

— No. 3. —

The Earl of Carnarvon to the Earl of Dufferin.

My Lord,

Downing-street, 11 February 1875.

I REFERRED for the consideration of the Board of Trade, copies of the Acts, Nos. 30, 32, and 34 of the Parliament of the Dominion of Canada, which accompanied your Despatch, No. 238, of the 23rd of September 1874.

2. I have now to inform you that Her Majesty will not be advised to exercise Her power of disallowance with respect to the Act, No. 34 of 1874, entitled "An Act to provide for the Appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia, and Prince Edward Island."

3. With regard to the Acts Nos. 30 and 32, entitled respectively,

No. 30. "An Act further to amend the 'Act respecting the Inspection of Steamboats;'"

No. 32. "An Act to provide for the Appointment of Port Wardens at certain Ports of the Dominion,"

I transmit to you, for the consideration of your Ministers, an extract of a letter from the Board of Trade, in which certain grounds of objection are suggested to some of the provisions of these Acts, and I should be glad to be furnished with the views of your Government on the important points which are raised.

4. In the meanwhile I will defer tendering any advice to Her Majesty on the subject of these two measures.

Governor General the Right Honourable  
The Earl of Dufferin, K.P., K.C.B.,  
&c. &c. &c.

I have, &c.  
(signed) Carnarvon.

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Enclosure in No. 3.

EXTRACT of a LETTER from the Board of Trade to the Colonial Office, dated Board of Trade, 4 February 1875.

"WITH respect to No. 30, 'An Act to further amend the Act respecting the Inspection of Steam Boats,' the Board of Trade presume that it is only applicable to colonial vessels engaged on inland waters or in the coasting trade.

"If this is the case, they are of opinion that the Colonial authorities are the best judges of their own requirements. But should the provisions of the Act be intended to apply to other ships, British or Foreign, they would point out to the Earl of Carnarvon that considerable difficulties may arise. In the case of British vessels trading with the United Kingdom, these vessels are already subjected to regulations by the Imperial law, and it would produce much inconvenience and hardship if these vessels were subjected to fresh and different regulations in Canada. In the case of foreign ships, the difficulties would obviously be still greater.

"As regards No. 32, which is entitled 'An Act to provide for the Appointment of Port Wardens at certain Ports of the Dominion,' the Board of Trade observe that it imposes upon these Government officers the following, amongst other, duties:—

Sections 4, 5, and 6.

"1. Of examining all questions of damage to cargo, and of reporting on them.

Sections 7 and 8.

"2. Of examining all questions of damage to ships, and of determining absolutely what repairs are required to render a ship seaworthy.

Sections 9, 10, and 11.

"3. Of settling and absolutely controlling the stowage of grain cargoes.

Section 15.

"4. Of controlling the sale of damaged ships and cargoes.

Section 21.

"And in performing these duties they are to conform to the regulations of Lloyd's.

"The above-mentioned powers go much further than any which the Imperial Legislature has ever thought fit to intrust to any Imperial officials, and are at variance with the principles of the Report of the late Commission on Unseaworthy Ships.

"The Act transfers to the Government a responsibility which has till the present time rested on shippers, shipowners, and underwriters, and renders it impossible for the latter to complain, or take any steps on their own account, if wronged by the act or neglect of