

1891.—SESS. II.
NEW ZEALAND.

DESPATCHES

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

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

No. 1.

(No. 5.)

MY LORD,—

Government House, Wellington, 26th January, 1891.

I have the honour to inform your Lordship that a change of Ministry has taken place in New Zealand.

2. Parliament having been summoned to meet on the 23rd instant, Sir H. A. Atkinson, who, from ill-health had not been able to lead the House of Representatives during the previous session, made up his mind that his retirement was necessary. He accordingly intimated to me what would be his probable action, in the course of an interview which I had with him at Christchurch on the 16th instant.

3. At the same time he informed me that in the course of a few days he should hand to me the resignation of Sir William Fitzherbert, the Speaker of the Legislative Council, and that Ministers were prepared to advise his own appointment to that office.

4. I replied that, if such advice were tendered to me, I should accept it with unqualified satisfaction; that I felt assured his long services both as a soldier and statesman, to which the unfortunate breakdown in his health is to be attributed, would be but fairly recompensed by his appointment to a post of so honourable a character.

5. According to arrangements agreed to at that meeting, the Premier handed me the resignation of Sir William Fitzherbert on the 19th instant; and on the 21st instant he advised me that the Cabinet recommended me to summon him to the Upper House, which I accordingly did on the next day.

6. I enclose copies of the memoranda which passed between us on the subject.

7. On the 23rd instant Sir H. A. Atkinson called upon me at one o'clock in the afternoon, when, upon the advice of Ministers, I appointed him to be Speaker of the Legislative Council, and administered to him the usual oath; and at the same time he formally tendered to me the resignation of himself, and, of course, of his colleagues also.

8. I requested him to advise me whom I should send for and intrust with the formation of a Government; upon which he indicated Mr. Ballance, the leader of the Opposition in the late Parliament.

9. Mr. Ballance, in response to my invitation, called upon me at half-past one, and informed me that he undertook the duty of forming an Administration, and would wait upon me on the following day with the names which he proposed should form his Cabinet.

10. On the same day (23rd instant) Parliament was opened by Commission, and the House of Representatives proceeded to the election of a Speaker. Their choice fell on Mr. William Jukes Steward, member for the District of Waimate.

11. On the 24th instant Mr. Ballance waited on me, and informed me that he had succeeded in forming a Government, to consist of the following gentlemen :—

The Hon. JOHN BALLANCE, Premier, Colonial Treasurer, Minister for Native Affairs, and Commissioner of Trade and Customs ;

The Hon. PATRICK ALPHONSUS BUCKLEY, Attorney-General, Colonial Secretary, and Postmaster-General ;

The Hon. WILLIAM PEMBER REEVES, Minister of Education and Minister of Justice ;

The Hon. RICHARD JOHN SEDDON, Minister of Public Works, Minister of Mines, and Minister of Defence ;

The Hon. JOHN MCKENZIE, Minister of Lands and Immigration, and Minister for Agriculture.

The Hon. JOSEPH GEORGE WARD (without portfolio).

To these names I signified my approval, and I forthwith administered the usual oath of Executive Councillor to those gentlemen.

12. To-day the Speaker of the House of Representatives attended before me and claimed the usual privileges, and I thereupon, on Her Majesty's behalf, signified to him my approval of the choice made by the House of Representatives.

I have, &c.,

The Right Hon. Lord Knutsford.

ONSLOW.

Enclosures.

No. 1.

The SPEAKER of the LEGISLATIVE COUNCIL to His Excellency the GOVERNOR.

MY LORD,—

Lower Hutt, Wellington, 19th January, 1891.

I have the honour to request that your Excellency may be pleased to accept my resignation of the Speakership of the Legislative Council from the above date, my health not being sufficiently restored to enable me to undertake the duties of that office during the coming session.

I have, &c.,

His Excellency the Right Hon. the Earl of Onslow.

WILLIAM FITZHERBERT.

No. 2.

The Hon. the PREMIER to His Excellency the GOVERNOR.

For His Excellency the Governor.

THE Cabinet, with much regret, respectfully recommend your Excellency to accept the resignation of Sir William Fitzherbert from the 22nd instant.

19th January, 1891.

H. A. ATKINSON.

No. 3.

TELEGRAM from His Excellency the GOVERNOR to the Hon. the PREMIER.

Christchurch, 20th January, 1891.

THE resignation of the Speakership of the Legislative Council by Sir William Fitzherbert from the 22nd instant is regretfully accepted.

ONSLOW.

No. 4.

TELEGRAM from the Hon. the PREMIER to His Excellency the GOVERNOR.

Wellington, 21st January, 1891.

THE Cabinet respectfully recommend that Sir H. A. Atkinson be called to the Legislative Council to-morrow, the 22nd instant.

H. A. ATKINSON.

No. 5.

TELEGRAM from His Excellency the GOVERNOR to the Hon. the PREMIER.

Christchurch, 22nd January, 1891.

SIR H. A. ATKINSON is made a member of the Legislative Council of New Zealand.

ONSLOW.

No. 6.

The Hon. the PREMIER to His Excellency the GOVERNOR.

Wellington, 23rd January, 1891.

THE Cabinet unanimously recommend that Sir H. A. Atkinson be appointed to the vacant Speakership of the Legislative Council.

H. A. ATKINSON.

No. 7.

His Excellency the GOVERNOR to the Hon. the ACTING PREMIER.

Wellington, 23rd January, 1891.

THE Governor has received the information that the Cabinet advise the appointment of Sir H. A. Atkinson to the vacant Speakership of the Legislative Council. If, as the Governor has reason to believe, this recommendation is in accordance with the wishes of Sir H. A. Atkinson, the Governor accepts with unqualified satisfaction the advice to appoint Sir H. A. Atkinson to a post the honourable character of which will be some recognition of a lifelong devotion to the interests of the colony, both as soldier and senator. Sir H. A. Atkinson is accordingly appointed.

ONSLOW.

No. 2.

(No. 6.)

MY LORD,—

Wellington, New Zealand, 30th January, 1891.

I have the honour to transmit herewith copies of the Speech with which, on the 27th instant, I opened the first session of the eleventh Parliament of New Zealand, and of the Addresses in Reply which have been presented to me by the Legislative Council and the House of Representatives respectively.

I have, &c.,

The Right Hon. Lord Knutsford, &c.

ONSLOW.

No. 3.

(No. 7.)

MY LORD,—

Wellington, New Zealand, 31st January, 1891.

I have the honour to inform your Lordship that at an Executive Council held on the 29th instant I administered the oath of an Executive Councillor to Mr. Alfred Jerome Cadman, M.H.R. for the Thames district, and appointed him to be Commissioner of Stamp Duties.

I have, &c.,

The Right Hon. Lord Knutsford, &c.

ONSLOW.

No. 4.

(No. 8.)

MY LORD,—

Wellington, New Zealand, 2nd February, 1891.

With reference to your Lordship's Despatch No. 39, of the 29th of August, 1890, I have the honour to report that my Government is not aware that "vessels frequently leave ports in New Zealand overloaded as to deck-cargoes."

Section 223 of "The New Zealand Shipping and Seamen's Act, 1877," as ^{41 Vict., No. 54.} amended by section 2, subsection (3), of the amending Act of 1885, provides that ^{49 Vict., No. 15.} no deck-cargo is to be carried on any steamship (except perishable goods to a limited extent) without the permission of a surveyor or other officer appointed for the purpose; and my Government has recently appointed officers at all the principal ports to carry out this duty.

My Government has requested me at the same time to ask your Lordship to furnish them with any information available as to the practice of the Board of Trade in this matter.

I have, &c.,

The Right Hon. Lord Knutsford, &c.

ONSLOW.

No. 5.

(No. 9.)

MY LORD,—

Wellington, New Zealand, 3rd February, 1891.

I have the honour to inform your Lordship that on the 31st ultimo I prorogued by Proclamation the first session of the eleventh Parliament of New Zealand.

I have, &c.,

The Right Hon. Lord Knutsford, &c.

ONSLOW.

No. 6.

(No. 10.)

MY LORD,—

Wellington, New Zealand, 3rd February, 1891.

I have the honour to forward, at the request of Mr. Shera, a member of the House of Representatives, two copies of a petition signed by forty members of the same House, and presented by them in person. This petition was presented to me a few hours before the meeting of Parliament on the 23rd of January, against the appointment of any more members to the Legislative Council until after the meeting of Parliament.

2. It was a matter of common notoriety that the appointments were already made when the petition was presented, and it could not, therefore, have been expected to effect the object of its prayer.

3. As the petition was presented in person, I concluded that the object of the petitioners was to hear from me something of the causes which induced me to accept the advice of my Ministers. I replied that it was no part of my duty to enter into explanations of my actions to any one but your Lordship, and I referred the deputation to the despatches which are annually laid on the table of Parliament, and which would be presented as soon as a Speaker should have been elected.

4. I have already addressed your Lordship at length on this subject which, as a precedent, is one of some importance.

5. There were four points which presented themselves in considering the advice tendered to me:

- (1.) Whether Ministers were seeking to fill the Upper House during their term of office with more than a reasonable number of their nominees;
- (2.) Whether there was any indication that their object was to alter the political bias of House in favour of their party;
- (3.) Whether the names were those of men unfit to occupy seats in the Council; and
- (4.) Whether Ministers, whose position in Parliament was doubtful, were entitled to recommend such appointments.

6. As to the first and third points, I formed the opinion that, had Ministers been in undoubted possession of the confidence of Parliament, no objection, except from a purely party point of view, was likely to have been taken. It is true that the Premier was alleged to have given certain pledges, but this was a matter which concerned himself.

7. As to the second point, during the previous session of Parliament several measures drawn in the interests of the labour party had been rejected by the Upper House as then constituted, and, so far as the opinions of its members have a party tendency, they were already more in line with the party then in power than with the progressive party; while, as to the question of the reform of the Legislative Council which that body had refused to consider, but which both political parties deem desirable, the new Councillors were themselves pledged in its favour.

8. The fourth consideration is the really important one. Assuming, as I do, that there was no valid objection to the appointments, I found it additionally difficult for me to take the very grave responsibility of differing from my Advisers. Such a step is certain to bring the representative of the Queen into collision with some portion of those over whom he is called upon to administer the government, and renders his conduct open to discussion in Parliament.

9. The gravest responsibility would rest upon me for the adoption of such a course, in a case concerning this colony alone, which neither affected the Royal prerogative of mercy, nor the question of an appeal to the people, and was in consonance with accepted constitutional practice.

10. Although these appointments were made on the 20th of January, they had, with the exception of the actual names, been long under discussion with Ministers in an unofficial manner, and I had entertained some difference of opinion with them on the subject.

11. This difference was finally adjusted on the 16th of December, when I agreed to make six appointments on the assurance that, in the opinion of Minis-

ters, they should be the six men from among their supporters best calculated to strengthen the weakened Upper Chamber, and that as soon as Ministers could decide on the names (a process which appears to have been a lengthy one) they were to be formally submitted to me.

12. I should be wanting in candour were I to lead your Lordship to suppose that either the majority of the House of Representatives, the whole of the party which supported the late Government, or all the Legislative Councillors approve the conduct of the late Ministry in tendering me this advice.

13. I do not think it is seriously maintained, in the face of the constant practice in England for defeated Ministries to advise Her Majesty to create peers, that there has been anything unconstitutional in my action, but, so far as I can gather, there is a strong feeling that in the colony the practice which obtains in England of making Ministerial appointments before vacating office is not one which New Zealand Ministers should be encouraged to follow.

14. If I have interpreted that feeling aright public opinion will be strong enough to prevent its recurrence.

15. In colonies possessed of such democratic institutions as manhood suffrage and triennial Parliaments, in addition to a numerous and universally read press, public opinion is not slow to assert itself, or to execute summary punishment on the Ministry or party which has acted contrary to its wishes.

16. The unexpected support which the new Ministry have received in the recent short session of Parliament, and the discontent of many of the supporters of the late Government, is a sufficient intimation to the leaders of the party lately in power of the state of public opinion on this matter, and ought to prevent any serious evil to the colony arising out of the event, considered in the light of a precedent; while at the same time the resignation of Ministers because their advice had not been accepted, a step which, in my opinion, only the most imperative necessity can justify, has been avoided.

17. I need hardly add that any expression of opinion from your Lordship will greatly aid me in the course which I should adopt in future, and will be valued in the colony as an indication of the attitude which Her Majesty's Government desires the representative of the Queen to assume towards his Advisers, and towards the people of these large and growing communities who are in full possession of the powers of self-government, and perfectly able to control and direct those to whom they intrust the government.

I have, &c.,

ONSLOW.

The Right Hon. Lord Knutsford, &c.

No. 7.

(No. 11.)

MY LORD,—

Wellington, New Zealand, 4th February, 1891.

I have the honour to inform your Lordship that I have this day signed the documents necessary for effecting the following changes in the Ministry:—

1. An exchange of portfolios, the Hon. J. Ballance (formerly Native Minister) and the Hon. A. T. Cadman (formerly Commissioner of Stamp Duties).

2. A transference of the portfolios of Postmaster-General and Electric Telegraph Commissioner from the Hon. P. A. Buckley to the Hon. J. G. Ward, who, however, will receive no remuneration for the performance of the duties of those offices.

I have, &c.,

ONSLOW.

The Right Hon. Lord Knutsford, &c.

No. 8.

(No. 12.)

MY LORD,—

Wellington, New Zealand, 7th February, 1891.

I have the honour to report that on the 21st of October, 1890, sentence of death was passed upon one Mahi Kai, a Maori convicted of the murder on the 12th of April, 1890, of one Stephen Maloney.

2. The jury in delivering the verdict accompanied it with a recommendation to mercy on account of his age (17 years), and his being of the Native race.

3. I went fully into the case, and my Executive Council advised me to commute the sentence to one of penal servitude for life, and I accordingly did so.

4. The minute in the book recording the proceedings of the Executive Council is as follows: "The Minister of Justice submits the case of Mahi Kai, an aboriginal native under sentence of death for murder at New Plymouth. Commuted to penal servitude for life."

5. From this your Lordship will observe that there is no record of the advice given by the Executive Council, nor does any such advice appear upon the papers in connection with the case.

6. A question has been raised as to the form in which this advice should be given in such cases—whether orally at the Council, or in writing on the papers at the time of their consideration by the Executive Council.

I enclose a memorandum from the Premier, from which your Lordship will gather that my present Advisers entertain the opinion that all acts of administrative government within the colony should, without exception, be done on the advice of Ministers.

They entertain the same opinion as to the advice which the Governor is directed to take from his Executive Council as did Lord Carnarvon in his despatch of the 4th of May, 1875, in which he says that "Whether also given orally or not, it should be given in writing."

7. So long as Ministers held it to be a constitutional practice and a duty that they should retain office, even if the Governor should decline to accept their advice in the exercise of the prerogative, and so long as it was believed that collisions between the Governor and his Ministers could be avoided by mutual tact and forbearance, the system may have worked well; but as soon as Sir Thomas McIlwraith resigned because the Governor of Queensland declined to accept his advice, on which occasion your Lordship did not uphold the action of Sir A. Musgrave, it became obvious that the retention of office under such circumstances ceased to be a constitutional practice with Australasian statesmen.

8. If Ministers see no reason for making a distinction between the ordinary business of government and the business in connection with the exercise of the Royal prerogative of mercy, the Governor may at any moment find himself as Sir A. Musgrave did—without Advisers, and unable to replace them with others having the confidence of Parliament.

9. I have found in practice that the wishes and opinions of the Governor are in other matters, as well as this, listened to with all respect, and that when consistent with their own opinions Ministers endeavour loyally to co-operate with the Governor, accepting full responsibility for their actions.

But it may be that the Executive Councillors would hold very strong opinions antagonistic to those of the Governor; that the public, knowing that the Governor is instructed to call for the advice of his Executive Council, would bring very strong pressure on them to give certain advice, and to resign if it were not taken; for your Lordship is aware how strongly the public mind is sometimes agitated in cases of criminals sentenced to death.

The present practice is attended with much that is undesirable for the representative of Her Majesty. He is liable to being accused of being actuated by religious or sectarian motives, or by class prejudice. Deputations of various kinds wait upon him. The counsel for the prisoner claims to be allowed to place before him facts alleged to have come to light since the trial, and thus endeavours to turn the Governor into a Court of Appeal.

10. Parliament may, in its debates, endeavour to influence public opinion to put pressure on the Governor, for I have noticed a growing tendency under certain circumstances to bring under criticism of the popular branch of the Legislature administrative functions performed by the Governor even under the advice of Responsible Ministers. How much more, then, would such a tendency develope in cases which concern the internal administration of the colony, but where the Governor does not act with the advice of Ministers, and cannot maintain that he is acting with a desire to hold the balance between

parties, as in the case of the granting or refusal of a dissolution or the choice of a Minister.

11. Were it not that the Governor is directed to consult his Executive Council, it might be held that the Governor alone exercised the prerogative and was alone responsible for its exercise; but, as Ministers must give advice, they must also be responsible for that advice to Parliament, and may at any time demand that it can be taken as effective advice.

The consequence is a responsibility differing from the general responsibility of the Governor to the Crown and the Ministers to Parliament, in that it creates a double responsibility, with the possibility of dead-lock.

12. In a despatch to the Governor of New South Wales on the 1st of November, 1871, Lord Kimberley says: "A Governor is to pay due regard to the advice of his Ministers, who are responsible to the colony for the proper administration of justice and prevention of crime;" and your Lordship, in your despatch of the 30th October, 1888, to the Administrator of the Government of Queensland, adds to that doctrine that the Governor "will allow greater weight to the opinion of his Ministers in cases affecting the internal administration of the colony than in cases in which matters of Imperial interest or policy, or the interest of other countries or colonies, are involved." Had your Lordships intended these instructions to apply not only to ordinary cases in which the Royal prerogative of mercy is involved, but to capital cases also, the duty of the Governor would have been perfectly clear.

13. I am not prepared to follow Mr. Ballance into an inquiry whether the present is a survival of Crown colony practice, but I am unable to say that it appears to me otherwise than as an anomaly in a community possessed of responsible government; for it seems incompatible with those principles that the Governor should be instructed to consult his Ministers and yet be specifically instructed that he may, and in certain cases ought to, disregard their advice at the risk of finding himself without Advisers able to carry measures and votes in Parliament.

It appears to be clear that at least two of the Australasian Governments (those of New Zealand and Queensland) entertain the opinion that, in the exercise of the prerogative of mercy, there should be distinct Ministerial advice, tendered under definite Ministerial responsibility. It is possible that these two colonies may not be alone in their contention; and, should your Lordship see your way to give effect to Mr. Ballance's wishes by definite instructions in that direction, I cannot see that any danger to the Empire need be feared.

The rapid strides made by these colonies in recent years have resulted in the building-up of a social fabric differing only in degree from the older communities of Europe: and circumstances have much changed since Sir H. Parkes wrote in 1874 deprecating any change in the existing practice, because, he said: "The persons intrusted with authority, and the relatives and friends of prisoners, move closely together in a community so small as ours." Ministers are capable of assuming complete responsibility for the administration of local affairs without exception. Public opinion expressed through a number and variety of channels is speedily exercised and quickly felt.

Any abuse of power or danger to the preservation of order, if not checked by the influence of Parliament, would be certainly arrested by the first general election, an event which can never be postponed longer than three years, but which usually recurs much more frequently.

14. In the earlier history of the Australasian Colonies, as in that of Canada, there may have been much to be said in favour of the practice, but the causes which operated to effect a change in the Dominion have not been wanting in Australasia, and should your Lordship see fit to assimilate the practice here with that which obtains in Canada, the principles of responsible government will be complete, while the Queen's representative will be freed from an anomalous position, and a difficult and undesirable duty.

I have, &c.,

The Right Hon. Lord Knutsford.

ONSLOW.

Enclosure No. 1.

The Hon. the Premier.

Government House, Wellington, 29th January, 1891.

I DESIRE to call your attention to the minute as entered in the book of proceedings of the Executive Council of the 16th of December, 1890, respecting the commutation of the death sentence passed on Mahi Kai to one of penal servitude for life, and also to the minutes of Ministers on the papers. I directed that the minutes of the meeting at which that decision was come to should not be confirmed pending consideration of the form in which it should appear.

The Ministers who formed that Council having resigned, I have no longer the opportunity of consulting them on the point, nor do I think that any alteration or addition can now be made to the papers on the case, which contain no advice to the Governor. I think, therefore, that at the next meeting of the Council those minutes should be signed in the form in which they now stand.

Clause XI. of the Royal Instructions directs the Governor to receive the advice of his Executive Council, and, if he should not concur therein, to state on the minutes his reasons at length. It seems to me that there should invariably be some record on the minutes of the Council that such advice was tendered.

You will observe that the clause directs the Governor to take the advice of "our Executive Council"—that is, apparently, of the Council collectively—but directs him subsequently that, whether "the members of our said Executive Council concur therein or otherwise," he is to take such action as he thinks fit. I shall be obliged if Ministers will consider and inform me what procedure they think should be adopted in advising the Governor at meetings of the Executive Council held to consider questions of the pardon or reprieve of criminals condemned to capital punishment.

I have, &c.,

ONSLOW.

Enclosure No. 2.

His Excellency the Governor.

Premier's Office, Wellington, 3rd February, 1891.

I HAVE the honour to acknowledge the receipt of your Excellency's memorandum of the 29th ultimo, in which you call attention to the minutes of the meeting of the Executive Council at which the decision was come to commuting the death sentence passed on Mahi Kai to one of penal servitude for life.

Ministers agree with your Excellency in thinking that no alteration or addition can now be made to the papers of Ministers which contain no advice to the Governor, and that the minutes should be signed in the form in which they now stand.

Your Excellency asks that Ministers will consider what procedure they think should be adopted in advising the Governor at meetings of the Executive Council held to consider questions of the pardon or reprieve of criminals condemned to capital punishment.

Ministers, in offering advice, respectfully direct attention to Lord Knutsford's despatch in the Kitt case, 30th October, 1888, addressed to the Administrator of the Queensland Government, in which the doctrine of responsible government is applied, with reservations, to cases where the representative of the Crown is called upon to exercise the prerogative of pardon. Lord Knutsford observes, "A Governor who by acting in opposition to the advice of his Ministers had brought about their resignation will have assumed a responsibility for which he will have to account to Her Majesty's Government." Further, "It is in accordance with constitutional practice, and is indeed implied in Lord Carnarvon's despatch, that, in cases which do not affect Imperial policy or colonial interests, he ought not, without very strong and exceptional reasons, to act against their advice." Again, "While, therefore, Sir A. Musgrave appears to have acted strictly within the directions which had been given, he would have exercised a sounder judgment if he had subordinated his personal opinion to the advice of his Ministers."

These are the principles of responsible government, and it is difficult to understand how the Governor of a colony could read them in any other sense. Nor does the reservation made by Lord Knutsford in capital cases affect the doctrine of responsible government as broadly stated in his despatch. He says, "So long, however, as the present rule remains in force, the Governors of the Australasian Colonies should be guided by Lord Carnarvon's despatch." According to that despatch, the Governor, not only in capital cases, which are specially provided for in the Instructions, but in all cases, must not act without having received the advice, either of his Ministers collectively in the Executive Council, or of the Minister more immediately responsible for matters connected with the administration of justice. Having received that advice, he is to decide for himself how he will act, and he may, and indeed must, if in his judgment it seems right, decide in opposition to the advice tendered to him, but he will allow greater weight to the opinion of his Ministers in cases affecting the internal administration of the colony than in cases in which matters of Imperial interest or policy or the interests of other countries or colonies are involved.

The power here reserved is neither more nor less than the power rightly given to a Governor under Clause VII. of the Royal Instructions under the system of responsible government. In other words, the Governor may in any case refuse to accept the advice of his Ministers, but in doing so he accepts a responsibility involving certain consequences. The practice, however, has been, where the Royal prerogative is exercised, for the Governor to accept a personal responsibility, and actually to shield his Ministers from either the responsibility of defending him or being under the necessity, if they cannot do so, of resigning.

Ministers think that, in all cases coming within the rule where the Crown is called to exercise its prerogative of pardon, the ordinary practice of Ministerial responsibility should prevail, the Cabinet offering advice to the Governor in writing. That the matter should then be brought before a meeting of the Executive Council, where the collective advice would be repeated, while the reasons

of the decision of the Governor to accept the advice of his Ministers, or otherwise, would, with the written advice, be in due course entered upon the minutes.

It is hardly necessary to explain that if this course were followed in the future the practice would be changed, and Clause XI. of the Instructions would fall into desuetude. Under the existing practice the Governor accepts a personal responsibility, which makes him liable to hostile criticism, and weakens the position which the representative of Her Majesty should occupy. If, on the contrary, the well-trodden path of constitutional practice were followed, Ministers would bear the responsibility, and have to defend the act of the executive authority.

The objection that Ministers would be liable to be unduly influenced by public opinion equally applies to every other executive act relative to the peace, order, and good government of the colony, as well as to the practice obtaining in the Mother-country in respect of pardons, where the Home Secretary is solely responsible.

Ministers see no reason why such an anomaly should continue to exist as the performance of executive acts which the Advisers of your Excellency would not be required to defend in Parliament, and think that the last remnant of Crown colony administration should no longer continue to survive.

J. BALLANCE,
Premier.

No. 9.

(No. 13.)

MY LORD,—

Wellington, New Zealand, 9th February, 1891.

I have the honour to request that you will advise Her Majesty to confer upon the following gentlemen, who have been members of the Executive Council for the period hereinafter stated, the privilege of retaining the title of "Honourable:" Edwin Mitchelson, 11th October, 1887, to 23rd January, 1891; Thomas Fergus, 11th October, 1887, to 23rd January, 1891; George Frederick Richardson, 11th October, 1887, to 23rd January, 1891; Thomas William Hislop, 11th October, 1887, to 5th September, 1889, and 3rd October, 1889, to 23rd January, 1891.

I have, &c.,

The Right Hon. Lord Knutsford, &c.

ONSLOW.

No. 10.

(No. 14.)

MY LORD,—

Auckland, New Zealand, 26th February, 1891.

With reference to your Lordship's Despatch No. 59, of 13th December, 1890, I have the honour to inform you that my Government are willing to grant Mr. Exham an allowance of a similar amount to that which he received from the Foreign Office from 27th November, 1888, to 24th October, 1890, which is the date of Mr. Moss's appointment as British Resident, though he has not yet formally assumed the duties of that office.

I have, &c.,

The Right Hon. Lord Knutsford, &c.

ONSLOW.

No. 11.

(No. 15.)

MY LORD,—

Auckland, New Zealand, 10th March, 1891.

I have the honour to report that, in accordance with your Lordship's instructions, I have appointed Mr. Frederick James Moss to be British Resident in the Cook Islands, and that his appointment dates from 24th October, 1890. I enclose copies of the various documents relating to the subject, and also of some reports made to me by Mr. Moss after an unofficial visit which he paid to the islands in November last. See parliamentary paper, Sess. II., 1891, A.-3.

2. I also enclose a copy of the instructions which I have given to Mr. Moss after consultation with my Ministers, which I trust your Lordship will find to be in accordance with the tenor of your despatch on the subject, especially No. 58, of 13th December last.

3. Mr. Moss will not proceed to the islands to take up his duties until the end of this month or the beginning of next, and it is possible that some modification of the instructions issued to him may in the meantime be found necessary. In this case I shall at once acquaint your Lordship with what is done.

I have, &c.,

The Right Hon. Lord Knutsford.

ONSLOW.

Enclosure 2.

His Excellency the GOVERNOR to Mr. Moss.

SIR,—

Government House, Auckland, 25th February, 1891.

I have the honour to acknowledge the receipt of the reports, made by you at my request, on your recent visit to the Cook Islands.

Soon after your departure from New Zealand I received from the Secretary of State the necessary authority for appointing you to the office of British Resident in the Cook Islands, to which you had already been nominated by the Government of this colony, and your appointment was accordingly gazetted on the 25th November, 1890.

I have had much pleasure in reading the reports, which are very complete and extremely interesting, and gives evidence of the zeal and ability with which you have entered upon your new duties. I have also to thank the Rev. James Chalmers for the valuable assistance he afforded you by interpreting.

The reports make it clear that the inhabitants of these islands, and especially the Rarotongans, are much farther advanced in civilisation than is generally supposed. I may instance your statement that "the natives almost universally read and write in the native tongue," and that "the clothing is European in fabric and style."

It is not easy exactly to define the nature of your position as Resident. You have not the powers of the High Commissioner of the Western Pacific, nor those of Administrator in New Guinea; your position more nearly resembles that of the latter officer, inasmuch as you hold your appointment under the Governor of this colony, who instructs you after consultation with his Advisers; but you have no other European officials associated with you, and it would seem that legislation by way of ordinance is not very suitable to a protectorate, and especially to one in which the natives have been in the habit of framing their own laws. On this account you should be careful, as far as possible, to avoid interfering with the natives in their legislation. Their present laws seem to be founded on Christian principles of morality, and their infringement involves spiritual as well as temporal penalties; and you should endeavour to keep the two classes of punishment distinct, by insisting yourself on the punctual payment of all fines both by natives and foreigners, and leaving the infliction of spiritual punishment to the members of the Church. In the *ariki*s you already have the germ of a representative legislative body, which you should encourage in every way; and of which you should, whenever possible, increase the representative character.

There are two points which require to be settled forthwith: (1) The position of Messrs. Mason and Pearse, and (2) the regulation or prohibition of the liquor-traffic.

1. On the first point I desire to express my entire approval of the language held by you at Mangaia. Should you find on your return to the islands that the dispute has not been already arranged, you must carry out your undertaking, and hold a meeting to settle the matter. You will point out to the natives that, when Captain Bourke told them that their laws would remain in force, it was not meant that they could change them at will to the injury of Her Majesty's subjects, who had expended money and labour on the strength of them, and in the expectation that they would not be changed without compensation being given for any losses thereby caused. I have every hope that the matter may be settled so as to satisfy Mr. Pearse and Messrs. Donald and Edenborough; but if this is not done you will demand from the natives such compensation as you may deem reasonable for the disturbance of Mr. Pearse, and you will adopt the same course in the case of Mr. Mason, who is entitled to reside in Aitutaki, which is part of Her Majesty's dominions. You will make it clear that, while recognising to the full their right to frame their own laws and to govern themselves, Her Majesty's Government cannot allow agreements to be broken which have been formally entered into between the natives and Her Majesty's subjects; and, while using every effort to persuade the natives to admit European traders on the condition of obeying the laws, you will impress upon the *ariki*s that, if they give Europeans documents authorising them to do certain acts in the islands, Her Majesty's Government will require them to respect those engagements.

2. With regard to the liquor-traffic, I regret that the prohibitory law has been found impracticable. In all similar communities total prohibition has been found to work well, and should be retained in Mangaia and any other island of the group where it is already in existence. The evils arising from the sale of strong drinks, and the failure to secure sobriety under the prohibitory law which you found in existence on your first visit, fully justified you in offering advice to the *ariki*s as to the best means of removing these abuses. As a general principle, Her Majesty's Government desire, in all islands of the Pacific coming under Her Majesty's authority, to maintain the total prohibition of the liquor-traffic with the natives; but a partial departure from the principle may be admitted in this case, in view of the special circumstances (1) that the natives, and specially the *ariki*s, do not favour total prohibition, as appears from the proceedings of the Council on the 22nd and 24th December; (2) that they would consider it an indignity to be prohibited from purchasing strong drink, while no such restriction was placed upon Europeans; (3) that there is no strong public opinion in its favour among the natives themselves which would enable the provisions of such a law to be effectually carried out by them; (4) that there are no European officials who could enforce the law, and no means of paying them if they were appointed.

The strong belief entertained by you (which Mr. Chalmers indorses) that the law passed by the Council on the 24th December, and now in force in Rarotonga, will secure *temperance* in the true sense of the word, entitles it at least to a trial; but you will carefully watch its operation, and report to me not only the number of prosecutions for drunkenness which takes place under it, but also the result of your own observations as to the sobriety of the Rarotongans and of the visitors to Rarotonga from other islands. Both the Imperial and the Colonial Governments entertain very strong opinions on this subject, and will not readily tolerate any law short of total prohibition which cannot be shown to secure sobriety among the natives. If this law does not prove effective, you are authorised to announce that some means will have to be devised of raising funds to pay the neces-

sary officials who will be appointed to prevent absolutely the importation of alcoholic liquors into the Cook Islands. While on this subject, I would desire you to convey to Mr. Garnier my thanks for the assistance which he has rendered, and my hope that his efforts will be successful in bringing about sobriety.

Until some revenue can be obtained, it is useless to attempt much in the way of European administration; but you should endeavour to obtain the establishment of some small uniform tax on imports sufficient to pay one or two administrative officers. You should further do your best to secure the printing of all laws in both Rarotongan and English. Any fresh legislation will be expressed as passed by the Resident and the Council of the island acting in conjunction; and no law will be valid which is not approved and countersigned by the Resident. It will be well to take an early opportunity of inviting the Council to re-enact such of the existing laws as may be deemed necessary in the form above prescribed.

The Proclamation announcing your appointment as British Resident in the Cook Group should be read in each of the islands constituting the group, except in Aitutaki, where Captain Bourke's Proclamation that the island had become part of Her Majesty's dominions will hold good, and no further Proclamation need be read; but in the administration of the Government you will make no more distinction between Aitutaki and the other islands of the group than this difference in their political position renders absolutely necessary.

I desire to express my great appreciation of Queen Makea's generosity in giving a piece of land on which to build a house for the Resident. Acting on your suggestion, I have written direct to her, to convey the satisfaction felt by Her Majesty's Government at the gift, and I am also sending her a sun-dial, made under the superintendence of Sir James Hector, and corrected for the time on the parallel of Rarotonga, in the hope that the other *ariki*s will take their time from Queen Makea's palace.

I have brought your remarks on the inadequacy of your salary under the notice of my Ministers.

In conclusion, and speaking generally, the objects to be kept in view are to leave the natives in the possession of their existing right of legislating for themselves, reserving to yourself a veto on all laws which may seem to interfere with the liberties of Her Majesty's subjects resident in the group, or to have a tendency to corrupt the morals of the natives or destroy their race; to use your best endeavours to promote a knowledge of the English language, bearing in mind, as the settled policy of Her Majesty's Government towards all native populations in the Pacific, the proposals put forth by the representatives of the several colonies at Sydney, in 1886, with respect to the administration of New Guinea, and agreed to by the Colonial Conference in 1887. These, as applied to the present case, are shortly as follows: (1.) No purchase of land to be allowed to be made by private persons, except from the Government, or purchasers from it. (2.) No deportation of natives to be allowed, either from one part of the territory to another, or to places beyond the territory, except under laws reserved for her Majesty's assent, and assented to by Her Majesty. (3.) Trading with the natives in arms, ammunition, explosives, and intoxicants to be prohibited, except under laws reserved and assented to in like manner. (4.) No differential duties to be imposed in favour of the guaranteeing colony, or any other colony or country.

I have, &c.,

F. J. Moss, Esq., British Resident in the Cook Islands.

ONSLow.

No. 12.

(No. 16.)

MY LORD,—

Auckland, New Zealand, 11th March, 1891.

I have the honour to enclose two copies of a petition addressed to me by the New Zealand Alliance for the Suppression of the Liquor Traffic.

2. A petition in identical terms has been presented to the Premier of New Zealand, and I enclose the reply which he has made to it.

3. I also beg to enclose copies of a memorandum by Mr. Moss on the petition, and a telegram from myself to Mr. Chalmers, the missionary referred to in the statement annexed to the petition, with his reply to that telegram.

4. From these enclosures, and the papers enclosed in my Despatch No. 15, of yesterday's date, your Lordship will gather the views which I and my Ministers entertain on this subject.

I have, &c.,

The Right Hon. Lord Knutsford.

ONSLow.

Enclosure No. 1.

To his Excellency the Right Honourable WILLIAM HILLIER, Earl of Onslow, of Onslow, in the County of Salop; Viscount Cranley, of Cranley in the County of Surrey; Baron Onslow, of Onslow in the County of Salop, and of West Clandon in the County of Surrey; Baron Cranley of Imbercourt; Baronet; Knight Grand Cross of the most distinguished Order of St. Michael and St. George; Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same.

MY LORD,—

On behalf of the New Zealand Alliance for the Suppression of the Liquor Traffic, I have the honour to enclose a statement in reference to the action of Mr. F. J. Moss, the lately appointed British Resident, at Rarotonga in the Cook Islands group, which the Alliance believes to be

calculated to inflict a great injury on the inhabitants of that and other islands of the group, and to be in direct contravention of the wishes of the greater part of the inhabitants, and in conflict with a fundamental principle of their Constitution. The excuse for the New Zealand Alliance interfering in this matter is to be found in the application of Queen Makea, of Rarotonga, to that body requesting its aid to enforce the prohibitory law as it then stood, which will be found in the correspondence with Her Majesty, Sir John Thurston (the High Commissioner for the Pacific), and others, appended.

I have also the honour to request your Excellency to forward to the Right Honourable the Minister for Foreign Affairs, with whom, I presume, Mr. Moss has his official relations, the copy of the statement forwarded herewith to his address.

I have, &c.,

WILLIAM FOX,
President of the New Zealand Alliance for the Suppression
of the Liquor Traffic.

STATEMENT REFERRED TO.

AMONG the aborigines of the Pacific, none are more interesting than the inhabitants of the group called Cook Islands, of which Rarotonga is the largest and most populous. The people are of the same aboriginal race as the New Zealand Maoris, and speak nearly the same language. They are the finest specimens of physical development of all the natives in the Pacific, and exhibit much natural intelligence and other valuable characteristics. They were among the first of the Pacific-islanders to receive the Gospel at the hands of the Rev. John Williams and the little band of missionaries who, in connection with the London Missionary Society, inaugurated mission-work in Rarotonga about A.D. 1823. Under the auspices of these missionaries they adopted a Constitution based on hereditary monarchy and an elected Parliament of one chamber, which they have maintained to the present day, and under which the will of the people is practically carried out. A fundamental principle embodied in their Constitution prohibits the importation and use of intoxicating liquors, an element everywhere destructive of savage races and everywhere obstructive to the progress of civilisation. If this law had been rigorously enforced the people would of necessity have remained as God created them and the missionaries found them—a perfectly sober nation. Of late years, however, the growing commerce of the Pacific has brought them into contact with outside influences. The ubiquitous liquor traffic has found them out, has fixed its hook in their jaw, undermined the fidelity of many of them to the great principle of their Constitution, and threatens to destroy the sobriety of a community which, when we first made its acquaintance and for many years afterwards, was ignorant even of the taste of the fire-water. Vessels from New Zealand, Australia, Tahiti, and elsewhere now carry on a considerable commerce with the islands; and, in defiance or evasion of the law, alcoholic liquors are introduced to a large extent, which has already gone far to destroy the general sobriety, and threatens as a natural and apparently inevitable consequence to annihilate the race. The natives being unacquainted with the indefatigable persistency of the liquor traffic, and apparently not very familiar with the vigorous execution of the law, have failed to grapple with the evil. A few months ago a pathetic appeal was made by Queen Makea of Rarotonga to the Governor of New Zealand and the leading temperance organizations in that colony, asking them to prevent the transmission of intoxicating drink from our country to theirs.

Appended will be found copies of letters upon the subject which have passed between the Queen of Rarotonga, Sir John Thurston (the High Commissioner for the Pacific), and the executive council of the New Zealand Alliance for the Suppression of the Liquor Traffic, and other papers to which your Excellency's attention is respectfully solicited.

Subsequently to the date of the correspondence above referred to, and as the result of a negotiation between the Colonial Government of New Zealand and the Imperial Government of Great Britain, the latter has, on the nomination of the former, appointed a New Zealand colonist, Mr. F. J. Moss, to be "Resident" in Rarotonga. What are the objects, functions, and limits of power of the appointment are not very clearly understood; but it is understood that, although salaried by the Colonial Government, Mr. Moss holds himself entirely independent of it in the performance of his duties, and only responsible to the Imperial Government.

Mr. Moss has recently paid his first visit to Rarotonga, the duration of which was only a few days. Brief as the period was, however, he appears to have suggested to the Parliament of Rarotonga very important political and legislative changes of a fundamental character, when he appears for the time to have occupied by some means the "presidential chair" of the Legislature. Among these changes is a fundamental alteration of the prohibitory law before mentioned—the legalisation of the importation of intoxicating liquors under the superintendence of a European officer, who, on their arrival in the colony, is to take charge of them and distribute them to such applicants as he thinks proper on payment of duty or license-fee of so much a gallon, and apparently on behalf of the importer, of the price of the liquor. This appears in some manner or another to have passed through the Legislature under Mr. Moss's peculiar presidency before referred to.

It seems, however, very clear that the whole transaction was a surprise upon the natives, and both the Queen and some of her chief advisers are reported to have entered very vigorous protests against it; and it is not likely that it will be allowed to continue as it is. A copy of the only document which has reached us, "A correspondent's letter" in the *New Zealand Herald*, the authorship known to the editor, and believed by him to be reliable, is forwarded herewith (Appendix 7), from which a bird's-eye view of the whole case can be obtained. An interview with Mr. Moss on his return to Auckland was requested by the executive of the New Zealand Alliance for the Suppression of the Liquor Traffic, but declined by Mr. Moss on the ground that it would be a breach of official

etiquette to reveal his actions and views before he had transmitted them to the Imperial Government through your Excellency as the Governor of this colony.

In the meantime the executive committee of the Alliance has been favoured with a very exhaustive discussion on the subject with the Rev. Mr. Chalmers, the well-known pioneer of mission-work in New Guinea, who previously was a missionary in Rarotonga for twelve years, and was present on the latter island on the late occasion of Mr. Moss's visit.

Mr. Chalmers has always been and is a staunch advocate of prohibition, but he is convinced that the Rarotongan Government has not the ability successfully to enforce prohibition without the external aid of a skilled European officer. Supposing that aid to be supplemented, he considers it to be perfectly possible absolutely to suppress all importation of strong drink. He is also convinced that the great bulk of the natives, including Queen Makea, do really and earnestly desire to maintain the prohibition law. The weak point is that they will not face the payment of the salary necessary to secure the services of a competent European officer to enforce the law. They no doubt think that the Government of New Zealand (and other British colonies), being the parties responsible for the liquor leaving the shores of the latter, ought to assist them in the cost of preventing its introduction. It is presumed that the Government of New Zealand, in securing the appointment of a British Resident at Rarotonga, and undertaking to pay his salary, did not intend that he was only to be an ornamental appendage; it no doubt contemplated commercial and other advantages to be received in return; and it may fairly be contended that, in assuming the relations it has done towards Rarotonga, it will recognise the obligation to protect that island from invasion by New Zealand liquor traders in defiance of the constitutional laws of the former. If the New Zealand Government would act in the direction suggested by Mr. Chalmers, by contributing a moderate salary for the appointment of such an officer as referred to, to prevent the introduction of strong drink, not to regulate its sale and receive fees or revenues on account of it, as Mr. Moss appears to have proposed, it would be a recognition of the responsibility it has assumed by its action in reference to the appointment of a British Resident.

SUMMARY.

THE position and requirements of the case may be summed up as follows:—

1. The natives, before the establishment of the British protectorate, had in their Constitution, embodying the will of the rulers and people of the islands, the principle of the prevention of the introduction of strong drink into their country from any places or by any persons.

2. The establishment of the British-Colonial protectorate should not and cannot be held in any way to invalidate this deliberate intention and decision of the natives; but, on the contrary, ought to be a means by which all the proper aspirations of the natives, particularly in a matter so much affecting their morality, might be given effect to.

3. The only obstacle to the successful carrying-out of the prohibition desired and determined upon by the inhabitants, so far as can be learned from reliable sources, is the want of a European officer fitly empowered with Imperial and native authority to take the active steps necessary to prevent the landing of liquor from vessels bringing it to the islands, due notice of the article being contraband having been previously given to the traders.

4. The appointment of such an officer implies an annual expenditure of a moderate amount, which must in the first instance be provided by the Colonial or Imperial Governments, in pursuance of the expressed desire of the inhabitants of the islands over which a protectorate has been declared, and for which a British Resident has been selected on the nomination of New Zealand. Eventually, when the natives have been familiarised with the mode of suppression, and have learned to fully appreciate the advantages to themselves, the cost of keeping the traffic out can with ease be transferred to them.

5. Should the desire expressed in this memorial—*i.e.*, the appointment of a prohibition officer for the islands—be acceded to by your Excellency, and the necessary action be taken by the Imperial or Colonial Government to give effect to it, we feel confident very general satisfaction will be felt by all concerned in the well-being of a most interesting people, who have special claims upon New Zealand sympathy in their struggle against a traffic which, if allowed to get firm hold upon the Cook group of islands, will assuredly result in the early extirpation of the race inhabiting it, a result which would be looked upon by the Empire at large as a lasting disgrace to the British name.

APPENDIX No. 1.

• Women's Christian Temperance Union, Mount Eden, Auckland,

MY DEAR SIR,—

23rd May, 1890.

I have just heard that certain European traders are trying to induce the Queen of Rarotonga to alter her laws so as to permit the introduction and sale of intoxicating drinks into that island. We are agreed on prohibition, I know, and therefore feel no hesitation in asking you to co-operate with us against this iniquitous attempt. We, who know something of the disastrous consequences of the liquor traffic among these native races, ought not to allow such a thing without uttering our earnest protest to those in authority. Our Union will petition Makea, Queen of Rarotonga, at Awarua, as a mother and ruler, for the sake of her children and people, to use her influence with other rulers in the island to prevent the curse of strong drink entering that beautiful island.

Yours, &c.,

Sir William Fox, President N.Z. Alliance.

A. I. SCHNACKENBERG.

APPENDIX No. 2.

THE following is the text of a petition which is being forwarded to Queen Makea, of Rarotonga: "We, the undersigned citizens of Auckland, New Zealand, have heard with deep sorrow that some

people are endeavouring to obtain your Majesty's consent and permission to introduce and sell intoxicating liquors in your beautiful island. We have witnessed the terrible effects which have followed their use here, and the poverty, crime, and other evils which always attend their sale. We therefore pray you, as Queen, to exercise your power, and forbid the landing and sale of intoxicating liquors in your dominions."

APPENDICES NOS. 3 AND 4.

Reply from Queen Makea and her Secretary.

SIR,—

Rarotonga, 18th July, 1890.

Your petition reached us, and we are pleased to know that you are so willing to help us in our trouble about the intoxicating liquor. Our laws do not permit liquor to be imported here, but in spite of our endeavours it is brought here, and the Acting Consul (Mr. R. Exham), being manager of a trading firm, does not give us any help, he bringing liquor here. We ask you to help us to stop its coming here by speaking to your Government to make a law to stop its exportation from New Zealand to this group. You speak good, and we are pleased with you, and hope you will succeed on our behalf. We send a petition to the Governor of New Zealand to the same purport as this. We want no liquor here at all. Hoping to hear that you have been successful in this,

We remain, your friends,

Sir Wm. Fox, President, New Zealand Alliance.

MAKEA ARIKI.

SIR,—

I am desired by Queen Makea and the chiefs of this island to express to you their thanks for your kind encouragement in their endeavours to prohibit the importation of liquor here. Enclosed you will find seven copies of the address we send your Alliance, and we would ask you to kindly forward them on to their correct destinations, and hope your valuable aid will be given to not only stay the export from New Zealand, but also from Tonga, Samoa, and Tahiti, to this place. We propose to send a petition to the authorities of the places named, and have asked Lord Onslow to communicate with those places upon the matter. Please add your Alliance's influence in the same direction.

I remain, &c.,

Sir Wm. Fox, President, New Zealand Alliance, Auckland.

H. ELLIS, Secretary.

APPENDIX No. 5.

Letter to Sir John Thurston from New Zealand Alliance.

SIR,—

New Zealand Alliance Office, Auckland, New Zealand, 30th May, 1890.

On behalf of the New Zealand Alliance for the Suppression of the Liquor Traffic, I have the honour to call your attention to a report which is current here, apparently on good authority, to the effect that an agitation is on foot to procure the repeal of the prohibitory law against the importation of alcoholic liquors in force in the Island of Rarotonga, and which we believe is embodied in the political Constitution of that island, and has been hitherto rigidly enforced. We would not presume to interfere in the affairs of that independent island were it not that it is understood that the attempt to obtain the repeal of this law is being promoted mainly on account of certain commercial parties in this colony who have an interest in the sale of liquors among the islands, which so far involves the colonists of New Zealand in responsibility for what is being done. There has always been a great interest taken here in the inhabitants of Rarotonga, who appear to be of the same genealogy as the Maoris, and who have frequently visited this colony, and, in the person of their Queen, only a few months ago have been received with much sympathy by both races of its inhabitants.

We are not aware how far your official functions may enable you to interfere in a case of this sort, but we feel assured that, whether officially or in your private capacity, you must be able to influence decision of the Rarotongan Government. We beg, therefore, most respectfully, that you will exert your influence to prevent, if possible, so great a calamity as the repeal of the law would undoubtedly be to Rarotonga.

I am, &c.,

W. Fox.

APPENDIX No. 6.

Letter from the High Commissioner to Sir W. Fox.

SIR,—

High Commissioner's Office, Western Pacific, Suva, Fiji, 21st August, 1890.

I am directed by the High Commissioner to acknowledge the receipt of your communication of the 30th of May last, having reference to the repeal of the prohibitory laws of Rarotonga against the introduction of alcoholic liquors.

His Excellency desires me to say that he has received similar communications from other sources, and that, so far as in him lies, he will do all in his power to prevent the repeal of such salutary laws as those referred to.

The High Commissioner has no jurisdiction at present over natives of the Pacific; but he believes his counsel and advice to the native authorities of the Hervey Group would not be without weight.

I am to add that Sir John Thurston has long sought, and still hopes, to attain an international agreement by which trade in liquor and arms among the Pacific-islanders may be entirely suppressed. And in this question, as it from time to time arises, His Excellency invites the influence and support of the Alliance over which you preside.

I have, &c.,

WILFRED COLLETT, Secretary.

APPENDIX No. 7.

From "Own Correspondent" New Zealand Herald, 8th January, 1891.

The first meeting of the newly-elected Council took place on the 22nd December, at the residence of Queen Mere Pa. There were present: Mr. Moss (in the chair), Queens Makea, Mere Pa, and Tine Moma, chiefs Tepou, Karaka, Tekeao, Rainuka, Maovete, and Mr. J. M. Gelling. Mr. Moss, in opening the proceedings, had a letter read (being interpreted by Mr. Hutchins), informing them that Mr. Gelling had been duly elected to the Council by the foreign residents. Mr. Gelling then took his seat. Mr. Moss stated that Ngaramu (King of Atiu) wished to be a member of the Council, and the request was acceded to; he also said that the Council would not interfere with the local governments of the island. The chief Maovete was then elected the chairman for that meeting. Mr. Moss said he wished the *arikis* not to sit in this Council, but appoint *ngatiapos* to take seats, and that the *arikis*, with the Resident, form an Upper House; and that any law should not be put in force until approved by the Upper Parliament. The natives expressed their astonishment at the strange customs of the *paapas*. If the law was passed by the Council they could not understand why some other people were to be able to say no to it. What was the use of the Council if others were to undo their work? They ultimately agreed to the suggestion. The following law was proposed for the regulation of the disposal of intoxicating liquors: 1. That the Licensing Officer shall be now appointed by the Council. In case of vacancy he shall be temporarily appointed by the *arikis*. 2. The duty of the Licensing Officer shall be to take account of all spirits, wine, cordials, beer, and other intoxicating liquors in store within the Cook Islands, or what may be hereafter imported. 3. He shall see that the same are placed by the owner in a separate building with two locks, of one of which the key shall remain in his possession. 4. No intoxicating liquor shall be sold, taken, or be consumed by the owners thereof except through the agency of the Licensing Officer, who shall issue a permit and keep a record of the same. 5. The president of the Council may from time to time make any regulation for carrying out this law. 6. On all liquors for which the Licensing Officer issues a permit he shall charge as follows: Spirits at the rate of 6s. per gallon; wines at the rate of 1s. per gallon; beer at the rate of 6d. per gallon; and when in bottle, six customary quart bottles, or twelve customary pints, shall be counted as one gallon. 7. Any person disobeying this law shall be liable to a fine not exceeding 150 dollars, or a proportionate period of imprisonment with hard labour, and the Licensing Officer shall prosecute the same. 8. All fees or fines under this law shall be public revenue, and from the same the Licensing Officer shall be paid such sum per annum as the Council may direct. All previous laws relating to the importation or sale of liquors to be repealed. In considering these proposed laws, the natives urged the total abolition of the importation of the liquor, and, in explanation, said difficulty was found in making the Europeans obey the laws; and they also objected to their being two laws—one that Europeans could have liquor and the Maoris not. Tepou o te Rangi spoke most warmly on the subject, and stated several cases in which European offenders had defied the laws; and he could not see why the total abolition of the liquor was objected to. If the European was to be allowed his drink he considered that the natives should have equal rights. Mr. Moss said it would be utterly impossible to stop the importation of liquor, and he could not see the reason why the European should be deprived of having liquor and selling it to the other Europeans if he so desired, under certain restrictions, as provided by the proposed Act. Tepou still objected to two laws, and advocated either total abolition or that both the European and the native be placed on the same footing. After considerable discussion, it was ultimately resolved to adjourn the consideration until the 24th, during which time the European representative on the Council would confer with his constituents and ascertain their opinions. The meeting then adjourned.

On the 24th the adjourned meeting took place at Queen Makea's residence. The liquor question was the first business taken up, and Mere Pa said, if the liquor was to be brought into the place, very well, let every one get it freely, and soon men and women would be drinking, and then its evil effects would be fully seen. Mr. Chalmers read over a newly-compiled law from Mr. Moss, of which the following is a *résumé*: A Licensing Officer to be appointed by the Council, and in the event of vacancy the Council to fill it; his duty to be to take charge of all liquor on, or that may come on, to the island, and only to issue the same according to the law, he to select a suitable place to store the liquor in. On or before the 10th January next all persons having liquor were to report same to the Licensing Officer and place it at his disposal. Any one selling liquor shall see that the person to whom he sells obtains a permit from the Licensing Officer. In the case of natives he shall only issue a permit on the written authority of the Queen of each district. The fees to be paid for obtaining the liquor from bond to be: Spirits, \$1½ per gallon; wine, 30c. per gallon; and beer, 15c. per gallon; the penalty for infringement of the law \$150, or proportionate amount of hard labour. All other laws *re* liquor except as relates to natives are repealed. Prohibitory orders to be obtainable against excessive drinkers. The Licensing Officer has power to enter any person's premises in search of liquor, and any liquor found not reported shall seize it, the onus of proof resting with the owner. Returns to be compiled monthly and sent to the Governor of New Zealand. Mr. Garnier was appointed Licensing Officer at a salary of \$25 a month. Considerable discussion took place, but it was of a very desultory nature, the natives evidently not grasping the full meaning of the law. Laws dealing with cattle-trespassing, vessels arriving with sickness on board, and Sunday observance were considered. In connection with the last subject, considerable discussion took place, it being pointed out that the steamer "Little Agnes" almost always sailed on Sundays. Laws were also considered against furious riding and driving, dog-tax, against further introduction of Chinese, and divorce. At this stage Queen Makea said she considered matters were being pushed along far too rapidly, and that she did not understand all that was taking place. New laws were being passed, but nothing was being done with the old laws. She would like the meeting to finish, to give time to consider matters. After the other Queens and some of the native members of the Council had also spoken in a similar strain, the meeting closed.

After the meeting closed the native authorities had a long meeting, when the new situation and turn of affairs were fully discussed, and almost unanimously they agreed that matters were getting into a mixed-up position, and generally great dissatisfaction was expressed at the rush of business, and doubts were expressed as to the wisdom of the haste in dealing with such important measures as the liquor-law, &c.

On Christmas night a dinner was given by the pupils attending the English school here to their teacher, Mr. Ellis. There was a large attendance, and a most sumptuous repast of turkeys, fowls, pork, &c., was provided. After the good things had been done ample justice to, games, &c., were indulged in and kept up until a late hour. Altogether a most enjoyable evening was spent, and it was pleasing to notice the very cordial feeling that existed between teacher and scholar. At a meeting of the Queens and chiefs, held at the close of the Council meeting on the 24th instant, among other matters spoken of was that of the English school, and expressions of pleasure were passed at the good work being done by Mr. Ellis, and the satisfaction he was giving.

Queen Makea, with great liberality, has made a deed of gift of 4½ acres of land to Her Majesty Queen Victoria, as a site for the future residence of the British Resident. The site is a very beautiful one—in fact, is about the pick of the island, and the gift is a proof of the sincerity of the natives in their desire to remain under British rule. In addition, the natives are willing to saddle themselves with the expense of the erection of the Resident's house (to cost some \$3,500). It is to be hoped that the New Zealand Government will not lose sight of this liberality on the part of the natives of this group, and will do all in their power to assist them in the many works they are now taking in hand for the better government of the group, and for the protection of foreign interests. The natives are indirectly taxing themselves very highly for school-maintenance, police, and judges' work, &c., so that they are not very well able to bear any further imposts, and, consequently, it should almost be looked upon as a duty of the New Zealand Government to relieve the people here of a part of their burden rather than add to the taxes.

Avarua, 29th December.

To-day Queen Mere Pa sent a letter to Mr. Moss, informing him that she was not inclined to carry out the new laws as framed. Naturally, such a letter created no little stir; but Mr. Moss, I understand, has sent a letter in reply, telling the Queen that she must comply with the work done by the new Council, and not to throw away good work done. It is feared that a general feeling of discontent exists among the natives upon these new laws, they considering that their passing has been too hasty, and that they have not had due consideration given to them. However, time will show that such is the case; but there is no question that upon the liquor-law they are not quite pleased. They would much prefer no liquor being brought on to the island, and have conceded to Mr. Moss's views only on his telling them that it was next to an impossibility to stop its importation, and that it would be a wrong to the Europeans to debar them of their "tot."

APPENDIX No. 8.

Leading Article in New Zealand Herald, 8th January, 1891.

WE publish to-day a full account of the meetings which Mr. Moss has had with the natives of the Rarotongan group of islands. Mr. Moss's function as British Resident is really to aid the natives in introducing a system of government, under which they shall be trained to do as much as possible for themselves, and to depend as little as possible on outside assistance. These islands afford an opportunity for the making of a most interesting experiment. The natives are intelligent, and they see clearly enough what is for their benefit. Then there is no possibility of colonisation by Europeans. There will be a few planters here and there, a few traders, and perhaps a good many of the nondescript class known as "beachcombers." But the interests of natives and Europeans will never clash as they have done in New Zealand. At the same time, it is quite certain that it is the presence of Europeans that introduces complexity into the legislation of the islands. Mr. Moss is somewhat in the same position as was Mr. Busby at the Bay of Islands in the early days, when the Maoris described him as a "man-of-war without guns." Mr. Moss must study the dispositions and the wants of the natives, and the laws must be made to suit them, and to be consonant with their wishes. In all transactions between natives and Europeans, both parties must act according to the recognised law, but in the making of that law the native interests must be supreme. Rarotonga is not a British colony. Any European going there knows that he is going to a foreign country. On one subject we have grave doubts whether Mr. Moss is right. The desire of the natives seems to be that intoxicating liquors should be totally excluded. Mr. Moss is against total exclusion, and has got them to consent to a system of license and regulation. On this point the opinion of the natives ought to be absolutely decisive. If they think that liquor should be totally excluded, then totally excluded it should be; and no account should be taken of the fact that the beachcombers want their "tot." Evidently, the native chiefs are under the impression that no system of regulation will be effectual to keep away from their people the evils of drink. That ought to be enough, and total exclusion ought to be made the law. Any European going to Rarotonga must make up his mind to do without alcohol. If that is impossible for him, then he must just stay away. The experiment now being made in these islands will be closely watched all over the world. Mr. Moss is British Resident, but he is appointed by the Government of New Zealand, and he reports to the Governor of this colony, and no doubt will receive directions from him. The system is new, and, if it is a success, further appointments of the same nature may be made in the Pacific.

Enclosure No. 2.

The Hon. the PREMIER to the Hon. Sir WILLIAM FOX.

SIR,—

Premier's Office, Wellington, 19th February, 1891.

Referring to my letter of the 2nd instant, I have since ascertained that the statement which accompanied yours of the 24th January, of the action of Mr. F. J. Moss, the lately appointed Resident in the Cook Group, in the Southern Pacific, in reference to the liquor traffic, by the introduction of a licensing system in lieu of the prohibitory law hitherto existing, is a copy of one which you had forwarded to his Excellency the Governor, and to which His Excellency has desired me to reply.

It is to be regretted that the New Zealand Alliance should have described Mr. Moss's action as "unduly hasty and indiscreet," because it appears to have been exactly the opposite. That gentleman was specially instructed by the Governor to inquire into the liquor traffic in the Protectorate, and on his arrival at Rarotonga he urged the ruling *ariki*s to call their Council together and pass a suitable law, absolutely prohibiting the sale or gift of imported spirits to natives. On the 22nd November, 1890, a law was passed that "No person, be he native or foreigner, shall sell spirituous liquors to any native. Any person so doing from this day will be fined \$150 cash. The native who buys such liquor will also be fined \$5 cash."

But Mr. Moss soon found that some of the *ariki*s and chiefs were not in favour of prohibition for themselves, and resented the application of this law to natives only. Further, finding that to make a prohibitory law applicable to both races was impracticable unless the cordial co-operation and willing obedience of the natives and the foreign residents could be secured, he advised that another Council should be held, at which the foreign residents should be represented. This Council met on the 22nd December, and, after considerable discussion at an adjourned meeting, held on the 24th, passed a law for the control and restriction of the sale of intoxicating liquors, and appointed a licensing officer to give effect to its provisions. Under this law "No intoxicating liquor shall be sold by any one except to persons to whom a permit to purchase or receive the same shall have been granted by the licensing officer. In the case of natives, the permit shall only be issued on the written authority of the ruling *ariki* of the district, but the foreigners shall go only to the licensing officer."

I enclose copy of a note (Enclosure No. 6) addressed by Mr. Moss to the Rev. James Chalmers, who was at Rarotonga at the time and acted as interpreter at the Council, upon which that gentleman confirms the fact that control and restriction, in preference to prohibition, was voted for by the whole Council.

The law relating to total prohibition, to which in the statement the New Zealand Alliance specially refers, appears to have been a dead letter prior to Mr. Moss's arrival, as will be seen from a letter addressed by the Rev. Mr. Chalmers to the Governor on the 5th instant, copy of which I also enclose (No. 5), in which he also describes the immediate good effect of the law placing the sale of intoxicating liquors under restriction.

The Government has given the matter its most attentive consideration, and has arrived at the conclusion that Mr. Moss has been very earnest in his endeavour to stop the liquor traffic, and that under all the circumstances the action taken by him has been the wisest he could have adopted, and has the entire approval of the Government.

Sir William Fox, K.C.M.G.,

I have, &c.,

J. BALLANCE.

President of the New Zealand Alliance.

Enclosure No. 3.

Mr. MOSS'S MEMORANDUM for His Excellency the GOVERNOR on Sir W. Fox's Petition.

Wellington, 3rd February, 1891.

THE petition states that my action at Rarotonga is "calculated to inflict a great injury on the inhabitants of that and other islands of the group," and that it is "in direct contravention of the wishes of the greater part of the inhabitants, and in conflict with the fundamental principle of their Constitution."

As to the injury: Nineteen houses were openly and at all hours selling liquor to be drunk on the premises. These are now closed, and no native can be supplied with liquor unless he has a written authority from the ruling *ariki* of his district to apply for a permit to purchase the same. In no case is any liquor sold to be drunk on the premises by either native or foreigner.

As to the "fundamental principle of the Constitution," I am not aware of the existence of a Constitution of any kind. Prohibitory liquor laws have been on the law-book for many years. At some of the islands they are rigidly enforced. At Rarotonga, from causes stated in my report, they had fallen into disuse and were found impracticable. I was informed that the attempt to enforce them only led to bribery and corruption, and I believe that this would be the result now unless European officials were appointed to prevent smuggling and illicit trading.

The New Zealand Alliance is in error in supposing that prohibition is desired by the people. The Council, consisting of natives and a representative of the foreigners, unanimously voted for the law now in force in preference to total prohibition. The Minutes of Council appended to my general report are on this point a sufficient reply.

I observe also that the Alliance, in the letter to the High Commissioner, Sir John B. Thurston (of the 30th May last), refer to the law as being "we believe" embodied in the political constitution of Rarotonga. They add that they also believe it has been hitherto rigidly enforced. The grounds for this belief are not mentioned; nor is any reason given why the petition should now speak so positively. If the reasons were given, I think I could show the Alliance how it has been misled.

The petition, speaking of the alleged Constitution, describes it as “based on hereditary monarchy and an elective Parliament of one Chamber, which they have maintained to the present day and under which the will of the people is practically expressed.” Certainly there is neither an hereditary monarchy nor an elective Parliament now in existence in Rarotonga. There may have been such a system on paper at one time, but I heard no reference whatever to it during my stay, which, I may say, was not “only for a few days,” as the Alliance states. I was six weeks in the group, of which thirty days were spent in Rarotonga.

The petition states that, had liquor not been introduced, “the people would probably have remained as God created them and the missionaries found them—a perfectly sober nation.” The natives then drank *kava* (made from the *Piper methisticum*). This was prohibited by the first missionaries; but I believe the present missionaries very generally regard the prohibition as a mistake. In Rarotonga the natives are reverting to their old drink since imported liquor has been placed beyond their reach. It is to be hoped also that it will replace the “bush beer,” a compound of oranges, bananas, or pineapples, drunk in a state of full fermentation, very injurious, and largely consumed—contrary to law—by the natives, as described in my report. Of this the Alliance do not seem to be aware.

The petition states that I “appear for the time to have occupied by some means the Presidential Chair of the Legislature.” Only two Councils were held. The one was presided over by Tepou; the other by Maovete. I prepared in English the laws to be submitted, and they were kindly put into Rarotongan by the Revs. Messrs. Chalmers and Hutchin, in order that they might be well understood when brought before the Council. The liquor law, especially, was keenly debated during the two days that it was before the Council.

Having said this, it will I hope be unnecessary to comment on the Alliance’s charge that the Council was taken by surprise. I may be permitted to add, that the above, with other statements in the petition, would not, I think, have been made if the Alliance Committee had taken my suggestion, not to be influenced to action by the anonymous letter of a newspaper correspondent, but to await the publication of my report to His Excellency the Governor, in the preparation of which I was engaged when invited to attend their meeting.

FREDERICK J. MOSS.

Enclosure No. 4.

His Excellency the GOVERNOR to the Rev. Mr. CHALMERS.

(Telegram.)

4th February, 1891.

It is stated in petition from New Zealand Alliance that Mr. Chalmers is convinced that the Rarotongan Government has not the ability successfully to enforce prohibition without the external aid of a skilled European officer. Supposing that aid to be supplemented, he considers it perfectly possible absolutely to suppress all importation of strong drink. He is also convinced that the great bulk of the natives, including Queen Makea, do really and earnestly desire to maintain the prohibitory law. Kindly write and inform me whether this is a true expression of your opinion, that I may correctly inform the Secretary of State on the subject.

Rev. J. Chalmers, Congregational Minister, Dunedin.

ONSLow.

Enclosure No. 5.

Rev. J. CHALMERS to His Excellency the GOVERNOR.

My LORD,—

Dunedin, 5th February, 1891.

I have the honour to reply to your telegram, received last night.

No one of the *ariki*s wish for prohibition, except for their own people, and that of such a kind that they may be able to procure spirits as *vairakau* (medicine) when necessary. They are decidedly opposed to prohibiting the white man having liquor, and have expressed themselves openly in favour of its being allowed him on permit.

The *ariki*s cannot carry out prohibition alone, and the best that could be done under the circumstances was that advised by Mr. Moss. For ten years I lived on Rarotonga, and know well how impossible it was to work prohibition. I have good hopes the present law will do more to stop drink than any former prohibitory law.

During Mr. Moss’s stay on the island the public-houses, which numbered over twenty, were closed; and during that time I did not see one drunken man or woman: whereas, when I arrived, five weeks before Mr. Moss, drunkenness was prevalent everywhere, and strong drink sold openly at the bars to men and women, and that when a strong prohibitory law was supposed to be in force.

I am of opinion that, if it is necessary to suppress strong drink, and under no conditions whatever to allow natives to have it, a skilled European officer with a European staff will be necessary to assist Mr. Moss, as no native officer can be trusted to carry out the law. To prohibit white traders having what they require for personal use would be an uncalled-for hardship, and one that no officer, however skilled, could carry out on an island like Rarotonga.

I am quite in favour of the present arrangement having a fair trial, and hope for its success. If abused by the white residents, then total prohibition might again be tried.

I have, &c.,

JAMES CHALMERS,

London Missionary Society, New Guinea.

His Excellency the Earl of Onslow, Governor of New Zealand.

Enclosure No. 6.

Mr. F. J. Moss to the Rev. J. CHALMERS.

MY DEAR MR. CHALMERS,—

Wellington, 30th January, 1891.

In my report to the Governor of the proceedings of Council at Rarotonga on the 22nd and 24th December, I have stated as follows:—

“Minutes of meeting, 22nd December.—Question put: ‘Shall a Bill be passed for total prohibition, or for the control and restriction of the sale (of intoxicating liquors) as proposed in the Bill before the Council, and prohibition be only resorted to if this fails?’ There voted for control and restriction, in preference to prohibition, Makea, Tinomana, Pa, Tepou, Maovete, Takao, Karika. Mr. Gelling, the only remaining member, asked ‘that the Noes should not be taken till he had an opportunity of consulting the foreign residents. It had been asserted that a majority of them were in favour of prohibition. If so, he would vote for prohibition. If not, it would be better to have such a Bill as that before the Council.’ The Council thereon adjourned.”

“24th December, 1890. Extract from minutes.—Mr. Gelling stated that he had taken the opinion of his constituents (the foreign residents) and found a great majority were against prohibition [In fact, only two were in its favour.—J.C.]. He would therefore vote for the Bill. After several amendments the Bill was finally passed.”

As you were kind enough to act as interpreter for the Council on the occasion, and as statements contrary to the above have been put into circulation in Auckland, I should be obliged if you consider the above a correct summary of what occurred, and a correct version of the motion as put, by your stating so on this note. It may be useful, as you will be away.

Rev. J. Chalmers, Wellington.

FREDERICK J. MOSS.

The foregoing is correct.—JAMES CHALMERS.

No. 13.

(No. 17.)

MY LORD,—

Government House, Auckland, 12th March, 1891.

With reference to your Lordship's circular despatch of the 25th November, 1890, I have the honour to inform you that the Agent-General for New Zealand (Sir Francis Dillon Bell) has been appointed to represent the colony at the Postal Congress to be held at Vienna in May next.

I have, &c.,

The Right Hon. Lord Knutsford, &c.

ONSLOW.

No. 14.

(No. 18.)

MY LORD,—

Government House, Auckland, 13th March, 1891.

On the 25th February last two women, named Anna Flanagan and her daughter, Sarah Jane Flanagan, were sentenced to death at Christchurch for the murder of the illegitimate child of the latter. The jury recommended the elder prisoner to mercy on the ground of her age.

2. Although the whole of the evidence on which the convictions were obtained was circumstantial, the case was one of exceptional clearness. The child was fetched by the murderers from the place where it was at nurse (showing distinct premeditation), and subsequent mutilation of the body added further horror to the deed.

3. The case was duly considered at a meeting of the Executive Council held yesterday, when Ministers advised me to commute the capital sentence in the case of both prisoners to one of penal servitude for life.

4. As I did not find any extenuating circumstances calling for the exercise of the clemency of the Crown, I invited Ministers to point out any such which appeared to them to exist. In reply, they advised me as follows: “Ministers cannot point out in the depositions any extenuating circumstances; but they think it undesirable that the extreme penalty of the law should be carried out in the present case, seeing that the convicted parties are women, and that the offence of child-murder is one scarcely known in this colony.”

5. This advice appeared to me to suggest rather the desirability of altering the law than the usual considerations which lead to an exercise of the Royal prerogative. But Ministers are responsible for the maintenance of law and order and the repression of crime, and I have no doubt that the execution of the two women would give rise to very strong public feeling, and would probably lead to an alteration of the law, while the commutation of the sentence would meet with general approval.

6. I have therefore decided to accept the advice of Ministers, although it appears to me that the Royal prerogative of mercy is being used in this case to override a law which Ministers think public opinion would not suffer to be put in force. If ever the extreme sentence of the law ought to be inflicted for child-murder it is in a clear and inexcusable case like the present one.

7. It appears to me that the proper and logical course would be to propose an alteration in this law to meet any further cases of child-murder.

8. I may add, in reference to my despatch, No. 12, of 7th February last, that, had I entertained very strong opinions that society would be in danger unless these criminals were hanged as a warning to others, a very serious conflict might have arisen between me and my Ministers, who would undoubtedly have been supported by public opinion. It is far from impossible that such an attitude might be assumed by the Governor and Ministers respectively in reference to some case where the sex of the criminal and the nature of the offence would not, as in this instance, predispose the Governor to lean to a merciful consideration of the case.

I have, &c.,

The Right Hon. Lord Knutsford, &c.

ONSLOW.

No. 15.

(No. 21.)

MY LORD,—

Government House, Auckland, 3rd April, 1891.

At the Postal Convention recently held at Sydney the Hon. J. G. Ward, Postmaster-General of New Zealand, moved the following resolution: "That this Conference approves of the negotiations that are now understood to be under consideration of the Pacific Railway Company for establishing a "Canadian Australasian mail-service." This was seconded by Mr. Unmack, of Queensland, who stated that it was proposed that the Australasian Colonies should contribute £30,000 for this service, and of this, Queensland was ready to contribute £10,000.

2. The representatives of Victoria and New South Wales said that the Cabinets of those colonies had not sufficiently considered the question to allow them to pledge themselves by adopting the resolution; but they admitted that the establishment of this service was very desirable, and would have a beneficial effect in every way.

3. As the representatives of New Zealand and Queensland had declined to join in the proposed cable guarantee, the consideration of which was the main object of the Conference, it was hardly to be expected that a proposal emanating from those colonies which would be chiefly benefited by the establishment of such a mail-service as that referred to would be at once accepted by the Conference.

4. Mr. Ward therefore withdrew his motion, declaring himself satisfied with the expressions of opinion elicited.

I have, &c.,

The Right Hon. Lord Knutsford, &c.

ONSLOW.

No. 16.

(No. 22.)

MY LORD,—

Government House, Auckland, 4th April, 1891.

Since I have been in this colony it has been my endeavour to visit as many as possible of the Native tribes. I have not addressed your Lordship before on Native matters, inasmuch as there cannot be said to be any which call for special remark. The Maoris conform to the laws, evince a growing disposition to facilitate settlement on their land, and for the time there are evidences that their tendency to diminish in numbers has received a check. I shall be able to speak with greater certainty on the latter point after the next census.

2. I visited last year the Natives in the King-country, who for so many years declined to have any intercourse with Europeans. I have also visited the Natives living with Te Whiti at Parihaka, whence your Lordship may remember it was found necessary in 1881 to drive out all the Natives by force, in order to

suppress what might otherwise have become a dangerous rising. All these tribes received me with uniform loyalty, courtesy, and cordiality.

3. One tribe alone, known under the several names of Tuhoe, or Uriwera, were reported still to maintain isolation, and, acting under the influence of Te Kooti, to have set up an *aukati*, or line of demarcation, with the intention of debarring Her Majesty's representative and subjects from going into their country. Both my late and my present Advisers agreed that such a pretension ought not to be allowed if, indeed, it existed; and if it did not exist it would be well to prove it.

4. I made careful inquiries from the Resident Magistrate and those best qualified to speak of the sentiments of this tribe, and was satisfied that no opposition would be offered to my visit. In fact, when the Tuhoe became aware that I intended to be in that part of New Zealand, they sent me an invitation to visit them at Ruatoki, a settlement close to the Crown-land boundary. I accepted the invitation, and left Auckland on the 16th March, accompanied by the Hon. A. J. Cadman, Native Minister.

5. On the 19th March I met Te Kooti, returning from Ruatoki, with whom I had an interview, and whom I received in the same cordial manner that I should have any other leading Native, for, whatever may have been his evil deeds in the past, Her Majesty has granted him an amnesty, and everything should now be done to show him that those unhappy times have passed away for ever, and that so long as the present satisfactory relations continue Her Majesty and her subjects can forget as well as forgive.

6. The Tuhoe live for the most part in small settlements scattered along the precipitous banks of the Whakatane River, taking advantages of such patches of clear ground as are to be found in the dense bush with which the valley is covered. Their capital is Ruatahuna, which the nature of the country makes very difficult of access; but the place where they are brought most in contact with Europeans is Ruatoki, some sixteen miles from the town of Whakatane, where they have a large extent of fertile land of their own, and work for the neighbouring European settlers, with whom they appear to be on very good terms.

7. On my arrival at Ruatoki I found a large number of Natives assembled to greet me, including all the chiefs of the tribe except (1) Whenanui, whose great age prevented his coming down, and who was represented by his sons; and (2) Tamaikoha, who had not heard of my coming, but arrived subsequently, and accompanied me to Whakatane. They appeared to be finer in physique than other Natives I had seen, and their cultivations, as well as their appearance, showed that they have ample means of livelihood.

8. The welcome was of the usual Maori kind, and was followed by speeches from all the chiefs, each one of whom welcomed me to visit any part of their territory, thus completely falsifying the report that any difficulties would be placed in my way in travelling through their country.

9. One chief alone, and by no means the most influential, struck a discordant note when he said that other Europeans must not be led to suppose that this day meant the throwing-open of the Uriwera Country to prospectors, schoolmasters, and Land Courts. This remark elicited smiles of disapprobation from those sitting round, who evidently considered them ill-timed, and, notwithstanding the professed aversion to Land Courts, one of the chiefs shortly after rose and requested that Numea, who had been the chief spokesman of the tribe, should be appointed Government Assessor; this was applauded by all present, and agreed to by the Minister. It is not easy to see the use of an Assessor unless there be a Land Court.

10. On the following morning, accompanied by the sons of a number of the chiefs, I made an expedition up the river in the direction of Ruatahuna, and found the Natives perfectly sincere in their profession of anxiety to help me to see as much as I wished of their country, pointing out the places made interesting by their history or traditions.

11. On my return I bade them farewell, after receiving a promise that, should I next year desire to visit the upper part of their country, they would send men over to Waikaremoana, a lake near Gisborne, to bring me in thence.

12. I formed the impression that there was but little in their country that could be desired by Europeans. Here and there small riverside patches of fair land are to be found ; but for the most part the gorges are narrow, and their sides rocky and precipitous.

I have, &c.,

The Right Hon. Lord Knutsford, &c.

ON SLOW.

No. 17.

(No. 23.)

MY LORD,—

Government House, Auckland, 15th April, 1891.

As your lordship is aware, I recently inquired of His Excellency the Naval Commander-in-Chief whether he could conveniently send Mr. Moss, the British Resident in the Cook Group, in one of Her Majesty's ships to Rarotonga, in order that every mark of authority might be given to his arrival in his official capacity, and in the hopes that the difficulties which have arisen as to trading by Her Majesty's subjects in some of the islands might the more easily be disposed of.

2. Lord Charles Scott at once wrote to the Lords of the Admiralty for the necessary permission, as the group is outside the limits of his station, but he had received no reply by the 5th instant, the date on which the "Richmond," which trades between Rarotonga and Auckland, was due to sail. As, therefore, it was highly undesirable for Mr. Moss to delay his departure any longer, I directed him to take his passage by the "Richmond."

3. On the 9th instant, Lord Charles Scott informed me that he had received permission to send a ship, and that he proposed to send H.M.S. "Goldfinch" to Rarotonga, there to take up Mr. Moss and carry him round the islands of the group. The "Goldfinch" will accordingly sail for Rarotonga to-morrow.

4. Since last addressing your Lordship on the subject of these islands, I have had the advantage of seeing Mr. Exham, late Acting Consul at Rarotonga, and Mr. Donald, of the firm of Donald and Edinborough, the principal traders in the group. From the information which they gave me, I ascertained that Mr. Mason, who has opened a store at Aitutaki, and to whose action the natives had objected, was finally permitted to do so only until the decision of the High Commissioner of the Western Pacific should be obtained as to his right to open such store.

5. The jurisdiction over these islands having been transferred from the High Commissioner to the Governor of New Zealand, the Natives now expect some decision from me.

6. Your Lordship, in your Despatch No. 58A, 13th December, 1890, informed me that the action of Captain Bourke in declaring Aitutaki part of Her Majesty's dominions is confirmed and upheld, while a protectorate only is to be established over the other islands. It therefore appeared to me that the position of Mr. Mason was different from that of a person opening a store in another island, and that Her Majesty's subjects have a right to trade in what manner they think fit in Her Majesty's dominions, provided they conform to the laws and the natives are willing to let them have sites necessary for carrying on their operations.

7. Under these circumstances, I directed Mr. Moss to inform the natives of Aitutaki that my decision was in favour of Mr. Mason being allowed to remain and use his store as freely as the natives do the market-place.

8. I have now directed Mr. Moss to avail himself of the presence of the "Goldfinch" to read the Proclamation declaring the protectorate in all the islands except Aitutaki, and to do all that he can to secure the federation of the islands and the establishment of Rarotonga as a port of entry where some form of Customs duty can be levied in order to raise a little revenue for executive purposes.

9. From the last reports received, the new liquor-law seems to be working well. Several fines of \$150 have been imposed for selling liquor without a permit, and, notwithstanding the laxity observed in the payment of fines generally, these (for Rarotonga) extremely heavy penalties have in every instance been paid, a result which could not have been obtained unless public opinion strongly supported the carrying-out of the law.

10. I regret to say that the position of Mr. Moss is not a satisfactory one. His salary is totally inadequate to the position, and he shrinks from the expense attendant in living in the residence which Queen Makea and her subjects propose to build for him. Moreover, the legal position of his salary is not unassailable, and I have therefore directed him to return here during the next session of the New Zealand Parliament in order that it may be seen how far it may be possible to meet his views.

11. I have the honour to enclose copies of my latest instructions to him, and of the Proclamation which I have directed him to read.

I have, &c.,
ONSLow.

The Right Hon. Lord Knutsford, &c.

Enclosure 1.

SIR,—

Government House, Auckland, 14th April, 1891.

His Excellency Rear-Admiral Lord Charles Scott has received a reply to inquiries made of the Lords Commissioners of the Admiralty as to sending one of Her Majesty's vessels to the Cook Group, which is not within the limits of the Australian station, and has been authorised to send one.

2. His Excellency now proposes that H.M.S. "Goldfinch" shall proceed on Thursday next, the 16th instant, to Rarotonga, and she will carry this despatch.

3. The "Goldfinch" will be able to remain for about a fortnight in the group, and you will communicate with Lieutenant-Commander Kingswill as to the movements of his vessel. So far as you can, you will avail yourself of the presence of the man-of-war to visit the several islands, taking with you the Proclamation already furnished to you.

4. You should endeavour to make arrangements for representatives from the several islands to come up to Rarotonga when a council can most conveniently be held there, at which the various subjects upon which you have received my instructions can be discussed, especially the best means of raising some revenue to be applied to the purposes of the executive.

5. You will make a point of visiting the islands of Mangaia and Aitutaki, where the recent disturbances have taken place, and I am in hopes that the appearance of a man-of-war will convince the inhabitants of the authority which you now bear, and will enable you to effect a satisfactory settlement of all difficulties.

6. While the Proclamation is to be read in all the other islands, you will carefully avoid any such formality in the island of Aitutaki. The steps already taken, and the Proclamation read in that island by Captain Bourke need no modification.

F. J. Moss, Esq., British Resident in Cook Group.

I have, &c.,
ONSLow.

Enclosure 2.

PROCLAMATION TO THE ARIKIS, CHIEFS, AND PEOPLE OF RAROTONGA, MANGAIA, ATIU, MAUKE, MITIARO, HERVEY ISLAND.

HER MAJESTY QUEEN VICTORIA, Queen of Great Britain and Ireland, and Empress of India, having directed Captain Bourke, of H.M.S. "Hyacinth," on the 27th October, 1888, to hoist the British flag on the Cook Islands, and to declare to the inhabitants of those islands that Her Majesty had been pleased to grant to them the protection of the British flag:

Now, in respect to the island of _____, one of the said Cook Islands, I, William Hillier, Earl of Onslow, Governor of New Zealand, do declare to the *ariki* and people of _____ that I have received Her Majesty's commands to inform them that the aforesaid Proclamation of Captain Bourke does not render necessary the incorporation of the island of _____ into Her Majesty's dominions, or the transfer of the jurisdiction over the inhabitants generally, from the native rulers to the British Crown. For the present, at least, British authority in _____ will retain the form of a protectorate. Her Majesty has therefore duly authorised the appointment of Frederick Joseph Moss to be British Resident within the group. The British Resident has received from me full and definite instructions as to the action which he will take. Her Majesty's Government will not recognise any new laws unless countersigned by the British Resident, who is instructed at all times to give his assistance and advice to the *ariki* and people.

Signed at Government House, at Auckland, New Zealand, the 4th day of April, 1891.

ONSLow.

E TUATUA AKAKITE KIA KOTOU, NGA ARIKI, E TE AU MATAIAPo, E TE UI RANGATIRA O TE ENUA RA KO.

KO TE ARIKI VAINe, KO VICTORIA, e Ariki no Beretane, e Ekotia, e Ireland, e Ariki rai no India: Kua akakite aia ia kia Captain E. G. Bourke, e rangatira manua o te pai ra ko "Hyacinth," te ra 27 o Okatopa, 1888, e oatu kia kotou (koa oki ko Rarotonga, Mangaia, Atiu, Mitiaro, Mauke, e Manuai), te tangata enua o te Kukimotu, te reva tamaru Beretane:

E teiane, ko te tuatua teia no te enua ra ko ko au teia William Hillier, e Mataiapo ra no Onslow, Beretane, &c., &c., e Kavana katoa no Nu Tireni, te akakite nei au kia kotou, nga Ariki, te au Mataiapo e te ui Rangatira i te enua ra ko _____ kua karanga mai te Ariki Vaine of Beretane teia tuatua nei; ko te tuatua e akakite ia a Captain Bourke, kua tika rai, kare aia e rave te ture enua,

kare rai e rave ta kotou akanoanga, te ia kotou rai te au ture e te au akanoanga : E reva tamaru uaorai taku e tuku kia kotou, no teia tuatau teia tuatua i roto te enua ra ko e Teianei; te tuku nei au ia Frederick Joseph Moss, e British Resident no kotou, kua tika katoa i te Ariki Vaine ko Victoria e kua akakite rai au ki te British Resident, te au me katoa ma te tiaki meitaki, i roto ta kotou enua, auaraka e kino : Tera tetai, ko te au ture ou ta kotou e akatupu ; kia tika roa i te British Resident e reira akatika te Au Beretane te reira au ture. Kua akakite rai au ki aia, e tauture ia kotou, ma te apii kia kotou te tika e te tika kore.

Kua tataia teia tuatua ki te are o te Kavana, Akarana, Nu Tireni, te ra o , 1891.
 ONSLOW.

No. 18.

(No. 25.)

MY LORD,—

Government House, Auckland, 17th April, 1891.

I have the honour to forward herewith copy of a memorandum from the Registrar-General (with its enclosure) supplying the information required by your Lordship's circular despatch of the 20th December, 1890, as to the hours of adult labour in this colony.

I have, &c.,

The Right Hon. Lord Knutsford, &c.

ONSLOW.

Enclosure.

13th March, 1891.

Re the information asked for in the despatch from the Secretary of State bearing date the 20th December, 1890: The laws in this colony affecting the hours of adult labour are "The Employment of Females and Others Act, 1881," and "The Coal-mines Act, 1886." The former prohibits the employment of females in factories, workshops, work-rooms, or places of business between the hours of 6 p.m. and 8 a.m., or for more than eight hours in any one day; also the employment in any such place of any female for more than four hours and a half without an interval of at least half an hour for a meal. The Act also requires that every female shall have holiday on Saturday afternoon from 2 o'clock, on Sunday, Christmas Day, New Year's Day, Good Friday, Easter Monday, and every other day set apart as a public holiday without loss of wages. The Coal-mines Act (section 23) provides that no person in charge of steam machinery used in connection with any mine, or for the treatment of the products of any mine, shall be employed for more than eight consecutive hours at any time, such period of eight hours to be exclusive of any time occupied in raising steam and in drawing fires and in exhausting steam in connection with the machinery in charge of such person, and exclusive of meal-hours and of any time in which such person is employed in case of breakage or other emergency.

There is no legislation otherwise generally regulating the hours of adult labour, but by common consent and practice eight hours has for many years past been the recognised duration of a day's labour for day wage-earners. Many of the rules of trades unions fix the period of labour at eight hours per day, or an equivalent of forty-eight hours per week, but an operative association of bakers has fixed ten hours as the duration of a day's labour.

I forward herewith some tables ("Statistics of New Zealand, 1889," pp. 229 to 232 inclusive) giving the ruling rates of wages for various kinds of labour at the end of 1889. Complete later information has not yet been obtained, but it is believed that, as a result of the spread of unionism during the past year, some kinds of artisan labour is somewhat higher than the rates given in the table.

The Hon. the Colonial Secretary.

WM. R. E. BROWN, Registrar-General.

No. 19.

(No. 26.)

MY LORD,—

Government House, Auckland, 17th April, 1891.

I have the honour to forward for your Lordship's information copy of a resolution passed at a recent meeting of the General Assembly of the Presbyterian Church in New Zealand.

I have, &c.,

The Right Hon. Lord Knutsford, &c.

ONSLOW.

Enclosure.

MAY IT PLEASE YOUR EXCELLENCY,—

Napier, 10th April, 1891.

That, by direction of the General Assembly of the Presbyterian Church in New Zealand, I have the honour to forward to your Excellency the following resolution passed at the recent meeting of the Assembly in Christchurch.

Your Excellency's most obedient servant,

His Excellency the Earl of Onslow,

DAVID SIDEY.

Governor and Commander-in-Chief of the Colony of New Zealand.

"That this Assembly expresses its appreciation of the efforts made by F. J. Moss Esq., British Resident at Rarotonga, to lessen the evils of unlicensed drink-selling on the islands, and

would urge on the British Government the necessity of strengthening Mr. Moss's hands by giving him further authority, and providing the means for carrying into effect the wish of the natives, that there should be total prohibition of the drink-traffic; and that a copy of this resolution be sent to the Governor of New Zealand, with a request that he approach the Home Government with a view to the necessary steps being taken to suppress the great evil of the drink-traffic among the natives of the South Seas."

No. 20.

(No. 27.)

MY LORD,—

Government House, Auckland, 5th May, 1891.

With reference to your Lordship's circular despatch of the 21st of April, 1890, on the subject of establishing a uniform procedure throughout the Empire in the matter of patents and trade-marks and designs, my Government agree that there would be a great advantage in a system by which a patent issued, and a design or a trade-mark registered, in one part of Her Majesty's dominions should have the same protection in every other part. They desire to point out, however, that such a system would apparently involve not only a serious loss of revenue, but also would involve an expense for clerical labour in recording patents, designs, and trade-marks issued and registered elsewhere, such as my Government would not feel justified in incurring. I desire to draw your Lordship's attention to the fact that in New Zealand the law relating to patents, trade-marks, and designs has been assimilated with that of England.

I have, &c.,

ONSLOW.

The Right Hon. Lord Knutsford, &c.

No. 21.

(No. 29.)

MY LORD,—

Government House, Auckland, 8th May, 1891.

Your Lordship may probably wish for some information respecting Australasian federation, which is attracting so much public attention both in Australasia and England at the present moment.

2. As your Lordship has ample means from other sources of learning what is the feeling in the Australian Continent, and as you will have received all particulars of the proceedings and results of the Federal Convention, I propose to address myself only to the aspect in which the matter is regarded in New Zealand.

3. When the Constitution Bill comes to be discussed in the General Assembly I shall be better able to give your Lordship the view taken by politicians of all shades of opinion, but I think I may safely say that, in the opinion of the great majority, the question of federation with Australia under the Constitution Bill is regarded as outside the realm of practical politics.

4. The main reason for this is on account of the manner in which the financial position of the colony will be affected by the Bill.

5. The Bill, as your Lordship is aware, proposes that the commonwealth shall take from the colonies the revenues arising from Customs and Excise, and, after deducting the cost of Federal Government, refund any balance that may remain.

6. But in New Zealand the Customs and Excise amount to £1,585,000, a sum which falls short by £175,000 of the total charges (£1,860,000) for interest and sinking fund on the debt.

7. If this sum were removed from colonial control, and such an amount taken from it as would be required for the cost of Federal Government, an increased burden would fall upon this community estimated at 11s. 5d. per head of the population, or an aggregate of nearly £400,000.

8. In addition to this, however, it is proposed to assimilate the tariff of the whole commonwealth. The Victorian tariff is the highest in Australia; but even if the tariff of New Zealand were assimilated to the highest tariff in Australia, she would lose in revenue to the extent, it is calculated, of £400,000 per annum, which, added to her contribution for the cost of Federal Government, would amount to £800,000.

9. It is true that of this sum some £220,000 might be expected to come back, but still New Zealand would have to face an increased burden of over half a million.

10. Thus, unless the commonwealth were prepared when taking the Customs and Excise revenue from the colony to assume also, as a condition precedent, the responsibility of the colonial debt, it seems impossible that New Zealand can seriously consider the proposal.

11. The distance at which New Zealand finds herself from Australia precludes her from hoping that any advantage can come from the military federation, which, in the case of the Continent, is one of the most important considerations in the question.

12. Added to these are very many minor considerations, the most important of which are that the relations between England and foreign powers in regard to the islands of the Pacific are now so far fixed as not to be capable of any important modifications in the immediate future.

13. That there is a confident expectation that the comparative size of New Zealand to Australia will have no effect to prevent the meting-out of perfect justice to the former in matters of Imperial concern by the Imperial Government, while the more democratic feel that a Senate which would be strong enough to protect State rights might have a tendency to stem the tide of democracy.

14. The proposal to establish intercolonial free-trade, with protection against the world, including Great Britain, and to take away the right of appeal to the Privy Council, has, despite the professions of the statesmen who composed the Convention, engendered a feeling which finds expression in the declaration of Mr. Ballance, the Premier of New Zealand, when he described it as "the declaration of an act of hostility, which confirms my impression that they intend at no distant date to break off from the Empire."

15. Your Lordship will gather from the above that I have not been able to find any indication of a desire to join in the proposals made by Sir Henry Parkes.

16. I am not disposed to believe that even in Australia federation will be accomplished within any very short time, and, if not, further consultation and discussion, now that so many points have been discussed, agreed upon and disposed of, may lead to bolder efforts to grapple with the real difficulties "the lions in the path."

17. The proposal to break down the wall of Protection set up in Australia and New Zealand against each other, which now costs £144,000 on New Zealand exports, and but £18,000 on Australian, is not sufficient to tempt the colony into federation.

18. A prospect of consolidation of the New Zealand and Australian debts, and conversion into a commonwealth loan at a greatly reduced rate of interest, would have a much better chance of smoothing away "the twelve hundred difficulties" which New Zealand statesmen see when they look across the Pacific at the sittings of the Federal Convention.

The Right Hon. Lord Knutsford, &c.

I have, &c.,
ONSLow.

No. 22.

(No. 30.)

My LORD,—

Wellington, 22nd May, 1891.

I have the honour to enclose, for your Lordship's information, a copy of certain documents relating to the honour of Cavalieri of the Crown of Italy, recently conferred upon Mr. George Fisher, of this city.

2. Mr. Fisher is desirous to obtain Her Majesty the Queen's consent to accept the order and to wear the insignia thereof; and I have to make application to your Lordship accordingly.

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

I have, &c.,
ONSLow.

Enclosure 1.

ILLUSTRIOUS SIR,—

Rome, 12th December, 1889.

I have the honour to announce to you that His Majesty the King, my august sovereign, has been pleased to confer on you the decoration of Cavaliere of the Order of the Crown of Italy, in consideration of the sympathy which the Italian Government entertains towards you for the services rendered to the Government by you.

In advising you of the decoration which has been conferred upon you, I have the honour to remit the brevetto of the decoration above mentioned.

I have the honour to offer you, Mr. Cavaliere, the expressions of my regard.

DAMIANI,

Under Secretary of State.

Enclosure 2.

HIS MAJESTY Humbert the First, by the Grace of God and the will of the Nation King of Italy, Grand Master of the Order of the Crown of Italy, has signed the following Decree:—

On the suggestion of the President of the Council of Ministers, our Minister the Secretary of State, and who is also acting as Minister for Foreign Affairs, we have nominated, and do hereby nominate, George Fisher, a British subject, and our Consular Agent at Wellington, New Zealand, a Cavaliere of the Order of the Crown of Italy, with full right to wear the insignia of the order.

The Chancellor of the order is hereby charged to execute the present decree, which will be registered at the office of the order.

Dated at Rome, 24th November, 1889.

(Signed) HUMBERT.
(Countersigned) CRISPI.
(Seen) BERTI.

The Chancellor of the Order of the Crown of Italy declares that, in accordance with the above-mentioned Royal decree, the above-named George Fisher was inscribed in the roll of Cavaliers as No. 2693, and hereby forwards the present document to the gentleman decorated.

Dated at Rome, 5th December, 1889.

CHANCELLOR OF THE ORDER.
BERTI, Chief of the Staff.

No. 23.

(No. 33.)

MY LORD,—

Wellington, 22nd May, 1891.

In reply to your Lordship's despatch "General" of the 9th March, 1891, A.—2, 1891, Sess. II. No. 16. I have the honour to inform you that my Government desire that the stipulations contained in the Convention between Great Britain and Egypt of the 29th October, 1889, should be made applicable to this colony.

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

I have, &c.,
ONSLOW.

No. 24.

(No. 35.)

MY LORD,—

Wellington, 23rd May, 1891.

I have the honour to transmit for your Lordship's information a copy of a memorandum prepared by Messrs. Mackrell, Norton, and Godbe, solicitors, for the Agent-General for New Zealand, setting forth certain difficulties which have arisen in connection with policies of life insurance issued in the colony by insurance companies carrying on business in the colonies, but having their head office in London.

2. Your Lordship will observe that Messrs. Mackrell, Norton, and Godbe are of opinion that a foreign administrator is not entitled by "The Revenue Act, 1889" (52 and 53 Vict., c. 42), to recover moneys payable by an insurance company in England upon a policy of life insurance issued in the colony.

3. My Government are advised that dispensing with the production of a grant of probate or letters of administration is not sufficient for other than revenue purposes.

4. I have therefore to request that your Lordship will move Her Majesty's Government to take such further steps, by legislative enactment, as will entitle the parties to recover from life insurance companies the value of their policies on the production of probate or letters of administration issued in the colony, or a duly-authenticated copy of the same.

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

I have, &c.,
ONSLOW.

Enclosure.

MEMORANDUM.

By "The Revenue Act, 1884" (47, 48 Vict., ch. 62), section 11, it is provided as follows: "Notwithstanding any provisions to the contrary contained in any local or private Act of Parliament, the production of a grant of representation from a Court in the United Kingdom, by probate or letters of administration or confirmation, shall be necessary to establish the right to recover or receive any part of the personal estate and effects of any deceased person situated in the United Kingdom: Provided that, where any insurance company is authorised by a local or private Act of Parliament to pay money in respect of any policy of life insurance on production of a grant of representation obtained in the Empire of India or in any of the colonies, the production of a grant of representation from a Court in the United Kingdom shall not be necessary in case the policy was effected before the 1st day of July, 1884. Nor shall such production be necessary in case the policy was effected on or after the said day if the company shall, before paying such money, have deducted therefrom and paid to the Commissioners of Inland Revenue the amount which would have been payable for duty in respect of the money if there had been a grant of representation from a Court in the United Kingdom."

By the Revenue Act of 1889 (52, 53 Vict., ch. 42), section 19, it is provided as follows: "The proviso to section 11 of 'The Revenue Act, 1884,' is hereby repealed, and that section shall be read as if the following proviso were therein inserted in lieu of the repealed proviso: Provided that, where a policy of life assurance has been effected with any insurance company by a person who shall die domiciled elsewhere than in the United Kingdom, the production of a grant of representation from a Court in the United Kingdom shall not be necessary to establish the right to receive the money payable in respect of such policy."

By a circular of the Colonial Office dated the 13th September, 1889, a copy of the last-mentioned section was transmitted to the colonial Government, and a copy appears in the *New Zealand Gazette* of the 19th December, 1889, from which the following paragraphs are extracted: "A somewhat similar complaint was brought to the notice of Her Majesty's Government in connection with policies of life insurance issued in the colonies by insurance companies carrying on business in the colonies, but having their head office in the United Kingdom. The sums recoverable under such policies were held to be assets situated in the United Kingdom; and under section 11 of 'The Imperial Revenue Act, 1884,' the production of a grant of representation from a Court in the United Kingdom, by probate or letters of administration or confirmation, was necessary to establish the right to recover or receive such amounts."

"The hardship of this provision upon persons who had no real connection with the United Kingdom has been recognised, and section 19 has been passed to remove it."

A case has recently occurred in the colony in which a lady died holding two policies in this country, and the Public Trustee of New Zealand having been appointed administrator, has requested the Agent-General to obtain payment on his behalf of the amount of the two policies.

The question having been raised as to the person entitled under the provisions of this section to receive the money, the opinion of Mr. Justice Wright and Mr. George Farwell was taken on the subject, and their opinion was as follows: "We cannot advise the Public Trustee that he is entitled to recover the amount of the policies in question on proof of domicile in the colony, or that any person other than a legal personal representative duly constituted in England can recover. The Act of 1889 does not specify any person as entitled to recover. It is merely a Revenue Act, and, *prima facie*, may be supposed to deal with fiscal matters only. Apart from the Act, our Courts would not recognise a foreign administrator (*re* Vallance, 24 Ch.D., 177), and the Act has not provided that a foreign administrator shall recover, but has merely, so far as revenue is concerned, dispensed with the production of a grant of probate or administration. We are of opinion that if and when the Public Trustee can recover, he is not liable to pay duty. We think that the best course will be to bring a friendly action in order to obtain a judicial decision on the construction of the Act. If he takes out administration in order to obtain payment he should apply to the revenue authorities for repayment of any duty paid by him."

It may be mentioned that by special arrangement the difficulty in this case was overcome, but, in view of the advice the Agent-General has received, he thinks it right to call the attention of the Imperial Government to the difficulties which have arisen.

The practical difficulty that may arise is that, as pointed out by counsel, the present Act does not specify any person as entitled to recover, and though it would seem to suggest by implication that probably the person entitled to representation in the country of domicile is intended to be the person entitled to give the receipt, such a person would not be recognised by our Courts in this country; certainly not as against an administrator appointed by the Courts in this country. Further than this, although it is manifestly intended that probate duty should not be payable on these policies in this country, if the deceased happened to possess any other assets in this country which render it necessary for administration to be taken out, it would be difficult, if not impossible, to exclude from the affidavit required by the revenue authorities for the purpose of obtaining administration, these policies, which, it would appear, are necessarily assets in this country, although by the Act of 1889 letters of administration are not required for the purpose of receiving them.

It is suggested that, in order to meet the possible conflict of claimants, grant of administration should still remain necessary, but that where a policy for life assurance has been effected with any insurance company by a person who shall die domiciled elsewhere than in the United Kingdom, the moneys secured by such policy shall be expressly exempted from probate and legacy duty and that the person applying for the grant shall be entitled to this exemption on stating the facts in the affidavit made on applying for representation.

No. 25.

(No. 36.)

MY LORD,—

Wellington, 23rd May, 1891.

With reference to your Lordship's despatch, "Circular," of the 14th February, 1891, inquiring whether my Government are prepared to adopt the suggestion that in case of a desire on their part to insure the provisional arrest of fugitive offenders in England they will notify the same to the Metropolitan Police,

2. I have the honour to state that such is the wish of my Ministers, and that in future the necessary telegrams will be sent by the Minister of Defence, and that the Agent-General will be instructed to pay all expenses that may be incurred.

I have, &c.,

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

ONSLOW.

No. 26.

(No. 38.)

MY LORD,—

Wellington, 29th May, 1891.

I am desired by the Government of this colony to bring under your Lordship's notice the form in which bills of lading are made out by the shipping companies and shipowners belonging to the London Shipowners' Association, whereby they are exempted from all responsibilities as to the condition of goods on delivery.

2. The shippers in this colony contend that it was the intention of the Imperial Parliament, in passing the Common Carriers Act (11 Geo. IV., and 1 Will. IV., c. 68), by clauses 4 and 8, that carriers should not be able to relieve themselves of this liability.

3. They contend, further, that bills of lading identical in form adopted by this great combination of shipowners ought not to be looked upon as one of the "special contracts" contemplated in clause 6 of the Act, but is really an attempt to evade the law.

4. I have the honour to enclose for your Lordship's information a copy of the bill of lading, with those portions to which I refer underlined.

My Government desire that Her Majesty's Government should take such steps as may seem to them desirable with the view of bringing about by legislation the objects desired by shippers in this colony.

I have, &c.,

The Right Hon. Lord Knutsford.

ONSLOW.

Enclosure.

FREIGHT PAYABLE IN LONDON.

No.

SHIPPED in good order and condition by _____ on board the Steamship _____ whereof is Master for this present voyage _____ now lying in the Port of LONDON, and bound for NEW ZEALAND _____ with liberty to receive and to discharge goods and passengers, and to take in coal or other supplies at any intermediate Port or Ports, and to sail with or without Pilots, and to tow and assist vessels in all situations, the following goods, viz: _____ being marked and numbered as in the margin, and to be delivered (subject to the exceptions and conditions hereinafter mentioned, and transhipment if necessary) in the like good order and condition from the ship's deck, at her anchorage (where the ship's responsibility shall cease), at the Port of _____ (or so near thereto as she may safely get), unto _____ or to his or their Assigns. Freight for the said goods with primage to become due on shipment, and to be paid in London, in cash without deduction, ship lost or not lost. Average as accustomed, and/or York-Antwerp rules, 1890, if so claimed.

Ship not accountable for strikes, or the consequences thereof.

The Act of God, the Queen's Enemies, Pirates, Robbers, or Thieves, but not pilferage, Restraints of Princes, Rulers or People, and loss or damage resulting from any of the following causes or perils are excepted, viz.: Insufficiency in packing or in strength of packages, loss or damage from coaling on the voyage, rust, vermin, breakage, leakage, sweating, evaporation, or decay; injurious effects of other goods; effects of climate or heat of holds; risk of craft, of transhipment and of storage afloat or on shore; fire on board, in hulk, in craft or on shore, explosion; accidents to, or defects in hull, tackle, boilers or machinery or their appurtenances; barratry, jettison, neglect, default or error in judgment of the master, mariners, engineers, or others in the service of the Owners; collision, stranding, or other peril of the seas, rivers, or navigation of whatsoever nature or kind and howsoever caused, and acci-

dents, loss, damage, delay or detention from any act or default of the Egyptian Government or the administration of the Suez Canal, or arising out of or consequent upon the employment of Vessels of the Line in Her Majesty's Mail Service.

The Ship will not be responsible for correct delivery unless each package is distinctly, correctly, and permanently marked by the Merchant before shipment with a mark and number or address, and also with the name of the Port of Delivery, which last must be in letters not less than two inches long.

The Owners are to be at liberty to carry the said Goods to their Port of Destination by the above or other Steamer or Steamers, Ship or Ships, either belonging to themselves or to other persons, proceeding by any route, and whether directly or indirectly to such Port, and in so doing to carry the goods beyond their Port of Destination, and to tranship or land and store the goods either on shore or afloat, and reship and forward the same at the Owners' expense, but at Merchant's risk.

The Ship will not be accountable for gold, silver, bullion, specie, jewellery, watches, clocks, precious stones, precious metals, bank-notes, or securities for money, paintings, sculptures, or other works of art, nor beyond the value of £5 per cubic foot, nor exceeding £100 for any one package, unless the value thereof shall have been declared at time of shipment, and the Bills of Lading signed with a declaration of the nature and value of the goods appearing thereon, and extra Freight in respect of same agreed upon and paid; nor for loss, injury, or detention to packages intended for different Consignees, but made up into one Package unless the contents and value of each separate package be given before shipment, and freight paid accordingly; nor for damage to show-cases, nor for breakage of unprotected goods, marble, slate, glass, glassware, chinaware, or earthenware of any description, from whatsoever cause arising.

If Chemicals, Liquids, or other goods of a dangerous or damaging nature are shipped without being previously declared and arranged for, they are liable upon discovery to be thrown overboard, and their loss, as well as any loss or damage to the ship or cargo, or to any person or interest whatsoever, will fall upon the Merchants or Owners of such goods. Double freight will be charged on all goods not correctly described.

All fines and expenses, or losses by detention of vessel or cargo, caused by incorrect or insufficient marking of the package, or by incomplete or incorrect description or weight (or any other particulars required by the Authorities at the Port of Delivery) either upon the packages or the Bill of Lading, shall be paid by the Shipper or consignees of the Goods.

Consignees or their Assigns must be ready to take delivery of goods as soon as the ship is ready to discharge them, otherwise the Master or Agent shall be at liberty to land and warehouse the goods, or discharge them into a store-ship, or hulk, or into lighters, or on a Wharf as customary, at the Merchant's risk and expense.

In case of quarantine, the goods may be discharged into quarantine dépôt, hulk, or other vessel, as required for the Ship's dispatch. Quarantine expenses upon the goods of whatsoever nature or kind shall be borne by the Owners of the goods.

The Ship shall have a lien upon the goods for all freight and charges for which the goods are liable under the Bill of Lading.

No claim that may arise in respect of Goods shipped by this Steamer will be recoverable unless made at the Port of Delivery within seven days from the date of Steamer's arrival.

The Shipowner's liability, in case of loss, or detention, or injury to goods, for which they may be responsible, to be calculated on and in no case to exceed the net invoice cost.

Weight, measurement, contents, quality, and value unknown.

Merchants are cautioned against shipping goods of a dangerous or damaging nature, as by so doing they become responsible for all consequential damage, and also render themselves liable to penalties imposed by Statute.

In Witness whereof the Master, Purser, or Agent of the said Ship hath affirmed to Bills of Lading, all of this tenor and date, one of which being accomplished the others to stand void. If required by the Owners or their Agents, one of the Bills of Lading must be given up, duly indorsed, in exchange for the Goods.

Dated in LONDON

18

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