

merchant shipping, and has ever since been steadily kept in view. The punishment of ships' officers, on the other hand, is, although important, rather incidental to the main purpose of the inquiries than a primary object in itself.

Some difficulty has arisen in adapting the procedure of shipping inquiries in the United Kingdom to this dual nature of the proceedings.

Regarded as an inquiry, the object of a formal investigation is to ascertain the facts, and, as these are in theory not completely discovered until the close of the inquiry, it is difficult to formulate a charge against the ship's officers or other persons beforehand; while regarding a Court of formal investigation as a Court of discipline, having power to cancel or suspend certificates, to impute blame to owners or other persons, or to condemn the parties in costs, it is both fair and right in itself, and necessary in order to give effect to the statutory requirement, that an accused person shall have an opportunity of defence, to give that person the earliest possible intimation of the matters which may be brought against him.

To meet this difficulty a formal investigation into a shipping casualty has been divided into two parts, the first part being an inquiry into the facts of the case, and the second part a *quasi*-prosecution of the ship's officers or other persons whose conduct appears to have caused or contributed to the casualty.

Under the powers conferred by "The Merchant Shipping Act, 1876," now re-enacted in section 479, the Lord Chancellor has from time to time made rules called the "Shipping Casualties Rules" to regulate the procedure in a formal investigation.

Until the year 1895 the second part of the investigation was commenced by delivering to the officers or other persons implicated a statement of the questions which the Board of Trade intended to raise with respect to their conduct, and these were based upon the evidence previously given during the first part of the investigation.

It has, however, been deemed more fair to the implicated officers or other persons to give them a still earlier intimation of the matters intended to be alleged against them, and accordingly in the Shipping Casualties Rules, 1895 (now in force), provision has been made for the delivery to the owners, master, and officers of the ship, before the investigation, of a notice containing a statement of the questions which, on the information then in the possession of the Board of Trade, they intend to raise for the opinion of the Court on the hearing. These questions are afterwards formally put in at the commencement of the second part of the investigation, with such modifications in, additions to, or omissions from them as the Board of Trade, having regard to the evidence given in the first part of the investigation, may think fit to make. But it should be stated that it is only found possible to satisfactorily comply with such a rule when the facts relating to a casualty have been as completely as possible obtained beforehand from the depositions of the witnesses taken at the preliminary inquiry provided for by section 465, or held under section 517, supplemented by the subsequent more detailed examination of those and other witnesses through the legal department of the Board of Trade.

This practice has worked smoothly and well, and affords to ships' officers and others a reasonably sufficient opportunity of making a defence against any charge which may be brought against them in the second part of the investigation.

The remaining Shipping Casualties Rules may furnish other suggestive matter for consideration in connection with projected legislation.

It would be a great and general advantage if, in addition to an assimilation of colonial Acts and Ordinances to Imperial legislation, there could also be secured, as far as may be consistent with the special features of the judicial and executive administration of the several colonies, a greater degree of uniformity as between the various British possessions themselves in the provisions they may severally make for inquiring into shipping casualties and into the conduct of ships' officers.

The Board of Trade will be ready to afford such further assistance as may be desired in furtherance of this object, and of Mr. Chamberlain's views on the subject generally.

10th January, 1898.

W.M.

No. 7.

(Circular.)

SIR;—

Downing Street, 13th April, 1898.

With reference to Lord Granville's circular despatch of the 16th July, 1886, enclosing copy of a treaty of friendship, commerce, and navigation between Her Majesty and the Republic of Ecuador, signed at Quito on the 18th October, 1880, I have the honour to inform you that the Secretary of State for Foreign Affairs has received a telegram from the Acting British Consul-General at Lima, dated the 30th March last, reporting that the Ecuadorean Government had made a communication to him giving twelve months' notice to terminate that treaty.

I have, &c.

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

2—A. 2.