

tive to the appointment by the Emperor of China of Chinese Consuls to reside in various parts of the Queen's dominions, and the draft of a proposed reply to that communication, in which I have expressed my concurrence.

I have to request that you will furnish me with the views of your Ministers with reference to the appointment of a Chinese Consul in the colony under your Government.

I have, &c.,

M. E. HICKS BEACH.

The Officer Administering the Government
of New Zealand.

Enclosure 1 in No. 23.

The FOREIGN OFFICE to the COLONIAL OFFICE.

SIR,—

Foreign Office, 18th March, 1878.

I am directed by the Earl of Derby to transmit to you, to be laid before Her Majesty's Secretary of State for the Colonies, the accompanying copy of a letter from the Chinese Minister at this Court, relative to the question of the appointment by the Emperor of China of Consuls to reside in various parts of the Queen's dominions, and also a draft of a proposed reply to that communication. I am to request that you will move Sir Michael Hicks Beach to favour Lord Derby with his views upon the subject of the Chinese Minister's letter, and especially with reference to the appointment of Chinese Consuls in the Australian Colonies.

I am, &c.,

The Under Secretary of State, Colonial Office.

JULIAN PAUNCEFOTE.

Sub-Enclosure to Enclosure 1 in No. 23.

The CHINESE MINISTER, London, to the Earl of DERBY.

MY LORD,—

Chinese Legation, 2nd January, 1878.

I had the honor, on the 23rd July last, to receive a despatch from your Lordship relative to the proposed appointment of a Chinese Consul at Singapore, and stating that (whilst there was no objection to the present appointment) the maintenance of the post of Chinese Consul, should a vacancy occur at any future time, must be regarded as an open matter.

Upon the receipt of this communication I reported its contents to the Chinese Isungly Yamên. To my report a reply has now been received. The Yamên observes that China now seeks for the first time to establish Consulates in England, and that according to your Lordship's despatch it would seem that China has not the independent power permanently to establish these Consulates.

In China, when any foreign country wishes to establish a Consulate, the Yamên, upon the receipt of a representation to that effect from the Resident Minister, immediately issues all the necessary notifications. If, then, when China wishes on her part likewise to establish Consulates in foreign countries, she can only do so temporarily, and not permanently, it would seem as if she were unfairly treated. I am, therefore, instructed to make to your Lordship a representation on the subject.

According to international law, each country is permitted to appoint Consuls to protect the interest of its nationals residing in other countries, and to assist in the settlement of disputes between them and the natives of those countries. China, up to the present, had not established Consulates; but, as she has now appointed a Resident Minister in England, she must in all matters be guided by international law. In the treaties which China has exchanged there is no mention made of the establishment of Consulates, nor is there any either made of the appointment of Resident Ministers. The appointment of Ministers and the establishment of Consuls, therefore, should not be regarded in different lights, but should be governed by the same conditions.

I would also add that, although China hitherto in the administration of commercial affairs has not been so forward as other countries, yet it is her duty to overlook her subjects in foreign countries, and to prevent, as far as possible, disputes and disturbances from arising. Last year, whilst on my way to England, I passed through Singapore, and during an interview which I had with Mr. Ho-ah-Kay I discussed with him local matters. As a result of this conversation I asked your Lordship to consent to his appointment as Consul.

I have also learned from the newspapers that within the last few months the Chinese residing in Australia have had frequent disputes, but I have refrained from troubling your Lordship about this matter, because I am not familiar with all the circumstances. It would seem, however, that a Resident Consul is also required there, in order that it may be discovered what is advantageous to the Chinese and what is against their interests, and disturbances prevented.