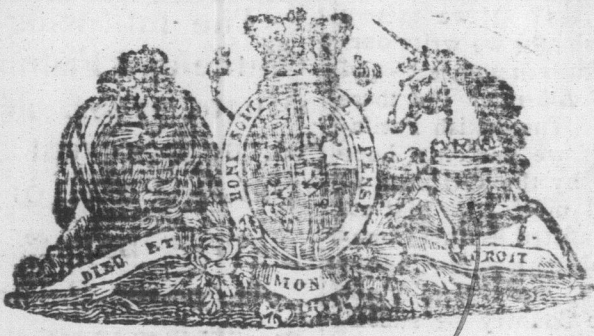


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HARBOUR GRACE, Conception Bay, Newfoundland:—Printed and Published by JOHN THOMAS BURTON, at his Office, opposite Mr. W Dixon's.

In giving place to the following Petition from the Students at Law, which was lately presented to the Honourable the Judges of the Supreme Court by the Hon. JAMES SIMMS, Her Majesty's Attorney-General, we think the young gentlemen whose signatures are attached may now form themselves in a circle, shake hands, and congratulate each other upon the way in which John Valentine Nugent has established his competency to take a seat at the Bar—at the Bar!

To the Hon. JOHN GERVAIS BOURNE, CHIEF JUSTICE, and OTHERS THE ASSISTANT JUDGES OF THE SUPREME COURT OF NEWFOUNDLAND.

THE PETITION OF THE UNDERSIGNED STUDENTS AT LAW,

Humbly Sheweth—

That under and by virtue of the provisions of an Act of the Colonial Legislature passed in the fourth year of the reign of his late Majesty King William the Fourth, entitled "An Act to incorporate a Law Society in Newfoundland, and to regulate the admission of Barristers and Attorneys to practise the law in the several Courts of this Island," and under certain Rules and Bye Laws made in pursuance of the said Act, and confirmed by the Honourable the Judges of the Supreme Court, your Petitioners were articled to practising Attorneys of the said Court, and complying with the requisite forms, after an examination and paying the established fees, were admitted members of the Law Society of this Island and enrolled on the book thereof as Students of the Law.

That some of your Petitioners have already served several years of their apprenticeship, and are now looking forward with confidence to the period when they shall have qualified themselves for admission to the Bar of the said Supreme Court.

That after the passing of the said Act, the said Supreme Court, in the year of our Lord one thousand eight hundred and thirty-six, solemnly decided that the words of the said Statute repeated all those parts of the Royal Charter of the Supreme Court which had reference to the admission of Attorneys, Solicitors, Proctors and Advocates, and that no person could be admitted to the Bar of the said Court who had not qualified himself under the said Act.

That your Petitioners are informed that a Mr. John V. Nugent, who emigrated to this country from Ireland in the year of our Lord one thousand eight hundred and thirty-three, and, as your Petitioners have been informed and believe, during his residence in this place has employed himself as a schoolmaster and shopkeeper, has made application to your Lordships for admission to the Bar of the said Court, without having complied with the requisites of the said Act, or in any manner qualified himself by Law for admission to the Bar.

That the only part of the said Act which invests your Honourable Court with a discretionary power is that which relates to the insufficiency of practising Attorneys who are to be taken from the roll of the Barristers admitted and practising in the said Court, and that since the year one thousand eight hundred and thirty-six another Attorney has been admitted and called to the Bar of the said Court.

That the said John V. Nugent in the full terms of this Honourable Court in the year one thousand eight hundred and thirty-six made application to the said Court for admission to the Bar, when, upon full argument, the unanimous opinion and solemn decision of the judges above referred to was pronounced.

That your Petitioners were articled and admitted Members of the said Law Society under the faith and protection of the said Act, and they respectfully submit that the same is incapable of being so construed as to allow of the admission to the Bar of any person who shall not have duly qualified himself under the same.

That your Petitioners have the fullest reliance in the justice and proper on the present occasion to bring the circumstances of their case under the notice of your Lordships, and to pray that your Lordships will see that their rights be not prejudiced by the admission to the Bar of persons not duly qualified by Law.

(Signed)
FREDERICK B. T. CARTER
JOHN HAYWARD,
SAMUEL ELSON,
JOHN S. STEVENS,
JAMES SIMMS, JUN.
ROBERT R. W. LILLY.

[It is understood that their Lordships will give their opinion to-day in reply to the above petition.]—*Ed Times.*

The following are the Resolutions which passed the Chamber of Commerce on the 27th ultimo, and upon which the foregoing Petition to Her Most Gracious Majesty was founded:—

Resolved—That while the Chamber of Commerce have ever been desirous to avoid the expression of opinion upon matters connected with the Government and Civil Institutions of the colony, in which the interests of the Trade were not involved, they feel it a duty peculiarly incumbent upon them to call the attention of the Government of the mother

country to the present condition of this Island; and especially to the circumstances connected with the operation of the Local Legislature—the evils of which, if not timely and effectually remedied, will most seriously affect the prosperity of the Trade—the rights and liberties of the inhabitants—and the general well-being of the colony.

Resolved—That the Chamber has witnessed with feelings of extreme astonishment and regret the proceedings of the House of Assembly of this Island, during their late Sessions; more particularly in having committed to the common gaol a respectable member of the community for a mere private quarrel in the street, with one of the Members of the House unconnected with any business therein pending, upon the pretence that he had thus violated their privileges. That the Chamber has also viewed with feelings of the deepest indignation and dismay, the subsequent arbitrary and outrageous proceedings of the Assembly in forcibly arresting (while in the performance of the functions of his office) and imprisoning one of the Judges of the Supreme Court, for having discharged the individual so committed to gaol by the Assembly, when brought up before him upon a writ of *Habeas Corpus*; and also in arresting and imprisoning the High Sheriff of the Island, for having obeyed the order of the Judge by releasing the party in question.

Resolved—That these proceedings, while they plainly shew a disposition on the part of the Assembly, upon the most frivolous pretences, to tamper with the liberties of her Majesty's subjects, and by such means directly to oppress and injure all such as may be personally obnoxious to them; also manifest a determination on the part of the Members composing that body, to render subservient to their caprice the Tribunals of Justice, and to establish the exercise of a power which would be nothing short of absolute tyranny.

Resolved—That after an experience of several years, the Chamber are impressed with the clearest conviction that the Legislature constitution granted by his late Majesty, is utterly unsuited to the condition of the Island and the circumstances of its inhabitants;—that the having ordained as the qualification of those into whose hands the elective franchise is committed, the mere occupancy for twelve months of a tenement, however mean and worthless, has conferred that which amounts to worse than universal suffrage upon a population the members of which, individually, possess, with very few exceptions, no real stake or property in the country; that, on the other hand, a most serious evil, also, has arisen from the circumstance of no other qualification being prescribed for a member of the Assembly than the mere occupancy for two years of the same description tenement which constitutes the qualification of the electors; thus affording no guarantee against the choice of persons unsuitable in every respect for the discharge of the functions imposed upon them;—that the evils attendant upon the present elective franchise are abundantly exemplified in the choice of the persons composing the present House of Assembly, who possess little or no property and represent none—and who have with few exceptions, been returned by means of the peculiarly powerful influence and absolute control exercised over the members of their Church by the Roman Catholic Clergy, and by an organised system of intimidation practised upon all classes by those who have assumed the control of the representation.

Resolved—That the conduct of the present House of Assembly holds out the prospect of constant collision with the other branches of the Legislature in attempting, as it has done, to usurp the various functions of the Government of the Colony;—that the rapid increase of its contingent expenses, amounting this

year to one-sixth of the net local revenue, affords cause for serious consideration and alarm—that already various Acts have been passed which involve the Colony in a debt of very considerable amount and the continued profuse expenditure of the public money for many purposes not really necessary, but merely to strengthen the influence of the members of the Assembly, holds out the certain prospect of a speedy and extensive increase of taxation, which must inevitably cramp and oppress the Trade and Fisheries.

Resolved—That the Chamber is therefore firmly of opinion that a continuance of the present system (which, with every successive trial, must operate more injuriously) will not only increase the evil, discord, and contention already so prevalent in this once happy community, but will render extremely precarious and insecure the liberties and properties of all such as are disposed, with loyalty and firmness, to uphold the Tribunals of Justice, in the due and impartial administration of the Law—to maintain, unimpaired, the freedom of the civil institutions of the country; and to rescue them from the unconstitutional and tyrannical subjection with which they are threatened.

Resolved—That many of the grievances under which the Colony is labouring have already been made known to Her Majesty's Government, and were, more particularly, contained and set forth in a Petition from the Merchants, Traders and other Inhabitants of the Town of St. John's forwarded in the early part of the present year to Her Majesty and the two Houses of Parliament.

Resolved—That whilst the Chamber of Commerce desire to see a change in the present system of local government, they are not desirous of getting rid of the taxation necessary for raising funds for the purposes of the Civil Government, and are quite willing that any reasonable amount may be levied on the Imports to raise the necessary revenue for public purposes.

Resolved—That a memorial embodying the foregoing resolutions be prepared and forwarded to Her Majesty and the two Houses of Parliament, praying that the present form of Government may be abrogated.—*Times, Jan. 2.*

(From the Public Ledger, Jan. 1)

The Fall term of the Supreme Court was closed at a late hour on Saturday night last, after the extension for a week of the original time prescribed for its sittings.

The topic of all-engrossing interest in the public mind throughout the term, was the decision to

of this precious House, and an altercation in the streets with a medical gentleman of the name of KIELLEY, who is not a member of the House, and it has been distinctly sworn that the dispute had no reference whatever to any proceeding which had taken place in the Assembly. Mr. KENT instead of suffering the dispute to rest or to be disposed of upon its own merits, betook himself to the Assembly, which was then sitting, and claimed his privileges! The Speaker issued his warrant (signed "W. CARSON, Speaker," without any seal, and without bearing upon it that it was issued by order of the House); and upon this instrument Dr. KIELLEY was thrown into the common gaol, but upon being had up in Chambers before Mr. Justice LILLY, one of the Assitant Judges of the Supreme Court, upon a writ of *Habeas Corpus*, he was released, after some very able arguments by Mr. ROBINSON, the learned counsel for the plaintiff. Thereupon, not only was the Hon. SUGAR arrested for discharge the prisoner, but the JUDGE himself who had ruled that discharge; and were consigned to the custody of the Sergeant-at-arms, paraded through the streets in the most humiliating and degrading manner, and kept in durance vile from Saturday until Monday, when the Governor thought proper to prerogue the Legislature and thus release the prisoners.

Mr. KIELLEY brought his action in the Central Circuit Court, before Chief Justice BOURNE, when the defendants put in a plea of demurrer upon the ground of *privileges*, whereupon issue was joined.

The decision of the Court was then withheld and the case was reserved for the opinions of the three Judges in the Supreme Court, and the utmost anxiety has pervaded the public mind throughout the whole term, upon the most important matter, those who were eager for the ascendancy of the Priests' party, of which the Assembly is the representative, desired the confirmation of all the "monstrous" privileges to which the House had laid claim; whilst men of temperate views and of ordinary penetration became alarmed at the possibility of their being so confirmed;—not that they denied to the Assembly all the privileges necessary to it in the execution of its proper functions, but that they would have denied to it the exercise of a power which is not only contrary to, but subversive of, the common law—the exercise of a power which, while it is not necessary to the House of Assembly, is positively dangerous to the liberties of the subject—for let it be remembered that what it cannot cease to call the *outrageous conduct* of the House of Assembly in its imprisoning a private citizen and two high public functionaries, in a manner wholly at variance with all the forms and attributes of the common law, still lives in the vivid recollection of all the better classes of the inhabitants of this colony, and that respecting the whole matter they entertained an irrepressible indignation!

It is not at all surprising, then, that on Saturday, the last day of term, much anxiety on this subject pervaded the whole public, since their was something live a right to expect that the decision upon it would receive no further delay. At length, in the course of the evening, the Chief Justice intimated the intention of the Court to give judgment upon it; and shortly afterwards, Judge LILLY, the junior assistant Judge, delivered his opinion—an opinion strongly fortified by authorities adverse to the privileges claimed by the Assembly, and favourable to the liberty of the subject, Mr. Justice DES BARRIS took a different view of the matter; and, so did the Chief Justice. Judgment accordingly passed for the Defendants!

As the Judges severally read their opinions, and as (seeing the importance of the subject) it is desirable that those opinions should go forth to the world so authenticated as to be susceptible of no misconstruction of them, it is our intention to make a respectful application for a copy of them, which we have no doubt will be readily acceded to.

There is one conclusion arising out of the whole matter, to which we think every reflecting mind must necessarily have arrived—that if such a decision be not appealed against, or if it be appealed against unsuccessfully, the most energetic measures must be taken to rid the country of so dangerous a nuisance as the House of Assembly has proved itself to be. If when the whole Commercial Society of this town gave its unanimous and hearty concurrence to the facts and views contained in another part of our Paper, it was then so absolutely necessary to pay for the abrogation of the present system of local Government, a *fortiori* is it now imperative upon every man who values the peace of society, his personal liberty, and the quietude of his domestic hearth, to arouse himself, and seek with redoubled energy to fling off the infernal incubus which presses upon all our commercial, social, and personal interests— which distracts them all!

What! can it be endured, that a worthless drunken vagabond, who wallows about in the streets and roads, and who sleeps off the fumes of his potations in open boats or by the road side, as the case may be—can it be endured that such a man, because he happens to be a member of the House of Assembly, shall in his filthy garb reel up to a gentleman and insult him; and then upon the command to *begone*, lodge his complaint before the House, plead his privilege, and procure upon a summary process (unknown to the British law, the incarceration of that gentleman in the common gaol, and not only that gentleman, but the Judge who had subsequently liberated him in pursuance of those duties which he had sworn to perform!

And is there no such man—are there no such men, in the Assembly as we have described? If there are, what is more likely than that such scenes as we have described will recur, when the parties shall have been confirmed by the decision of a Court of Law, in their previous impressions that they might by possibility do so with impunity?—What is there to prevent such a scoundrel from so deal-