

firming Act would do violence to the manifest intent, which was to confirm an existing law, and not to make a new one.

I have, &c.,

FRED. WHITAKER.

The Honorable  
The Colonial Secretary.

[MEMORANDUM BY MR. WHITAKER.]

Auckland, 16th July, 1859.

"The Foreign Seamen's Act, 1858."

With reference to the objections made by the Secretary of State to "The Foreign Seamen's Act, 1858," your Excellency's Responsible Advisers have to make the following remarks:—

1. The words objected to by the Law Officers of the Crown in Section II., were introduced for the purpose of making the enactment suitable to the circumstances of this Colony. It may frequently happen under that section that a Deserter may be apprehended by a Constable, at a great distance from any Justice of the Peace capable of hearing the complaint, and it may in some cases entail a great hardship on the Seaman himself, and considerable expense and inconvenience to the Master of the Ship, to compel them, contrary to the wish of both parties, to go before a Justice of the Peace. Moreover, the Master is responsible for the apprehension of the Seaman, and is subject to a penalty of £50 if it be made on improper or insufficient grounds.
2. It does not appear to your Excellency's Advisers that the penal clauses of the Act can be characterized as unusually severe. By the Table at the foot of this memorandum it will appear that the penalties are very much the same as those imposed by the English "Merchant Shipping Act, 1854," and it must be borne in mind as regards most of the offences, that the temptation in New Zealand to commit them is much greater than in England, and as regards pecuniary penalties, they must be less regarded or felt here than there.

If, however, Her Majesty's Imperial Government on a re-consideration of the matter, still think that alterations should be made, they will be proposed by Your Excellency's Advisers in the next Session of the General Assembly, which it is proposed to hold about March or April next.

FRED. WHITAKER.

T A B L E.

	"Merchant Shipping Act, 1854."	"New Zealand Foreign Sea- men's Act, 1858."
Desertion .....	Not exceeding 12 weeks, and forfeiture of clothes and wages	Not exceeding 12 weeks, first offence Not exceeding 6 months, se- cond offence
Assaulting Officers .....	Not exceeding 12 weeks	Not exceeding 6 months
Disobedience or neglect of duty	Not exceeding 4 weeks, and two days' pay forfeited	Not exceeding 4 weeks
"        "        "	Not exceeding 12 weeks and six days' pay for every 24 hours' disobedience, or any ex- penses incurred in hiring a substitute	Not exceeding 12 weeks
Combining to disobey .....	Not exceeding 12 weeks	Not exceeding 12 weeks
Enticing to desert .....	Not exceeding £10	} First offence, not exceeding £20 } Second offence, from £10 to £50
Harbours Deserters .....	"        "        £20	
For approaching Ship after warning .....		Not exceeding £10.

[MEMORANDUM BY MR. STAFFORD.]

Colonial Secretary's Office.

12th January, 1860.

"Bankers' Returns Act."

With reference to the Duke of Newcastle's Despatch, No. 12, of the 1st September last, with its enclosures, it is to be observed that the days appointed by the "Bankers' Returns Act" for