

His Excellency will remember that on the 23rd August, 1893, he was pleased to address to the Premier a communication on the subject of Special Commissioner Ross having held a Court at Rarotonga, and requested the opinion of the Attorney-General as to the legality of the Court so held by Mr. Ross. The view of the Attorney-General is contained in the opinion expressed by him in his minute No. 7 of the 5th September, 1893, and is as follows: "I am curious to know what is New Zealand's position in such a case, and what duties (if any) have the Government of this colony in respect of the British Protectorate over Rarotonga and the Cook Islands generally. I have never been able to understand our relative positions."

The Attorney-General suggested, amongst other things, that the attention of the Imperial authorities should be called to the subject, and the Premier is not aware that any reply has been received from the Imperial authorities since that request was made by His Excellency.

In returning Despatches Nos. 12, 13, 14, and 16 to 26, from the British Resident at Rarotonga, the Premier, in his memorandum of the 22nd September, 1893, advised His Excellency as follows: "The Premier has perused these despatches with much interest, but has arrived at the conclusion that this Government cannot see its way to offer any advice to His Excellency, as Rarotonga is not an integral portion of New Zealand, and Ministers, therefore, have no power to interfere in any way with Mr. Moss's action. It is true that, in his despatch of the 13th December, 1890, Lord Knutsford speaks of Ministers instructing Mr. Moss, and Lord Onslow did give him some instructions on his first assuming office as British Resident; but there is nothing in our Constitution to warrant the interference of the New Zealand Government in matters occurring outside the boundaries of the colony." The Premier can only suggest that copies of the correspondence relating to Mr. Moss's action at Rarotonga, and to the schooner "Omaka," should be forwarded to the High Commissioner of the Western Pacific for his consideration, and also to the Secretary of State for the Colonies. The Premier will forward the paper on Maori Polity to the Polynesian Society, and will also have the correspondence printed for Parliament as suggested by His Excellency.

From the foregoing communications it will be seen that His Excellency's Advisers have not recommended that the intermediary position which the Colony of New Zealand holds between the islands in question and the Colonial Office should no longer be maintained, but rather that the position should be more clearly defined. As the matter now stands, neither the Legislature nor the Courts of New Zealand can exercise jurisdiction within the protectorate; nor is the British Resident to act on the advice of Ministers, nor have the Imperial authorities conferred upon him Her Majesty's judicial jurisdiction in the group.

The position, as far as this colony is concerned, is not at all satisfactory. The New Zealand Government is paying the salary of the British Resident, and to that extent has relieved the Imperial Government, but it has not relieved the Imperial Government of the duty imposed upon it of administering the Protectorate.

The original, and existing, arrangement was made with the object of promoting the welfare of the native people, and it was expected that a commercial relationship would be established between the group and the colony, with a view to opening up a trade which would be mutually advantageous. In doing this it was also anticipated that it would lessen the danger of the islands in question being ceded to any foreign Power. If, therefore, His Excellency recommends that all communications are to go through the High Commissioner and direct to the Secretary of State, without any reference to the Governor or Government of this colony, and the Imperial authorities act upon such recommendation, there would no longer be any necessity for the cost of administering the Cook Group being borne by the tax payers of New Zealand.

The Premier respectfully requests that this memorandum may be referred to the Secretary of State for the Colonies, and presented to Parliament.

R. J. SEDDON.

Government House, Wellington, 19th June, 1894.

MEMORANDUM for the PREMIER.

THE Governor has received the Premier's memorandum on his despatch, No. 61, 26th December, 1893, on the position which this colony occupies with regard to the Cook Group.

This despatch gave to the Secretary of State for the Colonies the Governor's reasons for thinking that the intermediary position of this colony between the islands in question and the Colonial Office should be no longer maintained, and went on to request that he might be relieved of the responsibility of further communication with the Resident, suggesting that instead the latter should correspond with the High Commissioner of the Pacific.

In paragraph 5 the Governor stated, "I have communicated with my Ministers with regard to this matter, and this despatch represents their opinions as well as my own." This sentence did not relate to the memoranda of the Attorney-General and the Premier, quoted by the latter, but to several conversations which he had had with the Premier and other Ministers. The late Mr. Ballance did not agree with the opinion of the Governor on this question, but, on the Premier's accession to office, the Governor found that he was favourable to the Governor's view; therefore, on receiving the Resident's report of a Deputy Commissioner's Court having been held in Rarotonga, the Governor considered that this evidence of a double jurisdiction in the Group, coupled with the fact that his Government and he were in agreement on the question, formed grounds sufficient to warrant his despatch of 26th September to the High Commissioner, and his subsequent one of 26th December to the Secretary of State.

In paragraph 7 of his memorandum to the Premier of 28th August on the subject, the Governor stated that if his Ministers approved he proposed to write to the Secretary of State in the sense indicated in paragraph 5. It is evident that the Premier's reply was a cautious one,