

over-estimate the value which would attach to a declaration of the opinion of the Lords of the Judicial Committee of the Privy Council upon the questions involved. Even if there does exist some difficulty in bringing these questions before them as a Court, except by proceedings in the nature of an appeal, I cherish the hope that there may be found some mode of eliciting their judgment, as the legal advisers of Her Majesty in Council, on points of great importance in colonial constitutional law.

4. Almost all collisions and complications of any importance, in the administration of this group of colonies at least, have arisen from conflicting views of the rights and privileges of the two Legislative Houses. It will tend greatly to the avoidance of future mischief, not only in this colony but in others, if it should be found possible to provide an umpire in a body whose decision will be respected as entirely free from local or official bias, and to establish a precedent for reference of doubtful or disputed points to such an arbitrator in a friendly manner. Opinions given by the Attorney- and Solicitor-General as Law Officers of the Crown for the time being do not carry the judicial authority necessary for the purpose in view.

5. But, in respect of readiness to abide by the decision of a competent umpire, the two Houses of Legislature of this colony have furnished an example well worthy of imitation.

I have, &c.,  
A. MUSGRAVE.

The Right Hon. the Secretary of  
State for the Colonies.

SCHEDULE of DOCUMENTS forwarded with Original  
Address from the Council and Assembly.

- 12 copies of Address.
- 12 copies of "The Constitution Act, 1867" (Queensland).
- 12 copies of Standing Orders of the Council.
- 12 copies of Standing Orders of the Assembly.
- 12 copies of the Members' Expenses Bill, 1884.
- 12 copies of the Members' Expenses Bill, 1885.
- 12 copies of Estimates of Expenditure, 1885-86, Executive and Legislative Departments.
- 12 copies of Appropriation Bill, 1885-86, No. 2.
- 12 copies of Extracts from Proceedings, Legislative Council, relating to Appropriation Bill.
- 12 copies of Extracts from Proceedings, Legislative Assembly, on same subject.
- 12 copies of Parliamentary Debates (local *Hansard*) on same subject in Legislative Council.
- 12 copies of Parliamentary Debates (local *Hansard*) on same subject in Legislative Assembly.

Enclosure 1.

MOST GRACIOUS SOVEREIGN,—

We, your Majesty's loyal and dutiful subjects, the members of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, humbly approach your Majesty with a renewed assurance of our affection and loyalty towards your Majesty's person and Government.

Questions have arisen between the Legislative Council and Legislative Assembly with respect to the relative rights and powers of the two Houses, which questions we are desirous of submitting for the opinion of your Majesty's Most Honourable Privy Council.

We have caused a case to be prepared setting forth the questions which have so arisen, and which we desire to be so submitted, in the words following:—

1. The Constitution Act of Queensland, 31 Vict., No. 38, contains the following provisions:—

Section 1. There shall be within the said Colony of Queensland a Legislative Council and a Legislative Assembly.

Section 2. Within the said Colony of Queensland Her Majesty shall have power, by and with the advice and consent of the said Council and Assembly, to make laws for the peace, welfare, and good government of the colony in all cases whatsoever. Provided that all Bills for appropriating any part of the public revenue, for imposing any new rate, tax, or impost (subject always to the limitations hereinafter provided), shall originate in the Legislative Assembly of the said colony.

Section 18. It shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or Bill for the appropriation of any part of the said Consolidated Revenue Fund, or of any other tax or impost, to any purpose which shall not first have been recommended by a message of the Governor to the said Legislative Assembly during the session in which such vote, resolution, or Bill shall be passed.

2. Sections 1 and 2 are re-enactments of sections 1 and 2 of the Order in Council of the 6th June, 1859, providing for the constitution of the Colony of Queensland.

Section 18 is a re-enactment of section 54 of the Act of New South Wales, 17 Vict., No. 41, contained in the First Schedule to the Imperial Act, 18 and 19 Vict., c. 54.

3. The members of the Legislative Council are nominated by the Governor for life, subject to certain contingencies. The members of the Legislative Assembly are elected by the several constituencies into which the colony is divided.

4. During the sessions of 1884 and 1885 "A Bill to provide for the Payment of the Expenses incurred by Members of the Legislative Assembly in attending Parliament," was passed by the Legislative Assembly, and on each occasion rejected by the Legislative Council. No limit was proposed to the duration of this Bill.

5. In the estimates of expenditure for the year 1885-86, which were laid before the Legislative Assembly in the session of 1885, after the rejection of this Bill for the second time by the Legislative Council, there was included, under the heading of "The Legislative Assembly's Establishment," an item of £7,000 for "expenses of members," to be payable for the year 1885-86, under conditions precisely similar to those defined by the Bill which had been so rejected by the Legislative Council.

6. The estimates are not formally presented to the Legislative Council, but are accessible to members.

7. The Annual Appropriation Bill having been sent by the Legislative Assembly to the Legislative Council for their concurrence, containing an item of £10,585 for "the Legislative Assembly's establishment"—which sum, in fact, included the item of £7,000 for "expenses of members"—the Legislative Council, on the 11th November, 1885, amended the Bill by reducing the sum proposed to be appropriated for "the Legislative Assembly's establishment" from £10,585 to £3,585, and making the necessary consequential amendments in the words and figures denoting the total amount of appropriation, and returned the Bill so amended to the Legislative Assembly. There was nothing on the face of the Bill to indicate the special purpose for which any part of the sum of £10,585 was to be appropriated, except that it was for "the Legislative Assembly's establishment."

8. On the 12th of November the Legislative Assembly returned the Bill to the Legislative Council, with the following message:—

The Legislative Assembly, having had under their consideration the amendments of the Legislative Council in the Appropriation Bill, No. 2,—