

1874.

NEW ZEALAND.

FURTHER DESPATCHES

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

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

No. 1.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to
Governor the Right Hon. Sir J. FERGUSSON, Bart.

(No. 12.)

SIR,—

Downing Street, 23rd April, 1874.

In continuation of my Despatch No. 10, of the 9th instant, I enclose, for your information, a copy of a letter which the French Minister for Foreign Affairs has addressed to the British Ambassador at Paris, stating that he has requested the Minister of Marine to convey to the captain and crew of the French vessel of war "La Vire," the thanks of Her Majesty's Government for the services rendered by them to the emigrant ship "Surat."

I have, &c.,

Governor the Right Hon. Sir J. Fergusson, Bart.

CARNARVON.

Enclosure in No. 1.

The Duke DECAZES to Lord LYONS.

M. L'AMBASSADEUR,—

Paris, 17 Avril, 1874.

J'ai reçu la lettre en date du 7 de ce mois par laquelle votre Excellence m'a fait l'honneur de me signaler l'assistance que M. le Capitaine Jacquemart, commandant le bâtiment de guerre Français "La Vire," a prêtée à l'équipage et aux 300 passagers émigrants du navire Anglais "Le Surat," naufragé sur la Côte de la Nouvelle Zélande le 3 Janvier dernier.

D'après le désir que votre Excellence a bien voulu m'exprimer en même temps j'ai prié M. le Ministre de la Marine de transmettre au Capitaine Jacquemart et aux officiers de "La Vire" les remerciements officiels du Gouvernement de sa Majesté Britannique.

Agreez, &c.,

A son Excellence Lord Lyons.

DECAZES.

No. 2.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to
Governor the Right Hon. Sir J. FERGUSSON, Bart.

(No. 13.)

SIR,—

Downing Street, 3rd May, 1874.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the Act of the Legislature of New Zealand, No. 49 of 1873, entitled "An Act to authorize the raising of Money for Railways and Purchase of Native Land," a transcript of which accompanied your Despatch No. 79, of the 4th of November last.

1.—A. 2A.

I transmit to you, for communication to your Government, a copy of a letter from the Board of Treasury in reference to this Act.

I have, &c.,
CARNARVON.

Governor the Right Hon. Sir J. Fergusson, Bart.

Enclosure in No. 2.

SIR,—

Treasury Chambers, 27th April, 1874.

The Lords Commissioners of Her Majesty's Treasury have had before them the Act of the Legislature of New Zealand, "To authorize the raising of Money for Railways and Purchase of Native Lands," enclosed in Mr. Herbert's letter of 23rd February last.

Their Lordships have directed me to request that the attention of the Secretary of State may be drawn to the 20th section of this Act, by which "any part of the loan guaranteed by the Lords of the Treasury under certain Acts of the Imperial Parliament may be applied to any of the purposes to which is applicable that part of the loan authorized by this Act to be raised for purposes of railways."

The Secretary of State is aware that the Imperial Act 33-34 Vict. cap. 40, limits the purposes to which the loan of £1,000,000 guaranteed by this Board under the provisions of that Act may be applied to the construction of roads, bridges, and communications, and the introduction of settlers into the colony.

Their Lordships presume that there is no intention on the part of the New Zealand Government to apply the moneys raised under the guarantee to purposes not provided by the Act; but as a doubt may arise with regard to the strict interpretation of the 20th section of the Act now submitted for the consideration of this Board, they would suggest that the New Zealand Government should be informed that it must be clearly understood that their Lordships have no power to consent to the application of the guaranteed loan except in conformity with the provisions of the Act 33-34 Vict. cap. 40.

The Under Secretary of State,
Colonial Office.

I have, &c.,
JAMES H. COLE,
(for Secretary).

No. 3.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to
Governor the Right Hon. Sir J. FERGUSSON, Bart.

(No. 17.)

SIR,—

Downing Street, 8th May, 1874.

I have to acknowledge the receipt of your Despatch No. 12, of the 2nd of March, in answer to my predecessor's of the 12th of December, No. 85, on the subject of the presence of Her Majesty's ships on the coast of New Zealand.

I have to refer you to my Circular Despatch of the 23rd of March, enclosing a letter from the Lords Commissioners of the Admiralty, in which they state the effect of the orders which have been given to the Commodore on the station with respect to the visits of Her Majesty's ships to the Australasian Colonies.

I have, &c.,
CARNARVON.

Governor the Right Hon. Sir J. Fergusson, Bart.

No. 4.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to
Governor the Right Hon. Sir J. FERGUSSON, Bart.

(No. 21.)

SIR,—

Downing Street, 20th May, 1874.

I have to acknowledge the receipt of your Despatch No. 12, of the 2nd of March, representing the advantage arising from the visits of Her Majesty's ships to the coasts of New Zealand.

I caused your Despatch to be communicated to the Lords Commissioners of the Admiralty, and I transmit to you a copy of their reply.

A copy of the letter of the 16th of March, to which their Lordships refer, was enclosed in my Circular Despatch of the 23rd of that month.

I have, &c.,
CARNARVON.

Governor the Right Hon. Sir J. Fergusson, Bart.

Enclosure in No. 4.

Captain HALL to the UNDER SECRETARY of STATE for the COLONIES.

SIR,— Admiralty, 18th May, 1874.

With reference to previous correspondence, and to your letter of the 9th instant, in regard to the representation of the Governor of New Zealand of the advantages attending the visits of Her Majesty's ships to that colony, I am commanded by my Lords Commissioners of the Admiralty to request you will inform the Secretary of State for the Colonies that they are fully aware of the good effects which result from the periodical visits of Her Majesty's ships to New Zealand and all the Colonies of Australia, and instructions on the subject have been sent to the Commodore on the Australian station, as stated in my letter of the 16th March last.

2. My Lords would, however, observe, that taking into consideration the small number of vessels composing the squadron under his orders, Commodore Goodenough cannot without difficulty comply with all the requisitions of the Governors of the various colonies, however anxious and willing he may be to do so.

The Under Secretary of State for the Colonies.

I have, &c.,
ROBERT HALL.

No. 5.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to
Governor the Right Hon. Sir J. FERGUSSON, Bart.

(No. 20.)

SIR,— Downing Street, 20th May, 1874.

The reserved Bill to provide for the Surrender of Fugitive Criminals, which was transmitted in your Despatch No. 79, of the 4th November, 1873, has been carefully considered by the Secretaries of State for the Home and Foreign Departments, who have special cognizance of all questions relating to the extradition of offenders to foreign nations, and they have reported that, with every desire to give effect to the views of the New Zealand Legislature, they are unable to recommend that Her Majesty should be advised to assent to the Bill in its present shape.

2. The 17th section of the Imperial Extradition Act vests in the Governor of a colony all the powers vested by the Act in a Police Magistrate and Secretary of State, or either of them; and all the treaties since made with foreign nations, copies of which you have received from time to time, provide that the requisition for surrender shall be made in a colony to the Governor.

3. At the time when the Imperial Act was passed, it was felt that power should be reserved to Her Majesty to sanction any colonial legislation having for its object to facilitate extradition procedure in the colony, inasmuch as the same mode of procedure would probably not be applicable to every colony, and for this reason the 18th section was introduced into the Act, and a special clause has also been introduced into each treaty, providing for the exercise of this power on the part of Her Majesty.

4. In many colonies, and probably in all the larger colonies, it would be inconvenient to restrict to the Governor the performance of the duties vested in this country in the Police Magistrates, nor, indeed, would it be desirable that he should be called upon to perform such duties. But a doubt has been entertained whether the effect of the Bill as it now stands is not to prevent a requisition being made, if thought fit, to the Governor in the first instance, as it may be made to a Secretary of State in England, and as provided by the treaties made under the Act with foreign nations.

5. It will be seen, by reference to the 7th section of the Imperial Act, that it is provided that a requisition shall be made to a Secretary of State, who thereupon may give his order to a Police Magistrate to proceed, or may, if he is of opinion that the offence is one of a political character, refuse to send any such order, and may also at any time order the discharge of the criminal from custody. And by the 8th section a Magistrate may issue his warrant, either in accordance with the order of the Secretary of State, issued under the 7th section, or upon information or complaint made before him in the first instance; in the latter case a further reference has to be made to the Secretary of State.

6. These provisions were very carefully considered when the Act was framed, and were inserted with a special view to prevent any fugitive being surrendered for an offence of a political character.

7. It is very desirable that the mode of procedure in the colonies should be, as far as possible, uniform, due regard being had to the exigencies of any particular colony, and as this New Zealand legislation may form the model for other colonies, it is important that any doubt as to the meaning and operation of the Bill should be removed.

8. Under these circumstances I have to request that you will bring this despatch under the consideration of your Ministers, and suggest to them the expediency of amending the Bill by introducing special clauses similar, *mutatis mutandis*, to the 7th and 8th sections of the Imperial Act, which I cannot doubt will be found to work satisfactorily in the colony. Your Ministers will, however, consider whether it would not be sufficient to enact that the duties imposed upon Police Magistrates by the Imperial Act shall be performed by Commissioners appointed by the Governor under the New Zealand Act, as it is already provided by the Imperial Act that the Governor shall have all the powers of a Secretary of State.

9. I may add that the provision in section 3, as to Consuls, is unnecessary, as it is made by section 7 of "The Extradition Amendment Act, 1873." In the meantime I shall defer tendering any advice to Her Majesty upon this Bill.

I have, &c.,

CARNARVON.

Governor the Right Hon. Sir James Fergusson, Bart., &c.

By Authority: GEORGE DIDSBUXT, Government Printer, Wellington.—1874.

[Price 3d.]