

NEWFOUNDLAND.

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No. 6.

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EXTRACT of a DESPATCH from Governor DARLING to Sir W. MOLESWORTH.

(No. 60.)

Government House, St. John's,
September 29, 1855.

(Received October 23, 1855.)

I HAVE the honour to transmit herewith a copy of the Report from the Law Officers of the Crown, which has been furnished in fulfilment of the instructions conveyed by your despatch of the 3rd ultimo, No. 6, and which I shall take care to communicate to the British Minister at Washington, with whom I have already been in correspondence on the subject to which it relates.

2. You will perceive by this Report, which is entirely accordant with that of the late Attorney-General, Mr. Archibald, dated July 5, 1853, copy of which was transmitted with my predecessor's despatch No. 46 of July 12, 1853, that there are in fact no Laws or Regulations whatever relating to the fisheries, practically in force in this Colony.

3. With respect to the law which is still on the statute-book, for imposing a duty upon herrings and capelin exported in such a state as to make them available for bait, I have already had the honour of submitting my views, in my despatch No. 26 of the 8th July last.

Encl. in No. 6.

Enclosure in No. 6.

The Acting Attorney-General and Acting Solicitor-General to the Colonial Secretary.

SIR,

St. John's, Newfoundland,
September 17, 1855.

IN reply to your communication transmitting a copy of a despatch from the Right Honourable the Secretary of State for the Colonies to his Excellency the Governor, dated the 23rd of August last, requesting him to forward to the British Minister at Washington authentic copies of all the laws and regulations of the Legislature, or other competent authority of Newfoundland, on the subject of the fisheries of this island, we have the honour to report, in compliance with the desire of his Excellency, that, apart from the common law of England, which is in operation here, so far as it is applicable to the circumstances of the Colony, and the several Treaties defining the relative rights of England, France, and the United States of America to the fisheries of this Colony, there are no special enactments of the Local Legislature in operation here for the regulation of the fisheries.

2. In relation to the export of fish, certain duties are made payable by the local Act 8 Vict., cap. 5, upon the exportation of fish. Salted or pickled herrings or caplin, if exported in bulk, 3s. per cwt., and upon salted or pickled caplin, if exported in barrels, 2s. 6d. per barrel. This Act, which was passed to check the traffic in bait with the French, was amended as to the exportation of herrings to any part of the British dominions, by permitting the master of every vessel exporting herrings in bulk to give bond for the amount of the duties, which bond shall be cancelled upon the production, within one year of the date of it, of a certificate from a duly-qualified person at the port of discharge, that such herrings had been landed within the British dominions. This Act having been found insufficient to prevent the evil which it was passed to correct, has not been enforced for some years past, and is now quite inoperative. Supposing it to be in any way inconsistent with