

Sir ERSKINE MAY, K.C.B., to Sir F. D. BELL.

House of Commons, 23rd March, 1882.

DEAR SIR FRANCIS BELL,—

I have read, with great attention and interest, all the papers you have sent me regarding the New Zealand Pensions Bill. The case is exceedingly well argued on both sides; and I will very briefly state my own opinion upon the points in dispute.

1. As the Bill related to the granting of pensions payable out of the public revenues, and to such pensions exclusively, I consider it to have been a money Bill.

2. Such being the character of the Bill, I am of opinion that the Commons would not have accepted from the Lords any such amendment as that made by the Council, but would have disagreed to it on the ground of privilege, or would have laid the Bill aside.

3. I do not think clause 6 was separable from the other clauses of the Bill, or that the precedents cited of the omission of clauses by the Lords were applicable to this case.

4. For all purposes of privilege as between the two Houses a Bill relating solely to charges upon the public revenue is a money Bill, whether introduced by a Minister of the Crown or by a private member.

I need scarcely add that, in answering your questions, I have confined myself to the practice of the Imperial Parliament, and offer no opinion upon questions specially concerning the colonial Constitution, or the action of its authorities.

I have, &c.,

T. ERSKINE MAY.

Sir Francis Dillon Bell, K.C.M.G., &c.

#### APPENDIX No. 10.

*Extracts from Journals, House of Commons.*

JOVIS, 13<sup>o</sup> DIE APRILIS, 1671.

The House then proceeded to the reading of the amendments and clauses sent from the Lords to the Bill for an imposition on foreign commodities, which were once read:

And the first amendment sent from the Lords, being for changing the proportion of the impositions on white sugars from one penny per pound to half-penny half-farthing, was read the second time, and debated.

*Resolved, &c., nemine contradicente*, That, in all aids given to the King by the Commons, the rate or tax ought not to be altered by the Lords.

*Ordered*, That it be referred to Mr. Attorney-General, Mr. Coleman, Sir George Downing, Mr. Attorney Montague, Mr. Coventry, Mr. Vaughan, Sir Robert Carr, Sir Thomas Meeres, Sir Thomas Littleton, Sir Edward Deering, Mr. Treasurer, Sir Robert Howard, Sir Robert Atkins, Sir William Coventry, Colonel Birch, Mr. Milward, Sir Thomas Lee, Sir Richard Temple, Sir John Birkenhead, Sir Phillip Warwick, or any five of them, to prepare and draw up reasons, in order to a Conference to be had with the Lords, to show them why the Commons do not agree with their Lordships' amendments and provisos to the Bill of additional impositions on foreign commodities; and report the same to the House. And they are to meet this afternoon, at five of the clock, in the Speaker's Chamber.

VENERIS, 14<sup>o</sup> DIE APRILIS, 1671 (Post Meridiem).

Sir ROBERT HOWARD reports, from the Committee appointed to consider of reasons to be used at the

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Conference to be had with the Lords, the said reasons, which he read, and opened to the House, and were approved of by the House.

*Resolved, &c.*, That a Conference be desired with the Lords upon the subject-matter of the last Conference, and that Mr. Waller do carry up the message to the Lords.

SABBATI, 15<sup>o</sup> DIE APRILIS, 1671.

The House then attended the Conference with the Lords upon the reasons of disagreeing with their Lordships to their amendments to the Bill of additional imposition on foreign commodities.

And the Managers thereof report, That they had attended the Conference accordingly.

JOVIS, 20<sup>o</sup> DIE APRILIS, 1671.

A message from the Lords, by Sir John Coell and Sir William Beversham:—

Mr. SPEAKER,—The Lords have commanded us to acquaint you that they desire a present Conference with the House of Commons, in the Painted Chamber, upon the subject-matter of the last Conference concerning the Bill for an additional imposition on several foreign commodities.

The messengers being called in, Mr. Speaker acquaints them, That the House had agreed to a present Conference upon the subject-matter of the last Conference concerning the Bill for an additional imposition on several foreign commodities.

*Ordered*, That the former Managers do manage this Conference.

Mr. Attorney-General reports, from the Conference had with the Lords, That the single point insisted on at the Conference was the matter of privilege arising upon the Lords' alterations of the rate upon sugar imposed by this House; and the reasons offered, and precedents insisted on, by the Lords in justification of their privilege therein; when he opened and read to the House.

*Resolved, &c.*, That it be referred to the persons who did manage the Conference, to consider of the matter of the last Conference reported from the Lords, and the reasons and precedents relating thereto; and to report the matter, with their opinions therein, to the House; and to search for precedents; and send for papers and records, or to direct the perusal of them, as they shall find convenient; and Mr. Powle and Mr. Waller are added to the Committee.

(Post Meridiem.)

*Ordered*, That it be referred to Colonel Birch, Sir John Birkenhead, Sir Charles Harbord, Mr. Coleman, Mr. Powle, or any two of them, to peruse the Journal of the House of Lords for the proviso in the time of Henry VIII., insisted upon by their Lordships at the Conference upon the Bill of impositions on foreign commodities.

*Ordered*, That the Committee appointed to draw up reasons for the intended Conference to be had with the Lords upon the said Bill of impositions do sit to-morrow morning at nine of the clock to perfect the same.

SABBATI, 22<sup>o</sup> DIE APRILIS, 1671.

Sir THOMAS LEE reports from the Committee the reasons and precedents agreed by the Committee to be offered in answer to the reasons and precedents delivered by the Lords, in writing, at the Conference desired by the Lords on Thursday morning last; which he read to the House, with some amendments and additions made at the table upon the question agreed to; and he also reports the opinion of the vote of the Committee, viz.:—

That a Conference be desired with the Lords.