

out of his wages of a sum equal to the loss he has occasioned, and also, at the discretion of the Court, imprisonment for any period not exceeding twelve weeks, with or without hard labour.

By "The Criminal Law Consolidation Act, 1861," penalties are imposed for stealing from vessels in rivers or in port; but there appears to be no special punishment enacted by such Act for broaching cargo on the high seas, except such punishment as might be inflicted for simple larceny, which, under such Act, is either penal servitude for three years, or imprisonment with or without hard labour for not exceeding two years, and with or without solitary confinement. It should be open to question, however, whether, having regard to the special punishment imposed by "The Merchant Shipping Act, 1854," which is not repealed or referred to by the Consolidation Act, 1861, the punishment for larceny could be inflicted as well as that authorized by the Merchant Shipping Act.

No doubt seamen, being as they are well acquainted with the provisions of the Merchant Shipping Act, regard the punishment thereunder as all that would attach to the offence of broaching cargo.

Your suggestion, therefore, that the law upon this subject should, having regard to the disastrous fate of the "Cospatrick," now be reviewed, is evidently a very important one, and we believe would be supported by the shipowners, who have to pay heavily for damages to cargo by the acts of the crew during a voyage.

At present the captain of a vessel appears to have no power of inflicting any punishment upon the crew for such an offence; and it is worthy of consideration whether some power should not be vested in him.

The Hon. Sir Julius Vogel.

We have, &c.,
JOHN MACKRELL AND CO.

Enclosure 3 in No. 1.

Mr. MALCOLM to the Hon. Sir J. VOGEL.

SIR,—

Downing Street, 11th May, 1875.

I am directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 3rd instant offering observations in regard to the condition of boats on board emigrant ships, and to the penalties now imposed by law on the broaching of cargo.

Lord Carnarvon has forwarded a copy of your letter to the Board of Trade, and has recommended your observations to the special attention of that department.

The Hon. Sir Julius Vogel.

I have, &c.,
W. R. MALCOLM.

By Authority: GEORGE DIDSBUXY, Government Printer, Wellington.—1875.