

# FURTHER DESPATCHES

FROM

THE RIGHT HON.

THE SECRETARY OF STATE FOR THE COLONIES

TO THE

GOVERNOR OF NEW ZEALAND,

*(In continuation of Despatches presented on 15th September, 1871.)*

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

---

WELLINGTON.

—  
1872.



## SCHEDULE OF DESPATCHES

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## DESPATCHES

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

## No. 1.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 69.)

SIR,—

Downing Street, 12th September, 1871.

I transmit to you a copy of a correspondence with the Astronomer Royal, on the subject of a suggestion made by the Governor of Tasmania, that Hobart Town should be selected as a site for the observation of the transit of Venus in 1874.

With regard to Professor Airy's proposal that a station in New Zealand should be adopted, I should be glad to receive your opinion whether there are any reasons for preferring Auckland to Canterbury.

I have, &amp;c.,

KIMBERLEY.

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

## Enclosure 1 in No. 1.

MR. HERBERT to Professor AIRY.

SIR,—

Downing Street, 24th August, 1871.

I am directed by the Earl of Kimberley to transmit to you for your information a copy of a Despatch from the Governor of Tasmania, forwarding a Memorandum from the Colonial Treasurer on the subject of the arrangements for the observation of the transit of the Planet Venus in 1874, with the paper of observations and volume of Proceedings of the Royal Society of Van Diemen's Land, which accompany it.

G. B. Airy, Esq., M.A., F.R.S., Astronomer Royal.

I have, &amp;c.,

R. G. W. HERBERT.

## Enclosure 2 in No. 1.

Professor AIRY to the UNDER SECRETARY, Colonial Office.

SIR,—

Royal Observatory, Greenwich, S.E., 8th September, 1871.

I have the honor to acknowledge your letter of the 24th August, transmitting to me, by instruction of the Earl of Kimberley, copy of a Despatch from the Governor of Tasmania, dated 15th June, and copy of a Memorandum from the Colonial Secretary and Premier of the Colony, dated 14th June, expressing the wish of the authorities of the Colony that Hobart Town might be selected as a station for the observation of the transit of Venus, 1874, together with some printed papers (Results of Meteorological Observations at Hobart Town, by Francis Abbott; and Papers of the Royal Society of Van Diemen's Land, containing Captain Kay's memoir on the longitude of Hobart Town). I retain these enclosures until I shall receive your instructions for the return or other disposal of them, and I have the honor to offer, for the consideration of Earl Kimberley, the following remarks on the general subject:—

2. In order to obtain the desired results from the observation of the transit of Venus, it is necessary to secure one place of observation, or more than one, in the South Australian seas. The most favourable place, in respect of purely geographical and astronomical considerations, is Canterbury, in New Zealand; but, having regard to the possible advantage of fixing on the seat of government, I had proposed to adopt Auckland. As compared with Hobart Town, there is a sensible but not very important difference in favour of Auckland. Canterbury is clearly superior.

3. It does not appear that the authorities of Tasmania have any advantage to offer, except locality and buildings (which may or may not be adapted to the wants of the expedition). It does not appear that they have an observing telescope suitable to our wants. If perfect reliance could be placed on the determination of geographical longitude, a great labour would be spared to the expedition for the transit of Venus; but I doubt whether the longitude can thus be accepted, for the following reason:—The best part of Captain Kay's determination rests on lunar transits, and (in the absence of explanation) I suppose that these were compared with the lower places in the "Nautical Almanac," which were then computed from Buchardt's Tables, known to be sensibly erroneous. I do not think, therefore, that the expedition, if located at Hobart Town, would be exonerated from the labour of itself determining the longitude.

4. My present impression is, therefore, that it will be best to adhere to the proposed adoption of a station in New Zealand, preferring Canterbury, but accepting Auckland if political reasons should be held sufficient for the change; but I should be glad to see Hobart Town occupied by a party of observers, its value for the astronomical purposes being not very much below that of the New Zealand stations.

The Under Secretary of the Colonial Office.

I have, &c.,  
G. B. AIRY.

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No. 2.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 25th September, 1871.

With reference to my Circular Despatch of the 17th of October last, I transmit to you a copy of an Act passed in the last Session of Parliament “to amend the Vaccination Act, 1867.” This Act (which adds very considerably to the efficacy of the law on the subject) embodies the recommendations of the Select Committee of the House of Commons, with the exception of the recommendation that whenever in any case two penalties or one full penalty have been imposed upon a parent for neglecting to have his child vaccinated, no further penalty should be imposed in respect of the same child, which was not adopted by Parliament.

I also annex a copy of that Report and the Minutes of Evidence taken by the Committee.

The evidence will repay perusal. You will see that the persons who oppose the practice of vaccination were given a full opportunity of putting forward their views; but that the result of the whole is strongly to confirm the opinions of those who maintain that nothing has been adduced to impair confidence in vaccination as a protection against small-pox; and that the advantages derived from vaccination amply justify the adoption of coercive measures against those who, by refusing to participate in its benefits, endanger the health of the community at large.

The Officer Administering the Government  
of New Zealand.

I have, &c.,  
KIMBERLEY.

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Enclosure 1 in No. 2.

VACCINATION ACT (1867) AMENDMENT. [CH. 98.]

AN ACT to amend “The Vaccination Act, 1867.” [21st August, 1871.]

BE IT 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:—

*Preliminary.*

1. This Act may be cited as “The Vaccination Act, 1871.”
2. This Act, except as hereinafter expressly provided, and except so far as relates to the formation of any districts, or the making of any rules, orders, or regulations, shall come into operation on the first day of January, one thousand eight hundred and seventy-two, which day is in this Act referred to as the commencement of this Act.
3. This Act shall be construed as one with the Vaccination Act of 1867, in this Act referred to as the principal Act, and those Acts and this Act may be cited together as “The Vaccination Acts, 1867 and 1871.”
4. In this Act the term “parent” includes any person having the custody of a child.

*Vaccination Officer.*

5. Whereas under the principal Act the guardians of any union or parish may pay any officer appointed by them to prosecute persons charged with offences against that Act or otherwise to enforce its provisions, and it is expedient to render obligatory the appointment of such an officer: Be it enacted that the guardians of every union and parish shall appoint and pay one or more of such officers (in this Act referred to as “Vaccination Officers”).

The provisions of the principal Act with respect to the division of unions and parishes into vaccination districts shall extend to authorize the division of such unions or parishes into districts for the purpose of the duties of Vaccination Officers, so however that a district of one Vaccination Officer shall (unless the Poor Law Board otherwise direct) coincide either with a vaccination district or districts under the principal Act, or with a district or districts of a Registrar of Births and Deaths.

Subject to the provisions of this Act, the Poor Law Board shall have the same powers with respect to guardians and Vaccination Officers in matters relating to vaccination, as they have with respect to guardians and officers of guardians in matters relating to the relief of the poor, and may make rules, orders, and regulations accordingly; and all enactments relating to such powers, and to such orders, rules, and regulations, shall apply *mutatis mutandis*; and the Poor Law Board shall also from time to time frame, provide, and distribute appropriate books and forms for the use of vaccination officers, public vaccinators, and medical practitioners under the principal Act and this Act.

6. The Vaccination Officer shall perform all the duties imposed by the principal Act on the Registrar of Births and Deaths, except the duty of giving the notices mentioned in section 15 of the principal Act, and the principal Act shall be construed as if the words "Vaccination Officer" were substituted for the words "Registrar of Births and Deaths" throughout that Act, except section 15 and any other part of that Act relating to that section, and except that all fees received by the Vaccination Officer as such shall be accounted for to the guardians and paid to the fund out of which the expenses of the guardians under the principal Act are paid.

7. Every certificate of a child being unfit for or insusceptible of successful vaccination, if given by a Public Vaccinator, shall, instead of being delivered by him to the parent, be transmitted by such Public Vaccinator, and if given by any other medical practitioner, shall be transmitted by the parent of such child, to the Vaccination Officer, in like manner as if it was a certificate of successful vaccination, and within seven days after the examination of the child upon which such certificate is founded, and the Public Vaccinator shall, upon request, and without fee or charge, deliver to the parent a duplicate of any such certificate transmitted by him.

Every certificate of successful vaccination shall be transmitted within seven days after it is ascertained that the operation has been successfully performed; and where a medical practitioner who is not a public vaccinator inspects a child to ascertain the result of the operation of vaccination, such medical practitioner, as soon as he has ascertained that the operation has been successfully performed, shall deliver to the parent causing the child to be vaccinated, a certificate of successful vaccination, in the proper form, and duly filled up and signed by him.

Every person who acts in contravention of or fails to comply with any provision of this section, shall be liable on summary conviction to a penalty not exceeding twenty shillings; and every person who wilfully signs a false certificate or duplicate under this section shall be guilty of a misdemeanour, and be liable to fine or to imprisonment with or without hard labour for a period not exceeding two years.

No fee shall be payable for the registration of any certificate of vaccination under the principal Act or this Act.

8. Every Registrar of Births and Deaths for any place shall, once at least in every month, transmit, by post or otherwise, to each Vaccination Officer whose district is wholly or partly comprised in such place, a return, certified under the hand of the Registrar to be a true return, of all births and of all deaths of infants under twelve months of age which have, since the date of the last return (or in the case of the first return, since the passing of this Act), been registered by such Registrar as having occurred in the district of the Vaccination Officer to whom the return is sent.

The Registrar shall, whether he is or is not also the Vaccination Officer, be entitled to a fee of twopence for every birth or death entered in such return; and such fee shall be paid to him out of the same funds and by the same persons, and in the like manner as the fees for giving the notices under section fifteen of the principal Act.

The returns under this section shall be made in such form and contain such particulars as may be from time to time prescribed by the Registrar-General of Births and Deaths in England, with the approval of the Poor Law Board; and forms necessary for such purpose and for the purpose of the principal Act shall be supplied by the said Registrar-General to every Registrar of Births and Deaths.

9. Where the operation of re-vaccinating any person is performed on the application of such person by the Public Vaccinator without charge to such person, the Public Vaccinator shall deliver to such person a notice requiring him to attend at the same place on the same day in the following week, in order that he may be inspected, and the result of the operation ascertained, and stating that in default he will be liable as in this section mentioned, and the Public Vaccinator, if required, shall deliver to the person re-vaccinated a certificate of the result of the operation of re-vaccination; and if such person fail to comply with such notice or to permit the Public Vaccinator or his deputy to ascertain the result of the operation, he shall pay a fee for such re-vaccination of two shillings and sixpence, which fee shall be a debt due from him to the guardians of the union or parish in which such Public Vaccinator acts, and all such fees shall be paid to and all expenses of the guardians incurred under this section shall be paid out of the fund out of which the expenses of the guardians under the principal Act are paid.

#### *Penalties.*

10. Every person who prevents any Public Vaccinator from taking from any child lymph as provided by section seventeen of the principal Act shall be liable, on summary conviction, to pay a penalty not exceeding twenty shillings.

11. Proceedings under section thirty-one of the principal act may be taken and proceeded with with respect to any child who is not within the union or parish for which a Vaccination Officer acts, if either the child or its parent was within such union or parish at the time of the information being given by such Vaccination Officer.

Where any parent of a child fails to produce such child when required so to do by any summons under the principal Act, such parent shall be liable on summary conviction to a penalty not exceeding twenty shillings.

Any complaint may be made and any information laid for an offence under the Vaccination Acts 1867 and 1871, at any time not exceeding twelve months from the time when the matter of such complaint or information arose and not subsequently.

Where a person is charged with the offence of neglecting to take or cause to be taken any child to

be vaccinated, and on the defence made by such person it appears to the Justices having cognizance of the case that such person is not guilty of such offence, but has been guilty of the offence of not transmitting any certificate required by the principal Act or this Act with respect to the vaccination of such child, the Justices may convict such person of the last-mentioned offence in like manner as if he had been charged therewith.

The defendant in any proceedings under the principal Act or this Act, may appear by any member of his family or any other person authorized by him in this behalf.

*Miscellaneous.*

12. Where it appears to the Public Vaccinator of any district, upon personal examination of any child resident in such district who has not been successfully vaccinated by him, that such child has been successfully vaccinated, the Public Vaccinator may, on the request of the parent of such child, grant a certificate to that effect, and such certificate shall be transmitted and have the same effect as if it were a certificate of successful vaccination by the Public Vaccinator who gave the certificate.

13. Where the medical officer of any board of guardians is in attendance as such medical officer upon a person sick of small-pox, and vaccinates any person who is resident in the same house with the sick person and has never been vaccinated or had the small-pox, or re-vaccinates any person who is resident in the same house with the sick person and has never been re-vaccinated, and is of the age at which successful re-vaccination by a Public Vaccinator is paid for under the regulations of the Lords of Her Majesty's Council for the time being in force, such medical officer shall, upon transmitting the same certificates as he would be required to transmit if he were the Public Vaccinator for the district, be entitled to be paid in respect of every such case of vaccination and re-vaccination the same sum out of the same fund as he would be entitled to receive if he were the Public Vaccinator for the district.

14. The powers of the Poor Law Board, under section nine of the principal Act, with respect to contracts for vaccination entered into under the provisions of that Act, shall extend to contracts for vaccination entered into under the provisions of any other Act.

15. The Poor Law Board may, by order, from time to time repeal, alter, and add to the forms contained in the Schedule to the principal Act, and the reference in the principal Act or this Act to the forms in such Schedule or to any forms shall be construed to refer to the forms prescribed by any such order.

16. After the establishment of the Local Government Board under any Act passed in the present Session, this Act shall be construed as if the words Local Government Board were throughout it substituted for the words Poor Law Board or Lords of Her Majesty's Privy Council respectively.

17. After the commencement of this Act, the principal Act shall be repealed to the extent specified in the third column of the Schedule to this Act: Provided that this repeal shall not affect anything done or suffered before the passing of this Act, or any right, interest, or liability accrued before the passing of this Act, or any remedy or proceeding in respect of any such thing, right, interest or liability.

SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
30 and 31. Vict. c. 84	The Vaccination Act of 1867	Section fourteen; so much of section twenty-three "as requires a parent to submit any certificate, or "prescribes the time within which any certificate is "to be transmitted;" and the following words in section twenty-four, namely, "and another fee of "threepence in respect of every such child whose "certificate he shall have registered as herein provided, and he shall receive a fee of one penny in "respect of each child whose certificate he shall have "registered without having registered the birth;" and section twenty-seven.

Enclosure 2 in No. 2.

REPORT and MINUTES of EVIDENCE taken by the Committee.  
(See copy in General Assembly Library.)

No. 3.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 10th October, 1871.

A question has recently been raised as to what constitutes a sufficient proclamation of the Foreign Enlistment Act of 1870 within the meaning of the 3rd section thereof.

In some Colonies the Act has merely been published in the Colonial Official *Gazette*, but the Law Officers of the Crown, to whom the matter was referred, have stated that such publication would not in their opinion be a sufficient proclamation.



I have to instruct you, therefore, to act in accordance with that opinion, and to make a formal proclamation of the Act if you should not have already done so.

The Officer Administering the Government  
of New Zealand.

I have, &c.,  
KIMBERLEY.

## No. 4.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 70.)

SIR,— Downing Street, 12th October, 1871.

I have read with satisfaction your Despatch No. 67, of the 6th of August, reporting the condition of Native affairs.

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

I have, &c.,  
KIMBERLEY.

## No. 5.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 73.)

SIR,— Downing Street, 20th October, 1871.

You are aware that for some time past the Government of South Australia has been endeavouring to obtain an alteration in the arrangements with the Peninsular and Oriental Company, with the view of providing for the delivery of the South Australian mails at a port within the Colony.

A correspondence, of which I enclose copies, has lately taken place on this subject between the Governors of New South Wales, Victoria, the General Post Office, the Agent-General of South Australia, and this office.

I have caused Mr. Dutton to be informed, in reply to his letter of the 30th ultimo, that as this is a question affecting the interests of the Australian Colonies generally, it would be manifestly impossible for me to offer any opinion upon it without previously ascertaining the views of those Governments.

I have accordingly to request that you will place yourself in communication with the Governor of South Australia, and that you will inform him whether your Government have any objection to offer to the proposals of the Company as conveyed in their letter to the General Post Office, of the 22nd of September, so far as the proposals affect the Colony under your Government.

I have addressed a similar communication to the Governors of the other Australasian Colonies, and I have requested the Governor of South Australia to forward to me a copy of any communication he may receive from you on the subject.

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

I have, &c.,  
KIMBERLEY.

## Enclosure 1 in No. 5.

Sir F. ROGERS to the GOVERNORS of VICTORIA and NEW SOUTH WALES.

MY LORD,— Downing Street, 30th December, 1870.

The Governor of South Australia has represented to me, in a recent Despatch, that his Colony was desirous of procuring a revision of the postal agreement between Her Majesty's Government and the Peninsular and Oriental Company, so as to provide for the delivery of the South Australian mails at a port within the Colony.

I communicated Sir James Ferguson's Despatch to the Lords Commissioners of the Treasury, and I transmit to you a copy of a letter addressed to their Lordships by the direction of the Postmaster-General, enclosing one from the Peninsular and Oriental Company.

I request that your Lordship will inform me whether your Responsible Advisers desire to offer any objection to the proposal of the South Australian Government.

Governor the Right Honourable Viscount Canterbury, K.C.B.  
Governor the Right Honourable the Earl of Belmore.

I have, &c.,  
F. ROGERS  
(for the Earl of Kimberley).

## Sub-Enclosure 1 to Enclosure 1 in No. 5.

Mr. TILLEY to the SECRETARY to the TREASURY.

SIR,—

General Post Office, 27th December, 1870.

I am directed by the Postmaster-General to return herewith the papers referred to this Department on the 15th ultimo and 15th instant, respecting the desire of the Government of South Australia that some arrangement should be made with the Peninsular and Oriental Steam Navigation Company, to provide for the delivery of the South Australian mails at a port within the Colony, Holdfast Bay being preferred.

Having represented the circumstances of the case to the Company, and inquired whether they were prepared to make the proposed call, and if so on what conditions, Lord Harlington has received from them the reply of which a copy is transmitted with this letter.

In it the Company state that the deviation of the route of their mail packet to Holdfast Bay, would increase the annual mileage performed to the extent of nearly 4,000 miles, adding thereby a considerable sum to the expense of the service, and that they could not undertake it without an additional payment at the same rate per mile as for the existing service. But even on these terms they hesitate to make the change without first ascertaining the feeling of the Colonies of Victoria and New South Wales, which, from their more easterly position, would be injuriously affected by it; and they propose, therefore, to communicate at once with their agents at Melbourne and Sydney.

Some time must necessarily elapse before the result of the Company's inquiries can be learned, and Lord Harlington would suggest that advantage be taken of the interval for asking the Governors of Victoria and New South Wales whether they have any objections to offer to the proposal of South Australia.

The Secretary to the Treasury.

I have, &amp;c.,

JOHN TILLEY.

## Sub-Enclosure 2 to Enclosure 1 in No. 5.

Mr. HOWELL to the SECRETARY of the GENERAL POST OFFICE.

Peninsular and Oriental Steam Navigation Company, 122, Leadenhall Street, E.C.,

SIR,—

London, 20th December, 1870.

I have the honor to acknowledge the receipt of your letter of 2nd instant, No. 131,006, stating that the Government of South Australia is desirous that some arrangement should be made with this Company for the delivery of the South Australian mails at a port within that Colony, and inquiring whether the Directors are willing to undertake this service, and if so on what conditions.

In reply, I am desired to state that the deviation of the Company's steamers to Holdfast Bay, which would, no doubt, be the most convenient plan for the Colonists, would increase the annual mileage performed in the Australian mail service to the extent of nearly 4,000 miles, adding thereby a considerable sum to its expense, while it is the opinion of the Directors that the navigation would involve considerable risks for steamers of the size and draft of water of those employed by the Company. Upon these grounds, therefore, the Directors must demur to the proposal that this additional service should be undertaken without payment to the Company. They would at least require the same rate per mile as for the existing service. But while the proposed deviation would directly involve an increase of some fifteen or twenty hours only at sea on each trip, it must be born in mind that casual delays from making the land at night or in thick weather would not unfrequently be superadded to that disadvantage, so that the length of the mail voyage would often be increased by twenty-four hours, and occasionally by even a longer time. Looking to the importance of the interests in the other colonies, and to the short interval for replies from New South Wales, even under existing circumstances, the Directors feel doubtful whether the detention of the mails inseparable from the proposed arrangement would meet with public approval, and in their uncertainty on that point they would be reluctant to act upon the suggestion contained in your letter. They will, however, communicate with their agents in Sydney and Melbourne, with a view to ascertain what may be the feeling upon the question, and will subsequently do themselves the honor of again addressing you on the subject.

I am to add that although the detour to Kangaroo Island or Victor Harbour would involve the performance of a shorter additional mileage than the deviation to Holdfast Bay, and consequently retard the delivery of the mails in Melbourne and Sydney to a less extent, yet, as the disadvantage would still be considerable, the Directors could not adopt either plan without ascertaining beforehand the opinion of the public of the Colonies.

The Secretary of the General Post Office.

I have, &amp;c.,

C. W. HOWELL, Secretary.

## Enclosure 2 in No. 5.

Viscount CANTERBURY to the Earl of KIMBERLEY.

MY LORD,—

Government Offices, Melbourne, 22nd April, 1871.

No. 117,  
30th Dec., 1870.

I have the honor to inform your Lordship that your Despatch, marked in the margin, was referred by me, as soon as it was received, to my Advisers.

I have this day received a Memorandum (of which a copy is herein enclosed), signed by the Chief Secretary on behalf of himself and his colleagues, explaining clearly their views on the subject referred to in your Lordships Despatch, and expressing an approval of, or at least an acquiescence in, the proposal thereon of the South Australian Government on certain conditions.

I shall be unable, I regret to say, to ascertain myself, before the departure of the mail, whether the South Australian Government acquiesce in these conditions; but your Lordship will understand

that upon those conditions the Government of this Colony is prepared to concur in such an alteration of existing postal arrangements as will provide for the delivery, by the mail steamers of the Peninsular and Oriental Company, under contract to Her Majesty's Government, of the South Australian mails at a port within the Colony.

The Right Hon. the Earl of Kimberley.

I have, &c.,  
CANTERBURY.

### Sub-Enclosure to Enclosure 2 in No. 5.

MEMORANDUM for His Excellency the Right Hon. Viscount Canterbury, K.C.B.

THE Despatch from the Right Hon. the Secretary of State, dated 30th December last, No. 117, inquiring whether the Government of this Colony desires to offer any objection to a proposal of the Government of South Australia, that the Peninsular and Oriental Steam Navigation Company's steam vessels should deliver the inward mails for South Australia at a port within the territories of that Colony, has received careful consideration from your Excellency's Ministers.

Your Excellency will no doubt remember that the question of landing the South Australian mails near Adelaide was one of those discussed by the Intercolonial Conference that assembled at Melbourne in the month of June last, when the following resolution, on the motion of Mr. Barrow, one of the representatives of South Australia, was agreed to by the Conference, and duly entered on the minutes of proceedings:—

“That, in the opinion of this Conference, it is only equitable that the South Australian mails by the Peninsular and Oriental Steam Navigation Company's steamers should be conveyed by them direct to the port of Kangaroo Island, without any additional cost to the Colonies.”

Mr. Hart, on the part of South Australia, at the same time agreed to provide for the safety and quick despatch of the mail steamers.

The above resolution was agreed to by the representatives of the Governments of all the Australian Colonies,—that of Queensland, which did not take part in the Conference, alone excepted,—and also by the representatives of Tasmania; and your Excellency's advisers are still prepared to adhere generally to the terms of it. But since the period when the Conference was held, Lacedpede Bay has been suggested as a port of call that would meet the wishes of the Government of South Australia, and at the same time entail the least delay in the delivery of the remaining Australian mails. To the selection of this port the Government of Victoria would have no objection to offer, provided the extra expense, if any, is undertaken by the Colony of South Australia.

The Despatch of the Earl of Kimberley is returned to your Excellency herewith.

Chief Secretary's Office, Melbourne, 22nd April, 1871.

JAMES McCULLOCH.

### Enclosure 3 in No. 5.

Lord BELMORE to Lord KIMBERLEY.

MY LORD,—

Government House, Sydney, 8th August, 1871.

Referring to your Lordship's Despatch No. 104, of 30th December, 1870, and to my reply No. 26, of 24th February, 1871, I have now the honor to inform you that my Government, in reply to a communication from that of South Australia, stated that there will be no objection on its part to the mail steamer calling at a port in South Australia, provided the periods of arrival and departure from Sydney are not interfered with, and the Colony is not made liable for any additional expenditure,

I have, &c.,

The Right Hon. the Earl of Kimberley.

BELMORE.

### Enclosure 4 in No. 5.

Mr. HERBERT to the SECRETARY to the POST OFFICE.

SIR,—

Downing Street, 11th August, 1871.

With reference to previous correspondence on the subject of the revision of the postal agreement with the Peninsular and Oriental Steam Navigation Company, which was desired by the Government of South Australia, I am directed by the Earl of Kimberley to acquaint you, for the information of the Postmaster-General, that a telegram has been received from Sir James Ferguson, stating that the Governments of New South Wales and Victoria have informed the South Australian Government that they do not object to the Peninsular and Oriental steamers calling at a South Australian port, provided the periods of arrival and departure are not interfered with, and that they are not made liable to additional expenditure.

I have, &c.,

The Secretary to the Post Office.

R. J. W. HERBERT.

### Enclosure 5 in No. 5.

Mr. HOLLAND to the SECRETARY, GENERAL POST OFFICE,

SIR,—

Downing Street, 9th September, 1871.

With reference to the letter from this office of 22nd ultimo, and to your reply of the 24th ultimo (No. 455w), respecting the proposal that the steamers of the Peninsular and Oriental Company should call at a port in South Australia, I am directed by the Earl of Kimberley to transmit to you

a copy of a letter which has been received upon the subject from the Agent-General of that Colony, and I am to request that you will move the Postmaster-General to cause it to be communicated to the Company for their consideration and decision.

The Secretary to the General Post Office.

I have, &c.,  
H. T. HOLLAND.

Sub-Enclosure to Enclosure 5 in No. 5.

MR. DUTTON to the UNDER SECRETARY of STATE, Colonial Office.

Office of Agent-General for South Australia,

London, 4th September, 1871.

SIR,—

By the Australian mail delivered in London this morning, I have received a Despatch from the Government of South Australia, dated 15th July, informing me that the Colony of Victoria has expressed its acquiescence in the proposal of South Australia, that the ocean mail steamers of the Peninsular and Oriental Company should call at Glenelg to land and receive the South Australian mails, and that the Government of New South Wales has intimated that they will not object, provided the periods of arrival at and departure from Sydney are not interfered with, and New South Wales is not made liable for additional expenditure.

Under instructions from the Government of South Australia, I have the honor to request you will be so good as to bring this communication before the Earl of Kimberley, with the respectful request that, as South Australia is prepared to incur the necessary expenses for increased mileage caused by the deviation from the existing contract, which may be sanctioned by the Secretary of State, his Lordship may be pleased to direct the necessary steps to be taken for an early agreement on the subject between the Peninsular and Oriental Steam Navigation Company and Her Majesty's Government, on receiving an intimation of which being effected, it will be my pleasing duty to cancel the notice of withdrawal from the contract, which I gave on the 13th May, on behalf of the Government of South Australia.

I have, &c.,

FRANCIS T. DUTTON,  
Agent-General.

The Under Secretary of State for the Colonies.

Enclosure 6 in No. 5.

MR. HOLLAND to MR. DUTTON.

Downing Street, 27th September, 1871.

SIR,—

With reference to your letter of the 4th instant, and to previous correspondence respecting the proposal of the Government of South Australia, that the steamers of the Peninsular and Oriental Company should call at a South Australian port, I am directed by the Earl of Kimberley to transmit to you a copy of a letter from the General Post Office, enclosing one from the Secretary to the Company.

I am to request to be favoured with a statement of your views upon the conditions proposed by the Company.

I have, &c.,

H. T. HOLLAND.

Francis S. Dutton, Esq.

Sub-Enclosure 1 to Enclosure 6 in No. 5.

MR. PAGE to MR. HERBERT.

General Post Office, London, 26th September, 1871.

SIR,—

The Postmaster-General having communicated to the Peninsular and Oriental Steam Navigation Company the contents of the letter which you transmitted to me on the 9th instant, from the Agent-General in London for South Australia, I am directed to transmit to you, to be laid before the Earl of Kimberley, a copy of the reply which has been received.

In this letter, the Directors state that the proposal that mail packets on the Australian line should call at Glenelg to land and receive the South Australian mails, and that the Company should still be bound to the present date of arrival at the terminal ports, is unreasonable; but that, having recently placed larger vessels on this line, they are prepared to make the suggested deviation, and to do their utmost to maintain the existing interval at Sydney, on the following conditions:—

1. That the new service shall be considered experimental only, and shall be terminable at any time at six months' notice.
2. That, in adjusting premiums and penalties, twenty-four hours shall be added to the time allowed by the contract for the voyage between Point de Galle and Sydney.
3. That the stay of the packet at Glenelg shall not exceed six hours, and that the stop at King George's Sound shall be reduced from twenty-four to six hours.
4. That the Company shall be paid for the additional distance travelled at the same mileage rate as under the contract, that is, £4,724 a year.

It will be for Lord Kimberley to determine whether these conditions will meet the approval of the Government of South Australia, and whether the Government of New South Wales shall be satisfied with the assurance of the Company that, without actually binding themselves, they will do their utmost to maintain the present time of arrival at Sydney.

I have, &c.,

WM. JAS. PAGE.

R. G. W. Herbert, Esq., Colonial Office.

## Sub-Enclosure 2 to Enclosure 6 in No. 5.

Mr. HOWELL to the SECRETARY, GENERAL POST OFFICE.

Peninsular and Oriental Steam Navigation Company,  
122, Leadenhall Street, London, E.C., 22nd September, 1871.

SIR,—

I have the honor to acknowledge the receipt of your letter of 12th instant, No. 455w, enclosing one dated 4th idem, addressed by the Agent-General for South Australia to the Colonial Office, in which Mr. Dutton states that the Colony of Victoria has expressed its acquiescence in the proposal of South Australia, that this Company's mail packets should call at Glenelg to land and receive the South Australian mails; that New South Wales will not object, provided the periods of arrival and departure from Sydney are not interfered with, and the Colony is not made liable for additional expenditure; and that South Australia is prepared to incur the necessary expense for increased mileage caused by the deviation from the existing contract.

In reply, I am desired most respectfully to submit that the condition above set forth, namely, that the packets should deviate from their present voyage to an extent which, in the opinion of the Directors, would cause a delay of twenty-four hours, and yet be bound to the present dates of arrival at the terminal ports, involves an obligation of an unreasonable character. More particularly would this be the case upon the Australian line, where the weather is frequently too boisterous to admit of any packet, however powerful, making up for lost time.

Nevertheless, the Directors, feeling anxious to meet, as far as possible, the interests of all the Colonies with regard to the mail service, and having recently placed larger vessels on the Australian line, are prepared to undertake the desired service as an experimental one on the following conditions:—

1. That the service may be terminated at six months' notice by either side, if found to interfere with the general working of the line or the postal interests of the more eastern Colonies.
2. That, for the purpose of adjusting premiums and penalties, the contract time for the performance of the voyage in each direction shall be increased by twenty-four hours.
3. That the steamers shall not be bound to remain longer at Glenelg or King George's Sound than six hours.

4. That the payment for the proposed service shall be at the same mileage rate as under the present contract. The additional distance to be performed is 190 miles on each trip, or 4,940 miles per annum, which, at 19s. 1½d. per mile, will amount to £4,724.

With reference to the last-named condition, the Directors feel bound to state that in their opinion the extra consumption of coals in driving and deviating the steamers, and other expenses, will certainly not be covered by the proposed contribution.

Should the Postmaster-General see fit, in the general interests concerned, to enter into an arrangement based on these conditions, the Directors will do their utmost to maintain the interval between the arrivals at and departures from Sydney prescribed in the contract, and they have reason to hope their efforts will, as a rule, be successful.

The Secretary to the General Post Office.

I have, &c.,  
C. W. HOWELL,  
Secretary.

## Enclosure 7 in No. 5.

Mr. DUTTON to the UNDER SECRETARY of STATE for the COLONIES.

Office of Agent-General for South Australia,  
London, 30th September, 1871.

SIR,—

I have the honor to acknowledge receipt of your letter dated 27th instant, transmitting to me, by direction of the Earl of Kimberley, copy of a letter you have received from the General Post Office, enclosing one from the Secretary of the Peninsular and Oriental Steam Navigation Company, and you request me to state my views upon the conditions proposed by the Company for agreeing to such an alteration in the postal route as will admit of the mail steamers calling off Glenelg to deliver and receive the South Australian mails.

I have given these letters careful consideration, and have despatched a telegram to the Government in Adelaide, to catch the last outgoing mail at Galle, containing a copy of those conditions.

I now do myself the honor, in compliance with your request, to submit to the Earl of Kimberley my views thereon.

The Company propose that the service may be terminated at six months' notice, if found to interfere with the general working of the line or the postal interests of the more eastern Colonies. I would submit that this should be altered to a six months' notice from the expiration of twelve months after the commencement of the new service, in order to afford a fairer test of the service, and also to allow of a calm judgment being formed, whether any reasonable inconvenience results to the eastern Colonies from the alteration.

On the second condition, I would observe that there does not appear to me to be any necessity for such a concession, as the Company's steamers are well known to be quite able to keep the present time of arrival even with the proposed deviation. During last year the mail steamers arrived at Sydney as follows:—Only once, a single day behind time; once exactly at contract time; six times, one day; twice, two days; once, three days; and twice, four days, *before* it was due. Mr. Howell expresses, in his letter, a well-grounded hope that the Company's efforts to maintain the interval between the arrivals at and departures from Sydney, prescribed by the contract, will, as a rule, be successful. Of their ability to do this, with the more powerful steamers now on the line, there can exist no reasonable doubt. This certainty of being able to keep time is further increased by the stipulation of the third condition limiting the stay of the steamers at King George's Sound to six hours instead of, as heretofore, twenty-four hours. The stay of six hours at Glenelg is, under ordinary circumstances, quite sufficient for

landing or shipping the South Australian mails. It must, however, not be forgotten that Glenelg is an open roadstead in the Gulf, and that on very rare occasions it might happen that the weather during those six hours was so tempestuous as to prevent communication with the mail steamer, in which exceptional event the mail steamer would have to allow for such a contingency occurring.

In the fourth condition, the payment to be made to the Company for the increased mileage is calculated for 190 miles on each trip, or 4,940 miles per annum, at 19s. 1½d. per mile, making £4,724. This mileage is in excess of that given on the authority of Mr. W. N. Goalen, Admiralty Assistant Surveyor at present employed on the Admiralty Coast Surveys in South Australia, who puts the mileage of the deviation down at 150 miles, which would reduce the payment to be made to the Company to £3,729 10s. per annum.

As the Government of South Australia could not know what conditions might be proposed by the Company for agreeing to the proposed alterations, they were of course unable to furnish me with precise instructions to agree on their behalf to such conditions as might be proposed. In the above remarks I consequently only express my own views, believing them to be such as would occur to the Government of South Australia to give expression to, if the matter requires to be again referred to the Colony for final decision. I hope, however, that the Earl of Kimberley will be able to take upon himself to decide the exact limit of the conditions, so that the new arrangement may come into operation without further delay. I believe I correctly interpret the views held on the subject by the Government of South Australia, when I venture to assure his Lordship that the satisfaction which will be felt in the Colony by this arrangement being promptly carried into effect, will outweigh the objections which might be entertained that the conditions of the Company are not quite so favourable as the Colony of South Australia might reasonably expect.

I have, &c.,

FRANCIS S. DUTTON,  
Agent-General.

The Under Secretary of State for the Colonies.

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No. 6.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 75.)

SIR,—

Downing Street, 26th October, 1871.

I have had under my consideration your Despatches No. 22, of 13th March, No. 26, of 18th March, and No. 38, of 25th April, on the subject of the pardon issued in your name to Mr. Muston, in the case of *Regina v. Barton*. In the last of those Despatches you transmit an opinion of the Attorney-General of New Zealand, in which he states the grounds of his advice in the case of *Regina v. Barton*, and suggests certain alterations in the terms of your commission with respect to the granting of pardons; and you express a hope that if it should be decided that the power of granting pardons before actual conviction has not been conferred upon the Governor, Her Majesty's Government will take into consideration whether the power referred to might not advantageously be given to the Governors of Colonies under such conditions as may be thought expedient.

In considering the particular points which have been thus brought under their notice, Her Majesty's Government have been led to examine some other aspects of this important subject, and I will now proceed to state the conclusions at which they have arrived.

The cases which have to be dealt with may be classed under the following heads:—

1. Pardon of convicted offenders.
2. Pardon or security of immunity to a witness fearing to criminate himself.
3. Pardon of an accomplice included in a prosecution and turning Queen's evidence.
4. Promise of pardon to an unknown person concerned in a crime but not being the principal offender, in order to obtain such information and evidence as shall lead to the apprehension and conviction of the principal.
5. Promise of pardon to political offenders or enemies of the State.

With respect to the pardon of convicted offenders, a Governor has already full powers under his existing commission, and I need here only observe that the practice which has obtained in New Zealand, of the Governor signing blank forms of pardons, to be filled up and used, if required, during his temporary absence from the seat of government, is irregular, and the continuance of it could not be permitted in any case. The Governor, as invested with a portion of

the Queen's Prerogative, is bound to examine personally each case in which he is called upon to exercise the power entrusted to him, although, in a Colony under Responsible Government, he will, of course, pay due regard to the advice of his Ministers, who are responsible to the Colony for the proper administration of justice and prevention of crime, and will not grant any pardon without receiving their advice thereupon.

When the person whom it is proposed to pardon has been already convicted, there can be no sufficient reason why the case should not stand over until it can be duly submitted to the Governor.

With respect to the second head, namely, the pardon of a witness fearing to criminate himself, it is undoubtedly necessary that means should exist by which the evidence of such a witness may be obtained. This case, however, may be better provided for by local legislation than by the exercise of the Royal Prerogative through the Governor. The Judge presiding at the trial should be empowered to give a certificate, under his hand, that the evidence of the witness was required for the ends of justice and was satisfactorily given; and such certificate should be a bar to all proceedings in respect of the matters touching which the witness has been examined.

With respect to the third head, namely, the pardon of an accomplice included in the prosecution and turning Queen's evidence, it appears to Her Majesty's Government that no local legislation nor alteration of the Governor's commission is needed, and the practice in England upon this point may properly be adopted in the Colony.

In England a pardon is not granted before the trial, neither has the party admitted as Queen's evidence any legal claim to a pardon, nor has the Magistrate before whom the original examination is taken, any power to promise him one on condition of his becoming a witness.

In such cases where the accomplice's evidence has been obtained (which can be done either by his pleading guilty, or by the Crown entering a *nolle prosequi* against him before calling him as a witness against his accomplice), and he appears to have acted in good faith, and to have given his evidence truthfully, he is always considered to have an equitable claim to the merciful consideration of the Court, which is usually extended to him by the Judge presiding at the trial, by the infliction of a minor, or, in some cases, of a merely nominal, punishment.

With respect to the fourth head, namely, the promise of a pardon in order to discover and convict the principal offender, Her Majesty's Government will be prepared, in future commissions, to vest in the Governors of Colonies the power of granting a pardon to any accomplice, not being the actual perpetrator of the crime, who shall give such information and evidence as shall lead to the apprehension and conviction of the principal offender.

It is not, however, considered necessary to issue at once Supplementary Commissions for this purpose, as you (or your Executive Council, if an emergency should compel them to take action at a time when you are absent and cannot be immediately communicated with) can issue a notice that the grant of Her Majesty's gracious pardon to any accomplice who shall give such information and evidence will be recommended. Such notice, which is similar to that issued in England in like circumstances, will have the desired effect, and the formal authority to grant the pardon can in due course be transmitted to the Governor by the Secretary of State.

Lastly, with respect to the fifth head, namely, the promise of pardon to political offenders or enemies of the State, Her Majesty's Government are of opinion that, for various reasons, it would not be expedient to insert the power of granting such pardons in the Governor's commission; nor do they consider that there is any practical necessity for a change.

If a Governor is authorized by Her Majesty's Government to proclaim a pardon to certain political offenders or rebels, he can do so. If he is not instructed from home to grant a pardon, he can issue a proclamation, similar to that issued in 1865 by Sir G. Grey, to the effect that all who had borne arms against the Queen should never be prosecuted for past offences except in certain cases of murder. Such a proclamation would practically have the same effect as a pardon.

The above-mentioned are, I believe, all the cases for which it is necessary to provide; and I trust that this explanation will have the effect of removing, for the future, any doubt as to the exercise of the prerogative of pardon in the Colony under your Government.

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

I have, &c.,  
KIMBERLEY.

No. 7.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 76.)

SIR,—

Downing Street, 26th October, 1871.

In my Despatch of this day's date, in which the views of Her Majesty's Government are fully stated, upon the general question of the existing powers of the Governor of a Colony to grant pardons, and whether such powers may be properly extended, I have abstained from dealing with the special case of *Regina v. Barton*, and with Mr. Barton's statement in reference to that case.

I have now to instruct you to inform Mr. Barton that I have received and had under my consideration his letter of the 9th March, a copy of which is stated by him to have been forwarded to you through the Colonial Secretary, but that, pending legal proceedings, it is not desirable that I should offer any opinion upon the particular case thus brought under my notice.

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

I have, &c.,  
KIMBERLEY.

No. 8.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 25th October, 1871.

With reference to your Despatch No. 134, of the 7th October, 1870, stating the terms on which your Government would be willing to undertake the duty of the payment of Imperial pensions in the Colony under your Government, I have the honor to transmit to you, for your information and guidance, the enclosed extracts from a letter from the War Office.

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

I have, &c.,  
KIMBERLEY.

Enclosure in No. 8.

EXTRACT of LETTER from Mr. VIVIAN to the UNDER SECRETARY of STATE, Colonial Office, dated War Office, 6th October, 1871.

“ADVERTING to the letter from this Department of the 16th January, 1871, relative to the payment of Imperial pensions, &c., in the Australian Colonies, I am directed to acquaint you, for the information of the Earl of Kimberley, that the Lords Commissioners of Her Majesty's Treasury have approved the proposition made by Mr. Secretary Cardwell, that the payments on account of non-effective services should be undertaken by the Colonial Treasurers, and that arrangements should be made with the several Governments for their remuneration at rates not exceeding a maximum expense of 3 per cent on the disbursements.”

“It will be observed that the terms approved by the Treasury are the same as those suggested in the proposition from the New Zealand Government, as shown in your letter of 2nd December, 1870, and I am therefore to request that that Government may now be informed that its offer has been accepted, and that instructions will be forwarded forthwith to the Control Officer at Auckland, to place himself in communication with the Colonial Treasurer, with the view of carrying out the arrangement for the future payment of these pensions, &c.

“I am also to request that their Lordships' decision may be conveyed to the other Governments which have suggested different modes of remuneration, and that Lord Kimberley will have the goodness to recommend that the same principle of remuneration be adopted throughout the Colonies of Australia, in preference to the fixed charges which have been proposed.

“In anticipation of this arrangement meeting with the acquiescence of the Governments concerned, Mr. Secretary Cardwell has instructed the Control Officers at the several stations to hand over charge



“ to the Colonial Treasurers without waiting for the formal assent of the respective Governments. The duty at Adelaide has already been transferred to the Colonial Treasurer.

“ I am to add that the arrangement in question has been approved by the Treasury, on the understanding that it shall be only of a temporary nature, and open to revision after a term of years, to be hereafter agreed upon.”

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No. 9.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 3rd November, 1871.

I have been in communication with the Secretary of State for War in regard to the question whether officers employed by Colonial Governments, in positions analogous to those specified in the accompanying list, should be granted the same advantages in regard to allowing such service to count towards promotion, as is enjoyed by officers similarly employed by the Imperial Government.

In the Imperial service a substantive Lieutenant-Colonel, or a substantive Major with the brevet rank of Lieutenant-Colonel, serving satisfactorily for five years in any of these appointments, would be entitled to brevet promotion to the rank of Colonel, and the unattached pay of a General Officer on promotion to the rank of Major-General; and Mr. Cardwell is of opinion that this regulation might be extended to similar appointments under Colonial Governments. These Staff appointments are made for five years, with the understanding that if deemed necessary for the public service, or under special circumstances, the officer can be reappointed.

As the proposal of the Secretary of State for War would be advantageous to the officers, and does not appear to me to be likely to operate prejudicially to the Colonial service, I have concurred in it, and I have to request you to communicate the arrangement to your Government, and to any person employed by the Colony under your Government who may be affected by it.

I have, &c.,

KIMBERLEY.

The Officer Administering the Government  
of New Zealand.

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Enclosure in No. 9.

EXTRACT from ROYAL WARRANT, dated 27th December, 1870.

(*Pay and Promotion, part 1, pp. 9 and 10.*)

*f.*—By brevet after five years' satisfactory service as substantive Lieutenant-Colonel, or as substantive Major (with the brevet rank of Lieutenant-Colonel), or as Captain and Lieutenant-Colonel of the Foot Guards in the following appointments:—

- Adjutant-General,
- Deputy Adjutant-General,
- Assistant Adjutant-General,
- Assistant Military Secretary at the Horse Guards,
- Quartermaster-General,
- Deputy Quartermaster-General,
- Assistant Quartermaster-General,
- Military Secretary at the Horse Guards,
- Military Assistant at the War Office,
- Military Secretary (or Assistant Military Secretary where there shall be no Military Secretary) to a General Officer exercising supreme command on a Station, or to a Plenipotentiary abroad,
- Military Secretary to the Viceroy of India,
- Deputy Judge Advocate,
- Military Secretary to Governor-General of Canada,
- Commissioner to the Head Quarters of an allied Army,
- Military Attaché to a Foreign Embassy,
- Governor of Royal Military Academy,
- Commandant of the Cadets' College, Sandhurst,
- Commandant of the Staff College, Sandhurst,
- Major and Superintendent of Studies at the Cadets' College, Sandhurst,
- Inspector of Disembodied Militia in Ireland,
- Chief Inspector of Musketry in India,

Chief Instructor of Musketry at the School of Musketry,  
 Deputy Inspector of Reserve Forces,  
 Assistant Inspector of Reserve Forces,  
 Deputy Director of Works,  
 Inspector of Clothing,  
 Military Superintendent of a Manufacturing Department,  
 Regimental Lieutenant-Colonels of Royal Artillery and Royal Engineers employed in the  
 Public Works Department and Survey in India;  
 or in such other appointments as shall from time to time be specially approved by our Secretary of  
 State and our Commander-in-Chief.

No. 10.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
 Governor Sir G. F. BOWEN, G.C.M.G.

(No. 78.)

SIR,—

Downing Street, 11th November, 1871.

I have received your Despatch No. 55, of 6th July, forwarding two further Memorandums from your Ministers on the subject of the naval assistance to be afforded by Her Majesty's Government to New Zealand.

I acknowledge with pleasure the temperate and reasonable tone of these papers, which have been fully considered, but Her Majesty's Government cannot give any further assurances as to the manner in which the British fleet would be employed in the case of foreign war, than those already given to New Zealand in common with the Dominion of Canada and other important Colonies. So much must depend upon the nature and circumstances of the war, which cannot be now foreseen, that the particular manner in which it would be advisable to employ Her Majesty's naval forces, so as to give the greatest amount of protection to the whole Empire, cannot be determined beforehand.

As regards the intercolonial trade, Her Majesty's ships would certainly not confine themselves to the protection of only one class of British ships, but would defend British ships against the enemy, whatever trade they might be engaged in, to the best of their ability; at the same time it is obvious that it would be impossible that Her Majesty's ships should always be at hand at every point of the far extended coasts of the Australasian Colonies, and it would greatly conduce to the safety of New Zealand, and the general strength of the Empire, if the Colony were to take advantage of the Colonial Naval Defence Act, and gradually establish an armed Colonial navy. Such a navy would be of material service to New Zealand in her internal affairs, and, when supported by Her Majesty's ships in time of war, would secure the colonial coasts and trade from insult; and whilst the Colony would in this manner effectually contribute to the cost of its own external defence, it would derive much greater benefit than it would from merely contributing to the cost of the Imperial navy, over which it would always be necessary for the Home Government to exercise undivided and unquestioned control.

As regards the naval force on the Australian and New Zealand station, I am informed by the Lords Commissioners of the Admiralty that Her Majesty's ship "Cossack" has lately been ordered to that station, and that the force now consists of five vessels, namely :—

"Clio," 18 guns, 1,472 tons, 400 h.p., launched in 1858	} Corvettes of a recent class, with 64-pounder guns.
"Cossack," 16 guns, 1,297 tons, 250 h.p., launched in 1854	
"Blanche," 6 guns, 1,268 tons, 350 h.p., launched in 1867	} Newest type, very fast, 27-inch guns, and 4 64- pounders.
"Rosario," 5 guns, 673 tons, 150 h.p., launched in 1860	
	} Sloop of recent type, 1 7-inch gun, and 4 40- pounders.

and "Basilisk," the relief for the "Virago," alluded to in your Despatch, an old class of paddle frigate, launched in 1841, and sent specially to the station as being adapted for the conveyance of stores, police, &c., to Cape York, and of troops if required.

I have, &c.,

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

KIMBERLEY.

## No. 11.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 79.)

SIR,—

Downing Street, 14th November, 1871.

I have to acknowledge the receipt of your Despatch No. 77, of the 31st of August, forwarding a Ministerial Memorandum upon the Circular Despatches of the 20th and 29th of April last.

Those Circulars were properly sent to New Zealand, which is, from its situation, more concerned with the Fiji Islands than some of the other Australasian Colonies, though the former Circular was inadvertently so drafted as to appear applicable in strictness only to the Colonies of Australia.

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

I have, &c.,  
KIMBERLEY.

## No. 12.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 80.)

SIR,—

Downing Street, 15th November, 1871.

I have received and have laid before the Queen your Despatch No. 72, of the 23rd of August, reporting the death of Tamati Waka Nene, the principal chief of the great clan of the Ngapuhis.

Her Majesty desires me to convey to you the expression of the regret with which she has heard of the death of this distinguished chief, who was so loyally attached to Her Majesty, and who exerted himself on all occasions to promote that good understanding between the two races, so essential to the welfare and prosperity of both.

It is the Queen's desire that an expression of Her Majesty's sympathy in their loss should be conveyed to his widow and to the clan to which he belonged.

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

I have, &c.,  
KIMBERLEY.

## No. 13.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 83.)

SIR,—

Downing Street, 27th November, 1871.

I have the honor to acquaint you, with reference to your Despatch No. 79, of the 1st of September, that the Lords Commissioners of the Admiralty, to whom I communicated your Despatch, have informed me that instructions have been sent to the Senior Officer of Her Majesty's ships at New Zealand, to pay to the Colonial authorities the sum claimed for subsistence of naval prisoners in gaol at Wellington in the year ended 31st March, 1870, namely, sixty-eight pounds seven shillings and eight pence (£68 7s. 8d.)

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

I have, &c.,  
KIMBERLEY.

## No. 14.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 30th November, 1871.

I have the honor to transmit to you a copy of a letter from the General Post Office, from which you will learn that the Lords Commissioners of the Treasury have considered it necessary to authorize the Postmaster-General to give the requisite notice of twenty-four (24) months to the Peninsular and Oriental

Steam Navigation Company to terminate their contract for the Australian mail service. This contract will therefore cease to have effect on the 31st December, 1873, and the existing postal agreement will continue in force until that period, but no longer.

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

I have, &c.,  
KIMBERLEY.

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Enclosure in No. 14.

Mr. TILLEY to Mr. HERBERT.

SIR,—

General Post Office, London, 22nd November, 1871.

I duly laid before the Postmaster-General your letter of the 31st ultimo, in which, by direction of the Earl of Kimberley, you transmitted the copy of a Despatch No. 118, 9th September, 1871, from the Governor of Victoria, giving notice of the intention of the Government of that Colony to cease to contribute towards the payment of the cost of the mail packet service maintained between the United Kingdom and Australia, on the expiration of two years and three months from the date of the arrival in London of that notice.

As the correspondence of Victoria amounts to nearly one-half of all that is carried by the mail packets between Point de Galle and Sydney, and as the Governments of South Australia and New South Wales had previously announced their intention of withdrawing from the postal agreement entered into in 1864, the Postmaster-General, on receipt of your letter, came to the conclusion that he had no other course to pursue than to terminate the contract for the Australian mail packet service, made with the Peninsular and Oriental Steam Navigation Company on the 17th November, 1865, and he accordingly requested the permission of the Lords Commissioners of the Treasury to give the necessary twenty-four months' notice of termination.

Their Lordships have been pleased to approve of this being done, and the contract will cease to have effect on the 31st December, 1873.

In acquainting you with this decision, Mr. Monsell directs me to request that Lord Kimberley will be good enough to inform the Officers Administering the Governments of all the Australian Colonies and of New Zealand, that the existing postal agreement will continue in force until the termination of the contract, but no longer.

R. G. W. Herbert, Esq., Colonial Office.

I have, &c.,  
JOHN TILLEY.

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No. 15.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 86.)

SIR,—

Downing Street, 4th December, 1871.

I have to acknowledge your Despatch No. 89, of 27th September, enclosing a copy of the address with which you opened the Session for 1871 of the New Zealand Institute, together with two copies of the third volume of the "Transactions and Proceedings of the New Zealand Institute," and copies of the Third Annual Report of the Institute.

Copies of your address will be forwarded, according to your request, to the Geographical and Geological Societies.

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

I have, &c.,  
KIMBERLEY.

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No. 16.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 87.)

SIR,—

Downing Street, 4th December, 1871.

I have to acknowledge your Despatch No. 91, of 29th September, enclosing a Memorandum from Mr. Fox on the subject of the remarks which I felt myself called upon to make in my Despatch of 26th July, No. 59, on the tone of his telegram of 12th April.

I request that you will inform Mr. Fox that I have received his explanation with much pleasure, and that I rely with confidence upon his friendly feeling towards Her Majesty's Government.

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

I have, &c.,  
KIMBERLEY.

## No. 17.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 89.)

SIR,—

Downing Street, 5th December, 1871.

I have received your Despatch No. 90, of the 28th September, with its enclosures, and I have to express my satisfaction at the exertions made by the Colony for its own defence.

I have, &amp;c.,

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

KIMBERLEY.

## No. 18.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 90.)

SIR,—

Downing Street, 8th December, 1871.

I have had under my consideration your Despatch No. 54, of 5th July, reporting the circumstances under which a party of eight convicts, with conditional pardons granted in England, had arrived in New Zealand from Western Australia, and the measures taken to remove them under the Colonial Law of 1867.

In consequence of the objections raised by your Ministers to the present form of the conditional pardons granted to convicts in Western Australia, I have been in communication with the Secretary of State for the Home Department, with a view to the alteration of the terms on which such pardons are granted.

It appears that three only of the Australasian Colonies, namely, South Australia, Victoria, and New Zealand, have passed laws excluding convicts; but as the remaining Colonies of New South Wales, Tasmania, and Queensland might reasonably complain if, whilst convicts were specifically restricted by the terms of the pardons from proceeding to the three former Colonies, they were allowed, without breach of the conditions, to resort to other parts of Australia, it has been determined to insert for the future in the pardons a condition that the convict shall not go to any Australasian Colony, and that a breach of this condition will entail a forfeiture of the pardons.

I have, &amp;c.,

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

KIMBERLEY.

## No. 19.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 95.)

SIR,—

Downing Street, 16th December, 1871.

I have received your Despatch No. 92, of the 30th September, and the Papers which it enclosed.

I learn with much satisfaction the improved state of Native affairs, and I am glad to observe that the Maori representatives in Parliament take an active and intelligent part in debates bearing directly or indirectly on Native matters, and that they are listened to with attention.

I have, &amp;c.,

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

KIMBERLEY.

## No. 20.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 13th December, 1871.

I transmit to you, for your information and guidance, printed copies of a Circular addressed by the Lords of the Admiralty to Commanding Officers of Her

Majesty's vessels, respecting the payment, in certain cases, by the Colonies of the cost of coal expended by Her Majesty's ships on Colonial service.

The Officer Administering the Government  
of New Zealand.

I have, &c.,  
KIMBERLEY.

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Enclosure in No. 20.

Admiralty, 28th November, 1871.

(Coals used on Colonial Service.)

It has been decided, with the concurrence of the Secretary of State for the Colonies, that whenever any of Her Majesty's ships are specially employed, on the requisition of the Governor or other Colonial authority, in conveying any officer or persons belonging to a Colony, or on any other similar purely Colonial service, the cost of coals expended by Her Majesty's ships whilst so employed shall be borne by the Government of the Colony for which such service may be rendered. My Lords, therefore, desire that in all such occasions a separate account shall be kept of the fuel expended, with a view to a claim for the cost of the same being subsequently raised against the Colonial Department.

It must, however, be understood that this rule is not intended to apply to a voyage made by one of Her Majesty's ships from one part of a station, in order to perform some Colonial service in another, as the ship might in such case probably be employed during the voyage on general services, but the value of the fuel will only be claimed from a Colony when the expenditure is *bonâ fide* rendered necessary for Colonial service on Colonial requisition.

The cost of the fuel is to be calculated at the local rate at which supplies may be obtainable by Her Majesty's ships at the period during which the services required are carried out.

The coals thus expended are to be distinguished in the Store Expense Books of the ships employed, and a return of the quantities consumed and of the local rates at which the issues should be computed, duly approved by the Commanding Officer, and certified by him to be a transcript as to quantities of the ship's expense accounts, is to be forwarded on each occasion by the first opportunity to the Accountant-General of the Navy. A comparison of these returns will be made with the Store Expense Books of the ship when received.

To all Commanders-in-Chief, Captains, Commanders,  
and Commanding Officers of Her Majesty's ships  
and vessels.

By command of their Lordships.

G. SHAW LEFEVRE.

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No. 21.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 21st December, 1871.

With reference to my Circular Despatch of 14th July last, I transmit to you, for your information, a copy of a correspondence which has taken place with the Foreign Office, on the subject of the convicts sent to New Caledonia by the French Government.

The Officer Administering the Government  
of New Zealand.

I have, &c.,  
KIMBERLEY.

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Enclosure 1 in No. 21.

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

SIR,—

Foreign Office, 23rd November, 1871.

I am directed by Her Majesty's Secretary of State for Foreign Affairs to transmit to you, to be laid before the Earl of Kimberley, the accompanying copy of a Despatch from Mr. West, reporting the departure for New Caledonia of a certain number of French convicts.

The Under Secretary of State, Colonial Office.

I have, &c.,  
E. HAMMOND.

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Sub-Enclosure to Enclosure 1 in No. 21.

Mr. WEST to Earl GRANVILLE.

MY LORD,—

Paris, 19th November, 1871.

With reference to your Lordship's Despatch No. 425, of the 20th June last, I have the honor to inform you that the French transport "Jura" is reported to have left Toulon for New Caledonia, with a considerable number of convicts. The vessel proceeds by way of the Isthmus of Suez.

The Earl Granville, K.G.

I have, &c.,  
L. S. SACKVILLE WEST.

## Enclosure 2 in No. 21.

Mr. HOLLAND to Mr. HAMMOND.

SIR,—

Downing Street, 29th November, 1871.

I am directed by the Earl of Kimberley to acknowledge the receipt of your letter of the 23rd instant, enclosing a copy of a Despatch from Mr. West, reporting the departure of a number of French convicts for New Caledonia.

Lord Kimberley would suggest, for the consideration of Earl Granville, whether it may not be desirable to express, through Lord Lyons, the confident hope of Her Majesty's Government that the Government of France will not fail to make the fullest provision for the safe custody, and for preventing the escape to the neighbouring English Colonies, of any convicts confined in New Caledonia or other adjacent island.

The Right Hon. E. Hammond.

I am, &c.,  
H. T. HOLLAND.

## Enclosure 3 in No. 21.

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

SIR,—

Foreign Office, 2nd December, 1871.

I have laid before Earl Granville your letter of the 29th ultimo, suggesting that communication should be made to the French Government on the subject of the safe custody of the convicts sent to New Caledonia, and I am directed by his Lordship to request that you will inform the Earl of Kimberley that Her Majesty's Minister in Paris has been instructed to express to the French Minister for Foreign Affairs the hope of Her Majesty's Government that proper precautions will be taken to prevent the escape of the convicts to British Colonies.

The Under Secretary of State, Colonial Office.

I am, &c.,  
E. HAMMOND.

## No. 22.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 2.)

SIR,—

Downing Street, 12th January, 1872.

I have received your Despatch No. 99, of 23rd October, forwarding a Resolution of the House of Representatives, that an Address should be presented to you, requesting that the Queen might be moved to confer some mark of her approbation on Sir David Monro, on his retirement from the Speaker's Chair.

In an accompanying Ministerial Memorandum it is stated that it would fulfil the intention of the House if a seat in the Legislative Council should be offered to Sir David Monro.

Unless some very special and urgent reasons were given for departing from the usual course, I should be unwilling to advise the Queen to nominate directly a Member of the Legislative Council of New Zealand. Your Ministers have it in their power to advise you to call such persons as they may think fit, in Her Majesty's name, to the Council; and it does not seem expedient that the Imperial Government should make itself responsible for the nominations to the Council.

In the present case, as no special reasons are given, and as, moreover, Sir David Monro has requested me not to advise Her Majesty to nominate him, I can have no hesitation in abstaining from tendering such advice to Her Majesty.

I request that you will inform Sir David Monro that I have received his letter of the 28th October.

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

I have, &c.,  
KIMBERLEY.

## No. 23.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 3.)

SIR,—

Downing Street, 15th January, 1872.

I have the honor to acknowledge the receipt of your Despatch No. 101,

of 25th October, forwarding a further Memorandum, with its enclosure, from your Ministers, in connection with the case *Regina v. Barton*.

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

## No. 24.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. Bowen, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 25th January, 1872.

With reference to my Circular Despatch of 21st December, I transmit to you, for your information, a copy of a letter addressed to Lord Lyons by the French Minister for Foreign Affairs, which has been forwarded to this Department from the Foreign Office, respecting the measures taken by the French Government to prevent the escape of convicts from New Caledonia to the Australian Colonies.

The Officer Administering the Government  
of New Zealand.

I have, &c.,  
KIMBERLEY.

## Enclosure in No. 24.

M. REMUSAT to Lord LYONS.

M. L'AMBASSADEUR,—

Versailles, Le 9 Janvier, 1872.

Dans une lettre en date du 4 Décembre dernier, M. Sackville West m'avait témoigné au nom du Gouvernement de la Reine, le désir d'être assuré que des mesures de précaution suffisantes étaient prises afin d'empêcher que les individus condamnés à être deportés dans l'archipel de la Nouvelle Calédonie ne pussent s'échapper dans les possessions Anglaises voisines. M. le Ministre de la Marine, à qui j'ai fait part de cette communication, m'écrit que, pour répondre à la préoccupation manifestée par le Gouvernement Britannique, il a recommandé aux autorités de notre Colonie pénitentiaire d'exercer au point de vue qui nous était signalé, une surveillance particulière. Les précédents sont d'ailleurs de nature à donner pleine confiance sur l'efficacité des dispositions générales, adoptées à l'égard des condamnés, car, depuis l'origine de la transportation à la Nouvelle Calédonie, trois évasions seulement ont été accomplies avec succès.

Je m'empresse de porter à votre connaissance cette réponse de M. l'Amiral Pothnan.

S.E. Lord Lyons.

Agréé, &c.,  
REMUSAT.

## No. 25.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. .)

SIR,—

Downing Street, 6th February, 1872.

I have received your Despatch No. 106, of the 9th November last, in which you recommend that Mr. Henry Sewell, who has retired from the Executive Council after having been a member of it for periods amounting in the aggregate to considerably more than three years, may receive the Queen's gracious permission to retain the title of Honorable; and I have to acquaint you that Her Majesty has been graciously pleased to authorize compliance with that recommendation.

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

I have, &c.,  
KIMBERLEY.

## No. 26.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 7.)

SIR,—

Downing Street, 9th February, 1872.

I have to acknowledge your Despatch No. 107, of 18th November, forwarding a letter addressed to me by Sir David Monro, with a Memorandum respecting it from your Ministers.



I have read the Memorandum, but I do not think it necessary to add anything to my previous Despatch No. 2, of 12th January, to which I have to refer you.

I have, &c.,  
Governor Sir G. F. Bowen, G.C.M.G. KIMBERLEY.

## No. 27.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 8.)

SIR,— Downing Street, 10th February, 1872.

I have to acknowledge your Despatch No. 108, of 19th November, forwarding, in connection with the case *Regina v. Barton*, copies of the "Report of the Select Committee on the Working and Management of the Electric Telegraph Department."

I have, &c.,  
Governor Sir G. F. Bowen, G.C.M.G. KIMBERLEY.

## No. 28.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,— Downing Street, 14th February, 1872.

I transmit to you, for information in the Colony under your Government, copies of two printed papers on the subject of Vaccination and Re-vaccination, which have been prepared by the Medical Department of the Privy Council.

I have, &c.,  
The Officer Administering the Government  
of New Zealand. KIMBERLEY.

## Enclosure 1 in No. 28.

[CIRCULAR.]

At the Council Chamber, Whitehall, the 1st day of December, 1859, by the Lords of Her Majesty's Most Honorable Privy Council.

*To the Guardians of the Poor of all Unions and Parishes, to the Churchwardens and Overseers of all Parishes, Townships, and places in which the Relief to the Poor is not administered by Guardians, in England and Wales, and to all Medical Practitioners.*

WHEREAS by "The Public Health Act, 1858," and by an Act since passed to perpetuate the same, it is enacted that the Privy Council may from time to time issue such regulations as they think fit, for securing the due qualification of persons to be thereafter contracted with by Guardians and Overseers of Unions and Parishes in England for the Vaccination of persons resident in such Unions and Parishes, and for securing the efficient performance of vaccination by the persons already or thereafter to be contracted with as aforesaid:

Now therefore, it is hereby ordered, by the Lords and others of Her Majesty's Most Honorable Privy Council, (of whom the Vice-President of the Committee of the said Privy Council on Education is one,) that on and after the 1st day of January, 1860, the following regulations shall be in force, viz. :—

1. Except where the Privy Council, for reasons brought to their notice, see fit in particular cases otherwise to allow, no person shall in future be admitted as a contractor for vaccination, unless he possess the same qualifications as are required by the Orders of the Poor Law Commissioners as qualifications for a District Medical Officer, and produce a special certificate, given, under such conditions as the Privy Council from time to time fix, by some Public Vaccinator whom the Privy Council authorize to act for the purpose, and by whom he has been duly instructed or examined in the practice of vaccination, and all that relates thereto.

But the production of this special certificate on occasion of the contract being made may be dispensed with, if the certificate, or some other which the Privy Council judge to be of like effect, have been among the certificates or testimonials necessary for obtaining any diploma, license, or degree, which the candidate possesses.

And also, in respect of persons legally admitted to practise before this regulation comes into effect, the special certificate may be dispensed with, on condition that the contract, during one year from its making, continue subject to the approval of the Law Poor Board.

And all persons now contracted with shall be deemed to be qualified to be again contracted with.

2. Under the same conditions as are appointed for the admission of a contractor, any person qualified to be a contractor may, on the contractor's application, be admitted by the Guardians or Overseers to act as his occasional deputy.

But if this admission be not part of the original contract, it must be notified by indorsement upon the contract; and at least fifteen days before it is intended to take effect, a copy of the proposed indorsement, together with all requisite evidence of the qualification of the person whom it is proposed to admit, must be transmitted to the Poor Law Board.

3. All vaccinations and inspections under contract shall be performed by the contractor in person, or by some other contractor of the same Union or Parish acting for him, or by a deputy, duly admitted as above; but at any station where the contractor is authorized (as above) to grant certificates, pupils and other candidates, aged not less than eighteen years, may, in his presence and under his direction, take part in vaccinating.

All vaccinations and inspections under contract shall be performed in accordance with the annexed "Instructions for Vaccinators under Contract."\*

4. Until some new form of Vaccination Register be duly prescribed, the person who performs any vaccination under contract shall, on the day when he performs it, legibly write in his register (as now provided) the letter R (for Re-vaccination) against the name of every person, adult or adolescent, who, having in early life been successfully vaccinated, is re-vaccinated; and shall also enter in some column, or in the margin of the register, the source whence the lymph used in the vaccination was obtained:—

Thus, the name, or number (if any) in the register, of the subject from whom the lymph was taken; or "N.V.E.," if the lymph was sent by the National Vaccine Establishment; or the name or description of any other source.

And where the vaccination or the inspection is done by a person acting as deputy for the contractor, the deputy shall write the initials of his name in the register side by side with the entry of the case; viz., in the left margin of the page, if it be a vaccination which he performs, or in the right margin of the page, if it be an inspection which he performs.

5. Guardians and Overseers, in their respective Unions and Parishes, shall forthwith take measures to bring the performance of public vaccination into conformity with these regulations.

WM. L. BATHURST.

At the Council Chamber, Whitehall, the 29th day of July, 1871. By the Lords of Her Majesty's Most Honorable Privy Council.

Present—Lord President, Mr. Secretary Bruce, Mr. W. E. Forster.

WHEREAS by "The Public Health Act, 1858," and by an Act since passed, to perpetuate the same, it is enacted that the Privy Council may from time to time issue such regulations as they shall think fit for (among other things) securing the efficient performance of vaccination by the persons already or thereafter to be contracted with; and whereas their Lordships, on the first day of December, one thousand eight hundred and fifty-nine, ordered (among other things) that all vaccinations and inspections under contract should be performed in accordance with certain "Instructions to Vaccinators under Contract" annexed to the Order now in recital; and whereas by "The Vaccination Act, 1867," the Lords of Her Majesty's Council are authorized (among other things) to make regulations to secure the efficient performance of vaccination:

Now therefore, it is hereby ordered by the Lords and others of Her Majesty's Most Honorable Privy Council, (of whom the Vice-President of the Committee of the said Privy Council on Education is one,) that—

1. The Order of the first day of December, one thousand eight hundred and fifty-nine, is hereby repealed, so far as the same required vaccinations and inspections under contract to be performed in accordance with the "Instructions to Vaccinators under Contract" annexed thereto.

2. All vaccinations and inspections under contract, whether the contracts may have been made before, or may be made after, the date of this Order, shall be performed in accordance with the "Instructions for Vaccinators under Contract" hereto annexed.

JOHN SIMON.

#### INSTRUCTIONS FOR VACCINATORS UNDER CONTRACT.

1. Except so far as any immediate danger of small-pox may require, vaccinate only subjects who are in good health. As regards infants, ascertain that there is not any febrile state, nor any irritation of the bowels, nor any unhealthy state of skin; especially no chafing or eczema behind the ears, or in the groin, or elsewhere in folds of skin. Do not, except of necessity, vaccinate in cases where there has been recent exposure to the infection of measles or scarlatina, nor where erysipelas is prevailing in or about the place of residence.

2. In all ordinary cases of primary vaccination, if you vaccinate by separate punctures, make such punctures as will produce at least four separate good-sized vesicles, not less than half an inch from one another; or, if you vaccinate otherwise than by separate punctures, take care to produce local effects equal to those just mentioned.

3. Direct care to be taken for keeping the vesicles uninjured during their progress, and for avoiding afterwards the premature removal of the crusts.

4. Enter all cases in your register on the day when you vaccinate them, and with all particulars required in the register up to column 9 inclusive. Enter the results on the day of inspection. Never enter any results which have not been inspected by yourself, or your legally-qualified deputy.

In cases of primary vaccination, register as "successful" only those cases in which the normal vaccine vesicle has been produced; in cases of re-vaccination, register as "successful" only those cases in which either vesicles, normal or modified, or papules surrounded by areolæ, have resulted. When the vaccination of an unsuccessful case is repeated, it should be entered as a fresh case in the register.

\* For these Instructions, see annexed Order of July 29, 1871.

5. Endeavour to maintain in your district such a succession of cases as will enable you uniformly to vaccinate with liquid lymph directly from arm to arm; and do not, under ordinary circumstances, adopt any other method of vaccinating. To provide against emergencies, always have in reserve some stored lymph;—either *dry*, as on thickly-charged ivory points, constantly well protected from damp; or *liquid*, according to the method of Dr. Husband, of Edinburgh, in fine, short, uniformly capillary (not bulbed) tubes, hermetically sealed at both extremities. Lymph, successfully preserved by either of these methods, may be used without definite restriction as to time; but with all stored lymph caution is necessary, lest in time it have become inert or otherwise unfit for use. If, in order to vaccinate with recent liquid lymph, you convey it from case to case otherwise than in hermetically-sealed capillary tubes, do not ever let more than eight hours intervene before it is used.

6. Consider yourself strictly responsible for the quality of whatever lymph you use or furnish for vaccination. Never either use or furnish lymph which has in it any, even the slightest, admixture of blood. In storing lymph, be careful to keep separate the charges obtained from different subjects, and to affix to each set of charges the name, or the number in your register, of the subject from whom the lymph was derived. Keep such note of all supplies of lymph which you use or furnish, as will always enable you, in any case of complaint, to identify the origin of the lymph.

7. Never take lymph from cases of re-vaccination. Take lymph only from subjects who are in good health, and, as far as you can ascertain, of healthy parentage; preferring children whose families are known to you, and who have elder brothers or sisters of undoubted healthiness. Always carefully examine the subject as to any existing skin-disease, and especially as to any signs of hereditary syphilis. Take lymph only from well-characterized, uninjured vesicles. Take it (as may be done in all regular cases on the day week after vaccination) at the stage when the vesicles are fully-formed and plump, but when there is no perceptible commencement of areola. Open the vesicles with scrupulous care to avoid drawing blood. Take no lymph which, as it issues from the vesicle, is not perfectly clear and transparent, or is at all thin and watery. From such a vesicle as vaccination by puncture commonly produces, do not, under ordinary circumstances, take more lymph than will suffice for the immediate vaccination of five subjects, or for the charging of seven ivory points, or for the filling of three capillary tubes; and from larger or smaller vesicles take only in like proportion to their size. Never squeeze or drain any vesicle. Be careful never to transfer blood from the subject you vaccinate to the subject from whom you take lymph.

8. Scrupulously observe in your inspections every sign which tests the efficiency and purity of your lymph. Note any case wherein the vaccine vesicle is unduly hastened or otherwise irregular in its development, or wherein any undue local irritation arises; and if similar results ensue in other cases vaccinated with the same lymph, desist at once from employing it. Consider that your lymph ought to be changed, if your cases, at the usual time of inspection on the day week after vaccination, have not, as a rule, their vesicles entirely free from areolæ.

9. Keep in good condition the lancets or other instruments which you use for vaccinating, and do not use them for other surgical operations. When you vaccinate, have water and a napkin at your side, with which invariably to cleanse your instrument after one operation before proceeding to another.

JOHN SIMON.

N.B.—Supplies of lymph are furnished to medical practitioners on personal application at 3, Parliament Street, London, S.W., between the hours of 12 and 2; or by letter (unstamped) addressed as follows:—

To the Medical Officer, Local Government Board,  
3, Parliament Street, London, S.W.

*National Vaccine Establishment.*

## Enclosure 2 in No. 28.

MEDICAL DEPARTMENT OF THE PRIVY COUNCIL OFFICE.

### *I.—Re-Vaccination.*

By vaccination in infancy, if thoroughly well-performed and successful, most people are completely insured, for their whole lifetime, against an attack of small-pox; and in the proportionately few cases where the protection is less complete, small-pox, if it be caught, will, in consequence of the vaccination, generally be so mild a disease as not to threaten death or disfigurement. If, however, the vaccination in early life have been but imperfectly performed, or have from any other cause been but imperfectly successful, the protection against small-pox is much less satisfactory; neither lasting so long, nor while it lasts being nearly so complete, as the protection which first-rate vaccination gives. Hitherto, unfortunately, there has always been a very large quantity of imperfect vaccination; and in consequence the population always contains very many persons who, though nominally vaccinated and believing themselves to be protected against small-pox, are really liable to infection, and may in some cases contract as severe forms of small-pox as if they had never been vaccinated. Partly because of the existence of this large number of imperfectly vaccinated persons, and partly because also even the best infantine vaccination sometimes in process of time loses more or less of its effect, it is advisable that *all persons who have been vaccinated in infancy should, as they approach adult life, undergo RE-VACCINATION.* Generally speaking, the best time of life for re-vaccination is about the time when growth is completing itself, say from 15 to 18 years of age, and persons in that period of life ought not to delay their re-vaccination till times when there shall be special alarm of small-pox. In proportion, however, as there is prevalence of small-pox in any neighbourhood, or as individuals are from personal circumstances likely to meet chances of infection, the age of 15 needs not be waited for, especially not by young persons whose marks of previous vaccination are unsatisfactory. *In circumstances of special danger, every one past childhood, on whom re-vaccination has not before been successfully performed, ought without delay to be re-vaccinated.*

Re-vaccination, once properly and successfully performed, *does not appear ever to require repetition.* The nurses and other servants of the Small-Pox Hospital when they enter the service (unless it be certain that they have already had small-pox) are invariably submitted to vaccination, which in their case generally is re-vaccination, and is never afterwards repeated; and so perfect is the protection, that though the nurses live in the closest and most constant attendance on small-pox patients, and though also the other servants are in various ways exposed to special chances of infection, the Resident Surgeon of the Hospital, during his thirty-four years of office there, has never known small-pox affect any one of these nurses or servants.

Legal provisions for re-vaccination are made in the 8th section of "The Vaccination Act, 1867," and in Section IV. of the Regulations which the Lords of the Council, under authority of the Act, issued in their Order of February 18th, 1868. Under these provisions, *re-vaccination is now performed by all Public Vaccinators at their respective vaccinating stations; and, so far as is not inconsistent with the more imperative claims for primary vaccination, any person who ought to be re-vaccinated may, on applying to the public station of the district in which he resides, obtain re-vaccination at the public expense.*

#### II.—Lymph Supply for Re-Vaccination.

At any time when exceptional claims for re-vaccination are arising, it becomes essential clearly to understand how the lymph for such re-vaccination is to be supplied.

In regard of lymph supply, re-vaccination unfortunately differs from primary vaccination, in that it contributes nothing to its own support, but that each case of re-vaccination, while requiring to draw lymph from a case of primary vaccination, will itself furnish no available lymph in return; for, even when good vesicles result from re-vaccination, their lymph cannot properly be used for other vaccinations or re-vaccinations. Thus, no wholesale re-vaccination is possible which does not have for its basis a large system of primary vaccination; and as, in England, such a system exists in the hands of the Public Vaccinators, but, with very rare individual exceptions, not in any other hands, so our essential security for means of re-vaccination (as well as for means of primary vaccination) is in the system of public vaccinating stations established by law.

At these stations a large majority of all the infantine vaccinations of the country are performed in successive weekly groups; the cases of each vaccinating day returning a week afterwards to furnish lymph for the arm-to-arm vaccination of a new group. Each well-frequented station is thus a continuous source of primary lymph supply, and is able, not only to maintain its own weekly performances of vaccination and re-vaccination, but also to contribute more or less towards the requirements of places where the public stations are too ill-frequented for the maintenance of a continuous supply, and towards the similar requirements of private practitioners. From certain of such stations, carefully selected and superintended, the Medical Department of the Privy Council Office receives regular contributions of lymph preserved dry on ivory points, or liquid in capillary tubes; and out of the stock thus contributed, the Department answers day by day the demands which are made on it for lymph; demands, emanating not only from among the many thousand vaccinators, public and private, of the civil population of England and the other divisions of the United Kingdom, but also from Her Majesty's Army and Navy in all parts of the world, and from the Diplomatic and other Foreign Services, and from the Colonies.

It is essential for the objects which have to be accomplished, that this National Vaccine Establishment should be maintained in a solvent condition as regards all such demands as its constitution is intended to meet; and it is satisfactory to know, as an effect of large improvements which of late years have been made in the system of supply, that the resources of the establishment are now many times greater and more elastic than they have been during any previous epidemic of small-pox, and are fully adequate to meet all such demands as the establishment professes to provide for. It must be remembered, however, that there are certain claims which the establishment is neither meant nor would be able to meet. No central dépôt of lymph can pretend to give such separate supplies as will enable each individual practitioner to vaccinate at once large numbers of persons. The principle on which the National Vaccine Establishment proceeds (and has always proceeded) in its distribution of lymph, whether to Public or to Private Vaccinators, is as follows:—*It furnishes each applicant with a sufficiency for the performance of a few first vaccinations, and it expects that the recipient, so far as the circumstances of his practice render necessary, will exert himself to vaccinate in series from the beginning which he is thus enabled to make.* This principle is acted on in relation to Public Vaccinators (as especially in country districts) whenever, from local circumstances, the weekly succession of groups of cases has been interrupted; and no other principle can be worked on a large scale in relation to Private Vaccinators. If re-vaccinations are in question, they, to any considerable extent, cannot be *immediately* dealt with at the expense of the central dépôt; and if the Vaccinator, on receiving his packet of preserved lymph, does not use it for starting primary vaccinations from which afterwards his re-vaccinations could be performed, but, instead of so doing, expends the preserved lymph on some of his claimants for re-vaccination, he must not rely on being able to satisfy other claimants with new supplies from the central dépôt.

Where Medical Practitioners, not being Public Vaccinators, and not having otherwise in their practice cases for primary vaccination, are called upon to re-vaccinate on considerable scale (as in hospitals, commercial establishments, schools, and even large households), they would generally find it best to make direct application for assistance to the Public Vaccinator of the District in which they have to act; with whose assistance they may commonly find it in their power to arrange with the parents of children recently vaccinated at the Public Station, that some of such children shall at the proper time be taken to places where private re-vaccinations have to be performed, so as to furnish from arm to arm any required quantity of lymph. Generally, too, any private Medical Practitioner who, from any cause, desires to obtain extraordinary supplies of lymph, will most easily attain his object by applying to the Public Vaccinator of the District in which he resides; and as Public Vaccinators, appointed under "The Vaccination Act, 1867," are of course free to accept payment for

any extra-official work which they may be willing to undertake, Private Practitioners would probably have no difficulty in obtaining, by voluntary agreement, the assistance of some of these officers as collectors of lymph for private re-vaccination.

It is important for the public to observe that re-vaccination on a large scale is not easily conducted unless in a thoroughly systematic manner, and that individual difficulties in finding lymph for re-vaccination are inseparable from the too general practice of deferring re-vaccination to periods of panic, instead of having it proceed, as it should, regularly and uniformly, in proportion as successive numbers of population reach the proper age for its performance.

Section VIII. of The Vaccination Act, 1867, is as follows:—"The provisions of the contracts entered into before this Act comes into operation shall not, after the thirty-first day of December next, apply to the cases of persons who, having been previously successfully vaccinated, shall be re-vaccinated; but if the Lords of Her Majesty's Council shall have issued or shall hereafter issue regulations in respect of the re-vaccination of persons who may apply to be re-vaccinated, which such Lords are hereby authorized to do, the Guardians shall pay, in respect of every case of successful re-vaccination performed in conformity with such regulations under such contracts, or under new contracts entered into after the date hereof, a sum amounting to two-thirds of the fee payable upon each case of successful primary vaccination."

Section IV. of the Regulations issued by the Lords of the Council in their Order of February 18, 1868, is as follows:—"The performance of re-vaccination by the Public Vaccinator on persons applying to him for that purpose shall be limited in each case by the following conditions:—(1) That, so far as the Public Vaccinator can ascertain, the applicant has attained the age of fifteen years, or, if during any immediate danger of small-pox, the age of twelve years, and has not before been successfully re-vaccinated; and (2) that, in the Public Vaccinator's judgment, the proposed re-vaccination is not for any sufficient medical reason undesirable; and (3) that the Public Vaccinator can afford vaccine lymph for the purpose without in any degree postponing the claims which are made on him for the performance of primary vaccination in his district."

6th February, 1871.

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No. 29.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 15th February, 1872.

I transmit to you for your information a translation of a Proclamation issued by the Governor-General of Netherlands India, to prevent the introduction of certain contagious diseases into the Dutch Indian Possessions, and for the enforcement of quarantine in certain cases.

I have, &c.,

KIMBERLEY.

The Officer Administering the Government  
of New Zealand.

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Enclosure in No. 29.

[TRANSLATION.]

*Colonial Ministry.*

THE attention of those concerned is directed to the following Ordinance, promulgated by the Governor-General of Netherlands India, in the official paper (*Staatsblad*) of Netherlands India, 1871, No. 109, under date of 4th August, 1871:—

In the King's Name!

The Governor-General of Netherlands India, having heard the Council of Netherlands India, sends greeting, and notifies to all who shall see these presents or hear them read,—

That he, considering it desirable that measures be adopted for the prevention, as far as possible, of the introduction into Netherlands India of contagious diseases imperilling the general health;

In observance of Articles 20, 29, 31, and 33 of the Regulations for conducting the Government of Netherlands India;

Having read the Colonial Minister's communication of 19th May, 1871, let. AAz, No. 2609;

Has thought proper and has resolved,

By virtue of the King's authorization, to establish the following general regulations for the prevention of the introduction into Netherlands India of contagious diseases imperilling the general health:—

Article 1. Ships and vessels wherein contagious diseases dangerous to the general health, such as cholera, yellow fever, Asiatic plague, small-pox, and others of a similar character prevail, or have prevailed during the voyage just completed, or if such ships and vessels come from places where contagious diseases prevailed at the time of their departure, must, on their arrival in a roadstead of Netherlands India, bear a yellow flag at the foretop.

Article 2. All intercourse of any ship or vessel arriving and bearing the yellow flag with the shore and with other ships and vessels in the roadstead, or in the vicinity of the roadstead, without distinction, is, saving what is directed in Article 3, forbidden.

For each transgression of this prohibition committed by any one belonging to the ship or vessel, or who has made the voyage therewith, the commander will be punished by a fine of 100 to 1,000 florins.

Any one who, without being authorized to do so by virtue of these regulations, shall go on board such ship or vessel, will be punished, according to his nationality, by imprisonment or by labour on the public works for a period of eight days to a month.

The Commander of the Guardship, or, where no such vessel is present, the Harbour Master, is to attend to the maintenance of the prohibition, in accordance with the directions given thereupon.

Article 3. If it should afterwards appear that, although the ship or vessel is in the condition described in Article 1, the yellow flag was not hoisted upon it on its arrival, the commander incurs a fine of 500 to 5,000 florins.

The Commander of the Guardship, or, where no such vessel is present, the Harbour Master, then orders that the yellow flag be immediately hoisted.

Article 4. When any ship or vessel bearing a yellow flag comes to a roadstead, or when the yellow flag is hoisted after arrival in the roadstead, according to the provision in Article 3, an officer of health from the Guardship, or, in places where there is no Guardship, a civil or military medical man, to be appointed by the Chief of the Local Administration, shall go as speedily as possible, observing the prescribed measures of precaution, on board the newly-arrived ship, for the purpose of instituting a diligent inquiry as to the nature of the disease.

All officers and others charged with any civil or military medical service are bound to perform that service with the greatest speed.

A report of the result of the inquiry is to be immediately made, both to the Chief of the Local Administration and the Commander of the Guardship, or, in places where there is no Guardship, to the Harbour Master, so that the necessary measures may be taken, in accordance with the existing regulations in this respect, to isolate the newly-arrived ship, to render assistance to the Commander, and to attend to the sick.

If, however, it should be found that there is no danger of contagion, then permission is immediately to be given to haul down the yellow flag; and this serves as a sign that the prohibition against the opening of communication with the shore or with other vessels is revoked.

The same is done so soon as the Chief of the Local Administration has declared, on the advice of the medical man, that all danger of contagion is at an end.

Article 5. The Chief of the Local Administration is to give immediate information, by telegraph if possible, of the measures referred to in the third paragraph of Article 4, as well as of the declaration mentioned in the last paragraph of that Article, to the Commander of the Naval Force, the Chief of the Department of Marine, and to the Director of Instruction, Worship, and Industry, and, if he is not himself the Acting Chief of the District, also to the Chief of the District Administration.

Article 6. In ships or vessels whereon the yellow flag has been hoisted it must not be hauled down without the express order of the Commander of the Guardship, or, in places where there is no Guardship, of the Harbour Master.

After sunset, two lighted lanterns must be placed, one under the other, on the foretop.

For every transgression of these regulations, the Commander will incur a fine of 500 to 5,000 florins.

Article 7. The Commander of any ship or vessel whereon the yellow flag is hoisted is bound to execute, immediately and strictly, the measures prescribed to him by the authorities authorized thereto, in accordance with this Ordinance.

If necessary, the aid of the armed force will be called in to enforce the execution of those measures.

Article 8. Ship and cargo are liable and seizable for the payment of the fines laid upon the Commander by virtue of Articles 2, 3, and 6.

The sentence of condemnation shall always contain the declaration that the officer charged with the execution is authorized to continue the embargo on the ship or vessel, and to prevent the departure thereof until the fines are paid, if the sale in execution should be considered inadvisable by the Chief of the Local Administration in the interest of general health.

*Transitory Provision.*—Article 1 and the first paragraph of Article 3 first come into operation with the seventh month after the promulgation of this Ordinance.

The second paragraph of Article 3 and the rest of the provisions of this Ordinance are, nevertheless, applicable to the ships and vessels referred to in the first paragraph of Article 3, which arrive in a roadstead of Netherlands India within seven months after the promulgation.

And in order that no one shall plead ignorance hereof, it shall be inserted in the official paper (*Staatsblad*) of Netherlands India, and, so far as necessary, be posted up in the Native and Chinese languages.

It is, moreover, ordered and commanded that all superior and inferior communities and public persons, officers, and justiciaries, each for so far as concerns him, shall maintain the strict observance hereof, without connivance or respect of person.

Done at Buitenzorg, the 4th of August, 1871.

P. MIJER.  
VAN HARENCAEPSPEL,  
General Secretary.

## No. 30.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 19th February, 1872.

I transmit to you, for your information, a copy of a Circular Despatch on the subject of Public Nuisances, which I have this day addressed to the Governors of Colonies, where the Local Government is not responsible to the Legislature.

The Officer Administering the Government  
of New Zealand.

I have, &c.,  
KIMBERLEY.

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Enclosure in No. 30.

Copy of a Despatch from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F.  
BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 19th February, 1872.

I transmit to you, for your information, a copy of Instructions to Inspectors of Nuisances issued by Mr. Des Vœux, the Administrator of St. Lucia, in view of a threatened epidemic.

I also transmit to you a copy of some Observations by the Medical Officer of the Local Government Board, in this country, on these Instructions.

I wish you to consider whether, even without the immediate motive of a threatened epidemic, it would not be desirable to take similar steps, with such variations as the local circumstances and law may require.

The Officer Administering the Government  
of New Zealand.

I have, &c.,  
KIMBERLEY.

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Sub-Enclosure 1 to Enclosure in No. 30.

INSTRUCTIONS FOR INSPECTORS OF NUISANCES APPOINTED UNDER THE PROVISIONS OF THE ORDINANCE  
No. 1, OF 27TH JANUARY, 1854.

I. Inspect carefully every street, house, and lot in the \_\_\_\_\_ of \_\_\_\_\_, and report upon each (giving names of owner and occupier) as to its sanitary condition, taking note separately of all things likely to be injurious to health, especially—1. Water stagnating under houses; or—2. In the immediate neighbourhood of houses. 3. Foul privies, stables, drains, and cesspools. 4. Dung-heaps. 5. Pigs. 6. Rank vegetation. 7. General want of cleanliness, whether in houses or yards.

II. Inform owners and occupiers of the danger incurred from the above causes, and of the necessity of removing them. In case of obstinate indisposition to see this necessity and to act accordingly, give notice as provided in the 6th section of the Ordinance in respect of any of the various nuisances enumerated above, as follows:—In respect of (1) and (2), to remove either by filling up with earth or otherwise as may appear to the Inspector most feasible; in respect of (3), to cleanse or at least to disinfect with chloride of lime or carbolic acid; of (4), to remove entirely; (5), the same; (6), to clear; (7) to whitewash house, or to adopt such other means of cleansing as may appear to the Inspector most easily attainable.

III. Note in your report, or in urgent cases inform the Executive at once, on what premises the abatement or removal of nuisances is beyond the power or means of the owners or occupiers, and the probable cost of the work required.

IV. In any case of non-compliance with notice, arising from any other cause than want of power or means, proceed at once for the recovery of the penalty, or have the necessary work performed at the expense of the owner of the premises; adopting whichever course is likely to lead to the desired end in the shorter time.

V. Note any case where water in use for the purposes of drinking and cooking is liable to be contaminated by human excretions, not only directly, but by drainage through the earth, and suggest in your report the best preventive measures.

With regard to the importance of this duty, it may be well to mention that according to the latest discoveries of sanitary science, water is perhaps the most powerful agent in the propagation of cholera virus; and it has been stated on high authority that the excretions of a person infected with the disease are capable of poisoning a large body of water, even after filtration through the earth.

VI. Warn all persons as to the peculiar danger incurred in time of epidemic from impure air and defective ventilation.

When a number of persons are in the habit of sleeping in a defectively ventilated apartment, and this is insufficiently large to contain at least 800 cubic feet of air for each person, they should be warned (unless the neighbourhood is especially malarious) that they are liable to suffer far more injury from closed than from open windows, and especially in time of epidemic.

VII. Bear in mind throughout your inspection that though foul smells are always an indication of danger, danger may nevertheless exist without them, especially in the case of stagnant water that has not been recently disturbed.

## GENERAL INSTRUCTION.

As the necessary cleansing is likely to be disagreeable to many, it is especially desirable, in endeavouring to obtain it, to use persuasion rather than compulsion. While the measures required should be insisted upon with firmness, no opportunity should be lost of explaining to the ignorant that they are necessary for health and safety. Allusion to the mortality in the last epidemic may probably be useful to promote a ready obedience. Resort to the Magistrate's Court may possibly be in no case necessary; but if examples are to be made, offenders of the highest position should be in the first place selected, as being those whose shortcomings would be the least excusable. A tendency to allow immunity to one class, while another, and that the least culpable, is punished, while always highly unjust, would, if indulged in the present instance, be additionally objectionable, as likely to weaken, if not prevent, general co-operation for the attainment of the object desired.

G. W. DES VŒUX,  
Administrator of the Government.

## Sub-Enclosure 2 to Enclosure in No. 30.

Mr. SIMON to the SECRETARY of STATE, Colonial Office.

Local Government Board, (Medical Department.)

SIR,—

Whitehall, S.W., 16th January, 1872.

I beg to acknowledge the receipt of your letter of the 13th ultimo, enclosing a copy of a Despatch from the Governor of St. Lucia, covering a copy of a communication received from the Administrator of that Island, together with a copy of instructions issued by him to Inspectors of Nuisances; and in compliance with the request contained in the latter paragraph of the letter I would observe—

1. That the instructions appear to relate only to cases where a nuisance actually exists, and not to cases where means of prevention against nuisance (such as drains to carry off slop water, proper arrangements for the disposal of excrement) are requisite. It would seem desirable that the inspection should include both sorts of cases.

[Although such a principle is only but little admitted in the Sanitary Law of England, it would seem very desirable that, without notice from an Inspector, it should be an offence punishable by fine to have a nuisance on one's premises.]

2. The filling up of stagnant water with earth is not likely to reduce materially the mischief to health which such water may be causing, to provide against which an improvement in the drainage would seem to be needful.

3. There is no reference in the instructions to any local authority ordinarily charged with seeing to the sanitary condition of the villages. It may, in the circumstances of the Colony, be impossible to provide such an authority; but the want of it will be much felt in reference to sufficiency of the means adopted to carry out the Inspector's notices as to foul privies and cesspools.

Instead of the words "cleanse, or at least disinfect with chloride of lime or carbolic acid," in paragraph 2, I should advise "cleanse or empty, with the use of proper disinfectants, such as chloride of lime or carbolic acid."

4. Drinking water should (as was suggested by a pencil note, now accidentally erased,) be protected against pollution by any filth or refuse, and not only against contamination by human excrement.

The Under Secretary of State, Colonial Office.

I am, &c.,

JOHN SIMON.

## No. 31.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 9.)

SIR,—

Downing Street, 23rd February, 1872.

I have to acknowledge your Despatch No. 109, of 20th November, forwarding copies of the Speech with which you closed the Session for 1871 of the New Zealand Parliament, together with further Parliamentary Papers, and additional numbers of the New Zealand *Hansard*.

I have, &c.,

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

KIMBERLEY.

## No. 32.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 10.)

SIR,—

Downing Street, 23rd February, 1872.

Her Majesty's Government have had under their consideration your Despatch No. 112, of 24th November, transmitting a Memorandum by your



Advisers, with a copy of a Resolution adopted by the Legislative Council of New Zealand on the subject of the Navigators Islands.

Her Majesty's Government are not insensible to the fact that the increase of commerce in the Pacific, and the constant advance of European settlement in those regions must render the South Sea Islands of far greater interest than formerly. They are not, however, prepared to advise Her Majesty to take upon herself further direct responsibilities, such as would be entailed upon her by the assumption of Sovereignty or of a Protectorate over the Navigators Islands.

I have, &c.,

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

KIMBERLEY.

No. 33.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 12.)

SIR,—

Downing Street, 23rd February, 1872.

With reference to your Despatch No. 114, of 25th November, I transmit to you, for your information, a copy of a letter from the Astronomer-Royal, upon the subject of the arrangements for the observation of the transit of Venus in 1874.

I have to call your attention to Professor Airy's remark with respect to the instruments which he trusts will be provided by the Colony on the occasion.

I have, &c.,

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

KIMBERLEY.

Enclosure in No. 33.

Professor AIRY to Mr. HOLLAND.

Royal Observatory, Greenwich, S.E.,  
19th February, 1872.

SIR,—

Again referring to your letter of the 7th instant, on the subject of the observation of the transit of Venus, 1874, in New Zealand; I have the honor to state that I have carefully perused the documents accompanying that letter, and have arrived at the following conclusions, which I request you will be pleased to place before the Right Hon. the Earl of Kimberley.

1. Combining the various considerations, astronomical and meteorological, on which the choice of a station for the Government Expedition must depend, I fix on Christchurch as the most advantageous point; and request that it may be understood in future that the Government Expedition will be located at Christchurch.

2. The principal instruments provided by the Government will be a Transit Instrument, an Altazimuth for determination of longitude by lunar vertical transits, a six-inch Equatoreal (these with their huts are ready), a four-inch Telescope, a Photographic Heliograph (these are ordered, but not ready), and clocks and other ancillary apparatus. Possibly the assistance of the local authorities may be desired for preparing huts for the last-mentioned instruments.

3. It appears exceedingly desirable that preparations should be made for observing the phenomenon at several stations (as is suggested in one of the documents enclosed with your letter of 7th February); and unusual value will attach to these observations, in consequence of the admirable system which has been adopted in New Zealand of connecting the longitudes of the principal settlements by the galvanic telegraph.

4. But I would remark, that it will be necessary that the instruments for these purposes be provided in the Colony. The Government stores at my command will be completely denuded of moveable instruments by the supplies arranged for the several stations selected in different parts of the world.

5. It may be understood that the minimum of equipment at each station should be a good 4-inch telescope, and a clock or chronometer referred to the local transit clock. Larger telescopes will be very valuable—the standard being taken as 6-inch telescopes.

6. As there is usually greater delay in procuring instruments than in making any other arrangements, I would suggest that the attention of Colonial residents be immediately called to the necessity of hastening this provision.

I have, &c.,

G. R. AIRY.

H. T. Holland, Esq.

No. 34.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 13.)

SIR,—

Downing Street, 24th February, 1872.

I have the honor to acquaint you that I have had great pleasure in submitting the names of William Fitzherbert, Esq., late Colonial Treasurer of the Colony of New Zealand, and Julius Vogel, Esq., now holding that office, to Her Majesty, for the honor of the Third Class or Companions of the Most Distinguished Order of Saint Michael and Saint George, and that Her Majesty has been graciously pleased to approve of that recommendation.

The grant of the dignity, with the insignia, will be conveyed to those gentlemen by the Secretary of the Order.

I have, &amp;c.,

KIMBERLEY.

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

No. 35.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 29th February, 1872.

With reference to my Circular Despatch of 25th January, I have to inform you that the Secretary of State for Foreign Affairs has communicated to me a Despatch from Lord Lyons, in which he states that the French Minister of Justice had brought in a Bill to establish convict stations at the Peninsula of Ducos, in New Caledonia; at the Ile des Saintes dite Terre en Haut, in the West Indies; as well as at the Ile des Pins, and (conditionally) at the Ile Mare, in New Caledonia.

Lord Lyons adds that the Bill was declared to be urgent; that it will in all probability be passed in a short time; and that it is to be presumed that, under its provisions, the convicts sentenced to transportation for taking part in the Paris insurrection will be sent to one or other of the places named. There does not, however, appear to be at present any reason to suppose that persons will be transported without trial, or that the number will be extremely large.

I have, &amp;c.,

KIMBERLEY.

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

No. 36.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 14.)

SIR,—

Downing Street, 5th March, 1872.

I have to acknowledge your Despatch No. 111, of 24th November, informing me of the death of Bishop Patteson, and forwarding Addresses to the Queen from both Houses of the New Zealand Parliament on the subject of the deportation of Natives of the South Sea Islands.

I had previously received, with deep regret, the announcement of Bishop Patteson's death.

The Queen was pleased to receive the Addresses from the Legislative Council and the House of Representatives very graciously; and I request that you will inform both Assemblies that a Bill has been introduced into the Imperial Parliament for the purpose of checking the abuses which have sprung up in connection with the emigration of Polynesian labourers.

Her Majesty's Government notice with satisfaction the offer of assistance in the Address of the House of Representatives in the suppression of the evils complained of.

I have, &amp;c.,

KIMBERLEY.

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

No. 37.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 6th March, 1872.

I have the honor to transmit to you a copy of a letter addressed to me Jan. 10, 1872.  
by the Lord Bishop of Sydney, calling attention to certain questions affecting the  
future appointments of Colonial Bishops, and the status of Priests and Deacons  
who have been ordained in the Colonies, together with a copy of the reply thereto. Jan. 27, 1872.

I have, &amp;c.,

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

KIMBERLEY.

## Enclosure 1 in No. 37.

The Bishop of SYDNEY to the Earl of KIMBERLEY.

MY LORD,—

Stapenhill, Burton-on-Trent, 10th January, 1872.

In compliance with your Lordship's request, that I should communicate to you in writing, I have  
the honor to address your Lordship on the future appointment of Colonial Bishops, and upon two  
important points connected with this subject.

As representing in an official capacity a considerable portion of the Church in Australia, I am able  
to state that there is a general desire to maintain, as far as possible, its connection with the Church in  
England, of which it considers itself a branch. For this purpose, it is very desirous to keep up a link  
with the mother country in regard to the appointment and consecration of its bishops; and while, on  
the one hand, in the altered state of the Church, it seems necessary that the Colonial Synods should  
nominate clergymen to be consecrated to vacant sees, on the other hand we earnestly desire that Her  
Majesty may be advised to grant license to the Archbishop of Canterbury to consecrate and therein to  
name the diocese to which the bishop is to be consecrated. No coercive jurisdiction is sought,  
but merely an identification of the see of the bishop.

While such a course would tend to retain the union of the Colonial Church with the Church at  
home, it would appear also to be extremely expedient *for reasons connected with property.*

In some dioceses, the bishops are corporations by virtue of Letters Patent (see Bishop of Cape  
Town *v.* Bishop of Natal, 3 L. R. P. C. 1, for an analogous instance), and hold property as such.

It is apprehended that a succeeding bishop not appointed by the Crown would not be the successor  
of the preceding bishop in a corporate sense, so as to be entitled to the property. A serious difficulty  
might thus arise. It would seem that it was proposed to deal with this difficulty in a Bill introduced  
into the House of Lords in 1867 by the Duke of Buckingham, then Secretary of State for the Colonies;  
but as this Bill did not become law, its introduction is merely evidence of the recognition in the highest  
quarters that the difficulty is real and not imaginary. The solution which the Bill purported to provide  
was certainly open to exception.

This difficulty is felt, and has been expressed in various quarters; and as it results from a change  
in the action of the Crown, it is respectfully submitted that every effort is due to the Church in the  
Colonies to remove, so far as may be possible, the evils resulting from the change.

There is another independent point, yet resulting from the same change on the part of the Crown,  
on which I desire respectfully to submit to the notice of Her Majesty's Government a serious difficulty  
under which the Colonial Church labours.

By 59 George III. c. 60, sec. 4, it is enacted as follows:—"Provided always that no person who, after  
the passing of this Act shall have been ordained a deacon or priest by a Colonial bishop, who at the  
time of such ordination did not actually possess an episcopal jurisdiction over some diocese, district,  
or place, or was not actually residing within such diocese, district, or place, shall be capable in any  
way, or on any pretence whatever, of at any time holding any parsonage or any other ecclesiastical  
preferment within Her Majesty's dominions, or of being a stipendiary curate or chaplain, or of  
officiating at any place or in any manner as a minister of the Established Church of England and  
Ireland."

There seems no reasonable doubt that the whole object of this clause was, as stated by Lord  
Bathurst in introducing the Bill (*Hansard*, 1st Series, vol. xl. page 801), in 1819, to provide that  
Colonial bishops should not continue to ordain after leaving the sees to which they were appointed.

But since the decision of the Judicial Committee in *re* Bishop of Natal (3 Moore's P.C. Reports,  
N.S., 115), that in a Colony with Legislative institutions the Crown has no power to confer any juris-  
diction in the sense of coercive legal authority on a bishop, a very large number of bishops in the Colonies  
must be considered to possess no "jurisdiction" in the strict sense of the term.

On some of them an attempt was made to confer it by their Letters Patent, but such attempt  
must now be deemed unsuccessful, on the ground that the Colony already possessed Legislative institu-  
tions. In the case of others more recently created, no such attempt even has been made.

In the latter class of instances, moreover, no certain dioceses or limited districts have in any way  
been assigned by the Crown, the license for consecration being of a perfectly general nature, and  
specifying no more than that the party is to be consecrated to be a bishop in such or such a Colony, or  
sometimes in Her Majesty's Colonial Possessions, or to the like effect.

The result, therefore, it is humbly apprehended, is to throw doubts of a grave and most inexpedient  
kind over the capacity of the clergy ordained by such bishops, and over the legal status of members of  
the Church, in respect to rites and ceremonies performed by them.

Accordingly, so strongly was this felt shortly after the decision of "*In re* Bishop of Natal," that Mr.  
Cardwell, then Secretary for the Colonies, in 1866, brought in a Bill designed (amongst other things)

to meet this difficulty. In introducing it, he said (speaking of the recent decision of the Privy Council), "One of the enactments which were inconsistent with the legal decision, and with the principle on which this Bill was founded, was the Bill of 1819, in which it was enacted that a person ordained by a bishop not having episcopal jurisdiction over a defined district, should not be capable of holding any preferment within Her Majesty's dominions. But the majority of the bishops, it had now been decided, had no such jurisdiction, and therefore all the clergy ordained by them were subject to this disqualification. This was entirely at variance with the intention of Parliament in passing the statute. The consequence in respect of the clergy themselves was intolerable, and it was impossible to say how far it might extend in respect of marriages and other religious services which had, since the passing of the statute, been performed by these clergy. Obviously it would be necessary to repeal that disqualification."—(*Hansard*, N.S., vol. lxxxiii. p. 1032.) As it is presumed that such a Bill could not have been framed, nor such statements made by a Minister of the Crown, except with the concurrence of the Law Officers, the speech of Mr. Cardwell must be deemed to possess great authority in reference to the gravity of the doubts in question, and the necessity of removing them.

I venture to submit that the effect of this clause of the 59th George III. c. 60 is to saddle the Church in the Colonies with all the restrictions of an established religion, while it possesses none of the corresponding advantages; such restrictions, moreover, proceeding from the Legislature, and being beyond the powers of the Church itself to remove.

The Bill of Mr. Cardwell did not pass into law, owing perhaps to its embracing certain other questions, as to which much difference of opinion existed. Indeed, as I am advised, the manner in which that Bill professed to deal with the difficulty under 59 George III. c. 60 was scarcely the best suited to the necessity of the case.

It may probably be thought expedient to keep up some prohibition against bishops ordaining elsewhere than in the locality where they habitually exercise their episcopal functions, while at the same time it is necessary to provide that the possession of legal and coercive jurisdiction shall not be indispensable.

It is, therefore, respectfully suggested that it might be a proper course to confine the effect of any amending Act to an interpretation of the terms used in 59 George III. c. 60, s. 4, and to a declaration that they shall not necessarily impart legal jurisdiction or a legally assigned diocese.

In furtherance of such suggestion, I venture to submit a draft clause, prepared by a legal friend, who has largely studied the subject, for your Lordship's consideration.

After reciting sec. 4 of 59 George III. c. 60, and that doubts have arisen as to the effect thereof, the clause might proceed thus:—

"Now, therefore, be it enacted that the words 'possess an episcopal jurisdiction over some diocese, district, or place,' shall not of necessity be construed to imply the possession of coercive legal jurisdiction, but shall apply to the case of any such bishop who at the time of such ordination possessed consensual jurisdiction or authority, or who habitually exercised episcopal functions within such diocese, district, or place, as well as to a bishop possessing coercive legal jurisdiction. And that the word 'diocese' shall apply to a consensual or voluntarily created diocese, as well as to a diocese created or assigned by law."

"And be it further enacted, that this Act shall have retrospective operation in relation to any ordinations that have heretofore taken place to which the said recited Act might apply."

I have thus endeavoured to place before your Lordship, as succinctly as possible, our wishes in respect to the appointment of bishops, and our difficulties in respect to property, and the disability of certain of the Colonial clergy; and as these difficulties and disabilities will be greatly increased when sees now filled by bishops appointed under Letters Patent become vacant, I venture most respectfully to pray that early consideration may be given to the subjects of this letter, and that I may be enabled to return to my diocese with a distinct understanding what course Her Majesty's Advisers will be prepared to adopt, or to recommend the Church in the Colonies to pursue.

The Right Hon. the Earl of Kimberley,  
Her Majesty's Secretary of State for the Colonies.

I have, &c.,  
F. SYDNEY.

### Enclosure 2 in No. 37.

MR. HERBERT to the BISHOP of SYDNEY.

MY LORD BISHOP,—

Downing Street, 27th January, 1872.

I am directed by the Earl of Kimberley to acknowledge the receipt of your letter of the 10th instant, in which you call his Lordship's attention to certain questions affecting the future appointments of Colonial Bishops, and the status of Priests and Deacons who have been ordained in the Colonies. I am to state that his Lordship has given careful consideration to these questions, which are of great importance, and have from time to time, since the judgment in the Bishop of Natal's case, been brought under the notice of successive Secretaries of State.

With respect to the first question, namely, the mode of appointment of Colonial bishops, it is stated in your letter that while on the one hand it seems necessary that Colonial Synods should nominate clergymen for consecration to vacant sees, on the other hand it is earnestly desired that Her Majesty may be advised to grant license to the Archbishop of Canterbury to consecrate and therein to name the diocese to which the bishop is to be consecrated; that no coercive jurisdiction is thereby sought, but merely an identification of the see of the bishop; and that such a course would be extremely expedient for reasons connected with property.

I am in reply to inform you that Lord Kimberley is not prepared to recommend a departure from the course which has been adopted, after full consideration, under the advice of the Law Officers of the Crown. That course may be briefly summed up as follows:—Her Majesty will be advised to refuse, in conformity with the judgment of the Judicial Committee, to appoint a bishop in any Colony possessing an independent Legislature, without the sanction of that Legislature, but she will be advised, on the

application of the Archbishop of Canterbury, to issue from time to time such mandate as is required by law to authorize the consecration of a bishop, no diocese or sphere of action, however, being assigned in such mandate.

You are aware that Colonial bishops may exercise, and in fact have exercised, the power of consecration without Royal sanction, and it remains for the Colonial Episcopate, having these facilities for continuing their succession, to secure the position of their successors in respect to endowments or otherwise by such voluntary agreement or local legislation as they may be advised is necessary and practicable.

With respect to the second question raised by your letter, namely, the status of clergy who have been ordained by Colonial bishops, I am to state that Her Majesty's Government have not had any recent communication from the prelates of England on this subject, and are not at present prepared to undertake legislation; but that they would see no objection to such a change in the law as would place the Colonial clergy on the same footing as that on which the Scotch Episcopal clergy were placed by 27 and 28 Vict. c. 94.

The Right Reverend the Lord Bishop of Sydney,  
Stapenhill, Burton-on-Trent.

I have, &c.,  
R. G. W. HERBERT.

No. 38.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

SIR,— Downning Street, 9th March, 1872.

With reference to my Circular Despatch of the 2nd February, 1871, I transmit to you, for your information, copies of Amended Regulations, dated 1st February, 1872, which have been issued by the Secretary of State for the Home Department under the Naturalization Acts of 1870.

There is no change made in these Regulations which affect the Colonies; but as they bear date subsequent to those already transmitted to you, and will no doubt be referred to in all future documents, I have deemed it advisable to furnish you with a copy.

The Officer Administering the Government  
of New Zealand.

I have, &c.,  
KIMBERLEY.

Enclosure in No. 38.

NATURALIZATION ACTS, 1870.—REGULATIONS.

IN exercise of the powers contained in the Naturalization Acts, 1870, I, the Right Honorable Henry Austin Bruce, one of Her Majesty's Principal Secretaries of State, make the following regulations.

FORMS.

1. The forms of declarations made in pursuance of the said Acts shall be respectively as follow:—

NATURALIZATION ACTS, 1870.

*Declaration of Alienage by a Naturalized British Subject.*

I, A.B., of \_\_\_\_\_, having been naturalized as a British subject on the \_\_\_\_\_ of \_\_\_\_\_, (Insert address.)  
18 \_\_\_\_\_, do hereby, under the provisions of the Order of Her Britannic Majesty in Council of the \_\_\_\_\_,  
and of the treaty between Great Britain and C.D., renounce my naturalization as a British subject,  
and declare that it is my desire to resume my nationality as a subject [or citizen] of C.D.

Made and subscribed this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, before me,  
(Signed) A.B.  
(Signed) E.F.  
Justice of the Peace  
[or other official title].

NATURALIZATION ACTS, 1870.

*Declaration of Alienage by a Person born within British Dominions.*

I, A.B., of \_\_\_\_\_, being held by the common law of Great Britain to be a natural-born subject (Insert address.)  
of Her Britannic Majesty by reason of my having been born within Her Majesty's dominions, and  
being also held by the law of C.D. to have been at my birth, and to be still, a subject [or citizen]  
of C.D., hereby renounce my nationality as a British subject, and declare that it is my desire to be  
considered and treated as a subject [or citizen] of C.D.

Made and subscribed this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, before me,  
(Signed) A.B.  
(Signed) E.F.  
Justice of the Peace  
[or other official title].

## NATURALIZATION ACTS, 1870.

*Declaration of Alienage by a Person who is by origin a British Subject.*

(Insert address.) I, A.B., of \_\_\_\_\_, having been born out of Her Britannic Majesty's Dominions of a father being a British subject, do hereby renounce my nationality as a British subject.

Made and subscribed this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, before me, (Signed) A.B.

(Signed) G.H.  
Justice of the Peace.  
[or other official title.]

## NATURALIZATION ACTS, 1870.

*Declaration of British Nationality.*

(Insert address.) I, A.B., of \_\_\_\_\_ being a natural-born subject of Her Britannic Majesty, and having voluntarily become naturalized as a subject [or citizen] of C.D., on the \_\_\_\_\_ of \_\_\_\_\_, 18\_\_\_\_, do hereby renounce such naturalization, and declare that it is my desire to be considered and treated as a British subject.

Made and subscribed this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, before me, (Signed) A.B.

(Signed) E.F.  
Justice of the Peace  
[or other official title.]

*Note.*—The Act of Parliament under which this declaration is made provides that the declarant “shall not, when within the limits of the foreign State in which he has been naturalized, be deemed to be a British subject, unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.”

II.—The forms of Certificates granted in pursuance of the said Acts shall be respectively as follow:—

## NATURALIZATION ACTS, 1870.

*Certificate of Naturalization to an Alien.*

Whereas A.B., an alien, now residing at \_\_\_\_\_, Secretary of State's Office, Whitehall, has presented to me, the Right Honorable E.F., one of Her Majesty's Principal Secretaries of State, a memorial, praying for a certificate of naturalization, and alleging that he is [Particulars according to the “Instructions”], and that in the period of eight years preceding his application he has resided for five years within the United Kingdom [or has been for five years in the service of the Crown] as \_\_\_\_\_, and intends, when naturalized, to reside in the United Kingdom [or to serve under the Crown]; and whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial: Now, in pursuance of the authority given to me by the said Acts, I grant to the aforesaid A.B. this certificate, and declare that he is hereby naturalized as a British subject, and that, upon taking the oath of allegiance, he shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom; with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject, be deemed to be a British subject, unless he has ceased to be a subject [or citizen] of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

In witness whereof I have hereto subscribed my name this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.  
(Signed) E.F.

## NATURALIZATION ACTS, 1870.

*Certificate of Naturalization under the Acts of 1870 to an Alien naturalized under the Act of 1844.*

Whereas A.B., an alien, now residing at \_\_\_\_\_, Secretary of State's Office, Whitehall, has presented to me, the Right Honorable E.F., one of Her Majesty's Principal Secretaries of State, a memorial, praying for a certificate of naturalization under the Naturalization Acts, 1870, and alleging that he was naturalized in the United Kingdom in pursuance of the Act 7 and 8 Vict. c. 66, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, that he was originally a subject of \_\_\_\_\_, and that in the period of eight years preceding his application he has resided for five years within the United Kingdom [or has been for five years in the service of the Crown as \_\_\_\_\_], and intends, if he receives the certificate of naturalization for which he prays, to reside in the United Kingdom [or to serve under the Crown]; and whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial: Now, in pursuance of the authority given to me by “The Naturalization Acts, 1870,” I grant the aforesaid A.B. this certificate, and declare that he is hereby naturalized as a British subject, and that, upon taking the oath of allegiance, he shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom; with this qualification, that he shall not, when within the limits of the foreign State of which he was a natural-born subject [or citizen], be deemed to be a British subject, unless he has ceased to be a subject [or citizen] of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

In witness whereof I have hereto subscribed my name this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.  
(Signed) E.F.

## NATURALIZATION ACTS, 1870.

*Special Certificate of Naturalization to a Person with respect to whose Nationality a doubt exists.*

Secretary of State's Office, Whitehall.

Whereas A.B., of \_\_\_\_\_, has presented to me, the Right Honorable C.D., one of Her Majesty's Principal Secretaries of State, a memorial, praying for a special certificate of naturalization under the above-mentioned Acts, and alleging that he is a person with respect to whose nationality as a British subject a doubt exists, that he is \_\_\_\_\_, and that in the period of eight years preceding his application he has resided for five years within the United Kingdom [or has been for five years in the service of the Crown as \_\_\_\_\_], and intends, if he receives the certificate of naturalization for which he prays, to reside in the United Kingdom [or to serve under the Crown]; and whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial: Now, in pursuance of the authority given to me by the said Act, and for the purpose of quieting doubts as to the right of the said A.B. to be a British subject, I grant to the aforesaid A.B. this certificate, and declare that he is hereby naturalized as a British subject, and that, upon taking the oath of allegiance, he shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations to which a natural-born British subject is entitled or subject in the United Kingdom; with this qualification, that if it should be proved that the said A.B. was heretofore a subject [or citizen] of any other State, he shall not, when within the limits of such State, be deemed to be a British subject, unless he has ceased to be a subject [or citizen] of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect. And I further declare that the grant of this special certificate of naturalization shall not be deemed to be any admission that the aforesaid A.B. was not heretofore a British subject.

In witness whereof I have hereto subscribed my name this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.  
(Signed) C.D.

## NATURALIZATION ACTS, 1870.

*Certificate of Re-admission to British Nationality.*

*(To be granted by one of Her Majesty's Principal Secretaries of State.)*

Whereas A.B. has presented to me, the Right Honorable E.F., one of Her Majesty's Principal Secretaries of State, a memorial, praying for a certificate of re-admission to British nationality, and alleging that he was a natural-born British subject, and that he became an alien by being naturalized as a subject [or citizen] of G.H.,\* on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_, that he is \_\_\_\_\_, and that in the period of eight years preceding his application he has resided for five years within the United Kingdom [or has been for five years in the service of the Crown as \_\_\_\_\_], and intends, if he receives the certificate of re-admission to British nationality for which he prays, to reside in the United Kingdom [or to serve under the Crown]; and whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial; and whereas the said A.B. has taken the oath of allegiance: Now, in pursuance of the authority given to me by the said Acts, I grant to the aforesaid A.B. this certificate, and declare that, as from the date of this certificate, but not in respect of any previous transaction, he is hereby re-admitted to the status of a British subject; with this qualification, that, within the limits of the foreign State of which he became a subject, he shall not be deemed to be a British subject, unless he has ceased to be a subject [or citizen] of that State according to the laws thereof, or in pursuance of a treaty to that effect.

In witness whereof I have hereto subscribed my name this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.  
(Signed) E.F.

## OATH OF ALLEGIANCE.

III.—The oath of allegiance shall be subscribed as well as taken.

IV.—The following persons may administer the oath of allegiance:—

In England or Ireland—

Any Justice of the Peace or any Commissioner authorized to administer oaths in Chancery.

In Scotland—

Any Sheriff, Sheriff-substitute, or Justice of the Peace.

Elsewhere in Her Majesty's dominions—

Any Judge of any Court of Civil or Criminal jurisdiction:

Any Justice of the Peace:

Any Officer for the time being authorized by law in the place in which the deponent is to administer an oath for any judicial or other legal purpose.

This regulation shall not apply to the case of the administration of an oath of allegiance in respect of a declaration of British nationality, for which case provision is made by "The Naturalization Act, 1870" (33 Vict. c. 14, s. 6).

V.—The form in which the oath of allegiance shall be subscribed shall be as follows:—

I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God.

Sworn and subscribed this \_\_\_\_\_ day of \_\_\_\_\_ before me,  
(Signed) A.B.  
(Signed) C.D.,  
Justice of the Peace  
[or other official title].

\* Where the applicant is a widow, the form must be modified accordingly, and recite the allegation in the memorial that the applicant became an alien by marriage with her late husband L.M., a subject [or citizen] of G.H.

VI.—The oath of allegiance taken and subscribed in pursuance of the said Acts may be proved in any legal proceeding by the production of the original certificate, or any copy thereof certified to be a true copy by one of Her Majesty's Principal or Under Secretaries of State.

This regulation shall apply exclusively to legal proceedings in the United Kingdom.

REGISTRATION.

VII.—Every declaration, whether of alienage or British nationality, and every certificate, whether of naturalization or of re-admission to British nationality, and every oath of allegiance taken with respect to a declaration or certificate, shall be registered in the office of one of Her Majesty's Principal Secretaries of State.

Copies, certified by one of Her Majesty's Principal or Under Secretaries of State to be true copies of any declaration, certificate, or oath which has been registered, may be obtained at such office as aforesaid.

This regulation shall apply exclusively to such declarations, certificates, and oaths as may be made, granted, and taken respectively in the United Kingdom.

FEES.

VIII.—With the consent of the Lords Commissioners of Her Majesty's Treasury, I prescribe that fees may be taken and applied as follows:—

The matter in which the Fee may be taken.	The Amount of Fee.	To whom Payment of Fee to be applied.
For taking a declaration, whether of alienage or British nationality.	£ s. d. 0 2 6	To the Clerk of Justice taking declaration, or in Scotland to the Clerk of the Peace, or any of his deputies.
For granting a certificate, whether of naturalization or re-admission to British nationality, and for registering the same, together with the oath of allegiance.	1 0 0	Into the receipt of Her Majesty's Exchequer in such manner as the Treasury from time to time shall direct, and to be carried to the Consolidated Fund.
For administration of the oath of allegiance	0 2 6	In England or Ireland, if the oath is administered by a Justice of the Peace, to the Clerk of such Justice, otherwise to the officer administering the oath. In Scotland, if the oath is administered by a Sheriff or Sheriff-substitute, to the Sheriff Clerk; if by a Justice of the Peace, to the Clerk of the Peace or any of his deputies.
For transmitting a declaration, with or without oath, for registration.	0 0 6	To the Clerk of the Justice who transmits the same, or in Scotland to the Clerk of the Peace or any of his deputies.
For registration of declaration, with or without oath of allegiance.	0 10 0	Into the receipt of Her Majesty's Exchequer in manner aforesaid.
For certified copy of any declaration or certificate, with or without oath.	0 10 0	The same.

This regulation shall apply exclusively to declarations, certificates, and oaths made, granted, and taken respectively in the United Kingdom.

1st February, 1872.

H. A. BRUCE.

No. 39.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 12th March, 1872.

Feb. 29, 1872.

With reference to my Circular Despatch of the 29th ultimo, I transmit to you, for your information, a copy of a letter from the Foreign Office, relative to the Bill now before the French Assembly, for establishing Penal Settlements in New Caledonia and the West Indies.

I have, &c.,

The Officer Administering the Government  
of New Zealand.

KIMBERLEY.

Enclosure in No. 39.

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

SIR,—

Foreign Office, 29th February, 1872.

With reference to Lord Enfield's letter of the 19th instant, I am directed by Earl Granville to transmit to you, to be laid before the Earl of Kimberley, a copy of a Bill presented to the French Assembly by Monsieur Thiers and by the Colonial Minister, for the establishment of certain stations



for the transportation of convicts; as well as a copy of a Despatch from Her Majesty's Ambassador at Paris, relative to the penal settlements to which Communist convicts are to be transported.

The Under Secretary of State, Colonial Office.

I am, &c.,  
E. HAMMOND.

Sub-Enclosure to Enclosure in No. 39.

Lord LYONS to Earl GRANVILLE.

(No. 235.)

MY LORD,—

Paris, 24th February, 1872.

In my Despatch No. 234, of to-day, I have enclosed a second copy of the Bill brought into the Assembly by the Government, to designate as stations to which convicts are to be transported the Peninsula of Ducos in New Caledonia, the Ile des Pins, and the Ile Mare, in the neighbourhood of that Colony, and the Ile des Saintes, on the south of Guadaloupe, in the West Indies. The *exposé des motifs* prefixed to the Bill will have made your Lordship acquainted with the details of the Government plan.

I have herewith the honor to transmit to your Lordship an account taken from the *Journal des Débats*, of the proceedings of the Committee appointed by the Assembly to consider the Bill. This account is, of course, not official but is in all probability substantially correct.

The number of persons under sentence of transportation, in consequence of the part taken by them in the Paris insurrection, appears to have been roughly stated as being between five and six thousand.

Your lordship will observe also that one of the Members of the Committee, Admiral de Montaignac, expressed a fear that disputes might arise between the convicts and the English missionaries in the Loyalty Islands, if the Ile des Pins were made one of the stations.

The Earl Granville, K.G., &c., &c.

I have, &c.,  
LYONS.

No. 40.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 13th March, 1872.

With reference to previous Despatches, I have to inform you that the Secretary of State for Foreign Affairs has communicated to me a Despatch from Her Majesty's Agent and Consul-General in Egypt, reporting the arrival at Suez of the French transport "Le Rhin," with 586 Communist prisoners for New Caledonia.

I have, &c.,  
KIMBERLEY.

The Officer Administering the Government  
of New Zealand.

No. 41.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 14th March, 1872.

With reference to my previous Circulars on the subject of the transportation of French convicts who took part in the Paris insurrection, I transmit to you, for your information, a copy of a further Despatch received through the Foreign Office from Her Majesty's Ambassador at Paris, relative to the establishment in New Caledonia and in the Ile des Saintes of a station for the detention of the convicts in question.

I have, &c.,  
KIMBERLEY.

The Officer Administering the Government  
of New Zealand.

Enclosure in No. 41.

Lord LYONS to Lord GRANVILLE.

MY LORD,—

Paris, March 2, 1872.

With reference to my Despatch No. 235, of the 24th ultimo, to your Lordship's Despatch No. 44, of the 19th ultimo, and to the previous correspondence respecting the transportation of French convicts to stations in the vicinity of British colonies, I have the honor to transmit to your Lordship

an extract from the *Journal des Débats* of to-day, purporting to give a summary of the further proceedings of the Committee on the Bill for establishing at New Caledonia and the Ile des Saintes stations for convicts transported on account of having taken part in the Communist insurrection.

The summaries given in the *Journal* of the proceedings of the Committees of the Assembly, though in no sense official or authentic, are in general substantially correct.

If that which I now enclose is to be relied upon, the Government promises to establish complete regulations respecting the treatment of the convicts.

The Earl Granville, &c., &c.

I have, &c.,  
LYONS.

No. 42.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 15.)

SIR,—

Downing Street, 16th March, 1872.

I have to acknowledge your Despatch No. 116, of 27th November, enclosing a Memorial which was adopted at a Public Meeting held at Auckland, on the subject of the murder of Bishop Patteson.

I request that you will inform the Memorialists that a Bill has been introduced into the Imperial Parliament for the purpose of checking the abuses in the Polynesian Labour Traffic, to which they advert.

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

I have, &c.,  
KIMBERLEY.

No. 43.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 16.)

SIR,—

Downing Street, 20th March, 1872.

I have to acknowledge your Despatch No. 119, of 12th December, reporting your visit to Wanganui.

I approve the terms of your reply to the Native Address on the occasion, read by Te Kepa, and I am glad to receive the satisfactory account which your Despatch furnishes of the condition and prospects of the town and district.

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

I have, &c.,  
KIMBERLEY.

No. 44.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 17.)

SIR,—

Downing Street, 22nd March, 1872.

With reference to your Despatch No. 105, of 8th November last, submitting the recommendation of your Ministers that the term "*Phormium*" may be adopted instead of New Zealand Flax in the Commercial Statistics of the United Kingdom, I transmit to you, for your information, a copy of a letter from the Board of Trade, to which Department your Despatch was communicated.

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

I have, &c.,  
KIMBERLEY.

Enclosure in No. 44.

MR. TREVOR to the UNDER SECRETARY OF STATE.

SIR,—

Office of Committee of Privy Council for Trade, 21st March, 1872.

I am directed by the Lords of the Committee of Privy Council for Trade, to acknowledge the receipt of your letter of the 8th ultimo, transmitting a copy of a Despatch from the Governor of New Zealand, enclosing a Memorandum from his Ministers in which they recommend that the term "*Phormium*" may be adopted instead of New Zealand Flax in the Commercial Statistics of the United Kingdom, and, in reply, I am to make the following observations:—

The *Phormium* fibre of New Zealand is commercially known in this country as "New Zealand Flax;" and as regards the terms used for this description of this and other articles of commerce in mercantile price-lists or trade circulars, neither the Board of Trade nor the Custom House have any control. With respect to the enumeration of the article in the Official Returns, my Lords have been in communication with the Statistical Department of the Custom House, and Mr. Seldon, the principal, agrees with them that, while there would be every desire to meet the wishes of the Ministers of New Zealand, the proposed new term for the fibre from that Colony could not at present be conveniently introduced into the English Import Register. As, however, the fibre in question is an important article of export from New Zealand, there would be no objection for the future to specify in the English Trade Accounts the imports of fibre from New Zealand, and separately, instead of as heretofore from Australia in general.

This arrangement would mark more distinctly than at present the trade in this article between New Zealand and the mother country.

I am however to add that, in the returns compiled from the Official Trade Accounts of New Zealand and published by this Board, the Colonial designation of articles will be adopted.

I have, &c.,

C. CECIL TREVOR.

The Under Secretary of State, Colonial Office.

No. 45.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 18.)

SIR,—

Downing Street, 27th March, 1872.

I have received your Despatch No. 125, of the 21st December last, enclosing a Memorandum from your Ministers submitting the verdict of the jury in an inquest held at Dunedin on the body of a Chinaman, late a passenger in the barque "Guiding Star" from Hong Kong.

I have transmitted a copy of your Despatch and its enclosures to Sir A. Kennedy, and have directed a searching inquiry to be made into the whole matter.

I have, &c.,

KIMBERLEY.

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

No. 46.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 19.)

SIR,—

Downing Street, 30th March, 1872.

I have to acknowledge your Despatch No. 4, of 5th January, upon the subject of the proposed mission of Mr. Seed, the Secretary and Inspector of Customs in New Zealand, to some of the South Sea Islands, and to New Caledonia, for the purpose of obtaining information respecting the trade that is springing up between those Islands and the Colony.

I have, &c.,

KIMBERLEY.

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

No. 47.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 20.)

SIR,—

Downing Street, 1st April, 1872.

I have the honor to acknowledge the receipt of your Despatch No. 122, of the 20th December, forwarding protests by three Members of the Legislative Council of New Zealand, against the Act of the Colonial Legislature entitled "The Carrington Land Grant Act, 1871."

The question does not appear to me to be one in which Her Majesty's Government should interfere.

I have, &c.,

KIMBERLEY.

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

No. 48.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 21.)

SIR,—

Downing Street, 3rd April, 1872.

I have to acknowledge your Despatch No. 8, of 9th January, forwarding a report of the proceedings of the Annual Distribution of Prizes at the Wellington College, at which you presided, with a copy of your speech on the occasion.

I learn with satisfaction that provision continues to be made by the New Zealand Parliament for the maintenance of Native Schools.

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

I have, &c.,  
KIMBERLEY.

No. 49.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 22.)

SIR,—

Downing Street, 3rd April, 1872.

I have to acknowledge your Despatch No. 14, of 15th January, furnishing information respecting the Public Works and the schemes of Immigration undertaken or projected by the New Zealand Government in pursuance of Acts of the Colonial Parliament.

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

I have, &c.,  
KIMBERLEY.

No. 50.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 24.)

SIR,—

Downing Street, 4th April, 1872.

I have to acknowledge your Despatch No. 6, of 7th January, furnishing a narrative of a visit which you had made to the Wairarapa District.

I have read with satisfaction your account of the good feeling existing between the Europeans and Maoris in this district.

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

I have, &c.,  
KIMBERLEY.

No. 51.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 25.)

SIR,—

Downing Street, 4th April, 1872.

I have to acknowledge your Despatch No. 5, of 6th January, reporting the appointment of Mr. J. D. Ormond and Mr. William Reeves to the Executive Council of New Zealand,—the former to reside in the North Island, and to be styled Minister for Public Works; the latter to reside principally at Christchurch, and to be styled Resident Minister for the Middle Island.

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

I have, &c.,  
KIMBERLEY.

No. 52.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 26.)

SIR,—

Downing Street, 4th April, 1872.

I have to acknowledge your Despatch No. 10, of 11th January, reporting the execution of Kereopa for the murder of Mr. Volkner in 1865.

Her Majesty's Government have received with much satisfaction the intelligence of the capture of Kereopa, and of his immediate surrender by the Natives to the ordinary Civil tribunals, to be dealt with in course of law. They are also glad to learn that, with the advice of your Ministers, you had determined on releasing the remainder of the prisoners who were in confinement under sentences passed upon them for rebellion in 1869 and 1870.

I have, &c.,

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

KIMBERLEY.

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No. 53.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.,

(No. 27.)

SIR,—

Downing Street, 4th April, 1872.

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 your Despatch No. 121, of the 19th of December, 1871:—

No. 1.—An Act to apply out of the Consolidated Fund the sum of One Hundred and Fifty Thousand Pounds (£150,000) to the Service of the Year ending the Thirtieth day of June, One thousand eight hundred and seventy-two.

No. 2.—An Act to provide for a Deficiency of Ninety Thousand Pounds (£90,000) by the issue of Treasury Bills repayable over the next two Financial Years.

No. 4.—An Act to amend "The Stamp Duties Act, 1866."

No. 5.—An Act to amend "The Gold Duties Act, 1870," and for other Purposes.

No. 6.—An Act to give further Powers for enabling the Construction of the Dunedin and Port Chalmers Railway.

No. 7.—An Act to amend "The Municipal Corporations Act, 1867," and "The Municipal Corporations Act Amendment Act, 1868."

No. 8.—An Act to confer on Highway Boards constituted under Provincial Laws certain Powers which cannot be conferred by Provincial Legislatures, and for other Purposes.

No. 9.—An Act to provide for the Constitution of Road Boards within Native Districts.

No. 10.—An Act to continue in operation certain Provisions of an Act of the General Assembly validating certain Provincial Acts and Ordinances.

No. 11.—An Act to provide a System of Appealing against Rates imposed under the authority of Ordinances passed or to be passed by Provincial Legislatures.

No. 12.—An Act to amend "The Land Transfer Act, 1870."

No. 13.—An Act to authorize the granting of Leases of Land in the Province of Auckland for Mining Purposes.

No. 14.—An Act to further amend "The Crown Lands (Nelson) Leasing Act, 1867."

No. 15.—An Act to enable the Superintendent of the Province of Otago to set apart additional Lands for Settlements for Colonization in the said Province.

No. 16.—An Act to repeal "The Payments to Provinces Act, 1870," and to make other provision in lieu thereof.

No. 17.—An Act to repeal "The Bay of Islands Settlement Act, 1858," and to provide for winding-up the Affairs of the Settlement.

No. 18.—An Act to amend the Waste Land Regulations of the Province of Wellington.

No. 19.—An Act to amend "The Gisborne Land Act, 1870."

No. 20.—An Act to release certain Lands in the Province of Otago, heretofore reserved from Sale and set aside for and appropriated to Educational Purposes, from the Reserves affecting the same.

No. 21.—An Act to authorize the Governor to grant Land as an Endowment for the support of Common Schools in the Province of Taranaki.

No. 22.—An Act to provide for the Management of certain Education Reserves in the Province of Wellington.

No. 23.—An Act to provide for the Management of certain Parcels of Land in the City of Wellington.

No. 24.—An Act to effect the Conveyance of certain Lands in the City of Wellington, forming part of lands known as the Reclaimed Land, and of the Wharf and Store, the property of the Superintendent of the Province of Wellington, to the Mayor, Councillors, and Burgesses of the City of Wellington, and to provide for the raising of the Purchase Money by the said Mayor, Councillors, and Burgesses, and for the management of other part of the said Reclaimed Land.

No. 25.—An Act to provide for the Management of certain Lands in the Townships of Masterton and Greytown, in the Wairarapa District.

No. 26.—An Act to release certain Reserves vested in the Corporation of the Town of Oamaru, and to transfer the same to the Superintendent of the Province of Otago, to be by him held for Public Purposes.

No. 27.—An Act to regulate Burials near the City of Auckland.

No. 28.—An Act to dispose of the Military Reserves and other Crown Land situate in the City and Suburbs of Auckland.

No. 29.—An Act to enable the Auckland Harbour Board to construct Docks, and to raise Money to defray the Cost thereof.

No. 30.—An Act to amend "The Timaru and Gladstone Board of Works Amendment Act, 1870."

No. 31.—An Act to enable the Superintendent of the Province of Otago to alienate a portion of the Public Gardens Reserves in the Town of Invercargill.

No. 32.—An Act to encourage the Planting of Forest Trees.

No. 33.—An Act to authorize Bishops of the Church of England in New Zealand, by Letters Patent, to convey certain Hereditaments to Trustees to be appointed in that behalf in each Diocese by the Synod of such Diocese.

No. 34.—An Act to amend "The Bishop of New Zealand's Trusts Acts, 1858, and 1868," and "The Religious, Charitable, and Educational Trusts Act Amendment Act, 1865."

No. 35.—An Act to consolidate and amend the Law for preventing the Introduction or Spread of Infectious Diseases among Cattle.

No. 36.—An Act to amend the Law legalizing the granting of Preferable Liens on certain Yearly Crops.

No. 37.—An Act to amend "The Wool and Oil Securities Act, 1858."

No. 38.—An Act to amend "The Limited Liability Companies Winding-up Act, 1870."

No. 39.—An Act to provide for the Establishment and Management of Gold Mining Districts.

No. 40.—An Act to provide for enforcing Contribution towards the Cost of Draining Gold Mines by the Owners of adjacent Mines.

No. 41.—An Act to make provision for Licensing Sharebrokers.

No. 42.—An Act to make further provision for the Protection of Justices from vexatious Actions for acts done by them in execution of their Office.

No. 43.—An Act to amend "The Sheriffs Act, 1858."

No. 44.—An Act to amend the Law relating to Juries.

No. 45.—An Act to amend "The Law Practitioners Act Amendment Act, 1866."

No. 46.—An Act to make further and better provision for charging the Expense of Maintenance of Prisoners detained in Public Gaols for Punishment or safe Custody.

No. 47.—An Act to fix the Fees to be taken in New Zealand under "The Naturalization Act, 1870," of the Imperial Parliament.

No. 49.—An Act to provide for the Enforcement of Claims against the Crown in New Zealand.

No. 50.—An Act for better securing the Payment of Debts due to Workmen.

No. 51.—An Act to repeal “The Vaccination Act, 1863,” and to make other provision in lieu thereof.

No. 52.—An Act to regulate the Sale of Bread, and to prevent the Adulteration of Meal and Flour.

No. 53.—An Act to make further and better provision for regulating the Sale and Keeping of certain Poisons.

No. 54.—An Act to amend “The Civil Service Act, 1866.”

No. 55.—An Act to amend “The Native Schools Act, 1867.”

No. 56.—An Act for appropriating Moneys raised for particular Charitable Purposes in certain cases to other Charitable Purposes.

No. 57.—An Act to amend “The Building and Land Societies Act, 1866.”

No. 58.—An Act to amend the Law relating to the filing of certain Instruments in the Supreme Court Offices in the Province of Otago, and for other Purposes.

No. 59.—An Act to correct the Descriptions of the Boundaries of the Electoral Districts for the Election of Members of the House of Representatives.

No. 60.—An Act to amend “The Regulation of Elections Act, 1870.”

No. 63.—An Act to amend “The Arms Act Amendment Act, 1869.”

No. 64.—An Act for providing for the better Custody of the Public Stores the Colony of New Zealand, and for regulating the Inspection, Issue, and Expenditure thereof, and the Audit of the Accounts relating thereto.

No. 65.—An Act to authorize a Grant of Land Scrip to Frederic Alonzo Carrington, of New Plymouth, in the Province of Taranaki.

No. 66.—An Act to make valid a Grant from the Crown to Waata Kukutai of a parcel of Land in the Parish of Pukekohe in the Province of Auckland.

No. 67.—An Act to grant an Allowance out of the Consolidated Fund for the benefit of St. John Branigan, Esquire, late Commissioner of the Armed Constabulary in New Zealand, and his Family.

No. 68.—An Act to appoint a Commissioner to inquire into and determine certain Claims to Compensation by John Lundon and Frederick Alexander Whitaker, for rights alleged to have been taken away by “The Native Lands Act, 1869.”

No. 69.—An Act to amend “The Poverty Bay Grants Act, 1869.”

No. 70.—An Act to authorize the Antevesting of the Legal Estate under certain Grants of Land in the East Coast District.

No. 71.—An Act to confer enlarged Borrowing Powers upon the Mayor, Councillors, and Citizens of the City of Christchurch.

No. 72.—An Act to authorize the raising of a Loan for the Construction of Gas and Water Works within the City of Nelson.

No. 73.—An Act to grant Borrowing Powers to the Corporation of the City of Dunedin to enable the said Corporation to acquire Gas and Water Works.

No. 74.—An Act to authorize a Loan of Eighty-five Thousand Pounds for the purpose of paying certain Debts due by the Province of Wellington, and for charging the Sums borrowed against the said Province.

No. 75.—An Act to amend “The Immigration and Public Works Act, 1870.”

No. 76.—An Act to make provision for the Construction of certain Railways and other Works, under the Immigration and Public Works Acts, out of the Moneys authorized to be raised under “The Immigration and Public Works Loan Act, 1870.”

No. 78.—An Act to amend “The Public Revenues Act, 1867.”

No. 79.—An Act to amend “The Public Debts Sinking Funds Act, 1868,” and “The Public Debts Sinking Funds Act Amendment Act, 1869.”

No. 80.—An Act to apply a Sum of Money out of the Consolidated Fund and other Moneys, to the Service of the Year ending the Thirtieth day of June, One thousand eight hundred and seventy-two, and to appropriate the Supplies granted in this present Session.

#### PRIVATE ACTS.

No. 1.—An Act to authorize “The Auckland Gas Company (Limited)” to break up Streets and Bridges, and to lay down and maintain Pipes, Conduits, and

Service Pipes, and to make and construct other Works for supplying the City of Auckland and its Vicinity with Gas.

No. 2.—An Act to authorize the Superintendent of the Province of Nelson to break up Streets, Roads, and Bridges, and to lay down and place Pipes, Conduits, and Service Pipes, and to make and construct other Works for supplying the City of Nelson with Gas.

No. 3.—An Act to make provision for the Construction and Maintenance of Waterworks for supplying the City of Wellington with Water, and for defraying the Cost thereof.

No. 4.—An Act to amend "The Dunedin Waterworks Act, 1864," and to increase the Capital of the Dunedin Waterworks Company, and to make further provision for the Management of the said Company.

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

I have, &c.,  
KIMBERLEY.

No. 54.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 29.)

SIR,—

Downing Street, 10th April, 1872.

In compliance with the request contained in your Despatch No. 15, of 18th January last, I transmitted the Opinion of the Attorney-General of New Zealand, and the Ministerial Memorandum, to the Law Officers of the Crown, for their report upon the question raised by the Attorney-General of New Zealand respecting marriage with a deceased wife's sister.

I am advised that, in accordance with the views of the majority of the Law Lords in the case of *Brook v. Brook*, such a marriage as the question relates to would be held to be valid in England, provided the parties to it were domiciled in the Colony at the time of the marriage.

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

I have, &c.,  
KIMBERLEY.

No. 55.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 30.)

SIR,—

Downing Street, 11th April, 1872.

On receipt of your Despatch No. 3, of 4th January, on the subject of the selection of a station for the observation of the transit of Venus in 1874, I forwarded a copy of it to the Lords Commissioners of the Admiralty and to the Astronomer-Royal, calling the attention of the latter to the proposed erection of an Observatory at Christchurch, the capital of the Province of Canterbury, and requesting to be informed of the steps which in his opinion should be taken by the local authorities.

It will be seen from Professor Airy's reply, of which I enclose a copy, that he is in direct communication with the Secretary of the Observatory Committee at Christchurch.

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

I have, &c.,  
KIMBERLEY.

Enclosure 1 in No. 55.

PROFESSOR AIRY to Mr. HERBERT.

SIR,—

Royal Observatory, Greenwich, 4th April, 1872.

I have the honor to acknowledge your letter of April 3rd, transmitting, by instruction of the Earl of Kimberley, copy of a Despatch from the Governor of New Zealand, dated January 4th, and other papers, relating to a proposed establishment of an Observatory at Christchurch, in the Province of Canterbury, and requesting my opinion as to the steps to be taken by the local authorities.

2. I have had some correspondence with the Committee for the proposed Observatory, and (indirectly) with Archdeacon Wilson; and I have also seen some of the published papers.

3. The subject appears to me to be not without its difficulties. For explanation of the view which I take, I believe that I cannot do better than ask leave to place before the Earl of Kimberley copy of



a letter which I wrote to Mr. Maskell, Honorary Secretary of the Observatory Committee, dated March 27th. I enclose this copy under the present cover.

4. In a letter addressed to Admiral Wilson, intended for the perusal of Archdeacon Wilson, I adverted to the history of the observations of Paramatta, Edinburgh, Glasgow, all which were for a long time in a state of discreditable torpor.

5. I may add that (unless assisted by some favourable chance) the expense of procuring an Observer from England will be greater than the colonists appear to contemplate. The salary, £400, offered some years ago for an Observer at Paramatta, was universally treated as insufficient to secure the services of a good Observer.

Robert W. Herbert, Esq.

I have, &c.,  
G. R. AIRY.

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No. 56.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 32.)

SIR,—

Downing Street, 13th April, 1872.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the Act of the Legislature of Zealand entitled "An Act to provide for the Sale of Land in the Province of Wellington on Deferred Payment, and for the setting apart of Land in the Province for Special Settlement," a transcript of which accompanied your Despatch No. 121, of the 19th of December, 1871.

I have, &c.,  
KIMBERLEY.

The Officer Administering the Government  
of New Zealand.

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No. 57.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 18th April, 1872.

I transmit to you copies of a Report received through the Board of Treasury from the Receiver and Accountant-General of the Post Office, with copies of a Statement of the Amounts chargeable to the several Australian Colonies and New Zealand on account of the Mail Packet Service for the year ending 31st December, 1872, together with an Account Current showing the whole balance which will be due from each Colony on 31st December next.

I request that you will give instructions for a remittance to be made of one-half of the amount due up to the 31st December next from the Colony under your Government, as soon after the 30th June as possible, and that the balance then remaining due may be remitted after the expiration of each subsequent quarter.

I have, &c.,  
KIMBERLEY.

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

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Enclosure in No. 57.

REPORT from the RECEIVER and ACCOUNTANT-GENERAL of the POST OFFICE, explanatory of the Account against the AUSTRALIAN COLONIES and NEW ZEALAND for Post Office Packet Service during the Year ending 31st December, 1872.

THE account of the amount chargeable on the Australian Colonies and New Zealand for Mail Packet Service during the year 1872 is annexed.

The amount of subsidy payable to the Peninsular and Oriental Steam Navigation Company for the service between Point-de-Galle and Sydney having been reduced by £500 from 1st August, 1871, in consideration of the withdrawal of Naval Agents from that line, the Colonial moiety of the cost of the service for the current year has been reduced from £64,750 to £64,500; and an allowance has been made to the Colonies on account of the sum deducted from the subsidy for the period from 1st August to 31st December, 1871.

Three of the Colonies—namely, South Australia, Tasmania, and Western Australia—have remitted in full the amount of the balances due upon the previous account.

The arrears due from the other Colonies have been carried to their debit in the present account.

In the case of Victoria the arrears amount to £26,117 10s. 1d., being one-half of the balance due to 31st December, 1871. The attention of the Government of the Colony should, I submit, be called to this arrear.

GEO. CHETWYND,  
Receiver and Accountant-General.

General Post Office, London, 12th April, 1872.

AN ACCOUNT showing the Amounts chargeable on the AUSTRALIAN COLONIES and NEW ZEALAND, on Account of the Mail Packet Service for the Year ending 31st December, 1872.

COLONIES.	Number of Letters Inwards and Outwards in 1871.	Service to Point-de-Galle.		Service between Point-de-Galle and King George's Sound.		Service between King George's Sound and Melbourne.		Service between Melbourne and Sydney.		Moiety of Cost of Mail Boxes and Mail Bags.		Proportion of Cost of Special Packets between Dover and Calais.		Estimated Number of Newspapers Inwards and Outwards <i>via</i> Suez.		Egyptian Transit Rate on Newspapers, &c., <i>via</i> Suez.		TOTALS.	
		£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.		
Victoria	982,600	14,700	10 5	20,829	0 2	9,866	9 6	4,686	16 1	77	8 6	36	2 8	1,519	222	1,616	4 6	47,125	15 9
New South Wales	394,830	5,907	0 9	8,369	12 4	3,965	1 3	...	...	31	2 3	14	10 4	618,054	...	657	9 6	23,631	12 6
South Australia	197,880	2,960	9 11	4,194	13 11	...	...	...	...	15	11 10	7	5 6	321,488	...	341	18 0	7,519	19 2
New Zealand	45,160	675	10 11	957	3 5	453	8 9	586	0 8	3	11 2	1	13 2	90,139	...	95	17 6	2,723	5 7
Tasmania	70,340	1,052	6 9	1,491	0 10	707	0 7	...	...	5	10 10	2	11 9	188,216	...	200	4 0	3,458	14 9
Queensland	179,445	2,684	16 2	3,804	1 7	1,801	19 11	2,130	3 3	14	2 10	6	12 0	260,883	...	277	11 0	10,719	6 9
Western Australia	33,375	499	5 1	707	7 9	...	...	...	...	2	12 7	1	4 7	57,298	...	60	15 6	1,271	5 6
	1,903,630	28,480	0 0	40,353	0 0	16,794	0 0	7,353	0 0	150	0 0	70	0 0	3,055,300	...	3,250	0 0	96,450	0 0

Dr. ACCOUNT CURRENT for the Year 1872, in continuation of that rendered for the Year 1871.

COLONIES.	Balance of Account to 31st December, 1871.		Amount chargeable for 1872 (as per above Statement).		TOTALS.		COLONIES.		Remittances.		Branch Packet Service.		Sums allowed to the Colonies, on Account of the Year 1871.		Balance due 31st December, 1872.		TOTALS.	
	£	s. d.	£	s. d.	£	s. d.	Victoria <th>New South Wales</th> <th>South Australia</th> <th>New Zealand</th> <th>Tasmania</th> <th>Queensland</th> <th>Western Australia</th> <th>£</th> <th>s. d.</th> <th>£</th> <th>s. d.</th>	New South Wales	South Australia	New Zealand	Tasmania	Queensland	Western Australia	£	s. d.	£		s. d.
Victoria	52,233	10 1	47,125	15 9	99,359	5 10	...	...	26,116	0 0	...	111	0 7	73,132	5 3	99,359	5 10	
New South Wales	25,459	2 4	23,631	12 6	49,090	14 10	...	...	22,996	8 1	...	44	6 5	26,050	0 4	49,090	14 10	
South Australia	12,597	16 1	7,519	19 2	20,117	15 3	...	...	8,472	16 1	4,125	0 0	22	17 5	7,497	1 9	20,117	15 3
New Zealand	13,230	6 4	2,723	5 7	15,953	11 11	...	...	9,000	0 0	1,378	18 1	20	2 5	5,554	11 5	15,953	11 11
Tasmania	3,695	15 9	3,458	14 9	7,154	10 6	...	...	2,489	5 8	1,206	10 0	7	14 11	3,450	19 11	7,154	10 6
Queensland	16,490	1 5	10,719	6 9	27,209	8 2	...	...	11,249	14 5	1,225	0 0	19	6 5	14,715	7 4	27,209	8 2
Western Australia	1,641	12 4	1,271	5 6	2,912	17 10	...	...	1,641	12 4	...	...	3	15 2	1,267	10 4	2,912	17 10
	125,348	4 4	96,450	0 0	221,798	4 4	...	...	81,965	16 7	7,935	8 1	229	3 4	131,667	16 4	221,798	4 4

General Post Office, London, 12th April, 1872. GEO. CHETWYND, Receiver and Accountant-General.

A STATEMENT showing the Amounts Credited to the AUSTRALIAN COLONIES in 1872, on Account of the Year 1871.

C O L O N I E S .	Amount Overcharged in 1871.*	Sums allowed to the Colonies on Account of Penalties on the Mail Packet Service between Point-de-Galle and Sydney, Year 1871.†	Total Sums Credited to the Colonies.
	£ s. d.	£ s. d.	£ s. d.
Victoria .....	50 9 4	60 11 3	111 0 7
New South Wales .....	20 2 11	24 3 6	44 6 5
South Australia .....	10 7 11	12 9 6	22 17 5
New Zealand .....	9 2 11	10 19 6	20 2 5
Tasmania .....	3 10 5	4 4 6	7 14 11
Queensland .....	8 15 8	10 10 9	19 6 5
Western Australia .....	1 14 2	2 1 0	3 15 2
	104 3 4	125 0 0	229 3 4

\* The amount of Subsidy payable for the service between Point-de-Galle and Sydney was reduced by £500 per annum from 1st August, 1871, in consideration of the withdrawal of the naval agents. The sum of £208 6s. 8d. was accordingly deducted for the five months to 31st December, 1871; one-half of this sum is credited to the Colonies.

	£
† Amount of Penalties inflicted .....	600
„ Premiums earned .....	350
Excess of Penalties over Premiums .....	£250
One-half to be credited to the Colonies .....	£125

No. 58.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 19th April, 1872.

Her Majesty's Government have had before them your Despatch No. 117, of the 9th December last, and also the Despatches from the Governors of the other Australasian Colonies, of which copies are enclosed, in reply to my Circular Despatch of the 13th of July of last year.

As the Resolutions signed by the Delegates of the Australian Colonies and the Memorandum conveying the views of the New Zealand Government relate to the same subject, it will be convenient that I should deal with them in the same Despatch.

Her Majesty's Government have no desire to enter upon a controversy on points of detail, as to the tariff arrangements of the Colonies. On the contrary, believing, as they do, that such controversies can scarcely be carried on without leading to misunderstandings and differences, they are anxious that their decision on the questions now before them should be based upon broad principles of policy, so as to avoid the irritation which is sure to arise from constant demands on the one side, and concessions on the other. But after an attentive consideration of the various documents submitted to them, Her Majesty's Government are of opinion that, looking to the gravity of the issues raised by the Colonial Governments, involving, as they do, the commercial relations of the whole Empire, and even the right of the Imperial Government to conclude treaties binding the Colonies, they ought not to come to a final decision without further friendly discussion, inasmuch as it appears to them to be required, in order that the nature and extent of the questions which have to be determined may be fully understood, both in this country and in the Colonies. I will therefore proceed to examine the demands which are now put forward.

The Resolutions signed by the Delegates from New South Wales, Tasmania, South Australia, and Victoria, claim that the Australian Colonies shall have the right to make arrangements with each other for commercial reciprocity; that no treaty shall be concluded by the Imperial Government interfering with the exercise of such right; and that Imperial interference with intercolonial fiscal legislation shall absolutely cease.

The Resolutions signed by the Delegates from New South Wales, Tasmania, and South Australia, enter into fuller details. They maintain the right of the Australian Legislatures to control their fiscal policy as between themselves, without interference on the part of the Imperial Government; they express the desire that the connection between this country and her Colonies in Australia may long continue; they deny that any treaty can be constitutionally made which treats those Colonies as foreign countries; they maintain that Foreign Governments ought not to be allowed to become parties to stipulations respecting the trade of one part of the Empire with another, whether by land or sea; they declare that, if the article in the Treaty with the Zollverein, referred to in my above-mentioned Despatch, were interpreted so as to prevent the Australian Colonies from imposing differential duties as between themselves and foreign countries, those Colonies would claim to be considered free from the obligation; and they refer to the agreement between New South Wales and Victoria as to border duties, as a precedent for reciprocal arrangements between the Colonies. Lastly, the delegates who sign these Resolutions, whilst they agree that efforts should be made in the Colonial Legislatures to provide for mutual freedom of trade, assert the right of the Colonies which they respectively represent, to impose such duties on imports from other places, not being differential, as each Colony may think fit.

The Memorandum by Mr. Vogel, expressing the views of the New Zealand Government, commences by an examination of the Acts which have been passed, giving to the British North American Colonies certain powers as to reciprocity with each other and with the United States. It then proceeds to discuss the question of treaty obligation; and on this point it observes, that “it is a matter which should create much satisfaction, on broad and enlightened national grounds, that the right of Her Majesty’s Colonies to make between themselves arrangements of a federal or reciprocal nature, without conflicting with treaty agreements, has been recognized.”

The New Zealand Government think “it would have been demoralizing to the young communities of Australasia had they been taught to believe that reciprocal tariff arrangements between the Colonies were inconsistent with Her Majesty’s treaties with Foreign Powers, but that they could override the spirit of such treaties by the subterfuge or evasion of a Customs Union.”

They suggest that the object of the Zollverein Treaty “seems to be, to prevent the Colonies making such reciprocal arrangements with the United Kingdom of Great Britain and Ireland as from time to time may be found desirable;” and they ask “why a foreign treaty should contain a provision tending to preclude the union of different parts of the Empire.”

They urge that, in considering the subject, the question should not be confined to that of mere intercolonial arrangement.

“It may be for the interest of the Australian Colonies, just as much as it has been for that of the British American Colonies, that arrangements should be made to admit free articles from the United States or from some other country. It is desirable that the Secretary of State should define the position of the Australasian Colonies in this respect.”

They conclude by pointing out that “Great Britain must logically do one of two things—either leave the Colonies unfettered discretion; or, if she is to regulate tariffs or reciprocal tariff arrangements, or to make treaties affecting the Colonies, give to the Colonies representation in matters affecting the Empire. In other words, she must apply in some shape to the Empire that federation which, as between the Colonies themselves, Her Majesty’s Ministers constantly recommend. To urge the right of Great Britain to regulate these matters under present circumstances, is to urge that the interests of the Colonies should be dealt with in the absence of the requisite knowledge of their wants and requirements.”

It is apparent at once that these propositions, taken together, go far beyond what was understood by Her Majesty’s Government to be the original request; namely, that the Australasian Colonies should be permitted to conclude agreements amongst themselves, securing to each other reciprocal tariff advantages.

I will deal, in the first place, with the point raised as to the obligation of the Australian Colonies to conform to the seventh article of the Zollverein Treaty.

Her Majesty's Government apprehend that the constitutional right of the Queen to conclude treaties binding all parts of the Empire cannot be questioned; subject to the discretion of the Parliament of the United Kingdom or of the Colonial Parliaments, as the case may be, to pass any laws which may be required to bring such treaties into operation.

But no Acts of the Australian Legislatures could be necessary to give validity to a stipulation against differential duties, inasmuch as, by the Australian Colonies Government Act, 13 and 14 Vict. cap. 59, section 27, it is provided that "no new duty shall be imposed upon the importation into any of the said Colonies of any article the produce and manufacture of, or imported from, any particular country or place which shall not be equally imposed on the importation into the same Colony of the like article, &c., from all other countries and places whatsoever." And the Constitution Acts of New South Wales, Victoria, and Queensland contain like provisions. Moreover, the Australian Colonies Government Act and the New Zealand Constitution Act prohibit the Colonial Legislatures from levying any duty, imposing any prohibition or restriction, or granting any exemption or privilege, upon the importation or exportation of any articles, contrary to or at variance with any treaty concluded by Her Majesty with any Foreign Power.

If, therefore, article seven of the Zollverein Treaty were construed to prevent the Australian Colonies from imposing higher duties upon goods imported from the Zollverein than upon goods imported from each other, it is manifest that Her Majesty would not have exceeded her constitutional powers in agreeing to such a stipulation, and that the Colonies could not refuse to consider themselves bound by it without repudiating the treaty.

Her Majesty's Government, after a further careful examination of the Zollverein Treaty, remain of opinion that the strict literal interpretation of the seventh article of that treaty does not preclude the imposition of differential duties in one British Colony or Possession in favour of the produce of another British Colony or Possession; but they must, at the same time, point out that it could hardly have been intended that, by reciprocal arrangements between Colonies, perhaps far distant from each other, the produce of the Zollverein should be placed at a disadvantage as compared with Colonial produce, whilst Colonial produce should enjoy, in the ports of the Zollverein, all the privileges of the most favoured nation.

No doubt the negotiators of this treaty thought that they had obtained sufficient security for the Zollverein, as regards the intercolonial trade, by the provision that "in the Colonies and Possessions of Her Majesty, the produce of the States of the Zollverein should not be subject to any higher or other import duties than the produce of the United Kingdom;" but if the Colonies are to be at liberty to impose differential duties as against British produce, it is obvious that this security altogether disappears.

Apart, however, from the obligations of existing treaties, it is necessary to consider the effect of the general views expressed by the Australian and New Zealand Governments on the subject of Commercial Treaties.

It is easy to understand the claim asserted in the second of the Resolutions to which the Victorian Delegates were parties, that no treaty entered into by the Imperial Government with any Foreign Power should in any way limit or impede the exercise of the right of the Australian Colonies to enter into reciprocal tariff arrangements with each other; but it is not at first sight so clear what is meant by the statement in the other set of Resolutions, that no treaty can be properly or constitutionally made which directly or indirectly treats those Colonies as foreign communities.

It seems inconsistent to object to stipulations which treat the Colonies as separate communities, so far as relates to their fiscal arrangements, on the ground that the Colonies are thus treated as foreign communities, when a claim is at the same time set up by the Colonies to treat the United Kingdom itself as a foreign community by imposing differential duties in favour of other parts of the Empire, as against British produce.

But the meaning is, I apprehend, to be gathered from the succeeding paragraph, which affirms that Foreign Governments ought not to be allowed to become parties to stipulations respecting the trade of one part of the Empire to another, whether by land or sea : and further light is thrown upon it by the observations in the New Zealand Memorandum, that the object of the Treaty with the Zollverein seems to be to prevent the Colonies making reciprocal arrangements with the United Kingdom ; that “ if Great Britain were to confederate her Empire, it might, “ and probably would be a condition, that throughout the Empire ; there should be “ a free exchange of goods ;” and that the effect of the Zollverein Treaty “ is to “ make Great Britain hold the relation of a foreign country ” to her Colonies.

It seems, therefore, to follow that, in the opinion of some at least of the Australasian Governments, the ports of the United Kingdom should not, as at present, be open to the produce of the whole world on equal terms, but that the produce of the Colonies should be specially favoured in British ports ; or in other words, that we should abandon the principles of free trade, and return to the old system of differential duties. The New Zealand Memorandum indeed suggests that the best arrangement would be a Customs Union embracing the whole Empire ; but it may perhaps be thought that if it has been found impossible for adjacent communities, such as those of Australia, to come to an agreement for a common system of Customs duties, it is scarcely worth while to consider the possibility of so vast a scheme as the combination of all parts of the British Empire, scattered over the whole globe, under such widely varying conditions of every kind, in one Customs Union. But apart from the insuperable practical difficulties of such a scheme, it is sufficient to point out that its results, if it could be adopted, would certainly not be to promote the views of commercial policy set forth in the papers now under consideration. For, in such a Customs Union, Great Britain, with her wealth and population, must for an indefinite period exercise a greatly preponderating influence ; and it is not to be supposed that the people of this country would, in deference to the views of the Colonies, depart from the principles of free trade, under which the trade and commerce of the Empire has attained to such unexampled prosperity.

The New Zealand Government seem not to have perceived the difference in principle between the formation of a Customs Union and the conclusion of reciprocity agreements. Customs Unions, which have hitherto, as far as I am aware, never been formed except between neighbouring communities, have for their object the removal of the barriers to trade created by artificial boundaries, and the establishment of a cheaper and more convenient mode of collecting the Customs revenue of the united countries. But the formation of such an union does not, in itself, involve any question of protection to native industry, nor of inequality of treatment of imports from countries not belonging to the union. On the other hand, such reciprocity arrangements as the Colonies desire to conclude are not confined to the promotion of free intercourse between each other, but are intended to secure for the trade of the respective Colonies special advantages, as against imports from other places, in return for corresponding concessions. It is no doubt true, as the New Zealand Memorandum points out, that reciprocity agreements might somewhat mitigate the evils of the “ retaliatory tariffs of a protective “ character which have grown up ” in the Australasian Colonies. But although they might avert the ruinous policy of retaliation, they would also tend to perpetuate and strengthen the system of protection, and to aggravate in other quarters the very evils which, as between the favoured Colonies, they would professedly diminish.

A Customs Union, while it would incidentally secure important advantages to native industry, by the removal of all obstacles to internal trade, would do so without establishing the principle of differential duties.

The Colonies forming the union might, no doubt, pursue a protectionist policy, and as Her Majesty’s Government have ceased to interfere with the right of the self-governing Colonies individually, as claimed in the Memorandum signed by the New South Wales, Tasmanian, and South Australian Delegates, “ to impose “ such duties on imports from other places, not being differential, as each Colony “ may think fit,” they would have no reason for interfering with the right of a

Colonial Customs Union to impose such duties ; but there would be nothing in the union itself, as there would be in the proposed reciprocity agreements, inconsistent with the maintenance of the present rule against differential duties.

Moreover, if the principle of differential duties were admitted, it would be very difficult to limit the application of the principle to agreements between particular Colonies.

The New Zealand Memorandum points out that “the vast limits of the United States bring that country into ready communication with Australia as well as with British America; and that it may be for the interests of the Australasian Colonies, just as much as it has been for that of the British American Colonies, that arrangements should be made to admit free articles from the United States, or from some other country.”

These are the logical consequences of the adoption of the system of reciprocity agreements, but no such questions are involved in the establishment of a Customs Union.

It is observed in the New Zealand Memorandum, that the measure proposed by the Colonial Governments may be used to make similar arrangements to those which were introduced in the Treaty with France devised by the late Mr. Cobden.

Her Majesty's Government would certainly have no ground for objection if the Colonial Governments proceeded upon the principles which were acted upon by this country in the case of that treaty. Instead of establishing differential duties, the British Government extended to all countries the benefit of the concessions made to France, and, far from seeking any exclusive privileges for British trade, they cherished the hope, unfortunately now frustrated, that the treaty would pave the way to the complete adoption by France of the system of free trade with all nations.

Some stress is laid upon the agreement made in 1867 between Victoria and New South Wales, respecting the duties on the land frontier between the two Colonies, as affording a precedent for reciprocity agreements between the Colonies. It appears to me that the agreement of 1867 was rather of the nature of a limited Customs Union : no differential duties were imposed under it upon goods entering the ports of Victoria or New South Wales ; but, so far as concerned commercial intercourse by land, the two Colonies were united, the loss to the New South Wales Treasury by the arrangement being redressed by a yearly payment of £60,000 by Victoria.

The precedents in the case of the North American Colonies are however, to a certain extent, in point, as I have already admitted in my Despatch of the 13th of July of last year. It may indeed be observed that, as the whole of the British Possessions on the continent of North America are now united in one dominion, the application of the principle of intercolonial reciprocity is exceedingly limited, being confined to Prince Edward Island and Newfoundland ; and that, as regards reciprocity between the Dominion and the United States, the contiguity of their respective territories along a frontier line now extending across the entire Continent, renders the case so peculiar that the precedent cannot fairly be applied to the commercial relations of Australasia, which is separated from the United States by the Pacific Ocean.

But it cannot be denied that reciprocity bargains may be made between countries far remote from each other, and that the ever increasing facilities of communication between all parts of the world must render it more and more difficult to maintain distinctions based upon merely geographical considerations.

All these complications would be avoided if the Colonies adhered to the free-trade policy of this country. Not the least of the advantages of that policy is, that, as it seeks to secure no exclusive privileges, it strikes at the root of that narrow commercial jealousy which has been one of the most fertile causes of international hatred and dissensions.

Her Majesty's Government believe that protectionist tariffs and differential duties will do far more to weaken the connection between the Mother Country and her Colonies than any expressions of opinion in favour of a severance, such as are alluded to in the Resolutions of the Delegates from three of the Australian Colonies.

Whilst, however, Her Majesty's Government deeply regret that any of the Australasian Colonies should be disposed to recur to what they believe to be the mistaken policy of protection, they fully recognize, so far as the action of the Imperial Government is concerned, the force of the observations made by the Chief Secretary of Victoria, in his Memorandum of October 7, 1871, "that no attempt can be more hopeless than to induce free self-governed States to adopt exactly the same opinions, on such questions as free trade and protection, which the people of England happen to entertain at that precise moment;" and they are well aware, to use again Mr. Duffy's words, "that the colonists are naturally impatient of being treated as persons who cannot be intrusted to regulate their own affairs at their own discretion."

Similarly, Mr. Wilson, Chief Minister of the Tasmanian Government, in his Memorandum of September 11, 1871, observes, that "it is only on an abstract theory of the superior advantages of a free-trade policy that the Secretary of State objects to a proposal which seems to sanction protection under the name of reciprocity. These are views," he goes on to state, "which can find no acceptance with Colonial Legislatures under a system of constitutional government." It is obvious that a prolonged controversy on a subject on which the opinions entertained on either side are, unfortunately, so entirely at variance, would not tend to promote the principles of free trade, opposition to which would become identified in the minds of the colonists with the assertion of their rights of self-government; and that it could scarcely fail to impair those relations of cordial and intimate friendship which both the Imperial and the Colonial Governments are equally desirous to maintain.

But although, for these reasons, Her Majesty's Government might not feel justified in refusing to allow the colonists to adopt the policy which they think best for their own interests, they desire to point out that, in order to meet the views of the Colonial Governments, as expressed in the papers now before me, it would be necessary not only to repeal so much of "The Australian Colonies Government Act," 13 and 14 Vict. cap. 59, as prevents the imposition of differential duties, but to exempt the Colonies in question from the operation of any future commercial treaties which may be concluded by this country, containing stipulations against such duties, leaving them at liberty, subject to the obligations of existing treaties, to make such arrangements as they may think fit for reciprocity with each other or with foreign nations; and before so serious a step is taken, they would ask the colonists gravely to consider the probable effects of a measure which might tend materially to affect the relations of the Colonies to this country and to the rest of the Empire. In the meantime they have thought it right not to proceed in this matter until the Australasian Governments concerned have had an opportunity of communicating any further observations which they may desire to make in explanation of their views.

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

I have, &c.,  
KIMBERLEY.

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NEW SOUTH WALES.

Enclosure 1 in No. 58.

The Earl of BELMORE to the Earl of KIMBERLEY.

(No. 161.)

MY LORD,—

Government House, Sydney, October 6, 1871.

I have the honor to transmit the copy of a letter which I have received to-day from Sir James Martin, the First Minister, respecting the proceedings at the recent Intercolonial Conference at Melbourne.

2. I also enclose one from Mr. Robertson, the Colonial Secretary, forwarding certain printed papers, marked A and B, in duplicate, which should form the enclosures to Sir James Martin's letter, together with six copies of a Memorandum of the proceedings of the Conference.

3. The paper marked A is, in fact, a reply to your Lordship's Circular of 13th July on intercolonial tariff arrangements.

I have, &c.,  
BELMORE.



## Sub-Enclosure 1 to Enclosure 1 in No. 58.

Sir J. MARTIN to the Earl of BELMORE.

MY LORD,—

Attorney-General's Office, October 6, 1871.

I have the honor to inform your Excellency that, at a meeting of the Delegates from the Colonies of New South Wales, Tasmania, South Australia, Queensland, and Victoria, held in Melbourne on the 27th ultimo, a Memorandum of which a copy (marked A) is herewith transmitted, was agreed to and signed by the Delegates from New South Wales, Tasmania, and South Australia. The third paragraph of that Memorandum was specially objected to by the Delegates of Victoria; and the delegates from Queensland, acting on instructions from their Government, declined to become parties to any resolution unconnected with the Postal question. The objection of the Victorian Delegates was so strong that they declined to submit the Memorandum to their Parliament as a part of the proceedings of the Conference, and their minute of such proceedings differs from ours in not containing a copy of such Memorandum.

2. Certain Resolutions, of which a copy is herewith sent, were agreed to, and signed by the Delegates of New South Wales, Tasmania, South Australia, and Victoria.

3. On behalf of the Cabinet, I have the honor to request your Excellency to transmit copies of the Memorandum and Resolutions to the Right Honorable the Secretary of State for the Colonies.

I have, &amp;c.,

JAMES MARTIN.

## Sub-Enclosure 2 to Enclosure 1 in No. 58.

Mr. ROBERTSON to the Earl of BELMORE.

MY LORD,—

Sydney, October 6, 1871.

Referring to the letter of Sir James Martin on the subject of the Conference at Melbourne, which I had the honor to hand to your Lordship at the Executive Council to-day, I beg to forward enclosed copies of the Memorandum and Resolutions therein referred to, and to add that having at the request of Sir James Martin submitted his letter to the Cabinet here, it met with their entire concurrence.

I have, &amp;c.,

JOHN ROBERTSON.

## Sub-Enclosure 3 to Enclosure 1 in No. 58.

## No. 6.

## REPORT OF PROCEEDINGS OF INTERCOLONIAL CONFERENCE.

A CONFERENCE of Delegates from the Colonies of Victoria, New South Wales, South Australia, Tasmania, and Queensland, commenced its sittings in the Executive Council Chamber, Government Offices, Melbourne, on Monday, September 18, 1871.

Present :—The Hon. Charles Gavan Duffy, in the Chair.

The Hon. Sir James Martin.

The Hon. G. W. Lord.

The Hon. Joseph Docker.

The Hon. Graham Berry.

The Hon. John Hart, C.M.G.

The Hon. Wm. Milne.

The Hon. Wm. Morgan

The Hon. J. M. Thompson.

The Hon. T. L. Murray-Prior.

The Hon. J. M. Wilson, and

The Hon. James Dunn.

\* \* \* \* \*

Lord Kimberley's Circular Despatch of the 13th of July having been brought under consideration, the Delegates from New South Wales proposed a Memorandum on the subject, which was accepted by the Delegates from South Australia and Tasmania, and objected to by the Delegates of Victoria, and which the Queensland Delegates did not consider themselves authorized to adopt. The Delegates of Victoria then proposed certain Resolutions insisting on the right of the Colonies to make intercolonial tariffs without limitation, which were unanimously adopted, subject to the consent of the Queensland Government being obtained. The Queensland Delegates, however, having been instructed to confine their labours to the Postal question, the Resolutions proposed by the Victorian Delegates were adopted by the other Colonies.

(Signed)

C. G. D.

G. W. L.

G. B.

J. D.

J. H.

J. M. T.

W. M.

T. L. M.-P.

W. M.

J. M. W.

J. M.

J. D.

Friday, September 29, 1871.

A.

*The Memorandum on the subject of Lord Kimberley's Despatch, as agreed to by the Delegates from New South Wales, Tasmania, and South Australia.*

WE, the undersigned Delegates from the Governments of New South Wales, Tasmania, and

South Australia, now assembled in Melbourne, having had under our consideration the Despatch of Lord Kimberley dated the 13th July, 1871, have agreed to a joint Memorandum in reference to that Despatch.

We are of opinion that the right of the Legislatures of these Colonies to direct and control their fiscal policy as amongst themselves, without interference on the part of Her Majesty's Ministers in England, is a right which it is our duty to assert and maintain.

We desire that the connection between the mother country and her offspring in this part of the world should long continue; and we emphatically repudiate all sympathy with the views of those who, in the Imperial Parliament and elsewhere, have expressed a wish that the bonds which unite us should be severed.

As members of the British Empire, the relations of which with other countries are conducted by the Imperial Government, we deny that any treaty can be properly or constitutionally made which directly or indirectly treats these Colonies as foreign communities.

With the internal arrangement of the Empire, whether in its central or more remote localities, foreign countries can have no pretence to interfere; and stipulations respecting the trade of one part of the Empire with another, whether by land or sea, are not stipulations which Foreign Governments ought to be allowed to become parties to in any way.

The article in the treaty with the Zollverein, to which Lord Kimberley refers, is, therefore, one from the obligations of which we should claim to be considered free, if it were interpreted so as to prevent these Colonies from imposing differential duties as between themselves and foreign countries.

By the agreement made between Victoria and New South Wales in 1867, free trade across or by way of the River Murray was established; and free trade between these Colonies by sea, as well as by land, might at that time, with equal propriety, have been established, had it been thought expedient.

Nothing, that we are aware of, has since occurred to call for or justify any interference with a similar arrangement between the same or other Colonies.

It is of great importance that a cordial understanding should at all times prevail amongst these Colonies, and to that end nothing can be more conducive than a free interchange of their products and manufactures as amongst themselves.

We all agree that efforts should be made in our respective Legislatures to provide, at as early a period as practicable, for this mutual freedom of trade; but we at the same time assert the right of the Colonies we respectively represent to impose such duties on imports from other places, not being differential, as each Colony may think fit.

In conclusion, we agree that copies of this Memorandum shall be transmitted, through the Governors of our respective Colonies, to the Secretary of State for the Colonies.

Signed at Melbourne, this 27th day of September, A.D. 1871.

JAMES MARTIN, Attorney-General and Premier,	}	New South Wales.
GEO. W. LORD, Colonial Treasurer,		
JOSEPH DOCKER, Postmaster-General,	}	Tasmania.
J. M. WILSON, Colonial Secretary and Premier,		
JAMES DUNN, M.L.C., JOHN HART, Treasurer and Premier,	}	South Australia.
WILLIAM MILNE, Chief Secretary,		
W. MORGAN, M.L.C.,		

### B.

*The Resolutions in reference to Intercolonial Tariffs, as agreed to by the Delegates from New South Wales, Tasmania, South Australia, and Victoria.*

The Delegates from the Governments of New South Wales, Tasmania, South Australia, and Victoria, in Conference assembled, having had under their consideration Lord Kimberley's Circular Despatch of the 13th July, 1871, have unanimously adopted the following Resolutions:—

1st. That the Australian Colonies claim to enter into arrangements with each other, through their respective Legislatures, so as to provide for the reciprocal admission of their respective products and manufactures, either duty free or on such terms as may be mutually agreed upon.

2nd. That no treaty entered into by the Imperial Government with any Foreign Power should in any way limit or impede the exercise of such right.

3rd. That Imperial interference with intercolonial fiscal legislation should finally and absolutely cease.

4th. That so much of any Act or Acts of the Imperial Parliament as may be considered to prohibit the full exercise of such right should be repealed.

5th. That these Resolutions, together with a Memorandum from each Government, or a joint Memorandum from such Governments as prefer to adopt that method, shall be transmitted to the Secretary of State, through the Governors of our Colonies respectively.

Signed at Melbourne, this 27th day of September, A.D. 1871.

JAMES MARTIN, Attorney-General and Premier,	}	New South Wales.
GEO. W. LORD, Colonial Treasurer,		
JOSEPH DOCKER, Postmaster-General,		
J. M. WILSON, Colonial Secretary and Premier,	}	Tasmania.
JAMES DUNN, M.L.C.,		
JOHN HART, Treasurer and Premier,	}	South Australia.
WILLIAM MILNE, Chief Secretary,		
W. MORGAN, M.L.C.,		
C. GAVAN DUFFY, Chief Secretary and Premier,	}	Victoria.
GRAHAM BERRY, Treasurer and Commissioner of Customs,		

VICTORIA.

Enclosure 2 in No. 58.

The Viscount CANTERBURY to the Earl of KIMBERLEY.

(No. 134.)

MY LORD,—

Melbourne, October 9, 1871.

I have the honor to transmit to your Lordship copies of the Report of the Proceedings of the Intercolonial Conference, recently assembled here in Melbourne, together with a copy of a Memorandum on the same subject which has been submitted to me by the Honorable the Chief Secretary.

The time, this afternoon, at which this Memorandum reached my hands would, under any circumstances, have precluded me from offering to your Lordship any lengthened observations on the points referred to in it. But, in reality, no such observations are required in this case, for the subjects brought under your Lordship's notice in the Report, and in the Memorandum which accompanies it, involve questions of Imperial as well as of Colonial interest, and your Lordship is already fully conversant with them in both points of view.

I have, &c.,  
CANTERBURY.

Sub-Enclosure to Enclosure 2 in No. 58.

MEMORANDUM for His Excellency the Viscount CANTERBURY, K.C.B., &c., &c.

I DESIRE to bring under His Excellency's attention a Report of the Proceedings of the Intercolonial Conference, which has just closed its sittings, with a view of having it transmitted to the Secretary of State for the Colonies.

The main business of the Conference was to consider the most effectual and economic method of establishing a fortnightly mail with Europe. Two routes have been agreed upon—the existing one by Suez and Brindisi, and a second through the United States. As the commercial and political interests of the United Kingdom would be promoted by these services in as great a degree as the corresponding interests of the Australian Colonies, it has been assumed that the Imperial Government will be willing to bear a moiety of the entire cost of both services. The negotiations which have already taken place between the agents of certain of the Colonies and the Postmaster-General in London, justify, I think, this assumption. The specific grounds, however, upon which the claim of the Colonies for co-operation and assistance in these undertakings is based will be brought under the attention of the Imperial Government anew by the two Colonies intrusted with the duty of transacting this business on behalf of the contracting Colonies, as soon as the sanction of the Colonial Legislatures has been obtained for the proposed routes.

In the meantime I have to request your Excellency to send copies of the proceedings to the Postmaster-General in London, through the Secretary of State, that he may be acquainted with what has been done, and have an opportunity of considering whether he will be pleased to under-

take, on behalf of the Imperial and Colonial Governments, the negotiations and arrangements specified in clauses 8 and 10 of the contract.

I have further to bring under your Excellency's notice Resolutions unanimously adopted by the Conference—with the exception of the Delegates from Queensland, who were restricted to the consideration of the Postal question—with respect to the recent Despatch of the Secretary of State on the subject of "reciprocal tariff advantages."

I wish at the outset to acknowledge, on the part of this Government, the evident desire the Secretary of State exhibits to treat the wishes of the Colonies with respect and courtesy, and to find a method, if possible, compatible with political feeling at home, to accomplish their wishes. We reciprocate this sentiment, and desire also to find a method of securing a necessary concession strictly compatible with our determination to maintain the closest and most affectionate relations with the mother country.

The Secretary of State intimates grave doubts whether the subject of Intercolonial Tariffs presses for immediate decision and action, and it was, I believe, this doubt which chiefly induced the Conference to come to an immediate and unanimous decision. The question certainly has passed from the stage in which it might be justly described as not yet urgent, when three of the Australian Colonies have passed Bills, and two Intercolonial Conferences in succession have adopted Resolutions with respect to it.

What the Australian Colonies claim to do, the Dominion of Canada and some neighbouring Colonies have already done; and we are unable to comprehend any peculiar claim the North American Colonies have to exercise powers which cannot be safely intrusted, or indeed can be legitimately denied, to the Colonies of Australia. The Secretary of State suggests that there were peculiar circumstances arising out of the expectation that a federal union between the Dominion and the Colonies which it favoured would soon be accomplished; but it is the desire of the leading statesmen in Australia to effect a federal union of these Colonies also, and the means that were considered effectual for that purpose in North America ought not, we submit, to be denied to us.

But, in truth, the right of establishing differential duties between the Colonies has been already exercised by the two principal Colonies of Australia. There is an agreement known as the Border Treaty, which has been in force for several years, by which the products of New South Wales pass into this Colony duty free, an advantage enjoyed by no other colony or country whatever.

The right for which we contend, therefore, has been long in operation, not only in Canada, but in Australia.

The Secretary of State admits that there are no treaty obligations which fetter the discretion of the Imperial Government on the subject; and for our part, this Government do not understand how any treaty obligations with foreign countries can now or hereafter pretend to regulate the relations of two British Colonies any more than the relations between two counties of the United Kingdom.

The political difficulties which the Secretary of State suggests are, no doubt, entitled to consideration. A Bill to repeal the laws prohibiting the full exercise of Colonial rights would, he thinks, give rise to serious discussion in Parliament and elsewhere. But we believe a distinct statement of our claims will tend not only to facilitate their recognition, but to remove these difficulties; and we are well aware that since colonies existed they have not obtained any concession that did not, in the first instance, raise serious discussion both in Parliament and the country.

The Secretary of State warns us against the impolicy of exercising the powers which we seek. We contend, with unfeigned respect for the Secretary of State, that this is a question which belongs solely to the Colonial Legislatures. No attempt can be more hopeless than to induce free self-governed States to adopt exactly the same opinions on such questions as free trade and protection which the people of England happen to entertain at that precise moment. They were protectionists when they thought it their interest to be protectionists, and they are free traders when they think it their interest to be free traders; and in these respects large communities and small ones bear a close resemblance to each other.

I trust your Excellency will assure the Secretary of State that the desire to which he alludes, of seeing the connection between the Colonies and the Mother Country strengthened, is nowhere more active than in Victoria; but a people who have founded a great State—who have built great cities, and established a commercial navy larger than that of many kingdoms in Europe—who have maintained order and protected property as strictly as they are protected and maintained in any part of the United Kingdom, and who have done these things without asking assistance from the Imperial Government, are naturally impatient of being treated as persons who cannot be intrusted to regulate their own affairs at their own discretion.

C. GAVAN DUFFY.

Government Offices, Melbourne, 7th October, 1871.

## SOUTH AUSTRALIA.

## Enclosure 3 in No. 58.

Sir J. FERGUSON, Bart., to the Earl of KIMBERLEY.

(No. 44.)

MY LORD,—

Adelaide, September 11, 1871.

I have the honor to acknowledge your Lordship's Circular Despatch of the 13th July, 1871, in which you inform me of the views of Her Majesty's Government with regard to the desire of this Colony and others of the Australasian group that any two or more of them should be permitted to conclude exclusive "agreements" with respect to their Customs tariffs.

2. I have communicated that Despatch to my Responsible Advisers, and by their desire have authorized its presentation to Parliament, now in Session.

3. The Government have introduced and carried through the House of Assembly a Bill to enable the Governor to enter into agreements for the free interchange of the products of this Colony with any or all of the other Australasian Colonies; and it is therefore probable that the question will before long be again brought before Her Majesty's Government.

4. In the meantime, the great increase of import duties contemplated by the Government of Victoria will render any Customs union, or even an agreement for free interchange with that Colony, still more remote; but it is probable that an arrangement will be accomplished for the free interchange of traffic with New South Wales by means of the River Murray, and possibly this may pave the way to a more general tariff agreement with that Colony, whose general principles and scale of duties differ but slightly from our own.

I have, &amp;c.,

JAMES FERGUSON.

## Enclosure 4 in No. 58.

Sir J. FERGUSON, Bart., to the Earl of KIMBERLEY.

(No. 59.)

MY LORD,—

Adelaide, 8th November 1871.

I have the honor to enclose a Memorandum which has been addressed to me by the members of the Ministry who represented South Australia in the Conference of Delegates from the several Australian Colonies lately assembled at Melbourne.

2. Your Lordship will observe that my Advisers have chosen to address to me a separate Memorandum for your consideration, rather than adopt the terms there jointly agreed to: both because the Delegates of Victoria procured the omission from them of certain sentiments which the others desired to express, and also because they deem the circumstances of this Colony to be so special as to demand a separate embodiment of the common purpose.

3. I need not comment upon the subject of the Memorandum, having had occasion to do so in other Despatches.

4. I should, however, inform your Lordship that though the Ministers whose names are appended to this paper have now quitted office, I have no doubt that the views set forth in it are fully shared by their successors, who are not yet actually appointed, and also by the Legislature and the people of this Colony.

I have, &amp;c.,

JAMES FERGUSON.

## Sub-Enclosure to Enclosure 4 in No. 58.

MEMORANDUM by MINISTERS to His Excellency the GOVERNOR.

THE proceedings of the late Conference held in Melbourne having been forwarded by las mail to the Secretary of State, we are desirous of submitting to your Excellency, for transmission to the Colonial Office, our opinion on the important subjects treated therein, as considered from a South Australian point of view.

And first, we would emphatically affirm that this Colony is second to none in loyalty to the Crown; and that the idea of separation from the British Empire would be most distasteful to the colonists at large, and one that would only be entertained at the express desire of the parent State.

We would desire to point out, for the information of the Secretary of State, and for the purpose of silencing those agitators in Great Britain who, on the pretence of economy, desire that the Colonies should be abandoned, that this province has been governed for the last thirty years, and has arrived at its present state of prosperity, without any expense whatever to the Imperial Government during that period.

It is true that in former years a small number of Imperial troops were at intervals quartered in Adelaide, the Colony providing for them barrack and other accommodation, with extra colonial pay; and when, subsequently, the Home authorities demanded that this Government should bear the expense of the detachment, to the extent of £40 a man, the Colonial Legislature passed an Act to provide payment of the same without any conditions whatever as to retaining the troops in time of need; the universal feeling being, that their appearance among us was a visible proof that we were recognized as British subjects, and therefore secure of British protection in the event of the Mother Country engaging in war.

With reference to the right so earnestly contended for by the Delegates, that the Colonies should be at perfect liberty to direct and control their fiscal policy as amongst themselves, we would desire to impress on the Secretary of State how important it is that an understanding with respect to intercolonial free trade should be arrived at as speedily as possible, because that understanding must necessarily precede any attempt at Federal Union; and although recent action taken by some of the other Colonial Legislatures would seem to prove that intercolonial free trade is now for the moment unpopular, we have no doubt that public opinion will in the end condemn that action, and insist upon a more enlightened policy. It is the more essential, therefore, that the power should be at hand, so that advantage may be taken at once when the favourable time arrives.

In conclusion, the Ministry would urge that the grievance this Colony has laboured under so long, with respect to the Ocean Postal Service, should be removed without delay. There can be no valid reason why either the Imperial Government or the Peninsular and Oriental Company should continue what is felt to be an injustice, for which they are now alone responsible; and we trust that within a very short period your Excellency will be informed that the necessary steps have been taken to provide for the mail steamers calling at Glenelg.

JOHN HART, Treasurer and Premier,  
WILLIAM MILNE, Chief Secretary,

Adelaide, 6th November, 1871.

Members of Conference.

### TASMANIA.

Enclosure 5 in No. 58.

Governor DU CANE to the Earl of KIMBERLEY.

(No. 39.)

MY LORD,—

Government House, Tasmania, 29th September, 1871.

I have the honor to forward to your Lordship a Memorandum addressed to me by my Responsible Advisers in reference to your Lordship's Despatch of 14th July, 1871, on the question of Colonial Reciprocity.

2. In my Despatch to Lord Granville of 14th July, 1870, as well as in subsequent Despatches to your Lordship, dated 27th October, 1870, and 24th March, 1871, I have already stated, somewhat fully, my individual views upon this question, and I am unwilling again to trespass at any length upon your Lordship's attention.

3. I should wish, however, more particularly to bring under your Lordship's consideration, that portion of the enclosed Memorandum which relates to the necessity and utility of the proposed measure, so far as concerns the interest of this Colony. At the present moment, her nearest and most natural market—that, namely, of Victoria—is closed against Tasmania by the imposition of a Customs tariff of a rigidly protective character, to the very serious injury of the producing and manufacturing interests of the Tasmanian community. It is only natural, as it appears to me, that this Colony should seek relief under such circumstances, by asking for the power to enter into such reciprocity conventions as would remove the restrictions at present imposed upon its trade and commerce. Nor do I apprehend that a convention of this kind between Tasmania and Victoria, or any other of the neighbouring group of Australasian Colonies, would be likely to affect, to any appreciable extent, the producing and manufacturing interests of all other parts of the Empire, or of foreign countries. In the special case of this Colony, the principal articles for which an extended market would be sought, are undoubtedly timber, grain, hops, ale and beer, fruits, jams, and potatoes. Of these, hops, ale, and beer alone are imported to any extent into Victoria from the United Kingdom; and any check or injury which might thus possibly be caused to the English hop-growers and brewers, or to any other class of producers or manufacturers, by a reciprocity convention between Tasmania and Victoria, would be more decisively effected under a complete Customs union between the two Colonies. Such an union could only be effected by Tasmania consenting to an absolute adoption of the Victorian Tariff, which is of a far higher protective character than her own; and thus the area of prohibition against importation from the United Kingdom or foreign countries would be virtually widened, and a stronger barrier than ever at the same time erected.

4. It is most undeniably true that, as your Lordship points out, what is termed reciprocity is another form of protection, and as such "inconsistent with those principles of free trade which Her Majesty's Government believe to be alone permanently conducive to commercial prosperity." But this remark seems to hold equally good of the Customs tariff at present maintained, with the consent of Her Majesty's Government, by each individual Colony of the Australasian group. The lowest of these is of a highly protective, and, in some instances, of almost a prohibitory character, as compared with that of the United Kingdom. And the question at present at issue appears to me to be between a system of protection pure and simple, maintained by each Colony against its neighbours, and a system of protection, modified by reciprocity convention, which would extend the basis of commercial operations between each Colony and its neighbours. The first system appears to me to be highly injurious, if not positively suicidal, to

the best interest of all the Colonies concerned. The second, though doubtless open to objection from a strictly free-trade point of view, would yet tend to create more extended markets for Colonial produce, to establish friendly commercial relations, and promote a better understanding between the Colonies which enter into such conventions. The benefits of even a partial relaxation of a strictly protective system becoming gradually recognized by these means, it seems not improbable that the final result may be the establishment of a commercial union of the Australias and New Zealand on the basis of a common tariff, or, in other words, complete intercolonial free trade.

5. There is, no doubt, another view to be taken of this subject; and it may be urged that the injurious consequences of the rigid protection system at present maintained by the Victorian Government will soon become apparent; that the evil will thus work its own remedy, and a reaction of public opinion will then take place in favour of an entirely free-trade policy. That such a result may one day happen is not altogether impossible; but if the action of the Victorian Parliament may be taken as reflecting the public opinion of the Colony, there are certainly no signs of it to be gathered at the present moment.

I have, &c.,  
CHARLES DU CANE.

### Sub-Enclosure to Enclosure 5 in No. 58.

#### MEMORANDUM.

LORD KIMBERLEY'S Despatch, under date the 13th July, 1871, on the question of International Reciprocity, has received the attentive consideration of His Excellency's Advisers.

It is satisfactory to find that the Secretary of State admits that, in the cases of Newfoundland and Prince Edward Island in 1856, and of the Dominion of Canada in 1867, Her Majesty's Government have assented to Acts exempting Colonial products from the duties imposed on similar articles when imported from Europe; and that, as regards the latest precedent, Lord Kimberley is "not prepared to deny that the Australasian Governments are justified in citing "it as an example of the admission of the principle of differential duties."

It is not easy to understand why the earlier precedents are not similarly recognized as applicable to the recent demand for an admission of the same principle by the Legislatures of New Zealand and Tasmania, to which may now be added that of South Australia. The lists of articles in the sections of Statutes appended to the Despatch comprise, in the main, the products and manufactures of the Provinces and Colonies therein named; and the reciprocity conventions contemplated by the reserved Bills of Tasmania and New Zealand would deal similarly with the products and manufactures of the Australasian Colonies.

There is, however, another example of the admission of the principle of differential duties by Her Majesty's Government, which is not referred to by Lord Kimberley. The Acts of the Legislatures of Victoria and New South Wales, which sanction the reciprocal importation across the Murray border of goods which are liable to Customs duties on the wharves of Melbourne and Sydney, have received Her Majesty's assent, and constitute a recent and conspicuous precedent for legislation in favour of intercolonial reciprocity; and this example derives special importance from the fact that the Acts in question were passed in the exercise of powers to legislate on this point specially conferred upon Victoria and New South Wales by the Imperial Statutes which granted to those Colonies their present constitutions.

It would therefore seem that all the precedents that can be instanced of Imperial assent to Colonial legislation on this point may be "cited as examples of the admission of the principle "of differential duties."

When we come to the extent to which such Colonial legislation would affect Her Majesty's treaty obligations with Foreign Powers, it is admitted that there is but one treaty in existence which contains a stipulation restricting the fiscal legislation of "Colonies and Possessions" of the British Crown; and that the Secretary of State is "advised" that the article in question "may be held not to preclude Her Majesty from permitting," to quote the language of the Despatch, "such a relaxation of the law as would allow each Colony of the Australasian group "to admit any of the products or manufactures of the other Australasian Colonies duty free, or "on more favourable terms than similar products and manufactures of other countries."

From this we may infer that, while Her Majesty is bound to require that differential duties shall not be imposed upon imports into British Colonies from the United Kingdom and foreign States, Her Majesty is not required by any treaty to refuse the Royal assent to measures admitting the reciprocal importation between two or more British Possessions, duty free, of articles which the Colonial Legislatures have subjected to Customs duties when imported from Europe.

Lord Kimberley's suggestion of the impolicy of placing "German products and manufactures "under disadvantages in the Colonial markets," seems to touch a subject on which it may be said the Legislatures of Australasia are the legitimate, perhaps the best, judges.

Lord Kimberley's observations on the question of Colonial Differential Duties as affecting the general Imperial policy seem to proceed upon a misconception of the object aimed at by the Australasian Governments, and of the motives which influence the advocates of the removal of Imperial restrictions on the fiscal legislation of the Colonies.

The object of the Tariff Conference, held in Melbourne last year, was to establish a

commercial union of the Australias and New Zealand on the basis of a common tariff, with a distribution of the Customs revenue to the several Colonies, according to population. That object was found to be, at that time, unattainable; and the Conference adopted a unanimous resolution to the effect that it was desirable that the Colonial Legislatures should be freed from Imperial restrictions on their reciprocal fiscal arrangements.

Her Majesty's Government had intimated their readiness to assent to a Customs union of two or more Colonies; but, when such an arrangement was found to be impracticable, the Governments represented at the Conference were willing to rest content with the removal of the existing restrictions on intercolonial trade by reciprocity conventions.

It is difficult to apprehend the force of objections offered to this mode of treating the question when no objection is raised to a Customs union, which would produce precisely analogous results on a much larger scale.

A Customs union between all the Australasian Colonies would enable these countries to impose, if it were thought desirable, protective duties upon imports from Europe, while Colonial products and manufactures were reciprocally interchanged duty free. How, it may be asked, can such a system be deemed legitimate and admissible, when a plan for carrying it into only partial operation by less direct means is held to be open to grave objections?

Her Majesty's Government are prepared, we are informed, to sanction an arrangement that would enable a group of six Colonies, if they were so minded, to establish absolute free trade amongst themselves, in combination with protection against all the world beside. But when two Colonies desire to be placed in a similar position by a Tariff Convention, "Her Majesty's Government are bound to say that the measure proposed seems to them inconsistent with those principles of free trade which they believe to be alone permanently conducive to commercial prosperity."

By Lord Kimberley's own showing, there are precedents for the legislation now submitted for the Royal assent; and there are no legal obstacles to its recognition in the shape of Imperial treaty obligations. It is only on an abstract theory of the superior advantages of a free-trade policy that the Secretary of State objects to a proposal which seems to sanction protection under the name of reciprocity.

These are views which can find no acceptance with Colonial Legislatures under a system of Constitutional Government. The question they desire to solve is one directly affecting the interests of the communities for which those Legislatures are elected to make laws. Its effects upon Imperial interests is almost inappreciable. The doubt whether "the imposition of differential duties upon British produce and manufactures might not have a tendency to weaken the connection between the Mother Country and the Colonies, and to impair the friendly feeling on both sides," seems scarcely warranted by a fair consideration of the whole bearing of the application under discussion.

It may be observed that the tariffs of the Australasian Colonies have, in effect, for some years past, imposed duties on British manufactures, either intentionally or incidentally protective.

Is it to be supposed that the "friendly feeling on both sides" which has survived the imposition of protective or prohibitory duties on British manufactures would be "impaired" by a reciprocity convention; for example, between Victoria and Tasmania, which permitted the products and manufactures of those Colonies to be mutually exchanged duty free, or under a lower duty than similar articles imported from the United Kingdom? It may be suggested, with far greater probability, that "the friendly feeling on both sides" is more likely to be impaired by the refusal of Her Majesty's Government to relax a law which imposes an irksome restriction on the fiscal legislation, and vexatiously intermeddles with the domestic taxation of these self-governed Colonies.

Lord Kimberley seems to complain of the absence of "strong representations and illustrations of the utility or necessity of the measure." The unanimous resolution of the Conference of last year, and the subsequent identical legislation of New Zealand, South Australia, and Tasmania, may be taken as a sufficient indication of the strength of the conviction of the Governments and Legislatures of Australasia of the urgent necessity, and, by consequence, in their judgment, of the utility of the measure.

As far as the Colony of Tasmania is concerned, the "necessity and utility of the measure" are sufficiently obvious. Our Customs duties are imposed for revenue purposes only. But when our nearest neighbours practically close against our producers and manufacturers their best and natural market by the comprehensive operation of an intentionally protective tariff, we seek relief in reciprocity conventions, which, while they would extend the basis of commercial operations between us and our neighbours, would in no way prejudice the interests of European producers and European manufacturers, inasmuch as the desired convention would, for the most part, deal with a limited list of raw materials and produce not imported to these Colonies from "Europe."

Lord Kimberley's treatment of this question indicates throughout a natural anxiety to avoid a decision which might seem to commit Her Majesty's Government to a departure "from the established commercial policy" of the Mother Country. But since his Lordship assures us that Her Majesty's Government have not "come to any absolute conclusion on the questions which he has discussed," we may venture to hope that a firm but respectful persistence in the course of legislation already adopted by New Zealand, Tasmania, and South Australia, will



shortly secure for the Australasian Colonies that freedom from Imperial restrictions on their fiscal relations with each other which the conciliatory policy of Her Majesty's Government has already conceded to the Colonies of British North America.

Colonial Secretary's Office, 11th September, 1871.

J. M. WILSON.

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NEW ZEALAND.

Enclosure 6 in No. 58.

Governor Sir G. F. BOWEN to the Earl of KIMBERLEY.

(No. 117.)  
MY LORD,—

Government House, Wellington, New Zealand,  
9th December, 1871.

At the request of my Responsible Advisers, I have the honor to transmit herewith a Ministerial Minute by Mr. Fox, covering a Memorandum by Mr. Vogel, the Colonial Treasurer, on the subjects treated of in your Lordship's Circular Despatch of the 13th July, 1871.

I have, &c.,  
G. F. BOWEN.

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Sub-Enclosure 1 to Enclosure 6 in No. 58.

MEMORANDUM for His Excellency.

MINISTERS present to His Excellency, for transmission to the Secretary of State, the attached Memorandum by the Colonial Treasurer on the Despatch from the Right Honorable the Secretary of State on the subject of Intercolonial Reciprocity.

The Memorandum represents the views of Ministers.  
Wellington, 8th December, 1871.

WILLIAM FOX.

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Sub-Enclosure 2 to Enclosure 6 in No. 58.

MEMORANDUM on a Circular Despatch from the Right Hon. the Secretary of State for the Colonies on Intercolonial Reciprocity.

THE Colonial Treasurer has carefully studied the Circular Despatch, dated the 13th July, 1871, from the Right Hon. the Secretary of State for the Colonies to Governor Sir George Ferguson Bowen, on the subject of Intercolonial Reciprocity. He recognizes the consideration which has induced his Lordship to set forth at length the views of Her Majesty's Government on the subject; but he is unable to discover in those views reasons for withdrawing the recommendation already given, that the Colonies should be at liberty to make reciprocal tariff arrangements. The Despatch was brought under the notice of the Assembly, and the special attention of the House of Representatives was called to it; but no Member expressed a wish that the subject should be reconsidered.

The Secretary of State does not, in his Despatch, mention that the position of New Zealand differs from that of the neighbouring Colonies. He treats of them collectively: but there is reason to believe, from previous communications, that his Lordship is aware that there is no law which prohibits the New Zealand Assembly imposing differential duties. Although such a prohibition is contained in the Constitution Acts of the Australian Colonies, it does not find place in the New Zealand Constitution Act, the provisions in that Act being confined to a prohibition against passing any law infringing treaty arrangements between Great Britain and Foreign Powers. Probably Lord Kimberley did not think it necessary to refer to the distinction; because, evidently, as long as New Zealand alone possesses the power to impose differential duties, she cannot enter into reciprocal arrangements with her neighbours. Still it is important to remember she has the power, both because she might find it convenient to use it outside the Australian group, as the British American Colonies have used a similar power, and also because it may fairly be claimed that the power possessed by New Zealand ought without delay to be granted to the Australian Colonies, including Tasmania.

There are some incidental passages in Lord Kimberley's Despatch, which, if grouped, might lead his Lordship to reconsider the views he has expressed.

1. There are allusions to the absence of any urgent need of dealing with the matter.
2. Throughout the Despatch, it is contended that the proposal of reciprocity is made in the interests of protection.
3. The desire is indicated to encourage a Customs Union.
4. The admission is made, that an Act similar to the measure the Colony desires to pass, was one of the first Acts of the Legislature of the newly-constituted Dominion of Canada in its opening Session: "that it was passed in the expectation that at no distant date the "other Possessions of Her Majesty in North America would become part of the Dominion;" and that "the assent of Her Majesty's Government to a measure passed in "circumstances so peculiar and exceptional, cannot form a precedent of universal and "necessary application."

These four references, taken in connection, are unusually suggestive. The Act passed by the Legislature of the Dominion, to which Lord Kimberley refers, was, in respect to the clauses permitting reciprocity, similar to the Act of 1866, passed before the Dominion was constituted; and that, again, was copied from a former Act. In these Acts, clearly the provision was made from a genuine desire to

permit suitable reciprocal arrangements; but Lord Kimberley states that in 1868 the provision was made in the expectation that other Provinces would join the Dominion, and that the assent of Her Majesty's Government was given in consequence. It may be assumed that Lord Kimberley uses the word "expectation" in the sense of desire. It was not necessary to make provision for remission of duties in the case of those Provinces which became part of the Dominion, for the fact of becoming part would have caused the duties to cease. It must be concluded that Lord Kimberley wishes it to be understood that the provisions in the Act passed since the constitution of the Dominion were made with the view of encouraging other Provinces to join, or of preventing obstacles being thrown in the way of their joining, and not upon the grounds which previously, for a long period, led to similar legislation in the different North American Provinces. The words "circumstances so peculiar and exceptional" do not apply to the legislation, for that was of a traditional character, but to the desire of the Dominion and of Her Majesty's Government to encourage and promote a further union of the British American Possessions. This desire constituted what Lord Kimberley terms "the circumstances so peculiar and exceptional." But for that desire, where was the urgency? and if there was urgency in the British North American case, why is there not urgency in the case of Australasia, in the presence of a similar desire to encourage a Customs Union or a Confederation? The actual results in Australasia lead inferentially to the belief that the Dominion authorities and Her Majesty's advisers were correct in considering the matter urgent in the interest of Confederation, although the proof is only of a negative character. The mere power to make reciprocal arrangements might not in itself be sufficient to induce Confederation; but Australasian experience leads to the belief that it would tend to prevent the growth of obstacles to Confederation. In the absence of the power desired by the Australasian Colonies, retaliatory tariffs of a protective character have grown up; and the way to Confederation, or to a Customs Union, has in consequence become more difficult than it was when the power to make reciprocal arrangements was first asked for, or than it would be now if the power had been granted. The inference is that those who in the case of British America deemed the matter urgent, were right; and that the Secretary of State, desiring a Customs Union or Confederation of the Australasian Colonies, can only deny that the matter is urgent on the assumption that it is too late to deal with it, because of the disposition which has been shown to impose hostile intercolonial tariffs. Several of the protective duties now in force in the Colonies owe their origin to feelings of self-defence or retaliation. The most ardent free-traders have admitted that the tariffs of some Colonies have forced protective duties on others; so that the absence of reciprocity has actually fostered protection. Therefore, in respect to the four propositions, it can be said, that in the interests of a Customs Union or of Confederation there was urgency, because the power to enter into reciprocal arrangements would, in all probability, have prevented the fresh obstacles to union which have grown up; and that, in the interest of free trade, reciprocity was desirable, because its absence has encouraged protection. No doubt, it may be argued that special reciprocal arrangements are in their nature opposed to free trade; but the test of the theory would be the practice; and if that practice were principally confined (to quote his Lordship's justification of the Acts of Newfoundland and Prince Edward Island) to "a limited list of raw materials and produce not imported to those Colonies from Europe," it might readily be understood that, in respect to other articles, the absence of retaliatory tariffs would tend in the direction of free trade. It is not desired, however, to contend that with powers of reciprocity there would necessarily be free trade in Australasia, any more than, with similar powers, free trade has been the rule in Canada. It is merely contended that in some of the Australasian Colonies the desire for free trade has been stamped out by prohibitory tariffs, which have owed their growth, partly or wholly, to the absence of that power of reciprocal arrangement so unaccountably withheld from Australia, whilst its urgency was admitted in the case of Canada. The question naturally arises why Lord Kimberley should only compare the proposed legislation with that of the period subsequent to the formation of the Dominion. If he would compare it with the precisely similar legislation of the British North American Provinces prior to the Dominion, he might admit not only that when the Dominion was formed the legislation was required to encourage other Colonies to join, but that the legislation and the friendly intercourse which grew up under it had something to do with the establishment of the Dominion, and that, therefore, it was conducive to a desirable result.

The Colonial Treasurer proceeds to comment on the various questions which Lord Kimberley states the proposal before him raises:—1st. "Whether a precedent exists in the case of the British North American Colonies for the relaxation of the rule or law now in force?" His Lordship admits the precedent, but qualifies the admission, first, as already mentioned, by contending that the Act of the Dominion was passed under peculiar and exceptional circumstances; and second, in the case of the Prince Edward Island and Newfoundland Acts, by contending that "as dealing with a limited list of raw materials and produce not imported to those Colonies from Europe, they are hardly, if at all, applicable to the present case."

It has already been shown that the "peculiar and exceptional circumstances" can only mean, the circumstances calculated to induce the Colonies affected to join the Dominion, or the prevention of obstacles which would preclude their joining; and those circumstances are precisely of the nature which Her Majesty's Government, in the desire to encourage an Australasian Customs Union or Confederation, should not deem exceptional. In respect to the Prince Edward Island and Newfoundland Acts, it may with propriety be assumed that the Australasian Colonies will exercise the powers they ask for with the same judgment, moderation, and discretion which the two North American Colonies have shown. Those Colonies possess the power sought by the Australasian Colonies; they exercise it without their Acts being reserved for Her Majesty's pleasure: but in the case of the Australasian Colonies the power is withheld; and when they ask for it, and cite the precedent, it is not to them a satisfactory answer to be told, in effect, that the precedent need not be dwelt upon, because the Colonies enjoying the privilege have used it sparingly. No doubt, Lord Kimberley did not wish directly to urge this plea; but throughout his Lordship's Despatch, and indeed, at the base of all his objections, is the supposition that the Australasian Colonies, if they possessed the power of entering into reciprocal arrangements, would use it in a manner injurious to the interests of Great Britain. But

it is singular that Lord Kimberley should give two instances only of British American legislation of the kind, and that he should assign to that legislation the character of "dealing with a limited list of raw materials and produce not imported to those Colonies from Europe." There are other Acts of the British American Provinces of a similar nature, but which leave to the Governor in Council to determine the articles to be admitted. Indeed, it is difficult to understand on what grounds Lord Kimberley considers the two clauses which he quotes from the Newfoundland Act to have the character he assigns to them. The clause quoted from the Prince Edward Island Act professes to deal with "raw materials and produce," but includes several manufactures. The clauses from the Newfoundland Act do not even profess to exclude manufactures from the list; and the first of those clauses, instead of not dealing with goods imported from Europe, proceeds to the length of exempting from duties the articles mentioned, being "the growth, produce, or manufacture of the United Kingdom."

In respect to the second question, "Whether Her Majesty's treaty obligations with any Foreign Power interfere with such relaxation?" *i.e.*, the rule or law against differential duties, the Colonial Treasurer observes, that Lord Kimberley admits the correctness of the view taken by New Zealand. It is a matter which should create much satisfaction, on broad and enlightened national grounds, that the right of Her Majesty's Colonies to make between themselves arrangements of a federal or reciprocal nature, without conflicting with treaty agreements, has been recognized. It would have been demoralizing to the young communities of Australasia, had they been taught to believe that reciprocal tariff arrangements between the Colonies were inconsistent with Her Majesty's treaties with Foreign Powers, but that they could override the spirit of such treaties by the subterfuge or evasion of a Customs union. If, for instance, it be a wrong to any Foreign Power that New Zealand should admit free of duty any produce of New South Wales, while for like produce from any other colony or country a duty would be demanded, the wrong would be just as great if, by Imperial legislation, such free admission were legalized through a Customs union. It should clearly be impossible to vary a treaty by the legislation of only one party to it; and seeing that New South Wales and New Zealand were originally one Colony, with one tariff, and may by Imperial legislation become so again, it is evident that if such a result can be brought about without the infringement of Imperial treaties, any terms of more modified arrangement, such, for example as the free admission of only some goods, would not be open to objection on the score of bad faith with Foreign Powers.

Lord Kimberley admits that the quoted paragraph of the Zollverein Treaty has no application to the case of arrangements between different Colonies. Its object seems to be to prevent the Colonies making such reciprocal arrangements with the United Kingdom of Great Britain and Ireland as from time to time may be found desirable. A provision of this nature is at least open to the objection that it is constantly liable to be infringed. In the Act of the Canadian Dominion already referred to, and which, from what Lord Kimberley writes, appears to have been under the special consideration of Her Majesty's Government, there are provisions which beyond question conflict with the quoted paragraph in the Zollverein Treaty. The list of free goods in the Schedule to the Act, comprises two items which are to be free if of British produce or manufacture. The clause quoted by Lord Kimberley from the Newfoundland Act, which makes free of duty the articles mentioned, "the growth, produce, or manufacture of the United Kingdom," also conflicts with the provisions of the Zollverein Treaty. Again, the argument which the Colonial Treasurer has used as between the Colonies, applies as between the Colonies and the Imperial country. Why should a foreign treaty contain a provision tending to preclude the union of different parts of the Empire? If Great Britain were to confederate her Empire, it might and probably would be a condition, that throughout the Empire there should be a free exchange of goods. The arguments in favour of a Customs union between Colonies have as much force in their application to a wider union embracing the whole Empire. Either the Zollverein Treaty would prevent this, or the necessary legislation would make the quoted clause inoperative. The effect, if not the intent, of the stipulation in the Zollverein Treaty is to make Great Britain hold the relation of a foreign country to her Colonies.

It is appropriate here to urge on the Secretary of State, since he has the subject under his notice, not to confine his consideration to the mere question of intercolonial arrangement. His Lordship entirely refrains, in his allusions to the British American Acts, from noticing that they contain not only a discretionary power to admit Colonial articles free, but also to admit, under similar conditions, articles from the United States. Great as is the distance between the British American and Australasian Colonies, the vast limits of the United States bring that country into ready communication with Australia as well as with British America. It may be for the interest of the Australasian Colonies, just as much as it has been for that of the British American Colonies, that arrangements should be made to admit free, articles from the United States or from some other country. It is desirable that the Secretary of State should define the position of the Australasian Colonies in this respect. Are they to be denied the power which for a long period the British American Colonies have uncontrolledly exercised? That power gives them the right to make reciprocal arrangements with their American neighbour; for only on the ground of the arrangements being reciprocal, would they fail to be infractions of the "most favoured nation" clauses of British treaties with Foreign Powers. The Australasian Colonies would value similar powers.

The third and fourth questions raised by Lord Kimberley are sufficiently analogous to make it convenient that they should be considered together. They are:—"Whether a general power should be given to the Australasian Governments to make reciprocal tariff arrangements, imposing differential duties, without the consent of the Imperial Government in each particular case?" and "Whether, on grounds of general Imperial policy, the proposal can properly be adopted?"

The Colonial Treasurer submits that these questions really raise the issue, whether in the original Constitutions granted to them, the Colonies should have been allowed so much discretion as to fixing their own tariffs; and, if this be the issue, the Treasurer admits that much may be said against the discretion which has been granted.

The exporters of Great Britain are, no doubt, largely affected by the nature of the Colonial tariffs; but it can make no difference to them whether New South Wales and New Zealand exchange

their produce free under a special reciprocal arrangement, or by virtue of an Act constituting them into Provinces with a federal union. The actual duties affect the exporters, and not the question whether those duties are the result of federal constitution or reciprocal arrangement. In failing to assert the right to control Colonial tariffs, Great Britain does not take advantage of her power to consolidate an immense trade, from which she and her Dependencies might equally benefit. But it must be observed that, if the right were asserted, it would logically follow that the Colonies should enjoy some share, either by representation or consultation, in deciding the policy by which they would be affected.

Lord Kimberley writes:—"Her Majesty's Government are alone responsible for the due observance of treaty arrangements between foreign countries and the whole Empire; and it would scarcely be possible for the Colonial Governments to foresee the extent to which the trade of other parts of the Empire might be affected by special tariff arrangements between particular Colonies." The remark as to the trade of other parts of the Empire might be applied with as much cogency to the actual tariffs fixed by the Colonies as to the special arrangements entered into between them. Lord Kimberley, recognizing the difficulty which Great Britain would have in dealing with the matter, points to the want of local knowledge which Her Majesty's Government would labour under. The same want of information would equally affect the ability to decide the Colonial tariffs, unless, in either case, there was available the assistance of Colonial representatives. In short, Great Britain must logically do one of two things—either leave the Colonies unfettered discretion; or—if she is to regulate tariffs or reciprocal tariff arrangements, or to make treaties affecting the Colonies—give to the Colonies representation in matters affecting the Empire. In other words, she must apply in some shape to the Empire that federation which, as between the Colonies themselves, Her Majesty's Ministers constantly recommend. To urge the right of Great Britain to regulate these matters under present circumstances, is to urge that the interests of the Colonies should be dealt with in the absence of the requisite knowledge of their wants and requirements.

In one passage in his Despatch, Lord Kimberley infers that reciprocity in reality means protection; and, again, he writes—"Her Majesty's Government are bound to say that the measure proposed by the Colonial Government seems to them inconsistent with those principles of free trade which they believe to be alone permanently conducive to commercial prosperity; nor, as far as they are aware, has any attempt been made to show that any great practical benefit is expected to be derived from reciprocal tariff arrangements between the Australasian Colonies." There could not be more striking evidence of the disadvantage under which the Colonies in their present circumstances would labour, if the treatment of their fiscal interests were left to Her Majesty's Government, than is supplied by these observations of the Secretary of State. "The measure proposed" may be used to do no more than that which, as already observed, his Lordship in the case of Newfoundland and Prince Edward Island, seems to consider unobjectionable. It may be used to make similar arrangements to those which were introduced in the Treaty with France, devised by the late Mr. Cobden, the apostle of free trade. It is true that it has been said that that treaty was not a free-trade treaty, but it undeniably was made in the interests of free trade. Again, "the measure proposed" may be used to bring about that Customs union to which Lord Kimberley is not averse; and, as already shown, it may be used to stop those retaliatory tariffs which impede free trade and stimulate protection. In fine, it may be used to encourage the exchange of the productions of the temperate and tropical portions of the Australasian Colonies, without even remotely affecting the interests of British exporters.

If, in commenting upon Lord Kimberley's Despatch, the Colonial Treasurer has appeared to travel beyond the immediate questions referred to in it, he has scrupulously abstained from doing so to an extent greater than he has considered necessary for the purpose of representing to Lord Kimberley that, although the New Zealand Government still adhere to the desire they have expressed, they do so for reasons which are not calculated to create unfriendly feelings between the Imperial country and the Colonies. Such Lord Kimberley deems to be the tendency of the present question, although his Lordship very considerably does the Government the justice to believe that it is their desire to preserve the friendly feeling now existing on each side: and it is with the view to prove that such is the desire, that the Colonial Treasurer, whilst expressing the adherence of the Government to their former opinions, has endeavoured to show that those opinions have not the unfriendly tendency suggested; but that, on the contrary, their full and free discussion may lead to a determination to make yet more intimate, and more subservient to mutual welfare, the ties which bind together the Imperial country and the Colonies.

JULIUS VOGEL.

Wellington, 8th December, 1871.

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No. 59.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 33.)

SIR,—

Downing Street, 20th April, 1872.

I have to acknowledge your Despatch No. 18, of 5th February, furnishing a report of your visit to the Province of Marlborough.

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

I have, &c.,  
KIMBERLEY.

No. 60.

COPY of a DESPATCH from the Right. Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 34.)

SIR,—

Downing Street, 22nd April, 1872.

I have received your Despatch No. 20, of 13th February, and I have to convey to you Her Majesty's warm appreciation of the general feeling shown in New Zealand of loyalty and affection for the Royal Family, on the occasion of the recent illness of His Royal Highness the Prince of Wales.

I have, &amp;c.,

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

KIMBERLEY.

No. 61.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 35.)

SIR,—

Downing Street, 25th April, 1872.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the Act of the Legislature of New Zealand entitled "An Act to amend 'The Merchant Ships Officers Examination Act, 1870,'" a transcript of which accompanied your Despatch No. 121, of the 19th of December last.

I have, &amp;c.,

The Officer Administering the Government  
of New Zealand.

KIMBERLEY.

No. 62.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 36.)

SIR,—

Downing Street, 29th April, 1872.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the Act of the Legislature of New Zealand entitled "An Act to alter and amend 'The Customs Tariff Act, 1866,'" a transcript of which accompanied your Despatch No. 121, of the 19th of December last.

I have, &amp;c.,

The Officer Administering the Government  
of New Zealand.

KIMBERLEY.

No. 63.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 37.)

SIR,—

Downing Street, 30th April, 1872.

I have the honor to transmit to you herewith two Orders of Her Majesty in Council, dated the 22nd instant, assenting to the reserved Bills passed by the Legislature of New Zealand, transcripts of which accompanied your Despatch No. 123, of the 21st of December last, entitled respectively "An Act to Abolish Forfeitures for Treason and Felony, and to otherwise amend the Law relating thereto," and "An Act to admit Foreign Ships to the Coasting Trade."

I have, &amp;c.,

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

KIMBERLEY.

## Enclosure 1 in No. 63.

(L.S.) At the Court at Windsor, the 22nd day of April, 1872.

Present: The QUEEN'S MOST EXCELLENT MAJESTY, LORD PRESIDENT, LORD CHAMBERLAIN,  
Mr. CHANCELLOR of the EXCHEQUER.

WHEREAS by an Act passed in the Session held in the 15th and 16th 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 abolish Forfeitures for Treason and Felony, and to otherwise amend the Law relating thereto," 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 Right Honorable the Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ARTHUR HELPS.

## Enclosure 2 in No. 63.

(L.S.) At the Court at Windsor, the 22nd day of April, 1872.

Present: The QUEEN'S MOST EXCELLENT MAJESTY, LORD PRESIDENT, LORD CHAMBERLAIN,  
Mr. CHANCELLOR of the EXCHEQUER.

WHEREAS by an Act passed in the Session held in the 15th and 16th 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 (No. 62 of 35th Vict.) "An Act to admit Foreign Ships to the Coasting Trade," 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 Right Honorable the Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ARTHUR HELPS.

## No. 64.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 40.)

SIR,—

Downing Street, 17th May, 1872.

I have received your Despatch No. 31, of 18th March, reporting the submission of the Maori chief, William King.

I have much pleasure on this occasion in conveying to you the congratulations of Her Majesty's Government upon the success which has attended your endeavours and those of your Ministers to improve the relations between the Maoris and the settlers, and to make the Maoris sensible that their interests will be best promoted by abandoning hostility to the Government, and taking an active share in the works of improvement which are going on in the Colony.

I have, &amp;c.,

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

KIMBERLEY.

No. 65.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 10th May, 1872.

With reference to my Circular Despatches of the 27th June, 1871, and the 1st February last, respecting the supply of British Silver Coins to Colonial Governments, I have the honor to transmit to you an extract of a further letter which has been received from the Treasury on the subject, explaining the objects contemplated by the issue of the Regulations enclosed in my Circular Despatch of the 27th of June, and the circumstances in which those Regulations were framed.

I have, &amp;c.,

The Officer Administering the Government  
of New Zealand.

KIMBERLEY.

## Enclosure in No. 65.

EXTRACT of a Letter from MR. LAW to the UNDER SECRETARY OF STATE, Colonial Office,  
dated Treasury Chambers, 30th April, 1872.

I HAVE laid before the Lords Commissioners of Her Majesty's Treasury your letters dated 13th and 20th instant, forwarding despatches from the Governors of Jamaica, Barbados, Bermuda, British Guiana, and St. Vincent, with reference to the Regulations issued by this Board with regard to the supply of British Silver Coin for the use of the Colonies.

Those Regulations were, as the Secretary of State is aware, issued in consequence of the strong representations made by certain of the Australian Colonies as to the deteriorated state of the Silver Coins in those Colonies, and the inability of the Governments to obtain a fresh supply from the local Banks.

They were drawn up, after mature consideration, with the view of affording such facilities to the several Colonial Governments to procure the necessary supply from Her Majesty's Mint as appeared to my Lords justified, with a due regard to Imperial interests; but there was no intention on the part of the Board to oblige the Colonial Governments to make any change in the arrangements actually in force which they were of opinion were best suited for the interests of each Colony.

\* \* \* \* \*

The letter addressed to the Colonial Bank to which reference is made, was written under the impression that the Bank was making an application on their own account, and not on account of the Colonial Governments.

If, however, the several Colonial Governments by which, as in the case of Barbados, arrangements have been made with the Colonial Bank to provide the necessary supplies will intimate to this Board that, in conformity with the Regulations of June, 1871, they are desirous that the Colonial Bank should act as their agent in this matter, my Lords have no objections to issue the necessary directions to the Deputy Master of the Mint to supply Silver Coins to the Bank.

I am further to state that, owing to the delay which has been caused by the misapprehension which has arisen as to the intention of Her Majesty's Government, it would seem desirable that authority should at once be given for an issue to the Colonial Bank on account of these Colonial Governments, my Lords have therefore instructed the Deputy Master of the Mint to issue the sum of £10,000 to the Colonial Bank; but they are of opinion that each of the Governments who are desirous of doing so should intimate to this Board that they have appointed the Colonial Bank to act as their agents.

No. 66.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 11th May, 1872.

With reference to my Circular Despatches of 29th February and 14th March, I have to inform you that a Bill, of which I enclose a copy, has been passed by the French National Assembly, and promulgated by the President of the Republic, for the establishment of Convict Stations in New Caledonia.

Her Majesty's Ambassador at Paris has been assured that every care would be taken by the French Government to prevent the escape of any of the convicts after their arrival at the stations assigned to them.

I have, &amp;c.,

The Officer Administering the Government  
of New Zealand.

KIMBERLEY.

## Enclosure in No. 66.

L'ASSEMBLEE NATIONALE a adopté,

Le Président de la République française promulgue la loi dont la teneur suit :

Art. 1. Les paragraphes 2 et 3 de l'article 1 et les articles 4 et 5 de la loi du 8 juin 1850 sont abrogés.

Art. 2. La presqu'île Ducos, dans la Nouvelle-Calédonie, est déclarée lieu de déportation dans une enceinte fortifiée.

Art. 3. L'île des Pins et, en cas d'insuffisance, l'île Maré, dépendances de la Nouvelle-Calédonie, sont déclarées lieux de déportation simple pour l'exécution de l'article 17 du code pénal.

Art. 4. Les condamnés à la déportation dans une enceinte fortifiée jouiront dans la presqu'île Ducos de toute la liberté compatible avec la nécessité d'assurer la garde de leur personne et le maintien de l'ordre. Ils seront soumis à un régime de police et de surveillance déterminé par un règlement d'administration publique qui sera rendu dans un délai de deux mois à partir de la promulgation de la présente loi. Ce règlement fixera les conditions sous lesquelles les déportés seront autorisés à circuler dans tout ou partie de la presqu'île, suivant leur nombre ; à s'y occuper à des travaux de culture ou d'industrie, et à y former des établissements provisoires par groupe ou par famille.

Art. 5. Les condamnés à la déportation simple jouiront, dans l'île des Pins et dans l'île Maré, d'une liberté qui n'aura pour limite que les précautions indispensables pour empêcher les évasions et assurer la sécurité et le bon ordre.

Art. 6. Un projet de loi réglant le régime des condamnés, la compétence disciplinaire à laquelle ils seront soumis, les mesures destinées à prévenir le désordre et les évasions, les concessions de terre soit dans les îles, soit dans la grande terre, les conditions auxquelles elles pourront être faites et révoquées, enfin le droit pour les familles des déportés de se rendre dans les lieux de déportation et les conditions auxquelles elles pourront obtenir leur transport aux frais de l'Etat, sera présenté par le Gouvernement dans les deux mois qui suivront la promulgation de la présente loi.

Délibéré en séance publique, à Versailles, le 23 Mars, 1872.

Le Président,  
Signé : JULES GREVY.

Les Secrétaires,

Signé : ALBERT DESJARDINS, Marquis COSTA DE BEAUREGARD, Baron DE BARANTE, FRANCISQUE RIVE.  
Le Président de la République,

A. THIERS.

Le Garde des Sceaux, Ministre de la Justice,  
J. DUFAURE.

## No. 67.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 15th May, 1872.

With reference to my Circular Despatch of the 14th March, I transmit to you for your information, a copy of a Despatch which has been received through the Foreign Office from Her Majesty's Ambassador at Paris, with its enclosures, on the subject of the departure from the Isle d'Aix of Communist prisoners condemned to banishment.

I have, &c.,  
KIMBERLEY.

The Officer Administering the Government  
of New Zealand.

## Enclosure in No. 67.

Lord LYONS to Earl GRANVILLE.

(No. 564.)

MY LORD,—

Paris, 6th May, 1872.

I have the honor to enclose herewith to your Lordship, extracted from the *Journal* of this day, an article announcing the departure from the Ile d'Aix on the 5th instant, in the frigate "Danæ," of 250 prisoners condemned to transportation.

This is stated in the article to be the first batch of prisoners. I am making inquiries respecting those reported to have been previously sent off in the despatch from Colonel Stanton of the 17th of February, of which your Lordship did me the honor to send me a copy in your Despatch No. 187 of the day before yesterday.

I have, &c.,  
LYONS.

The Earl Granville, K.G., &c., &c., &c.

## Sub-Enclosure to Enclosure in No. 67.

Le premier convoi des déportés, au nombre de 250, a quitté la rade de l'île d'Aix, le 5 Mai, à sept heures du matin, sur la frégate la "Danæ."

Au moment du départ, le Préfet Maritime de Rochefort télégraphiait au Ministre de la Marine ce qui suit :—La Commission de Visite ne signale aucune réclamation dont on ait eu à tenir compte. Le bâtiment est parfaitement en ordre et dégagé.



No. 68.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 29th May, 1872.

With reference to my Circular Despatch of the 13th March, respecting the Communist prisoners who were stated to be on board the French Transport "Le Rhin" on their way to New Caledonia, I have to inform you that, upon further inquiry, it appears that the prisoners on board that vessel were not Communists, but ordinary criminals sent in the usual course to New Caledonia, which, as you are aware, has been for some time a station for French convicts.

I annex an extract from the French newspaper *Patrie*, giving the names of the ships of war which are to be employed in preventing the escape of Communist convicts from New Caledonia.

I have, &amp;c.,

KIMBERLEY.

The Officer Administering the Government  
of New Zealand.

## Enclosure in No. 68.

EXTRACT from the *Patrie*.

"Les navires de guerre qui doivent composer la division chargée de la surveillance du littoral de la Nouvelle Calédonie viennent d'être désignés. Ces sont: l'avisos à vapeur le 'Bruat,' et les canonnières démontables le 'Caiman,' la 'Rapiere,' la 'Buionnette,' le 'Sabre' et 'l'Escopette.' Ces canonnières seront embarquées sur la frégate-transport la 'Guerrière' et sur la 'France' grand trois mâts frété à Cherbourg par l'Administration de la Marine pour transporter à Nouméa du matériel et des approvisionnements.

"On pense que la 'Guerrière' quittera l'Ile d'Aix aussitôt que la liste des condamnés qu'elle doit emmener aura été définitivement arrêtée à Versailles."

No. 69.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 45.)

SIR,—

Downing Street, 26th June, 1872.

I have to acknowledge your Despatch No. 35, of 30th March, enclosing a Case prepared by the Managers of the two Houses of the Legislature of New Zealand on the subject of a difference which had arisen between them on certain points of law and privilege.

According to the request of your Responsible Advisers, I referred the case to the Law Officers of the Crown, and I transmit to you a copy of their opinion.

I have, &amp;c.,

KIMBERLEY.

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

## Enclosure in No. 69.

THE LAW OFFICERS of the CROWN to the EARL of KIMBERLEY.

MY LORD,—

Temple, 18th June, 1872.

We are honored with your Lordship's commands signified in Mr. Holland's letter of the 12th instant, stating that he was directed by your Lordship to acquaint us that a difference having arisen between the Legislative Council and House of Assembly of New Zealand, concerning certain points of law and privilege, it was agreed that the questions in dispute should be referred for the opinion of the Law Officers of the Crown in England.

That he (Mr. Holland) was accordingly to request us to favour your Lordship with our opinion upon the accompanying case, which had been prepared by the Managers of both Houses.

In obedience to your Lordship's commands, we have the honor to report,—

1. We are of opinion that, independently of "The Parliamentary Privileges Act, 1865," the Legislative Council was not constitutionally justified in amending "The Payments to Provinces Bill, 1871," by striking out the disputed clause 28. We think the Bill was a Money Bill, and such a Bill as the House of Commons in this country would not have allowed to be amended by the House of Lords; and that the limitation proposed to be placed by the Legislative Council on Bills of Aid or Supply is too narrow, and would not be recognized by the House of Commons in England.

2. We are of opinion that "The Parliamentary Privileges Act, 1865," does not confer on the Legislative Council any larger powers in this respect than it would otherwise have possessed. We think that this Act was not intended to affect, and did not affect, the legislative powers of either House of the Legislature in New Zealand.

3. We think that the claims of the House of Representatives, contained in their Message to the Legislative Council, are well founded; subject of course to the limitation that the Legislative Council have a perfect right to reject any Bill passed by the House of Representatives having for its object to vary the management or appropriation of money prescribed by an Act of the previous Session.

We have, &c.,

J. D. COLERIDGE.

G. JESSEL.

The Right Hon. the Earl of Kimberley.

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No. 70.

COPY of a DESPATCH from the Right. Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 27th June, 1872.

You were made aware, by my Circular Despatch of the 20th of April, 1871, that Her Majesty's Government proposed to introduce a Bill into Parliament with the view to repress, as far as possible, the acts of violence and barbarity committed by British subjects against the inhabitants of various Islands of the Pacific Ocean, and of bringing the offenders to justice, and I have now the honor to transmit to you a copy of the Act which has just received the Royal Assent.

During the passing of this measure through the Houses of Parliament, Her Majesty's Government were urged, from various quarters, to put an end to the emigration of native labourers, and to forbid altogether the carrying of natives in British ships.

They have not, however, thought it desirable to adopt this course, nor does there appear to them to be any sufficient reason why either the natives or the employers of their labour should be deprived of the benefit accruing to both parties from this emigration, provided that due precautions and safeguards be taken to prevent abuses in the recruitment and employment of native labourers.

At present, as you are aware, the only British Colony into which these Islanders are introduced is Queensland, and the Legislature of that Colony has shown a praiseworthy readiness to adopt any measures which are calculated to protect the natives and to secure a thorough understanding on their part of the contracts under which they are engaged for service in the Colony. Her Majesty's Government entertain no doubt that similar enactments would be passed by any other Colony desiring to avail itself of this native labour.

It has, however, been thought expedient to provide some additional security with respect to the carrying of natives in British vessels, and you will find, upon referring to the Act, that this is effected by sections 3 to 7 inclusive, while by the 8th section care has been taken to exclude from their operation vessels which have complied with the regulations imposed by Colonial Acts.

The remaining provisions of the Act, so far as they affect the Colonies, are substantially the same as those embodied in my Circular Despatch, and it is hoped that the additional facilities for procuring and taking evidence will obviate the difficulties heretofore experienced in conducting criminal proceedings under the Act of 9 Geo. IV. c. 83.

With reference to this point, I would direct your attention to the provisions of the 13th section of the Pacific Islands Protection Act, by which the Governor of a Colony, with the concurrence of his responsible Ministers, may procure the attendance of a certain class of witnesses and provide for their remuneration.

Her Majesty's Government are fully sensible of the exertions already made by the Governments of New South Wales, Victoria, and Queensland, to check the cruelties practised against the natives, by prosecuting any offenders who came within the jurisdiction of the Colonial Courts; and they have learnt with much satisfaction, from the answers returned to my Circular Despatch of the 20th of April, that the Colonial Governments most directly interested in this matter, with the exception of Victoria, from which no final answer has yet been received, are prepared to defray the expenses of prosecutions under this Act, if undertaken

with their concurrence. This last condition is, as will be seen, practically secured by the terms of the 13th section.

The remaining part of the Act provides for the seizure, trial, and condemnation in Vice-Admiralty Courts of vessels engaged in this traffic; and by the 19th section, the Lords Commissioners of the Treasury are authorized to pay the costs, damages, and expenses which may be incurred in such proceedings.

I have only to add, that Her Majesty's Government feel assured that they may rely upon the hearty co-operation of the Colonial Governments in their endeavours to put an end to the atrocious practice of kidnapping, which has roused such just indignation both in this country and in the Australasian Colonies, and which, if not effectually checked, will bring serious discredit upon the British Flag, under which, in too many instances, it has been carried on by unscrupulous offenders.

I have, &c.,

KIMBERLEY.

The Officer Administering the Government  
of New Zealand.

#### Enclosure in No. 70.

AN ACT for the Prevention and Punishment of Criminal Outrages upon Natives of the Islands in the Pacific Ocean. [27th June, 1872.]

WHEREAS criminal outrages by British subjects upon natives of islands in the Pacific Ocean, not being in Her Majesty's dominions, nor within the jurisdiction of any civilized power, have of late much prevailed and increased, and it is expedient to make further provision for the prevention and punishment of such outrages:

Be it 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. This Act may be cited as "The Kidnapping Act, 1872."

2. The term "Governor" shall include the officer for the time being administering the government of any of the Australasian Colonies, and "Governor in Council" shall mean the Governor acting by and with the advice of the Executive Council of the Colony under his government:

The term "Australasian Colonies" shall mean and include the Colonies of New South Wales, New Zealand, Queensland, South Australia, Tasmania, Victoria, and Western Australia:

The term "vessel" shall include a ship or boat:

The term "oath" shall include any affirmation or declaration taken or made in lieu of an oath:

The term "master" shall include any person for the time being in command or charge of a vessel:

3. It shall not be lawful for any British vessel to carry native labourers of the said islands, not being part of the crew of such vessel, unless the master thereof shall, with one sufficient surety to be approved by the Governor of one of the said Australasian Colonies, or by a British consular officer appointed by Her Majesty to reside in any of the said islands, or by any person appointed by either of those officers, have entered into a joint and several bond in the sum of five hundred pounds, to Her Majesty, her heirs and successors, in the form contained in Schedule (A) to this Act annexed, or in such other form as shall be prescribed by the Legislature of any of the Australasian Colonies in respect of vessels sailing from the ports of such colony, nor unless he shall have received a license in the form contained in Schedule (B) to this Act annexed from any such Governor or British consular officer.

4. The said penal sum of five hundred pounds shall be due and recoverable notwithstanding any penalty or forfeiture imposed by this Act, and whether such penalties or forfeitures shall have been sued for and recovered or not.

5. It shall be lawful for any such Governor or British consular officer as aforesaid, upon being satisfied that a bond has been duly given by the master of any British vessel under the third section of this Act, to grant, if he shall think fit, to such master a license in the form contained in the said Schedule (B).

6. All the provisions of this Act with respect to the detention, seizure, bringing in for adjudication before any Vice-Admiralty Court, trial, condemnation, or restoration of vessels suspected of being employed in the commission of any of the offences enumerated in the ninth section of this Act shall, *mutatis mutandis*, apply to any British vessel which shall be found carrying such native labourers without a license or in contravention of the terms of any license which may have been granted to the master thereof.

7. The master of any vessel carrying such native labourers without such license or in contravention of the terms of any license which may have been granted to him, shall be liable to a fine of not exceeding five hundred pounds, which may be sued for and enforced in and by any Court of justice of the Australasian Colonies; but nothing herein contained shall be taken to affect the liability of such master for any offence committed by him under the ninth or tenth sections of this Act: Provided always, that the aggregate sum imposed or recoverable by way of penalty under this Act shall in no case exceed the sum of five hundred pounds.

8. Nothing herein contained shall be taken to affect the provisions of an Act passed by the Legislature of Queensland, intituled "An Act to regulate and control the Introduction and Treatment of Polynesian Labourers," nor of any Act of a like kind passed or which may be passed by the Legislature

of any of the Australasian Colonies not being inconsistent with the provisions of this Act; and the provisions of this Act in respect of vessels carrying native labourers without a license or in contravention of the terms of a license, shall not apply to any vessel which has complied with the regulations and conditions imposed by the said Queensland Act or by any other Act of a like kind passed or which may be passed by the Legislature of any of the Australasian Colonies as aforesaid, proof of which compliance shall lie upon the master of such vessel.

9. If a British subject commits any of the following offences; that is to say:—

- (1.) Decoys a native of any of the aforesaid islands for the purpose of importing or removing such native into any island or place other than that in which he was at the time of the commission of such offence; or carries away, confines, or detains any such native for the purpose aforesaid, without his consent, proof of which consent shall lie on the party accused:
- (2.) Ships, embarks, receives, detains, or confines, or assists in shipping, embarking, receiving, detaining, or confining, for the purpose aforesaid, a native of any of the aforesaid islands on board any vessel, either on the high seas or elsewhere, without the consent of such native, proof of which consent shall lie on the party accused:
- (3.) Contracts for the shipping, embarking, receiving, detaining, or confining on board any vessel for the purpose aforesaid any such native without his consent, proof of which consent shall lie on the party accused:
- (4.) Fits out, mans, navigates, equips, uses, employs, lets, or takes on freight or hire any vessel, or commands, or serves, or is on board any such vessel with intent to commit, or that any one on board such vessel should commit, any of the offences above enumerated:
- (5.) Ships, lades, receives, or puts on board, or contracts for the shipping, lading, receiving, or putting on board of any vessel money, goods, or other articles, with the intent that they should be employed, or knowing that they will be employed, in the commission of any of the offences above enumerated;

he shall for each offence be guilty of felony, and shall be liable to be tried and punished for such felony in any Supreme Court of Justice in any of the Australasian Colonies, and shall, upon conviction, be liable at the discretion of the Court to the highest punishment other than capital punishment, or to any less punishment, awarded for any felony by the law of the Colony in which such offender shall be tried.

10. Any person who aids, abets, counsels, or procures the commission of any offence against this Act shall be liable to be tried and punished as a principal offender.

11. Any offence against this Act may be described in any indictment, information, or other document relating to such offence, in cases where the mode of trial requires such a description, as having been committed at the place where it was wholly or partly committed, or it may be averred generally to have been committed within Her Majesty's dominions, and the venue or local description in the margin may be that of the county, city, town, or place in which the trial is held.

12. In all cases of indictment or information laid or exhibited in the Supreme Court of any of the Australasian Colonies for any offence under this Act, such Supreme Court, upon motion to be made on behalf of the prosecutor or accused, may order a commission or commissions to issue for the examination of witnesses upon oath, and to receive proof at any place or places out of the jurisdiction of such Court concerning the matters charged in such indictment or information; and the said Supreme Court is hereby required and authorized by the same or any subsequent order or orders to make such rules and give such directions as to the time, place, and mode of executing such commission or commissions, and as to the notice thereof to be given to the party accused, and as to the proper return of the depositions taken and the matters done thereunder, as to the said Court shall seem fitting and proper, and the depositions being duly taken under such commission or commissions and returned to the said Court shall be allowed and read as if the witness so deposing had been present, sworn, and examined *vidé voce* at any trial for such offences as aforesaid in the said Supreme Court, any law or usage to the contrary thereof notwithstanding.

13. In all cases of indictment or information laid or exhibited in the Supreme Court of any of the Australasian Colonies for any offence under this Act, the Governor in Council of such Colony may authorize and empower the Commander of any of Her Majesty's ships or vessels, or the master of any ship or vessel, trading with the inhabitants or natives of the said islands, to obtain the attendance as a witness of any native of any of the said islands for the purpose of giving evidence either before the said Supreme Court or before any commission for the examination of witnesses ordered by such Court, and to transport and convey such witness to the colony in which such offence shall be tried or to the place where such commission shall be held, and also to remunerate such witness by such sum of money or other remuneration as the said Governor in Council shall see fit to authorize for his attendance to give evidence as aforesaid, and for his reconveyance back to the island or place from whence he shall have been so brought.

14. In all cases in which an oath may be lawfully administered to any person either as a witness or deponent in any proceeding under this Act, it shall be the duty of the Court or Commissioner, or officer administering the same, to ascertain, as far as possible, in what form such oath will be binding on the conscience of such witness or deponent, and to administer such oath in such form accordingly; and the Court before which such proceedings shall take place or a Commissioner under any commission as aforesaid may declare in what manner the evidence shall be taken of witnesses or deponents who are ignorant of the nature of an oath, and the evidence or deposition taken in any such form or manner as aforesaid shall be as valid as if an oath had been administered in the ordinary manner.

15. Every person who shall wilfully and corruptly give false evidence in any examination, deposition, or affidavit had or taken in any proceeding under this Act shall be deemed guilty of perjury, and upon conviction thereof shall be liable to the pains and penalties to which persons convicted of wilful and corrupt perjury are liable, and every such person may be tried either in the place where the offence was committed, or in the Supreme Court of any of the Australasian Colonies.

16. Any British vessel which shall upon reasonable grounds be suspected :

- (1.) Of being employed in the commission of any of the offences enumerated in the ninth section of this Act ; or
- (2.) Of having been fitted out for such employment ; or
- (3.) Of having during the voyage on which such vessel is met been employed in the commission of any such offence,

may be detained, seized, and brought in for adjudication upon the charge of being or having been so employed or fitted out as aforesaid before any Vice-Admiralty Court in any of Her Majesty's dominions by any of the following officers ; that is to say :—

- (1.) Any officer of Customs or public officer in any British possession, subject nevertheless to any special or general instructions from the Governor or officer administering the government of such possession :
- (2.) Any commissioned officer on full pay in the military service of the Crown, subject nevertheless to any special or general instructions from his commanding officer :
- (3.) Any commissioned officer on full pay in the naval service of the Crown, subject nevertheless to any special or general instructions from the Admiralty or his superior officer :
- (4.) Any Consul or Consular Agent appointed by Her Majesty to reside in any island not within the jurisdiction of any civilized power.

17. Any officer authorized to seize or detain any vessel in respect of any offence against this Act may, for the purpose of enforcing such seizure or detention, call to his aid any constable or officers of police, or any officers of Her Majesty's army or navy, or marines, or any excise officers or officers of Customs, or any harbour master or dock master, or any officers having authority by law to make seizures of vessels, and may put on board any vessel so seized or detained any one or more of such officers to take charge of the same and to enforce the provisions of this Act, and any officer seizing or detaining any vessel under this Act may use force, if necessary, for the purpose of enforcing seizure or detention.

18. The Vice-Admiralty Court before which any vessel is so brought for adjudication shall have full power and authority to take cognizance of, and try the charge upon which such vessel is brought in, and may on proof thereof condemn the vessel and cargo, or either, as the case may be, as forfeited to Her Majesty, or may order such vessel and cargo, or either of them, to be restored with or without costs and damages, as to the Court shall seem fit ; and in any such proceedings the said Court shall have such powers to issue commissions for the examination of witnesses, and to give directions in respect thereof, as are hereinbefore vested in the Supreme Courts of the Australasian Colonies ; and the said Court shall, in addition to any power given to it by this Act, have in respect of any vessel or other matter brought before it in pursuance of this Act, all powers which it has in the case of a vessel or matter brought before it in the exercise of its ordinary jurisdiction.

19. When any detention or seizure shall be made under this Act, and proceedings instituted in any Vice-Admiralty Court in respect of such detention or seizure, it shall be lawful for the Lords Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, to direct payment to be made of the whole or any part of the costs, damages, and expenses which may be incurred in such proceedings.

20. Subject to the provisions of this Act providing for the award of damages in certain cases in respect of the seizure or detention of a vessel by the Vice-Admiralty Court, no damages shall be payable, and no officer or local authority shall be responsible, either civilly or criminally, in respect of the seizure or detention of any vessel in pursuance of this Act.

21. This Act shall be proclaimed in the several Australasian Colonies by the respective Governors thereof, within six weeks after a copy of such Act shall have been received by such Governors respectively, and shall take effect in the several colonies from the day of such Proclamation.

22. Nothing in this Act contained shall be taken to affect the powers vested in the Supreme Courts of New South Wales and Tasmania under the Act 9 Geo. IV. c. 83.

## SCHEDULES.

### SCHEDULE A.

FORM OF BOND to be entered into by Masters of Vessels under "The Kidnapping Act, 1872."  
KNOW all men by these presents, that we *A.B.* of \_\_\_\_\_ and *C.D.* of \_\_\_\_\_ are held and firmly bound unto our Sovereign Lady Queen Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the sum of five hundred pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, her heirs and successors, to which payment, well and truly to be made, we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, administrators, and every of them, firmly by these presents.

Sealed with our seals. Dated this \_\_\_\_\_ day of \_\_\_\_\_ 187 .

Whereas it is enacted by "The Kidnapping Act, 1872," that no British vessel shall carry native labourers of islands in the Pacific Ocean not being within the jurisdiction of any civilized power unless the master of such vessel, together with one sufficient surety to be approved by the Governor of one of Her Majesty's Australasian Colonies, or by a British consular officer, or by any person appointed for the purpose by either of those officers, shall have given to Her Majesty, her heirs and successors, a bond in the sum of five hundred pounds for the prevention of kidnapping, and for the due observance of the requirements of the said Act and of the license which the said master is thereby required to obtain.

Now the condition of this obligation is this, that if in respect of the vessel \_\_\_\_\_, whereof the above bounden *A.B.* is master, all and every the requirements of the said Act and of the license issued thereunder to the said master shall be well and truly performed, and if the above bounden *A.B.* shall satisfy the Governor of any of Her Majesty's Australasian Colonies, or the British consular officer

aforesaid, that no kidnapping was allowed or connived at by any person on board of or connected with said vessel during the currency of the said license, then this obligation is to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above bounden } (L.S.)  
 A.B. and C.D. in the presence of } (L.S.)  
 E.F. of

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SCHEDULE B.

(Royal Arms.)

LICENSE for the Carriage by Sea of Native Labourers.

A.B. master of the \_\_\_\_\_, the vessel more particularly described below, having duly given to Her Majesty Queen Victoria the bond required by "The Kidnapping Act, 1872," for the prevention of kidnapping and the due observance of the requirements of the said Act, I [the Governor of the Colony of \_\_\_\_\_ or, Her Majesty's Consul of \_\_\_\_\_, as the case may be,] do hereby, in exercise of the authority for that purpose conferred on me by the said Act, license the said vessel to carry not more than \_\_\_\_\_ native labourers from \_\_\_\_\_ to \_\_\_\_\_. Should this vessel be found to answer the subjoined description and appear to be strictly engaged in the lawful pursuit of the above-mentioned object, it is the direction of Her Majesty's Government that she shall not be obstructed in the prosecution of her present voyage nor in the shipment or landing of her native passengers.

This license shall not be transferable, and shall be available only for the voyage from \_\_\_\_\_ to \_\_\_\_\_ aforesaid, and for a period not exceeding \_\_\_\_\_ days from the date hereof.

*Description of the Vessel above referred to.*

Tons (registered tonnage),  
 Rig (*i.e.* ship, barque, brig, &c.),  
 How painted,  
 Name painted on stern,  
 Whether any poop,  
 Whether any quarter galleries,  
 Whether a top-gallant forecastle,  
 Name of chief officer,  
 Number of officers and crew, including surgeon, if any,  
 Bound from \_\_\_\_\_ to \_\_\_\_\_, and intending to call at \_\_\_\_\_ and \_\_\_\_\_.  
 Given under my hand and seal }  
 at \_\_\_\_\_ this \_\_\_\_\_ day }  
 of \_\_\_\_\_ 187 .

Governor or Consul, as the case may be.  
 (L.S.)

To the respective Flag Officers, Captains, and  
 Commanding Officers of Her Majesty's Ships,  
 and to all others whom it may concern.

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No. 71.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
 Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 1st July, 1872.

With reference to my Circular Despatches of 14th March and 29th May, I transmit to you, for your information, an extract from the *Journal Officiel*, which has been received through the Foreign Office from Her Majesty's Ambassador at Paris, announcing a further embarkation of French convicts on board "La Guerrière;" and also an extract from *La Patrie*, announcing the departure of the transport "La Virginie," with Communist convicts, bound for New Caledonia.

I have, &c.,  
 KIMBERLEY.

The Officer Administering the Government  
 of New Zealand.

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Enclosure 1 in No. 71.

COPY.

Le deuxième convoi de déportés au nombre de 680 a quitté la rade de Brest le 13 Juin à une heure de l'après-midi, sur la frégate *la Guerrière*.

La veille du départ, le Préfet Maritime de Brest a fait connaître au Ministre de la Marine que la Commission de visite avait trouvé le bâtiment dans de très-bonnes conditions pour entreprendre cette navigation lointaine et qu'il n'a été présenté aucune réclamation dont on ait eu à tenir compte.

## Enclosure 1 in No. 71.

COPY.

Le deuxième convoi de déportés au nombre de 680 a quitté la rade de Brest le 13 Juin à une heure de l'après-midi, sur la frégate *la Guerrière*.

La veille du départ, le Préfet Maritime de Brest a fait connaître au Ministre de la Marine que la Commission de visite avait trouvé le bâtiment dans de très-bonnes conditions pour entreprendre cette navigation lointaine et qu'il n'a été présenté aucune réclamation dont on ait eu à tenir compte.

## Enclosure 2 in No. 71.

EXTRACT from *la Patrie*.

On nous écrit de Toulon le 21 que le départ pour la Nouvelle-Calédonie de la frégate *la Virginie* a eu lieu la veille, conformément aux ordres du Ministre de la Marine. Ce convoi de déportés se compose de 210 personnes, au nombre desquelles se trouvent 28 pétroleuses condamnées pour crime d'incendie et d'assassinat. Le Contre Amiral Major Général, assisté de la Commission sanitaire, a passé la revue des condamnés, qui n'ont fait aucune observation et n'ont adressé à l'autorité Maritime aucune plainte.

Indépendamment des déportés, *la Virginie* a pris à son bord des détachements d'infanterie de marine, des passagers civil et du matériel pour nos différents établissements de l'Océanie. Parmi ces derniers se trouvent M. Buisson, nommé Commissaire Central de Police en résidence à Nouméa; M. Gautier, Directeur de l'Imprimerie du Gouvernement, des magistrates, des médecins et des sœurs de Saint Joseph pour l'hôpital qu'on va établir à la presqu'île Ducos.

Il ne reste plus aujourd'hui qu'un seul navire à destination de Nouméa; c'est le transport à vapeur *la Garonne*, mouillé sur rade à Brest. On assure que son départ est fixé au 30 de ce mois.

## No. 72.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

SIR,—

Downing Street, 23rd July, 1872.

I have laid before Mr. Secretary Cardwell your Despatch No. 24, of the 1st March last, enclosing a return of the names of the officers of the local forces of New Zealand, whom you proposed should be inserted in the Army List. I have now the honor to transmit to you a copy of a letter from the War Office, pointing out that the names of the officers of the Armed Constabulary cannot be published in the Army List; and that as it appears, on reference to the Admiralty, that there will be no objection to the publication in the Navy List of the names of the officers of the New Zealand Naval Brigade, upon the requisite information being furnished to the Admiralty, the Secretary of State for the War Department does not consider it desirable to insert the names of these naval officers in the Army List.

I have, &amp;c.,

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

KIMBERLEY.

## Enclosure in No. 72.

The Marquis of LANSDOWNE to the UNDER SECRETARY of STATE, Colonial Office.

SIR,—

War Office, 12th July, 1872.

With reference to your letter of 23rd May last, giving cover to a list of officers of Militia and Volunteers of New Zealand, for insertion in the Army List, I am directed by the Secretary of State for War to acquaint you, for the information of the Secretary of State for the Colonies, that the names of the officers of the Armed Constabulary cannot be published in the Army List; and as it appears, on reference to the Admiralty, that there will be no objection to the publication in the Navy List of the names of the officers of the New South Wales Naval Brigade, and of the New Zealand Naval Volunteers, upon the requisite information being furnished to the Admiralty by the Colonial authorities, Mr. Cardwell does not consider it desirable to insert the names of these naval officers in the Army List.

I have, &amp;c.,

The Under Secretary of State, Colonial Office.

LANSDOWNE.

No. 73.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 24th July, 1872.

I transmit to you a copy of a Letter from the Lords Commissioners of the Admiralty, inclosing a copy of the Instructions which they have addressed to Commodore Stirling, with regard to the measures to be taken for the suppression of kidnapping in the South Sea Islands.

I also enclose a copy of the Instructions suggested in a letter from this department for the guidance of the officers commanding the vessels to be employed in the suppression of the traffic, which are referred to in the 7th paragraph of their Lordship's Instructions to Commodore Stirling.

I have, &amp;c.,

KIMBERLEY.

The Officer Administering the Government  
of New Zealand.

## Enclosure 1 in No. 73.

Captain HALL to the UNDER SECRETARY, Colonial Office.

SIR,—

Admiralty, 12th July, 1872.

With reference to your letter of the 2nd instant, expressing the concurrence of the Earl of Kimberley in the Instructions proposed to be sent to Commodore Stirling respecting the measures to be taken for the suppression of kidnapping in the South Sea Islands, and with reference to your further letter of the 9th instant, stating that it is proposed to forward a copy of these Instructions to the Governors of the Australasian Colonies, I am now commanded by my Lords Commissioners of the Admiralty, to transmit herewith, for the information of Lord Kimberley, a copy of amended Instructions this day addressed to Commodore Stirling.

2. My Lords desire me to state that these amended Instructions have been rendered necessary in consequence of the receipt of a despatch from the Commodore, dated the 18th May, No. 64, reporting that schooners cannot be hired, and that it will be necessary to build them in Australia; a copy of which despatch is also inclosed.

I have, &amp;c.,

ROBERT HALL.

The Under Secretary of State for the Colonies.

## Enclosure 2 in No. 73.

Captain HALL to Commodore STIRLING.

SIR,—

Admiralty, 12th July, 1872.

I have laid before my Lords Commissioners of the Admiralty your letter of the 22nd April last, No. 32, on the subject of the measures to be adopted for the suppression of the illegal traffic in South Sea Islanders, in which you state that you concur in the suggestions of Lord Normanby, Governor of Queensland, and recommend that six sailing schooners (to be supported by ships of the Australian Squadron) should be built in the Colonies, as there are no suitable vessels which could be hired.

2(a). I have also laid before their Lordships your letter of the 11th May, received subsequently to the despatch of my telegram of the 5th instant (a copy of which is annexed), in which you reiterate your recommendation for building vessels in the Colonies.

2(b). In reply to these letters, I am commanded by their Lordships to acquaint you that Her Majesty's Government have determined at once to take steps for putting a stop to the abominable traffic in question, and with this view my Lords desire that you will employ four out of the six vessels now under your orders on this service, instructing their Commanding Officers to act temperately but firmly in taking all lawful measures for the suppression of illegal proceedings of the nature of Slave Trade.

3. As it appears that there is no prospect of your being able to hire suitable vessels, my Lords authorize you to take immediate steps for building five schooners of from 90 to 110 tons, at a cost not exceeding £25 to £30 per ton ready for sea.

4. These schooners are to have the accommodation suggested by you, for three officers and about twenty-five men, and for provisions for about three or four months, and about four to six tons of water. For arming these vessels their Lordships will send out 12-pr. Armstrong guns, with the requisite arms and ammunition, by an early opportunity, and they will also send supernumerary officers and men to assist in manning them.

5. It is to be understood, that in order to afford the means of carrying out the views of Her Majesty's Government, Lord Kimberley consents to dispense for a time with the visits of Her Majesty's ships to Australian ports generally, and will only require one vessel to be left for service on the coast of New Zealand, and another to be employed at Cape York, in accordance with the instructions contained in my letter of this date, No. 114, relative to the Pearl and Bêche-de-mer Fisheries; but my Lords anticipate that when the five schooners shall have been completed, you will be able to dispense with the services of one of the six vessels now under your orders.



6. The "Barossa" left Japan on 19th March, to visit the Marshall, Gilbert and Solomon Islands, and, should any unforeseen opportunity offer for your communicating with this vessel before she returns to China, their Lordships hereby authorize you to detain her and take her under your orders.

7. Copies of the Instructions suggested by the Colonial Office for the guidance of the Officers under your command, also of the Instructions issued to the Governors of the Australian Colonies, and of the South Pacific Islanders Protection Act of 1872, and of the Queensland Act of 1868, are transmitted in my letter of yesterday's date, No. 111.

Commodore Stirling, H.M.S. "Clio," Sydney, N.S.W.

I have, &c.,  
ROBERT HALL.

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Enclosure 3 in No. 73.

Copy of TELEGRAM sent 5th July to Commodore STIRLING.  
(In cypher to Point de Galle by Wire, thence by Packet to Sydney.)  
Sydney, New South Wales.

WITH reference to your letter No. 32, endeavour to hire two or three suitable vessels for suppressing illegal labour traffic; also employ four men-of-war for the same purpose, keeping one for New Zealand, and one, perhaps "Basilisk," for Cape York. Instructions by next mail.

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Enclosure 4 in No. 73.

Commodore STIRLING to the SECRETARY to the ADMIRALTY.  
*Employment of Schooners for the Prevention of Kidnapping.*

SIR,—

"Clio," at Sydney, 18th May, 1872.

Referring to your letter of the 14th February last, No. 17 M., directing me to report whether small swift schooners could be hired or purchased to be employed in preventing kidnapping in the South Sea Islands,

I beg to state, for the information of the Lords Commissioners of the Admiralty, that since my arrival in this port, I have been prosecuting inquiries on this subject, and I find that there are no vessels ready built which could be adapted to this service without considerable expensive alterations.

2. Schooners for this service could be built at an expense of about from £25 to £30 per ton ready for sea, and I strongly recommend that this course should be followed, as in my opinion schooners are in every way superior to gun-boats.

3. The difficulties of sending coal up to meet the gun-boats at different groups of islands would be very great, and the expenses of the coal would in a very short time amount to as much as the original cost of the schooners.

4. When done with, this class of schooners would command a very fair price in the colonial markets, being well adapted to the inter-insular traffic.

5. A shipbuilder of this city informs me that they could be delivered within four months of the receipt of the order.

6. The vessels for this service should be schooners of from about 90 to 110 tons, carrying either a 20-pr. or 12-pr. Armstrong gun and two boats, should have accommodation for three officers and about twenty-five men, provisions for about three or four months, and from four to six tons of water. The guns for these vessels would have to be sent out, as there are only one 12-pr. and one 9-pr. in store.

7. If their Lordships decide on the course which I now recommend, a telegram directing me to proceed with their construction would save much time.

8. In my letter, No. 32 of 22nd April last, I suggested six as the number to be employed, viz. :—

- Two amongst Solomon Islands and about coast of New Guinea.
- One amongst Santa Cruz, and New Hebrides, and off Loyalty Islands.
- One in Caroline Group, which is 1,500 miles in extent.
- One in Marshall and Gilbert Groups.
- One amongst Ellice, Samoa, Friendly, and Fiji Islands.

9. With these six vessels and proper arrangements, kidnapping could be almost suppressed in eighteen months, among the groups of islands above named.

I have, &c.,  
F. H. STIRLING,  
Commodore.

P.S.—Referring to par. 3 of this letter respecting the difficulties which would be experienced in sending coal for the use of gun-boats, I may state I have been informed this morning that men refuse to join vessels going to the islands on such voyages, for fear of being murdered by the natives, and therefore require higher inducements to go.

The Secretary to the Admiralty.

F.H.S.

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Enclosure 5 in No. 73.

MR. HOLLAND to the SECRETARY to the ADMIRALTY.

SIR,—

Downing Street, 9th July, 1872.

In reply to your letter of the 5th instant, in which the Earl of Kimberley is requested by their Lordships to cause them to be furnished with any special instructions which he may consider necessary for the guidance of the officers commanding the vessels to be employed in the suppression of the illegal traffic in the Pacific Islands; I am directed by his Lordship to submit the following suggestions for their Lordships' consideration :—

1. The officers commanding the vessels should be furnished with copies of "The Kidnapping Act, 1872."

2. Their attention should in the first place be directed to the 6th section, which empowers them to detain, seize, and bring in for adjudication before any Vice-Admiralty Court, British vessels carrying native labourers of these islands—

(1.) Without a license in the form given in Schedule B; or

(2.) In contravention of the terms of license; and to the 17th section, which empowers them to assist in the detention, &c., of such vessels for the above causes by any of the officers mentioned in the 16th section of the Act.

3. They should be furnished with copies of the Queensland Act, a copy of which is enclosed herewith, and instructed that British vessels complying with the provisions of that Act are exempted from seizure by the 8th section of the Imperial Act.

4. It might be stated for their information that up to the present time no Act of a like kind has been passed by any other of the Australasian Legislatures; and it should be pointed out that compliance with the Imperial or Local Act, in respect of obtaining a license, will in no way shield British subjects who commit offences under the 9th or 10th sections of the Imperial Act, or save their vessels from seizure for such offences.

5. In the second place, their attention should be drawn to the different offences enumerated in the 9th section, and to the provisions of the 16th section, by which they are empowered to detain, &c., British vessels which shall upon reasonable grounds be suspected—

(1.) Of being employed in the commission of any of the offences enumerated in the 9th section; or,

(2.) Of having been fitted out for such employment; or,

(3.) Of having during the voyage on which such vessel is met been employed in the commission of any such offence.

6. By the 17th section they are empowered to assist the officers mentioned in the 16th section in the detention, &c., of such vessels.

7. It is apprehended that Her Majesty's officers may further be instructed to arrest and carry to any one of the Australasian Colonies, for trial, persons committing upon the high seas, or within Admiralty jurisdiction, any of the offences mentioned in the 9th section, which it is to be observed are declared to be felonies, upon the common law doctrine as to arrest of felons and persons suspected of felony. But should their Lordships entertain any doubt upon this point, Lord Kimberley would suggest that they should take the opinion of the Law Officers upon the question.

8. Her Majesty's Officers should have their attention directed to the provisions of the 13th section of the Act, by which they are empowered, under the authority of the Governor of any one of the Australasian Colonies, acting by and with the advice of his Executive Council, to obtain the attendance of native witnesses, and to convey them either to the Colony where the offender is to be tried, or to the place where such witnesses are to be examined under a commission.

It will be seen that the Imperial Act is confined to British vessels and British subjects, and the question may arise as to the position of British subjects who may claim exemption for themselves or their vessels from the Act, on the ground that they have acquired a Fijian nationality, and that their vessels are entitled to sail under the Fijian flag. Upon this point, I am to suggest that their Lordships should communicate with the Foreign Office, as well as upon the general question of the manner of dealing with the authority claiming to be recognized as the Government of the Fiji Islands.

I have, &c.,

H. T. HOLLAND.

The Secretary of the Admiralty.

#### No. 74.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 27th July, 1872.

With reference to my Circular Despatch of 1st instant, and to previous Circulars respecting the deportation of French Political Convicts, I transmit to you, for your information, a copy of Despatch received through the Foreign Office from Her Majesty's Consul at Brest, reporting that 680 Communist prisoners had been sent from that port to New Caledonia on board "La Guerrière," and that the transport "La Garonne" was about to proceed to the same destination with about 700 prisoners of a similar class.

I have, &c.,

The Officer Administering the Government  
of New Zealand.

KIMBERLEY.

#### Enclosure in No. 74.

Mr. CONSUL RAINALS to Earl GRANVILLE.

MY LORD,—

British Consulate, Brest, 3rd July, 1872.

I have the honor to report to your Lordship that, on the 13th ultimo, the steam transport "La Guerrière" left here for New Caledonia, with 680 Communist prisoners on board; and the steam

transport "La Garonne," having on board about 700 of a similar class of prisoners, has been lying in the Brest roadstead, ready to leave for the same destination, for some time past—the reason for her detention I cannot ascertain;—but it is probably caused by a desire on the part of the French Government to prevent too many prisoners arriving at New Caledonia at the same period.

I have made inquiries, and, as far as I have been able to ascertain, there are no British subjects as prisoners on board either of these vessels.

The Right Hon. Earl Granville, K.G., &c.

I have, &c.,  
HARRY RAINALS.

No. 75.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 48.)

SIR,—

Downing Street, 9th August, 1872.

I have received your Despatch No. 48, of 16th May. I learn with much satisfaction that Auckland and the Northern districts of New Zealand have been brought into telegraphic communication with the Seat of Government at Wellington, and with the rest of the Colony.

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

I have, &c.,  
KIMBERLEY.

No. 76.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 49.)

SIR,—

Downing Street, 9th August, 1872.

I have the honor to acknowledge your Despatch No. 52, of 13th June, forwarding a Congratulatory Address to the Queen from the Provincial Council of Wellington, on the occasion of the recovery of His Royal Highness the Prince of Wales.

I am commanded to instruct you to convey to the Speaker and Members of the Council, the Queen's thanks for their kind congratulations, and to assure them that Her Majesty warmly appreciates the spirit of loyalty to the Crown, and of attachment to the person of the Sovereign, which is displayed in their Address.

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

I have, &c.,  
KIMBERLEY.

No. 77.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 50.)

SIR,—

Downing Street, 9th August, 1872.

I have the honor to acknowledge your Despatch No. 38, of 26th April, forwarding a Congratulatory Address to Her Majesty from the inhabitants of Wanganui, on the recovery of His Royal Highness the Prince of Wales.

I am commanded to instruct you to convey to the subscribers of this Address the Queen's thanks for the kind expressions of sympathy and congratulation, and to assure them that Her Majesty warmly appreciates the spirit of loyalty to the British Crown, and of attachment to the person and family of the Sovereign, which is displayed in their Address.

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

I have, &c.,  
KIMBERLEY.

No. 78.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(No. 51.)

SIR,—

Downing Street, 9th August, 1872.

I have to acknowledge your Despatch No. 45, of 13th May, in which you enclose a copy of a Proclamation you had issued, appointing the 9th of May as a general holiday and day for a public thanksgiving, on the occasion of the recovery of His Royal Highness the Prince of Wales.

I have, &amp;c.,

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

KIMBERLEY.

No. 79.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 5th August, 1872.

With reference to my Circular Despatch, dated 27th August, 1870, transmitting a copy of an Order in Council declaring the making of a Convention with the United States of America under "The Naturalization Act, 1870," I now enclose, for your information and guidance, a copy of an Act recently passed for the removal of certain doubts which have arisen with respect to some of the provisions of the Act of 1870.

I have, &amp;c.,

The Officer Administering the Government  
of New Zealand.

KIMBERLEY.

## Enclosure in No. 79.

## CHAPTER 39.

AN ACT for amending the Law in certain cases in relation to Naturalization. [25th July, 1872.]

WHEREAS by a Convention between Her Majesty and the United States of America, supplementary to the Convention of the thirteenth day of May, one thousand eight hundred and seventy, respecting naturalization, and signed at Washington on the twenty-third day of February, one thousand eight hundred and seventy-one, and a copy of which is contained in the Schedule to this Act, provision is made in relation to the renunciation by the citizens and subjects therein mentioned of naturalization or nationality in the presence of the officers therein mentioned:

And whereas doubts are entertained whether such provisions are altogether in accordance with "The Naturalization Act, 1870:" And whereas other doubts have arisen with respect to the effect of "The Naturalization Act, 1870," on the rights of women married before the passing of that Act; and it is expedient to remove such doubts:

Be it 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. This Act may be cited for all purposes as "The Naturalization Act, 1872;" and this Act and "The Naturalization Act, 1870," may be cited together as "The Naturalization Acts, 1870 and 1872."

2. Any renunciation of naturalization or of nationality made in manner provided by the said supplementary Convention by the persons and under the circumstances in the said Convention in that behalf mentioned shall be valid to all intents, and shall be deemed to be authorized by the said "Naturalization Act, 1870." This section shall be deemed to take effect from the date at which the said supplementary Convention took effect.

3. Nothing contained in "The Naturalization Act, 1870," shall deprive any married woman of any estate or interest in real or personal property to which she may have become entitled previously to the passing of that Act, or affect such estate or interest to her prejudice.

## SCHEDULE.

CONVENTION between Her Majesty and the United States of America, supplementary to the Convention of 13th May, 1870, respecting Naturalization.

Signed at Washington, 23rd February, 1871.

(Ratifications exchanged at Washington, 4th May, 1871.)

WHEREAS by the second article of the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America for regulating the citizenship of subjects and citizens of the contracting parties who have emigrated or may emigrate from the dominions of the one to those of the other party, signed at London, on the 13th of May, 1870, it was stipulated that the

manner in which the renunciation by such subjects and citizens of their naturalization, and the resumption of their native allegiance, may be made and publicly declared, should be agreed upon by the Governments of the respective countries: Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the President of the United States of America, for the purpose of effecting such agreement, have resolved to conclude a supplemental Convention, and have named as their plenipotentiaries, that is to say; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Edward Thornton, Knight Commander of the Most Honorable Order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of America; and the President of the United States of America, Hamilton Fish, Secretary of State; who have agreed as follows:

## ARTICLE I.

Any person being originally a citizen of the United States who had, previously to May 13, 1870, been naturalized as a British subject, may at any time before August 10, 1872, and any British subject who, at the date first aforesaid, had been naturalized as a citizen within the United States, may at any time before May 12, 1872, publicly declare his renunciation of such naturalization by subscribing an instrument in writing, substantially in the form hereunto appended, and designated as Annex A.

Such renunciation by an original citizen of the United States, of British nationality, shall within the territories and jurisdiction of the United States be made in duplicate, in the presence of any Court authorized by law for the time being to admit aliens to naturalization, or before the clerk or prothonotary of any such Court: if the declarant be beyond the territories of the United States, it shall be made in duplicate, before any diplomatic or consular officer of the United States. One of such duplicates shall remain of record in the custody of the Court or officer in whose presence it was made; the others shall be, without delay, transmitted to the department of State.

Such renunciation, if declared by an original British subject, of his acquired nationality as a citizen of the United States, shall, if the declarant be in the United Kingdom of Great Britain and Ireland, be made in duplicate, in the presence of a Justice of the Peace; if elsewhere in Her Britannic Majesty's dominions, in triplicate, in the presence of any Judge of civil or criminal jurisdiction, of any Justice of the Peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose; if out of Her Majesty's dominions, in triplicate, in the presence of any officer in the diplomatic or consular service of Her Majesty.

## ARTICLE II.

The contracting parties hereby engage to communicate each to the other, from time to time, lists of the persons who, within their respective dominions and territories, or before their diplomatic and consular officers, have declared their renunciation of naturalization, with the dates and places of making such declarations, and such information as to the abode of the declarants, and the times and places of their naturalization, as they may have furnished.

## ARTICLE III.

The present Convention shall be ratified by Her Britannic Majesty, and by the President of the United States by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at Washington as soon as may be convenient.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington, the twenty-third day of February, in the year of our Lord one thousand eight hundred and seventy-one.

(L.S.) EDWD. THORNTON.  
(L.S.) HAMILTON FISH.

## ANNEX (A.)

I, A.B., of [*Insert abode*], being originally a citizen of the United States of America [*or a British subject*], and having become naturalized within the dominions of Her Britannic Majesty as a British subject [*or as a citizen within the United States of America*], do hereby renounce my naturalization as a British subject [*or citizen of the United States*], and declare that it is my desire to resume my nationality as a citizen of the United States [*or British subject*].

Made and subscribed before me  
Colony, Legation, or Consulate], this

in [*Insert country or other subdivision, and State, Province,*  
day of , 187 .

(Signed) A.B.

(Signed) E.F.  
Justice of the Peace [*or other title*].

(L.S.) EDWD. THORNTON.  
(L.S.) HAMILTON FISH.

## No. 80.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to  
Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 5th August, 1872.

I transmit to you the enclosed copies of the Report of the Royal Commission appointed to inquire into the administration and operation of the

Contagious Diseases Acts, together with the Minutes of Evidence taken before the Commission.

I request that you will communicate copy of this Report, together with the Evidence, to the principal Medical Officer of your Government charged with the administration of the local enactment on the subject.

Governor Sir G. F. Bowen, G.C.M.G. I have, &c.,  
KIMBERLEY.

[Enclosures filed in the General Assembly Library.]

No. 81.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. Bowen, G.C.M.G.

(Circular 2.)

SIR,— Downing Street, 9th August, 1872.

I transmit to you, for the consideration of your Responsible Advisers, a copy of a letter from the Secretary of State for War, acquainting me that the adoption of the Martini-Henry Rifle into Her Majesty's Service has been definitively decided upon, and suggesting that there will be advantage in the selection of the same weapon by the Colonial Governments.

The Officer Administering the Government of New Zealand. I have, &c.,  
KIMBERLEY.

Enclosure in No. 81.

Sir H. K. STORKS to the UNDER SECRETARY, Colonial Office.

SIR,— Surveyor-General's Department, War Office, 26th July, 1872.

I am directed by Mr. Secretary Cardwell to acquaint you, for the information of the Earl of Kimberley, that the adoption of the Martini-Henry rifle into Her Majesty's Service has been definitively decided upon, and that issues to the troops will commence as soon as a sufficient store shall have been accumulated.

The manufacture of these arms is in progress at the Royal Small Arms Factory, and I am to state this for Lord Kimberley's information, because the colonies may probably be disposed to follow the example of this country, so that in any case of emergency their arms and their ammunition might be convertible with ours, a manifest advantage, especially to countries which do not as yet possess arsenals or manufactories of arms on an extensive scale.

The Under Secretary of State, Colonial Office. I have, &c.,  
H. K. STORKS.

No. 82.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,— Downing Street, 14th August, 1872.

Her Majesty's Government have had under their consideration a question which has arisen with reference to the Government established *de facto* in the Fiji Islands, namely, whether, beyond the limits of the new State, British subjects, so long as the new State is not duly recognized, can be accepted as citizens of it, and exempted from British jurisdiction, in respect of acts done by them or engagements entered into with them.

A reference has been made to the Law Officers of the Crown, who have advised Her Majesty's Government that British subjects, beyond the limits of the new State not yet duly recognized, should not be accepted as citizens of the new State, nor be held exempted from British jurisdiction for acts done by them on British territory, or on board ships which ought to be navigated under the British flag; and further, that they should not be held exempted from British jurisdiction for engagements entered into with them in cases where the validity or construction of such engagements would properly, and in ordinary course, be triable before a British tribunal. They are further of opinion that Her Majesty's Government may interfere with the acts and engagements of British subjects within Fiji, and

may declare certain acts and engagements to be legal or illegal in the case of British subjects within Fiji.

The Law Officers have also reported, with reference to inquiries made through Mr. Consul March, by certain half-castes, residing at Fiji, as to the protection which could be granted to them, on account of their British origin, in connection with the establishment of a *de facto* Government, that the half-castes in question appear to be illegitimate children of Fiji women, and to have been born in Fiji territory; and that, consequently, their nationality is not British, and that they are not entitled to British protection.

These opinions are communicated to you for your information and guidance.

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

I have, &c.,  
KIMBERLEY.

No. 83.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 52.)

SIR,—

Downing Street, 21st August, 1872.

I have to acknowledge your Despatch No. 36, of 1st April, furnishing an account of your visit to the Kaikoura Mountains, in the Province of Marlborough; the District of Amuri, in the Province of Nelson; and the Northern Districts of the Province of Canterbury; and stating that it was your intention to ride across the centre of the North Island, from Wellington to Auckland, by Napier, the Lake of Taupo, the hot Lakes, and the Waikato.

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

I have, &c.,  
KIMBERLEY.

No. 84.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 53.)

SIR,—

Downing Street, 21st August, 1872.

I have to acknowledge your Despatch No. 50, of 10th June, reporting your visit to the Waikato District, and forwarding a Report from Mr. McLean, the Native Minister, upon the state of Native affairs.

I have read Mr. McLean's Report with much pleasure.

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

I have, &c.,  
KIMBERLEY.

No. 85.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 54.)

SIR,—

Downing Street, 21st August, 1872.

I have to acknowledge your Despatch No. 37, of 9th April, written from the Lake of Taupo, in the course of your expedition from Wellington to Auckland, and your further Despatch, No. 47, of 15th of May, announcing the completion of your journey.

I have much pleasure in congratulating you upon the success of this expedition, and upon the satisfactory evidences which you received at each place of the intentions and disposition of the Maoris.

These Despatches afford striking confirmation of the success of the Native policy adopted by your Government.

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

I have, &c.,  
KIMBERLEY.

