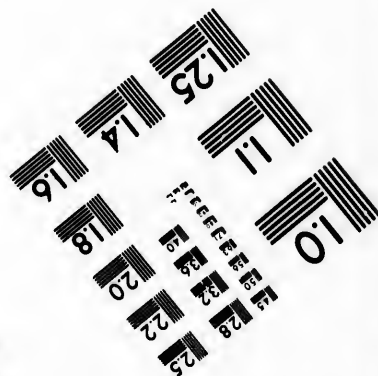
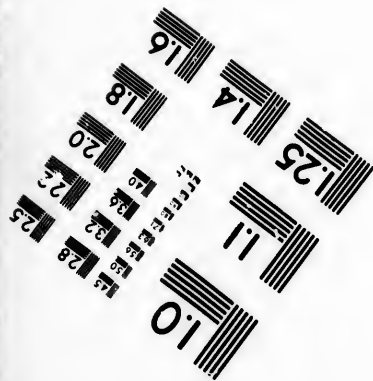
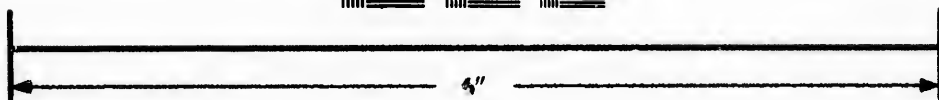
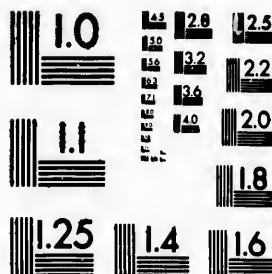


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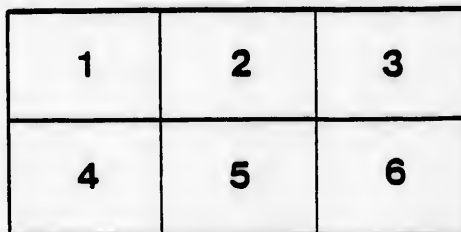
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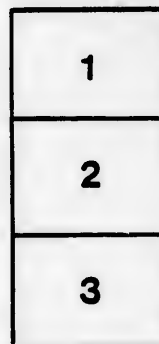
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A LETTER
TO THE
Members of Parliament
OF THE
United Kingdom
OF
Great Britain & Ireland,

*On the address of the Merchants and Inhabitants of
SAINT JOHNS, in the Island of NEWFOUNDLAND,*

TO THE
PRINCE REGENT.

BY
WILLIAM CARSON, M. D.

—•••••—
GREENOCK:
PRINTED BY WILLIAM SCOTT,
Printer, Bookseller & Stationer,

—
1812.

133 133

Members of Parliament

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PROGRAMA DE ASESORIA

●

Great Britain & Ireland

On the return of the ship from the
the island of St. John.

642

REF ID: A66111

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THE SCIENCE OF THE FUTURE

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THE UNIVERSITY OF CHICAGO

1941

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LETTER, &c.

MY LORDS AND GENTLEMEN,

The inhabitants of Saint Johns, in the Island of Newfoundland, have found it necessary to address the Prince Regent, in consequence of having been deprived, by an Act of the last session of Parliament, of certain Ships' rooms in that Town: as it is to be hoped that the subject will be rediscussed, it must be the wish of every Senator to obtain all the information in his power, respecting every subject on which he may be called to deliberate and to vote.

The ignorance of that English Minister, who enquired what kind of trees grew on the Banks of Newfoundland? is truly characteristic of that defective information which is still so apparent in the policy observed towards this Settlement.

The Act 51, Geo. III, Chap. Entituled an act for taking away the public use of certain *Ships' Rooms* in the Town of Saint Johns, in the Island of Newfoundland &c. &c. has surprised and alarmed the inhabitants; they judge it irreconcilable to that just regard to the rights of a people, to that love of justice, and of liberty which forms so predominant a feature of Parliament.

The inhabitants of this Island have no legislature, they are not represented in your house—misfortunes they felt severely, when they learned that a property they had hitherto considered as theirs, and which they contemplated as the inheritance of their children had been taken from them, without their knowledge, without an opportunity of coming to your Bar, and of pleading for their rights.

They were overwhelmed with mortification when they discovered that you did not deem them worthy of a hearing; as Men, as British Subjects they hoped for better treatment.

In no part of his Majesty's dominions does so small a population carry on so extensive a commerce. Five hundred and forty-eight sail of Merchant vessels from the 10th October 1810, to the 10th October 1811 entered the Harbour of Saint Johns, exclusive of a great many coasters and small craft. Such unequalled industry crowned with such success, which gives sinews to the British Navy, affords a good mart for British Produce and Manufacture; and which fills the coffers of the British Merchant, and of the British Government, should have obtained from a wise and just Parent, a treatment more affectionate and just, than that of depriving them of an inheritance *alone* rendered valuable by their Industry. While they are strongly impressed with these things, they have a full conviction that you wish them well, that you legislated with a view to their happiness and prosperity; they know that you do not know them, that they have hitherto been represented to you through a *medium* by which they have been distorted and obscured. It is the object of this letter to remove the veil that has concealed them, and to expose the evil genius that has hitherto blasted the fortunes of this Country.

In the year 1633, the star chamber issued an order for regulating the trade of Newfoundland, which forms the basis of those peculiar laws and customs that govern this Country.

In the year 1650, the council of State gave a commission to John Treworgay, merchant, with powers to order affairs there, for the best advantage of the state; A civi-

lian was therefore first endowed with supreme power. The inhabitants of Newfoundland dwell on this fact with fond enthusiasm, and indulge the hopes that the time will soon come when a civilian will be considered best calculated to be the Governor of a commercial people. They justly think that as to obtain even a Mediocrity in the simplest arts of life, many years of experience and assiduous attention are required, the difficult and important ones of legislation and of government cannot be learned in the short space of Nine months, the utmost limits of a Governor's residence in Newfoundland.

On perusing the short and imperfect records of this country, the mind is forcibly struck at that insatiation which could produce and perpetuate such a system; they give a view of human transactions as barren as ignorance has represented the soil, and as chilling as the climate.

For many years the adventurers from the West of England set up pretensions to an exclusive right, to the prejudice of the Native and resident planters. They repaired to Newfoundland early in the Spring, and returned to England the following Autumn; they had the address to obtain orders and regulations favourable to a moveable fishery, but discouraging and oppressive to the residents, and to a stationary fishery. In these views they were considerably assisted by the interest of the west country Boroughs; with eagerness they availed themselves of all advantages; they assailed the planters with all the opprobrious epithets of their language, and circulated, with assiduity and effect, false representations of the country, its climate and soil. With such rivals the honest but illiterate fisherman at a far distance from the seat of Government was but ill calculated to contend. The la-

horious fisherman and hardy woodman, although they felt their rights as men, knew not how or where to claim them: they were oppressed with Star chamber regulations, and orders of council; they were forbid to approach nearer the Sea Coast than six miles; they were banished into the Woods to perish of hunger, or become a prey to wolves.

In the year 1675, Sir John Barry commanded the convoy for Ships trading to this country. In consequence of a special order, he made a report to the Committee of Council of trade, in which he speaks favorably of the inhabitants, and refutes the allegations of the Western Merchants. Sir William Poole and others afterwards confirmed this report; still the spirit of justice was not roused.—The western merchants continued to enjoy all their exclusive advantages, and the planters to suffer all the degradations of an insulting and contumelious treatment.

In the year 1697, the board of Trade took cognizance of certain petitions and representations of the west country merchants, and likewise of the planters and inhabitants of Newfoundland. After *mature deliberation*, the board gave it as *their opinion*, that planters in a moderate number were a convenience to the adventurers, but that they *should not exceed One Thousand!!* The literary acquirements of the board of trade and plantations, and their two thousand three hundred volumes have been made the subject of pleasing satire by Mr. Burke; and who can help admiring this exquisite specimen of political and philosophical wisdom? With the influence of *roast beef* they may be supposed to have been well acquainted, but with the virtues of *cod heads* and *sounds* it does not

appear that their friends the West Country Merchants had sufficiently apprized them. From this sapient conclusion the inference may be drawn, that the population of Newfoundland which now exceeds 70,000, did not in the year 1697 amount to 1000 people.

The regulations of the Star chamber, and the orders of council might be passed over, as the tales of other times; they might be permitted to remain in their respective bundles as curious specimens of wisdom, had they not formed the basis of those laws which still govern this country.

The statute 10 and 11, William the Third, was passed in the year 1698. The title of this Act clearly evinces its object, which was to encourage the trade to Newfoundland. The object abstractedly was politic and laudable, but to encourage one class of His Majesty's subjects, to the manifest injury of the natural rights of another class, would be indefensible on the plea of justice, and could not be reconciled to sound policy. In the year 1728, a Naval Governor was appointed, and soon after Justices of the Peace. During the present reign several Acts have been passed relative to the trade, fishery, and laws of the country.

The Governors of Newfoundland hold their respective commissions for three years, they are usually vice admirals, and hold a commission as admiral of the station. They arrive at the seat of their government about the middle of July, and embark for England about the 20th of October. Their government being at Saint Johns, their character and views are there more clearly displayed. The false representations which have been given of the Island, have had the effect of im-

pressing on the mind of every stranger, powerful prejudices to the disfavour of the people, the climate, and the soil. The Governors approach the seat of their government strongly impregnated with these prejudices. A high minded admiral, endowed with nearly absolute power, cannot be expected to submit to the painful and humiliating task of learning. To appear utterly ignorant of those high duties which he is called upon to perform, would be far too degrading for so dignified a personage. Enveloped in ignorance he assumes an imposing character; No sooner has he ascended the seat of Government, than the Royal Saint Johns gazette teems with proclamations, sometimes illegal, often absurd—Orders, under cover of His Majesty's service, are diffused with the rapidity of lightning—One is interdicted from building, another is ordered to desist from repairing his house—and the fences of a third are directed to be levelled with the dust. The dignity of Majesty is degraded in the character of its representative.— In contemplating a Governor at the head of a set of constables *cutting down a house, a stage, or a cook room*, feelings of contempt and irritation are generated in the breasts of the people, and it rarely indeed happens that the popularity of a governor survives the three first months of his Government. He is now passed the *Rubicon*, he is in the toils of those men who counsel and Govern the Governors.

I esteem the character of a British Sailor, his generosity and heroism shall ever be the themes of my eulogy; but I conceive him but ill calculated for filling the situation of a Governor or Judge. That implicit

obedience exacted from inferior officers by a superior, destroys that sentiment of equality, and that strict regard to civil right, which should at all times be assiduously observed in the dispensations of a court. A naval commander accustomed to receive implicit obedience, whether his orders are dictated by justice or injustice, by reason or false prejudice, cannot be expected to brook with temper any opposition to his will. The man whose duty calls upon him to defend his rights, and the just interests of his family, in opposition to the opinion and passions of such a Governor, will have but a small chance of success. An act of independence would be arraigned as an act of mutiny. All the influence of his office, all the arts of his satellites would be marshalled to effect his overthrow. Accustomed to use force to knock down opposition. Force being the power, he knows best how to direct, the toils of investigation, deliberation, and judgment are seldom had recourse to, by a Naval Governor.

The Supreme court is conducted by a chief justice appointed by the Crown. His powers are laid down in the judicature acts. Surrogates are judges of an inferior jurisdiction, they consist of two classes, stationary and itinerant surrogates. The latter are formed of Captains of Sloops of war, and Lieutenants of the Navy, who have a commission from the Governor, and during the period that the squadrons remain upon the coast, go from harbour to harbour distributing a kind of missionary justice. From their decision there is no appeal, unless the subject of litigation involves a sum more than forty pounds. The rules learned on the quarter deck of a man of war are so different from the

rules of court, that every thing is to be dreaded from their ignorance of the most common principles of law and justice, from their prejudices, their imperious, and impetuous habits.

Justices of the peace hold their commissions from the Governor; they may be superseded when he pleases, In the Town of Saint Johns the Justices of the peace have salaries. They have been too often men of low education and corrupt manners. Holding their situation at the will of the Governor they are for the most part most obsequious to his will. An act of independence that should thwart his views would in all probability produce an exclusion from the Bench: these facts demand your best attention.

I now come to treat of Ships' Rooms. In order to understand the subject, it will be necessary to enquire into the nature of property in this Country.

The English government being anxious to promote a settlement in Newfoundland, held out the inducements of private charter, in the expectation, that opulent individuals would be excited, by the desire of improving their private fortunes, to exert themselves to procure settlers.

With these views five different charters were granted by the crown. The grantees not following up the intention of the grant the property returned to the crown. Government being disappointed in its first views which was ascribed to the barrenness of the soil and the severity of the climate, (but a better reason will be found in the character and description of the persons on whom the grants were unwisely bestowed) it endeavoured to render the island subservient to general utility by encouraging a free fishery. The statute 10 & 11, William the Third

was enacted with these views. It forms the basis of the constitution of the fishery; its principal object being to secure for the subjects of England a free fishery. It is enacted that "all his Majesty's subjects residing within this his realm of *England*, or the dominions thereunto belonging, trading or that shall trade to Newfoundland, and the Seas, Rivers, Lakes, Creeks, harbours in or about Newfoundland or any of the Islands adjoining or adjacent thereunto, to have, use, and enjoy, the free trade and traffic, and art of Merchandize and Fishery, to and from Newfoundland, and peaceably to have, use, and enjoy the freedom of taking bait, and fishing, in any of the Rivers, Lakes, Creeks, Harbours, or roads, in or about Newfoundland, and the said seas, or any of the Islands adjacent thereunto, and liberty to go on Shore on any part of Newfoundland, or any of the said Islands, for the curing, salting, drying, and husbanding of their fish, and for making of Oil, and to cut down wood, and trees there for building, and making or repairing of stages, Ships, rooms, train sats, hurdles, Ships boats and other necessities for themselves, and their servants, seamen, and fishermen, and all other things which may be useful or advantageous to their fishing trade, as fully and freely as at any time heretofore have been used or enjoyed there, by any of the subjects of his Majesty's Royal Predecessors, without any hinderance, interruption, denial or disturbance from any person or persons whatsoever."

The title and right given to adventurers by this clause, would have interfered most essentially with the natural and just rights of the Planters, and inhabitants, the act being solely a fishing regulation, it was not intended or

calculated for securing the rights, or giving a civil constitution to a resident people. It at the same time contemplated the existence of a resident people ; and by a subsequent clause secures them from encroachments on the part of the adventurers. It defines what belongs to the inhabitants, and what should be the right of the adventurers, “ And whereas several *inhabitants in Newfoundland and other persons*, have, since the year of our Lord One Thousand six Hundred and eighty five, engrossed and detained in their own hands, and for their own private benefit, several stages, cook rooms, beaches and other places in the said harbours, and creeks (which before that time belonged to fishing Ships) for taking of bait, and fishing and curing their fish, to the great prejudice of the fishing Ships that arrive there in the fishing season, and sometimes to the overthrow of some of their voyages, and to the great discouragement of the traders there, be it further enacted by the authority aforesaid, that all and every such person and persons, *as since* the said year of our Lord One Thousand six Hundred and eighty five, have, or hath taken, seized, or detained any such stage, Cook-Room, beach or other place for taking bait, or fishing or for drying, curing or husbanding of fish, shall on or before the 25th day of March relinquish, quit, and leave, to the public use of fishing Ships arriving there, all and every the said stages, cook-rooms, beaches, and other places, for taking bait and fishing, and for drying, curing, and husbanding of fish.

This clause secures to all the *inhabitants of Newfoundland and other persons* a title to the property possessed by them *previous* to the year 1685 even although that

property should have belonged to ships' rooms. The act 10 & 11, William the third, was passed 1698, it therefore only takes a retrospect of 13 years, and fixes upon the year 1685, as a boundary whereby to distinguish the claims of the inhabitants and the adventurers; and in order to secure the use of the ships' rooms to the adventurers, the act proceeds to say " that no fisherman or inhabitant " in Newfoundland, or any other person or persons whatsoever, shall, at any time after the said twenty-fifth day " of March, seize, take up, or possess any of the stages, " cook rooms, beaches, or other places which at any time " since the said year of our Lord One thousand, six hundred and eighty five, did, or at any time hereafter shall " belong to any fishing ship or ships for taking bait or " fishing, or for drying, curing, or husbanding fish, *before* " the arrival of the fishing ships out of England, Wales, " and Berwick, and until all such ships shall be provided with stages, cook rooms, beaches, and other places " for taking bait and fishing, and for drying, curing, and " husbanding of fish." The object of this clause was to secure to adventurers who had crossed the Atlantic on a fishing speculation, spaces on which they could erect the necessary buildings, for salting, drying, and husbanding their fish, to prevent the residents using these spaces which were denominated *ships' rooms* until after the arrival of the adventurers' ships, and in case they were not then occupied, the residents had a right to use them, for the current season, in the same manner as the adventurers. The *proviso* in the 7 clause of this act is of the greatest importance to the rights of the inhabitants of Newfoundland, and clearly points out the views of the wise and politic legislators who graced the English Senate at this most

important period of its history. The Island of Newfoundland is held out to the subjects of England as a field for various and extensive enterprise, and secures to the bold and hardy adventurer, an indefeasible right in the lands he should appropriate and subdue. " Provided always, that all such persons as since the twenty fifth day of March, 1685, have built, cut out, or made (or *at any time hereafter shall build, cut out, or make*) any houses, stages, cook rooms, train fats, or other conveniences for fishing there, that did not belong to fishing ships since the year 1685, shall & may peaceably and quietly enjoy the same to his or their own use, without any disturbance of, or from any person or persons whatsoever." No language can be more distinct, it clothes no insidious and wanton attack on the rights of the inhabitants. The interest of one class of his Majesty's subjects is not sacrificed to the lawless and selfish views of another: mildness, justice, humanity, and wisdom are characteristic of this act.

The most sincere good wishes for the interests of the inhabitants of Newfoundland, and the prosperity of the fishery, render it a painful duty to give a very different character of the 15, George the 3d. Chapter 31. in this country commonly known by the name of Pallisers act, because that gentleman being governor at the time, it was supposed to have been arranged and passed under his influence. On an attentive observation of Mr. Pallisers Government, the wisdom of a politician, or the benevolence of a patriot are not visible; he is more characterised by the bustle and prying disposition of an exciseman, and the insidious logic of an Attorney. The act has the tendency to deprive the inhabitants of their

natural and acquired rights, to render them subject to a capricious and insecure existence; his policy is calculated to controvert the policy of nature, to keep the Island of Newfoundland a barren waste, to exterminate the inhabitants, to annihilate property, and to make sailors by preventing population. A slight perusal of the act will be sufficient to convince any one of the truth of these assertions.

From the above extracts I define a ships' room to be a vacant space which had been once used for the purpose of the fishery, which can only be possessed for the current season, and that cannot be taken possession of, and used for the purposes of the fishery, by the inhabitants, until after the arrival of the fishing ships from Europe.

How they came to have this character? or what was the origin of ships' rooms? are questions which naturally occur. Custom, the law of right, as well as the 10 and 11, William the Third, gave to every English adventurer quiet possession of any space of ground which he had reclaimed and occupied, occupancy for useful purposes, being the only *legal* title to property in the Island of Newfoundland, it sometimes happened that the object of the adventurer did not succeed, and the space which he had appropriated and used was abandoned by him. The right which he had obtained by first possession and occupancy might have been sold or transferred to another, who could possess and occupy; but when there was no purchaser and none willing to occupy a space which had been of no value, it became a void and empty space. The reward due to the toil, the risk, and genius of a first adventurer could not be

claimed by a second. He could acquire no original title, and could only occupy and use it for the current season. A ships' room is therefore a space which had once been possessed and occupied; but had been deserted by the first occupiers. Any space of ground in the Island of Newfoundland, that is deserted for one year, assumes the character and is actually a ships' room. The vacant spaces in the town of Saint Johns of which the act 51. George 3d, has deprived the inhabitants, and rendered them crown lands, are spaces which had been abandoned by the first occupiers.

For a great many years they had not been used, agreeably to law, by any vessel from Europe. They had not been taken possession of, for the purposes of the fishery, by any of the inhabitants, but had been used by them for purposes of general utility, and had thus by long custom and by general consent become common property. They were used as an occasional market place, for storing lumber, for building skiffs and fishing boats, they were commons in which all the inhabitants had a right of common, and were as much the property of the inhabitants of Saint Johns as the commons in any district in England are the property of the landholders in their immediate neighbourhood. Were Parliament to pass an act authorizing the Lord Lieutenant of a county, to proceed to enclose, and dispose of any common in England contrary to the knowledge, the interest and approval of the free-holders in its immediate neighbourhood, and to proceed to the disposal of the rents, for purposes in which they had no interest, and for purposes which they felt their interest and duty to oppose. On such a proceeding what would be the senti-

ments of the English nation? would they not call forth the opposing voice of every Englishman? The name of the act conveys the idea of injustice. An act for *taking away the public use* of certain Ships' rooms &c. In answer to this it may be said that you have given a *compensation* in a spot of ground, which in the opinion of those conversant and well skilled in the fishery, is better calculated for Ships' rooms; who those were, the inhabitants of Saint John's have not been able to discover, they could have no common interest, no fellow feeling with the inhabitants. About every court there are sycophants who would recommend *anything, do any thing*, that would for a moment feed their vanity or swell their importance: among these men will be found those, well conversant and skilled in the affairs of the fishery, who have recommended the space of the western extremity of the harbour as *better* calculated for Ship' rooms!! This space of ground was either Ships' rooms, or it was private property; part of it is claimed as private property;--Individuals have therefore sustained an act of injustice, and you have given them no compensation!! If the remainder was Ships' room, there could be no reason for an act of the legislature to declare it so. It can from its situation be no compensation to the inhabitants for that which you have taken away. It had already been used for all the purposes to which it is likely to be useful in all times to come.

The inhabitants of Saint John's, after mature deliberation, have judged it proper to approach the Throne, to state their grievances, to ask redress. The Governors of Newfoundland, have in many instances acted illegally, and in an arbitrary manner. They have assumed a lea

gislative power which belongs only to you. They have clothed themselves in the Juridical robe, contrary to the English constitution, and contrary to express laws. The duty of a Governor is executive ;--He is at the head of the Military and Naval powers ;--He is the protector of the civil rights of his Majesty's subjects, and it is his duty to see that his Majesty's subjects in this Island, under the fostering care of English laws, obtain impartial justice. He ought to have no rule for his conduct, but the British constitution and the English law. In order to do his duty he ought to know both, or have those about him who do ; and who ought to be responsible for their counsel. It has been the misfortune of the inhabitants of Newfoundland to witness many acts of power which cannot be reconciled to justice, and for which there does not appear any authority in the laws or constitution. *Private instructions* are pled as an authority. Private instructions are so much the order of the day, that the word is in the mouth of every officer, down to the petty Constable. If he enters a house, cuts down a stage, or a cook room, and his warrant for so doing is demanded, " He answers it is my " private instructions"! Private instructions can only be regulations for individuals in the performance of positive duties ; they cannot controvert a statute ; they cannot establish a new power ; they are bug bears that alarm the timid and ignorant, and ought not to be permitted as covers for injustice and oppression.

Newfoundland is situated in the entrance to the Gulph of Saint Laurence, in longitude 52 to 59, in latitude 46, 40 to 51, 40 north. It presents a coast of unusual boldness, the rocks rising nearly perpendicular from the water's edge, in a circumference of more than 900 miles,

there are a number of excellent harbours at a small distance from each other. The Island is watered by many fine Rivers, some of which are navigable for more than 20 leagues. The lakes and ponds are numerous, many of them beautifully romantic. Of the soil little is known, every possible discouragement having been placed in the way of agriculture. There are only a very few spots reclaimed by an imperfect husbandry. Even these are productive of potatoes, turnips, grass and corn. The winters are not so severe as in the same latitude in the continent of America, and do not set in so early. The last week of last December, the thermometer was but seldom under 40, and only one night as low as freezing, at present, the 5 January, there is neither frost or snow on the ground. Iron, copper, and even more precious metals are reported to have been found in the Island. Coal is known to abound in one district.

In political and commercial points of view, the Island of Newfoundland merits your particular attention. Placed in the entrance to the Gulph of Saint Laurence, a small naval power advantageously situated, would be able to control the navigation of that river. The extensive tracts of land along the Banks of the River Saint Laurence, and along the chain of lakes which intersect that part of the American continent, nearly as far as the Pacific Ocean, are so well calculated for producing herbage and corn, and all the advantages of a pastoral and agricultural life, with a salubrious climate, a circumstance so inviting to settlers, that the nations on the confines of Saint Laurence and the lakes Ontario and Erie, promise in a short time to become rich, populous, and powerful. In the same proportion as they increase in population and

in wealth, the Island of Newfoundland will become of more importance to the commercial interests, and to the political influence of Great Britain. It will be as a castle guarding the plains that lead to these populous and fertile regions. It is nearer to Europe than any other part of the western hemisphere, with Britain, with Portugal, with the Mediteranean, with the West India Islands, with the Continent of North and South America it has a direct and not a distant navigation. The advantages derivable from its various and extensive fisheries, in which it can have no rival, are but imperfectly known and appreciated. Its Cod, Salmon, Mackrel, and Herring fisheries may be carried on to any necessary extent: the innumerable herds of Seals, which cover the fields of ice, that float along its coast, during the months of March and April, are inexhaustible sources of wealth: Whales the largest of all known fish, and the most extensively useful for the arts, are extremely numerous all round the Island: in the months of June, July, and August, they follow the shoals of fry fish, close in upon the shore, play amidst the fishing boats, and often sweep away the fishing tackle, yet there is no establishment in Newfoundland for pursuing and taking the Whale*. An Island so situated, so fortified by nature, possessing such natural sources of wealth, such capabilities of improvement, cannot fail to interest the members of the British Senate. Were the population diffused over the extensive tracts of British North America, to be concentrated in the Island of Newfoundland, it would add more to the wealth, power, & political influence of the mother country than ten times

* My sentiments and views respecting a Whale fishery on this coast have been made known to his Majesty's government.

the population scattered over its extensive possessions in North America. A diffused population is necessarily feeble, and ill calculated for attack or defence. British North America constantly requires the aid of British Soldiers. British Gold is expended in cultivating those fields that may one day be in the possession of its enemies. One million of people concentrated in Newfoundland, well informed, and possessing the freedom inspiring sentiments of Britons, would give more commercial enterprise and add more to the political influence of Britain, than ten times the number scattered over its extensive possessions on the continent of North America. In Newfoundland might be concentrated a power, clad in a coat of mail, which the weapons of its enemies could not penetrate, and at the same time well calculated to pour its thunder on the heads of the enemies of Britain.

That an Island possessed of all these advantages, and having so many capabilities of improvement, a commerce at once calculated to fill the coffers and to add to the strength of the British Empire, should be so completely neglected in all the essential points of colonization and of Government, while so many feeble, puny, and rickety settlements are graced with a resident government, and colonial assembly, is a matter of just surprise, and cannot be reconciled to the dictates of wisdom or sound policy.

That invaluable prerogative of British Subjects, the right of Petition is seldom capriciously exercised. The Merchants and Inhabitants of Saint John's have come forward for the first time, to lay their complaints and wishes at the foot of the Throne. The causes which conspired to stimulate them to the performance of this new

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action, will be found in the wrongs they have sustained, and in a full confidence of that spirit of justice and humanity, which so strongly characterizes the Prince Regent.

As the proceedings of the inhabitants and their address to his Royal Highness will best explain the feelings and wishes of the people, I have inserted them as an *appendix* to this letter. Pride is an ingredient in the composition of every worthy individual, and that community must be sunk in meanness and depravity which can permit insult with silence, neglect without chagrin, and the deprivation of its just rights without complaint and remonstrance. Had the government acted by the people with openness and candour; had they been consulted, their just rights ascertained, and appreciated, they would then have added their wishes to the suggestions of the Governor, they would have felt a pride in identifying themselves in his proceedings. Thus information would have prevented manifest errors—every circumstance would have been examined and discussed—Justice done to all—confidence and good will preserved between the Government and the People.

That the Merchants, and Inhabitants of St. John's may enjoy every degree of happiness and prosperity, to which their industry and enterprise so well entitle them, is the ardent prayer of My Lords and Gentlemen,

Your most obedient,

and Humble Servant,

WILLIAM CARSON.

Saint John's January, 1812.

APPENDIX.

Saint John's, Newfoundland, 22d October, 1811.

To ALEXANDER BOUCHER, Esq.

Foreman of the Grand Jury.

SIR,

We request the grand jury may call upon the high Sheriff to convene a meeting of the inhabitants of Saint John's, for the purpose of requesting his excellency the Governor, to forward a Petition to his Majesty's government, that the monies arising from the leases of the Ships' rooms be appropriated to the sole purpose of improving the Town and Harbour of Saint John's, under the direction of Twelve commissioners to be nominated in a bill for that purpose. We are Sir, your obedient Servants, Jos. T. Crawford, Geo. Richard Robinson, John Dunscomb, J. Fergus, Nichlos Gill, Joseph Gill, David Tasker, William Langly, W. Haynes, James Melledge, Geo. Trimmingham, Thomas Meagher, Henry Shead, Patrick Ryan, Richard Reed, Andrew Simpson, William Johnston, John Murray, Thos. Williams, M. O'Regan, Robert Hampton, Neil Shannon, Philip Beenlin, J. Stewart, Walter M'Allester, John Congdon, Peter M'Kie, Wm. B. Thomas, J. Williams, James Simins, Joseph H. Costello, Nathan Parker, Samuel Bulley, Wm. Carson, Peter Le Messurer, John Winter, Robt. Boden, Wm. Warren, J. Bear, Wm. Warren, Thos. Dalton, George Winter, Thomas Parsons, Geo. Lelly, H. W. Tulledge, Daniel Marret, N. Power, James Murphey, Mat. Gleeson, William Godfrey, J. MacBraire, John Rendell, John Brine, Robert Brine, George Hutchings.

To JOHN BLAND, Esq. }
 HIGH SHERIFF. }

SIR,

The grand jury having received a letter signed by a number of respectable persons of this town, of which the inclosed is a copy, expressing their wish that a meeting of the principal inhabitants should be called, to petition his Majesty's government, that the monies arising from the sale of the leases of the ships' rooms, should be appropriated to the improvement of the town and harbour of St. John's, under the direction of commissioners to be nominated in a bill for that purpose, and the grand jury approving of that measure, have directed me to request you will call a meeting of the Merchants and Inhabitants in the most public manner for that purpose, on Saturday next, the 26th instant, at 12 o'clock, at the courthouse. I am, &c.

(signed) ALEXANDER BOUCHER.

Saint John's, }
 23d. Oct. 1811. }

Saint John's, 24th October, 1811.

SIR,

I have received your letter conveying the request of the principal inhabitants, that I would convene a public meeting on Saturday next, for the purpose therein expressed. As I do not conceive that the

office of high Sheriff of Newfoundland confers a legal authority upon him in such cases, I must decline complying with your request.

I am very respectfully,

J. BLAND,
High Sheriff.

To ALEX. BOUCHER, Esq.

Foreman,
Grand Jury
SAINT JOHN'S.

{ SAINT JOHN'S, NEWFOUNDLAND,
29th October, 1811.

ALEXR. BOUCHER, Esq. }
Foreman, Grand Jury. }

SIR,

In consequence of the High Sheriff having refused to call a General Meeting of the Merchants and principal Inhabitants, to take into consideration the expediency of forwarding a petition to his Majesty's government, that the rents arising from the sale of Ships' rooms in this place shall be solely applied to the improvement of the town and harbour of Saint John's, we have to request you will call a meeting for that purpose on Thursday, the 7th November next. We are, Sir, your most obedient Servants, Jos. T. Crawford, Geo. Richard Robinson, John Dunscomb, J. Fergus, David Tasker, Wm. Carson, J. MacBraire, Geo. Trimmingham, An-

drew Simpson, James Melledge, John Brine, Robert Brine, John Rendell Jun. William Langly, J. Williams, Nathan Parker, Samuel Bulley, Henry Shea, George Hutchings, Anthony William Godfrey, Patrick Ryan, Peter Le Messurer, W. Haynes, Nicholas Gill, Joseph Gill, M. O'Regan, James Murphey, Mat. Gleeson, William Johnston, John Murray, James Simms, Joseph H. Costello, Neil Shannon, Thos. Williams, J. Stewart, Walter M'Allester, John Congdon, Philip Beenlin.

The Members of the Grand Jury, Merchants, and principal Inhabitants of the Town of St. Johns, are requested to meet at the Merchants' Hall, on Thursday, the 7th of November, at Eleven o'Clock forenoon, for the purpose of taking into consideration the propriety of petitioning his Majesty's Government respecting the disposal of the Monies arising from the Sale of the leases of Ships' Ground

ALEXANDER BOUCHER,
Foreman, Grand Jury,
Oct. 31st 1811.

Extract
St. John's Gazette. }

At a general Meeting of the Merchants and principal Inhabitants of the Town of Saint John's, in the Island of Newfoundland, held at Merchants'-Hall, on Thursday the 7th November, 1811.

MR. BOUCHER being called to the chair, briefly stated the object of the meeting---which was for the purpose of petitioning the PRINCE REGENT for the appropriation of Monies arising from the Sale of the Ships' Rooms.

Dr. CARSON moved that the letter of the Inhabitants to the Foreman of the Grand Jury, dated 22d October---the letter of the Foreman of the Grand Jury to the High Sheriff, dated 23d October---the High Sheriff's letter to the Foreman of the Grand Jury, dated 24th October; and the requisition of the Inhabitants to the Foreman of the Grand Jury, dated 29th October, be now read. Mr. DUNSCOMB seconded the motion, and the letters were accordingly read.

Mr. MACBRAIRE after stating the imperious necessity which in his opinion, and that of others, called for this meeting and recommended the objects of it, moved an address to the PRINCE REGENT, and that a Committee of three be nominated to prepare it. Dr. CARSON seconded this motion.

Mr. KNIGHT suggested that the object of the meeting was premature, as the Rents under the direction of the GOVERNOR, were already appropriated for one year.

Mr. ROBINSON stated his reasons for dissenting from the last Speaker---which Mr. KNIGHT allowed were satisfactory, and removed his objections.

Mr. MELLEGE moved that Mr. MACBRAIRE---Mr. RO-

BINSON---**Dr. CARSON**, prepare the Address---which was seconded by **Mr. HUIE**, and passed.

The Address was then prepared, brought in and read.

Mr. KNIGHT objected to the expression of "surprised" in the Address, on the ground of his being acquainted that the measure was in contemplation.

Mr. ROBINSON contended for the necessity of it, asserting that 19-20ths of the Inhabitants were unacquainted with it.

The **CHAIRMAN** then put the question, and the original words were voted to remain, with two dissenting voices only.

Mr. O'REGAN moved that the Address be again read, and each clause be put separately, which was supported by **Mr. THOMAS WILLIAMS**.

Dr. CARSON objected to this, but on a division it was carried in the affirmative.

The first Clause being read, was approved.--- On reading the second Clause,

Mr. KNIGHT moved an addition to it, after reciting the Title of the Bill, to the following effect:---" Without a Clause having been inserted to provide for the application of the Funds arising therefrom, for the sole improvement of the Town and Harbour," which was negatived.

The third Clause was then read.

Mr. O'REGAN objected to it, thinking it implied censure upon the Government, which was disclaimed by those who supported it.

Mr. O'REGAN then moved that the word "unnecessary" be expunged, which was negatived.

The fourth, fifth and sixth Clauses were read and approved.

The seventh clause was then read—on which Mr O'REGAN proposed an amendment, that after the words “for the accomplishment of these purposes” the following be inserted instead of those in the Address, “Seven of your Petitioners who shall be nominated by the Grand Jury of the Island,” which was negatived.

The Names of the Board of Police having been ballotted for, and inserted in the Address—

Mr. ROBINSON moved that the Address be transmitted to the Members of Parliament for the City of *London*, to be by them presented to the PRINCE REGENT—which was seconded by Mr. PROWSE, and unanimously carried.

Mr. HUIE moved that a Copy of the Address and the proceedings of the Meeting be sent to the Members for *Dartmouth, Poole, Bristol, Liverpool, Glasgow, Renfrewshire, Dublin, Cork and Waterford*, with a request that they will give it their support in Parliament, which was seconded by Mr. GEORGE TRIMMINGHAM and carried.

Mr. JOHN WILLIAMS moved that a Copy of the Address and Proceedings be transmitted to His Excellency the GOVERNOR, which was seconded by Mr. PARKER, and passed.

Mr. CRAWFORD proposed that a Copy of those resolutions and of the Address be inserted in the *St. John's Gazette, The London Courier, Star, and Times papers*—This was supported by Mr. REED, and agreed to.

Mr. DUNSCOMB moved that Mr. MACBRAIRE, Dr. CARSON, and Mr. ROBINSON, form a Committee to carry into effect the resolutions of the Meeting—seconded by Mr. THOMAS WILLIAMS, and carried.

Mr. HUIE proposed the Thanks of the Meeting to JAMES MACBRAIRE, Doctor CARSON, and GEORGE R. RO-

BINSON, who prepared the Address, which was voted, when Mr. BOUCHER left the chair.—

Dr. CARSON then moved the Thanks of the meeting to Mr. BOUCHER, for his readiness as Foreman of the Grand Jury, in convening the Inhabitants, and his impartial conduct in the Chair, which was seconded by Mr. MACBRAIRE, and carried unanimously.

ALEX. BOUCHER, Chairman.

May it please Your ROYAL HIGHNESS,

WE HIS MAJESTY's most dutiful and loyal subjects, Inhabitants of the Town of St. John's, in the Island of Newfoundland, humbly beg leave to approach Your ROYAL HIGHNESS with sentiments of unfeigned loyalty and attachment, in full confidence of that anxious solicitude with which Your ROYAL HIGHNESS watches over the happiness and prosperity of His MAJESTY's subjects in all parts of His extensive Empire.

Hitherto unaccustomed to approach the Throne, we are now induced to exercise that invaluable privilege for the purpose of representing to Your ROYAL HIGHNESS, that the Town of Saint John's contains ten thousand Inhabitants, and that upwards of five hundred sail of Vessels from Great-Britain and other Countries, entered the Harbour during the preceding season—That the Island has been governed by Laws of an ancient date, calculated at the time they were enacted to promote the welfare of the Fishery, but inapplicable to existing circumstances. Then certain tracts of ground in this Town, denominated Ships' Rooms, were appropriated to the public use, and so continued until the last Session of Parliament, when we were surprised to find an Act had passed, intituled, "An Act for taking away the public use of certain Ships' Rooms in the Town of Saint John's, in the Island of Newfoundland, &c. &c. &c."

That our Governor Sir JOHN THOMAS DUCKWORTH, K. B. has disposed of these Ships' Rooms on building Leases, on terms so exorbitant and unprecedented, that part of them have been leased at the rate of seven hun-

dred pounds per acre, per annum, producing an Income of near two thousand pounds. The enormous rents obtained for these vacant spots can only be accounted for from the circumstance of His MAJESTY's most dutiful and loyal subjects being prevented building dwelling-houses, and on some occasions even repairing those already built when falling into decay---That owing to this impolitic and we humbly conceive unnecessary restriction, the density of population has become so great as to endanger the health and lives of the Inhabitants.

WE beg leave further to state to Your ROYAL HIGHNESS that the Town of Saint John's, with the exception of one house, is built of wood---that the principal Street is in one place not more than six feet wide---that all our Streets are narrow, unpaved and unlighted---that during three months of the year, owing to the severity of our climate, we are shut out from all intercourse with our neighbours. Imagination could not pourtray a more dreadful picture of human misery, than would be realized, were this Town in the depth of winter to become a prey to conflagration. In addition to these circumstances, which we are sure will forcibly impress themselves upon the benevolent mind of Your ROYAL HIGHNESS, we have to state that we are without a Police, without a Public establishment for the education of our Youth, without a Market-place, and without any legal provision for the Poor.

WE therefore must humbly pray, that as Parliament has not made any appropriation of the monies arising from the Sale of the Ships' Rooms, Your ROYAL HIGHNESS will be graciously pleased to direct that such measures may be taken as shall be deemed necessary to ap-

ply the same towards the improvement of the Town and Harbour of Saint John's; and we most humbly petition for an Act of the Legislature to establish a Police for the protection of our lives and property, with power to receive and dispose of the Rents of the Ships' Rooms, in paving, lighting, and widening the Streets, establishing a Market-place, endowing a Seminary for the education of our youth, giving relief to the Poor, and other purposes of public utility.

And we with the utmost diffidence suggest that for the accomplishment of these purposes the seven following Gentlemen, *George R. Robinson, James Macbraire, David Tasker, Alexander Boucher, Stephen Knight, William Carson, and John Dunscomb*, form a Board of Police, and that the President chosen by themselves be empowered to act as Justice of the Peace, for the time being; that the accounts be annually submitted to the Grand Jury, and by them presented to the GOVERNOR for his approval.

That two of them shall retire from Office annually in rotation, and the vacancies be supplied by the GOVERNOR, out of the five recommended by the Grand Jury, and that this Board shall serve without fee, or emolument.

We are His MAJESTY's most dutiful and loyal Subjects,

And Your ROYAL HIGHNESS's faithful and devoted Servants,

*Saint John's, (Newfoundland,) }
November 7th, 1811.*

(Signed by the Merchants and principal Householdors.)

F I N I S.

W. Scott, Printer, Greenock.

