

No. 5.

(Circular.)

SIR,—

Downing Street, 15th March, 1898.

With reference to my circular despatch of the 15th December last, enclosing a parliamentary paper containing an additional Act signed at Paris on the 4th May, 1896, modifying certain articles of the Convention concerning the creation of an International Union for the Protection of Literary and Artistic Works, signed at Berne on the 9th September, 1886, I have the honour to transmit to you, for information and publication in the colony under your government, copies of an order of Her Majesty in Council for giving effect to the additional Act of Paris above referred to.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

[For enclosure, see *New Zealand Gazette*, 26th May, 1898, page 913.]

No. 6.

(Circular.)

SIR,—

Downing Street, 21st March, 1898.

My attention has recently been called to the fact that the statutory provisions in force in the colonies in some cases differ materially from the provisions contained in "The Merchant Shipping Act, 1894." As it is desirable that in matters connected with merchant shipping uniformity of practice should as far as possible be preserved, particularly where cases arise of investigation into shipping casualties and the conduct of ships' officers, I desire to call your attention to a memorandum which has been prepared upon this subject by the Board of Trade, and which is transmitted herewith, and request that you will invite your Government to consider whether any legislation is necessary or desirable to bring the practice in the Courts of the colony under your government into conformity with the general practice which is laid down in "The Merchant Shipping Act, 1894."

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Enclosure.

MEMORANDUM ON COLONIAL LEGISLATION WITH RESPECT TO INQUIRIES INTO SHIPPING CASUALTIES AND THE CONDUCT OF SHIPS' OFFICERS.

THE special importance of harmonizing colonial with Imperial legislation on the subject of shipping inquiries arises from the fact that the casualties investigated in British possessions are frequently casualties occurring to British ships registered in some other part of the Empire, and that the officers' certificates dealt with in those inquiries are in many cases what may conveniently be called "Imperial" certificates—i.e., certificates either granted in the United Kingdom under "The Merchant Shipping Act, 1894," or certificates granted in a British possession under the delegated authority of section 102 of the same Act, and declared by Order in Council to be of the same force as if granted directly under that Act.

Colonial legislation on the subject of shipping inquiries has hitherto been attended with some difficulty, owing to the great number of references to Imperial enactments rendered necessary by a series of Acts of Parliament passed in the United Kingdom during the forty years 1854–1894. The complications introduced by this fragmentary legislation have been commented upon by English Judges, but the subject has now become much simplified by "The Merchant Shipping Act, 1894," which consolidated and reduced to order the whole of the previous enactments.

Most of the existing colonial Acts and Ordinances refer to and are based upon provisions in the former Merchant Shipping Acts now repealed, and their consolidation under the Act of 1894 furnishes an argument and a convenient opportunity for new legislation in all British possessions which shall contain corresponding reference to the provisions of the Imperial Act of 1894 now in force.

The observations which follow, so far as they refer to the certificates of ships' officers, relate only to Imperial certificates and not to local certificates granted in a British possession merely in order to qualify ships' officers for the coasting trade of that possession.

Even if no Imperial certificate be at stake in a shipping inquiry, it is obviously desirable that the conditions and procedure under which the cause of a casualty to a British ship, owned in the United Kingdom or some other part of the Empire, may be inquired into and reported upon by a