

public might be occasioned if members were frequently compelled to be absent from Parliament when it is sitting or about to sit, in order to attend Courts at a great distance from the place at which Parliament assembles.

But the privileges conferred by this Act are in my opinion considerably too extensive, and are not justified as far as I am aware by any precedent, Imperial or Colonial.

In the first place the exemption claimed is not for a certain number of days, more or less as the particular case may reasonably require, but for the whole session, and ten days afterwards; nor does there seem to be any power or discretion vested in the Court or Judge to grant exemption for a shorter time.

Again, the limits to the discretion of the Court or Judge appear to be too narrow, as the exemption is to be granted, unless the ends of "public" justice would be defeated or injuriously delayed, or "irreparable" injury would be caused to any party to the proceedings.

It is not difficult to imagine a case in which it may be of great importance to the creditor of a member to prove and enforce his claim speedily, and to whom, therefore, such a long delay would be decidedly injurious, and yet it might well be held that this was not a case of public justice defeated, nor of irreparable injury to the creditor.

These objections apply with still greater force to the ninth section, inasmuch as it must necessarily be more difficult for the Speaker to arrive at a just conclusion than for the Court or Judge.

Entertaining, as I do, a strong opinion that the privileges of members should in the public interest be limited to those absolutely essential to the proper discharge of their public duties; that the exercise of the privileges conferred by the Act in its present shape might injuriously affect the rights of creditors in civil, and of prisoners and prosecutors in criminal, proceedings, I am at present unable to recommend to Her Majesty any decision upon this Act, and I desire you to lay this Despatch before your Responsible Advisers, in order that they may consider the propriety of making the amendments necessary to remove the above objections, and to place the privileges of the members of the Legislature of New Zealand on a similar footing to those which have been found sufficient in other colonies and countries.

I have, &c.,
BUCKINGHAM AND CHANDOS

Governor Sir George Grey, K.C.B.

No 54.

COPY of a DESPATCH from the Right Hon. the Duke of BUCKINGHAM to
Governor Sir GEORGE GREY, K.C.B.

(No. 43.)

SIR,—

Downing Street, 15th July, 1867.

I have the honor to transmit to you the annexed Order in Council confirming the reserved Act of the Legislature of New Zealand, intituled "An Act "to enable Provincial Legislatures to pass laws authorizing the compulsory taking "of land for works of a public nature," of which a copy accompanied your Despatch No. 10, of the 12th of January last.

I have, &c.,
BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

Enclosure in No. 54.

At the COURT at WINDSOR, the 26th day of June, 1867.

Present:

Lord President,	The Queen's Most Excellent Majesty,
Duke of Buckingham and Chandos,	Earl of Devon,
	Mr. Wilson Patten.

WHEREAS by an Act passed in the session held in the fifteenth and sixteenth years of Her Majesty's reign, entitled "An Act to grant a Representative Constitution to the Colony of New Zealand," it is,