

That the system of collection of duties adopted is most partial and unjust, as it leaves entirely to the collector to determine, according to the state of the wind and weather, or his own convenience, caprice, or interest, which merchants and traders shall be called on, and which allowed to go free.

That the measures by which this system is enforced, as exemplified by those of the present year, are in the highest degree arbitrary and illegal, and such as would not be recognised or tolerated by any English court or jury to which they could be submitted.

Further details might be furnished, but the foregoing are the grounds on which the memorialists applied to Her Majesty's Government to disallow the act of the Newfoundland Legislature, and they submit that the case is one in which that course should, in justice and fairness, be adopted; and they think there would be no difficulty or question on the subject if the Colonial Department would simply consider and deal with Labrador as what it really is, viz., a coast frequented by fishermen from various countries and colonies during the season, and no more connected in fact and truth with Newfoundland than with any other European or American colony or government.

Sir F. Rogers, Bart., Colonial Office.

We remain, &c.
(signed) *Hunt & Henley.*

— No. 6. —

(No. 48.)

No. 6.
The Duke of New-
castle, K.G., to
Governor Sir A.
Bannerman.
5 December 1863.

COPY of a DESPATCH from his Grace the Duke of Newcastle, K.G., to
Governor Sir A. Bannerman.

Sir,

Downing-street, 5 December 1863.

WITH reference to my Despatch, No. 46, of the 1st instant, transmitting to you an Order of Her Majesty in Council, leaving to their operation chapters 1, 2, and 3 of the Act of the Legislature of Newfoundland during the year 1863, I have the honour to transmit to you a copy of the answer which has been returned, by my directions, to various remonstrances against that portion of the first-named Act which relates to the imposition and collection of duties on the coast of Labrador.

I take this opportunity of suggesting that the net proceeds of this source of revenue should be applied to the administration of justice and the protection of the fisheries in the district in which they are raised,

I am, &c.
(signed) *Newcastle.*

Encl. 1 in No. 6.

Enclosure 1 in No. 6.

Sir,

Downing-street, 5 December 1863.

I AM directed by the Duke of Newcastle to acquaint you that his Grace has had under his consideration the Act of the Legislature of Newfoundland, chapter 1, of 1863, against which you have remonstrated, so far as it provides for the imposition and collection of duties on the coast of Labrador.

On the constitutional objections made to this Act his Grace consulted the Law Officers of the Crown, who are of opinion that it is competent to the Legislature of Newfoundland to pass laws binding on the Labrador Coast, and his Grace thinks it by no means unjust, but the contrary, that a Revenue should be levied there sufficient to defray the expenses incurred, or which ought to be incurred, by the Government on that coast.

With respect to the machinery of the Act, the Commissioners of Customs, to whom that point was referred, are of opinion that the provisions of the law are not unnecessarily oppressive.

Consequently, his Grace has not felt at liberty to advise that Her Majesty should disallow this Act, which accordingly has been left to its operation. At the same time, he considers that if taxes are to be imposed by the Newfoundland Legislature on persons inhabiting the Labrador Coast, those persons should be enabled to send representatives to the Newfoundland Assembly, and his Grace has accordingly recommended to the Governor that the Act regulating the representation should be so altered as to effect this object, so far as it can be effected by the mere alteration of the law.

The Right Hon.
Sir Edmund Head, Bart.

I am, &c.
(signed) *F. Rogers.*

[Similar letters were also addressed to Sir R. P. Collier, M.P., and to Messrs Hunt & Henley.]