

THE STAR
WEDNESDAY, NOVEMBER 29, 1837.

We observe, in a report of a select committee of Her Majesty's Council on the Supply Bill, some very grave charges against the character and conduct of the "Representatives of the People," which charges, if they be substantiated, certainly go to prove, that it is high time that the Members of the Assembly should go back to their constituents.

We give from the report, two extracts containing those charges.—
"The Legislature of Newfoundland, however, acting upon this principle, descends to the minutest distribution, and regulates the precise sum to be paid to each individual; the consequence is, that upon every occasion, where the Supplies are being voted, each Member has passed in review before him the individuals of his neighbourhood who are to receive the most insignificant sums, and an opportunity is hereby afforded of making the person, rather than the office, the subject of discussion;—and should any constable or other functionary have become obnoxious to the Members from his quarter of the country, his stipend is scrutinized with the greatest rigour, and perhaps reduced one-half, or withheld altogether, while those who have ingratiated themselves with the same persons, have their salaries raised without regard to services."

"After a patient investigation of the whole matter, and after hearing the testimony of the witnesses called before them upon the several points to which they have been examined, the committee are of opinion that considerations of a personal nature, growing out of political hostility, have had much more influence in dictating the appropriation of public money to the objects referred to by the committee, than are consistent with a just and impartial administration of those branches of the public service to which the committee have thought it material particularly to draw the attention of the Council."

We would be inclined to think, that if the Assembly had been governed by considerations of a personal nature growing out of political hostility, the Supply Bill would not have shewn so many of the usual salaries voted for the Government Officers.

We love to be at peace; and think that it would have been more advantageous to the general welfare of this country that the supply bill had passed with its apparently lavish expenditure of a few hundreds, than that discontent and dissatisfaction should continue to keep up the "wholesome ripple" of contention, and violent party feeling, on the surface of society.

Whatever may have been the means by which the present House of Assembly assumed their position; they have been officially recognised by the British Government as the representatives of the people; and as such, their acts would involve the privileges of other Houses that may come after them, and, if they were to forego any of their legal rights, they would indeed be blameable.

The representative body in every country where it forms a part of the Government, will certainly have the controul of considerable patronage; the reformed British House of Commons is a notable example; and as long as the example, and as long as the Assembly refrains from making importations for the exercise of its patronage, its constituents will not have much reason to complain

Cheap, Speedy, and satisfactory Justice.

We will suppose that John sells Thomas forty shillings worth of goods, for which Thomas refuses to pay, and that John thinks it possible the Courts of Justice were partly intended for such

purposes. Well, John is aware that Thomas has forty shillings worth of property, that would be available for the payment of the forty shillings, if the law could be made to convert it to that just and reasonable purpose. We will suppose that the parties reside 3 or 4 miles from a place where the sittings of the Northern Circuit Court, and finding that Attachment can be granted in the Circuit Court for forty shillings he thinks that an attachment would secure the money for him, better than a Summons from the Sessions, at which, Thomas might "probably laugh, knowing that he could hide away his forty shillings worth of property before John could get a Judgment. On enquiry John finds that the Circuit Court is gone with all its officers to some other part of the country, and the time of its return will depend on the uncertainty of winds and waves, and the sundry unforeseen difficulties of navigation; but John finds that the Chairman of the Sessions is a Commissioner appointed to issue process in the absence of the Clerk of the Court. John gets his writ for forty shillings from the commissioner for which he has to pay 13s. or 14s., the writ is delivered to the constable who gets 4s. mileage; the Sheriff gets 18s. 7d.—and the property belonging to Thomas is secured in the hands of the Law.

The writ is returnable on the first day of session; well, by and by, long after being expected, the ship arrives with the Court, and the first day of the session arrives also. John attends for himself, not having money enough left to pay a Barrister of—years standing 25s. to plead for him; is called, answers for himself; Thomas is absent. John expects to get judgment by default, no no, he must serve a notice at his own proper cost and charges on defendant to appear, although John had already paid the constable for that purpose. The Court had been afloat; the first day of the term had been uncertain, and Defendant perhaps did not know that the Court had arrived. Thomas however keeps out of the way, and John cannot serve him with notice. John appears when his case is again called, tells his story can't find Thomas, and prays for Judgment, but Rule 4th December Term 7, Wm. 4, says oath of party Plaintiff cannot be admitted in proof of his demand against Defendant. Thomas had mustered 25s. for a Barrister, who tells the Court that his client is only waiting for the due service of notice, he was inclined on the part of his honest client to put the Plaintiff to proof of delivery of every item on his Bill of particulars.

Poor John is now fairly nonplused; keeps his own little shop, sells soap and candles may be, keeps no clerks like the great merchants and shopkeepers, cannot prove the delivery; at least will not be allowed to do so himself, sees the Court is no place to look for forty shillings—suffers a nonsuit, and what is worse sees the last shilling in his pocket swallowed up by the Law thus—

	£.	s.	d.
Commissioner	0	13	0
Sheriff	0	14	7
Constable	0	4	0

£1 11 7 or thereabouts currency. But if John had been able to pay a Lawyer, and had gone, on the full tide of litigation, to the palladium of his liberty, a Jury; and had lost his cause by the roguery of his debtors taking advantage of the Law of evidence in his favour. John would stand thus; looking for forty shillings.

	£.	s.	d.
Commissioner	0	13	0
Sheriff	0	14	0
Constable	0	4	0
his own Lawyer	1	5	0
Thomas' Ditto	1	5	0
Petit Jury	1	4	0

£5 9 7 or thereabouts currency. John could not but think, that the Courts were fine places to look for forty shillings; and he would perhaps

take into the account, how much he had paid of the taxes that were necessary to pay for the ship to carry the Court about; the salary of the Judge and Clerk; and other items that go to contribute to the "glorious uncertainty," one of the many evils, not least of those which flesh is heir to. John cannot help thinking that an honest common sense Stipendiary, sitting in a Court of Session, could very well for four or five shillings, have adjudicated his case as well as the Circuit; any thing that the great Lawyers may say against such a simplicity, notwithstanding.

We are obliged to omit several articles we have in type, for want of room, but which we will give on Wednesday next.

(From the Royal Gazette, Nov. 21.)

PROROGATION OF THE LEGISLATURE.

The Session of the Local Legislature has at length been brought to a close without the granting of the usual Supplies for the carrying on of the Civil Government of the Colony, &c. On Saturday last, at 2 o'clock, His Excellency the Governor, attended by the usual suite arrived at the Court-House, in front of a Guard of Honour of the Royal Veteran Companies was drawn up to receive him. His Excellency proceeded to the Council Chamber, and having taken his seat on the Throne, directed the Usher of the Black Rod to summon the attendance of the House of Assembly; and Mr. Speaker and the other Members having accordingly went to the Council Chamber, His Excellency gave his assent to several Bills, and then delivered the following Speech:—

Mr. President, and Honorable Gentlemen of the Council;
Mr. Speaker, and Gentlemen of the House of Assembly:—

I find myself at length compelled to close a Session the results of which are any thing but satisfactory.

I have reason to regret that some matters of an important character, recommended at its commencement to your consideration, remain in their former state—but of infinitely greater moment is the general distress which must be consequent upon the absence of an Appropriation Act.

Before you are again assembled we shall probably have the benefit of the opinion of her Majesty's Government upon the subject in dispute between the different branches of the Legislature: and as I am informed by the House of Assembly that some of its Members are delegated for the purpose of making a representation of the state of the Colony, I have to express my conviction that all alleged grievances which shall be substantiated by proof will be redressed, and my hope that such as may not be so sustained will no longer be suffered to agitate the public mind.

It is vain to look back upon the events of this session—I trust that our future proceedings may be of a happier description; and that the sanguine expectations, once so generally and reasonably entertained here, of the advantages to be derived from the establishment of a Local Legislature, may not be ultimately disappointed.

His Honour the President of the Council then stated that it was His Excellency's pleasure that the Legislature be Prorogued until Monday the fifth February next.

The Bills to which His Excellency gave his assent are as follows—

- Revenue Bill
- Quarter's Salaries' Bill (to 30th June)
- Road Bill
- Harbor Grace Light House Provision Bill.
- Pickled Fish Amendment Bill.
- Merchant Seamen's Regulation Bill
- Quarantine Act Continuation Bill
- Criminal Law of England Bill
- Registration of Deeds Bill
- Pilotage Act (St. John's) Continuation Bill.

The following charge was delivered by the Hon. Chief Justice BOUTRON, to the Grand Jury at the present term of the Central Circuit Court:—

Mr. Foreman and Gentlemen of the Grand Jury,

Altho' the Calendar presents a greater number of cases for your investigation than usual, yet I am happy to inform you that I do not perceive in any of those which partake of a felonious character any circumstances more heinous than are common to offences of the like nature.—They are chiefly Larcenies, charged to have been committed within the purlieus of the town; and since the recent introduction of the modern improvements in the Criminal Law of England, the distinctions which might perhaps be found to exist among them, constituting the difference between Grand and Petty Lar-

cenies, no longer prevail, and therefore the value of the property taken will cease to be a subject of any importance in your inquiries respecting simple Larcenies.

I feel great satisfaction in observing that the number of crimes, accompanied with violence and breaches of the peace, appears to be much diminished, and the quiet and good order of the people in a town containing so many seafaring men and others living at common lodging houses, without the presence of their families, and perhaps out of employment in a considerable degree since the termination of the busy season in the year, may, I hope, be regarded as an earnest of the improvement in our Police, as well as to the morals of the working and industrious classes of the community.

The Act for introducing the Criminal Law of England to the 20th day of June last, entitled "An Act to extend the Criminal Laws of England to this Colony, under certain modifications," to which I have before alluded, as having been passed by the Local Legislature during the Session which has just terminated, will, I trust, be found one of the most valuable and beneficial enactments that has engaged the attention of our Legislature since its institution. The improvements which has been made in the Administration of Criminal Justice in England, and which the late Colonial Act brings into full operation, are both numerous and important, ameliorating the severity of our Criminal Code in many respects, and affording a summary method of punishing various petty offences, which perhaps would pass unnoticed if the more tedious process of a Jury trial were necessary for the conviction of the offender.

Time will not permit me at present to enter upon any elaborate consideration of the various changes which has thus been made in the Criminal Code of this colony, and as opportunity will from time to time be afforded, by the holding of future Courts, of again recurring to this important subject, I shall only detain you a few moments while I bring under your notice some points which may be considered as particularly deserving of observation.

The 7 and 8 Geo. 4, cap. 27, repeals a vast number of English Statutes heretofore in force in this colony, so far as they could be applied, relative to the benefit of Clergy, and to Larceny and other offences connected therewith, and to malicious injuries to property, and therefore it will behoove all Magistrates to examine this Act with great care, lest they should find themselves acting under Statutes which are no longer in force.

An Act of the improving the administration of Justice in Criminal Cases in England passed in the same year, and being chapter 28 alters some of the formal as well as substantial proceedings usual upon trials of criminals—the plea of not guilty, without more, it is thereby declared, shall put the prisoner on his trial by a jury. If he refuses to plead the Court may order a plea of not guilty to be entered on behalf of such person—such refusal formerly amounting to a convicting in many cases. This Act also abolishes the benefit of Clergy on the first day of that Session, or which shall have been made so punishable by some subsequent Act. The entire Act is now in force in this colony, but I have only noticed what I consider the most important points.

By the Act 7 & 8, Geo. 4, cap. 29, for consolidating and amending the laws in England relative to Larceny, and other offences connected therewith, the distinction between Grand and petty Larceny is abolished—and transportation, imprisonment, and whipping, at the discretion of the Court, are imposed for simple Larcenies, and also hard labour and solitary confinement. The plundering or stealing any part of any ship or vessel which shall be in distress or wrecked, stranded or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel, is made punishable with Death.

Persons found with wrecked goods in their possession, and not giving a satisfactory account of how they were come by, may be summarily convicted in a penalty not exceeding £20 beyond the value of the goods, and the goods so found under a search warrant may be ordered to be restored to the owner.—Shipwrecked goods offered for sale may be seized by the person to whom they may be offered, and the party offering them may be in like manner brought before a Magistrate and fined. Stealing dogs is made punishable upon a summary conviction, by penalty not exceeding £20 for the first offence, and hard labour and whipping for the second. Receivers of stolen dogs are also liable to the like punishment. Stealing any part of any live or dead fence, or any wooden post, pale, or rail, set up or used as a fence, or any stile or gate or any part thereof, is

likewise subject to a fine of the value of the offence in prison with whipping, and also punished with satisfaction according to the things stolen out of garishable in like manner.

By the 7 and 8 Geo. 4, persons wilfully doing any damage upon any real estate specifically provided for, summarily convicted of the Peace and £5, by way of revision relates to understood by the

The last point draw your attention to for Conviction, which is a Police regulation, cap. 31, section 1, amending the Statute relating to offences against jurisdiction is a fine persons convicted of common assault £5, which by a tributary one and the other in default of payment to the sentence to the

You will, as should any other requiring the any representative to make shall

WILLIAM CHARLES

The following

Belonging to late Wm. That FARM HOUSE, occupied by the and known by comprising considerable portion.

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