

1890.  
NEW ZEALAND.

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## DESPATCHES

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

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

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No. 1.

(Circular 2.)

SIR,—

Downing Street, 13th November, 1888.

I have the honour to request that you will be good enough to furnish me with the information desired in the accompanying copy of a letter from the Statute Law Revision Committee as to sections 15 and 17 of 5 and 6 Will. IV., c. 62, having been repealed, altered, or amended by local legislation, and whether there is any objection to the repeal of those sections and of 22 and 23 Vict., c. 12.

I have also to request to be informed whether your Government has any objection to the repeal of 54 Geo. III., c. 62.

I have, &c.,  
KNUTSFORD.

The Officer Administering the Government of New Zealand.

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Enclosure.

MR. GRAY TO COLONIAL OFFICE.

SIR,—

7, Fig-tree Court, Temple, E.C., 6th November, 1888.

I have the honour, on behalf of the Statute Law Revision Committee, to request that the Secretary of State will favour me with information as to the exercise by the several colonies of the powers granted by 22 and 23 Vict., c. 12.

The Act in question repealed 54 Geo. III., c. 15, and 5 and 6 Will. IV., c. 62, ss. 15, 17, so far as they applied to the Colony of Victoria, and further enabled every Colonial Legislature to repeal, alter, and amend any provision of the former Act, and either of the last-mentioned sections.

This power has been exercised by the Colony of Victoria by the Act 28 Vict., No. 274, section 2, which repeals the whole of 54 Geo. III., c. 15, as regards Victoria. The Act of Geo. III. only extended to the then Colony of New South Wales, and, therefore, since the repeal in Victoria, extends only to New South Wales, Queensland, and New Zealand, unless repealed in those colonies.

The two sections of 5 and 6 Will. IV., c. 52, on the other hand, extend to all the colonies.

The Committee will propose, with the approval of the Secretary of State, to repeal 54 Geo. III., c. 15, wholly as regards Victoria, and, if it should appear that the powers of 22 and 23 Vict., c. 12, have been fully exercised, to repeal that Act, as well as 54 Geo. III., c. 15, and the two sections of 5 and 6 Will. IV., c. 62, generally.

The Under-Secretary of State for the Colonies.

I have, &c.,

ALBERT GRAY.

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No. 2.

(Circular.)

SIR,—

Downing Street, 21st January, 1889.

I have the honour to transmit to you the accompanying copy of a letter from the Statute Law Revision Committee relative to the repeal of certain enactments of the Imperial Parliament relating to the Constitutions of the Australasian Colonies, together with copies of an explanatory memorandum and of a schedule of suggested repeals.

1—A. 2.

It appears to me that there would be an advantage in the repeal of absolutely obsolete enactments, but that the subject is one of considerable delicacy, and should be approached with great caution, inasmuch as, notwithstanding the great care exercised by the Committee, mistakes may occur and give rise to difficulties which it is not always easy to repair by fresh legislation.

I have to request, therefore, that you will refer the matter to your Advisers, and that you will favour me, at the earliest convenient date, with their and your own opinion upon the general question, and upon the proposed mode of dealing with those enactments which bear upon the colony under your government.

I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

### Enclosure.

The STATUTE LAW REVISION COMMITTEE to the COLONIAL OFFICE.

SIR,—

7, Fig-tree Court, Temple, E.C., 19th December, 1888.

In August last Lord Knutsford was good enough to intimate to Lord Thring and myself that he would give the Statute Law Revision Committee his assistance in the matter of repealing such of the enactments relating to the Constitution Acts of the Australasian Colonies as were obsolete, or virtually repealed, and for this purpose permitted me to peruse the previous correspondence at the Colonial Office on this subject.

I have thought it desirable to prefix to the schedule of proposed repeals a memorandum (of which I enclose ten copies) showing the course which the Committee propose to adopt in dealing with these Acts with reference to the new edition of the "Statutes Revised."

The Committee will be obliged if the Secretary of State will submit the proposals of the Committee to the Colonial Governments, accompanied by an expression of his general approval of their scope. The propriety of the particular repeals in each case must be considered by the Colonial Office and the Committee after the receipt of the replies of the several Governments.

I would request that the Colonial Governments be invited to make their observations at as early a date as possible, as the Committee desire to bring in the Bill dealing with these and other statutes soon after the commencement of the next session of Parliament.

I am, &c.,

The Under-Secretary of State for the Colonies.

ALBERT GRAY.

### Sub-Enclosure.

MEMORANDUM.—CONSTITUTION ACTS OF THE AUSTRALASIAN COLONIES.

A new edition of the "Statutes Revised" is at present in course of preparation by the Statute Law Revision Committee, under the sanction of Her Majesty's Government. The object of this edition is to present the statutes of the Imperial Parliament in a compact form, showing only the enactments which are not expressly repealed. Besides the express repeals of previous statutes which are made in ordinary course by subsequent statutes, the Statute Law Revision Committee from time to time present Bills to Parliament for the repeal of enactments which, by reason of subsequent legislation or otherwise, may be characterized as "virtually repealed," "spent," or "obsolete."

It is obvious that an edition of the statutes, professedly representing the law as in force at the time of publication, loses much of its value if it is found to contain many enactments which have ceased to have any operation. The existing edition of the "Statutes Revised" is more particularly open to this criticism in regard to the enactments relating to the Colonial Constitutions. It is likely greatly to mislead any practitioner or other person who may turn to it for information as to the existing Constitution of any of the Australasian Colonies. He would find, for instance, still upon the Imperial statute-book the enactments of 5 and 6 Vict., c. 76, as to District Councils, which are either repealed or are obsolete and superseded in all the Australian Colonies to which they applied, and he would find the provisions as to the Provincial Councils of New Zealand, which have been abolished.

The course of repealing a previous Act so far as repugnant to a subsequent enactment, which was adopted as respects New South Wales, Victoria, and New Zealand, while it is indicative of a cautious intention, does not seem to justify the maintenance of the enactments so dealt with after they are shown to have lost their force. The Revision Committee, as I will venture to say on their behalf, fully recognise the necessity of observing the very greatest care in dealing with Acts of a constitutional character, and the Secretary of State has already intimated to them that he will not sanction the repeal of such enactments if any doubt exists as to their having become inoperative.

It cannot, however, be questioned that even within these limitations there are many of the superseded enactments which are wholly inoperative, and might with advantage be removed from the statute-book; and it is hoped that the Colonial Governments will give their aid in the expurgation, and will thus enable the Committee to present the Acts relating to the Colonial Constitutions in a form which will be of practical utility to the public, both here and in the colonies.

As the Colonial Governments will be aware, proposals were made by the statute-law revisers in 1874-75 for considerable repeals of the enactments in question. Some of these were carried out, while as to others Lord Carnarvon intimated that he would prefer that the repeals then proposed should not be proceeded with. The proposals of the revisers, however, had in the meantime been transmitted to the colonies concerned, and in due course the opinions of the several Governments were received at the Colonial Office. In the case of a few particular enactments the repeals pro-

posed were objected to, for reasons applying to an individual colony, but in most cases the propriety of the repeals was admitted. One or two of the authorities consulted doubted whether it were worth while to remove the obsolete enactments from the Imperial statute-book; but on this point I would observe that in some only of the handy editions of the Acts of the Australian Colonies has it been thought necessary to print the superseded Constitution Acts of 1842 and 1850. The Statute Law Revision Committee's rule of practice does not enable them to take the course of omitting public enactments which are not expressly repealed.

With regard to some of the obsolete enactments, I may observe that the terms of their repeal by the later Acts are so absolute that the editors of the new edition would be justified in omitting altogether the parts so repealed, or marking them as repealed with respect to particular colonies. Thus, the provisions of 5 and 6 Vict., c. 76, and 13 and 14 Vict., c. 59, are, as regards New South Wales and Victoria, now in this position: By section 2 of the Constitution Act of 1855 they are repealed so far as repugnant to the scheduled Acts, and the first proviso further absolutely repeals so much of them as relates to the constitution, appointment, and powers of the Legislative Council, while section 3 preserves so much of them as relates to Bills.

In view of the considerations expressed above, and of the opinions expressed by the colonies in 1874-76, Lord Knutsford has, at the request of Lord Thring, Chairman of the Revision Committee, consented to the preparation of a fresh schedule of proposed repeals, and, in order that due consideration should be given to the already-expressed criticisms of the Colonial Governments, has permitted me to peruse the correspondence on the subject at the Colonial Office.

It now remains to state the principles on which the Committee propose to proceed. Some of the enactments of the earlier Constitution Acts are repealable as being superseded or virtually repealed by subsequent Imperial Acts; others, again, as being superseded or virtually repealed by Colonial Acts, passed under powers contained in Imperial Acts. A third class may be added, that of Imperial enactments expressly repealed by Colonial Acts under powers of Imperial Acts. In this class may be included the repealed parts of the Constitution Acts of 1855, which, though really Colonial Acts, are also, by reason of being scheduled to Imperial Acts, part of the Imperial statute-book, and as such within the province of statute-law revision. These express repeals might, assuming the power to be duly exercised, be regarded as final, entitling the Revision Committee to omit the enactments from the revised statutes. Such a power of repeal is given in 5 and 6 Vict., c. 76, s. 53, and a like power is given in 18 and 19 Vict., c. 54, s. 4, and c. 55, s. 4, with respect to the scheduled Acts. It may be noted that the authority given to the Colonial Legislatures by 5 and 6 Vict., c. 76, to repeal any part of 9 Geo. IV., c. 83, has not, so far as I am aware, been exercised; they have been content to make other judicial arrangements and to allow that Act to fall into abeyance. It has probably been considered in the colonies that the Imperial Parliament may properly be left to do its own statute law revision.

With respect to the scheduled colonial Acts, on the other hand, it would seem to be the better course for the Committee not to propose any specific repeals, but merely to mark in the new edition, by omissions and notes, the repeals effected by the Colonial Legislatures. Thus, the schedule (I.) to 18 and 19 Vict., c. 54, would be marked as wholly repealed as to Queensland (see 31 Vict., No. 39, s. 2), and several sections of the schedules (I.) to cc. 54, 55 would be omitted, notes being appended showing the repeals made by the New South Wales and Victorian Parliaments respectively.

With respect to enactments in Imperial Acts which are shown to be totally inoperative by reason of being either (1) virtually repealed or superseded by subsequent Imperial or duly-passed Colonial Acts, or even (2) expressly repealed by Colonial Acts, it is proposed that all such should be repealed by a Statute Law Revision Act of the Imperial Parliament. In this way the Imperial Government on the one hand, and the Colonial Governments on the other, would each be left to deal by express repeal with their own laws, within the limits of their respective powers.

New South Wales and Victoria are the only colonies in which the course was adopted of scheduling a colonial to an Imperial Act. In the case of New Zealand, the Constitution Act was passed directly by the Imperial Parliament: that Act has been frequently amended, and powers of amending and repealing certain of its provisions have been granted to the New Zealand Legislature. As in the case of Acts relating to the Australian Colonies (other than the scheduled Acts), it will be proposed to give effect to the New Zealand repeals made in exercise of express powers by repealing the Imperial Acts so far as they are thereby rendered inoperative.

In pursuance of the plan proposed above, the schedule annexed hereto has been divided into two parts: Part I. comprises the proposals of repeal; Part II. may be taken as a preliminary memorandum for the proper annotation, in the new edition of the statutes, of the New South Wales and Victoria Constitution Acts of 1855, scheduled to 18 and 19 Vict., cc. 54 and 55. In the case of some colonies, recent editions of the colonial Acts, revised and indexed, either do not exist or are not accessible to me.\* It is therefore probable that the schedules may require not only criticism, but also amplification.

In all cases in which reasons, founded upon enactments, whether Imperial or colonial, are advanced either for or against repeals, it is requested that they be accompanied by references to the enactments.

The Statute Law Revision Acts of 1883 and 1887 will show the manner in which the repeals are carried into effect, and the extent of the savings with which the repeals are accompanied.

Temple, December, 1888.

ALBERT GRAY.

[For schedule, so far as it relates to New Zealand, see A.-1, 1890, No. 4.]

\* The collected editions principally consulted by me are—(1) as to New South Wales, Oliver's "Statutes of New South Wales," 3 vols., 1879; (2) as to Tasmania, the "Statutes," edited by F. Stops, 4 vols., 1883; (3) as to Victoria, the "Victorian Statutes," 4 vols., 1875-83; (4) as to Queensland, the "Queensland Statutes," 4 vols., 1874; (5) as to Western Australia, the "Statutes of Western Australia," 2 vols., 1883; (6) as to New Zealand, Wilson's "Practical Statutes," 1 vol., 1867, and Barton's "Practical Statutes," 2 vols., 1876.

## No. 3.

(Circular.)

SIR,—

Downing Street, 26th February, 1889.

A question has recently arisen respecting the precedence which should be assigned to a Colonial Governor absent from his colony on a visit to another colony, for which no provision has hitherto been made in the Colonial Regulations.

Colonial Regulation No. 158 gives a Governor discretionary power to assign precedence to persons entitled to precedence in the United Kingdom or in foreign countries, but does not provide for the case of a Governor of another colony, nor does it specify the precedence to be given to members of the Royal Family.

I have therefore, after communication with the Secretary of State for War and the Lords Commissioners of the Admiralty, thought it desirable that provision should be made for these cases, and that Colonial Regulation No. 158 should be amended so as to make it plain that a Governor is not entitled, as of right, to specific precedence out of his own colony; and I now have the honour to enclose, for insertion in any volumes of the Colonial Regulations in use in the colony under your government, copies of an amended regulation which has been approved by the Queen.

It is to be understood that under this regulation the Governor is to assign to any member of the Royal Family visiting the colony under his government precedence next after himself; and to Governors of other colonies visiting the colony under his government, either in an official capacity or as a private person, precedence next after the officers commanding Her Majesty's military and naval forces, if they are of the rank of General or Admiral respectively.

I have, &amp;c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

## Enclosure.

CHAPTER VI.— . . . \* 158. Persons entitled to precedence in the United Kingdom, or in foreign countries, or in other colonies, are not entitled as of right to the same precedence in a colony; but in the absence of any special instructions from the Queen, the precedence of such persons relatively to the above-mentioned colonial officers will be determined by the Governor, having regard to the social condition of the colony under his government.

## No. 4.

(New Zealand, No. 3.)

SIR,—

Downing Street, 28th February, 1889.

I am directed by the Secretary of State for the Colonies to acquaint you that an application has been received from the United States Chargé d'Affaires at this Court on the subject of the appointment of Mr. Albert Cuff as Consular Agent for the United States at Christchurch. As this gentleman appears to be resident in the colony under your government (at Christchurch), I am to request you to report whether you are aware, or not, of any objection to this appointment; and if not, you will recognise him in that capacity.

I have, &amp;c.,

ROBERT G. W. HERBERT.

The Officer Administering the Government of New Zealand.

## No. 5.

(Circular.)

SIR,—

Downing Street, 14th March, 1889.

With reference to my circular despatch of the 8th September, 1887, I have the honour to transmit herewith, for the information of your Government, printed copies of a memorandum drawn up by the Board of Customs, with a

\* By circular despatch of the 26th February, 1889, it is directed that members of the Royal Family should take precedence next after the Governor of the colony, and Governors of other colonies should have precedence next after the military and naval officers commanding Her Majesty's forces and being of the rank of General or Admiral respectively.

view to supplying Her Majesty's representatives in foreign countries with information as to the practice adopted by that department in dealing with certain cases under the importation clauses of the Merchandise Marks Act of 1887. This memorandum will be published in an early number of the "Board of Trade Journal."

I would also draw your attention to the thirty-second annual report of the Commissioners of Her Majesty's Customs, presented to Parliament last session, [C—5589], which gives information as to the administration of the Act. This report and the appendix which accompanied it have been reproduced in the December and January numbers of the "Board of Trade Journal."

I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

### Enclosure.

#### CUSTOMS MEMORANDUM RESPECTING "THE MERCHANDISE MARKS ACT, 1887."

THE Merchandise Marks Act of 1887 does not deal with goods which are not marked or described in any manner at all. But if any "marks" or "descriptions" are applied to goods, the Act requires that such marks and descriptions shall not be of a misleading character, or what are called in the Act "false trade descriptions."

The following methods of describing goods are amongst those found to be frequently used by merchants, &c., and which come within the category of "false trade descriptions" within the meaning of the Act:—

1. The use generally of any language in describing goods which is not the language of the country in which the goods are produced—*e.g.*, the English language on goods produced in Germany, Spanish on Dutch goods, French on Portuguese produce, &c. There is, however, no objection to the use of any language for describing goods, whatever may be the country from which they come, provided its use be accompanied in the case of foreign goods described in the English language by a statement that the goods are "made abroad," and in the case of goods imported from one foreign country and described in the language of another by a statement of the country in which the goods are actually made or produced. Thus, plums from Bosnia may be described in the French language, provided the description is *accompanied* by the qualifying statement "Produce of Bosnia." This, statement or qualification should be as conspicuous as the French language used in the instance in question; it should form an actual part of the label or wrapper on which the description appears, and be equally indelibly applied, and it should be used (as a rule) wherever the description is applied to the goods. Moreover, the qualification should be in the English language. If goods are described in the language of the country of origin and also in other languages, it is held that such a use of the other languages does not convey any special indication of the origin of the goods, nor destroy the truthful description of the language of the country, provided there is no undue preponderance of print or otherwise given to the other languages, nor anything in the nature of the goods themselves to give such preponderance.

2. A more direct indication of origin is the use of the name of a place or country usually noted for excellence in any article on an article of the same description coming from some other place or country—*e.g.*, port, sherry, or cognac from other places than Oporto, Xeres, and Cognac; cutlery, marked "Sheffield," imported from abroad; cigars, marked "Havana" and "Manilla," and not coming from Cuba or the Philippine Islands. Such descriptions must upon the importation of the goods be qualified in a similar manner to that stated under heading 1—*e.g.*, wine described as "port" coming from Holland should have the description accompanied by the statement "Produce of Holland," unless the importer can produce documentary evidence satisfactory to the Board of Customs that the goods are actually the produce of the places from which by the descriptions upon them they purport to come. The names of such wines as those specified above on labels upon bottles imported, say, from Germany, are not objected to provided the labels bear also a statement that the wine is imported from Germany, or the name and address of the wine-merchants in Germany by whom the wine has been bottled or prepared for the market.

3. The use of the name of a place out of the United Kingdom which is identical with or a colourable imitation of the name of a place in the United Kingdom. Such a name must, under section 16, subsection (4) of the Merchandise Marks Act, be accompanied by the name of the country in which the place is situated, otherwise it will be treated as the name of a British town—*e.g.*, Boston must be followed by the letters "U. S. A.," Perth by "Western Australia," &c.

4. The use on foreign-manufactured goods of any name or mark which is or purports to be the name or trade-mark of any manufacturer, dealer, or trader in the United Kingdom. In such a case the Act distinctly requires that the name or mark should be accompanied by a definite indication of the country in which the goods were made or produced, and this indication should be applied in a similar manner to that of the qualifying statement under head 1. In this respect a trade-mark on foreign-manufactured goods need not necessarily be one that is registered, but may be any mark which indicates, or purports to indicate, that the goods are those of a manufacturer, trader, or dealer in the United Kingdom.

For the purposes of the Act in this respect a foreigner may be a manufacturer, &c., within the United Kingdom, if his goods are sold at a known place or places therein, and are known in the market as being purchased at one or more places in this country. As regards initials of manufacturers, &c., on foreign-manufactured goods, they may purport to be the name of such manufacturers

if, in fact, the initials are equivalent in the market to the name on the goods, and, if so, they will require the qualifying indication. Objection is not taken to the use of the words "patent," "trade-mark," "registered," and "copyright," as the statutes contemplate that they should be so used on foreign goods; but if those words are untruly applied, the goods are liable to seizure.

It is to be understood that any goods bearing a false trade description which the officers of Customs would not be able to detect without information may be stopped at the instance of and upon formal information by persons who are aware that such goods are falsely described.

Printed matter is included within the scope of the Merchandise Marks Act, and, consequently, any such matter, coloured or not, bearing any name of a British printer or publisher, or any indication by language of being British production, requires qualification. The qualification in the case of a book may—similarly to the statutory requirement as to imprint—be on the first or last leaf. When qualification of a mark or description is required, it should, as has been already stated, in strictness be required wherever and however many times the illegal mark or description occurs on the goods, but in practice rigid adherence to this requirement is waived, according to the facts of each case, so as to avoid as far as possible needless repetitions where one or two qualifications would be sufficient to meet the eye so as to cover at the same time several illegal marks.

In cases where a trader places on his goods the names of two or more places in different countries, he should add to those names a statement of the actual country in which the goods were made. For instance, if goods of Hungarian origin are marked "Pesth" and "London," the word "Pesth" will not, without indication of make there, obliterate the illegal indication given by the word "London;" and the fact of the trader having a place of business in each of the countries will not alter this requirement.

Some trade descriptions are exempted from the Act—viz., such as, at the time of its passing, were lawfully and generally applied to goods of a particular class, or manufactured by a particular method to indicate the particular class or method; but if these descriptions include the name of a place or country, they must be clearly qualified by a statement of where the goods are made. There are also some descriptions which are not treated as trade descriptions within the meaning of the Merchandise Marks Act. For instance, the name of a port or place of destination applied to packing-cases in which goods are clearly not intended to be sold or exposed for sale does not render the goods liable to detention, nor does the name merely of a port of unshipment of goods, nor will inscriptions applied to goods by means of labels or tickets, or applied to boxes, cartons, parcels, or other ultimate packages containing goods, manifestly only for the purpose of distinguishing the goods for the convenience of dealers and shopkeepers, and not specially intended to attract the eye of the consumer whenever the inscription consists simply of the bare name of the goods, or indication of number, quantity, size, and the like. For instance: On hosiery—"Hose," "White cotton, size 10." On textile fabrics—"No. , quality , colour , dress , yards." On goloshes—"1 doz. pairs men's 2nd quality, No. 7." Goods bearing labels, tickets, &c., of this character only are not to be detained, whatever may be the language in which the inscriptions are printed or written.

It is to be understood that the last three paragraphs do not apply to wording on the goods themselves, nor (with the exception of the name of the port of destination on packing-cases) to any wording which includes the name of a place or country, the name of any trader, manufacturer, or dealer, or a trade-mark. Neither will trade descriptions, &c., on "coverings," or other such things, including boxes, bottles, and the like, imported alone and with the intention of being used as auxiliary means of carrying into the market goods really British or goods (such as wine) incapable of being mistaken as British goods, where the description applied to the coverings or such other things does not relate to them, but has reference to the goods which they are to cover to carry into the market; and packages used for the importation from any place of natural flowers, fresh fruit, vegetables, and potatoes, and bearing upon them marks which the officers are satisfied are merely address marks, such as "Wm. Evans, Leeds," "Thos. Jones, London," are to be treated as packing-cases. Moreover, such words as "Fast" and "Slow" on a watch, giving directions as to the mode of using the watch, and such a word as "Freezing," at 32 degrees, on Fahrenheit's thermometer, conveying necessary information as to the system on which the instrument is constructed, are admitted as being part of the goods themselves; but the use of such words must not exceed what is absolutely necessary for the due use of the goods on which they are placed.

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#### No. 6.

(New Zealand, No. 4.)

MY LORD,—

Downing Street, 15th March, 1889.

I have the honour to acquaint you that an application has been received from the United States Chargé d'Affaires at this Court for the issue of an *exequatur* to Mr. J. Darcey Connolly, an American citizen, residing in the State of California, to enable him to act as Consul for the United States at Auckland, and I am to request you to report whether you are aware, or not, of any objection to this appointment, and if not you will recognise him provisionally in that capacity until the arrival of the *exequatur*.

I have, &c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

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## No. 7.

TELEGRAM from SECRETARY of STATE, per GOVERNOR, Adelaide.—13th April, 1889.

SECRETARY of State for War offers services of Edwards, General Officer commanding in China, to visit colonies and inspect and report on local troops. If sufficient number of Colonial Governments decide to accept offer, he would come beginning of June. Expenses defrayed by Imperial funds. Consult Australasian Governments. We should be glad to receive early reply by telegram.

## No. 8.

(Circular (1.)

MY LORD,—

Downing Street, 16th April, 1889.

I have the honour to inform you that a case has recently occurred which has caused Her Majesty's Government to consider the question of the proper incidence of the expenses arising out of the trial and the conviction, or acquittal on the ground of insanity, of persons belonging to the colonies when such persons have been tried by Courts exercising jurisdiction out of Her Majesty's dominions under the Foreign Jurisdiction Acts.

It appears to Her Majesty's Government to be fair and reasonable that, if a person who is a native of or ordinarily resident in a British colony commits an offence in a foreign country in which Her Majesty exercises jurisdiction over British subjects, and is either convicted, or acquitted on the ground of insanity, the expenses (so far as they cannot be met out of the effects of the prisoner under order of the Court) of his removal to the colony or place in which he is to undergo his sentence or be confined as a criminal lunatic, and of his maintenance during his imprisonment or confinement, and any other expenses incident to his conviction, or his acquittal on the ground of insanity, should not fall either on the Imperial Government, or on the Government of the colony to which he is sent to undergo his sentence or be confined unless he is a native of or ordinarily resident in that colony but upon the Government of the colony of which he is a native or in which he has ordinarily resided.

I request that you will invite your Ministers to state whether they are prepared to agree to an arrangement for carrying out this principle.

I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

## No. 9.

TELEGRAM from SECRETARY of STATE.—17th April, 1889.

REFERRING to your Despatch 42 of 1887, is colony prepared to pay Resident A.-1, 1877, Sess. II., No. 27.  
(Raratonga) ?

## No. 10.

(Circular.)

SIR,—

Downing Street, 30th April, 1889.

I have the honour to request that you will inform me whether your legal advisers see any objection to an Act of Parliament being passed enabling the Government of a British possession, on receipt of a request from the Government of another British possession (and on production of a warrant issued by a competent Court in that other British possession) for the arrest of a vessel for breach of the revenue laws thereof, to order the arrest of such vessel if found in the waters of the first British possession, and its delivery to an officer of the second British possession to be taken to the second British possession to abide the trial of the charge of breach of revenue law, and authorise the removal of the vessel accordingly.

I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

No. 11.

(Circular.)

MY LORD,—

Downing Street, 2nd May, 1889.

I have the honour to transmit to you the accompanying copy of a letter which has been addressed to me by the Lords Commissioners of Her Majesty's Treasury on the subject of a proposal to allow soldier-pensioners of fifty years of age and upwards who desire to emigrate to British colonies to commute so much of their pensions as may exceed 6d. a day, upon more liberal terms than are allowed by the Act, 1 William IV., c. 41; and I request that I may be informed whether, in the event of the proposal being sanctioned, your Government will undertake to pay, free of charge, the balance of pension of any pensioners who may emigrate to the colony, such payments, of course, to be reimbursed to the Colonial Governments.

I have, &amp;c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

Enclosure.

The TREASURY to the COLONIAL OFFICE.

SIR,—

Treasury Chambers, 9th April, 1889.

The Lords Commissioners of Her Majesty's Treasury request you to inform Lord Knutsford that they have under their consideration a scheme which is proposed by the Secretary of State for War, on the recommendation of an Inter-Departmental Committee (on which the Colonial Office was represented), for allowing soldier-pensioners of fifty years old and upwards who desire to emigrate to British colonies to commute so much of their pensions as may exceed 6d. a day, upon more liberal terms than are allowed by the Act, 1 William IV., c. 41.

My Lords have great doubt of the expediency of allowing any part of the pensions of such emigrants to remain uncommuted, because of the trouble and risk of fraud that will be entailed by having to make so many small payments in distant parts of the world. The War Department allege, however, that there is an almost unanimous agreement on the part of the Agents of the colonies as to the proposed non-commutation of 6d. a day, and that when the Agents were consulted an understanding was expressed that the Colonial Treasurers would pay these balances of pension without charging the usual commission.

My Lords would inquire whether Lord Knutsford can confirm this understanding officially, and can give the names of the colonies that are parties to it.

The Under-Secretary of State, Colonial Office.

I have, &amp;c.,

R. E. WELBY.

No. 12.

(New Zealand, No. 8.)

MY LORD,—

Downing Street, 7th May, 1889.

In reply to Sir William Jervois's Despatch No. 2, of the 24th of January last, respecting the proposed annexation of the Macquarie Islands, I have the honour to transmit to you, for communication to your Government, a copy of a letter which I caused to be addressed to the Admiralty on the subject, and of their Lordships' reply.

Her Majesty's Government are willing that the annexation should be effected; and the most convenient mode of carrying out this object would probably be for the Colonial Government to despatch a vessel with one of their officers on board to hoist the British flag at the islands, and to proclaim Her Majesty's sovereignty over them; and on your report that this has been done, and when the New Zealand Parliament has adopted a joint address praying for the annexation of the islands to the colony, steps shall be taken for issuing the necessary Letters Patent for the purpose.

I accordingly authorise you to propose this course to your Government, and, when adopted by them, to give instructions to some suitable officer of the Government to declare Her Majesty's sovereignty over the islands in question, subject to the condition that no evidence is found on the spot of the islands being claimed by any foreign Power.

You should cause a notification of the annexation to be inserted in the Government *Gazette*; and I enclose for your guidance a description of the islands with which I have been furnished by the Lords Commissioners of the Admiralty.

I have, &amp;c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &amp;c.



## Enclosure 1.

The COLONIAL OFFICE to the ADMIRALTY.

SIR,—

Downing Street, 23rd March, 1889.

I am directed by Lord Knutsford to transmit to you, to be laid before the Lords Commissioners of the Admiralty, a copy of a despatch, with its enclosure, which has been received from the Governor of New Zealand, recommending that the Macquarie Islands should be annexed to the colony, and I am to request to be informed whether their Lordships are aware of any objection to the proposal, which may possibly be intended to include Emerald Island, which lies to the south-east of the Macquarie Islands, and whether the records of the Admiralty contain any information respecting these islands which would be of use in considering the application. A similar letter has been addressed to the Foreign Office.

I have, &amp;c.,

The Secretary to the Admiralty.

JOHN BRAMSTON.

## Enclosure 2.

The ADMIRALTY to the COLONIAL OFFICE.

SIR,—

Admiralty, 30th March, 1889.

With reference to your letter of the 23rd instant, respecting the proposed annexation of the Macquarie Island and Emerald Island to New Zealand, I am commanded by my Lords Commissioners of the Admiralty to request that you will state to Lord Knutsford that Macquarie Island has never been inhabited, nor, so far as any records go in this department, has it ever been taken formal possession of by any nation.

2. The United States ship "Peacock" visited it in 1841—the only record of a man-of-war's visit—but beyond landing to examine the island (a work of great difficulty), nothing was done. Should it be deemed necessary that a vessel should visit this desolate spot for the purpose of annexation, the summer—December to February—is the most likely to permit a landing to be effected.

3. Emerald Island finds a place on the chart merely from a report from a ship in the year 1821 that she saw high land at a distance. The probability is that it has no existence.

I am, &amp;c.,

The Under-Secretary of State, Colonial Office.

EVAN MACGREGOR.

## No. 13.

(New Zealand, No. 10.)

MY LORD,—

Downing Street, 11th May, 1889.

I have the honour to inform you that Her Majesty's Government have given to the French Government notice to determine the Postal Convention with France of the 24th September, 1856, at the expiration of one year from the 30th ultimo; but it is considered desirable in the meantime that its provisions should be strictly observed.

I have, &amp;c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &amp;c.

## No. 14.

(New Zealand, No. 11.)

MY LORD,—

Downing Street, 11th May, 1889.

I am directed by the Secretary of State to transmit to you, for the information of your Government, copies of the documents specified in the annexed schedule, on the subject of the cessation of further contributions to the sinking fund of the guaranteed loan of 1866.

I have, &amp;c.,

ROBERT G. W. HERBERT.

The Officer Administering the Government of New Zealand.

Date.	Description of Document.
18th March, 1889 ...	Agent-General, New Zealand, to Colonial Office.
27th March, 1889 ...	Colonial Office to Treasury.
9th May, 1889 ...	Treasury to Colonial Office.
13th May, 1889 ...	Colonial Office to Agent-General.

## Enclosure 1.

Sir F. D. BELL to the COLONIAL OFFICE.

SIR,—

7, Westminster Chambers, London, S.W., 18th March, 1889.

I beg leave, on the part of the New Zealand Government, to bring the following matter before Lord Knutsford:—

In the year 1863 the New Zealand Legislature passed an Act authorising a loan (then known as the “war loan of three millions”), part of which it was hoped would be guaranteed by the Imperial Treasury. By the same Act a sinking fund of 1 per cent. was created to secure the redemption of the loan, and the Governor was empowered to appoint trustees to invest the fund as he might direct. On the 4th March, 1865, Sir Penrose Julyan and the late Sir W. Sargeaunt were appointed the trustees.

Soon after this a number of financial questions that had long been pending between the Imperial and Colonial Governments were finally settled, and the Treasury consented to guarantee half a million of the loan. Thereupon it was agreed that debentures for that amount, bearing interest at 4 per cent., and redeemable in fifty years from the 1st November, 1865, should be delivered to the Bank of England, to be held in deposit on account of the Treasury; and the debentures were accordingly deposited on the 23rd January, 1866.

The Imperial Act of 1866, 29 and 30 Vict., c. 104, after reciting that the debentures were held by the Treasury “as collateral security for the repayment of certain sums of money due from the Government of New Zealand to Her Majesty’s Government,” empowered the Treasury to give the Imperial guarantee either absolutely or subject to any conditions they might think fit. Nearly half the time of currency of the debentures has now passed, during which the annual contribution of 1 per cent., or £5,000, for sinking fund has been duly made, and the fund has now accumulated to a sum of £208,590, in 4-per-cent. New Zealand consolidated stock inscribed at the Bank of England. The fund, therefore, now consists of an amount which, if improved annually at 4 per cent. compound interest—*i.e.*, the interest borne by the inscribed stock, and without any further contribution to the sinking fund—would, on the 1st November, 1915, have accumulated to more than £601,000, or £101,000 in excess of what is required to redeem the debentures.

My Government think that the time has therefore come when the colony may reasonably ask to be relieved from continuing the contribution of £5,000 a year, since its continuance (unless, of course, on the supposition of the colony failing to pay interest) would only be making a useless augmentation to a fund already more than sufficient to redeem the principal sum in 1915.

I beg leave accordingly to express the hope that Lord Knutsford may be pleased to give his good offices with the Treasury for that purpose. The Treasury made a similar concession in 1884, when the colony was relieved from further contribution of £10,000 a year in the case of another loan, the greater part of which has since been paid off; and the grant of the present application would much facilitate further conversions of the New Zealand loans now in contemplation by my Government, as the sequel of conversions already carried out with success.

The Under-Secretary of State for the Colonies.

I have, &amp;c.,

F. D. BELL.

## Enclosure 2.

The COLONIAL OFFICE to the TREASURY.

SIR,—

Downing Street, 27th March, 1889.

With reference to the letter from this department of the 4th March, 1884, and your reply No. 4,333 of the 13th of that month, I am directed by Lord Knutsford to transmit to you, to be laid before the Lords Commissioners of the Treasury, a copy of a letter from the Agent-General for New Zealand, requesting the assent of their Lordships to the discontinuance of the annual payment to the sinking fund of the guaranteed loan of 1866.

Lord Knutsford desires to recommend this application for their Lordships’ favourable consideration.

The Secretary to the Treasury.

I am, &amp;c.,

JOHN BRAMSTON.

## Enclosure 3.

The TREASURY to the COLONIAL OFFICE.

SIR,—

Treasury Chambers, 9th May, 1889.

I have laid before the Lords Commissioners of Her Majesty’s Treasury Mr. Bramston’s letter of the 27th ultimo, with its enclosed copy of a letter from the Agent-General for New Zealand proposing that no further payments should be required to be made by the colony to the sinking fund of the guaranteed loan of 1866 (29 and 30 Vict., c. 104).

Sir F. D. Bell points out that the fund now amounts to £208,590, in 4-per-cent. New Zealand consolidated inscribed stock, and that by the 1st November, 1915, this amount will automatically accumulate to £601,000, or £101,000 in excess of the guarantee.

In these circumstances I am to request that you will state to Secretary Lord Knutsford that my Lords agree to the cessation of further contributions to the sinking fund of this guaranteed loan.

I am to add that, while concurring with the proposal of the Agent-General, my Lords reserve to themselves the right of requiring a renewal of the payment if at any time the interest of the stock in which the sinking fund is invested should be lowered so as to throw out the present calculations.

The Under-Secretary of State, Colonial Office.

I am, &amp;c.,

R. E. WELBY.

## Enclosure 4.

The COLONIAL OFFICE to the AGENT-GENERAL for NEW ZEALAND.

SIR,—

Downing Street, 13th May, 1889.

With reference to your letter of the 18th March, I am directed by Lord Knutsford to transmit, for your information, a copy of a letter from the Treasury respecting the sinking fund of the guaranteed loan.

I am, &amp;c.,

The Agent-General for New Zealand.

JOHN BRAMSTON.

## No. 15.

(New Zealand, No. 15.)

MY LORD,—

Downing Street, 17th June, 1889.

With reference to the telegraphic correspondence which has passed on the subject of the appointment of Major-General Edwards, R.E., C.B., to inspect the local forces of the Australian Colonies, I have the honour to transmit, for the information of your Government, a copy of the instructions addressed to that officer by the Secretary of State for War.

It will be within your recollection that in my circular despatch of the 31st January, 1888, it was proposed, in accordance with the feeling expressed at the Colonial Conference in 1887, that an Imperial officer of high standing should be appointed to advise the respective Governments in the first instance as to the uniform organization of their local forces, with a view to enabling them to co-operate effectively in the event of joint action becoming necessary, and, further, to make provision for periodical inspections in subsequent years.

It was not, however, found practicable to arrange for the apportionment between the colonies of the cost of that proposed arrangement, and it occurred to Her Majesty's Government that, as a preliminary measure, if it should be acceptable to the Governments of the Australasian Colonies, or to a sufficient number of them, Major-General Edwards, R.E., C.B., who is at present in command of Her Majesty's troops on the China station, might be instructed to take an early opportunity of visiting those colonies for the purpose of inspecting the forces, and conferring with the Colonial Governments on any matters regarding which they might desire his advice. The expenses of this visit are to form a charge upon Imperial funds.

I observe with pleasure that this proposal has been received with general satisfaction in Australasia, and I trust that it will be found that the advice of General Edwards will be productive of much good to the colonies, while at the same time it will be very advantageous to Her Majesty's Government to receive from this experienced officer full information as to the present state of training of the colonial forces and their organization for war.

I have, &amp;c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &amp;c.

## Enclosure.

SIR,—

Horse Guards, War Office, 3rd June, 1889.

In confirmation of the telegram from this department of the 31st May (copy enclosed), I am directed to acquaint you that the Commander-in-Chief has approved of your inspecting and reporting upon the Australasian military forces, and you will accordingly place yourself in communication with the Governors of the respective colonies, and make arrangements with them as to the dates, &c., on which these inspections can most conveniently be carried out. Your aide-de-camp may accompany you.

I am to add that the reports of your inspections, and any recommendations you may consider it advisable to make in regard to the organization of the various local forces on a uniform basis, should be addressed to the Colonial Governments concerned, and duplicates furnished for His Royal Highness's information. His Royal Highness, whilst anxious that your inspection should be as complete as possible, trusts that no unnecessary delay will take place in your returning to your command.

I have, &amp;c.,

GODFREY CLERK, D.A.G.

The General Officer Commanding the Troops in China and the Straits Settlements.

## Sub-Enclosure.

TELEGRAM to GENERAL OFFICER COMMANDING in CHINA and the STRAITS SETTLEMENTS,  
HONGKONG.

INSPECTION local troops Australasian Colonies approved. Make arrangements with Governors.  
You may be accompanied by aide-de-camp. ADJUTANT-GENERAL.

No. 16.

(New Zealand, No. 17.)

MY LORD,—

Downing Street, 6th July, 1889.

With reference to a minute by Sir H. Atkinson of the 11th April, a copy of which was received from the Agent-General for New Zealand, recording a resolution unanimously adopted by your Lordship's Ministers on the occasion of the retirement of Sir W. D. Jervois, I have the honour to transmit to you a copy of a letter from the War Office expressing the appreciation of the Secretary of State, and of His Royal Highness the Commander-in-Chief, of the valuable services rendered by that officer in advising on questions of colonial defence.

I have, &amp;c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &amp;c.

## Enclosure.

The WAR OFFICE to the COLONIAL OFFICE.

SIR,—

War Office, 27th June, 1889.

I am directed by the Secretary of State for War to acknowledge the receipt of your letters of the 29th ultimo and 19th instant, forwarding copies of despatches from the Governments of the Colonies of New South Wales, Victoria, South Australia, Queensland, and New Zealand, expressing appreciation of the services rendered to them by Lieut.-General Sir W. F. D. Jervois, G.C.M.G., C.B., Royal Engineers, in advising upon questions of colonial defences.

In reply I am to acquaint you, for the information of Lord Knutsford, that Mr. Secretary Stanhope and His Royal Highness the Commander-in-Chief have perused these reports upon the valuable services of Sir William Jervois, and desire that the expression of their appreciation may be conveyed to that officer in any communication that may be addressed to him on the subject.

I have, &amp;c.,

The Under-Secretary of State, Colonial Office.

RALPH THOMPSON.

No. 17.

Lord KNUTSFORD to the GOVERNORS of the AUSTRALIAN COLONIES and NEW ZEALAND.

MY LORD,—

Downing Street, 8th July, 1889.

In the despatch which I addressed to the Officer Administering the Government of Queensland on the 30th November, 1888, I stated that on another occasion I should deal further with the communications which I had received from New South Wales and South Australia, as well as from Queensland, representing that the colonial Ministers ought to have an opportunity of expressing an opinion before any Governor is appointed, and also with the question whether the area of selection should be limited in the case of appointments to Australian Colonies.

Of the remaining Australasian Colonies under Responsible Government, Victoria has declared strongly against any communications with the colonial Ministers in regard to the selection of the Governor, and the Governments of New Zealand and Tasmania have made no representation on the subject to Her Majesty's Government. I may add that, although there has been no official correspondence with Canada on this question, I have been informed that the Dominion Government are decidedly of opinion that the appointment of a Governor-General should be made without any reference to the Responsible Ministers.

Her Majesty's Government have read with attention the debates in the colonial Parliaments, and without referring in detail to those discussions it may suffice for me to say generally that the fuller reports of them have confirmed the opinion which Her Majesty's Government had been led to form after considering

the information previously received by telegraph—namely, that the expediency of making any constitutional change in the mode of appointing the Governor of an Australian Colony has not been established. They believe, in fact, that the objections stated in the letter addressed on the 15th November last to the Agent-General for South Australia, a copy of which is annexed for convenience of reference, greatly outweigh the advantage which they might in some cases derive from a knowledge of the opinion of the gentlemen at the time serving as colonial Ministers.

Her Majesty's Government feel that they are justified in claiming, for themselves as well as for their predecessors, that a remarkable measure of success, both as regards the capacity and character of the Governors appointed, and as regards the approval with which those appointments have been received in the colonies, has attended the sincere endeavours which have at all times been made to secure the best possible selection in each case. They desire, at the same time, to point out the difficulties which might arise if the area of selection were absolutely limited, as has been suggested, to persons who have held high political office in England, or have been members of the Imperial Parliament. Such persons are frequently not prepared to retire from a promising public career at Home in order to serve out of England for a term of years, and it is worthy of observation that the suggested limitation would have excluded almost all of the most successful Australasian Governors.

It appears, indeed, to be necessary on every ground that Her Majesty's Government should conduct, without assistance from the colony, the confidential negotiations preliminary to the selection of a Governor, while they could not invite a person so selected by them to allow his name to be submitted for the approval of gentlemen at a distance, to whom (though well and favourably known here) he may be altogether unknown.

I can therefore only repeat that the true interests of the colonies, and the preservation of friendly and constitutional relations between the colonies and this country, will, in the opinion of Her Majesty's Government, be best secured by adhering to the principles upon which the appointment of Governor has hitherto been made.

I have, &c.,

KNUTSFORD.

The Governors of the Australian Colonies and New Zealand.

#### Enclosure.

The COLONIAL OFFICE to the AGENT-GENERAL for SOUTH AUSTRALIA.

SIR,—

Downing Street, 15th November, 1883.

I am directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 13th instant, conveying the renewed request of your Government that they may have an opportunity, before any appointment is made, of expressing an opinion with regard to the person whom it may be proposed to appoint as Governor of South Australia.

Lord Knutsford regrets that he is not able to give to this request any other answer than that returned to the Government of Queensland last month, in the letter which was read in the House of Commons by the Under-Secretary of State on Monday last. It would be a great satisfaction and assistance to the Secretary of State in the performance of a very responsible duty if it were possible in some manner to ascertain, before the Queen's pleasure is taken, that the gentleman whom he thinks suitable is also acceptable to the Government and people of the colony in which he is to represent Her Majesty for several years; and Lord Knutsford trusts that it will be understood that the inability of Her Majesty's Government to comply with the wish of your Ministers in this matter is in no way connected with any indisposition to consult their views in other cases whenever practicable.

As Lord Knutsford stated to the Agent-General for Queensland, Her Majesty's Government feel precluded, by the conditions of the Governor's office, from having recourse to the advice of the colonial Ministry in regard to the selection of a Governor. There are certain extra-colonial functions in the discharge of which the Governor must be responsible to the Crown alone, and his action in regard to which does not interfere with or affect the full responsibility of the Ministry in the internal affairs of the colony. But, independently of his more strictly Imperial duties, the Governor occupies a position in regard to political matters which appears to preclude the local Ministry from taking any part in his selection. The antagonism between parties in the colonial Parliaments has frequently been very strong, and on the retirement of the Ministry which had virtually controlled the selection of the Governor the succeeding Ministry might not improbably feel doubt as to his impartiality. For example, in dealing with the question—often one of much difficulty—whether a dissolution of Parliament ought to be granted or withheld, if the Governor should, however *bona fide*, act in accordance with the political interests of the party which had

approved his appointment, his fairness might not improbably be called in question by the other side. Indeed, it seems obvious that in this and similar cases the relations of the Governor to the colonists, as well as to the Crown, might be gravely embarrassed. I am further to point out that a public man of high standing could not well be asked to undertake an office subject to the approval of others at a distance, who may have little information as to his fitness; but beyond such personal considerations the constitutional obstacle which has been referred to appears to Lord Knutsford to be insurmountable.

Sir A. Blyth.

I am, &c.,

ROBERT G. W. HERBERT.

### No. 18.

(New Zealand, No. 21.)

MY LORD,—

Downing Street, 13th July, 1889.

A.-1, 1890, No. 3.

I am directed by the Secretary of State for the Colonies to inform you, with reference to your Despatch No. 23, of the 17th May last, that the Queen's *exequatur*, empowering Mr. John Darcey Connolly to act as United States Consul at Auckland, received Her Majesty's signature on the 10th instant, and that the notification of Her Majesty's approval of this appointment duly appeared in the *Gazette* of the 12th instant.

I have, &c.,

ROBERT G. W. HERBERT.

The Officer Administering the Government of New Zealand.

### No. 19.

(New Zealand, No. 22.)

MY LORD,—

Downing Street, 18th July, 1889.

A.-1, 1889, p. 47.

I have the honour to acknowledge the receipt of Sir William Jervois' Despatch No. 13, of the 8th March last, respecting the services rendered to the New Zealand Government by Major-General Steward in matters of colonial defence, and transmitting copy of a memorandum from his Ministers on the subject.

I transmit to you for your information, and for that of your Ministers, a copy of a letter written by my direction communicating copies of Sir William Jervois' despatch and of its enclosure to the Secretary of State for War.

I have, &c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

### Enclosure.

The COLONIAL OFFICE to the WAR OFFICE.

SIR,—

Downing Street, 9th May, 1889.

I am directed by Lord Knutsford to transmit to you, for communication to the Secretary of State for War, a copy of a despatch from the Governor of New Zealand, enclosing a memorandum respecting the services rendered to the Colonial Government by Major-General E. Harding Steward. It will be in Mr. Stanhope's recollection that Major-General Steward received a mark of the Queen's favour, in being made C.M.G., in 1887.

The Under-Secretary of State, War Office.

I am, &c.,

J. BRAMSTON.

### No. 20.

(New Zealand, No. 24.)

MY LORD,—

Downing Street, 31st July, 1889.

I have the honour to transmit to you, for the use of the colony under your government, a copy of a work which has been received from the President of the "Association pour prévenir les Accidents de Fabrique" in a letter dated Mulhouse (Alsace), the 9th July, entitled "Collection of Appliances and Apparatus for the Prevention of Accidents in Factories."

I have, &c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

[NOTE.—This book is kept in the Marine Department, Wellington, for reference.]

No. 21.

(New Zealand, No. 25.)

MY LORD,—

Downing Street, 8th August, 1889.

In reply to your Despatch No. 30, of the 29th May, I am directed by A.-1, 1890, No. 6. the Secretary of State to transmit to you for communication to your Government the document specified in the annexed schedule, on the subject of a proposed Exhibition at Dunedin in 1889-90.

I have, &amp;c.,

ROBERT G. W. HERBERT.

The Officer Administering the Government of New Zealand.

Date.	Description of Document.
6th August ... ..	Copy of the enclosure to a letter from the Foreign Office.

## Enclosure.

Lord LYTTON to Lord SALISBURY.

MY LORD,—

Paris, 3rd August, 1889.

With reference to your Lordship's Despatch No. 89, Commercial, of the 24th ultimo, forwarding an invitation from the Government of New Zealand to the Government of the French Republic, asking them to contribute exhibits to the Education and Science Department of the New Zealand and South Seas Exhibition, to be held at Dunedin, I have the honour to transmit herewith to your Lordship copy of a note from the French Minister for Foreign Affairs, expressing the desire of the French Government to take part in this Exhibition, but regretting that the shortness of the notice may possibly prevent them from being able to take the necessary steps in time.

Monsieur Spuller has forwarded the communication to the Minister of Commerce, and will inform me of his reply as soon as possible.

I have, &amp;c.,

The Marquis of Salisbury, K.G.

LYTTON.

## Sub-Enclosure.

MONS. L'AMBASSADEUR,—

En me transmettant, à la date du 26 de ce mois, quelques exemplaires du programme de la Section Scientifique et d'Éducation de l'Exposition qui doit être ouverte à Dunedin (Nouvelle-Zélande) au mois de Novembre prochain, Votre Excellence a bien voulu me faire parvenir, de la part de Lord Salisbury, l'invitation adressée par le Gouvernement de la Nouvelle-Zélande au Gouvernement français de prendre part à ce concours dans la section précitée.

Je m'empresse de remercier Votre Excellence pour cette communication, et je la prie de vouloir bien transmettre à Lord Salisbury l'expression du désir du Gouvernement de la République de répondre à la gracieuse invitation de celui de la Nouvelle-Zélande. Malheureusement la date de cet avis est déjà un peu tardive, et il est à craindre que les dispositions nécessaires ne puissent être prises en temps utile.

J'ai porté à la connaissance de M. le Président du Conseil, Ministre du Commerce, de l'Industrie, et des Colonies, ainsi qu'à celle de M. le Ministre de l'Instruction Publique, l'information que me transmet Votre Excellence, en leur adressant les programmes de la Section Scientifique et d'Éducation, et j'aurai l'honneur de faire part à Votre Excellence, aussitôt qu'il me sera possible, de la suite que la communication aura paru comporter.

Agréez, &amp;c.,

S.E. le Comte de Lytton.

E. SPULLER.

No. 22.

(Circular.)

MY LORD,—

Downing Street, 14th August, 1889.

I have the honour to request that you will draw the attention of your Government to the enclosed report, taken from the *Times* of the 13th July, of a discussion which took place in the House of Lords on the previous day on a notice given by the Earl of Wemyss "to ask the Government whether they would take steps to obtain and lay before Parliament reliable information regarding "the present working of the "liquor laws" in Canada and in the United States."

It will be observed that the House of Lords are desirous that the returns or particulars asked for should extend to the Australian Colonies and New Zealand, as well as to Canada and the United States; and I have to request that you will move your Ministers to furnish me with the information desired in so far

as relates to the colony under your government, in order that it may be laid before Parliament with the returns from other colonies at the commencement of next session, in continuation of the papers previously laid [C. 5563 of 1888, and House of Commons Paper 421 of 1888].

I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

### Enclosure.

[Extract from the *Times*, 13th July, 1889.]

#### THE LIQUOR LAWS IN CANADA AND THE UNITED STATES.

THE Earl of WEMYSS rose to ask the Government whether they would take steps to obtain and lay before Parliament reliable information regarding the present working of the liquor laws in Canada and the United States. He said that his motion had been some time on the Paper, and he was glad of the delay, because it had enabled him to corroborate the facts which he should lay before their lordships. He thought he should be able to prove that prohibitory liquor legislation had been an absolute failure both in Canada and the United States, whether that legislation had taken the form of absolute suppression, local option, or Sunday closing. Two years ago he had ventured to say that in Maine, where there was prohibition, there were more crime, more murders, and more pauperism than in any other portion of the population. He was then taken to task by one of the members for Glasgow, who called upon him to prove his case by statistics. He sent his statistics to that gentleman, and received a reply that, as he was leaving for America, he could not then reply, but would reply on his return. He had, however, heard nothing more from this gentleman. He found that the American Minister fully agreed with him. His Excellency told him that he had known a temperance advocate who had lately died. He asked the doctor what was the cause of death, and the answer was "Intemperance." But it was not intemperance in alcohol, but in hot pickles, which for this gentleman were a substitute for alcohol. In corroboration of the views he had suggested he referred to parliamentary papers, the results of which, he said, were conveniently stated in an article by Professor Goldwin Smith in *Macmillan's Magazine*. The facts there stated showed that in those parts of Canada and the United States of America where they had been tried prohibition laws had not only altogether failed in their object, but had produced other evils besides, for in evading the law the people resorted to all sorts of deceit and perjury. In our own country the same things took place. The hotels in Leeds had been watched on Sundays at the time when only *bona fide* travellers should have visited them, and it was found that an average of 280 persons visited each hotel, only a very small number of whom could have been *bona fide* travellers. In Glasgow there were four thousand shebeens and two thousand clubs. Lord Aberdare, who was one of the keenest advocates of temperance legislation, had admitted that Sunday closing had increased Sunday drinking, and that moral mischief had resulted from that legislation. He could hardly believe that those who now sat on the Treasury bench would think it was a crime to drink a glass of beer, or that all the crime in the country resulted from the liquor traffic. The Lords' Committee on Intemperance laid down a most admirable doctrine on this point, and if the Government followed in the spirit of the report of that Committee they would be doing good service. The question of drunkenness was no doubt important, but there was a still more serious question than drunkenness in this legislation—the question of liberty and the question of law; and nothing would be more injurious to the moral character of the people than to pass a prohibitory liquor Bill, which would, in the long run, tend to produce contempt for the law. He therefore hoped that when these liquor questions came before Parliament the Government, warned by the experience of all English-speaking races, would resist the tyrannical views and actions of those who were in favour of prohibiting the liquor traffic. On these grounds, he hoped the Government would deal with this question courageously, and he begged to put the question standing in his name.

The Marquis of SALISBURY.—The only objection I know to the demand of my noble friend that the Government should furnish him with more information is, that he has so much information already that I am not sure we could give him any material to his purpose. We have already a good deal of information on the table, and we will do what we can to obtain from the American States any further light upon this debatable question. I am authorised by Lord Knutsford to say that he will take the same measures with regard to Canada. My noble friend must remember, however, that at the beginning of the operation of a law, when it has not been in operation for a great length of time it is not easy to produce in the form of statistical figures evidence of its actual working. It is only when it has been in operation for a considerable number of years that the evidence takes that form, and any evidence which really depends on the estimate formed by the reporter is of less value, and, in the case of a foreign State, is rather difficult to furnish. It is quite a simple affair to ask the secretaries of the Embassies in any foreign State to give any facts they know, but it is not so easy to ask them what they think of the working of the law, because they might say something that the Government to which they are accredited may very fairly take exception. Therefore I must ask my noble friend not to imagine that there is a larger store of information at their disposal than actually exists, but I can assure him we will do our best to obtain all we can, and shall be very glad to lay it on the table.

The Earl of WEMYSS asked that the information might be in continuation of the paper already presented to Parliament.

The Marquis of SALISBURY.—Quite so; that will be easily done. My noble friend dealt a good deal with movements of opinion, and addressed many exhortations to the Government or to any persons who might occupy our place; but he knows very well what the opinions of the Government



are upon this subject. We embodied them in certain clauses of the Bill of last year, but we found there were difficulties, not political, but of a material character in the way of carrying our opinions any further. We find it bad enough to be obliged to devote a session to Ireland and a session to Scotland, and, if in addition we are to devote two or three sessions to publichouses, there really would be a very serious impediment to public business. The vigour of the controversy which rages on this subject makes it very difficult to introduce any legislation at all. The noble earl spoke rather as if he imagines that handing over the licences from the Magistrates to the local authorities would be a measure in derogation of the liberty of which he is very justly jealous. That is not my opinion. I think that the views to which he is particularly adverse only exist in particular *strata* of society; they do not spread very largely, but they are found in persons who announce them with great vigour and propagate them with great skill. Those views have found a place in some counties on the magisterial bench. But I am not sure that the liberty of which he is the champion will not in the long run be exposed to this kind of risk if the present system of magisterial licensing continues without any modification. At all events, I feel we should, on the whole, be quite as safe with the County Councils as with the Magistrates in this matter, though I entirely concur that such measures should be taken, in any legislation on this subject, as should prevent any oppressive action of the kind which he dreads. But there is one point in the reasoning which struck me as he went on, and to which I will draw his attention. I quite admit there is this desire for what is called prohibition. It is nothing new. It has existed in communities from time to time. One of the earliest heresies that afflicted the Christian Church was a heresy which forbade to drink wine, or to eat flesh, or to marry. In these days we separate the three, and there are three separate sects who preach these various doctrines. They are illusions which prevail from time to time; they grow, they flourish, they reach their height, and then they fall away. And I think from some of the statistics which he has brought forward there is ground for believing that we are not in great danger of this feeling spreading very much further than it has already spread. But it is mixed up with another feeling, with which, I think, my noble friend has wrongly confounded it, but which is defensible, and that is the movement for shutting publichouses on Sunday. Now, that is not, in my view of it, mainly a teetotal one. It is much more analagous to what we may call, without offence, the Sabbatarian view—which turns much more on the sanctity which attaches to Sunday than on the movement for restraining the sale of spirituous liquors, and therefore it has at its back a much stronger force of opinion—a force of opinion drawn from the sentiments and the deep convictions of a large school of the Christian Church, and I do not deny that that movement has acquired considerable strength, and may acquire greater strength yet. My noble friend must not imagine I am at all in its favour; I deprecate it very much; but I was anxious to distinguish between two different currents of opinion which I think it is a mistake to confound. I think the movement for Sunday closing is one of considerable power, and I do not venture to prophesy how far it will succeed or how far it will fail. We know it has already succeeded in the Celtic portions of this country, and it may extend somewhat further; but the movement against the liberty to consume alcohol, which is separate from the question of Sunday altogether, is not, in my belief, a very powerful movement, and I think my noble friend need be under no apprehension that it will ever be powerful enough to interfere with individual liberty. I quite agree it is important we should watch these movements and obtain as much information as we can, and we shall be glad to give our assistance to my noble friend in doing so.

The Earl of KIMBERLEY suggested that information should likewise be obtained from Australia and New Zealand.

The Marquis of SALISBURY.—That shall be done.

## No. 23.

(Circular.)

SIR,—

Downing Street, 20th August, 1889.

With reference to the Earl of Carnarvon's circular despatch of the 3rd September, 1875, I have the honour to acquaint you that it has been decided that "The Superannuation Act, 1859," does not allow of a pension being granted thereunder in any circumstances whatever to an officer of the Civil Service retiring from public employment under the age of sixty years, except on the ground of ill-health or of abolition of office.

Officers who have been transferred from the Imperial Civil Service to the Civil Service of a colony in which the pensionable age is less than sixty years should therefore be given to understand that, on their retirement from colonial service, the Lords Commissioners of the Treasury will not be able to award them pensions in respect of their Imperial service under the Act of 1859, if that retirement takes place under sixty years of age, unless it be for one of the two reasons above mentioned.

I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

## No. 24.

TELEGRAM FROM SECRETARY OF STATE.—24th August, 1889.

No. 9.

REFERRING to my telegram of 17th April, important to know decision of Colonial Government, Cook's Island, by early opportunity.

## No. 25.

(New Zealand, No. 27.)

MY LORD,—

Downing Street, 27th August, 1889.

I have the honour to acknowledge the receipt of your unnumbered despatch of the 12th ultimo, enclosing a return of Volunteers in New Zealand for the month of May.

These returns are supplied annually from other colonies, and, if equally convenient to your Government, a similar course may be followed in New Zealand, notwithstanding the instructions contained in my circular despatch of the 16th August, 1887.

I have, &c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

## No. 26.

(Circular.)

SIR,—

Downing Street, 31st August, 1889.

In my telegram of the 6th March, 1888, I informed you that Her Majesty's Government had determined to meet the wish expressed by the colonies at the Conference of 1887, and to supply new-type guns for the armaments of King George's Sound and Thursday Island, on the understanding that the colonies would be ready to construct the necessary works and maintain garrisons of the strength laid down in No. 67 paper, laid before the Conference.

I regret that the prolonged interdepartmental correspondence has hitherto prevented me from fulfilling my promise to communicate full details on this subject, but I am now enabled to place before you in a complete form the proposals of Her Majesty's Government with regard to the defences of these important stations.

As you are aware, Her Majesty's Government, in the memorandum which I laid before the Colonial Conference, intimated their readiness to provide the following armament for King George's Sound: Four 8in. R.M.L. guns, two 40-pr. R.B.L. guns, four 9-pr. R.M.L. guns (on field-carriages), submarine mines and stores valued at £3,500; and for Thursday Island—Four 7in. R.M.L. guns, four 16-pr. R.M.L. guns (on field-carriages). The total value of these armaments would have been £12,726.

On the other hand, a total estimated first cost for the necessary works and barracks at these stations—for King George's Sound, £12,700, and for Thursday Island, £14,800—would fall on the Australasian Colonies, together with that of providing and maintaining the necessary permanent garrisons.

The colonial delegates, while agreeing generally in the principle of joint action in relation to these two stations, strongly objected to the above scheme, on the ground that the heavy guns, 8in. and 7in. R.M.L., which the Imperial Government offered, were not sufficiently powerful for the requirements, and that 6in. B.L. guns should be given in their place.

The subject was not then further discussed, but Her Majesty's Government undertook to reconsider the question of the guns, and the delegates of Western Australia intimated that if the new-type guns were provided at Imperial charge they would recommend to the Government of that colony to relieve the other colonies by undertaking to pay the sum of £5,000 out of the £12,700, the estimated cost of constructing the works at King George's Sound, and to provide one-fourth of the cost of maintenance of the works and garrison there.

After careful consideration Her Majesty's Government decided to meet the wishes of the colony by providing for the defence of King George's Sound, instead of the armament previously proposed—Three 6in. B.L. guns, six

9-pr. M.L. guns, and submarine mining stores of the value of £3,500; and for Thursday Island—three 6in. B.L. guns, four 9-pr. M.L. guns.

The contribution of Her Majesty's Government towards the defence of these stations will be £26,460 instead of £12,726, the amount offered at the time of the Colonial Conference.

On the other hand, the mounting of the new-type guns will (as shown in the accompanying memorandum, enclosure 1) increase the cost of constructing the works at King George's Sound to £14,300, and at Thursday Island to £17,100. The total capital sum which will have to be provided by the colonies will thus be increased from £27,500 to £31,400, while the contribution of the Imperial Government will be raised from £12,726 to £26,460.

Considering the relative importance of the Imperial and colonial interests involved in the defence of these stations, and the large expenditure which is being incurred by the Imperial Government in the protection of other coaling-stations by which Australasian trade would benefit in the event of war, Her Majesty's Government are confident that the Colonial Governments will admit that the contribution from Imperial funds is a generous one, and that they will readily agree to provide the remaining sum required to place Thursday Island and King George's Sound in a state of security.

If the Government of Western Australia contribute £5,000 to the works at King George's Sound, the amount to be borne by each of the other colonies for the works there, calculated on the basis of the population on the 31st December last, will be,—

	Population.	£
New South Wales ... ..	1,085,356	2,780
Victoria ... ..	1,090,869	2,795
Queensland ... ..	387,463	993
South Australia ... ..	313,065	802
Tasmania ... ..	146,147	374
New Zealand ... ..	607,380	1,556
	3,630,280	9,300

In the case of the works and barracks at Thursday Island the total cost will be £17,100, and the amount to be borne by each colony on the same basis,—

	Population.	£
New South Wales ... ..	1,085,356	5,054
Victoria ... ..	1,090,869	5,059
Queensland ... ..	387,463	1,804
South Australia ... ..	313,065	1,458
Western Australia ... ..	42,137	196
Tasmania ... ..	146,147	681
New Zealand ... ..	607,380	2,828
	3,672,417	17,100

and Her Majesty's Government trust that these amounts will be provided at an early date, so that the works, which have already been much delayed, may be commenced as soon as possible.

With regard to the provision of the necessary permanent garrison, Her Majesty's Government are sensible that certain difficulties may arise, more especially in the case of so isolated a position as Thursday Island, where not merely would the rate of pay required by a colonial force be necessarily high, but heavy charges would be entailed by the frequent reliefs required; moreover, assuming the force to be provided and maintained by Queensland, the remaining colonies contributing to its support would require guarantees of its efficiency, which would practically imply a right of inspection by those colonies over the forces of another colony. It has occurred to Her Majesty's Government, therefore, that all difficulties of this nature might be obviated if permanent garrisons of marines were provided and maintained, the colonies merely contributing the cost of maintenance. These marines would be under the orders of the admiral on the station, and the colonies would therefore be satisfied of their efficiency; while at the same time the expense involved, as compared with that of a colonial force, would be very moderate.

If this proposal meets the views of the colonies, Her Majesty's Government are prepared to provide for King George's Sound one captain, one lieutenant, and twenty-eight non-commissioned officers and men, of whom five would be trained as submarine miners. The cost of maintenance of this force, payable to the Imperial Government, would be £3,113 per annum. Thus the total annual charge falling upon the colonies for the defence of King George's Sound would amount to £3,513, as shown in the second enclosure. If Western Australia provides, as suggested at the Conference, one-fourth of the sum, the annual charge on the other colonies would be £2,635, distributed as follows:—

New South Wales	...	...	...	...	...	£788
Victoria	...	...	...	...	...	792
Queensland	...	...	...	...	...	281
South Australia	...	...	...	...	...	227
Tasmania	...	...	...	...	...	106
New Zealand	...	...	...	...	...	441

In the case of Thursday Island Her Majesty's Government are prepared to provide and maintain a permanent garrison, consisting of one captain, one lieutenant, and forty-eight non-commissioned officers and men, the annual cost of whom would be £4,457. Thus, the annual cost to be repaid by the colonies, as shown in Enclosure 2, would be £4,807, distributed as follows:—

New South Wales	...	...	...	...	...	£1,421
Victoria	...	...	...	...	...	1,428
Queensland	...	...	...	...	...	507
South Australia	...	...	...	...	...	410
West Australia	...	...	...	...	...	55
Tasmania	...	...	...	...	...	191
New Zealand	...	...	...	...	...	795
						<hr/> 4,807

At King George's Sound the officers would also undertake the instruction of the auxiliary forces required to supplement the permanent garrison in the event of war, which would probably consist of local Militia or Volunteers living at Albany. Similarly, a portion of the Queensland Militia could be annually sent up to Thursday Island for a course of training under the marine officers permanently stationed there.

Her Majesty's Government are well aware that this proposal appears to be of the nature of an innovation upon the principles which have for some time prevailed in the case of the defence of Australasia. In view, however, of the difficulties which may arise in the maintenance and relief of these two permanent garrisons, the best solution in the joint interests of the colonies seemed to be that which I have above suggested. In the event of unwillingness on the part of the colonies to accept the presence at these two stations of forces under the command of the Naval Commander-in-Chief, Her Majesty's Government have no wish to press it. In making, however, this considerable grant of armament in order to meet the views of the colonies, the Imperial Government must necessarily assure itself that efficient permanent garrisons of the strength laid down are provided and maintained. If, therefore, it would facilitate the provision by the colonies of such garrisons, Her Majesty's Government are prepared to provide marines on the conditions above stated for a period of two or three years only, pending a satisfactory solution of the difficulties, so that the defence of these stations may not be delayed, and that the colonial forces may have the advantage of the training under Imperial officers.

The estimates accompanying this despatch are necessarily approximate, except in regard to the cost of the guns and of the maintenance of the suggested garrisons of marines. They have been framed on a liberal basis, however, and are not likely to be exceeded.

I have already communicated to you the substance of the above proposals in my telegram of the 7th instant, and in laying this despatch before your Government I should be glad if you would convey to them the earnest hope of Her Majesty's Government that an early settlement of this question may be

arrived at, in order that the defences of King George's Sound and Thursday Island may be commenced as soon as possible. I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

### Enclosure 1.

#### COST OF ARMAMENT NOW OFFERED BY IMPERIAL GOVERNMENT.

##### *King George's Sound.*

Three 6in. B.L. guns on H.P. mountings, with 100 rounds of ammunition per gun	£ 10,000
Six nine-pounders, with 100 rounds of ammunition per gun	1,776
	<hr/> 11,776
Submarine-mine stores	3,500
Total	<hr/> £15,276

##### *Thursday Island.*

Three 6in. B.L. guns on H.P. mountings, with 100 rounds of ammunition per gun	£ 10,000
Four nine-pounders, with 100 rounds of ammunition per gun	1,184
Total	<hr/> £11,184
Total Imperial contribution	<hr/> £26,460

### Enclosure 2.

#### *Works—*

##### KING GEORGE'S SOUND.

Emplacements for three 6in. B.L. guns, at £2,000	£ 6,000
Infantry-work	800
Roads, submarine-mining buildings, magazine arrangements, and emplacements for nine-pounders	3,500
Barracks for two officers and twenty-eight non-commissioned officers and men	4,000
Total	<hr/> £14,300

#### *Annual Charge—*

Garrison	£ 3,113
Maintenance of works and buildings	200
Maintenance of submarine-mining stores, and hire of boats for training, &c.	150
Practice-ammunition	50
Total	<hr/> £3,513

##### THURSDAY ISLAND.

#### *Works—*

Emplacements for three 6in. B.L. guns, at £2,200	£ 6,600
Emplacements for nine-pounder guns	1,000
Roads, arrangements for infantry defence, &c.	3,500
Barracks for two officers and forty-eight non-commissioned officers and men	6,000
Total	<hr/> £17,100

#### *Annual Charge—*

Garrison	£ 4,457
Maintenance of works and buildings	300
Practice-ammunition	50
Total	<hr/> £4,807

No. 27.

(Circular.)

MY LORD,—

Downing Street, 3rd September, 1889.

As it appears from the replies which have been received from some colonies to my circular despatch of the 16th of April last that it has been understood as referring only to criminal lunatics, I have the honour to point out that

the circular refers to the expenses of removal and of maintenance during the imprisonment, and other expenses incident to the conviction, of any persons who have been convicted, as well as to the expenses in the case of criminal lunatics.

I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

No. 28.

(New Zealand, No. 28.)

MY LORD,—

Downing Street, 15th September, 1889.

I am directed by the Secretary of State for the Colonies to transmit to your Lordship, for communication to your Government, with further reference to your Despatch No. 30, of the 29th May, a copy of a letter from the Foreign Office, with its enclosures, respecting the inability of the French Government to take part in the Dunedin Exhibition of 1889–90; together with a further letter from the Foreign Office forwarding a despatch from Rome conveying the decision of the Italian Government on the subject.

I am, &c.,

The Earl of Onslow.

ROBERT G. W. HERBERT.

#### Enclosure 1.

The FOREIGN OFFICE to the COLONIAL OFFICE.

SIR,—

Foreign Office, 7th September, 1889.

With reference to my letter of the 6th ultimo, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before the Secretary of State for the Colonies, the accompanying despatch and enclosure (Lord Lytton, No. 197, commercial, 4th September), stating the French Government regret they cannot take part officially in the New Zealand Exhibition.

I am, &c.,

The Under-Secretary of State, Colonial Office.

T. V. LISTER.

#### Sub-Enclosures.

Lord LYTTON to Lord SALISBURY.

MY LORD,—

Paris, 4th September, 1889.

With reference to my No. 176 of this series, I have the honour to transmit herewith to your Lordship copy of a note which I have received from the French Minister of Foreign Affairs, stating that he is informed by the Minister of Commerce that the Government of the French Republic regrets very much that they cannot accept the invitation of the Government of New Zealand to take part officially in the Scientific and Education Department of the Exhibition to be held at Dunedin in November next, the date of its opening being too near for them to be able to take the necessary steps in time.

I have, &c.,

The Marquis of Salisbury, K.G., &c.

LYTTON.

M. L'AMBASSADEUR,—

Ainsi que j'ai eu l'honneur d'en informer Votre Excellence, sous la date du 30 Juillet, j'ai porté à la connaissance de M. le Président du Conseil, Ministre du Commerce, de l'Industrie, et des Colonies, l'invitation officielle adressée, avec l'agrément du Gouvernement Britannique, par les autorités de la Nouvelle-Zélande au Gouvernement français de prendre part, dans la Section Scientifique et d'Éducation, à l'Exposition qui doit s'ouvrir à Dunedin au mois de Novembre prochain.

Je viens de recevoir la réponse de M. Tirard à cette communication. Sans méconnaître l'intérêt qu'aurait pu présenter, pour les possessions françaises d'Océanie, la participation officielle de la France à ce concours, M. le Président du Conseil estime, ainsi que je l'avais fait pressentir à Votre Excellence, que l'époque de l'ouverture de ce concours est trop rapprochée pour que le Gouvernement français soit en mesure d'y prendre part. En vue, toutefois, de faire connaître aux industriels et négociants français l'organisation de ce concours, et de leur permettre d'y participer, le cas échéant, à titre individuel et privé, M. Tirard a prescrit l'insertion d'une note relative à l'Exposition de Dunedin au *Journal Officiel* et au *Moniteur Officiel du Commerce*.

Je vous serais obligé, M. l'Ambassadeur, de vouloir bien porter la réponse qui précède à la connaissance de votre Gouvernement, en lui exprimant les regrets du Gouvernement français de n'avoir pu donner d'autre suite à la demande du Gouvernement de la Nouvelle-Zélande.

Agréé, &c.,

Son Excellence le Comte de Lytton.

E. SPULLER.

## Enclosure 2.

The FOREIGN OFFICE to the COLONIAL OFFICE.

SIR,—

Foreign Office, 12th September, 1889.

I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before Lord Knutsford, with reference to your letter of the 17th July last, the accompanying despatch and enclosures (Mr. Dering, No. 130, Commercial, September 9) reporting the inability of the Italian Government to take part in the New Zealand Exhibition.

The Under-Secretary of State, Colonial Office.

I am, &amp;c.,

T. V. LISTER.

## Sub-Enclosures.

Mr. DERING to LORD SALISBURY.

MY LORD,—

Rome, 9th September, 1889.

In accordance with the instructions contained in your Lordship's Despatch No. 61, Commercial, of the 26th July, I communicated to the Italian Government copy of the official programme of the Education and Science Department of the proposed New Zealand and South Seas Exhibition, and made known to them the wish of the New Zealand Government that they should contribute to this section of the Exhibition.

I have now received a reply from the Ministry for Foreign Affairs, copy and translation of which I have the honour to enclose, stating that, owing to the short space of time remaining before the date fixed for the opening of the Exhibition, it is, they regret to say, impossible for them to accept the courteous invitation of the New Zealand Government.

I have, &amp;c.,

The Marquis of Salisbury, K.G., &amp;c.

HENRY NEVILL DERING.

MONSIEUR LE CHARGÉ D'AFFAIRES,—

Rome, 4th September, 1889.

You were good enough to inform me, in your note of the 29th July last, that an Educational Exhibition would be held in Dunedin (New Zealand) from November next until April, in which the Governor of that island was desirous that Italy should participate.

I beg to thank you for the above communication, and at the same time to inform you that the Italian Government regret that they are unable to accept this courteous invitation, it being impossible, owing to want of time, not only to order the necessary materials, but also to distribute efficaciously the programme of the Exhibition in question.

I avail, &amp;c.,

BIANCHI,

(For the Under-Secretary of State.)

H. N. Dering, Esq., &amp;c.

## No. 29.

TELEGRAM from the SECRETARY of STATE.—17th September, 1889.

REFERRING to your telegram of 27th August, Secretary of State for War has A.-1, 1890, No. 17 instructed Edwards to proceed to inspect New Zealand forces.

## No. 30.

(New Zealand, No. 29.)

MY LORD,—

Downing Street, 17th September, 1889.

I am directed by the Secretary of State for the Colonies to transmit to your Lordship, with reference to your telegram of the 27th ultimo, a copy of a correspondence which has taken place between this department and the War Office with reference to the visit of General Edwards to inspect the forces of New Zealand. The decision in this case was telegraphed to you on the 17th instant.

I am, &amp;c.,

The Earl of Onslow.

ROBERT G. W. HERBERT.

## Enclosure 1.

The COLONIAL OFFICE to the WAR OFFICE.

SIR,—

Downing Street, 30th August, 1889.

With reference to previous correspondence respecting the inspection of the Australasian local forces by Major-General Edwards, C.B., I am directed by Lord Knutsford to transmit to you, to be laid before Mr. Secretary Stanhope, a copy of a telegram from the Governor of New Zealand respecting the movements of that officer.

The telegram, which has been badly coded, appears to have been intended to read somewhat as follows: "Much disappointment in colony at abandonment of Edwards's visit to New Zealand. Ask War Office to inform General Officer Commanding, by telegraph, whether I may announce that the visit will not be deferred later than the early part of next year."

His Lordship would be glad if Mr. Stanhope should be able to suggest a satisfactory answer to this telegram; but, in case of any doubt existing as to its meaning, he would desire Lord Onslow to repeat it.

The Under-Secretary of State, War Office.

I am, &c.,

R. G. W. HERBERT.

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Enclosure 2.

The WAR OFFICE to the COLONIAL OFFICE.

SIR,—

War Office, Pall Mall, S.W., 10th September, 1889.

I have had the honour to lay before the Secretary of State for War your letter of the 30th ultimo, forwarding a telegram from the Governor of New Zealand expressing the disappointment of the colony at the prospect of the abandonment of General Edwards's visit of inspection to that colony.

Mr. Secretary Stanhope is unaware of the circumstances which have led to the abandonment of this part of the programme of General Edwards's tour of inspection; but, there being objections to that officer's absence from his command for two consecutive years, proposes, with the concurrence of Lord Knutsford, that he be ordered by telegraph to proceed to New Zealand to inspect the local forces in that colony.

I am, &c.,

The Under-Secretary of State, Colonial Office.

H. G. DEEDES.

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Enclosure 3.

The COLONIAL OFFICE to the WAR OFFICE.

SIR,—

Downing Street, 13th September, 1889.

With reference to your letter of the 10th instant (092/483), I am directed by Lord Knutsford to request that you will inform Mr. Secretary Stanhope that he concurs in the proposal that General Edwards should be instructed to proceed to New Zealand to inspect the local forces in that colony.

On being informed that such instructions have been sent, his Lordship will acquaint the Earl of Onslow with the result of his application.

I am, &c.,

The Under-Secretary of State, War Office.

JOHN BRAMSTON.

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Enclosure 4.

The WAR OFFICE to the COLONIAL OFFICE.

SIR,—

War Office, Pall Mall, S.W., 16th September, 1889.

With reference to your letter of the 13th instant, I am directed by the Secretary of State for War to acquaint you, for Lord Knutsford's information, that a telegram has this day been sent to Major-General Edwards, care of Governor, Adelaide, South Australia, to proceed to New Zealand to inspect the local forces in that colony.

I am, &c.,

The Under-Secretary of State, Colonial Office, S.W.

H. G. DEEDES.

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No. 31.

(Circular.)

SIR,—

Downing Street, 19th September, 1889.

I have the honour to enclose a copy of a letter from the Board of Trade, stating that they have come to the conclusion, for the reasons given, that it is not desirable to continue the practice of allowing owners of colonial certificates granted under Orders in Council issued in accordance with the provisions of "The Merchant Shipping (Colonial) Act, 1869," to be examined for Board of Trade certificates of the same value, and suggesting that the Colonial Governments concerned should be requested to refuse applications from holders of certificates granted by the Government of any other British possession, or by the Board of Trade, to be examined for certificates of the same legal value.

I shall be glad to be informed, at your earliest convenience, for the information of the Board of Trade, whether your Government is prepared to adopt the suggestion of that department.

I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

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Enclosure.

The BOARD OF TRADE to the COLONIAL OFFICE.

SIR,—

Board of Trade (Marine Department), London, S.W., 13th September, 1889.

I am directed by the Board of Trade to state that in some few instances the holders of colonial certificates granted under Orders in Council issued in accordance with the provisions of



“The Merchant Shipping (Colonial) Act, 1869,” which are of equal value to those issued by this department, have applied for permission to be examined for Board of Trade certificates of the same grade, and that their applications have been granted on the condition that they deliver up their colonial certificates of equal value.

In a recent case, the holder of a Bombay master's certificate granted under the Order in Council having passed the examination for a Board of Trade certificate of the same grade, the candidate, on receiving the new certificate, requested to have the Bombay certificate returned to him, as it was obtained some time ago, and bore an earlier date than the Board of Trade certificate. The Board of Trade have refused to comply with his request; and, on reviewing the whole question, have come to the conclusion that it is not desirable to continue the practice of allowing owners of colonial certificates to be examined for Board of Trade certificates of the same value, as it has the tendency to create a distinction as to the comparative value of Board of Trade and colonial certificates, which are declared by law to be of equal value.

I am to add that the condition under which such examinations have been hitherto permitted by this Board does not, as shown in the case just quoted, give general satisfaction, whereas to depart from it, and to allow an officer in the mercantile marine to possess more than one certificate of the same legal value, appears objectionable. Certificates which are of no practical value to the holder, and may therefore be mislaid or lost without being missed, are specially liable to get into other hands, and to be used by persons not entitled to them. For this reason the Board have always required certificates of a lower grade to be delivered up on the grant of a certificate of a higher grade, which will entitle the holder to serve in the capacity for which the certificates surrendered are available; and the principle applies quite as strongly when the certificates in question are for the same grade.

I am therefore to suggest, for the consideration of Lord Knutsford, that this decision should be communicated to the Colonial Governments which at present grant certificates under Order in Council (Victoria, Canada, New Zealand, New South Wales, Malta, South Australia, Tasmania, Newfoundland, Queensland, Hongkong, Straits Settlements), and that they should be requested to refuse applications from holders of certificates granted by the Government of any other British possession, or by the Board of Trade, to be examined for certificates of the same legal value. The above remarks apply only to Board of Trade certificates and certificates granted under “The Merchant Shipping (Colonial) Act, 1869.”

I have, &c.,

The Under-Secretary of State, Colonial Office.

GEORGE J. SWANSTON.

## No. 32.

(New Zealand, No. 30.)

MY LORD,—

Downing Street, 28th September, 1889.

I have the honour to acknowledge the receipt of your Despatch No. 37, A.-1, 1890, No. 12 of the 26th June last, enclosing a protest and petition addressed to the Queen by Messrs. Donald and Edenborough, of Auckland, relating to the action of the German authorities in Samoa in connection with the steamer “Richmond.”

The petitioners pray that the matter of their claim should be referred to arbitration to be holden at Auckland, and that two arbitrators should be appointed, one by the Governor of New Zealand and the other by the Emperor of Germany, or by his Consul-General at Sydney, and that such two arbitrators should choose an umpire before proceeding with the reference; and, further, that the Queen will be pleased to direct that this proposal on their part should be submitted to His Imperial Majesty for his consideration, the petitioners undertaking to accept and be bound by any award and decision of such arbitrators, and to execute any instrument which his Imperial Majesty may require for the purpose of evidencing their entire assent to accept the determination of such arbitrators.

I have been in communication with the Secretary of State for Foreign Affairs upon the matter of this petition, and I transmit to you herewith copies of two despatches which have been received through the Foreign Office from Her Majesty's Chargé d'Affaires at Berlin on the subject of the proposed arbitration in the case. You will be so good as to communicate these papers to the petitioners, and to draw their attention to the course which the German Government recommend should be taken, as explained in Count Berchem's note to Mr. Beauclerk of the 4th September. You will inform the petitioners at the same time that their petition has been laid before the Queen, who was pleased to receive it very graciously.

I have, &c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

## Enclosure 1.

Mr. BEAUCLERK to the Marquis of SALISBURY.—(Received 26th August.)

MY LORD,—

Berlin, 24th August, 1889.

I have the honour to acknowledge the receipt of your Lordship's Despatch No. 278, of the 21st instant, and to enclose a copy of a note which I have this day addressed to the Acting German Minister for Foreign Affairs, asking whether the Imperial Government will entertain the proposal for arbitration put forward by the owners of the British steamship "Richmond."

I request your Lordship to be so good as to give me further instructions in case I should be desired to communicate to the German Government the protest and petition forwarded in your Lordship's above-mentioned despatch, or otherwise to put the case more fully before them.

I have, &amp;c.,

W. BEAUCLERK.

## Sub-Enclosure.

Mr. BEAUCLERK to Count BERCHEM.

M. LE COMTE,—

Berlin, 24th August, 1889.

With respect to the case of the British steamship "Richmond" at Samoa, with which His Excellency Count Bismarck was made acquainted by Sir E. Malet on the 21st February last, I have the honour to inform you that it would appear from a protest and petition which the owners of that vessel have addressed to Her Majesty the Queen that they have already formulated a claim for losses sustained, and are now awaiting the reply of the Imperial Government.

As, however, the question of the amount of compensation appears to be the only one likely to lead to any difference of opinion, Messrs. Donald and Edenborough have suggested that the matter of their claims should be referred to arbitration under the following conditions: that it should be held at Auckland, and that two arbitrators should be appointed, one by Her Majesty's Governor of New Zealand, and the other by His Imperial Majesty the German Emperor, or by the Imperial Consul-General at Sydney, and that such two arbitrators should choose an umpire before proceeding with the case; and I have been directed by the Marquis of Salisbury to inquire whether the Imperial Government are willing to entertain this proposal for arbitration.

I avail, &amp;c.,

W. BEAUCLERK.

## Enclosure 2.

Mr. BEAUCLERK to the Marquis of SALISBURY.—(Received 9th September.)

MY LORD,—

Berlin, 5th September, 1889.

With reference to your Lordship's Despatch No. 278, of the 21st, and to my Despatch No. 236, of the 24th ultimo, respecting the claims of the owners of the British steamer "Richmond" against the German Government, I have the honour to enclose herewith translation of a note which I have to-day received from the Imperial Acting-Secretary of State for Foreign Affairs upon the subject in question.

I have, &amp;c.,

W. BEAUCLERK.

## Sub-Enclosure.

Count BERCHEM to Mr. BEAUCLERK.

(Translation.)

Foreign Office, Berlin, 4th September, 1889.

THE undersigned has the honour to inform Mr. Beauclerk, in answer to his communication of the 24th ultimo respecting the British steamer "Richmond," that the ship-owners have not as yet brought forward any claim before the Imperial Government for compensation for the alleged damage inflicted by the searching of the steamer.

They have in this respect confined themselves to notifying to the Imperial Consul at Apia, in a communication of the 21st January of this year, that certain damage had been inflicted by the search, yet without describing its nature or extent.

The proposal of the ship-owners, that the matter should be decided by a Court of Arbitration, seems therefore, under all the circumstances, to be premature. This proposal, moreover, seems fundamentally unacceptable to the German Government, since it is put forward by private persons in respect to rights of property.

Although as an exceptional mode of legal procedure the ordinary law-courts in the Empire are as a rule open to foreign nations for private claims against the Government, yet it cannot be expected of the Imperial Government that they should take the initiative in indicating the manner of procedure with respect to private claims which reach it through the British Government.

The German Government are much more of opinion that in such cases an amicable decision will soonest be arrived at by a substantiated statement being laid before them of the claim, together with a declaration of the manner of proving it.

Should a complete statement of this description respecting their claim be laid by the ship-owners of the "Richmond" before the Imperial Government, their claim would be sure of a real examination and adjudication as soon as the German official and military persons had been heard, as well as competent experts who are acquainted with the local circumstances of the case.

The undersigned, &amp;c.

BERCHEM.

No. 33.

(New Zealand, No. 31.)

MY LORD,—

Downing Street, 30th September, 1889.

With reference to previous correspondence, I am directed by the Secretary of State to transmit to you, for the information of your Ministers, the document specified in the annexed schedule, on the subject of the New Zealand Exhibition of 1889–90.

I have, &amp;c.,

ROBERT G. W. HERBERT.

The Officer Administering the Government of New Zealand.

Date.	Description of Document.
18th September ...	Foreign Office to Colonial Office, transmitting despatch from Washington.

## Enclosure.

The FOREIGN OFFICE to the COLONIAL OFFICE.

SIR,—

Foreign Office, 18th September, 1889.

I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before Lord Knutsford, with reference to your letter of the 17th July last, the accompanying despatch and enclosure (Mr. Edwards, No. 154, Commercial, 2nd September) respecting the New Zealand Exhibition.

I am, &amp;c.,

The Under-Secretary of State, Colonial Office.

T. V. LISTER.

## Sub-Enclosures.

MY LORD,—

Washington, 2nd September, 1889.

With reference to your Lordship's despatch, of this series No. 26, of the 24th July, I have the honour to enclose herewith copy of a note which I have received from the Acting-Secretary of State, in which he states that the United States Government will be unable to participate officially in the Exhibition to be held at Dunedin in 1889–90, as no appropriation exists for the payment of expenses. The invitation, however, will be made public for the benefit of private American citizens who may desire to take part in it.

I have, &amp;c.,

The Marquis of Salisbury, K.G., &amp;c.

H. G. EDWARDS.

SIR,—

Department of State, Washington, 14th August, 1889.

Your note of the 8th instant, conveying an invitation to this Government to participate in the Education and Science Exhibition of New Zealand and the South Seas, to be held at Dunedin in 1889–90, has been received.

In reply, I have the honour to inform you that this Government will be unable officially to participate in the Exhibition, as no appropriation exists for the payment of expenses; but the invitation will be made public for the benefit of private American citizens who may desire to take part in it.

WM. WHARTON,

The Hon. H. G. Edwards, &amp;c.

Acting-Secretary.

No. 34.

TELEGRAM from the SECRETARY of STATE.—8th October, 1889.

REFERRING to your telegram of 24th September, Cook Islands being under British protection, Resident will be required, not Consul. Will colony nominate and pay?

No. 35.

(New Zealand, No. 36.)

MY LORD,—

Downing Street, 22nd October, 1889.

With reference to the telegraphic correspondence respecting the Cook Islands, I have the honour to acquaint you, for the information of your Minister, that it was intended in my first telegram, referred to in that of the 24th August, to show due consideration to the expressed wishes of the New Zealand Government to select a British officer if they became responsible for his salary. I therefore concluded that your telegram of the 24th ultimo was sent under a misapprehension.

I may take this opportunity of explaining that, although it is intended that the wish of the chiefs of the group should be generally met by the establishment

of Her Majesty's protectorate, it is also meant that the Island of Aitutaki should be annexed to Her Majesty's dominions, and that local customs and native rights in land should be respected throughout the island. It is understood that in the case of Aitutaki an opening in the reef on the north-west side provides the material of what may become a fine harbour.

No. 29.

I shall address you further on receipt of a reply to my telegram of the 8th instant.

I have, &amp;c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

No. 36.

(New Zealand, No. 41.)

MY LORD,—

Downing Street, 16th November, 1889.

A.—1, 1890, No. 23

I have the honour to acknowledge the receipt of your Lordship's Despatch No. 54, of the 2nd October last, reporting that on the 19th September you had prorogued the third session of the present Parliament of New Zealand, and informing me of the object of some of the principal measures which were passed during the session, as well as of the nature of other proceedings in Parliament.

I have, &amp;c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

No. 37.

(New Zealand, No. 43.)

MY LORD,—

Downing Street, 29th November, 1889.

I am directed by the Secretary of State for the Colonies to acquaint you that an application has been received from the French Ambassador at this Court for the issue of an *exequatur* to M. de Lostalot Bachoué as Vice-Consul for France at Wellington.

As this gentleman appears to be resident in the colony under your government, having for some time past been in charge of the Vice-Consulate, I am to request you to report whether you are aware, or not, of any objection to his appointment; and, if not, you will recognise him provisionally in that capacity until the arrival of the *exequatur*.

I have, &amp;c.,

ROBERT G. W. HERBERT.

The Officer Administering the Government of New Zealand.

No. 38.

(New Zealand, No. 44.)

MY LORD,—

Downing Street, 10th December, 1889.

I have the honour to acknowledge the receipt of your telegram of the 26th November, reporting the opening of the Dunedin Exhibition on that day, and the enthusiastic reception of the Queen's congratulatory message.

A copy of your telegram has been laid before Her Majesty, who was pleased to receive it very graciously.

I have, &amp;c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

No. 39.

(New Zealand, No. 46.)

MY LORD,—

Downing Street, 19th December, 1889.

I have the honour to acknowledge the receipt of your Lordship's Despatch No. 53, of the 1st October, transmitting a letter, with enclosures, which Mr. George Fisher, a member of the House of Representatives of New Zealand, addressed to me on the 30th September, in connection with the publication of

A.—1, 1890, No. 22

the correspondence in the case of the convict Gasparini. I request that you will inform Mr. Fisher that his letter was duly received by me.

I have, &c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

No. 40.

Downing Street, 20th December, 1889.

INTIMATING that Her Majesty will not be advised to exercise her power of disallowance of the Acts of the New Zealand Parliament, session of 1889.

[For list of Acts see *New Zealand Gazette* No. 9, 20th February, 1890.]

No. 41.

TELEGRAM from the SECRETARY of STATE.—28th December, 1889.

REFERRING to your telegram of 21st December, do not proceed with proposed A.-1, 1890, No. 35 annexation. Will wait for your despatch. Governor of Tasmania quite right.

No. 42.

(New Zealand, No. 3.)

MY LORD,—

Downing Street, 10th January, 1890.

I have the honour to acquaint you, for the information of your Government, that I have received a letter from the War Office, stating that Major-General Edwards has requested that an acknowledgment of the kindness and hospitality he received from yourself and your Ministers during his inspection of the forces of the colony may be conveyed to you and them.

I have much pleasure in complying with Major-General Edwards's wishes, and desire to add, on behalf of Her Majesty's Government, an expression of their appreciation of the manner in which that officer was everywhere received, and their hope that permanent benefit to the Colonies of Australasia may result from his visit.

I have, &c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

No. 43.

(New Zealand, No. 5.)

MY LORD,—

Downing Street, 22nd January, 1890.

With reference to your Lordship's Despatch No. 60, of the 7th November last, I have the honour to transmit to you, for communication to your A.-1, 1890, No. 28 Government, a copy of a letter from the Record Office, forwarding copies of papers relating to the purchase of land in Otago from Natives.

I have, &c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

[For Enclosure, see I.-10, 1889.]

No. 44.

TELEGRAM from the SECRETARY of STATE.—27th January, 1890.

I HAVE received Her Majesty's commands to offer congratulations to people of New Zealand on fiftieth year of prosperity and good government, and warm wishes for continued welfare.

No. 45.

TELEGRAM from the SECRETARY of STATE.—27th January, 1890.

It gives me much pleasure to convey congratulations on behalf of Her Majesty's Government on the occasion of the fiftieth anniversary of acquisition of New Zealand.

No. 46.

(New Zealand, No. 7.)

MY LORD,—

Downing Street, 7th February, 1890.

I have the honour to transmit to you, for the information of your Government, a copy of a letter from the Admiralty, stating the rules that have been laid down by the Lords Commissioners of the Treasury with respect to petty officers and men serving under Colonial Governments.

I have, &amp;c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &amp;c.

## Enclosure.

The ADMIRALTY to the COLONIAL OFFICE.

SIR,—

Admiralty, 21st January, 1890.

With reference to your letter of the 13th June last, and to previous correspondence relative to the appointment of Harry Miles, captain of the forecastle, as Torpedo Instructor for the Defence Force of Queensland, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that, in view of the possibility of Miles's engagement with the Queensland Government, which is for three years, being extended, my Lords will be glad if the Queensland Government and Miles are informed that the Lords Commissioners of Her Majesty's Treasury have laid down the following rules with respect to petty officers and men serving under Colonial Governments: (a) A petty officer who has served not less than twelve years of pensionable service in the Royal navy may, if allowed to enter the service of a Colonial Government, count his time under that Government as qualifying service up to the date on which he completes the full period requisite to entitle him to pension; (b) but if the petty officer—as in the case of H. Miles—enters the service before completing twelve years' pensionable service in the Royal navy, he cannot count his time under that Government as qualifying service unless he returns to the Royal navy for at least three years before completing the full period requisite to entitle him to pension. (c) In either case the petty officer draws no pay from the Imperial Government whilst he remains in the service of the Colonial Government.

The Under-Secretary of State, Colonial Office.

I am, &amp;c.,

EVAN MACGREGOR.

No. 47.

(New Zealand, No. 8.)

MY LORD,—

Downing Street, 8th February, 1890.

With reference to previous correspondence respecting the establishment of a protectorate over the islands of the Hervey Group, I desire to place before you the views of Her Majesty's Government with regard to certain matters connected with the future of these islands.

I understand from your telegram of the 4th November that your Ministers expect shortly to obtain a vote of the House of Representatives for the salary of the Resident, and the other expenses necessary for carrying out the objects of the protectorate. That officer will communicate direct with you as Governor of New Zealand, and you will in the ordinary course lay all communications from him before your Ministers for their advice. You will also keep me fully informed on all matters of importance in connection with the protectorate, and refer to me any question upon which you consider that Her Majesty's Government should be consulted before action is taken, and any points with regard to which you may be unable to accept the advice of your Ministers.

In the conduct of the affairs of the islands the first object to be kept in view is, of course, the welfare of the native inhabitants, and it is important that the same line of policy should be pursued as has been followed in the case of the other native dependencies and possessions of Her Majesty in the Pacific.

The main points of that policy were accepted by the Intercolonial Conference on the subject of British New Guinea held at Sydney in April, 1886, and were embodied in the draft proposals prepared at that Conference for the future administration of that possession—namely, (a) that no purchase of land should be allowed to be made except by or from the Government, or from purchasers from the Government; (b) that no deportation of natives should be allowed either from one part of the protectorate to another, or to places beyond the protectorate, except under ordinances reserved for Her Majesty's assent and assented to by Her Majesty; (c) that all trading with natives in arms, ammunition, explosives, and intoxicants should be prohibited except under ordinances

similarly reserved and assented to in like manner. Provision has also been made in New Guinea for restricting the employment of natives under contract in places at a distance from their homes, or beyond the possession; and recent events point to the necessity for similar restrictions in the case of the Hervey Islands.

Legislation by way of ordinances is unsuited to the conditions of a protected territory, which is not part of Her Majesty's dominions; but Her Majesty's Government regard as essential the principle embodied in these conditions, and trust that your Ministers will readily concur in the opinion that you should give effect to it by such means as may be at your command.

I have, &c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

No. 48.

(New Zealand, No. 10.)

SIR,—

Downing Street, 18th February, 1890.

With reference to my Despatch No. 8, of the 8th instant, and to previous correspondence respecting the establishment of a protectorate over the islands of the Hervey Group, I have the honour to transmit to you, for communication to your Government, copies of two despatches from the High Commissioner for the Western Pacific, and of my reply, with regard to the importation into Tonga of some natives of the Hervey or Cook's Islands. No. 48.

I have, &c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

#### Enclosure 1.

Sir J. B. THURSTON to Lord KNUTSFORD.

High Commissioner's Office, Western Pacific, Suva, Fiji,

20th November, 1889.

MY LORD,—

I have the honour to enclose copies of correspondence with Mr. Leefe, Deputy Commissioner at Tonga, with regard to the importation into Tonga of natives of the Island of Mangaia, one of the Hervey or Cook's Group, recently placed under British protection. These natives, Mr. Leefe states, entered into an agreement, countersigned by Mr. Exham, the British Consul at Rarotonga, and are to be employed on the banana and other plantations of the Tongan Government.

2. I think it very objectionable that such an engagement should have received the sanction of British authority. But, presuming that the men went of their own free will, and that the master of the vessel which carried them had a license under the Pacific Islanders' Protection Acts, I do not see anything illegal in the transaction.

3. I would, however, respectfully ask that the matter be brought before the notice of the Secretary of State for Foreign Affairs, with a view to Mr. Exham's being instructed not to sanction such a proceeding in future. Mr. Exham is, I believe, engaged in trade, and I would suggest that he might be instructed to issue no licenses except in respect of vessels carrying labourers to be employed by British subjects, and that licenses should not be granted by him to the master of any vessel who might have conveniently made application to the Governor of one of the Australasian Colonies.

4. If I am able to obtain means of conveyance to Tonga in the early part of next year, it is my intention to make personal inquiry as to the circumstances under which the labourers were recruited.

I have, &c.,

The Right Hon. Lord Knutsford, G.C.M.G., &c.

JOHN B. THURSTON.

#### Sub-Enclosures.

Mr. LEEFE to the HIGH COMMISSIONER.

SIR,—

British Consulate, Tonga, 5th November, 1889.

I have the honour to inform you that, it having come to my knowledge that on the last voyage of the s.s. "Richmond" from Tahiti *via* Rarotonga forty-one natives of the Island of Mangaia, one of the Hervey or Cook's Group, some months ago taken under the protection of Great Britain, had been brought to Tonga to work for the Tongan Government on their various banana and other plantations, I addressed a letter (Enclosure 1) to the Government of this country.

I have learnt that the men have up to now not been ill-treated by the gaolers who have been put in charge of them; but, as the Tongan gaolers have frequently, to my certain knowledge, committed acts of gross brutality to the prisoners in their charge, I consider that it would be very improper to permit these men, who are, no doubt, like other natives of the South Pacific, easily imposed upon, to remain longer than necessary under their charge; moreover, I think that secrecy

should not have been maintained, but that the Tongan Government should have first asked if it were lawful before importing these people into Tonga. I have intimated to them that they are perfectly free to go to any church they please, or stay away as they may choose.

On the 23rd a reply came to my letter above referred to, a copy of which, and my acknowledgment, I enclose.

I have ascertained that an agreement exists under which these people were engaged for one year, countersigned by Mr. Exham as British Resident; but this information was not supplied by the Government, from whom I have heard nothing further.

I have, &c.,

R. BECKWITH LEEFE, Vice-Consul.

His Excellency Sir John B. Thurston, K.C.M.G., Consul-General Western Pacific.

Vice-Consul LEEFE to the SECRETARY, Tongan Government.

SIR,—

16th October, 1889.

I have the honour to inform you that it has come to my knowledge that on the last voyage of the steamship "Richmond" a considerable number of natives of the Hervey Group, over which the British flag was some time ago hoisted, were brought to work as labourers for the Tongan Government.

It is not the policy of the British Government to permit its aboriginal subjects in the South Pacific to leave their homes under engagement to work in a foreign country, or, still more, without such engagement, and I think it not improbable that the master of the "Richmond" may be ordered to return these people to their homes at the expense of the ship.

Meanwhile these people, being British subjects, are, as unsophisticated natives, peculiarly and especially under the protection of Her Majesty's Consular Officer in Tonga, and as such I must request you to forward to me a copy of the engagement under which the men were procured, and to state whether they were recruited with the sanction of the resident British official at Rarotonga.

I must also, in pursuance of the last paragraph, request that these men have free access to the consulate, and that I may be enabled at any time to inspect them and their houses to ascertain that they are properly treated, housed, and fed. It is also as well to remind you that no unauthorised punishments can be inflicted on these people, such, for instance, as the use of the lash, which Tongan subordinate officials not infrequently use.

A report has also reached me that these men attended last Sunday the Wesleyan Methodist Church, and that they were told subsequently that they must in future attend the Free Church. I cannot say whether this report has any foundation in fact; but if it has, as I think highly probable, it is but kindly caution to remind you that there must be no such interference, and that these men are as free to choose what (if any) place of worship they will attend as any, even the highest, of Her Majesty's subjects.

R. BECKWITH LEEFE, Vice-Consul.

I must request that you will acknowledge the receipt of this despatch at your earliest convenience.

The SECRETARY, Tongan Government, to Vice-Consul LEEFE.

SIR,—

22nd October, 1889.

I have the honour to acknowledge the receipt of your letter No. 17,189, and in reply to say that, as I deem the subject of your letter of importance to the Tongan Government, I shall refer the same to the next meeting of His Majesty's Cabinet. But, for the information of His Majesty's Cabinet, I request to be informed—(1) What are, if any, the Orders in Council or orders of the High Commissioner of Western Pacific, or of the authorities of Eastern Pacific, in reference to the Hervey and Rarotongan Groups, and what islands are included in these groups respectively; (2) If these groups are under the jurisdiction of the High Commissioner of the Western Pacific or the authorities of the Eastern Pacific; (3) Whether the same have been annexed to or are simply under protection of the British Government.

S. E. W. BAKER, Secretary.

Vice-Consul LEEFE to the SECRETARY, Tongan Government.

SIR,—

24th October, 1889.

I have the honour to acknowledge the receipt of your letter of the 22nd instant, No. 14, and with reference to it, and to my letter to which it purports to be a reply, I beg to remind you that you have not complied with the request contained in the letter above alluded to, which was "to forward to me a copy of the engagement under which the men were procured, and to state whether they were recruited with the sanction of the resident British official at Rarotonga."

I have, &c.,

R. BECKWITH LEEFE, Vice-Consul.

The HIGH COMMISSIONER and CONSUL-GENERAL to Mr. LEEFE.

SIR,—

Government House, Suva, Fiji, 19th November, 1889.

In reply to your Despatch No. 67, of the 5th November instant, relative to the introduction by the Government of Tonga of forty-one natives from the Island of Mangaia, one of the Hervey or Cook's Group, for the purpose of working them upon the various banana and other plantations of the Tongan Government, I have to instruct you as follows:—

2. The islands brought under the protection of the British Government during the months of October and November, 1888, are the whole of the Hervey or Cook's group of islands, the chief of which are Aitutaki, Hervey, Takutea, Mitiero, Atiu, Mauki, Rarotonga, and Mangaia. The limits of the area over which British protection extends do not include Hull Island or any islands to the east-south-east of that spot.

3. I am of opinion that at present, and until the wishes of Her Majesty's Government are



known, it would be inexpedient to enter upon any question as to its policy in respect of the islands in question or of their inhabitants; and it will be proper at the present stage of the matter to abstain from any reference as to the probable return of the men forming the subject of your despatch being enforced by authority. At the same time, the chiefs and people of Cook's Group, for reasons seeming to them necessary, placed themselves under the protection of Her Majesty's Government, and you will be justified in according them, should occasion arise, your official protection. And, without any appearance of interference, I request you will ascertain and report to me upon the nature and extent of the plantations established by the Government of Tonga, in respect of which it is importing labourers from other islands in the Pacific.

4. You will also be good enough to ascertain and report whether the s.s. "Richmond" was licensed under the Pacific Islanders' Protection Acts to transport to Tonga the islanders in question.

5. As to the inquiries of the Premier of Tonga, who is responsible for the introduction of the Cook's islanders to Tonga, you are at liberty to inform him that the High Commissioner exercises his authority as far east as Caroline Island—i.e., to the 150th meridian of west longitude—but that the authority for your consular action—so far only in the form of an inquiry—is that the islanders referred to are within your consular district, and, being so, will receive your official protection if necessary. You may further, if you see fit, acquaint the Premier that the British flag has been formally hoisted over the whole of the Cook's or Hervey Group, and the protection afforded by Her Majesty's Government therefore includes the whole of the group so named and their waters.

6. I apprehend the object of the Premier's inquiry is that in the future he may import labourers from islands not under the protection of Her Majesty's Government, and so avoid any consular surveillance and protection being exercised on their behalf.

R. B. Leefe, Esq., &c.

I have, &c.,

JOHN B. THURSTON.

### Enclosure 2.

Lord KNUTSFORD to the HIGH COMMISSIONER, Western Pacific.

SIR,—

Downing Street, 18th February, 1890.

I have the honour to acknowledge the receipt of your Despatch No. 37, of the 20th of November, relating to the importation into Tonga of some natives of the Hervey or Cook's Islands, recently placed under British protection, and to the position of the natives of those islands.

I enclose for your information and guidance copies of a correspondence which has taken place on this subject between this department and the Foreign Office, together with copy of a despatch which has been addressed to the Governor of New Zealand on the subject of the future control of the Hervey Islands.

I have, &c.,

The High Commissioner for the Western Pacific.

KNUTSFORD.

### Sub-Enclosures.

The COLONIAL OFFICE to the FOREIGN OFFICE.

SIR,—

Downing Street, 20th January, 1890.

I am directed by Lord Knutsford to transmit to you, to be laid before the Marquis of Salisbury, copies of two despatches from the High Commissioner for the Western Pacific respecting the position of natives of the Hervey Islands, recently placed under the protection of Her Majesty's Government.

Lord Knutsford presumes that Sir J. Thurston rightly apprehends the position of the natives of a country under the protection of Great Britain—that is, that they are not British subjects, but are entitled abroad to the protection of Her Majesty's Consular Officers—and he proposes, with the concurrence of the Marquis of Salisbury, to inform him to that effect. It seems desirable also that instructions should be sent to Mr. Exham in the sense suggested in the third paragraph of Sir J. Thurston's Despatch No. 37, as to his action in the matter of issuing licenses for the engagement of labourers.

I am to take the opportunity of transmitting to you a draft of a despatch which Lord Knutsford proposes to address to the Governor of New Zealand respecting the future of these islands, and he would be glad to learn at an early date whether Lord Salisbury concurs in the terms of the draft.

I am, &c.,

The Under-Secretary of State, Foreign Office.

R. H. MEADE.

The FOREIGN OFFICE to the COLONIAL OFFICE.

SIR,—

Foreign Office, 3rd February, 1890.

In reply to your letter of the 20th ultimo, enclosing copies of despatches from Sir J. Thurston in regard to the position of natives of the Hervey Islands, I am directed by the Marquis of Salisbury to state that, in his opinion, the High Commissioner is correct in his view that the natives of a country under the protection of Great Britain are entitled abroad to the protection of Her Majesty's Consular Officers.

Instructions to Mr. Acting-Consul Exham, disapproving his having countersigned the agreement in virtue of which the natives in question were exported to Tonga, are enclosed for Lord Knutsford's concurrence. I am, at the same time, to state to you that Lord Salisbury agrees in the terms of the despatch which Lord Knutsford proposes to address to the Governor of New Zealand on the subject of the future administration of the Hervey Islands.

I am, &c.,

The Under-Secretary of State, Colonial Office.

T. H. SANDERSON.

## DRAFT of INSTRUCTIONS to Acting-Consul EXHAM, Rarotonga.

SIR,—

Foreign Office, February, 1890.

The High Commissioner for the Western Pacific has reported to Her Majesty's Secretary of State for the Colonies the importation into Tonga of some natives of the Hervey, or Cook's Group, recently placed under British protection.

It appears from Sir J. Thurston's report that these natives entered into an agreement, which was countersigned by you in your official capacity, and are to be employed on certain plantations belonging to the Tongan Government. I am directed by the Marquis of Salisbury to point out to you that there are grave objections to giving the sanction of British authority to such an engagement; and I am to instruct you not to sanction such a proceeding in future, nor to issue any licenses except in respect of vessels carrying labourers to be employed by British subjects. You will in no case grant a license to the master of any vessel who might have conveniently made application for it to the Governor of one of the Australian Colonies.

The COLONIAL OFFICE to the FOREIGN OFFICE.

SIR,—

Downing Street, 14th February, 1890.

I am directed by Lord Knutsford to acknowledge the receipt of your letter of the 3rd instant, relating to the importation into Tonga of some natives of the Hervey or Cook's Islands, recently placed under British protection. Lord Knutsford desires me to request that you will inform the Marquis of Salisbury that he concurs in the terms of the instructions which His Lordship proposes to address to Mr. Acting-Consul Exham relating to the engagement of natives of the Cook's Group.

The Under-Secretary of State, Foreign Office.

I am, &amp;c.,

JOHN BRAMSTON.

No. 49.

(Circular.)

MY LORD,—

Downing Street, 12th March, 1890.

I have the honour to request that you will draw the attention of your Government to my circular despatch of the 14th of August last year, requesting to be supplied with information as to the working of the liquor laws in the colony under your Government.

It is very desirable that this information should be furnished as soon as possible, with a view to its being laid before Parliament during the present session.

I have, &amp;c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

No. 50.

(New Zealand, No. 17.)

MY LORD,—

Downing Street, 5th April, 1890.

I have the honour to acknowledge the receipt of your Despatch No. 13, of the 1st of February, respecting the celebration of the completion of fifty years since the foundation of the Colony of New Zealand.

I have read with interest your account of the proceedings, and am pleased to learn that the well-considered arrangements described were rewarded by complete success.

I have, &amp;c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &amp;c.

No. 51.

(New Zealand, No. 18.)

MY LORD,—

Downing Street, 15th April, 1890.

I have received and laid before the Queen the Address to Her Majesty which accompanied your Lordship's Despatch No. 9, of the 22nd of January, from the Mayor, Councillors, and citizens of Wellington, on the occasion of the Jubilee of the colony, and I am commanded to request that you will convey to them Her Majesty's thanks for their good wishes, and the expression of her gratification at the sentiments of loyalty and attachment contained in their address.

I have, &amp;c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &amp;c.

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