

1892.
NEW ZEALAND.

DESPATCHES

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

(IN CONTINUATION OF A.—1, 1892.)

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

No. 1.

MY LORD,— Government House, Wellington, 29th February, 1892.

I have the honour to report to you that His Excellency the Governor, Lord Onslow, took his departure from New Zealand on the 25th instant, and that subsequently on the same day, the proper oaths having been duly administered to me and the Commission to the Chief Justice published, I assumed the administration of the Government, by virtue of that Commission and my office as Chief Justice.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. Lord Knutsford.

No. 2.

MY LORD,— Government House, Wellington, 21st April, 1892.

With reference to your Despatch No. 6, of the 4th February last, transmitting a copy of a despatch from the High Commissioner for the Western Pacific, I have the honour to inform you that, having invited my Government to take into consideration the suggestions contained in the High Commissioner's despatch, I have received from the Prime Minister a reply that instructions have been issued to collectors of Customs to make inquiry as to the nationality of any masters applying for a license under "The Pacific Islanders' Protection Act, 1875."

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. Lord Knutsford.

No. 3.

MY LORD,— Government House, Wellington, 19th May, 1892.

I have the honour to inform you that since Lord Onslow's departure in February last there have not occurred any political events of importance. Mr. Thompson, the member for the House of Representatives for the District of Bruce, having resigned his seat, Mr. James Allen was elected in his place by a majority of 557, the other candidate polling 528. The successful candidate is an opponent of the present Ministry. The district is pastoral and agricultural. It is, I think, not possible yet to form any opinion as to whether the taxation measures introduced by the present Ministry will, when brought into operation, be more acceptable to the people than those which they are intended to replace.

Parliament meets for despatch of business on the 23rd June, before which time Lord Glasgow will no doubt have arrived here; much interest is taken here in the safe arrival of himself and Lady Glasgow and their family, and a hearty welcome will undoubtedly be given to them.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. Lord Knutsford.

No. 4.

MY LORD,—

Government House, Wellington, 6th June, 1892.

Adverting to Lord Onslow's Despatch No. 3/92 of the 15th February last, acknowledging your Lordship's despatch of the 12th December last, and being relative to the exercise in the Australasian Colonies of the Queen's Prerogation of Pardon, I have now the honour to forward, for your Lordship's information, a copy of correspondence on the subject between the Premier of this colony and the Premiers of New South Wales, Queensland, Tasmania, Victoria, and Western Australia.

Your Lordship will observe that unanimous approval of the proposed alteration in the Royal Instructions is expressed on behalf of the colonies named.

I have, &c.,

JAMES PRENDERGAST.

The Right Hon. Lord Knutsford.

Enclosure.

MEMORANDUM FOR HIS EXCELLENCY.

REFERRING to previous correspondence relative to the prerogative of mercy in capital cases, and particularly to Lord Knutsford's despatch of the 12th December, 1891, the Premier has now the honour to submit the correspondence on the subject which has passed between this Government and the Government of New South Wales, Queensland, Tasmania, Victoria, and Western Australia, from which it will be seen that those Governments cordially approve of the proposed alteration in the Royal Instructions.

Perhaps His Excellency will be good enough to forward the correspondence for the information of the Right Honourable the Secretary of State for the Colonies.

Premier's Office, Wellington, 31st May, 1892.

J. BALLANCE.

Sub-enclosure No. 1.

The PREMIER of NEW ZEALAND to the PREMIERS of NEW SOUTH WALES, QUEENSLAND, TASMANIA, VICTORIA, and WESTERN AUSTRALIA.

SIR,—

Premier's Office, Wellington, 15th February, 1892.

In a despatch from the Right Honourable the Secretary of State, dated 12th December, 1891, received by His Excellency the Governor, is enclosed copy of a despatch addressed to the Governors of New South Wales, Queensland, Tasmania, Victoria, and Western Australia, on the subject of the exercise of the prerogative of mercy under the Royal Instructions, in which it appears that Her Majesty's Government is prepared, should it be thought desirable, to submit to Her Majesty the question of the substitution for the corresponding clause in the present Instructions to Governors, of a clause similar to that contained in the Canadian Royal Instructions.

Lord Knutsford having intimated that it is desirable to secure uniformity of action upon this important question, I trust you will be able to convey to His Lordship a similar expression of satisfaction to that expressed by the South Australian Government, and which is felt by this Government, that the Royal Instructions may be amended by an instruction that, in exercising the prerogative of mercy in capital cases, Governors are to act upon the advice of their responsible Ministers.

I have, &c.,

J. BALLANCE.

Sub-enclosure No. 2.

The PREMIER of TASMANIA to the PREMIER of NEW ZEALAND.

SIR,—

Premier's Office, Hobart, 5th March, 1892.

I have the honour to acknowledge the receipt of your letter of the 15th ultimo on the subject of the contemplated amendment of the Royal Instructions to Governors of the Australian Colonies in regard to the prerogative of mercy.

This Government cordially approves of the proposed alteration in the Instructions as being most desirable for securing uniformity of practice with respect to so important a question, and also as more fully recognizing the principles of responsible government.

I have, &c.,

P. O. Fysh.

The Hon. the Premier, New Zealand.

A.—1, 1892,
No. 27.

A.—2, 1892,
No. 33.

Sub-enclosure No. 3.

The PREMIER of WESTERN AUSTRALIA to the PREMIER of NEW ZEALAND.

SIR,—

Premier's Office, Perth, 10th March, 1892.

In reply to your letter of the 15th February, with reference to the question of the exercise of the prerogative of mercy under the Royal Instructions by the Australasian Governors, I beg to inform you that this Government has expressed its view to Lord Knutford that a clause similar to that contained in the Canadian Royal Instructions should be substituted for the corresponding clause in the present Instructions to Governors of the Australasian Colonies.

The Hon. the Premier of New Zealand.

I have, &c.,

JOHN FORREST.

Sub-enclosure No. 4.

The PREMIER of QUEENSLAND to the PREMIER of NEW ZEALAND.

SIR,—

Chief Secretary's Office, Brisbane, 12th March, 1892.

I have the honour to acknowledge receipt of your letter of the 15th ultimo, in which, referring to the question of the substitution for the corresponding clause in the present Instructions to Governors of a clause similar to that contained in the Canadian Royal Instructions, you express your hope that the views of this Government may be favourable to the proposal.

I have pleasure in being able to state that I have informed His Excellency Sir Henry Norman that this Government would regard the substitution suggested with satisfaction.

The Hon. J. Ballance, Wellington, New Zealand.

I have, &c.,

S. W. GRIFFITH.

Sub-enclosure No. 5.

The PREMIER of VICTORIA to the PREMIER of NEW ZEALAND.

(No. 1137.)

SIR,—

Premier's Department, Melbourne, 25th March, 1892.

Your letter of the 15th ultimo, respecting the exercise of the prerogative of mercy under the Royal Instructions, was replied to by my telegram of the 2nd instant, as follows—viz.: "Melbourne, 2nd March, 1892.—Entirely agree with your letter of the 15th instant respecting Royal Instructions. May I ask whether you have addressed the other Australian Governments in the same sense?"

I duly received your telegram of the same day, informing me that the other Australian Governments had been similarly addressed, except South Australia, which had already expressed concurrence.

I now have the honour to enclose herewith, for your information, an opinion by the Hon. the Attorney-General, Mr. Gavan Duffy, on the subject. The circular which Mr. Duffy suggests is, of course, unnecessary in view of that which has already been issued by yourself. Having regard, however, to the desirability of an identical answer to the despatch, as suggested by Mr. Duffy, I shall be glad if you will inform me at your convenience to what extent the Colonies are in accord as to the reply to be sent to the despatch.

I await this information before furnishing His Excellency the Governor with the reply of this Government.

The Hon. the Premier, Wellington.

I have, &c.,

WM. SHIELDS.

[COPY.]

Crown Law Offices, Melbourne, 22nd February, 1892.

I would advise that the Premier communicate confidentially with the Premiers of the other Australasian Colonies, with a view to an identical answer being given to the Secretary of State for the Colonies, if possible.

2. I am of opinion that the proposed alteration in the Instructions would in reality merely amount to a declaration of the constitutional principles of, and the existing practice in, the self-governing Australasian Colonies.

3. As this declaration would define the Governor's position, and bring home to Ministers the responsibility which it is their duty to accept, I think that it would be a matter of convenience that it should be made.

J. G. D.

Sub-enclosure No. 6.

The PREMIER of NEW ZEALAND to the PREMIER of VICTORIA.

SIR,—

Premier's Office, Wellington, 13th April, 1892.

I have the honour to acknowledge the receipt of your letter, No. 1137, of the 25th ultimo, on the subject of the exercise of the prerogative of mercy under the Royal Instructions, and in reply to inform you that in reply to my letters I learn that Western Australia, Queensland, Victoria, and Tasmania cordially approve of the proposed alteration in the Royal Instructions. Western Australia informs me that it has already signified to Lord Knutsford its wish for the change. It only remains, therefore, for New South Wales to state its views on the question, which, I presume, will be in accord with the other Australasian Colonies.

I have, &c.,

J. BALLANCE, Premier.

P.S.—I should add that on the 15th February last His Excellency the Governor informed Lord Knutsford of the satisfaction of this Government that Her Majesty's Government is prepared to adopt the suggestion made from here.

The Hon. the Premier, Victoria.

Sub-enclosure No. 7.

The PREMIER of NEW SOUTH WALES to the PREMIER of NEW ZEALAND.

(Telegram.)

28th May, 1892.

THIS Government concurs in proposed alteration in Royal Instruction *re* prerogative of mercy. I regret delay in informing you of decision, which was caused by absence of Minister of Justice.

Hon. the Prime Minister, Wellington.

F. B. SUTTOR, Colonial Secretary.

No. 5.

MY LORD,—

Government House, Wellington, 6th June, 1892.

A.—2A, 1892,

No. 7.†

A.—2, 1891,

Sess. II., No. 10.

In reply to your Lordship's Despatch "General," of the 2nd February last, drawing attention to your Circular Despatch of the 12th January, 1891, and requesting to be furnished with the expression of the views of the Government on the proposed issue of *exequatur* to Consular officers appointed by the Chinese Government, I have the honour to enclose copy of a memorandum by the Prime Minister to Lord Onslow, and of a memorandum by Lord Onslow thereon; and a memorandum by the Prime Minister to myself after the receipt of your Lordship's despatch now under reply.

2. I have to observe that the suggestion made by Lord Onslow to Ministers, that inquiries should be made in Australia as to what action the several colonial Governments proposed to take, was not acted upon.

I have, &c.,

J. PRENDERGAST.

The Right Hon. Lord Knutsford.

Enclosure No. 1.

MEMORANDUM FOR HIS EXCELLENCY.

Premier's Office, Wellington, 22nd May, 1891.

MINISTERS present their respectful compliments to His Excellency, and, after giving careful consideration to the despatch of the 12th January last, from the Right Hon. the Secretary of State for the Colonies, respecting the appointment of Chinese Consuls in the colony, think that, owing to the strong feeling existing in the minds of the colonists against the immigration of people of the Chinese race into New Zealand, it would be inexpedient to grant permission for the establishment of a Chinese Consulate in the colony.

With regard to the Chinese already in the colony, they have power to naturalise themselves and become British subjects; while those who do not desire to do so have the protection of the law, and cannot be injured in their persons or property with impunity.

Ministers, for these reasons, respectfully submit that, while they do not desire to embarrass the relations of the Imperial Government with foreign Powers, assent should not be given to the proposal so far at least as concerns this colony.

J. BALLANCE.

Enclosure No. 2.

The Hon. the Premier.

I HAVE read the above memorandum. The chief objection appears to lie in a belief that the establishment of Consuls and consular offices would lead to further immigration, and would, notwithstanding restrictive legislation, tend to increase the numbers of Chinese in New Zealand.

Ministers have not stated how, in their opinion, this would be brought about. I have often felt that a great hardship is inflicted on Chinese as compared with other foreigners who have consular representatives, but are not subject to the violence and maltreatment to which the Chinese so often are.

The Chinese have no one to defend them, other than their fellow-subjects, if any chance to be so well off as to be able to help them.

I am not aware how far it may be possible through the *exequatur* to place any restriction on consular appointments made by the Chinese Government; but if it were possible to insist on European nationality of Chinese Consuls, in the same way as most of the foreign Powers are now represented by Englishmen as Consuls here, a measure of fairness would be dealt to the Chinese.

In any case, I suggest that it may be advisable before I reply to this despatch to make inquiries in Australia, where the feeling against the Chinese is even stronger than here, as to what action the several Colonial Governments propose to take.

ONSLOW.

Enclosure No. 3.

MEMORANDUM for His EXCELLENCY.

WITH reference to the despatch "General" from the Secretary of State for the Colonies, dated the 2nd February last, calling attention to a previous circular despatch of the 12th February, 1891, relative to the appointment in New Zealand of Consular Agents for the Chinese Empire, the Premier has the honour to refer His Excellency to the memorandum from Ministers dated the 22nd May, 1891, No. 22/91, setting forth their views upon the subject, upon which His Excellency Lord Onslow was pleased to make a minute.

The Premier has now respectfully to state that Ministers still adhere to the views expressed in the memorandum referred to; but, in reference to the remark made by Lord Onslow, that "Ministers have not stated how, in their opinion, the further immigration of Chinese would be brought about by the appointment of Consular Agents," Ministers would observe that, with regard to the precise manner in which immigration might be encouraged, they are not prepared to measure the ingenuity of the Chinese by any known rule; their position in the colony is distinct from that of any other race, and special laws have been enacted to prevent their immigration which have not been recognised by China as consistent with treaty rights between Great Britain and that country. How far our legislation may be effectual remains to be seen; but Ministers consider it to be their duty to take every precaution that it may not be weakened in its effect.

J. BALLANCE.

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