

1880.
NEW ZEALAND.

FURTHER DESPATCHES

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

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

No. 1.

COPY of a DESPATCH from the Right Hon. Sir M. E. HICKS BEACH to the OFFICER ADMINISTERING the GOVERNMENT of NEW ZEALAND.

(Circular.)

SIR,—

Downing Street, 20th February, 1880.

I have the honor to transmit to you, for your information, a copy of the judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of *Musgrave v. Pulido*, from the Supreme Court, Jamaica.

I have, &c.,

M. E. HICKS BEACH.

The Officer Administering the Government of
New Zealand.

Enclosure in No. 1.

JUDGMENT of the Lords of the Judicial Committee of the Privy Council on the Appeal of *Musgrave v. Pulido*, from the Supreme Court, Jamaica; delivered Saturday, 13th December, 1879.

Present: Sir James W. Colville, Sir Barnes Peacock, Sir Montague E. Smith, Sir Robert P. Collier, and Sir Henry S. Keating.

To an action of trespass brought against the appellant, Sir Anthony Musgrave, in the Supreme Court of Jamaica, for seizing and detaining at Kingston, in Jamaica, a schooner called the "Florence," of which the plaintiff was charterer, and which had, as alleged, put into the port of Kingston in distress and for repairs, the appellant pleaded the following plea: "The defendant, Sir Anthony Musgrave, by his attorney, comes and says that he ought not to be compelled to answer in his action, because he saith that at the time of the grievances alleged in the said declaration, and at the time of the commencement of this action, he was and still is Captain General and Governor-in-Chief of the Island of Jamaica and its dependencies, and was and still is as such entitled to the privileges and exemptions appertaining to such office and to the holder thereof, and that the acts complained of in the said declaration were done by him as Governor of the said Island of Jamaica, and in the exercise of his reasonable discretion as such, and as acts of State; and this defendant is ready to verify; wherefore he prays judgment if he ought to be compelled to answer in this action." The plaintiff demurred to this plea, and the present appeal is from the judgment of the Supreme Court allowing the demurrer, and ordering the appellant to answer further to the writ and declaration.

The plea is in form a dilatory plea, and does not profess to contain a defence in bar of the action. It was advisedly pleaded as a plea of privilege, with the object of raising the question of the immunity of the appellant as Governor from being impleaded and compelled to answer in the Courts of the colony. That this was so is plain, not only from the form of the plea, but from an arrangement come to between the parties before the argument of the demurrer. In an interlocutory proceeding to set aside a judgment of *non pros.* as irregularly obtained, an order was made by consent "that all pleas of the defendant, Sir Anthony Musgrave, except the plea of privilege by attorney, be struck out, together with replications and entry of judgment of *non pros.*, with liberty to the plaintiff to demur, it being arranged that the demurrer be set down for hearing at the present term, and if a judgment *respondeat* ouster the defendant, Sir Anthony have liberty to plead not guilty by statutes." The decision of the Supreme Court was accordingly given upon the plea, as a plea of privilege, and altogether upon this aspect of it, the judgment being one of *respondeat ouster*.

Upon the hearing of the present appeal the Attorney-General, on the part of the appellant, whilst not giving up the plea in the shape in which it was pleaded, insisted that if it disclosed a good defence in substance to the action, as he contended it did, its form and the arrangement of the parties might be disregarded, and a general judgment given for the defendant; and, though under protest from the respondent's counsel, the discussion at their Lordships' bar was allowed to take the wider scope which the Attorney-General's contention introduced into the case.

If the plea is to be regarded as a plea of privilege only, and as claiming immunity to the Governor from liability to be sued in the Courts of the colony, their Lordships think that it cannot, in that aspect of it, be sustained.

The dictum attributed to Lord Mansfield in *Fabrigas v. Mostyn*, 1 Cowp. 161, that "the Governor of a colony is in the nature of a Viceroy, and therefore locally during his Government no civil or criminal action will lie against him, the reason is, because upon process he would be subject to imprisonment," was dissented from and declared to be without legal foundation in the judgment of the Lords of the Judicial Committee delivered by Lord Brougham in the case of *Hill v. Bigge* (3, Moore, P.C. 465). In that appeal their Lordships were of opinion that the plea of the Lieutenant-Governor of the Island of Trinidad to an action brought against him in the civil Court of the island, claiming that whilst Lieutenant-Governor he was not liable to be sued in that Court, could not be sustained. The action was for a private debt contracted by the defendant in England before he became Governor, but the principle affirmed by the judgment is that the Governor of a colony, under the commission usually issued by the Crown, cannot claim, as a personal privilege, exemption from being sued in the Courts of the colony. The claim to such exemption is thus met: "If it be said that the Governor of a colony is *quasi* Sovereign, the answer is, that he does not even represent the Sovereign generally, having only the functions delegated to him by the terms of his commission, and being only the officer to execute the specific powers with which that commission clothes him."

The defendant sought to strengthen his claim of privilege by averring in his plea that the acts complained of were done by him "as Governor," and "as acts of State." Their Lordships propose hereafter to consider the particular averments of this plea. It is enough here to say that it appears to them that if the Governor cannot claim exemption from being sued in the Courts of the colony in which he holds that office, as a personal privilege, simply from his being Governor, and is obliged to go further, his plea must then show by proper and sufficient averments that the acts complained of were acts of State policy within the limits of his commission, and were done by him as the servant of the Crown, so as to be, as they are sometimes shortly termed, acts of State. A plea, however, disclosing these facts would raise more than a question of personal exemption from being sued, and would afford an answer to the action, not only in the Courts of the colony, but in all Courts; and therefore it would seem to be a consequence of the decision in *Hill v. Bigge* that the question of personal privilege cannot practically arise, being merged in the larger one, whether the facts pleaded show that the acts complained of were really such acts of State as are not cognizable by any Municipal Court. In the case of the *Nabob of the Carnatic v. the East India Company*, Lord Thurlow said that a plea pleaded in form to the jurisdiction of the Court, but which denied the jurisdiction of all Courts over the matter, was absurd; and that such a plea, if it meant anything, was a plea in bar (1 Ves. Jr. 388). In their Lordship's view, therefore, this plea, if it can be supported, must be sustained on the ground mainly relied upon by the Attorney-General, namely, that it discloses in substance a defence to the action.

Before adverting to the sufficiency of the averments in this plea, it will be convenient to refer to some decisions in which the position of Governors of colonies has been considered. In the leading case of *Fabrigas v. Mostyn*, the action was brought against Mr. Mostyn, the Governor of Minorca, for imprisoning the plaintiff, and removing him by force from that island. The Governor's special plea of justification alleged that he was invested with all the powers, civil and military, belonging to the government of the island, that the plaintiff was guilty of a riot, and was endeavouring to raise a mutiny among the inhabitants, in breach of the peace, and that, in order to preserve the peace and government of the island, he was forced to banish the plaintiff from it. It then averred that the acts complained of were necessary for this object, and were done without undue violence. Upon the trial the Governor failed to prove this plea, and the plaintiff had a verdict. When the case came before the Court of Queen's Bench, upon a bill of exceptions to the ruling of the Judge, Lord Mansfield said his great difficulty had been, after two arguments, to be able clearly to comprehend what the question was that was meant seriously to be argued. It seems, however, that the liability of the Governor to be sued was raised, and very fully discussed, one ground of objection being that he could not be sued in England for an act done in a country beyond the seas, and upon this question Lord Mansfield declared that the action would, to use his own phrase, "most emphatically" lie against the Governor. His judgment proceeds to show, in a passage bearing materially on the point now under discussion, in what way a defence to such an action might be made. He says, "If he has acted right, according to the authority with which he is invested, he may lay it before the Court by way of plea, and the Court will exercise their judgment whether it is a sufficient justification or not. In this case, if the justification had been proved, the Court might have considered it a sufficient answer; and if the nature of the case would have allowed of it, might have adjudged that the raising a mutiny was a good ground for such a proceeding."

In the case of *Cameron v. Kyte* (reported in 3 Knapp 332), which came before this Board on an appeal from the Colony of Berbice, the question was whether the Governor had authority to reduce a commission of 5 per cent. upon all sales in the colony, granted to an officer called the Vendue Master by the Dutch West India Company before the capitulation of the colony to the British Crown. It was urged that the Governor was the King's representative, exercising the general authority of the Crown, and, as such, had power to make the disputed reduction. It was, however, decided that the Governor did not hold the position or possess the authority sought to be attributed to him, and that the act in question was beyond his powers. In the judgment of this Committee, delivered by Baron Parke, it is said: "There being therefore no express authority from the Crown, the right to make such an order must, if it exist at all, be implied from the nature of the office of Governor. If a Governor had, by

virtue of that appointment, the whole sovereignty of the colony delegated to him as a Viceroy, and represented the King in the government of that colony, there would be good reason to contend that an act of sovereignty done by him would be valid and obligatory upon the subject living within his government, provided that the act would be valid if done by the Sovereign himself, though such act might not be in conformity with the instructions which the Governor had received for the regulation of his own conduct. The breach of those instructions might well be contended on this supposition to be matter resting between the Sovereign and his deputy, rendering the latter liable to censure or punishment, but not affecting the validity of the act done. But if the Governor be an officer merely with a limited authority from the Crown, his assumption of an act of sovereign power, out of the limits of the authority so given to him, would be purely void, and the Courts of the colony over which he presided could not give it any legal effect. We think the office of Governor is of the latter description, for no authority or dictum has been cited before us to show that a Governor can be considered as having delegation of the whole royal power in any colony, as between him and the subject, when it is not expressly given by his commission. And we are not aware that any commission to colonial Governors conveys such an extensive authority." Again, it is said: "All that we decide is that the simple act of the Governor alone, unauthorized by his commission, and not proved to be expressly or impliedly authorized by any instructions, is not equivalent to such an act done by the Crown itself."

In the well known case of the action brought by Mr. Phillips against Mr. Byre, the former Governor of Jamaica, for acts done by him, whilst he was Governor, in suppressing an insurrection in that colony, the question raised was whether the colonial Act of Indemnity was an answer to an action brought in England. That such an Act was thought to be necessary, and that it was alone relied on as a defence to the action, raises a strong presumption that it had been thought that the action might but for this Act have been maintained. It is to be observed, however, that the facts of the rebellion and of its suppression were averred in the plea by way of introduction to the Act of Indemnity, and Mr. Justice Willes, in delivering the judgment of the Exchequer Chamber, after saying that the Court had discussed the validity of the defence upon the only question argued by counsel, namely, the effect of the colonial Act, adds: "but we are not to be understood as thereby intimating that the plea might not be sustained upon more general grounds as showing that the acts complained of were incident to the enforcement of martial law." (L.R., 6 Ex. 31.) It is to be noticed that the nature of those acts, and the occasion upon which they were committed, were shown by distinct averments in the plea.

It is apparent from these authorities that the Governor of a colony (in ordinary cases) cannot be regarded as a Viceroy; nor can it be assumed that he possesses general sovereign power. His authority is derived from his commission, and limited to the powers thereby expressly or impliedly intrusted to him. Let it be granted that for acts of power done by a Governor under and within the limits of his commission he is protected, because in doing them he is the servant of the Crown, and is exercising its sovereign authority; the like protection cannot be extended to acts which are wholly beyond the authority confided to him. Such acts, though the Governor may assume to do them as Governor, cannot be considered as done on behalf of the Crown, nor to be in any proper sense acts of State. When questions of this kind arise it must necessarily be within the province of Municipal Courts to determine the true character of the acts done by a Governor, though it may be that, when it is established that the particular act in question is really an act of State policy done under the authority of the Crown, the defence is complete, and the Courts can take no further cognizance of it. It is unnecessary, on this demurrer, to consider how far a Governor when acting within the limits of his authority, but mistakenly, is protected.

Two cases from Ireland were cited by the defendant's counsel, in which the Irish Courts stayed proceedings in actions brought against the Lord Lieutenant of Ireland. In these cases the Lord Lieutenant appears to have been regarded as a Viceroy. In both the facts were brought before the Court, and in both it appeared that the acts complained of were political acts done by the Lord Lieutenant in his official capacity, and were assumed to be within the limits of the authority delegated to him by the Crown. The Courts appear to have thought that under these circumstances no action would lie against the Lord Lieutenant in Ireland, and upon the facts brought to their notice it may well be that no action would have lain against him anywhere. (*Tandy v. Earl of Westmoreland*, 17 State Trials, 1246. *Luby v. Lord Wodehouse*, 17 Irish Common Law Reports, 618.)

Several cases were cited during the argument of actions brought against the East India Company, and the Secretary of State for India, in which questions have arisen whether the acts of the Indian Government were or were not acts of Sovereignty or State, and so beyond the cognizance of the Municipal Courts. The East India Company, though exercising (under limits) delegated sovereign power, was subject to the jurisdiction of the Municipal Courts in India, and it will be found from the decisions that many acts of the Indian Government, though in some sense they may be designated "acts of State," have been declared to be within the cognizance of those Courts. Thus, in the *Rajah of Tanjore's* case (13 Moore P.C., 22) the question to be decided was thus stated by Lord Kingsdown in giving the judgment of the Committee: "What is the real character of the act done in this case? was it a seizure by arbitrary power on behalf of the Crown of Great Britain of the dominion and property of a neighbouring State, an act not affecting to justify itself on grounds of municipal law, or was it in whole or in part a possession taken by the Crown under colour of legal title of the property of the late Rajah, in trust for those who by law might be entitled to it? If it were the latter, the defence set up, of course, has no foundation." This Committee, in deciding the questions thus raised, held that the seizure was of the former character, and therefore not cognizable by a Municipal Court. The answer of the East India Company in this case did not rest on the simple assertion that the seizure was an act of State, but set out the circumstances under which the Rajah's property was taken. After referring to the treaties made with the Rajah, it averred that in entering into these treaties, and in treating the sovereignty and territories of Tanjore as lapsed to the East India Company in trust for the Crown, the Company acted in their public political capacity, and in exercise of the powers (referring at length to them) committed to them in trust for the Crown of Great Britain, and that all the acts set forth in the answer "were acts and matters of State."

In the case of *Forester and others v. the Secretary of State for India*, in which the judgment of this Committee was delivered on the 11th May, 1872, a defence of the same nature as that in the last-mentioned case was set up; but the decision there was on this point against the Secretary of State. In this suit also the answer set out the facts which were relied on to show that the action of the Government complained of was a political act of State.

As far as their Lordships are aware, it will be found that in all the suits brought against the Government of India, whether in this country or in India, the pleas and answers of the Government have shown, with more or less particularity, the nature and character of the acts complained of, and the grounds on which, as being political acts of the sovereign power, they were not cognizable by the Courts. (See the *Nabob of the Carnatic v. the East India Company*, 2 Ves. Jr., 388; *ex-Rajah of Coorg v. the East India Company*, 27 Beavan, 300; *Rajah Salig Ram v. the Secretary of State for India*, in which judgment was given by this Committee on 22nd August, 1872.) None of these cases help the present plea. On the contrary, it appears from them not only that the facts were laid before the Courts, but that the Courts entertained jurisdiction to inquire into the nature of the acts complained of, and it was only when it was established that they bore the character of political acts of State that it was decided they could not take further cognizance of them. It is to be observed that the sovereign authority conferred upon the East India Company appears in Acts of Parliament, and, therefore, without being pleaded, the Courts would have judicial notice of it.

Coming to the present plea, we find that, after stating that the defendant was Captain General and Governor-in-Chief of the Island of Jamaica, the only averments in it are that the acts complained of were done by him as Governor of the island, and in the exercise of his reasonable discretion as such, and as acts of State. There is no attempt to show the occasion on which the seizure of the plaintiff's ship was made, nor the grounds on which that seizure, which is not in itself of the nature of an act of State, became and was such an act. The plea does not aver, even generally, that the seizure was an act which the defendant was empowered to do as Governor, nor even that it was an act of State. It would have been contended at the trial if issue had been taken that it would satisfy the averments of this plea to prove that the defendant assumed to make the seizure as Governor, and assumed to do it as an act of State, without showing that the act itself was an act of State properly so called, and was within the limits of his authority. It was said that the plea should be construed as requiring, by implication, proof of these matters; but, having regard to its nature and form as a plea of privilege, this cannot properly be held to be its meaning. Their Lordships cannot but think it was designedly pleaded in its present shape. It was a preliminary plea intended to raise the question whether the Governor, if acting *de facto* as such, and doing an act that he assumed and deemed to be an act of State, could be called on to show in the Courts of the colony that the seizure complained of was really an act of State, of the nature and class of those which, as Governor acting on behalf of the Crown, he had authority to do. The object of the plea plainly was to stop the Court from entering upon such an inquiry; but, upon the construction now sought to be given to it, this object would, from the first, have been frustrated, if issue had been taken, for the Court must then have gone into the very inquiry which it was the manifest purpose of the plea to avert. It appears to their Lordships that the plaintiff could not have safely taken issue on it. He would have been met at the trial by the objection that it was a plea of privilege, pleaded as a preliminary plea to the jurisdiction, and neither was, nor was intended to be, an answer to the action. It was contended that, under "The Supreme Court Procedure Law, 1872," of the colony, which provides that defects in form shall be disregarded, and that, on demurrer, the Court shall give judgment according to the very right of the cause, the judgment should now be given for the defendant; but their Lordships think, for the reasons above given, that upon this ambiguous and defective plea, a proper and final judgment on the right of the cause cannot be pronounced.

In the result, their Lordships must humbly advise Her Majesty to affirm the judgment of the Court below, and with costs.

No. 2.

COPY of a DESPATCH from the Right Hon. Sir M. E. HICKS BEACH to the OFFICER ADMINISTERING the GOVERNMENT of NEW ZEALAND.

(Circular.)

SIR,—

Downing Street, 24th February, 1880.

In my circular despatch of the 28th of March of last year I called attention to a paper which had been recently presented to Parliament containing a digest of the information which my predecessor had obtained as to the timber resources of the colonies.

2. In answer to that circular I have received several applications for information as to the laws and regulations existing in those colonies in which measures have been taken for the conservation of their forests; and, with the view of supplying such information in a clear and compendious form, I have been in communication with Mr. Julian Rogers, the Secretary of the Institution of Surveyors, by whom the digest of information respecting colonial timber was prepared.

3. I have now the honor to transmit, for the information of your Government, a copy of a letter in which Mr. Rogers has stated the principles which, in his opinion, should govern legislation in reference to the preservation and re-establishment of forests, together with a copy of a paper which he has been good enough to

draw up containing copies and extracts from the Colonial Acts which he considers most generally suitable for adoption.

4. I have already in my circular despatch of the 28th of March recommended the question of forest conservation to the attention of your Government, but, as I observe in the reports which have been furnished to this department upon the subject that there is a general tendency to under-estimate the importance of local action, in the expectation that an unlimited supply of timber will always be obtainable from other sources, whereas on reference to the digest of information respecting colonial timber it will be seen that out of the thirty-eight colonies referred to therein there are only four in which the timber is not diminishing, and in many cases rapidly diminishing, and without any steps being taken for replanting or preventing waste, I feel that it is only right that I should again press the subject upon the consideration of your Government as one of great and growing importance, and in which in many cases the health and prosperity of the colonies is very deeply concerned.

I have, &c.,

M. E. HICKS BEACH.

The Officer Administering the Government of New Zealand.

Enclosure in No. 2.

Mr. ROGERS to the COLONIAL OFFICE.

The Institution of Surveyors, 12, Great George Street,
Westminster, S.W., 16th October, 1879.

SIR,—

Colonial Timber.

In reply to your communication of the 13th instant, in which you do me the honor of asking my opinion with reference to the suitability for adoption in the Windward Islands and other colonial possessions of certain laws and regulations relating to the conservation and production of timber in the forests of Ceylon, Mauritius, and New Zealand, I beg to submit, for the information of the Secretary of State for the Colonies, the conclusions I have formed with reference to the papers submitted to me.

Assuming, as I presume I may, the necessity for some form of legislative action in the cases referred to, there are, in my opinion, certain considerations which should receive attention before any existing scheme of forest conservation can be recommended for adoption in the Windward Islands.

These considerations may be conveniently grouped under two heads: (1.) The regulations best adapted for the conservation and economical use of large aboriginal forests. (2.) The regulations best calculated to re-endow a country with the forest growth of which it has been denuded.

It would appear that these considerations have separate and distinct application to the case of the Windward Islands. For example, the Islands of Grenada, Tobago, St Lucia, and the Bermudas possess large tracts of forest land, and consequently fall under the first of the above categories. The main objects therefore to be kept in view as regards the conservation of timber in these islands consist in the imposing of restraints upon lawless depredations, the replanting of cleared areas, and the prevention of those culpable practices which result in the fires so disastrous to sub-tropical forests.

To deal with this class of cases first. As the revenues of these islands may not be equal to the support of an effective forestry establishment, it is desirable, if possible, to adopt some system of an inexpensive kind which shall contain within itself the required elements of control. Under these special circumstances I am of opinion that the system of leasing Government wood-lands, contemplated in the 28th section of the Mauritius Ordinance No. 12 of 1872, accompanied by conditions and safeguards similar to those thereto annexed, and coupled with stipulations limiting the quantity of timber to be cut each year by each lessee, might, with advantage, be adopted in the case of the four dependencies enumerated above, where the Government have, I believe, large proprietary rights. The adoption of this system would carry with it the advantage of utilizing the principle of self-interest in the prevention of a wasteful use of the woods, and every lessee would become a sort of resident and interested custodian of the State forests. Whether, in addition, it would be practicable to appoint one or two inspecting officers I am not in a position to say.

As regards the prevention of forest fires I may call attention to the fact that an Act was passed in the year 1870 for the Province of Nova Scotia, and another by the Legislature of Quebec (cap. xix.), both of which probably contain provisions which might with advantage be imported into any legislation having reference to the conservation of forests in the Windward Islands.

In the case of the Island of St. Vincent, where the area of the Crown property is ill-defined, I would suggest that an enactment similar to section 70 of the Mauritius Act might work well.

The second of my two categories will embrace the class of cases of which Barbadoes and the Bahamas are apparently examples. I would suggest that the machinery provided by the Mauritius Ordinance before referred to—viz., the establishment of a Woods and Forest Board, and, if practicable, the creation of a small fund by the means therein described for the gradual acquisition and for defraying the expense of planting and maintaining of lands as State forests—would be specially valuable in the case of these two dependencies. I may remark here that forests of heavy timber are of such slow growth that it is vain to look to private speculators for their re-establishment when destroyed. Interests of so remote a kind are most fitly committed to the care of a continuous owner like the State.

The existence of a forest fund would enable the authorities to exercise in flagrant cases a restraining and minatory influence over private owners similar to that possible under the 24th clause of the Mauritius Ordinance.

As regards encouragements to private planting, I would venture to call attention to a measure passed by the Legislature of South Australia, entitled the Forest Trees Planting Encouragement Act, and to another measure, I believe with a similar title, passed by the Legislature of New Zealand, in which provision is made for a free grant of two acres of land for every acre planted with trees. I have not had an opportunity of seeing copies of these Acts, but I understand that many useful suggestions might be gathered from them which might *cæteris paribus* prove useful auxiliaries to any direct action of the State in the case of the Windward Islands.

Except where the object has been the clearing of the country, I have not gathered that the system of wood-cutting licenses has worked satisfactorily, and I conceive that a system of leasing (equivalent to farming) wood-lands would be adopted with greater advantage. I am not aware, however, whether this system obtains to any extent at the present time in the cases under consideration.

I may perhaps be pardoned an expression of satisfaction at learning that steps are being taken to remedy the very serious, and I fear imperfectly recognized, evils which threaten our colonies from the extirpation of the indigenous forests.

It has been pointed out by the Hon. J. K. Howard, one of Her Majesty's Commissioners of Woods and Forests, that out of thirty-eight colonies, the subject of the Timber Reports, "there are only four in which the timber is not diminishing, and in many cases rapidly, without any steps being taken to replant or prevent waste;" and I would respectfully urge the importance of some comprehensive action on the part of the Government.

John Bramston, Esq., Colonial Office.

I have, &c.,

JULIAN C. ROGERS.

Sub-Enclosure to Enclosure in No. 2.

I.—FOREST CONSERVATION.

Extracts of Ordinance enacted by the Governor of Ceylon, with the Advice and Consent of the Legislative Council thereof.

AN ORDINANCE to amend the Law relating to the Felling, Destruction, and Removal of Timber grown on Crown Lands. No. 6, 1878.

5. No person, other than an officer of Government acting in the discharge of his duty, shall fell or destroy any trees or remove any timber on or from any land in this island belonging to the Crown, without having previously obtained a license from the Government Agent of the province in which such land is situated, specifying the name and residence of the holder of such license, the number and description of the trees to be felled, the place where and the time when and the terms and conditions on which the same are to be felled and removed. And such license shall be directed to such headman of the district or place where such land is situated as to the Government Agent shall seem fit, and shall be as near as is material in the form in the Schedule hereunto annexed, marked B. And there shall be paid or delivered to such Government Agent for the said license by the person or persons to whom the same is granted such sum of money or such share of the timber as shall be determined by such Government Agent when issuing the license: Provided always that it shall be lawful for such Government Agent to extend the time within which the trees or timber are to be felled or removed, or to refuse a license to any person whomsoever, if he shall deem it advisable so to do.

6. Every such licensed person shall by himself or by his servant or agent, before felling any of the trees mentioned in such license, produce the same to the headman to whom it is addressed, and furnish him with a list of the names of every person whom he intends to employ in felling or removing the trees or timber specified in such license. And it shall be the duty of such headman to write upon such license the date of its production to him, and to sign his name thereto, and thereafter to return the same to the person from whom he received it, together with a copy also signed by him of the said list: Provided, however, that it shall be lawful for the Government Agent granting any such license to state in writing in or upon the same that the holder thereof shall not be required to furnish such headman with such list as aforesaid; and in such case such list shall be dispensed with.

7. It shall not be lawful for any such licensed person to remove or cause to be removed any timber felled in virtue of such license, unless notice of his intention to remove the same shall have been given to the headman to whom the license is addressed, or to some other person to be appointed in that behalf by the Government Agent granting the license. And it shall be the duty of such headman or other person aforesaid to inspect such timber previously to its removal, and, if he finds that the timber has been felled conformably with the license, to grant a permit to the holder of such license for its removal, which permit shall be as near as is material in the form in the Schedule hereunto annexed marked C, and to stamp or otherwise sufficiently mark each log intended to be removed. And the said headman or other person aforesaid shall forthwith deliver or transmit a duplicate of such permit to the Government Agent by whom such license was granted: Provided, however, that it shall be lawful for the Government Agent granting such license to state in writing thereon that the holder thereof shall not be required to give any such notice of removal or obtain such permit as aforesaid; and in such case such notice and permit shall be dispensed with.

8. If any person, other than an officer of Government acting in the discharge of his duty, shall fell or destroy any trees or timber, or remove any timber on or from any Crown land in this island for any purpose whatsoever without having obtained a license as aforesaid or contrary to the conditions thereof; or if any licensed person shall fell or destroy any trees on such land for any purpose whatsoever before producing his license to the headman to whom the same is addressed, and furnishing him with a list of the names of every person whom he intends employing to fell or remove the same, or shall employ any person for any such purpose whose name is not mentioned in such list, except when such list is dispensed with under section six; or shall fell any trees on land belonging to

the Crown for any purpose whatsoever at any place other than that specified in his license, or any other description or larger number of trees than such as shall be therein specified; or shall fell or remove for any purpose whatsoever the trees or timber mentioned in such license after the time specified therein or extended as aforesaid shall have expired or before it shall have commenced; or shall remove any such timber without giving to the said headman, or other person appointed in that behalf by the Government Agent, the notice of his intention to remove the same hereinbefore required to be given, or without having obtained a permit for its removal from the said headman or other person so appointed, except when such notice or permit is dispensed with under section seven; or shall, when engaged in the removal of any such trees or timber, refuse or neglect to produce such permit when thereunto required by any Justice of the Peace, headman, or police officer of the district or place where such removal is being effected, or by any person appointed by the Governor to be a forester or deputy forester; or shall remove any timber felled on Crown land without the same having been stamped or marked as required by section seven; or if any person shall have in his possession any trees or timber felled on or removed from any Crown land knowing that the same have or has been felled or removed contrary to the provisions of this Ordinance, every such person shall, in any of such cases, be guilty of an offence, and such offence shall be punishable by such fine or imprisonment, with or without hard labour, as the Court before which the conviction shall be obtained shall award. And the Court before which such offence is tried shall, if the trees or timber have been seized, and it is found by the Court that the same have or has been unlawfully felled or removed, confiscate the same: Provided that no person shall, for any offence under this section, be sentenced to a higher fine than five hundred rupees or to imprisonment for a longer term than six calendar months.

9. It shall not be lawful for any person to remove from his own land or from the land of any other private person any timber that may have been felled thereon without having obtained a permit authorizing such removal; such permit shall accompany the timber so removed, and shall be as near as is material in the form in the Schedule hereunto annexed marked D. Such permit shall be granted by the Government Agent or by some person appointed by the Government Agent in that behalf, or by some headman of the district or place where such land is situated, on the joint application of the owner of the timber and the owner or occupier of the land from which the same is to be removed or his duly authorized agent, or in case such timber belongs to the owner or occupier of such land, then on the application of such owner or occupier. And if any person shall, contrary to the provisions of this section, remove from his own land or from the land of any other private person any timber felled thereon without having obtained a permit for such removal, or after the time therein specified shall have expired, or shall, when engaged in the removal of any such timber, refuse or neglect to produce such permit when thereunto required by any Justice of the Peace, headman, or police officer of the district or place where such removal is being effected, or by any person appointed by the Governor to be a forester or deputy forester, he shall be guilty of an offence, and such offence shall be punishable by such fine or imprisonment, with or without hard labour, as the Court before which the conviction shall be obtained shall award, and the Court before which such offence is tried shall, if the timber has been seized as hereinafter provided, and it is found that the same has been unlawfully removed, confiscate the same: Provided that no person shall, for any offence under this section, be sentenced to a higher fine than five hundred rupees, or to imprisonment for a longer term than six calendar months: Provided also that it shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be by him from time to time for that purpose issued and published in the Government Gazette, to exempt any particular district to be mentioned in such Proclamation from the operation of this section, and any such Proclamation with the like advice to revoke, alter, or amend.

17. Nothing in this Ordinance contained shall extend or apply, or be deemed or taken to extend or apply, to any trees or timber *bonâ fide* cut for the purpose of making ploughs or other agricultural implements in common use in this island: Provided, however, that it shall be lawful for the Governor, with the advice of the Executive Council, by any Proclamation to be by him from time to time issued and published in the Government Gazette, to set apart and define any tract or tracts of Crown land, as reserved forest land, within the limits of which no wood of any description whatever shall be cut or removed for any purpose whatsoever; and also in like manner to set apart and define any tract or tracts of Crown land within the limits of which no wood mentioned in such Proclamation shall be cut or removed for the purpose of making ploughs or other agricultural instruments aforesaid, and any such Proclamation to revoke, alter, or amend.

Schedule C.—Permit to remove Timber grown on Crown Land.

No. of License:

C.D., of _____, in the District of _____, has permission to remove from the Crown forest land at _____, in the District of _____, the following timber felled by him under the above license:—
[Here insert a description of the timber proposed to be removed] to _____, in the District of _____.
Dated at _____, this _____ day of _____, 18 _____.

(Signed) A.B.

Schedule D.—Permit to remove Timber from Private Land.

E.F., of _____, in the District of _____, has permission to remove from the garden called _____ [or, as the case may be], the following timber:—[Here insert the number and description of trees in words at length] to _____, in the District of _____, within _____ days from the date hereof.
Dated at _____, this _____ day of _____, 18 _____.

(Signed) A.B.

Extracts of Mauritius Ordinance, No. 12 of 1872.

27. Any person felling, cutting, or destroying or mutilating any tree upon or taking away any tree from any Crown land, without a written permission from the Surveyor-General or issued under his authority, shall incur a fine not exceeding £10, and in case of any second or subsequent offence a fine

of not less than £10 and not exceeding £50, or imprisonment not exceeding three months, and shall further pay a sum equal in amount to the value of the tree or trees cut by him or caused to be cut.

28. It shall be lawful for the Governor to sell or let any portion of the Crown lands not forming part of the sea-shore reserves, provided that in the case of a lease the other conditions of which will allow the lessee to cut down wood, there shall always be a condition that such lessee shall replant with trees the land so cleared by him, and in default thereof forfeit his lease, together with the buildings and plantations existing upon the land leased as aforesaid, and that there shall also be a condition that, if there be no buildings or plantations, the lessee shall pay damages, the amount of which shall be fixed beforehand in the deed of lease.

29. There shall be appointed an officer to be named the Warden of Woods and Forests, and who, under the control of the Surveyor-General, shall have charge of the Crown lands and reserves, and whose duty it shall be to plant or replant the said lands and reserves, and superintend and preserve the said plantations.

30. The Warden of Woods and Forests shall every year prepare, to be laid before the Council of Government at the same time as the annual estimates are laid on the table, an account of the sums by him spent for the planting and replanting of trees, and a statement of the work done, together with an estimate of the sums intended to be spent during the following year on account of the planting and replanting of trees, and also an approximate statement of the works intended to be carried on under this Ordinance.

31. No portion of the Crown lands shall be sold if the same be within 600 feet from the summit of a mountain, hill, or hillock, measured as hereinafter provided for, and no portion of the Crown lands shall be leased or temporarily granted unless upon the report of the Surveyor-General.

No portion of the Crown lands lying within 1,000 feet of the source of a river, or within 100 feet of the banks of a river or stream, shall be sold, leased, or temporarily granted, unless upon the report of the Surveyor-General, and after three notices published in the *Government Gazette*.

Provided that should the Governor, upon the report of the Surveyor-General, be of opinion that such Crown lands as are described in the two preceding paragraphs may be leased or granted temporarily, it shall be one of the conditions of any and every lease that the lessee thereof shall not cut down, destroy, or mutilate, or suffer to cut down, destroy, or mutilate, any tree or trees growing thereon, without the written permission of the Surveyor-General.

II.—PREVENTION OF FOREST FIRES.

Extract of the Statutes of the Province of Quebec, 34 Vict., c. 19.

CAP. XIX.—AN ACT respecting the Clearing of Lands, and the Protection of Forests against Fires. (Assented to 24th December, 1870.)

WHEREAS it is expedient to determine the periods of the year during which fires may be lighted in forests for the purpose of clearing or improving lands; and whereas it is further necessary to protect forests against fires: Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:—

1. No person shall at any time set fire to or cause to burn any tree, shrub, or other plant growing or standing in any forest, or at a distance of less than one mile from any forest.

2. No person shall set fire to or cause to burn any pile of wood, branches, or brushwood, or any tree, shrub, or other plant which shall be situate or felled in the forest, or at a distance of less than a mile, or any turf, peat, stumps, fallen trees, or other timber, at any period of the year, for any cause or pretext whatsoever, except for the purpose of clearing lands, and in such latter case only between the day of and the day of .

3. Notwithstanding the preceding provisions, it shall be lawful to make a fire in or near the forest to obtain warmth, and for cooking or other necessary objects, or for all industrial purposes, such as the manufacture of tar, turpentine, charcoal, or making of ashes for the manufacture of pot or pearl ash: Provided that the obligations and precautions imposed by the following section are observed.

4. Every person who shall, between the of and the of , make a fire in the forest, or at a distance of less than half a mile therefrom, for the purposes mentioned in the preceding section, must—(1.) Select the locality in the neighbourhood in which there is the smallest quantity of vegetable matter, dead wood, branches, brushwood, dry leaves, or resinous trees; (2.) Clear the place in which he is about to light his fire, by removing all vegetable matter, dead trees, branches, brushwood, and dry leaves from the soil within a radius of twenty-five feet as regards fires made for the necessities of any industry, as mentioned in section 3, and within a radius of four feet as regards fires made for the other necessary objects mentioned in the said section; (3.) Totally extinguish the fire before quitting the place.

5. Any person who shall throw or drop on the ground, in any place whatsoever, whether in the forests, open fields, or other place, any burning match, ashes of a pipe, cigars or part of a cigar, or any other burning substance, or who shall discharge any firearm, shall be bound, under the pains and penalties imposed by this Act for his neglect so to do, completely to extinguish, before leaving the spot, the fire of such match, ashes of a pipe, cigars or part of a cigar, or the wadding of such firearm.

6. Any person contravening any of the provisions of this Act shall be liable, upon conviction before any Justice of the Peace, to a penalty not exceeding fifty dollars, and in default of payment of the said penalty and costs of suit, with or without delay, to be imprisoned in the common gaol of the district wherein he shall be convicted for a period not exceeding three calendar months, unless the said penalty and costs of suit, together with the costs of apprehension and conveyance of the said offender to the said common gaol, be sooner paid, or to be imprisoned in the said common gaol for a period not exceeding three calendar months; or to be condemned for each such offence to the said penalty, and further to the imprisonment hereinabove mentioned, with costs of suit in all cases.

7. Any person of full age may prosecute for any contravention of this Act, and one-half of the penalty, in case of conviction, shall belong to the prosecutor, and the other half to the Government of this province, to form part of the consolidated revenue fund of the same.

8. Every suit for contravention of this Act shall be commenced within the three calendar months immediately following such contravention, and not afterwards.

9. Any Justice of the Peace who shall himself view any contravention of this Act may impose the penalty therefor without other proof, and, for the purposes of this Act, all agents for the sale of Crown lands, all employés of the Department of Crown Lands, all sworn land surveyors, and all wood rangers employed by the Department of Crown Lands, shall be *ex officio* Justices of the Peace.

III.—RE-ESTABLISHMENT OF STATE FORESTS.

NEW ZEALAND.—*Vide* Act No. XXIV., 1874, intituled "An Act to provide for the Establishment of State Forests, and for the Application of the Revenues derivable therefrom."

Extracts, Mawilius Ordinance, No. 12 of 1872.

Chapter I.—Woods and Forests.

1. It shall be lawful for the Governor in Executive Council to purchase on behalf of the Crown any woods or forests that such Governor in Executive Council may deem it expedient to acquire for the purpose of preserving the same; and also to purchase any land or lands which such Governor in Executive Council may deem it expedient to replant with trees for the purpose of better securing a proper supply of water, or of better protecting the springs, streams, rivers, and watercourses of this colony.

2. Such acquisitions shall be held to be acquisitions for public purposes and for the public benefit, and shall be promoted and executed according to the provisions of Ordinance No. 57 of 1860, save and except such of the provisions of the said Ordinance as relate to the mode of fixing the value of the real property thus acquired, and of settling the compensation to be given to the owners or occupiers of the said real property.

3. Provided that under this Ordinance the Curator of Intestate Estates shall not have the power to sell any land of which he may be in possession, except in the cases provided for by Ordinance No. 13 of 1857.

4. Provided also that the said Curator shall have no power to sell, if a claim to the real property intended to be sold have been set forth, and no final judgment have adjudicated upon the merits of such claim.

5. The value of, or compensation for, real property sold and conveyed to the Crown under this Ordinance, and also the amount of damage caused by severance or separation of land or any other cause shall, if the parties to the intended contract do not agree, be fixed and determined as hereinafter provided. In all cases where severance is created under this Ordinance right-of-way shall be preserved or reserved to the landowner to his adjoining land, and to the nearest highway or railway.

6. There shall be appointed by the Governor a Board composed of five members of the Legislative Council, two of the said members being official, and three unofficial members of Council, and the said Board shall finally fix and determine the value of the said property to be sold or conveyed to the Crown under this Ordinance, and also fix and determine the compensation, if any, to be given to the owners or occupiers of the said real property, subject to such appeal as is hereinafter provided.

7. The said Board shall have power to take evidence upon oath, to compel the attendance of witnesses, and the answering of lawful questions, and to enforce the production of documentary evidence in the same manner as a Court of law, and the process to carry out these provisions shall be the same as that in force in the Supreme Court, and all writs and warrants necessary to give effect to these provisions shall be issued, as of course upon a Judge's order, without fees, out of and return to the Registry of the Supreme Court, at the instance and in the name of the Chairman of the said Board: Provided that it shall be lawful for the Chairman of the Board to cause such processes to be served by the District Court ushers.

8. All decisions arrived at by the said Board shall be reduced to writing, and signed by the Chairman and Clerk of the Council; and the certified copy of the same signed by the Clerk of the Council shall be conclusive evidence before all the Courts of this colony of the decision itself and of the regularity of the proceedings carried on and of all anterior proceedings. A certified copy of all decisions or awards, in full, and the reasons therefor, if given, may be claimed from the Chairman of the Committee by parties to the cause, and shall be delivered on payment of a fee according to Schedule C.

9. The said Board shall be known as the Woods and Forests Board, shall receive no fee or reward, nor be liable to any suit, action, or proceeding of any kind on account of the discharge of their duties under this Ordinance. Three members shall form a quorum: Provided that, if four members attend and no majority be obtained, the decision shall stand adjourned until the fifth member can attend; or, if he cannot attend, until another member be appointed by the Governor to replace him *pro hac vice*. The Governor shall appoint one of the members of the Board to be chairman thereof. The Secretary of the Council of Government shall act as secretary to the Board.

10. The said Board shall have power to refer to the Supreme Court for adjudication thereon any question of law that may arise, and to stay their award until the final decision of the Supreme Court on the point referred: Provided that every question of law so referred to the Supreme Court shall be so referred, as far as practicable, in the form of a case stated.

11. The decision or award of the Woods and Forests Board as to the value of real property to be sold and conveyed under this Ordinance, or as to the amount of any compensation to be given under this Ordinance to any owner, tenant, or occupier of land, or on any subject or matter submitted to the said Board under this Ordinance, shall be final, and not liable, either directly or indirectly, to be challenged by way of appeal, or *certiorari*, or otherwise, or by suit or action for compensation or damages, or in any other way whatsoever: Provided that whenever the sum claimed, either as purchase-money or as compensation on any account soever, shall be of the amount of £1,000 or upwards, the decision of the Woods and Forests Board shall be liable to be revised by way of appeal to a Board composed of ten members of the Council of Government named by the Governor, four of whom shall be official and

six unofficial members. The appeal from the Woods and Forests Board to such Board of Appeal shall be declared to the Clerk of the Council within eight days of the award complained against, and it shall be sufficient for the Clerk of the Council to give three clear days' notice of the hearing to the Government and to the several claimants respectively. The same rules and forms of proceedings in force before the Woods and Forests Board shall be used before such Board of Appeal.

12. From and after the date of the coming in force of this Ordinance, there shall be created a fund called the "Woods and Forests Fund," to be specially applied to the carrying into effect the provisions of this Ordinance, and more especially to meet the expenditure of purchasing the real property that the Governor in Executive Council shall deem it right and expedient to purchase.

13. To meet the expenditure of planting or replanting the Crown and reserve lands there shall be taken out of the general revenue of the colony a sum to be voted every year by the Council of Government, but the amount of which shall in no single year be under £1,000 or over £5,000; and to meet the expenditure of purchasing real property, or to provide for interest and sinking fund on account of money borrowed under this Ordinance for the special object aforesaid, there shall be charged, levied, and collected an export duty of Customs of one penny and a half for every hundred pounds net French weight of sugar, and the amount thus collected shall be paid by the Collector of Customs into the Colonial Treasury for account of the Woods and Forests Fund, and it shall not be lawful to apply the said tax to any other purpose than those contemplated in this Ordinance: Provided that this special tax shall not be subject to the surcharge of the Poor Law or to any other surcharge.

14. It shall be lawful for the Governor, with the advice and consent of the Council of Government, in order to carry into effect the purposes contemplated by this Ordinance, to borrow money on the credit of the Woods and Forests Fund, and for the repayment of the said loan or loans to issue debentures pledged for such repayment, such debentures to bear interest at a rate not exceeding 6 per cent. per annum.

15. Such debentures shall be issued from time to time as to the Governor in Executive Council shall seem fit, and the aggregate amount of the same shall not exceed the amount of £150,000.

16. Each debenture shall be for a sum of not less than £100 and not more than £500, and shall be paid off at par at the expiration of such periods as the Governor shall deem expedient, provided that the term in no case shall be less than ten years or more than thirty years. To each debenture shall be attached coupons, for the payment of the half-yearly or quarterly interest, as the case may be, corresponding in number to the period for which such debenture shall have to run.

17. Each debenture, and all right to and in respect of the principal-money secured thereby, and each coupon and all right to the interest mentioned therein, shall be transferable by delivery, and shall be payable either at the office of Her Majesty's Agent for Crown Colonies in London, or at the Treasury of the Island of Mauritius, as the lender shall elect at the time of allotment, or after giving six months' notice of his choice.

18. Each such debenture shall be signed by the Colonial Secretary and the Receiver-General in this colony, and if allotted to be paid in London shall further be signed by the aforesaid Agent for Crown Colonies. And each such debenture is hereby constituted and declared, with the interest thereon respectively, a debt due by the Government of Mauritius, and shall moreover be, and is hereby constituted and declared to be, secured by the said Woods and Forests Fund, and to be a debt preferable to any other debt incurred under the provisions of this Ordinance.

19. Each such debenture, when paid, either in London or this colony, shall be cancelled by the Receiver-General, and a note thereof, with the date of payment, recorded in the special register kept for that purpose.

20. The Governor shall every year appropriate out of the Woods and Forests Fund such sum as shall be equal to 2 per cent. of the principal sum borrowed in virtue of this Ordinance, and shall invest or cause to be invested the amount thus appropriated as a sinking fund towards the final extinction of the debt; and shall also, from time to time, invest or cause to be invested the interest, dividends, or produce arising from such investment, so that the same may accumulate by way of compound interest: Provided that, if the Woods and Forests' revenue be not sufficient to pay the interest on the debentures issued under this Ordinance and the amount to be as aforesaid appropriated as a sinking fund, the balance shall be paid out of the general revenue of the colony.

21. All sums paid to the account of the sinking fund shall be invested in Imperial or Colonial Government or Municipal Corporation securities; such sums, if invested in England, shall be invested in the name of trustees to be chosen by one of Her Majesty's Principal Secretaries of State, and if invested in this colony, in the name of the Colonial Secretary, acting on behalf of the Woods and Forests Fund, but no securities shall be selected for such investment unless approved of by the Secretary of State.

22. Should it become advisable at any time before the period or periods fixed for the redemption of each such debenture to extinguish any such debenture by withdrawing them from the market by purchase, the Governor shall, by his authorized agent, be empowered to make use of the sinking fund for that purpose, provided that all debentures so purchased shall be cancelled as aforesaid.

23. Any surplus moneys arising out of any year's tax under this Ordinance, and which it shall not have been deemed expedient to spend, shall be either paid into the Colonial Treasury to the credit of the sinking fund, or as soon as practicable employed to extinguish by purchase debentures issued under this Ordinance: Provided that, if not employed within six months for the purchase of debentures, such surplus shall be paid into the Colonial Treasury to the credit of the sinking fund. But it shall be lawful for the Governor, with the advice and consent of the Council of Government, if there be any surplus in any one year, to resolve that the said surplus shall be added to the following year's revenue, to be then dealt with otherwise than in this article prescribed: Provided that all revenue accruing from leases or sales of land or timber, or from other sources under this Ordinance, shall be paid into the Colonial Treasury to the credit of the sinking fund, unless the application of the same to some definite purpose be already determined in this Ordinance.

24. It shall be lawful for every proprietor of real property, after receiving notice that the Crown intends to purchase such real property for public purposes, within the provision of this Ordinance, to prevent the intended purchase by undertaking to do or not to do, as the case may be, that which the Crown by such purchase intended to do or to prevent being done under the provisions of this Ordinance.

25. Provided that, if after such undertaking the proprietor or occupier of such real property does not carry out his undertaking, the transfer of such real property shall be carried into effect after a peremptory notice, as if no undertaking had been given, and in the manner provided for by this Ordinance. The delay within which an undertaking of the nature aforesaid shall be carried into execution shall be fixed by the Governor in Executive Council, whenever necessary. No further opposition shall be allowed, either by the Governor or by any Court of law, to the conveyance of such real property for public purposes as soon after it has been decided by the Governor in Executive Council, after hearing the parties, on the application of either the owner, occupier, or any person having any real right (*droit réel*) in and upon such real property to be so heard, that the party that had undertaken to do or not to do has failed to discharge his undertaking, and the certificate of the Clerk of Council shall be conclusive evidence both of the decision and of the fact.

Schedule C.—Table of Fees.

To the Secretary of the Woods and Forests' Board for a certified copy of a decision or award, per folio of 90 words	£	s.	d.
...	0	0	3
For a copy of a case stated for reference to the Supreme Court, per folio of 90 words	0	0	3
Copies of any document produced, or any summons, writ, or warrant, or other process, before the Board, when applied for by one of the parties to the proceedings, per folio of 90 words	0	0	3
To the Ushers of the Supreme Court, to serve writs, warrants or summonses, and indorse their returns	0	2	0
To the Usher of the District Courts for the same object	0	1	0
Witnesses shall be entitled to a free passage by railway to attend the Board and to return to the place of abode, and for every mile beyond the lines of railway	0	1	0
Ushers to receive the same travelling allowances as witnesses.			

Chapter IV.—Mountain Reserves.

42. Mountain reserves shall, subject to the provisions hereinafter enacted, mean and include any portion of ground lying on the slope of a mountain range, and its spurs, within a horizontal distance of 600 feet from the ridge-line, and any portion of ground lying on the slope of a detached mountain within a horizontal distance of 600 feet from its ridge-line, and 600 feet from the ridge-line of any of its spurs, should such exist.

43. The Governor in Executive Council shall, as soon as practicable, buy for public purposes such portions of ground included within the meaning of mountain reserves in terms of article 42 as may have been conceded to private parties. It shall be lawful for the Crown to purchase and include within mountain reserves any land on the slopes of mountains extending even beyond 600 feet from the ridge-line. But until such purchase by the Crown it shall not be lawful even for the private owners of such mountain reserves, except with the express permission of the Governor, to cut down or destroy any live timber or brushwood growing on the sides or slopes of the mountains for the space of two years, to reckon from the date of the promulgation of this Ordinance; and any person offending against this provision shall incur a penalty of not less than £10 and not more than £50 for each offence, besides the costs of the prosecution, and the live timber or brushwood cut down, destroyed, or removed shall in all cases be forfeited.

44. The mountains intended to be reserved in conformity to the provisions of article 43 are those which are enumerated in Schedule A,* and none other shall be deemed mountains within the meaning of this Ordinance: Provided that it shall be lawful for the Governor in Executive Council from time to time to insert, by Proclamation, in Schedule A, any other mountains, hills, hillocks, or uplands already belonging to or purchased by the Crown, and every mountain, hill, hillock, or upland so proclaimed shall be dealt with from the date of the Proclamation as if the same had now been inserted in Schedule A. It shall be sufficient for the purpose of carrying out this Ordinance to describe any mountain, hill, hillock, upland, or the spurs thereof mentioned in Schedule A by the name given to the same in the said Schedule.

45. It shall be the duty of the Warden of Woods and Forests to plant or cause to be planted all the mountain reserves belonging to the Crown.

46. It shall be unlawful for any one to cut down, destroy, remove, mutilate, lop, or bark any tree on the mountain reserves without the express permission of the Surveyor-General: Provided always that this enactment do not interfere with the rights of private parties that may be the owners of portions of ground included within the term and meaning of mountain reserves.

47. Whosoever shall, without the express permission aforesaid, cut down, destroy, remove, mutilate, lop, or bark any tree on the mountain reserves shall be guilty of an offence, and for the first offence shall incur a penalty not exceeding £20, and for the second or any subsequent offence a penalty not less than £10 and not exceeding £50, in addition in any case to the value of the trees cut down, destroyed, removed, mutilated, lopped, or barked, or imprisonment not exceeding one month; but this provision shall not apply to the owners of mountain reserves who have not parted with their rights.

48. It shall be the duty of the Surveyor-General, after giving notice in the Government Gazette of his intention to fix the boundaries of mountain reserves on each particular mountain, to fix and determine the boundaries of mountain reserves, including the portions of ground belonging to the Crown, and those that belong to private parties, but distinguishing public from private property.

* Not printed.

49. Any person dissatisfied with the Surveyor-General's determination shall have power to appeal within ten days, by way of petition to the Supreme Court; such petition shall contain the reasons of appeal, and no reasons shall be entertained but those set forth in the petition.

50. Whenever any interested party shall decline or neglect, upon notice, to produce his title deeds, or to give just and precise information as to the place or office where the same may be inspected, the Surveyor-General shall, after fifteen days' notice of the day of survey, proceed *ex parte*, and his memorandum of survey shall have the same force and effect as provided for by article 48.

51. If any unauthorized person, although not actually found cutting wood or mutilating or lopping trees on the mountain reserves, be found on such reserves with any faggot of wood, or branches of trees, or with any axe, hatchet, or any other instrument or implement with which trees can be cut, such person shall be deemed guilty of an offence, and incur a penalty not exceeding £10 for every such offence.

52. If before the passing of this Ordinance any person shall have planted canes upon the mountain reserves belonging to the Crown, such person shall be allowed to make one crop of the said canes, and shall then surrender to the Crown the land so occupied, without prejudice to contracts lawfully entered with the Crown, and without prejudice to the right of the Crown to bring any suit or action, or institute any prosecution for trespass, illegal entry, or any other cause, if the nature of the case require it.

53. The mountain tops and slopes within the municipal boundaries are hereby withdrawn from the possession and control of the Municipal Corporation, and placed under the control of the Surveyor-General.

Chapter V.—River Reserves.

54. The banks of rivers and rivulets shall be deemed to be river reserves, subject to the provisions and restrictions hereinafter enacted.

55. No stream or watercourse shall be held to be a river or rivulet within the meaning of this Ordinance, except such as are enumerated in Schedule B* of this Ordinance and the feeders thereof as described in clause 4 of article 105 of this Ordinance: Provided that it shall be lawful for the Governor in Council from time to time to proclaim other streams or watercourses to be rivers or rivulets within the meaning of this Ordinance, and such streams and watercourses thus proclaimed shall be dealt with to all intents and purposes as if they had now been included in Schedule B.

56. River reserves shall include, with respect to rivers and rivulets, all the escarpments of such rivers and rivulets, whatever may be the height or area of such escarpments: Provided that when a river or rivulet has no escarpments, or no escarpments wider than 50 feet or 25 feet respectively, the reserves shall include such additional land as will make, with the escarpment, a space of 50 feet on each side of the bank of such river, or 25 feet on each bank of such rivulet, the measurement being in every case made horizontally.

57. Any person who shall cut down, destroy, remove, mutilate, lop, or bark any live tree or brushwood on the river reserves aforesaid shall be deemed guilty of an offence, and for every such offence shall be liable to a fine not less than £10 and not exceeding £50, in addition to the value of the trees so cut down, destroyed, removed, mutilated, lopped, or barked: Provided that every proprietor of river reserves may cut down and destroy brushwood for the purpose of planting useful or ornamental trees, on giving previous notice to the Surveyor-General of his intention to do so, and on condition that, if such trees be not planted according to notice, the penalties enacted above shall be held to have been incurred. It shall further be lawful for every proprietor of river reserves to cut down, destroy, and remove live trees or brushwood for the purpose of opening the boundary-lines of his property, or building a bridge, or setting up a *chaussée*, or making a road across any river or rivulet, and also to clear away, cut down, and remove trees and brushwood on a space not exceeding 30 feet in width, so as to have convenient access to the river for his cattle. No permission shall be required for the purposes set forth in paragraph 3, but notice shall be given to the Surveyor-General at least ten days before the trees are cut down, destroyed, or cleared: Provided that if any proprietor cuts down, destroys, clears away, or removes trees or brushwood, or causes or suffers the same to be cut down, destroyed, cleared away, or removed, under the false pretence that a bridge is to be built, a *chaussée* set up, or a road made, such proprietor shall be deemed guilty of an offence, and for every such offence shall be liable to a fine of £50 or three months' imprisonment: Provided also that any person who shall plant otherwise than with trees any land comprised within the river reserves aforesaid, except with the permission of the Governor as hereinafter provided, shall incur a penalty at the rate of £50 per acre, and the plantations so made shall be forfeited.

58. Any person, except the proprietors of the land, or persons by them authorized, found upon any river reserves with any axe, hatchet, or any other instrument or implement used to cut wood, shall, although not found actually cutting wood or brushwood, be guilty of an offence and incur a fine not exceeding £5, unless such person can prove to the satisfaction of the Magistrate that the axe, hatchet, or other instrument or implement aforesaid was intended for some other and lawful purpose.

59. It shall be the duty of the Warden of Woods and Forests to plant or cause to be planted all such portions of the river or rivulet reserves that may be denuded of live wood, unless the proprietors or occupiers of land bordering such reserves elect to plant and maintain these themselves with trees of their own choice, within a day to be fixed by the Warden of Woods and Forests: Provided that in the case where the Warden of Woods and Forests shall have planted river or rivulet reserves as aforesaid, the proprietor shall be bound to keep and take charge of all the plantations made on such river and rivulet reserves one month after the said plantations have been reported by the Warden of Woods and Forests to have been successfully effected: Provided that if the report of the Warden be disputed by the proprietor, the question shall be finally settled by the Governor, before whom the contested point shall be brought by petition from the proprietor objecting to the report.

60. Every proprietor or occupier aforesaid who shall refuse or neglect to comply with the provisions of the preceding article shall be deemed guilty of an offence, and shall incur a fine not exceeding £20, and an additional penalty of £5 per acre or portion of an acre of the river reserves which he was bound to maintain as aforesaid for every twelve months that he shall continue to refuse or neglect to comply with this enactment.

61. It shall be lawful for the Governor to exempt the Warden of Woods and Forests from the duty of replanting the whole or part of the river reserves when from the nature of the escarpments or other circumstances the planting of such reserves or the maintenance of the plantations thereon made would not be expedient, and also wherever the river or rivulets shall flow in a winding instead of a straight line, and where two rivers or rivulets shall flow within 1,000 feet of each other on the same property, and also wherever, on the report of the Warden of Woods and Forests, the Governor shall consider it more expedient to plant only a portion of the river reserves, and to leave the re-wooding of the remainder to the operation of nature. The Governor shall also have power to authorize (subject to such conditions or restrictions as he may think advisable to impose) the proprietors of the river reserves to plant otherwise than with trees such parts of the said reserves which it may be found inexpedient to plant with trees as aforesaid.

62. It shall nevertheless be lawful for every proprietor or occupier of land on which may be found the dried-up bed of a river or rivulet to apply to the Governor in Executive Council for an order that such dried-up bed of a river or rivulet shall not be, or shall cease to be, included within river reserves, and it shall be lawful for the Governor in Executive Council to grant a certificate to that effect, signed by the Clerk of Council, but such certificate may be withdrawn by a notice in writing likewise signed by the Clerk of Council, should the Governor in Executive Council be satisfied that the circumstances under which the certificate was granted have changed and no longer justify the exemption.

63. If before this Ordinance has force and effect any cane plantations have been made upon any river reserves the owner or occupier of the said reserves shall be allowed to cut such canes twice, if the canes be virgin canes at the time of the passing of this Ordinance, or once if the canes be not virgin canes: Provided that such owner or occupier be bound, within one year after the canes have been finally cut, to replant the said river reserves with trees, unless he can prove that the land had been cleared before the 1st January, 1854; and if he cannot prove that the land had been cleared before the 1st January, 1854, he shall be bound to replant the river reserves with trees in the manner and under the penalties enacted in articles 56 and 57 of this Ordinance.

64. It shall be lawful henceforth for the Governor in Executive Council to authorize the diversion of a watercourse from its original channel into an artificial bed, provided that the decree or order authorizing such diversion shall contain provisions for the protection of the watercourse so diverted; such provisions to be made in accordance with the merits of every particular case, but in every case no greater or lesser space of ground than the area of river reserves as enacted in article 56 shall be ordered to be planted with trees.

65. Whenever the shares or portions of water to be taken by each riparian proprietor from the total volume of water of any river or watercourse shall have been settled and determined by the Executive Council, such riparian proprietors shall have the right to appoint a syndic and a joint syndic and guardians for any such river or watercourse, the appointment, powers, and duties of such syndic and joint syndic being similar to those of the syndics and joint syndics of canals under Ordinance* No. 35 of 1863.

66. Provided that henceforth, whenever any syndic of any river or watercourse shall have been chosen from amongst the riparian proprietors or borderers of the upper moiety of the course of such river or watercourse, the joint syndic shall only be chosen from amongst the riparian proprietors or borderers of the lower moiety of the course of such river or watercourse, and *vice versa*, all Arrêtés, Ordinances, decrees, and laws contrary to this provision notwithstanding.

Chapter VI.—Marshes.

67. Any marsh or morass situated on Crown lands from which a watercourse flows shall be held to be part of such watercourse, and shall be under the provisions of article 59 of this Ordinance. And it shall be lawful for the Governor in Executive Council to proclaim that such marshes or morasses as aforesaid which may be private property shall form part of the watercourses flowing therefrom, and be placed under the provisions of article 59 of this Ordinance, subject to compensation to the owners thereof under article 6 of this Ordinance.

68. Whosoever shall cut, destroy, remove, mutilate, lop, or bark any tree planted or growing upon a marsh or morass as aforesaid shall be deemed guilty of an offence, and for the first offence shall be liable to a fine not exceeding £10, and for every subsequent offence to a fine not exceeding £20, and shall further forfeit the value of the trees so cut down, destroyed, removed, mutilated, lopped, or barked, and in case of a conviction under this article the offender shall be liable to pay to the Government the cost and expense of replanting the said reserves.

69. No private cemetery shall, after the passing of this Ordinance, be established in any part of this colony unless a sufficient space of ground be provided around it, so that the burying-ground be surrounded by a belt of trees of not less than 15 feet deep; and if the said belt of trees be not planted within one year after the opening of the said cemetery, it shall be lawful for the Governor in Executive Council to order such cemetery to be closed.

Chapter VII.—General Provisions.

70. In any case in which the owner of land is not known, and in which the Curator of Vacant Estates shall not have been sent into possession of the said land, it shall be lawful for the Governor in Executive Council to order such land to be planted with trees, and the Crown shall have the right

* Ordinance No. 35 of 1863 to amend and consolidate the Laws as to Rivers, Streams, and Canals, not printed in this paper.

when the owner of the land resumes possession of his land to be previously repaid the amount of the additional value given to such land on account of such plantations: Provided that the Governor shall be bound, before incurring any expense on account of such planting, to insert notices in three consecutive numbers of the *Government Gazette* and also in two daily newspapers, describing the land to be planted as aforesaid, and calling upon all claimants to the same to make known their claims.

71. Should any person lay claim to the land in question, the Governor shall stay proceedings, but such person shall be bound, if not in actual possession by himself, agent, or servant, to bring his action to make good his claim before the Supreme Court within three months next after notice of the said claim has been given, and on behalf of the Crown the Colonial Secretary shall be made a defendant to the action.

72. Should such claimant have been *bonâ fide* in actual or legal possession for more than one year, and be deemed to be so by the District Magistrate of the district in which such land is situated, such possession shall not be, in the first instance, interfered with, but the Crown shall be left to the usual legal remedy to recover possession of the land, or to buy the claimant's right to the ownership thereof.

73. It shall be the duty of the Warden of Woods and Forests to plant with trees, unless the proprietor or occupier of the bordering lands elect to do so within a reasonable delay, all the main road sides within 1,200 feet above the level of the sea, the distance between such trees not to be less than 15 feet and not more than 20 feet, and one row of trees on each side of the road to be sufficient: Provided that it shall not be lawful for the Government to plant trees within 30 feet of any building if such plantation be objected to by the owner. Whoever shall, without the consent of the Surveyor-General, cut, mutilate, lop, bark, or destroy any tree planted on the sides of a main road in execution of this article shall incur for each tree cut, mutilated, lopped, barked, or destroyed by him, a penalty not less than £5 and not more than £20.

74. It shall be lawful for the Governor in Executive Council to make regulations for the better execution of the provisions of this Ordinance, provided such regulations be not inconsistent with or repugnant to the said provisions; and such regulations, when published in the *Government Gazette*, shall have force of law as if they formed part of and were embodied in this Ordinance, and such regulations shall be laid on the table of the Council of Government at the meeting next after the promulgation of the said regulations.

75. Any breach of such regulations shall be deemed an offence against this Ordinance, and the person guilty thereof shall be liable to a fine not exceeding £5 for the first offence, and for every subsequent offence to a fine not exceeding £10.

IV.—INDUCEMENTS TO PRIVATE PLANTING.

NEW ZEALAND.—*Vide* Acts, No. XXXII., 1871, intituled "An Act to encourage the Planting of Forest Trees," and No. XLIX., 1872, intituled "An Act to amend 'The Forest Trees Planting Encouragement Act, 1871.'"

South Australian Act, No. 26 of 1873.

SOUTH AUSTRALIA.—Anno Tricesimo Septimo Victoriae Reginae: A.D. 1873: No. 26.—"An Act to encourage the Planting of Forest Trees." (Assented to, 18th December, 1873.)

WHEREAS it is expedient to encourage the planting of forest trees: Be it therefore enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:—

1. The Short Title of this Act shall be "The Forest Trees Act, 1873."

2. In the construction of this Act the word "planted" shall include also trees which have been sown on the spot and were not transplanted.

3. The Governor may from time to time, by Proclamation in the *Government Gazette*, declare this Act to be in operation in any district to be defined in such Proclamation, and on a day to be fixed in such Proclamation this Act shall come into operation in such district.

4. If any person shall plant any land, not being waste lands of the Crown, and not being less than five acres in extent, with forest trees, he shall be entitled to receive, in respect to every acre so planted, a land order in the form in the Schedule hereto, which shall authorize such person to purchase, to the amount of two pounds, any of the waste lands of the Crown in the province open for sale at auction or otherwise, or in payment of the interest of the purchase-money if selected on credit, or in payment of any rent due to the Government, but subject in every other respect to the laws and regulations for the time being in force regulating the sale and disposal of the waste lands of the Crown: Provided that no such land order shall be given unless the land has been devoted to purposes of planting only for at least two years, that the trees are in a vigorous and healthy condition, and that the land is securely fenced-in against both sheep and cattle.

5. The Governor may from time to time make regulations for defining the number and description of trees to be planted on each acre, and for prescribing the period not exceeding five years for which such trees shall be preserved, and for preventing the cutting or other destruction of such trees during such period, and the other terms and conditions to be fulfilled by persons claiming a land order under the provisions of this Act; and upon the certificate of an officer appointed by him for that purpose that the terms and conditions herein expressed, as well as those prescribed in such regulations, have been complied with, the person to whom such certificate is given shall be entitled, on the production of such certificate to the Commissioner of Crown Lands, to receive a land order for an amount to which such certificate shall prove him to be entitled; and such regulations may be made to apply generally throughout the said province, or may be limited to apply to any one or more districts, and different regulations may be made from time to time for the several districts, and such regulations may prescribe any penalty not exceeding five pounds for any breach of any such regulations. The regulations aforesaid may be altered or revoked by the Governor, but such alteration or revocation shall only have prospective operation, and shall not affect the rights of any person who shall, before the publication

of such alteration or revocation, have planted any forest trees in accordance with the regulations altered or revoked.

6. Every such land order shall be transferable, and shall be exercised within five years from the date thereof, and if not exercised within such period, shall be absolutely null and void, and no renewal thereof shall be granted.

7. It shall be lawful for the holder of the land order, if the sum of money named therein exceeds fifty pounds, but not otherwise, to exercise such right wholly at one time or from time to time (before the expiration of the period aforesaid), and to purchase, under such land order, land in one parcel, or in more parcels than one; and whenever such land order, whatever the amount thereof may be, shall be exercised by the purchase or selection of any such land as aforesaid, the holder of such land order shall at any time, when under the law in force regulating the sale of such lands he would be bound to pay any deposit, interest, rent, or purchase-money, if such purchase had been made under such law alone, and not under this Act, produce such land order to the person to whom such deposit, interest, rent, or purchase-money may be payable; and such person shall thereupon note by indorsement on such land order the sum of money which would be payable by such holder as such deposit, interest, rent, or purchase-money as aforesaid, and shall also give to the holder of the land order a receipt or certificate in the like form and to the like effect as such holder would be entitled to receive if he had paid in cash the sum so indorsed; and such receipt or certificate shall have the same force and effect as if the holder of such certificate had paid such sum so indorsed as aforesaid: Provided, however, that when the land order has been fully exercised it shall be given up to the Treasurer.

8. No land once planted shall entitle the planter to more than one land order in respect of such land.

9. Any person holding a lease from the Crown for pastoral purposes may give written notice to the Commissioner of Crown Lands that he wishes to plant a tract of land, not being less than twenty acres, on the land held by him on lease, and in such notice he shall also define the number of trees on each acre, and the description of trees which he intends to plant, and shall state the amount of compensation which he expects in case of resumption; and if no objection is raised by the Commissioner within six months after the giving of such notice, the planting of such trees, if in a vigorous and healthy state at the time of resumption, at least ten feet high, and securely fenced against both sheep and cattle, shall be an improvement for which compensation shall be given if such land is resumed: Provided that in no case more than two pounds for every acre so planted shall be paid.

10. Whoever shall steal or wantonly destroy or damage the whole or any part of any tree, or shall wilfully cut, break, or root up any tree, sapling, or seedling so planted, may be ordered to forfeit or pay a sum not less than five shillings and not exceeding five pounds, or may be imprisoned, with or without hard labour, for any term not exceeding three months; and proceedings for any offence under this Act may be had and taken before any two Justices of the Peace, in manner by law provided for regulating summary proceedings before Justices of the Peace, and any person aggrieved may appeal in manner provided for appeals in case of summary proceedings.

Schedule.—Land Order.

£	:	:	No.	£	:	:
It having been duly certified that _____ acre have been planted with forest trees in accordance with Act No. _____ of 1873, it is hereby directed that this land order shall be available as cash at any Government sale of lands at auction or otherwise, or in payment of the interest of purchase-money for Crown land selected on credit, or of any rent due by the holder hereof for the time being, upon condition that this land order be exercised within five years from the date hereof.						

Given under my hand, at Adelaide, this _____ day of _____, 18 _____

By His Excellency's command.

Commissioner of Crown Lands.

Extract of South Australia Act, No. 96 of 1878.

22. Any person who shall, in accordance with any regulation in force under this Act, sow, plant, transplant, or cause to grow upon any land not less than five acres in extent and not being waste lands of the Crown, forest trees of the description mentioned in any such regulation, shall be entitled to receive an order in the form of Schedule hereto marked F, which order shall entitle such person to the amount of two pounds for every acre so planted, such amount to be credited to him on the purchase of any waste lands of the Crown in the province open for sale at auction or otherwise, or to be received in payment of the interest of the purchase-money if selected on credit or in payment of any rent due to the Government, but subject in every other respect to the laws and regulations for the time being in force regulating the sale and disposal of the waste lands of the Crown: Provided that the Commissioner of Crown Lands may refuse to grant any such order unless it shall be shown to his satisfaction that the land in respect of which such order is sought has been devoted to no other purpose, except for the purpose of protecting, planting, and gardening, as may be approved by the Commissioner, and except as provided in the 5th sub-paragraph of clause 3 of Schedule H., than that of producing forest trees for at least two years, and that the trees on such lands are in a vigorous and healthy condition, and that the land is securely fenced-in against sheep and cattle.

23. Upon the certificate of any officer appointed under this Part of this Act that the terms and conditions imposed by this Act have been complied with, the person to whom such certificate is given shall be entitled, on the production of such certificate to the Commissioner of Crown Lands, to receive an order for an amount to which such certificate shall prove him to be entitled.

24. Every such order shall be transferable, and shall be exercised within five years from the date thereof, and if not exercised within such period shall be absolutely null and void.

25. It shall be lawful for the holder of any order, if the sum of money named therein exceed fifty pounds, but not otherwise, to exercise such right wholly at one time, or from time to time (before the

I need not detail the conditions for regulating the sale of timber. Besides, these would depend in a great measure on local circumstances, such as the value of the timber, the situation of the forest, whether in its natural state or otherwise, &c. It would, however, be necessary in every instance to impose the two following conditions: 1st. That the trees be cut at the surface of the ground. 2nd. That the whole of the timber sold must be removed from the forest within a certain time from date of sale, otherwise such timber to revert to the Government. The former condition should be imposed for carrying on an economical system of management, and the latter for guarding against monopoly.

I cannot see that anything more liberal could be devised than the inducements held out by the General and Provincial Governments for planting on private lands. A condition might be imposed on persons obtaining leases of education reserves, or agricultural leases, to plant a certain area annually. State plantations could be raised on public lands, either under the Forest Department I have already mentioned, or by taking advantage of the pastoral resources of the country. This could be done by giving a lease for twenty-one years of small runs, say, from 5,000 to 10,000 acres of pastoral land, more or less, as the nature and features of the country would recommend. Absolve the assessment on the land set apart for that purpose, and make it a condition to plant a certain area annually. The area to be planted yearly would have to be determined by the annual value of the land leased, the kinds of trees, the distance apart, and the nature of the soil intended to be planted. The whole estate to be handed back to Government at the expiration of the lease. It would be necessary, for the purpose of carrying on planting operations successfully, and for raising plants at the cheapest possible rate, to set apart planting districts, and establish a nursery as near the centre of each as possible; say one at Oamaru, one at Dunedin, one at Clutha, one at Naseby, or any other place where it might be deemed advisable to carry on planting operations. If the inducements which I have already mentioned for planting on public land were held out, and nurseries established, I have no doubt but the land would be rapidly taken up for the purpose. Establishing nurseries in different parts of the province would facilitate planting operations both on private and public lands. The public would be able to obtain plants within the district at a more reasonable rate than from private nurserymen at a distance.

Inducement might be offered, with success, in a money grant of from £3 to £5 per acre, for an area of not less than five acres planted with young trees; or a grant of from three to five acres of land for every acre planted with trees in blocks of not less than five to ten acres. A supply of good seed should be kept on hand to encourage planting, or a stock of young trees supplied by tender.

No. 3.

COPY of a DESPATCH from the Right Hon. Sir M. E. HICKS BEACH to
Governor Sir HERCULES ROBINSON.

SIR,—

Downing Street, 12th April, 1880.

I have the honor to acknowledge the receipt of your Despatch of the 10th October last, No. 62, bringing to my notice the services of Mr. O'Rorke, the Speaker of the House of Representatives of New Zealand.

I have much pleasure in stating, and I request that you will so inform Mr. O'Rorke, that the Queen has on my recommendation been pleased to give directions for the dignity of Knight Bachelor being conferred on him.

His patent will be proceeded with on his remitting to the Secretary of State for the Home Department the sum of £97 15s. 6d., the amount of the usual charges on such patents.

I have, &c.,

M. E. HICKS BEACH.

Governor Sir Hercules Robinson, G.C.M.G., &c.

No. 4.

COPY of a DESPATCH from the Right Hon. Sir M. E. HICKS BEACH to the
OFFICER ADMINISTERING the GOVERNMENT of NEW ZEALAND.

(Circular.)

SIR,—

Downing Street, 16th April, 1880.

I have the honor to transmit to you, for insertion in any volumes of colonial regulations in use in the colony under your Government, amended copies of clause 415, relating to the mutual surrender of merchant seamen deserters, under the provisions of the Imperial Act 15 and 16 Vict., c. 26, of 1852.

I have, &c.,

M. E. HICKS BEACH.

The Officer Administering the Government of
New Zealand.

Enclosure in No. 4.

SECTION 3.—Apprehension of Deserters from Merchant Vessels.

415. The Act 15 and 16 Vict., c. 26 (1852), enables the Crown to carry into effect arrangements with foreign Powers for the apprehension and surrender of seamen, not being slaves, who may desert from merchant vessels belonging to a subject of such Powers when within Her Majesty's dominions. The following list shows the arrangements (in the shape of treaties, conventions, agreements, declarations, notifications, and Orders in Council) at present existing between Great Britain and the foreign Powers named for the mutual surrender of merchant seamen deserters:—

Country.	Treaty, Convention, Protocol, or Agreement.	Foreign Notification or Declaration.	British Order in Council.	Hertslet's Treaties.	
				Vol.	Page.
Austria	T. 30th April, 1868. Art. IV. ...	N. 25th Aug., 1852	16th Oct., 1852 ...	9	134
				12	1111
				13	72
Belgium	P. 25th July, 1862	D. 24th Jan., 1855	8th Feb., 1855 ...	10	38
				11	63, 73
				14	206
Brazil	C. 22nd April, 1873. Art. III. ...	...	17th May, 1876 ...	14	226
				9	952
Chili	T. 4th October, 1854. Art. XIII.	...	28th July, 1856 ...	10	49
				12	379
Colombia	T. 16th Feb., 1866. Art. XXI. ...	...	28th Dec., 1866 ...	12	1123
				9	241
Denmark ... ..	...	D. 22nd Mar., 1853	13th June, 1853 ...	13	367
				9	962
France	A. 23rd June, 1854 ... ..	...	3rd July, 1854 ...	10	80
				14	1204
Germany	A. 5th November, 1879	...	26th Feb., 1880 ...	14	1204
				14	377
Greece	A. 7-19 Aug., 1875 ... ..	...	12th Feb., 1876 ...	14	379
				9	689
Hawaiian Islands	T. 10 July, 1851. Art. XI. ...	...	23rd Oct., 1876 ...	14	381
				11	1049
Italy	T. 6th August, 1863. Art. XIX.	...	11th June, 1863 ...	11	1117
				12	638
Madagascar	T. 27th June, 1865. Art. XIII. ...	...	28th Dec., 1866 ...	12	1167
				10	908
Morocco	T. 9th December, 1856. Art. XV.	...	6th May, 1857 ...	10	922
				10	475
Netherlands	C. 6th March, 1856. Art. X. ...	N. 14th Feb., 1854	9th March, 1854	13	479
				11	645
Nicaragua	T. 11th Feb., 1860. Art. XVI. ...	...	27th August, 1860	11	456
				9	460
Peru	T. 10th April, 1850. Art. X. ...	D. 15th Oct., 1852	18th August, 1852	9	624
				6	644
Portugal	T. 3rd July, 1842. Art. XVI. ...	...	Act of P., 12 and 13 Vict., c. 25, 1849	8	608
				8	812
Prussia (see Germany)	T. 12th January, 1859. Art. XVII.	...	27th August, 1860	10	1063
				11	507
Russia	T. 18th October, 1862. Art. XVII.	...	11th June, 1863 ...	11	890
				10	1050
Salvador	T. 24th April, 1855. Art. III. ...	...	10th Nov., 1866 ...	10	558
				13	754
Spain ... ..	...	D. 27th Dec., 1859	23rd Jan., 1860 ...	11	517
				13	755
Sweden and Norway	...	N. 4th Aug., 1852	18th August, 1852	9	644
				13	801
Tunis	C. 19th July, 1875. Art. XXXII.	...	17th May, 1876 ...	14	552
				12	555
Turkey ... ..	...	N. 19th April, 1865	18th May, 1865 ...	12	879
				13	846

(A.) Agreement; (C.) Convention; (D.) Declaration; (N.) Notification; (P.) Protocol; (T.) Treaty.

No. 5.

COPY of a DESPATCH from the Right Hon. Sir M. E. HICKS BEACH to the OFFICER ADMINISTERING the GOVERNMENT of NEW ZEALAND.

(No. 22.)

SIR,—

Downing Street, 21st April, 1880.

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. 85, of the 20th December last:—

- No. 5. "An Act to apply a Sum of Money out of the Public Account to the Service of the Year ending the Thirtieth day of June, One thousand eight hundred and eighty;"
- No. 6. "An Act to amend 'The Public Revenues Act, 1878;'"
- No. 7. "An Act to apply a Sum of Money out of the Public Account to the Service of the Year ending the Thirtieth day of June, One thousand eight hundred and eighty;"
- No. 8. "An Act to amend 'The Prisons Act, 1873;'"
- No. 9. "An Act to apply a Sum of Money out of the Public Account to the Service of the Year ending the Thirtieth day of June, One thousand eight hundred and eighty;"
- No. 10. "An Act to declare the Validity of the Elections of certain Members of the House of Representatives;"
- No. 11. "An Act to apply a Sum of Money out of the Public Account to the Service of the Year ending the Thirtieth day of June, One Thousand eight hundred and eighty;"
- No. 12. "An Act to apply a Sum of Money out of the Public Account to the Service of the Year ending the Thirtieth day of June, One thousand eight hundred and eighty;"
- No. 13. "An Act to validate the Proceedings of certain District Courts;"
- No. 14. "An Act to amend 'The District Courts Act, 1858;'"
- No. 15. "An Act to alter the Duties of Customs;"
- No. 16. "An Act to allow Tobacco to be Manufactured in Bond;"
- No. 18. "An Act to impose a Property-Tax;"
- No. 19. "An Act to enable the Land-Tax payable for the Year One thousand eight hundred and seventy-nine to be collected for such Year at One Period;"
- No. 20. "An Act to amend 'The Rating Act, 1876;'"
- No. 21. "An Act to amend 'The Land Act, 1877;'"
- No. 22. "An Act to amend 'The Forest Trees Planting Encouragement Act, 1871,' and 'The Forest Trees Planting Encouragement Act Amendment Act, 1872;'"
- No. 23. "An Act to authorize the Sale of certain Public Reserves;"
- No. 24. "An Act to amend 'The Mines Act, 1877,' in order to enable Protection to be granted to Holders of Gold-Mining Leases under certain Conditions;"
- No. 25. "An Act to make provision for Inquiry into alleged Grievances of Aboriginal Natives in relation to certain Lands taken by the Crown under the authority of Law, and for enabling the Governor in Council to postpone the Trials of certain Prisoners who have been committed for Trial for alleged Offences concerning such Lands;"
- No. 26. "An Act to amend 'The Electric Telegraph Act, 1875;'"
- No. 27. "An Act to amend 'The Harbours Act, 1878;'"
- No. 28. "An Act to amend the Resident Magistrates Act, 1867;"
- No. 29. "An Act to amend 'The Debtors and Creditors Act, 1876;'"
- No. 30. "An Act to amend 'The Patents Act, 1870;'"
- No. 31. "An Act to extend and amend 'The Leases and Sales of Settled Estates Act, 1865;'"
- No. 32. "An Act to amend 'The Building Societies Act, 1876;'"
- No. 33. "An Act to amend 'The District Law Societies Act, 1878;'"
- No. 34. "An Act to amend 'The Slaughterhouses Act, 1877;'"
- No. 35. "An Act to amend 'The Fine Arts Copyright Act, 1877;'"
- No. 36. "An Act for compiling an Edition of the Enactments in force in New Zealand of a Public and General Nature;"
- No. 37. "An Act to enable the Governor to make Grants of Crown Lands as Sites for Working-Men's Clubs;"
- No. 38. "An Act to give effect in New Zealand to Probates and Letters of Administration granted in the other Australasian Colonies;"
- No. 39. "An Act to make further provision to prevent the Introduction of Imbecile Persons into New Zealand;"
- No. 40. "An Act to define the Qualification of Electors of Members of the House of Representatives;"
- No. 41. "An Act to provide for the Registration of Persons qualified to vote at Elections of Members of the House of Representatives;"
- No. 42. "An Act to repeal certain Enactments relating to the Qualification and Registration of Electors of Members of the House of Representatives;"
- No. 43. "An Act to provide for the ordinary Duration of the General Assembly in Parliament;"
- No. 44. "An Act to amend and repeal certain Acts relating to Public Works;"
- No. 45. "An Act to amend 'The Public Revenues Act, 1878;'"
- No. 46. "An Act for raising the sum of Eight Hundred Thousand Pounds by Treasury Bills, and for extending the currency of certain Treasury Bills;"
- No. 47. "An Act to appropriate certain Sums of Money for the purposes of Immigration and Public Works;"
- No. 48. "An Act to apply a Sum of Money out of the Consolidated Fund and other Moneys to the Service of the Nine Months ending the Thirty-first day of March, One thousand eight hundred and eighty, and to appropriate the Supplies granted in this present Session."

Local Acts.

- No. 1. "An Act to authorize the Corporation of the City of Auckland to consolidate certain Loans;"
- No. 2. "An Act to enable the Auckland Harbour Board to Lease at a peppercorn rental to the Corporation of the City of Auckland certain Lands reclaimed from the Foreshore in the Harbour of Auckland;"
- No. 3. "An Act to increase the Borrowing Powers of the Thames Harbour Board, and to amend the provisions of 'The Thames Harbour Board Act, 1878,' in respect thereof;"
- No. 4. "An Act to vest the Auckland Provincial Council Library and the Auckland Mechanics' Institute in the Mayor, Councillors, and Citizens of the City of Auckland;"
- No. 5. "An Act to transfer the Powers of the Auckland Improvement Commissioners to the City Council of Auckland;"
- No. 6. "An Act to authorize the granting to the Mayor, Councillors, and Burgesses of Onehunga, Two Acres of Land as a Water Reserve;"
- No. 7. "An Act to empower the Governor to issue Grants to certain Native Trustees;"
- No. 8. "An Act to amend 'The Hamilton Volunteer Hall Site Act, 1878;'"
- No. 9. "An Act to constitute a Board of Trustees, and to vest in it certain Public Reserves near to the Township of Waiuku, in the Provincial District of Auckland, for the purpose of a Public Recreation-ground and Volunteer Drill-ground;"
- No. 10. "An Act declaring the Township of Taradale to be a Town within the meaning of 'The Hawke's Bay Rivers Act, 1876;'"
- No. 11. "An Act to authorize a certain piece of Land situate at West Clive, within the Provincial District of Hawke's Bay, to be vested in Trustees, in Trust for a Site for a Public Hall;"
- No. 12. "An Act to enable the Governor to grant Lands on the Foreshore of the Waitara River to the Waitara Harbour Board, and to empower the said Board to borrow Money for Harbour Works;"
- No. 13. "An Act to constitute a Harbour Board for the Port of Wellington;"
- No. 14. "An Act to provide for Highway Board Elections in the Provincial District of Wellington;"
- No. 15. "An Act to amend 'The Masterton and Greytown Lands Management Act, 1871;'"
- No. 16. "An Act to empower the Wairarapa Racecourse Board to borrow Money for Works in Protection of the said Racecourse;"
- No. 17. "An Act to provide for the Disposal of certain Reserves in the Borough of Palmerston North;"
- No. 18. "An Act to authorize the Wanganui Harbour and River Conservators Board to borrow money for the Redemption of Debentures issued under 'The Wanganui Bridge and Wharf Act, 1872;'"
- No. 19. "An Act to provide for the Union of certain River Districts constituted under 'The Hawke's Bay and Marlborough Rivers Act, 1868;'"
- No. 20. "An Act to amend 'The Hawke's Bay and Marlborough Rivers Act, 1868;'"
- No. 21. "An Act to dispose of the Awatere Shearing Reserve;"
- No. 22. "An Act to amend 'The Hokitika Harbour Board Endowment Act, 1878;'"
- No. 23. "An Act to extend the Operation of the Laws relating to Gold Fields over the Kumara Education Reserve;"
- No. 24. "An Act to authorize the Grant and Transfer of certain Parcels of Land in the City of Christchurch in Trust for the use of the Canterbury Volunteers, and to make provision for the Control and Management of the said Lands;"

- No. 25. "An Act to enable the Ashburton County Council to construct Works for supplying Water for the use of the Ratepayers of that part of the County of Ashburton which lies between the Ashburton and Rakaiia Rivers;"
- No. 26. "An Act to increase the Powers of the Timaru Harbour Board;"
- No. 27. "An Act to enable the Municipal Corporation of Timaru to Raise a Loan of Sixty Thousand Pounds for the purpose of constructing Waterworks for supplying the Borough of Timaru with Water;"
- No. 28. "An Act to amend 'The Otago Roads Ordinance, 1871;'"
- No. 29. "An Act to amend 'The Otago University Site Exchange Act, 1875,' and 'The Otago University Act, 1878;'"
- No. 30. "An Act to amend 'The Oamaru Harbour Board Ordinance Amendment Act, 1878;'"
- No. 31. "An Act to authorize the Municipal Council of the Incorporated Town of Oamaru to raise Money for the purpose of completing the Waterworks for the Supply of the Town with Water;"
- No. 32. "An Act to alter and amend the Boundaries of the Alexandra Corporation Reserve;"
- No. 33. "An Act to constitute a Board of Trustees, and to vest in it certain Public Reserves near Queenstown, in the Provincial District of Otago, for the purposes of a Racecourse;"
- No. 34. "An Act to vest in Trustees certain Public Reserves at Kaitangata and Wangaloa, in the Provincial District of Otago, for the purposes of an Athenæum at the aforesaid places respectively;"
- No. 35. "An Act to vest certain Land in the Bluff Harbour Board, in trust for the use and benefit of the Bluff Harbour;"
- No. 36. "An Act to vest in the New River Harbour Board a certain Reserve in the Campbelltown Hundred;"
- No. 37. "An Act to vest in the Chairman, Councillors, and Inhabitants of the Southland County the Oreti Bridge and Tolls, and the Ferry Reserves;"
- No. 38. "An Act to provide for the Management of the Drill-shed Reserve at Riverton, in the Provincial District of Otago;"
- No. 39. "An Act to grant certain Special Powers to the Governor to issue Crown Grants, and to enable him to carry out certain Contracts and Promises."

Private Acts.

- No. 1. "An Act to enable the New Plymouth Gas Company (Limited) to supply the Town of New Plymouth and Suburbs with Gas;"
- No. 2. "An Act to regulate the Temporal Affairs of the Religious Society denominated Primitive Methodists;"
- No. 3. "An Act to give additional Powers to the Corporation of the Borough of Napier to enable them to recover the Moneys expended in abating the Swamp Nuisance, and to extend 'The Napier Swamp Nuisance Act, 1875,' and for other purposes;"
- No. 4. "An Act for better defining the Trusts and Purposes upon which certain lands are held by the Church Property Trustees within the Diocese of Christchurch, and for the Conveyance to and vesting in the said Church Property Trustees of certain other Lands, and for the better Regulation and Management of all Lands now or hereafter to be vested in the said Trustees;"
- No. 5. "An Act to give effect in this Colony to the Alteration of the name of 'The Liverpool and London Fire and Life Insurance Company,' and to enable 'The Liverpool and London and Globe Insurance Company' to sue and be sued in the Name of the Company, and for other purposes connected therewith;"
- No. 6. "An Act to authorize the Reclamation of Land in the Harbour of Port Nicholson."

I have, &c.,

M. E. HICKS BEACH.

Governor Sir Hercules Robinson, G.C.M.G., &c.

No. 6.

COPY of a DESPATCH from the Right Hon. Sir M. E. HICKS BEACH to the OFFICER ADMINISTERING the GOVERNMENT of NEW ZEALAND.

SIR,—

Downing Street, 22nd April, 1880.

I have the honor to transmit to you, for publication in the colony under your Government, a copy of an agreement between the Governments of Great Britain and Germany, for the mutual surrender of merchant seamen deserters, together with a copy of the order of the Queen in Council of the 18th of March giving effect to the agreement.

I have, &c.,

M. E. HICKS BEACH.

The Officer administering the Government of
New Zealand.

Enclosure in No. 6.

At the Court at Windsor, the eighteenth day of March, 1880.

Present: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Foreign Deserters Act, 1852," it is provided that, whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering and apprehending seamen who desert from British merchant ships in the territories of any foreign Power, Her Majesty may, by Order in Council stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant ships belonging to a subject of such Power when within Her Majesty's dominions, shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications (if any) as may be deemed expedient: And whereas it hath been made to appear to Her Majesty that due facilities for recovering and apprehending seamen (not being German subjects) who desert from British merchant ships in the territories belonging to His Imperial Majesty the Emperor of Germany will be given, under an agreement between the Governments of Great Britain and Germany, signed at London on the 5th November, 1879:

Now, therefore, Her Majesty, by virtue of the powers vested in her by the said "Foreign Deserters Act, 1852," and by and with the advice of Her Privy Council, is pleased to order and declare, and it is

hereby ordered and declared, that, from and after the publication hereof in the *London Gazette*, seamen, not being slaves (and not being British subjects), who desert from merchant ships belonging to subjects of the Emperor of Germany within Her Majesty's dominions, shall be liable to be apprehended and carried on board their respective ships; provided always that, if any such deserter has committed any crime in Her Majesty's dominions, he may be detained until he has been tried by a competent Court, and until his sentence (if any) has been fully carried into effect.

And Her Majesty, by virtue of the powers vested in her by the said "Foreign Deserters Act, 1852," and by and with the advice of Her Privy Council, is further pleased to order and declare that, upon and after the publication hereof in the *London Gazette*, the Order in Council made by virtue of the said Act on the 16th day of October, 1852, and published in the *London Gazette* on the 26th day of October, 1852, so far as it relates to seamen who desert from merchant ships belonging to citizens of the Free Hanseatic Cities of Lubeck, Bremen, and Hamburg, and the Order in Council relating to seamen who desert from the merchant ships belonging to subjects of the King of Prussia, made by virtue of the said Act on the 16th day of October, 1852, and published in the *London Gazette* on the 26th day of October, 1852, and the Order in Council relating to seamen who desert from the merchant ships belonging to subjects of the Grand Duke of Oldenburg, made by virtue of the said Act on the 13th day of June, 1853, and published in the *London Gazette* on the 14th day of June, 1853, and the Order in Council relating to seamen who desert from the merchant ships belonging to subjects of the Grand Duke of Mecklenburg-Schwerin, made by virtue of the said Act on the 9th day of March, 1854, and published in the *London Gazette* on the 10th day of March, 1854, and the Order in Council relating to seamen who desert from the merchant ships belonging to subjects of the King of Hanover, made by virtue of the said Act on the 8th day of June, 1854, and published in the *London Gazette* on the 13th day of June, 1854, shall be revoked, and the same are hereby revoked accordingly.

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

C. L. PEEL.

Sub-Enclosure to Enclosure in No. 6.

AGREEMENT between the Governments of Great Britain and Germany relative to Merchant Seamen Deserters.—Signed at London, 5th November, 1879.

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the German Emperor, King of Prussia, being desirous, for the benefit of the commerce of the two countries, to facilitate the discovery, apprehension, and surrender of seamen who may desert from merchant vessels of either country, on the basis of a full and entire reciprocity, have agreed as follows:—

It is mutually agreed that if any seamen or apprentices, not being slaves, should desert from any ship belonging to a subject of either of the contracting parties, within any port in the territories or in the possessions or colonies of the other contracting party, the authorities of such port and territory, possession, or colony, shall be bound to give every assistance in their power for the apprehension and sending on board of such deserters, on application to that effect being made to them by the consul of the country to which the ship of the deserter may belong, or by the deputy or representative of the consul.

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

Each of the two high contracting parties reserves to itself the right of terminating this agreement at any time, on giving to the other a year's notice of its wish to that effect.

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

Done at London, in duplicate, the fifth day of November, in the year of our Lord one thousand eight hundred and seventy-nine.

(L.S.)
(L.S.)

SALISBURY.
MUNSTER.

No. 7.

COPY of a DESPATCH from the Right Hon. Sir M. E. HICKS BEACH to the OFFICER ADMINISTERING the GOVERNMENT of NEW ZEALAND.

(Circular.)

SIR,—

Downing Street, 27th April, 1880.

I have been in communication with the Registrar-General respecting the decennial census which it is proposed to take in this country in the year 1881, and I am of opinion that it is most important that, as in 1871, an enumeration of the people throughout the colonies should be made simultaneously with that of the United Kingdom, so as to show the numbers present in each place at midnight on the 3rd of April, 1881, the schedules being collected by the enumerators on Monday, the 4th of April, and that uniformity as regards the particulars required should, as far as practicable, be observed in this great undertaking. If the necessary arrangements are made, it will be practicable for the Registrar-General to include

in his report a summary of the statistics relating to the colonies, such as was given in the 4th volume of the report laid before Parliament in 1873.

The Registrar-General hopes shortly to be in a position to furnish copies of the householders' schedule adopted for the United Kingdom, which will show the several heads of information desired, when copies will be transmitted to you.

In the meantime, I feel assured that your Government will fully recognize the advantage and importance of taking a census simultaneously throughout the British Empire, and I shall be glad to learn that the necessary preliminary steps in the matter will be taken in the colony under your Government.

I have, &c.,

M. E. HICKS BEACH.

The Officer Administering the Government of
New Zealand.

No. 8.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to
Governor Sir HERCULES ROBINSON, G.C.M.G., &c.

(New Zealand, No. 2.)

SIR,—

Downing Street, 6th May, 1880.

I have the honor to transmit to you the enclosed order of Her Majesty in Council, assenting to the reserved Bill of the Legislature of New Zealand, 43rd Vict., No. 49, entitled "An Act to amend the Law relating to the Administration of the Estates of Deceased Persons," a transcript of which accompanied your Despatch No. 85, of the 20th December last.

I have, &c.,

KIMBERLEY.

Governor Sir Hercules Robinson, G.C.M.G., &c.

Enclosure in No. 8.

At the Court, at Windsor, the twentieth day of April, 1880.

Present: The QUEEN'S MOST EXCELLENT MAJESTY, His ROYAL HIGHNESS PRINCE LEOPOLD, LORD PRESIDENT, VISCOUNT CRANBROOK, LORD JOHN MANNERS, Mr. Secretary CROSS, Sir STAFFORD NORTHCOTE, Mr. W. H. SMITH.

WHEREAS by an Act passed in the session held in the fifteenth and sixteenth years of Her Majesty's reign, entitled "An Act to grant a Representative Constitution to the Colony of New Zealand," it is, amongst other things, declared that no Bill which shall be reserved for the signification of Her Majesty's pleasure thereon shall have any force or authority within the Colony of New Zealand until the Governor of the said colony shall signify, either by speech or message, to the Legislative Council and House of Representatives of the said colony, or by Proclamation, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same: And whereas a certain Bill, passed by the Legislative Council and House of Representatives of the said colony, "No. 49 of 1879, entitled An Act to amend the Law relating to the Administration of the Estates of Deceased Persons," 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.

C. L. PEEL.

No. 9.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor
Sir HERCULES ROBINSON, G.C.M.G., &c.

(No. 8.)

SIR,—

Downing Street, 25th May, 1880.

I have the honor to transmit to you an extract from a letter from the Registrar of the University of London, together with a sealed packet enclosed therein of questions for a matriculation examination, to be held in New Zealand in connection with the Gilchrist scholarship.

I request that you will take such steps as may be necessary to give effect to the wishes of the Registrar as expressed in this communication.

I have, &c.,

KIMBERLEY.

Governor Sir Hercules Robinson, G.C.M.G., &c.

Enclosure in No. 9.

EXTRACT of a LETTER from UNIVERSITY of LONDON to COLONIAL OFFICE, dated 21st May, 1880. LIKEWISE, at the request of the Gilchrist Trustees, I forward a sealed packet of questions for a matriculation examination to be held in New Zealand, and seven other sealed packets of questions for a similar examination to be held simultaneously at Quebec, Montreal, Kingston, Toronto, Ottawa, Halifax, and Frederickton, under the supervision of such examiners appointed by the Governor of New Zealand and the Governor of the Dominion of Canada respectively, with the view of awarding to the most successful candidate in each colony the scholarship allotted to New Zealand and the scholarship allotted to Canada by the Trustees of the Gilchrist Educational Trust.

With each packet I enclose: (1.) A copy of the regulations relating to the matriculation examination. (2.) A copy of the instructions to the sub-examiner in charge of the examination. (3.) A sheet from the register of the University, on which the sub-examiner will cause each candidate to make the entries prescribed in the instructions, and which must be returned with the answers of the candidates. (4.) A supply of admission-cards. (5.) A pattern answer-book, to which it is desired that the books used at the examination may be made to conform as nearly as may be found practicable. And (6.) (in the New Zealand and Canadian packets only) a copy of the conditions of the Gilchrist scholarships.

The matriculation examination will commence in this country on the 21st June, and it is requested that the examinations in Newfoundland and Canada may commence on the same day; but as the packets for Mauritius and New Zealand will not have reached their destination by that date, it is requested that the earliest possible day after their arrival may be appointed for the commencement of the examination.

As this is the first time that such an examination has been held in New Zealand, it would be well specially to remind the colonial authorities that they will be held responsible by the Senate for insuring that such arrangements are made as will guarantee the integrity of the examination.

I have only finally to request that, if at any centre no candidate should appear, the register-sheet may notwithstanding be returned, so that we may not be left in doubt whether or not answers are to be expected from such centre.

No. 10.

COPY of a DESPATCH from the CHANCELLOR of the ORDER of ST. MICHAEL and ST. GEORGE to Governor Sir HERCULES ROBINSON, G.C.M.G., &c.

Chancery of the Order of St. Michael and St. George,

SIR,—

Downing Street, 28th May, 1880.

I am commanded to inform you that the Queen has been pleased, on the recommendation of the Earl of Kimberley, to give directions for the appointment of Mr. A. Domett to be a Companion of the Order of Saint Michael and Saint George.

I have, &c.

C. COX,

Governor Sir Hercules Robinson, G.C.M.G., &c.

Chancellor.

No. 11.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to the OFFICER ADMINISTERING the GOVERNMENT of NEW ZEALAND.

(No. 9.)

SIR,—

Downing Street, 31st May, 1880.

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, 43 Vict., No. 17, entitled "An Act to regulate the Assessment of Real and Personal Property for the purposes of Taxation," a transcript of which accompanied your Despatch No. 85, of the 20th December last.

I have, &c.,

KIMBERLEY.

The Officer Administering the Government of
New Zealand.

