

1902.  
NEW ZEALAND.

# DESPATCHES

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

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

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No. 1.

(Circular.)

SIR,—

Downing Street, 13th November, 1900.

I have the honour to transmit to you, for publication in the colony under your government, a copy of a Convention between the United Kingdom and the Republic of Costa Rica for the reciprocal protection of trade-marks and designs, signed at Guatemala on the 5th March, 1898, the ratifications of which were exchanged in London on the 29th September, 1900.

2. I have to call your attention to Article II. of the Convention, from which you will observe that, if it is desired that the stipulations of the Convention should be made applicable to the colony under your government, notice to that effect must be given to the President of the Republic of Costa Rica within one year from the date of the exchange of the ratifications.

3. I have therefore to request that you will be good enough to inform me at your early convenience of the wishes of your Government in the matter.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

[For enclosure, see *New Zealand Gazette*, 25th January, 1901, page 232.]

No. 2.

(No. 101.)

MY LORD,—

Downing Street, 23rd November, 1900.

In continuation of my despatch (No. 92) of the 31st ultimo, I have the honour to forward to you one sealed and six plain copies of an Order in Council, dated the 12th instant, declaring Her Majesty's assent to the reserved Bill of the Legislature of New Zealand entitled "An Act to amend the Law relating to the Establishment and Travelling-allowances of the Governor," copies of which were forwarded in your despatch (No. 63) of the 29th August last.

A.-1, 1901,  
No. 28.

I have, &amp;c.,

H. BERTRAM COX,

For the Secretary of State.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &amp;c.

## Enclosure.

At the Court at Windsor, the 12th day of November, 1900. Present: The Queen's Most Excellent Majesty, Lord President, Marquess of Salisbury, Marquess of Lansdowne, Lord Chamberlain, Earl of Selbourne, Mr. Ritchie, Mr. Brodrick, Sir Fleetwood Edwards, Mr. Gerald Balfour.

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, entitled "An Act to amend the Law relating to the Establishment and Travelling-allowances of the Governor," 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.

A. W. FITZROY.

## No. 3.

(General.)

THE Under-Secretary of State for the Colonies presents his compliments to the Officer Administering the Government of New Zealand, and is directed by the Secretary of State to transmit to him for the information of his Government the papers described in the subjoined schedule, respecting the proposed separate representation of the New Zealand Post Office in the affairs of the Postal Union.

Downing Street, 29th November, 1900.

Date.	Nature of Document.
20th November, 1900 ... ..	Foreign Office to Colonial Office (one inclosure).
29th November, 1900 ... ..	Colonial Office to Foreign Office.

## Enclosures.

SIR,—

Foreign Office, 20th November, 1900.

I am directed by the Marquess of Lansdowne to transmit to you, to be laid before Mr. Secretary Chamberlain, a copy of a letter from the Post Office respecting the proposed separate representation of New Zealand Post Office in the affairs of the Postal Union.

This separate vote is desired by the New Zealand Government, as the Post Office letter points out, because that colony has not joined, and does not at present propose to join, the Australian Commonwealth, so that its postal interests will, in future, be separate from those of Australia.

Her Majesty's Postmaster-General proposes to support the application of the New Zealand Post Office, and Lord Lansdowne is disposed to concur in this course, but, before taking any steps in the matter, His Lordship would be glad to learn whether Mr. Chamberlain sees any objection to the proposal.

I am, &amp;c.,

The Under-Secretary of State, Colonial Office.

T. H. SANDERSON.

SIR,—

General Post Office, 16th November, 1900.

I am directed to acquaint you, for the information of the Secretary of State for Foreign Affairs, that the Postmaster-General has been requested by the Government of New Zealand, through the Agent-General for the colony, to support an application from the New Zealand Post Office to the Postal Union for a separate vote in Union affairs.

This separate vote is desired by the New Zealand Government because the colony has not joined, and does not at present propose to join, the Australian Commonwealth, so that its postal interests will in future be separate from those of Australia.

I am to explain that to attain its object, the Post Office of New Zealand will have, under the provisions of Article XXVI. of the Convention of Washington, to submit a proposal, with the support of at least two Union Administrations, to the Union, through the International Bureau, for the modification of Article XXVII. of the Convention, under which one vote is at present assigned to "the whole of the British Colonies of Australasia," and this proposal will have to receive an unanimity of votes.

In reminding the New Zealand Post Office of the necessary procedure, the Postmaster-General has expressed his willingness to support the proposal of that Office, provided that Her Majesty's Government sees no objection, and at the same time has suggested that a second supporter might be found in either the Post Office of Canada, or that of the United States.

He now learns through the Agent-General for New Zealand that the Canadian Government has been approached in accordance with this suggestion, and has promised its support.

The single vote at present exercised by the whole of the Australasian Colonies was assigned to them when they simultaneously entered the Union. In the opinion of the Postmaster-General the new circumstances created by the decision of New Zealand not to join the Australian Commonwealth furnish reasonable ground for the separate representation of New Zealand in Union affairs. In this connection, it may be well to remind the Secretary of State that a proposal is now before the Union for the assignment of additional votes to the United States, in view of the new circumstances resulting from the Spanish-American War. The British Post Office has voted in favour of that proposal, with the approval of the Secretary of State, given in a letter from the Foreign Office of the 15th August last.

I am to ask if the Secretary of State for Foreign Affairs sees any objection to the Postmaster-General's proposal to support the application of the New Zealand Post Office. It should perhaps be stated that the Postmaster-General has not represented the matter to the Colonial Office, assuming that the Marquess of Lansdowne would probably desire himself to consult Mr. Secretary Chamberlain on the point.

I am, &amp;c.,

The Under-Secretary of State, Foreign Office.

G. H. MURRAY.

SIR,

Downing Street, 29th November, 1900.

I am directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 20th instant, enclosing copy of one from the General Post Office respecting the proposed separate representation of the New Zealand Post Office in the affairs of the Postal Union.

In reply, I am to request that you will inform the Marquess of Landowne that Mr. Chamberlain sees no objection to the proposal, and that he hopes that it may be found possible to meet the wishes of the New Zealand Government in the matter.

The Under-Secretary of State, Foreign Office.

I am, &c.,

H. BERTRAM COX.

No. 4.

(General.)

MY LORD,—

Downing Street, 30th November, 1900.

I have the honour to transmit to your Lordship, for the information of your Government, a copy of a despatch received at the Foreign Office from the Acting British Consul at Rio de Janeiro, enclosing a summary of the new Brazilian regulations respecting Consular invoices published in the *Diario Official* of the 20th October, 1901.

I have to add that Her Majesty's Minister at Rio has informed Lord Lansdowne by a telegram that the Brazilian Government do not propose to enforce the new regulations until the 1st January next.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

[For enclosure, see *New Zealand Gazette*, 21st February, 1901, page 460.]

No. 5.

(Circular.)

SIR,—

Downing Street, 4th December, 1900.

With reference to my circular despatch of the 18th September last, enclosing copies of the Literary and Artistic Copyright Bills introduced into Parliament last session, I have the honour to request that you will inform your Ministers that, in view of the probability that proposals for the amendment of the law of copyright will again come before Parliament next session, the Board of Trade are desirous of supplementing in certain particulars the information in their possession relating to the questions involved or likely to be raised; and that I shall therefore be glad to be favoured with an expression of the views of your Government in regard to the two Bills at the earliest possible date.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

No. 6.

(No. 102.)

MY LORD,—

Downing Street, 6th December, 1900.

I have the honour to acknowledge the receipt of your despatch (No. 69) of the 26th September last, enclosing the opinion of the Crown Law Officer of New Zealand on the subject of legislation for the enlistment of a Force for service without as well as within the colony.

The difficulty raised by Mr. Reid is, I understand, to provide for the time between the departure of a colonial Force from the colony and its coming into service with the regular troops, or for a colonial Force acting by itself outside the colony. This question is dealt with by the first sentence of section 177 of the Army Act. I am advised that that provision amounts to an extension of the powers of a colonial Legislature, enabling it to declare that its military discipline law is to follow its troops wherever they may be. In fact, it empowers a colony to legislate for raising troops for general service; and the second part of section 177 provides that, where such service is with the regular troops, any deficiencies in the colonial law may be supplied by the Army Act at the discretion of the General Officer Commanding the Imperial Forces with which the colonial troops are serving.

A.-1, 1901,  
No. 33.

Her Majesty's Government, therefore, consider that the necessary legislation is within the competence of the New Zealand Legislature, and they will be glad if your Government will take steps for its enactment.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

No. 7.

(General.)

MY LORD,—

Downing Street, 7th December, 1900.

With reference to my circular despatch of the 30th May last, and to your despatch (No. 58) of the 9th August, relative to the conditions under which members of the Force raised in the colony under your government for service in South Africa were engaged, I have the honour to transmit to you, for the information of your Government, a copy of a letter from the War Office in which the desirability of arrangements being made for furnishing *all* men discharged from colonial contingents with certificates of discharge is pointed out, and a form of discharge certificate is enclosed which Mr. Brodrick suggests might, if possible, be uniformly used with advantage.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

Enclosure.

SIR,—

War Office, London, S.W., 30th November, 1900.

With reference to your letter of the 19th ultimo (No. 15192/1900), forwarding copies of despatches received from the Governments of Victoria and New South Wales regarding the conditions under which the various forces were raised in those colonies for service in South Africa, I am directed by the Secretary of State for War to invite your attention to the statement made in the case of the Victorian forces, which shows that provision exists for furnishing men discharged therefrom with certificates of discharge on application.

If, as is presumed to be the case, the issue of these certificates is only intended to be made when men apply for them, the Secretary of State for War desires me to request that you will be so good as to move the Secretary of State for the Colonies to impress upon the Governments of those colonies which have furnished Contingents for service in South Africa, how desirable it is that arrangements should be made, if possible, for the issue of certificates of discharge to all members of colonial contingents discharged after service in South Africa.

The experience of this department shows that various claims may be expected to arise hereafter in connection with the present operations in South Africa, and that the task of investigating such claims will be much facilitated if the applicants are able to produce certificates to show where, when, and in what Forces they served. Otherwise it will not always be easy to deal with claims, even when genuine, except after a more or less wasteful expenditure of time and labour.

It also occurs to Mr. Brodrick that it would be an advantage if uniformity could be observed with regard to the form of the certificate to be given to the men of colonial contingents, and I am to enclose for Mr. Chamberlain's consideration a form of discharge certificate drawn up in accordance with that used for men of the regular Forces, but modified to meet the cases under notice. In the event of its adoption, I am to suggest the advisability of the certificate being printed on very stout paper, if the use of parchment is found to be impracticable, in order to withstand any rough usage to which it may be subjected.

I have, &c.,

The Under-Secretary of State, Colonial Office.

R. H. KNOX.

No. 8.

(General.)

MY LORD,—

Downing Street, 11th December, 1900.

I have the honour to inform your Lordship that the 15th May has been fixed as the day on which the International Telegraph Conference will be opened in London next year; and I have been asked by the Postmaster-General to convey to your Government, as a member of the Telegraph Union, the invitation of Her Majesty's Government to take part in that Conference, and to request that I may be informed, as early as possible, of the name and title of the delegate by whom your Government would propose to be represented.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

## No. 9.

(No. 109.)

MY LORD,—

Downing Street, 28th December, 1900.

With reference to your despatch (No. 74) of the 29th September, I have the honour to transmit to you, for the information of your Ministers, the papers noted in the subjoined schedule. A.-1, 1901,  
No. 38.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Date.	From	To	Subject.
18th December, 1900	War Office ...	Colonial Office ...	Services of Captain H. D. O. Ward.

## Enclosure.

SIR,—

War Office, London, S.W., 18th December, 1900.

I am directed by the Secretary of State for War to acknowledge the receipt of your letter of the 5th instant, forwarding copy of a letter from the Governor of New Zealand relative to the services of Captain H. D. O. Ward, R.A., with the New Zealand Contingent, and to acquaint you, in reply, that a note of the good opinion entertained of this officer has been made in his records.

I have, &amp;c.,

G. FLEETWOOD WILSON.

The Under-Secretary of State, Colonial Office, S.W.

## No. 10.

(No. 110.)

MY LORD,—

Downing Street, 28th December, 1900.

I have the honour to transmit to you, for communication to your Ministers, the papers noted in the subjoined schedule.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Date.	From	To	Subject.
28th December, 1900.	The Secretary of State for the Colonies.	The Governor of Fiji.	Speech of the Governor of Fiji to the Natives respecting the proposed federation of the Islands with New Zealand.

## Enclosure.

SIR,—

Colonial Office, Downing Street, 28th December, 1900.

I have the honour to acknowledge the receipt of your despatch (No. 87) of the 24th October, forwarding a report of your speech to the natives at the opening of the Wainibokasi Hospital.

2. I fully recognise the difficulty in which you were placed by the tactics of those who endeavoured to foment discontent amongst the natives to further their schemes for political change, and the desirability of taking prompt action to counteract them.

3. Unfortunately, however, the language used by you on this occasion was open to misconstruction, and has been garbled and distorted by Press summaries, so as to give umbrage to the Government of New Zealand. I do not gather from a perusal of your speech that you are fully informed as to the elaborate and carefully considered measures which have been passed by the Legislature of New Zealand for the protection of the Maoris against the alienation of their land by placing them under the control of an independent and impartial Court, while at the same time they have been given representation in proportion to their numbers in the Legislature.

4. Whatever may have taken place in the early days of New Zealand settlement, when the Maoris were freely allowed to alienate their lands, the result of these measures has been that the

relations between the white and Maori inhabitants of New Zealand are of the most harmonious character, and the Maoris fully appreciate the care and anxiety displayed by the Government and Legislature of New Zealand for the protection of their interests and the conservation of their lands.

5. I have too much confidence in your discretion to think that you would willingly use language which could be regarded as an unfavourable criticism on the Administration of another part of Her Majesty's dominions, and I am sure that you will join with me in regretting that some passages in your speech were open to misconstruction:

Governor, Sir G. T. M. O'Brien, K.C.M.G., &c.

I have, &c.,  
J. CHAMBERLAIN.

No. 11.

(Circular.)

SIR,—

Downing Street, 11th January, 1901.

I have the honour to acquaint you, for the information of any persons who may be interested in the matter, that an official translation (in French) of the statutes and regulations with regard to the late Dr. Alfred Bernhard Nobel's bequest, approved by His Majesty the King of Sweden and Norway, has now been published, and that the Chargé d'Affaires for Sweden and Norway at this Court has asked that as much publicity as possible may be given to the contents of the publication.

It is understood that the amount available under the bequest for distribution annually in prizes to meritorious inventors and others is about £40,000; that it is divisible into five equal parts to be assigned (1) for the most important discovery in physical science, (2) for the most important discovery or improvement in chemistry, (3) for the most important discovery in physiology or medicine, (4) for the most remarkable literary work, and (5) for the greatest service in the cause of international peace: that the first distribution of prizes will take place on the 10th of December in this year; and that the competition is open to every one, without regard to nationality.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand:

[Copies of the statutes and regulations obtainable at the Colonial Secretary's Office, Wellington.]

No. 12.

(No. 5.)

MY LORD,—

Downing Street, 11th January, 1901.

I have the honour to transmit to you, for the information of your Ministers, a copy of a letter from the War Office, with its enclosures, showing the manner in which the Secretary of State for War proposes to deal with the sums due to the estates of members of the colonial forces dying in South Africa.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

Enclosures.

SIR,—

War Office, London, S.W., 2nd January, 1901.

I am directed by the Secretary of State for War to acknowledge the receipt of your letter of the 24th ultimo (No. 40860/1900), and to forward for your information and that of the Governor-General of Canada a copy of a letter addressed from this Department to the High Commissioner for Canada on the 8th December, 1900, together with a copy of the memorandum transmitted therewith, which will show the manner in which it is proposed to deal with the gratuities due to officers, non-commissioned officers, and men of the Canadian forces dying in South Africa, under Army Order 150, of 1900, or the special Army Order of the 8th December, 1900.

A further communication will be made to you as regards the gratuities due to officers, non-commissioned officers, and men of the Canadian forces who have been invalided to this country.

I am, &c.,

The Under-Secretary of State, Colonial Office, S.W.

H. DE LA BERE.



SIR,—

War Office, 8th December, 1900.

I am directed by the Secretary of State for War to forward for your information and that of your Government the enclosed copy of instructions which have been sent to the General Officer Commanding Lines of Communications, Cape Town, and the General Officer Commanding, Natal, with a view to the balances due to officers, non-commissioned officers, and men of the Australian, New Zealand, and Canadian contingents whose representatives do not live in the United Kingdom, and members of the irregular corps raised in South Africa for the campaign who belong to oversea colonies, being handed over to the Government of the colonies to which the deceased respectively belonged, or in which their representatives live, for distribution by those Governments among those legally entitled thereto. I am to state that on receipt of credit from South Africa for the amounts shown on the statements forwarded to the Governments of the oversea colonies, in pursuance of the instructions in paragraph 1 of the enclosure, this Department will be prepared to hand over the same to the Governments concerned or their representatives.

Any amounts due to deceased officers, non-commissioned officers, and men of the oversea colonies dying in South Africa which have been or may be credited to this Department and not notified to the Governments concerned from South Africa will be handed over to those Governments or their representatives by this Department.

Mr. Secretary Brodrick would be glad to know that your Government concurs in the course adopted.

There is at present at the disposal of this office a sum of £243 1s. 3d. due to non-commissioned officers and men of the Canadian contingent, and it is proposed to pay this amount to you and to furnish you with a statement showing particulars of the same, if you are prepared to accept it, for transmission to your Government for disposal.

I am, &c.,

High Commissioner for Canada, 17, Victoria Street, S.W.

INSTRUCTIONS ISSUED TO THE GENERAL OFFICER COMMANDING LINES OF COMMUNICATION, CAPETOWN, AND THE GENERAL OFFICER COMMANDING, NATAL, AS TO THE DISTRIBUTION OF BALANCES DUE TO THE ESTATES OF COLONIAL TROOPS (WAR OFFICE LETTER OF 7TH DECEMBER, 1900, No. 45/Cape/1049).

I am directed by the Secretary of State for War to inform you that it has been decided that the balances due to the estates of officers, non-commissioned officers, and men of the oversea contingents dying in South Africa, and whose representatives do not live in the United Kingdom or South Africa, shall be handed over to the Governments of the respective colonies to which the deceased belonged, for distribution by those Governments among those legally entitled to receive the same, and that the balances due to the estates of members of the above-mentioned contingents whose representatives live in South Africa, and the balances due to members of the irregular Imperial corps dying in South Africa whose representatives live in South Africa or the oversea colonies, shall be handed over to local authorities with a similar end in view. In order that this distribution may be effected with as little delay as possible, I am to request that the following instructions may be at once communicated to all concerned.

1. At the date of rendering their monthly accounts to this department, Paymasters will prepare a separate statement for the members of each Australian contingent separately, the New Zealand contingent, and the Canadian contingent, dying in South Africa, whose representatives do not live in the United Kingdom or South Africa, and in respect of whose estates any credit is given in the accounts. The statement will show the amount credited to this Department, under the head of "Effects," on account of each officer, non-commissioned officer, and man, and how it is made up (balance of pay, sale of effects, &c.), the full name, regimental number (if any) and rank, date of death of the deceased, and whether any trace can be found of his having left a will. Any gratuities due to the deceased under Army Order 150 of 1900, and any subsequent Army Order, will be charged to the vote and credited to "Effects" in the Paymaster's accounts, and included in the statements of amounts due. These statements will then be transmitted respectively to the Dominion Government, New Zealand Government, and the Governments of the Australian Colonies concerned, accompanied, in the case of officers, by the reports of the Committees of Adjustment, and the amounts shown therein as credited to this Department will be deemed to be available for issue by the respective Governments. The latter will in due course prefer a claim direct to this Department for the amounts referred to. Entries will be made on Army Form No. 1509, showing clearly on what date the amounts have been notified to the colonial Government as due. No statement should be made out in respect of any amount credited to this Department in any account which has been despatched before the receipt of this letter, nor should the gratuities due to any members of the contingents in respect of whom amounts have been credited in those accounts be shown in any statement rendered to colonial Governments, as these cases will be adjusted by this Department.

2. In the case of irregular Imperial corps raised in South Africa for the campaign, the amounts due to the estates of deceased officers, non-commissioned officers, and men dying in South Africa whose representatives appear to be in South Africa, should be handed over, together with any gratuities to which they may be entitled under the above-mentioned Army Orders, to the Master of the Supreme or High Court of the colony to which those concerned belonged, for distribution. The same procedure should be adopted with regard to the amounts, including gratuities, due to deceased officers, non-commissioned officers, and men of the Australian, New Zealand, and Canadian contingents whose representatives live in South Africa, and officers, non-commissioned officers, and men of the Imperial irregular corps whose representatives live in the oversea colonies; but the Master should in the latter case be requested to transmit the amounts to the Governments of the

respective oversea colonies for disposal. A statement showing that these steps have been taken should be transmitted in the case of every estate so dealt with, without delay, both to this Department and the Government of the oversea colony, if any, concerned. In the case of officers the report of the Committee of Adjustment should be sent to the Master at the time the amount due is handed over. It must be understood that no action of the kind indicated above should be taken with regard to any amount which has been credited to this Department as available for issue, nor should any gratuities due in such cases be so handed over, as such cases will be dealt with by this Office. The amounts due to the estates of officers, non-commissioned officers, and men whose relatives appear to live in the United Kingdom should be credited to this Department for disposal in the usual way, exclusive of gratuities, which will be assessed by this office.

3. The instructions contained in the foregoing paragraphs do not in any way apply to the balances or gratuities due to officers of the Imperial forces attached to oversea colonial contingents or irregular corps. Such officers' estates will be dealt with in the usual manner, and not handed over to colonial Governments. It must also be distinctly understood that the amounts due to the estates of any members of the oversea colonial contingents and Imperial irregular corps whose representatives are not definitely known to be living in the colonies, are not to be included in any statement for colonial Governments or handed over to the Supreme Courts, but are to be credited for disposal by this Department in the ordinary way.

4. Any gratuity which may be due to the estates of officers, non-commissioned officers, and men of the permanent colonial forces of South Africa, including Volunteers, should be drawn and handed over for disposal to the Master of the Supreme or High Court of the colony to which the men belonged.

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No. 13.

(No. 7.)  
MY LORD,—

Downing Street, 15th January, 1901.

In my telegrams of the 14th and 24th ultimo I informed you that it was impossible to procure the issue of letters patent under "The Colonial Boundaries Act, 1895," for the extension of the boundaries of New Zealand on the 1st instant, the date desired by your Government, since it was necessary to consult the Law Officers of the Crown, in view of the possibility that Imperial legislation might be required.

2. I have to explain that, when your telegram of the 10th ultimo was received, my attention was drawn to an opinion of the Law Officers in October, 1896, relative to a proposed annexation of Norfolk Island to New South Wales, to the effect that the general power of Her Majesty to alter the boundaries of "Colonial Boundaries Act, 1895," could not be relied on to justify the annexation, even with the consent of the colony; that the boundaries of New South Wales rested on a statutory basis, and that, even if the annexation of Norfolk Island could be deemed a question of boundary, the Law Officers did not think that, in view of the statute 18 and 19 Vict., cap. 54, it could be safely effected by Order in Council.

3. It was not clear whether that opinion merely intended to imply that the power conferred by the Colonial Boundaries Act could not override the special provision made for the government of Norfolk Island by 18 and 19 Vict., cap. 54, or, generally, that the powers conferred by the Colonial Boundaries Act to vary the boundaries of a self-governing colony, with the consent of its Legislature, could not be exercised in cases (as in that of New Zealand) where the boundaries of the colony had been fixed by Imperial statute; and, in view of this report, I did not feel justified in advising Her Majesty to issue letters patent, or an Order in Council under the Act, without first consulting the Law Officers as to the legality of such a proceeding.

4. The Law Officers, however, have now advised that the desired extension of boundaries can be effected by an Order in Council under "The Colonial Boundaries Act, 1895"; and, as I informed you in my telegram of the 10th instant, the necessary instrument will be prepared for the assent of the Queen in Council, and sent to you as soon as possible.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

## No. 14.

(No. 8.)

MY LORD,—

Downing Street, 17th January, 1901.

I have the honour to acknowledge the receipt of your despatch A.—1, 1901, (No. 87) of the 27th November last, enclosing a memorandum from your Premier, relative to the speech delivered by the Governor of Fiji at the opening of the Wainibokasi Hospital in that colony. No. 48.

2. From my despatch (No. 110) of the 28th ultimo, you will have learnt No. 10. that I have already expressed to Sir G. O'Brien my regret that some passages in his speech were open to misconstruction, and had given umbrage to your Government; and I feel confident, now that his attention has been drawn to the careful measures taken in New Zealand to protect the Natives, he will share my regret that he has said anything to cause offence.

3. I trust that Sir G. O'Brien's remarks will not have the evil effects anticipated by you and your Premier in the other Pacific Islands.

I have, &amp;c.

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &amp;c.

## No. 15.

(Circular.)

SIR,—

Downing Street, 26th January, 1901.

On the 24th instant, in consequence of the demise of Her late Most Gracious Majesty Queen Victoria and the accession of His present Majesty, King Edward the Seventh, I had the honour to transmit to you a telegram of which a copy is subjoined.

2. I now enclose, for your information and for publication in the colonial *Gazette*, copies of the King's Proclamation referred to in my telegram, which requires all persons being in office of authority or government at the decease of the late Queen to proceed in the execution of their respective offices.

3. Extracts from the *London Gazette* of the 25th instant, which contains the various official announcements made on this occasion, are also enclosed for your information.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

## Enclosures.

(Telegram.)

It is with profound regret that I have to inform you of the demise of Her late Most Gracious Majesty Queen Victoria.

Her Majesty expired at Osborne House at 6.30 in the afternoon of the 22nd instant, to the great affliction of the Royal Family and of all classes of Her Majesty's subjects.

His present Majesty was this day proclaimed King Edward the Seventh, with all the usual formalities.

The following Proclamation for proclaiming His Most Gracious Majesty King Edward the Seventh was yesterday approved by His Majesty the King in Council. You will take immediate steps for issuing it within your Government. [*Proclamation begins.*]

Whereas it hath pleased Almighty God to call to His mercy our late Sovereign Lady Queen Victoria of blessed and glorious memory, by whose decease the Imperial Crown of the United Kingdom of Great Britain and Ireland, and all other Her late Majesty's dominions, is solely and rightfully come to the High and Mighty Prince Albert Edward, we [*Insert the description of the persons making the Proclamation*] therefore do now hereby, with one full voice and consent of tongue and heart, publish and proclaim that the High and Mighty Prince Albert Edward is now by the death of our late Sovereign of happy and glorious memory become our only lawful and rightful Liege Lord Edward the Seventh, by the Grace of God, King of the United Kingdom of Great Britain and Ireland, Defender of the Faith, Emperor of India, Supreme Lord in and over the [*Here insert the description of the possession or colony where the Proclamation is made*], to

whom we do acknowledge all faith and constant obedience with all hearty and humble affection, beseeching God by Whom Kings and Queens do reign to bless the Royal Prince Edward the Seventh with long and happy years to reign over us. [*Proclamation ends.*]

You will observe that the form of this Proclamation requires you to associate yourself in issuing it with other persons, and you should select those whose position appears to you to render them most suitable.

The Colonial Offices Act of 1830 provides that no patent, warrant, commission, or other authority for the exercise of any office or employment in His Majesty's colonies or possessions shall become void until eighteen months after the demise of the Crown.

A Proclamation requiring all persons so holding office to proceed in the performance and execution of their duties and to hold their offices during His Majesty's pleasure was approved by His Majesty the King in Council yesterday, and will be forwarded by next mail.

His Majesty has also ordered the preparation of a warrant for his signature which will authorise you to make use of the public seal now in use until another shall be prepared and transmitted to you.

A Royal salute of twenty-one guns should, if possible, be fired at noon after the Proclamation of His Majesty's accession has been made.

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BY THE KING.—A PROCLAMATION, requiring all Persons being in Office of Authority or Government at the decease of the late Queen to proceed in the Execution of their respective Offices.

EDWARD, R.

WHEREAS by an Act made in the sixth year of the reign of Her late Majesty Queen Anne, intituled "An Act for the Security of Her Majesty's Person and Government, and of the Succession to the Crown of Great Britain in the Protestant Line," it was enacted that no office, place, or employment, civil or military, within the Kingdoms of Great Britain or Ireland, Dominion of Wales, Town of Berwick-upon-Tweed, Isles of Jersey, Guernsey, Alderney, and Sark, or any of Her Majesty's plantations, should become void by reason of the demise of Her said late Majesty, her heirs or successors, Kings or Queens of this realm, but that every person and persons in any of the offices, places, and employments aforesaid should continue in their respective offices, places, and employments for the space of six months next after such death or demise, unless sooner removed and discharged by the next successor, to whom the Imperial Crown of this realm was limited and appointed to go, remain, and descend :

And whereas by an Act made in the first year of His late Majesty King William the Fourth, now intituled "The Colonial Offices Act, 1830," it was enacted that no patent, commission, warrant, or other authority, for the exercise of any office or employment, civil or military, within any of His Majesty's plantations or possessions abroad, determinable at the pleasure of His Majesty, or of any of His Majesty's heirs and successors, shall by reason of any future demise of the Crown be vacated or become void until the expiration of eighteen calendar months next after any such demise of the Crown as aforesaid :

We, therefore, with the advice of our Privy Council, declare our Royal will and pleasure to be, and do hereby direct and command, that all and every person and persons, who at the time of the demise of our late Royal Mother, of glorious memory, duly and lawfully held or were duly and lawfully possessed of or invested in any office, place, or employment, civil or military, within our United Kingdom of Great Britain and Ireland, Dominion of Wales, Town of Berwick-upon-Tweed, Isles of Jersey, Guernsey, Alderney, Sark, or Man, or any of our foreign possessions, or colonies, or our Empire of India, do severally, according to their places, offices, or charges, proceed in the performance and execution of all duties belonging to their respective offices whilst they shall hold the same respectively during our pleasure :

And we do hereby require and command all our loving subjects to be aiding, helping, and assisting, at the commandment of the said officers and Ministers, in the performance and execution of their respective offices and places, as they and every of them tender our utmost displeasure, and will answer the contrary at their peril.

Given at our Court at St. James's, this twenty-third day of January, in the year of Our Lord one thousand nine hundred and one.

GOD SAVE THE KING !

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No. 16.

(Circular.)

SIR,—

Downing Street, 29th January, 1901.

I have the honour to transmit to you herewith His Majesty's warrant authorising the continued use of the public seal made use of in New Zealand during the lifetime of Her late Majesty Queen Victoria until another seal shall have been prepared and transmitted to you.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

## Enclosure.

WARRANT AUTHORISING THE CONTINUED USE OF THE PUBLIC SEAL.

(L.S.)

EDWARD, R.

OUR will and pleasure is and We do hereby authorise and empower you to make use of the public seal made use of within our Colony of New Zealand and its dependencies during the lifetime of our beloved Royal mother the late deceased Queen, for sealing all things whatsoever that are used to be sealed therewith, until another seal shall be prepared and transmitted to you duly authorised by Us.

And for so doing this shall be your warrant.

Given at our Court at St. James's this twenty-ninth day of January, one thousand nine hundred and one, in the first year of our reign.

By His Majesty's command.

J. CHAMBERLAIN.

No. 17.

(Circular.)

SIR,—

Downing Street, 30th January, 1901.

With reference to my telegram of the 25th instant, in which I informed you that the order for general mourning for Her late Majesty, Queen Victoria, stated that all persons were expected to put themselves into deepest mourning from the 28th instant, I have now the honour to transmit to you a Supplement to the *London Gazette*, containing a further notice issued by the Earl Marshal intimating that after the 6th March next it will not be desired or expected that the public should appear in deep mourning, but that half-mourning should be worn until the 17th April next.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

## Enclosure.

[Extract from the *London Gazette*.]

Earl Marshal's Office, 28th January, 1901.

IN pursuance of the order for a general mourning for Her late Majesty Queen Victoria, of blessed memory, which was announced in a Supplement of the *Gazette* of the 24th instant, these are to give notice that, after the 6th day of March next, it will not be desired or expected that the public should appear in deep mourning, but that half-mourning should be worn until the 17th day of April next.

NORFOLK, Earl Marshal.

No. 18.

(No. 11.)

MY LORD,—

Downing Street, 31st January, 1901.

I have received, through the Governor of South Australia, petitions from the Universities of New Zealand and Otago, and the Colleges of Auckland and Canterbury, urging that facilities should be given to enable candidates from Australasian Universities to compete for posts in the Civil Service of the Empire.

2. I have to transmit to you for your information a copy of a despatch on the subject which I have addressed to the Governor of South Australia, and to request that you will be good enough to cause a copy of it to be communicated to the petitioning universities and colleges.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

## Enclosure.

MY LORD,—

Downing Street, 25th January, 1901.

I have the honour to acknowledge the receipt of your despatches (Nos. 45 of the 3rd and 55 of the 31st October) relative to the desirability of offering facilities to enable Australian candidates to compete for appointments in the Civil Service of the Empire, and especially the Indian Civil Service.

2. A similar proposal made by the Government of New Zealand was discussed in 1892, and the whole subject was very carefully considered by the Secretary of State for India in Council in the years 1887, 1888, and 1892. It was then decided that, while the practical difficulties in the way of holding simultaneous examinations in the colonies were very great, the assignment of a certain number of posts annually for colonial competition was impossible, owing to the terms of the "Act for the Better Government of India" (21 and 22 Vict., cap. 106, s. 32). That Act is still in force, and it is not therefore practicable to reserve appointments in the Indian Civil Service for Australian candidates.

3. The other means which has been suggested of meeting the difficulty is that examinations should be held in some centre in Australia at the same time and identical with the examinations in England. This proposal is consistent with the Act, but is open to practical objections which appear fatal to its adoption.

4. In the first place, the oral tests which form an important part of the examination, could not, in the case of candidates in Australia and in England, be conducted by the same examiner for all candidates in each subject, a condition which the Civil Service Commissioners hold to be essential.

5. Another serious objection is the delay which would unavoidably take place in declaring the result of the examination, owing to the time required for despatching to England the answers of the candidates examined in the colonies, and the further loss of time in sending out to those among the latter who might be successful the necessary instructions for their subsequent special studies. Even now the selected candidates have barely sufficient time for these studies, and any curtailment of the period would be a serious evil.

6. His Majesty's Government fully recognises the desirability of drawing more closely together the various parts of the Empire by affording all possible facilities to men of European blood born in the colonies who wish to compete for admission to administrative posts in India, but they consider the difficulties in the way of any change in the direction indicated to be at present insuperable. It may further be pointed out that under the existing rules, which prescribe the age of twenty-three as the limit for candidates for the Indian Civil Service, gentlemen educated in the colonies have been successful in the competition. In 1895 a candidate educated in New Zealand, Mr. W. S. Marris, headed the list at the open competition, and in 1898 Mr. G. F. Adams, also educated in New Zealand, was successful.

7. As you are of opinion that there would be no difficulty in the way of candidates, who might under the arrangements suggested have received an appointment while in the colonies, proceeding to this country to continue their studies, it is for the consideration of the University authorities whether, by means of special prizes or exhibitions, facilities could not be afforded to young men of ability desirous of competing under the existing regulations in the same way as exhibitions are now offered in the colonies, in order to lighten the expense of residence at a University in the United Kingdom for men of slender means.

7. The arguments set forth above with regard to the impossibility of holding simultaneous and identical examinations in the colonies for appointments in the Indian Civil Service apply equally to cadetships in the eastern colonies, the examination for which, as you are no doubt aware, is now combined with the Indian Civil Service Examination.

9. Appointments in Egypt, to which you refer in your despatch (No. 55) of the 31st October, are not given by examination in England, and consequently do not come within the scope of the present proposal.

10. The difficulty which you state in the second paragraph of your despatch (No. 45) of the 3rd October, in connection with the acceptance of colonial certificates of birth, has not, it is believed, been allowed by the Civil Service Commissioners, in whose province the question lies, to debar colonial-born candidates from admission to the examination.

11. I shall be glad if you will communicate to the Chancellor and Council of the University of Adelaide the substance of this despatch, in reply to their memorial of the 26th October last, informing them at the same time that His Majesty's Government are fully alive to the desirability of the object sought to be obtained, but that they regret that the practical difficulties of the course suggested appear to be insuperable.

I have, &c.,  
J. CHAMBERLAIN.

Governor the Right Honourable Lord Tennyson, K.C.M.G.

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No. 19.

(Circular.)

SIR,—

Downing Street, 1st February, 1901.

I have the honour to transmit to you, for publication in the colony under your Government, a copy of a Convention between the United Kingdom and Japan for the reciprocal protection of the estates of deceased persons, which was signed at Tokio on the 26th April last and ratified at Tokio on the 25th October last.

2. It will be observed from Article II. of the Convention that if it is desired that the stipulations of the Convention should be made applicable to the colony under your Government, notice to that effect must be given to the

Japanese Government by His Majesty's representative at Tokio within two years from the date of the exchange of the ratifications.

3. I shall therefore be glad to be informed whether the colony under your government wishes to adhere to the Convention.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

No. 20.

(No. 12.)

MY LORD,—

Downing Street, 1st February, 1901.

I have the honour to acknowledge the receipt of your despatch A.-2, 1901, (No. 99) of the 22nd December, 1900, transmitting a copy of a resolution passed <sup>No. 54.</sup> at the Jubilee Meeting recently held at Christchurch, commemorating the fiftieth anniversary of the founding of the Province of Canterbury.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

No. 21.

(General.)

MY LORD,—

Downing Street, 1st February, 1901.

I have the honour to transmit to your Lordship, under flying seal, a letter addressed to the Right Hon. Richard John Seddon by the Organizing Council of the British Congress on Tuberculosis, inviting the Government of your colony to participate in and to send delegates to the Congress to be held in the Queen's Hall, London, on the 22nd July, 1901.

On the suggestion of the Honorary Secretary-General of the Congress, I have to request that the reply of your Government to the invitation of the Organizing Council may be sent direct to that gentleman.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

No. 22.

(No. 16.)

MY LORD,—

Downing Street, 8th February, 1901.

I have the honour to acknowledge the receipt of your despatch (No. 98) of the 21st December last, from which I have learnt with much regret of the complaints respecting the treatment of the New Zealand troopers on passage from South Africa in the transport "Harlech Castle."

I have requested the Secretary of State for War to cause inquiry to be made into the complaints, and I shall not fail to communicate to you the result in due course.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

No. 23.

(No. 17.)

MY LORD,—

Downing Street, 15th February, 1901.

You are no doubt aware that during the discussion in the House of Commons on the Australian Commonwealth Bill I stated, on behalf of Her Majesty's Government, that it was intended to bring in a measure to provide

for strengthening the representation of the self-governing colonies on the Judicial Committee of the Privy Council by the creation of four additional Law Lords, with seats in the House of Lords as well as on the Judicial Committee.

2. This proposed measure was regarded by Her Majesty's Government as affording a way of meeting the legitimate desire of the colonies for more effective and continuous representation on the Judicial Committee than that afforded by the arrangement embodied in the Act of 1895.

3. During the conferences with the Premiers in 1897 I called attention to the unsatisfactory nature of that representation; but the many other calls on the Premiers' time on that occasion rendered any discussion of the question impracticable, and in view of the near approach of the federation of the Australian Colonies Her Majesty's Government did not consider it desirable to press the matter.

4. The difficulties which arose in connection with the appeal clauses in the Commonwealth Bill satisfied Her Majesty's Government that the question should not be further postponed, so far, at any rate, as the improvement of the colonial representation was concerned.

5. The delegates, however, who had been deputed by the Australian Colonies to represent them in this country in connection with the Commonwealth Bill gave me to understand that those whom they represented would prefer that the proposed measure should not at that time be proceeded with, and that Her Majesty's Government should as soon as possible, in consultation with the colonies, consider the whole question. The view of the delegates was confirmed by the Governments of their colonies, and, under the circumstances, Her Majesty's Government decided not to proceed with the Bill providing for the appointment of four additional Judges, but to take an early opportunity of consulting with the colonies upon the subject.

6. The two existing Courts, the House of Lords and the Privy Council, have their origin far back in history. Their traditions and procedure, and the form in which their decisions are conveyed, are widely different. These differences, which may be traced directly to the different sources from which the Courts originated and derived their authority, are of great historical interest, and reveal the persistence and at the same time the growth and vitality of English institutions.

7. From the point of view of sentiment, therefore, it would be desirable to endeavour to preserve as far as possible the associations of the two existing Courts.

8. Colonial suitors and their agents, moreover, are accustomed to the procedure of the one, while suitors in this country are accustomed to the other; and there is reason to believe that in the colonies there is a considerable body of public feeling in favour of retaining the present practice, under which the final decision on colonial appeals is the direct act of the Sovereign on the advice of the Judicial Committee.

9. The many problems which arise in connection with a proposal to recast the Supreme Court of Appeal for the Empire are of such a nature that they can only be decided with the assistance of the best expert advice, and His Majesty's Government have no doubt that the colonies will gladly co-operate with them in the matter by sending as their delegates to confer with the Law Chancellor and the Law Officers of the Crown gentlemen representing the feelings and wishes of the colonies, and also fully qualified by their legal knowledge and experience to assist in the solution of a question so vitally affecting the common interests.

10. As the discussions of the Conference will be confined to this matter, and an early decision is desirable, His Majesty's Government would prefer that the number of delegates should be confined to a single representative of each of the three great groups of colonies—namely, one from Canada and Newfoundland, one from Australasia, and one from South Africa.

11. As, however, New Zealand has interests divergent to some extent from those of Australia, His Majesty's Government will be prepared, if it is desired by your Government, to receive a separate representative from New Zealand.



12. They would be glad if your Ministers would (in conjunction with the Government of the Commonwealth of Australia) take early steps for the selection of a delegate to represent them at the Conference, and inform me by telegraph of the earliest date at which he could reach England, in order that the necessary arrangements may be made and a definite time fixed for the assembling of the Conference, as it is the desire of His Majesty's Government that the measure should be submitted to Parliament during the present session.

I have, &c.,

J. CHAMBERLAIN.

Governor, the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

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No. 24.

(No. 19.)

MY LORD,—

Downing Street, 22nd February, 1901.

I have the honour to acknowledge the receipt of your telegram of the 3rd instant reporting that a service was held outside the Houses of Parliament, at Wellington, on the occasion of the funeral of Her late Majesty Queen Victoria, and that similar services were held throughout the colony.

I have duly laid your telegram before His Majesty the King.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

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No. 25.

(No. 22.)

MY LORD,—

Downing Street, 5th March, 1901.

I have the honour to acknowledge the receipt of your despatch (No. 88) <sup>A.-1, 1901,</sup> of the 6th December, 1900, respecting the proposed survey of the coasts of New <sup>No. 49.</sup> Zealand.

I caused your despatch to be referred to the Lords Commissioners of the Admiralty, and I now transmit to you a copy of the reply which I have received.

Your Government will, no doubt, inform Commander Combe direct of the places selected for survey, in accordance with the desire expressed by the Admiralty.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

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Enclosure.

SIR,—

Admiralty, 20th February, 1901.

I am commanded by my Lords Commissioners of the Admiralty to acknowledge the receipt of your letter dated 31st ultimo, enclosing copy of a despatch from the Governor of New Zealand on the subject of the survey of the New Zealand coasts.

My Lords desire me to request you will inform Mr. Secretary Chamberlain that it is hoped H.M.S. "Penguin," Commander J. W. Combe, will be able to undertake surveying in New Zealand waters during the present year.

She will probably arrive from Sydney in May, and as it is most likely that surveying cannot be economically carried on during the winter on open coasts, I am to request that some more sheltered localities, where surveys could most usefully be carried on, may be named in addition to Coromandel Harbour and Tauranga approach, and that Commander Combe may be directly informed by the New Zealand Government of the places selected.

I am, &c.,

EVAN MACGREGOR.

The Under Secretary of State, Colonial Office, S.W.

3—A. 2.

## No. 26.

(No. 25.)

MY LORD,—

Downing Street, 14th March, 1901.

No. 22.

I have the honour to transmit to you, for the information of your Ministers, with reference to my despatch (No. 16) of the 8th ultimo, the papers noted in the subjoined schedule.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Date.	From	To	Subject.
1st March, 1901 ...	War Office ...	Colonial Office ...	Transport of New Zealand troops to the colony from South Africa in the "Harlech Castle," with enclosure in original.

## Enclosure.

SIR,—

War Office, London, S.W., 1st March, 1901.

With reference to my letter of the 11th February, in reply to yours of the 3rd idem (No. 3509/1901), I am directed by the Secretary of State for War to transmit for the information of Mr. Secretary Chamberlain the attached copies of Voyage Reports, signed by officers of the colonial contingents, in regard to the voyage of the "Harlech Castle" from Capetown to Australian ports, and I am to observe that these reports do not bear out the allegations which have been made respecting the accommodation and furnishing provided on board. In regard to the delay in Australia, which is also complained of, it has been ascertained that this was entirely due to causes beyond the control of the Imperial authorities, and could neither have been foreseen nor avoided.

I am to add that a report has been called for from South Africa in regard to the alleged overcrowding, and a further communication will be made on its receipt; but I am to point out that the number of troops embarked was considerably short of the number for which the vessel is fitted, and that there could have been no question of overcrowding between Australian and New Zealand ports.

The Under-Secretary of State, Colonial Office, S.W.

I am, &amp;c.,

R. H. Knox.

## No. 27.

(No. 30.)

MY LORD,—

Downing Street, 14th March, 1901.

A.-1, 1901,  
No. 57.

I have the honour to acknowledge the receipt of your despatch (No. 94) of the 17th December last, regarding the present position of steamship communication between New Zealand and San Francisco, with special reference to Honolulu.

A.-2, 1899,  
No. 35.

From my despatch (No. 75) of the 1st December, 1898, you will be aware that the British Ambassador at Washington was instructed at that time to make a representation on the subject of the United States navigation laws to the Government of that country; a note was accordingly addressed to the United States Government, but no reply was received.

Lord Pauncefote has now been instructed to take any further action in the matter which he may think possible, and I shall not fail to inform you of any result which may follow.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &amp;c.

## No. 28.

(General.)

MY LORD,—

Downing Street, 15th March, 1901.

I have the honour to transmit to your Lordship for information a copy of letters patent which have been passed under the great seal, empowering His Royal Highness the Duke of Cornwall and York, K.G., K.T., K.P., G.C.M.G., G.C.V.O., to summon and hold a meeting of the Privy Council in the Common-

wealth of Australia for the purpose of enabling the Lords of Her late Majesty's Privy Council resident within the said Commonwealth and in New Zealand to be sworn of the King's Privy Council.

A copy of the letters patent have also been sent to the Governor-General of the Commonwealth of Australia.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

No. 29.

(Circular.)

SIR,—

Downing Street, 15th March, 1901.

Applications continue to be made from time to time to this department for information with regard to the state of the law in the colonies in respect of the authentication of signatures to documents (powers of attorney, for instance) executed in England or elsewhere out of the colonies, with the view of making such documents receivable in the law-courts of the colonies or by public officials and others; and I shall therefore be obliged if you will report to me whether the information on the subject furnished to this department in reply to the Earl of Derby's circular despatch of the 1st March, 1884, is still correct, or, if not, what modifications are necessary.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

No. 30.

(No. 35.)

MY LORD,—

Downing Street, 21st March, 1901.

I have the honour to inform you that I have submitted for the consideration of the Lords Commissioners of the Admiralty the reserved Bill of the Legislature of New Zealand, entitled "The New Zealand Ensign Act, A.-1, 1901, 1900," copies of which were forwarded in Sir R. Stout's despatch (No. 81) of <sup>No. 44.</sup> the 26th October last.

2. Their Lordships are advised that, owing to the use of the words "for all purposes" in the preamble of the Bill, nothing further would be necessary, after the King's assent to the Bill has been signified, to justify the use of the Blue Ensign, with the distinguishing marks mentioned in section 2, as the ensign of the colony for all purposes, *i.e.*, it could be used by merchant vessels belonging to New Zealand.

3. This proposal is one which their Lordships cannot regard with favour, inasmuch as by the Merchant Shipping Act, section 73, the Red Ensign without defacement is declared to be the proper national colours for all ships and boats belonging to any British subject, except in the case of His Majesty's ships and boats, or of any other ship or boat for the time being allowed to wear any other national colours in pursuance of a warrant from His Majesty or from the Admiralty.

4. Colonial merchant ships in some cases have been allowed distinguishing badges of the colony, with the Red Ensign, but the use of the Blue Ensign has been carefully restricted by the Admiralty to ships and vessels whose special character it is desired to make known, such as (a) Ships and vessels in the service of public offices; (b) belonging to and permanently in the service of the colonies; (c) transports. Yachts belonging to certain yacht clubs are also allowed (by warrant) to use it.

5. The only British merchant ships allowed to wear the Blue Ensign are those in receipt of Admiralty subvention, or commanded by retired officers of the Royal Navy, or officers of the Royal Naval Reserve, and having a specified number of Naval Reserve men in the crew.

6. A special Admiralty warrant is required in each case.

7. If, however, the present Bill receives His Majesty's assent as it stands, the necessity of obtaining an Admiralty warrant to fly the Blue Ensign would

no longer exist in the case of New Zealand vessels, and what is now a privilege would be exercised as a right by all vessels of the colony, however small. This would doubtless lead to claims from the mercantile marine of this country and of other colonies to a similar privilege, and might result in its becoming necessary to alter the law as to colours.

8. It is possible that your Government has not fully realised that the Bill, if it comes into force, would seriously interfere with existing arrangements; and I shall be glad to receive a full expression of the views of your Ministers after they have considered the objections set forth above.

9. I take this opportunity to acknowledge the receipt of Sir Robert Stout's despatch (No. 80) of the 25th October last, relative to the form of the reservation clause in "The New Zealand Ensign Act, 1900." I prefer the form which was suggested in Lord Derby's circular despatch of the 20th June, 1884; but the form used in the present Bill appears to me sufficient for all practical purposes.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

A.-1, 1901,  
No. 43.

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No. 31.

(No. 38.)

MY LORD,—

Downing Street, 29th March, 1901.

~~With~~ With reference to my despatch (No. 15) of the 8th February last, I have the honour to forward to you one sealed and six plain copies of an Order in Council declaring His Majesty's assent to the reserved Bill of the Legislature of New Zealand intitled "An Act to legalise Marriage with the Brother of a Deceased Husband," copies of which were transmitted in Sir R. Stout's despatch (No. 81) of the 26th October, 1900.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

A.-1, 1901,  
No. 44.

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Enclosure.

At the Court at St. James's, the 9th day of March, 1901. Present: the King's Most Excellent Majesty, Lord President, Earl of Derby, Earl of Kintore, Earl of Ducie, Earl Roberts, Viscount Peel, Lord Wenlock, Lord Tweedmouth, Lord James of Hereford, Lord Heneage, Sir James Fergusson, Bart., Sir Francis Jeune, Sir Deighton Probyn.

WHEREAS by an Act passed in the session held in the fifteenth and sixteenth years of the reign of Her late Majesty Queen Victoria, entitled "An Act to grant a Representative Constitution to the Colony of New Zealand," it is, amongst other things, provided that no Bill which shall be reserved for the signification of the Sovereign'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 the Sovereign in Council, and that the Sovereign has been pleased to assent to the same:

And whereas a certain Bill passed by the Legislative Council and House of Representatives of the said colony, entitled "An Act to legalise Marriage with the Brother of a Deceased Husband," was presented to the Officer Administering the Government of the said colony for Her late Majesty's assent:

And whereas the said Bill was reserved by the said officer for the signification of Her late Majesty's pleasure thereon:

And whereas the said Bill, so reserved as aforesaid, has been laid before His Majesty in Council, and it is expedient that the said Bill should be assented to by His Majesty.

Now, therefore, His Majesty, in pursuance of the said Act, and in exercise of the power thereby reserved to His Majesty as aforesaid, doth by this present Order, by and with the advice of His Majesty's Privy Council, declare his assent to the said Bill.

A. W. FITZROY.

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No. 32.

(Circular.)

SIR,—

Downing Street, 29th March, 1901.

I have the honour to transmit to you a copy of a letter from the Director of Military Intelligence at the War Office asking that he may be

furnished with certain information regarding the local forces of British colonies in order that a work of reference on the subject may be compiled; and I have to request that you will supply me, as far as it is in your power to do so, with the particulars required in regard to the local forces in the colony under your Government.

2. I would add that the Director of Military Intelligence has stated that the proposed book, which it is thought will be of considerable value as a work of reference, not only to the War Office, but to all persons interested in His Majesty's colonies, would give in a concise form a short account of the various colonial forces, and the details of the principal points connected with their pay, terms of service, uniform, &c., matters which at present can only be ascertained by reference to separate documents, and after a lengthy search through voluminous correspondence and books.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

### Enclosure.

Intelligence Division, 18, Queen Anne's Gate, S.W., 10th January, 1899.

THE Director of Military Intelligence presents his compliments to the Under-Secretary of State for the Colonies, and begs that he may be furnished with certain information regarding the local forces of British colonies, in order that a work of reference on the subject may be compiled.

Much valuable information is received annually in the "Returns of Naval and Military Resources," but further information is necessary as to certain details which lie beyond the scope of these returns. Sir John Ardagh therefore suggests that the Governors or Administrators of the colonies mentioned in the annexed schedule should be communicated with on the subject.

The exact points on which information is required are as follows:—

1. A copy of the Act or law under which the forces were raised and are maintained.
2. Active forces: Terms of service (enlistment, voluntary or compulsory period for which enlisted, pay and allowances of all ranks, pensions, privileges, law or rules for the maintenance of discipline).
3. Reserve forces: Same particulars as for active forces.
4. Minimum training imposed on active and reserve forces.
5. General history of forces and record of war services (very short).
6. Uniforms of the various units.
7. Any general or explanatory observations, as to the administration and organization of the forces and the appointment of officers.

No. 33.

(No. 43.)

MY LORD,—

Downing Street, 4th April, 1901.

I have the honour to transmit to you for the information of your Ministers, with reference to my despatch (No. 22) of the 5th March, the papers noted in the subjoined schedule.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

No. 25.

Date.	From	To	Subject.
25th March, 1901 ...	Admiralty ...	Colonial Office...	Re survey of coasts of the colony.

### Enclosure.

SIR,—

Admiralty, 25th March, 1901.

With reference to your letter of the 8th October, 1900 (No. 32402), and to previous correspondence relative to the subject of a resurvey of the New Zealand coasts by one of His Majesty's ships, I am commanded by My Lords Commissioners of the Admiralty to request you will inform Mr. Secretary Chamberlain that Treasury sanction has been given to the proposed apportionment of the expenses—viz., one half of the maintenance of the ship employed on the survey to be met by the Admiralty and the other half by the Government of New Zealand, such maintenance to be held to include repairs to the ship.

My Lords desire me to add that hydrographic instructions have been sent to the commanding officer of H.M.S. "Penguin" for such work on the New Zealand survey as is proposed to be carried out this season.

I am, &c.,

The Under Secretary of State, Colonial Office.

EVAN MACGREGOR.

No. 34.

(Circular.)

SIR,—

Downing Street, 12th April, 1901.

No. 17.

With reference to my circular despatch of the 30th January, I have the honour to transmit to you, for your information, a copy of a letter from the Lords Commissioners of the Treasury, intimating the King's pleasure as to the period during which mourning for Her late Majesty Queen Victoria is to be in use for the correspondence of public departments.

2. You will have observed, from the enclosures to my circular despatch of the 26th January, that the date of the commencement of the Court or official mourning is the 24th January.

I have &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

## Enclosure.

SIR,—

Treasury Chambers, 28th March, 1901.

I am directed by the Lords Commissioners of His Majesty's Treasury to state, for the information of Mr. Secretary Chamberlain, that it is His Majesty's pleasure that full mourning be in use for the correspondence of public departments for six months from the death of Her late Majesty the Queen, and modified mourning for a further period of six months.

I am, &amp;c.,

The Under-Secretary of State, Colonial Office.

FRANCIS MOWATT.

No. 35.

(General.)

MY LORD,—

Downing Street, 19th April, 1901.

I have the honour to transmit to you for your information a copy of a note from the Argentine Minister at this Court, which has been received in this Department through the Foreign Office, announcing the intention of the Argentine training-ship "Presidente Sarmiento" to visit certain ports in the British Empire, and the desire of that Government that its officers should be granted permission to inspect certain establishments of interest; and I have to request that all reasonable facilities may be afforded to the officers of that ship to inspect such establishments and institutions as are under the control of colonial Government, where there is no military objection to their doing so.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &amp;c.

## Enclosure.

YOUR EXCELLENCY,—

London, 10th April, 1901.

I have the honour to inform Your Excellency that it is intended that the Argentine training-ship "Presidente Sarmiento," in the course of a voyage of circumnavigation, with thirty-five midshipmen on board, should call at the ports of the British Empire mentioned hereinafter, and I have been instructed by my Government to request that, should it be possible, facilities should be offered to the officers of the ship and the said midshipmen, in order that they may inspect the arsenals, military works, and all other establishments which might be of interest for them to visit.

If it is in Your Excellency's power to impart the necessary orders to the respective authorities my Government will feel extremely grateful.

Following is a list of British ports intended to be visited by the "Presidente Sarmiento," and probable dates of arrival: Cook or Hervey Islands, 7th June, 1901; Fiji Islands, 24th June, 1901; Auckland, 7th July, 1901; Wellington, 15th July, 1901; Melbourne, 30th July, 1901; Sydney, 9th August, 1901; Brisbane, 17th August, 1901; Torres Straits, 29th August, 1901; Point de Galle, Ceylon, 22nd October, 1901; Bombay, 7th November, 1901; Aden, 30th November, 1901; Cyprus, 26th December, 1901; Malta, 27th January, 1902; Gibraltar, 25th February, 1902; Portsmouth, 4th April, 1902; London, 9th April, 1902; Newcastle, 30th June, 1902; Plymouth, 7th July, 1902; Quebec, 8th August, 1902.

I have, &amp;c.,

The Marquess of Lansdowne, &amp;c.

FLORANCIS L. DOMINQUEZ.

No. 36.

(Circular.)

SIR,—

Downing Street, 23rd April, 1901.

With reference to my circular despatch of the 19th August, 1899, enclosing Royal warrants instituting the Colonial Auxiliary Forces Officers' Decoration and the Colonial Auxiliary Forces Long-service Medal, I have the honour to transmit to you model regulations which have been approved by the Secretary of State for War, to govern the issue, surrender, forfeiture, and restoration of this decoration and medal; and I have to request that in any regulations which may be framed by your Government on the subject, these model regulations may as far as possible be followed.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

## Enclosure.

REGULATIONS AS TO ISSUE, SURRENDER, FORFEITURE, AND RESTORATION OF THE COLONIAL AUXILIARY FORCES OFFICERS' DECORATION, AND THE COLONIAL AUXILIARY FORCES LONG-SERVICE MEDAL, UNDER ROYAL WARRANT OF THE 18TH MAY, 1899.

## COLONIAL AUXILIARY FORCES OFFICERS' DECORATION.

*Persons Eligible.*

1. (a.) Officers having twenty years' commissioned service, which need not be continuous.
- (b.) Honorary Colonels and acting chaplains who have the qualifying service of twenty years.
- (c.) Officers who have retired and have the qualifying service.

*Qualifying Service.*

2. (a.) Service rendered partly in the local forces of one colony or protectorate, and partly in the local forces of another colony or partly in protectorate, or partly in the local forces of one or more colonies or protectorates, and partly in the Volunteer force of Great Britain; provided that no officer shall be eligible unless at least half his qualifying service has been rendered in the Militia or Volunteer forces of one or more colonies or protectorates, service on the west coast of Africa counting double.

(b.) Half the time served in the ranks of the auxiliary forces of any colony or protectorate, Indian Volunteers, or the Volunteer force of Great Britain.

3. Service on the permanent staff shall not reckon as qualifying service for the decoration.

*Applications.*

4. Application for the decoration will be made in writing by the commanding officer of each corps and will in each case be supported by a statement of the applicant's service on Form A. Commanding officers will forward their recommendation through the usual channels of correspondence to the Governor, together with the certificate marked "B," or the certificate marked "C."

5. The decoration being granted as a reward for good and long service, commanding officers should in each case state in general terms the reason which, in their opinion, gives the applicant a claim to receive the decoration.

*Publication.*

6. The grant of the decoration will be published in the *Government Gazette*.

7. The letters V.D. will be inserted in the Army List against the name of the officer to whom the decoration is given.

*Forfeiture.*

8. When the conduct of an officer after he has been awarded the Colonial Auxiliary Forces Officers' Decoration has been such as to disqualify him for wearing it, he may be deprived of it by the Governor.

*Restoration.*

9. A decoration forfeited by an officer under the provisions of paragraph 8 may be restored to him by the Governor.

*Loss.*

10. When a decoration has been lost, and it is desired to replace it, a declaration must be made before a Magistrate stating the circumstances under which the loss occurred, and the rank, name, and corps of the officer to whom the decoration belonged. This declaration will be forwarded to the Commandant, through the usual channel of correspondence in the case of an officer who is still serving, and direct, in the case of one who has retired. The decoration will be replaced, on payment, if the explanation as to the loss is considered satisfactory.





*Forfeiture.*

7. When the conduct of any member of the auxiliary forces after he has been awarded the Colonial Auxiliary Forces Long-service Medal has been such as to disqualify him from wearing it, he may be deprived of it by the Governor.

*Restoration.*

8. A medal forfeited by a member of the auxiliary forces under paragraph 7 may be restored to him by the Governor.

*Loss.*

9. When a long-service medal has been lost and it is desired to replace it, a declaration must be made before a Magistrate stating the circumstances under which the loss occurred, and the rank, name, and corps of the individual to whom the medal belonged. The declaration will be forwarded to the Governor through the usual channel of correspondence in the case of an individual who is still serving, and direct to the Governor in the case of one who has retired. The medal will be replaced if the explanation as to its loss is considered satisfactory.

## FORM D.—INDIVIDUAL APPLICATION FOR THE COLONIAL AUXILIARY FORCES LONG-SERVICE MEDAL.

STATEMENT of service of \_\_\_\_\_, of the  
Headquarters: \_\_\_\_\_  
Date: \_\_\_\_\_

Corps Number.	Rank.	Service.		Total.			Remarks.
		From	To	Years.	Months.	Days.	
Grand Total							

We hereby certify that, to the best of our belief, the above is a correct statement of the service of \_\_\_\_\_ and that we consider the applicant to have rendered meritorious service which renders him eligible for the Colonial Auxiliary Forces Long-service Medal.

\_\_\_\_\_, Adjutant.  
\_\_\_\_\_, Officer Commanding Corps.

## FORM E.—NOMINAL ROLL OF OFFICERS, WARRANT OFFICERS, NON-COMMISSIONED OFFICERS, AND PRIVATES RECOMMENDED FOR THE COLONIAL AUXILIARY FORCES LONG-SERVICE MEDAL.

Corps Number.	Rank.	Names.		Total Service.
		Christian.	Surname.	

Approved and recommended,

\_\_\_\_\_, Officer Commanding.  
\_\_\_\_\_, Headquarters.  
\_\_\_\_\_, Date.

No. 37.

(No. 50.)

MY LORD,—

Downing Street, 27th April, 1901.

I have the honour to transmit for the information of your Ministers, with reference to my despatch (No. 30) of the 14th ultimo, the papers noted in No. 27. the subjoined schedule.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Date.	From	To	Subject.
20th March, 1901...	Lord Pauncefote	The Marquis of Lansdowne	Exclusion of British-owned vessels from the carrying trade between Hawaii and the United States.

## Enclosure.

(No. 31.)  
MY LORD,—

British Embassy, Washington, 20th March, 1901.

On receipt of Your Lordship's despatch (No. 70, Commercial) of the 12th ultimo, I took an early opportunity to speak to the Secretary of State in relation to the complaint of the New Zealand Government respecting the exclusion of foreign vessels from the carrying trade between New Zealand and San Francisco, with special reference to Honolulu, and, in order to give more weight to my representation, I handed privately to Mr. Hay a copy of the memorandum of the Prime Minister of New Zealand which was enclosed in Your Lordship's despatch.

Mr. Hay said that he would confer with the Secretary of the Treasury on the subject. I referred again to the matter yesterday, and Mr. Hay said that he had brought the complaint to the attention of Mr. Gage; but he added that it was beyond the power of the Executive to release the stringency of the law governing the coasting trade, however much they might feel inclined to do so.

I have since received an official note from Mr. Hay in reply to my representation, in which he repeats that the Executive has no power to modify the law, and he points out that British vessels may carry merchandise to the United States from any foreign country *via* Hawaii and *vice versa*, and urges that the provisions of the United States law are not more restrictive than the regulations of other nations under analogous circumstances.

The Marquess of Lansdowne, K.G., &c.

I have, &c.,

PAUNCEFOTE.

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No. 38.

(No. 51.)  
MY LORD,—

Downing Street, 27th April, 1901.

With reference to your despatch (No. 83) of the 31st October last, and to subsequent correspondence regarding the annexation to New Zealand of certain islands in the Pacific Ocean, I have the honour to forward to you a draft Order which is at present awaiting submission to His Majesty in Council.

I have thought it best to send out the draft Order now, because it is probable that there will be no meeting of the Privy Council immediately, and it is, of course, necessary that you should have the Order before the arrival of His Royal Highness the Duke of Cornwall and York in New Zealand. I shall inform you by telegraph as soon as the Order has received the formal assent of His Majesty in Council, and you will then be able to act on its provisions.

You will observe that the extension of the boundaries of the colony will take effect from and after a date to be appointed by the Governor by Proclamation: I had contemplated that the Proclamation should be issued by His Royal Highness the Duke of Cornwall and York, but I was advised that in order to effect this, it would be necessary, for constitutional reasons, to appoint His Royal Highness temporarily Governor of New Zealand. As this course appeared undesirable, it was thought better that the Proclamation should be issued by yourself: but your Ministers will doubtless arrange some ceremony to mark the occasion of the Proclamation, in which His Royal Highness would take part, by reading the Order or making it public in some way. With that view I have requested the Lord President of the Privy Council to refrain from publishing the Order in this country when it is passed (as would usually be done) until he is informed that it has been published in New Zealand; and I have therefore to request that you will telegraph to me the date of publication.

His Royal Highness will be informed of the course which it is proposed to follow; and your Ministers will be able to communicate by telegraph with him at Sydney regarding any details which may require arrangement.

There are one or two further points in connection with the extension of the boundaries of New Zealand, with which I may take this opportunity to deal.

(a.) Among the islands to be included within the colonial boundaries there are two—Suwarrow and Palmerston—which are at present let out on license. I transmit to you copies of the licenses issued in respect of them, and I have to add that the license in respect of Suwarrow has been transferred, with my consent, to the Pacific Islands Company. The Lords Commissioners of the Treasury have agreed that, after the date of annexation, the colony should receive the annual payments made under these licenses; and I have so informed the High Commissioner for the Western Pacific, and requested him to acquaint Mr. Marsters accordingly, when the annexation comes into force. I shall also cause the Pacific Islands Company to be informed to a similar effect.

(b.) In your despatch (No. 83) of the 31st October last you raise a question as to the formal position of Aitutaki: On this point I have to refer you to paragraph 9 of Lord Knntsford's despatch (No. 58) of the 13th December, 1890. A.—1, 1901,  
No. 46.

(c.) The question of land in Suwarrow over which rights are desired by the Admiralty has been settled for the time in separate correspondence.

(d.) All the islands within the boundaries indicated in the draft Order are already under the protection of Great Britain.

(e.) I have asked the High Commissioner for the Western Pacific to communicate direct with the New Zealand Government regarding any further points which may require adjustment.

In conclusion, I may explain that it was decided to affect the annexation by Order in Council, and not by letters patent as originally proposed, because it was considered that the former method would be more expeditious. I regret that, owing to legal and other difficulties, it has not been found possible to submit the Order to His Majesty in Council at an earlier date.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

#### No. 39.

(General.)

MY LORD,—

Downing Street, 27th April, 1901.

With reference to my despatch (General) of the 29th September last, concerning the regulations governing the issue of medals for long service and good conduct to the Colonial Permanent Forces, I have the honour to transmit to you, for the consideration of your Government, a copy of a letter from the War Office drawing attention to the new regulations recently published relative to the grant of Distinguished-conduct and Meritorious-service Medals to the regular army, and suggesting that regulations, similar so far as circumstances admit, should now be adopted by the colonial forces generally.

I also transmit to you a copy of the memorandum enclosed in the War Office letter, suggesting the revised regulations for the grant of medals for distinguished conduct, meritorious service, and long service and good conduct, which might be adopted by colonial Governments, and I would invite your Government to consider the desirability of amending the New Zealand regulations as suggested by the War Office.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

#### Enclosures.

SIR,—

War Office, London, S.W., 14th March, 1901.

With reference to your letters of the 11th August and 1st December, 1899, and 5th September, 1900, relative to the proposed regulations for the grant of medals for distinguished conduct, meritorious service, and long service and good conduct, to the Permanent Military Forces of Victoria, and to Native members of colonial forces in West Africa respectively, I am directed by the Secretary of State for War to acquaint you, for the information of the Secretary of State for the Colonies, that new regulations have now been published relative to the grant of Distinguished-conduct and Meritorious-service Medals to the regular army, and, in accordance with the Royal warrant of the 31st May, 1895, regulations, similar so far as circumstances admit, should now be adopted by the colonial forces generally.

The new regulations define more clearly than the old the distinction between rewards for distinguished conduct and those for meritorious service, and provide for the grant of a larger gratuity on discharge to a soldier whose gallant conduct is not rewarded by extra pension or by the grant of annuity.

The accompanying memorandum suggests the revised regulations for the grant of medals for distinguished conduct, meritorious service, and long service and good conduct, which might be adopted by the colonial Governments concerned.

It is in accordance with the latest British regulations on the subject.

I have, &c.,

R. H. KNOX.

[Extract from Royal Warrant of 26th October, 1900.]

SECTION IX.—MEDALS, ANNUITIES, AND GRATUITIES FOR DISTINGUISHED CONDUCT AND MERITORIOUS SERVICE.

*Medals for Distinguished Conduct.*

1241. Upon the special recommendation of our Commander-in-Chief, a silver medal, for distinguished conduct in the field, may be granted to a soldier who has performed service of a distinctly gallant and distinguished nature. Bars may be added on account of further distinguished conduct.

*Medals for Meritorious Service.*

1242. A silver medal for meritorious service may be awarded to a soldier above the rank of corporal, selected for an annuity for long, valuable, and meritorious service. (Article 1243.)

*Annuities and Gratuities for Distinguished Conduct and Meritorious Service.*

1243. Sums not exceeding £4,150 for our Cavalry and Infantry, £635 for our Royal Artillery, £90 for our Royal Engineers, £45 for our Army Service Corps, £10 for our Army Ordnance Corps, other than the armourer section, £40 for the armourer section of our Army Ordnance Corps, and £30 for our Royal Army Medical Corps, shall be yearly distributed on the recommendation of our Commander-in-Chief in annuities not exceeding £20, among soldiers or discharged soldiers above the rank of corporals, awarded medals for distinguished conduct, or who have performed long, valuable, and meritorious service. In the event of an annuitant being promoted to a commission, the annuity shall be relinquished.

1244. A soldier awarded a medal for distinguished conduct shall, on discharge, or transfer to the reserve, if not granted extra pension under Article 1166, or an annuity under Article 1243, receive a gratuity of £20.

*General.*

1247. In the event of soldiers who have been awarded medals for distinguished conduct in the field, or for long service and good conduct, dying in our service, the gratuities under Articles 1244 or 1246 shall be credited to their effects.

*3. Pension for Distinguished Conduct.*

1166. In cases of gallant conduct, officially brought to notice at the time of occurrence, an additional pension of 6d. per day for Europeans and 3d. for non-Europeans referred to in Article 1160 may be granted.

The possession of the Victoria Cross or the medal for distinguished conduct in the field shall be sufficient evidence of gallantry.

*Medals for Distinguished Conduct.*

Upon the special recommendation of the Commandant a silver medal for distinguished conduct in the field may be granted to a soldier who has performed service of a distinctly gallant and distinguished nature. Bars may be added on account of further distinguished conduct.

*Medals for Meritorious Service.*

A silver medal for meritorious service may be awarded to a soldier above the rank of corporal, selected for an annuity for long, valuable, and meritorious service.

*Annuities and Gratuities for Distinguished Conduct and Meritorious Service.*

Annuities not exceeding \_\_\_\_\_ may be distributed on the recommendation of the Commandant among soldiers or discharged soldiers above the rank of corporal, awarded medals for distinguished conduct, or who have performed long, valuable, and meritorious service. Such annuities may be held in addition to pension. In the event of an annuitant being promoted to a commission the annuity shall be relinquished.

A soldier awarded a medal for distinguished conduct shall, on discharge, if not granted extra pension for gallant conduct, or an annuity, receive a gratuity of \_\_\_\_\_.

*Medals and Gratuities for Long Service and Good Conduct.*

A silver medal may be awarded to a non-commissioned officer or man, if duly recommended, who has served for not less than eighteen years with an irreproachable character.

A gratuity of \_\_\_\_\_ shall be paid on discharge to each soldier awarded a medal under the preceding article.

*Forfeiture and Restoration of Medals, Annuities, and Gratuities.*

Every soldier who is found guilty of desertion, fraudulent enlistment, or any offence under section 17 or 18 of the Army Act, and every soldier who is sentenced to penal servitude, or to be discharged with ignominy, shall forfeit all medals and decorations (other than the Victoria Cross, which is dealt with under special regulations) of which he may be in possession, or to which he may be entitled, together with any annuity or gratuity thereto appertaining.

Every soldier who—

- (a.) Is liable to trial on confession of desertion, or fraudulent enlistment, but whose trial has been dispensed with;
- (b.) Is discharged in consequence of incorrigible and worthless character, or expressly on account of misconduct, or on conviction by the Civil power, or on being sentenced to penal servitude, or for giving a false answer on attestation;

(c.) Is found guilty by a Civil Court of an offence which if tried by court-martial would be cognisable under section 17 or section 18 of the Army Act, or is sentenced by a civil Court to a punishment exceeding six months' imprisonment,—

shall forfeit all medals (other than the Victoria Cross, which is dealt with under special regulations), together with the annuity or gratuity, if any, thereto appertaining.

An annuitant who, after discharge, is found guilty of an offence referred to in paragraph (c), or is sentenced to a punishment exceeding six months' imprisonment, shall forfeit his annuity.

A court-martial may, in addition to or without any other punishment, sentence any offender to forfeit any medal, or decoration (other than the Victoria Cross, which is dealt with under special regulations), together with the annuity or gratuity, if any, thereto appertaining, which may have been granted to him; but no such forfeiture shall be awarded by the court-martial when the offence is such that the conviction does of itself entail a forfeiture under the articles above referred to.

When the conduct of a soldier who has earned the medal and gratuity for long service and good conduct has, after the award of the medal and gratuity, been such as to disqualify him from wearing the medal, he may on the recommendation of the Commandant be deprived of the medal and gratuity.

Any medal, decoration, annuity, or gratuity forfeited by a soldier under the provisions of these articles may be restored to him under regulations approved by the Governor (or Minister).

#### *Distinguished-conduct Medals and Meritorious-service Medals.*

Recommendations for the Distinguished-conduct Medal and Meritorious-service Medal should be accompanied by descriptive returns, records of service, and statements of service abroad or in the field, and of the wounds and distinctions of those recommended. Recommendations for the Meritorious-service Medal should, in addition, be accompanied by a certified copy of the defaulter sheet, certified extracts from the Court-martial book, and certified copies of any convictions by the Civil power.

#### *Good-conduct Medal.*

Recommendations for the Good-conduct Medal will be accompanied by certified copies of— (a) the defaulter sheet for the whole of the soldier's service; (b) the record of service; and (c) if he has been convicted by the Civil power, a certified copy of the conviction. The original defaulter sheets of the soldiers recommended will be transmitted, as well as the certified copies above mentioned. After being carefully compared the originals will be returned.

In the case of a defaulter sheet being lost, a Court of inquiry will be assembled by the commanding officer to investigate the circumstances under which the loss occurred.

The Court will endeavour to obtain evidence as to the number and nature of the entries contained in the defaulter sheet. Unless direct evidence can be produced as to the cause and date of loss, and that the sheet was in the possession of the responsible officer within one calendar month of the date of assembly of the Court, the soldier will be held to be ineligible for a Good-conduct Medal.

The commanding officer, after recording his opinion on the evidence that there was no entry that would of itself affect the future eligibility, or otherwise, of the soldier for the Good-conduct Medal, will forward the proceedings of the Court to the Commandant, who will state definitely whether in his opinion the loss of the defaulter sheet ought or ought not to invalidate the soldier's present or future application to be held eligible for the Good-conduct Medal.

When the new defaulter sheet has been made out, the officer commanding the soldier's company will make one of the following entries in red ink in front of "Number of sheet," either: "Substituted for original: No penalty: Authority (*and date*)"; or "Substituted for original: Disqualification for good conduct: Authority (*and date*)."

In the absence of the original defaulter sheet, or of the one substituted after investigation by a Court of inquiry, a recommendation for the grant of a Good-conduct Medal will not be entertained.

#### *Long Service and Good Conduct.*

On the recommendation of the Commandant, a silver medal may be awarded to a non-commissioned officer or man of the regular forces who has served for not less than eighteen years with irreproachable character and conduct. Commanding officers must take care to recommend only such soldiers as are in every way worthy of this distinction, and who fulfil the conditions prescribed in King's Regulations as requisite for an "exemplary" character on discharge. Even when a soldier is eligible, both in these respects and by length of service (eighteen years), regard will be had to his conduct and character throughout his career, and to the number and nature of the offences recorded in his defaulter sheet, irrespectively of the punishments which may have been awarded. Service of a soldier under eighteen years of age may be included in the eighteen years required to qualify; on the other hand the period of eighteen years may be reckoned to commence at any period within two years from the date of enlistment.

The following being absolutely ineligible for a Good-conduct Medal must not be recommended: Non-commissioned officers or men who, during their service, have been convicted by the Civil power for felony, or any other offence of a disgraceful character; or who, subsequently to the first two years of their service, (a) have been six times entered in the regimental defaulter-book; or (b) have six cases of drunkenness recorded against them (letter D to reckon); or (c) have been guilty of desertion or fraudulent enlistment; or (d) have been convicted by a court-martial for any offence; or (e) have been drunk on duty, or after having been warned for duty, or have been drunk while actually engaged on garrison or regimental employment; or (f) have, as a non-commissioned officer, been reprimanded, or severely reprimanded, four times; or (g) have, as a non-commissioned officer, been reduced for an offence by order of the Commander-in-Chief.

Non-commissioned officers and men shall be permitted to reckon any former or present service necessary to render them eligible for the medal.

The medal for distinguished conduct in the field may be worn with either the Meritorious-service Medal or with the Good-conduct Medal.

A soldier awarded the Meritorious-service Medal will not be required to surrender the Good-conduct Medal, if in possession thereof, but he may not wear the latter.

Notification of all awards of medals for meritorious service, for distinguished conduct, and for long service and good conduct shall be published in General and Regimental Orders.

*Loss and Replacement.*

When a soldier is unable to produce his medal the fact is to be reported, with a view to inquiry as to the cause of the loss being made by a Board. The Board is to take evidence from an officer of the soldier's unit as to the man's character, and when no testimony except that of the soldier himself is forthcoming, the Board, except in very special circumstances the nature of which it will record, will take his character into account in forming its opinion.

The Board will record its opinion as to whether the loss occurred: (a) When the soldier was on duty, and from causes entirely beyond his control; (b) by accident; (c) wilfully.

In cases under (a) and (b) applications to replace the lost medals may be at once submitted, accompanied by an extract of the finding of the Board, but the replacement at the public expense will not be recommended unless the loss is proved to come under (a).

In cases under (c) the soldier, if convicted of making away with his medal, must serve three years clear of an entry in the regimental defaulters' book before he can be recommended for the grant of a new medal, on paying the value thereof.

Applications from ex-soldiers for new medals to replace those which have been lost by them must be accompanied by a statutory declaration as to the circumstances under which the original medals were lost. New medals will not be issued until a period of six months has elapsed after the date upon which the loss occurred.

No. 40.

(No. 52.)

MY LORD,—

Downing Street, 3rd May, 1901.

No. 26.

With reference to my despatch (No. 25) of the 14th March, I have the honour to forward to you, for the information of your Ministers, a copy of a letter from the War Office enclosing extracts from a report in regard to the alleged discomfort experienced by the troops on board the "Harlech Castle" during the voyage from South Africa.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &c.

*Enclosures.*

SIR,—

War Office, London, S. W., 17th April, 1901.

In continuation of my letter of the 1st March, I am directed by the Secretary of State for War to transmit, for the information of Mr. Secretary Chamberlain, a copy of a letter with enclosure which has been received from the General Commanding Lines of Communication, Cape-town, in regard to the alleged discomfort experienced by the troops on board the s.s. "Harlech Castle" on the voyage from South Africa to Australia in November last.

I am to state that, in view of this, and the reports which accompanied my letter of the 1st ultimo, Mr. Brodrick is of opinion that no justification exists for the complaints brought to notice by the Governor of New Zealand regarding the treatment of colonial troops on the voyage in question.

I have, &c.,

The Under-Secretary of State, Colonial Office.

E. W. D. WARD.

SIR,—

The Castle, Capetown, 12th March, 1901.

With reference to War Office letter No. 120/Cape/ 1844, dated the 9th February, regarding complaints from the Premier and Governor of New Zealand respectively, in regard to the discomfort caused to the troops on board the transport "Harlech Castle" on the voyage from South Africa to Australia in November last, I have the honour to forward the enclosed copy of report on the subject from the Principal Naval Transport Officer, in which I concur.

I have, &c.,

FRED. FORESTIER WALKER, Lieut.-General,  
Commanding Troops Lines of Communication, South Africa.

The Under-Secretary of State for War, War Office, London, S. W.

D.A.A.G. (Emb.) :—

In reply to the complaint enclosed I beg to make the following remarks :—

*Alleged Overcrowding.*

2. The accommodation of the "Harlech Castle," as fixed by Admiralty officials, is 28 first class and 708 third class. The number embarked on this occasion were: First class, 23; third class, 622; and second class (for whom special temporary accommodation was rigged up), 5.

*Inferior Accommodation.*

3. The "Harlech Castle" is one of the Union Castle Line, and before being taken as a transport was employed on the regular intermediate service of her company. I may safely say that the Union Castle Company have a reputation second to none for general comfort and accommodation, and, although the "Harlech Castle" is neither new nor speedy, the fact that she has been until lately employed on regular trips by her company speaks for itself. She certainly compares very favourably with such ships as the "Southern Cross," "Warrigal," "Kent," and "Cornwall," which have been from time to time taken up by the Australian authorities for bringing troops to South Africa.

*Uncleanly Furnishing.*

4. I am not at all clear as to what is meant by the term "uncleanly furnishing." I know for a fact, that shortly before the "Harlech Castle" left on this trip, my predecessor, Captain Sir Edward Chichester, went over the ship, and complimented the captain and officers on the state of cleanliness of the ship. I understand from officers of my staff who were present at the time that the decks were spotlessly clean, and the ship internally "as clean as a new pin."

5. I cannot speak as to the reasons for the delay of the ship whilst in Australian waters, but doubtless the captain in charge, Sydney, would be able to explain the causes, observing that the New Zealand contingent proceeding in the "Harlech Castle" only numbered one officer and ninety men.

5th March, 1901.

St. L. LUSCOMBE, Captain, R.N.,  
and Principal Transport Officer, South Africa.

No. 41.

(No. 53.)

MY LORD,—

Downing Street, 7th May, 1901.

I have the honour to transmit to you, for the information of your Ministers, the papers noted in the subjoined schedule.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Date.	From	To	Subject.
25th April, 1901 ...	War Office ...	Colonial Office ...	Services of Lieutenant R. J. S. Seddon, Rough Riders, New Zealand Contingent, in the South African war, as one of the aides-de-camp to Earl Roberts.

Enclosures.

YOUR EXCELLENCY,—

War Office, Pall Mall, London, S.W., 25th April, 1901.

I have the honour to submit a brief statement of the services of Lieutenant R. J. S. Seddon, Rough Riders, New Zealand Contingent, who was employed as aide-de-camp on my personal staff in South Africa, for information and record.

I have, &c.,

His Excellency the Governor of New Zealand.

ROBERTS, Field Marshal,  
Commander-in-Chief.

LIEUTENANT R. J. S. SEDDON, Rough Riders, New Zealand Contingent, served as colonial aide-de-camp to Field-Marshal Lord Roberts, from August to September, 1900, and was present at the Battle of Belfast.

W. E. COWAN, Colonel,

Late Military Secretary, South Africa.

War Office, London, S.W., 25th April, 1901.

No. 42.

(General.)

MY LORD,—

Downing Street, 21st May, 1901.

With reference to my circular despatch of the 30th March last, respecting the proposal to organize a complete system of commercial intelligence between this country and the colonies, I have the honour to inform your Lordship that, with a view to meeting certain suggestions which have been made to the effect that there should be some direct representation of the colonies on the Advisory Committee on Commercial Intelligence appointed by the Board of Trade, I have been asked by the Board to suggest the names of two or more gentlemen conversant with the commercial and industrial affairs of the self-governing colonies, for appointment as members of that committee. It is clearly desirable that there should be on the committee a representative of Australia and New Zealand, and I should be glad to be informed whether your Ministers could agree with those of the Commonwealth of Australia to select a representative for the Australasian Colonies.

I have addressed a despatch in similar terms to the Governor-General of the Commonwealth.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &amp;c.

No. 43.

(General.)

MY LORD,—

Downing Street, 22nd May, 1901.

With reference to my telegram of the 18th instant, I have the honour to transmit to your Lordship herewith, a letter from the Clerk of the Privy Council addressed to the Right Hon. Richard John Seddon, transmitting a document notifying that he has been appointed a member of His Majesty's Most Honourable Privy Council. I have to request that you will be good enough to hand the letter and its enclosure, personally if practicable, to that gentleman, or cause them to be transmitted to him at the earliest opportunity.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &amp;c.

No. 44.

(No. 58.)

MY LORD,—

Downing Street, 23rd May, 1901.

I have the honour to transmit to you, for the consideration of your Ministers, the accompanying copy of a letter from Mr. C. B. Morrison, forwarding representations on behalf of the New Zealand Law Society with regard to the admission of New Zealand barristers and solicitors to practise before the Courts of the Transvaal and the Orange River Colony.

A copy of Mr. Morrison's letter was forwarded to the High Commissioner for South Africa, and I have to enclose a copy of a despatch from Sir A. Milner, inquiring whether barristers and solicitors of the Cape Colony and the Transvaal are or will be allowed to practise in New Zealand upon the same terms, and subject to the same conditions, as those upon which barristers of the Inns of Court of England and Ireland are admitted in New Zealand.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &amp;c.



## Enclosures.

SIR,—

22, Montague Place, Russell Square, W.C.

I have the honour, as requested by the Council of the New Zealand Law Society, to lay before you a copy of two resolutions passed by the committee of the Council on the 18th June last, and to ask that the society's representations on the matter of admission of New Zealand barristers and solicitors in the new South African Colonies may receive the favourable consideration of His Majesty's Government.

The Right Hon. Joseph Chamberlain, M.P.,

Secretary of State, for the Colonies, Downing Street.

I have, &amp;c.,

C. B. MORRISON.

## RESOLUTIONS.

1. "The committee of the Council of New Zealand Law Society, incorporated by the New Zealand Law Society's Act and Acts amending the same, desires to submit to the Imperial Government that barristers and solicitors of the Supreme Court, on due proof of their admission in New Zealand and that they are still upon the roll in New Zealand, should be admitted to practise in the Orange River Colony, and in the new colony to be established in the Transvaal, upon the same terms and subject to the same conditions as barristers of the Inns of Court of England and Ireland and solicitors of the High Court of Judicature in England will be admitted in the same colonies."

2. "That great injustice will be done to practitioners from this colony if the rules established by the Cape Colony and Natal be applied, inasmuch as persons duly qualified and admitted in other colonies are required by those colonies to serve the same periods of articles and tuition, and submit to the same conditions prior to admission, as youths studying for first admission."

(No. 334.)

SIR,—

High Commissioner's Office, Johannesburg, 19th April, 1901.

I have the honour to acknowledge the receipt of your despatch (No. 186) of 2nd March, on the subject of admission of New Zealand barristers and solicitors to practise in the Transvaal and Orange River Colony.

I have been asked by the Legal Adviser to the Transvaal Administration if it can be ascertained whether barristers and solicitors of the Cape Colony and the Transvaal, upon due proof of their admission to practise in these colonies, are or will be allowed to practise in New Zealand upon the same terms and subject to the same conditions as those upon which barristers of the Inns of Court of England and Ireland are admitted in that colony.

I shall be obliged if information on this subject can be furnished.

I have, &amp;c.,

A. MILNER,

High Commissioner.

The Right Hon. Joseph Chamberlain, &amp;c., Colonial Office.

No. 45.

(No. 60.)

MY LORD,—

Downing Street, 30th May, 1901.

With reference to my despatch (No. 51) of the 27th April, and to my No. 38. telegram of the 22nd instant, I have the honour to transmit to you, for the information of your Ministers, one sealed and six plain printed copies of an Order of His Majesty the King in Council, dated the 13th instant, providing for the annexation to New Zealand of certain islands in the Pacific Ocean.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, K.C.M.G., &amp;c.

## Enclosure.

At the Court at St. James's, the 13th day of May, 1901. Present: The King's Most Excellent Majesty, Lord President, Marquess of Breadalbane, Lord Chamberlain, Earl of Aberdeen, Earl of Kintore, Bishop of London, Sir Richard Paget.

WHEREAS by "The Colonial Boundaries Act, 1895," it is provided that where the boundaries of a colony have, either before or after the passing of that Act, been altered by Order in Council or letters patent, the boundaries as so altered shall be and be deemed to have been, from the date of the alteration, the boundaries of the colony: Provided that the consent of a self-governing colony shall be required for the alteration of the boundaries thereof.

And whereas it is expedient that the boundaries of the self-governing Colony of New Zealand should be altered in such manner that the islands of the Cook Group and such other islands in the Pacific, within the limits described, as may now or hereafter form part of His Majesty's dominions, shall become part of the said Colony of New Zealand:

5—A. 2.

And whereas the said Colony of New Zealand has, by resolutions of both Houses of its Legislature, consented to the alteration of the boundaries of the colony as hereinafter described :

Now therefore, His Majesty, by virtue and in exercise of the powers by "The Colonial Boundaries Act, 1895," or otherwise in His Majesty vested, is pleased by and with the advice of His Privy Council to order and it is hereby ordered as follows :—

From and after a date to be appointed by the Governor of the Colony of New Zealand, by Proclamation under his hand and the public seal of the colony, the boundaries of the Colony of New Zealand as defined in an Act of the twenty-sixth year of the reign of Her late Majesty Queen Victoria, entitled "An Act to alter the Boundaries of New Zealand," shall be extended so as to include all the islands and territories which now or may hereafter form part of His Majesty's dominions situate within the following boundary-line, viz. :—

A line commencing at a point at the intersection of the 23rd degree of south latitude and the 156th degree of longitude west of Greenwich, and proceeding due north to the point of intersection of the 8th degree of south latitude and the 156th degree of longitude west of Greenwich ; thence due west to the point of intersection of the 8th degree of south latitude and the 167th degree of longitude west of Greenwich ; thence due south to the point of intersection of the 17th degree of south latitude and the 167th degree of longitude west of Greenwich ; thence due west to the point of intersection of the 17th degree of south latitude and the 170th degree of longitude west of Greenwich ; thence due south to the point of intersection of the 23rd degree of south latitude and the 170th degree of longitude west of Greenwich ; and thence due east to the starting-point at the intersection of the 23rd degree of south latitude and the 156th degree of longitude west of Greenwich.

A. W. FITZROY.

No. 46.

(No. 61.)

MY LORD,—

Downing Street, 31st May, 1901.

I have the honour to transmit to you, for the information of your Ministers, the paper noted in the subjoined schedule.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Date.	Subject.
11th May, 1901 ...	Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of Nireaha Tamaki <i>v.</i> Baker from the Court of Appeal of New Zealand.

### Enclosure.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL ON THE APPEAL OF NIREAHA TAMAKI *v.* BAKER, FROM THE COURT OF APPEAL OF NEW ZEALAND; DELIVERED THE 11TH MAY, 1901.

Present at the Hearing : The Lord Chancellor, Lord Macnaghten, Lord Davey, Lord Robertson, Sir Henry de Villiers. Delivered by Lord Davey.

THIS is an appeal by an aboriginal inhabitant of New Zealand against an Order of the Court of Appeal in that colony, dated the 28th May, 1894, in which questions of great moment affecting the status and civil rights of the aboriginal subjects of the Crown have been raised by the respondent. In order to make these questions intelligible, it will be necessary to review shortly the course of legislation on the subject in the colony.

The Treaty of Waitangi (the 6th February, 1840), is in the following words :—

#### ARTICLE THE FIRST.

The chiefs of the Confederation of the United Tribes of New Zealand, and the separate and independent chiefs who have not become members of the Confederation, cede to Her Majesty the Queen of England, absolutely and without reservation, all the rights and powers of sovereignty which the said Confederation or individual chiefs respectively exercise or possess, or may be supposed to exercise or to possess, over their respective territories as the sole sovereigns thereof.

#### ARTICLE THE SECOND.

Her Majesty the Queen of England confirms and guarantees to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession ; but the chiefs of the united tribes and the individual chiefs yield to Her Majesty the exclusive right of pre-emption over such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them in that behalf.

#### ARTICLE THE THIRD.

In consideration thereof, Her Majesty the Queen of England extends to the Natives of New Zealand Her Royal protection, and imparts to them all the rights and privileges of British subjects.

By the 2nd section of the Land Claims Ordinance of 1841 (repealing the New South Wales Act, 4 Vict., No. 7) it was "declared enacted and ordained that all unappropriated lands within the Colony of New Zealand, subject however to the rightful and necessary occupation and use thereof by the aboriginal inhabitants of the said colony—are and remain Crown or domain lands of Her Majesty, her heirs and successors, and that the sole and absolute right of pre-emption from the said aboriginal inhabitants vests in and can only be exercised by Her said Majesty, her heirs and successors."

No doubt this Act of the Legislature did not confer title on the Crown, but it declares the title of the Crown to be subject to the "rightful and necessary occupation" of the aboriginal inhabitants, and was to that extent a legislative recognition of the rights confirmed and guaranteed by the Crown by the second article of the Treaty of Waitangi. It would not of itself, however, be sufficient to create a right in the Native occupiers cognisable in a Court of law.

In the year 1852 New Zealand, which up to that time had been a part of New South Wales, received a Constitution as a self-governing colony. By the New Zealand Constitution Act of that year (15 and 16 Vict., c. 72), section 72, the Assembly was empowered to make laws for the sale, disposal, and occupation of waste lands of the Crown and lands wherein the title of Natives shall be extinguished, as thereafter mentioned, and (section 73) it was made unlawful for any person other than Her Majesty to purchase or accept from aboriginal natives land of or belonging to or used by them in common as tribes or communities, or to accept any release or extinguishment of the rights of such aboriginal natives in any such land. By section 8 of 25 and 26 Vict., c. 48, power was given to the General Assembly to repeal section 73 of the previous Act.

By "The Native Rights Act, 1865," of the Colonial Legislature (29 Vict., No. 11) it was enacted (section 2) that every person of the Maori race within the Colony of New Zealand, whether born before or since New Zealand became a dependency of Great Britain, should be taken and deemed to be a natural-born subject of Her Majesty to all intents and purposes whatsoever; (section 3) that the Supreme Court, and all other Courts of law within the colony, ought to have, and have, the same jurisdiction in all cases touching the persons and the property, whether real or personal, of the Maori people, and touching the titles to land held under Maori custom or usage, as they have or may have under any law for the time being in force in all cases touching the persons and property of natural-born subjects of Her Majesty; (section 4) that every title to and interest in land over which the Native title shall not have been extinguished shall be determined according to the ancient custom or usage of the Maori people, so far as the same can be ascertained. And (section 5) that in any action involving the title to or interest in any such land, the Judge before whom the same shall be tried shall direct issues for trial before the Native Land Court.

By "The Native Lands Act, 1865" (29 Vict., No. 71), after a recital that it was expedient to amend and consolidate the laws relating to lands in the colony which were still subject to Maori proprietary customs, and to provide for the ascertainment of the persons who according to such customs were the owners thereof, and to encourage the extinction of such proprietary customs and to provide for the conversion of such modes of ownership into titles derived from the Crown, and for other purposes therein mentioned, it was enacted (sec. 2) that "Native land" should mean lands in the colony which were owned by Natives under their customs or usages; (sec. 5) that the Native Land Court (which had been established under earlier legislation) should be a Court of record for (amongst other purposes) the investigation of the titles of persons to Native lands; (sec. 21) that any Native claiming to be interested in a piece of Native land might apply for the investigation of his claim by the Court, in order that a title from the Crown might be issued to him; (sec. 23) that the Court (after certain notices had been given) should ascertain the right, title, or interest of the applicant, and all other claimants to or in the land in question, and order a certificate of title to be issued specifying the names of the persons or of the tribe who according to Native custom own or were interested in the land, describing the nature of such estate or interest, and describing the land comprised in such certificate. By section 25 it was provided that no order for a certificate of title should be made unless a survey of the lands in question, made by a duly licensed surveyor, was produced during the investigation, and it should be proved that the boundaries had been distinctly marked out on the ground. It is from the neglect of this very useful provision that the whole difficulty of fact has arisen in the present litigation. By sections 46 to 48 provision is made for the issue of Crown grants to the persons mentioned in any certificates, and to purchasers from them, which latter grants were to be as valid and effectual as if the lands had been ceded by "the Native proprietors" to Her Majesty.

By "The Native Land Act, 1877" (41 Vict., No. 91) section 6, power was given to the Native Minister to apply to the Native Land Court to ascertain and determine what interest in any plot of land had been acquired by or on behalf of Her Majesty, and all lands declared in any order made on such application to have been so acquired should, from the date of the order, be deemed to be absolutely vested in Her Majesty. This section has been repealed, but is re-enacted in a subsequent Act.

"The Native Land Act, 1865," has been repealed by "The Native Land Act, 1873," but was in force at the date of the orders made by the Native Land Court on the 13th September, 1871, hereafter mentioned. The provisions of the earlier Act, with some alterations and additions, were re-enacted in the Act of 1873. The only sections to which reference need be made for the present purpose are sections 101 and 102, by which the Native Land Court is directed to hear and determine any reference from the Supreme Court under "The Native Rights Act, 1865," and the effect of the decision of the Land Court thereon is defined; and section 105, by which it is enacted that any notification published in the *New Zealand Gazette*, and purporting to be made by or by the authority of the Governor, and stating that the Native title over any land therein described was extinguished previously to a date therein specified, shall for all purposes be received as conclusive

proof that the Native title over the land described in such notice was extinguished at some time previously to the date therein specified, and that such land on such date ceased to be Native land within the meaning of the Act.

Their Lordships do not think it necessary to review the series of Land Acts which were passed prior to 1892 for the purpose of enabling the Government to sell and dispose of Crown lands discharged from Native claims. The Act in force at the commencement of the present action was the Land Act of 1892 (No. 37). By section 3 of that Act Crown lands are defined to mean and include (amongst other things): "All Native lands which have been ceded to Her Majesty by the Natives, or have been purchased or otherwise acquired in freehold from the Natives on behalf of Her Majesty, or have become vested in Her Majesty by right by right of her prerogative."

By sections 22 and 26 provision was made for the constitution of ten land districts (of which the Wellington Land District is one), with a Commissioner of Crown Lands for each district; and by section 28 the powers and duties of the Commissioners were defined. By section 106 Crown lands were divided into three classes: (1) Town land, (2) suburban land, and (3) rural land. By section 136 the Governor was empowered, by notification in the *Gazette*, to declare that any rural land within the colony (with an immaterial exception) should be open for sale or selection in the manner and upon the conditions mentioned in the Act. By section 250 it is enacted that whenever the Governor is satisfied that any Native lands acquired by Her Majesty in any way, or purchased out of moneys authorised to be expended on purchase of lands in the North Island, are free from Native claims and any difficulties in connection therewith, he shall by Proclamation ordain such lands to be Crown lands, subject to be sold and disposed of, and thereupon such lands so proclaimed shall become subject to the provisions of the laws in force regulating the sale and disposal of Crown lands.

On the 13th September, 1871, three orders were made by the Judge of the Native Land Court. The first order was for the issue of a certificate of title under the Native Land Acts, 1865 and 1869, to certain Natives (not including the appellant) in respect of a block of land containing about 22,000 acres, known as and called "Kaihinu No. 1," when a proper survey of the said land should have been furnished to the satisfaction of the Chief Judge. And it was further ordered that whenever a Crown grant should be made of the said land the legal estate therein should vest in the grantees on the 13th September, 1871. The second was a similar order in all respects as to a block of land containing about 19,000 acres, and called "Kaihinu No. 2," in favour of certain Natives (also not including the appellant). The third was again a similar order in all respects as to a block of land containing 62,000 acres, and called "Mangatainoka Block," in favour of certain Natives (including the appellant) and all others (if any) of the members of the Rangitane Tribe. By subsequent proceedings certain parts of this block (not including the areas in dispute) have been detached and have been ceded to the Crown.

By a deed dated the 10th October, 1871, various blocks of land (including Kaihinu No. 1 and Kaihinu No. 2, but not including the Mangatainoka Block) were surrendered by the Natives interested to the Crown. The boundaries of these blocks were not mentioned in this deed, but there is a plan on the deed the accuracy and effect of which are in controversy.

By a Proclamation, dated the 2nd July, 1874, the then Governor of the colony "being satisfied that the lands described in the schedule hereto are free from Native claims and all difficulties in connection therewith, in pursuance and exercise of the power and authority vested in me by 'The Immigration and Public Works Act, 1873,'" proclaimed the said lands to be waste lands of the Crown, subject to be sold and dealt with in accordance with the provisions of the laws in force. The schedule includes all the blocks of land ceded by the deed of the 10th October, 1871, as the same are particularly delineated on the plan drawn on the margin of the deed.

On the 13th July, 1893, the respondent, by public notice, offered a block of land called Kaiparoro, 20,000 acres in extent, and containing portions of Kaihinu No. 1 and Kaihinu No. 2 and part of an area of 5,184 acres, the title for which is in dispute in this action, for sale or selection "in terms of section 137 of 'The Land Act, 1893,'" and he subsequently advertised the intended sale in the local newspapers. It is stated in the respondent's case in this appeal that a previous notification was made by the Governor pursuant to section 136 of the Act of 1892, and published in the *Gazette*, declaring open for sale the block called Kaiparoro, but there is no mention of such document in the statement of claim or the defence, and it is not referred to in the judgment of the Court, nor does it appear to their Lordships to be material to the questions which they have to decide on this appeal.

The appellant thereupon commenced the present action. The allegations in the amended statement of claim are confused, and some of them are irrelevant, and the prayer certainly goes beyond any relief which in the most favourable view of his case he can be entitled to. He sets out the several documents, the effect of which has been already stated. He does not in terms allege his title to Block Mangatainoka, or that he and the other members of his tribe are enjoying the use and occupation of the lands in dispute, but he sets out the order relating to that block, and in paragraph 36 alleges that no licence has been granted to any other person to occupy the lands in dispute. Their Lordships think that for the present purpose they are not bound to scan the sufficiency of the allegations too closely, and they must assume that the appellant has alleged or can by amendment allege a sufficient title of occupancy in himself and the other members of his tribe to raise the questions in controversy on this appeal.

The substance of the appellant's case appears to be that no proper or sufficient surveys of Blocks Kaihinu No. 1, Kaihinu No. 2, or Mangatainoka, have ever been made, and that the respective boundaries between the last two blocks have never been ascertained, and that a certain triangular block of 5,184 acres and another piece of land are not parts of Kaihinu No. 2 (as claimed by the respondent), but parts of Mangatainoka, and that the Native title in those portions of the last-named block has never been extinguished by cession to the Crown or otherwise. By paragraph

36 of the statement of claim the appellant submits that the said triangular piece of land and the other piece of land still remain land owned by himself and other aboriginal natives under their customs and usages, whether under the said order of the Native Land Court or otherwise. His prayer is—

1. For a declaration in the terms of his previous submission.
2. That the pieces of land form part of the Mangatainoka Block.

3. For a perpetual injunction to restrain the respondent from selling the two pieces of land or from advertising the same for sale or disposal as being the property of the Crown, and for further relief.

Their Lordships observe that the order of the Land Court not being completed by a certificate does not confer any title on the appellant, but they think it is evidence of his title; and the Act does not appear to make the obtaining of the certificate a condition precedent to the assertion of a Native title. In fact, no certificates were issued in respect of Blocks Kaihinu No. 1 and Kaihinu No. 2.

The issue of fact between the parties is whether the pieces of land in question were parts of Kaihinu No. 2 or of Mangatainoka. But if the action comes to trial there will be another question, Whether the pieces of land have in fact, even if erroneously, been included in the deed of cession of Kaihinu No. 2, or in some Proclamation or other act of the Governor which by the Acts in force is made conclusive evidence against the appellant.

Their Lordships, however, have not now to deal with the merits of the case, or to say whether the appellant has, or ever had, any title to the pieces of land in question, or whether such title (if any) has or has not been duly extinguished, or to express any opinion on the regularity or otherwise of the respondent's proceedings. The respondent has pleaded amongst other pleas that the Court has no jurisdiction in this proceeding to inquire into the validity of the vesting or (? the) non-vesting of the said lands or any part thereof in the Crown.

An order was made for the trial of four preliminary issues of law, of which two only (the 3rd and 4th) were dealt with in the order now under appeal. They are in these terms:—

“3. Can the interest of the Crown in the subject-matter of this suit be attacked by this proceeding?”

“4. Has the Court jurisdiction to inquire whether, as a matter of fact, the land in dispute has been ceded by the Native owners to the Crown?”

Both questions were answered by the Court of Appeal in the negative.

Their Lordships are somewhat embarrassed by the form in which the third question is stated. If it refers to the prerogative title of the Crown, the answer seems to be that that title is not attacked, the Native title of possession and occupancy not being inconsistent with the seisin in fee of the Crown. Indeed, by asserting his Native title the appellant impliedly asserts and relies on the radical title of the Crown as the basis of his own title of occupancy or possession. If, on the other hand, the unencumbered title alleged by the respondent to have been acquired by the Crown by extinguishment of the Native title be referred to, it is the same question as No. 4, and the answer to it must depend on a consideration of the character of the action and the nature of the relief prayed against the defendant. As the Court of Appeal point out, what they had to determine was in the nature of a demurrer to the statement of claim. The substantial question, therefore, is whether the appellant can sue, and whether if the allegations in the statement of claim are proved he will be entitled to some relief against the respondent. It is not necessary for him to show in this proceeding that he will be entitled to all the relief which he seeks.

The learned Judges in the Court of Appeal thought that the case was within the direct authority of *Wi Parata v. the Bishop of Wellington* (3 N.Z. J.R. N.S. S.C. 72) previously decided in that Court. They held that “the mere assertion of the claim of the Crown is in itself sufficient to oust the jurisdiction of this or any other Court in the colony. There can be no known rule of law,” they add, “by which the validity of dealings in the name and under the authority of the Sovereign with the Native tribes of this country for the extinction of their territorial rights can be tested.” The argument on behalf of the respondent at their Lordships' bar proceeded on the same lines.

Their Lordships think that the learned Judges have misapprehended the true object and scope of the action, and that the fallacy of their judgment is to treat the respondent as if he were the Crown, or acting under the authority of the Crown for the purpose of this action. The object of the action is to restrain the respondent from infringing the appellant's rights by selling property on which he alleges an interest, in assumed pursuance of a statutory authority, the conditions of which (it is alleged) have not been complied with. The respondent's authority to sell on behalf of the Crown is derived solely from the statutes, and is confined within the four corners of the statutes. The Governor, in notifying that the lands were rural land open for sale, was acting, and stated himself to be acting, in pursuance of the 136th section of “The Land Act, 1892,” and the respondent in his notice of sale purports to sell in terms of section 137 of the same Act. If the land were not within the powers of those sections (as is alleged by the appellant) the respondent had no power to sell the lands, and his threat to do so was an unauthorised invasion of the appellant's alleged rights.

In the case of *Tobin v. The Queen* (16 C. B. N.S. 310), a naval officer, purporting to act in pursuance of a statutory authority, wrongly seized a ship of the suppliant. It was held on demurrer to a petition of right that the statement of the suppliant showed a wrong for which an action might lie against the officer, but did not show a complaint in respect of which a petition of right could be maintained against the Queen, on the ground (amongst others) that the officer in seizing the vessel was not acting in obedience to a command of Her Majesty but in the supposed performance of a duty imposed upon him by Act of Parliament, and in such a case the maxim *respondet superior* did not apply. On the same general principle it was held in *Musgrave v.*

Pulido (5 A.C. 102) that a Governor of a colony cannot defend himself in an action of trespass for wrongly seizing the plaintiff's goods merely by averring that the acts complained of were done by him as "Governor," or as "acts of State." It is unnecessary to multiply authorities for so plain a proposition and one so necessary to the protection of the subject. Their Lordships hold that an aggrieved person may sue an officer of the Crown to restrain a threatened act purporting to be done in supposed pursuance of an Act of Parliament, but really outside the statutory authority. The Court of Appeal thought that the Attorney-General was a necessary party to the action, but it follows from what their Lordships have said as to the character of the action that, in their opinion, he was neither a necessary nor a proper party. In a constitutional country the assertion of title by the Attorney-General in a Court of Justice can be treated as pleading only, and requires to be supported by evidence.

But it is argued that the Court has no jurisdiction to decide whether the Native title has or has not been extinguished by cession to the Crown. It is said and not denied that the Crown has an exclusive right of pre-emption over Native lands and of extinguishing the Native title. But that right is now exercised by the constitutional Ministers of the Crown on behalf of the public in accordance with the provisions of the statutes in that behalf, and there is no suggestion of the extinction of the appellant's title by the exercise of the prerogative outside the statutes if such a right still exists. There does not seem to be any greater difficulty in deciding whether the provisions of an Act of Parliament have been complied with in this case than in any other, or any reason why the Court should not do so. In so saying their Lordships assume (without deciding) that if it be shown that, by an act of the Governor done pursuant to the statutes, the land has been declared free from Native claims it will be conclusive on the appellant.

A more formidable objection to the jurisdiction is that no suit can be brought upon a Native title. And the first paragraph of the prayer was referred to as showing that the appellant sought a declaration of his title as against the Crown. Their Lordships, however, do not understand that paragraph to mean more than that the Native title has not been extinguished according to law. The right, it was said, depends on the grace and favour of the Crown declared in the Treaty of Waitangi, and the Court has no jurisdiction to enforce it or entertain any question about it. Indeed it was said in the case of *Wi Parata v. Bishop of Wellington*, which was followed by the Court of Appeal in this case, that there is no customary law of the Maoris of which the Courts of law can take cognizance. Their Lordships think that this argument goes too far, and that it is rather too late in the day for such an argument to be addressed to a New Zealand Court. It does not seem possible to get rid of the express words of the 3rd and 4th sections of "The Native Rights Act, 1865," by saying (as the Chief Justice said in the case referred to) that "a phrase in a statute cannot call what is non-existent into being." It is the duty of the Courts to interpret the statute, which plainly assumes the existence of a tenure of land under custom and usage which is either known to lawyers or discoverable by them by evidence. By the 5th section it is plainly contemplated that cases might arise in the Supreme Court in which the title or some interest in Native land is involved, and in that case provision is made for the investigation of such titles and the ascertainment of such interests being remitted to a Court specially constituted for the purpose. The legislation both of the Imperial Parliament and of the Colonial Legislature is consistent with this view of the construction and effect of the Native Rights Act, and one is rather at a loss to know what is meant by such expressions as "Native title," "Native lands," "owners," and "proprietors," or the careful provision against sale of Crown lands until the Native title has been extinguished, if there be no such title cognisable by the law, and no title therefore to be extinguished. Their Lordships think that the Supreme Court are bound to recognise the fact of the "rightful possession and occupation of the Natives," until extinguished in accordance with law, in any action in which such title is involved, and (as has been seen) means are provided for the ascertainment of such a title. The Court is not called upon in the present case to ascertain or define, as against the Crown, the exact nature or incidents of such title, but merely to say whether it exists or existed as a matter of fact, and whether it has been extinguished according to law. If necessary for the ascertainment of the appellant's alleged rights the Supreme Court must seek the assistance of the Native Land Court, but that circumstance does not appear to their Lordships an objection to the Supreme Court entertaining the appellant's action. Their Lordships therefore think that if the appellant can succeed in proving that he and the members of his tribe are in possession and occupation of the lands in dispute under a Native title which has not been lawfully extinguished, he can maintain this action to restrain an unauthorised invasion of his title. The question whether the appellant should sue alone or on behalf of himself and the other members of his tribe, on an allegation that they are too numerous to be conveniently made co-plaintiffs, is not now before their Lordships, but it does not seem to present any serious difficulty.

If all that is meant by the respondent's argument is that in a question between the appellant and the Crown itself the appellant cannot sue upon his Native title, there may be difficulties in his way (whether insurmountable or not, it is unnecessary to say), but for the reasons already given, that question, in the opinion of their Lordships, does not arise in the present case.

In the case of *Wi Parata v. The Bishop of Wellington*, already referred to, the decision was that the Court has no jurisdiction by *scire facias* or other proceeding to annul a Crown grant for matter not appearing on the face of it; and it was held that the issue of a Crown grant implies a declaration by the Crown that the Native title has been extinguished. If so, it is all the more important that Natives should be able to protect their rights (whatever they are) before the land is sold and granted to a purchaser. But the dicta in the case go beyond what was necessary for the decision. Their Lordships have already commented on the limited construction and effect attributed to the 3rd section of "The Native Rights Act, 1865," by the Chief Justice in that case. As applied to the case then before the Court, however, their Lordships see no reason to doubt the correctness of the conclusion arrived at by the learned Judges.

In an earlier case of *The Queen v. Symonds* (parliamentary papers relative to the affairs of New Zealand, December, 1847, page 67) it was held that a grantee from the Crown had a superior right to a purchaser from the Natives without authority or confirmation from the Crown, which seems to follow from the right of pre-emption vested in the Crown. In the course of his judgment, however, Mr. Justice Chapman made some observations very pertinent to the present case. He says (page 35): "Whatever may be the opinion of jurists as to the strength or weakness of the Native title, it cannot be too solemnly asserted that it is entitled to be respected—that it cannot be extinguished (at least in times of peace) otherwise than by the free consent of the Native occupiers." And while affirming "the Queen's exclusive right to extinguish it," secured by the right of pre-emption reserved to the Crown, he holds that it cannot be extinguished otherwise than in strict compliance with the provisions of the statutes.

Certain American decisions\* were quoted in the course of the argument. It appears from the cases referred to, and others which have been used by their Lordships, that the nature of the Indian title is not the same in the different States, and where the European settlement has its origin in discovery, and not in conquest, different considerations apply. The judgments of Chief Justice Marshall are entitled to the greatest respect, although not binding on a British Court. The decisions referred to, however, being given under different circumstances, do not appear to assist their Lordships in this case. But some of the judgments contain *dicta* not unfavourable to the appellant's case.

Their Lordships are therefore of opinion that the order of the Court of Appeal should be reversed, and a declaration should be made in answer to the third and fourth issues of law as follows: That, it not appearing that the estate and interest of the Crown in the subject-matter of this suit, subject to such Native titles (if any) as have not been extinguished in accordance with law, is being attacked by this proceeding, the Court has jurisdiction to inquire whether as a matter of fact the land in dispute has been ceded by the Native owners to the Crown in accordance with law; and the respondent should be ordered to pay the costs of the hearing before the Court of Appeal, and they will humbly advise His Majesty accordingly.

Their Lordships observe that the declaration asked for by the statement of claim is too wide in its terms, and if the appellant succeeds in the action he can at the most be entitled to a declaration that the Native title in the lands in dispute has not been or is not shown by the respondent to have been duly extinguished according to law (which is probably what is meant), and the injunction asked for should be limited by omitting the word "perpetual," and inserting "until the Native title in the said lands has been duly extinguished according to law," or some similar words. Their Lordships, of course, say nothing as to the other defences, and express no opinion on the question which was mooted in the course of the argument, whether the Native title could be extinguished by the exercise of the prerogative, which does not arise in the present case.

By the Order in Council of the 8th July, 1895, leave is given to the appellant to appeal from the judgment of the Court of Appeal of the 13th July, 1894. It is not denied by the respondent, and the appeal has been argued on the assumption on both sides that the order of the 28th May, 1894, was intended, and that leave to appeal from that order was intended to be given. Their Lordships therefore will humbly advise His Majesty that the Order in Council should be read and have effect as if the words "the judgment of the Court of Appeal of New Zealand of the 28th May, 1894," were substituted therein, instead of the words "the said judgment of the Court of Appeal of New Zealand of the 13th July, 1894."

The respondent will pay the costs of this appeal.

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### No. 47.

(Circular.)

SIR,—

Downing Street, 10th June, 1901.

You are doubtless aware that a committee was, in February last, appointed by His Majesty the King to consider the best means of giving effect to the desire which is so universally felt that a memorial of Her late Majesty Queen Victoria, Imperial and not local in its character, should be erected in London, as the metropolis and centre of the Empire over which she ruled for more than sixty years. The recommendation of the committee was in favour of a memorial of a strictly personal and monumental kind, in which a statue of Her late Majesty should form the most prominent feature; and the King expressed his approval of this proposal, and of the site in front of Buckingham Palace which has been selected. The general idea of the scheme is to place in front of the Palace a group or groups of statuary, of which the statue of Queen Victoria will form the central figure, and, if funds admit, to form an imposing architectural and processional approach to the main group of statuary and to the Palace, with statues at intervals representative of the colonies and dependencies of the Empire.

\* *Cherokee Nation v. State of Georgia* (5 Peters U.S., p. 1), *Worcester v. State of Georgia* (6 Peters U.S. 515), *Fletcher v. Peck* (5 Cranch 87), *Johnson v. Mackintosh* (8 Whea. 543).



2. To carry this scheme into effect in a manner worthy of its object, ample funds are required, and a largely attended meeting was held at the Mansion House on the 26th March last for the purpose of calling public attention to the subject and of inviting subscriptions. I am convinced that the colonies of the Empire, which always occupied a most prominent position in Her late Majesty's interest and sympathies, will desire to contribute to a memorial which appeals so strongly to every class and every race of those who were her subjects. I desire, therefore, that you will take such steps as you may think best calculated to promote this object, either by bringing the matter to the notice of your Ministers or in such other way as you may think best, and I trust that I may be able to announce a response from the colonies which will be an evidence to the world at large of the feelings of devotion with which they regard the memory of Queen Victoria.

3. In making this request, I do not forget that many colonies will desire to have their local memorial, but I am led to believe that they will also wish to be distinctly and separately represented in the commemorative monument which is intended to perpetuate in the heart of the Empire the glories of Her late Majesty's reign, and the loving esteem in which she was held throughout her dominions.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

No. 48.

(Circular.)

SIR,—

Downing Street, 14th June, 1901.

I have the honour to transmit to you, for the information of your Government, copies of the designs which His Majesty the King has selected as His Royal and Imperial cyphers.

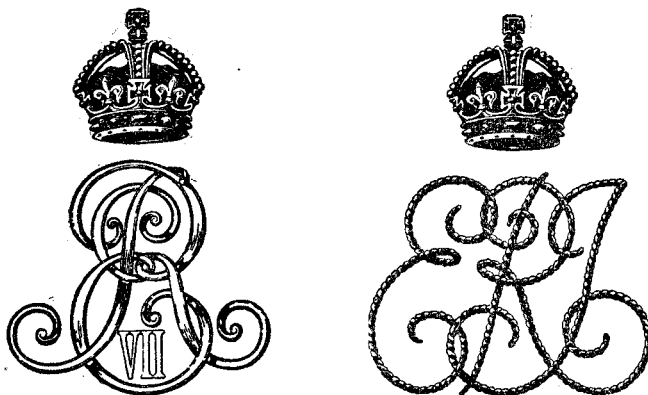
2. I have also to inform you that His Majesty has expressed his desire that the "Tudor" Crown may be substituted for any other pattern now in use as new articles become necessary; and I may add that the new design of the Royal cypher, which was approved by His Majesty on the 4th ultimo, is to supersede any others which may be in use.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Enclosure.



No. 49.

(No. 65.)

MY LORD,—

Downing Street, 14th June, 1901.

I have the honour to acknowledge the receipt of your telegram of the 11th instant, reporting the landing of their Royal Highnesses the Duke and Duchess of Cornwall and York in the colony on that day, and expressing the



satisfaction which the announcement that His Majesty had by Order in Council approved of the extension of the boundaries of the colony had given to the people of New Zealand.

Your telegram has been duly laid before the King, who commands me to express his high appreciation of the enthusiastic welcome accorded to Their Royal Highnesses.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

No. 50.

(Circular.)

SIR,—

Downing Street, 28th June, 1901.

I have the honour to transmit to you a copy of a note which has been received at the Foreign Office from the German Ambassador in London, stating that the German South Pole Expedition will leave Kiel at the beginning of August, and asking that, in view of the exclusively scientific objects of the expedition, it may be afforded all possible facilities for taking magnetic observations in those ports at which the expeditionary ship "Gauss" will touch.

I have to request that you will be good enough to arrange for the issue of such instructions as may be necessary to enable the wishes of the German Government in the matter to be complied with so far as the colony under your government is concerned.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

Enclosure.

MY LORD,—

German Embassy, 12th June, 1901.

Under instructions from my Government, I have the honour to address Your Excellency on the following points connected with the German South Pole Expedition:—

1. The inquiries of experts show that it would be extremely desirable for the expedition to be able to take with them, on their departure from Kerguelen, 400 tons, or 400,000 kilogrammes, of best quality New Zealand Westport mineral coal. The coals would have to be ready at Sydney at the beginning of September next, in case a ship should then be at hand to transport them to Kerguelen. On the other hand, there is a possibility that the coals could not be taken on board at Sydney before the beginning of October. New Zealand Westport mineral coal can only be obtained through the British Admiralty. I therefore have the honour to inquire of Your Excellency whether and under what conditions (price of coal and transport) the Admiralty would be prepared to supply the coal at Sydney at the beginning of September or beginning of October.

2. It is also of great importance to the expedition to be allowed to touch at the Island of Ascension, and there during several days carry out combined magnetic and meteorological observations (Ausschlussbeobachtungen). For this also the approval of the British Admiralty is required. For undertaking the equally important magnetic observations which it is proposed to make in Cape Colony, the Australian Colonies, on the Falkland Islands, and on St. Helena, the assent of the British Colonial Administration is required.

In view of the exclusively scientific objects of the expedition, side by side with which an English expedition is aiming at the same objects, the Imperial Government think they may assume that the authorities in question would give the necessary permission, and would be prepared to instruct the Governors and other authorities and officials to give the expeditions all possible support and facilities in those ports in British territory at which the expeditionary ship "Gauss" will touch, when she sails under the Imperial flag at the beginning of August next from Kiel, which is her port of registry.

While having the honour to recommend to Your Excellency the support of the German undertaking in the manner described, I venture to ask Your Excellency's good offices in obtaining the grant of the required facilities from the proper British authorities.

I have the honour to add that the Imperial Government would be much obliged by as early action as possible in this matter.

I have, &c.,

(For the Ambassador),

H. ECKHARDSTEIN.

Marquess of Lansdowne, &c.

No. 51.

(General.)

MY LORD,—

Downing Street, 28th June, 1901.

With reference to your Lordship's despatch (No. 59) of the 8th September, 1898, on the subject of the proposed Additional Act to the Industrial Property Convention of the 20th March, 1883, I have the honour to

A.—1, 1899,  
No. 18.

transmit to you, for the information of your Ministers, the accompanying blue-book containing the papers and correspondence relative to the recent meeting at Brussels of the adjourned Conference of the Union for the Protection of Industrial Property, and a translation and copy of an Additional Act modifying the Convention of 1883, and the final protocol annexed thereto, which was signed at Brussels on the 14th December, 1900.

2. It will be observed that the declaration made by the British delegates at the Conference at the time of the signature of the Additional Act, which is set out on page 68 of the print, reserves to any colony or possession the right to adhere on giving notice to that effect, and that Article III. of the Additional Act allows a period of eighteen months from the date of signature for the deposit of the ratifications.

3. I would request to be informed whether your Ministers would desire that the acceptance by your Government of the Additional Act should be notified to the Belgian Government; but I would remark that the deposit of the ratification by His Majesty's Government cannot be made until the necessary Imperial legislation has been obtained.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

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No. 52.

(No. 70.)

MY LORD,—

Downing Street, 29th June, 1901.

No. 38.

With reference to paragraph 5 (a) of my despatch (No. 51) of the 27th April last, regarding the extension of the boundaries of New Zealand by the inclusion of certain islands in the Pacific Ocean, I have the honour to transmit to you the accompanying copy of the license issued in respect of Suwarrow, in its final form, and to request that you will substitute it for the copy forwarded to you in my despatch above mentioned, which was taken from an earlier draft.

2. I trust that no inconvenience has been caused by the mistake, which I much regret.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G. &c.

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No. 53.

(Circular.)

SIR,—

Downing Street, 1st July, 1901.

I have the honour to request that I may be furnished at your early convenience with a statement showing, with reference to section 736 of "The Merchant Shipping Act, 1894" (57 and 58 Vict., cap. 60), what conditions and what restrictions, if any, are imposed on the coasting trade in the colony under your government, together with copies of any laws or regulations under which such restrictions are imposed.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

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No. 54.

(General.)

MY LORD,—

Downing Street, 5th July, 1901.

A.-1, 1902,  
No. 9.

With reference to your Lordship's despatch (No. 17) of the 23rd March, I have the honour to inform you that the accession of New Zealand to the Convention of 2nd March, 1899, between the United Kingdom and the United

States, relative to the tenure and disposition of real and personal property, was notified to the United States Government by His Majesty's Chargé d'Affaires at Washington on 10th June, and that the notification was acknowledged by the United States Department of State on the 13th June.

I have, &c.,

J. CHAMBERLAIN.

No. 55.

(Honours.)

MY LORD,—

Downing Street, 12th July, 1901.

By command of the King, I have the honour to transmit to your Lordship herewith letters from the Secretary to the Most Distinguished Order of Saint Michael and Saint George, addressed to the Hon. Sir Joseph George Ward and the Hon. Sir John McKenzie, containing the Sovereign's warrant conferring upon them the dignity of Knight Commander of the Order, together with Royal warrants authorising the investiture of the former by His Royal Highness the Duke of Cornwall and York, and dispensing with the ceremony of investing the latter; and I have to request that you will be good enough to cause them to be transmitted to those gentlemen.

2. Prior to the receipt of your telegram of the 20th ultimo, asking for the issue of a warrant dispensing with the investiture of Sir J. McKenzie, a warrant had been prepared authorising His Royal Highness to invest him; but as I gather from your telegram of the 6th July that he was not so invested, although His Royal Highness presented him with the insignia of the dignity, the warrant authorising his investiture has been retained in the Chancery and will be cancelled.

3. I have also to enclose letters from the Secretary of the Order of Saint Michael and Saint George to the Hon. Alfred Jerome Cadman, the Hon. William Campbell Walker, and Lieutenant-Colonel Walter Edward Gudgeon, containing the King's warrants conferring upon them the dignity of Companion of the Order; and I have to request that these letters may be likewise transmitted to those three gentlemen. With the insignia of the dignity presented to them by His Royal Highness the Duke of Cornwall and York their appointments will now be complete.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

No. 56.

(General.)

MY LORD,—

Downing Street, 12th July, 1901.

With reference to your Lordship's despatch (No. 15), of the 21st March, I have the honour to transmit to you, for your information, a copy of the correspondence which has passed between the Agent-General and this department relative to the application of "The Colonial Solicitors Act, 1900," to New Zealand.

A.-1, 1902,  
No. 8.

I have, &c.,

J. CHAMBERLAIN.

Governor, the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

Enclosures.

SIR,—

Westminster Chambers, 13, Victoria Street, S.W., 13th June, 1901.

I am directed by the Agent-General to request the favour of your informing him whether an Order in Council has yet been issued declaring that "The Colonial Solicitors Act, 1900," applies to New Zealand.

It appears that a letter dated 7th August last was addressed on this subject to the Officer Administering the Government of New Zealand, by the Secretary of State, and that the Premier of the colony, in reference thereto, addressed a memorandum to His Excellency the Governor stating that the information supplied in reply to circular despatch from the Colonial Office of the 1st February, 1898, is still accurate.

The Agent-General assumes that the Premier's memorandum has been duly communicated to the Secretary of State, and that nothing further, therefore, stands in the way of the Order in Council being issued.

I am, &c.,

WALTER KENNAWAY.

The Under-Secretary of State, Colonial Office.

SIR,—

Downing Street, 25th June, 1901.

In reply to your letter of the 13th instant, I am directed by Mr. Secretary Chamberlain to inform you that it had not been understood that your Government desired that "The Colonial Solicitors Act, 1900," should be applied to New Zealand, and that, therefore, no Order in Council has been prepared.

I am also to state that it has not at present been contemplated that candidates for admission to be solicitors of the Supreme Court in this country under the Colonial Solicitors Act of last year should in every case be required to pass examinations; and if no such examination should be prescribed, there may be a doubt whether New Zealand, which compels examination of British solicitors who are candidates for admission in New Zealand, admits such candidates on terms as favourable as those on which it would be proposed to admit New Zealand solicitors here, a condition precedent to the passing of an Order in Council under subsection (1b) of section 2 of the Act.

I am to add that, in any case, women could not, under existing conditions, be admitted as solicitors in this country.

The Agent-General for New Zealand.

I am, &amp;c.,

H. BERTRAM COX.

SIR,—

Westminster Chambers, 13, Victoria Street, S.W., 27th June, 1901.

I am directed by the Agent-General to acknowledge the receipt of your letter (No. 20402/1901) of the 25th instant, and in reply to state that his Government are desirous that "The Colonial Solicitors Act, 1900," should be applied to New Zealand, and to inquire whether, with this understanding, the preparation of the Order in Council will be proceeded with.

I am to add that, so far as he is aware, his Government have not desired that any exception should be made as regards women being admitted as solicitors in this country.

The Under-Secretary of State, Colonial Office.

I am, &amp;c.,

WALTER KENNAWAY.

SIR,—

Downing Street, 12th July, 1901.

With reference to your further letter of the 27th June respecting the application of "The Colonial Solicitors Act, 1900," to New Zealand, I am directed by Mr. Secretary Chamberlain to acquaint you that this Department is in communication with the various authorities in this country on the subject, and that a further letter will be addressed to you at a later date.

The Agent-General for New Zealand.

I am, &amp;c.,

H. BERTRAM COX.

## No. 57.

(Circular.)

SIR,—

Downing Street, 15th July, 1901.

With reference to my circular despatch of the 26th January last, forwarding copies of my telegram of the 24th January and certain other documents issued in consequence of the death of Her late Majesty the Queen, I have the honour to transmit to you, for the information of your Government, a copy of "The Demise of the Crown Act, 1901," which has recently passed through Parliament and received the Royal assent.

2. It will be observed that it provides that the holding of any office under the Crown, whether within or without Her Majesty's dominions, shall not be affected, nor shall any fresh appointment thereto be rendered necessary, by the demise of the Crown.

3. I have been advised that a person holding a dormant Commission to administer the Government of a colony in the absence of the Governor is the holder of an office within the terms of this Act.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

## No. 58.

(No. 73.)

MY LORD,—

Downing Street, 16th July, 1901.

I have the honour to transmit to you for the information of your Ministers, with reference to my telegram of the 8th instant, the papers noted in the subjoined schedule.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Dates.	From	To	Subject.
1901.			
1 July ...	Admiralty ...	Colonial Office	} Destination of transport "Tagus" in New Zealand.
5 " ...	Colonial Office	Admiralty ...	
6 " ...	Admiralty ...	Colonial Office	

## Enclosures.

SIR,—

Admiralty, S.W., 1st July, 1901.

I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for the Colonies, that a telegram was received from the Principal Transport Officer at Capetown on the 22nd ultimo, stating that to meet the request of the New Zealand Government he had ordered the transport "Tagus," with Australasians on board, to proceed to Bluff Harbour instead of to Wellington.

A letter has now been received from the Royal Mail Steam Packet Company, the owners of that ship, objecting to her proceeding to that port on account of its danger (copy enclosed).

As my Lords consider that it is not desirable that she should go to Bluff they have ordered the ship to proceed to Otago instead, and I am to request that the New Zealand Government may be informed accordingly by telegraph.

I have, &amp;c.,

The Under-Secretary of State, Colonial Office.

EVAN MACGREGOR.

SIR,—

The Royal Mail Steam Packet Company, 18, Moorgate Street,  
1st July, 1901.

I am desired to state that "Tagus" having been ordered to Bluff, the commander has cabled to the company that such is the case, and that it is a dangerous port for a large single-screw steamer.

Under these circumstances, I am directed to request that the order may be cancelled, as this company decline the risk.

I am, &amp;c.,

The "Director" of Transports, Admiralty.

J. M. LLOYD, Secretary.

SIR,—

Downing Street, 5th July, 1901.

With reference to your letter (T. 6908) of the 1st instant, I am directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Lords Commissioners of the Admiralty, a copy of a telegram sent to the Governor of New Zealand, together with copies of two telegrams from him, regarding the port of arrival in New Zealand of the transport "Tagus."

2. In view of the representations of the Colonial Government, Mr. Chamberlain will be glad if their Lordships will again consider the matter.

I am, &amp;c.,

The Secretary to the Admiralty.

H. BERTRAM COX.

SIR,—

Admiralty, S.W., 6th July, 1901.

With reference to your letter of the 5th instant (No. 23011/1901), I am commanded by the Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State for the Colonies, a copy of a letter they have addressed to the Under-Secretary of State for War, embodying the considerations which determined their Lordships' action in ordering the "Tagus" transport to proceed to Otago instead of to Bluff Harbour; and I am to acquaint you that, after consideration of the matter, their Lordships must adhere to that decision, observing that the "Tagus" belongs to a company which does not trade with New Zealand, and the officers are, therefore, unacquainted with the coast and harbour alluded to.

I am, &amp;c.,

The Under-Secretary of State, Colonial Office, S.W.

EVAN MACGREGOR.

SIR,—

Admiralty, S.W., 5th July, 1901.

In reply to your letter of the 3rd instant (Ch. M.G.Z.), I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for War, that, on the representation of the owners of the transport "Tagus" of the risk she would incur in entering Bluff Harbour in New Zealand, the matter was carefully looked into by their Lordships, who considered that, in view of the size and character of the ship, the risk was not one they would be justified in incurring, and that orders were consequently sent by cable to Albany directing the master to go to Otago instead. The vessel left Albany on the 2nd idem with these orders, and their Lordships still think that, owing to navigational risks, it would not be justifiable to send her to Bluff Harbour.

I am, &amp;c.,

The Under-Secretary of State, War Office.

C. J. THOMAS, *pro* Secretary.

No. 59.

(Circular.)

MY LORD,—

Downing Street, 23rd July, 1901.

With reference to my circular despatch of the 28th ultimo, I have the No. 50 honour to present to you a translation of a further note from the German

Ambassador to the Foreign Office, enclosing sets of programmes of magnetic and meteorological observations which his Government, at the instance of the Anglo-German committee, appointed by the International Geographical Congress of Berlin (1899), desire should be undertaken in the colony under your government in connection with the South Polar Expedition, and I have to request that you will be good enough to do whatever lies in your power to facilitate the desired object.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &amp;c.

## Enclosures.

MY LORD,—

German Embassy, London, 10th July, 1901.

The International Geographical Congress which met at Berlin in 1899 considered it necessary that, during the next expedition of discovery to the South Pole, magnetic and meteorological observations should be taken at as great a number of stations as possible, in order to complete the labours of the different expeditions.

In the proceedings of the Anglo-German committee appointed by the Congress to the matter in detail, discussions have taken place with a view to bringing about the desired international co-operation, and this led to the drawing up of a magnetic and meteorological programme. By instruction I transmit to your Excellency eighteen copies of both programmes, with the enclosures belonging to them, and ask you to be so good as to take steps that instructions may be sent to the stations mentioned in the accompanying list, and other suitable places, to undertake the observations arranged.

In adding that the Imperial Government would be much obliged if the matter could be hastened as much as possible, as the departure of the German South Polar Expedition takes place at the beginning of August, I have the honour to ask for an answer.

(For the Imperial Ambassador)

ECKHARDSTEIN.

## LIST OF OBSERVATIONS IN THE BRITISH EMPIRE.

London: Meteorological Office, Board of Trade, Admiralty, Hydrographic Department.

Capetown: Meteorological Commission for the Colony of the Cape of Good Hope, Royal Astronomical Observatory.

Mauritius (20° S.): Royal Alfred Observatory.

Adelaide: Observatory (Director, Th. Tood).

Melbourne: Government Astronomer.

Sydney: Observatory (Dr. Russell).

Windsor (New South Wales): Private observatory of Mr. Tobbath.

Brisbane (Queensland, 87½ S.): Observatory (Director, A. Wragg).

Perth (Western Australia): Observatory.

Wellington (New Zealand): Meteorological Department.

No. 60.

(No. 75.)

MY LORD,—

Downing Street, 25th July, 1901.

I have the honour to transmit to you for the information of your Ministers, with reference to your despatch (No. 66) of the 12th September, 1900, the papers noted in the subjoined schedule.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Date.	From	To	Subject.
8 July, 1901	Foreign Office	Colonial Office	Facilities afforded by the Government of New Zealand to the Chilian training-ship "General Bacquedano."

## Enclosures.

SIR,—

Foreign Office, 8th July, 1901.

I am directed by the Marquess of Lansdowne to transmit to you the accompanying copy of a note from the Chilian Minister, conveying the thanks of his Government for the facilities granted to the officers and midshipmen of the training vessel "General Bacquedano" by the authorities of Hongkong, Vancouver, Adelaide, Sydney, and Auckland. Monsieur Gana asks that

simila facilities may be extended to the "General Bacquedano" on her approaching visit to Halifax, Nova Scotia, for which she will start next month, and I am to request that you will move Mr. Secretary Chamberlain, if he sees no objection, to issue the necessary instructions.

The Under-Secretary of State, Colonial Office.

F. H. VILLIERS.

MY LORD,—

Chilean Legation, 2nd July, 1901.

I have the honour to inform your Excellency that my Government have requested me to express to you their gratitude for the courtesy shown and the facilities granted by the authorities of the ports of Hongkong, Vancouver, British Columbia, Adelaide, and Sydney in Australia, and Auckland in New Zealand, to the officers and midshipmen of the training-vessel of the Chilean fleet, "General Bacquedano," during the instructional voyage which ended towards the close of last year. At the same time my Government desire to inform your Excellency that the "General Bacquedano" will shortly start on a fresh instructional voyage, touching at Halifax, Nova Scotia, towards the middle of August next.

In acquainting your Excellency of this I venture to add that my Government would be deeply grateful to your Excellency if, through your good offices, the officers and midshipmen of the training-ship could receive some facilities for their instructional voyage from the authorities of Halifax.

The Marquess of Lansdowne, K.G., &c.

I have, &c.,

DOMINGO GANA.

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No. 61.

(Circular.)

SIR,—

Downing Street, 25th July, 1901.

With reference to Lord Knutsford's circular despatch, dated the 22nd April, 1890, forwarding an Order in Council giving effect to the Convention of 12th June, 1889, between this country and the United States of America for the extradition of fugitive criminals, I have the honour to transmit to you, for publication in the colony, a copy of an Order of His Majesty the King in Council, dated the 26th June, 1901, giving effect to a supplementary Convention between the United Kingdom and the United States of America for the same purpose, which was signed at Washington on the 13th December, 1900, and of which the ratifications were exchanged on the 22nd April, 1901.

It will be observed that by Article I. of the Convention certain crimes are added to the list of crimes in the first Article of the 1889 Convention on account of which extradition may be granted.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

[For enclosure, see *New Zealand Gazette*, 19th September, 1901, page 1843.]

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No. 62.

(General.)

MY LORD,—

Downing Street, 26th July, 1901.

I have the honour to acknowledge the receipt of Your Lordship's No. 42. telegram of the 6th instant, respecting the representation of New Zealand on the Advisory Committee of the Commercial Intelligence Branch of the Board of Trade, and to state that the question of the separate representation of New Zealand on that Committee will be considered when a reply has been received to the despatch to the Governor-General of the Commonwealth of Australia in regard to the representation of Australia, to which reference was made in the last paragraph of my despatch (General) of the 21st May last.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

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No. 63.

(Circular.)

SIR,—

Downing Street, 8th August, 1901.

It is with the deepest regret that I have to communicate to you the melancholy intelligence of the death of Her Imperial Highness the Dowager Empress and Queen Frederick of Germany and Prussia, Princess Royal of Great Britain and Ireland, sister of His Majesty the King.

Her Imperial Majesty expired at the Castle of Friedrichshof, near Kronberg, at 6 o'clock in the evening on the 5th instant, to the great grief of His Majesty and of all the Royal Family.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

No. 64.

(No. 80.)

MY LORD,—

Downing Street, 9th August, 1901.

I have the honour to transmit to you a copy of a letter which has been received from the War Office forwarding the insignia, &c., of the Distinguished Service Order for presentation to Captain T. C. Major and Captain D. Polson, of the New Zealand Mounted Rifles, whose appointments as Companions of the said Order was notified in the *London Gazette* of the 19th April last.

2. I shall be glad if you will cause a presentation of these decorations to be made to the officers in question in such a manner as may be considered most suitable, and that you will, in accordance with the request of the War Office, cause me to be furnished as soon as possible with an account of the proceedings adopted at such presentation, and of any steps which may be taken in regard to it.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

Enclosure.

SIR,—

War Office, London, S.W., 2nd August, 1901.

In transmitting to you herewith the insignia of the Distinguished Service Order for the officers named in the margin (New Zealand Mounted Rifles: Captain T. C. Major; Captain D. Polson), whose appointment as Companions of the said Order appeared in the *London Gazette* of 19th April, 1901, I am directed by the Secretary of State for War to request that you will be good enough to move the Secretary of State for the Colonies to cause these decorations to be forwarded for presentation to the officers in question in such a manner as may be considered most suitable to the occasion.

It is further requested that an account of the proceedings which may be adopted when the presentation of the decorations is made, or any other steps that may be taken in regard to it, may be furnished as soon as possible to this Department.

I have also to transmit herewith the warrants appointing these officers to the Distinguished Service Order, together with copies of the statutes, and to request that you will acknowledge the receipt of this letter and its enclosures.

I have, &c.,

The Under-Secretary of State, Colonial Office.

E. W. D. WARD.

No. 65.

(General, No. 1.)

MY LORD,—

Downing Street, 10th August, 1901.

With reference to my despatch (No. 17) of the 15th February, 1901, I have the honour to state, for the information of your Government, that the delegates, who in reply to the invitation contained in that despatch were selected by the Governments of the colonies to which that despatch was addressed, have duly met and considered the question of the more effective and continuous representation of the colonies in the final colonial Court of appeal.

2. It is unnecessary for me to recapitulate the recent history of this question. His Majesty's Government were strongly of opinion that it was very desirable to ascertain the view of the colonies upon the question, and in inviting your Government to send a delegate they had no wish to suggest, still less to press upon the colonies, any views of their own, but were anxious to ascertain what the views of the colonies might be upon the question. Had it proved to be the case that the colonies unanimously or by a great majority desired that changes of importance should be made in the constitution of the final colonial Court of Appeal which in their view would add strength, influence, and authority to that Court in the colonies, His Majesty's Government were anxious to do all



in their power to meet the views at which, after full consideration, the colonies might with practical unanimity arrive; but it was entirely contrary to the wish of His Majesty's Government to press any change upon the colonies which would not be in accordance with their desires.

3. The Conference held its first meeting at the Colonial Office on the 26th June last, the Lord Chancellor presiding, and in addition to the Earl of Onslow and myself the following gentlemen attended: Sir R. B. Finlay, K.C., M.P. (His Majesty's Attorney-General); Sir Edward Carson, K.C., M.P. (His Majesty's Solicitor-General); the Honourable David Mills, Minister of Justice in the Dominion Cabinet (representing the Dominion of Canada); His Honour Mr. Justice Henry Edward Argincourt Hodges, of the Supreme Court of Victoria (representing the Commonwealth of Australia); the Hon. James Rose Innes, K.C., the Attorney-General of the Cape of Good Hope (representing Cape Colony); Sir James Prendergast, late Chief Justice of New Zealand (representing New Zealand); His Honour Mr. Justice George Henry Emerson, Judge of the Supreme Court of Newfoundland (representing Newfoundland); Mr. William Boase Morcom, K.C., M.L.A. (representing the Colony of Natal); Sir William James Smith, Chief Justice of British Guiana (appointed by the Secretary of State for the Colonies as representative of the other colonies at the Conference); Sir John Edge, Member of the Council of the Secretary of State for India (appointed by him to attend the Conference on behalf of the Government of India); Mr. Bertram Cox, Legal Assistant Under-Secretary to the Colonial Office.

After considerable discussion it was agreed that the delegates should meet privately, and, after full deliberation amongst themselves, submit for further consideration any resolutions at which they might arrive, and formulate proposals which would give expression to their joint views on the various issues raised. As a result of their deliberations, the resolutions of which a copy is enclosed were arrived at. It will be seen that the majority of the delegates were of opinion that appeals should continue to lie from the colonies and from India to His Majesty in Council; that appointments to the Judicial Committee should be from time to time made in such numbers as might be considered necessary from the colonies and from India; that the persons appointed should, if Judges, vacate any judicial appointment held at the time of their appointment to the Privy Council, but that the selection of persons so appointed should not be limited to Judges and ex-Judges. The delegates were further of opinion that the colonial members to be appointed should be appointed for life or for a term of years, and the suggestion was also put forward that sufficiently ample salaries should be provided; that arrangements should be made for securing a larger attendance of Lords of Appeal to sit on the Judicial Committee; and that, with a view to avoidance of delay, the colonies should suggest any alterations and amendments which they considered desirable in the various Orders in Council regulating appeals to the Privy Council.

4. Mr. Justice Emerson, while concurring in the recommendations above summarised, did so subject to the proposal (hereafter referred to) which has been made for the establishment of an Imperial Court of Appeal for the Empire.

5. Sir James Prendergast was of opinion that while, for the present, appeal should continue to lie from the colonies and from India to His Majesty in Council, the time might soon arrive when a new final Court of Appeal for the whole British dominions would be practically possible. He was unable to agree with the resolution of the majority of the delegates as to appointments from the colonies to the Judicial Committee, because he considered that that resolution did not indicate a satisfactory scheme of colonial representation; and he further stated that in colonies where the legal systems were substantially the same as that in England, he failed to find sufficient reason for any colonial representation.

6. Mr. Justice Hodges, who represented the Commonwealth of Australia, while agreeing with the majority of the delegates that the selection of members of the Judicial Committee of the Privy Council should not be confined to Judges and ex-Judges, and that any Judge appointed should vacate any judicial office

held at the time of his appointment to the Judicial Committee, was unable to concur in the resolutions arrived at by the majority of the delegates. It will be seen from a letter from him dated the 9th July (a copy of which is enclosed) that in his opinion it was desirable that there should be only one Court of final appeal, which should have vested in it the appellate jurisdiction of the House of Lords and of His Majesty in Council; that this Court should contain representatives from India, Canada, South Africa, and Australia, and should ordinarily sit in two divisions, though in cases of exceptional difficulty both divisions might sit together. He was of opinion that it was desirable that an entirely new Court should be formed, which he considered would command the admiration and respect not only of the whole British race but of every race in the British dominions, and would be a powerful factor in the development of a closer union between all parts of the Empire.

7. The resolutions of the delegates were considered at a further meeting of all the members engaged in the Conference on the 11th July, and after further discussion the proceedings of the Conference were brought to a close.

8. As I have previously stated, it would be impossible, should the colonies not be practically unanimous in their recommendations, to make any drastic changes in the constitution or procedure of the existing Courts of Appeal. Moreover, it is apparent that the majority of the delegates are in substance satisfied with the existing system, though they offer suggestions, which will have the careful consideration of His Majesty's Government, for the amendment of the present system of colonial appeal on matters of detail.

9. The result of the Conference has been to show that no far-reaching alteration in the present tribunal is desired or would be considered satisfactory by the colonies generally, and, so long as the colonies are of that opinion, His Majesty's Government do not propose to make any material changes for the establishment of an Imperial Court of Appeal.

10. In conclusion, I have to thank your Government for the readiness with which they complied with the desire of His Majesty's Government that they should send to this country a delegate to confer with His Majesty's Government upon this very important question; and I would ask your Ministers to consider the point suggested by the delegates—namely, whether any, and, if so, what, amendments are desirable in the present procedure under which appeals lie from your colony to His Majesty in Council, which will tend to simplicity, the avoidance of unnecessary delay, and the reduction of the cost of appeal.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

No. 66.

(General, No. 2.)

MY LORD,—

Downing Street, 10th August, 1901.

No. 65.

With reference to my despatch (General, No. 1) of the 10th instant, communicating the result of the Conference recently held to consider the question of the constitution of the final Court of colonial appeal, I have the honour to acquaint you, for the information of your Ministers, that it is proposed to lay that despatch before Parliament, together with a few other papers on the subject, as soon as it has been received in all the colonies who sent special representatives to the Conference; and I have, therefore, to request that you will acknowledge its receipt by telegraph.

The single word "Appeal" will be sufficient for this purpose.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

No. 67.

(Circular.)

SIR,—

Downing Street, 10th August, 1901.

With reference to my circular despatch of the 30th October last, stating that the Government of New Zealand had decided to adopt, from the 1st January, 1901, the Imperial penny postage scheme for letters, I have the honour to inform you that, by a Proclamation issued by the Governor of New Zealand on the 11th June last, under the authority of His Majesty's Order in Council of the 13th May, 1901, the boundaries of the colony were from the date of Proclamation extended so as to include all the islands and territories which now or may hereafter form part of His Majesty's dominions situate within the following boundary-line: A line commencing at a point at the intersection of the 23rd degree of south latitude and the 156th degree of longitude west of Greenwich, and proceeding due north to the point of intersection of the 8th degree of south latitude and the 156th degree of longitude west of Greenwich; thence due west to the point of intersection of the 8th degree of south latitude and the 167th degree of longitude west of Greenwich; thence due south to the point of intersection of the 17th degree of south latitude and the 167th degree of longitude west of Greenwich; thence due west to the point of intersection of the 17th degree of south latitude and the 170th degree of longitude west of Greenwich; thence due south to the point of intersection of the 23rd degree of south latitude and the 170th degree of longitude west of Greenwich; and thence due east to the starting-point at the intersection of the 23rd degree of south latitude and the 156th degree of longitude west of Greenwich.

The penny rate of postage will therefore in future be applicable to letters passing between persons in the Cook Islands, the Islands of Aitutaki, Niue, Mangaia, and other British Islands in the area included within the new boundary-lines and persons in any other parts of the Empire which are parties to the penny-postage scheme.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

No. 68.

(No. 84.)

MY LORD,—

Downing Street, 22nd August, 1901.

I have the honour to transmit to you, for the information of your Ministers, copy of correspondence with the Officer Administering the Government of New South Wales, regarding the payment of a commission on local advances in connection with the equipment and despatch of the Imperial Bushmen's Contingent to South Africa.

2. From the second paragraph of my despatch to New South Wales your Government will see that the principle of the decisions now taken applies in the case of New Zealand contingents raised at the expense of the Imperial Government.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &amp;c.

Enclosures.

SIR,—

Government House, Sydney, 13th March, 1901.

With reference to the commission of 3 per cent. allowed to the New South Wales Government by the Imperial Government on all moneys paid in Sydney on account of Imperial pensions and allowances, I have the honour, at the instance of my Ministers, to acquaint you that it is proposed, with the concurrence of the Imperial Government, to make a similar charge in connection with advances on account of the Imperial Bushmen's Contingent to South Africa.

I have, &amp;c.,

FRED. DARLEY, Lieutenant-Governor.

The Right Hon. Joseph Chamberlain.

SIR,—

Downing Street, 22nd August, 1901.

With reference to your despatch (No. 57) of the 13th March, I have the honour to acquaint you, for the information of your Ministers, that His Majesty's Government agrees to the proposal of your Government to charge a commission of 3 per cent. in connection with advances on account of the Imperial Bushmen's Contingent raised for service in South Africa at the expense of the Imperial Government.

2. The principle of this decision, of course, extends beyond the particular case now in question; and I have therefore to request that the other Australian Governments which have raised contingents on the same basis may be informed of it.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New South Wales.

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No. 69.

(Circular.)

SIR,—

Downing Street, 23rd August, 1901.

I have the honour to transmit to you, for publication in the colony under your government, a copy of an Order of His Majesty the King in Council, dated the 15th June, 1901, for giving effect to the treaty between Her late Majesty Queen Victoria and His Majesty the King of Serbia for the mutual extradition of fugitive criminals, signed at Belgrade on the <sup>6th December.</sup> ~~23rd November.~~ 1900, the ratifications of which were exchanged at that city on the 13th March, 1901.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

[For enclosure, see *New Zealand Gazette*, 24th October, 1901, page 2036.]

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No. 70.

(No. 85.)

MY LORD,—

Downing Street, 23rd August, 1901.

I have the honour to acknowledge the receipt of your despatch (No. 53) of the 27th June, forwarding a letter from your Premier, in which he suggests that the memorial to Her late Majesty Queen Victoria should take the form of a national technical university in London.

2. I have been very glad to receive Mr. Seddon's letter, and I fully appreciate the merits of his suggestion, which has received the most careful consideration. It was, however, the unanimous opinion of the representative committee which was appointed by His Majesty the King to deal with the subject that the memorial should be personal in form, and not concerned with any secondary object, however important. Further, the question of technical university education is attracting great attention in this country, and much progress is being made in many parts of the United Kingdom in the establishment of colleges and universities for that purpose, and it is found by experience that to gain the full advantage of such institutions it is necessary that they should be scattered throughout the Empire, and not confined to a single centre. Canada has made great advances in this direction, and doubtless Australia and New Zealand will follow her example.

3. For these reasons, and also because it would be impossible to secure the permanent prosperity and maintenance of any institution requiring annual support, the Committee decided on the architectural and monumental form of commemoration indicated in their report.

4. I have to request that you will communicate this fact to Mr. Seddon.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &amp;c.

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No. 71.

(General.)

MY LORD,—

Downing Street, 26th August, 1901.

I have the honour to acknowledge the receipt of your Lordship's despatch (No. 24) of the 5th April, recommending that Mr. Alfred Jerome Cadman may receive permission to retain the title of "Honourable."

2. In reply, I have to refer you to Lord Ripon's despatch (General) of the 2nd August, 1894, and to state that as Mr. Cadman has now ceased to be a member of the Executive Council, the usual notification has been made in the *London Gazette* that the King has been pleased to approve of the retention of the title of "Honourable" by Mr. Cadman, who has served for more than three years as a member of the Executive Council of the Colony of New Zealand.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

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No. 72.

(Circular.)

SIR,—

Downing Street, 26th August, 1901.

I have the honour to inform you that the German Minister at the Court of St. James has applied through the Foreign Office to be supplied with particulars in regard to the system of weights and measures existing in the colony under your government, as well as for copies of any rules and regulations there may be on the subject, for the use of the Imperial Standard Assaying Committee at Berlin, and I shall be glad if I may be furnished with the information required for transmission to the German Minister.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

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No. 73.

(General.)

MY LORD,—

Downing Street, 27th August, 1901.

With reference to my despatch (General) of the 7th February last, notifying the postponement until next year of the International Telegraph Conference, which had been appointed to meet in London in May last, I have the honour to inform your Lordship that it is now proposed that the Conference should meet in London on the 10th February next, and that the Postmaster-General has asked me to renew the invitation to your Government to participate.

I shall be glad to be informed as early as possible of the name and title of the delegate to whom your Government would propose to be represented.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

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No. 74.

(Circular.)

SIR,—

Downing Street, 30th August, 1901.

With reference to my circular despatch of the 28th instant, in regard to the revised edition of the international code of signals, I have the honour to state that as the Board of Trade are of opinion that the insertion in the geographical table of the code of a list of places on the coast at which life-saving stations have been established would add to the usefulness of that code, I shall be glad to be furnished with such a list for the information of that Department.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

## No. 75.

(No. 88.)

MY LORD,—

Downing Street, 31st August, 1901.

I much regret that an earlier reply has not been returned to your despatch (No. 33) of the 12th May, 1900, enclosing a request, framed by a meeting held at Wellington on the 18th April, 1900, for permission to form a reserve corps in New Zealand on the lines of the Royal reserve in the United Kingdom. The matter has been delayed by the consideration of various questions relating to colonial defence which have been dealt with together.

2. I have now the honour to forward to you a copy of Royal warrant of the 17th February, 1900, which explains the constitution of the Royal reserve in this country. You will see that it provides for men who have left the regular Imperial military service re-enlisting for one year as regular soldiers for service at home, and for infantry men so re-enlisting being formed into reserve battalions.

3. The conditions under which it has been proposed to form a New Zealand Royal reserve are, therefore, not analogous to those under which the Royal reserve regiments in the United Kingdom have been raised. The proposal in New Zealand is understood to be that ex-Imperial officers, non-commissioned officers, and men of all branches of His Majesty's naval and military services should be formed into a Volunteer reserve corps, either for the performance of garrison duty or for such other services as might be found most suitable.

4. Whilst it is obvious that it would not be possible to connect such a corps with any of the Royal reserve regiments doing temporary duty in the United Kingdom, I am of opinion that it is very desirable that the services of such ex-officers and men of the Imperial troops as have settled in the colonies should continue to be available for purposes of defence.

5. A further communication will shortly be addressed to you containing the outlines of a scheme for utilising the services of army reservists residing in the colonies for employment with the colonial forces.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &amp;c.

## No. 76.

(No. 89.)

MY LORD,—

Downing Street, 31st August, 1901.

I have the honour to transmit to you, for the consideration of your Government, the accompanying copy of a letter from the War Office, containing the outlines of a scheme for utilising the services of army reservists residing in India and British colonies and protectorates for local defence, and for employment with the local forces.

I transmit also a memorandum of the conditions which it is proposed should be signed by all reservists who are in future permitted to reside in the colonies, and I should be glad to receive the views of your Government with regard to the proposal that the colony should undertake the payment of those reservists.

I would state that the reserve pay of a reservist is 6d. a day until he completes twelve years' service from the date of enlistment, and that in return for this any reservist residing in a colony, if paid by that colony, will be available solely for local defence, and he would be paid when called up for training or actual service at army rates in lieu of the 6d. a day retaining-fee; but, as hitherto no reservists have been allowed to take up their residence in any colony in which there is no Imperial garrison for more than a year without forfeiting their reserve pay, and as this restriction has naturally limited the numbers of emigrants, it has not been found possible to make any definite estimate of the numbers of reservists who would avail themselves of the permission to settle in the colonies under the new regulations, so as to be able to calculate the probable total cost for which the colonies would render themselves liable by the adoption of the proposals now put forward.

In view of this it has been suggested that the colonies concerned should themselves state the numbers to whom permission to reside within them should be accorded. They would then themselves fix the limit of their liability, and it could easily be arranged that the number so fixed was not exceeded.

It should be remembered that when any reservist completes twelve years' service he is eligible for re-enlistment for four years into the supplemental reserve. The question of allowing or refusing any reservist residing in a colony to enlist into the supplemental service would, in such a case, be delegated to the local authorities, and increased liability in this respect would be subject to their veto.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G.

Enclosure.

SIR,—

War Office, London, S.W., 11th April, 1900.

I am directed by the Secretary of State for War to inform you that he has for some time had under his consideration a scheme for utilising the services of army reservists residing in India, and in British colonies and protectorates, for local defence and for employment with the local forces.

Hitherto reservists have only been permitted to reside in India and in any colony in which there is a British garrison, these limitations having been advisedly adopted on account of the difficulty of paying reservists, or of utilising their services on mobilization in any part of the world where there are no British troops.

The conditions on which such permission has been granted include an undertaking to rejoin on mobilisation, but this provision is practically inoperative, as reservists have usually insufficient means for rejoining from a distance, and, in the recent mobilisation, reservists residing in South Africa were required to rejoin in that country and not at the depots of their regiments in England.

For this reason there has been a tendency to consider a reservist residing in our possessions abroad as useless for mobilisation purposes; and, when his time in Section B or C of the reserve has expired, he has not been allowed to enlist into Section D unless he first returns to the United Kingdom, and so his further services have been lost.

There has, however, hitherto been no stipulation that the services of a reservist residing abroad can be utilised locally, and it will be noticed from section 25 (4) of "The Reserve Forces Act, 1882," that the Act is inoperative beyond the Channel Islands.

Lord Lansdowne is now advised that, by causing a proper agreement to be signed by a reservist prior to and as a condition of his being granted leave to reside in a British possession abroad, he would be liable, should he fail to fulfil his obligation, to be arrested and sent to the United Kingdom for trial, and that his liability should be sufficient to insure the proper observance of all enactments and regulations affecting the army reserve. I am to point out that the manner in which reservists residing in South Africa, and who were under no such obligation, have recently responded on mobilisation, points to the fact that it would seldom, if ever, be necessary to resort to this procedure.

The general outline of the scheme, referred to in the opening paragraph of this letter, is as follows:—

1. All reservists permitted to reside out of the United Kingdom are to be available for mobilisation under the orders locally in force, and to be liable to do the annual drills and training referred to in section 11 (1) of "The Reserve Forces Act, 1882," under local arrangements.

2. Those permitted to reside in a colony where there is a British garrison to remain in Imperial payment, but, in addition to their existing liability, to be also available when mobilised for local employment, either with the British garrison or local forces, as the general officer on the spot may direct.

4. Those permitted to reside in a self-governing colony, where there is no British garrison, to be struck off the Home reserve and paid by that colony, and to be available on mobilisation with local forces only.

5. Those permitted to reside in other British possessions to remain on Imperial payment, but, in addition to their existing liability, to be available for local employment.

6. All reservists permitted to reside out of the United Kingdom, if otherwise eligible to enlist in Section D, to be allowed to enlist into it locally.

I am therefore to request that you will be good enough to bring this question to the notice of Mr. Chamberlain, and that you will kindly move him to favour Lord Lansdowne with his remarks thereon in due course.

I am, &c.,

G. FLEETWOOD WILSON.

The Under-Secretary of State for the Colonies, Colonial Office, S.W.

ARMY FORM D.—CONDITIONS UNDER WHICH A RESERVIST IS PERMITTED TO RESIDE IN A BRITISH DEPENDENCY, COLONY, OR PROTECTORATE.

1. That he will, on arrival, report himself, as follows:—

(a.) In India, to the General Officer Commanding the District in which he intends to reside.

- (b.) In a colony in which there is a British garrison, to the nearest Army Paymaster.  
 (c.) In a colony in which there is no British garrison, to the military Commandant.  
 (d.) In a protectorate, to the British Resident.
2. That he will keep the Paymaster or other official through whom he draws his reserve pay informed of any change of address.
3. That he will attend, if called out, at such time and place as may be ordered, to perform the annual training referred to in section 11 (1) of "The Reserve Forces Act, 1882," but that for this purpose attendance in the dependency, colony, or protectorate in which he resides, at such time and place as may be indicated in that behalf, will be treated as an equivalent to attendance in the United Kingdom, and that for the purpose of this attendance he assents to be attached, if so required, to a local force.
4. That he will be prepared to rejoin as may be directed on mobilisation being ordered.
5. That he consents on mobilisation being ordered to serve with any body of British troops, of whatever arm (the reservist's arm of the service being always selected if represented in the colony), or, in the absence of any regular troops, with any body of colonial forces to which it may be desirable to transfer him.

I, No. \_\_\_\_\_, rank \_\_\_\_\_, name \_\_\_\_\_, a reservist of Section \_\_\_\_\_ of the \_\_\_\_\_ corps, thoroughly understand the above conditions, and I undertake, in consideration of the leave granted to me, to reside in \_\_\_\_\_, to be bound by them until discharged from my present section or any other section of the reserve. \_\_\_\_\_  
 Date : \_\_\_\_\_  
 Place : \_\_\_\_\_  
 Signature.

No. 77.

(General.)

MY LORD,—

Downing Street, 4th September, 1901.

A.-1, 1898,  
No. 15.

With reference to your Lordship's despatch (No. 51) of the 11th August, 1898, on the subject of the Postal Union Convention concluded at Washington on the 15th June, 1897, I have the honour to request that I may be furnished at an early date with the formal act of the ratification by your Government of the Convention and final protocol annexed thereto, for transmission to the United States Government, in accordance with the provisions of Article 29 of the Convention.

2. I enclose for your information a copy of the form which was adopted by the Postmaster-General in ratifying the Convention on behalf of His Majesty's Government and certain colonies.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

Enclosure.

WHEREAS a Convention of the Universal Postal Union was concluded and signed at Washington on the 15th day of June, in the year of our Lord 1897, superseding the Convention concluded at Vienna on the 4th day of July, in the year of our Lord 1891, whereas the Convention concluded at Washington is word for word as follows: [*Here the French text of the principal Convention is inserted.*]

And whereas a final protocol was likewise signed at Washington on the same day by the plenipotentiaries of the Governments above mentioned, which protocol is word for word as follows: [*Here the French text of the final protocol is inserted.*]

Now, we, the Most Noble Henry Duke of Norfolk, Earl Marshal and Hereditary Marshal of England, Knight of the Most Noble Order of the Garter, Postmaster-General of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, in virtue of the power which has been intrusted to us, do declare by these presents that we approve and ratify the foregoing Convention and final protocol.

In witness whereof we have signed these presents, which we have sealed with our seal of office.

Done in London, the 15th day of April, 1896.

NORFOLK.

No. 78.

(No. 91.)

MY LORD,—

Downing Street, 5th September, 1901.

I have the honour to transmit to you for the information of your Ministers, with reference to my telegram of the 4th instant, the papers noted in the subjoined schedule.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.



Date.	From	To	Subject.
30th August, 1901	War Office ...	Colonial Office ...	Pay of invalided members of New Zealand contingents formerly serving in South Africa.

Enclosure.

SIR,—

War Office, London, S.W., 30th August, 1901.

I am directed by the Secretary of State for War to acknowledge the receipt of your letter of the 27th instant (29473), forwarding a copy of a telegram from Lord Ranfurly on the subject of the pay of invalided members of the New Zealand contingents formerly serving in South Africa.

In reply, I am to acquaint you that the pay of their respective ranks will be admitted as a charge against Imperial funds to such date, not beyond that on which the decision as to pension is notified, as sick leave may be granted.

I am, &c.,

G. FLEETWOOD WILSON.

No. 79.

SIR,—

Downing Street, 10th September, 1901.

With reference to my circular despatch of the 17th October, 1899, I have the honour to transmit to you, for communication to your Government, copies of the revised form of Appendix I. (physical and medical examination of candidates for commissions in the army) of the regulations issued by the War Department, under which commissions in the British army may be obtained by officers of the colonial local military forces, and by students from the colonial universities.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

[For enclosure, see *New Zealand Gazette*, 7th November, 1901, page 2157.]

No. 80.

(Circular.)

SIR,—

Downing Street, 12th September, 1901.

In continuation of my circular despatches of the 4th August, 1899, and the 4th August, 1900, I have the honour to transmit to you, for the information of your Government, a translation of a further law passed in Germany authorising the Bundesrath to prolong most-favoured-nation treatment to the British Empire until 31st December, 1903, together with a translation of an official notification issued under that law according the most-favoured-nation treatment to British and colonial products, with the exception of those of Canada, until further notice.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Enclosures.

LAW RELATING TO COMMERCIAL RELATIONS WITH THE BRITISH EMPIRE OF THE 29TH MAY, 1901.

WE, William, by the Grace of God German Emperor, King of Prussia, &c., ordain the following in the name of the Empire, with the assent of the Bundesrath and of the Reichstag, for the period beginning on the 30th July:—

The Bundesrath is authorised to grant to the nationals and products of the United Kingdom of Great Britain and Ireland, as well as to those of British colonies and foreign possessions, until the 31st December, 1903, the advantages conceded by the Empire to the nationals and products of the most-favoured-nation country.

Given at Berlin, under our own hand and seal, at the Schloss, 29th May, 1901.

(L.S.)

WILHELM.

Published at Berlin, 1st June, 1901.

COUNT VON POSADOWSKY.

NOTIFICATION RESPECTING THE COMMERCIAL RELATIONS WITH THE BRITISH EMPIRE, DATED  
11TH JUNE, 1901.

(Translation.)

IN virtue of the law respecting the commercial relations with the British Empire, dated the 29th May, 1901, the Council of the Empire has determined, for the period after the 30th July, 1901, to accord until further notice to subjects and products of the United Kingdom of Great Britain and Ireland, as well as to those of British colonies and foreign possessions, with the exception of Canada, the same privileges as are granted to the subjects and products of the most-favoured-nation.

The representative of the Chancellor.

Berlin, 11th June, 1901.

COUNT VON POSADOWSKY.

No. 81.

(No. 95.)

MY LORD,—

Downing Street, 14th September, 1901.

I have the honour to acknowledge the receipt of your despatch (No. 52) of the 27th June, and to transmit to you, for the information of your Ministers, a copy of a letter from the Admiralty regarding the reserved Bill of the Legislature of New Zealand, entitled "The New Zealand Ensign Act, 1900."

2. Pending the enactment of an amending measure, as proposed by your Ministers, I shall defer submitting the Bill to His Majesty in Council.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

Enclosure.

SIR,—

Admiralty, 6th September, 1901.

With reference to your letter (No. 27342) of the 23rd ultimo, forwarding an extract from a memorandum presented by the Premier of New Zealand to the Governor of that colony relative to "The New Zealand Ensign Act, 1900," My Lords Commissioners of the Admiralty desire me to acquaint you, for the information of Mr. Secretary Chamberlain, that the proposed amendment to the Bill (viz.: "that the ensign may be used for all purposes ashore, but shall not be worn by any vessel other than the vessels owned and used by the New Zealand Government, except in pursuance of a warrant from His Majesty or the Admiralty") will meet the difficulty pointed out in Admiralty letter of the 6th March last, and my Lords have no objection to the ratification of the Act as modified thereby.

I am, &c.,

HY. VANSTITTART NEALE.

The Under-Secretary of State, Colonial Office.

No. 82.

(No. 96.)

MY LORD,—

Downing Street, 14th September, 1901.

The address forwarded in your despatch (No. 68) of the 8th July has been laid before the King, who commanded that his sincere thanks should be conveyed to the New Zealand Grand Lodge of Freemasons for their kind expressions of sympathy on the death of Her late Majesty, and their congratulations on his accession to the throne.

His Majesty has also been graciously pleased to intimate that it is not his desire to withdraw from the position which he assumed when Prince of Wales in connection with colonial grand lodges, and that he will therefore have much pleasure in continuing to bear the title of Patron of the Grand Lodge of New Zealand.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

No. 83.

(No. 97.)

MY LORD,—

Downing Street, 17th September, 1901.

I have the honour to transmit to you for the information of your Ministers, with reference to your despatch (No. 74) of the 17th July, the papers noted in the subjoined schedule.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Date.	From	To	Subject.
11th Sept., 1901 ...	Foreign Office ...	Colonial Office ...	Claim of Mr. R. Trist Searell, on behalf of his mother, for compensation for murder of her daughter in China in 1900.

## Enclosure.

SIR,—

Foreign Office, 11th September, 1901.

With reference to your letter of the 6th instant, forwarding a claim for £5,000, made by Mr. R. Trist Searell, of Christchurch, New Zealand, on behalf of his mother, Mrs. Harriet Searell, for the murder of her daughter in China in June, 1900, I am directed by the Marquess of Lansdowne to inform you that Mr. Luscombe Searell has already presented a claim for £10,000, and that this claim has been forwarded to His Majesty's Minister at Peking

The Under-Secretary of State, Colonial Office.

I am, &amp;c.,

FRANCIS BERTIE.

## No. 84.

(No. 99.)

MY LORD,—

Downing Street, 18th September, 1901.

I have the honour to transmit to you for your information, with reference to your despatch (No. 61) of the 2nd July, the papers noted in the subjoined schedule. A.-1, 1902,  
No. 33.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Date.	From	To	Subject.
10th September, 1901	War Office ...	Colonial Office	Supply of war-medal ribbons for presentation to veterans resident in New Zealand.
18th September, 1901	Colonial Office	War Office ...	

## Enclosures.

SIR,—

War Office, London S.W., 10th September, 1901.

I am directed by the Secretary of State for War to acknowledge the receipt of your letter of the 22nd ultimo (No. 27333/01), enclosing a despatch from the Governor of New Zealand asking that a supply of the war-medal ribbons specified may be furnished for presentation to the veterans of the Imperial army and navy now resident in the colony.

In reply, I am to acquaint you, for the information of Mr. Secretary Chamberlain, that all the ribbons required can be supplied except the Crimean (French War-medal), Syria (Acre), and Baltic, which are not kept in this Department.

As it is not stated which Sikh War-medal ribbon is required, three-quarter yard of each—Punniar 1843, Sutlej and Punjab 1848—will be supplied.

I am to add that Mr. Secretary Brodrick has approved of the ribbon being issued free of cost, and to ask you to be good enough to state to whom it shall be forwarded.

I am, &amp;c.,

C. G. JEANS,

For Director-General of Ordnance.

SIR,—

Downing Street, 18th September, 1901.

In reply to your letter of the 10th instant (68, New Zealand, 509-O.6), I am directed by Mr. Secretary Chamberlain to acquaint you, for the information of Mr. Secretary Brodrick, that the war-medal ribbons for presentation to the veterans of the Imperial army and navy now resident in New Zealand should be forwarded to the Agent-General for the colony, 13, Victoria Street, S.W.

2. Mr. Chamberlain presumes that a supply of ribbon for the Crimean War-medal (French) should be obtained from the French Government through the Foreign Office, and he is accordingly communicating with that Department on the subject. I am to inquire, however, whether Mr. Brodrick can state the proper quarter from which ribbon for the Syria (Acre) and Baltic Medals can be procured.

I am, &amp;c.,

C. P. LUCAS.

The Director-General of Ordnance, War Office.

## No. 85.

(No. 100.)

MY LORD,—

Downing Street, 19th September, 1901.

No. 52. With reference to my despatch (No. 70) of the 29th June last, I have the honour to inform you that the Pacific Islands Company have raised the question whether, owing to the extension of the boundaries of New Zealand to include Suwarrow Island, it will be necessary that a fresh license should be issued in respect of it.

2. Your Government will, of course, have observed that by the license the control of the action of the licensees in various important particulars is vested in the Secretary of State or the High Commissioner for the Western Pacific. Such control will now, of course, be exercised by the Governor of New Zealand on the advice of his Ministers, and the question is whether this change need be formally recognised by the issue of a fresh license on the same conditions as the license of the 10th August, 1892, and for the term which that license has still to run.

3. I am advised that it is not necessary that a new license should be issued in respect of Suwarrow, since by the transfer of the island to New Zealand under the Order in Council the Colonial Government is *ipso facto* substituted for the Imperial officers mentioned in the license; but I would suggest that it might be well to indorse the license, as regards Suwarrow Island, with a statement to the effect that, owing to the inclusion of the island within the boundaries of New Zealand, the powers given by the license to the Secretary of State and the High Commissioner have passed, and will in future be exercised by the Governor of that colony.

4. I shall be glad to receive an expression of the views of your Ministers on this suggestion. Any action that it is decided to take with regard to Suwarrow will, of course, have to be taken with regard to Palmerston Island, which is in a similar position.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &amp;c.

## No. 86.

(General.)

MY LORD,—

Downing Street, 19th September, 1901.

A.-1, 1902,  
No. 10.

With reference to your Lordship's despatch (No. 19) of the 25th March, 1898, between the United Kingdom and the Republic of Costa Rica for the reciprocal protection of trade-marks might be made applicable to New Zealand, I have the honour to transmit to you, for the information of your Government, a copy of a despatch addressed to the Secretary of State for Foreign Affairs by His Majesty's Representative at Guatemala, reporting that he has received a note from the Costa Rican Minister for Foreign Affairs acknowledging the adherence of the colony to the Convention.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &amp;c.

## Enclosure.

MY LORD,—

Guatemala, 19th August, 1901.

With reference to your Lordship's despatch (No. 16) of the 10th June, instructing Mr. Jenner, His Majesty's Minister, to notify to the Government of Costa Rica the adherence of the Colony of New Zealand to the Trade-marks Convention with Great Britain of March, 1898, I have the honour to inform your Lordship that I have this day received a note from His Excellency the Minister for Foreign Affairs, acknowledging the adherence of the said colony to the Convention.

I have, &amp;c.,

RALPH PAGET.

The Marquess of Lansdowne, K.G., &amp;c.

No. 87.

(General.)

MY LORD,—

Downing Street, 19th September, 1901.

With reference to my telegram of the 12th instant, respecting the new tariff which will shortly be brought into force in China, I have the honour to transmit to you, for the information of your Government, a copy of a letter from the Foreign Office on which that telegram was based.

2. I have to add that a copy of the letter has been communicated by my direction to the Agent-General.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &amp;c.

Enclosure.

SIR,—

Foreign Office, 10th September, 1901.

A protocol recording the agreement arrived at between the Powers and China in settlement of the disturbances in China which took place last year was signed on the 7th instant.

It is stipulated by Article VI. that, in return for certain concessions, the Powers have consented to the import duties being placed on the treaty basis of an effective 5 per cent. on maritime imports, including articles hitherto admitted free, with the exception of rice, cereals, and flour of foreign origin.

The new tariff will come into force two months after the signature of the protocol, and exception will be made only in the case of merchandise which is *en route* ten days at latest after the date of signature.

The duties will be levied *ad valorem* pending their conversion so far as possible to specific duties, which is to be effected with the least possible delay.

I am directed by the Marquess of Lansdowne to suggest that the colonial Governments should be informed by telegram of this modification of the China import tariff.

I am, &amp;c.,

T. H. SANDERSON.

The Under-Secretary of State, Colonial Office.

No. 88.

(Circular.)

SIR,—

Downing Street, 5th October, 1901.

My attention has frequently been called to the difficult subject of the acceptance or non-acceptance of presents by Governors and other public officers, and I have come to the conclusion that the Colonial Regulations which deal with the matter are not in all respects satisfactory.

2. The present regulations are: Under Chapter II., section 3, "General Powers of an Officer appointed to conduct a Colonial Government," Regulations 39, 40, and 41; and, under Chapter XVII., "Presents," Regulations 421, 422, and 423.

3. It is obviously desirable that the subject of presents should be dealt with in one chapter only of the Colonial Regulations, and I therefore propose to omit Regulations 39, 40, and 41 altogether from the section relating to the general powers of a Governor, with which they have little or no connection, and to transfer them to or embody them in Chapter XVII., to which they naturally belong, with certain additions and amendments. This will leave a gap at the end of Chapter II., section 3, which will be accounted for by the following note: "Regulations 39, 40, and 41 have been embodied in Chapter XVII., relating to 'Presents.'"

4. Chapter XVII. of the Colonial Regulations will then be as shown in enclosure to this despatch, and I have to request that you will have the necessary corrections made in any copies of the regulations in use in the colony under your Government.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Enclosure.

CHAPTER XVII.—PRESENTS.

"421. Governors, Lieutenant-Governors, and all other servants of the Crown in a colony are prohibited, during the continuance of their service in the colony, from receiving presents, pecuniary or valuable (other than the ordinary gifts of personal friends), which may be offered for their acceptance by the inhabitants of the colony or any class of them, or by kings, chiefs, or other members of the native population in or neighbouring to the colony, and from giving such presents.

“This rule applies not only to the officers themselves but also to their families, and officers are responsible for its observance by their families. It is not intended to apply to cases of remuneration for special service rendered, and paid for with the consent of the Government. The rule may be relaxed, with the special permission of the Secretary of State, upon an officer's final departure from the service of the colony.

“Money which has been subscribed with a view of marking public approbation of an officer's conduct may be dedicated to objects of general utility, and connected with the name of the person who has merited such a proof of the general esteem.

“422. When presents from kings, chiefs, or other members of the native population in or neighbouring to the colony cannot be absolutely refused without giving offence, they are to be delivered up to the Government. To this rule there can be no exception, unless with the express sanction of the Secretary of State, which will be granted only on public and not on personal grounds.

“When presents are exchanged between Governors or other officers acting on behalf of the Colonial Government in ceremonial intercourses with native kings, chiefs, or others, the presents received must be credited to the Government, and such return presents as may be sanctioned by the Secretary of State will be given at the Government expense.

“423. Governors are not, without special permission, to forward any articles for presentation to His Majesty.”

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No. 89.

(No. 105.)

MY LORD,—

Downing Street, 21st September, 1901.

I have the honour to acknowledge the receipt of your despatch (No. 87) of the 15th August, from which I have learnt with regret of the death of Sir John McKenzie, K.C.M.G.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

A.-1, 1902,  
No. 45.

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No. 90.

(No. 111.)

MY LORD,—

Downing Street, 12th October, 1901.

I have the honour to transmit to you for the information of your Ministers, in confirmation of my telegram of the 4th instant, the paper noted in the subjoined schedule.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Date.	From	To	Subject.
1901. 30th September	War Office	Colonial Office	Inability of Secretary of State for War to extend Colonel Penton's period of service in New Zealand.
3rd October ...	War Office	Colonial Office	Selection of Colonel H. M. Babington for the post of Commandant of the local Forces of New Zealand.

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Enclosures.

SIR,—

War Office, London, S.W., 30th September, 1901.

With reference to your letter of the 23rd instant (33216), forwarding copy of a telegram from the Governor of New Zealand, in which it is recommended that Colonel A. P. Penton's period of service in command of the New Zealand Forces may be extended for three months, to enable him to proceed to South Africa and report on matters relating to the New Zealand Contingents now in that country and on those that have been there, I am directed by the Secretary of State for War to acquaint you that Mr. Brodrick considers that, in the present state of South Africa, any such tour of inspection would be undesirable.

The appointment of Colonel Babington to succeed Colonel Penton in command of the New Zealand Forces is now, at the special request of the New Zealand Government, being proceeded with, and it is considered that, on that officer's arrival in the colony, he could probably furnish the Government with most of the information required.

Under these circumstances Mr. Brodrick does not deem it advisable to consider an extension of the period of Colonel Penton's command.

The Under-Secretary of State, Colonial Office.

G. FLEETWOOD WILSON.

SIR,—

War Office, London, 3rd October, 1901.

I am directed by the Secretary of State for War to acquaint you that Colonel H. M. Babington has, at the request of the Agent-General for New Zealand, been selected for the post of Commandant of the New Zealand Forces, in succession to Colonel Penton, whose period of service in that appointment expires on the 17th instant.

Colonel Babington, who is expected to arrive home from South Africa on the 4th instant, will be directed to place himself in communication with the Agent-General.

He will draw no pay from Army funds from the date of embarkation from this country.

The Under-Secretary of State, Colonial Office.

I have, &amp;c.,

G. FLEETWOOD WILSON.

No. 91.

(Circular.)

SIR,—

Downing Street, 18th October, 1901.

I have the honour to transmit to you, for publication in the colony under your government, copies of an Order of the King in Council applying section 238 of "The Merchant Shipping Act, 1894," as to merchant seamen deserters, to the Republic of Honduras.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Enclosure.

At the Court of St. James's, the 26th day of September, 1901. Present: The King's Most Excellent Majesty in Council.

WHEREAS by subsection (1) of section 238 of "The Merchant Shipping Act, 1894," it is provided that where it appears to His Majesty that due facilities are or will be given by the Government of any foreign country for recovering and apprehending seamen who desert from British merchant ships in that country, His Majesty may, by Order in Council stating that such facilities are or will be given, declare that that section shall apply in the case of such foreign country, subject to any limitations, conditions, and qualifications contained in the Order:

And whereas it has been made to appear to His Majesty that the Government of the Republic of Honduras gives and will give due facilities for recovering and apprehending seamen who desert from British merchant ships in that country:

Now, therefore, His Majesty, by virtue of the power vested in him by the hereinbefore recited subsection (1) of section 238 of "The Merchant Shipping Act, 1894," and by and with the advice of His Privy Council, is pleased to order and declare that the said section 238 of "The Merchant Shipping Act, 1894," shall apply in the case of the Republic of Honduras:

And the Right Hon. Charles Thomson Ritchie, the Right Hon. Joseph Chamberlain, and the Right Hon. Lord George Hamilton, three of His Majesty's Principal Secretaries of State, are to give the necessary directions herein accordingly.

A. W. FITZROY.

No. 92.

(No. 116.)

MY LORD,—

Downing Street, 24th October, 1901.

I have the honour to acknowledge the receipt of your despatch A.—1, 1902, (No. 58) of the 2nd July last, and to inform you that His Majesty has been No. 31. graciously pleased to approve of the title "Royal" being added to the designation of the Permanent Artillery of New Zealand.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G.

No. 93.

(Circular.)

SIR,—

Downing Street, 7th November, 1901.

I have the honour to transmit to you, for insertion in any copies of the Colonial Regulations in the possession of your Government, copies of a new regulation (No. 21A.) explaining the position of the Governor of a colony in relation to His Majesty's Navy.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

## Enclosure.

## CHAPTER II., SECTION IIA.—POSITION OF THE GOVERNOR IN RELATION TO HIS MAJESTY'S NAVY.

21A. The Governor of a colony has no authority over the movements of His Majesty's ships, and is not entitled to issue orders to officers of the Royal Navy. But, it being a general obligation on all His Majesty's civil and military officers to afford mutual assistance to each other in cases affecting the King's service, the Commander-in-Chief of a station or the senior officer present at a port is instructed in the King's Regulations for the Navy to pay due regard to such requisitions as he may receive from the Governor of a colony, having for their object the protection of His Majesty's possessions, the benefit of the trade of his subjects, or the general good of his service.

In urgent cases, when the requisitions may conflict with the instructions from his superior naval authority under which he is acting, and when reference by telegraph or otherwise to such superior authority is impracticable, a naval officer is instructed to consider the relative importance and urgency of the required service as compared with his instructions, whether general or special; and he is to decide as in his judgment may seem best for His Majesty's service. In so doing he is instructed to bear in mind the grave responsibility that would rest on him if the circumstances were not such as to fully warrant the postponement of the instructions from his naval superior to the more pressing requisition from the Governor.

(No. 120.)

No. 94.

My LORD,—

Downing Street, 8th November, 1901.

No. 90.

I have the honour to transmit to you, for the information of your Ministers, with reference to my despatch (No. 111) of the 12th October, the papers noted in the subjoined schedule.

I have, &amp;c.,

J. CHAMBERLAIN,  
Secretary of State.

The Officer Administering the Government of New Zealand.

Date.	From	To	Subject.
1901. 16th October ..	Agent-General...	Colonial Office...	Grant of local rank of Major-General Babington, and question of appointment of an army officer as his aide-de-camp.
29th October ...	War Office ...	Colonial Office...	

## Enclosures.

Westminster Chambers, 13, Victoria Street, London, S.W.,  
16th December, 1901.

SIR,—

Referring to your letter (No. 34628, 1901) of the 10th instant, transmitting copy of a letter from the War Office, stating that Colonel J. M. Babington has been selected for the post of Commandant of the New Zealand Forces, I am directed by the Agent-General to request the favour of your asking the War Office to grant Colonel Babington the local rank of Major-General whilst serving under his Government.

I am, &amp;c.,

The Under-Secretary of State, Colonial Office.

WALTER KENNAWAY.

SIR,—

War Office, London, S.W., 29th October, 1901.

With reference to your letter of the 23rd instant (No. 36265) I am directed by the Secretary of State for War to acquaint you that it has been decided to recommend to His Majesty that the local rank of Major-General be conferred upon Colonel J. M. Babington whilst holding the appointment of Commandant of the New Zealand Forces.

I am to add that Colonel Babington has asked for the services of an officer of the army to accompany him to New Zealand as his aide-de-camp, and a communication has been addressed to the Agent-General inquiring whether his Government would bear the cost of such an appointment.

I have, &amp;c.,

The Under-Secretary of State, Colonial Office.

E. W. D. WARD.

(General.)

No. 95.

My LORD,—

Downing Street, 8th November, 1901.

With reference to my despatch (General) of the 12th July, and to your Lordship's despatch (No. 84) of the 6th August, relative to the application of "The Colonial Solicitors Act, 1900," to New Zealand, I have the honour to



inform your Lordship, after consultation with the authorities in this country, that in the present state of the law of New Zealand I am unable to advise His Majesty to issue an Order in Council applying that Act to the colony.

2. Before that Act can be applied to any British possessions it is necessary under subsection (16) of section 2 that solicitors of the Supreme Court shall be admitted to be solicitors in that possession on terms as favourable as those on which it is proposed to admit solicitors of that possession in this country. Under section 16 of "The Law Practitioners Act, 1882," of New Zealand, and under Regulation 12 of the regulations thereunder, dated 6th May, 1893, candidates for admission as solicitors in New Zealand who have been admitted as solicitors in any superior or Supreme Court of any part of His Majesty's dominions are required to pass an examination in law, including the law of New Zealand in so far as it differs from the law of England; but it has not been contemplated, and is in fact not required, in the case of those colonies to which the Imperial Act has already been applied, that colonial solicitors shall pass any examination prior to their admission in England or Ireland. It would therefore appear that English and Irish solicitors are not at present admitted in New Zealand on as favourable terms as it is proposed to admit colonial solicitors in England and Ireland.

3. In the case of Scotland, solicitors of colonies to which the Act has been applied are required, prior to their admission, to pass an examination in Scots law conveyancing and practice, and this requirement would appear to correspond to that imposed in New Zealand. But the information at present before me does not enable me to judge whether all Scots law agents are eligible to be admitted under section 16 of the New Zealand Act of 1882. Under section 4 of that Act the term "solicitor" is defined as including "writer to the signet and solicitor before the Supreme Courts in Scotland," but it seems open to question whether the general body of Scots law agents are included in that definition.

4. It will be observed that the term "solicitor of the Supreme Court" as used in the Imperial Act is declared to mean "any enrolled law agent under 'The Law Agents (Scotland) Act, 1873.'" Unless, therefore, all law agents are in fact admitted in New Zealand, the law of the colony would seem to require amendment before the Imperial Act can be applied so far as Scotland is concerned.

5. It is further prescribed in section 2 (1) (a) of the Imperial Act, as a condition precedent to the application of that Act to any British possession, that the regulations respecting the admission of persons to be solicitors of the Superior Court of that possession must be such as to secure that those solicitors "possess proper qualifications and competency."

6. The fact that under the New Zealand Act of 1882 service under articles (which is considered one of the essential conditions in England and Ireland) is not required in New Zealand, renders it somewhat difficult to determine whether such condition is fulfilled.

7. The Incorporated Law Society of Ireland are of opinion that the New Zealand regulations do not satisfy that condition; while the authorities in Scotland do not appear to consider apprenticeship indispensable, in view of the provision in section 1 of the Imperial Act that solicitors of a Superior Court in a British possession must have been in practice before such Court for not less than three years before being eligible to be admitted in the United Kingdom.

8. The Incorporated Law Society in England, before arriving at any definite decision, have asked to be informed whether, as a matter of practice, service under articles is usual though it may not be necessary, or in what other manner a solicitor before admission acquires a practical knowledge of his profession. I shall be glad to be enabled to furnish the society with information on this point.

9. I have to add that, if the Act were applied to New Zealand, men only could be admitted as solicitors in this country.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

(No. 122.)  
MY LORD,—

No. 96.

Downing Street, 15th November, 1901.

I have the honour to request that you will be so good as to inform me what is the rule, in the colony under your government, with regard to the question whether a newly-appointed Governor is entitled to receive half-salary from the date at which he leaves England to assume the government.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &amp;c.

(Circular.)

No. 97.

SIR,—

Downing Street, 16th November, 1901.

I have the honour to transmit to you for your information a copy of a circular despatch which has been addressed to the Governors of certain colonies respecting the crown shown in the badge on the flags of those colonies.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

(Circular.)

Enclosure.

SIR,—

Downing Street, 16th November, 1901.

With reference to my circular despatch of the 14th June last, in which I informed you that the King had expressed his desire that the "Tudor" crown (of which a drawing was therein enclosed) might be substituted for any other pattern now in use, I have the honour to state that it has been pointed out by the Lords Commissioners of the Admiralty that the crown shown in the badge on the flag of does not appear to be in strict conformity with the pattern crown approved by His Majesty.

2. As it would be more in accordance with the Order in Council of the 7th August, 1869 (of which a copy was enclosed in Lord Granville's circular despatch of the 14th September, 1869, and of which a further copy is transmitted herewith), that the badge on the flag should be the same as the device on the public seal, it would seem desirable to defer making any change as regards the badge on the flag until the device for the new public seal, rendered necessary by the demise of the Crown, to which I referred in my circular despatch of the 28th September last, has been finally approved; but, in the meantime, I have thought it well to bring the fact to your notice, so that the matter may receive attention when the proper time arrives.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

At the Court at Osborne House, Isle of Wight, the 7th day of August, 1869. Present: The Queen's Most Excellent Majesty in Council.

WHEREAS there was this day read at the Board a memorial from the Right Hon. the Lords Commissioners of the Admiralty, dated the 31st July, 1869, in the words following, viz. :—

"The Union Jack having been established by Your Majesty's Regulations for the Naval Service as the distinguishing flag to be borne by the Admiral of the Fleet, and whereas great inconvenience has at times been experienced by the Union Jack having been carried in boats and other vessels by Governors of colonies, military authorities, diplomatic officers, and consular agents when embarked, we have deemed it expedient to place ourselves in communication on this subject with the Commander-in-Chief of Your Majesty's Forces and the principal Secretaries of State for Foreign Affairs for the Colonies and for War, and with their concurrence we most humbly submit that Your Majesty may be graciously pleased by your Order in Council to prescribe and direct that in future the Union Jack to be displayed by the military branch of Your Majesty's service on such occasions shall bear in the centre thereof, as a distinguishing mark, the Royal initials surrounded by a garland on a blue shield, and surmounted by the Crown; that the Union Jack to be used by Your Majesty's diplomatic servants, Ministers Plenipotentiary, Chargés d'Affaires, &c., shall bear the Royal arms in the centre thereof on a white shield; whilst Consuls and consular agents, &c., shall be limited to the use of the blue ensign with the Royal arms in the fly thereof. We further submit that Governors of Your Majesty's dominions in foreign parts and Governors of all ranks and denominations administering the Governments of British colonies and dependencies be authorised to fly the Union Jack, with the arms or badge of the colony emblazoned in the centre thereof.

"A drawing of the Union Jack, with the proposed distinguishing devices, is transmitted herewith for Your Majesty's approval."

Her Majesty, having taken the said memorial into consideration, was pleased, by and with the advice of Her Privy Council, to approve of what is therein proposed. And the Right Hon. the Lords Commissioners of the Admiralty, the Right Hon. the Earl of Clarendon, the Right Hon. the Earl of Granville, the Most Noble the Duke of Argyll, and the Right Hon. Edward Cardwell are to give the necessary directions accordingly.

ARTHUR HELPS.

(No. 123.)

No. 98.

MY LORD,—

Downing Street, 28th November, 1901.

I have the honour to acknowledge the receipt of your despatch (No. 103) <sup>A.-1, 1902.</sup> <sub>No. 52.</sub> of the 25th September, with regard to the delay in delivery of an order for Maxim guns placed by your Ministers with Messrs. Vickers, Sons, and Maxim.

I regret that the patriotic action of your Government in consenting to allow a part of their order to be delivered to the South African Constabulary, whose need was at the moment more pressing, should have resulted in any inconvenience.

I am informed that of the eight guns ordered for New Zealand, one was reported ready for shipment on the 27th September, but carriages were not ready for them, and shipment could not be effected until the 8th October.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &amp;c.

(No. 124.)

No. 99.

MY LORD,—

Downing Street, 28th November, 1901.

I have the honour to transmit to you, for the information of your Ministers, the paper noted in the subjoined schedule.

I have, &amp;c.,

RANFURLY.

The Officer Administering the Government of New Zealand.

Date.	Subject.
9th November, 1901	Judgment of the Judicial Committee of the Privy Council on the appeal of Te Teira te Paea and others v. Te Roera Tareha and another from the Court of Appeal of New Zealand.

## Enclosure.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL ON THE APPEAL OF TE TEIRA TE PAEA AND OTHERS v. TE ROERA TAREHA AND ANOTHER FROM THE COURT OF APPEAL OF NEW ZEALAND; DELIVERED 9TH NOVEMBER, 1901.

Present at the Hearing: Lord Macnaghten, Lord Davey, Lord Robertson, Lord Lindley.  
Delivered by Lord Lindley.

THE question to be determined on this appeal is whether a Maori chief named Tareha to whom certain lands known as the Kai Waka (or Kaiwaka) Block were allotted by the New Zealand Government in June, 1870, was entitled to those lands beneficially, or whether he was a trustee of them for other Natives.

Before stating the facts which have to be considered in this case it will be convenient to make a few remarks on the land-laws of the colony in force in January, 1867, and on the Settlement Act of 1863 and 1865. The Native Land Act of 1865 was in force in 1867. In the Land Acts of the colony "Native lands" mean lands owned by Natives under their customs or usages; "hereditaments" mean land subject to tenure under title derived from the Crown. A Land Court was constituted with power to investigate claims to Native lands, and to grant certificates of title. But no certificate was to be granted to more than ten persons. The Court was empowered to restrict alienation by the certificated owners. But Natives might hold "hereditaments," as distinguished from Native lands, and it was an object to assimilate the law relating to hereditaments as nearly as possible to English law. Grants of lands were made by the Crown, and power was given to restrict alienation; but, unless alienation was prohibited, a grantee of an hereditament could dispose of it. In case of the death of a grantee of an hereditament without having made a valid disposition the Court was empowered to ascertain "who according to law, as nearly as it can "be reconciled with Native custom, ought, in the judgment of the Court, to succeed to the "hereditaments;" and the Court was empowered to make orders having the effect of a valid will vesting the hereditaments of the deceased in such persons.

“The New Zealand Settlements Act, 1863” (amended in 1865) referred to the serious rebellion of the Natives in the Northern Island, and empowered the Governor in Council to declare any district in which lands of rebellious Natives or tribes were situate to be a “district” within the provisions of the Act, and to take out of such district lands for settlement and colonisation, and these lands were to be Crown lands. Loyal Natives having any interest in the lands thus taken were to be compensated. By the Act of 1863 this compensation was to be made in money; but by the amending Act of 1865 land might be granted by way of compensation, and trusts might be declared either of the money or of the land given in compensation.

Under the provisions of these two last-mentioned Acts the Governor in Council issued a Proclamation dated the 12th January, 1867, declaring certain lands specified in the schedule to be a “district” within the meaning of “The New Zealand Settlements Acts, 1863.” By the same Proclamation it was also declared that the lands within the said district, not being the property of or held under grant from the Crown, were reserved and taken for the purposes of settlements, and that such lands were required for the purposes of the said Act, and were subject to the provisions thereof as from the date of that order. It was also declared as follows: “That no land of any loyal inhabitant within the said district will be retained by the Government; and, further, that all rebel inhabitants of the said district who come in within a reasonable time and make submission to the Queen will receive a sufficient quantity of land within the district for their maintenance.”

The meaning and effect of this Proclamation seems plain. None of the lands in the district continued to be Native lands within the meaning of the Native Land Acts. All Native titles by Native custom were extinguished. But the Government was willing to grant out lands in the district to loyal Natives, and to others who should come in and submit within the time mentioned in the Proclamation. Their title, however, to the lands granted to them would depend entirely on the terms of their grants.

The district formed under this Proclamation was called the Mohaka and Waikare District or Block.\* It included the Kai Waka Block, which is in question in this appeal. This block contained 31,200 acres or thereabouts.

Apart from the agreement of the 13th June, 1870, which will be referred to presently, there is no evidence before their Lordships to show who were regarded in 1867 as loyal inhabitants, nor what rebel inhabitants came in and made their submission, so as to entitle themselves to the benefits of the Proclamation.

What was done under the Proclamation before 1869 does not appear; but on the 18th November, 1869, the following letter of instructions was sent by Sir Donald McLean on behalf of the Government to Mr. Locke, the Resident Magistrate for that part of the colony:—

SIR,—

Auckland, 18th November, 1869.

I have the honour to request that you will carry out the settlement of the Waikare-Mohaka Block.

The Government do not expect, or, indeed, desire to reap any pecuniary or other advantage from the confiscation of this block, or to incur any loss in connection therewith, but it is most desirable that all questions connected with it should be finally adjusted and disposed of. You will therefore endeavour to effect as equitable a settlement with the Natives as possible, taking care that large reserves are made for their own use.

The Chief Tareha, who is becoming dispossessed of most of his landed property, should have reserves secured upon him within that block.

I need not supply you with more detailed instructions, as you are already acquainted with the history of this block, and I feel satisfied that you are fully competent to deal with it in such a just and equitable manner as will meet the requirements of the case.

You will, of course, in this as in all other cases, confer with his Honour Mr. Ormond, who represents the General Government at Hawke's Bay, and act in accordance with his views in carrying out of these instructions.

I have, &c.,

DONALD McLEAN.

S. Locke, Esq., R.M., Napier, Hawke's Bay.

The Waikare-Mohaka Block here referred to is evidently the whole district of that name mentioned in the Proclamation of the 12th January, 1867.

In accordance with these instructions a meeting of Natives was held, and a formal agreement was come to with them on the 13th June, 1870. This agreement commences by reciting the Proclamation of January, 1867; it then describes the lands forming the Mohaka and Waikare district, and proceeds as follows:—

At a meeting of the loyal claimants of the said district and the Government Agent for the East Coast, D. McLean, Esquire, an agreement was entered into in which it was arranged that certain portions of the above-mentioned block should be retained by the above-mentioned loyal claimants, and other portions should be retained by the Government. And whereas a final settlement of the question has now been made in accordance with letter of instructions from the Hon. the Defence Minister, dated 18th November, 1869.

It is now agreed between the Government and the loyal claimants that the Government shall retain all the blocks and pieces of land hereinafter described and shown in the plan attached hereto. [Here follow descriptions of blocks retained by Government, with reservation of timber for road, &c., purposes.]

With the above exceptions, the whole block described in the Proclamation before cited shall be conveyed to the loyal claimants under the following conditions:—

The whole block shall be subdivided into several portions as shown by the tracing annexed.

The Government shall grant certificates of title for the several portions to the Natives mentioned in the following schedule.

That the whole of the land shall be made inalienable both as to sale and mortgage, and held in trust in the manner provided or hereinafter to be provided by the General Assembly for Native lands held under trust.

[Signed,

[Here follows thirty-two Native names.]

Schedule of blocks to be retained by Natives in Waikare-Mohaka Block, with names of persons whose names are to be inserted in Crown certificates.

The expression “held in trust,” &c. has given rise to much controversy, and this appeal will be found ultimately to turn on its real meaning.

\* It is called “Block” in the letter of 18th November, 1869, set out below.

The schedule containing the names of the block, and of the persons to whom certificates were to be given is very important. These details do not appear in the record, but their Lordships have been furnished with a full copy of the agreement and schedule. Thirteen blocks are named; Kai Waka being one of them. The names to be inserted in the Crown certificates in respect of each block are given under the name of the block. The total number of persons so named greatly exceeds thirty-two; from which it is plain that provision was made for many more persons than the thirty-two natives who signed the agreement. No block except Kai Waka has only one name under it. That block has only the name of Tareha. His name also appears, but with others, under the names of seven other blocks. No tribe is referred to as entitled to any block or land. One block has as many as forty names under it; another has thirty-nine; another thirty-eight; another thirty-five; none except Kai Waka has less than thirteen. The letter of the 18th November, 1869, shows that Tareha having lost most of his lands was intended to have others secured upon him. This letter furnishes the only light their Lordships have to show why Tareha should have a large block to himself; but that letter (which is referred to in the agreement) favours the view that this block was allotted to him beneficially, rather than the view that he took it as a trustee for others.

By "The Mohaka and Waikare District Act, 1870," the foregoing agreement was declared binding on the Government and all the persons whose names are stated in the said agreement and in the schedule thereto (section 2); and provision is made for defining the lands to be retained by the Government and to be granted out (sections 3 and 4), and for issuing Crown grants in favour of the persons who in pursuance of the said agreement are entitled to the said pieces of land in fee-simple, subject to the following limitations and restrictions—then follow restrictions against alienation, charging, or encumbering in any way except by lease for twenty-one years—and all deeds, wills and other instruments purporting to transfer, charge, or encumber the lands except by lease are declared ineffectual (section 5, clauses 1, 2, 4). In the event of the death of any person named in the agreement as entitled to a certificate, the Native Land Court is empowered to ascertain who ought to succeed him as Crown grantee (section 5, clause 3).

What was actually done under this Act does not appear. It was repealed by "The Repeals Act, 1878," and the natural inference would be that it had been carried out and was no more wanted. But "The Native Lands Amendment Act, 1881," which will be referred to hereafter, shows that grants had not even then been issued to all the persons entitled to them under the agreement of the 13th June, 1870. The Act of 1870, although repealed, is very important as throwing light on that agreement.

The terms of the agreement itself show that persons to whom lands were to be granted were to derive their title from the Crown; the Act says the grants were to be to them in fee-simple, an expression quite inapplicable to lands held by Native custom. All the blocks except Kai Waka were to be granted to more than ten persons. There is no reference to any Native custom, and the trust referred to in the agreement does not point to any definite class of persons but to "the manner provided or to be provided by the General Assembly for Native lands held under trust." The trusts therefore must be found in some Act of the General Assembly, and cannot be got at by reference to Native customs, or to enactments relating to Native lands generally. As will be seen presently, trusts of lands are recognised in New Zealand, but their Lordships have not been furnished with any materials for coming to the conclusion that the General Assembly has ever declared that the lands mentioned in the agreement are subject to any trusts in favour of the appellants. The Act of 1870 plainly treats the persons named in the schedule to the agreement, and if dead then their successors, as entitled to grants in fee-simple, but subject to the restrictions mentioned in section 5.

In 1880 the Chief Tareha died, leaving a will devising his lands to the respondents and four other Natives.

In 1881 a colonial Act called "The Native Land Acts Amendment Act, 1881," was passed to supply certain omissions in the Acts relating to Native lands. Sections 7 to 9 relate to the Mohaka and Waikare district. Section 7 refers to the Order in Council of the 12th January, 1867, and the formation of the said district, and to the agreement of the 13th June, 1870, and the Act of 1870, already mentioned, and states that the lands to be retained by the Government had been surveyed and were by that Act vested in the Crown, and that the Act of 1870 had been repealed; the section then proceeds as follows: "And whereas it is expedient to make provision for enabling the Governor to issue grants in favour of the persons who in pursuance of the said agreement are entitled to the residue of the said lands: Be it therefore further enacted: On the application of the Native Minister the Land Court may in its ordinary form of procedure inquire and determine who are the persons entitled as aforesaid, and may issue certificates in accordance with such determinations, and may fix therein the dates on which the legal estate therein should respectively vest." Section 8 provides for the issue of Crown grants in accordance with the certificates. The grants are to be issued "in favour of the persons therein respectively named, their heirs and assigns, as tenants in common, and may therein fix the date at which the legal estate therein shall vest, as set forth in the several certificates, subject, nevertheless, to the following restrictions and conditions." Then follow restrictions against alienation except by lease, and provisions making deeds and wills affecting the same invalid, and against charging or encumbering in any way whatever, and against taking the lands in execution under any judgment or other process.

It appears to their Lordships plain that the persons to whom certificates were to be given and grants made under this Act were the persons named in the schedule to the agreement of the 13th June, 1870, and the successors of those of them who might be dead. The idea that the grantees were to hold in trust for an unascertained and practically unascertainable class of Natives who were loyal in the old rebellion, or who came in and submitted within a reasonable time after

the 12th January, 1867, appears to their Lordships too extravagant to require serious comment. The mere fact that the grantees were to hold as tenants in common goes far to negative any such idea, and would be conclusive to an English lawyer. Grants by the Crown to several persons under the Native Lands Acts repealed in 1873 made the grantees tenants in common, and not joint tenants (see "The Native Land Act, 1873," section 79). "The Maori Real Estate Management Act, 1867," provided for the appointment of trustees of the hereditaments of Native infants, lunatics, and others under legal disability; and for the management of such hereditaments by the trustees. Trusts are also referred to in several other Land Acts; and the reference to the legal estate in the Act of 1881 merely indicates that the grantees, or some of them, might be trustees of their shares for other persons, and that the Legislature was only dealing with the legal title.

After this Act was passed, viz., on the 6th July, 1882, an order was made for the issue of a certificate to the chief Tareha in respect of the Kai Waka Block. The order was made in the presence of a chief who alleged that there were many loyal Natives not named in the agreement of the 13th June, 1870, who claimed to be interested in the lands mentioned in it. The order was as follows:—

*'The Native Land Court Act, 1880,' and 'The Native Lands Act Amendment Act, 1881,' Provincial District of Hawke's Bay.*

Fee charged £1. Mohaka and Waikare Districts.

At a sitting of Native Land Court of New Zealand, held at Napier in the said district on the 6th day of July, 1882, before F. M. P. Brookfield, Esquire, Judge, and John Gage, Assessor. It is ordered that a certificate of title to a parcel of land, portion of the said district, being called or known by the name of Kaiwaka, containing by estimation 31,200 acres, should issue to Tareha te Moananui, and that the said party should be entered in the register as the owner according to Native custom of the said parcel of land as from the 12th day of September, 1870, subject nevertheless to the several restrictions set forth in "The Native Lands Act Amendment Act, 1881," and that such certificate of their title be issued when a properly certified plan is sent in to the Native Land Court.

Witness the hand of F. M. P. Brookfield, Esquire, Judge, and the seal of the Court, the 6th day of July, 1882.  
F. M. P. BROOKFIELD, Judge.

On the 10th July, 1882, a minute of this order was made for the issue of a certificate in favour of Tareha, and title to vest from the 12th September, 1870.

Statutes existed authorising grants to be made out in the names of the persons originally entitled to them, although they might be dead. (See "Crown Grants Act, 1866," section 34.)

The Judge who made this order wrote to the Native Minister giving a report of the proceedings before him, and stating the reasons for his judgment, and what he told the chief who addressed the Court. The Judge's report says: "I told him that the agreement of the 13th June, 1870, was entered into between the Government of the colony and the Natives named in it, and that it had twice been declared to be valid by Acts of Council, and that the Court could not now go behind it so as to inquire whether any error had crept into it, and that the only persons who could now be recognised as having interests in the land were those named in the agreement, or the successors of any who might now be dead." The Native chiefs protested, and were told that they must petition Parliament if they were advised to do so. They declined to assist the Court in any way. The names in the agreement were then read out, and orders were made for the issue of certificates to them, the estates to be vested as from the 12th September, 1870, when the above-mentioned Act came into operation.

It is to be observed that the order last referred to directed that Tareha should be entered in the register "as the owner according to Native 'custom.'" This looks as if the land was to be treated as Native land (see "The Native Land Act, 1873," section 3). But it is plain that the Judge who made the order did not suppose that the above words created any such trust as is asserted by the appellants.

On the 20th May, 1885, an order (called a succession order) was made by the Native Land Court in the matter of the deceased chief Tareha and of the application of certain Natives claiming to be interested in his estate. This order is as follows: "The Court having proceeded to inquire and ascertain who ought to succeed to the lands and hereditaments for the estate therein whereof the deceased died possessed, and having made valid disposition thereof by will, and having determined thereon, it is hereby certified that, so far as the deceased died possessed of an estate in severalty or tenancy in common in all that parcel of land situate at Kaiwaka, and containing 31,200 acres or thereabouts and known by the name of Kaiwaka, the boundaries and descriptions whereof are more particularly set out in the certificate of title thereof, the persons who are entitled to succeed are"—then follow six Native names, including the names of the two respondents—"by virtue of the said will, bearing date the 19th December, 1880, all aboriginal natives of New Zealand, and that they became so entitled on the 19th December, 1880, being the day of the death of the deceased."

This succession order is contended by the appellants to be invalid; but it is unnecessary to consider its validity; for unless Tareha was a trustee for the appellants, as they allege, the succession order may be passed over as unimportant on the present appeal.

On the 10th day of June, 1890, an Order in Council was made by the Governor giving the Native Land Court jurisdiction to determine the ownership of the said Kai Waka Block and other blocks mentioned in the agreement of June, 1873; but on the 7th day of May, 1891, the Governor stayed proceedings thereunder by notice to the Chief Judge.

The defendants allege that on the 12th July, 1894, a certificate of title was issued for the Kai Waka Block in the name of Tareha, and that on the 13th November, 1895, a grant of the said block to Tareha was issued. The certificate is not before their Lordships. The grant is set out in the record at p. 23. The grant is to Tareha, his heirs and assigns, to hold to him, his heirs and assigns, for ever, as from the 12th September, 1870, subject to the several restrictions set forth in section 8 of "The Native Lands Act Amendment Act, 1881." There is no reference to any trust or Native custom.

On the 17th July, 1896, the plaintiffs (and appellants) commenced this action against the defendant (and respondents). By their original and amended claims the plaintiffs prayed *inter alia* that it might be declared that the lands called Kai Waka were held by Tareha as a trustee for the loyal owners thereof, according to Native custom and usage the Natives beneficially entitled to the said block: that an inquiry might be had as to who such persons were, and for that purpose if necessary a reference might be had to the Native Land Court: that it might be declared that the order of the Native Land Court of the 6th July, 1882, declaring Tareha to be the sole owner of the said lands according to Native custom was null and void, and that the said certificate of title and the grant to the defendants were null and void: that the proceedings of the Native Land Court appointing successors to Tareha might be declared to have been without jurisdiction and void. The respondents filed a statement of defence admitting most of the facts, but denying all the trusts alleged by the plaintiffs. In October, 1896, the plaintiffs moved to have the issues of law argued prior to the trial of the action. The following were the material issues of law so raised: (1.) Did the agreement of the 13th June, 1870, create Tareha a trustee of the Kai Waka Block, and, if so, a trustee for whom? (2.) Was Tareha beneficial owner of the said Kai Waka Block, or was he a trustee for any person or class of persons under any express or resulting trust or otherwise howsoever by virtue of the facts appearing from the statements of claim and defence? By consent of the parties these issues of law were ordered to be argued, and were removed for argument into the Court of Appeal of New Zealand, without any decision of the Supreme Court, and were argued before the Court of Appeal. The Court of Appeal on the 20th October, 1896, answered the above issues in favour of the respondents. On the 5th July, 1898, the action came on for hearing in the Supreme Court of New Zealand, and upon the answers given by the Court of Appeal to the above issues judgment was given by the Supreme Court for the respondents.

From this judgment the plaintiffs have appealed to His Majesty in Council, having obtained special leave to do so without giving any security.

The judgment of the Supreme Court was based upon two grounds, viz.: (1) That all the lands comprised in the Mohaka and Waikare district were forfeited to the Crown by reason of the rebellion, and could be retained by the Crown or granted out by it as it pleased, and that such lands were not Native lands within the meaning of the Native Land Acts after the Proclamation of the 12th January, 1867, was made; (2) that the title of the plaintiffs or other Natives to such of the lands comprised in the district as were not retained by the Crown must be decided by the terms of the agreement of the 13th June, 1870; and (3) that notwithstanding the use of the word "trust" in that document, no such trust as is contended for by the appellants was created by it. Having come to this conclusion it was unnecessary to consider any of the other questions raised.

Their Lordships concur with the Supreme Court on both the above points. Counsel for the appellants referred at considerable length to the New Zealand Native Land Acts and other Acts connected with them—viz., those of 1862, 1863, 1865, 1867, 1873, 1880, 1881, and 1886, but their Lordships are unable to see anything in them which can assist the appellants, unless they succeed in first establishing the creation in their favour of the trust on which they rely. Their ability to do this turns entirely on the clause in the agreement of the 13th June, 1870, in which the word "trust" occurs. Their Lordships have already pointed out serious difficulties in construing this clause in the manner contended for by the appellants; and their Lordships have only now to add that they are convinced by the careful judgments of the members of the Supreme Court that the construction so contended for cannot be judicially supported.

The agreement says distinctly enough who are to receive certificates of title. Grants would follow, and would be issued in accordance with the certificates. The lands were made inalienable both as to sale and mortgage, and were to be held in trust in "the manner provided or hereafter to be provided by the General Assembly for Native lands held under trust." What was meant by this is somewhat obscure; but the language does not of itself create the appellants and the other Natives who were loyal in the rebellion beneficial owners of the lands which were to be allotted to the persons named in the schedule. The General Assembly have created no trust in favour of the appellants and other loyal Natives, and the appellants have absolutely nothing to rely upon except the clause now referred to. The appellants' counsel felt the difficulty of establishing any such trust on the numerous allottees of all the blocks; but they contended that there was such a trust in the case of the Kai Waka Block. Their Lordships see no reason for drawing any distinction in this respect between one block and another. The allottees of each block must be treated as the only persons entitled to them under the agreement.

The use of the word "trust" on which the appellants so strongly rely is not always sufficient to create an equitable right or obligation which can be enforced by legal proceedings. This was pointed out by Lord Selborne in *Kinloch v. The Secretary of State for India in Council* (L.R. 7 App. Ca. 619, see p. 625), where some booty was granted by the Crown to the Secretary of State "in trust" for the officers and men of certain forces. That case has no bearing on the present except that it affords a striking example in which the position of the parties and the nature of the subject-matter showed that even such an expression as to be held in trust for a definite class of persons did not create any equitable interest in their favour in the property so to be held. In this case the expression in the agreement of the 13th June, 1870, appears to their Lordships to mean no more than that if any of the lands are subject to any trust they are to be held subject to the laws regulating the conditions and trusts on which Native lands are held.

Their Lordships will therefore humbly advise His Majesty to dismiss the appeal, and the appellants must pay the costs, but the respondents must bear the costs of their abandoned petition praying for the discharge of the order of 14th July, 1899, giving the appellants leave to appeal without finding security.



No. 100.

(No. 126.)

MY LORD,—

Downing Street, 29th November, 1901.

With reference to my despatch (No. 98) of the 17th September, forwarding copies of "The Pacific Cable Act, 1901," I have the honour to transmit to you, to be laid before your Ministers, copy of a letter from the Treasury enclosing copy of a minute detailing the financial arrangements which the Lords Commissioners propose to make under that Act.

I shall be glad to learn by telegraph, at your Ministers' early convenience, whether they concur in the terms of the minute.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &amp;c.

## Enclosures.

SIR,—

Treasury Chambers, 20th November, 1901.

I am directed by the Lords Commissioners of His Majesty's Treasury to transmit, to be laid before Mr. Secretary Chamberlain, a copy of their minute of the 5th instant detailing the financial arrangements proposed to be made under "The Pacific Cable Act, 1901" (1 Edward VII., c. 31).

As these arrangements affect the colonies which are concerned in the cable, I am to request that copies of the minute may be transmitted to the various Colonial Governments in question, and that they may be invited formally to express their concurrence in the proposed arrangements.

My Lords propose to defer the publication of the minute until such concurrence has been notified to them through your department.

I am, &amp;c.,

The Under-Secretary of State, Colonial Office.

E. W. HAMILTON.

"PACIFIC CABLE ACT, 1901."—Treasury Minute, dated the 5th November, 1901, respecting Financial Arrangements.

THE Chancellor of the Exchequer calls the attention of the Board to "The Pacific Cable Act, 1901" (1 Edw. VII., c. 31), which provides for the construction of the Pacific cable at an estimated cost of £2,000,000.

As recited in the preamble of the Act, it has been arranged that any sums required for (1) repayment of money borrowed under the Act, (2) payment of interest thereon at 3 per cent., or (3) annual expenses of the cable, shall be provided from receipts in connection with the cable, so far as such receipts will go, any deficit being ultimately met out of the Imperial funds to the extent of five-eighths, and out of the funds of Canada, New South Wales, Queensland, Victoria, and New Zealand to the extent of thirteen-eighths. Any profits arising from the undertaking will be divided between the Governments concerned in the same proportions.

Section 1 empowers the Treasury to issue from the Consolidated Fund a sum not exceeding £2,000,000 to meet the requirements of the Pacific Cable Board for defraying the cost of construction of the cable, and for repaying any temporary loan borrowed before the passing of the Act.

Section 2 empowers the Treasury to borrow the amount of such issues, and provides with regard to the sums so borrowed (1) that interest at the rate of 3 per cent. per annum shall be paid thereon during the construction of the cable; and (2) that after construction the advances shall be repaid by means of terminable annuities calculated to repay the sums borrowed, with interest at the rate of 3 per cent. per annum, within such period not exceeding fifty years as the Treasury may fix.

Before the passing of the Act the Pacific Cable Board had obtained temporary advances amounting to £294,000 to meet necessary expenditure—namely, £2,000 advanced from the Civil Contingencies Fund, and £292,000 borrowed from the Bank of England. An issue of £294,000 was made to the Board from the Consolidated Fund, shortly after the Act became law, to enable these temporary advances to be repaid; and further issues amounting to £67,800 have since been made to provide for current expenditure.

Directions have now to be given for borrowing the amount of these issues (£361,800) and of the further issues which may be required.

The arrangements which the Chancellor of the Exchequer proposes for this purpose are as follows:—

(1.) The National Debt Commissioners will be asked to make the advances out of funds available in their hands for investment, on the security of a terminable annuity to be set up on the completion of the cable, and to run for a period of fifty years.

(2.) During the construction of the cable the Treasury will submit to Parliament in each financial year an estimate of the amount required to pay to the National Debt Commissioners interest at the rate of 3 per cent. per annum on all sums advanced by them up to the preceding 31st December, and also interest at that rate on all subsequent advances so far as it may be expected



to fall due. The amount charged on the vote in respect of interest on the advances during construction will, to the extent of thirteen-eighteenths, be repayable by the Colonial Governments.

(3.) The first vote, to be submitted in the estimates for 1902-3, will include provision for any interest on advances that may fall due in that financial year or previously.

(4.) The contract date for completion of the cable is the 31st December, 1902. Assuming completion at or about that date, the annuity then to be set up will be calculated to repay the amount of the advances, with interest from that date; and the first instalment of the annuity will be provided for by including in the estimates for 1903-4 such a sum as, together with any sum estimated to be available from the cable receipts, will make up the amount of the instalment. Should the cable not be completed before the estimates for 1903-4 are closed, a similar provision for the first instalment of the annuity will be made in the following financial year.

The instalments of the annuity will be paid over by the Pacific Cable Board to the National Debt Commissioners on a date in each year to be agreed upon between the Commissioners and the Treasury.

The next point for consideration is the manner in which provision is to be made for the annual expenses of the cable.

By section 3 those expenses are defined, including: (1) Interest on borrowed money; (2) instalments of the repayment annuity; (3) expenses of the Pacific Cable Board; and (4) expenses of working and maintaining the cable; and it is provided that they shall be met out of the receipts arising in connection with the cable, supplemented, if necessary, by a vote of Parliament.

Accordingly, it is proposed that, when the annual estimates are in course of preparation, the Pacific Cable Board shall be invited to submit to the Treasury an estimate showing, on the one hand, the probable expenditure during the coming financial year under each of the above heads, including interest on borrowed money and instalments of the repayment annuity, and, on the other hand, the anticipated receipts. When the expenditure, as shown by such estimate, is in excess of the receipts, the difference will be taken as the gross amount to be voted by Parliament as a grant-in-aid of the Pacific Cable Board.

Application will be made, as soon as possible after the close of each financial year, by the Treasury through the Colonial Office to the Agents of the several Colonial Governments, for payment of the contributions due by them respectively towards making good the deficiency (if any) of that year, including the charge for interest, and, after completion of the cable, for repayment of capital.

Pending the taking of a vote for 1902-3 next session, the sums required for payment of the bank's charge for interest (£4,595 2s. 7d.), and for the salaries and expenses of the Pacific Cable Board, will be provided by advances from the Civil Contingencies Fund, to be paid to that fund from the vote.

The vote for 1902-3 when submitted will include provision for (1) the repayment of the Civil Contingencies Fund of the amount advanced for interest on the temporary loan from the Bank of England; and (2) the salaries and expenses of the Pacific Cable Board to the 31st March, 1903.

It is further proposed that the annual grant-in-aid should be provided under a subhead to be opened in the existing vote for subsidies to telegraph companies, the title of which will be altered to "Telegraph Subsidies and Pacific Cable."

The Chancellor of the Exchequer calls special attention to paragraph 81 of the report of Lord Selborne's Committee in connection with the meaning to be attached to the maintenance of the cable.

Subsequent proposals will be made to the Board about the accounts and audit contemplated in section 7 of the Act.

My Lords approve.

(Circular.)

No. 101.

SIR,—

Downing Street, 30th November, 1901.

It is with much pleasure that I have the honour to transmit to you, for publication in the colony under your Government, a copy of the Royal Proclamation prescribing the addition to be made, in recognition of His Majesty's dominions beyond the seas, to the style and titles appertaining to the Imperial Crown of the United Kingdom and its dependencies.

It will be observed that this addition to the Royal titles is to be used henceforth so far as conveniently may be on all occasions and in all instruments wherein the Royal style and title are used.

A copy of "The Royal Titles Act, 1901," under the provisions of which the Proclamation has been made, is also enclosed.

I have, &c.

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

## Enclosures

By the KING.—A PROCLAMATION.

EDWARD R. I.

WHEREAS an Act was passed in the last session of Parliament, intituled "An Act to enable His Most Gracious Majesty to make an Addition to the Royal Style and Titles in Recognition of His Majesty's Dominions beyond the Seas," which Act enacts that it shall be lawful for Us, with a view to such recognition as aforesaid of our dominions beyond the seas, by our Royal Proclamation under the great seal of the United Kingdom issued within six months after the passing of the said Act, to make such addition to the style and titles at present appertaining to the Imperial Crown of the United Kingdom and its dependencies as to Us may seem fit: And whereas our present style and titles are in the Latin tongue, "Edwardus VII. Dei Gratiâ Britanniarum Rex, Fidei Defensor, Indiæ Imperator," and in the English tongue, "Edward VII., by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, Emperor of India": We have thought fit, by and with the advice of our Privy Council, to appoint and declare, and We do hereby, by and with the said advice, appoint and declare, that henceforth, so far as conveniently may be, on all occasions and in all instruments wherein our style and titles are used, the following addition shall be made to the style and titles at present appertaining to the Imperial Crown of the United Kingdom and its dependencies, that is to say: in the Latin tongue, after the word "Britanniarum," these words "et terrarum transmarinarum quæ in ditione sunt Britannicâ"; and in the English tongue, after the words "of the United Kingdom of Great Britain and Ireland," these words, "and of the British Dominions beyond the Seas."

And our will and pleasure further is, that all gold, silver, and bronze moneys, now current and lawful moneys of the United Kingdom, and all gold, silver, and bronze moneys which shall, on or after this day, be coined by our authority with the like impressions, shall, notwithstanding such addition to our style and titles, be deemed and taken to be current and lawful moneys of the said United Kingdom; and, further, that all moneys coined for and issued in any of the dependencies of the said United Kingdom, and declared by our Proclamation to be current and lawful money of such dependencies respectively, bearing our style or titles, or any part or parts thereof, and all moneys which shall hereafter be coined and issued according to such Proclamation, shall, notwithstanding such addition, continue to be lawful and current money of such dependencies respectively, until our pleasure shall be further declared thereupon.

Given at Our Court at St. James's, this 4th day of November, 1901, in the first year of our reign.

GOD SAVE THE KING!

## CHAPTER 15.

AN ACT to enable His Most Gracious Majesty to make an Addition to the Royal Style and Titles in Recognition of His Majesty's Dominions beyond the Seas. [17th August, 1901.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. It shall be lawful for His Most Gracious Majesty, with a view to the recognition of His Majesty's dominions beyond the seas, by His Royal Proclamation under the great seal of the United Kingdom issued within six months after the passing of this Act, to make such addition to the style and titles at present appertaining to the Imperial Crown of the United Kingdom and its dependencies as to His Majesty may seem fit.

2. This Act may be cited as "The Royal Titles Act, 1901."

(Circular.)

No. 102.

SIR,—

Downing Street, 2nd December, 1901.

I have the honour to inform you that, in consequence of the establishment of martial law at all British South African ports, it has been decided, with the concurrence of the Governments of Cape Colony and Natal, that after 1st January, 1902, persons desiring to land in those colonies must provide themselves with a permit.

2. I enclose a copy of a notice on the subject, which has been published in this country, together with a specimen of the permit which is being issued here.

3. You will observe that it has been announced that passengers from colonial ports must supply themselves with permits from the Colonial Secretary or some officer appointed by the Colonial Government, who will satisfy himself as far as possible that the applicants fulfil the conditions laid down. The necessary steps are also being taken with regard to Indian ports.

4. The arrangements to be followed by the Permit Office in this country is that each permit will be made out in triplicate, one copy for the use of the applicant, one for record in the office, and the third to be despatched by the

earliest opportunity to the officer at the port to which the passenger is proceeding, viz., the Embarkation Officer at Capetown, the Commandant at Port Elizabeth, the Commandant at East London, and the Embarkation Officer at Durban respectively, and I have to request that the same course may be adopted in the case of any permits issued to persons proceeding to South Africa from the colony under your government. A copy of the Natal Act to which allusion is made in the permit is enclosed.

5. His Majesty's Government rely upon the special assistance of your Government in this matter, as there is entire agreement among the authorities in South Africa that the measure is necessary, with the object of preventing the influx of undesirable persons into South Africa at the present time.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administrating the Government of New Zealand.

### Enclosure.

#### NOTICE.

IN consequence of the establishment of martial law at all South African ports, it has been decided, with the concurrence of the Governments of the Cape Colony and Natal, that on and after the 1st January, 1902, permits will be required by every person proceeding to Cape Colony or Natal, to enable him (or her) to enter those colonies, and no person unprovided with such permit will be allowed by the authorities in South Africa to land in that country, except under special circumstances.

Application must be made in person at the Permit Office, 39, Victoria Street, S.W., between the hours of 11 a.m. and 5 p.m., on and after the 2nd December, 1901, and should be made at least three weeks before the date of sailing. Permits will be issued with as little delay as possible, but the office cannot guarantee their issue within a period of less than three weeks from the date of application.

Each applicant will be required to produce a certificate, signed by the Agent-General for the Cape Colony or Natal, a member of Parliament, Justice of Peace, banker, parish priest, or minister, or officer of H.M. forces, to the effect that he is in possession of at least £100 or is in a position to maintain himself on arrival in South Africa, that the object of his journey, viz.: is *bond fide*, and that he has not been deported or sent out of that country as indigent.

Subjects of foreign Powers who may wish to proceed to South Africa from ports in the United Kingdom can obtain a permit on production of satisfactory evidence to the same effect from their respective Embassies or Legations in London.

Passengers from ports not in the United Kingdom must supply themselves with permits from the Colonial Secretary or some officer appointed by the Colonial Government in the case of colonial ports, or from the British Consular Officer at a foreign port of embarkation, who will satisfy himself, as far as possible, that the applicants fulfil the above conditions.

Members of a family proceeding to South Africa will be shown on the permit issued to its head, provided that a separate permit will be required for each son or daughter over sixteen years of age.

It should be clearly understood that these permits are available only to enable passengers to land in South Africa, and are no guarantee that they will be allowed to proceed inland. Those who wish to do so must apply for permits at the port of disembarkation. The latter are warned that there are still thousands of persons waiting at the coast ports for an opportunity to return to their homes, who will probably have precedence over later arrivals.

(No. 129.)

No. 103.

MY LORD,—

Downing Street, 5th December, 1901.

I have the honour to acknowledge the receipt of your despatch (No. 102) of the 25th September, forwarding a copy of a memorandum from your Premier relative to the extension of your period of office as Governor of New Zealand. A.-1, 1902,  
No. 51.

I have much pleasure in informing you that the King has given his approval of the extension of your term of service to seven years, and in thus being able to accede to the request of your Government.

I have to print out, however, for the information of your Ministers, that the usual term of office would not have expired next year in your case, as the ordinary period of a Governor's appointment is six years, not five, and the term is usually reckoned from date of assumption of office.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

(Circular.)

No. 104.

SIR,—

Downing Street, 21st December, 1901.

I have the honour to inform you that the Board of Trade are desirous of obtaining information as to company legislation in the various British colonies, and have asked to be supplied with copies of colonial laws now in force, or which may hereafter be enacted, with reference to the formation, regulation, and winding-up of joint-stock companies.

I shall be glad, therefore, to be furnished, for communication to the Board, with copies of any laws bearing on this subject that may be in force in the colony under your Government; and also, in the event of further legislation taking place, if the desire of the Board of Trade to have copies of the laws enacted could be borne in mind.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

(Circular.)

No. 105.

SIR,—

Downing Street, 23rd December, 1901.

With reference to my circular despatch of 21st September, 1900, I have the honour to forward, for the information of your Ministers, copies of a general form of license for landing submarine cables in this country, which has been prepared by the committee referred to in the above circular, and has been adopted in licenses recently issued.

2. It is, perhaps, not desirable that this form of license should be immediately published in the colony, but in any licenses which your Ministers may hereafter grant or renew they will doubtless consider the desirability of inserting similar conditions to those contained in the form, *mutatis mutandis*, (e.g.) substituting "the Colonial Government" for "His Majesty's Government," where that phrase occurs.

3. In particular your Government will, of course, realise the importance of the provisions as to censorship contained in clause 13, and will no doubt secure in future licenses that the right to exercise censorship or take possession is reserved.

4. I take this opportunity of observing that, having regard to strategical considerations and the general interests of the Empire, it is most desirable that His Majesty's Government should be given an opportunity of offering their observations on any applications for the landing of cables, other than those connecting different ports of one colony, before a final decision is arrived at on such applications.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

(No. 142.)

No. 106.

MY LORD,—

Downing Street, 27th December, 1901.

It has become my duty to inform you that the coronation of His Most Gracious Majesty King Edward VII. has been fixed to take place on the 26th June, 1902.

It is His Majesty's desire that the great self-governing colonies of the Empire should be represented on this occasion by their leading statesmen; and I have accordingly to request you to be so good as to convey to the Premier of New Zealand an invitation on the part of His Majesty's Government to visit this country in June next. It is not anticipated that the duration of the actual ceremonies in connection with the coronation will extend beyond a few days; but it would probably be convenient to Mr. Seddon to arrive in England a few days beforehand, and His Majesty's Government hope, therefore, that he will consider himself their guest for a fortnight from the date of his arrival. It would be an additional satisfaction to them if Mr. Seddon should be accompanied by some lady member of his family.

It will be readily understood that on an occasion like this it is necessary that all arrangements should be made some months in advance; and, without therefore desiring to press for an immediate answer, His Majesty's Government would be glad to learn, at Mr. Seddon's early convenience, whether it will be in his power to accept their invitation.

The question of representative detachments of troops from the various colonies is also under the consideration of His Majesty's Government, and whenever a decision has been arrived at on this subject I shall address you in a further despatch.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

(Circular.)

No. 107.

SIR,—

Downing Street, 27th December, 1901.

I have the honour to transmit to you, for your information and with a view to its publication in the colony under your government, the accompanying copy of a Proclamation by the King in Council, determining new designs for gold and bronze coins.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Enclosure.

BY THE KING.—A PROCLAMATION.

EDWARD R. I.

WHEREAS under section eleven of "The Coinage Act, 1870," We have power, with the advice of our Privy Council, from time to time by Proclamation to determine the design for any coin:

And whereas it appears to Us desirable to determine new designs for the gold and bronze coins mentioned in the First Schedule to "The Coinage Act, 1870:"

We, therefore, in pursuance of the said enactment and of all other powers enabling Us in that behalf, do hereby, by and with the advice of our Privy Council, proclaim, direct, and ordain as follows:—

1. The designs for the said gold and bronze coins shall be as follows:—

*Gold Coins.*

- (1.) *Five-pound Piece.*—Every five-pound piece shall have for the obverse impression Our effigy, with the inscription, "EDWARDUS VII DEI GRA: BRITT: OMN: REX FID: DEF: IND: IMP:" and for the reverse the image of Saint George armed, sitting on horseback, attacking the dragon with a sword, and a broken spear upon the ground, and the date of the year, with a graining upon the edge.
- (2.) *Two-pound Piece.*—Every two-pound piece shall have the same obverse and reverse impression and inscription in all respects as the five-pound piece, with a graining upon the edge.
- (3.) *Sovereign.*—Every sovereign shall have for the obverse impression the aforesaid effigy with the inscription, "EDWARDUS VII D. G. BRITT: OMN: REX. FID. IND: IMP:" and for the reverse the same impression in all respects as the five-pound piece, with a graining upon the edge.
- (4.) *Half-Sovereign.*—Every half-sovereign shall have the same obverse and reverse impression and inscription in all respects as the sovereign, with a graining upon the edge.

*Bronze Coins.*

- (1.) *Penny.*—Every penny shall have for the obverse impression Our effigy with the inscription, "EDWARDUS VII DEI GRA: BRITT: OMN: REX FID: DEF: IND: IMP:" and for the reverse impression the figure of Britannia seated on a rock surrounded by the sea, her right hand holding a shield which rests against the rock, while in her left hand she grasps a trident, and the inscription "ONE PENNY," with the date of the year and a plain edge.
  - (2.) *Half-Penny.*—Every half-penny shall have the same obverse impression and inscription as the penny, and for the reverse the figure of Britannia seated as described for the penny, and the inscription "HALF-PENNY," with the date of the year and a plain edge.
  - (3.) *Farthing.*—Every farthing shall have the same obverse impression and inscription as the penny, and for the reverse the figure of Britannia seated as described for the penny, and the inscription "FARTHING," with the date of the year and a plain edge.
2. This Proclamation shall come into force on the 1st day of January, 1902.

Given at Our Court at St. James's, this 10th day of December, in the year of our Lord 1901, and in the first year of our reign.

GOD SAVE THE KING!

(General.)

No. 108.

MY LORD,—

Downing Street, 4th January, 1902.

With reference to my despatch (General) of the 26th August last, on the subject of the date fixed for the International Telegraph Conference to be held in London this year, I have the honour to request you to inform your Ministers, in confirmation of my telegram of the 2nd instant, that, in consequence of objections raised by several of the principal Administrations to the date fixed for the Conference, the Postmaster-General has found it necessary to propose a further postponement until the early part of the summer of 1903.

I enclose a copy of the telegram which Lord Londonderry sent to the International Telegraph Office at Berne on this subject on the 28th ultimo.

I have, &amp;c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &amp;c.

## Enclosure.

COPY OF TELEGRAM SENT TO THE INTERNATIONAL TELEGRAPH OFFICE, 28TH DECEMBER, 1901.

Burin-terna, Berne.

THE Postmaster-General regrets that he finds it necessary to propose a further postponement of the International Telegraph Conference summoned for the 10th February next. Some Administrations, who represented that this period of the year would be inconvenient, suggested a postponement to 1903, while some suggested the autumn of 1902. Meanwhile others refrained from accepting the invitation. It was not practicable to hold the Conference at a later period in 1902, and, in the circumstances, the Administrations which had expressed their objections to February agreed that the only alternative would be to postpone the Conference till the early part of the summer of 1903. This alternative has been accepted by His Britannic Majesty's Government, and, while the Postmaster-General greatly regrets the further postponement, he trusts that the date now proposed, viz., an early day in the summer of 1903, will prove acceptable to all the Administrations.

A formal notification will be made in the usual way through the diplomatic channel.

SECRETARY, POST OFFICE.

(No. 2.)

No. 109.

MY LORD,—

Downing Street, 4th January, 1902.

I have the honour to transmit to you, for the information of your Ministers, with reference to your despatch (No. 59) of the 2nd July last, the papers noted in the subjoined schedule.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Date	From	To	Subject.
16th Dec., 1901...	Foreign Office (and	Colonial Office enclosure)	Postage rates between New Zealand and French possessions in Oceania.

## Enclosures.

SIR,—

Foreign Office, 16th December, 1901.

With reference to your letter of the 12th September last, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before Mr. Secretary Chamberlain, a copy of a despatch from His Majesty's Ambassador at Paris, relative to the proposed arrangement between this country and France respecting postage rates for letters between the Colony of New Zealand and the French possessions in Oceania.

I am, &amp;c.,

The Under-Secretary of State, Colonial Office.

T. H. SANDERSON.

MY LORD,—

Paris, 13th December, 1901.

On the receipt of your Lordship's despatch (No. 57), treaty of the 5th October last, I addressed a note to the French Minister for Foreign Affairs communicating to the French Government the desire of the Government of New Zealand to make an arrangement for the transmission of letters between that colony and the French possessions in Oceania at the postage equivalent of 10 centimes for each 15 grammes of weight, and asking to be informed of the views of the French Government on the subject.

I have the honour to transmit herewith copy of the reply which I have received from Monsieur Delcassé to the effect that the Minister of the Colonies considers that by reason of the unimportance of the commercial relations existing between the French possessions and New Zealand the proposed arrangement would not yield advantageous results, and regrets therefore to be unable for the present to accede to the views of the New Zealand authorities.

The Marquess of Lansdowne, K.G., &c.

I have, &c.,

EDMUND MONSON.

No. 110.

MY LORD,—

Downing Street, 10th January, 1902.

I have the honour to transmit to you for the information of your Ministers, with reference to your despatch (No. 112) of the 19th of October, 1901, the papers noted in the subjoined schedule. A.-1, 1902,  
No. 58.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Date	From	To	Subject.
31st Dec., 1901	War Office ...	Colonial Office ...	Services of Lieut.-Colonel A. P. Penton in New Zealand.

SIR,—

War Office, London, S.W., 31st December, 1901.

I am directed by the Secretary of State for War to acknowledge the receipt of your letter of the 20th instant, and, in reply, to acquaint you that a note has been made in the records of this department of the appreciation expressed by the Government of New Zealand of the manner in which Lieut.-Colonel A. P. Penton, Royal Artillery, performed his duties whilst holding the post of Commandant of the Forces of that colony.

I have, &c.,

G. FLEETWOOD WILSON.

The Under-Secretary of State, Colonial Office.

No. 111.

(No. 5.)

MY LORD,—

Downing Street, 18th January, 1902.

I have the honour to inform you that I have had under my consideration the necessity, which is already beginning to make itself felt as the settlement in the Transvaal and Orange River Colony proceeds, for obtaining the services of experienced school teachers for the work of education in the new colonies.

I should be glad to learn whether your Government would be good enough to render assistance in the matter.

The most pressing requirement is the provision of women teachers for the refugee camps. A certain number of teachers have already been engaged in this country, but a further number are required, and, in Lord Milner's opinion, with which I fully agree, it would be attended with excellent results if a certain proportion of these teachers could be selected from the larger colonies.

I should, therefore, be glad to learn whether your Ministers would be good enough to make arrangements for the selection by the educational authorities in New Zealand of twenty teachers to undertake this work. The salary offered is £100 for the year, with the prospect of further employment for those teachers who give satisfaction and elect to remain in South Africa. Free rations and accommodation in the camps are given. The further conditions of employment and the nature of the work are shown in the notices, copies of which are enclosed, issued by the Board of Education in England when recently selecting a number of teachers for the camps.

The Governments of the Transvaal and Orange River Colony are prepared to pay the travelling expenses (third class) between their homes and the place of interview, of a limited number of candidates whom the authorities employed to

select the teachers consider it advisable to examine personally, the travelling expenses (third class) of the selected teachers from their homes to the port of embarkation, subsistence allowance at the rate of 10s. a day in respect of the time they are required to spend at the port of embarkation before sailing, and second-class tickets by the steamer. An account of the money so expended should be forwarded to me.

A free second-class passage by steamer and third-class railway ticket home will be given to those teachers who elect to return at the end of the year.

The teachers should be medically examined before selection, and the fee (not exceeding 10s. 6d.) for the medical examination will be paid by the Transvaal Government.

Tents and tent furniture will be provided for the teachers, and they will receive medical attendance free. A month's salary may be issued in advance to any teacher who desires it.

I would observe that the notices (enclosures 3 and 4 to this despatch) relating to the articles which the teachers should take with them are not intended to lay down any hard-and-fast rule, but only to give suggestions as to what will be found useful, and I would add that each teacher is authorised to spend a sum not exceeding £4 in educational appliances, instead of £3 as stated in the notice (enclosure 3).

Your Ministers would be rendering a most valuable service if they would select twenty teachers for appointment on the conditions stated in this despatch.

If these arrangements can be made, I should be obliged if you would inform Lord Milner by telegraph of the date of sailing of the teachers, who will most conveniently be despatched in one or two large parties.

I enclose copies of the parliamentary papers which have been published giving information regarding the camps.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

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(General.)

No. 112.

MY LORD,—

Downing Street, 20th January, 1902.

I have the honour to inform you that His Highness Duke Adolph Frederick of Mecklinburg-Schwerin is about to make a tour round the world, in the course of which he proposes to visit India, and the Eastern and Australian Colonies.

His Majesty's Ambassador at Berlin states that His Highness desires to travel as an ordinary tourist, but would be glad to have a *laisser passer* addressed to the Customs authorities in the colonies. And I should be obliged if arrangements could be made by your Ministers, as a matter of international courtesy, to subject His Highness's effects, including his guns and ammunition, to as little interference as possible, and to give him any other facilities that may be at their disposal.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.

---

(General.)

No. 113.

MY LORD,—

Downing Street, 24th January, 1902.

I have the honour to acknowledge the receipt of your despatch (No. 115) of the 28th October last, relative to the representation of the Australasian Colonies in the Postal Union, and to transmit to you, for the information of your Ministers, a copy of the correspondence with the General Post Office, noted in the margin.

I have, &c.,

J. CHAMBERLAIN.

Governor the Right Hon. the Earl of Ranfurly, G.C.M.G., &c.



## Enclosures.

SIR,—

Downing Street, 19th December, 1901.

With reference to the letters from this department of the 31st January and 26th July last, I am directed by Mr. Secretary Chamberlain to transmit to you, to be laid before the Postmaster-General, copies of despatches from the Governor-General of Australia and the Governor of New Zealand respecting the representation of the Australasian Colonies in the Postal Union.

With reference to paragraph 2 of Lord Hopetoun's despatch, I am to say that, in Mr. Chamberlain's opinion, the Commonwealth should represent British New Guinea, but that Fiji, like other Crown colonies, should henceforth be represented by the Imperial Post Office.

Mr. Chamberlain trusts that the Postmaster-General will be able to arrange that, subject to the above alteration, the wishes of the Governments of the Commonwealth of Australia and of New Zealand may be met in this matter.

The Secretary, General Post Office.

I am, &amp;c.,

H. BERTRAM COX.

Commonwealth of Australia: Governor-General, Melbourne,

SIR,—

16th August, 1901.

I have the honour to state that, as pointed out in my telegraphic dispatch of the 12th of March last, the control of the Postal and Telegraph services of New South Wales, Victoria, Queensland, South Australia, Western Australia, and Tasmania has now become vested in the Postmaster-General of the Commonwealth of Australia, although in matters of accounts the State rights will continue for at least five years as heretofore, in accordance with the provisions of sections 89 and 93 of the Constitution.

My Responsible Advisers, therefore, desire me to invite you to be good enough to cause the parties to the Universal Postal Union Convention to be moved, through the Berne Bureau, for a modification of Article 27 of the Convention, in order that a separate vote may be accorded to the Commonwealth, which would represent also Fiji and British New Guinea.

It is to be understood that such a vote would, of course, be apart altogether from the interests of New Zealand. In this connection, my Ministers are informed that the Administrations of the United Kingdom and Canada have already agreed to support an application by New Zealand that a separate vote should be accorded to that colony, and my Ministers further desire me to advise you that such a proposal has the cordial support of the Commonwealth Government.

I have, &amp;c.,

HOPETOUN, Governor-General.

The Right Hon. J. Chamberlain, Secretary of State for the Colonies.

SIR,—

General Post Office, London, 16th January, 1902.

With reference to your letter of the 19th of last month (No. 43154/1901) transmitting copies of despatches from the Governor-General of Australia and the Governor of New Zealand respecting the representation of the Australasian Colonies in the Postal Union, I am directed to state, for the information of Mr. Secretary Chamberlain, that the Postmaster-General, who had already received notifications on the subject from the Australian and New Zealand Post Offices, will take the necessary steps for bringing before the Postal Union the proposal of the New Zealand Post Office for a separate vote in Union affairs, together with the complimentary proposal of the Commonwealth Post Office that it should retain the vote hitherto allotted to the Australasian Colonies.

The Postmaster-General notes that the Commonwealth is to represent British New Guinea in Union affairs, while Fiji, like other Crown colonies, will henceforth be represented by the Imperial Post Office.

Should a separate vote be allotted to New Zealand, it will be necessary for the Government of that colony to state, for the purpose of assessing the contributions to Union expenses under the provisions of Article XXXIV. of the detailed regulations for the execution of the Washington Convention, in which of the seven classes of contributors the colony would desire to be placed. As Mr. Chamberlain is, no doubt, aware, the Australasian Colonies are at present grouped as a contributor of the first class.

The Under-Secretary of State, Colonial Office.

I am, &amp;c.,

G. H. MURRAY.

(No. 12.)

No. 114.

MY LORD,—

Downing Street, 31st January, 1902.

I have the honour to inform you that His Majesty will not be advised to exercise his powers of disallowance with respect to the Act, No. 3 of 1901, of the Legislature of New Zealand, entitled "An Act to amend 'The Chinese Immigrants Act, 1881,'" a transcript of which accompanied your despatch (No. 126) of the 18th December last.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administrating the Government of New Zealand.

11—A. 2.

A.-1, 1902.  
No. 69.

(No. 97.)

No. 115.

MY LORD,—

Downing Street, 6th February, 1902.

I have the honour to inform you that His Majesty will not be advised to exercise his power of disallowance with respect to the Act, No. 53 of 1901, of the Legislature of New Zealand, entitled "An Act to amend 'The Military Pensions Act, 1866,' and to extend the Provisions of 'The Military Pensions Extension to Contingents Act, 1900,' so as to include the Sixth and Seventh Contingents," a transcript of which accompanied your despatch (No. 126) of the 18th December last.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

A.-1, 1902.  
No. 69.

(No. 18.)

No. 116.

MY LORD,—

Downing Street, 7th February, 1902.

I have the honour to inform you that His Majesty will not be advised to exercise his power of disallowance with respect to the Act, No. 44 of 1901, of the Legislature of New Zealand, entitled "An Act to provide temporarily for the Government of the Cook and other Islands in the Pacific within the Boundaries of the Colony of New Zealand," a transcript of which accompanied your despatch (No. 126) of the 18th December last.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

A.-1, 1902,  
No. 69.

(Circular.)

No. 117.

SIR,—

Downing Street, 10th February, 1902.

I have the honour to transmit to you, for your information and with a view to its publication in the colony under your government, the accompanying copy of a Proclamation by the King in Council determining new designs for silver coins.

I have, &amp;c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

## BY THE KING.—A PROCLAMATION.

EDWARD R. AND I.

WHEREAS under section eleven of "The Coinage Act, 1870," We have have power, with the advice of our Privy Council, from time to time by Proclamation to determine the design for any coin:

And whereas it appears to Us desirable to determine new designs for the silver coins specified in this Proclamation, being silver coins mentioned in the First Schedule to "The Coinage Act, 1870."

We therefore, in pursuance of the said enactment and of all other powers enabling Us in that behalf, do hereby, by and with the advice of our Privy Council, proclaim, direct, and ordain as follows:—

1. The designs for the said silver coins shall be as follows:—

- (1.) *Crown*.—Every crown shall have for the obverse impression our effigy, with the inscription "EDWARDUS VII DEI GRA : BRITT : OMN : REX FID : DEF : IND : IMP : " and for the reverse the image of Saint George armed, sitting on horseback, attacking the dragon with a sword, and a broken spear upon the ground, and the date of the year, and on the edge of the piece in raised letters "DECUS ET TUTAMEN ANNO REGNI," the year of the reign being in Roman numeral letters.
- (2.) *Half-Crown*.—Every half-crown shall have for the obverse impression the aforesaid effigy, with the inscription "EDWARDUS VII DEI GRA : BRITT : OMN : REX : " ; and for the reverse the Ensigns Armorial of the United Kingdom, contained in a shield surmounted by the Royal Crown, and surrounded by the Garter bearing the motto "HONI SOIT QUI MAL Y PENSE," with the inscription "FID : DEF : IND : IMP : " together with the words "HALF CROWN," and the date of the year, with a graining upon the edge.
- (3.) *Florin*.—Every florin shall have the same obverse impression as the half-crown, with the inscription "EDWARDUS VII D. G. BRITT : OMN : REX F. D. IND : IMP : " and for the reverse the figure of Britannia standing upon the prow of a vessel, her

right hand grasping a trident, and her left resting on a shield, with the words "ONE FLORIN TWO SHILLINGS," and the date of the year, with a graining upon the edge.

- (4.) *Shilling*.—Every shilling shall have the same obverse impression and inscription as the half-crown, and for the reverse our Royal Crest, with the date of the year placed across the Crest, with the inscription, "FID : DEF : IND : IMP : " together with the words, "ONE SHILLING," with a graining upon the edge.
- (5.) *Sixpence*.—Every sixpence shall have the same obverse impression and inscription as the crown, and for the reverse the words "SIX PENCE" placed in the centre of the piece, having an olive-branch on one side and an oak-branch on the other, surmounted by the Royal Crown, and the date of the year between and below the branches, with a graining upon the edge.
- (6.) *Silver Fourpence, Threepence, Twopence, and Penny*.—Every silver fourpence, threepence, twopence, and penny shall have for the obverse impression our aforesaid effigy, with the inscription, "EDWARDUS VII D.G. BRITT : OMN : REX F.D. IND : IMP : " and for the reverse the respective figures "4," "3," "2," "1" (according to the denomination or value of the piece) in the centre, with the date of the year placed across the figure, and encircled with an oak wreath surmounted by the Royal Crown, with a plain edge.

Given at our Court at St. James's, this 13th day of January, in the year of our Lord 1902, and in the first year of our reign.

GOD SAVE THE KING!

(No. 21.)

No. 118.

Downing Street, 14th February, 1902.

(A DESPATCH signifying that His Majesty will not be advised to exercise his power of disallowance with respect to the Acts of the New Zealand Legislature passed in the session of Parliament, 1901.)

[List of Acts published in the *New Zealand Gazette* No. 33, of the 1st May, 1902.]

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