

FURTHER DESPATCHES

FROM

THE RIGHT HON.

THE SECRETARY OF STATE FOR THE COLONIES

TO THE

GOVERNOR OF NEW ZEALAND.

(In continuation of Papers presented 1st August, 1867.)

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND OF
HIS EXCELLENCY.

WELLINGTON.

—
1868.

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

No. 1.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir GEORGE GREY, K.C.B.

(No. 38.)

SIR,—

Downing Street, 29th June, 1867.

With reference to your Despatch No. 34, of the 5th of April, and to my reply of the 6th instant, I have the honor to transmit to you the enclosed copy of a communication addressed to Lord Stanley by Her Majesty's Minister at Stuttgart, supplying the information which he was instructed by His Lordship to furnish with respect to Courts of Arbitration in Wurtemberg.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

Enclosure in No. 1.

J. G. R. GORDON, Esq., to Lord STANLEY.

(No. 57.)

MY LORD,—

Stuttgart, 11th June, 1867.

I have had the honor to receive your Lordship's circular No. 18, of the 31st ultimo, instructing me to procure and transmit to your Lordship information respecting "Courts of Arbitration," should such exist in this country.

In reply to the above I beg to state that no such Courts as referred to exist now in Wurtemberg. Arbitration Courts for the decision of commercial disputes did exist here, and had been in operation for about ten years, but these were abolished two or three years ago, upon the introduction of the new code of procedure in commercial cases.

I have written to Mr. Baillic to procure and transmit similar information with regard to the existence of such Courts in the Grand Duchy of Baden.

Lord Stanley, &c.

I have, &c.,

J. G. R. GORDON.

No. 2.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir GEORGE GREY, K.C.B.

(No. 51.)

SIR,—

Downing Street, 22nd August, 1867.

You were informed by my Despatch No. 37, of the 18th of June, that you would shortly be relieved from your duties as Governor of New Zealand, and that you would be apprized of the time at which your successor might be expected to arrive in the Colony.

I have now to acquaint you that I have submitted to the Queen the name of Sir G. Bowen, the present Governor of Queensland, as your successor in the Government of New Zealand, and that Her Majesty has been pleased to approve the appointment.

I regret that I am unable at present to inform you definitively of the time at which Sir G. Bowen may be expected to arrive in the Colony, but I have desired him to give you as long a notice as is practicable, of the probable time of his arrival.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

DESPATCHES FROM THE SECRETARY OF STATE

No. 3.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir GEORGE GREY, K.C.B.

(No. 55.)

SIR,—

Downing Street, 6th September, 1867.

I have been in communication with the Law Officers of the Crown on the subject of your Despatch, marked separate, of the 1st of June last, relative to the true construction to be placed on certain words contained in the fifty-first section of the Imperial Act, 9th and 10th Victoria, cap. 382 (The New Zealand Company's Act.)

I am advised that the construction suggested by your Attorney-General (Mr. Prendergast) in the first two paragraphs of page 3 of the printed Memorandum which accompanied your Despatch is correct.

Although the construction of the Act referred to appears to Her Majesty's Government to be reasonably clear, the question is one by which many titles may be affected, and as doubts have been entertained and expressed, I shall take steps for submitting to Parliament a declaratory Act, with a view to quiet such doubts.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

No. 4.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir GEORGE GREY, K.C.B.

(No. 62.)

SIR,—

Downing Street, 26th September, 1867.

I have the honor to acknowledge the receipt of your Despatch No. 64, of the 15th of June last, accompanied by a Petition to the Queen from the Provincial Council of Otago praying that Her Majesty "may cause an Act to be introduced into the Imperial Parliament to provide for the separation of the North and Middle Islands of New Zealand into two separate and independent Colonies with such provisions for a Federal Union as Her Majesty's advisers may esteem desirable."

I request that you will inform the Speaker of the Council, by whom the Petition is signed, that I have been unable to advise Her Majesty to comply with the prayer which it contains.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

No. 5.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir GEORGE GREY, K.C.B.

(No. 63.)

SIR,—

Downing Street, 26th September, 1867.

I have the honor to transmit to you, with reference to your Despatch No. 34, of the 5th of April, and to former Despatches in reply, the enclosed copies of letters from the Foreign Office, containing the result of inquiries addressed by Lord Stanley to certain of Her Majesty's Ministers abroad respecting Courts of Arbitration in the countries in which those Ministers reside.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

No. 6.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir GEORGE GREY, K.C.B.

(No. 64.)

SIR,—

Downing Street, 18th October, 1867.

I have the honor to acknowledge the receipt of your Despatch No. 79, of the 7th of August, forwarding a Petition to the Queen from the Legislative Council of New Zealand, praying that certain Resolutions of the Council, together with the printed papers recently presented to the General Assembly of the Colony "relative to the statements made by Colonel Weare, C.B.," may be laid before both Houses of the Imperial Parliament.

I request that you will inform the Legislative Council that these papers will be presented in their course with others relating to the affairs of New Zealand.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

No. 7.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir GEORGE GREY, K.C.B.

(Separate.)

SIR,—

Downing Street, 20th October, 1867.

I referred for the consideration of the Secretary of State for War a copy of your Despatch, marked separate, of the 28th of June last, with the Memorandum which accompanied it from your Responsible Advisers, relating to the manner in which the Major-General commanding in New Zealand had exercised his power of conferring local rank on officers of the Imperial Forces.

I have the honor to transmit to you, for your information, a copy of the reply which has been received from the War Office, with a communication from Major-General Chute in explanation of the cases referred to.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

Enclosure in No. 7.

Sir E. LUGARD to Mr. ELLIOT.

SIR,—

War Office, 8th October, 1867.

With reference to your letter of the 7th ultimo, and enclosure from the Governor of New Zealand, with a Memorandum from his Responsible Advisers, relating to the manner in which the Major-General Commanding has exercised his power of conferring temporary local rank on officers of the Imperial Forces, I am directed by Secretary Sir John Pakington to transmit, for the information of the Duke of Buckingham and Chandos, the enclosed copy of a Despatch which has been received from Major-General Sir T. Chute, in explanation, and I am to request that you will intimate to His Grace that the proceedings of the Major-General, on the occasions referred to, have met with the approval of Sir John Pakington, and of His Royal Highness the Field Marshal Commanding-in-Chief.

I have, &c.,

EDWARD LUGARD.

T. F. Elliot, Esq.

Sub-Enclosure in No. 7.

Major-General CHUTE to the UNDER SECRETARY OF STATE, War Office.

SIR,—

Head Quarters, Auckland, July, 1867.

I have the honor to forward, for the information of the Right Hon. the Secretary of State for War, the copy of a Despatch of the 28th ultimo, addressed by the Governor of New Zealand to the Secretary of State for the Colonies, transmitting a Memorandum from His Excellency's Responsible Advisers, in which they earnestly remonstrate against the indiscriminate use made by me of my power of giving temporary local rank to officers of the Imperial Forces.

The only occasions on which I have found it necessary to give temporary rank to officers of Her Majesty's service, are those referred to in the Ministerial Memorandum, and in each of those cases I considered that evident inconvenience would have resulted from Her Majesty's Troops being placed under the command of an Officer of the Local Militia, because these officers act under orders they receive direct from the Colonial Defence Minister, and if in command of garrisons or posts where Imperial Troops are stationed, such troops might be employed in military opera-

tions, without any reference to myself, and an expenditure of Imperial funds incurred before I could have power to control it; for this reason it is, in my opinion, absolutely necessary that the command of all detachments of Her Majesty's Troops in these Colonies should be held by officers who are directly responsible to the General Officer Commanding.

In explanation of the circumstances under which temporary rank has been given, I beg to observe, as regards the first case, that, in December, 1866, there was stationed at Tauranga a force composed of 508 men 1-12th Regiment, and 162 Militiamen, the latter under the command of Lieutenant-Colonel Philip Harington, a half-pay Captain of Marines, from which corps he retired on half-pay in 1863, about twelve months after obtaining the rank of Captain; he is now in receipt of half-pay of the Royal Marines, and also of pay as Lieutenant-Colonel in the Local Militia.

Colonel Hamilton, 1-12th Regiment, having obtained leave to Auckland, on urgent private affairs, I appointed the next senior officer of the regiment (Captain Sillery), to the temporary rank of Lieutenant-Colonel, for the purposes of command.

Captain Sillery is an officer who has served nearly twelve years on full pay as a Captain, in which rank he is senior to Lieutenant-Colonel Harington, by more than seven years, therefore, in the appointment of Captain Sillery to the command of the Tauranga District, there could have been nothing humiliating to Lieutenant-Colonel Harington.

The second case refers to Major Rocke, to whom I gave temporary rank to prevent his being subordinate to Lieutenant-Colonel Gorton (an Officer of Militia), in the Whanganui District.

This gentleman was an officer in Her Majesty's Service, and retired by the sale of his commission in 1863, his total service did not amount to eight years, and of that barely three years as a Captain.

I cannot imagine that he could have any reason to feel humiliated in serving under Major Rocke—an experienced officer, who has been in command of the 2-18th Regiment for the last two years.

The third case, when I appointed Captain Noblett, 2-18th Regiment, local Major, was on sending a detachment of seventy men of his own Corps, at the request of the Governor, to Turu-Turu-Mokai, to protect Surveyors. This officer has served on full pay for twelve years. Major McDonnell, of the Local Forces, is an officer I certainly found most useful in command of Natives, with whose manners, customs, and language he appears to be well acquainted; he has, however, never been in Her Majesty's Service, and, I believe, in that of the Colony only four years, during which time he has been chiefly employed with Natives, so that, in my opinion, there was nothing humiliating in his being under the command of an officer of Captain Noblett's standing.

These facts will, I trust, show that the use I have made of the power of giving temporary local rank has not been indiscriminate—that the appointments I have temporarily made have been necessary, and that from the rank and length of service of the officers who have been selected for temporary rank the Colonial Officers to whom they were made senior had no grounds whatever to feel humiliated.

I have, &c.,

T. CHUTE,

Major-General.

The Under Secretary of State, War Office, London.

No. 8.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir GEORGE GREY, K.C.B.

(No. 67.)

SIR,—

Downing Street, 26th October, 1867.

I have the honor to acknowledge the receipt of your Despatch No. 77, of the 7th of August last, forwarding a copy of a correspondence which had taken place between the Officer commanding the Troops in New Zealand and yourself relative to the distribution of the 18th Regiment in the Colony.

I have informed the Secretary of State for War that, notwithstanding the previous correspondence which had passed between General Chute and yourself it appears to me that it was due to you as Governor, and only just and fair to the Administration, that you should have been advised of the intended distribution of the regiment, at least simultaneously with the orders issued on the subject to the transport officer.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

No. 9.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir GEORGE GREY, K.C.B.

No. 68.

SIR,—

Downing Street, 6th November, 1867.

I have to acknowledge the receipt of your Despatch No. 31, of 4th April, enclosing a Memorandum from your Responsible Advisers on the subject of

the loss which they believe the Colony of New Zealand has sustained from the manner in which the Debentures for £500,000 remitted to the Imperial Government were disposed of by Her Majesty's Government.

I forwarded a copy of your Despatch to the Lords Commissioners of the Treasury for their consideration, and I transmit to you for your information the copy of a letter from their Lordships' Department, with one from the Crown Agents, respecting the course adopted on the occasion.

I have, &c.,
BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

Enclosure 1 in No. 9.

Mr. HAMILTON to the UNDER SECRETARY OF STATE, Colonial Office.

SIR,—

Treasury Chambers, 28th October, 1867.

The Lords Commissioners of Her Majesty's Treasury have had under consideration the Despatch from the Governor of New Zealand of 4th April last, which was enclosed in your letter of the 5th June, together with a Memorandum from his Responsible Advisers relative to the course adopted by Her Majesty's Government with regard to the disposal of the New Zealand Debentures for £500,000 remitted by the Colonial Government on account of Imperial claims.

The Memorandum states that "Ministers have learned with regret that the Debentures were disposed of privately instead of being placed in the open market;" that "they are advised that if the Debentures in question had been offered to the public they would have realized a considerable premium, which is estimated by the Crown Agents at £20,000;" and that they consider that "they may fairly claim that the Colony shall not suffer from the manner in which its Bonds have been disposed of by the Imperial Government, but that the additional amount which they would have sold for in the open market may be estimated by competent persons and placed to the credit of the Colony."

In consequence of the reference made to the Crown Agents my Lords directed that an explanation should be called for from those gentlemen; and have received a communication from them, copy of which is herewith enclosed, from which the Secretary of State will perceive that the ground upon which the assertion of the Colonial Ministers with regard to the supposed loss sustained by the Colony, is apparently founded upon a letter addressed by the Crown Agents to the Secretary of State on the 26th June, 1865.

Without entering into the question as to the right of the Imperial Government to dispose of any securities of this nature which may have been accepted by them, in the manner which they may consider most conducive to Imperial interests, my Lords would observe that all reference to the state of the money market between the period when the debentures were placed at the disposal of Her Majesty's Government, and that when they could legally have been disposed of by Her Majesty's Government, would seem to have been altogether lost sight of by the Government of New Zealand.

The Secretary of State is aware that when in May, 1865, the first intimation was received by this Board that the Colonial Government was prepared to hand over Debentures to this amount with the view to the adjustment of the debt due to this country, Her Majesty's Government hesitated to accept them, doubts having arisen whether they had legal power to accept securities of this nature for such a purpose; that they were eventually accepted in the end of August, 1865, as "collateral security" only; and that the final arrangement for the receipt of the Bonds from the Crown Agents was not completed until the end of January, 1866.

It then became necessary to obtain the proper guarantee from Parliament, in order (as stated in the Act 29 and 30 Vict., c. 104.) "to make the said Debentures available," and the Act which was passed for this purpose received the Royal assent on 10th August, 1866.

If, as has been suggested, the Debentures had been disposed of without such guarantee, there can be little doubt, judging from the market value of the unguaranteed securities of the Colony, that a very considerable loss would have been sustained by the Colony.

The Colonial Government must be fully aware of the peculiar state of the money market which existed in this country during the period referred to between the receipt of the first intimation from the Colony with regard to the Debentures, and the date of the Act of Parliament providing for the guarantee; and it is therefore unnecessary to enter into any details of the reasons which led to the depreciation in value of all securities in general.

My Lords would therefore add, in conclusion, that, considering it necessary for the interests of the public that the Debentures should be realized, and the proceeds placed to the credit of Her Majesty's Exchequer, they satisfied themselves that the price given by the Bank of England was fair and reasonable.

They must therefore decline to admit any claim on the part of the New Zealand Government with regard to these Debentures.

The Under Secretary of State, Colonial Office.

I have, &c.,
GEO. A. HAMILTON.

Enclosure 2 in No. 9.

Mr. SARGEANT to Mr. HAMILTON.

Offices of the Crown Agents for the Colonies, Spring Gardens,
London S.W., 23rd August, 1867.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 13th instant, in which you

inform the Crown Agents for the Colonies that the New Zealand Government have addressed the Home Government upon the subject of the sale of the £500,000 New Zealand (Four Per Cent) Bonds at par in September last, and that they had been advised that, had these Bonds been sold publicly instead of privately to the Bank of England, they would have realized a premium estimated by the Crown Agents at £20,000.

2. You further request that the Crown Agents will furnish the Lords Commissioners of Her Majesty's Treasury with the grounds upon which they formed this opinion.

3. In reply I beg to state for their Lordships' information, that with regard to the price at which the Bonds in question were sold to the Bank, the Crown Agents never made any observations whatever to the New Zealand Government, inasmuch as they were never informed what that price was. Your letter of the 13th September, 1866, was the only communication received by the Crown Agents on the subject, and no mention is therein made as to the terms on which the transaction had been concluded.

4. Upwards of a year before the sale took place, in a Report to the Colonial Office, of which the Treasury received a copy (as appears by your letter to Sir F. Rogers dated 26th July, 1865), it is stated that,—“If the Crown Agents may be permitted to offer a suggestion on the subject now under consideration, they would say to the Home Government—accept the Debentures just as they are offered, and during the next Session of Parliament (it will be too late probably to do it in this) pass an Act to guarantee this half-million. Then dispose of the securities in the market, and you will recoup yourselves of the principal, and in all probability realize a further sum of £20,000 for premium. You will also have received by that time two dividends amounting to £20,000 more. Thus you will be in possession of £540,000, with only a contingent liability of £20,000 a year.”

5. A copy of the Report, of which the above is an extract, was forwarded to the New Zealand Government for their information, on the 26th July, 1865, and the Crown Agents are not aware that they ever offered any subsequent opinion in the matter. It is probable therefore that the foregoing is the estimate now referred to by that Government as being that of the Crown Agents.

6. Considerable latitude may fairly be claimed for estimates formed so far in advance as this was. The opinions then expressed were arrived at after careful inquiries in the best informed quarters, by comparison with other securities, and by measuring, as accurately as then possible, the prospects of the money market.

7. Still all calculations of the kind may be rendered worthless by disturbing causes, which could not be foreseen, and which have the effect of increasing the value of money, or of shaking the confidence of capitalists in the securities to be dealt with.

8. It is believed, however, that the estimate now called in question was a moderate one, and looking to the comparative state of the market in September, 1866, the Crown Agents see no reason to doubt that it would have been to a great extent, if not entirely, realized, had the Bonds been sold publicly instead of privately.

9. Seeing that the course suggested in their letter of the 26th June, 1865, was in all other respects followed, the Crown Agents now exceedingly regret that they were not then more explicit with regard to the mode of placing the Debentures on the market, which may have led to some misconception; but as this part of the subject had been previously discussed, and their Lordships had expressed an opinion in Mr. Peel's letter of the 3rd August, that there would be no objection on their part to the nomination of the Crown Agents to be agents for raising and managing the Guaranteed Loan, it was not thought necessary to revert to it.

10. The public sale of a guaranteed Colonial Loan is, in the estimation of the Crown Agents, much more important with regard to its future influence upon the general credit of the Colony than from any considerations as to price on one limited issue of this kind, and it is more especially for that reason that they now feel that they ought to have brought the subject again more prominently to the notice of their Lordships before the sale to the Bank of England.

11. Nevertheless the Crown Agents were not in any way prepared for the statement contained in your letter of the 13th September last, that the £500,000 Bonds had been sold to the Governor and Company of the Bank of England, as the Lords Commissioners had, by your letter to Sir F. Rogers of the 19th August, 1865, accepted those Bonds only as “collateral security” for a portion of the debt due to Her Majesty's Government by the New Zealand Government, and had decided that when prepared they should be deposited with the Bank of England in your name and those of the Crown Agents, their Lordships having reserved to themselves the power to dispose of the interest from time to time accruing.

12. Moreover the Crown Agents had been requested by their Lordships to prepare those Bonds in such amounts and for such periods as would best suit the convenience of the Colonial Government in disposing of them when returned to them after payment of the debt to the Imperial Government.

G. A. Hamilton, Esq., &c., Treasury.

I have, &c.,

W. C. SARGEANT.

No. 10.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir GEORGE GREY, K.C.B.

(No. 70.)

SIR,—

Downing Street, 12th October, 1867.

I have the honor to acknowledge the receipt of your Despatch No. 76, of the 6th of August last, forwarding several Petitions addressed to the Queen by certain members of the Ngatiraukawa tribe, respecting their claim to a block of land at Rangitikei, in the Province of Wellington.

It is very unfortunate that a transaction involving, to a certain extent, a compulsory purchase of land for the Province of Wellington should, by a special enactment (which ought to have been specifically referred to in the papers sent home), have been withdrawn from the cognizance of the appropriate Courts of Justice. I do not, however, feel competent, or called upon, to express an opinion on the grounds of equity or policy on which this is justified.

I request that you will inform the petitioners that their Petitions have been laid before the Queen; that the case is one which, under the existing constitution of New Zealand, must be dealt with by the Governor and Legislature of the Colony; but that Her Majesty has been assured by the Colonial Government that they will endeavour to make a just and satisfactory settlement of the question, and that Her Majesty is confident that you will exert all your influence to effect this object.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

No. 11.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor Sir GEORGE GREY, K.C.B.

(No. 71.)

SIR,—

Downing Street, 15th November, 1867.

I have to acknowledge the receipt of your Despatch No. 86, of 30th August, written in answer to mine of the 18th June, No. 37, in which, your term of office being about to expire, I stated that I should, by next mail, be able to inform you of the appointment of your successor in the Government of New Zealand, and of the time at which he might be expected to arrive in the Colony.

You are correct in pointing out that it was the further opinion of your Responsible Advisers and not of yourself which your Despatch No. 30 with its enclosures led me to expect.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

No. 12.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor Sir GEORGE GREY, K.C.B.

(No. 72.)

SIR,—

Downing Street, 23rd November, 1867.

With reference to the last paragraph of my Despatch No. 51, of the 22nd August, I have the honor to acquaint you that the Queen's Commission appointing Sir George Bowen, Governor and Commander-in-Chief of New Zealand, on the completion of your term of Government, was transmitted to him in Queensland by the mail leaving England on the 20th of this month.

I am not aware how soon Sir G. Bowen will be able to leave Queensland; he may probably do so at an early date, as he had been prepared to expect the Commission this mail.

I have thought, therefore, that it might be convenient to you to be made aware that when you receive this Despatch he will be in a position to assume the Government as soon as he can conveniently arrive in the Colony.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

No. 13.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor Sir GEORGE GREY, K.C.B.

(No. 73.)

SIR,—

Downing Street, 22nd November, 1867.

I have to acknowledge the receipt of your Despatch No. 80, of 8th

August, enclosing an extract from a Memorandum of your Responsible Advisers respecting the irregular manner in which an application had been made by Mr. Commissary-General Strickland for a grant of a portion of confiscated lands in New Zealand.

I communicated your Despatch to the War Office, for the consideration of Secretary Sir John Pakington, and I transmit to you for your information the copy of a letter from that Department, enclosing a copy of Deputy Commissary General Strickland's answer to the charges brought against him.

The rule referred to in the second paragraph of your Despatch as to the mode of dealing with an application from an officer of Her Majesty's Imperial Forces for a reward from a Colonial Government is to be adhered to.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

Enclosure in No. 13.

Sir EDWARD LUGARD to Sir FREDERIC ROGERS.

SIR,—

War Office, 8th November, 1867.

With reference to your letter of the 11th ultimo transmitting the copy of a Despatch from the Governor of New Zealand, and an extract from a Memorandum of his Responsible Advisers, reflecting on the conduct of Deputy Commissary-General Strickland, in applying for a grant of a portion of the confiscated lands of New Zealand, I am directed by Secretary Sir John Pakington to enclose, for the information of the Duke of Buckingham and Chandos, a copy of Deputy Commissary-General Strickland's answer to these charges, from which it would appear that, on a Bill being introduced into the Colonial Assembly to reward the principal Medical Officer for his services, Deputy Commissary-General Strickland joined in giving expression to a very general opinion that the head of the Commissariat Department should be similarly treated, but that he made nothing like an official application to the Colonial Government.

If such a grant was made, or proposed to be made, as alleged by Deputy Commissary-General Strickland, Sir John Pakington does not consider that the Governor of New Zealand and his Responsible Advisers have a right to complain when an opinion, such as is reported to have prevailed, found expression. A distinction made between heads of different departments engaged in the same service, in conferring rewards, might be very properly deemed invidious and partial, the more so when it is so evident from paragraph six of Sir George Grey's Despatch, enclosed in your letter, that this distinction was intentional and personal, and that it was founded on assumed injury to Colonial interests from the reports by the heads of the Commissariat of the extraordinary expenditure in the Colony, official reports which it was their duty to make, and which have been approved.

Of secret and defamatory reports nothing is known in this Department, and the unsupported reference to them, and the tone in which it is made, seem to be most objectionable.

Sir John Pakington however concurs in the propriety of all applications by Officers of the War Department for reward, money or land, from a Colonial Government, being made, if made at all, through the Governor; but they should also receive the sanction of the Secretary of State for War, in order that it may be determined whether their claims to reward are concurred in by the heads of the department to which these officers are attached.

I have, &c.,

Sir Frederic Rogers, Bart.

EDWARD LUGARD.

Sub-Enclosure to Enclosure in No. 13.

Deputy Commissary-General STRICKLAND to the UNDER SECRETARY OF STATE FOR WAR.

SIR,—

Bransley Hall, York, 18th October, 1867.

I have the honor to acknowledge the receipt of your letter dated 26th October, 1867, giving cover to an extract from a Memorandum addressed to the Governor of New Zealand by his Responsible Advisers, and requesting me to report whether there are grounds for the statement made therein, that I had applied to the Colonial Government for a grant of land.

In reply, I beg respectfully to state that I never made anything like an official application to the Colonial Government for a grant of land.

What I did do was as follows:—When a Bill was introduced into the Colonial Assembly to remunerate Dr. Mouatt, V.C., C.B., Inspector-General of Hospitals, in New Zealand, for services rendered by him as head of the Medical Department to the Colonial Government, I joined in giving expression to a very general opinion that, if the head of the Medical Department received a reward from the Colony, the head of the Commissariat Department ought to be similarly treated.

I have, &c.,

E. STRICKLAND,

The Under Secretary of State, War Office.

Deputy Commissary-General.

No. 14.

Copy of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor Sir GEORGE GREY, K.C.B.

(No. 74.)

SIR,—

Downing Street, 22nd November, 1867.

With reference to your Despatch No. 85, of 29th August, I transmit to

you, for your information, the copy of a correspondence which has passed with the Rev. R. Taylor on the subject of his request that a mark of distinction should be conferred upon the son of the New Zealand chief, Hoani Wiremu Hipango, and of the Petitions from the chiefs which accompany his letter.

I have, &c.,
BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

Enclosure 1 in No. 14.

REV. R. TAYLOR TO DUKE OF BUCKINGHAM.

MY LORD DUKE,—

Godmanchester, 30th October, 1867.

I have this morning received the copy of a Despatch sent to your Grace by Sir George Grey relative to the chief's son who has accompanied me to England. His father, by the sacrifice of his life, saved the Wanganui District from being ravaged and destroyed. That chief had uniformly been the friend and protector of the Colony from its first formation; he was also a liberal minded man, and granted lands for public and charitable purposes, without taking any remuneration; and at his death it is difficult to say whether he was more regretted by the Native or European portion of the population. There is therefore no one of the Native chiefs more worthy of having his memory cherished than John Williams Hipango.

In 1855 he was deputed by the Wanganui Council of chiefs to accompany me to England, and to our care were entrusted various presents to Her Majesty which we had the honor of delivering at a private interview, and in return four staffs of office were sent by Her Majesty which I was commissioned to present to the four principal chiefs.

Your Grace will perceive from these letters to Her Majesty the strong feeling of dissatisfaction existing amongst the loyal chiefs, at the way they have been treated by the Colonial authorities, in fact excepting whilst giving military aid they have been totally ignored, and frequently grossly insulted.

If therefore your Grace would recommend Her Majesty to confer some lasting mark of distinction upon the son of the noble chief who lost his life in her service it would have the twofold advantage of firmly attaching the Native chiefs to Her Majesty, and at the same time of causing a more equitable and becoming feeling to be felt in the Colony towards the Native race, and facilitating their admission into the Councils and offices of the Colonial Government.

I trust your Grace will pardon the liberty I am taking in making the suggestion, but knowing intimately the present state of both Europeans and Natives in the Colony, I feel persuaded that some such step would be conducive of much general good.

I may add that when this young chief is of age his property will be sufficient to maintain any distinction which might be conferred upon him.

I have, &c.,

The Duke of Buckingham and Chandos.

RICHARD TAYLOR.

Sub-Enclosures to Enclosure 1 in No. 14.

TRANSLATION OF LETTERS FROM MAORI CHIEFS.

Putiki, Wanganui, 25th February, 1867.

TO QUEEN VICTORIA, OUR GRACIOUS LADY,—

We salute you and all your people, may you live for ever. Perhaps you have heard of the quarrel in this island of Aotearoa, between the European and the Maori, both were to blame, one knowingly, the other ignorantly, but doubtless you have heard all.

From the 30th January, 1867, the Government Land Court was opened to confiscate land, and take it from the hostile Natives, even as far as our land.

In our opinion it is not right that our land should be taken by the Government, it descended to us from our ancestors, we have ever lived upon it in this our Island of Aotearoa, or New Zealand. Another reason is that we have constantly fought on the side of the European to help him to drive the Hauhaus into the forest, seven years the European has been fighting, and the war is not yet quite ended; since we united with the European during the last year, the Hauhaus have begun to fear, that is to be afraid, some surrendered, and others dispersed. O Lady, O Queen Victoria, return to us our land from Waitotara as far as the Patea, because we have done nothing wrong in your sight; this is all we have done, our receiving the Gospel and our sending Mr. Taylor, our Minister, with John Williams Hipango, that they might go and see your Majesty, and your remembrance (the staffs of office) have reached us, and remain, and will continue to remain a lasting memorial of your love for us.

This is our second sending of our Father Mr. Taylor, our Minister, with George W. Hipango, that they may reach your presence, and the youth will rejoice when he is fully grown that he has been permitted to see you face to face, and we also shall rejoice that you have heard the account of our land because we have learned from your Majesty to live quietly in peace, and so shall we ever continue to do.

This also is another subject of bitterness to us—the Native is not permitted to have a seat in Council that with the European he may seek for the right and the wrong,—for one race only to judge is not right, as they can only see what is wrong in the other, and thus the wrong continues to exist, an unjust court is summoned and much money wasted, the court sits and all is confusion, the spirit is wearied.

On this account, O Queen, suffer the Native chiefs to enter the Councils of the Government, that they may be made aware of what is defective about the land or its Native inhabitants, that both races of your children may be satisfied, who are now quarrelling together in their island of Aotearoa, or New

Zealand, the common home of both, who have both been equally in fault. Therefore it is not right for either side to sit in judgment on the other. Rather let this be done in your island of England. Do you, O Queen, consent to this. According to our idea the present way of judging is one of hatred, proceeding from the hostile side, which continually views us as being in fault, and therefore makes this the pretext for taking away our land.

Great is our confidence in the judgment of England, which crosses over the surface of the vast ocean to us here. In this Island is constant rain, thunder, and hail (war), proceeding from the want of the fear of God in the hearts of both Natives and Europeans. It is for you, O Queen, to make clear what is right. This was Governor Browne's word which was written to us from Auckland on the 5th March, 1861, to the men of Wellington, of Wairarapa, and other places: "Do not alarm yourselves; do not think we want to seize your land. No, keep your lands, your lakes with their eels, and your fisheries, I shall never meddle with them. Do not listen to what low Europeans say, but only to what I may communicate to you." Afterwards quite a different counsel prevailed, which entirely destroyed the former one. Another system arose which was one of confusion and quarrel. This, therefore, is the anxious thought of the Native, who shall save our race from destruction? We look to you, O Queen, to show grace to your Native subjects. It is for you to see what is just. The wrong cannot proceed from you. We lay our sad state beneath your feet. We salute you, your people, and all your house. This is all.

From Hori Kingi te Anana,
 „ Te Mawae,
 „ Kapane Kepa te Rangihiwini,
 „ Mete Kingi Rangawenua,
 „ Arama Tinirau,
 „ Kawana Tawitorangi,
 „ Hakaraia Marehua,
 „ Aperaniko Rangihikitia,
 and all the Wanganui chiefs.

Do not think we have any bad feeling to Governor Grey. No, we are altogether satisfied with him; we bear goodwill to him. It is his Ministry we disapprove of.

Wanganui, New Zealand, 24th February, 1867.

Go, O our letter of love, to our beloved mother, to Queen Victoria. We salute you, the grand ruler. Great is our joy in you for your goodwill towards us.

Behold our minister leaves us, sent by the chiefs of Wanganui to carry our grievances to you. First, about our land, which came down to us from our ancestors—it is being taken away by the court of decision of New Zealand; next, to express our desire to have seats granted us in the European Councils.

O Queen let your love for us be expressed, because we have ever dwelt under your laws. You have heard perhaps of our fighting against those who took up arms against us and the Europeans. We have ever been one with our friends the Europeans. Do you therefore devise a law for this island, because the evil continues. If you behold this letter, let your reply float over the ocean to us, to your loving children, to

Hoani Mete,	Matene Takaorangi,
Mete Kingi Pairangi,	Paora Keke,
Haimona Te ao o te Rangi,	Ha Kerei Kiwakiwa.
Aperaniko Rangihikitia,	

Wanganui, 21st February, 1867.

Go thou our letter to the Parliament of England, that is to the Queen.

O Lady, we salute you and all the members of your Council. O Lady, our most gracious Queen, let your love be manifested to us the people dwelling in extreme darkness and sin, who have nevertheless sat in peace in your presence and in the sight of God, who made heaven and earth, and gave us New Zealand as our dwelling-place.

This is all, our European friend has reached your country.

We have fought, the cause was the land, and our land has been taken away entirely by the Europeans, and we are like the morning mist which floats away in the space between heaven and earth, when the day is fine (time of peace) that mist entirely disappears, this is our simile for us who remain.

O Lady, the Queen, we strive to find out the practice of the law (Court) which takes away our land, whether indeed it comes from England or only from this country, this is our inquiry. Does it come from you, O Queen, or from the Europeans here only? All our land has gone to the European, from the Waitotara to Whenuakura, thence to the Patca, as far as Tangahoe, as Waingongoro, as Kaupokonui, and inland to the backbone of the country, all has passed to the European. To you, O our Queen, and to your whole Council, belong the decision whether our land shall be restored by the European for our support, for the cultivation of those things which sustain the life of the European. This is a song—

The presence of Rehua (God) is above, and thine is below;
 I fasten my love to my land, this is the staff to which I bind it.

This is all; from your loving children in New Zealand—

Aperahama Tamaiparea,	Matiu Matai,
Pehimana Hamarama,	Ngahuia,
Te Wepu Rurangi,	Te Watikini te Hanataua,
Rihari Ngawakataurua,	Nane,
Paraone Korako,	Wiremu Nakani,
Ihaia Wakarua,	

(From all the chiefs of Ngarauro of Ngatiruanui, that is from all your children.)

Enclosure 2 in No. 14.

The UNDER SECRETARY OF STATE, Colonial Office, to the Rev. R. TAYLOR.

SIR,—

Downing Street, 21st November, 1867.

I am directed by the Duke of Buckingham and Chandos to acknowledge the receipt of your letter of the 30th ultimo.

With regard to your suggestion that a mark of distinction should be bestowed upon the son of the New Zealand chief Hoani Wiremu Hipango, who has accompanied you to this country, I am desired to acquaint you that His Grace would not feel justified in recommending that Her Majesty should confer a title or mark of distinction on the young man in the absence of any recommendation from the Governor, but that His Grace will submit to the Queen Sir George Grey's Despatch, in which he requests that the youth may be presented to Her Majesty.

It would not be possible for His Grace to take into his consideration the Petitions from the New Zealand chiefs which you enclose, unless they were forwarded through the Governor; but even if so forwarded His Grace could not anticipate or reverse the decision of the Local Government or Legislature in the matters to which the petitions relate.

The Rev. R. Taylor.

I am, &c.,

C. B. ADDERLEY.

No. 15.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM, to Governor Sir GEORGE GREY, K.C.B.

(No. 77.)

SIR,—

Downing Street, 26th November, 1867.

I have to acknowledge your Despatch No. 89, of the 6th of September, in which you transmit copies of certain resolutions adopted by the House of Representatives, and an Address from that body to Her Majesty expressing their opinion respecting the course adopted by Her Majesty's Secretary of State for the Colonies in relation to certain allegations made by Colonel Weare of the 50th Regiment, and praying that no such course may be again permitted—that certain conditions may be imposed or enforced on some of Her Majesty's Departments of State—that all the proceedings of the House of Representatives and Her Majesty's other loyal subjects in New Zealand may receive the most favorable construction, and that the papers respecting Colonel Weare's charges may be laid before both Houses of the Imperial Parliament.

I am to inform you that before the receipt of your Despatch No. 89, directions had been already given for placing the whole of the papers connected with Colonel Weare's charges before Parliament. I am further to inform you that the Address of the House of Representatives has been laid before Her Majesty, and that Her Majesty has not thought fit to give any directions concerning it other than to command me to assure the House of Representatives of New Zealand that the proceedings of that House, and of Her Majesty's other loyal subjects in New Zealand, will always receive the most favorable construction.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

No. 16.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor Sir GEORGE GREY, K.C.B.

(No. 78.)

SIR,—

Downing Street, 26th November, 1867.

I have the honor to transmit to you, with reference to your Despatch No. 34, 27th September, 1867, and to former Despatches in reply, the enclosed copy of a letter from the Foreign Office containing the result of inquiries addressed by Lord Stanley to Her Majesty's Minister at Florence respecting Courts of Arbitration in Italy.

It has been reported to Lord Stanley that no Courts of Arbitration exist in the several countries mentioned in the margin.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

Guatemala,
Salvador,
Costa Rica,
Nicaragua,
Honduras,
Peru,
United States of
Columbia.

Enclosure in No. 16.

The Right Hon. E. HAMMOND, to the UNDER SECRETARY, Colonial Office.

SIR,—

Foreign Office, 27th September, 1867.

With reference to your letter of the 18th of May last, I am directed by Lord Stanley to transmit to you, to be laid before the Duke of Buckingham and for transmission to the Government of New Zealand, the accompanying Memorandum, together with certain books and documents which contain all the information which has been obtained by Her Majesty's Minister at Florence, respecting the constitution and practice of Courts of Arbitration in Italy.

I am, &c.,

The Under Secretary of State, Colonial Office.

E. HAMMOND.

Sub-Enclosure to Enclosure in No. 16.

MEMORANDUM ON COURTS OF ARBITRATION IN ITALY.

THERE are no special Courts of Arbitration in Italy, but the Code of Civil Procedure lays down certain rules respecting arbitration which are contained in a series of Articles from the 8th to the 34th. They are in substance as follows:—

Litigants, with the exception of administrators and others who cannot freely dispose of what is in dispute, are at liberty to submit to arbitration the questions at issue between them. Questions, however, which relate to separation of husband and wife cannot be so treated.

Either natives or foreigners may be chosen as arbitrators; women, minors, persons under legal incapacity or disqualified from serving on a jury by penal sentence cannot act as arbitrators.

The submission may be made either by a public or by a private instrument. It must state the names of the parties and of the arbitrators, and define the matters in dispute.

In the case of an arbitration in conformity with the stipulations of a contract, if the arbitrators have not been designated or should be unable to act, they are appointed by the Court which would have been competent to decide the cause if the parties had not otherwise determined.

If one of the parties to a submission should be succeeded by a person under guardianship the right of nomination devolves upon the guardian.

The arbitrators form their judgment upon the statements and documents laid before them by the parties within a time prefixed.

Arbitrators are not bound to observe ordinary judicial forms. They must however keep to those which are prescribed for them by the parties, but they may lay down the course of proceeding for themselves when nothing has been otherwise provided.

If there should arise any incidental questions not of a nature to be settled by arbitration or which might give occasion to criminal proceedings, it must be referred to the competent authorities, and until their decision has been notified to the arbitrators the cause is suspended.

Arbitrators decide according to law, unless authorized by the terms of the submission to effect an amicable arrangement.

Their award, which is the judgment of the majority among them, must contain a statement of the names and places of abode of the parties, of the act of reference, and of the reasons for the judgment. It must specify the time when, and the place where it is made, and be followed by the signatures of all the arbitrators. If any one of them however refuses to sign, the signatures of the majority will be sufficient.

Arbitrators must make their award within the realm.

The award, together with the submission, must be deposited, in original, within the term of five days, at the office of the Prætor of the district in which it is pronounced. It is registered, and put in execution within five days from the date of its deposit.

The award may be appealed against, except in the following cases:

1. When the arbitrators have been appointed to effect an amicable arrangement.
2. When they have acted as Judges of Appeal.
3. When the parties have renounced their right of appeal.
4. When the cause might have been brought before the Mediator.

Appeals will lie to the Civil or Commercial Courts in cases which the Prætor would have been competent to try; and to the Courts of Appeal when the Civil or Commercial Courts would have been the competent tribunals.

An award may be annulled notwithstanding any renunciation of the right of appeal:—

1. When made upon a submission in itself null, or when it exceeds the limits prescribed by the submission.
2. If it does not decide all the questions submitted to arbitration, or contains contradictory dispositions.
3. If the arbitrators were not qualified to act as such.
4. If not drawn up in proper form.

The submission ceases to be valid:—

- On the appointment of the arbitrators being cancelled by the consent of the parties.
- On the death of one of the arbitrators, or by his refusal or inability to act.
- On the expiration of the prescribed term.

Arbitrators who, after having accepted their appointment, without sufficient grounds desist from their functions, or omit to make their award within the prescribed term, are liable for the injuries which the parties may sustain in consequence.

Courts of Mediators somewhat akin to Courts of Arbitrators existed formerly in the Kingdom of Naples, and they have lately been adopted by the new Italian Legislation.

The history and nature of this institution may be learned from the enclosed treatise—"Il Perfetto Guidice Conciliatore."

The jurisdiction and procedure of these Courts are determined by the law on judicial organization, the code of civil procedure, and the general judicial regulations.

The fees payable by suitors are settled by the enclosed decree regulating the expenses of legal proceedings.

The record of proceedings before one of these Courts is received in evidence by any of the ordinary Courts of Justice. This is found in many cases to facilitate the discovery of the truth, for it frequently happens that contending parties before a Mediator readily make confessions, which, being placed upon the record, serve to prove facts in ulterior proceedings.

The working of this new institution had already given the most satisfactory results in all the Provinces of the Kingdom, although the Courts of Mediators have been in existence in several places only since the beginning of the present year, and in others were established towards the end of last year. There is reason to believe that in the course of time still more important results will be obtained, and that the system of Mediation will have the effect of putting an end to much litigation.

It is not probable, however, that persons called upon to discharge the somewhat laborious duties of Mediators will continue to give their services gratuitously as the law prescribes.

No. 17.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor Sir GEORGE GREY, K.C.B.

(No. 82.)

SIR,—

Downing Street, 17th December, 1867.

I have received your Despatch No. 101, of the 8th October last, and the Memorandum of your Responsible Advisers which is enclosed in it.

You will inform your Ministers that I have carefully considered that Memorandum. That I am glad to observe that your Ministers raise no objection to the course laid down in my Despatch of the 1st August as that which is pursued by the Secretary of State with regard to charges brought against Colonial Governors or other persons in authority in the Colonies. That I do not find in the Memorandum anything which requires from me any further statement than that contained in my Despatch No. 49 of 1st August, which, I think, will enable you to understand and explain the views of Her Majesty's Government on the matters to which the Memorandum relates.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

No. 18.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor Sir GEORGE GREY, K.C.B.

(No. 83.)

SIR,—

Downing Street, 21st December, 1867.

I have the honor to acknowledge the receipt of your Despatch No. 112, of the 17th October.

I trust that your anticipations of the continuance of the present state of tranquillity in the Northern Island may prove to be well founded.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

No. 19.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor Sir GEORGE GREY, K.C.B.

(No. 84.)

SIR,—

Downing Street, 21st December, 1867.

I have the honor to acknowledge the receipt of your Despatches Nos. 106 and 107, of the 8th and 11th October, on the subject of the Petition addressed to Her Majesty by John Topi Patuki, chief of the Ngahitahu and Ngatimamoe tribes, in which he prays that the Royal authority may be exerted to prevent the Native claims to the block of land in Otago known as the Princes Street Reserve, from being affected by legislation in the General Assembly of New Zealand.

I have to request that you will inform the petitioner that his Memorial has been laid before the Queen, but that I have been unable to advise Her Majesty to take any steps in relation to it. I observe, however, that the Bill to which he refers, and which appears to have been intended to legalize the provisional use by the Otago Government of a certain sum of £6,000 is alleged to have been withdrawn.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

No. 20.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor Sir GEORGE GREY, K.C.B.

(No. 85.)

SIR,—

Downing Street, 28th December, 1867.

With further reference to your Despatch No. 34, of the 5th April, I have the honor to acquaint you that Her Majesty's Minister to the Argentine Republic at Buenos Ayres has reported to the Foreign Office that no Courts of Arbitration exist in that country.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

No. 21.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor Sir GEORGE GREY, K.C.B.

(No. 87.)

SIR,—

Downing Street, 28th December, 1867.

I have to acknowledge your Despatch No. 98, of the 17th September, enclosing a Memorandum from your Responsible Advisers respecting certain points connected with your own constitutional authority; the withdrawal of Her Majesty's troops from New Zealand; the charges brought against the Colonial Government by Colonel Weare; the execution of a Native prisoner; and the termination of your own administration of the Colony.

When your Despatch was written, you had not received my Despatch No. 49, of the 1st of August. It does not appear to me necessary or desirable that I should add anything to that Despatch beyond the request that you will inform your Responsible Advisers that I have carefully considered their Memorandum now received.

I may observe, however, that the intimation given for your convenience at the end of your term of office, that your successor would very shortly be appointed, seems to have been mistaken for a premature recall.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

No. 22.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 1.)

SIR,—

Downing Street, 5th January, 1868.

I have to acknowledge the receipt of Sir George Grey's Despatch No. 118, of 4th November, forwarding a Memorandum from his Ministers in which they report their intention to submit for his approval the necessary document for referring to the Native Lands Court all claims of Natives who have

not signed the deed of sale of the block of land at Rangitikei, which was claimed by certain members of the Ngatiraukawa Tribe.

I have to express my satisfaction at receiving this information.

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

No. 23.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 2.)

SIR,—

Downing Street, 10th January, 1868.

I have to acknowledge the receipt of your Despatch No. 117, of 4th November, forwarding further papers on the subject of the petition of John Topi Patuki, chief of the Ngahitahu and Ngatimamoe Tribes, on the subject of the Native claims to a reserve of land in Princes Street, Dunedin.

I am glad to learn that these claims are likely to be judicially decided.

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

No. 24.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 6.)

SIR,—

Downing Street, 18th January, 1868.

I have to acknowledge the receipt of Sir George Grey's Despatch No. 162, of 8th October, enclosing a Memorandum from his Responsible Advisers in which they state their opinion that the most desirable spots for the 18th Regiment to occupy are Taranaki, Auckland, and Napier.

Secretary Sir John Pakington, to whom I referred Sir George Grey's Despatch, has informed me that he approves this distribution of the regiment, which comes within the instructions of Her Majesty's Government, for the short time during which it will remain in the Colony.

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

No. 25.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 7.)

SIR,—

Downing Street, 22nd January, 1868.

I have received Sir George Grey's Despatch No. 115, of 30th October, written in acknowledgment of mine of 22nd August, No. 51, announcing the appointment of Sir George Bowen as his successor in the Government of New Zealand.

Sir George Grey will have perceived from my Despatches Nos. 71 and 72, of 15th and 23rd November, and from that of 28th December, No. 87, that his removal from New Zealand was merely consequent on the expiration of his term of office.

The statement contained in Sir George Grey's Despatch No. 115, of 30th October, was evidently made under the misapprehension that he had been

prematurely recalled, the fact being that his period of administration had expired, but I shall nevertheless lay that Despatch before Her Majesty.

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

No. 26.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 9.)

SIR,—

Downing Street, 25th January, 1868.

I have to acknowledge the receipt of Sir George Grey's Despatch No. 124, of 8th November, forwarding an Act which he had reserved for the signification of Her Majesty's pleasure, "To alter the salary of the Governor of " New Zealand."

I regret that this subject, if it was to be mooted at all, should not have been moved in a previous Session, in anticipation of the then approaching completion of the Governor's term of service, instead of being raised after his successor had been selected and had accepted the appointment.

I by no means consider that good grounds for the reduction as well as the increase of the salary of a Governor may not frequently exist; but the great point at which to aim is that the salary should be fixed at such an amount as to secure the services of competent men, and enable them to fulfil properly the social as well as other duties of their station.

The salary of the Governor was originally fixed at £2,500 when the revenue of the Colony was £161,287, and the population 26,707. It was increased in 1858 to £3,500, the revenue then being £666,655, and the population 61,224; and again in 1862 it was found expedient by the Colony, without any suggestion from Her Majesty's Government, to recommend a further increase to £4,500. The recommendation was made by the Colonial Government in the following terms:—"Ministers desire to take this opportunity of representing to the Imperial Government, that in the increase which Her Majesty is humbly recommended to sanction in the salary of the Governor, it has by no means been the intention of the General Assembly to measure the personal and pecuniary sacrifices he (Sir George Grey) made in obeying Her Majesty's commands to assume the Government of New Zealand, but simply to fix such an official income for the Queen's Representative as the circumstances of the Colony shall justify."

This salary has continued to be paid accordingly without remark, and notwithstanding that the late Governor was receiving a supplemental payment of £1,500 per annum in addition from Her Majesty's Government. I find no facts set forth in the Ministers' report on the proposed Act to show that the Colony is of less importance than it was five years since, that the duties of a Governor are less, the expenses of living so materially reduced, or the circumstances of the Colony so altered, as to render such a modification as proposed consistent with the due maintenance of the status of a Governor of so important a Colony.

It is no doubt possible that such reasons, or some of them, may exist, or be anticipated as likely to occur, but I have no reason for supposing such to be the case. I have entered at some length upon the question, in order to show that there exists no indisposition on my part to consider fully any suggestion on this, a subject of as much importance to the Colony as to the Empire, although the peculiar circumstances of the case render it impossible that I can advise Her Majesty to assent to the present Act.

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

No. 27.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND

(No. 12.)

SIR,—

Downing Street, 4th February, 1868.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the following Acts of the General Assembly of New Zealand, transcripts of which accompanied Sir George Grey's Despatch, No. 128, of the 16th November last, namely :—

No. 30, 10th October, 1867.—An Act to constitute a Medical Board for the Colony of New Zealand, and to define the Qualifications of Practitioners in Medicine and Surgery.

No. 31, 10th October, 1867.—An Act to amend "The Marriage Act, 1854."

No. 34, 10th October, 1867.—An Act to make provision for the Preservation and Propagation of Salmon and Trout in this Colony.

No. 35, 10th October, 1867.—An Act to provide for the Protection of certain Animals and for the Encouragement of Acclimatization Societies in New Zealand.

No. 36, 10th October, 1867.—An Act to establish an Institute for the advancement of Science and Art in New Zealand.

No. 37, 10th October, 1867.—An Act to provide for the Establishment and Maintenance of an Armed Constabulary.

No. 39, 10th October, 1867.—An Act for indemnifying persons acting in the suppression of the Native Insurrection.

No. 40, 10th October, 1867.—An Act to provide for the management of real Estate belonging to Infants and others of the Maori race under disability.

No. 41, 10th October, 1867.—An Act to regulate and provide subsidies for Maori Schools.

No. 42, 10th October, 1867.—An Act more effectually to vest in the Governor certain Lands in the Province of Auckland heretofore granted to Trustees as Reserves for Native Hostelrys and other purposes.

No. 43, 10th October, 1867.—An Act to amend "The Native Lands Act, 1865," and to repeal "The Native Lands Act, 1866," and to make other provision in lieu thereof.

No. 47, 10th October, 1867.—An Act to provide for the better Representation of the Native Aboriginal Inhabitants of the Colony of New Zealand.

No. 48, 10th October, 1867.—An Act to amend the Representation Acts.

No. 49, 10th October, 1867.—An Act to disqualify Public Offenders from holding certain Public Offices, and from sitting in either House of Assembly.

No. 50, 10th October, 1867.—An Act to provide for the revision of the Electoral Rolls of the Grey and Bell, the Town of New Plymouth, and the Omata Electoral Districts, for the year 1867, and for validating the Electoral Roll for Westland District, 1867-8.

No. 53, 10th October, 1867.—An Act to empower the Governor to submit certain land claims to arbitration.

No. 54, 10th October, 1867.—An Act to amend "The New Plymouth Exchanges Commission Amendment Act, 1866."

No. 56, 10th October, 1867.—An Act to provide for vesting in the Crown Public Reserves appropriated to purposes connected with the General Government administration.

No. 57, 10th October, 1867.—An Act to authorize the issue of Crown Grants for certain reserves for public purposes in the Province of Canterbury.

No. 60, 10th October, 1867.—An Act to provide for the Settlement of certain Land Claims in the Province of Otago.

No. 61, 10th October, 1867.—An Act to empower the Racecourse Board appointed under an Act of the Provincial Council of Wellington, intituled "The Wairarapa Racecourse Act, 1866," to exchange certain lands held by them.

No. 62, 10th October, 1867.—An Act to authorize the sale of certain Land situate in the District of Awatere, in the Province of Marlborough, held in trust by John Tinline, Alexander Mowatt, and William Atkinson, for the use of Presbyterians in the said Province of Marlborough, and the purchase of other lands for the purposes of the Trust.

I gladly recognize in the Act, No. 47, an evidence of the desire of the Colonial Government to interest the Maori race in the general welfare of the Colony, and the working of its Government, and of their wish to bring into closer relations to each other the Natives and the inhabitants of European descent.

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

No. 28.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 16.)

SIR,—

Downing Street, 14th February, 1868.

I have had before me an Act passed by the Legislature of New Zealand, in October last, "To enable the Governor to carry into effect a Postal Service with Great Britain in conjunction with the Colonies of Victoria, New South Wales, Queensland, South Australia, and Tasmania," a transcript of which accompanied Sir George Grey's Despatch No. 136, of the 27th of November last.

If the resolutions referred to in the Preamble of this Act had received the assent of Her Majesty's Government, and had continued to command that of the Colonies concerned, I should have had pleasure in bringing it under Her Majesty's favourable consideration, but as the power given to the Governor is substantially confined to a definite scheme, though subject to alteration in detail, I have not laid the Act before the Queen.

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

No. 29.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 17.)

SIR,—

Downing Street, 14th February, 1868.

I have the honor 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 Sir G. Grey's Despatch No. 136, of the 27th of November last, viz.:—

No. 24, 10th October, 1867.—An Act to provide for the establishment of Municipal Corporations.

No. 65, 10th October, 1867.—An Act to amend "The Volunteers' Land Act, 1865."

No. 66, 10th October, 1867.—An Act to amend "The Crown Grants Act, 1866."

No. 67, 10th October, 1867.—An Act to provide for the more effectual determination of differences and disputes heard before Waste Lands Boards.

No. 68, 10th October, 1867.—An Act to amend "The Gold Fields Act, 1866."

No. 69, 10th October, 1867.—An Act to amend "The Gold Fields Act, 1866."

No. 70, 10th October, 1867.—An Act to make specific provision for the salaries and expenses of certain Judicial Officers and Courts on the Otago Gold Fields.

No. 71, 10th October, 1867.—An Act to authorize the granting or leasing the Railway, when constructed, from the port of Nelson to Cobden and Westport.

No. 72, 10th October, 1867.—An Act to amend “The Auckland and Drury Railway Act, 1863,” and to enable the Superintendent and Provincial Council of Auckland to exercise certain powers in relation to the Auckland and Drury Railway.

No. 73, 10th October, 1867.—An Act to enable Members of Board or Commission appointed by the Governor in Council to examine witnesses on oath.

No. 74, 10th October, 1867.—An Act to make further provision for the exercise by the Governor of certain powers of delegation.

No. 76, 10th October, 1867.—An Act to amend “The Naturalization Act, 1866.”

No. 77, 10th October, 1867.—An Act to amend an Act to grant additional facilities for depositing small savings at interest with the security of the Government for the repayment thereof.

No. 78, 10th October, 1867.—An Act to amend certain provisions of “The Census Act, 1858,” and “The Census Act Amendment Act, 1860.”

No. 79, 10th October, 1867.—An Act to validate certain Provincial Acts and Ordinances, also to give the force of law to certain Bills passed by Provincial Legislatures and disallowed by the Governor.

No. 80, 10th October, 1867.—An Act to continue certain sections and to extend the provisions of “The Distillation Prohibition Ordinance Amendment Act, 1866.”

No. 81, 10th October, 1867.—An Act to amend “The Stamp Duties Act, 1866.”

No. 83, 10th October, 1867.—An Act for providing for the better custody of the Public Stores of the Colony of New Zealand, and for regulating the inspection, issue, and expenditure thereof, and the audit of the accounts relating thereto.

No. 84, 10th October, 1867.—An Act for regulating the receipt, custody, and expenditure of the Public Revenues of the Colony of New Zealand.

No. 85, 10th October, 1867.—An Act to fix the salaries of certain Legislative Officers.

No. 86, 10th October, 1867.—An Act to provide a Retiring Allowance to the Honorable Thomas Houghton Bartley on his retirement from the office of Speaker of the Legislative Council.

No. 87, 10th October, 1867.—An Act to relieve the Provinces from the obligation to refund sums paid to them in excess of surplus revenue.

No. 88, 10th October, 1867.—An Act for repealing “The Loan Allocation Act, 1865,” and for making other provisions in that behalf.

No. 91, 10th October, 1867.—An Act to direct the application of Fines levied under Acts or Ordinances providing for the prevention of the introduction and spread of Disease in Sheep.

No. 92, 10th October, 1867.—An Act to apply a sum of money out of the Consolidated Fund and out of the Special Fund to the service of the year ending the 30th day of June, 1868, and to appropriate the supplies granted in this Session of Parliament.

No. 1, 10th October, 1867, (Local and Personal.)—An Act to amend “The Southern Trunk Railway Act, 1866.”

I have &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

No. 30.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 19.)

SIR,—

Downing Street, 25th February, 1868.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the following Acts of the

General Assembly of New Zealand, transcripts of which accompanied Sir George Grey's Despatch, No. 121, of the 8th of November last, viz. :—

No. 1, 24th July, 1867.—An Act to apply out of the Ordinary Revenue, the sum of £100,000 to the service of the year ending the 30th day of June, 1868.

No. 2, 4th September, 1867.—An Act to consolidate and amend the statute law against offences relating to the Coin.

No. 3, 1st October, 1867.—An Act to consolidate and amend the statute law relating to Larceny and other similar offences.

No. 4, 10th October, 1867.—An Act to consolidate and amend the statute law relating to Indictable Offences by Forgery.

No. 5, 10th October, 1867.—An Act to consolidate and amend the statute law relating to Offences against the Person.

No. 6, 10th October, 1867.—An Act to consolidate and amend the statute law relating to Malicious Injuries to Property.

No. 7, 10th October, 1867.—An Act to consolidate and amend the statute law relating to Accessories to and Abettors of Indictable Offences.

No. 8, 10th October, 1867.—An Act to repeal certain enactments which have been consolidated in several Acts of the present session relating to Indictable Offences and other matters.

No. 10, 10th October, 1867.—An Act for regulating the business of Dealers in Old Metals, and Dealers in Marine Stores.

No. 11, 10th October, 1867.—An Act to amend "The Justices of the Peace Act, 1866," and "The Justices of the Peace Acts Repeal Act, 1866."

No. 12, 10th October, 1867.—An Act for the regulation of Appeals from Justices of the Peace acting in their Summary Jurisdiction.

No. 13, 10th October, 1867.—An Act to consolidate and amend the laws relating to Resident Magistrates and to the Jurisdiction of Justices of the Peace in Civil Matters.

No. 14, 10th October, 1867.—An Act to provide for the care and custody of Neglected and Criminal Children.

No. 15, 10th October, 1867.—An Act to prevent the introduction into New Zealand of Convicted Felons and other Persons transported for Offences against the Laws.

No. 16, 10th October, 1867.—An Act to consolidate and amend the laws relating to Coroners.

No. 17, 10th October, 1867.—An Act to enable the Judges of the Supreme Court to examine into and ascertain the truth of the statements contained in Preambles to Private Estate Bills, and to report thereon, and as to the reasonableness of such Bills and their fitness for the attainment of their proposed objects.

No. 18, 10th October, 1867.—An Act to amend the law of Bankruptcy in New Zealand.

No. 19, 10th October, 1867.—An Act to amend "The Law Practitioners Act, 1861."

No. 20, 10th October, 1867.—An Act to render more effectual the remedies of Judgment Creditors against the Real Estate of their Judgment Debtors.

No. 21, 10th October, 1867.—An Act to amend "The Deeds Registration Ordinance."

No. 22, 10th October, 1867.—An Act to amend "The Provincial Lawsuits Act, 1858."

No. 23, 10th October, 1867.—An Act to consolidate and amend the law relating to the Registration of Bills of Sale of Personal Chattels.

No. 26, 10th October, 1867.—An Act to establish a General Board of Works for the Electoral Districts of Timaru and Gladstone.

No. 27, 10th October, 1867.—An Act to consolidate and amend the law relating to Friendly Societies.

No. 28, 10th October, 1867.—An Act to legalize the establishment of Provident and Industrial Societies.

No. 29, 10th October, 1867.—An Act to amend "The Building and Land Societies Act, 1866."

I observe that by the 257th section of "The Bankruptcy Act, 1867," No. 18, provision is made for the mode of executing Deeds of Arrangement out of New Zealand. As the law of New Zealand may not be known in many places it appears to me that this provision is likely to lead to some difficulty, and it does not seem to be so well adapted for the purpose required as section 304 of "The Imperial Bankruptcy Bill."

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

No. 31.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 20.)

SIR,—

Downing Street, 25th February, 1868.

I referred, for the consideration of the Law Officers of the Crown, the Act of the Legislature of New Zealand "To establish the County of Westland and to make temporary provision for the government thereof," a transcript of which accompanied Sir G. Grey's Despatch No. 121, of the 8th of November last, together with the Memorandum of Ministers upon it, which was enclosed in his further Despatch of the 16th of that month.

I am advised that the General Assembly of New Zealand has not the power to separate one part of a Province from the rest, and to make such part into a County, under a separate and distinct form of government, or to vest in the Governor the powers vested in him by the present Act.

As it appears, however, that an alteration in the existing Provincial system of New Zealand is urgently needed, Her Majesty's Government propose to introduce a Bill into Parliament for the purpose of giving further powers to the General Assembly of the Colony to enable it to meet, by legislation, the requirements now existing and which may be expected to arise.

I enclose a draft of the Bill which it is proposed to introduce into the Imperial Parliament for this purpose, and I shall be glad to be informed whether, in the opinion of your Government, it will be sufficient to meet the requirements of the case.

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

Enclosure in No. 31.

DRAFT of a BILL proposed to be introduced into the Imperial Parliament.

WHEREAS by the third section of an Act of the Session holden in the twenty-fifth and twenty-sixth years of Her Majesty, intituled "An Act respecting the establishment and government of Provinces in New Zealand, and to enable the Legislature of New Zealand to repeal the seventy-third section of an Act intituled 'An Act to grant a Representative Constitution to the Colony of New Zealand,'" it was provided that it should be lawful for the General Assembly of New Zealand, by any Act or Acts to be by them from time to time passed, to establish or provide for the establishment of new Provinces in the Colony of New Zealand, and to alter or provide for the alteration of the boundaries of any Provinces for the time being existing in the said Colony, and to make provision for the administration of any such Provinces, and for the passing of laws for the peace, order, and good government thereof; and whereas doubts are entertained whether the said General Assembly has power under the above recited enactments or otherwise, to abolish any such Province now or hereafter to be established, or to withdraw from such Province any part of the territory comprised therein, except for the purpose of including the same within the limits of some other such Province, and it is expedient that such doubts should be removed:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in this present Parliament assembled, and by the authority of the same, as follows:

1. The General Assembly of New Zealand shall be deemed to have, and since the passing of the aforementioned Act to have had, the power of abolishing any Province at any time heretofore established, or which may be hereafter established in New Zealand, or of withdrawing therefrom the whole or any part of the territory comprised therein, and of passing laws for the peace, order, and good government of the territory withdrawn from or ceasing to form part of the territory of any such Province, whether such territory shall or shall not be included within the limits of any other Province of New Zealand.

No. 32.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 22.)

SIR,—

Downing Street, 28th February, 1868.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the following Acts of the General Assembly of New Zealand of which transcripts accompanied Sir G. Grey's Despatch No. 128, of the 16th of November, viz. :

No. 33, 10th October, 1867.—An Act to amend "The Steam Navigation Act, 1866."

No. 38, 10th October, 1867.—An Act to amend "The Volunteer Act, 1865."

No. 51, 10th October, 1867.—An Act to authorize the leasing of Crown Lands within the Province of Nelson."

No. 52, 10th October, 1867.—The Canterbury Waste Lands Act, 1867.

No. 55, 10th October, 1867.—An Act to make valid certain Land Orders issued in the Province of Taranaki and to bring under the operation of the Waste Lands Regulations of that Province a certain Block of Land.

No. 58, 10th October, 1867.—The Hokitika, Greymouth, and Okarita Town Lands Act.

No. 59, 10th October, 1867.—An Act to amend the Laws relating to the sale and disposition of Waste Lands in the Province of Auckland."

I have to observe that the Act No. 59 appears to be in several respects incorrectly printed, as shown in the enclosed Memorandum.

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

Enclosure in No. 32.

MEMORANDUM showing errors in the printing of the New Zealand Act, No. 59.

IN section two the Acts to be repealed are said to be specified "in the first Schedule to this Act annexed." It will be seen by reference to the Schedules that they are specified in the second, not in the first, Schedule. In section twenty-two, line six, there is evidently an omission of the word "any" in the enactment respecting land for a servant. Section thirty-one is unintelligible as at present printed. A full stop appears to be required after the word "selection" in line five.

No. 33.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 23.)

SIR,—

Downing Street, 28th February, 1868.

I have to acknowledge the receipt of Sir George Grey's Despatch No. 131, of 23rd November, commenting on certain statements made by the Earl of Carnarvon in his speech in the House of Lords on the 15th July last.

With reference to Sir G. Grey's observation that no copy had been communicated to him of a letter from Deputy Commissary-General Strickland, to the Secretary of the Treasury, it appears scarcely necessary to observe that the Colonial Regulations contain no clause prohibiting Commissariat officers from corresponding freely with the Secretary to the Treasury, or requiring those officers to shew their correspondence to the Governor. Sir George Grey is also in error in supposing that he was directed to serve under General Chute.

The correspondence respecting Colonel Weare's charges against the civil and military authorities of New Zealand will be laid before Parliament.

It appears to me unnecessary to remark upon the conclusion of Sir George Grey's Despatch, which I may not rightly understand, but which taken in con-

nection with what precedes it, I presume to be intended to justify Sir George Grey's determination to detain troops in New Zealand.

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

No. 34.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 25.)

SIR,—

Downing Street, 6th March, 1868.

I have the honor to acquaint you that Her Majesty will not be advised to exercise her power of disallowance in respect of the undermentioned Acts of the General Assembly of New Zealand, transcripts of which were forwarded with Sir George Grey's Despatch, No. 136, of the 27th November last:—

No. 89, of 31st Victoria.—An Act to make provision for the conversion and consolidation of Provincial Loans into Colonial Stocks and for other purposes.

No. 90, of 31st Victoria.—An Act to authorize a Loan of Seven Million Pounds sterling, for the purpose of converting and consolidating the Public Loans of New Zealand.

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

No. 35.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 26.)

SIR,—

Downing Street, 9th March, 1868.

I have to acknowledge the receipt of Sir George Grey's Despatch, No. 143, of the 28th December, forwarding a copy of an Address which he had received from the Executive Council of New Zealand, with a copy of his reply.

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

No. 36.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 28.)

SIR,—

Downing Street, 16th March, 1867.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the following Acts of the General Assembly of New Zealand, transcripts of which accompanied Sir G. Grey's Despatches noted in the margin, viz.:—

No. 9, 10th October, 1867.—An Act for the more effectual protection of Her Majesty's Navy and Victualling Stores in New Zealand.

No. 63, 10th October, 1867.—An Act to regulate the sale, letting, disposal, and occupation of the Waste Lands of the Crown within the Province of Marlborough.

No. 64, 10th October, 1867.—An Act to amend "The Southland Waste Lands Act, 1865."

No. 82, 10th October 1867.—An Act to alter certain Customs Duties.

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

No. 37.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 29.)

SIR,—

Downing Street, 19th March, 1868.

I have the honor to transmit to you the accompanying Order in Council confirming the reserved Act of the Legislature of New Zealand, No. 93, of the 31st Victoria, entitled “An Act to constitute in New Zealand a Court of Divorce and Matrimonial Causes,” a transcript of which was enclosed in Sir George Grey’s Despatch No. 125, of the 8th November, 1867.

The Law Officers of the Crown, to whom the subject was referred, are of opinion that the law as regards the status in this country of British subjects who have been married here and divorced out of England, on their return to this country, is in many respects in an unsatisfactory state, but they consider that a sentence of divorce under the Act now confirmed, upon grounds identically the same as those recognized in this country, would be held to be valid here.

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

Enclosure in No. 37.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT, THE 29TH DAY OF FEBRUARY, 1868.

Present:

THE QUEEN’S MOST EXCELLENT MAJESTY.

LORD CHANCELLOR,
LORD PRESIDENT,
LORD STEWARD,

Sir J. PAKINGTON, Bart.,
Mr. DISRAELI,
Mr. CHANCELLOR OF THE EXCHEQUER.

WHEREAS by an Act passed in the session held in the fifteenth and sixteenth years of Her Majesty’s reign, entitled “An Act to grant a Representative Constitution to the Colony of New Zealand,” it is, amongst other things, declared that no Bill, which shall be reserved for the signification of Her Majesty’s pleasure thereon, shall have any force or authority within the Colony of New Zealand until the Governor of the said Colony shall signify, either by speech or message, to the Legislative Council and House of Representatives of the said Colony, or by proclamation, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same.

And whereas a certain Bill passed by the Legislative Council and House of Representatives of the said Colony, entitled “An Act to constitute in New Zealand a Court of Divorce and Matrimonial Causes,” was presented to the Officer Administering the Government of the said Colony for Her Majesty’s assent.

And whereas the said Bill was reserved by the said Officer for the signification of Her Majesty’s pleasure thereon.

And whereas the said Bill, so reserved as aforesaid, has been laid before Her Majesty in Council, and it is expedient that the said Bill should be assented to by Her Majesty:

Now therefore Her Majesty, in pursuance of the said Act, and in exercise of the power thereby reserved to Her Majesty as aforesaid, doth, by this present Order, by and with the advice of Her Majesty’s Privy Council, declare her assent to the said Bill; and the Most Noble Duke of Buckingham and Chandos, one of Her Majesty’s Principal Secretaries of State, is to give the necessary directions herein accordingly.

ARTHUR HELPS.

No. 38.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 31.)

SIR,—

Downing Street, 20th March, 1868.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the following Act of the General Assembly of New Zealand a transcript of which accompanied Sir G. Grey’s Despatch No. 128, of the 16th of November last, viz.:

No. 32, of the 10th of October, 1867.—Entitled “An Act to provide for the general control and management of Ports, Pilots, Lighthouses, and other matters relating to Navigation, and the regulation of Port Charges and other Rates.”

The attention of the Governor of New Zealand has already been called in previous Despatches to the expediency of extending to all vessels whether regis-

tered in the Colony or not, the exemption from compulsory pilotage, in the case of ships the masters of which possess pilotage certificates of competency, instead of this privilege being limited to colonial trading vessels in the manner prescribed by the eighteenth section of the present Act.

I enclose extracts of a letter which has been received from the Board of Trade on this point, together with a Memorandum drawn up at that department on the question of compulsory pilotage, and I trust that the matter, as being one of general interest, may receive the careful consideration of your Ministers.

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

Enclosure in No. 38.

EXTRACTS of a LETTER from MR. TREVOR to the UNDER SECRETARY OF STATE, Colonial Office, dated Board of Trade, Whitehall, 26th February, 1868.

I AM directed by the Board of Trade to acquaint you that they have had under their consideration your letter of the 7th instant, and one of its enclosures being an Act passed by the Legislature of New Zealand (No. 32) entitled "An Act to provide for the general control and management of Ports, "Pilots, Lighthouses, and other matters relating to Navigation, and the regulation of Port charges and "other rates," and with reference to the letters from this department of the 20th August, 1866, and the 20th May, 1867, I am to request you to direct the attention of His Grace the Duke of Buckingham and Chandos to the circumstance that the recommendations submitted for the consideration of the Governor of New Zealand with regard to some of the provisions of this Act do not appear to have been adopted, and no reasons are given for not adopting them.

1. It was suggested that exemption from compulsory pilotage in the case of vessels navigated by officers possessing pilotage certificates of competency should be extended to all vessels whether registered in the Colony or not, but the Act still limits the exemption to colonial vessels, and even in the case of colonial vessels, to such only as the Governor thinks proper.

* * * * *

Should the Duke of Buckingham and Chandos think proper again to refer these points for the consideration of the Governor of New Zealand, the Board of Trade think it would be a favorable opportunity for transmitting to him the accompanying Memorandum on the subject of pilotage.

At a time when some of our Colonies are adopting pilotage regulations based on the practice of this country, it seems very desirable that the Colonial authorities should be acquainted with the difficulties which have arisen and are constantly presenting themselves owing to the existing state of the law concerning pilotage.

Having regard to the facts as to practice stated in the accompanying Memorandum, the reasons for and against the principle of compulsory employment of pilots by shipowners, and the inconsistency of that principle with the freedom of action in matters of trade which has of late years prevailed in this country; it is a matter for grave consideration whether the authorities should not hesitate unless on very special local grounds to introduce a system which has proved so objectionable and so beset with difficulties.

* * * * *

Sub-Enclosure to Enclosure in No. 38.

(Confidential.)

PILOTAGE.

The Annexes to this Part of the Memoranda are (B B.) Parliamentary Paper, 455, 1862; (C C.) Parliamentary Paper, 532, 1864, (D D.) Last Annual Pilotage Return, Parliamentary Paper, 433, 1866; (E E.) Mr. Vernon Lushington's Paper; (F F.) Judgment of Dr. Phillimore in the case of the Halley; (G G.) Abstract of Correspondence relative to the licensing of North Sea Pilots.

Of the various questions on this subject there are two of considerable importance, viz.:—*Compulsory Pilotage, Pilotage Jurisdiction.* And of these the former is the one which at this time presents the greatest difficulties. The subject of compulsory pilotage is in a most confused state, and involves a host of anomalies. And one of the chief difficulties is, that it is perhaps hardly ripe for settlement.

The questions of jurisdiction, formerly numerous, are for the most part settled. Some, however, remain, and are noticed below.

Compulsory Pilotage.

By Compulsory Pilotage is meant a system which first of all fixes by authority the number of pilots which the trade of any given port is supposed to need; and then, in order to secure them employment and remuneration, proceeds to require that all ships frequenting the port shall employ them. It is not worth while going into its origin. It probably dates from times when guilds flourished, and when freedom in matters of trade was the exception, and formerly extended to most if not all the ports of the United Kingdom.

In and about 1836 there were great complaints, and a Royal Commission was appointed. That Commission made a number of recommendations, some of which have been acted on, and others of

which have proved impracticable. They were in favour of compulsory pilotage on foreign bound ships; but recommended, as regards all coasters and short voyage steam vessels, that any captain who could prove himself competent to pilot his own ships in any particular port should be relieved from the obligation to employ pilot in that port. In 1848, an Act, 12 and 13 Vict. c. 88, was passed, enabling pilotage authorities at their own discretion to examine masters and mates, and if they should be found competent, to give them certificates authorizing them to pilot their own ships. This Act, being permissive only, was acted on by the Trinity House and some other bodies, but to no great extent, and the complaints against compulsory pilotage still continued. In 1853, Mr. Cardwell carried through an Act, 16 and 17 Vict. c. 129, by which the Board of Trade was enabled, in case of refusal by any pilotage authority to examine masters or mates for pilotage certificates, to examine them itself, and to grant certificates exempting them from compulsory pilotage. These enactments were re-enacted in 1854, in clauses 340 to 344 of the Consolidated Merchant Shipping Act, and still remain law. They are limited, however, in their operation by provisions that they shall only apply to ships owned by the same owner, and that the names of the ships shall appear on the certificate; and every master or mate has to pay to the pilotage fund of the ports for which he is licensed the same fees upon the grant or renewal of his license which a regular pilot has to pay. Under these clauses a good many masters and mates have been examined. In most cases the pilotage authorities, acting with the knowledge of the power possessed by the Board of Trade, have themselves conducted the examination, though sometimes, as at Liverpool, not without a struggle.* In a few cases the Board of Trade have had to examine.†

The effect of these clauses has, however, been restricted by the conditions above referred to, and still more by the operation of the law of liability referred to below.

A further alteration having an opposite tendency, though not adopted with any retrograde intention, was made in the same year, 1854. In 1851 a compulsory examination of masters and mates in the foreign going trade was first introduced. In 1853-4 the question arose, whether to extend this examination to the home (or short foreign and coasting) trade. It was determined to do so with respect to passenger vessels only. The question then arose, to what the examination should extend? Seamanship was, of course, to be required, but as regards navigation, the thing needed was rather local than general knowledge. To meet this Mr. Cardwell determined, unfortunately, as experience now shows, to make all home trade passenger ships subject to compulsory pilotage in all ports where there are licensed pilots, unless the master or mate should obtain certificates enabling them to pilot their own vessels, either under the clauses above referred to, or under a special provision inserted for the purpose of enabling the Board of Trade more easily to grant certificates when the local authorities should make difficulties. (See clauses 354 to 355 of the Merchant Shipping Act.) A new species of compulsory pilotage was thus introduced, with a new form of exemption. It was by no means Mr. Cardwell's intention that pilots should be employed in these cases, but simply that officers should be compelled to qualify themselves.

The Act of 1854 further provided, with respect to compulsory pilotage, that pilotage should continue compulsory where it was then compulsory (section 353); and that all existing exemptions should continue in force (section 353); and that every pilotage authority should have power, with the consent of Her Majesty in Council, to exempt any ships, or classes of ships, from compulsory pilotage (section 332). These clauses, coupled with those relating to the Trinity House pilotage, are full of apparent inconsistencies, and have led to much doubt and litigation. The tendency of the courts has been on the whole to favor the exemptions.‡ And some bye-laws have been passed removing some of the inconsistencies by extending the exemptions.||

Compulsory pilotage is enforced by virtue of section 353. If a ship which is not exempted fails to employ a pilot who offers, the master is liable to a penalty of double the pilotage, which is recoverable, not by civil process, but under the rules of law applicable to criminal proceedings. This has been the cause of great complaints and gross hardship. A pilot alleges that a ship has refused his services at Gravesend. The ship is gone (say) to Shields. He gets a warrant from the magistrate there and sends it down to Shields with a policeman to arrest the captain. The poor captain, to avoid being hauled up to Gravesend as a prisoner, is forced to pay whatever is asked.§ Loud complaints were still made on the subject, as may be seen from the Report of Mr. Lindsay's Committee on Merchant Shipping in 1860. That portion of this report which relates to pilotage is well worth reading, pp. xx. to xxii. It concludes as follows:

"As regards the main question of voluntary or compulsory pilotage, your committee, after weighing most attentively all the arguments upon the subject, have arrived at the conclusion that a system of voluntary pilotage might be safely established in most parts of the Empire, due consideration being had to the interests of those parties who have invested capital on the faith that the compulsory system would be maintained. Your committee have had the most convincing evidence that where the system of voluntary pilotage prevails, the supply of pilots is more abundant, their efficiency is in no way inferior, and the rates generally lower than at any of the ports where compulsory pilotage is still in force. The arguments, therefore, which have been used in favor of the existing system, and the fears which have been expressed in regard to obtaining at all times and under all circumstances a sufficient supply of pilots must give way to the facts which have been adduced in evidence. For instance, it appears that at Cork, where pilotage is voluntary, there are no less than 103 licensed pilots, whereas at Falmouth where quite as many vessels call for orders and where pilotage is compulsory there are only 36 pilots, who appear to be less vigilant and who demand much higher rates for their services, although 'it is an open place, free from any danger.'

* Parliamentary Paper, 455, 1862, No. 102, 103, 104; Parliamentary Paper, 532, 1854, Nos. 50 to 59; in these papers the question of Compulsory Pilotage is discussed at some length between the pilotage authority at Liverpool and the Board of Trade.

† At Arundel, Waterford, and Boston. See Parliamentary Paper, 455, 1862, Nos. 138 to 166.

‡ See *R. v. Stanton*, quoted in Dr. Lushington's judgment in *Earl of Auckland*, Parl. Rep., 455, 1862, No. 92.

§ See Parl. Paper, No. 455, 1862, Nos. 1 to 17.

|| See Parl. Paper, No. 455, 1862, secs. 27 to 41, pp. 39 to 46, case of the "*Chase*." See same paper, secs. 78 to 84, case of "*Martha Alida*."

"Your committee would further observe, that where pilotage is compulsory it is generally the practice to limit the number of pilots, to prevent them from accepting a less sum than the fixed rates, and to make it compulsory on each pilot to take his turn, and to accept whatever employment may offer. If the obligation on the ship to employ a pilot were done away with, the corresponding limitations and obligations of the pilots would also be done away with, and the probable consequence would be that more men would offer, and the supply would adapt itself to the demand.

"The general regulations which it would be necessary to frame under the authority of Parliament in order to carry into effect the requisite change would be so simple as not to create any difficulty, your committee are of opinion that the pilots should be left under the local regulations of the existing pilotage authorities, who would fix the rates and the qualifications of the pilots to be licensed by the difficulties of the navigation and the wants of the place, subject to the approval of the Board of Trade.

"Your committee do not anticipate that any difficulty respecting the law and practice of insurance will accrue from the change. The law will thenceforth leave all parties at liberty to form a free contract; and the merchant, the underwriter, and the shipowner will be competent to adjust their policy of insurance upon what terms they please. All experience proves that masters will avail themselves of the services of a qualified pilot in any navigation which is in the slightest degree dangerous, and the existing exemptions in respect of coasting vessels which gave rise at present to no difficulties, justify the anticipation, that if the pilotage of the foreign trade is thrown open, commerce and shipping may be relieved of restrictions which now in many cases fetter their efforts.

"In conclusion, it is right to add, that by an Act of Mr. Labouchere's in 1849, an important alteration was made, enabling pilotage authorities to grant licenses to competent masters and mates, which should free them from compulsory pilotage; and by the subsequent Act of 1853 and 1854 the Board of Trade was enabled, if the local authorities should refuse to act, to license the masters and mates themselves; and the number licensed by the Trinity House is steadily increasing, and that in more than one port where the local authorities have refused to act, the Board of Trade have exercised the power of licensing committed to them. Your committee cannot but consider this a great improvement in the previous state of things, though there are still numerous complaints." It is to be observed that this committee included the Members for Bristol and Liverpool, heretofore the stronghold of the compulsory system.

Under these circumstances Mr. Milner Gibson, who thoroughly understood the subject and had a strong opinion on the point, was much inclined to attack compulsory pilotage generally. As it was, he, in the Act 25 and 26 Vict. cap. 63., sec. 41 (1862), introduced a clause which was intended to exempt ships from compulsory pilotage when merely calling for orders or otherwise passing through a pilotage district without loading or discharging. Unfortunately it is so worded, that in the opinion of the law officers (which, however, has not been confirmed by the courts, and may be questioned) it does not exempt a ship calling for orders where the ultimate port of destination is not known at the time when she calls. It is construed as exempting a ship which puts into Falmouth in distress, or which passes through the Downs or Yarmouth Roads on her way to Hull or Newcastle, or through the Solent on her way to London. But it is supposed not to exempt a ship which puts into Falmouth in order to learn where she is to go.

As pilotage is a local matter and depends on local Acts no complete view of compulsory pilotage can be given without a reference to local cases.

The principal pilotage authority is the Trinity House of London, which, besides managing the pilotage of the Thames, can appoint sub-commissioners for any port which has no local pilotage Act of its own. Other ports are governed by their own local Acts. The accompanying Return (pp. 5. to 6*) gives a list of these authorities.

There is every variety in the pilotage laws of these different ports, so far as compulsory pilotage is concerned.

In the Trinity House districts there is compulsory pilotage (p. 376), but with the following large exemptions (p. 379), in addition to the general exemptions above referred to:—

- (1.) Ships employed in the coasting trade of the United Kingdom.
- (2.) Ships of not more than 60 tons burden.
- (3.) Ships trading to Boulogne, or to any place in Europe north of Boulogne.
- (4.) Ships from Guernsey, Jersey, Alderney, Sark, or Man, which are wholly laden with stone, being the produce of those islands.
- (5.) Ships navigating within the limits of the port to which they belong.
- (6.) Ships passing through the limits of any pilotage district on their voyages between two places both situate out of such limits, and not being bound to any place within such limits, nor anchoring therein.

These exemptions—for some of which no good reasons can be given—are considerably wider than those which existed under former Acts.

As has been stated, all coasters are exempt, and all vessels from or to ports in Europe north of Boulogne. This last exemption originally applied to the London district only, and was extended by "The Merchant Shipping Act, 1854," to the Trinity House outport districts. The Trinity House have asked to have the exemption confined as before, but the Board of Trade refused to attempt to confine any existing exemption. (See Parliamentary paper 455, 1862, Nos. 13 and 14.) There is really no sense or principle in the exemptions. A vessel from St. Petersburg is as likely to need a pilot either in London or the outports as one from Havre; and a vessel from Antwerp or Havre is as likely to require a pilot as one from Liverpool or Glasgow.

Vessels in ballast from one port of the United Kingdom to another have been exempted in Trinity House districts by bye-law. (See Parliamentary paper 455, No. 92.)

Under the local Acts relating to Liverpool, Dublin, the Clyde, Hull, and Bristol, pilotage is, I believe, compulsory on ships engaged in the foreign trade, and in some cases on certain coasters.

* Parliamentary paper 433, 1866.

At Newcastle, Shields, and Sunderland, it was formerly compulsory on foreign ships, *i.e.*, ships with foreign nationalities; but this has been altered under the Reciprocity Treaties, and it is now entirely voluntary. At Cork it is voluntary.

In the British Channel it is compulsory, as above stated, on ships bound for foreign ports to Bristol: but by "The Bristol Channel Pilotage Act, 1861," which took away from Bristol the management of pilotage for the Bristol Channel generally, pilotage for the ports of Cardiff, Newport, and Gloucester, which had previously been compulsory, was made entirely optional.

The pilotage at Leith has been made voluntary by an Order in Council dated 30th June, 1860.

On the whole there can be no doubt that the tendency of recent legislation, local as well as general, has been to relax compulsory pilotage.

In order to complete this outline of the law of compulsory pilotage it is necessary to notice one of its most important consequences, *viz.*, the exemption of the shipowner from liability for damage done by his ship when the ship is placed in charge of a pilot by compulsion of law.

The first enactment on the subject was the 52 Geo. III., cap. 39, sec. 30. (in 1812)—*

"No owner or master of any ship shall be answerable for any loss or damage for or by reason or means of any neglect, default, or incompetency of any pilot *taken* on board of any such ship, *under or in pursuance of any of the provisions of this Act.*"

The Pilot Act of 1825-6, Geo. IV., cap. 125, which repealed the former Act, contained a section (sec. 55) in nearly the same terms. It exempted the owner from responsibility, not only when the fault was that of a pilot employed by compulsion of law, and also when the fault was that of a pilot acting in charge of the ship in pursuance of the Act, as explained in *Lucey v. Ingram*, 6 Meeson and Welsby 302.

This enactment was repealed by the Merchant Shipping Act Repeal Act of 1854 (17 and 18 Vict. cap. 120), and was replaced by the 388th section of the Merchant Shipping Act of that year, which is in the following words:—

"No owner or master of any ship shall be answerable to any person whatever for any loss or damage occasioned by the fault or incapacity of any qualified pilot acting in charge of such ship within any district where the employment of such pilot is compulsory by law."

The immunity to the shipowner is confined by that section to cases in which the damage is occasioned by the fault of the pilot acting in charge, where the employment of such pilot is compulsory by law. All doubt was also removed as to the immunity being applicable throughout the United Kingdom.†

It should be added that the Law Courts, in construing this section, have felt its injustice, and have cut down the immunity as much as possible. Wherever the casualty could be traced in any degree to the act of the master and crew, they have enforced the liability of the owner, and they have thrown on the owner the burden of proving that the casualty was caused by the pilot. These decisions have narrowed the injustice caused by the section, but have probably increased litigation, since the question whether a mistake was due to the pilot or the captain or crew is one extremely difficult to determine, and very likely to be productive of false evidence.

At any rate, the effect of this law, coupled with the frequency of collisions arising from the more crowded state of our channels and harbours, and the speed of steamers, is very remarkable. If a vessel navigated by a pilot, but commanded by a master who has passed his pilotage examination, does damage, the owner is responsible. If a vessel navigated by a pilot whom, for any other reason, the owner is not obliged to employ, does damage, the owner is responsible. But if the vessel is navigated by a pilot whom the law requires him to employ, then, whether the owner would or would not, for his own sake, have employed the pilot, he is free from responsibility, and there is practically no remedy whatever for the injured party. The consequences, when followed out, are most absurd and most injurious. In a paper by Mr. Vernon Lushington, annexed to this memorandum, the legal view of the case is argued out very ably; and in Mr. Wendt's remarks on pilotage (see his recent book on Maritime Legislation, pp. 35 to 48), the practical absurdities and inconveniences are well stated. The following are some of them:—

The whole class of smaller vessels which frequent our ports, and which never need a pilot, are deprived of all remedy when in collision with a ship which is compelled by law to employ a pilot.‡

The Admiralty Court is occupied with collision cases in which the question is, not which of two ships was in the wrong, and how much she ought to pay, but whether the one ship or the other, or both, was in charge of a compulsory pilot, and whether that pilot was or was not in actual charge at the time, and committed the fault which caused the collision.¶ This last question, as Mr. Lushington observes, is one upon which it is most difficult to get at the truth, and which must inevitably lead to endless litigation, and equally endless false swearing.

Two ships, A and B, both of the same size and description, come into London, A from the North Sea, B from the Channel. Both employ a pilot. They get into collision. If A is in fault B has a remedy; if B is in fault A has none.

Two ships, A and B, say from Leith to London, both take a pilot at Orfordness. A has passengers; B has none. They get into collision. If A is in fault, B has no remedy against A; if B is in fault, A has a remedy against B.

Two ships again, A and B bound from Havre to London, take pilots at Dungeness. The master of A has taken pains to pass a pilotage examination, and he has a pilotage certificate. The master of B has, perhaps purposely, avoided doing so. They come into collision. A has no remedy against B, whilst B has a remedy against A.

* See Mr. Vernon Lushington's paper annexed, from which this is taken.

† Mr. Moss, Parl. paper, 455-62, No. 95, says that before the Act of 1854, the ship was liable, but the owner was not. I can find no grounds for this assertion.

‡ See, for a list of cases of this kind, Parliamentary Paper, No. 445-62, No. 96.

¶ See, for instance of the utterly preposterous questions raised, Dr. Lushington's judgment in "Earl of Auckland," Parliamentary Paper, 455-62, No. 94.

The object of Mr. Cardwell's legislation concerning passenger ships, viz., that of requiring, through the medium of compulsory pilotage, that masters should learn to pilot their own ships, is thus defeated. We have actually had a case in which the master of a Scotch passenger steamer asked us to contract the limits of a certificate we had granted to him, because his ability to pilot his own vessel exposed his owner to liability when in charge of a pilot.

Again, a ship bound to London takes a London pilot at Scilly or the Lizard; a very common case. For damage by collision, westward of Dungeness, the owner is liable. For damage done eastward of Dungeness he is not.

Again, take the Bristol Channel. As above stated, ships bound to or from Bristol are bound to take a pilot up and down channel. Ships bound to or from Cardiff, Newport, and Gloucester are not. A Bristol ship gets into collision with a Newport, Cardiff, or Gloucester ship, both having pilots. The Bristol ship has a remedy, the Cardiff, Newport, or Gloucester ship has none.

Finally, it is obvious that this exemption from liability not only leads to the most absurd and unjust consequences as between ship and ship, but, by removing a responsibility from those with whom it ought to rest, does away with one of the most important securities for safe navigation.

Mr. Vernon Lushington, Mr. Rothery, the Deputy Master of the Trinity House, and if we may form an opinion from a recent judgment,* the present Judge of the High Court of Admiralty, are of opinion that the state of things ought not to continue, and that the owner ought to be liable even when obliged to employ a pilot. In Belgium he is so liable, also in France,† probably also in the United States;‡ in Germany he is not.¶

Mr. V. Lushington argues ably that though, according to the principle of the English law of agency and liability, and its maxim, *Qui facit per alium facit per se*, an owner ought not to be responsible for the default of a pilot whom the law forces upon him, yet that, having regard to the practical consequences of that law in the present case, to the want of remedy which it causes, and to the fact that the law whilst compelling the employment of a pilot, simply does so for the sake of the shipowner, the shipowner ought to be liable. He might have added, that in a great majority of cases, those who are now compelled to employ pilots would employ them whether compelled or not; that in many cases e.g. in the Thames, the shipowners practically do select their pilots from the Trinity House list; and that no shipowner is compelled to employ a pilot, if he employs a master or mate who has passed a pilotage examination.

Perhaps the simplest and most correct way of putting it is, that it is a question of remedy, not of culpability. A loss has been sustained, which one of two persons—both of whom we may assume to be substantially innocent—must ultimately bear. Upon which of the two shall it fall—upon the owner of the ship which has caused, or upon the owner of the ship which has sustained, the injury? Undoubtedly, I think, on the former.

On the whole, if compulsory pilotage is to continue, the right course will probably be, to put an end to the immunity which is now consequent upon it. But I must admit that there is a difficulty in getting over the obvious argument that a man ought not to be responsible for the act of another whom he does not himself select and employ.

The fact is, that there is no complete solution of this question without also considering the larger question, whether compulsory pilotage ought to exist or not. And if it ought not to exist we shall have to consider whether the subject is ripe for complete legislation, whether we can do away with it at once, and if not, what steps we can take in that direction.

Speaking broadly, there are two views on the subject of pilotage, one or other of which prevails more or less in different ports in this country.

According to one view, it is the object of pilotage laws and regulations to ascertain that the pilots to whom licenses are granted are competent; to deprive them of their licenses if incompetent; to fix the rates of pilotage; and to require that if and where pilots are employed licensed pilots shall be employed in preference to unlicensed persons.

According to this view, the pilotage authority simply undertakes to see that the service is a competent one. It does not interfere with the law of supply and demand by fixing the number of pilots; and it leaves the trade free to employ pilots or not, according to their wants.

Whatever may be the difference of opinion on other points, there is no question whatever that regulations going on to this extent are desirable, if not necessary, in every large port the approach to which calls for knowledge of the local navigation.

According to the other view, it is the further business of a pilotage authority to determine how many pilots are wanted; to see that just that number and no more are licensed and employed; to provide that each shall get a fair share of the common earnings, and as a corollary from these propositions, to determine the amount of employment and remuneration of the pilots, by requiring every ship to take and pay for a pilot whether she wants one or not.

Upon this view there is, as above stated, great difference of opinion and practice in this country, and it is clear that the tendency of recent legislation is opposed to it. For instance, pilotage is, as above mentioned, with certain qualifications, compulsory on foreign going vessels at Falmouth, Liverpool, Glasgow, Bristol, in the southern channels of the Thames, and in many other ports. On the other hand, there is no compulsory pilotage whatever at Cork, Cardiff, Gloucester, Newcastle, Shields, Sunderland, or in the north channels of the Thames. Coasters are generally exempted. Many other exemptions exist, and one general exemption above referred to, almost leads to the conclusion that pilotage is in no case absolutely compulsory—that exemption, namely, which was introduced in 1853, in favor of every vessel whose master or mate can prove himself competent to pilot his own ship.

What then are the reasons for and against the principle of compelling shipowners to employ pilots?

* Judgment in the case of "Halley," annexed.

† See enclosure in letter from Foreign Office, H-38, 1868.

‡ Judgment in case of "Halley." See Mr. V. Lushington's paper.

¶ We have written to F. O. to inquire about the law in the United States.

|| See Article 470 of the recent Code, translated in Mr. Wende's book.

It is obvious that to do so is inconsistent with those principles of freedom of action in matters of trade which have prevailed of late years, and that the obligation must be maintained, if at all, by special and exceptional reasons, which do not apply to other employments. The reasons commonly alleged are as follows:—

1. That it is necessary in order to maintain a competent supply of pilots.

A practical answer to this reason seems to be that in those ports of this country where pilotage is voluntary the supply of pilots is as good as where it is compulsory; at Cork as at Falmouth, at Newcastle as at Liverpool, on the north as on the south side of the Thames. In fact, where pilots are really wanted they are as much, or nearly as much, employed under a voluntary as under a compulsory system. But with the great difference, that in the former case the responsibility rests with the employer, in the latter with the Government, legislature, or pilotage authority, in other words with nobody.

2. That it is necessary for the protection of the ship, its crew, and cargo.

In answer to this reason it may well be said that it is no part of the business of Government to take a ship out of the hands of those most interested in her safety. And that merchants, shipowners, and insurers are much better judges of what they need than Government can be.

3. That if the number of pilots is to be determined by Government, it is necessary, in order to fix their number and secure them employment, to require that all ships shall employ them.

The answer to this is that the number of pilots is best fixed by the demand for their services, and that this demand will in every large port secure the proper number of pilots. But this argument may, perhaps be best met by an illustration. Some Governments have fixed the number of bakers to be employed in a town. If, in order to do this effectually, these Governments were to require each inhabitant to buy and eat a certain quantity of bread, the argument would be a parallel one.

4. That it is necessary to place every ship in the hands of a pilot on entering a port, in order to prevent confusion and risk to other ships in the port.

This however, it may be said, is a matter not of pilotage, but of port regulation, and is generally so regarded. In the Thames, where a very large proportion of the ships which lie in the river are free from compulsory pilotage, and where harbour management is efficient, no difficulty is experienced. In Falmouth where there is no efficient harbour authority, but where pilotage is compulsory, there are constant complaints and disasters arising from the improper mooring of ships.

It will be seen from the above, that whatever may be the value of the arguments in favor of a compulsory system, they are not without replies.

But the case does not rest here. There are, over and above the general principle above referred to, other serious objections to the practice of compelling ships to employ pilots:

1. It is unjust, for it obliges many ships that do not require pilots to pay for keeping up a staff for those who do.

2. The captain and his officers, from their general knowledge and their acquaintance with their ship and crew, must often be better able to manage her, even in pilotage waters, than a pilot to whom the vessel is strange. To compel the former to give up charge to the latter may lead to disaster.

3. The system tends to create and maintain a body of protected monopolists, whose interests are not identical with those of the shipowner, who know that they must be employed, and whose independent services are probably not so readily or so effectively given as if their employment depended on their efficiency.* As an illustration of this, may be mentioned the numerous enactments and regulations contained in the Pilotage Act and in the bye-laws of the pilotage authorities for the purpose of compelling pilots to do their duty; and the constant endeavour by fresh regulations to supply the want of that stimulus, which freedom of contract and employment would at once give.

4. A further and very serious objection is to be found in the consequence as regards liability, which has been so fully stated above.

The liability of the owner and his servants is put an end to, and the security against mismanagement arising from this liability is seriously diminished, whilst persons sustaining damage by collision are deprived of their remedy.

Looking to these various considerations, there can be no doubt that the arguments against compulsory pilotage are of greater weight than those in its favor.

Can it thus be at once put an end to? Can we say at once—

1. That no shipowner shall be compelled to employ a pilot?
2. That all pilotage authorities shall license all competent men who apply to them.

As regards the first point, the difficulties are—

1. The opposition of existing pilots. They have been very powerful in elections at Deal, Falmouth, Liverpool, and elsewhere. In future they will probably be less so.

2. The injury to the pilot funds. I do not think there is much in this. They will only, to all experience, earn as much under a voluntary as under a compulsory system. At any rate this difficulty might be met by a rise in pilotage rates.

3. The opposition of the large shipowners, who always take and always would take pilots; who get a staff of pilots kept up for them by others; and who, under the present law, are exempt from liability when their ships are in charge of a compulsory pilot.

This opposition is very formidable in London, Liverpool, Bristol, and Glasgow.

I am scarcely competent to form a judgment on the strength of these different sources of opposition. It is weakening, no doubt. The Deputy Master and some of the Elder Brethren of the Trinity House are now against compulsory pilotage. The steam shipowners are many of them against it; and even at Liverpool there are symptoms of a change of opinion.

But if we cannot do away with compulsory pilotage altogether, some or all of the following measures might be attempted:—

1. Make the owner liable for damage done by a compulsory pilot.

* See a good letter from Mr. Carr, a north-country shipowner, Parliamentary paper, 455, 1862, No. 95.

2. Take away the present criminal remedy from the compulsory pilot, and leave him a mere civil action against the master or owner of the ship for the amount of his pilotage.

3. Give pilotage authorities, with consent of Her Majesty in Council, power to raise pilotage rates where pilotage is voluntary.

4. Exempt home-trade ships—*i.e.* coasters and all ships trading with ports between the Elbe and Brest—altogether from compulsory pilotage.

5. Do away with the provisions of the Merchant Shipping Act, which require coasting passenger ships to employ a pilot, and enable the Board of Trade instead to call in the pilotage authorities to assist them when examining the officers of these ships, for the purpose of ascertaining their proficiency in local navigation.

As regards the first of the two points above referred to, *viz.*, “that all pilotage authorities shall “examine and license all competent men who apply to them,” it is no doubt of very great importance. The case is very ably stated by Mr. Augustus Smith in applying for more pilots at Scilly. See also other papers on the same subject.* On the Thames, in the Cinque Ports, at Orfordness, Yarmouth, and all round our coasts there are numbers of competent men who are at times wanted, and who are now kept from offering their services because they may be superseded at any moment by an unlicensed pilot. This state of things is very absurd and injurious. I was particularly struck with it myself this year at Scilly. The crew of a fine pilot cutter, eight in number, came to see me. Four of them were licensed, four were not. All eight were men of the same class; had passed much the same sort of lives as seamen and mates in merchant ships; were about the same age; and, according to the account of those who had licenses, the others were full as competent as themselves. All of them, those who were licensed as well as those who were not, were anxious that the latter should obtain licenses. They said they worked together in the same boat; that they met ships bound up the English or Irish channels; that masters would not take the unlicensed men, and that if taken they might be superseded at any moment by licensed pilots; and that consequently their boat’s crew and their common earnings were arbitrarily and capriciously deprived of payment for services they were competent to earn, and masters of ships deprived of the services of competent pilots. They said further that at times there was a demand for all, and more than all, the competent men that could be found. As regards their pilot funds, they said that this difficulty might be met either by excluding new men from the benefit of the fund, or allowing them the benefit of it only on condition of their paying a sufficient amount to earn a pension.

It will be observed that in 1863 the only reason given by the Trinity House for not extending the number of the pilots was that the average earnings of the pilots were not more than they ought to be, and that the pilot fund would be injured. They took no account of other sources of earnings by the pilots, of their partnership in the boats with men who were not pilots, or of the fluctuating demand for pilots’ services.

But there is nothing that I am aware of in the existing law that compels any pilotage authority to limit the number of their licensed pilots, and I believe that the best way of getting this evil set right will be through the free action of those authorities. If, for instance, the Trinity House were to begin to act on free trade principles, other authorities would follow, and the thing would be quietly and effectually done. If this be not sufficient, a power might be given to the Board of Trade, on appeal either from the pilots or boatmen of any district, or of the shipowners interested, to call upon the pilotage authority to examine and license, under such conditions as to pilotage funds, &c., as might be thought necessary, any men who might be found competent. I doubt, however, if this would, at the present moment, be easily carried.

The chief difficulty in granting licenses generally will be the Pilot Superannuation Fund, in which, and in the future continuance of which, existing pilots have a vested interest. But this difficulty might, perhaps, be met by making it optional with future pilots whether they join the fund, proper terms as to contributions, having regard to age and other circumstances, being carefully determined; and if, as I fear is the case, some of the present funds are in a bad state, future and additional pilots, admitted under a freer system, might perhaps be required, as the price of their license, to pay something towards the funds of the present pilots with whom they would be allowed to compete.

Pilotage Jurisdiction.

The second of the two important questions above referred to remains, namely, whether any, and what, alteration is needed in pilotage jurisdiction. In 1853 there were many questions of this kind open, which have since been settled.

The Cinque Port pilots have been placed under the Trinity House.

The Liverpool pilotage was, in 1857,† partially taken away from the old close Pilotage Commissioners, and, though the arrangement was less complete than might be wished, has been placed under the Mersey Docks and Harbour Board.

The pilotage of the Clyde has been placed in the hands of a board representing both Glasgow and Greenock.‡

The pilotage of the Bristol Channel, formerly exclusively under the Town Council of Bristol, has been divided, and Cardiff, Newport, and Gloucester have each their own pilotage board.||

The pilotage of the Tyne, of Sunderland, and of Hartlepool has been taken away from the Trinity House of Newcastle and placed in the hands of pilotage boards created at the several ports by provisional orders under the powers given by “The Merchant Shipping Act Amendment Act, 1862.”

There may be other cases of local jurisdiction of the same kind still unprovided for; for instance, at Leith, where the Trinity House, an effete body of old sailors, still exercises some jurisdiction over the sea pilotage. But if there are such cases, they may be easily dealt with under those clauses of

* See Parliamentary paper 532, 1864, Nos. 1 to 6; also 13 to 17; Parliamentary paper 455, 1862, Nos. 45, 46; Parliamentary paper 148, Sess. 2, 1859.

† Mersey Dock Consolidation Act, 1858.

‡ Clyde Navigation Act, 1858.

|| Bristol Channel Pilotage Act, 1861.

"The Merchant Shipping Act, 1854," which enable the Trinity House of London to appoint sub-commissioners for the out-ports, or those clauses of "The Merchant Shipping Act, 1862," which enable the Board of Trade to make provisional orders concerning pilotage jurisdiction.

There is, however, one set of cases which, in the opinion of the Trinity House and their legal advisers, is still unprovided for by either of these Acts, namely, the case of pilots employed beyond the limits of the local pilotage districts in piloting ships along the coasts—up the English or Irish Channel for instance, or along the eastern coasts of Scotland. It is very common for ships on long foreign voyages to take pilots for these purposes; but there is at present no distinct and proper jurisdiction for examining and licensing such pilots. The Trinity Houses of London, of Hull, of Newcastle, and of Leith* claim under old charters certain powers for this purpose; and the Trinity Houses of Hull and Leith have even claimed the right of granting licenses to pilot ships on the east coast and into the Thames within the local jurisdiction of the London Trinity House, as well as at sea. The claim is denied by the London Trinity House; and in a case tried in 1864, the Court of Queen's Bench decided that whatever jurisdiction the Leith Trinity House might have, was at any rate confined to Scotland.

There can be no doubt of the expediency of having some distinct jurisdiction to examine and license pilots for these purposes, and to withdraw their licenses.†

There can, I think, be little doubt that the Trinity House of London, as the central pilotage authority of the United Kingdom, ought to have this power. Whether they should have it exclusively or not is a more difficult question. Uniformity of examination and qualifications is desirable. But Liverpool will desire to license pilots for her own ships in the Irish Sea; and other ports will no doubt reasonably desire similar privileges.

It will not, I think, looking to the number of local indifferent pilotage authorities existing or likely to exist, do to give the power to all; nor will it do, as the effete Newcastle and Leith Trinity Houses seem to wish, simply to confirm and define the indefinite chartered pretensions of these bodies.

Perhaps the best way will be, after giving by the Act itself to the London Trinity House a general power to license pilots for all the narrow seas, to insert clauses enabling other pilotage authorities, or authorities which have now, by law, power to license pilots upon a proper case being shown, to obtain, either by an Order in Council or by a provisional Order, powers to license pilots for the seas and channels leading to their own ports, such powers to be subject to such conditions and instructions as may be necessary.

The limits for which such sea pilotage licenses are granted should be confined to seas outside the existing local pilotage districts, though there should be nothing in the Act to prevent the authority or authorities concerned from granting to the same man, if found competent, a license both for the sea and for any local district.

No sea licence granted by any one authority, either under the Act or under any old charter, should constitute a man a pilot within the local jurisdiction of any other authority.

No sea pilotage under these provisions should be compulsory.

The pilotage authority granting such licences should be bound to grant them to all competent men.

It is a question whether the Trinity House of London should not have a power to withdraw or inspect such license, by whomsoever granted, as well as the authority which grants them.

It is a question whether the pilotage authority should have the power of fixing the rates for sea pilotage, but I am inclined to think they should, and that such power should be exercised by Order in Council at the suggestion of the Trinity House.

It is a further question whether a pilot so licensed should have the power of superseding a pilot not so licensed. Considering that the employment is now absolutely free, and further that the privilege will be beyond the limits of foreign jurisdiction, and that there may be difficulties with foreign ships and foreign pilots if any strong restriction is attempted, I think there should be no such power. The possession of a licence will in itself be a great advantage.

Board of Trade, January, 1868.

T. H. FARRER.

No. 39.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 33.)

SIR,—

Downing Street, 1st April, 1868.

I have the honor to acknowledge the receipt of Sir George Grey's Despatch No. 144, of the 27th November last, enclosing copies of correspondence which had taken place between himself and Major-General Sir T. Chute, respecting the alleged omission of Commissary-General Jones to submit for his consideration the estimates for Army services in New Zealand.

In answer to this Despatch, it is only necessary for me to state that the Despatch from Sir George Grey to Sir T. Chute, dated the 16th of October, 1865, to which Sir George Grey complains that he has received no reply, was communicated to the War Office from this Department on the 26th February, 1866, on the receipt of the Governor's Despatch No. 163, of the 26th June, 1866, in which it was enclosed.

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

* See Correspondence with these bodies in 1864.—Abstract annexed.

† See Parliamentary Paper 455, 1862, Nos. 71, 86 to 88, as to North Sea; Parliamentary Papers 532, 1864, Nos. 6 to 12, English Channel; Correspondence, 1864, not printed, North Sea.

No. 40.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to the
OFFICER ADMINISTERING THE GOVERNMENT OF NEW ZEALAND.

(No. 34.)

SIR,—

Downing Street, 1st April, 1868.

I have received Sir George Grey's Despatch No. 65, of 17th July last, forwarding a copy of the report furnished by Major Richardson, whom he had appointed to examine into the accounts between the Imperial and Colonial Governments arising out of the recent war in New Zealand.

That report includes a statement of the claims made against the Colony by Mr. Commissary-General Jones on behalf of Her Majesty's Treasury, amounting to £1,222,183.

Upon the receipt of this report I placed myself in communication with the Lords Commissioners of the Treasury in order to determine how far the claims advanced by the Imperial and Colonial Governments could be properly sanctioned.

The realization of the debentures for £500,000 placed by desire of your Government in the hands of the Lords Commissioners of the Treasury, and sold by them at par, had obviously rendered a re-statement of the account necessary, as it reduced the claim of the Imperial Government to that extent, and had affected the calculation of interest.

With regard to the capitation rate of £5 a head on all the troops in New Zealand, Her Majesty's Government were prepared to admit the claim of the Colony to a remission towards the expenditure for Native purposes during the years 1862, 1863, and 1864; and though they considered that the capitation rate might properly have been continued in respect of troops actually in the field during such subsequent period as was reasonably necessary for their removal, yet it did not appear that any definite agreement was in force on this subject after 31st December, 1864, the negotiation between Mr. Reader Wood and Mr. Cardwell in 1864, not having led to any conclusion. At this stage of the inquiry Mr. Fitzherbert arrived in this country, having been authorized to represent the Colonial Government upon certain questions mentioned in the Memorandum which accompanied Sir G. Grey's Despatch No. 123, of the 8th November, of which the settlement of all claims between the Imperial and Colonial Governments was one, and having gone carefully into the accounts with his aid, and in the presence of Commissary-General Jones, I came to the conclusion that upon a complete scrutiny of the items a balance would certainly have proved to be due to the Imperial Treasury.

Such scrutiny, however, could not have been carried out without at least one reference to the Colony, and thus would have necessarily occupied much time, while the existence of such an unascertained claim must have greatly prejudiced the financial arrangements of the Colony.

The Colony is oppressed by a heavy debt, to a great extent caused by the same circumstances which had led to the Imperial expenditure in the Colony. The magnitude of that debt has raised the taxation of the Colony to more than £6 5s. per head on the entire population, Native and European, while the war has prevented that steady progress of settlement and industry which should have, during the same period, enriched the Colony and increased its resources.

The Colony, moreover, has taken upon itself the entire duties of future internal self-defence, thus relieving the Imperial Government from the former responsibility, and the Imperial Treasury from the expenses incident to the maintenance of a large military force in New Zealand.

It appeared to me that, under these circumstances, the Imperial Government might properly consent simultaneously with the removal of the troops, the installation of a new Governor, and the establishment of a complete system of self-reliance, to close these accounts by a mutual release, waiving the claim which they consider might be established against the Colony.

In this view Her Majesty's Government concur; I have accordingly communicated with Mr. Fitzherbert, who has assented thereto, and I enclose a copy of the letter in which the decision was conveyed to Mr. Fitzherbert, and a copy of his

reply adopting the arrangement, thus finally disposing of these long pending matters.

I have, &c.,

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government
of New Zealand.

Enclosure 1 in No. 40.

Sir F. ROGERS to Mr. FITZHERBERT.

SIR,—

Downing Street, 28th March, 1868.

I am directed by the Duke of Buckingham and Chandos to inform you that Her Majesty's Government have had under their consideration the claims advanced on behalf of the British Treasury against the Government of New Zealand, and the counter-claims put forward by Major Richardson in respect to the cost of military operations in that Colony.

It appears to them that a careful scrutiny of these claims would result in establishing a considerable balance as due to the British Treasury. But they are aware that this scrutiny could not be effected without protracted correspondence between this country and New Zealand; and at a time when the Colony has adopted the entire responsibility for its own military protection, and is endeavoring to contract a loan of unusual magnitude, they are unwilling to defer a settlement which may assist you materially in negotiating that loan.

Having reference, therefore, to Mr. Stafford's Memorandum of the 7th November last, by which the Duke of Buckingham and Chandos was informed that you were proceeding to England with a view to "the settlement of all claims between the Imperial Government and the Colonial Government," His Grace desires me to ask whether you are prepared, on behalf of the Government of New Zealand, to abandon all claims on the Home Government in respect to any expenditure arising out of military operations or connected with military defence, and particularly all claims included in or resulting from either of the statements of account put forward by Mr. Commissary-General Jones and Major Richardson, on condition of a similar abandonment on the part of the Imperial Government.

If this should be the case, Her Majesty's Government are prepared to agree to a settlement on these terms. But it must be understood that if a prompt settlement cannot be thus effected Her Majesty's Government retain the right to pursue the investigation which has been commenced, and to claim the balance which on that investigation shall be found to be justly due.

I have, &c.,

W. Fitzherbert, Esq.

FREDERIC ROGERS.

Enclosure 2 in No. 40.

Mr. FITZHERBERT to Sir F. ROGERS.

SIR,—

Oxford and Cambridge Club, Pall Mall, 30th March, 1868.

I have the honor to acknowledge the receipt of your letter of the 28th instant, in which I am informed that the Duke of Buckingham and Chandos desires you to ask whether, having reference to my mission to England with a view to "the settlement of all claims between the Imperial Government and the Colonial Government," I am prepared on behalf of the Government of New Zealand to abandon all claims on the Home Government in respect to any expenditure arising out of Military operations or connected with Military Defence, and particularly all claims included in or resulting from either of the statements of account put forward by Mr. Commissary-General Jones and Major Richardson, on condition of a similar abandonment on the part of the Imperial Government.

Upon a careful review of the whole circumstances of the case—having regard to the various points at issue which have been urged on either side at the several interviews which I have had with His Grace on this subject, and recognizing the advantage which a prompt and conclusive settlement of these long outstanding claims is calculated to confer on the Colony just now, when it is about to enter upon large financial operations—I am of opinion that I shall be consulting the best interests of the Colony by acceding to the terms suggested in your letter.

I therefore request you to be good enough to convey to His Grace my definite acceptance, on behalf of the Government of New Zealand, of the proposal of Her Majesty's Government as expressed in your letter.

I have, &c.,

Sir Frederic Rogers, Bart., &c.

WILLIAM FITZHERBERT.

No. 41.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 40.)

SIR,—

Downing Street, 11th April, 1868.

I have to acknowledge the receipt of Sir G. Grey's Despatch No. 1, of 13th January, forwarding a Petition to the Queen from a large number of the inhabitants of Otago, in which they pray for the separation of the Northern and Middle Islands of New Zealand.

I have to instruct you to inform the petitioners that I have been unable to advise Her Majesty to comply with the prayer which the Petition contains.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 42.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 50.)

SIR,—

Downing Street, 11th May, 1868.

I have the honor to acknowledge the receipt of your Despatch No. 18, of the 7th March, with its enclosures.

I have read this Despatch with interest, and am glad to observe the success which has attended the mediation of your Government in averting a threatened collision between the hostile tribes of the Maoris.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 43.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 51.)

SIR,—

Downing Street, 11th May, 1868.

I have to acknowledge the receipt of your Despatch No. 14, of 3rd March, written with reference to mine of 12th November last, No. 70, on the subject of the petitions of certain Maoris, relating to their claim to a block of land at Rangitikei.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 44.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 53.)

SIR,—

Downing Street, 17th May, 1868.

I have to acknowledge the receipt of your Despatch No. 17, of the 6th March, on the subject of the expected arrival of His Royal Highness the Duke of Edinburgh.

I much regret the great disappointment which must have been caused to yourself and to all classes of Her Majesty's subjects in New Zealand by the atrocious though happily unsuccessful attempt upon the life of His Royal Highness, by which the desire of Her Majesty that one of her sons should visit the Colony has been frustrated.

The Queen has had much satisfaction in acknowledging, as personally grateful to herself, those demonstrations of loyal enthusiasm with which His Royal Highness has been received in every British community which he has visited.

Her Majesty is well assured that an equal loyalty would have marked His Royal Highness's reception by her loyal subjects in New Zealand.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 45.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 54.)

SIR,—

Downing Street, 18th May, 1868.

I transmit to you the copy of a letter addressed by the President of the Melbourne Chamber of Commerce to the Governor of Victoria, and forwarded to

me by Sir J. Manners Sutton, suggesting that the Auckland Islands and other uninhabited islands lying in the track of trading or passenger ships, should be occasionally visited by Her Majesty's ships, and by those belonging to other Powers, and that depôts of provisions should be established on the islands for the subsistence of the crews of wrecked vessels.

I also annex copies of a correspondence between this Department and the Admiralty on the subject.

As the Auckland Islands are now attached to the Colony of New Zealand under the Act of Parliament, 26 Victoria, cap. 23, it rests with the Government of that Colony to take what steps are required in the matter mooted by the Melbourne Chamber of Commerce, so far as regards the provision of food or shelter for persons who may be shipwrecked on the islands.

I enclose the copy of a letter which I have received from Mr. Charles Enderby, giving certain information respecting the Auckland Islands, and offering his services in the selection of a suitable spot for the establishment of a provision depôt.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

Enclosure 1 in No. 45.

Mr. President MARTIN to Sir J. H. F. MANNERS SUTTON.

Chamber of Commerce,

Melbourne, 1st February, 1868.

SIR,—

I do myself the honor, on behalf of the Committee of the Melbourne Chamber of Commerce, to ask, that your Excellency will be good enough to represent to the Imperial authorities the advisability of issuing instructions to Commanders of Her Majesty's ships visiting these seas, or to the Commodores on the Australian and New Zealand Stations, to avail themselves of any opportunity which may offer to examine any of the uninhabited or even sparsely peopled islands and rocks lying in the ordinary tracks of passenger ships or trading vessels, and on which shipwrecked persons may by possibility be found.

I need scarcely say that the recent discovery of the lamentable shipwreck of the "General Grant," and the protracted sufferings of the survivors, for eighteen months, on the inhospitable Auckland Islands (the second occurrence of the kind), has directed the attention of the Chamber to the necessity of remedial or preventive measures being adopted, in order to avert similar calamities in future. The Chamber are anxious to secure the periodical examination of those islands which are most likely to be the scene of shipwrecks, once at least in every six months, and they very respectfully suggest that instructions should be given to that effect, and that the vessels detached for the service from either of the Naval Stations should carry materials for erecting iron huts, and should also have orders to deposit in each place a *cache* of provisions and necessaries for castaways, or examine deposits previously made. The Committee of the Chamber of Commerce, with great deference, conceive that these services might be rendered more efficiently by Her Majesty's ships than by any other means, and that the additional duties might be performed without entailing additional expense upon the Admiralty.

The Committee would further respectfully suggest that Her Majesty's Government should communicate with the Government of His Imperial Majesty the Emperor of the French, and with the Government of America, with a view to obtain their co-operation in carrying out the above suggestion.

I have, &c.,

B. MARTIN,

President.

His Excellency Sir J. H. T. Manners Sutton, K.C.B., &c.

Enclosure 2 in No. 45.

Sir F. ROGERS to the SECRETARY to the ADMIRALTY.

Downing Street, 3rd April, 1868.

SIR,—

I am directed by the Duke of Buckingham and Chandos to transmit to you, for the consideration of the Lords Commissioners of the Admiralty, the copy of a Despatch from the Governor of Victoria, with a letter from the Chairman of the Committee of the Melbourne Chamber of Commerce, suggesting, with reference to the case of the wreck of the "General Grant," on the Auckland Islands, a periodical visitation by Her Majesty's ships, and by those of other Powers, of uninhabited islands which lie in the track of passenger ships and trading vessels.

I am, &c.,

F. ROGERS.

The Secretary to the Admiralty.

Enclosure 3 in No. 45.

Mr. C. ENDERBY to the UNDER SECRETARY of STATE, Colonial Office.

Royal Institution, 14th April, 1868.

SIR,—

The recent melancholy shipwrecks which have occurred on the Auckland Islands, which, it is to be feared, may be more frequent from the daily increasing communication with Australia and New

Zealand, induces me to lay before you a few observations respecting that group of islands, where I resided as Lieutenant-Governor for three and a half years.

Having been given to understand that it was in contemplation to form a dépôt of provisions on the Auckland Islands, I addressed a letter to the Admiralty, stating therein the capabilities of those islands to afford within themselves the means of subsistence to any number of persons who might unfortunately be cast away thereon: with the difficulties, however, they might experience in obtaining the pigs, catching the fish, &c., &c., as well from the inability persons might experience (without a boat) in passing from one island to another (as from other causes), and have pointed out the means by which they could do so.

I also pointed out that it would be useless turning out any rabbits or poultry on Auckland Island (the principal island of the group), since there are a number of wild dogs and hawks, which would doubtless prevent any successful multiplication of them.

As the islands are occasionally visited by Colonial and American whaling and sealing vessels, it is to be feared that if it be made known that a store of provisions has been placed on the Auckland Islands, they will be plundered.

Having said so much, I would observe that the islands are more than capable of being made self-supporting—that cattle and sheep may be placed on Enderby, Adams, Ewing, Rose, and Ocean Islands, where there were no wild dogs in 1853, and where they thrive admirably, without it being necessary to provide them with shelter or food during any period of the year. There are also a number of hair seals, the oil and skins of which are capable of being turned to great advantage, but the taking them would render a hatch boat necessary. The soil is a deep vegetable mould, from twelve to fourteen feet in depth, and I feel quite certain that persons acquainted with such virgin land would not only be able to grow potatoes and other vegetables for consumption, but for exportation.

The islands are by no means unhealthy, the summer not being so warm or the winter so cold as in England, and the only illness experienced by the people under me residing on shore (numbering about two hundred, including New Zealanders) arose from rheumatism. The winds are boisterous, and the gales are often of long continuance; and the rainfall probably exceeds that in this country.

As a proof of my confidence in the resources of the islands and their capabilities, I beg to tender my services to go to the Auckland Islands and to remain there for three or four months, or longer if necessary, for the object of pointing out places where it would be desirable to commence cultivation, and the spots where provisions are to be found.

The advantages to be anticipated by the Government in accepting my offer would be, that on my arrival in New Zealand, so soon as it became known that I purposed visiting those islands for the object of establishing a settlement which was to be periodically visited, I feel sure that very many of those persons who were with me, and who, I believe, are now located in New Zealand, would be willing to purchase of the Government land, or would recommend others to do so, when all further expense on the part of the Government would be avoided.

I have, &c.,

The Under Secretary of State, Colonial Office.

CHAS. ENDERBY.

Enclosure 4 in No. 45.

Mr. ROMAINÉ to the UNDER SECRETARY of STATE, Colonial Office.

SIR,—

Admiralty, 9th April, 1868.

With reference to your letter of the 3rd instant, and its enclosures, from the Governor of Victoria, proposing that the Auckland Islands and other islands off the coast of New Zealand should be visited periodically by Her Majesty's ships, 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 my Lords will send instructions to the Commodore on the Australian station to cause these various islands to be visited from time to time by one of the ships of the squadron under his orders.

With regard to the proposal to establish huts and *caches* on those islands, with provisions for shipwrecked mariners, my Lords consider that they should be established from Colonial funds, the Admiralty having no funds at their disposal for such a purpose.

I have, &c.,

The Under Secretary of State, Colonial Office.

W. G. ROMAINÉ.

No. 46.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 55.)

SIR,—

Downing Street, 18th May, 1868.

I have to acknowledge the receipt of your Despatch No. 15, of 5th March.

I learn from it with much regret that the Colony has suffered so severely from floods and hurricanes.

Although the responsibility for the management of the Natives is now transferred to the Colonial Government, the state and condition of this portion of the inhabitants of the Colony has in no way lost its interest, and I shall receive with much pleasure the information which you are collecting respecting the state and prospect of that remarkable race.

I observe with satisfaction that appearances of disturbances have been promptly met by local forces.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 47.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 58.)

SIR,—

Downing Street, 30th May, 1868.

I have to call your attention to your predecessor's Despatch No. 30, of 4th April, 1867, enclosing a Memorandum from his Responsible Advisers, in which they declined to accede to the conditions on which it was proposed by Her Majesty's Government that one regiment of Imperial Forces should be left in New Zealand.

I have also to refer you to my Despatch No. 29, of 1st June, 1867, in which I informed Sir George Grey that further instructions would be sent to him regarding the ultimate destination of the regiment then remaining.

I have now to inform you that the services of that regiment will be required in the Australian Colonies for the purpose of relieving one of the regiments now stationed there.

The opportunity will be taken of the presence of the "Himalaya," transport ship, in the Australian seas, for effecting the transfer of the 18th Regiment to New South Wales, which may be expected to take place about the end of September.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 48.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 60.)

SIR,—

Downing Street, 30th May, 1868.

I have to inform you that I have been in communication with the General Post Office and the Peninsular and Oriental Steam Navigation Company, with the view of obviating the inconvenience occasioned by the absence of any provision for the transmission of telegrams between Point de Galle and the Australian Colonies.

The Postmaster-General having stated that he was aware of no objection to Colonial Governments making their own arrangements with the Peninsular and Oriental Company for the conveyance of these telegrams, I requested the Company to enable me to inform the several Australian Governments to what officer on board their vessels the Directors would propose to entrust the charge of the telegrams, and what would be the demand which would be made for their conveyance.

I transmit to you a copy of a letter which has been received from the Company in answer, enclosing one from the General Post Office. From this you will learn that the Directors propose to instruct the pursers of the Company's steamers on the Ceylon and Australian line to take charge of the telegrams which may be put on board, in conformity with the terms specified by the Postmaster-General, and that neither the Company nor the pursers will require any remuneration for this service.

I request that you will take the necessary steps for giving publicity to this arrangement in the Colony under your Government.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

Enclosure in No. 48.

Mr. HOWELL to Sir F. ROGERS.

Peninsular and Oriental Steam Navigation Company's Offices,

122, Leadenhall Street, London, 19th May, 1868.

SIR,—

With reference to your letter of the 6th instant, and its enclosure, and to previous correspondence respecting the conveyance of telegraphic messages between Point de Galle and the Australian Colonies by this Company's steamers, I have the honor to acquaint you, for the information of the Duke of Buckingham and Chandos, that in order to obviate the likelihood of any misunderstanding with the Post Office authorities, the Directors thought it advisable to submit the question to the Postmaster-General for any suggestions on points of detail which might occur to His Grace.

In transmitting herewith copy of the reply received from the General Post Office, I beg to state that the Directors purpose to forward instructions by the mail of Friday next to the Pursers of the

Company's steamers on the Ceylon and Australian line, to receive, take charge of, and deliver all telegrams which may be put on board conformably with the terms specified by the Postmaster-General.

Neither the Company nor their Pursers will require any remuneration for this service.

The Government and community of South Australia will, of course, need to make their own arrangements for the transfer of their telegrams to and from the mail steamers at King George's Sound.

Sir F. Rogers, Bart., &c.

I have, &c.,

C. W. HOWELL, Secretary.

Sub-Enclosure in No. 48.

Mr. TILLEY to Mr. HOWELL.

SIR,—

General Post Office, 18th May, 1868.

Having submitted to the Postmaster-General your letter of the 12th instant, and its enclosures, I am directed to request that you will state to the Directors of the Peninsular and Oriental Company, that in his Grace's opinion all telegrams—that is, messages intended to be sent from Galle by the Electric Telegraph, put on board their packets in the Australian ports otherwise than in the mails, should be required to be sent open, so that the Pursers, in whose charge it is proposed that they should be placed, may see that they are really telegrams as they profess to be.

Telegrams in the opposite direction—that is, messages that have been sent as far as Galle by the Electric Telegraph, and are intended to be forwarded to Australia otherwise than in the mails, should of course, be received by the Pursers only from the officers of the Telegraph Company; and if this be done, and if they are in covers showing that they are telegrams, the illegal transmission of letters may, it would seem, be prevented.

C. W. Howell, Esq., Secretary, Peninsular and Oriental
Steam Navigation Company (Limited).

I am, &c.,

J. TILLEY.

No. 49.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 62.)

SIR,—

Downing Street, 2nd June, 1868.

I have the honor to acknowledge the receipt of your Despatch of the 27th March, reporting your arrival at Auckland, and the proceedings which took place on the occasion.

I beg leave to congratulate you on the favourable reception which you met with from all classes of the community.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 50.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(Separate.)

SIR,—

Downing Street, 12th June, 1868.

With reference to your Despatch No. 3, of the 7th of February last, enclosing a Memorandum by your Responsible Advisers, raising objections to certain clauses in the Royal Instructions which accompanied the Queen's Commission appointing you Governor of New Zealand, I have the honor to transmit to you Additional Instructions, under the Royal Sign Manual and Signet, for dispensing with the attendance before the Executive Council of the Judge who may have presided at the trial of any offender condemned to death.

May 30th, 1868.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

Enclosure in No. 50.

ADDITIONAL INSTRUCTIONS to Our trusty and well-beloved Sir GEORGE FERGUSON BOWEN, Knight Grand Cross of Our most distinguished Order of Saint Michael and Saint George, Our Governor and Commander-in-Chief in and over Our Colony of New Zealand, or, in his absence, to Our Lieutenant-Governor or the Officer administering the Government of Our Colony for the time being.

Given at Our Court, at Balmoral, this thirtieth day of May, One thousand eight hundred and sixty-eight, in the thirty-first year of Our reign.

WHEREAS We did, by Our Instructions of the fourteenth day of November, One thousand eight hundred

and sixty-seven, under Our Sign-Manual and Signet, direct and enjoin that the Judge who presided at the trial of any offender who shall have been condemned to suffer death by the sentence of any Court within Our Colony of New Zealand, shall be specially summoned to attend at the first meeting thereafter which may conveniently be held of Our Executive Council of the said Colony. And whereas it may be inconvenient to require the attendance of such Judge, and tend to create delay in the consideration of the cases of offenders so condemned to death as aforesaid, and it is expedient that such inconvenience and delay should be prevented. Now therefore We do, by these Our additional instructions under Our Sign-Manual and Signet, declare Our will to be that it shall not be necessary to summon the Judge who presided at the trial of any offender who shall have been condemned to death to attend at the meeting of Our said Executive Council, and that you shall, if you think fit, proceed as directed by the said recited Instructions without the attendance of such Judge.

Additional Instructions to Sir George Ferguson Bowen, G.C.M.G.,
Governor and Commander-in-Chief, New Zealand.

No. 51.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 65.)

SIR,—

Downing Street, 12th June, 1868.

I have the honor to acknowledge the receipt of your Despatch No. 23, of the 18th of March last.

I have read with much interest Mr. Hall's Memorandum respecting the working and probable effects of the County of Westland Act, 1867, as well as the other papers transmitted in your Despatch.

On the subject of the Westland Act, I beg to refer you to my Despatch No. 20, of the 25th February last.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 52.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 66.)

SIR,—

Downing Street, 12th June, 1868.

I have received from the Superintendent of Otago a letter, dated the 24th of March last, expressing the sympathy of the people of that Province with Her Majesty on the occasion of the attempt upon the life of His Royal Highness the Duke of Edinburgh.

I have also received from the Deputy-Superintendent of the Province of Southland a letter, dated the 24th of March last, enclosing Resolutions passed on the occasion of a public meeting of the inhabitants of that Province.

I have further to acknowledge the receipt of a letter from Mr. S. Gibbs, Mayor of the town of Oamaru, dated 31st of March, enclosing the copy of an Address from the inhabitants of that town to His Royal Highness the Duke of Edinburgh.

I am commanded to instruct you to assure the inhabitants of New Zealand that Her Majesty cordially appreciates the spirit of loyalty to the British Crown, and of attachment to the person and family of the Sovereign, displayed in the Addresses which you have transmitted to me.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 53.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 67.)

SIR,—

Downing Street, 12th June, 1868.

I have received your Despatch No. 22, of 17th March, furnishing much valuable information respecting the present condition of the Native Inhabitants of New Zealand, and forwarding a map which shows the distribution of the tribes, with a statement of their estimated numbers.

I view with pleasure the steps which you have taken to obtain early and complete information on matters connected with Native affairs, and I earnestly hope with you that the measures now in progress may arrest the decay of the Maori race.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 54.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 68.)

SIR,—

Downing Street, 13th June, 1868.

I have to acknowledge the receipt of your Despatch No. 26, of the 2nd April, reporting the feelings of indignation excited in New Zealand by the intelligence of the attempted assassination of His Royal Highness the Duke of Edinburgh.

I have also received your Despatch No. 28, of 4th April, enclosing an Address to the Queen, and the copy of an address to His Royal Highness which were adopted at a public meeting held at Auckland.

I am commanded to instruct you to assure the Inhabitants of New Zealand, that Her Majesty cordially appreciates the spirit of loyalty to the British Crown, and of attachment to the person and family of the Sovereign, displayed in the Addresses which you have transmitted to me.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 55.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 69.)

SIR,—

Downing Street, 29th June, 1868.

I have received your Despatch No. 16, of 5th March, enclosing a memorandum prepared by the Colonial Secretary, and a case drawn up by the Attorney-General of New Zealand, on the subject of the reappointment of Executive Councillors.

I am advised that the proper course was pursued in reappointing and reswearing the members of the Executive Council.

I shall be obliged if you will forward to me a copy of the instrument of appointment of a member of the Executive Council, as there is no form in this office.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 56.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 73.)

SIR,—

Downing Street, 7th July, 1868.

I have to acknowledge the receipt of your Despatch No. 32, of 29th April, enclosing an account extracted from a local newspaper of the proceedings which took place on the occasion of your public reception at Onehunga, near Auckland.

I have to express my satisfaction at the cordial character of your reception.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 57.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 74.)

SIR,—

Downing Street, 8th July, 1868.

I have to acknowledge the receipt of your Despatch No. 37, of 4th May, furnishing an interesting report of your visit to the Bay of Islands.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 58.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 75.)

SIR,—

Downing Street, 15th July, 1868.

I have to acknowledge the receipt of your Despatch No. 31, of 28th April, enclosing further Addresses to the Queen from various parts of New Zealand, on the subject of the attempted assassination of His Royal Highness the Duke of Edinburgh.

I am commanded to instruct you to assure the subscribers of those Addresses, that Her Majesty cordially appreciates the spirit of loyalty to the British Crown, and of attachment to the person and family of the Sovereign, displayed in them.

Her Majesty has read with much gratification the letter circulated by the Waikato Chief on this occasion.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 59.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 76.)

SIR,—

Downing Street, 16th July, 1868.

I have to acknowledge the receipt of your Despatch No. 29, of 14th April, reporting your visit to the Thames Gold Field and to the Town of Shortland, and enclosing a copy of the address which you delivered at the Native meeting at Ohinemuri.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen G.C.M.G.

No. 60.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 77.)

SIR,—

Downing Street, 29th July, 1868.

I have received, through the Governor of New South Wales, Addresses to His Royal Highness the Duke of Edinburgh, from the Inhabitants of Westport and Nelson, in New Zealand, on the occasion of the attempted assassination of His Royal Highness at Sydney.

I have also received from Mr. Vincent Pyke a letter, dated 18th of April, from Dunedin, enclosing a congratulatory Address to His Royal Highness from the Office-bearers and Members of "The Thistle" Lodge of Freemasons, at Westport.

These Addresses, together with the copy of the Address from the Inhabitants of Auckland, enclosed in your Despatch No. 28, of April 4th, have been laid before His Royal Highness, who has desired me to convey to those who signed them his thanks for these expressions of their sympathy.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 61.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 81.)

SIR,—

Downing Street, 1st August, 1868.

I have received and laid before Her Majesty the various Despatches in which you describe the anxiety felt by the European and Native inhabitants of New Zealand to give a suitable welcome to His Royal Highness the Duke of Edinburgh, and transmit the expressions of their regret at the misfortune which has deprived them of the opportunity of doing so.

I have much pleasure in informing you that the Duke of Edinburgh returned to this country in perfect health, and that it is the intention of Her Majesty that he shall hereafter resume the tour which was so unhappily interrupted. It is probable in this case that His Royal Highness will proceed in the first instance however to India; and you may be assured that he will, in the absence of some insuperable obstacle, not fail to accomplish his contemplated visit to New Zealand. I shall have the honor at a later period of communicating to you the arrangements of His Royal Highness.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 62.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 85.)

SIR,—

Downing Street, 5th August, 1868.

I have to acknowledge the receipt of your Despatch No. 39, of 15th May, forwarding accounts contained in the local journals of your reception at Otahuhu, a town in the neighbourhood of Auckland.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 63.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 87.)

SIR,—

Downing Street, 7th August, 1868.

I have received your Despatch No. 45, of 2nd June, reporting your return from an official tour in the Waikato district.

I have to express my satisfaction at the character of the reception which you met with in the course of your tour.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 64.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 88.)

SIR,—

Downing Street, 8th August, 1868.

I have the honor to acknowledge the receipt of your Despatch No. 43, of the 29th May, forwarding further Addresses to the Queen on the occasion of the attempted assassination of His Royal Highness the Duke of Edinburgh, from various places in New Zealand.

I am commanded to instruct you to assure the subscribers of these Addresses that Her Majesty has derived much satisfaction from the spirit of loyalty, and of attachment to her person and family, which they display.

I notice with gratification the instance of good feeling which you mention on the part of the Arawa Tribe, in making a road for the convenience of His Royal Highness in anticipation of his visit.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 65.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 90.)

SIR,—

Downing Street, 10th August, 1868.

I have received through Mr. Duncan McArthur, Clerk of the Council, an Address to the Queen from the Provincial Council of Southland, on the occasion of the attempted assassination of His Royal Highness the Duke of Edinburgh.

I have also received a Despatch from the Superintendent of Otago, dated 5th June, forwarding a copy of Resolutions and an Address to Her Majesty, adopted at a public meeting of the Citizens of Dunedin, held upon the Anniversary of Her Majesty's Birthday, with a copy of a local newspaper containing an account of the proceedings on the occasion.

I am commanded to instruct you to assure the Inhabitants of Southland and Dunedin that Her Majesty has received with much gratification these expressions of their loyal sentiments.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

No. 66.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to Governor
Sir G. F. BOWEN, G.C.M.G.

(No. 91.)

SIR,—

Downing Street, 10th August, 1868.

I have recently received several communications from the Provinces in New Zealand otherwise than through yourself.

I request that you will call the attention of the Superintendents of Provinces to the 217th and following Colonial Regulations, and inform them that it will not be possible for me to take notice of communications forwarded to me otherwise than as the Regulations require.

I have, &c.,
BUCKINGHAM AND CHANDOS.

Governor Sir G. F. Bowen, G.C.M.G.

Enclosure in No. 66.

217. Persons in a Colony, whether public functionaries or private individuals, who have any representations of a public or private nature to make to Government, should address them to the Governor of the Colony; or, if the Colony be a dependency of a Governor-in-Chief, then to the officer in the immediate administration of its Government.

218. The duty of the Governor or Administrator of the Colony is to receive and act upon each such representation as public expediency or justice to the individual may appear to require, with the assistance in certain cases of his Executive Council; and if he doubts what steps to take thereupon, or if public advantage may appear to require it, to consult or report to the Secretary of State. Every individual has, however, the right to address the Secretary of State, if he thinks proper. But in this case he must transmit such communication, unsealed, and in triplicate, to the Governor or Administrator, applying to him to forward it in due course to the Secretary of State.

219. Every letter, memorial, or other document, which may be received by the Secretary of State from a Colony otherwise than through the Governor, will, unless a very pressing urgency justifies a departure from the rule, be referred back to the Governor for his report.

220. This rule, requiring transmission of correspondence with the Secretary of State through the Governor, is based on the strongest grounds of public convenience, in order that all communications may be duly verified, as well as reported on, before they reach the Secretary of State. It extends, therefore, to communications relating to public affairs as well as the concerns of the writer; to those of all public functionaries of whatever rank; and to those from public bodies.

221. Petitions addressed to the Queen, or the Queen in Council, memorials to public officers or Boards in Her Majesty's Government, &c., must be in like manner sent to the Governor for transmission home.

222. The Governor is bound to transmit to the Secretary of State every communication so received by him, accompanied by such report as its contents may appear to him to require.

223. He is to do this with all reasonable despatch, consistently, however, with the delay requisite for the preparation of such report.

