

1882.
NEW ZEALAND.

DESPATCHES

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

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

No. 1.

(No. 35.)
MY LORD,—

Government House, Wellington,
New Zealand, 16th June, 1881.

I have the honor to enclose the copy of a memorandum addressed to me by the Premier, Mr. Hall, giving cover to copies of a report by Mr. FitzGerald, the Controller and Auditor-General, on the management of the finances of some of the Australian Colonies and of New Zealand.

I have, &c.,

ARTHUR GORDON.

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

No. 2.

(No. 41.)
MY LORD,—

Government House, Wellington,
New Zealand, 16th July, 1881.

I have the honor to report, for your Lordship's information, that Tawhiao, the Maori "King," has, for the first time for many years, crossed the boundaries of what is known as the King country, and visited the white settlements in the Waikato. Major Mair, Native Commissioner, by direction of the Government met the Native chief at Alexandra, where an interview took place, in the course of which Tawhiao came forward and laid his gun at the feet of Major Mair. In this action he was followed by his retainers, to the number of about seventy, and it was at the same time explained by Wakanui, another chief of considerable influence who has hitherto held aloof from any communication with whites, that they intended this to express their friendly feeling towards the Europeans.

2. Major Mair is now, at Tawhiao's invitation, accompanying him on his tour through the Waikato District, and it is intended to repeat the same ceremony at various centres of population.

3. This visit of Tawhiao is of considerable significance, as indicating his desire to break through the barrier which has of late years isolated the "King country" from the rest of New Zealand.

I have, &c.,

ARTHUR GORDON.

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

No. 3.

(No. 47.)
MY LORD,—

Government House, Wellington,
New Zealand, 10th August, 1881.

I have the honor to enclose copies of a report lately made to me by Sir William Fox, the Commissioner appointed under "The West Coast Settlement (North Island) Act, 1880."

I have, &c.,

ARTHUR GORDON.

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

Reply.
A-2, No. 3.

No. 4.

Government House, Wellington,
New Zealand, 12th August, 1881.

(No. 48.)
MY LORD,—

Reply.

A-2, No. 5.

In compliance with the instructions contained in your Lordship's despatch (general) of the 17th March, I have the honor to return herewith for defacement the Seal of the Colony, which has lately been replaced by a new one.

2. At the same time I have the honor to transmit the copy of a memorandum addressed to me by the Premier, Mr. Hall, on the subject of the proposed restoration to the colony of this seal after it has been defaced.

I have, &c.,

ARTHUR GORDON.

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

Enclosure in No. 4.

MEMORANDUM for His EXCELLENCY.

THE Premier presents his respectful compliments to the Governor; and has the honor to inform His Excellency that the new Seal of the Colony, respecting which there has been correspondence with the Imperial Government, has now been received, together with the press, &c., and is being used with complete satisfaction.

The old seal is forwarded herewith for transmission to the Colonial Office, that it may be defaced in compliance with Her Majesty's warrant authorizing the new seal to be used.

In his despatch enclosing the warrant, Lord Kimberley stated that the Lord President of the Council had directed that the old seal should be presented to the Colonial Government after it had been defaced.

The Premier desires to acknowledge this ready compliance with the wish of the Government that the defaced seal should be returned to New Zealand, to the people of which it must continue to be of interest, not alone as the first Seal of the Colony under Representative Government, but as a gift from the Queen, forwarded by Her Most Gracious Majesty with the Constitution Act in 1852.

Wellington, 12th August, 1882.

JOHN HALL.

No. 5.

Government House, Wellington,
New Zealand, 22nd August, 1881.

(No. 53.)
MY LORD,—

Reply.

A-2, No. 11.

I have the honor to enclose the copy of a memorandum of the Premier, Mr. Hall, giving cover to a memorandum by the local Solicitor-General with respect to the inability of the New Zealand Assembly to pass a Bill "to provide for the execution of warrants of apprehension issued in other colonies."

2. This subject has already been referred to in Sir Hercules Robinson's Despatch No. 11, of the 10th March, 1880, and in your Lordship's Despatch No. 20, of the 24th July, 1880.

I have, &c.,

ARTHUR GORDON.

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

Enclosure in No. 5.

MEMORANDUM for His EXCELLENCY.

THE Premier presents his respectful compliments to His Excellency the Governor.

2. The Intercolonial Conference, recently held in Sydney, considered the Bill prepared by the Government of Victoria "to provide for the Execution of Warrants of Apprehension issued in other Colonies;" and, having revised it, the Conference resolved that its members should endeavour, in their several colonies, to have the Bill passed into law.

3. The Bill was accordingly submitted to the Solicitor-General; and that officer, by a memorandum which is enclosed, has advised the Government that, according to a late judgment of the Supreme Court it is beyond the powers of the New Zealand Assembly to pass such a law.

4. The attention of the Imperial Government has already been called to the subject; and the Solicitor-General's memorandum is now forwarded to His Excellency, with the view of that Government being again moved to initiate legislation, by which alone, as it appears, the serious evils that have been pointed out can be remedied.

Wellington, June 11, 1881.

JOHN HALL.

Sub-Enclosure.

The Minister of Justice.

I HAVE looked over the Bill, prepared at the recent Intercolonial Conference held in Sydney, providing for the execution of warrants of apprehension issued in adjoining colonies. This Bill provides, in effect, that, if a person against whom a warrant is issued in any colony, for an offence against the laws of that colony, escapes or is supposed to be in another colony, any Justice in the latter colony may indorse such warrant in a prescribed form. The indorsement is declared to be a sufficient authority for the execution of the warrant, and for the removal in custody of the person named in the warrant to the colony in which it was originally issued.

The attention of the Conference appears to have been directed to the increasing practice of persons removing to another colony, leaving wives and children to be a burden on the community. There is therefore a provision in clause 6 that the Act shall extend to warrants issued in any colony for the apprehension of a man on the ground that he has deserted, or is about to desert, his wife and children, or leave them without adequate means of support.

In this colony the offence of wife-desertion is dealt with in a summary manner, and is not an indictable offence. I am not aware how it is treated in other colonies, but I believe the existing law is similar to ours.

At present, extradition of offenders in cases amounting to *felony* takes place from one colony to another by virtue of the Imperial Act, 6 and 7 Vict., c. 34. The Act of this colony called "The Fugitive Offenders Apprehension Act, 1863," extends also to *misdemeanours*; but it has been held by the Supreme Court in the case of one Gleich (an absconding bankrupt from South Australia) to be beyond the legislative power of the colony.

The judgment of the Supreme Court will be found printed in the Appendix to the Journals of the House of Representatives for 1880, A.—6; and in the same paper attention was called to the necessity of Imperial legislation on the general subject of offenders escaping from one colony to another.

That case decided that the Act mentioned could not authorize the Governor to deport persons over the high seas to other territories, because the powers of the General Assembly are to legislate for the peace, order, and good government of the colony, and this Act purported to operate beyond the colony. (*Vide* section 53 of the Constitution Act.)

From this decision, it seems evident that the Bill prepared by the Conference is open to precisely the same objection as prevailed in Gleich's case, and that the Legislature of this colony could not well be asked to pass such a measure when the Supreme Court has declared that the Legislature of the colony has no power to deport persons over the high seas.

The only effectual means appears to be that the Imperial Parliament should either legislate directly on the subject, or empower each colony to do so; and such an authority could well be given in some general enactment relating to the extradition of persons from one colony to another, and the necessity for which has been brought under notice on several previous occasions.

I may mention that I observe in the European telegraphic news of to-day that the Lord Chancellor has introduced a Bill in the House of Lords to facilitate the arrest of offenders escaping from the colonies. I presume this is the Bill sent out to this colony some years ago, and which was reported on and returned to the Home Government.

Crown Law Office, 31st May, 1881.

W. S. REID.

No. 6.

Government House, Wellington,

New Zealand, 13th September, 1881.

MY LORD,—

I have the honor to inform your Lordship that Sir Arthur Gordon has this day left.

2. Under the Dormant Commission, which, in these circumstances, delegates to the Chief Justice the Governor's powers, I have accordingly taken the required oaths in the presence of the Executive Council, and assumed the administration of the Government during His Excellency's absence.

I have, &c.,

J. PRENDERGAST.

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

No. 7.

Government House, Wellington,

New Zealand, 1st October, 1881.

MY LORD,—

I have the honor to transmit to your Lordship a petition, addressed to Her Majesty by the Ngatiwhatua Tribe of Maoris, assembled at Kaipara, together with its translation.

I have, &c.,

J. PRENDERGAST.

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

Reply.

A-2, No. 10.

No. 8.

(No. 62.)

Government House, Wellington,

MY LORD,—

New Zealand, 3rd October, 1881.

Reply.

A-2, No. 13.

I have the honor to enclose the copy of a letter addressed to me by Sir W. Fitzherbert, Speaker of the Legislative Council, forwarding, for transmission to your Lordship, a protest from certain members of that House against the passing of the Railways Construction and Land Bill, 1881.

I also enclose the copy of a memorandum which has been addressed to me by Ministers upon the subject of this protest.

I have, &c.,

J. PRENDERGAST.

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

Enclosure 1 in No. 8.

PROTEST.

WE, the undersigned members of the Legislative Council, do hereby protest against the passing of the Railways Construction and Land Bill, 1881, because, under the provisions of this Bill, it is proposed to add materially to the liabilities of the colony before the expiration of the period during which the colony has undertaken to desist from any attempt to negotiate further loans, a course which appears to us to be a breach of faith towards the public creditor.

DE RENZIE BRETT.	W. B. D. MANTELL.
HENRY CHAMBERLIN.	W. ROBINSON.
C. J. PHARAZYN.	W. H. NURSE.
W. REYNOLDS.	W. S. PETER.
MATHEW HOLMES.	W. D. H. BAILLIE.
T. FRASER.	

Enclosure 2 in No. 8.

MEMORANDUM for His EXCELLENCY.

MINISTERS present their respectful compliments to the Administrator of the Government; and return to His Excellency the copy of a protest signed by eleven members of the Legislative Council against the passing of the Railways Construction and Land Bill, 1881.

2. Ministers must express their surprise that such a protest should have been made. When they introduced the Bill they had not forgotten—nor is it probable that the majority in each House of the Legislature forgot—the undertaking which, in 1879, the Loan Agents were authorized to give. That undertaking, given on the 9th December, 1879, was that the Government would “abstain from bringing any further loans on the market for the next three years.”

3. Giving effect to the provisions of the Railways Construction Bill will not involve a breach of that undertaking directly or indirectly. All that can be done under the Act is to make—proportionately to the value of work done—grants of land to private companies formed to construct certain railways approved of by Parliament. The principle of such grants is not new, and Ministers believe that, judiciously applied, it will at the present time be most advantageous to the colony. There is little doubt that, under the Act, railways which the Parliament desires to see made will be constructed by companies, and that those railways will be valuable in themselves as aiding settlement, and also as feeders of existing lines.

Wellington, 5th October, 1881.

H. A. ATKINSON
(In the absence of the Premier).

No. 9.

Government House, Wellington,

(No. 72.)

MY LORD,—

New Zealand, 1st November, 1881.

I have the honor to forward to your Lordship the copy of a memorandum addressed to me by the Premier, Mr. Hall, with respect to the alleged intention of the French Government to establish a protectorate over the Hervey Group.

I have, &c.,

ARTHUR GORDON.

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

Enclosure in No. 9.

MEMORANDUM for His EXCELLENCY.

THE Premier presents his respectful compliments to the Governor; and returns to His Excellency certain documents respecting a recent visit of the French war ship “Hugon” to Rarotonga, and statements and threats said to have been used by the captain of that ship.

2. Ministers would be glad if His Excellency would represent to the Imperial Government the injury to the trade of British colonies, and especially to that of New Zealand, which would, in the opinion of Ministers, result, should effect be given to the alleged intention of France to assume a protectorate over the Hervey Group, and to compel its people to trade with Tabiti only.

3. Ministers trust that His Excellency will express to the Imperial Government their hope that steps may be taken to induce the French Government not to interfere with the inhabitants of the Hervey Group.

JOHN HALL.

Wellington, October 27, 1881.

No. 10.

Government House, Wellington,
New Zealand, 18th January, 1882.

MY LORD,—

I have the honor to inform your Lordship that I have communicated to Ministers your Lordship's circular despatch of the 26th July, 1881, respecting the regimental pay of officers on the personal staff of Colonial Governors, and have received in reply a memorandum from the Premier, a copy of which is enclosed.

I have, &c.,

ARTHUR GORDON.

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

Enclosure in No. 10.

MEMORANDUM FOR HIS EXCELLENCY.

THE Premier presents his respectful compliments to the Governor; and returns to His Excellency the Secretary of State's circular of July 26th, respecting the regimental pay of officers appointed to the personal staff of Colonial Governors prior to July 1st, which pay, Lord Kimberley explains, cannot after that date be provided out of Army funds.

2. The question raised by this circular, whether colonies will provide such pay, cannot, the Premier respectfully submits, apply to New Zealand. The matter is, in fact, settled by "The Governor's Salary and Allowances Act, 1873," section 3 of which enacts that the Governor shall receive yearly, out of the Consolidated Fund, £1,500 "as an allowance in lieu of payment of the salaries and expenses of his establishment."

Wellington, January 18th, 1882.

JOHN HALL.

No. 11.

Government House, Wellington,
New Zealand, 28th January, 1882.

(No. 11.)
MY LORD,—

I have communicated to Ministers your Lordship's Despatch No. 53, of the 29th November, 1881, which conveys the information that the Lords Commissioners of the Treasury have consented to present to the Government of New Zealand the Acts of the Scottish Parliament.

2. Ministers desire me to express to your Lordship the gratification of the Colonial Government, and of the Joint Library Committee of the General Assembly, that so valuable an addition to the parliamentary records in the Library has been secured.

I have, &c.,

ARTHUR GORDON.

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

No. 12.

Government House, Wellington,
New Zealand, 28th January, 1882.

(No. 10.)
MY LORD,—

I am requested by my Ministers to convey to your Lordship the thanks of the Colonial Government for the presentation to them of the defaced Seal of the Colony, returned in your Lordship's despatch ("general") of the 19th November, 1881.

2. The seal has been placed in the Colonial Museum, where it will be carefully preserved.

I have, &c.,

ARTHUR GORDON.

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

No. 13.

(No. 16.)

MY LORD,—

Christchurch, New Zealand, 28th February, 1882.

With reference to your Lordship's circular despatch of the 5th July, 1881, I have the honor to enclose the copy of a memorandum addressed to me by Ministers, giving cover to a memorandum from Dr. Hector, and expressing the intention of the Colonial Government to provide facilities for the observation of the transit of Venus in December next.

I have, &c.,

ARTHUR GORDON.

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

Enclosure in No. 13.

MEMORANDUM for His EXCELLENCY.

MINISTERS present their respectful compliments to the Governor; and forward to His Excellency copy of a memorandum by Dr. Hector as to arrangements proposed to be made in New Zealand for observing the transit of Venus in December next, in compliance with the request for assistance made, on behalf of the Royal Society, in the Colonial Office Circular of July 5th, 1881.

2. It is intended to propose to Parliament next session to vote £500 to meet the cost of erections needed in the work of the proposed expedition. The members of the expedition will have free use of the telegraphs and railways of the colony; and, in other respects, facilities such as were given on the occasion of the transit in 1874 will be placed at the disposal of the expedition.

THOMAS DICK

(In the absence of the Premier).

Sub-Enclosure.

Transit of Venus, 1882.

Colonial Museum of New Zealand, Wellington, 24th January, 1882.

THE information to enable me to report on this question is just to hand, correspondence I had with Sir George Airey having been broken off owing to his resignation.

The transit takes place on the early morning of the 7th December next.

The phenomenon to be observed in New Zealand (retarded egress) begins at 7h. 21m. 46s., and ends 7h. 42m. 9s., New Zealand mean time.

Reduced to the local time, this gives the time for the first phase at the following places: Napier, 7h. 39m. 27s.; Auckland, 7h. 31m. 3s.; Wellington, 7h. 30m. 57s.; Burnham, 7h. 20m. 13s.; Queenstown, 7h. 5m. 16s.

As the higher the sun the more favourable the observation, the following is the time after sunrise at each of these places: Napier, 3h. 17m. 27s.; Wellington, 3h. 12m. 57s.; Burnham, 3h. 10m. 13s.; Auckland, 3h. 5m. 3s.; Queenstown, 2h. 58m. 16s.

I do not understand why the Committee should have selected Auckland in preference to Burnham, where the observation was made at the last transit, as it has no advantage on astronomical grounds. Both Auckland and Burnham have the disadvantage, for early morning observation, of having their eastern horizon cut off by high land, from which the overnight clouds may still be dispersing as late as 7 a.m.

Napier is free from these objections, and is in every way the best site that can be selected in New Zealand, as the observatory could be placed where it will have an uninterrupted eastern horizon for a considerable altitude and removed from the influence of mountain clouds. Queenstown is mentioned only as having been the U.S.A. station for the last transit, but the high mountain range to the eastward makes it unsuitable for this occasion.

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JAMES HECTOR.

No. 14.

(No. 18.)

MY LORD,—

Christchurch, New Zealand, 16th March, 1882.

With reference to your Lordship's despatch, No. 47, of the 10th November, 1881, which I have communicated to my Ministers, I have the honor to enclose a memorandum addressed to me by the Premier of New Zealand, giving cover to the copy of a letter in which the Colonial Secretary forwards to the Governments of the Australasian Colonies the opinion of Mr. Reid, the local Solicitor-General, upon "The Fugitive Offenders Act, 1881."

I have, &c.,

ARTHUR GORDON.

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

Enclosure in No. 14.

MEMORANDUM for His EXCELLENCY.

THE Premier presents his respectful compliments to the Governor, and returns to His Excellency papers respecting the Imperial Act of 1881, "to amend the law with respect to fugitive offenders," &c. (Circular, 25th October, 1881; Despatch No. 47, 1881; Despatch No. 55, 1881.)

2. The Act having been referred to the Solicitor-General for his opinion how far it meets the requirements in the matter of legislation, the necessity for which had been for some time pressed upon the Imperial Government, he has replied that, when its provisions are fully taken advantage of, the difficulties which have been experienced in this colony will be obviated; and he has stated the action necessary as preliminaries to the complete operation of the measure.

3. Steps were immediately taken for consulting the Governments of the several Australian Colonies, and of Fiji, respecting the grouping of colonies for the purposes of Part II. of the Act, and as to the offences to be included in the Order which must be made by Her Majesty in Council before this part of the Act can have any force. A copy of the letter of the Colonial Secretary is enclosed for His Excellency's information, and six copies of the Solicitor-General's opinion are attached thereto.

Wellington, 13th March, 1882.

J. HALL.

Sub-Enclosures.

The COLONIAL SECRETARY, New Zealand, to the CHIEF SECRETARY, Victoria.

SIR,—

Colonial Secretary's Office, Wellington, 13th June, 1881.

I have the honor to enclose herewith copy of a memorandum by the Solicitor-General of this colony respecting the Bill providing for the execution of warrants of apprehension issued in other colonies, which was prepared at the recent Intercolonial Conference at Sydney.

It would appear, for the reasons stated in that memorandum, that any colonial legislation would in many cases fail to be operative, and I am therefore to express a hope that you will join this colony in pressing on the Imperial Government the desirability of dealing with the subject by Imperial legislation.

The Hon. the Chief Secretary, Victoria.

I have, &c.,

THOMAS DICK.

[Similar to New South Wales, South Australia, Western Australia, Queensland, and Tasmania.]

"The Fugitive Offenders Act, 1881."

I HAVE perused this Act, and I think that, when full advantage has been taken of its provisions, the difficulties hitherto experienced in this colony in dealing with fugitive offenders will be obviated.

The Act came into operation on the 1st January instant.

Part I. provides for the return of fugitives who have committed offences in one part of Her Majesty's dominions and fled to some other part of such dominions, and prescribes the necessary procedure.

The offences to which this Part of the Act applies are, "treason, felony, and every offence, whether called felony, misdemeanour, crime, or by any other name, which is for the time being punishable in the part of Her Majesty's dominions in which it was committed, either on indictment or information, by imprisonment with hard labour for a term of twelve months or more, or by any greater punishment."

Part II. provides that this Part of the Act may be applied to *groups* of British possessions by Her Majesty's Order in Council, with power to except certain offences, and to limit the operation of that Part of the Act, as may be deemed expedient. Provision is made that, where a person accused of an offence punishable by law in one British possession is or is suspected of being in or on the way to another British possession of the *same group*, the warrant of apprehension may be indorsed by a Magistrate in such last-mentioned possession, in order that the person may be apprehended and dealt with as prescribed. Application will therefore have to be made for this Order in Council. Probably it would be thought convenient to include in the group the whole of the Australian Colonies, Tasmania, Fiji, and New Zealand; and these colonies might be communicated with so as to secure united action, both as to the colonies to be included in the group, and as to any exception of offences or conditions to be inserted in the Order in Council.

I think it would be well at the same time that the attention of the respective Governments of these colonies should be called to section 32 of "The Fugitive Offenders Act, 1881," with a view to conferring on the class of offences it may be desired to bring within the scope of the Act, and settling any other matters respecting which that section enables the Legislature of a British possession to pass laws.

Crown Law Office, 16th January, 1882.

W. S. REID.

