

Some Considerations Touching the present Debate
between OWNERS, Etc. and FISHERMEN,
relating to the New-found-land Trade
WHEREIN the present Project
of obstructing Passengers, BY-BOATS, etc.
is proved to be an unjust, sinister, envious,
and unreasonable designe.

Humbly Presented to Supreme Consideration
BY

The Impartial Pen of an eye-witness both of the Designs at Home, and the Trade abroad.

*Qui statuit aliquid parte inauditâ alterâ,
Æquum licet statuerit, haud æquus fuit.* Seneca, *Medea*¹
[He who decides an issue without hearing one side
has not been just, however just the decision.²]

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at the [University?], 1671.

That man (faith incomparable, Bacon, *Essays*, 9) that hath no vertue in himself, envieth it in others.³ It is but to alter the terms, and say, a man that doth not prosper himself, envieth the prosperity of others. Too apparent will the truth of this be in the present case. To any who shall impartially scan and seriously enquire into the ground of the present project, which hath bin of late years on foot against a sort of industrious, laborious men, carried on by a few sinister persons, who have practically and interpretatively told the world, that they design and contrive to ingross to themselves the bulk of that vast trade (not unfitly reckoned among the most profitable ones of the nations) that of New-found-land fishery. And this contention is blown into flame by the groundless breath of misled ignorance and the senseless clamours of some unreasonable spirits, which like dogs bark for company, and are content to speak as their incendiaries doe. And without inquiring into the justness, or reasonableness of the point, proceed like unjust judges to condemn without hearing any thing from defendant, or adverse party; who in this case to (speak strictly) pass under an inevitable condemnation, for whatever is alleadged against them, by being incapable either with money, opportunity, friends above, etc. to countermine, anticipate, or meet with the designs of those (who are too potent in all these) against them. Which too truly verifieth that of the poet Petronius.⁴

*Quisquis habet Nummos, securâ naviget aurâ,
Fortunamq; suo temperet arbitrio,
Vxorem ducat Danaen, ipsumq; licebit
Acristum jubeat credere quod Danaen,*

*Carmina componat, declamet, concrepet, omnes
Et peragat causas, sitque Catone prior,
Juris consultus, paret, non paret, habeto,
Atque lesta quicquid Servius aut Labeo.
Multa loquor: quidvis nummis praesentibus opta,
Et veniet, -----*

[Whoever has money sails in a fair wind, and directs his fortune at his own pleasure. Let him take Danae to wife, and he can tell Acrisius to believe what he told Danae. Let him write poetry, make speeches, snap his fingers at the world, win his cases and outdo Cato. A lawyer, let him have his “Proven” and his “Not proven,” and be all that Servius and Labeo were. I have said enough: with money about you, wish for what you like and it will come.⁵]

Before I enter into the bulk of the discourse, give me leave to assure you that I am altogether unconcerned on either side. Nor do I stand in that relation to the one or other as might bias my judgment, or betray my reason to be partial, or prevaricate for either party. I have received no fee from either to make me write sophistically. But having for four years been an eye-witness of the transactions at home, as well as of the manner of fishing abroad in that country, have thereby had opportunity to discern the unreasonableness of those grounds proposed to hinder the defendants from following their labour, in the way of fishing in those parts. Which I have here published very concisely, couching my reasons and discourse in as few words, and narrow lines as possibly I could.

The case is thus: A few honest fishermen acquainted with the New-found-land, join stocks together, hire men, provide themselves with all necessary provisions for that voyage; and not able to act in the method of a merchant, keep some, one boat, others two, three, etc. It may be, one boat among two, or three men. A number of these boat-keepers join and freight a ship for the transportation of themselves and provisions. Some take passage at three pounds per man. These (as others set forth by merchants) fish and labour very industriously, and run the same hazard in all respects that merchants do, and thereby do frequently gain to themselves some what more than by the wages usually given by the merchants, did they act in their employ. These men in every respect act as masters, merchants, and etc. do. They employ seamen on the same terms; they breed up seamen, freight ships, fish, etc. [in] every way proportionable to any that use that country. Whereby they advance trade, increase the Kings custome, etc. as much or more per rate than other owners of fishing voyages, many of which improperly call themselves merchants.

These men being generally of a more thriving and industrious nature than some others, and thereby succeeding better in their voyage than others, are therefore become of late the very objects of merchants’ envy at home, and of masters’ (employed on the same trade) abroad, who wanting the like industry, and coming short thereby of the like success, do not seldom excuse it with laying the subsequent charge against by-boats. Evidently, making good the words of the great statesman, the Lord Verulam, *Essays*, 9: *That man which cannot act in the vertue (of which diligence is a part) of another, will seek to come at even hand with him, by seeking to depress the others fortune.*⁶ And if it savour not too much of censoriousness and barbarism (*Acts of the Apostle* c. 28, v. 4.), I would observe that the voyages immediately succeeding the time when the spleens of these poor mens enemies had been moved most (whereby very few of them and those by surreptition and stealth have bin able to obtain transportation) have proved the worst that ever were in that country, witness Anno Domini 1664.⁷ What a *Muddy*⁸ stir was there made at

Dartmouth, and the circumjacent Country against the poor by-boats. What allegations were put into the [Privy] Council, and Parliament (if I mistake not) which being unanswered by the defendants, there was a *super sedes* [embargo] clapt upon their intentions for New-found-land, and that year the merchants made the worst voyages that were ever known before. And the year after, the Dutch War coming in, de Rutter, the Belgian admiral, went and burnt the ships in that country, in which none suffered more than those that had bin most pertinacious against by-boats.⁹ I need not name any, and am unwilling to measure the length of any man's just proceedings by his prosperity, or to censure him of an evil heart by any adversity. For time and chance hapeneth to all, and those on whom the tower in Siloam fell were not sinners above all them in Jerusalem, and [I] do believe goodness and greatness are not always concomitant.¹⁰

But to proceed, the Dutch War happily ended, merchants and by-boats promiscuously provided for the fishing without distinction or grudge, as if all former animosity had been forgotten. And that year (1668) making great voyages they are on all hands satisfied, and nothing at all objected against the by-boats. But in the year (1669) the ships make poor, and the by-boats generally great voyages. Upon return to England, the feud is again fomented, and merchants petition again to the privy council, urging vehement complaints against the by-boats: that they ruined the trade, by ingrossing the best fishermen to themselves, by giving greater wages then others can. Those of Dartmouth, Plymouth, etc. meet at Modbury¹¹ about that affair, (facetiously called the *Modbury Juncto* [Junta]) but the issue came to[o] late, for the ships for *Terra Nova* were almost all gone before that came down into the West [Country]. Only some few had the unhappiness to be behind, and were stopt.

Here let me not forget to observe that at the very time the West-Country owners were acting and contriving the premises at Modbury, Mr. Boughton, their factor in London, played least in sight, with five or six thousand pounds of their money, in which the actors were mostly concerned, and the by-boats not eighty pounds upon my certain knowledge. And to second that misfortune, this year there were made such voyages by the ships in general as the like was never known before, by any man. For though in the beginning of the fishing, we have great hopes, yet the whole schoole (as it is there termed) suddenly left them, as if heaven would punish them with the torment of Tantalus.¹² Whereby the merchants made not half as formerly, and yet the diligent, and painful [careful] by-boats came off indifferently well. And now they are accosted with more violence then before, and new methods proposed for their eradication. New errors are alleadged, though they had complied with the articles of the Patent of New-found-land enlarged by his present Majesty.¹³ Yet a new project is set on foot, and that is to propose for an act, that all the men in one ship must be under one master, and make one share. What shall then the planters do? They must be encouraged and supplied, otherwise must leave the country, which being not inhabited is free for any other nation -- possession being the only inheritance thereof.¹⁴ But if this be complied withal by them, if they thrive that way, then I am confident there will be new errors found out. I remember I have read, that the Emperour Frederick's physitions¹⁵ being asked what did most sharpen the fight, it was variously answered, *herba eupharasia, fœniculi, celendinae, tutiæ calam*,¹⁶ optick glaffes etc. A by-stander replied, nothing would do it better then envy. It is clearly manifest that the complainers designs are wholly to extirpate the defendants, not to rectifie the miscarriages and hinderances of the trade, pretended to be created by them.

But I cannot but wonder how that assembly at Modbury could escape being noted as a seditious confederacy. Many had the sagacity to avoid it who were yet enemies to by-boats. Surely they had come within the mulet [grip¹⁷] of the Act against the Seditious Conventicles

[Meetings], had it been then in force, it being evident (according to the incomparable Lord Bacon, *ut supra*) that *invidia*, the Latine word for envy, goeth in the modern languages for discontentment, and sedition is the effect of discontent, etc. Now that that act of the plaintiffs was envious is apparent to any, inasmuch as (according to my own most certain knowledge) those that do most stickle at it, do themselves not only take passengers to freight on their own ships, but have bin concerned in the voyage with boat-keepers. There remaineth now that I accumulate the general objections urged by merchants, and answering them I shall adde something in defence of by-boats.

Objection 1. The first, and most seemingly formidable of all their arguments, or objections is, that they [the bye-boat keepers] ingross to themselves the most able fishermen in the country, inducing them by large wages, and greater priviledges then can possibly be granted to such as properly belong to ships. Hereby the choice being taken off, none are left for the merchants' imploy but the inferiour, and lesse capable sort, by which the ships are manned only with such as may be said to be the refuse of the others.

Answer. This is so notoriously false, that any man using the country cannot but be acquainted, how that those who one season served by-boats, another serve on ships; and most do by a kind of vicissitude or circulation, serve in either successively. And indeed, that which maketh those in by-boats appear so able, is their extream diligence, and indefatigable labour, beyond those of ships. I mean in fishing, though God knoweth the twelve labours of Hercules,¹⁸ had they bin really acted, were scarce able to endure competition with the general toil of men in this country, which is so great as no tongue is able to express it. Now that which prompts and encourageth them to this, more then common diligence and pains, is occasioned by the policy of their masters, who concern the boats-masters in some small part of the voyage beyond their shares of the thirds: a notable way and a spur to those horses (in labour) which is not to be found in ships' crewes. Now I would fain know, if the world can produce a man, that will so much act beyond (were it possible) his own strength to serve another, as to serve himself. I will instance one notorious example. There was one John Beard in 1668 that belonged to a ship of fourteen boats, upon account of one Mr. Martin, their owner of Plymouth,¹⁹ who proved so lazy, careless, and unable, that at the return for England he was denied his wages, and it was given to the poor of the parish he lived in. This same man, to my knowledge, the year after, becoming interested and part owner of two boats kept in St. Johns by one Robert Martin, went himself master of one of them, where night and day he so plied his work, that they made 320 and odd kentals for each, when the common voyages in the same harbours were about 160 kentals per boat, several not 120 kentals.²⁰ This famous act of his industry made him reputed an able man again, and therefore was hired by a planter in the same harbour for 24 £ to be a master of one single boat the poor planter kept the following year. When being uninterested, and having good wages, he fell to his old tricks, and caught less fish for his boat then any among two hundred that were then in the harbour, and was trebly exceeded by many. I have known the like complained of by others.

Objection 2. That the by-boats give greater wages, which hath raised men to that height, that masters cannot live to give it, nor owners to allow it.

Answer. But this is so weak and trivial that it hardly merits answer, when it shall be considered, whether merchants, which set out for that design at cheaper rates then by-boats can do, who pay the dearest rate for freight, etc. Every thing cannot live to give as good and as great encouragement to men by wages as the others. Moreover, I have examined the case, and found, that generally by-boats give far less then others. The *None-Such* of Dartmouth having 15

boats-crew on private account, had not one boats-master (1670) that had above one share and six pounds, whereas I know several in ships had one share and eight pounds.²¹ If any [wish] to salve this alleadge [solve this allegation], it is because the men are mostly willing and affected to the boat-keepers, then the objection is answered by themselves, and their giving great wages is not that which injureth the merchant, or inclineth the men from ships' accounts.

Objection 3. That by-boats breed not up green men, viz, carry youths to sea as ships do, to nourish them in the way of trade, and for service of His Majesty on occasion at sea.²²

Answer. Which is altogether untrue, for according to rate [tonnage] they carry as many youths as commonly are belonging to the ships. This is evident to any one who shall but rightly examine it by an inquiry at home, or in the country.

Objection 4. New-England Fishery being decayed is urged as an argument against by-boats for *Terra Nova*, upon consequence supposing the same fate to New-found-land, if they are permitted, as they have been in New-England.

Answer. This is purely sophistical, and not liable to any proof. For who can affirm that by-boats have bin the cause of that? Indeed the cultivation of the ground a shore, the amendment of the air, and the population of that country may with good reason be urged in the case. For without doubt, there remains a kind of an antipathy in those animals, as in all others, against whatever is humane, which is the effect of that awe God gave them to their superiour creature, man, as is evident in all animals of the land, sea, or amphibious. And it is very probable to be occasioned, as above, because of the proximate countries of Nova Scotia, *Terra Nova*, and etc. where the land is uncultivated, and almost not inhabited, the fish continueth almost as formerly. What abatement there is, may by any that own a remunerative justice and providence, be attributed in part to the justice of heaven. For our ingratitude, envy, etc. and subordinately to the frequent fires in the woods, whereby the firr and spruss trees being burnt, the turpentine and tarr runs on the ground, which when rain cometh is washed into the rivers, whereby the sea is also become imbittered, which destroyeth the bait, and chaseth off the fish. It having been observed to be true upon the great fires, which often happen in the woods, which though green is very combustible. But as to that of New-England, the fishing beginning to fail, merchants were forced to forsake the trade, upon which only (such as are in New-found-land) by-boats enter into the trade, and do find fish fourteen, sixteen leagues from the land to be very plenty.²³ Which maketh for the truth of our supposition in the beginning of this answer, viz. That the gust [taste] of the waters are altered, which puts the Fish from the shore.

Objection 5. That this being a matter of trade properly belongeth to merchants, for their priviledges and way being incroacht upon, trading by degrees will fail.

Answer. But how properly catching of fish may be called the work of a merchant any more then planting tobacco, sugar, indico, I know not. If so, there are more merchants in Barking, Tarrkey, Bobicom, Looe, Mountsbay, and Sorlings, then in London.²⁴ Moreover, the most of those pretending injury by the by-boats in New-found-land, are no more merchants then my self, who am none, they being so only in title, and impropriation [appropriation], and so deserve oppugnation [criticism] as much as by-boats. Men of divers trades at home, adventuring under the way and notion of merchants, only to catch fish, and sell it there to others, not hazarding it abroad themselves, which is that which only merits the name of trade. And these forsooth must subscribe to the petition against by-boats, under the name of *We the Merchants*, etc.

I know not what more can be objected, or hath bin urged by the sharpest enemies against by-boats, as the present case standeth. and I verily believe were those articles ever so strictly

observed, which have been made against those men, yet they thriving that way, will unquestionless be reproached again of being other ways inconvenient to the way of fishery.

We come now to our last work, the sum and conclusion of the present task. And that is to lay down some arguments in behalf of those envied men, in whose defence I have taken up the gauntlet, and undertook to answer the challenge. And certainly I have that charity for the reasons to be urged in their behalf, as to think they will satisfy any person, not altogether bent against information, and whose pertinacity is not Reason-proof.

First. That the violence of the oppositions used against these men hath but set them in a more absolute, and convenient way then they formerly acted in. For, from being passengers they drove them to freight ships, and some of them to be owners. Under which way they cannot prevent or deny them to follow the fishery, except they deny the merchants also.²⁵ And do they still proceed by their indirect opposition they will in fine rather advance then any way suppress them, by compelling them to ascend to be perfect owners of ships themselves, and then they will be a greater eye-sore then now. Even as the Christians thrived wonderfully under the most barbarous persecution, and as by *antiperistasis* [contrariness] (some believe) heat is fortified by the inviron of cold, and *contra*, so do these thrive and strengthen under the evil eye of their opposers. Like Antæus, and as Ovid, *de Arte Amandi*, said of Love: *Adverso tempore, crevit amor*; so I say of these oppositions: *Difficultas acuit conatum*.²⁶ [For though you have always shown me true love, nevertheless this love has grown in time of adversity.]

Second. That these by-boats are more advantageous in the fishing then ships' crews. For their exceeding industry and success do catch more fish generally according to proportion then the others, and at no greater charge of men or provisions, (excepting salt) then those that possibly do not catch half so much. And my self have known masters of voyages acting for merchants, (though professed enemies to by-boats) have desired to have had their stages nearest to those of the by-boats, that the interested industry of the one might be a spurr to the other, and most masters fishing in any harbour upon account of merchants, will raile and rebuke their fishermen for not bringing in as much fish as those of by-boats. Now if (as hath bin alleadged) the by-boats men are the most able, how can the masters expect their men to equal them? Or, what pertinence or ground of complaint can be upon the comparison of their own men with the others, when they bring not home the like quantity of fish as others do, whom they confess to be far abler men, and make their difference to be the greatest ground of their complaint at home?

Third. That men and ships are employed, provisions expended, fish caught, etc. every way proportionably by by-boats as by the others, so that the King in his custome, or the nation in the employment of the people, etc. have no cause of complaint.

Fourth. That many of the complainers against by-boats do tacitly accuse themselves. They deserving no other name and appellation, although they assume the title of merchants when, *de facto*, they are of all trades, and some the most inferiour mechanicks.²⁷

Fifth. That it is the fishermen's being interested in the voyage (as I have said), [which] is the alone cause of their exceeding others, sufficiently proved in the example above quoted.

Sixth. It is sufficient profit for the merchant to have the sale and transportation to the market of all the fish catcht in the land, and not to be also fishermen, as hath been already spoken to.

Seventh. That were the whole trade ingrostr into the hands of such as go not to the country themselves, both masters and men would be constrained to labour upon merchants' terms, which with the bad voyages hath driven many to become by-boats, as themselves have confessed. And

were men and masters brought to such low wages as merchants would give, they could not possibly live by the employment. Now if those that keep Boats can allow themselves and men good wages etc., why cannot merchants do the same?

Eighth. The real merchants gain by those men who, with the planters, are only merchants to buy the wine, brandy, malt, salt, bread, provisions, etc. which is yearly transported, by which the merchants are often considerable gainers. Now if all were ships' crews they would each bring his own provisions, and so nothing would be vendible to encourage the merchant to send thither to buy off the fish.

Ninth. That a merchant in Dartmouth, who hath all along appeared the most bitter and violent against By-boats, and in anno 1664 furiously acted against them, did, to my knowledge, in 1669 send two boats' crew passengers on a ship wherein he was part concerned. And in a ship of his at the same time permitted six men belonging to Thomas Bickford, a by-boat-keeper, to have passage, and the same Bickford had four men more passengers upon a ship wherein Mr. E.S. of London was concerned. The first merchant hinted in this Article is Mr. A.M.,²⁸ the ship called the *Unity* of Dartmouth, and fished that voyage in St. Jones.

Tenth. That the one quarter part of the pretenders to suffer by by-boats, and of those that complain against them are altogether ignorant wherein the cause of that injury lyeth, and do no more understand the reasons of those things they proceed upon, then they do to build castles in the air. But being fed with the fancy of others, yelp out the same logick, and draw conclusions without any other premises then such as they cannot make good (if denied) but by quoting them as the opinion or dictates of another, without reason or demonstration; and yet I observe none more active and vehement then those. Nay further, I have observed many pretending to the title of merchants, and altogether unconcerned in the New-found-land trade, have with such ignorance declaimed against by-boats, when upon examination they know not what bye-boats were, and wherein the discrepancy between them and merchants stood. So peremptory is the ignorance of medlers that they will give answer to questions they never heard stated -- a gift I never met with, or heard of in any meer man, except Daniel, who indeed interpreted the King of Babylon's dream when it was not told him.²⁹ Now let any judge of the validity of such mens appearing in the case, and what a grand abuse is offered to the honour of the supream powers by thus prevaricating in petitions.

I will conclude with one observation I made lately. Being at the post-house in --[blank]-- where merchants meet to look for news and letters, there came in a servant of a merchant of the city (chiefly active against by-boats) and brought a blank sheet of paper, and got above forty subscriptions to nothing. Now my self being called to subscribe, I demanded: for what? The man answered it was to be put to a petition against passengers to the New-found-land. I refused, but saw several subscribe for company sake, who were neither merchants, nor understood the matter. All that came for letters put their hands to it, except my self, and yet no petition to be seen; so that they put their names to they knew not what.

We hope these things will be considered, and the laborious encouraged, and find the truth of those verses of Claudian:

*He knows no bondage whom a good King swayes,
For freedom never shines with clearer rayes
Then when brave Princes Reign-----*³⁰

That which hath so vehemently incensed merchants at home against by-boats is the bad voyages which of late have been made in that country, the cause of which hath been falsly laid on by-boats, when indeed the multitude of ships and boats there, and the unreasonable pressing of ships full of men, and the untimely and early departure of one before another is partly the cause. This year, 1670, several departed 30 dayes before the main body of the fleet, and only to anticipate and forestal others of places, whereby they were at a vaster expence, and moreover did by the early intolerable cold almost kill the men before the fish came on the coast. When those that came last fared as well, and with less charge to themselves and damage to their men, and so could better endure a bad voyage then others. It would be better if all ships were bound not to saile until March, that the proportion of one man to two tunnes were commanded, and that some abuses in the country were rectified; but of that let those endeavour the emendation, who are the sufferers thereby.

I have no more to adde, only crave the reader's candor to wink at the faults of the printers, or author. I mean those that are literal. It was penned at first raptive,³¹ and in hast, and hath not had a due revision. The reason inducing me to be anonymus in this relates to my self. I am as unwilling to have the smile of the one party, as to insence the spleen³² of the other. I hope the not nameing the author will no way invalidate, or prejudice the discourse.

Notes

¹Lucius Annaeus Seneca, the Younger (4 BC–65 AD), was the leading Roman intellectual in the mid-first century AD.

²Seneca, *Medea*, in John G. Fitch, ed. and trans., *Seneca*, vol. 8, *Tragedies*, Loeb Classical Library (Cambridge, MA, 2002), 333-433, see 362-363.

³Paraphrased from Sir Francis Bacon (1561-1626). See Michael Kierman, ed., *Sir Francis Bacon: The Essayes or Counsels, Civill and Morall* (Cambridge, MA, 1985), Essay 9, "Of Envy", 27-31: "A man, that hath no vertue in himselfe, ever *envieth* Vertue in others". On Bacon's involvement in colonial adventures, including the London and Bristol Company that settled Cupids, Newfoundland, in 1610, see Gillian T. Cell, "The Newfoundland Company: A Study of Subscribers to a Colonizing Venture", *William and Mary Quarterly*, 3rd series, 22 (4) (1965), 611-625; and Cell, *English Enterprise in Newfoundland, 1577-1660* (Toronto, 1969), 57.

⁴Gaius Petronius Arbiter (d. AD 66) was a Roman poet and the reputed author of the *Satyricon*, a literary portrait of Roman society in the first century AD.

⁵Petronius, *Satyricon*, with an English translation by Michael Heseltine, Loeb Classical Library (1913, rep. London, 1925), 310-311.

⁶"Verulam" here emends the textual misprint "Vernlam", and refers to Francis Bacon. The quote is based on *Essayes*, 9, "Of Envy", 27: "For Mens Mindes, will either feed upon their owne Good, or upon others Evill; And who wanteth the one, wil prey upon the other; And who so is out of Hope to attaine to anothers Vertue, will seeke to come at even hand, by Depressing an others Fortune".

⁷"And when the barbarians saw the *venomous* beast hang on his [Paul's] hand, they said among themselves, No doubt this man is a murderer, whom, though he hath escaped by sea, yet vengeance suffereth not to live" (Acts 28:4).

⁸Emphasis Yonge's: a "*Muddy stir*" may be a jab at the Dartmouth merchant and some-time mayor, Ambrose Mudd. I thank Peter Pope for this observation.

⁹See George Pley to Navy Commissioners, 1 July 1665, in W. Noel Sainsbury, ed., *Calendar of State Papers, Colonial Series, America and West Indies* (London, 1860-1933) (hereafter *CSP Colonial*); Petition of Robert Swanley to the Duke of York, 8 May 1666, *CSP Colonial*; and Deposition of John Rayner, late Deputy Governor of Newfoundland, 15 April 1668, *CSP Colonial*. On De Ruyter and the war see C.R. Boxer, "M. A. De Ruyter, 1617-1676", *Mariners Mirror* 44 (1) (1958), 3-17; Roger Hainsworth and Christine Churches, *The Anglo-Dutch Naval Wars, 1652-1674* (Stroud, England, 1998).

¹⁰"Or those eighteen, upon whom the tower in Siloam fell, and slew them, think ye that they were sinners above all men that dwelt in Jerusalem?" (Luke 13:4).

¹¹Modbury is a small town 12 miles southeast of Plymouth. It had family associations with the Champernounes and with the Holdsworths. The meeting of merchants here may be an indication of their political ties.

¹²In Homer's *Odyssey*, Tantalus suffers eternal punishment, "tantalized" by having to stand in a pool, which drains away when he tries to drink, with fruit dangling before his eyes, which are whisked away as soon as he reaches for them. See Simon Price and Emily Kearns, eds., *The Oxford Dictionary of Classical Myth and Religion* (Oxford, 2002), 532.

¹³Here Yonge is referring to King Charles II, the 1661 Western Charter and the 1663 enforcement of that charter. The bye-boat trade in fact generally conflicted with these regulations: see Western Charter, 26 January 1661, in Matthews, *Constitutional Laws*, 131; and Order in Council, 4 December 1663, in Matthews, *Constitutional Laws*, 143-144.

¹⁴Yonge is speaking of the agitation that precipitated and that is embodied in the 1671 Western Charter. See "An Order Concerning the Amendment and Addition of Certain Clauses to the Western Charter", 10 March 1671, in Matthews, ed., *Constitutional Laws*, 151-157.

¹⁵Probably Frederick II (1194-1250), King of Sicily, Duke of Swabia, and Holy Roman Emperor (1220-1250). Frederick was very interested in medicine. He stipulated that those studying to be physicians had to receive training in philosophy as well as medicine. See Ernest Kantorowicz, *Frederick the Second, 1194-1250* (London, 1931), 356-358.

¹⁶Various herbs.

¹⁷Probably "mullet", an old term for pincers or tweezers.

¹⁸Eurystheus, King of Tiryns, imposed on Hercules the famous 12 labours, which would earn him immortality. See Jenny March, *Cassell Dictionary of Classical Mythology* (London, 1998), 192-197.

¹⁹Probably Christopher Martin, of Plymouth, with whom Yonge sailed to the fishery on the *Marigold* in 1669 and 1670. See Poynter, ed., *Journal of James Yonge*, 111-120, 123-136. In 1669 Yonge was on Martin's ship in St. John's, and there was a John Beard among the crew. This man took sick at sea, died, and his body was dumped overboard. Was this the same man? While Robert Martin was not listed in his journal as a bye-boat keeper in St. John's in 1669, there was a keeper named Robert Martin there in 1682. See Mercer, "Rise of the Bye-Boat Fishery". In August 1675 Yonge talks of visiting with "my old Captain Mr. Christopher Martyn" at Tynebridge. He helped Martin get a new master for the *Marigold*: "We shipped Mr. George Jackson to go in her, for ever since I left her I have a part [interest] which I bought of Mr. Martyn who began to fall low in the world. I lost £50 by the bargain. I did it only to serve him to whom I think myself very much engaged, both for the fortune I had with him, which enabled me to set up, and for the happiness I had in his great love while I sailed with him". See Poynter, ed., *Journal of James Yonge*, 148.

²⁰“Kentall” is another spelling of “quintal”. See G.M. Story, W.J. Kirwin, and J.D. Widdowson, eds., *Dictionary of Newfoundland English [DNE]* (2nd ed., Toronto, 2002).

²¹Yonge names the *Nonesuch* at St. John’s, in 1670, with 15 boats and 75 men, under John Lux of Dartmouth. In 1669 he recorded the *Nonesuch* as under the control of “Mr. [John] Lux & Co.”. It is likely that bye-boat keepers freighted the ship in both 1669 and 1670. See Poynter, ed., *Journal of James Yonge*, 119, 134.

²²Green men were recruits who had not been to sea before. The 1671 Western Charter introduced the requirement that one in every five men should be a green man. See Amendment to the Western Charter, 10 March 1671, in Matthews, *Constitutional Laws*, 153, clause 7. Cf. *DNE*. Mercantilist doctrine emphasized the importance of merchant trades like the Newfoundland fishery as “nurseries for seamen”, which were vital to manning the Royal Navy in wartime. The introduction of such a regulation, at this time, may express official concerns about the trade’s health and declining numbers of fishermen. This clause was confirmed in Western Charter, 27 January 1676; Statutes 10 & 11 William III, cap. 25, An Act to Encourage the Trade to Newfoundland, 1699, expanded the regulation; see Matthews, *Constitutional Laws*, 171-180, 210-211. In clause nine bye-boat keepers were officially permitted at the fishery as long as they carried two “fresh men” in six. A fresh recruit was defined as “one man who hath no more than one voyage”, while “green” men were totally new to the sea. Cf. *DNE*, “Fresh”. It is probable that the two terms became generally associated with inexperienced fishermen, and not rigidly confined to precise definitions in charters or statutes. The same clause required planters to employ two fresh men and ships one fresh man in five. However, in clause ten the ships were also required to carry one green man in five. It is not clear whether these clauses were meant to be complementary or were restatements of the same requirement.

²³Yonge is talking of bye-boat keepers and interlopers interchangeably. There were many kinds of interlopers; those in New England did not have the same type of operation as bye-boat keepers in Newfoundland. See Mercer, “Rise of the Bye-Boat Fishery”.

²⁴Barking, Essex; Torquay, Babbicombe ??? and Sorlings, Devon; Looe and Mount’s Bay, Cornwall were all obscure country places. See A.D. Mills, *A Dictionary of English Place Names* (Oxford, 1991); Roger Kain and William Ravenhill, eds., *Historical Atlas of South-West England* (Exeter, 1999).

²⁵Authorities aimed to check this loophole by stipulating in the 1671 Western Charter that ship crews must have at least 25 men working in the same company. See “An Order Concerning Amendment”, 1671, 155. In the 1676 Western Charter the clause was modified to include not only masters of fishing ships, but “others” as well. See “Western Charter”, 27 January 1676, 179. In addition, ships were forbidden from carrying passengers that were not a part of the ship’s company, and who were not receiving shares in the voyage. Thus, these clauses fit with a major theme of the Western Charters, which was to restrict the flow of passengers to Newfoundland. These restrictions are omitted in King William’s Act of 1699, since it formally permitted bye-boat keepers in the fishery.

²⁶Publius Ovidius Naso (b. 43 BC) was a Roman poet noted for writing *Metamorphoses*. Dr. James Butrica points out that the quotation does not come from Ovid’s *Ars Amatoria*, but from his *Epistulae ex Ponto*. See “Ex Ponto”, book 4, in Arthur Leslie Wheeler, ed., *Ovid*, Loeb Classical Library (London, 1975), vol. 6, 442-443.

²⁷Since “mechanick” meant a person working in manual labour, but usually with skill in some trade or craft, it is not clear if Yonge is making this sort of insult, or simply saying that they were

producers and not true merchants.

²⁸Likely the Dartmouth merchant, Ambrose Mudd.

²⁹Daniel 2.

³⁰Claudian (ca. 370-404 AD) was the last important poet of the classical tradition. Claudian, “On Stilicho’s Consulship”, book 3, in Maurice Platnauer, ed., *Claudian, with an English Translation* (London, 1922), vol 2, 50-51, has “He errs who thinks that submission to a noble prince is slavery; never does liberty show more fair than beneath a good king”. My thanks to Dr. James Butrica for locating this quotation and Ovid’s, above.

³¹Emotional absorption or complete entrancement.

³²Irritability.