

a copy of a Letter received by their Lordships from the Foreign Office, conveying the observations of the Law Officers of the Crown upon the Memorandum, which was enclosed in your Letter, of the Responsible Advisers of the Governor of New Zealand in reference to that Act.

I have, &c.,

JAMES BOOTH.

The Act which was borrowed from the Colonial Office is herewith returned.

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Sub-Enclosure to Enclosure in No. 23.

MR. MURRAY TO MR. BOOTH.

Foreign Office,  
27th December, 1859.

SIR,—

Lord John Russell has referred to the Law Officers of the Crown your Letter of the 14th ultimo, adverting to the Act of the Legislature of New Zealand (21 and 22 Vic., No. 14,) intituled "An Act to prevent Desertion and other misconduct of Seamen belonging to Foreign Ships," and requesting to be informed whether in his Lordship's opinion it was necessary to insist upon the objections to the 2nd section of that Act which were suggested by the late Law Officers in their report of the 12th January last. (Enclosure.)

In reply to the above reference, the Law Officers have reported that they are of opinion that the objections in question are well founded and are not removed by the observations of the Responsible Advisers of the Government of New Zealand as contained in their Report of the 16th of July last enclosed in your Letter.

The Law Officers further observe that the Act is intended to apply to the Foreign Seaman, ignorant of our laws or of his rights under them, and probably not even speaking the language of the Constable who apprehends him, that to allow a person so circumstanced to be forced on board at the will of the Master (against whom he may have just cause of complaint) without being taken before a Magistrate might produce an amount of injustice and oppression against which the proviso affords no practical protection; for once on board the Ship, he would find it difficult to make his complaint heard.

The Law Officers therefore express their opinion that the Act should be altered as was suggested, so as to make it obligatory on the Constable to take the Seaman before a Magistrate.

I have, &c.,

JAMES MURRAY.

James Booth, Esq.

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