



THE
NEW ZEALAND GAZETTE.

Published by Authority.

WELLINGTON, WEDNESDAY, DECEMBER 20, 1871.

Colonial Secretary's Office, Wellington, 20th December, 1871.

THE following Despatches, with Enclosures, from the Right Hon. the Secretary of State for the Colonies, are published for general information.

W. GISBORNE.

Copy of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN,
G.C.M.G.

(Circular.)

SIR,—

Downing Street, 8th August, 1871.

I transmitted to the Lord President of the Privy Council extracts of so much of the Report of the Royal Commission appointed by the Governor of Victoria to consider and report upon certain questions of Intercolonial Legislation, as relates to the proposed establishment of a High Court of Appeal for the Australasian Colonies, and I have received in reply the enclosed letter and statement, which, in accordance with His Lordship's suggestion, I request that you will communicate to your Government, and to the Judges, and make generally known in the Colony, in such manner as you may deem most convenient.

As I have not yet been informed that the Government of Victoria has adopted the recommendations of the Commission, and as I have no means of judging whether those recommendations are likely to be favourably received in the other Australasian Colonies, I abstain at present from attempting to form any conclusion as to the necessity or expediency of constituting such an Appeal Court as is proposed.

I will only observe that the Lord President's letter, with the statement annexed to it, seems to me to deserve the careful consideration of your Government, and of all persons in the Colonies who take an interest in this important subject.

Governor Sir G. F. Bowen, G.C.M.G.

I have, &c.,

KIMBERLEY.

Enclosure.

The REGISTRAR of the PRIVY COUNCIL to the ASSISTANT UNDER SECRETARY OF STATE for the COLONIAL DEPARTMENT, on the Subject of the Appellate Jurisdiction of Her Majesty in Council, over the Australian Colonies.

SIR,—

20th July, 1871.

I have laid before the Lord President of the Council your letter of the 21st June, enclosing, by direction of the Earl of Kimberley, a copy of the First Report of the Royal Commission of the Colony of Victoria on the subject of Intercolonial Legislation and a Court of Appeal for the Australian Colonies, and I am to inform you that His Lordship's attention has been directed to that part of the Report which relates to Appeals to Her Majesty in Council. On this subject I am directed by the Lord President to address to you the following remarks, in the hope that they may serve to correct some misapprehensions which appear to exist in the Australian Colonies.

In order to show precisely the amount of the business which has come before Her Majesty in Council and the Judicial Committee from the Australian Colonies since their settlement, Lord Ripon has caused the Statement to be prepared which I have the honor to annex to this letter. His Lordship would suggest that it may be desirable to cause this Statement to be extensively made known in all the Australian Colonies, and for this purpose forty copies of it will be sent herewith.

It appears from this Statement that the total number of Appeals from New South Wales from 1842 to 1871 has been 64, of which 41 have been heard, and 23 dismissed for non-prosecution; from Victoria there have been 32 Appeals, of which 23 have been heard, 9 have been dismissed for non-prosecution; from Tasmania there have been 3 Appeals; from Queensland, 1; from New Zealand, 3; from South Australia 5 have been heard and 4 dismissed for non-prosecution; from Western Australia there have been none.

The whole appellate business from the Australian Colonies therefore has amounted to 112 cases, of which one-third have never been prosecuted at all. The cases actually heard average 2 or 3 a year. Out of a list of 86 Appeals set down for hearing after Trinity Term, there was but 1 from New South Wales and 1 from Victoria, and these two cases have just been heard. The business of the Australian Colonies forms therefore but a very small fraction of the business of the Privy Council.

It also appears from this Statement, which gives the exact dates of the setting down and hearing of each case, that no case from any Australian Colony has ever been delayed more than a very few months after it was ripe for hearing. The delays, such as they are, are attributable entirely to the parties themselves, and not to this Court.

The statements contained in the note to page 14 of the Report are not consistent with the facts relating to Appeals from the Australian Colonies, which will be found in the accompanying paper. Nothing has occurred to justify the assertion that "the number of Appeals from the vast dominions of the Crown is greater than it appears the Privy Council is capable of dealing with." The excess of Appeals at present coming on for hearing has arisen solely in Bengal. There is no arrear of any Appeals but those from India. The Lords of the Judicial Committee have never allowed the Colonial or other business of the Court to be tied up or postponed by the Indian causes. The time of the Court has been divided equally between the several jurisdictions it is called upon to exercise.

The Royal Commission advert to the inconveniences arising from the prosecution of an Appeal in criminal cases to England. The Lords of the Council are fully aware of these inconveniences, and they have on almost every occasion refused and discouraged all attempts to bring before them criminal cases, inasmuch that there are not more than two or three instances of any such application being made with success from any part of the Empire. But recently, on an urgent application made on behalf of the Attorney-General of New South Wales, based on grounds of public policy, their Lordships were induced to grant special leave to appeal in two criminal cases from that Colony. These cases were heard on their arrival in this country within a few days of the date of their setting down. No delay whatever arose but that which is inseparable from the distance.

The appellate jurisdiction of Her Majesty in Council exists for the benefit of the Colonies, and not for that of the mother country; but it is impossible to overlook the fact that this jurisdiction is a part of the prerogative which has been exercised for the benefit of the Colonies from the date of the earliest settlements of this country, and that it is still a powerful link between the Colonies and the Crown of Great Britain. It secures to every subject of Her Majesty throughout the Empire his right to claim redress from the Throne; it provides a remedy in certain cases not falling within the jurisdiction of ordinary Courts of Justice; it removes causes from the influence of local prepossessions; it affords the means of maintaining the uniformity of the law of England in those Colonies which derive the great body of their law from Great Britain; and it enables suitors, if they think fit, to obtain a decision in the last resort from the highest judicial authority and legal capacity existing in the metropolis.

The power of establishing or remodelling the Colonial Courts of Justice is vested by the 28 and 29 Victoria in the Colonial Legislatures; and it is undoubtedly desirable that the Colonial Courts of Justice should be so constituted as to inspire confidence in their decisions, and to give rise to a very few ulterior Appeals. That is, in fact, the case with the Superior Courts of Westminster Hall; and the small number of Appeals from the Australian Courts is the best testimony to the excellence of those Courts also. But the controlling power of the Highest Court of Appeal is not without influence and value, even when it is not directly resorted to. Its power, though dormant, is not unfelt by any Judge in the Empire, because he knows that his proceedings may be made the subject of Appeal to it.

But it by no means follows as a necessary consequence of the powers vested in the Colonial Legislatures by the 28 and 29 Victoria, that laws should be enacted which would control the exercise of the prerogative of the Crown in the exercise of its Supreme Appellate Jurisdiction.

Hon. Robert Meade.

I have, &c.,
HENRY REEVE, Reg. P.C.

Sub-Enclosure to Enclosure.

STATEMENT of all the Appeals to Her Majesty in Council from the Australian Colonies of New South Wales, Victoria, South Australia, Queensland, West Australia, Tasmania, and New Zealand, which have been forwarded to England down to 1st July, 1871.

Names of Parties.	Whence.	Date of Decree appealed from.	Date of Arrival of Record.	When set down for hearing.	Date of Judgment on Appeal.	Observations.
1. Sydney Stephen v. Judges of Supreme Court	Van Diemen's Land.	Dec. 17, 1842	...	Oct. 19, 1846	March 29, 1847	
2. Bank of Australasia v. Bank of Australia	New South Wales	Aug. 5, 1845	...	May 25, 1847	Feb. 29, 1848	
3. Flint v. Walker...	New South Wales	July 5, 1844	...	May 22, 1847	Dec. 10, 1847	
4. Marquis of Bute v. Mason and others	New South Wales	Dec. 2, 1845	...	April 20, 1849	July 5, 1849	
5. Algernon Montagu v. Governor and Council of Van Diemen's Land	Van Diemen's Land.	Dec. 31, 1847	...	May 30, 1849	July 3, 1849	
6. Attorney-General of New Zealand v. Clarke	New Zealand ...	...	...	Oct. 5, 1850	May 15, 1851	
7. Doe dem Devine v. Wilson	New South Wales	April 5, 1852	Aug. 8, 1854	June 27, 1855	Nov. 27, 1855	
8. Oswald Bloxholme and others v. Scott	New South Wales	June 22, 1853	Oct. 16, 1854	...	...	Dismissed for Non Pros.

STATEMENT of Appeals to Her Majesty in Council, &c.—*continued.*

Names of Parties.	Whence.	Date of Decree appealed from.	Date of arrival of Record.	When set down for hearing.	Date of Judgment on Appeal.	Observations.
9. Terry Hughes and others v. Hoskings and others	New South Wales	Oct. 12, 1853	Nov. 28, 1855	June 5, 1856	July 15, 1856	
10. Fenton and Fraser v. Hampton	Tasmania ...	Nov. 27, 1855	Oct. 15, 1856	Nov. 4, 1857	Feb. 17, 1858	
11. Bunny v. Hart ...	New Zealand ...	May 29, 1856	Feb. 10, 1857	June 10, 1857	July 24, 1857	
12. Towns v. Wentworth	New South Wales	April 28, 1856	April 14, 1857	Dec. 28, 1857	Feb. 26, 1858	
13. How and another v. Kirchner & others	New South Wales	April 28, 1855	May 15, 1857	...	...	Dismissed for Non Pros.
14. Gordon v. Scott and others	New South Wales	Feb. 5, 1857	Sept. 5, 1857	Jan. 23, 1858	Feb. 25, 1858	
15. Kirchner & others v. Venus	New South Wales	Aug. 1, 1857	March 16, 1858	Jan. 25, 1859	March 16, 1859	
16. Robertson v. the Governor of N. S. Wales	New South Wales	...	April 23, 1858	...	June 14, 1858	Dismissed on Petition.
17. Lord v. Commissioners of the City of Sydney	New South Wales	May 3, 1856	July 19, 1858	Jan. 27, 1859	Feb. 12, 1859	
18. Mortimer & Anderson v. Mort	New South Wales	Aug. 8, 1857	Aug. 16, 1858	...	...	Dismissed for Non Pros.
19. Jones and others v. Mackenzie	New South Wales	Feb. 26, 1858	Jan. 12, 1859	June 10, 1859	July 19, 1859	
20. McEwan and another v. Guthridge	Victoria ...	Nov. 4, 1858	April 1, 1859	Jan. 19, 1860	Feb. 5, 1860	
21. Williams and others v. Byrnes	New South Wales	Nov. 30, 1857	June 11, 1859	...	...	Dismissed for Non Pros.
22. Toogood v. Campbell and Buchanan	New South Wales	Sept. 4, 1858	Sept. 19, 1859	...	...	Dismissed for Non Pros.
23. Devine v. Holloway and others	New South Wales	Aug. 24, 1858	Jan. 12, 1860	Jan. 1, 1861	March 13, 1861	
24. Murnin v. Macfarlane	New South Wales	Feb. 1, 1858	March 12, 1860	...	...	Dismissed for Non Pros.
25. Hogan v. Hand and others	New South Wales	Jan. 14, 1860	June 16, 1860	Jan. 29, 1861	March 13, 1861	
26. The Liverpool and London Fire and Life Insurance Company v. Nichols	New South Wales	April 18, 1860	Sept. 19, 1860	...	...	Dismissed for Non Pros.
27. The Bank of Australasia v. J. and G. Harris	Queensland ...	...	Sept. 19, 1860	May 13, 1861	Feb. 8, 1862	
28. Humphrey and Christian v. Nowland	New South Wales	Dec. 30, 1859	Oct. 22, 1860	Jan. 9, 1862	March 5, 1862	
29. Booth and others v. A'Beckett and others	Victoria ...	Oct. 22, 1858	Dec. 20, 1860	Feb. 19, 1863	June 18, 1863	
30. Tooth v. Fleming	New South Wales	June 11, 1860	Jan. 19, 1861	...	...	Dismissed for Non Pros.
31. Hosking and another v. Terry and another	New South Wales	Jan. 12, 1860	Jan. 19, 1861	June 6, 1862	July 28, 1862	
32. Palmer v. Service and others	Victoria ...	Sept. 1, 1860	Feb. 18, 1861	...	...	Dismissed for Non Pros.
33. <i>In re</i> Henry Bunny	New Zealand ...	Nov. 20, 1860	Mar. 21, 1861	Jan. 1862	Feb. 11, 1862	
34. Lang v. Attorney-General of N.S. Wales and others	New South Wales	July 31, 1860	Mar. 21, 1861	Jan. 29, 1862	Feb. 25, 1862	
35. Higgins v. Single	New South Wales	Dec. 19, 1860	April 18, 1861	...	...	Dismissed for Non Pros.
36. Hillas v. Poor ...	New South Wales	July 5, 1860	July 22, 1861	April 16, 1862	June 21, 1862	
37. Manning and another v. Siemssen and others	New South Wales	Oct. 12, 1860	July 22, 1861	...	...	Dismissed for Non Pros.
38. Harris and another v. the Bank of Australasia	New South Wales	Dec. 10, 1860	July 22, 1861	Nov. 13, 1861	Feb. 8, 1862	
39. Osborne and others v. Eales	New South Wales	Dec. 10, 1860	Sept. 20, 1861	May 31, 1862	July 16, 1862	
40. Smith v. Mackenzie	New South Wales	Oct. 24, 1860	Oct. 23, 1861	...	...	Dismissed for Non Pros.
41. In the matter of Grieve, an attorney v. <i>ex parte</i> Bennet and others	Victoria ...	Dec. 4, 1860	Oct. 23, 1861	...	...	Dismissed for Non Pros.
42. Vivers v. Tuck ...	New South Wales	July 3, 1861	May 19, 1862	Nov. 11, 1863	Dec. 1, 1863	
43. Lloyd and another v. Wallack	New South Wales	Aug. 30, 1861	June 16, 1862	...	...	Dismissed for Non Pros.
44. Bullen and another v. A'Beckett and others	Victoria ...	Sept. 4, 1861	Oct. 20, 1862	June 2, 1863	July 7, 1863	

STATEMENT of Appeals to Her Majesty in Council, &c.—*continued.*

Names of Parties.	Whence.	Date of Decree appealed from.	Date of arrival of Record.	When set down for hearing.	Date of Judgment on Appeal.	Observations.
45. Williamson and another, Executors of Jobbins v. J. and W. Byrnes	New South Wales	Feb. 7, 1862	Nov. 21, 1862	Jan. 29, 1863	Mar. 4, 1863	
46. Robertson v. Dumaresq	New South Wales	June 26, 1861	Jan. 19, 1863	Jan. 12, 1864	Feb. 17, 1864	
47. Dill v. Murphy and another	Victoria ...	Dec. 24, 1862	Mar. 23, 1863	June 9, 1863	Feb. 2, 1864	
48. Dean and another v. Byrnes and others	New South Wales	Feb. 3, 1863	July 22, 1863	June 1, 1864	July 23, 1864	
49. Hyland v. Moore	New South Wales	Nov. 20, 1862	Sept. 18, 1863	...	...	Dismissed for Non Pros.
50. Mackenzie v. Barker	New South Wales	Feb. 3, 1863	Oct. 21, 1863	Nov. 11, 1864	June 19, 1865	
51. Graham and another v. Bunny	New South Wales	Feb. 7, 1862	Nov. 20, 1863	Jan. 4, 1865	May 26, 1865	
52. Osborne and others v. Eales	New South Wales	July 20, 1863	Dec. 19, 1863	Jan. 27, 1864	Mar. 16, 1864	
53. Cooper v. Hellyer and another	New South Wales	May 1, 1861	Feb. 18, 1864	...	...	Pending.
54. Evans and others v. The Queen	Victoria ...	Mar. 31, 1863	Mar. 17, 1864	April 20, 1865	Feb. 1, 1866	
55. Esteban De Comas v. Prostand and another	New South Wales	July 9, 1863	April 18, 1864	Jan. 30, 1865	Mar. 29, 1865	
56. Macleay and another v. Tooth	New South Wales	Dec. 22, 1863	May 17, 1864	...	...	Dismissed for Non Pros.
57. Teschemaker and another v. McLean	New Zealand ...	Oct. 27, 1863	June 24, 1864	...	...	Dismissed for Non Pros.
58. Strode v. Evans...	New Zealand ...	Mar. 9, 1864	Oct. 21, 1864	June 20, 1866	...	Withdrawn by consent.
59. The European Assurance Society v. the Colonial Bank of Australasia	Victoria ...	Mar. 24, 1864	Oct. 21, 1864	...	...	Dismissed for Non Pros.
60. <i>In re</i> the Estate of Routledge and Co. <i>ex parte</i> Rolfe and another	Victoria ...	May 23, 1863	Nov. 21, 1864	June 9, 1865	Feb. 1, 1866	
61. The Queen v. Hughes and another	South Australia	Aug. 29, 1864	Nov. 21, 1864	June 18, 1865	Feb. 1, 1866	
62. Walker v. Jones...	New South Wales	Aug. 6, 1864	Dec. 13, 1864	June 6, 1865	Feb. 16, 1866	
63. The Queen v. Dallimore and others	Victoria ...	Sept. 10, 1864	Dec. 22, 1864	May 27, 1865	Dec. 21, 1865	
64. Bank of Australasia v. Flower and Co., <i>in re</i> Estate of Routledge	Victoria ...	Sept. 24, 1862	Feb. 21, 1865	June 9, 1865	Feb. 1, 1866	
65. The Attorney-General v. Eager	New South Wales	Sept. 12, 1864	May, 9, 1865	...	...	Dismissed for Non Pros.
66. McEvoy v. Tyson	New South Wales	Dec. 6, 1864	May 19, 1865	May 14, 1866	Nov. 3, 1866.	
67. Elsdon v. Jenkyns	Victoria ...	Sept. 8, 1864	July 11, 1865	...	...	Dismissed for Non Pros.
68. Byrnes and another v. Clough and another	Victoria ...	Sept. 5, 1864	July 24, 1865	...	...	Dismissed for Non Pros.
69. Irving v. The Alliance Bank	New South Wales	Oct. 1, 1865	Feb. 17, 1866	...	...	Dismissed for Non Pros.
70. McDonald and another v. Osborne	New South Wales	Feb. 17, 1866	May 19, 1866	...	...	Dismissed for Non Pros.
71. Whyte v. Cargill	New South Wales	Dec. 6, 1865	June 18, 1866	...	...	Dismissed for Non Pros.
72. Dines v. Wolfe...	New South Wales	Mar. 7, 1864	June 18, 1866	June 9, 1868	Feb. 2, 1869	
73. Williams v. Board of Land and Works	Victoria ...	Sept. 1, 1865	Sept. 15, 1866	...	...	Dismissed for Non Pros.
74. The Queen v. Bertrand	New South Wales	Feb. 23, 1866	Nov. 12, 1866	Feb. 22, 1867	July 10, 1867	
75. The Oriental Bank Corporation v. The Australian Joint Bank	New South Wales	August 1, and Sept. 14, 1861	Dec. 3, 1866	...	Dec. 2, 1867	Withdrawn.
76. Campbell v. The Queen	New South Wales	...	Dec. 20, 1866	...	Dec. 13, 1867	Withdrawn.
77. Eider v. Galbraith	South Australia	Sept. 12, 1865	Dec. 20, 1866	...	...	Dismissed for Non Pros.
78. Kyte v. Williams	Victoria ...	Nov. 28, 1866	Mar. 21, 1867	...	...	Dismissed for Non Pros.
79. Connor v. Holmes and others	Victoria ...	Nov. 27, 1865	Mar. 21, 1867	...	June 21, 1869	Dismissed for Non Pros.
80. Webster and others v. Power and others	Victoria ...	May 18, 1865	Mar. 21, 1867	Jan. 11, 1868	Mar. 13, 1868	
81. Bruce v. The Queen	Victoria ...	Sept. 1, 1866	Mar. 23, 1867	...	...	Dismissed for Non Pros.

STATEMENT of Appeals to Her Majesty in Council, &c.—*continued.*

Names of Parties.	Whence.	Date of Decree appealed from.	Date of arrival of Record.	When set down for hearing.	Date of Judgment on Appeal.	Observations.
82. Fitzgerald v. Fitzgerald	New South Wales	Dec. 5, 1866	May 27, 1867	Jan. 1, 1868	June 17, 1868	
83. Lewis v. McMullen	Victoria ...	Mar. 21, 1867	Oct. 21, 1867	July 11, 1868	Feb. 19, 1869	
84. Murphy and another v. Glass	Victoria ...	Sept. 6, 1867	Feb. 18, 1868	May 30, 1868	Feb. 19, 1868	
85. Wilson and another v. Threkeld	Victoria ...	Sept. 18, 1867	Mar. 30, 1868	May 14, 1869	July 8, 1869	
86. Cherry and another v. The Colonial Bank of Australasia	Victoria ...	Sept. 6, 1867	June 19, 1868	Jan. 25, 1869	July 19, 1869	
87. The Queen v. Murphy	New South Wales	Sept. 24, 1867	Aug. 25, 1868	June 11, 1869	July 17, 1869	
88. South Australian Insurance Co., Limited v. Randall and another	South Australia	Aug. 31, 1868	Nov. 9, 1868	June 23, 1869	Dec. 14, 1869	
89. Mullen v. National Bank of Australia	South Australia	Mar. 13, 1868	Nov. 9, 1868	Aug. 7, 1869	Dec. 15, 1869	
90. Palmer v. Klingebiel	South Australia	Oct. 24, 1867	Nov. 9, 1868	...	...	Dismissed for Non Pros.
91. Levinger v. The Queen	Victoria ...	...	Nov. 11, 1860	...	July 26, 1870	
92. Anderson and others v. Pacific Fire, and Marine Insurance Company	Victoria ...	June 23, 1868	Dec. 7, 1868	April 29, 1869	July 7, 1869	
93. Hassall and others v. Moore and another	Victoria ...	Sept. 24, 1868	Jan. 30, 1869	...	...	Withdrawn.
94. Hassall and others v. Faulkner and another	Victoria ...	Sept. 24, 1868	Jan. 30, 1869	...	...	Withdrawn.
95. Hassall and others v. The Creswick Grand Trunk Gold Mining Company Registered	Victoria ...	May 19, 1868	Jan. 30, 1869	...	...	Withdrawn.
96. Moffatt v. Bate-man	Victoria ...	Sept. 4, 1868	Mar. 31, 1869	July 10, 1869	Dec. 15, 1869	
97. Smith v. Bews...	South Australia	Sept. 25, 1868	Mar. 31, 1869	...	...	Dismissed for Non Pros.
98. Read v. Pawle ...	New South Wales	Mar. 15, 1868	June 19, 1869	...	...	Pending.
99. National Bank of Australasia v. Cherry and others	South Australia	Dec. 8, 1868	July 16, 1869	Dec. 29, 1869	June 30, 1870	
100. Ayers and others v. The South Australian Banking Co.	South Australia	Jan. 7, 1869	July 16, 1869	Aug. 29, 1870	Feb. 2, 1871	
101. The Queen v. Macpherson	New South Wales	June 8, 1868	Aug. 13, 1869	April 1, 1870	July 7, 1870	
102. Logan v. Sempill, Official Assignee of Estate of Strachan and Company	New South Wales	Sept. 26, 1868	Aug. 13, 1869	...	...	Dismissed for Non Pros.
103. The Walhalla Gold Mining Co. v. Mulcahy & another	Victoria ...	May 19, 1865 and June 15, 1869	Oct. 8, 1869	Nov. 24, 1870	July 20, 1871	
104. Cherry and others v. Morrison and another	South Australia	May 25, 1869	Jan. 8, 1870	...	...	Dismissed for Non Pros.
105. Day v. Day and others	New South Wales	Sept. 1, 1869	Jan. 29, 1870	Dec. 17, 1870	July 20, 1871	
106. Smith v. Harrison and others	Victoria ...	Sept. 2, 1869	Feb. 26, 1870	...	...	Pending.
107. The Bank of Van Diemen's Land v. the Bank of Victoria	Victoria ...	Sept. 7, 1869	Feb. 26, 1870	Aug. 10, 1870	Jan. 27, 1871	
108. The Speaker of the Legislative Assembly <i>re</i> Hugh Glass	Victoria ...	June 26, 1869	May 19, 1870	Dec. 13, 1870	Jan. 31, 1871	
109. Eales v. Montefiore	New South Wales	Sept. 7, 1869	July 11, 1870	Oct. 28, 1870	Jan. 31, 1871	
110. The Australian Steam Navigation Company v. Morse and another	New South Wales	Mar. 7, 1870	Jan. 2, 1871	...	...	Pending.
111. Read v. Pawle ...	New South Wales	Mar. 21, 1870	Jan. 30, 1870	...	...	Pending.
112. The London Chartered Bank of Australia v. Lem-priere and others	Victoria ...	Dec. 23, 1870	May 23, 1871	...	...	Pending.

From 1842 to 1871 the total number of Appeals to the Queen in Council from the seven Colonies of New South Wales, Victoria, South Australia, Queensland, West Australia, Tasmania, and New Zealand, is 112: 64 have been lodged from New South Wales; 32 from Victoria; 3 from Tasmania; 1 from Queensland; 3 from New Zealand; 9 from South Australia; none from West Australia. Of these, 71 have been heard, and 5 are still pending; 36 have been dismissed for non-prosecution or withdrawn. These numbers comprise the whole of the appeals which have been brought from the Australian Colonies to England.

If the foregoing statement be examined, it will be found that there is frequently considerable delay in the transmission of the records to England, sometimes extending to a period of two years. There is also considerable delay between the arrival of the records in England and the date at which the case is set down for hearing. Over these delays the Lords of the Privy Council exercise no control. They are attributable solely to the parties in the Colony or to their agents in England. But with reference to the interval of time between the setting down the case and the final hearing, it will be seen from the fifth and sixth columns of this statement that this delay has been very slight indeed—seldom exceeding six months, and many appeals have been disposed of considerably within that period—in three months or less. There is, therefore, no ground whatever for the allegation that the appeals from the Australian Colonies have not been disposed of with the utmost despatch, after the parties had taken the necessary steps to set them down for hearing.

Council Office, Whitehall, 20th July, 1871.

HENRY REEVE,
Reg. P.C.

Copy of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN,
G.C.M.G.

(Circular.)

SIR,—

Downing Street, 12th August, 1871.

I transmit to you for your information and guidance, a copy of a letter which has been received from the Board of Trade, enclosing a copy of a Circular with Order in Council appended, which has been issued to the British Consuls and to the officers in the British Possessions abroad, relative to the steps to be taken in case of cholera on board ship.

The Officer Administering the Government
of New Zealand.

I have, &c.,
KIMBERLEY.

Enclosure.

MR. GRAY to the UNDER SECRETARY of STATE, Colonial Office.

SIR,—

Board of Trade, Whitehall Gardens, 8th August, 1871.

I am directed by the Board of Trade to transmit to you the enclosed copy of a printed circular, with Order in Council appended, which has just been issued from this Department to the Superintendents of all Mercantile Marine Offices in the United Kingdom, to the British Consuls, and to the Officers in the British Possessions abroad.

The urgency of the subject, as will be perceived on reference to these documents, precluded this Board from following their otherwise invariable practice of previously consulting the Secretary of State; but the Board hope that if further instructions are thought by his Lordship to be necessary in the matter, he will not find it too late now to have them sent out.

The Under Secretary of State, Colonial Office.

I have, &c.,
THOMAS GRAY.

Sub-Enclosure to Enclosure.

CIRCULAR No. 486.—Board of Trade, 7th August, 1871.

Cholera.

APPENDED hereto is the copy of an Order in Council directing that ships, on board of which any person has been attacked by cholera during the voyage, shall not enter any port or place in the United Kingdom until the clothes and bedding of such person shall have been destroyed.

Care should be taken that shipmasters understand this obligation, and the further obligation of disinfecting the berths of cholera patients, and all things besides clothes and bedding likely to carry infection.

All cases of cholera should be entered in the official log, and a list of all articles destroyed.

In the case of seamen dying of cholera at a foreign port, the Consul will give directions for the destruction of the clothing, &c., of the deceased, which should never be sent to the United Kingdom.

THOMAS GRAY.

At the Council Chamber, Whitehall. The 5th day of August, 1871. By the Lords of Her Majesty's Most Honorable Privy Council.

Present:—Lord President, Mr. Göschen, Mr. Forster.

WHEREAS pursuant to an Act passed in the sixth year of the reign of His late Majesty King George the Fourth, chapter seventy-eight, and of "The Sanitary Act, 1866," and of "The Public Health (Scotland) Act, 1867," and of every other power in them vested, the Lords of Her Majesty's Most Honorable Privy Council did, on the twenty-ninth day of July now last past, and on the third of this instant August, make and publish certain Orders: And whereas it has seemed expedient to their

Lordships, by virtue of the powers in this behalf by the said Acts or otherwise in them vested, to make a further Order touching the disease in the said recited Orders mentioned:

Now, therefore, the Lords of Her Majesty's Most Honorable Privy Council do, by virtue of the aforesaid powers, order, and it is hereby ordered, as follows:—

1. No master of any ship in which, during the voyage and before the arrival thereof at any port of the United Kingdom, any person has been attacked with or died of cholera, shall bring his ship into any such port until he has destroyed the clothing and bedding of all persons who shall have so died or had an attack of cholera on board such vessel during such voyage.

2. In this Order the term "ship" includes vessel or boat; the term "master" includes the officer or person for the time being in charge or command of a ship; the term "cholera" includes choleraic diarrhœa.

3. The terms "clothing and bedding" mean and include all clothing and bedding in actual use and worn or used by the person attacked as aforesaid at the time of and during such attack.

4. Every person offending against this Order shall be liable, on summary conviction, to a penalty not exceeding twenty pounds.

5. The Lords Commissioners of Her Majesty's Treasury are to give the necessary directions herein accordingly.

EDMUND HARRISON.

Copy of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN,
G.C.M.G.

(Circular.)

SIR,—

Downing Street, 25th August, 1871.

Referring to my predecessor's Circular Despatch of the 27th June, 1870, on the subject of offering rewards for the apprehension of Deserters from the Royal Navy, I have the honor to inform you that the Lords Commissioners of the Admiralty have intimated to me that they have no objection to the carrying out of a recommendation which has been made by the Governor of Tasmania: namely, that the Governors of the respective Australian Colonies may apply any penalties that may be recovered under the 25th section of the Naval Discipline Act, in such a manner as may seem best calculated to bring to justice those who render themselves liable to prosecution under its provisions.

I have, &c.,

KIMBERLEY.

The Officer Administering the Government
of New Zealand.

Copy of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN,
G.C.M.G.

(Circular.)

SIR,—

Downing Street, 26th August, 1871.

I transmit to you for general information a copy of a letter from the Secretary to the Commissioners for the Exhibition of 1851, enclosing Memoranda on the subject of the representation of Jewellery and Paper in the proposed International Exhibition of 1872, and I have to request that you will afford Her Majesty's Commissioners such assistance as may be in your power in procuring collections of Peasant Jewellery and Paper of local manufacture in the Colony under your government.

I have, &c.,

KIMBERLEY.

The Officer Administering the Government
of New Zealand.

Enclosure.

Colonel SCOTT, R.E., to the UNDER SECRETARY, Colonial Office.

Annual International Exhibition.

SIR,—

Upper Kensington Gore, London, W., 21st August, 1871.

I am directed by Her Majesty's Commissioners for the Exhibition of 1851, to request you to have the kindness to lay before the Earl of Kimberley the accompanying printed Memoranda on the subject of the representation of jewellery and paper in the International Exhibition of 1872, and to move his Lordship to have the kindness to communicate them to the different Colonial Governments, requesting them to have the goodness to afford Her Majesty's Commissioners the benefit of their assistance in procuring collections of peasant jewellery and paper of local manufacture of the different Colonies. Her Majesty's Commissioners are prepared to grant sums not exceeding £30 for the purchase of jewellery, and £2 for the purchase of specimens of paper in each Colony, it being borne in mind that in the case of jewellery, the characteristic design of such specimens should be of much greater consideration than the intrinsic value. Should it appear that this sum is insufficient for the purpose, I am to request that a communication may be made to Her Majesty's Commissioners with the view of their making, if possible, an increased grant.

With reference to the representation of jewellery also, Her Majesty's Commissioners are of opinion that illustrations (such as models, photographs, &c.) of the mode of wearing peasant jewellery in various countries would be interesting, and I am directed to express their wish that, where possible, illustrations of this character may accompany the collections.

I have, &c.,

HENRY Y. D. SCOTT, Colonel, R.E.,

Secretary.

The Under Secretary of State for the Colonies.

Sub-Enclosure to Enclosure.

EXHIBITION OF JEWELLERY FOR 1872.

LIST of Countries, with their Subdivisions and Dependencies, from which representative examples of Peasant Jewellery now in use are derived.

The figures on the right hand of the names show the number of specimens now in the South Kensington Museum.

To every specimen there should be attached a label, stating the district from which it is obtained and the country, as well as any information.

Europe.

- Austro-Hungarian Empire—Austria (Upper and Lower) (4), Bohemia, Bukowina, Carinthia, Carniola, Coast Districts, Dalmatia, Galicia, Istria, Moravia, Salzburg, Silesia, Styria, Tyrol and Vorarlberg; total, 4.
- Belgium—Antwerp, Brabant (South), Flanders (E. and W.) (13), Hainault, Liege, Limburg, Luxembourg, Namur, general (13); total, 26.
- British Islands and Dependencies—England and Wales (123), Scotland, Ireland (6), Channel Islands, Malta (1), Hindostan, India beyond Ganges, China (See under *Asia*), Cape Settlements, Canada, South American Possessions, West India Islands, Australia, New Zealand; total, 130.
- Denmark—Denmark Proper, Faroe Islands, Greenland, Iceland (8), general (10); total, 18.
- France—Alsace, Angoumois, Anjou, Artois, Auvergne (2), Bretagne (1), Burgundy, Champagne, Dauphiny, Flanders (French), Isle de France, Gascony, Guienne, Languedoc, Limousin, Lorraine, Lyonnais, Maine, Normandy (47), Orléanais, Picardy (1), Poitou, Provence, Savoy, Touraine, Corsica, African Possessions (10), East Indian Possessions, West Indian Possessions, general (30); total, 91.
- German Empire—Alsace and Lorraine, Anhalt, Baden, Bavaria, Brunswick, Hanse Towns, Hesse Darmstadt, Lippe, Mecklenburg Schwerin, Mecklenburg Strelitz, Oldenburg, Reuss Greiz, Reuss Schleitz, Saxe Altenburg, Saxe Coburg and Gotha, Saxe Meiningen, Saxony, Saxe Weimar, Schaumburg Lippe, Schwartzburg Rudolstadt, Schwartzburg Sondershausen, Weldeck, Würtemberg, Prussia, Brandenburg (23), E. and W. Prussia, Hanover, Hessen Nassau, Hohenzollern, Lauenberg, Poland, Pomerania, Prussian Saxony, Rhenish Prussia, Schleswig-Holstein, Silesia, Westphalia, general (11); total, 34.
- Greece—Hellas, Morea, Archipelago, Ionian Islands.
- Holland—Brabant (North), Drenthe, Friesland, Groningen, Guelderland, Holland Proper, Limberg, Luxemburg, Overysse, Utrecht, Zealand, Java, and other East Indian Possessions, West Indian Possessions.
- Italy—Genoa (26), Lombardy (20), Modena and Massa (11), Naples (122), Parma (12), Piedmont (33), Romagna (49), Rome (11), Sardinia (21), Sicily (58), Tuscany and Lucca (192), Venetia (51), general (122); total, 728.
- Norway and Sweden—Norway, Bergen, Christiania, Christiansand, Drontheim, Nordland, Islands, general (5); total, 5.
- Sweden—Gothland, Norrland, Svealand, Isles of Gothland and Oland.
- Portugal—Alentejo, Algarve, Beira, Entre Douro-e-Minho, Estremadura, Tras-os-Montes, African Possessions, Azores, Cape Verde Islands, E. Indian Possessions, Macao in China, Maderia, general, (12); total, 12.
- Russia—Baltic Islands, Bessarabia, Circassia, Crimea, Don Cossacks and Astrakan, Finland, Georgia, Lapland (5), Lithuania, Livonia, Poland, remainder of Russia in Europe, Siberian Provinces, General (50); total, 55.
- Spain—Andalusia (139), Aragon (40), Asturias, Biscay, Castile (11), Catalonia (33), Estremadura, Galicia, Granada, Leon, Murcia (116), Navarre, Valencia (23), Balearic Islands (1), Canary Islands, East Indian Islands, West Indian Possessions, general (67); total, 439.
- Switzerland—Appenzell, Argau, Basle, Berne (5), Fribourg, Geneva, Glarus, Grisons (6), Lucerne (6), Neuchâtel, St. Gall (5), Schaffhausen, Schweitz (3), Soleure, Tessin, Thurgau (5), Unterwalden (7), Uri (1), Valais, Vaud (5), Zug (1), Zurich, general (6); total, 50.
- Turkey in Europe (see also under *Asia*)—Albania, Bosnia, Bulgaria, Montenegro, Roumania, Roumelia, Servia, general (20); total, 20.

Asia.

- Arabia.
- China—China Proper, with Formosa and Hainan, Corea, Mantchuria, Mongolia, Thibet (1), Turkestan, British Possession—Hong Kong, general (1); total, 2.
- Hindostan—British India: Bengal (5), Bombay, Madras, N. W. Provinces (45), Ceylon; total, 50. Native States: Afghanistan and Beloochistan, Cashmere, Cutch, Gwalior, Hyderabad, Indore, Kattywar, Kolapore, Mysore, Nepal, Rajpootana, Saugor, Sikh States, Travancore; total, 88.
- India beyond Ganges—British Possessions: Aracan, Assam, Chittagong, Malacca, Pegu, Tenasserim (1); total, 1. Independent States: Birmah, Malay States, Shan States, Siam.
- Japan—Kinsiu, Nippon, Sikok, Yesso, general (4); total, 4.
- Turkey in Asia—Algezira, Anatolia, Armenia, Caramania, Cyprus, Irak Arabi, Kurdistan, Palestine, Sivas, Syria.

Africa.

- Abyssinia (40), Egypt and Nubia (24), Morocco (2), Tripoli, Tunis, Madagascar; total, 66.

North America.

- Costa Rica, Guatemala, Honduras, Mexico, Nicaragua, San Salvador, United States (1); total, 1.

South America.

- Bolivia, Brazil, Chili, Ecuador, La Plata, New Granada, Paraguay, Peru, Uruguay, Venezuela.

Representation of Peasant Jewellery.

1. Her Majesty's Commissioners have announced in the General Rules, that a representation of all kinds of Jewellery will be included in the Programme for the International Exhibition of Selected Works in 1872.

2. It has been explained that Jewellery embraces all kinds of ornament worn for personal decoration, except Watches, which will be exhibited in 1875.

3. Besides Jewellery of a costly kind, Her Majesty's Commissioners desire to obtain the most complete and perfect collection of all kinds characteristic to the country in which it is produced, and especially that used by the peasantry.

4. Such Jewellery should have a direct connection with the native instinctive art, which has been handed down by long tradition. Thus Italy, Spain, Hungary, &c., may be instanced as each having a native Jewellery, worn more or less by all classes, which to this time remains uncontaminated by the introduction of foreign forms based on the fashion of the day. Throughout India ancient types are preserved, but the Delhi Jewellery of the Upper Provinces most commonly offered for sale to the better classes of Europeans is simply an inferior imitation of Parisian or European designs. Photographs of Delhi Jewellery of purely native character, as distinguished from the former, which will serve to illustrate the Classes of traditional ornament that Her Majesty's Commissioners desire to have represented, have been prepared, and may be obtained on application to the Secretary.

5. Collections of Peasant Jewellery have been made for the South Kensington Museum. Those from Italy are numerous and of all varieties, and owe their design to the peculiar instincts of thousands of years, preserved in different localities.

6. To have a complete representation of International personal ornament it will be necessary to collect specimens at least of various objects from all parts of the world. Such an exhaustive series will be of great interest, and be appreciated by the Public Museums of the United Kingdom as well as by the public at large. It is therefore hoped that all countries will voluntarily contribute collections of this nature; but Her Majesty's Commissioners will be prepared to consider the purchase of specimens from such localities as are not likely to undertake their own representation officially, provided that an estimate is first sent to the Commissioners, and a definite amount authorized by them. In collecting such specimens it is necessary that characteristic designs should, however, be of much greater consideration than intrinsic value, and that the price be very moderate.

HENRY Y. D. SCOTT, Colonel, R.E.,
Secretary.

Office of Her Majesty's Commissioners for the Exhibition of 1851,
Kensington Gore, 8th August, 1871.

Memorandum on Paper, Stationery, and Printing.

ALTHOUGH the direct object of Her Majesty's Commissioners in exhibiting Collections of Paper Stationery, and Printing, in 1872, is to show the progress which the most civilized nations have made in these arts, the Commissioners wish to include a series of specimens illustrating the present condition of these arts in other countries, and they feel that it would be of interest and much utility to procure collections from all parts of the world, to illustrate the most primitive kinds of printing, the applications of different materials, and the modes of working them into paper.

In Cashmere, for instance, a paper is made from silk; in Java a kind is made from bamboo pulp; in Canton some is made from rice; and in India varieties are made from plantain and hemp; whilst both in India and China papier-mâché is turned to all kinds of uses.

Her Majesty's Commissioners hope, therefore, that all varieties and modes of printing may be represented, and that collections of paper made from every kind of fibre will be sent to the International Exhibition of 1872 by foreign countries; but Her Majesty's Commissioners will be prepared to consider the purchase of specimens from such localities as are not likely to undertake their own representation, provided that an estimate is first sent to the Commissioners, and a definite amount authorized by them.

HENRY Y. D. SCOTT, Colonel, R.E.,
Secretary.

Office of Her Majesty's Commissioners for the Exhibition of 1851,
Kensington Gore, 8th August, 1871.

Copy of a DESPATCH from the Right Hon. Earl of KIMBERLEY to Governor Sir G. F. BOWEN,
G.C.M.G.

(Circular.)

SIR,—

Downing Street, 2nd September, 1871.

I transmit to you copy of a letter from the India Office relative to a suggestion made by the Lieutenant-Governor of British Honduras, that a continued interchange should take place of the valuable vegetable productions of the British Colonies and Possessions.

It appears that such a system of exchange is already practised in India, and it may be worthy of your consideration, whether it might not with advantage be set on foot among the various Colonial Governments, one with another, and each with the Indian authorities.

The enclosed memorandum from the Superintendent of the Royal Botanical Gardens at Calcutta may be of use in the preparation and packing of seeds.

I have, &c.,
KIMBERLEY.

The Officer Administering the Government
of New Zealand.

Enclosure.

Mr. MERIVALE to Mr. HERBERT.

SIR,

India Office, S.W., 11th August, 1871.

I am directed by His Grace the Secretary of State for India in Council to acknowledge the receipt of your letter of the 27th ultimo, and copy of Despatch from the Lieut.-Governor of British Honduras, announcing the steps which he has been obliging enough to take in compliance with the letter from this Department of the 17th April, to obtain seeds of mahogany and logwood for His Excellency the Governor in Council at Madras.

Lieut.-Governor Cairns has suggested that a continued interchange of the valuable vegetable productions of the British Colonies should take place, and I am to request that you will move Her Majesty's Secretary of State for the Colonies to inform the Lieut.-Governor that such a system is already practised, with the full approval of the Secretary of State in Council, by the Officers who preside over the several forest administrations in India. I am to state that any application for such interchange which Lieut.-Governor Cairns, or any other Governor of Her Majesty's Colonies, may address to the Governor-General of India, through the Inspector-General of Forests, or to the Governors of Madras and Bombay, through the Conservators of Forests under those Presidencies, will be promptly and cordially responded to.

Robert G. W. Herbert, Esq., &c.

I am, &c.,

HERMAN MERIVALE.

Extract Letter from T. Anderson, Esq., M.D., Superintendent, Royal Botanical Gardens, Calcutta, to the Secretary to the Government of Bengal. (No. 106, dated 27th December, 1866.)

Paragraph 4. * * * The seeds from the West Indies should be packed in dry pounded charcoal, a layer of capsules containing the seeds alternating with a layer of charcoal, and in this method of packing the box should be as air-tight as possible. For the sake of experiment, one box should contain seeds without the capsules, but also packed in charcoal. It would be as well to send a small quantity of seeds packed securely in paper alone without any box. The seeds should be taken ripe from the trees, and should be packed dry, but without being exposed to the sun. All unnecessary detentions should be guarded against, especially at Southampton. If possible, the seeds should be transferred from the West Indian mail steamer, to the steamer of the Perinsular and Oriental Steam Navigation Company. Two despatches of seed from Jamaica might be made according as the seeds ripen, in case the first despatch fails. The cases of seeds should be addressed to the Secretary to the Government of Madras, and advice of their despatch from the West Indies should be sent to him, *via* Marseilles and Bombay.