

The Legislature of the Bahama Islands convened this day.

SEPTEMBER 5.

The following Message from His Excellency the Governor, was received by the House of Assembly, by the Deputy Secretary of the Colony.

“ Mr. Speaker and Gentlemen of the House of Assembly.

“ I send for the information of the House, an extract of a dispatch, addressed to me by Earl Bathurst, dated 31st of April.

“ CHARLES CAMERON.

“ Government House,
5th Sept. 1817.”

EXTRACT.

“ Downing Street, 31st April, 1817.

“ SIR—I have the honor to acknowledge the receipt of your dispatch of the 22th of February, stating certain proceedings on the part of the House of Assembly, which had induced you to dissolve that body; and having duly submitted the same to the Prince Regent, I have received His Royal Highness's commands, to express his entire approbation of your conduct, in thus applying the only check in your power, to the extraordinary and illegal authority which the House had arrogated to itself, in arresting Mr. Wyly, and committing him to prison, on the grounds stated in their resolution on the 22d of January.

“ You will not fail to convey to the House of Assembly, when again assembled the view which His Royal Highness has taken of the conduct of their predecessors, and assure them, that while His Royal Highness readily acquiesces in the principle, that the Assembly is entitled to exercise any privilege, which can be proved to be necessary to the due discharge of their legislative functions, yet His Royal Highness is compelled to resist any attempt to arrogate to themselves a power beyond what the necessity of the case essentially requires, not more with a view to protect the liberties of the inhabitants of the Bahamas, than from a due regard to the just privileges of the Assembly itself, which can only be supported either in practice or in argument, so long as they are proved to be necessary to the freedom of their debates, or the conduct of their proceedings.

“ In the present instance the power claimed by the Assembly cannot be justified on the plea of its necessity; it is one which has before been abandoned by the House of Assembly, in one of the most considerable West India Islands, even in a case, where the individual Members of that Assembly were the persons attempted to be imprisoned.

“ Admitting Mr. Wyly to have been guilty of all that is imputed to him, the House of Assembly had ample and effectual means of vindicating their character, without having recourse to a warrant for his imprisonment. They might, either in the first instance have directed legal proceedings against him for a libel, or have at once presented an application to you for his suspension, and an humble Address to His Royal Highness for his ultimate dismissal; nor could the Assembly have had any reason to doubt of His Royal Highness's readiness to attend to their representations, if it had appeared that the integrity of their proceedings had been unwarrantably impeached by the Attorney General: But the same disposition cannot be shown to an Address for his removal, grounded, as their Address now is, on his justifiable resistance to an unauthorized warrant for his imprisonment.

(Signed) “ BATHURST.

“ To Governor Cameron,
&c. &c. &c.”

Resolved—That this House do on Tuesday next, take into consideration His Excellency the Governor's message of this day, and the extract accompanying the same.

SEPTEMBER 9.

Agreeable to the order of the day, Resolved, That the House do now go into committee on the state of the Colonies and that the Governor's message of the 5th instant be referred thereto.

The Speaker having resumed the chair; Resolved, That according to the laws and usages of Parliament, and the standing rules of the house for upwards of twenty years past, the misrepresentations of the proceedings of the late House of Assembly,

by William Wyly, Esquire, as recited in the Speaker's warrant of the 22d of January last, was a contempt of that House, and a breach of the privileges thereof, and that the said warrant was thereupon legally issued; and that the forcible resistance of the said William Wyly to the execution thereof was unlawful, and under the novel and alarming circumstances of his resistance on that occasion, was an outrage on the peace of the Country, and a daring, indecent, and dangerous aggravation of his previous offence; and that therefore the subsequent warrant issued by order of the same House on the 23d of January last against the said Wyly, (in virtue of which the said Wyly was arrested and committed to prison) was legally, and properly issued.

Resolved, That the House of Assembly is the sole constitutional judge of its own privileges, and that his Majesty's ministers never have heretofore had, and have not at this time, and ought not at any time to have, any more controul over the privileges of the Colonial Assemblies, than over those of the British Parliament; and that therefore all interference of His Majesty's Ministers, or any of them, touching on abridgment of the privileges of the House, is constitutional, and subversive of the dearest rights of the people of these islands, as free British subjects.

Resolved, That the following Message be sent to His Excellency the Governor.

“ In answer to your Excellency's Message of the 5th inst. accompanied by an extract from a despatch of Earl Bathurst, the House of Assembly hasten to express a due sense of His Royal Highness the Prince Regent's gracious and ready acquiescence in the principle, that the House of Assembly is entitled to all privileges necessary to the due discharge of its legislative functions— And the House takes this opportunity to assure your Excellency, that it does not at this time, and trusts it never will, feel a vain disposition to claim any manner of right, or privilege, which does not come strictly within His Royal Highness's judicious definition—But the house in justice to itself, and to the country, cannot refrain from adding, notwithstanding the reasoning, and conclusions of Earl Bathurst's despatch on the subject of Mr. Wyly's arrest, the House is still unable to understand why the protection of the character of the late House of Assembly, against an infamous and unfounded libel, should be considered as unnecessary—

Whether the offence could have been legally made the subject of a criminal prosecution in a common law court, is extremely questionable, as it was in England that the libel was published, while its author remained here. The offence having been thus committed in one jurisdiction, where alone any evidence of it could be obtained, it is at least doubtful, whether a criminal prosecution could be maintained with effect in either. The British House of Commons also has ever considered itself competent to chuse between the two legitimate modes of proceeding, by information, or by process of contempt, and in making election of the latter, the late House of Assembly only followed the example of His Majesty's Ministers in the House of Commons in the memorable case of Sir Francis Burdett, and others of inferior note; nor could the late House have been aware of the readiness of His Majesty's Government, as has been suggested by His Lordship, to remove Mr. Wyly from Office, for an offence so entirely unconnected with his official situation and duties. Were a House of Assembly capable of the mean and distinguished artifice, and of the forgery attributed to the late House of Assembly, in Mr. Wyly's correspondence with the African Institution, such a house would justly forfeit all claim to public confidence, and certainly would not be in a situation to command either respect, or cheerful obedience. A strict integrity of character, therefore, being at all times, most essential to a pure and efficient exercise of all legislative functions, the House still humbly indulges a hope, that on further consideration, and a close, and more copious view of the facts in connection with the proceedings in question, His Majesty's Government will yet be disposed to admit that, even on the plea of absolute and indispensable necessity, these proceedings are fully justified. It may also be proper to add, that the late House of Assembly in Mr. Wyly's case assumed no principle in the

exercise of contempt, not fully recognized by the uniform practice of Parliament, and an uninterrupted series of confirmatory judicial decisions. An objection twice occurs in His Lordship's dispatch, which considerably detracts from His Royal Highness's gracious acquiescence in the principle contended for by the House, by casting a shade of ambiguity over the practice to be observed under it. For to quote his Lordship's language, the Assembly is to have such privileges only as are “ PROVED to be necessary.” If, by this, it is to be understood, that previous to the exercise of any privilege, the House is, on every occasion, to be put to the proof of its necessity, the House, it is presumed, would seldom submit to the humiliation of so qualified an enjoyment of its natural rights. Neither does his Lordship designate the authority which is to judge of that proof. If the necessity of the case is, according to parliamentary usage, to be proved to the satisfaction only of the House itself, his Lordship's restriction, it must be confessed, would be equally constitutional and harmless. But if it means that the question of necessity is to be submitted to some other jurisdiction, there would, of course, be nothing of privilege left but the name. But however highly the House of Assembly are disposed to estimate the opinions of His Majesty's Ministers, and to deplore their disapprobation of its proceedings, the House would be lost to all due sense of its own independence was it not, on this occasion, to declare, that it considers itself the sole constitutional judge of its own privileges, their nature and extent, and of the occasions which authorize their exercise; and that until the British Parliament shall acknowledge the right of His Majesty's Ministers to define, limit, and controul the privileges of that body, this House cannot consistently with its duty to the high feelings, rights and interests, of the people of these Islands, submit, even for a moment, to any similar privations. The House is too well acquainted with the nature of its just privileges, not to know that they are only to be supported by a discreet exercise of the extraordinary powers, which they, in some instances, confer; and also too sensible of their value on such occasions, to weaken their effect by trifling with the liberty of the fellow subject. And the House cannot otherwise than regard with the deepest regret and surprise, at such a crisis as the present, when the colonies are furiously assailed on all sides by the most perilous calumnies, in a manner highly injurious to the property and political interest, as well as to the character of the inhabitants, and at a season of constant alarm even for their lives, that the above mentioned misrepresentations of Mr. Wyly, and his arming his slaves to resist the authority of the Assembly, should be considered as matters of insufficient importance to authorize a constitutional exercise of the right of self-protection on the part of the late House.”

WASHINGTON,

TUESDAY, DEC. 2.—The two Branches assembled, and shortly after formed a Convention, in the Representatives' Chamber, when, at the hour appointed, the President, by his Secretary, Mr. JOSEPH J. MONROE, communicated, the following

MESSAGE:

Fellow-Citizens of the Senate and of the House of Representatives. At no period of our political existence had we so much cause to felicitate ourselves at the prosperous and happy condition of our country. The abundant fruits of the earth have filled it with plenty. An extensive and profitable commerce has greatly augmented our revenue. The public credit has attained an extraordinary elevation. Our preparations for defence, in case of future wars, from which, by the experience of all nations, we ought not to expect to be exempted, are advancing, under a well directed system, with all the despatch which so important a work will admit. Our free government, founded on the interest and affections of the people, has gained, and is daily gaining, strength. Local jealousies are rapidly yielding to more generous, enlarged and enlightened views of national policy. For advantages so numerous, and highly important, it is our duty to unite in grateful acknowledgements to that Omnipotent Being, from whom they are derived, and in unceasing prayer, that he

will endow us with virtue and strength to maintain and hand them down, in their utmost purity, to our latest posterity. I have the satisfaction to inform you, that an arrangement, which had been commenced by my predecessor, with the British government, for the reduction of the naval force, by Great Britain and the United States, on the lakes, has been concluded: by which it is provided, that neither party shall keep in service on Lake Champlain more than one vessel; on Lake Ontario, more than one; and on Lake Erie, and the upper lakes, more than two; to be armed, each, with one cannon only; and that all the other armed vessels, of both parties, of which an exact list is interchanged, shall be dismantled. It is also agreed, that the force retained shall be restricted, in its duty, to the internal purposes of each party; and that the arrangement shall remain in force until six months shall have expired, after notice given by one of the parties to the other of its desire that it should terminate. By this arrangement, useless expense, on both sides, and, what is of still greater importance, the danger of collision, between armed vessels, in those inland waters, which was great, is prevented. I have the satisfaction also to state, that the Commissioners under the fourth article of the treaty of Ghent, to whom it was referred to decide, to which party the several islands in the Bay of Passamaquoddy belonged under the treaty of one thousand seven hundred and eighty three, have agreed in a report, by which all the islands in the possession of each party before the war have been decreed to it. The commissioners acting under the other articles of the treaty of Ghent for the settlement of boundaries, have also been engaged in the discharge of their respective duties, but have not yet completed them. The difference which arose between the two governments under that treaty, respecting the right of the United States to take and cure fish on the coast of the British provinces, north of our limits, which had been secured by the treaty of one thousand seven hundred and eighty-three, is still in negotiation. The proposition made by this government, to extend to the colonies of Great Britain the principle of the Convention of London, by which the commerce between the ports of the United States and British ports in Europe had been placed on a footing of equality, has been declined by the British government. This subject having been thus amicably discussed between the two governments, and it appearing that the British government is unwilling to depart from its present regulations, it remains for Congress to decide, whether they will make any other regulations in consequence thereof, for the protection and improvement of our navigation. The negotiation with Spain for spoliation on our commerce and the settlement of boundaries, remains, essentially, in the state it held; by the communications that were made to Congress by my predecessor. It has been evidently the policy of the Spanish government to keep the negotiation suspended, and in this the United States have acquiesced, from an amicable disposition towards Spain, and in the expectation that her government would, from a sense of justice, finally accede to such an arrangement as would be equal between the parties. A disposition has been lately shown by the Spanish government to move to the negotiation, which has been met by this government, and, should the conciliatory and friendly policy which has invariably guided our councils, be reciprocated, a just and satisfactory arrangement may be expected. It is proper, however, to remark, that no proposition has yet been made from which such a result can be presumed. It was anticipated, at an early stage, that the contest between Spain and the colonies, would become highly interesting to the United States. It was natural that our citizens should sympathize in events which effected their neighbors. It seemed probable, also, that the prosecution of the conflict along our coast, and in contiguous countries, would occasionally interrupt our commerce, and otherwise affect the persons and property of our citizens. These anticipations have been realized. Such injuries have been received from persons acting under the authority of both the parties, and for which redress has, in most instances, been withheld. Through every stage of the conflict, the United States have maintained an impartial neutrality, giv-