

officers of the Government of the colony and provinces of New Zealand, conferred certain powers on the said legislative bodies, and gave protection to persons employed in the publication of papers under the authority of the same. At the same time it was expressly stated that the Act was not to be held directly or indirectly, by implication or otherwise, to restrict whatsoever privileges or immunities any such legislative body might possess.

"The Parliamentary Privileges Act, 1865," passed on the 26th day of September, repealed the 52nd section of the Constitution Act, which empowered the Legislative Council and House of Representatives to make rules for the orderly conduct of the business of such Council and House; and also repealed so much of "The Privileges Act, 1856," as applied to the Legislative Council and House of Representatives; and it enacted that "the Legislative Council or House of Representatives of New Zealand, and the Committees and members thereof respectively, shall hold, enjoy, and exercise such and the like privileges, immunities, and powers as, on the 1st day of January, 1865, were held, enjoyed, and exercised by the Commons House of Parliament of Great Britain and Ireland, and by the Committees and members thereof, so far as the same are not inconsistent with or repugnant to such and so many of the sections and provisions of the said Constitution Act as, at the time of coming into operation of this Act, are unrepealed, whether such privileges, immunities, or powers were so held, possessed, or enjoyed by custom, statute, or otherwise." The Act also provided that "such privileges, immunities, and powers shall be deemed to be and shall be part of the general and public law of the colony;" and further declared that, in cases of inquiry into such privileges, printed copies of the Journals of the House of Commons shall be evidence of such Journals. It also empowered the Legislative Council and House of Representatives and their Committees, or any joint Committee, to administer oaths, and protected publishers of reports acting under the authority of either branch of the Legislature. "The Privileges Act, 1866," exempted members of the General Assembly from attendance in Courts of law in certain cases. Since then there has been no further legislation on the subject.

With reference to the second branch of the inquiry we would observe that in 1704 the Lords communicated a resolution to the Commons at a Conference—to which resolution the Commons assented—"That neither House of Parliament have power by any vote or declaration to create to themselves new privileges not warranted by the known laws and customs of Parliament." (See May "On the Law, Privileges, Proceedings, and Usage of Parliament," 1868, p. 66.) Without entering minutely into the question of the rise and progress of the power to impose taxation and grant supplies, it may be sufficient to say that "Her Majesty's Speech at the commencement of each session recognizes the peculiar privilege of the Commons to grant all supplies, the preamble of every Act of Supply distinctly confirms it, and the form in which the Royal assent is given is a further confirmation of their right." The grant from the Commons is not, however, "effectual in law without the assent of the Queen and the House of Lords." (P. 534.)

The claim thus recognized of originating grants appears to have existed for 300 years. In 1678 it was extended, and the Lords were precluded from amending Bills of Supply. (P. 537.) "This prin-

ciple is acquiesced in by the Lords." (P. 538.) "In Bills not confined to matters of aid or taxation, but in which pecuniary burdens are imposed upon the people, the Lords may make amendments, provided they do not alter the intention of the Commons with regard to the amount of the rate or charge, whether by increase or reduction; its duration; its mode of assessment, levy, collection, appropriation, or management; or the persons who shall pay, receive, manage, or control it; or the limits within which it is proposed to be levied." (P. 538.) Bills containing provisions of the above kind are sometimes introduced into the Lords, but ultimately passed in a form by which no privileges of the Commons are infringed upon. When Bills of Supply have had tacked to them enactments which, in another Bill, would have been rejected by the Lords, such a proceeding, invading the privileges of the Lords, "has been resisted by protest, by Conference, and by the rejection of the Bills." (P. 545.) In 1860 the Commons, on the rejection of the Paper Duties Repeal Bill, which overruled the financial arrangements voted by the Commons, resolved—"3rd. That, to guard for the future against an undue exercise of that power by the Lords" (viz., the power of the Lords to reject Bills of taxation) "and to secure to the Commons their rightful control over taxation and supply, their House has in its own hands the power so to impose and resist taxes, and to frame Bills of Supply, that the rights of the Commons as to the matter, manner, measure, and time may be maintained inviolate." (P. 545.) Acting upon this resolution, the Commons, in the following session, embodied the repeal of this duty in a general financial measure for granting taxes and duties, "which the Lords were constrained to accept." (P. 546.)

Lord Brougham, in his work on the British Constitution (1844), observes, in reference to the tenacious adherence by the Commons to certain privileges with respect to the Lords: "I allude particularly to the exclusion of the latter from the originating of any measure of Supply, and from all alterations upon any financial measure sent up from the Lower House. Although the Lords have never abandoned their claim to originate and to alter money Bills, as well as the Commons, yet, in practice, they never assert the right, and we may therefore take it that, by our Constitution, the Commons alone can begin any measure of Supply, and that the Lords have no power to alter it as sent up to them, but must either accept it wholly or wholly reject it." (P. 115.) The Commons have, however, he states, allowed this exclusive privilege to be broken in upon once and again, as when they withdrew from "the absurd pretence that a prohibition, being enforced by a pecuniary penalty, could not be touched by the Lords because it was a money clause." (P. 116.)

Mr. Hearn, in his work on the Government of England, observes that "although Parliament grants supplies to the Crown, and provides the ways and means for raising these supplies, the functions of the two Houses of Parliament are not in this respect alike. The House of Commons has acquired in this matter peculiar powers. It claims as within its exclusive jurisdiction all questions of finance. With the initiation of all such questions, and with all their details, this House exclusively deals. The House of Lords on these Bills, like the Crown on these and all other Bills, retains the general power of assent or rejection only, but not of amendment. The functions, then, of the several powers of the State in matters of finance may be thus briefly stated: The Crown makes requisitions