

No. 42.

(Circular.)

SIR,—

Downing Street, 14th September, 1887.

With reference to my circular despatch of the 1st of June last, I have the honour to transmit to you, for information in the colony under your Government, copies of revised regulations respecting naval cadets.

I have, &c.,

H. T. HOLLAND.

The Officer Administering the Government of New Zealand.

[For enclosure, see *New Zealand Gazette*, 24th November, 1887, p. 1461.]

No. 43.

(Circular.)

SIR,—

Downing Street, 15th September, 1887.

I have the honour to transmit to you, for communication to your Government, a copy of a letter from the Foreign Office, enclosing copy of a note from the German Ambassador at this Court, requesting to be furnished with copies of the laws in force in Canada and the Australian Colonies relating to suits against the Crown by private individuals.

I should be obliged if your Ministers would cause me to be furnished with copies of any such laws in force in the colony under your Government, for transmission to the German Ambassador.

I have, &c.,

H. T. HOLLAND.

The Officer Administering the Government of New Zealand.

Enclosure.

SIR,—

Foreign Office, 10th September, 1887.

I am directed by the Marquis of Salisbury to transmit to you herewith copy of a note from the German Ambassador at this Court, requesting to be furnished, for the use of the German Government, with copies of the laws in force in Canada and the Australasian Colonies relating to suits against the Crown by private individuals. I am to request that, in laying this letter before Secretary Sir H. Holland, you will move him to cause Lord Salisbury to be informed whether copies of these laws can be furnished to the German Government.

I have, &c.,

J. PAUNCEFOTE.

The Under-Secretary of State, Colonial Office.

Sub-Enclosure.

MY LORD,—

German Embassy, London, 2nd September, 1887.

It appears from the blue-book issued on the subject of the proceedings of the Colonial Conference held in London in April last (Vol. I., c. 5091, pp. 9–107), that, at the meeting of the 14th April last, the question was raised of the circumstances under which English trust funds could be invested in colonial funds. Two principal reasons were alleged against such investments: (1) That the issue of colonial loans was not subject to the control of the Imperial authorities; and (2) that colonial Governments could not be cited before English Courts of justice.

In treating of the latter point, the representatives of several colonies pointed out that the colonial Governments could now be cited before the Courts of the colonies, and that, therefore, the question might be raised whether they could be cited in English Courts. Sir Alexander Campbell, speaking on behalf of Canada (p. 99 as above), Mr. Downer on behalf of South Australia (p. 98), and Sir James Garriek on behalf of the Australian Colonies in general (p. 100), affirmed that the colonial Governments were justiciable in the Courts of the colonies. The latter gentleman observed on this point, "Each of the Australasian Colonies has given to the subject, as against the Crown, rights equal to those as between subject and subject." It would appear from this that, at least in Canada and the Australasian Colonies, it has been established by law that the Government may be cited like a private individual before the local Courts, contrary to the ancient English law on the subject. The Imperial Government would be glad to be furnished with copies of the laws or other instruments enacting the above-mentioned law in Canada and the Australian Colonies, and in any other British colonies where it obtains. I should be much obliged if your Excellency would cause me to be furnished with the required documents.

I have, &c.,

V. HATZFELDT.

The Marquis of Salisbury, &c.