

No. 10.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to
Governor the Right Hon. Sir J. FERGUSSON, Bart.

(No. 48.)

July 11, 1873.

SIR,—

Downing Street, 17th July, 1873.

I transmit to you a copy of a report from Sir Clinton Murdoch on the case of the ships "Forfarshire" and "Glenlora," reported in Sir G. Arney's Despatch No. 35, of the 28th April.

The attention of the Board of Trade has been called to the defects in the Passenger Acts noticed by Sir Clinton Murdoch.

I am, &c.,

KIMBERLEY.

Governor the Right Hon. Sir J. Fergusson, Bart.

Enclosure in No. 10.

MINUTE.

THE "Glenlora" and "Forfarshire" were chartered by Dr. Featherston, the Agent-General for New Zealand, and sailed, the former on 6th August and the latter on the 16th November last. The Colonial Magistrates having dealt with the cases so far as regards the master of the ship, the only other questions which the papers raise is, whether the allegations of the local Ministry, that the Emigration Officers in this country perform their duties in a perfunctory manner, is borne out by the facts.

This does not appear to us to be shown. It is, indeed, alleged by one witness that the biscuit in the "Glenlora" got mouldy a month after the ship sailed, because it was placed in bags instead of tanks. The statement is not supported by other witnesses; but it may be taken for granted that biscuit keeps better in tanks or casks than in bags, and that the former should, as a general rule, be required, but this cannot be insisted on under the Passenger Acts. In respect to the deficiency of water in the "Forfarshire," it appears that, from bad weather in the Channel, the tanks had strained and leaked, and that six weeks after sailing the distilling apparatus got out of repair, and failed to produce the quantity for which it was passed. These were accidents which no vigilance on the part of an Emigration Officer could foresee or provide against. They do not, in our opinion, justify the charge so easily made, that the officers in this country had not done their duty.

But the case of the "Glenlora" brings to light a defect in the existing Passenger Acts which hitherto has escaped notice. The Passenger Acts provide for the replenishment of the provisions in a ship putting back to the United Kingdom, and for the forwarding from foreign or colonial ports of any passengers wrecked or landed there, but it does not provide for the replenishment of the provisions of a passenger ship putting into a foreign or colonial port in distress. Such a ship being in the foreign or colonial port only *in transitu*, would not, according to the opinion of Law Officers of 16th June, 1857, come under the sections of the law relating to colonial voyages, and consequently there is no power in a Consul or Governor to prescribe the quantity of provisions to be put on board, or to have them surveyed. No doubt, as in the case of the "Glenlora," the master may, on arrival at his destination, be prosecuted for non-issue of the quantities prescribed by the Passengers Act, but that is much less satisfactory than giving power to the proper authority to insist on the supply of the proper stores before the ship resumes its voyage.

It is extraordinary, considering the number of years Passenger Acts have been in force, that this point should not have been hitherto raised. In the only similar case we remember, the "Accrington," which put into Pernambuco, no difficulty arose, because the master and owners acceded to all the arrangements proposed by the Consul. But as the defect of the law has now been shown, it should be remedied the first opportunity that offers itself. I would submit that the papers should be transmitted to the Board of Trade, who, having now the administration of the Passenger Acts, are the proper judges as to the way in which that should be done.

T. W. C. M.

No. 11.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to
Governor the Right Hon. Sir J. FERGUSSON, Bart.

(No. 49.)

SIR,—

Downing Street, 21st July, 1873.

I have to acknowledge Sir G. Arney's Despatches Nos. 36 and 37, of the 7th May, reporting the murder of a settler named Timothy Sullivan by a party of Hauhau Natives, and the course taken by the Government of New Zealand in dealing with the case.

I have also received Sir G. Arney's further Despatch No. 39, of the 10th of May, enclosing a telegram from Mr. Mackay, who had been directed by the Government to proceed on a mission to the Maori King.