provided always that if any person shall forge the signature of any such affidavit, or shall use or tender in evidence any such affidavit with a false or counterfeit signature thereto knowing the same to be false or counterfeit, he shall be guilty of felony, and shall upon conviction be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years, or to be imprisoned for any term not exceeding three years nor less than one year with hard labour; and every person who shall be charged with committing any felony under this Act may be dealt with, indicted, tried, and if convicted sentenced, and his offence may be laid and charged to have been committed in the place in which he shall be apprehended or be in custody, and every accessory before or after the fact to any such offence may be dealt with, indicted, tried, and if convicted sentenced, and his offence may be laid and charged to have been committed in any place in which the principal offender may be tried: Provided also that if any person shall wilfully and corruptly make a false affidavit before such Consul-General, Consul, Vice-Consul, or Consular Agent, every person so offending shall be deemed guilty of perjury in like manner as if such false affidavit had been made in Queensland before competent authority, and shall and may be dealt with, indicted, tried, and if convicted sentenced, and his offence may be laid and charged to have been committed in any place in which he shall be apprehended or be in custody as if his offence had been actually committed in that place."

## No. 3.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 7th July, 1870.

I have the honor to inform you that the Queen has been pleased to intrust to my care, as one of Her Majesty's Principal Secretaries of State, the Seals of the Colonial Department.

I have, &c.,

KIMBERLEY.

The Officer Administering the Government  
of New Zealand.

## No. 4.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 65.)

SIR,—

Downing Street, 7th July, 1870.

I have to acknowledge your Despatch No. 47, of 1st May, dated from the Bay of Islands, reporting your tour in the Northern Districts of New Zealand, and relating the progress of events since the date of your last Despatch on the subject of the war.

Your account of your cordial reception by the Chiefs of the Ngapuhi Tribe is very satisfactory; and the intelligence of the recapture by the Native chiefs Major Kemp and Ropata of the friendly Natives taken by Te Kooti in his raid on Opape has afforded especial gratification to Her Majesty's Government.

I have, &c.,

KIMBERLEY .

Governor Sir G. F. Bowen, G.C.M.G.

## No. 5.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 68.)

SIR,—

Downing Street, 13th July, 1870.

I have to acknowledge the receipt of your Despatch No. 45, of 12th April, with a Ministerial Memorandum enclosing a letter from the Chief Justice of New Zealand, in which he suggests that an Act should be passed by the Imperial Parliament to enable the Supreme Courts of all Colonies to appoint

Commissioners in each of Her Majesty's dominions to take affidavits and declarations receivable in evidence by the Courts by whom they have been appointed—false swearing being made perjury, triable and punishable either in the Colony or in the place, if it had Imperial tribunals, where the offence was committed.

There is no reason why the New Zealand Legislature should not pass a law declaring that evidence taken out of the Colony in a particular way before particular persons or authorities shall be receivable as evidence in the Colony.

On this point, therefore, no question of substance arises, though some little care is necessary in the language used. The further question, whether perjury committed in England or elsewhere, for the purpose of effecting an object in New Zealand, should be triable not only where the crime was committed but also where the object was to be effected, is part of a larger question respecting the places in which crimes committed in different parts of the Empire should be triable. I do not think it desirable to take up the question of perjury independent of the more general question, on which I am not at present prepared to initiate legislation.

It is, of course, within the power of the Colony to punish persons who attempt in New Zealand to profit by such perjury.

Governor Sir G. F. Bowen, G.C.M.G.

I have, &c.,  
KIMBERLEY.

No. 6.

COPY of a DESPATCH from the Right Hon. Earl GRANVILLE to Governor Sir G. F. BOWEN, G.C.M.G.  
(Circular.)

SIR,—

Downing Street, 5th July, 1870.

I have the honor to transmit to you, for your consideration and for that of your Responsible Advisers, a copy of a Draft Bill, now before Parliament, for amending the law relating to the Extradition of Criminals.

You will observe that, under the 17th section, the Act, when applied by Order in Council to any Foreign State, will, unless it is otherwise expressly provided, extend to every British possession; and though not anticipating that any Colony would seek to be exempted from the operation of the Act, I am desirous, before the passing of any Order in Council, to ascertain the views of yourself and your Ministers upon this question.

It would be in the highest degree inconvenient, if not practically impossible, for Her Majesty's Government to carry on separate negotiations respecting extradition with each separate Colony; and the question for consideration in truth resolves itself into this, whether the Colony under your Government should remain without extradition relations with Foreign Powers, or whether it should be included in all the Imperial arrangements upon this subject.

I trust that your Ministers will concur with me in thinking it very desirable that the Colony should not be excluded from the operation of the Act.

The Officer Administering the Government  
of New Zealand.

I have, &c.,  
GRANVILLE.

Enclosure in No. 6.

A BILL for amending the Law relating to the Extradition of Criminals.

WHEREAS it is expedient to amend the law relating to the surrender to foreign states of persons accused or convicted of the commission of certain crimes within the jurisdiction of such states, and to the trials of criminals surrendered by foreign states to this country:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

*Preliminary.*

1. This Act may be cited as "The Extradition Act, 1870."
2. Where an arrangement has been made with any foreign state with respect to the surrender to such state of any fugitive criminals, Her Majesty may, by Order in Council, direct that this Act shall apply in the case of such foreign state.

Her Majesty may, by the same or any subsequent order, limit the operation of the order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's

dominions specified in the order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient.

Every such order shall recite or embody the terms of the arrangement, and shall not remain in force for any longer period than the arrangement.

Every such order shall be laid before both Houses of Parliament within six weeks after it is made, or, if Parliament be not then sitting, within six weeks after the then next meeting of Parliament, and shall also be published in the *London Gazette*.

3. The following restrictions shall be observed with respect to the surrender of fugitive criminals.

- (1.) A fugitive criminal shall not be surrendered who is accused or convicted of any offence which is one of a political character :
- (2.) A fugitive criminal shall not be surrendered to a foreign state unless provision is made by the law of that state, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to Her Majesty's dominions, be detained or tried in that foreign state for any offence committed prior to his surrender other than the extradition crime proved by the facts on which the surrender is grounded :
- (3.) A fugitive criminal who has been accused of some offence within English jurisdiction not being the offence for which his surrender is asked, or is undergoing sentence under any conviction in the United Kingdom, shall not be surrendered until after he has been discharged, whether by acquittal or on expiration of his sentence or otherwise :
- (4.) A fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

4. An Order in Council for applying this Act in the case of any foreign state shall not be made unless the arrangement—

- (1.) provides for the determination of it by either party to it after the expiration of a notice not exceeding one year ; and,
- (2.) is in conformity with the provisions of this Act, and in particular with the restrictions on the surrender of fugitive criminals contained in this Act.

5. When an order applying this Act in the case of any foreign state has been published in the *London Gazette*, this Act (after the date specified in the order, or if no date is specified, after the date of the publication,) shall, so long as the order remains in force, but subject to the limitations, restrictions, conditions, exceptions, and qualifications, if any, contained in the order, apply in the case of such foreign state. An Order in Council shall be conclusive evidence that the arrangement therein referred to complies with the requisitions of this Act, and that this Act applies in the case of the foreign state mentioned in the order, and the validity of such order shall not be questioned in any legal proceedings whatever.

6. Where this Act applies in the case of any foreign state, every fugitive criminal of that state who is in or suspected of being in any part of Her Majesty's dominions, or that part which is specified in the order applying this Act (as the case may be), shall be liable to be apprehended and surrendered in manner provided by this Act, whether the crime in respect of which the surrender is sought was committed before or after the date of the order, and whether there is or is not any concurrent jurisdiction in any Court of Her Majesty's dominions over that crime.

7. A requisition for the surrender of a fugitive criminal of any foreign state, who is in or suspected of being in the United Kingdom, shall be made to a Secretary of State by some person recognized by the Secretary of State as a diplomatic representative of that foreign state. A Secretary of State may, by order under his hand and seal, signify to a police magistrate that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal.

If the Secretary of State is of opinion that the offence is one of a political character, he may, if he think fit, refuse to send any such order, and may also at any time order a fugitive criminal accused or convicted of such offence to be discharged from custody.

8. A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, who is in or suspected of being in the United Kingdom, may be issued—

- (1.) By a police magistrate on the receipt of the said order of the Secretary of State, and on such evidence as would in his opinion justify the issue of the warrant if the crime had been committed or the criminal convicted in England ; and
- (2.) By a police magistrate or any justice of the peace in any part of the United Kingdom, on such information or complaint and such evidence or after such proceedings as would in the opinion of the person issuing the warrant justify the issue of a warrant if the crime had been committed or the criminal convicted in that part of the United Kingdom in which he exercises jurisdiction.

Any person issuing a warrant under this section without an order from a Secretary of State shall forthwith send a report of the fact of such issue, together with the evidence and information or complaint, or certified copies thereof, to a Secretary of State, who may if he think fit order the warrant to be cancelled, and the person who has been apprehended on the warrant to be discharged.

A fugitive criminal, when apprehended on a warrant issued without the order of a Secretary of State, shall be brought before some person having power to issue a warrant under this section, who shall by warrant order him to be brought, and the prisoner shall accordingly be brought, before a police magistrate.

A fugitive criminal apprehended on a warrant issued without the order of a Secretary of State shall be discharged by the police magistrate, unless the police magistrate, within such reasonable time as, with reference to the circumstances of the case, he may fix, receives from a Secretary of State an order signifying that a requisition has been made for the surrender of such criminal.

9. When a fugitive criminal is brought before the police magistrate, the police magistrate shall hear the case in the same manner, and have the same jurisdiction and powers, as near as may be, as if the prisoner were brought before him charged with an indictable offence committed in England.

The police magistrate shall receive any evidence which may be tendered to show that the crime of which the prisoner is accused or alleged to have been convicted is an offence of a political character or is not an extradition crime.

10. In the case of a fugitive criminal accused of an extradition crime, if the foreign warrant authorizing the arrest of such criminal is duly authenticated, and such evidence is produced as (subject to the provisions of this Act) would, according to the law of England, justify the committal for trial of the prisoner if the crime of which he is accused had been committed in England, the police magistrate shall commit him to prison, but otherwise shall order him to be discharged.

In the case of a fugitive criminal alleged to have been convicted of an extradition crime, if such evidence is produced as (subject to the provisions of this Act) would, according to the law of England, prove that the prisoner was convicted of such crime, the police magistrate shall commit him to prison, but otherwise shall order him to be discharged.

If he commits such criminal to prison, he shall commit him to the Middlesex House of Detention, or to some other prison in Middlesex, there to await the warrant of a Secretary of State for his surrender, and shall forthwith send to a Secretary of State a certificate of the committal, and such report upon the case as he may think fit.

11. If the police magistrate commits a fugitive criminal to prison, he shall inform such criminal that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of Habeas corpus.

Upon the expiration of the said fifteen days, or, if a writ of Habeas corpus is issued, after the decision of the Court upon the return to the writ, as the case may be, or after such further period as may be allowed in either case by a Secretary of State, it shall be lawful for a Secretary of State, by warrant under his hand and seal, to order the fugitive criminal (if not delivered on the decision of the Court) to be surrendered to such person as may in his opinion be duly authorized to receive the fugitive criminal by the foreign state from which the requisition for the surrender proceeded, and such fugitive criminal shall be surrendered accordingly.

It shall be lawful for any person to whom such warrant is directed and for the person so authorized as aforesaid to receive, hold in custody, and convey within the jurisdiction of such foreign state the criminal mentioned in the warrant: and if the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any crime against the laws of that part of Her Majesty's dominions to which he escapes may be retaken upon an escape.

12. If the fugitive criminal who has been committed to prison is not surrendered and conveyed out of the United Kingdom within two months after such committal, or if a writ of Habeas corpus is issued, after the decision of the Court upon the return to the writ, it shall be lawful for any judge of one of Her Majesty's Superior Courts at Westminster, upon application made to him by or on behalf of the criminal, and upon proof that reasonable notice of the intention to make such application has been given to a Secretary of State, to order the criminal to be discharged out of custody, unless sufficient cause is shown to the contrary.

13. The warrant of the police magistrate issued in pursuance of this Act may be executed in any part of the United Kingdom in the same manner as if the same had been originally issued or subsequently indorsed by a justice of the peace having jurisdiction in the place where the same is executed.

14. Depositions or statements on oath, taken in a foreign state, and copies of such original depositions or statements, and foreign certificates of or judicial documents stating the fact of conviction, may, if duly authenticated, be received in evidence in proceedings under this Act.

15. Foreign warrants and depositions or statements on oath, and copies thereof, and certificates of or judicial documents stating the fact of a conviction, shall be deemed duly authenticated for the purposes of this Act if authenticated in manner provided for the time being by law or authenticated as follows:—

- (1.) If the warrant purports to be signed by a judge, magistrate, or officer of the foreign state where the same was issued:
- (2.) If the depositions or statements, or the copies thereof, purport to be certified under the hand of a judge, magistrate, or officer of the foreign state where the same were taken to be the original depositions or statements, or to be true copies thereof, as the case may require; and
- (3.) If the certificate of or judicial document stating the fact of conviction purports to be certified by a judge, magistrate, or officer of the foreign state where the conviction took place; and

if in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness or by being sealed with the official seal of the Minister of Justice, or some other Minister of State: And all courts of justice, justices, and magistrates shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

#### *Crimes committed at Sea.*

16. Where the crime in respect of which the surrender of a fugitive criminal is sought was committed on board any vessel on the high seas which comes into any port of the United Kingdom, the following provisions shall have effect:—

- (1.) This Act shall be construed as if any stipendiary magistrate in England or Ireland, and any sheriff or sheriff-substitute in Scotland, were substituted for the police magistrate throughout this Act, except the part relating to the execution of the warrant of the police magistrate.
- (2.) The criminal may be committed to any prison to which the person committing him has power to commit persons accused of the like crime.

- (3.) If the fugitive criminal is apprehended on a warrant issued without the order of a Secretary of State, he shall be brought before the stipendiary magistrate, sheriff, or sheriff-substitute who issued the warrant, or who has jurisdiction in the port where the vessel lies, or in the place nearest to that port.

*Fugitive Criminals in British Possessions.*

17. This Act, when applied by Order in Council, shall, unless it is otherwise provided by such order, extend to every British possession in the same manner as if throughout this Act the British possession were substituted for the United Kingdom or England, as the case may require, but with the following modifications; namely,

- (1.) The requisition for the surrender of a fugitive criminal who is in or suspected of being in a British possession may be made to the Governor of that British possession by any person recognized by that Governor as a Consul-General, Consul, or Vice-Consul, or (if the fugitive criminal has escaped from a colony or dependency of the foreign state on behalf of which the requisition is made) as the Governor of such colony or dependency.
- (2.) No warrant of a Secretary of State shall be required, and all powers vested in or acts authorized or required to be done under this Act by the Police Magistrate and the Secretary of State, or either of them, in relation to the surrender of a fugitive criminal, may be done by the Governor of the British possession alone.
- (3.) Any prison in the British possession may be substituted for a prison in Middlesex.
- (4.) A judge of any Court exercising in the British possession the like powers as the Court of Queen's Bench exercises in England may exercise the power of discharging a criminal when not conveyed within two months out of such British possession.

18. If by any law or ordinance made before or after the passing of this Act by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying this Act in the case of any foreign state, or by any subsequent order, either

suspend the operation within any such British possession of this Act, or of any part thereof, so far as it relates to such foreign state, and so long as such law or ordinance continues in force there, and no longer;

or direct that such law or ordinance, or any part thereof, shall have effect in such British possession, with or without modifications and alterations, as if it were part of this Act.

*General Provisions.*

19. Where in pursuance of any arrangement with a foreign state, any person accused or convicted of any crime which, if committed in England, would be one of the crimes described in the first schedule to this Act is surrendered by that foreign state, such person shall not, until he has been restored or had an opportunity of returning to such foreign state, be triable or tried for any offence committed prior to the surrender in any part of Her Majesty's dominions other than such of the said crimes as may be proved by the facts on which the surrender is grounded.

20. The forms set forth in the second schedule to this Act, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and in the case of a British possession may be so used, *mutatis mutandis*, and when used shall be deemed to be valid and sufficient in law.

21. Her Majesty may, by Order in Council, revoke or alter, subject to the restrictions of this Act, any Order in Council made in pursuance of this Act, and all the provisions of this Act with respect to the original order shall (so far as applicable) apply, *mutatis mutandis*, to any such new order.

22. This Act (except so far as relates to the execution of warrants in the Channel Islands) shall extend to the Channel Islands and the Isle of Man in the same manner as if they were part of the United Kingdom; and the Royal Courts of the Channel Islands are hereby respectively authorized and required to register this Act.

23. Nothing in this Act shall affect the lawful powers of Her Majesty or of the Governor-General of India in Council to make treaties for the extradition of criminals with Indian Native States, or with other Asiatic States conterminous with British India, or to carry into execution the provisions of any such treaties made either before or after the passing of this Act.

24. For the purposes of this Act, every colony, dependency, and constituent part of a foreign state, and every vessel of that state, shall (except where expressly mentioned as distinct in this Act,) be deemed to be within the jurisdiction of and to be part of such foreign state.

25. In this Act, unless the context otherwise requires,—

The term "British possession" means any colony, plantation, island, territory, or settlement within Her Majesty's dominions, and not within the United Kingdom, the Channel Islands, and Isle of Man; and all colonies, plantations, islands, territories, and settlements under one Legislature as hereinafter defined, are deemed to be one British possession:

The term "Legislature" means any person or persons who can exercise legislative authority in a British possession, and where there are local Legislatures as well as a central Legislature, means the central Legislature only:

The term "Governor" means any person or persons administering the Government of a British possession, and includes the Governor of any part of India:

The term "extradition crime" means a crime which, if committed in England or within English jurisdiction, would be one of the crimes described in the first schedule to this Act:

The terms "conviction" and "convicted" do not include or refer to a conviction which under foreign law is a conviction for contumacy, but the term "accused person" includes a person so convicted for contumacy:

The term "fugitive criminal" means any person accused or convicted of an extradition crime committed within the jurisdiction of any foreign state who is in or is suspected of being in some part of Her Majesty's dominions; and the term "fugitive criminal of a foreign state" means a fugitive criminal accused or convicted of an extradition crime committed within the jurisdiction of that state:

The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State.

The term "police magistrate" means a chief magistrate of the Metropolitan Police Courts, or one of the other magistrates of the Metropolitan Police Court in Bow Street:

The term "justice of the peace" includes in Scotland any sheriff, sheriff's substitute, or magistrate:

The term "warrant," in the case of any foreign state, includes any judicial document authorizing the arrest of a person accused or convicted of crime.

#### *Repeal of Acts.*

26. The Acts specified in the third schedule to this Act are hereby repealed as to the whole of Her Majesty's dominions; and this Act (with the exception of anything contained in it which is inconsistent with the treaties referred to in the Acts so repealed) shall apply (as regards crimes committed either before or after the passing of this Act), in the case of the foreign states with which those treaties are made, in the same manner as if an Order in Council referring to such treaties had been made in pursuance of this Act, and as if such order had directed that every law and ordinance which is in force in any British possession with respect to such treaties should have effect as part of this Act:

Provided that if any proceedings for or in relation to the surrender of a fugitive criminal have been commenced under the said Act previously to the repeal thereof, such proceedings may be completed and the fugitive surrendered in the same manner as if this Act had not passed.

### SCHEDULES.

#### FIRST SCHEDULE.

##### *List of Crimes.*

THE following list of crimes is to be construed according to the law existing in England, or in a British possession (as the case may be), at the date of the alleged crime, whether by common law or by statute made before or after the passing of this Act:—

Murder, and attempt and conspiracy to murder.

Manslaughter.

Counterfeiting and altering money, and uttering counterfeited or altered money.

Forgery, counterfeiting, and altering, and uttering what is forged or counterfeited or altered.

Embezzlement and larceny.

Obtaining money or goods by false pretences.

Crimes by bankrupts against bankruptcy law.

Fraud by a bailee, banker, agent, factor, trustee, or director or member or public officer of any company, made criminal by any Act for the time being in force.

Rape.

Abduction.

Child-stealing.

Burglary and housebreaking.

Arson.

Robbery with violence.

Threats by letter or otherwise with intent to extort.

Piracy by law of nations or municipal law.

Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

Assaults on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

#### SECOND SCHEDULE.

##### *Form of Order of Secretary of State to the Police Magistrate.*

To the Chief Magistrate of the Metropolitan Police Courts or other Magistrate of the Metropolitan Police Court in Bow Street [or the Stipendiary Magistrate at ].

WHEREAS, in pursuance of an arrangement with , referred to in an Order of Her Majesty in Council dated the day of , a requisition has been made to me, , one of Her Majesty's Principal Secretaries of State, by , the diplomatic representative of , for the surrender of • , late of , accused [or convicted] of the commission of the crime of within the jurisdiction of : Now I hereby, by this my order under my hand and seal, signify to you that such requisition has been made, and require you to issue your warrant for the apprehension of such fugitive, provided that the conditions of "The Extradition Act, 1870," relating to the issue of such warrant, are in your judgment complied with.

Given under the hand and seal of the undersigned, one of Her Majesty's Principal Secretaries of State, this day of 18 .

*Form of Warrant of Apprehension by Order of Secretary of State.*

Metropolitan  
Police District,  
[or County or  
Borough of  
to wit.] } To all and each of the Constables of the Metropolitan Police Force [or of the County  
or Borough of ].

WHEREAS the Right Honorable , one of Her Majesty's Principal Secretaries of State, by order under his hand and seal, hath signified to me that requisition hath been duly made to him for the surrender of late of accused [or convicted] of the commission of the crime of within the jurisdiction of : This is therefore to command you in Her Majesty's name forthwith to apprehend the said pursuant to "The Extradition Act, 1870," wherever he may be found in the United Kingdom or Isle of Man, and bring him before me or some other [\*magistrate sitting in this Court], to show cause why he should not be surrendered in pursuance of the said Extradition Act, for which this shall be your warrant.

Given under my hand and seal at [\*Bow Street, one of the police courts of the metropolis]  
this day of 18 .

J.P.

\* Note.—Alter as required.

*Form of Warrant of Apprehension without Order of Secretary of State.*

Metropolitan  
Police District,  
[or County or  
Borough of  
to wit.] } To all and each of the Constables of the Metropolitan Police Force [or of the County  
or Borough of ].

WHEREAS it has been shown to the undersigned, one of Her Majesty's justices of the peace in and for the metropolitan police district [or the said county or borough of ] that late of is accused [or convicted] of the commission of the crime of within the jurisdiction of : This is therefore to command you in Her Majesty's name forthwith to apprehend the said and to bring him before me or some other magistrate sitting at this Court [or one of Her Majesty's justices of the peace in and for the county or borough of ], to be further dealt with according to law, for which this shall be your warrant.

Given under my hand and seal at Bow Street, one of the police courts of the metropolis.  
[or in the county or borough aforesaid], this day of 18 .

J.P.

*Form of Warrant for bringing Prisoner before the Police Magistrate.*

County [or Borough] } To Constable of the Police Force of and to all other Peace Officers  
of } in the said County [or Borough] of  
to wit.

WHEREAS late of accused [or alleged to be convicted of] the commission of the crime of within the jurisdiction of has been apprehended and brought before the undersigned, one of Her Majesty's justices of the peace in and for the said county [or borough] of : And whereas by "The Extradition Act, 1870," he is required to be brought before the chief magistrate of the metropolitan police court, or one of the police magistrates of the metropolis sitting at Bow Street, within the metropolitan police district [or the stipendiary magistrate for ]: This is therefore to command you the said constable in Her Majesty's name forthwith to take and convey the said to the metropolitan police district [or the said ] and there carry him before the said chief magistrate or one of the police magistrates of the metropolis sitting at Bow Street within the said district [or before a stipendiary magistrate sitting in the said ] to show cause why he should not be surrendered in pursuance of "The Extradition Act, 1870," and otherwise to be dealt with in accordance with law, for which this shall be your warrant.

Given under my hand and seal at in the county [or borough] aforesaid, this  
day of 18 .

J.P.

*Form of Warrant of Committal.*

Metropolitan  
Police District  
[or the County  
or Borough of  
to wit.] } To one of the Constables of the Metropolitan Police Force [or of the Police  
Force of the County or Borough of ], and to the Keeper of the

BE it remembered, that on this day of in the year of our Lord late of is brought before me the chief magistrate of the metropolitan police courts [or one of the police magistrates of the metropolis] sitting at the police court in Bow Street, within the metropolitan police district [or a stipendiary magistrate for ], to show cause why he should not be surrendered in pursuance of "The Extradition Act, 1870," on the ground of his being accused [or convicted] of the commission of the crime of within the jurisdiction of , and forasmuch as no sufficient cause has been shown to me why he should not be surrendered in pursuance of the said Act:

This is therefore to command you the said constable in Her Majesty's name forthwith to convey and deliver the body of the said into the custody of the said keeper of the at and you the said keeper to receive the said into your custody, and him there safely to keep until he is thence delivered pursuant to the provisions of the said Extradition Act, for which this shall be your warrant.

Given under my hand and seal at Bow Street, one of the police courts of the metropolis  
[or at the said ] this day of 18 .

J.P.

*Form of Warrant of Secretary of State for Surrender of Fugitive.*

To the Keeper of and  
to

WHEREAS late of accused [or convicted] of the commission of the crime of within the jurisdiction of , was delivered into the custody of you the keeper of by warrant dated pursuant to "The Extradition Act, 1870:"  
Now I do hereby, in pursuance of the said Act, order you the said keeper to deliver the body of the said into the custody of the said , and I command you the said to receive the said into your custody, and to convey him within the jurisdiction of the said , and there place him in the custody of any person or persons appointed by the said to receive him, for which this shall be your warrant.

Given under the hand and seal of the undersigned, one of Her Majesty's Principal Secretaries of State, this day of .

THIRD SCHEDULE.

- 6 & 7 Vict. c. 75.—An Act for giving effect to a Convention between Her Majesty and the King of the French for the Apprehension of certain Offenders.  
6 & 7 Vict. c. 76.—An Act for giving effect to a Treaty between Her Majesty and the United States of America for the Apprehension of certain Offenders.  
8 & 9 Vict. c. 120.—An Act for facilitating execution of the Treaties with France and the United States of America for the Apprehension of certain Offenders.  
25 & 26 Vict. c. 70.—An Act for giving effect to a Convention between Her Majesty and the King of Denmark for the Mutual Surrender of Criminals.  
29 & 30 Vict. c. 121.—An Act for the amendment of the Law relating to Treaties of Extradition.

No. 7.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 13th July, 1870.

I transmit to you a copy of a letter from the War Office, suggesting that in consequence of the withdrawal of the troops and the departmental officers from the several military commands in Australia, the duty of paying pensioners who are now or who may hereafter become residents in any of the Australian Colonies should be undertaken by an officer of the Colonial Government.

I request that you will inform me whether there is any objection to this proposal on the part of your Government; and if not, that you will state your opinion as to the rate of remuneration which should be granted for this service.

I have, &c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

Enclosure in No. 7.

Lord NORTHBROOK to the UNDER SECRETARY of STATE, Colonial Office.

(Gen. No. 6, 1796.)

SIR,—

War Office, 4th July, 1870.

I am directed to acquaint you, for the information of the Secretary of State for the Colonies, that in consequence of the withdrawal of the troops and the departmental officers from the several military commands in Australia, Mr. Secretary Cardwell has had under consideration the question of providing for the payment of the Army pensioners and other persons in receipt of pensions or allowances from the Imperial Government, who are now or may hereafter become residents in any of the Australian Colonies.

It appears to Mr. Cardwell that it would entail an unnecessary expense on Her Majesty's Government to retain or appoint officers exclusively for the payment of pensioners who are widely dispersed throughout the various Colonies, and that the duty might be satisfactorily performed by officers of the Colonial Governments, to whom a small annual allowance might be paid out of Army funds.

I am therefore to request that you will have the goodness to bring this subject under the notice of Earl Granville, and, if his Lordship concur in the opinion above expressed, that the necessary communication may be made to the respective Governors of the Colonies, with a view to ascertain whether they see any objection to the duty in question being undertaken by Colonial Treasurers or other local functionaries, and also to ascertain their opinions as to the rate of remuneration which should be granted, the amount of which would, of course, be proportioned in each case to the number of the pensioners to be paid in the Colony, and the consequent trouble involved in the payment.



The numbers are approximately as follows:—

Victoria (including New South Wales and Queensland)	...	...	1,056
South Australia	...	...	235
New Zealand	...	...	868

I have, &c.,

The Under Secretary of State, Colonial Office.

NORTHBROOK.

No. 8.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 19th July, 1870.

I enclose for your guidance a copy of a letter which I have received from Earl Granville, from which you will learn Her Majesty's pleasure on various matters connected with the hostilities which have broken out between France and Prussia. You will not fail to conform to Her Majesty's commands, and to give them publicity throughout the Colony under your government.

I have, &c.,

The Officer Administering the Government  
of New Zealand.

KIMBERLEY.

Enclosure in No. 8.

Earl GRANVILLE to the Earl of KIMBERLEY.

MY LORD,—

Foreign Office, 19th July, 1870.

Her Majesty being fully determined to observe the duties of neutrality during the existing state of war between the Emperor of the French and the King of Prussia, and being moreover resolved to prevent, as far as possible, the use of Her Majesty's harbours, ports, and coasts, and the waters within Her Majesty's territorial jurisdiction, in aid of the warlike purposes of either belligerent, has commanded me to communicate to your Lordship, for your guidance, the following rules, which are to be treated and enforced as Her Majesty's orders and directions.

Her Majesty is pleased further to command that these rules shall be put in force in the United Kingdom and in the Channel Islands on and after the 26th day of July instant, and in Her Majesty's territories and possessions beyond the seas six days after the day when the Governor or other chief authority of each of such territories or possessions respectively shall have notified and published the same, stating in such notification that the said rules are to be obeyed by all persons within the same territories and possessions.

1. During the continuance of the present state of war, all ships of war of either belligerent are prohibited from making use of any port or roadstead in the United Kingdom of Great Britain and Ireland, or in the Channel Islands, or in any of Her Majesty's colonies or foreign possessions or dependencies, or of any waters subject to the territorial jurisdiction of the British Crown, as a station or place of resort for any warlike purpose, or for the purpose of obtaining any facilities of warlike equipment; and no ship of war of either belligerent shall hereafter be permitted to sail out of or leave any port, roadstead, or waters subject to British jurisdiction, from which any vessel of the other belligerent (whether the same shall be a ship of war or a merchant ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the territorial jurisdiction of Her Majesty.

2. If any ship of war of either belligerent shall, after the time when this order shall be first notified and put in force in the United Kingdom and in the Channel Islands, and in the several colonies and foreign possessions and dependencies of Her Majesty respectively, enter any port, roadstead, or waters belonging to Her Majesty, either in the United Kingdom or in the Channel Islands, or in any of Her Majesty's colonies or foreign possessions or dependencies, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, roadstead, or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew, or repairs, in either of which cases the authorities of the port, or of the nearest port (as the case may be), shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel which may have been allowed to remain within British waters for the purpose of repair shall continue in any such port, roadstead, or waters for a longer period than twenty-four hours after her necessary repairs shall have been completed: Provided, nevertheless, that in all cases in which there shall be any vessel (whether ships of war or merchant ships) of the said belligerent parties in the same port, roadstead, or waters within the territorial jurisdiction of Her Majesty, there shall be an interval of not less than twenty-four hours between the departure therefrom of any such vessel (whether a ship of war or merchant ship) of the one belligerent and the subsequent departure therefrom of any ship of war of the other belligerent; and the time hereby limited for the departure of such ships of war respectively shall always, in case of necessity, be extended so far as may be requisite for giving effect to this proviso, but no further or otherwise.

3. No ship of war of either belligerent shall hereafter be permitted, while in any port, roadstead, or waters subject to the territorial jurisdiction of Her Majesty, to take in any supplies, except provisions and such other things as may be requisite for the subsistence of her crew, and except so much

coal only as may be sufficient to carry such vessel to the nearest port of her own country, or to some nearer destination; and no coal shall again be supplied to any such ship of war in the same or any other port, roadstead, or waters subject to the territorial jurisdiction of Her Majesty, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within British waters as aforesaid.

4. Armed ships of either party are interdicted from carrying prizes made by them into the ports, harbours, roadsteads, or waters of the United Kingdom, or any of Her Majesty's colonies or possessions abroad.

The Right Hon. the Earl of Kimberley.

I have, &c.,  
GRANVILLE.

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No. 9.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

Downing Street, 21st July, 1870.

I transmit to you the Queen's Proclamation for the maintenance of neutrality, which, with the advice of Her Privy Council, Her Majesty has issued, in consequence of the existing state of war between France and Prussia.

I have to desire that you will immediately give the utmost publicity to the said Proclamation.

I have, &c.  
KIMBERLEY.

The Officer Administering the Government  
of New Zealand.

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Enclosure in No. 9.

A PROCLAMATION.

VICTORIA R.

WHEREAS We are happily at Peace with all Sovereigns, Powers and States :

And whereas, notwithstanding our utmost exertions to preserve peace between all Sovereign Powers and States, a state of war unhappily exists between His Imperial Majesty the Emperor of the French and His Majesty the King of Prussia, and between their respective subjects and others inhabiting within their countries, territories, or dominions :

And whereas We are on terms of friendship and amicable intercourse with each of these Sovereigns, and with their several subjects and others inhabiting within their countries, territories; or dominions :

And whereas great numbers of our loyal subjects reside and carry on commerce, and possess property and establishments, and enjoy various rights and privileges, within the dominions of each of the aforesaid Sovereigns, protected by the faith of treaties between us and each of the aforesaid Sovereigns :

And whereas We, being desirous of preserving to our subjects the blessings of peace, which they now happily enjoy, are firmly purposed and determined to abstain altogether from taking any part, directly or indirectly, in the war now unhappily existing between the said Sovereigns, their subjects and territories, and to remain at peace with and to maintain a peaceful and friendly intercourse with each of them, and their respective subjects and others inhabiting within any of their respective countries, territories, and dominions, and to maintain a strict and impartial neutrality in the said state of war unhappily existing between them :

We therefore have thought fit, by and with the advice of our Privy Council, to issue this our Royal Proclamation :

And We do hereby strictly charge and command all our loving subjects to govern themselves accordingly, and to observe a strict neutrality in and during the aforesaid war, and to abstain from violating or contravening either the laws and statutes of the realm in this behalf, or the law of nations in relation thereto, as they will answer to the contrary at their peril.

And whereas in and by a certain Statute made and passed in the fifty-ninth year of His Majesty King George the Third, intituled "An Act to prevent the Enlisting or Engagement of His Majesty's Subjects to serve in a Foreign Service, and the fitting out or equipping, in His Majesty's Dominions, "Vessels for Warlike Purposes, without His Majesty's License," it is amongst other things declared and enacted as follows :—

"That if any person within any part of the United Kingdom, or in any part of His Majesty's dominions beyond the seas, shall, without the leave and license of His Majesty for that purpose first had and obtained as aforesaid, equip, furnish, fit out, or arm, or attempt or endeavour to equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or shall knowingly aid, assist, or be concerned in the equipping, furnishing, fitting out, or arming, of any ship or vessel with intent or in order that such ship or vessel shall be employed in the service of any foreign prince, state, or potentate, or of any foreign colony, province, or part of any province or people, or of any person or persons exercising or assuming to exercise any powers of Government in or over any foreign state, colony, province, or part of any province or people, as a transport or store ship, or with intent to cruise or commit hostilities against any prince, state, or potentate, or against the subjects or citizens of any prince, state, or potentate, or against the persons exercising or assuming to exercise the powers of Government in any colony, province, or part of any province or country, or against the inhabitants of any foreign colony, province, or part of any province or country, with whom His Majesty shall not then

“ be at war, or shall within the United Kingdom or any of His Majesty’s dominions, or in any settlement, colony, territory, island, or place belonging or subject to His Majesty, issue or deliver any commission for any ship or vessel to the intent that such ship or vessel shall be employed as aforesaid, every such person so offending shall be deemed guilty of a misdemeanour, and shall, upon conviction thereof upon any information or indictment, be punished by fine and imprisonment or either of them, at the discretion of the Court in which such offender shall be convicted; and every such ship or vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to or be on board of any such ship or vessel, shall be forfeited; and it shall be lawful for any officer of His Majesty’s Customs or Excise, or any officer of His Majesty’s Navy, who is by law empowered to make seizures for any forfeiture incurred under any of the laws of Customs or Excise, or the laws of Trade and Navigation, to seize such ships and vessels aforesaid, and in such places and in such manner in which the officers of His Majesty’s Customs or Excise and the officers of His Majesty’s Navy are empowered respectively to make seizures under the laws of Customs and Excise, or under the laws of Trade and Navigation; and that every such ship and vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to or be on board such ship or vessel, may be prosecuted and condemned in the like manner and in such Courts as ships or vessels may be prosecuted and condemned for any breach of the laws made for the protection of the revenues of Customs and Excise, or of the laws of Trade and Navigation.”

And it is in and by the said Act further enacted—

“ That if any person in any part of the United Kingdom of Great Britain and Ireland, or in any part of His Majesty’s dominions beyond the seas, without the leave and license of His Majesty for that purpose first had and obtained as aforesaid, shall, by adding to the number of the guns of such vessel, or changing those on board for other guns, or by the addition of any equipment for war, increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting, the warlike force of any ship or vessel of war, or cruiser or other armed vessel, which at the time of her arrival in any part of the United Kingdom or any of His Majesty’s dominions was a ship of war, cruiser, or armed vessel in the service of any foreign prince, state, or potentate, or of any person or persons exercising or assuming to exercise any powers of Government in or over any colony, province, or part of any province or people belonging to the subjects of any such prince, state, or potentate, or to the inhabitants of any colony, province, or part of any province or country under the control of any person or persons so exercising or assuming to exercise the powers of Government, every such person so offending shall be deemed guilty of a misdemeanour, and shall, upon being convicted thereof upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the Court before which such offender shall be convicted.”

Now, in order that none of our subjects may unwarily render themselves liable to the penalties imposed by the said Statute, We do hereby strictly command, that no person or persons whatsoever do commit any act, matter, or thing whatsoever contrary to the provisions of the said Statute, upon pain of the several penalties by the said Statute imposed, and of our high displeasure.

And We do hereby further warn and admonish all our loving subjects, and all persons whatsoever entitled to our protection, to observe towards each of the aforesaid Sovereigns, their subjects and territories, and towards all belligerents whatsoever, with whom we are at peace, the duties of neutrality, and to respect in all and each of them the exercise of those belligerent rights which We and our Royal Predecessors have always claimed to exercise.

And We do hereby further warn all our loving subjects, and all persons whatsoever entitled to our protection, that if any of them shall presume, in contempt of this our Royal Proclamation, and of our high displeasure, to do any acts in derogation of their duty as subjects of a neutral Sovereign in a war between other Sovereigns, or in violation or contravention of the law of nations in that behalf, as more especially by breaking or endeavouring to break any blockade lawfully and actually established by or on behalf of either of the said Sovereigns, by carrying officers, soldiers, despatches, arms, ammunition, military stores or materials, or any article or articles considered and deemed to be contraband of war according to the law or modern usages of nations, for the use or service of either of the said Sovereigns, that all persons so offending, together with their ships and goods, will rightfully incur and be justly liable to hostile capture, and to the penalties denounced by the law of nations in that behalf.

And We do hereby give notice that all our subjects and persons entitled to our protection who may misconduct themselves in the premises will do so at their peril and of their own wrong; and that they will in nowise obtain any protection from us against such capture, or such penalties as aforesaid, but will, on the contrary, incur our high displeasure by such misconduct.

Given at our Court at Osborne House, Isle of Wight, this nineteenth day of July, in the year of our Lord one thousand eight hundred and seventy, and in the thirty-fourth year of our reign.

GOD SAVE THE QUEEN!

No. 10.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 70.)

SIR,—

Downing Street, 25th July, 1870.

I have the honor to acknowledge the receipt of your Despatch No. 42, of the 6th April, and to approve of the design of the flag for the Governor of New Zealand which accompanied it.

In reply to your inquiry, I have to inform you that the Order in Council of the 7th August, 1869, only applies to the flag used by a Governor when afloat. Under these circumstances you may continue as heretofore to fly on shore the Union Jack without any distinguishing Colonial badge.

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

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## No. 11.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 71.)

SIR,—

Downing Street, 3rd August, 1870.

I have received your Despatch No. 52, of 27th May, enclosing a copy of an address presented to Captain George Palmer, R.N., of Her Majesty's ship "Rosario," by the inhabitants of Tauranga.

In accordance with your request, I have forwarded a copy of your Despatch and its enclosure to the Lords Commissioners of the Admiralty.

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

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## No. 12.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 72.)

SIR,—

Downing Street, 3rd August, 1870.

I have the honor to request that you will inform the Speaker of the Legislative Council, and also the Speaker of the House of Representatives, that the Queen has commanded me to express to you Her Majesty's satisfaction at receiving the two beautifully illuminated Addresses from both Houses of the New Zealand Parliament, which accompanied your Despatch No. 53, of the 30th May.

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

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## No. 13.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 73.)

SIR,—

Downing Street, 4th August, 1870.

I have to acknowledge your Despatch No. 58, of 4th of June, reporting the progress of events during the month then past.

I am glad to receive so satisfactory an account of the state of affairs.

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

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## No. 14.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 74.)

SIR,—

Downing Street, 5th August, 1870.

I have received your Despatch No. 49, of 9th May, forwarding a Memorial addressed to my predecessor by Captain Johnstone, late of the Indian Army, setting forth his claim against the New Zealand Government as a sufferer from Maori aggression.

I request that you will inform Captain Johnstone that the matter is not one in which the Secretary of State can interfere.

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

## No. 15.

COPY of a DESPATCH from the Right. Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 76.)

SIR,—

Downing Street, 8th August, 1870.

I have to acknowledge your Despatch No. 51, of 26th May, furnishing a narrative of your visit to the Maori clans north of Auckland.

I have read your Despatch with great interest. The account you give of the friendly relations established in this part of New Zealand between the settlers and the Natives is equally creditable to both races; and the expressions of loyalty on the part of the Maoris, and attachment to the Crown and the home country on the part of the Colonists, have afforded much satisfaction to Her Majesty's Government.

I have, &amp;c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

## No. 16.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 78.)

SIR,—

Downing Street, 11th August, 1870.

With reference to your Despatch No. 52, of 27th May, I transmit to you August 4, 1870. a copy of a letter from the Admiralty, expressing the satisfaction of the Lords Commissioners at the appreciation by the inhabitants of New Zealand of the services rendered by Her Majesty's ships, and observing that Commander Palmer has been promoted to the rank of Post Captain.

I have, &amp;c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

## Enclosure in No. 16.

Mr. JAMES (Admiralty) to UNDER SECRETARY, Colonial Office.

SIR,—

Admiralty, 4th August, 1870.

With reference to your letter of the 3rd instant, I am commanded by my Lords Commissioners of the Admiralty to request you will state to the Secretary of State for the Colonies, that they have received with satisfaction the copy of the report from the Governor of New Zealand, expressing the appreciation by the Colony of the services rendered by Her Majesty's ships, and enclosing a copy of an address presented to Commander Palmer, of Her Majesty's ship "Rosario," by the inhabitants of Tauranga, where that ship was stationed during the disturbances on the East Coast of the Island.

2. My Lords desire me to observe that Commander Palmer, has since been promoted to the rank of Post Captain.

I have, &amp;c.,

The Under Secretary of State for the Colonies

T. JAMES (*pro Secy.*)

## No. 17.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 80.)

SIR,—

Downing Street, 18th August, 1870.

Adverting to your Despatch marked separate, of 6th April, 1868, respecting Albert Victor Pomare, the child of a Maori chief born in England, I have the honor to inform you that the Queen has expressed a wish that a proper education should be given to the child.

With this view Her Majesty is prepared to pay a reasonable sum annually, say for the next five years, in order to have the child educated for the class of life to which he belongs. Her Majesty is desirous that this should be done under your own direction, rather than at the discretion of any other person in the Colony.

I request that you will give effect to the Queen's wishes, and will report what sum would be necessary for the education of the child.

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

P.S.—Sir T. Biddulph informs me that he has sent to the Colony the sum of £7 10s. stated to be due for the child's instruction at the Orphan Home at Auckland.

## No. 18.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 81.)

SIR,—

Downing Street, 19th August, 1870.

I have to acknowledge your Despatch No. 46, of 13th April, respecting the use of the flag of New Zealand.

August 16, 1870. I referred your Despatch to Mr. Secretary Cardwell, and I transmit to you, for your information, a copy of a letter upon the subject which has been received from the War Office.

I have, &amp;c.,

H. T. HOLLAND

Governor Sir G. F. Bowen, G.C.M.G. (for the Earl of Kimberley).

## Enclosure in No. 18.

Sir E. LUGARD to Sir F. ROGERS.

SIR,—

War Office, 16th August, 1870.

I have laid before Mr. Secretary Cardwell your letter of the 25th ultimo, with its enclosed extract of a Despatch from the Governor of New Zealand, requesting to be informed whether the flag of the Colony should be used only by vessels belonging to the Government, or whether it should also be hoisted on the forts or batteries garrisoned by Colonial forces, and used by the Colonial forces in the field.

In reply, I am to request that you will state to the Earl of Kimberley that, in the opinion of Mr. Cardwell, the flag to be mounted on the forts and batteries of a colony, whether there be an Imperial garrison or not on the spot, should be the Union flag usually employed in the service.

Mr. Cardwell is not aware that any flag is used in the field.

Regiments of Imperial infantry (except the 60th Regiment and the Rifle Brigade) carry colours, one being the Queen's colour, the other the regimental colour; but it is not, the Secretary of State apprehends, usual to carry any flag or ensign with a force.

The Colonial flag is a local ensign used for the sake of convenience, and would probably be carried by vessels having a Colonial registry; but the Imperial flag should be the distinctive mark or ensign of a British possession, thereby indicating the nationality of the inhabitants and their allegiance.

Because a colony enjoys free institutions and Parliamentary government, and has no Imperial garrison, it does not appear to Mr. Cardwell to follow that the nationality and allegiance are altered, or that the distinctive national emblems should be changed for a flag unrecognized among the different Powers of the world.

A colour is a distinctive mark of nationality, and Mr. Cardwell does not think that any colony or dependency can abandon such emblems, or adopt a local flag, whilst forming a portion of the Queen's dominions.

Sir Frederic Rogers, Bart.

I have, &amp;c.,

EDWARD LUGARD.

## No. 19.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 2nd August, 1870.

Her Majesty's Government being desirous of obtaining information as to the laws in force in the Colonies as to trespass, and also as to the preservation of game, I have to request that you will furnish me, as soon as you conveniently can, with copies of any enactments in force in the Colony of New Zealand on these subjects, accompanying them with any observations which you may think necessary in order to render such enactments intelligible.

I have, &amp;c.,

KIMBERLEY.

The Officer Administering the Government  
of New Zealand.

No. 20.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 82.)

SIR,—

Downing Street, 30th August, 1870.

I have to acknowledge your Despatch No. 79, of 3rd July, furnishing an  
account of the progress of events in New Zealand during the month then past.

I have, &amp;c.,

ROBERT G. W. HERBERT,

Governor Sir G. F. Bowen, G.C.M.G.

(for the Earl of Kimberley).

No. 21.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 83.)

SIR,—

Downing Street, 31st August, 1870.

I have to acknowledge your Despatch No. 78, of 2nd July, enclosing a  
letter addressed to the Queen by Parakaia Te Pouepa of the Ngatiraukawa Tribe.

I request that you will inform Parakaia Te Pouepa, that his prayer has been  
laid before the Queen, but that Her Majesty is unable to interfere in a matter  
which rests entirely with the local Government, and which, moreover, has been  
decided upon by a competent tribunal after a careful and laborious examination  
into the facts of the case.

I have, &amp;c.,

KIMBERLEY.

Governor Sir G. F. Bowen, G.C.M.G.

No. 22.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 84.)

SIR,—

Downing Street, 1st September, 1870.

I have to acknowledge the receipt of your Despatch No. 61, of 21st  
June, reporting the appointment of Mr. Henry Sewell as Minister of Justice.

I have, &amp;c.,

KIMBERLEY.

Governor Sir G. F. Bowen, G.C.M.G.

No. 23.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 85.)

SIR,—

Downing Street, 2nd September, 1870.

I have to acknowledge the receipt of your Despatch No. 66, of 26th  
June, reporting that you had presented to Te Kepa (Major Kemp), Ropata, and  
Mokena three of the swords sent out in the Queen's name for presentation to  
certain Maori chiefs, in token of Her Majesty's recognition of their services.

I have, &amp;c.,

KIMBERLEY.

Governor Sir G. F. Bowen, G.C.M.G.

No. 24.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 86.)

SIR,—

Downing Street, 3rd September, 1870.

I have to acknowledge your Despatch No. 60, of 20th June, forwarding  
copies of the Speech with which you opened the Session of the New Zealand

Parliament for 1870, with copies of the Addresses presented to you in reply by the Legislative Council and by the House of Representatives.

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

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## No. 25.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 88.)

SIR,— Downing Street, 20th September, 1870.

I have to acknowledge your Despatch No. 70, of 30th June, forwarding correspondence with Her Majesty's Consul at Fiji respecting a statement made by him that most of the vessels arriving at the Fiji and Tonga Islands from the ports of New Zealand are chartered for the conveyance of so-called immigrant labourers to Fiji.

I have to convey to you my approval of the course you adopted in the matter.

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

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## No. 26.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,— Downing Street, 16th August, 1870.

I have to call your attention to the Circular Despatch from this Department of the 25th October, 1865, and to remind you that if I do not receive from you within the first quarter of the year 1871 the name of a candidate for the naval cadetship which falls in that year to the Colony of New Zealand, the nomination will be considered as having lapsed.

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

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## No. 27.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(General.)

SIR,— Downing Street, 30th September, 1870.

I have the honor to inform you, in reply to your Despatch No. 74, 1st July last, that the 3rd April, 1871, is the date upon which the census in England will be taken.

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

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## No. 28.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 89.)

SIR,— Downing Street, 30th September, 1870.

With reference to my predecessor's Despatch No. 53, of the 20th of May, respecting the guarantee of a loan of one million to be raised by the Government of New Zealand, I have the honor to transmit to you the accompanying copies of an Act passed at the close of the last Session, entitled "An Act for authorizing  
" a Guarantee of a Loan to be raised by the Government of New Zealand for the  
" Construction of Roads, Bridges, and Communications in that Country, and for the  
" Introduction of Settlers into that Country."



You will learn from the second and third clauses the conditions under which Her Majesty's Government are authorized to give this guarantee. It will be a great satisfaction to them if the loan to be raised proves conducive to the pacific advancement of the Colony.

I have, &c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

### Enclosure in No. 28.

#### CHAP. 40.

AN ACT for authorizing a Guarantee of a Loan to be raised by the Government of New Zealand for the Construction of Roads, Bridges, and Communications in that Country, and for the Introduction of Settlers into that Country.—[1st August, 1870.]

WHEREAS the Government of New Zealand propose to raise by way of loan a sum not exceeding one million pounds, for the purposes of the construction of roads, bridges, and communications in that country, and of the introduction of settlers into that country, and it is expedient to authorize the Commissioners of Her Majesty's Treasury, in this Act referred to as "the Treasury," to guarantee such loan:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "The New Zealand (Roads, &c.) Loan Act, 1870."

2. The Treasury may guarantee, in such manner and form as they think fit, payment of the principal of all or any part of any loan not exceeding one million pounds raised by the Government of New Zealand for the purposes of the construction of roads, bridges, and communications in that country, and of the introduction of settlers into that country, and payment of the interest of any such loan at a rate not exceeding four per cent.

3. The Treasury shall not give any guarantee under this Act, unless and until provision has been made, either before or after the passing of this Act, by an Act of the Legislature of New Zealand, or otherwise to the satisfaction of the Treasury—

- (1.) For raising the said loan, and appropriating the same to the purposes mentioned in this Act:
- (2.) For charging the Consolidated Revenue of New Zealand with the payment of the principal and interest of the said loan immediately after the charges on that fund existing at the time of the passing of this Act:
- (3.) For payment by the Government of New Zealand of a sinking fund at the rate of two per centum per annum on the entire amount of the said loan, or so much as is raised for the time being, commencing at the date at which the whole of such loan is raised, or at the expiration of ten years from the passing of the Act (whichever date first happens), and for charging the Consolidated Revenue of New Zealand with the payment of such sinking fund immediately after the principal and interest of the said loan:
- (4.) For charging the Consolidated Revenue of New Zealand with any sum issued out of the Consolidated Fund of the United Kingdom under this Act, with interest thereon at the rate of five per centum per annum, immediately after the sinking fund of the said loan:
- (5.) For rendering to the Governor of New Zealand, for transmission to the Treasury, an annual abstract of the accounts of the expenditure of the money raised by means of the said loan under such heads as the Treasury from time to time desire:
- (6.) For remitting to the Treasury the annual sums for the sinking fund by equal half-yearly payments, and for the investment and accumulation thereof under their direction in the names of four trustees nominated from time to time, two by the Treasury and two by the Government of New Zealand.

The Treasury shall not guarantee in any one year a larger sum than two hundred thousand pounds; and the Treasury, before guaranteeing any portion of the loan after the first, shall satisfy themselves that the portion of the loan already raised has been or is in the course of being spent for the purposes mentioned in this Act.

4. The said sinking fund may be invested in such securities as the Government of New Zealand and the Treasury from time to time agree upon, and shall, whether invested or not, be applied from time to time, under the direction of the Treasury, in discharging the principal of the said loan; and the interest arising from such securities (including the interest on any part of the loan discharged by means of the sinking fund), and the resulting income thereof, shall be invested and applied as part of such sinking fund.

5. Every Act passed by the Legislature of New Zealand which in any way impairs the priority of the charge upon the Consolidated Revenue of New Zealand created by that Legislature of the said loan and the interest and sinking fund thereof, and the sums paid out of the Consolidated Fund of the United Kingdom and the interest thereon, shall, so far only as it impairs such priority, be void, unless such Act contain a suspending clause providing that such Act shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in New Zealand.

6. The Treasury are hereby authorized to cause to be issued from time to time, out of the growing produce of the Consolidated Fund of the United Kingdom, such sums of money as may at any time be required to be paid to fulfil the guarantee under this Act in respect either of principal or interest.

7. The Treasury may from time to time certify to one of Her Majesty's Principal Secretaries of State the amount which has been paid out of the Consolidated Fund of the United Kingdom to fulfil

the guarantee under this Act, and the date of such payment; such certificate shall be communicated to the Governor of New Zealand, and shall be conclusive evidence of the amount having been so paid and of the time when the same was so paid.

8. The Treasury shall cause to be prepared and laid before both Houses of Parliament a statement of any guarantee given under this Act, and a copy of any accounts received by them respecting the expenditure of the said loan, and an account of all sums issued out of the Consolidated Fund of the United Kingdom for the purposes of this Act, within one month after the same are so given, received, or issued, if Parliament be then sitting, or if Parliament be not sitting, then within fourteen days after the then next meeting of Parliament.

## No. 29.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 90.)

SIR,—

Downing Street, 7th October, 1870.

I have the honor to acknowledge the receipt of your Despatch No. 91, of the 28th July, informing me of the course pursued with regard to the members of Te Kooti's band recently tried before the Supreme Court at Wellington, for levying war against the Queen.

I am very glad to find that it has not been found necessary to execute any of these prisoners.

Governor Sir G. F. Bowen, G.C.M.G.

I have, &c.,  
KIMBERLEY.

## No. 30.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 91.)

SIR,—

Downing Street, 10th October, 1870.

I have the honor to acknowledge the receipt of your Despatch No. 84, of the 21st of July, forwarding Statistics relating to the Agricultural Progress of New Zealand.

The increase of the number of acres under cultivation in 1870 as compared with the year 1869 is, as you observe, highly satisfactory.

Governor Sir G. F. Bowen, G.C.M.G.

I have, &c.,  
KIMBERLEY.

## No. 31.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 92.)

SIR,—

Downing Street, 15th October, 1870.

I have the honor to acknowledge the receipt of your Despatch No. 90, of the 27th of July, forwarding a copy of the Address with which, on the 23rd of that month, you opened the Session for 1870 of the New Zealand Institute, and enclosing two copies of the volume containing the Transactions and Proceedings of the Institute for 1869.

Governor Sir G. F. Bowen, G.C.M.G.

I have, &c.,  
KIMBERLEY.

## No. 32.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 93.)

SIR,—

Downing Street, 17th October, 1870.

I have the honor to acknowledge the receipt of your Despatch No. 97, of the 3rd of August, reporting on the events of the previous month, and enclosing

two Memoranda by Mr. McLean relating to Native affairs, and copies of papers presented to the New Zealand Parliament on various matters of interest.

I have, &c.,

ROBERT G. W. HERBERT

Governor Sir G. F. Bowen, G.C.M.G.

(for the Earl of Kimberley).

No. 33.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 17th October, 1870.

In his Circular Despatch of the 3rd of September, 1867, the Duke of Buckingham and Chandos communicated to you, for the consideration of your Government, a copy of the Imperial Act 30 and 31 Victoria, cap. 84, for amending and consolidating the law relating to vaccination in England. It is well known that that Act was enacted for England in view of the very remarkable success which had attended the system of compulsory vaccination introduced into Ireland by Sir Robert Peel's Act of 1863. Since the date of the Duke of Buckingham's Despatch, the progress made in stamping-out small-pox in Ireland has been still more remarkable than in previous years; and I think it may be well to put you in possession of the facts of the whole case.

In the year 1851 an Act of Parliament was passed, called "The Medical Charities Act (Ireland), 1851," by which it was made part of the official duty of every Dispensary Medical Officer in Ireland to vaccinate, gratis, all persons coming to him or brought to him for that purpose. In the ten years previous to the passing of this Act, the deaths from small-pox in Ireland had averaged 3,800 a year; in the seven years subsequent to the Act, from 1851 to 1857, they averaged about 1,500 a year.

In 1858 Lord Mayo carried through Parliament an Act providing that the Poor Law Medical Officers should receive a gratuity of 1s. for every successful vaccination performed. Owing to the impetus given to vaccination by this latter Act, the deaths from small-pox in the years from 1858 to 1863 did not average more than 1,000 a year. On the 1st of January, 1864, commenced the operation of the Act of 1863, which rendered vaccination compulsory, and which, it should be observed, continued the provision in Lord Mayo's Act, whereby the Medical Officers had been given a pecuniary interest in the efficiency of the system they were called on to administer. The effect of the Act of 1863, in stamping out small-pox, is shown by the following table of deaths resulting from that disease in the years since its enactment:—

1864	...	...	854 deaths.	1867	...	...	20 deaths.
1865	...	...	347 "	1868	...	...	19 "
1866	...	...	187 "	1869	...	...	1 death.

The man who died in 1869 was a Swedish sailor, who came to Ireland with the disease already on him.

In 1870, as far as the returns have been ascertained, only one man has died of small-pox, and only 48 cases of it have been treated, and of these 32 are referable to contagion imported from England, Scotland, and Norway; and in no case of outbreak did the disease become epidemic.

The Poor Law Commissioners for Ireland give it as their experience, that whilst it is undoubtedly the case that vaccination does not in every instance render the person vaccinated proof against the disease, yet it does so in a very large proportion of cases; and when the disease does attack those who have been vaccinated, it comes in a modified form, and is far less fatal, as will be perceived from the following table, which has been compiled by Mr Simon, Medical Officer of the English Privy Council.

Table showing the proportion of cases of Small-pox ending fatally amongst Persons wholly unvaccinated and Persons more or less efficiently vaccinated.

CLASS I.	Amongst persons unvaccinated	...	...	35 $\frac{1}{2}$	} Per cent. of cases end in death.
CLASS II.	"	stated to have been vaccinated	...	21 $\frac{3}{4}$	
		but bearing no vaccine scar,	...	7 $\frac{1}{2}$	
CLASS III.	"	having one vaccine scar	...	4 $\frac{1}{2}$	
CLASS IV.	"	having two vaccine scars	...	1 $\frac{3}{4}$	
CLASS V.	"	having three vaccine scars	...	$\frac{3}{4}$	
CLASS VI.	"	having four or more scars	...		

I need only further observe that the efficient working of a compulsory vaccination Act must be wholly dependent on an efficient registration of births. Such success as has been attained in Ireland cannot be looked for, if any appreciable number of the infant population are left unvaccinated, and this cannot be guarded against unless the registration of births is as nearly perfect as may be. In Ireland, Parliament has done the utmost that can be done to prevent anything of the kind, by combining the duties of Registrar with those of Medical Officer and Public Vaccinator; those who have a pecuniary interest in the extension of vaccination being thus put in a position to know of every case in which it may be performed.

You will communicate this Despatch to the Legislature of the Colony under your government, at the same time bringing the Act, forwarded to you by the Duke of Buckingham again under its notice, unless the Colony has already adopted the compulsory system, but in any case it will be useful that the remarkable facts as regard small-pox in Ireland should be made publicly known.

I have, &c.,

The Officer Administering the Government of  
New Zealand.

KIMBERLEY.

No. 34.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 95.)

SIR,—

Downing Street, 24th October, 1870.

Her Majesty's Government have received with sincere gratification the Ministerial Memorandum and the Resolutions of the Legislative Council which accompanied your Despatch No. 95, of the 1st of August, on the subject of the relations between New Zealand and this country.

I have much pleasure in anticipating from these communications that nothing will occur to disturb the good understanding between the Imperial and Colonial Governments, and that the connection between New Zealand and the United Kingdom will be maintained and strengthened, to the mutual advantage of both countries.

I have, &c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

No. 35.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, K.C.M.G.

(No. 100.)

SIR,—

Downing Street, 14th November, 1870.

I have the honor to acknowledge the receipt (*via* San Francisco) of the duplicate of your Despatch No. 104, of the 24th of August, enclosing further papers which had been presented to Parliament relative to military operations against the rebel Natives.

With reference to the request which you make in the last paragraph of your Despatch, to be informed whether Despatches sent by Suez should be marked *via* Marseilles or *via* Brindisi, I have to acquaint you that the Postmaster-General has decided to send all the mails for the present by the latter route.

I have, &c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

## No. 36.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 101.)

SIR,—

Downing Street, 14th November, 1870.

I have the honor to acquaint you that the Lords Commissioners of the Admiralty, to whom as well as to the Board of Trade a copy of your Despatch No. 109, of the 3rd of September, was transmitted, are desirous of being informed of the tariff of dock charges, wages of artificers, cost of materials, and any other particulars with regard to the new graving dock at Port Chalmers which you may think of service to that Department.

I have, &amp;c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

## No. 37.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 102.)

SIR,—

Downing Street, 17th November, 1870.

I have the honor to acknowledge the receipt of your Despatch No. 102, of the 21st of August, reporting the formal taking possession of the Bounty Islands in the name of the Queen.

I approve of the steps taken in this matter.

I have, &amp;c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

## No. 38.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 110.)

SIR,—

Downing Street, 13th December, 1870.

I have to acknowledge the receipt of your Despatch No. 130, of 6th October, on the subject of a visit which you had made to Taranaki, and the state of affairs in that Province.

I learn with much satisfaction that the Native meeting, an account of which you forward, passed off without disturbance.

I have, &amp;c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

## No. 39.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 111.)

SIR,—

Downing Street, 24th December, 1870.

I have to acknowledge your Despatch No. 123, of September 24th, enclosing a Memorandum by Mr. Fox, expressing a hope, with reference to Native affairs, that two vessels of war at the least may be stationed in the New Zealand waters for the exclusive protection of the Colony; and also a Memorandum by Mr. McLean on the subject of the meeting of Natives at Parihaka.

Her Majesty's Government learn with pleasure that the presence of the "Blanche" near Taranaki was the means of giving a feeling of security to the inhabitants of New Plymouth during the recent Native meeting at Parihaka, and they have no intention of withdrawing the instructions already given to the officers commanding Her Majesty's ships to show themselves on the coasts of New Zealand, and in certain emergencies to assist in protecting the lives and property of the settlers; but those instructions must necessarily be subject to the general exigencies of the service, as in the case of all other parts of the Empire, and Her

Majesty's Government could not enter into a positive engagement that a certain portion of Her Majesty's naval forces should be exclusively employed on the New Zealand coasts.

I have to add that a copy of this Despatch will be sent to Commodore Stirling, for his information and guidance.

Governor Sir G. F. Bowen, G.C.M.G.

I have, &c.,  
KIMBERLEY.

No. 40.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 112.)

SIR,—

Downing Street, 27th December, 1870.

I have the honor to acknowledge the receipt of your Despatch No. 110, of the 4th September, enclosing copies of correspondence respecting the title of "Honorable," which Her Majesty has permitted Messrs. Stafford, Fitzherbert, Hall, Richmond, and Colonel Haultain to retain within the Colony of New Zealand.

Governor Sir G. F. Bowen, G.C.M.G.

I have, &c.,  
KIMBERLEY.

No. 41.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 2.)

SIR,—

Downing Street, 4th January, 1871.

I have to acknowledge your Despatch No. 115, of 18th September, forwarding two sketch maps of the North Island of New Zealand, prepared by the direction of the Colonial Government.

I have, &c.,  
FREDERIC ROGERS  
Governor Sir G. F. Bowen, G.C.M.G. (for the Earl of Kimberley).

No. 42.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 4.)

SIR,—

Downing Street, 14th January, 1871.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the Act of the Legislature of New Zealand entitled "An Act to provide for the Construction of certain Railways under the provisions of 'The Immigration and Public Works Act, 1870,' out of 'Moneys authorized to be raised under 'The Immigration and Public Works Loan Act, 1870,' " a transcript of which accompanied Despatch No. 126, of the 26th September last.

I have, &c.,  
KIMBERLEY.  
Governor Sir G. F. Bowen, G.C.M.G.

No. 43.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 5.)

SIR,—

Downing Street, 16th January, 1871.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the following Acts of the

Legislature of New Zealand, transcripts of which accompanied your Despatch No. 126, of the 26th September last, viz. :—

No. 52.—An Act to amend “The Auckland Waste Lands Act, 1867.”

No. 53.—An Act to amend the Regulations for the Sale, Letting, and Disposal of Waste Lands in the Province of Wellington.

No. 54.—An Act to amend “The Nelson Waste Lands Act, 1863.”

No. 55.—An Act to amend “The Crown Lands (Nelson) Leasing Act, 1867.”

No. 56.—An Act to regulate the Sale, Letting, Occupation and Management of the Waste Lands of the Crown in the County of Westland.

No. 57.—An Act to amend an Act to regulate the Declaration of Hundreds in the Province of Otago.

No. 77.—An Act to provide for Immigration and the Construction of Railways and other Public Works, and also to promote Settlement.

I have, &c.,

The Officer Administering the Government  
of New Zealand.

KIMBERLEY.

No. 44.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 8.)

SIR,—

Downing Street, 19th January, 1871.

I have the honor to inform you that Her Majesty will not be advised to exercise Her power of disallowance with respect to the following Acts of the Legislature of New Zealand, transcripts of which accompanied your Despatch No. 126, of the 26th of September last, viz. :—

No. 87.—An Act to consolidate and amend the Law relating to the Militia in New Zealand.

No. 88.—An Act to amend “The Volunteer Act, 1865.”

I have, &c.,

Governor Sir G. F. BOWEN, G.C.M.G.

KIMBERLEY.

No. 45.

COPY of DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 9.)

SIR,—

Downing Street, 20th January, 1871.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the following Acts of the Legislature of New Zealand, transcripts of which accompanied your Despatch No. 126, of the 26th of September last, viz. :—

No. 1.—An Act to alter the Punishment in certain cases of High Treason.

No. 2.—An Act to apply out of the Consolidated Fund the sum of Fifty Thousand Pounds (£50,000) to the Service of the Year ending the Thirtieth day of June, One thousand eight hundred and seventy-one.

No. 4.—An Act to amend “The Otago Education Reserves Abandonment Act, 1868.”

No. 5.—An Act to amend the Law relating to the Administration of the Estates of Deceased Persons and to the Construction of Wills.

No. 6.—An Act to amend the Law relating to Partition.

No. 7.—An Act to prevent Vexatious Indictments for certain Misdemeanours.

No. 8.—An Act to amend the Law relating to Larceny and Embezzlement.

No. 9.—An Act for raising the sum of Fifty Thousand Pounds (£50,000) by Treasury Bills.

No. 10.—An Act to further extend the time for making an Award under the provisions of “The Wellington and Hawke’s Bay Public Debt Apportionment Act, 1868.”

No. 11.—An Act to remove doubts as to the effect of the Assent of a Superintendent given to Bills which ought to be reserved for the signification of the Governor's pleasure thereon.

No. 12.—An Act for extending the Criminal Jurisdiction of District Courts.

No. 13.—An Act to apply out of the Consolidated Fund the sum of One Hundred Thousand Pounds (£100,000) to the Service of the Year ending the Thirtieth day of June, One thousand eight hundred and seventy-one.

No. 14.—An Act to amend "The Supreme Court Act, 1860."

No. 15.—An Act to make further provision for the Representation of the People of New Zealand in Parliament.

No. 16.—An Act to declare and amend the Law relating to the Qualification of Electors and Members of the House of Representatives.

No. 17.—An Act for better securing the Freedom and Independence of Parliament.

No. 18.—An Act to make provision for the Regulation and Conduct of Elections of Members of the House of Representatives and Superintendents of certain Provinces and Members of Provincial Councils.

No. 19.—An Act to provide for the Sale of Land for the Recovery of Arrears of Rates.

No. 20.—An Act to amend the Law relating to Duties on Gold.

No. 21.—An Act to amend "The Stamp Duties Act, 1866."

No. 22.—An Act to amend "The Juries Act, 1868."

No. 23.—An Act to amend "The Bankruptcy Act, 1867," and "The Bankruptcy Act Amendment Act, 1868."

No. 24.—An Act to facilitate the taking of Evidence in Resident Magistrates' Courts and certain other Courts.

No. 25.—An Act to continue in operation certain provisions of an Act of the General Assembly validating certain Provincial Acts and Ordinances.

No. 26.—An Act for Winding-up Limited Liability Companies.

No. 27.—An Act to amend "The Mining Companies Limited Liability Act, 1865," and "The Mining Companies Limited Liability Act Amendment Act, 1869."

No. 28.—An Act to enable the Deputy Superintendent of the Province of Wellington to fix the time and place for holding the next Session of the Provincial Council of the said Province.

No. 29.—An Act to amend the Act of the General Assembly of New Zealand intituled "An Act to provide for the Care and Custody of Neglected and Criminal Children."

No. 30.—An Act to amend the Law relating to Sales of Land by Mortgagees.

No. 31.—An Act to amend "The Escheat Act, 1868."

No. 32.—An Act to amend "The Intestate Estates Act, 1865."

No. 33.—An Act to give certain powers to Fire Brigades and others for the saving of Property from destruction by Fire.

No. 34.—An Act to amend "The Dangerous Goods Act, 1869."

No. 35.—An Act to provide for the mode of conducting Legal Proceedings in certain cases by and against Unincorporated Public Boards.

No. 36.—An Act to amend "The Court of Appeal Act, 1862."

No. 37.—An Act to extend the provisions of "The Married Women's Property Protection Act, 1860."

No. 38.—An Act to permit Summary Prosecutions to be instituted in certain cases without regard to the period which has elapsed since the Commission of the Offence.

No. 39.—An Act to regulate the Sale of Spirituous and Fermented Liquors within Districts inhabited by Aboriginal Natives.

No. 40.—An Act to remove the Disability of Aliens to hold Land in New Zealand.

No. 41.—An Act to provide for the constitution of Harbour Boards and other purposes.

No. 45.—An Act to amend "The Gold Fields Act, 1866," and "The Gold Fields Act Amendment Act, 1869."

No. 46.—An Act to legalize Preferable Liens on certain Yearly Crops.



No. 47.—An Act to amend “The Census Act, 1858,” and other Acts amending the same.

No. 48.—An Act to amend “The Walsh and Others Pension Act, 1869.”

No. 49.—An Act to continue certain Pensions now payable to Eliza Meredith, Rhoda Betty Hamlin, Daniel Monro, and Heroria Broughton, and to provide for the payment of Pensions to Henry Deery and Mary Collins.

No. 50.—An Act to amend “The County of Westland Act, 1868,” and “The County of Westland Act Amendment Act, 1869.”

No. 51.—An Act to simplify the Title to and the dealing with Estates in Land.

No. 58.—An Act to authorize the Sale, pursuant to certain Contracts in that behalf, of certain Sections or Blocks in the Province of Hawke’s Bay.

No. 59.—An Act to make provision for the Renewal of Depasturing Licenses in the Province of Hawke’s Bay.

No. 60.—An Act to give effect to an Agreement for the Disposal of the Mohaka and Waikare District.

No. 61.—An Act to validate certain Sales of and other Dealings with Crown Lands in the Township of Gisborne in Poverty Bay, and the Suburbs thereof, and for other purposes.

No. 62.—An Act to confirm certain Sales of Land in the Township of Richmond in the Bay of Plenty District, and to authorize the issue of Crown Grants of the sold and unsold portions of the said Township, and of other Lands in the said District.

No. 63.—An Act to repeal “The Bay of Islands Settlement Act, 1858,” and to provide for winding-up the Affairs of the Settlement.

No. 64.—An Act to vest in Trustees certain Lands in the Townships of Greytown and Masterton, Wairarapa.

No. 65.—An Act to declare valid the Sale of certain Reserves in the Province of Marlborough.

No. 66.—An Act to authorize the taking of Land for the purpose of a Road through certain Blocks of Land granted to George Duppa.

No. 67.—An Act to amend an Act of the General Assembly of New Zealand, passed in the thirty-second year of the Reign of Her present Majesty, and shortly intituled “The Hawke’s Bay and Marlborough Rivers Act, 1868.”

No. 68.—An Act to make provision for the Management of certain Rivers in the Province of Canterbury.

No. 69.—An Act to enable the Governor to accept a surrender of the Grant of certain Land at Kaiapoi in the Province of Canterbury, made under “The Native Reserves Act, 1856,” upon Trust for an Industrial School, and to authorize Grants to be made of such Lands upon other Trusts.

No. 70.—An Act to provide for the grant to Henry Ferdinand Turner, of Four Hundred Acres of Land in the Province of Taranaki.

No. 71.—An Act to provide for the grant to Robert Johnston of Four Hundred Acres of Land in the Province of Wellington.

No. 72.—An Act to authorize the Governor to grant to George Green certain Lands in satisfaction of his Land Claims under the Land Claims Settlements Acts, 1856 and 1858.

No. 73.—An Act to amend “The Green and Spencer Land Claims Act, 1868.”

No. 74.—An Act to extend the Time within which Rehearings of Claims under “The Native Lands Act, 1865,” may be granted.

No. 75.—An Act to prevent Improvident Dealings and Frauds upon the Alienation of Land held by Natives.

No. 76.—An Act to amend “The Crown Grants Act, 1866.”

No. 79.—An Act to provide for the Width of Guage of the Railways within the Province of Canterbury.

No. 81.—An Act to authorize the Raising of a Loan of One Million Pounds for Defence and other Purposes.

No. 82.—An Act to alter the Amount of Revenue of the Colony payable to the several Provinces.

No. 83.—An Act to facilitate Trade with the Islands of the North and South Pacific.

No. 85.—An Act to provide a System of Insurance of the Fidelity of Officers in the Service of the Government of New Zealand.

No. 86.—An Act to amend “The Government Annuities Act, 1869.”

No. 89.—An Act to amend the Law relating to Letters Patent for Inventions.

No. 90.—An Act to establish a University for the Colony of New Zealand.

No. 91.—An Act to make provision for the appointment of Governors of Nelson College.

No. 92.—An Act to amend “The Timaru and Gladstone Board of Works Act, 1867.”

No. 93.—An Act to provide for uniting the Provinces of Otago and Southland.

No. 94.—An Act to amend “The Public Revenues Act, 1867.”

No. 95.—An Act to authorize the raising of Five Hundred Thousand Pounds in anticipation of Moneys authorized to be raised under certain Acts passed in this Session of Parliament.

No. 96.—An Act to extend the Currency of Treasury Bills issued under “The Treasury Bills Act, 1869.”

No. 97.—An Act to apply a Sum of Money out of the Consolidated Fund and other Moneys to the Service of the Year ending the Thirtieth day of June, One thousand eight hundred and seventy-one, and to appropriate the Supplies granted in this present Session.

No. 98.—An Act to appropriate a Sum of Money out of the Moneys authorized to be raised under “The Defence and other Purposes Loan Act, 1870,” to the Service of the Year ending the Thirtieth day of June, One thousand eight hundred and seventy-one, for Colonial Defence.

*Private Acts.*

No. 1.—An Act to enable the Superintendent of the Province of Canterbury to construct a Railway between the Addington Station on the Canterbury Great Southern Railway and the Junction of the Roads forming the North-eastern and South-eastern Boundaries of Section No. 1028, near the North-western Boundary of the Native Reserve in the Mandeville District in the said Province.

No. 2.—An Act to authorize the Christchurch Gas, Coal, and Coke Company (Limited), to break up Streets and Bridges, and to lay down and place Pipes Conduits and Service Pipes, and to make and construct other Works for supplying the City of Christchurch and Suburbs with Gas.

No. 3.—An Act to enable the Wellington Gas Company (Limited) to supply the City of Wellington with Gas.

I have, &c.,  
KIMBERLEY.

Governor Sir G. F. Bowen, G.C.M.G.

No. 46.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 6.)

SIR,—Downing Street, 7th January, 1871.

I have received your Despatch No. 147, of the 6th November, on the general progress of events in New Zealand.

The favourable report which it contains of the state of affairs has afforded much satisfaction to Her Majesty's Government.

I have, &c.,  
KIMBERLEY.

Governor Sir G. F. Bowen, G.C.M.G.

No. 47.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 7.)

SIR,—Downing Street, 18th January, 1871.

I have to acknowledge your Despatch No. 145, of 1st November, forwarding a letter addressed to me by Mr. J. C. Firth, with the documents relating

to it, on the subject of certain charges made against him by Mr. McLean, the Native and Defence Minister, which were published in papers laid before the New Zealand Parliament.

I request that you will inform Mr. Firth that I have received his letter, but that the case does not appear to be one on which it is necessary that I should express any opinion.

Governor Sir G. F. Bowen, G.C.M.G.

I have, &c.,  
KIMBERLEY.

No. 48.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. Bowen, G.C.M.G.

(No. 10.)

SIR,—

Downing Street, 21st January, 1871.

With reference to your Despatch No. 143, of the 24th October, I have the honor to acquaint you, that in accordance with your request Earl Granville has had great pleasure in instructing Sir E. Thornton to use his good offices in favour of the Agent who may be sent to Washington by the Government of New Zealand with the view of arranging postal matters with the United States.

Letters to this effect will be forwarded addressed to the Postmaster-General of New Zealand, to Washington and San Francisco respectively, as suggested in your Despatch.

Governor Sir G. F. Bowen, G.C.M.G.

I have, &c.,  
KIMBERLEY.

No. 49.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 11.)

SIR,—

Downing Street, 26th January, 1871.

Among the Acts of the Legislature of New Zealand forwarded in your Despatch No. 126, of the 26th September, is the Act "to authorize the Governor "to contract for the construction and laying of a Submarine Electric Telegraph "Cable to connect New Zealand with the Australian Colonies."

Her Majesty will not be advised to disallow this Act, but I observe that by the 4th section the Governor is empowered to grant exclusive rights to private parties to lay cables between New Zealand and any of the Australian Colonies.

Exclusive grants of this kind are so obviously calculated to interfere with the free development of enterprise that Her Majesty's Government have steadily refused to be party to any arrangements which involved them, or to grant privileges to any Company which contemplated obtaining them. I request that you will submit this point to your Responsible Advisers, with a strong recommendation on the part of Her Majesty's Government that the Governor should not be invested with this power.

Governor Sir G. F. Bowen, G.C.M.G.

I have, &c.,  
KIMBERLEY.

No. 50.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 12.)

SIR,—

Downing Street, 27th January, 1871.

I have to acknowledge the receipt of your Despatch No. 129, of the 27th September, forwarding a report of the Commissioners appointed to make a design for the New Zealand Cross, with a drawing and description of the Cross, and a Ministerial Memorandum.

In compliance with your request, I submitted the design to the Queen, and Her Majesty has been pleased to signify her approval of it.

I have, &c.,  
Governor Sir G. F. Bowen, G.C.M.G. KIMBERLEY.

No. 51.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 13.)

SIR,— Downing Street, 27th January, 1871.

I have to acknowledge your Despatch No. 122, of the 24th of September, enclosing a Memorandum from your Ministers on the Defences of New Zealand.

Jan. 7, 1871.

I transmit to you, for your information, a copy of a letter from the War Office, to which Department I forwarded your Despatch conveying Mr. Cardwell's answer to the applications submitted in the Memorandum.

With regard to the general defence of the Colony, I shall best answer your question by enclosing the copy of a Despatch which I have already had occasion to address to the Governor of Victoria.

No. 101.  
Nov. 3, 1870.

You will infer from that Despatch and Sir Henry Storks' letter, that the British Government will use the naval forces at its command to defend the Australian trade, and to the best of its power prevent descents upon British territory, but that any measures for the special defence of a particular port must be effected by the Colony in which that port is situated; and that in determining the scheme of defence which should be adopted with regard to such port, Colonial Governments will be at liberty to consider their own interests irrespectively of those of Great Britain.

Her Majesty's Government will readily furnish the Colony with the best information at their command with regard to the most effective mode of self-defence, if you will inform me with precision what it is which your Ministers desire to learn.

I have, &c.,  
Governor Sir G. F. Bowen, G.C.M.G. KIMBERLEY.

Enclosure 1 in No. 51.

Sir H. K. STORKS to the UNDER SECRETARY of STATE, Colonial Office.

(No. 090-1339.)

SIR,— War Office, 7th January, 1871.

I am directed by Mr. Secretary Cardwell to acknowledge the receipt of your letter of the 10th ultimo, forwarding copy of a Despatch from the Governor of New Zealand, enclosing a Ministerial Memorandum on the military position and defences of the Colony, and requesting a supply of 10,000 additional Snider rifles for the purpose of arming the Volunteer Forces; and in reply, I am to acquaint you, for the information of the Earl of Kimberley, that until the numerous requirements of the Imperial Forces have been provided for, Mr. Cardwell is unable to spare so large a number of Snider arms, but that when these requirements shall have become less urgent, he will be very willing to sanction the supply of the arms required on payment.

With regard to the portion of the Memorandum which relates to the Harbour defences, I am to acquaint you that if the Colonial Government will state its requirements in this respect more definitely, the Secretary of State will endeavour, with as little delay as possible, to meet those requirements on repayment of the expense involved.

I am to add that should any professional assistance be required, it shall be readily afforded.

I have, &c.,  
The Under Secretary of State, Colonial Office. H. K. STORKS.

Enclosure 2 in No. 51.

LORD KIMBERLEY to Viscount CANTERBURY.

(No. 101.)

SIR,— Downing Street, 3rd, November, 1870.

I have received your Despatch No. 131, with a Memorandum in which Mr. J. McCulloch requests you, in accordance with a Resolution of the recent Intercolonial Conference, to press on the attention of Her Majesty's Government the duty of providing at all times, and especially in time of war, for the naval defence and protection of the coast line of Australia, and of the extensive British commerce in Australian waters.

I trust that the liberal terms on which the "Cerberus" was recently given to the Government of Victoria will convince them that Her Majesty's Government are fully alive to the importance of the naval coast defence of Australia, and anxious to assist the Colonists in providing it.

For the purpose of facilitating the attainment of this object, the Colonial Naval Defence Act was in 1865 passed by the Imperial Parliament, and Her Majesty's Government have seen with much satisfaction that the Government of Victoria are prepared to take their part in the naval defence of the Colony.

With regard to the general defence of British commerce within and beyond Australian waters, the only answer which Her Majesty's Government can give is, that in case of war it will be the duty of the Government of this country to apply its means of naval defence for the benefit of the whole Empire, according to the judgment it may form of the exigencies of each particular time and place; and that the Australian Governments may rest assured that Her Majesty's Government will not permit itself to be found in such a position as to be unable to discharge its duty in protecting interests so important as those which are concerned in the Australian trade.

I may mention that a similar assurance was given in 1865 to the Representatives of Canada who came over to this country for the purpose of conferring with Her Majesty's Government on various questions affecting Canada.

Governor the Right Hon. Viscount Canterbury.

I have, &c.,  
KIMBERLEY.

No. 52.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 14.)

SIR,—

Downing Street, 27th January, 1871.

I have to acknowledge your Despatch No. 142, of 23rd October, enclosing a Memorandum from the Postmaster-General of New Zealand relative to a proposed contribution from the French colony of New Caledonia towards the Packet Service *via* San Francisco.

I caused a copy of your Despatch to be forwarded to the Foreign Office; and I transmit to you for your information a copy of a Despatch addressed on the subject by Lord Lyons to the French Government, which has been communicated to this Department by direction of Earl Granville.

I have, &c.,  
KIMBERLEY.

Governor Sir G. F. Bowen, G.C.M.G.

Enclosure in No 52.

LORD LYONS TO M. FAVRE.

M. LE MINISTRE,—

Bordeaux, 19th January, 1871.

I have the honor to lay before your Excellency a copy of a Memorandum presented by the Postmaster-General of New Zealand to the Governor of that Colony. It contains a proposal that the French colony of New Caledonia should make arrangements for contributing to the expense of the Mail Service between Auckland and Europe by way of San Francisco and New York, and thus secure to itself a participation in the benefits of that service.

I am instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to recommend this question to your Excellency's attention; and I shall be very much obliged if your Excellency will enable me to communicate to his Lordship the views of the French Government.

I have, &c.,  
LYONS.

His Excellency M. Favre.

No. 53.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 15.)

SIR,—

Downing Street, 31st January, 1871.

I transmit to you a copy of a letter from the War Office, enclosing a list of officers and men of the Local Forces in New Zealand, and of civilians employed in the Commissariat Transport Corps and paid from Imperial funds, who are entitled to the New Zealand Medal.

I request that you will conform to Mr. Cardwell's wishes in respect to the issue of these medals.

Jan. 21, 1871.

I have suggested, in answer to Mr. Cardwell's inquiry, that the medals should be forwarded to the Colony by the Crown Agents.

Governor Sir G. F. Bowen, G.C.M.G.

I have, &c.,

KIMBERLEY.

### Enclosure in No. 53.

Sir E. LUGARD to the UNDER SECRETARY of STATE, Colonial Office.

(No. 7681-602.)

SIR,—

War Office, 21st January, 1871.

I am directed by Mr. Secretary Cardwell to request you will state to the Earl of Kimberley, that Medals for service in New Zealand have been received in this office for 1,942 officers and men of the Local Forces in New Zealand, and for civilians who were employed in the Commissariat Transport Corps and paid from Imperial funds, as enumerated in the enclosed list.

With the view to facilitate the issue of these medals, Mr. Cardwell would suggest, for Lord Kimberley's consideration, that the Government of that Colony, which has, it is understood, the means of identifying the persons named in the rolls from which the medals were prepared, should be intrusted with the task of distributing them,—the rolls, which will accompany the medals, being returned to this Department at the expiration of two years from their receipt in New Zealand, together with such medals as may then remain unclaimed, either by reason of their not having been applied for or on account of the persons for whom they were intended having died previously to the date of the General Order of March, 1869, notifying the grant of the medal.

Should Lord Kimberley concur in this proposal, I am to request that you will move his Lordship to cause the necessary instructions to be given to the Colonial Government, with the view to carrying it out, and at the same time to favour Mr. Cardwell with his opinion as to the manner in which the medals should be transmitted to New Zealand.

The Under Secretary of State, Colonial Office.

I have, &c.,

EDWARD LUGARD.

### Sub-Enclosure to Enclosure in No. 53.

*List of Officers and Men of the Local Forces, and Civilians in New Zealand who were employed in the Imperial Commissariat Transport Corps and paid from Imperial Funds, entitled to the New Zealand Medal.*

List No. 1.	Officers of Local Forces ...	...	...	...	...	36 names.
List No. 2.	Non-commissioned Officers and Men of the Auckland Militia ...	...	...	...	...	216 "
List No. 3.	" " " " 1st Waikato Regiment	...	...	...	...	311 "
List No. 4.	" " " " 2nd " "	...	...	...	...	309 "
List No. 5.	" " " " 3rd " "	...	...	...	...	587 "
List No. 6.	" " " " 4th " "	...	...	...	...	4 "
List No. 7.	Civilians employed as Bullock-drivers	...	...	...	...	177 "
List No. 8.	" " " Clerks, &c. ...	...	...	...	...	62 "
List No. 9.	Non-commissioned Officers and Men of Local Forces employed as Clerks, &c.	...	...	...	...	240 "
Total ...						<u>1,942</u> "

### No. 54.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 16.)

SIR,—

Downing Street, 3rd February, 1871.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the following Acts of the Legislature of New Zealand, transcripts of which accompanied your Despatch No. 126, of the 26th September last, viz. :—

No. 3.—An Act to amend "The New Zealand Post Office Act Amendment-Act, 1866."

No. 44.—An Act to amend the New Zealand Post Office Acts.

I have, &c.,

The Officer Administering the Government  
of New Zealand.

KIMBERLEY.

No. 55.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 22.)

SIR,—

Downing Street, 22nd February, 1871.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the following Acts of the Legislature of New Zealand, transcripts of which accompanied your Despatch No. 126, of the 26th of September last, viz.,—

33 and 34 Vict.

No. 42.—An Act to amend "The Marine Act, 1867," and No. 43—An Act to provide for the Examination of and Grant of Certificates of Competency to persons intending to act as Masters Mates or Engineers on board British Ships."

I have, &amp;c.,

The Officer Administering the Government  
of New Zealand.

KIMBERLEY.

No. 56.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 17.)

SIR,—

Downing Street, 8th February, 1871.

I have to acknowledge your Despatch No. 132, of 7th October, enclosing a Memorandum by the Colonial Treasurer and Postmaster-General on the subject of a proposed Convention with the United States for the conveyance of mails between that country and New Zealand by means of the Colonial Line of Mail Packets recently established.

I have to inform you that Her Majesty's Government do not object to the conclusion of the Convention.

A communication to this effect has been addressed to the Postmaster-General of New Zealand—care of the British Legation at Washington.

I have, &amp;c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

No. 57.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 23.)

SIR,—

Downing Street, 4th March, 1871.

I have to acknowledge your Despatch No. 62, of 22nd June, enclosing a petition addressed to the Secretary of State for War by certain discharged soldiers residing in the Province of Taranaki, in which they pray for the grant of gratuities to which they consider themselves entitled. I forwarded your Despatch to the War Office for the consideration of Mr. Secretary Cardwell, and I transmit to you a copy of a letter which has been received upon the subject from that Department.

I have to instruct you to act in conformity with Mr. Cardwell's wishes in this matter.

I have, &amp;c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

Enclosure in No. 57.

Sir E. LUGARD to the UNDER SECRETARY of STATE, Colonial Office.

SIR,—

War Office, 25th February, 1871.

With reference to the letter of the 30th August last from the Assistant Under Secretary of State for the Colonies, with the petition therein enclosed, forwarded through the Governor of New Zealand from certain discharged soldiers residing in the Province of Taranaki in that Colony, praying for the grant of gratuities to which they consider themselves entitled, I am directed by Mr. Secretary Cardwell to transmit to you the enclosed list showing the amounts to which the men therein named were

entitled on their discharge, the amounts which have been actually paid to them, and, in four cases, the amounts which are still due; and I am to request that you will move the Earl of Kimberley to cause Sir George Bowen to be informed of the amounts so paid, and that he may be instructed to pay to the men to whom they are shown to be due the amounts still outstanding, charging the same against this Department through any local accountant.

Royal Artillery,  
332, Gunner  
G. Charnock.

I am to add that the list herewith includes the names of all who signed the petition above referred to except that of the man named in the margin, whose documents cannot be traced in this Department, and that the claims of those shown to have been discharged to permanent pension, or with right of registry to deferred pension, have been registered at Chelsea Hospital, except in the case of 2504, Private Michael O'Donnell, 57th Foot, whose claim to deferred pension will be duly adjusted.

I have, &c.,

The Under Secretary of State, Colonial Office.

EDWARD LUGARD.

### Sub-Enclosure to Enclosure in No. 57.

Regiment.	Regimental No. and Rank.	Name.	Gratuity to which entitled.	Gratuity Paid.	Amounts to be Paid.
			£ s. d.	£ s. d.	£ s. d.
65th Foot	3135 Corporal	William Bennett	27 7 6	—	27 7 6
57th "	2504 Private	Michael O'Donnell*	18 5 0	9 2 6	9 2 6
43rd "	1076 "	Solomon Warhurst	Nil.	—	—
65th "	2826 "	Michael Murphy	9 2 6	9 2 6	—
43rd "	2864 "	Patrick Morgan	13 13 9	13 13 9	—
43rd "	506 "	Robert Woods	Nil.	—	—
57th "	2346 "	Patrick Houlahan	17 1 3	9 2 6	7 18 9
43rd "	2958 "	Edmund Walsh	13 13 9	13 13 9	—
57th "	3003 "	Stephen Moloney	9 2 6	9 2 6	—
70th "	3232 "	Charles Gleeson	18 5 0	18 5 0	—
65th "	2915 Corporal	Michael Kelly†	24 6 8	24 6 8	—
65th "	2914 Private	James Mara	9 2 6	9 2 6	—
65th "	2847 "	Patrick Esther	9 2 6	9 2 6	—
57th "	2977 "	James Finn	9 2 6	9 2 6	—
57th "	2424 "	Issac Gleed	9 2 6	9 2 6	—
57th "	2496 "	Charles Ausford‡	Nil.	—	—
65th "	3160 "	Peter Christie	10 13 0	—	10 13 0
57th "	1316 Paymaster-Sergeant	James Batten‡	Nil.	—	—
70th "	2504 Private	Stephen Maddent†	18 5 0	18 5 0	—
Royal Engineers	2293 2nd Corporal	George Herbert	8 12 6½	8 12 6½	—
65th Foot	1814 Sergeant	N. Golding‡	Nil.	—	—
57th "	1644 Hospital Sergeant	James Hill‡	Nil.	—	—
57th "	2562 Sergeant	William Bosworth‡	Nil.	—	—
70th "	2537 Private	Timothy Noonan†	18 5 0	18 5 0	—
65th "	2810 Sergeant	Owen Murphy	18 5 0	18 5 0	—
70th "	143 "	Edward Roberts§	Nil.	—	—
70th "	2222 "	William Appleyard‡	Nil.	—	—

\* Discharged with right of registry to deferred pension of 4d. a day on attaining 60 years of age.

† Discharged with right of registry to deferred pension of 6d. a day on attaining 60 years of age.

‡ Discharged free to permanent pension.

§ Entitled to free discharge only.

### No. 58.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 24.)

SIR,—

Downing Street, 7th March, 1871.

I have to acknowledge your Despatch No. 2, of 3rd January, introducing Mr. Vogel, the Colonial Treasurer and Postmaster-General of New Zealand, who is on his way to this country on public business relating to the Colony.

I shall have much pleasure in making Mr. Vogel's acquaintance, and shall be glad if I find it in my power to further the objects with which he has been sent to England.

I have, &c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

### No. 59.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 27.)

SIR,—

Downing Street, 11th March, 1871.

I have to acknowledge your Despatch No. 159, of 26th December, reporting the visit made by His Royal Highness the Duke of Edinburgh and



yourself to the hot lakes and the country of the Arawas. I have read with much satisfaction your account of the loyal reception of His Royal Highness by the Maoris and the good effect produced by his visit.

I have, &c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

No. 60.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 28.)

SIR,—

Downing Street, 13th March, 1871.

With reference to your Despatch No. 142, of 23rd October, and to mine of 27th January, No. 14, on the subject of a proposed contribution from New Caledonia to the expense of the Mail Service between Auckland and Europe *via* San Francisco, I transmit to you a copy of a note which has been received through the Foreign Office from the French Government, declining, for the present, to entertain the proposal which Lord Lyons was instructed to make to them.

I have, &c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

Enclosure in No. 60.

M. CHANDORDY to Lord LYONS.

M. L'AMBASSADEUR,—

Votre Excellence fait l'honneur de me transmettre le 19 Janvier dernier, copie d'une note du Postmaster-Général de la Nouvelle Zélande relative à l'organisation d'une ligne de navigation à vapeur qui relierait Auckland à l'Europe, par la voie de San Francisco et de New York et desservirait au moyen d'un embranchement les Iles Fidji et la Nouvelle Calédonie. Le Gouvernement de S.M.B. desirerait savoir si nous serions disposés à contribuer, par une subvention annuelle, à l'établissement du nouveau service dont la Nouvelle Calédonie se trouverait appelée à bénéficier.

Je me suis empressé de soumettre la question à M. le Ministre de la Marine et des Colonies. Dans sa réponse, M. l'Amiral Pothuan me fait observer que certaines difficultés s'opposent à ce que la proposition dont il s'agit puisse être accueillie, des moins quant à présent. D'une part, en effet, le Gouverneur de la Nouvelle Calédonie vient de mettre en adjudication l'entreprise d'un service de paquebots à vapeur entre Noumoa et Sydney se rattachant à la ligne d'Australie en Europe par Suez, de sorte que le but de la combinaison suggérée par le Postmaster de la Nouvelle Zélande se trouverait déjà atteint en ce qui nous concerne. D'un autre côté, n'ayant pu réussir jusqu'à présent à conclure une Convention postale avec les Etat Unis nous ne saurions emprunter le parcours du Chemin de Fer de San Francisco à New York pour le transit de nos dépêches, et nous ne bénéficierons pas des lois du service postal dirigé par cette voie. Toutefois M. le Ministre de la Marine et des Colonies se réserve de reprendre l'examen de cette question dès que les circonstances les permettront.

Agreez, etc.,

CHANDORDY.

Votre Excellence Le Lord Lyons, G.C.B.

No. 61.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 30.)

SIR,—

Downing Street, 15th March, 1871.

I have to acknowledge your Despatch No. 4, of 5th January, enclosing a further Memorandum from your Ministers respecting the position of New Zealand should this country be involved in war with a Foreign Power.

I communicated to you in my Despatch No. 13, of 27th January, the views of Her Majesty's Government as to the naval defence of the Colony, and I therefore need not recur to that part of the subject.

But the Memorandum raises the further question, whether the Colony could be treated as neutral in a war in which Great Britain was engaged?

On this I would remark, that if a British Colony is to remain neutral when England is a belligerent, the following among other questions would require to be considered, Could the other belligerent be expected to recognize that neutrality?

Would the people of England be content to remain under the obligation of resenting injuries offered to that Colony in time of peace?

In what manner and in what terms is it proposed upon this hypothesis to

define the connection between the home country and the Colony, to which I am glad to notice that your Ministers reiterate their attachment?

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

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No. 62.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 31.)

SIR,— Downing Street, 16th March, 1871.  
I have to acknowledge your Despatch No. 158, of 24th December, announcing the death of Te Puni, the chief of the clan of the Ngatiawas.

I have informed the Queen of the death of this loyal subject, and Her Majesty has desired me to convey through you to the family and tribe of Te Puni the expression of her regret at his loss, and of the satisfaction with which she had been informed of the honor paid by the European settlers to the memory of their old and faithful friend.

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

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No. 63.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 33.)

SIR,— Downing Street, 24th March, 1871.  
With reference to your Despatch No. 160, of the 31st December, forwarding a Ministerial Memorandum seeking information, through the Spanish Minister in London, respecting the culture and preparation of the Manilla hemp, I transmit to you the enclosed copy of a letter from the Foreign Office on the subject, together with a Blue Book containing a report which partly treats of the cultivation of hemp (p. 598).

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

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Enclosure in No. 63.

MR. RUSSELL to the UNDER SECRETARY of STATE, Colonial Office.

SIR,— Foreign Office, 17th March, 1871.  
With reference to your letter of the 6th instant, I am directed by Earl Granville to request that you will state to the Earl of Kimberley that Her Majesty's Consul at Manilla has been instructed to furnish all the information he can collect with regard to hemp, as requested by the Flax Commission of New Zealand, and to send a duplicate of his report direct to the Governor of that Colony, if there is a tolerably speedy means of communication thither from Manilla.

In the meantime I am to direct your attention to the report by Mr. Ricketts, at page 597\* of the enclosed Blue Book, which partly treats of the cultivation of hemp.

The Under Secretary of State, Colonial Office.

I have, &c.,  
ODO RUSSELL.

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No. 64.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 34.)

SIR,— Downing Street, 24th March, 1871.  
With reference to your Despatch No. 87, of 24th July last, I have to inform you that a copy of the extract from Bishop Patteson's letter, which you enclosed, was communicated to the Foreign Office, and that extracts from it were sent by that Department to Mr. Marsh, Her Majesty's Consul at Fiji.

I request that you will acquaint Bishop Patteson that this course has been taken.

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

March 17, 1871.  
Enc. in original.

\*Extract printed  
with Report of  
Flax Commission,  
1871.

No. 65.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 35.)

SIR,—

Downing Street, 24th March, 1871.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the Act of the Legislature of New Zealand, entitled "An Act to authorize the Raising of Money for Immigration and Public Works," a transcript of which accompanied your Despatch No. 126, of the 26th of September last.

33 and 34 Vict.  
No. 80.

The Officer Administering the Government  
of New Zealand.

I have, &amp;c.,

KIMBERLEY.

No. 66.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 36.)

SIR,—

Downing Street, 28th March, 1871.

I have received and read with much interest your Despatch No. 7, of 10th January, enclosing a copy of the judgment delivered by the Chief Judge of the Native Land Court in the case of the foreshore at the mouth of the River Thames, in the Province of Auckland.

I have, &amp;c.,

KIMBERLEY.

Governor Sir G. F. Bowen, G.C.M.G.

No. 67.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 38.)

SIR,—

Downing Street, 8th April, 1871.

I submitted to the Law Officers of the Crown the Memorandum prepared by your Ministers and transmitted in your Despatch No. 153, of 7th December last, respecting certain questions which had been raised in the Colony concerning the Order in Council regulating Appeals from New Zealand, and other points affecting the Constitution of the Supreme Court of the Colony.

The Law Officers have advised that the true construction of "The Supreme Court Act, 1860," is to make the Court dealt with under it a continuation only, with considerable alteration in its structure and functions, of the old Supreme Court.

With respect to the questions,—whether supposing the present Supreme Court to be a continuation of the old Supreme Court, it is necessary or desirable to issue a new Order in Council to regulate Appeals therefrom,—and whether direct appeal can or should be given from the Supreme Court, or whether parties to suits in New Zealand should be obliged, as a rule, first to resort to the Court of Appeal now constituted and regulated in that country by "The New Zealand Court of Appeal Act, 1862,"—they have advised that no new Order in Council is necessary, inasmuch as the power of the Queen to pass by a Colonial Court of Appeal at her pleasure and to hear appeals direct to herself is undoubted; and in such appeals as Her Majesty may please to entertain direct from the present Supreme Court in New Zealand the Order in Council of the 10th May, 1860, appears to lay down perfectly proper rules. But "The New Zealand Court of Appeal Act, 1862," creates a fresh and there is no reason to doubt an efficient Court of Appeal, with large powers and an apparently complete and satisfactory procedure. From this Court, by the Queen's undoubted prerogative, an appeal lies to Her Majesty in Council. And that it would be a very proper rule that (reserving Her Majesty's right to hear appeals direct from the Supreme Court) appeals should in general, and as matter of ordinary practice, come to this country only from the Appeal

Court in New Zealand. This rule might be laid down by the Judicial Committee for its own guidance and of its own authority, and would speedily become known in New Zealand. But it would be perhaps better, and certainly more respectful to the Colonial Appeal Court, that such a rule should be made the subject of a distinct Order in Council, to be formally communicated to the Colonial authorities.

March 10, 1871.

This opinion of the Law Officers was referred to the Lord President of the Council, and I transmit to you a copy of the reply of 10th March. Upon a further reference to the Law Officers, with respect to the question raised in the last paragraph of that letter, they reported that legislation in the Colony was not needed in the matter, and a Draft Order in Council has been prepared by them to carry out the views of your Ministers, which shall be submitted to the next Council. As, however, a question was raised as to the constitution of the Supreme Court, and as some short time may elapse before another Council can be held, I have thought it better at once to communicate to you the opinion of the Law Officers.

I have, &amp;c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

## Enclosure in No. 67.

*The Registrar of the Privy Council to Henry T. Holland, Esq.*

SIR,—

10th March, 1871.

I am directed by the Lord President of the Council to return the enclosure in your letter of the 16th February last, relating to the constitution of the Courts in New Zealand, and the prosecution of Appeals to Her Majesty from that Colony, with the following remarks:—

The Lords of the Judicial Committee concur in the opinion of the Law Officers.

Their Lordships think that there should be no appeal to Her Majesty in Council as of right until the party has exhausted all the means of appeal which the law gives him in the Colony, and that the appeal to England should be from the final judgment there.

The Court of Appeal of New Zealand, as constituted by the Colonial Act of 1862, seems to consist of two or more Judges of the Supreme Court sitting together.

The Act embraces four classes of cases—

1. Cases which before final judgment are removed into the Court of Appeal under sections 18, 19, and 20, wherein final judgment, as regards the tribunals of the Colony, is passed under section 21.

2. Cases which, after leave to appeal has been granted either by the Supreme Court under section 24, or by the Court of Appeal under section 25, have been determined on appeal.

3. Special cases on which the decision of the Appeal Court has been taken under section 33.

4. Cases in which leave to appeal has been refused both by the Supreme Court under section 24 and by the Appellate Court under section 25.

In all these cases the appeal to the Queen in Council should be of right, as their Lordships conceive it to have been of right from final decrees of the Supreme Court, subject to the usual limitations as to time, appealable value, and security; and the appeal should be admitted and the record sent to England in the usual manner from the Colony by the Court of Appeal.

The right of suitors in New Zealand to petition Her Majesty for special leave to appeal would be granted on the Report of the Lords of the Judicial Committee; but in cases of the fourth class the Petitioner would have to satisfy their Lordships not only that there are *prima facie* grounds of appeal, but that the Colonial Courts were wrong in refusing to admit it.

Their Lordships observe that the legislation of New Zealand with regard to the constitution of its Courts of Justice, and to the right of appeal to Her Majesty, appears to be peculiar.

The Supreme Court was constituted in 1844 by a Colonial Ordinance, in which no mention is made of any right of appeal to Her Majesty in Council.

A second Ordinance was passed in 1846 which constituted the Governor and Executive Council as a Court of Appeal, and provided (section 8) for an appeal to the Queen in Council in cases exceeding £500 in value in the usual terms.

This Act was in force at the time when Her Majesty's Order in Council of the 10th May, 1860, was passed, and that order was strictly applicable to the then existing state of things, having regard to the provisions of the 7 and 8 Vict. cap. 69.

But the New Zealand Act, entitled "The Supreme Court Act of 1860," and passed 27th October of that year, repealed the New Zealand Acts of 1844 and 1846, by which the Supreme Court of New Zealand had been created, and this last dated Act (1860) contains no provisions whatever with reference to the right of appeal to Her Majesty.

The subsequent Act of 1862, entitled "Court of Appeal Act, 1862," establishes a modification of the Supreme Court in the Colony, under the style and title of a Court of Appeal; but it is equally silent as to the right of appeal to Her Majesty in Council, and no provision is made by the Colonial legislation for the prosecution of appeals to England.

The Supreme Court has however continued to admit appeals under the Order in Council of 1860. From the Court of Appeal in New Zealand no appeal has yet been brought or asserted to England.

It will probably be held by the Law Officers of the Crown that the undoubted right and prerogative of Her Majesty, to hear and determine appeals in the last resort from all the Courts of her Colonial Empire, could not be taken away or impaired by the mere silence of a Colonial enactment, and it may

be assumed that the framers of the Colonial Act of 1862 did not intend to abolish or restrict the right of appeal, which had been fully recognized in the Colonial Act of 1846.

But it appears to their Lordships that it would be desirable to remove all doubt upon the subject by express legislation; that is, either by a further Colonial enactment restoring the provisions of 1846 on the subject of appeals to England (sections 8, 9, 10, 11, 12, 13, and 14 of that Act), or by an Order in Council adapted to the existing circumstances of the Colony.

Their Lordships are of opinion that it should be referred to the Law Officers of the Crown to advise which of these two courses is to be preferred; and that, in the event of their recommending that an Order in Council should be passed, they should be instructed to prepare the draft of that order, having regard to the Acts now in force in New Zealand, and to the peculiar jurisdiction of the Court of Appeal there.

I have, &c.,  
HENRY REEVE,  
Reg. P.C.

## No. 68.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 39.)

SIR,—

Downing Street, 10th April, 1871.

I have to acknowledge your Despatch No. 13, of 2nd February, reporting your return to Wellington from Auckland, after visiting some of the Native settlements on the East Coast, and your intention to proceed to the Provinces in the Southern Island.

Governor Sir G. F. Bowen, G.C.M.G.

I have, &c.,  
KIMBERLEY.

## No. 69.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 47.)

SIR,—

Downing Street, 19th May, 1871.

I have to acknowledge your Despatch No. 20, of 18th February, furnishing an account of your visit, in Her Majesty's ship "Clio," to the West Coast of the Middle Island of New Zealand, and of the accident which occurred to the "Clio" in Bligh Sound.

I have also received your further Despatch No. 21, of 10th March, reporting your visit to the Province of Otago, with the postscript stating that the "Clio" would proceed to Sydney to be docked.

I have read these Despatches with much interest.

Governor Sir G. F. Bowen, G.C.M.G.

I have, &c.,  
KIMBERLEY.

## No. 70.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 20th April, 1871.

You are doubtless aware that acts of violence and barbarity have been from time to time committed by British Subjects in various Islands of the Pacific which are calculated to bring discredit on the British name, and to excite a feeling injurious to the interests of the trade with those Islands, in which Australia is largely interested. In the existing state of the law these crimes, which are chiefly perpetrated by persons proceeding from Australian ports, and are legally cognizable by Australian Courts of Justice, have constantly escaped punishment from the difficulty of procuring evidence against the criminals.

To remove this and other difficulties it has been proposed to introduce into Parliament a Bill which should, amongst other things, provide that—

1. If a British subject commits any of the following offences, that is to say :—

(1.) Decoys, either by force or fraud, any Native of the aforesaid Islands on board any vessel, either on the high seas or elsewhere, for the purpose of importing such Native into any Island or place other than that to which he belongs, or in which he was residing at the time of the commission of such offence ;

(2.) Ships, embarks, receives, detains, or confines for the purpose aforesaid any Native of the aforesaid Islands on board any vessel, either on the high seas or elsewhere, without the consent of such Native, the proof of which consent shall lie on the party accused ;

(3.) Contracts for the shipping, embarking, receiving, or detaining or confining on board any such vessel, for the purpose aforesaid, any Native without his consent, proof of which consent shall lie on the party accused ;

(4.) Fits out, mans, navigates, equips, uses, employs, lets, or takes on freight or hire, any vessel, or commands or serves or is on board any such vessel, with intent to commit, or that any one on board such vessel should commit, any of the offences above enumerated ;

(5.) Ships, lades, receives, or puts on board, or contracts for the shipping, lading, receiving, or putting on board of any vessel, money, goods, or other articles with the intent that they should be employed, or knowing that they will be employed, in the commission of any of the offences above enumerated :

He shall for each offence be guilty of felony, and shall be liable to be tried and punished for such felony, in any Supreme Court of Justice in any of Her Majesty's Australian Colonies.

2. The Supreme Courts of the Australian Colonies shall have power in all cases of criminal proceedings for such offences to issue Commissions to examine witnesses at any place out of the jurisdiction of the Courts.

3. The Governor of any Australian Colony shall have power to authorize the Commander of any of Her Majesty's ships, or the Master of any trading vessel, to obtain the attendance of Natives as witnesses before the Supreme Courts in such criminal proceedings, and to remunerate such witnesses for their attendance and reconveyance to the Islands.

But it is evident that the procuring evidence, the remuneration of witnesses, and their occasional conveyance to Australia and reconveyance to their own country, will involve some expense ; and before proceeding further in the matter, Her Majesty's Government would be glad to know whether the Australian Governments would be willing to bear this expense.

I request you, therefore, to place this Despatch before your Responsible Advisers, and ascertain from them whether they will be prepared to defray these expenses in cases brought (with their concurrence) before the Supreme Court of the Colony under your Government.

The Officer Administering the Government  
of New Zealand.

I have, &c.,  
KIMBERLEY.

No. 71.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 29th April, 1871.

With reference to my Circular Despatch of the 20th April, requesting you to ascertain from your Responsible Advisers whether they would be prepared to defray the cost of prosecutions in the Supreme Court of the Colony of persons guilty of kidnapping Natives from Islands in the Pacific, I transmit to you for your information a copy of a circular instruction which Earl Granville has addressed upon the subject to Her Majesty's Consuls in the Pacific Islands.

The Officer Administering the Government  
of New Zealand.

I have, &c.,  
KIMBERLEY.

April 6, 1871.

## Enclosure in No. 71.

Earl GRANVILLE to HER MAJESTY'S CONSULS in the Pacific Islands.

SIR,—

Foreign Office, 6th April, 1871.

I have to acquaint you that a Despatch, of which a copy is enclosed, has been addressed to the Governors of the Australian Colonies, requesting them to ascertain whether the Governments of those Colonies will be prepared to defray the expenses of proceedings taken with their concurrence in the Colonial Courts against persons guilty of the offence of kidnapping, or decoying Natives by fraud from Islands in the Pacific.

In the meantime, I have to instruct you not to incur any expense in detaining offenders of this description, or in sending them for trial before the Colonial Courts without a previous understanding that the cost will be defrayed by the Government of the Colony to which the offenders are to be sent.

Her Majesty's Consuls in the Pacific Islands.

I am, &c.,  
GRANVILLE.

## No. 72.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 48.)

SIR,—

Downing Street, 23rd May, 1871.

I have to acknowledge your Despatch No. 22, of 13th March, enclosing a printed correspondence relative to the case *Regina v. Barton*, now pending before the Courts of New Zealand.

I have also received your further Despatch No. 26, of 18th March, forwarding a letter upon the subject from the Colonial Secretary.

I await the Ministerial Memorandum promised in your Despatch before expressing any opinion on this case.

I have to add that Mr. Barton's letter has also been received.

I have, &amp;c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

## No. 73.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(General.)

SIR,—

Downing Street, 13th May, 1871.

I have the honor to acknowledge the receipt of your Despatch of the 3rd February, No. 19, reporting that at that date you had not received any application for the Naval Cadetship intended for the Colony of New Zealand in the year 1871, and inquiring when the next Cadetship will fall to the Colony.

In reply, I have to inform you that the Colony has no right to another nomination until 1874; but as occasionally lapsed Cadetships are at my disposal, I shall be happy to receive from you and to consider any recommendation which you may be enabled to make in favour of a candidate for a Cadetship in 1872.

I have, &amp;c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

## No. 74.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 46.)

SIR,—

Downing Street, 19th May, 1871.

With reference to the last paragraph of my Despatch No. 38, of 8th April, I transmit to you an Order of the Queen in Council, making provision and regulations for Appeals to Her Majesty in Council from the Appellate Court in New Zealand.

I have, &amp;c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

## Enclosure 1 in No. 74.

AT THE COURT AT WINDSOR, THE 16TH DAY OF MAY, 1871.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY. HIS ROYAL HIGHNESS PRINCE ARTHUR.

LORD PRIVY SEAL.  
 EARL OF KIMBERLEY.  
 MR. SECRETARY CARDWELL.

EARL COWPER.  
 LORD CHAMBERLAIN.  
 MR. AYRTON.

WHEREAS by an Ordinance passed by the General Assembly of New Zealand in Parliament assembled, in the twenty-fourth year of Her Majesty's reign, the Short Title whereof is "The Supreme Court Act, 1860," it was enacted, amongst other things, that the Supreme Court of New Zealand should be a Court of Record for the administration of justice throughout the Colony, with the powers and jurisdiction therein mentioned : And whereas by another Ordinance passed by the said General Assembly in the twenty-sixth year of Her Majesty's reign, the Short Title whereof is "The Court of Appeal Act, 1862," it was enacted, amongst other things, that there should be a Court of Record in the said Colony, to be styled "The Court of Appeal in New Zealand," with the powers and jurisdiction therein also mentioned : And whereas no appeal to Her Majesty in Council from any judgment either of the said Supreme Court or of the said Court of Appeal was reserved or given by the said Ordinances or either of them, and doubts may possibly arise whether it is competent for a party to any proceedings before the said Supreme or Appellate Courts to appeal from a decision of the same Courts or either of them to Her Majesty in Council : And whereas no Rules have been made by Her Majesty since the passing of the said Ordinances for admitting appeals from the said Appellate Court : And whereas it is desirable that provision should be made for regulating and defining the right of parties to appeal from the decisions of the said Appellate Court to Her Majesty in Council :

It is hereby ordered by the Queen's Most Excellent Majesty, by and with the advice of Her Privy Council, that any person or persons may appeal to Her Majesty, her heirs and successors, in her or their Privy Council, from any judgment, decree, order, or sentence of the said Appellate Court of New Zealand, pronounced, made, or given in any civil suit or proceeding, in such manner, within such time, and under and subject to such rules, regulations, and limitations as are hereinafter mentioned ; that is to say, in case the said Court of Appeal shall affirm, reverse, alter, or vary any judgment, decree, order, or sentence of the said Supreme Court to be given or pronounced for or in respect of any sum or matter at issue of the amount or value of five hundred pounds sterling or upwards, or involving directly or indirectly any claim, demand, or question to or respecting property or any civil right of the said amount or value, the person or persons feeling aggrieved by any such judgment, decree, order, or sentence of the said Court of Appeal may, within fourteen clear days next after the same shall have been pronounced, made, or given, apply to the said Court of Appeal, by motion or petition, for leave to appeal therefrom to Her Majesty in Council, her heirs and successors ; and in case such leave to appeal shall be prayed by the party or parties who is or are directed to pay any such sum of money or perform any act or duty, the said Court of Appeal shall and is hereby empowered either to direct that the judgment, decree, order, or sentence appealed from shall be carried into execution, or that the execution thereof shall be suspended pending the said appeal, as to the said Court may appear to be most consistent with real and substantial justice ; and in case the said Court of Appeal shall direct such judgment, decree, order or sentence, to be carried into execution, the person or persons in whose favour the same shall be given shall, before the execution thereof, enter into good and sufficient security, to be approved by the said Court of Appeal, for the due performance of such judgment or order as Her Majesty in Council, her heirs and successors, shall think fit to make thereupon ; and in case the Court of Appeal shall direct the execution of any such judgment, decree, order, or sentence to be stayed, the party against whom the same shall have been given shall in like manner enter into sufficient security, to be approved as last aforesaid, for the due performance of such judgment or order as Her Majesty in Council shall make thereupon ; and in all cases of appeal to Her Majesty in Council, the party or parties appellant shall give sufficient security, to be approved as last aforesaid, for the effectual prosecution of the appeal, and for the payment of all such costs as may be awarded by Her Majesty, her heirs and successors, or by the Judicial Committee of Her Majesty's Privy Council, to the party or parties respondent ; and if such security shall be entered into and given within three clear calendar months from the date of such motion or petition for leave to appeal, then, and not otherwise, the said Court of Appeal shall allow the appeal, and the party or parties appellant shall be at liberty to prefer and prosecute his, her, or their appeal to Her Majesty, her heirs and successors, in her or their Privy Council, in such manner and under such rules as are or may be observed in appeals made to Her Majesty from Her Majesty's Colonies and Plantations abroad. And it is further ordered that in all cases where leave to appeal to Her Majesty in Council shall be granted, the said Court of Appeal shall certify and transmit to Her Majesty, her heirs and successors, in her or their Privy Council, a true and exact copy of all evidence, proceedings, judgments, decrees, and orders, had or made in such cases appealed, so far as the same have relation to the matters of appeal,—such copies to be certified under the Seal of the Court from which such appeal shall proceed ; and that the said Court shall also certify and transmit to Her Majesty, her heirs and successors, in her or their Privy Council, a copy of the reasons given by the Judges of such Court, or by any of such Judges, for or against the judgment or determination appealed against, where such reasons shall have been given in writing ; and where such reasons shall have been given orally, then a statement in writing of the reasons given by the Judges of such Court, or by any of such Judges, for or against the judgment or determination appealed against.

And it is further directed and ordained, that the said Appellate Court shall in all cases of appeal to Her Majesty, her heirs or successors, conform to and execute, or cause to be executed, such judgments and orders as Her Majesty, her heirs and successors, shall think fit to make in the premises, in such manner as any original judgment, decree, or decretal order, or other order or rule of the said Court, should or might have been executed.



Provided always, and it is hereby ordered, that nothing herein contained shall extend or be construed to extend or take away or abridge the undoubted right and authority of Her Majesty, her heirs and successors, upon the humble petition of any person or persons aggrieved by any judgment, decree, order, or sentence of the said Courts or either of them, to admit his, her, or their appeal to Her Majesty in Council from any such judgment, decree, order, or sentence, either of the said Supreme Court or of the said Court of Appeal, upon such terms and upon such securities, limitations, restrictions, and regulations as Her Majesty, her heirs or successors, shall think fit, and to affirm, reverse, correct, or vary such judgment or determination as to Her Majesty, her heirs and successors, shall seem meet.

And the Right Honorable the Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

EDMUND HARRISON.

No. 75.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 50.)

SIR,—

Downing Street, 9th June, 1871.

I have to acknowledge your Despatch No. 28, of 23rd March, enclosing copies of the addresses presented to you during your official tour through the Province of Otago, with copies of your replies.

I have read with much satisfaction your account of the remarkable progress of the Province, and the loyal spirit displayed by the inhabitants on the occasion of your recent journey.

I have, &c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

No. 76.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 52.)

SIR,—

Downing Street, 16th June, 1871.

I transmit to you, for your information, a copy of a letter from Mr. Vogel, respecting the Naval force on the Coasts of New Zealand.

I also enclose a copy of a correspondence which has passed on the subject with the Lords Commissioners of the Admiralty.

Her Majesty's Government have endeavoured to meet the wishes of the New Zealand Government, as far as they could consistently with a due regard to the other exigencies of the Naval Service, and your Government will, no doubt, learn with satisfaction the intention of the Admiralty to reinforce the squadron under Commodore Stirling's command.

I have, &c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

Enclosure 1 in No. 76.

Mr. VOGEL to Lord KIMBERLEY.

MY LORD—

Charing Cross Hotel, London, 1st May, 1871.

I have the honor to represent to your Lordship, that the Government of New Zealand, when the troops were removed from the Colony, valued very highly what they understood to be the assurance that they might rely on the presence of two of Her Majesty's vessels on the Coast. It was not an expectation or a desire that they might have to ask assistance from the vessels which caused the arrangement to be so gratifying to the Government; but they felt that the sense of security which the vessels would afford, and the constant evidence which they would supply to the Native mind, that the removal of the troops was not to be regarded as an abandonment of the Colony by Her Majesty, would be very valuable.

From a Despatch which your Lordship has sent to His Excellency the Governor of New Zealand, in reply to a Memorandum by my colleague, Mr. Fox, the contents of which have been communicated to me, I gather that your Lordship, while desiring to assist the Colony, objects to giving any specific pledge which might be held to limit the exercise of future discretion as to the disposition of Her Majesty's vessels. The difficulty which this objection raises may, I think, be easily surmounted. It might be understood that such arrangements as your Lordship would be willing to make were liable to be disturbed and varied, consequent upon unforeseen emergencies. Upon this footing I respectfully urge your Lordship to move the Admiralty to direct that two vessels should continue, for the present, on the New Zealand Coast.

Mr. Vogel,  
May 1, 1871.  
C.O. to Admiralty,  
May 18, 1871.  
Admiralty,  
June 1, 1871.

Without wishing to convey the impression that the Government of the Colony anticipate serious difficulties, I may state that some disturbances may take place in connection with the murder of Mr. Todd, and the continued freedom of Te Kooti. Probably they would be much more localized than has been the case with previous disturbances; but, in any event, the support which the presence, and especially the assurance of the presence, of two of Her Majesty's vessels would afford, would be exceedingly valuable.

I respectfully urge, therefore, that the Colony may be assured of the presence of two of Her Majesty's ships for (say) two years; on the understanding that Her Majesty's Government reserve the right of varying the arrangement should circumstances induce them to do so.

I take the opportunity of respectfully urging, that Her Majesty's Government should consider the question of constituting New Zealand into a separate naval station.

The Right Hon. the Earl of Kimberley.

I have, &c.,  
JULIUS VOGEL.

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Enclosure 2 in No. 76.

Mr. HOLLAND to the SECRETARY to the ADMIRALTY.

SIR,—

Downing Street, 18th May, 1871.

May 1, 1871. ■

I am directed by the Earl of Kimberley to transmit to you, for the consideration of the Lords Commissioners of the Admiralty, a copy of a letter from Mr. Vogel, the Treasurer of New Zealand, on the subject of the naval assistance to be afforded to the Colony by Her Majesty's Government.

His Lordship desires me to state that the instructions sent at the request of Lord Granville were not intended to convey an assurance that they might rely on the presence of any particular number of Her Majesty's vessels on the New Zealand Coast, and that he is fully aware that it would not be consistent with the general arrangements of Her Majesty's Naval Service, to give a promise that any particular number of vessels should be always kept there; but His Lordship attaches weight to the considerations urged by Mr. Vogel, and regards it as a matter of importance that Her Majesty's vessels should show themselves frequently in the ports of New Zealand, especially in those parts of the Colony where disaffection is apprehended, for the purpose indicated by Mr. Vogel, namely, to prevent any impression amongst the Natives that the removal of the troops implies an abandonment of the Colony by the Queen. Lord Kimberley would therefore be glad if the Lords Commissioners of the Admiralty would give such instructions to the officers commanding Her Majesty's vessels as will insure their special attention to this service.

The Secretary to the Admiralty.

I have, &c.,  
H. T. HOLLAND.

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Enclosure 3 in No. 76.

Mr. WOLLEY to Sir F. ROGERS, Bart.

SIR,—

Admiralty, 1st June, 1871.

With reference to your letter of the 18th ultimo, respecting the naval assistance to be afforded to the Colony of New Zealand, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that Commodore Stirling has been informed that it is intended eventually to reinforce the squadron under his orders by another vessel; and, in the meantime, he has been directed to make such arrangements for meeting the wishes of the Earl of Kimberley as may be effected without prejudice to the requirements for visits of Her Majesty's ships to other parts of the station.

Sir Frederic Rogers, Bart., &c., &c., Colonial Office.

I have, &c.,  
THOMAS WOLLEY.

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No. 77.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY, to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 3rd June, 1871.

I transmit to you, for your information, and with reference to my predecessor's Circular Despatch of the 15th April, 1869, two copies of a Report by Mr. Consul Colnaghi, on a new method of suffocating chrysalids of silkworms, invented by Professor Castrogiovanni, of Turin.

If you should think that the interests of the Colony might be advanced by giving publicity to this Report, you will take such steps as you may consider fitting for that purpose.

The Officer Administering the Government of  
New Zealand.

I have, &c.,  
KIMBERLEY.

## Enclosure in No. 77.

REPORT by Mr. CONSUL COLNAGHI on a New Method of Suffocating Chrysalids of Silkworms, invented by Professor Castrogiovanni, of Turin.

In my Report "On the Yield of Cocoons in Italy in 1869," I had occasion to mention Professor Castrogiovanni's apparatus for the destruction of the chrysalids of silkworms in the cocoon.

In the course of last year I witnessed the Pneumatic Oven (Forno Pneumatico), as it is termed by its inventor, at work. The results appeared to me of sufficient practical importance to warrant a more detailed notice than I gave at first, particularly in view of the recent introduction of the silk husbandry into certain of our Australian Colonies, and the efforts of the Silk Supply Association to promote the production of silk in India.

The ravages of the silkworm disease have caused considerable attention to be given of late years to the destruction of the chrysalids of the worms. Now, when the yield is uncertain and cocoons at high rates, an accident in the baking is a matter of vital importance. In happier times plenty produced carelessness, and low prices indifference to waste.

The destruction of the chrysalids is generally effected either by suffocation under the influence of hot air, or suffocation by steam.

The advantages of the hot air system are to be found in the good and dry condition of the cocoons when the operation has been successfully carried out. Its principal defect consists in a too complete desiccation of the gummous substance contained in the cocoons, thus preventing the easy reeling-off of the thread.

The disadvantages of the ordinary steam oven are of an opposite character. The cocoons, instead of being too dry, are over-moistened by the condensation of the vapour, and have a tendency to spoil and rust. The chrysalis, moreover, though killed, is not dried, and is liable to become putrid, to the detriment of the surrounding web.

In Professor Castrogiovanni's system, the novelty of which consists in the application, the cocoons are submitted to a steam bath, at a uniform temperature of 100° centigrade. The steam rising practically uncondensed,\* under an iron receiver, which covers the cocoons, the chrysalids are suffocated by the diffused heat, which penetrates thoroughly, while the web of the cocoon retains its natural condition.

The principal parts are three :—

1. A basin with a furnace underneath, or, if more convenient, made to communicate by a pipe with a steam boiler.
2. Two circular plates, running on rails, on which the trays with the cocoons are placed.
3. A bell receiver, supported by two iron uprights, and easily raised or lowered by means of a pulley and counterpoise.

The bell is provided with a thermometer, and a stop-cock for letting off the air and steam when required.

The apparatus is thus used :—

When the basin has been partly filled with water, to the height of ten centimetres, the furnace fire is lighted, and the bell lowered, the stop-cock being open. As soon as the thermometer registers 99° or 100° centigrade, the cock is shut, not to be opened again during the operations. The bell is next raised, to permit the plate on which the trays of cocoons are placed to be run over the basin and then lowered again into the water until its edges are covered, but not so as to touch the bottom of the basin.†

In about fifteen minutes the bell is lifted, the cocoons which have been steamed are run off, and the second batch, which have been made ready in the meantime, takes the place of the first.

For the full success of the operation, the water must always be boiling, the fire well kept up, and the internal temperature of the receiver maintained at the same degree.

The price of the apparatus, which varies according to size, is noted in the following Table :—

Capacity of Receiver.		Weight of Cocoons that may be Steamed.		Price.
		In from 15 to 20 Minutes.	In from 12 to 16 Hours.	
	Litres.	Kilogrammes.	Kilogrammes.	Italian Lire.
I. ...	130	10	500	750
II. ...	260	20	1,000	1,000
III. ...	400	30	1,500	1,300
IV. ...	530	40	2,000	1,650
V. ...	660	50	2,500	2,000
VI. ...	1,330	100	5,000	3,000
VII. ...	2,660	200	10,000	5,000
VIII. ...	4,000	300	15,000	7,000

1 litre = 61.028 cubic inches. 1 kilogramme = 2.20 lbs. avoirdupois.

At the present time the Italian lira may be calculated at about 26 lire 25 centimes per £ sterling.

The advantages to be derived from Professor Castrogiovanni's process may be briefly summed up as follows :—

1. The chrysalids dry more quickly than under the ordinary system. Immediately after the

\* The condensation that occurs is very slight. On the cocoons being placed in the scales immediately after being steamed, when I was present, there was an increase of 3 per cent. on their weight. Twenty minutes later they were of the same weight as before undergoing the operation.

† By a recent modification of the apparatus, the receiver has been made double, instead of single, the inner case resting in the water, the outer hermetically closing in the basin. A stop-cock in the outer case provides for the escape of air and steam during the process. By this arrangement, I understand, a considerable concentration of heat is secured.

steaming, the cocoons are fit for carriage, and at the end of thirty days, at the outside, the chrysalids are quite dried up.

Thus the different lots would be steamed on the market, and conveyed to the filatures the same day, without damage.

2. The condition of the cocoon is the same as if the chrysalid were still alive. The thread can be wound off to the end, the maximum yield in silk being obtained. The colour of the silk is bright and natural, and its elasticity greater than usual.

3. Economy, both of cost and time, is obtained over other methods.

Professor Castrogiovanni's invention has met with the approval of the Chambers of Commerce of Turin and Cuneo, the members of which are generally interested in the silk trade as producers or dealers; of Professor Cantoni, President of the Agricultural Committee of Turin; and of various silk rulers who have made a practical application of his system.

Turin, February, 1871.

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No. 78.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 13th July, 1871.

I have had for some time under my consideration Despatches from the Governors of several of the Australasian Colonies, intimating the desire of the Colonial Governments that any two or more of those Colonies should be permitted to conclude agreements securing to each other reciprocal tariff advantages, and reserved Bills to this effect have already reached me from New Zealand and Tasmania.

It appears that whilst it is at present impossible to form a general Customs Union, owing to the conflicting views of the different Colonial Governments as to Customs duties, the opinion extensively prevails, which was expressed at the Intercolonial Conference held at Melbourne last year, in favour of such a relaxation of the law as would allow each Colony of the Australasian group to admit any of the products or manufactures of the other Australasian Colonies duty free or on more favourable terms than similar products and manufactures of other countries.

At the same time, it has not been stated to me from any quarter that the subject urgently presses for the immediate decision or action of Her Majesty's Government; and I trust, therefore, that any delay that may arise in dealing with it will be attributed to its own cause—namely, to the desire of Her Majesty's Government to consider the subject deliberately in all its bearings, with a view to arrive at such a settlement as may not merely meet temporary objects, but constitute a permanent system, resting upon sound principles of commercial policy.

The necessary consultations with the Board of Trade and with the Law Officers have unavoidably been protracted to a late period of the Session; and if Her Majesty's Government were satisfied that they could properly consent to the removal of the restriction against differential duties, it would not be possible now to obtain for so important a measure the attention which it should receive from Parliament. It is by no means improbable that the introduction of a Bill to enable the Australasian Colonies to impose differential duties might raise serious discussions and opposition both in Parliament and in the country, on the ground that such a measure would be inconsistent with the principles of free trade, and prejudicial to the commercial and political relations between the different parts of the Empire. And I feel confident that the Colonial Governments will not regret to have an opportunity afforded them of further friendly discussion of the whole subject after learning the views of Her Majesty's Government upon it, before any final conclusion is arrived at. I will therefore proceed to notice those points which seem to Her Majesty's Government to require particular examination.

The Government of New Zealand appears, from the Bill laid before the House of Representatives, and from the Financial Statement of the Treasurer, to have originally contemplated the granting of special bonuses to goods imported into New Zealand from the other Australasian Colonies. As, however, this expedient was not eventually adopted, I am relieved from the necessity of discussing the objections to such a mode of avoiding the rule against differential duties.

The proposal now before me raises the following questions, viz.:—

1. Whether a precedent exists in the case of the British North American Colonies for the relaxation of the rule or law now in force?

2. Whether Her Majesty's treaty obligations with any foreign Power interfere with such relaxation?

3. Whether a general power should be given to the Australasian Governments to make reciprocal tariff arrangements, imposing differential duties, without the consent of the Imperial Government in each particular case?

4. Whether, on grounds of general Imperial policy, the proposal can properly be adopted?

The Attorney-General of New Zealand, in his report accompanying the reserved Bill, observes that its main provisions are almost a literal copy of provisions which have been for some time past in force in Canada and other North American Colonies; and I observe that in the various communications before me, the argument is repeatedly pressed, that the Australasian Colonies are entitled to the same treatment in this respect as the North American Colonies. It may be as well, therefore, to explain what these provisions actually are.

I enclose extracts from the Acts of Newfoundland and Prince Edward Island of the year 1856; but I need not dwell upon them, because, as dealing with a limited list of raw materials and produce not imported to those Colonies from Europe, they are hardly, if at all, applicable to the present case, and I shall refer only to the Act passed by the Dominion of Canada in 1867 (31 Vict. cap. 7), which is the enactment principally relied upon as a precedent.

Schedule D of this Act exempts from duty certain specified raw materials and produce of the British North American Provinces, and the third section enacts that "any other articles than those mentioned in Schedule D, being of the growth and produce of the British North American Provinces, may be specially exempted from Customs duty by order of the Governor in Council."

This, which was one of the first Acts of the Legislature of the newly constituted Dominion in its opening Session, was passed in the expectation that at no distant date the other possessions of Her Majesty in North America would become part of the Dominion, and the assent of Her Majesty's Government to a measure passed in circumstances so peculiar and exceptional cannot form a precedent of universal and necessary application, although I am not prepared to deny that the Australasian Governments are justified in citing it as an example of the admission of the principle of differential duties.

With reference to the second question, as to the existence of any treaty the obligations of which might be inconsistent with compliance by Her Majesty with the present proposal, the Board of Trade have informed me that this point could only be raised in connection with the terms of the treaty between this country and the Zollverein of 1865, extended through the operation of the "most favoured nation" article to all other countries possessing rights conferred by that stipulation.

The 7th Article of that Treaty, which extends the provisions of previous articles to the Colonies and Foreign Possessions of Her Majesty, contains the following provision:—

"In the Colonies and Possessions the produce of the States of the Zollverein shall not be subject to any higher or other import duties than the produce of the United Kingdom of Great Britain and Ireland, or of any other country of the like kind." I am advised that this 7th Article may be held not to preclude Her Majesty from "permitting the Legislature of a British Possession to impose on articles, being the produce of the States of the Zollverein, any higher or other import duties than those which are levied on articles of the like kind which are the produce of another British Possession, provided such duties are not higher or other than the duties imposed on articles of the like kind being the produce of the United Kingdom of Great Britain and Ireland."

But, apart from the strict interpretation of the Treaty, it seems very doubtful whether it would be a wise course on the part of the Australasian Colonies, which, both as regards emigration and trade, have more extensive relations with Germany than with perhaps any other foreign country, to place German products and manufactures under disadvantages in the Colonial markets.

Proceeding to the third question, Whether, if the principle of allowing the imposition of differential duties were conceded, the Colonies could be permitted to impose such duties without the express sanction of the Imperial Government in each particular case, you will be prepared, by what I have already said, to learn that I consider it open to serious doubt whether such absolute freedom of action could be safely given.

Her Majesty's Government are alone responsible for the due observance of Treaty arrangements between foreign countries and the whole Empire; and it would be scarcely possible for the Colonial Governments to foresee the extent to which the trade of other parts of the Empire might be affected by special tariff agreements between particular Colonies.

It must, moreover, be anticipated, that these differential agreements, being avowedly for the supposed benefit of certain classes of the community, would be liable to be affected by temporary political circumstances. The door having been once opened, each producing or manufacturing interest, and even individuals desirous of promoting any new enterprise, might in turn press for exceptionably favourable treatment under the form of intercolonial reciprocity, while the real grounds for such changes as might be proposed would be intelligible only to those concerned with local politics.

It would appear, therefore, to be by no means clear that Her Majesty's Government could be relieved from the obligation of examining the particulars of each contemplated agreement, however limited; and while it would be very difficult for them to make such an examination in a satisfactory manner, a detailed inquiry of this kind could hardly fail to be irksome to the Colonies, and to lead to misunderstanding.

It remains for me, lastly, to ask how far it is expedient, in the interests of each Colony concerned, and of the Empire collectively, that the Imperial Parliament should be invited to legislate in a direction contrary to the established commercial policy of this country.

Her Majesty's Government are bound to say that the measure proposed by the Colonial Government seems to them inconsistent with those principles of free trade which they believe to be alone permanently conducive to commercial prosperity, nor, as far as they are aware, has any attempt been made to show that any great practical benefit is expected to be derived from reciprocal tariff arrangements between the Australasian Colonies.

At all events, I do not find anywhere among the papers which have reached me, those strong representations and illustrations of the utility or necessity of the measure which I think might fairly be expected to be adduced as weighing against its undeniable inconveniences.

It is, indeed, stated in an Address before me, that the prohibition of differential Customs treatment "operates to the serious prejudice of the various producing interests of the Australian Colonies." I understand this and similar expressions to mean, that it is desired to give a special stimulus or premium to the Colonial producers and manufacturers, and to afford them the same advantage in a neighbouring Colony over the producers and manufacturers of all other parts of the Empire, and of foreign countries, as they would have within their own Colony under a system of protective duties. What is termed reciprocity is thus, in reality, protection.

It is of course unnecessary for me to observe that, whilst Her Majesty's Government feel bound to take every proper opportunity of urging upon the Colonies, as well as upon foreign Governments, the great advantages which they believe to accrue to every country which adopts a policy of free trade, they have relinquished all interference with the imposition by a Colonial Legislature of equal duties upon goods from all places, although those duties may really have the effect of protection to the native producer. But a proposition that in one part of the Empire commercial privileges should be granted to the inhabitants of certain other parts of the Empire, to the exclusion and prejudice of the rest of Her Majesty's subjects, is an altogether different question; and I would earnestly request your Government to consider what effect it may have upon the relations between the Colonies and this Country.

Her Majesty's subjects throughout the Empire, and nowhere more than in Australasia, have manifested on various occasions of late their strong desire that the connection between the Colonies and this Country should be maintained and strengthened; but it can hardly be doubted that the imposition of differential duties upon British produce and manufactures must have a tendency to weaken that connection, and to impair the friendly feeling on both sides, which I am confident your Government, as much as Her Majesty's Government, desire to preserve.

I have thought it right to state frankly and unreservedly the views of Her Majesty's Government on this subject, in order that the Colonial Governments may be thoroughly aware of the nature and gravity of the points which have to be decided, but I do not wish to be understood to indicate that Her Majesty's Government have, in the present state of their information, come to any absolute conclusion on the questions which I have discussed.

The objections which I have pointed out to giving to the Colonies a general power of making reciprocal arrangements, would not apply to a Customs Union with an uniform Tariff; and although such a general union of all the Colonies is, it appears, impracticable, it may be worth while to consider whether the difficulty might not be met by a Customs Union between two or more Colonies.

I have, &c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

#### Enclosure in No. 78.

EXTRACT from the Revised Statutes of Prince Edward Island. Cap. I., 1856.—19 Vict. c. 1 (1856).

"VIII. The several articles hereinafter enumerated, being the growth or production of Canada, Nova Scotia, New Brunswick, or Newfoundland, shall be exempted from the duty hereby imposed upon them, and shall be admitted into this Island free of duty, when imported direct from the said Provinces, or either of them, provided the same shall not pass through or be imported from any country not reciprocating with this Island, as long as the said articles are admitted into Canada, Nova Scotia, New Brunswick, and Newfoundland, or either of them, free of duty, viz.:—Grain and breadstuffs of all kinds; vegetables, fruits, and seeds: hay and straw; animals; salted and fresh meats; butter, cheese, lard; tallow, hides, horns, wool; fish; undressed skins and furs of all kinds: ores of all kinds; iron in pigs and blooms; copper; lead in pigs; grindstones and all kinds of stones; earth; coal; lime; ochres, gypsum, ground and unground; rock salt; wood, timber, and lumber of all kinds; firewood; ashes; fish oil, viz. train oil, spermaceti oil, head matter and blubber, fins and skins, the produce of fish or creatures living in the water; poultry; eggs; pitch; tar; turpentine; rice; broom corn and bark; dye-stuffs; flax; hemp and tow unmanufactured; unmanufactured tobacco; rags; and cotton wool."

EXTRACT from Cap. I., 1856.—Laws of Newfoundland.

"IV. The following articles shall be admitted into this Island and its Dependencies free of duty, being the growth, produce, or manufacture of the United Kingdom, or of the British North American Provinces, or of the Island of Prince Edward, respectively, notwithstanding any law to the contrary, viz.:—Animals; beef and pork; biscuit, bread; butter; cocoa paste; corn or grain of all kinds; flour and breadstuffs; fish, fresh or salted, dried or pickled; fish oil; fins or skins, the produce of fish or creatures living in the sea; gypsum; horns; poultry; plants, shrubs, and trees; potatoes and vegetables of all kinds; seeds of all kinds; apples; pelts; skins; furs or tails, undressed. Wood, viz., boards, planks, staves, timber, and firewood.

"V. The following articles shall be admitted into this Island and its Dependencies free of duty, being the growth, produce, and manufacture of the Provinces of Nova Scotia, New Brunswick, or Prince Edward Island, respectively, viz.:—Grain and breadstuffs of all kinds; vegetables; fruits; seeds; hay and straw; hops; animals; salted and fresh meats; butter; cheese; chocolate and other preparations of cocoa; lard; tallow; hides; horns; wool; undressed skins, and furs of all kinds; ores of all kinds; iron in pigs and blooms; copper; lead in pigs; grindstones and stones of all kinds; earth coals; lime; ochres; gypsum, ground or unground; rock salt; wood, bark, timber, and lumber of all kinds; firewood; ashes; fish; fish oil, viz. train oil, spermaceti oil, head matter and blubber; fins and skins, the produce of fish or creatures living in the sea."

#### No. 79.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. Bowen, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 27th June, 1871.

I transmit to you, for your information and guidance, a copy of a letter from the Lords Commissioners of the Treasury, with its enclosure, specifying the

June 14, 1871.

conditions upon which that Department will be prepared to supply Colonial Governments with new Silver Coin from the Royal Mint.

I have to instruct you to communicate this information to the Legislature of the Colony under your government.

The Officer Administering the Government  
of New Zealand.

I have, &c.,  
KIMBERLEY.

#### Enclosure in No. 79.

MR. LINGEN to the UNDER SECRETARY OF STATE for the COLONIES.

SIR,—

Treasury Chambers, 14th June, 1871.

I am desired by the Lords Commissioners of Her Majesty's Treasury to state to you, for the information of the Earl of Kimberley, that they have carefully considered the course to be pursued for remedying the inconvenience which is stated to be occasioned in several of the Colonies by the defective state of their silver coinage; and which has formed the subject of various communications from the Colonial Office to this Department during the last two years.

As the result of that consideration, my Lords have caused the enclosed Regulations to be framed, which embody the terms upon which they will be prepared to receive worn silver coin from the Colonial Governments, and to supply new silver coin to meet their requirements from time to time.

I am to request that these Regulations, which will apply to all British Colonies where the Imperial silver coinage is current, may be communicated to the several Colonial Governments interested and that the proper officer in each Colony may be instructed to place himself in communication with the Deputy Master of the Royal Mint in this country, in reference to the appointment of a shipping agent, to undertake the transmission of new coin to the Colony on behalf of the Colonial Government, and the arrangement of other necessary details.

The Secretary of State will observe that under the Regulations it will be competent for the Australian Colonies and for New Zealand to employ the agency of the Branch Mints at Sydney and Melbourne, for effecting the withdrawal of their worn silver coinage.

My Lords have issued directions to the Deputy Masters of those branches, to receive and pay at its nominal value such defective silver coin as may be brought in, upon condition, however, that the cost of carriage and all other incidental expenses are borne by the Colonial Governments. Those Colonies which may find it more for their convenience or advantage to forward the worn coin to the Royal Mint will in like manner be entitled to receive its full nominal value in return, and will be required to bear all expenses of freight, insurance, &c.

My Lords request that it may be pointed out to the Colonial Governments, that while they will be placed under no arbitrary restriction in regard to the amount of new silver which they may find it advisable to apply for, the new coin should, in the first instance, be used chiefly as a means of withdrawing the worn silver from circulation, and that bankers and the public generally should be encouraged to exchange old coin for new, rather than to apply directly for new coin, without reference to the amount or condition of the coinage already in circulation. Subject to this understanding, my Lords propose to leave the special arrangements for each Colony to be made by the respective Governments.

I am to add that, in applying for a supply of new coin, each Colony should state precisely what proportion of each denomination of coin it will require. My Lords are informed by the Deputy Master of the Mint, with reference to the concluding paragraph of the Memorandum of the Colonial Treasurer of New Zealand, forwarded in the Governor's Despatch of 30th July, 1870, that there will be no difficulty in supplying boxes containing bags of each denomination of coin; but that bags are most conveniently packed in boxes containing £400, not £500, each.

The Under Secretary of State, Colonial Office.

I have, &c.,  
R. R. W. LINGEN.

#### Sub-Enclosure to Enclosure in No. 79.

REGULATIONS for the SUPPLY of BRITISH SILVER COINAGE to the COLONIES.

THE Lords of the Treasury will be prepared to supply Colonial Governments with new Silver Coin (Florins, Shillings, Sixpences, and Threepences) from the Royal Mint on the following conditions:—

1. On receiving an application, transmitted in the usual form through the Secretary of State for the Colonies, the Lords of the Treasury will direct the Deputy Master of the Mint to pack, and hold to the order of the agent duly appointed by the Colonial Government, such an amount of Silver Coin as may be required on behalf of the Colony.

2. The Colonial Government will be required to undertake all risks, and the payment of all expenses connected with the shipment of Silver Coin to the Colony, including packing, freight, insurance, and shipping charges.

3. The Colonial Government will be required to pay to the Master of the Mint's account at the Bank of England, on delivery to its agents, the capital sum representing the nominal value of the new Silver Coin, together with the amount of such incidental expenses as may have been incurred by the Mint.

4. The Colonial Government will be required to make such arrangements as may be deemed necessary for the withdrawal of worn Silver Coin from circulation, and to forward it, at their own expense and risk, to the Royal Mint or one of its branches (at Sydney or Melbourne).



5. The Imperial Government will pay to the Colonial Government or its agents the nominal value of the worn coin so withdrawn from circulation, as soon as it is received at the Royal Mint or one of its branches.

No. 80.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 14th July, 1871.

I transmit to you for your information a copy of a correspondence between this Office and the Agents-General in England for the Colonies of New South Wales and Victoria, on the subject of the rumoured intention of the French Government to transport to New Caledonia a large number of the prisoners taken in the late insurrection in Paris.

I have, &c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

Enclosure 1 in No. 80.

Mr. HOLLAND to Mr. VERDON.

SIR,—

Downing Street, 9th June 1871.

I have laid before the Earl of Kimberley your letter of the 8th instant, calling attention to a statement which has appeared in the newspapers that the French Government were about to send 20,000 convicts to New Caledonia.

His Lordship desires me to inform you that he has suggested to Lord Granville that inquiry should be made of the French Government on the subject.

G. Verdon, Esq., C.B.

I have, &c.,

H. T. HOLLAND.

Enclosure 2 in No. 80.

Mr. HOLLAND to Mr. COWPER and Mr. VERDON.

SIR,—

Downing Street, 3rd July, 1871.

With reference to the representation which you made to the Earl of Kimberley in the course To Mr. Cowper. of last month,—

With reference to your letter of the 13th ultimo,—respecting a statement which appeared in the To Mr. Verdon. newspapers that the French Government were about to send 20,000 convicts to New Caledonia,—I am directed by His Lordship the Earl of Kimberley to inform you that Lord Lyons reports that no decision has been come to on this subject by the French Government or the National Assembly.

Charles Cowper, Esq., and G. Verdon, Esq., C.B.

I have, &c.,

H. T. HOLLAND.

Enclosure 3 in No. 80.

Mr. VERDON to the UNDER SECRETARY, Colonial Office.

8, Victoria Chambers, Victoria Street,

SIR,—

Westminster, S.W., 5th July, 1871.

I am glad to learn from Mr. Holland's letter of the 3rd instant that Lord Lyons has reported that no decision has been come to by the Government or Legislature of France, on the subject of transporting large numbers of convicts to New Caledonia.

In conveying this information to the Chief Secretary of Victoria, I shall be glad to be authorized to say that Her Majesty's Government will do whatever may be possible to avert the serious injury which would be inflicted upon all the Colonies of Australia if the project were carried out.

I have, &c.,

G. VERDON,

The Under Secretary of State for the Colonies.

Agent-General for Victoria.

Enclosure 4 in No. 80.

Mr. COWPER to Mr. HOLLAND.

Agency of the Government of New South Wales,

8, Adam Street, Adelphi, W.C., 8th July, 1871.

SIR,—

I beg to acknowledge the receipt of your letter of the 3rd instant, communicating to me, by direction of Lord Kimberley, the result of His Lordship's inquiry respecting a statement which appeared in the newspapers that the French Government were about to send convicts to New Caledonia; and I have the honor to request that you will convey to His Lordship my respectful thanks for the prompt attention to the request personally made by me to His Lordship.

I have, &c.,

CHARLES COWPER,

H. T. Holland, Esq., Under Secretary, &c.,  
Colonial Office.

Agent-General for New South Wales.

## Enclosure 5 in No. 80.

Mr. HERBERT to Mr. VERDON.

SIR,—

Downing Street, 13th July, 1871.

Lord Kimberley has had before him your letter of the 5th instant, in which you say that you will be glad to be authorized to acquaint the Government of Victoria that Her Majesty's Government will do whatever may be possible to avert the serious injury which would be inflicted on all the Colonies of Australia if the project of transporting large numbers of French convicts to New Caledonia were carried out.

This question has received careful consideration, and Lord Kimberley regrets that Her Majesty's Government do not see what steps they could, with propriety, take in the matter.

Lord Kimberley would also point out that the distance of New Caledonia, even from Queensland, is so considerable as to render it reasonable to expect that no serious injury would be caused to the Australian Colonies by the transportation of additional convicts to the French penal settlement, which has not, as far as Lord Kimberley is aware, hitherto been productive of any inconvenience to the British Colonies.

The strict control and supervision exercised over French convicts render their escape very difficult; and it may be mentioned, as a proof that there is no ground for alarm, that the French penal settlement of Cayenne has long existed in close proximity to English Colonies without any grave evils arising in consequence of such proximity.

G. Verdon, Esq., C.B.

I have, &amp;c.,

R. G. W. HERBERT.

## Enclosure 6 in No. 80.

Mr. HERBERT to Mr. COWPER.

SIR,—

Downing Street, 13th July, 1871.

With reference to previous correspondence, I am directed by the Earl of Kimberley to transmit to you a copy of a letter which he has caused to be addressed to Mr. Verdon on the subject of the rumoured intention of the French Government to send an additional number of prisoners to New Caledonia.

C. Cowper, Esq., C.M.G.

I have, &amp;c.,

R. G. W. HERBERT.

## Sub-Enclosure to Enclosure 6 in No. 80.

Mr. VERDON to the UNDER SECRETARY of STATE, Colonial Office.

(No. 5,564.)

8, Victoria Chambers, Victoria Street,

SIR,—

Westminster, S.W., 8th June, 1871.

I beg leave to ask that the attention of the Secretary of State for the Colonies may be directed to the statement that 20,000 French convicts are about to be sent to New Caledonia.

For many years the Governments of Australia have endeavoured to prevent the introduction of criminals from Europe to the Australian Continent, and the reasons urged against the continuance of transportation to Western Australia prevailed with Her Majesty's Government. It was found, although the distance between the penal settlement of Western Australia and the Eastern Colonies is very great, that it did not prevent convicts and ticket-of-leave men from finding their way thither either by land or sea; and much of the worst kind of crime with which the Governments had to contend could be traced to that source.

It cannot be doubted that out of 20,000 prisoners many will be able to escape; and it is equally certain, if they do, that they will find their way to Australia, and greatly add to the care and cost of the Colonial Governments.

My object in making this communication is to urge that Her Majesty's Government may be pleased to inquire as to the truth of the report, and to take whatever measures may be necessary for the protection of British interests in Australia, which, as I have endeavoured to show, would be seriously affected by the transportation of large numbers of convicts to New Caledonia.

I have, &amp;c.,

GEORGE VERDON,

The Under Secretary of State, Colonial Office.

Agent-General for Victoria.

## No. 81.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 55.)

SIR,—

Downing Street, 19th July, 1871.

I have received and perused with great interest your Despatch No. 31, of 10th April, reporting your visit to the flourishing Province of Canterbury.

The rapid growth and prosperity of the Province bear striking testimony to the enterprise and energy of the colonists, in whose welfare all who took any part, however small, in the original foundation of the settlement must always take a lively interest.

I notice with pleasure the cordial welcome which you have received throughout your tour, and the loyal tone of the addresses presented to you.

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

## No. 82.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,— Downing Street, 20th July, 1871.

The question of the imposition of restrictions upon the sale of intoxicating liquors being under the consideration of Her Majesty's Government, I request you to supply me with answers to the following questions:—

1. What is the law at present in force in New Zealand with respect to the sale of intoxicating liquors on Sundays and week days respectively?

2. What was the previous law upon the subject, and what has been the operation of the present law since its enactment? I have, &c.,

Governor Sir G. F. Bowen, G.C.M.G. KIMBERLEY.

## No. 83.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 56.)

SIR,— Downing Street, 22nd July, 1871.

I have to acknowledge your Despatch No. 45, of 20th May, reporting on Native affairs, and forwarding a Memorandum by Lieut.-Colonel St. John on the roads in course of construction by Native labour.

I learn with much satisfaction that the progress made in opening up the country has been so considerable, and I entirely agree with you as to the policy of employing the Natives in road making. I have, &c.,

Governor Sir G. F. Bowen, G.C.M.G. KIMBERLEY.

## No. 84.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 57.)

SIR,— Downing Street, 24th July, 1871.

With reference to your Despatch No. 32, of 22nd April, respecting the appointment of Mr. Andrew Wardrop as Hawaiian Consul at Auckland, I have to inform you that, as the commission appointing Mr. Wardrop is signed by the Hawaiian Minister for Foreign Affairs only, and not by the Head of the State, as is usual in such cases, Her Majesty's exequatur cannot properly be issued to him; but as there appears to be no objection to his appointment, I have to instruct you to recognize him in his official capacity. I have, &c.,

Governor Sir G. F. Bowen, G.C.M.G. KIMBERLEY.

## No. 85.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 58.)

SIR,— Downing Street, 25th July, 1871.

With reference to your Despatch No. 44, of 12th May, I have to inform you that a letter has been received from the War Office, in answer to an inquiry which was made to that Department, stating that the rolls (nine in number) containing the names of those for whom the New Zealand Medals sent through the Crown Agents for the Colonies are intended, were forwarded to them on the 8th February last, for transmission to New Zealand with the medals.

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

No. 86.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 60.)

SIR,—

Downing Street, 27th July, 1871.

I have to acknowledge your Despatch No. 37, of 25th April, continuing your report of your official tour through the Southern Provinces of New Zealand. I have read with much interest and satisfaction the account you furnish of your visit to Hokitika, and of the rapid progress made by the County of Westland since its first settlement.

I have communicated to the Geographical Society an extract of that part of your Despatch which contains a description of the scenery of Westland and the Southern Alps.

I have, &amp;c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

No. 87.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 59.)

SIR,—

Downing Street, 26th July, 1871.

I have received your Despatch No. 39, of the 1st of May, with enclosures, reporting the circumstances under which you had taken upon yourself to delay the departure from New Zealand waters of H.M.S. "Virago," which had been ordered to proceed to Sydney on her way home, pending the arrival at Auckland of the "Rosario."

Having regard to the special apprehensions at the time, arising from the stoppage of mails and the refusal to deliver up the murderers of Mr. Todd, I am of opinion that you were justified in requesting the Commander of the "Virago" to defer her departure.

But I cannot avoid expressing my regret at the tone and language of Mr. Fox's telegram of April 12th, which I am sure, on reflection, he will see is by no means of a nature to improve and strengthen the friendly relations between the Imperial and Colonial Governments, which it is the earnest desire of Her Majesty's Government to maintain.

The correspondence between Mr. Vogel and myself will have shown Mr. Fox that Her Majesty's Government have attached weight to the wishes of the New Zealand Government as to the presence of Her Majesty's ships of war on the New Zealand coast, but the movements of those ships must of course be subject to the control of Her Majesty's Government alone; and I need not impress upon you that the Commanders of Her Majesty's ships should not be requested to act contrary to the orders of the Admiralty except for very urgent and special reasons, as the disregard of such orders may be productive of serious inconvenience, or even injury, to the public service.

I have, &amp;c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

No. 88.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(No. 63.)

SIR,—

Downing Street, 5th August, 1871.

With reference to your Despatch No. 42, of 5th May, I have to inform you that a letter has been received from the War Office, stating that Mr. Secretary Cardwell accepts the offer of your Government to acquire the War Department premises at Auckland and Mount Cook, Wellington, on the terms of the valuation obtained in the Colony, namely:—

Auckland—Land	...	...	£1,000
Mount Cook, } Land	...	...	£,700
Wellington } Buildings	...	...	£1,768

I have, &amp;c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

No. 89.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.,

(No. 67.)

SIR,—

Downing Street, 9th August, 1871.

I have received your Despatch No. 49, of 10th of June, and I have to thank you for the interesting account which you have furnished of the progress and present condition of the Province of Auckland.

I have, &amp;c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

No. 90.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 8th August, 1871.

I transmitted to the Lord President of the Privy Council extracts of so much of the Report of the Royal Commission appointed by the Governor of Victoria to consider and report upon certain questions of Intercolonial Legislation, as relates to the proposed establishment of a High Court of Appeal for the Australasian Colonies, and I have received in reply the enclosed letter and statement, which, in accordance with His Lordship's suggestion, I request that you will communicate to your Government, and to the Judges, and make generally known in the Colony, in such manner as you may deem most convenient.

As I have not yet been informed that the Government of Victoria has adopted the recommendations of the Commission, and as I have no means of judging whether those recommendations are likely to be favourably received in the other Australasian Colonies, I abstain at present from attempting to form any conclusion as to the necessity or expediency of constituting such an Appeal Court, as is proposed.

I will only observe that the Lord President's letter, with the statement annexed to it, seems to me to deserve the careful consideration of your Government, and of all persons in the Colonies who take an interest in this important subject.

I have, &amp;c.,

Governor Sir G. F. Bowen, G.C.M.G.

KIMBERLEY.

## Enclosure in No. 90.

The REGISTRAR of the PRIVY COUNCIL to the ASSISTANT UNDER SECRETARY OF STATE for the COLONIAL DEPARTMENT, on the Subject of the Appellate Jurisdiction of Her Majesty in Council, over the Australian Colonies.

SIR,—

20th July, 1871.

I have laid before the Lord President of the Council your letter of the 21st June, enclosing, by direction of the Earl of Kimberley, a copy of the First Report of the Royal Commission of the Colony of Victoria on the subject of Intercolonial Legislation and a Court of Appeal for the Australian Colonies, and I am to inform you that His Lordship's attention has been directed to that part of the Report which relates to Appeals to Her Majesty in Council. On this subject I am directed by the Lord President to address to you the following remarks, in the hope that they may serve to correct some misapprehensions which appear to exist in the Australian Colonies.

In order to show precisely the amount of the business which has come before Her Majesty in Council and the Judicial Committee from the Australian Colonies since their settlement, Lord Ripon has caused the Statement to be prepared which I have the honor to annex to this letter. His Lordship would suggest that it may be desirable to cause this Statement to be extensively made known in all the Australian Colonies, and for this purpose forty copies of it will be sent herewith.

It appears from this Statement that the total number of Appeals from New South Wales from 1842 to 1871 has been 64, of which 41 have been heard, and 23 dismissed for non-prosecution; from Victoria there have been 32 Appeals, of which 23 have been heard, 9 have been dismissed for non-prosecution; from Tasmania there have been 3 Appeals; from Queensland, 1; from New Zealand, 3; from South Australia 5 have been heard and 4 dismissed for non-prosecution; from Western Australia there have been none.

The whole appellate business from the Australian Colonies therefore has amounted to 112 cases, of which one-third have never been prosecuted at all. The cases actually heard average 2 or 3 a year. Out of a list of 86 Appeals set down for hearing after Trinity Term, there was but 1 from New South

Wales and 1 from Victoria, and these two cases have just been heard. The business of the Australian Colonies forms therefore but a very small fraction of the business of the Privy Council.

It also appears from this Statement, which gives the exact dates of the setting down and hearing of each case, that no case from any Australian Colony has ever been delayed more than a very few months after it was ripe for hearing. The delays, such as they are, are attributable entirely to the parties themselves, and not to this Court.

The statements contained in the note to page 14 of the Report are not consistent with the facts relating to Appeals from the Australian Colonies, which will be found in the accompanying paper. Nothing has occurred to justify the assertion that “the number of Appeals from the vast dominions of the Crown is greater than it appears the Privy Council is capable of dealing with.” The excess of Appeals at present coming on for hearing has arisen solely in Bengal. There is no arrear of any Appeals but those from India. The Lords of the Judicial Committee have never allowed the Colonial or other business of the Court to be tied up or postponed by the Indian causes. The time of the Court has been divided equally between the several jurisdictions it is called upon to exercise.

The Royal Commission advert to the inconveniences arising from the prosecution of an Appeal in criminal cases to England. The Lords of the Council are fully aware of these inconveniences, and they have on almost every occasion refused and discouraged all attempts to bring before them criminal cases, insomuch that there are not more than two or three instances of any such application being made with success from any part of the Empire. But recently, on an urgent application made on behalf of the Attorney-General of New South Wales, based on grounds of public policy, their Lordships were induced to grant special leave to appeal in two criminal cases from that Colony. These cases were heard on their arrival in this country within a few days of the date of their setting down. No delay whatever arose but that which is inseparable from the distance.

The appellate jurisdiction of Her Majesty in Council exists for the benefit of the Colonies, and not for that of the mother country; but it is impossible to overlook the fact that this jurisdiction is a part of the prerogative which has been exercised for the benefit of the Colonies from the date of the earliest settlements of this country, and that it is still a powerful link between the Colonies and the Crown of Great Britain. It secures to every subject of Her Majesty throughout the Empire his right to claim redress from the Throne; it provides a remedy in certain cases not falling within the jurisdiction of ordinary Courts of Justice; it removes causes from the influence of local prepossessions; it affords the means of maintaining the uniformity of the law of England in those Colonies which derive the great body of their law from Great Britain; and it enables suitors, if they think fit, to obtain a decision in the last resort from the highest judicial authority and legal capacity existing in the metropolis.

The power of establishing or remodelling the Colonial Courts of Justice is vested by the 28 and 29 Victoria in the Colonial Legislatures; and it is undoubtedly desirable that the Colonial Courts of Justice should be so constituted as to inspire confidence in their decisions, and to give rise to a very few ulterior Appeals. That is, in fact, the case with the Superior Courts of Westminster Hall; and the small number of Appeals from the Australian Courts is the best testimony to the excellence of those Courts also. But the controlling power of the Highest Court of Appeal is not without influence and value, even when it is not directly resorted to. Its power, though dormant, is not unfelt by any Judge in the Empire, because he knows that his proceedings may be made the subject of Appeal to it.

But it by no means follows as a necessary consequence of the powers vested in the Colonial Legislatures by the 28 and 29 Victoria, that laws should be enacted which would control the exercise of the prerogative of the Crown in the exercise of its Supreme Appellate Jurisdiction.

I have, &c.,  
HENRY REEVE,  
Reg. P.C.

Hon. Robert Meade.

Sub-Enclosure to Enclosure in No. 90.

STATEMENT of all the Appeals to Her Majesty in Council from the Australian Colonies of New South Wales, Victoria, South Australia, Queensland, West Australia, Tasmania, and New Zealand, which have been forwarded to England down to 1st July, 1871.

Names of Parties.	Whence.	Date of Decree appealed from.	Date of Arrival of Record.	When set down for hearing.	Date of Judgment on Appeal.	Observations.
1. Sydney Stephen v. Judges of Supreme Court	Van Diemen's Land.	Dec. 17, 1842	...	Oct. 19, 1846	March 29, 1847	
2. Bank of Australasia v. Bank of Australia	New South Wales	Aug. 5, 1845	...	May 25, 1847	Feb. 29, 1848	
3. Flint v. Walker...	New South Wales	July 5, 1844	...	May 22, 1847	Dec. 10, 1847	
4. Marquis of Bute v. Mason and others	New South Wales	Dec. 2, 1845	...	April 20, 1849	July 5, 1849	
5. Algernon Montagu v. Governor and Council of Van Diemen's Land	Van Diemen's Land.	Dec. 31, 1847	...	May 30, 1849	July 3, 1849	
6. Attorney-General of New Zealand v. Clarke	New Zealand ...	...	...	Oct. 5, 1850	May 15, 1851	
7. Doe dem Devine v. Wilson	New South Wales	April 5, 1852	Aug. 8, 1854	June 27, 1855	Nov. 27, 1855	
8. Oswald Bloxholme and others v. Scott	New South Wales	June 22, 1853	Oct. 16, 1854	...	...	Dismissed for Non Pros.

STATEMENT of Appeals to Her Majesty in Council, &c.—*continued.*

Names of Parties.	Whence.	Date of Decree appealed from.	Date of arrival of Record.	When set down for hearing.	Date of Judgment on Appeal.	Observations.
9. Terry Hughes and others v. Hoskings and others	NewSouth Wales	Oct. 12, 1853	Nov. 28, 1855	June 5, 1856	July 15, 1856	
10. Fenton and Fraser v. Hampton	Tasmania ...	Nov. 27, 1855	Oct. 15, 1856	Nov. 4, 1857	Feb. 17, 1858	
11. Bunny v. Hart ...	New Zealand ...	May 29, 1856	Feb. 10, 1857	June 10, 1857	July 24, 1857	
12. Towns v. Went- worth	NewSouth Wales	April 28, 1856	April 14, 1857	Dec. 28, 1857	Feb. 26, 1858	
13. How and another v. Kirchner & others	NewSouth Wales	April 28, 1855	May 15, 1857	...	...	Dismissed for Non Pros.
14. Gordon v. Scott and others	NewSouth Wales	Feb. 5, 1857	Sept. 5, 1857	Jan. 23, 1858	Feb. 25, 1858	
15. Kirchner & others v. Venus	NewSouth Wales	Aug. 1, 1857	March 16, 1858	Jan. 25, 1859	March 16, 1859	
16. Robertson v. the Governor of N. S. Wales	NewSouth Wales	...	April 23, 1858	...	June 14, 1858	Dismissed on Petition.
17. Lord v. Commis- sioners of the City of Sydney	NewSouth Wales	May 3, 1856	July 19, 1858	Jan. 27, 1859	Feb. 12, 1859	
18. Mortimer & Ander- son v. Mort	NewSouth Wales	Aug. 8, 1857	Aug. 16, 1858	...	...	Dismissed for Non Pros.
19. Jones and others v. Mackenzie	NewSouth Wales	Feb. 26, 1858	Jan. 12, 1859	June 10, 1859	July 19, 1859	
20. McEwan and ano- ther v. Guthridge	Victoria ...	Nov. 4, 1858	April 1, 1859	Jan. 19, 1860	Feb. 5, 1860	
21. Williams and others v. Byrnes	NewSouth Wales	Nov. 30, 1857	June 11, 1859	...	...	Dismissed for Non Pros.
22. Toogood v. Camp- bell and Buchanan	NewSouth Wales	Sept. 4, 1858	Sept. 19, 1859	...	...	Dismissed for Non Pros.
23. Devine v. Holloway and others	NewSouth Wales	Aug. 24, 1858	Jan. 12, 1860	Jan. 1, 1861	March 13, 1861	
24. Murnin v. Macfar- lane	NewSouth Wales	Feb. 1, 1858	March 12, 1860	...	...	Dismissed for Non Pros.
25. Hogan v. Hand and others	NewSouth Wales	Jan. 14, 1860	June 16, 1860	Jan. 29, 1861	March 13, 1861	
26. The Liverpool and London Fire and Life Insurance Com- pany v. Nichols	NewSouth Wales	April 18, 1860	Sept. 19, 1860	...	...	Dismissed for Non Pros.
27. The Bank of Aus- tralia v. J. and G. Harris	Queensland ...	...	Sept. 19, 1860	May 13, 1861	Feb. 8, 1862	
28. Humphrey and Christian v. Now- land	NewSouth Wales	Dec. 30, 1859	Oct. 22, 1860	Jan. 9, 1862	March 5, 1862	
29. Booth and others v. A'Becket and others	Victoria ...	Oct. 22, 1858	Dec. 20, 1860	Feb. 19, 1863	June 18, 1863	
30. Tooth v. Fleming	NewSouth Wales	June 11, 1860	Jan. 19, 1861	...	...	Dismissed for Non Pros.
31. Hosking and an- other v. Terry and another	NewSouth Wales	Jan. 12, 1860	Jan. 19, 1861	June 6, 1862	July 28, 1862	
32. Palmer v. Service and others	Victoria ...	Sept. 1, 1860	Feb. 18, 1861	...	...	Dismissed for Non Pros.
33. <i>In re</i> Henry Bunny	New Zealand ...	Nov. 20, 1860	Mar. 21, 1861	Jan. 1862	Feb. 11, 1862	
34. Lang v. Attorney- General of N.S. Wales and others	NewSouth Wales	July 31, 1860	Mar. 21, 1861	Jan. 29, 1862	Feb. 25, 1862	
35. Higgins v. Single	New South Wales	Dec. 19, 1860	April 18, 1861	...	...	Dismissed for Non Pros.
36. Hillas v. Poor ...	New South Wales	July 5, 1860	July 22, 1861	April 16, 1862	June 21, 1862	
37. Manning and an- other v. Siemssen and others	NewSouth Wales	Oct. 12, 1860	July 22, 1861	...	...	Dismissed for Non Pros.
38. Harris and another v. the Bank of Aus- tralia	NewSouth Wales	Dec. 10, 1860	July 22, 1861	Nov. 13, 1861	Feb. 8, 1862	
39. Osborne and others v. Eales	NewSouth Wales	Dec. 10, 1860	Sept. 20, 1861	May 31, 1862	July 16, 1862	
40. Smith v. Mackenzie	NewSouth Wales	Oct. 24, 1860	Oct. 23, 1861	...	...	Dismissed for Non Pros.
41. In the matter of Grieve, an attorney v. <i>ex parte</i> Bennet and others	Victoria ...	Dec. 4, 1860	Oct. 23, 1861	...	...	Dismissed for Non Pros.
42. Vivers v. Tuck ...	NewSouth Wales	July 3, 1861	May 19, 1862	Nov. 11, 1863	Dec. 1, 1863	
43. Lloyd and another v. Wallack	NewSouth Wales	Aug. 30, 1861	June 16, 1862	...	...	Dismissed for Non Pros.
44. Bullen and another v. A'Beckett and others	Victoria ...	Sept. 4, 1861	Oct. 20, 1862	June 2, 1863	July 7, 1863	

STATEMENT of Appeals to Her Majesty in Council, &c.—*continued.*

Names of Parties.	Whence.	Date of Decree appealed from.	Date of arrival of Record.	When set down for hearing.	Date of Judgment on Appeal.	Observations.
45. Williamson and another, Executors of Jobbins v. J. and W. Byrnes	New South Wales	Feb. 7, 1862	Nov. 21, 1862	Jan. 29, 1863	Mar. 4, 1863	
46. Robertson v. Dumaresq	New South Wales	June 26, 1861	Jan. 19, 1863	Jan. 12, 1864	Feb. 17, 1864	
47. Dill v. Murphy and another	Victoria ...	Dec. 24, 1862	Mar. 23, 1863	June 9, 1863	Feb. 2, 1864	
48. Dean and another v. Byrnes and others	New South Wales	Feb. 3, 1863	July 22, 1863	June 1, 1864	July 23, 1864	
49. Hyland v. Moore	New South Wales	Nov. 20, 1862	Sept. 18, 1863	...	...	Dismissed for Non Pros.
50. Mackenzie v. Barker	New South Wales	Feb. 3, 1863	Oct. 21, 1863	Nov. 11, 1864	June 19, 1865	
51. Graham and another v. Bunny	New South Wales	Feb. 7, 1862	Nov. 20, 1863	Jan. 4, 1865	May 26, 1865	
52. Osborne and others v. Eales	New South Wales	July 20, 1863	Dec. 19, 1863	Jan. 27, 1864	Mar. 16, 1864	
53. Cooper v. Hellyer and another	New South Wales	May 1, 1861	Feb. 18, 1864	...	...	Pending.
54. Evans and others v. The Queen	Victoria ...	Mar. 31, 1863	Mar. 17, 1864	April 20, 1865	Feb. 1, 1866	
55. Esteban De Comas v. Prostand and another	New South Wales	July 9, 1863	April 18, 1864	Jan. 30, 1865	Mar. 29, 1865	
56. Macleay and another v. Tooth	New South Wales	Dec. 22, 1863	May 17, 1864	...	...	Dismissed for Non Pros.
57. Teschemaker and another v. McLean	New Zealand ...	Oct. 27, 1863	June 24, 1864	...	...	Dismissed for Non Pros.
58. Strode v. Evans...	New Zealand ...	Mar. 9, 1864	Oct. 21, 1864	June 20, 1866	...	Withdrawn by consent.
59. The European Assurance Society v. the Colonial Bank of Australasia	Victoria ...	Mar. 24, 1864	Oct. 21, 1864	...	...	Dismissed for Non Pros.
60. <i>In re</i> the Estate of Routledge and Co. <i>ex parte</i> Rolfe and another	Victoria ...	May 28, 1863	Nov. 21, 1864	June 9, 1865	Feb. 1, 1866	
61. The Queen v. Hughes and another	South Australia	Aug. 29, 1864	Nov. 21, 1864	June 18, 1865	Feb. 1, 1866	
62. Walker v. Jones...	New South Wales	Aug. 6, 1864	Dec. 13, 1864	June 6, 1865	Feb. 16, 1866	
63. The Queen v. Dallimore and others	Victoria ...	Sept. 10, 1864	Dec. 22, 1864	May 27, 1865	Dec. 21, 1865	
64. Bank of Australasia v. Flower and Co., <i>in re</i> Estate of Routledge	Victoria ...	Sept. 24, 1862	Feb. 21, 1865	June 9, 1865	Feb. 1, 1866	
65. The Attorney-General v. Eager	New South Wales	Sept. 12, 1864	May, 9, 1865	...	...	Dismissed for Non Pros.
66. McEvoy v. Tyson	New South Wales	Dec. 6, 1864	May 19, 1865	May 14, 1866	Nov. 3, 1866.	
67. Elsdon v. Jenkyns	Victoria ...	Sept. 8, 1864	July 11, 1865	...	...	Dismissed for Non Pros.
68. Byrnes and another v. Clough and another	Victoria ...	Sept. 5, 1864	July 24, 1865	...	...	Dismissed for Non Pros.
69. Irving v. The Alliance Bank	New South Wales	Oct. 1, 1865	Feb. 17, 1866	...	...	Dismissed for Non Pros.
70. McDonald and another v. Osborne	New South Wales	Feb. 17, 1866	May 19, 1866	...	...	Dismissed for Non Pros.
71. Whyte v. Cargill	New South Wales	Dec. 6, 1865	June 18, 1866	...	...	Dismissed for Non Pros.
72. Dines v. Wolfe...	New South Wales	Mar. 7, 1864	June 18, 1866	June 9, 1868	Feb. 2, 1869	
73. Williams v. Board of Land and Works	Victoria ...	Sept. 1, 1865	Sept. 15, 1866	...	...	Dismissed for Non Pros.
74. The Queen v. Bertrand	New South Wales	Feb. 23, 1866	Nov. 12, 1866	Feb. 22, 1867	July 10, 1867	
75. The Oriental Bank Corporation v. The Australian Joint Bank	New South Wales	August 1, and Sept. 14, 1861	Dec. 3, 1866	...	Dec. 2, 1867	Withdrawn.
76. Campbell v. The Queen	New South Wales	...	Dec. 20, 1866	...	Dec. 13, 1867	Withdrawn.
77. Elder v. Galbraith	South Australia	Sept. 12, 1865	Dec. 20, 1866	...	...	Dismissed for Non Pros.
78. Kyte v. Williams	Victoria ...	Nov. 28, 1866	Mar. 21, 1867	...	...	Dismissed for Non Pros.
79. Connor v. Holmes and others	Victoria ...	Nov. 27, 1865	Mar. 21, 1867	...	June 21, 1869	Dismissed for Non Pros.
80. Webster and others v. Power and others	Victoria ...	May 18, 1865	Mar. 21, 1867	Jan. 11, 1868	Mar. 13, 1868	
81. Bruco v. The Queen	Victoria ...	Sept. 1, 1866	Mar. 23, 1867	...	...	Dismissed for Non Pros.



STATEMENT of Appeals to Her Majesty in Council, &c.—*continued.*

Names of Parties.	Whence.	Date of Decree appealed from.	Date of arrival of Record.	When set down for hearing.	Date of Judgment on Appeal.	Observations.
82. Fitzgerald v. Fitzgerald	New South Wales	Dec. 5, 1866	May 27, 1867	Jan. 1, 1868	June 17, 1868	
83. Lewis v. McMullen	Victoria ...	Mar. 21, 1867	Oct. 21, 1867	July 11, 1868	Feb. 19, 1869	
84. Murphy and another v. Glass	Victoria ...	Sept. 6, 1867	Feb. 18, 1868	May 30, 1868	Feb. 19, 1868	
85. Wilson and another v. Threkeld	Victoria ...	Sept. 18, 1867	Mar. 30, 1868	May 14, 1869	July 8, 1869	
86. Cherry and another v. The Colonial Bank of Australasia	Victoria ...	Sept. 6, 1867	June 19, 1868	Jan. 25, 1869	July 19, 1869	
87. The Queen v. Murphy	New South Wales	Sept. 24, 1867	Aug. 25, 1868	June 11, 1869	July 17, 1869	
88. South Australian Insurance Co., Limited v. Randall and another	South Australia	Aug. 31, 1868	Nov. 9, 1868	June 23, 1869	Dec. 14, 1869	
89. Mullen v. National Bank of Australia	South Australia	Mar. 13, 1868	Nov. 9, 1868	Aug. 7, 1869	Dec. 15, 1869	
90. Palmer v. Klingebiel	South Australia	Oct. 24, 1867	Nov. 9, 1868	...	...	Dismissed for Non Pros.
91. Levinger v. The Queen	Victoria ...	...	Nov. 11, 1860	...	July 26, 1870	
92. Anderson and others v. Pacific Fire, and Marine Insurance Company	Victoria ...	June 23, 1868	Dec. 7, 1868	April 29, 1869	July 7, 1869	
93. Hassall and others v. Moore and another	Victoria ...	Sept. 24, 1868	Jan. 30, 1869	...	...	Withdrawn.
94. Hassall and others v. Faulkner and another	Victoria ...	Sept. 24, 1868	Jan. 30, 1869	...	...	Withdrawn.
95. Hassall and others v. The Creswick Grand Trunk Gold Mining Company Registered	Victoria ...	May 19, 1868	Jan. 30, 1869	...	...	Withdrawn.
96. Moffatt v. Bateman	Victoria ...	Sept. 4, 1868	Mar. 31, 1869	July 10, 1869	Dec. 15, 1869	
97. Smith v. Bews...	South Australia	Sept. 25, 1868	Mar. 31, 1869	...	...	Dismissed for Non Pros. Pending.
98. Read v. Pawle ...	New South Wales	Mar. 15, 1868	June 19, 1869	...	...	
99. National Bank of Australasia v. Cherry and others	South Australia	Dec. 8, 1868	July 16, 1869	Dec. 29, 1869	June 30, 1870	
100. Ayers and others v. The South Australian Banking Co.	South Australia	Jan. 7, 1869	July 16, 1869	Aug. 29, 1870	Feb. 2, 1871	
101. The Queen v. Macpherson	New South Wales	June 8, 1868	Aug. 13, 1869	April 1, 1870	July 7, 1870	
102. Logan v. Sempill, Official Assignee of Estate of Strachan and Company	New South Wales	Sept. 26, 1868	Aug. 13, 1869	...	...	Dismissed for Non Pros.
103. The Walhalla Gold Mining Co. v. Mulcahy & another	Victoria ...	May 19, 1865 and June 15, 1869	Oct. 8, 1869	Nov. 24, 1870	July 20, 1871	
104. Cherry and others v. Morrison and another	South Australia	May 25, 1869	Jan. 8, 1870	...	...	Dismissed for Non Pros.
105. Day v. Day and others	New South Wales	Sept. 1, 1869	Jan. 29, 1870	Dec. 17, 1870	July 20, 1871	
106. Smith v. Harrison and others	Victoria ...	Sept. 2, 1869	Feb. 26, 1870	...	...	Pending.
107. The Bank of Van Diemen's Land v. the Bank of Victoria	Victoria ...	Sept. 7, 1869	Feb. 26, 1870	Aug. 10, 1870	Jan. 27, 1871	
108. The Speaker of the Legislative Assembly re Hugh Glass	Victoria ...	June 26, 1869	May 19, 1870	Dec. 13, 1870	Jan. 31, 1871	
109. Eales v. Montefiore	New South Wales	Sept. 7, 1869	July 11, 1870	Oct. 28, 1870	Jan. 31, 1871	
110. The Australian Steam Navigation Company v. Morse and another	New South Wales	Mar. 7, 1870	Jan. 2, 1871	...	...	Pending.
111. Read v. Pawle ...	New South Wales	Mar. 21, 1870	Jan. 30, 1870	...	...	Pending.
112. The London Chartered Bank of Australia v. Lempriere and others	Victoria ...	Dec. 23, 1870	May 23, 1871	...	...	Pending.

From 1842 to 1871 the total number of Appeals to the Queen in Council from the seven Colonies of New South Wales, Victoria, South Australia, Queensland, West Australia, Tasmania, and New Zealand, is 112: 64 have been lodged from New South Wales; 32 from Victoria; 3 from Tasmania; 1 from Queensland; 3 from New Zealand; 9 from South Australia; none from West Australia. Of these, 71 have been heard, and 5 are still pending; 36 have been dismissed for non-prosecution or withdrawn. These numbers comprise the whole of the appeals which have been brought from the Australian Colonies to England.

If the foregoing statement be examined, it will be found that there is frequently considerable delay in the transmission of the records to England, sometimes extending to a period of two years. There is also considerable delay between the arrival of the records in England and the date at which the case is set down for hearing. Over these delays the Lords of the Privy Council exercise no control. They are attributable solely to the parties in the Colony or to their agents in England. But with reference to the interval of time between the setting down the case and the final hearing, it will be seen from the fifth and sixth columns of this statement that this delay has been very slight indeed—seldom exceeding six months, and many appeals have been disposed of considerably within that period—in three months or less. There is, therefore, no ground whatever for the allegation that the appeals from the Australian Colonies have not been disposed of with the utmost despatch, after the parties had taken the necessary steps to set them down for hearing.

Council Office, Whitehall, 20th July, 1871.

HENRY REEVE,  
Reg. P.C.

### No. 91.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.,

(Circular.)

SIR,—

Downing Street, 12th August, 1871

I transmit to you for your information and guidance, a copy of a letter which has been received from the Board of Trade, enclosing a copy of a Circular with Order in Council appended, which has been issued to the British Consuls and to the officers in the British Possessions abroad, relative to the steps to be taken in case of cholera on board ship.

The Officer Administering the Government  
of New Zealand.

I have, &c.,  
KIMBERLEY.

### Enclosure in No. 91.

MR. GRAY to the UNDER SECRETARY of STATE, Colonial Office.

SIR,—

Board of Trade, Whitehall Gardens, 8th August, 1871.

I am directed by the Board of Trade to transmit to you the enclosed copy of a printed circular, with Order in Council appended, which has just been issued from this Department to the Superintendents of all Mercantile Marine Offices in the United Kingdom, to the British Consuls, and to the Officers in the British Possessions abroad.

The urgency of the subject, as will be perceived on reference to these documents, precluded this Board from following their otherwise invariable practice of previously consulting the Secretary of State; but the Board hope that if further instructions are thought by his Lordship to be necessary in the matter, he will not find it too late now to have them sent out.

The Under Secretary of State, Colonial Office.

I have, &c.,  
THOMAS GRAY.

### Sub-Enclosure to Enclosure in No. 91.

CIRCULAR No. 486.—Board of Trade, 7th August, 1871.

#### *Cholera.*

APPENDED hereto is the copy of an Order in Council directing that ships, on board of which any person has been attacked by cholera during the voyage, shall not enter any port or place in the United Kingdom until the clothes and bedding of such person shall have been destroyed.

Care should be taken that shipmasters understand this obligation, and the further obligation of disinfecting the berths of cholera patients, and all things besides clothes and bedding likely to carry infection.

All cases of cholera should be entered in the official log, and a list of all articles destroyed.

In the case of seamen dying of cholera at a foreign port, the Consul will give directions for the destruction of the clothing, &c., of the deceased, which should never be sent to the United Kingdom.

THOMAS GRAY.

At the Council Chamber, Whitehall. The 5th day of August, 1871. By the Lords of Her Majesty's Most Honorable Privy Council.

Present:—Lord President, Mr. Göschén, Mr. Forster.

WHEREAS pursuant to an Act passed in the sixth year of the reign of His late Majesty King George the Fourth, chapter seventy-eight, and of "The Sanitary Act, 1866," and of "The Public Health (Scotland) Act, 1867," and of every other power in them vested, the Lords of Her Majesty's Most Honorable Privy Council did, on the twenty-ninth day of July now last past, and on the third of this instant August, make and publish certain Orders: And whereas it has seemed expedient to their Lordships, by virtue of the powers in this behalf by the said Acts or otherwise in them vested, to make a further Order touching the disease in the said recited Orders mentioned:

Now, therefore, the Lords of Her Majesty's Most Honorable Privy Council do, by virtue of the aforesaid powers, order, and it is hereby ordered, as follows:—

1. No master of any ship in which, during the voyage and before the arrival thereof at any port of the United Kingdom, any person has been attacked with or died of cholera, shall bring his ship into any such port until he has destroyed the clothing and bedding of all persons who shall have so died or had an attack of cholera on board such vessel during such voyage.

2. In this Order the term "ship" includes vessel or boat; the term "master" includes the officer or person for the time being in charge or command of a ship; the term "cholera" includes choleraic diarrhoea.

3. The terms "clothing and bedding" mean and include all clothing and bedding in actual use and worn or used by the person attacked as aforesaid at the time of and during such attack.

4. Every person offending against this Order shall be liable, on summary conviction, to a penalty not exceeding twenty pounds.

5. The Lords Commissioners of Her Majesty's Treasury are to give the necessary directions herein accordingly.

EDMUND HARRISON.

#### No. 92.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 25th August, 1871.

Referring to my predecessor's Circular Despatch of the 27th June, 1870, on the subject of offering rewards for the apprehension of Deserters from the Royal Navy, I have the honor to inform you that the Lords Commissioners of the Admiralty have intimated to me that they have no objection to the carrying out of a recommendation which has been made by the Governor of Tasmania: namely, that the Governors of the respective Australian Colonies may apply any penalties that may be recovered under the 25th section of the Naval Discipline Act, in such a manner as may seem best calculated to bring to justice those who render themselves liable to prosecution under its provisions.

I have, &c.,

KIMBERLEY.

The Officer Administering the Government  
of New Zealand.

#### No. 93.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 26th August, 1871.

I transmit to you for general information a copy of a letter from the Secretary to the Commissioners for the Exhibition of 1851, enclosing Memoranda on the subject of the representation of Jewellery and Paper in the proposed International Exhibition of 1872, and I have to request that you will afford Her Majesty's Commissioners such assistance as may be in your power in procuring collections of Peasant Jewellery and Paper of local manufacture in the Colony under your government.

I have, &c.,

KIMBERLEY.

The Officer Administering the Government  
of New Zealand.

## Enclosure in No. 93.

Colonel SCOTT, R.E., to the UNDER SECRETARY, Colonial Office.

*Annual International Exhibition.*

SIR,—

Upper Kensington Gore, London, W., 21st August, 1871.

I am directed by Her Majesty's Commissioners for the Exhibition of 1872, to request you to have the kindness to lay before the Earl of Kimberley the accompanying printed Memoranda on the subject of the representation of jewellery and paper in the International Exhibition of 1872, and to move his Lordship to have the kindness to communicate them to the different Colonial Governments, requesting them to have the goodness to afford Her Majesty's Commissioners the benefit of their assistance in procuring collections of peasant jewellery and paper of local manufacture of the different Colonies. Her Majesty's Commissioners are prepared to grant sums not exceeding £30 for the purchase of jewellery, and £2 for the purchase of specimens of paper in each Colony, it being borne in mind that in the case of jewellery, the characteristic design of such specimens should be of much greater consideration than the intrinsic value. Should it appear that this sum is insufficient for the purpose, I am to request that a communication may be made to Her Majesty's Commissioners with the view of their making, if possible, an increased grant.

With reference to the representation of jewellery also, Her Majesty's Commissioners are of opinion that illustrations (such as models, photographs, &c.) of the mode of wearing peasant jewellery in various countries would be interesting, and I am directed to express their wish that, where possible, illustrations of this character may accompany the collections.

I have, &amp;c.,

HENRY Y. D. SCOTT, Colonel, R.E.,

Secretary.

The Under Secretary of State for the Colonies.

## Sub-Enclosure to Enclosure in No. 93.

## EXHIBITION OF JEWELLERY FOR 1872.

LIST of Countries, with their Subdivisions and Dependencies, from which representative examples of Peasant Jewellery now in use are derived.

The figures on the right hand of the names show the number of specimens now in the South Kensington Museum.

To every specimen there should be attached a label, stating the district from which it is obtained and the country, as well as any information.

*Europe.*

Austro-Hungarian Empire—Austria (Upper and Lower) (4), Bohemia, Bukowina, Carinthia, Carniola, Coast Districts, Dalmatia, Galicia, Istria, Moravia, Salzburg, Silesia, Styria, Tyrol and Vorarlberg; total, 4.

Belgium—Antwerp, Brabant (South), Flanders (E. and W.) (13), Hainault, Liege, Limburg, Luxembourg, Namur, general (13); total, 26.

British Islands and Dependencies—England and Wales (123), Scotland, Ireland (6), Channel Islands, Malta (1), Hindostan, India beyond Ganges, China (See under *Asia*), Cape Settlements, Canada, South American Possessions, West India Islands, Australia, New Zealand; total, 130.

Denmark—Denmark Proper, Faroe Islands, Greenland, Iceland (8), general (10); total, 18.

France—Alsace, Angoumois, Anjou, Artois, Auvergne (2), Bretagne (1), Burgundy, Champagne, Dauphiny, Flanders (French), Isle de France, Gascony, Guienne, Languedoc, Limousin, Lorraine, Lyonnais, Maine, Normandy (47), Orléanais, Picardy (1), Poitou, Provence, Savoy, Touraine, Corsica, African Possessions (10), East Indian Possessions, West Indian Possessions, general (30); total, 91.

German Empire—Alsace and Lorraine, Anhalt, Baden, Bavaria, Brunswick, Hanse Towns, Hesse Darnstadt, Lippe, Mecklenburg Schwerin, Mecklenburg Strelitz, Oldenburg, Reuss Greiz, Reuss Schleitz, Saxe Altenburg, Saxe Coburg and Gotha, Saxe Meiningen, Saxony, Saxe Weimar, Schaumburg Lippe, Schwartzburg Rudolstadt, Schwartzburg Sondershausen, Weldeck, Würtemberg, Prussia, Brandenburg (23), E. and W. Prussia, Hanover, Hessen Nassau, Hohenzollern, Lauenberg, Poland, Pomerania, Prussian Saxony, Rhenish Prussia, Schleswig-Holstein, Silesia, Westphalia, general (11); total, 34.

Greece—Hellas, Morea, Archipelago, Ionian Islands.

Holland—Brabant (North), Drenthe, Friesland, Groningen, Guelderland, Holland Proper, Limburg, Luxemburg, Overysse, Utrecht, Zealand, Java, and other East Indian Possessions, West Indian Possessions.

Italy—Genoa (26), Lombardy (20), Modena and Massa (11), Naples (122), Parma (12), Piedmont (33), Romagna (49), Rome (11), Sardinia (21), Sicily (58), Tuscany and Lucca (192), Venetia (51), general (122); total, 728.

Norway and Sweden—Norway, Bergen, Christiania, Christiansand, Drontheim, Nordland, Islands, general (5); total, 5.

Sweden—Gothland, Norrland, Svealand, Isles of Gothland and Oland.

Portugal—Alentejo, Algarve, Beira, Entre Douro-e-Minho, Estremadura, Tras-os-Montes, African Possessions, Azores, Cape Verde Islands, E. Indian Possessions, Macao in China, Maderia, general, (12); total, 12.

Russia—Baltic Islands, Bessarabia, Circassia, Crimea, Don Cossacks and Astrakan, Finland, Georgia, Lapland (5), Lithuania, Livonia, Poland, remainder of Russia in Europe, Siberian Provinces, General (50); total, 55.

Spain—Andalusia (139), Aragon (40), Asturias, Biscay, Castile (11), Catalonia (33), Estremadura, Galicia, Granada, Leon, Murcia (116), Navarre, Valencia (23), Balearic Islands (1), Canary Islands, East Indian Islands, West Indian Possessions, general (67); total, 439.

Switzerland—Appenzell, Argau, Basle, Berne (5), Fribourg, Geneva, Glarus, Grisons (6), Lucerne (6), Neuchâtel, St. Gall (5), Schaffhausen, Schweiz (3), Soleure, Tessin, Thurgau (5), Unterwalden (7), Uri (1), Valais, Vaud (5), Zug (1), Zurich, general (6); total, 50.  
 Turkey in Europe (see also under Asia)—Albania, Bosnia, Bulgaria, Montenegro, Roumania, Roumelia, Servia, general (20); total, 20.

#### *Asia.*

##### *Arabia.*

China—China Proper, with Formosa and Hainan, Corea, Mantchuria, Mongolia, Thibet (1), Turkestan, British Possession—Hong Kong, general (1); total, 2.

Hindustan—British India: Bengal (5), Bombay, Madras, N. W. Provinces (45), Ceylon; total, 50.  
 Native States: Afghanistan and Beloochistan, Cashmere, Cutch, Gwalior, Hyderabad, Indore, Kattywar, Kolapore, Mysore, Nepaul, Rajpootana, Saugor, Sikh States, Travancore; total, 88.

India beyond Ganges—British Possessions: Aracan, Assam, Chittagong, Malacca, Pegu, Tenasserim (1); total, 1. Independent States: Birmah, Malay States, Shan States, Siam.

Japan—Kinsiu, Nippon, Sikok, Yesso, general (4); total, 4.

Turkey in Asia—Algezira, Anatolia, Armenia, Caramania, Cyprus, Irak Arabi, Kurdistan, Palestine, Sivas, Syria.

#### *Africa.*

Abyssinia (40), Egypt and Nubia (24), Morocco (2), Tripoli, Tunis, Madagascar; total, 66.

#### *North America.*

Costa Rica, Guatemala, Honduras, Mexico, Nicaragua, San Salvador, United States (1); total, 1.

#### *South America.*

Bolivia, Brazil, Chili, Ecuador, La Plata, New Granada, Paraguay, Peru, Uruguay, Venezuela.

#### *Representation of Peasant Jewellery.*

1. Her Majesty's Commissioners have announced in the General Rules, that a representation of all kinds of Jewellery will be included in the Programme for the International Exhibition of Selected Works in 1872.

2. It has been explained that Jewellery embraces all kinds of ornament worn for personal decoration, except Watches, which will be exhibited in 1875.

3. Besides Jewellery of a costly kind, Her Majesty's Commissioners desire to obtain the most complete and perfect collection of all kinds characteristic to the country in which it is produced, and especially that used by the peasantry.

4. Such Jewellery should have a direct connection with the native instinctive art, which has been handed down by long tradition. Thus Italy, Spain, Hungary, &c., may be instanced as each having a native Jewellery, worn more or less by all classes, which to this time remains uncontaminated by the introduction of foreign forms based on the fashion of the day. Throughout India ancient types are preserved, but the Delhi Jewellery of the Upper Provinces most commonly offered for sale to the better classes of Europeans is simply an inferior imitation of Parisian or European designs. Photographs of Delhi Jewellery of purely native character, as distinguished from the former, which will serve to illustrate the Classes of traditional ornament that Her Majesty's Commissioners desire to have represented, have been prepared, and may be obtained on application to the Secretary.

5. Collections of Peasant Jewellery have been made for the South Kensington Museum. Those from Italy are numerous and of all varieties, and owe their design to the peculiar instincts of thousands of years, preserved in different localities.

6. To have a complete representation of International personal ornament it will be necessary to collect specimens at least of various objects from all parts of the world. Such an exhaustive series will be of great interest, and be appreciated by the Public Museums of the United Kingdom as well as by the public at large. It is therefore hoped that all countries will voluntarily contribute collections of this nature; but Her Majesty's Commissioners will be prepared to consider the purchase of specimens from such localities as are not likely to undertake their own representation officially, provided that an estimate is first sent to the Commissioners, and a definite amount authorized by them. In collecting such specimens it is necessary that characteristic designs should, however, be of much greater consideration than intrinsic value, and that the price be very moderate.

HENRY Y. D. SCOTT, Colonel, R.E.,  
Secretary.

Office of Her Majesty's Commissioners for the Exhibition of 1851,  
Kensington Gore, 8th August, 1871.

#### *Memorandum on Paper, Stationery, and Printing.*

ALTHOUGH the direct object of Her Majesty's Commissioners in exhibiting Collections of Paper, Stationery, and Printing, in 1872, is to show the progress which the most civilized nations have made in these arts, the Commissioners wish to include a series of specimens illustrating the present condition of these arts in other countries, and they feel that it would be of interest and much utility to procure collections from all parts of the world, to illustrate the most primitive kinds of printing, the applications of different materials, and the modes of working them into paper.

In Cashmere, for instance, a paper is made from silk; in Java a kind is made from bamboo pulp; in Canton some is made from rice; and in India varieties are made from plantain and hemp; whilst both in India and China papier-mâché is turned to all kinds of uses.

Her Majesty's Commissioners hope, therefore, that all varieties and modes of printing may be represented, and that collections of paper made from every kind of fibre will be sent to the International Exhibition of 1872 by foreign countries; but Her Majesty's Commissioners will be prepared to consider the purchase of specimens from such localities as are not likely to undertake their own representation,

provided that an estimate is first sent to the Commissioners, and a definite amount authorized by them.

HENRY Y. D. SCOTT, Colonel, R.E.,  
Secretary.

Office of Her Majesty's Commissioners for the Exhibition of 1851,  
Kensington Gore, 8th August, 1871.

No. 94.

COPY of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor  
Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 2nd September, 1871.

I transmit to you copy of a letter from the India Office relative to a suggestion made by the Lieutenant-Governor of British Honduras, that a continued interchange should take place of the valuable vegetable productions of the British Colonies and Possessions.

It appears that such a system of exchange is already practised in India, and it may be worthy of your consideration, whether it might not with advantage be set on foot among the various Colonial Governments, one with another, and each with the Indian authorities.

The enclosed memorandum from the Superintendent of the Royal Botanical Gardens at Calcutta, may be of use in the preparation and packing of seeds.

I have, &c.,

The Officer Administering the Government  
of New Zealand.

KIMBERLEY.

Enclosure in No. 94.

Mr. MERIVALE to Mr. HERBERT.

SIR,

India Office, S.W., 11th August, 1871.

I am directed by His Grace the Secretary of State for India in Council to acknowledge the receipt of your letter of the 27th ultimo, and copy of Despatch from the Lieut.-Governor of British Honduras, announcing the steps which he has been obliging enough to take in compliance with the letter from this Department of the 17th April, to obtain seeds of mahogany and logwood for His Excellency the Governor in Council at Madras.

Lieut.-Governor Cairns has suggested that a continued interchange of the valuable vegetable productions of the British Colonies should take place, and I am to request that you will move Her Majesty's Secretary of State for the Colonies to inform the Lieut.-Governor that such a system is already practised, with the full approval of the Secretary of State in Council, by the Officers who preside over the several forest administrations in India. I am to state that any application for such interchange which Lieut.-Governor Cairns, or any other Governor of Her Majesty's Colonies, may address to the Governor-General of India, through the Inspector-General of Forests, or to the Governors of Madras and Bombay, through the Conservators of Forests under those Presidencies, will be promptly and cordially responded to.

Robert G. W. Herbert, Esq., &c.

I am, &c.,

HERMAN MERIVALE.

*Extract Letter from T. Anderson, Esq., M.D., Superintendent, Royal Botanical Gardens, Calcutta, to the Secretary to the Government of Bengal. (No. 106, dated 27th December, 1866.)*

Paragraph 4. \* \* \* The seeds from the West Indies should be packed in dry pounded charcoal, a layer of capsules containing the seeds alternating with a layer of charcoal, and in this method of packing the box should be as air-tight as possible. For the sake of experiment, one box should contain seeds without the capsules, but also packed in charcoal. It would be as well to send a small quantity of seeds packed securely in paper alone without any box. The seeds should be taken ripe from the trees, and should be packed dry, but without being exposed to the sun. All unnecessary detentions should be guarded against, especially at Southampton. If possible, the seeds should be transferred from the West Indian mail steamer, to the steamer of the Peninsular and Oriental Steam Navigation Company. Two despatches of seed from Jamaica might be made according as the seeds ripen, in case the first despatch fails. The cases of seeds should be addressed to the Secretary to the Government of Madras, and advice of their despatch from the West Indies should be sent to him, *via* Marseilles and Bombay.