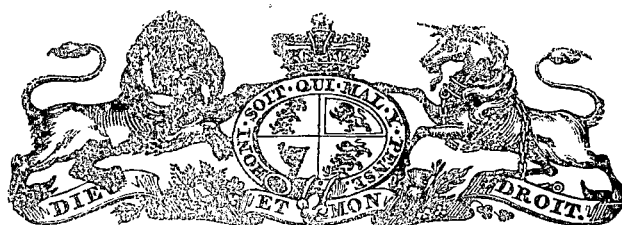


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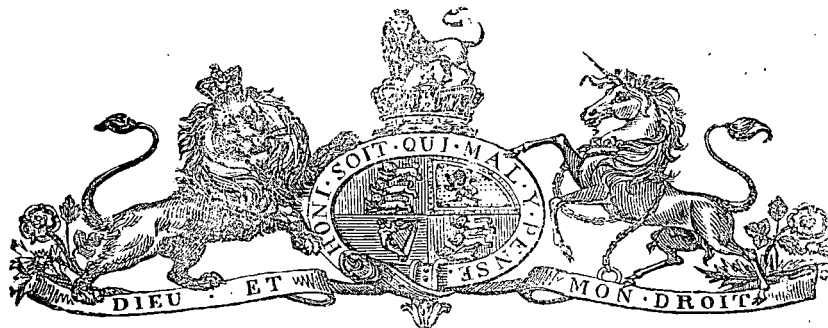
T A S M A N I A.

LEGISLATIVE COUNCIL.

INTERCOLONIAL CONFERENCE :

MINUTES OF PROCEEDINGS OF THE INTERCOLONIAL
CONFERENCE HELD AT SYDNEY, JANUARY 18, 1881.

Laid upon the Table by Mr. Moore, and ordered by the Council to be printed,
July 19, 1881.



MINUTES of Proceedings of the INTERCOLONIAL CONFERENCE held at Sydney.

THURSDAY, 13TH JANUARY, 1881.

FIRST DAY.

Present.

- New South Wales:* The Honorable SIR HENRY PARKES, K.C.M.G., M.P., Colonial Secretary.
The Honorable JAMES WATSON, M.P., Colonial Treasurer.
- Victoria:* The Honorable GRAHAM BERRY, M.P., Chief Secretary.
The Honorable WILLIAM M. K. VALE, M.P., Attorney-General.
- South Australia:* The Honorable WILLIAM MORGAN, M.L.C., Chief Secretary.
The Honorable CHARLES MANN, Q.C., M.P., Treasurer.
- Queensland:* The Honorable ARTHUR HUNTER PALMER, M.P., Colonial Secretary.
The Honorable BOYD DUNLOP MOREHEAD, M.L.C., Postmaster-General.
- Tasmania:* The Honorable WILLIAM ROBERT GIBLIN, M.P., Colonial Treasurer.
The Honorable WILLIAM MOORE, M.L.C., Colonial Secretary.
- Western Australia:* The Honorable Chief Justice WRENFORDSLEY, Member of Executive Council.

On the motion of Mr. Berry, seconded by Mr. Morgan, Sir Henry Parkes was called to the Chair.

The Conference concurred in the resolution passed in Melbourne, that Mr. Webb should continue to act as Secretary to the Conference.

The Representatives of the several Colonies laid on the Table their Commissions of appointment. Letters were read—

1. From Baron von Müller, on the subject of a further search for Leichhardt's remains.
2. From Dr. G. A. Tucker, Sydney, in the matter of his visits to Kew and Sunbury Lunatic Asylums.
3. From the Colonial Secretary, Queensland, in the matter of examinations for Imperial Military Commissions being held at Sydney.
4. From the Chief Inspector of Stock of Victoria, recommending that regulations for dealing with sheep coming from other Colonies by sea be not altered.

Ordered that these letters be dealt with when the respective subjects they refer to are brought under the consideration of the Conference.

Sir Henry Parkes mentioned that a memorial had been addressed to himself and Mr. Watson, from a large number of fruit-growers, desiring them to bring under the notice of the Conference the hardship they sustained from the imposition of Customs Duties on fruit in its natural state.

Mr. Vale mentioned that a memorial had been addressed to him by members of the Bar of Victoria, asking him to bring before the Conference the question of reciprocity between the Bars of New South Wales and Victoria; but before taking action in the matter he would consult Mr. Wisdom, the Attorney-General for New South Wales, and mention the matter at a further meeting of the Conference.

The Conference deliberated as to the business to be entered upon and the course of future proceedings.

The Conference then adjourned until Friday, 14th January, at half-past 10 o'clock A.M.

HENRY PARKES, *Chairman.*

FRIDAY, 14TH JANUARY, 1881.

SECOND DAY.

Present.

New South Wales: The Honorable SIR HENRY PARKES, K.C.M.G., M.P.
The Honorable JAMES WATSON, M.P.
Victoria: The Honorable GRAHAM BERRY, M.P.
The Honorable WILLIAM M. K. VALE, M.P.
South Australia: The Honorable WILLIAM MORGAN, M.L.C.
The Honorable CHARLES MANN, Q.C., M.P.
Queensland: The Honorable ARTHUR HUNTER PALMER, M.P.
The Honorable BOYD DUNLOP MOREHEAD, M.L.C.
Tasmania: The Honorable WILLIAM ROBERT GIBLIN, M.P.
The Honorable WILLIAM MOORE, M.L.C.
Western Australia: The Honorable Chief Justice WRENFORDSLEY.

The minutes of Thursday's proceedings were read and confirmed.

Mr. Berry stated that he had this morning received the following letter:—

*Western Australia,
Colonial Secretary's Office, Perth, 27th December, 1880.*

SIR,

IN reply to your letter, No. 7,571, of the 8th instant, notifying that the proceedings of the Inter-colonial Conference recently held in Melbourne by representatives of New South Wales, Victoria, and South Australia have been postponed until the 13th January next, then to be resumed at Sydney, I am directed by His Excellency Sir William Robinson, K.C.M.G., to express to you his thanks for the invitation to send a Representative of this Government to the Conference.

2. The Constitution of Western Australia would render it inconvenient to send a Representative with full powers to pledge either Her Majesty's Government, which exercises a control over the policy of this Colony, or the local Legislature, to abide by the decision of the Conference; but his Excellency, feeling the deepest interest in the important subjects proposed for discussion, will appoint a Representative to watch the proceedings on behalf of this Colony, and to express an opinion on such points as are proper for consideration by this Government, subject, of course, to the approval of the Home and Colonial Governments.

Should this proposal meet with the views of the Conference His Excellency will appoint His Honor Chief Justice Wrenfordsley, who is now on a visit to Melbourne, to join in its further deliberations on all subjects applicable to this Colony other than the Chinese question, which is one that the Representative of this Government would not be in a position to discuss.

I have, &c.

*The Honorable the Chief Secretary,
Melbourne, Victoria.*

GIFFORD, Colonial Secretary.

The letter was considered, and the Conference, having in view the exceptional position in which Mr. Chief Justice Wrenfordsley was placed, determined to leave it to his own discretion as to the course he would pursue in any vote arrived at by the Conference.

INTERCOLONIAL LEGISLATION.

Mr. Vale brought under consideration the Bill which, at a meeting of the Conference held in Melbourne, he had undertaken to have drawn in reference to the establishment of an Australian Court of Final Appeal.

Mr. Morgan moved (seconded by Mr. Watson):—That a despatch from Lord Kimberley, dated 8th August, 1871, in relation to a "proposed High Court of Appeals," be read.—Agreed to.

The despatch was read accordingly.

Mr. Giblin moved (seconded by Mr. Palmer):—That this Conference, having had under consideration the resolutions moved by Mr. Vale on the 29th of November, in favour of the establishment of an Australian Court of Final Appeal, and also the draft of a Bill submitted for that purpose, concurs in the said resolutions, and agrees to consider a Bill to give effect to the same.—Agreed to.

Mr. Mann moved (seconded by Mr. Berry):—That such Bill be framed so as to carry out the following modification—Any party dissatisfied with the decision of any Supreme Court, where the amount exceeds £500, may appeal therefrom to the Privy Council or the Australian Court of Appeal: Provided that, if the party so dissatisfied desires to appeal to the Australian Court of Appeal, the other party may, on application to the Court whose decision is appealed against, at the discretion of such Court, obtain leave to have such appeal determined by the Privy Council and not by the Australian Court of Appeal.—Agreed to.

Mr. Moore moved (seconded by Mr. Morehead):—That this Conference concurs in the resolution moved by Mr. Vale on 29th November:—

"That this Conference is of opinion that warrants for the arrest of offenders issued in one Colony should have effect in all, and that provision should be made for anticipating by telegram the effect of such warrants."—Agreed to.

Mr. Giblin moved (seconded by Mr. Watson):—That this Conference, having had under its consideration the following resolution, also moved by Mr. Vale on the 29th November:—

“That this Conference concurs in the opinion that all process for the recovery of debts or damages originating in any one Colony should have full effect in all the Colonies,” concurs in the object sought to be obtained by that resolution, and agrees to consider a Bill to give effect thereto.”—Agreed to.

Mr. Palmer moved (seconded by Mr. Moore):—That this Conference agrees with the following resolution, moved by Mr. Vale on the 29th November:—

“That this Conference concurs in the opinion that warrants for the apprehension of men who have deserted wife or child, or both, should have force and effect in all the Colonies.”—Agreed to.

Mr. Palmer moved (seconded by Mr. Watson):—That the consideration of the following resolution, also moved by Mr. Vale on the 29th November (on the Notice Paper No. 4), relative to patents, be postponed until the 18th instant.—Agreed to.

RAILWAYS AND INTERCOLONIAL FREE TRADE.

Mr. Morgan moved (seconded by Mr. Watson):—That the consideration of the resolutions standing in the name of Mr. Mann, in respect to Railways and Intercolonial Free Trade, be postponed until the 20th instant.—Agreed to.

The Conference then adjourned until Monday, the 17th instant, at half-past 10 o'clock.

HENRY PARKES, *Chairman*.

MONDAY, 17TH JANUARY, 1881.

THIRD DAY.

Present:

<i>New South Wales:</i>	The Honorable SIR HENRY PARKES, K.C.M.G., M.P. The Honorable JAMES WATSON, M.P.
<i>Victoria:</i>	The Honorable GRAHAM BERRY, M.P. The Honorable WILLIAM M. K. VALE, M.P.
<i>South Australia:</i>	The Honorable WILLIAM MORGAN, M.L.C. The Honorable CHARLES MANN, Q.C., M.P.
<i>Queensland:</i>	The Honorable ARTHUR HUNTER PALMER, M.P. The Honorable BOYD DUNLOP MOREHEAD, M.L.C.
<i>Tasmania:</i>	The Honorable WILLIAM ROBERT GIBLIN, M.P. The Honorable WILLIAM MOORE, M.L.C.
<i>Western Australia:</i>	The Honorable Chief Justice WRENFORDSLEY.

The minutes of proceedings of Friday last were read and confirmed.

DRAFT BILLS.

Mr. Vale submitted to the Conference Draft Bills to provide—

- I. For the validity of Letters Patent for Inventions granted and Trade Marks registered.
- II. For the Execution of Warrants of Apprehension.
- III. To increase the remedies of Creditors against persons in the Australian Colonies.

AUSTRALIAN COURT OF FINAL APPEAL.

Moved by Mr. Watson (seconded by Mr. Morgan):—That Messrs. Vale, Mann, and Giblin, and Mr. Chief Justice Wrenfordsley be appointed a committee to revise Draft Bill to establish an Australian Court of Final Appeal.—Agreed to.

The Bills submitted by Mr. Vale were also referred for the consideration of the committee.

Sir Henry Parkes undertook to place the services of the Parliamentary Draftsman of New South Wales at the disposal of the Committee.

RAILWAYS AND INTERCOLONIAL FREE TRADE.

Moved by Mr. Morgan (seconded by Mr. Watson):—That the resolutions arrived at on the 14th instant, postponing Mr. Mann's resolutions with respect to Railways and Intercolonial Free Trade, be rescinded, and that the said resolutions be now proceeded with.—Agreed to.

After some discussion on this motion, Mr. Palmer moved (seconded by Mr. Chief Justice Wrenfordsley):—That in future the Conference meet at 10 o'clock A.M.—Agreed to.

The Conference then adjourned until to-morrow, at 10 o'clock.

HENRY PARKES, *Chairman*.

TUESDAY, 18TH JANUARY, 1881.

FOURTH DAY.

Present :

- New South Wales :* The Honorable SIR HENRY PARKES, K.C.M.G., M.P.
The Honorable JAMES WATSON, M.P.
- Victoria :* The Honorable GRAHAM BERRY, M.P.
The Honorable WILLIAM M. K. VALE, M.P.
- South Australia :* The Honorable WILLIAM MORGAN, M.L.C.
The Honorable CHARLES MANN, Q.C., M.P.
- Queensland :* The Honorable ARTHUR HUNTER PALMER, M.P.
The Honorable BOYD DUNLOP MOREHEAD, M.L.C.
- Tasmania :* The Honorable WILLIAM ROBERT GIBLIN, M.P.
The Honorable WILLIAM MOORE, M.L.C.
- Western Australia :* The Honorable Chief Justice WRENFORDSLEY.

The minutes of yesterday's proceedings were read and confirmed.

CHINESE.

Mr. Chief Justice Wrenfordsley stated that he had received a communication from the Governor of Western Australia, who had called his attention to the position of Western Australia as a Crown Colony; and also to the impossibility of his being a party to a vote which might be opposed to Imperial policy.

NAVAL AND MILITARY DEFENCES.

Mr. Morgan moved (seconded by Mr. Palmer, who stated that he only did so for the purpose of raising discussion) :—

That, in the opinion of this Conference, the time has arrived when joint action should be taken for the more efficient naval defence of the Australian Colonies and New Zealand, and for the protection of the large number of valuable vessels now engaged in the Australian carrying trade.

With this view, united representations should be made to the Imperial Government requesting that a sufficient naval force should be maintained in Australian waters, to be used exclusively for the defence and protection of the Australian Colonies and New Zealand.

Subject, as in the last paragraph mentioned, the naval force, as so employed, to be under the exclusive control of the Admiralty.

Any scheme of naval defence should also include the naval defence of the harbors of the capitals of the different Colonies, and the fortifications of King George's Sound, or some other port in Western Australia, and the maintenance of a sufficient force for holding the same.

In view of the present and daily increasing wealth and importance of the Australian Colonies and New Zealand, and the magnitude of the interests involved, this Conference is of opinion that it would be unreasonable to expect the Imperial Government to bear the whole expense of the largely increased force which it will become necessary to maintain if the above scheme is carried out; but as Imperial interests also are largely involved, the Imperial Government should contribute to the extent of one moiety.

The Representatives assembled at this Conference undertake to recommend to their respective Governors to make representation to the Imperial Government on the basis of the foregoing resolution, and to request the concurrence of the Imperial authorities therein.

They (with the exception of Western Australia) agree to the payment of one moiety of the expense of carrying out such a scheme as is here suggested, including the building and maintenance of the fortifications at King George's Sound. Such moiety to be contributed rateably by all the Colonies and New Zealand (except Western Australia) on the basis of population.

The adoption of these resolutions does not in any way affect the question of the land fortification and defence of particular ports, which will be left, as now, to the discretion of the Colonies interested.

After considerable discussion Mr. Giblin moved, as an amendment (seconded by Mr. Palmer):—That all the words after the word "Conference" in the first line be omitted, with a view to inserting the following words :—

Considering the large Imperial interests involved, the naval defence of these Colonies should continue to be the exclusive charge of the Imperial Government, and that the strength of the Australian squadron should be increased.

That the Members of this Conference pledge themselves to use all legitimate endeavors to procure the efficient fortification and land defence of the several ports of the Australian Colonies, at the cost of the several Colonies interested.

Motion put—That the words proposed to be omitted stand part of the question.

Aye.
South Australia.

Noes.
New South Wales,
Queensland,
Victoria,
Tasmania.

Western Australia declined to vote.

Further motion put—That the words proposed to be inserted be inserted.—Carried unanimously.

The amended resolution was then put as follows:—That, in the opinion of this Conference, considering the large Imperial interests involved, the naval defence of these Colonies should continue to be the exclusive charge of the Imperial Government, and that the strength of the Australian squadron should be increased. That the members of this Conference pledge themselves to use all legitimate endeavours to procure the efficient fortification and land defence of the several ports of the Australian Colonies, at the cost of the several Colonies interested.—Agreed to unanimously.

Memo.—The Representatives of South Australia wished it to be understood that, although not voting against the amended motion, they were of opinion that, in order more effectually to secure the employment of an Australian squadron for the exclusive defence of Australian ports, the Colonies ought to contribute to the cost of maintaining such squadron.

CHINESE IMMIGRANTS.

The Chairman called the attention of the Conference to a copy of the *Government Gazette Extraordinary* for Western Australia, dated 28th December, 1880, in which there was a notice headed "Chinese Immigrants."

The same was read.

Mr. Berry moved (seconded by Mr. Morgan):—That the *Gazette* notice, as read by the Secretary, be entered on the minutes.—Agreed to.

CHINESE IMMIGRANTS.

Colonial Secretary's Office, Perth, 28th December, 1880.

THE Legislature having sanctioned the introduction of Chinese immigrants into the Colony at the public expense, the Government is prepared to receive applications from settlers who may be desirous of employing such immigrants as farm labourers, shepherds, gardeners, mechanics, or domestic servants; application to be made in writing on the following form, copies of which may be obtained at the offices of the Colonial Secretary and the various resident magistrates. Fifty immigrants must be applied for before action can be taken by Government. The immigrants to be taken over from the Government Immigrant Agent immediately on arrival, free of expense to the Government.

By His Excellency's command,

GIFFORD, *Colonial Secretary.*

Name, Occupation, and Address of Person requiring Immigrants.	Number of Persons required of each description of trade, &c.	Where to be employed.	Period for which employment is guaranteed, if Immigrant is qualified.	Wages per month offered, in addition to food and lodgings, to the satisfaction of Government.	Remarks.
John Smith, farmer, Albany.	1 rough carpenter. 2 shepherds. 1 house servant.	Kojonup. Do. Albany.	One year certain.	£ s. d. 2 5 0* 2 0 0 1 15 0	

* These rates are imaginary.

Mr. Chief Justice Wrenfordsley stated that, up to the present time, he had been unaware of any such Government notice.

UNIFORM TARIFF.

Mr. Morgan moved (seconded by Mr. Giblin):—That this Conference is prepared to consider an uniform Tariff for the whole of the Australian Colonies, based on the present Tariff of New South Wales.

After discussion, Mr. Berry moved (Mr. Moore seconded):—That the further consideration of this matter be postponed until after the conclusion of all other business.—Agreed to.

The Conference then adjourned until to-morrow, at 10 o'clock.

HENRY PARKES, *Chairman.*

WEDNESDAY, 19TH JANUARY, 1881.

FIFTH DAY.

Present.

New South Wales: The Honorable SIR HENRY PARKES, K.C.M.G., M.P.
The Honorable JAMES WATSON, M.P.
Victoria: The Honorable GRAHAM BERRY, M.P.
The Honorable WILLIAM M. K. VALE, M.P.
South Australia: The Honorable WILLIAM MORGAN, M.L.C.
The Honorable CHARLES MANN, Q.C., M.P.
Queensland: The Honorable ARTHUR HUNTER PALMER, M.P.
The Honorable BOYD DUNLOP MOREHEAD, M.L.C.
Tasmania: The Honorable WILLIAM ROBERT GIBLIN, M.P.
The Honorable WILLIAM MOORE, M.L.C.
Western Australia: The Honorable Chief Justice WRENFORDSLEY.

The minutes of yesterday's proceedings were read and confirmed.

The Chairman laid before the Conference a letter which had been addressed to him by the Chairman of the Chamber of Commerce.

Mr. Vale moved (seconded by Mr. Palmer):—That this letter be entered upon the minutes of the Conference.—Agreed to.

Sydney, 18th January, 1881.

To the Honorable SIR HENRY PARKES, K.C.M.G.

SIR,

THE Chamber of Commerce desire to bring under your notice, with a view to its being considered by the members of the Intercolonial Conference, the expediency of the Australian Colonies adopting the cental of 100 lbs. as the standard in sale of grain and other agricultural produce, instead of the present complicated system of weights and measures.

The Melbourne Chamber of Commerce have brought the matter under the notice of the Chief Secretary of Victoria; and it is hoped, if the Representatives of these two Colonies view the proposed change favourably, that the Representatives of the other Colonies (in some of which the matter has already been favourably entertained) will concur in its adoption.

The several Governments might easily pave the way to the general introduction of the cental, by using it as the standard in Government contracts, railway carriage, and Custom-house returns.

The proposed change is not a new idea, it has repeatedly been discussed by the several Chambers of Commerce, and I forward copy of Sydney Chamber Report of 1869, where, at page 4, you will find a resolution on the subject arrived at by delegates from the Chambers of Commerce of Melbourne, Adelaide, and Sydney, at a conference held in Sydney in June, 1869, and the matter was referred to in a report of last year, page 6 of copy enclosed.

The Board of Trade in London has a cental standard of 100 lbs. to test private weights. The cental; as a grain standard, is now in use in England, in the cities of Liverpool, York, and Crewe, in Belfast, in some parts of Scotland, and in the county of Cornwall; and in Victoria, in levying duties on corn and flour. I need hardly say it is in use in America—North and South; and the metric system generally is now solely in use in France, Germany, Italy, Belgium, Switzerland, and the British Colony of Mauritius.

The Chamber of Commerce take this opportunity of suggesting that the decimal system of coinage should, with the cental standard, be taught in the State schools, as well as the present more complicated systems of money, weights, and measures, and so familiarise the rising generation with these systems, and enable them to judge of the relative merits of the proposed change as compared with those of the present systems; and, in bringing this within the range of practical legislation, they hope to have the sympathy and aid of the Minister of Education and the Ministry generally, as well as your own.

I have, &c.

JOHN B. WATT, *Chairman, Chamber of Commerce.*

Extract from Chambers's Encyclopædia, last edition.

“THE French plan of decimal gradation in weights and measures is the only rational one, because it is in accordance with the universally adopted decimal notation. If thoroughly carried out, the facilities it would afford in every department of life are scarcely calculable.

“For one thing, it is not too much to say that *one-half the time now spent in Great Britain in learning arithmetic might be saved.*

“That study might in addition be made an effective means of intellectual discipline, whereas at present the time must be spent in acquiring something like a ready but blind application of complicated rules.”

ADMISSION OF MEMBERS TO THE BAR.

Mr. Vale moved (seconded by Mr. Giblin):—That, in the opinion of this Conference, it is desirable that there should be complete reciprocity between the several Australian Colonies and New Zealand as to the admission of members to the Bar in such Colonies.—Agreed to.

ISLANDS IN THE PACIFIC.

Mr. Palmer moved (seconded by Mr. Morehead):—That in the opinion of this Conference, it is desirable that a representation be made to Her Majesty the Queen, calling her attention to the lamentable state of affairs existing between the natives of many of the islands in the Pacific and the subjects of Her Majesty trading in those seas, more particularly since the appointment of a High Commissioner for the Pacific; and praying that Her Majesty will cause such action to be taken as will prevent the recurrence of such outrages against life and property as have lately prevailed.

After discussion, Mr. Palmer's motion was postponed, and Mr. Watson moved (seconded by Mr. Giblin):—That a Committee be appointed, consisting of Messrs. Palmer, Dick, Berry, and Moore, to consider the matters involved in Mr. Palmer's resolution, and to examine the papers relating to the appointment of the High Commissioner, and to report to this Conference.—Agreed to.

RAILWAY EXTENSION.

Mr. Morgan moved (seconded by Mr. Mann):—That this Conference is of opinion that it is desirable that the capitals of the four Colonies of New South Wales, Victoria, South Australia, and Queensland should be connected by Railway; and with this view the Representatives of New South Wales, Victoria, South Australia, and Queensland agree to endeavour to have the Railways in those Colonies extended as follows:—New South Wales—Sydney to Wentworth, and thence to the boundary between New South Wales and South Australia; Sydney to Queensland Border. Victoria—Melbourne to Wentworth. South Australia—Adelaide to Morgan, thence to eastern boundary, meeting New South Wales. Queensland—Brisbane to Border, meeting New South Wales.

After discussion, Mr. Watson moved (seconded by Mr. Giblin):—That the further consideration of Mr. Morgan's resolution on railway extension be postponed until to-morrow.—Agreed to.

CHINESE.

Mr. Berry moved (seconded by Mr. Watson):—That this Conference resolves that the introduction of Chinese into any of the Colonies of Australia, New Zealand, and Tasmania is highly undesirable, and further resolves to consider a joint representation to the Imperial Government, and recommends uniform legislation on the part of all the Colonies to restrict the influx of Chinese into these Colonies.

After considerable discussion, Mr. Palmer moved, as an amendment (seconded by Mr. Giblin):—That this Conference resolves that the introduction of Chinese in large numbers into any of the Colonies of Australia, New Zealand, and Tasmania is highly undesirable, and recommends uniform legislation on the part of all the Colonies to discourage any large influx of Chinese into these Colonies.

Question put—That Mr. Berry's resolution be amended, by introducing after the word "Chinese," in the second line, the words "in large numbers."

Ayes.

Queensland,
South Australia,
Tasmania.

Noes.

Victoria,
New South Wales.

Western Australia declined to vote.

Question put—That the words "and further resolves to consider a joint representation to the Imperial Government" be omitted.

Ayes.

Queensland,
South Australia,
Tasmania.

Noes.

Victoria,
New South Wales.

Question put—That the words "joint and," after the word "recommends," be omitted.—Agreed to unanimously.

Question put—"That this Conference resolves that the introduction of Chinese in large numbers into any of the Colonies of Australia is highly undesirable, and recommends uniform legislation on the part of all the Colonies to restrict the influx of Chinese into these Colonies."—Agreed to.

ISLANDS IN THE PACIFIC.

It was arranged that Mr. A. C. Budge, Clerk to the Executive Council, act as Secretary to the committee appointed to inquire into and report upon certain matters in relation to the Pacific Islands.

The Conference then adjourned until to-morrow, at 9 o'clock.

HENRY PARKES, *Chairman.*

THURSDAY, 20TH JANUARY, 1881.

SIXTH DAY.

Present :

<i>New South Wales :</i>	The Honorable SIR HENRY PARKES, K.C.M.G., M.P. The Honorable JAMES WATSON, M.P.
<i>Victoria :</i>	The Honorable GRAHAM BERRY, M.P. The Honorable WILLIAM M. K. VALE, M.P.
<i>South Australia :</i>	The Honorable WILLIAM MORGAN, M.L.C. The Honorable CHARLES MANN, Q.C., M.P.
<i>Queensland :</i>	The Honorable ARTHUR HUNTER PALMER, M.P. The Honorable BOYD DUNLOP MOREHEAD, M.L.C.
<i>Tasmania :</i>	The Honorable WILLIAM ROBERT GIBLIN, M.P. The Honorable WILLIAM MOORE, M.L.C.
<i>Western Australia :</i>	The Honorable Chief Justice WRENFORDSLEY.
<i>New Zealand :</i>	The Honorable THOMAS DICK, M.H.R., Colonial Secretary.

The minutes of yesterday's proceedings were read and confirmed.

The Commission issued by Sir Arthur Gordon, Governor of New Zealand, to the Hon. Thomas Dick, appointing him to be the Representative for the Colony of New Zealand, to appear and act at this Conference for and on behalf of the said Colony, was laid before the Conference.

CHINESE.

Mr. Berry moved, pursuant to notice (seconded by Mr. Watson) :—That this Conference learns with surprise and regret that the Legislature of Western Australia has sanctioned the introduction of Chinese into that part of Australia at the public expense.

After a lengthened discussion, Mr. Berry (consented to by Mr. Watson), by leave of the Conference, withdrew the foregoing resolution, and substituted the following in lieu of it :—

That, in the opinion of this Conference, it is highly prejudicial to the best interests of the Australian Colonies that Chinese should be introduced into any of the Colonies at the public expense, as is the case in Western Australia. And this Conference unanimously agree to a joint representation to the Imperial Government on the subject, with a view to procuring a reversal of the action of that Colony.—Agreed to.

Mr. Chief Justice Wrenfordsley declined to vote.

Moved by Mr. Berry (seconded by Mr. Palmer) :—That a Committee be appointed to prepare the form of representation to the Imperial Government on Chinese Immigration, and submit the same for the consideration of the Conference. Such Committee to consist of Mr. Morgan, Sir Henry Parkes, and Mr. Berry.—Agreed to.

Mr. Chief Justice Wrenfordsley declined to vote.

TARIFF.

Mr. Watson moved (seconded by Mr. Giblin) :—That, in the opinion of this Conference, a joint Commission of all the Australian Colonies (excepting Western Australia) should be appointed to consider and construct a common Tariff for the group, and that in the constitution of such Commission—

Victoria should appoint	3 Members.
New South Wales	2 Members.
New Zealand	2 Members.
South Australia	2 Members.
Queensland	2 Members.
Tasmania	1 Member.

After some discussion this motion was postponed, to be considered with other motions on the Tariff question.

INTERCOLONIAL FREE TRADE.

Mr. Mann moved (seconded by Mr. Morgan) :—That, with a view of practically testing to some extent the feasibility of Intercolonial Free Trade, this Conference agrees that all wines, the product of Victoria, New South Wales, and South Australia, shall be admitted into each of those Colonies free of duty. This arrangement to be subject to determination on three months' notice by any of the Colonies interested.

After discussion it was resolved, on the motion of Mr. Giblin, seconded by Mr. Dick, that the further consideration of this motion be postponed until to-morrow.

The Conference then adjourned until to-morrow, at 10 o'clock.

HENRY PARKES, *Chairman.*

FRIDAY, 21ST JANUARY, 1881.

SEVENTH DAY.

Present :

<i>New South Wales :</i>	The Honorable SIR HENRY PARKES, K.C.M.G., M.P. The Honorable JAMES WATSON, M.P.
<i>Victoria :</i>	The Honorable GRAHAM BERRY, M.P. The Honorable WILLIAM M. K. VALE, M.P.
<i>South Australia :</i>	The Honorable WILLIAM MORGAN, M.L.C. The Honorable CHARLES MANN, Q.C., M.P.
<i>Queensland :</i>	The Honorable ARTHUR HUNTER PALMER, M.P. The Honorable BOYD DUNLOP MOREHEAD, M.L.C.
<i>Tasmania :</i>	The Honorable WILLIAM ROBERT GIBLIN, M.P. The Honorable WILLIAM MOORE, M.L.C.
<i>Western Australia :</i>	The Honorable Chief Justice WRENFORDSLEY.
<i>New Zealand :</i>	The Honorable THOMAS DICK, M.H.R.

The minutes of yesterday's proceedings were read and confirmed.

A letter from Mr. Julian Thomas, on the subject of "South Sea Massacres," was read and handed to the Chairman of the committee appointed to consider the matters involved in Mr. Palmer's resolution, and to examine papers on the subject.

A letter was read from Hugh McColl, Esq., M.L.A., (Victoria), on the subject of "Canalization for Irrigation," &c.—Noted.

FEDERAL COUNCIL OF AUSTRALIA BILL.

The Chairman read a memorandum on the subject of "A Bill to establish a Federal Council of Australia."

It was moved by Mr. Berry (seconded by Mr. Chief Justice Wrenfordsley):—That the memorandum now read be inserted in the minutes of proceedings of the Conference.—Agreed to.

MEMORANDUM.—In respect to the Federal Council Bill now submitted, the following positions are assumed as hardly open to debate:—

1. That the time is not come for the construction of a Federal Constitution with an Australian Federal Parliament.
2. That the time is come when a number of matters of much concern to all the Colonies might be dealt with more effectively by some Federal authority than by the Colonies separately.
3. That an organization which would lead men to think in the direction of Federation, and accustom the public mind to Federal ideas, would be the best preparation for the foundation of Federal Government.

The Bill has been prepared to carry out the idea of a mixed body, partly Legislative and partly Administrative, as the forerunner of a more matured system of Federal Government. Care has been taken throughout to give effective power to the proposed Federal Council within prescribed limits without impairing the authority of the Colonies represented in that body.

No attempt has been made to constitute the proposed Council on any historical model, but the object has been to meet the circumstances of the present Australian situation, and to pave the way to a complete Federal organisation hereafter.

HENRY PARKES.

January 21, 1881.

The Chairman handed to each Member of the Conference Draft "Bill to establish a Federal Council of Australia," and explained its several objects.

The Bill having been read to the Conference by the Secretary, a conversational discussion ensued on its general scope and principles; after which, Mr. Berry moved (seconded by Mr. Dick):—That the further consideration of the Federal Council Bill be postponed until Monday next.—Agreed to.

ISLANDS IN THE PACIFIC.

The Chairman stated he had received a letter from Lord Augustus Loftus, enclosing various telegrams in relation to the enquiry instituted by the Conference into the powers of the High Commissioner for the Pacific.

The same were read by the Chairman.

It was moved by Mr. Berry (seconded by Mr. Morgan):—That the letter of Lord Augustus Loftus, covering telegrams which had passed between His Excellency and Sir Arthur Gordon, as read by the Chairman, be entered upon the minutes.—Agreed to.

Government House, Sydney, N.S.W., 21. 1. 81.

DEAR SIR HENRY,

I send you herewith copies of two telegrams which I have received from Sir A. Gordon, which he wishes should be communicated to the Conference.

I also enclose copy of the reply I sent yesterday to his first telegram.

Yours truly,

The Hon. SIR HENRY PARKES, K.C.M.G.

AUGUSTUS LOFTUS.

Telegram from Sir A. Gordon to Lord Augustus Loftus.

20. 1. 81.

"I have been informed by telegram that the Conference proposes to investigate my powers. They can hardly do this courteously without communicating with me, or to much purpose without information from me, which I will furnish if asked for through you."

Telegram from Lord Augustus Loftus to Sir A. Gordon.

20. 1. 81.

"Shall I communicate substance of your telegram to New Zealand Representative? Resolution moved was, that a representation should be made to the Queen, calling attention to late massacres in the South Seas since appointment of High Commissioner, and praying action against their recurrence. Resolution postponed, and committee appointed to consider action to be taken in regard to it."

Telegram from Sir A. Gordon to Lord Augustus Loftus.

21. 1. 81.

"Should wish substance of telegram communicated to Conference, but have, as High Commissioner, no more special relations with Delegate from New Zealand than with those from other Colonies."

It was moved by Mr. Berry (seconded by Mr. Morehead):—That the enclosed extract from the Minutes of the Conference be forwarded to His Excellency the Governor of New South Wales, with a respectful request that the said extract be forwarded by telegraph to Sir A. Gordon, with an intimation that the Conference will willingly receive any information Sir A. Gordon may desire to communicate by telegraph.—Agreed to.

RAILWAY EXTENSION.

Mr. Morgan moved (seconded by Mr. Mann):—That this Conference is of opinion that it is desirable that the capitals of the four Colonies of New South Wales, Victoria, South Australia, and Queensland should be connected by Railway; and with this view the Representatives of New South Wales, Victoria, South Australia, and Queensland agree to endeavour to have the Railways in those Colonies extended as follows:—New South Wales—Sydney to Wentworth, and thence to the boundary between New South Wales and South Australia; Sydney to Queensland Border. Victoria—Melbourne to Wentworth. South Australia—Adelaide to Morgan, thence to eastern boundary, meeting New South Wales. Queensland—Brisbane to Border, meeting New South Wales.

After discussion, Mr. Watson moved (seconded by Mr. Berry):—"That in the absence of the necessary detailed surveys and other information, it is undesirable to adopt the proposal of Mr. Morgan at the present time; but the Government of New South Wales will be prepared to consider it when the necessary information is obtained."

The Conference then adjourned until Monday next, at 10 o'clock.

HENRY PARKES, *Chairman.*

MONDAY, 24TH JANUARY, 1881.

EIGHTH DAY.

Present :

<i>New South Wales :</i>	The Honorable SIR HENRY PARKES, K.C.M.G., M.P. The Honorable JAMES WATSON, M.P.
<i>Victoria :</i>	The Honorable GRAHAM BERRY, M.P. The Honorable WILLIAM M. K. VALE, M.P.
<i>South Australia :</i>	The Honorable WILLIAM MORGAN, M.L.C. The Honorable CHARLES MANN, Q.C., M.P.
<i>Queensland :</i>	The Honorable ARTHUR HUNTER PALMER, M.P. The Honorable BOYD DUNLOP MOREHEAD, M.L.C.
<i>Tasmania :</i>	The Honorable WILLIAM ROBERT GIBLIN, M.P. The Honorable WILLIAM MOORE, M.L.C.
<i>Western Australia :</i>	The Honorable Chief Justice WRENFORDSLEY.
<i>New Zealand :</i>	The Honorable THOMAS DICK, M.H.R.

The minutes of Friday's proceedings were read and confirmed.

ISLANDS OF THE PACIFIC.

The Chairman stated that he had addressed a letter, as instructed, to Lord Augustus Loftus, enclosing Mr. Palmer's resolution respecting the High Commissioner for the Pacific and the extracts therein referred to, and requesting His Excellency to transmit them by wire to Sir A. Gordon, and that he had received a letter from His Excellency in reply thereto, and a second letter enclosing copy of telegram from Sir A. Gordon.

Mr. Palmer moved (seconded by Mr. Morehead):—That the correspondence handed in by the Chairman be read and entered upon the minutes of the Conference.—Agreed to.

Council Room, Public Offices, Sydney, 21st January, 1881.

MY LORD,

I have the honor to acknowledge your letter of this date, enclosing copies of telegrams which have passed between His Excellency Sir Arthur Gordon and your Lordship, in respect to the proceedings of this Conference.

I am desired by the Conference to transmit to you a copy of a resolution passed by the Conference in respect to your Lordship's communication, with extracts from printed proceedings, and to request that you will be good enough to communicate the same to Sir Arthur Gordon.

I have, &c.

HENRY PARKES, *Chairman of Conference.*

To His Excellency the Right Honorable LORD AUGUSTUS LOFTUS, G.C.B.

RESOLUTION OF CONFERENCE.

Moved by Mr. Berry (seconded by Mr. Morehead):—That the enclosed extract from the minutes of the Conference be forwarded to His Excellency the Governor of New South Wales, with a respectful request that the said extract be forwarded by telegraph to Sir A. Gordon, with an intimation that the Conference will willingly receive any information Sir Arthur Gordon may desire to communicate by telegraph.

Extracts referred to.

ISLANDS IN THE PACIFIC.

Mr. Palmer moved (seconded by Mr. Morehead):—That, in the opinion of this Conference, it is desirable that a representation be made to Her Majesty the Queen, calling her attention to the lamentable state of affairs existing between the natives of many of the islands in the Pacific and the subjects of Her Majesty trading in those seas, more particularly since the appointment of a High Commissioner for the Pacific; and praying that Her Majesty will cause such action to be taken as will prevent the recurrence of such outrages against life and property as have lately prevailed.

After discussion, Mr. Palmer's motion was postponed, and Mr. Watson moved (seconded by Mr. Giblin):—That a Committee be appointed, consisting of Messrs. Palmer, Dick, Berry, and Moore, to consider the matters involved in Mr. Palmer's resolution, and to examine the papers relating to the appointment of the High Commissioner, and to report to this Conference.—Agreed to.

Government House, Sydney, 22nd January, 1881.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of yesterday's date, transmitting to me, by desire of the Conference, a copy of a resolution passed by the Conference, with extracts from the printed proceedings relative to the High Commission.

These resolutions and proceedings I have telegraphed to Sir Arthur Gordon as requested.

I have, &c.

AUGUSTUS LOFTUS.

The Honorable Sir HENRY PARKES, K.C.M.G., &c.

Government House, Sydney, 22nd January, 1881.

SIR,

I HAVE the honor to enclose a copy of a telegram from Sir A. Gordon, which I have to request you will be good enough to lay before the Conference.

I have, &c.

AUGUSTUS LOFTUS.

The Honorable Sir HENRY PARKES, K.C.M.G., &c.

Government House, Sydney, 22nd January, 1881.

COPY of Telegram from Sir A. Gordon to Lord Augustus Loftus.

Please thank the Conference for the communication of the extract from the minutes, and inform them that I shall be happy to afford them any assistance and information they may desire in the prosecution of this inquiry.

Dated from Cambridge, N.Z., 22nd January, 1881.

Chairman of the Intercolonial Conference.—A.L., 22. 1. 81.

Mr. Palmer brought up the following report from the Committee appointed "to consider the matters involved in Mr. Palmer's resolution, and to examine the papers relating to the appointment of the High Commissioner, and to report to this Conference."

REPORT of the Committee appointed by the Intercolonial Conference "to consider the matters involved in Mr. Palmer's resolution, and to examine the papers relating to the appointment of the High Commissioner, and to report to this Conference":—

The Committee have to report to the Conference that, after careful consideration of the Imperial Acts on the subject of the protection of natives in the Pacific Islands, and having before them the Commission to Sir Arthur Gordon, the High Commissioner and Consul-General of the said Islands, they are impressed with the opinion that the powers conferred under the said Acts and Commission are ineffectual for the protection of the lives and property of the whites as against the natives, mainly owing to the absence of sufficient authority for the punishment of the latter for outrages committed by them.

The Committee are further of opinion that the numerous massacres and outrages in the Pacific Islands of late years have arisen from the lax measures taken to punish the natives, and the absence of Her Majesty's ships of war for long periods.

The Committee having fully deliberated on the subject, have arrived at the following conclusions, which they earnestly recommend for adoption by the Conference :—

- (1.) That it is not desirable the office of High Commissioner of the Pacific Islands should be vested in the Governor of any of the Australasian Colonies.
- (2.) That the High Commissioner should reside in Fiji or one of the Islands of Polynesia.
- (3.) That extended powers should be conferred upon the High Commissioner for the punishment of natives of the said Islands for any crimes or offences committed by them against British subjects.
- (4.) That in the case of conviction for felony, by the High Commissioner, appeal should be allowed to the Supreme Court of some one of the Australasian Colonies, selected at the discretion of the High Commissioner.
- (5.) That the powers now exercised by the High Commissioner should be transferred, at an early date, to some Federal Court to be established in Australasia.
- (6.) That the more frequent visits of Her Majesty's ships among the Islands would have a beneficial effect on the natives, and tend to lessen in a great degree the crimes now so prevalent.

Mr. Dick, Colonial Secretary of New Zealand, dissented from resolutions Nos. 1 and 2.

The Committee submitted certain papers bearing upon the subject of outrages in the Islands of the Pacific, which were ordered to be inserted in the Appendix.

Mr. Palmer moved (seconded by Mr. Berry) :—That the report of the Committee now read be adopted.

Moved by Mr. Giblin (seconded by Mr. Palmer) :—"That the further discussion of this matter be postponed until to-morrow."

Mr. Chief Justice Wrenfordsley stated that, this being an Imperial question, he declined to vote upon it.

CHINESE.

Mr. Chief Justice Wrenfordsley stated that, with respect to the Chinese question, he had received from His Excellency the Governor of Western Australia permission to inform the Conference, unofficially, that "the action *re* Chinese immigration is not new, a batch having been introduced in 1878, on the recommendation of the Legislature, approved by the Secretary of State."

FEDERAL COUNCIL BILL.

After further discussion—

Mr. Mann moved (seconded by Mr. Giblin) :—That this Conference agrees generally with the provisions of the Bill submitted by Sir Henry Parkes, subject to the following modifications :—

1. The Council shall consist of a number, not more than three Ministers of the Crown, appointed by the Governor of each represented Colony, who, on ceasing to be Ministers, should also vacate their seats in the Council, whereupon other three or less number of Ministers should be appointed in their place.

2. The allowance (if any) to Members should be left to the discretion of each Colony.

3. Provision should be made that, in case any represented Colony withdraws by repealing the Act authorising the appointment of Members to the Council, such Colony should, notwithstanding such repeal, be bound by all engagements of the Federal Council entered into anterior to the date of the repealing Act; also, that all Acts passed by the Federal Council shall continue to have the force of law within the Colony so withdrawing until the same shall be repealed or amended by the Parliament of such Colony.

Subject to the above and some few minor alterations, which can be effected by the draftsman, the Conference agrees to the Bill submitted, and requests that same may, as soon as convenient, be introduced into the Parliament of New South Wales, the Representatives of the Colonies present (except Western Australia) undertaking to introduce a similar Bill as early as possible into their respective Parliaments.

Further discussion ensued, after which Mr. Mann's resolution (as seconded by Mr. Giblin) was put.

Ayes.	Noes.
New South Wales,	Victoria,
South Australia,	Queensland,
Tasmania.	New Zealand.

Western Australia declined to vote.

Mr. Berry moved (seconded by Mr. Mann, for the sake of taking the vote of the Conference):—That inasmuch as a Federal Council should be endowed with some certain source of revenue, this Conference affirms the desirability of transferring all revenues from the sale and occupation of public lands situate in each and all the Colonies to such Federal Council.

Ayes.	Noes.
Victoria.	New South Wales,
	South Australia,
	Queensland,
	Tasmania,
	New Zealand.

Western Australia declined to vote.

PATENTS AND TRADE-MARKS.

Mr. Vale moved (seconded by Mr. Morgan):—That this Conference is of opinion that Patents granted, or Trade-marks registered, in one Colony should be valid in all.

Motion put.

Ayes.	Noes.
Victoria,	New South Wales,
South Australia,	Tasmania,
New Zealand.	Western Australia,
	Queensland.

TARIFF.

Mr. Morgan, after some discussion, withdrew his resolution in favour of an uniform Tariff on the basis of the Tariff of New South Wales, in order to allow Mr. Watson's motion to be considered.

The consideration of the resolution moved by Mr. Watson was then resumed, viz.:—That, in the opinion of this Conference, a joint Commission of all the Australasian Colonies (excepting Western Australia) should be appointed to consider and construct a common Tariff for the group, and that in the constitution of such Commission—

Victoria should appoint	3 Members
New South Wales	2 Members
New Zealand	2 Members
South Australia	2 Members
Queensland	2 Members
Tasmania	1 Member

Mr. Vale moved:—That Mr. Watson's resolution be amended by inserting in the first line, after the word "Conference," the words "That any proposed Intercolonial Tariff, to command the sanction of all the Colonies, must recognise fairly the interest and special circumstances of each."

Motion put—That the resolution be amended by the insertion of these words.

Ayes.	Noes.
Victoria,	New South Wales,
Western Australia.	South Australia,
	Queensland,
	Tasmania,
	New Zealand.

The Hon. Mr. Chief Justice Wrenfordsley moved (seconded by Mr. Palmer):—That the words "excepting Western Australia" in the second line be omitted.—Agreed to.

The Hon. Mr. Chief Justice Wrenfordsley moved (seconded by Mr. Palmer):—That, after the words "Tasmania, 1 Member," there be added the words "Western Australia, 1 Member."—Agreed to.

The motion, as amended, was put as follows :—That, in the opinion of this Conference, a joint Commission of all the Australian Colonies should be appointed to consider and construct a common Tariff for the group, and that in the constitution of such Commission—

Victoria should appoint	3 Members.
New South Wales	2 Members.
New Zealand	2 Members.
South Australia	2 Members.
Queensland	2 Members.
Tasmania	1 Member.
Western Australia	1 Member.

Ayes.
New South Wales,
South Australia,
New Zealand,
Queensland,
Tasmania,
Western Australia.

Noes.
Victoria.

Mr. Palmer moved (seconded by Mr. Mann):—That it be an express instruction to such Commission that any common Tariff must recognise fairly the interests and special circumstances of each Colony.

Ayes.
New South Wales,
South Australia,
New Zealand,
Queensland,
Tasmania,
Western Australia.

Noes.
Victoria.

The Conference then adjourned until to-morrow, at 10 o'clock.

HENRY PARKES, *Chairman.*

TUESDAY, 25TH JANUARY, 1881.

NINTH DAY.

Present :

<i>New South Wales :</i>	The Honorable SIR HENRY PARKES, K.C.M.G., M.P. The Honorable JAMES WATSON, M.P.
<i>Victoria :</i>	The Honorable GRAHAM BERRY, M.P. The Honorable WILLIAM M. K. VALE, M.P.
<i>South Australia :</i>	The Honorable WILLIAM MORGAN, M.L.C. The Honorable CHARLES MANN, Q.C., M.P.
<i>Queensland :</i>	The Honorable ARTHUR HUNTER PALMER, M.P. The Honorable BOYD DUNLOP MOREHEAD, M.L.C.
<i>Tasmania :</i>	The Honorable WILLIAM ROBERT GIBLIN, M.P. The Honorable WILLIAM MOORE, M.L.C.
<i>Western Australia :</i>	The Honorable Chief Justice WRENFORDSLEY.
<i>New Zealand :</i>	The Honorable THOMAS DICK, M.H.R.

The minutes of yesterday's proceedings were read and confirmed.

Mr. Dick handed in the following memorandum :—

Having been asked by the Chairman whether I agree to the decisions of the Conference, as recorded in the minutes prior to my arrival, I have to state that I see no reason for non-agreement, except with the concluding clause of the resolution come to on January 18th, as to Defences, respecting which I think it is desirable that New Zealand should be left unfettered.

THOMAS DICK.

Sydney, 25th January, 1881.

ISLANDS IN THE PACIFIC.

The Report of the Committee appointed to consider the matters involved in Mr. Palmer's resolution, and to examine the papers relating to the appointment of the High Commissioner, and to report to the Conference, was further considered. The following amendments were made in the same :—

In line 3 of the preamble the word "said" was omitted, and the words "Western Pacific" inserted instead.

The remainder of the preamble from the word "said" was omitted, and the words "report as follows" inserted instead.

In clause 1, before the word "Pacific," the word "Western" inserted.

Clause 2 struck out.

In clause 3, the words "extended powers should be conferred upon the High Commissioner" omitted, with a view to the insertion of the words "more effectual means should be devised."

In clause 4, line 1, before the word "convictions," the word "capital" inserted. In same line the words "for felony" omitted. In same line, the words "by the High Commissioner" altered by inserting in their place the words "High Commissioner's Court." In the second line, after the word "Colonies," the words "to be" inserted, the words "at the direction of" omitted, and the word "by" inserted.

Clause 5 omitted.

In clause 6, lines 1 and 2, the words "have a beneficial effect upon the natives and" omitted.

The Report, as amended, as follows, was adopted by the Conference—

REPORT of the Committee appointed by the Intercolonial Conference "to consider the matters involved in Mr. Palmer's resolution, and to examine the papers relating to the appointment of the High Commissioner, and to report to this Conference":—

THE Committee have to report to the Conference that, after careful consideration of the Imperial Acts on the subject of the protection of natives in the Pacific Islands, and having had before them the Commission to Sir Arthur Gordon, the High Commissioner and Consul-General of the Western Pacific Islands, they have agreed to the following resolutions:—

- (1.) That it is not desirable that the office of High Commissioner of the Western Pacific Islands should be vested in the Governor of any of the Australasian Colonies.
- (2.) That more effectual means should be devised for the punishment of natives of the said Islands for any crimes or offences committed by them against British subjects.
- (3.) That in the case of capital convictions by the High Commissioner's Court, appeal should be allowed to the Supreme Court of some one of the Australasian Colonies, to be selected by the High Commissioner.
- (4.) That the more frequent visits of Her Majesty's ships among the Islands would tend to lessen in a great degree the crimes now so prevalent.

Mr. Dick, Colonial Secretary of New Zealand, dissented from the first resolution.

Mr. Palmer moved (seconded by Mr. Moore):—That Her Majesty's Government be moved to take the necessary measures to give effect to the foregoing resolutions.

Western Australia declined to vote, except on No. 2, which the Representative of that colony voted for.

At the request of the Conference, the Chairman undertook to move His Excellency the Governor to communicate with Her Majesty's Government on the subject, and to forward the resolutions as agreed upon.

INTERCOLONIAL FREE TRADE.

Mr. Mann moved (seconded by Mr. Morgan):—That, with a view of practically testing to some extent the feasibility of Intercolonial Free Trade, this Conference agrees that all wines, the product of Victoria, New South Wales, and South Australia, shall be admitted into each of those Colonies free of duty. This arrangement to be subject to determination on three months' notice by any of the Colonies interested.

Before this motion was put, Mr. Watson moved (seconded by Mr. Giblin):—That it is undesirable to deal with the question involved in Mr. Mann's resolution until all the products of all the Colonies are included.

Mr. Berry then moved, as an amendment:—That after the word "products" there be inserted "and manufactures."

Question put—That the words proposed be inserted.

Ayes.
Victoria,
Queensland.

Noes.
New South Wales,
South Australia,
Tasmania,
New Zealand.

Western Australia declined to vote.

Mr. Watson's motion was then put and negatived.

Ayes.
New South Wales,
Tasmania.

Noes.
Victoria,
Queensland,
South Australia,
New Zealand.

Western Australia declined to vote.

Original question put—That, with a view of practically testing to some extent the feasibility of Intercolonial Free Trade, this Conference agrees that all wines, the product of Victoria, New South Wales, and South Australia, shall be admitted into each of those Colonies free of duty. This arrangement to be subject to determination on three months' notice by any of the Colonies interested.

Aye.
South Australia.

Noes.
Victoria,
New South Wales.

The other Representatives declined to vote.

CHINESE IMMIGRATION.

The Chairman brought up a Draft Bill, which he had undertaken to have prepared, to restrict the influx of Chinese.

Mr. Palmer also submitted a copy of the Queensland Act "To regulate the Immigration of Chinese, and to make provision against their becoming a charge upon the Colony."

After consideration, it was agreed that South Australia, Tasmania, and New Zealand would confer with the Representatives of Queensland, in order to adopt the legislation of that Colony; and that Victoria would confer with the Representatives of New South Wales, in order to adopt uniform legislation on the basis of the Bill submitted by Sir Henry Parkes—Western Australia not assenting to either course.

The Report of the Committee appointed to prepare a form of representation to the Imperial Government, on the subject of Chinese immigration into Western Australia, was read to the Conference by the Secretary, as follows:—

To the Right Honorable the Earl of Kimberley, &c.

The undersigned, Members of a Conference of all the Australasian Governments, now sitting in Sydney, and the duly accredited Representatives of the Colonies named after our respective signatures, have the honor to respectfully approach your Lordship as Her Most Gracious Majesty's Secretary of State for the Colonies, and to represent to your Lordship certain transactions now taking place in Western Australia which we consider highly prejudicial to the best interests of Her Majesty's free and loyal subjects in this part of the world.

As a preliminary explanation, we desire to point out that the computed population of the six Colonies we represent is over 2,500,000, while the population of the Crown colony of Western Australia is under 30,000 souls. In all the six Colonies a strong feeling prevails in opposition to the unrestricted introduction of Chinese, this opposition arising principally from a desire to preserve and perpetuate the British type in the various populations. In several of the Colonies stringent measures have been passed at different times to restrict the influx of Chinese immigrants, even at their own expense. In Queensland a law of this restrictive character exists at the present time; in New South Wales a similar Bill was passed by the Legislative Assembly not two years ago, though it was subsequently lost in the Legislative Council; and in South Australia a similar measure was twice passed by the House of Assembly last year. The present Conference has been convened to consider, amongst other things, the subject of Chinese immigration, and a resolution has been agreed to "recommending uniform legislation on the part of all the Colonies to restrict the influx of Chinese into these Colonies."

It is while sitting in Conference that we learn for the first time that the small and remote Colony of Western Australia is introducing Chinese at the public expense. In the *Government Gazette* of that Colony, of the 28th December last, the following notice was published:—

Colonial Secretary's Office, Perth, 28th December, 1880.

CHINESE IMMIGRANTS.

THE Legislature having sanctioned the introduction of Chinese immigrants into the Colony at the public expense, the Government is prepared to receive applications from settlers who may be desirous of employing such immigrants as farm labourers, shepherds, gardeners, mechanics, or domestic servants; application to be made in writing on the following form, copies of which may be obtained at the offices of the Colonial Secretary and the various resident magistrates. Fifty immigrants must be applied for before action can be taken by Government. The immigrants to be taken over from the Government Immigration Agent immediately on arrival, free of expense to the Government.

By His Excellency's command,

GIFFORD, Colonial Secretary.

Name, Occupation, and Address of Person requiring Immigrants.	Number of Persons required of each description of trade, &c.	Where to be employed.	Period for which employment is guaranteed, if Immigrant is qualified.	Wages per month offered, in addition to food and lodgings, to the satisfaction of Government.	Remarks.
John Smith, farmer, Albany.	1 rough carpenter. 2 shepherds. 1 house servant.	Kojonup. Do. Albany.	One year certain.	£ s. d. 2 5 0 2 0 0 1 15 0	

We are satisfied that the publication of the fact that the Government of Western Australia is employing the public revenue for the introduction of natives of China to occupy the various avenues of labour—a course never at any time adopted by any of the Colonies under Parliamentary government—will create throughout the rest of Australasia a strong feeling of public disapprobation. The objection to the Chinese is not altogether one of prejudice of colour or race, but is founded in a rational view of the dangers to these

British communities which might, in the course of time, flow from a people numbering more than 400,000,000, whose language, laws, religion, and habits of life are alien to those of Her Majesty's subjects in Australasia, and whose geographical position makes the danger more imminent.

If Western Australia persists in her policy it cannot fail to engender among the people of the other Colonies a sense of public injury and of resentment, and it is almost certain to lead to the enactment of laws imposing restrictions on communication between her ports and the other Australasian ports. It cannot be expected that the people who object to receive Chinese immigrants direct from China will submit to their arrival by way of Western Australia. At a time when a disposition is growing up in the Colonies to draw more closely together the ties of political relationship, it is a matter for deep regret that the smallest Colony of the group should take a course so calculated to cut her off from popular sympathy and to isolate her in her colonising progress.

We desire to urge upon your Lordship that the action of the Government of Western Australia cannot be regarded as other than opposed to the common interest in the social advancement of these Colonies, and that if it be continued it must be attended by consequences which it is highly desirable to avoid; and we join in an earnest hope that Her Majesty's Government will take such steps as may be deemed expedient to procure its reversal.

We have the honor to remain,

Your Lordship's faithful and obedient servants.

It was agreed upon that Sir Henry Parkes should sign this document as Chairman of the Conference, and that the representatives present should afterwards sign according to the population of their respective Colonies.

INTERCOLONIAL LEGISLATION.

Mr. Vale brought up the following Reports of the Legal Committee appointed to revise certain Draft Bills which had been laid before the Conference, viz. :—

COURT OF APPEAL.

Report.—The Legal Committee having had under consideration a Bill intituled "An Act to provide for the establishment of an Australasian Court of Appeal," have revised the same, and recommend the revised draft for adoption by the Conference.

Mr. Vale moved (seconded by Mr. Chief Justice Wrenfordsley) :—That the report be adopted. —Postponed for further consideration, in order to have the Bill printed and circulated. —Agreed to.

EXECUTION OF WARRANTS BILL.

Mr. Vale brought up the following report on this Bill, and (seconded by Mr. Chief Justice Wrenfordsley) moved its adoption :—

The Legal Committee having had under consideration a Bill intituled "A Bill to provide for the Execution (in Victoria) of Warrants of Apprehension issued in other Colonies," have revised the same, and recommend the revised draft for adoption by the Conference. —Agreed to.

RECOVERY OF DEBTS BILL.

Mr. Vale brought up the following report :—The Legal Committee having had this Bill under consideration, recommend that it be not further proceeded with.

FUTURE CIRCULATION OF ACTS AND BILLS.

Mr. Vale moved (seconded by Mr. Berry) :—That in the opinion of this Conference, the several Governments should forward three copies of each public Act and three copies of each public Bill to the law officers and Colonial Secretaries of each Colony. —Agreed to.

PETITION OF FRUIT-GROWERS.

The Chairman called attention to the memorial from fruit-growers of New South Wales, as to the injurious effects of certain import duties in some of the Colonies. After some discussion the matter was dropped, as one which could not be entertained by the Conference.

The Conference then adjourned till to-morrow, at 9 o'clock.

HENRY PARKES, *Chairman.*

WEDNESDAY, 26TH JANUARY, 1881.

TENTH DAY.

Present.

New South Wales: The Honorable SIR HENRY PARKES, K.C.M.G., M.P.
The Honorable JAMES WATSON, M.P.

Victoria: The Honorable GRAHAM BERRY, M.P.
The Honorable WILLIAM M. K. VALE, M.P.

South Australia: The Honorable WILLIAM MORGAN, M.L.C.
The Honorable CHARLES MANN, Q.C., M.P.

Queensland: The Honorable ARTHUR HUNTER PALMER, M.P.
The Honorable BOYD DUNLOP MOREHEAD, M.L.C.

Tasmania: The Honorable WILLIAM ROBERT GIBLIN, M.P.
The Honorable WILLIAM MOORE, M.L.C.

Western Australia: The Honorable Chief Justice WRENFORDSLEY.

New Zealand: The Honorable THOMAS DICK, M.H.R.

The minutes of yesterday's proceedings were read and confirmed.

AUSTRALASIAN COURT OF APPEAL BILL.

Mr. Vale moved (seconded by Mr. Giblin):—That this Conference approves of the provisions of the Draft Bill for the establishment of an Australasian Court of Appeal, as revised by the Legal Committee, and recommends that the several Australasian Parliaments do memorialise the Crown to procure the passing of such a Bill by the Imperial Parliament.—Agreed to.

EXECUTION OF WARRANTS BILL.

Mr. Vale moved (seconded by Mr. Dick):—That the Members of Conference undertake to endeavour to pass into law in their several Colonies the Execution of Warrants Bill.—Agreed to.

The Conference then adjourned until to-morrow, at 10 o'clock.

HENRY PARKES, *Chairman.*

THURSDAY, 27TH JANUARY, 1881.

ELEVENTH DAY.

Present:

New South Wales: The Honorable SIR HENRY PARKES, K.C.M.G., M.P.
The Honorable JAMES WATSON, M.P.

Victoria: The Honorable GRAHAM BERRY, M.P.
The Honorable WILLIAM M. K. VALE, M.P.

South Australia: The Honorable WILLIAM MORGAN, M.L.C.
The Honorable CHARLES MANN, Q.C., M.P.

Queensland: The Honorable ARTHUR HUNTER PALMER, M.P.
The Honorable BOYD DUNLOP MOREHEAD, M.L.C.

Tasmania: The Honorable WILLIAM ROBERT GIBLIN, M.P.
The Honorable WILLIAM MOORE, M.L.C.

Western Australia: The Honorable Chief Justice WRENFORDSLEY.

New Zealand: The Honorable THOMAS DICK, M.H.R.

The minutes of yesterday's proceedings were read and confirmed.

PACIFIC ISLANDS.

The Chairman read the following draft letter to Lord Augustus Loftus:—

MY LORD,

As Chairman of the Intercolonial Conference now sitting in Sydney, I have the honor to inform you that a Committee of the Conference was appointed, on the 19th instant, to examine the Acts and Papers relating to the appointment of High Commissioner for the Western Pacific Islands, and to consider generally the state of increasing insecurity to life and property in the Islands. The enclosed Report from the Committee, after consideration and amendment, has been adopted by the Conference.

The Conference respectfully requests that your Lordship will be good enough to transmit the enclosed copy of this Report to the Right Honorable the Secretary of State for the Colonies.

I have the honor to be,

Your Lordship's most obedient Servant,

HENRY PARKES.

Western Australia declined to concur.

Chairman instructed to forward letter as above, with enclosure.

Mr. Moore moved (seconded by Mr. Giblin):—That, in the opinion of this Conference, the present restrictions on Sheep introduced by sea into any of the Australasian Colonies and New Zealand should be modified, so far as to uniformly extend the period of detention in quarantine before dipping to twenty-one days.

After discussion the motion was withdrawn.

UNIFORMITY OF WEIGHT IN SALE OF MERCHANDISE.

Mr. Watson moved (seconded by Mr. Moore):—That, in the opinion of this Conference, a great improvement in the mode of conducting business would be effected, and transactions simplified, if all descriptions of merchandise to which the resolution can apply were sold at one uniform weight, and that this desirable reform could conveniently be accomplished by the introduction of the system of selling per cental of 100 lbs.—Agreed to.

DUPLICATION OF TELEGRAPH CABLE.

Mr. Morgan moved (seconded by Mr. Berry):—That the duplication of the Telegraph Cable being a matter of great importance to all the Colonies, the large subsidy of £32,400 now paid by Victoria, New South Wales, South Australia, and Western Australia to the Cable Company, as a guarantee fund for the construction of such Cable, should be borne by all the Colonies interested, on the basis of population.

After discussion, question put.

Ayes.
Victoria,
New South Wales,
South Australia,
Western Australia.

Noes.
Queensland,
Tasmania,
New Zealand.

LIGHT-HOUSE AT CAPE LEEUWIN.

Mr. Chief Justice Wrenfordsley moved:—That, in the opinion of this Conference, a Light-house is urgently required at Cape Leeuwin, in Western Australia; and, having regard to the general interests of navigation and the increasing carrying trade of all the Australian Colonies, the several representatives are prepared to recommend that the expense of building and maintaining such an establishment should be jointly undertaken and provided for by their respective Governments.

After discussion, motion withdrawn; Mr. Chief Justice Wrenfordsley undertaking to give further information on the subject to the different Colonies.

POSTAL SERVICE.

Mr. Berry, having given notice that he would call attention to certain matters connected with the Postal Service, read a memorandum he had received on this subject from Mr. Jackson, the Deputy Postmaster-General of Victoria. Ordered, that this memorandum be inserted in the Appendix.

Mr. Mann moved (seconded by Mr. Chief Justice Wrenfordsley):—That this Conference agrees that executions on final process for debt or damage issued in any Colony shall be of force in all; and Victoria is requested to prepare a Bill to be introduced into the Parliament of each Colony to carry out this resolution, such Bill to be first submitted to the law officers of each Colony.

PLEURO-PNEUMONIA.

Moved by Mr. Morgan (seconded by Mr. Dick):—That, in the opinion of this Conference, joint action should be taken by all the Colonies for the more effectual eradication and future prevention of the cattle disease known as pleuro-pneumonia.

Ayes.
Victoria,
New Zealand,
Tasmania,
New South Wales,
South Australia,
Western Australia.

No.
Queensland.

VOTE OF THANKS.

Moved by Mr. Morgan (seconded by Mr. Palmer):—That the thanks of the Conference be given to the Honorable Sir Henry Parkes for the services rendered by him as President of the Conference.—Agreed to unanimously.

The Conference then adjourned *sine die*.

HENRY PARKES, *Chairman*.

APPENDIX A.

BILLS AGREED TO BY THE CONFERENCE.

44 VICTORIÆ, 1881.

A BILL intituled "An Act to provide for the establishment of an Australasian Court of Appeal."

Preamble.

WHEREAS the colonies of New South Wales Victoria South Australia Queensland Western Australia New Zealand and Tasmania have expressed their desire that a Court should be established as hereinafter provided for the hearing of appeals from the Supreme Court of each such colony: And whereas the sanction of the Imperial Parliament is necessary in order that such Court may be duly established and be invested with the necessary powers and authorities in that behalf: And whereas the said colonies have through their respective Legislatures consented to the constitution of the said Court by an Act of the Imperial Parliament upon the basis with the authority and subject to the provisions hereinafter declared and expressed: Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1 This Act may be cited as "*The Australasian Court of Appeal Act.*"

Interpretation of terms.

2 In this Act and any general rules and orders made in pursuance hereof unless the context otherwise requires—

"The Court of Appeal" means the Australasian Court of Appeal;

"Colony" means any one of the colonies of New South Wales Victoria South Australia Queensland Western Australia New Zealand or Tasmania;

"Supreme Court" means the Supreme Court Appellate Court or other Court of last resort in any colony;

The "Registrar" means the Registrar of the Court of Appeal and includes any person who may be appointed by the Court to perform any of the duties of the registrar;

"Judgment" includes any rule order decision decree decretal order sentence or determination of any Supreme Court;

"Governor" means the Governor (or officer administering the Government) in Council or the Governor (or such officer) with the advice of the Executive Council;

"Prescribed" means prescribed by any general rule or order made by the Court of Appeal under the provisions of this Act.

Court of Appeal constituted.

3 A Court of Appeal to be called the Australasian Court of Appeal shall be constituted in and for New South Wales Victoria South Australia Queensland Western Australia New Zealand and Tasmania which shall have and exercise appellate civil jurisdiction within and throughout each and all of the said colonies.

To be a Court of record and have a seal.

4 Such Court of Appeal shall be a Superior Court of Record and shall have and use as occasion may require a seal of office having inscribed thereon the words "The Australasian Court of Appeal."

Judges of Court.

5 The Governor of every colony shall by commission under the Great Seal of the colony under his government appoint for any term not exceeding one year the Chief Justice or any Puisne Judge of each such colony to be one of the Judges of the Court of Appeal constituted by this Act. The senior Chief Justice or in the event of no Chief Justice of any colony being present at any sitting of the Court the senior Puisne Judge then present shall be the President. The Court may lawfully be held by and before any three or more Judges and shall be held to be lawfully constituted for all purposes notwithstanding any vacancy in the office of any Judge thereof provided that three members of the Court at least shall have been appointed and have taken the judicial oath hereinafter prescribed.

Judges to take oath of office.

6 Every Judge of the Court of Appeal shall before acting judicially take the following oath:—

"I do swear that I will well and truly serve our Sovereign Lady Queen Victoria in the office of Judge of the Australasian Court of Appeal and I will do right to all manner of people according to law without fear or favour affection or ill will. So help me God."

The said oath shall be administered to every Judge before the Governor of the colony in which the first sitting of the Court of Appeal shall be held during the term of the commission of such Judge.

Tenure of office &c.

7 The appointment of the Chief or Puisne Judge of any colony to be a Judge of the Court of Appeal constituted by this Act shall not vacate or otherwise affect the commission under which such Judge holds his commission in and for such colony but any Judge of the said

Court of Appeal may resign his commission as a Judge of such Court by writing addressed to the Governor of the colony by whom he was appointed. Every Judge shall hold his office as Judge of the Court of Appeal for the term of his commission on the same tenure and conditions as he holds his office of Chief or Puisne Judge.

8 The Court of Appeal shall have power to appoint some fit and proper person being a barrister attorney or practitioner of the Supreme Court of any colony of at least five years' standing to be the registrar of the Australasian Court of Appeal, and such other persons as may be necessary to be clerks and servants of the said Court. Such registrar clerks and servants may be dismissed by the Court. Registrar and officers.

9 The Court of Appeal shall sit at such times and places as may be prescribed. The determination of the place and time for holding any sitting of the Court shall so far as possible be governed by the preponderance of the appeals set down for hearing before the Court as between any one colony and any other as well as by the condition of the appellate business of the Court. In appointing the sitting of such Court provision shall be made as far as practicable for hearing appeals at least once a year in the colony in which the judgment appealed from shall have been given. The first sitting of the Court shall be held within twelve months after the passing of this Act at Sydney in the colony of New South Wales. Sitting of court.

10 Any person may appeal to the Court of Appeal from any final judgment of the Supreme Court of any colony pronounced made or given in any civil suit or proceeding in such manner within such time and under and subject to such rules regulations and limitations as this Act directs: Provided that nothing in this Act shall abridge or affect the right of any person to appeal to Her Majesty in Council pursuant to the provisions of the several Imperial Statutes regulating appeals to be heard by the Judicial Committee of Her Majesty's Privy Council and Her Majesty's Orders in Council made thereunder: Provided further that if any person entitled under the next succeeding section of this Act to appeal to the Court of Appeal constituted by this Act shall desire so to appeal he shall give the prescribed notice of such his intention to the other party and thereupon it shall be lawful for such other party to apply to the court from whose judgment it is intended to appeal for an order directing that such appeal shall be preferred to Her Majesty in Council pursuant to the said firstly-mentioned Statutes and Orders in Council and the said Court so appealed from may in its discretion grant or refuse such order upon such terms as to costs and otherwise as the said Court shall think just. Power to appeal in civil matters from final judgment &c.

11 In case any such judgment shall be given or pronounced in the Supreme Court in any colony for or in respect of any sum or matter at issue above the amount or value of Five hundred pounds sterling or in case such judgment shall involve directly or indirectly any claim demand or question to or respecting property or any civil right amounting to or of the value of Five hundred pounds sterling the person or persons feeling aggrieved by any such judgment may within fourteen days next after the same shall have been pronounced made or given and after service of the prescribed notice of his intention so to do on the other party apply to the said Supreme Court by motion or petition for leave to appeal therefrom to the Court of Appeal. In what cases leave to appeal may be asked.

12 In case such leave to appeal shall be prayed by the party or parties who is or are directed to pay any such sum of money or perform any duty the said Supreme Court shall be and is hereby empowered either to direct that the judgment appealed from shall be carried into execution or that the execution thereof shall be suspended pending the said appeal as to the said Court may appear to be most consistent with real and substantial justice. Effect of appeal on judgment.

13 In case the Supreme Court shall direct such judgment to be carried into execution the person or persons in whose favour the same shall be given shall before the execution thereof enter into good and sufficient security to be approved by the said Supreme Court for the due performance of such judgment as the Court of Appeal shall think fit to make thereupon. Security when required.

14 In all cases security to the satisfaction of the Court appealed from shall be given by the party or parties appellant of not less than the value of Five hundred pounds sterling for the prosecution of the appeal and the payment of all such costs as may be awarded by the Court of Appeal to the party or parties respondent. Nature of security.

15 If such last-mentioned security shall be given within two months from the date of such motion or petition for leave to appeal then and not otherwise the Supreme Court shall allow the appeal and the party or parties appellant shall be at liberty to prefer and prosecute his her or their appeal in such manner and under such general rules and orders as are or may be observed in appeals made to such Court of Appeal. Granting of leave to appeal.

16 The Supreme Court may at its discretion on the petition of any party who considers himself aggrieved by any preliminary or interlocutory judgment of the said Supreme Court grant permission to such party to appeal against the same to the Court of Appeal subject to the same rules regulations and limitations as apply to appeals from final judgments. Appeal from interlocutory judgment.

17 It shall be lawful for the Court of Appeal upon any appeal to remit the matter which shall be the subject of such appeal to the Court from the decision of which such appeal shall have been made and at the same time to direct that such Court shall re-hear such matter in such form and either generally or upon certain points only and upon such re-hearing take such additional evidence though before rejected or reject such evidence before admitted as the Court of Appeal shall direct and further on any such remitting or otherwise it shall be lawful for the Court of Appeal to direct that one or more feigned issues shall be tried in the Supreme Court at such sitting of that Court and in such manner as the Court of Appeal may direct either by general rule or by order in the particular case. Court of appeal may remit causes for re-hearing.

And may direct new trials of issues.

18 It shall be lawful for the said Court of Appeal to direct one or more new trial or new trials of any issue either generally or upon certain points only and that in case any witness examined at a former trial of the same issue shall have died or have through bodily or mental disease or infirmity become incapable to repeat his testimony it shall be lawful for the said Court of Appeal to direct that parol evidence of the testimony of such witness shall be received.

For purposes of appeal final judgment may be entered *pro formâ* in Supreme Court.

19 If in any action suit or other proceeding it shall so happen that no final judgment can be duly given in consequence of a disagreement of opinion between the Judges of the Supreme Court then and in such case the final judgment may be entered *pro formâ* on the petition of any of the parties to the action suit or other proceedings according to the opinion of the Chief Justice or in his absence of the senior Puisne Judge of the Supreme Court provided that such judgment shall be deemed a judgment of the Court for the purpose of an appeal against the same but not for any other purpose.

Appeal may be heard on petition of aggrieved person.

20 The Court of Appeal may upon the petition of any person or persons aggrieved by any judgment of the Supreme Court admit his her or their appeal therefrom upon such terms and upon such securities limitations restrictions and regulations as the Court of Appeal shall think fit and shall have power to confirm reverse or vary such judgment as to the Court of Appeal shall seem meet.

Copy proceedings to be furnished to Court of Appeal.

21 In all cases of appeal allowed by the Supreme Court or Court of Appeal the Supreme Court shall certify and transmit to the Court of Appeal a true and exact copy of all evidence proceedings judgments had or made in such cases appealed against so far as the same have relation to the matters of appeal such copies to be certified under the seal of the said Court and the Supreme Court shall also certify and transmit to the Court of Appeal a copy of the reasons given by the Judges of such Supreme Court or by any of such Judges for or against the judgment appealed against where such reasons shall have been given in writing and where such reasons shall have been given orally then a statement in writing of the reasons given by the Judges of such Supreme Court or by any of such Judges for or against the judgment appealed against.

Judgments of Court of Appeal to be executed by Supreme Court.

22 The Supreme Court shall in all cases of appeal to the Court of Appeal conform to and execute or cause to be executed such judgments as the Court of Appeal shall think fit to make in the premises in such manner as any original judgment of the said Supreme Court should or might have been executed.

Special case for questions of law.

23 Whenever it shall be found that the decision of a matter on appeal is likely to turn exclusively on a matter of law such question may with the sanction of the registrar be submitted to such Court in the form of a special case in the prescribed manner.

Order in Council.

24 The judgment of the Court of Appeal in any matter shall be enrolled for safe custody in such manner and the same may be inspected and copies thereof taken under such general rule or order as the Court shall direct.

Judgment to be final and without appeal.

25 The judgment of the Court of Appeal shall in all cases be final and conclusive and no appeal shall be brought from any judgment of such Court: saving any right which Her Majesty may be graciously pleased to exercise by virtue of Her Royal Prerogative.

Saving Royal Prerogative. Privy Council practice.

26 Proceedings in appeals shall when not otherwise provided for by this Act or by the general rules and orders to be made in pursuance hereof be as nearly as possible in conformity with the practice for the time being regulating appeals before the Judicial Committee of Her Majesty's Privy Council.

Judges' notes &c.

27 The Court of Appeal may make alter or rescind any general rule or order requiring the Judges' notes of the evidence taken before such Court on any cause appealed from which notes of evidence shall by such Court be transmitted to the registrar of the Court of Appeal within one month next after the leave given by such Supreme Court to prosecute any appeal to the Court of Appeal and such rule or order shall be binding upon all Judges of such Courts in each Colony.

Costs of appeal.

28 The costs incurred in the prosecution of any appeal and of such issues as the Court of Appeal may direct shall be paid by such party or parties person or persons and be taxed by the registrar and in such manner as the Court shall direct: Provided however that an appellant who shall succeed in obtaining a reversal or material alteration of any judgment appealed from shall be entitled to recover the costs of the appeal from the respondent except in cases in which the Court of Appeal may think fit otherwise to direct.

Legal practitioners in Court.

29 All persons being barristers or advocates in any colony shall have the right to practise as such in the Court of Appeal;

All persons being attorneys solicitors or proctors of the Supreme Court in any colony shall have the right to practise as such in the Court of Appeal;

And all persons who may practise as attorneys solicitors or proctors in the Court of Appeal shall be officers of such Court.

Commissioners for taking affidavits. Process of Court.

30 All persons appointed or authorised to administer affidavits in the Supreme Court in any colony may administer affidavits to be used in the Court of Appeal.

31 The process of the Court of Appeal shall run throughout every colony and shall be tested in the name of the President for the time being.

Fees and expense of maintenance of Court.

32 All fees received by the officers of the Court of Appeal shall be appropriated towards defraying the expense and cost of maintaining such Court and if such fees are not sufficient to defray all such expense and cost the amount of the deficiency shall be made up from time to

time by a contribution from each colony calculated proportionately as nearly as may be according to the population of each colony.

33 Any four Judges of the Court of Appeal may from time to time make alter or rescind such general rules and orders as the Court may think fit— General rules and orders.

For regulating the places and times of the sitting of the Court of Appeal and the place and mode of keeping the records books documents and papers of or in the custody of such Court;

For regulating the mode form and time of appealing to the Court of Appeal and the procedure in all matters;

For preventing delays in the making or hearing of such appeals;

As to the expenses attending appeals the fees payable to the Court and the taxation of costs;

As to conduct and duties of all officers and practitioners in the Court of Appeal;

And generally for carrying out the intention and objects of this Act;

And all such rules and orders not being inconsistent with the express provisions of this Act shall have force and effect in each colony as if herein enacted and copies thereof shall be laid before the Parliament and be published in the *Government Gazette* of each colony.

44° VICTORIÆ, 1881.

A BILL to provide for the execution in [Victoria] of Warrants of Apprehension issued in other Colonies.

WHEREAS it is expedient to facilitate the apprehension of offenders in and their removal from the colonies of [Victoria] New South Wales *New Zealand* Queensland South Australia *Tasmania* and Western Australia and to amend the law relating to such offenders: Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of [Victoria] in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1 This Act may be cited as "*The Intercolonial Warrants Act, 1881.*"

2 In this Act unless the context otherwise requires—

"Colony" means and includes the colonies of New South Wales *New Zealand* Queensland South Australia *Tasmania* and Western Australia or any of them;

"Justice" means justice of the peace;

"Constable" or "constables" means and includes any person or persons charged with or acting in the execution of any warrant or process indorsed as herein mentioned or with the custody of the person apprehended or to be apprehended under such warrant or process and the assistants of such constable or constables;

And "accused" means the person apprehended or to be apprehended by virtue of any warrant or process indorsed under the provisions hereof.

3 If any person against whom a warrant shall be issued in any colony by any justice or other person having authority to issue it for any offence against or purporting to be against the laws of that colony shall escape therefrom or go into reside or be or be supposed or suspected to be in [Victoria] any justice having jurisdiction in any part of [Victoria] may indorse such warrant which indorsement may be to the effect of the form of the Schedule hereto and such warrant so indorsed shall be a sufficient authority to the constable and all others to whom it was originally addressed or by whom it may lawfully be executed or acted on and their and every of their assistants to execute the said warrant in any part of [Victoria] by apprehending or receiving into his custody the accused and (if so directed by such justice) to remove him in custody to the colony in which the said warrant may have been issued and to convey him before the justice or justices who granted such warrant or before some other justices in and for the same colony to be there dealt with as if he had been apprehended in such colony.

4 The issue of any warrant in any colony against any accused person shall be *prima facie* evidence that the offence alleged therein was an offence against the laws of the colony in which such warrant was issued and the production of any such warrant shall be *prima facie* evidence of its having been duly issued and of its having been signed by the justice by whom the same purports to be signed and the indorsement thereon to the effect of the form in the said First Schedule shall be a full indemnity to any justice indorsing and any constable or other person executing or acting on such warrant for any want of jurisdiction or irregularity in the issue of or on the part of the person issuing such warrant and this Act may be pleaded in bar to any suit or proceeding against such justice constable or other person for any such want of jurisdiction or irregularity.

Any warrant issued in [Victoria] and executed in any colony by virtue of any indorsement thereon to the effect of the form in the First Schedule hereunto made by any justice or other person having authority so to indorse such warrant in such colony shall be deemed to have been duly and regularly executed and the accused shall be dealt with in [Victoria] as if he had been apprehended in [Victoria].

Preamble.

(If it is intended to authorise removals by land only omit colonies in italics.)
Short title.

Interpretation.
(See note to preamble.)

Warrants issued in other colonies may be indorsed in [Victoria].
11 & 12 Vict. c. 42, ss. 11, 12, 13, 14 & 15.
Schedule.

Issue of warrant *prima facie* evidence of jurisdiction &c. and indorsement protection of justice and constable.

Effect in [Victoria] of indorsement made elsewhere.

Arrest and
detention for
days
on telegram.

5 A telegram from the Attorney-General of any colony to the Attorney-General of this colony stating that a warrant has been issued for the arrest of any accused person shall be a sufficient authority to all officers and constables in [Victoria] for the arrest and detention of such person in any part of [Victoria] until a sufficient time not in any case exceeding thirty days has elapsed to allow of the transmission of such warrant to the place where such person shall have been arrested and detained unless the discharge of such person shall be previously ordered by a Judge of the Supreme Court.

Wife desertion
&c. an offence
within the
meaning of
this Act.

6 This Act shall be deemed to extend and apply to all warrants issued in any colony for the apprehension of any man on the ground that he has deserted or is about to desert his wife child or children (whether legitimate or not) or any of them or leave her or them or any of them without adequate means of support or on the ground that he has not complied with any order of any court justice or justices to maintain or contribute to the maintenance of any such wife child or children or on any ground which is of a like kind in the opinion of the justice indorsing any such warrant in [Victoria].

Section 3, 4.

SCHEDULE.

FORM OF INDORSEMENT ON A WARRANT.

To Wit. }

Whereas the within warrant has this day been produced to me one of Her Majesty's justices of the peace for the bailiwick in the colony of [Victoria] I do therefore hereby authorise [W.S.] who bringeth to me this warrant and the constable and also all persons to whom this warrant was originally directed or by whom it may lawfully be executed or acted on and their and every of their assistants to execute the same within the said colony of [Victoria].

Given under my hand this day of A.D. 18 GEO. V., J.P.

Additional Indorsements.

I do direct the constable or other person executing this warrant to bring the within-named C.D. before me or some justice having jurisdiction where any person likely to give evidence for the prosecution of the said C.D. resides to be dealt with according to law.

Given under my hand this day of A.D. 18 GEO. V., J.P.

I do direct the constable or other person executing this warrant to remove the within-named C.D. to the colony in which this warrant was issued and convey him before the justice or justices who issued this warrant or before some other justice or justices in and for the same colony to be there dealt with as if he had been apprehended in such colony.

Given under my hand this day of A.D. 18 GEO. V., J.P.

[Victoria and New South Wales agree to this Bill with an Amendment in the 3rd clause.]

44° VICTORIÆ, 1881.

A BILL to restrict the Influx of Chinese.

Preamble.

WHEREAS it is expedient to regulate and restrict the immigration of Chinese into the colony of New South Wales: Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Interpretation.

1 For the purposes of this Act the following words in inverted commas shall unless the context otherwise indicate bear the meanings set against them respectively:—

"Chinese"—Any person of the Chinese race.

"Vessel"—Any ship or other sea-going vessel of whatsoever kind or description.

"Master"—The person other than a pilot for the time being in actual command of any such vessel.

Master on
arrival to give
list of Chinese
on board.

2 The master of every vessel having Chinese on board shall immediately on his arrival from beyond this colony in any port of this colony and before making any entry at the Customs deliver to the Collector or other principal officer of Customs a list of such Chinese specifying the name the place of birth the apparent age the ordinary place of residence the place and date of shipment and the calling or occupation of each such Chinese. And for each default herein such master shall be liable to a penalty not exceeding Two hundred pounds.

- 3** If any vessel shall arrive in any port in this colony having on board a greater number of Chinese passengers than in the proportion of one to every one hundred tons of the tonnage of such vessel according to the registry thereof if British and if not then according to the measurement prescribed by the Act of the Imperial Legislature seventeenth and eighteenth Victoria chapter one hundred and four being "*The Merchant Shipping Act of 1854*" the owner master or charterer of such vessel shall be liable on conviction to a penalty not exceeding Ten Pounds for each Chinese passenger so carried in excess. Number of Chinese ships may carry.
- 4** Before any Chinese arriving from beyond this colony shall be permitted to land therein from any vessel and before making any entry at the Customs the master of the vessel shall pay to such Collector or other principal officer the sum of Ten pounds for every such Chinese to be applied in manner hereinafter provided and no entry shall be deemed to have been legally made or to have any legal effect until such payment shall have been made. And if any master shall neglect to pay any such sum or shall land or permit to land any Chinese at any port or place in this colony before such sum shall have been paid for or by him or before such list shall have been delivered such master shall be liable for every such offence to a penalty not exceeding Fifty pounds for each Chinese so landed or permitted to land in addition to the amount of such sum. Penalty.
- 5** Every Chinese arriving in this colony after the passing of this Act otherwise than by any vessel shall pay or have paid for him to some officer whom the Governor with the advice of the Executive Council may appoint at any places on or near the borders of the colony or otherwise conveniently situate for that purpose a like sum of Ten pounds. Ten pounds to be paid for each Chinese arriving by vessel.
- 6** The Collector or other officer receiving such sum from or for any Chinese shall without demand forthwith give him a certificate in writing under his hand of the payment of such sum which certificate shall be in a form to be prescribed by the Governor as aforesaid. And such certificate whensoever and wheresoever produced by such Chinese shall be conclusive evidence on behalf of himself and of any other person who may have paid such sum for him that such sum has been duly paid. Penalty.
- 7** If any Chinese shall enter or attempt to enter this colony without paying or having paid for him the sum of Ten pounds aforesaid he shall besides such sum be liable to a penalty not exceeding Ten pounds and shall be liable to imprisonment for twelve months in default of payment thereof unless sooner paid and may be apprehended and taken before any justice of the peace who may take bail in a sum of not less than Twenty pounds for his appearance at the next Court of Petty Sessions or remand him to such court as to such justice shall seem fit. Like sum for Chinese arriving otherwise.
- 8** All sums paid by or on behalf of any Chinese and all penalties for neglect of payment thereof shall be paid into the Consolidated Revenue. Certificate of sum paid to be given to Chinese and to be evidence.
- 9** At the hearing of any prosecution under this Act the justices may decide upon their own view and judgment whether any person charged or produced before them is a Chinese within the meaning of this Act. Penalty on not paying or having had paid fee for entrance to the colony.
- 10** It shall be lawful for the Colonial Treasurer or any person authorized by him upon the application of any Chinese and upon being satisfied that such Chinese was at the passing of this Act a *bonâ fide* resident of this colony and that he desires to be absent therefrom for a temporary purpose only to grant to such Chinese a certificate that he is exempt from the provisions of this Act for a time to be specified in such certificate And during the time so specified the holder of such certificate shall be exempt from all payments under this Act. Evidence of person being a Chinese.
- 11** Notwithstanding anything herein to the contrary any person arriving in the colony as a Chinese who produces evidence to the Collector of Customs that he is a British subject shall be wholly exempt from the operation of this Act and the certificate in this respect of the Governor of any British colony or of a British Consul resident in any foreign country shall be the evidence giving him such exemption. Certificate of exemption may be granted in certain cases.
- 12** All Chinese within the colony of New South Wales shall on or before the thirtieth day of September One thousand eight hundred and eighty-one apply to the nearest Clerk of Petty Sessions or Warden for a certificate and such Clerk of Petty Sessions or Warden shall deliver to any Chinese so applying a parchment certificate which shall bear on the face of it the name of the Chinese applying and the signature of the Clerk of Petty Sessions or Warden granting such certificate and all other matters which the Government may deem necessary and the holder of such certificate shall be exempt from payments under this Act. Exemption of British subjects.
- 13** The sum of Ten pounds aforesaid shall not be payable by any Chinese duly accredited to the colony by the Government of China or by any public body on any special mission or in respect of any Chinese who is one of the crew of any vessel unless he shall land from such vessel for other than the temporary and necessary purposes of such vessel. Certificate of exemption from payment.
- 14** All penalties and sums of money under this Act shall be sued for and recovered in the name of some officer of Customs thereunto authorised by the Colonial Treasurer before any two or more justices of the peace in accordance with the provisions of the Acts regulating procedure on summary conviction before justices And it shall be lawful for the Colonial Treasurer by writing under his hand to authorize any such officer to detain any vessel the master whereof shall in the opinion of the said Treasurer have committed an offence under section four of this Act And such detention may be either at the port or place where such vessel is found or at any port or place to which the said Treasurer may order such vessel to be brought And thereupon any such officer so authorized shall be entitled to obtain in the customary manner such writ of assistance or other aid and assistance in and about the detention of or other lawful dealing with such vessel as are by law provided under the Act or Acts regulating the Customs with reference Exemption of crews of vessels in certain cases.
- 15** All penalties and sums of money under this Act shall be sued for and recovered in the name of some officer of Customs thereunto authorised by the Colonial Treasurer before any two or more justices of the peace in accordance with the provisions of the Acts regulating procedure on summary conviction before justices And it shall be lawful for the Colonial Treasurer by writing under his hand to authorize any such officer to detain any vessel the master whereof shall in the opinion of the said Treasurer have committed an offence under section four of this Act And such detention may be either at the port or place where such vessel is found or at any port or place to which the said Treasurer may order such vessel to be brought And thereupon any such officer so authorized shall be entitled to obtain in the customary manner such writ of assistance or other aid and assistance in and about the detention of or other lawful dealing with such vessel as are by law provided under the Act or Acts regulating the Customs with reference Penalties how recovered.

to seizure of vessels or goods But such detention shall be for safe custody only and shall cease and be discontinued if a bond with two sufficient sureties be given by such master for the payment of the amount of such penalty and other sums as may be adjudged to be paid by the justices as hereinafter provided Provided that if default be made in payment of any penalty incurred by such master in terms of any conviction adjudging the payment thereof which conviction may be in the form in the Schedule hereto it shall be lawful for such officer of Customs to seize such vessel and to take all proper proceedings in the Vice-Admiralty Court of this colony for the purpose of procuring the condemnation and sale of such vessel as for a breach of the Customs or Revenue Laws of the said colony And the said Court shall and may upon any such proceedings being taken have and exercise the jurisdiction powers and authorities given by the Imperial Acts twenty-six Victoria chapter twenty-four and thirty and thirty-one Victoria chapter forty-five and any Acts amending the same and by any of Her Majesty's Orders in Council made under the authority of the said first cited Act Provided lastly that the proceeds of sale of any such vessel sold under the sentence of the said court shall after payment of the amount of such penalty and of all costs incurred (including the proceedings in the Vice-Admiralty Court) be held by the Colonial Treasurer in trust for the owners of or other persons lawfully entitled to the vessel so condemned and sold.

Incapacity in respect of real estate. **15** No Chinese immigrant arriving in this colony after the passing of this Act (other than a naturalized or British snbject) shall acquire hold or enjoy real estate any law to the contrary notwithstanding:

Short title. **16** This Act may be cited as the "*Influx of Chinese Restriction Act of 1881.*"

SCHEDULE.

Form of Conviction.

New South Wales }
To Wit. }
Be it remembered that on the day of in the year of our Lord One thousand eight hundred and at in the said colony A.B. the master of the vessel is convicted before the undersigned two of Her Majesty's Justices of the Peace for the said colony for that he the said A.B. [*&c. stating the offence and the time and place when and where committed*] and we adjudge the said A.B. for his said offence to forfeit and pay the sum of [*stating the penalty*] to be paid and applied according to law and also to pay the sum of for costs and we order that the said A.B. do pay within seven days from the date of this conviction the said several sums.
Given under our hand and seal the day and year first above mentioned at
in the colony aforesaid.

Y.Z. (L.S.)
L.M. (L.S.)

[New Zealand, South Australia, and Tasmania agree to a Bill copied from the Queensland Act.]

QUEENSLAND.

ANNO QUADRAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. 8.

AN ACT to regulate the Immigration of Chinese and to make provision against their becoming a charge upon the Colony. [*Assented to 20th August, 1877.*]

Preamble. **W**HEREAS it is expedient to regulate the immigration of Chinese into the Colony of Queensland and to obtain security for the payment of any expenses that may be incurred in respect of such immigrants and of any fines or penalties imposed upon them: Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows :—

Interpretation. **1** For the purposes of this Act the following words in inverted commas shall unless the context otherwise indicate bear the meanings set against them respectively—

- "Chinese"—Any native of the Chinese Empire or its dependencies not born of British parents;
- "Vessel"—Any ship or other sea-going vessel of whatsoever kind or description;
- "Master"—The person other than a pilot for the time being in actual command of any such vessel.

Master on arrival to give list of Chinese aboard. **2** The master of every vessel having Chinese on board shall immediately on his arrival from beyond the colony in any port of the colony and before making any entry at the Customs deliver to the Collector or other principal officer of Customs a list of such Chinese specifying

the name the place of birth the apparent age the ordinary place of residence the place and date of shipment and the calling or occupation of each such Chinese And for each default herein such master shall be liable to a penalty not exceeding Two hundred pounds.

3 If any vessel shall arrive in any port in Queensland having on board a greater number of Chinese passengers than in the proportion of one to every ten tons of the tonnage of such vessel according to the registry thereof if British and if not then according to the measurement defined by "*The Merchant Shipping Act, 1854*" the owner charterer or master of such vessel shall be liable on conviction to a penalty not exceeding Ten pounds for each Chinese passenger so carried in excess.

Number of Chinese ships may carry.

Penalty.

4 Before any Chinese arriving from beyond the colony shall be permitted to land from any vessel and before making any entry at the Customs the master of the vessel shall pay to such Collector or other principal officer the sum of Ten pounds for every such Chinese to be applied in manner hereinafter provided and no entry shall be deemed to have been legally made or to have any legal effect until such payment shall have been made.

£10 to be paid for each Chinese arriving by vessel.

And if any master shall neglect to pay any such sum or shall land or permit to land any Chinese at any place in the Colony before such sum shall have been paid for or by him or before such list shall have been delivered such master shall be liable for every such offence to a penalty not exceeding Twenty Pounds for each Chinese so landed or permitted to land in addition to the amount of such sum.

Penalty.

And in every such case in addition to any such penalty the vessel shall be forfeited and may be seized condemned and disposed of in like manner as ships forfeited for a breach of any law relating to the Customs.

Vessel forfeited.

5 Every Chinese arriving in the Colony after the passing of this Act otherwise than by any vessel shall pay or have paid for him to some officer whom the Governor in Council may appoint at any places on or near the borders of the colony or otherwise conveniently situated for that purpose a like sum of Ten pounds.

Like sum for Chinese arriving otherwise.

6 The Collector or other officer receiving such sum from or for any Chinese shall without demand forthwith give him a certificate in writing under his hand of the payment of such sum which certificate shall be in a form to be prescribed by the Governor in Council And such certificate whensoever and wheresoever produced by such Chinese shall be conclusive evidence on behalf of himself and of any other person who may have paid such sum for him that such sum has been duly paid.

Certificate of sum paid to be given to Chinese and to be evidence.

7 All sums so paid by or on behalf of any Chinese shall be paid over to the Colonial Treasurer and be by him applied in manner following that is to say—

Mode of application of payments.

If at any time within three years from the date of the landing or arrival of any Chinese in respect of whom such sums shall have been paid such Chinese shall depart from the colony to parts beyond the seas and shall before his departure prove to the satisfaction of the Colonial Treasurer that during his residence in the colony he has not been confined in any gaol or lock-up after conviction of any offence and that he has paid all fines and penalties imposed upon him under the provisions of any Act in force in the colony and that he has paid all expenses incurred in respect of his confinement or medical treatment in any public hospital benevolent asylum lunatic asylum or other place for the care treatment or cure of the sick poor or insane and that no expense or charge has fallen upon the revenue for his support then upon production to the Collector or other principal officer of Customs at the port of embarkation of the certificate given to such Chinese on his arrival the amount so paid in respect of such Chinese shall be repaid to him on board of the ship by which he shall so depart. But if he shall fail to make such proof within the period aforesaid the amount shall be paid into the Consolidated Revenue.

8 If any Chinese shall enter or attempt to enter the colony without paying or having paid for him the sum of Ten pounds aforesaid he shall besides such sum be liable to a penalty not exceeding Ten pounds and may be apprehended and taken before any justice of the peace who may take sufficient bail for his appearance at the next Court of Petty Sessions or remand him to such court as to such justice shall seem fit unless and until such Chinese shall produce a certificate of payment as aforesaid.

Penalty on not paying or having had paid fee for entrance to the colony.

9 At the hearing of any prosecution under this Act the justices may decide upon their own view and judgment whether any person charged or produced before them is a Chinese within the meaning of this Act.

Evidence of person being a Chinese.

10 It shall be lawful for the Colonial Treasurer or any person authorised by him upon the application of any Chinese and upon being satisfied that such Chinese was at the time of the passing of this Act a *bonâ fide* resident of the colony and that he desires to be absent therefrom for a temporary purpose only to grant to such Chinese a certificate that he is exempt from the provisions of this Act for a time to be specified in such certificate. And during the time so specified the holder of such certificate shall be exempt from all payments under this Act.

Certificate of exemption may be granted in certain cases.

11 The sum of Ten pounds aforesaid shall not be payable by or in respect of any Chinese who is one of the crew of any vessel unless he shall land from such vessel.

Act not to apply to crew.

12 All penalties and forfeitures imposed by this Act shall be sued for prosecuted and recovered in the name of some officer of Customs or other person thereunto authorised by the Governor in Council.

Penalties how recovered.

13 This Act shall be styled and may be cited as "*The Chinese Immigrants Regulation Act of 1877.*"

Short title.

APPENDIX B.

BILLS CONSIDERED BUT NOT AGREED TO BY THE CONFERENCE.

[Draft Bill intended to be submitted to the Parliament of each Colony agreeing with its object.]

44 VICTORIÆ, 1881.

A BILL to establish a Federal Council of Australia.

Preamble.

WHEREAS it is expedient to establish a Federal Council of Australia to be constituted by the separate appointment of three Members to represent each of any two or more of the Australian Colonies: Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of *New South Wales* [or *Victoria as the case may be*] in Parliament assembled and by the authority of the same as follows:—

The Governor may appoint three Members of the Federal Council. Effect of Council's acts and proceedings. Seat in Legislative Council or Assembly to become vacant. Royal assent to Acts and Regulations.

1 It shall be lawful for the Governor of *New South Wales* [or *Victoria as the case may be*] to appoint three Members of the Legislative Council or of the Legislative Assembly to be Members of any such Federal Council.

2 The acts and proceedings of any such Federal Council representing two or more of the Australian Colonies shall have the full effect and authority of law within the territory of *New South Wales* [or *Victoria as the case may be*].

3 On the appointment of any Member of the Legislative Council or Legislative Assembly to be a Member of the Federal Council of Australia his seat in the said Council or Assembly shall become and shall be declared in the usual manner to be vacant and a writ shall forthwith issue for the election of another Member in his stead.

4 The Federal Council so created and constituted shall have legislative and administrative authority in respect to the subjects and services and the matters and things set forth in the Schedule hereto and any Act or Regulation of such Federal Council on receiving the assent in the name of Her Majesty of the Governor of the Colony in which the said Council shall then be sitting shall have the effect and force of law within the territories and jurisdiction of the several Colonies represented in such Council for the time being. Provided that all such Acts and Regulations of any one Session except such as the Governor may reserve for the signification of Her Majesty's pleasure thereon shall be assented to before the prorogation of the said Council. Provided further that no Act or Regulation shall be in conflict or inconsistent with the laws of the represented Colonies.

Manner of convening and proroguing Council.

5 The Federal Council shall be assembled in the manner and order herein prescribed for the despatch of business at least once in every year by one of the Governors of the several Colonies represented in such Council. The Colonies so represented shall for this purpose rank according to their amount of population as ascertained by the last preceding census and the Governor of the Colony with the largest population shall convene and prorogue the Council during the first year of its existence and the Governor of the Colony with the next largest population shall convene and prorogue the Council during the second year and so on until the number of Colonies has been exhausted when the order of procedure shall be repeated *ad infinitum*.

Place of meeting.

6 The Federal Council shall be convened and prorogued by proclamation published in the *Government Gazette* of each of the represented Colonies and it shall assemble in the Colony presided over by the Governor issuing such proclamation.

Term of appointment.

7 The Members of the Federal Council shall be appointed for the term of five years and shall be eligible for re-appointment on the expiration of their term of office. Provided that in each case of the first appointments one of the three Members of each Colony shall be appointed for three years only. Provided further that any Member may resign his seat in such Council by letter addressed under his hand to the Governor by whom he was appointed.

President to be elected.

8 At the first meeting of the Federal Council the Members present shall by open vote elect one of their number to be President and at any time afterwards when the chair may become vacant by death resignation or other cause no other business shall be proceeded with until by election in like manner the vacancy shall have been filled.

Quorum.

9 It shall not be competent for the Federal Council to proceed to the consideration of business unless two-thirds of the Members shall be present including at least one representative of each Colony.

10 No Member of the Federal Council shall absent himself from its meetings without leave obtained by resolution passed by the said Council and any Member absenting himself from a meeting without leave shall forfeit a sum equal to one-third of his allowance for one month to be deducted therefrom and any Member absenting himself from three consecutive meetings shall thereby cease to be a Member of such Council and his seat shall become and shall be declared vacant. And every case of absence shall be reported by the President to the Governor of the Colony where the Council is then sitting.

Penalties for absence from meeting.

11 Each Member of the Federal Council appointed by the Governor of *New South Wales* [or *Victoria as the case may be*] shall be entitled to receive out of the Consolidated Revenue Fund of the Colony an allowance of *Six* hundred pounds per annum which shall be held to cover and include all travelling and other expenses incurred by him in the performance of his duties.

Allowance to Members.

12 If any Member of the Federal Council shall take any oath or make declaration or acknowledgment of allegiance obedience or adherence to any Foreign Prince or Power or do or concur in or adopt any act whereby he may become a subject or citizen of any Foreign State or Power or become entitled to the rights privileges or immunities of a subject of any Foreign State or Power or shall become bankrupt or an insolvent debtor within the meaning of the laws in force within the said Colony relating to bankrupts or insolvent debtors or shall become a public defaulter or be attainted of treason or be convicted of felony or any infamous crime his seat in such Council shall thereby become vacant.

Vacating seats of Members in certain cases.

13 Any person who shall directly or indirectly himself or by any other person whatsoever in trust for him or for his use or benefit or on his account undertake execute hold or enjoy in whole or in part any contract or agreement for or on account of the Public Service shall be incapable of being appointed or of sitting as a Member of the Federal Council during the time he shall execute hold or enjoy any such contract or any part thereof or any benefit arising therefrom. Provided that nothing herein contained shall extend to the legitimate operations of any incorporated or trading company consisting of more than twenty persons.

Disqualifying contractors &c.

14 If any person appointed by the Governor of *New South Wales* [or *Victoria as the case may be*] and who at the time is under any of the disqualifications mentioned in this Act shall while so disqualified presume to sit or vote as a Member of the Federal Council such person shall forfeit the sum of *Two* hundred pounds to be recovered by any person who shall sue for the same in the Supreme Court of the said Colony.

Penalty on disqualified persons sitting or voting.

15 No Member of the Federal Council shall sit or vote as such until he shall have taken and subscribed the following oath before the Governor of one of the Colonies represented in such Council:—

Oath of allegiance to be taken.

I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria Her Heirs and Successors according to law. So help me God.

Taken and subscribed before me this day of
one thousand eight hundred and

And whensoever the demise of her present Majesty (whom may God long preserve) or of any of her successors to the Crown of the said United Kingdom shall be notified by the Governor of the Colony to the said Council the Members of the said Council shall before they shall be permitted to sit and vote therein take and subscribe the like oath of allegiance to the successor for the time being to the said Crown. Provided that every person authorised by law to make an affirmation instead of taking an oath may make such affirmation in every case in which an oath is hereinbefore required to be taken.

16 It shall be competent for the Federal Council from time to time as occasion may require to make and adopt by open voting such standing rules and orders as may appear to be necessary for the orderly conduct of its business and all such rules and orders shall be binding on all the Members of such Council.

Standing rules and orders.

17 The Federal Council may appoint one of its Members to take the chair in place of the President in any case of emergency and may appoint Committees of its Members to perform special services and do anything whatsoever which may be necessary for the effective conduct of its business.

Provision for absence of President. Committees may be appointed.

18 The Acts and Regulations of the Federal Council shall in every case be directed to the furtherance of the purpose function or object or the matter or thing with the promotion or performance of which the Council has been or may be specially charged as set forth in the Schedule hereto or which may be expressed and set forth in any Address from the Parliament of any one of the represented Colonies as hereinafter provided.

Limited operation of Acts and Regulations.

19 The Parliament of any one of the represented Colonies by Address of both Houses directed to the Federal Council may at any time remit for its consideration and administrative treatment any subject or service or any matter or thing not expressly set forth in the Schedule hereto and the said Council shall be charged with such subject or service or matter or thing accordingly. Provided always that any such Address shall be first approved by resolution of both Houses of the Parliaments of the other represented Colonies. In like manner any subject or service or matter or thing may be withdrawn from the said Council.

New matters may be re-mitted to the Council.

Matter may be withdrawn from the Council.

20 The Federal Council shall at the close of its labours in every year prepare a general report embracing a statement of its proceedings and a summary of the enactments of the several Parliaments of the represented Colonies explaining the scope and objects of such enactments but not expressing any opinion upon their policy. Such report shall be presented to the

Annual Report.

Governor of the Colony where the Federal Council is then sitting and twenty copies of the same shall by him be sent forthwith to the Governor of each of the represented Colonies who shall without delay cause it to be laid before both Houses of the Parliament of such Colony.

Public works may be specially placed under the supervision of the Council.

21 The Governor of any one of the represented Colonies may with the approval by resolution of the Legislative Assembly of such Colony place under the supervision direction and control of the Federal Council the construction of any light-house fortification or other public work within the territory or jurisdiction of such Colony and the expenditure sanctioned by Parliament in connection therewith or any part thereof Provided that in every such case a detailed statement of expenditure shall be presented as an appendix to the Council's Annual General Report.

Officers and servants to be employed.

22 The Federal Council may appoint and employ such officers and servants as may be necessary for the proper conduct of its business not exceeding the appropriations made for that purpose by the several Parliaments of the represented Colonies.

Interpretation and short title.

23 Throughout the provisions of this Act the term "Governor" shall mean "The Governor with the advice of the Executive Council" except in section fifteen where the term shall mean the individual Governor for the time being and throughout the term "Governor" shall mean and include any Administrator of the Government And this Act may for all purposes be styled and cited as the "Federal Council Act of *New South Wales*" [or *Victoria as the case may be*].

SCHEDULE.

- The Marine Lighting of the Australian Coasts.
- The Navigation of the Australian Coastal Waters.
- The construction of Fortifications and works of Defence subject in the case of each represented Colony to special instructions from the Government and to the withdrawal of the works altogether by the Parliament.
- The relations of the represented Colonies with the Islands of the Pacific Ocean.
- The Immigration of African or Asiatic races.
- Ocean Mail Services.
- Ocean Telegraph Lines.
- Pilot Services.

TASMANIA.

1878.

ANNO QUADRAGESIMO SECUNDO

V I C T O R I Æ R E G I N Æ.

No. 8.

A.D. 1878. AN ACT to render Judgments which have been obtained in the Supreme Court of any of the other Australian Colonies effectual in Tasmania. [9 November, 1878.]

BE it enacted by His Excellency the Governor of Tasmania by and with the advice and consent of the Legislative Council and House of Assembly in Parliament assembled as follows :—

Interpretation.

- 1** In this Act unless the context otherwise determines—
"Judgment" shall include any judgment decree rule or order at law or in equity of the Supreme Court of any of the Australian Colonies other than Tasmania for the payment of money.
"Australian Colonies" shall include the Colonies of New South Wales New Zealand Queensland South Australia Victoria and Western Australia.

Certificate of judgment obtained in another colony may be registered in Tasmania.

2 Where judgment shall hereafter be obtained in the Supreme Court of any Australian Colony other than Tasmania the Registrar of the Supreme Court of Tasmania shall on the production to him of a certificate of such judgment in the form or to the effect in the Schedule purporting to be signed by the proper officer of the Court where such judgment has been obtained register such certificate in a register to be kept in the Supreme Court of Tasmania and to be called "The Register for Australian Judgments."

On registration certificate to have effect of judgment in Tasmania.

3 Such certificate shall from the date of such registration be of the same force and effect and all proceedings may be had and taken on such certificate as if the judgment of which it is a certificate had been a judgment originally obtained on the date of such registration in the Supreme Court of Tasmania, and all the reasonable costs and charges attendant upon obtaining and registering such certificate shall be recovered in like manner as if the same were part of the original judgment.

A.D. 1878.

4 No certificate of any such judgment shall be registered as aforesaid more than twelve months after the date of such judgment unless application shall have been first made to and leave obtained from the Supreme Court of Tasmania.

5 The Supreme Court of Tasmania shall have and exercise the same control and jurisdiction over any judgment and over any certificate of such judgment registered under this Act as it now has and exercises over any of its own judgments but in so far only as relates to execution under this Act.

6 It shall not be necessary for any person resident in any of the other Australian Colonies in any proceeding had and taken on such certificate to find security for costs in respect of such residence unless on special grounds the Supreme Court or a Judge thereof shall otherwise order.

7 In any action brought on any judgment which might be registered under this Act the party bringing such action shall not recover or be entitled to any costs or expenses of suit unless the Supreme Court or a Judge thereof shall otherwise order.

8 The Judges of the Supreme Court may make rules and orders to regulate the practice to be observed in the execution of this Act or in any matter relating thereto including the scale of fees to be charged.

9 The Act of the Parliament of Tasmania of the twenty-first Victoria number twenty is hereby repealed.

10 In citing this Act it shall be sufficient to use the expression "*The Intercolonial Judgments Act of 18*."

Certificate to be registered within twelve months after judgment.
Court to have control over certificate so registered.
No security for costs where person registering certificate resides out of Tasmania.
No costs in action on judgments.
Judges to make rules.

Repeal of 21 Vic. No. 20.

Short title.

SCHEDULE.

I certify that [insert name of person entitled to judgment with his title trade or profession and usual or last known place of abode] on the day of 18 obtained judgment [or as the case may be] before the Supreme Court of for the payment of the sum of on account of [here state shortly the nature of claim and amount of costs.]

A BILL to provide for the validity within [Victoria] of Letters Patent for Inventions granted and Trade-marks registered in the other Australian Colonies.

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1 This Act shall be called and may be cited as "*The Intercolonial Patents and Trade-marks Act 1881*."

Short title.

2 In this Act unless the context otherwise requires—

"Colony" means and includes such of the colonies of Australia Tasmania and New Zealand as shall enact a law similar in effect to this Act and comprising [Victoria].

Interpretation of terms.

LETTERS PATENT FOR INVENTIONS.

3 With respect to letters patent for inventions granted in any colony it shall be lawful for the upon the application of the patentee named in any such letters patent or his agent (hereinafter called the applicant) if the subject-matter of such patent has not been known patented nor with the consent of the patentee sold in [Victoria] to register such letters patent in a book to be called the Register of Intercolonial Letters Patent for Inventions, and thereupon and during the remainder of the term for which the patent was granted in any colony as aforesaid such patentee shall subject to the provisions of this Act have the like powers rights and privileges as if such letters patent had been actually granted in and for [Victoria].

Canada Act. 35 Vict. c. 26 s. 2.
Registration of patents granted in other colonies.

4 No such letters patent shall be registered until the applicant shall pay a fee of and shall deposit at the office of the the letters patent granted to him in any colony and also an instrument in writing in such form and of such size as the may require under his hand and seal particularly describing and ascertaining the nature of the said invention and in what manner the same is to be performed and also a copy of such instrument and of the drawings accompanying the same (if any).

Applicant to pay fee and deposit letters patent and specifications.

5 The letters patent so deposited shall when registered be endorsed by the to the effect of the form in the Schedule hereto and shall be then returned to the applicant; and every such instrument and the drawings and models accompanying the same (if any) shall be transferred to and kept in such office as the Governor in Council may from time to time appoint for that purpose.

Endorsement of letters patent.

6 Every registration of letters patent effected pursuant to this Act shall be subject to the conditions that all the powers rights and privileges thereby conferred shall cease and determine and that the letters patent shall be null and void in [Victoria] at the end of two years from the

Canada Act.
35 Vict. c. 26
s. 28.

date thereof unless the patentee or his assignee shall within that period have commenced and after such commencement continuously carry on in [Victoria] the construction and manufacture of the invention or discovery patented in such manner that any person desiring to use it may obtain it or cause it to be made for him at a reasonable price at some manufactory or establishment for making and constructing it in [Victoria], and also that such patent shall be void within [Victoria] if after the expiration of twelve months from the endorsement thereof in [Victoria] the patentee or his assignee for the whole or part of his interest in the patent imports or causes to be imported into [Victoria] the invention or discovery for which such patent is granted. In case disputes arise as to whether a patent has or has not become null and void under this section, such disputes shall be settled by whose decision shall be final.

TRADE-MARKS.

How owner of
trade-mark
in other Aus-
tralian
colonies may
acquire right
in [Victoria].

7 Any person who is registered in any colony as the first proprietor or owner of any trade-mark and who shall give notice by advertisement in the [Victorian] *Government Gazette* of the fact of such registration of such trade-mark and who shall in such notice clearly describe such trade-mark and specify the particular goods or classes of goods to which such mark is registered as belonging shall be entitled from the date of the publication of such advertisement to the same privileges in respect of such trade-mark as if the same had been actually registered in [Victoria] on such date in pursuance of any Act for the time being in force in [Victoria] relating to the registration of trade-marks.

Saving as to
similar mark
already regis-
tered.

8 Nothing in this Act contained shall confer on any person any right or privilege whatsoever as to any trade-mark in respect of any specified goods or classes of goods if such trade-mark is identical with any trade-mark registered in [Victoria] before the publication of such advertisement as belonging to such goods or classes of goods or if such trade-mark so nearly resembles any trade-mark so registered as to be calculated to deceive.

Application.

9 This Act shall not apply to any trade-mark registered in any colony before the coming into operation of this Act.

SCHEDULE.

FORM OF ENDORSEMENT ON LETTERS PATENT.

Intercolonial Patents and Trade-marks 1881.

Pursuant to the provisions of the above-named Act, I have this day registered the within Letters Patent, and on and after this date the within-named patentee shall, subject to the provisions of the said Act, have the like powers rights and privileges in [Victoria] for the remainder of the term for which such Letters Patent were granted and issued in as if such Letters Patent had been actually granted in and for [Victoria]: Provided however that all the powers rights and privileges hereby conferred shall cease and determine and that these letters patent shall be null and void in [Victoria] at the end of two years from the date of this endorsement unless the patentee or his assignee shall within that period have commenced and after such commencement continuously carry on in [Victoria] the construction and manufacture of the invention or discovery patented in such manner that any person desiring to use it may obtain it or cause it to be made for him at a reasonable price at some manufactory or establishment for making and constructing it in [Victoria], and also that such patent shall be void within [Victoria] if after the expiration of twelve months from this endorsement the patentee or his assignee for the whole or part of his interest in the patent imports or causes to be imported into [Victoria] the invention or discovery for which such patent is granted; and provided further that in case disputes arise as to whether a patent has or has not become null and void under this section, such disputes shall be settled by whose decision shall be final.

Given under my hand and seal at [Melbourne] in the colony of [Victoria] this
day of 188 .

A.B. (L.S.)

A BILL to increase the Remedies of Creditors against persons in other Australasian Colonies, and also to enable Judgments of the Courts of those Colonies to be enforced in

Preamble.

WHEREAS it is expedient to amend the laws in force in [South Australia] relating to the rights of persons in who have causes of action against persons who have removed into or are resident in other Australasian colonies by increasing such rights and the remedies established by law for enforcing the same and it is also expedient to increase the rights of creditors in the other Australasian colonies against persons who may remove into the said [province] or be resident therein: Be it therefore enacted in this present Parliament &c. &c.

Short title.

1 This Act may be called and may be cited as "*The Australasian Creditors Relief Act 1881.*"

Interpretation.

2 In this Act unless the context otherwise requires—

"Colony" means and includes the colonies of New South Wales Victoria Tasmania Queensland Western Australia and New Zealand.

"court summons" shall mean any summons issued out of any local court in

3 From and after the coming into operation of this Act any court summons may be issued for service upon the defendant at any place in any colony. Every such summons shall contain in addition to any other endorsements thereon required by law the following endorsement—“This summons is issued out of the court in the of for service out of,” and the time for appearance by the defendant to such summons shall be as set forth in the First Schedule hereunto annexed or such extended time as any of such court may order.

[] court summons may be served in any Australasian colony.

4 In case any such summons shall not have all the endorsements required by this Act such omission shall not render such summons void, but the same may be set aside as irregular or be amended upon application to some of and such amendment may be made upon an application to set aside such summons upon such terms as to the may seem just.

Omission of endorsement to be irregularity only.

5 Every such summons may be served by delivering a copy thereof to a defendant or by delivering the same at the house or place of business of the defendant to a member of his family (such member being of the apparent age of not less than fourteen years) or to a servant of the defendant of not less than the said age, and the affidavit of service of such summons may be sworn before a commissioner appointed for taking affidavits in the Supreme Court of or of any colony or before any justice of the peace for or for any colony.

Service of summons.

6 Any such summons may if occasion shall require be served upon the defendant within but service shall in such case be effected personally and not otherwise and proceedings may thereafter be taken under such summons in the like manner as if the same had been issued for service within

Summons issued pursuant to this Act may be served within this [province].

7 Every appearance by the defendant in person to any summons issued pursuant to this Act shall give an address in the city of or at some place within ten miles of the court out of which such summons was issued at which address it shall be lawful to leave all proceedings and notices, and if such address be not given the appearance shall not be received, and if an address so given be fictitious the appearance shall be irregular and may be set aside by a

Where defendant appears in person address to be given.

Provided always that any such summons shall contain in addition to other endorsements the following endorsement:—“Take notice that your appearance to this summons must give an address in the city of or at some place within ten miles of the court out of which this summons was issued at which address proceedings and notices for you can be left.”

8 No proceedings in default of appearance shall be taken under any summons issued pursuant to this Act unless an affidavit shall have been first filed in the court out of which such summons was issued stating that the cause of action in respect of which such summons was issued arose within or that such cause of action arose in respect of the breach of a contract made within

Proceedings in default of appearance.

9 Subject to the provisions of this Act all proceedings under any court summons issued pursuant to this Act shall be regulated by the laws in force in regulating the proceedings under court summonses issued for service within

Proceedings to be regulated by court Acts.

10 Any person to whom any sum of money is made payable by any judgment decree rule or order of any court of record in may obtain from the chief clerk registrar or other officer of such court a certificate of such judgment decree rule or order in the form set forth in the Second Schedule hereto, which certificate such chief clerk registrar or other officer is hereby required to grant under his hand and the seal of such court of record.

Officer of court to give certificate of judgment decree rule or order. Second Schedule.

11 It shall be lawful for any person in whose favor any judgment decree rule or order whereby any sum of money exceeding the sum of pounds is made payable shall have been obtained in any court of record in any colony to produce to the of the Supreme Court of a certificate of such judgment decree rule or order in the form in the Second Schedule hereunto annexed or as near thereto as the circumstances of the case will permit purporting to be signed by the chief clerk registrar or other officer of and sealed with the seal of such court; and upon production of any such certificate the same shall be filed by the of the Supreme Court and shall forthwith be registered by him by entering the particulars thereof in a book belonging to the Supreme Court to be called the “Register of Australasian Judgments,” and from the date of such registration such certificate shall have the same force and effect and be to all intents and purposes a judgment of the Supreme Court of , and execution may issue thereon against the person land and effects of the person against whom such judgment decree rule or order was obtained and the like proceedings may be had and taken under and upon such certificate as upon a judgment originally obtained and entered up in the said Supreme Court; and the costs and charges attendant upon the obtaining and registering any such certificate in accordance with the scale set forth in the Third Schedule hereto shall and may be recovered in like manner as if the same were part of the original judgment decree rule or order: Provided always that no certificate of any such judgment decree rule or order shall be registered as aforesaid after the lapse of twelve months from the date of such judgment decree rule or order unless leave shall have been first obtained from the Supreme Court of [] or some judge thereof for that purpose.

Certificate of judgment of court of record in any colony to operate as a judgment of Supreme Court when same is produced and registered. Ss. 307 & 308 of the Victorian Act No. 274 are similar in effect to this clause. Second Schedule. Third Schedule.

12 It shall be lawful for any person in whose favor any judgment decree rule or order whereby any sum of money not exceeding the sum of [One] hundred pounds is made payable shall have been obtained in any court of record in any colony to produce to the [clerk] of any [local] court in a certificate of such judgment decree rule or order in the form in the Second Schedule hereunto annexed, or as near thereto as the circumstances of the case will permit, purporting to be signed by the chief clerk registrar clerk or other

Certificate of judgment of courts of record in any Australasian colony not exceeding £100

to operate as a judgment of any local court when same is produced and registered.
Second Schedule.

officer of and sealed with the seal of such court of record, and upon production of any such certificate the same shall be filed by the clerk of such court and shall forthwith be registered by him by entering the particulars thereof in a book belonging to such court to be called the "Register of Australasian Judgments," a book for which purpose shall be kept at the office of every court in ; and from the date of such registration such certificate shall have the same force and effect as and shall be a judgment of such court, and execution or other proceedings may issue thereon as upon an ordinary judgment of such court; and the costs and charges attendant upon the obtaining and registering any such certificate in accordance with the scale set forth in the Third Schedule hereto shall and may be recovered in like manner as if the same were part of the original judgment decree rule or order: Provided always that no such certificate shall be registered as aforesaid after the lapse of twelve months from the date of such judgment decree rule or order unless leave shall have been first obtained from a [special magistrate] of for that purpose.

Judgments may be removed into Supreme Court by writ of certiorari.

13 When the amount of any judgment obtained in any [local] court in under the provision of section twelve of this Act shall exceed the sum of pounds it shall be lawful for the judgment creditor to cause a writ of certiorari to be issued to remove such judgment into the Supreme Court of and when removed such judgment shall have the same force and effect and the same proceedings may be had thereon as in the case of judgment of the said Supreme Court, and the return to any such writ of certiorari shall be made by the of such court by transmitting a true copy of so much of the "Register of Australasian Judgments" of such court as relates to such judgment certified under the seal of such local court and the hand of the and in all other respects the issuing of such writ of certiorari and all proceedings connected therewith and consequent thereto shall be regulated by Act No. [] intituled [""]

Costs of action not to be recovered when proceedings might be taken under this Act.

14 In any action brought in any court in upon any judgment decree rule or order of any court of record in any colony, a certificate of which might be registered under the provisions of this Act, the party bringing such action shall not recover or be entitled to any costs of suit unless the court in in which such action shall be brought or a judge or thereof as the case may be shall otherwise order.

Execution not to issue without affidavit of debt.

15 Execution shall in no case be issued upon the certificate of any judgment decree rule or order of any court of record of any Australasian Colony registered pursuant to this Act, or upon any judgment obtained in any [local] court of where the summons has been served out of unless an affidavit, which shall be filed in the court out of which it is intended to issue execution, shall be made by the person in whose favour such judgment decree rule or order was obtained, or by some person cognizant of the facts of the case, stating that the amount for which execution is proposed to be issued is actually due and unpaid, and no execution shall be issued for a larger amount than the amount so sworn to; and all affidavits so to be filed in the Supreme Court of shall be sworn before a Commissioner appointed to take affidavits therein, and all affidavits so to be filed in any court of may be sworn before such Commissioner or before a justice of the peace for or for any colony.

Proceedings under judgment to be subject to control of court.

16 Every court in in which any certificate of any judgment decree rule or order shall have been registered pursuant to the provisions of this Act shall have and exercise the same control and jurisdiction over any such judgment decree rule or order and over any such certificate in so far only as relates to execution thereon and to enforcing the same as such courts now have and exercise over any judgment originally obtained in such court.

Judges to make rule.

17 It shall be lawful for the judges of the Supreme Court of from time to time to make alter or repeal all such rules as to them shall seem necessary for the effectual execution and carrying out of this Act and the intention and objects thereof.

Commencement of Act.

18 This Act shall come into operation on a day to be named by the Governor in Council and to be published in the Government Gazette with respect only to any such Colony as shall from time to time be named in such proclamation.

SCHEDULES.

FIRST SCHEDULE.

When the place of service is—	Time for appearance.
In Victoria	One month.
New South Wales, Tasmania, and Queensland	Six weeks.
New Zealand and Western Australia.....	Two months.

SECOND SCHEDULE.

CERTIFICATE of [state whether judgment, decree, rule, or order] of the Court of

Title of action, suit, or other proceeding.	Date of judgment, decree, rule, or order.	Amount payable under same.	Name and description of person to whom payable.	Name and description of person by whom payable.	Remarks.

Certified correct.

Dated this day of

A.B.,

[Registrar, Chief Clerk, or other officer of the above-named Court.]

(L.S.)

THIRD SCHEDULE.

	Up to £	Above £	Above £
	£ s. d.	£ s. d.	£ s. d.
Court fee on registering judgment, decree, rule, or order of any Court of any Australasian Colony			
Ditto for certificate of judgment, decree, rule, or order...			
Practitioner's fee on registering any judgment, decree, rule, or order of any Court of any Australasian Colony, to be added to judgment in addition to Court fees as above			

APPENDIX C.

REMONSTRANCE addressed to the Secretary of State against the introduction of Chinese by the Government of Western Australia at the public expense, as executed by Members of Conference.

To the Right Honorable the EARL OF KIMBERLEY, P.C., &c.

THE undersigned, Members of a Conference of all the Australasian Governments, now sitting in Sydney, and the duly accredited Representatives of the Colonies named after our respective signatures, have the honor to respectfully approach Your Lordship as Her Most Gracious Majesty's Secretary of State for the Colonies, and to represent to Your Lordship certain transactions now taking place in Western Australia, which we consider highly prejudicial to the best interests of Her Majesty's free and loyal subjects in this part of the world.

As a preliminary explanation, we desire to point out that the computed population of the six Colonies we represent is over 2,500,000, while the population of the Crown Colony of Western Australia is under 30,000 souls. In all the six Colonies a strong feeling prevails in opposition to the unrestricted introduction of Chinese, this opposition arising principally from a desire to preserve and perpetuate the British type in the various populations. In several of the Colonies stringent measures have been passed at different times to restrict the influx of Chinese immigrants even at their own expense. In Queensland, a law of this restrictive character exists at the present time, in New South Wales a similar Bill was passed by the Legislative Assembly not two years ago, though it was subsequently lost in the Legislative Council, and in South Australia, a similar measure was twice passed by the House of Assembly last year. The present Conference has been convened to consider, amongst other things, the subject of Chinese immigration, and a resolution has been agreed to "recommending uniform legislation on the part of all the Colonies to restrict the influx of Chinese into these Colonies."

It is while sitting in Conference that we learn for the first time that the small and remote Colony of Western Australia is introducing Chinese at the public expense. In the *Government Gazette* of that Colony of the 28th December last the following notice was published:—

CHINESE IMMIGRANTS.

Colonial Secretary's Office, Perth, 28th December, 1880.

THE Legislature having sanctioned the introduction of Chinese immigrants into the Colony at the public expense, the Government is prepared to receive applications from settlers who may be desirous of employing such immigrants as farm labourers, shepherds, gardeners, mechanics, or domestic servants; application to be made in writing on the following form, copies of which

may be obtained at the offices of the Colonial Secretary and the various resident magistrates. Fifty immigrants must be applied for before action can be taken by Government. The immigrants to be taken over from the Government Immigration Agent immediately on arrival, free of expense to the Government.

By His Excellency's command, GIFFORD, Colonial Secretary.

Name, Occupation, and Address of Person requiring Immigrants.	Number of Persons required of each description of trade, &c.	Where to be employed.	Period for which employment is guaranteed, if Immigrant is qualified.	Wages per month offered, in addition to food and lodgings, to the satisfaction of Government.	Remarks.
John Smith, farmer, Albany.	1 rough carpenter. 2 shepherds. 1 house servant.	Kojonup. Do. Albany.	One year certain.	£ s. d. 2 5 0 2 0 0 1 15 0	

We are satisfied that the publication of the fact that the Government of Western Australia is employing the public revenue for the introduction of natives of China to occupy the various avenues of labour—a course never at any time adopted by any of the Colonies under Parliamentary Government—will create throughout the rest of Australasia a strong feeling of public disapprobation. The objection to the Chinese is not altogether one of prejudice of color or race, but is founded in a rational view of the dangers to these British communities which might in the course of time flow from a people numbering more than 400,000,000, whose language, laws, religion, and habits of life are alien to those of Her Majesty's subjects in Australasia, and whose geographical position makes the danger more imminent.

If Western Australia persists in her policy it cannot fail to engender among the people of the other Colonies a sense of public injury and of resentment, and it is almost certain to lead to the enactment of laws imposing restrictions on communication between her ports and the other Australasian ports. It cannot be expected that the people who object to receiving Chinese immigrants direct from China will submit to their arrival by way of Western Australia. At a time when a disposition is growing up in the Colonies to draw more closely together the ties of political relationship, it is a matter for deep regret that the smallest Colony of the group should take a course so calculated to cut her off from popular sympathy and to isolate her in her colonising progress.

We desire to urge upon Your Lordship that the action of the Government of Western Australia cannot be regarded as other than opposed to the common interest in the social advancement of these Colonies, and that, if it be continued, it must be attended by consequences which it is highly desirable to avoid; and we join in an earnest hope that Her Majesty's Government will take such steps as may be deemed expedient to procure its reversal.

We have the honor to remain,

Your Lordship's

Faithful and obedient Servants,

HENRY PARKES, Colonial Secretary of New South Wales,
Chairman of Conference.

GRAHAM BERRY, Chief Secretary,	} Victoria.
WILLIAM M. K. VALE, Attorney-General,	
JAMES WATSON, Colonial Treasurer,	New South Wales.
THOMAS DICK, Colonial Secretary,	New Zealand.
WILLIAM MORGAN, Chief Secretary,	} South Australia.
C. MANN, Treasurer,	
A. H. PALMER, Colonial Secretary,	} Queensland.
BOYD D. MOREHEAD, Postmaster-General,	
W. R. GIBLIN, Colonial Treasurer,	} Tasmania.
W. MOORE, Colonial Secretary,	

Colonial Secretary's Office, Sydney, 25th January, 1881.

PETITION OF FRUIT GROWERS.

To the Honorable Sir HENRY PARKES, K.C.M.G., Colonial Secretary, and the Honorable JAMES WATSON, Esquire, Colonial Treasurer, the Representatives in the Intercolonial Conference for the Colony of New South Wales.

The Petition of the undersigned persons interested in the growing of and dealing in fruit,

SHOWETH:—

THAT your Petitioners desire to bring under your notice the following facts connected with the Intercolonial Fruit Trade, and respectfully request that you will place the same before the Conference.

The trade in fruit between the Colonies of New South Wales and Victoria is a very large and increasing one, and owing to the difference in the latitude of the two central markets, Sydney and Melbourne, there is but little actual competition between the local growers for the respective markets, the summer fruit being ready for use in the vicinity of Sydney quite a month earlier than it is in Melbourne.

The fruit itself being very perishable, it is desirable that every facility should be given for its rapid delivery.

The rapidly changing value of fruit, from a very high price in the commencement to a very low one in the height, and back to a high price at the end of the season, together with the fluctuation in price dependent upon weather, render it particularly unsuitable as a commodity from which to obtain revenue.

The duty charged upon fruit going to Victoria from Sydney is a very serious interference with the intercolonial trade, while the amount raised is really but small: being fixed at one shilling per case, it frequently amounts to 25 or 30 per cent. upon the fruit consumed by the poorer classes, while at other times, when it is not so plentiful, and, owing to the price, it can only be used by the wealthier classes, the duty is only 5 or 10 per cent.

Your Petitioners submit that fruit is an article the consumption of which should be encouraged as much as possible, and that its supply at the cheapest possible price should be assisted to the utmost extent, as it is not merely a luxury but possesses many health-giving properties; and your Petitioners therefore respectfully urge that whatever may be the result of the deliberations of the Conference, efforts should be made to induce the Representatives of the Colony of Victoria to recommend their Government to abolish the duties upon fruit, at all events in its natural state.

And your Petitioners will ever pray, &c.

CHAS. CARROLL, grower, Hunter's Hill.

J. LYONS, shipper, Elizabeth-street.

CRAWFORD & JESSEP, shippers, 9, Market-street.

SAMUEL SMALL, grower, Ryde.

[Here follow 168 other Signatures.]

MEMORANDUM.

THE new arrangement entered into with the United Kingdom from the 1st March, 1880, for division of postage on correspondence transmitted *viâ Brindisi* was as follows:—

Postage to be—

Letters.....	6d.
Newspapers	1d.
Packets	1d. per 1 oz.

Upon outward correspondence United Kingdom to account to Victoria for 2½d. per letter, retaining 3½d.* per letter, as well as the whole of the packet and newspaper postage.

Upon homeward correspondence Victoria to retain postage collected on letters, and account for half the postage on packets and newspapers.

Continental transit of packets and newspapers as well as letters, *both ways*, to be paid by United Kingdom.

To remove objections raised by New South Wales and New Zealand, it was agreed that United Kingdom should continue to account to other Colonies 4d. out of 6d. on each letter, and half newspaper and packet postage, the difference (1½d. per letter and ½d. per newspaper) *being debited against Victoria*.

This was upon the understanding that the homeward as well as the outward letter postage would in all cases be reduced to 6d.

However, New South Wales, New Zealand, South Australia, and Tasmania still continue to charge 8d. on letters *viâ Brindisi*, and a large part of the homeward correspondence previously sent *viâ Southampton* was now forwarded at the 6d. rate *viâ Southampton* or by Orient steamers, and was thus diverted from the Galle contract steamers.

In July, 1880, the above Colonies were addressed upon the subject, and strongly urged to reduce homeward letter rates to a uniform charge of 6d. by all routes,† in order that a due proportion of their mails may be sent *viâ Brindisi* and a larger contribution paid by them to the Galle contract, for which Victoria is responsible to the extent of £85,000 per annum.

They have, however, declined to make the change.

It is a matter of great importance to Victoria that, as anticipated when the contract was entered into, the bulk of the mails from the neighbouring Colonies should be forwarded *viâ Galle and Brindisi, the most regular and expeditious postal route*, but this can only be secured by a general reduction of the homeward postage to 6d. as proposed.

The average loss to Victoria on previous contract was £13,500.

The loss under the present contract is estimated to be about £24,000, the increase being due to the causes previously stated.

F. W. JACKSON,
G. P. O., 11. 1. 81.

NEW EXPEDITION FOR DR. LEICARDT'S PARTY.

BARON von Mueller asks that proposal for new expedition for Dr. Leichardt's party be brought before Intercolonial Conference.

To the Honorable GRAHAM BERRY, M.L.A., Chief Secretary of Victoria.

SIR,

Melbourne, 12th December, 1880.

THE Intercolonial Conference affording an opportunity to discuss questions and to devise measures in which all the Australian colonies unitedly are concerned, I venture to beg of you, as Premier of this colony, that you will be pleased to submit for the consideration of the Conference whether a new effort ought to be made to clear up the fate of Dr. Leichardt's party. The comparatively recent intelligence obtained of a supposed member of the Leichardt Expedition having died only three years ago, on the Mulligan River, and, furthermore, traditions among the aborigines of North-western Australia that a survivor of that ill-starred party was still living among the tribes of an eastern branch of the Victoria River, hold out some hope that by a methodical search along these water-courses, and by frequent interrogations of the native tribes of the vicinity, at last the actual fate of the lost small band of geographic pioneers could be ascertained, that possibly even some one of them might be rescued, and perhaps documents of the expedition be discovered, while most certainly a vast extent of new country would become mapped

* 2d. of this being to cover continental transit charges *both ways*, viz., 1d. each way.

† Copy of communication at Chief Secretary's office.

It is far from me to ask for large means to accomplish this nationally Australian object; a few hundred pounds from each of the four most populated colonies, with a small subsidy from the two others, would suffice to send out an efficient party for following up the new traces of the lost explorers, especially as the tried services of Mr. Ernest Giles, as leader of a search party, could be rendered available at the present time, and as the Honorable Sir Thomas Elder would be almost sure to lend, for so noble a purpose, a limited number of dromedaries (otherwise purchasable). Leichardt has high claims on the universal gratitude of Australia; he traversed through the territory of Queensland on exploring lines of fully 1500 miles, the whole of this extent of country taken up from his maps, and now all along occupied by flourishing settlements, from which annually large revenues are derived. He advanced through South Australian dominions already in his first expedition to the extent of 750 miles length, and is supposed to have perished in the northern portion of the South Australian territory; the greater part of the country explored by him there is now also occupied along his tracks by pastoral settlers, near convenient harbors (as on his Queensland lines) for commerce, and throughout well-watered and fertile regions. He was sent out by New South Wales, of which Victoria was then an integral portion. The modest expenditure now solicited in the cause of humanity, and simultaneously also for the further advancement of geography, would be sure to bear results of practical importance to rural pursuits and trade, and therewith also to the further enrichment of these colonies. I need not remind you, honored sir, that Mr. Giles had, as gold medalist of the Royal Geographical Society of London, this year for his only colleague the distinguished commander of the *Vega*, who, with Baron Nordenskiöld, accomplished the eastern arctic passage, for which was striven several hundred years in vain. It is also unnecessary to call to your recollection that the efforts of obtaining tidings of Sir John Franklin's party have culminated this year in an heroic search in the polar regions, not merely through the summer season, but incessantly through a whole arctic winter, an event of bravery also unparalleled and unexampled in the world's history before. Ships like the *Erebus* and *Terror* may founder and leave no vestiges, but no land party, such as Leichardt's, can go out of existence without leaving remnants behind for a very long series of years; thus to clear up the fate of Leichardt's party is merely a matter of skill, perseverance, and monetary means; and through the chance of now using dromedaries, the search will neither be impeded by deserts nor seasons of drought.

I therefore humbly trust that the distinguished statesmen, who represent in the present Melbourne Conference all the Australian colonies, will grant the funds sufficient to keep a small party for one year in the field on this high-minded errand, especially as now the eyes of the whole world are more particularly directed to Australia through the International Exhibition. Besides, while fulfilling our duties to a martyr of Australian geography, justice would be done to a leading living explorer, in utilising his talents and experiences, while still available, by which means unfailingly new additions will be made to the geography of our continent, in which all the Australian colonies are interested, and from which they will all derive in time large, substantial, and continuous benefit.

I have, &c.

FERD. VON MUELLER.

To the Honorable GRAHAM BERRY, M.L.A., Premier of Victoria, &c.

Melbourne, 11 January, 1881.

I deem it but right, honored sir, to mention, after the enlightened interest which you evince in the question of Leichardt's fate, that the telegraphic intelligence just received concerning the identification of Classen's remains does only account, as yet, for the end of one of a party of eight, while rumours are afloat that another survivor still exists at the source of the River Victoria (much nearer to Western Australia). I hope, therefore, that your kind intention to bring this subject before the Intercolonial Conference, in Sydney, will not be hindered by the telegram just published, especially as the new search will have an important geographic bearing also. Allow me yet to remark that, in the event of the other colonies responding to your call of taking joint action in this new enterprise, it would simplify and expedite the arrangements very much if the funds were made available in one place; and as I have followed up since fully thirty years all investigations regarding Leichardt's party, the several Australian Governments might have sufficient faith and confidence in me for intrusting to me the final agreement with Mr. Giles, and for effecting the disbursements under such arrangements as the Conference may deem fit.

I have this day received a letter from Mr. Giles, expressing his eagerness to conduct this new search expedition, and I am sure he is not led in this by monetary considerations.

An early organization of the party is desirable, for the full benefit of the approaching cool season.

Respectfully yours,

FERD. VON MUELLER.

THE following is the text of the Anti-Chinese Bill lately passed in California:—

Any officer director manager member stockholder clerk agent servant attorney employé assignee or contractor of any corporation now existing or hereafter formed under the laws of this State who shall employ in any manner or capacity upon any work or business of such corporation any Chinese or Mongolian is guilty of a misdemeanor and is punishable by a fine of not less than one hundred nor more than one thousand dollars or by imprisonment in the county gaol of not less than fifty nor more than five hundred days by such fine or imprisonment. Provided that no director of a corporation shall be deemed guilty under this section who refuses to assent to such employment and has such dissent recorded in the minutes of the board of directors.

- (1.) Every person who has been convicted for violating the provisions of this section committing any subsequent violation thereof after such conviction is punishable as follows:—
 - (2.) For each subsequent conviction such person shall be fined not less than five hundred dollars nor more than five thousand dollars or by imprisonment not less than two hundred and fifty days nor more than two years or by both such fine and imprisonment any corporation now existing or hereafter formed under the laws of the State that shall employ directly or indirectly in any capacity any Chinese or Mongolian shall be guilty of misdemeanor and upon conviction therefor shall for the first offence be fined not less than five hundred dollars nor more than one thousand dollars and upon the second conviction shall in addition to said penalty forfeit its charter and franchise and all its corporate rights and it shall be the duty of the Attorney-General to take the necessary steps to enforce such forfeiture.
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Secretary of Chamber of Commerce asks that desirability of adopting Decimal System of Weights, &c. for selling Grain and Produce be considered by Conference.

SIR,

Melbourne Chamber of Commerce, 10th January, 1881.

I HAVE the honor, by desire of the Committee of the Melbourne Chamber of Commerce, to ask that you will be good enough, if you find it practicable, to bring under the notice of the Intercolonial Conference at Sydney the desirableness of a general adoption by the several colonies of the cental system of selling grain and produce.

You are probably aware, sir, that when last a movement was made in this and some of the other colonies to initiate a less complicated system of weights and measures, the then Victorian Government regarded the attempt very favourably, and the cental was adopted at the Custom House in levying the duties on grain and flour, and has continued to be so used to the present time.

Some untoward circumstances prevented, at that time, the general adoption of the cental system on the part of auctioneers and grain and flour merchants, but it is thought that the present is a favourable time for making another effort in the direction indicated.

During the discussion of the general question of a decimal system of weights and measures at the late Social Science Congress, it was suggested that the Legislatures of the several colonies should be appealed to, not only to sanction the adoption of the decimal system (by such denominations as might be approved) but to make the same compulsory after a lapse of two years. That, in the meantime, the several Governments should be asked to levy duties by these denominations, and to use them in Government contracts and railway freights; also that the metric system should be taught in the State schools, and should form one of the subjects in the competitive examinations of the civil service.

I am therefore respectfully to express the hope that the assistance of yourself and your honorable colleague will be given to this further effort to effect so desirable a reform as the simplification of our present complicated denominations of weights and measures.

I have, &c.,

B. COWDEROY, *Secretary.*

The Honorable the Chief Secretary.

Melbourne, 17th January, 1881.

SIR,

As the Conference for the consideration of intercolonial matters of national importance is now sitting, we respectfully take the opportunity of bringing before the honorable members the great and pressing importance of canalization for irrigation, &c., as the only sure means of securing for the plains of these colonies agricultural certainty of remuneration.

Australia presents to the world a most anomalous appearance; that with a regular and plenteous rainfall, a splendid soil and climate, her farmers and graziers should suffer so severely from the periodical droughts which occur.

The necessity for the establishment of a special bureau in each Colony to specially supervise the conservation and distribution of rainfall, the canalization, irrigation, and drainage of the country, and regulation of rivers, so that no water should be allowed to enter the ocean until every reasonable means had been used to turn it to account for the benefit of the State. In carrying out national canalization in the respective Colonies, provision should be made to harmonize the several systems, so that the main arteries of distribution should be constructed with a view to the great continental features of the several States, so that the surplus waters of one Colony may be made available, if necessary, to supplement the deficiencies of another. But we need not go into particulars; the necessities of the case are patent to all the Colonies, and it is a subject in which all are equally interested, and, if possible, should receive the special notice of the Conference.

We have before us the whole of the facts relating to irrigation and drainage in California, whose climate, soil, and plains are nearly all fours with our own, and whose wheat crops alone have increased since 1871, chiefly from irrigation, from one and a half million bushels to forty-one and a half million bushels in 1878.

All the facts we have from Colorado and California fully justify us in earnestly calling your attention to this momentous subject.

We have, &c.

H. BENJAMIN H. DODS, C.E.,
and self,
HUGH McCOLL, M.L.A.

To the Secretary of the Intercolonial Conference, Sydney.

INTERCOLONIAL CONFERENCE, 1881.

TASMANIAN CORRESPONDENCE ON THE ABOVE SUBJECT.

Downing-street, 11th May, 1881.

SIR,

I HAVE the honor to acknowledge the receipt of your Despatch (No. 4) of 14th February last, respecting the Proceedings of the Intercolonial Conference held in Sydney.

I have perused with much interest the records of the deliberations and resolutions of the Conference, and I hope that this important meeting may eventually result in the adoption by the Legislatures of the Australasian Colonies of several useful measures.

Some of the questions considered by the Conference require separate and special notice, and I shall address you further Despatches dealing severally with those points which appear to call for my observations. I have addressed a similar despatch to the Governors of the other Colonies represented at the Conference.

I have, &c.

KIMBERLEY.

SIR ARTHUR GORDON AND THE POLYNESIANS.

Downing-street, 11th May, 1881.

SIR,

I HAVE had under my consideration the resolutions agreed to by the Intercolonial Conference held at Sydney in January last, with reference to the relations of British subjects with the natives of the Western Pacific Islands, and to the office and functions of the High Commissioner for the Western Pacific.

Her Majesty's Government highly appreciate the ability and earnestness with which Sir A. Gordon has discharged the responsible duties devolving on him as the first High Commissioner. They are nevertheless sensible of the importance of the points raised in the resolutions, as to several of which I have for some time past been conferring with the Lords Commissioners of the Admiralty, and the views of the Conference will receive full and careful consideration.

I have, &c.

KIMBERLEY.

CHINESE IMMIGRATION.

Downing-street, 11th May, 1881.

SIR,

I HAVE had before me the representation of the Intercolonial Conference, held at Sydney in January last, on the subject of the introduction of Chinese immigrants by the Government of West Australia, at the public expense.

I am well aware of the strong objections which are entertained generally in the Australian Colonies to an extensive Chinese immigration; but, in the particular case of West Australia, which comprises an enormous tract of country, more than a third of which lies within the tropics, strong evidence of injury already sustained, or likely to be sustained by the neighbouring Colonies, would be necessary to justify Her Majesty's Government in interfering with the arrangements sanctioned by the Legislature (two-thirds of which is elective), for the very limited immigration now proposed.

It does not appear to be alleged that any of the Chinese hitherto introduced into West Australia have passed into the other colonies; while, on the other hand, each of those Colonies already contains a much greater number of Chinese than West Australia will have after the new immigrants have arrived.

I should not of course desire to see a large Chinese population introduced into West Australia, and I shall carefully watch the results of the small immigration to which my attention has been called by the Conference; but under the circumstances as at present known to me, I am not prepared to interfere with the action of the West Australian Legislature.

I have, &c.

KIMBERLEY.

NAVAL AND MILITARY DEFENCES.

Downing-street, 11th May, 1881.

SIR,

IN the minutes of the proceedings of the Intercolonial Conference, held at Sydney in January last, I observe a resolution on the subject of the naval and military defences of the Australian Colonies and New Zealand.

Her Majesty's Government have noticed with much satisfaction that part of the resolution which pledges the members of the Conference to use all legitimate endeavours to procure the efficient fortification and land defence of the Australian ports at the cost of the Colonies interested. They are, however, unable to express similar satisfaction at the suggestion that the outlay for naval defence of the Australian Colonies should be increased, and at the same time that it should continue to be exclusively a charge upon the Imperial Treasury.

On this point I am glad to see that the representatives of South Australia placed on record their opinion that the Colonies ought to contribute to the cost of maintaining the Australian Squadron.

I have, &c.

KIMBERLEY.

MEMORANDUM.

Treasury, Hobart, 29th August, 1881.

MR. GIBLIN has the honor to return to His Excellency the Administrator of the Government Lord Kimberley's Circular Despatches of the 3rd and 28th June, 1881, the latter enclosing copy of a letter from His Honor Chief Justice Gorrie to His Excellency Sir A. Gordon, dated 18th March, 1881, as to certain Resolutions passed at the Intercolonial Conference held in Sydney during January last, such Resolutions having reference to the Western Pacific Islands, and as to certain papers which have been printed in Sydney as an Appendix to the Report of the Conference proceedings; and Mr. Giblin takes the opportunity of returning Sir A. Gordon's letter and Memorandum of 28th February, 1881, upon the same subject.

Mr. Giblin desires to inform His Excellency that the reprinted articles and letters, which appear to be specially and justly complained of by His Excellency Sir A. Gordon and His Honor Chief Justice Gorrie, were never before the Conference at all, and were not directed by the Delegates to be printed. Mr. Giblin never saw those articles until long after the Conference had broken up, and then for the first time printed as they appeared in the Appendix to the Report as issued in Sydney. Such publication most certainly and distinctly was not authorised by the Delegates at any meeting of the Conference, nor is Mr. Giblin aware at whose instigation these documents were published.

Having protested at the Conference against a Resolution which seemed to imply an adoption of a proposed censure upon Sir A. Gordon, and carried an amendment from which such censure was excluded, Mr. Giblin would never have been a consenting party to the reproduction, as with the stamp of approval, of the unauthenticated *brochures* of a sensational newspaper correspondent.

In reprinting the Conference Proceedings in Tasmania, to be laid before the Legislature of this Colony, special instructions were given not to publish the extracts and documents referred to, and they therefore form no part of the records of the Parliament of Tasmania.

His Excellency SIR J. H. LEFROY, K.C.M.G.,
Administrator of the Government of Tasmania.

W. R. GIBLIN.

CIRCULAR.

Downing-street, 3rd June, 1881.

SIR,

I HAVE the honor to transmit to you, for communication to your Government, a copy of a Memorandum which I have received from the High Commissioner for the Western Pacific, relative to the resolutions adopted by the Intercolonial Conference on the subject of the Western Pacific Islands, and to the papers printed in the Appendix respecting outrages in those Islands.

I have conveyed to Sir A. Gordon an expression of my concurrence in the observations contained in this Memorandum respecting the manner in which Commodore Wilson and the squadron on the Australian station have discharged their duties.

I have, &c.

The Officer Administering the Government of Tasmania.

KIMBERLEY.

[THE enclosure to this Despatch is the same as the Memorandum forwarded with Sir A. Gordon's letter of 28th February, 1881, and therefore is not reprinted with this Despatch.]

CIRCULAR.

Downing-street, 28th June, 1881.

SIR,

WITH reference to my Circular Despatch of the 3rd instant, I have the honor to transmit to you, for the information of your Government, a copy of a letter addressed by Sir John Gorrie to the High Commissioner for the Western Pacific respecting the Resolutions passed at the late Intercolonial Conference, and containing some observations on newspaper articles reprinted in the Appendix to the Report of the Conference.

I have, &c.

KIMBERLEY.

*The Officer Administering the Government of Tasmania.**The Chief Judicial Commissioner, Western Pacific, to the High Commissioner.**Suva, Fiji, 18th March, 1881.*

SIR,

I HAVE the honour to state that I have by chance seen a copy of a blue book of New South Wales, containing a report of the minute of proceedings of an Intercolonial Conference held at Sydney in January last.

2. This Conference dealt with certain matters relating to the High Commission, and agreed to certain resolutions.

3. With the second of these—"That more effectual means should be devised for the punishment of natives of the said Islands for any crimes or offences committed by them against British subjects"—I most cordially concur, as it is a matter which both Your Excellency and myself have urged upon the attention of the Imperial Government almost since the initiation of the High Commissioner's Court.

4. The third resolution is to the effect "That, in the case of capital convictions by the High Commissioner's Court, appeal should be allowed to the Supreme Court of some one of the Australian Colonies to be selected by the High Commissioner."

5. As this resolution necessarily affects most the Judicial Commissioners, I venture to offer the following observations upon it.

6. Any Judge who has to try a capital case would, I imagine, be only too glad to be relieved of some share of the dread responsibility of a sentence of death.

7. Especially must this feeling animate a judge who is obliged by the law he administers, and by the necessities of the case, to be the judge both of the facts and the law.

8. The Supreme Courts of the sister Colonies have been, and are, presided over by singularly able men, of whose personal fitness to discharge any professional duties of however high or arduous a nature not a question can be raised. I have seldom read a better judgment than that given lately by the Chief Justice of New South Wales, in which he vindicated the right and duty of the Supreme Courts of Justice to keep themselves free and unfettered in the performance of their high functions, by punishing for contempt those who impugn the motives and malign the characters of the Judges.

9. But the peculiarity of the High Commissioner's Court, that the Judicial Commissioner, in a capital case, must necessarily be judge both of the facts and the law, with only the assistance of Assessors in regard to the former, would, I apprehend, be an insuperable barrier to any such appeal as is proposed.

10. The Supreme Courts of all the Australian Colonies administer the law of England without the modifications of law and procedure necessary in the region of the Western Pacific which have been imposed by Order in Council. A trial for murder without a jury would be alien to their system of jurisprudence, and to enable them on appeal to find a murderer guilty without such trial they must have additional powers. But to give such powers by Order in Council would not be palatable, or probably possible, in a constitutional Colony; and the delegates know best whether there would be any chance of passing such a Bill through their respective Legislatures.

11. Moreover, unless we are to shut the door of justice on the whole native race of the Pacific as against evil doers amongst Her Majesty's subjects, and undo the good work which the High Commissioner's Court has already done, we must, and do, under the powers of the Orders in Council, receive evidence on affirmation of those who are either not Christians, or only nominally Christians, and do not understand the nature of an oath in the technical sense of the English law, weighing such evidence to the best of our ability in the equal scales of justice. But this also would be repugnant to the procedure of some, if not all, of the Supreme Courts of Australia.

12. An appeal, accordingly, from the High Commissioner's Court to such a tribunal would be from a Court which in these particulars administers justice from a high standpoint, to one which does not, and cannot, with its present or any powers which it is likely to obtain for the purpose, administer justice on the same principles.

13. Another difficulty I foresee relates to the execution of the judgment. The person accused of murder, if taken to Australia for judgment, ought, if the judgment be confirmed, to be executed there. I have noted how in one Colony the fate of a notorious murderer and bushranger excited sympathy, in another the keen and clamorous interest created by sentences of death. I can well imagine the public outcry if a Colonist were condemned to death without the intervention of a jury for murdering a Polynesian in a far off island, and how an attempt would be made to force the hand of the Governor and his Council (who, as it was not a Colonial crime, would have no constitutional right whatever to interfere), to prevent the execution on their own soil.

14. The proposal of the delegates bristles with difficulties. It is by Imperial Courts, and Imperial Courts alone, that justice can be properly administered in the Western Pacific; and any appeal, where such is necessary, must be to Courts dealing with evidence on similar principles, and accustomed to trials with Assessors even in capital cases.

15. So much for the proposal itself. But I have something also to say upon the reason for such a proposal being made at this particular time.

16. Only one capital case has been tried in the High Commissioner's Court since its institution, that of a half caste Australian, tried and condemned at Rotumah for the murder of a native of Rotumah, before its annexation to this Colony. In this case the sentence of death was commuted by Your Excellency to twenty-one years penal servitude.

17. No white man has yet been tried for a capital offence in the Western Pacific; and if the baser sort are not incited by the attacks of slanderers on the Court, and the encouragement given to them in quarters where we might have expected better things, I sincerely trust that the wholesome respect for law inspired by the existence of the High Commissioner's Court after only five or six important trials (followed by no severe punishments), will be sufficient to prevent any murder by British citizens in the Pacific.

18. As there seems to be no other cause for this particular resolution at this particular time, it has occurred me as possible that the delegates have been influenced by the libels which they reprint and have appended to their report. If so, then the proposal would not merely be one to ensure a better administration of justice, but is a little disguised impeachment of the High Commissioner's Court itself.

19. Your Excellency will recollect that "The Vagabond," who signed some of these productions, and appears to have inspired the remainder, is the person who was last year brought down to Fiji for a few weeks, and without knowing anything of the Colony or the affairs of its Government, or the administration of justice in it, sought notoriety by assailing Your Excellency and myself in a public lecture with abuse so foul and violent that even the local journals most hostile to the Government shrank from reproducing it in what purported to be a report of the proceedings.

20. The respectable part of the audience rose and left the hall, and he was thereafter shunned even by most of those who had taken him by the hand when he first came. He left the Colony baffled and most bitter, and to that bitterness, born of his failure to stir up sedition here, he has given abundant vent through the Australian papers.

21. No doubt the writer saw many things in this Colony which could not but shock a person of his views.

22. He saw that no means were taken to encourage or cajole the natives to strip themselves of the possessions solemnly guaranteed to them by the Queen, and that the maxim that (as he puts it) "the land is for the white man" was not one accepted by the Government of the Colony. He saw Her Majesty's Fijian subjects a well ordered society; he saw their rights and property respected; he saw them contented and peaceful and industrious, with a fair prospect of rising with the rising prosperity of the Colony,—a prosperity which the contentment of the natives ensures, and which their discontent would imperil or destroy. He saw an absence of all those costly precautions which elsewhere mutual distrust has rendered needful, and of that sullen ill will which a sense of injustice has too often elsewhere engendered.

23. For offences such as these we are not likely to be forgiven by this man or others of his sort. But I think we are entitled to ask why the delegates should have received, and, without inquiry as to their truth, reprinted his outpourings of bombast and falsehood?

24. It is a maxim with public men at Home that they do not take any serious step in grave concerns without having well ascertained facts upon which to stand. Here we have a resolution of a meeting of Colonial delegates supported apparently by nothing better than anonymous libels, or the random charges of an alien adventurer.

25. I must enter my protest against the character and good name of Judges who have grown grey in Her Majesty's Service, and who fill positions such as those which for many years I have had the honour to hold, being thus trifled with, either by Colonial delegates or by any other body of men. The delegates are now more responsible for the libels than even the author himself. As his, they would rapidly and before this time have sunk into oblivion; accepted and recirculated by the delegates, they may live some little time longer, not however to my hurt, but to the shame of those who have reproduced them.

I have, &c.

JOHN GORRIE, *Chief Judicial Commissioner for the Western Pacific.*
His Excellency the High Commissioner, &c.

WESTERN PACIFIC HIGH COMMISSION.

Wellington, New Zealand, 28th February, 1881.

SIR,

I HAVE had the honor to receive from the Governor of New South Wales a copy of the Minutes of the Intercolonial Conference lately held at Sydney.

The Appendix to those Minutes contain statements (pp. 41-54) of which I have felt it my duty to take notice in the Memorandum of which I have now the honor to enclose a copy for Your Excellency's information.

I observe that the volume forwarded to me is stated on its cover to have been presented to the Legislature of New South Wales by command of the Governor.

If, as is probable, the Minutes of the Conference with the Appendix are, by your Excellency's command, laid before the Legislature of the Colony under your Government, I would venture to request your Excellency to cause the present letter and its enclosure to be dealt with in a similar manner.

I have the honor to be,

Sir,

Your Excellency's obedient humble Servant,

ARTHUR H. GORDON.

His Excellency the Governor of Tasmania.

MEMORANDUM by the High Commissioner for the Western Pacific.

I HAVE received from the Governor of New South Wales a copy of the Minutes of the Proceedings of the Intercolonial Conference lately held at Sydney. Among them will be found (p. 11, pp. 13-14) the Report of a Committee chosen to consider a Resolution calling attention to the state of affairs in Polynesia, proposed by the Hon. A. H. Palmer, and to examine the papers relating to the appointment of a High Commissioner for the Western Pacific.

On hearing that the Conference was about to enter on such an inquiry, I conveyed to Lord Augustus Loftus the expression of my opinion that some communication should be addressed to me upon the subject, and stated my willingness to afford any information which the Conference might require, and without which it was, I thought, improbable that the members of the Committee could attain an accurate knowledge of the matters on which it was directed to report. My telegram was communicated to the Conference by Lord Augustus Loftus, who was, in reply, desired to inform me of the appointment of the Committee, and that the Conference would willingly receive any information which I might desire to communicate to it. Though very ready to furnish the Conference with papers or statements of fact asked for by it, it was of course impossible for me to submit, unsought for, anything like defence or explanation of my own proceedings or conduct, to a body to which I was in no way responsible, and with which I had no official relation. I therefore replied by desiring Lord Augustus Loftus to thank the Conference for its communication, and inform it that I should be happy to afford any assistance or information which might be desired. Of this offer no advantage was taken by the Conference; and on the same day on which it was made the Committee presented their Report, in the preamble to which it is stated to have been prepared, "having before them the Commission to Sir A. Gordon, the High Commissioner and Consul-General for the Western

Pacific"—a statement in which it appears to me that some error must be involved.* The Resolutions recommended by the Committee were, with some modifications, adopted by the Conference.

These Resolutions have been submitted to the consideration of the Imperial Government, from which they will no doubt receive that respectful attention which is due to any recommendation emanating from such a source. It would be out of place here to discuss them; but the Appendix to the Report of the Committee contains matter which may with advantage receive some immediate comment from me.

The contents of that Appendix are somewhat singular. No statistical table is given from which information could be drawn as to the comparative frequency of murders among Europeans in the Pacific at different times, or the proportions which such murders bore to the number of European residents in those seas now and formerly,—official or authentic accounts of massacres recently perpetrated are altogether wanting, and other evidence in support of the Resolutions of the Committee will be as vainly looked for. All the information given with regard to outrages recently committed is contained in a telegram without date, and addressed to some unnamed individual,† reporting the murder of the crew‡ of the *Prosperity*, and four newspaper paragraphs containing details of other murders. These paragraphs are undoubtedly written in good faith, and no doubt contain the best account obtainable by the editor of the transactions to which they refer; but it is often found on subsequent examination that such narratives are, owing to very obvious causes, not always to be relied on as strictly accurate.

The Appendix further contains two leading articles from the *Sydney Morning Herald* (pp. 46, 47), which, though based on erroneous assumptions, are fairly and temperately written; and no fewer than eleven extracts from the *Sydney Daily Telegraph* (pp. 41 to 44, and 48 to 54), censuring in strong terms the High Commissioner, the Commodore commanding the Australian squadron, the Chief Judicial Commissioner, and the Government of the Colony of Fiji. There is also a letter in a similar strain addressed to the Secretary of the Conference by a person of the name of Thomas, the avowed author of two of the extracts taken from the *Sydney Daily Telegraph*, with which newspaper I am informed he is closely connected,—a statement which the internal evidence afforded by the remainder of the extracts from that journal would incline me to believe to be well founded.

It is not easy to understand the object of the Conference in reprinting and giving official circulation to these articles. It is certainly not to convey information as to facts, for they contain none. It cannot be to exhibit the state of popular opinion in Australia, for the extracts are almost exclusively taken from a single Sydney journal; and even in the choice of these extracts care has been taken to limit them to such as reflect but one opinion; the anonymous letter of "A Queenslander," (p. 53), containing little but invective, being inserted, whilst that of a man so competent to speak on the subject as the Rev. Mr. Murray, referred to at p. 49, is omitted. I am not well acquainted with Australian journals, but I know that some of them entertain different views from those advocated by the *Sydney Daily Telegraph*.

Yet it would be inconsistent with the respect due to a Conference consisting of the leading officials of the Australian Colonies to suppose that they intended to imply their own adoption of statements they have had no means of verifying, their concurrence in recommendations that the Solomon Islanders should be "cruelly and relentlessly massacred,"§ or their participations in attacks on officers of the Imperial Government, on high judicial authorities, and on the Government of a Colony unrepresented at the meeting of the Conference.

But, whatever the motive of the publication, the fact remains that grave charges against the High Commissioner for the Western Pacific, the Commodore commanding on the Australian Station, the Chief Justice of Fiji, and the Government of that Colony generally, have been reprinted at the public expense by order of the Conference, and have been presented by command of the Governor to the Parliament of New South Wales, and probably to the Legislatures of other colonies, thus giving to them a wide-spread official circulation. These facts, and the deduction which will inevitably, if erroneously, be in many quarters drawn from them, that the Conference adopts the charges made, render it, I think, desirable that their want of foundation should at once be made apparent.

* My commission as Consul-General, and my full powers under the Great Seal, have never been published or communicated to any Colonial Government; nor am I aware that my commission as High Commissioner has been so, though such may be the case.

† This telegram is said, but evidently erroneously, to be addressed to the Hon. A. H. Palmer, who is referred to in it as a third party. "As Mr. Palmer is in Sydney, please get him to use influence." This is not the language of a telegram addressed to Mr. Palmer himself.

‡ Not British subjects.

§ "The course that the captain of H.M.S. *Emerald* is called upon to pursue certainly does not form part of a civilized programme. . . . Our people have been *cruelly and relentlessly massacred*, and the *Solomon Islanders must be dealt with in like fashion*. All ideas founded on Exeter-Hallism must be thrown to the winds. If they are not, the *Emerald* might as well remain at Farm Cove." (p. 48).

The charge preferred against the High Commissioner is twofold. It is alleged that he has, on the one hand, shown undue leniency towards the misdeeds of natives, and, on the other, has shown equally undue harshness in the punishment of British subjects when charged before him with offences against natives.

The jurisdiction of the High Commissioner extends over all British subjects in the Western Pacific, but over British subjects exclusively. He has no authority whatever to deal, whether judicially or in his executive capacity, with the offences of natives of islands not under the dominion of the Crown.

The High Commissioner has on more than one occasion pointed out to the Imperial Government that, unless a jurisdiction were created competent to take cognizance of offences committed against British subjects in the Pacific beyond Her Majesty's possessions, the infliction of punishment on British subjects for outrages against natives in the same regions, when such cases came before the High Commissioner's Court, was sure to excite on their part not unnatural irritation, and a sense of being treated with injustice, for it is hardly to be expected that men of the class to which most British subjects in the Pacific belong should understand that Great Britain has an interest in their good conduct and the maintenance of legal restraint over their actions, quite apart from any sympathy with natives or care for their protection. The reply returned to such representations has invariably been that in the opinion of the Law Officers of the Crown insuperable obstacles exist to any assumption of jurisdiction by Her Majesty, over others than British subjects, beyond the limits of Her Majesty's dominions. Nevertheless, although Her Majesty's Government does not see its way to overcome the real as well as the formal and technical difficulties, with which any such exercise of authority is undoubtedly surrounded, the necessity for exceptional dealing with exceptional circumstances is not, I think, unrecognized. Meanwhile, however, the High Commissioner is absolutely powerless to take judicial cognizance of any offence committed by a Polynesian native not also a subject of Her Majesty.

Should the proceedings of any native community be such as can be deemed acts of war, they can be dealt with as such by Her Majesty's naval force on the station. Until a few months since, the Commodore acted in such matters entirely independently of the High Commissioner, and on his own responsibility alone. Lately, he has been instructed, wherever possible, to consult the High Commissioner before proceeding to active hostilities; but no proposal made by him has ever been objected to by the High Commissioner, between whom and the Commodore there exist the most entire confidence and agreement. Although, however, his concert is in certain cases required, the High Commissioner has no control whatever over the movements of the Australian Squadron, nor can he direct the course, or hasten or retard the sailing, of a single vessel.

It is therefore manifest that the High Commissioner has had no opportunity of showing either leniency or severity towards natives, and that it has been made a matter of reproach to him that he has not exercised a jurisdiction which he has been strictly forbidden to assume, and that he has abstained from issuing orders which he has no right to give, and to which he could neither enforce nor claim obedience.

The charge of undue harshness towards whites has next to be considered.

The whole of the cases referred to at pp. 42, 43 were tried during my absence in England, and, even assuming them to be accurately described, (which it will be presently shown they are not), they would not in any way affect the High Commissioner. Since my return to Fiji in 1879, the cases brought to the cognizance of the Court* have been but four, in only one of which a white man was concerned. That white man was the Rev. George Brown, who has certainly no reason to complain of undue severity on the part of the High Commissioner's Court. Two of the other parties tried before the Chief Judicial Commissioner since September, 1879, were coloured subjects of Her Majesty: of these, one was convicted of murder, and sentenced to death; the other, charged with theft, was acquitted, the only evidence against him (his own confession), being shown to have been extorted by threats and torture inflicted by Europeans. The fourth case was that of Aratuga, a Polynesian, concerned in the murder of the mate and labour-agent of the *Mystery*, who was brought to Fiji as a prisoner by Her Majesty's ship *Conflict*, and was put on his trial before the High Commissioner's Court, in the hope that some ground for claiming jurisdiction over him would be discovered. But no escape could be found from the conclusion that he was beyond the authority of the Court, a view the correctness of which has been emphatically confirmed by the highest legal authorities in England. Another case, that of a half-caste Tongan, charged with the murder of another half-caste, and of the captain of a German vessel, was never brought before the Court at all, it being clear that it was equally out of its jurisdiction, and the man was handed over to the Tongan authorities to be dealt with by them.

It hence appears that, whilst a harsh exercise of the judicial powers he undoubtedly does possess over British subjects is imputed to the High Commissioner, but one white man has been judicially

* I do not take into account petty cases between British subjects themselves, heard before the Deputy-Commissioners' Courts at Apia and Nukualofa.

before his Court since the return of the High Commissioner to the Pacific, and that he was treated with marked indulgence. This branch of the accusation, therefore, fails like the other, being as destitute of evidence to support it.

I should wish to believe these charges to proceed from the levity of ignorance rather than from conscious malice; and it may be well here to note that the objects of the Western Pacific Orders in Council, and of the institution of the High Commissioner's Court, appear to have been frequently much misunderstood. It was not by any means "to see that whites were protected from outrages by natives" (p. 47), and but in a secondary sense "to protect natives from outrages by whites" (p. 47), that that Court was formed. It was principally designed to provide means for the settlement of disputes between white men themselves, and to prevent Her Majesty's subjects from breaking Her Majesty's laws. It was found that in Samoa, in Tonga, in the New Hebrides, and in other places, small communities of British subjects were springing up, over which no Court had jurisdiction, and no law had force. Debts were incurred, and the debtor could at pleasure evade his creditor's claim. Contracts were entered into, the performance of which could not be enforced. Wills were made which could not be proved; disputes arose as to successions which could not be settled. Crimes were committed, which either escaped punishment altogether, or were dealt with by a lynch law demoralizing to those engaged in it. It was primarily to remedy this state of things that the Deputy-Commissioners' Courts under the High Commissioner were established at Apia and Nukualofa. It was no doubt also an object that the letter and spirit of the Western Pacific Acts should be carried out by Her Majesty's subjects, and that the Court should enforce their strict observance; but no one who looks carefully at the Orders in Council can fail to perceive what was their primary object—the establishment of a Court to which British subjects who had no *locus standi* before any other judicial tribunal might resort.

It may be said, and truly, that large executive and *quasi*-legislative powers have been lodged in the hands of the High Commissioner, distinct from his judicial authority. Their grant was prompted by the belief that the State would fail in its duty if it neglected to claim and to exercise control over British subjects who had escaped from the restraints of all constituted authority, and few will say that such action was uncalled for.

The same charges of over-leniency on the one hand and over-severity on the other that are brought against the High Commissioner are also preferred against Chief Justice Gorrie. Of these, the former may be met by the same simple and complete answer that, as regards other than British subjects, he has no jurisdiction. He has, in the case of Aratuga, endeavoured to establish such a jurisdiction, and has failed to do so. The charge of over-severity can only be properly appreciated after a careful examination of the various cases tried before the Court, an examination the want of which is certainly not supplied by the misleading paragraphs to be found on pages 42 and 43 of the Blue Book containing the Minutes of the Conference. Captain Kilgour was punished not for "recovering a boat which the natives endeavoured to retain" (p. 42), but for destroying villages belonging to a tribe which, as it turned out, had committed no offence, and for levying war on his own account, while one of Her Majesty's ships was in his immediate vicinity. Captain Waite's case is also gravely misstated. Captain Daly, whose treatment is termed "arbitrary," but against whom two previous sentences are recorded in the Supreme Court of New South Wales, was convicted of what is euphemistically styled "detaining a native on board without his consent" (p. 43), or, in other and plainer words, kidnapping him; an offence which may not appear to unprejudiced persons one of so venial and trifling a character as it does to "every one" of the clique to the passions and prejudices of which expression is given by the article in question.

It is not my intention to enter into an examination of Chief Justice Gorrie's proceedings, or to attempt to review, extrajudicially, the sentences deliberately pronounced after full and careful inquiry by a competent Court, presided over by a fearless and enlightened Judge; but I think it only right to record my own grateful appreciation of the services he has rendered as Chief Judicial Commissioner, and my entire conviction of the correctness of the judgments he has pronounced. I am, moreover, confident that most men will concur with me in regretting the official circulation of anonymous attacks on the Chief Justice of the Supreme Court of an Australasian Colony. Had reflections upon the conduct on the bench of a Chief Justice of any one of the older colonies, whether great or small,—New South Wales or Victoria,—Tasmania or Western Australia,—been published in a similar manner, the impropriety of the act would have met with universal reprobation, and that the more emphatic, if the colony, the chief judicial authority of which was thus assailed, had happened to be unrepresented at the meeting of the Conference.

The charge of culpable indifference to the lives of Englishmen, which is that brought against Commodore Wilson in the articles of the *Sydney Daily Telegraph* selected for republication, is one which that distinguished officer may well afford to treat as lightly as that of cowardice preferred against him in the same journal, but which the Committee has not included in its collection of extracts. Notwithstanding the contempt with which he must regard such slanders, the gravity unfortunately given to them by their official publication may not impossibly induce him to take some public notice of the attack. I will not attempt to anticipate the observations he may think proper to make, should he do so, but will content myself with the remark that there appears to be

nearly as much misapprehension as to the degree of protection which British subjects are entitled to anticipate in savage regions, as with regard to the functions of the High Commissioner. Strictly speaking, none but those who are employed on public duty are entitled to such protection. Where, as in the recent case of the "Sandfly," men, not of their own free will, but in the service of the State, and in obedience to the command of its constituted authorities, are placed in situations of peril, the Government they serve may be said to be bound to protect them, and to punish injury done them whilst employed in its service; but where men for their own personal objects, and in defiance of warning, withdraw themselves from the operation of the institutions of their own country, they take their lives in their hands, and have no right to expect to receive the forcible support of the State whose sheltering protection they have left. Private parties cannot be allowed thus at their own will to force the hand (if such an expression may be used) of their Government. This is clearly understood in other parts of the world, and I know not why different maxims should prevail in Polynesia. The doctrine that wherever a trader thrusts his way he is to be followed by a man-of-war for his protection, and that if he loses his life in the pursuit of his enterprise the naval force of the country is to be employed to avenge his death on the countrymen of those who have killed him, is an altogether novel one.

When in Melbourne, in 1878, I explained this at some length to the promoters of an association for an expedition to New Guinea, then contemplated, and stated that it was "my duty formally and emphatically to declare that the British Government disclaim all obligation to protect or interfere on behalf of persons voluntarily placing themselves in positions of danger in a savage country, and that those who enter on such enterprises do so at their own risk and peril." I subsequently received official intimation that the language I then used was entirely approved by the Imperial Government, of which it correctly expressed the views.

Such also has most emphatically been the language of the United States Government, and of the jurists of that country, who have very clearly laid down that those engaged in such adventures forfeit all right to claim the protection of the State. But, though such protection cannot be claimed as a right, there are no doubt many cases in which it ought to be, and, practically, would be given. Each case must, however, depend on its own merits, and those merits it is often no easy task to ascertain. It by no means follows that, in every instance where a white man's life has been taken, a *casus belli* has been established. It is often difficult to assign any immediate cause for the act, and there is too frequently an entire absence of reliable evidence as to the attendant circumstances.

In many cases I have no doubt that massacres are perpetrated to gratify a mere savage thirst of blood, or to satisfy the cupidity excited by a display of tempting goods; but this is not always so. The murder may have taken place in some tribal broil; it may have been the result of previous quarrels; it may even be the just punishment of a grave offence, or the natural result of serious provocation. It may have resulted from a breach of customs having the force of law, of the consequences of breaking which the murdered man may have been himself well aware. The punishment of death is naturally and indeed necessarily often resorted to by barbarous nations, who have no means of carrying out long sentences of imprisonment or other secondary punishments. It is true that in England murder and treason are now the only capital offences, and that we are apt to regard the infliction of death for other crimes as unjustifiable; but it can hardly be a subject for wonder or complaint if among savage tribes punishments should be as sanguinary as among ourselves fifty or sixty years ago. Where a white man is put to death by savages for an offence which, if committed by one of themselves, would, with the general assent of the community, have entailed a similar penalty, it would generally, (though not always,) be difficult to say that an "act of war" had been committed.

The questions thus raised are numerous and intricate, nor is it my object now to follow them up in detail, but merely to point out that the apparently popular notion that, whenever an English trader or traveller is killed in Polynesia, (though not if he be killed in any other savage region of the world out of the Queen's dominions), it is the duty of Her Majesty's Government to despatch an armed force to avenge his death, is not altogether a sound one, and that the expediency and propriety of such action entirely depend on the special circumstances of each particular case.

The graver charges of neglect of duty, and misuse of power, on the part of the High Commissioner, the Commodore, and the Chief Judicial Commissioner, being disposed of, the loose and inaccurate assertions on particular points scattered through this Appendix are in themselves little worthy of notice; but it may perhaps not be amiss to correct a statement so easily susceptible of correction as that on page 42, where we are told that "the natives are protected* by a High Commissioner and many Deputy-Commissioners, costing Great Britain some £20,000 annually." Now, the fact is that there are but two Deputy-Commissioners, one of whom receives a salary of £450, and the other a salary of £100, in addition to his pay as Her Majesty's Consul at Samoa. The Chief Judicial Commissioner receives £300 a year, in addition to his salary as Chief Justice. The High Commissioner and Assistant-High Commissioner draw no salary; and the whole cost of the

* That the protection of natives is not the primary object of the High Commission I have already shown.

working of the High Commission, including the expenditure incurred in the employment of Her Majesty's ships in passages, &c., has not in any year since its establishment amounted to £3000, the amount annually voted for the purpose by the House of Commons.

Though not very closely connected with the subject of these outrages, the extracts from the *Sydney Daily Telegraph*, and acknowledged letters of Mr. Thomas, which the Conference has deemed worthy of reprinting, will be found to contain a good deal of severe censure on the Government of Fiji in respect of the policy it has pursued in the internal administration of that colony. It is a policy which in India, as well as in Fiji, is misunderstood and misrepresented by those who, arrogating on the score of their colour an unlimited deference and obedience from their darker fellow-subjects, condemn institutions and chafe under restraints which are fortunately maintained with unimpaired rigidity by those to whom the destinies of that empire are confided. India is a great continent, containing many millions of inhabitants; Fiji, a small group of islands inhabited by less than 120,000 people; but the same principles of government apply to both. The circumstances of the acquisition of Fiji, like those which have attended the rise of English power in India, impose a moral obligation to govern in the interests of its people. Fiji, like India, is no mere colony of white men planted on an empty waste, or for the first time cultivating a land hitherto only roamed over by nomadic savages. It is the home of a large and industrious settled population, who own and till the soil, and possess a social and political organization, by means of which the country is easily, peaceably, and cheaply governed. In Fiji, as in India, policy teaches the same lesson as justice, and proclaims, in tones not to be mistaken, that, when a native population outnumbers by more than fifty to one the strangers dwelling among them, it is not safe, even if it be practicable, to take out of their hands large powers of local self-government, and that to do so would inevitably cause wide-spread discontent, and, in the end, armed collision.

Both in India and in Fiji, however, there are those who would grant to every white man, however irresponsible, the privileges belonging to the members of a ruling caste, who regard as "insolence" any independence of action on the part of the native landholders of the country, and as treason to white supremacy the retention in native hands of executive or judicial power,—who would rather see crime committed with impunity than permit the sacredness of the "dominant race" to be profaned by the touch of a native constable (p. 41).

It is not surprising that to such men the policy pursued with marked success in Fiji should be distasteful, or that they should express their disapproval loudly; but it is, I think, to be deplored that their reflections on the Government of a colony not represented at the Conference should be republished under the auspices of that body. What would be thought of the good taste or propriety of the conduct of this Government, if it had reprinted and laid before the Legislature newspaper attacks on the internal administration of an Australian colony,—the letters, for instance, which have lately appeared in a Sydney journal as to the alleged systematic and wholesale murder of natives in Queensland; or the attacks upon members of this or that Cabinet which might be gathered from the Victorian Press during the heat of an election contest? Yet what has been done in this instance is practically very similar; and Fiji, as an Australasian colony, not less sensitive to her rights and dignity than those of larger area and some years' longer history, has a right to ask why, if her affairs were to be a topic of discussion, she was not herself invited to take part in the Conference? and is entitled to protest against a course calculated to excite popular prejudice against the highest officials of her Government, especially those occupying the Bench of Justice.

I cannot conclude this memorandum without expressing my regret that the Conference should not have availed itself of my offer, at least so far as to make some enquiry of me into the nature of the powers possessed by the High Commissioner. Had this been done, I do not think its members would have collected, and thought worthy of republication, allegations which they would then have known to be based on misapprehension. But I still more regret that, if it was originally intended that the subject of those powers should be discussed at the Conference, it should not have been mentioned in the circular sent to the different Governments as a matter to which attention was to be invited, and that no intimation should have been given to the High Commissioner himself. The subject was certainly one of sufficient importance to warrant such mention if its introduction was contemplated. If, on the other hand, the question was raised without previous concert, it is, I think, still more unfortunate that the Conference should not have declined to enter into its consideration without previous communication with those from whom alone it could obtain accurate information, on, at all events, some of the points raised, and that it should have allowed itself to be made a medium for the dissemination of slanders on men holding high and responsible situations, who had received no intimation of the intention of the Conference to investigate the nature of the functions committed to them by the Crown.

A. H. G.

Wellington, 26th February, 1881.