

mor's Surrogate for the District of Ferryland, it appeared that great Pains had been taken to bring the Matter to a Hearing, but in vain, as Mr. Thomson evaded it by pleading the Hardship of being obliged to attend the Court at Ferryland; and that it would be equally so, to compel his Agent and Servants to come from thence (where he was carrying on a Fishery) to attend the Court at St. John's. This, however, was a Kind of Reasoning which the Court of Pleas were not disposed to admit of; and upon Fowlow's entering his Action therein, the Judges summoned the Agent, and One or Two Servants belonging to Thomson, from Ferryland, which enabled them finally to settle the Business at St. John's. With regard to the Threats complained of, I have only to say, that I believe they were the same in all Cases, and are to be found in every Subpoena served upon a Witness.

Thus, Sir, I think I have fully and dispassionately answered every Part of the Memorials; and though I look upon them to be illiberal Attacks upon my Conduct, yet I must confess I am not sorry for their having been made, as they will at any Rate shew the Necessity of doing something or other to prevent similar Complaints for the future: And as their Lordships may be induced immediately to take the Matter into Consideration, I beg Leave to remind them of the following Circumstances:—That for a great Number of Years (I cannot say how many) it has been customary to try Civil Actions in Newfoundland—That till the Year 1781 the Governor was supposed to be competent thereto, but since the Prosecution commenced by the *Merchants* against Admiral Edwards at Exeter, no such Authority has been exercised by him—That the Surrogates were permitted to act for a few Years longer; but the Case of Hutchings (a *Merchant*) against Captain Pellew, finally settled the Matter with regard to them—That the Court of Session for Seven Years did the Business which the Governor used to do, though in a very irregular and bad Manner, owing to the Justices being kept in continual Dread by the *Merchants*, who were always threatening to prosecute them for their Decisions—That the Court of Vice Admiralty, also, has frequently been complained of by the *Merchants*, as a great Grievance; and they would now wish to make it appear that the Court of Common Pleas must inevitably ruin their Fishery.—From all which I think is to be inferred, that, let what will be done to establish a proper Judicature in the Island, it cannot fail to meet with the Disapprobation of the Memorialists, whose Representations, in general, are ill-founded, but on this Subject, in particular, they are so very inconsistent, and betray such a Want of Knowledge even of their own Interest, or (which is much worse) such a determined Resolution to sacrifice the real Interest of the Fishery to their private Views; that, I am free to declare, it is hardly worth while to pay Attention to any Thing they may choose to say upon it.

As to repealing of all the Acts since the 10th and 11th of William III. I must own it strikes me as a Measure much easier to propose than to prove the Propriety of; and however I may (from a known Want of Experience in the Mysteries of the Trade) be thought incapable of arguing against it, I should feel myself highly culpable, and very deficient indeed in my Duty, if I did not (to prevent so great a Misfortune happening to