

Fort Townshend.

St John's October 18th. 1810.

Gentlemen,

I have received the letter dated yesterday subscribed with your signatures, and purporting to be the representation of the Society of Merchants of which you form the Committee.

The subject is such as cannot fail to occasion in my mind a lively concern, but the line of my duty on such an occasion is evident and direct.

The character of a Chief Justice of this Island may not endure suspicion, an investigation must therefore take place, it must be strict and decisive, and its result should either establish and render evident to all, the purity of his conduct, or remove him from a situation of too great importance to be held by one who had deserved forfeited the public esteem.

I do not think it proper to institute upon my own authority an immediate enquiry, but I shall not content myself on my arrival with delivering your letter to His Majesty's Ministers; I shall accompany it with the expression of my own earnest wishes that

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immediate measures may be taken, such as in their
wisdom may be deemed the most just and at the same time
best calculated for restoring that harmony and good
understanding between the Chief Justice and the Public
which must be considered as indispensable to the well
being of the Community.

I am &c.

Messrs Macbraire Knight
ton, Dunscomb Huie, Composing
the Committee of Merchants.

(sd) J.T. Duckworth.

Fort Townshend.

October 18th. 1810.

Sir,

I am anxious not to lose any time in communicating to you the subject of a letter which I have received from a Committee of the Society of Merchants preferring several charges against your conduct as Chief Justice.

It is my intention to furnish you with a copy of this letter in order that you may be prepared for your justification, but in the mean while as it is of considerable length and will occupy some time in the copying, you are at liberty to peruse it here if you think it necessary.

I am &c.

Thomas Tremlett Esq.

(sd) J. T. Duckworth.

Chief Justice.

Fort Townshend.

St John's October 18th. 1810.

Sir,

Herewith I transmit to you a copy of the letter addressed to me by the Committee of the Society of Marchants with the contents of which you are already acquainted.

I am &c.

(sd) J.T. Duckworth.

Thomas Fremlett Esq.

Chief Justice.

St John's .

18th. October 1810.

Sir,

I have to acknowledge the receipt of your Excellency's letter of this date, with its enclosure, should any further documents be deemed necessary to be transmitted to me I am confident your Excellency will give the proper directions which the circumstances may require.

I am &c.

(sd) Thomas Tremlett.

Chief Justice.

Excellency

Mr J.T. Duckworth K.B.

Governor.

&c. &c.

St John's.

18th. 1810.

Sir,

We have been honored with your Excellency reply to our letter of the 15th. instant and we feel very confident that your Excellency will discharge the duty imposed on the High Office of Governor on the subject of our representation nevertheless in order that your Excellency may be enabled as far as the present circumstance of the case will admit to satisfy the enquiries of His Majesty's Ministers or any other constituted body, before whom our charges against the Chief Justice may hereafter be brought we take the liberty to suggest to your Excellency the propriety of gaining such information here, as may be furnishing by the testimony of respectable persons on the spot.

The further considerations of these casualties which no human effort can guard against will also suggest the necessity of the measure contemplated.

The Chief Justice has denied that he gave any orders to Mr George Lilly for the Sale and distribution of Thomsons effects. It will therefore be necessary to have Mr William Thomas and

Mr

Mr Lilly on those facts.

The mock trial between Mr Rennell and Mr Lilly is too notorious to be denied yet it will certainly be proper that a copy of the record in the Supreme Court, should be laid before the Government House.

In respect to the intended concealment of the registry of Mark Streets bond, we suggest to your Excellency the expediency of examining at least confidentially Mr Carter Judge, of the Court of Vice Admiralty, Mr Bland High Sheriff and Mr Lilly the these Clerk of the Probate Court.

The nature of the transaction complained of, and the distance between this Island and the said Government at Home point out the necessity of ~~some~~ such enquiry as we now beg leave to suggest and we have no doubt if your Excellency has not already anticipated those suggestions, that you will fully agree with us in the measure we propose.

The trial of the Civil action, in the matter of the Reardons took place in the Supreme Court on the 8th. August 1809, and we find in the record of that trial, a copy of a letter from the case Governor, dated the 19th. October following which is a proof that

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the record of that trial could not be earlier than that date, and in all probability much later.

The Chief Justice kept his own records. If the Gentlemen composing the Jury that find the cause mere examined it would be discovered whether the records and the matter that came out on the trail correspond.

It will be proper we presume to ask some questions of Mr George Lilly respecting the fifty Guineas paid him in the above case by order of the Chief Justice as Mr Lilly declared that he made no charge and that the sum was certainly beyond his expectations.

We feel Sir, that our reputation as Merchants and as men, is at stake, we disdain every malicious or unworthy motive in the present enquiry and your Excellency will hardly blame our anxiety to leave nothing undone, which we conceive ought to be done to establish the truth of our charges against the Chief Justice of Newfoundland.

(sd) J. Macbraire. Stn. Knight. R. Hutton. John Dunscomb.

Pat Huie.

Committee.

His Excellency

Sir, J.T. Duckworth K.B.

Governor.

&c.

&c.

&c.

St John's .

St John's October 18th. 1810.

Sir,

I have the honor to state in reply to your Excellency's letter dated the 13th. instant Stat. 50. Geo. 3. Cap. 7. cannot be construed to extend to a person actually hired and employed in catching and curing Fish, during the Fishing Season, in Newfoundland so as to allow such servant to enlist, and be entitled to a proportion of his wages in terms of the 29th. Sec. of the said Statute.

I am inclined to admit that persons not actually employed as Servants in the Fishery and all persons not legally hired, and in the actual service and employ of a master; and generally all descriptions of persons between the first day of December, and the first day of March, may enlist without any material inconvenience to the Fishery.

I am clearly of opinion that the 130th. Section of the said Stat, has not extended the whole of the Act in all its bearings to any part of your Excellency's

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Government ; but that the 118th Sect. may be taken
as a guide, in our construction of this Statute, and
we are to consider the general regulations of the Act,
as far as the same can be applied to complaints arising
within this Island.

I am &c.

(sd) Thomas Trecalett.

Chief Justice.

His Excellency.

Sir J.T. Duckworth K.B.

Governor.

&c.

&c.

&c.