

1893.

NEW ZEALAND.

DESPATCHES

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

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

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No. 1.

(New Zealand, General.)

MY LORD,—

Downing Street, 30th March, 1892.

I have the honour to transmit to your Lordship new instructions under the Royal Sign-manual and Signet.

2. These instructions have, as you will observe on comparing them with those issued to your predecessors, of which I enclose a copy for reference, been simplified in language throughout, and made shorter by the omission not only of clauses which are scarcely suited to the conditions of a colony under Responsible Government, but also by the omission of clauses relating to matters of detail in legislation, and in keeping of records which, although necessary to the proper conduct of Government, are not of sufficient importance to be retained in instructions passed under Royal Sign-manual and Signet.

Your Ministers, to whom you will be good enough to communicate this despatch, will doubtless do what is necessary to enable you to comply with the wishes of Her Majesty's Government in these respects.

3. The clause declaring the necessary quorum of the Executive is retained, so as to preclude any question being raised as to whether the Council is duly constituted at any meeting. The Council is created by the letters patent, and, in the absence of any law on the subject, Her Majesty is the only authority which can determine the conditions essential for the due exercise of its functions; and the most convenient as well as the most formal method of determining such conditions is by a declaration contained in instructions issued by Her Majesty under an order of the Privy Council. You will recognise that it is essential to fix the number of the quorum, inasmuch as in the absence of an authoritative declaration that a smaller number is sufficient it might be urged that no meeting of the Council would be duly constituted unless every member of it were present; and, looking to the importance of its functions, it is most desirable that no room for doubt should exist.

4. Referring to my Despatch No. 14, of the 20th April, 1891, I have not thought it necessary to defer advising Her Majesty to extend to New Zealand provisions similar to the clause of the Canadian instructions respecting the granting of pardons by the Governor, after consulting his Responsible Ministers; and clause 7 of the enclosed instructions, when read with clause 9 of the letters patent creating the office of Governor, will be found to carry out the wishes of the New Zealand Government as conveyed to me in Lord Onslow's Despatch No. 12, of the 7th February, 1891.

5. As this clause of the instructions makes no mention of a report from the Judge in a capital case, I enclose, for the information of your Ministers, a copy of an Act of the Canadian Parliament passed in 1866, chapter 181, intituled "An Act respecting Punishments, Pardons, and the Commutation of Sentences," the 8th section of which relates to the duties which the law imposes upon a Canadian Judge after sentence of death has been pronounced.

6. It is expedient, as a matter of convenience to the Secretary of State in dealing with the laws sent Home for consideration, as well as one of practical importance to the colony affected by such laws, that each different matter should be dealt with in a separate law, so that things which have no proper relation to each other should not be intermixed in one and the same law, and that no clause be inserted in any law which is foreign to what the title of such law imports, and that no perpetual clause be part of any temporary law.

7. It is also desirable that all laws transmitted by you should be fairly abstracted in the margin, and be accompanied with a report by the Attorney-General, and, in such cases as appear to you to require it, with statements of the reasons for passing such laws.

8. You will continue to transmit for my information, and that of other departments of the public service, and for the record in this office, a sufficient number of copies of the Journals and Minutes of the Proceedings of both Houses of the Legislature, and of such annual returns as have been ordinarily transmitted relative to the revenue and expenditure, defence, public works,

legislation, civil establishments, population, schools, imports and exports, agriculture, manufactures, and other statistics of the state and condition of the colony.

I have, &c.,

KNUTSFORD.

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

Enclosure No. 1.

NEW ZEALAND.

COMMISSION, passed under the Royal Sign-manual and Signet, appointing the Right Honourable the Earl of Glasgow, G.C.M.G., to be Governor and Commander-in-Chief of the Colony of New Zealand and its Dependencies.

(L.S.)

VICTORIA R.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, to our Right Trusty and Right Well-beloved Cousin, David, Earl of Glasgow, Knight Grand Cross of our Most Distinguished Order of Saint Michael and Saint George, Greeting:

WE do, by this our Commission under our Sign-manual and Signet, appoint you, the said David, Earl of Glasgow, to be, during our pleasure, our Governor and Commander-in-Chief in and over our Colony of New Zealand and its Dependencies, with all the powers, rights, privileges, and advantages to the said office belonging or appertaining.

2. And We do hereby authorise, empower, and command you to exercise and perform all and singular the powers and directions contained in our letters patent under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing date at Westminster the twenty-first day of February, one thousand eight hundred and seventy-nine, or in any other letters patent adding to, amending, or substituted for the same, according to such orders and instructions as our Governor for the time being hath already received from Us, and to such further orders and instructions as you shall hereafter receive from Us.

3. And We do hereby appoint that, so soon as you shall have taken the prescribed oaths and have entered upon the duties of your office, this our present Commission shall supersede our Commission under our Sign-manual and Signet bearing date the twenty-fourth day of November, one thousand eight hundred and eighty-eight, appointing our Right Trusty and Right Well-beloved Cousin, William Hillier, Earl of Onslow, Knight Commander (now Knight Grand Cross) of our Most Distinguished Order of Saint Michael and Saint George, to be our Governor and Commander-in-Chief of our said Colony and its Dependencies.

4. And We do hereby command all and singular our officers, Ministers, and loving subjects in our said colony and its dependencies, and all others whom it may concern, to take due notice hereof, and to give their ready obedience accordingly.

Given at our Court, at Windsor, this twenty-fourth day of February, one thousand eight hundred and ninety-two, in the fifty-fifth year of our reign.

By Her Majesty's command.

KNUTSFORD.

Enclosure No. 2.

NEW ZEALAND.

INSTRUCTIONS, passed under the Royal Sign-manual and Signet, to the Governor and Commander-in-Chief of the Colony of New Zealand and its Dependencies.

Dated 26th March, 1892.

INSTRUCTIONS to our Governor and Commander-in-Chief in and over our Colony of New Zealand and its Dependencies, or to our Lieutenant-Governor or other officer for the time being administering the Government of our said colony and its dependencies.

Given at our Court at Windsor, this twenty-sixth day of March, 1892, in the fifty-fifth year of our reign.

Preamble. Recites letters patent, constituting the office of Governor.

Whereas by certain letters patent bearing date the twenty-first day of February, 1879, We did constitute, order, and declare that there should be a Governor and Commander-in-Chief (therein and hereinafter called the Governor) in and over our Colony of New Zealand and its Dependencies (which said colony and its dependencies are therein and hereinafter called the colony):

And whereas We did thereby authorise and command the Governor to do and execute all things that belong to his said office, according to the tenor of our said letters patent, and of such Commission as might be issued to him under our Sign-manual and Signet, and according to such instructions as might from time to time be given to him under our Sign-manual and Signet, or by our order in our Privy Council, or by Us through one of our principal Secretaries of State, and to such laws as were then or should thereafter be in force in the colony:

Recites instructions of 21st February, 1879.

And whereas We did issue certain instructions under our Sign-manual and Signet, bearing date the twenty-first day of February, 1879:

And whereas We are minded to give these further instructions to our said Governor:

Revokes aforesaid instructions.

Now know you that We do hereby revoke the aforesaid instructions, and We do, by these our instructions under our Sign-manual and Signet, direct and enjoin and declare our will and pleasure as follows :—

Interpretation.

I. In these our instructions, unless inconsistent with the context, the term “the Governor” shall include every person for the time being administering the Government of the colony, and the term “the Executive Council” shall mean the members of our Executive Council for the colony who are for the time being the Responsible Advisers of the Governor.

Oaths to be administered by Governor.

II. The Governor may, whenever he thinks fit, require any person in the public service to take the oath of allegiance, together with such other oath or oaths as may from time to time be prescribed by any law in force in the colony. The Governor is to administer such oaths, or cause them to be administered by some public officer of the colony.

Governor to communicate instructions to Executive Council.

III. The Governor shall forthwith communicate these our instructions to the Executive Council, and likewise all such others, from time to time, as he shall find convenient for our service to impart to them.

Quorum.

IV. The Executive Council shall not proceed to the despatch of business unless two members at the least (exclusive of the Governor or of the member presiding) be present and assisting throughout the whole of the business at which any such business shall be despatched.

Governor to take advice of Executive Council.

V. In the execution of the powers and authorities vested in him, the Governor shall be guided by the advice of the Executive Council; but, if in any case he shall see sufficient cause to dissent from the opinion of the said Council, he may act in the exercise of his said powers and authorities in opposition to the opinion of the Council, reporting the matter to Us without delay, with the reasons for his so acting.

In any such case it shall be competent to any member of the said Council to require that there be recorded upon the minutes of the Council the grounds of any advice or opinion that he may give upon the question.

Description of Bills not to be assented to.

VI. The Governor shall not, except in the cases hereunder mentioned, assent in our name to any Bill of any of the following classes :—

1. Any Bill for the divorce of persons joined together in holy matrimony :
2. Any Bill whereby any grant of land or money, or other donation or gratuity, may be made to himself :
3. Any Bill affecting the currency of the colony :
4. Any Bill imposing differential duties (other than as allowed by “The Australian Colonies’ Duties Act, 1873”) :
5. Any Bill the provisions of which shall appear inconsistent with obligations imposed upon Us by treaty :
6. Any Bill interfering with the discipline or control of our Forces in the colony by land or sea :
7. Any Bill of an extraordinary nature and importance, whereby our prerogative, or the rights and property of our subjects not residing in the colony, or the trade and shipping of the United Kingdom and its dependencies, may be prejudiced :
8. Any Bill containing provisions to which our assent has once been refused, or which have been disallowed by Us,—

Powers in urgent cases.

unless he shall have previously obtained our instructions upon such Bill through one of our Principal Secretaries of State, or unless such Bill shall contain a clause suspending the operation of such Bill until the signification in the colony of our pleasure thereupon, or unless the Governor shall have satisfied himself that an urgent necessity exists requiring that such Bill be brought into immediate operation, in which case he is authorised to assent in our name to such Bill, unless the same shall be repugnant to the law of England, or inconsistent with any obligations imposed upon Us by treaty. But he is to transmit to Us by the earliest opportunity the Bill so assented to, together with his reasons for assenting thereto.

Regulation of power of pardon.

VII. The Governor shall not pardon or reprieve any offender without first receiving in capital cases the advice of the Executive Council, and in other cases the advice of one, at least, of his Ministers; and in any case in which such pardon or reprieve might directly affect the interests of our Empire, or of any country or place beyond the jurisdiction of the Government of the colony, the Governor shall, before deciding as to either pardon or reprieve, take those interests specially into his own personal consideration in conjunction with such advice as aforesaid.

Judges, &c., to be appointed during pleasure.

VIII. All commissions granted by the Governor to any persons to be Judges, Justices of the Peace, or other officers, shall, unless otherwise provided by law, be granted during pleasure only.

Governor’s absence. Temporary leave of absence.

IX. The Governor shall not quit the colony without having first obtained leave from Us for so doing under our Sign-manual and Signet, or through one of our Principal Secretaries of State, except for the purpose of visiting the Governor of any neighbouring colony for periods not exceeding

one month at any one time, nor exceeding in the aggregate one month for every year's service in the colony.

Governor's absence and departure from the colony. Interpretation clause.

X. The temporary absence of the Governor for any period not exceeding one month shall not, if he have previously informed the Executive Council, in writing, of his intended absence, and if he have duly appointed a Deputy in accordance with our said letters patent, nor shall any extension of such period sanctioned by one of our Principal Secretaries of State and not exceeding fourteen days, be deemed a departure from the colony within the meaning of the said letters patent.

No. 2.

(Circular.)

MY LORD,—

Downing Street, 19th April, 1892.

My attention having been called to a suggestion that officers of Constabulary forces in the colonies should be allowed to wear their Constabulary uniform at levées, I have the honour to inform you that, following the precedent of a similar privilege accorded by long-standing custom to the Royal Irish Constabulary, I have decided that this privilege may be generally allowed.

I have, &c.,

The Officer Administering the Government
of New Zealand.

KNUTSFORD.

No. 3.

(New Zealand, No. 12.)

SIR,—

Downing Street, 29th April, 1892.

I am directed by Lord Knutsford to transmit to you, for your information and that of your Government, a copy of a letter from the Admiralty, with a copy of one from the Captain of H.M.S. "Ringarooma" reporting his proceedings in New Zealand waters.

I have, &c.,

The Officer Administering the Government
of New Zealand.

KNUTSFORD.

Enclosure.

The ADMIRALTY to the COLONIAL OFFICE.

SIR,—

Admiralty, 18th April, 1892.

I am commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, a copy of a letter from the Commander-in-Chief on the Australian Station, enclosing copy of a letter from the Captain of H.M.S. "Ringarooma" reporting his proceedings in New Zealand waters.

I am, &c.,

The Under-Secretary of State, Colonial Office.

R. D. AWDRY.

Sub-enclosure.

LETTER REPORTING PROCEEDINGS.

H.M.S. "Ringarooma," at Russell, New Zealand,

24th February, 1892.

MY LORD,—

I have the honour to report that I remained at Nelson till the 6th, on which day the Jubilee festivities ended. During the week everything passed off satisfactorily, including a review of the local forces, in which I was able to co-operate with a company of small-arm men and a field-gun, the presence of our men being much appreciated.

2. I arrived at Picton on the 7th, and at Wellington on the 12th, where I coaled and gave general leave, and remade a joint of main steam-pipe.

3. On the 19th I weighed, and proceeded off Lowry Bay to run torpedoes under weigh. The first one launched ran well; but the second did not leave the tube with the usual velocity, dived, and stuck in the mud in 9½ fathoms of water. The spot was at once marked by one of the boats in attendance, and the ship anchored. Diving and creeping were resorted to, and continued till sunset, and again the next day till 11 a.m., but without success. As to remain longer would have prevented my carrying out the arrangements for visiting New Plymouth and Russell, long before entered into, I decided to leave, having first laid down a well-secured buoy.

4. I reached New Plymouth on the 21st, and remained throughout the day, and many people came on board. I anchored here yesterday, and shall shortly proceed to Auckland.

5. It has long been my intention to send the "Tauranga" to the capital on my return to headquarters, and the commanding officer will be instructed to make a thorough search for the lost torpedo, of which a special report will be forwarded.

6. As the cruise round my station has now terminated I should wish to bring to your Lordship's notice that, in carrying out this service, I have endeavoured, and I hope successfully, to meet the wishes of the colonial authorities and people generally, recognising the arrival of the ships of the Auxiliary Squadron as marking a new departure in naval affairs, and observing how great was the general interest in the matter.

I have, when called upon to speak publicly, encouraged that feeling, and have also thrown the ship open to inspection in a way that has not hitherto been customary. Nearly all the towns in this colony being situated on or near the coast, and my visits having coincided with regattas and other occasions when the country people were also present, I am justified in saying that the presence and importance of the Royal navy has been brought home to a very large proportion of the inhabitants, and I feel convinced that any objection that may have been felt as to paying the contribution does not now exist.

The Commander-in-Chief, Australia.

I have, &c.,

EDMUND BURKE, Captain.

No. 4.

(New Zealand, No. 13.)

MY LORD,—

Downing Street, 30th April, 1892.

I have the honour to transmit to you, for the information of your Government, a copy of the correspondence noted in the margin, between the Agents-General of the colonies concerned and this department, and between this department and the War Office, respecting the appointment of an Imperial officer on the active list to inspect and pass all warlike stores purchased in England on behalf of the Colonies of New South Wales, Tasmania, Queensland, Victoria, South Australia, and New Zealand.

I have, &c.,

KNUTSFORD.

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

Enclosure No. 1.

The AGENTS-GENERAL to the COLONIAL OFFICE.

MY LORD,—

Westminster Chambers, 9, Victoria Street, S.W., 12th February, 1892.

We have the honour to inform you that we have received from our respective Governments instructions to ask the War Office to appoint an Imperial artillery officer on the active list to inspect and pass all warlike stores purchased in England on behalf of the Australian Colonies and Tasmania.

We have therefore to request that your Lordship will be so good as to communicate to the Right Hon. the Secretary of State for War the desire of our respective Governments, and to solicit compliance with their request.

The conditions that it is desired should be observed in relation to this appointment are as follow:—

(a.) The officer to be an artillery officer on the active list, who has been through the Artillery College and manufacturing departments, fully qualified in all respects to inspect and pass all warlike stores and materials, and who has full experience in ordnance and warlike stores of the latest types. He should also be a man of business capacity.

(b.) The officer selected to have no interest in or business connection with any person, firm, or company making or selling warlike stores or materials, nor be allowed to receive any remuneration, commission, or reward of any kind from any person supplying such stores or materials for the Governments concerned.

(c.) The appointment to be for five years, from the 1st April, 1892.

(d.) Salary £800 per annum, with travelling-expenses to be allowed at the Imperial rates for field officers, and to be apportioned by the Agents-General amongst the colonies in accordance with the duties performed for each.

(e.) It is probable that any clerical assistance which the inspecting officer might require could be afforded in respect of each colony by the Agent-General of that colony, in the same manner as is now done with regard to Major-General Steward. If otherwise, however, an allowance of £200 per annum to be made for the expense of a clerk and office-accommodation.

(f.) The officer should be *ex officio* a member of the Ordnance Select Committee.

We annex, for the further information of the War Office, a copy of a memorandum agreed to by the several Governments, detailing more fully the particulars of the services required from the officer and the emoluments attaching to the appointment.

We shall be pleased to wait on the Right Hon. the Secretary of State for War to discuss this matter, if he should think it desirable.

We have, &c.,

SAUL SAMUEL,

Agent-General for New South Wales.

E. BRADDON,

Agent-General for Tasmania.

JAMES F. GARRICK,

Agent-General for Queensland.

SAMUEL DEERING,

Acting Agent-General for South Australia.

A. CLARK,

Acting Agent-General for Victoria.

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

MEMORANDUM referred to in the joint letter of the Agents-General of the Australian Colonies and Tasmania, addressed to the Right Hon. the Secretary of State for the Colonies, dated 12th February, 1892.

(a.) The officer to be an artillery officer on the active list, who has been through the Artillery College and manufacturing departments, who is fully qualified in all respects to inspect, pass, and purchase all warlike stores and materials, and who has full experience in ordnance and warlike stores of the latest type. He should also be a man of business capacity.

(b.) The officer to have no interest in, or business connection with, any person, firm, or company making or selling warlike stores or materials, nor to be allowed to receive any remuneration, commission, or reward of any kind from any person supplying such stores or materials for the Governments concerned.

(c.) The appointment to be for five years, from the 1st April, 1892, at a salary of £800 per year.

(d.) Travelling-expenses to be allowed at the Imperial rates for field officers, and to be apportioned by the Agents-General amongst the colonies in accordance with the duties performed for each.

(e.) It is probable that any clerical assistance which the inspecting officer might require could be afforded in respect of each colony by the Agent-General of that colony, in the same manner as is now done with regard to Major-General Steward. If otherwise, however, an allowance of £200 per year to be made for expenses of clerk and office-accommodation.

(f.) The contributions to the salary and office-expenses to be assessed in proportion to the population shown by the census of the 5th April, 1891 (excluding Maoris and other aborigines), such assessment to remain good for five years.

(g.) Each colony to pay the officer through its Agent-General the proportion due to him on account of each colony respectively.

(h.) Representations to be made to the War Office to include a request that the officer appointed should be *ex officio* a member of the Ordnance Select Committee.

Enclosure No. 2.

The COLONIAL OFFICE to the WAR OFFICE.

SIR,—

Downing Street, 17th February, 1892.

I am directed by Lord Knutsford to transmit to you, for the favourable consideration of Mr. Secretary Stanhope, a copy of a joint letter signed by the Agents-General for New South Wales, Tasmania, Queensland, Victoria, and South Australia, expressing the wish of their respective Governments for the appointment of an Imperial military officer on the active list to inspect and pass all warlike stores purchased in England on behalf of the Australian Colonies and Tasmania.

I am to state that his Lordship has seen the Agents-General by whom this letter is signed, and that they have strongly pressed upon him the appointment of an officer thoroughly acquainted with the latest improvements, and either a member of the Ordnance Select Committee, which they would much prefer, or at all events an officer in touch with that Committee. This could be secured by appointing the officer selected to be an *ex officio* assistant member of the Committee, though without a vote in its proceedings.

Should Mr. Stanhope entertain any doubt on the subject or desire further information, the Agents-General would be very glad to wait upon him to give further explanations, and in that case Lord Knutsford would be happy to be present.

I am, &c.,

The Under-Secretary of State, War Office.

JOHN BRAMSTON.

Enclosure No. 3.

Mr. PERCIVAL to the COLONIAL OFFICE.

SIR,—

Westminster Chambers, 13, Victoria Street, London, 24th February, 1892.

On the 12th instant the Agents-General for Australia and Tasmania addressed you on the subject of appointing an Imperial artillery officer to inspect and pass all warlike stores purchased in England for those colonies, and in reference thereto I have the honour to inform you that I have received a despatch from my Government stating that, having been invited to take part in the arrangement, they have approved of the proposal; I have therefore received instructions to act in concert with the other Agents-General to give effect to it.

Under these circumstances I have placed myself in communication with the Agent-General for New South Wales, and I have now to request that you will be pleased to intimate to the Right Hon. the Secretary of State for War that the Colony of New Zealand will be included in the number of the colonies for whom the Imperial officer to be appointed will be required to act.

I have, &c.,

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

W. B. PERCIVAL.

Enclosure No. 4.

The COLONIAL OFFICE to the WAR OFFICE.

SIR,—

Downing Street, 2nd March, 1892.

With reference to the letter from this department of the 17th of February respecting the wish of several of the Australian Colonies for the appointment of an Imperial artillery officer on the active list to inspect and pass warlike stores purchased in England on behalf of those colonies, I am directed by Lord Knutsford to transmit to you, to be laid before Mr. Secretary Stanhope, a

copy of a letter from the Agent-General for New Zealand expressing the wish of his Government to be included in the number of the colonies for whom the Imperial officer will be required to act.

I am, &c.,

The Under-Secretary of State, War Office.

JOHN BRAMSTON.

Enclosure No. 5.

The WAR OFFICE to the COLONIAL OFFICE.

SIR,—

War Office, 22nd March, 1892.

With reference to your letter of the 17th ultimo, I am directed by the Secretary of State for War to acquaint you, for the information of the Secretary of State for the Colonies, that Mr. Secretary Stanhope has approved of the appointment of an officer of Royal Artillery as Inspector of Warlike Stores and technical adviser in this country for the Australian Colonies, Tasmania, and New Zealand, and that Lieut.-Colonel J. F. Harmon, Royal Artillery, at present Assistant Director of the Artillery College, has accordingly been selected for the post in question.

Lieut.-Colonel Harmon has been made acquainted with the conditions of the appointment as required in the joint letter from the Agents-General of the Australian Colonies, and assents to them; but he requests that, if possible, he may be granted the allowance of £200 a year for the expenses of a clerk and office-accommodation, as mentioned in paragraph (e) of the joint letter, in preference to receiving clerical assistance through the Agents-General in respect of each of the colonies concerned.

I have to add that Lieut.-Colonel Harmon will cease to draw pay from the army funds from the date of his appointment, but no steps will be taken to notify it until a communication has been received regarding the views of the colonial authorities on the above question.

I have, &c.,

The Under-Secretary of State, Colonial Office.

RALPH THOMPSON.

Enclosure No. 6.

The COLONIAL OFFICE to the WAR OFFICE.

SIR,—

Downing Street, 30th March, 1892.

With reference to your letter of the 22nd instant, respecting the appointment of an Imperial artillery officer to inspect and pass all warlike stores purchased in England on behalf of certain Australian Colonies, I am directed by Lord Knutsford to request that you will move Mr. Secretary Stanhope to acquaint him whether he would be right in informing the Agents-General of the colonies concerned that Lieut.-Colonel Harmon, R.A., meets the condition (f) mentioned in the joint letter of the Agents-General of the 12th ultimo, which, among others, it was desired should be observed in making the selection, or whether Mr. Stanhope will accept the alternative proposal suggested in the letter from this department enclosing a copy of the application from the Agents-General.

I have, &c.,

The Under-Secretary of State, War Office.

R. H. MEADE.

Enclosure No. 7.

The WAR OFFICE to the COLONIAL OFFICE.

SIR,—

War Office, 1st April, 1892.

With reference to your letter of the 30th ultimo, I am directed by the Secretary of State for War to acquaint you, for the information of the Secretary of State for the Colonies, that Lieut.-Colonel J. F. Harmon, R.A., will be appointed an *ex officio* member of the Ordnance Committee, with access to the records of the Committee and to all meetings, &c., as requested in your letter of the 17th February last, on taking up the post of Inspector of Warlike Stores for the Australasian Colonies.

I have, &c.,

The Under-Secretary of State, Colonial Office.

RALPH THOMPSON.

Enclosure No. 8.

The COLONIAL OFFICE to the AGENT-GENERAL.

SIR,—

Downing Street, 6th April, 1892.

With reference to your letter of the 24th February, respecting the wish of the Government of New Zealand that the Imperial artillery officer applied for by the Governments of New South Wales, Tasmania, Queensland, Victoria, and South Australia, to inspect all warlike stores purchased in England on behalf of their respective Governments, should act similarly on behalf of that Government, I am directed by Lord Knutsford to transmit to you for your information a copy of correspondence which has passed between this department and the War Office on the subject of the appointment.

I am to request that, in concert with the Agents-General of the other colonies concerned, you will take into consideration the proposal made by Lieut.-Colonel J. F. Harmon, that he should be allowed a money-payment instead of clerical assistance, and that you will inform his Lordship of the nature of the answer that should be returned to Mr. Secretary Stanhope's first letter.

A copy of the letter which was addressed to the War Office on the receipt of the joint letter from the Agents-General is also enclosed, together with a copy of a further letter addressed to that department on receipt of your letter under reference.

I have, &c.,

The Agent-General for New Zealand.

EDWARD FAIRFIELD.

Enclosure No. 9.

The AGENTS-GENERAL to the COLONIAL OFFICE.

MY LORD,—

Westminster Chambers, 9, Victoria Street, S.W., 14th April, 1892.

We have the honour to acknowledge the receipt of Mr. Fairfield's letter of the 6th instant, enclosing a copy of correspondence which has passed between the Colonial Office and the War Office on the subject of the appointment of an artillery officer on the active list to inspect and pass warlike stores purchased in England for the Australasian Colonies.

We observe that the Secretary of State for War has selected Lieut.-Colonel J. F. Harmon, R.A., for the appointment in question, and that he will be appointed an *ex officio* associate member of the Ordnance Committee, with access to all the records of the Committee, and to all meetings, &c., on taking up the post of Inspector of Warlike Stores for the Australasian Colonies.

With reference to Lieut.-Colonel Harmon's request that he may be granted the allowance of £200 a year for the expense of a clerk and office-accommodation, as mentioned in paragraph (e) of the joint letter of the Agents-General, dated 12th February last, in preference to receiving clerical assistance through the Agents-General in respect of each of the colonies concerned, on behalf of our Governments we are willing to comply with Lieut.-Colonel Harmon's request to allow him £200 per annum to be expended in the employment of a clerk and providing office-accommodation in the vicinity of the chambers.

We now beg to state that it will be convenient if Lieut.-Colonel Harmon can be permitted to enter upon his duties on behalf of the colonies on the 1st day of May next, and have to ask you to be good enough to communicate with the Secretary of State for War accordingly.

We have, &c.,

SAUL SAMUEL,

Agent-General for New South Wales.

E. BRADDON,

Agent-General for Tasmania.

JAS. F. GARRICK,

Agent-General for Queensland.

WESTLY B. PERCIVAL,

Agent-General for New Zealand.

J. C. BRAY,

Agent-General for South Australia.

J. MUNRO,

Agent-General for Victoria.

The Right Hon. the Secretary of State, Colonial Office.

Enclosure No. 10.

The COLONIAL OFFICE to the WAR OFFICE.

SIR,—

Downing Street, 19th April, 1892.

With reference to your letter of the 22nd ultimo, I am directed by Lord Knutsford to transmit to you, to be laid before Mr. Secretary Stanhope, a copy of a joint letter, signed by the Agents-General for New South Wales, Tasmania, Queensland, New Zealand, South Australia, and Victoria, assenting on the part of the Governments which they represent to allow Lieut.-Colonel Harmon, R.A., £200 per annum to be expended in the employment of a clerk and providing office-accommodation in the vicinity of Victoria Street, and requesting that, if convenient, this officer may enter upon his duties in connection with the inspection and passing all warlike stores purchased in England on behalf of the colonies named from the 1st May next.

I am to request that his Lordship may be informed what answer should be returned to this application.

The Under-Secretary of State, War Office.

I am, &c.,

R. H. MEADE.

Enclosure No. 11.

The WAR OFFICE to the COLONIAL OFFICE.

SIR,—

War Office, 23rd April, 1892.

With reference to your letter of the 19th instant, I am directed by the Secretary of State for War to acquaint you, for the information of the Secretary of State for the Colonies, that Mr. Secretary Stanhope has approved of the appointment of Lieut.-Colonel J. F. Harmon, R.A., to be Inspector of Warlike Stores for the Australasian Colonies from the 1st proximo.

This officer will receive no pay from army funds whilst holding the post in question.

The Under-Secretary of State, Colonial Office.

I have, &c.,

RALPH THOMPSON.

No. 5.

(New Zealand, No. 14.)

SIR,—

Downing Street, 3rd May, 1892.

I have the honour to acknowledge the receipt of your Despatch No. 8, of the 29th of February, reporting the departure from New Zealand of the Earl of Onslow on the 25th of that month, and your assumption of the government of the colony on the same day.

The Officer Administering the Government
of New Zealand.

I have, &c.,

KNUTSFORD.

No. 6.

(New Zealand, Honours.)

MY LORD,—

Downing Street, 24th May, 1892.

I have the honour to inform you that the Queen has, on my recommendation, been graciously pleased to give directions for the appointment of Mr. Patrick Alphonsus Buckley, Attorney-General and Colonial Secretary of the colony, to be a Knight Commander of the Most Distinguished Order of Saint Michael and Saint George.

I have, &c.,

The Officer Administering the Government
of New Zealand.

KNUTSFORD.

No. 7.

(New Zealand, No. 20.)

MY LORD,—

Downing Street, 30th May, 1892.

With reference to previous correspondence respecting the contributions of the Australasian Colonies towards naval defence, I have the honour to transmit to you for communication to your Government a copy of a letter from the Department of the Lords Commissioners of the Admiralty, with its enclosures, in which a question is raised as to whether variations are proposed in the division of the contribution of the colonies during the present financial year.

I shall be obliged if you will enable me to reply to the inquiry made by their Lordships.

A similar despatch has been written to the other colonies concerned.

I have, &c.,

KNUTSFORD.

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

Enclosure.

SIR,—

Admiralty, 24th May, 1892.

With reference to your letter of the 6th April, 1892, forwarding a copy of a despatch from the Officer Administering the Government of Western Australia, enclosing a letter from the colonial Premier, and a statement compiled by the Government Statist of Victoria, showing the allotment of the annual contribution under "The Imperial Defence Act, 1888," I am commanded by my Lords Commissioners of the Admiralty to forward to you, for the information of the Secretary of State for the Colonies, a statement showing the amounts which have actually been received from the several Governments.

I am also to ask you to move Lord Knutsford to cause my Lords to be informed whether any variations are proposed in the division of the contribution for the present year, in order that the necessary receivable orders may be issued to the several Agents-General.

I have, &c.,

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

EVAN MACGREGOR.

STATEMENT of the CONTRIBUTIONS paid by and allotted to each Colony for the Year 1891–92.

					Paid. £	Allotted. £
Victoria	...	...	...	...	38,000*	37,723
New South Wales	...	...	...	...	37,340	37,340
Queensland	...	...	...	...	13,018	13,018
South Australia	...	...	...	...	10,624	10,624
Western Australia	...	...	...	...	1,638	1,638
Tasmania	...	...	...	...	4,788	4,836
New Zealand	...	...	...	...	20,712	20,821
					126,120	126,000

No. 8.

(Circular.)

SIR,—

Downing Street, 30th May, 1892.

I have the honour to transmit to you, for publication in the colony under your government, a copy of an Order of Her Majesty the Queen in Council, dated the 9th May, 1892, for giving effect to the treaty between Her Majesty and His Serene Highness the Prince of Monaco for the mutual extradition of fugitive criminals, signed at Paris on the 17th of December, 1891, the ratifications of which were exchanged at Paris on the 17th March, 1892.

I have, &c.,

The Officer Administering the Government
of New Zealand.

KNUTSFORD.

* The difference (£277) has been adjusted in the contribution paid for 1892–93.

Enclosure.

ORDER IN COUNCIL.

Extradition Treaty between Great Britain and Monaco.

Windsor, 9th May, 1892.

At the Court at Windsor, the 9th day of May, 1892.

Present: The Queen's Most Excellent Majesty, Lord President, Lord Steward, Earl of Yarborough, Sir Walter Barttelot, Bart., Mr. Forward.

WHEREAS by the Extradition Acts, 1870 and 1873, it was, amongst other things, enacted that, where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent order, limit the operation of the order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient; and that if, by any law made after the passing of the Act of 1870 by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying the said Acts in the case of any foreign State, or by any subsequent order, suspend the operation within any such British possession of the said Acts, or of any part thereof, so far as it relates to such foreign State, and so long as such law continues in force there and no longer:

And whereas by an Act of the Parliament of Canada passed in 1886, and entitled "An Act respecting the Extradition of Fugitive Criminals," provision is made for carrying into effect within the Dominion the surrender of fugitive criminals:

And whereas by an Order of Her Majesty the Queen in Council, dated the seventeenth day of November, one thousand eight hundred and eighty-eight, it was directed that the operation of the Extradition Acts, 1870 and 1873, should be suspended within the Dominion of Canada so long as the provision of the said Act of the Parliament of Canada of 1886 should continue in force and no longer:

And whereas a treaty was concluded on the seventeenth day of December, one thousand eight hundred and ninety-one, between Her Majesty and His Serene Highness the Prince of Monaco, for the mutual extradition of fugitive criminals, which treaty is in the terms following:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Serene Highness the Prince of Monaco, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, the said high contracting parties have named as their Plenipotentiaries to conclude a treaty for this purpose, that is say,—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India: Edwin Henry Egerton, Esquire, Companion of the Most Honourable Order of the Bath, Her Majesty's Minister Plenipotentiary at Paris; and

His Serene Highness the Prince of Monaco: Louis Fernand de Bonnefoy, Baron du Charmel, Envoy Extraordinary and Minister Plenipotentiary of Monaco in France;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:—

ARTICLE I.

The high contracting parties engage to deliver up to each other those persons who, being accused or convicted of a crime or offence committed in the territory of the one party, shall be found within the territory of the other party, under the circumstances and conditions stated in the present treaty.

ARTICLE II.

The crimes or offences for which the extradition is to be granted are the following:—

1. Murder, or attempt or conspiracy to murder.
2. Manslaughter.
3. Assault occasioning actual bodily harm. Malicious wounding or inflicting grievous bodily harm.
4. Counterfeiting or altering money, or uttering counterfeit or altered money.
5. Knowingly making any instrument, tool, or engine adapted and intended for counterfeiting coin.
6. Forgery, counterfeiting, or altering, or uttering what is forged, or counterfeited, or altered.
7. Embezzlement or larceny.
8. Malicious injury to property if the offence be indictable.
9. Obtaining money, goods, or valuable securities by false pretences.
10. Receiving money, valuable security, or other property knowing the same to have been stolen, embezzled, or unlawfully obtained.
11. Crimes against bankruptcy law.
12. Fraud by a bailee, banker, agent, factor, trustee, or director or member or public officer of any company.
13. Perjury, or subornation of perjury.
14. Rape.
15. Carnal knowledge, or any attempt to have carnal knowledge, of a girl under sixteen years of age, so far as such acts are punishable by the law of the State upon which the demand is made.

16. Indecent assault. Indecent assault without violence upon children of either sex under thirteen years of age.

17. Administering drugs or using instruments with intent to procure the miscarriage of a woman.

18. Abduction.

19. Child-stealing.

20. Abandoning children, exposing or unlawfully detaining them.

21. Kidnapping and false imprisonment.

22. Burglary or housebreaking.

23. Arson.

24. Robbery with violence.

25. Any malicious act done with intent to endanger the safety of any person in a railway-train.

26. Threats by letter, or otherwise, with intent to extort.

27. Piracy by law of nations.

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

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

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

31. Dealing in slaves in such a manner as to constitute a criminal offence against the laws of both States.

Extradition is also to be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both the contracting parties.

Extradition may also be granted, at the discretion of the State applied to, in respect of any other crime for which, according to the laws of both the contracting parties for the time being in force, the grant can be made.

ARTICLE III.

Either Government may, in its absolute discretion, refuse to deliver up its own subjects to the other Government.

ARTICLE IV.

The extradition shall not take place if the person claimed on the part of the British Government, or the person claimed on the part of the Government of Monaco, has already been tried and discharged or punished, or is still under trial, within the territories of the two high contracting parties respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of the British Government, or if the person claimed on the part of the Government of Monaco, should be under examination, or is undergoing sentence under a conviction, for any other crime within the territories of the two high contracting parties respectively, his extradition shall be deferred until after he has been discharged, whether by acquittal or on expiration of his sentence or otherwise.

ARTICLE V.

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

ARTICLE VI.

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

ARTICLE VII.

A person surrendered can in no case be kept in prison, or be brought to trial in the State to which the surrender has been made, for any other crime or on account of any other matters than those for which the extradition shall have taken place, until he has been restored or had an opportunity of returning to the State by which he has been surrendered.

This stipulation does not apply to crimes committed after the extradition.

ARTICLE VIII.

The requisition for extradition shall be made in the following manner:—

Applications on behalf of Her Britannic Majesty's Government for the surrender of a fugitive criminal in Monaco shall be made by Her Majesty's Consul in the principality.

Application on behalf of the Principality of Monaco for the surrender of a fugitive criminal in the United Kingdom shall be made by the Consul-General of Monaco in London.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If a requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A sentence passed *in contumaciam* is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

ARTICLE IX.

If the requisition for the extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

ARTICLE X.

If the fugitive has been arrested in the British dominions, he shall forthwith be brought before a competent Magistrate, who is to examine him and to conduct the preliminary investigation of the case just as if the apprehension had taken place for a crime committed in the British dominions.

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the British dominions shall admit as valid evidence the sworn depositions or the affirmations of witnesses taken in Monaco, or copies thereof, and likewise the warrants and sentences issued therein, and certificates of, or judicial documents stating the fact of, a conviction, provided the same are authenticated as follows:—

1. A warrant must purport to be signed by a Judge, Magistrate, or officer of the Principality of Monaco.

2. Depositions or affirmations, or the copies thereof, must purport to be certified, under the hand of a Judge, Magistrate, or officer of the Principality of Monaco, to be the original depositions or affirmations, or to be the true copies thereof, as the case may require.

3. A certificate of, or judicial document stating the fact of, a conviction must purport to be certified by a Judge, Magistrate, or officer of the Principality of Monaco.

4. In every case such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated either by the oath of some witness, or by being sealed with the official seal and legislation of the Governor-General of the Principality of Monaco; but any other mode of authentication for the time being permitted by the law in that part of the British dominions where the examination is taken may be substituted for the foregoing.

ARTICLE XI.

If the fugitive has been arrested in the Principality of Monaco, his surrender shall be granted if, upon examination by a competent authority, it appears that the documents furnished by the British Government contain sufficient *prima facie* evidence to justify the extradition.

The authorities of the principality shall admit as valid evidence records drawn up by the British authorities of the depositions of witnesses, or copies thereof, and records of conviction or other judicial documents or copies thereof: Provided that the said documents be signed or authenticated by an authority whose competence shall be certified by the seal of a Minister of State of Her Britannic Majesty.

ARTICLE XII.

The extradition shall not take place unless the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime has been committed in the territory of the said State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the State applied to. In Her Britannic Majesty's dominions the fugitive shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

ARTICLE XIII.

If the individual claimed by one of the two high contracting parties, in pursuance of the present treaty, should be also claimed by one or several other Powers on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date.

ARTICLE XIV.

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, or within such further time as the State applied to, or the proper tribunal thereof, shall direct, the fugitive shall be set at liberty.

ARTICLE XV.

All articles seized which were in the possession of the person to be surrendered at the time of his apprehension shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

ARTICLE XVI.

All expenses connected with extradition shall be borne by the demanding State.

ARTICLE XVII.

Either of the high contracting parties who may wish to have recourse for purposes of extradition to transit through the territory of a third Power shall be bound to arrange the condition of transit with such third Power.

ARTICLE XVIII.

When in a criminal case of a non-political character either of the high contracting parties should think it necessary to take the evidence of witnesses residing in the dominion of the other, or to obtain any other legal evidence, a "Commission Rogatoire" to that effect shall be sent through the channel indicated in Article VIII., and effect shall be given thereto conformably to the laws in force in the place where the evidence is to be taken.

ARTICLE XIX.

All documents which shall be reciprocally communicated in execution of the present treaty shall be accompanied by a French or English translation (certified to be correct by the Consul who transmits the document in accordance with Article VIII.), when they are not drawn up in the language of the country upon which the demand is made.

The expense of such translations shall be borne by the demanding State.

ARTICLE XX.

The stipulations of the present treaty shall be applicable to the colonies and foreign possessions of Her Britannic Majesty, so far as the laws for the time being in force in such colonies and foreign possessions respectively will allow.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of such colonies or foreign possessions may be made to the Governor or chief authority of such colony or possession by any person authorised to act in such colony or possession as a consular officer of the Principality of Monaco.

Such requisitions may be disposed of, subject always, as nearly as may be, and so far as the law of such colony or foreign possession will allow, to the provisions of this treaty, by the said Governor or chief authority, who, however, shall be at liberty either to grant the surrender or to refer the matter to his Government.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British colonies and foreign possessions for the surrender of criminals from Monaco who may take refuge within such colonies and foreign possessions, on the basis, as nearly as may be, and so far as the law of such colony or foreign possession will allow, of the provisions of the present treaty.

Requisitions for the surrender of a fugitive criminal emanating from any colony or foreign possession of Her Britannic Majesty shall be governed by the rules laid down in the preceding articles of the present treaty.

ARTICLE XXI.

The present treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the law of the high contracting parties. It may be terminated by either of the high contracting parties at any time on giving to the other six months' notice of its intention to do so.

The treaty shall be ratified and the ratifications shall be exchanged at Paris as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Paris, this 17th day of December, 1891.

(L.S.) EDWIN H. EGERTON.

(L.S.) LE BARON DU CHARMEL.

And whereas the ratifications of the said treaty were exchanged at Paris on the seventeenth day of March, one thousand eight hundred and ninety-two:

Now, therefore, Her Majesty, by and with the advice of her Privy Council, and in virtue of the authority committed to her by the said recited Acts, doth order, and it is hereby ordered, that from and after the twenty-third day of May, one thousand eight hundred and ninety-two, the said Acts shall apply in the case of Monaco, and of the said treaty with His Serene Highness the Prince of Monaco.

Provided always, and it is hereby further ordered, that the operation of the said Extradition Acts, 1870 and 1873, shall be suspended within the Dominion of Canada so far as relates to Monaco and to the said treaty, and so long as the provisions of the Canadian Act aforesaid of 1886 continue in force, and no longer.

HERBERT M. SUFT.

No. 9.

(Circular.)

MY LORD,—

Downing Street, 4th June, 1892.

I have the honour to transmit to you for your information and for that of your Government an extract from a memorandum by the Minister of Defence of Victoria respecting the relative local rank of Imperial military and naval officers serving in colonial forces.

It is pointed out in this memorandum that, whilst officers seconded from the Imperial army for service in colonial forces usually receive a step of local rank, officers of the Royal navy who accept service similarly receive no such step.

I enclose a copy of Article 112A of the Royal warrant of the 22nd February, 1890, which regulates the precedence as regards officers of the army.

Under the present practice it is left to the discretion of colonial Governments to confer such local rank, except in the case contemplated by the last paragraph of the article in question—viz., that of an Imperial officer assuming the chief command of the forces of a colony, or proceeding to a colony for special service (which would not be ordinary colonial employment), when local and temporary rank would be conferred by the Queen, which would give the officer holding it precedence over all colonial officers of equal rank.

As the navy has no system of brevet rank like the army, the Lords Commissioners of the Admiralty find it difficult to give local rank to the naval officers serving in colonial forces (such as granted to officers of the army), without prejudice to those engaged in Imperial service, and they would have preferred that the relative rank of officers of the navy and regular army employed with colonial forces should have remained unchanged by any local rank

bestowed on the latter, but their Lordships have agreed with the Secretary of State for War upon the following arrangement, viz.: That the corresponding rank of officers of the army and navy respectively should not be disturbed by any rank conferred locally—*i.e.*, by the colonial Government—but when the local rank in a colony is conferred by the Queen such rank should carry the same precedence as permanent rank.

You will be so good as to communicate this despatch to your Ministers.

The Officer Administering the Government
of New Zealand.

I have, &c.,

KNUTSFORD.

Enclosure.

EXTRACT from MEMORANDUM by the MINISTER of DEFENCE.

DIFFICULTIES have arisen with regard to the relative rank of Imperial officers serving under terms of engagement in the local forces.

Officers seconded from the Imperial army receive a step in local rank, which is conferred by the Queen and notified in the *London Gazette*. Their rank and precedence are determined by Royal Warrant No. 112A.

Officers of the Royal navy who accept service similarly receive no step in rank. It consequently happens that officers of the regimental rank of major in the army engaged for service in the colony have the local rank of lieutenant-colonel conferred by the Queen, and become senior to the commanders of the Royal navy serving in the local naval forces, although they are junior in service.

In the same way officers of the Imperial army holding the regimental rank of captain become majors on accepting military appointments in the colonies, and take precedence of the lieutenants of the Royal navy who might otherwise be senior to them.

As this question of relative rank does not in any way affect the rank and precedence as between Imperial and colonial officers, it can be dealt with without in any way interfering with the precedence of colonial officers given to Imperial military officers by the Royal warrant already quoted.

This warrant, it is to be noted, does not refer to the precedence as between naval and military Imperial officers. As it does not appear to be customary to give local brevet rank to officers of the Royal navy in the way that it is frequently done in the case of officers of the Imperial army, there would appear to be no means of settling their relative rank under the circumstances stated except some addition to or amendment of the Royal warrant.

F. J. SARGOOD,
Minister of Defence.

Melbourne, 6th March, 1891.

Article 112a, Royal Warrant, 22nd February, 1890.

112A. Officers of our army serving in any of our colonies or dependencies (except as provided in Article 112) under commissions signed by us shall have precedence of colonial officers of equal rank; but any such officers holding local rank conferred upon them by the colonial authorities shall take rank with colonial officers according to the dates of their respective commissions. Local or temporary rank granted to an officer of our army on assuming command of colonial forces, or when proceeding to a colony for any special service, shall be conferred by us, and such officer shall have precedence of all colonial officers of equal rank.

No. 10.

(New Zealand, No. 23.)

SIR,—

Downing Street, 5th July, 1892.

I have the honour to acknowledge the receipt of your Lordship's despatch of the 16th of May, transmitting an address of condolence for presentation to the Queen from the New Zealand Conference of the Australasian Methodist Church on the occasion of the death of His Royal Highness the Duke of Clarence and Avondale.

Her Majesty has been deeply touched by this expression of sympathy, and has desired me to request that you will convey through the President of the Conference sincere thanks on her own behalf and on that of the Royal Family for this sympathetic address.

I have, &c.,

The Officer Administering the Government
of New Zealand.

KNUTSFORD.

No. 11.

(New Zealand, No. 24.)

SIR,—

Downing Street, 5th July, 1892.

I have the honour to acknowledge the receipt of your Despatch No. 17, of the 17th May, forwarding an address to the Governor of New Zealand from

Queen Makia of Rarotonga expressing her deep sympathy in the sad bereavement sustained by the Royal Family through the death of His Royal Highness the Duke of Clarence and Avondale.

I have laid this address before Her Majesty, who has commanded me, on her own behalf and on behalf of the Royal Family, to request you to convey to Queen Makia an expression of their grateful thanks for the sympathy which has been expressed towards them in the great loss they have sustained, together with a further expression of the warm interest which they feel in all that concerns the well-being of Queen Makia and the people of Rarotonga.

The Officer Administering the Government
of New Zealand.

I have, &c.,

KNUTSFORD.

No. 12.

(Circular I.)

MY LORD,—

Downing Street, 8th July, 1892.

I have the honour to transmit to you, for publication in the colony under your government, a copy of a Convention between Great Britain and Roumania relative to trade-marks signed at Bucharest on the 14th May, 1892, the ratifications of which were exchanged at Bucharest on the 3rd ultimo.

I have to call your attention to Article II. of the Convention, from which you will observe that, if it is desired that the stipulations of the Convention should be made applicable to the colony under your government, notice to that effect shall be given to the King of Roumania within one year from the date of the exchange of the ratifications.

I have therefore to request that you will be good enough to acquaint me as soon as possible of the wishes of your Government in the matter.

I have, &c.,

The Officer Administering the Government
of New Zealand.

KNUTSFORD.

Enclosure.

CONVENTION BETWEEN GREAT BRITAIN AND ROUMANIA RELATIVE TO TRADE-MARKS.

(Signed at Bucharest, 4th May, 1892.—Ratifications exchanged at Bucharest, 3rd June, 1892.)

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the King of Roumania, desiring to conclude a Convention for the reciprocal protection of trade-marks and designs, have appointed as their Plenipotentiaries, that is to say,—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India—Arthur George Vansittart, Esq., Her Majesty's Charge d'Affaires at Bucharest, &c.; and

His Majesty the King of Roumania—M. Alexandre N. Lahovary, Grand Cross of his Order of the Crown of Roumania, &c., his Minister Secretary of State for Foreign Affairs,

Who, having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:—

ARTICLE I.

The subjects of each of the contracting parties shall have in the dominions and possessions of the other the same rights as are now granted, or may hereafter be granted, to native subjects, or to subjects of the most favoured nation, in all that relates to trade-marks, industrial designs, and patterns.

In order that such rights may be obtained, the formalities required by the laws of the respective countries must be fulfilled.

ARTICLE II.

The stipulations of the present Convention shall be applicable to all the colonies and foreign possessions of Her Britannic Majesty excepting those hereinafter named, that is to say, except to India, the Dominion of Canada, Newfoundland, the Cape of Good Hope, Natal, New South Wales, Victoria, Queensland, Tasmania, South Australia, Western Australia, New Zealand:

Provided always that the stipulations of the present Convention shall be made applicable to any of the above-named colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's representative to the King of Roumania within one year from the date of the exchange of ratifications of the present Convention.

ARTICLE III.

The present Convention shall be ratified and the ratifications shall be exchanged at Bucharest as soon as possible.

It shall come into operation one month after the exchange of ratifications, and shall remain in force until the expiration of one year from the day on which either party may give notice of its intention to terminate it.

In witness whereof the undersigned have signed the same, and affixed thereto the seal of their arms.

Done in duplicate at Bucharest, the 4th day of May (22nd day of April), 1892.

(L.S.) ARTHUR GEORGE VANSITTART.
(L.S.) AL. LAHOVARY.

No. 13.

(New Zealand, Circular.)

MY LORD,—

Downing Street, 15th July, 1892.

With reference to the adhesion of the Australasian Colonies to the Vienna Postal Union Convention and final protocol, I was at first informed, in reply to my despatch of the 16th November last, that the Colonies of Victoria, South Australia, Queensland, and New Zealand adhered to that Convention and protocol, and I was requested to take the necessary steps for notifying this adhesion, diplomatically, to the Government of Austria-Hungary, agreeably to the 5th article of the protocol. This was accordingly done.

2. I was subsequently informed of the adherence of New South Wales, Western Australia, Tasmania, and British New Guinea; but it was intimated that all the Australasian Colonies and Tasmania, in Conference at Hobart, but without New Zealand, which was not represented at the Conference, had decided not to adopt the optional provision of Articles 7, 8, 9, 13 of the Convention, and 15, 19 of the detailed regulations.

3. I communicated this decision to the Secretary of State for Foreign Affairs in requesting him to give the required diplomatic notice of the adherence of New South Wales, Western Australia, Tasmania, and British New Guinea. But the Austro-Hungarian Government has represented that the diplomatic notification of adherence cannot be coupled with any conditions or reservations. Nor in the present case are these necessary to secure the object desired, for nothing is required except a communication from the Postal Administration of each colony to the Director of the International Bureau of the Universal Postal Union at Berne, in accordance with Article XXXIII., section 2, subsection 3, of the detailed regulations.

4. I have accordingly requested the Secretary of State for Foreign Affairs to give diplomatic notice to the Government of Austria-Hungary of the simple adherence of all the eight colonies above named, and this has been done in due form.

5. In expressing to the Secretary of State for Foreign Affairs my readiness to request the Governments of the Australasian Colonies to notify separately, and direct to the International Post Office at Berne, its decision not to adopt any or all of the optional provisions, I requested that in the meantime notice might be given to that officer of the desire of the colonies not to adopt the optional provisions above referred to, but I am informed that the proper and more convenient course will be that this notification should proceed solely and direct from the postal administration of each colony to the Berne office.

6. I shall proceed to execute the deed of ratification of the Convention and protocol on behalf of your Government, in accordance with the authority which I have received to do so. In the meantime I enclose a list received through the Foreign Office of countries on whose behalf the Convention and protocol had been ratified up to the 15th June.

I have, &c.,

KNUTSFORD.

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

No. 14.

(New Zealand, No. 25.)

MY LORD,—

Downing Street, 13th July, 1892.

With reference to the applications which are occasionally made for the issue of warrants for yachts belonging to yacht clubs in Australasia, I have the

honour to acquaint you that I have agreed in a suggestion made by the Lords Commissioners of the Admiralty, that in future applications for such warrants may be made by the secretaries of yacht clubs direct to their Lordship's department, instead of passing through the Colonial Office.

You will be so good as to intimate this decision to any yacht club in the colony under your government which may be interested in the matter.

I have, &c.,

KNUTSFORD.

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

No. 15.

(New Zealand, No. 26.)

MY LORD,—

Downing Street, 16th July, 1892.

I have the honour to transmit to you, for communication to your Government, printed copies of the undermentioned document.

I have, &c.,

R. H. MEADE

(For the Secretary of State).

The Officer Administering the Government
of New Zealand.

Date.	Description of Document.
21st May, 1892...	Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of Buckley (the Attorney-General of New Zealand) <i>v.</i> Edwards from the Court of Appeal of New Zealand; delivered 21st May, 1892.

Enclosure.

JUDGMENT of the LORDS of the JUDICIAL COMMITTEE of the PRIVY COUNCIL on the Appeal of Buckley (the Attorney-General of New Zealand) *v.* Edwards, from the Court of Appeal of New Zealand; delivered 21st May, 1892.

Present: The Lord Chancellor, Lord Watson, Lord Hobhouse, Lord Herschell, Lord Macnaghten, Lord Hannen, Sir Richard Couch. Delivered by Lord Herschell.

On the 2nd of March, 1890, His Excellency the Governor issued a commission to the respondent appointing him a Puisne Judge of the Supreme Court of New Zealand to hold office during good behaviour. On the previous day the then Premier of New Zealand wrote a letter to the respondent informing him that the new Governor had approved of his appointment to the office of a Commissioner under "The Native Land Courts Acts Amendment Act, 1889," and that it appeared to the Government that for an office of such importance the Commissioner should have the status of a Judge of the Supreme Court, and therefore he would be appointed to that office also. The letter added that the demands on the time of the Judges caused unavoidable delay in the despatch of business, and that it was hoped that this arrangement, by which the respondent would afford occasional assistance in the Supreme Court work, would temporarily meet the requirements. On the 6th March, 1890, the commission appointing him a Judge was transmitted to the respondent, together with an Order in Council appointing him and Mr. John Ormsby to be Commissioners under the Native Land Act mentioned. The appointment of the respondent as a Commissioner came to an end on the 31st March, 1891. No salary had at the time of his appointment, or has since, been provided for the respondent as Puisne Judge by the General Assembly of New Zealand, nor was there any parliamentary sanction for the appointment of an additional Puisne Judge, unless it is to be found in prior legislation. It may be added that shortly after the appointment of the respondent a change of Government took place in the colony, and that the House of Representatives in New Zealand has refused to vote any salary for the respondent as a Judge of the Supreme Court, and that, although a Bill to amend "The Supreme Court Act, 1882," and to provide for the payment of an additional Judge, was transmitted by the Governor to the House of Representatives, leave to introduce such Bill was not given.

Under these circumstances the appellant, as the Attorney-General of New Zealand, filed his statement of claim in the Supreme Court. On the 6th of May notice of motion was filed on behalf of the appellant, calling on the respondent to show cause why he should not show by what warrant and authority he claimed to exercise the office of Judge of the Supreme Court of New Zealand, or why his commission of Judge of the Supreme Court of New Zealand should not be cancelled. This motion was heard by the Court of Appeal, and judgment was pronounced in favour of the respondent by three learned Judges, and one other Judge dissenting.

The question raised is one of grave importance, the contention on the part of the respondent being that, as the law stands in New Zealand, the Governor has the power of adding, without limit,

to the number of Judges of the Supreme Court of that colony without express parliamentary sanction, and in the absence of any parliamentary provision for the salaries of the Judges so appointed.

Both sides have placed reliance upon the law which has prevailed in England governing the appointment of Judges. Their Lordships do not propose to deal with this subject in detail, as it can have only an indirect bearing upon the question to be determined, which must depend upon the construction of certain New Zealand statutes. It appears certain that since the reign of James I., with two possible exceptions, the latest of which dates back as far as 1714, no addition has been made to the number of Judges without express parliamentary sanction. In the Act of Settlement it was provided that the Judges' commissions should be made *quamdiu se bene gesserit*, and that their salaries should be ascertained and established. The latter provision was not completely carried into effect until a subsequent period. The remuneration of the Judges was in former times derived partly from fees and partly from the civil list of the Sovereign. By several Acts passed prior to the reign of George III. the salaries of the Judges were in part provided by certain sums charged upon the duties granted by these Acts. The Act of the first year of George III., c. 23, recited the provision of the Act of Settlement to which attention has been called. It is recited, further, that His Majesty had been pleased to declare from the throne, to both Houses of Parliament, that he looked upon the independence and uprightness of the Judges as essential to the administration of justice, and as one of the best securities of the rights and liberties of his subjects, and that, in consequence thereof, His Majesty had recommended to Parliament to make further provision for the continuing of Judges in office notwithstanding the demise of His Majesty, and that His Majesty had also desired his faithful Commons that he might be enabled to secure the salaries of Judges during the continuance of their commissions. After these recitals it was enacted that such salaries as were settled on Judges by Act of Parliament, and also such salaries as had been or should be granted by His Majesty, his heirs and successors, to any Judge or Judges, should in all times coming be paid and payable to such Judge or Judges for the time being, so long as their patents or commissions should remain in force, and should, after the demise of the Crown, be charged upon and payable out of such duties and revenues granted for the use of the civil government of His Majesty, his heirs and successors, as should be subsisting after such demise, until further provision was made by Parliament. By an Act of the 6th George IV. the salaries of the Puisne Judges were fixed at £5,000 a year, and charged upon the Consolidated Fund.

Their Lordships think that the Act of the 1st George III., c. 23, would render it difficult to contend that the Crown could after that date appoint additional Judges for the payment of salary to whom Parliament had given no sanction, for the salaries of the Judges were then, by the authority of Parliament, secured to them during the continuance of their commissions, and after the demise of the Sovereign were charged upon the revenues granted by Parliament for the civil government of the realm. The recital which precedes this legislation shows that, with a view to their independence, it must have been intended that all the Judges should be in this position, and it certainly cannot have been the intention of Parliament to enable the Sovereign to increase without its sanction the charges which, after the demise of the Sovereign, were to be imposed upon the revenues of the realm.

Down to the year 1852 New Zealand was a Crown colony; it was only then that it received complete representative institutions. Whilst it was thus a Crown colony an ordinance was passed in the year 1841 by the Governor, with the advice and consent of the Legislative Council, establishing a Supreme Court for New Zealand, and defining its jurisdiction, constitution, and practice. The eighth section is as follows: "The Court shall be holden before one Judge, who shall be called the Chief Justice of New Zealand, and such other Judges as Her Majesty or the Governor shall from time to time be pleased to appoint." This provision was, with some others, contained in the ordinance modified by another ordinance passed in the year 1844, the tenth clause of which is in these terms: "The Court shall consist of one Judge, who shall be called the Chief Justice of New Zealand, and of such other Judges as Her Majesty shall from time to time be pleased to appoint: Provided that it shall be lawful for his Excellency the Governor to appoint such Judges provisionally until Her Majesty's pleasure shall be known. The Judges of the Court shall hold their office during Her Majesty's pleasure." It is clear that, as regards the Crown, these were not enabling provisions. The power of the Crown to appoint in a Crown colony such Judges as might be deemed advisable could not be doubted. But whilst the earlier ordinance had conferred upon the Governor power to appoint absolutely, the later one gave him this power provisionally only until Her Majesty's pleasure was known, and further provided, in terms which the previous ordinance had not done, that the Judges should hold their office during Her Majesty's pleasure.

By the Imperial Act of the 15th and 16th Victoria, c. 72, a representative constitution was granted to the Colony of New Zealand. The 64th section of this Act is, so far as material, as follows: There shall be payable to Her Majesty every year . . . the several sums mentioned in the schedule to this Act, such several sums to be paid for defraying the expenses of the services and purposes mentioned in such schedule." By section 65 the General Assembly of New Zealand was empowered by any Act or Acts to alter all or any of the sums mentioned in the schedule, and the appropriation of such sums to the services and purposes therein mentioned, but until and subject to such alteration by Act or Acts as aforesaid the salaries of the Governor and Judges were to be those respectively set against their several offices in the schedule. In the schedule to the Act occurs these words: "Chief Justice, £1,000; Puisne Judge, £800." The section concludes with the following proviso: "Provided always that it shall not be lawful for the General Assembly, by any such Act as aforesaid, to make any diminution in the salary of any Judge to take effect during the continuance in office of any person being such Judge at the time of the passing of such Act." It is manifest that this limitation of the legislative power of the General Assembly was designed to secure the independence of the

Judges. It was not to be in the power of the Colonial Parliament to affect the salary of any Judge to his prejudice during his continuance in office. But if the Executive could appoint a Judge without any salary, and he needed to come to Parliament each year for remuneration for his services, the proviso would be rendered practically ineffectual, and the end sought to be gained would be defeated. It may well be doubted whether this proviso does not by implication declare that no Judge shall thereafter be appointed save with a salary provided by law, to which he shall be entitled during his continuance in office, and his right to which could only be affected by that action of the New Zealand Legislature which is excluded by the Imperial Act.

It appears from the affidavit of Mr. Francis Harrison that Mr. Justice Gresson was temporarily appointed a Puisne Judge on the 8th December, 1857. The affidavit does not state under what circumstances this took place, nor does it expressly state that the office of Puisne Judge was full at the time; but it may be presumed that the predecessor of Mr. Justice Johnston, who was appointed on the 3rd of November, 1858, then held that office. The appointment of Mr. Justice Gresson probably purported to be made by the Governor under the powers of the ordinance of 1844, which had not been repealed. Under these circumstances it was only natural that the whole subject of the status of the Judges, and the salaries to which they were to be entitled, should be brought under the consideration of the Legislature. Accordingly two Acts were passed by the Legislature in the following year, the one entitled "An Act to regulate the Appointment and Tenure of Office of the Judges of the Supreme Court," the other, "An Act to alter the Sums granted to Her Majesty by the Constitution Act for Civil and Judicial Services." By the Supreme Court Judges Act the tenth section of the ordinance of 1844 was repealed. The second and third sections were as follows: "II. The Supreme Court of New Zealand shall consist of one Judge, to be appointed in the name and on behalf of Her Majesty, who shall be called the Chief Justice, and of such other Judges as His Excellency, in the name and on behalf of Her Majesty, shall from time to time appoint." "III. The commission of the present Chief Justice, and of every Chief Justice and other Judge of the said Court to be hereafter appointed (except as hereinafter provided), shall be and continue in force during their good behaviour, notwithstanding the demise of Her Majesty, and law, usage, or practice to the contrary notwithstanding." The fourth clause empowered the Governor, at his discretion, in the name and on behalf of Her Majesty, upon the address of both Houses of the General Assembly, to remove any such Judge from his office. It is needless to comment upon the important change which the third clause made in the status of the Judges thereafter appointed. It is contended that the second clause, in terms, enabled the Governor to appoint as many additional Judges as he pleased; that though Parliament might not have sanctioned any increase of the Judiciary, or provided any salary for the Judges so appointed, the Governor might provide any number of Judges without salary, or, as in the present case, with a salary temporarily provided by Parliament for other services, whose commissions should not be temporary, but should continue in force during their good behaviour. It certainly would be startling to find that, when the tenure of the judicial office was so materially altered, this power had been vested in the Governor by the advice of his Executive, for it is to be observed that, whilst under the ordinance of 1844 the Governor could only appoint provisionally until Her Majesty's pleasure was known, this Act enables him to appoint absolutely in the name and on behalf of Her Majesty. Their Lordships need not dwell on the importance of maintaining the independence of the Judges; it cannot be doubted that whatever disadvantages may attach to such a system the public gain is, on the whole, great. It tends to secure an impartial and fearless administration of justice, and acts as a salutary safeguard against any arbitrary action of the executive. The mischief that is likely to result if the construction contended for by the respondent be adopted is forcibly pointed out by one of the learned Judges, who held the appointment now in question to be valid. He said, "In the present case, until such time as the matter may be finally dealt with by Parliament, the position will undoubtedly remain most unsatisfactory. The Judge is absolutely dependent upon the Ministry of the day for the payment of his salary, and has to come before Parliament as a suppliant to ask that a salary be given him. It is difficult to conceive a position of greater dependence. No Judge so placed could indeed properly exercise the duties of his office. One of these duties, for instance, is the trial of petitions against the return of members to Parliament. How could a Judge in this position be asked to take part in such a trial? Against the occurrence of such a state of things obviously neither the power of the purse which Parliament has nor the power of removal by address can be a sufficient protection." Nevertheless, weighty as these considerations are, if the natural meaning of the general words used be to confer the power contended for, and if there be no other provisions in the Act showing that this was not the intention of the Legislature, effect must be given to the enactment without regard to the consequences; but it cannot be disputed that it is legitimate to read every part of an Act in order to see what construction ought to be put upon any particular provision contained in it. Now, the sixth section of the Supreme Court Judges Act provides that "a salary equal at least in amount to that which at the time of the appointment of any Judge shall then be payable by law shall be paid to such Judge so long as his patent or commission shall continue and remain in force." The language of this section is imperative and general. How can its requirements possibly be complied with in any reasonable sense in the case of a Judge to whom at the time of his appointment there was no salary payable by law? Is this not a clear indication of the intention of the Legislature that there should be no appointment of a Judge unless at the time of his appointment there was a fixed salary payable to him by law in respect of his office? It is inconceivable that it should have intended to enable the creation of two classes of Judges, the one entitled by law from the time of their appointment to a salary unalterable during the continuance of their commission, the other without any legal right to salary at all. There was some controversy as to what the salary "then payable by law" referred to. Their Lordships think this is made clear by a reference to the Civil List Act of the same year, which must be read with the sixth section of the Supreme Court Judges Act. It was said in the Court below that this and the other Civil List Acts, to which reference will have to be made, were

mere money bills; but though the parliamentary incidents of such bills are no doubt special when they pass into law they do not in their Lordships' opinion differ from any other Act of the Legislature. "The Civil List Act, 1858," provides that there shall be payable to Her Majesty the several sums mentioned in the schedule to this Act instead and in lieu of the sums mentioned in the schedule to the Constitution Act of the 15th and 16th Victoria. The schedule to the Civil List Act contains these words: "Chief Justice, 1,400; First Puisne Judge, 1,000; Second Puisne Judge, 1,000." Reading the two statutes together, the effect of the Civil List Act of 1858 clearly is to provide that the salaries of the Chief Justice and the two Puisne Judges "shall be those respectively set against their several offices in the schedule." This Act, though reserved for the signification of Her Majesty's pleasure on the 21st of August, 1858, did not receive the Royal assent until the 25th of July, 1859; but it is significant that its second clause provided that it should "be deemed to take effect on and after the first day of July, 1858," immediately prior to the Supreme Court Judges Act, which came into force on the 3rd of July following. What was meant, therefore, in the sixth clause of the Supreme Court Judges Act by the salary payable by law to a Judge on his appointment does not admit of doubt. There was a fixed salary payable to the Chief Justice and one Puisne Judge under the Constitution Act, and "The Civil List Act, 1858," made provision for the payment of a fixed salary to the Chief Justice and to two Puisne Judges respectively, which could only be altered by fresh legislation.

But the sixth section of the Supreme Court Judges Act is not the only one which throws light on the construction to be put upon the second section of that Act. The seventh section empowers the Governor in Council, at any time during the illness or absence of any Judge appointed as aforesaid, or for any other temporary purpose, to appoint a Judge or Judges of the Supreme Court to hold office during His Excellency's pleasure, and it provides that every such Judge shall be paid such salary, "not exceeding the amount payable by law to a Puisne Judge of the said Court," as the Governor in Council shall think fit to direct. This section clearly implies that there will be a fixed salary payable to any person filling the office of Puisne Judge of the Supreme Court. If a Puisne Judge can be appointed to whom there is no amount payable as salary, what will be the operation of this section? The superannuation clauses point to the same direction, although perhaps not so forcibly. They imply, however, that *every* Judge of the Supreme Court will be entitled to an annual salary at the time of resignation. Returning now to the second clause, which is more immediately under consideration, it is to be observed that even if it be confined, by reference to other parts of the Act, to the appointment of Judges to whom a fixed salary is payable by law at the time of their appointment, every word of the section, the main object of which was manifestly to define the constitution of the Supreme Court and to prescribe the mode of the Judges, would still be necessary, and would have full effect. In view of the considerations to which attention has been called, their Lordships are of opinion that the section can, consistently with other parts of the Act, only be construed as vesting in the Governor the appointment of Judges to whom an ascertained salary is payable by law at the time of their appointment. None of the Judges in the Court below appear to have doubted the expediency of such construction if it be legitimate, and their Lordships think that it is the only one which will give full and consistent effect to all the provisions of the Act.

Their Lordships have dealt thus fully with the construction of the Supreme Court Judges Act of 1858, although it is not the statute which now regulates the appointment of Judges, because, if it could have been shown that it bore the construction contended for, it would not have been possible to resist the conclusion, having regard to the terms of the Act of 1832, that the power which it conferred upon the Governor was still vested in him. If, on the other hand, the Act of 1858 conferred no such power, this is a legitimate consideration when inquiring into the effect of the later Act. Before proceeding to this inquiry it will be desirable to refer to the intermediate legislation, as some stress has been laid upon it. "The Civil List Act, 1862," substituted for the sums mentioned in the schedule to the Civil List Act of 1858 the following: "Judges £6,200." The Civil Act of 1863 substituted £7,700 for £6,200 as the sum payable to the Judges. Whilst each of these Acts increased the sum payable, neither of them specified how the respective sums were to be distributed amongst the Judges. It appears to have been afterwards thought, not unnaturally, that this was objectionable, and accordingly an Act was passed in 1873 to amend "The Civil List Act, 1863," which, after reciting that it was expedient that the sum of £7,700, granted to Her Majesty by that Act for defraying the salaries and expenses of the Judges of the Supreme Court, should be more definitely appropriated to such service, enacted that this sum should "be applied in paying to the Judges of the said Court respectively the annual salaries specified in the first schedule" thereto. The schedule was in these terms: "Annual salary of the Chief Justice of the Supreme Court, £1,700; annual salaries of four Puisne Judges of the Supreme Court, each £1,500—£6,000." This enactment implies that, unless the legislation should intervene, the Judges of the Supreme Court, other than the Chief Justice, would be four in number only. This statute was in force, unaltered, at the time "The Supreme Court Act, 1882," was passed. The object of that Act was, it is to be gathered, to make certain alterations in the practice and procedure of the Court, but it was evidently thought convenient that the judicial provisions should also be found in the same Act, so as to render it a complete code.

Part I. of the Act consists, therefore, in substance, of a re-enactment of the Supreme Court Judges Act, with the addition of a provision defining the qualifications requisite for appointment to the office of Judge. The seventh section of the earlier Act is repeated, with an immaterial verbal alteration. For the sixth section, however, the following is substituted: "The salary of a Judge shall not be diminished during the continuance of his commission." What was the cause for this change does not appear. But it affords no ground for the conclusion that it was intended to affect the limitation of the power of appointing Judges, which, in their Lordships' opinion, was then in force. The eleventh section of the Act of 1882, as distinctly as the sixth section of the earlier Act, involves the necessity of a salary being fixed at the commencement of the Judge's commission.

Some stress was laid in the argument for the respondent upon the interpretation which, it was alleged, had been put upon the Supreme Court Judges Act, as evidenced by certain appointments made by the Governor. It appears that Mr. Justice Gillies and Mr. Justice Williams were appointed in 1875, about a month before the resignation of the learned Judge whom they were to succeed was gazetted. Mr. Justice Richmond and Mr. Justice Chapman received their appointments in 1862 and 1864, before the Civil List Acts of 1862 and 1863, each of which provided the salary for an additional Judge, came respectively into force, though after they had passed the Legislature and had been reserved for Her Majesty's pleasure to be signified. The former Act provided that it was to take effect from the 1st of July, 1862, a date prior to the appointment of Mr. Justice Richmond, but there was no special provision in "The Civil List Act, 1863." It is manifest that all these were intended to be appointments of Judges to whose office a salary was regarded as already secured by the Legislature. And Mr. Justice Gresson, whose appointment was the first made under the Act of 1858, did not receive his commission until the day after the Act providing a salary for him came into force. Their Lordships cannot attribute any weight to the facts relied on as affecting the interpretation of the enactments which have to be construed. There may have been irregularity in some of these appointments, and it would be contrary to sound principle to allow the interpretation indicated by such practice, even if it had been uniform and unequivocal, to guide the Court in the construction of a modern statute.

Their Lordships will humbly advise Her Majesty that the judgment of the Court of Appeal of New Zealand should be reversed, and judgment on the motion entered for the Attorney-General. Under the peculiar circumstances of this case, their Lordships do not think that the respondent should be ordered to pay the costs in the Court below, or of this appeal.

No. 16.

(New Zealand, No. 30.)

MY LORD,—

Downing Street, 27th July, 1892.

A.-1, 1893, No. 1.

I have the honour to acknowledge the receipt of your Despatch No. 30, of the 15th of June, reporting your arrival, and the assumption of the Government of New Zealand on the 7th of that month.

I have, &c.,
KNUTSFORD.

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

No. 17.

(Circular.)

MY LORD,—

Downing Street, 18th August, 1892.

I have the honour to inform you that Her Majesty has been pleased to intrust to my care, as one of the Principal Secretaries of State, the seals of the Colonial Department.

I have, &c.,
RIPON.

The Officer Administering the Government
of New Zealand.

No. 18.

(New Zealand, No. 38.)

MY LORD,—

Downing Street, 24th August, 1892.

A.-1, 1893, No. 5.

I have the honour to acknowledge the receipt of your Despatch No. 36, of the 12th ultimo, enclosing copies of the Speech with which you opened the Parliament of New Zealand on the 23rd of June, and of the Addresses presented to you in reply from both Houses.

I have, &c.,
RIPON.

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

No. 19.

(New Zealand, No. 39.)

MY LORD,—

Downing Street, 24th August, 1892.

A.-1, 1893, No. 4.

I have the honour to acknowledge the receipt of your Despatch No. 35, of the 12th ultimo, reporting the election of the Honourable Henry John Miller as Speaker of the Legislative Council of New Zealand, in succession to the late Sir Harry Atkinson, K.C.M.G.

I have, &c.,
RIPON.

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

No. 20.

(Circular.)

MY LORD,—

Downing Street, 27th August, 1892.

I have the honour to transmit to you a copy of a letter from the General Post Office with reference to the question of the representation of the Australasian Colonies at the next Postal Union Congress, or at any administrative Conference which may happen to be assembled before the next Congress, and also with regard to the exercise of the collective vote which has been assigned to the Australasian Colonies by the Vienna Postal Convention; and I have to request that you will be good enough to inform me what arrangements have been made in the colony under your government for its representation and the exercise of the collective vote at Conferences and Congresses of the Postal Union.

I have, &c.,

The Officer Administering the Government
of New Zealand

RIPON.

Enclosure.

SIR,—

General Post Office, London, 15th August, 1892.

I am directed by the Postmaster-General to acknowledge the receipt of your letter of the 9th instant, in which, with reference to the letter of the 29th June, 1891, from this department, and subsequent correspondence, you inquire what communication Sir James Ferguson would now desire to be made to the Australasian Colonies on the subject of their voting in the affairs of the Postal Union.

The Articles on this subject in the new Convention of Vienna are No. 25, No. 26, and No. 27; and it will be seen on comparing them with Articles 19, 20, and 21 of the Convention of Paris, with which they correspond, that the Congress of last year decided upon a slight modification of procedure.

It would be of interest to the Postmaster-General to learn how the Australasian Colonies propose to elect a delegate, or delegates, for their representation at the next Congress, or at any administrative Conference which may happen to be assembled before the next Congress; and, further, what method will be adopted in discussing those questions upon which the votes of the various countries and colonies forming the Union are taken, by means of circulars from the International Bureau, in pursuance of Article 26.

Lord Knutsford is doubtless aware that since this question was the subject of correspondence between the Colonial Office and the Post Office, a Postal and Telegraphic Conference has been held at Hobart. At that conference a resolution was passed that, "The Colony of South Australia be requested to undertake communication with the Berne Bureau on business connected with the Universal Postal Union." It does not of course follow that the Post Office of South Australia is to be intrusted in an unconditional manner with the vote awarded to the colony when it corresponds with the International Bureau upon questions in which a vote is being taken, and the Postmaster-General would be interested to know what arrangements have been made between the Post Offices of Australasia in regard to the record of the collective vote through the medium of the South Australian Post Office.

I am, &c.,

The Under-Secretary of State for the Colonies.

S. A. BLACKWOOD.

No. 21.

(Circular.)

MY LORD,—

Downing Street, 29th August, 1892.

I have the honour to transmit to you, for publication in the colony under your government, a copy of a treaty between the Governments of Great Britain and the United States of America, relative to merchant-seamen deserters, signed at Washington on the 3rd of June, and of which the ratifications were exchanged at Washington on 1st of August last; together with a copy of an Order of the Queen in Council, dated the 18th of August, extending the provisions of "The Foreign Deserters Act, 1852," to the United States.

I have, &c.,

The Officer Administering the Government
of New Zealand.

RIPON.

Enclosure.

TREATY BETWEEN GREAT BRITAIN AND THE UNITED STATES RESPECTING MERCHANT-SEAMEN
DESSERTERS.

(Signed at Washington, 3rd June, 1892. Ratifications exchanged at Washington, 1st August, 1892.)
WHEREAS the Governments of Great Britain and the United States of America are desirous to make provision for the apprehension, recovery, and restoration of persons who may desert from merchant-

vessels of their respective countries while in the ports of the other country, and to conclude a treaty for the above purpose: the high contracting parties have accordingly appointed as their Plenipotentiaries to conclude the said treaty, that is to say,—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland—Sir Julian Pauncefote, G.C.M.G., K.C.B., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States; and

The President of the United States of America—James G. Blaine, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers found in due and good form, have agreed upon the following articles:—

ARTICLE I.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of either of the high contracting parties, residing in the dominions, possessions, or colonies of the other, shall have power to require from the proper authorities the assistance provided by law for the apprehension, recovery, and restoration of seamen who may desert from any ship belonging to a subject or citizen of their respective countries while in the ports of the other country. If, however, any such deserter shall have committed any crime or offence in the country where he is found, his surrender or restoration may be delayed until the proper tribunal before which the case shall be pending, or may be cognisable, shall have pronounced its sentence and the sentence shall have been carried into effect.

It is understood that the preceding stipulations shall not apply to the subjects or citizens of the country where the desertion shall take place.

ARTICLE II.

The present treaty shall be ratified, and the ratifications shall be exchanged, at London or at Washington without delay.

ARTICLE III.

The present treaty shall come into operation at the expiration of thirty days from the date of the exchange of ratifications. It shall remain in force for five years after that date, and thereafter until terminated by a twelve months' notice to be given by either high contracting party to the other.

In faith whereof we, the respective Plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in duplicate at Washington, this third day of June, one thousand eight hundred and ninety-two.

(L.S.) JULIAN PAUNCEFOTE.
(L.S.) JAMES G. BLAINE.

[Extract from the *London Gazette* of Tuesday, 23rd August, 1892.]

ORDER IN COUNCIL.

Seamen-deserters (United States).

At the Court at Osborne House, Isle of Wight, the eighteenth day of August, 1892.

Present: The Queen's Most Excellent Majesty, Lord Chancellor, Lord President, Lord Privy Seal, Marquis of Salisbury, Marquis of Lothian, Lord George Hamilton, Viscount Cross, Secretary Lord Knutsford, Mr. Secretary Stanhope, Mr. Goschen, Mr. Balfour, Sir J. Parker Deane.

WHEREAS by "The Foreign Deserters Act, 1852," it is provided that, whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering and apprehending seamen who desert from British merchant-ships in the territories of any foreign Power, Her Majesty may, by Order in Council stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant-ships belonging to a subject of such Power when within Her Majesty's dominions shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient:

And whereas it hath been made to appear to Her Majesty that due facilities for recovering and apprehending seamen (not being citizens of the United States) who desert from British merchant-ships in the territories belonging to the said United States will be given under a treaty between Her Majesty and the President of the United States, signed at Washington on the third day of June, one thousand eight hundred and ninety-two, the ratifications of which were exchanged on the first day of August, one thousand eight hundred and ninety-two:

Now, therefore, Her Majesty, by virtue of the power vested in her by the said "Foreign Deserters Act, 1852," and by and with the advice of her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that, from and after the publication hereof in the *London Gazette*, seamen, not being slaves and not being British subjects, who, within Her Majesty's dominions, desert from merchant-ships belonging to citizens of the United States shall be liable to be apprehended and carried on board their respective ships: Provided always that, if any such deserter has committed any crime in Her Majesty's dominions, he may be detained till he has been tried by a competent Court, and until his sentence, if any, has been carried into effect.

And the Secretary of State for the Home Department, the Secretary of State for the Colonies, and the Secretary of State for India in Council are to give the necessary directions herein accordingly.

C. L. PEEL.

No. 22.

(Circular.)

MY LORD,—

Downing Street, 30th August, 1892.

I have the honour to transmit to you, for communication to your Ministers, the accompanying despatch, which I am addressing to the Governors of colonies not possessing Responsible Government, relative to the exemption of the United States consular officers in British colonies from Customs duties in respect of official goods imported for the use of their consulates.

The Officer Administering the Government
of New Zealand.

I have, &c.,
RIPON.

Enclosure.

(Circular 2.)

SIR,—

Downing Street, 30th August, 1892.

It has been brought under my notice that Her Majesty's consular officers in the United States of America enjoy the privilege of exemption from Customs duties in respect of official goods imported for the use of their consulates; and I am of opinion that, as a matter of courtesy, it would be desirable that a corresponding privilege should be granted to United States consular officers in the British colonies with regard to *bona fide* official supplies sent to them for the use of their consulates by their Government, and on the understanding that such an indulgence is not to be construed as admitting any claim on the part of the Consuls to exemption from Customs duties generally.

2. You should therefore introduce such legislation as may be necessary for this purpose, and for extending a like exemption to the consulates of other foreign countries, where now, or at any future time, a similar treatment may be accorded to British consular officers.

The Officer Administering the Government.

I have, &c.,
RIPON.

No. 23.

(New Zealand, General.)

MY LORD,—

Downing Street, 8th September, 1892.

I have the honour to acknowledge the receipt of Sir J. Prendergast's ^{A.-1A, 1892,} Despatch, No. 27, of the 6th of June, respecting the proposed appointment of ^{No. 5.} Chinese Consuls in British colonies; and, although I have no reason to suppose that the Chinese Government have any immediate intention of proposing the appointment of a Chinese Consul in New Zealand, yet it may be desirable that I should observe, for the information of your Ministers, that the Governments of the Australian Colonies, who are quite as strongly opposed to Chinese immigration as that of New Zealand, have made no objections to the proposal.

I have, &c.,
RIPON.

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

No. 24.

(New Zealand, No. 43.)

MY LORD,—

Downing Street, 9th September, 1892.

I have the honour to acquaint you that an application has been received from the German Ambassador at this Court on the subject of the appointment of M. Carl Seequer, of Auckland, as Acting-Consul at that place (during the absence of the Consul, who has been granted a year's leave from 6th July).

As this gentleman appears to be resident in the colony under your Government, I have to request you to report whether you are aware, or not, of any objection to this acting appointment; and, if not, you will recognise him in that capacity.

I have, &c.,

R. H. MEADE

(For the Secretary of State).

The Officer Administering the Government of New Zealand.

No. 25.

(New Zealand, No. 44.)

MY LORD,—

Downing Street, 15th September, 1892.

I have the honour to acquaint you that an application has been received from the German Ambassador at this Court on the subject of the appointment of Mr. Henry George Timms, as Acting German Consul at Christchurch (his father, who held the post of Consul for Germany at that place, having died).

As this gentleman appears to be resident in the colony under your Government, I have to request you to report whether you are aware, or not, of any objection to this appointment; and, if not, you will recognise him in that acting capacity.

I have, &c.,

R. H. MEADE

(For the Secretary of State).

The Officer Administering the Government of New Zealand.

No. 26.

(New Zealand, General.)

MY LORD,—

Downing Street, 22nd September, 1892.

With reference to my predecessor's circular despatch of the 15th July, I have the honour to transmit to you, for the information of your Government, a translation of a note from the Austro-Hungarian Government to Her Majesty's Ambassador at Vienna, acknowledging the receipt of the act of ratification of the Vienna Postal Union Convention and final protocol which has been executed on behalf of your Government.

I have, &c.,

RIPON.

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

Enclosure.

(Copy, Translation.)

Vienna, 5th September, 1892.

THE Imperial and Royal Ministry for Foreign Affairs has the honour to acknowledge the receipt of the Embassy's notes of the 15th and 18th ultimo, in which His Excellency the Ambassador was pleased to transmit to it the ratifications respecting the International Postal Convention concluded on the 4th of July last in Vienna, together with the final protocol on the part of the Colonies of Canada, New South Wales, Victoria, South Australia, Queensland, Western Australia, Tasmania, New Zealand, British New Guinea, and Natal.

The ratifications have been placed in the archives.

No. 27.

(New Zealand, No. 47.)

MY LORD,—

Downing Street, 26th September, 1892.

I have the honour to acknowledge the receipt of your Despatch No. 38, of the 8th of August, respecting the question which had arisen between yourself and your Ministers with regard to certain proposed nominations to the Legislative Council of New Zealand.

2. This question has been referred for my consideration by agreement between you and your Ministers. I have carefully considered it, and, in doing so, I desire to say that I fully appreciate the difficult position to which you succeeded immediately on your arrival in the colony to assume for the first time the duties of a colonial Governor. I had, however, no hesitation in advising you by telegraph on the 24th instant to accept the recommendation of your Lordship's Ministers; and I now proceed to indicate the reasons which led me to that conclusion.

3. The Legislative Council, as I understand, consisted at the date of your despatch of thirty-five members, and your Government proposed that to this number an addition should be made of twelve, making altogether a Chamber of forty-seven members, a number which is not larger than that which has existed in previous years, and the case is therefore distinguishable from those in other colonies where it was proposed to make so many additions that the Chamber would have exceeded all previous limits.

4. In the House of thirty-five members, I gather that your Government could only rely on the consistent support of five. I do not assume that the remaining thirty members could all be considered to be opposed to the policy of your Ministers ; but it seems to me that your Government is entitled to hold that it is not adequately represented, either for speaking or voting purposes, in the Upper Chamber, and that, if the twelve members were added as they desire, they would only have seventeen consistent supporters in a House of forty-seven. In considering this aspect of the question, I am clearly of opinion that the only fair and satisfactory mode of estimating the representation of the present Government in the Legislative Council, and of judging whether their claim to be allowed fuller representation is one to which no constitutional objection can be taken, is to examine the results of the voting in that House on the measures with which the Government of the day is identified.

5. I cannot, therefore, conclude that the proposed appointments constitute one of those cases to which the term "swamping" has been applied, in which the proposed addition of members at the instance of the Government for the time being has been so great in proportion to the balance of parties in the Upper Chamber as to overthrow that balance altogether.

6. Your Lordship was willing to appoint nine new members, and your Government desired that twelve should be appointed. It can hardly be considered that the difference between these limits is so great or important as to require a Governor to assume the very serious responsibility of declining to act on the advice of his Ministers, and possibly of having in consequence to find other Advisers. Moreover, it must be remembered that these appointments, under the colonial law of 1891, will be for seven years only, and not for life as in the case of some other colonies possessing a nominated Upper House.

7. I have thus far dealt with the merits of the particular case on which my advice has been sought. But I think it right to add that a question of this kind, though in itself of purely local importance, presents also a constitutional aspect, which should be considered on broad principles of general application. When questions of a constitutional character are involved, it is especially, I conceive, the right of the Governor fully to discuss with his Ministers the desirability of any particular course that may be pressed upon him for his adoption. He should frankly state the objections, if any, which may occur to him ; but if, after full discussion, Ministers determine to press upon him the advice which they have already tendered, the Governor should, as a general rule, and when Imperial interests are not affected, accept that advice, bearing in mind that the responsibility rests with the Ministers, who are answerable to the Legislature, and; in the last resort, to the country.

8. A Governor would, however, be justified in taking another course if he should be satisfied that the policy recommended to him is not only in his view erroneous in itself, but such as he has solid grounds for believing, from his local knowledge, would not be endorsed by the Legislature or by the constituencies.

9. In so extreme a case as this, he must be prepared to accept the grave responsibility of seeking other Advisers ; and, I need hardly add, very strong reasons would be necessary to justify so exceptional a course on the part of the Governor.

I have, &c.,

RIPON.

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

No. 28.

(Circular.)

MY LORD,—

Downing Street, 27th September, 1892.

I have the honour to request that, instead of the arrangement laid down in Lord Stanley of Preston's circular-despatch of the 28th January, 1886, with reference to the recognition of acting consular appointments in British colonies, the following may be substituted :—

When a Consul is authorised by the consular regulations of the country which he represents, or by special instructions from his Government, to nominate

an acting consular officer in his absence, you will be at liberty to recognise the officer so nominated without reference to the Secretary of State.

It will be sufficient, in the first case, that the Consul should inform the colonial Government once for all of the consular regulations of the country he represents; and, in the second case, that he should communicate the terms of his appointment to the colonial Government on taking up his post; but, in the third case, the nomination should always be accompanied by the special instructions.

In all other cases, acting consular appointments made by the consular representatives of a foreign country should be provisionally recognised, unless there are special reasons for objecting to the person nominated, on either personal or other grounds; and the question of the definitive recognition of the appointment should be referred to the Secretary of State.

I have to request that you will make a notification in this sense to the Consuls in the colony under your Government.

The Officer Administering the Government
of New Zealand.

I have, &c.,
RIPON.

No. 29.

(New Zealand, General.)

MY LORD,—

Downing Street, 30th September, 1892.

A.—1, 1893, No. 7.

I have the honour to acknowledge the receipt of your Despatch No. 40, of the 9th August, in regard to the application of "The Colonial Probates Act, 1892," to the Colony of New Zealand, and to state, for the information of your Government, that the necessary Order of Her Majesty in Council for this purpose will be issued in due course.

I have, &c.,
RIPON.

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

No. 30.

(Circular.)

SIR,—

Downing Street, 24th October, 1892.

I have the honour to transmit to you a copy of a Convention between Great Britain and Ecuador, relative to trade-marks, signed at Quito, on the 26th August, 1892, the ratifications of which, it is expected, will be exchanged at an early date.

I have to call your attention to Article 2 of the Convention, from which you will observe that, if it is desired that the stipulations of the Convention should be made applicable to the colony under your government, notice to that effect must be given to the President of Ecuador within one year from the date of the exchange of the ratifications.

I have, therefore, to request that you will be good enough to acquaint me as soon as possible the wishes of your Government in the matter.

The Officer Administering the Government
of New Zealand.

I have, &c.,
RIPON.

Enclosure.

CONVENTION BETWEEN GREAT BRITAIN AND ECUADOR RELATIVE TO TRADE-MARKS.—(Signed at Quito, 26th August, 1892.)

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Excellency the President of Ecuador, desiring to conclude a Convention for the reciprocal protection of trade-marks and designs, have appointed as their Plenipotentiaries, that is to say,—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India—William Henry Doveton Haggard, Esq., Her Britannic Majesty's Minister, Resident and Consul-General at Quito, &c.; and

His Excellency the President of Ecuador—Señor Don Pedro José Cevallos, his Minister, Secretary of State for Foreign Affairs, &c.,

Who, having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:—

ARTICLE I.

The subjects of each of the contracting parties shall have in the dominions and possessions of the other the same rights as are now granted, or may hereafter be granted, to native subjects, or to subjects of the most favoured nation, in all that relates to trade-marks, industrial designs, and patterns.

In order that such rights may be obtained, the formalities required by the laws of the respective countries must be fulfilled.

ARTICLE II.

The stipulations of the present Convention shall be applicable to all colonies and foreign possessions of Her Britannic Majesty excepting to those hereinafter named, that is to say, except to India, the Dominion of Canada, Newfoundland, the Cape of Good Hope, Natal, New South Wales, Victoria, Queensland, Tasmania, South Australia, Western Australia, and New Zealand:

Provided always that the stipulations of the present Convention shall be made applicable to any of the above-named colonies or foreign possessions, on whose behalf notice to that effect shall have been given by Her Britannic Majesty's representative to the President of Ecuador, within one year from the date of the exchange of ratifications of the present Convention.

ARTICLE III.

The present Convention shall be ratified, and the ratifications shall be exchanged at Quito as soon as possible.

It shall come into operation one month after the exchange of ratifications, and shall remain in force until the expiration of one year from the day on which either party may give notice of its intention to terminate it.

In witness whereof the undersigned have signed the same, and have affixed thereto the seal of their arms.

Done in duplicate at Quito, the 26th day of August, 1892.

(L.S.) W. H. D. HAGGARD.
(L.S.) PEDRO JOSÉ CEVALLAS.

No. 31.

(New Zealand, No. 50.)

MY LORD,—

Downing Street, 26th October, 1892.

I have the honour to transmit to your Lordship the accompanying letter, with translation, which has been addressed to the Queen by Noki te Pupuki, asking for the loan of £1,000 to enable him to improve his land.

I request that your Government will cause the writer to be informed that his letter has been received, but that the application was not one on which I could tender any advice to Her Majesty.

I have, &c.,
RIPON.

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

Enclosure.

[TRANSLATION.]

To Queen Victoria.

Te Puke, Whangaroa.

SALUTATIONS,—This letter is respecting my land, part of which was disposed of to the Government, and part remains to me. I am desirous of borrowing some money to cultivate my land, and lay it down to grass, for keeping sheep and other similar purposes, and I ask for £1,000 to be lent to me by the Bank of England. Probably it would take ten years to get my land into good order, and I wish the loan to be for that term; but if the work can be finished in less time I will repay the money to the Bank of England. This assurance (of repayment) is true.

From Noki te Tuauru, a descendant of Hongi Hika, at Te Puki, Whangaroa (in the North Island, north of Auckland)..

P.S.—If you consent, address me at the post-office, Whangaroa.

No. 32.

(New Zealand, No. 51.)

MY LORD,—

Downing Street, 26th October, 1892.

I have the honour to acknowledge the receipt of your Lordship's A.-1, 1893, No. 9. Despatch No. 50, of the 7th ultimo, transmitting a copy of a minute from the Premier of New Zealand, having reference to Article VII. of the Instructions of the 29th March last, which accompanied my predecessor's despatch of the 30th March.

I have, &c.,
RIPON.

Governor the Right Hon. the Earl of Glasgow, G.C.M.G.

No. 33.

(New Zealand, No. 52.)

MY LORD,—

Downing Street, 27th October, 1892.

A.—1, 1893, No. 3.

I referred to the Secretary of State for War your Despatch No. 31, of the 8th of July last, with its enclosure, suggesting that a concession recently granted to soldiers who served in the Crimea and Indian Mutiny campaigns might be extended to soldiers who served in the Maori war.

I have now the honour to transmit to you, for the information of your Government, a copy of the reply which has been received from the War Office.

I take this opportunity to forward to you copies of a correspondence which took place with the Agent-General on this subject a short time previous to the receipt of your despatch.

I have, &c.,

RIPON.

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

Enclosure No. 1.

(Copy—7/ Gen., No. 4/270/.)

SIR,—

War Office, Pall Mall, S.W., 18th October, 1892.

In answer to your letter of the 28th August, transmitting a despatch from the Governor of New Zealand proposing that the scheme by which deferred pensions are under certain conditions granted to those who served in the Crimean war and the Indian Mutiny should be extended to include soldiers who took part in the Maori war, I am directed by the Secretary of State for War to inform you that, after full consideration of His Excellency's proposal, he fears that it would be impossible to extend the grant of these pensions.

They were devised for the relief of those who shared in two campaigns of an exceptionally severe nature, and to extend their scope would throw a heavy burden on the Exchequer, without the same justification.

I have, &c.,

The Under-Secretary of State, Colonial Office.

J. C. B. CAVE.

Enclosure No. 2.

SIR,—

Westminster Chambers, 13, Victoria Street, London, 5th August, 1892.

I have the honour to request that you will lay before Lord Knutsford, with the view of his bringing it under the consideration of the proper authority, a proposal which has been made to my Government, who have transmitted it to me for the purpose of representing it to the Imperial Government.

It is understood that a concession has lately been granted to soldiers of the Imperial forces who served in the Crimean and Indian Mutiny campaigns, to the effect that, instead of requiring fourteen years to entitle a soldier to a deferred pension at the age of fifty years, ten years' service is sufficient for that purpose, so that those who only enlisted for the first period of service will now receive pensions.

My Government, therefore, desire me to submit that a similar concession might be granted to soldiers who served during the Maori war, and I trust that this suggestion will meet with the approval of Her Majesty's Government.

I have, &c.,

The Under-Secretary of State for the Colonies.

W. B. PERCIVAL.

Enclosure No. 3.

SIR,—

Downing Street, 19th August, 1892.

In reply to your letter of the 5th instant respecting grants to men who served in the Maori wars, I am directed by the Secretary of State for the Colonies to transmit to you a copy of a letter from the War Office on the subject.

His Lordship trusts that the explanations given in this letter will be satisfactory to the Colonial Government.

I have, &c.,

The Agent-General, New Zealand.

JOHN BRAMSTON.

Enclosure No. 4.

SIR,—

War Office, Pall Mall, 13th August, 1892.

In reply to your letter of the 9th instant, transmitting a copy of a letter from the Agent-General of New Zealand on the subject of the grant of pensions to soldiers who served in the Crimean and Indian Mutiny campaigns, I am directed by the Secretary of State for War to inform you that there appears to be a misunderstanding on the part of the New Zealand Government as to the grants in question. They are strictly of a compassionate nature, and are confined to a limited number of old and destitute men who served in wars before 1860, and who rendered at least ten years' service. They are not in any way connected with the deferred pensions granted under the Royal warrant of 1848 to men who served for fourteen years and upwards with a certain number of good-conduct badges.

I am to add that men who served in wars in New Zealand, and who are now destitute, would be equally eligible for special campaign pensions with men who served in India or the Crimea, provided that such war service was before 1860.

The Under-Secretary of State, Colonial Office.

I have, &c.,

J. C. B. CAVE.

No. 34.

(New Zealand, No. 53.)

MY LORD,—

Downing Street, 29th October, 1892.

My predecessor communicated to the Secretary of State for War a copy of Earl Onslow's Despatch No. 1, of the 1st January last, with its enclosures, recommending that a clasp should be added to the New Zealand war-medal to commemorate the action fought at Waireka in 1860, in which the colonial troops took part, in company with the Imperial forces.

I have now the honour to acquaint you, for the information of your Government, that, taking into consideration the fact that thirty-two years have elapsed since the date of the action referred to, the Secretary of State for War would not have been prepared to recommend to Her Majesty that a clasp should be given to the regular forces engaged, and in these circumstances it is not desirable that a clasp should be granted to colonial forces for the action.

I have, &c.,

RIPON.

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

No. 35.

(New Zealand, No. 54.)

MY LORD,—

Downing Street, 8th November, 1892.

I have the honour to transmit to you a copy, received from the Foreign Office, of a note which has been addressed to Her Majesty's Acting-Agent and Consul-General in Egypt on the subject of the importation of meat from Australia into that country.

I request that you will lay this despatch before your Ministers, who will recognise the importance to the colony under your government of doing anything that will assist the export trade of frozen meat, and who will no doubt take measures to insure that the necessary steps are taken for complying with the suggestion of the Egyptian Minister for Foreign Affairs.

I have communicated a copy of this note to the Governors of the other Australasian Colonies (except Fiji).

I have, &c.,

RIPON.

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

Enclosure.

(No. 158.)

[TRANSLATION.]

SIR,—

Alexandria, 19th October, 1892.

His Excellency the Minister for the Interior has just mentioned to me that the sanitary administration has no means of assuring itself that cattle and sheep the flesh of which is actually imported from Australia to Port Said were in a sound condition at the time of slaughtering, and that they had no taint of contagious disease.

The sanitary administration, in the interest of public health, demands, therefore, that meat so imported shall be accompanied by a certificate from a competent authority that the animals from which it (the flesh) comes were perfectly sound.

As the question is of interest, in the first place, to public health and hygiene, I venture to hope, sir, that you will be so good and kind as to take care that the sanitary authorities may be satisfied and that the certificate they demand may be produced in future.

I am, &c.,

Monsieur A. H. Hardinge.

TIGRANE.

No. 36.

(New Zealand, No. 55.)

MY LORD,—

Downing Street, 16th November, 1892.

I have the honour to transmit to you for the consideration of your Government a copy of a letter from the Foreign Office enclosing a translation of

a note from the German Ambassador with reference to the imposition of quarantine on arrivals from Hamburg.

I shall be glad to receive at your earliest convenience an expression of the views of your Government on Count Hatzfeldt's communication.

I have, &c.,
RIPON.

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

Enclosure.

SIR,—

Foreign Office, 12th November, 1892.

I am directed by the Earl of Rosebery to transmit herewith, for such action as the Marquis of Ripon may feel disposed to take in regard to the matter, a copy of a translation of a note from the German Ambassador at this Court, representing that vessels arriving at Gibraltar, Malta, and Australia, from Hamburg, may be admitted to pratique on adducing evidence that they have undergone five days' quarantine and disinfection before leaving that port.

I am to add in connection with this suggestion that, according to a telegram dated the 1st November, from Her Majesty's Acting Consul-General at Hamburg, there were no cases of cholera in that city on the 31st ultimo; and on the 2nd instant he telegraphed that the daily bulletins had been suspended.

I am, &c.,
R. GREY.

The Under-Secretary of State, Colonial Office.

Sub-enclosure.

MY LORD,—

German Embassy, London, 4th November, 1892.

From the Proclamation issued by the Deputation for Commerce and Navigation at Hamburg on the 4th ultimo, a copy of which is enclosed, your Lordship will see that the arrangements made by the Imperial Commissioner for the Public Health in the Elbe Basin, in order to combat the danger of cholera, offers facilities to ships sailing from Hamburg to undergo in the port itself medical inspection and disinfection, and afterwards to proceed to the roadstead of Brunshausen, and perform a medical quarantine of observation of five days before leaving the Elbe. There should be no doubt that these arrangements, if made use of, would form the best safeguard against spreading the infection from Hamburg by sea, and that, consequently, it would cease to be necessary for foreign countries to make ships, bearing proofs that they have undergone five days' observation, besides inspection and disinfection, go through the usual quarantine at their port besides. This would be the case all the more if, according to the Hamburg proposal, the medical inspection had taken place in the presence of a consular officer belonging to the country in which the vessel's port of destination was situated.

The Belgian Government have so far recognised these representations that, since the 22nd ultimo, arrivals from Hamburg at Antwerp have only been subjected to a medical visit.

In consideration of the above, I am directed by my Government to express the request that a qualified free pratique may also be extended to Hamburg arrivals, who have fulfilled the above conditions, at Gibraltar, Valetta, and the ports of the Australian Colonies. My Government hope all the more to obtain the fulfilment of their wish, that since the 13th in the Port of Hamburg, and since the 23rd in the town, there have been no fresh cases of cholera.

I venture to point out that the Imperial Government would be glad to obtain an answer as soon as possible.

The Earl of Rosebery, &c.

I have, &c.,
V. HATZFELDT.

PROCLAMATION CONCERNING OPTIONAL MEDICAL INSPECTION OF SHIPS.

In pursuance of the provisions contained in section 3 of the Proclamations issued by the Senates of September 26th, 1892, relative to the medical superintendence of the Elbe navigation, and of September 28th, 1892, relative to the sanitary control of ships sailing from Hamburg for the German Protectorates in Africa, the undersigned Deputation brings the following to the public notice:—

1. Masters and shipowners of the vessels lying at this port, who may wish to have their ships medically examined by the Head of the Controlling Station No. 11, of the Imperial Commission for the Public Health in the Elbe Basin, must address their application for examination and disinfection in writing to Dr. Nocht, Naval Staff Physician and Head of Controlling Station No. 11, Wiesel's Hotel, Hamburg, at least twenty-four hours before the departure of the vessel.

2. In the application, the size of the vessel, according to cubic metres of net tonnage-capacity, and her length, must be stated, as well as the number of water-tight bulk-heads, the number of the crew and of the passengers, if any, and whether the vessel is a steamer or sailing-vessel.

3. The master will have to provide for the transport of the doctor and his assistants, and of the materials for disinfecting, on board his vessel, according to instructions given to him by the Head of the Controlling Station. Any assistance necessary in the disinfection will have to be provided by the vessel.

4. At the time fixed for the examination and disinfection, the master, all the crew mentioned in the ship's articles, and the passengers who intend to start with the vessel, must be on board, where the medical inspection of the crew and passengers will take place. After the examination no person wishing to start by that vessel will be allowed to quit her while she is in this harbour or in the Elbe.

5. The doctor of the Controlling Station will decide according to each separate case how extensive the disinfection on board is to be, and how it is to be performed; in particular, whether only the bilge-water, or also the cabins, or even the personal effects, shall be disinfected.

6. All those among the crew or passengers must give the examining-doctor all the information he requires about their persons, the place they came from, and other facts necessary for him to judge of the state of health in the vessel, and to prove their statements if necessary.

7. The master will have to prove to the inspecting-physician—for instance, by producing a written certificate of the contractor, whose official confirmation may be demanded—that the drinking-water on board came from an unimpeachable source, such as Billbranerci, or the Altona Aqueduct. The date on which the water was taken on board will also have to be given.

8. The vessel must leave the Port of Hamburg within twelve hours after the examination, and if the German Protectorates in Africa are her destination, she must proceed at once to the roadstead of Brunshausen, where the crew will be subjected to medical observation for five days, under the direction of the Head of the Controlling Station No. 1, Altona, to whom the necessary communications will be made by the Head of the Controlling Station No. 11, Hamburg, and whose orders the master must implicitly obey. Should the disinfection of bilge-water not have been done by Controlling Station No. 11, Hamburg, it may be done by Controlling Station No. 1, at Brunshausen.

9. In case the destination of a vessel is not the German Protectorates in Africa, the master may, if he desires, submit his ship to a five days' quarantine, in which case she will be dealt with as described in 8.

The application for a five days' quarantine will have to be made, at the same time as that for examination and disinfection, to the Head of Controlling Station No. 11, who will make the necessary arrangements, and inform the authorities of the place where it is to be undergone.

10. A certificate entering into details will be given by that Controlling Station which has undertaken the examination, disinfection, or five days' observation, showing the results obtained. It would be advisable to get the certificates of the examination at Hamburg, for all vessels which are not proceeding to German ports or ports in the German Protectorate, confirmed by the Consul belonging to the country where the port of destination is situated.

THE DEPUTATION OF TRADE AND NAVIGATION.

Hamburg, 4th October, 1892.

No. 37.

(Circular.)

SIR,—

Downing Street, 3rd December, 1892.

I have the honour to transmit to you a copy of a letter from the secretary to the Surveyors' Institution, enclosing copies of a memorandum of the Council of the institution relative to the admission to membership of surveyors holding official appointments in the British colonies and dependencies.

Any application for admission to membership should be made direct to the institution.

The Officer Administering the Government
of New Zealand.

I have, &c.,
RIPON.

Enclosure.

SIR,— The Surveyors' Institution (Incorporated by Royal Charter), 12, Great George Street, Westminster, S.W., 21st November, 1892.

I am directed to send you the accompanying copies of a memorandum by the Council of this Institution, with reference to the admission to membership of surveyors holding official appointments in the British colonies and dependencies.

The memorandum will explain itself; but I may point out that these arrangements apply exclusively to official surveyors, and not to surveyors engaged in private practice in the colonies.

The Council of this Institution has, during the last twenty-five years, been most successful in its efforts to raise the status and improve the efficiency of surveyors in the Mother-country, and is desirous of accomplishing similar results in the case of colonial surveyors, and of allowing them to participate in the privileges and advantages conferred by our charter, and bringing them under the influences which have proved so beneficial in this country.

With this object in view, the Council venture to express a hope that your department may assist them in bringing the matter under the notice of influential persons in the colonies.

I shall be happy to furnish you with additional copies of the memorandum should you require them.

The Under-Secretary of State for the Colonies.

I have, &c.,
JULIAN C. ROGERS, Secretary.

Sub-enclosure.

MEMORANDUM OF THE COUNCIL OF THE INSTITUTION WITH REFERENCE TO THE ADMISSION OF COLONIAL MEMBERS.

THE Council of the Institution have, during the last twenty years, received many applications from surveyors holding official appointments in the British colonies and dependencies to be elected members of the Institution; but it is only recently that they have been in a position to entertain such applications for admission, without examination, under the following by-law, which became operative by a special provision of the charter at the end of the year 1891: "No person shall be eligible for election as a fellow unless he shall have passed the examination declared in the rules of examination to appertain to the class of fellows. Nevertheless it shall be in the power of the

Council by a vote, in person or by proxy, of not less than three-fourths of the whole Council, to dispense with the aforesaid examination in favour of any candidate of exceptional standing as a surveyor, or of a candidate holding an official appointment as a surveyor in any of the British colonies or dependencies who shall have passed such other examination as the Council may accept in lieu of the said examination."

The Institution comprises two thousand five hundred members of all classes—fellows, professional associates, non-professional associates, and students. Admission to every grade of membership, except to the limited class of non-professional associates, can only be obtained through the avenue of examination, an ordeal of an extremely searching character, and for which, in the nature of the case, surveyors in the colonies could not be expected to present themselves.

Acting under the powers conferred by the charter and the by-law above quoted, and with a view to federating the profession throughout the Empire, and with a further view of affirming and defining the professional status of colonial surveyors, the Council of the Institution are prepared to entertain applications for admission to membership, without examination, from surveyors holding official appointments in the following British colonies and dependencies, where it is understood that candidates for such appointments are required, as a condition precedent, to pass an examination which can be accepted in lieu of the professional examinations of the Institution: India, Victoria, New South Wales, Queensland, Western Australia, South Australia, New Zealand, Tasmania, Canada, British Guiana, West Indies, Cape Colony, Straits Settlements.

The Council reserve to themselves the right of varying the list of such colonies and dependencies from time to time, should circumstances seem to render such a course desirable.

The following are the conditions under which applications for admission will be considered by the Council:—

(1.) A colonial surveyor will be considered eligible, *ceteris paribus*, if he shall have passed an examination qualifying him as an authorised or licensed surveyor, or as an official or Crown surveyor, or surveyor-general, in any of the foregoing colonies or dependencies.

(2.) All candidates will be required to furnish a detailed description of the examination or examinations passed by them in the colonies, which description must be signed by the candidate, and, in the case of a subordinate officer, countersigned by the surveyor-general, or, in the case of a surveyor-general, by the Colonial Secretary or other chief official, and will also be required to furnish testimonials as to personal character, independently of the professional testimonials referred to.

(3.) The diploma granted to a colonial member will bear upon the face of it a notification that it applies solely to the colonies, and is in no sense a diploma available for a surveyor practising in the United Kingdom.

(4.) Each candidate will be required to sign a formal declaration to this effect, and an undertaking that the diploma shall be returned to the Council should the candidate, from any cause, cease to practice in the colonies.

(5.) Each colonial member will be required to deposit with the secretary a standing order on a London agent for the annual payment of his subscription, and through whom papers relating to the Institution may be periodically transmitted.

(6.) Colonial members will pay a reduced entrance-fee of three guineas, and a reduced annual subscription of two guineas.

(7.) Candidates must be over twenty-five years of age.

(8.) Colonial members, when elected, will be regarded as subject to such provisions of the general by-laws as are applicable to their case, and will be required to sign a formal declaration to that effect attached to the form of application.

(9.) All applications must be made on forms to be obtained of the secretary of the Institution at the above address, and will be subject to all the provisions of the by-laws relating to approval by the Council and confirmation by the general body of members, and each case will be dealt with on its merits.

The privileges of colonial members will be identical with those of other members, and may be briefly summarised as follows:—

(a.) The right as a fellow of the Surveyors' Institute to use the designatory letters F.S.I.

(b.) The right to receive copies of the "Transactions" of the Institution, published at frequent intervals during the session from November to May; also, copies of the "Professional Notes," published at intervals of two or three months throughout the year.

(c.) The right to a diploma of membership, subject, as in other cases, to a notification of its annual renewal.

(d.) The right, during temporary residence in England, to attend the meetings of the Institution, to use the library and rooms of the Institution, and to enjoy all the privileges of members resident in the United Kingdom; and

(e.) All voting-rights, so far as they are exercisable by persons not residing in the United Kingdom.

By order of the Council.

17th November, 1892.

JULIAN C. RODGERS, Secretary.

No. 38.

(Circular.)

SIR,—

Downing Street, 9th December, 1892.

With reference to my predecessor's circular despatch of the 4th of February last, respecting the termination of the commercial treaty between this country and Spain, I have the honour to transmit, for the information of the

colony under your government, a translation of a notice from the *Customs Gazette*, Madrid, announcing that products of British possessions shall enjoy the benefit of the second column of the Spanish tariff.

The Officer Administering the Government of
New Zealand.

I have, &c.,
RIPON.

Enclosure.

[From the *Boletín Oficial de la Dirección General de Aduanas* (*Customs Gazette*) of Madrid,
10th November, 1892.]

ROYAL Order directing that Products of British Possessions shall enjoy the benefit of the second column of the present Tariff.—4th October, 1892 (*"Expediente,"* No. 1044/92).

THE following Royal Order has been communicated by the Ministry of State to that of Finance :—

SIR,—In reply to the Royal Order which your Excellency was good enough to address to me, asking my opinion on the question whether, in virtue of international arrangements, the Island of Newfoundland and the coast of Labrador have a right to the enjoyment of the benefits of the second column of the present tariff as being British possessions,

His Majesty the King (whom God preserve), and in his name the Queen Regent, has been pleased to direct that your office be informed that it would not be reasonable to refuse to the British colonies the same commercial treatment that is conceded to the Mother-country, seeing that England concedes the same commercial treatment to Spanish colonies as to Spain, and that it must be in consequence of an unintentional omission that this is not stated in the Royal Order of the 29th June.

By the Royal Order communicated to me by the Minister of State, I acquaint your Excellency with this for your information, and to enable you to give any necessary orders in the direction indicated to the Custom houses of the Peninsula and the adjacent islands.

This is published in the *Boletín* for the information of the Customhouses, in order that the treatment of the second column of the present tariff may be conceded to products of British possessions as provided in the preceding Royal Order.*

God preserve you many years!

Madrid, 4th October, 1892.

E. DE ALVEAR.

No. 39.

(New Zealand, No. 59.)

MY LORD,—

Downing Street, 20th December, 1892.

I have the honour to transmit to you, for the information of your Government, a copy of the document specified below.

I have, &c.,

R. H. MEADE,

(For the Secretary of State.)

The Officer Administering the Government
of New Zealand.

Date.	Description of Document.
14th December, 1892 ...	Letter from the Foreign Office respecting the Consulate for Sweden and Norway at Christchurch.

Enclosure.

(Copy.)

SIR,—

Foreign Office, 14th December, 1892.

I am directed by the Secretary of State to inform you that he has received a note from the Swedish Minister at this Court, notifying the resignation of Mr. F. E. Wright, the Consul for Sweden and Norway at Christchurch, New Zealand, and the suppression of that Consulate, the district of which will be included in the Consulate at Wellington.

I am, &c.,
P. W. CURRIE.

* See *New Zealand Gazette* No. 31, 14th April, 1892.

No. 40.

(New Zealand, No. 2.)

MY LORD,—

Downing Street, 9th January, 1893.

With reference to previous correspondence respecting the land-claims of Mr. William Webster, I have the honour to submit to you, for the consideration of your Ministers, a copy of a letter from the Foreign Office enclosing a note from Her Majesty's Charge d'Affaires at Washington, forwarding a resolution of the Senate of the United States, with accompanying correspondence, on the subject.

I have, &c.,

RIPON.

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

Enclosure.

SIR,—

Foreign Office, 3rd August, 1892.

With reference to your letter of the 23rd of July, 1892, respecting the land-claim of Mr. Webster in New Zealand, I am directed by the Marquis of Salisbury to transmit copy of a despatch from Mr Herbert, Her Majesty's Charge d'Affaires at Washington, stating that Mr. Foster has called his attention to this case, and inquired with reference to a resolution which was passed in the Senate on the 26th of May last, whether the proposal to submit the matter to arbitration would meet with the consent of Her Majesty's Government.

Lord Salisbury would be glad to learn from Lord Knutsford what answer should, in his opinion, be returned to Mr. Foster's inquiry.

Two copies of the resolution passed in the Senate, together with other correspondence relating to this case, are enclosed for Lord Knutsford's information.

I am, &c.,

The Under-Secretary of State, Colonial Office.

T. V. LISTER.

Sub-enclosure.

MY LORD,—

Newport, R.I., 20th July, 1892.

Mr. Foster called my attention a few days ago to the resolution which was passed by the Senate on the 26th May last, in regard to the case of William Webster, and asked me to inquire of your Lordship whether the proposal to submit the case to arbitration would meet with the consent of Her Majesty's Government.

I replied that I was under the impression that the correspondence on the subject had hitherto been carried on through the United States Legation in London, but that, if he desired it, I would at once transmit his request to your Lordship, although I did not imagine that there was much chance of its being favourably considered.

I have the honour to enclose herewith copies of the Senate's resolution, together with the accompanying correspondence in regard to the case.

I have, &c.,

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

MICHAEL S. HERBERT.

No. 41.

(New Zealand, No. 3.)

MY LORD,—

Downing Street, 20th January, 1893.

On the 10th April, 1888, the Queen's *exequatur* enabling Mr. Robert T. Litton to act as Consul-General for Liberia within the Australasian Colonies, with residence at Melbourne, received Her Majesty's signature.

By inadvertence this fact was only notified at the time to the Governor of Victoria; and I request that you will now cause a notification of Mr. Litton's appointment to be inserted in the *Gazette* of the colony under your administration.

I have, &c.,

RIPON.

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

No. 42.

(New Zealand, No. 4.)

MY LORD,—

Colonial Office, Downing Street, 21st January, 1893.

I have the honour to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the following Acts of the Legislature of New Zealand, transcripts of which accompanied your Despatch No. 59, of the 2nd December, viz :—

56° VICTORIA.

Public Acts.

- No. 1. An Act to apply a Sum of Money out of the Public Account to the Service of the Year ending the Thirty-first Day of March, One thousand eight hundred and ninety-three.
- No. 2. An Act to apply a Sum of Money out of the Public Account to the Service of the Year ending the Thirty-first Day of March, One thousand eight hundred and ninety-three.
- No. 3. An Act to constitute Boards for the Education Districts of Westland and Grey respectively under "The Education Act, 1877."
- No. 4. An Act to consolidate and amend the Laws relating to Oyster Fisheries.
- No. 5. An Act to amend "The Kaiapoi Native Reserves Act, 1877."
- No. 6. An Act to provide for the Determination of the Title to the Kaipo Reserve.
- No. 7. An Act to authorise the Sale of Crown Lands in the Borough of Napier heretofore used for Native Purposes.
- No. 8. An Act to provide for further Inquiry in respect of the Succession to the Interest of Te Tahuri Arama and Others in the Orakei Block.
- No. 9. An Act to amend "The Settled Land Act, 1886."
- No. 10. An Act to enable Courts of Justice to amend Technical Defects in Warrants, Orders, and Judgments, and for the Better Advancement of Justice.
- No. 11. An Act to declare certain Provincial Ordinances to continue in force, and for the Repeal of all other such Ordinances.
- No. 12. An Act to authorise an Exchange of Part of the Auckland University College Endowment Land for Crown Lands.
- No. 13. An Act to authorise a Grant of Land at Tauranga to Mere Taka, an Aboriginal Native.
- No. 14. An Act to place in the Public Trust Office all Lands where the Owner is unknown.
- No. 15. An Act to validate certain Orders made by the Native Land Court.
- No. 16. An Act to authorise the Sale of the Site of the Courthouse at Palmerston North and the Buildings thereon.
- No. 17. An Act to amend "The Fisheries Encouragement Act, 1885."
- No. 18. An Act to apply a Sum of Money out of the Public Account to the Service of the Year ending the Thirty-first Day of March, One thousand eight hundred and ninety-three.
- No. 19. An Act relating to the Children of Naturalised Persons, and the Charge for Letters of Naturalisation.
- No. 20. An Act to amend "The Registration of Births and Deaths Act, 1875."
- No. 21. An Act further to amend "The Employers' Liability Act, 1882."
- No. 22. An Act to repeal the West Coast Settlement Reserves Acts, and to alter the Law relating to the Administration thereof.
- No. 23. An Act to provide for the Final Settlement of the Rights of Holders of Land-orders issued by the New Zealand Company, and by the Plymouth Company of New Zealand, respectively.
- No. 24. An Act to consolidate and amend the Law relating to Bankruptcy.
- No. 25. An Act to make Better Provision for securing the Payment of Money due to Contractors and Workmen, and for other Purposes.
- No. 26. An Act to amend "The Friendly Societies Act, 1882."
- No. 27. An Act to repeal "The Kaipo Reserve Act, 1892," and to make further Provision for the Determination of the Title to the Kaipo Reserve.
- No. 28. An Act to amend "The Local Bodies' Loans Act, 1886."
- No. 29. An Act to amend "The Water-supply Act, 1891."
- No. 30. An Act to regulate the Manufacture of Butter and Cheese for Export, and to provide for the Purity of the Milk used in such Manufacture.
- No. 31. An Act to authorise the Acquisition of Private Lands for Purposes of Settlement.
- No. 32. An Act to amend "The Public Revenues Act, 1891."
- No. 33. An Act to amend "The Government Loans to Local Bodies Act, 1886."
- No. 34. An Act to amend "The Customs Laws Consolidation Act, 1882."
- No. 35. An Act to provide for Payments in the Purchase of Native Lands, and for facilitating the Acquisition of such Lands by or on behalf of Her Majesty the Queen.
- No. 36. An Act to make Provision for the Better Security of Moneys deposited with Persons practising the Profession of the Law.

Public Acts—continued.

- No. 37. An Act to amend the Law regulating the Sale or other Disposal of the Lands of the Crown in New Zealand.
- No. 38. An Act for the Better Prevention of Frauds in the Sale of Manures for Agricultural Purposes.
- No. 39. An Act to vest certain Reserves in the Corporations of certain Boroughs, also to authorise the Sale of a Portion of the Recreation Reserve at Roxburgh, and for other Purposes.
- No. 40. An Act to provide for Inquiry into Incomplete Dealings with Native Lands.
- No. 41. An Act to amend "The Police Offences Act, 1884."
- No. 42. An Act to suppress Offensive Publications.
- No. 43. An Act to continue and amend "The Selectors' Lands Revaluation Act, 1889."
- No. 44. An Act for the Licensing and Registration of Servant's Registry Offices.
- No. 45. An Act for limiting the Hours of Business in Shops.
- No. 46. An Act to amend the several Naval and Military Settlers' and Volunteers' Land Acts.
- No. 47. An Act to amend "The Mining Act, 1891."
- No. 48. An Act further to amend "The Mining Companies Act, 1886."
- No. 49. An Act for the Amendment of "The Factories Act, 1891."
- No. 50. An Act to amend "The Printers and Newspapers Registration Act, 1868."
- No. 51. An Act to amend the North Island Main Trunk Railway Loan Application Acts.
- No. 52. An Act to further amend "The Public Works Act, 1882," and the Acts amending the same.
- No. 53. An Act to provide for the Payment of Members of the General Assembly.
- No. 54. An Act to amend "The Land and Income Assessment Act, 1891."
- No. 55. An Act to impose a Land-tax and an Income-tax.
- No. 56. An Act to appropriate certain Sums of Money for Public Works and Other Purposes.
- No. 57. An Act to apply a Sum of Money out of the Consolidated Fund and other Moneys to the Service of the Year ending the Thirty-first Day of March, One thousand eight hundred and ninety-three, and to appropriate the Supplies granted in this present Session.

Local and Personal Acts.

- No. 1. An Act to vest in the Wanganui Hospital Board the Land and Buildings used for the Purposes of the Wanganui Hospital, together with the Fixtures and Improvements thereon, and to make Provision for the Sale or Leasing thereof.
- No. 2. An Act to empower the Mayor, Councillors, and Citizens of the City of Wellington, a Corporation constituted under the Provisions of "The Municipal Corporations Act, 1886," to raise certain Moneys by way of Special Loan for Sanitation and other Purposes, and to make Provision as to other Matters.
- No. 3. An Act to empower the Borough Council of Sydenham to grant a Right of Way.
- No. 4. An Act to change the Purpose of a Recreation-ground at Te Aroha, and to set apart other Lands for such Purpose.
- No. 5. An Act to give Power to the Napier Harbour Board to carry out certain Harbour Works and Improvements, and to give Borrowing Powers for carrying out such Works.
- No. 6. An Act to provide for the more Economical Collection of the Rates authorised to be levied by "The Napier Harbour Board Empowering and Loan Act, 1884."
- No. 7. An Act to empower the Trustees of the Oamaru Racecourse to borrow a Sum of Money for the Purposes of the Trust.
- No. 8. An Act to validate certain Proceedings of the Ohinemuri County Council in relation to the Constitution of Ridings in the County, and their Representation.
- No. 9. An Act to remove Doubts as to the Title of Native Owners to parts of the Rohe Potae Block.
- No. 10. An Act to empower the Mayor, Councillors, and Burgesses of the Borough of Petone, a Corporation constituted under the Provisions of "The Municipal Corporations Act, 1886," to raise certain Moneys by way of Special Loan for Sanitation and other Purposes, and to make Provision as to other Matters.
- No. 11. An Act to provide for the Management of the Fund known as the "Dempsey Trust Fund," and for other Purposes connected therewith.
- No. 12. An Act to provide for the Amendment and Validation of the Title to the Tahoraiti Block.

Local and Personal Acts—continued.

- No. 13. An Act to provide for the Protection and Conservation of an Area of Land near Dunedin known as "The Sandhills," and the Beach adjacent thereto, and for the Management thereof as a Public Domain.
- No. 14. An Act to revest in Her Majesty the Mount Ida Water-race.
- No. 15. An Act to provide for the Repayment of certain Moneys by the Oamaru Harbour Board.
- No. 16. An Act to authorise the Auckland Harbour Board to exchange certain Freehold Land adjoining Calliope Dock for certain other Freehold Land fronting Victoria and Beach Roads, Devonport, and for other Purposes.
- No. 17. An Act to empower the School Commissioners for the Otago Provincial District to enter into certain Arrangements desirable in the Interests of Settlement, and in order to provide Accommodation for Tourists at Lake Te Anau, Otago.
- No. 18. An Act for the Transfer of the Kaitangata Relief Fund into the Public Trust Office, and its Conversion into a Mining Accident Fund.
- No. 19. An Act to authorise the Trustees of the Te Aute College Trust to expend a Portion of their Trust-funds in maintaining the Native Girls' School at Hukarere, Napier.
- No. 20. An Act to authorise a further Inquiry into the Engagements and Liabilities of the Cook and Waiapu Counties respectively.
- No. 21. An Act to amend "The Gisborne Harbour Act, 1884."
- No. 22. An Act to validate the Construction of a Bridge over the Waihou River by the Piako County Council.
- No. 23. An Act to vest certain Lands in the Corporation of the City of Wellington and the Wellington Harbour Board respectively, and to enable the Corporation and the Board respectively to devote certain Lands to particular Purposes.
- No. 24. An Act to vest in Trustees for the Whangarei County Rifle-club certain Land at Whangarei known as the Whangarei Drill-shed Site.

Local and Personal Acts—continued.

- No. 25. An Act to authorise the Issue of Titles to certain Reserves in Westland to the Religious, Charitable, or Educational Bodies respectively occupying the same.
- No. 26. An Act to amend "The Wanganui River Trust Act, 1891" (hereinafter called "the said Act").
- No. 27. An Act to vest certain Land in the Patea Harbour Board.
- No. 28. An Act to extend the Powers of the County Councils on the West Coast of the Middle Island so as to enable them to raise the Funds necessary to defray the Cost of the Maintenance and Repair of County Roads.
- No. 29. An Act to vest in the District of Palmerston North Hospital and Charitable Aid Board certain Hospital Reserves within the Borough of Palmerston North, and Moneys, being the Proceeds of the Sales of certain Hospital Reserves within the said Borough heretofore sold, and Lands vested in the Corporation of the Town of Palmerston North for the Purposes of a Hospital, but which have been sold, subject to the Contracts for Sale; and also to validate certain Payments made out of such Sales.
- No. 30. An Act to authorise the Wanganui Harbour Board to make Special Provision for the Disposal of the Balance of their Rural Endowment Lands.
- No. 31. An Act to amend "The Westland and Nelson Coal-fields Administration Act, 1877," in this Act called "the said Act."

Private Acts.

- No. 1. An Act to amend a Deed of Trust made between Ahipene Kaihau, Kerei Tamarere, and Henare Ngaroma Kaihau, of the one part, and the Public Trustee of the other part, and dated the Thirtieth Day of November, One thousand eight hundred and eighty-five.
- No. 2. An Act to amend "The Wesleyan Methodist Church Property Trust Act, 1887."

I have, &c.,
RIPON.

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

No. 43.

(New Zealand, No. 5.)

MY LORD,—

Downing Street, 21st January, 1893.

I have the honour to acquaint you that an application has been received from the German Ambassador at this Court for the issue of an *exequatur* to Mr. H. von Haast as German Consul at Christchurch, New Zealand, where he resides.

As this gentleman appears to be resident in the colony under your government, I am to request you to report whether you are aware, or not, of any objection to his appointment, and if not you will recognise him provisionally in that capacity until the *exequatur* arrives.

I have, &c.,

R. H. MEADE

(For the Secretary of State).

The Officer Administering the Government of New Zealand.

No. 44.

(New Zealand, General.)

MY LORD,—

Downing Street, 26th January, 1893.

I have the honour to acknowledge the receipt of your Lordship's Despatch No. 53, of the 5th of October, with reference to the proposed adoption by the Cook Islands of a federal flag, and also with regard to the use of the Union Jack on shore in those islands.

2. In reply I transmit to you a copy of a letter from the Admiralty, from which it will be seen that there is no objection to the flag proposed for marine use, described in your Lordship's despatch, providing the centre of the Union Jack be defaced by a circular or other shaped shield, bearing some device, such

as a tree, or whatever may be thought appropriate, but I should be glad to be first furnished with six copies of a coloured drawing of the proposed flag.

3. From a previous letter from the Admiralty, of which I also enclose a copy, it would appear that there is no objection to the use of the Union Jack on shore in the Cook Islands.

I have, &c.,
RIPON.

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

Enclosure No. 1.

SIR,—

Admiralty, 10th January, 1893.

With reference to your letter of the 23rd ultimo, and to former correspondence relative to the adoption of a federal flag for vessels belonging to the Cook Islands, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that Cook Islands being merely under British protection, and not part of Her Majesty's dominions, to allow them to wear the Union Jack "indifferenced" would be to give them a British character, which would, in their Lordships' opinion, be undesirable. My Lords would suggest that some plainly visible device, such as a tree, &c., in the centre of the Union Jack would meet the case.

I am, &c.,

EVAN MACGREGOR.

The Under-Secretary of State, Colonial Office.

Enclosure No. 2.

SIR,—

Admiralty, 7th December, 1892.

With reference to your letter of the 22nd ultimo, transmitting a copy of a despatch, with its enclosure, from the Governor of New Zealand, respecting the adoption of a federal flag for the vessels belonging to the Cook Islands, I am commanded by my Lords Commissioners of the Admiralty to acquaint you that they have no objection to the Union Jack being inserted in the flag as proposed, provided the flag itself is "differenced" with some device to be agreed upon. I am to add that the Admiralty have no jurisdiction over flags flown ashore.

I am, &c.,

EVAN MACGREGOR.

The Under-Secretary of State, Colonial Office.

No. 45.

(New Zealand, General.)

MY LORD,—

Downing Street, 3rd February, 1893.

With reference to my despatch, "General," of 30th September last, I have the honour to transmit to you, for publication in the colony under your government, copies of an Order of Her Majesty in Council applying the provisions of "The Colonial Probates Act, 1892," to New Zealand.

A.—2, 1893,
No. 29.

I have also to enclose copies of the rules and orders which have been made for the guidance of the Registrars of the Principal Probate Registry, Somerset House, in carrying out the provisions of the Act; and I have to request that notices corresponding to those mentioned in Rules 101 and 102 may be sent to that Registry.

Rules for regulating the procedure under the Act in the Scotch and Irish Courts have been prepared, but are not yet ready for issue.

I have, &c.,
RIPON.

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

Enclosure.

At the Court of Osborne House, Isle of Wight, the 30th day of January, 1893.

Present: The Queen's Most Excellent Majesty, Lord President, Viscount Oxenbridge, Chancellor of the Exchequer, Mr. Lefevre, Mr. Denman.

WHEREAS by the first section of "The Colonial Probates Act, 1892," it is enacted as follows: "Her Majesty the Queen may, on being satisfied that the Legislature of any British possession has made adequate provision for the recognition in that possession of probates and letters of administration granted by the Courts of the United Kingdom, direct by Order in Council that this Act shall, subject to any exceptions and modifications specified in the order, apply to that possession, and thereupon, while the order is in force, this Act shall apply accordingly:"

And whereas Her Majesty is satisfied that the Legislatures of the British possessions hereinafter mentioned have made adequate provision for the recognition in those possessions of probates and letters of administration granted by the Courts of the United Kingdom :

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the above-recited Act in Her Majesty vested, is pleased, by and with the advice of Her Most Honourable Privy Council, to order, and it is hereby ordered, as follows :—

“The Colonial Probates Act, 1892,” shall apply to the British possessions hereunder mentioned : Cape of Good Hope, New South Wales, Victoria, New Zealand, Gibraltar, British Honduras.

And the Most Honourable the Marquis of Ripon, Her Majesty's Principal Secretary of State for the Colonies, is to give the necessary directions herein accordingly.

HERBERT M. SUFT.

No. 46.

(New Zealand, No. 8.)

MY LORD,—

Downing Street, 17th February, 1893.

I have the honour to acknowledge the receipt of your Despatch No. 57, of the 2nd December, reporting that, in accordance with the advice of your Ministers, you had made twelve appointments to the Legislative Council of New Zealand, as set out in the extract from the supplement of the colonial *Gazette* which you enclosed.

I have, &c.,

RIPON.

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

No. 47.

(New Zealand, No. 7.)

MY LORD,—

Downing Street, 17th February, 1893.

I have the honour to acknowledge the receipt of your Despatch No. 60, of the 3rd of December, with its enclosures, respecting the recent appointments to the Legislative Council of New Zealand.

Your Lordship questions in that despatch the propriety of an appeal from the Government of a colony possessing Responsible Government to the Colonial Office upon such a matter.

I would observe in the first place that such an objection to a reference to this department should, if taken at all, be taken at the time of the reference, and comes too late if not made till after my opinion has been asked. Your Ministers submitted to your Lordship a memorandum in which they invited my attention to the difference which has arisen, and this memorandum, with others that passed subsequently, you rightly transmitted to me. In doing so you commented upon the statements of your Ministers, and after expressing your own opinions you concluded by leaving the matter in my hands. I do not find that you raised any objection, either in your correspondence with your Ministers or in your despatches to me, to their action in referring the question to me; on the contrary, you were, as I understood, and as you recognise in your despatch under reply, yourself a party to the reference.

Neither I nor my predecessor during whose tenure of office this reference was actually made in any way sought it. It came to me as a joint reference from yourself and your Government.

I do not feel myself called upon to express any opinion upon the advisability of the course taken by your Ministers in seeking my advice on such a question; but I am of opinion that I should not be justified in refusing an expression of my views when it is asked for by the Governor of a colony or by his constitutional Advisers.

You proceed to express the opinion that, when Ministers are unable to come to an agreement with the Government, they should, if they consider the case sufficiently important, tender their resignation. This is no doubt the step which in the last resort a colonial Ministry must take in the case of any acute difference between the Governor and themselves, in order that it may be made apparent whether they are supported by the colony; but it is for the colonial Ministry to judge whether this step should be taken. On the occasion now under discussion they thought proper to adopt another course, and with your concurrence to refer the matter at issue to my predecessor.

With regard to the returns which you enclose in the despatch under acknowledgment, I would observe that I had to arrive at my conclusions on the materials then in my possession. In one of the memoranda from your Government it was stated that some of the vital points of policy in their measures were defeated by large majorities in the Legislative Council, and that an inspection of the division lists of the preceding session showed that the Government could, as a rule, only rely on the support of five members. The returns now sent do not show to what extent the divisions referred to therein proceeded upon party lines, and I do not feel able to draw the inference from them that your Ministry would, with the help of the twelve appointments, have necessarily commanded a majority for party purposes in the Legislative Council. Indeed, it appears that in Committee on the Land Bill, the Bill to which Mr. Ballance especially referred as rendering it necessary to strengthen his position in the Legislative Council, the Government were only able to muster, at the most, six supporters, and at times only two, three, and four.

As the matter has now been disposed of by the appointment of the additional members reported in your Despatch No. 57, of the 2nd December, 1892, I have only to add that I have received with great satisfaction the assurance that you do not feel that your personal position has been in any way detrimentally affected by the fact that my decision has been against your view, and I fully recognise the difficulties which you felt in regard to the question, and your desire to represent the whole matter to me in the fullest light.

I am, &c.,

RIPON.

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

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