

(4.) That, in order to avoid the evils which would result from any conflict of opinion between two of the branches of the General Assembly as to the nature and extent of their respective constitutional rights, all doubt upon the subject should be at once and authoritatively set at rest; and that, with a view to that object, His Excellency the Officer Administering the Government be respectfully moved to bring the question under the consideration of Her Majesty's Imperial Government.

(5.) That a copy of the preceding resolutions in reference to the right of the Legislative Council in respect of measures of Supply be forwarded to His Excellency the Officer Administering the Government, and that His Excellency's attention thereto be respectfully requested.

The House of Representatives made no reply to these resolutions, and the Council and the House were prorogued the next day.

In pursuance of the fourth and fifth of the above resolutions, His Excellency the Officer Administering the Government forwarded to the Right Hon. the Secretary of State for the Colonies a despatch, inquiring whether the Legislative Council would be justified in making any alteration in any measure of Supply which had been voted by the House of Representatives, or whether, by analogy to the British Constitution, the Legislative Council must either wholly accept or wholly reject every such measure. The Secretary of State (Sir G. Grey) replied as follows:—

The question raised by your despatch is one of great importance in itself, and touching on the very first principles of English constitutional law. In this country it has been the undisputed practice, as affirmed by the resolution of the House of Commons of the year 1678, that Bills of Supply ought not to be changed or altered by the House of Lords. It is quite true that the New Zealand Constitution Act contains no provisions to the same effect, but it appears to me that the analogy of the English Constitution ought to prevail, the reason being the same when the Upper House is not elected by the people; and in Canada, where the Constitutional Act is similar in this respect to that of New Zealand, the Lower Assembly has hitherto exercised without dispute the same privilege in regard to money votes as the British House of Commons.

This despatch was dated the 25th March, 1855.

In 1855 the Parliament met on the 8th August, and continued sitting until the 15th September. An Appropriation Bill was passed, and the Council again, to guard its rights, passed a resolution as follows:—

That any proceeding of the Legislative Council in reference to "The Appropriation Act, 1855," shall not form any precedent for a future session.

There seems to have been no question raised between the Council and the House on any question of Supply or money Bills.

In 1856 the Appropriation Bill was passed without any attempted amendments or any protest, although the Council discussed certain provisions in the Bill regarding the increase of the salaries of the Ministers.

In 1855–56 the form of the Appropriation Bill was the same—namely, a recital and a statement out of what the revenue was to be paid.

In 1856 provision had to be made for extending the Appropriation Bill.

There was no meeting of Parliament in 1857.

In 1858 the House met on the 10th April, and sat until the 21st August. An Appropriation Bill for 1857–58 was passed, and an Appropriation Bill for 1858–59. No amendment was attempted to be made in either of the Bills by the Legislative Council. In 1858 the form of the Act was altered: there was no preamble to the Appropriation Bill, and the Act began at once at the enactment clause. The appropriating clause was also different. It was,—

There shall and may be issued and applied towards making good the Supply granted to Her Majesty for the service of the year 1858–59, in addition to the sums mentioned in the Civil List Act and other Acts, the sum of seventy-two thousand six hundred and sixteen pounds and ten shillings out of the ordinary revenue, to be appropriated towards or for the purposes hereafter expressed.

The Legislative Council amended the Surplus Revenue Bill, which was strictly a money Bill. The amendment was made in the schedule, and was assented to by the House of Representatives without any objection.

There was no meeting of the Assembly in 1859.

In 1860 the Parliament met on the 30th July, and was prorogued on the 5th November. The Appropriation Bill was passed through all its stages by the Council without any amendment. The New Zealand Loan Bill, however, was amended by the Council, and the amendment was assented to by the House of Representatives; but the House was careful to provide that the amendment accepted was in furtherance of the provisions in the Bill. The amendment was accepted in the following words:—

*Resolved*, That the amendment made by the Legislative Council, it being in furtherance of the intentions of the House and to render the clause consistent.

The Debenture Bill of 1860, which was also a money Bill, was amended, and the amendment accepted by the following resolution of the House:—

That the amendments made by the Legislative Council be adopted, they being for the purpose of rectifying a clerical error, and in furtherance of the intentions of the House.

The Appropriation Bill was in the same form as that of 1858.

In 1861 the Appropriation Bill was passed without any amendment, and no question was raised regarding any Supply Bill.

In 1862 a provision was inserted by the Legislative Council in "The Native Lands Act, 1862."

The amendment made was adopted by the House, but the following resolution was passed:—

That the amendment of the 17th clause of the Native Lands Bill made by the Legislative Council is an infringement of the privileges of this House, inasmuch as it assumes to regulate the imposition of a fee and the limits within which it is proposed to be levied, contrary to the provisions of the 128th Standing Order and the practice of the Imperial Parliament in such matters.

The Bill was returned to the Assembly by the Governor, who proposed that the words added to section 17 by the Legislative Council should