

No. 1.

(New Zealand, General.)

MY LORD,—

Downing Street, 30th March, 1892.

I have the honour to transmit to your Lordship new instructions under the Royal Sign-manual and Signet.

2. These instructions have, as you will observe on comparing them with those issued to your predecessors, of which I enclose a copy for reference, been simplified in language throughout, and made shorter by the omission not only of clauses which are scarcely suited to the conditions of a colony under Responsible Government, but also by the omission of clauses relating to matters of detail in legislation, and in keeping of records which, although necessary to the proper conduct of Government, are not of sufficient importance to be retained in instructions passed under Royal Sign-manual and Signet.

Your Ministers, to whom you will be good enough to communicate this despatch, will doubtless do what is necessary to enable you to comply with the wishes of Her Majesty's Government in these respects.

3. The clause declaring the necessary quorum of the Executive is retained, so as to preclude any question being raised as to whether the Council is duly constituted at any meeting. The Council is created by the letters patent, and, in the absence of any law on the subject, Her Majesty is the only authority which can determine the conditions essential for the due exercise of its functions; and the most convenient as well as the most formal method of determining such conditions is by a declaration contained in instructions issued by Her Majesty under an order of the Privy Council. You will recognise that it is essential to fix the number of the quorum, inasmuch as in the absence of an authoritative declaration that a smaller number is sufficient it might be urged that no meeting of the Council would be duly constituted unless every member of it were present; and, looking to the importance of its functions, it is most desirable that no room for doubt should exist.

4. Referring to my Despatch No. 14, of the 20th April, 1891, I have not thought it necessary to defer advising Her Majesty to extend to New Zealand provisions similar to the clause of the Canadian instructions respecting the granting of pardons by the Governor, after consulting his Responsible Ministers; and clause 7 of the enclosed instructions, when read with clause 9 of the letters patent creating the office of Governor, will be found to carry out the wishes of the New Zealand Government as conveyed to me in Lord Onslow's Despatch No. 12, of the 7th February, 1891.

5. As this clause of the instructions makes no mention of a report from the Judge in a capital case, I enclose, for the information of your Ministers, a copy of an Act of the Canadian Parliament passed in 1866, chapter 181, intituled "An Act respecting Punishments, Pardons, and the Commutation of Sentences," the 8th section of which relates to the duties which the law imposes upon a Canadian Judge after sentence of death has been pronounced.

6. It is expedient, as a matter of convenience to the Secretary of State in dealing with the laws sent Home for consideration, as well as one of practical importance to the colony affected by such laws, that each different matter should be dealt with in a separate law, so that things which have no proper relation to each other should not be intermixed in one and the same law, and that no clause be inserted in any law which is foreign to what the title of such law imports, and that no perpetual clause be part of any temporary law.

7. It is also desirable that all laws transmitted by you should be fairly abstracted in the margin, and be accompanied with a report by the Attorney-General, and, in such cases as appear to you to require it, with statements of the reasons for passing such laws.

8. You will continue to transmit for my information, and that of other departments of the public service, and for the record in this office, a sufficient number of copies of the Journals and Minutes of the Proceedings of both Houses of the Legislature, and of such annual returns as have been ordinarily transmitted relative to the revenue and expenditure, defence, public works,