

(No. 85.)



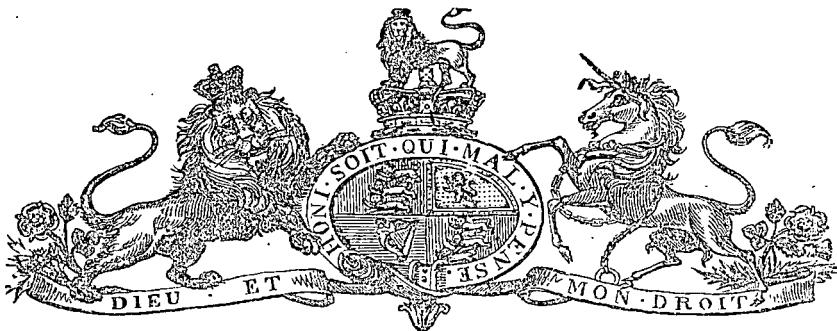
1890.

PARLIAMENT OF TASMANIA.

M A C Q U A R I E I S L A N D :

C O R R E S P O N D E N C E .

Presented to both Houses of Parliament by His Excellency's Command.



Crown Lands Office, Hobart, 20th December, 1889.

SIR,

I NOTICE in telegraphic news in *Mercury* this morning that it is reported that the New Zealand Government intend sending a steamer to Macquarie Island, 450 miles S.W. of Auckland Isles, for the purpose of hoisting the British flag on that Island. It may not generally be known that Macquarie Island is a dependency of Tasmania—*vide* boundaries of the Colony given in *Gazette*, 26th October, 1880, page 1057, in connection with the Governor's Commission.

I have, &c.

ALBERT REID, *Deputy Commissioner of Crown Lands.*

The Honorable the Minister of Lands and Works.

Premier's Office, 20th December, 1889.

THE Premier has the honor to bring under His Excellency's notice a telegram under the head of "New Zealand," which appears in this morning's *Mercury* to the following effect:—

"It is reported that the Government steamer *Hinemoa* is to be despatched to Macquarie Island for the purpose of hoisting the British flag there."

His Excellency's attention is also asked to Letters Patent constituting the office of Governor and Commander-in-Chief of the Colony of Tasmania and its Dependencies, as published at page 1057 in the *Gazette* of October 26th, 1880, which sets forth the boundaries of Tasmania as comprising Macquarie Island; and it is suggested that His Excellency would do well to telegraph to His Excellency the Governor of New Zealand, Earl Onslow, the information therein contained.

P. O. FYSH.

His Excellency the Governor.

TELEGRAM.

Deloraine, 30th December, 1889.

Please send by next mail, in name of Governor, copy of Letters Patent referring to Macquarie Island to Lord Onslow.

PRIVATE SECRETARY.

To Under Secretary.

Premier's Office, Hobart, 7th January, 1890.

MY LORD,

I HAVE the honor to address Your Lordship, by direction of His Excellency Sir Robert Hamilton, Governor of this Colony, in reference to a New Zealand press cablegram published here (*Mercury*, 21. 12. 89), to the effect that "the Government steamer *Hinemoa* is to be despatched to Macquarie Island for the purpose of hoisting the British flag there."

By the Letters Patent constituting the office of Governor and Commander-in-Chief of the Colony of Tasmania and its Dependencies, Macquarie Island is specially mentioned as being attached to this Colony; and, in the event of the action referred to being contemplated by the New Zealand Government, Sir Robert Hamilton will be glad if Your Lordship will bring this circumstance under notice.

I enclose copy of the *Hobart Gazette* (26th Oct., 1880), in which the Letters Patent above quoted were published.

I have, &c.

A. INGLIS CLARK,
for the Premier, absent.

*The Right Honorable the EARL OF ONSLOW, K.C.M.G.,
Governor and Commander-in-Chief, New Zealand.*

Government House, Auckland, 11th February, 1890.

SIR,

IN reply to your letter of January 7th, I am directed by His Excellency the Governor to say that, in consequence of a telegram from the Governor of Tasmania informing him that Her Majesty had been pleased to appoint him to be Governor and Commander-in-Chief over the Macquarie Islands, and that it was so set forth in the Letters Patent constituting the office of Governor of Tasmania, he directed that the Government steamship *Hinemoa* should not proceed to the Macquaries.

His Excellency has, in accordance with the request contained in your letter, brought the matter under the notice of this Government.

I have, &c.

ONSLOW.

To Hon. A. INGLIS CLARK, M.P.

Tasmania.

No. 8.

Downing-street, 28th February, 1890.

SIR,

I HAVE the honor to acknowledge the receipt of your Despatch, No. 69, of the 22nd December, with its enclosure, respecting Macquarie Island.

I transmit to you, for the information of your Government, a copy of a Despatch which I have addressed to the Governor of New Zealand on the subject.

I have, &c.

KNUTSFORD.

Governor SIR R. G. C. HAMILTON, K.C.B. &c.

LORD KNUTSFORD to LORD ONSLOW.

New Zealand.

No. 11.

Downing-street, 28th February, 1890.

MY LORD,

I HAVE the honor to acknowledge the receipt of Your Lordship's Despatch, No. 1, of the 1st ultimo, reporting the steps which your Government was about to take with the view of declaring the Queen's Sovereignty over the Macquarie Island, previous to the receipt of a telegram from the Governor of Tasmania.

I regret that, in the previous correspondence, the fact of the inclusion of Macquarie Island in the Letters Patent of the Governor of Tasmania of 1880 should have been overlooked in this Department.

Should the Government of New Zealand wish to come to any arrangement with that of Tasmania for the transfer of this island or group of islands, no objection would be raised on the part of Her Majesty's Government to such a course.

I have, &c.

KNUTSFORD.

*Governor the Right Hon.
the EARL OF ONSLOW, G.C.M.G., &c.*

Premier's Office, Wellington, 2nd June, 1890.

SIR,

REFERRING to the recent action of this Government which led to the discovery that the Macquarie Islands belonged to Tasmania, I have now the honor to inform you that in a Despatch from the Right Honorable the Secretary of State for the Colonies, dated 28th February last, it is stated that, "Should the Government of New Zealand wish to come to any arrangement with that of Tasmania for the transfer of this Island or group of Islands, no objection would be raised on the part of Her Majesty's Government to such a course."

The reason which induced this Government to apply for the annexation of these Islands was in the interest of the seal fisheries, to prevent their being used as a centre for poaching on the Auckland and other Islands now under our jurisdiction, which is known to have happened on more than one occasion. I am not aware of the circumstances under which the Islands were included in the Letters Patent of the Governor of Tasmania in 1880, or whether the Tasmanian Government has any predilection in favour of retaining them, but if not, and they were added to this Colony, this Government would at once be in a position to take the necessary steps to put a stop to the poaching that is now carried on.

I shall be glad to receive your views on the subject, and to learn that they are favourably disposed to the transfer.

I have, &c.

E. MITCHELSON, *for the Premier.*

The Honorable the Premier, Hobart, Tasmania.

Premier's Office, Hobart, 19th June, 1890.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 2nd instant, on the subject of Macquarie Island and its use as a base of operations for poachers on the seal fisheries of the Auckland and other Islands.

This Government will be happy to meet your wishes as to the transfer of this Island to New Zealand; indeed, your request anticipated my intention to address you with that object.

I have referred the matter to the Law Officers of the Crown for their opinion as to the best course to pursue in arranging for the transfer of this Island to your Government.

I have, &c.

P. O. FYSH.

The Honorable the Premier of New Zealand.

Premier's Office, Hobart, 19th June, 1890.

DEAR MR. STOPS.

THE Premier will be glad to be advised as to the necessary steps to be taken for the transfer of Macquarie Island to the Government of New Zealand. I enclose all correspondence.

Yours sincerely,

JAS. ANDREW.

F. STOPS, *Esq.*

MACQUARIE ISLAND is a Dependency of Tasmania, as appears by the Letters Patent of the Governor of Tasmania of 1880.

If this Island is now to become portion of the Colony of New Zealand and be subject to her laws, I am of opinion that an Imperial Statute will be necessary to effect the desired alteration of territory.

By Act of the Queensland Parliament, 43 Vict. No. 1, 1879, it was declared that certain Islands in Torres Straits should become part of the Colony of Queensland, and become subject to the laws in force therein. This Act was passed in pursuance of the Letters Patent recited therein, dated 10th October, 42nd Victoria. But it will be observed that the islands did not form portion of any Colony.

On the other hand, for example, the Imperial Statute of 24 & 25 Vict., cap. 44, shows by the Preamble that doubts are entertained whether it is competent, even by Letters Patent of Her Majesty, to annex to an existing Colony any part of another Colony which may be detached from such other Colony.

ALFRED DOBSON.
Solicitor-General's Chambers,
30th June, 1890.

FORWARDED to the Honorable the Premier.

F. STOPS.
30. 6. 90.

Premier's Office, Wellington, 4th July, 1890.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 19th June, in reply to mine of the 2nd, on the subject of the Macquarie Islands. I thank you for your courtesy, and shall wait with interest for the opinion of your legal advisers as to the best course to pursue for arranging the transfer.

I have, &c.

E. MITCHELSON, *for the Premier.*

The Hon. the Premier, Tasmania.

MACQUARIE ISLAND.—An island in the South Pacific, in latitude 54° 50' S., and longitude 159° E., about 600 miles S.W. of New Zealand. Discovered in 1811 by some adventurers from New South Wales in prosecution of the seal fishery. Outlying islands—"Bishop and Clerk," 30 miles to the south; "Judge and Clerk," 7 miles to the north.

Macquarie Island is about 18 miles in length and 5 miles in breadth.
