



HARBOUR GRACE, Conception Bay, Newfoundland:—Printed and Published by JOHN THOMAS BURTON, at his Office, opposite Messrs. W. DIXON & Co's

Newfoundland Legislature.

(From the Royal Gazette, July 4.)

Yesterday, agreeably to the Governor's Proclamation, the Colonial Legislature met at the Court-House—the several Members of the newly-elected House of Assembly having previously taken the oaths enjoined by law before the Honorable the Attorney General, the Commissioner appointed for that purpose. His Excellency, attended by the usual suite, arrived about one o'clock, and was received with the customary forms and ceremonies; and having taken his seat on the Throne, the Usher of the Black Rod was directed to desire the attendance of the House of Assembly.

Then, by the Governor's command, the President of the Council acquainted the Members of the House of Assembly that His Excellency did not think proper to declare the purposes for which he had called the present meeting of the Legislature, until they had chosen a Speaker; and that it was therefore His Excellency's desire that they should repair to the place in which they were to sit and there proceed to the election of some fit and proper person to be their Speaker, and that they should then come and present him at the bar for His Excellency's approbation.

The House of Assembly then retired, and shortly again returned to the Council Chamber, when PATRICK MORRIS, Esquire, addressed the GOVERNOR, stating that in obedience to His Excellency's command, the House had chosen a Speaker, and had unanimously elected to the Chair WILLIAM CARSON, Esquire, (one of the Representatives of the District of St. John's,) whom he begged leave to present for His Excellency's approval; to which the President of the Council replied, that the Governor was pleased to approve of the Speaker the House had chosen.

The Speaker Elect then addressed the Governor to the following purport:—"Your Excellency having been pleased to approve of the choice of the House of Assembly made of me as their Speaker, it now becomes my duty, as such, in the name of His Majesty's loyal subjects the people of Newfoundland, humbly to demand for them that they may have freedom of Speech in their debates; that they may be free from arrest, and enjoy all customary rights and privileges; and that whenever His Majesty's Service, and the interests of the Colony, may require it, I, as their Speaker, may have free access to your Excellency's person.

To which the President of the Council, by His Excellency's Command, replied that the Governor most cheerfully granted their request according to ancient custom, the usage of the British Parliament, and the Royal Instructions.

The Governor then opened the Session with the following Speech:—

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

I have to inform you that the Act for the protection of the Fisheries has been disallowed by His Majesty.

The Act for regulating the printing and publishing of Books, Newspapers, and Papers of a like nature, has been specially confirmed; and the remaining enactments of the late Sessions are left to their operation.

Of these, one for the relief of sick and disabled Seamen has proved effective only in the Districts of Saint John's and Ferryland.

A prejudice having been excited against this Law, the persons elsewhere entitled to elect Directors, refuse to exercise that privilege; and as no provision is made in such a contingency for the nomination of those Functionaries by any other process, the Act becomes a dead letter.

You will determine whether it be most advisable to remedy the defect I have stated—to modify the Act in other particulars—or altogether to repeal it.

The hospital at River-Head having under a stipulation providing for the accommoda-

tion of Lunatics and Pauper Patients, been made over to the Directors for this District, has been by them greatly enlarged and improved.

It will, I trust, in every circumstance be found serviceable to the Public, and consequently entitled to your favour and protection.

The Act for the encouragement of Education, so benevolently conceived and so honourable to the Legislature, has also, I regret to say, met with considerable impediments.

One District is for the present entirely deprived of its intended benefits, and in but few places is its operation cordial and complete.

I shall forward to you various letters and documents relating to this point, and most readily shall I assent to any measure that may tend to assuage religious jealousies and apprehensions, and promote the inestimable blessing of universal instruction.

I am here naturally led to the renewal of my former recommendation respecting the foundation of a Seminary for the higher branches of learning, combined with useful and elegant accomplishments.

The last Act to which I think it necessary to advert, is that for ascertaining the Census and other Statistical information.

From Twillingate an Fogo I have as yet no return: You will immediately receive all the others in the prescribed form; and they appear, especially as regards the Census to be made with commendable accuracy.

Mr. Speaker, and Gentlemen of the House of Assembly:

I embrace this opportunity of expressing my regret at the inconvenience to which some of your Members may have been exposed by the double Election.

I shall lay before you copies of correspondence between the Parent and Local Governments, fully explanatory of the circumstances which rendered so unusual a proceeding necessary on the late occasion.

As the Revenue Acts, unless renewed, will expire with the Session, I would recommend them as subjects for early deliberation.

The existing Duties have proved light and harmless in their effect upon Trade, while they have yielded ample means for the ordinary routine of Government, and have also permitted large appropriations to the formation of Roads, the construction of Bridges, the advancement of useful Education, the encouragement of useful Charitable Institutions, and many other important objects.

These, I am convinced, will receive your support; and as the progressive improvement, the welfare and prosperity of this Island, mainly depend upon the continuance of the present financial system, I doubt not that its principle will be firmly upheld.

The account of the Expenditure of the last, and the Estimate of what will be required for the current year, shall be immediately sent down.

As the first Quarter is already ended, I hope that you will without delay enable me to pay up the Salaries due, and also to discharge the Debt for the Sick and Destitute, and for matters essential to the Administration of Justice.

Any recurrence of inconvenience of the existing description, may be prevented by hereafter commencing the financial year with the month of July.

I submit for your decision the expediency of making provision for a Stipendiary Magistrate at the Burgeo Islands, a material part of whose duty it would be to prevent the abstraction of bait by Foreigners.

It is also worthy of your reflection whether it may not be desirable to establish a Colonial Vessel for general purposes—such as, amongst others, the Governor's inspection of the Outports, the occasional conveyance of the Judges on Circuit, and the protection of the Revenue.

I was induced last year to authorize the Collector of the Customs to hire a small Schooner in the hope of discovering and bringing to punishment the authors of a gross act of smuggling in the neighborhood

of La Poile, the documents connected with which transaction are prepared for your inspection.

The wretched state of the Jail and Court-House of St. John's has frequently been made known to the Legislature.

It has been repeatedly presented by Grand Juries, and Estimates have been delivered of the amount of necessary repairs.

These I have now included in the general annual statement, hoping that so great an evil will at length be remedied.

I have only further to observe, in reference to the public expenditure, that it is my desire to act in accordance with your wishes and to practise a strict economy.

Mr. President, and Honorable Gentlemen of the Council:

Mr. Speaker, and Gentlemen of the House of Assembly:

I am commanded to bring under your consideration the subject of Prison Discipline, and to lay before each branch of the Legislature a copy of reports of a Committee of the House of Lords on Gaols and Houses of Correction; and also of an Act of the Imperial Parliament "for effecting greater uniformity of practice in the Government of the several Prisons in England and Wales."

It is the opinion of His Majesty's Principal Secretary of State, that although, from the nature of the investigation conducted by the Committee of the House of Lords, some of their observations in their reports, and of the recommendations embodied in their resolutions, are necessarily of an exclusive nature, yet there are many others which are of general application, and which with such modifications only as are demanded by local circumstances, might probably be advantageously introduced into this Island.

I shall add to these reports some documents which you may find useful in this important examination.

I am likewise directed to supply you with a copy of the *Blue Book*, as yearly transmitted for the information of His Majesty's Home Government.

It shall be accompanied by a transcript of the Circular Despatch issued on this head by which you will perceive that hopes are entertained of the Colonial Statistical Returns being rendered more perfect by respective Legislative Enactments.

You will feel much interest in the Reports of the Road Commissioners. The Boards appointed for the Central District, for Conception Bay, and for the connecting line between Carbonear and Heart's Content, present very pleasing details of their progress. From Trinity and Ferryland the accounts are less gratifying.

I presume that the assistance annually granted will in future be proportioned to the energy displayed by the authorities, and to the local capabilities, both of labour and material, for the prosecution of Works so beneficial to the Public.

I commend to your particular attention and favourable consideration the representations contained in the report of the Commissioners for the regulation of Statute Labour.

The 5th Wm. 4th, 2nd Session, Cap. 5, under which these Gentlemen are appointed, and the 4th Wm. 4, 2nd Session, Cap. 6 to which it refers, seems to require modifications, and it may be probably found expedient to consolidate them into one act.

Permit me to assure you, in conclusion, of the satisfaction with which I shall concur in your efforts for the happiness of the Community—for the correction of abuses, if such there be—and for the improvement of our agricultural and commercial resources.

In the pursuit of such laudable objects, every reliance is to be placed upon your general knowledge, individual experience, devotion to the public good, and just appreciation of the many and great advantages already possessed by this extensive and flourishing Colony.

The House of Assembly having retired, the Governor left the House, attended as before.

The President of the Council then moved that a Committee consisting of the Attorney General, and the Honorable John Sinclair, be appointed to prepare an address in answer to the Governor's Speech.

The Council then adjourned to Wednesday next, at one o'clock.

HOUSE OF ASSEMBLY, July 4.

Mr. Solicitor General gave notice that, on the 6th inst., he would move for leave to bring in a bill to fix and establish the holdings and sittings of the Supreme and Circuit Courts of this Island.

A Message from His Excellency the Governor.

The Hon. Mr. Secretary Crowdy being admitted within the Bar, presented to the House a Message from His Excellency the Governor, signed by His Excellency; and then withdrew.

The said Message was then read by the Clerk, (all the Members being uncovered) and is as follows:

MESSAGE.

"H. PRESCOTT."

The Governor observing 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, His Excellency deems it advisable to transmit a copy of Instructions from His Majesty's Principal Secretary of State addressed to him on this subject, by which the House will perceive that His Excellency is directed to uphold His Majesty's nomination of the Clerk and Serjeant-at-Arms.

As respects these Officers, therefore, no discretion is left to the Governor; and he cannot in any way recognise in those capacities Gentlemen appointed by any other than the Royal authority.

Government-House,
4th July, 1837.

(Copy)

Downing-street, 18th August, 1837.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 8th ultimo, No. 46, requesting instructions as to the course which you should adopt in the event of the new House of Assembly of Newfoundland asserting a right to appoint their own Officers. In reply, I have to observe 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 Serjeant-at-Arms, the Usher of the Black Rod, and Clerks of Parliament are all Officers appointed by the Crown, it will be your duty to insist upon the right of making similar appointments in Newfoundland.

I have the honor to be, Sir, &c.
GLENELG.

To Captain PRESCOTT, }
R. N., C. B., &c. &c. }

Ordered, that the said Message and document do lie upon the Table to be perused by the Members of the House.

The House then proceeded to the choice of Officers, and

On motion of Mr. Kent, seconded by Mr. Doyle,

Resolved, that Robert Roberts Wakeham, Esq., be appointed Clerk of this House, and that Mr. Speaker do notify him thereof and direct him to attend in his place to-morrow.

On motion of Mr. Kent, seconded by Mr. Morris, Resolved, that Thomas Beck, Esq., be appointed Serjeant-at-Arms of this House, and that Mr. Speaker do notify him thereof and direct him to attend and take his place to-morrow.

On motion of Mr. Nugent, seconded by Mr. Winger,

Resolved, that Mr. John Delaney be appointed Doorkeeper of this House, and that Mr. Speaker do notify him thereof and direct him to take his place to-morrow.

Mr. Nugent moved, seconded by Mr. Morris, That Mr. Philip Brown be appointed Messenger of this House, whereupon

Mr. Brown moved, seconded by Mr. Power, That the said motion be amended by striking thereout the name of "Philip Brown," and in lieu thereof inserting the name of "David Walsh"—which being put, and the House dividing thereon, there appeared for the amendment, eight; against it three.

So it passed in the affirmative, and Resolved, that David Walsh be appointed Messenger of this House, and that Mr. Speaker notify the same to him, and direct him to take his place in the House to-morrow.

It will be appropriate of Dorset, th, £5.
Donn, presented n. Judge Brenton, took. The Ven. wu for Clerk.