

1901.
NEW ZEALAND.

DESPATCHES FROM THE SECRETARY OF STATE FOR THE COLONIES

WITH REFERENCE TO THE RESERVED BILL, ENTITLED "THE NEW ZEALAND ENSIGN ACT, 1900." ALSO MEMORANDUM FROM THE PREMIER ON THE SUBJECT.

Laid upon the Table of the House of Representatives by Command.

No. 1.

The Right Hon. the SECRETARY of STATE to the Right Hon. the EARL of RANFURLY.

MY LORD,—

Downing Street, 21st March, 1901.

I have the honour to inform you that I have submitted for the consideration of the Lords Commissioners of the Admiralty the reserved Bill of the Legislature of New Zealand, entitled "The New Zealand Ensign Act, 1900," copies of which were forwarded in Sir R. Stout's despatch No. 81 of the 26th October last.

2. Their Lordships are advised that, owing to the use of the words "for all purposes" in the preamble of the Bill, nothing further would be necessary, after the King's assent to the Bill has been signified, to justify the use of the blue ensign with the distinguishing marks mentioned in section 2, as the ensign of the colony for all purposes—*i.e.*, it could be used by merchant vessels belonging to New Zealand.

3. This proposal is one which their Lordships cannot regard with favour, inasmuch as by the Merchant Shipping Act, section 73, the red ensign without defacement is declared to be the proper national colours for all ships and boats belonging to any British subject, except in the case of His Majesty's ships and boats, or of any other ship or boat for the time being allowed to wear any other national colours in pursuance of a warrant from His Majesty or from the Admiralty.

4. Colonial merchant ships in some cases have been allowed distinguishing badges of the colony with the red ensign, but the use of the blue ensign has been carefully restricted by the Admiralty to ships and vessels whose special character it is desired to make known, such as—(a) ships and vessels in the service of public offices, (b) belonging to and permanently in the service of the colonies, (c) transport's yachts belonging to certain yacht clubs are also allowed, by warrant, to use it.

5. The only British merchant ships allowed to wear the blue ensign are those in receipt of Admiralty subvention, or commanded by retired officers of the Royal navy, or officers of the Royal Naval Reserve, and having a specified number of naval reserve men in the crew.

6. A special Admiralty warrant is required in each case.

7. If, however, the present Bill receives His Majesty's assent as it stands, the necessity of obtaining an Admiralty warrant to fly the blue ensign would no longer exist in the case of New Zealand vessels, and what is now a privilege would be exercised as a right by all vessels of the colony, however small. This would doubtless lead to claims from the mercantile marine of this country and of other colonies to a similar privilege, and might result in its becoming necessary to alter the law as to colours.

8. It is possible that your Government has not fully realised that the Bill, if it comes into force, would seriously interfere with existing arrangements; and I shall be glad to receive a full expression of the views of your Ministers after they have considered the objections set forth above.

9. I take this opportunity to acknowledge the receipt of Sir R. Stout's despatch No. 80, of the 25th October last, relative to the form of the reservation clause in "The New Zealand Ensign Act, 1900." I prefer the form which was suggested in Lord Derby's circular despatch of the 20th June, 1884; but the form used in the present Bill appears to me sufficient for all practical purposes.

I have, &c.,

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

J. CHAMBERLAIN.

No. 2.

The Right Hon. the PREMIER to His Excellency the GOVERNOR.

Premier's Office, Wellington, 28th June, 1901.

Memorandum for His Excellency the Governor.

THE Premier presents his compliments to His Excellency the Governor, and in reply to despatch No. 551/1901 in respect to the reserved Bill entitled "The New Zealand Ensign Act, 1900," desires His Excellency will be good enough to forward the following memorandum in reply thereto:—

"My Ministers appreciate the force of the objections raised by the Lords Commissioners of the Admiralty to the New Zealand Ensign Bill in its present form, and in order to meet them suggest that the Bill be modified by providing that the ensign may be used for all purposes ashore, but shall not be worn by any vessel other than the vessels owned and used by the New Zealand Government except in pursuance of a warrant from His Majesty or the Admiralty. The right to use the blue ensign with the Southern Cross, represented by four five-pointed red stars with white border, was granted in 1869. (See *New Zealand Gazette*, 1869, page 556.) This authority has evidently been overlooked.

"With respect to Sir Robert Stout's despatch No. 80 and your remarks thereon, my Ministers regret that, owing to an unfortunate inadvertency, Sir Robert Stout, in forwarding copies of the memoranda that had passed between himself and the Premier in regard to the reservation clause, should have omitted to forward copy of the initial memorandum on which the whole question at issue turned. It is as follows:—

"*The New Zealand Ensign Act, 1900.*"—For the Right Hon. the Premier,—

Section 4 of this Bill seems to invade the prerogative of the Governor. I doubt if the two Houses ought to put in a Bill that it should be reserved. It is for the Governor to express his opinion on the subject in accordance with the law.

ROBERT STOUT, Deputy Governor.

and shows that the question was not whether Lord Derby's clause should be substituted for the clause in the Bill, but whether Parliament had or had not the right to insert a reservation clause at all. The Premier felt that he could not for one moment admit that the clause in the Bill was in any way an invasion of the Governor's prerogative.

R. J. SEDDON.

No. 3.

The Right Hon. the SECRETARY of STATE to the Right Hon. the EARL of RANFURLY.

MY LORD,—

Downing Street, 14th September, 1901.

I have the honour to acknowledge the receipt of your Despatch No. 52 of the 27th June, and to transmit to you, for the information of your Ministers, a copy of a letter from the Admiralty regarding the reserved Bill of the Legislature of New Zealand, entitled "The New Zealand Ensign Act, 1900."

2. Pending the enactment of an amending measure as proposed by your Ministers, I shall defer submitting the Bill to His Majesty in Council.

I have, &c.,

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G.

J. CHAMBERLAIN.

Enclosure in No. 3.

SIR,—

Admiralty, 6th September, 1901.

With reference to your letter, No. 27342 of the 23rd ultimo, forwarding an extract from a memorandum presented by the Premier of New Zealand to the Governor of that colony relative to the New Zealand Ensign Act of 1900, my Lords Commissioners of the Admiralty desire me to acquaint you, for the information of Mr. Secretary Chamberlain, that the proposed amendment to the Bill—viz., "that the ensign may be used for all purposes ashore, but shall not be worn by any vessel other than the vessels owned and used by the New Zealand Government, except in pursuance of a warrant from His Majesty or the Admiralty"—will meet the difficulty pointed out in Admiralty letter of the 6th March last, and my Lords have no objection to the ratification of the Act as modified thereby.

I am, &c.,

The Under-Secretary of State, Colonial Office.

HY. VANSITTART NEALE.

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