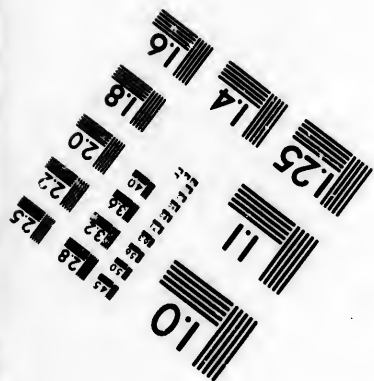
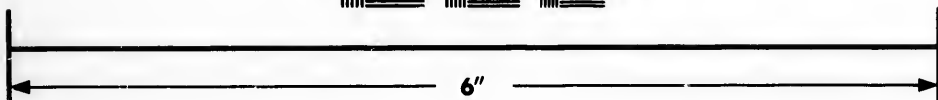
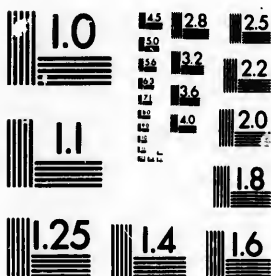


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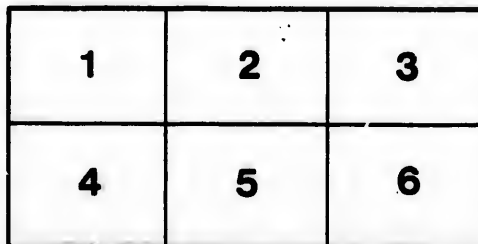
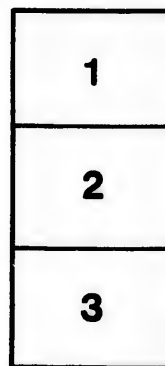
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B. C. Vol 159

ADDRESSES

11

PRESENTED TO

HON. H. W. AUSTIN

CHIEF JUSTICE

OF

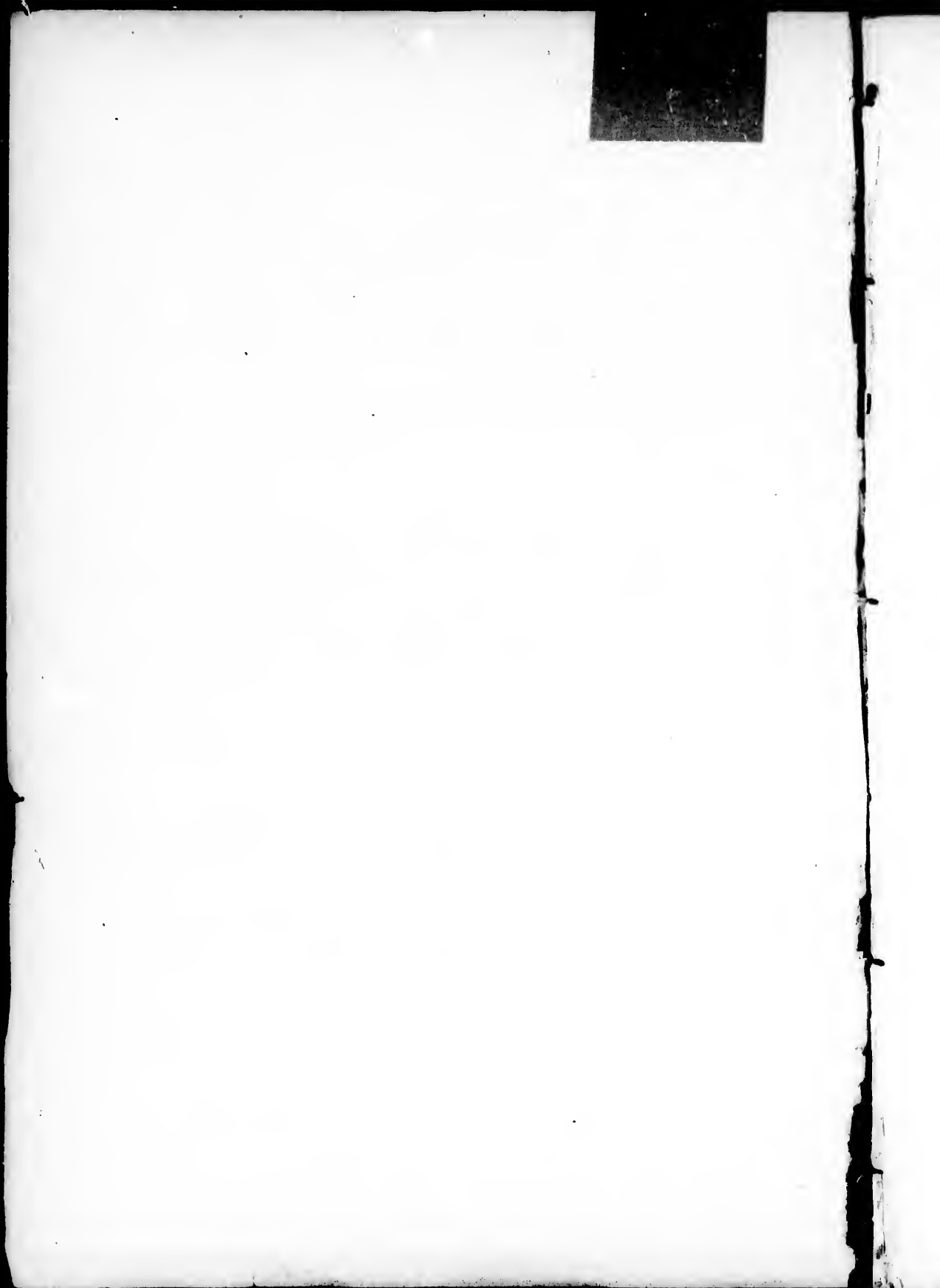
BAHAMAS

ON HIS RETIREMENT FROM THE BENCH OF  
THE COLONY.



MONTREAL.

1890.



# ADDRESSES

PRESENTED TO

Hon. H. W. AUSTIN, CHIEF JUSTICE.

---

ST. MARY'S RECTORY, NASSAU,  
BAHAMAS, May 21st, 1890.

MY DEAR SIR,

I have been requested by the clergy and ministers of the several churches and congregations of this city and island to forward to you the enclosed letter of sympathy and farewell.

As a comment upon your somewhat sudden and regrettable retirement from the office of Chief Justice the document is a weighty one, coming as it does from an intelligent body of men who, as pastors of their several congregations, come into daily contact with every condition of life to be found in your late jurisdiction. Those whose names are appended represent the white, black and colored elements of our population. They know the feelings of European residents, of old Bahamian settlers, of merchants who have most at stake in the community, and of the laboring classes.

Speaking for myself, an Englishman who has spent twenty-four years in Nassau, and to whom, from long acquaintance, all classes speak unreservedly on matters of general interest—speaking for myself, I can say that I view your departure as a public misfortune; for I hazard the assertion that outside a certain circle of a few persons bound by blood and marriage, it is impossible to find in this colony a dozen persons who speak otherwise than with respect and confidence of one who is styled by the masses "the righteous judge."

I remain, my dear Sir,

Yours with respect and esteem,

CHARLES WAKEFIELD, B. A.,

*Archdeacon.*

The Hon. W. H. AUSTIN,

*Late Chief Justice of the Bahamas.*

SIR,

Your sudden retirement from the office of Chief Justice of this colony cannot be allowed to pass without our expressing and conveying to you the deep regret that we feel at the loss of your able, impartial and conscientious discharge of the manifold and arduous duties devolving upon you as Chief Justice of this colony and Judge of the Supreme Courts for the past ten years.

We view your departure with profound sorrow, and as a loss to the colony of a judge that is upright, fearless and righteous.

You carry with you the esteem and respect and the good wishes of a great majority of those who have had opportunities of judging and estimating your worth.

We earnestly desire for you and yours health, happiness and abundant prosperity.

We have the honor to be, Sir, Yours faithfully,

PHILIP YOUNG,

*Dean and Rector of Christ Church  
Cathedral.*

CHAS. C. WAKEFIELD, B.A., (Oxon. Magd.  
Coll.)

*Archdeacon and Rector of S. Mary's,  
Nassau.*

J. SHERMAN FISHER,

*Rector of S. Agnes'.*

WM. W. DUNCOMBE,

*Rector of S. David's.*

W. LOWRDE GLANVILLE,

*Rector of S. Philip's and Rural Dean.*

W. H. STROMBORN,

*Rural Dean.*

M. C. BYWATER,

*Rector of St. Andrew's Exonue and  
J.P.*

AUDLEY J. BROWNE,

*Head Master of the Grammar School  
and Assistant Priest at the  
Cathedral, Nassau.*

W. S. PAGE,

*Assistant Curate of S. Agnes'.*



CHARLES T. FITZGERALD, B.A.,  
*Stanley.*

JOSEPH KEWLEY,  
*Wes. Minister.*

BERNARD J. REILLY,  
*St. Francis Xavier Church.*

EB. EDWARDS,  
*Green Turtle Cong.*

R. WORMWELL,  
*Wesleyan Minister.*

WILLIAM THEO. WILLERUP,  
*Pastor Bethel Native Baptist Church.*

CHAS. A. DANN,  
*Baptist Missiomy.*

DAVID THOMAS,  
*Pastor A. M. E. Zion Church.*

N. B. STEWART (REV., D.D.),  
*P. E. A. M. E. Church.*

JAMES W. ROBERTS,  
*Pastor St. John's, Native Baptist  
Minister.*

JUPITER FERNANDEZ,  
*Native Minister.*

JOSEPH SEXTON,  
*P. E. of the A. M. E. Zion Church,  
U. S. A.*

DANIEL W. MARTINDALE,  
*Elder in A. M. E. Zion Church.*

JOHN JAMES KERR,  
*Native Baptist Preacher.*

DAVID L. D. KERR,  
*Native Baptist Minister.*

REV. DENIS PAUL P. FLYNN,  
*Pastor of St. Fr. Xavier Church.*

To his Honor HENRY WILLIAM AUSTIN,  
*Late Chief Justice of the Bahamas.*

GENTLEMEN,

I have the honor to acknowledge the address you have been pleased to present to me on my retirement from the office of Chief Justice of this colony.

I feel highly honored by such a testimonial, coming as it does from so many of the clergy of the colony, distinguished members of the different communions. To have merited and to receive your approbation in this marked and public manner is most gratifying.

I have had your valuable example, teachings and influence on society to aid me in the performance of my duties, which has made my task much easier.

I thank you cordially for your good wishes for the health and happiness of myself and family, and I shall always remember you and your kind farewell.

I remain,

Reverend gentlemen,

Very faithfully yours,

W. H. AUSTIN.

To the Very Reverend the Dean YOUNG, the Venerable the Archdeacon WAKEFIELD, B.A., and Reverend Gentlemen.

---

NASSAU, May 26th, 1890.

SIR,

Under the present existing state of affairs, with the entire press of the colony, as we have good reason to believe, under the control of the clique inimical to you, we find it a matter of impossibility to obtain the publication of our address and your reply thereto.

We feel certain that the refusal to give publication is in keeping with the editorial of the *Nassau Guardian* of the 21st instant, so as to make it appear abroad that that editorial is the opinion of the people.

We, however, who are aware of the real situation, know that public opinion is suppressed by the few who actually control the press of this city.

We regret this untoward state of affairs, and express without

doubt the opinion that were we in telegraphic communication with the world, this high-handed and unjust state of affairs would not be tolerated; nay, in fact, could not have been brought into existence.

On behalf of the signers of address,  
We are, Sir,

Very sincerely yours,

JOS. ROKER.

W. F. ALBURY.

W. E. PRITCHARD.

LOUIS H. DUTY.

Hon. W. H. AUSTIN.

CHAMBERS,  
NASSAU, 2nd May, 1890.

MY DEAR SIR,

I cannot permit your sudden retirement from the Bench of this colony to pass without expressing and conveying to you the very great and sincere regret I (and I can with perfect truth declare a large majority of the inhabitants) feel at the loss of your able, impartial and conscientious discharge of the multifarious and arduous duties devolving upon you as the sole and only Judge of all the Superior Courts therein, and which have been continuously and satisfactorily performed by you for the past ten years.

Upon such retirement you will have the satisfaction of knowing that you take with you the respect, good wishes and esteem of those who had opportunities of judging and estimating your worth, who fervently wish for the future health, happiness and prosperity of yourself and amiable family.

Believe me, my dear Sir,

Yours ever faithfully

(Signed)

T. M. MATHEWS, Q.C.

3rd May.

MY DEAR MR. MATHEWS,

It gave me great pleasure to receive your kind letter of yesterday expressing your sentiments upon my retirement from the Bench of the colony.

There is no one here I consider so well qualified to express an

opinion upon the manner in which the business before the Courts of superior jurisdiction has been conducted during the ten years of my tenure in office, and I cannot forget the valuable aid you have always given me in your practice before the Courts in all the important cases in which you have been concerned.

Believe me I value much your opinion as to the performance of my legal duties, and I thank you most cordially for all your kindness and courtesy to me in our professional intercourse, and for the good wishes now expressed for the future of myself and family.

Sincerely yours,

(Signed)

H. W. AUSTIN.

---

NASSAU, May 24, 1890.

MY DEAR JUDGE,

I enclose a note from the editor of the *Nassau Guardian* which speaks for itself. Why can he refuse to print, in what claims to be a free paper, what is merely a matter of general information? Why need he "accompany the address with comments of his own not in accord with the sentiments expressed in the "document"? The cause of your persecutors must be pretty bad if they are afraid for it to be known that you have hosts of friends. What a pretty pass the colony has come to when the whole body of ministers of religion are refused a voice in the newspaper! What a country to live in! How do we know who will be next the object of malicious attack, and what protection or justice could anyone hope for who has the clique against him?

That article on Wednesday was the most unchristian, ungentlemanly and inhuman production I think I have seen in a public newspaper. They evidently wish you to leave *apparently*, to *outsiders*, broken, branded and friendless. *Magna est veritas*, etc.

Always yours with esteem,

CHAS. C. WAKEFIELD.

The *Times* refuses also.

NASSAU, May 23rd, 1890.

REVEREND SIR,

I have to acknowledge the receipt of your letter of yesterday requesting me to publish a copy of an address which has been presented to the late Chief Justice, and signed by the clergy, etc.

Inasmuch as the publication of the address would necessarily be accompanied with comments of my own not in accord with the sentiments expressed in the document in question, I deem it best, after due consideration, to decline very respectfully to permit the address to appear in my paper.

Very faithfully yours,

A. E. MOSELEY.

The Venerable Archdeacon WAKEFIELD.

NASSAU, N. P., May 22nd, 1890.

DEAR SIR,

I have received your note enclosing an address to his Honor the late Chief Justice H. W. Austin, with a request to publish the same, and in reply thereto beg to say I am unable to do so.

I am, Sir,

Yours most obediently,

CHARLES H. E. KEMP,  
*Editor "Nassau Times."*

Rev. C. C. WAKEFIELD, B.A.

NASSAU, N.P., May 21st, 1890.

SIR,

Knowing that you are soon to take your departure from amongst us, we take this opportunity of expressing our hearty good will, sincere appreciation and earnest sympathy for you.

We view with unfeigned regret your consent to and acceptance of the pension granted you by the Legislature of these Islands, not that we deem it unmerited, but we look upon the measure with unalloyed suspicion after the perusal of the message of His Excellency the Governor, dated the 25th February, 1890, inspired as it claims to be by Her Majesty's Principal Secretary of State

for the Colonies, that for reasons of State, an upright, conscientious and impartial Judge, as you have proven yourself to be during your ten years of office in the Bahamas, you have been compelled to suffer Righteousness' sake, and because you have done your duty.

Fully alive to your worth as an able and upright Judge, we cannot refrain from expressing our unqualified disapprobation of the course of proceedings which has, we believe, driven you to an enforced resignation.

We learn, also, with a feeling of indignation, that rumours have been circulated in England with a view to represent you as unpopular amongst the people, and we take this opportunity of repudiating this as a malicious fiction contrary to the openly expressed wishes of the people, who look upon the whole procedure against you as directly opposed to their interest—as against right, and not calculated to the better and more impartial administration of justice in this Colony.

You leave us with feelings of our unfeigned regret not unmingled with alarm for the future for the independence of the Bench in this Colony.

We give you the assurance that you possess our cordial esteem, respect and good will; and, tendering you our best wishes for the future, we trust you and yours may enjoy all the blessings and happiness of life wherever you may reside.

LOUIS N. DUTY.

Sam. Winder,  
John A. Ramsay,  
John Pascal Bastian,  
Henry McKenzie,  
James D. Saunders,  
W. A. Smith,  
William H. Major,  
Frederick D. Copat,  
John N. Brown,  
A. J. Burnside,  
Thos. H. Sands,  
Robert A. Higgs,  
William H. Young,  
John Alfred,

H. W. Whitfield,  
John E. Pauza,  
James F. Sherry,  
Benjamin W. Hall,  
Thos. J. Thompson,  
Samuel H. Rees,  
William E. Peal,  
Jas. D. Wark,  
John A. Demeritt,  
Nathaniel S. Elliott,  
Thomas H. Ferguson,  
Oscar Miron,  
Thos. Anderson,  
John J. Kemp,

Hugh Ramsay,  
 Thos. A. Gibson,  
 Chas. A. Bartlett,  
 Joseph A. Crawley,  
 E. F. White,  
 Chas. C. Coast,  
 Thomas M. Knowles,  
 George W. H. Demeritt.  
 Laurence Sands,  
 Mingo Brice,  
 John D. Evans, jr., M.P.  
 Wm. Gipson,  
 Wm. H. Francis,  
 John Holbert,  
 W. H. Fcrbes,  
 John A. Roxborough,  
 Arthur F. Munnings,  
 Joseph A. Bell,  
 Nathaniel T. Deane,  
 John Finlayson,  
 John Wilson,  
 Edward Wallace,  
 Lorenzo Roberts,  
 Thos. Lunn,  
 James Simnett,  
 James E. Hall,  
 John A. Cox,  
 James C. Kemp,  
 George A. Kerr,

Charles Andson,

Richard Netain,  
 Henry R. Armbrister,

John Demeritt,

his

George × Jones,  
 mark

Percival Dossett, R.H.  
 Edward Anthony Roberts,  
 John A. Hawkins,  
 Edwin E. Davis,  
 L. O. McKinney,  
 Theodore McKinney,  
 Timothy A. Smith,  
 William Basden,  
 William C. Evans,  
 James Major,  
 Henry S. Higgs,  
 W. M. Mackel,  
 Aziel Sweeting,  
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 George Lond,  
 Rodger A. Young,  
 Ernest Sweeting,  
 Rage Lightburn,  
 Cornelius Kemp,  
 Edward Hasgill,  
 Geo. Kelly,  
 John McNeal,  
 James O'Brien,  
 James S. Pintard,  
 his

John A. × Higgs,  
 mark

F. Nesaelt,  
 Peter Bunch,  
 his

Moses × Storms,  
 mark

his

Cornelius × Bethel,  
 mark

his  
Sylvester × Green,  
mark

his  
Frank × Kemp,  
mark

his  
Benjamin × Rahminy,  
mark  
Edward McKinney,

Henry Dean,

Mathew Harrington,  
George Hanna,  
R. H. Bastian,

George Pritchard,

his  
Nathaniel × Pinder,  
mark

Alexander × Ferguson,  
mark

George R. Goodman,  
his

Charles × N. Role,  
mark

Samuel Knowles,  
C. Dillet,  
Eliphalet A. E. Nabbie.

The Honorable HENRY WILLIAM AUSTIN,  
Late Chief Justice of the Bahama Islands :—

NASSAU, May 21st, 1890.

GENTLEMEN,

I receive the numerously signed address you have been pleased to present to me on my retirement from the Bench of this Colony with feelings of gratitude.

You are right in coming to the conclusion that my resignation has been forced upon me by the proceedings of the Executive, and by the high-handed treatment I have been subjected to by the Secretary of State of the Colonies.

The message of the Governor of the 25th of February last, to which you specially refer, is only a portion of the insult and injury I have had to submit to; but whether the Secretary of State is answerable, in any degree, for the form the message took remains yet to be established.

If you will wait a little you shall be put into possession of my case in print, which, I think, will convince you that I have only done my duty in the course I adopted of resisting every attempt of the Executive to intimidate and oppress me, and thus to strike a blow at the independence of the Bench in this Colony. Rest assured that there is no true liberty for the subject unless the



administration of justice is kept free from the control of the Executive.

In taking the stand I have, you know me too well to think that I have ever been influenced by personal considerations. I am the victim, at present, of misrepresentation and falsehood, and of a formidable conspiracy, without having been afforded an opportunity of vindicating my conduct. I have been condemned unheard.

Again thanking you for the confidence you have reposed in me and for the sentiments you have so well expressed, believe me, I shall remain your friend and well-wisher, and that I shall always always take a deep interest in the Colony.

HENRY W. AUSTIN.

To SAMUEL J. PINDER, Esq.

---

NASSAU, New Providence, May 24th, 1890.

The Honorable HENRY WILLIAM AUSTIN,  
*Late Chief Justice of the Bahamas.*

SIR,

As you have ceased to hold the office of Chief Justice of the Bahamas, having received a retiring allowance from the Legislature, and as you will soon be leaving our shores, we cannot allow you to depart without asking you to permit us to express to you our feelings of respect and confidence.

Irreproachable in your private character, and as Chief Justice, holding the scales and wielding the sword with firm and even hand, you have caused the seat of justice to be feared, respected and trusted, and tempering severity with equity and mercy, you have secured that it is neither hated nor despised.

We are confident that the vast majority of those who have had intercourse with you or have in any way been observant of your conduct in your high office, feel with us that in losing you we are losing an honest man, and a conscientious, fearless and impartial judge.

From our own knowledge we can assure you, that by very many, especially by those of the lower and more helpless classes of the community, your memory will be cherished with feelings much deeper than those of mere respect.

We believe that you will carry away with you a mind conscious of its own rectitude, and we assure you of our sincere esteem, and our best wishes for your future happiness and prosperity.

Thos. M. Mathews, Q.C.	Alex. Bain.
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R. H. Curry.	W. P. Sands,
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Louis N. Duty.	E. S. Bowen.
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L. W. Lewis.	C. H. Baillare.
Wm. Enoch Johnson.	William A. Styles.
R. F. Pyfrom.	Chas. McSweeney.
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E. S. Maura.	Geo. Mackintosh.
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O. P. Pritchard.	James Garrot.
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S. A. Kemp.	Samuel A. McGregor, S.P.
Aaron Thurston.	Ambrose Sisal.
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George Wright.	Henry W. Johnston.
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M. C. Munro.	Thomas Brown.
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Alfred Storr.	Albert Arenbuster.
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Samuel Styles.	James Lightbour.
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James Duglass.	Frederick Pople.
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Geo. Bode.	Andrew Knowles.
George Marbey.	

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