

ported to His Majesty's Ministers the Steps he had taken in erecting the Court of Common Pleas. That he failed again the next Year, without receiving any Instructions respecting that Court; it therefore continued to act for the Year 1790 in nearly the same Manner it had acted in the Year 1789. That there was One Alteration made, which was, that as the Court, in the First Year of its Proceeding, had in all Cases summoned Juries, in the Second, finding it would be more convenient for the Gentlemen of the Trade to be allowed to make their Election of having their Causes tried with or without a Jury, the Judges consented thereto; and Things went on in a very easy Manner, and much to the Satisfaction of every Body in the Island. Previous to the Admiral's sailing again in 1791, an Act of Parliament passed, for establishing a Court of Civil Jurisdiction in the Island, which was to be held at St. John's only. This very properly alarmed the Merchants, as the Difficulty of coming from the Out Ports to that Place, was in the First Place very great; and before they could possibly obtain a Writ for attaching the Fish and Oil of a Boatkeeper, who might be considerably in their Debt for Supplies for carrying on the Fishery, the latter might, and he knows, in very many Instances did, take the Advantage, and dispose of their Property contrary to the usual Practice of the Fishery, and thereby defrauded their Suppliers (the Merchants) to the Amount of many Thousand Pounds. If there ever was a real Cause of Complaint on their (the Merchants) Parts, it was in that of confining the Court to St. John's alone; and he hesitates not to say, if it had been continued, that it would have been impossible for them to have carried on their Trade in any other Part of the Island; and this leads him to say, he is very sorry they were so hasty in making their Representations to the Board of Trade, in all of which they declared they wanted no Court; therefore, the giving them only One, was coming as nearly to their Wishes as it was possible to do, without actually complying with them; and to themselves alone, therefore, they are indebted for the Inconvenience and Losses they experienced from a Want of the usual Courts at the Out Ports.

Upon the Whole, the Witness thinks, an Establishment nearly similar to the old one, under the Governor and his Surrogates, and which that made by Admiral Milbanke really was, is the best that could be adopted; his principal Aim was, to legalize what had been so long done from Necessity; he neither wished, nor did he make any considerable Alteration.

And being desired to explain more particularly the Sort of
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