

No. 2.

(No. 11.)

MY LORD,—

Downing Street, 15th April, 1891.

I have the honour to transmit to your Lordship for the consideration and observations of your Ministers the accompanying extracts from a despatch which has been addressed to me by the High Commissioner for the Western Pacific in reference to the question of the issue of licenses, under the Pacific Islanders' Protection Acts, to masters of vessels to carry native labour.

Assuming the facts to be as reported to Sir J. Thurston, I need scarcely point out the necessity which exists for careful examination into the position and discretion of applicants for licenses before action is taken by the Governor under section 5 of the Act of 1872; and I would draw particular attention to the remarks of the High Commissioner as regards the issue of a license to a vessel of such very small tonnage as the "Myrtle" is shown to have been.

I have, &c.,

KNUTSFORD.

The Right Hon. the Earl of Onslow, &c.

Enclosure.

EXTRACT from a DESPATCH from Sir J. B. THURSTON to Lord KNUTSFORD, dated 22nd February, 1891 (No. 12).

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch No. 52, of the 13th October, transmitting copies of two letters from Mr. J. Arundel respecting the difficulties attendant upon the necessity of procuring licenses under "The Pacific Islanders' Protection Act, 1872," and also copies of the replies which your Lordship has caused to be returned to Mr. Arundel.

In reply to a letter from Mr. Arundel I informed him in August last that I had no authority beyond the limits of this colony, and I added that it occurred to me that the Governors of the Australasian Colonies might find it extremely difficult to grant licenses under the Pacific Islanders' Protection Act, "when the parties at whose instance and for whose benefit the license is issued are not living within the jurisdiction of his Government."

And I might here submit that, while the Act authorises the Governor of a colony to grant a license to a shipmaster for the conveyance of native labourers, the owners of such ships or other persons concerned may reasonably be expected to make application in such time as will permit of inquiry as to the character or general repute of the master to whom the license, if granted, will issue, the sufficiency of the bondsmen, and perhaps as to other points.

An application for a license under the Act referred to ought not, I submit, to be looked upon from either side as a mere form, subsequent to which a license will, as a matter of course, be issued.

It so happens that no applications under the Act have ever been made to me, nor, as I believe, to any of my predecessors. If, however, the charterer of a ship arrived at some distant port of entry in the colony, instead of at the seat of Government, and requested me by letter to furnish him with a license, I trust your Lordship would justify my declining or delaying to do so until I had fully satisfied myself upon all necessary points. This is really what happened in one or more of the cases referred to in Mr. Arundel's correspondence with Lord Onslow.

In the instance adverted to by Mr. Arundel, when, at Auckland, I afforded some little assistance to his partner, Mr. Ellis, I suggested that, as Fiji lay in the track of their stations in the Pacific, they might with convenience call at Suva, where they were well known (at that moment Lord Onslow was at Dunedin, in the south of New Zealand), and where no delay would occur. For some reason, however, it was assumed better to avoid any interruptions or delay when the voyage was once entered upon.

In February, 1890, I was upon a visit to New Zealand, and while at Auckland Mr. Ellis, a gentleman whom I have known for some years, asked me as High Commissioner for a license for the master of the ship "Vivid." Neither the ship "Vivid" nor her master were then in Auckland, and I explained to Mr. Ellis that, apart from this fact, I was beyond the limits of my jurisdiction, and that his proper course was to address Lord Onslow, then daily expected from the South. I, however, promised to write to Mr. Hislop, the Colonial Secretary of New Zealand, asking him to expedite the reply to Mr. Ellis's application; and this I did. But the application, as your Lordship will observe, was made in New Zealand and to the Governor of that colony.

In May, 1890, Captain Davis, of H.M.S. "Royalist" (then at the New Hebrides), in consequence of information received by him, boarded the British schooner "Windward Ho." This vessel carried a license issued under the Act by the Governor of New South Wales to one Donald McLeod, master of such ship; but, although native labourers were on board when Captain Davis inspected her, the vessel was commanded by one George Sonnichsen, and one George Facio was mate. Neither of these men, in fact, were British subjects, McLeod himself—a very well-known person, and one to whom, in my opinion, no license should be granted—being at the time in command of the British cutter "Eleanor Morton," which he had just brought up from Auckland with the object, so Captain Davis understood, of putting her under French colours and employing her in the New Hebrides group.