

vileges of the two Houses of the Legislature, and the respective members thereof, which had been partially defined by a former Act of 1856, a copy of which is herewith.

By the 4th section of the Act of 1865 it is enacted that "the Legislative Council or House of Representatives of New Zealand respectively shall hold, enjoy, and exercise such and the like privileges, immunities, and powers as on the 1st 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 Constitution Act as, at the time of the 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; and such privileges, immunities, and powers shall be deemed to be and shall be part of the general and public law of the colony; and it shall not be necessary to plead the same, and the same shall in all Courts, and by and before all Judges, be judicially taken notice of."

It has, ever since the passing of this Act, been maintained and insisted on by the Legislative Council that its effect is to invest that body with all the constitutional authority of the House of Commons, and so to place it on an equal footing with the House of Representatives as regards the power of dealing with money Bills.

The only unrepealed clause in the Constitution Act which touches this question is the 54th, by which it is enacted that "it shall not be lawful for the House of Representatives or the Legislative Council to pass, or for the Governor to assent to, any Bill appropriating to the public service any sum of money from or out of Her Majesty's revenue within New Zealand, unless the Governor, on Her Majesty's behalf, shall first have recommended to the House of Representatives to make provision for the specific public service towards which such money is to be appropriated."

All supplies for the public service are, or are presumed to be, recommended by the Governor to the House of Representatives, either by message or by the mouth of a Minister.

Practically, the Legislative Council, though it has from time to time claimed co-ordinate power with the House of Representatives in the matter of money Bills, under "The Parliamentary Privileges Act, 1865," has governed itself by the usage of the House of Peers in the Imperial Parliament.

Under the foregoing circumstances, the opinion of the Law Officers of the Crown in England is requested upon the following points:—

1. Whether, independently of "The Parliamentary Privileges Act, 1865," the Legislative Council was constitutionally justified in amending "The Payments to Provinces Bill, 1871," by striking out the disputed clause (clause 28)?

2. Whether "The Parliamentary Privileges Act, 1865," confers on it any larger powers in this respect than it would otherwise have possessed?

3. Whether the claims asserted by the House of Representatives in their messages to the Legislative Council are well grounded, or what are the proper limitations thereof?

HENRY SEWELL.
W. B. D. MANTELL.

Despatch from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 45.)

SIR,— Downing Street, 26th June, 1872.

I have to acknowledge your Despatch No. 35, of 30th March, enclosing a case prepared by the Managers of the two Houses of the Legislature of New Zealand on the subject of a difference which had arisen between them on certain points of law and privilege.

According to the request of your Responsible Advisers, I referred the case to the Law Officers of the Crown, and I transmit to you a copy of their opinion.

I have, &c.,

KIMBERLEY.

Governor Sir G. F. Bowen, G.C.M.G.

(Enclosure.)

The LAW OFFICERS of the CROWN to the Earl of KIMBERLEY.

MY LORD,— Temple, 18th June, 1872.

We are honoured with your Lordship's commands, signified in Mr. Holland's letter of the 12th instant, stating that he was directed by your Lordship to acquaint us that, a difference having arisen between the Legislative Council and House of Assembly of New Zealand, concerning certain points of law and privilege, it was agreed that the questions in dispute should be referred for the opinion of the Law Officers of the Crown in England; that he (Mr. Holland) was accordingly to request us to favour your Lordship with our opinion upon the accompanying case, which had been prepared by the Managers of both Houses.

In obedience to your Lordship's commands, we have the honour to report,—

1. We are of opinion that, independently of "The Parliamentary Privileges Act, 1865," the Legislative Council was not constitutionally justified in amending "The Payments to Provinces Bill, 1871," by striking out the disputed clause 28. We think the Bill was a money Bill, and such a Bill as the House of Commons in this country would not have allowed to be amended by the House of Lords; and that the limitation proposed to be placed by the Legislative Council on Bills of Aid or Supply is too narrow, and would not be recognized by the House of Commons in England.

2. We are of opinion that "The Parliamentary Privileges Act, 1865," does not confer on the Legislative Council any larger powers in this respect than it would otherwise have possessed. We think that this Act was not intended to affect, and did not affect, the legislative powers of either House of the Legislature in New Zealand.

3. We think that the claims of the House of Representatives, contained in their message to the Legislative Council, are well founded; subject, of course, to the limitation that the Legislative Council have a perfect right to reject any Bill passed by the House of Representatives having for its object to vary the management or appropriation of money prescribed by an Act of the previous session.

We have, &c.,

J. D. COLERIDGE.

G. JESSEL.

The Right Hon. the Earl of Kimberley.

APPENDIX No. 7.

The Hon. Mr. HALL.—I have the honour to bring up the following report of the Managers of the second Free Conference on the Railways Construction Bill:—