

be omitted, and that a 10-per-cent. *ad valorem* duty on the transfer of Native Lands should be imposed. The proposal of the Governor was accepted by both Houses. The Legislative Council, however, appointed a Committee to consider and report whether the amendment made by the Council was a breach of the privileges of the House of Representatives, and also, at the option of the Committee, to prepare a case to be submitted for the opinion of the Law Officers of the Crown in England as a guide to the Council in its future dealings with like questions.

The Committee reported in favour of a case being submitted for the opinion of the Law Officers; and His Excellency the Governor, Sir George Grey, forwarded the case proposed by the Council to His Grace the Duke of Newcastle to obtain the opinion of the Law Officers of the Crown. There was a memorandum by Mr. Domett setting forth the view entertained by the House of Representatives, and also a memorandum by Mr. Dillon Bell (now Sir Dillon Bell), the Native Minister, on the same subject. These documents appear in Appendix No. 2.

The opinion of the Law Officers of the Crown in England, Sir W. Atherton and Sir Roundell Palmer (now Lord Selborne), was given on the 9th April, 1863, and stated that the Legislative Council was within its rights in making the amendment. I have set out the opinion at length. (See Appendix No. 2.) It will be noticed that these eminent lawyers did not assert the Legislative Council had any authority the House of Lords did not possess, but that the amendment made did not directly impose any tax.

Mr. Hugh Carleton, who was Chairman of Committees of the House and had been Acting-Speaker, submitted the question to Mr. T. E. May (afterwards Sir T. E. May and Lord Farnborough). He took a different view from the Law Officers. Mr. Carleton forwarded their opinion to him, but still Mr. May saw no reason to alter his views. The correspondence was presented to the House in 1864 by Mr. Carleton, and ordered to be engrossed in the Journals of the House. (See Appendix No. 3.)

In 1864 the Parliament was a very short one. It met in Auckland on the 24th November, and was prorogued on the 13th December, 1864. No question was raised regarding any Bills of Supply.

In 1865 the form of the Appropriation Bill was altered, there being a preamble as follows :—

Whereas it appears by messages from His Excellency Sir G. Grey, Knight Commander of the Most Honourable Order of the Bath, and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its dependencies, and Vice-Admiral thereof, and by the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the Government of this colony and of the public service thereof, and for other purposes, for

the year ending on the thirtieth day of June, one thousand eight hundred and sixty-six: Be it therefore enacted, &c.

A similar preamble appears in the Appropriation Act of 1866. Neither in 1865 nor in 1866 did any question arise in either House about any Supply Bill.

In 1867 the form of the Appropriation Bill was altered, it taking the form adopted by the other colonies, as a grant of Supply to Her Majesty. It may be noted that in New Zealand the statutes are unlike, in form of their enacting clause, to those of the other colonies. In the other colonies—take, for example, Canada, Victoria, New South Wales—the legislation is by Her Majesty the Queen by and with the consent of the Legislative Council and Legislative Assembly, &c. In New Zealand it is the General Assembly that passes the laws. The General Assembly is the Governor and the two Houses, but not Her Majesty.

In 1867 the Appropriation Act had the following preamble :—

MOST GRACIOUS SOVEREIGN,—We, your Majesty's most dutiful and loyal subjects, the House of Representatives of New Zealand in Parliament assembled, towards making good the Supply which we have cheerfully granted to your Majesty in this session of Parliament, have resolved to grant unto your Majesty the sums hereinafter mentioned, and do therefore most humbly beseech your Majesty that it may be enacted, and be it enacted, by the General Assembly of New Zealand in this present Parliament assembled, and by the authority of the same, as follows.

And this form has been continued up to the present time. This amendment in the form of the Appropriation Bill gave rise to no discussion—indeed, it does not seem to have been noticed by the House or Council.

In 1867 no question of privilege arose between the two Houses.

In 1868 the subject of the privileges and the constitution of the Council was discussed. The Hon. Mr. Holmes moved that a Committee, consisting of the Hon. the Speaker, the Hon. Major Richmond, C.B., the Hon. Dr. Pollen, the Hon. Colonel Kenny, the Hon. Mr. Johnston, the Hon. Mr. Lee, and the mover, be appointed for the purpose of exactly ascertaining the powers and privileges of the Council, with a view to the modification of its constitution. This Committee made a very lengthy report.

The report was referred back to the Committee, and a further report was brought up on the 21st August, and both reports were adopted on the 26th August. As the question of amending the constitution of the Legislative Council may possibly come early before Parliament, these reports are well worthy of consideration. They deal, not only with the powers of the Council, but with its constitution, and with amendments deemed necessary to promote its greater usefulness. (See Appendix No. 4.)

The adoption of the report gave rise to considerable debate, which appears in *Hansard*, Vol. III., pp. 9–18. No question arose on the Appropriation Bill, nor regarding any other money Bill.