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NEW SOUTH WALES.



INTERCOLONIAL CONFERENCE.

MINUTES OF PROCEEDINGS

OF THE

INTERCOLONIAL CONFERENCE HELD AT SYDNEY,

JANUARY, 1881.

Presented to Parliament by Command.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

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INTERCOLONIAL CONFERENCE HELD AT SYDNEY.



THURSDAY, 13 JANUARY, 1881.

FIRST DAY.

Present:—

<i>New South Wales</i>	The Honorable SIR HENRY PARKES, K.C.M.G., M.P., Colonial Secretary. The Honorable JAMES WATSON, M.P., Colonial Treasurer.
<i>Victoria</i>	The Honorable GRAHAM BERRY, M.P., Chief Secretary. The Honorable WILLIAM M. K. VALE, M.P., Attorney General.
<i>South Australia</i>	The Honorable WILLIAM MORGAN, M.L.C., Chief Secretary. The Honorable CHARLES MANN, Q.C., M.P., Treasurer.
<i>Queensland</i>	The Honorable ARTHUR HUNTER PALMER, M.P., Colonial Secretary. The Honorable BOYD DUNLOP MOREHEAD, M.L.C., Postmaster General.
<i>Tasmania</i>	The Honorable WILLIAM ROBERT GIBLIN, M.P., Colonial Treasurer. The Honorable WILLIAM MOORE, M.L.C., Colonial Secretary.
<i>Western Australia</i>	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 Müeller, 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 Custom 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, January 14, at half-past 10 o'clock a.m.

HENRY PARKES,
Chairman.

FRIDAY, 14 JANUARY, 1881.

SECOND 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 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, 27 December, 1880.

“Sir,

“In reply to your letter, No. 7,571, of the 8th instant, notifying that the proceedings of the Intercolonial 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.,

“GIFFORD,

“Colonial Secretary.”

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

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.

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 of 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, 17 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,

TUESDAY, 18 JANUARY, 1881.

FOURTH 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 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 harbours 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 are also 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 ratably 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 endeavours to procure the efficient fortifications and land defence of the several ports of the Australian Colonies, at the cost of the several Colonies interested.

Motion

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 fortifications 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 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.	£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 a 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, 19 JANUARY, 1881.

FIFTH 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 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,

“ Sydney, 18 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 Australasian 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 in 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.

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

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

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, 20 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

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 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.

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, 21 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 Mc'Coll, 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.

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 organization 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 that he had received a letter from Lord Augustus Loftus, enclosing various telegrams in relation to the inquiry 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.*

"Dear Sir Henry,

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

"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 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, 24 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 inclosing 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, 21 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 the 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.*

Sir,

Sir,

Government House, Sydney, 22 January, 1881.

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., &c., &c.

Sir,

Government House, Sydney, 22 January, 1881.

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., &c., &c.

Government House, Sydney, 22 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 convictions 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 upon 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

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 should 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 authorizing 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.

Aye.	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 a 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 "
New Zealand	...	...	...	...	...	2 "
South Australia	...	...	...	...	...	2 "
Queensland	...	...	...	...	...	2 "
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 interests 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

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 "
New Zealand	2 "
South Australia	2 "
Queensland	2 "
Tasmania	1 Member.
Western Australia	1 "

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

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

Ayes.	No.
New South Wales, South Australia, New Zealand, Queensland, Tasmania, Western Australia.	Victoria.

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

HENRY PARKES,
Chairman.

TUESDAY, 25 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.”

“Sydney, 25 January, 1881.

“THOMAS DICK.”

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

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

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., &c., &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:—

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 Persons 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.	£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 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 colonizing progress.

“We

"We desire to urge upon your Lordship at 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, 26 JANUARY, 1881.

TENTH 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.

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, 27 JANUARY, 1881.

ELEVENTH 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.

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 pounds.—*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.	No.
Victoria,	Queensland.
New Zealand,	
Tasmania,	
New South Wales,	
South Australia,	
Western Australia.	

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.



INTERCOLONIAL CONFERENCE.

APPENDIX.

APPENDIX A.

BILLS AGREED TO BY THE CONFERENCE.

44^o VICTORIÆ, 1881.

A BILL

INTITULED

An Act to provide for the establishment of an Australasian
Court of Appeal.

WHEREAS the Colonies of New South Wales—Victoria—South Preamble.
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:—

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

3.

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 Registrar and officers, 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.

9. The Court of Appeal shall sit at such times and places as Sitting of Court. 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.

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.

Nature of security.

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.

Granting of leave to appeal.

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.

Appeal from interlocutory judgment.

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.

Court of Appeal may remit causes for re-hearing.

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.

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 formá* 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 formá* 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

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.

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.

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

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.

Special case for questions of law. 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 enrolled.

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.

Judgment to be final and without appeal. Saving Royal Prerogative.

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.

Privy Council Practice.

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.

Judges' notes &c.

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.

Costs of appeal.

29. All persons being barristers or advocates in any Colony shall have the right to practice as such in the Court of Appeal.

Legal practitioners in Court.

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

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

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

Commissioners for taking affidavits.

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.

Process 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

Fees and expense maintenance of Court.

General rules and orders.

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—

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^o VICTORIAE, 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.

Preamble.

(If it is intended to authorize 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 Vic. 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 telegram. days on

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

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 endorsed 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].

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.

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].

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 authorize [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^o VICTORIA, 1881.

A BILL

To restrict the Influx of Chinese.

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:—

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:—

10 "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.

15 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

Preamble.

Interpretation.

Master on arrival to give list of Chinese on board.

- 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. 5
- Number of Chinese ships may carry.
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. 15
- Penalty.
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. 20
- Ten pounds to be paid for each Chinese arriving by vessel.
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. 30
- Penalty.
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. 40
- Certificate of sum paid to be given to Chinese and to be evidence.
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. 50
- Penalty on not paying or having had paid fee for entrance to the Colony.
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.
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. 55
- Evidence of person being a Chinese.

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 *bond fide* resident of this Colony and that he desires to be absent therefrom
 5 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.

10 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
 15 Governor of any British Colony or of a British Consul resident in any foreign country shall be the evidence giving him such exemption.

Exemption of British subjects.

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
 20 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
 25 this Act.

Certificate of exemption from payment.

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
 30 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.

Exemption of crews of vessels in certain cases.

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 authorized by the Colonial Treasurer before any two or more Justices of
 35 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
 40 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
 45 detention of or other lawful dealing with such vessel as are by law provided under the Act or Acts regulating the Customs with reference 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
 50 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
 55 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

Penalties how recovered.

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 subject) 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. }

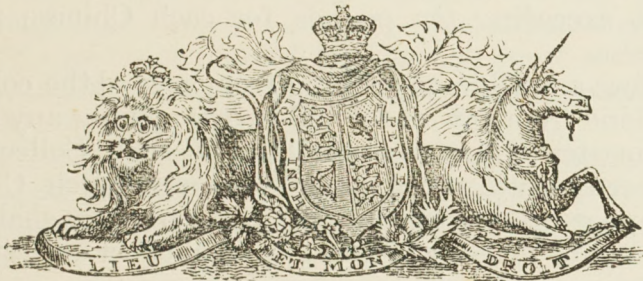
BE it remembered that on the _____ day of _____ in the year of our Lord one thousand eight hundred and _____ at _____ in the said Colony A.B. the master of the vessel " _____ " is convicted before the undersigned two of Her Majesty's Justices of the Peace for the said Colony for that he the said A.B. [*&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 seals the day and year first abovementioned 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.]

WHEREAS 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—

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.

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

Preamble.

Interpretation.

Master on arrival to give list of Chinese aboard.

Chinese Immigrants Regulation Act.

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.

Number of Chinese
ships may carry.
Penalty.

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.

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

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.

Penalty.

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

Vessel forfeited.

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.

Like sum for Chinese
arriving otherwise.

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 situate for that purpose a like sum of ten pounds.

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

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.

Mode of application
of payments.

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—

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

Chinese Immigrants Regulation Act.

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 *bona 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^o VICTORIA, 1881.

A BILL

To establish a Federal Council of Australia.

WHEREAS it is expedient to establish a Federal Council of Aus- Preamble.
tralia 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 Legis-
lative Assembly of *New South Wales* [or *Victoria as the case may be*]
in Parliament assembled and by the authority of the same as follows:—

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

2. The acts and proceedings of any such Federal Council Effect of Council's
representing two or more of the Australian Colonies shall have the acts and proceedings.
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 Seat in Legislative
Council or Legislative Assembly to be a Member of the Federal Council or Assembly
Council of Australia his seat in the said Council or Assembly shall to become vacant.
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.

- Royal assent to Act and Regulations.
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.
- Penalties for absence from meeting.
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.
- Allowance to Members.
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.

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 authorized 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.

Limited operation of Acts and Regulations.

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.

New matters may be remitted to the Council.

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.

Matter may be withdrawn from the Council.

Annual Report.

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 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

VICTORIÆ REGINÆ.

No. 8.

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.]

A.D. 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:—

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.

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.”

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

Intercolonial Judgments.

A.D. 1878.

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.

Certificate to be
registered within
twelve months after
judgment.

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.*

Court to have control
over certificate so
registered.

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.

No security for costs
where person regis-
tering certificate
resides out of
Tasmania.

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.

No costs in action on
judgments.

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.

Judges to make
rules.

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.

Repeal of 21 Vic.
No. 20.

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

Short title.

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

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].

44^o VICTORIÆ, 1881.

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 Inter-Short title. colonial Patents and Trade-marks Act 1881.”

2. In this Act unless the context otherwise requires—“Colony”Interpretation of terms. 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].

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

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

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].

Applicant to pay fee and deposit letters patent and specifications.

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).

Endorsement of letters patent.

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.

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

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 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 a 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 Australian 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 registered.

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.

SCHEDULE.

FORM OF ENDORSEMENT ON LETTERS PATENT.

Intercolonial Patents and Trade-marks 1881.

Pursuant to the provisions of the abovenamed 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 patents 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.)

44^o VICTORIÆ, 1881.

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

WHEREAS it is expedient to amend the laws in force in [South Preamble. 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.

1. This Act shall be called and may be cited as "The Austra- Short title. lasian Creditors Relief Act 1881."

2. In this Act unless the context otherwise requires— Interpretation.

"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 Court summons may be issued for service upon the defendant at served in any any place in any colony Every such summons shall contain in addition Australasian Colony. to

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.

Omission of endorsement to be irregularity only

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.

Service of summons.

5. Every such summons may be served by delivering a copy thereof to a defendant or be 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.

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

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.

Where defendant appears in person address to be given.

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 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."

Proceedings in default of appearance.

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 to be regulated by Court Acts.

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

Officer of Court to give certificate of judgment decree rule or order.

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.

Second Schedule.

Certificate of judgment of Court of record in any colony to operate as a judgment

11. It shall be lawful for any person in whose favour any judgment decree rule or order whereby any sum of money exceeding the sum of pounds is made payable shall have been obtained in

in any Court of record in any colony to produce to the Supreme Court of [] of the [] 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.

ment 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 favour 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 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.

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.

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

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

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 or 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.

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 Honourable THE EARL OF KIMBERLEY, P.C.,
&c., &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 honour 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

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.	£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 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 colonizing progress.

We

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 honour 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 of 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% 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 *via 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 *via Brindisi*, and a large portion of the homeward correspondence previously sent *via Southampton* was now forwarded at the 6d. rate *via 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 *via 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 *via 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

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

NEW EXPEDITION FOR DR. LEICHHARDT'S PARTY.

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

To the Honorable Graham Berry, M.L.A., Chief Secretary of Victoria.

Sir,

Melbourne, 12/12/80.

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. Leichhardt's party. The comparatively recent intelligence obtained of a supposed member of the Leichhardt 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.

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). Leichhardt has high claims on the universal gratitude of Australia; he traversed through the territory of Queensland on exploring lines of fully 1,500 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 track by pastoral settlers, near convenient harbours (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 Geographic 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, and 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 Leichhardt's, can go out of existence without leaving remnants behind for a very long series of years; thus to clear up the fate of Leichhardt'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 utilizing his talents and experiences, while still available, by which means unfaillingly 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, 11/1/81.

I DEEM it but right, honored sir, to mention, after the enlightened interest which you evince in the question of Leichhardt'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 Leichhardt's party, the several Australian Governments might have sufficient faith and confidence in me for entrusting 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 MULLER.

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 or 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.

Secretary, Chamber of Commerce, asks that desirability of adopting Decimal System of Weights, &c., for selling Grain and Produce be considered by Conference.

The Honorable the Chief Secretary,—

Sir,

Melbourne, Chamber of Commerce, 10 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.

To the Secretary of the Intercolonial Conference, Sydney,—

Sir,

Melbourne, 17 January, 1881.

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 M'COLL, M.L.A.

OUTRAGES IN THE ISLANDS OF THE PACIFIC.

APPENDIX TO REPORT OF COMMITTEE APPOINTED TO EXAMINE THE ACTS AND PAPERS RELATING TO THE APPOINTMENT OF HIGH COMMISSIONER.

SCHEDULE.

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No. 1.

Telegram to Hon. A. H. Palmer.

CREW of schooner "Prosperity," owned by myself, murdered and vessel and cargo burnt at Leonadie Island, near South Cape, New Guinea, October or November last; Captain alone supposed has escaped; value property destroyed, thirteen hundred; eight men murdered, making during last six months thirty-one men murdered from Cooktown alone, and five thousand property destroyed; no action appears contemplated by Imperial Government protect the trade; our men dare not effect reprisals or attack beforehand, which is often the only way of preventing massacres. What can be done? As Mr. Palmer is in Sydney, please get him use influence to have murderers of "Annie Brooks" and "Prosperity's" crew properly punished; no provocation this time alleged for either massacre.—WILLIAM J. HARTLEY.

No. 2.

Mr. Julian Thomas to The Secretary, Intercolonial Conference.

Sir,

169, Victoria-street, Jan'y, 19.

As *amicus curiæ*, I have the honor to submit the following to the Sub-committee appointed to inquire into the South Sea massacres. I do so as, having lately returned from Fiji, I have seen the pernicious results of the "Exeter Hall" policy of Sir Arthur Gordon and Judge Gorrie, the High and Judicial Commissioners of Polynesia; and also as the only journalist who has persistently advocated the necessity of the Colonies interfering in this matter for the better protection of the lives and properties of their citizens.

I would respectfully suggest that any resolution to the Imperial Government will be incomplete if it does not draw special attention to the powers possessed by Judge Gorrie. I draw attention to two articles written under my *nom de plume* in the *Sydney Daily Telegraph* of December 11 and January 17, and to the fact that Judge Gorrie has decided in the case of the native, Aratuga, one of the murderers of the boat's crew of the Queensland ship "Mystery," that he has "no jurisdiction"; whereas any white man charged with any offence against the natives may be tried *without a Jury* before Judge Gorrie, and convicted on native evidence alone. Such things are on record in the judicial annals of the High Commissioner's Court at Fiji.

I was myself a witness in Fiji of the supineness and indifference of the High Commissioner at the outrages committed. I saw both the "Dauntless" and "Borealis" when they returned after their white officers being massacred. In the latter case, still fresh in the public mind, the savages held possession of the ship for two days and thoroughly looted it, yet no instructions were issued by Sir Arthur Gordon to the Commodore to take any steps to demand reparation for this outrage. To this day it remains unavenged, for the man-of-war sent to the Solomons by the Commodore was to avenge the massacre of naval seamen only. One could multiply instances of this kind, which with the fact that in the Fijian Islands native policeman have power to, and *do*, arrest *white men* on most frivolous charges, and the insolence of the whole aboriginal race of the South Seas, proves Sir Arthur Gordon's public statement that these are not the countries for white men.

I have, &c.,
JULIAN THOMAS.

Papers communicated by "The Vagabond," Julian Thomas, to the *Sydney Daily Telegraph*.

[Extract from the *Sydney Daily Telegraph*, December 11, 1880.]

SOUTH SEA MASSACRES.

By "The Vagabond."

Is the Caucasian played out in the South Seas? As far as British subjects are concerned it would seem so. During the last few months outrage upon outrage, massacre upon massacre have been committed by the natives. Englishmen have died slow and lingering deaths; English vessels have been captured and pillaged. The savages of the Solomon Islands have been enjoying a saturnalia of bloodshed and robbery. With impunity they have followed up their misdeeds. Sir Arthur Gordon, High Commissioner of Polynesia, at Levuka, has prated about the "colour blindness" of the white race. Judge Gorrie, Judicial Commissioner, has from the bench enunciated most startling theories as to the inhumanity displayed towards the "poor natives." Both these officials have for years been playing to the gallery of Exeter Hall, and no doubt have acquired in Great Britain a great reputation for philanthropy—earned, as results show, at the cost of the blood of their countrymen. Now, the savages have culminated their outrages by the murder of a naval officer and four seamen. Vengeance is loudly called for, and no doubt the call will be answered; but the public mind is largely exercised as to the reason of these continued massacres. Various theories have been started. One that they are in retaliation for "atrocities" generally committed by white men; another that they are acts of revenge for the kidnapping which takes place in the labour trade; a third, with more reason, because British men-of-war have not meted out retribution for past offences. In this last argument, however, an injustice, as I shall show, is done to the naval commanders on this station.

In giving my contribution to this discussion, I speak as one having some slight authority. I know many of the Pacific Islands; I have seen the working of the "labour trade" in Queensland, New Caledonia, and Fiji. During a late three months' sojourn in the latter Colony I saw the survivors of many of the massacres of which we have lately heard. I acquired extensive information on this subject, and had evidence of the administration of justice in the High Commissioner's Court. We must discuss this subject on present issues. It is needless to go to the records of the past when white men were guilty of rapine and bloodshed in the South Seas. Little use to rake up the records of the Carl affair, nor even Bishop Patterson's opinions on the labour traffic. Kidnapping, no doubt, there was in the old days; deeds done which, to think of, makes our blood boil with indignation. What we want to know is the reason of these things *now*, when missionary influence has spread; when trade and commerce has penetrated to every island in the Pacific; when the natives are protected by a High Commissioner and many deputy Commissioners, costing Great Britain some £20,000 annually. To put it down to the labour traffic is absurd. Both Fijian and Queensland "recruiting" vessels carry responsible Government agents, whose presence is sufficient now to prevent any of the abuses which have been alleged. There is no doubt that the chief of a tribe may, on consideration of a present which he values, make a number of his followers "enlist," but as far as the Colonial officers are concerned these come away willingly. I have seen in Queensland, Noumea, and Levuka many labour vessels arrive. The "recruits" all seemed happy; there would be sure to be one amongst them who had been in the port before who would explain the many strange objects they saw, and at which they would all be amazed and amused. During their term of labour these islanders are well fed, supplied with tobacco and clothes; not too hardly worked, and, except in isolated cases, generally well used. When their three years of service is over they invest the money then paid to them in beads, hatchets, and firearms, and return to their island homes rich as one who in the old days had shook the pagoda tree. The custom, I believe, is that there is a free fight and scramble amongst the tribe for this plunder, and that the returned emigrant is generally left with nothing but the satisfaction that he has been a public benefactor. But many of the island tribes live in communities, as in Australia. "What's yours is mine" is the doctrine, and if the result of the Kanaka's labour is not much to himself, at least he has done more good to the world working on a plantation than idling away his time in a state of semi-starvation on his native island. I defend the labour trade therefore. The French vessels are, I believe, a little less particular in "recruiting," and their mode of apporportioning "hands" to the highest bidder is more like slavery. But we seldom hear of a Frenchman being killed. Why? Because France protects her citizens. If anything should happen to one of them in the South Seas a man-of-war will visit the spot, and the chief of the offending tribe will be hung. How differently has England's representative in the Pacific acted?

I charge Sir Arthur Gordon, Governor of New Zealand and High Commissioner of the Pacific, and John Gorrie, Chief Justice of Fiji, and Judicial Commissioner, with being morally responsible for the bloodshed which has occurred during the last twelve months. I will give facts to support this charge! It must be remembered that Sir Arthur Gordon is the pet, not only of the Court, but of that powerful party known in England as "Exeter Hall." Judge Gorrie is more, he is the *protégé* of the Aborigines Protection Society. In all their public acts and words they follow out the theory that the natives of the Pacific are mild, innocent savages, and all white traders and sailors in the seas murdering wretches. The poor natives must be protected. By various Acts of Council and Orders in Council Sir Arthur Gordon has absolute and arbitrary power in the Western Pacific, his jurisdiction extending over the eastern half of New Guinea. Any British subject can be "deported" from one island to another; may, without any cause but the will of the High Commissioner, be ordered to leave his business or occupation in any native island; if he refuses to comply may be taken to Fiji and imprisoned for contempt. Any Colonial or British vessel may be seized and taken to Fiji. Any British subject, for any alleged offences against the natives, may be tried before the Judicial Commissioner at Fiji—and tried, be it remembered, without a jury. All the powers of the High Commissioner have been exerted against the white and in favour of the native race, and the men-of-war in this portion of the Pacific being under his orders and instructions, the officers are not to blame for the apathy shown with regard to the loss of valuable lives.

Truly the natives have been protected well! Rehearse the events of the past two years. Early in 1879 the boat's crew of the Queensland recruiting vessel "Mystery" were murdered at Aoba in the New Hebrides. Commodore Wilson went down to get satisfaction, and on the 24th May he levied a fine of pigs, yams,

yams, and taro, with which he fed his ship's company. I wonder if any of the gallant tars felt any repugnance at feasting on the price of blood! Some few months after this the same natives murdered an American named Johnston, and they sent word that they had got the pigs ready as soon as the man-of-war wanted them. It is for this murder that we learn by cablegram the United States are determined to have satisfaction. On the next voyage of the "Mystery" on April 21, 1879, Captain Kilgour recovered his boat, which was stolen by the natives when they murdered the crew. The natives endeavoured to retain it, and shots were fired, and for this Captain Kilgour was tried at Levuka and fined £100! For recovering his own property! On the 13th July, 1879, the mate of the "Agnes M'Donald" was murdered at Pentecost, New Hebrides, but the murderer was not punished. In April, 1879, Charley Halget was murdered in the Solomon Islands, also one Robert Provost. The "Danae" burnt villages in revenge. This year the mate and Government agent of the "Dauntless" were murdered in the New Hebrides. The "Wolverene" burnt some grass huts in exchange. Then followed the massacre of the crew of the "Esperanza" and the capture of the "Borealis." Nothing has been done to avenge these outrages. Sir Arthur Gordon had a man-of-war to take him about the islands and convey him to Auckland, but he would not send it to capture the murderers. And the Commodore can take no steps in the Western Pacific without authority from the High Commissioner. From the murder of Captain Ferguson, of the "Ripple," to that of the boat's crew of the "Sandfly," every week has brought us intelligence of a fresh outrage. And it is only now that the "Emerald" is ordered to the scenes of all these massacres. Who can doubt that this long list of victims is the result of Sir Arthur Gordon's Exeter Hall policy in ordering the lives of white men to be assessed in pork. And not this only, but through Governor Gordon and Judge Gorrie, the status of the Anglo-Saxon race in the Pacific has been lowered. The former has publicly said that Fiji itself is "not a white man's country," and the latter tries to make it unbearable for them. An Englishman scarcely dare to protect his life and property in the Pacific. Besides the case of Captain Kilgour, who, being a Queenslander, got off lightly, there is that of Captain Waite, of the "Marion Renny," who, in the end of 1878, received *nine months' imprisonment* in Levuka for having fired over the heads of some presumed hostile natives. He was convicted on native evidence only. In 1879, Captain Daly, owner of the brig "Heather Bell," was sentenced to six months' imprisonment and a fine of £150 for detaining a native on board without his consent, a judgment which every one says was most arbitrary. On the other hand, when Commodore Wilson took a prisoner named Aratuga, one of the murderers of the boat's crew of the "Mystery," to Fiji for trial, Judge Gorrie said he had no jurisdiction—that the man was but acting as a soldier under the commands of his chief. In his own words, as reported in the *Fiji Times* of 14th April, 1880:—"I can, therefore, find no grounds upon which to found jurisdiction against this man in his individual capacity, or to hold him responsible for any offence committed against British law." So according to this decision the murdering native commits no offence against British law, but the merchant captain who endeavours to recover his lost property must be fined £100.

In Fiji itself the white race is perpetually degraded. To keep up a reputation at Exeter Hall, charges of cruelty, manslaughter, and murder are continually being brought against the planters, whom it is the fiction of philanthropists" to endow with all the inhumanity before attributed to Legree & Co., of the Southern States. Now, the imported labourers, natives of a hundred different isles, know all these things. They all learn Fijian, which is now the *lingua franca* of the Western Pacific. They know that no retribution has been exacted for outrages committed on whites. They know that a native, if brought to Levuka on any charge, will be acquitted. They know that the law is administered by Judge Gorrie entirely in their favour and against the white race. So when they return to their homes with the news that the white man's power of hurting them is gone, all the family or tribe take an early opportunity of having a little safe sport. Thus suddenly from many different quarters in the Pacific we hear news of massacres. I remember well when in September last the "Borealis" with her bloodstained decks came into Levuka, how in half an hour there was a knot of Solomon Islanders, New Hebrideans and others, imported labourers, who were excitedly canvassing the affair in the street. I thought then that the news that unavenged, six men had been massacred and the vessel looted, would not increase their own feelings of respect for their masters. The memory of a savage is short, justice must strike him quickly and speedily, *lex talionis* is the only law he knows. To try cases in Fiji before Judge Gorrie is a mockery. The colonies should join together to protest that the property and lives of their citizens shall no longer be at the mercy of the High Commissioner or his judicial assistant. If they were abolished altogether it would be a public benefit. Till this done will not one of our new and shining lights move in Parliament—"That an address be sent to Her Majesty praying that the powers of the High Commissioner in the Pacific shall not extend over Australian vessels nor citizens, but that the latter shall be tried for alleged offences in the South Seas in the Colonial courts. Also that the men-of-war on the Sydney station shall receive instructions to obtain atonement for the murder of Australian sailors other than by payment of pigs from the native chiefs or the burning of a few huts." It becomes now a necessity for the colonies to make a firm stand if the supremacy of the white race is to be sustained in the South Seas.

[Extract from the Sydney Daily Telegraph, January 17, 1881.]

SOUTH SEA MASSACRES.

By "The Vagabond."

IN reply to Mr. Combes' question, Sir Henry Parkes said that he did not see what the Government could do in the matter of the South Sea massacres, but that the strongest representations would be made to the Home authorities on the subject. I am sure that the Premier recognizes the gravity of the position, of the fact that the properties and lives of Australian citizens have been sacrificed during the last twelve months without redress or compensation, and that a reign of terror for the white race exists in the Pacific. All the Colonies are concerned in this, but especially New South Wales. Here in Sydney now there are widowed wives and fatherless children appealing to our sympathy and our pockets. But however strong the representation from our Government, would it have the same weight as a resolution of the Inter-colonial Conference now sitting? And no resolution, no representation respecting the need of increased protection to Australian citizens in the South Seas, will have any effect, unless it goes to the root of the matter,

matter, the powers delegated to the High Commissioner and Judicial Commissioner of Polynesia. If the Colonies could fully realise the extent to which these control their commerce in the Pacific, the arbitrary style of the judicial proceedings, the and hopelessness of redress, they would make common cause for a modification or abolition of their powers. It is greatly to be feared that at present any representation from any single Colony would either be put into a pigeon-hole, or sent to Sir Arthur Gordon to report upon. He, no doubt, would consider any interference with, or criticism of, his prerogative, a great impertinence, and in due course our Colonial Secretary would receive a snubbing letter from Downing-street, intimating that Sir Arthur Gordon was doing all in his power to stop the outrages in question. We may look in vain for any redress from the High Commissioner. He will never depart from his theory that all the poor natives of the Pacific are innocent and peaceful, and require protection from the white planters and traders.

But a resolution of the Intercolonial Conference, I think, would do good. The Imperial authorities could not disregard the joint appeal of the Colonies. And it should be fully set forth what glaring disadvantages before the law an English subject suffers in Polynesia. He is liable to be "deported" at the will of the High Commissioner, and he may have his property confiscated, and his life attempted by the natives. If he endeavours to defend these he will very possibly be tried without a jury by Judge Gorrie. If a native is charged with an offence against a European, the Judge holds that he has no jurisdiction. These things are on record, and if forcibly brought before the attention of the Imperial authorities by action of the Conference must have effect. It requires powerful action to counteract the evil results of Sir Arthur Gordon's rule in the Pacific. He possesses considerable influence in England, and has sworn admirers, who loudly assert that he is a wise and brilliant statesman. None but those who have lived in Fiji, or have had evidence of Imperial misrule there, as I have, would, until these recent massacres, have believed that Sir Arthur Gordon was anything but a Christian governor. His Christianity has all been displayed on one side however. Even the missionaries have given him up. The Rev. William Moore, an ex-Wesleyan missionary, in Fiji, and a large landed proprietor there, writing in a contemporary says, "You will see that we have no confidence in the office of 'High Commissioner' ever meeting this case." The pampering of the natives has caused them everywhere to assume a most insolent tone. Even within the last two months, since I left Fiji, this has increased. There have been many cases of assaults by natives on white men. The imported labourers care so little for their masters or the laws that they are resorting to their own customs and amusements. One of my correspondents writes:—"The Santo and Solomon boys had a pitched battle two Sundays since, at Vagadace, right by the judicial residence. Judge Gorrie happened to be out, however, teaching a Sunday class of coolies. There were several severely injured, and one man died a few days afterwards in the hospital. There is no mistaking the marked change in the demeanour of the foreign labourers, and the insolent tone they are assuming."

The Church and the London and the Wesleyan Missionary Societies are planted in nearly every island in the Pacific. Ordinary commerce and the "labour trade" have for some years brought the majority of islanders within the influence of civilization—at least they have a knowledge of other countries, and other conditions of life but their own. Is it that familiarity has bred contempt, or that the knowledge that they can commit outrages unscathed, which makes the islanders so insolent now? The massacres which have taken place during the last six months must be avenged, and the causes investigated. I, and every white man who knows the Pacific, believe that the reason is to be found in the action of professional philanthropists, who have before now trailed the honour of England in the gutter. Sir Arthur Gordon and Judge Gorrie represent these. A strong resolution of the Intercolonial Conference, or a demand for a Royal Commission to inquire into the causes and circumstances of these massacres, will alone meet the merits of the case.

No. 4.

[Extract from Sydney Morning Herald, August 21, 1880.]

MURDEROUS OUTRAGE BY SOLOMON ISLANDERS.

ANOTHER barbarous outrage by Solomon Island natives on a peaceable trading schooner has to be recorded. It was supposed that after the castigation given to the natives near Marau, and other places, by H.M.S. "Danæ," that for some time to come we should hear little or nothing of native outrages. This, unhappily, is not to be the case; for we already learn that the schooner "Esparanza," of Sydney, has been taken, the crew murdered, and the vessel plundered and destroyed by fire. Captain Haddock, of the "Queen," which arrived yesterday, spoke the "Esparanza" some time before the affair at Cimbo, or Eddystone Island, and had an interview with the master, James M'Intosh; also with the mate, Peter Gaffney. They had just come from Rubiana, where they had discharged a cargo of copra, that being the head-quarters of the fleet of Messrs. Cowlshaw, Brothers, and Captain Ferguson, to whom the "Esparanza" belonged. The "Queen" again called at Cimbo early in June, when the chief of that place and other natives came off, and reported that the "Esparanza" had put into a place known by the native name of Collolanghanga, where a dispute, it is alleged, arose between the chief of that place and Captain M'Intosh. It was stated that the natives, who were allowed on the vessel for trading purposes, came on board in swarms. One of them seized Captain M'Intosh round the neck, whilst another struck him with a tomahawk, and he died almost at once. The mate, Peter Gaffney, who was related to the master, was butchered in a similar manner, and the rest of the crew, four hands, made up of natives from various islands, were also killed in the native fashion. The schooner's trade, and everything the natives could relieve her of, were stolen, and the vessel was fired as she lay in the harbour, and was quickly consumed, with the object, it is said, of destroying all traces of the affair. The chief who reported the outrage to Captain Haddock came from the locality of the massacre. Other natives had heard of it, and the news had been received at Rubiana. The victims of this massacre—James M'Intosh and Peter Gaffney—were well known and much respected in shipping circles in Sydney. The former was once fourth mate on board the mail steamship "Australia," and leaves a widow and child in this city. Mr. Gaffney was a single man, aged 22, and he has several relatives in Sydney.

[*Extract from Sydney Morning Herald of September 30, 1880.*]

MASSACRE IN THE SOUTH SEAS.

THE Rev. George Brown, of Port Hunter, Duke of York Island, furnishes the following particulars of an attack on the trading steamer "Ripple," in which Captain A. M. Ferguson and five of his native crew were murdered by the natives of the Bougainville Island, in the Solomon Group, on the 9th September:—

"Captain Ferguson left Port Wesley (Mesko) in this group, at midnight, July 18, for his regular cruise in the Solomons. As he intended to call at Metlik (Likiliki) on his way down channel, I availed myself of his kind offer to tow my whaleboat as far as the settlement at Metlik (Likiliki); so that I was able to visit the colonists, and also our mission stations on New Ireland, with comparative ease. We arrived at Metlik on the 9th, and found the colonists still in great distress, and very anxious to be removed. Captain M'Laughlin and Captain Ferguson, I believe, made some arrangements for their removal, and as Captain M'Laughlin and I said good bye to our old friend, as the "Ripple" was steaming out, we received again his assurance to tell the poor fellows on shore that in three weeks' time he would be back again and would take them all to Sydney. It was in hastening back to fulfil this promise that he was killed. The "Ripple" arrived off Port Hunter at 1 p.m. on Thursday last, 12th instant, and we were at once in joyous expectation of seeing again our old friend, and of receiving our letters from home. As she steamed into port we saw her flag at half-mast, but we thought that she was probably bringing up some of the colonists who had died, as we left one or two very unwell. I sent a note down, but the chief soon came running back crying bitterly, "O, Mr. Brown, Alick! Alick!" the name by which he is known here. He would say no more, but just sat and cried. I got the mate's note, and at once hurried on board. I shall never forget that day. The mate and men could not speak, but just led me into the cabin and pointed to the blood-stained sides and roof, and to the cuts made by the tomahawks, and then we all wept together. Then, by degrees, we heard the story. The "Ripple" called at a place near Cape de Gros, on the east side of Bougainville Island, on her way up here. Captain Ferguson had never been in that place before. On the 8th they bought several bags of bêche-de-mer and shells, and found the natives all friendly and apparently quiet. On the 9th they commenced trading again early in the morning. At 8:30 a.m. a large fleet of canoes came off with bêche-de-mer and shells, and the mate computes that altogether there were about 300 natives in and around the ship. At about 8:45 a.m. the attack commenced. It is supposed that Captain Ferguson was in his cabin looking out on the deck when he was struck down by a blow across the side of the head. The man who struck him must have been hiding by the side of the door, as the blow was a left-handed one, and the tomahawk in descending cut a deep mark on the upper side of the doorway. The steward was down the after hold, engaged in handing up some stores by the captain's orders. He heard the captain call out, "I'm killed!" and immediately received himself a dreadful wound in the neck from a tomahawk. He fell back, but recovered, and, with his revolver, shot the two men who were standing over the hatchway, one of whom, it is pretty certain, was the man who struck down the captain. The mate, who was on the main hatch, was struck by a tomahawk, fell, and received several severe cuts when down, but his assailant was engaged by one of the native crew, and he soon recovered consciousness and helped in the fight. The engineer, Barnard Watt (Barney), first fell; the blood and brains of a poor native lad, who was at the wheel, splattered in his face, and then was fired the first shot. He was protected by the boat, and so was able to fire until his ammunition was out. He then went to the cabin for more, and there found Captain Ferguson quite dead on the floor, and a native woman, who was a passenger, also dead. The natives fought hard, and when driven off the ship's deck still kept up the fight from their canoes, discharging arrows from a comparatively short distance. This fight, however, was too unequal to last long, and, as the bullets from the rifles began to tell, they gave up the attack and pulled away for the shore. It was then found that four were killed, viz., Captain Ferguson, a native woman, and two natives, one of whom was taken away by the natives. The mate (Mr. Davis), the engineer; Mr. W. Pense (a passenger), and five of the crew were wounded, some of them very severely. Steam was got up, and at half-past 10 a.m. the vessel was steamed through the passage, and stood away for Duke of York. All seem to have done their best to save their lives and the ship. The steward (a Japanese) is praised by all for his bravery; though wounded in the most dreadful manner in several places, he fought until the ship was clear and the natives driven away, when he fainted from loss of blood; and now the poor fellow wins the respect and love of us all by his care of the poor men who are fellow-sufferers with him. As soon as I got the account of the affair we got the wounded men on shore, and I then sent away my boat to New Britain to inform Mr. Stevens, one of Messrs. Cowlishaw, Brothers' agents, of the affair. I also sent a note to Captain Izar, H.M.S. "Conflict," and he at once came on board with Captain Hemsheim, and kindly offered us all the help he could give us in attending to the wounded men, or in any other way. All the poor men who were landed were dreadfully mutilated, and from the length of time which had elapsed the work of sewing up and dressing the wide-gaping wounds was made both very difficult and and unpleasant. One poor fellow, who had no less than eight deep gashes, lingered until to-day (17th), when he died. Another one cannot possibly recover, I think, unless the leg is amputated, as his left leg is almost cut through at the knee. The white man, William Pense, has both arms broken, and received also some very severe wounds on the neck. The Japanese steward has, in addition to some smaller ones, a dreadful gash in the neck, which has laid open the whole of his neck from near the ear to the collar-bone. I hope he will recover. The excitement amongst the natives here was very great indeed, and I am very certain that very few mourned more sincerely for Captain Ferguson's death than did Torogood, a chief of this island. I never saw a native express such deep feeling. On entering the cabin he burst into tears, threw himself down on the floor, knocked his head against the side, and fairly howled in his sorrow and anger. He was very anxious then to know how far the place was, and if he and his people could be taken there to fight. Next day he destroyed his plantations, and burnt and destroyed all the clothing and other presents which had been given him, blackened his face, divided out native money, and observed every form of mourning according to native custom for a very near relative. All the natives here feel that they have lost a good friend by this said calamity."—30/9/80.

No. 6.

[*Extract from the Sydney Morning Herald of December 2, 1880.*]

ANOTHER MASSACRE IN THE SOUTH SEAS.

CAPTAIN VRIER, late of the schooner "Vibilia," of Sydney, arrived at Cooktown on November 22, and reports the loss of his vessel on September 2, at the Louisiade Archipelago. All hands were saved. The vessel was beached at Kolumna Island. The captain and five men proceeded in an open boat, and arrived on October 18 at Teste Island, where the native missionary informed him that Captain Foreman and the crew of the "Annie Brooks," schooner, from Cooktown, were murdered by Brooke Islanders at Newstone Island, early in September. The vessel and a valuable cargo of bêche-de-mer, the proceeds of five months' fishing, were entirely destroyed. He also reports that a party of French naturalists, all residents of Cooktown, had been murdered at Jannes Bay, Morseby Island, early in October. Their boat and collection was destroyed without any provocation. Captain Vrier proceeded to Kerepuna mission station, and bought the wreck of a Chinese junk taken by the Aroma natives in July last. The Rev. Mr. Chalmers supplied the necessaries for repairing the vessel, which started for Kolumna; but making too much leeway, she bore away for Cooktown. The names of the Annie Brooks' party were—Captain Foreman, Purdie, M'Rae, Campbell, Hastings, Jeffries, two other Europeans, and three Chinese. The French party consisted of Auguste Naudan, John Chambord, and three other Europeans. Captain Foreman's family reside in Sydney.

No. 7.

[*Leader in Sydney Morning Herald of November 30, 1880.*]

THE disaster which has befallen the commander and five seamen of H.M.S. "Sandfly" is the saddest that has reached us since the massacre of Commodore Goodenough. There seems to be too much reason to believe that this catastrophe has also been the outcome, if not of a want of forethought, of an excess of confidence in a treacherous and savage race. We know that it is always easy to be wise after the event. The fact must not be overlooked that those who would hold intercourse with native races must, to a certain extent, put their trust in them. It cannot be forgotten, however, that the Solomon Islanders have acquired for themselves a savage pre-eminence. Even if that were not the case, the stories of massacre which have reached us from the Islands of late ought to be sufficient to teach Europeans the folly of placing themselves at the mercy of the natives. The account of the "Sandfly" disaster is a short one, and circumstances besides those which are reported may be necessary to a complete knowledge of the case. But if the statement made by the sole survivor be correct—and of that there can be little doubt—the unfortunate commander of the "Sandfly" seems to have acted with less prudence than might have been expected from an officer in his situation. It is stated, for example, that on reaching Nogu Island the company from the "Sandfly" hauled the boat up and had tea there. This being done, two of the men went to bathe, two others with the captain went along the beach, the sixth man being left to look after the boat, the firearms which the party had brought with them being left in the boat. The result was pretty much what might have been expected. The party were surprised. A crowd of about fifty natives surrounded the boat, a second set of savages attacked the men on the beach, and a third the two men who had gone into the water. The commander fled to the branches of a tree, and there found a refuge for the night, but was shot down in the morning by means of his own firearms. The lesson from all this is a sufficiently simple one, and it is to be hoped that it will not be lost upon those who may find it necessary to visit the group where the unfortunate captain and men of the "Sandfly" met their fate. The case supplies us with another illustration of the fact that the policy of venturing upon an island of bloodthirsty savages without arms, and even without suspicion, may be carried too far.

But it is evident that, if commercial intercourse is to be carried on between these colonies and the South Sea Islands, something besides prudent measures will have to be adopted. There has hardly been a month or a fortnight of late without its story of a South Sea Island massacre. The natives are discovering that they can murder white men with impunity, and, thus encouraged, it is not surprising that they murder them whenever an opportunity is offered. The evil is becoming a little too common and too serious. There is no evidence that it has given much concern to the authorities at home, but it is possible that the attack which has been made upon the British flag will produce the conviction that it is one which calls for the prompt inquiry and for an effectual remedy. There is a growing feeling to the effect that sufficient protection is not afforded to ordinary traders in the South Sea Islands, and atrocities like the one we report to-day will serve to show that there is insufficient protection for the officers of justice themselves. It ought not to be too much to expect that in a well-ordered nation like ours there should be ample means either for preventing these massacres or for punishing the perpetrators of them; but in reply to this the naval authorities in England would say that they have a great deal else to think about just now, and that the South Sea Islands are a long way off. It must be confessed that it is much easier to complain of these South Sea Island atrocities than it is to divine the cause of them, or to put a stop to them. There are those who tell us that there is a common law of retaliation in the South Seas; and that, if the facts were known, all the misdeeds of the islanders might be traced to misdeeds on the part of traders. Others, however, who claim to understand the South Sea islanders tell us that there are sections of them who perpetrate atrocities for no other reason than that they delight in blood, and those who read such reports as the one which we publish this morning will have no difficulty in coming to this conclusion. The effectual cure for these atrocities is, of course, to be found in civilization or in Christianity. But civilization is a slow process everywhere, and it is especially slow among savages like those of the South Seas. We have been trying to civilize these races for half a century past, but the area of our operations is still comparatively small. Civilization in regions like these is more easily talked about than accomplished. The same, to some extent at least, may be said of punishment. It is easy enough to throw a few shells into such a group as the one which has been the scene of this outrage; but if the shells do any execution at all they are as likely to reach the wrong parties as the right ones. They may do mischief to the

savages

savages who inhabit the coast, but this is no lesson to those who fly to the interior. The whole subject is surrounded by difficulties; but for that reason it is worthy of more attention than it generally receives in England. The philanthropists of the mother country are generally ready with a protest when the blacks receive injuries from the whites, but, as a rule, they do not show any great concern when the injuries are in the other direction. There is a good deal that is defective in this one-sided philanthropy. It is not desirable that we should have one law for civilised races and another for savages. If we punish the whites for the wrongs they do, we are bound to see that the blacks are punished likewise. But this is not what we are doing. Savages, like those who people the Solomon group, have for some time past been showing the world that they can kill and eat white men, and go unpunished.

No. 8.

[*Extract from the Sydney Morning Herald, September 29, 1880.*]

FOR the sake of natives, as well as of traders, the Solomon Islanders who so savagely murdered Captain Ferguson and the three or four brave men who perished with him, ought to be promptly and severely punished. It will be a serious calamity if atrocities like this are allowed to be perpetrated with impunity. Savages have but one way of regarding immunity from punishment, they look upon it as an indication of weakness on the part of the whites whom they delight to illtreat, and from it they naturally draw encouragement to continue their sanguinary courses. That the natives of some of the islands of the South Seas are taking this view of the license which they enjoy may be inferred from the increasing prevalency of massacres in Polynesia. In the Solomon Islands especially, murders by the natives have been painfully numerous of late, and there seems to be too much reason to fear that, unless a wholesome lesson is administered to these cannibals, a reign of terror will be established before very long.

The massacre of Captain Ferguson and his comrades is one of the saddest that we have had to record for some years. It is difficult to account for an outrage which, so far as we are able to learn, was wholly unprovoked. The theory has been that such acts of hostility to white men have a cause of some kind or other. It has been said that they cannot be accounted for merely by an inborn love of cruelty, or by a natural hostility to strangers, but are inflicted in return for wrongs that have been inflicted upon the natives. The law of retaliation we are told is common law among the natives of the South Seas; by virtue of it one man is punished for the crimes of another, and a whole people are held responsible for the misdeeds of an individual. It was said, as our readers will remember, that the inflicting of five wounds and no more on the body of Bishop Pattison, made it certain that he had been murdered in revenge for the death of five islanders. Another notion has been that the atrocities in the South Seas are usually originated by some two or three ringleaders, who stir up the islanders for the purposes of their own profit or revenge. It is now becoming clear that these explanations of Polynesian massacres will have to be modified or given up. The "Ripple" was attacked by no less than three hundred natives, and the only conclusion to be drawn from the sad story which has reached us is that this murderous horde was moved only by a savage thirst for blood. In former times, when abuses by traders were doubtless too frequent, there was some reason for the belief that massacres were committed in revenge for wrongs received.

These abuses, however, have now for the most part ceased to exist. The great majority of the traders in the South Sea are men of character and respectability, and the trade itself has for some years past been under strict Government control. Captain Ferguson especially was known throughout the islands not only as an honest trader but as a philanthropic man. On many occasions he distinguished himself by his courage and self-denial, and was the means of saving a large number of lives. From the Solomon Group he was to sail on a mission of benevolence to the unhappy island where the remnant of the colonists of the Marquis De Ray were in a state of destitution, and, from the evidence which has reached us, it would seem that he was detained at Bougainville Island as much in the interest and desire of the natives as for purposes of his own. Under these circumstances his murder was marked by peculiar features of atrocity, and it will be an ill omen for the future if such an outrage as the one in question is allowed to go unpunished.

It is easy to see how a massacre like that of Captain Ferguson might have been avoided. It is said that the captain ought to have been on his guard; that traders should on all occasions treat South Sea Island natives as potential murderers; and that it was a fatal mistake to allow so large a number of islanders to board the vessel at all. This may be all true. The policy of trusting a set of bloodthirsty savages may be most ill-advised; but after the event it is generally easy to see what ought to have been avoided. Successful traders find it necessary to trust the natives up to a certain point, as well as to watch them. It is also said that those who trust their lives among savages must take the consequences. As long, however, as British subjects are engaged in legitimate trade, they are working for the benefit, and are entitled to the protection of their country. These Colonies reap no small advantage from the South Sea Island trade, and they expect to reap larger advantages hereafter. In a remoter way the trade of the islands is as necessary to the mother country as to the Colonies. Where we push our trade we should have some legal machinery for protecting our interests. In the South Seas this machinery is at present a most imperfect one. In some parts of the islands, indeed, it does not exist. We may go farther and say that the protection to life and property is smaller in some parts of the South Seas than it used to be. In a general way it is the business of the High Commissioner to protect the natives against outrages from the whites, and also to see that the whites are protected from outrages by the natives. But events have shown that even the first of these functions has been very imperfectly carried out, and in too many instances the second has been found to be inconvenient or impossible. A year or two since we had to report the cases of several whites who were in custody on the charge of having perpetrated crimes in the islands, but who had to be liberated because the Court before which they were brought had no jurisdiction. British subjects have in too many instances had to take the law in their own hands or to place themselves at the mercy of lawless savages. Formerly it was understood that it was the business of Her Majesty's ships of war to be travelling police stations, and it may be that they are still looked upon in this light; but by the authorities at home any such action on the part of Her Majesty's ships is regarded with grave suspicion. Last year the First Lord of the Admiralty, although declining to censure a lieutenant who tried and hanged a native for murdering a British subject, expressed his regret that such a procedure had been

been resorted to. An English journal, commenting on this matter at the time, remarked that there could be no greater error in policy than to convert Her Majesty's ships into travelling police stations with power by a drum-head Court-Martial to condemn the natives of the Pacific Islands to death.

It will thus be seen that not only is there no machinery of justice for British subjects in many parts of the islands, but that there is extreme unwillingness to sanction the only machinery that can be sent there. What, then, is to be done? We all remember the outcry that was made a year or two since when a missionary at New Britain, in the absence of the protection of the law, became his own protector; and the outcry was not an unnatural one. The authorities have found that the action of the missionary concerned was not unjustifiable under the circumstances, but we should none of us like to see a sort of Lynch law set up in the islands either by missionaries or by traders. It is evident, however, that unless British subjects who trade with, or reside at, some parts of the islands, protect themselves, they must remain without protection. This is not a satisfactory state of things. Such British subjects as Captain Ferguson are not invaders, for the stations at which they trade are usually formed with the consent of the natives. They have, therefore, a right to judicial protection against the excesses of the islanders as the islanders have against their excesses. As matters stand at present there is insufficient protection on either side, and neither the Home authorities nor those authorities of the Colonies are greatly concerned about increasing it. In a recent debate in the House of Commons strong words were spoken against supposed severities inflicted by British subjects on the natives of barbarous countries, but nothing was said as to the necessity of the Imperial Government doing something to take this responsibility out of their hands. In England politicians have too much to do to allow of their concerning themselves very greatly about what may become of British subjects in the South Seas. This is one of the matters on which the English Press maintains a studied indifference. Colonial Government have not begun to consider it a part of their duty to protect the traders of the South Seas; but the subject is one which they might conveniently consider, and which they might press upon the attention of the authorities in Downing-street.

No. 9.

[*Extract from the Sydney Daily Telegraph, December 3, 1880.*]

It is gratifying to learn that the Naval authorities have awakened to the demand for retribution against the Solomon Island savages who committed the atrocious outrage on the Commander of "Sandfly" and his boat's crew. It appears that H.M.S. "Emerald" is to be despatched immediately for the scene of the outrage, with orders to make an example of the guilty islanders. We must confess to a sentiment of hope, that the Captain of the "Emerald" will not neglect to fulfil his instructions to the letter. There are many people who regard these Polynesians much as mere children, and who are ever ready to produce excuses for the most cunning and cruel murders committed by the islanders. The point is, however, as to how the Pacific islands are to be made available for civilised man if crimes such as the last one committed by the Solomon Islanders are allowed to go unpunished. Gentle means have been tried, and have signally failed. The only course now open is to bring the teaching of fire and sword to bear upon the minds of the barbarians. Moral suasion and rosewater arguments have clearly no application here; and the sooner the Imperial Government come to appreciate this feature of the situation the better for the advancement of civilization in the Pacific. Adventurous Englishmen are bound to find their way to the various archipelagos that besprinkle this ocean. If they are not efficiently protected against the savagery of the aborigines, in the end it will be the old story of innumerable cruel murders and the staving off of utilisation of these oceanic patches of fertile soil to some remote date.

[*Extract from the Sydney Daily Telegraph, December 4, 1880.*]

It is assuredly not too soon for the "Emerald" to be moving towards the Solomon Islands. The cruiser "Beagle" has brought intelligence of another massacre by the inhuman inhabitants of this archipelago. Captain Murray, of the schooner "Loelia," two white men, and a native, on this occasion, were the victims. The necessity for inflicting severe chastisement on these savages is now too obviously imperative to need further enforcement. The only question to be considered is as to what punishment would be condign in the circumstances. Clearly the old programme of shelling a few forsaken villages must be discarded. The savages must be hunted down somewhat and made to feel that British reprisals do not always consist in quasi-pyrotechnic displays. The shelling of villages customarily involves merely the destruction of a few miserable habitations that can be rebuilt in a day, and the excitement of some evanescent emotions of terror in the minds of the savages who witness the process from afar off. This method of dealing out sharp justice to the Solomon Islanders must on this occasion be abandoned; else there will be no end to the horrors of which we are constantly hearing. The course that the captain of the "Emerald" is called upon to pursue certainly does not form part of a civilised programme, and no doubt that gallant officer would fain be relieved of the unpleasant duty that is thrust upon him, for it is nothing less than the execution of the *lex talionis* to the very letter. 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. The crew of the "Sandfly" will for the time-being join the "Emerald," and they will be in a position to recognise and point out the offending tribes. In this way the uncomfortable impression will be removed that the innocent are being punished for the guilty. Those who are responsible for the massacre will be made to pay the penalty, and their punishment, it is to be hoped, will be such as to deter other savages from similar acts.

[*Extract from the Sydney Daily Telegraph, December 6, 1880.*]

WE wonder what the authorities in England will think of the conduct of the High Commissioner of the Western Pacific, and of the Commodore of the Naval Squadron in these seas, when they hear of the savage atrocities that have been committed by the natives of several of the islands in the South Seas during the past few months, without any attempt having been made to interfere for the protection of the lives of Her Majesty's subjects. If the Imperial Government is not thoroughly demoralized by the cant of Exeter Hall, these officials with high-sounding titles, whose neglect of duty is so painfully apparent, should hear something, if not to their advantage, at all events to the advantage of those whose lives are at the mercy of their interesting *protégés*. There have been some seven or eight massacres within the last
three

three or four months, and we have not heard that the slightest effort has been made to check the series of slaughters. No remonstrance has been made with any of the chiefs of the Cannibal Islands, and not even a missionary has been sent to convert these people from the error of their ways. The High Commissioner might just as well have been in London with his friends at Court, or at Timbuctoo, as at Fiji or New Zealand. This gentleman, who has been recently appointed Governor of New Zealand, has taken the natives of the South Sea Islands under his special protection, so that the whites find their colour to be a disadvantage. The gravest complaints have been made in Fiji of the effect of the policy of the High Commissioner, who is virtually Dictator in these islands. The results of that policy we have seen in the repeated murders that have taken place, without apparently any provocation having been given. The impunity with which the treacherous savages of the South Seas have committed atrocities has of course had the effect of increasing their audacity. They evidently think either that the British Government is careless of the lives of its subjects or is powerless to punish. A few weeks ago a message appeared in the Sydney papers, purporting to emanate from Hailey, the chief of the island Coolangbangara, describing in exulting terms the massacre of the crew of the "Esperanza." The shrewd savage laughed at the idea of his being punished for what he had done by a man-of-war, which only fired big guns, made a great noise, and smashed cocoanut-trees. He recounted all the vessels that had been taken and their crews murdered, and yet no one punished; and why, he asks, should he be punished? Whitefellow was, in his opinion, only like a woman as far as fighting went, and he wished the man-of-war to come so that he could get more heads. This miscreant's boasting is the practical commentary upon the British policy in the South Seas as exhibited by Sir Arthur Gordon and the Commodore of the squadron. A man-of-war did go to one of the Solomon Islands—the unfortunate "Sandfly"—and the boast of Hailey was realised. More men were murdered, and more heads taken to hang up alongside of those that had already been obtained. The "Sandfly," forsooth, was among the islands surveying, as if among peaceable islanders, instead of among the murderers of so many white men.

The particulars of the horrible massacre of the crew of the "Esperanza" appeared in the Sydney papers two months ago; and what has been done to teach Hailey and those like him that white men are not to be murdered with impunity? Positively nothing. We would have thought that this massacre and the insolent defiance of the chief who could be identified would have induced some action on the part of the High Commissioner or Commodore Wilson, even if they thought the previous atrocities unworthy of their serious notice. Yet, so far as the public are aware, the news of this massacre, like that of those which preceded it, was received with perfect indifference. The "Wolverene" and three or four other vessels of the squadron of course put in an appearance in Hobson's Bay, and the crews took part in the formalities of the Exhibition opening on the 2nd of October. Their participation in these idle pageants, when they should have been doing their best to preserve the lives of their fellow subjects at the Islands, was bad enough; but what are we to think of their subsequent proceedings, after the news of the "Esperanza" tragedy had been received, and the taunting message of chief Hailey had been made public? Why, the Commodore takes his vessel off to Adelaide! What did he mean by turning his ship's bow to the west, when he should have gone to the east? Recent telegrams have kept us informed of the gallant uses to which the officers and crew of the "Wolverene" have been put in Adelaide. The officers have been attending balls at Government House, and they and the crew have been playing in cricket matches! Here are nomad heroes with a vengeance, deliberately forsaking their plain duty and leaving their countrymen to be murdered at the Solomon Islands. That these last murders of the captain and several of the crew of the "Sandfly" would have been averted if the High Commissioner and Commodore Wilson had done their duty in the case of the "Esperanza" and the other vessels whose crews were massacred is plain enough. What that inflated gentleman who is dubbed High Commissioner was doing we do not know, but we know how the Commodore and his crew were employing their time. What the "Emerald" and the other vessels of the squadron have been doing we do not know. For some time recently the "Emerald" has been lying snugly in Farm Cove, and now the "Cormorant" has come in to follow suit. We do not grudge the officers and men of these vessels a well-earned leisure, but what on earth do they mean idling their time here when the blood of British subjects cries up from the ground at the Solomon Islands, and every new arrival brings us intelligence of fresh atrocities? The people of Great Britain pay a heavy bill for their navy, and this is how that portion of it in the South Seas earns its wages. When these matters come under the notice of the House of Commons, as of course they will in due course, strict account will be required of the conduct of those concerned.

The "Emerald" is to leave to-day, we understand, for the scene of the massacre of the "Sandfly's" captain and crew. If it is only to repeat the old farce she had much better remain where she is. To sail round an island and shell villages is a proceeding worthy of all the contempt with which "big fellow King Hailey" speaks of it. A great deal of nonsense has been written about the "difficulty" of dealing with these massacres. If they occurred on the coast of a continent or large island we could understand it, but on small islands the case is quite different. Of course it will be difficult so long as the captain of the man-of-war will not stay to do his work effectually, but is always so anxious to get back to the capitals of the colonies. The captain of the "Emerald" can do the work well enough if he is allowed and if he will take the trouble. He must have as many of the "Sandfly" men with him as possible, and especially Savage, the man who had such a marvellous escape. He can easily obtain sufficient evidence from the friendly chief who saved Savage's life to identify the tribe which took part in the massacre. He must at all cost and hazard get hold of the murderers, so that they may be dealt with as they deserve. The other murderers, Hailey included, must be looked after, and the natives taught that they can no longer indulge in these murderous outrages with impunity.

[Extract from the Sydney Daily Telegraph, December, 7 1880.]

In another column appears a letter from the Rev. A. N. Murray, missionary, in reference to the recent massacres by the natives of the Solomon Islands. Mr. Murray's high character and his experience among the savage tribes of the South Sea Islands entitle his remarks to consideration and respect. He charges us with overlooking the other side of the question in our remarks, whilst dwelling on the necessity of inflicting such punishment upon the perpetrators of the recent outrages as will deter the natives of these islands from committing any such atrocities in future. We may with truth reply that the missionary is not the most impartial judge in these cases—that he is too prone to regard the natives as his *protégés*, and to find excuses for their conduct. The missionary's sacred character appeals to the superstitious

superstitious reverence of the natives, and, except when the passions of the latter are aroused, or when among strange natives, they have very little to fear. With the traders and the crews of vessels the case is very different. They find that they must be constantly on the watch against attack, and that even when they have given no provocation the natives may be covetous of the goods they see and bent on plunder, or bloodthirsty, or they may be excited by the injustice and the violence of white men previously. Among savages, as amongst civilized people, there are numbers whose evil passions can only be restrained by a fear of the consequences. Among our own population unfortunately there are too many who, under similar circumstances, would act just as the savages of the Solomon Islands have acted, and it would be just as absurd in their case to raise the plea that they were provoked by wrong-doing into bloody retaliation.

We quite agree with Mr. Murray that many of the atrocities committed by the natives of the South Sea Islands are simply acts of retaliation, and that in the infliction of punishment we should bear this in mind. We did not refer to this fact, because it was not essential to the view we took. The object of our notice of these massacres was not to induce an indiscriminate slaughter of the natives in revenge for the cruel murders committed by them, but to rouse up the authorities to a sense of their duty. If crime was rampant in the Colony, and allowed to go unpunished until impunity engendered greater audacity, we should call the police to account. There is a very expensive system of police provided for the Pacific, and yet the natives are constantly robbing and murdering the white men who go to the islands. We say, where are the police, and what are they about to allow this state of things? It may be that some of these atrocities have been perpetrated in retaliation for grievous wrongs inflicted by the white man. All the more reason say we why the police should be at their posts doing their duty. All the more disgraceful, we contend, that Her Majesty's men-of-war should be absent from the localities where they are wanted, and that the High Commissioner did not issue orders months ago for one or more of these cruisers to visit the islands and restore peace and order. When they should have been at the islands they were enjoying themselves at festivities in the capitals of the Colonies—a modern illustration of Nero fiddling while Rome was burning. We want the authorities to do their duty and to do it properly. We do not counsel an indiscriminate attack upon villages and men, women and children, but a patient and intelligent hunting-out of the murderers, and a certain and speedy punishment. Speedy action may do some good for the wretched savages themselves, for we observe that these *protégés* of Mr. Murray's have taken to wholesale massacre among themselves.

[Extract from the Sydney Daily Telegraph, December 8, 1880.]

THE SOLOMON ISLANDS MASSACRES.

To the Editor of the *Sydney Daily Telegraph*.

Sir,

We have had scarcely time to recover our equanimity when our feelings are again shocked in hearing of a renewed atrocity in the islands of the Pacific. In giving vent to your feeling on the subject your indignation exclaimed—"What are H.M.S. "Emerald" and others doing in Sydney Harbour while such outrages as these are being perpetrated on the British subject and against the British flag?" Was the subject so shocking in its surroundings that you did not care to dive into the moral filth that surrounds it? You exclaim—"Why is it that the British flag is thus reviled and singled out amongst the savages of the Solomon Islands?" I assert that the reason can be assigned to one cause only, and I look upon it as the foulest blot resting on the British flag. It is the abominable practice of slave-stealing carried on under the name of trade. These islands are the favourite recruiting grounds, and so pernicious has the trade become that it is not safe for a vessel flying the English flag to frequent the places. I have been an observer of events in those islands, so far as information can be obtained through the Press, and no observer of such can be at all surprised to hear of these massacres, the most unfortunate part of which is, that it is not the wretches who have decoyed their men and boys, kidnapped their women, violated all that is as dear to the savage—and in many cases more jealously guarded and prized as to the highly boasted and civilised white men, that have suffered in these massacres. Sir, the subject is a moral cesspool; why should it be tolerated? Why should valuable lives be endangered through the abuse of this infernal traffic in human flesh? Stay! I may be told such things are not possible, the thing generously guarded from abuse by Act of Parliament, greater the reproach to us that an Act of Parliament is necessary to do so. I believe that none but those who are directly interested in this cursed traffic can for one moment conceive the terrible abuses that are perpetrated, and the subterfuges adopted to deceive and wrong these unfortunate islanders. I do not say that they are angels in all their transactions with others. I think the same may be safely said of those who have traded with them. They are no better than the class of white men they have had to deal with has made them; they have been treated and dealt with as savages, as beasts of the field, and they have been only true to nature. Nothing belonging to them has been held sacred; on every opportunity their wives have been violated and abused. The account of Savage, the hero of the day, goes to confirm the above, that their women were guarded with jealous care. From New Guinea we have a confirming report, that it is almost impossible to induce the natives of these isles to leave by fair means. At the present time the mate and charterer of a vessel just returned from a labour cruise are under charge for malpractice in connection with this revolting traffic in human flesh. I can hear some say they are only niggers, and are not fit to be at large, save as slaves. That idea is exploded. We need not leave the islands of the Pacific to find facts to rebut this. Since writing the above I learn that a man-of-war is to be despatched to these unfortunate islands to wreak vengeance on those benighted savages; and this is just what, in your wisdom, you desired should take place. I cannot agree with you that it will have the effect of accomplishing what you desire, while black-birding is made lawful by the British nation, and she allows vessels to carry slaves in the Pacific Ocean, flying the Union Jack, whilst on the coast of Africa and the Indian Ocean the same flag boasts of being a terror to slave-traders. This is why the British flag has lost its respect with the savages of the isles of the Pacific. It will scarcely be necessary to make out a case to go through the long list of massacres on both sides, from the atrocious brig "Carl" butchery. It makes one's blood curdle to think that men go there in the guise of bishops to enable them to accomplish their villainous purpose for the sake of lucre. I do not say that the foregoing will supply a full justification on behalf of the islanders for committing the late disastrous outrage, but I think it has furnished a means whereby they have been educated up to their present unenviable notoriety.

Noble

Noble lives have already been sacrificed, and will continue to be so while things are *in statu quo*. I have no doubt but that retribution will be dealt out unsparingly by the shipmates of those unfortunate men; but I question whether it will make the natives any more friendly once they have received their chastisement. This, sir, is our boasted civilization in a land where men and women read and pray.

Yours, &c.,

J.G.K.

Illawarra, December 6th.

[Extract from the Sydney Daily Telegraph, December 9, 1880.]

IN our issue of yesterday appeared a letter signed "J.G.K.," in reference to the recent massacre at the Solomon Islands, the writer of which is evidently a strong sympathiser with those interesting savages who treacherously attack their victims, mutilate their bodies and eat portions of them. He thinks that the "cursed labour traffic" is at the bottom of these massacres, which are committed in retaliation for the forcible abduction of the natives and interference with the women. He adduces no proof whatever of his statements, but is clearly under the impression that the abuses of several years ago are the causes of the atrocities committed by the Solomon Islanders now! An article in another column gives us the experience and the opinions of Captain Woodhouse, of the schooner "Ripple," on this subject. He states that since the Labour Act was passed six or seven years ago the unlawful trade that was then carried on has ceased. So far from the natives of the Solomon Islands having any distrust of the British flag, they show the utmost confidence in its protecting power for themselves, for they venture on board English vessels without any hesitation. The Rev. Mr. A. W. Murray states that the British flag is held in higher respect than that of any other nation, because of the confidence that is felt by the natives in British justice and fair consideration. It is very clear then that it cannot be true that the abuses of the labour traffic have so exasperated the natives that they commit these murders in retaliation, for they would naturally take care not to trust themselves on board British vessels, and they would hardly respect a flag associated with such disgraceful practices as are referred to by "J.G.K." The latter, misquoting some of our remarks, states that the abominable practice of slave-stealing is the cause of the British flag being "reviled" and hated by the natives. He quite misunderstands us. What we said was that the British flag had ceased to command the same respect as the flags of other nations, because the natives found that they could commit crimes with impunity upon British subjects. In fact, under the *régime* of Sir Arthur Gordon things are quite reversed. The white man is rigorously punished for any wrongdoing to the brown man, but the latter is never punished at all, no matter what he does. If the white man attempts to resent any action of the natives he knows he will be called to strict account, and even if he defends his life he is running a risk of putting his head into the halter. The British flag may be regarded with "respect" in the sense in which Mr. Murray uses the word, although "J.G.K." thinks differently, but it is not the respect with which any fear is mingled. It is now the flag which invites attack, because no punishment follows. The unfortunates who sail under it are practically in the position of men whose hands are tied behind them, because some of their countrymen have put their hands to a bad use. Our correspondent says we are "desirous of wreaking vengeance upon these benighted islanders." If he means by this that we wish to see the perpetrators of the murders brought to punishment, and hung up as a warning and terror to other savages, then he is right. But this is no more vengeance than hanging Scott or Ned Kelly was. The suggestion that these savages are so benighted that they are not murderers in the ordinary sense is ridiculous. They are perfectly well aware of the crimes they have committed, and of the penalty which white men exact for them, and any plea of ignorance is absurd. If they have had any provocation or were first attacked the case would be different. A judicious officer will take care not to act until he knows for certain that there is no mistake. Let the guilty be punished when their guilt is clearly established. We hope there is nobody prepared to waste any sympathy upon these murderers, though nothing should surprise us after the exhibition in Melbourne in favour of reprieving Ned Kelly.

British subjects have a right to protection in the South Sea Islands just as much as in South Africa, or on the Gold Coast, or in Afghanistan. The outrages committed by King Coffee of Ashantee were very properly punished by a body of British troops under Sir Garnet Wolsely, in 1874, and Coomassie, his capital, was burned. These outrages were not more flagrant than the South Sea massacres. It will be a bad thing for the loyalty and devotion of the colonists if they are compelled to the conclusion that there is less consideration shown to them than there was to the traders on the Gold Coast of Africa. If the British connection means that the trade of New South Wales with the South Sea Islands is to be abandoned or only carried on at the risk of life, then we say the people of this Colony will have to consider how best to protect their trade themselves. We do not know what action the Government are taking in this matter, or whether they are taking any action at all; but we do trust that they will probably represent the interest of New South Wales, and that the Governor will make such representations as will cause the High Commissioner to realize the necessity of his teaching his *protégés* to behave themselves. The statements of Captain Woodhouse in another column, to which we have already referred, show very clearly that there has been gross exaggeration as to the alleged provocation to the natives of the Solomon Islands. The slave trade of several years ago has ceased, and the islanders are thoroughly protected against any such abuses as were rife some years ago. The traders find it to their interest to keep on friendly terms with the natives who trade with them. No doubt there may be instances of white men on these trading vessels misconducting themselves, but as a rule, care is taken not to give the natives any offence.

Whatever may be the real truth as regards these atrocities, it is very clear that one of Her Majesty's vessels should long ago have been sent to the scenes of the massacres that have so shocked the public, to ascertain the true state of the case and punish the guilty. We hope it will not be forgotten or overlooked, when the news of these repeated atrocities reaches England, that three or four months ago several massacres had taken place of the captains and crews of peaceable traders, and that it has only been since the captain and a portion of the crew of the "Sandfly," a war schooner, were murdered that the High Commissioner and the Commodore have seen the necessity of sending a war ship to the scenes of the massacres. Of course they may have had very good reasons for this inaction; but we wish the British Press and the Members of the House of Commons to know the facts, so that they may be prepared to discuss them.

them properly. During the past two or three months, when massacre after massacre has taken place, the men-of-war on the station have for the most part been comfortably anchored in the harbours of the colonial capitals, and the men belonging to them have been taking part in the ceremonials attending the opening of the Melbourne Exhibition. Not a solitary man-of-war has been despatched to the islands until the "Emerald" received orders to go. She was to have gone on Monday, but she did not leave until yesterday. We trust that her visit may be more effective than that of the "Cormorant" was.

[Extract from the Sydney Daily Telegraph, December 10, 1880.]

H.M.S. "Emerald" left Sydney on Wednesday for the Solomon Islands, and last evening the "Wolverene," Commodore Wilson, arrived from Adelaide. It certainly does seem, when so very little extra time would have been wasted, that it would have been better had the "Emerald" remained until the arrival of the "Wolverene." A personal interview with the Commodore, and a consultation upon the best means to be employed in dealing with the natives of the Solomon Islands, would certainly have been advantageous to Captain Maxwell of the "Emerald." The question is one that should have been carefully considered and discussed, for it is surrounded with difficulties. As it is, we understand that the captain of the Emerald has been left by the Commodore very much to his own discretion in dealing with the natives of the Solomon Islands—the worst position in which he could possibly have been placed. Whatever he does will be found fault with. If he is prompt in finding out the murderers and executing summary punishment upon them, he is sure to be assailed with a chorus of groans by the friends and the apologists of the natives. On the other hand, if the visit of the "Emerald" be as little good as the visit of the "Cormorant," then Captain Maxwell will incur the censure of public opinion.

The fact that the Commodore and the captain did not meet before the departure of the latter would not be a matter of much moment if the "Wolverene" were to follow the "Emerald" speedily to the scenes of the late massacre. We certainly understood that the Commodore in hurrying on to Sydney did so with the intention of proceeding to the Solomon Islands. We now learn with mingled astonishment and regret that the Commodore has no such intentions—unless his presence is urgently required. Well, we should have thought that his presence was urgently required at the scenes of the late massacres. We should have thought if ever there was a time for an imposing demonstration of the British vessels of war at these islands that time was the present. There have been seven or eight massacres at these islands, and obviously it will take the "Emerald" a very long time to inquire into all the circumstances, and find out and punish the guilty parties. In the meantime the "Wolverene" and the "Cormorant" will be really doing nothing but increasing the piles of bones under them at their anchorage at Farm Cove. What earthly useful purpose are they serving here? Can any one tell us? That the "Wolverene" at such a time should come to Sydney just late enough to miss meeting the "Emerald," and with no intention of going to the South Seas, is something we cannot understand. There is plenty of work for these three war vessels, and why are they not sent to do it? What enemy have they to watch in Sydney harbour? What can the public think of this inaction of the Commodore, which must bring a blush into the faces of his men? The idea is so outrageous that we refuse to believe it. The Commodore must have some good reason for remaining for a short time in Sydney harbour. Probably he is waiting for specific orders from Home, and expects to receive them in a day or two, when he will follow the "Emerald." It could never have been intended that only one man-of-war should go to the various islands where the massacres were committed. The advantages of going in force are so many and so palpable that common sense refuses to believe that British captains are so dull as not to see them. Why, in the cause of humanity itself, the force sent down to punish the perpetrators of the cruel outrages should be such a one as to overawe the turbulent natives and to strengthen the hands of those peaceably disposed. With the three men-of-war at the Solomon Islands the great object of the expedition would be speedily attained. The friends of the whites would be strengthened and their enemies would be overawed. The savages would not soon forget so memorable an occasion, and in future there would be less trouble with them.

In judging of the conduct of the Commodore and the captains of the men-of-war it should be borne in mind that according to recent regulations that have been issued they are precluded from taking the law into their own hands. They must send home to England for instructions. If this is so, one need not wonder that the British flag is regarded with indifference, if not with contempt, in the Western Pacific. But is this the case? Has Sir Arthur Gordon, the High Commissioner, no powers entrusted to him to instruct vessels of war to suppress outrages and punish the guilty, whether white or black? Have the captains of war vessels no discretion at all allowed them to take measures for the preservation of the lives of British subjects engaged in lawful trade? We refuse to believe any such absurdity. Mr. Gladstone's administration of affairs in Ireland has not been a success, and the policy of his Government in the South Seas has been disastrous. The coincidence is curious, and is suggestive of some radical defect. In the latter case a policy of kindness and consideration for the natives has without vigour and firmness in repressing outrage proved anything but a kind and considerate policy for the white traders.

[Extract from the Sydney Daily Telegraph, December, 13 1880.]

THE subject of the late frequent massacres at the South Sea Islands has formed the subject of comment by the Melbourne *Argus*, and our contemporary cannot understand why these atrocities are tolerated, without any effort being made to punish the perpetrators. The interest of our Victorian neighbours in this subject is, of course, much less than our own, seeing that the massacres have almost all been of the crews of Sydney vessels. Melbourne does very little, if any, trade at all with the Solomon Islands, and the public there feel less keenly on the subject than do the public of Sydney; but they cannot avoid condemning the miserable policy which permits murders of white traders without any attempt to interfere even, far less to punish. The *Argus* quotes from a letter published in its columns, written by Mr. Walter Coote, who has recently visited the islands, "and is acquainted with the feelings prevailing amongst their inhabitants." Mr. Coote says that the natives of many of the islands consider white men "all same woman," and that the boasted men-of-war are "myths." After hearing a great deal about these formidable men-of-war, they view with contempt such an insignificant little vessel as the "Sandfly," and her class of vessels. Mr. Coote goes on to remark—"I admit that the so-called 'Exeter Hall' feeling is very strong with a certain section of the authorities in these matters, but I know that it is really a mistaken policy, for the only lesson these people will understand is the lesson that superior force

force can teach. Had our men-of-war been even moderately active in their island cruises, had they merely hovered about now and again in the neighbourhood of these places, their presence would have been known everywhere, and their power felt." Mr. Coote seems to have forgotten the visit of the "Cormorant," and the feats performed by her captain and crew in shelling some villages, and the terrible retribution exacted by Commodore Wilson in the "Wolverene," for the massacre of the crew of the "Mystery," in the shape of pigs and yams. The natives have seen English men-of-war, and "big fellow King Hailey" expressed his contemptuous opinion of them by challenging them to come, so that more heads could be obtained. Men-of-war whose fighting men would not venture on shore, but which kept off at a safe distance, and fired big guns with little injury to anything, or anybody, were not likely to inspire respect. If the natives of the Solomon Islands have any burlesque poets, they have had a capital chance of amusing their brown brethren with the valorous deeds of the whites. The captain of the naval force will figure as a kind of General Boom, exclaiming, "The enemy, the enemy, let me get at the enemy!" but expending all his valour in a harmless cannonade—all sound and fury, signifying nothing.

The remarks of Mr. Coote about the pernicious effects of the Exeter-Hall policy bear us out in our strictures upon it. That policy has left the white man at the mercy of the natives of the South Sea Islands. He dares not resent any injustice or an attack upon him, for fear of the consequences. He carries his life in his hands when he goes to these islands. If he is not the victim of a massacre, he may be tried for his life because he defended himself against attack. There is no attempt made to punish the perpetrators of any atrocity upon him. Repeated massacres of traders have not caused any effort to be made to punish those concerned in them. It was only when the captain and some of the crew of one of Her Majesty's war schooners were treacherously murdered that the apathy and indifference of the High Commissioner and of the Commodore were dispelled. The interesting savages of the Solomon Islands might have gone on for an indefinite period in their career of atrocity had they not been so silly as to interfere with the crew of one of the lilliputian men-of-war. On the principle that, as Sydney Smith observed, it required the sacrifice of a bishop to get rid of a crying evil, so nothing less than the massacre of an officer and several men of Her Majesty's navy was sufficient to rouse up the authorities to action. But who are the authorities? It is difficult to find out. It has generally been understood that the High Commissioner, subject to the British Government, was the chief authority, and that the Commodore received instructions from him, or in cases of emergency, acted on his own discretion. We have been under the impression, too, that His Excellency the Governor of New South Wales had some voice in the matter, when the persons massacred were citizens of New South Wales, and their vessels were Sydney traders. But we have no certainty who are the responsible authorities in this case, or if there are any at all. There certainly seems to be no system at all. We understand that the "Emerald" has been ordered to the Solomon Islands by the Commodore on his own responsibility. In this case, therefore, the High Commissioner has taken no action any more than he took in reference to the previous massacres. Is it his duty to preserve order at the islands, and has he neglected his duty, or is it nobody's duty? We understand that the Commodore must send to England for instructions in any given case; but we think there must be some mistake here. Once on a time authorities in England have attempted to carry out a campaign by orders from the Foreign Office. But surely that era of stupidity is past, and the policy is not repeated at this time of day in reference to the South Sea Islands. The instructions from the authorities in England can surely never authorize the extraordinary apathy and indifference of the Commanders of Her Majesty's vessels in these seas. They no doubt are expected to give a strict account of their conduct, and it is proper that this should be so. But because the British Government is strict in looking after the conduct of its officers, that is no reason why the latter should altogether neglect their duty. Do the instructions from Home authorize captains of Her Majesty's ships-of-war to keep aloof from the localities where their services are required? Do they warrant them in lending a deaf ear to the news of repeated murderous outrages, and in idling their time in the harbours of the capitals when their countrymen are being butchered at the South Sea Islands? It is impossible that this can be so. We cannot believe that the authorities in England are guilty of such insensate folly as to paralyse justice in the South Seas by any such policy. We may depend upon it that the British Government will demand a full explanation of the conduct of those national defenders who have neglected their duty; and if the Government is lax in doing so, there are men in the Imperial Parliament who will see that their conduct is inquired into, and justice done to the colonists.

[*Extract from the Sydney Daily Telegraph, December, 16 1880.*]

MASSACRES IN THE SOUTH SEAS.

To the Editor of the Sydney Daily Telegraph.

Sir,

Sydney, 15 December, 1880.

I have read with considerable interest, and not a little surprise, the letters of your correspondents, "J. G. K." and "A. N. Murray," on the above subject. That "J. G. K." knows very little of the subject upon which he writes must be evident to any impartial observer of recent events in these islands. He makes a number of assertions which have not even a basis of truth. For instance, he asserts that the cause of the continued atrocities "is the abominable practice of slave-stealing, carried on under the name of trade," and further, that "these islands are the favourite recruiting grounds." The natives were kidnapped in the Solomons years ago no one will deny; but that anything approaching kidnapping has taken place during the past seven years I do not believe. As a matter of fact, the Solomons are not, and never have been, the "favourite recruiting grounds." Natives are principally recruited from the Banks, Hebrides, and adjacent groups, and a recruiting vessel in the Solomons is somewhat of a rarity. Recruiting labour for Fiji and Queensland is carried out under such stringent regulations that it is well nigh impossible for natives to be taken away against their wills. Not only has the Government agent accompanying each vessel to be satisfied that the "recruit" comes voluntarily, but on arrival in the colony the immigration agent of the port of arrival examines him as to terms of his agreement, rate of wages, &c. "J. G. K." proceeds to say that the islanders guard their women "with jealous care," and that the traders have much to answer for in this respect. If "J. G. K." will ask anyone who has been amongst them—traders or naval officers, I care not which—he will learn that for laxity of morals in this respect the South Sea Islander is without a rival. Both of your correspondents agree in insulting the men engaged in trading in the labour traffic in these islands. Speaking from personal knowledge of very many of them, I

can say that on the whole they are as respectable and honourable a body of men as can be found in any trade. Does "J. G. K." mean to say that men like the late Captains Ferguson and Murray, and others whom I could name, and who have been ruthlessly butchered by these savages—men who throughout the islands bear honoured and respected names—that these men are no better than the savages? At Mr. Murray's letter I am hardly surprised; in all new countries the missionary and the trader have ever been antagonistic. But if the labour trade is, as Mr. Murray would wish to make out, the principal cause of the continued atrocities, how comes it that we never hear of the crews of French vessels being attacked? Perhaps Mr. Murray can answer. Hundreds of natives are recruited yearly for New Caledonia, under much less stringent regulations than those of Queensland and Fiji, yet no Frenchmen are murdered. Since the rule of Commodore Goodenough commenced in the South Seas we have heard of nothing but atrocities; and so long as the policy initiated and carried out by him is continued we can expect to hear of nothing else. Years ago the very name "man-of-war" was dreaded by the islanders; now it is laughed at contemptuously. With them forbearance is weakness, and until a man-of-war inflicts summary chastisement on some band of murderers we may expect to hear of more valuable lives and property being sacrificed, and more skulls being taken to adorn the "big canoe" house. News travels amongst the natives as it does amongst white men, and if an example had been made of the murderers of Lieut. Bower and his men at the time it would by this time have been known throughout the group, and would have done more to quell further outrages than the visits of a fleet of men-of-war and their paltry fines of pigs. In conclusion, I hope that, despite the wail of the missionary and the power of the Exeter-Hallites, the "poor nigger" will soon be taught that he cannot longer be allowed to plunder and murder as he pleases.

I am, &c.,

QUEENSLANDER.



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dup. ✓