

THE
CARBONEAR STAR,
AND
CONCEPTION BAY JOURNAL.

Vol. I.

WEDNESDAY, APRIL 17, 1833.

No. 16.

NOTICES.

NORA GREINA.
PACKET-BOAT BETWEEN CARBONEAR
AND PORTUGAL COVE.

JAMES DOYLE, in returning his best thanks to the Public for the patronage and support he has uniformly received, begs to solicit a continuation of the same favours in future, having purchased the above new and commodious Packet-Boat, to ply between *Carbonear* and *Portugal Cove*, and, at considerable expense, fitting up her Cabin in superior style, with Four Sleeping-berths, &c.—Doyle will also keep constantly on board, for the accommodation of Passengers, Spirits, Wines, Refreshments, &c. of the best quality.

The *NORA GREINA* will, until further notice start from *Carbonear* on the Mornings of MONDAY, WEDNESDAY, and FRIDAY, positively at 9 o'Clock; and the Packet-Man will leave *St. John's* on the Mornings of TUESDAY, THURSDAY, and SATURDAY, at 8 o'Clock, in order that the Boat may sail from the Cove at 12 o'Clock on each of those days.

TERMS AS USUAL.

Letters, Packages, &c. will be received at the *Newfoundlander Office*.
Carbonear, April 10, 1833.

**DESIRABLE CONVEYANCE
TO AND FROM
HARBOUR-GRACE.**

THE Public are respectfully informed that the Packet Boat EXPRESS, has just commenced her usual trips between *Harbour-Grace* and *Portugal Cove*, leaving the former place every MONDAY, WEDNESDAY, and FRIDAY Mornings at 9 o'Clock, and *Portugal Cove* the succeeding Days at Noon, Sundays excepted, wind and weather permitting.

FARES.

Cabin Passengers 10s.
Steerage Ditto 5s.
Single Letters 6d.
Double Ditto 1s.
Parcels (not containing Letters)
in proportion to their weight.

The Public are also respectfully notified that no accounts can be kept for Passages or Postages; nor will the Proprietors be accountable for any Specie or other Monies which may be put on board.

Letters left at the Offices of the Subscribers, will be regularly transmitted.

A. DRYSDALE,
Agent, Harbour-Grace.
PERCHARD & BOAG,
Agents, St. John's.

Harbour-Grace, April 5, 1833.

Dissolution of Co-partnership.

NOTICE is hereby given, that the Co-partnership heretofore existing between the Subscribers, under the Firm of PROWSE and JAUQUES, Carbonear, Newfoundland, is this day, by mutual consent, dissolved. All Debts owing to and from the said Concern, will be received and paid by the undersigned GEORGE EDWARD JAUQUES. Witness our Hands, at Carbonear, this 31st Day of December, 1832.

SAMUEL PROWSE, Jun.
GEORGE EDWARD JAUQUES.

THE Business hitherto carried on in this Town, under the Firm of PROWSE and JAUQUES, will be continued by the Subscriber, from this date, in his own Name.

GEORGE EDWARD JAUQUES.
Carbonear, Dec. 31, 1832.

ON SALE.

BY
COLLINGS & LEGG
50 Barrels American Flour
50 Barrels American Beef
30 Firkins Prime Butter
50 Boxes Raisins
And a general Assortment of Dry Goods, Groceries, &c.
Carbonear, Jan. 9, 1833.

TO LET,

On Building Leases, for a Term of Years.

A Piece of LAND, the Property of the Subscriber, extending from the House of Mr. Joseph Parsons, on the East, to the House of Mrs. Ann Howell, on the West, and running back from the South Side of the Street, to the Subscriber's House.

MARY TAYLOR,
Widow.

Carbonear, Feb. 13, 1833.

REPORT OF THE JUDGES OF THE SUPREME COURT OF NEWFOUNDLAND, TO HIS MAJESTY'S GOVERNMENT, UPON THE JUDICATURE BILL,

(Concluded.)

Such notice will thus, we think, be given of the intention to abrogate the law of preference in payments, and such precautions used in preparing the way for its extinction, as will entirely prevent those inconveniences which might arise from the annihilation of credit, which was built upon it before sufficient time had been allowed for the formation of another description of credit upon a safer bottom; and, as the success of all attempts to introduce changes into an old system must principally depend upon the existence of circumstances favourable to the contemplated alteration in it, we have much satisfaction in adding, that various events connected with the trade of this country, have, for several years past, been so gradually leading to the disuse of the privileges of the Current Supplier, that we are persuaded their entire repeal may now be effected with perfect ease and safety; provided a moderate share of prudence and caution is observed in the mode of doing it. The mere practicability, however, of innovating can never be fully aware, justify a departure from a long-established system, unless it can be clearly proved that the system is of such a nature as to call for a change; and we, therefore, feel it necessary to advert to some of the most prominent of these pernicious consequences, resulting from the *lien for wages* and the *preferable payment of Current Supplies*, which induce us to desire their entire abrogation. We do not scruple then, in expressing it as our opinion, that through the joint operation of those practices, the following evils have been either wholly produced, or materially increased and aggravated in those instances where their origin may more properly be ascribed to some other cause:—

- 1st.—Idleness and drunkenness among the labouring classes:
- 2d.—Loss to the merchant, and ruin to the planter, from the means which they have furnished to the latter of carrying on the business of the fishery upon credit founded on a false and destructive principle;
- 3d.—Extensive litigation; accompanied with all the bad feelings and heart-burnings which it never fails to engender;
- 4th.—Numerous insolvencies;
- 5th.—And, as a general consequence naturally flowing from the several particular effects already specified, the most serious injury to the fisheries and trade of the Island.

Among all the feelings that influence human beings, there is unquestionably none so universal, or so powerful as *self-interest*;

and accordingly the exertions of mankind in any given pursuit will invariably be in the direct ratio of the force with which this feeling is connected with the attainment of the object proposed. Hence it is obviously desirable, that it should be kept constantly alive, and made to act unremittingly, in every department in life, from the highest offices in the State to the most humble situation in which human agency can be employed; but there are some occupations which demand that a direct and immediate interest in their success should be presented to the view of those engaged in them with an intensity of operation which is not so absolutely requisite in others; for, if an occupation be in its nature extremely laborious and hazardous—if it be attended with the privation of many comforts—and if those who have the direction of it possess little authority over the subordinate agents—a sense of their own interest, continually acting on their minds, can alone excite these Agents to those efforts which necessarily cost them considerable pain. And this is so precisely the character of the fisheries that it seems to us impossible that they can be carried on in the manner they ought to be, unless the fisherman shall be stimulated, by the consciousness that he has a direct share in the proceeds of the voyage, to render it as productive as he possibly can. In the *seal fishery*, indeed, it is generally allowed, that every person engaged in it must have a share of the seals caught by him, and though the peculiar dangers to which the persons who follow that branch of the fisheries are exposed, may make the plan of service upon wages still more unsuitable to it than it is to the *cod-fishery*, there is yet a sufficient resemblance between the two branches in several material points, to convince those who look into the subject with strict impartiality, that a system which would be altogether fatal to the one, must also be, to some extent, injurious to the other. But the cupidity of gain however delusive the prospect of realizing it may be, will continue to maintain the practice of conducting the cod-fishery with *hired servants*, so long as men who have no capital, and consequently nothing to lose, shall be able to obtain supplies, and to hire servants, upon the credit which the law of Current Supply, and of a lien for wages, now secures to them; and at the same time the fisherman, instead of being furnished with an incentive to industry, by an interest in the fruits of his toils and labours, is actually encouraged to idleness by an assurance that it signifies not a jot to him whether the catch be great or small, provided the amount of the proceeds of the voyage shall be only large enough to pay the wages that are due out of it. Nor does any interest in the success of the enterprise even to the trifling extent of covering the wages, act upon each individual with due force: for as each man in a boat has the same lien upon the fish caught by his comrades as upon that which is taken by himself, those who are idly disposed will be prone to rely less upon their own exertions than upon the efforts of those whom their own bad example will have a strong tendency to corrupt: and thus the law, by giving to the idle man an interest in the labour of the industrious one, confirms the one in his idleness, and tempts the other to imitate it. But in this country, where rum is so excessively cheap, drunkenness is, among the lower orders, the inseparable companion of idleness, or rather they stand towards each other in the relation of effect to cause: and therefore whatever has a tendency to create the one must likewise produce the other.

If it be true, as it certainly is, that the evils which take place in all transactions between man and man, from the absence of integrity on either side, can never be effectually prevented by any regulations which the acutest and most sharp-sighted genius can contrive, it must follow that a system which lessens the attention that ought always to be paid to character, by substituting preference in payment in lieu of honesty and skill on the part of the planter, must in the end prove detrimental to the merchant: and if the fact that the law of Current Supply has done so can be established by the expe-

rience of those who have trusted to it since the monopoly of the fish markets which this country enjoyed during the war has ceased, we are convinced, that, in a great majority of instances, the merchants who have advanced supplies chiefly on the security which that law professes, to confer on them, have had deep cause to regret the confidence they reposed in it. But whatever loss it may have occasioned to the merchants, the planters, taken in a body, must have been still greater sufferers from it: for by enabling persons, who are in no respect qualified to sustain the character of an useful planter, to obtain supplies, and to hire servants, it has kept the price of the former, and the wages of the latter, so much beyond what the fisheries under their present circumstances can bear, that many of them who had amassed large sums of money in the golden days of these fisheries, are already very nearly reduced to poverty; whilst others, whose funds were more limited, are altogether sunk in hopeless ruin. In short, the planters who, destitute of capital, devoid of knowledge, and deficient in principle, have sprung up wholly from the law of preference in payments, have destroyed those planters who, together with a competent share of knowledge and experience in the conduct of the fisheries, possessed also some property, just as Pharaoh's lean kine ate up the fat ones.

It is so obvious that all privileges conferred on particular classes of creditors must tend to produce controversy between them and those who are excluded from the same privileges; the one eternally striving to push them much beyond, and the other as zealously endeavouring to confine them as far within, their legitimate bounds; that we shall refer to the Records of the Courts of Newfoundland for the sake of shewing how numerous the pretences are which ingenuity, goaded by interest, has devised in the conflicts which these privileges in respect of payment gave birth to, rather than from any idea that it can be necessary to offer proof of a proposition which must be regarded as an axiom. It is, indeed, curious to observe how this law of preference has entered into, and blended itself with, the greater part of the questions that have come before the Courts in such a manner that the largest portion of those bitter waters of legal strife which have hitherto so much abounded in this Colony has manifestly been *ex hoc fonte derivata*.

The most singular property of the Law of Current Supply is, that it at once tends to create credit and destroy it; for as the preference in payment occasions an issue of Supplies in many cases where they ought to be denied, so the fear of losing this, "vantage ground," by neglecting to enforce an early payment, frequently urges the supplier to insist on a settlement much sooner than he otherwise would be inclined to do; and thus the Law, like a most unnatural parent cruelly suffocates its own offspring almost as soon as it has "stepped over the threshold of life." That insolvencies should follow in the train of such a system may reasonably be expected; and that they have actually done so is too certainly attested by the melancholy list of them which the Record of these Courts will exhibit.

If the truth of our four first propositions has been established by these observations, we may fairly assume, as a general deduction from the whole, that the law of lien for wages, and of preferable payment for Current Supplies, must be highly prejudicial to the prosperity and happiness of the people of Newfoundland: and as we have before attempted to explain the manner in which we conceive that it may be abolished without depriving this community of any counter-benefits they may be supposed to have derived from it, we shall now dismiss a subject upon which we have dwelt with an interest and zeal commensurate with its extreme importance to the welfare and prosperity of this Colony.

5. *Geo. IV., c. 67, s. 26.* If it shall be deemed advisable to adopt the alterations we have suggested in the foregoing section, it will, of course, become necessary to introduce corresponding changes into the