

DESPATCH FROM THE RIGHT HON. THE SECRETARY OF STATE
RELATING TO A QUESTION OF PRIVILEGE.

COPY of a 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.,

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

KIMBERLEY.

Enclosure in No. 45.

THE LAW OFFICERS of the CROWN to the EARL of KIMBERLEY.

MY LORD,—

Temple, 18th June, 1872.

We are honored 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 honor 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.
