

1883.

NEW ZEALAND.

DESPATCHES

FROM THE GOVERNOR OF NEW ZEALAND TO THE SECRETARY OF STATE

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ERRATUM.—The side-note to No. 2, should read, A.—2, No. 1.

1883.
NEW ZEALAND.

DESPATCHES

FROM THE GOVERNOR OF NEW ZEALAND TO THE SECRETARY OF STATE

Presented to both Houses of the General Assembly by Command of His Excellency.

No. 1.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 7.)

MY LORD,—

Government House, N.Z., 20th January, 1882.

I have the honour to inform your Lordship that, having communicated ^{Reply,} to Ministers your Lordship's Despatch, No. 42, of the 10th October, 1881, with ^{A.-2, Nos. 2 and 4.} reference to examinations for the Gilchrist Scholarship, I have received from Mr. Hall, the Premier, a memorandum on this subject, a copy of which I have the honour to enclose.

I have, &c.,

A. GORDON.

The Right Hon. the Secretary of State for the Colonies.

Enclosure.

MEMORANDUM for His EXCELLENCY.

THE Premier presents his respectful compliments to His Excellency the Governor, and returns herewith the Despatch, No. 42, of 10th October, with its enclosure, respecting examinations in New Zealand for the Gilchrist Scholarship.

The Premier has the honour to ask that His Excellency will request the Colonial Office to inform the Registrar of the University of London, that if it is necessary the places of examinations for the June matriculation should now be fixed, the Government regard Auckland, Wellington, Christchurch, and Dunedin as the most suitable; but that, if the University authorities can consent to delay, it will be better to leave the places undecided until, through the receipt of applications, the residences of candidates are known. Whatever the decision on this point, four sets of papers should be sent to the Colony.

The understanding that the Sub-Examiner at each centre is to be appointed by the Governor will, of course, be adhered to.

Wellington, 16th January, 1882.

JOHN HALL.

No. 2.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 26.)

MY LORD,—

Government House, Wellington, 18th May, 1882.

With reference to your Lordship's Despatch, No. 7, of the 9th March ^{A.-2, No. 2.} last, I have the honour to forward a memorandum addressed to me by the

NOTE.—Despatches will also be found in the following papers :—West Coast Native Affairs (A.-4); Petition from Maoris to the Queen (A.-6); Native Affairs and the Amnesty (A.-8); Crown Lands Department Report (C.-1); and Education, University of New Zealand (E.-5).

Premier, Mr. Whitaker, on the subject of the medical examination in New Zealand of candidates for military cadetships.

I have, &c.,

A. GORDON.

The Right Hon. the Secretary of State for the Colonies.

Enclosure.

MEMORANDUM for HIS EXCELLENCY.

THE Premier presents his respectful compliments to the Governor, and returns to His Excellency the papers respecting candidates for cadetships at the Royal Military College, Sandhurst.

There is not in New Zealand any such officer as "Surgeon-Major of the Local Forces."

The Premier has, therefore, the honour to request that, in replying to the Despatch from the Secretary of State for the Colonies, His Excellency will ask that, as regards this Colony, the certificate of a medical officer in attendance on the Armed Constabulary, at any of the larger towns, may be accepted as evidence of the physical fitness of a candidate nominated by the New Zealand Ministry.

FRED. WHITAKER.

Wellington, 17th May, 1882.

No. 3.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 38.)

MY LORD,—

Government House, Wellington, 24th June, 1882.

I have the honour to inform your Lordship that Sir Arthur Gordon having this day left New Zealand, on leave of absence, I have (under the Dormant Commission, which in these circumstances delegates to the Chief Justice the Governor's powers) taken the required oaths, administered by Mr. Justice Richmond, in the presence of the Executive Council, and assumed the administration of the Government.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

No. 4.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 39.)

MY LORD,—

Government House, Wellington, 28th June, 1882.

I have the honour to forward to your Lordship a letter from the Speaker of the Legislative Council, giving cover to the protests of two members of that House (the Hon. Captain Fraser and the Hon. Mr. Mantell) upon the third reading of the West Coast Peace Preservation Bill, which has just passed the local Legislature, and a copy of which I have also the honour to enclose for your Lordship's information.

2. Ministers, to whom I have communicated these protests before forwarding them to your Lordship, desire to make no observations on them.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

No. 5.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 41.)

MY LORD,—

Government House, Wellington, 1st July, 1882.

I have the honour to forward to your Lordship, for submission to Her Majesty, a petition from the Senate of the University of New Zealand, praying

that they may be empowered to confer Degrees in Science, together with the recommendations of my Ministers that Her Majesty may be advised favourably to consider the petition.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

No. 6.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 64.)

MY LORD,—

Government House, Wellington, 28th August, 1882.

I have the honour to inform you, with reference to your Lordship's Despatch, No. 29, of the 29th June, 1882, that (as therein instructed) I have written to the promoters of the Christchurch Exhibition (Messrs. Joubert and Twopeny), conveying to them the Queen's thanks for the Gold Medal transmitted to Her Majesty, in commemoration of the opening of the Exhibition.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

No. 7.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 67.)

MY LORD,—

Government House, Wellington, 6th September, 1882.

I have the honour, in reply to your Lordship's Despatch, marked "General," of the 12th June, 1882, respecting the expedition to New Zealand to observe the Transit of Venus, to enclose a memorandum from the Premier (Mr. Whitaker), in which I am requested to inform your Lordship that the Colonial Treasurer will hold the sum of £500 at the disposal of the head of the party, for their expenses; and that the Government of the Colony will carry out the wishes of the Lords Commissioners of the Treasury, as expressed in their letter of the 6th June.

My Government further assure me that every facility will be afforded to the members of the expedition to carry out the object they have in view.

With regard to the memoranda referred to in the enclosed memorandum of the Premier, I find, on reference, that copies of these documents have already been transmitted to your Lordship, in his Excellency Sir Arthur Gordon's Despatch, No. 16, of the 28th February, 1882.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

Enclosure.

MEMORANDUM for HIS EXCELLENCY.

THE Premier returns to His Excellency the Administrator of the Government the Despatch of June 12th, from the Secretary of State for the Colonies, respecting the party to be sent from England to New Zealand for the purpose of observing the Transit of Venus, in December next; and has the honour to request that His Excellency will reply to Lord Kimberley, that the Colonial Treasurer will meet the wishes of the Lords Commissioners of the Treasury—in compliance with the terms of their Lordships' letter, and of their circular, "Financial Instructions for the guidance of the Chiefs of the several Observing Parties"—by holding £500 at the disposal of Colonel Tupman.

The readiness of the Government to aid the Observing Party generally was stated in Memorandum No. 7, of the 22nd February last, upon the Colonial Office circular of June 5th, 1881; and there was forwarded with that memorandum copy of one by Dr. Hector, stating the steps proposed to be taken, on behalf of the Government, for that purpose.

Wellington, September 5th, 1882.

FRED. WHITAKER.

See Enclosure to
A.—2, No. 6.

[Colonel Tupman having subsequently written to His Excellency, forwarding an introductory Despatch, and expressing regret that he would reach New Zealand too late to visit Wellington, the Premier requested that Colonel Tupman should be informed—“(1) That instructions will be given that immediately on his arrival in Christchurch, he shall be communicated with by Dr. Lemon, the Superintendent of Telegraphs. (2) That Dr. Hector and Mr. McKerrow, the Surveyor-General of the Colony, will, without delay, inform him what is proposed to be done by local observers of the transit, and will be ready to confer with him generally on the subject.”]

No. 8.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 70.)

MY LORD,—

Government House, Wellington, 9th September, 1882.

As to granting
Amnesty, See
A.—8.

I have the honour to enclose, for your Lordship's information, copies of a Bill now before the General Assembly, authorizing the Governor of the Colony, with the advice of the Executive Council, to grant an Amnesty in respect of offences described in the preamble to the Bill, which it will be observed are offences heretofore committed by Maoris when in insurrection and disturbance of the peace on the West Coast.

2. In reference to this measure, and generally on the state of Native affairs, the Prime Minister has submitted to me a memorandum, accompanied by a memorandum by Mr. Bryce. As I believe your Lordship would desire to receive the views of Ministers on the present aspect of Native affairs in the Colony, I have the honour to transmit herewith copies of those memoranda.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

Enclosure.

MEMORANDUM for His EXCELLENCY.

HIS Excellency the Administrator of the Government will probably desire to send to the Secretary of State for the Colonies, by the outgoing mail, some information respecting the present condition of Te Whiti and Tohu, the satisfactory state of Native affairs generally, and the advantages which Ministers believe will be secured by a judicious use of the powers sought by means of the Amnesty Bill, which is now before the Assembly.

A memorandum has accordingly been prepared by the Native Minister, and it is forwarded herewith, not as a confidential document, but to be used as His Excellency may consider advisable.

FRED. WHITAKER.

Wellington, September 9th, 1882.

Sub-Enclosure.

MEMORANDUM for His EXCELLENCY the ADMINISTRATOR of the GOVERNMENT.

THINKING that your Excellency may wish to forward by the outgoing mail a memorandum on the present condition of Native affairs to the Secretary of State for the Colonies, I venture to send you a few remarks on the subject. Every well-wisher to the Colony and the Native race must assuredly be gratified at the greatly-improved condition of matters in connection with the Maori people, which is everywhere visible throughout this Island. Contrasted with the signs of danger and disturbance universally felt to exist a year ago, the present feeling of confidence in the peaceful relations between the two races is very remarkable. A year ago, the country appeared to be on the eve of war. Te Whiti and the large assembly of Natives with him at Parihaka seemed to be forcing matters to a crisis on the West Coast, and his influence was extending in an alarming manner throughout the colony. Offences against the law were being daily committed near Parihaka, and the culprits felt themselves safe under the protection of the Chief Te Whiti. So urgent was the danger felt to be, that the Assembly passed a war vote of £100,000 by common consent, and the general belief was that the colony would shortly be involved in bloodshed and warfare. The contrast now is very great, for so completely has the danger passed away, that people have almost forgotten that such feelings of apprehension and dismay existed. Te Whiti and Tohu, as your Excellency is aware, were arrested at Parihaka, during the month of November, and are still in custody, although only nominally so. They have not been brought to trial, as there was no wish on the part of the Government, or indeed of any Europeans, to inflict punishment on them, but they are kept in custody under the authority of the Peace Preserva-

tion Act of the present session. Their confinement is not very rigorous; they have been taken to various parts of the South Island, and have visited the principal centres of population, in the hope that their minds would be disabused of the ideas of greatness as regards their district and themselves, which their long isolation at Parihaka had encouraged. They are now staying quietly in a house taken for them near the town of Nelson, and are in the nominal custody of a person who can speak their language, and is in reality an attendant on them. Efforts have been made to induce their wives and children to go to them, but, so far, without effect. Te Whiti and Tohu are apparently not very discontented with their lot, and I should be better pleased to see them exhibit more anxiety to return to their district. That return may perhaps be allowed in the course of next summer. In their absence, matters on the West Coast are being effectually arranged: the lands set apart for the Natives have been subdivided to a large extent into family holdings, and a great many Crown grants have been issued in favour of the persons entitled, in the opinion of the Commissioner, Sir William Fox, to receive them. European settlement on the West Coast is making progress to a degree satisfactory beyond the most sanguine expectations, and will shortly afford an absolute guarantee against the recurrence of the "West Coast difficulty." The West Coast Native prisoners, with the exception of the murderer Hiroki, who was tried and executed, and Te Whiti and Tohu, who are in custody at Nelson, as already stated, have been released, and no bad results have been observed. Even the old fighting Chief Tito Kowaru, who was believed to be the most dangerous of them all, has been released with the rest, and has expressed his intention of living in peace and in obedience to the law. It has here to be observed that the arrest and execution of Hiroki and Winiata for murder, after escaping arrest and defying justice for so many years, have had an excellent effect on the Maoris throughout the Island, who fully admit the justice of the sentences and executions. The arrest and imprisonment of the Chief Epiha, of the Thames, under similar circumstances, for wounding with intent to murder, has also added to the good impression produced. The state of matters in the so-called King country, in the Waikato District, is scarcely less gratifying. The isolation preserved there for so long has completely broken down, and there is every prospect of a final settlement of most of the difficulties existing between ourselves and the King Natives being effected during the next summer. The Amnesty Bill, just passed by the General Assembly, will, I believe, conduce to this end. It will be the duty of the Government to see that the sovereignty of our law is acknowledged, proper submission made, and proper guarantees offered for future good conduct; and then, I believe, the more generally the Amnesty offered for crimes arising out of old wars between the two races is made to apply, the more satisfactory the result is likely to be. I should not like to be thought too sanguine in my expectations, but I think I may say that there are tolerably clear indications that our Native troubles are rapidly passing away, are not likely to recur, and will soon be well nigh forgotten. Your Excellency does not perhaps require a long paper on this subject at the present moment from me; but I trust you will consider that the sketch which I have given describes a state of things in relation to Native affairs with which we have some reason to be gratified.

JOHN BRYCE,

Defence Minister.

9th September, 1882.

No. 9.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 72.)

MY LORD,— Government House, Wellington, 20th September, 1882.

I have the honour to acknowledge the receipt, yesterday afternoon, of a telegram from your Lordship, dated London, 18th September, to the following effect: "Eighteen. Transit Venus. American Government request permission erect temporary observatory New Zealand. Also desire free entry instruments, personal effects, observing party. Other usual facilities. Reply." See No. 26.

To which, after referring the matter to my Government, I have forwarded, this day, to your Lordship, the following reply:—"Every facility to American expedition; all effects free entry." I may state that the Government of the Colony are prepared to admit all the instruments, personal and other effects, belonging to the American expedition, free of duty; and my Government request me to assure your Lordship that every facility will be afforded to the members of the expedition in order to enable them to carry out the object they have in view.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

No. 10.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 73.)

MY LORD,— Government House, Wellington, 28th September, 1882.

A.-2, No. 3.

With respect to your Lordship's Despatch, No. 12, of the 5th April, 1882, addressed to His Excellency Sir A. H. Gordon, in which your Lordship asks for a statement of the view taken by the New Zealand Government of the application by Queensland for the issue of an Order in Council bringing the provisions of Part II. of "The Fugitive Offenders Act, 1881," into force as regards the Australian Colonies, including New Zealand and Fiji, I have the honour to inform your Lordship, that Ministers now request me to reply that the New Zealand Government think it desirable that an Order in Council, such as has been applied for by Queensland, should be issued, and that it should operate in respect of all crimes and offences within the meaning of Part I. of the Act.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

No. 11.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 74.)

MY LORD,— Government House, Wellington, 3rd October, 1882.

A.-2, No. 8.

See also A.-2,
Nos. 44 and 45.

I regret that I have to trouble your Lordship again on the subject of the resolution adopted by the New Zealand University as to examinations in New Zealand for military cadetships at Sandhurst. It appears to the Government here, from the tenor of the letter of the Under-Secretary to the War Office, of the 29th of July last (being Enclosure No. 2, to your Lordship's Despatch, No. 32, of the 8th August, 1882), that the purport of the resolution passed by the Senate of the New Zealand University, in March last (a copy of which was transmitted in Sir A. Gordon's Despatch, No. 24, of 15th May, 1882), has to a certain extent been misunderstood. I have received a memorandum on this subject from the Premier (Mr. Whitaker), covering a memorandum from Mr. Habens, the Inspector and Acting-Secretary of the Educational Department of the Colony, which endeavours more fully to explain the object of the University resolution. I have the honour to enclose copies of those memoranda.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

Enclosure.

MEMORANDUM for His EXCELLENCY.

THE Premier forwards to the Administrator of the Government copy of a memorandum by the Inspector and Acting-Secretary, Education Department, upon the War Office letter dated July 29th, enclosed in Lord Kimberley's Despatch respecting the resolutions adopted by the Senate of the New Zealand University, as to examinations for Military Cadetships at Sandhurst.

The Premier has the honour to ask that His Excellency will, by sending to Lord Kimberley the enclosed copies of the memorandum, or by such other course as he may think desirable, endeavour to secure that the points referred to by Mr. Habens shall be reconsidered.

Wellington, September 28th, 1882.

FRED. WHITAKER.

Sub-Enclosure.

The Hon. the Minister of Education.

THE despatch of the 29th July, 1882, from the War Office to the Colonial Office, seems to me to indicate that the resolution passed by the Senate of the New Zealand University, in March last, was not thoroughly understood by the War Office.

That resolution consisted of two parts. The first related to the exemption of University graduates and students of a certain standing from the necessity of competing with ordinary candidates. In section 2 of the Regulations issued in 1881, ordinary competitors are first described, and next (under letter I) are graduates and undergraduates of a certain standing in the Universities of Great Britain and Ireland. By section 22, these graduates and undergraduates are not required to compete with other candidates, though they are to compete among themselves if their number exceed the number of vacancies allotted to them. What the University desires is, to have its graduates, and its students that have passed the first examination for the Degree of Bachelor of Arts, included under section 2 (b), and sections 21, 22, and 23.

The other part of the resolution relates to the force of an expression in a Despatch to the Colonial Office from the War Office, dated the 8th June, 1881. The expression in question is, "Mr. Childers is further of opinion that the privilege of holding preliminary examinations should be extended." The question is, whether Mr. Childers's opinion, thus expressed, confers the privilege described, or whether a Regulation on the subject is necessary, and has yet to be made.

WM. JAS. HABENS.

No. 12.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 75.)

MY LORD,—

Government House, Wellington, 4th October, 1882.

I have the honour to inform you that I have received a memorandum ^{Reply,} from the Premier (Mr. Whitaker), requesting me to transmit to your Lordship ^{A.—2, No. 37.} copies of a correspondence relating to the conduct of a half-caste woman named Kate Middlemass, in rescuing from drowning a European named Bird, who, with his companions, was upset in a Native canoe, when attempting to cross Lake Rotomahana, in January last, in order that the case may be brought to the notice of the Council of the Royal Humane Society, with a view to obtaining the Society's medal for the said Kate Middlemass, in recognition of her very meritorious conduct.

I have the honour to enclose copies of the memorandum and of the correspondence mentioned.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

Enclosure.

MEMORANDUM for His EXCELLENCY.

THE Premier forwards to the Administrator of the Government copy of correspondence respecting a rescue from drowning in Lake Rotomahana; and has the honour to ask, that His Excellency will transmit the papers to the Secretary of State for the Colonies, so that the case may be brought under the notice of the Royal Humane Society, the Council of which may, it is hoped, see fit to recognize, by the presentation of the Society's medal, the very meritorious action of the half-caste woman Kate Middlemass.

FRED. WHITAKER.

Wellington, September 26th, 1882.

Sub-Enclosure.

SIR,—

Resident Magistrate's Office, Tauranga, 4th September, 1882.

I have the honour to acknowledge the receipt of your letter, No. 402, of the 28th March last, asking me to report "the particulars of the rescue from drowning, by one of the Maori guides on Lake Rotomahana, of two Europeans whose lives were imperilled by the upsetting of a canoe." In reply, I beg to report, for the information of the Hon. the Minister of Justice, the particulars, as follows:—The guide alluded to is a half-caste, the wife of a Maori residing at Te Wairoa, Lake Tarawera; she goes by the name of Kate Middlemass (the surname being that of her father), and she is in the habit of acting as guide to parties of tourists visiting Rotomahana. I find that she did rescue from drowning one European (not two), a Mr. Bird, under the following circumstances:—Mr. Bird, a settler of Te Puke, was in January last staying with his son-in-law, who keeps an hotel at Te Wairoa, and he accompanied a party to Rotomahana. The other Europeans in the party were—Messrs. W. H. Fenton, of Auckland, E. W. Page, R. Wright, of Opotiki, C. Clayton, Auckland, and Crothers (the last name probably misspelt). The party had visited the White Terrace, and were being crossed over by two Natives in a small canoe to the Pink Terrace, when, owing to the wind and sea, it upset, and all the occupants were thrown into the water. The canoe was righted, and all the Euro-

peans, some of whom could swim and some not, were clinging to it, when it again upset, and Mr. Bird, an elderly man, and a poor swimmer, sank. The guide, Kate, dived for him, brought him to the surface, and assisted him to hold on to the canoe till some Natives in another one came to their assistance. There appears to be no doubt that without the guide's assistance Mr. Bird would have been drowned. I forward, herewith (1) the statement of Kate Middlemass; (2) a letter from Mr. Wright, of Opotiki, one of the party to whom I wrote, asking him to state what he recollected of the circumstances; (3) Mr. Bird's statement; and (4) a statement made to me, at his own request, by Kihirini, one of the Maoris who were in the canoe.

It will be observed that the statements do not agree on all points, but I think the abstract of facts which I have given above is borne out by them. It will be observed that Mr. Wright considers the guide's statement exaggerated; but he says, nevertheless, that, in his opinion, she saved Mr. Bird's life by bringing him back to the canoe after he had sunk. Mr. Bird's statement does not differ materially from the guide's. It will be seen that the Native Kihirini denies that the guide saved Mr. Bird, and asserts that he was the person who helped him back to the canoe. This Native resides at Te Wairoa, and the day after I had taken the guide's statement there, he, having heard of my so doing, followed me to Ohinemutu, and volunteered his story. My own opinion is that he had concluded that there was to be some reward given, and was trying to secure a share for himself.

I have to express my regret that I have been unable to forward this report sooner, but I may explain that the first time I went to Te Wairoa to make inquiries (in May), Kate Middlemass was absent. I was not able to go there again until the end of July. Then, her statement having been denied by the Native, I considered it desirable to see Mr. Bird himself, which I was only able to do when I visited Te Puke two days ago.

I have, &c.,

HERBERT W. BRABANT, R.M.

The Under-Secretary, Justice Department, Wellington.

No. 13.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 79.)

MY LORD,—

Government House, Wellington, 11th October, 1882.

Reply,
A.-2 No. 23.

I have the honour to report that the vacancy occasioned by the retirement of Sir John Hall from the Premiership, and the reconstruction of the same Ministry by the Attorney-General (Mr. Whitaker) in April last, has been filled by the appointment of Mr. Edward Tennyson Conolly, who this morning took the usual oaths and his seat as a member of the Executive Council.

The new addition to the Ministry causes the following re-arrangement of Ministerial portfolios:—Mr. Dick surrenders to Mr. Conolly the Department of Justice, which the former has hitherto held in conjunction with that of Colonial Secretary; Mr. Dick, in exchange, takes over from Mr. Johnston the Departments of Postmaster-General and Commissioner of Telegraphs, leaving to Mr. Johnston the Department of Minister of Public Works only.

I may add that Mr. Conolly is an English barrister-at-law, and has been for many years practising as a barrister and solicitor in New Zealand, and is one of the leading members of the bar of the colony.

Mr. Conolly was returned as member for Picton at the last general election, in November last.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

No. 14.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 85.)

MY LORD,—

Government House, Wellington, 3rd November, 1882.

Reply,
A.-2, No. 40.

I have this morning received from Ministers a memorandum (copy enclosed), signed by the Hon. Major Atkinson, Colonial Treasurer, in the absence of the Premier from Wellington, requesting me to forward to your Lordship the enclosed copy of a correspondence respecting the gallant efforts of certain persons

at Timaru to save life from drowning, during the storm that occurred at that place on the 14th day of May last, with a view to the papers being laid before the Council of the Royal Humane Society.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

Enclosure.

MEMORANDUM for His EXCELLENCY.

MINISTERS have the honour to forward herewith an account of the efforts made by a number of persons to save life on the occasion of the shipwrecks at Timaru in May last.

The Administrator of the Government will be aware of the great interest which those efforts created throughout the Colony; and Ministers think that His Excellency will agree with them in the opinion that the account does no more than justice to the daring gallantry displayed—gallantry which would none the less have deserved the highest praise had the endeavours to save life not resulted in loss of life amongst those who made them.

Ministers would be glad if His Excellency would forward the account to the Secretary of State for the Colonies, with a view to its being laid before the Council of the Royal Humane Society: any honours bestowed by whom upon the survivors will, it is believed, be richly deserved, and will be appreciated by the people of New Zealand.

H. A. ATKINSON,

Wellington, November 2nd, 1882.

In the absence of the Premier.

Sub-Enclosure.

SIR,—

Timaru, 7th August, 1882.

I have the honour, by direction of the Timaru Relief Fund Committee, to lay before you a statement of facts (attached hereto) in connection with a recent disaster in the Timaru Roadstead, and a list of those who distinguished themselves in the endeavour to save life; and I am to express the hope that the circumstances of the case may be transmitted by your Government to the Royal Humane Society.

I have, &c.,

W. ZIESLER, Secretary, Timaru Relief Fund.

The Hon. the Colonial Secretary, Wellington.

STATEMENT of FACTS in connection with SHIPPING DISASTER and LOSS of LIFE in the Timaru Roadstead, on Sunday, 14th day of May, 1882.

ON the above named date, the following vessels were anchored in the roadstead:—(1) Norwegian barque, "C. F. Funch," outer anchorage; (2) English ship, "City of Perth," inner anchorage; (3) English ship, "Benvenue," inner anchorage; (4) schooner, "Kate McGregor," inside breakwater; (5) schooner, "Julius Vogel," inside breakwater.

About 12 o'clock on Saturday night, the sea began to make, and rapidly increased in force, there being little or no wind. At midnight, the tide was within an hour or so of its height, and as the night advanced the sea grew worse, and the roaring of the surf was heard from miles away. At daybreak, it was seen that all the vessels were still at their anchors, but at 8.30 o'clock the "Benvenue" parted one of her cables. Until one o'clock the ships managed to hold to their anchors, when it was noticed that the "Benvenue" was fast drifting on to the beach in Caroline Bay. The crew abandoned her and made for the "City of Perth," evidently considering it unsafe to land.

Hardly had the "Benvenue" struck the beach, when the ship "City of Perth" was noticed to be adrift. Four boats were seen to leave the vessel and make for the breakwater, one of them being that from the "Benvenue." The ship, after drifting for about one-eighth of a mile, became stationery by a hawser having been let go before she was abandoned. The crews had in the meanwhile reached the shore in safety; and, as a slight breeze was felt at the time, it was decided by the Harbour Master, Captain Mills, that an attempt ought to be made to save the vessel if possible, and if necessary take her on to Lyttelton. Two boats were manned, and reached the derelict vessel in safety. It could be plainly seen from shore that all her cables had parted, and that she was hanging to a stout hawser only. Between two and three o'clock, three boats were seen to come away from her, and the vessel was evidently doomed.

The tide at this time was between a half and a quarter ebb; the breeze had fallen away, and the shoaling of the water made the sea very much more dangerous. The two leading boats had very nearly gained the shelter of the breakwater, when the other, which was the ship's lifeboat, was observed to be swamped by a tremendous white-headed sea, and the coxswains of the leading boats, having evidently seen the accident, at once turned their boats and went to the rescue. Cautiously and bravely the two boats approached the drowning men, tremendous seas heaving them sky-high at times, until, and almost within grasp of those whom they went to save, a fatal sea reared itself and swamped them, and in the rush of white sea that followed it was feared that every soul would be lost. By degrees, the true position of the boats was revealed,

and they were seen to be floating gunwale under, with men standing up in them, while others were struggling in the water, and the sun shining on them showed that those in the boats who could were rapidly divesting themselves of their clothing.

Large crowds on shore had witnessed this terrible scene with intense excitement, the only boat available being the lifeboat, which had not been used for thirteen years. No faith was placed in her, as on the last occasion when used she was capsized, and drowned one of her crew, Duncan Cameron.

The emergency, however, overcame all scruples; she was speedily launched, and there was no lack of willing hands to man her. The boat was pulled steadily out, well handled, and kept well to the sea, and quickly reached those who were left struggling in the water, hauling them on board one by one.

But the white-crested rollers came rushing on with increased violence, and up one of these the lifeboat rushed, firmly held by the steersman, until lost to view in its boiling crest; and as the wave passed onward she, too, was seen to have capsized and to be floating bottom-up in a mass of heads and upthrown arms. She soon righted, and most of the men succeeded in getting aboard of her again.

Bravely did the crew stick to their work, although the lifeboat capsized a second and third time, until all were picked up that could be done, and then began the slow and difficult return to the shore. Many a time they were in imminent peril; but fortune favoured them, and by good management they reached the shelter of the breakwater in safety, where hundreds of willing hands were ready to carry the naked and half-dead fellows to the shelter and comfort of their homes.

The names of the men who manned the first lifeboat were—D. Bradley, A. J. McIntosh, Andrew Shaab, J. A. Petersen, W. S. Smith, W. R. McAteer, George Le Mentac, J. Isherwood, and D. Watson.

Before the lifeboat was launched, a surf-boat had been manned, and an attempt made to reach the three swamped boats, and she succeeded in saving three men who swam towards her. But such a boat was unwieldy in the heavy sea running, and those on board of her were obliged to anchor her. It was now getting dark, and it became necessary to send the lifeboat out again to rescue those in the surf-boat. Their progress could not be seen owing to the darkness; she succeeded, however, in rescuing some of the surf-boat crew, but lost two men, the boat having again capsized. On her return, volunteers were called for, and a fresh crew sent out, who brought ashore safely the remainder of the men in the surf-boat, which filled and sank a few moments afterwards.

The names of the survivors of those who were instrumental in saving life at the risk of their own, are as follows:—W. Collis, A. J. McIntosh, A. H. Turnbull, J. Crocknell, J. Thompson, G. Sunnaway, R. Collins, George Davis, John Reid, J. Houlihon, M. LeRoy, J. A. Petersen, G. Findlay, C. Gruhm, J. Henneker, W. Halford, G. Shirtcliffe, W. Walls, R. H. Balsom, T. Hart, W. Budd, W. S. Smith, F. McKenzie, T. Morgan, C. Vogeler, P. Bradley, D. Bradley, S. J. Passmore, J. Crocome, C. Moore, A. Shaab, T. Martin, M. Thompson, W. Oxby, I. J. Bradley, H. Trouselot, W. H. Walls, J. Isherwood, A. L. Haylock, G. Le Mentac, C. McDonald, W. R. McAteer, John Ivey.

Those who lost their lives were—Robert Gardner, of Dolar, Scotland; D. McLean, of Tobermory, Scotland; William McLaren, waterman, Timaru; Emanuel Neilson, boatman, Timaru; Martin Beach, Harry McDonald, and George Falgar, boatmen, Timaru; Alexander Mills, harbour master, Timaru, who was brought ashore alive, but expired soon afterwards; and John Blacklock, who suffered a compound fracture of his leg on the day of the wreck, and died in the Hospital a short time afterwards.

The above is a correct statement of all the facts connected with the disaster in the Timaru Roadstead on May 14, 1882.

W. ZIESLER,

Honorary Secretary to the Timaru Relief Fund.

No. 15.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 87.)

MY LORD,— Government House, Wellington, 4th November, 1882.

Reply,
A.-2, No. 20.

I have the honour to report that on this day I transmitted a telegraphic Despatch to you, of which the following is a copy:—"Postal arrangements, France "Australasia: Zealand Government will accept, provided postage books, &c., "penny per ounce, and that Francisco rates to France be same as Brindisi—"Marseilles."

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

No. 16.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 90.)

MY LORD,— Government House, Wellington, 13th November, 1882.

With reference to my telegraphic Despatch of the 4th November instant, in reply to your Lordship's Circular Despatch of the 6th September, 1882, respecting postal arrangements between France and the Australian Colonies, I have the honour to enclose a memorandum, signed by Mr. Atkinson (the Colonial Treasurer), in the absence of the Premier, covering a memorandum by the Secretary to the General Post Office (Mr. Gray,) addressed to the Minister at the head of the Department. A.-2, No. 11.

The latter memorandum, containing in detail the views of the Government of the Colony on the subject, is transmitted to your Lordship as a general reply to your Lordship's former Despatches, viz., Circulars, 7th October, 1880, and No. 29, 6th July, 1881, as well as to the recent Circular Despatch of the 6th September, 1882.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

Enclosure.

MEMORANDUM for His EXCELLENCY.

DESPATCHES respecting a proposed arrangement as to postal rates between France and the Australasian Colonies are returned herewith.

Ministers respectfully advise His Excellency to inform the Secretary of State, that the New Zealand Government will consent to come under the arrangement, subject to the conditions stated in the accompanying memorandum by the Secretary to the Post Office, forwarded herewith for His Excellency's information.

As a reply by telegraph is requested by Lord Kimberley, a draft telegram is appended for See No. 13. His Excellency's consideration.

H. A. ATKINSON,

Wellington, 4th November, 1882.

In the absence of the Premier.

Sub-Enclosure.

The Hon. the Postmaster-General.

INEFFECTUAL attempts have for some time been made to reduce the postage on correspondence to and from France. In the majority of cases, the proposals were made by the French Post Office, and the failures must be attributed to the fact that the reduction of postage as proposed by France would favour that country at the expense of the Colonies. Counter and more equitable proposals were made on behalf of the Colonies, but, as these were rejected by France, the high rates of postage have been permitted to continue. The postage on letters for France is 1s. 1d. per half-ounce *viâ* Brindisi and Modane, 11d. *viâ* Alexandria and Marseilles, and 1d. per ounce on printed matter. Of the letter rates, New Zealand retains only 6d. per half-ounce, the balance being paid over to France for sea and overland transit to destination from Galle and Alexandria and Brindisi and Marseilles respectively: but we keep the whole of the postage on printed matter, the addressees being mulcted in charges sufficient to cover cost of delivery from British packet to destination. In the bulk, France is credited with 1d. per ounce for the letters sent *viâ* Alexandria and Marseilles, and 1 franc 30 cents. per ounce on letters when forwarded *via* Brindisi, but, as already stated, nothing is credited France on the printed matter. Letters for France, when sent *viâ* San Francisco and England, are charged 8d. per half-ounce, 6d. being retained by New Zealand, and the 2d. paid London for carriage from England to France. On the other hand, out of the postage collected by France, we are credited with 1 franc 66 cents. per 30 grammes for sea conveyance to destination, or about 1s. 4d. per ounce, and about 5d. per lb. on printed matter. Unpaid or partly prepaid correspondence is charged double the deficiency, which is recovered from addressees, and, in the case of the latter description, no credit is given for any stamps affixed.

The French Government being about to establish a new line of mail steamers to the East, which will touch at some of the principal ports of Australia, the Director-General of French Posts considered the occasion a favourable one for again endeavouring to bring about a mutual understanding with the Australian Colonies, in effecting a reduction of postage on correspondence between the Colonies and France. Indeed, an agreement has been entered into with France and Great Britain, in anticipation of the Colonies agreeing to the proposals, and the several Australian Governments are now asked to express their concurrence or otherwise. The proposal fixes the postage at 6d. per half-ounce on letters, books and newspapers at 1d. per two ounces, whether sent *viâ* Brindisi or Marseilles. New Zealand will be required to pay France 25 francs

per kilo. on letters and post-cards, and 1 franc per kilo. on other articles, on account of sea conveyance; and, in addition, a further charge for overland carriage to office of destination will also have to be made. This, in the case of transit from Brindisi or Naples to the French border, would amount to 6 francs 50 cents. per kilo. for letters, and 37½ cents. per kilo. for printed paper. Nothing beyond 6d. per half-ounce on letters, and 1d. per two ounces on printed matter, is to be levied on the public. All charges connected with the carriage and delivery of the correspondence are to be borne by the respective despatching offices, instead of the public as at present. This is one of the main advantages of the new proposal. Thus, out of the 1s. 7d. per ounce (gross weight) collected on letters, New Zealand would have to pay about 7d. per ounce for sea conveyance, and about 1¾d. per ounce for carriage from Brindisi to France, leaving about 10d. per ounce as our nett letter postage, and on printed matter our net postage will only amount to a little over 1¾d. per lb. On the other hand, France will pay to us, for the conveyance of mails from France to New Zealand, about 7¼d. per ounce on letters, and about 4¼d. per lb. on printed matter, as against 1s. 4½d. at present credited by France in respect of the outward letters, and about 5d. per lb. on printed matter, a difference of about 9¼d. per ounce on letters and ¾d. per lb. on other articles against the colony under the new proposal. To make the matter clear, we at present retain 1s. per ounce on letters, 1s. 4d. per lb. on printed matter, and receive 1s. 4d. per ounce on letters and about 1s. per lb. on printed matter. This gives a gross turnover of 2s. 4½d. per ounce on letters and 1s. 9¼d. per lb. on printed matter. The new proposals will reduce this to 1s. 5¼d. per ounce on letters and 5¾d. per lb. on printed matter; but, as the loss will now be more equal on both sides, the proposal is very much more acceptable than its predecessors. The loss to the colony in the gross will be about 11¼d. per ounce on letters and 1s. 3½d. per lb. on printed matter; but, remembering that we shall receive the nett equivalent of 1s. 5¼d. per ounce on letters and 5¾d. per lb. on books, the loss will not be a serious one. The only objection I see to the proposal is, that it contemplates the Colonies charging a cheaper rate of postage on printed matter for France than will be levied on such matter for the United Kingdom. This should not be accepted; but, with this exception, I think the proposal should be agreed to.

There is another matter which should also be made a condition of acceptance of the proposal. Correspondence for France, when sent *via* San Francisco and London, is charged as follows: Letters, 8d. per half-ounce; books, 1½d. per ounce; and newspapers, 2d. These rates provide for the free transmission of the correspondence from London to France; and, in order that the proposed reduced rates of postage may be applied in the case of either the San Francisco or Brindisi route, I submit that the London Post Office should be required to deliver, free of charge to New Zealand, such correspondence as may be received for France *via* San Francisco.

Briefly, the proposal may, I submit, be agreed to on the following conditions: That the rate of postage on books, &c., be the same as that levied on such articles for the United Kingdom, viz., 1d. per ounce. That the London Post Office should undertake to deliver at destination, free of charge to us, such correspondence for France as may be received by the San Francisco route. The New Zealand fee for registered articles to be fixed at 6d.

A decision in this case will also dispose of in the affirmative the question raised in former Despatches [Circular Despatch of 7th November, 1880, and Despatch No. 29, of 6th July, 1881], that legal and commercial documents to and from France should be admitted as printed matter.

W. GRAY.

No. 17.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 91.)

MY LORD,— Government House, Wellington, 26th November, 1882.

I have the honour to report that I have to-day received from His Excellency the Governor of South Australia a telegraphic Despatch, of which the following is a copy:—"Following telegram received from Lord Kimberley: "Twenty-four. Telegraphed Australian Colonies, French postal arrangements provisionally accepted for them, commencing mail leaving Marseilles yesterday. "Despatch follows."

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

No. 18.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 93.)

MY LORD,— Government House, Wellington, 28th November, 1882.

In reply to your Lordship's Despatch, No. 44, of the 4th October, 1882, enclosing a correspondence respecting Mr. G. T. Mackelvie's request for a gift of

armour, &c., from the Tower, for the Auckland Museum, I have the honour to inform you that the Museum is a public institution, vested in trustees for the benefit of the Auckland citizens and the public generally. It was last session endowed by the Colonial Parliament with a grant of £10,000. Reply,
A.-2, No. 38.

The collection consists of paintings, statuary, zoological, mineral and other specimens, and generally of such objects of interest as are usually found in an institution of the kind.

Mr. Mackelvie takes a great interest in its welfare, and has collected a large number of paintings and other objects of interest, at his own expense, and has presented them as a gift to the Museum.

The Government of the Colony recommend that Mr. Mackelvie's application should, if practicable, be favourably entertained by Her Majesty's Government.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

No. 19.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 97.)

MY LORD,— Government House, Wellington, 30th November, 1882.

In accordance with the Regulations, I have the honour to report, that at the last Supreme Court Sittings held at New Plymouth, a man named Antoni Gschnell was convicted of the wilful murder of one Mathias Knoll, a countryman of his own, and sentenced to death. From the evidence taken at the trial, it appeared that the convict was on good terms with the murdered man, and bore no ill-will or grudge against him; but, on the other hand, the evidence showed a tendency of the convict to homicidal mania. Indeed he has been but two months released from a lunatic asylum, to which he had been committed on this ground.

At an Executive Council held on the 22nd November last, my Advisers were of opinion, on the above-stated grounds, that the capital sentence should be commuted to penal servitude for life. I concurred in this view.

The sentence has been commuted accordingly.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

No. 20.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 98.)

MY LORD,— Government House, Wellington, 1st December, 1883.

I have the honour to transmit to your Lordship, at petitioner's request, a petition from Thomas Butler, of Nelson, formerly Superintendent of the Lunatic Asylum there. Reply,
A.-2, No. 31.

Accompanying this petition, I have the honour to enclose a memorandum from the Premier (Mr. Whitaker), on Mr. Butler's case. Lord Normanby's Despatch, referred to in paragraph 4 of this memorandum, bears date No. 4, 14th February, 1879.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

Enclosure.

MEMORANDUM for HIS EXCELLENCY.

THE copy petition of Mr. Thomas Butler, addressed to the Secretary of State for the Colonies, is returned to His Excellency herewith.

2. Butler was dismissed, after inquiry, by the Executive of the Province of Nelson. His dismissal was approved and confirmed by the Superintendent of the Province, who was attending in Wellington, as a member of the House of Representatives, at the time of the Executive's action.

3. Butler petitioned the House; and, on the suggestion of the Public Petitions Committee, the Governor was advised to appoint a Commission. The Commissioners reported that the dismissal was richly deserved.

4. In 1879, a summary of the case was supplied to Lord Normanby, who, it is believed, sent the paper to the Secretary of State, to whom Butler had appealed; but the statement was accompanied by a protest from the then Premier, Sir George Grey, that the Secretary of State had no jurisdiction in the matter, which had been dealt with by the Parliament and Government of the Colony.

5. Sir M. Hicks-Beach, in reply, requested that Butler should be informed that the matter to which his petition related was "entirely within the jurisdiction of the Colonial Government."

6. Being convinced that Butler was justly dismissed, the present Government decline, as their predecessors for some time declined, to correspond with him on the subject. If anything connected with that dismissal gave a right of appeal to the Courts of the Colony, the right still exists; and Butler can only be left to exercise it, should he be so advised.

Wellington, December 1st, 1882.

FRED. WHITAKER.

No. 21.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 99.)

MY LORD,— Government House, Wellington, 1st December, 1882.

A.-2, No. 13.

In reply to your Lordship's Despatch, marked "General," 4th October, 1882, relating to the Currency of the Colony, I have the honour to enclose a memorandum signed by the Premier (Mr. Whitaker).

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

Enclosure.

MINISTERS desire that Her Majesty should be advised to bring into operation in this colony, sections 4, 5, 6, and 7, and that part of section 18 that relates to British Possessions. The remainder of the Act does not appear applicable.

The New Zealand Act relating to coinage is, "The Coinage Offences Act, 1867."

2nd December, 1882.

FRED. WHITAKER.

No. 22.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 105.)

MY LORD,— Government House, Wellington, 29th December, 1882.

A.-2, No. 15.

In reply to your Lordship's Despatch, marked "General," of the 14th October, 1882, drawing my attention to your Lordship's Circular Despatch of the 8th July, 1881, and desiring to know whether my Government wishes to be included in the Treaty of Commerce and Navigation between Great Britain and Ecuador, which was signed at Quito on the 18th October, 1880, I have the honour to inform your Lordship that I have received a memorandum from Mr. Atkinson, the Colonial Treasurer (the Premier being absent), which shows that it was impossible to communicate with Quito within one year after the signing of the Treaty, the circular having been received on the 28th September, 1881; and that therefore the matter came to be regarded as not of consequence, especially as there is no probability of trade between this Colony and the Republic of Ecuador being established for many years.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

No. 23.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the
COLONIES.

(No. 1.)

MY LORD,—

Government House, Wellington, 15th January, 1883.

In reply to your Lordship's Despatch, No. 47, of the 2nd November, 1882, transmitting a copy of a petition addressed to the Prince of Wales by certain discharged soldiers in Wanganui, I have the honour to transmit a copy of a memorandum, dated the 8th day of January, 1883, from Mr. Elliott, Under-Secretary for Crown Lands, to the Minister of Lands, and which Ministers have forwarded to me as their report on the subject referred to in the petition.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

Enclosure.

MEMORANDUM for His EXCELLENCY.

THE Despatch, No. 47, of the 2nd November, from the Secretary of State for the Colonies, is respectfully returned to His Excellency herewith; and a memorandum by the Under-Secretary, Crown Lands Department, is enclosed, respecting the petition to His Royal Highness the Prince of Wales from discharged soldiers, which was forwarded by Lord Kimberley, in the Despatch, for consideration by the Government.

JOHN BRYCE,

Wellington, January 13th, 1883.

In the absence of the Premier.

Sub-Enclosure.

MEMORANDUM for the Hon. the MINISTER of LANDS.

I HAVE to report as follows, with respect to Despatch, No. 47, dated the 2nd November last, from the Secretary of State for the Colonies, transmitting a copy of a petition addressed to His Royal Highness the Prince of Wales by certain discharged soldiers, respecting an alleged promise to them of grants of land by the New Zealand Government, on their taking their discharges from Her Majesty's service:—

The authority for making grants of land to officers, soldiers, or marines in Her Majesty's service, or the service of the East India Company, who retired or obtained their discharges for the purpose of settling in the Province of Taranaki or of Wellington, was the 15th section of the Act of the General Assembly of New Zealand, intituled "The Waste Land Act, 1858," 21 and 22 Victoria, No. 75. This authority, however, only remained in operation until the year 1863, when it was repealed, so far as it affected the Province of Wellington, by "The Wellington and Hawke's Bay Naval and Military Settlers Act, 1863," 27 Victoria, No. 29.

I observe that the petition is dated from Wanganui: the Act of 1863 would, therefore, apply to claims sent in from that district.

Owing to numerous petitions having been presented to the New Zealand Legislature, by discharged soldiers and others, who considered that they were entitled to land on account of services rendered in a military capacity, the following resolution was passed on the 15th December, 1879, by the Waste Lands Committee of the House of Representatives:—

"The Waste Lands Committee has directed me to report that in reference to the petitions presented during the present session, from discharged soldiers of the Imperial service in the colony, for grants of land to which they claim to be entitled, the Committee is of opinion—(1.) That the claims of soldiers discharged in the colony should be recognized where at any time the claimants have been entitled to grants of land, but through informality or ignorance of the regulations failed to comply with the conditions. (2.) That where the *bona fides* of a claim shall have been established, a grant of sixty acres of land should be awarded in such manner as the Minister of Lands may determine. (3.) That the Government should bring in a Bill to give effect to the foregoing resolutions during the next session of Parliament.—HENRY BUNNY, Chairman.—15th December, 1879."

In conformity with this resolution, a Royal Commission (Parliamentary Paper, H.—17, 1882) was issued by His Excellency Sir Arthur Gordon on the 16th February, 1882, a copy of which is attached hereto. It will be observed that the Commission is addressed to Messrs. Haultain, Fulton, and Bunny.

The Chairman of the Commission was Lieut.-Colonel Haultain, who had been an officer in Her Majesty's Imperial Forces and afterwards Defence Minister in the Colonial Government; Mr. Fulton was the Chairman of the Waste Lands Committee during the last session, having been a member of that Committee during the previous Parliament; while Mr. Bunny was the Chairman of the Waste Lands Committee previous to Mr. Fulton.

As all petitions to the Legislature relating to claims to Crown lands are investigated, in the first instance, by the Waste Lands Committee of the branch of the Legislature to which they are

addressed, it will be observed that the members constituting the Royal Commission were eminently qualified, from their experience, to deal with the questions which were remitted to them for inquiry and report by His Excellency the Governor.

It will be seen, from the printed report of the proceedings of the Commission, that amongst the places in the Colony where sittings were held was Wanganui, so that the petitioners had every opportunity of personally laying their claims before the Royal Commission at that place.

I am unable to ascertain whether the statement made by the petitioners that they petitioned "the New Zealand Government, and that they were informed the Government could not give them any land" is correct. No petition signed by the persons whose names are appended to the petition addressed to His Royal Highness is, however, recorded in either the Crown Lands or the Defence Departments, so far as I have been able to ascertain. Probably the petitioners may refer to the claims which they sent in to the Royal Commission, as I find that, out of the thirty-two names appended to the petition, the claims of twenty-two of the petitioners were rejected by the Commission. No mention is made in the report of the Commission of the claim of the remaining ten persons. It is therefore presumed that they neglected to bring them forward.

With regard to the manner in which the claims of the old soldiers were dealt with by the Royal Commission, I would refer to the following extract from the printed report:—"In determining the various applications, we have been guided mainly by these two considerations: (1) That it was not within our province to go beyond the law, by entertaining claims that might have been valid had they been prepared at the proper time and in the proper manner, but which had been allowed to lapse through the manifest neglect or indifference of the claimants themselves; and (2) that we were required to do justice to those who, from purely technical difficulties, excusable ignorance, or from the neglect or error of those in authority, who ought to have forwarded the claims and furthered the interest of their men, had failed to secure those advantages which the law allowed to them. Amongst these last, we have included a number of discharged soldiers who, from having no one to inform them of their privileges, or to advise and assist them in obtaining the land to which they were entitled, either omitted to make their applications within the stipulated time, or were rebuffed by difficulties and technical objections often raised by Crown Lands Commissioners, who were more anxious to augment the provincial revenues than to part with the land. We have satisfied ourselves that the claimants so recommended completed the requisite period of residence within their respective districts; but as a rule we have excluded all those living in provincial districts where the Acts were never in force, and also those discharged in the Colony subsequent to 1861, after which time no plea of ignorance could reasonably be admitted, as the conditions were then well known in all the regiments serving in New Zealand. Where exceptions have been made to this rule, there have been special circumstances to influence our decision. In advocating this extension of the law on behalf of old soldiers, we are supported by the Public Petitions Committee of 1879, who recommended that the claims of discharged soldiers in the Colony should be recognized when at any time the claimants have been entitled to grants of land, but, through informality or ignorance of the regulations, failed to comply with the conditions."

I have been unable to ascertain the dates upon which the petitioners took their respective discharges, neither have I been able to obtain accurate information as to when the various regiments in which the petitioners state they served, left the colony. It was, however, some considerable time after the passing of the Act of 1863, to which I have referred, that the last of the Imperial forces were withdrawn from New Zealand.

If, therefore, those of the petitioners who may have taken their discharges when their regiments were leaving the Colony had made inquiries in the proper quarter, they would have found that, if they desired to remain in the Province of Wellington, they would not have been entitled to land after the year 1863.

General Crown Lands Office, 8th January, 1883.

H. J. H. ELIOTT,
Under-Secretary.

No. 24.

His Excellency the ADMINISTRATOR to the SECRETARY of STATE for the COLONIES.

(No. 2.)

MY LORD,—

Government House, Wellington, 18th January, 1883.

In reply to your Lordship's Despatch, No. 51, of the 28th November, 1882, respecting the claim advanced by Mr. Luke Madigan, late 70th Foot, for a grant of land on account of his military service in New Zealand, I have the honour to transmit a copy of a memorandum from the Under-Secretary, Crown Lands, to the Minister of Lands, which has been forwarded to me by the Premier (Mr. Whitaker) as the report on the subject.

2. As directed by your Lordship, the applicant has been duly informed of the action taken in the matter.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. the Secretary of State for the Colonies.

Enclosure.

MEMORANDUM for His EXCELLENCY.

THE Despatch, No. 51, of the 28th November, is herewith returned to His Excellency the Administrator; and the Premier forwards, for the information of Her Majesty's Government, a report by the Under-Secretary, Crown Lands Department, upon the claim by Luke Madigan for a grant of land, as a discharged soldier, which was enclosed in the Despatch, for consideration by Ministers.

FRED. WHITAKER.

Wellington, 17th January, 1883.

Sub-Enclosure.

MEMORANDUM for the Hon. the MINISTER of LANDS.

I FORWARD you a report with respect to the claim of Luke Madigan, late of Her Majesty's 70th Foot, referred to in Despatch, No. 51, from the Secretary of State, and dated the 28th November, 1882. This is a similar claim to those referred to the Government with Despatch, No. 47, of the 2nd November, and upon which I reported on the 8th instant.

I find that Luke Madigan sent in a claim to the Royal Commission appointed by His Excellency Sir Arthur Gordon, but the claim was rejected. (See Parliamentary Paper, H.—17, 1882, page 15.) In the form upon which Luke Madigan made out his claim to lay before the Royal Commission, he stated that he had not made any previous application for land on account of his military services in the Colony. The statement in his letter to the Adjutant-General, to the effect that he had made various applications for land to the Crown Land Office, but that he could not receive any satisfactory reply, is therefore inconsistent with the statement which he made to the Royal Commission. I attach a copy of the printed form upon which the claim was preferred to the Royal Commission.

H. J. H. ELLIOTT,

General Crown Lands Office,

Under-Secretary.

Wellington, 16th January, 1883.

No. 25.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.

(No. 1.)

MY LORD,— Government House, Wellington, 27th January, 1883.

I have the honour to report that on the 8th instant I left Adelaide, by the mail steamer, and reached Sydney on the 14th instant. I left Sydney the same day, by a New Zealand steamer, and arrived here on the night of the 19th instant. The following day I was duly sworn in as Administrator of the Government of this Colony.

2. The public reception with which I was welcomed on my landing was of a most cordial and gratifying character, and was taken part in by all classes alike. A full account of it is given in the *New Zealand Times* of the 23rd instant, which is amongst the newspapers forwarded by this mail. I have the honour also to transmit a copy of the *Wellington Evening Post* of the 20th instant.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Secretary of State for the Colonies.

No. 26.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.

(No. 6.)

MY LORD,— Government House, Wellington, 27th January, 1883.

With reference to your Lordship's telegraphic Despatch of the 18th No. 9. September, 1882, concerning the party which was then being sent to New Zealand by the Government of the United States, and subsequent correspondence relating thereto, I have the honour to state that the request referred to in your Lordship's telegram was duly complied with by the Government of this Colony.

2. I transmit herewith a copy of a letter from Mr. Edward Smith, who was in charge of the party, to the Premier of New Zealand, testifying to the kindness shown by the Colonial Government and others during his stay here.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Secretary of State for the Colonies.

3—A. 1.

Enclosure.

U. S. Coast and Geodetic Survey,
The Hon. F. Whitaker,
Premier of the New Zealand Government,
Auckland, N.Z., 23rd December, 1882.

SIR,—

I have the honour to thank you for the kindness the New Zealand Government has shown to the United States Transit of Venus Party, at Auckland, in granting to it the free use of the railways, post-office, telegraph, and many other facilities.

We particularly wish to thank Mr. Percy Smith, the Assistant Surveyor-General, and Mr. Firby, Superintendent of Telegraphs at Auckland, for the personal attention and assistance they have given to our work.

It gives me great pleasure to state that, although the 7th December was partially cloudy, we were very successful in our observations of the transit, and feel well repaid for our labours and long journey.

Very respectfully yours,

EDWARD SMITH,
U.S. Coast and Geodetic Survey, in charge of U.S. Transit of
Venus Party to New Zealand.

No. 27.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 14.)

MY LORD,— Government House, Wellington, 24th March, 1883.

A.—2, Nos. 10, 18. With reference to the Circular Despatches from your Lordship's predecessor, dated respectively the 6th September and the 20th November last, concerning emigration from Ireland to this Colony, I have the honour to state that my Ministers are unable to recommend that the change which the Committee, under section 20, of "The Arrears of Rent (Ireland) Act, 1882," desire to see effected, should be made.

2. I transmit herewith a memorandum from the Premier (Mr. Whitaker), covering a memorandum from Mr. Rolleston, my Minister for Crown Lands and Immigration, setting forth the reasons for this conclusion.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Secretary of State for the Colonies.

Enclosure.

MEMORANDUM for HIS EXCELLENCY.

THE Premier has the honour to return to His Excellency the Governor, the circular despatch, and enclosure, from the Secretary of State for the Colonies, respecting emigration from Ireland to New Zealand; and to forward a memorandum thereupon, by the Minister for Immigration.

The Premier begs to state that, for the reasons given by Mr. Rolleston, Ministers are of opinion that the suggestion made in the seventh paragraph of the report to the Lord Lieutenant of Ireland, by a special committee, cannot be complied with by this Government.

Wellington, March 14th, 1883.

FRED. WHITAKER.

Sub-Enclosure.

MEMORANDUM.

THE system of immigration authorized by the New Zealand Parliament is that referred to in the sixth paragraph of the report to the Lord Lieutenant of Ireland, as the "nomination system."

For the promotion of immigration, a sum of £200,000 has been apportioned out of the £3,000,000 loan, and the expenditure of that sum is to be spread over three years. It is understood that the nationalities of the immigrants to be introduced shall be watched and regulated, so that, as nearly as is possible, one-half shall be English, and that in making up the other half there shall be four Irish to three Scotch.

The return for the current year shows that, of 5,006 persons nominated, 1,925 are English, 1,941 Irish, and 1,140 Scotch. Of the Irish, 1,124 are single women; and the Government have not deemed it desirable to exclude any of these, by endeavouring to maintain the proportions as strictly as was originally contemplated.

The cost to the colony of each immigrant is between £15 and £20, less the amount paid by nominators in accordance with the attached scale. It will be seen, therefore, that the nomination system, as it now exists, satisfies the immigration for which the Parliament has provided; and it is believed that the immigrants from Ireland are now as numerous as is likely to be sanctioned by Parliament.

March 14th, 1883.

WM. ROLLESTON,
Minister for Immigration.

No. 28.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 16.)

MY LORD,— Government House, Wellington, 24th March, 1883.

With reference to your Lordship's Despatch, No. 2, dated the 13th January last, transmitting a copy of letter which had been received at the War Office from Mr. William Cox, and asking for a report on the subject, I have the honour to transmit a memorandum from the Under-Secretary for Crown Lands to the Minister of Lands, which has been forwarded to me by the Premier (Mr. Whitaker) as the report on the subject, and to refer your Lordship to Sir James Prendergast's Despatches, numbered 1 and 2, and dated respectively the 15th and 18th January, 1883, concerning similar cases.

2. The claim of Mr. Cox having been considered by the Royal Commission last year, and rejected, the usual circular informing him of the decision was sent to him, but returned by the Dead Letter Office as an unclaimed letter.

3. As directed by your Lordship, the applicant has been duly informed of the action taken in the matter.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Secretary of State for the Colonies.

No. 29.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 17.)

MY LORD,— Government House, Wellington, 24th March, 1883.

I have the honour to inform your Lordship that, on the 19th ultimo, I left Wellington for a tour through some of the chief towns and more important districts of the Middle Island, and returned to Wellington on the 17th instant.

2. I took occasion during my visit to inspect the public educational and charitable institutions, as well as the works connected with various industries, such as meat-freezing and woollen factories. At Lyttelton, Dunedin, Port Chalmers, Invercargill, Timaru, and Oamaru, I examined the harbour works; I examined also the sites for batteries proposed for the defence of the four first-named places.

3. As Her Majesty's Representative, I met everywhere with an enthusiastic reception, and the loyalty of the people was most striking.

4. I transmit herewith cuttings from various newspapers, giving details relating to my tour.

5. Next month, I propose visiting the principal places in the North Island. I intend starting hence for Auckland on the 3rd proximo.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Secretary of State for the Colonies.

No. 30.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 20.)

MY LORD,— Government House, Auckland, 22nd April, 1883.

With reference to your Lordship's Despatch, No. 11, dated the 17th February last, and received on the 5th instant, concerning the visit of His Imperial Japanese Majesty's ship "Riujio-kan," to Wellington, I have the honour to state that that vessel arrived at Wellington on the 8th February, and left after a stay of a few days.

2. During their visit, I had the honour of entertaining the captain and officers at Government House. They were also hospitably received by the members of the Wellington Club and several of the leading citizens.

3. I transmit herewith a copy of a letter addressed by me to Sir Harry Parkes, in answer to His Excellency's letter to me, referred to in the enclosure to your Lordship's Despatch.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Earl of Derby, &c.

Enclosure.

Sir WILLIAM JERVOIS to Sir HARRY PARKES.

SIR,—

Government House, Wellington, 19th March, 1883.

I have the honour to acknowledge the receipt of your letter of the 14th December last, forwarding a copy of a note from the Minister of Foreign Affairs, stating that His Imperial Japanese Majesty's ship "Riujo-kan," was to sail from Thingawa Roads on the 15th December, for Valparaiso, by way of Wellington.

2. Before the arrival of your Excellency's letter, however, the vessel had visited this port, and I had the honour of entertaining Captain Ito and the officers at Government House. The courteous manners of the captain and officers, and the orderly conduct of the men, created a very good impression at Wellington. The citizens also highly appreciated the exhibitions of fire-works on board the "Riujo-kan," and the civility of Captain Ito in giving them several opportunities of visiting the ship.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

No. 31.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 22.)

MY LORD,—

Government House, Auckland, 22nd April, 1883.

A.-2, No. 22.

With reference to the Circular Despatch from your Lordship's predecessor, dated the 13th December last, concerning certain proposed alterations in the rates for sea service fixed by the Postal Union, I have the honour to state that I have communicated the Despatch and enclosure to my Ministers, and they are of opinion that, although they do not at present see their way to apply for the admission of New Zealand to the Postal Union, yet, with reference to their possibly doing so at some future time, they would much regret any alteration being made in the rates payable, which would throw any obstacle in the way of their making the application; and they feel that any alteration such as that now proposed by the German Post Office would be prohibitory.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Earl of Derby, &c.

No. 32.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 24.)

MY LORD,—

Government House, Auckland, 22nd April, 1883.

I have the honour, in accordance with paragraph 218 of the Colonial Regulations, to transmit to your Lordship a petition from Mr. Frank Cornwall, who is at present in this Colony. The petition, however, relates to matters entirely unconnected with New Zealand.

I have forwarded a copy to the Governor of Fiji, as Acting High Commissioner for the Western Pacific, who will no doubt communicate with your Lordship on the subject.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Earl of Derby, &c.

Enclosure.

New Zealand, Auckland, March, 1883.

To the Right Honourable the Earl of DERBY, Her Majesty's Secretary of State for the Colonies.

This is the humble petition of an unlettered man, praying to your Lordship for inquiry and redress of wrong. I have sent my petition to your Lordship through His Excellency the Governor of New Zealand, Sir William Jervois, G.C.M.G., &c.

I desire to place before your Lordship the following facts:—

That I am a native of Scotland, born in the County of Haddington, in the year of our Lord 1846.

That I have not become a naturalized citizen of any other State, and can therefore have no claim for protection on any other Government than that under which I was born.

That some fifteen years since I went to the Samoan Islands, in the South Pacific Ocean, and commenced planting and dealing there. I have since that period resided continuously on the group, save on two occasions, viz., first, when I went to Auckland at the invitation of Messrs. W. McArthur and Co., of Auckland, 1876; and, second, to Scotland in 1880. Since my return from Great Britain, having become involved in disputes with other South Sea traders, I have lived for short periods at Fiji and Auckland respectively.

That during the time I dwelt on the Samoan Islands I had laid what I considered the foundation of a competence for myself and my children (born of a native Samoan woman of rank, and whose family was possessed of large landed possessions).

That I was appointed Vice-Consul by Mr. Liardet for Aana and Savaii, afterwards Acting-Consul there in his absence, and subsequently Acting-Consul by Sir Arthur Gordon. I obtained the confidence and respect of my fellow traders and planters in the South Seas, and had for a period of many years untroubled business relations with the firm of Messrs. Goddefroy and Co., of Hamburg, and Messrs. Ruge and Co., also of the same place.

That in 1876 I entered into an agreement with Messrs. W. McArthur and Co., of London and Auckland, to trade exclusively with them. This firm continued to supply me with articles of trade and labourers from the Line Islands until 1879, when I was served with a notice to close my accounts within a certain period by paying in cash the demands the firm made against me in full. I had been, I may inform your Lordship, not only a customer of the firm of Messrs. W. McArthur and Co., but was also their recognized agent, holding powers of attorney from them to act in their interest in the South Seas.

That the firm of Messrs. W. McArthur and Co., in the year 1877, obtained from me promissory notes, on account of their representations that these notes were to be looked upon only as a convenience to them in trade and would be retired by them at maturity.

That in the year 1879 the firm obtained from me a mortgage over certain land in Samoa of which I was the reputed owner.

That later in the same year, 1879, during the month of November, a second mortgage over the same land was obtained from me to still further secure the interests of the firm. Under the first mortgage the land was valued at 10s. the acre; by the second mortgage the price was reduced to 4s. the acre, through my desire to assure the firm I was trading with against any loss that could in anywise arise. On the same day that the second mortgage was made an agreement, duly signed and witnessed, was entered into between the firm and myself, whereby the said Messrs. W. McArthur and Co. covenanted, in the event of their foreclosing, to accept and to value the land at 4s. per acre "in liquidation of account current" between the firm and myself.

That on the 27th September, 1880, Messrs. W. McArthur and Co. served on me a notice of their intention to foreclose under the covenants and agreements of the second mortgage, which mortgage and notice specifically set forth the fact that the said land was given for security of payment in the event of foreclosure.

That on the 20th August, 1881, Messrs. W. McArthur and Co. issued against me a writ out of the High Commissioner's Court at Samoa for the sum of £5,097 3s. 9d., the amount of certain promissory notes of mine which they held. These promissory notes, I may inform your Lordship, nearly represented the same amount as that which the second mortgage covered and secured.

That the case was heard before the Deputy-Commissioner, Mr. J. Hicks Graves, when a verdict was entered up for Messrs. W. McArthur and Co.

That I appealed from the Deputy-Commissioner's Court to the Supreme Court of Fiji.

That the Supreme Court upheld the verdict of the lower Court, but cancelled the mortgages that I had given Messrs. W. McArthur and Co., holding that plaintiffs could not pursue both modes of recovery to sue on the notes and avail themselves of their landed security.

The Attorney-General of Fiji, Mr. P. S. Solomon, wrote to me as follows after the trial:—

Attorney-General's Chambers, Levuka, 27th January, 1882.

DEAR SIR,—

Yoursself and McArthur and Co.

The decision of the Supreme Court in the matter of your appeal from the Deputy-Commissioner's judgment in this matter delivered at Apia, Samoa, is as follows:—

Your appeal is quashed, with costs to the respondents of £20.

The mortgages given by you to the respondents are declared cancelled by order of the Court.

This, of course, leaves you free to deal with the land, and deprives Messrs. W. McArthur and Co. of any power whatever to deal with or control it.

Frank Cornwall, Esq., Levuka.

I have, &c.,

P. S. SOLOMAN.

That, before a verdict had been obtained in the Supreme Court of Fiji, Messrs. W. McArthur and Co. issued an execution against and sold all the personal property I possessed in the Samoan Islands, and after the verdict in Fiji had been given they entered on and took possession of Samoan lands and plantations which are still legally vested in the Samoan people, and sequestered or destroyed the produce of several plantations.

That failing, by the sale of personal property and the seizing of plantation-produce, to satisfy the judgment obtained against me in the Deputy-Commissioner's Court of Samoa, Messrs. W. McArthur and Co. advertised certain lands in Samoa for sale by public auction. That when these lands were advertised for sale no person would make an offer for them, knowing the vendors had no power to sell. The lands, including several plantations in full working order, some 250,000 or 300,000 acres in area, were bought in by Messrs. W. McArthur and Co., with all their partly-cultivated condition, and means and appliance for working the several plantations, for the sum of \$8,815 currency, or, say, £1,587 sterling, less expenses of sale.

That the Samoan people protested against the illegal sale of these lands to foreign subjects. That the American Consul at the time of the fictitious sale warned all American subjects to refrain from becoming purchasers.

That some of the lands sold by public auction by Messrs. W. McArthur and Co. were some years since legally settled on a native woman and her children, named Manaema, by the consent of the Samoan people. The lands conveyed to the native woman were made her property by deed, dated the 5th day of February, 1879, of which deed a duly certified notarial copy was made in the City of Edinburgh on the 30th of March, 1881. The British Consul was duly notified of this fact in writing, both by Europeans and Samoan chiefs.

That, upon an agent of Messrs. W. McArthur and Co. attempting to take possession of these settled lands, he was driven away by the native Governor of the district, who thereupon notified the Consul that the land was Samoan land, and free from British Government control. I may further state that, to others of the lands sold, there belonged deeds registered in the British Consulate at Samoa, which deeds, being the only evidence of the alienation of the land from the Samoan people, have never yet been in the possession of Messrs. W. McArthur and Co., who only hold a certificated copy of the mortgage of the land mortgaged by me to them.

That your Lordship's petitioner was advised in Fiji by the best legal opinions the colony possessed that, although the High Commissioner's Court could seize and sell personal property, and could enter upon lands and sequester the produce thereof, the Court had no power to sell the lands themselves. This advice was given on the following grounds:—

(a.) That the Western Pacific Order in Council of 1877, being a special and extraordinary piece of legislation, must be construed strictly.

(b.) That the object of the Order in Council was to obtain control over the persons of British subjects residing out of the jurisdiction of British Courts of law and not within the jurisdiction of those of any civilized power. That no country has, nor has the power to assume, control over the soil of another country. That the Order in Council does not, and was not intended, to confer this power on the High Commissioner's Court.

(c.) That there are no regulations or forms in the Order in Council relative to the taking in execution and selling of lands.

(d.) That there are no regulations or forms relating to the completion of such a sale by giving the purchasers a title of any description.

(e.) That the selling of land in Samoa by the Deputy-Commissioner is in exercise of authority over the soil of a foreign State never intended to be conferred by the Order in Council, 1877.

(f.) That these lands having been seized and sold by the High Commissioner's Court as my property, the titles to them in the future would carry with them the stamp of the opinion of the Court in favour of their goodness as against the original native owners, and thus purchasers of the lands from Messrs. W. McArthur and Co. (who might be foreigners) may be induced to believe that, as the titles have been recognized by a British Court, they were practically indefeasible.

That previous to the feigned sale of the lands the native owners and myself had offered to satisfy the claims of Messrs. W. McArthur and Co. out of land included in the second mortgage at the price therein stipulated; but the offer was rejected, the agent of their firm considering the whole of the lands to be preferable to a part thereof. This arrangement the Samoan landowners and myself are still willing and anxious to carry out.

That, after the fictitious sale of this Samoan property by Messrs. W. McArthur and Co., very grave outrages were inflicted on the native people by the attorney of Messrs. W. McArthur and Co., in the desire to obtain possession of the lands and deeds thereof, tending to throw discredit on the British Government and its administration of justice.

That the following petition and affidavit were presented to the Assistant High Commissioner of the Western Pacific for consideration and redress, of which he took no notice:—

To His Excellency G. W. DES VŒUX, Esq., C.M.G., Her Majesty's Assistant High Commissioner for the Western Pacific.

The humble petition of Manaema, of Fasitootai, Samoan Islands, sheweth,—That, having suffered grievous insult and wrong at the hands of one or more certain British subjects in Samoa, she prays to be allowed to lay the following statement of facts before him, and entreats his patient consideration of her case:—

1. That she is in possession of a certain house and land at Fasitootai, in Samoa, the same being the property of herself and two children.

2. That in the month of June last a British subject (Richard Hetherington, solicitor), residing in Samoa, and attorney for Messrs. William McArthur and Co., forcibly effected an entrance into said house between the hours of 10 and 11 o'clock at night, stating that he did so by the authority of the British Consul, and refused to leave said house till from 4 to 5 o'clock in the morning; there being none but women in the house.

3. That he searched the house for certain deeds of land, rightfully her own and her children's property, with the avowed intention of forcibly carrying them away.

4. That by means of his servants he worried and pestered her to drink some beer and gin, in order to intoxicate her and render her foolish and helpless.

5. That he tried to persuade her to intrust her own and children's interest to his care, making for this purpose statements which she then believed, and now knows, to be utterly untrue.

6. That he compelled her to remain in the same room, seating himself by her side and not allowing her to leave, using improper language, and with his hands taking indecent liberties with her person.

7. That he afterwards attempted to drag her from the room to a bedroom for an immoral purpose, and only failed through being unable to drag her further than the door of the sitting-room.

8. That he also detained three other females in the room, making one at least perfectly drunk.

9. That, after being repeatedly requested, he and his people left about 4 or 5 in the morning, leaving one of their number (a white man) beastly drunk in the room.

10. That, as this is the second time that she has been brutally treated by parties coming from the British Consulate, she humbly asks your Excellency if such things are allowed by British law; and, if not, that your Excellency would cause inquiries to be made as to whether the said R. Hetherington had really authority to do as he pleased according to his own statement; and that, if the said Hetherington was justified in all he did through acting under the authority of the British Consul, your Excellency would be graciously pleased to restrain him in future from giving such license in regard to her, as she is a Samoan woman, with no desire to prostitute herself, but simply desirous of living peaceably with her children, on their own land, and in their own house, holding and claiming nothing but what is justly their own.

Your petitioner would only add that the persecutions she has suffered from the British Consulate, or probably R. Hetherington, have made life unbearable; and, as no redress can be obtained in Samoa, she has come to Fiji for the sole purpose of presenting this petition and craving your Excellency's interference for her protection.

MANAEMA.

That the agent of Messrs. W. McArthur and Co. offered \$200 to any person who would point out where any deeds were concealed. The Samoan woman visited Fiji, and appealed to the High Commissioner, the present Governor of Fiji, for protection from the brutalities of the attorney of Messrs W. McArthur and Co. The above petition is supported by the following affidavit, describing all the occurrences in detail:—

Be it known to all, that I, Manaema, of Fasitootahi, in Samoa, have written this evidence, and swear to its truth.

I remember well the day the lawyer (Hetherington) came to Fasitootahi, in the month of June. It was on Friday night he came; people were asleep; it was 10 o'clock when they came. I opened the door a little to see who was there, when it was pushed violently back, and they rushed into the sitting-room. There were only I and the children, the daughter of the chief Saga, and the wife and daughter of the chief Molota, in the house. The door was then shut and no one could get outside. A search was then made throughout the house for deeds of land. I was told that a very heavy fine would be put on me if I did not give up the deeds. I told them I had no deeds. The lawyer again asked me to give him the deed by which I and my children ruled, but I refused. He said he only wanted to look at it, but nothing would have induced me, for I knew he was a thief and a liar. They then kept on searching the entire house, but not a single paper did they get. In their anger they knocked the furniture about because they could find nothing. They then had a talk together, and two bottles of beer and a bottle of gin were brought in. They pressed and urged me to drink, saying it could do no harm and was only drink for women. I noticed that the lawyer often went out with the half-caste Miki, and soon as the lad came in he came directly to me with something to drink. I only once touched gin; it was brought by Parkinson, after he had had a talk outside with the lawyer. I put it aside again and again, but he held it to my lips and poured it down in my mouth. The lawyer then came and sat by my side on the sofa; he took hold of me and held me, and touched my breasts and many times tried to touch me indecently in my person. He used also a great deal of bad language to me. Afterwards he tried to drag me from the room into a bedroom, but I held on to the door of the sitting-room and called upon Tolonene and Sasa (wife and daughter of Molota), on which the lawyer let me go. He told me also that the Consul had given him entire power; that which it pleased him to do he could do; did he wish to drive me away, he could do so. I only replied that the house was mine, and I would be taken away when I was dead. He then said his desire was to make me his wife; that we together could then look after the children; in which case the New Zealand people could no more trouble or annoy me. Observing it was 4 o'clock they prepared to go, lest daylight should break upon them in Fasitootahi; but Tuitafu was awfully drunk, the rest not so bad, but the white man Maiti was stretched out like a pig. This was the foreigner who told me that the Chief Moepau was fined \$1,000 because he stopped on the land. I replied, "Let them fine, I am the proper party to fine, for I rule the land." This is all I have to swear regarding the affair.

MANAEMA.

Sworn before me at Levuka, this 21st day of August, A.D. 1882—John St. Julian, Commissioner of the Supreme Court.

That threats were made by the British authorities in Samoa that, unless peaceable possession of the disputed lands was given to Messrs. W. McArthur and Co., their villages would be burned and their other properties destroyed.

That the attorney of Messrs. W. McArthur and Co. thereupon took possession of the dwelling-house of the said Manaema, wantonly destroyed her household property and clothing, and also property belonging to other Samoan natives, and drove her and her children from their home.

That, finding all hope of redress in Samoa against injustice was vain, your petitioner came to New Zealand to obtain the best legal advice the Colony could afford him.

That Messrs. Hesketh and Richmond, of Auckland, the well-known counsel, on review of the facts of the case as above set forth, gave the following opinion:—

We have given the various important and interesting questions which you have submitted to us our best consideration, with the following result:—

1. We would observe that, though you live in a foreign country, yet you are a British subject, and as such you owe allegiance to the Crown of England, and you are amenable to the laws of England, as the same are in force in that foreign land and in this, even though such acts of the British Legislature may be of a very unusual and exceptional character.

2. The Pacific Islanders Acts, 1872 and 1875, contain special provisions (see section 7 of the Act of 1875) that the powers therein contained shall in no way be construed as giving any dominion or sovereignty to Her Majesty over the islands or any claim or title thereto, and that the rights of tribes or inhabitants shall in no way be interfered with. Section 6 of the Act of 1875, on the other hand, expressly states that it shall be lawful for Her Majesty to exercise power and jurisdiction over *her subjects* in those islands in the same way as if such power and jurisdiction had been acquired by the cession or conquest of territory.

From all this it appears plain that the native laws, customs, and usages remain in full force, and the natives are left in full enjoyment of them. Their titles to land are to be determined according to their customs and usages, and to those only; and it is only by an appeal to those laws that the character and "tenure" of their titles can be ascertained. There being a total absence of dominion or sovereignty on the part of Her Majesty, only those principles of English law which can be found in the native laws must be regarded, and effect must be given to them according to the law of the place and *as native* and not as English law.

In the outset, therefore, English law cannot be appealed to as against the natives, whether for the purpose of deciding their titles to their lands or otherwise, nor can Britain provide tribunals for the purpose of exercising power or jurisdiction over natives; nor, indeed, does she profess to have done so. This appears plain from the Acts referred to, and the Order in Council, which leaves the native owners in full enjoyment of their lands according to their customs and usages; and without dominion or sovereignty there is no power even to provide machinery for investigating and deciding on native rights, saying nothing of the right to touch the land itself.

In the case, therefore, of a native owner's rights of property being invaded by another native, then the native laws must decide between them, for no English law is in force, and the doors of the High Commissioner's Court are not open to natives, nor are they amenable to its jurisdiction.

If this invasion is made by a British subject, the same result follows. If a British subject claimed to be the owner of these lands, and his possession or rights were invaded by *natives*, then native laws must decide, and for the same reasons.

The questions as to whether the native or British subject is owner of the land, as to nature or quality of that ownership, and what incidents of property attach to that ownership, are questions which must be determined by the natives according to their laws in all cases of differences between them and British subjects or foreigners.

It might be that, as between British subjects, the High Commissioner's Court might, in deciding actions of trespass to land, apply some principles of English law, such as the right of a person in actual possession of land to be protected in that possession as against the whole world except the true owner; but if both parties claimed to be owners of the land, then we think it would be an assumption of power on the part of that Court to decide that the natives have sold the land to either one or the other with a view of deciding that the natives have divested themselves of the ownership, because, first, such a decision should not be made unless the native owners were first heard—parties of the action; and, second, the question as to what is the proper method of changing the ownership of native land must be decided by native law.

This now brings us to a consideration of the particular facts presented to us.

1. It appears clear to us that McArthur had a good *cause* of action, and there was nothing to prevent him suing Mr. Cornwall upon the notes. The original arrangement was not to last for all time, and that a debt was originally contemplated is quite clear, and if this debt was not liquidated by produce, &c., it is to our minds equally clear that it was open to them to recover it in a competent manner. The "mortgages," as they are called, did not merge this debt; indeed, we have a difficulty in seeing that the doctrine of merger applies at all, for we are not by any means clear that the "mortgage" as it appears is a debt of any higher nature—such as a debt by deed or under seal—than the promissory notes, and without this element the doctrine of merger has no application. Moreover, we do not see that McArthurs were *bound* to take the land under the "mortgages." Having a "cause" of action, could they sue in the High Commissioner's Court as they have done? On this question we are not free from doubt, and this, too, notwithstanding clause 5, sub-section 1, clause 22, and clause 85 of Order in Council. The cause for our doubt is that the plaintiffs were not "*within the islands residents or not.*" We conclude that security for costs was not applied for under clause 25, assuming that clause applied to such a case. As for the judgment, we fear that, after what has been done, it is too late to interfere with that now, and we pass on to consider the right to issue.

That there was power to issue execution on a judgment in the High Commissioner's Court appears to us to be reasonably clear—see clause 269 and following clause 22—but this is only as against the goods. There is no power to touch the land, that is, by way of selling the *corpus*, changing the ownership, giving the title to it whether by possession or otherwise. To do this, special power and machinery must be provided. In New Zealand and some other Colonies this power is given to a plaintiff who has obtained judgment, but, like the Acts and Order of Council before referred to, such a power is the creature of modern times and of special and unusual legislation.

Assuming clause 22 supplies all the machinery and procedure which is not specially provided for by the Order of Council, then the only course available (if available at all) to a plaintiff to enable him to touch defendant's lands is by a writ of *elegit*; and even if that course was pursued, the question of ownership "of native" lands (for all are native lands) must arise, and we fail to see at present that *elegit* would apply to such land.

We do not see any objection to "seizing" the defendant's *interest*, whatever that may have been, in the lands, for in doing this nothing is decided, and something or nothing may be sold, as the case may be.

In such a case nothing is guaranteed, and all is at the risk of the purchaser, who must get possession as best he can, and *fight* the question of ownership and title with those who think fit to contest it with him. As against the native owners of the soil such a sale would be nugatory for the reasons before given. They not being amenable to English laws, to executions, entries by Sheriffs, and such like, their acts in resisting a purchaser or Sheriff must be judged of and determined by the native laws and tribunals. We think it is quite clear there is no power to sell the *corpus* of the land, and therefore that it has not been sold; and it rests with the natives to assert their rights thereto according to their own laws.

As to the other lands, we are told they were "settled" on the native woman. If so, then they were not the defendant's to sell; and, if his interest therein only is sold, the same consequences will follow as before mentioned.

As to entering upon the plantations, &c., of this woman, this must be resisted or otherwise as the natives choose. What we have previously stated as to the native rights will apply to this part of the subject. Native laws must settle the question, and we have not discussed that she has the power to appeal to the English tribunals for damages.

As to Mr. Cornwall's right to sue in New Zealand, and his prospect of success, we can hold out no substantial prospect of success. If he sued for damages for maliciously and wrongfully suing him in the High Commissioner's Court, then he would fail, for they had grounds for suing, and therefore it was not wrongful and malicious. If he also claims damages for entering the lands and selling produce, they would justify this as being the act of the Sheriff to carry out the execution; and as to the "settled" lands he would have no cause of action, those lands not being his.

18th October, 1882.

HESKETH AND RICHMOND.

Still further to be assured of my being unable to obtain redress from the New Zealand law Courts, I appealed to Messrs. Dignan and Armstrong, who advised me as follows:—

With reference to the matters submitted to us for our opinion, we beg to say we have given them very careful attention, and with the following result:—

The first question on which you ask our advice is, whether the judgment given by the Deputy-Commissioner at Samoa, in the action W. McArthur and Co. against yourself, was sound in law, and whether you could reopen the judgment here, your contention being that such action was not maintainable upon the promissory notes given by you, upon the grounds—(a) that the notes were given for the plaintiffs' accommodation; and (b) that the promissory notes were merged in the various mortgages referred to in the case for opinion. The judgment of the Deputy-Commissioner above referred to was afterwards affirmed on appeal by the Supreme Court of Fiji, which at the same time cancelled the mortgages given by you.

To this question we reply that we think the judgment sustainable, but, whether sound or not, we feel certain that the Courts of New Zealand have no power to reverse it, nor would they be likely to reverse it in any way.

Your next question was, whether the subsequent proceedings in the action, including the seizure and sale by the Sheriff of certain lands, were illegal; and whether, in the event of our holding the sale illegal, you could sue Messrs. W. McArthur and Co., the plaintiffs in the action, for damages in our Supreme Court.

Our reply is that, except as to the crops and produce of the land, and any movable plant or building, the sale by the Sheriff is, in our opinion, a nullity, and that your ownership of the *corpus* of the land is not affected in law by such sale; and, after a careful examination of the Order in Council, we fail to see how, such so-called sale having taken place, the Sheriff (were such ever appointed) could make any conveyance of such lands, the Order providing no power or machinery for the purpose. That the Sheriff and all persons acting under him would be liable for any trespass or wrongful act in excess of the authority given by the warrant of distress. That, although such illegal seizure and so-called sale of the *corpus* of the land were done for the benefit, and presumably under the direction and with the sanction, of the plaintiffs, who themselves became the purchasers, and that therefore they might be liable with the Sheriff, we cannot advise you to bring an action against them in New Zealand, as we do not think the Supreme Court here would undertake to say whether such acts were justifiable or not according to Samoan custom and usage, by which custom and usages the legality of the acts themselves would have to be tested.

As to the lands settled upon the Samoan woman and her children, which were at the same time seized and sold by the plaintiffs, our former remarks apply, that the land could not be sold, and therefore was not sold; but, the lands being in Samoa, we do not think she could sue Messrs. W. McArthur and Co. in our Courts of law in New Zealand for any loss or damage she may have sustained.

As to your next question, what steps could Manaema take to eject Messrs. W. McArthur and Co. from the lands settled upon her, we can only again say that, although we consider Messrs. W. McArthur and Co. in unlawful possession, we are of the opinion that the Courts here can afford you no relief, upon the ground that our Courts cannot give a decision upon what seems to us to be purely a question relating to Samoan lands.

That as to the "wrongful and improper conduct of Messrs. W. McArthur and Co.'s agent at Samoa," so long as the same was distinguishable from the question of title, we are of opinion that redress can be had here against Messrs. W. McArthur and Co., provided you could prove that such agent had their authority or instruction to do what he did, or a subsequent ratification by them of his acts, but not otherwise.

The general conclusion to which we have come upon all the facts is, that, although seemingly a very great wrong and injustice has been done both yourself and Manaema, from which Messrs. McArthur and Co. derive a benefit, you are practically without a remedy here against Messrs. W. McArthur and Co., and we cannot advise an action against them with any certainty of success.

19th March, 1883.

DIGNAN AND ARMSTRONG.

That the general consensus of New Zealand legal opinion is that the New Zealand Courts of law cannot interfere in a Samoan dispute.

That, unable to protect my rights and the rights of those depending upon me, I consulted a leading member of the New Zealand Legislature, who is also a member of the New Zealand Bar, who advised me forthwith to memorialize your Lordship, setting forth the whole facts of the case.

That I trust your Lordship will cause such inquiries to be made as will prove the truth or the untruth of the allegations made in this petition.

That your Lordship will take the necessary measures to restrain Messrs. W. McArthur and Co. from committing further outrages upon the Native Samoan woman and her children, or forcibly entering upon and disturbing them in the peaceable possession of their houses and lands.

That your Lordship will also consider the claim of these Samoans to compensation for damage and loss caused them by the attempts of Messrs. McArthur and Co. to deprive them of their property.

That, as Messrs. W. McArthur and Co. elected not to avail themselves of their landed security, your Lordship will protect your petitioner in his right to control any lands which the Samoan people admit belong to him.

That your Lordship will please to remember that the amount of land in the manner above set forth sought to be acquired by Messrs. W. McArthur and Co. comprises one-third of the acreage of the entire Samoan Group of Islands, now occupied by at least 50,000 people, and that certain portions thereof are claimed by German and American citizens.

That the Governor of Fiji, G. W. Des Vœux, Esq., C.M.G., went to the Samoan Islands in H.M.S. "Diamond" since I have been in Auckland, and, after making inquiries with closed doors, fined the natives £100, giving them only until midnight after his inquiries had ended to pay the fine. I need not add that His Excellency the Governor of Fiji must have been quite misinformed as to the facts of the case.

Wherefore your petitioner humbly prays that your Lordship will cause full inquiry to be made into his case, and such relief afforded him and the Samoan people as your Lordship may deem well. And your petitioner, as in duty bound, will ever pray.

5th May, 1883.

FRANK CORNWALL.

No. 33.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 28.)

MY LORD,— Government House, Auckland, 21st May, 1883.

With reference to the Circular Despatch of your Lordship's predecessor, A.-2, No. 21. dated the 4th December last, asking certain questions concerning the method adopted for the valuing of imports and exports in this Colony, I have the honour to transmit herewith, a minute from the Premier (Mr. Whitaker), covering a memorandum from Mr. Seed, the Secretary and Inspector of Customs, which contains the information asked for.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Earl of Derby, &c.

Enclosure.

MEMORANDUM for His EXCELLENCY.

THE Premier has the honour to forward to His Excellency a memorandum, prepared by the Secretary, Customs Department, in answer to questions put in the Colonial Office Circular Despatch, dated 4th December last, as to the method adopted in this Colony of valuing imports and exports.

FRED. WHITAKER.

Wellington, May 11th, 1883.

Sub-Enclosure.

Hon. Commissioner of Trade and Customs.

WITH reference to the request contained in the Circular Despatch from the Right Hon. the Secretary of State for the Colonies, dated the 4th December, 1882, respecting the valuation of imports and exports for statistical purposes, I have the honour to report as under:—

The value of imports in the New Zealand Statistical Returns is the declared value by importers, shown in their entries at the Custom House. This represents the invoice value at the port of shipment, with a percentage added to cover freight, shipping, and other charges, so as to show the actual cost of the goods when laid down in the Colony.

A large proportion of the imports into New Zealand is subject to *ad valorem* duty. The value for duty is verified by the production of original invoices from the country whence the goods are received, which invoices are carefully scrutinized by the Customs officers. To this invoice-value an addition of 10 per cent. is made in the Customs entries for freight, commission, and other charges. The value of goods liable to fixed duties or free from duty is assessed on the same basis, and is declared by the importer at the Custom House.

The value given in the export returns is the value of the goods as declared by the exporters in their export entries at the Custom House, and shows the value of the goods in New Zealand, when put on board the exporting ship, without outward freight.

The value of goods subject to *ad valorem* duty is constantly checked by comparison with trade lists and prices current published in the countries whence the goods are imported, and the value of staple products exported is checked in like manner by comparison with quotations in local prices current.

WILLIAM SEED,

Secretary and Inspector of Customs.

Department of Trade and Customs, Wellington, 9th May, 1883.

No. 34.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 29.)

MY LORD,— Government House, Auckland, 21st May, 1883.

A.-2, No. 34.

With reference to your Lordship's Despatch, No. 9, dated the 31st January last, informing me that the Russian Ambassador in London had solicited an introduction to the Governors of the different Australian Colonies, in favour of M. de Miklouho Maclay, I have the honour to state that I have communicated your Lordship's Despatch to my Ministers, and that all possible consideration and attention will be extended to M. Maclay, should he visit New Zealand.

I shall myself have special pleasure in again seeing that distinguished gentleman, whose acquaintance I made some years ago at Singapore, and whom I met also in South Australia last year.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Earl of Derby, &c.

No. 35.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 30.)

MY LORD,— Government House, Auckland, 21st May, 1883.

A.-2, No. 37.

With reference to your Lordship's Despatch, No. 12, dated the 18th February last, transmitting to me a bronze medal and certificate which had been awarded to Kate Middlemass, by the Royal Humane Society, and requesting me to cause these rewards to be publicly presented to her, I have the honour to state that I have forwarded them to the Magistrate of the district, who will present them on his next visit to Wairoa, the village where Kate Middlemass lives, in as public a manner as the remoteness of that settlement will permit.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Earl of Derby, &c.

No. 36.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 32.)

MY LORD,— Government House, Auckland, 21st May, 1883.

A.-2, No. 38.

With reference to your Lordship's Despatch, No. 14, of the 20th February last, covering a letter from the War Office, stating that the Secretary of State for War is ready to present certain armour, &c., from the Tower, to Mr. Mackelvie for the Colony, I have the honour to transmit herewith a copy of a memorandum from the Premier (Mr. Whitaker), requesting that Mr. Mackelvie's grateful thanks for their liberal gift may be conveyed to the proper authorities, and asking that

the articles should be handed over to the New Zealand Loan and Mercantile Agency Company, No. 1, Queen Victoria Street, Mansion House, London.

2. I may add, that the armour which is now presented will form a most valuable addition to the Museum, and be highly appreciated by the people of Auckland.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Earl of Derby, &c.

Enclosure.

MEMORANDUM for His EXCELLENCY.

MR. MACKELVIE being in England, the reply by the War Office, respecting his application for a gift of armour from the Tower of London to the Auckland Museum, was submitted to his agent, Mr. D. L. Murdoch, of Auckland, who has requested that Mr. Mackelvie's grateful thanks for their liberal response may be conveyed to the proper authorities.

The Premier has the honour to ask that His Excellency will, through the Colonial Office, comply with Mr. Murdoch's request, adding that the Government have much pleasure in accepting, on behalf of the Colony, the offered specimens of armour; and that His Excellency will state that if the specimens, when ready for shipment, are sent to the New Zealand Loan and Mercantile Agency Company (Limited), No. 1, Queen Victoria Street, Mansion House, London, they will be taken charge of and forwarded to the Trustees of the Museum.

Wellington, May 14th, 1883.

FRED. WHITAKER.

No. 37.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 34.)

MY LORD,— Government House, Auckland, 21st May, 1883.

With reference to your Lordship's Despatch, marked "General," and A.-2, No. 35. dated the 16th February last, concerning the Treaty of Commerce and Navigation between Great Britain and the Republic of the Equator, and former correspondence on the same subject, I have the honour to transmit herewith a copy of a memorandum which I have received from my Ministers, expressing their desire that New Zealand should be included in the Treaty.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Earl of Derby, &c.

Enclosure.

MEMORANDUM for His EXCELLENCY.

MINISTERS have the honour to ask that His Excellency will reply to the Despatch of February 16th, that it is desired New Zealand should be included in the Treaty of Commerce with the Republic of the Equator.

Wellington, May 8th, 1883.

FRED. WHITAKER.

No. 38.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 35.)

MY LORD,— Government House, Auckland, 21st May, 1883.

I have the honour to acknowledge the receipt of your Lordship's Despatch, A.-2, No. 40. No. 15, of the 5th March last, covering a copy of a correspondence which had passed between the Royal Humane Society and the Colonial Office, concerning the request made by the Government of New Zealand, that the gallant efforts of certain persons at Timaru, in this Colony, to save life from drowning, should be brought before the Society.

2. The Committee have evidently acted under a misapprehension as to the facts of the case. This Colony "has no Humane Society recognized by the Governor." I learn, from the enclosures to your Lordship's Despatch, that there is "a Society in Melbourne bearing the name of the Royal Humane Society of Australasia," but as neither I nor my Government have any cognizance of that Society, New Zealand cannot be regarded as within its sphere.

3. I transmit herewith a copy of a memorandum which I have received from my Ministers on the subject, and I have the honour to suggest that, should your Lordship see fit, these facts should be brought to the notice of the Committee, in order that the case may be adjudicated by them.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Earl of Derby, &c.

Enclosure.

MEMORANDUM for His EXCELLENCY.

IN returning to His Excellency the Despatch and enclosed correspondence, respecting an application for the Royal Humane Society's recognition of efforts to save life during a storm at Timaru, in May, 1882, the Premier has the honour to reply to the question put by His Excellency, that it does not appear that the Royal Humane Society of Australasia, at Melbourne, has been recognized by New Zealand, or indeed that any correspondence has taken place with the New Zealand Government regarding that Society.

The Premier would be glad if His Excellency would ask the Colonial Office to communicate these facts to the Royal Humane Society, and to state that it is the desire of this Government that New Zealand cases of bravery with respect to saving life should be considered and dealt with by that Society.

FRED. WHITAKER.

Wellington, May 8th, 1883.

No. 39.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 37.)

MY LORD,—

Government House, Wellington, 14th June, 1883.

I have the honour to transmit herewith, copies of the Speech with which I have this day opened the second session of the eighth Parliament of New Zealand.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Earl of Derby, &c.

No. 40.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 39.)

MY LORD,—

Government House, Wellington, 16th June, 1883.

With reference to your Lordship's Despatch, marked "General," and dated the 22nd February last, and former correspondence concerning "The Imperial Coinage Act, 1870," I have the honour to transmit herewith a copy of a memorandum I have received from my Ministers, requesting that the whole Act should be extended to New Zealand, it being understood that those parts which are not strictly applicable to this Colony remain simply inoperative.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Earl of Derby, &c.

Enclosure.

MEMORANDUM for His EXCELLENCY.

MINISTERS have the honour to recommend that Her Majesty be advised to bring into operation in New Zealand the whole of the Imperial Act of 1870 respecting coinage, as is urged by the Lords of the Treasury, in their letter to the Colonial Office, returned herewith.

A good deal of the Act is not applicable to this colony, and was therefore omitted from the recommendation made in December last; but, as is observed in the Treasury letter, so much of the measure "will be simply inoperative" here.

FRED. WHITAKER.

Wellington, May 23rd, 1883.

No. 41.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 40.)

MY LORD,—

Government House, Wellington, 16th June, 1883.

I have the honour to inform your Lordship that on the 21st ultimo I presided at the formal opening of the Auckland University College, which has been founded for the purpose of providing higher education in the northern portion of the Colony, in connection with the University of New Zealand.

I transmit herewith extracts from the *New Zealand Herald*, giving an account of the proceedings.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Earl of Derby, &c.

No. 42.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 41.)

MY LORD,—

Government House, Wellington, 16th June, 1883.

I have the honour to inform your Lordship, that on the 26th ultimo I left Auckland, and returned to Wellington on the 4th instant. I stopped on the way at Gisborne and Napier. At both places I was most cordially met, by Natives and Europeans alike. The loyal reception by the Natives at Gisborne (in which neighbourhood there are a large number of Maoris residing) was specially gratifying.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Earl of Derby, &c.

No. 43.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 42.)

MY LORD,—

Government House, Wellington, 16th June, 1883.

I have the honour to transmit herewith a copy of a petition from Mrs. Withers, widow of Major Edward Withers, late of the Militia of this Colony, and for forty years in the 65th Regiment, praying that a pension may be granted to her as an officer's widow.

2. As she herself states, Mrs. Withers is a petitioner, and not a claimant, Major Withers having been above the age of sixty at the time of his marriage, which fact would, according to the general rule, disentitle her to a pension; but, should your Lordship see fit to represent to the Secretary of State for War the desirability of treating this as an exceptional case, on account of the long and valuable services of the late Major Withers, and for the other reasons set forth in his widow's petition, I submit that a suitable testimony would be paid to the merits of that officer.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Earl of Derby, &c.

Enclosure.

To the Right Honourable the Secretary of State for War.

The petition of Fanny Withers, of Auckland, New Zealand, humbly sheweth,—

1. THAT your petitioner is the widow of the late Major Edward Withers, who died at Auckland, on the 20th of May, 1883.

2. That the said Major Withers served in Her Majesty's army for a period of forty years. He enlisted in the 65th Regiment, at the age of sixteen, 17th March, 1822; was commissioned as quartermaster in the same, on the 31st December, 1851; and retired from the army, with the rank of captain, at the end of 1862, on the half-pay of 10s. a day.

3. That he was appointed captain and adjutant of the Colonial Militia on the 1st July, 1863, and was promoted to be major on the 21st May, 1869, and remained in the active service of the Colony till the very day of his death.

4. That he fulfilled his arduous duties, often at the risk of his life, during the Native war, and took an active part in the engagements at Oamaranui and Waikaremoana.

5—A. 1.

5. That your petitioner, being at the time thirty-seven years of age, was married to the said Major Withers, who was then sixty-seven years of age, on the 29th June, 1874.

6. That your petitioner has borne to her husband, the said Major Withers, five children, who are all living, the eldest of whom is under seven years of age.

7. That the Colonial Government makes no provision whatever for the widows and orphans of officers of the Militia service.

8. That your petitioner is left with her three young children, and that her only means of support is a small property of her own, which yields her about £70 a-year, and is wholly insufficient for the maintenance of herself and her family.

9. That your petitioner is aware that there is a general rule which provides that pensions shall not be granted to the widows and children of officers who marry after the husband is sixty years of age; but trusts that the following circumstances may be taken into your favourable consideration:—First. Her husband's long and faithful service of over sixty years.—Second. That he had been "noted" for the long and distinguished service pension, and was hoping to obtain it.—Third. The helpless condition in which your petitioner and her infant children are left. And she prays that the Royal bounty may be extended to her as a matter of great favour, and that she may be granted the ordinary widow's pension and the compassionate allowance for her children.

And your petitioner, as in duty bound, will ever pray.

Dated at Auckland, this 30th day of May, 1883.

FANNY WITHERS.

No. 44.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.
(No. 43.)

MY LORD,—

Government House, Wellington, 16th June, 1883.

In accordance with the addition to Rule 407, of the Colonial Regulations, I have the honour to report to your Lordship that I have lately, in two cases, commuted sentence of death.

2. The first case was that of a Native named Ratima Jacob, who was tried at Christchurch, for the murder of his wife, and found guilty, with a strong recommendation to mercy. His Honour Mr. Justice Johnston, who tried the case, was of opinion that the recommendation of the jury deserved my consideration, because, while the verdict vindicated the law, the evidence tended to show that the prisoner's mind had been seriously affected by the belief that his wife had committed several acts of adultery with his brother.

3. The second case was that of a woman named Phœbe Veitch, who was convicted of murder at Wanganui, and sentenced to death, but execution was stayed on its being found that she was quick with child. In this case also, the jury which tried the indictment recommended the convict to mercy, apparently on the ground of the very wretched, distressed, and forlorn condition of the unhappy woman, who was suffering from a repulsive disease, and, although but twenty-two years of age, had to support two illegitimate children—one, a boy of seven years of age, the other, the child of whose murder she was convicted; and was with child of another illegitimate.

4. I accordingly, after taking the advice of my Executive Council, decided that in both these cases the sentence of death should be commuted to penal servitude for life.

I have, &c.,

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Earl of Derby, &c.