

SESS. II.—1891.

DESPATCHES

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

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

(Circular.)

No. 1.

Downing Street, 20th September, 1889.

FORWARDING copy of "The Colonial Courts of Admiralty Act, 1890" (53 and 54 Vict., c. 27), and drawing attention to the changes which it effects, and to the more important provisions which are contained in it.

[Published in *New Zealand Gazette* No. 13, 12th February, 1891.]

No. 2.

(New Zealand, No. 49.)

MY LORD,—

Downing Street, 31st October, 1890.

I duly caused the Secretary of State for War to be supplied with the information contained in your despatch, No. 29, of the 10th of June, respecting Lieutenant J. E. Bennett's service in the Permanent Artillery of New Zealand, and I have the honour to transmit to you, for the information of your Government, a copy of a letter from the War Office containing Mr. Stanhope's decision as regards Lieutenant Bennett's application for a commission in the Imperial service.

I have, &c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

Enclosure.

The WAR OFFICE to the COLONIAL OFFICE.

SIR,—

War Office, Pall Mall, S.W., 22nd October, 1890.

I am directed by the Secretary of State for War to acknowledge the receipt of your letter of the 26th July, and to acquaint you, in reply, that, as Mr. Bennett, although he has served with the Permanent Artillery of New Zealand, has never been gazetted thereto, nor does his name appear in any list as an officer, Mr. Stanhope regrets, after full consideration of the case, that he cannot be regarded as coming within the regulations governing the grant of commissions in the Imperial Army to officers of colonial local military forces.

I have, &c.,

The Under-Secretary of State, Colonial Office.

H. G. DEEDES.

(Circular.)

No. 3.

SIR,—

Downing Street, 25th November, 1890.

I have the honour to transmit to you a copy of a letter from the General Post Office, stating that the next Postal Congress is to be held at Vienna on the 20th May, 1891, and that the Austrian Government have invited your Government, amongst others, to send a delegate to the Congress.

1—A. 2.

I have to request that you will inform me whether your Government accepts the invitation, and in that case by whom it will be represented, and that you will furnish me with the full names and designation of the delegate.

I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

Enclosure.

The GENERAL POST OFFICE to the COLONIAL OFFICE.

SIR,—

General Post Office, London, 17th November, 1890.

I am directed by the Postmaster-General to acquaint you, for the information of Lord Knutsford, that the next Postal Congress is to be held at Vienna on the 20th May, 1891, in conformity with the provisions of the Union Convention, and that the Austrian Government, through their Minister in London, have invited Her Majesty's Government to send delegates to represent this country at the Congress.

The invitation is extended to the Government of Canada, which ranks as a separate State belonging to the Union, and also to the Governments of the Australasian Colonies, the Fiji Islands, the Cape of Good Hope, Natal, St. Helena, the Transvaal, and the Orange Free State, none of which at present are members of the Union, but whose interests are concerned, inasmuch as the question of the entry of most of them into the Union has been long under consideration.

The Postmaster-General requests that you will be so good as to move the Secretary of State for the Colonies to take the necessary steps for communicating the invitations to the several colonial Governments concerned.

I am to add that the same reasons exist now as in 1885 for the representation of the Australasian and South African Colonies at the Congress. Now, as then, although the representatives could not, of course, vote upon any of the questions discussed, they would, if present at the discussions, be able to afford the Congress the most satisfactory information as to the conditions upon which these important colonies would be prepared to adhere to the Postal Union.

I am to mention that the deliberations of the Congress at Vienna, like those of the Congress at Lisbon, will be conducted wholly in the French language.

I am &c.,

The Under-Secretary of State for the Colonies.

S. A. BLACKWOOD.

No. 4.

(New Zealand, No. 54.)

MY LORD,—

Downing Street, 29th November, 1890.

I have the honour to acknowledge the receipt of your despatch, No. 52, of the 8th of October, reporting the dissolution of the New Zealand Parliament on the 3rd of that month.

I have, &c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

No. 5.

(New Zealand, No. 56.)

MY LORD,—

Downing Street, 4th December, 1890.

I have the honour to acquaint you, for the information of your Government, that the Lords Commissioners of the Admiralty have stated that the privileges accorded to the officers of the Victorian Naval Defence Force are intended by their Lordships to apply equally to officers in the service of the other Australasian Colonies.

A copy of the Admiralty letter containing their Lordship's decision in the case of Victoria is enclosed, from which you will perceive that colonial officers receiving instructions on board Her Majesty's ships will receive acting commissions and appointments.

I have, &c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

Enclosure.

The ADMIRALTY to the COLONIAL OFFICE.

SIR,—

Admiralty, 24th June, 1890.

I have laid before my Lords Commissioners of the Admiralty your letter of the 12th ultimo, enclosing a copy of a despatch from the Governor of Victoria relative to the employment of officers of the colonial naval forces in Her Majesty's ships for instructional purposes, and to their status while so employed.

2. In reply, I am directed by their Lordships to acquaint you, for the information of the Secretary of State for the Colonies, that they attach great importance to the attainment of the object so clearly defined by the Government of Victoria, and that the subject is under consideration, with a view of obtaining the desired result.

3. A communication has, with this object, been sent to the Commander-in-Chief on the Australian station to the effect that the proper status will be given to these officers by conferring upon them acting commissions and appointment, and dealing with the question of the duties to be entrusted to them.

I am, &c.,

The Under-Secretary of State, Colonial Office.

EVAN MACGREGOR.

No. 6.

(New Zealand, No. 58.)

MY LORD,—

Downing Street, 13th December, 1890.

With reference to your Lordship's telegram of the 25th October, and to my reply of the 15th ultimo, respecting the selection by the Government of New Zealand of Mr. F. J. Moss as Resident in the Cook Group, and the instructions under which it is proposed that he should act, I have the honour to transmit to you, for communication to your Government, copies of the ordinances enumerated in the margin, which have been enacted by the Administrator of British New Guinea, with the advice and consent of his Legislative Council, with the view of carrying out objects similar to those referred to in my despatch, No. 8, of the 28th February.

Nos. 1, 2, and 3,
of 1888.

2. As already stated in that despatch, legislation by means of ordinances is unsuited to the conditions of a protected territory; but your Advisers will no doubt consider the requirements of the case, and instruct Mr. Moss to provide, either by regulation or declaration, for the objects which these ordinances are intended to secure.

3. In some cases the provisions may be found too elaborate to be adopted in their entirety, and local circumstances, as to which the information in this department would necessarily be incomplete, may entail modification or alteration; but the general principles which the ordinances involve are such as have recommended themselves to Her Majesty's Government in the case of a protectorate, and should not be departed from without very grave reason.

4. As an instance in which a regulation generally in force may be relaxed to suit local conditions, I may mention the case of Samoa, though not a British protectorate, where the rule, absolute elsewhere in the Western Pacific (except in Tonga), under the High Commissioner's regulations, prohibiting British subjects from supplying natives with arms has been relaxed under special circumstances by the declaration agreed to by the three Powers so far as rifles for sporting purposes are concerned, with the view of not diminishing the opportunities of gain and the supply of food in a country where wild pigeons are plentiful.

5. The final Act of the Samoan Conference containing this declaration accompanied my circular despatch of February last.

6. In all cases where regulations or declarations are issued connected with the affairs of the Cook Group, it would seem fitting that such instruments should be issued through the local chief or chiefs, and countersigned by the representative of the New Zealand Government.

7. Her Majesty's Government have reserved to themselves full liberty of action as regards the particular form which from time to time it should be recommended that the Queen's authority in respect of islands in the Pacific Ocean should assume; and as to the Cook Group, your Lordship is already aware, from the tenor of the despatches which I have had the honour of addressing to you, that the action of Captain Bourke is not held to render necessary the incorporation of the Cook Islands into Her Majesty's dominions, or the transfer of the jurisdiction over the inhabitants generally from their native rulers to the British Crown.

8. It will therefore devolve upon the Government of New Zealand to instruct Mr. Moss, in the event of any doubt being entertained on the subject, to explain to the natives of the group in general that, for the present at least, British authority will assume the form of a protectorate except in the case of

the Island of Aitutaki, which appears to possess a fairly good harbour, and where it is intended that the annexation previously carried out shall be maintained. In this island no explanation will be necessary.

9. As Mr. Moss will naturally from time to time visit the different islands of the protectorate, he will be able, without inconvenience, to make such explanation on this subject as may be necessary.

I have, &c.,
KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

Enclosures.

No. 1.

AN ORDINANCE (ENACTED BY THE ADMINISTRATOR OF BRITISH NEW GUINEA, WITH THE ADVICE AND CONSENT OF THE LEGISLATIVE COUNCIL THEREOF) TO PROHIBIT SUPPLYING TO NATIVES ANY FIREARM, AMMUNITION, EXPLOSIVE, INTOXICATING LIQUOR, OR OPIUM.

(L.S.) WM. MACGREGOR. (17th September, 1888.)

BE it enacted by the Administrator of British New Guinea, with the advice and consent of the Legislative Council thereof, as follows:—

I. In this ordinance the following words within inverted commas shall have the meanings hereinafter assigned to them, unless such meaning is inconsistent with the context:—

- “Native” shall mean and include in its reference every person in the possession not of European descent:
- “Firearm” shall mean and include every kind and variety of gun or pistol used or intended for the discharge of projectiles of any kind, and also any part of any such gun or pistol:
- “Ammunition” shall include all varieties of gunpowder, and any other explosive agent used or that could be used with firearms, and all shot or other projectile, and any other articles ordinarily used with firearms, as well as all materials that could be used in the preparation of ammunition:
- “Explosive” shall include all varieties of gunpowder, blasting-powder, nitro-glycerine, dynamite, and all compounds and modifications of these, as also any other article that can be exploded with such violence as to cause danger to human life, and also all materials that could be used in preparing such an explosive:
- “Intoxicating liquor” shall include all spirituous compounds and all fermented liquors, and any mixture part whereof is spirituous or which contains fermented liquors, and any mixture or preparation containing any drug capable of producing intoxication:
- “Opium” shall include every preparation of opium and every article containing any of the active ingredients of opium.

II. No person shall, except as hereinafter permitted, supply to any native, by sale, gift, or in any other way, either directly or indirectly, any firearm, ammunition, explosive, intoxicating liquor, or opium; and any person offending against any provision of this section shall, on conviction in a summary manner, be liable to a fine of not less than twenty pounds and not exceeding two hundred pounds, and to imprisonment for any term not less than one month and not exceeding two years.

III. No suit for the recovery of any debt or for the enforcement of any agreement or obligation contracted or entered into in respect of any firearm, ammunition, explosive, intoxicating liquor, or opium supplied to any native shall be maintained in any Court of the possession.

IV. It shall not be lawful, save as hereinafter provided, for any native to have in his possession any firearm, ammunition, explosive, intoxicating liquor, or opium, and any such article found in the possession of any native contrary to the provisions of this ordinance may be seized by any officer in the service of the Government, or by any native placed in authority by the Government, and be brought before any officer exercising judicial functions, who shall in a summary way direct that any such article be confiscated, and that it be destroyed or otherwise disposed of according to his discretion.

V. Nothing in this ordinance shall be held to prevent the Administrator from supplying any native with any firearm and ammunition should the Administrator be of opinion that such a course can be adopted with safety to the Queen's loyal subjects, and that any native, as aforesaid, has urgent need for firearms and ammunition for the purposes of self-defence; and any firearm or ammunition given to any native as herein permitted may be retained by such native until withdrawn by the order of the Administrator.

VI. It shall be lawful for the Administrator, on the application of any native for permission to have in his possession and to use firearms, to cause a permit to be issued to such native accordingly, should the Administrator, after inquiry, deem it expedient to do so. Such permit shall be in the form that may be directed by the Administrator from time to time, and shall describe the native to whom issued, and set forth his place of residence, the arms and ammunition he may have and use, and the dates of commencement and expiration of the permit. A copy of every such permit shall be filed for record in the office of the Government Secretary, and any such permit may be cancelled at any time by order of the Administrator; but, so long as it remains in force, the native to whom it was issued may have in his possession and may use such firearms and ammunition as are thereby permitted.

VII. It shall not be an offence under this ordinance for any person to give to any native, for any urgent cause or necessity and without recompense or remuneration, any intoxicating liquor when such intoxicating liquor is given solely and purely for medical purposes, but it will rest with the person giving such intoxicating liquor to prove to the satisfaction of the Court the existence of such urgent necessity, and, failing such proof, in a clear and conclusive manner, such person shall be liable to the penalty provided in section II. hereof.

VIII. No person shall be liable to any penalty under this ordinance for giving any opium to any native when the same is given for medical purposes in medicinal form and in quantities not excessive.

IX. This ordinance may be cited for all purposes as "The Arms, Liquor, and Opium Prohibition Ordinance, 1888."

Passed in Council this twelfth day of September, one thousand eight hundred and eighty-eight.

No. 2.

AN ORDINANCE (ENACTED BY THE ADMINISTRATOR OF BRITISH NEW GUINEA, WITH THE ADVICE AND CONSENT OF THE LEGISLATIVE COUNCIL THEREOF) TO REGULATE DEALINGS IN LAND.

(L.S.) WM. MACGREGOR. (17th September, 1888.)

BE it enacted by the Administrator of British New Guinea, with the advice and consent of the Legislative Council thereof, as follows:—

I. No person shall, either by himself or his agent, nor shall any person acting as or purporting to act as the agent of any other person, directly or indirectly, negotiate for purchase or acquire, or contract or agree to purchase or acquire, from any native, or from any person on behalf of any such native, any land, or any right, title, or interest in any land, or in the usufruct of any land, within the possession.

Any person offending against any provision of this section shall be liable, on summary conviction, to a penalty not exceeding one hundred pounds, or to imprisonment not exceeding twelve months.

II. No native shall, except as is hereinafter provided, contract or agree with any person or persons, directly or indirectly, for the sale or purchase or acquisition or use of any estate, or for any right, title, or interest in any land, or in the usufruct of any land, within the possession.

III. Any contract, agreement, or instrument made, signed, or executed contrary to the provisions of this ordinance shall be void, and any moneys, value, or consideration paid, or purporting or agreed to be paid, thereunder shall not be recoverable, and no person shall have any right, claim, or demand under or in respect of any such contract, agreement, or instrument, or any covenant or agreement therein contained or implied.

IV. Nothing in this ordinance contained shall preclude the Administrator from negotiating, on behalf of Her Majesty, direct with the ascertained native owners of any land within the possession, for the purchase in perpetuity, or for the lease or any other use of any such land, or of the usufruct of any such land, which such native owners may wish to dispose of upon such terms and conditions as may be agreed upon between the Administrator and the owners aforesaid.

V. It shall not be lawful for the Administrator to acquire under the last-preceding section any land, or any interest, right, or title in any land, or to the use or to the usufruct of any land, until by sufficient inquiry he has become satisfied that such land, or the use or usufruct thereof, is not required nor likely to be required by the native owners.

VI. The Administrator shall not become the owner nor obtain any interest, direct or indirect, in any land, or in the use or usufruct of any land, purchased or acquired from any native owner in the manner hereinbefore provided, but may transfer to any other person, as may hereafter be provided by law, any land or the use of any land or any interest or rights in any land, or in the usufruct of any land, which has been so purchased or acquired by him from any native, and after such transfer it shall be lawful for all persons to sell or deal with such land or with any interest therein, or in the usufruct thereof, as fully as if this ordinance had not been enacted.

VII. This ordinance may be cited for all purposes as "The Land Regulation Ordinance, 1888."

Passed in Council this twelfth day of September, in the year of our Lord one thousand eight hundred and eighty-eight.

No. 3.

AN ORDINANCE (ENACTED BY THE ADMINISTRATOR OF BRITISH NEW GUINEA, WITH THE ADVICE AND CONSENT OF THE LEGISLATIVE COUNCIL THEREOF) TO PROHIBIT THE REMOVAL OF NATIVES FROM THEIR OWN DISTRICTS.

(L.S.) WM. MACGREGOR. (17th September, 1888.)

BE it enacted by the Administrator of British New Guinea, with the advice and consent of the Legislative Council thereof, as follows:—

I. In this ordinance the word "native" shall mean any aboriginal native of British New Guinea, hereinafter referred to as "the possession."

II. For the purposes of this ordinance it shall be lawful for the Administrator, by Proclamation in the Government Gazette, to declare that certain areas in the possession have been created districts under this ordinance. Such Proclamation shall set forth the limits of any district as aforesaid, and the boundaries of any such district may at any time by like Proclamation be varied, extended, or diminished. Any district as aforesaid may for the purposes of this ordinance embrace

one or more areas that are not contiguous, and any area situated within a district may at any time by like Proclamation be declared to not form part of any district under this ordinance.

III. The district of any native who does not reside within a district defined and proclaimed as above, shall be held to extend in every direction to a distance of ten miles from the ordinary place of residence of such native.

IV. It shall not be lawful for any person, except as hereinafter provided, to engage any native to labour at any place not within the district of such native, or to remove or attempt to remove any native from his own district for service elsewhere or for any other purpose, or to remove or take away, or to attempt to remove or take away, or to aid or abet in removing or taking away, any native to any place beyond the possession.

Any person violating any provision of this section shall be liable to a fine not exceeding £100, and to imprisonment not exceeding twelve months, and shall, in addition, have to bear all necessary and reasonable costs incurred, or to be incurred, in returning to his home any native removed from his district contrary to the provisions of this section.

V. The provisions of the last-preceding section shall not apply in respect of any native engaged, or that may be engaged, in any capacity in connection with Her Majesty's Government in the possession.

VI. When in any case it is shown to the satisfaction of the Administrator that any native employed before the passing of this ordinance as a labourer or otherwise, beyond his district as defined above, is so employed by the wish and desire of such native, and that there exists no objection on the part of the tribe or family of such native to his being absent from his district, the Administrator may, if he sees fit, direct that a permit be issued to the employer of such native, or to the person having charge or control of such native, to continue to retain him in the same occupation for any term mentioned in the permit aforesaid, and such permit shall, during the period it may be in force, exempt the person to whom it has been granted from any penalty under section IV. hereof. Any such permit may be revoked at any time by order of the Administrator.

VII. Notwithstanding anything contained in this ordinance, it shall be lawful for the master of any British-owned boat or vessel trading in the possession to engage, before any Resident Magistrate or other officer empowered in that behalf by the Administrator, any native to serve for any term not exceeding six months on board such boat or vessel within the possession, or within such part or parts thereof, and on such terms and conditions as the said Magistrate or other officer may approve or require, but the master of any boat or vessel employing any native thereon otherwise than as permitted under this ordinance, or removing or attempting to remove any native beyond the possession, whether such native is under engagement or not, shall be liable to the penalties set forth in section IV. hereof.

VIII. Any Resident Magistrate or other officer as aforesaid may sanction the engagement of any native to serve on any boat or vessel, as provided in the last-preceding section, for a period not exceeding six months, if he has satisfied himself on the following points:—

- (a.) That fair remuneration is offered, and will be duly paid, for which the Resident Magistrate or other officer may require satisfactory security;
- (b.) That the native is willing to engage;
- (c.) That the native has the consent of his tribe or family to engage;
- (d.) That there is no reason to suspect that the native will be in any way unfairly treated; and
- (e.) That the native will, on the expiration or cancellation of the engagement, be returned to his home, for which return the Resident Magistrate or other officer may require satisfactory security.

The Resident Magistrate or other officer may refuse to sanction the engagement of any such native, and he shall not be required to state to any intending employer the grounds of such refusal.

IX. A record of the engagement of every native employed under sections VII. and VIII. hereof, signed by the employer, shall be filed by the Resident Magistrate or other officer, and the Resident Magistrate or other officer may at any time cancel any such engagement, but shall by the first opportunity report the same and the reasons therefor to the Administrator.

X. Nothing herein contained shall be held to prevent the Administrator, or any officer deputed by him in that respect, from allowing any native to be removed from his own district to any other part of the possession for the purposes of education or the advancement of religious teaching.

XI. This ordinance may be cited for all purposes as "The Natives' Removal Prohibition Ordinance, 1888."

Passed in the Council this 12th day of September, in the year of our Lord one thousand eight hundred and eighty-eight.

No. 7.

(New Zealand, No. 59.)

MY LORD,—

Downing Street, 13th December, 1890.

No. 6.

With reference to my despatch of this day's date, I have the honour to transmit to your Lordship, for communication to your Government, a copy of a despatch from Mr. Exham to the Foreign Office, representing the increased expenses which he has incurred since the establishment of the British protectorate over the Cook Islands.

As Mr. Exham has never been otherwise than an unsalaried Acting Consul, I should learn with much satisfaction that the Legislature of New Zealand had

agreed to grant him an allowance of a similar amount to that which he received from the Foreign Office for the period from the date of the declaration of the Queen's protectorate to that of Mr. Moss's assumption of his duties as Resident.

I have, &c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

Enclosure.

Acting Consul EXHAM to the FOREIGN OFFICE.

SIR,—

British Consulate, Rarotonga, 26th July, 1890.

I have the honour to inform you that since the declaration of a British protectorate over these islands many extra expenses have been entailed on me. Last November I had, at the request of the chief Ingamaru, of Atiu, Mauke, and Mitiaro, to go to Mauke with him to settle a disturbance that had taken place on that island, and to assist him in removing eighty-one muskets that the people had in their possession. This trip cost me for passage £5, and extra payments to my head clerk acting as manager for my business £10 10s. The allowance of £30 per annum for this office is, under these circumstances, more than paid away, leaving me considerably out of pocket. I am therefore in hopes that you may be able to increase that allowance from the date of the declaration of protection—viz., the 27th November, 1888—to, say, £60 per annum, which would cover all expenses.

I am, &c.,

The Chief Clerk, Foreign Office.

R. EXHAM, Acting Consul.

No. 8.

Downing Street, 26th December, 1890.

INTIMATING that Her Majesty will not be advised to exercise her power of disallowance of the Acts of the New Zealand Parliament, session of 1890.

[For list of Acts see *New Zealand Gazette* No. 13, 12th February, 1891.]

No. 9.

(New Zealand—Honours.)

MY LORD,—

Downing Street, 31st December, 1890.

I have the honour to inform you that the Queen has, on my recommendation, been graciously pleased to give directions for the appointment of Mr. Walter Kennaway, Secretary to the Agent-General in London, and Mr. John Roberts, President of the New Zealand and South Seas Exhibition, held at Dunedin, 1889, to be Companions of the Most Distinguished Order of Saint Michael and Saint George.

I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

No. 10.

(Circular.)

SIR,—

Downing Street, 12th January, 1891.

With reference to Sir M. Hicks-Beach's despatch of the 12th of April, 1878, respecting the proposed appointment of Chinese Consuls in certain parts of the Queen's dominions, I have the honour to transmit to you, for communication to your Ministers, a copy of a note which has been received at the Foreign Office from the Chinese Minister at this Court respecting the issue of *exequaturs* to consular officers appointed by the Chinese Government, together with a copy of the Marquis of Salisbury's reply.

Her Majesty's Government are disposed to believe that, as since the date of the despatch referred to, the Australasian Colonies and Canada have protected themselves by legislation of a special character against Chinese immigration on a large scale, they may now be disposed to accede to the wishes of the Chinese Government.

I request, therefore, that I may be informed whether your Government agree (subject to the right of dissenting in any particular case) to the principle involved in the appointment of Chinese Consuls, having regard to the fact that the restrictions upon Chinese immigration have placed that question on a definite

footing, and that commercial and other considerations render it clearly desirable to maintain good relations with China by making concessions to the feelings of that country in other matters.

I have, &c.,
KNUTSFORD.

The Officer Administering the Government of New Zealand.

SIEH TA-JÊN to the Marquis of SALISBURY.

MY LORD,—

Chinese Legation, 25th September, 1890.

Though the number of Chinese subjects residing in Her Britannic Majesty's dominions is so great, and the relations between China and Great Britain have been going on in ever-increasing cordiality and importance, Singapore still continues to be the only place in which the Chinese Government has either a Consul or a Consular Agent.

I have therefore the honour to state that, with a view to the removal of such anomaly, and the establishment of a state of matters which would more properly characterize the friendly relations which now happily exist between the two countries, and the regard with which the Imperial Government naturally entertains for the interests of Chinese subjects residing abroad, the Tsung-li Yâmen have instructed me to invite your Lordship to an exchange of views on the general question of Chinese consular representation in Her Britannic Majesty's dominions.

In connection with the appointment of a Chinese Consul to Singapore, your Lordship, in a despatch dated the 16th April, 1878, replying to Kwo Ta-jên, the then Chinese Minister to this Court, pointed out to him that the relations of China with the rest of the world were not founded on the comity of nations, but on peculiar and exceptional treaty stipulations, and that therefore, as China had not thrown her country open to foreigners and foreign commerce, she could hardly appeal to the example of foreign nations in applying for permission to make consular appointments in Her Majesty's dominions. With whatever justice this may be said to have been the case in respect of the relations of China with foreign nations in 1878 it will scarcely be held as accurately describing them at the present date. China has never at any time repudiated the obligations imposed on her by the law of nations, and her actions, more particularly within the last fifteen years, have been regulated by a general and always-increasing conformity to it. I would therefore submit that, though as yet she may not, excepting in a limited sense, have thrown her country open to foreigners and foreign commerce, she has still done enough to entitle her to hope that the privilege of making consular appointments in Her Majesty's dominions will be accorded her in the measure and under the same circumstances and regulations as that privilege is granted to other friendly nations. At more than twenty ports and places in the Chinese Empire foreigners are allowed to reside and carry on commerce on conditions which, as compared to what takes place in the territories of many of the treaty Powers, may almost be considered as free-trade, and at twenty-two of these emporia Her Britannic Majesty is represented by Consuls or Consular Agents.

In offering these remarks for your Lordship's favourable consideration, I would premise that I make them rather by way of explanation than of forestalling any objections Her Majesty's Government may have to recognising the reasonableness of the claim I have been directed to put forward; for I do not anticipate that Her Majesty's Government will experience any difficulty in allowing it, and this all the rather as the Chefoo Convention, an instrument which had not been ratified at the time the despatch in question was written, impliedly recognises the right of China to Consular representation in Her Majesty's dominions, whilst in the Supplementary Convention of the 24th October, 1869, the right of China to appoint Consuls in all parts of the British dominions is accorded in express terms. I am aware that ratification of the latter Convention was refused by Her Majesty's Government, and I refer to it here only as showing what Her Majesty's Government would have been prepared to grant had not, for other reasons, the Convention been unacceptable.

In conclusion, I would wish to state that, should an understanding on the subject of the general principle of Chinese consular appointments be the result of our interchange of views, the Imperial Government would not take advantage of it to any great extent at present, but only apply for *exequaturs* from time to time as circumstances may require.

I have, &c.,
SIEH.

The Marquis of SALISBURY to SIEH TA-JÊN.

M. LE MINISTRE,—

Foreign Office, 20th November, 1890.

With reference to my note of the 9th ultimo, I have now the honour to state to you that Her Majesty's Government have given careful consideration to the wish of the Chinese Government to appoint consular representatives in Her Majesty's dominions.

It gives me much pleasure to inform you that, as a matter of principle, Her Majesty's Government will be prepared to grant *exequaturs* to consular officers appointed by the Chinese Government on the same footing as the consular officers of other friendly Powers. In some exceptional cases, however, it may not be possible, owing to local considerations, to issue *exequaturs* at the present time, and Her Majesty's Government must reserve the free exercise of their discretion in this respect.

I have, &c.,
SALISBURY.

No. 11.

(Circular.)

SIR,—

Downing Street, 6th February, 1891.

With reference to my predecessor's circular despatches of the 10th of June and 20th of August, 1886, I have the honour to inform you that the

Spanish Ambassador at this Court has given notice, on behalf of his Government, to terminate the Commercial Convention of the 26th of April, 1886, between Great Britain and Spain, which will accordingly expire on the 30th of June, 1892.

I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

No. 12.

TELEGRAM FROM SECRETARY OF STATE.

9th February, 1891.

MUCH regret news of Sir William Fitzherbert. Express sympathy with his family from all.

No. 13.

(New Zealand—General.)

MY LORD,—

Downing Street, 23rd January, 1891.

I have the honour to transmit, for the consideration of your Government, a copy of a communication received through the Board of Trade from the Berne International Office, respecting the position of the colony under your government with regard to the International Convention for the Protection of Industrial Property; and I request that you will be good enough to inform me whether your Government are prepared to accede to that Convention, and, if so, in which of the classes mentioned in paragraph 6 of the final protocol annexed to the Convention (of which copy was enclosed in the Earl of Derby's circular despatch of 9th July, 1884) they would wish the colony to be placed in respect of contribution to the common expenses of the International Bureau.

I am, &c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

Enclosure.

MONSIEUR,—

Berne, le 17 Décembre, 1890.

En 1885, l' "Official Journal of the Patent Office" a annoncé qu'en suite d'une ordonnance du Conseil Privé le Queensland était mis au bénéfice des sections 103 et 104 de la loi Anglaise de 1883. Cela nous paraissait impliquer l'accession de cette colonie à la Convention du 20 Mars, 1883, et nous avons prié votre Administration de vouloir bien renseigner à cet égard. Vous nous avez répondu, en date du 25 Octobre, 1885, que l'ordonnance en question ne se rapportait qu'à une réciprocité de protection entre la Grande Brétagne et le Queensland, et non à l'entrée de ce dernier dans l'Union. En conséquence nous nous sommes abstenus de faire mention de la susdite ordonnance dans la "Propriété Industrielle." Au commencement de cette année, une nouvelle ordonnance du Conseil Privé a annoncé l'application des sections 103 et 104 à la Nouvelle-Zélande, et nous n'en avons pas d'avantage parlé dans notre journal, vu qu'il ne s'agissait que d'un arrangement intérieur entre métropole et colonie.

Deputs lors, grâce à l'envoi que vous avez bien voulu nous faire de lois sur le brevets, dessins, et marques de fabrique de Queensland (13 Octobre, 1884) et de la Nouvelle-Zélande (2 Septembre, 1889), nous avons été à même d'en examiner les dispositions relatives aux arrangements internationaux et intercoloniaux. Cette étude nous a conduits à admettre que le colonies en question accordent aux États auxquels une ordonnance du Conseil a rendu applicable l'article 103 de la loi Anglaise—en d'autres termes aux États de l'Union—une protection analogue à celle que la Grande Brétagne accorde auxdits États en matière de brevets, de dessins, et de marques de fabrique, et cela sans exiger qu'une protection équivalent soit garantie par ces États au ressortissants desdites colonies.

Les Législateurs ont-ils cru que l'application aux colonies des dispositions internationales de la loi Anglaise de 1883 entraînait *ipso facto* pour ces colonies l'application de la Convention du 20 Mars, 1883, dans les États de l'Union? Nous ne savons ce qui en est à cet égard; mais ce qui nous paraît résulter de lois susmentionnées mis en rapport avec celles de la Grand Brétagne, c'est que les deux colonies dont s'agit doivent protection aux sujets ou citoyens de l'Union, sans avoir le bénéfice de la réciprocité aussi longtemps que la métropole n'aura pas notifié au Conseil fédéral suisse leur accession à la Convention.

Ce fait est trop important pour ne pas être publié dans la "Propriété Industrielle;" cependant il se peut que le Board of Trade juge utile de soumettre en rapport avec le Ministère des Colonies pour provoquer l'accession à l'union du Queensland et de la Nouvelle-Zélande, afin de leur assurer dans les divers pays de l'Union la contrepartie des droits qu'ils accordent à ceux-ci des maintenant, dans ce cas nous suspendrions toute publication, et attendrions la notification d'accession.

En vous priant de vouloir bien nous dire si notre manière de comprendre les lois des deux colonies est correcte et si nous devons, ou non, retarder la publication y relative, nous vous présentons, Monsieur, l'assurance de notre haute considération.

Bureau International de l'Union de la Propriété Industrielle.

Le Secrétaire Général, MOREL.

The Assistant-Secretary, Railway Department, Board of Trade, London, S.W.

No. 14.

(Circular.)

SIR,—

Downing Street, 14th February, 1891.

A.—2, 1891, Sess.
I., No. 8.

With reference to Lord Kimberley's circular despatch of the 21st September, 1882, and to paragraphs 33 and 38 of the enclosure to my circular despatch of the 30th April, 1890, I have the honour to inform you that it has been represented to me that it might tend to greater expedition and efficiency in the apprehension in the United Kingdom, on provisional warrants, of fugitive offenders from the colonies, if colonial Governments having Agents-General in London were to send telegrams requesting provisional arrest direct to the Agents-General, and the Agents-General were to apply to the Magistrate for a provisional warrant, without the intervention of the Home Government; or that still greater expedition might be secured if all colonial Governments, whether having Agents-General in London or not, could telegraph requests for provisional arrest direct to the Metropolitan Police, and the police were authorised on the receipt of such a telegram to apply immediately for a warrant. The Secretary of State for the Home Department is prepared to instruct the police so to act with reference to any colony whose Government shall have agreed that such telegrams shall be taken to imply a guarantee that the expenses will be paid, and I request that you will inform me at your earliest convenience whether your Government agree to such implied guarantee for the payment of expenses, and, if so, from what Minister or officer the guaranteed telegrams will emanate.

In any case in which you may receive a telegram from the Secretary of State for the Colonies applying for the arrest of a fugitive offender from England it is to be understood that the English Government guarantees the expenses of the apprehension.

I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

No. 15.

TELEGRAM FROM GOVERNOR, New South Wales.

4th March, 1891.

FOLLOWING from Secretary of State: Washington Maritime Conference last year recommends following international system of buoys: Colour—Starboard, red; port, black or particolour. Middle-ground buoys, horizontal bands. Shape for distinction: starboard, conical; port, can or spar. Committee appointed Board of Trade, Duke of Edinburgh presiding, are prepared to advise Washington plan for United Kingdom. Would colonial Governments follow? Telegraph reply.

No. 16.

(New Zealand—General.)

MY LORD,—

Downing Street, 9th March, 1891.

I have the honour to acknowledge the receipt of your Lordship's despatch, No. 1, of the 10th January, stating that the Commercial Convention between Great Britain and Egypt of the 29th October, 1889, has been gazetted in the colony, and to point out to your Lordship that what was desired to be ascertained by my circular despatch of the 20th March, and my despatch "general" of the 24th November last, was whether your Government wished that the stipulations of the Convention should be made applicable to the colony.

I shall be glad to be favoured with the decision of your Government on this point.

I have, &c.

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

No. 17.

TELEGRAM from SECRETARY of STATE.

17th March, 1891.

WITH reference to par. 7 of your despatch 56, of 12th November, what is name of officer appointed to Militia? A.-1, 1891, Sess. I., No. 20.

No. 18.

(New Zealand—General.)

MY LORD,—

Downing Street, 8th April, 1891.

I have the honour to acknowledge the receipt of your Lordship's despatch, No. 13, of the 9th of February, and to inform your Lordship that the Queen has been pleased to approve of Messrs. Edwin Mitchelson, Thomas Fergus, George Frederick Richardson, and Thomas William Hislop being allowed to retain the title of Honourable within the Colony of New Zealand. A.-1, 1891, Sess. II., No. 9.

I have, &c.,

KNUTSFORD.

The Right Hon. the Earl of Onslow, G.C.M.G., &c.

No. 19.

(New Zealand, No. 8.)

MY LORD,—

Downing Street, 11th April, 1891.

I have the honour to acknowledge the receipt of your despatches noted in the margin, reporting upon matters connected with the change of Ministry in New Zealand in January. A.-1, 1891, Sess. II., Nos. 1, 2, 3, 6, 7.

With regard to the appointments to the Legislative Council recommended by the late Government, I am of opinion that, in accepting the advice tendered to you by your Lordship's Responsible Ministers under the circumstances described in your despatches, you acted strictly in accordance with the Constitution of the colony; but I do not desire to be understood to offer any opinion upon the action of your Ministers in tendering that advice.

I have, &c.,

KNUTSFORD.

The Right Hon. the Earl of Onslow, G.C.M.G., &c.

No. 20.

(New Zealand, No. 10.)

MY LORD,—

Downing Street, 15th April, 1891.

I communicated to the Committee of Lloyd's, and to the Board of Trade, copies of your Lordship's despatch, No. 8, of the 2nd of February last, relating to the alleged overloading of deck-cargoes on vessels leaving ports in New Zealand, and I have the honour to transmit to you herewith, for communication to your Government, copies of letters received from Lloyd's and the Board of Trade in reply. A.-1, 1891, Sess. II., No. 4.

I have, &c.,

KNUTSFORD.

Governor the Right Hon. the Earl of Onslow, G.C.M.G., &c.

Enclosure 1.

The BOARD of TRADE to the COLONIAL OFFICE.

SIR,—

Board of Trade (Marine Department), London, S.W., 11th April, 1891.

Deck-cargoes.—I am directed by the Board of Trade to acknowledge the receipt of your letter of the 26th ultimo, transmitting copies of a letter from Lloyd's, and from the Governor of New Zealand, respecting alleged overloading of vessels leaving ports in that colony as to deck-cargoes, and requesting information as to the practice of the Board in such cases.

In reply, I am to state, for Lord Knutsford's information, that, in regard to this matter, the Board of Trade can only call attention to the provisions contained in sections 23 and 24 of "The Merchant Shipping Act, 1876," having reference to deck-cargoes. The Board would also suggest for his Lordship's consideration that a copy of Lord Onslow's letter should be forwarded to the Committee of Lloyd's Register.

I have, &c.,

The Under-Secretary of State, Colonial Office.

GEORGE J. SWANSTON.

Enclosure 2.

LLOYD'S to the COLONIAL OFFICE.

SIR,—

Lloyd's, E.C., 1st April, 1891.

I am directed to acknowledge the receipt of your letter of the 26th March, with regard to vessels leaving ports in New Zealand with deck-cargoes, and to beg that you will be good enough to express to the Secretary of State for the Colonies the thanks of the Committee of Lloyds for his Lordship's action in this matter.

I may add that the substance of the communication from the Governor of New Zealand, a copy of which the Secretary of State for the colonies has been good enough to forward, has been communicated to those who brought this matter under the notice of the Committee of Lloyd's.

I have, &c.,

The Under-Secretary of State for the Colonies.

H. M. HOZIER, Secretary.

Approximate Cost of Paper.—Preparation, nil; printing (1,300 copies), £7 18s. 6d.]

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1891.