

## Enclosure No. 2.

Sir E. MONSON to the MARQUIS of SALISBURY.

MY LORD,—

Athens, 30th April, 1890.

Mr. Tricoupi is very anxious to obtain from the Governments of the Australian Colonies a reduction of the duties imposed by them upon dried currants, and has instructed M. Gennadins to place himself in communication with the Agents of those colonies in London with the view of entering into negotiations for that object.

His Excellency told me yesterday that he had been astonished to find that the consumption of this fruit is proportionately nearly as great in Australia as in the Mother-country; and, as the duty seems to average nearly three times the amount formerly imposed in Great Britain, he is of opinion that an immense stimulus would be given to the trade by a reduction of the duty.

I promised to bring the matter officially to the notice of Her Majesty's Government.

I have, &amp;c.,

The Marquis of Salisbury, K.G., &amp;c.

EDMUND MONSON.

## No. 15.

(New Zealand, No. 31.)

MY LORD,—

Downing Street, 21st June, 1890.

I am directed by the Secretary of State to transmit to you for the information of your Government the documents specified in the annexed Schedule, on the subject of the appeal case of the Shaw-Savill and Albion Company *versus* the Timaru Harbour Board.

I have, &amp;c.,

ROBERT G. W. HERBERT.

The Officer Administering the Government of New Zealand.

## Enclosure.

JUDGMENT of the Lords of the Judicial Committee of the Privy Council on the appeal of the Shaw-Savill and Albion Company (Limited) *versus* the Timaru Harbour Board, from the Supreme Court of New Zealand (Canterbury District); delivered 30th April, 1890, by the Lord Chancellor.

*Present:* The Lord Chancellor, Lord Bramwell, Sir Barnes Peacock, Sir Richard Couch.

This is an appeal by a company carrying on business as shipowners against a judgment of the Court of Appeal of New Zealand, whereby judgment was entered for the defendants, the Timaru Harbour Board.

The plaintiff company owned a vessel called the "Lyttelton," and on the 12th June, 1886, while under the conduct and management of a person named Storm, the "Lyttelton" was sunk, as was alleged, by want of due care by Storm, who was a licensed pilot, and also was the Deputy Harbour-master of the harbour of Timaru.

The cause was tried before Mr. Justice Richmond and a special jury, and a verdict was found for the plaintiffs both for the value of the ship (£14,000) and for the value of the cargo (£17,000). Leave was reserved at the trial to enter a verdict for the defendants in lieu thereof upon various points of law.

The majority of the Court of Appeal, on the ground that no sufficient notice of action, as required by a local statute, had been given by the plaintiffs, entered judgment for the defendants, and this appeal is brought against that order of the New Zealand Court of Appeal.

With respect to the question of fact involved in this appeal, their Lordships are of opinion that no ground has been shown for disturbing the verdict of the jury. They are of opinion that the loss of the vessel was due to the mismanagement and want of skill of the person then acting as pilot, and that the management of the tug did not in any material degree contribute to the catastrophe which happened.

In this view of the facts they are confirmed by the opinion of the nautical assessors.

The next question raised on the appeal is the validity of the notice of action, and this in turn depends upon the proof of agency in the person by whom, in fact, the notice of action was given.

That question was a question of fact, and, if no arrangement had been arrived at by the parties, must have been submitted to the jury. By consent, that question was withdrawn from the consideration of the jury and left for the determination of the Court.

It is not necessary for their Lordships to express any opinion upon this part of the case, inasmuch as the serious and important ground upon which the case was argued depended on the competency, in point of law, of the Timaru Harbour Board, as constituted by statute, to enter into pilotage contracts, or in their corporate capacity to employ a person as pilot for the conduct and management of a particular vessel.

Now the ambit of the Harbour Board's powers is prescribed by statute. That for their own purposes they might employ a pilot for the purpose of moving vessels which neglected the orders of the Harbourmaster in his capacity of administering the shipping in and about the harbour may be true enough. But their sole duty, as constituted by statute, in respect of pilots was to license pilots, between whom and themselves the only relation which the law contemplated as existing was that they should be under their supervision and under their jurisdiction for the purpose of being