CHAPTER 32.

An Act for defraying the Expenses of carrying into effect an Agreement for Naval Defence with the Australasian Colonies, and providing for the Defence of certain Ports and Coaling Stations, and for making further provision for Imperial Defence. [13th August 1888.]

Most Gracious Sovereign,

WHEREAS Your Majesty's Government and the Governments of Your Majesty's Colonies of New South Wales, Tasmania, South Australia, New Zealand, Victoria, Queensland, and Western Australia, having recognised the necessity of increasing the naval force for the protection of the floating trade in Australasian waters at their joint charge, have concluded the agreement (in this Act referred to as the Australasian Agreement) which is set out in the First Schedule to this Act:

And whereas we, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, being desirous that the above agreement should be ratified and carried into effect, have cheerfully granted unto Your Majesty for that purpose the sum herein-after mentioned, and resolved that that sum should be raised as herein-after provided:

And whereas, because we are desirous to provide forthwith for the construction of certain urgent works for the defence of Your Majesty's arsenals and dockyards and military ports at home and abroad, and for the principal mercantile ports at home, and also to provide for the completion without delay of the defence of the coaling stations abroad required for the use of Your Majesty's navy, and the speedy completion of the armament necessary for the above purposes, we have cheerfully granted unto Your Majesty for those purposes the sum herein-after mentioned, and have resolved that that sum should be raised as herein-after provided:

We do therefore most humbly beseech Your Majesty that it may be enacted; and 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:

PART I.

AUSTRALASIAN AGREEMENT.

Ratification of agreement.

1. The Australasian Agreement (set out in the First Schedule to this Act) is hereby ratified.

Issue of money out of Consolidated Fund for purpose of Australasian Agreement.

2.—(1.) The Treasury shall from time to time issue out of the Consolidated Fund, or the growing produce thereof, such sums, not exceeding in the whole the sum of eight hundred and fifty thousand pounds, as may be required by the Admiralty for the purpose of building, arming, and completing for sea the vessels mentioned in articles six and seven of the Australasian Agreement.

(2.) The sums so issued shall be treated as an advance, and, if not borrowed as in this Act mentioned, shall be repaid to the Consolidated Fund out of the moneys annually provided by Parliament for naval services by an annuity of such amount as will repay the same, with interest at three per cent. per annum, within twelve years from the end of the financial year in which the first of the said sums was issued.

(3.) All sums received from the Governments of the Australasian Colonies in pursuance of the Australasian Agreement in respect of the annual sum either of thirty-five thousand pounds or of ninety-one thousand pounds mentioned in article seven of the agreement shall be applied, under the directions of the Treasury, as an appropriation in aid of naval expenditure.

Borrowing to raise money for Australasian Agreement.

3.—(1.) The Treasury may from time to time, if they think fit, with a view to provide money for sums authorised by this part of this Act to be issued out of the Consolidated Fund, or for repaying to that fund all or any part of the sums so issued, borrow by means of terminable annuities, for a period not exceeding the above-mentioned period of twelve years, any sums not exceeding in the aggregate eight hundred and fifty thousand pounds.

(2.) The annuities created in pursuance of this section shall be paid out of moneys provided by Parliament for naval services, and, if those moneys are insufficient, shall be charged upon and payable out of the Consolidated Fund or the growing produce thereof at such times in each year as may be fixed by the Treasury.

(3.) The annuities shall be created by warrant of the Treasury to the Bank of England directing them to inscribe in their books the amount of such annuities in the names directed by the warrant.

PART II.

PORTS AND COALING STATIONS.

Issue of money out of Consolidated Fund for purposes of Second Schedule.

4.—(1.) The Treasury shall from time to time issue out of the Consolidated Fund, or the growing produce thereof, such sums, not exceeding in the whole the sum of two million six hundred thousand pounds, as may be required by the Secretary of State for War for carrying into effect the purposes set forth in the Second Schedule to this Act, according to estimates to be approved by the Treasury.

(2.) If any money is borrowed in pursuance of this part of this Act for the purpose of providing the sums authorised by this section to be issued, or for repaying to the Consolidated Fund all or any part of the sums so issued, then—

(*a*) interest at the rate of three per cent. per annum on the amount so borrowed, or so much thereof as is for the time being due, shall be paid out of the moneys annually provided by Parliament for army services; and

(*b*) all dividends or other moneys received by the Treasury after the first day of July one thousand eight hundred and ninety-four in respect of Suez Canal shares shall, after deduction of the sum required for the purpose of paying the principal of and interest on the bonds issued for the purchase of such shares

39 & 40 Vict. c. 1.

in pursuance of the Exchequer Bonds Act, 1876, be issued and applied in paying the principal of the amount borrowed in pursuance of this part of this Act.

Restrictions on applications of money issued.

5.—(1.) Before any moneys are issued for the purpose of expenditure under any one of the heads in the Second Schedule to this Act, the Secretary of State for War shall submit to the Treasury an estimate in detail, under such subheads as may be required by the Treasury, of the expenditure under the said head for which it is for the time being proposed to issue money.

(2.) The amount specified in the Schedule under head seven for incidental expenses for the purposes of this Act, or any part of that amount, may, with the approval of the Treasury, be added to the amount stated under any other head in the Second Schedule; but, save as aforesaid, there shall be no excess—

(*a*) of any expenditure proposed by such estimate under any head in the Second Schedule above the amount stated for that head in that schedule, nor

(*b*) of any expenditure under any of the subheads in the said estimate above the amount stated in that estimate,

unless in either case there is given a joint certificate of the Treasury and Secretary of State for War certifying that the excess is compensated by a saving under some other head or subhead, as the case may be, and that the excess will not cause the total expenditure to exceed the total sum specified in the Second Schedule, and upon such certificate being given the said saving may be applied towards the payment of the said excess.

Borrowing to raise money for purposes of Second Schedule.

6.—(1.) The Treasury may from time to time, if they think fit, with a view to provide money for sums authorised by this part of this Act to be issued from the Consolidated Fund, or for repaying to that fund all or any part of the sums so issued, borrow by means of Treasury bills or Exchequer bonds or otherwise on the credit of the charge created by this Act on the Consolidated Fund, or partly in one method and partly in another, any sums not exceeding in the aggregate two million six hundred thousand pounds.

(2.) The principal and interest of all sums borrowed in pursuance of this part of this Act, so far as not otherwise provided for under this Act, shall be paid out of moneys provided by Parliament, and, if those moneys are insufficient, shall be charged on and paid out of the Consolidated Fund, or out of the growing produce thereof.

(3.) Every loan raised in pursuance of this part of this Act shall be discharged during the period beginning on the first day of July one thousand eight hundred and ninety-four (being the date after which the Treasury will receive dividends on the Suez Canal shares), and ending at such date, not being more than twelve years from the date at which the loan is raised, as may be fixed by the Treasury.

Discharge of loan when raised by Treasury bills.

39 & 40 Vict. c. 67.

7. Where any loan or part of a loan has been raised in pursuance of this part of this Act by the issue of Treasury bills, and any part of such loan has been discharged out of dividends or other moneys received by the Treasury in respect of the Suez Canal shares section six of the Treasury Bills Act, 1877, shall not authorise the

issue of Treasury bills or Exchequer bills for replacing the amount so discharged.

Duration of Exchequer bonds and application of 29 & 30 Vict. c. 25. to bonds.

8.—(1.) Each Exchequer bond issued for the purpose of raising any loan or part of a loan in pursuance of this part of this Act shall provide for the paying off and discharging of such bond at par at the expiration of the period fixed for the discharge of such loan, and for the bond ceasing to be current and to bear interest after such expiration.

(2.) The bonds shall, so far as practicable, be paid off and discharged in accordance with their numerical order.

(3.) Each bond shall be issued with coupons for the interest from time to time becoming due on such bond during the currency thereof.

(4.) Subject as aforesaid, bonds issued in pursuance of this Act shall be issued in manner provided by the Exchequer Bills and Bonds Act, 1866, and section fifteen of that Act (which relates to the forgery of Exchequer bills and coupons) shall apply to all Exchequer bonds issued in pursuance of this Act in like manner as if it were herein enacted with the substitution of Exchequer bond for Exchequer bill.

PART III.

SUPPLEMENTAL.

Preparation and audit of account of expenditure under the Act.

9.—(1.) The Admiralty and Secretary of State for War respectively shall, at the end of every financial year in which any part of any sum issued under this Act is expended, cause to be made up an account, in such form as may be required by the Treasury, showing as follows:

(*a*) the money expended during that year in pursuance of this Act, the mode in which such money was provided, and the securities (if any) created for providing the same; and

(*b*) the purposes on which such money was expended, and if the same was expended for the purposes of the Second Schedule to this Act, distinguishing the expenditure under each of the heads in that schedule; and

(*c*) the aggregate amount of money expended since the passing of this Act on the purposes thereof, and the aggregate amount of securities (if any) created for the purpose of providing for the same; and

(*d*) the balance (if any) of the sums authorised by this Act to be issued which remains to be expended in pursuance of this Act.

(2.) Separate accounts shall be made out as respects the money expended for the purposes of the Australasian agreement and the money expended for the purposes of the Second Schedule to this Act.

(3.) The accounts of expenditure under this Act shall be audited by the Comptroller and Auditor General as appropriation accounts in manner directed by the Exchequer and Audit Departments Act, 1866. 29 & 30 Vict. c. 39.

Accounts and application of loans.

10.—(1.) Accounts of all moneys issued from the Consolidated Fund and sums borrowed in pursuance of this Act in any financial year, and of all transactions in every financial year in relation to sums so borrowed, including the amount of any loan discharged out of dividends or other moneys received by the Treasury in respect of Suez Canal shares, shall be kept in such form and manner as the Treasury from time to time direct, and shall be annually laid before Parliament.

(2.) All money borrowed in pursuance of this Act shall be paid into the receipt of Her Majesty's Exchequer and carried to the Consolidated Fund.

Definitions.

11. In this Act—

The expression "Treasury" means the Commissioners of Her Majesty's Treasury:

The expression "Secretary of State for War" means Her Majesty's Principal Secretary of State for the time being to whom Her Majesty may think fit to entrust the seals of the War Department, or such one of Her Majesty's Principal Secretaries of State as may for the time being be administering the business of the War Department:

The expression "the Admiralty" means the Commissioners for executing the office of Lord High Admiral:

The expression "financial year" means the twelve months ending the thirty-first day of March:

The expression "Suez Canal shares" means the Suez Canal shares held by the Treasury in pursuance of the Suez Canal Shares Act, 1876:

39 & 40 Vict. c. 67.

The expression "Consolidated Fund" means the Consolidated Fund of the United Kingdom of Great Britain and Ireland:

The expression "Exchequer Bills and Bonds Act, 1866," means the Act of the session of the twenty-ninth and thirtieth years of the reign of Her present Majesty, chapter twenty-five, intituled "An Act to consolidate and amend the several laws "regulating the preparation, issue, and payment of Exchequer "bills and bonds."

Short title.

12. This Act may be cited as the Imperial Defence Act, 1888.

SCHEDULES.

FIRST SCHEDULE.

AUSTRALASIAN AGREEMENT.

Agreement as to Additional Force to be employed for the Protection of the Floating Trade in Australasian Waters.

The Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c., and the Governments of Her Majesty's Colonies of New South Wales, Tasmania, South Australia, New Zealand, Victoria, Queensland, and Western Australia, having recognised the necessity of

increasing the Naval Force for the protection of the floating trade in Australasian waters at their joint charge, have resolved to conclude for this purpose an agreement as follows:—

ARTICLE I.

Force. There shall be established a force of sea-going ships of war herein-after referred to as "these vessels," to be provided, equipped, manned, and maintained at the joint cost of Imperial and Colonial Funds.

ARTICLE II.

Status. These vessels shall be placed in every respect on the same status as Her Majesty's ships of war, whether in commission or not.

ARTICLE III.

Change of crews. The officers and men of such of these vessels as are in commission shall be changed triennially, and of those in reserve as may be considered advisable.

ARTICLE IV.

Control. These vessels shall be under the sole control and orders of the Naval Commander-in-Chief for the time being appointed to command Her Majesty's ships and vessels on the Australian Station.

Limit of employment. That these vessels shall be retained within the limits of the Australian Station as defined in the Standing Orders of the Naval Commander-in-Chief, and in times of peace or war shall be employed within such limits in the same way as are Her Majesty's ships of war, or employed beyond those limits only with the consent of the Colonial Governments.

ARTICLE V.

No reduction of Imperial squadron. Notwithstanding the establishment of this joint naval force, no reduction is to take place in the normal strength of Her Majesty's naval force employed on the Australian Station, exclusive of surveying vessels.

ARTICLE VI.

Number of vessels. These vessels shall consist of five fast cruizers and two torpedo-gunboats, as represented by the "Archer" (improved type) and "Rattlesnake" classes in Her Majesty's Navy. Of the above, three cruizers and one gunboat to be kept always in commission, the remainder being held in reserve, in Australasian ports, ready for commission whenever occasion arises.

ARTICLE VII.

Cost. 1. The first cost of these vessels shall be paid out of Imperial funds, and the vessels fully equipped, manned, and sent to Australia.

Interest on first cost. 2. The Colonies shall pay the Imperial Government interest at five per cent. on the first and prime cost of these vessels, such payment not to exceed the annual sum of thirty-five thousand pounds.

Annual charge for maintenance.

3. The Colonies shall, in addition, bear the actual charges for maintaining from year to year the three fast cruizers and one torpedo-gunboat which are to be kept in commission in time of peace, and also of the three other vessels which are to remain in reserve, including the liability on account of retired pay to officers, pensions to men, and the charge for relief of crews; provided always, that the claim made by the Imperial Government under this head does not exceed the annual payment of ninety-one thousand pounds.

Cost of maintenance in war.

4. In the time of emergency or actual war, the cost of commissioning and maintaining the three vessels kept in reserve during peace shall be borne by the Imperial Government.

ARTICLE VIII.

Replacement of vessels if lost.

In the event of any of these vessels being lost, they shall be replaced at the cost of the Imperial Government.

ARTICLE IX.

Terms of agreement.

1. This agreement shall be considered to become actually binding between the Imperial and the several Colonial Governments named in the first clause so soon as the Colonial Legislatures shall have passed special appropriations for the terms herein-after mentioned, to which Acts this agreement shall be attached as a First Schedule.

Period.

2. The agreement shall be for a period of ten years, and only terminate if and provided notice has been given two years previously, viz., at the end of the eighth year, or at the end of any subsequent year, and then two years after such date.

Vessels to be property of Admiralty.

3. On the termination of the agreement these vessels to remain the property of the Imperial Government.

ARTICLE X.

Date of first payment. Date for agreement to commence.

1. The payments named in Article VII. shall be considered as payments in advance, and shall first become due and payable on the dates on which the several vessels are put in commission; and the period of ten years referred to in Article IX. is to be calculated from the date of the first vessel being put in commission.

Mode of payment.

2. The share of these payments due from each Colony shall be paid annually in London by the Agents General and the Crown Agents respectively to such account as the Lords Commissioners of the Admiralty may direct.

Closing of accounts.

3. The accounts of these vessels shall be closed each year on the thirty-first day of March, and the difference between expenditure and ninety-one thousand pounds per annum for maintenance adjusted in subsequent annual payments, should the actual expenditure prove less than that sum.

ARTICLE XI.

Local defence forces.

Nothing in this agreement shall affect the purely local naval defence forces which have been, or may be, established in the

several Colonies for harbour and coast defence. Such local forces in each Colony to be paid for entirely by that Colony, and to be solely under its control.

ARTICLE XII.

In time of peace, two ships, either of the normal Imperial squadron, or of these vessels, shall be stationed in New Zealand waters as their head-quarters. Should, however, such emergency arise as may, in the opinion of the Naval Commander-in-Chief, render it necessary to remove either or both of such ships, he shall inform the Governor of the reasons for such temporary removal.

Vessels to be stationed in New Zealand waters.

SCHEDULE TO AGREEMENT.

LIMITS OF AUSTRALIAN STATION.

The Australian station as referred to in Article IV. of the foregoing agreement, is bounded—

N . . on the north from the meridian of ninety-five degrees east, by the parallel of the tenth degree of south latitude, to one hundred and thirty degrees east longitude, thence northward on that meridian to the parallel of two degrees north latitude, and thence on that parallel to the meridian of one hundred and thirty-six degrees east longitude, thence north to twelve degrees north latitude, and along that parallel to one hundred and sixty degrees west longitude.

W . . on the west by the meridian of ninety-five degrees east longitude.

S . . on the south by the Antarctic Circle.

E . . on the east by the meridian of one hundred and sixty degrees of west longitude.

SECOND SCHEDULE.

SUMS PROPOSED TO BE EXPENDED ON FORTIFICATIONS, BARRACKS, WORKS, AND HEAVY ORDNANCE BETWEEN THE 1ST DAY OF APRIL 1888 AND THE 1ST DAY OF APRIL 1891 UNDER THIS ACT.

	£
1. For Military Ports:	
Home - - - - -	738,000
Colonial - - - -	441,000
2. For Coaling Stations - - -	360,000
3. For Barracks at Coaling Stations - -	350,000*
4. For Mercantile Ports - - -	193,000
5. For heavy guns not yet allotted to particular forts - - - - -	200,000

* This amount represents the net sum required after deducting the sums to be contributed by the Colonies, and also the proceeds of the sale of lands belonging to the Government, at the several stations.

	£
6. For Storehouses and Magazines at Home -	100,000
7. For incidental expenses for the purposes of this Act - - - - -	218,000
	£2,600,000*

* This amount does not include any ammunition, stores, machine, or quick-firing guns.

CHAPTER 33.

An Act to consolidate the Law relating to Excise Licences for Hawkers. [13th August 1888.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Hawkers Act, 1888. . .

Definitions.

2. In this Act each of the following terms shall have the meaning assigned to it by this section unless it is otherwise expressly provided, or there is something in the subject or context inconsistent with such meaning:—

"Hawker" means any person who travels with a horse or other beast bearing or drawing burden, and goes from place to place or to other men's houses carrying to sell or exposing for sale any goods, wares, or merchandise, or exposing samples or patterns of any goods, wares, or merchandise to be afterwards delivered, and includes any person who travels by any means of locomotion to any place in which he does not usually reside or carry on business, and there sells or exposes for sale any goods, wares, or merchandise in or at any house, shop, room, booth, stall, or other place whatever hired or used by him for that purpose.

"Officer" means officer of Inland Revenue.

"Justice" means justice of the peace.

Hawkers licence.

3.—(1.) There shall be granted and paid, for the use of Her Majesty, Her heirs and successors, upon an excise licence to be taken out annually by every hawker in the United Kingdom, the duty of two pounds.

(2.) Every such licence shall be in such form as the Commissioners of Inland Revenue shall direct, shall whenever issued be granted only on payment in full of the duty, and shall expire on the thirty-first day of March in each year.

Exemptions.

(3.) It shall not be necessary for a licence to be taken out under this Act in the following cases; that is to say,

(*a.*) By any person selling or seeking orders for goods, wares, or merchandise to or from persons who are dealers therein, and who buy to sell again:

(*b.*) By the real worker or maker of any goods, wares, or merchandise, and his children, apprentices, and servants usually