

QUEENSLAND.

THE NEW MARITIME BOUNDARY OF QUEENSLAND.
(DESPATCHES RESPECTING)

Presented to both Houses of Parliament by Command.

1.

GOVERNOR SIR A. E. KENNEDY to THE SECRETARY OF STATE FOR THE COLONIES.

Queensland.
No. 4.

Government House,
Brisbane, 14th January, 1878.

MY LORD,

I have the honour to transmit copies of papers named in the margin on the subject of enlarging the present maritime boundaries of this colony.

Having given the proposal my careful consideration, I see no reason to dissent from the views expressed by my Ministers.

I have, &c.,

A. E. KENNEDY.

1. Extract from Minute of Executive Council, 2nd January, 1878.
2. Memo. of Hon. J. Douglas, 27th December, 1877.
3. Commander Heath, R.N., to Colonial Treasurer, 11th Dec., 1877.

[Enclosure No. 1 in Despatch No. 4.]

EXTRACT FROM THE MINUTES OF PROCEEDINGS OF THE EXECUTIVE COUNCIL OF QUEENSLAND
AT THE GOVERNMENT HOUSE, BRISBANE, 2ND JANUARY, 1878.

Present :

His Excellency the Governor in Council.

His Excellency the Governor, at the instance of the Honourable the Colonial Secretary, lays before the Council copy of a letter from the Portmaster, Brisbane, addressed to the Honourable the Colonial Treasurer, covering a tracing showing the present boundary line of the Queensland coast and the islands proposed to be brought within the Queensland jurisdiction.

11th Dec., 1877.

The Council advise that the memorandum of the Honourable the Vice-President of the Executive Council to His Excellency the Governor in reference thereto be approved.

Herewith, 27th December, 1877

A. V. DRURY,
Clerk of the Council.

[Enclosure No. 2 in Despatch No. 4.]

Executive Council Office,
Brisbane, 27th December, 1877.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

Referring to previous correspondence in connection with the proposed rectification of the maritime boundary of Queensland, I beg now to submit to your Excellency a sketch plan prepared by Commander Heath, showing approximately the present sixty-mile boundary and the amended boundary, if the suggested alterations are carried into effect.

I see no objection to the acceptance on the part of this Government of the responsibilities which this territorial rectification may involve. I can speak with some slight knowledge of the subject, as your Excellency is aware that I have lately returned from the pearl-shell fisheries in Torres Straits, and have visited some of the islands referred to. A sort of police surveillance is even now exercised over some of the islands outside our limits, but it is certainly desirable that we should possess a real authority to deal with the somewhat doubtful characters who are occasionally found to act in a very independent way. It does not at all follow that we should form settlements. They will be frequented by pearl-shellers, and probably eventually by more permanent settlers. They ought to be visited occasionally by the Resident Magistrate at Thursday Island, but it would not be necessary to do more than this at present, and I do not think that we should have to increase our expenditure on that account. If, therefore, Her Majesty's Government should see fit to rectify and amend the present maritime boundary of the colony, I see no reason why this should not be done in the manner suggested by Commander Heath.

JOHN DOUGLAS,
Vice-President.

[Enclosure No. 3 in Despatch No. 4.]

SIR,

Department of Ports and Harbours,
Brisbane, 11th December, 1877.

In order to show more clearly the proposed change of the boundary of Queensland, I have the honour to forward herewith a tracing, showing in blue the present boundary line, and in red the islands now proposed to be brought within Queensland jurisdiction.

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As to the question of practically taking charge of these additional islands, it would seem to be simpler that such should be the case than that the existing state of affairs in the Straits should continue. Where any lodgment of Islanders or others for questionable purposes had been made on the islands beyond our jurisdiction and yet not within the limits of Polynesia, the police have been obliged to act as though these islands did belong to Queensland, the Police Magistrate wisely considering it a lesser evil to exceed his authority in this matter than to allow any attempt at settlement on these islands for improper purposes.

I have, &c.,

The Honourable The Colonial Treasurer.
etc., etc., etc.

G. P. HEATH,
Commander, R.N., Portmaster.

No. 2.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR A. E. KENNEDY, C.B., K.C.M.G.

Queensland.
General.

Downing Street,
16th October, 1878.

SIR,

With reference to your Despatch No. 4, of the 14th of January last, I have the honour to transmit to you Letters Patent, passed under the Great Seal, for the rectification of the maritime boundary of Queensland, and for the annexation to the colony of Tuan, Saibai, Talbot, Deliverance, and other islands, lying in Torres Straits, and between Australia and New Guinea. I also enclose a copy of an Admiralty chart, showing the amended boundary.*

You will cause these Letters Patent to be proclaimed in the usual manner in the colony.

Copies of this Despatch, and the Letters Patent, and Admiralty chart, have been sent to the Governors of New South Wales and Fiji, for their information.

I have, &c.,

Governor Sir A. E. Kennedy, C.B., K.C.M.G.,
etc., etc., etc.

M. E. HICKS-BEACH.

QUEENSLAND.

New Maritime Boundary.

DRAFT OF LETTERS PATENT passed under the Great Seal of the United Kingdom for the rectification of the Maritime Boundary of the Colony of Queensland, and for the annexation to that Colony of Tuan, Saibai, Talbot, Deliverance, and other Islands lying in Torres Straits, and between Australia and New Guinea.

Letters Patent,
Dated 10th October, 1878.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India: To all to whom these Presents shall come: Greeting:

Preamble.

Recites that certain Islands should be annexed to Queensland.

Whereas it is expedient that certain Islands in Torres Straits, and lying between the Continent of Australia and Island of New Guinea, that is to say, all Islands included within a line drawn from Sandy Cape northward to the south-eastern limit of Great Barrier Reefs, thence following the line of the Great Barrier Reefs to their north-eastern extremity, near the latitude of nine and a-half degrees south, thence in a north-westerly direction, embracing East, Anchor, and Bramble Cays, thence from Bramble Cays in a line west by south (south seventy-nine degrees west) true; embracing Warrior Reef, Saibai, and Tuan Islands, thence diverging in a north-westerly direction so as to embrace the group known as the Talbot Islands; thence to and embracing the Deliverance Islands, and onwards in a west by south direction (true) to the meridian of one hundred and thirty-eight degrees of east longitude, should be annexed to and form part of our Colony of Queensland. Now We do, by these Our Letters Patent, under the Great Seal of Our United Kingdom of Great Britain and Ireland, authorise Our Governor for the time being of Our said Colony of Queensland, by Proclamation under his hand and the public seal of the said Colony, to declare that, from and after a day to be therein mentioned, the said Islands shall be annexed to and form part of Our said Colony. Provided always that Our said Governor issues no such Proclamation as aforesaid until the Legislature of Our said Colony of Queensland shall have passed a law providing that the said Islands shall, on the day aforesaid, become part of Our said Colony, and subject to the laws in force therein. Provided also that the application of the said laws to the said Islands may be modified either by such Proclamation as aforesaid, or by any law or laws to be from time to time passed by the Legislature of Our said Colony for the government of the said Islands so annexed.

Proclamation to be issued for the annexation of the Islands to the Colony.

Proviso. Law to be passed extending laws of the Colony to the territory annexed.

Proviso. Application of such Laws may be modified by Proclamation, &c.

Powers reserved to Her Majesty to revoke, alter, or amend the present Letters Patent.

Publication of Letters Patent.

II. And We do hereby reserve to Us, Our heirs and successors, full power and authority, from time to time, to revoke, alter, or amend these Our Letters Patent as to Us or Them shall seem meet.

And we do further direct and enjoin that these Our Letters Patent shall be read and proclaimed at such place or places as Our said Governor shall think fit within Our said Colony of Queensland.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the 10th day of October, in the forty-second year of Our Reign.

By Warrant under the Queen's Sign-Manual.

C. ROMILLY.