

1886.
NEW ZEALAND.

FEDERATION AND ANNEXATION:

A FEDERAL COUNCIL AND NEW GUINEA PROTECTORATE.

(FURTHER CORRESPONDENCE RELATING THERETO.)

[In continuation of A.-4c*, 1885.]

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

No. 1.

The AGENT-GENERAL to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W., 22nd July, 1885.

The Secretary of State called the Agents-General before him yesterday to confer with them respecting the Federal Council Bill.

In my last letter (16th July, No. 586) I explained that the position had become complicated by a series of new amendments just proposed by New South Wales. This complication added materially to the difficulties in the way of the amendments proposed by New Zealand, because the House of Commons will not at this period of the session give any time to "contentious" business. A.-4c*, 1885, No. 138.

As regards your own amendments I was placed in some embarrassment. Immediately upon receiving your telegram of the 18th May I had done my best at the Colonial Office to get a favourable consideration for Mr. Griffith's suggestion, though it was doubtful whether the Imperial Government would so far change the structure of the Bill as to agree to it. As I long ago informed you, there was no chance of Lord Derby himself agreeing to the general principle of "subsequent adoption" of all Federal laws; and in consequence of this I had pressed very strongly upon his Lordship to retain clause 31. In my letter to the Colonial Office on the 2nd June I represented Mr. Griffith's suggestion in as favourable a light as I could, calling attention to the fact that the principle of "subsequent adoption" was to some extent already in the Bill. Immediately afterwards, however, there came the change of Ministry here, and an agreement between the two great parties that the session should be wound up as soon as possible. The Federal Council Bill was one of the few measures agreed to be passed; and it went through the second reading easily: but there was very little time for considering any structural amendments in Committee, and Lord Salisbury's Ministry were very unwilling to interfere more than could be helped with what their predecessors had done, especially as it was an open secret that Lord Derby himself objected to the omission of the 31st clause. I was often reminded of the strong pressure I had tried to use myself for the retention of that clause, and I soon found that the difficulty of introducing any new principle would be very great. A.-4c, 1885, No. 103.

The matter was in this stage when, a few days after sending in my letter of the 2nd June, I received Sir Julius Vogel's memorandum of the 23rd April, with directions to circulate it among the members of both Houses. The memorandum was written some time before the Queensland proposal, and the attitude taken up in it by your Government was, of course, very different from the one consequent on your acceptance of that proposal. Immediately the memorandum was made public I was taxed, as I mentioned in my letter of the 15th June (No. 731), with the apparent inconsistency of the New Zealand proposals, and with the fact that, while the proposal I had made was contradicted by the wider one of the memorandum, the clause which I had pressed for so strongly was declared by my own Government to be of no importance. Under these circumstances it was clear that very little attention would be paid to any fresh representation of mine; and, on being asked by the Colonial Office whether I wished any other papers to be presented before the Bill went into Committee, I thought the best thing to do was to send in your letters of the 23rd May and the 5th June. These were at once published in a new parliamentary paper, copy of which I transmit herewith; and you will find that I took occasion to strengthen as far as I could the argument I had already used about the principle of "subsequent adoption." A.-4c*, 1885, No. 120. A.-1, 1885, No. 46. A.-4c*, 1885, No. 123. A.-4c, 1885, Nos. 106, 109, and 110.

At this point New South Wales intervened with her new amendments. You are sure to have been informed long ago of their purport, but it may be convenient if I briefly refer to them here. In clause 5 it was proposed that an enlargement of the Council should only be made on a resolution of the Federal Council. In clause 15, subsection (i), it was proposed to strike out the provision allowing any two or more colonies to refer matters to the Federal Council, and to provide instead that such reference should only be made on a request from all the Legislatures. As such a restriction not only involved the previous consent of every Legislature to the reference itself, but also an agreement upon the exact legislation to take place, I was unable to support Sir Saul Samuel in pressing this amendment. Supposing, for instance, Victoria and South Australia to desire a uniformity of weights and measures within their two colonies, they were not to be allowed to have that uniformity unless all the other colonies consented. Again, it was singular that a previous agreement of all the colonies should be wanted for the laws contemplated in subsection (i), while no such previous agreement was wanted for more important laws contemplated in subsections (a), (b), and (c); thus, while a previous agreement was required for a municipal law about uniformity of weights and measures, none was necessary for a political law involving the interests of all Australasia in the Pacific. The amendments proposed in clauses 16 and 29 were consequential, following the alteration in clause 15.

Her Majesty's Government thus suddenly found themselves in face of new structural amendments of a fundamental kind; and it was not unnatural for all of these to be rather unwelcome under the pressure of the political circumstances of the moment.

The Secretary of State thereupon determined to confer with the Agents-General, postponing in the meanwhile the Committee stage of the Bill. At this point Victoria intervened with an offer to withdraw her objections to the 31st clause, provided the Bill was not otherwise changed in principle. When, therefore, the Agents-General met Colonel Stanley yesterday, the question had become really narrowed to the one whether the Bill should go on as it was, or the risk be run of losing it altogether for this session.

Colonel Stanley announced that Her Majesty's Government had decided to go on with the Bill, expressing at the same time a hope that the differences between the colonies might be reconciled, and the Bill be allowed to go through without contentious discussion in the House of Commons.

I do not trouble you with any detailed account of the long conference with the Secretary of State; nor, indeed, was any final decision then given by him. But I feel very confident, all the same, that the amendments of New Zealand and New South Wales will all be rejected, and that, if the Bill goes through at all, it will go through as it came down from the Lords. The only difference may be in the omission of the proviso at the end of the 31st clause, allowing a retiring colony to repeal Federal legislation. The proviso was certainly too wide; for a person who was married one day by the operation of the Federal law might find himself unmarried the next by its repeal. Sir Saul Samuel insisted strongly on the proviso being maintained; but Mr. Murray Smith urged that, as Victoria had only given way on the 31st clause in the hope of obtaining unanimity, she would not go any farther. I then made a last suggestion that any evil to be feared from the repealing proviso might be prevented by "repealing Acts" having to be reserved for the Queen's pleasure; but, although the suggestion was favourably received, it will not be adopted.

Sir George Campbell has given notice of two amendments on going into Committee, which I send you. One is to prevent going into Committee at all, the other is to leave out subsection (a) of clause 15. Neither amendment, however, will be carried.

The Hon. the Premier, Wellington.

I have, &c.,
F. D. BELL.

Enclosure 1.

VOTES AND PROCEEDINGS OF THE HOUSE OF COMMONS.—(Monday, 27th July.)

SIR GEORGE CAMPBELL,—On motion for going into Committee on Federal Council of Australasia Bill, to move, That this House will, upon this day three months, resolve itself into the said Committee. [Thursday, 23rd July.]

In Committee on Federal Council of Australasia Bill:—

Sir George Campbell,—Clause 15, page 3, line 21, leave out subsection (a).

Enclosure 2.

The AGENT-GENERAL, New South Wales, to the COLONIAL OFFICE.

SIR,—

5, Westminster Chambers, Westminster, S.W., 15th July, 1885.

Referring to my interview with the Secretary of State for the Colonies and yourself this morning, relative to the Federal Council Bill of Australasia, I now beg to forward, for the information of Colonel Stanley, copies of the telegraphic despatches, to which I then adverted, received by me this morning from the Colonial Secretary at Sydney, suggesting certain amendments in the Bill now before Parliament.

I would specially direct your attention to that portion of Sir Alexander Stuart's message which states that, if the proposed amendments be adopted, there is more chance of the colony coming under the Act, but he cannot guarantee even then that New South Wales would do so, and that the Colonial Parliament alone can give its assent, his present object being to make a possible opening for that assent.

I send herewith a copy of the Bill with the suggested amendments, as I understand them from the telegraphic messages I have received.

The Under-Secretary of State for the Colonies.

I have, &c.,
SAUL SAMUEL.

Sub-Enclosure 1.

TELEGRAM from the GOVERNMENT of NEW SOUTH WALES to the AGENT-GENERAL, dated
Sydney, 14th July, 1885.

FEDERAL Council Bill distasteful to this Colony in present shape. If following amendments be made there is more chance of this colony coming in. I cannot guarantee its joining even then, but it is worth the chance, for without this colony and New Zealand it cannot be a Federal Council of Australasia: In fifth clause, line thirteen, after word "each," insert "or such enlarged number as the Council may from time to time determine." Clause 15, subsection (i), line eight, after word "desirable," insert "by the Legislatures of all the colonies." Clause sixteen, omit in line twenty "relating to those colonies or their relations with one another," and insert "which such Legislatures are empowered to refer under clause fifteen." Clause twenty-nine, line fifteen, after word "interest," insert "which have been referred to it by the Legislatures of all the colonies." Clause thirty-one must be retained. We prefer it to that suggested in Dillon Bell's letter, 2nd June. Remember our Parliament alone can give its assent; my present object is to make a possible opening for that assent. See Secretary for Colonies at once, represent strongly these views, and that without them I do not think this colony will join. Explain that to-morrow. Official telegram will reach him to this effect through Governor.

Sub-Enclosure 2.

TELEGRAM from the GOVERNMENT of NEW SOUTH WALES to the AGENT-GENERAL, dated
Sydney, 14th July, 1885.

READ my telegram with following alterations: Make proposed insertion in subsection (i) govern the whole clause by substituting for the words "two or more," in second line, the words "all the which." Involves omission from first line of sixteenth clause the words "any two or more."

A. STUART.

Enclosure 3.

Governor the Right Hon. Lord AUGUSTUS LOFTUS, G.C.B., New South Wales, to Colonel the
Right Hon. F. A. STANLEY, M.P. (Received 16th July, 1885.) (Telegraphic.)

My Government suggests through Agent-General certain alterations in Federal Council Bill, in hope that it may facilitate the concurrence of this colony. Question here can only be decided by Parliament. Bill in present shape will not be adopted by this colony.

No. 2.

The AGENT-GENERAL to the PREMIER.

SIR,— 7, Westminster Chambers, London, S.W., 10th August, 1885.

The Federal Council Bill went through Committee in the House of Commons on the 4th instant, the only amendment made being to leave out the last eleven words of the 31st [29th] clause, enabling a retiring colony to repeal Federal laws enacted during the time the colony was in the Federation. I transmit to you herewith a *Times* report of the debate.

The Commons' amendment was agreed to by the House of Lords on the 7th instant without debate; and the Bill has therefore passed the Imperial Parliament at last.

The Hon. the Premier, Wellington.

I have, &c.,
F. D. BELL.

Enclosure 1.

[Extract from the *Times*, Wednesday, 5th August, 1885.]

FEDERAL COUNCIL OF AUSTRALASIA BILL.

ON the motion to go into Committee on this Bill,

Sir G. CAMPBELL said that he had grave doubts whether the Australasian Colonies wanted this Bill. He knew that New South Wales and New Zealand had both declared their dislike to the Bill and their intention not to accept it, and it was therefore very doubtful whether it was worth while for Her Majesty's Government to proceed with the measure. Personally, he did not object to the Bill, with one important exception, and he should be glad to see the Australasian Colonies and Her Majesty's Government settle the matter between them. But he decidedly objected to that clause in the Bill which enabled the Australasian Colonies to deal with what was called the relations of Australia to the islands of the Pacific. He did not know what was meant by that expression, but he had very grave doubts whether it was prudent to put such a provision in the Bill. Dealing with the question of New Guinea and the disputes which had occurred with regard to the islands of the Pacific, he expressed the opinion that it would be imprudent to give to Australia, so long as it remained under the British flag, the power to assume protection over the natives of the islands of the Pacific. The alienation between this country and Germany took place with reference to the excessive pretensions of Queensland to deal with one of the Pacific islands. He believed that the Australians would be much better off if they developed their own territories and did all that it was possible for them to do in this direction, without seeking foreign possessions and endeavouring to entangle themselves in foreign complications.

Mr. BRYCE regretted that a Bill of this importance should have been brought before the notice of the House on such scanty information, and when honourable members were in possession of so little information as to the sentiments of the colonists themselves. It was true that a certain number of parliamentary papers had been presented, but the information which they contained was, he thought, hardly sufficient to enable the House to appreciate the whole bearings of the question, and to understand what were the feelings with which the proposals had been received in the colonies during the last few months. He thought it would have been valuable to the House if the Colonial Office had prepared a sort of explanatory memorandum giving a view of the whole matter and a justification of the whole Bill. When the House of Commons was asked to undertake a function so large as that of drawing up a Constitution for communities already great, and which were likely to become considerably greater in the future, it ought to approach a task of that kind with a due sense of responsibility and on accurate information and knowledge. He thought, also, there was no evidence to show that this Bill or draft Constitution had really been satisfactorily discussed and considered in the colonies themselves. It appeared to have emanated in the first instance from a small coterie of Prime Ministers, and the House had nothing to show them that the best minds of our colonies had been properly brought to bear in the consideration of the subject. The Bill would have come before the House with greater authority if it had reason to believe that proper pains had been bestowed upon it, and that proper efforts had been made to obtain full publicity and discussion for it in the Australian Colonies themselves. He thought that the circumstances he had mentioned made the position of the Imperial Parliament not quite a satisfactory one in dealing with this matter. He regretted that a measure of this importance should be treated so lightly by the House and the country, and should be hurried through at the fag-end of a long session. In considering the character of the Bill, and its liability to a certain line of criticism, he said it was clear that it was a very scanty, fragmentary, and imperfect sketch of a Federal Constitution. Looking even at that important clause which provided that any one colony could withdraw from the Federation, he said if the House were free to debate the subject at length a great deal of time might be spent over the consideration of this clause alone; because a Federation which offered to any member of it the right to withdraw as soon as its wishes were not gratified was clearly a Federation of the feeblest and most transitory kind. He was content, however, that they should pass the Bill in the form in which the colonies had asked us to do so, and as a matter of favour to them; but the responsibility for its formation would substantially rest more with them than with us. He looked with more hope to a federation between the Executive authority here and the colonies than to a federation among the colonies themselves. The real value of this Constitution seemed to him to lie in the provision which it made for the introduction of uniform legislation among the different colonies, and particularly for the introduction of a uniform system of legal process and of private law in those matters in which the inhabitants of different colonies were most likely to come into relation with one another. The experience of the United States, which was the great source of experience in these matters, showed how much could be obtained by having a uniform system of legislation on certain subjects of common interest. It would be, for instance, of immense advantage for the United States to have a uniform law of marriage and divorce. It was one of the great difficulties which legal reformers had to deal with in America; and he was glad to see that the Federal Council had power to legislate on these subjects, on quarantine, on bills of exchange, and other matters. As regarded the utility of the Federal Legislature, if he might so call it, for the purpose of introducing a uniform system of private law, he thought it would be very desirable to increase the size of the Council. But, in that as in other respects, he looked upon the Bill more as a first sketch than as a complete Constitution; and he could not help believing that further legislation would be required, and that the outline contained in that measure would have hereafter to be filled up by and developed in various particulars.

The motion was then agreed to, and the House went into Committee on the Bill.

Clauses up to 14 inclusive were agreed to.

On clause 15,

Mr. BRYCE moved the insertion, after "copyright," of the word "bankruptcy." Bankruptcy was one of those subjects on which it was found particularly desirable to have uniformity of legislation among different States, and it was a matter to which the powers of the Council might be very well extended.

Colonel STANLEY hoped that the amendment would not be pressed. When the Council was formed its attention would doubtless be directed to that question, which he believed was within the scope of the Bill as it stood.

Mr. BRYCE thought it might be desirable to emphasize that point, but would not press it if the right honourable gentleman objected.

The amendment was withdrawn, and clause 15 was agreed to, as were also clauses up to 28, without amendment. Clause 29 underwent some modification, and the remaining clauses of the original Bill were agreed to.

On the preamble,

Mr. W. E. FORSTER said that he did not wish to delay the passing of the Bill, but he desired to express his regret that the most important of the Australian Colonies, New South Wales and New Zealand, were not included in this Bill, because he thought that nothing like a complete Federation policy could be obtained without those two colonies giving their adhesion to it. He, however, thought that our union with the colonies could not be injured or damaged by the confederation of the colonies among themselves, and that the way in which this Bill had been passed would conduce to all the colonies joining in the movement hereafter, which would be lasting and for the good of the whole.

The preamble of the Bill was agreed to, and the House resumed.

Enclosure 2.

[Extract from the *Times*, Saturday, 8th August, 1885.]

HOUSE OF LORDS, FRIDAY, 7TH AUGUST.

THE Commons' amendments to the Federal Council of Australasia Bill and the Secretary for Scotland Bill were considered and agreed to.

No. 3.

The AGENT-GENERAL to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W., 14th August, 1885.

I have the honour to transmit herewith copy of letter received this day from the Colonial Office, covering copy of a despatch addressed by Colonel Stanley to the Governors of the Australasian Colonies respecting the Act for constituting a Federal Council of Australasia.

I have, &c.,

The Hon. the Premier, Wellington.

F. D. BELL.

Enclosure.

SIR,—

Colonial Office, Downing Street, 14th August, 1885.

I am directed by the Secretary of State for the Colonies to transmit to you two copies of a despatch which he has sent by to-day's mail to the Governors of the Australasian Colonies on A.-2, No. 5. the subject of "The Federal Council of Australasia Act, 1885," and in doing so I am to express Colonel Stanley's acknowledgment of the courtesy and readiness with which you have on numerous occasions assisted him in the consideration of this measure. Spare copies of the despatch have been sent to the Governors.

I have, &c.,

The Agent-General for New Zealand.

ROBERT G. W. HERBERT.

No. 4.

The PREMIER, New South Wales, to the PREMIER, New Zealand.

SIR,—

Colonial Secretary's Office, Sydney, 27th August, 1885.

I have the honour to transmit herewith for your perusal and information a copy of correspondence that has taken place on the subject of the Federal Council of Australasia.

I have, &c.,

The Hon. the Premier of New Zealand, Wellington.

ALEX. STUART.

Enclosure.

No. 1.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.

MY LORD,—

Government House, 27th March, 1884.

With reference to Mr. Heydon's motion in the Legislative Assembly, referred to in my confidential despatch of the 25th instant, on the question of Federation, I have the honour to enclose copies of the speech, as also the rejoinders of Mr. Stuart, the Colonial Secretary, and of Sir John Robertson, the leader of the Opposition.

2. The terms of the resolution, which was agreed to without a division, are as follow: "That, as the proceedings of the delegates at the late Intercolonial Conference, including the Federal Council Bill, prepared and sent by them to the Secretary of State for the Colonies for enactment in the British Parliament, have not yet been submitted to this House for its consideration, and it is stated in the London telegrams that the British Cabinet is about dealing with the said Bill, this House resolves that, in its opinion, it is desirable, before the said Federal Council Bill, or any Bill based upon it, be passed into law by the British Parliament, that such Bill should be submitted to the Parliament of this colony. (2.) That the above resolution be communicated by address to His Excellency the Governor, with the request that he will transmit the same to the Right Hon. the Secretary of State for the Colonies."

3. From the tenor of the speeches herewith enclosed, and of leading articles from the Press, your Lordship will see how little sympathy exists in the Legislative Assembly or in the public opinion of this colony in regard to the question of Federation.

I have, &c.,

AUGUSTUS LOFTUS.

Enclosures.

[Extract from *Sydney Morning Herald*, 26th March, 1884.]

THE resolution moved by Mr. Heydon last night contained a declaration of opinion, and set forth certain reasons why such a declaration should be made. The principle asserted by the resolution was sound. The Intercolonial Conference that sat in Sydney in November and December last adopted a draft Bill to be submitted to the Imperial Parliament as the basis of Imperial legislation for the establishment of a Federal Council for Australasia. The establishment of such a Council would indirectly affect the position, relations, and interests of this colony, even if we abstained

from bringing ourselves directly within the range of its jurisdiction. The Conference had no instruction or delegated authority from our Parliament to draft such a Bill, or take any step to procure its introduction into the Imperial Parliament. It is therefore not merely "desirable," as Mr. Heydon's resolution affirmed, but a matter of right and justice, that "before the Federal Council Bill, or any Bill based upon it, be passed into law by the British Parliament, such Bill should be submitted to the Parliament of this colony." The opinion of the Colonial Legislature ought, in fact, to be clearly expressed before the introduction of any such Bill into the British Parliament. Imperial legislation has given us a Constitution, and power to amend it; and, before the Imperial Parliament is moved to pass a law for the purpose of setting up machinery which, under certain conditions, would override the constitutional powers of self-government we now possess, our own Parliament should have the right to fully discuss and accept or reject any suggested basis for such proposed Imperial action. The reason assigned in Mr. Heydon's resolution for asserting this principle now was, that London telegrams had represented that the British Cabinet was about dealing with the Conference Bill. That reason was out of date, seeing that we have been aware for some time past of the official statement in the House of Lords that the Government would not deal with the matter prior to the receipt of resolutions from all the Australasian Colonies. As we pointed out recently, the Imperial Government could hardly act otherwise, having been informed by the Conference that its members had pledged themselves to invite their respective Legislatures to pass addresses praying Her Majesty to cause a measure to be introduced for the purpose of constituting a Federal Council upon the basis of the draft Bill adopted by the Conference. This implied that, directly or indirectly, the draft Bill should be submitted to the Colonial Legislatures for discussion.

But, although the reason set forth in the resolution had been superseded, it cannot be said that Mr. Heydon's action was altogether uncalled-for or fruitless. It is not surprising, under the circumstances, that there was no adequate discussion last night upon the merits or demerits of the Conference policy. The effect of the motion was, however, to elicit from the Premier a fairly definite intimation of the policy and intention of the Government upon one point that had before been somewhat doubtful. Mr. Stuart left it to be plainly understood that the Bill would be submitted to Parliament. He did that, not merely by giving a general support to Mr. Heydon's resolution, but also by a declaration of the principles by which he had been governed at the Conference. Now, before this, the only formal statement of the views of the Government which had been made was that of the Attorney-General, in the carefully-prepared address he delivered to the Legislative Council on the 19th December last. On that occasion Mr. Dalley said: "Abundant opportunity will be afforded of discussing the whole matter. In all probability this will be done, not by the submission of this Bill to the Legislature, but by the submission of certain well-considered resolutions, clearly defining what the Legislature is or is not disposed to confide to such a body as that proposed to be established, and which will form the basis of that Imperial legislation on the subject which, after all, any colony may or may not accept." There is a palpable difference between this statement and the one made by the Premier last night. Which is the more authoritative?

Mr. Stuart's statement is more in agreement with the resolutions of the Conference and with his own explanation of the principle upon which the Conference acted. According to one of the resolutions, the draft Bill was adopted as defining the matters upon which united action was desirable and practicable, and as embodying the provisions best adapted to secure that object. According to Mr. Stuart, the Bill, which, in his opinion, provided fully against the rights of any colony being overridden by the others was prepared as a Bill in order to prevent the Imperial Parliament legislating capriciously, or in a way that would be unsatisfactory to the colonies. It is easy to see that a series of resolutions, however well considered, would not, when submitted as a basis for legislation, tie the hands of the Imperial Parliament so effectually as a complete and technically-drafted Bill would. It is therefore hard to see how the policy of the Conference could be carried out by submitting to the Colonial Legislatures a series of resolutions, instead of the Bill, as the basis to be submitted to the Imperial Parliament. The policy of the Conference was that the Bill, substantially as it stands, should be accepted both here and in England.

It is important that this should be borne in mind. It is quite possible that a series of resolutions might be carried where the Bill, submitted as a whole for acceptance or recognition, would not. It is also possible that such resolutions, though falling far short of an adoption of the Bill as it stands, might be regarded by the Home Government as of equivalent effect. The draft Bill is already in the hands of the Home Government; and, if some of the colonies should directly recommend it as the basis of legislation, whilst we, evading so clear an issue, passed resolutions that might be construed as of similar effect, we should be practically committed to an assent to the scheme.

Mr. Stuart defended the Bill as one that left the independence of each colony untouched. He points out that when passed in England it would not come into force in any colony without the consent of the local Legislature; but he made no reference to what is, at this preliminary stage, one of the most important aspects of the question. Should the Colonial Parliaments accept this Bill as the basis of legislation, and should the Imperial Parliament legislate upon this basis, what will be the result? A Constitution will be set up for the Federal Council that is to be the possible and the only possible Supreme Legislature for Australasia, which will either make it a source of mischief or an object of contempt. Let the Imperial Parliament legislate upon this basis, and the constitution and character of any future Federal Council will be settled. The colonies, on calm consideration, may conclude that it is wise not to call such a body into existence; but it will be very certain that they will then be unable to create anything better; and, should they desire anything better, their only resource will be to go to the Imperial Parliament again with a prayer that it will undo the work so badly done at their request, and make a fresh start. The Conference, as Mr. Stuart explains, deliberately and elaborately laid a formal basis for Imperial legislation in this

matter. As that basis was forwarded by the Conference to the Imperial Government, it is for our Parliament to accept it or repudiate it—to take it with all its faults, or reject it because its faults are essential and incurable. The action of the Conference leaves no other course open with safety.

[Extract from *Daily Telegraph*, 26th March, 1884.]

SIR JOHN ROBERTSON ON FEDERATION.

In the Assembly last night Sir John Robertson took advantage of Mr. Heydon's motion *re* the Federal Council Bill to make a speech which may be described as an exaggerated expression of the anti-Federation sentiment of the colony. Sir John's views on this subject are in no sense and in no degree determined or coloured by the accident of his leading the Opposition to a Government which rashly committed itself, not only to the principle of Federation, but also to a scheme for its realization. We have little doubt that, if a popular vote could be taken, it would be found that the Ministry are either ahead or behind the vast majority of the people in regard to this question. The Federationists, with natural vanity, believe they are ahead of the anti-Federationists. They have a blind sort of faith in an inevitable union of these colonies. How or when or why federation should take place they cannot exactly say, but they evidently find much consolation in circulating sonorous generalities about what Sir Henry Parkes, with befitting magnificence of language, has called the British States of Australasia. They are the advanced dreamers of the southern world. They are the large souls who are ever seeking to expand the sentiment of patriotism. They have the prophetic instinct which anticipates the future. But the people who possess uncommon sense are not always ahead of the people who possess only common sense. Sir John Robertson exhausted his uncommon sense over his land law, and brings nothing more than common sense to the criticism of the recent Federation movement. To his clear and practical mind the hollowness of the whole business cannot be disguised. He has always resisted, with characteristic vigour, the blandishments which thinly cover the intended encroachments of Victoria. There is always war in his eyes when he looks across the Murray. He ridicules the comparative poverty of the sister colony, and pricks the pride of her public men. He sees bumptious pretenders to pre-eminence strutting about in a cabbage-garden or a vineyard, and he cannot withstand the temptation to "poke fun" at them. He believes that Victoria blundered when she separated from New South Wales, and he is just as sure that New South Wales would blunder if she were to federate with Victoria. Few persons in this colony would follow the veteran throughout his protestations and denunciations; perhaps there are not many who do not think that his anti-Victorian sentiment is in danger of becoming a bitter prejudice: but we believe that he has almost the whole population at his back when he declares that Messrs. Service and Berry want to smuggle Federation into our political system because they want to annex Riverina and control our tariff to suit their protected industries. New South Wales certainly does not want Federation. We have much to lose and little to gain by joining the proposed union. We are satisfied with the present adjustment of boundaries and our present measure of independence; and therefore, without indorsing Sir John Robertson's contempt for Victoria and Victorian public men, we can heartily wish him absolute success in his determination to defy and defeat Victorian diplomacy.

No. 2.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.

MY LORD,—

Government House, 3rd April, 1884.

In reference to my Despatch No. 52, of the 27th ultimo, on the question of Mr. Heydon's motion in relation to the Federal Council Bill, I have the honour to enclose to your Lordship the resolution as presented to me by the Speaker of the Legislative Assembly.

I have, &c.,

AUGUSTUS LOFTUS.

Enclosure.

(1.) THAT the proceedings of the delegates at the late Intercolonial Conference, including the Federal Council Bill prepared and sent by them to the Secretary of State for the Colonies for enactment in the British Parliament, have not yet been submitted to this House for its consideration, and it is stated in the London telegrams that the British Cabinet is about dealing with the said Bill: This House resolves that in its opinion it is desirable, before the said Federal Council Bill, or any Bill based upon it, be passed into law by the British Parliament, that such Bill should be submitted to the Parliament of this colony.

(2.) That the above resolution be communicated by address to His Excellency the Governor, with the request that he will transmit the same to the Right Honourable the Secretary of State for the Colonies.

No. 3.

The SECRETARY of STATE for the COLONIES to His Excellency the GOVERNOR.

MY LORD,—

Downing Street, 9th May, 1884.

Her Majesty's Government have not lost sight of the resolutions adopted by the Convention of representatives of the Australasian Colonies at Sydney in December last, and have considered the provisions of the draft Bill for constituting a Federal Council which the representatives pledged themselves to submit to the Legislatures of their respective colonies. I had been led to believe that addresses in favour of this Bill would be adopted by the Colonial Legislatures in time to enable Her Majesty's Government to introduce the measure during the present session of Parliament with a good prospect of its being passed; but the necessary action does not appear to have been yet taken in any colony. As, therefore, the probability of legislation during this year is

diminishing, it appears desirable to consider the position of Her Majesty's Government and of the Colonial Governments in regard to the proposals of the Convention.

Col. Sec.—A.L., 16/6/84.

I have, &c.

DERBY.

No. 5.

The COLONIAL SECRETARY to the AGENT-GENERAL.

(Telegram.)

Sydney, 2nd August, 1884.

WE consider Gladstone's proposed submission Federation Enabling Bill premature, until our Legislature considers Convention's resolutions, which it cannot do until present land legislation is disposed of. Federation without New South Wales not truly Australian, and this colony claims fullest freedom in deciding whether to sanction or decline Convention's proposals.

No. 6.

The COLONIAL SECRETARY, New South Wales, to the PREMIER, Victoria.

(Telegram.)

Sydney, 8th August, 1884.

I CONSIDER that undue haste has been used in London to procure the Enabling Bill, and thus I deemed it necessary yesterday to send to our Agent-General the following telegram: "We consider Gladstone's proposed submission Federation Enabling Bill premature until our Legislature considers Convention's resolutions, which it cannot do until present land legislation is disposed of. Federation without New South Wales not truly Australian, and this colony claims the fullest freedom in deciding whether to sanction or decline the Convention's proposals." I have from the first told you that we could not imperil our most important question of land legislation by risking the discussion of the Federal Council Bill. However inconvenient delay in your opinion may be, I do not think your object would be gained by acting without New South Wales. The Land Bill passed the third reading this morning, sixty-five to thirty. I hope its final settlement may not be much delayed, after which we will give Parliament the opportunity of discussing the Convention's resolutions.

No. 7.

The PREMIER, Victoria, to the COLONIAL SECRETARY, New South Wales.

(Telegram.)

Melbourne, 9th August, 1884.

I HAVE received your telegram, and fail entirely to see what object was to be gained by it. The passing of an Enabling Act could not in the slightest degree affect the fullest freedom of the New South Wales Legislature in deciding whether to sanction or decline the Convention's proposals. The Bill would neither compel New South Wales to come in nor to stand out. Your statement that Federation without New South Wales would not be truly Australian seems to imply that a Federal Council cannot or should not be formed unless New South Wales agree; but the Bill which was passed by the Convention, and to which we all assented, clearly contemplates the possibility that unanimity might not result, and expressly sets forth that the Council may be established if four of the colonies agree. No one desires unanimity more than I do, and I would yield almost anything—everything, in fact, but Federation itself—to see New South Wales going heartily with the rest of the colonies. The action which you characterize as undue haste was intended solely to prevent undue delay arising from political complications at Home, and was not intended in the slightest degree to show disrespect to New South Wales or an appearance of indifference about her co-operation.

No. 8.

The AGENT-GENERAL to the COLONIAL SECRETARY.

(Telegram.)

London, 11th August, 1884.

DELIVERED message to Secretary of State. No Enabling Federation Bill will be introduced this session.

No. 9.

The AGENT-GENERAL to the COLONIAL SECRETARY.

SIR,—

5, Westminster Chambers, Westminster, S.W., 29th August, 1884.

I beg leave to forward for your further information a copy of a letter received by me from the Colonial Office, and a copy of my reply thereto, on the subject of the consideration by the New South Wales Legislature of the question of Federation.

I may point out that the telegram referred to in Mr. Meade's letter was a copy of yours of the 7th instant commencing, "We consider Gladstone's proposed," &c., and that the newspapers containing the Prime Minister's replies, referred to in Mr. Meade's letter, to Mr. McCarthy and Sir Stafford Northcote, were sent to you by the mail of the 15th instant.

I have, &c.,

SAUL SAMUEL.

Enclosures.

Mr. R. H. MEADE to the AGENT-GENERAL.

SIR,—

Colonial Office, Downing Street, 15th August, 1884.

I am directed by the Earl of Derby to acknowledge the receipt of your letter of the 11th instant, enclosing a telegram from the Government of New South Wales respecting the proposed Imperial Bill to enable the Australian Colonies to confederate for certain purposes.

You may have since observed that on the 12th instant Mr. Gladstone stated in the House of Commons, in reply to Mr. McCarthy, that Her Majesty's Government have decided not to introduce such a measure this session, and in reply to Sir S. Northcote, that, in the view of Her Majesty's Government at present, the consideration of any other subject but the Franchise Bill would be out of place in the autumn session.

Lord Derby would be glad to learn when it is anticipated that the Legislature of New South Wales will proceed to consider the resolution of the Intercolonial Convention.

I have, &c.,

R. H. MEADE.

The AGENT-GENERAL to the UNDER-SECRETARY of STATE for the COLONIES.

SIR,—

22nd August, 1884.

I have the honour to acknowledge the receipt of Mr. Meade's letter of the 15th instant, and to state that I am daily expecting to hear that the resolutions of the Intercolonial Convention have been considered by the New South Wales Legislature. Immediately I hear the result I will communicate it for the information of the Earl of Derby.

I have, &c.,

SAUL SAMUEL.

No. 10.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.

MY LORD,—

Government House, Sydney, 6th November, 1884.

I have the honour to enclose to your Lordship copy of a letter which I have received from the President of the Legislative Council, transmitting to me, for presentation through your Lordship to Her Majesty the Queen, an address of the Legislative Council in reference to the subject of Federation.

2. I also annex copy of the reply which I have addressed to Sir John Hay.

I have, &c.,

AUGUSTUS LOFTUS.

Enclosures.

The PRESIDENT of the LEGISLATIVE COUNCIL to His Excellency the GOVERNOR.

Legislative Council Offices, Sydney, 31st October, 1884.

MAY IT PLEASE YOUR EXCELLENCY,—

In accordance with the seventy-third section of the Standing Orders of the Legislative Council, I have the honour to transmit herewith an address, adopted on the motion of Mr. Dalley, communicating to your Excellency certain resolutions in reference to Federation, &c.

I have, &c.,

JOHN HAY,

President.

THAT this House, having under consideration the following resolutions adopted at the Australasian Convention held in Sydney in November and December, 1883—namely, (1) That, having regard to the geographical position of the island of New Guinea, the rapid extension of British trade and enterprise in Torres Straits, the certainty that the island will shortly be the resort of many adventurous subjects of Great Britain and other nations, and the absence or inadequacy of any existing laws for regulating their relations with the native tribes, this Convention, while fully recognizing that the responsibility of extending the boundaries of the Empire belongs to the Imperial Government, is emphatically of opinion that such steps should be immediately taken as will most conveniently and effectively secure the incorporation with the British Empire of so much of New Guinea and the small islands adjacent thereto as is not claimed by the Government of the Netherlands; (2) that the Governments represented at this Convention undertake to submit and recommend to their respective Legislatures measures of permanent appropriation for defraying in proportion to population such share of the cost incurred in giving effect to the foregoing resolutions as Her Majesty's Government, having regard to the relative importance of Imperial and Australasian interests, may deem fair and reasonable; (3) that the Convention protests in the strongest manner against the declared intention of the Government of France to transport large numbers of relapsed criminals to the French possessions in the Pacific, and urges upon Her Majesty's Government to use every means in its power to prevent the adoption of a course so disastrous to the interests of Australasia and the Pacific islands; (4) that the Convention expresses a confident hope that no penal settlement for the reception of European criminals will long continue to exist in the Pacific, and invites Her Majesty's Government to make to the Government of France such serious representations on this subject as may be deemed expedient—records its approval of the said resolutions.

2. That this House, recognizing that the time has not yet arrived at which a complete Federal Union of the Australasian Colonies can be attained, but considering that there are many matters of general interest with respect to which united action would be advantageous, recommends the adoption in substance of the accompanying draft Bill for the constitution of a Federal Council, as defining the matters upon which such united action is both desirable and practicable, and as embodying substantially the provisions best adapted to secure that object.

3. That a humble address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to cause a measure to be submitted to the Imperial Parliament for the purpose of

constituting a Federal Council of Australasia upon the basis of the draft Bill adopted by the Convention held in Sydney in the months of November and December, 1883.

4. That an address be presented to His Excellency the Governor, communicating the foregoing resolutions, accompanied by a copy of the draft Bill therein referred to.

His Excellency the GOVERNOR to the PRESIDENT of the LEGISLATIVE COUNCIL.

HONOURABLE SIR,—

Government House, Sydney, 3rd November, 1884.

I have the honour to acknowledge the receipt of your letter of the 31st ultimo, transmitting an address adopted by the Legislative Council, on the motion of the Hon. Mr. Dalley, communicating certain resolutions in reference to Federation, the incorporation of New Guinea with the British Empire, the transport of relapsed criminals to the French possessions, and to the confident hope that no penal settlement for the reception of European criminals will long continue to exist in the Pacific seas. In the address, your honourable House further recommends the adoption in substance of the draft Bill submitted to it by the Sydney Convention for the constitution of a Federal Council for Australasia; also, that a humble address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to cause a measure to be submitted to the Imperial Parliament for the purpose of constituting a Federal Council of Australasia upon the basis of the draft Bill adopted by the Convention held in Sydney in the months of November and December, 1883.

I shall take the earliest opportunity of submitting to Her Majesty's Government, through Her Majesty's Secretary of State for the Colonies, the resolutions of the Legislative Council.

I have, &c.,

AUGUSTUS LOFTUS.

No. 15.

The SECRETARY of STATE for the COLONIES to His Excellency the GOVERNOR.

MY LORD,—

Downing Street, 3rd January, 1885.

I have the honour to acknowledge the receipt of your Despatch No. 218, of the 6th November last, enclosing an address to the Queen from the Legislative Council of New South Wales, referring to the resolution passed by the Council praying that Her Majesty may be graciously pleased to cause a measure to be submitted to the Imperial Parliament for the purpose of constituting a Federal Council of Australasia upon the basis of the draft Bill adopted by the Convention held in Sydney in the months of November and December, 1883.

I request that you will inform the President and Members of the Legislative Council that their address has been laid before the Queen, who was pleased to receive it very graciously.

I have, &c.,

DERBY.

No. 17.

The COLONIAL SECRETARY, New South Wales, to the PREMIER, Victoria.

(Telegram.)

Sydney, 11th March, 1885.

In the great demand upon the time and attention of Ministers here made by recent events, the consideration of the question of the submission of our views concerning the amended Enabling Bill by the Imperial Government has been necessarily delayed.

As I perceive you propose at once transmitting through South Australia the views of all the colonies, I hasten to inform you of our position on this question. As you are aware, we are embarrassed in submitting any distinct proposals by the circumstance that our Parliament has declined to sanction the course of procedure resolved upon by the Convention.

In order to enable us to speak authoritatively a definite expression of parliamentary opinion should be obtained; and in the absence of this my colleagues feel unable to suggest anything concerning the measure.

No. 18.

The COLONIAL SECRETARY, New South Wales, to the COLONIAL SECRETARY, Queensland.

(Telegram.)

Sydney, 11th March, 1885.

THE following telegram has been sent to the Hon. James Service: "In the great demand upon the time and attention of Ministers here made by recent events, the consideration of the question of the submission of our views concerning the amended Enabling Bill by the Imperial Government has been necessarily delayed. As I perceive you propose at once transmitting through South Australia the views of all the colonies, I hasten to inform you of our position on this question. As you are aware, we are embarrassed in submitting any distinct proposals by the circumstance that our Parliament has declined to sanction the course of procedure resolved upon by the Convention. In order to enable us to speak authoritatively a definite expression of parliamentary opinion should be obtained; and in the absence of this my colleagues feel unable to suggest anything concerning the measure."

No. 19.

The COLONIAL SECRETARY, Queensland, to the COLONIAL SECRETARY, New South Wales.

SIR,—

Colonial Secretary's Office, Brisbane, 20th March, 1885.

I have the honour to forward to you the accompanying copies of a letter which I have addressed to His Excellency the Governor of Queensland on the subject of the proposed amendments in the draft Bill for the constitution of a Federal Council, as proposed by the Convention held at Sydney at the end of 1883.

I have, &c.,

S. W. GRIFFITH.

No. 20.

The AGENT-GENERAL to the COLONIAL SECRETARY.

(Telegram.)

London, 27th March, 1885.

FEDERAL BILL: Victoria pressing thirty-first clause be expunged, and urging that New South Wales, not having expressed any opinion, is indifferent whether it be retained.

No. 21.

The AGENT-GENERAL to the COLONIAL SECRETARY.

(Telegram.)

London, 30th March, 1885.

AGENTS-GENERAL, by request, met Lord Derby to-day to discuss amendments Enabling Bill. I stated I had no instructions, and could express no opinion. His Lordship stated he would introduce Bill, with thirty-first clause, after Easter holidays. . . .

No. 27.

MINUTE by the COLONIAL SECRETARY.

Imperial Federation and Earl Grey's suggested Board of Advice for the Colonies.

I HAVE carefully perused the article in the *Pall Mall Gazette* of the 9th January upon Earl Grey's suggestion for the formation of a Colonial Council or Board of Advice, whose duty it would be to advise the Secretary of State for the Colonies on all matters of colonial interest.

The suggestion ingeniously gets over some of the difficulties, and may be accepted as a valuable contribution to the difficult question of Imperial Federation; nevertheless, I am constrained to take a view adverse to it, as I do not think it would be found to work well for the colonies, whilst at times it might seriously embarrass the Imperial Government and hamper its responsible action.

Suppose a case of Australian interest, in which even tolerable unanimity amongst the Australian Agents-General were to prevail, their views might be overborne by the other members of the Board, who, however ably they might represent their own colonies, might be in no way specially fitted to judge of our requirements; or, take the case alluded to by Earl Grey—namely, the fisheries—notably those of Newfoundland—the Australian Agents-General would have no special fitness to decide what advice the Board should tender, and yet by their vote they might possibly add to the embarrassment of the situation. The Imperial Government might find it convenient to fortify a “do-nothing policy” under such a vote; but how could the suffering colony obtain redress, or make its discontent officially known?

Unpleasant though it may be for a colony to have its wishes—involving, perhaps, its dearest interests—set aside or ignored, a refusal by a responsible Minister of the Crown, after full argument heard, would be much more palatable and less offensive than an adverse vote of an irresponsible Board at which its own Agent's voice may have been overruled. Colonial statesmen generally would consider it as a great departure from the principle of individual autonomy of the colonies were their interests on such vital questions as required the concurrence of the Imperial Government to be subject to the approval or disapproval of an irresponsible body, but yet carrying certain weight from its official position: the less their autonomy is interfered with the better. In all internal matters each colony is best able to judge for itself; it is only on matters which infringe upon Imperial interests that it is necessary to go beyond itself: and it would be better that such form the subject of direct negotiation with the Imperial Government than that resort should be had to any intermediate body for a solution of the difficulty.

Imperial Federation, to whatever proportion it may ultimately attain, must necessarily be of slow or gradual growth; and, with momentous issues depending upon its soundness, it is well that no hasty action of a defined character be adopted, which may turn out to be unsuited to the end in view. That which is immediately required, and which may serve until further discussion shall have paved the way for some more elaborate system, is that there shall be a distinct recognition on the part of the Imperial Government, as a constitutional principle, that, before definite action be taken on any colonial subject, the colony or colonies interested be consulted; and for that purpose the direct channel of the Agent-General should be recognized, and he should be entitled to ask for and to receive all information and papers which the Secretary of State for the Colonies or his department could furnish.

Hitherto the only officially-recognized channel of communication has been the Governor of the colony, who, by minute of the Chief Minister, is requested to convey the views of the colonial Government. Recently there has been growing up a sort of tacit acquiescence in the position of Agent-General, which should be extended to a full official recognition. The Agent-General, although not a Minister, is directly responsible to the colonial Ministry, and can be removed; or, where, as in New Zealand, he holds his position for a fixed period, it would probably be found expedient to make him removable if he fail adequately to represent their views. If, in the course of negotiation with the Secretary of State, any doubt or difficulty, or any new aspect of the question, arise, he can within twenty-four hours be in possession by telegraph of the views of the Colonial Ministry thereon. No channel of communication could therefore probably be devised to bring more promptly the two Governments—Imperial and colonial—*en rapport* with each other's views. The Colonial Ministry, acting under a sense of responsibility to the Colonial Parliament, would have its views tempered thereby, and modified also by those of the Imperial Government, as communicated through the Agent-General; while the Imperial Government, having the actual mind of the colony before it, and acting under its responsibility to the Imperial Parliament, would be in a position to decide

fairly and promptly upon the question; and in the spirit of mutual trust and forbearance thereby engendered would be the truest and most lasting Federation of the whole Empire—a Federation which neither colonial representation in the House of Commons nor colonial additions to the peerage in the House of Lords could ever effect.

It may be objected that this would ignore, and consequently would lower the position of, the Governor. Not so: the Governor is not only the representative of Her Majesty in the colony, but is the confidential agent and adviser of the Imperial Government; and the Secretary of State for the Colonies has a right, and ought, to receive his views before making his final decision. It should therefore be the recognized duty of the colonial Government to furnish the Governor with copies of all such instructions given to the Agent-General, so that he may either at the time forward his views thereon to the Secretary of State, or be in a position to answer any questions which the Secretary of State may put to him.

I need not point out that, if the voice of a colony should thus be heard before action be taken on any matter of colonial interest, *a fortiori* the voice of many colonies acting in unison, as in the recent case of New Guinea, should have deep weight with the Imperial Government, and should not be lightly thrown aside or ignored. Had Queensland been the only colony to urge annexation it might have been argued that the somewhat impulsive action of Sir Thomas McIlwraith was stimulated by selfish interests—not personal, but colonial—which might have justified hesitation on the part of the Secretary of State for the Colonies; but the unanimously-expressed voice of all the other colonies in the Australasian group should have convinced him that it was no mere question of land aggrandisement which animated them, nor a reckless course in which the position of England's foreign relations was ignored. On the contrary, it was with a recognition derived from local experience and observation of the strategic importance of the command of Torres Straits, and with the knowledge that these waters were navigated by large and valuable fleets of English as well as colonial ships and steamers, and which it should be England's aim to keep free from the risk of hostile occupation, that Australasia saw that the step was necessary for the honour of England herself and for the protection of English as well as of colonial interests.

An important difference might have been observed with regard to the proposition, emanating from Victoria, that England should annex the New Hebrides group and all the unappropriated islands of the Western Pacific. No such unanimity was manifested; for there were those who recognized that England's honour required her to keep faith with France with regard to the former; while in the wholesale annexation of the latter it could not be shown that England had any special right over other nations: whilst in event of war it would be impossible to defend so many points, which would thus become sources of weakness instead of strength.

Too much has been made of the possible separation of the Australasian Colonies from the Mother-country. There is no such desire on the part of the Australian Colonies. On the contrary, not only are they thoroughly loyal, but they glory in their connection with the Old Country; and England may keep that loyalty and feeling alive as long as she likes by listening to and promptly granting all reasonable and unanimously-expressed wishes of the colonies, and can endanger and extinguish such feeling only by treating them with indifference and neglect. The colonies are not likely to insist on any demand which will militate against the honour and peace of the whole Empire: in its continuance and glory they rejoice, and, as forming a part of that unity, they feel that their own onward progress is more assured than it could be under a separate existence. Nor is it necessary for true Federation that there be a participation by the colonies in the general government of the Empire. The recent action of the colonies in offering assistance to England in her Egyptian difficulties has shown in an unmistakable manner that, while we have separate domestic interests, we have one common interest—the preservation of the unity and glory of the Empire; and in this feeling lies the foundation of the truest and most lasting Federation.

May, 1885.

ALEX. STUART.

Enclosure.

[Extract from *Pall Mall Gazette*, 9th January, 1885.]

A PRACTICAL SUGGESTION.

FOR some time past Imperial Federation has been in the air. Every one has been talking about it and writing about it for months. It is now about time that the general desire both at Home and in the colonies should assume a practical shape. Otherwise there is some danger that the movement may end in smoke.

It is therefore with considerable satisfaction that we publish this morning a proposal put forward by the Nestor of English Colonial Ministers for giving practical effect to the universal aspiration in favour of maintaining the unity of the Empire. Lord Grey, in the course of a conversation with our representative upon the enormous difficulties in the way of contriving any scheme for the federal government of the Empire, drew from his inexhaustible armoury of precedents an expedient which would enable us to take a long stride towards the realization of our ideal. Why not, Lord Grey asks, reconstitute the Committee of Privy Council for Trade and Plantations formerly attached to the Board of Trade, and attach it as a Colonial Council to the Colonial Office? In this scheme the usual objection to taking action—the impossibility of carrying any but absolutely indispensable Bills through the House of Commons—disappears. The Colonial Board of Advice, Council of the Colonies, or however it might be named, could be revived to-morrow by the Royal prerogative and attached to the Colonial Office—of course with purely advising or consultative functions. This might be regarded as a mere departmental matter of no great importance were it not for the method in which Lord Grey proposes to constitute his Colonial Council. Instead of creating a Board by collecting a heterogeneous number of notables depending for their position solely upon the will of the Crown, the Queen under this scheme would constitute the Council by appointing as

members of her Committee of Privy Council the official representatives of the colonies now in London. That is to say, the Council for the Colonies would consist primarily of the High Commissioner for Canada and the Agents-General for the Cape, South Australia, Victoria, New South Wales, Queensland, and New Zealand. To this Council the Crown might add nominated representatives of the Crown colonies; say, for instance—although Lord Grey does not make this suggestion—one for the West Indies, another for West Africa, and a third for the Eastern Settlements, from Mauritius to Hongkong. That, however, is a detail. The central principle of the proposal is that the Agents of the self-governing colonies should be officially associated with the Colonial Office in their corporate capacity as the representatives of the great and growing England beyond the sea. To some extent we may see how such a scheme would act by the example of the India Council; which, however, has no standing but that given it by the appointment of its members by the Crown, and which represents, not the India of to-day, but the India of yesterday. In both those respects it would differ from the proposed Colonial Council. The Agents-General represent the actualities of colonial life and policy. They have a position, and a great position, entirely independent of the Crown. Their authority, therefore, would be much greater than that of the India Council, and it is an authority that would grow.

Without pledging ourselves to all the details of the proposed scheme, it is obvious that it possesses enormous advantages over all other suggestions yet made public. (1.) In the first place, it could be adopted to-morrow if the Cabinet decided that it would be well to strengthen the Colonial Office by the presence of the accredited representatives of the colonies with which the Secretary of State has to do. (2.) Alone of all projected schemes it can be carried out without an Act of Parliament. (3.) It is a modest proposal, amounting to little more than the formal recognition of existing facts, and a regulation of the present position and functions of the Agents-General. (4.) It is entirely in harmony with the tendency of the time, which year by year has exalted the importance of the Agents-General, and made them more and more influential in the settlement of Imperial questions. (5.) It secures the representation of the colonies at the heart of the Empire by the representatives of the actual Colonial Governments. The High Commissioner for Canada, for instance, or the Agent-General for Victoria is not merely the representative of these great colonies, but he is the responsible delegate of the existing Administrations, which alone can speak in the name of Canada and Victoria. All our self-governing colonies are connected by cable with London, and there is therefore no danger that the members of the Council for the Colonies would lose touch with their respective Governments or fail to represent accurately the views of the political units which together make up Greater Britain. (6.) It would give the representatives of the colonies a *locus standi* in their dealings with the Colonial Office which they at present lack. Agents-General occasionally combine to lay regular siege to the Colonial Office, but they have no footing inside. They have no right to demand official information as to what is going on, say, in relation to the New Hebrides; and they have no more responsibility for the advice they may tender to the Colonial Secretary than if they were so many men in the street. (7.) By giving the representatives of each self-governing colony an official and influential position among the confidential Advisers of the Crown we should confer upon them a privilege far more important and much less exposed to abuse than if every colony were to be directly represented by a dozen members in the House of Commons. (8.) The idea, as we have made it our duty to ascertain, would probably be warmly approved by the colonies; and if it is not vigorously supported by the Agents-General it is because they naturally shrink from what might be misrepresented as a magnifying of their own office.

We might easily multiply the arguments in favour of Lord Grey's suggestion, but we content ourselves for the present with placing the proposal prominently before the public, in order to invite attention and to challenge discussion both at Home and in the colonies.

THE FIRST STEP TOWARDS FEDERATION: A SUGGESTION BY EARL GREY.

THE report of our representative's interview with Lord Grey which we published on Wednesday broke off somewhat abruptly with the declaration that he thought "it is unreasonable to expect that in their present advanced condition our more important colonies should be expected to submit to the Imperial authority unless they have some real influence in deciding upon the measures to be adopted by it." The conversation did not stop at that point. Our representative having remarked that in that case some sort of federation was essential to the maintenance of the unity of the Empire, Lord Grey replied: "The difficulty of devising any mode of enabling the colonies to exercise any real influence in the Imperial Government is very great, and I must confess myself quite unable to propose one which would be altogether satisfactory; but, in the absence of any better arrangement, I am still of opinion that a suggestion I threw out in an article I contributed to the *Nineteenth Century* of April, 1879, might be adopted with advantage. What I proposed was that we should revert to what was the practice up to the middle of the last century, of making large use of a Committee of the Privy Council in the management of colonial affairs. The Board of Trade, under the name of the Committee of Privy Council for Trade and Plantations, took an effective part with the Secretary of State in colonial administration. This practice has long fallen into disuse, and the amount of other business now assigned to the Board of Trade makes it undesirable that it should be revived; but I think advantage would be derived from giving the Colonial Secretary the assistance of another Committee appointed for that purpose, which might also be made the means of enabling the most important colonies to exercise the influence they ought to have in directing the policy of the Government in all matters affecting the common interests of the whole Empire. With this view the Queen might be advised to appoint to be members of her Privy Council such of the Agents of the principal colonies as might receive from the Legislatures they represent sufficient salaries to enable them to reside in this country and perform the duties assigned to them. To a Committee composed of these colonists, with such other members of the Privy Council as Her

Majesty might from time to time direct to be summoned to it, the Colonial Secretary might be empowered to refer such questions as he should think proper for their advice. The reports of this Committee would, of course, have no legal authority till confirmed by the Queen on the advice of her Ministers, whose responsibility for all the acts of the Government would thus remain unaltered. But the Colonial Agents representing the several Legislatures would exercise a powerful influence in guiding the policy of the Government. Questions arise which more immediately affect the colonies, but on which peace or war for the Empire may eventually turn—such as those relating to the maintenance of British rights of fishery. These would naturally be referred to such a Committee; and if a quarrel with some foreign State should arise from the course taken by our Government, it would have far more hearty support from the colonies if they had, through their representatives, been consulted on the steps that had led to it. There are very many other matters on which the wishes and opinions of the colonies ought to have weight in deciding on the measures of the Government, and on all these the proposed Committee would enable them to make themselves heard. The Imperial Government would not rightly resist what might be found from the proceedings of the Committee to be the general wish of the colonies; and, on the other hand, it would derive from it valuable support in resisting unreasonable wishes sometimes put forward by the colonies. That unreasonable wishes and demands are sometimes urged by the colonies is very clear. Nothing, for instance, can, I think, be more unreasonable than the demand which seems now to be made by the Australian Colonies, that England should set up a claim to dominion over the whole Pacific, with a right to exclude all other nations from islands which neither she nor her colonists are able to occupy and administer. If this demand were gravely put forward in the Colonial Committee which I have suggested, the Secretary of State would almost certainly find himself supported in opposing so preposterous a demand by representatives of all the colonies not immediately concerned. At the same time the claim of the Cape colonists that no foreign Power should be allowed to occupy Zululand would probably be supported by the whole Committee. In short, the English at Home would be able to secure support for their opposition to manifestly unreasonable colonial propositions among the reasonable colonial representatives; but when the English beyond the sea were unanimous in opposing Home policy, there would be a free presumption that we were in the wrong. Such at least," said Lord Grey, "seems to me to be a reasonable and a practical suggestion, which only needs to be worked with prudence and common sense in order to arrest the tendencies working in favour of disintegration and to operate directly in favour of the restoration and the maintenance of the unity of the Empire."

No. 29.

The COLONIAL SECRETARY to the AGENT-GENERAL.

(Telegram.)

Sydney, 14th July, 1885.

FEDERAL Council Bill distasteful to this colony in present shape. If following amendments be made, there is more chance of this colony coming in. I cannot guarantee its joining even then, but it is worth the chance, for without this colony and New Zealand the whole thing will be a *fiasco*. In fifth clause, line thirteen, after word "each," insert, "or such enlarged number, but in same proportion, as the Council may from time to time determine;" clause fifteen, subsection (i), line eight, after word "desirable," insert "by the Legislatures of all the colonies;" clause sixteen, omit in line twenty "relating to those colonies or their relations with one another," and insert "which such Legislatures are empowered to refer under clause fifteen;" clause nine, line fifteen, after word "interest," insert "which have been referred to it by the Legislatures of all the colonies." Clause thirty-one must be retained; we prefer it to that suggested in Dillon Bell's letter 2nd June. Remember our Parliament alone can give its assent; my present object is to make a possible opening for that assent. See Secretary for Colonies at once; represent strongly these views, and that without them I do not think this colony will join; explain that to-morrow official telegram will reach him to this effect through Governor.

No. 30.

The COLONIAL SECRETARY to the AGENT-GENERAL.

(Telegram.)

Sydney, 14th July, 1885.

READ my telegram with following alterations: Omit fourth word. Substitute for "the whole thing will be a *fiasco*," the words "it cannot be truly a Federal Council of Australasia." Omit from suggested amendment of fifth clause the words "but in same proportion." Make proposed insertion in subsection (i) govern the whole clause, by substituting for the words "two or more," in second line, the words "all the;" which involves alteration of sixteenth clause, first line, by omitting "any two or more."

No. 31.

The AGENT-GENERAL to the COLONIAL SECRETARY.

(Telegram.)

London, 15th July, 1885.

FEDERAL Bill: Have seen Secretary of State. Will consider your proposed amendments. Bill has been postponed until Monday.

No. 32.

The COLONIAL SECRETARY to His Excellency the GOVERNOR.

MY DEAR LORD AUGUSTUS,—

Colonial Secretary's Office, Sydney, 15th July, 1885.

Observing that the present Imperial Government intend to proceed with the Federal Council Bill, this Cabinet has had under its consideration whether it should take any, and what, steps

with respect thereto. We have decided to inform the Agent-General that in our opinion the Bill in its present shape will not be adopted by this colony, but that, if certain alterations are made, there might be a better chance of its becoming acceptable—although that question can only be decided by Parliament, which is not now in session—and that without New South Wales and New Zealand it cannot be truly an Australasian Federal Council.

The details of those alterations appear in the accompanying copy of the telegram sent to the Agent-General last night. The effect of them is that the concurrence of the Legislatures of all the colonies is necessary instead of two or more, as appears in the Bill, and that the 31st clause be retained as a safeguard for any colony whose views may be overruled by the Council.

I will be obliged if your Excellency will send a telegram to the Secretary of State stating that your Government suggests certain alterations in the Bill with the hope that it may make the way easier for obtaining this colony's concurrence. The details have been sent to the Agent-General.

I have, &c.,

ALEX. STUART.

No. 33.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.

(Telegram.)

Sydney, 16th July, 1885.

My Government suggests, through Agent-General, certain alterations in the Federal Council Bill, in hope that it may facilitate the concurrence of this colony. Question here can only be decided by Parliament. Bill in present shape will not be adopted by this colony.

No. 34.

The COLONIAL SECRETARY, New South Wales, to the PREMIER, Victoria.

(Telegram.)

Sydney, 16th July, 1885.

TELEGRAPHED to Samuel yesterday my opinion that Federal Council Bill will not be accepted by this colony if thirty-first clause be left out; also if subsection (i) of clause fifteen is governed by two Legislatures instead of all. I cannot say that this colony will accept it even then, but I would be willing again to submit it to Parliament for consideration; but in present form, and without clause thirty-one, such submission would be useless; and without New South Wales and New Zealand the Council, whatever it would be, would not be truly Federal Council of Australasia. I have just received a telegram from Agent-General that consideration of Bill in Committee has been postponed until Monday.

No. 35.

The COLONIAL SECRETARY to the AGENT-GENERAL.

(Telegram.)

Sydney, 16th July, 1885.

FEDERAL Council Bill distasteful to this colony in present shape. If following amendments be made there is more chance of this colony coming in. I cannot guarantee its joining even then; but it is worth the chance, for without this colony and New Zealand it cannot be truly a Federal Council of Australasia. In fifth clause, line thirteen, after word "each," insert "or such enlarged number as the Council may from time to time determine." Clause fifteen, subsection (i), line two, omit "any two or more," and insert "the." Clause sixteen, line one, omit the words "any two or more of;" also, in line twenty, omit "relating to those colonies or their relations with one another," and insert "which such Legislatures are empowered to refer under clause fifteen." Clause twenty-nine, line fifteen, after word "interest," insert "which have been referred to it by the Legislatures of all the colonies." Clause thirty-one must be retained; we prefer it to that suggested in Dillon Bell's letter 2nd June. Remember our Parliament alone can give its assent; my present object is to make a possible opening for that assent. See Secretary for Colonies at once; represent strongly these views, and that without them I do not think this colony will join; explain that to-morrow official telegram will reach him to this effect through Governor.

No. 36.

The AGENT-GENERAL to the COLONIAL SECRETARY.

(Telegram.)

London, 16th July, 1885.

FEDERAL Bill: Do you intend amendment clause five apply to all the colonies, or only the Crown colonies?

No. 37.

The COLONIAL SECRETARY to the AGENT-GENERAL.

(Telegram.)

Sydney, 17th July, 1885.

To Constitutional colonies chiefly, the anomaly being great that Fiji and New Guinea when made Crown colony should together have equal voting-power with this colony. It is also considered that total members of Council too few to decide important questions referred.

No. 38.

The PREMIER, Victoria, to the COLONIAL SECRETARY, New South Wales.

(Telegram.)

Melbourne, 17th July, 1885.

YESTERDAY morning I received telegram from Agent-General as follows: "Sydney telegraphs Samuel urging postponing Bill, proposing large alteration, yet not consenting federate. Suggest

wiring protest against delay. Advised Commons cannot proceed Committee until Monday.—MURRAY SMITH." I subsequently received yours. The thirty-first clause was not, of course, in the Bill agreed on at Convention; but the colonies now acting in concert agreed long ago that, though the majority were opposed to that clause, they would not object to it as originally introduced—that is, giving a withdrawing-power—if it would tend to secure co-operation of New South Wales or New Zealand. The subsequent addition, giving local Parliaments power to abrogate, was unanimously rejected, and was abandoned by Lord Derby. If, therefore, you are willing to submit the measure to your Parliament with the thirty-first clause in its original form, I think I would be justified in wiring to Agent-General to abandon the opposition to it. I cannot, however, understand your allusion to subsection (*i*): there is no such subsection. I fancy you mean (*h*), as you speak of two Legislatures; but then I cannot understand how that should be objected to, as under it no colony can be coerced against its will, and I think this subsection was highly approved by all of us at the Convention.

No. 40.

The COLONIAL SECRETARY, New South Wales, to the CHIEF SECRETARY, South Australia.

(Telegram.)

Sydney, 18th July, 1885.

THE full message regarding Federal Council Bill was sent by me to the Premier of Victoria last evening: "Murray Smith's information not quite correct, for I did not suggest any delay, but, seeing that the Bill was to have been in Committee to-night, and that the Government was said to be inclined to accede to the omission of the 31st clause, and believing that that omission would prevent this colony joining, even if other objections were overcome, I deemed it right to let our Agent-General know my views, and instruct him to place them before the Minister in charge of the Bill. My references were to what I believed to be the latest edition of the Bill, in which there is a subsection (*i*) to clause 15, subsection (*h*) being a new one, giving the Queen power by Order in Council to refer at request to Legislatures, thus making the original (*h*) into (*i*). Strong objection has been made here to reference of important matters by two colonies only; for, although only the two colonies would be bound thereby, yet the decision would have gone forth as the pronouncement of the Federal Council, and thus we would have one portion of the colonies ruled by Council law, while others were outside of it, and might find themselves almost forced to adopt it against their better judgment. I have sent you by post the full text of my telegram. The alteration in fifth clause was suggested to enable the Council to recognize the strongly-expressed opinion that the body was too small, and enable it to rectify that objection. I think the 31st clause paradoxical, though it may appear to be a guarantee for continuance, inasmuch as it will tend to keep the Council from proceeding to legislation which may be repugnant to the strongly-expressed opinion of any particular colony. In order that there may be no misunderstanding as to what the 31st clause is, to which my telegram referred, I quote it as follows, being taken from the most recent copy of the Bill received from Lord Derby: '31. This Act shall cease to be in operation in respect to any colony the Legislature of which shall have passed an Act or Ordinance declaring that the same shall cease to be in force therein; provided, nevertheless, that all Acts of the Council passed while this Act was in operation in such colony shall continue to be in force therein, unless altered or repealed by the Council, or unless repealed as to such colony by the Legislature thereof.'"

[Similar telegram was sent on same date to the Colonial Secretary of New Zealand, the Premier of Tasmania, and the Colonial Secretary of Queensland.]

No. 41.

The PREMIER, Victoria, to the COLONIAL SECRETARY, New South Wales.

(Telegram.)

Melbourne, 18th July, 1885.

YOUR recent telegrams raise some points which there is absolutely no time to discuss without risk of losing Bill. If we had known your mind sooner, we might all have agreed on some important amendments; meantime, with a view to remove what appears to be your greatest obstacle, I shall, with the concurrence of the other colonies, arrange to withdraw the opposition to clause 31 as originally introduced. First session Federal Council will probably be occupied by passing measures on which all colonies are already agreed—such, for example, as affect absconding debtors, &c.—and, when once Council is at work, desirable amendment in Constitution can be easily made, and would pass Imperial Parliament without delay when we spoke unitedly. Let us make a start without being too critical; our common interests cannot be antagonistic.

No. 42.

The COLONIAL SECRETARY, New South Wales, to the PREMIER, Victoria.

(Telegram.)

Sydney, 20th July, 1885.

ALTERATION suggested in subsection (*i*) is almost more important as regards prospect of securing this colony's co-operation than the thirty-first clause, which you say you are willing should remain as first introduced. Observe, however, that I refer to that clause as now in the Bill. I sent you a copy in former telegram, that there might be no misunderstanding. Why do you go back upon the former, which is very different in effect? I regret the late period of my amendments, but circumstances prevented their being put forward earlier, and I did not wish my silence to appear to be consenting to the passing by the new Government of a Bill which I felt would not be accepted here, without making an effort to have some of its objectionable features removed.

No. 43.

The COLONIAL SECRETARY, Queensland, to the COLONIAL SECRETARY, New South Wales.
(Telegram.) Brisbane, 20th July, 1885.

I HOPE you will see your way to withdraw your opposition to subsection (i) of clause fifteen. It may easily happen that many matters of common concern (say) to two neighbouring colonies, or to all the continental colonies, or to one colony and another separated by sea, will arise, over which the limited territorial jurisdiction of the separate colonies prevent them from effectually legislating, but as to which there could be no difference of opinion. If you remember, at the Convention this territorial limitation of authority was one of the main grounds for inserting the general provision of subsection (i). To insist on previous unanimity would certainly weaken the usefulness of the Council very much. As to section thirty-one, this colony has already expressed its willingness to withdraw opposition if it would have the effect of inducing New South Wales to join the Council.

No. 44.

The COLONIAL SECRETARY, New South Wales, to the COLONIAL SECRETARY, Queensland.
(Telegram.) Sydney, 20th July, 1885.

THE feeling in this colony very strong against Federal Council dealing with subjects other than those specified, except when referred by all the colonies; for, although their decision would only be law in the colonies referred to, yet, as it would go forth as Federal Council law, it would carry a prestige which sooner or later would override the opinion of non-consulting colonies. The evils you conjure up would be slight in comparison with the non-acceptance of the Council by this colony; and so strong is the feeling here that I would not ask Parliament's assent to the Bill as it now stands.

No. 45.

The COLONIAL SECRETARY to the AGENT-GENERAL.

(Telegram.) Sydney, 20th July, 1885.

SERVICE wires will consent thirty-first clause as first introduced: but I wish that clause as it now stands; also the other amendments I suggested; for without these, especially subsection (i), this colony will not accept the Bill.

No. 46.

The COLONIAL SECRETARY, New South Wales, to the PREMIER, Victoria.

(Telegram.) Sydney, 20th July, 1885.

I HAVE wired Samuel to-day as follows: "Service wires will consent thirty-first clause as first introduced: but I wish that clause as it now stands; also the other amendments I suggested; for without these, especially subsection (i), this colony will not accept the Bill."

No. 47.

The AGENT-GENERAL to the COLONIAL SECRETARY.

(Telegram.) London, 20th July, 1885.

FEDERAL Bill postponed until Thursday. Secretary of State has asked Agents-General to meet him to-morrow. I will enforce your views. Have delivered your last message.

No. 48.

The AGENT-GENERAL to the COLONIAL SECRETARY.

(Telegram.) London, 21st July, 1885.

INTERVIEW with Secretary of State. Advocated your views. General result probably as follows: Bill will be passed in present shape, except that your amendment in section five will be inserted, and proviso at end clause thirty-one omitted.

No. 49.

The COLONIAL SECRETARY to the AGENT-GENERAL.

(Telegram.) Sydney, 22nd July, 1885.

INFORM Secretary State that passing Bill in condition you describe shuts out New South Wales. We care comparatively little about fifth clause, but amendment in subsection (i) is indispensable. We prefer clause thirty-one with power to local Legislature to repeal, but would yield this if amendment in subsection (i) is made.

No. 50.

The COLONIAL SECRETARY to the AGENT-GENERAL.

(Telegram.) Sydney, 3rd August, 1885.

WITHOUT alteration suggested in clause fifteen, no chance of our joining.

No. 51.

The AGENT-GENERAL to the COLONIAL SECRETARY.

(Telegram.) London, 5th August, 1885.

FEDERAL Bill passed Committee this morning. Twenty-ninth clause, formerly thirty-one, retained, except last proviso omitted. Very thin House, and scarcely any discussion. I delivered your message Colonel Stanley yesterday.

No. 52.

The COLONIAL SECRETARY to the AGENT-GENERAL.

(Telegram.)

Sydney, 6th August, 1885.

MUCH regret Federal Bill passed as described, which precludes New South Wales joining. Bill therefore now misnomer. It should be Federal Council part of Australasia.

No. 5.

The PREMIER, New Zealand, to the PREMIER, New South Wales.

SIR,—

Premier's Office, Wellington, 1st September, 1885.

I have the honour to acknowledge the receipt of your letter of the 21st ultimo, and to thank you for the copy of the correspondence that has recently passed between the Premier of Victoria and yourself on the subject of the Federal Council of Australasia.

The Hon. the Premier of New South Wales, Sydney.

I have, &c.,

ROBERT STOUT.

No. 6.

The PREMIER, New Zealand, to the PREMIER, Victoria.

OUR House of Representatives passed following resolution to-day: "That in the opinion of this House it is inadvisable during the present session, and pending further consideration by the people of this colony of the important issues involved, to adopt legislation having for its object to join New Zealand in the Federal Council of Australasia."

8th September, 1885.

ROBERT STOUT.

[Same to Premier, New South Wales.]

No. 7.

The PREMIER, New Zealand, to the PREMIER, New South Wales.

SIR,—

Premier's Office, Wellington, 10th September, 1885.

I have the honour to acknowledge the receipt of your letter of the 27th ultimo, enclosing copy of correspondence that has taken place on the subject of the Federal Council of Australasia; for which I tender you my thanks.

I now enclose, for your information, copies of correspondence on the same subject and the New Guinea protectorate which were recently presented to our Parliament. I have the honour also to enclose copy of the report of the debate in the House of Representatives on the subject. You will observe that the Government accepted the following amendment to the resolution proposed by me—"That in the opinion of this House it is inadvisable during the present session, and pending further consideration by the people of the colony of the important issues involved, to adopt legislation having for its object to join New Zealand in the Federal Council of Australasia;" which was carried *nem. con.*

I have, &c.,

The Hon. the Premier of New South Wales, Sydney.

ROBERT STOUT.

No. 8.

The PREMIER, New Zealand, to the PREMIER, Victoria.

SIR,—

Premier's Office, Wellington, 15th September, 1885.

I have the honour to forward, for your information, copy of the report of the debate in the House of Representatives on the subject of Federation.

You will observe that the Government accepted the following amendment to the resolution proposed by me—"That in the opinion of this House it is inadvisable during the present session, and pending further consideration by the people of the colony of the important issues involved, to adopt legislation having for its object to join New Zealand in the Federal Council of Australasia;" which was carried *nem. con.*

I have, &c.,

The Hon. the Premier, Melbourne.

ROBERT STOUT.

No. 9.

The PREMIER to the AGENT-GENERAL.

SIR,—

Premier's Office, Wellington, 23rd September, 1885.

I have the honour to forward, for your information, copy of the report of the debate in the House of Representatives on the subject of Federation.

You will observe that the Government accepted the following amendment—which was carried *nem. con.*—to the resolution proposed by me: "That in the opinion of this House it is inadvisable during the present session, and pending further consideration by the people of the colony of the important issues involved, to adopt legislation having for its object to join New Zealand in the Federal Council of Australasia."

I have, &c.,

Sir F. Dillon Bell, K.C.M.G., Agent-General.

ROBERT STOUT.

A.-4c*, 1885,
No. 140.

No. 4.

A.-4c, 1885.

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7, 1885.

No. 10.

The PREMIER to the AGENT-GENERAL.

SIR,—

Premier's Office, Wellington, 4th November, 1885.

I have the honour to acknowledge the receipt of your letters of the 22nd July and 14th Nos. 1 and 3. August last in reference to the Federal Council Bill. The position that Parliament has taken up in the matter I need not further refer to, as I have dealt with that in a letter forwarded to you on the 23rd September last. I only desire to point out that our position in reference to this Act has not No. 9. varied. Whilst not desiring to stand aloof from the other colonies if a Federal Council were created, we desired to see its power so limited that our own legislative independence was not encroached upon.

Mr. Griffith's suggestion seemed to us to agree with our proposal, and we accepted it in hopes that the other colonies might also agree to it.

I do not know if it is necessary to deal with the subject further. If there is ever to be a Federal Council of Australasia negotiations will have again to be renewed. New South Wales has declined to join, and, though the other colonies approve, yet so long as New South Wales and New Zealand decline, Australasian Federation in any form is incomplete.

Sir F. Dillon Bell, K.C.M.G., Agent-General.

I have, &c.,

ROBERT STOUT.

No. 11.

The AGENT-GENERAL to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W., 18th November, 1885.

I have the honour to acknowledge the receipt of your letter of the 23rd September, con- No. 9. veying the decision to which the House of Representatives had come on the subject of the Federal Council Bill, after a debate which no one connected with New Zealand could read without very great interest.

The Hon. the Premier, Wellington.

I have, &c.,

F. D. BELL.

No. 12.

The PREMIER to the AGENT-GENERAL.

SIR,—

Premier's Office, Wellington, 27th November, 1885.

Referring to your letter No. 1,071, of the 14th August, with which you transmitted a No. 3. copy of Colonel Stanley's despatch to the Governors of the Australian Colonies respecting the Act for constituting a Federal Council for Australasia, I have now the honour to forward for your information copy of a memorandum which Ministers, on receipt of the despatch by His Excellency A.-1, No. 12. the Governor, deemed it expedient to draw up, narrating what had been done by this colony regarding Federation.

Sir F. Dillon Bell, K.C.M.G., Agent-General.

I have, &c.,

ROBERT STOUT.

No. 13.

The AGENT-GENERAL to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W., 12th December, 1885.

The German Government have just laid before the Reichstag a memorandum explaining what they have done respecting their new colonies in Africa and the Pacific. I am having a translation made of this memorandum, which I shall soon be able to send you. Meanwhile I transmit herewith two extracts referring to it which have appeared in the papers.

The Hon. the Premier, Wellington.

I have, &c.,

F. D. BELL.

Enclosure.

[Extract from the *Standard*, Friday, 4th December, 1885.]

THE NEW GERMAN COLONIES.

BERLIN, 3rd December.—A memorandum describing fully what has been done in the colonies lately acquired by Germany in Africa and in the Pacific Ocean has been laid before Parliament by the Imperial Government. It begins by affirming that the fundamental idea of German colonial policy, which was that the protection and supervision of the Empire should follow all German commercial enterprises on the other side of the ocean, so far as occasion required, has been thoroughly followed out. In New Guinea and the East African Protectorate the Empire has abstained from any immediate interference in the internal affairs of the country; nor has the state of things in South-west Africa offered occasion for such interference. Only in the Cameroons and Togo, where the commercial houses interested have, in spite of the efforts of the Imperial Chancellor, failed hitherto to form a corporation for purposes of local government, has the Imperial Governor had to resort to independent action; but there also the formation of a bureaucratic régime has been carefully avoided, for the Governor avails himself of the counsels of the resident merchants. The memorandum then furnishes, in five distinct sections, a variety of details respecting (1) the

Cameroons and Togo, (2) the East African Protectorate, (3) South-west Africa, (4) Swaheliland, and (5) New Guinea. The notable points are that in the Cameroon district, in addition to an export duty on palm oil and kernels, a license tax, producing 2,000 marks, has been imposed on dealers in spirituous liquors, and that, with regard to Eastern Africa, the letters of protection for the latest acquisitions of territory by the East African Company have hitherto been withheld, because the examination into the titles is not completed. Moreover, the negotiations carried on in common with England and France with regard to the boundaries of the Sultanate of Zanzibar are still proceeding. Relative to South-west Africa, the memorandum states that England has undertaken not to extend her influence towards the west beyond the 20th degree of eastern longitude, nor to work against the growth of the German protectorate as far as that line. Furthermore, the British Government has instructed its officials in the Cape Colony to abstain from any interference with the chiefs of Great Namaqualand and Hereroland, a fact which is taken to indicate that England does not desire to extend her protectorate beyond the Walfish Bay territory.

[Extract from the *Pall Mall Gazette*.]

GERMANY'S COLONIAL EMPIRE.

AN Imperial memorandum of considerable importance on the subject of the colonies was presented to the German Reichstag last week. The full text of this document is now before us. Particular stress is laid by the Government—as by Prince Bismarck in his speech before the Reichstag a few days ago—on the fact that Germany does not intend to colonize in the usual way of European countries. It is not proposed to set up an administrative system of the character of a bureaucracy. As Bismarck plainly pointed out, he does not intend that the new colonies shall be a happy hunting-ground for office-seekers at home. The colonies are to be commercial colonies, administered as much as possible by the trading companies which undertake to develop their resources; yet at the same time the Empire will retain an unrestricted right of surveillance, and will afford all the protection requisite. This is a new departure in the history of colonization, and it will be interesting to observe how it succeeds. It is clear that the plan Bismarck has in view is the best for Germany, for it will exempt the country from the heavy expenditure necessarily incidental to colonization on the English principle—namely, that of calling into existence a maximum of officials for the discharge of a minimum of duties. The memorandum is divided into five parts, dealing in turn with (1) the Cameroons and Togoland, (2) the German East African Company, (3) South-west Africa, (4) Vitu, or Suaheliland, and (5) the New Guinea Company.

The Cameroons and Togoland.

It is pointed out that a Governor (Baron von Soden) has been sent out to the Cameroons, and two Commissioners to Togo and Angra Pequena. The Governor of the Cameroons is assisted in his administration of the colony by a board consisting of three members—men settled in the colony and chosen annually. Membership is obligatory, and where necessary the Governor can call in the offices of one or more native chiefs. As far as possible local usages are to be observed in administering justice, but the German common law is valid in the colony. As to the commercial aspect of the question, traders will do well to note that houses dealing in spirits of any kind are bound to pay 2,000 marks yearly for the necessary license. An export duty of 5 marks is levied on every tun of palm-oil sent from the Cameroons, and one of 2·50 marks on every ton of palm-kernels, frauds on the Customs authorities being punishable by penalties five times the amount of the duties leviable. Pilotage is compulsory, and tonnage dues are payable by all vessels.

The German East African Company.

The memorandum states that the first acquisitions of land in East Africa were made by agents of the Association for German Colonization, who, in 1884, secured by treaty with the chiefs the territories of Usuguha, Nguru, Usagara, and Ukami, together from 2,500 to 3,000 German square miles in extent. The German East African Company then came into existence, and in February last received Imperial letters of protection. Further acquisitions of land have been made; but the boundaries of the respective dependencies of Germany and the Sultan of Zanzibar have not yet been determined, though a Commission has been appointed for the purpose.

South-west Africa.

The lands here which, in December, 1884, were taken under protection were partly acquired by the firm of F. A. E. Lüderitz, of Bremen, and part by an association at whose head was the Disconto Bank of Berlin. The first Lüderitz acquisitions, secured by treaty, included the coast from the Orange River northward to the 26th degree lat. S., extending twenty geographical miles inland, this being part of Great Namaqualand. Dr. Nachtigal concluded a further treaty in October, 1884, extending the protectorate. Lüderitz followed by securing from the Topnaar chief Piet Haibib suzerainty over his territory from the 26th to the 22nd degree lat. S., with the exception of the English possession of Walfish Bay. Further additions of smaller extent have since been made to the protected area, and the German Colonial Company for South-west Africa has been established for the development of this region. The memorandum refers to the negotiations with England respecting Angra Pequena, the result of which was the abandonment of that territory, together with the adjacent Shark Island, by England on the ground of non-appropriation. It is pointed out that the English Government has declared the boundaries of Bechuanaland—now under British sovereignty—to be on the west the 20th degree long. E., and on the north the 22nd degree lat. S., and that it has also undertaken not to extend its influence west beyond the 20th degree long. E., or to interfere with German movements towards that limit, moreover giving the assurance that England does not intend to extend her protectorate at Walfish Bay.

Vitu (Suaheliland).—Negotiations were going on between the Prussian Government and the Sultan of the Suahelis so long ago as 1867, though no definite treaty was concluded. The African

traveller Clemens Denhardt acquired from the Sultan from twenty to twenty-five German square miles of land in 1885, and this was the nucleus of the present protectorate, which includes the Sultan's entire possessions.

The New Guinea Company.—The memorandum shows how this company was instrumental in implanting German influence in New Guinea, the German portion of which is known as Kaiser-Wilhelms-Land, while the adjacent archipelago is named after the Imperial Chancellor. The boundaries of the German possessions were the subject of negotiations with the British Government, and the memorandum emphasizes the fact that further acquisitions made without the permission of the German authorities are not valid. The carrying-away of natives for work in plantations is prohibited, except in the case of those islands of the New Britain group in which the practice has been observed in the past; and here it can only be done subject to control.

No. 14.

The AGENT-GENERAL to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W., 19th December, 1885.

Adverting to my letter of the 12th instant (No. 1,539) I forward to you herewith a translation No. 13. of the memorandum recently issued respecting the German settlements at the Cameroons, South Africa, and New Guinea.

I have, &c.,

The Hon. the Premier, Wellington.

F. D. BELL.

Enclosure.

MEMORANDUM ON THE GERMAN PROTECTORATES.

THE fundamental intention of the German colonial policy—that the protection and control of the Government should follow in the wake of German commercial enterprise beyond the seas, and should be exercised as sufficient need arises—is modified by and proportioned to the previous internal conditions of the protectorates.

As regards those German protectorates which are of the largest extent—namely, the acquisitions of the New Guinea Company and those of the East African Association—the Imperial Government has up to the present time been able to refrain from any direct interference with their internal relations. Here the colonizing bodies appear to have from the first undertaken the organization of political and administrative protective measures according to the requirements of the time, and, although under Imperial control, to have carried them out according to their own judgment. Of this control the authorities intend to make a sparing and cautious use.

With respect to the protectorate in South-west Africa, the circumstances have not hitherto been of such a nature as to call for direct official interference. The action of the Imperial Commissioner will consequently for the present be restricted to the maintenance of friendly relations with those chieftains who may have accepted German protection, and to seeing that no obstruction may be caused to the promoters of German undertakings for the utilization of concessions granted to them, or to the working of any territories acquired by them.

There remains now for consideration only the Cameroons and Togoland territory, where, as the efforts of the Imperial Chancellor to induce the commercial houses to come to a friendly understanding with the local administration have been hitherto unavailing, the direct interference of Imperial officials in internal relations is necessary. But even here the creation of a bureaucratic rule is to be carefully avoided. The Governor has, as will be shown further on, been careful in all matters of administration to avail himself of the advice of the commercial community of the Cameroons, and edicts issued in connection with the Cameroons and Togoland are, so far as time and distance will allow, submitted to the West African Syndicate in Hamburg for approval.

I.—The Cameroons and Togoland.

In the memorandum to chapter 2, section 4, of the Foreign Office statement for 1885–86, given as a preamble to the regulations issued for the instruction of those administering the government of the Cameroons, Togoland, and Angra Pequena, it was stated that a Governor and two Imperial Commissioners had been sent out there. Their instructions and powers were there shown, and the regulations issued by the Imperial Governor of the Cameroons, Baron von Soden, were referred to.

In order to give a more exact knowledge of the regulations, these are shown more fully as follows. The Governor is, above all, to see that the regulations are generally known, and that the European population may be allowed as far as possible to participate in the government.

1. The Board of Council established by the Governor, under order of the 10th July, 1885, consists of three members of the colonial community, selected yearly by the Governor; but this number may be increased in time. Membership is obligatory, and the Governor, who acts as President, chooses some person to act as Recorder. In special cases, where the affairs of the aborigines are concerned, the Governor can summon one or several chieftains to assist in the deliberations. The Governor will, previous to the issue of any order, so far as the administration of the colony is concerned, ask for the opinion of the Board of Council. In case of unanimous objection to the order, the matter must, on the motion of a member, be referred to the Imperial Chancellor for decision. The objection, however, is not to interfere with the order being carried into effect in the meantime.

2. The “Court of Equity” instituted by the order of the 20th July, 1885, consists of the Governor, or his deputy, as Chairman, together with a Registrar and two European Assessors chosen by the Governor. Their appointment is for the following year. In administration of justice, in the first case the local usages and customs are to be considered, and in the second the civil laws valid in Germany. The language to be used is the German, but a translation is to be supplied to a

litigant asking for one. The Court of Justice will try all disputes of Europeans among themselves, and all disputes of "second instance" between Europeans and aborigines. Disputes of the latter kind, in "first instance," as well as those among the aborigines themselves, are to be tried before single Judges chosen by the Governor, with the assistance of an interpreter. Disputes between aborigines may in very special cases be referred by the single Judge, with the concurrence of the Governor, to the Court of Equity. In such cases an interpreter must attend the sittings of the Court; also, at the discretion of the Governor, one or more chieftains may be summoned to attend. In sittings of the Government, the office of single Judge is to be assumed by one of the colonial officials; in other circumstances it is to be borne by some other qualified person. The jurisdiction in criminal cases is confined to the Governor and his substitute.

3. By order of the 20th July, 1885, it is enacted that from the 1st September, in the Cameroons, an export duty shall be levied of 5 marks on each tun of palm-oil, and one of 2½ marks on each ton of palm-kernel. The duty must at latest be paid one month after the exportation. Frauds on the revenue will be punishable by a fine of six times the amount of the evaded duty.

4. By an order of the same date it is decided that each business house dealing in any kind of spirits must pay a yearly license of 2,000 marks. Branch establishments have no special duty to pay, unless the head establishment is outside the Cameroons territory. Offences are punishable by a tax of three times the amount of the duty; also, the offender can be deprived of his privilege of selling spirits in the Cameroons.

5. On the 1st April, 1885, Admiral Knorr issued a pilotage order whereby each ship going into or out of the roadstead leading into the Cameroons Harbour must take a pilot on board, and pay for him according to the ship's draught and tonnage. In addition to this the proportional tonnage dues must be paid. The business of the Imperial harbour is carried on in the factory of C. Woermann, of Cameroon. On the 15th September, 1885, the Imperial Governor modified this order, reducing at the same time the pilotage dues. He stationed one of the two pilots at Suellaba, near the roadstead, instead of at Cameroon, where they had both been before; and by this means enabled them to do their work more easily. Vessels of less than two metres draught, and belonging to coasting-steamer firms in the Cameroons, are exempt from pilotage dues.

6. By an order of the 20th July, 1885, it is enacted that on and from the 1st September each captain of a vessel entering the Cameroons (with the exception of river and coasting vessels) must, within twenty-four hours, deposit at the Government offices his ship's papers and a copy of his certificate. At a convenient time before his departure he must produce a bill of lading showing what cargo he has shipped, as well as a receipt for his pilotage and tonnage dues, when his ship's papers will be returned to him.

7. The Imperial Commissioner of Togoland has been instructed to establish in his district a Governing Council after the pattern of that for the Cameroons, so far as such may be compatible with the existing conditions there.

8. On the 12th September last an order was issued that, in purchases of oil for the factories of the trading station at Bagida (Strand), standard measures only should be employed.

It has been mentioned already in the memorandum above referred to that these orders and regulations are of a provisional character, and are still under trial by the Foreign Office, assisted by the West African Syndicate. For the present no estimate can be formed of the revenue to be derived from the protectorate, and consequently no opinion can be given as to the spending of the money. It is also evident from the memorandum that in Togoland and in Angra Pequena it has not been possible to apply the same regulations.

II.—The German East African Company.

In the name of the German East African Colonization Company, the expedition which was sent out under the leadership of Dr. Karl Peters concluded (in November and December, 1884) a treaty with certain independent rulers of the interior of Zanzibar, opposite the East African coast-line, through which were acquired the territories of Usuguha, Nguru, Usagara, and Ukami, of from 2,500 to 3,000 square miles in extent, with sovereign rights to the above-mentioned company. An exact survey of the boundaries of this country has not yet been made. The territory acquired may perhaps be said roughly to be between the 5th and 9th degrees of south latitude, and between the 38th and 35th degrees of east longitude.

The company proposes, after the example of another European association, to establish in the acquired territory an orderly Government to look to the protection and well-being of the inhabitants, and to develop on its own account the resources of the country. With this aim the company has applied for an Imperial protectorate over their acquisitions, and for the granting of letters of protection. They also asked that one of the leaders of their enterprise—Dr. Jur. Jühlke—should be authorized to exercise jurisdiction, and to support their efforts to obtain from the Sultan of Zanzibar, opposite, security for the transfer of their merchandize to and from the coast.

On the 27th February, 1885, letters of protection (announced in No. 53 of the *Gazette*, dated the 3rd March, 1885) were granted to the company, and, in accordance with the Congo Act, a notification to that effect was made to the other Powers and to the Sultan of Zanzibar. The other requests of the company were also complied with so far that Dr. Jur. Jühlke was, by Imperial order, invested with jurisdiction in the territories acquired by the company, and was by the Imperial Chancellor placed under the authority of the Imperial Consul-General at Zanzibar. This company, to whom Imperial letters of protection had been issued, then caused itself to be inscribed in the books of the No. 1 Court of Justice in Berlin, under the name, "German East African Company: Karl Peters and colleagues," as an association for the object of partly selling and partly working territory already acquired or to be acquired in East Africa.

On the 27th April, 1885, the Sultan of Zanzibar protested against the German protectorate of the company's possession, he himself laying claim to the possession of the lands acquired by them. As this protest was without any foundation in justice, he was informed by the Chancellor, through

the Imperial Consul-General in Zanzibar, to that effect, and a protest was raised against any interference he might propose with the German protectorate. In consequence of this the Sultan Seygid Bargasch initiated hostile measures against the territory; but after a German squadron had, on the 7th August, appeared before Zanzibar, he acknowledged the protectorship of His Majesty over the German territory.

Occasion was taken of the negotiations for the conclusion of an alliance, with a navigation and trade convention, between this country and Zanzibar, to which a favourable issue is expected, to obtain from the Sultan a free use of the harbour of Dar-es-Salam.

The German East African Company has since given notice to the Imperial Chancellor of new acquisitions on the East African mainland, and has asked that the Imperial letters of protection may be so extended as to include these. This proposal has not up to the present time been accepted, as the proofs of ownership are not complete, and especially as negotiations for the settling of the boundaries of the Sultanate of Zanzibar are being carried on in conjunction with England and France. In order to avoid future disputes as to boundaries with the two last-named Powers, we have agreed to refer the claims of the Sultan Seygid Bargasch to territory on the mainland of Africa to a mixed Commission for decision. This Commission will meet at Zanzibar.

III.—South-west Africa.

The information contained in the papers laid before the Reichstag on the 11th December, 1884, on the subject of territory in the south-west of Africa placed under German protection was acquired partly by the firm F. A. E. Lüderitz, of Bremen, partly by an association the direction of which is headed by the Berlin Disconto Bank, and partly by Government officials Hasenclever and Scheidweiler. The last-named subsequently joined the above-mentioned association, and resigned their rights to it.

The firm F. A. E. Lüderitz had, by commercial treaty, on the 1st May and 25th August, 1883, acquired the coast from the Orange River northwards to the 26th degree south, with an inland extension of twenty geographical miles, from Captain Joseph Fredericks, the independent ruler of Bethaine, in Great Namaqualand, and had obtained the exclusive right to open mines, make roads, construct and work railways, and generally carry out all public works in the rest of his dominions.

With the same Joseph Fredericks the Consul-General, Dr. Nachtigal, on the 28th October, 1884, concluded, in the name of the German Empire, a treaty of protection and friendship, whereby His Majesty the Emperor took over the protectorate of the captain's territory. This treaty was not to interfere with the collection of his revenue, or with his administration of justice over his subjects. In return he bound himself to make no treaties without the German Emperor's consent with other nations or other nations' subjects, to secure full protection and freedom of trade in his dominions to German subjects, to grant to the subjects of other nations no privileges not given to the Germans, and in quarrels with other chieftains to leave the decision with the German Government. Jurisdiction over the Germans in Bethany is taken over by the German Government. No agreement has as yet been come to regarding the adjustment of disputes between Germans and natives: the decision for the present rests with the German Commissioner in common with a member of the Bethany Council.

On the 19th August, 1884, the Topnaar chief, Piet Haibib, of Scheppmannsdorf, sold to the firm of F. A. E. Lüderitz suzerainty over his territory from the 26th to the 22nd degree of south latitude, with the exception of the English settlement at Walfish Bay. On the 23rd November, 1884, the Consul-General (Dr. Nachtigal) recognized this cession in the name of the German Empire; and, reserving any properly-established claim on the part of other persons, placed the territory acquired by F. A. E. Lüderitz under German protection. The territory of Piet Haibib stretches, according to his statement, from Sandwich Harbour across Hudoab to Kinsib River, Goagas, Onanis, the dry mouth of the Tsoasnoub River, and Ameib; from there the north boundary runs to the mouth of the Omaruru River; on the west it is bounded by the sea.

From Piet Haibib Messrs. Hasenclever and Scheidweiler had acquired land and mines. They also had obtained a cession of land and mines from the chief of the Zoaartbooi Hottentots, in his territory from Tsoa-Xaub River to Kaskoveld; and from the chieftain Jan Jonker Afrikander in his territory, which extends from Walfish Bay and the south bank of the Tsoa-Xaub River, below Sandwich Bay, on the west coast, to the east of Windhook. On the 11th October, 1884, Dr. Hoepfner, on behalf of the firm F. A. E. Lüderitz, concluded a treaty with Hermanus von Wyk, the chief of the Bastards of Retroboth, respecting the country lying to the east of Walfish Bay, between the 23rd and 24th degrees of south latitude. Captain Hermanus von Wyk and also Manassa Naresib, chief of the Red Men, in Houchanas, whose territory extends in the south to the Chambo River, in the east to Bechuanaland, in the north-east to the Mojami Lake, in the north to Okawango, and in the north-west to Owanboland, and who had already, in November, 1884, granted mining rights in his country to the firm F. A. E. Lüderitz, applied to His Majesty the Emperor to be put under German protection. This request was acceded to on the 19th April, 1885.

In addition to Manassa Naresib, of Houchanas, chief of the Red Men, the chiefs Jacobus Izaak, of Berseba, Cornelius Zuaart-booi, of Otyitambi, and Jan 'Ui Xamab, of the Topnaar, in Zesfontein, also agreed in writing, in January and March, 1885, to conclude a protective and friendly treaty with the German Empire. From them also, and from Jan Jonker Afrikander and Abraham Zvaartbooi, the firm F. A. E. Lüderitz and their successor had obtained land and mining concessions.

On the 28th July, 1885, a treaty of protection and friendship was concluded with Jacobus Izaak, of Berseba, and his territory was placed under German protection. According to his statement the southern boundary of his territory is the Xamob (Lion River), the eastern border lies between Khons and Daberas, the northern boundary between Kavieis and Gibeon, and the western limit towards Bethany is undefined.

By treaty of the 3rd April, 1885, certain German officials purchased from the firm F. A. E. Lüderitz certain possessions which had been acquired and placed under German protection by that firm, and, having formed themselves into a company under the title, "German Colonial Company for South-west Africa," obtained, by Imperial Order of the 13th April, 1885, the rights of a law-administering body. The object of this company is to extend by acquisition the possessions purchased from F. A. E. Lüderitz, to explore the landed possessions and mining rights by expeditions and enterprise, to forward industrial and trade undertakings, and also German settlements, to initiate suitable commercial projects and carry them on either themselves or through others, to utilize private property, and, finally, to take over the administration of governmental authority "in so far as it has been intrusted to the company for their territory."

As already stated, the German and English Governments have agreed to appoint a mixed Commission, to meet in Capetown, for the purpose of coming to a settlement as regards the rights of English subjects in the German South-west African Protectorate. Consul-General Dr. Bieber has been nominated as the German Commissioner; the English have chosen Mr. Sidney Godolphin Shippard, Judge of the Supreme Court of Cape Colony, as theirs.

After lengthened negotiations the English Government agreed to include in the scope of their deliberations the islands off Angra Pequena, inclusive of Shark Island, which had not been already proclaimed English territory. Accordingly there were excluded from discussion on the one hand the German protectorate over the coast-line between the mouth of the Orange River and Cape Frio, with the exception of Walfish Bay and the small adjoining territory; and on the other hand the English sovereignty over Walfish Bay and those islands included in the deed of annexation of the 27th February, 1867.

The aim of the Commission was to examine and to decide upon claims to private property and rights of working which the subjects of the one Empire in the territory of the other stated to have been acquired before the declaration of the German protectorate, and, in particular, pretensions put forward by English subjects on the ground of the alleged granting by Sir P. Wodehouse, in 1869, of a lease of some islands of rock and reef formation which were not named in the deed of 27th February, 1867. A notice of the mixed Commission was published in the *Government Gazette* No. 61, of the 12th March, 1885. The Commission commenced its sittings on the 14th March, 1885, and concluded the same, after an exhaustive investigation of the claims put forward, on the 4th September, 1885.

The extent of the German protectorate into the interior was precisely fixed by a declaration from the English Government that the boundaries of Bechuanaland under their protection extended westward to the 20th degree east (Greenwich), and northward to the 22nd degree of south latitude. The English, moreover, pledged themselves not to extend their influence beyond the 20th degree east longitude, and not to oppose the advance of the German protectorate to the same degree. Finally, they also instructed the English officials at Cape Colony to refrain from meddling with the chiefs of Great Namaqualand and Hereroland, and to give the chief Kamaherero and other neighbouring rulers to understand that England had no intention of extending her protectorate at Walfish Bay.

As already mentioned in the memorandum, the order for the appointment of an Imperial Commissioner for Angra Pequena has been carried into effect. The Commissioner, Dr. Göring, a Provincial Court Judge at Metz, has already arrived in his district; but, in consequence of the irregular and infrequent postal service, a detailed report, which he was to have made soon after his arrival, has not yet been received.

IV.—Vitu (*Suaheliland*).

So far back as the year 1867 the Sultan of Suaheli, Achmed ben Fūmo Lutui, instructed the Sheik Nabahani, surnamed Zimba (Lion), to ask (through the traveller Richard Brenner) for the protection and friendship of the Prussian Kingdom. Although this request was without result at the time, the Sultan, by his subsequent friendly treatment of German travellers, showed that he valued highly any connection with the German Empire.

In the year 1878 the African traveller Clemens Denhardt, at first alone and afterwards in company with his brother Gustav, became intimate with the Sultan Achmed, whose family had for a century ruled the country as far as the East African coast. Until within the last generation his claims to part of the territory had been disputed by the Sultan of Zanzibar. This feud between Suaheli and Zanzibar is not yet at an end. On the 8th April, 1885, Sultan Achmed sold a portion of his land, comprising about twenty to twenty-five square miles, to Clemens Denhardt, including all public and private rights thereof. The limits of this territory were formed by a straight line from Vitu to Fungasomba, from Fungasomba to M'konumbi, thence over the River M'konumbi to the Indian Ocean, along the Indian Ocean between the mouths of the rivers M'konumbi and Osi, then by the River Osi to Kan and the River Magogoni, and so along a straight line running from the most inland point of this river to Vitu. At the same time the Sultan Achmed gave, on the 8th April, 1885, special written authority to the brothers Denhardt to convey to the Imperial Consul-General at Zanzibar his wish "to enter into relations of friendship with His Majesty the German Emperor, and to come under his sovereign and powerful protection." This request was, on the 24th April, 1885, telegraphed to the Foreign Office, and on the 27th May the Consul-General was "instructed to accept the Sultan of Vitu's offer, with reservation of the rights of others." Meanwhile the brothers Denhardt, who had full powers from the Sultan Achmed to negotiate in every way, and especially had been authorized to treat with the Sultan Seygid Bargasch, of Zanzibar, had sought to induce the latter ruler to abandon the hostile measures taken by him against the territory of Vitu. They, for instance, protested against the annexations of property and of sovereign rights which had been carried on latterly upon the coastland and islands of East Africa, between Mogdischu (about 2° 10' north latitude) and Tangata (about 5° 20' south latitude), by Seygid Bargasch and possibly by some European Powers. They declared that the Sultan Achmed laid

claim to all sovereign rights over the above-mentioned coast-line and the adjoining islands for himself and his successors. The Sultan, however, took no notice of this protest, and began to make preparations for a march from Lanui Harbour inland to Vitu. Subsequently the Imperial Consul-General was authorized to protest against this encroachment on the Sultan of Vitu's territory, and then the hostile forces set in movement were recalled. A definitive settlement of the dispute followed upon the appearance of the German squadron before Zanzibar, when the Sultan Seygid Bargasch, on the 13th August, 1885, unconditionally acknowledged to the admiral of the squadron the German Emperor's protectorate over the mainland territory of the Sultan Achmed.

Captain Valors, commanding H.M. ship "Gneisenau," has lately, accompanied by two officers and thirty men, undertaken an expedition to Vitu, to make the Sultan an official visit and to inquire into the conditions of the country. According to his reports, the country from the coast to the seat of Government is very fertile, being planted almost exclusively with black corn, beans, olives, and tobacco. The Sultan Achmed, who holds a high position in the esteem of the dwellers on the coast, accorded the German commander a flattering reception.

V.—*The New Guinea Company.*

After the limits of the German protectorate and of the English possessions in New Guinea (Kaiser-Wilhelms-Land) and in the Bismarck Archipelago had been defined by exchange of notes dated the 25th and 29th of April, 1885 (see No. 144 of the *Imperial Gazette*, dated the 23rd June, 1885), a free outlet for German colonial enterprise was secured in these territories. The company of German officials who secured the acquirement of land in New Guinea had already, on the 26th May, 1884, constituted themselves a company according to the forms of the Prussian land law under the title "New Guinea Company," with the intention of creating from their own resources a self-governing community under German protection. Without any intention of engaging in commerce themselves, they proposed to admit subjects of all nations to engage in any trade under like conditions of business, of settlement, and of management. "The German Trade and Plantation Company for the South Sea Islands," with the firm Robertson and Hensheim, who had for a long time possessed factories, and more recently land, in the archipelago, entered into a compact with the New Guinea Company, whereby they each relinquished his claim to conclude in future agreements with the Natives as to land and rights of property within the protectorate, on their own account, without prejudice, however, to measures taken for the conservation of property already acquired.

An Imperial letter of protection was granted to the New Guinea Company, at their request, on the 17th May, 1885 (see No. 117 of the *Imperial Gazette* of the 21st May, 1885).

This letter of protection corresponds in the main with that issued, on the 27th February, 1885, to the German East African Company (printed in the *Imperial Gazette* of the 3rd March, 1885), and approximates to the "Royal charters" still in use in England, after being tested there in varied conditions from the earliest times. There is, however, an essential difference in the terms under which landed property is held. The acquirement of land by the New Guinea Company must necessarily be of a gradual character, for the reason that there are no chieftains in New Guinea from whom it has been possible to obtain possession of extensive tracts of country. In order not to throw obstacles in the way of the establishment of an orderly condition of things, and not to take from the company the possibility of obtaining some compensation by gradual and intelligent utilization of the ground, it is necessary that the company should hold the exclusive right of treating with the Natives respecting land and rights of property within the protectorate, and of taking possession and disposing of unowned land.

On the other hand, in reply to a further application from the company, the Imperial Commissioner for the South Seas was instructed to let it be known that further acquisitious of land without the permission of the German authorities would be invalid, and that only old rights would be protected. Also, for the further attainment of the object in view (which was opposed by the company), the Commissioner ordered that a single book for the registering of land should be kept, in which all persons claiming to have acquired land inside the protectorate should, within a space of time to be fixed by the Commissioner, have their titles and the extent of their property registered. Lastly, the Commissioner ordered that in future arms, munition, and blasting materials were not to be supplied to the natives. Also, it was forbidden to export natives for employment as labourers outside the German protectorate, except, under the control of German officials, for German plantations in those islands of the New Britain Archipelago in which the practice has existed in the past.

The action of the New Guinea Company within their territory is shown in their periodically-published "News for and respecting Kaiser-Wilhelms-Land and the Bismarck Archipelago."

No. 15.

The AGENT-GENERAL to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W., 23rd December, 1885.

I have to acknowledge the receipt of your letter of the 4th November on the subject of No. 10. the Federal Council Act. I need hardly say how glad I have been to know that in all really essential points I was in accord with yourself. The defection of South Australia has now made the Federal Council ridiculous, and the difficulty is thoroughly recognized here of a legislative authority in which the Crown colonies and Tasmania will have the preponderance of voting-power.

I have, &c.,

F. D. BELL.

The Hon. the Premier, Wellington.

4—A. 4.

No. 16.

The PREMIER, South Australia, to the PREMIER, New Zealand.

SIR,—

Chief Secretary's Office, Adelaide, 23rd December, 1885.

Adverting to the question of the New Guinea protectorate, I have the honour to inform you that it is not the intention of this Government to continue contributing towards the cost of maintaining such protectorate after the 30th June next. This decision having been arrived at, it is deemed only right that the other colonies contributing towards said protectorate should have an early intimation thereof.

I have, &c.,

The Hon. the Colonial Secretary, New Zealand.

JNO. W. DOWNES.

No. 17.

The AGENT-GENERAL to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W., 14th January, 1886.

Not printed.

Since writing to you on the 24th ultimo (No. 1,585) respecting the interview to which Colonel Stanley had summoned the Agents-General upon New Guinea affairs, no further action has been taken by Her Majesty's Government, nor has any decision been come to. The whole question of New Guinea is still under the consideration of the Cabinet; and I need hardly say that I steadily go on representing how desirable it would be not to settle questions relating to the Pacific islands piecemeal, but to treat them at last as things which ought to be considered and decided together on broad principles of policy.

I have, &c.,

The Hon. the Premier, Wellington.

F. D. BELL.

No. 18.

The AGENT-GENERAL to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W., 26th January, 1886.

A.-1, No. 12.

I beg permission to express my obligation to you for sending me the memorandum which Ministers addressed to His Excellency the Governor on the 20th November last in reference to the Federal Council Bill.

I have, &c.,

The Hon. the Premier, Wellington.

F. D. BELL.

No. 19.

The GOVERNOR, Tasmania, to the GOVERNOR, New Zealand.

SIR,—

Government House, Hobart, 6th February, 1886.

I have the honour to forward to you four copies of the *Hobart Gazette Extraordinary* of this day's date, containing my Proclamation of the Acts passed by the Federal Council of Australasia during its first session, and my Proclamation proroguing the said Council.

I have, &c.,

GEO. C. STRAHAN.

Major-General Sir William F. D. Jervois, G.C.M.G., C.B., &c., Wellington.

Enclosure.

A PROCLAMATION.

By His Excellency Sir GEORGE CUMINE STRAHAN, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Tasmania and its Dependencies.

I, SIR GEORGE CUMINE STRAHAN, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief as aforesaid, do hereby proclaim, pursuant to the provisions of the Federal Council of Australasia Act (48 and 49 Vict., cap. 60), that, having assented in the name and on behalf of Her Majesty the Queen to the Bills passed in the first session of the Federal Council of Australasia, held at Hobart, in the Colony of Tasmania, and published with this my Proclamation—that is to say,—

“A Bill for shortening the Language used in Acts of the Federal Council of Australasia;”

“A Bill to facilitate the Proof throughout the Federation of Acts of the Federal Council and of Acts of the Parliaments of the Australasian Colonies, and of Judicial and Official Documents, and of the Signatures of certain Public Officers;”

“A Bill to authorize the Service of Civil Process out of the Jurisdiction of the Colony in which it is issued;”

“A Bill to make Provision for the Enforcement within the Federation of Judgments of the Supreme Courts of the Colonies of the Federation;”

—the said Bills have, under and by virtue of sections seventeen and twenty of the said Act, the force of law, as specified in the said section twenty.

Given under my hand at Hobart, in Tasmania aforesaid, this
sixth day of February, one thousand eight hundred and
eighty-six.

GEO. C. STRAHAN.

By His Excellency's command—J. S. Dodds, Attorney-General.

No. 20.

The PREMIER, Queensland, to the PREMIER, New Zealand.

I PRESUME that there is no difficulty about the current year's contribution from New Zealand to the New Guinea protectorate.

17th March, 1886.

S. W. GRIFFITH.

No. 21.

The PREMIER, New Zealand, to the PREMIER, Queensland.

We adhere to our memos. of 7th July and 5th September.

19th March, 1886.

ROBERT STOUT.

A., 4c*, 1885,
No. 129

[*Approximate Cost of Paper.*—Preparation, nil; printing (1,400 copies), £23 4s. 9d.]

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1886.

