expenditure of the revenues of the Province,—and in what manner that expenditure differs from the expenditure of a corporation, or any other such public body.

JOHNSTON, J.—I suppose you draw a distinct line between the general revenue of the Colony and the revenue of the Province. You argue, no doubt, that even supposing the general revenue of the Colony is a matter in which the Crown may have a direct interest, still the revenue of the Province, although in part originally derived from the revenue of the Colony, is to be treated in the light of local taxation, and so appropriated by the Provincial Council. It comes, then, to a question whether the revenue of the Province is or is not, in the first instance, a portion of the revenues of the Crown.

Mr. TRAVERS.—There is nothing in this information to show from what particular sources the Provincial revenue is derived; but, on the general law of the Colony, we know that each Provincial Government derives its revenue partly from funds raised by its own taxation, and partly from contributions made to it by the General Government, which are handed over to it to be distributed in any way it shall think fit.

JOHNSTON, J.—The distinction between the revenues of a Province and those of a Corporation is, that a Province obtains its status under the Constitution Act, and is therefore as much a portion of the general laws as the Colony itself. Now, is the Constitution Act free from any differential regulations as to dealings with the revenues of a Province and with those of the Colony?

Mr. TRAVERS.—Under the Constitution Act the general revenue is to be appropriated by the General Assembly, and after their appropriations are exhausted, the balance is to be divided amongst the Provincial Governments in the proportion in which the gross revenue was derived from each. The moneys cease to be revenue of the Colony of New Zealand at all, and become merely so much money to be handed over to the Provinces to be dealt with by them, in such manner as the local Legislature shall determine, for the benefit of the locality. It is the property of the Province, vested in the Superintendent. Up to a certain stage it is treated as being Her Majesty's revenue (Constitution Act, section 59), but in the section (25) relating to Provincial appropriations, it is not so treated. The moment that residue has passed away from the General Assembly to the Province it ceases to be Her Majesty's moneys, and is vested in the Superintendent as part of the funds of the Province, liable to be appropriated for the benefit of a particular section of the public. I submit, therefore, that while a proceeding taken to restrain the Colonial Treasurer from dealing with the general revenues of the Colony might be said to be one in which the Crown's rights were directly affected, it cannot be said that the appropriation or expenditure of moneys by the Provincial Council, which has an absolute authority in that respect is a matter which concerns the rights of the Crown otherwise than in the character of *parens patriæ*.

I submit, also, that proceedings must be taken in this Court in reference to expenditure of Provincial revenue, precisely in the same manner as they might be taken in reference to expenditure of the revenue of a municipal or other body having public functions—that is to say, there must be a relator. The Attorney-General is an officer of the Crown, and the Crown allows its name to be used in informations at the instance of some person who is or may be interested in the subject-matter, and who is, at all events, responsible for costs. (*Fisher's Digest* Attorney-General *v.* Brown, 1 Swanston 265; Rex *v.* Wilks, 4 Burrowes 2570; Rex *v.* Austen, 9 Price 142.)

JOHNSTON, J.—The omission of a relator might be an irregularity, and still might not be a good ground of demurrer.

Mr. TRAVERS.—It is good ground of demurrer unless the Attorney-General is treating the matter as one affecting the prerogative rights of the Crown, which we say, *ex facie*, it is not. With regard to the position of Attorney-General, I find that no special functions are defined as belonging to the office—that he is an officer selected from the Serjeants-at-Law to be the special representative of the Crown, and that the office has grown to be a political one. The peculiarity of the Act under which the office is created in this Colony is, that the holder of it is not Attorney-General of the Colony but Attorney-General of the Crown, and it is questionable whether a Colonial Parliament has a right to pass an Act constituting such an officer. Her Majesty's Attorney-General derives his authority from a patent issued at the instance of the Crown itself.

JOHNSTON, J.—Letters patent of the Colony are direct from the Crown under the seal of the Colony.

ARNEY, C. J.—You do not deny that supplies granted by the Assembly are to the Crown?

Mr. TRAVERS.—I will not contend that point farther; but at all events the Act cannot confer greater powers upon the Attorney-General of the Colony than the Attorney-General of England possesses. There are no functions prescribed by the Act, and therefore we can only say that he is to exercise the same functions which would be exercised in England by the Attorney-General there.

JOHNSTON, J.—You agree to the general principle, that where the expenditure of public charities and such funds requires the intervention of the Crown, the Attorney-General might interfere with the aid of a relator. It seems to me that the question we have to consider here is, whether the revenue raised by the Provincial Council is the same as that raised by the General Assembly.

Mr. TRAVERS.—The latter is treated as the revenue of the Crown absolutely, and therefore t may be supposed that everything affecting that revenue is a matter directly affecting the rights