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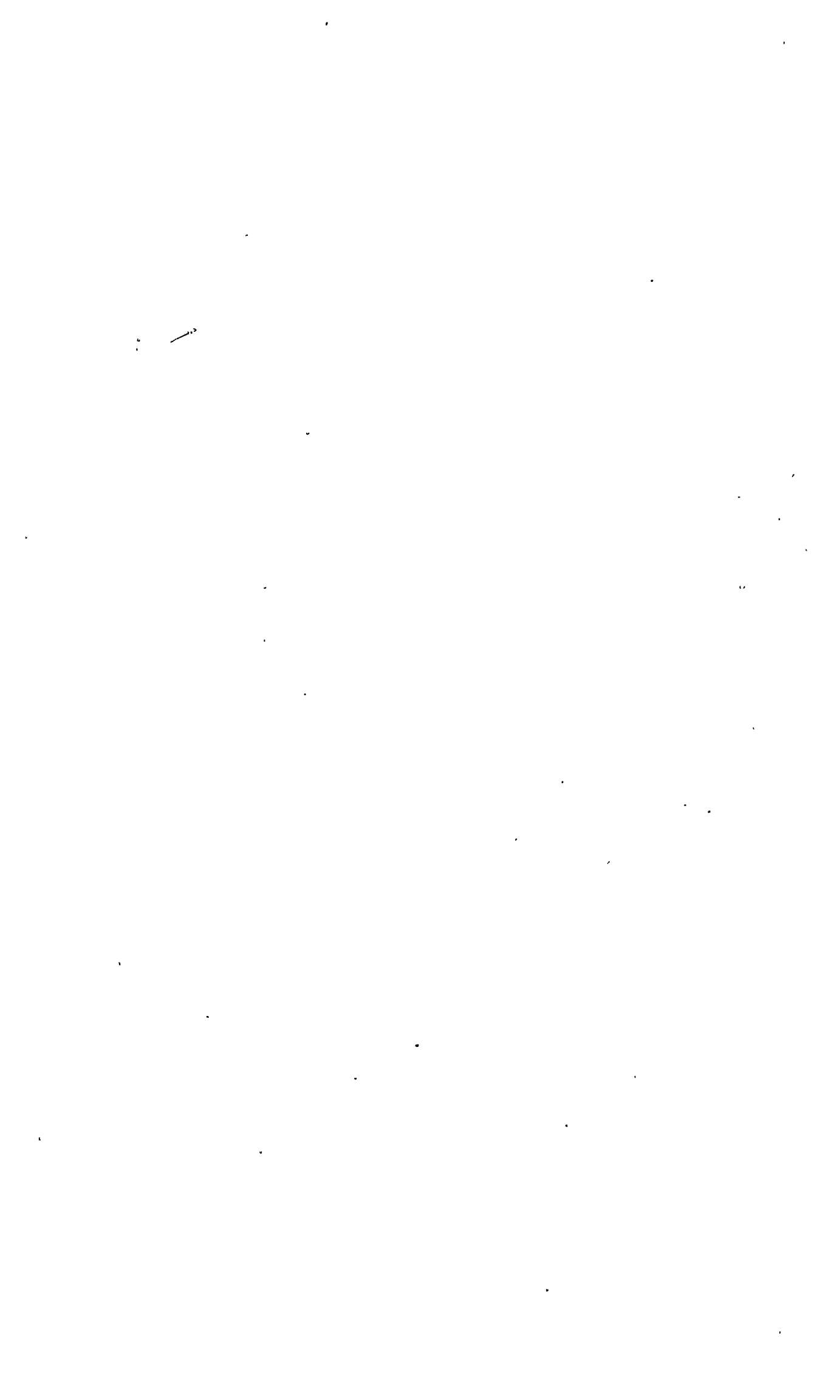
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EXTRACT from a REPRESENTA-
TION of the Lords Commissioners for
Trade and Plantations, to His MAJESTY,
relating to the *Newfoundland* Trade and
Fishery; dated 29th April 1765.

Ordered to be printed 11th March 1793.





EXTRACT from a REPRESENTATION of the Lords Commissioners for Trade and Plantations, to His MAJESTY, relating to the *Newfoundland* Trade and Fishery; dated 29th April 1765.

To the KING's Most Excellent MAJESTY.

May it please Your MAJESTY,

AS the Fisheries of Newfoundland, and of the Territories dependent thereupon, which have been added to Your Majesty's Dominion by the Definitive Treaty of Paris, are of the greatest Importance to the Commerce and Navigation of these Kingdoms, we thought it our Duty, the last Year, upon Your Majesty's Appointment of Captain Palliser to be Governor of that Island, and of the said Territories, to form his Instructions in such Manner as, joined to the Confidence we had in that Gentleman's Ability, gave us reasonable Ground to hope for the fullest Information of the true State of the said Fisheries; in the carrying on of which it appeared, that many great Irregularities and Disorders had prevailed; nor have we been disappointed in the Expectations we had entertained, by the Conduct of Your Majesty's Governor on this Occasion, whose Attention to the due Execution of those Parts of his Instructions which regard immediately the State of the Island, and of the Fishery of Your Majesty's Subjects, is no less deserving of Your Majesty's favourable Notice, than that which he has shewn to the more delicate and difficult Parts of those Instructions; for his Proceedings on which we humbly beg Leave to refer to our Representations of the 11th of December last, and of the 16th Instant.

It would be mis-spending Your Majesty's Time to trouble Your Majesty with a Recital of all the Facts mentioned, and the Observations suggested in the Letters we have received from Captain Palliser, and in his Answers to the several Queries contained in his Instructions; and therefore we shall content ourselves for the present with representing to Your Majesty what appears to be the general State of this important Branch of the Commerce of Your Majesty's Kingdoms, resulting from those Facts and Observations,

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which

which have been collected with greater Exactness, and are stated with more Accuracy and Precision than will, we conceive, be found in former Returns.

It would be equally unnecessary to enter at present into a minute Detail of the Newfoundland Fishery in the early Times of its Establishment, and in its progressive State, as Your Majesty will find every Circumstance relative thereto already fully set forth and enlarged upon by our Predecessors in Office, in a Representation made to his Majesty King George the First, in the Year 1718, in which Representation many Facts are stated, and Arguments deduced therefrom, and several Propositions submitted, which we apprehend will be very worthy of Attention, whenever it shall be found necessary to go into a Consideration of those Measures which it may be ultimately proper to pursue, in respect to this Fishery in every Part of it.

It may, however, be necessary briefly to premise, that for more than a Century after the First Discovery of Newfoundland, and the Establishment of its Fisheries, the Opinions of Government, as to the most advantageous Plan of carrying it on for the National Benefit, appear to have been very unsettled, wavering between Two different and in some Measure adverse Propositions, viz. either the planting the Island and establishing a Civil Government, and thereby encouraging a promiscuous Fishery, or the discouraging Inhabitation, and thereby confining the Fishery entirely to Ships fitted out from these Kingdoms; and thus by sometimes adopting and pursuing the One, and sometimes the other, as different Interests prevailed, the Nation lost many Advantages, which would have been derived to it, had either one or the other of the Propositions been firmly and uniformly pursued.

The Attention which was given after the happy Revolution to those Measures, which might most effectually promote and extend the Commerce of Great Britain, necessarily introduced an Examination into the State of this important Branch of that Commerce; and, after a full Discussion of the Two different Propositions which had been before alternately pursued, in respect to the Mode of carrying on the Fishery, the latter was, though not without great Difference of Opinion, adopted; and those Regulations for the Management of it, which had been in former Reigns prescribed by Charters from the Crown, were with some small Alterations enacted into Law, by the Statute of the 10th and 11th of William the Third.

As that Act was however soon followed by a War between England and France, it was difficult to judge with Precision of the Effect of it, under such a Circumstance of accidental Discouragement to the Trade. But it is evident from the Returns of the Number of Ships employed in the Fishery from Great Britain, not only during the War, but for several Years after the Peace of Utrecht, that the Act had not the Effect to restore the Ship Fishery, which we conceive to have been the principal Object of it; this is nevertheless not to be wondered at, seeing, that however perfect and complete the Regulations of the Act may be as to many Points, yet the Observance of them is not enforced by any Penalty or Mode of Prosecution; nor, if it were, do any of them directly operate to the restraining that Inhabitation,

habitancy, which had for many Years been gradually increasing, to the Prejudice of the Ship Fishery, and which Inhabitancy does in its Consequences contradict and counteract those Principles, upon which the Act appears to have been formed. But the Circumstance relative to this Act, which has of all others most directly tended to defeat the Intention of it, and subvert the System it means to encourage, is that Proviso in it, by which it is enacted, " That all such Persons as since the Year 1685 have built, cut out, or made, or shall at any Time thereafter build, cut out, or make any Houses, Stages, Cook Rooms, Train Hats, or other Conveniences for Fishing there, that did not belong to Fishing Ships since the said Year 1685, shall and may peaceably and quietly enjoy the same, to his or their own Use, without any Disturbance of or from any Person or Persons whatsoever;" which Proviso will, we conceive, upon a View of the other Regulations of the Act, appear to be a direct Contradiction of them.

It is true indeed, that so long as the Fishery of the British Subjects was confined to that small Part of the Island which was in the Possession of Your Majesty's Royal Predecessors, antecedent to the Treaty of Utrecht, this Proviso neither had, nor could have any great Effect to the Prejudice of the Ship Fishery; because in that Part of the Island most of the Places in the several Harbours which afforded Conveniences of Beach and Flake for the Fishery, were, and actually had been for many Years prior to the enacting of that Regulation, occupied by the Owners of the Fishing Ships from England, under the former Establishment. But when the Fishery, by the Cession of the whole Island of Newfoundland, at the Treaty of Utrecht, came to be extended to Placentia, and all the Southern Parts of the Island, and might have been, though it was not till after the Commencement of the last War, extended to every Part, it was evident, admitting as it is contended by some Persons, that the Act does extend to the whole Island, what the Effect of this Proviso must be in Places where no Fishing Ships from England had any such Possession as the Act supposes; and consequently where all the Places most convenient for the Fishery would be as they actually have been in many Parts, engrossed and claimed by Inhabitants and Bye Boat Keepers, to the Exclusion of the Ship Fishery, not only of Your Majesty's Subjects, but also of those of France, entitled, under the Treaties of Utrecht and Paris, to a concurrent Fishery, between Bonavista and Point Riche; such Inhabitants or Bye Boat Keepers pretending a Right to acquire unlimited Property, not only under that Proviso of the Act, but also under Grants from preceding Governors of the Island.

It appears however to be the Opinion of Your Majesty's Servants in the Law, which Opinion is hereunto annexed, That the Act of King William was not meant to extend to those Parts of the Island that were not in Possession of the Crown of Great Britain at the Time the Act was made: If therefore Your Majesty shall think proper to adopt this Opinion, it is our Duty, in order not only to avoid Disputes between Your Majesty's Subjects and those of France, in carrying on the concurrent Fishery, but to prevent vexatious and expensive Litigations among Your Majesty's Subjects, several Instances of which already appear in Westminster Hall, most humbly to recommend, that Your Majesty's Governor should be instructed

not

not to allow any exclusive Possession to be taken of any Lands, Rivers, or Islands, as private Property, in the Northern Parts of Newfoundland, upon Pretence of the aforesaid Proviso in the Act of Parliament, or of Grants from Governors who never had any Authority by their Commission to make such Grants; and that he take Care that the Fishing Ships do choose their Stations as they respectively arrive, and do take up, subject to his Controul, such Space only of Beach, as shall be proportioned to the Number of their Boats, conformable to the Directions of the Act of King William, in respect to those Parts of the Coast which were in Possession of the Crown of Great Britain at the Time the Act was passed, and to which Your Majesty's Servants in the Law seem to confine the Extent of it in the before-mentioned Opinion.

We most humbly desire, however, that it may not be understood from what we have said on this Subject, that we mean to declare an Opinion, or take upon us to decide, that this Act of King William, is either in its general Principle, or particular Regulations, adapted to the present State of the whole Island of Newfoundland, and the Territories dependent upon it; we have been induced to recommend this Instruction to Your Majesty for the present, as it appears to us necessary to prevent the Inconveniencies which might result from the before-mentioned Proviso in the Act applying itself to a particular Part of the Fishery under particular Circumstances.

The Consideration of what may be ultimately proper to be done for establishing the Whole of this valuable Branch of the National Commerce and Possessions upon such a Basis, and under such Regulations, as that Your Majesty's Subjects may derive all the Advantages they are capable of affording, is of very great Extent, and depends upon a great Variety of Facts and Circumstances, which have as yet been but little known or understood; and therefore it will be our Duty to proceed to lay before Your Majesty as briefly as possible, what appears to be in general the present State of the Island of Newfoundland, of the Territories lately annexed thereto, and of the Fisheries belonging to each respectively, according to such Returns and Informations as we have received from Your Majesty's Governor, to the End that Your Majesty may be the better enabled to form a Judgment upon the Whole.

It will already have appeared to Your Majesty, from what we have before stated, that antecedent to the passing the Act of the 10th and 11th of William the Third, the Fishery of Newfoundland had by a gradual Increase of Inhabitants begun to vary from the Plan upon which it had been originally established, and was become in Part a sedentary Fishery; and though it is evident, that this Act was intended to check this Deviation, and to restore the ancient System, yet it is as evident, that partly from the Impropriety of some of the Regulations, partly from the Want of Penalties to enforce them, and partly from the Ignorance, Neglect, and Inattention of those to whom the Execution of them, and the Superintendancy of the Fishery were entrusted, it had little or no Effect; few or none of the Rules and Regulations were observed, and the Masters of Ships, which carried out Passengers from this Kingdom and from Ireland, either not having Power to oblige them to return, or perhaps not finding it their Interest to bring
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bring them back when the Fishing Season was over, the Practice of their remaining there began, and has continued and gradually increased to the Extent at which it is at present arrived.

It is difficult to ascertain with Precision the present Number of Inhabitants having constant Residence in Newfoundland; but from the best Accounts we have been able to collect, it cannot be less than Fifteen Thousand, including Men, Women, and Children; and from the Report made to us by Your Majesty's Governor, of the State of the Island, and of the Condition and Employment of these People, it appears,

“ That the greatest Part of them are Roman Catholicks:

“ That they are under no Controul of any regular Civil Government, except what arises from the ineffectual Establishment of Justices of the Peace, who oftener use their Authority for their own private Interest than the Public Welfare:

“ That except at St. John's, they have not any where the necessary Offices of Religion administered to them, but live in the most savage State, abandoning themselves to every Species of Debauchery and Extravagance, which such a Condition must necessarily introduce:

“ That for Seven Months in the Year there is not Employment for a Tenth Part of these Inhabitants; and that consequently they spend that Time in Idleness, and subsist for the greatest Part by Robbery, Theft, and every Species of Violence and Wickedness:

“ That they burn and destroy great Quantities of Wood growing near the several Harbours, which ought to be preserved for building and repairing Boats, Store Houses, Stages, Cook Rooms, and other Structures essentially necessary to the Fishery:

“ That they are principally, if not altogether, supplied with Provisions (Beef, Pork, and Butter excepted, which are supplied from Ireland) and also with Rum, Sugar, Melasses, and many other Articles of necessary Consumption, from the other Plantations, to the Amount of more than double in Value what they take from this Kingdom:

“ That these, as well as all other Articles of Importation, are engrossed by a few opulent Merchants, Store-Keepers, and considerable Boat Keepers, who retail them to the rest of the Inhabitants, and to those they employ under them in the Fishery, at exorbitant Prices; by which Means they keep them poor and in Debt, and dependent upon them; and that these Merchants, Store Keepers, and Boat Keepers, in order to secure the Produce of the Labour of the poor Inhabitants to themselves, press their Goods upon them in Advance for that Produce, so that they contract Debts without a Possibility of paying them, and thus mortgaging the Fish before it is caught, their only Study is, how to defraud their Creditors, contract fresh Debts with other Merchants, and so become indifferent about prosecuting their Fishery; and if they do prosecute it, it is only to sell their Fish clandestinely to others for immediate Supplies, or to the French:

“ That the Inhabitants, under these Circumstances of Oppression, and deprived of every View of bettering their Condition, become abandoned

“ to that dissolute Way of Life above stated, and remain under a slavish
 “ Servitude to the Merchant Suppliers, Store Keepers, and Boat Keepers,
 “ whose Object it is, by every Method, to induce and compel such as come
 “ out Passengers from England and Ireland to remain in the Country,
 “ exercising every scandalous Act to defraud and cheat those Servants,
 “ whom they cannot persuade to run out their Wages in Truck or
 “ Liquors:

“ That all the Ship Rooms and other Conveniencies used for the Fishery
 “ in those Parts of the Island which were the ancient Possession of the
 “ Crown of Great Britain, are now become altogether the private Property
 “ of Merchants, Store Keepers, and Boat Keepers, who reside constantly in
 “ the Island, by which Means the Ship Fishery is entirely dropped, except as
 “ to a few Bankers, and with it the Observance of the Rules and Regula-
 “ tions of the Act of King William, all of which are, as to any good Pur-
 “ pose, laid aside; the End for which the Admirals in the several Harbours
 “ were instituted, forgot; their Duty neglected, and their Authority
 “ despised; and the Act never appealed to, but to support Claims of Pro-
 “ perty to Land, as unwarrantable as they are inconsistent with the Princi-
 “ ples it adopts:

“ That there being no proper Establishment in the Island for the Execu-
 “ tion of the Laws of Trade, there is an Opening for the most illicit
 “ Practices in this Respect, more especially with the French at Miquelon
 “ and St. Peter's, who endeavour by every Artifice and Temptation to intro-
 “ duce a Commerce with Your Majesty's Subjects, which for Want of such
 “ Establishments will necessarily have its full Scope and Effect during the
 “ Absence of Your Majesty's Ships of War: And lastly,

“ That there is Reason to fear, that many of the Ships employed in the
 “ Newfoundland Fishery, as British Ships, are in Part owned and belong
 “ to Spaniards, or to the Subjects of other Foreign States.”

Such, may it please Your Majesty, is the melancholy Picture which Your Majesty's Governor draws of the State of the Island of Newfoundland; and we fear, in most Parts of it, bears but too just a Resemblance; this alone therefore, we trust, is sufficient to evince the Necessity of an immediate Attention to so important a Part of the National Interest. But when combined with the Considerations suggested by us to Your Majesty, in this and the Two former Representations we have had the Honour to lay before Your Majesty upon this Subject, will render the Neglect of it as disgraceful to the Policy, as it would be disadvantageous to the Commerce of Your Majesty's Kingdoms.

The Principles upon which the Newfoundland Fishery was established and carried on, under the Great Western Charter, and which the Act of King William attempts to restore, are, as far as they extend, so true in Policy, and the Arguments in Support of that Plan are so plausible, that it should seem at the First View of it to admit of no Competition; since by confining the Fishery to Ships from Great Britain, and requiring those Ships to take out and bring back a certain Number of Green Men every Year, it not only supposes a large Increase of Seamen, but also offers to ensure to these Kingdoms the exclusive and immediate Supply of every
 Article

Article of Consumption in this Branch of Trade; but Experience has shewn, that this Plan, however plausible in Speculation, and at first answering in some Degree to its Objects, failed nevertheless in its Execution; and that it was impracticable by any Regulations, to prevent that Inhabitan-
 tancy, which it became the Interest of those engaged in the Fishery to encourage, and which in Fact has finally subverted a System confined to particular Objects, which, however desirable upon particular Considerations of State Policy, did, we conceive, lay the Trade under many Difficulties, and subject it to many Disadvantages inconsistent with the general Interests of it; for it is evident, on the other Hand, that the sedentary Fishery carried on by Persons resident upon the Island has many Advantages over that Fishery carried on by the Fishing Ships, which must operate to the Benefit of this Branch of Commerce in general, seeing that they can go earlier and stay later upon their Fishing Stations, and have also many superior Advantages and Conveniences of repairing their Vessels, Stages, Storehouses, and other Works, and of making Preparations in the Winter for the ensuing Season; and, notwithstanding all the Disorders, Abuses, and Irregularities we have stated, it does appear that the Number of Ships employed in this Trade, and the Quantity of Fish cured and carried to Market, are independent of many other peculiar Advantages which would not attend a mere Ship Fishery, as great now as are stated to have been employed and caught in the most flourishing Time of this Fishery, under the ancient Establishment, whilst the Value of our Exports to this Island is Five Times as great as what it is stated to have been at that Period; and though it be true as is represented, that the Value of what they take from the Colonies is double what they take from this Kingdom, yet that must not be accounted for Loss, since whatever Profits are gained by them, finally center in this Kingdom.

Upon this View, therefore, of the State of this Fishery, it does appear to us very doubtful, whether it would consist with true Policy to attempt to restore it to the Principles and System adopted by the Act of King William, was such a Measure practicable; but as we conceive this is not practicable in the present State of the Country, or at least not so without a very great Expence to the Public, attended, perhaps, with Circumstances of Injustice, if not of Inhumanity, it will remain to be decided by Your Majesty what Plan it may be proper to pursue, for the better Management of this important Island, and for the Regulation of its Fishery under its present State, that with as little Prejudice as possible to the Ship Fishery of Your Majesty's British Subjects, and without infringing the Rights of the Subjects of France, may produce Civil Order and good Government, and prevent those Irregularities and Abuses, which if suffered to continue must probably ruin the whole Fishery, and will certainly introduce every Species of illicit Commerce, to the Diminution and Injury of the Trade, Manufactures, and Navigation of this Nation.

Office of Committee of
 Privy Council for Trade,
 Whitehall, 11th March 1793.

A true Copy.

GEO. CHALMERS.

Chf C^t C. C^t Trade.