

In 1869 a very long and elaborate report was prepared by the Hon. Sir John Richardson and the Hon. Dr. Menzies on the privileges of the Council. (See Appendix No. 5.) The investigation dealt with —

(1.) As to the powers conferred on the Council by the Constitution Act and by any subsequent legislation.

(2.) As to the powers held or exercised by law, rule, or usage by the House of Lords and the House of Commons respectively.

(3.) As to the powers conferred on the chief colonies of Great Britain under constitutional government by any Constitution Act and legislation, and as held and exercised by the Legislature of the United States of America.

There was no question between the Council and the House on any Bill in this year.

In 1870 no question arose between the Houses as to any money Bills.

The next serious question that arose in connection with the privileges of the House was raised in 1871.

In that year a Bill termed "The Payment to Provinces Bill" was before the Legislature, and the Legislative Council amended the Bill by striking out clause 28 and making other alterations in the 14th, 15th, and 29th sections. The Bill as amended was returned to the House of Representatives, and the House disagreed with the amendments, the reason being given as follows: "That the clauses 14, 15, 28, 29, relate to the appropriation and *management* of money, and that the Legislative Council has not power to alter or expunge such clauses." On this message being forwarded to the Legislative Council, the Council referred it to the Standing Orders Committee, who brought up a report on the subject which was adopted by the Council.

Managers were appointed to draw up reasons for insisting upon their amendments; but the report was not agreed to, and another was adopted. (See Appendix No. 6.)

The House of Representatives adopted resolutions on the subject, which are embodied in the case submitted to the Law Officers. (See Appendix No. 6.)

The result was that both Houses agreed to make the Act only temporary—viz., till July, 1872—and to submit the question to the Law Officers of the Crown of England.

The case submitted to the opinion of the Law Officers appears in Appendix No. 6, as well as the opinion. The despatch by Earl Kimberley conveying the opinion was presented to the Council by message from the Governor, and ordered by the Council to be entered in its minutes.

In 1872 a Customs Bill, called the "Draw-backs Bill," was amended by the Legislative Council. The penalty, instead of being left in the Bill as it passed the House of Representatives, at £200, was amended by placing the words "not exceeding" before it. The Council also altered

the procedure of the Customhouse officers in the seizing and detaining of goods supposed to be contraband. The alterations were brought before the House; but the Speaker ruled that the amendments were of a nature that could be made by the Legislative Council, and, after an adjournment of the question, the House agreed to the amendments made.

In 1873 the constitution of the Council was again discussed. This arose in consequence of a statement made in the Governor's Speech at the opening of Parliament that a measure would be laid before Parliament to initiate a reconstruction of the constitution of the Legislative Council.

A motion on the subject was proposed by the Hon. Mr. Waterhouse; it was amended, and ultimately lost. A Bill called "The Legislative Council Temporary Appointment Bill" was introduced into the Council and shelved, the Council agreeing, without a division, that it should be read that day six months.

There was no question raised between the Houses on any Bill in 1873; nor were there any differences between the Council and the House.

No question arose between the Council and the House of Representatives in 1874 or in 1875 on any Supply Bill.

In 1876 the Rating, Counties, and Municipal Bills were all amended by the Council; and, as the limit of rating and borrowing was interfered with by the Council, it is doubtful if the House of Commons would have allowed the House of Lords to amend the Bills in the manner in which the House of Representatives allowed the Council to do without protest.

In 1878 an important question was raised as to the power of the Legislative Council to alter a Bill providing for the construction of railways. This Bill was called "The Railways Construction Act;" it was an Act to provide for the construction and extension of railways; and the question was whether amendments could be made in the Act by the Council. The matter was fought very keenly. There were two Conferences between the Council and the House. The Speaker of the House ruled that the Bill was a money Bill, and could not be altered by the Legislative Council. The 3rd clause of the Bill, the Speaker stated, amounted to an appropriation clause.

The Managers agreed to the following course: that the clause should be amended, the Ministry recommending the Governor to forward a message to the House suggesting a proviso being added to clause 3. The report of the Managers appears in Appendix No. 7.

This course was taken, and a message was sent down to the House by the Governor. The