

With reference, however, to the 14th section of this Act, I have to call your attention to the observations of the Lords Commissioners of the Treasury, contained in Mr. Peel's letter of the 13th September, 1862, which was transmitted to you in my predecessor's Despatch, No. 94, of the 20th September, 1862.

I have, &c.,

Governor Sir George Grey, K.C.B., &c., &c., &c.

EDWARD CARDWELL.

No. 21.

SIR,—

Downing Street, 26th May, 1864.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance in respect to either of the two Acts of the Legislature of New Zealand, No. 5 and No. 28, entitled respectively "An Act to constitute Courts of Enquiry into the causes of Wrecks," and "An Act to establish a Marine Board and to provide for the general control and management of ports, pilots, lighthouses, and other matters relating to navigation and to regulate port charges and other rates," copies of which Acts were transmitted in your despatch No. of the

At the same time, I enclose for your information a copy of a letter from the Lords of the Committee of Privy Council for Trade calling attention to various sections of the Act No. 5, together with a copy of their previous letter on the subject of Courts of Enquiry at the Cape of Good Hope, to which reference is made.

I have, &c.,

Governor Sir George Grey, K.C.B., &c., &c., &c.

EDWARD CARDWELL.

Enclosure 1 to No. 21.

Mr. BOOTH to the UNDER SECRETARY OF STATE.

SIR,—

Board of Trade, Whitehall, 13th May, 1864.

I am directed by the Lords of the Committee of Privy Council for Trade to acknowledge the receipt of your letter of the 22nd ultimo, transmitting copies of two Acts of the Government of New Zealand, entitled respectively, "An Act to constitute Courts of Enquiry into the causes of Wrecks," and "An Act to establish a Marine Board, and to provide for the general control and management of ports, pilots, lighthouses, and other matters relating to navigation, and to regulate port charges and other rates."

In reply to the inquiry contained in your letter, I am to request that you will inform Mr. Secretary Cardwell that my Lords see no reason why these Acts should not be left to their operation.

I am at the same time to call attention to the following points on which Mr. Cardwell may perhaps see fit to communicate with the Governor:—

1. The Act No. 5 provides (sec. IX.) that the Justices or Magistrate who hear the case shall send a report to the Governor containing a full statement of the case, and of their opinion (sec. XII.) that the proceedings shall be transmitted to the Board of Trade. It appears doubtful whether the New Zealand Legislature contemplated that that tribunal should have the power to cancel or suspend a certificate. This power will, however, it appears to my Lords, be vested in that tribunal under the Imperial Act 25 and 26 Victoria, cap. 63, s. 23, without further legislation in the Colony; and it is important that the local court should bear in mind that under that Imperial enactment the power of dealing with the certificate cannot now in any such case be exercised by the Board of Trade, and that it should carefully observe the rules contained in sections 23 and 24 of the Imperial Act.

I am also to point out that it is requisite that the report of the local tribunal should be confirmed by the Governor pursuant to "The Merchant Shipping Act, 1854," s. 242, par. 5. The grounds on which it is considered that such confirmation is still requisite are stated in the letter of the 14th February, 1863, from this Department to the Colonial Office, on the subject of courts of enquiry at the Cape of Good Hope.

2. Section X. of the same New Zealand Act provides for the appointment of a *Nautical Assessor* only. My Lords would suggest that the attention of the Government of New Zealand should be called to the provisions for granting certificates to engineers in the merchant service, for cancelling or suspending such certificates, and for the appointment in some cases of an Engineering Assessor, which are contained in "The Merchant Shipping Act Amendment Act, 1862," with a view to its being considered by the New Zealand Government whether it would not be desirable that when an opportunity offers, section X. of the New Zealand Act No. 5 should be amended, in the same manner as the 434th section of "The Merchant Shipping Act, 1854," was amended by the 23rd section, par. 5, of "The Merchant Shipping Act of 1862."

I have, &c.,

The Under Secretary of State, Colonial Office.

JAMES BOOTH.

Enclosure 2 to No. 21.

Mr. FARRER to the UNDER SECRETARY OF STATE FOR THE COLONIES.

Office of Committee of Privy Council for Trade,

Marine Department, Whitehall, 14th February, 1863.

SIR,—

I am directed by the Lords of the Committee of Privy Council for Trade to acknowledge the receipt of your letter of the 3rd instant, transmitting for their consideration copy of a despatch from the Governor of the Cape of Good Hope, containing his observations in reply to the instructions submitted to the Secretary of State for the Colonies in this Board's letter of the 4th September last referring to those provisions of "The Merchant Shipping Act Amendment Act, 1862," which bear upon the powers and proceedings of courts of enquiry held in the British possessions for investigating the causes of wrecks and the conduct of masters, mates, and engineers in the merchant service.

I am to request that you will lay before the Duke of Newcastle the following observations on the questions raised by the Governor of the Cape:—

1. Sir P. E. Wodehouse, after consulting the Acting Attorney-General of the Colony, expresses his doubts whether Colonial Courts established for the purpose of giving effect to the provisions of