

I Thomas Tremlett Chief Justice of the
Island of Newfoundland do hereby declare that the whole
amount of the Fees received in the Supreme Court of the said
Island from the 21st. October 1893 to the 20th. day of
October 1904 does not exceed the sum of two hundred and
two pounds one shilling and nine pence and that no part
thereof was paid to or received by me, or any person on
my account, nor do I desire the smallest benefit or
advantage from the Fees received in such Supreme Court.

Given under my hand at Fort Townshend
St John's Newfoundland the 20th. day
of October 1904.

(sd) Thom. Tremlett.

Chief Justice.

Fort Townshend,

24th October, 1804.

Sir,

BE taking my departure from this Government for the season I feel it incumbent on me to express the high sentiments of approbation I feel for the vigilance and assiduity which you have shown since the departure of His Excellency Vice Admiral Gambier in preserving peace and good order in this place, and establishing, as well as the circumstances of the Island will allow, a strict and regular police. From this retrospect I feel persuaded that although the improved state of the police no longer requires that you should act in the inferior offices of the Magistracy, you will use your utmost endeavours to support and assist the Magistrates in their departments, and that you will preserve, in the exercise of the duties of the Surrogate Court, the same care to correct vice and immorality, and the same patient investigation for administering impartial justice, which appears to characterise your decisions.

I have etc.,

(Sd) E. GOWER.

Thomas Tremlett, Esq.,

Chief Justice.

To His Excellency John Holloway Esq.
Governor and Commander in Chief.

&c.

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The memorial of the Society of Merchants of Newfoundland
through their Committee.

Sheweth,

That your Excellency's memorialists
feel extreme regret that any necessity should exist
to impose on them the imperious duty of making a re-
presentation against the official conduct of the
Chief Justice of Newfoundland, and they enter with the
greatest reluctance upon the exercise of this duty as
they are sensible that the enquiry it solicits may
produce temporary embarrassment to the regular adminis-
tration of Justice, they feel the importance and weight
of the task assigned them, by a Society of Men rendered
of consequence to their Country of their pursuits,
and claiming redress for the greivances they have
hitherto patiently endured.

Their charges from the nature
of the case, must in some measure be general but
nevertheless ever particularize in some instances
which

which strike them as most prominent.

Your Excellency's Government at this period, has continued three Years, and the general subjects of this representation cannot but be well known to your Excellency but they will notwithstanding, place in order the most material charges which they have to lay before your Excellency.

First. For refusing process against the wages of Fishermen to compel them to pay their just debts.

Second. For rejecting certain articles of commerce in the accounts of creditors against insolvents.

Third. For improper interference with and misapplication of, the effects of those who die intestate, and of unfortunate men.

Fourth. For unnecessary, and vexatious delays in the administration of Justice for ungentlemanlylike treatment of all ranks of the community in their Official applications, and for want of capacity and discrimination in the exercise of his functions.

To establish the first charge, nemely the refusing process against the wages of Fishermen, Your Excellency's memorialists have to state that in the act known in Newfoundland by the name of Pallisers

Act passed in the thirteenth Year of His present Majesty's Reign there is a clause for limiting the supplies furnished by employers to Fishermen and Servants, to the amount of one moiety of their wages, and directing the other moiety, after deducting for passage, to be paid in bills of exchange or money the legislature in passing this Law, doubtless presumed, in the then state of Newfoundland, that the employer or hirer of Fishermen, was the only person from whom they could draw their common necessaries, but the Legislature did not contemplate that the progressive changes in the establishments and trade of this Island, would in time do away such presumption, and it is at this day seen, that the Fishermen and Servants employed in this Trade, in the exercise of their common rights as British Subjects and as free men purchase their Necessaries where and from whom they think proper hence it happens that a man shipped for the Fishery, at the expiration of his covenanted time of Service will frequently have due to him from his employer, the greatest part or the whole of his wages.

It is easy to conceive that among

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the lower class of Society which in this Island compose a larger proportion of the population than any other civilized Country numbers will be found, who are not influenced by principles of honor, and when men find themselves shielded against the claims of their creditors by an expedient in this case misnamed law, the consequence must be that they will resist such claims.

The reason assigns by the Chief Justice for supporting the Fishermen in this Act of fraud, will be found in one of his rules of Court which excludes creditors from recovering their just debts from this class of men.

Thus has the Chief Justice assumed a power which can belong to the legislature alone, and by such assumption occasioned to the trades of this Island the loss of large sums of money, whilst it has opened a door for the corruption of morals, and the extinction of common honesty, even Bills of exchange drawn by residents of this Country, hired in the Fishery, upon their correspondents in England and in many cases no doubt drawn for the purposes of fraud,

have

have been held by the Chief Justice to have no legal claim on the wages of such drawers, who by a strange construction of the known laws in these cases, have been by him declared infants, and not accountable for their civil contracts.

The same doctrine has been laid down in respect to their endorsements.

In support of the second charge namely the rejection of certain articles of common commerce, in the accounts of creditors against insolvent Your Excellency's Memorialists article have to state that Rum is a considerable article of commerce between the British West India Colonies and Newfoundland.

If Merchants of this Island have liberty to import Rum, it is also reasonable to presume, that they have a right to sell it, a planter of Harbour Grace, among his supplies for the Fishery, included a Puncheon from a Merchant of St John's, for the accomodation of his family or for the expence of his Fishery. In the event of a insolvency at the conclusion of his voyage, the Chief Justice again assumes a power which belongs to the legislature alone, and pronounces the
purchased

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punchon of Rum or Pipe of Wine purchased from B,
not entitled to a rateable proportion of the insolvents
effects, just as lawfully your Excellency's Memorilaists
conceive may the Chief Justice exclude from the account
any other article, which in his judgement he may
deem not necessary in the presentation of the Fishery.

Your Excellency's Memorialists
most sincerely believe that in the instances they have
cited of substituting rules of Court for positive
laws the Chief Justice has been actuated by no other
notice than of hostility to a Society of Men, whom
from his seat on the Public Bench he has designated
by illiberal and approbrious epithets, his treatment
of the Magistrates has already been made known by that
respectable body and is calculated to bring the civil
power into disrepute and destroy all subordination in
the Community.

In support of the third charge that of
improper interference and misapplication of the effects
of intestates and unfortunate men, your Excellency's
memorial will content themselves with citing two
instances. The case of Daniel Donovan who died intestate
leaving

leaving a considerable property, which by order of the Chief Justice was taken possession of by the Sheriff and administration refused to the Sister of the deceased and her Husband notwithstanding with that good and sufficient security had been offered, Your Excellency's Memorialists conceive that no reason can be assigned for such conduct except that of favouring private views of the Chief Justice, as the Estate was conducted by the Sheriff, who with the Right Reverend Doctor Lambert are called in the Royal Gazette, Administrators, notwithstanding the latter denies ever having been legalized to be called so, as he neither took the Oath nor gave the security that the law requires in such cases, and the case of I and P O, B Reardon two unfortunate Men, whose persons were banished from Newfoundland, and whose property was seized upon by order of the Chief Justice. In the application of this property Your Excellency's Memorialists observe that the sum of fifty Guineas has been ordered by the Chief Justice to be paid to a Clerk for performing a very unadequate service, a service which in the opinion of many would have been amply compensated by the sum of four or five Guineas, and the

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most tedious and troublesome part of which was actually performed by a sub Clerk for the sum of two Guineas only, your Excellency's Memorialists in searching for the motives of so unjust an application of the property of the distressed, can only discover that the Clerk so liberally rewarded had been on former occasions useful to the Chief Justice.

The action brought against the High Sheriff for the improper application of monies arising from the estate in question, and the verdict of a special Jury for one hundred and sixteen pounds four shillings and eight pence, excessive charges, upon which verdict the Chief Justice refused to give judgement are facts so well known to your Excellency that your Excellency's Memorialists conceive it unnecessary to enter into that case in this place.

The fourth charge nemely the unnecessary and vexatious delays in the administration of Justice &c. In order to establish this charge your Excellency's Memorialists beg leave to stand on general and not special ground, as the examples of procrastination and of illiberal treatment of all ranks of people,

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whose affairs have led them into the Supreme Court, are extensive and notorious, and almost every man involved in process in that Court may be cited as an evidence of the truth of this charge.

The time of Jurors in the plainest cases has been so often wasted, and unable longer to afford such a sacrifice, that they have manifested a disinclination to attend, and your Excellency's own knowledge of this fact may render it unnecessary to say farther on the subject.

It is by such conduct that the Chief Justice has sunk his character as a Gentleman, and lost his dignity as a Judge, and it may be added, that his apparent want of capacity to discharge the duties of so important an Office, has invariably been evinced to the most common understanding, by often keeping cases undecided till he could get opinions from England, which have been found seldom to coincide with his own and in one from an able Lawyer in Lincoln's Inn, it is said the proceedings that have taken place in Newfoundland such as they are stated to have been they appear to me contrary to all principle and Justice.

It would be to forget the character

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in which your Excellency's Memorialists stand could they expect that the special and general charges which they have brought against the Judge of the Supreme Court of this Island would be admitted without enquiry, they ask no more than an open and candid investigation, and the end they submit as a remedy for the grievance of which they complained is the removal of so improper and disqualified an Office.

Your Excellency's Memorialists therefore pray your Excellency's aid to procure them that redress, which the nature of their situation requires.

(sd) J. Macbraire.

Stephen Knight.

R. Hutton. Committee.

Geo. Rich. Robinson.

John Dunscomb.