

ROUTH, Richard died between August and December 1801
Collector of Customs for Newfoundland 1782-1801(1)

Commissioner of Oyer and Terminer for Newfoundland 1785-90(2)

Justice of the Peace for St Johns 1788³

Chief Justice of Newfoundland 1798-1801⁴

Wife: Abigail⁵

CHILDREN a large family including at least the following:-

RICHARD⁶

WILLIAM⁷

RANDOLPH born 1782 baptised in Poole dorset 1783⁸

HANNAH born 1783 baptised in Poole dorset⁹

MARY circa 1785 baptised Poole 1787¹⁰

HENRY LLOYD born 1787 baptised Poole Dorset 1789¹¹

JOHN?¹²

Charles Dickens would have instantly recognised Richard Routh as of that classical genus the inveterate Place Seeker. Knowing nothing of the Revenue Laws he ~~obtained instantly~~ moved from civilian life to the rank of Collector of Customs, the senior ~~appointment in~~ Officer in the Revenue establishment of Newfoundland; He ~~probably~~ knew even less of ~~the~~ Law and yet not only became the Chief Justice of Newfoundland, but continued to act as the Collector of Customs as well. The existence of Civil Service Commissioners and entrance examinations notwithstanding, his counterparts would still seem to exist to day and their places are gained now as then through the politics of Patronage.

We know very little about Routh's origins ~~although~~ until the year 1779 when Ben Lester of Poole, the ~~richard~~ wealthiest merchant in the Newfoundland Trade began to mention him frequently in his diary.¹³ Lester was a firm believer in the principle of casting bread on the waters and was a natural magnet for many young hopefuls who were looking for a start in life. Probably Routh came to Lester as a ~~kind of~~ ^{agent} ~~adult apprentice~~ or senior clerk, upon the recommendation of one of Lester's many acquaintances ~~in trade and Politics~~ in London.

1800 Only
Nery 3 no Wids

Lester's elder brother Isaac had died in 1778, which necessitated a re-organisation in his trade and Benjamin probably took Routh, who may have had a mercantile apprenticeship in London/to manage his day to day affairs in Poole. However by 1782 Lester's son in Law George Garland was ready to enter the business and the prospects for Routh looked dim. He seems to have decided to set up in trade himself for he purchased a Brig¹⁴ but events in Newfoundland rendered this step unnecessary,, when the position of Customs Collector in Newfoundland was declared vacant. ~~Actually the position had been vacant~~

~~The Customs Establishment of Newfoundland ever since~~

vacant

Actually the position had ~~not really~~ been filled since 1777 when the ~~current~~ ^{then} occupier obtained a patent to develop a mine on the Island and abandoned his official duties only to end up with a large hole filled with ^{WATER FILLED IN THE GROUND} ~~water,~~¹⁵ but the American War had occupied official minds and no one in Newfoundland was anxious to remind Government that it lacked an efficient Customs ~~sergise~~ there. Lester was a strong supporter of Lord North, -and temporarily dominated the politics of Poole; he was also a henchman of William Pitt,¹⁷ and between 1782 and the fall of the Government managed to obtain the post of Collector for Routh¹⁸ in the position of Newfoundland Comptroller of Customs for one D'ewes coke¹⁹ who had been a surgeon in Trinity Bay where lay the headquarters of Lester's Newfoundland empire, and an appointment for William Eppes as Commissary General to the Forces.²⁰

The entry of Fox into the Government temporarily cost Lester his influence but it did not much matter since by then there were hardly any other worthwhile appointments left in Newfoundland.

Be that as it may, Lester had found a way to replace Routh with Garland ~~whilst at the same time~~ without hurting the former, and indeed betrayed his relief by purchasing Routh's brig (and finding it a very poor bargain)²¹.

Routh sailed to Newfoundland in 1782 but found that his troubles were only beginning. He returned home to Poole in December to find that the merchants of Dartmouth and Poole had decided to press for the abolition of the customs establishment in Newfoundland.²²

If it was any consolation to Routh, this opposition long ante-dated his arrival in Newfoundland, and was but a part of mercantile ~~opposition~~ hostility to what they saw as a mounting series of ~~oppressive and arbitrary~~ exactions and oppressive restraints upon their ancient liberties in Newfoundland.²³ They had some reason to be angry. Ever since the time of King Edward VI it had been a fixed principle that no taxes should be laid on the Newfoundland fishery²⁴ and a series of charters, administrative ~~decisions~~ decisions and reports had confirmed that principle until 1764 when the Commissioners of Customs, until then more or less ignorant of Newfoundland's existence, absent mindedly decided that it, like the mainland colonies should have a Customs House, and without even informing the Committee for Trade despatched a Collector.²⁵ Local reaction was swift, the Customs House was burnt down and he resigned for reasons of ill health.²⁶ Another man was sent out ~~in~~ later but the merchants and ship owners, quite rightly pointing out that no law existed which allowed the Officer to exact fees or charge duties, refused to recognise his existence.²⁷ Endless confusion followed and the success of the Collector depended upon the fluctuating support of successive Governors until 1776 when Parliament passed retro-active legislation which legitimised the actions of the Customs officers since 1765.²⁸ However the outbreak of war~~l~~ and the Collector's convenient foray into the Mining Industry temporarily removed the problem until the Government's action in appointing Routh and Coke ~~removed~~ ^{dissolved} the ~~the~~ ^{might} illusion that the Customs House would just wither away.

Routh now betrayed his own ability for currying favour. His return from Newfoundland fortuitously occurred on the ^{13 Dec 1783,} ~~day~~ that the Poole merchants had resolved to support Dartmouth in demanding the abolition of the Customs. He spent the next two days scurrying around the town to talk to the Newfoundland merchants, whilst Lester exerted his own powerful influence to support him. On December 17th another town meeting was held where

"after much argument (concerning the resolution to remove the Customs House) it was dropped, and agreed that Mr Routh would do everything in his power to lessen the greivances they complain'd of and put the fees on a more equitable plan".²⁹

decision

This ~~decision~~, although it was soon hotly denied by some of the merchants including Lester's rival and neighbour in Trinity Bay, John Jeffery³⁰, placed a wedge between the merchants of Poole, and those of Devonshire and Bristol who continued to press heavily for the abolition of the customs.³¹ A fundamental explanation might lie in the fact that the Customs House was established at St Johns where the Devonshire merchants had their major interests and were thus face to face with the customs. Only one of about a dozen of the Poole traders were established in that town.³² ^{the rest} They traded to the outports where "deputy" customs officers regulated the trade, and these ^D eputies were all either mercantile agents or Doctors and Clergymen dependent upon the ³³ traders for their livelihoods. Benjamin Lester of course, had nothing to fear from his own appointees, and indeed used them as unofficial unpaid agents in St Johns where they purchased provisions for him, gave news of prices and market conditions and generally looked after his interests.³⁴

In 1786 the Government rejected the demands of the Devonshire and Bristol merchants and amongst other things confirmed the ~~existence~~ necessity of the Customs House. Routh's job was secure and he could settle back to enjoy the not inconsiderable benefits of such a career. ~~Mercantile~~ He continued to meet with hostility from those merchants who traded to St Johns, but a serious series of visits to Dartmouth, and his own "discretion" in exercising his office did at least ~~dim~~ ³⁵ make that hostility passive.

Routh had no fixed salary but lived from the fees charged on shipping and commodities, but the trade was flourishing and we hear no complaints from him during this period. What made the job most attractive was that the Customs Collector (unlike his deputy), was not obliged to reside permanently in the Island.

~~from Ben Lester~~

and this agreeable situation was exploited to the full. ~~Routh leased a house/~~
~~for~~
 in Poole ~~from Benjamin Lester and his growing family were installed there,~~
 and
~~his~~ At least one of his sons was sent to Wimborne School to be educated
 with young Jos Garland, Lester's nephew, and when Routh was in Newfoundland
 Lester took in his son for the summer holidays.

season

The Shipping trade of Newfoundland was confined almost completely
 to the months of April-December, and for most of this period Coke, the
 Comptroller of Customs could easily perform all the duties. It was only
 necessary for Routh to be in residence at the end of the fishing season
 when all ships were frantically clearing out to market with fish. (Indeed
 as the Dartmouth merchants always claimed it is far from certain that he was
 even needed then) Thus he never left England until June, July or even
 August, and could normally count on returning by the end of ~~November~~ December. ³⁶

By sailing during the summer and using his official Status, Routh normally
 managed to take passage on a naval Frigate which if uncomfortable by
 modern standards was infinitely superior in comfort to one of the little
 merchant brigs, although at times he was forced to go out on whatever vessel
 was available. He leased a house in Poole from Lester where his growing

³⁷

family resided whilst he was away. At least one of his sons was educated
 with various/^{young} relatives of Lester at Wimborne School³⁸, and his wife was
 well compensated for his absence by the attentions of the members of Lester's
 connection in Poole.³⁹ ~~His~~ ^{The} winters in England were agreeably spent in

dinners, trips to his superiors in London, visit to the new Poole Play house
 and, with the onset of middle age and gout, ~~trips~~ ^{journeys} to take the waters at

⁴⁰

Bath. Even the rigours of life in Newfoundland were softened through
 the employment of a maid and the importation of what seems to have been
 and congenial games of whist.
 the first Coach on the Island, ~~The Devonshire merchants railed against~~

~~such unnecessary waste and extravagance~~ ^{1793 MANY} The elder generation of merchants
 saw this as the cause of a spread of idleness and unecessary luxury in Newfoundland

~~but then~~

By 1793 this led many of the merchants to blame the Customs Officers for ⁴¹ introducing idleness and unnecessary luxury into Newfoundland, but then by then they were again looking for scapegoats in an aggrv battle against the decay of the trade as they saw it. The political storms of the early 1790s were complicated in their origins and nature but essentially the age old hatred of any legislation or government in Newfoundland was brought face to face with a change in the fishery, and an increase in population which forced the ~~Government~~ British Government to introduce more permanent local authorities even against its own will. These changes moreover occurred during a period of great commercial depression and bankruptcy which commencing in 1789 had barely ceased before the outbreak of the French Revolutionary War in 1793, again threw the fishery into chaos. The merchants were convinced that unwise legislation was the root cause of all their problems and mounted a strenuous campaign which eventually ⁴² culminated in a Parliamentary enquiry which changed absolutely nothing.

~~Routh~~ However although the customs house was again condemned Routh was not faced with the degree of personal opposition which he had met between 1783 and 1786. The Poole merchants ~~no longer anxiously questioned~~ ~~tax~~ were no longer hostile to him, and most of the heat was applied to Comptroller D'ewes Coke who had also been acting as an Assessor in an ad hoc Law Court created by Governor Millbanke. ⁴³ Routh attended the enquiry ~~and by confining his comments to matters of fact, and of by disputing that~~ but confined his remarks to a defence of the Customs House and an assertion that the fishery was not half so depressed as the merchants were trying to claim. ⁴⁴ He thus avoided the ~~heated~~ ^{major} ~~delicate~~ question of the benefits or otherwise of Government legislation. He acted prudently for had he supported the Government he would have lost the friendship even of Benjamin Lester, yet if he had supported the merchants he would almost certainly have lost his job.

Only The outbreak of war as it had so often done in the past, stifled debates about the development of Newfoundland. Neither the Government nor

merchants had really won anything, and only one new piece of legislation survived. This however was eventually to make Routh the Chief Justice of Newfoundland. ¹⁷⁸⁹ Until ~~1791~~ Newfoundland can be said to have had a variety of legal officers and judges but not ^a proper system of justice, and few if any of ~~its~~ them could point to any legislative authority for their own existence. When a dissatisfied suitor appealed a decision to England in 1788, this suddenly became apparent and the whole system collapsed. ~~Admiral~~ Governor Millbanke using his emergency powers erected a court of ~~Nine~~ Civil Pleas but this too was of dubious legality and it was not until 1791 that the Government acting upon the recommendations of a barrister John Reeves created a new permanent court of Civil and ~~Common~~ Criminal Judicature at St Johns. ⁴⁵ The new court was created for 12 Months only, and but in 1792, suitably amended to meet objections a new Act was passed and the Court became firmly established. ⁴⁶

John Reeves acted as Chief Justice until 1793 but he then resigned and returned to his old employment with the British Board of Trade. No English lawyer seemed anxious to apply for the new position and, no doubt as a result of someones patronage it was given to none other than D'Ewes Coke, Routh's late deputy at the Custom House. Unfortunately no one had devoted any thought as to paying him. Reeves had received £500 per annum but this was apparently only a continuation of the salary he received as Barrister to the Board of Trade. ⁴⁷ Newfoundland might have a law court, but it was still the law that no taxes could be levied and ~~thus the Law Officers~~ Since 1786 the English Parliament had granted an ⁴⁸ annual vote of £1182/10/- towards the civil expenses of Newfoundland but this money was already voted for other objects and not only the Chief Justice but all the other officers of the Courts were dependent upon such fines and seizures as they themselves could inflict. ⁴⁹ When this was pointed out in 1794 ⁵⁰ the Government reluctantly sanctioned a salary

of L300 pa and the system seemed fairly settled. Coke enjoyed his position until June of 1798 when an unfortunate circumstance led to his abrupt resignation. From the time of Reeves it had been accepted that like all the other senior officials from the Governor downward, the Chief Justice did not have to reside permanently in Newfoundland. In 1798 Governor Wallace persuaded the Government that the growth of litigation and the uncertainty of travel in war time made permanent residence essential. Coke, pleading ill health was unable to accept this and resigned;⁵² Routh, with the help of Lester, John Jeffery and other prominent merchants was promptly appointed in his place⁵³, and with only two days notice set out for Newfoundland.⁵⁴

He had thus, like so many before and since demonstrated that success seldom runs through pre-set channels, but Routh soon found that his very success created the conditions for his downfall. It became dismally apparent that he no more than Coke was prepared to reside permanently in Newfoundland. ~~At the end of 1788x1798 he re-appeared in his Poole house, where he stayed long enough to assure the Government that he had only come home in order to take his family out permanently the next year.~~ In 1799 he only sailed for Newfoundland after a series of ~~AT THIS TIME~~ ~~AND~~ ~~IN~~ 1798 ~~AND~~ increasingly peremptory orders, and to the consternation of all, again ⁴⁵ returned to England at the end of the fishing season. ~~This time he~~ ¹¹⁵ blamed an attack of gout which, and he produced two Doctor's certificates to prove it, made a ~~residence~~ ⁱⁿ Winter in Newfoundland dangerously inadvisable. They thought that Bath would be a better abode, and Routh heeded their advice.⁵⁶

In ~~1789~~ ¹⁷⁸⁹ began Routh's last series of voyages. He sailed to Newfoundland without incident in ~~July but~~, anxious to make amends for refusing to obey orders, remained in Newfoundland until after the Warships had sailed. He again decided to return to England but was forced to do so in a merchant

that was taken by the French off Land's End.⁵⁸ He spent a month or two in Captivity and got home to England only in time to sail again for Newfoundland.⁵⁹

~~He wrote a plaintiff letter to the Duke of Portland~~

By now Routh was not only suffering from the gout, and in very bad odour with the Government, he was ~~feeling~~ in some financial embarressment.

A large family, and the need to maintain a residence at Poole, another at St Johns, and a third apparently at Bath, combined with the high cost of living in Newfoundland to render his salary insufficient.⁵⁸ However the Duke of Portland declined to increase it, feeling presumably that if Routh would only obey orders and reside permanently on the island, his financial problems would quickly cease. Routh disconsolately returned to Newfoundland in August, spent two or three months on the Island and again persisted in returning to England. Now it would appear that Heaven ~~combined with~~ concurred with the Duke of Portland in insisting that Routh should really have remained on the Island for the Frigate HMS Camilla upon which Routh took pass encountered a violent gale and was thrown on to her beam ends where according to Routh he spent five minutes under water and suffered a severe increase in his gout.⁶¹ 59

~~In 1801~~ By now Routh must have hated Newfoundland and everything connected with it and he did not sail for Newfoundland until August 1801.⁶⁰ Through tarrying so long he apparently missed the convoy and had to take passage on an unknown merchantman. ~~He was not~~ By December he had not arrived in St Johns and the merchants, feeling that perhaps he had been detained in England wrote a memorial to him.⁶¹ On the 26th December old Benjamin Lester made a note in his diary that as yet there was no news of Mr Routh. A few days later Not long after Ben Lester himself was dead, ignorant of the certain death of his ancient prodigy client and friend.⁶²

In June 1802 the Government received a letter from Jonathon Ogden, late surgeons mate, surgeon, justice of the Peace and currently Chief Justice

Thus ended the life of Richard Routh. What had he done for better or worse to affect his generation and their descendents? One is forced to conclude not very much. He had perhaps by his sheer presence asserted the claim of Government to control the affairs of its citizens, and had undoubtedly caused the blood levels of at various times, both merchants and his superiors to rise abruptly, but little more. Newfoundland could probably have survived a little longer without even Routh's ^{occupations} ~~office~~ let alone his own presence. However he had successfully reared a large family ~~and~~, maintained a wife, and given much pleasure to Benjamin Lester. He probably did less harm than his spiritual descendents in the ~~upper~~ ~~reaches of the nation~~ ~~today~~. service of the State ~~today~~ may be able to do today