

the House of Assembly at Newfoundland on the subject of the right of that body to appoint the various officers in attendance on them.

I approve, without reserve or qualification, the whole of your proceedings on this occasion.

The subject under discussion would, in reality, be too insignificant to justify the prolongation of the debate, if it did not involve, first, a claim of strict right and justice advanced by the officers who have been dispossessed of their places, and secondly, a principle, which, if admitted in Newfoundland, could not but be applied in all the adjacent Provinces.

In no other view can the power of making these appointments be, to Her Majesty's Government or to you, an object of the slightest interest.

Anxious to avoid even the appearance of discussing this question in a controversial spirit, I pass over in silence some of the arguments which, in their Address of the 10th July, the Assembly have urged upon Her Majesty's Government. I admit at once that if, as is alleged, the established course of precedent in the British North American Provinces support the demand of the Assembly of Newfoundland, that demand should not be any further opposed. I am willing therefore to place the decision on the issue to which it has been referred by the Assembly.

You will communicate the state of this case to the Governors of Lower and Upper Canada,—of Nova Scotia, New Brunswick, and Prince Edward's Island,—desiring each of them to inform you whether, in the Province under his government, the Sergeant-at-Arms and Clerk of the Assembly hold, and have been accustomed to hold, their offices on the nomination of the House, or by an appointment from the head of the local Government. By the result of those enquiries your conduct will be determined.

The gentlemen in possession of these places in Newfoundland under the Royal authority must not, however, be precluded, by any decision which you may adopt, from asserting their right to discharge the duties and to receive the emoluments of the offices conferred upon them. You will not, therefore, revoke their appointments. If the law really recognises their title, there cannot be wanting legal methods by which it may be vindicated; and nothing must be done by the Executive Government which would have the effect of obstructing the resort, by those officers, to the remedies which the law affords them for protecting the vested interests to which they may lay claim.

You will use the whole of your legitimate influence to induce the House of Assembly to concur with you in reserving the pecuniary demands of the Sergeant-at-Arms and Clerk of the House until the practice of the British North American Colonies shall have been ascertained. I cannot permit myself to doubt that the House will cheerfully agree to abide by the result of an enquiry into the facts to which they have themselves referred as the foundation of their title. You will therefore not withhold your assent to any Bill of Supply, on the ground of its involving a decision of this claim, if, as I anticipate, the House shall assent to the proposal which I now instruct you to address to them.

I have, &c.

(Signed)

GLENELG.

#### PARLIAMENTARY PAPER.

*Veneris, 7<sup>o</sup> die Julii, 1837.*

*To His Excellency, HENRY PRESCOTT, C. B., Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies.*

MAY IT PLEASE YOUR EXCELLENCY,—

Your Excellency having been pleased to send down a Message to this House to the effect, that, having observed, "in the Journal of yesterday's proceedings of the House of Assembly, that the House has resolved to proceed this day to the election of its officers," Your Excellency deems it advisable to transmit a copy of Instructions from His Majesty's Principal Secretary of State addressed to Your Excellency "on this subject, by which," Your Excellency is pleased to say, "the House will perceive that" Your Excellency "is directed to uphold His Majesty's nomination of the Clerk and Sergeant-at-Arms;" and that "as respects these officers therefore no discretion is left to the Governor, and he cannot in any way recognize in those capacities gentlemen appointed by any other than the Royal Authority." We have carefully considered the same and duly weighed the reply, dated August 18th, of the Right Hon. the Secretary of State for the Colonies to Your Excellency's Despatch of the 8th July, 1836, upon that subject, where the Right Honorable Lord Glenelg observes "that the only precedent which can be followed in such a contingency is that which is afforded by the practice of Parliament in parallel cases; and as the Sergeant-at-Arms, the Usher of the Black Rod, and Clerks of Parliament, are all officers appointed by the Crown, it will be Your Excellency's "duty to insist upon the right of making similar appointments in Newfoundland."

In coming to the conclusion of persisting in the exercise of the right of the House of Assembly to appoint its own officers, after the reception of Your Excellency's Message, we beg to assure Your Excellency that we have felt impressed with the most profound respect for Your Excellency, attachment to His Majesty's Government, and firm determination to maintain inviolably the King's just prerogative; but while we entertain these feelings of respect and attachment, and that spirit of determination, we feel that as an independent Branch of the

Copy of Despatch from Secretary of State to Governor of Newfoundland, accompanying Speaker's letter.

Copy of Address of Assembly of Newfoundland accompanying letter of Speaker.