

The latter course, to which you appear more to incline, would convert the Minister into a mere medium of communication, negative his responsibility, and place the Crown in the unconstitutional position of acting on the advice of an unsworn and irresponsible adviser.

In the case of the appointment of Mr. Tyler, with respect to which you question the accuracy of my statement, I find that I was quite correct in that statement. The records of this office shew that the then Colonial Secretary (Mr. Stafford) recommended the appointment of Mr. Tyler as Clerk Assistant to the House of Representatives. The question whether, in giving such advice, Mr. Stafford acted on his own original opinion, or on the suggestion of another person, is irrelevant to the point really at issue, and for which I contend, namely, that a Responsible Minister is bound to advise the Governor relative to such an appointment, and that, in giving such advice, his discretion is not necessarily limited by the recommendation of any other person.

I cannot admit the force of your argument that Mr. Tyler should resign his office to the person to whom he owed his appointment, for, in that case, many officials would never decidedly know to whom they should address their resignations, as many, no doubt, owe their appointments to the recommendations of friends in England or elsewhere.

You will I am sure believe that, in taking this position, I do not, in the slightest degree, intend to embarrass you, or to infringe on your prerogatives, but that I am acting in the fulfilment of a duty which I believe to be attached to my office, and with every wish, in reference to the particular appointment concerned, to consult your wishes and the efficiency of the public service.

I have, &c.,

WILLIAM FOX.

The Hon. the Speaker of the House of Representatives.

No. 11.

COLONIAL SECRETARY NEW SOUTH WALES, TO COLONIAL SECRETARY.

Colonial Secretary's Office,
Sydney, New South Wales,
23rd May, 1862.

SIR,—

In compliance with the request contained in your letter of the 9th inst., No. 127, for certain information relating to the appointment of Officers of the House of Assembly in this Colony, I have the honor to inform you that the appointments of Clerk of the House, Assistant Clerk, Sergeant at Arms, and Subordinate Officers, are made by his Excellency the Governor with the advice of the Executive Council in accordance with the provisions of the Constitution Act, on the recommendation of the Honourable the Speaker, who simply reports the vacancy, and suggests the name of the party whom he wishes to fill it, which suggestion is generally acted upon.

I have, &c.,

CHARLES COWPER.

The Hon. the Colonial Secretary,
New Zealand.

No. 12

COLONIAL SECRETARY VICTORIA, TO COLONIAL SECRETARY.

Chief Secretary's Office,
Melbourne, 30th June, 1862.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 9th ult., No. 131, asking for information with regard to the mode of appointing the Officers of the Houses of Legislature in this colony. In answer to your enquiries I have to state as follows:—

First, the Government, that is the Governor in Council, has always from the commencement exercised the right of appointment to all vacancies that may occur in the department of the Legislative Council.

Secondly, upon the inauguration of Responsible Government, and until a recent date, all appointments in the Legislative Assembly were made by the same authority, but some time since the Speaker of the Assembly claimed, in accordance as stated with Imperial precedent, the same patronage in the appointment of the Clerks and other Officers of the House as possessed by the Speaker of the House of Commons, and which had been asserted by the Speaker of the Legislative Assembly of New South Wales. His claim was allowed by a previous Chief Secretary and a nomination made by him to a petty office in the House was confirmed by the Governor in Council.

The right, however, claimed by the Speaker to have the offices of the Legislative Assembly under his control has not been allowed to pass unchallenged by the Clerk and the Sergeant at Arms, it being contended on their part, that the right of recommendation given to the Speaker of the House of