

CORRESPONDENCE

BETWEEN

THE COLONIAL SECRETARY

AND THE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

REGARDING THE

APPOINTMENT AND CONTROL OF THE OFFICERS OF THE LEGISLATURE.

LAI'D ON THE TABLE OF THE HOUSE BY MR. SPEAKER.

WELLINGTON.

—
1867.



CORRESPONDENCE

REGARDING APPOINTMENT AND CONTROL OF OFFICERS OF THE LEGISLATURE.

No. 1.

Copy of a Letter from the SPEAKER, House of Representatives, to the Hon. COLONIAL SECRETARY.
SIR,—

House of Representatives, 24th July, 1867.

I have the honor to request that you will be pleased to move the House of Representatives to take the necessary steps to attach a salary, defined by law, to the office of their Speaker.

At the present moment, as you are aware, the salary of the Speaker depends upon annual vote. I beg respectfully to submit that it is not right that an Officer, from whom the utmost independence and impartiality are expected, should be in this position. The very discussions which annually arise at present upon the question of his salary have the inevitable result of placing the Speaker and the House in a false relation to one another. In other respects the system carries with it undesirable consequences which will readily suggest themselves to anyone who proceeds to think it out.

The remedy for this is of course to be found in what I now ask for, namely, an Act of Parliament, by which the Speaker's salary shall be fixed so long as that Act remains unaltered.

It might perhaps be convenient to include in one Act the salaries of the Speakers of both branches of the Legislature; and I would beg to suggest that the Chief Clerks of the House of Representatives and of the Legislative Council respectively should be placed in a similar position—that is to say, that their salaries should be fixed by law. Their duties are of a responsible character, requiring special training and experience, and it seems to me that the efficient service of the Legislature will be promoted by giving them an assured and definite position.

There is another subject cognate to this, with regard to which I may be pardoned perhaps for reminding you that no Legislative provision exists. I refer to the appointment and control of the Officers of the House, the Clerks, the Serjeant-at-Arms, Door-keepers, Messengers, and others. It appears to me desirable that the uncertainty which at present exists should be removed, and that the powers and duties and control of the different officers of the Legislature should be defined and placed upon the basis of law. I feel satisfied that the successful working of our Legislative machinery would be promoted by such a proceeding.

Should you be prepared to accede to my request, I shall be very happy to give any assistance in my power to the Attorney-General, or any other person you may employ, to draft a Bill for the purpose; and I would venture to express a hope that if the thing is to be done, it may be done at as early a period as possible.

I have, &c.,

D. MONRO,

Speaker, House of Representatives.

The Hon. the Colonial Secretary.

No. 2.

Copy of a Letter from the Hon. COLONIAL SECRETARY to the SPEAKER, House of Representatives.
(67397.)

Colonial Secretary's Office,

Wellington, 29th July, 1867.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 24th instant, bringing under the notice of the Government the desirability of an Act specially providing for the salary of certain Officers of the Legislature, and for their appointment and control.

In reply, I have to state that the Government will consider a Bill on these subjects, and will be glad to avail itself of the offer of your assistance in its preparation.

I have, &c.,

E. W. STAFFORD.

The Hon. the Speaker, House of Representatives.

No. 3.

Copy of a Letter from the SPEAKER, House of Representatives, to the Hon. COLONIAL SECRETARY.
SIR,—

House of Representatives, 12th September, 1867.

On the 24th July I did myself the honor to address you requesting that you would take steps to have the salary of the Speaker of the House of Representatives fixed permanently by law, and not dependent (as at present) upon annual vote, and further suggesting the desirability of making some statutory provision for the appointment and control of the Officers of the House.

On the 29th July I received an answer to the effect that Government would consider a Bill on these subjects, and would be glad to avail itself of my assistance (which I had tendered) in its preparation.

In accordance with the views of the Government thus expressed, I put myself in communication with the Attorney-General, and I believe that that officer did consider and prepare a Bill to give effect to the purposes originally suggested by me.

I have now only further to observe that the opinion originally expressed by me in my letter of 24th July remains unchanged, and as the Session is now far advanced, I have to request that you will have the goodness to inform me whether it is still your intention to submit any measure of the matter

originally contemplated to the consideration of the Legislature, and if so, within what period I may expect that it will be introduced.

I have, &c.,

D. MONRO,

Speaker, House of Representatives.

The Hon. the Colonial Secretary.

No. 4.

Copy of a Letter from the SPEAKER, House of Representatives, to the Hon. COLONIAL SECRETARY.
SIR,—

House of Representatives, 12th September, 1867.

I do myself the honor to forward for your perusal extracts from May's "Treatise on Parliament," and from the Appendix to the Journals of the House for 1862, from which you will perceive what is the practice which obtains in the House of Commons and in the Colonies of New South Wales and Queensland as to the appointment of the officers of the Legislature. I believe that other Colonial precedents might be referred to pointing in the same direction, but the limited time at my disposal at present does not allow me to look them up.

I have, &c.,

D. MONRO,

Speaker, House of Representatives.

The Hon. the Colonial Secretary.

Enclosure 1 in No. 4.

Extract from MAY'S Treatise on Parliament. Edition of 1863, page 229.

"The chief officers of the House of Commons are, the Clerk of the House, the Serjeant-at-Arms, the Clerk Assistant, and Second Clerk Assistant. The Clerk of the House is appointed by the Crown for life, by letters patent, in which he is styled 'Under Clerk of the Parliaments, to attend upon the Commons.'" * * *

"The Clerks Assistant are appointed by the Crown, under the Sign Manual, on the recommendation of the Speaker, and are removable only upon an address of the House of Commons." * *

"The Serjeant-at-Arms is appointed by the Crown, under a warrant from the Lord Chamberlain, and by letters patent under the Great Seal, 'to attend upon Her Majesty's person when there is no Parliament,' and, at the time of every Parliament, to attend upon the Speaker of the House of Commons; but after his appointment he is the servant of the House, and may be removed for misconduct." * * *

Enclosure 2 in No. 4.

Copy of a Letter from the SPEAKER of the Legislative Assembly, Queensland, to the SPEAKER of the House of Representatives.

SIR,—

Brisbane, 5th June, 1862.

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, New Zealand.

Vide Appendix, Session 1862. D. 19—No. 16, page 9.

Enclosure 3 in No. 4.

Copy of a Letter from the SPEAKER of the Legislative Assembly, New South Wales, to the SPEAKER of the House of Representatives.

SIR,—

Sydney, 4th June, 1867.

I have requested Mr. Thompson, 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 Serjeant-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 have, &c.,

T. A. MURRAY.

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

Vide Appendix, Session 1862. D. 19.—No. 17, page 9.

Enclosure 4 in No. 4.

Copy of a Letter from the CLERK of the Legislative Assembly, New South Wales, to the SPEAKER of the House of Representatives.

SIR,—

Legislative Assembly Office, Sydney, 4th June, 1867.

I have the honor, by direction of the Honorable the Speaker, to acknowledge the receipt of your letter of the 18th 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 the 24th January, 1860,

and the Governor's Message in reply thereto, of the 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. THOMPSON,

Clerk of Legislative Assembly.

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

For Sub-enclosure to Enclosure 3, *Vide* Appendix, Session 1862. D.—No. 19, page 5.

No. 5.

Copy of a Letter from the Hon. COLONIAL SECRETARY to the SPEAKER, House of Representatives.
(No. 1097.) Colonial Secretary's Office,

SIR,—

Wellington, 25th September, 1867.

I have the honor to acknowledge the receipt of your two letters of the 12th instant on the subject generally of the appointment and salaries of the Officers of the House of Representatives.

The Government has given much consideration to the subject of those letters, and is prepared to submit to the House of Representatives a Bill fixing the salaries of certain Officers of the Legislature, and providing that all clerks except the Chief Clerk should be appointed by the Governor on the advice of Ministers after consultation with the Speaker, and that the Chief Clerk should be appointed by the Governor on the sole responsibility of Ministers.

I have, &c.,

The Hon. the Speaker of the House of Representatives.

E. W. STAFFORD.

No. 6.

Copy of a Letter from the SPEAKER, House of Representatives to the Hon. COLONIAL SECRETARY.

SIR,—

House of Representatives, Friday, 27th September, 1867.

I have the honor to acknowledge the receipt of your letter of the 25th instant, in reply to my two letters of the 12th. Considering that I first addressed you on the subject of this correspondence so far back as the 26th July of this year, that your reply of the 29th gave me reason to believe that you agreed with the views I had expressed—considering that in accordance with your expressed wishes I lost no time in putting myself in communication with the Attorney-General, who drew up a Bill, the terms of which I quite concurred in—that after an interval of about six weeks I find it necessary to write to you again, and then after a further delay of nearly a fortnight am informed by you that you are prepared to submit to the approval of Parliament a Bill of an entirely different character from that which the Attorney-General had drafted: Considering these things I must say, without imputing any intentional discourtesy to Ministers, that I am entitled to feel that my representations have not met with that attention which is due to the position of the Speaker of the House of Representatives.

With regard to the offer that you now make to submit a Bill to Parliament "fixing the salaries of certain officers of the Legislature, and providing that all clerks except the Chief Clerk should be appointed by the Governor on the advice of Ministers after consultation with the Speaker, and that the Chief Clerk should be appointed by the Governor on the sole responsibility of Ministers."

I beg to observe that my views are briefly these:—

1st. As regards the salaries of the Chief Officers of the Legislative Council, I think that with a view to the independence of that body it is most desirable that their salaries should be fixed by law.

2nd. As regards the position of Speaker of House of Representatives I have already informed you that I consider it essential to his independence, due to his position, and of the greatest importance looking to the proper discharge of his duties, his salary should be similarly fixed by Statute.

The proposal quoted by me above as to the mode of appointment of the officers of the Legislature is one to which not only I cannot consent, but to which I shall, upon all occasions, feel it my duty to give my most decided opposition. It is a course not only unjustified by precedent but, in itself, theoretically bad.

It would create among the officers of the Legislature a divided authority and would destroy that subordination and responsibility without which no service can properly exist.

It is, moreover in my opinion, most objectionable on constitutional grounds.

I hold it to be a maxim of the greatest value to the full development of Constitutional Government that the Legislature should be perfectly independent of the Executive in all its arrangements. The course proposed by you would admit of the interference of the Executive in a manner that might most seriously embarrass the Legislature.

I object to it further as derogating from the position and authority of the Speaker, and calculated to destroy that responsibility which ought to rest upon him for all the business of the House. If it be answered that under the proposed system that the Speaker would be consulted in these appointments my reply is, that while I have the honor to fill the Chair of the House of Representatives I shall decline to be consulted upon such terms, and I am much mistaken if all other Speakers will not feel the same. The difference in our views upon these questions being so great I must respectfully decline the offer of Ministers, to introduce a Bill upon the terms proposed. I regret much the loss of time which has taken place in dealing with the subject, to which I attach considerable importance in connection with the business of the House of Representatives. But for this delay I cannot hold myself in any degree responsible.

I have, &c.,

The Hon. the Colonial Secretary.

D. MONRO, Speaker.

