

Enclosure.

Board of Trade, Marine Department, 7, Whitehall Gardens,
London, S.W., 14th July, 1902.

SIR,—

With reference to your letter (No. 18040) with enclosures of the 16th May last, respecting the decision of the Stipendiary Magistrate at Wellington, New Zealand, in the case of the s.s. "Waikato," I am directed by the Board of Trade to state, for the information of Mr. Secretary Chamberlain, that it is not clear to them on what grounds the vessel in question was held to be engaged in the coasting trade of the colony at the time.

The Board would accordingly suggest, for Mr. Chamberlain's consideration, that the New Zealand Government should be asked to state what is the construction placed on the words "coastal trade" in section 7 of "The Shipping and Seamen's Act Amendment Act, 1894."

I have, &c.,

WALTER J. HOWELL.

The Under-Secretary of State, Colonial Office.

SIR,—

Downing Street, 29th July, 1902.

I am directed by Mr. Secretary Chamberlain to acquaint you, for the information of the Board of Trade, with reference to your letter (No. M. 9833) of the 14th of July, that he understands that the steamers of the New Zealand Steamship Company, in the course of their voyage from London and back, carry goods and passengers from one New Zealand port to another, and are therefore properly held to be engaged in the coasting trade of the colony.

2. If, therefore, as Mr. Chamberlain presumes, the s.s. "Waikato" arrived at Wellington with goods and passengers from that port for Lyttelton, or some other New Zealand port, it would appear to have been engaged in the coasting trade, and accordingly subject to the New Zealand law as to manning.

3. Mr. Chamberlain will, however, send a copy of the correspondence to the Governor of New Zealand for his report.

I am, &c.,

H. BERTRAM COX.

The Assistant Secretary, Marine Department, Board of Trade.

No. 33.

(No. 74.)

MY LORD,—

Downing Street, 1st August 1902.

I have the honour to transmit to you, for communication to your Ministers, the paper noted in the subjoined schedule.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.

Date.	Subject.
23rd July, 1902	Judgment of the Judicial Committee of the Privy Council on the appeal of the Commissioner of Trade and Customs v. R. Bell and Company (Limited).

Enclosure.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL ON THE APPEAL OF THE COMMISSIONER OF TRADE AND CUSTOMS v. R. BELL AND COMPANY (LIMITED), FROM THE COURT OF APPEAL OF NEW ZEALAND. DELIVERED THE 23RD JULY, 1902.

Present at the hearing: Lord Macnaghten, Lord Davy, Lord Robertson, Lord Linley, Sir Ford North. Delivered by Sir Ford North.

THE respondents carry on the business of manufacturers of matches in New Zealand, and also in London. In London they make match-boxes as well as matches, and as occasion requires they send over empty match-boxes stamped with the words "New Zealand" for use in their colonial business.

In 1900, several packages of match-boxes, consigned by the respondents to their agents in New Zealand, were seized on arrival by the officers of Customs as contraband. The boxes were stamped "New Zealand," but filled with London matches.

It is not disputed that, having regard to their contents, these boxes bore a false trade description. On the other hand, it is conceded that neither the respondents nor their agents or servants had any fraudulent intention, or any intention of transgressing the law of the colony. The mistake was the work of a subordinate in the packing department of the London factory, who acted in the matter without instructions from his superiors, and merely with a view of economising space in transit.