

(M. 5932/97.)

New Zealand Shipping and Seamen's Amendment Act, 1896.

THE following sections of the Act all give rise to difficulties:—

Section 2 provides for the rating of engineers down to the fourth engineer as officers on all steamships. There is no corresponding provision in the Imperial Act, and the New Zealand Legislature do not appear to have any power to pass such a law except in regard to ships employed in the coasting trade. Whether in actual practice engineers are so rated I am not sure, nor do I quite understand what the effect of the provision is or is intended to be.

Sections 4 to 6: These provisions apparently apply to all British ships registered at, trading with, or being at any place within the jurisdiction of New Zealand (see section 2 of the principal Act); but there is no provision in the Imperial Merchant Shipping Act by which third-class engineers' certificates are required, and in these circumstances it does not appear to be competent for the New Zealand Legislature to require them there except in the coasting trade.

Sections 7 to 9: The provisions of sections 7 and 8 do not apply to ships trading with the United Kingdom or beyond the limits prescribed in the case of intercolonial trading ships, as defined in section 5 of the principal Act, but their application is not confined to ships employed in the coasting trade, and the New Zealand Legislature has apparently no power to make them in this extended form. Moreover, they are provisions which are not unlikely to offend the self-governing and Crown colonies within the limits prescribed. In the principal New Zealand Act the only reference to these limits is in connection with light dues, but subsequent legislation in regard to vessels engaged in the intercolonial trade appears not to have been disallowed. (See amending Act of 1894, section 7, and of 1895, section 6).

Section 10: The wording of this section is obscure, but it may be construed to apply to ships other than those engaged in the coasting trade within the colony. In that case it is, I think, *ultra vires*. At present it appears to apply to ships coming from abroad, and carrying passengers or cargo from one port in the colony to another, and, apparently, to ships in ballast.

Section 11: This section is also obscurely worded, but if it means that seamen engaged elsewhere than in New Zealand (as well as those engaged there) can recover under the section more than they could recover in that part of Her Majesty's dominions in which they were engaged, then the provision is *ultra vires*.

Section 18: This appears to be objectionable in so far as it affects the intercolonial trade; but section 7 of the Act of 1894, and to some extent section 6 (1) of the Act of 1895, are open to similar objections, so that, unless exception is taken to those sections of the earlier Acts, none will, I presume, be taken in regard to this section.

Having regard to the Imperial law as it stands at present, the objections to sections 2, 4, 5, 6, 7, 8, 10, and 11 are, I venture to think, so serious that it is very undesirable that those sections should be allowed to remain in operation. The draftsman seems to have overlooked the limitations attaching to colonial legislation with respect to British ships.

7th April, 1897.

W. M.

No. 3.

(Circular.)

SIR,—

Downing Street, 1st May, 1897.

I have the honour to transmit to you, for the consideration of your Government, a copy of a letter from the Board of Trade, asking to be supplied with information as to the results, as affecting imported goods, of the operation of the merchandise marks laws in colonies which have legislated on the lines of the Imperial Acts.

I shall be obliged if you will arrange for this department being furnished with the information desired by the Board in relation to the colony under your government.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Enclosure.

Board of Trade (Railway Department), 7, Whitehall Gardens, London, S.W.,

SIR,—

6th April, 1897.

I am directed by the Board of Trade to acquaint you, for the information of the Secretary of State, that a Select Committee has been appointed by the House of Commons to inquire into the effects and operation of "The Merchandise Marks Act, 1887," and into the subject of merchandise marks generally.

At the first meeting of the committee, which was held on the 22nd ultimo, the question of the examination of goods in transit, and its effect upon the British carrying trade, was raised, and the Board think that it would be of interest if information could be obtained as to the results as affecting imported goods of the operation of the merchandise marks laws in such of the principal colonies as have legislated on the lines of the British Acts.