

No. 533.

JUDGE PINSENT'S REPORT OF COURT OF LABRADOR, 1867.

COLONIAL OFFICE RECORDS 197/46. JOURNAL OF THE COUNCIL. Appendix.
Report of Robert J. Pinsent, Esq., Judge of the Court of Labrador.

St. John's,
December 20th, 1867.

To His Excellency
the Governor of Newfoundland,
etc. etc.

SIR,

[1867.] I have the honour to report to Your Excellency on my proceedings and observations at Labrador during the past season.

I sailed from St. John's—on the 4th June.

We arrived at Battle Harbor Labrador on the 16th of that month [June] from which period until the 4th of October, we continued cruising on the coast visiting most of the principal harbors from Red Bay in the Straits of Belle Isle to Rigoulette in Hamilton Inlet. We should have called at some other places had the vessel not been detained for several days, in the month of September, in Battle Harbor, owing to a disagreement between the Collector and the captain.

The cases actually brought before me during the circuit were:—

- Nine cases of debt.
- Five respecting nets,
- One respecting a wrecked vessel,
- Two of bastardy,
- One of defamation of character,
- Two requiring sureties of the peace,
- One respecting a lunatic man whom I sent home to Newfoundland.
- A case of enquiry into a report of the murder of a man in the woods near Murry's Harbor, which on investigation, I concluded to be false.

At Red Bay on the 28th September, I fell in with Capt. Green of the Schooner "Emblem," of Nova Scotia, against whom a warrant had been

issued last year, by Judge Sweetland, for a violent assault on Collector Winter. I caused him to be arrested, took the necessary examinations, and bail being offered, I bound him over to take his trial in St. John's at the next sitting of the Supreme Court. This is a case which it was very desirable should be brought to issue as it had excited much public attention.

I think the amount of legal business done may appear small, but I am of opinion that the presence of the Court on the coast of Labrador, has an important moral effect in preventing offences against the law, and in causing private settlements of accounts between parties engaged in the fisheries and
10 trade of this district.

On the subject of legal proceedings in the Court of Labrador, I beg to make a few remarks for the consideration of the Government.

With respect to actions for the recovery of debts, I would suggest the desirability of some enactment to prevent the injustice that sometimes arises from cases in which persons obtaining judgment for old debts, require the levy of execution for the amount recovered out of the produce of the current voyage, without reference to the claims of the absent supplying merchants, the fishery servants, and other creditors.

It might also be advisable to give the court power to grant probate
20 of wills, and letters of administration, and to register deeds, so far as property situate at Labrador is concerned, subject to the condition that they should be recorded in St. John's.

I would further suggest, that provision be made for bringing up, under warrant, any person summoned as a witness, who may fail or refuse to attend at Court in civil cases; as in the event of default of attendance by such person the ordinary process for contempt would be a dilatory and difficult proceeding.

If the Government would decide on any legislation with reference to the matters above named, I would then respectfully recommend some minor
30 amendments. I would suggest that there should be a room fitted up on board the circuit vessel for a lock-up.

I would recommend that the bailiff of the Court should be provided with a suitable dress to be worn when he is engaged in official business.

It appears that the cod fishery has for some time declined on the southern part of this coast, so that many of our fishing vessels and crews have gone further and further north until they have reached Hopedale, the southern Moravian settlement.

The salmon fishery was, this year, pretty good in Sandwich Bay and Hamilton Inlet, which are the principal places for what may be called the
40 embayed fishery.

On the open coast the salmon fishery was not so successful.

The Hudson Bay Company have establishments in Hamilton Inlet, N.W. River and Rigoulette. Here we met Mr. Smith the Deputy Governor of the Company, and Chief Manager of their business in this quarter; he arrived from Canada in the steamer "Labrador," a fine new vessel belonging to the concern. This Company receives most of the salmon in the neighbourhood of their establishments, and cut them up and preserve them in small tin canisters for exportation to England and other countries.

The mercantile firm of Hunt and Henley do the same, in Sandwich Bay. Mr. Nathan Norman of Indian Harbor, carries on a similar business in the 10 neighbourhood of his establishment.

The resident population of Labrador (as distinguished from the people who go there on the fishery in the summer only) from Blanc Sablon in the Straits of Belle Isle to Indian Harbor Esquimaux Bay, which in the year 1864 was estimated by Judge Sweetland at 2026, may be considered as rather increased since that time. It is difficult for a transient visitor to ascertain, reliably, even the probable number of resident inhabitants, scattered as they are in so many places along this extensive coast; to take personally a census is impracticable.

The residents are principally of English origin, including some from 20 Newfoundland, but in Esquimaux Bay, Hamilton Inlet and that neighbourhood, there are several families of Esquimaux and half-breeds, the latter are descendants of European fathers and Esquimaux mothers.

These people are occupied chiefly in the salmon fishery in summer and in furring during the winter; and are supplied, principally by the Hudson Bay Company, at Rigoulette, and by Mr. Norman at Indian Harbor. They are very docile and well behaved, and in their simple way, fond of learning; most of them can read, and some can write—taught by their fathers and by each other.

They have a taste for music and singing; several whom I met could 30 play a musical instrument. I distributed some elementary school-books among them, which I am sure were much appreciated, and will be used to good purpose. I consider that the permanent residents of Labrador are better off than the poorest class of people in Newfoundland. They are well employed in the summer in the fisheries on the coast, and in the winter they go up into the bays of the mainland where there is plenty of wood for fuel; some animals yielding valuable furs, to be caught for trading, and rabbits, partridges, and sometimes deer for food. The rabbits, so called here, which are very like the hares of Nova Scotia, have been numerous the last three winters, affording an excellent and important article of diet to the inhabitants. 40

Although the amount of pauperism is comparatively small at Labrador, yet a few cases will occur, in which the resident mercantile agents, or other principal inhabitants, may have to give assistance to destitute persons having no special claims on them, and in such cases they look to the Government for re-imbusement.

ROADS. The fishing stations at Labrador are nearly all on the numerous rugged islands of the coast, and consequently the communication being by water, there is little or no necessity for making roads.

RELIGION. There is at present only one resident clergyman of any denomination on the coast of Labrador—from Blanc Sablon in the Straits of Belle Isle to Hopedale, the Moravian Southern Mission Station. That clergyman is the Revd. Robt. Dobie of the Church of England, who resides at Forteau in the Straits of Belle Isle.

During the past summer three other clergymen have been on the coast, 10 employed in their religious duties—viz. : Revd. William Wilson of the Church of England, who was stationed at Battle Harbor, and who visited other settlements ; the Revd. Henry Carfagnini of the Roman Catholic Church, who came down in the steamer "Ariel" and visited several places ; and the Revd. Thomas Allen of the Wesleyan Methodist Church, who was engaged all the summer in travelling from one harbor to another.

For several years prior to this year, the Revd. George Hutchinson, a clergyman of the Church of England, who resided permanently at Battle Harbor and from thence was in the habit of visiting, in summer and winter, many places north and south of that station. His Christian zeal, kindness 20 and liberal charities are well remembered and acknowledged by the people, who spoke of him with the greatest love and respect.

PLACES OF WORSHIP. From Blanc Sablon to Hopedale, there are five of the Church of England, viz. : one each at Forteau, Red Bay, Battle Harbor, St. Francis Harbor, and Seal Islands ; two Roman Catholic, viz. : one at Pinware, and another at Matthews Cove, Battle Island ; one Wesleyan Methodist at Red Bay. At Indian Tickle there is a convenient building appropriated as a place of worship for clergymen of all denominations who may happen to come there.

SCHOOLS. Four schools were in operation during the past summer, viz. : 30 at Battle Harbor, Venison Tickle, Cape Charles, and Pinware ; the three former kept during the summer only, that at Pinware is continuing through the year. It is proposed to open a school at Red Bay during the coming winter.

These schools are but moderately attended ; the number of scholars in each, ranging from about 15 to 25.

I distributed amongst the teachers of these schools the sums placed at my disposal by the Government, and supplied them with some school books. Owing to the peculiar occupations and scattered habitations of the people, it is impracticable to establish a general system of school education ; but I think it would be well to distribute a liberal supply of elementary books among the 40 inhabitants, who would make good use of them in their families for domestic instruction.

I found the medicines and drugs with which I was supplied by the Government very acceptable, and useful for the people, both residents and summer fishermen. Many cases of disease and death, this season, came to my knowledge.

There was no regular medical man (except the surgeon on H.M.S. "Fawn," which vessel came twice to the Labrador for short periods) on the whole coast from the Straits of Belle Isle to Hopedale last summer. I would suggest the advisability of sending a surgeon in the revenue and circuit vessel, who would then be enabled to attend to such cases of disease and accident as he might meet with, while cruising about during the season.

It would be gratifying to all those engaged in business on Labrador to have postal communication with St. John's, and through it with other places at home and abroad, two or three times during the summer. They consider they are entitled to this advantage as contributors to the General Revenue; 10 indeed they complain that Labrador does not get its fair share of the public money in any way.

Labrador is no country for agriculture; the summer is so short, and the sea coast and islands so rocky and barren that nothing can be grown there but turnip greens and lettuces.

In the deep bays, such as Sandwich Bay and Hamilton Inlet, where there are woods, some soil and the climate warmer, a little more cultivation of the ground might be accomplished. I saw potatoes which were grown at Red Bay, in the Straits of Belle Isle, but none further north.

I may remark, that on the whole coast, from Battle Harbor to Rigoulette, 20 I did not see a horse, cow, or sheep (except one cow at Indian Tickle, brought down for the summer from Newfoundland). Dogs abound in all settlements at Newfoundland. They are chiefly of the Indian or wolf breed, and are used during the winter season harnessed to sledges for hauling timber out of the woods and for travelling, in which occupation they are very sagacious and enduring.

With the exception of the dreadful effects of the storm of the 9th October, the present year may be considered a good one for the fisheries of Labrador, which in extent and importance are, I suppose, unsurpassed in the world.

I have, etc.,

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(Signed) ROBERT J. PINSENT,
Judge of the Court of Labrador.

No. 534.

JUDGE PINSENT'S REPORT, 1868.

COLONIAL OFFICE RECORDS 197/47. JOURNAL OF THE ASSEMBLY,
NEWFOUNDLAND. Appendix No. 658.

Report of J. R. Pinsent, Esq., Judge of the Court of Labrador to His
Excellency the Governor, December 31st, 1868.

St. John's,
31st December, 1868.

To His Excellency
10 the Governor of Newfoundland, etc.

SIR,

I have the honour to report to your Excellency my proceedings and observations during my circuit at Labrador during the past summer. I sailed from St. John on the 2nd June, in the schooner "Vivid," a vessel employed by the Government as a revenue cruiser and circuit ship on the Coast of Labrador; Mr. Knight, Collector of Customs, and Mr. Canning, Sub-Collector, being on board, the former having the general direction of the destination of the vessel.

[31 Dec.,
1868.]

We arrived at Labrador on the 20th June; from which period until
20 the 2nd October we were continuously cruising on the coast, from Blanc Sablon, in the Straits of Belle Isle to Indian Harbor and Rigoulette, in Hamilton Inlet. We anchored in 34 different harbors; in some of them two or three times, and called off and communicated with other places. On the 5th of October we returned to St. John's.

I may very justly say

On our arrival at Labrador, we learned that in some localities the residents had been straightened for provision during the past winter, but that no loss of life had actually resulted therefrom.

The wild rabbits of the country, as an article of food, had been of essential
30 service to the poor inhabitants generally; and in some instances, aid had been afforded by persons having provisions, to those who were in great want. I was informed that in several places on this coast, hungry people had, during the winter, taken salted herrings from the premises of persons who were then in Newfoundland.

The legal cases brought before me during the circuit were:—

..... 3 of debt,
..... 1 respecting nets,

1 of bastardy,
 1 of malicious injury,
 5 of assault,
 2 of larceny,
 Application of a wife for a separate maintenance.
 Case of investigation into the death of two Esquimaux Indians,
 about which there are suspicious reports.

I consider the general conduct of the people of Labrador creditable to them, although I must take exception to the behaviour of some of them during the herring season of last year. 10

The salmon fishery on the coast of Labrador was this summer more successful than it had been for some years before; but this branch of the fisheries is, to a limited extent, unimportant as compared with those of the cod and herring.

These causes have necessarily produced much want among the poorest class of the residents of that district. In some cases, the condition of certain cases was so destitute, with reference to the coming winter, that Capt. Parish of H.M. ship "Sphinx" and myself, while together at Red Bay, considered it to be our duty to make some provision for their sustentation. Accordingly he, knowing from personal observation the exact circumstances of the people 20 residing above Red Bay, and within the territory of the Governor of Newfoundland, made arrangements for the very destitute there, and I did the same for the few families in a similar condition on the Red Bay. He also communicated with the Government of Canada on the destitute state of many of the inhabitants of the States living within Canadian territory, with whose condition he was minutely acquainted, having personally visited them during his cruises last summer and fall.

It is to be remembered that in this desolate region, there are no means of obtaining a supply of provisions during the long winter, from stores or traders; and, consequently, that it was requisite to give the needful assistance 30 before we left the coast.

SCHOOLS. There were this year five at Labrador, viz. :—

Place.	Teacher.	When in Operation.	No. of.	Salary.
Pinware.	Mrs. O'Dell.	Summer and winter.	14 last summer. 30 last winter.	£ currency. 9
Cape Charles.	Miss Young.	Summer only.	18 last summer.	6
Battle Harbor.	Rev. W. E. Wilson.	do.	20 do.	6
Venison Tickle.	Mrs. Pike.	do.	13 do.	6
Red Bay.	Mr. Bailey.	Next winter.	20 expected.	6
				Currency £33

I paid the above mentioned salaries from the money placed by the Government in my hands for that purpose ; and I supplied the schools with books.

These schools are quite of an elementary character and irregular operation. It does not appear to me practical to establish a permanent system of general school education to the migratory habits of the people. I distributed books among the resident inhabitants of the coast throughout the whole district visited by me. They were gladly and thankfully received, and will, I am sure, be very useful in promoting education in a domestic way among the
10 people.

I also dispensed the medicines placed in my charge by the Government. They were very much valued generally, and in several cases, urgently required.

The health of the people at Labrador is usually good, but of course infectious diseases and accidents occur. I was informed that during last winter scarlet fever prevailed in Hamilton Inlet and caused the death of several persons. There is no doctor resident at Labrador.

I beg to state that some of the gentlemen who were in the Commission of the Peace for Labrador have retired from the country ; and I would respectfully suggest that their places should be filled up by the appointment
20 of suitable persons.

I would also remark that Mr. Goodrich, the gentleman who was licensed as layman to celebrate marriages at Labrador, has gone away, so that there is no person residing in the locality where he lived now legally authorised to perform that ceremony. This is a want that I think should be supplied by the appointment of one or two fit persons resident on that part of the coast. I refer to the district comprising Sandwich Bay, Hamilton Inlet, and from thence northward, where there is no resident clergyman, and where the inhabitants are seldom, if ever, visited by one : consequently the resident
30 people are obliged to substitute the services of a layman who, without being duly licensed, cannot legalize the marriage. I was applied to on this subject by persons interested in it as permanent inhabitants, and requested to bring the matter under the consideration of the Government.

I regret that I cannot report more favourably of the fisheries at Labrador during the past season. The cod appear in a great degree to have abandoned the southern part of the coast where formerly they were so abundant, and to have gone northward whither our fishermen have to follow them in vessels of all sizes from 30 tons and upwards.

The hardships and dangers to which they are exposed in this arduous pursuit are manifold, and it would be gratifying indeed to see their exertions
40 crowned with more commensurate success and prosperity.

I have the honour to be,

Your Excellency's most obedient servant,

ROBERT JOHN PINSENT,
Judge of the High Court of Labrador.

No. 535.

JUDGE PINSENT'S REPORT, 1869.

COLONIAL OFFICE RECORDS 197/49. JOURNAL OF THE
ASSEMBLY, NEWFOUNDLAND. Appendix.

Report of R. J. Pinsent, Esq., Judge of the Court of Labrador, to His
Excellency Steven John Hill, Esq., C.B., Governor of Newfoundland, etc.

St. John's.
27th November, 1869.

SIR,

[1869.]

I have the honour to make my report to Your Excellency on my proceedings and observations during my circuit at Labrador last summer. I sailed from St. John's on the 28th May.

We did not arrive at Labrador until the 18th June, from which time up to the 7th October, we were constantly cruising on the coast from Blanc Sablon, in the Straits of Belle Isle to the vicinity of Cape Harrison in the north, visiting all the principal harbors and stations within that circuit.

The revenue collection at Labrador this year exceeded that of any other year since the service was established.

The following particulars I learned from the father of the family, Edward Mercer, of Bay Roberts, Newfoundland. He informed me that he had been in the habit of fishing in the summer at Pack's Harbor, Labrador, for several years, and returning to Newfoundland in the fall; that last winter for the first time, he remained at Labrador, with his family, consisting in all of himself, his wife, five sons and one daughter; he had only three barrels of flour for his stock of provisions, but he hoped to catch game and seal for food during the winter. He removed from Pack's Harbor at the end of October and went into winter quarters up the North River in Sandwich Bay; his stock of food was exhausted by the middle of January, and he and his family then subsisted on what little game they could catch, and the scanty but kind aid they received from some neighbours, who were themselves straightened for food. There was no supply to be had at the merchants' stores in Sandwich Bay. They struggled on in their way until the latter part of February, when they

removed—being all in a weak state of health—to Handy Harbor Island; about 6 miles to the northward of Pack's Harbor, hoping there to catch some seals and sea birds, and to get a supply of mussels.

After they got to this island the floating ice prevented communication with the mainland.

When I saw the poor man at Pack's Harbor in August, he was debilitated and unable to work, his wife and surviving children had comparatively recovered their health, their circumstances were very poor; I therefore, on the part of the Government, gave them some assistance.

10 This case is an extreme one, but I was told by several reliable persons that the conditions of many families last winter was nearly as necessitous as that of Edward Mercer, and that such sufferings for want of food, was perhaps, never before experienced on the coast of Labrador. I may mention that game of all kinds was unusually scarce.

I cannot but express my opinion that it is very illiberal or at least, very inconsiderate on the part of the merchants having establishments at Labrador, that they do not make some winter provision for the resident inhabitants who deal with them more or less during the summer. A stock of from 50 to 100 barrels of Indian meal, costing about as many pounds would, at each establish-
20 ment, be sufficient to guard against this danger of starvation. I deem it to be the absolute duty of these merchants to provide, to a reasonable extent, for the sustentation of the surrounding people, should there be any necessity for it during a long inclement Labrador winter.

The legal cases brought before me during the circuit, were:—

3 of larceny,
2 of assault and battery,
1 of damages for destroying a net,
4 of sureties of the peace,
1 of unlawful throwing ballast overboard,
30 1 of debt.

In two aggravated cases, viz. :—

1 of larceny,
the other of assault and battery,

I sentenced the offenders to six months' imprisonment with hard labour in H.M. Gaol at St. John's. They justly deserved that amount of punishment, and it was necessary to make a flagrant example of the consequences of violation of the law and show that even at Labrador it could not be done with impunity.

I brought these men from Labrador to St. John's in the circuit vessel;
40 one of them was on board nearly two months, and the other about half that time; their custody was attended with considerable care and trouble, as

no proper lock-up room had been provided in the vessel. I would repeat what I have on former occasions represented, that it is necessary a suitable temporary prison should be provided in the circuit vessel.

The conduct of the people at Labrador, both residents and those coming in the summer only, is, on the whole, creditable to them. When it is considered how many thousands of fishermen are there engaged, it is remarkable that so few serious crimes are committed. During the past season I have heard very little complaint of violent behaviour even in the prosecution of the herring fishery in which, from its brief continuance and exciting character, such conduct is most likely to occur. 10

The salmon fishery was, on the whole, good. In addition to our own vessels there were, as usual, several Nova Scotia and Canadian vessels engaged in the fishery. I saw only one vessel from the United States, which I met with in St. Michael's Bay; she was a steamer called the "Monticello" from New York, engaged in the herring fishery, in which she had been unsuccessful at Labrador.

I am gratified to be able to state, and I have good reason to believe, that the condition of the resident inhabitants of Labrador, will next winter, be much better with respect to food than it was last winter. These residents, not having vessels and other means of leaving their own localities, were last summer, fortunately obliged to remain home, where they did much better in the fishery than if they had come to Cape Harrison and its neighbourhood; they have consequently been able, generally, to lay in a sufficient stock of provisions for the winter.

The census of the resident population of Labrador, from Blanc Sablon to Cape Harrison inclusive, has this summer been taken by order of the Government. The total number is 2,479, comprising

1803	belonging to the Church of England,	
483	"	" " " Rome
165	"	" Wesleyan Church,
28	"	" Church of Scotland
<hr/>		
2479		

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In this number about 300 Indians and half-breeds of the Esquimaux and Mountaineer races are included. They reside chiefly in the magnificent bay called Hamilton Inlet and that neighbourhood. Most of them are connected with the Hudson Bay Company. The half-breeds, who have sprung of Europeans and Indians, are docile, decent and intelligent, they speak good English and are fond of learning to read and write. They are employed in the salmon fishery in summer, and in furring in winter, catching only a little cod in the fall of the year, for their own consumption. On the whole they 40 make out a tolerably comfortable living.