

1874.

NEW ZEALAND.

IMPORTATION OF STOCK PROHIBITION.

*Presented to both Houses of the General Assembly by Command of His Excellency.*EXTRACT FROM REPORT OF PROCEEDINGS OF THE INTERCOLONIAL
CONFERENCE

Held at Sydney, New South Wales, during the months of January and February, 1873.

XIV.—DISEASES IN STOCK.

The Conference having taken into consideration the great danger to which Australian live stock are exposed from the importation of animals from countries in which infectious diseases prevail, it was resolved that it is expedient to prohibit, for the period of two years, the landing of cattle, sheep, and pigs from any places beyond the limits of the Australasian Colonies, and that such prohibition should take effect from and after the publication of a notice in the *London Times*.

The Treasury, Sydney, 14th February, 1873.

EXTRACT FROM MINUTES OF PROCEEDINGS OF INTERCOLONIAL CONFERENCE

At the Treasury, Sydney, 11th February, 1873.

Mr. Samuel proposed the motion given by him on Thursday last, as follows,—when, after discussion, he proposed, and Mr. Palmer seconded, the following resolution, which was unanimously agreed to :—

“ That the importation of cattle, sheep, and pigs, into New South Wales, New Zealand, Queensland, South Australia, Tasmania, Victoria, and Western Australia, be prohibited for a period of two years from all places beyond the Australasian Colonies; such prohibition to commence from and after the publication of a notice in the *London Times*; and the representatives of the various Colonies engage to introduce into their several Legislatures such measures as may be necessary to carry out this object.”

NEW ZEALAND CORRESPONDENCE.

CIRCULAR TELEGRAM to all SUPERINTENDENTS and the COUNTY CHAIRMAN.

(No. 270.)

Government Buildings, Wellington, 7th May, 1873.

IN accordance with a resolution of the delegates of the Governments, at the recent Intercolonial Conference, the Government propose, in concert with the other Australian Governments, to prohibit, for a period of two years, the importation of all stock from beyond the limits of the Australasian Colonies, and I should be glad to be favoured as speedily as possible with your views on the subject. Please telegraph reply.

The Superintendent, Auckland.

WILLIAM H. REYNOLDS.

The SUPERINTENDENT, Auckland, to the Hon. the COLONIAL SECRETARY.

(Telegram.)

Auckland, 8th May, 1873.

No. 764. Myself and Executive are entirely opposed to the proposed prohibition, but will consult leading farmers and others, and let you know to-morrow.

THOMAS B. GILLIES,
Superintendent.

(Telegram.)

Auckland, 9th May, 1873.

No. 778. Have consulted leading farmers; opinions differ, prevailing opinion seems that with proper inspection, and a quarantine ground on Motuihi Island for suspected stock, prohibition would be un-

necessary. In any case, prohibition should not take effect to prevent stock already ordered being landed on arrival after inspection.

THOMAS B. GILLIES,
Superintendent.

The SUPERINTENDENT, Taranaki, to the Hon. the COLONIAL SECRETARY.

(Telegram.)

New Plymouth, Taranaki, 17th May, 1873.

Re prohibition of stock from beyond the Australian Colonies. Have consulted the Inspector, and parties informed of this question. Is approved.

FRED. A. CARRINGTON,
Superintendent.

The SUPERINTENDENT, Hawke's Bay, to the Hon. the COLONIAL SECRETARY.

(Telegram.)

Napier, 8th May, 1873.

REPLY to No. 270. I am of opinion a prohibition to importation of stock from Europe most injurious to New Zealand interests. Prohibition would not insure safety. Live stock for use on passage would be brought, and foot-and-mouth disease might be spread from articles they touch, as easily as from imported stock. It is from stock for food on passage that greatest danger exists. Importation from Australian Colonies not free of risk, as all the dangerous diseases have existed there. The stopping of importation of sheep would seriously check the improving of New Zealand flocks and wool. Quarantine, under proper regulations, is desirable, and would effect all that is necessary.

J. D. ORMOND.

WELLINGTON.—No reply.

The SUPERINTENDENT, Marlborough, to the Hon. the COLONIAL SECRETARY.

(Telegram.)

Blenheim, 7th May, 1873.

Re Telegram No. 276. I concur in proposal of General Government.

A. P. SEYMOUR,
Superintendent.

The SUPERINTENDENT, Nelson, to the Hon. the COLONIAL SECRETARY.

(Telegram.)

Nelson, 8th May, 1873.

I AGREE with the course Government propose to take, in concert with other Australian Governments, relative to importation of live stock.

OSWALD CURTIS,
Superintendent.

The CHAIRMAN, County Council, Westland, to the Hon. the COLONIAL SECRETARY.

(Telegram.)

Hokitika, 8th May, 1873.

No. 84. Westland only affected indirectly by intended restrictions importations of stock. Presume you are aware proposed prohibition will limit the sources of supply for the purpose of improvement of stock in New Zealand. On account shortness of period, perhaps not objectionable. Germ of disease imported cattle frequently introduced. Medium dairy stock on passenger vessels require supervision.

H. L. ROBINSON.

The SUPERINTENDENT, Canterbury, to the Hon. the COLONIAL SECRETARY.

(Telegram.)

Christchurch, 7th May, 1873.

I HAVE asked the Provincial Council for an expression of opinion upon the subject of the importation of stock from beyond the limits of the Australasian Colonies. The Province is so largely interested in the improvement of stock that I should not wish to give an individual opinion without consulting them.

W. ROLLESTON.

SIR,—

Superintendent's Office, Christchurch, Canterbury, N.Z., 31st May, 1873.

I have the honor to forward a copy of resolutions passed by the Provincial Council, having reference to the importation of stock from Great Britain into the Province of Canterbury, and I have to express my entire concurrence in the resolutions.

I have, &c.,

W. ROLLESTON,
Superintendent.

The Hon. the Colonial Secretary.

Enclosure.

Provincial Council Chambers, 28th May, 1873.

1. The Council thank your Honor for Message No. 1.
2. The Council are of opinion that it is not expedient at the present time to prohibit the importation of stock to Canterbury.
3. That a quarantine ground, with suitable buildings, should, without delay, be set apart for the reception of imported stock.

4. That, after the 25th of September next, all stock shipped for Canterbury should be accompanied with a certificate of soundness from a duly qualified veterinary surgeon, attested by a notary public; and that unless such certificate can be produced, no stock should be allowed, under any circumstances, to be landed.

5. That before any stock are taken from the ship and placed on the quarantine ground, they should be inspected by such competent persons, inclusive of at least one duly qualified veterinary surgeon, as shall be appointed by the Provincial Government, and if found diseased, they shall not be allowed to be landed; if considered free from disease, they shall be placed on the quarantine ground for a period of not less than two months, and if then found free from disease, it shall be lawful for the owner to remove them.

6. That due public notice shall be given of such regulations, both in the Colonies and United Kingdom, both by advertisement and by sending copies of regulations to the New Zealand shipping agents.
(True copy.)

H. B. QUINN,
Clerk of Council.

The SUPERINTENDENT, Otago, to the Hon. the COLONIAL SECRETARY.

(Telegram.)

Dunedin, 8th May, 1873.

I quite approve of the proposed prohibition of stock.

J. MACANDREW.

[Extract from *New Zealand Gazette* No. 62, of 17th October, 1873.]

NOTICE TO IMPORTERS OF STOCK.

“*Diseased Cattle Act Amendment Act, 1873.*”

Colonial Secretary's Office, Wellington, 17th October, 1873.

THE attention of Importers of Stock is especially called to the following sections of “*The Diseased Cattle Act Amendment Act, 1873.*”

DANIEL POLLEN.

6. From and after the first day of April, one thousand eight hundred and seventy-four, no cattle shipped to New Zealand from any foreign district shall be landed in New Zealand unless the owner of such cattle shall produce to the Cattle Inspector at the port or place in New Zealand where the same shall arrive, a certificate in writing, signed by a duly qualified veterinary surgeon, to the effect that such cattle were inspected and examined by him immediately before shipment, and that they were at the time of such examination and shipment free from any contagious or infectious disease whatever, and which would be likely to propagate amongst men or animals any such contagious or infectious disease, or any other disease.

7. Every such certificate of inspection and examination shall be attested before a Justice of the Peace or a notary public.

Every such certificate so attested before a Justice of the Peace or a notary public as aforesaid shall, for all purposes, be receivable in the Colony as sufficient evidence of compliance with the provisions of this Act by any such owner as aforesaid.

8. From and after the passing of this Act, no cattle imported from any foreign district shall be landed at any port or place in the Colony of New Zealand except at a port proclaimed to be a port where cattle may be landed; and such cattle shall only be landed at such place in such port as the Local Cattle Board may from time to time appoint.

The Governor may from time to time proclaim such ports within the Colony as he thinks fit to be ports at which cattle may be landed; and from and after the publication of such proclamation in the *New Zealand Gazette*, cattle shall be landed at such proclaimed port, and at no other port or place.

9. Whenever it shall appear to the Local Cattle Board that any such cattle as last aforesaid are affected with any disease which is by this Act, or may hereafter be, declared to be a disease for the purposes of this Act, the Local Cattle Board at the port or place where such cattle shall arrive shall cause the same to be forthwith destroyed, and the owner thereof shall not be entitled to any compensation whatsoever for the cattle so destroyed.

Whenever cattle imported from a foreign district shall be driven or taken to a quarantine ground, or to any place to be appointed under this Act as a place to which cattle shall be driven or taken, such cattle shall be kept therein at the risk and expense of the owner for such period as may be prescribed by any regulations to be made in that behalf. And in case any such disease as aforesaid shall break out amongst such cattle when in quarantine, or in such place as aforesaid, the same shall be destroyed by the owner on being required to do so by the Local Cattle Board, and such owner shall not be entitled to any compensation whatsoever by reason of such destruction.

FOREIGN CORRESPONDENCE.

NEW ZEALAND.

(Circular No. 60.)

SIR,—

Colonial Secretary's Office, Wellington, 4th June, 1873.

Referring to the resolution passed by the Delegates of the Australasian Colonies at the Conference held at Sydney in February last, which recommends that the importation of stock from places beyond the Australasian Colonies should be prohibited for a period of two years, I have the honor to inform you that the Executive Government of this Colony have not, in the present state of the law, the power to interdict the importation of stock, other than diseased cattle.

This Government regrets the delay which must ensue in their co-operating with the other Colonies in this matter, and will submit to Parliament, as soon as possible, a Bill to confer upon them the necessary powers.

I have, &c.,

WILLIAM H. REYNOLDS.

The Hon. Chief Secretary, Victoria and South Australia.

The Hon. Colonial Secretary, New South Wales, Queensland,
Western Australia, and Tasmania.

The Hon. J. VOGEL to the Hon. the CHIEF SECRETARY, Victoria.

(Telegram.)

New Zealand, Wellington, 25th July, 1873.

No. 481.—House of Representatives rejected Bill to empower Government to prohibit importation of stock, introduced in pursuance of resolution of Conference.

[Similar telegram to the Hon. Chief Secretary, South Australia, the Hon. Colonial Secretary, New South Wales, Queensland, Western Australia, and Tasmania.]

The Hon. the COLONIAL SECRETARY, New Zealand, to the AGENT-GENERAL, London.

(No. 133.)

SIR,—

Colonial Secretary's Office, Wellington, 18th October, 1873.

You are doubtless aware that at the Conference of Delegates from the Australasian Colonies, held at Sydney in February last, a resolution was passed to the effect that it is desirable to prohibit for a period of two years the importation into any of these Colonies of stock from England, or other places outside of the Australasian group.

This resolution has been acted up to by all the Colonies of Australia and by Tasmania; and a Bill to enable the Government to give effect to it in New Zealand was introduced into the House of Representatives at the late Session of Parliament, but failed to pass.

Another Bill was, however, introduced, and having passed both branches of the Legislature, is now law, entitled "The Diseased Cattle Act Amendment Act, 1873," which limits the ports in New Zealand in which cattle may be landed to such as may be proclaimed by the Governor as open for the purpose, authorizes the placing of cattle, when landed, in quarantine, and empowers the Local Boards to destroy, without compensation, such cattle as may be found to be diseased on importation, or as may exhibit signs of disease whilst in quarantine.

I enclose a copy of this Act,* and of the *Gazette* containing His Excellency's proclamation under the 8th section; and I have to request that you will take such steps to make the provisions of the Act generally known to shippers and to probable exporters of stock to New Zealand, by advertisement in the *Times* and *Field*, and by such other means as may appear to you likely to effect the object of the Government.

The Agent-General, 7, Westminster Chambers, London.

I have, &c.,

DANIEL POLLEN.

Enclosure.

Ports at which Cattle may be Landed under the provisions of "The Diseased Cattle Act, 1873."

JAMES FERGUSON, Governor.

A PROCLAMATION.

WHEREAS by the eighth section of "The Diseased Cattle Act Amendment Act, 1873," it is enacted that from and after the passing of the said Act no cattle imported from any foreign district shall be landed at any port or place in the Colony of New Zealand, except at a port proclaimed to be a port where cattle may be landed, and such cattle shall only be landed at such place in such port as the Local Cattle Board may from time to time appoint: And it is further enacted that the Governor may from time to time proclaim such ports within the Colony as he thinks fit to be ports at which cattle may be landed, and from and after the publication of such proclamation in the *New Zealand Gazette*, cattle shall be landed at such proclaimed port, and at no other port or place: Now know ye, that I, Sir James Fergusson, Baronet, the Governor of the Colony of New Zealand aforesaid, in pursuance and exercise of the said power and authority, do hereby proclaim the ports set forth in the annexed Schedule as ports at which cattle may be landed, in accordance with the provisions of the said Act: And in further pursuance and exercise of the said power and authority, I do hereby declare that this proclamation shall come into force on the seventeenth day of October instant.

Given under the hand of His Excellency the Right Honorable Sir James Fergusson, Baronet, a Member of Her Majesty's Most Honorable Privy Council, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; and issued under the Seal of the said Colony, at Wellington, this sixteenth day of October, in the year of our Lord one thousand eight hundred and seventy-three.

(L.S.)

DANIEL POLLEN.

GOD SAVE THE QUEEN!

SCHEDULE.

Auckland,
New Plymouth,
Napier,
Wellington,
Nelson,

Picton,
Lyttelton,
Port Chalmers,
The Bluff Harbour,
Hokitika.

* *Vide Statutes, 1873, No. 69.*

The AGENT-GENERAL, London, to the Hon. the COLONIAL SECRETARY, New Zealand.

(No. 890.)

7, Westminster Chambers, Victoria Street, Westminster, S.W.,

SIR,—

12th January, 1874.

I have the honor to acknowledge the receipt of your letter of 18th October (No. 133), on the subject of "The Diseased Cattle Act Amendment Act, 1873," and to inform you, in reply, that an advertisement (copy herewith) calling attention thereto, has been inserted by me in the following newspapers, namely, *Times*, *Field*, *Daily Telegraph*, *Standard*, *Land and Water*.

I shall use every means in my power to make the provisions of the Act generally known to shippers and exporters of stock.

I have, &c.,

I. E. FEATHERSTON,
Agent-General.

The Hon. the Colonial Secretary, Wellington.

Enclosure.

NOTICE.

"*The Diseased Cattle Act Amendment Act, 1873.*"

IN pursuance of the provisions of the above-mentioned Act, the Governor of New Zealand has proclaimed the following as ports within the Colony at which cattle may be landed, viz.:—Auckland, New Plymouth, Napier, Wellington, Nelson, Picton, Lyttelton, Port Chalmers, the Bluff Harbour, and Hokitika.

Intending shippers or exporters of stock can receive further information on application at this office.

I. E. FEATHERSTON,

No. 7, Westminster Chambers, Victoria Street, S.W.,

Agent-General for New Zealand.

7th January, 1874.

VICTORIA.

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

(No. 2,283.)

SIR,—

Chief Secretary's Office, Melbourne, 7th April, 1873.

With reference to the resolution arrived at by the late Intercolonial Conference, recommending that a prohibition should be placed on the importation of stock for a period of two years, I have the honor to transmit a copy of an Order in Council, to give effect to that resolution as far as this Colony is concerned.

I have also to add that the Agent-General received instructions by the last mail, 28th February, to publish the required notice in the London *Times* without delay.

I have, &c.,

J. G. FRANCIS.

The Hon. the Colonial Secretary, New Zealand.

Enclosure.

ORDER IN COUNCIL.

[*Landing in Victoria of Cattle, Sheep, and Pigs Restricted.*]

At the Executive Council Chamber, Melbourne, the twenty-fourth day of March, 1873.

PRESENT:

His Excellency the Officer Administering the Government,

Mr. Francis,

Mr. Casey,

Mr. Stephen,

Mr. Mackay,

Mr. Fraser.

WHEREAS by an Act of the Parliament of Victoria, passed in the thirty-first year of Her Majesty's reign (31 Vict. No. 310), intituled "An Act to amend the Laws relating to or affecting Public Health," it is amongst other things enacted that the Governor in Council may from time to time make, alter, or vary, and may revoke, such orders as may seem to be necessary for the purpose of prohibiting or regulating the introduction into Victoria, from any country or colony, or part of a country or colony (in which respectively any disease in sheep, cattle, horses, swine, or other animals of the same or any other kind or kinds whatsoever, is known to exist), of all sheep, cattle, horses, swine, or other animals of the same or any other kind or kinds whatsoever; or of meat, skins, hides, horns, hoofs, or other parts of any animals; or of hay, straw, fodder, or other articles likely to propagate amongst men or other animals any infectious or contagious disease whatsoever; and all orders for any of these purposes shall have the like force and effect as if the same had been inserted in the said Act; and all persons offending against any order made under the authority of this section shall for each and every offence forfeit and pay any sum not exceeding fifty pounds, or such smaller sum as the Governor in Council may in any case by such order direct, and such sum shall go to and form part of the consolidated revenue; provided that nothing in this section shall apply to the disease in sheep called scab: And whereas by an Order in Council, made on the fourteenth day of October, 1867, it was amongst other things directed that all cattle, sheep, and swine brought to this Colony by sea from Europe or elsewhere should be inspected, and if found to be diseased should be placed in quarantine: And whereas at the Intercolonial Conference, held at Sydney in New South Wales, during the months of January and February, 1873, it was agreed to as follows, viz.:—"The Conference having taken into consideration the great danger to which Australian live stock are exposed from the importation of animals from countries in which infectious diseases prevail, it was resolved that it is expedient to prohibit, for the period of two years, the landing of cattle, sheep, and pigs from any places beyond the

limits of the Australasian Colonies, and that such prohibition should take effect from and after the publication of a notice in the *London Times* :” Now therefore His Excellency the Officer Administering the Government, with the advice of the Executive Council, in exercise of the power conferred by the said Act doth hereby make order as follows, viz. :—

The Order in Council of the fourteenth of October, 1867, hereinbefore mentioned, so far as it relates to the quarantine of cattle, sheep, and swine brought to this Colony from Europe or any places beyond the limits of the Australasian Colonies, shall be revoked from the date hereinafter mentioned.

The landing in Victoria of cattle, sheep, or pigs shipped at any place or places beyond the limits of the Australasian Colonies is hereby prohibited for two years, commencing from the date hereinafter mentioned.

The revocation of the said Order in Council of the fourteenth of October, 1867, and the prohibition of the landing of cattle, sheep, and pigs as hereinbefore mentioned, shall take effect from the day of the publication (or first publication if published more than once) in the *London Times* newspaper of a notice of prohibition as aforesaid, and shall extend to all cattle, sheep, and pigs only which shall be shipped after the date of the publication of such notice.

And the Honorable James Goodall Francis, Her Majesty's Chief Secretary for Victoria, shall give the necessary directions herein accordingly.

J. H. KAY,
Clerk of the Executive Council.

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

(No. 47.)

SIR,—

Colonial Secretary's Office, Wellington, 7th May, 1873.

I have the honor to acknowledge the receipt of your letter of the number and date quoted, in the margin, and to thank you for the Order in Council enclosed therein, prohibiting the importation of stock from beyond the limits of the Australasian Colonies into the Colony of Victoria, for a period of two years.

I have to inform you that the subject of prohibiting the importation of stock into New Zealand, is now under the consideration of the Government of this Colony.

The Hon. the Chief Secretary, Victoria.

I have, &c.,
WILLIAM H. REYNOLDS.

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

(No. 2,627.)

SIR,—

Chief Secretary's Office, Melbourne, 3rd May, 1873.

With reference to the resolution of the Intercolonial Conference agreeing that measures should be taken to prohibit the importation of stock into any of the Australasian Colonies for a period of two years, I have the honor to inform you that I learn, by a telegram from the Colonial Secretary of New South Wales, that a copy of the proclamation issued by that Government had been sent to Sir Charles Cowper by the April mail, and that he was, at the same time, instructed to act upon it on receipt—namely, in June.

As the Agent-General for Victoria has been directed to defer advertising until he has conferred with the gentlemen who represent the other Colonies, in order, if possible, to allow of the proceedings being simultaneous and identical, perhaps you will think it well to communicate with your representative in London, with a view to united action being taken by the whole of the Colonies, which in every respect is advisable.

The Hon. the Colonial Secretary, New Zealand.

I have, &c.,
J. G. FRANCIS.

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

(No. 3,227.)

SIR,—

Chief Secretary's Office, Melbourne, 18th June, 1873.

I have the honor to acknowledge the receipt of your circular letter of the 4th instant, notifying, in reference to Resolution XIV. of the late Intercolonial Conference, that the Government of New Zealand have not, in the present state of the law, the power to interdict the importation of stock other than diseased cattle; also expressing your intention to submit to Parliament, as soon as possible, a Bill to confer on the Government the necessary powers.

The Hon. the Colonial Secretary, New Zealand.

I have, &c.,
J. G. FRANCIS.

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

(No. 3,798.)

SIR,—

Chief Secretary's Office, Melbourne, 2nd August, 1873.

I have the honor to enclose a copy of a letter received from the Colonial Secretary of New South Wales, proposing to this Government to follow the course taken by that Government in prohibiting the importation of cattle, &c., from New Zealand, together with a copy of the reply of this Government, stating the reasons why they do not feel justified in doing so.

The Hon. the Colonial Secretary, New Zealand.

I have, &c.,
J. G. FRANCIS.

Enclosures.

The Hon. the COLONIAL SECRETARY, New South Wales, to the Hon. the CHIEF SECRETARY, Victoria.

SIR,—

Colonial Secretary's Office, Sydney, 22nd July, 1873.

I have the honor to enclose, for the information of your Government, a copy of a proclamation which has been issued by the Government of this Colony, prohibiting the introduction into New South Wales of any stock, fodder, or fittings from New Zealand, until such time as the New Zealand Government shall have taken the requisite steps, in accordance with the decision of the late Inter-colonial Conference, to guard against the introduction of rinderpest or foot-and-mouth disease into that Colony.

2. I have the honor to request that you will inform me whether a similar proclamation has been or will be issued by your Government.

The Hon. the Chief Secretary, Victoria.

I have, &c.,
HENRY PARKES.

The Hon. the CHIEF SECRETARY, Victoria, to the Hon. the COLONIAL SECRETARY, New South Wales.

SIR,—

Chief Secretary's Office, Melbourne, 2nd August, 1873.

I have the honor to acknowledge the receipt of your letter of the 22nd ultimo, inquiring whether this Government proposes to interdict the importation of cattle, &c., from New Zealand until that Colony has taken steps to prohibit the introduction of stock from Europe.

Considering that the resolution passed by the Conference evidently contemplated placing a prohibition on the importation of cattle from places beyond the *Australasian* group of Colonies, it appears to this Government that it would be giving to the resolution a meaning somewhat different from that it was intended to bear, to apply it now to New Zealand in the sense that you propose.

In conformity with this view, this Government does not intend to issue a proclamation against the importation of stock from New Zealand. No suspicion exists that either foot-and-mouth disease, rinderpest, or any other cattle plague exists in that Colony; and the Government of Victoria cannot lose sight of the fact that in a recent letter from Wellington, the Colonial Secretary, in expressing his regret that his Government possessed no legal power to co-operate with the other Colonies, as he was most anxious to do, at the same time stated that it was his intention to submit a Bill to Parliament, as soon as possible, to confer upon the Government the necessary authority.

The Hon. the Colonial Secretary, New South Wales.

I have, &c.,
J. G. FRANCIS.

The Hon. the CHIEF SECRETARY, Victoria, to the Hon. the COLONIAL SECRETARY, New Zealand (No. 3,876.)

SIR,—

Chief Secretary's Office, Melbourne, 7th August, 1873.

I have the honor to acknowledge the receipt of your telegram, dated 25th ultimo, announcing that the Bill to prohibit the importation of stock had been rejected by the House of Representatives.

I informed you by letter dated 2nd instant that this Government had declined to issue a proclamation to prohibit the importation of stock from New Zealand, pending the passing of your Act, and I shall now be glad to have some suggestion from your Government for our guidance.

The Hon. the Colonial Secretary, New Zealand.

I have, &c.,
J. G. FRANCIS.

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

SIR,—

Colonial Secretary's Office, Wellington, 13th October, 1873.

I have the honor to acknowledge the receipt of your letter No. 3,798, of date August 2nd ultimo, covering copy of correspondence with the Hon. the Colonial Secretary of New South Wales, on the subject of prohibiting the importation of stock from this Colony until such time "as the New Zealand Government shall have taken the requisite steps, in accordance with the decision of the late Intercolonial Conference, to guard against the introduction of rinderpest or foot-and-mouth disease," and to thank you for the consideration for the interest of this Colony shown by your Government in this matter.

Mr. Vogel's telegram of date 25th July, the receipt of which was acknowledged in your letter No. 3,876, of date 7th August, informed you that the Bill introduced by the Government, with a view to the carrying out of the arrangement entered into at the Conference, had been rejected by the House of Representatives.

I enclose for your information a copy of that Bill, also a copy of the report of a Select Committee of the House of Representatives to whom the question of prohibition of importation of stock was referred, and of "The Diseased Cattle Act Amendment Act, 1873,"* subsequently passed by the Assembly.

As the existence of rinderpest or of foot-and-mouth disease is unknown in New Zealand, I venture to express a hope that, seeing the precautions that have been taken to prevent the introduction of disease, your Government will not now think it necessary to prohibit the importation of stock from this Colony into Victoria.

The Hon. the Chief Secretary, Victoria.

I have, &c.,
DANIEL POLLEN.

* *Vide* Statutes, 1873, No. 69.

Enclosure.

REPORT OF THE SELECT COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON IMPORTATION OF STOCK.

The Committee have the honor to report,—

(1.) That this Committee is of opinion that the powers vested in the Governor by the Act of 1871 are sufficient, provided that these powers are fully exercised, and that the word cattle be taken and construed to include horses, sheep, goats, swine, and such other animals as may from time to time be duly specified by the Governor in Council.

(2.) That no stock should be landed in the Colony of New Zealand, after the 1st day of January, 1874, from any port outside the Colony, at any place not having a proclaimed quarantine station.

(3.) That quarantine stations should be proclaimed at suitable places before the 1st day of January, 1874, and from time to time afterwards as occasion may arise in the several Provinces; provided that such stations are approved by the Governor, and have the necessary buildings and enclosures; and that where islands can be obtained for quarantine stations, such would be preferable.

(4.) That all stock shipped to New Zealand from Europe on and after the 1st day of January, 1874, should be accompanied with the certificate of a duly qualified veterinary surgeon, appointed for that purpose by the Agent-General, to the effect that such stock were, at the time of shipment, free from the following or such other diseases as may from time to time be notified by the Governor in Council:—

Horses.—Glanders, murrain, or pest.

Cattle.—Catarrh, foot-and-mouth disease, murrain, pleuro-pneumonia, rinderpest.

Sheep.—Fluke or liver rot, foot-and-mouth disease, scab, small-pox.

Pigs.—Foot-and-mouth disease, swine-pox.

(5.) That on arrival in the Colony all stock should again be inspected, and if found free from any of the prohibited diseases, should be placed in the quarantine ground provided for that purpose, for such period as, having respect to any particular disease, may be prescribed by the Governor in Council; at the expiry of which period, if then free from disease, they may be released. That the Cattle Board should have power to order all stock which may arrive in the Colony infected with any of the prohibited diseases, except scab, to be immediately destroyed; and in the event of their being destroyed, such compensation should be made to owner as shall not exceed prime cost and all expenses incurred. That in the case of scab, provision should be made for dipping, and placing sheep in quarantine for a period of not less than two months, at the expiry of which period, if then free from disease, the sheep may be released.

(6.) That no fittings, or broken packages of hay or fodder for the use of stock coming from outside the Colony, should on any account be allowed to be landed in the Colony.

(7.) That, for the purpose of carrying out the foregoing regulations, a Cattle Board for each Province should be appointed, to consist of not less than three nor more than five persons, to be appointed by the Governor in Council, one of whom should be the Inspector in each district, as provided by the Act.

(8.) That public notice should be given of the above regulations or recommendations, both in the Colonies and United Kingdom, by advertisement and by sending copies of regulations to the Agent-General for distribution amongst his sub-agents.

(9.) That all expenses incident to the working of the Act should be defrayed from the Colonial Treasury.

(10.) Your Committee recommend that action should be taken to bring the foregoing regulations into operation throughout the Colony on the first day of January, 1874, and that a Bill should forthwith be introduced to give effect thereto.

13th August, 1873.

W. J. G. BLUETT,
Chairman.

The Hon. the CHIEF SECRETARY, Victoria, to the Hon. the COLONIAL SECRETARY, New Zealand.
(No. 4,902.)

SIR,— Chief Secretary's Office, Melbourne, 23rd October, 1873.

I have the honor to invite your attention to my letter of the 7th August last, requesting to be informed as to the course your Government proposed to pursue in consequence of the measure for the prohibition on the importation of stock having been thrown out by your Legislature.

I have, &c.,

W. H. ODGERS,
(for the Chief Secretary).

The Hon. the Colonial Secretary, New Zealand.

The Hon. the COLONIAL SECRETARY, New Zealand, to the Hon. the CHIEF SECRETARY, Victoria.
(No. 3,370.)

SIR,— Colonial Secretary's Office, Wellington, 11th November, 1873.

I have the honor to acknowledge the receipt of your letter No. 4,902, of the 23rd ultimo, in which you invite the attention of this Government to your letter of the 7th August last, requesting to be informed as to the course this Government proposes to pursue in consequence of the measure for the prohibition on the importation of stock having been thrown out by the Legislature.

On the 13th October last Dr. Pollen replied to your letter referred to, but as by the 23rd that letter had not reached you, I think it advisable to forward herewith a duplicate thereof, with enclosures.

I hope the explanation made by Dr. Pollen, of the action taken by the Government of New Zealand, will be found satisfactory by that of Victoria.

The Hon. the Chief Secretary, Victoria.

I have, &c.,
WILLIAM H. REYNOLDS.

The Hon. the CHIEF SECRETARY, Victoria, to the Hon. the COLONIAL SECRETARY, New Zealand.
(No. 5,001.)

SIR,—

Chief Secretary's Office, Melbourne, 31st October, 1873.

I have the honor to inform you that, since the despatch of my letter of the 23rd instant, this Government has been obliged to take the course of prohibiting the landing in Victoria of stock from New Zealand, without first communicating their intention of doing so to you.

It is probable that a proclamation would have become necessary sooner or later (as the New Zealand Legislature declined to pass the Bill brought in by the Government), in order to prevent persons evading the prohibition on the direct importation of stock from Europe by shipping it to Australia *via* New Zealand, but the matter was precipitated by a Press telegram from Sydney announcing that, in consequence of Victoria having declined to join in keeping out stock from New Zealand, the Government of New South Wales had issued a proclamation to prevent stock entering her territory from Victoria. No official notice was given that this procedure was contemplated by New South Wales, and her sudden action at a time when numerous intending buyers of Victorian cattle were in Melbourne, attending the annual show of the National Agricultural Society, would have done great injury to the interests of the breeders of pure bred stock, if steps had not at once been taken to get the proclamation rescinded. A telegraphic correspondence accordingly ensued, which resulted in New South Wales withdrawing the proclamation against Victoria, upon our undertaking to prohibit imports of stock from New Zealand. This we agreed to do, and a proclamation accordingly was published in the Victorian Government *Gazette* of the 24th instant, of which I enclose a copy.

I should mention that I now find from the actual text of the Sydney proclamation, since come to hand, that it was not precisely what it was represented to be in the Press telegram; for it was directed really against the importation into New South Wales of New Zealand cattle by way of Victoria, not against cattle bred in Victoria. In the telegraphic correspondence between this Government and the Hon. the Colonial Secretary, no attempt was made by Mr. Parkes to clear up the error into which this Government had been led, although I should have imagined it would have been apparent.

I have, &c.,

The Hon. the Colonial Secretary, New Zealand.

J. G. FRANCIS.

Copies of correspondence enclosed.—J. G. F.

Enclosures.

For the first two enclosures, see enclosures to letter of the Hon. the Chief Secretary, Victoria, of date 2nd August, 1873, No. 3,798, *ante* page 7.

COLONIAL SECRETARY, New South Wales, to CHIEF SECRETARY, Victoria.

Colonial Secretary's Office, Sydney, New South Wales,
14th August, 1873.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 2nd instant, stating, in reply to my communication of the 22nd ultimo, that the Government of Victoria do not intend to issue a proclamation against the importation of stock, &c., from New Zealand.

I have, &c.,

HENRY HALLORAN,

(for the Colonial Secretary).

The Hon. the Chief Secretary, Victoria.

TELEGRAM from CHIEF SECRETARY, Victoria, to COLONIAL SECRETARY, New South Wales.

PRESS telegram from Sydney yesterday states that you have prohibited importation of stock and fodder from Victoria, because we have have not shut out importations from New Zealand. We shall issue *Gazette Extraordinary* this afternoon, prohibiting importation from New Zealand; will you, therefore, be good enough at once to remove prohibition as against Victoria. Please reply.

24th October, 1873.

J. G. FRANCIS.

TELEGRAM from COLONIAL SECRETARY, New South Wales, to CHIEF SECRETARY, Victoria.

UPON your telegraphing me that your proclamation has issued, our prohibition will be forthwith removed.

24th October, 1873.

HENRY PARKES.

TELEGRAM from CHIEF SECRETARY, Victoria, to COLONIAL SECRETARY, New South Wales.

PROCLAMATION has issued in *Gazette Extraordinary* last night.

25th October, 1873.

J. G. FRANCIS.

PROCLAMATION.

[*Prohibiting the Introduction into Victoria of Cattle, &c., from New Zealand.*]

By His Excellency Sir GEORGE FERGUSON BOWEN, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS by an Act of the Parliament of Victoria, passed in the 31st year of Her Majesty's reign (31 Vict. No. 310), intituled "An Act to amend the Laws relating to or affecting Public Health," it is amongst other things enacted that the Governor in Council may from time to time make, alter, or vary, and may revoke, such orders as may seem to be necessary for the purpose of prohibiting or regulating the introduction into Victoria, from any country or colony, or part of a country or colony

(in which respectively any disease in sheep, cattle, horses, swine, or other animals of the same or any other kind or kinds whatsoever, is known to exist), of all sheep, cattle, horses, swine, or other animals of the same or any other kind or kinds whatsoever; or of meat, skins, hides, horns, hoofs, or other parts of any animals; or of hay, straw, fodder, or other articles likely to propagate amongst men or other animals any infectious or contagious disease whatsoever: And whereas at the Intercolonial Conference held at Sydney in the present year it was agreed to prohibit, for a period of two years from and after the publication of a notice in the *London Times*, the landing of cattle, sheep, and pigs from any places beyond the limits of the Australasian Colonies in any of the Colonies represented at such Conference: And whereas the Government of New Zealand has not published the prescribed notice: Now therefore, I, the Governor of Victoria, with the advice of the Executive Council, do hereby prohibit the introduction from New Zealand into Victoria of all cattle, sheep, and pigs, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate the diseases which the said Intercolonial Conference had it in view to guard against, until such time as the Government of New Zealand shall have issued and published such prescribed notice in the *London Times*, in accordance with the agreement adopted at the said Intercolonial Conference.

Given under my hand and the Seal of the Colony, at Melbourne, this twenty-fourth day of October, in the year of our Lord one thousand eight hundred and seventy-three, and in the thirty-seventh year of Her Majesty's reign.

(L.S.)

By His Excellency's command.

J. G. FRANCIS,

Chief Secretary.

GOD SAVE THE QUEEN!

G. F. BOWEN.

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

(No. 141.)

Colonial Secretary's Office, Wellington,

22nd November, 1873.

SIR,—

I have the honor to acknowledge the receipt of your letter No. 5,001, of the 31st ultimo, in which you explain how, in consequence of the action taken by the Government of New South Wales, your Government was obliged to prohibit the landing in Victoria of stock from New Zealand without first communicating their intention to do so, and to thank you for the same.

I have, &c.,

The Hon. the Chief Secretary, Victoria.

DANIEL POLLEN.

His Excellency Sir JAMES FERGUSSON, Bart., to His Excellency Sir G. F. BOWEN.

SIR,—

Government House, New Zealand, 25th November, 1873.

I have the honor to inform you that my attention has been called, by my Advisers, to a proclamation issued by your Excellency, and published in the *Government Gazette* of Victoria on the 24th October, 1873, prohibiting the introduction from New Zealand into Victoria of certain animals and commodities therein mentioned.

I am advised that the Act upon which this proclamation purports to be founded is correctly quoted in the recital, and it appears thereby that the powers of prohibition can only be exercised in respect of a country or place in which disease is known to exist amongst animals named. The subsequent recitals do not state this fact expressly or by implication, but, after stating the agreement of the Intercolonial Conference held at Sydney in the present year, as to the prohibition against landing of cattle coming from places *beyond the Australasian Colonies* for a given period after notice in the *Times*, and that New Zealand had not given the prescribed notice, the proclamation declares that the animals and articles named shall not be introduced into Victoria until the Government of New Zealand shall have published such notice.

I am further advised that the issue of this proclamation is at variance with the Statute; that the conclusion is not justified by the premises; and that, until a foundation be laid for the proclamation, by showing the existence of disease amongst animals in New Zealand, it is without the authority of law.

I am moved by my Advisers to take such steps as may procure the rescinding of this proclamation, and I feel sure that I can best do so by calling your Excellency's attention to the foregoing statements.

I have, &c.,

JAMES FERGUSSON,

Governor.

His Excellency Sir G. F. Bowen, G.C.M.G.

His Excellency Sir G. F. BOWEN, to His Excellency Sir JAMES FERGUSSON, Bart.

SIR,—

Government Offices, Melbourne, 28th January, 1874.

I have the honor to inform your Excellency that I lost no time in directing the attention of my Responsible Advisers to the Despatch which you addressed to me on the 25th November ultimo, respecting a proclamation published in the *Government Gazette* of Victoria of the 24th October ultimo, prohibiting the introduction from New Zealand into Victoria of certain animals and commodities therein mentioned.

2. As you are already aware, my official reply has been unavoidably delayed, owing to the intervention of the Christmas holidays, and other circumstances over which I had no control.

3. The enclosed Ministerial Memorandum (2nd January, 1874), which my Responsible Advisers request me to forward, and in which they explain the course of action which they have pursued in the matter referred to, reached my hands in its presents shape only two days ago.

4. I hope that your Excellency will agree with me that it will be better, for many reasons, that any further official correspondence on this subject, and on all other intercolonial matters, should continue to pass through the ordinary channels used in colonies possessing Parliamentary Government; except, of course, in extreme cases, and when Imperial interests may be directly involved.

5. While believing it to be their duty to place on record the opinions expressed in the enclosed Memorandum, the Ministers of Victoria assure me that they are considering favourably the propriety of agreeing, at an early date, to the rescinding of the proclamation objected to by your Excellency.

I have, &c.,

G. F. BOWEN.

His Excellency the Right Hon. Sir James Fergusson, Bart.,
New Zealand.

Enclosure.

MEMORANDUM for His Excellency Sir G. F. BOWEN, by the Hon. the CHIEF SECRETARY, Victoria.

HIS Excellency Sir George Bowen having forwarded to me a communication addressed to him by His Excellency Sir James Fergusson, Governor of New Zealand, I deem it my duty to submit a statement of the whole facts connected with the issue of the proclamations prohibiting the importation of stock into Victoria, in order that the peculiar and unprecedented course adopted by Sir James Fergusson may be fully understood, as I cannot think His Excellency could have been aware of the whole of the circumstances, or he would not have adopted a course so unusual, and manifestly at variance with the necessities of the case and the spirit in which this Colony had acted towards the sister Colony of New Zealand.

The correspondence originated in one of the resolutions of the Intercolonial Conference No. XIV., by which the representatives of the Colonies "having taken into consideration the great danger to which Australian live stock was exposed, from the importation of animals from countries in which infectious diseases prevail," agreed that the importation of cattle, &c., "from any places beyond the *Australasian* Colonies" should cease for the space of two years from a convenient date, to be fixed afterwards, and advertised in the *Times* for general information.

Very little delay occurred by the respective Governments in giving practical effect to the resolution, and in regular course proclamations were issued by the Governors of the Colonies represented at the Conference, with one exception, for prohibiting importations from all countries lying beyond the Australasian group, the exception being the Governor of New Zealand, the Legislature of that Colony having refused to pass the Bill brought in for the purpose of enabling its Government to co-operate with the rest in so desirable an object.

The proclamation of the Governor of New South Wales bears date 17th April, 1873, and runs thus:—

"Whereas by section ten of an Act, &c., intituled 'The Imported Stock Act of 1871,' and numbered six, it is enacted that the Governor may, by proclamation in the *Government Gazette*, restrict or absolutely prohibit for any specified time the importation or introduction of any stock, fodder, or fittings from any other colony or country in which there is reason to believe any infectious or contagious disease in stock exists: And whereas there is reason to believe that the diseases known as rinderpest and foot-and-mouth disease in stock exist in almost every colony or country *other than* the Colonies of Western Australia, South Australia, Victoria, Queensland, Tasmania, and *New Zealand*: Now therefore, I, Sir Hercules George Robert Robinson, the Governor aforesaid, with the advice of the Executive Council, do hereby, for a period of two years from the date that this proclamation shall appear in the *London Times*, restrict and absolutely prohibit the importation or introduction of any stock, fodder, or fittings from any colony or country other than from the Colonies hereinbefore mentioned into any part of the Colony of New South Wales, with the exception of any stock, fodder, or fittings which may have been shipped for this Colony prior to this proclamation appearing in the *London Times* as before mentioned."

Three months after the date of this proclamation, *i.e.*, on July 22nd, the Colonial Secretary of New South Wales addressed a letter to this Government, received July 29th, enclosing a copy of a further proclamation, dated 8th of same month, *prohibiting* importations of stock, &c., *from New Zealand* until the Government of that Colony should issue a proclamation to the same purport as the other Colonies had done, and requesting to be informed whether a similar proclamation would be issued by the Government of Victoria.

The proclamation Mr. Parkes sent was as follows:—

"Whereas by section ten of an Act, &c., &c., the Governor may, by proclamation in the *Government Gazette*, restrict or absolutely prohibit for any specified time the importation or introduction of any stock, fodder, or fittings from any other colony or country in which there is reason to believe any infectious or contagious disease in stock exists: And whereas it was agreed at the Intercolonial Conference held in Sydney in February last, that all the *Australian*" (observe, not *Australasian*) "Colonies should join in a prohibition for two years, to guard against the introduction of rinderpest or foot-and-mouth disease into the *Australian* Colonies, a proclamation was issued on the seventeenth day of April last, and forwarded to the Agent-General of this Colony for publication in the *London Times*, prohibiting the introduction of all stock, fodder, or fittings from any colony or country other than the Colonies of Western Australia, South Australia, Victoria, Queensland, Tasmania, and New Zealand: And whereas all the Colonies hereinbefore mentioned, excepting New Zealand, have issued similar proclamations: Now therefore, I, Sir Hercules George Robert Robinson, the Governor aforesaid, do, by this my proclamation, hereby totally prohibit the introduction into New South Wales of any stock, fodder, or fittings from the Colony of New Zealand, until such time as the Government of that Colony shall have issued a proclamation, in the *London Times*, prohibiting the introduction of all stock, fodder, or fittings as before mentioned into that Colony."

It will be noticed, first, that the purport of the Conference resolution is given incorrectly in this proclamation, the word *Australian* being unjustifiably substituted for *Australasian*, and so making it

appear, as the ground for issuing it, that the Governor of New South Wales was only carrying out the intentions of the Conference in not allowing New Zealand cattle to land in Australia, while nothing of the kind was really intended or recorded; and, secondly, that he cites as his authority for issuing it, an Act which only gives power to exclude stock coming from countries or colonies where there is reason to believe cattle disease exists, of which countries or colonies New Zealand was believed *not* to be one, in April, when the first proclamation was issued by New South Wales.

A reply was sent to Mr. Parkes' letter by me, informing him that this Government was unwilling to follow the course taken by New South Wales, as the Conference resolution clearly did not contemplate such a step, which was, moreover, unnecessary, as New Zealand was believed to be free from foot-and-mouth disease, rinderpest, or any other cattle disease contemplated at the Conference; and also that it would seem harsh to take such an action then, as the latest information from New Zealand was that a Bill was about to be brought into Parliament to legalize the issue of a proclamation similar to those issued by the other Colonies.

This reply to New South Wales was posted on the 2nd August, a copy thereof being also forwarded on the same day for the information of the Colonial Secretary of New Zealand. Two days afterwards a telegram reached the Government from the Colonial Secretary of New Zealand, dated 25th July, stating that the Bill had been rejected, as mentioned already; upon which, a further letter was forwarded by me to the Colonial Secretary, Wellington, inquiring what his Government proposed to do under the circumstances, to which no answer was returned until November 4th.

In the meantime,—October 23rd,—the Government became aware, by an uniform Press telegram, that the Government of New South Wales (suddenly, and without prior communication of any kind with Victoria,) had issued a third proclamation, forbidding any cattle (as it was first understood—see Appendix A) from Victoria being landed in their territory, because Victoria continued to permit imports of stock from New Zealand, although the Legislature of that Colony had declined to pass the Bill referred to. The New South Wales proclamation was issued at a most untoward time for Victorian and New South Wales (Riverine) interests, the Agricultural Annual Show in Melbourne being actually open the very day it appeared, and for the moment, it had the effect of paralyzing the intentions of both buyers and sellers of Victorian pure-bred stock; and, urged on by a deputation consisting mainly of stockowners in the districts north of Victoria, in the Colony of New South Wales, a telegraphic correspondence with New South Wales immediately took place (see Appendix B), which resulted in Mr. Parkes undertaking to rescind the proclamation on condition this Government issued one to prevent New Zealand stock landing in Victoria; and accordingly thus, under pressure and to terminate as early as possible the disastrous influence the New South Wales notice was occasioning, this Government agreed to do what was desired, and the proclamation, *purposely assimilating to that of New South Wales*, was issued which forms the subject of Sir James Fergusson's letter to the Governor of Victoria.

It should be stated that when the Sydney proclamation came to hand in course of post, some days after, it was found not to apply to *Victorian-bred* cattle, as had been fairly and necessarily deducible from the telegrams, but to cattle sent to Victoria from New Zealand. To this extent the Government of Victoria was misled by the Press telegrams; and it is to be regretted that Mr. Parkes, who, from the nature of the communications that passed, could hardly have failed to perceive the misapprehension, and might easily have corrected it, took no opportunity to do so, but allowed this Government to act on the erroneous supposition that his proclamation applied generally to Victorian cattle. The error was not perhaps material as regards the amount of the damage that would have been done to Victoria by a denial of action on our part, for the necessity would still have existed of producing certificates and going through the forms and affirmations requisite to prove that stock going across our borders into New South Wales did not originally come from New Zealand, which would have stopped communication, or have seriously interfered with the trade, as such restrictions always do.

A full explanation of the causes which forced this Government—it may be almost said against its will—to issue the proclamation, was immediately sent to New Zealand, in order to show that it had resisted the proposition of New South Wales as long as possible, and had only consented to move in the matter when further delay must have inflicted immense injury on the interests of Victorian stockowners. It may be mentioned that Victoria gained nothing by keeping open the import trade in New Zealand cattle, as it was quite nominal, and, in fact, of no importance whatever to either Colony.

From the foregoing, it will be seen that, prior to the receipt of Sir James Fergusson's Despatch, New Zealand had, by the action of its Legislature, declined to give effect to the obligation she was under by the agreement her representatives at the Conference had entered into on her behalf, by not sustaining her representatives before the eyes of the other Colonies; that New South Wales, from some motive not apparent, as no real danger was threatened from the side of New Zealand, had endeavoured to persuade Victoria into adopting towards that Colony a line of action which Victoria rejected as being unfriendly as well as uncalled for; that, in consequence of her refusal, New South Wales had issued, without giving any notice, a proclamation which could not have failed, whatever its actual text, to inflict a severe injury on an important branch of industry; while as to Victoria, that she had carried out the resolution of the Conference to the letter, and even risked her own interests rather than be a party to any unfriendly or coercive measures against the New Zealand Executive.

The letter of Sir James Fergusson is therefore not only unprecedented, but, considering all the prior circumstances, unfriendly as regards Victoria. For, even if it were proper for the Governor of one Colony to personally impugn the action of the Ministry of another (which is what Sir James Fergusson really does), no more unfitting occasion could have been conceived for doing it than he selected for questioning the course adopted and the legality of this particular proclamation of the Ministry of Victoria, who had evinced a desire to serve the Colony of which he was the Governor.

It is to be remarked that His Excellency states that he is "moved by his Advisers to write." It is singular that the New Zealand Ministry never before felt any difficulty in corresponding with this Government direct, and in that way many important negotiations have been satisfactorily concluded between the two Colonies; while this allusion to his Advisers is also very inconsistent with the fact that

the very same post brought a letter from the Colonial Secretary of New Zealand to this Government, which conveys "the satisfaction of that Government at the course this Government adopted in the business."

Another fact deserving of notice is that although Sir James Fergusson challenges the legality of the Victorian proclamation, he does not appear to question the validity of the proclamation of New South Wales (or any of the other Colonies), though precisely the same objections might have been urged to it, and it preceded that of any other Colony.

Addressing the Governor of this Colony on such a question, and in the manner he did, argues on Sir James Fergusson's part a strange want of knowledge of the facts of the case, or a disregard of the practice and settled principles under which Responsible Government is conducted; and I desire only further to add that while this Government will be pleased in every way to receive representations, and, if possible, to adopt the requests of other administrations, so far as may be consistent with its duty, I am not advised that the prohibition is illegal, and until I am so instructed by the legal advisers of your Excellency's Government, I must decline to act upon the opinion of the advisers of Sir James Fergusson, though I am quite willing to consider and submit information on the subject, transmitted according to the practice in all previous communications between the two Governments.

J. G. FRANCIS,

Chief Secretary's Office, Melbourne, 2nd January, 1874.

Chief Secretary.

APPENDIX A.

"*Argus*," 23rd October, 1873.

Sydney, Wednesday.

THE Government have issued a proclamation prohibiting the importation of cattle or fodder from New Zealand or Victoria, because the latter Colony has refused to prohibit the importation of New Zealand cattle.

APPENDIX B.

SEE three telegrams, enclosures to the Chief Secretary's letter, dated Melbourne, 31st October, 1873, No. 5,001, *ante* p. 9.

[Extract from Government *Gazette* of Victoria, No. 11, of 13th February, 1874.]

PROCLAMATION

[*Revoking former Proclamation Prohibiting Introduction of Cattle, &c., from New Zealand.*]

By His Excellency Sir GEORGE FERGUSON BOWEN, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS by a Proclamation under my hand and the Seal of the Colony, bearing date the twenty-fourth day of October, one thousand eight hundred and seventy-three, the introduction from New Zealand into Victoria was prohibited of all cattle, sheep, and pigs, or of meat, skins, hides, horns, hoofs, or other parts of any animals, or of hay, straw, fodder, or other articles likely to propagate the diseases which the Intercolonial Conference, held at Sydney in the year aforesaid, had it in view to guard against: And whereas the result of inquiries is that no disease among stock, not common to the other Colonies of Australasia, now exist in New Zealand: Now therefore, I, the Governor of Victoria, with the advice of the Executive Council, do hereby revoke the proclamation hereinbefore referred to, bearing date the twenty-fourth day of October, one thousand eight hundred and seventy-three.

Given under my hand and the Seal of the Colony, at Melbourne, this ninth day of February, in the year of our Lord one thousand eight hundred and seventy-four, and in the thirty-seventh year of Her Majesty's reign.

(L.S.)

By His Excellency's command.

J. G. FRANCIS,

Chief Secretary.

G. F. BOWEN.

GOD SAVE THE QUEEN!

His Excellency Sir JAMES FERGUSSON, Bart., to His Excellency Sir G. F. BOWEN.

SIR,— Government House, Wellington, N.Z., 20th February, 1874.

I have the honor to acknowledge receipt of your Excellency's Despatch of the 28th January, in which you enclose a copy of a Ministerial Memorandum signed by the Chief Secretary of Victoria, which your Responsible Advisers have requested you to forward, in reply to the Despatch which, by the desire of my Responsible Advisers, I addressed to you upon the 25th of November last, with reference to a proclamation issued by your Excellency, prohibiting the introduction into Victoria from New Zealand of certain animals and commodities.

I have communicated that Despatch and Memorandum to my Advisers, who will doubtless give to them the earliest consideration in their power; but the Premier being at this moment in Auckland, some delay in making a reply may possibly take place.

I have to express my regret that my own absence from this place until the day before yesterday has prevented my earlier acknowledgment of these papers.

The desire expressed by your Excellency that "further official correspondence on this subject, and on all other intercolonial matters, should pass through the ordinary channels," by which I understand you to mean our respective Ministers, will be observed by me; and indeed I hope that it may not be necessary for me to incur the risk, with reference to any subject, of receiving at your hands any further communication from your Responsible Advisers, in which I may be the subject of personal censure, criticism, and innuendo.

I cannot admit, however, that in addressing you officially, at the request of my Responsible Advisers, with reference to the proclamation issued by you, I have "adopted a peculiar and unprecedented course." I am not conversant with, and I am not bound by, the rules and customs of Victoria; and it is not the case that official communications with reference to matters not distinctly involving Imperial interests, are not, at least occasionally, made through Governors of Colonies possessing Parliamentary Government. I have not long since received a Despatch from the Governor of such a Colony, upon their receipt of which my own Advisers took action.

But I must notice, further, the expressions in the Memorandum which your Excellency has thought proper to forward, "Sir James Fergusson states that he is 'moved by his Advisers to write.' It is singular that the New Zealand Government never before felt any difficulty in corresponding with this Government direct. . . . While this allusion to his Advisers is also very inconsistent with the fact, &c."

"Addressing the Governor of this Colony on such a question, and in the manner he did, argues, on Sir James Fergusson's part, a strange want of knowledge of the facts of the case, or a disregard of the practice and settled principles under which Responsible Government is conducted."

These expressions appear to me to be somewhat inconsistent with my own acquaintance with the principles of Responsible Government, inasmuch as they impute to the Head of such a Government personal fault while expressing avowedly the sentiments of his Responsible Advisers. I might, or rather my Ministers might, as well have accused your Excellency personally of faults with reference to the proclamation to which your name was appended, or to a speech which you had delivered to your Parliament.

Such variations of terms of those of "communication," "letter," and "despatch," as Mr. Francis has applied to my Despatch in question, may possibly be inadvertent, but taken in connection with other portions of his Memorandum, they rather bear the appearance of affront.

I think it due to myself to notice these features, but abstain from further comment upon them.

I have, &c.,

JAMES FERGUSSON.

His Excellency Sir George F. Bowen, G.C.M.G., Victoria.

His Excellency Sir JAMES FERGUSSON, Bart., to His Excellency Sir G. F. BOWEN.

SIR,—

Government House, Wellington, 12th March, 1874.

In further reply to your despatch of the 28th January, 1874, in which you enclosed a Memorandum addressed to you by the Chief Secretary of your Government, I have now the honor to transmit to you a copy of a Memorandum addressed to me by the Premier, the Hon. Mr. Vogel, which it is his desire that I should bring to your notice.

I have, &c.,

JAMES FERGUSSON,

Governor.

His Excellency Sir George F. Bowen, G.C.M.G., Victoria.

Enclosure.

MEMORANDUM for His Excellency Sir JAMES FERGUSSON, Bart., by the Hon. the PREMIER, New Zealand.

I HAVE read the Memorandum by the Chief Secretary of Victoria upon the letter forwarded by your Excellency to the Governor of Victoria, respecting the proclamation issued by the Governor of Victoria, forbidding the importation of stock from New Zealand into that Colony.

The Memorandum of the Chief Secretary is mainly noticeable for the scarcely concealed attack which it makes upon your Excellency, under the assumption, apparently, that you had acted in the matter without the advice of Ministers.

With respect to the other portions of the Memorandum, I may say that the Chief Secretary is, on the whole, not incorrect in the history he gives of the past negotiations on the subject. The representatives of New Zealand at the Conference did agree, subject to the approval of their Government, to prohibit, for two years, the importation of stock, except from the Australian Colonies. But it was found that the Government did not possess power to enforce such a prohibition; and Parliament, when applied to, refused to grant the necessary power.

Regarding subsequent occurrences, I believe that the action of Victoria was, as the Chief Secretary states, more friendly to New Zealand than was that of New South Wales. I may observe that, although I was aware New South Wales had issued a proclamation prohibiting the importation of stock from New Zealand, I was not aware that it was of the same character as the one subsequently issued by Victoria. Had I been so aware, I should have been equally ready to take the same action as was taken in respect to Victoria, to which I will presently refer.

Upon the whole, I am quite prepared to accept the Chief Secretary's statement, namely, that he would not have been inclined to take the action he took, but for the action of New South Wales." But I am bound to say that, to my mind, the admissions of the Chief Secretary bear this character :

that he allowed himself, because of action taken by a neighbouring Colony, to be forced into action of which he disapproved. It is to be regretted that, in dealing with another Colony, Victoria should not have sufficiently the courage of its opinions to avoid being forced into action of which it disapproves. The Chief Secretary virtually admits, also, that the action taken was premature; since it appears to have been adopted upon an unverified newspaper telegram, which subsequently proved to be incorrect.

The action taken by your Excellency was in accordance with advice I had the honor to offer you. It arose in this manner. I observed in the *Argus* a letter signed "David Gaunson," dated "Eldon Chambers, 25th October,"* in which the writer pointed out the absurdity of the proclamation issued by the Governor of Victoria. I referred the matter to the law officer, who forwarded me an opinion, of which a copy is appended. Upon receipt of that opinion, I brought under the notice of your Excellency the fact that the Governor of a neighbouring Colony had issued a proclamation affecting New Zealand, which proclamation was obviously illegal; and your Excellency, in consequence, addressed the Governor of Victoria upon the subject.

It is quite true, as is observed by the Chief Secretary of Victoria, that the Governments of the two Colonies have been in the habit of communicating (and I think it is right they should do so) on subjects of interest to the Colonies; but the matter now in question seemed to me not to be classifiable with the matters with which the Governments had ordinarily dealt. This was the case of a proclamation so obviously illegal, that it is scarcely possible to suppose the Governor of Victoria could have read it before signing it. It has been clearly laid down by the Secretary of State for the Colonies that the Governor of a Colony is bound by the advice of his Ministers, only to the extent to which he can obey the law while following that advice. Correspondence between the two Governments, upon such a matter, would not have answered any purpose.

Whether or not it was just or expedient for Victoria to exclude stock from New Zealand, the proclamation prohibiting the importation was, on its face, obviously illegal: the Governor of Victoria ought not to have signed it, and his duty was to cancel it at the earliest possible moment. I am decidedly of opinion that it is the duty of the Governor of a Colony to exercise some discretion when asked to sign proclamations *affecting the interests of other colonies or countries*. Therefore it was that I thought it desirable your Excellency should bring the matter directly under the notice of the Governor of Victoria.

As the proclamation has now been cancelled, I do not think it necessary that further action should be taken, except that perhaps it is desirable your Excellency should place the Governor of Victoria in possession of a copy of this Memorandum, so that he may understand the nature of your Excellency's previous action.

March 11th, 1874.

JULIUS VOGEL.

OPINION of the ASSISTANT LAW OFFICER, New Zealand.

15th November, 1873.

I HAVE had a copy made of the proclamation prohibiting the introduction, from New Zealand into Victoria, of the animals there mentioned.

The Act on which it purports to be founded is correctly quoted in the recital to the proclamation, and it will be seen that the power of prohibition can only be exercised in respect of a country or place in which disease amongst animals named is known to exist. The subsequent recitals do not state this fact expressly, or by implication; but after stating the agreement of the Conference as to the prohibition against landing of cattle, &c., coming from places *beyond the Australasian Colonies*, for a given period, after notice in the *Times*, and that New Zealand had not given this notice, the proclamation declares that the animals named shall not be introduced into Victoria until the Government of New Zealand shall have published the notice referred to!

The prohibited animals are cattle, sheep, and pigs, and all meat, skins, &c., hay, fodder, &c.

I think the proclamation is bad. The conclusion is by no means justified by the premises, and until a foundation be laid for the proclamation, by showing the existence of disease in New Zealand, I think it is without the authority of law.

The Hon. Mr. Vogel.

W. S. REID.

His Excellency Sir G. F. BOWEN to His Excellency Sir JAMES FERGUSSON, Bart.

SIR,—

Government Offices, Melbourne, 18th March, 1874.

I have the honor to acknowledge the receipt of your Excellency's Despatch of the 20th February ultimo, and I am now requested by my Responsible Advisers to forward to you the accompanying Ministerial Memorandum (13th March, 1874,) respecting it.

* The following is the letter referred to above:—

(To the Editor of the *Argus*.)

SIR,—The Supplement to last Friday's *Gazette* contains an order prohibiting the importation into Victoria of stock from New Zealand.

From sheer curiosity to learn what law authorized the making of such order, I carefully read it over, and discovered, to my utter surprise, that though the Act under which the order purports to be made gives the Governor in Council power to make an order prohibiting the importation of stock, &c., from any country in which disease in stock is known to exist, yet the order in question does not proceed upon that ground, but is expressed to be made in consequence of the violation by New Zealand of some arrangement, concerning stock, arrived at by the last Intercolonial Conference.

Of course, the Act of Parliament does not permit of an order, prohibiting the importation of stock, being made on that ground; and, *ergo*, the order is utterly illegal.

Our Government might (so far as the lawfulness of the order in question is concerned) just as well set out that the reason is, that they could not agree with the New Zealand Government over the postal contract.

Yours truly,

DAVID GAUNSON.

Eldon Chambers, Melbourne, 25th October, 1873.

It will be seen that while the Victorian Ministers hold it to be their duty, in self defence, to place on record their opinions regarding certain points raised in your Despatches, they disclaim emphatically (and, I am sure, sincerely,) all intention of showing any want of the respect due to your Excellency alike officially and personally.

The general rule that the Intercolonial correspondence should be carried on (except when Imperial interests may be concerned), not by the Governors personally, but by their Responsible Ministers, was established by the late Sir W. Denison, when Governor-General of the Australian Colonies, at the time of the inauguration of Parliamentary Government. When I became Governor of Queensland, in 1859, Sir W. Denison fully explained his views to me on this subject. He pointed out, in the first place, that it was desirable, for obvious reasons, that the forms of Parliamentary Government in use, in this and in other matters, in England, should also be observed, as far as possible, in the Colonies. He further observed that, even in the Crown Colonies, it had been found expedient that the Intercolonial correspondence should be carried on through the respective Colonial Secretaries. He added that if Governors of Colonies possessing Parliamentary Government were to conduct personally the Intercolonial correspondence, they would be occasionally required to become the mouth-pieces of charges advanced by the Ministry of the day in one Colony against the Ministry of the day in another Colony, and would thus be inevitably mixed up with personal recriminations; would lose their proper position of "dignified neutrality" (to adopt Lord Elgin's phrase); and would be practically disabled from using, for the public advantage, the influence of their offices as arbiters and moderators of extreme views.

The principle recommended by Sir W. Denison has certainly been the almost universal rule ever since in New South Wales, and also in the three Colonies with the government of which I have been successively connected, namely, Queensland, New Zealand, and Victoria. There may have been, as you state, a few exceptions, but I am assured that it will be found that these exceptions took place in cases in which Imperial interests were directly or indirectly concerned; or, at all events, in matters not likely to cause Intercolonial ill-feeling or recrimination, such as charges of illegal or otherwise improper conduct against the Government of a Colony are sure to provoke.

I have no intention of arguing this question on abstract grounds. I regard it chiefly as a practical question. Nearly twenty years ago a certain rule was established by competent authority, and in conformity with constitutional usage in England. This rule has been almost invariably adhered to since that period; and any attempt at innovation upon it of the nature of your Despatch of the 23rd November ultimo, will certainly provoke strenuous resistance in Australia; and will lead to much unpleasantness and inconvenience; possibly, to grave future complications. Under these circumstances, I am very glad to learn that your Excellency agrees with me that the official correspondence between Victoria and New Zealand shall continue hereafter to pass through the usual channels, as during the administrations of our predecessors in those Colonies respectively.

I need scarcely say, in conclusion, that it will always afford me sincere pleasure to co-operate with your Excellency, so far as may be practicable, in all measures tending to promote the welfare alike of New Zealand and of Victoria, with both of which Colonies I have had the honor of being intimately associated.

His Excellency the Right Hon. Sir James Fergusson, Bart.,
New Zealand.

I have, &c.,
G. F. BOWEN.

Enclosure.

MEMORANDUM for His Excellency Sir G. F. BOWEN, by the Hon. the CHIEF SECRETARY, Victoria.

IN returning the letter addressed to your Excellency by the Governor of New Zealand, dated 20th February, on the subject of the Memorandum in reply to His Excellency's protest against the proclamation issued with a view to restricting the importation of stock into Victoria from that Colony, the Chief Secretary desires to express his thanks for the opportunity afforded to him of perusing that document, and at the same time submits the following remarks upon it:—

His Excellency Sir James Fergusson is pleased to say, "Such variations of terms as those of 'communication,' 'letter,' and 'despatch,' as Mr. Francis has applied to my Despatch in question, may possibly be inadvertent, but, taken in connection with other portions of his Memorandum, they rather bear the appearance of affront."

Upon what grounds His Excellency can place such a construction upon the circumstance of the Chief Secretary having made use of those different terms, in the course of a somewhat lengthy and argumentative Memorandum, in allusion to the document which was the subject of remark, Mr. Francis is really at a loss to understand. But that the words were used by him with the object of conveying a personal affront to Sir James Fergusson he emphatically asserts is altogether an erroneous assumption on the part of His Excellency, and quite opposed to the real facts of the case.

Having absolved himself from such an imputation, Mr. Francis thinks he may, without impropriety, observe that the very fact of Sir James Fergusson having, in this present instance, allowed himself to be influenced by his private feeling in discussing a question of public concern, and resenting as personally objectionable sentiments expressed by your Excellency's Responsible Ministers in the discharge of their duty with reference to his official act, furnishes a strong commentary upon the impolicy of introducing into Intercolonial correspondence a practice, which, whatever may be the course followed elsewhere, is, at least as far as the Colony of Victoria and the neighbouring Colonies (including New Zealand) are concerned, an innovation and a departure from the principle established (avowedly on the English model) when Sir William Denison filled the office of Governor-General of the Australian Colonies; namely, that all communications on local as distinguished from Imperial affairs, should be made directly by the Responsible Ministers of the Colonies interested, and not by the Governors of those Colonies acting on their behalf.

It further demonstrates, if demonstration were necessary, the soundness of the principle that a Governor should not, as a general rule, himself take part personally in the conduct of public business. Moreover, it is obvious that Intercolonial correspondence cannot be carried on with any public advantage, if Governors write in one sense and their Ministers in a different sense upon the same subject. It will be recollected that the Colonial Secretary of New Zealand thanked the Government of Victoria for the course of conduct of which the Governor of New Zealand at the same time complained as illegal.

In offering these remarks, however, the Chief Secretary wishes to guard himself against misapprehension. He desires to assure your Excellency in the most unreserved manner that Sir James Fergusson, from his exalted position, is both entitled to and does command profound respect from Mr. Francis and his colleagues. If, in the matter under consideration, your Advisers showed that they felt aggrieved, both because their motives were misunderstood and that recourse was had by the Government of New Zealand to what was at least an unusual form in making their representations to this Colony, Mr. Francis is also confident that an impartial consideration of the circumstances that preceded the issue of the proclamation, as well as the fact of its repeal, as subsequently advised, show that your Advisers were anxious throughout to serve the interests of New Zealand, and will tend to remove from Sir James Fergusson's mind any impression that his arguments were treated with discourtesy.

It may not be out of place, as bearing on this point, to mention that the course taken by the Government in revoking the proclamation has provoked strong remonstrance and much hostile criticism in Victoria, on the ground that there no longer exists any safeguard against the introduction of contagious diseases from Europe by means of stock imported through New Zealand; and the Chief Secretary has been, within the last few days, urged by a most influential deputation to take immediate steps to remove all risk of danger to the Colony from this cause.

Chief Secretary's Office, Melbourne, 13th March, 1874.

J. G. FRANCIS,
Chief Secretary.

His Excellency Sir JAMES FERGUSSON, Bart., to His Excellency Sir G. F. BOWEN.

SIR,—

Auckland, 13th April, 1874.

I have the honor to acknowledge the receipt of your Excellency's Despatch of the 18th March, transmitting, at the request of your Advisers, a copy of a Memorandum of the Chief Secretary on my reply to your Despatch of the 20th February.

I beg to accept, unreservedly, the assurance which Mr. Francis has requested your Excellency to convey to me, that, in the terms of his Memorandum of the 2nd January, no want of respect to my office or discourtesy towards myself was intended. I should regret very much were I to import any personal feeling into a correspondence which would be worse than useless if it had any other than a public consequence.

Your Excellency's present Despatch and the Memorandum of Mr. Francis seem to me to call for some observations on my part. In offering them I will avoid referring to the merits of the original matter in controversy, as I have done since your intimation and that of your Advisers, that they considered it one upon which my official action was undesirable and inexpedient. But I regret if, in the remonstrances which I made in accordance with the wishes of my Ministers on the subject of the proclamation of the 24th October, I represented the Government of New Zealand as insensible to the friendly spirit of your Government.

Mr. Francis energetically disclaims the possible construction of the terms of his reference to my Despatch of the 25th November as applying affront to myself, but I will ask you to observe that I only pointed out that they might bear that construction when taken in conjunction with certain other expressions which I quoted, and which were used with reference to myself personally. I have thought it necessary to notice these expressions, so pointed, and contained in a document intended by your Advisers to be seen by me and forwarded by you at their request.

It is rather with the effect than with the severity of those expressions that I have to do, and, while in his present Memorandum Mr. Francis leaves them in full force, he charges me with "allowing myself to be influenced by my private feelings in discussing a question of public concern," for no apparent reason, than because I have observed upon his ascription to me, in an official paper commenting upon an act of mine done at the request of my Responsible Advisers, of having "personally impugned the action of the Ministry of another Colony," of "either a strange want of knowledge of facts, or a disregard of the practice and settled principles under which Responsible Government is conducted;" while on the 24th and 25th pages of his Memorandum, he more than insinuates a doubt of my having, as I stated I had, been "moved by my Advisers to write." These charges are surely personal, yet I must say that I cannot feel myself to be justly chargeable with having imported either my private feelings or my personal capacity into the correspondence. On the contrary, my only inducement to prolong or even to continue the correspondence in these circumstances, was to repel any such charge against my conduct in my official capacity.

I am glad to observe that Mr. Francis, in his present Memorandum, while disclaiming any discourtesy towards myself, refers to the course taken by me, of which he had complained, as being that of "the Government of New Zealand," and I hope I may interpret this as a withdrawal from his former position of regarding my action as distinct from and inconsistent with that of my Ministers. I will not seek to find fresh occasions for objection, by insisting that my Despatch of the 25th November does not imply a departure from the "general rule" advanced by your Excellency and Mr. Francis, but I may ask you to consider that if to your Excellency and your Advisers the course then adopted appeared to be an "innovation" "unprecedented" and improper, it can hardly be regarded as usual or convenient that the Responsible Ministry of one Colony should comment strongly and criticise severely the official action of the Governor of another, and move the Governor whose Ministers they are, to transmit the document in an official Despatch. Without venturing to prescribe what should be your Excellency's course of action in this or in other circumstances, I beg leave to express my opinion that a complaint of inconsistency on the part of the Government of New Zealand might have been

made through the channel which is insisted upon as the only proper one in the circumstances, without conveying a rebuke to myself, and separating me from my Advisers in the matter.

Your Excellency takes occasion to express your satisfaction that I agree with you that official correspondence "between Victoria and New Zealand shall continue hereafter to pass through the usual channels," while you describe my Despatch of the 25th November as an "attempt at innovation upon a rule established by competent authority." You also demonstrate the convenience of this rule. I cannot admit by implication that I have either traversed the rules or innovated upon the practice which I have found to exist in the *Australasian Colonies*. But as your Excellency would seem to concur with your Ministers in considering that I have done so, I may point out that it is at least open to argument that when the Governor of a Colony, in Executive Council, issues a proclamation affecting another, which the Governor of the latter is advised to have been *ultra vires* on the part of the issuing authority, besides being injurious to the trade of his Colony, he may not properly address himself to the Governor himself, who it would appear to be responsible for not lending his authority, even upon the advice of his Ministers, to acts which are not warranted by law. That principle was stated by the Secretary of State to the Governor of New South Wales in Despatches written in 1868 and 1869, and afterwards, if I recollect rightly, made Circular, but certainly laid before the Parliament of New South Wales.

It may be that, when my attention was drawn to the case by my Advisers, my more proper course would have been to have addressed the Secretary of State; but the course I adopted seemed to me more convenient. It was, however, in no degree intended on my own part to "impugn personally the action of your Ministry," as it was described by Mr. Francis, or to innovate upon established rule, as described by your Excellency.

I have, &c.,

JAMES FERGUSSON,

Governor.

His Excellency Sir George F. Bowen, G.C.M.G., Victoria.

His Excellency Sir JAMES FERGUSSON, Bart., to His Excellency Sir G. F. BOWEN.

SIR,—

Government House, Auckland, New Zealand, 27th May, 1874.

After the correspondence that has passed between us with reference to my Despatch addressed to your Excellency on the 25th November, 1873, I regret to have to add to it; but, as from the receipt of your first reply I have abstained from any discussion with you of the subject-matter, except so much as had been made personal to myself, I cannot help transmitting also to your Excellency the reply of my Ministers to the Memoranda of yours, which reflected upon the consistency of their conduct equally with the propriety of the course which I had taken upon their advice.

I have, therefore, now the honor to transmit to your Excellency a copy of a Memorandum (27th April, 1874), addressed to me by the Premier, and have only to add that my present residence here, and my necessary absence from time to time in remote districts, has occasioned unavoidable delay in its being forwarded.

I have, &c.,

JAMES FERGUSSON,

Governor.

His Excellency Sir George F. Bowen, G.C.M.G., Victoria.

MEMORANDUM for His Excellency Sir JAMES FERGUSSON, Bart., by the Hon. the PREMIER, New Zealand.

THE Premier has had under his consideration the Despatch of His Excellency the Governor of Victoria and the Memorandum of the Chief Secretary of Victoria, both of which are herewith returned, with the recommendation that copies be supplied to the Colonial Secretary's Department for use, if necessary.

The remarks of the Chief Secretary have already been anticipated in a former Memorandum on the subject, addressed to His Excellency. It was therein explained that it was through accident the Premier discovered the illegal nature of the proclamation, and at once drew His Excellency's attention thereto. In ignorance of the illegal nature of the proclamation, the Colonial Secretary thanked the Chief Secretary of Victoria for the consideration shown by his Government. The Premier in his Memorandum equally recognized that consideration, whilst regretting that it was followed by a concession to pressure inconsistent with a regard to legal requirements.

In short, the Government of New Zealand would have no right to complain of the proclamation if it was legal, nor of recourse to the Victorian Parliament to enable it to be legally made. But, in the absence of its being legally made, they have the same right to complain of it as Great Britain would have of an illegal proclamation excluding its stock from the Colonies.

Respecting the Despatch of the Governor of Victoria, the Premier has the honor to remark that the Government of New Zealand have never imagined that the Governor of the Colony was liable to be instructed by any one but Her Majesty's Ministers. Sir W. Denison, during the latter part of his service, was Governor-General only in name, if, indeed, his commission so styled him. It was, no doubt, competent to Sir W. Denison to explain his views on the subject of Constitutional Government, and from a Governor of his experience, such expressions would naturally be received with respect; but verbal advice and counsel of the kind cannot be incorporated into the system of Colonial Government, at least as far as New Zealand is concerned. There would be no limit to the liabilities arising from such recollections; not that there is anything to object to in the Governor of Victoria's recollections of Sir W. Denison's views. They obviously do not apply to the case in point. If Sir W. Denison had been consulted concerning the case of a Governor inadvertently signing an obviously illegal proclamation, he would probably have advised that the error should be immediately rectified, no matter who called His Excellency's attention to the mistake he had made. He certainly would not have resented another Governor's addressing him direct on the subject, instead of through the Secretary of State.

Wellington, 27th April, 1874.

JULIUS VOGEL.

The Hon. the CHIEF SECRETARY, Victoria, to the Hon. the COLONIAL SECRETARY, New Zealand.
(No. 3,799.)

Chief Secretary's Office,
Melbourne, 5th May, 1874.

SIR,—

I have the honor to inform you that the Despatch of Sir James Fergusson of the 12th March, forwarding the Memorandum of Mr. Vogel of the 11th March, has been referred by His Excellency the Governor to his Responsible Advisers. I purpose in this case (as in all previous correspondence) to restrict communications upon intercolonial matters to the proper Ministers of the respective Colonies; and, taking this principle for my guidance, I desire to inform you that, acting upon the advice of his Ministers, and following the precedents of Governor-General Sir W. Denison, and of the other Governors of the Australasian Colonies, the Governor of Victoria declines to become, in any way, a party to the grave innovation on the well-known principles of Parliamentary Government, and in the constitutional usage so long established (on the English model) in Australia and New Zealand, which Mr. Vogel, by his own admission, has advised His Excellency Sir James Fergusson to make in his Despatch of the 25th November last.

However, Sir James Fergusson, in his later Despatch of the 20th February, has signified that he agrees that the official correspondence between Victoria and New Zealand should hereafter, as heretofore, pass through the ordinary channels. All future communications, therefore (except respecting matters involving Imperial interests), in order to insure action being taken on them by this Government, should be addressed directly, in the usual form, by the Colonial Secretary of New Zealand to the Chief Secretary of Victoria.

You are, of course, aware that Sir James Fergusson took exception to certain terms which I used in a Ministerial Memorandum addressed to Sir George Bowen in reference to a Despatch which His Excellency had received from Sir James Fergusson, relating to the prohibition of the importation of diseased cattle, &c., into Victoria. The tone and language which Mr. Vogel has thought it not unbecoming in him to assume, in an official Memorandum, towards the Governor, the Ministry, and the Law Officers of this Colony, would alone render it difficult to follow the indirect mode of correspondence advocated by him, unless and until he shall have withdrawn imputations which can only be pronounced unwarrantable. Moreover, it is to be observed that Mr. Vogel's arguments imply that, in intercolonial questions and controversies, every Governor is to be guided, not by the advice of his own Responsible Ministers and Law Officers, but by those of another, and it may be, as in this case, an opposing Colony.

It need scarcely be pointed out that if this theory were admitted in principle, or accepted in practice, Parliamentary Government would virtually be at an end, and a Colonial Governor would be acting, not by the advice of his Responsible Advisers, but in opposition thereto, and would thus assert a position which has never been hitherto suggested, and which I should assume Mr. Vogel and his colleagues, as Responsible Ministers, would decline to concede.

As a further proof of the undesirability of indirect correspondence, I would observe that Mr. Vogel does not offer any explanation of the fact that the same mail which brought Sir James Fergusson's Despatch of the 25th November to Sir George Bowen, accusing the Victorian Government of aggressive and illegal conduct towards New Zealand, brought also an official letter from yourself, as Colonial Secretary of that Colony, courteously thanking the Victorian Government for its action in the very matter of which Mr. Vogel advised the Governor of New Zealand to complain direct to the Governor of Victoria.

No public advantage can be derived from continuing this correspondence; otherwise, in reply to Mr. Vogel's Memorandum, I might point out how the very friendly course adopted by Victoria has not been appreciated by him. Still, although it remains with the Government of Victoria to adopt a course which we are almost challenged by our own colonists to adopt, and which is within the law, viz., to issue a proclamation more effectually carrying out the agreement of the Conference at Sydney, this Government will take no course which could in any way serve to justify the imputations so unwarrantably made against our action.

I will therefore conclude by assuring you, on behalf of my colleagues and myself, that, provided we are addressed in the proper and constitutional form, we shall always, in the future, as in the past, be glad to consider favourably and promptly any communication from the Government of New Zealand, and to co-operate with it in promoting the interests of both Colonies.

I have, &c.,
J. G. FRANCIS.

The Hon. the Colonial Secretary, New Zealand.

The Hon. the CHIEF SECRETARY, Victoria, to the Hon. the COLONIAL SECRETARY, New Zealand.
(No. 3,900.)

SIR,—

Chief Secretary's Office, Melbourne, 11th May, 1874.

Adverting to my letter to you of the 5th instant, I have the honor to inform you that the Governor of Victoria has referred to His Excellency's Responsible Advisers the further Despatch on the same subject, addressed to him on the 13th April ultimo by the Governor of New Zealand.

I observe with much satisfaction that Sir James Fergusson "accepts unreservedly" my assurance that the Government of Victoria, while asserting the well-known principles and usages of Parliamentary Government as applicable to intercolonial correspondence, had no intention whatever of showing any want of respect to His Excellency's office, or discourtesy towards himself personally.

Here, I would gladly close this correspondence; but it seems to me absolutely necessary to make some remarks on the concluding paragraphs of the Despatch now under acknowledgment, lest it should be supposed in any quarter that the Victorian Government assented to the doctrines therein promulgated. With every respect for Sir James Fergusson I am bound to make the observation that it appears to me he has altered his views of the 20th February, and adopted the theory propounded by Mr. Vogel in his Ministerial Memorandum of the 11th of March ultimo.

In his Despatch of 20th February Sir James Fergusson writes as follows:—

"These expressions appear to me to be somewhat inconsistent with my own acquaintance with the

principles of Parliamentary Government, inasmuch as they impute to the Head of such a Government personal fault, while expressing avowedly the sentiments of his Responsible Ministers. I might, or rather my Ministers might, as well have accused your Excellency (*i.e.*, the Governor of Victoria) personally of faults with reference to the proclamation to which your name was appended, or to a speech which you had delivered to your Parliament."

In other words, Sir James Fergusson in this Despatch contends that it would be equally absurd to hold the Governor of Victoria responsible for the proclamation issued by the advice of his Ministers, as to hold the Governor of New Zealand responsible for the Despatch written by the same advice, and on the same subject.

On the other hand, in his Despatch of 13th April, Sir James Fergusson, though still contending that he is not responsible for the Despatch, follows Mr. Vogel, and argues that the Governor of Victoria is personally responsible for the proclamation in question.

It need only be remarked that this Government entirely repudiates this doctrine, and that this argument strikes at the very root of Parliamentary and Responsible Government, as established in these Colonies.

With regard to the correspondence between the Secretary of State and the Governor of New South Wales, in 1868-69, referred to by Sir James Fergusson, it will be found on reference that it has no application or force whatsoever in connection with the case under consideration.

It has already been pointed out, in my letter of the 5th instant, that the personal opinion of a law officer in New Zealand does not prove that a proclamation made in the Colony of Victoria, or elsewhere, is either legal or illegal; and had any of your colonists felt aggrieved and disputed our proclamation in question (if so advised), they had a ready remedy by the ordinary process of law.

Finally, it is somewhat difficult to understand why the name of the Secretary of State as a referee should have been imported by Sir James Fergusson into the discussion of an affair of purely colonial concern, and for their conduct in which the Victorian Government is responsible to the local Legislature.

I have, &c.,

J. G. FRANCIS.

The Hon. the Colonial Secretary, New Zealand.

The Hon. the COLONIAL SECRETARY, New Zealand, to the Hon. the CHIEF SECRETARY, Victoria.
(No. 80.)

SIR,—

Colonial Secretary's Office, Wellington, 11th June, 1874.

I have the honor to acknowledge the receipt of your letters, of dates and numbers quoted in the margin hereof,* on the subject of the representation made by the Governor of this Colony to His Excellency the Governor of Victoria respecting the illegality of the proclamation made and published in the Government *Gazette* of Victoria on the 24th of October last.

When, in your letter No. 5,001, of date 31st October, 1873, you were good enough to explain why it was that your Government was obliged to take the course of prohibiting the landing in Victoria of stock from New Zealand without first communicating their intention of doing so to the Government of this Colony, it was felt that you had acted in the matter under pressure which it was difficult to resist, and the Colonial Secretary had the pleasure of conveying to you his sense of the consideration shown for the interests of New Zealand.

But Dr. Pollen was not then aware that in making that proclamation the Governor of Victoria had exceeded the power conferred upon him by the Act of the Parliament of Victoria, intituled "An Act to amend the Laws relating to or affecting Public Health;" and that his action had inflicted an avoidable injury upon this Colony. When this discovery was made by Mr. Vogel, who, as well as Sir James Fergusson, was then at a distant part of the Colony, he at once moved His Excellency to take action in the matter, adopting, thus, the most direct course in order to its rectification.

The question that has been raised by this proceeding, namely, whether an act, known to be illegal, of the Governor of a British Colony injuriously affecting the interests of another Colony is a matter of Imperial concern, is of extreme importance. It is conceivable that disputes between Colonies might arise, for the settlement of which the intervention of the Imperial Government would be necessary, and ought to be welcomed. New Zealand, which has uniformly maintained the amount of independence which the Constitution permits, may probably regard its relation to the Empire in a different light from that of other Australasian Colonies, and it is to be hoped will never give way to fretfulness or impatience because of the exercise of powers which legitimately remain in the hands of Her Majesty's Government; but, on the contrary, will continue to regard the existence of these powers, and their exercise upon fitting occasion, as being necessary for its protection.

In this case there is no room to doubt that the prohibition of the importation of cattle, &c., from New Zealand into Victoria had not the sanction of law;—the law empowering the Governor in Council to make such orders as may be necessary to prohibit the introduction into Victoria of sheep, cattle, or swine from any country in which disease is known to exist; but no infectious or contagious disease existed amongst stock in New Zealand, at that time or since, and the condition upon which alone power to make such a proclamation legally was given was wanting: when, moreover, it appeared that this illegal act was done under pressure from the Government of another Colony, which the Colony of Victoria was avowedly unable to resist, and was intended to punish New Zealand because its Legislature declined to make the necessary legal provision for carrying out its share of the compact entered into, conditionally, by its representatives at the Conference, and when this illegal prohibition was seen to extend, not to New Zealand alone, but to all the dependencies of the Empire other than the Australian Colonies, it seemed an occasion not unfitting for the direct intervention of the Governor as an Imperial officer.

I trust that this explanation of the action of the Government in this matter may be accepted as satisfactory.

* No. 3,799, 5th May, and No. 3,900, 11th May, 1874.

I agree with you in thinking that no public advantage can be derived from continuing this correspondence. I gladly accept and reciprocate your assurance of friendly co-operation in promoting the interests of both Colonies; and I earnestly hope that, in the future, no occasion may arise, on either side, upon which a departure from the usual proper and constitutional form of communication between the Governments of Victoria and New Zealand may become necessary or excusable.

I enclose Mr. Vogel's Memorandum on your letter, and also the opinion of the Attorney-General of this Colony* on the whole subject.

The Chief Secretary, Victoria.

I have, &c.,
WILLIAM H. REYNOLDS,
(in the absence of the Colonial Secretary).

Enclosure.

MEMORANDUM for the Hon. the COLONIAL SECRETARY, New Zealand, by the Hon. the PREMIER, New Zealand.

IN returning you the letter of the Chief Secretary of Victoria, of the 5th of May, referred to me by you, I can only express regret that that gentleman has been betrayed into the use of expressions which, on consideration, I have no doubt he will regret.

I agree, generally, with the Chief Secretary's proposition "to restrict communications upon intercolonial matters to the proper Ministers of the respective Colonies;" but there still remains the right to consider that any official act, obviously illegal, of the Governor of a Colony affecting another Colony is a matter of Imperial concern.

By accident, I discovered that the legality of the action taken by the Governor of Victoria was challenged by a correspondent in one of the newspapers of that Colony, and I was subsequently advised that the proclamation was illegal, and obviously so; and, in consequence, deeming the matter one of Imperial concern, I moved His Excellency Sir James Fergusson's attention to it, who at once communicated with the Governor of Victoria on the subject.

I understand the Chief Secretary to argue that if a Governor is to be communicated with in this manner, he is asked to take the advice of Ministers and law officers not his own. This seems to me rather a far-fetched view. The real question depends upon whether or not the action complained of is legal or illegal; in either case, the Governor is able to consult his own Government. I am free to admit that if there is reasonable room to doubt the alleged illegality, it would be better to make the subject one of discussion between the Governments; but when the illegality is beyond all question, as in the present case, it seems to me fairly a matter of choice by the Government suffering injury as to which course promises the most ready redress.

It is hardly necessary now to discuss the question of the legality of the proclamation, for although the Chief Secretary upheld it, in the Memorandum of which Sir James Fergusson complained, it was subsequently revoked, and, I believe, the Chief Secretary informed a deputation, which waited upon him on the subject, that fresh legislation was required to enable such a proclamation to be made.

I observe that the Chief Secretary, in his letter under consideration, states that he has the power "within the law, to issue a proclamation more effectually carrying out the agreement of the Conference." I do not think that this Government have any objection to offer to such a proclamation, if it be within the law. Events have shown that the action proposed by the resolution carried at the Conference was unnecessary, and have justified the course taken by our Parliament. One, if not two other Colonies have abandoned the prohibition in respect to the northern part of the Australian continent, so that the whole prohibition appears now to be useless. But if the Chief Secretary thinks otherwise, I am not aware that this Government have any objection to offer to a legal proclamation.

I have further to observe that there has been an assumption throughout that New Zealand failed to carry out the resolution adopted at the Conference. This is not the case, for it will be observed by the resolution of the Conference (a copy of which I append†) that the representatives of the various Colonies only engaged "to introduce into their several Legislatures such measures as might be necessary to carry out this object." The Government of New Zealand did this, and supported the measure.

This Colony thus literally followed the resolution. Two at least of the other Colonies—New South Wales and Victoria—did not. Instead of doing so, they issued proclamations which, as I am advised, were illegal.

The law gave to the Governor of Victoria the power to prohibit the introduction of cattle from places where disease was known to exist. Professing to exercise this power, but not pretending that disease in stock existed in all the countries of the world but the Australian Colonies and New Zealand, the proclamation prohibited the introduction of stock from all countries but from the colonies excepted. It is nothing to us that that was obviously an excessive use of the power possessed, excepting that it shows that the Colony of Victoria, instead of complying with the resolution of the Conference to obtain legislative powers, if necessary, preferred to issue an invalid and consequently an ineffective proclamation.

But what New Zealand has to complain of is, that though it is admitted in the proclamation prohibiting importation from other countries, that New Zealand is free from disease, yet importation was prohibited from New Zealand by another proclamation, made in the exercise of a power which could only be legitimately exercised if disease existed. The terms of the first proclamation made clear the vice of the second.

The recital, too, that the proclamation was issued because New Zealand did not carry out an agreement, was not only an absurd foundation for the proclamation in a legal point of view; but offensive to a Colony that invariably does carry out its engagements.

It is to be observed, also, that the doubtful nature of the original proclamation makes the matter essentially an Imperial one. For Great Britain, its dependencies, and foreign countries are wronged

* *Vide post*, p. 25.

† *Vide ante*, p. 1.

besides New Zealand, and the foreign treaties of the Empire are infringed; and if these do not constitute matters of Imperial concern, the Colony of Victoria regards its relations to the Empire in a different light from that in which those relations are regarded in New Zealand. This Colony has uniformly maintained the amount of independence the Constitution permits it, but it has never given way to a fretful impatience at the exercise of the powers which legitimately remain in the hands of Her Majesty's Government.

I am sorry that I have been the means of wounding the sensibilities of the Chief Secretary. Whilst disclaiming any intention or desire to do so, I have still to repeat that it seems to me impossible the Government of New Zealand can relinquish the right to regard as a matter of Imperial concern any action of another Colony which illegally affects New Zealand.

Wellington, 4th June, 1874.

JULIUS VOGEL.

NEW SOUTH WALES.

The Hon. the COLONIAL SECRETARY, New South Wales, to the Hon. the COLONIAL SECRETARY, New Zealand.

(No. 325.)

SIR,—

Colonial Secretary's Office, Sydney, 22nd July, 1873.

I have the honor to enclose, for the information of your Government, a copy of a Proclamation which has been issued by the Government of this Colony, prohibiting the introduction into New South Wales of any stock, fodder, or fittings from New Zealand, until such time as your Government shall have taken the requisite steps, in accordance with the decision of the late Intercolonial Conference, to guard against the introduction of rinderpest or foot-and-mouth disease into your Colony.

I have, &c.,

The Hon. the Colonial Secretary, New Zealand.

HENRY PARKES.

Enclosure.

PROCLAMATION.

[*Prohibiting the Introduction into New South Wales of Cattle, &c., from New Zealand.*]

NEW SOUTH WALES, } By His Excellency Sir Hercules George Robert Robinson, Knight Commander
to wit. } of the Most Distinguished Order of Saint Michael and Saint George, Governor
and Commander-in-Chief of the Colony of New South Wales and its Dependencies, and Vice-Admiral
of the same.

HERCULES ROBINSON, Governor.

WHEREAS by section ten of an Act of the Parliament of New South Wales, passed in the thirty-fifth year of the reign of Her present Majesty, entitled "The Imported Stock Act of 1871," and numbered six, it is enacted that the Governor may, by proclamation in the *Government Gazette*, restrict or absolutely prohibit for any specified time the importation or introduction of any stock, fodder, or fittings from any other colony or country in which there is reason to believe any infectious or contagious disease in stock exists: And whereas it was agreed at the Intercolonial Conference held in Sydney in February last, that all the Australian Colonies should join in a prohibition for two years, to guard against the introduction of rinderpest or foot-and-mouth disease into the Australian Colonies, a proclamation was issued on the seventeenth day of April last, and forwarded to the Agent-General of this Colony for publication in the *London Times*, prohibiting the introduction of all stock, fodder, or fittings from any colony or country other than the Colonies of Western Australia, South Australia, Victoria, Queensland, Tasmania, and New Zealand: And whereas all the Colonies hereinbefore mentioned, excepting New Zealand, have issued similar proclamations: Now therefore, I, Sir Hercules George Robert Robinson, the Governor aforesaid, do, by this my proclamation, hereby totally prohibit the introduction into New South Wales of any stock, fodder, or fittings from the Colony of New Zealand, until such time as the Government of that Colony shall have issued a proclamation, and published the same in the *London Times*, prohibiting the introduction of all stock, fodder, or fittings as before mentioned into that Colony.

Given under my hand and seal at Government House, Sydney, this eighth day of July, in the year of our Lord one thousand eight hundred and seventy-three, and in the thirty-seventh year of Her Majesty's reign.

By His Excellency's command.

(L.S.)

JAMES S. FARNELL.

GOD SAVE THE QUEEN!

The following is the proclamation of 17th April, 1873, referred to in the above:—

PROCLAMATION.

[*Prohibiting the Importation into New South Wales of Cattle, &c., from beyond the Australasian Colonies.*]

NEW SOUTH WALES, } By His Excellency Sir Hercules George Robert Robinson, Knight Commander
to wit. } of the Most Distinguished Order of Saint Michael and Saint George, Governor
and Commander-in-Chief of the Colony of New South Wales and its Dependencies, and Vice-Admiral
of the same.

HERCULES ROBINSON, Governor.

WHEREAS by section ten of an Act of the Parliament of New South Wales, passed in the thirty-fifth year of the reign of Her present Majesty, entitled "The Imported Stock Act of 1871," and numbered six, it is enacted that the Governor may, by Proclamation in the *Government Gazette*, restrict or absolutely prohibit for any specified time the importation or introduction of any stock, fodder, or fittings

from any other colony or country in which there is reason to believe any infectious or contagious disease in stock exists: And whereas there is reason to believe that the diseases known as rinderpest and foot-and-mouth disease in stock exist in almost every colony or country other than the Colonies of Western Australia, South Australia, Victoria, Queensland, Tasmania, and New Zealand: Now therefore, I, Sir Hercules George Robert Robinson, the Governor aforesaid, with the advice of the Executive Council, do hereby, for a period of two years from the date that this Proclamation shall appear in the *London Times*, restrict and absolutely prohibit the importation or introduction of any stock, fodder, or fittings from any colony or country other than from the Colonies hereinbefore mentioned into any part of the Colony of New South Wales, with the exception of any stock, fodder, or fittings which may have been shipped for this Colony prior to this proclamation appearing in the *London Times* as before mentioned.

Given under my hand and seal at Government House, Sydney, this seventeenth day of April, in the year of our Lord one thousand eight hundred and seventy-three, and in the thirty-seventh year of Her Majesty's reign.

By His Excellency's command.

(L.S.)

JAMES S. FARNELL.

GOD SAVE THE QUEEN!

NOTE.—These two proclamations are published in the *New South Wales Government Gazette* No. 169, of 8th July, 1873.

The Hon. the COLONIAL SECRETARY, New South Wales, to the Hon. the COLONIAL SECRETARY, New Zealand.

(No. 351.)

Colonial Secretary's Office,

SIR,—

Sydney, New South Wales, 14th August, 1873.

I have the honor to acknowledge the receipt, on the 8th instant, of your telegram of the 25th ultimo, intimating the rejection, by the House of Representatives, of the Bill which had been introduced in pursuance of a resolution of the Intercolonial Conference, to empower the Government of New Zealand to prohibit the importation of stock.

I have, &c.,

HENRY HALLORAN,

(for the Colonial Secretary).

The Hon. the Colonial Secretary, New Zealand.

MEMORANDUM for HIS EXCELLENCY Sir JAMES FERGUSSON, Bart., by the Hon. the PREMIER, New Zealand.

I HAVE the honor to point out to His Excellency that a proclamation similar to that respecting which His Excellency complained to the Governor of Victoria, is stated to have been issued by the Governor of New South Wales.

Such a proclamation affecting this Colony should not be allowed to remain in existence.

Wellington, 12th March, 1874.

JULIUS VOGEL.

His Excellency Sir JAMES FERGUSSON, Bart., to His Excellency Sir HERCULES ROBINSON.

SIR,—

Government House, Auckland, New Zealand, 1st April, 1874.

I have the honor to inform you that my attention has been called, by my Responsible Advisers, to a proclamation issued by your Excellency, and published in the *Government Gazette* of New South Wales on the 8th July, 1873, prohibiting the introduction from New Zealand into New South Wales of certain animals and commodities therein mentioned.

I am advised that the Act upon which this proclamation purports to be founded is correctly quoted in the recital, and it appears thereby that the powers of prohibition can only be exercised in respect of a country or place in which (for Sydney) there is reason to believe that any infectious or contagious diseases in stock exists. The subsequent recitals do not state this fact expressly or by implication, but, after stating the agreement of the Intercolonial Conference, held at Sydney in 1873, to join in a prohibition of the landing of cattle coming from places *beyond the Australasian Colonies* for a given period after notice in the *Times*, and that all the Colonies except New Zealand had issued the prescribed proclamation, the proclamation totally prohibits the introduction into New South Wales of the animals and articles named, until the Government of New Zealand shall have issued and published the required proclamation.

I am further advised that the issue of this proclamation is at variance with the Statute; that the conclusion is not justified by the premises; and that, until a foundation be laid for the proclamation, by showing the existence of disease amongst animals in New Zealand, it is without the authority of law.

I am induced by my Advisers to take such steps as may procure the rescinding of this proclamation, and I feel sure that I can best do so by calling your Excellency's attention to the foregoing statements, inasmuch as you had possibly, in issuing the proclamation, overlooked the fact that it was not justified by law.

I should inform your Excellency that in November last I was moved by my Advisers to make a representation with reference to a similar proclamation issued by the Governor of Victoria, and that, after reference to their law officers, Sir George Bowen has been advised by his Ministers to withdraw that proclamation. My advisers were not then aware of the precise course that your Government had taken, and that they had used pressure upon them, to follow their example.

As the Hon. Mr. McLean, one of my Ministers, is about to visit Sydney, I would request you to be so good as to request your Ministers to communicate with him on the subject, and that he may be

able to procure the withdrawal of a step which is somewhat oppressive to a neighbouring and friendly Colony.

I have, &c.,

JAMES FERGUSSON,

Governor.

His Excellency Sir Hercules Robinson, K.C.M.G., &c.
New South Wales.

His Excellency Sir HERCULES ROBINSON to His Excellency Sir JAMES FERGUSSON, Bart.

SIR,—

Government House, Sydney, 29th April, 1874.

I have the honor to acknowledge the receipt of your Excellency's letter of the 1st April, calling in question the legality of a proclamation lately issued by this Government prohibiting the importation of live stock from New Zealand, and, in reply, I enclose for your perusal copy of a minute which has been prepared by the Secretary for Lands upon the subject of your communication, and from which your Excellency will gather that, in the opinion of my advisers, the action taken by this Government is fully justified by law.

In submitting this minute for my information, the Premier (the Hon. Mr. Parkes) observes:—"I not think I am called upon to add anything to Mr. Farnell's remarks, except that the question is likely to be reconsidered in a few days, in respect to the course which this Colony ought to take upon the recent action of the Government of Victoria in the matter. I cannot refrain, however, from observing that the communication from the Governor of New Zealand direct to your Excellency on a question which is one purely of intercolonial policy, appears to me to be most unusual, and hardly consistent with the form of government established in the respective Colonies. The subject of Sir James Fergusson's letter should, I think, be left for consideration and decision to the Ministers of the two Colonies."

As our respective advisers hold apparently different opinions respecting the legal interpretation of an Act of the Legislature of New South Wales, I would suggest that, if further official correspondence on the subject should be deemed necessary by your Government, it would, perhaps, be as well to allow the Ministers of the two Colonies to communicate directly with each other upon this matter, in conformity with the practice which has prevailed in this Colony in similar cases ever since the establishment of parliamentary government.

I have, &c.,

Governor the Right Hon. Sir James Fergusson, Bart.
New Zealand.

HERCULES ROBINSON.

Enclosure.

MINUTE by the SECRETARY for LANDS, New South Wales, on Sir JAMES FERGUSSON's Letter of 1st April, 1874.

At the late Conference it was agreed that a proclamation should be issued by each of the Colonies for the purpose of prohibiting the importation of stock from Europe and other places into the Colonies. All the Colonies except New Zealand issued the said proclamation; and as we believe that stock is imported into New Zealand from infected countries, we issued a proclamation prohibiting the importation of stock from New Zealand. Had we not taken this course, persons could have imported stock into this Colony from Europe and other places *via* New Zealand, which would have rendered our proclamation ineffective. The 10th section of the Imported Stock Act (35^o Vict. No. 6) fully empowers this Government to issue proclamations prohibiting the importation of stock from any other Colony, which of course includes New Zealand, if there is reason to believe that infectious or contagious disease in stock exists there. As New Zealand has adopted no precaution to prevent the importation of stock from infected countries, it does not appear to me to be safe to permit the unrestricted importation of stock from New Zealand into this Colony.

14th April, 1874.

JAMES S. FARNELL.

His Excellency Sir JAMES FERGUSSON, Bart., to His Excellency Sir HERCULES ROBINSON.

SIR,—

Government House, Auckland, 27th May, 1874.

I have the honor to acknowledge the receipt of your Excellency's Despatch in reply to my own of 1st April, with reference to the proclamation issued by your Excellency, prohibiting the importation of live stock from New Zealand, and enclosing a minute thereupon.

With reference to the exception taken by Mr. Parkes to my action, I will ask your Excellency to bear in mind, and to point out to him, that, in complying with the request of my advisers that I would call your attention to what they conceived to be an excess of the statutory powers in a proclamation injurious to New Zealand and issued by your Excellency, I expressly desired to leave the discussion of the question involved to our respective Ministers, and with that view mentioned the opportunity afforded by the approaching visit to Sydney of a member of the Government of New Zealand.

It is possible that in a case where a Governor has, upon the advice of his Ministers, issued an instrument affecting the interests of another Colony, and believed by the Government of that Colony to be illegal, the Governor of the latter might be moved to address the Secretary of State, and to solicit his intervention; and although the present question does not appear to justify such a step, I venture to think that a direct communication between the respective Governors of the Colonies concerned is not necessarily inconvenient, or in contravention of the system in force in the Australasian Colonies.

Having already expressed my own wish that we should leave the further discussion of the matter in question to the responsible Ministers, I will not further advert to it.

I have, &c.,

JAMES FERGUSSON,

Governor.

His Excellency Sir Hercules Robinson, K.C.M.G., &c., &c.
New South Wales.

The Hon. the COLONIAL SECRETARY, New Zealand, to the Hon. the COLONIAL SECRETARY,
New South Wales.

(No. 81.)

SIR,—

Colonial Secretary's Office, Wellington, 11th June, 1874.

I have the honor to enclose, for your consideration, the opinion of the Attorney-General of this Colony upon the proclamations published in the New South Wales Government *Gazette* No. 169, of the 8th of July, 1873, dated respectively the 17th of April and the 8th of July, 1873. The former proclamation—containing a recital to the effect that “The diseases known as rinderpest and foot-and-mouth disease in stock exist in almost every colony or country other than * * * * New Zealand”—proceeds to prohibit the importation of stock, fodder, or fittings from any part of the world except the Colonies named in the recital; the latter proclamation, reciting the former, proceeds to state that as New Zealand had not issued a similar proclamation, the importation into New South Wales of any stock, fodder, or fittings from New Zealand should be totally prohibited until the Government of this Colony should have issued a proclamation, and published it in the London *Times*, prohibiting the importation of stock, fodder, or fittings from all countries other than the Australasian Colonies.

From this opinion you will observe that the Government of New Zealand are advised that these proclamations are both illegal. I am in possession of a memorandum by the Secretary of Lands, New South Wales, upon the subject, in which he, in effect, justifies the proclamation affecting New Zealand, because he does not consider it safe to permit the unrestricted importation of stock from New Zealand.

Such an opinion, in the absence of legal power to give it effect, I submit does not justify the proclamation.

Restrictions upon the interchange of commodities between different countries are so opposed to the enlightened notions of commercial polity of the present day, that they are looked upon with the utmost jealousy. By the strained use of Acts of Parliament, such as that of which this Government complain, countries might practically adopt a system of isolation, or one of differential relations with other countries, whilst theoretically their laws might be held to uphold the largest respect for freedom of trade.

I do not disguise from you the opinion of this Government that when a Colony, by an excessive exercise of power, injuriously affects another Colony, the matter becomes one of Imperial concern. In the present case the matter is one of Imperial concern, not only because of the proclamation injuriously affecting New Zealand, but also because the proclamation affecting other countries is, as we are advised, *ultra vires*. The Imperial country is particularly affected, not only in regard to its own trade, but in regard to its treaty obligations.

I do not wish you to suppose that I am remarking on the merits of the proposed prohibition. Supposing it were, in the last degree, a measure of extreme necessity, I should still urge that the large nature of its operation should render incumbent its sanction by law. What this Government complain of is, that the proclamation continues, without the law sanctioning it in the first instance, or resort being had to the Legislature for retrospective sanction, if such were possible. As to the merits of the measure, this Government agreed to the course determined at the late Conference; and in pursuance of the resolution then arrived at, a Bill was introduced and supported by this Government to enable effect to be given to the resolution in a legal manner. That Bill was thrown out. If the Government of New South Wales, in pursuance of the same resolution, carried a Bill through the New South Wales Legislature, which would make legal such action as has been taken, this Government would not have cause to complain. But they think that they have much cause to complain that importations from New Zealand should be prohibited in virtue of power only legally exercisable if disease existed in the Colony, although in the Government *Gazette* of New South Wales, side by side with this proclamation, appears the other proclamation affecting the rest of the world, and in which it is admitted that New Zealand is free from disease.

I have, &c.,

The Hon. the Colonial Secretary,
N.S. Wales.

WILLIAM H. REYNOLDS,
(in the absence of the Colonial Secretary).

Enclosure.

OPINION OF THE ATTORNEY-GENERAL FOR NEW ZEALAND.

5th June, 1874.

I HAVE perused the resolution passed at the Intercolonial Conference in 1873, relative to diseases in stock, and the proclamations by the Governors of New South Wales and Victoria.

The resolution passed and unanimously adopted is as follows:—

“That the importation of cattle, sheep, and pigs into New South Wales, New Zealand, Queensland, South Australia, Tasmania, Victoria, and Western Australia, be prohibited for a period of two years from all places beyond the Australasian Colonies, such prohibition to commence from and after the publication of a notice in the London *Times*; and the representatives of the various Colonies engage to introduce into their several Legislatures such measures as may be necessary to carry out this object.”

The report founded thereon is as follows:—

“The Conference having taken into consideration the great danger to which Australian live stock are exposed, from the importation of animals from countries in which infectious disease prevails, it was resolved that it is expedient to prohibit, for a period of two years, the landing of cattle, sheep, and pigs from any places beyond the limits of the Australasian Colonies, and that such prohibition should take effect from and after the publication of a notice in the London *Times*.”

It is to be observed that the report is, that the Conference resolved that it “was expedient to prohibit, for two years, the landing of cattle, sheep, and pigs from any places beyond the limits of

the Australasian Colonies, and that such prohibition should take effect from and after publication of a notice in the London *Times*."

This is not an entirely accurate report of the resolution, and of course it is the resolution itself which the delegates adopted that must be referred to. The resolution adopted is not only to the effect of what is stated in the report, but contains a further resolution, as follows:—"And the representatives of the various Colonies *engage* to introduce into their several Legislatures such measures as may be necessary to carry out this object."

The only agreement or engagement entered into is the introduction of the necessary measures into the respective Legislatures.

It would seem that the representatives were conscious that such legislation would, or, at any rate might, be found necessary.

It appears that both in New South Wales and Victoria the state of the law was such that the prohibition could not legally be made, and that, in fact, as in New Zealand, so in Victoria and New South Wales, further legislation was necessary. This is apparent from the attempts which the Executive Governments of New South Wales and Victoria have respectively made to carry out the resolution of the Conference.

Referring to the case of New South Wales first:—The resolution is that the importation of *cattle*, *sheep*, and *pigs* into New South Wales be prohibited, for a period of two years, from *all places* beyond the Australasian Colonies.

On the 17th day of April, 1873, the Governor of New South Wales, with the advice of his Executive, made a proclamation professedly under the powers conferred by an Act of the Parliament of that Colony.

The provision of the Act under which the Governor professed to act, is recited in the proclamation, and is as follows:— (The Act was passed in 1871.)

"It is enacted that the Governor may, by proclamation in the *Government Gazette*, restrict or absolutely prohibit, for any specified time, the importation or introduction of any stock, fodder, or fittings from any other colony or country in which there is reason to believe any infectious or contagious disease in stock exists."

By the interpretation section of the Act, the word "stock" does not include *pigs*. Nevertheless, no reference is made to this in the proclamation, though it is assumed, in the correspondence referred to me, that the Executive Government of New South Wales had by that proclamation effected the prohibition which the Conference had resolved to be expedient.

I do not know whether the fact that the introduction of "pigs" into New South Wales remained permissible, was a substantial matter or not, but it seems highly probable that it was; otherwise, why should these animals have been specially mentioned in the resolution?

The Legislature of New South Wales did not pass, in 1873, any measure on this subject, nor, so far as I can learn, was any measure introduced into that Legislature for the purpose of extending the provisions of the Act of 1871 to pigs. Upon the terms of the proclamation it cannot be said to what animals it extends, the word "stock" only being used: the use of the term is calculated to mislead, and the extent and meaning of it can only be ascertained by reference to the Act under which the proclamation professes to be made. Indeed, the Executive Government of New South Wales itself seems not to have been aware of the fact that pigs were not included, for the correspondence shows that that Government was under the impression that what was aimed at by the Conference had been attained by the proclamation.

However, the inefficiency of the proclamation to carry out the object of the resolution of the Conference is still more apparent, when the terms of the resolution and the Act in question and the proclamation are considered.

The resolution declares the expediency of an absolute prohibition of the landing of the animals named, without reference to whether diseased or not, and from all places beyond the Australasian Colonies, without reference to whether disease exists or not. The Conference declared an absolute prohibition necessary. On reference to the provisions of the Act, it will be seen that the power conferred is to prohibit the introduction of stock from places where there is reason to believe that any contagious or infectious disease in stock exists. Clearly, therefore, the Executive Government of New South Wales had no power to carry out the object of the resolution of the Conference. In order to a legitimate exercise of the power, there must have been, at the time of its exercise, reason to believe that some contagious or infectious disease in stock existed in the country whence the stock to be affected by the proclamation came.

The proclamation, after reciting the clause of the Act already referred to, then recites, as a fact, that there is reason to believe that certain named diseases in stock exist in almost every country and colony other than the Australasian Colonies, naming them, including New Zealand amongst the Colonies in which disease did not exist.

The proclamation then prohibits the introduction of stock from all countries except the Australasian Colonies and New Zealand.

Can such a proclamation be defended? Surely not. Could any one honestly say that such diseases existed in all parts of the world other than Australasia, and did not exist in Australasia? It is hardly worth while to point out that the prohibition is more extensive than the fact, as alleged, justifies: the fact alleged is, that such diseases exist in *almost* all countries, and, therefore, the introduction from all countries is prohibited.

However, the proclamation of April, 1873, recites, as a fact, that the diseases there mentioned did not exist in New Zealand; nevertheless, the Governor of New South Wales, on the 8th of July, issued a proclamation, professedly under the same Act, prohibiting the introduction of stock from New Zealand. The proclamation is not made on the supposed existence of disease in New Zealand; no outbreak of disease in New Zealand is alleged. Indeed, the only professed ground for the proclamation is that New Zealand had not prohibited the introduction of stock; moreover, the proclamation is a prohibition only until New Zealand issues a proclamation. It is clear, therefore, that it is not pretended that there was "reason to believe that disease in stock existed in New Zealand."

The Victorian proclamations are open to somewhat the same observations.

The first proclamation, made professedly to carry out the resolution of the Conference, recites the provisions of an Act which empowers the Governor in Council to make such orders as may be necessary for prohibiting the introduction into Victoria, from any country in which any disease in sheep, cattle, or swine *is known to exist*; and then recites the report of the Conference on the subject of prohibiting the importation of cattle, &c.: no other fact is recited. But the proclamation then prohibits the landing in Victoria of cattle, &c., from all countries and places beyond the Australasian Colonies. It is not pretended that it was known that disease existed throughout the world, except the Australasian Colonies. It is evident that it was felt that the Act did not enable the Governor to make the prohibition which the Conference declared to be necessary, namely, an absolute prohibition from all the world except Australasia; and, consequently, no recital as to the existence of disease appears in the proclamation. The proclamation, however, is an admission that disease does not exist in New Zealand. Nevertheless, another proclamation was issued in the following October, professedly under the same Act, and reciting the alleged fact that at the Conference it was agreed to prohibit the landing of cattle, &c., from any place beyond the limits of the Australasian Colonies, for two years, after notice in the *London Times*; it then recites that the Government of New Zealand had not published the prescribed notice; and the proclamation, without more, professes to prohibit the introduction from New Zealand into Victoria of all cattle, &c., until New Zealand shall have published the prescribed notice, in accordance with the alleged agreement made at the Conference.

There is no pretence that disease in cattle, &c., was known to exist in New Zealand at that time, any more than at the time of the first proclamation; and the fact that such disease was known to exist was a condition precedent to the exercise of the power to prohibit. If such condition did not exist (and that must be admitted), I am of opinion that the proclamation was bad.

The Hon. the Premier.

JAMES PRENDERGAST.

QUEENSLAND.

The Hon. the COLONIAL SECRETARY, Queensland, to the Hon. the COLONIAL SECRETARY, New Zealand.

(No. 73-178.)

SIR,—

Colonial Secretary's Office, Brisbane, 4th July, 1873.

With reference to your communication of 4th June last, intimating that your Government are unable to carry out the resolutions agreed to at the late Intercolonial Conference, respecting the prohibition of the importation of cattle, sheep, and pigs, for a prescribed period, until an Act of Parliament giving the necessary powers has been passed, I have the honor to acquaint you, for the information of your Government, that it has been considered expedient to prohibit the landing in Queensland of the description of stock above mentioned arriving from New Zealand, until the Government obtains the necessary power to prevent the introduction of stock into that Colony, as it is conceived that the object of the prohibition, so far as the other Colonies are concerned, would be defeated if advantage were taken of the absence of restriction in New Zealand to import stock from prohibited places by way of that Colony.

I may add that the Governments of New South Wales and South Australia have expressed their concurrence in this view, and have intimated their intention of prohibiting the importation of stock into their respective Colonies from New Zealand, until the disability under which that Colony labours, of preventing the introduction of stock, is removed.

I have, &c.,

The Hon. the Colonial Secretary, New Zealand.

A. H. PALMER.

The Hon. the COLONIAL SECRETARY, Queensland, to the Hon. the COLONIAL SECRETARY, New Zealand.

(Circular No. 73-210.)

SIR,—

Colonial Secretary's Office, Brisbane, 21st July, 1873.

I have the honor to forward herewith copy of a proclamation, prohibiting, for two years, the landing in Queensland of horned cattle, sheep, and pigs from any places beyond the limits of the Australasian Colonies, published in the *Government Gazette* of Saturday, the 19th of July instant.

I have, &c.,

The Hon. the Colonial Secretary, New Zealand.

H. H. MASSIE.

Enclosure.

PROCLAMATION.

[*Prohibiting, for Two Years, the Importation of Cattle, &c., into Queensland.*]

QUEENSLAND, } PROCLAMATION by the Most Honorable George Augustus Constantine, Marquis of
to wit. } Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave,
all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross,
in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable
Privy Council, Governor and Commander-in-Chief of the Colony of Queensland and its Dependencies.

NORMANBY, Governor.

WHEREAS by the Diseased Animals Act it is, amongst other things, enacted that it shall be lawful for the Governor, with the advice of the Executive Council, from time to time, by proclamation, to prohibit or put restrictions on the introduction or importation of cattle, horses, sheep, goats, pigs, poultry, and other animals, or of any one or more kind of animals, into the Colony of Queensland, or into any district thereof, from such places and during such times as might appear necessary: And whereas at an

Intercolonial Conference held at Sydney, in the Colony of New South Wales, during the months of January and February last past, it was resolved, "That the Conference having taken into consideration the great danger to which Australian live stock are exposed from the importation of animals from countries in which infectious diseases prevail, it was resolved that it is expedient to prohibit, for the period of two years, the landing of cattle, sheep, and pigs from any places beyond the limits of the Australasian Colonies, and that such prohibition should take effect from and after the publication of a notice in the *London Times*." And whereas a notification to the above effect, signed by the Agent-General of the Colony of Queensland, on behalf of and by the authority of the Government of Queensland, was published in the *London Times* newspaper of the fifteenth of May last: Now therefore, I, George Augustus Constantine, Marquis of Normanby, the Governor aforesaid, by and with the advice of the Executive Council, in pursuance of the provisions of the Act above recited, and of all other powers enabling me in that behalf, do, by this my Proclamation, absolutely prohibit and forbid the introduction or importation of cattle, sheep, and pigs into the Colony of Queensland, or any district thereof, from all places beyond the limits of the Australasian Colonies, for the term of two years from the date of the publication of the notification hereinbefore referred to in the *London Times* newspaper, namely, for the term of two years from the fifteenth day of May, in the year of our Lord one thousand eight hundred and seventy-three.

Given under my hand and seal, at Government House, Brisbane, the seventeenth day of July, in the year of our Lord one thousand eight hundred and seventy-three, and in the thirty-seventh year of Her Majesty's reign.

(L.S.)

By command.

A. H. PALMER.

GOD SAVE THE QUEEN!

[Extract from Government Gazette of Queensland No. 77, of 16th August, 1873.]

PROCLAMATION.

[*Prohibiting the Introduction, into Queensland, of Cattle, &c., from New Zealand.*]

QUEENSLAND, } Proclamation by the Most Honorable George Augustus Constantine, Marquis of
to wit. } Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave,
all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New
Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most
Honorable Privy Council, Governor and Commander-in-Chief of the Colony of Queensland and its
Dependencies.

NORMANBY, Governor.

WHEREAS by the Diseased Animals Act it is, amongst other things, enacted that it shall be lawful for the Governor, with the advice of the Executive Council, from time to time, by proclamation, to prohibit or put restrictions on the introduction or importation of cattle, horses, sheep, goats, pigs, poultry, and other animals, or of any one or more kind of animals, into the Colony of Queensland, or into any district thereof, from such places and during such times as might appear necessary: And whereas, at an Intercolonial Conference held at Sydney, in the Colony of New South Wales, during the months of January and February last past, it was resolved, "That the Conference having taken into consideration the great danger to which Australian live stock are exposed from the importation of animals from countries in which infectious diseases prevail, it was resolved, that it is expedient to prohibit, for the period of two years, the landing of cattle, sheep, and pigs from any places beyond the limits of the Australasian Colonies, and that such prohibition should take effect from and after the publication of a notice in the *London Times*." And whereas a notification to the above effect, signed by the Agent-General of the Colony of Queensland, on behalf of and by the authority of the Government of Queensland, was published in the *London Times* newspaper of the fifteenth of May last: And whereas the Government of the Colony of New Zealand have not, in the present state of the law of that Colony, the power to prohibit the importation of stock other than diseased cattle, but propose, as soon as practicable, to obtain authority from the Legislature of that Colony for such purpose: Now therefore, I, George Augustus Constantine, Marquis of Normanby, the Governor aforesaid, by and with the advice of the Executive Council, in pursuance of the provisions of the Act above recited, and of all other powers enabling me in that behalf, do, by this my proclamation, absolutely prohibit and forbid the introduction or importation of cattle, sheep, and pigs into the Colony of Queensland, or any district thereof, from the Colony of New Zealand, until such time as the Government of that Colony shall have issued a proclamation, and published the same in the *Times*, London, prohibiting the introduction of cattle, sheep, and pigs into that Colony, in pursuance of the resolution of the Conference hereinbefore referred to.

Given under my hand and seal, at Government House, Brisbane, the fifteenth day of August, in the year of our Lord one thousand eight hundred and seventy-three, and in the thirty-seventh year of Her Majesty's reign.

(L.S.)

By command.

A. H. PALMER.

GOD SAVE THE QUEEN!

WESTERN AUSTRALIA.

The Hon. the COLONIAL SECRETARY, Western Australia, to the Hon. the COLONIAL SECRETARY, New Zealand.

(Circular.)

SIR,—

Colonial Secretary's Office, Perth, 11th July, 1873.

I have the honor, by direction of His Excellency Governor Weld, to state that, in accordance with a resolution passed at the Intercolonial Conference held at Sydney in January last, a Bill has been introduced into the Legislative Council of this Colony, giving power to the Governor to prohibit

the importation of cattle, sheep, and pigs into Western Australia from all places beyond the Australasian Colonies, and that such importation has been prohibited for a period of two years from the publication of a notice to such effect in the *London Times*, to the office of which newspaper an advertisement has been forwarded.

The Hon. the Colonial Secretary, New Zealand.

I have, &c.,
FRED. P. BARLEE.

The Hon. the COLONIAL SECRETARY, Western Australia, to the Hon. the COLONIAL SECRETARY,
New Zealand.

(No. 54.)

SIR,—

Colonial Secretary's Office, Perth, 27th August, 1873.

I have the honor to acknowledge the receipt of your telegram dated 26th July ultimo, informing me that the House of Representatives in New Zealand rejected the Bill to empower the Government to prohibit the importation of stock into New Zealand, in pursuance of the resolution passed at the late Intercolonial Conference held at Sydney, New South Wales.

I have, &c.,
FRED. P. BARLEE.

The Hon. the Colonial Secretary, New Zealand.

The Hon. the COLONIAL SECRETARY, Western Australia, to the Hon. the COLONIAL SECRETARY,
New Zealand.

(No. 54.)

SIR,—

Colonial Secretary's Office, Perth, 4th September, 1873.

I have the honor, by direction of His Excellency Governor Weld, to transmit for your information a copy of a proclamation which it has been thought necessary to issue, prohibiting the introduction into Western Australia of cattle, sheep, and pigs from New Zealand until such time as your Government shall have taken the requisite steps, in accordance with the decision of the late Intercolonial Conference, to guard against the introduction of rinderpest or foot-and-mouth disease.

I have, &c.,
FRED. P. BARLEE.

The Hon. the Colonial Secretary, New Zealand.

Enclosure

PROCLAMATION.

[Prohibiting the Introduction into Western Australia of Cattle, &c., from New Zealand.]

WESTERN AUSTRALIA, } By His Excellency Frederick Aloysius Weld, Esquire, Governor and Com-
to wit. } mander-in-Chief in and over the Territory of Western Australia and its
Dependencies, &c., &c., &c.

FRED. A. WELD, Governor.

WHEREAS by section two of an Act of the Legislative Council of Western Australia, passed in the thirty-seventh year of the reign of Her present Majesty, entitled "An Act to further regulate the Importation of Cattle, Sheep, or Pigs," it is enacted that it shall be lawful for the Governor in Executive Council to make an Order, and from time to time to alter, vary, or revoke the same, for the purposes of prohibiting or regulating the importation into this Colony of cattle, sheep, or pigs from any other countries or colonies, or country or colony, or part of a country or colony: And whereas it was agreed at the Intercolonial Conference held in Sydney, New South Wales, in February last, that all the Australian Colonies should join in a prohibition, for two years, to guard against the introduction of rinderpest or foot-and-mouth disease into the Australian Colonies, a notice was issued on the fifteenth day of July last, and forwarded to the Crown Agents for the Colonies, for publication in the *London Times*, prohibiting the introduction of cattle, sheep, and pigs from all places beyond the Australian Colonies and New Zealand: And whereas all the Colonies excepting New Zealand have issued similar notices or proclamations: Now therefore, I, Frederick Aloysius Weld, the Governor aforesaid, do by this my proclamation hereby totally prohibit the introduction into Western Australia of any cattle, sheep, or pigs from the Colony of New Zealand, until such time as the Government of that Colony shall have issued a proclamation or notice, and published the same in the *London Times*, prohibiting the introduction of cattle, sheep, or pigs, as before mentioned, into that Colony.

Given under my hand and the Public Seal of the said Colony, at Government House, Perth, this fourth day of September, in the year of our Lord one thousand eight hundred and seventy-three, and in the thirty-seventh year of Her Majesty's reign.

(L.S.)

By command.

FRED. P. BARLEE,
Colonial Secretary.

GOD SAVE THE QUEEN!

The Hon. the COLONIAL SECRETARY, Western Australia, to the Hon. the COLONIAL SECRETARY,
New Zealand.

(No. 54-694.)

SIR,—

Colonial Secretary's Office, Perth, 12th March, 1874.

I have the honor to notify, for the information of His Excellency the Governor of New Zealand, that the proclamation which was issued by His Excellency the Governor of this Colony, on the 4th September, 1873, prohibiting the introduction into the Colony of stock from New Zealand, has been cancelled; and that this measure has been taken for the same reasons that induced the Government of Victoria to annul a proclamation to a similar effect, issued in that Colony.

I have, &c.,
FRED. P. BARLEE.

The Hon. the Colonial Secretary, New Zealand.

[Extract from Government Gazette of Western Australia No. 11, of 17th March, 1874.]

Colonial Secretary's Office, Perth, 12th March, 1874.

It is hereby notified, for general information, that His Honor the Officer Administering the Government, with the advice of the Executive Council, has been pleased to revoke a proclamation, dated 4th September, 1873, prohibiting the introduction into Western Australia of any cattle, sheep, or pigs from the Colony of New Zealand.

By command.

FRED. P. BARLEE,
Colonial Secretary.

The Hon. the COLONIAL SECRETARY, New Zealand, to the Hon. the COLONIAL SECRETARY,
Western Australia.

(No. 47.)

SIR,—

Colonial Secretary's Office, Wellington, 20th April, 1874.

I have the honor to acknowledge, with thanks, the receipt of your letter No. 54-694, of the 12th March, informing me that the proclamation issued by His Excellency the Governor of Western Australia, prohibiting the introduction of New Zealand stock, has been cancelled.

I have, &c.,

WILLIAM H. REYNOLDS,
(in the absence of the Colonial Secretary.)

The Hon. the Colonial Secretary,
Western Australia.

SOUTH AUSTRALIA.

The Hon. the CHIEF SECRETARY, South Australia, to the Hon. the COLONIAL SECRETARY,
New Zealand.

(No. 625.)

SIR,—

Chief Secretary's Office, Adelaide, 23rd June, 1873.

I have the honor, by desire of His Excellency the Governor, to acknowledge the receipt of your letter of the 4th instant, respecting the prohibition of the importation of live stock from places beyond the Australian Colonies.

I have, &c.,

HENRY AYERS.

The Hon. the Colonial Secretary, New Zealand.

The Hon. the CHIEF SECRETARY, South Australia, to the Hon. the COLONIAL SECRETARY,
New Zealand.

(No. 658.)

SIR,—

Chief Secretary's Office, Adelaide, 1st July, 1873.

In reference to your letter of 4th ultimo, I have the honor, by desire of His Excellency Governor Musgrave, to inform you that, pending your Government obtaining the necessary powers to interdict the introduction of live stock into New Zealand, this Government feel it incumbent upon them to place the same prohibition on the import of cattle, &c., from New Zealand as will exist with regard to Europe, otherwise the steps taken by the Australian Colonies may be rendered of no avail.

I trust, however, that I shall learn, at an early date, that you are in a position to unite with the Australian Governments in their action in this matter.

I have, &c.,

HENRY AYERS.

The Hon. the Colonial Secretary, New Zealand.

[Extract from Government Gazette of South Australia No. 30, of July 10, 1873.]

PROCLAMATION.

[Prohibiting the Introduction, into South Australia, of Cattle, &c., from New Zealand.]

SOUTH AUSTRALIA, } Proclamation by His Excellency Anthony Musgrave, Esquire, Companion of the
to wit. } Most Distinguished Order of Saint Michael and Saint George, Governor and
Commander-in-Chief in and over Her Majesty's Province of South Australia and the Dependencies thereof, &c., &c., &c.

A. MUSGRAVE, Governor.

WHEREAS by an Act of the Parliament of South Australia, passed in a session held in the twenty-fourth and twenty-fifth years of Her Majesty's reign, No. 12, intituled "An Act to enable the Governor to prevent the Importation of Cattle into South Australia under certain circumstances, and for other purposes," it is enacted that it shall be lawful for the Governor from time to time, with the advice and consent of the Executive Council, by proclamation in the South Australian Government Gazette, to prohibit the introduction or importation of any cattle or any particular description of cattle into the said Province, from such places and during such times as should be set forth in such Proclamation: And whereas by another Act of the said Parliament, passed in a session held in the twenty-seventh and twenty-eighth years of the reign of Her said Majesty, intituled "An Act to amend the Laws relating to the Customs," and being No. 19 of 1864, it is amongst other things enacted that if any goods enumerated or described in the table of prohibitions in the thirty-fourth section of the said Act shall be imported or brought into the Province of South Australia, then and in every such case such goods shall be forfeited or destroyed, or otherwise disposed of as the Treasurer may direct: And whereas in the said table of prohibitions of goods absolutely prohibited to be imported are included infected cattle, sheep, or other animals, which the Governor in Council may prohibit in order to prevent any infectious or contagious disease: And whereas it is deemed expedient to prohibit the introduction

or importation of horned cattle, sheep, pigs, and goats from the Colony of New Zealand: Now therefore, I, the Governor aforesaid, by and with the advice and consent of the Executive Council of the said Province, do, in pursuance of the provisions of the above-recited Acts, and of all other powers and authorities me enabling, by this my proclamation prohibit the introduction or importation into the Province of South Australia of any horned cattle, sheep, pigs, or goats, or their progeny, from the Colony of New Zealand: And I do further proclaim, order, and direct that this my proclamation shall continue in full force and effect until the same shall be revoked by proclamation in the aforesaid *Government Gazette*.

Given under my hand and the Public Seal of the said Province, at Adelaide, this ninth day of July, in the year of our Lord one thousand eight hundred and seventy-three, and in the thirty-seventh year of Her Majesty's reign.

(L.S.)

By command.

HENRY AYERS,
Chief Secretary.

GOD SAVE THE QUEEN!

The Hon. the CHIEF SECRETARY, South Australia, to the Hon. the COLONIAL SECRETARY,
New Zealand.

(No. 1,082.)

SIR,—

Chief Secretary's Office, Adelaide, 28th August, 1873.

I have the honor, by desire of His Excellency Governor Musgrave, to acknowledge the receipt of your letter of the 26th ultimo, notifying that the Prohibition of Importation of Stock Bill had been rejected by your Legislature.

I have, &c.,

The Hon. the Colonial Secretary, New Zealand.

ARTHUR BLYTH.

The Hon. the CHIEF SECRETARY, South Australia, to the Hon. the COLONIAL SECRETARY,
New Zealand.

(No. 161.)

SIR,—

Chief Secretary's Office, Adelaide, 17th March, 1874.

I have the honor to enclose copy of a proclamation issued by His Excellency the Governor on the 12th instant, revoking so much of the proclamation published on the 17th day of April last, prohibiting the introduction of live stock from places beyond the limits of the Australian Colonies, as relates to that portion of this Province known as the Northern Territory.

I may state that the necessary importation into Port Darwin of fresh provisions from Timor, &c., has made this step obligatory, and I trust that the almost total isolation of that territory from other Australian Colonies will prevent any evil arising from a departure from the letter of the original proclamation.

I have, &c.,

The Hon. the Colonial Secretary, New Zealand.

ARTHUR BLYTH.

Enclosure.

PROCLAMATION.

[Revoking, as regards the Northern Territory, South Australia, the Proclamation of 17th April, 1873.]

SOUTH AUSTRALIA, } PROCLAMATION by His Excellency Anthony Musgrave, Esquire, Companion of the
to wit. } Most Distinguished Order of Saint Michael and Saint George, Governor and
Commander-in-Chief in and over Her Majesty's Province of South Australia and
the Dependencies thereof, &c., &c., &c.

A. MUSGRAVE, Governor.

WHEREAS by a proclamation published in the *South Australian Government Gazette* on the seventeenth day of April, one thousand eight hundred and seventy-three, and published in the *London Times* newspaper on the twenty-first day of August, one thousand eight hundred and seventy-three, the introduction or importation into the Province of South Australia, of any horned cattle, sheep, or pigs shipped at any place or places beyond the limits of the Australasian Colonies was absolutely prohibited for a period of two years from the publication of the said proclamation in the *London Times* newspaper aforesaid: And whereas it is necessary to revoke the said proclamation so far as it relates to that portion of the Province of South Australia known as the Northern Territory: Now therefore, I, the said Governor, with the advice and consent of the Executive Council, do hereby revoke and annul the aforesaid proclamation so far as relates to the introduction or importation of horned cattle, sheep, or pigs into that portion of the Province aforesaid known as the Northern Territory, but in all other respects I hereby confirm the aforesaid proclamation of the seventeenth day of April, one thousand eight hundred and seventy-three.

Given under my hand and the Public Seal of the Province aforesaid, at Adelaide, this twelfth day of March, in the year of our Lord one thousand eight hundred and seventy-four, in the thirty-seventh year of Her Majesty's reign.

(L.S.)

By command.

ARTHUR BLYTH,
Chief Secretary.

GOD SAVE THE QUEEN!

The following is the proclamation of the 17th April, 1873, referred to in the foregoing:—

PROCLAMATION.

[*Prohibiting, for Two Years, Importation of Cattle, &c., into South Australia.*]

SOUTH AUSTRALIA, } PROCLAMATION by His Excellency Sir Richard Davies Hanson, Knight, Chief
to wit. } Justice of the Province of South Australia, the Officer Administering the
Government thereof, &c., &c., &c.

R. D. HANSON.

WHEREAS by an Act of the Parliament of South Australia, passed in a session held in the twenty-fourth and twenty-fifth years of Her Majesty's reign, No. 12, intituled "An Act to enable the Governor to prevent the Importation of Cattle into South Australia under certain circumstances, and for other purposes," it is enacted that it shall be lawful for the Governor from time to time, with the advice and consent of the Executive Council, by proclamation in the South Australian Government *Gazette*, to prohibit the introduction or importation of any cattle, or any particular description of cattle, into the said Province, from such places and during such times as should be set forth in such proclamation: And whereas by another Act of the said Parliament, passed in a session held in the twenty-seventh and twenty-eighth years of the reign of Her said Majesty, No. 19, intituled "An Act to amend the Laws relating to the Customs," it is amongst other things enacted that if any goods enumerated or described in the table of prohibitions in the thirty-fourth section of the said Act, shall be imported or brought into the Province of South Australia, then and in every such case such goods shall be forfeited, or destroyed, or otherwise disposed of as the Treasurer may direct: And whereas in the said table of prohibitions of goods absolutely prohibited to be imported, are included infected cattle, sheep, or other animals, and hides, skins, horns, hoofs, or other part of cattle or other animals which the Governor in Council may prohibit, in order to prevent any infectious or contagious distemper or disease: And whereas at the Intercolonial Conference held at Sydney, in the Colony of New South Wales, during the months of January and February last past, it was agreed to as follows, namely:—"The Conference having taken into consideration the great danger to which Australian live stock are exposed from the importation of animals from countries in which infectious diseases prevail, it was resolved that it is expedient to prohibit, for the period of two years, the landing of cattle, sheep, and pigs from any places beyond the limits of the Australasian Colonies; and that such prohibition should take effect from and after the publication of a notice in the London *Times*." Now therefore, I, the Officer Administering the Government, in pursuance of the provisions of the said recited Acts, and of all other powers me enabling, and with the advice and consent of the Executive Council of the said Province, do hereby prohibit the introduction or importation, into the Province of South Australia, of horned cattle, sheep, or pigs shipped at any place or places beyond the limits of the Australasian Colonies, for a period of two years: And I further order and direct that this proclamation shall take effect from the day of the publication hereof (or first publication, if published more than once) in the London *Times* newspaper, and shall extend to all horned cattle, sheep, and pigs which shall be shipped after the date of the publication aforesaid.

Given under my hand and the Public Seal of the said Province, at Adelaide, this seventeenth day of April, in the year of our Lord one thousand eight hundred and seventy-three, and in the thirty-sixth year of Her Majesty's reign.

(L.S.)

By command.

HENRY AYERS,
Chief Secretary.

GOD SAVE THE QUEEN!

The Hon. the COLONIAL SECRETARY, New Zealand, to the Hon. the CHIEF SECRETARY,
South Australia.

(No. 54).

SIR,— Colonial Secretary's Office, Wellington, 22nd April, 1874.

I have the honor to acknowledge the receipt of your letter No. 161, of 17th March, enclosing a copy of a proclamation by His Excellency the Governor of South Australia, revoking so much of the proclamation published on the 17th April, 1873, prohibiting the introduction of live stock from places beyond the Australian Colonies, as relates to the portion of the Province of South Australia known as the Northern Territory, and to thank you for the same.

I have, &c.,

WILLIAM H. REYNOLDS,
(in the absence of the Colonial Secretary).

The Hon. the Chief Secretary, South Australia.

TASMANIA.

The Hon. the COLONIAL SECRETARY, Tasmania, to the Hon. the COLONIAL SECRETARY,
New Zealand.

(D. 1,281.)

SIR,— Colonial Secretary's Office, 4th July, 1873.

I have the honor to acknowledge the receipt of your letter of the 4th ultimo, in which you inform me that the Government of New Zealand are unable, in the present state of the law, to prohibit the importation of stock other than diseased cattle, but that a Bill will be submitted to Parliament as soon as possible, to confer upon them the necessary powers.

I have, &c.,

The Hon. the Colonial Secretary, New Zealand.

JAMES R. SCOTT.