

Matter of Complaint on the Part of the Merchants, was a very great Convenience to them, for they were regularly served with a Notice of the Time that their Trials were to come on, and had therefore Occasion to attend the Court only at that particular Moment. The Merchants complained in their Memorials, that the Property was under constant Attachment, and thereby subject to great Detriment, and often Loss, to a very great Amount. In this also, they were very much misinformed, for the Attachment was so ordered, that it would be very little Inconvenience (if any) to the Party whose Property it was; the Warrant of Attachment directed the Sheriff to furnish the Defendant with a Copy of the Complaint, and Account of the Plaintiff, and to make a Demand of the Amount; if the Debt was paid, no Attachment took Place; if he meant to stand Trial, and would give Security (for those were the Directions of the Writ) to abide by the Judgment of the Court, still no Attachment took Place; but if Security was refused, the Attachment necessarily took Place; and it becomes a fair Question to ask the Merchants, if Attachments in such Questions did not take Place, what would be their Situation? for, instead of One Action commenced by a Boatkeeper against a Merchant, there are at the least Fifty by Merchants against the Boatkeepers; and if the Fish and Oil of the Boatkeepers were not attached for the Payment of their Debts, the Merchants would not Once out of Twenty Times get a Return for the Supplies that they must necessarily furnish to the Boatkeepers for carrying on the Fishery; and it were absurd to suppose, that a Law could be made to excuse the Merchants from Attachments in such Cases, as, where they become the Complainants, nothing short of Attachment would or could satisfy them. It appears then, that if they are so obstinate as to refuse the Security, which they have in their Power to give, to prevent the Attachment, it is no more than reasonable that they should be subject to the Expence which must necessarily be incurred by putting the Court to the Necessity of issuing the Attachment. That Mr. Ougier, in particular, has complained of the Proceedings of the Court of Common Pleas, in which the Witness feels himself personally concerned; to explain which, the Witness delivered in to your Committee a Letter from Mr. Peter Ougier, dated Dartmouth, July 4th, 1791, to him; and also Mr. Jonathan Ogden's Answer, dated St. John's, Newfoundland, October 28th, 1791, to a Letter sent by the Witness, inclosing Mr. Ougier's Letter; which are hereunto annexed, vide Appendix, N^o 1, (a) and (b).

Then the Witness further informed your Committee, That Admiral Milbanke, on his Return to England in the Year 1789, re-