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SECOND REPORT

FROM THE

COMMITTEE appointed to
enquire into the State of the
Trade to *NEWFOUND-*
LAND.

Ordered to be printed 24th April 1793.

5972



THE COMMITTEE appointed to enquire into the State of the Trade to *NEWFOUNDLAND*, and to report the same, as it shall appear to them, to the House; and who were impowered to report their Proceedings, from Time to Time, to the House;

HAVE made a further Progress in the Matters to them referred, and have examined several other Witnesses; the Substance of whose Evidence is as follows:

WILLIAM KNOX, Esquire, (formerly one of the Under Secretaries of State) being called in, and examined, said, He was now an Adventurer in the Newfoundland Fishery, and has been so since the Year 1788.—And being asked, To what Inconveniencies did he find the Trade exposed? he said, One Complaint arises from the Shipping being subject to Custom House Regulations, and the Payment of Fees in Consequence of it.—And being asked, Whether he knew the Purpose for which the Custom House was established? he said, When Duties were laid in America, in 1766, the Commissioners of the Revenue who were sent out there appointed Custom House Officers in Newfoundland to collect those Duties; before that Time Naval Officers, appointed by the Governor to take Care that the Laws of Trade were duly observed, were the only Officers of the Kind in the Island; but although those Duties were afterwards repealed, the Custom House Officers were continued, notwithstanding they have now no other Duty to perform than what was formerly done by the Naval Officers, and especially as by the Act of the Twentieth Year of His present Majesty, no Duties can be imposed by Act of Parliament in any of the British Colonies or Plantations,

Plantations, except as Regulations of Trade.—And being asked, Whether there is any Circumstance in the Island which makes it impossible for the Naval Officers to do that Duty now as formerly? he said, He does not know of any.—And being desired to state what other Grievances the Trade labours under? he said, That Clause which subjects the Fish and Oil to the Payment of the Seamen's Wages, renders them, in a great Measure independent of their Employers in the early Part of the Season, and does not provide a sufficient Penalty to oblige them to perform their Duty.

Mr. JOHN WALDRON was then called, who informed your Committee that he is a Merchant, and carries on the Trade to Newfoundland.—And being asked, Whether he knew any Thing of the French Fishery at Newfoundland? he said, He carries on his Trade in Fortune Bay; the Island of Saint Pierre, being situated in the Mouth of that Bay, afforded him an Opportunity of knowing the Extent of the French Fishery in that Part of the Island, and the Islands of Saint Miquelon and Saint Pierre.—And being shewn a Paper, intituled, “A State of the of the French Fishery at Newfoundland, in the Years 1769 and 1774, and 1786 to 1792, taken from the Returns of the British Admirals who commanded upon that Station;” he said, It appeared to him not an accurate State of that Fishery; because he every Year, in the Month of August, generally at the Request of the Surrogates, has sent an Officer to Saint Pierre privately to examine that Fishery, and to observe the general State of the Island. In August 1792, there had been Forty Sail of Brigs and Ships, of the Average of about 150 Tons each; the Crews of which, together with the Inhabitants of the Island, employed 640 Fiats, each Flat carrying Two Men; they had between 110 and 120 of Fishing Shallops, each carrying Three Men; about 100 Bankers, upon an Average carrying Eight Men. He was the Naval Officer in the District of Fortune Bay at that Time, and has been so for Ten Years past.—And being asked, Whether it was his Business to take an Account of the French Fishery, and transmit it to the Admiral? he said, He had always thought it his Duty to do it for the Surrogate.—And being asked, Whether there was any other Fishery carried on by the French in Newfoundland? he said, Yes, to the Westward, which has been declining these Three Years past.—And being asked, Whether he knew that the other Years were accurate? he said, He could not charge his Memory with it; that he constantly made a Report Yearly to the Admiral's Surrogate.—And being asked, Whether there

there are any Custom House Officers in Fortune Bay? he said, Yes.—And being asked, Who are they? he said, Charles Cramer acts both as Deputy Collector and Comptroller.—And being asked, What Inconvenience would arise, if the Business of the Customs was carried on by a Naval Officer now, as formerly, in Fortune Bay? he said, Before the Deputy was appointed, he, many Years, did the Business to the Satisfaction of the Admirals and Surrogates, as a Naval Officer; and the Naval Officer could as well do it now.—And being asked, Whether any Inconveniencies have arisen to the Trade in Fortune Bay from the Appointment of the Custom House? he said, He himself, has been very materially injured by the Detention he has met with before the Entries could be made; he thinks the Trade is in a declining State.—And being asked, To what did he attribute that Decline? he said, He believed it was owing to the great Number of Adventurers that are got into the Trade, and that it is gone past its Climax.—And being asked, Whether there is any Thing else that he attributed to the Decline of the Trade? he said, He knew of none, but the Inconveniencies the Trade labours under from the Act of the 15th of George the Third.—And being asked, Whether he thought that the Custom House operates as an unnecessary Inconvenience to the Trade? he said, His Trade has suffered by the Delays he has met with.—And being asked, Whether he thought that the Fees of the Custom House are too large? he said, They are increasing; it has not as yet, indeed, been a very great Object; they pay, upon an Average, including Certificates, &c. about £. 6 a Vessel.—And being asked, whether he did not think that above £. 3,000 a Year is an Object to the Fishery? he said, It certainly is an Object to the Fishery, but not equal to the Detention of the Ships.—And being asked, How is the Naval Officers Return of Shipping made up? he said, The Accounts of Imports and Exports are transmitted every Year, in October, to the Chief Naval Officer at St. John's.—And being asked, How is the Number of Ships taken? he said, From the Register kept of their Arrivals by the Naval Officer.—And being asked, What does the Detention of the Ships arise from? he said, From the Negligence of the Deputy.—And being asked, Would there be a Detention, if he was not negligent? he said, Very trivial.—And being asked, Whether any Complaints had been made of his Conduct to the Collector at St. John's? he said, Yes; and he supposes he gave him a Check, for last Year he behaved better.—And being asked, Whether the Deputy acted in any other Capacity than Collector? he said, Yes, as a Surgeon; he was a Justice of the Peace till Captain Harvey enquired into his Conduct, and requested him to write in his Resignation, which was accepted:

cepted: The Request was made on Account of his bad Conduct as a Magistrate.—And being asked, What Intercourse is carried on between Fortune Bay and the French Islands? he said, Some illicit Practices are carried on between them and the French and Americans; the French there are very often in the Spring of the Year supplied by them with Bait, to the Prejudice of the Fishery; they are also indulged with cutting Wood, which gives them an Opening for carrying on a contraband Trade in Pitch, Tar, Rum, Melasses, &c. in Return for which they take Furs and Bills of Exchange; and the English Inhabitants resort to the French Islands for the same Purpose. No Seizures have been made within these Twenty Years, when Captain Saxton of the Navy made some. The illicit Trade is so insignificant, that the Men of War could not be hindered on that Account.—And being asked, Whether it has decreased since the Act of 1786? he said, No; it has been increasing.—And being asked, Whether it does not require the Inspection of Officers to prevent it? he said, He does not know they could prevent it; it is so insignificant, that it would not pay them, because, that although the Smuggling Trade is considerable, it is brought in in very small Quantities.—And being asked, To what did he attribute the Increase of the contraband Trade, since the Act of 1786? he said, From the Act not being put into Execution.—And being asked, Would the Amount of the Duties in this illicit Trade he has been speaking of in Fortune Bay, amount to above £.20 a Year? he said, No.—And being asked, Whether the illicit Trade had increased since the Business had been taken from the Naval Officers, and put under the Customs? he said, Yes.—And being asked, If the French were denied the Indulgence of cutting Wood, could this contraband Trade be carried on with the Islands? he said, No.—And being asked, Whether the Custom House had more Opportunities or Means of preventing Smuggling than the Naval Officers had formerly? he said, No, just the same.—And being asked, Whether the Fishery in Fortune Bay has increased, or decreased? he said, It has increased since 1786, but great Fortunes have been lost there; it is now nearly the same as it was before the American War; the Inhabitants have greatly increased, as well as the Adventurers from this Country; the Quantity of Fish taken and exported has increased; the Number of Men employed upon the whole has increased; the Fishery is a Bank and Shore Fishery; it is carried on from Poole and Dartmouth.—And being asked, What is the usual Price of a Passage Home from Fortune Bay? he said, £. 3; that the Merchants always bring Home their own Men for nothing; there are no Passengers with them; the

Witness

Witness engages most of the Servants for the Planters here, and is always bound to bring them home for nothing; that he places them out under the Planter, and buys of the Planter the whole Produce of the Voyage, and charges him with the Amount of the Men's Wages; that the Fishery thus described is called The Resident Fishery; that these Boats are the Property of Residents in Newfoundland.—And being asked, Whether these Boats do never belong to Persons in England? he said, Some Boats belong to the Planter, and some to the Merchant; that the whole of the Fishermen, though they do not return Annually, do come Home when they can suit themselves; that the Witness's usual way is to hire the Green Men for Two Summers and a Winter, the Winter they remain in Newfoundland, and return generally at the Expiration of the Time of their Servitude.—And being asked, Whether that Part of the Act of the 15th of George the Third is executed in Fortune Bay? he said, It is not.—And being asked, How did he know then, that the Price of a Passage is £. 3? he said, Those that are not our Servants, they charge £. 3, but very often nothing.—And being asked, What Proportion of Fish is caught by Boats, whose Owners return Annually to Great Britain? he said, More than Half.—And being asked, Whether the Losses the Adventurers have sustained have been the Means of the Increase he speaks of? he said, Yes.—And being asked, What Number of Banking Ships were then in Fortune Bay? he said, Sometimes Four, and last Year Two.—And being asked, If he spoke of any other Part of the Fishery except that which is carried on in Fortune Bay? he said, No.—Then,

Mr. PETER OUGIER being examined, said, That in Consequence of the Collector's and Comptroller's Representation of the Dartmouth Merchants, respecting their Objections to pay Custom House Fees, he delivered in to your Committee a Memorial of Mr. John Leigh to the Worshipful William Carter Esquire, Judge of the Vice Admiralty Court in the Island of Newfoundland, together with Mr. Leigh's Affidavit thereupon, which totally contradicts the Charge made against him; and he also delivered in to your Committee a Copy of the Proceedings of the Court of Admiralty at Newfoundland on the Subject, which are as follow :

“ To the Worshipful William Carter Esquire, Judge of the
 “ Vice Admiralty Court, in the Island of Newfoundland.

“ The Memorial of John Leigh, Attorney to Messrs.
 “ And^r Pinson, John Tingcombe, and Jonathan
 “ Elford, Assignees, &c. &c.

“ Humbly Sheweth,

“ That your Memorialist did, in the Month of May last, take
 “ Possession of the Sloop Collector, and sundry other Effects, Part
 “ of the said Estate, in the Harbour of Fermuse, in this Island ;
 “ that your Memorialist, in the said Sloop Collector, did on the
 “ 30th Day of June last come into this Harbour from Fermuse
 “ with a Lading of Goods, Part of the said Effects, for Sale ; and
 “ that John Sparke, Master of the said Sloop, at the Command of
 “ Peter M’Kie, Esq^r, Surveyor, did attend at the Custom House
 “ of this Island, and produce her Register, which the said Peter
 “ M’Kie, with Jon. Ogden, Esq^r, Dep^r Collector, and D’Ewes
 “ Coke, Esq^r, Comptroller, did detain in their Possession from
 “ the Second Day of July until the Sixth idem, under a Plea that
 “ your Mem^t ought to discharge or pay a certain Bill of Ex-
 “ change, drawn in Favour of the said Peter M’Kie, for the Sum of
 “ about Six Pounds and Fifteen Shillings, on the said Philip
 “ Leigh & C^o, before the Time of their becoming Bankrupt ;
 “ that your Mem^t having persisted in refusing to discharge
 “ the said Bill, and the Claim of the said Jon^r Ogden, D’Ewes
 “ Coke, and P. M’Kie, Esq^r, on the said Sloop, for Payment
 “ of it, having been rejected by your Worship, the said Register
 “ was delivered back, and the Sloop permitted to return to Fermuse,
 “ after Twelve Shillings for her Report or Entry at the said Custom
 “ House had been for the First Time exacted and paid.

“ That the said Sloop has come Coastwise to this Harbour from
 “ Fermuse several Times since the said Sixth Day of July last, and
 “ that each Time before she has been permitted to depart, the Sum
 “ of Twelve Shillings has been exacted by the said Officers, and
 “ paid, although the said Sloop has been, ever since her Arrival
 “ in this Island in the Year 1787, employed solely for the con-
 “ veying of Goods Coastwise, and no such Fees were ever de-
 “ manded on her, nor the Master’s Attendance at the Custom
 “ House, after his First Arrival, required by these or any other Offi-
 “ cers until this Season ; that the said Sloop came last into this
 “ Harbour from Fermuse on the Eleventh Instant, being with the
 “ Goods

“ Goods on board her (all of which were a Part of the said Effects)
 “ to a large Amount, intended to be sold; that the said Goods
 “ were advertised to be sold by Public Auction on the Thirteenth
 “ Instant, and a Part of them taken on Shore on the Wharf of
 “ Messrs. W^m Gaden and Son, and sold, the Master having
 “ received a Permit from the said Officers of the Customs for
 “ landing them; that whilst the Goods were so selling, the said
 “ D’Ewes Coke, Esq^r, desired the said John Sparke to let him
 “ look at the Permit, which being granted, he having got the
 “ Permit into his Hand, refused to return it, directing the said
 “ John Sparke to inform your Memorialist that he would, by some
 “ Means or other, get Payment of the said Bill drawn last Year
 “ for Custom House Fees; that the said Peter M’Kie did then
 “ proceed to the Wharf where the Sloop lay, and the Goods
 “ were selling, and ordered the Auctioneer to sell no more, tak-
 “ ing a Parcel of Rugs that were for Sale on the Wharf, and
 “ throwing them on board the said Sloop; that your Mem^o
 “ then hasted to the Custom House, and prayed to Jonⁿ Og-
 “ den and D’Ewes Coke, Esq^r, that the Sale might be permitted
 “ to go on, a large Number of People being then, in consequence
 “ of the Advertisement, assembled on the Wharf, and that the
 “ losing that Opportunity of disposing of the Effects would be at-
 “ tended with great Loss and Disadvantage, which Prayer of your
 “ Mem^o the said Officers refused to grant, saying, that they
 “ sho^d libel the said Sloop in your Worship’s Court, and People
 “ to keep Possession for them were put on Board; that the said
 “ D’Ewes Coke and Peter M’Kie did afterwards go on board the
 “ said Sloop, and without waiting until the Key could be sent for
 “ from the Master, did forcibly break open the Hatches; and that
 “ on the Morning following, the said Sloop, with only One Man on
 “ Board her, left by the said Officers, was observed drifting from
 “ Place to Place.

“ That the said D’Ewes Coke and P. M’Kie did after-
 “ wards (on the 14. Inst.) proceed on board the said Sloop,
 “ and again wantonly break open the Hatches (your Mem^o does
 “ not know by whom they had in the interim been secured) and
 “ took from the said Sloop sundry Goods, to an Amount far
 “ exceeding that of the said Bill, leaving her not moored, nor se-
 “ cured from driving on Shore, or out to Sea, in which Situation
 “ your Mem^o found her deserted on the Night of the Four-
 “ teenth Instant, and procured her to be placed in a safe Birth,
 “ where she now lies. Your Mem^o humbly represents to your
 “ Worship, that the said Officers of the Customs, some one
 “ or

“ or more of them, declared that they would seize the said Sloop,
 “ were the Goods landed without a Permit, and have, neverthe-
 “ less, in an unfair Manner, as stated to your Worship, got hold
 “ of, and kept from the said John Sparke, the Permit which they
 “ themselves had granted, and have farther made an Erasure in
 “ his Report written in their Books, and have added other Words
 “ to it, since his signing it, and without his Knowledge or Con-
 “ sent; and that the said Officers, some One or more of them,
 “ have also publicly declared, that were the Sloop sold, they
 “ would immediately seize her, which has prevented any Purchaser
 “ since appearing. So that your Memorialist, with the said John
 “ Sparke, are detained here, away from their Business at Fermuse,
 “ on heavy Expences, the said Sloop prevented from being sold, her
 “ Hatches Twice forcibly broken open, her Cargo plundered, and
 “ every unfair Means taken to injure the said Estate, avowedly be-
 “ cause your Memorialist persists in refusing illegally to discharge
 “ the said Bill for Fees that were charged last Year to P. Leigh
 “ & C°. by which Means the said Estate is and may be very ma-
 “ terially injured, to an Amount, as your Mem^r apprehends, not
 “ less than Two hundred Pounds.

“ Your Memorialist therefore humbly prays that your
 “ Worship will cause an immediate Prosecution to be
 “ commenced and carried on in your Worship's Court,
 “ humbly conceiving that the Transaction, being
 “ chiefly below High Water Mark, and wholly Ma-
 “ ritime, comes under its Jurisdiction, against the said
 “ Jon^r Ogden, D^r Coke, and P. M^cKie, Esq^r, and
 “ others concerned,

“ &c. &c.

“ St. John's, Newfoundland,

“ 16 August, 1789.

JOHN LEIGH.

“ JOHN LEIGH, late of Dartmouth, but now of Lisbon,
 “ in the Kingdom of Portugal, Merchant, maketh Oath, That the
 “ before written is a Copy of a Memorial, or the true Purport
 “ and Effect thereof, which was delivered by him to William
 “ Carter, Esq^r, Judge of the Vice Admiralty Court, in the Island
 “ of Newfoundland, and that the same is all of this Deponent's
 “ Hand Writing.

“ JOHN LEIGH.

“ Sworn in the Borough of
 “ Clifton Dartmouth, Hardness,
 “ the 16th April, 1793, before
 “ me,

“ Arthur Holdsworth, Mayor.

“ Bond

“ Bond was required by the Judge of the Admiralty, with sufficient Surety, for prosecuting the above, which was accordingly given by John Rogers, Esquire, and J. Leigh, and every Thing alledged fully proved by Witnesses on Oath (Copy of which Proof Officially signed in the Admiralty Court may be produced). The Officers then prayed for longer Time to make their Defence, which was granted; Mr. Routh afterwards came out, the Goods were given up, and no Court Charges paid by the Estate.” Then,

The Witness being further examined, said, The Trade suppose that Representations like those from People in Office at Newfoundland to Government could alone have induced them to establish the Court of Common Pleas, to prove the Proceedings of which, the Witness is requested by the Trade to lay before the Committee some few Proofs of the Proceedings, to shew the Necessity of all Matters being determined by a Jury.

The Witness then produced to your Committee the Petition of Thomas Barter, and an Answer signed by Mr. Reeves, and Three Vouchers in Support thereof, to prove, in One Instance, how Mr. Reeves, the Chief Justice, hath been deceived and misinformed at Newfoundland, which are hereunto annexed. Vide Appendix, N^o 1.

The Witness then said, the next Case he should mention is at the particular Request of the Trade of Devonshire, and which he should otherwise have withheld, as it concerns himself; which is as follows:

Proceedings in the Court of Common Pleas at Newfoundland against Peter Ougier, of Dartmouth, in the Months of April, May, and June, 1791.

Two resident Merchants at Saint John's, One a Native of the West Indies, another a Native of America (a Relative to the Sheriff of Newfoundland) with either of whom the said Ougier had no Account, nor ever intends to have, did of themselves swear before a Justice of the above Court to Debts against Peter Ougier, which Debts were proved in this Court never to have existed, and they prevailed also on Two young Men, who were Clerks to Two English Merchants, in their Employer's Absence, to make Oath that a Debt was also due from said Ougier to their Employers, which was also proved never to have existed. This was done in the Absence of the said Ougier, and also in the Absence of his Agent, they

being both in England.—It is curious that these Debts are sworn to as due to the Claimants from the said Ougier, having had Possession some Years before of an unfortunate Boatkeeper's Effects at Newfoundland; in Part Payment of a Balance due to the said Ougier. This Payment of Effects was made to the said Ougier's Agent at the Request of the said Boatkeeper, as expressed by his the said Boatkeeper's own Declaration on Oath; and who also declares on Oath, that these Debts were never demanded of him by these Claimants. This Court, in the Absence of their President Mr. Graham, knowing their Decree was not within the Controul of a Jury, readily granted a Warrant, ordering the Person who was left in Care of Mr. Ougier's Stores in the Winter (and at the same Time the Sheriff laid an Attachment on the whole Property) to pay the same, or to come at a very short Notice from Bay Bulls to St. John's, before the Court. The Storekeeper, who knew the Demand unjust, did not pay the Amount; and, at the Hazard of his Life, went at that Season to St. John's by Land, in attempting which both himself and his Companion were very nearly drowned by the overflowing Rivers. He appeared some Days after at this Court of Common Pleas, and not agreeing to stand to the Award of the Justices, the Order was continued by this Court for the Sheriff to attach as much Property of Mr. Ougier's as would be sufficient to pay the supposed Debts and Costs. The Sum sworn to as Debts by the whole Four amounted only to the Sum of £. 135. 17s. 4d. The Sheriff, or his Deputy, by his Order, attached, seized, and kept Possession of all Mr. Ougier's Effects they could lay Hands on, within and without Doors, of all Sorts and Descriptions, to the Amount in Value of more than £. 6,000 Sterling, prevented his Storekeeper from issuing Supplies (even the common Necessaries of Life) and which the Dependants on him for Supplies were accustomed to receive for their natural Support, and for which they were obliged to the Agent of a neighbouring Merchant, or they might have perished during this Attachment. After the Arrival of Mr. Ougier's Agent, or rather on the Justices of this Court being informed that another Establishment would soon take place, and a Gentleman being expected from England to act as a Chief Justice, this Cause was suffered by this Court to be tried by a Jury, whose Verdict was given against these Complainants, as having demanded unjust Debts, and that they should pay the Defendant's Costs. The Agent and others, who he was obliged to carry to St. John's, to prove the Iniquity, with the Costs of Documents, was at the Expence of near £. 80, independent of the Loss of Time to the Employers, who were wanted to appear in Court. On this being demanded, this Court taxed these Costs, and reduced the Amount to only £. 11. 10s. 6d. On the Arrival of Mr. Reeves,

Reeves, the Agent applied to him, desiring his Advice how to recover the Costs, who answered, that it would not take Effect in the Court where he presided, but that he must apply to the Court of Common Pleas. Mr. Ougier having given his Opinion of the Conduct of the Court of Common Pleas on this Business to Mr. Reeves, in London, some Time in April or May 1792, Mr. Reeves, on being at Bay Bulls in October last, was so good as to enquire into the Facts both of the Deputy Sheriff and Mr. Ougier's Storekeeper, John Whyatt, in Presence of Edward Lee, Mr. Ougier's Agent, and both the Deputy Sheriff and the Storekeeper, condemned the Conduct of the Proceedings to the Chief Justice, as is more fully expressed in an Affidavit made by the said Edward Lee, which he delivered in to your Committee, together with several Documents in Proof of the above, which are hereunto annexed. Vide Appendix, N° 2.

The Witness also produced a Copy of the Case of William Compton, a Bye Boatkeeper, to shew the Necessity of a Trial by Jury, and also the evil Tendency of the Act of the 15th of George the Third, which is also hereunto annexed. Vide Appendix, N° 3.

And the Witness further said, That with Respect to the Civil Judicature Bill, he agrees with Mr. Newman, with this Addition, that the Charges of Writs may not be calculated according to the nominal Damages given into the Court, but according to those which are assessed by the Jury; and that no Custom House Officer may be in the Commission of the Peace; and that in case of Insolvency, the Trade with the following Mode to be attended to:

That Assignees to Insolvents Effects be as in England; that to give a Preference in Cases of Insolvency to Persons who have supplied the Fishermen, or the Fishery of Insolvents, for the current Season, would be proper; but this to be confined only to real Necessaries for the Fishery (which, if not clearly proved) to be determined by a Jury in a Court, whether such Supplies were within that Meaning.

That the Remainder of all Insolvents Property after shall be equally liable to all Debts whatever; and that Newfoundland Debts shall have no Preference to the Debts in Great Britain, except as above expressed: If a general Partiality of Payment of Newfoundland Debts take Place, it would make the Island an Asylum for Swindlers,

Swindlers, and destroy the Credit of the Newfoundland Traders with their European and other Connections.

With respect to the Fees paid in the Court of Judicature, the Witnesses begged to refer to Mr. Thomey's Evidence, and also to add the Case of William Rourk, together with Two Documents in Proof of the same, which are hereunto annexed. Vide Appendix, N^o 4.

Mr. Ougier also delivered in to your Committee, a Summons from Mr. D'Ewes Coke, the Comptroller of the Customs, dated 17th November 1792, directed to Captain Whitton, to appear at the Supreme Court of Judicature at St. John's, which is also hereunto annexed. Vide Appendix, N^o 5.

And the Witness being further examined, said, That with Respect to the Regulation Bill proposed last Year, the Trade request that it may not be revived, from the Impossibility of its being carried into Execution, and the Fishery to exist under it; that it would be impossible to adopt any Method how to pay the Passages of the Individuals in any Manner whatever; that the Cash in the Island would not be a Tenth Part of the Amount; paying it in Bills would cause Intricacies impossible to be regulated, and it would take from the Employers in the Fishery, according to the former Extent thereof, £. 10,000. a Year; that suppose the Fishery Employes only 15,000 Men, the Amount would be £. 30,000, which would give an Opportunity to the Person impowered by Law of hiring Ships at a lower Rate than Forty Shillings for each Man, and on a most moderate Calculation on that Number, he might save the Sum of £. 10,000 alluded to.

That it is impossible for the Master of a Passage Ship, according to the former Mode of carrying Passengers, to declare when his Number is complete, or even to give a List of their Names, as they are frequently inclined to change their Ship from Day to Day, from an Inclination to go in those Ships in which their Friends and Neighbours mean to embark.

That it will be impossible for the Master of any Passage Ship to keep his Passengers on board in the Harbours, where the Ships are frequently detained by contrary Winds for several Days.

That respecting the Duty on Rum, a Duty of Three Pence per Gallon on Rum, to be paid in Silver, would amount to Five Times

Times as much Silver Coin as is on the Island, and would put the Property as well as the Person of every Importer in the Power of the Collector of these Duties, no Taxes being necessary of this Sort, unless it be for the Purpose of supporting Luxury and Idleness; that the Witness is informed, that at present they even keep Carriages at Newfoundland, to prepare Roads for which probably a Part of these Taxes may be applied, as the Roads have formerly been repaired out of the Public Money.

And being asked, What is the usual Price of Rum at Newfoundland? he said, It may be imported at, from 2*s.* to 2*s.* 3*d.* per Gallon; he has exported it from London at 1*s.* 9*d.*—And being asked, Would the Inhabitants of Newfoundland remove to Canada, if they had the Means? he said, The native Inhabitants used formerly to be much attached to Newfoundland, but he believes, from their present impoverished Situation, a great many would willingly go. The Residents, Natives of Ireland, would, he believes, be very glad of the Opportunity of going to Canada.—And being asked, Whether he supposed, that if a Sturgeon Fishery was established in Upper Canada, it would induce a Number of People to go from Newfoundland? he said, Certainly, if they had the Means of going.—And being asked, Whether he knew of any Instances of Attempts made to remove the Residents? he said, In the last War a Regiment and several Companies were raised for the Service of the War, which cleared the Island of many People, which was of great Service to the Fishery; Care however was taken by the Governor, that no British Seamen or Fishermen should be suffered to enlist.—And being asked, Whether he supposes the same Thing could be done now? he said, He thinks it may, with great Benefit to the Fishery, if the same Precautions were taken.

That with respect to the Return of Fishermen from Newfoundland to Europe, he begged leave to refer your Committee to what he had before related, on the Methods formerly used by the regular and established Merchants in this Trade for the carrying out Fishermen to Newfoundland from Great Britain and Ireland, and for their being returned Home at the End of the Fishing Season.

That in order to prevent a greater Increase of Residents there, by Fishermen and others being left at Newfoundland the Winter Season, more than are necessary for the Purposes of the Fisheries,

the Witnesses begged leave to submit to your Committee the following Plan :

That the Masters of all Ships shall on their Arrival deliver, in Writing, on Oath, a true Account of the Number of Passengers on board at the Time of his Arrival to the Governor, or to the Naval Officer, or his Deputy, at the Port where such Ship shall arrive, with a List of their Names, Occupations, and Places of Residence in Europe, or elsewhere; that the Master of such Ship, with One other Surety, shall give Bond to the Amount of for the Payment of such Passenger or Passengers Passage back to Europe at the End of the Fishing Season, such Passenger not being himself an-Employer in the Fishery, or not being employed as a Servant in the Fishery by some Master carrying on a Fishery at Newfoundland in that Season; but that these Securities be given and received by the Officer appointed, without Fee, or any Expence whatever to the Parties.

That the Governor of Newfoundland, or his Deputy, be authorized to provide a Passage Home for any such Passenger so unemployed in the Fishery, in any Passage Ship going from Newfoundland to the Country in which such Passenger was before a Resident, in Europe, and that the Cost of the Passage or Passages, and every Expence of Sea Stock, and all Accommodation for such Passenger or Passengers so unemployed in the Fishery, shall be paid by the Master or Owner of the Ship in which such Passengers were carried to Newfoundland, or by their Surety, to the Satisfaction of the Governor or his Deputy, on the same being demanded, on or after the 1st Day of October of the then fishing Season.

That the Master of any Ship which is intended to bring Passengers to Europe, is requested to inform the Governor or his Deputy of any such unemployed Men, and that such Masters shall be entitled to a Preference of bringing Home such Passengers, for which Passages and Expences such Master shall receive Payment before he leaves Newfoundland; but if Bonds were given in the British Dominions of Europe for the above Purpose, it is presumed it would be better to answer the End.

That all the Bills for Servants Wages, whether European Fishermen or Shoremen, be payable to the Person only, to secure his Return to Great Britain and Ireland, except to such Servants who are necessarily left for the Purposes of the Fishery; the Servant-being

ing obliged to indorse his Bill before a Magistrate in Great Britain or Ireland. Then

Major JOHN ELFORD being examined, informed your Committee, That he is Lieutenant Governor of St. John's, and that he has resided there several Years.—And being asked, Did the Governor General of Canada send him Orders as to the other Lieutenant Governors under his Command? he said, Yes; he considered Newfoundland as under his Government; that he had some Scruples at first, supposing himself under the Admiral, who was Governor for the Time being, and upon his Representation was obliged to obey the Orders of Lord Dorchester, Governor General of Canada.—And being asked, Whether he knew if the Trade has increased or decreased? he said, It has decreased.—And being asked, Whether he knew of any Mode of removing the Residents at Newfoundland? he said, Yes; by enlisting a Number of idle Persons, who have no Employment, and are very desirous of quitting the Island if they had Opportunity; that he remembers One Winter 500 of them being starving at St. John's; that the peaceable Inhabitants were exceedingly alarmed, and the Magistrates applied to him to issue Provisions from His Majesty's Stores, which he did, and thereby prevented the bad Consequences which were apprehended; and he is sure it would be of great Service to the Fishery, if those Persons were removed from the Island; that no Woman should be suffered to be brought out, as is the Practice now, from Ireland, and Means should be taken to remove those now there.—And being asked, Whether he approves of what Mr. Ougier has recommended respecting the Regulations of making the Bills not payable to the Order of the Men, till they have been indorsed by the Man himself in England or Ireland before some Magistrate? he said, He does; and added, it is the best Thing that can be adopted.—And being asked, Whether it is common for the Hucksters and Pedlars at Newfoundland to get Possession of the Men's Bills under various Pretences, by which Means they are defrauded of their Property, and are frequently left in the Island? he said, He knows it to be a common Practice; there is not a Winter but they have been obliged to raise Subscriptions to relieve the Miseries occasioned by these Practices.—And being asked, If the Statement of Compton's Case, delivered in by Mr. Ougier, was authentic? he said, He knew it was.—And being asked, Whether there are sufficient People in the Island of Newfoundland properly qualified for Justices of the Peace, if Custom-house Officers were excluded? he said, Yes, more than sufficient at St. John's, the Part of the Island he is more particularly acquainted with.

Your

Your Committee again called WILLIAM KNOX, Esquire, who being examined, said, That in order to give the Committee the fullest Information he was able upon the Subject of their Enquiry, he should begin by stating the Objects of the Act of the 15th of His present Majesty, and the Motives which induced the then Ministers (all of whom are now dead) to adopt the several Provisions it contains, which he was the better enabled to do, as he was then One of the Under Secretaries of State in the American Department, and furnished much of the Information upon which they acted.

That the Island of Newfoundland had been considered, in all former Times, as a great English Ship moored near the Banks during the Fishing Season, for the Convenience of the English Fishermen. The Governor was considered as the Ship's Captain, and all those who were concerned in the Fishery Business, as his Crew, and subject to Naval Discipline while there, and expected to return to England when the Season was over. The English had then no Rivals in the Trade but the French, and although the French Fishery exceeded theirs, the English gradually increased, and those who carried it on were generally successful. The Treaty of Paris, by adding Canada, all Nova Scotia, and Cape Breton to the British American Dominions, deprived France of the Advantage she had from the Employment of the Inhabitants in the Fishery; but at the same Time a new Rival was raised up to the English Traders and Fishermen in those and the other Northern British Colonies, and as the Profit the French Inhabitants had made under the French Government by the Fishery on their Coasts as well as on the Coasts of Newfoundland naturally turned the Attention of the British Subjects to the same Business, many Settlers emigrated to Newfoundland for the Purpose, while others spread themselves along the Shores of Nova Scotia and Cape Breton, so that there appeared evident Danger of the Trade and Fishery being lost to England, and that instead of its being a British Fishery, as it had hitherto been, it would become a Colonial Fishery. To prevent the Increase of Inhabitants on the Island, the most positive Instructions were given to the Governors not to make any Grants of the Lands, and to reduce the Number of those who were already settled there. Their Vessels, as well as those belonging to the Colonies, were to be denied any Priority of Right in occupying Stations in the Bays or Harbours for curing their Fish over the Vessels from England; and he was instructed to withhold from them whatever might serve to encourage them to remain on the Island; and as Lord North expressed it, whatever they

they loved to have roasted, he was to give them raw; and whatever they wished to have raw, he was to give it to them roasted. With a View to secure the Return of all the Fishermen carried out, Half their Wages was made payable to them in Bills or Cash at the End of the Season, and their Employers were obliged to find them a Passage Home, and allowed to retain Forty Shillings of their Wages for that Purpose; and to give an Advantage to the Bank Fishery over the Shore Fishery, as well as to encourage the fitting out from England, without Offence to the Colonies, a Bounty was given upon the taking 20,000 Tail of Fish by Bankers from England that carried out Two Green Men, or Youngsters that had never before been at Sea. The Effect of every One of these Regulations has been the very contrary of what was intended; and the Witness's own Experience as an Adventurer in the Fishery these Five Years past enables him to correct his Judgment as a Politician, and to point out their pernicious Tendency, as well as to suggest the Remedy.

That soon after the Act of the 15th of His present Majesty was passed, he perceived, from comparing the Governor's Returns with the preceding Ones, that the young Lads left in the Island were greatly increased, instead of being lessened, as was expected; and upon conversing with Persons who had been there, and were concerned in the Fishery, he learned that Half the Wages a Youngster was entitled to was not sufficient to pay the Expence of fitting him out the First Year; and besides, they often wanted to have something for Mothers who they had assisted to support. The Traders therefore hired them for Two Years, and left them the Winter in the Island, employing them in the Salmon Fishery, or in cutting Timber, or other Work, as well to save the Expence of their Passage Home as to avoid paying them Half their Wages, which would have left their Employers out of Pocket. This he experienced to be the Case with the Youngsters he took out and brought Home; and upon that Account, as well as upon another which he shall mention, he had given up fitting out for the Bounty, as he finds many others have done, and consequently fewer Youngsters will be taken out, and fewer Seamen made. The Bounty is most injudiciously appointed, as it ought to be (as the Greenland Bounty is) a Kind of Security against a bad Voyage, whereas it is only paid upon a good one, for the Banker which catches 20,000 Tail of Fish, and lands them before the 15th of July, is sure of succeeding well that Season; but by limiting the Time of catching to the 15th of July, a great Mischief arises to those who endeavour to obtain it, and stay on the Banks

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till that Time, as the Caplin Bait always come into the Harbours the First Week in July, and the Cod will not take the Salted Bait of the former Year after the Fresh comes in. By my Banker's waiting in Hopes of the Bounty last Year he lost at least £.200. and One of them only caught Fish enough to obtain it before the 15th of July. The Obligation imposed on the Traders to find a Passage Home for their Fishermen, and the Appropriation of Forty Shillings of their Wages for that Purpose, though intended, as he before observed, to secure the Fishermen's Return to England, has been the Occasion of many being left there; for it is to be considered, that the Expence of carrying out Fishermen, as well as that of bringing them Home, is so much Addition to their Wages, and therefore a Fisherman taken out and brought Home stands his Employer in Four Pounds more than he would have done if he had hired him at Newfoundland, and left him there. Besides, although the Trader is obliged to find the Fisherman he carries out a Passage Home, the Fisherman is not obliged to take his Passage in the Ship he provides, but may ship himself in any other, and send the Master to his Employer for the Forty Shillings, so that the Trader might be obliged to pay Forty Shillings a Head for sending Home his Fishermen at the same Time his own Ship went Home in Ballast, if he had provided one. Are then the Traders to be blamed for not providing Ships to carry Home their Fishermen, or for leaving as many of them in the Country as are willing to stay? Or is it strange that many are willing to stay and cut Wood all the Winter for those who will supply them with Provisions, without Wages, under the Promise of being employed the following Season as Fishermen?

These mistaken Regulations, together with the Exaction of Fees, and Detention of the Vessels for Clearances at the Custom House, and still more, the Discovery that the Governor's Commission did not authorize him to determine Civil Causes, though all Discouragements to the Fishery, would not have occasioned its Decline, if they had not been aided by more important Causes, which have arisen or obtained a powerful Operation to its Disadvantage since the fatal Treaty of 1783. By that Treaty the North American Colonies, now become independent States, are permitted to fish not only upon the Banks of Newfoundland, but in all the Bays, Creeks, and Rivers of that Island, as of Nova Scotia and Cape Breton, as well as upon their own Bank of St. George; and as they can build and fit out Ships cheaper, pay less for their Provisions, and less Wages to their Seamen and Fishermen than the British Trader can or does, they can sell their Fish for a less Price than he

he can afford to take, and they have accordingly almost beat out the British Traders from all the Markets on the Coast of the Atlantic; and although the Barbary States are at War with them, they find Means to procure Mediterranean Passes through their Friends in Nova Scotia, to protect them in carrying their Fish within the Streights, where it is preferred to the Newfoundland Bank Fish. Another Rival has also risen up to the British Fishery in the Danes or Norwegians, who have established a Fishery at Iceland, and cure their Fish taken in the Winter by freezing instead of salting and drying it, and it is found to answer for present Use, and comes much cheaper than the British Fish. These Facts can be proved by Letters from my Correspondents in Spain and Italy. While the Supply is thus augmented, the Consumption of Fish is considerably decreased in those Countries, by the Grant of Indulgencies by the Pope to the Roman Catholics to eat other Food than Fish in the Time of Lent; and indeed, such is the general Disregard of the Church's Mandates, that Fish is now commonly used only as a cheap or eligible Food, and not as a religious Abstinence; and as in consequence of the Family Compact, Spain greatly increased the Duties upon Baccalo, or dried Fish, it now comes so dear to the People, that its Consumption as a cheap Food is greatly decreased, and the Manner of laying the Duty is particularly grievous to the British Trader; for if upon finding a Want of Demand, or too low a Price, at the Port he first enters his Cargo at, he should remove it to another, the Duty he first paid is not drawn back, and it is again exacted at the Second Port. The Want of Justice at the Spanish Tribunals, and of Protection from the British Government, is also to be numbered amongst the Discouragements the British Fishery labours under; and he could produce to the Committee authentic Documents to prove the Facts, if it be thought proper to call for them; but he shall now proceed to the more agreeable Task of suggesting Remedies for the Evils he has pointed out, and such Regulations and Encouragements as he conceives will restore and increase the British Fishery: And the First he would recommend, is to recur to the old Idea of the Island of Newfoundland being considered as a great British ship, and to invest the Governor and his Surrogates by Law with the Authorities and Powers he and they formerly exercised without Law; but, instead of their coming away, in Times of Peace, the 15th or 20th of October, before the Fishing Business is ended, or the Disputes between Parties can be brought before them, or settled, they should be ordered to remain until the 1st of December; they would then be able to oblige the Fishermen brought out to return, and if they were not permitted to remain in the Island, there
would

would be no Occasion to oblige their Employers to find them a Passage, as they would make their Agreement accordingly before they went out, and their Employer, being sure of their Return with him, would provide for their Conveyance; as however the Preparation for the Fishery requires a certain Number of Persons to be left at every Station during the Winter, it would be proper to oblige none to return but such as had been left the former Year, or had resided there Two Years, so that all who chose to stay might remain One or Two Winters in the Island; this would encourage the carrying out Green Men, or Youngsters, as they might be left throughout the Winter, and employed in such Business as they were fit for, and acquire sufficient Knowledge to be useful the next Season. As the Shore Fish are now preferred to the Bank Fish in Italy and Spain, a Bounty should be given for the Encouragement of the Bye Boat Fishery, the Bye Boats being such as belong to the British Ships, or are manned by Fishermen brought out by them, and are so called in Contradistinction to the Boats belonging to the Inhabitants; that Bounty, however, should be given as Head Money to the Fishermen who had been so employed, upon their Return to England. The Bounty to the Bankers should be given upon Certificate of the Ship, manned and fitted as is now required, having been employed in the Bank Fishery from such a Day in May till such a Day in September, and having taken in all that Time 10,000 Fish or upwards, that Number being sufficient to ascertain her Employment.

If no Reduction of the Duties in Spain can be obtained, a Drawback upon Re-exportation of the Fish appears too reasonable to be refused; and if Advantage be taken of the present favourable Circumstances, no doubt a Preference, or some Indulgence which would lead to it, might be obtained in Favour of the British-taken Fish in Spain, and all the Italian States. These Things being done, the Fishery might be left to itself; and the less Government attended to it, the better it would thrive.

Should it be judged necessary to remove any of the present Inhabitants from the Island, as many of them are Irish Catholics, he doubts not they would readily accept of Settlements in Canada, if Government would transport them there, and grant them Lands, and furnish them with Implements of Husbandry to cultivate them, and Provisions for their present Subsistence. But if no Grants of Lands are made in the Island, and no Civil Governor, or other Civil Magistrate appointed, he does not apprehend there is any Danger of its becoming a populous Colony; and as there is Abundance of good Ship-building Timber, particularly a large kind of Birch,

Birch, very convenient for Water Carriage, he does not see why they might not be as useful to Great Britain, by constructing Vessels at Newfoundland, as in the Orkneys, since they must bring every Material, except the Timber, as well as every Necessary for themselves, from Great Britain to the One Place as well as to the other, and they must continue in both equally Subjects of this Country, and equally amenable to its Government.

Mr. Knox being further examined, was asked, Whether he knew of any Ports in Europe where we had formerly a Market for Newfoundland Fish, which we have now lost, or nearly so? he said, All the Spanish Ports in the Bay of Biscay, particularly Bilboa, St. Sebastians, and St. Andero, which are now principally supplied with American Fish.

Your Committee again called Mr. OUGIER, who being asked, Whether Rum is an Article of Luxury, or a Necessary of Life, at Newfoundland? said, It is a material Necessary of Life.—And being asked, To what Amount would the Duty of 3*d.* per Gallon, proposed to be laid on last Year, amount to Yearly? he said, On an Average, he supposes, about £.4,000 a Year.—And being asked, Whether he knew any Thing of the Sentiments of the People at Newfoundland respecting the present Laws, or those proposed last Year? he said, The Committee of Merchants at Dartmouth, in the Newfoundland Trade, received the following Address on that Subject, signed by the principal Traders and Supporters of the Fishery; and he believes it to be the Sentiments of every Individual of the Trade, unconnected with People in Office; viz.

“ To the Committee of Merchants of Great Britain, appointed by the Merchants and Employers carrying on Fisheries, and trading to Newfoundland.

“ Gentlemen,

“ We the principal Residents in the Districts of St. John's
 “ have Pleasure to address you, acknowledging the great Obligations we and all others concerned in this Fishery and Trade are under to you for your unwearied Attention in endeavouring to get the oppressive Laws now in force repealed; for your Application to, and for the Influence of your Friends in the Honourable House of Commons, in preventing the Two Bills brought in
 “ the

“ the last Session before Parliament from being passed, and obtaining
 “ the Alterations and additional Clauses in the Judicature Bill; for
 “ in the State they were, Ruin would very soon have followed: Pre-
 “ vious to the Laws made of late Years, the greatest Harmony pre-
 “ vailed between all Classes of People here; mutual Confidence and
 “ Intercourse subsisted between the respective Officers of Govern-
 “ ment (and amongst the different Degrees of People was great
 “ Cordiality) the Employers and their Servants were in Habits of
 “ Industry and Attention together, each exerting their utmost Abi-
 “ lities for their mutual Security and Advantage, enjoyed reciprocal
 “ Benefit. We fully trust and assure Ourselves, that this im-
 “ portant Trade and Fishery will be relieved from its Burden,
 “ when the Honourable House of Commons shall be informed
 “ how the Effects of the Law complained of have operated con-
 “ trary to the Increase of this Fishery, the Interest of those im-
 “ mediately concerned, and of the British Empire at large; and
 “ therefore request the Merchants and Traders in Great Britain
 “ will continue their Attention to its Welfare. We being with
 “ very sensible Obligations their

“ most obed. h^{le} Serv^{ts}”

“ J. Roope.	“ Michael Fouham.
“ W ^m Henley.	“ John Job & C ^o .
“ Nich ^l Wilking & C ^o .	“ George Hutchings.
“ Will ^m Whiteway.	“ John Rendell.
“ David Power.	“ Edward Beard & C ^o .
“ George Squarey.	“ W. Field & C ^o .
“ John Livingston.	“ John Duniam.
“ James Vinnicombe.	“ Philip Milman & C ^o .
“ William Underhay, Jun ^r .	“ Geo. Hutchings.
“ Oates & S. Bailey.	“ Tim ^l Fogerby.
“ John Codner.	“ Tho ^l Gotham.
“ Hugh Rowe & Son.	“ W. Farley & C ^o .
“ Stephen Cumming.	“ Alex. Cormack.
“ James Wills.	“ R ^d Reed.
“ Michael Mara.	“ Rod. Robertson.
“ Robert West.	“ William Warren.
“ George Wadland.	“ James Stokes.
“ W ^m & Robert Boden.	“ John Bulley & C ^o .
“ Henry Dashper.	“ James Winter.
“ George Darey.	“ Ch ^l Tapper & C ^o .
“ John Benson.	“ Abr ^m Hingston & C ^o .
“ John Mare.	“ Rich ^d Geaves.
“ M ^{tho} Hart.	“ W ^m Sharland & C ^o .
“ David Rennie.	“ W ^m Payne.”

“ Then

Then the Witness being asked, What Bay did he carry on his Trade in? he said, In the Bay of Bulls. There are many vacant Places open, new Adventurers there, and in every District in that Part of the Island.

Mr. WILLIAM NEWMAN being again examined, said, That the public Ship Rooms in the Harbours of Newfoundland are in the best Situations for curing Fish, and there are in every Harbour more than sufficient, or in other Words, more than were ever made use of; there are some made use of every Year in St. John's, but the greater Part is unoccupied. It is more for the Interest of a Person, whose Intention is to establish a Fishery in Newfoundland, to rent a Room, than to erect all the Buildings which are necessary for the conducting his Fishery, or to build in Public Ships Rooms, in which they can only have a Year's Possession, it being open the succeeding Year to the first Comer.

The Witness begs Leave to take Notice of Three Errors in his Evidence in the first Report, to wit, In Page 4 of the Print, the Word (*all*) is left out after the Word (*include*) in the Third Line from the Bottom. In speaking of the Resident Fishery in Page 7, the Word (*no*) is left out before the Word (*Lien*). Thirdly the Letter signed (*John Reeves, Chief Judge, 31st October, 1791*) ought to follow in Page 26 after (*a Sufferer of £. 90 and upwards*) and the (*Account*) stated in Page 30, ought to follow that Letter.

VICE ADMIRAL EDWARDS, late Governor of Newfoundland, was called in, and asked, What was the Duty of the Governor, independent of his Duty as Admiral, while Admiral? he said, He was Governor in 1757, 1758, 1759, and in 1788, 1789, 1790, and governed and regulated the Civil and Military as such.—And being asked, What was the usual Mode of trying Causes while he was Governor? he said, The Governor, with the Judge of the Admiralty and Justices of the Peace, within the Court House of St. John's.—And being asked, Did they ever try Causes in the Mode he mentioned? he said, Always Twice a Week, Tuesday and Friday, in the Court House at St. John's.—And being asked, Were the Causes of such a Nature as to occasion Difficulties in the Determination? he said, He found none.—And being asked, What Time in the Season were his Courts held? he said, From his Arrival, generally Twice a Week, if Petitions were presented; the Court of Oyer and Terminer was the last Court ordered by the Governor, about Ten Days

'Days before his Departure for England.—And being asked, Did any Inconvenience arise by holding these Courts? he said, He found none in his Time, or Complaint, but, on his Return to England the last Year he left his Government, from one Gotham, in the Court of Exeter: His Determination was allowed, and appeared with Credit in the Court.—And being asked, What was the Expence that incurred to the Parties? he said, Nothing to his Knowledge, but their Sheet of Paper for their Petition; when any Cause was tried in the Admiralty Court there were Expences.—And being asked, If the Jurisdiction of the Court, and settling Disputes of the Fishery, is taken from the Governor, what is left for him to do? he said, Very little in his Opinion but the Military Part.—And being asked, Whether he knew when the Custom House was established? he said, He believes in 1773 or 1774, between his First and Second Appointment.—And being asked, What was the Necessity for the Appointment? he said, There appeared to him little or none.—And being asked, Could not the Naval Officers, with the Ships, prevent the Smuggling without the Help of the Custom House? he said, He believes they might, as he understood in his Time the Custom House hardly supported their Salaries by their Seizures; the Duties he is no Judge of.—And being asked, Did he ever hear any Complaint of the Custom House whilst he was there? he said, The last Year of his Government, Mr. Gaden, of Pool, with another Merchant, were deputed to him to represent the General Grievances they laboured under from the Custom House Fees; in particular on their Ships coming to St. John's for Convoy, they were obliged to pay an additional Half Fee before allowed to depart; he called the Collector and Comptroller before him, who shewed him their Authority, that put St. John's and Newfoundland on the same Footing as Halifax; he therefore could give them no Relief, though he thought them aggrieved.—And being asked, Whether the French have any Custom House at St. Peter's? he said, They have no Custom House at St. Peter's; no French Merchant, either Home or Foreign, pay Duties in their Ports; a few Fees are paid to the Judge of the Admiralty.—And being asked, Under what Restrictions do they carry on their Fishery? he said, They are subject to no Restrictions; very few Merchants, Subjects of France, or from their Colonies, have a Right to export and carry their Fish, and export to any Part of the World on paying the above Fees; and a simple Declaration from the Owner or Captain, signed by the Captain or Judge of the Admiralty, of Fish put on Board, is all the Formality required in order to receive the Bounty.—And being asked, Were there any Fees for them to pay; if he knew of any to state them?—he said,

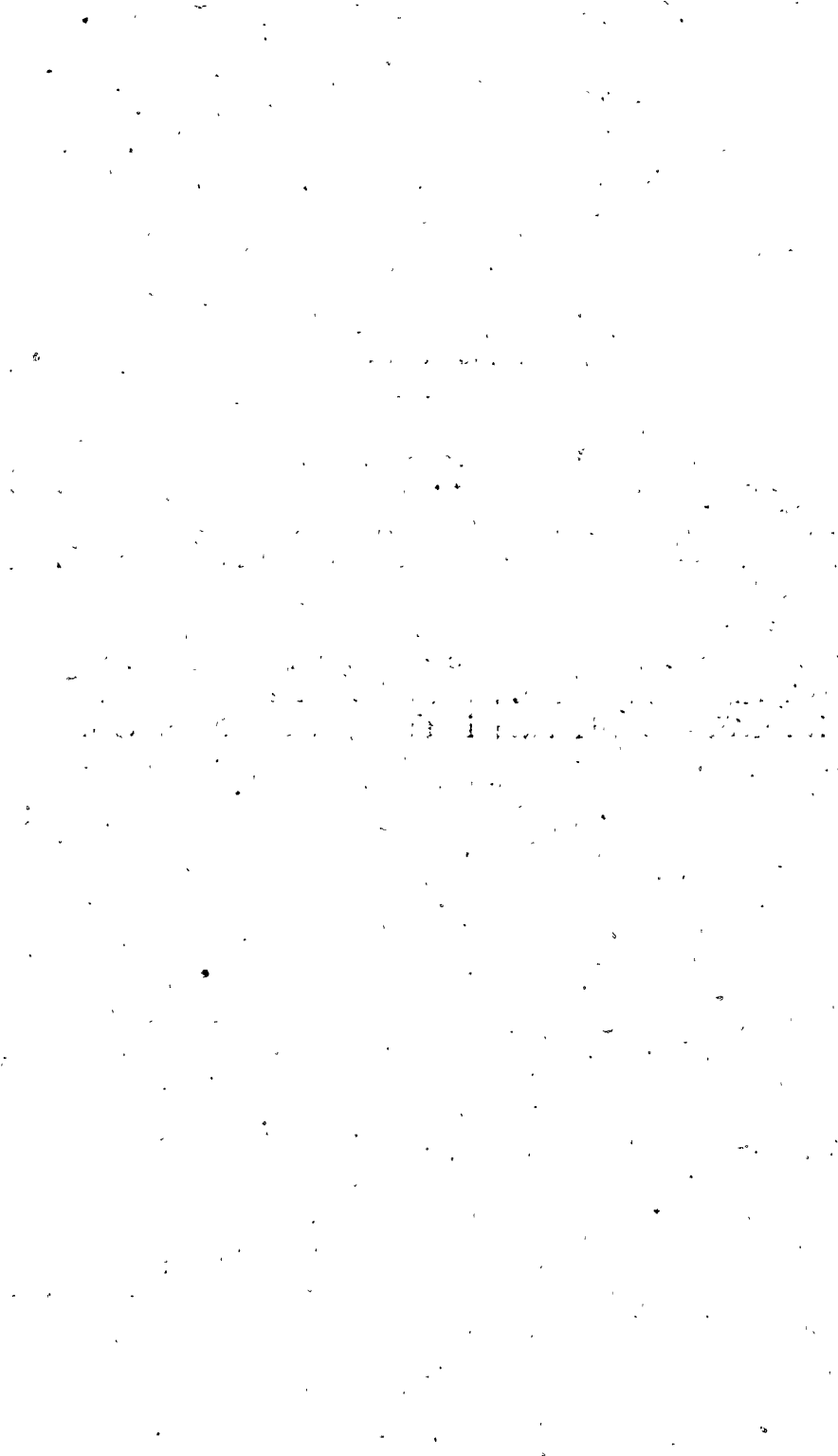
All Vessels arriving at their Port from Europe, with Intent to trade, pay the Judge of the Admiralty Ten Shillings, the Clerk Five Shillings, to the Constable One Shilling and Eight Pence; for their Clearance to any Part of Europe, including the Manifest of their Cargo, they pay the Judge, 18*s.* 4*d.* his Clerk, 11*s.* 8*d.* to the Constable, 1*s.* 8*d.* Carpenter-Survey, 2*s.* 6*d.*; all Deck Vessels solely employed in the Fishery in Winter, pay Yearly to the Judge, 1*s.* 8*d.* to the Clerk, 1*s.* 3*d.* to the Constable, 2½*d.* Carpenter Survey, 10*d.* and Fishing Pass, 2½*d.*—And being asked, How are the Returns made of the State of the Fishery, and sent to Government? he said, By Reports sent to the Admiral from the Surrogates and Justices of the Peace, completed by him, and sent to Government.—And being asked, Does Admiral Edwards know any Thing of the Manner in which the Indians are treated? he said, He knew One Instance, in 1758, of a Murder committed by some Irish Hunters on the North Part of the Island; they fired into a Wigwam, killed a Woman with a Child, and brought away a Girl of Nine Years old: Complaint was made to him by the Justices, and Pains taken to catch the Culprits, but without Effect. The Girl was brought Home to England. If they had been found, he would have tried them at the Court of Oyer and Terminer. Mr. Cartwright never made any Complaints to him of the cruel Treatment of the Indians by the Inhabitants, and he knows of no other Instance of it.—And being asked, Did he, during the Time of his Government, ever appoint a Custom House Officer to act as a Justice of the Peace? he said, No, never.—And being asked, What Use was the Act of the 15th of George the Third? he said, He knew of none, but the Payment of the Servants Wages, to be paid Half in the Country, and Half at Home, and to have a Claim upon the whole Oil and Fish before any Part was removed.—And being asked, Was that Regulation necessary to receive the Payment of their Wages? he said, He thinks it was.—And being asked, Before that Regulation passed, were there many Disputes as to the Payment of Wages? he said, He had some both before and after they used to pay the Wages in Bills; but the Seamen used to run out their Wages by taking up Liquor, Wages, and Necessaries which they paid pretty well for.—And being asked, Whether he thinks the Bill gives sufficient Security to the Merchant for the Servants doing their Duty? He said, By no means, because Time is precious, and the Profit of a Crown bears no Proportion to what the Merchant may lose by their Neglect. He does not think the Penalties sufficient.—And being asked, What would be sufficient? he said, The Servants should be made liable to be sent on board Ships of War; he does

not think a pecuniary Mulct sufficient.—And being asked, Whether there was much Drunkenness amongst the lower Orders, when he was there? he said, Much as at other Places of the same Kind.—And being asked, Whether he thinks that more Advantages are taken by the Men against their Masters, than by the Masters against their Men? he said, He rather thinks there are; but there are great Faults on both Sides.—And being asked, Who were Justices of the Peace in his Time? he said, He does not think there was One in the Island who had not something to do in the Trade, and therefore thinks them in that case the less proper Judges of the Trade.—And being asked, Whether he thinks those Justices so exceptionable as Custom House Officers? he said, No, he never would have appointed a Custom House Officer Justice of the Peace, or Judge of the Common Pleas, because he would have been both Judge and Jury.—And being asked, How would a Custom House Officer be both Judge and Jury? he said, He would as Justice of the Common Pleas, but not as a Justice of the Peace, and therefore he does not think them competent. There is only a Comptroller and Collector at St. John's; the Deputies in the Out Ports were, he believes, very low People; he turned out Two or Three Justices; they are all bad enough, but you must take the best; they are all concerned in the Trade.

Mr. OUGIER being further examined, was asked, Whether the French Fishermen have any Advantages which the English Fishermen have not? he said, They have an Advantage of Forty *per Cent.* as far as 15,000 Men are employed.—And being asked, How does that arise? he said, From the Consumption in France alone of 400,000 Quintals Annually, paying no Duty, and their Voyage being finished in Two Thirds the Time ours is. To encourage their supplying other Markets in Europe, they have a Bounty of about 5*s.* *per* Quintal, equal to the Foreign Duties, and the Expence of carrying it; and in the West Indies, a Bounty of about 8*s.* 4*d.* *per* Quintal.—And being asked, Whether there are any other British Fisheries that interfere at the Foreign Markets with Newfoundland Fish? he said, Yes; the Herring Fishery, the Pilchard Fishery, and the Salmon Fishery.—And being asked, Have other Fisheries any Encouragements or Advantages which the Newfoundland Fishery has not? he said, Yes; the Greenland Fishery has a considerable Bounty, and a partial Protection for a certain Description of Men, for Want of which the Newfoundland Fishery is now suffering very much. The Pilchard and Herring Fisheries have both considerable Bounties; at the same Time he begs leave to observe, that though the Pilchard Fishery does not nurse more than

Ten Seamen Yearly, upon an Average, that the Bounty is near £.6,000 a Year, without which that Fishery could not be supported.—And being asked, Whether he knew any Thing of the Indians in the Island of Newfoundland, or the Coast of Labradore? he said, He knows there is at present a beneficial Traffic with the Indians, both Esquimaux's and Micmac's, which has been acquired from the humane Treatment of His Majesty's Subjects towards them; there are Instances of Two or Three hundred coming together to traffic with the English Merchants, and that there is no Apprehension of Fear between one Party and the other. It has been doubted whether there are any Newfoundland Indians or not; they are supposed to be of the other Two Descriptions, only who, at certain Seasons of the Year, inhabit Newfoundland. Some Esquimaux's have been in the Service of English Merchants as Boatmasters in the Cod Fishery, in which they have been very excellent: He has known an Indian who lived in Dartmouth some Years; he returned to Labradore, and joined with his Countrymen; he is now the Cause of a considerable Traffic between them.

And your Committee having caused several Papers, relating to the Trade and Fishery of Newfoundland, to be laid before them, think it necessary to add them in the Appendix, N^o 6, to this Report.



A P P E N D I X.



Appendix, N^o 1. (A.)

To the Worshipfull J. Reeves, Esquire, Chief Justice of the Supreme Court
of Judicature in the Island of Newfoundland; &c.

THE Complaint of Thomas Barter, Boatkeeper, humbly sheweth, That in November 1790, he shipped James Cann, to serve him as a Fisherman, at the Wages of £. 14.. Cann served him accordingly; and at the End of the Voyage, Cann was paid his Wages, and gave a Receipt in full on the Back of his Agreement.

On the Fifth of November 1791, Joseph Lowman, Under Sheriff, delivered your Petitioner the annexed Note, N^o 1, demanding Payment thereof, in the Name of Stephen Woolcock, as a Debt due and owing to the said Woolcock from your Petitioner's Servant Cann, for Liquor supplied him more than Two Years before, which your Petitioner conceives to be beyond the Limitations of the Act of Parliament then in full Force and Virtue.

Notwithstanding all the Remonstrances your Petitioner could make use of, and freely offering to pay this Debt on Woolcock producing a fair Account,

Your Petitioner after his Departure for England (the 8th of November) was proceeded against in the most cruel, unjust, and unheard of Manner, as follows:—On the 10th or 11th of November, Mr. Henry Phillips, High Sheriff, sold a Boat and Craft of your Petitioner's, valued £. 62. 10. for £. 16. 10. to pay the above named Debt.

Your Petitioner, after various Applications, has obtained an Account from Mr. Phillips, but to your Petitioner's Astonishment, Woolcock's Name is not mentioned in the Account, but the Whole of the Property done away, to the great Injury of your Petitioner; First, by charging your Petitioner with Cann's Balance already paid; Secondly, with £. 2 for his Passage, and £. 10 for over supplying, and not stopping the Passage Money, all which Charges are unjust; for your Petitioner having shipped Cann for the ensuing Year, your Petitioner humbly conceives that Penalty done away, because he, Cann, could not become chargeable, as he was provided with a Winter Master, and Credit with Messrs. M'Glasham and Co. agreeable to the Governor's Proclamation. As your Petitioner's Loss is too great to be borne, even to the total Ruin of his Credit in this Country and in England, as will appear by a Statement of the same, N^o 2, your Petitioner humbly prays a Jury of Merchants may be summoned to try the

the same, as your Petitioner has good Reason to suppose the Whole of this Proceeding was done to injure his Character and Credit; for let any impartial Person view Cann's Account, which commences in 1790, and ends in October 1791, and take every Article separate, they will find a very just and equitable Charge; and it can be proved, that without those Supplies, Cann must have starved, for the most Part of the Charge is Meat, Cloathing, and Cash, and Orders, which is the same as Bills of Exchange. If your Petitioner is thus to suffer for his Humanity to a Servant that was naked in this Country in the Winter, what will become of the Employers of Servants, and what Property can be safe in this Country; for surely the Intent and Meaning of an Act of Parliament was never intended to be put in Force against any Employer acting as your Petitioner has done. Having thus shortly stated the Case as it really stands, your Petitioner humbly prays your Worship will take the same into Consideration, and order such Redress as your Worship shall seem meet; and in Duty bound, your Petitioner will ever pray.

THOMAS BARTER.

Dated in St. John's, Newf^oland,
October 1st 1792.

I have read this Petition, and enquired into the Circumstances of the Case, and the Character of this Man. I find the Proceedings by the Sheriff were perfectly regular; and if he was a Loser by the Sale of the Boat, he had nothing but his own Obstinacy to complain of. I find further, that the Boat, instead of Sixty-two Pounds, was, when owned by him and another, valued only at Fourteen Pounds, so that in Fact it was sold by the Sheriff at a better Price than he could expect.

I understand this Man has been making a Clamour here and at Home, instead of applying in a proper Manner, if he had any just Cause of Complaint; and I recommend his Advisers, if he has any, to consider well, before they encourage him in setting himself against the Court and Magistrates of this Place.

JOHN REEVES, Chief Justice.

27 Oct. 92.

Appendix, N^o 1, (B.)

ESTIMATE of the Value of a Newfoundland Fishing Shallop, and her Materials, feized and sold at Newfoundland, by Order of the Court of Jurisdiction, in the M^o of Nov 1791; the Property of Mr. Tho^s Barter, of the Parish of Kingskerswell, Devon.

Hull of the Boat, as valued by Barter and his late Partner, W ^m Masters, at the Time they dissolv'd their Partnership in 1790	—	—	—	£.	15	—	—
Paid a Carpenter, by Agreement, to enlarge the Boat, and prepare her for the Western Fishery	—	—	—	15	—	1	
Value of Two Suits of Sails	—	—	—	12	—	—	
D ^o 4 Herring Nets	—	—	—	10	—	—	
D ^o Two Rodes or Cablets	—	—	—	8	—	—	
Blocks, Rigging, Craft, Calk, &c.	—	—	—	3	10	—	
				<hr/>			
				£.	63	10	—
				<hr/>			

We, Tho^s Barter, Rich^d Bridgeman, and John Bulley, Three of the undersigned, do certify and declare upon our Oaths, that we verily believe the above Estimate to be a just and true One; and that the above Boat and Craft was worth, to the above-named Tho^s Barter, as a Boat-keeper, the full Sum of Sixty-three Pounds Ten Shillings.

The above-named Tho^s Barter, Rich^d Bridgeman, and John Bulley, were sworn to the Truth of the above Certificate this 20th Day of February, 1793, before me,

THO^s KITSON.

Thomas Barter,
John Bulley,
Will^m Flood,
Rich^d Bridgman,
Robert West,
William West,
William Masters,
Henry Waren.

Appendix, N° I. (C.)

A C C O U N T Sales of a Shallop, and Part of her Materials, sold as the Property of Tho: Barter, by virtue of an Execution from the Court of Civil Jurisdiction, for a Debt and Fine levied by the Court of Sessions.

Shallop and her Materials, sold to Henry White	—	£.	16	10	—
Charges, viz.					
To paid for crying	—	£.	—	2	—
To paid for valuing	—	—	—	4	6
To Commissions on £. 16. 10.	—	—	—	16	6
			<u>1</u>	<u>3</u>	<u>—</u>
			<u>15</u>	<u>7</u>	<u>—</u>

THO: BARTER to **HENRY PHILLIPS,**
Sheriff.

To James Cann's Balance	£.	1	9	—
To Ditto Ditto's Passage	—	2	—	—
To Fine from Court Sessions, for over-supplying y ^r Servant, and not stopping his Passage	10	—	—	—
Balance due Barter	—	—	—	—

£. 13 9 —
1 18 —
15 7 —

Supra C^t.

By N: Proceeds of a Boat sold by Auction

£. s. d.
15 7 —

St. John's, Newf^oland,
15 May 1792.

H. PHILLIPS, Sheriff.

Appendix, N° 1. (D.)

PERSONALLY appeared before me, Robert Newman, Esquire, Justice of the Peace within the Borough of Clifton Dartmouth Harbours, in the County of Devon, Thomas Barter, of the Parish of Kingkerswell, in the County aforesaid, a Bye Boatkeeper trading to Newfoundland, and made Oath on the Holy Evangelists of Almighty God, That he did, some Time in the Month of October last, present a Petition to John Reeves, Esquire, Chief Justice in the Court of Judicature in St. John's, Newfoundland, against the Proceedings of Henry Phillips, Esquire, High Sheriff, for selling his Property, by an Order of Court, considerably below its Value.

That the said Chief Justice and the Sheriff, on his applying for Redress, both abused him, and the inferior Officers insulted him in the Face of the Court; and that the Sheriff, with his accustomed Inhumanity, declared to him, that he would readily sell his, this Deponent's, *Liver*, if he had an Order for it. This was said by the High Sheriff, in the Presence of Sir Richard King, Baronet.

THOMAS BARTER.

Sworn before me at Dartmouth,
this 16th Day of February, 1793.

Robert Newman, Justice.

Appendix, N° 2. (A.)

To the Worshipful the Judges of the Court of Common Pleas.

The Prayer and Complaint of Nathaniel Phillips, of St. John's, Merchant, upon Oath,

Sheweth,

THAT Peter Ougier, of Bay Bulls, Merchant, is justly indebted to him in the Sum of Forty-seven Pounds Nineteen Shillings and Two Pence Half-penny, Sterling Money of Great Britain, being for Amount of a Book Debt due to the Complainant from Richard Denn, whose Property the said Peter Ougier unlawfully holds in his Possession, to the manifest Injury of the said Complainant. Your Complainant therefore

therefore prays, That Justice may be done him in the Premises, by causing the said Peter Ougier to pay said Debt, if the same shall be adjudged and decreed to be legally due.

St. John's, Newfoundland,
the 30th March, 1791.

NATH. PHILLIPS.

Sworn to before me in
Chambers of this Date,

Arch. Buchanan, J. C. P.

Appendix, N° 2. (B.)

To Mr. John Wyett, Ag^t to Mr. Peet^r Ougier.

Y^OU are hereby required to be and appear at the Court of Pleas, on Monday, the 4th April next, to answer as Att^y for the s^t Peet^r Ougier.

Bay Bulls, 2d Ap^r 1791.

W^M ARMSTRONG,
D^y Sheriff, B. Bulls.

Appendix, N° 2. (C.)

District of Bay Bulls. } RICH^D DENN, of Witlefs Bay, Boatkeeper, maketh Oath, and saith, That in the Year One thousand Seven hundred and Eighty-seven, he applied unto David Hearn, Agent for Peter Ougier, and requested of him the said David Hearn to take an Assignment of his Property, being willing to secure the said Peter Ougier for the Debts he had incurr'd, to the utmost of his Power, as his Supplying Merchant, and on whom he chiefly depended for the Support of his Fishery and Voyage. And the said Rich^d Denn further declares, That the Assignment was accordingly made at his own Request, and without
any

any Solicitations of him the said David Hearn, or any other Person, in Behalf of Peter Ougier.

RICH^D DENN.

Sworn before me, the
30th May 1791,

John Dinzle. J. P.

The above Affidavit was made in Presence of us, after that the said Rich^d Denn had solemnly declared the same to be strictly true.

WILLIAM CLAPP,
JOS^A M. BROOKS.

Appendix, N^o 2. (D.)

District of }
Bay Bulls. } RICH^D DENN, of Witlefs Bay, Boatkeeper, mak-
eth Oath, and faith, That it having been represented unto him, that the Property of Peter Ougier, of the Bay of Bulls, Merch', is now under an Attachment on Account of fundry Debts said to be due from him the said Rich^d Denn unto John Rogers, Nath. Phillips, Rich^d Reed, and W^m Henley, of St. John's, Merch^t; he the said Rich^d Denn can, and hereby doth solemnly aver, that neither of the Four last mentioned Persons ever applied unto him to demand Payment for any such Debts, neither has he ever been tendred with any Account from the said Persons, and therefore is much surpris'd to find such an Attachment to be made.

RICH^D DENN.

Sworn before me, the
30th May 1791,

John Dinzle, Just^c Peace.

The above Affidavit was made in Presence of us, after that the said Rich^d Denn had solemnly declared the same to be strictly true.

WILLIAM CLAPP.
JOS^A M. BROOKS.

Appendix, N^o 2. (E.)

COPIES of the Proceedings in the Common Pleas, Newfoundland.

To the Worshipful the Judges of the Court of Common Pleas.

The Prayer and Complaint of Richard Reed, of St. John's,
Merchant, upon Oath,

Sheweth,

THAT Peter Ougier, of Bay Bulls, Merchant, is justly indebted to him in the Sum of Forty-three Pounds Eleven Shillings and Three Pence Half-penny, Sterling Money of Great Britain, being for Amount of a Book Debt due to the Complainant from Richard Denn, of Witless Bay, Boatkeeper, whose Property the said Peter Ougier unlawfully holds in his Possession, to the manifest Injury of the said Complainant.

Your Complainant therefore prays, That Justice may be done him in the Premises, by causing the said Peter Ougier to pay said Debt, if the same shall be adjudged and decreed to be legally due.

St. John's Newfoundland,
the 30th March 1791.

Signed, R. R E E D.

Sworn to before me in Chambers,
this 30th March, 1791.

Arch. Buchanan, J. C. P.

To the Worshipful the Judges of the Court of Common Pleas.

The Prayer and Complaint of Nathaniel Phillips, of St. John's,
Merchant, upon Oath,

Sheweth,

THAT Peter Ougier, of Bay Bulls, Merchant, is justly indebted to him in the Sum of Forty-seven Pounds Nineteen Shillings and Two Pence Half-penny, Sterling Money of Great Britain, being for Amount of a Book Debt due to the Complainant from Richard Denn, of Witless Bay, Boatkeeper, whose Property the said Peter unlawfully holds in his Possession, to the manifest Injury of the said Complainant.

Your

Your Complainant therefore prays, That Justice may be done him in the Premises, by causing the said Peter Ougier to pay said Debt, if the same shall be adjudged and decreed to be legally due.

Signed
NATHANIEL PHILLIPS.

St. John's Newfoundland,
the 30th March, 1791.

Attested before me,

Arch. Buchanan, J. C. P.

To the Worshipful the Judges of the Court of Common Pleas.

The Prayer and Complaint of John Rogers, of St. John's, Merchant, upon Oath,

Sheweth,

THAT Peter Ougier, of Bay Bulls, Merchant, is justly indebted to him in the Sum of Twenty-nine Pounds Eleven Shillings and One Penny, Sterling Money of Great Britain, being for Amount of a Book Debt due to the Complainant from Richard Denn, of Witless Bay, Boatkeeper, whose Property the said Peter Ougier unlawfully holds in his Possession, to the manifest Injury of the said Complainant.

Your Complainant therefore prays, That Justice may be done him in the Premises, by causing the said Peter Ougier to pay said Debt, if the same shall be adjudged and decreed to be legally due.

Signed,

For John Rogers,
GEO. ELLIOT.

St. John's, Newfoundland,
the 30th March, 1791.

Sworn to before

Arch. Buchanan, J. C. P.

To the Worshipful the Judges of the Court of Common Pleas.

The Prayer and Complaint of William Henly, of St. John's,
Merchant, upon Oath,

Sheweth,

THAT Peter Ougier, of Bay Bulls, Merchant, is justly indebted to him in the Sum of Fourteen Pounds Fifteen Shillings and Nine Pence, Sterling Money of Great Britain, being for Amount of a Book Debt due to the Complainant from Richard Denn, of Witlefs Bay, Boatkeeper, whose Property the said Peter Ougier unlawfully holds in his Possession, to the manifest Injury of the Complainant aforesaid.

Your Complainant therefore prays, That Justice may be done him in the Premises, by causing the said Peter Ougier to pay said Debt, if the same shall be adjudged and decreed to be legally due.

Signed,

For William Henly,

GEORGE BURTON.

St. John's, Newfoundland,
the 30th March, 1791.

Sworn to before me,

Arch. Buchanan, J. C. P.

GEORGE the Third, by the Grace of God, of Great Britain,
France, and Ireland, King, Defender of the Faith and so forth.

To the Sheriff of Newfoundland, Greeting.

WHEREAS Richard Reed, of St. John's, Merchant, hath made Complaint, upon Oath, before One of Our Justices of Our Court of Common Pleas, that Richard Denn, of Witlefs Bay, Fisherman, whose Property and Effects are represented to us to be in the Possession of Peter Ougier, of Bay Bulls, Merchant, stands justly and truly indebted to him the said Richard Reed in the Sum of Forty-three Pounds Eleven Shillings and Three Pence Half-penny, Sterling Money of Great Britain, which he the said Peter Ougier unlawfully refuses to pay.

You are hereby directed to demand of and from him the said Peter Ougier the Amount of said Debt and Costs, and on Refusal thereof, you are to command him the said Peter Ougier to appear at Our Court of Common Pleas, at St. John's, on Monday, the Fourth Day of April next, by himself or Attorney (for that Purpose specially appointed)

to

to answer said Complaint; and you are also, to give him Notice, that in Default of such his Appearance, by himself or Attorney, Judgment will be awarded against him the said Peter Ougier, agreeable to the Prayer of the Complainant, with all Costs of Suit.

And in Case he the said Peter Ougier shall refuse to give good and sufficient Security to fulfil the Judgment that may then be awarded against him, you are to attach so much of his Goods and Chattels, or other Property of him the said Peter Ougier, as will be sufficient to answer such Debt and Costs as shall be adjudged to be legally due.

And you are to make a Return, upon the Back of this Writ, to Our said Justices of Our said Court of Common Pleas, at the Time and Place above mentioned, of what you shall do in the Premises. Herein fail not, as you will answer at your Peril. Given the Thirtieth Day of March, in the Thirty-first Year of our Reign.

Witness,

ARCH. BUCHANAN,
J. C. P.

GEORGE the Third, by the Grace of God, of Great Britain,
France, and Ireland, King, Defender of the Faith, and so forth.

To the Sheriff of Newfoundland, Greeting.

WHEREAS Nathaniel Phillips, of St. John's, Merchant, hath made Complaint, upon Oath, before One of Our Justices of Our Court of Common Pleas, That Richard Denn, of Witlefs Bay, Fisherman, whose Property and Effects are represented to us to be in the Possession of Peter Ougier, of Bay Bulls, Merchant, stands justly and truly indebted to him the said Nathaniel Phillips in the Sum of Forty-seven Pounds Nineteen Shillings and Two Pence Half-penny, Sterling Money of Great Britain, which he the said Peter Ougier unlawfully refuses to pay.

You are hereby directed to demand of and from him the said Peter Ougier the Amount of said Debt and Costs, and on Refusal of it you are to command him the said Peter Ougier to appear at Our Court of Common Pleas on Monday, the Fourth Day of April next, by himself or Attorney (for that Purpose specially appointed) to answer said Complaint: And you are also to give him Notice, that in Default of such his Appearance, by himself or Attorney, Judgment will be awarded against him the said Peter Ougier, agreeable to the Prayer of the Complainant, with all Costs of Suit; and in case he the said Peter Ougier shall refuse to give good and sufficient Security to fulfil the Judgment that may then be awarded against him, you are to attach so much of the Goods and Chattels, or other Property, of him the said Peter Ougier, as will be sufficient to answer such Debt and Costs as shall be adjudged to be legally due; and you are to make a Return, upon the Back of this Writ,

to Our said Justices of Our said Court of Common Pleas, at the Time and Place above-mentioned, of what you shall do in the Premises.

Herein fail not, as you will answer at your Peril. Given the Thirtieth Day of March, in the Thirty-first Year of Our Reign.

Witness,

ARCH. BUCHANAN.

J. C. P.

GEORGE the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth.

To the Sheriff of Newfoundland, Greeting.

WHEREAS John Rogers, of St. John's, Merchant, hath made Complaint, upon Oath, before One of Our Justices of Our Court of Common Pleas, That Richard Denn of Witlefs Bay, Fisherman, whose Property and Effects are represented to us to be in the Possession of Peter Ougier, of Bay Bulls, Merchant, stands justly and truly indebted to him the said John Rogers in the Sum of Twenty-nine Pounds Eleven Shillings and One Penny, Sterling Money of Great Britain, which he the said Peter Ougier unlawfully refuses to pay.

You are hereby directed to demand of and from him the said Peter Ougier the Amount of said Debt and Costs, and on Refusal thereof you are to command him the said Peter Ougier to appear at Our Court of Common Pleas at St. John's, on Monday the Fourth Day of April next, by himself or Attorney (for that Purpose specially appointed) to answer said Complaint: And you are also to give him Notice, that in Default of such his Appearance, by himself or Attorney, Judgment will be awarded against him the said Peter Ougier, agreeable to the Prayer of the Complainant, with all Costs of Suit.

And in case he the said Peter Ougier shall refuse to give good and sufficient Security to fulfil the Judgment that may then be awarded against him, you are to attach so much of the Goods and Chattels, or other Property, of him the said Peter Ougier, as will be sufficient to answer such Debt and Costs as shall be adjudged to be legally due.

And you are to make a Return, upon the Back of this Writ, to Our said Justices of Our said Court of Common Pleas, at the Time and Place above-mentioned, of what you shall do in the Premises.

Herein fail not, as you will answer at your Peril. Given the Thirtieth Day of March, in the Thirty-first Year of Our Reign.

Witness,

ARCH. BUCHANAN.

J. C. P.

GEORGE

GEORGE the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth.

To the Sheriff of Newfoundland, Greeting.

WHEREAS William Henly, of St. John's, Merchant, hath made Complaint upon Oath, before One of Our Justices of Our Court of Common Pleas, That Richard Denn, of Witlefs Bay, Boatkeeper, whose Property and Effects are represented to us to be in the Possession of Peter Ougier, of Bay Bulls, Merchant, stands justly and truly indebted to him the said William Henly in the Sum of Fourteen Pounds Fifteen Shillings and Nine Pence, Sterling Money of Great Britain, which he the said Peter Ougier unlawfully refuses to pay.

You are hereby directed to demand of and from him the said Peter Ougier the Amount of said Debt and Costs, and on Refusal thereof you are to command him the said Peter Ougier to appear at Our Court of Common Pleas at St. John's, on Monday, the Fourth Day of April next, by himself or Attorney (for that Purpose specially appointed) to answer said Complaint; and you are also to give him Notice, that in Default of such his Appearance, by himself or Attorney, Judgment will be awarded against him the said Peter Ougier, agreeable to the Prayer of the Complainant, with all Costs of Suit: And in case he the said Peter Ougier shall refuse to give good and sufficient Security to fulfil the Judgment that may then be awarded against him, you are to attach so much of the Goods and Chattels, or other Property, of him the said Peter Ougier, as will be sufficient to answer such Debt and Costs as shall be adjudged to be legally due.

And you are to make a Return, upon the Back of this Writ, to Our said Justices of Our said Court of Common Pleas, at the Time and Place above mentioned, of what you shall do in the Premises.

Herein fail not, as you will answer at your Peril. Given the Thirtieth Day of March, in the Thirty-first Year of Our Reign.

Witness,

ARCH. BUCHANAN,
J. C. P.

Richard Reed }
versus } At a Court of Common Pleas, holden on Monday, the
Peter Ougier. } 20th June, 1791.

Action of Debt, } Present, { Dewes Coke, }
for } { A. Buchanan, } Esquires.
£. 43. 11. 3½. } { Jon^s Ogden, }

The Defendant appeared by his Agent, Mr. Edward Lee, when both Parties agreed, that this Cause should be decided upon by a Jury, Tomorrow, at Eleven o'Clock.

The

The Court have therefore requested, That the Sheriff will assemble a sufficient Number of Merchants competent to this Business.

The foregoing are carefully and correctly copied from the Originals,

St. John's Newfoundland,
the 25th June, 1791.

By PETER PRIM,
Clerk of Pleas.

Richard Reed, }
versus } At a Court of Common Pleas, holden on Tuesday, the
Peter Ougier. } 21 June, 1791, by Adjournment of the 20th.

Action of Debt, } Present, { Dewes Coke, }
for } { Ar. Buchanan, } Esquires.
£.43. 11. 3½. } { Jon^a Ogden, }

The Parties, Mr. Richard Reed, Plaintiff, and Mr. Edward Lee, Attorney for Mr. Peter Ougier, Defendant, having appeared in Court, a Jury was impannell'd and sworn, whose Names are as follows; viz.

Foreman,	John Fox,	Robert Ross,
	William Farley,	Alex. Cormack,
	Mar ^{ke} Hart,	Richard Graves,
	Elias Rowe,	Peter Creed,
	Ad. M'Glashan,	George Roope,
	John Bell,	Richard Stokes.

The Parties aforesaid having laid before the Court their respective Proofs in this Cause, the Jury withdrew, and in the Space of One Hour returned the following Verdict.

The Jurors find for the Defendant, with Costs.

(Sign'd) JOHN FOX,
Foreman.

Wherefore it is considered by the Court, that the Defendant Peter Ougier is not indebted to the Plaintiff Richard Reed in the Sums sued for; and that the Plaintiff aforesaid do pay the Costs of Suit.

Mr. Nathaniel Phillips, Mr. John Rogers, and Mr. William Henly, who had also Suits depending in this Court against Mr. Peter Ougier, the Defendant aforesaid, have this Day (subsequent to the above Verdict) requested Permission of the Court to withdraw their respective Actions.

Permission was given by the Court, and their respective Actions accordingly withdrawn.

The Sheriff's Endorsements on each of the Four foregoing Writs, when returned, are as follows; viz.

March

March the 31st, demanded Payment, which was refused; demanded Security, agreeable to the Tenor of the Writ, which was also refused.

Attached a Quantity of Fish, Salt, Bread, Boats, and Skiffs, the Property of Mr. Peter Ougier, and served Defendant with Notice of Trial on this Day.

(Sign'd) HENRY PHILLIPS,
Sheriff.

St. John's, 4th April, 1791.

The foregoing is carefully and correctly copied from the Originals,

By PETER PRIM,
Clerk of Pleas.

St. John's, Newfoundland,
the 25th June, 1791.

TO ALL WHOM IT MAY CONCERN, I do hereby certify, That Peter Prim, Accomptant, the Person mentioned in the Sixteenth Page of the foregoing Four Sheets of Paper now hereunto annexed, acknowledged and declared in my Presence that the Signature, "Peter Prim, Clerk of Pleas," and the Writing contained in the said Four Sheets of Paper, is his own proper Hand Writing: And I do further certify, That I do believe that the said Paper Writings are the proper Hand Writing of him the said Peter Prim. Given under my Hand and Notarial Seal of Office, at Saint John's, Newfoundland, this Thirtieth Day of July One thousand Seven hundred and Ninety-one.

Which I attest,
THO^S TREMLETT, Jun^r
Not^r Pub.

Appendix, N^o 2. (F.)

To Mr. Peter Ougier.

District of }
St. John's. } YOU are hereby required and commanded to appear before the Court of Common Pleas, to be holden at the Court House in St. John's, on Monday the Sixth Day of June next (by yourself or Attorney) to answer the Complaints of Nathaniel Phillips, Richard Reed, John Rogers, and William Henly, unless you shall sooner arrive and request an Hearing.

St. John's, 3d May 1791.

PETER PRIM,
Clerk of Pleas.

Appendix, N^o 2. (G.)

District of Bay Bulls,
Newfoundland.

BY a Letter to me directed, from Hen^r Philips, Esq^r, Sheriff of Newfoundland, bearing Date the 6th June, requiring the Appearance of Mr. Edw^d Lee, or his Attorney, as Agent for Mr. Peeter Ougier, at the Court of Pleas to be holden at the Court House, St. John's, on Monday next the 20th Ju^e, to answer the Complaints of Nath^l Phillips, Rich^d Reed, John Rogers, and W^m Henly, I do hereby give Notice to the s^d Mr. Edw^d Lee, or his Attorney, that his Appearance is required at the Time and Place above mentioned.

W^M ARMSTRONG,
D^r Sheriff.

Bay Bulls, 13th June 1791.

To Mr. Edw^d Lee.

Appendix, N^o 2. (H.)

S I R,

I AM to acquaint you, by Order of the Judges of the Court of Pleas, that they received your Bill of Cofts, in the Action of Reed and others versus Ougier; have examined and taxed it, and have allowed Eleven Pounds Ten Shillings and Six Pence Cofts to the Defendant in the above Action.

St. John's, Newfoundland,
the 26th Septem. 1791.

By Order of the Court,
PETER PRIM,
Clerk of Pleas.

Mr. Edward Lee.

Appendix, N° 2. (I.)

District of Bay
Bulls, Newfound-
land, November
the 19th, 1792,
to wit.

ON the Nineteenth Day of November, in the Year of our Lord God One thousand Seven hundred and Ninety-two, personally came before me Samuel Cole, One of His Majesty's Justices of the Peace for the said District, John Wyatt, Storekeeper to Mr. Peter Ougier, Merchant, in the District aforesaid, and being duly sworn on the Holy Evangelists to depose the Truth, and nothing but the Truth, maketh Oath and faith, That on the Thirty-first Day of March One thousand Seven hundred and Ninety-one, William Armstrong, Deputy Sheriff for the District aforesaid, laid an Attachment on all the Stores, Boats, &c. belonging to said Mr. Peter Ougier, Merchant, and placed James Hunt, Shoreman, and William Perryman; Fisherman, as a Guard over the said Stores, Boats, &c. This Deponent further faith, That for the Space of Seven or Eight Days he the Deponent was prevented from issuing any Goods or necessary Supplies for the Fishery; and that he, said Deponent, was, during that Time, under the Necessity of returning several Orders from the principal Dealers, to the great Prejudice of the said Mr. Peter Ougier.—This Deponent further faith, That no Part of the Attachment was taken off until the Thirteenth Day of April One thousand Seven hundred and Ninety-one; and that from the Thirty-first Day of March, before mentioned, until the latter End of June following, the Attachment was continued on all the Salt belonging to the said Mr. Peter Ougier.—This Deponent further faith, That all the Stores were at that Time, and still continue to be, marked with some Iron Instrument, in consequence of the said Attachment being laid on them. Sworn before me this Nineteenth Day of November One thousand Seven hundred and Ninety-two,

SAM^L COLE, J. P.

John Wyatt.

Appendix, N° 2. (K.)

Dartmouth, 11th March 1793.

PERSONALLY appeared before me Robert Newman, Esquire, Justice of the Peace for the Borough of Clifton Dartmouth Hardness, Edward Lee, of Dartmouth, in the County of Devon, some Years last past Agent (in the Fishing Season) at Newfoundland, for Peter Ougier, of Dartmouth aforesaid, Merchant, and voluntarily made Oath on the Holy Evangelists of Almighty God, That some Time in the Month of October last, John Reeves, Esquire, Chief Justice of the Island of Newfoundland, being at the Bay of Bulls, in said Island, interrogated, in his the said Edward

Lee's

Lee's Prefence, John Wyatt, who was a Storekeeper in the Service of said Peter Ougier, in the Months of March, April, May, and June in the Year 1791; and that he the said John Reeves, Esquire, from a Wish to be fully informed of Facts, did also interrogate, in his the said Edward Lee's Prefence, William Armstrong, a Deputy Sheriff at Bay Bulls aforesaid during that Time, respecting an Attachment made on the Property of the said Peter Ougier, the 31st Day of March 1791, by Order of the Court of Common Pleas then held at Newfoundland aforesaid, and respecting the Proceedings of this Attachment.—And the said Edward Lee did hear the said John Wyatt declare to the said John Reeves, Esquire, an Abhorrence of the Conduct thereon.—And that the said William Armstrong, the Deputy Sheriff though he supposed his continuing in this Office of Deputy Sheriff depended still on the High Sheriff at St. John's, and the Influence of the Justices who were the Commissioners in the late Court of Common Pleas, and who he seem'd in all Respects fearful to offend, did in this Instance of the Attachment and Proceedings, against the said Peter Ougier and his Property, express to the said John Reeves, Esquire, an Impropriety of the Conduct of said Court of Common Pleas, and told the said Chief Justice, in the Prefence of him this Deponent, that he consider'd the said Peter Ougier was very ill used by such an Order of Attachment and Proceedings.

EDW^D LEE.

Sworn before me, 11 March 1793,
Rob^t Newman, Justice of Dartm^o.

Appendix, N^o 3.

WILLIAM COMPTON, for upwards of Thirteen Years last past has, carried on a Cod Fishery at Petty Harbour, as a Merchant or Bye Boatkeeper.—In the Beginning of last Year, he engaged Twenty-nine Men for the Purpose of employing Five Boats in said Fishery; the Terms of the Agreement with these Servants were agreeable to those usually adopted by Newfoundland Traders; viz. for the Servants to serve the Employer, in certain Capacities, from the Time of Arrival in Newfoundland to the 10th October (or to the Time when the Fishery usually closes) when having duly performed their Contract, and not before, they are to receive a certain fixed Sum as Wages, in Bills of Exchange. The Boats and Men were employed in the Fishery until about the 4th August. William Compton has always gone to Newfoundland, Annually, to carry on his Trade, and conduct his Fishery, until the last Spring, when he was prevented from going out at the usual Season by a severe Fit of Illness; in consequence of which, on the 5th May, and 10th June, 1790, he wrote a Letter to Mr. Henry White, a Friend of his, who carried on a like Fishery at Petty Harbour, informing him of his Illness having prevented

vented his sailing; that he still continued very weak; and that if he did not come out at Newfoundland early enough to ship Fish on board the Lord Longford, a Ship William Compton had chartered from Mr. Samuel Fox to carry One thousand Quintals Fish up at Leghorn or elsewhere, with an Agreement for Demurrage, as customary, to commence on the 20th August, he desired him to act in his Behalf, and gave him other necessary Directions to conduct the Whole of his Trade and Fishery. These Letters Mr. White received about the latter End of July, when he informed the Master of the Voyage, John Norworthy, and Four of the Boat Masters, of it, and that he would act in Mr. Compton's Behalf, and would see all the Servants paid their Wages, and do all Things which might be necessary for prosecuting the Voyage, and requested them to use their utmost Endeavours for the Interest of their Master, all which they agreed to do, seemed perfectly satisfied therewith, and obeyed some Orders he then gave them; and they also informed the Master Voyage, that from that Time they should consider Mr. White as their chief Manager; and Mr. White, after the Receipt of these First Letters, went upon Compton's Room, and gave Directions to his Servants, all of whom then obeyed him. On the 1st Day of August, Mr. White ordered the Master Voyage to send the Servants for Dunnage, that they might begin to ship Fish on Board the Lord Longford the First Opportunity, in order to perform the Terms of the Charter Party. When the Servants understood this, they applied to the Master Voyage, and enquired of him, Who was to settle with them? and how they were to be paid their Wages? as they understood their Master, from ill Health, would be prevented from coming out so early as he used to do, or perhaps not at all. He informed them, That Mr. White was the Person appointed by Mr. Compton to settle with them, and to pay him and them their Wages. On the Fourth of August, the Servants, without ever speaking to Mr. White on the Subject, or taking the Advice of any Merchant in the Place, sent One of their Party, in the Name of the rest, to St. John's, to the Chief Magistrate of the Court of Sessions, and in consequence of what passed there the Servants, on this Man's Return, the same Day, without any Warrant or other Process, stopped all the Fish and Oil that had been caught during the Season, for the Purpose of securing their Wages, which at that Time could not be above £. 90 Sterling coming to them; the Amount of Property at that Time which they stopped amounted to upwards of £. 500 Sterling; and they would not permit any Part of the Fish to be shipped on board the Lord Longford. Upon this Mr. White interfered, and endeavoured, by every Means in his Power, to prevail on them to permit the Fish to be shipped on board the Lord Longford, but without Effect: He also informed them, that if they would agree to the Fish being shipped off, according to Mr. Compton's Directions, and permit him (White) to carry on the Voyage, he would, at the End thereof, give them his own Bills on Mr. Compton for the Balance of their Wages (not signed by Procuracy) which would make him liable to them for the Payment himself as Drawer; and that he would procure and provide them with all Necessaries for the Purpose of continuing the Voyage properly, and act in all Respects, on Mr. Compton's Behalf, or do

it solely on his own Credit, if they preferred the latter; but they refused to comply with his Proposals, and persisted in stopping and detaining the Fish. About the 6th or 7th August, Mr. White received another Letter from William Compton, dated the 5th July 1790, informing him of his Inability to get out at Newfoundland, and requested him to act in his Behalf, and giving him the necessary Directions how to proceed; whereupon, on or about the 7th August, he went to St. John's, and applied to the Chief Magistrate, informing him of the Letters he had received of Mr. Compton, the Offers which he had made to the Servants in consequence of the First Letter, and that they were not acceded to by them, to the great Loss of Mr. Compton, as there was then a Vessel to receive the Fish quite ready; that she was a chartered Vessel, and liable to Demurrage; and that besides being charged with this Loss, another must accrue, on Account of the Detention of the Fish from being sent to a Market so early as it otherwise would be. Dewes Cöke, Esquire, treated him with much Disdain, by saying, to go about his Business, and that he thought it was not worth his while to waste his Breath about him; and likewise said, if Mr. Compton had chartered a Vessel from Mr. Fox, Mr. Fox was to look to Mr. Compton for Demurrage; and that the Servants were perfectly right in what they had done; and that any Servant might stop the Fish on his Master's Room, without going to a Magistrate, and also, that the Servants *might refuse the Bills of Compton, or White, or any other Person, if they chose.* On this Mr. White made frequent Applications to the Court of Sessions, and presented a Petition, praying the Justices would grant him a Jury to try the Merits of the Case, which was refused him, alledging that they had a *Right to determine Questions of this Nature,* without the Interference of a Jury. Mr. White continued to use his utmost Endeavours with the Servants, until the 20th August, which was the Day Demurrage on the Lord Longford commenced, when, on that Day, Mr. White, in the Presence of Mr. Samuel Fox, Mr. John King Browne, Surgeon, and Mr. William Gibbs, a principal Employer in the Fishery, called together Mr. Compton's Servants, produced and read to them the Letter which he had received from William Compton, of the 5th July, the Contents of which, and the former Letters, he had before communicated to them, and after repeating his former Offers, which were still rejected, made them another, which was, that if they would suffer the Fish to be shipped off, he would convert their Wages, which was to be specific Sums for the Fishing Season, into Monthly Pay, and pay them in that Proportion to the 15th August, on their allowing a Guinea *per Man* towards paying Mr. Fox's Demurrage, as they had been the Cause of its accruing, which they positively refused. About this Time Mr. White presented another Petition, with the same Prayer as before, and which shared the same Fate as the former One.—On or about the 20th September, the Court of Sessions ordered Mr. White, as the Fish was in a perishable State, to sell it, and retain the Money in his Hands until he had their Directions how to dispose of it, which was accordingly done. Between this Time and the End of the Month, White again petitioned for a Special Jury to try the Merits of the Case, stating the Damages of Compton to be £. 1,000; but this Requisition being

also

also refused, he was ordered to attend at the Court of Sessions on the 9th October following, when all Parties appeared in Court before George Williams, Archibald Buchanan, and Jonathan Ogden, Esquires, Justices of the Peace, when all the Allegations before stated were proved by the Oaths of sufficient Witnesses. On the Servants being questioned by the Court as to the Cause of their Proceedings in stopping and detaining the Fish, they replied, that Two Bills, drawn by William Compton on his Wife the preceding Year, one for £. 3. 4s. 6d. Order of Robert Tremlett, and accepted by Mary Compton; the other £. 5. 8s. 5½d. payable to Edward Elmes, protested for Non-acceptance, had both been altered by some Person through whose Hands they had passed; the former to £. 13. 4s. 6d. the latter to £. 15. 8s. 5½d.; and that in consequence of such Alterations they were come back to Newfoundland protested. And in Answer to the Court, why they retained the Fish after the Offers made to them by Mr. White, they gave for Answer, that they had stopped the Fish, and would stand by it, preferring it, for Payment of their Wages, to taking White's Bills on Compton. From the Day they stopped the Fish to the 20th August, the Voyage was not prosecuted properly, nor were the Servants under any proper Command, but worked or not as they chose. On the 20th August, some of the Boats Crews left off fishing, and the Whole left off on the 25th August. It appeared (in Court) that the Servants had the Justices verbal Orders for what they had done: It appeared, upon the Evidence of several Persons, that the Solvency of William Compton could not be doubted; and that the Servants had been supplied with every Thing necessary before they stopped the Fish. After every Thing had been fully explained to the Court, Mr. White again prayed for a Jury, but was refused. The Court was then broken up without his obtaining any Thing satisfactory; and he afterwards applied to them frequently for their Determination. At last, on the 15th October, the Magistrates met in a private Manner at the Court House, and there made a Decree, which was sent Mr. White from Newfoundland to England the 10th November, which he received. After their receiving a Statment from the Vice Admiralty Court of the Demurrage on the Lord Longford amounts to £. 99. 17s. 6d. of which no Notice is taken by them in their Decree, and yet their Decree says, all the Servants were faulty. On the 4th August, William Compton wrote Mr. White a Third Letter to the same Purpose, and another dated the 8th August, inclosing him a Power of Attorney, and desiring him to continue to transact the Whole of his Business. The Damages sustained by William Compton are very considerable, as will be proved to appear. Besides the Damage sustained by William Compton respecting the Fish, as before set forth, he was greatly oppressed on Account of the Bills protested under the following Circumstances:— On the 24th October, 1789, William Compton drew a Bill upon Mary Compton, his Wife, for £. 3. 4s. 6d. to the Order of Robert Tremlett, at 60 Days Sight, which, on the 24th December following, Messrs. George and Ernest Wolff and Co. of London, sent their Correspondents, Messrs. Elscott and Co. of Teignmouth, in a Letter, saying, We shall be much obliged to you if you will be so kind as to get the inclosed Bill presented

for Acceptance (viz.) ; William Compton £. 3. 4s. 6d. on Mary Compton, and as such it was accepted by Mary Compton; and she never knew the Bill was altered until it was presented for Payment, and then the Money of the original Sum drawn for was offered Payment, as it will appear by the Copy of the Protest. The Figure 1, prefixed to the 3, was in much paler Ink, and it was only by paying great Attention to it that the 1 could be noticed, so that Messrs. Wolff and Co. and Mrs. Compton might easily take it for £. 3. 4s. 6d. as in fact was the Case.—After the Matter respecting the Servants and William Compton was settled by the Justices, according to their own Will, and after Mr. White (my Agent) was sailed for England, a Cause was instituted by Edward Elmes, before the Worshipful the Judges of the Court of Common Pleas, for the above Bill, and another Bill of the same Nature, as follows:—Bill drawn by William Compton on Mrs. Mary Compton, Favour Edward Elmes, Value £. 5. 8s. 5½d. which said Bill was altered to the Sum £. 15. 8s. 5½d. of course it was protested for Non-acceptance and Non-payment, and Mr. Elmes is still the Holder of this Bill; which Trial came on the 8th November, when Robert Tremlett was produced, and proved, that he received the Bill for £. 3. 4s. 6d. from William Compton, and that he passed it off to another Person for the like Sum. Edward Elmes produced his Books, by which it appeared that he had passed it to some Person for £. 13. 4s. 6d.; and although William Compton knew nothing of the Cause, and notwithstanding there was a Man in Gaol strongly suspected of having altered the said Bills, Sentence was given in Favour of the Plaintiff Edward Elmes for the full Demand of £. 13. 4s. 6d. with full Costs and Damages, with Execution on Three Boats and their Craft, the Property of William Compton, which cost him, in the Course of Two or Three Years past, £. 150, and which they advertised for Sale; but as most People had then left the Country, they were not sold. No Jury was summoned by them to try this Cause, and William Compton's Property, by being removed to another House, suffered greatly, by being exposed in the Night, as will appear by their Proceedings.

Appendix, N° 4. (A.)

CASE of William Rourk, a Fisherman, at Newfoundland.

ROURK was a Servant to Brooks, of Bay Bulls, Newfoundland, about Four Years since, and received a Bill for the Balance of his Wages, which he endorsed away in Payment. Brooks became Bankrupt, and probably the Bill is not paid.

A Person named Lakey pretended to hold this Bill, and applied to Rourk for Payment, without producing the Bill or Protest. Rourk refused Payment until the Bill should be produced.

Lakey

Lakey applied to the Court at St. John's to enforce the Payment from Rourk.

Herewith is an Order from the Sheriff at St. John's to a Mr. Getherell, of Bay Bulls District, to whom Rourk was a Servant in the Year 1792, to pay, out of Rourk's Wages, to the Deputy Sheriff, Eight Pounds for this Bill, Protest, and Charges; which is supposed to be an Order of the Court. It appears by the Sheriff's Letter that Lakey had not produced the Bill in Court.

And herewith is also an Order from the Deputy Sheriff, in the Name of the Supreme Court of Judicature, demanding for the same Bill, Protest, and Charges, Eleven Pounds Seventeen Shillings and Five Pence Half-penny.

Appendix, N° 4. (B.)

Sheriff Office, }
 District Bay Bull. } MR. STEP^N GEDERAL, you are here-
 by commanded and directed to stop, out of the
 Wages of W^m Rourk, Eleven Pounds Seventeen Shillings and Five
 Pence Half-penny, by virtue of a Writt directed to me for that Purpose,
 from the Suprame Court of Judicator; and for so doing, this shall be
 your Surety.

Given under my Hand, at Bay Bulls, 1st of Novemb'. 1792.

W^M ARMSTRONG.
 Dep^r Sheriff.

Appendix, N° 4. (C.)

St. John's, 9th Nov. 1792.

Mr. Stephen Getheral,

ON Receipt of this you are to pay William Armstrong, D^r Sheriff for the District of Bay Bulls, Eight Pounds, taking his Receipt for the same. Before Lakey gets the Money he shall produce the Bill and Protest, which I shall send to Mr. Armstrong—therefore you are to pay the Money; for which this is your sufficient Warrant.

H. PHILLIPS, Sheriff.

Appendix, N° 5.

To Captain Whit- }
ton, South Side. } YOU are hereby commanded to appear in the
Supreme Court of Judicature at St. John's this Fore-
noon, then and there to answer and do what shall by Law be required of
you, in an Action of Debt brought against you by Jn° Norris for One
Pound One Shilling.

Dated at St. John's this 17th Nov. 1792.

D'Ewes Coke,
by Commⁿ.

An ACCOUNT of the ~~each~~ Port, in the Years

P O R T S.	1769.		1791.		1792.	
	<i>Ships.</i>	<i>Tons.</i>	<i>Ships.</i>	<i>Tons.</i>	<i>Ships.</i>	<i>Tons.</i>
London — —	19	2,426	19	3,496	19	2,624
Barnstable — —	1	1				
Bideford — —	3	1	1	122	1	122
Chester — —	1	1				
Dartmouth — —	64	4,283	83	7,254	85	6,954
Exeter — —	60	3,442	42	3,505	43	3,551
Falmouth — —	—	—	—	—	—	—
Gweek — —	—	—	—	—	—	—
Liverpool — —	9	78	8	1,136	11	1,263
Milford — —	—	—	1	70	1	70
Newcastle — —	—	—	—	—	2	303
Portsmouth — —	—	—	1	78	—	—
Plymouth — —	—	—	1	73	1	60
Penzance — —	—	—	—	—	—	—
Poole — —	74	5,878	78	9,528	65	7,791
Southampton — —	8	61	1	64	2	171
Sunderland — —	—	—	—	—	—	—
Swanzy — —	1	1	—	—	—	—
Weymouth — —	4	34	—	—	—	—
Whitehaven — —	—	—	—	—	—	—
Total —	244	18,111	242	25,326	230	22,909

after Gen^l of Shipping.
1793.

Appendix, N^o 6. (A)

An ACCOUNT of the Number and Burthen of the Ships fitted out and cleared for Newfoundland from the different Ports of England, distinguishing each Port, in the Years. 1769, 1770, 1771, 1772, 1773, 1774, and 1787, 1788, 1789, 1790, 1791, and 1792, distinguishing each Year.

P O R T S.	1769.		1770.		1771.		1772.		1773.		1774.		1787.		1788.		1789.		1790.		1791.		1792.	
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.
London — —	19	2,430	19	2,380	12	1,510	19	2,350	11	1,184	7	910	21	3,039	17	2,113	9	1,319	18	2,453	26	3,496	19	2,624
Barnstaple — —	1	100	—	—	—	—	2	140	1	100	2	140	—	—	—	—	1	58	—	—	—	—	—	—
Bideford — —	3	190	6	374	7	399	3	270	4	250	4	325	1	70	1	58	3	288	1	122	1	122	1	122
Chester — —	1	130	—	—	1	120	1	140	2	170	1	80	—	—	2	214	1	126	1	126	—	—	—	—
Dartmouth — —	64	4,250	61	3,937	58	4,005	65	4,375	63	4,131	74	5,070	105	10,555	118	11,254	98	9,095	90	8,273	83	7,254	85	6,954
Exeter — —	60	3,420	67	4,105	55	3,215	58	3,355	55	3,320	56	3,050	37	2,980	55	4,408	53	4,461	41	3,487	42	3,505	43	3,551
Falmouth — —	—	—	—	—	—	—	—	—	—	—	1	30	—	—	—	—	—	—	—	—	—	—	—	—
Gweek — —	—	—	—	—	—	—	—	—	—	—	—	—	3	184	3	184	1	106	—	—	—	—	—	—
Liverpool — —	9	760	6	467	8	517	8	520	8	650	8	690	5	627	11	1,741	6	1,060	12	1,718	8	1,136	11	1,263
Milford — —	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	140	1	70	1	70
Newcastle — —	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	303
Portsmouth — —	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	78	2	133	2	133	1	78	—	—
Plymouth — —	—	—	—	—	—	—	—	—	—	—	—	—	14	1,449	8	745	8	773	3	300	1	73	1	60
Penzance — —	—	—	—	—	—	—	—	—	—	—	—	—	2	143	2	142	1	64	—	—	—	—	—	—
Poole — —	74	5,830	81	6,422	62	4,535	68	4,890	74	5,801	66	4,405	84	10,451	80	10,543	81	10,089	84	10,248	78	9,528	65	7,791
Southampton — —	8	600	7	495	1	40	7	756	11	730	5	295	7	612	2	251	2	188	1	64	1	64	2	171
Sunderland — —	—	—	—	—	—	—	—	—	—	—	1	40	1	150	—	—	—	—	—	—	—	—	—	—
Swansey — —	1	60	—	—	3	140	—	—	1	80	1	70	—	—	—	—	1	108	1	104	—	—	—	—
Weymouth — —	4	340	6	490	5	390	5	350	8	535	2	190	3	256	—	—	—	—	—	—	—	—	—	—
Whitehaven — —	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	246	—	—	—	—	—	—	—	—
Total — —	244	18,110	253	18,670	212	14,871	236	17,146	238	16,951	228	15,295	284	30,516	302	31,977	267	27,868	256	27,068	242	25,326	230	22,909

J. DALLY, Assis^t Register Gen^l of Shipping.
27 March, 1793.



Appendix, N^o. 6. (B.)

An ACCOUNT of the Number and Burthen of the Ships fitted out and cleared for Newfoundland, from the different Ports of that Part of Great Britain called Scotland, distinguishing each Port, in the Years 1788, 1789, 1790, 1791, and 1792, distinguishing each Year.

PORTS.	1788.		1789.		1790.		1791.		1792.	
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.
Aberdeen	1	76								
Glasgow Port	5	595	2	410	3	344	6	906	5	747
Greenock	10	1,291	14	1,974	9	1,415	8	1,318	8	1,423
Irvine	2	131	3	240	3	240				
Leith	1	165								
Total	19	2,258	19	2,624	15	1,999	14	2,224	13	2,170

The Colonies in America (and Islands in the West Indies) not being distinguished in the Books of the Shipping Office at Edinburgh, prior to 1788, is the Reason why this Account is not completed for the Whole of the Years required by the Committee.

J. D A L L E Y, Assis^t Register Gen^l of Shipping.

27th March 1793.

Appendix, N^o 6. (C.)

A STATE of the FRENCH FISHERY at Newfoundland in the following Years, taken from the Returns of the British Admirals who commanded upon that Station.

Years.	Number of Ships.	Their Tonnage.	Number of Boats.	Number of Men employed in the Fishery.	Quintals of Fish taken and cured.	Tons of Oil made.
1769	431	44,727	1,455	12,367	215,030	3,153 Hhds.
1770	437	45,541	1,470	12,855	435,340	3,511 D ^o
1771	419	42,369	1,327	12,640	239,864	4,259 D ^o
1772	330	37,257	1,468	15,248	388,800	4,687 D ^o
1773	284	33,332	1,452	14,476	336,250	3,358 D ^o
1774	273	31,530	1,614	15,137	386,215	3,377 D ^o
1786	86	22,640	1,532	7,859	426,400	1,059 Tons.
1787	73	15,690	1,342	6,402	128,590	323 —
1788	86	20,130	1,560	7,433	241,262	603 —
1789	58	15,900	1,035	7,814	239,000	121 —
1791	43	10,417	628	5,895	40,580	174 1/2 —
1792	46	9,180	689	3,397	94,000	—

Nota Bene, The Tonnage for the Year 1789 stood in the original Document only 5,900, which is supposed to have been a Mistake for 15,900. The Average Tonnage of each Ship employed in this Fishery for the Years 1769 to 1774 was 108 Tons. And the Average Tonnage of each Ship employed for the Years 1786 to 1792 was 238 Tons. The Number of Men employed, during the First Period, was in the Proportion of 35 Men to every Hundred Tons of Shipping. And the Number of Men in the latter Period, was in the Proportion of 40 Men to every Hundred Tons of Shipping.

Office of the Committee of the Privy Council
for Trade, Whitehall, 19th March 1793.

A true Copy, taken from the Admirals
Returns in this Office.

GEO. CHALMERS,
Chf. Ck. Com. Trade, &c.

Appendix, N^o 6. (D.)

An ACCOUNT of the Revenue arising from the Custom House Duties, paid in Newfoundland, from the Year 1782 to the Year 1792 inclusive.

Years.	Duties.	Seizures.	Payments.
1783	727 17 3½	—	331 5 —
1784	223 7 1	—	349 4 8¼
1785	396 5 7½	—	410 16 11½
1786	539 1 1½	—	410 12 9½
1787	605 18 5½	—	469 — 11½
1788	338 15 9½	22 13 2	380 9 11½
1789	1,345 16 3½	194 15 3	415 13 —
1790	1,004 4 8	188 15 —½	459 3 1½
1791	428 12 7½	569 1 5½	381 5 7½
to 10 Oct: 1792	234 7 9½	—	410 18 3
Total —	5,844 10 4½	975 4 11½	4,018 10 4½

Custom House, London,
6th March 1793.

R^T FRANKLIN, for the Comp^r Gen^l
JA^S NEWBY, Inspector and Examiner
of Plantation Collectors Accounts.

N.B. The Accounts of Newfoundland have been received only to the 10th of October 1792; so that the last Year cannot be completely made up.

Appendix, N^o 6. (E.)A LIST of the Custom H^o Officers at N^oland.

Richard Routh, Collector.

Dewes Coke, Comptroller.

Peter M^cKie, Surveyor.

Deputies on the Out Bays.

John Clinch, for the District of Trinity Bay, and its Environs.

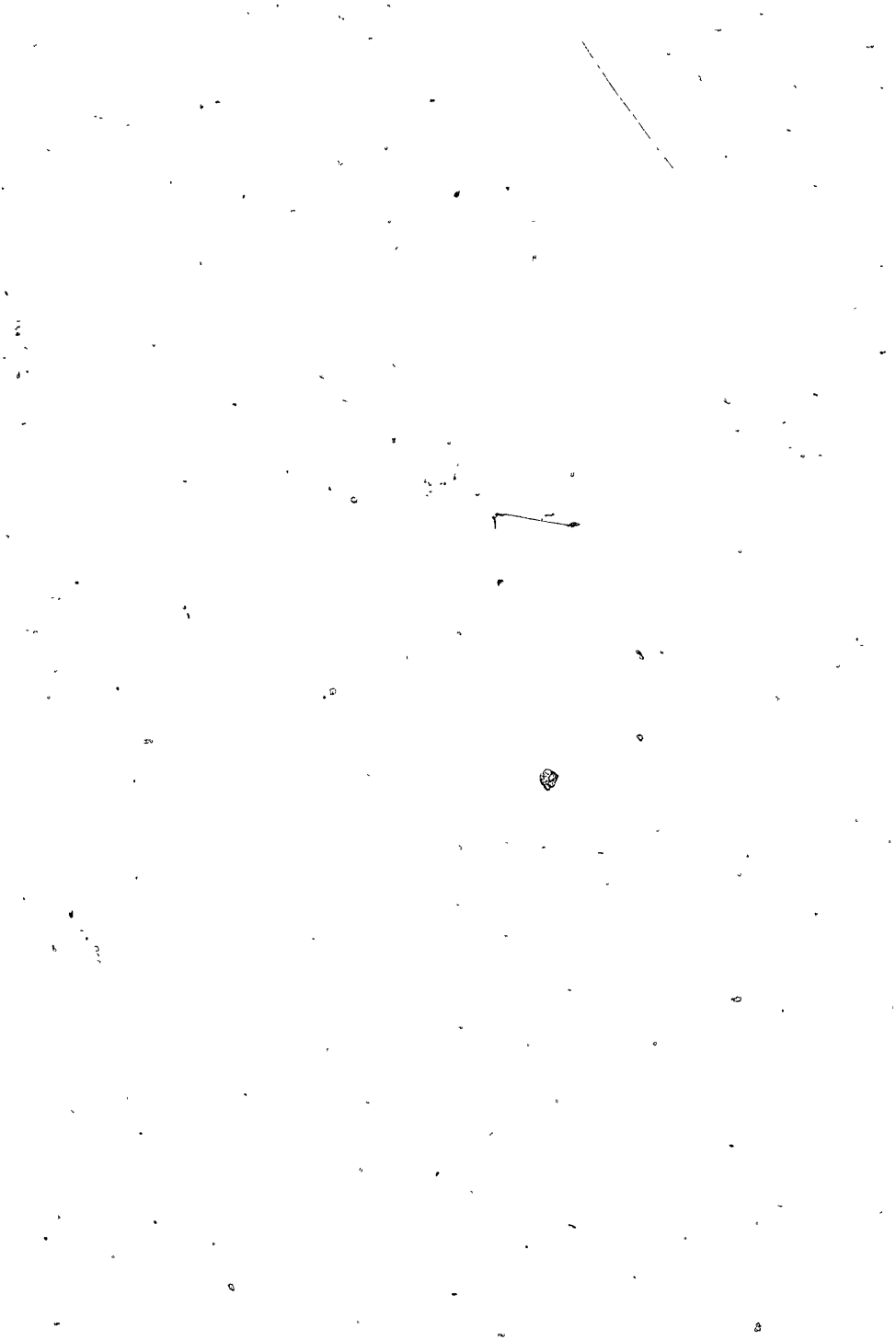
Charles Garland, D^o Conception Bay D^o.John Dingle, D^o Bay Bulls D^o.Rob^t Carter, D^o Ferryland D^o.Isaac Follett, D^o Trepassy and St. Mary's D^o.John Brown, D^o Great and Little Placentia D^o.Chas. A. Cramer, D^o Fortune Bay D^o.R. ROUTH, Coll
at N^oland.

The Deputy N. Officers are, I believe, the same Gentlemen who act in the Out Bays as Custom H^o Officers, except at Trinity Bay and Fortune Bay.

Appendix, N^o 6. (F.)

PARTICULARS.	Collector.	Comptroller.	Surveyor.
A new Register — — —	— 14 —	— 4 4	
Indorsing D ^o — — —	— 2 6	— 1 —	
Recording D ^o — — —	— 2 6	— 1 —	
Topfail Vessel Inwards, Entry, or Report — — —	— 13 6	— 6 9	— 6 9
Ditto Outward, Ditto — — —	— 13 6	— 6 9	— 6 9
Other Vessel Inward, Entry or Report — — —	— 10 —	— 4 6	— 4 6
Ditto Outward, D ^o — — —	— 10 —	— 4 6	— 4 6
Sufferance Permit to load or unload, report Lift Men, each Bond, &c. for each — — —	— 1 6	— 6	— 6
Cocket; Certificate to cancel Bond, each — — —	— 2 —	— 1 —	— 1 —
Bill of Health — — —	— 5 —	— 2 6	— 2 6
Anchorage — — —	— 2 —	— 2 —	— 2 —
Coasters Inward — — —	— 2 6	— 1 —	— 1 —
Ditto Outward — — —	— 2 6	— 1 —	— 1 —
Manifest — — —	— 1 6	— 6	— 6
All Office Entries — — —	— 1 6	— 6	— 6
General Warrant — — —	— 2 6	— 1 —	— 1 —

R. ROUTH,
Coll. at Nfland.



AN ACCOUNT of the King's Share.

YEAR.				
1779.	Brig Dul 4 Tor	451	2	6½
	A Cask	11	2	3½
		7	18	7½
1780.	One Bart			
	value thereof was			
1785.	Brig Tri tioned			
	Warrant of Proceeds thereof			
	Brig All			
	Admiralty in Eng- land by the Coll.			
1787.	Brig Rei			
		22	13	3
1788.	Sloop A			
1789.	Brig No was at	194	15	3
		188	15	—
	Twenty	569	1	5½
1791.	Brig Ro			

er General.
er of Plan-
s.
Cul

Appendix,

Appendix, N^o 6. (G.)

An ACCOUNT of the Goods seized by the Customs in Newfoundland, from the Year 1776 to the Year 1792, specifying the different Articles and Sums.

YEAR.	PARTICULARS OF THE SEIZURES.	Gross Proceeds.	Charges.	Nett Proceeds.	The King's Share.
1779.	Brig Duff, together with 40 Casks of Olive Oil, 2 Ca. of Wine, and 4 Tons of Cork	1,666 1 1	312 13 6	1,353 7 7	451 2 6½
	A Cask containing 532 lb. Tobacco	39 18 —	6 11 2	33 6 10	11 2 3½
1780.	One Barrel of Tea, and 18 Barrels of Apples and Onions	46 — 11	22 5 —	23 15 11	7 18 7½
1785.	Brig Triton, from Lisbon, with her Cargo; Particulars not mentioned				{ This Seizure having been acquitted, no Account of the Value thereof was transmitted by the Coll ^r .
	Brig Alletta and Betsy				{ The King's Share of this Seizure was directed by Treasury Warrant of 21 June, 1786, to be remitted to the Owners, the Proceeds thereof was not transmitted by the Coll ^r .
1787.	Brig Renown, and her Cargo, consisting of 168 Casks of Melasses				{ This Seizure is now pending in the High Court of Admiralty in England. No Account of the Proceeds has been transmitted by the Coll ^r .
1788.	Sloop Ann and Charlotte	105 — —	37 — 3	67 19 9	22 13 3
1789.	Brig Nelly, with Three Hhds. of Wine, and some Salt; the Salt was acquitted	721 10 5	137 4 8	584 5 9	194 15 3
	Twenty-eight Butts and Two Hhds. of Sherry	606 15 —	40 9 11	566 5 1	188 15 —
1791.	Brig Robert, with 222 Casks of Melasses	1,869 1 2	161 15 9	1,707 4 5	569 1 5½

Custom House, London,
8th March, 1793.

R^T FRANKLIN, for the Comptroller General.

JAS NEWBY, Inspector and Examiner of Plantation Coll^r Accounts.

Appendix, N^o 6. (H).

A STATE of the NEWFOUNDLAND FISHERY in the following Years; taken from the RETURNS of the ADMIRALS who commanded on that Station.

Table with 26 columns representing years from 1699 to 1792 and multiple rows detailing fishery statistics. Rows include: Number of British Fishing Ships, Stock Ships, and Trading Ships; Barthen of British Fishing Ships, Stock Ships, and Trading Ships; Number of Men belonging to British Fishing Ships, Stock Ships, and Trading Ships; Number of Prisoners from England, Ireland, and Jersey; No of Boats kept by British Fishing Ships, Stock Ships, and Inhabitants; No of Boatmen and Servants; Quant of Fish made by British Fishing Ships, Stock Ships, and Inhabitants; Carriage of Fish to Foreign Markets; Tonnage of Fish; No of Tons of Oil made by British Fishing Ships, Stock Ships, and Inhabitants; Value of Fish per Quintal; Value of Fish taken by the Inhabitants; Value of Fish taken by the Inhabitants; and Value of Fish taken by the Inhabitants.

Quintals of Fish made by		Ships from the Colonies		Bye Boat Men		Inhabitants		Carried to Foreign Markets		Quintals of Fish		Tierces of Salmon		Tons of Train Oil made by		British Fishing Ships		Ships from the Colonies		Bye Boat Men		Inhabitants		Prices of		Value of		Number of		No. of Acres of Land improved		Number of Inhabitants which remain in the Country in the Winter		Masters		Men Servants		Mistresses		Women Servants		Children		Dietets																																																																																			
1699	1700	1701	1714	1715	1716	1749	1750	1751	1764	5	6	7	8	9	1770	1	2	3	4	1784	5	6	7	8	9	1790	1	2	1699	1700	1701	1714	1715	1716	1749	1750	1751	1764	5	6	7	8	9	1770	1	2	3	4	1784	5	6	7	8	9	1790	1	2	Masters	Men Servants	Mistresses	Women Servants	Children	Dietets	1699	1700	1701	1714	1715	1716	1749	1750	1751	1764	5	6	7	8	9	1770	1	2	3	4	1784	5	6	7	8	9	1790	1	2	1699	1700	1701	1714	1715	1716	1749	1750	1751	1764	5	6	7	8	9	1770	1	2	3	4	1784	5	6	7	8	9	1790	1	2	Masters	Men Servants	Mistresses	Women Servants	Children	Dietets

RECAPITULATION.

AVERAGE of YEARS.	Number of Ships.	Burthen of Ships.	No. of Men belonging to the Ships.	Number of Passengers.	Number of Boats.	Quintals of Fish made.	Quintals of Fish carried to Market.	Tierces of Salmon carried to Market.	Tons of Train Oil made.	No. of Inhabitants remaining in the Country in the Winter.
1699, 1700, 1701	192	7,991	4,026	—	1,314	216,320	154,370	—	1,049	3,506
1714, 1715, 1716	161	9,198	2,119	—	682	97,730	102,363	—	891	3,501
1749, 1750, 1751	288	33,512	4,108	3,149	1,370	432,318	422,116	1,308	2,532	5,855
1764, 5, 6, 7, 8, 9	516	40,691	5,435	6,441	2,163	626,276	524,296	5,146	2,882	12,340
1770, 1, 2, 3, 4	480	48,950	4,422	4,617	2,258	637,955	622,168	2,974	2,364	15,253

Office of the Committee of Privy Council for Trade, Whitehall, 19th March 1793.

A true Copy, taken from the Admirals Returns in this Office.

GEO. CHALMERS, Chf. Clk. Com. C^o Trade, &c.