

P A P E R S

RELATIVE TO THE

APPOINTMENT OF OFFICERS OF THE LEGISLATURE.

PAPERS RELATIVE TO
THE APPOINTMENT OF OFFICERS OF THE LEGISLATURE.

No. 1.

UNDER SECRETARY TO CLERK, HOUSE OF REPRESENTATIVES.

Colonial Secretary's Office,
Auckland, 26th March, 1861.

SIR,—

Mr. Curnin, formerly Assistant Clerk to the House of Representatives, having been appointed Clerk to the Legislative Council, I am directed by Mr. Stafford to request you to be good enough to recommend some competent person to fill the office vacated by that appointment.

I have, &c.,

W. GISBORNE,
Under Secretary.

The Clerk of the House of Representatives.

No. 2.

CLERK, HOUSE OF REPRESENTATIVES, TO UNDER SECRETARY.

Clerk's Office, House of Representatives,
April 4th, 1861.

SIR,—

In reply to your letter of the 26th ultimo, requesting me by direction of Mr. Stafford, to recommend some competent person to fill the office of Clerk Assistant of the House of Representatives, vacant by the promotion of Mr. Curnin, I have the honor to recommend for that appointment, Mr. Henry William Tyler, Clerk in the office of the Honorable the Attorney-General.

I have, &c.,

F. E. CAMPBELL,
Clerk of House of Representatives.

The Under Secretary,
&c., &c., &c.

No. 3.

MEMORANDUM BY THE COLONIAL SECRETARY.

Recommended that Mr. Tyler be appointed Assistant Clerk to the House of Representatives.

E. W. STAFFORD,
23rd April, 1861.

APPROVED.

T. GORE BROWNE,
April 24th.

No. 4.

UNDER SECRETARY, TO THE CLERK HOUSE OF REPRESENTATIVES.

Colonial Secretary's Office,
Auckland, 25th April, 1861.

SIR,—

In reply to your letter of the 4th instant, recommending that Mr. H. W. Tyler should be appointed to the office of Clerk Assistant to the House of Representatives, vacant by the promotion

APPOINTMENT OF OFFICERS

of Mr. Curnin, I am directed to inform you that His Excellency the Governor has approved of Mr. Tyler being appointed to the office in question.

I have, &c.,

W. GISBORNE,
Under Secretary.

The Clerk of the House of Representatives,
&c., &c., &c.

No. 5.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, TO COLONIAL SECRETARY.

Nelson, 28th April, 1862.

SIR,—

Mr. Tyler having resigned the office of Clerk Assistant to the House of Representatives, I have the honor to request that you will be pleased to inform His Excellency the Governor that I recommend Mr. George Friend for the appointment.

I have, &c.,

D. MONRO,
Speaker of the House of Representatives.

The Hon. the Colonial Secretary.

No. 6.

THE COLONIAL SECRETARY, TO THE SPEAKER HOUSE OF REPRESENTATIVES.

Colonial Secretary's Office,
Auckland, 8th May, 1862.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 28th ultimo informing me that Mr. Tyler has resigned the office of Clerk Assistant of the House of Representatives, and you request that I will be pleased to inform His Excellency the Governor that you recommend Mr. George Friend for the appointment.

I am somewhat at a loss to understand the position you assume in reference to this matter. In the first place Mr. Tyler having been appointed to his office on the recommendation, not of the Speaker of the House of Representatives, but of my predecessor, as one of the Governor's Responsible Advisers, ought to have sent in his resignation to myself, so as to afford the Ministry the opportunity of advising His Excellency to accept or decline accepting such resignation; this however having probably originated in a mis-apprehension on the part of Mr. Tyler, and there being no objection to his resigning if he wish it, I shall not in this instance make any objection on that ground.

But if, as I infer from the tenor of your letter, you claim for the Speaker the right of recommending this or any other appointment, independently of the Responsible Ministers, I beg to demur to the position you assume. In conformity with what I understand is the practice of the Imperial Parliament, all appointments except those of the Speaker and the Chairman of Committees ought to be made by the Governor on the advice of the Responsible Ministry. It appears also that the practice in Victoria is that such appointments are made on the advice of the Executive Council (see Gazette November 19th, 1856) and in South Australia the same practice seems to prevail (see Gazette March 5th, 1857). In order, however, to obtain more general information as to the practice of the Australian Colonies, I have addressed enquiries on the subject to the several chief Secretaries, the result of which I shall communicate to you when received.

I need scarcely say that Ministers would always be prepared, and no doubt would consider it their duty, to consult the Speaker (and perhaps the Chairman of Committees) in reference to the appointment of the subordinate officers of the House, but (subject of course to his Excellency's right to refuse their advice) the ultimate decision must rest with His Excellency's Advisers; and such up to this time I understand has been the practice in this Colony.

In reference to the particular recommendation made by you on this occasion I am sorry to say that there are difficulties which will prevent His Excellency's advisers from recommending the gentleman mentioned by you. You do not specify who Mr. George Friend is, but the Government has learned from the Clerk of the House that the person intended by you is at present the Accountant of the Land Purchase Department of the General Government; this fact no doubt was unknown to you, as I am certain that had you known it, ordinary courtesy would have suggested to you the propriety of consulting the General Government whether Mr. Friend's services could be dispensed with in the department in which he is, before you proceeded to recommend to the Governor his employment in another.—But it unfortunately happens that Mr. Friend cannot be allowed to leave his present office, there has been a very heavy arrear in the accounts of the Department to which he is attached, and it is absolutely necessary that the accounts should be closed before the Chief Commissioner Mr. McLean leaves for England, which as soon as they are closed he proposes doing on leave of absence for two years. The accounts cannot be made up till the return of Mr. McLean

to Auckland, and it is essential that Mr. Friend should continue in his present office till the Commissioner's accounts are properly rendered and audited. Mr. McLean is at present in the South, and after his return some considerable time will probably elapse before Mr. Friend's services can be dispensed with, should the Government then, in reference to other considerations, be prepared to acquiesce in your recommendation.

I enclose a copy of a Memorandum by the Auditor of Public Accounts which will shew you how impossible it is that Mr. Friend's services can be dispensed with.

I have, &c.,

WILLIAM FOX.

Enclosure in No. 6.

MEMORANDUM BY THE AUDITOR OF PUBLIC ACCOUNTS.

The Auditor is of opinion that in justice to Mr. McLean, Mr. Friend ought not to be transferred to another Department until Mr. McLean's Land Purchase Accounts have been finally wound up, and that officer has consented to Mr. Friend's transfer.

I have, &c.,

CHARLES KNIGHT,
Auditor.

No. 7.

COLONIAL SECRETARY, TO THE SPEAKER HOUSE OF REPRESENTATIVES.

Colonial Secretary's Office,
Auckland, 9th May, 1862.

SIR,—

In reference to my letter to yourself of yesterday's date, on the subject of the appointment of a Clerk Assistant, I am very anxious that no inconvenience to the House of Representatives should result from the inability of the Government to recommend to the Governor the gentleman named by you. If you can suggest any other gentleman to whom the the same objection does not apply, the Government will be prepared to acquiesce in the appointment, of course without prejudice to the right of recommendation on either side; but to prevent any inconvenience, a gentleman in the Attorney General's Department, a Solicitor by profession; and I believe eminently qualified for the Office of Clerk Assistant, will proceed to Wellington with the Government in order that his services may be temporarily available, should you be unable to find any other person who may be recommended to fill the appointment permanently.

I have, &c.,

WILLIAM FOX.

The Hon. the Speaker of the House of Representatives.

No. 8.

SPEAKER OF THE HOUSE OF REPRESENTATIVES TO THE COLONIAL SECRETARY.

Nelson, 22nd May, 1862.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 8th inst., in which you inform me that his Excellency's Advisers decline recommending the gentleman whom I had pointed out for the office of Clerk Assistant of the House of Representatives, and you further question the right of the Speaker to make recommendations to this or any similar appointment independently of the Responsible Ministers.

It is to be regretted that the respective duties and authority of the House of Representatives and of the Responsible Ministry with regard to this matter should not before this time have been clearly defined. But you will probably recollect that towards the close of the last Session, I was anxious to have brought the subject before the House for its decision, but abstained at your earnest request from doing so. I apprehend however, looking to the very different origin and position of the Imperial Parliament and that of a Colony, that any practice founded upon analogy could hardly be reasonably established. What the practice in the Australian Legislatures may be, I do not at present know, but I have addressed enquiries to their different Speakers. Still, whatever may be the nature of the answers received, I imagine that the ultimate decision and establishment of the practice as regards this Colony must remain with the House of Representatives, and I trust that its opinion will be pronounced in the ensuing Session. In the meantime I consider it my duty, as its Chief Officer, to assert its independence of the Executive, and in doing this I am only carrying out a view of the matter which was strongly insisted on by my predecessor.

APPOINTMENT OF OFFICERS

As regards the appointment of Mr. Tyler, which you assert to have been made on the recommendation of your predecessor and his resigning his office to me (a proceeding the correctness of which you question), I believe you will find on further enquiry that you labour under some misapprehension, as I have been very distinctly informed, both by your predecessor and by the Chief Clerk of the House, that it was upon the recommendation of the latter that Mr. Tyler was appointed, and I presume that gentleman sent in his resignation to the quarter to which he had reason to believe that he owed his appointment, I certainly was not aware when I recommended Mr. George Friend for the appointment that the objections mentioned by you existed to his removal from his present office, and I am prepared to admit that had I known of them I should have felt it my duty to have consulted the Ministry before making the recommendation. But you will probably agree with me that I had no reason to anticipate such an objection as this, when I inform you that Mr. Friend was recommended to me both by Mr. McLean and by Mr. Dillon Bell, who were I understand either *the actual or the virtual heads* of the department in which he is at present employed. Indeed, referring to the Memorandum of the Auditor-General, and more particularly to what he says, with regard to the inadvisability of transferring Mr. Friend to another department until Mr McLean's consent has been obtained, I think I am justified in assuming that that condition at all events had been fully answered. I conclude by repeating my hope that the House of Representatives may take an early opportunity of settling this matter, and thus prevent further misunderstanding between its Speaker and the Executive. Whatever that decision may be, I feel certain that we shall both cheerfully acquiesce in it.

I have, &c.,

D. MONRO,
Speaker of the House of Representatives.

The Hon. the Colonial Secretary.

No. 9.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, TO THE COLONIAL SECRETARY.

Nelson, 22nd May, 1862.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 9th instant, informing me that a gentleman eminently qualified, as you believe, for the office of Clerk Assistant, will proceed to Wellington with the Government, in order that his services may be temporarily available in that capacity. My right as Speaker virtually to appoint the Clerks of the House having been already contested by you, and the whole question being in an unsettled state, I do not feel called upon either to recommend any other gentleman for the approval of the Executive, or to express any opinion upon the appointment you have temporarily made, beyond saying that I recognize in the act a desire to ward off from the House of Representatives a serious inconvenience which must otherwise have resulted to it.

I have, &c.,

D. MONRO,
Speaker of the House of Representatives.

The Hon. the Colonial Secretary.

No. 10.

THE COLONIAL SECRETARY, TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Colonial Secretary's Office,
Auckland, 6th June, 1862.

SIR,—

I have the honor to acknowledge the receipt of your two letters noted in the margin, relative to the appointment of a Clerk Assistant to the House of Representatives.

A misapprehension still seems to exist in your mind relative to the position which, as a Responsible Adviser of His Excellency the Governor, I have assumed in this matter; and that, I think, is the reason why the position which you claim appears even now indefinite.

I have throughout this correspondence conceded that a Minister, before he advises the Governor as to the appointment of an officer of the House of Representatives, would feel it his duty to consult the Speaker in reference thereto, but if I understand either that you claim the right of making such appointment, or the right of recommendation direct to the Governor or through his Ministers, in such a manner as practically to make that recommendation obligatory on them, I must demur to the adoption of either of these courses as irregular and unconstitutional.

The first of the above courses would altogether do away with the appointment by the Crown, and would not only be unprecedented in the Imperial and Australian Parliaments, but would also be productive of serious inconveniences, among which I may instance the cessation of the office at the end of each Parliament, when, the office of Speaker terminating, all appointments made by him must also necessarily cease.

22 May, 1862.

Do. do.

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 uncounstitutional 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

APPOINTMENT OF OFFICERS

Commons by the Act 19 and 20 Vic., chap. 1 extended merely to the first and second Clerks Assistant, the right granted by the Act 52, Geo. 3, C. 11, to the Clerk to appoint all the other officers in his department, and to the Sergeant at Arms to appoint all in his department not being interfered with. This question is not settled. It was referred by the House of Assembly to the Standing Orders Committee and they have not yet brought up a report upon it.

I have, &c.,

J. MOORE,

For Chief Secretary.

The Hon. the Colonial Secretary,
New Zealand.

No. 13.

COLONIAL SECRETARY SOUTH AUSTRALIA TO COLONIAL SECRETARY.

Chief Secretary's Office,

Adelaide, June 17, 1862.

SIR,—

In reply to your circular of the 19th May last, requesting information on certain points relating to the appointments of officers of the Houses of Parliament in this Province. I have the honour, by desire of His Excellency Sir Dominic Daly, to inform you that all appointments to officers under Government—except minor ones—are vested in the Governor, with the advice and consent of his Executive Council, composed exclusively of responsible Ministers,

Vacancies are intimated to Government by the President or Speaker who ordinarily recommend some person for the appointments, and such recommendations are generally as a matter of policy complied with.

I have &c.,

G. M. WATERHOUSE,

Chief Secretary.

The Hon. the Colonial Secretary,
New Zealand.

No. 14.

COLONIAL SECRETARY WESTERN AUSTRALIA, TO COLONIAL SECRETARY.

Colonial Secretary's Office,

Perth, 12th June, 1862.

SIR,—

In acknowledging your circular of 9th ultimo, No. 130, I have the honor to inform you that Western Australia being at present a Crown Colony, has no House of Assembly, and therefore I am unable to give you any information on the matter to which you refer.

I have, &c.,

FRED. P. BARLEE.

The Hon. The Colonial Secretary,
New Zealand.

No. 15.

COLONIAL SECRETARY TASMANIA, TO COLONIAL SECRETARY.

Tasmania,

Colonial Secretary's Office,

9th June, 1862.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 9th ultimo, requesting information respecting the appointments of the officers of the Houses of Legislature in this Colony. In reply to your first inquiry—are the appointments of Clerks of the Houses, Assistant Clerk, Sergeant at Arms, and Subordinate Officers made by the Governor or by whom? I beg to inform you that the appointment of all the Officers referred to by you, rests with the Governor in Council.

To your second query—"If by the Governor, are the appointments made on the recommendation of His Excellency's responsible Advisers, of the Speaker, or whom? the reply is, on the recommendation of the Ministry of the day.

In reply to your third query.—"What is the course of proceedings followed by the Speakers of the Houses in which vacancies of any such appointments occur," I beg to say that the fact of such vacancy, if the Parliament were in Session, would be notified by the President or the Speaker as the case might be, to the Colonial Secretary; if not in Session, it would be notified to that officer by the Clerk of the Council or Assembly; or should the vacancy be that of the Clerk, then the notification would be made by the next in rank in the office of that branch of the Legislature in which the vacancy occurred.

It has not been customary in this Colony to consult or refer to the President or Speaker as regards the filling up of such appointments.

I have, &c.,
WM. HENLY.

The Hon. The Colonial Secretary,
New Zealand.

No. 16.

SPEAKER LEGISLATIVE ASSEMBLY, QUEENSLAND, TO SPEAKER OF HOUSE OF REPRESENTATIVES.

Brisbane, 5th June, 1862.

SIR,—

In reply to your letter of the 10th ultimo, I have the honor to inform you that the Clerks and other subordinate officers in our Legislative Assembly are appointed by the Executive, upon the recommendation of the Speaker; I shall have much pleasure at all times in furnishing you with any information respecting our Assembly that you may require.

I have, &c.,
GILBERT ELLIOTT.

The Hon. the Speaker
of the House of Representatives of New Zealand.

No. 17.

SPEAKER LEGISLATIVE ASSEMBLY, NEW SOUTH WALES, TO SPEAKER OF HOUSE OF REPRESENTATIVES.

Sydney, June 4th, 1862.

DEAR SIR,—

I have requested Mr. Tompson, the Chief Clerk of our House of Assembly, to send you all the information you wish to have respecting the mode in which all appointments in the offices of the Assembly are made here; you will receive from him some Parliamentary papers bearing on the subject.

All the Clerks and the Sergeant-at-Arms are appointed on the nomination of the Speaker. On two occasions the Government disputed this right, but my predecessor and myself appealed to the House, and were supported in maintaining it by very large majorities. It is now no longer questioned.

I am, &c.,
T. A. MURRAY.

The Hon. D. Munro.

No. 18.

CLERK LEGISLATIVE ASSEMBLY, NEW SOUTH WALES, TO SPEAKER OF HOUSE OF REPRESENTATIVES.

Legislative Assembly Office,
Sydney, 4th June, 1862.

SIR,—

I have the honor, by direction of the Honourable the Speaker, to acknowledge the receipt of your letter of the 10th ultimo, and, in reply to the inquiry therein contained, to inform you as follows:—

(1.) "Clerks and other Officers" of the Legislative Assembly are appointed by the Executive upon the "recommendation" of the Speaker. (See Resolution of the Assembly of 24th January, 1860, and Governor's Message in reply thereto, of 1st February, 1860, establishing that practice, enclosed.)

(2.) "Messengers, Office-keepers, Watchmen, and other persons of the labouring classes," were appointed by the Clerk of the Assembly under written authority from the Colonial Secretary. (See letter of authority.)

I have, &c.,
CHAS. TOMPSON,
Clerk of Legislative Assembly

The Hon. D. Munro,
Speaker of the House of Representatives of New Zealand.

Enclosure 1 in No. 18.

Extract from the Votes and Proceedings of the Legislative Assembly, Tuesday 24th Jan. 1860.

9. Question of Privilege:—The Speaker reported to the House that, since its last adjournment, certain appointments, at the Table of this House and otherwise in the Department of the Assembly, had been made by the present Government, without previous consultation with him,—while there existed an arrangement between himself and the late Governments that no such appointments should be made without such previous consultation.

APPOINTMENT OF OFFICERS

The Speaker then read the correspondence which had passed on the subject, between himself and the Colonial Secretary.

Whereupon Mr. Darvall moved, That the correspondence, as read, be printed, and taken into consideration on Tuesday next, before any other business on the Paper for that day.

Mr. Martin moved, That the Question be amended by the omission of all the words thereof following the word "That," at the commencement, with a view to the insertion in their place of the words "this House approves the steps taken by Mr. Speaker, in reference to the recent appointment, by His Excellency the Governor-General and the Executive Council, without any previous communication with him, of certain Officers of the House, and hereby records its strong disapproval of the course taken by the Government in the matter."

"(2.) That the foregoing Resolution be embodied in an Address and presented to His Excellency the Governor-General."

Debate ensued.

Question put,—That the words proposed to be omitted stand part of the Question.

The House divided.

Ayes, 16; Noes, 30.

Question put,—That the words proposed to be inserted, in the place of the words omitted, be so inserted.

The House divided.

Ayes, 9; Noes, 37.

Motion made by Mr. Parkes, and Question put,—That in the place of the words omitted, the following words be inserted:—

"(1.) This House having taken into consideration the correspondence this day laid before it by Mr. Speaker, in reference to the recent appointments by the Executive Government, without his concurrence, of the Clerk and certain other officers of the House, is of opinion that no such appointments ought to have been made except on the Speaker's recommendation, and hereby records its disapproval of the conduct of the Government in the matter of such appointments, on the ground that the course taken is contrary to the usage of Parliament, and calculated to endanger the freedom and independence of this House.

"(2.) That the foregoing Resolution be communicated by Address to His Excellency the Governor-General."

The House divided.

Ayes, 19; Noes, 28.

Mr. Piddington moved, That in the place of the words omitted the following words be inserted:— "this House is of opinion that the course pursued by Mr. Speaker in the correspondence which has been laid upon the Table is entirely in accordance with the duty of Mr. Speaker as the guardian of the privileges and the depository of the dignity of the House."

Question put.

The House divided.

Ayes, 27; Noes, 19.

Mr. Piddington then moved that, after the words last carried, the following words be added:—

"(2.) "That it is the opinion of this House that, in order to maintain the dignity and usefulness of the office of Speaker, all the clerks and other officers of the House ought to be appointed by the Executive upon the recommendation of the Speaker of the Legislative Assembly."

Question put.

The House divided.

Ayes, 26; Noes, 20.

Mr. Piddington then moved, That, after the words last carried, the following words be added:—

"(3.) "That the power of absolute removal and suspension of all the officers of the Legislative Assembly (excepting the Clerks at the Table) be vested in the Speaker of this House."

Question put and negatived.

Mr. Piddington then moved, That, after the words last carried, the following words be added:—

"(3.) "That the above Resolutions be embodied in an Address to His Excellency the Governor-General."

Question put and passed.

Whereupon Question,—

(1.) That this House is of opinion that the course pursued by Mr. Speaker in the correspondence which has been laid upon the Table, is entirely in accordance with the duty of Mr. Speaker as the guardian of the privileges and the depository of the dignity of the House.

(2.) That it is the opinion of this House, that in order to maintain the dignity and usefulness of the office of Speaker, all the Clerks and other officers of the House ought to be appointed by the Executive upon the recommendation of the Speaker of the Legislative Assembly.

(3.) That the above Resolutions be embodied in an Address to His Excellency the Governor-General,—

Put and passed.

Wednesday, 1st February, 1860.

Question of Privilege:—The following Message from His Excellency the Governor General received and read:—

W. DENISON,

Governor-General.

Message No. 20.

In reply to the Address communicating certain Resolutions adopted by the Legislative Assembly, on the subject of the appointment of the Clerks and other Officers of that House,—

The Governor General having every desire to comply with the wishes of the Assembly, will direct, that for the future, the Speaker shall be consulted with regard to the appointment of all the Officers of that House.

Government House,

1st February, 1860.

Enclosure 2 in No. 18.

COLONIAL SECRETARY TO CLERK OF LEGISLATIVE ASSEMBLY.

Colonial Secretary's Office,
Sydney, November 4th, 1856.

SIR,—

With reference to my letter of the 25th August last, No. 123, to the Honorable the Speaker of the Legislative Assembly, stating that the Governor-General and the Executive Council had been pleased to order that all appointments of authorised Messengers, Office Keepers, Watchmen, and other persons of the laboring classes in the Department of the Assembly should be vested in the Speaker,—I am now directed to inform you that this authority has been rescinded, and an order made that all appointments of Messengers, Office Keepers, Watchmen, and other persons of the laboring classes in the department, shall be again vested in the Clerk of the Assembly.

I have, &c.,

The Clerk of the Legislative Assembly,

W. ELYARD.
