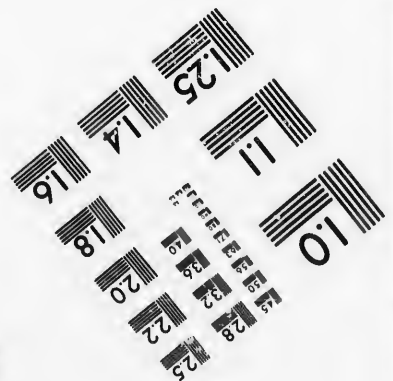
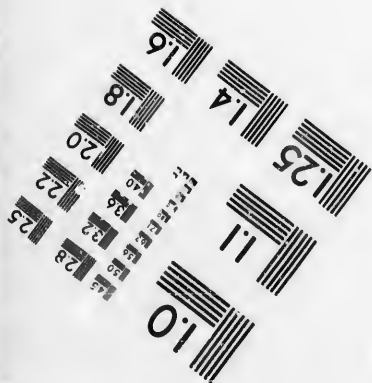
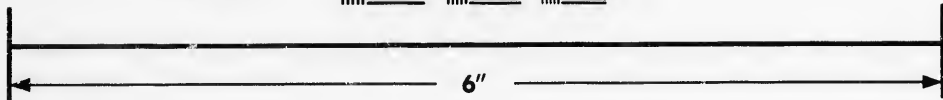
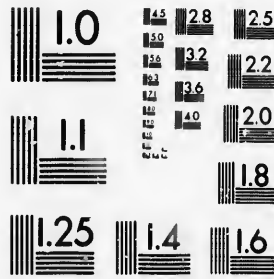


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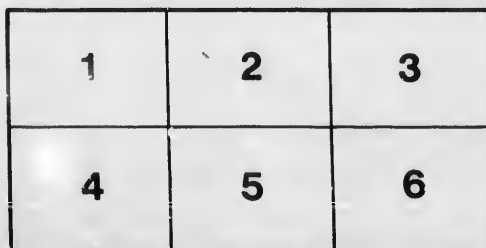
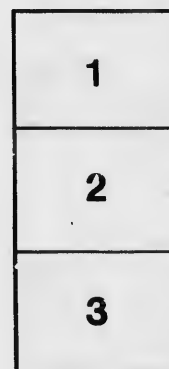
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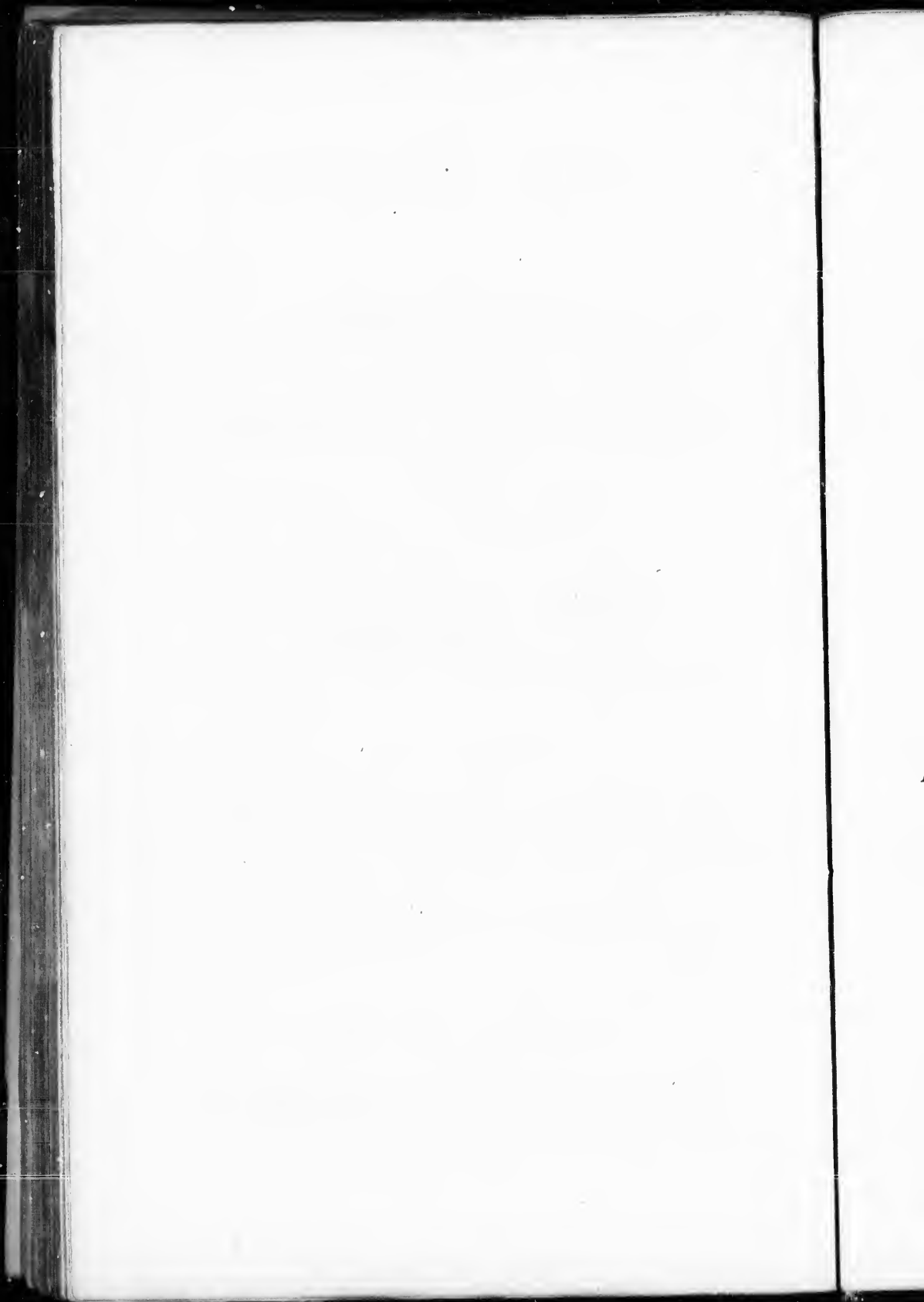
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BRIEF REMARKS,
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BRIEF REMARKS
ON A PAMPHLET,
ENTITLED
“ARGUMENTS
TO PROVE THE
POLICY AND NECESSITY
OF GRANTING TO
NEWFOUNDLAND
A
CONSTITUTIONAL GOVERNMENT.”

“By P. MORRIS,
AN INHABITANT OF THE COLONY OF NEWFOUNDLAND.”

*By the Author of “A View of the Rise, Progress,
and Present State of the Newfoundland Fishery.”*

“Rien n'est si dangereux qu'un indiscret ami ;
“Mieux vaudroit un sage ennemi.”

LA FONTAINE.

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BRIEF REMARKS,

&c.

AUDI alteram partem is a wise as well as candid maxim, and equally valuable to the supporters of both sides of a question: if Mr. Patrick Morris had not given to the world his "Arguments to prove the policy and necessity of granting to Newfoundland a Constitutional Government," the author of "A View" or "AN ENLARGED VIEW," if Mr. Morris is better pleased with the term, "of the rise, progress, and present state of the Newfoundland Fishery," would have lost many useful hints, and much amusing and interesting matter, which a perusal of that *urbane* and *gentlemanly* production has afforded him. He and Mr. Morris have taken different views of a question very simple in itself, and as capable of practical demonstration as any proposition in Euclid—*Whether the island of Newfoundland is by nature fitted for cultivation to a profitable extent, and as a general measure of resource to the population, for the necessaries of life?* Upon the affirmative of this question Mr. Morris grounds his chief argument for colonization, or to use his own words, "the necessity

“of granting to Newfoundland a Constitutional Government ;” and he has endeavoured to support this affirmative by arguments and quotations drawn from various sources, without any great regard to order or perspicuity. It is not the intention of the author of the “View,” to follow Mr. Morris through all his desultory reasonings and voluminous quotations, he certainly wants leisure and inclination, if not *talents*, for the undertaking ; he however, feels himself called upon by a sense of duty and self respect to enter upon a brief examination of Mr. Morris’s work.

In writing the little work which has excited so much angry feeling in Mr. Morris, his object was to show, certainly in opposition to the representations of Mr. Morris and those who enter into his views and opinions, that Newfoundland can never become *a great agricultural country*, in consequence of natural obstacles which are insurmountable—that it is fitted by nature chiefly for the seat of a fishery ; such it has been from its earliest settlement, such it still is, and such it must remain as the author believes, for ages yet to come, and not the less valuable on this account to the mother country, or requiring less the encouragement and protection of its government. In maintaining this position, he has not relied on the authority of *his own ipse dixit*, which certainly could have very little weight, he never having been in Newfoundland ; but having, in the course of a pretty long life of business, been in habits of constant intercourse with men of the highest respectability intimately acquainted with the island, many of whom had passed

a large portion of their lives there and visited various parts of it, and in all directions; he has founded his opinion on *their unanimous* testimony; and he certainly is not convinced by Mr. Morris's reasoning; that he has any occasion to doubt their accuracy or to question their veracity.

In his endeavours to invalidate the author's position, Mr. Morris, in his "Arguments," page 19, after portraying with a glowing pencil, the manners and habits of ancient and modern times, and arraying in amusing contrast, *hoop nailed tables, sooty boat's kettles, tarry jackets, check shirts, cod's heads and sound bones, butter firkins and deal benches, sofas, ottomans, carpeted floors, bread bags and dumask table cloths, black tea kettles, tin cans, rich cut decanters and glasses, spruce beer and cullibogus, and the sparkling wines of Portugal and France,* and apostrophising our venerable ancestors, he triumphantly informs them (*if they could rise from their graves*) that "They would see the germ of "cultivation bursting, as it were, through the matted "woods, and requiring but the beneficent hand of a "liberal government to train it to future universal "luxuriance." Now all this may be very fine writing, but is very weak argument, and *that* government would act unwisely which would suffer itself to be led away by the florid but delusive representations of an interested party, who would make agriculture the stepping stone to colonial rank and importance, and commence expensive experiments without some better assurance that the soil and climate would require the attempt.

Mr. Morris again returns to the subject of agriculture in page 49, and says "I think that any man, "taking the map of Newfoundland, and looking at its "geographical situation, will be convinced, from its "great extent, that there must be land capable of "cultivation, particularly when he is informed that "countries only divided from it by a few leagues of "sea, abound with rich soil; that in the interior there "are tribes of native savages who have no intercourse "with civilized man, and who support themselves by "hunting and fishing; and that there are thousands "of deer, and other wild animals in the country, that "subsist there both summer and winter." It would seem to have been more to Mr. Morris's purpose, if he had pointed out in what parts of the island, land capable of cultivation is situated, and which, being *an inhabitant of the colony of Newfoundland*, it may be supposed he is well qualified to do: it is however, an unassuming proposition, and it is readily granted, that there are lands capable of cultivation, and that they are beneficially cultivated as auxiliaries to the fishery, principally as gardens and potato grounds, in some instances more extensively in meadows and experimental farms; but it does not follow that cultivation can ever be successfully attempted as a general measure of resource to the population, and to the extent to constitute Newfoundland *a great agricultural country*. If large farms have already been cultivated, what has become of the produce of them? The land in St. George's Bay and on the banks of Cod Roy River, is better perhaps, than any

other in the island, and has been more successfully cultivated, and yet no attempt has ever been made to rear food or cattle for the supply of the St. John's market, although the demand is known to be such, that coasters are constantly trading from that place to the islands in the Gulph of St. Lawrence, for cattle and other supplies; it is not from isolated spots of even *fertile* soil, that the wants of a large community can be supplied; neither is it to be inferred because there are tribes of savages in the interior, who support themselves by hunting and fishing, and thousands of deer and other wild animals in the country, that subsist there both summer and winter, that the country can ever become agricultural*.

Mr. Morris proceeds, page 50, to support his assertions by quotations from various authorities, both of ancient and modern date, and begins with the report of Captain Hayes, second in command to Sir Humphrey Gilbert, who made a voyage to Newfoundland in the year 1583: this is an interesting document, in which there is much to admire, and also much to doubt: this report serves to show in the most decided manner, the opinion of this writer, that Newfoundland, is in an especial manner adapted by nature for the seat of *a fishery*; he says "Touching the commodities of this countrie, seruing either for sustentation of inhabitants, or for maintenance of traffique, there are and may be made diuers: so and it seemeth Nature hath recompenced that only defect and incommoditie of some sharpe cold, by many benefits: viz. With incredible quantitie, and no less

* See Note A:

"varietie of kindes of fish in the sea and fresh
 "waters, as Trouts, Salmones, and other fish to us
 "vnknownen: Also Cod which alone draweth many
 "nations thither, and is become the most famous fish-
 "ing of the world. Abundance of whales, for which
 "also is a very great trade in the bayes of Placentia,
 "and the Grand Bay, where is made trane oiles of the
 "whale. Herring, the largest that haue been heard
 "of, and exceeding the aistrond herring of Norway:
 "but hitherto was neuer benefit taken of the herring
 "fishing. There are sundry other fish very delicate,
 "namely the Bonito, Lobsters, Turbut, with others
 "infinite not sought after: Oysters hauing pearle but
 "not orient in colour: I took it by reason they were
 "not gathered in season.

"Concerning the inland commodities as wel to be
 "drawen from this land, *as from the exceeding large*
 "*countries adioyning*: there is nothing which our east
 "and northerly countries of Europe doe yelde, but
 "the like also may be made in them as plentifully by
 "time and industrie: Namely, rosen, pitch, tarre,
 "sope ashes, deel boord, mastes for ships, hides, furies,
 "flaxe, hempe, corne, cables, cordage, linnen cloth,
 "mettals, and many more. All which the countries
 "will aford, and the soyle is apt to yelde."

To what extent the various commodities here
 enumerated, can be procured from the "exceeding
 "large countries adioyning," and the advantages of
 procuring them from those countries are much better
 understood now than in the time of Captain Hayes,
 it is certain that most of them have never yet been

procured from Newfoundland, to any profitable purpose, and it will hardly be contended that a trade in them, if they *could* be procured, can ever come in competition with the more valuable pursuits of a *fishery*.

The next authority cited is that of the highly respectable and intelligent man and able judge, Mr. Chief Justice Forbes, whose opinions must always be received with attention.

In a statement made to the Colonial Department, in 1822, he says, "As a general remedy, whatever tends to revive the fisheries, must also have the effect of relieving the people. It were desirable that with the view of opening some auxiliary employment to the inhabitants of Newfoundland, every restraint upon the cultivation of the soil should be removed, and every encouragement given to the breeding of sheep, cattle, and other live stock.

"The necessity of cultivating the soil, as an auxiliary to the fishery, is not disputed, nor is there any existing law which prohibits it; but there is none to encourage it; and there is still maintained in the island an ancient opinion, that it is against the policy of Government—as if that could be called policy, which in a country overstocked with people, and distressed for food, would prohibit so plain a dictate of natural law as that of raising subsistence from the earth." In this every thinking mind acquainted with the subject will agree, and none more cordially than the *Poole Merchant*, upon whom Mr. Morris has, nevertheless, been pleased so lavishly to exercise his vituperative powers.

As an auxiliary to the fishery, (and it must here be observed that Mr. Forbes, whose object is the *revival* of the fisheries, as a means of relieving the people, only recommends cultivation "*as an auxiliary to the fishery*") so far as the cultivation of the soil can be made profitable, let it by all means be pursued, but let it be so pursued upon the means and resources of those who see occasion and opportunity to attempt it, and not at the expence of the Government, to be ultimately repaid in the shape of taxes by the people.

In addition to his practical recommendation of cultivation, as an auxiliary to the fishery, Mr. Forbes in conclusion, offers his speculative opinion; "As a "broad proposition," he says, "it may be maintained, "that if the fishery were to be taken up as it is, *de facto*, and a system adapted to the present state of "things, openly avowed and directly pursued by the "local authorities, Newfoundland would become, what "it ought to be, a prosperous settlement, subsisting "itself by internal resources."

With all possible respect for the opinions of Mr. Forbes, it may be allowable to observe, *with due deference to the opinions of Mr. Morris*, that neither the known and acknowledged character of the soil and climate, nor the long experience of past times, warrant the conclusion, that the population of Newfoundland can ever derive subsistence from the *internal resources of the island*, or that Mr. Forbes's benevolent suggestions for the welfare of the inhabitants can in that respect ever be realised.

Mr. Morris next quotes (page 57) from the

memorial of the Committee of the inhabitants of Newfoundland, presented to Lord Bathurst, in December, 1822, as follows: "It is admitted by every person conversant with the affairs of Newfoundland, that the trade and fisheries are not capable of affording employment and subsistence to the large population that has grown up in the country. If not, it becomes a most important question, how are they to be supported? In reply, the Committee state, the soil affords ample means, and it is only by its more general cultivation the present population can be maintained in the country. In Newfoundland there are millions of uncultivated acres, capable of producing food for a population much greater than it now contains.".....

"In no one instance where skill and industry have been employed in improving or clearing the soil, have they failed amply to repay the cultivator."

If it be admitted by way of argument, the only way in which it is admitted, that the trade and fisheries are not capable of affording employment and subsistence to the population, it is not in the want of encouragement to cultivation that the cause should be sought after, but in the extensive privileges ceded by treaty to France and America, whose fishermen swarm on the coast, and rival those of Britain in foreign markets. There *may* be millions of uncultivated acres, capable of producing food, and two reasons may be assigned why they have never been cultivated—one, founded in the superior advantages of prosecuting the fishery—the other, that cultivation extended beyond its proper limit of *an auxiliary to*

the fishery, has never repaid the labor and expence ; and as the opinion that the produce of the soil *will never repay* the labor and expence of cultivation as a general measure of resource, is borne out by many facts in direct contradiction of the assertion that, "where skill and industry have been employed, it has never failed," it is not probable that the business of the fishery will be speedily superseded by agricultural experiment.

Mr. Morris (page 61) adverts to the speech of the honorable Judge Des Barres, at a public dinner, who says, "I approve of agriculture, as forming *one of the best auxiliaries* to the trade and fisheries." The opinion of the honorable Judge Des Barres upon a legal question, would be entitled to our respect and attention, to what extent his agricultural attainments may qualify him to claim our assent we are ignorant ; it is to be observed however, that he speaks of agriculture in no other light, than as "*one of the best auxiliaries to the trade and fisheries;*" and that the short portion of his speech quoted by Mr. Morris is couched in terms of great moderation and good sense, qualities that do not always characterise the effusions of speakers or *writers* on the subject.

The author of the "View" had lately a conversation with a Gentleman who happened to pass a part of the last autumn and the early part of the winter, at St. John's, who told him that he was one day dining with a friend, a most respectable merchant, who happened also to be an experimental agriculturist, and that in the course of the dinner, the worthy

host called the attention of his guests to an abundant supply of vegetables from his own farm, and expatiated on their delicacy, and particularly of his turnips, when his lady, good humouredly shaking her head, said "*very true Mr. ———, but remember that every turnip we bring to table costs us a dollar.*" The honorable Judge Des Barres, who was stated to have been one of the company, may perhaps remember the circumstance.

In page 64, Mr. Morris says, "The last example I shall give of the advantages of cultivation is, that after the ruinous years of 1815, 1816, and 1817, which brought many of the mercantile houses to bankruptcy, and caused those merchants who were able to stem the ruinous torrent which rushed upon them after the treaties with the French and Americans came into operation, by which far the best portion of the fisheries were ceded to them, to reverse the system which themselves and their ancestors had pursued for centuries, of supplying the people with food, clothing, and every necessary; they found that the produce of the labour of the people was inadequate to repay them for their advances, and at once shut the door of their warehouses, refusing them even bread."

To rebut the charge of inhumanity so broadly advanced by Mr. Morris, and so insidiously aimed against the out-harbour merchants, and to falsify the assertion, that they at once shut the doors of their warehouses upon the poor, and refused them *even bread*, it would be sufficient to refer to their ledgers,

the heavy balances on which during the three distressing years alluded to, would instantly satisfy the impartial enquirer that the contrary was the fact ; some amongst the poor, who wanted industry to cultivate their gardens and potato grounds, and principle to *endeavour* by that means to avoid getting into debt, were no doubt refused ; but *such only* were refused supplies by the merchants' houses with whom they had been in the habits of dealing.

Such are the authorities quoted by Mr. Morris, to sanction the opinion that the soil and climate are favorable for the purposes of cultivation, and that *Newfoundland will, ere long, become a great agricultural country*. It is however to be observed, that the only one of these authorities that ventures to recommend cultivation with any other view than as an auxiliary to the trade and fisheries, is that of the *Committee of the inhabitants of Newfoundland*, in other words the Committee of the inhabitants of *St. John's*, the *metropolis*, and the *only town* in the island. Where and by whom this Committee was constituted we are not informed, but it may be confidently affirmed that the inhabitants of *St. John's only*, had any share in it, and that the inhabitants of the island generally had no knowledge of the appointment. This Committee broadly maintains, that in Newfoundland, there are uncultivated lands amply sufficient to produce food for a population much greater than it now contains. It has been remarked that this question, the pivot upon which the argument turns, is simple in itself and capable of practical

demonstration: let His Majesty's Government offer a grant of 10,000 contiguous acres, to be selected by the grantee from any one situation amongst the *millions of uncultivated acres*, upon the condition that he shall bring them into cultivation, or that in failure thereof, at the expiration of a certain term, (sufficient of course to allow the experiment to be fairly made) the grant shall be annulled, and the land with any improvements made on it, revert to the crown. Does Mr. Morris believe that any prudent practical agriculturist would accept it? Would the patriotic Mr. Morris himself accept such a grant? If not, the natural conclusion would be, that as a profitable pursuit, the obstacles to cultivation are insurmountable, and that the agricultural capabilities of the island, can only be called forth by gradual operations of the inhabitants, such as are now and have long been in progress, in gardens and small farms: and how these operations are to be accelerated or facilitated by a colonial legislative government, is certainly not very apparent: Mr. Morris and the Committee inform us *by making roads and bridges*; but it is difficult to conceive to what good purpose either could be applied, in the present state of settlement of the country; it is admitted by the Committee, that "it is only on the margin of the coast that cultivation has been attempted," and that "the interior remains unexplored;" and it is a striking fact and worthy of notice, that after a lapse of three centuries since the discovery and settlement of the island, there is not, with the exception of the immediate vicinity of St. John's, a garden

or potato ground, or a house at the distance of a mile from the shore; this fact serves at least to shew, that the advantages of soil and climate have been insufficient either to induce the inhabitants to explore the interior with a view to agriculture, or to outweigh the more solid advantages of prosecuting the fishery. It will be replied however that "the baneful effects of the system of government hitherto adopted have discouraged settlement and agriculture, and paralyzed the energies of the people." That "by the *Western Charter* no inhabitant was allowed to live within six miles of the sea, and might under its authority be driven out of the country." Let us have a colonial legislature to authorize the making of roads through the interior, and the face of the country will soon be changed and population increase almost in a tenfold proportion. With submission to Mr. Morris however, this would be to reverse the natural order of things—that improvements in civilization should *keep pace* with the wants of the people is perfectly right and natural, but not that they should *outrun* them. The *Western Charter* was granted about 200 years ago, and renewed and confirmed, and further rules added to it at several subsequent periods; by this Charter all planters were forbid to inhabit within six miles of the shore, from *Cape Race* to *Cape Bonavista*: if it were not a waste of time to bestow further consideration upon this *long obsolete* charter, whose peaceful ashes have been disturbed by Mr. Morris, to be set in array against the Western Merchants, it might be argued, that if by its restrictions the people were

prevented from settling *within six miles* of the shore, there was the greater reason why they should have extended their views to the interior, and have formed settlements for the purposes of agriculture, beyond the prescribed limit ; but the plain fact is, that the planters never dreamt of agriculture ; the *fishery* was then, as it is now, and as it must necessarily continue to be, the chief object of pursuit ; and it is moreover, a known fact, that the *interior* of the island, so far as it has been explored, is found to be barren land, intersected with swamps and morasses, often extending to the vicinity of the bays and harbours, that would render any attempt at *general* cultivation fruitless.

It would be tiresome, if we were disposed to it, to follow Mr. Morris in the tortuous windings of his motley work, in which tragedy, comedy, and farce, are so happily blended, that we are at a loss which most to admire : in one part he declaims, with heroic dignity becoming a child of Melpomene, against the "blasting influence of mercantile monopoly," and the "avarice, tyranny, ignorance, and prejudice," of the monopolists ; in another, in true comic vein, he depicts the manners, habits, and costume, of their venerable ancestors, and contrasts them with the elegances and refinements of their successors ; again he facetiously displays the author of the "View" as just aroused, like the renowned Dutchman, from a comfortable doze of some twenty years ; and now denounces the *Poole merchants*, as binding Newfound-land "in chains of worse than feudal despotism," and in the plenitude of his *virtuous* indignation,

predicting that her people will no longer be *their slaves*; forgetting perhaps, at the moment, that the distance between a *slave* owner and a *slave ship* owner, upon the scale of moral propriety, is not immeasurable*.

We can only afford time for a few passing remarks on some of the most prominent features of Mr. Morris's work, and shall then take our leave of him.

The gross and insulting language with which Mr. Morris has thought proper to assail the merchants of Poole, it would be derogating from their known respectability to notice otherwise than by *contempt*; if Mr. Morris fondly supposes that it will do him credit either as a writer or a gentleman, he is to be pitied for his self-delusion, as much as he is to be contemned for his impotent virulence: he has chosen to become the champion of a party who have long been striving to acquire a little fancied importance, by the establishment of a legislative government in Newfoundland, reckless of the consequences of such a measure to the *fishery*, the only object that can be pursued with a fair prospect of advantage; and it must be confessed that he is not scrupulous about the means to be used to attain his end: he has quoted Blackstone, he has quoted Mr. Fox, Mr. Burke, and Sir James Mackintosh, he has flattered Mr. Huskisson, and Sir Thomas Cochrane, and loaded with indiscriminate abuse all those who differ in opinion with him and his party: what success may attend his meritorious labours, time will show: that His Majesty's Government will, *by such means*, be convinced of the necessity of a colonial legislature, is not very probable.

* Note B.

This question, divested of the verbiage with which Mr. Morris has enveloped it, is, *whether Newfoundland, in its existing state of settlement and improvement, requires a Colonial legislative Government?*—and, if the existing state of the settlement does not require it, *whether the probability of future improvement would justify the granting of such a Government?* If, in either case, His Majesty's Ministers are convinced of the necessity, they *will*, from a sense of public duty, grant such a government; and the merchants of Poole will bow with submission to the *fiat*.

It has been shewn, we think beyond contradiction, that the population of the island (large as it is) is dispersed along the very margin of the coast; and that, with the exception of the vicinity of St. John's, there is not a house to be found, or any vestige of settlement, at the distance of a mile from the shore; and that the interior of the island, as far as has been ascertained, is unfavourable, if not altogether unfitted, for cultivation:—that the climate is uncongenial to it, is well known, and is confirmed by the fact, that in the present year (1828), so late as the beginning of May, the snow laid on the ground, and the frost was so intense, that the common operations of domestic gardening could not be commenced*:—that cultivation, as an auxiliary to the fishery, has long been practised, and to as great an extent as the wants or the inclinations of the inhabitants have prompted them to pursue it, and that there is no restriction to its future and unlimited extension:—it has further been shewn,

that the *fishery*, from the first settlement of the island, has been the only object of pursuit*, and that, from natural causes, no other object can be pursued with advantage; and, it may be added, that the habits of the people combine with natural obstacles, to prevent Newfoundland from becoming an agricultural country, or even a commercial one, in any other sense than as connected with the fishery.

From these premises, it is assumed, as a natural conclusion, that the existing state of settlement and improvement, does not call for a Representative Government. Mr. Morris allows (p. 38) that "the representative body would not have any very difficult subjects to legislate on, *further* than the propriety of "making roads and bridges, and other local improvements, and affording due encouragement to the "trade, fisheries, and *agriculture* of the country." The *propriety* of making roads in a country, the interior of which, in the course of three hundred years, has not invited a single settler to establish himself at a greater distance than a mile from the shore, must, we think, be a *difficult* subject: it must be equally difficult to devise what kind of encouragement could be afforded to agriculture, in a country which nature has precluded from becoming *generally* agricultural. Where bridges are proposed to be built, we are not informed†: Mr. Morris will perhaps have the kindness to tell us, in the next edition of his "Arguments." Such encouragement as the *trade and fisheries* require, it is hoped His Majesty's Government will see the necessity of, and be pleased to afford, without the

* Note D;

† Note E.

intervention of a legislative assembly. From the same *data*, we as naturally come to the conclusion that the probability of future improvement, by means of a representative government, is too slender and problematical to warrant the adopting of a measure, to which, whether considered in a political or commercial view, there are many and powerful objections.

These are the conclusions that the Author of the "View" has arrived at, upon a deliberate consideration of the questions of Cultivation and Representative Government: he has no personal views to promote, and is no otherwise interested in the questions than as they may tend to the public good; if he is wrong, he has a mind open to conviction by dispassionate argument; and he is alike indifferent to the sneers and the vulgarisms of coarse scurrility. He has no intention of again taking any part in the discussion of this question; and it only remains for him now to offer a few observations on some other points adverted to by Mr. Morris, and a few remarks on the want of candour displayed by him in his quotations from the "View," in the course of his arguments*.

In the first page of his work, Mr. Morris assumes that the granting to Newfoundland a Constitutional Government, "can alone save her from falling, at no very distant period, a victim at the feet of the young "and aspiring Republic of America." This is a startling prediction, and we sought, with fearful earnestness, in the subsequent pages, for the dread proof of its probable fulfilment; and, at length, in (p. 87) we find the following passage. "I state as a fact, that has

* Note F.

“appeared clear to every intelligent man in Newfoundland, who ever gave himself the trouble of making observations on the subject, that that colony is a stepping-stone to the United States of America; that in consequence of the difficulties in the way of making settlements in Newfoundland, the fishermen and other emigrants, in a short time direct their course to the United States, carry with them often the fruits of their labour at Newfoundland; but *always*, what is more important, the experience and knowledge which they have gained from their employment in the cod and seal fisheries.” And he adds, “I am prepared to prove that, for the last fifteen years, the great bulk of our fishermen, not less than from forty to fifty thousand, have emigrated to America*.” Beyond this point, even to the end of Mr. Morris’s elaborate production, we find not a single syllable in elucidation of this portentous prophecy.

Parturit mons, nascitur ridiculus mus!

We are ignorant of the source from which Mr. Morris derived the information that has enabled him to *prove*, that forty or fifty thousand fishermen have emigrated to America in the course of a few short years; and candidly confess that we are not prepared from any *authentic records* to prove the inaccuracy of his statement; but we venture, without fear of contradiction, to affirm, that if he *attempted* to prove the emigration of *one tenth* of the number, within the last twenty years, he would fail: but granting him, by way of argument, an emigration to the full extent of his assertion, it would prove nothing for the point

* Note G.

he is labouring to establish. As well might the supporters of the Corn Bill contend that the United Kingdom would, *at no very distant period, fall a victim at the feet of the young and aspiring republic of America*, because countless thousands have, in the last twenty years, emigrated from her shores to North America: and yet, Great Britain has a constitutional government, and England and Ireland at least, *are* great agricultural countries.

Mr. Morris, like many an ingenious advocate, over zealous in a weak cause, adopts, without hesitation, arguments, however fanciful or extravagant, if he thinks they may by possibility serve his purpose, and contribute to obtain the darling object of his hopes—A HOUSE OF ASSEMBLY, in which, of course, he and his friends are to have seats, and to vote and expend money, and make St. John's a little paradise, where they and their descendants, "the wise and the good*," with their "beloved Governor" of the day, and surrounded by *Houris*, may sit and enjoy celestial music, and call upon the poor industrious fisherman to pay the *piper*.

In page 19, Mr. Morris says, "Should they venture into the presence of our beloved Governor, *who* their hopeful descendants have endeavoured to defame and vilify." If any expression in the "View" should have been construed into an attempt to defame and vilify the Governor, the author would indeed feel extreme regret; he trusts it is not in his disposition to defame or vilify any one, much less the constituted authorities of his country, towards whom he has never

* "Arguments," page 19.

failed in respect. An humble individual, he cannot of course boast the honour of any personal knowledge of Sir Thomas Cochrane, or of his public or private character; from the report of common fame, he believes him to be an honourable and intelligent man, sincerely disposed actively to promote the welfare of the inhabitants of Newfoundland; and, however he may differ from him in opinion, as to the means to be adopted for the purpose, he feels the most perfect respect for the motives by which he is influenced. Any observations, that may seem to bear allusion to the Governor, were never for a moment meant to apply to *him*; but they *were* intended to apply to such flatterers as Mr. Morris, and the writer in the *Newfoundland Public Ledger*, who "buzz and "flutter round the ears of great men*," and *sometimes* succeed in urging them to measures, which, if left to their own unbiassed and more correct judgment, they would have avoided.

From the rank in life that Mr. Morris is represented to move in, the author would naturally have expected the candor and amenity of manners that usually distinguish those who are accustomed to respectable society, and that his quotations would be made at least correctly and fairly; a few instances will serve as specimens of Mr. Morris's *candour*.

In page 20, he says, "he states, that the imperfect information of official men, whose transitory acquaintance with the *place*, acquired during their "limited periodical residences, *does* not qualify them "to take an enlarged view of the subject."

* "Arguments," page 99.

If the reader will take the trouble to turn to page 5, of the "View," he will find the passage really to be as follows: "The causes of this manifest want of correct information on the subject, are to be traced to the discordant testimony of parties, whose conflicting interests have prompted them to give contradictory views of the soil, climate, and local capabilities of the island, and of the social, moral, and commercial relations of its inhabitants, as best suited their several purposes, either to support or oppose such measures as have been recommended to, or deemed necessary to be adopted by, His Majesty's Government; and the imperfect information of official men, whose transitory acquaintance with the *island*, acquired during their limited periodical residences, *did* not qualify them to take an enlarged view of the subject." A satisfactory proof of the correctness of the former portion of the author's observations may be found in the lucubrations of Mr. Morris himself, whose purpose it did not suit to bring that part of the passage into notice, hoping perhaps by the omission to raise against the author the imputation of attempting to "*defame and vilify*" *official men*: the insidious substitution of the words *place* and *does*, instead of *island* and *did*, would not be worthy notice, but to shew the spirit, in which the quotation was made.

In page 21, Mr. Morris proceeds—"But before I take further notice of his "Enlarged View," I will just point out one statement of his, to shew how *extremely correct* has been his information respecting Newfoundland, and which will prove how little faith

"his theoretical opinions are entitled to when he betrays such gross ignorance of facts."

In page 15, he states that "An act was passed in 1792, by which power was given to the Governors, with the advice of the Chief Justice, to institute Courts of Civil Jurisdiction, &c., and that in this way the judicature of the island was conducted, until the year 1824;" and triumphantly adds—"Now it happens that the act of 1792 was repealed by the act of the 49th of the late King, under the authority of which the country was governed till the promulgation of the act of 1824." *Now it happens* that the act of 1792 was *not repealed* by the act of the 49th of the late King, but had *expired* a few days previous to the date of it; and it also happens that the country was *not governed* under the authority of that act, it being only an act to continue and establish Courts of Judicature.

The reader is again requested to refer to the "View," and he will see that in the preceding page the author had been concisely tracing the progress of the administration of justice, from the year 1750; and had, in page 15, brought it up to the passing of the act of the 33d Geo. 3, in the year 1792. And in the subsequent paragraph he adds—"By this last act power was given to the Governor, with the advice of the Chief Justice, to institute Courts of Civil Jurisdiction, to be called *Surrogate Courts*, in different parts of the island, as occasion may require, with power to hear and determine, in a summary way, all suits and complaints of a civil nature. And in this

“way the judicature of the island was conducted until the year 1824, when an act, &c.” Mr. Morris has contrived *ingeniously*, the author wishes he could say *ingenuously*, to advert to three distinct paragraphs in five short lines; and endeavoured to give them the semblance of consecutive narrative.

The author having arrived at the period when the institution of courts of civil jurisdiction was sanctioned by act of Parliament, had completed the object he had in view, and had no occasion to notice the act of the forty ninth: and had forty nine acts of Parliament been passed between 1792 and 1824, he should not have noticed one of them, unless some change had been made in the mode of administering justice; he therefore, adds, in the concluding *distinct* clause of the paragraph—“And in this way,” (that is, by surrogate courts, under the authority of an act of Parliament,) “the judicature of the island was conducted “until the year 1824.” If Mr. Morris can now make any thing of this discovery of the *author’s gross ignorance* of the existence of the act of the 49th Geo. 3, he is very welcome to all the advantages of it.

The act of the 49th Geo. 3, ch. 27, was dated 30th March, 1809; the preamble recites, “Whereas “an act was made in the Thirty-third year of the reign “of his present Majesty, intituled *An Act for establishing Courts of Judicature in the Island of Newfoundland and the Islands adjacent*; which by “several subsequent acts has been continued until the “Twenty-fifth day of *March*, one thousand eight “hundred and nine; And whereas it is expedient that

“the provisions of the said act should be amended, and
 “*the like Courts of Judicature* as were thereby insti-
 “tuted, be established and made perpetual.” And by
 the second section it is enacted, “That it shall be law-
 “ful for the Governor of the Island of Newfoundland,
 “from time to time, to institute Courts of Civil Juris-
 “diction, to be called *Surrogate Courts*, in different
 “parts of the Island of Newfoundland, and the Islands
 “aforesaid, as occasion shall require, with full power
 “and authority to hear and determinè, *in the like sum-
 “mary way*, all suits and complaints of a civil nature,
 “arising within the Island of Newfoundland.”

The author of the “View” had, in page 19, ob-
 served, “that the surrogate courts, with all their im-
 “perfections, generally exercised their authority bene-
 “ficially for the people, and were conducted com-
 “paratively at a little expence ; and that a large majo-
 “rity of the cases which are brought into a court of
 “justice in Newfoundland, are of a nature that may be
 “best disposed of by a *summary process*, such as was
 “practised by these courts.” Mr. Morris, in page 28
 of the “Arguments,” without fairly quoting the pas-
 sage, which would not probably have suited his pur-
 pose, makes a very disingenuous allusion to it, and
 represents the author as “lamenting over the downfal
 “of that *summary justice*, under the authority of
 “which the poor inhabitants of Newfoundland were
 “plundered and oppressed for centuries :” and, after
 pourtraying, in *sombre* colours, the enormity of the
 oppressors, giving the rein to his imagination, he calls
 in the aid of “Indian savages,” “wandering Arabs,”

“Persian satraps,” and “Turkish bashaws,” to heighten the picture.

The candid reader is again requested to turn to the “View,” page 19, and to compare the passage alluded to with Mr. Morris’s version of it; and then to form his own judgment, as to the degree of confidence that the opinions or assertions of a man are entitled to, who could deliberately be guilty of so gross a perversion. The author is as great an enemy to *summary justice*, in Mr. Morris’s sense of it, as *he* is himself; has as great an abhorrence of oppression, and as true a love of genuine rational liberty. If Mr. Morris should ever have the ill fortune to be entangled in any of the courts of law, either in Newfoundland or the mother country, he would probably become at least as strenuous an advocate for *summary proceedings* as the author is.

In a note, page 63, of the “Arguments,” Mr. Morris asserts, that “it has been said by the author of the “Enlarged View,” that it is only round St. John’s, the capital, that any thing like cultivation has taken place.” It *has not* been so said:—if the reader has patience, (and he is assured it shall not be further taxed), and will once more turn to the “View,” page 11, he will find the author’s words to be—“and that, at the present moment, the only appearance of cultivation, which Newfoundland exhibits, should be confined to gardens and potato grounds, which the inhabitants have cleared near their residences, except at St. John’s, AND SOME OTHER PRINCIPAL SETTLEMENTS.”

Numerous other instances might be pointed out of Mr. Morris's talent for perversion : but the author is tired of the subject, and presumes the reader is not less so ; he, therefore, leaves Mr. Morris to the solace of his own reflections upon the exposure of his *flagrant, gross, and wilful*, misrepresentations : he is naturally averse to controversy, and has reluctantly entered upon these remarks ; but he trusts that he shall never be found wanting in courtesy to a candid adversary, nor ever shrink from an uncandid one.

NOTES.

Note A, page 5.

THE race of *native* Indians is now reduced to probably a few hundreds. It is a source of melancholy reflection, that the indigenious inhabitants of a country, so peculiarly adapted to their habits, and suited to their subsistence, should have become almost extinct; and that the few efforts made to open an intercourse with them, for the purpose of promoting and encouraging amongst them the arts of civilization, should have failed: but it is difficult to conceive, how the existence of this remnant of a once numerous savage people, is to prove the advantages of soil and climate for the purposes of cultivation; the argument would equally apply to the *Fins* of Lapland, and the *Esquimaux* of the Arctic regions: neither is the existence of deer, and other wild animals, more conclusive. The Highlands of Scotland abound with deer, and the forests of Germany with bears and wolves; but nobody ever dreamt that either would *therefore* become a *great agricultural country*.

Note B, page 16.

The disturbed state of society in Newfoundland, alluded to in p. 64 of the "Arguments," did not originate in the resident population of the island, but in the turbulent and very natural clamours for subsistence of distressed and starving strangers, brought out principally from Ireland, in *passage* vessels, generally crowded almost to suffocation, and exposed to filth and wretchedness that would disgrace a *slave ship*, and sometimes landed in a state of disease shocking to humanity, and productive of consequences so alarming and fatal, as ultimately to call for legislative

interference. These miserable sufferers, left by their *importers*, to seek a precarious employment, which, if obtained, ended with the fishing season, having no resources at the expiration of it, broke out into acts of violence, which compelled the merchants to shut the doors of their stores, and to guard them from outrage, as the only means of preventing the waste and spoliation of their property.

Note C, page 17.

The winter commenced early in December, and the frost was intense and continual; the thermometer often standing at 15 degrees below Zero.

Note D, page 18.

It is probable that cultivation *was attempted* by some of the early settlers, under the first charter, but abandoned, in consequence of the insurmountable difficulties attending it, and its being found incompatible with the more profitable pursuits of the fishery.

Note E, page 18.

The erection of bridges, over the brooks in some of the bays and harbours, would no doubt be very beneficial, and it would be desirable that the Grand Jury should have power to direct such, and other local improvements, at the expence of the district.

Note F, page 19.

Many more instances of Mr. Morris's "false reasonings" and incorrect assertions might be adduced; but it is presumed that those already adverted to, will be sufficient to satisfy the candid reader. We may however, in addition to them, observe, that in page 10, Mr. Morris, quoting from the Memorial of the Committee, says, "The adventurers to the other colonies had the improvement and cultivation of the soil to look to as the chief

“source of wealth and commerce, and even if they were successful enough to realise a sufficient sum to enable them to retire, *“they could not carry away their improvements along with them; the country was at least so much benefited by them.”* Neither have the Newfoundland merchants who have been fortunate enough to be enabled to retire, carried away their improvements with them; at least such has not been the practice of the *Poole merchants*, scarcely an instance having occurred of any one of them having retired without leaving behind him a considerable capital to continue the trade that he had established; there have been many instances of St. John’s merchants having retired, some of them to the *United States*, with the whole of their large fortunes, realised in Newfoundland.

In page 25, Mr. Morris says, “I shall just prove his unblushing effrontery in asserting that the naval Surrogate System “was less expensive than the present;” and accordingly, in page 26, he states the annual charges for the *Chief Justice and Surrogates* as laid before the House of Commons, in February 1824, amounting to £1730. If the reader will refer to the estimates of the charge of defraying the civil establishment of the island of Newfoundland, for the year 1828, as voted in the present session of Parliament, he will find—

Salary of the Chief Justice	£1200	0	0
———three Assistant Judges at £700 p. ann. each,	2100	0	0
———Attorney General	450	0	0
———Clerk to the Supreme Court.....	400	0	0
———Clerks to the District Courts	850	0	0
	5000	0	0

“not speaking of the expence of hired Vessels to convey them to “their respective districts.”*

To a common understanding it may appear that the author’s assertion “that the naval Surrogate System was less expensive “than the present,” is fully borne out by these statements, but Mr. Morris’s *is no common understanding*, he adroitly brings in the expenditure of the naval establishment for the island, amount-

* “Arguments,” page 26.

ing by *his account* to £72,000 per annum, and throwing into the bargain a serious loss of ships and lives, charges the whole cost to the administration of justice by *surrogate courts*. The author will not charge *Mr. Morris* with *unblushing effrontery*; but, he really thinks, this has a good deal the appearance of *modest assurance*. *Mr. Morris* again, in p. 28, observes—"I would just as soon expect that the Inquisition would be established at Newfoundland, as the Surrogating System restored." The author is not such a visionary, as to have ever entertained an idea, that the administration of justice, by *Surrogate Courts*, would again be resorted to; he was aware that there were many and serious objections to them: but, in treating of the system of judicature, it was necessary to notice them; and he *did* offer an opinion, that this form of judicial proceeding would, *under proper regulations*, be perhaps the best adapted for a *fishery*, and he still *does* entertain that opinion; and he is much deceived and misinformed, if many highly respectable characters, both in this country and Newfoundland, do not agree with him, and regret that the summary mode of proceeding, practised in those courts, has been superseded by the more dilatory and expensive processes of District Courts.

In page 46, *Mr. Morris* says, "I do not hesitate to state that an advantage has been conferred on the trade and fishery of not less than £200,000 per annum, by the liberty of importing pork, bread, flour, and other provisions, for the use of the fishery, from the Continent;" but he has omitted to inform us which Continent he means, whether the *old* or the *new*: and, in his illustrations, he has quoted the prices of provisions at *New York*, as well as at *Dantzic* and *Hamburgh*.—*Mr. Morris* seldom *hesitates* to state any thing that he thinks may serve his purpose.—We are, of course, ignorant of the *ratio* of profit that he is accustomed to take; but if *he* has ever realised a share of £200,000 per annum, upon *his* proportion of the imports, it is not very moderate, as the following statement will prove. The aggregate importation of provisions into Newfoundland, for the year ending 31st December, 1827, was,

Bread, 169,296 Bags,
Pork, 22,000 Barrels,
Butter, 8000 Firkins.

Of flour there is no return; and there seems to be some doubt, whether it is not included in the quantity of Bread; but, admitting the importation of that article to have been 70,000 barrels, it is evident that, upon any *moderate* scale, and the competition in the trade precludes an *immoderate* one, the profits, over and above what would have been derived from the same articles imported from this country, could not amount to one fourth part of the sum stated by Mr. Morris; and, when it is considered that the markets of Canada were open to us, and have been indeed largely resorted to (in the present year at least), it may be doubted whether the intercourse with the *European* Continent has been an advantage to the trade of one eighth of the sum stated. It is also to be remarked, that Mr. Morris, with his usual disingenuousness, has stated the price of pork at *New York*, where it was at 35s., while, at Dantzic and Hamburgh, it could not be purchased for less than 55s. per barrel*.

In the same page (46), Mr. Morris, again quoting from the Committee, says, "It is well known, that the mercantile houses which accumulated all their capital in this trade, have, in *prosperous* times, made profits of from 20 to 30,000 pounds in one year." It may be asked, is it probable, that *agricultural speculations* will ever afford such profits? But, admitting the profits to have been large in *prosperous* times, there has been a long succession of *adverse* times, in which few of those engaged in the trade could boast of *profits*.

Note G, page 20.

This is not very intelligible—Are we to understand Mr. Morris to say, that for the last fifteen years *the great bulk* of our fishermen have *annually* emigrated.—Mr. Morris says, "that in consequence of the difficulties in the way of making settlements in Newfoundland, the fishermen, and *other emigrants*, in a short time, direct their course to the United States." What difficulties are in the way of making settlements? What *other emigrants*

* These observations are not meant to disparage the grant of His Majesty's Government: it was a *bonus* to the trade; and the merchants entertain a proper sense of it.

direct their course to the United States? Indeed if a critical examination of Mr. Morris's work was the object of these remarks, there would be found matter sufficient to put somewhat in jeopardy his literary fame, as a few instances may shew—In page 4, he disclaims any intention of imposing upon the Right Honorable Gentleman to whom he addresses his "Arguments," by "false reasoning," or "*false facts!*"—In page 12, he says, "the people *feel* the "blessings of an equal administration of the laws, and the happiness of *independence*;" but adds, that "they can only obtain "emancipation from *bondage* by claiming their rights." It must be presumed that the people already *enjoy*, because they *feel* the blessings of an equal administration of the laws, and the happiness of *independence*; and yet, it seems, they have to obtain emancipation from *bondage*!! In page 19, he says, "Should they" (i. e. *the ghosts of the fishing admirals*) "venture into the presence "of our beloved Governor," however great their astonishment may be supposed to be, at being ushered to *such* an interview, it may very naturally be presumed that *His Excellency* would not feel less astonishment at *such* a visit, and would be little desirous of prolonging the audience. In page 20, we find, "As a proof that the present generation of Poole *is* worthy of *their* renowned sires." In page 64, we are told—far the *best portion* of the fisheries were ceded to them; i. e. the French and Americans.

Page 73 exhibits specimens of logic of rather a novel character:—"While men's minds are constituted as they are at present, "and until they are changed by a fiat of the Deity, they will be "influenced by the passions that agitate them; their interests and "prejudices, and, I hope, a desire to promote the happiness of "mankind, will direct their conduct; so long as these various motives govern the minds of men, so long will they come in collision; "and there is, in my opinion, no remedy for the *evil*, in a general "sense, but for mankind to throw themselves at the feet of absolute despotism, and submit, without murmur or complaint, to its "capricious will." Human interests and prejudices, and a desire to promote the happiness of mankind, form a strange combination for practical use. Mr. Morris's proposition is—*Men's minds will be influenced by the passions that agitate them, and their interests and prejudices and a desire to promote the happiness of mankind*

will direct their conduct : but, as long as these various motives govern the minds of men, so long will they come in collision : ERGO, the only remedy for the EVIL, is for mankind to throw themselves at the feet of absolute despotism!!! The author's remarks on this part of Mr. Morris's "Arguments" are, however, offered with great diffidence, for he confesses he does not understand them.

In page 74, which abounds with *grammatical* curiosities, we are told, "There is no science so essential to the happiness of "mankind as the science of legislation, and none in which less improvement has been made ; but the rapid *advances* in every "other, *has* dragged along even that sluggish science : " and, again, "Whether the *establishment* of local representative Governments "have been, an improvement." Mr. Morris adds, "I do not hesitate "to lay it down, as a broad proposition, that if the governors of His "Majesty's colonies of the present *and former days*, only evinced "the same desire and anxiety to do justice to the people under their "respective governments, as His Majesty's Ministers do to promote the interest and happiness of the people of their countries, "that those colonies *which are now separated for ever* from the "British crown, *would form a component part of the empire*, "and a murmur of complaint would not be heard from any of the "others." Mr. Morris, like *Owen Glendower*, can "*call spirits from the vasty deep* ;" and, having conjured up the ghosts of the fishing Admirals, to introduce them to the Governor, he now invokes the *manes* of the governors of *former days* for the patriotic purpose of again uniting to Great Britain her *for ever separated* colonies !

Risum teneatis amici?

FINIS. •

