

ing with one of the judges in the open streets; and if there is nothing to prevent that, what is there to prevent his taking all three of them, and thus thoroughly locking up the fountains of Justice! for again, let it be recollected, the House of Assembly holds itself superior to the highest Law tribunal in the country.

We may be told that these things are not likely to occur:—after what has passed, we think them very likely to occur; but whether likely or otherwise, is it to be tolerated that it is possible they might occur!

We see no help for ourselves but in an immediate appeal against the decision which has just been pronounced in the Supreme Court, accompanied with reiterated and earnest applications for the abrogation of our present system of local government: for it is more than ever plainly apparent that the system will, if it be persisted in, operate to the total destruction of all the commercial interests of the Colony.

**KIELLY vs. CARSON and others.**

The judgment of the Supreme Court, upon the demurrer to the special justification pleaded in this cause, was pronounced on Saturday last for the Defendants, and in favour of the claim of the House of Assembly to the power of commitment for contempt, as exercised in the above cause. Mr. Justice LILLY dissenting. His Honor the CHIEF JUSTICE and Mr. Justice DES BARRES, founded their opinions upon the analogy which exists between the House of Assembly and the British House of Commons, and relied much upon the decision of the Privy Council in a late case which came before it by appeal from the Assembly of Jamaica, where, however, we understood His Honor to say, the power of commitment for contempts was legalized by an Act of the Legislature in 1738. Mr. Justice LILLY founded his objections to the lawful exercise of such a power by our House of Assembly, upon the absence of any Law or usage whatever, and as being in direct contravention of the Common Law.—*Gaz., Jan. 1.*

**THE STAR**

WEDNESDAY, JANUARY 9, 1839.

The important case of KIELLY vs CARSON and others, or rather the Rights and Liberties of the Subject vs. the Tyranny of the House of Assembly, has at length been decided in the Supreme Court, in a way to disappoint the lovers of rational liberty, and contrary to the sanguine expectations of the well-wishers of this Country. But let the people not despair. There is another and a higher tribunal to which to appeal—and we cannot doubt, but the QUEEN in Council, will reverse the Judgment of the Supreme Court, and prove, that the views taken by Mr. Justice LILLY, are consonant to the principles of the British Constitution, and that the House of Assembly do not possess, that irresponsible—undefined power to which they lay claim.—God forbid they ever should, for then farewell to all our rights, and liberties, which as British subjects we fancied we enjoyed. Better to live under the despotic government of the Czar of all the Russias or the Sultan of Turkey, than under the tyranny of the fifteen Members of the House of Assembly, who at their caprice will and pleasure can imprison the person, to rot, as Mr. KENT declared concerning Dr. KIELLY, in a dungeon. Let the people ponder it well, and lay it to heart, that there is not one of them, but what is liable to the same outrage. Let but Fitzmaurice Moore, or a Lion Den Dwyer in their cups, a KENT or NUGENT in their spleen and anger, grossly insult them in the Public Street and if they present—ever so justly resent the insult—and a Street at arms armed with the authority of the Gilded Mace, will drag them from their families and homes, and leave them to rot in dungeons, unless forthwith, they will humble themselves to the dust and apologize in terms fit only for slaves, but too gross for Free-born Britons or Irishmen to use, to the House of Assembly for a Breach of Privilege, when in the quarrel the House of Assembly was not dreamt of.—Let them then appeal to the Judges of their Country for redress and what will they find?—That a Judge who had the uprightness to preserve the liberty of the Subject from being infringed on, is also arrested—dragged from the seat of Justice, and paraded like a Felon through the streets—Gracious Heaven can such things be permitted in the nineteenth century, and we to be told there is no redress.—Are the Members of the House of Assembly as a body, to set themselves above all law? Are they to arrest, imprison, without a hearing—because they fancy their Privileges are broken, on the complaint of a JOHN KENT or any other insolent Member who may choose to insult his fellow-citizen?—Had a Member of the British Parliament acted as KENT did, he would have been driven by the ridicule of his brother Members from the House, and the finger of scorn would have been pointed at him, within and without its walls. Are our citizens to be imprisoned, imprisoned without a cause, and then get no redress?—Are we to be insulted by men because they attach M. C. P. to their names, to pocket the affront quietly—to bow our necks—to be trodden on—because we dare not resent, without a fear of the "dun-

geon rot"—and have no redress? If we tamely submit to such things, then should we write ourselves down as the "veriest slaves in nature"—and blush to name, the name of Liberty. But there is a redress for these wrongs. The British Parliament can redress them—and we can only hope that the Petition forwarded by the Chamber of Commerce of St. John's, will meet with that attention, which it merits. Unfitted as this Country is for a House of Assembly, let the Charter that granted it be withdrawn, and a form of government more suited to the Country be substituted in its place.

We hope Dr. KIELLY will persevere and carry on his appeal, but as it is a matter of the utmost importance to the LIBERTIES OF THE PEOPLE, it ought not to be thrown on Dr. KIELLY to bear the expense, but a general subscription should be got up throughout the Island to carry it forward, for it is not the cause of one but the common cause of ALL.—The cause of LIBERTY against TYRANNY.

(Copy.) Harbor Grace, 23d November, 1838.

SIR,—We have the honor to acquaint you for the information of His Excellency the Governor, that in pursuance of His Excellency's Commission appointing a Board of Education for this District, bearing date a few days since, the undermentioned Members thereof met at the Court-House for the despatch of business viz: Reverend John Bart, Reverend Charles Dalton, Reverend John Pickavant, Reverend Dennis Mackin, Peter Brown, Esq. James Power, Esq. William Dixon, Esq. Thomas Ridley, Esq. John Stark, Esq. and William Sterling, Esq. The construction of the recent Act of the Legislature, passed on the 25th October last, having been determined by the Members of the Board, as peremptory excluding the use of the authorised version of the Holy Scriptures, we, with much respect for His Excellency, beg to tender our resignation of the office of Commissioners under the said Act for the following reasons.

First.—That it purports to be an exclusive enactment to the prejudice of a majority of the population in this District, inasmuch as it provides means for the education of the minority of the community in strict conformity to their religious predilections, and forbids a similar privilege to the majority.

The principle of sanctioning a Scriptural education, for those children whose parents require it, has been, we would most respectfully remark, fully developed since the establishment of the Education Boards in 1836; not only in the sentiments as officially recorded by a large majority of the Commissioners for Conception Bay, but also in the extensive Districts of Trinity—Bonaville and Twillingate; and the fullest test afforded to the principle, by the non-appropriation of the Legislative Grants in all those places, where the Bible could not be publicly recognised; and we learn that under a more recent Act for the establishment of a Grammar School at Carbonear, the funds placed at the disposal of the Commissioners in that Town, are wholly useless, as the Roman Catholic, and Protestant Members are equally divided on the subject of the word of God.

And Secondly—Because a more efficient and liberal system might have been adopted;—a system which would have placed every inhabitant on an equality of privilege, and which would have superseded every feeling of discontent, by meeting the peculiar sentiments of each denomination; i.e. by a division of the Colonial Grants of money according to the population, to be appropriated for the purposes of Education, with due regard to the respective privileges of each, and without the dictation or interference of one part of the community over the other.—This proposition was duly made by a majority of this Board.

Under all these circumstances, we, the only Protestant Members present at the meeting, have found it impracticable to perform the important duties assigned to us, and therefore beg leave as the only alternative, to tender to His Excellency the Governor our resignation; and to lament the existence of a Law, that prevents us the free exercise of our judgment, upon a measure involving the best interests of the community.

We have the honor to be,

Sir,

Your most obedient Servants,

J. BURT, Episcopal Missionary.  
JOHN PICKAVANT, Wesleyan Missionary.  
THOS. RIDLEY, J. P.  
JOHN STARK, J. P.  
W. STERLING, J. P.

The Honorable  
JAMES CROWDY,  
Colonial Secretary.

[The resignation of the above named Gentlemen has been virtually accepted, by the nomination of five other Protestants, four of whom have likewise refused to rot.—Ed. Star.]

**Died**

Yesterday morning, after a short illness, Mr. JAMES ASH, Joiner, leaving a wife and five children to lament his loss.

**On Sale**

**Just Landed**

Ex Jane Elizabeth, Nathaniel Munden, Master,

FROM HAMBURG,

Prime Mess PORK  
Bread  
Flour  
Oatmeal  
Peas  
Butter.

Also,

15 Tuns BLUBBER.

For Sale by

THOMAS GAMBLE.

Carbonear,  
Jan. 9, 1839.

The following Valuable Mercantile and Fishing Establishments situate at St. Mary's, belonging to the Insolvent Estate of Slade, Bidle & Co., of Carbonear.

Will be offered For Sale  
By Public Auction,

On WEDNESDAY, the 1st day of May next

At 12 o'Clock,

AT THE

COMMERCIAL ROOM  
(St. John's.)

THAT Eligible Room, known as RICHARD'S ROOM—consisting of a Large DWELLING HOUSE, with COUNTING HOUSE adjoining; Three STORES, One SHOP One COOK ROOM, Two STAGES, One BEACH, FLAKES, MEADOW, and GARDEN.

That Eligible Room known as PHILIP'S ROOM—consisting of one DWELLING HOUSE, One STAGE, One STORE, Extensive MEADOW GROUND with right and privilege of Piscary at Great Salmonier.

That Eligible Room known as CHRISTOPHER'S ROOM—consisting of a DWELLING HOUSE, FISH STORE, STAGE, FLAKES, BEACH, GARDEN, and MEADOWS.

Also,

10 FISHING BOATS, carrying from 16 to 30 qtls Round Fish.

At St. Mary's.

Together with sundry SKIFFS, PUNTS, CRAFT, CASKS, &c.

Particulars of the Rooms may be made known on application to Mr. LUSH, at St. Mary's; Mr. J. B. Wood, at St. John's or at Carbonear, to

J. W. MARTIN,

Agent.

Carbonear,  
9th Jan., 1839.

**PROCLAMATION.**

IN obedience to a Precept of the Worshipful the MAGISTRATES, bearing date the 26th instant, and to me directed,

**I hereby Give Public Notice**

That a GENERAL QUARTER SESSIONS OF the PEACE, will be holden at the COURT-HOUSE, in HARBOUR GRACE, on THURSDAY the 10th day of JANUARY next, at the hour of Eleven o'Clock in the forenoon, of the same day; and the Keeper of Her Majesty's Gaol, the High Constable, and all other Constables and Bailiff's within this District, are commanded that they be then there to do and fulfil those things that by reason of their Offices shall be to be done.

Given under my Hand, at Harbor Grace, in the Northern District of Newfoundland, this 29th day of December, in the Year of Our Lord 1838.

B. G. GARRETT,  
High-Sheriff.

**TWENTY GUINEAS  
REWARD!**

**Cow Stolen.**

WHEREAS some evil disposed Person or persons did on the night of the 12th instant, or early on the morning of the 13th instant, break open the door of the STABLE on the Premises of SLADE, BIDDLE & Co. and STOLE therefrom a

**MILCH COW,**

Any Person giving information of the offender or offenders, so that he or they may be brought to Justice, shall receive the above Reward

There is also a further Reward of  
**10 Guineas**

offered to any person who will give information of the Persons by whom the Meadow and other FENCES belonging to said Estate, have been destroyed

JOHN W. MARTIN,  
Agent

Carbonear,  
December 19, 1838.

The triumphant success which has attended all the voyages of the Great Western steam-ship has given a confirmed stimulus to speculations in similar undertakings, both to the United States and other quarters of the world. So great are the advantages of the proprietors of the Great Western

in being the only parties in the field with a vessel of sufficient magnitude for the profitable voyage between England and New York, that it is estimated that the gain will not be less than £100,000, in the first year of the existence of that ship, and before it is possible for other vessels to be built. The merchants of Bristol are no doubt deserving of so great a reward for an enterprise from which such important national consequence will probably arise; but the profit to the public will certainly be greater when number of similar vessels shall be in existence, and the charges for the passage and for merchandise and newspapers thus be brought down to the minimum of expense. At present the charges for the transmission of bullion and newspapers by the Great Western are extremely high, although certainly the merchants appear to acquiesce in the fairness of the proprietors of that vessel taking to themselves all the advantages of their position, and reaping the wealth which is their just reward. It is said to be not entirely settled whether the Great Western is to ply in the winter months; for although it can scarcely be doubt that so powerful a vessel could very readily keep the sea during any season of the year, yet it is not quite certain that a sufficient number of passengers and cargo could be obtained to render the voyage of so expensive a vessel profitable during the months from November to March. Should there be shown to be sufficient reason for discontinuing the navigation on that account, it has been thought in the City that it would be worthy of a grant of money from the government, by way of compensation to the proprietors of the Great Western or the British Queen for keeping up the steam communication between England and New York in the ensuing winter months; or were an additional charges put upon letters &c., we do not think any objection would be made by the merchants, so desirous are they that no break should occur in the present speedy transmission across the Atlantic.

GRACE DARLING.—We are glad to learn that, in order to mark their sense of the heroic conduct of Miss Darling in the affair of the Forfarshire, the directors of the Glasgow Humane Society have sent her their honorary silver medal, bearing the following inscription!—"Presented by the directors, of the Glasgow Humane Society to Miss Grace Horsley Darling, in admiration of her dauntless and heroic conduct in saving (along with her father) the lives of nine persons from the wreck of the Forfarshire steamer, Sep. 6, 1838."

Sir Robert Peel has been mentioned as one of the most probable successors of the Duke of Sussex to the chair of the Royal Society, should Sir John Herschel persist in declining the honourable post.

A French brig of war has arrived off Vera Cruz, in forty-days from France, with the information that an additional force of fifteen vessels and one thousand men would be sent by the French Government to aid in the contemplated attack on Vera Cruz.

The Sultan has forwarded a magnificent present for her Majesty Queen Victoria, composed of a necklace of diamonds rubies, and emeralds, said to be of the value of upwards of £12,000.

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