

DESPATCHES FROM THE SECRETARY OF STATE.

No. 35.

DOWNING STREET,

16th December, 1913.

Circular.

SIR,—With reference to my Circular despatch of the 29th of May last, I have the honour to transmit to you, for your information, copies of two Orders of His Majesty in Council applying the provisions of Sections 3 and 4 of the Seal Fisheries (North Pacific) Act, 1912, to the Dominion of New Zealand and the Territory of Papua respectively.

An Act bringing the substance of these provisions into operation in the Dominion of Canada has been passed by the Dominion Parliament and a copy of this Act is also enclosed for information.

I have, &c.,

L. HARCOURT.

The Officer Administering the Government of

HONGKONG.

AT THE COURT AT BUCKINGHAM PALACE,

THE 13TH DAY OF JUNE, 1913.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

LORD ISLINGTON

LORD CHAMBERLAIN

SIR SAMUEL W. GRIFFITH

LORD WELBY

MR. J. HERBERT LEWIS

LORD ASHBY ST. LEDGERS

SIR ALFRED M. MOND, BART.

LORD JUSTICE SWINFEN EADY.

WHEREAS by section 3 of the Seal Fisheries (North Pacific) Act, 1912, all persons were prohibited from using any port within the United Kingdom for purposes of pelagic sealing contrary to any Order in Council made under the Seal Fisheries (North Pacific) Acts, 1895 and 1912:

And whereas by section 4 of the Seal Fisheries (North Pacific) Act, 1912, the importation of the skins of seals captured in contravention of any such Order as last aforesaid was prohibited:

And whereas by section 5 (1) of the said Act it was enacted that His Majesty might by Order in Council extend the provisions of the two hereinbefore recited sections to any part of His Majesty's Dominions outside the United Kingdom, subject to such modifications and adaptations as might appear to Him to be necessary, provided that those provisions should not be so extended to a self-governing Dominion except with the consent of the Governor-General in Council or Governor in Council of the Dominion:

And whereas the Dominion of New Zealand is a self-governing Dominion for the purposes of section 5 of the said Act:

And whereas the Governor in Council of New Zealand has consented that the provisions of sections 3 and 4 of the said Act shall be extended to New Zealand subject to the modifications and adaptations hereinafter contained:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Seal Fisheries (North Pacific) Act, 1912, in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Seal Fisheries (New Zealand) Order in Council, 1913.

2. From and after the commencement of this Order sections 3 and 4 of the Seal Fisheries (North Pacific) Act, 1912, shall apply to New Zealand subject to the following modifications and adaptations, that is to say:—

(i) For the words "within the United Kingdom" in section 3 (1) of the said Act there shall be deemed to be substituted the words "in the Dominion of New Zealand".

- (ii) In section 3 (2) of the said Act for the words "Secretary of State", wherever such words occur, there shall be deemed to be substituted the words "Minister of Marine", and for the words "the Board of Trade or any Officer of the Board" the words "any Officer of the Marine Department or of Customs".
- (iii) In section 4 of the said Act there shall be deemed to be substituted for the words "section 42 of the Customs Consolidation Act, 1876," the words "section 91 of the Customs Law Act, 1908".

3. This Order shall come into operation on such date as may be fixed by the Governor in Council.

ALMERIC FITZROY.

AT THE COURT AT BUCKINGHAM PALACE,

THE 12TH DAY OF AUGUST, 1913.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

SIR WILLIAM CARINGTON

MR. SECRETARY HARCOURT

MR. FISCHER

SIR LOUIS MALLET.

WHEREAS by section 3 of the Seal Fisheries (North Pacific) Act, 1912, all persons were prohibited from using any port within the United Kingdom for purposes of pelagic sealing contrary to any Order in Council made under the Seal Fisheries (North Pacific) Acts, 1895 and 1912:

And whereas by section 4 of the Seal Fisheries (North Pacific) Act, 1912, the importation of the skins of seals captured in contravention of any such Order as last aforesaid was prohibited:

And whereas by section 5 (1) of the said Act it was enacted that His Majesty might by Order in Council extend the provisions of the two hereinbefore recited sections to any part of His Majesty's Dominions outside the United Kingdom, subject to such modifications and adaptations as might appear to Him to be necessary:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Seal Fisheries (North Pacific) Act, 1912, in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Seal Fisheries (Papua) Order in Council, 1913.

2. From and after the commencement of this Order sections 3 and 4 of the Seal Fisheries (North Pacific) Act, 1912, shall apply to Papua, subject to the following modifications and adaptations, that is to say:—

- (i) For the words "the United Kingdom" in section 3 (1) of the said Act there shall be deemed to be substituted the words "the Territory of Papua".
- (ii) In section 3 (2) of the said Act, for the words "the Secretary of State", wherever those words occur, there shall be deemed to be substituted the words "the Treasurer of the Territory", and for the words "the Board of Trade or any Officer of the Board" the words "any Officer of Customs".
- (iii) At the end of section 3 (2) there shall be deemed to be added the words "or any law or Ordinance in force in the Territory relating to navigation or shipping".
- (iv) In section 4 of the said Act there shall be deemed to be substituted for the words "be deemed to be included in the table of prohibitions and restrictions contained in section 42 of the Customs Consolidation Act, 1876, "and that section shall apply accordingly", the words "be prohibited to be imported, and shall be deemed to be included in the table of prohibited imports contained in section 49 of the Customs Ordinance of 1909 and "that Ordinance shall apply accordingly".

3. This Order shall come into operation on such date as may be fixed by the Lieutenant-Governor in Council of Papua.

ALMERIC FITZROY.

Enclosure 3 in Circular Despatch dated 16th December, 1913.

CANADA.

3-4 GEORGE V.

CHAP. 48.

An Act respecting Pelagic Sealing.

[Assented to 6th June, 1913.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Use of Canadian ports for equipping sealing ships contrary to British Acts prohibited.

1. If any person uses any port within Canada for the purpose of equipping any ship intended to be used or employed in killing, taking or hunting seals in contravention of any order made by His Majesty The King in Council under the provisions of the Acts passed by the Parliament of the United Kingdom of Great Britain and Ireland, known and cited as the "Seal Fisheries (North Pacific) Acts," 1895 and 1912, he shall be guilty of an offence and liable on indictment to a fine or to two years' imprisonment, or on summary conviction to imprisonment for a term not exceeding six months with or without hard labour or to a fine not exceeding five hundred dollars, and the ship and her equipment and everything on board thereof shall be liable to forfeiture to His Majesty.

Minister of Customs may seize and detain ship.

2. If the Minister of Customs is satisfied that there is reasonable cause for believing that a ship has been or is being equipped contrary to this section, the Minister of Customs may authorise the seizure and detention of the ship. Where such an authority is given, any commissioned officer of His Majesty's Navy, or any officer of the Customs or of the Fisheries Protection Service or person employed as such or any stipendiary magistrate on board of any cruiser or vessel belonging to or in the service of the Government of Canada and employed in the services of protecting the customs or fisheries may seize and detain the ship and bring her for adjudication before the Exchequer Court of Canada on its Admiralty side or before any superior court in the province in or near which the ship was seized, and the court may thereupon adjudge the ship with her tackle, apparel and furniture to be forfeited to His Majesty and make such order in the case as to the court seems just and may award to the officer bringing in the ship for adjudication such portion of the proceeds of the sale of the ship or any share therein as the court may see fit. Any such officer as in this subsection mentioned shall not be responsible either civilly or criminally to any person whomsoever in respect of any such seizure or detention as aforesaid notwithstanding that the ship has not been brought in for adjudication, or if so brought in is declared not liable to forfeiture if it is shown to the satisfaction of the court before which any trial relating to such ship or such seizure or detention is held that there were reasonable grounds for such seizure and detention, but if no such grounds are shown the court may award costs and damages to any party aggrieved and make such other order in the premises as the court thinks just.

Adjudication by Exchequer Court.

As to liability of officer seizing.

"Equipping" defined.

3. For the purpose of this Act, "equipping" in relation to a ship shall include the furnishing of a ship with any tackle, apparel, furniture, provisions, munitions, fuel or stores or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea or for killing, taking or hunting seals.

Importation prohibited of skins of certain seals.

2. The importation into Canada is prohibited of skins of seals taken in contravention of any such order as aforesaid and skins of seals identified as being of the species known as *Callorhinus alascanus*, *Callorhinus ursinus* and *Callorhinus kwilensis*, and belonging to the American, Russian and Japanese herds, except such as are taken under the authority of the respective Powers to which the breeding grounds of such herds belong and have been officially marked and certified as having been so taken, and any such skins if imported into Canada shall thereby become forfeited to His Majesty and may be seized by any customs or fishery officer and shall be destroyed or otherwise dealt with as the Minister of Customs directs.

Seizure and forfeiture.