

Despatches. (Copy.)

DOWNING STREET,
5th November.

SIR,

I have laid before Lord Stanley your letter of the 28th ultimo, and I am directed by His Lordship to state, in answer, that he is unable to inform you by what means it has happened that, in the Report published in *Canada*, suggesting the application of Sir William Burnett's invention for preventing wood and other articles from becoming ignited when in contact with fire, the solution of *Chloride of Lime* should have been represented as one of the materials used in his process, instead of *Chloride of Zinc*.

His Lordship will regret if any prejudice has been occasioned to your interests by this mistake in the publication in *Canada* of Sir William Burnett's invention, and will be happy to remedy the inconvenience, if any, by transmitting to the Governor General of *Canada* copies of this Correspondence with you.

I have, &c.

(Signed,)

G. W. HOPE.

CHARLES PAYNE, Esquire,
&c. &c. &c.

(Copy.)

No. 456.

DOWNING STREET,
15th November, 1845.

Seamen.

MY LORD,

I have to acknowledge the receipt of Your Lordship's Despatch No. 308, of the 5th of July last, enclosing the copy of a Memorial which you had received from the Masters and owners of British Ships trading to *Quebec*, suggesting the adoption of certain remedies for the inconvenience to which they are at present subjected by the constant infringement by their seamen of the engagements into which they have entered previously to quitting this country.

Her Majesty's Government entertain no doubt of the existence of the evil complained of, to a considerable extent, and they think it advisable that some measures should be adopted for checking the practice of desertion.

The remedies suggested by the Memorialists are as follows:—

1st. That every Ship-owner sending a new vessel from *Canada* to the United Kingdom should be compelled previously to import two-thirds of its complement of sailors.

2. That the seamen in *Canada* should be registered, and that the Masters and Owners of Provincial vessels proceeding to sea, should be prohibited from taking to sea any seaman, without a ticket of registry (it is presumed either *British* or *Canadian*).

3. That until this Law be passed, vessels of the United Kingdom proceeding from *Canada* should be relieved of the restrictions as to taking seamen without a registered Ticket.

With regard to the first of these proposed remedies, Her Majesty's Government would be unwilling to recommend so novel a restriction on ship builders of *Canada* to be imposed by the Imperial or even by the Provincial Parliament, until other available means had been tried to prevent desertion.

In the first instance, it would be better to try the second remedy proposed, which, although it might not prevent desertion altogether, would, at least, it is conceived, materially check it.

You are therefore at liberty to invite the Canadian Legislature to pass a law establishing a system of Registration of their own seamen, and prohibiting Masters, &c., of vessels proceeding from *Canada*, from engaging seamen without either a Canadian or Imperial Register Ticket.

With respect to the third proposition, Her Majesty's Government entertain great doubts whether the complaining parties in *Canada*, and probably the authorities there, have not placed an inaccurate construction upon the Merchant Seamen's Act, by erroneously supposing that it prohibits the engagement in *Canada* of seamen without a Register Ticket, by Masters, &c., of Ships registered in the United Kingdom.

The Law Officers of the Crown having been consulted on the subject, they have reported their opinion, that the Act does not prohibit the taking seamen to sea, without a ticket, in vessels returning to the United Kingdom, in sailing from *Canada*, *Quebec*, or any other Colonial Port.

I enclose a copy of that opinion for your information, and for the guidance of the Provincial authorities.

I have, &c.

(Signed,) STANLEY.

"We are of opinion that the Act does not prohibit the taking seamen to sea, without a ticket, in vessels returning to the United Kingdom, in sailing from *Canada*, *Quebec* or any other Colonial Port."

(Signed,)

F. THESIGER,
F. KELLY.

"For the consideration of the Counsel of the Admiralty."

"I agree in the above opinion."

(Signed,)

RICH. GODSON.

"18th October, 1845."

The Right Honourable,
Lord METCALFE, G. C. B.,
&c. &c. &c.

(Copy.)

No. 457.

DOWNING STREET,
15th November, 1845.

MY LORD,

I have to direct Your Lordship's attention to the following remarks on an Act passed by the Legislature of *Canada* during their last Session, distinguished in the records of this Office as No. 232, and entitled, "An Act to Incorporate the *St. Lawrence* and *Atlantic* Railroad Company."

The 38th section, which fixes the maximum rates which the Company are to charge for the carriage of passengers and goods, gives them power to alter all or any of those rates so long as they keep within the maximum. A similar power is given to Railway Companies in this country by the 90th section of the Act 8th and 9th *Victoria*, chap. 20; but, lest that power should be abused for the purpose of prejudicing or favouring particular parties, or of collusively creating a monopoly, a proviso is introduced, that the same charges shall always be made upon all persons, and upon all goods, under the same circumstances. A similar precaution ought to be adopted in the present case.

But the 50th clause is open to a more serious objection. It gives power to the Company to take possession of such parts of the Rivers *St. Lawrence* and *Richelieu*, or of any other rivers which may be required for the use of the Railway; but there is no provision (except a partial one in respect of the *Richelieu*) for preventing the erection of works which might injure the navigation of either of those rivers.

It would be very desirable that Your Lordship should obtain an amendment of these clauses, more especially the latter; and in the mean time, Her Majesty's decision upon the Act will be suspended.

I intend to transmit to Your Lordship, shortly, copies of the General Railway Acts, and of the pro-

Rail Roads.