

No. 48.

(New Zealand, No. 22.)

SIR,—

Downing Street, 27th April, 1885.

A.-1, 1884, No.
19.
A.-2, No. 23.

With reference to your Despatch No. 59, of the 8th August, and to my reply of the 14th November last, I have the honour to transmit to you, for communication to your Government, a copy of a letter from the Admiralty, from which it will be seen that the Lords Commissioners do not feel justified in granting pecuniary assistance towards the construction of a graving dock at Port Chalmers.

I have, &c.,

Governor Sir W. F. D. Jervois, K.C.M.G., C.B.

DERBY.

Enclosure.

SIR,—

Admiralty, 16th April, 1885.

With reference to your letter of the 10th October last, transmitting a copy of a despatch from the Governor of New Zealand, with an enclosure, respecting Imperial assistance towards the construction of a graving dock at Port Chalmers, which the Otago Harbour Board are desirous of obtaining, I am commanded by the Lords Commissioners of the Admiralty to acquaint you, for the information of the Earl of Derby, that my Lords do not feel justified in granting pecuniary assistance for the proposed dock.

I have, &c.,

The Under-Secretary of State, Colonial Office.

EVAN MACGREGOR.

No. 49.

(New Zealand, No. 23.)

SIR,—

Downing Street, 27th April, 1885.

No. 46.

With reference to my Despatch No. 18, of the 15th instant, respecting the Act for discipline under which the colonial contingent from New South Wales now serving in the Soudan will be amenable, I have the honour to transmit to you, for communication to your Government, a copy of a further letter from the War Office on the subject.

I have, &c.,

Governor Sir W. F. D. Jervois, G.C.M.G., C.B., &c.

DERBY.

Enclosure.

SIR,—

War Office, 18th April, 1885.

I am directed by the Secretary of State for War to acknowledge the receipt of your letter of the 10th instant, enclosing a copy of a letter from the Agent-General for New South Wales with regard to the Act for discipline under which the colonial contingent now serving in the field will be amenable.

In reply, I am desired to acquaint you, for the information of the Earl of Derby, that it is impossible for Lord Hartington, without seeing the Act itself, to say exactly what the effect of the legislation of the Colony of New South Wales, to which Sir S. Samuel refers, will be. But, so far as its provisions are stated in the telegram from the Colonial Government to Sir S. Samuel, it does not carry out what was intended by the Judge-Advocate-General, in his memorandum of the 24th March, 1885, copy of which was forwarded to you in the letter from this office of the 30th ultimo.

In that memorandum it was in effect stated that it would be desirable to place the New South Wales contingent not under any particular section of the Army Act, but under English military law, generally and unconditionally.

That being done, the 177th section of the Army Act would, as regards them, have come into operation without the qualifying provisions pointed out by the Judge-Advocate-General, and the colonial troops would, by the combined operation of English and Australian law, have been subject to the same discipline, &c., as the regular forces.

The effect of placing the colonial troops under the 177th section only of the Army Act would (if the exceptional enactments in the colonial statutes, to which the Judge-Advocate-General referred in his memorandum of the 24th ultimo, are left untouched) be to keep alive these exceptions, and in that case the object in view would not be attained.

It therefore seems desirable, in order to give effect to the suggestions contained in the memorandum of the Judge-Advocate-General above alluded to, that a short colonial Act embodying them should be passed, if possible; and I am accordingly to request that you will move Lord Derby to cause the colony to be communicated with on this point by a telegraphic message.

I have, &c.,

The Under-Secretary of State, Colonial Office.

RALPH THOMPSON.