

SATURDAY, 3RD NOVEMBER, 1877.

The Committee met pursuant to adjournment, at 3 o'clock p.m.

PRESENT:

The Hon. Mr. Speaker in the Chair.

Mr. Ballance,
Hon. Mr. Gisborne,
Mr. Harper,
Mr. Johnston,
Mr. Montgomery,
Mr. Moorhouse,
Mr. O'Rorke,

Mr. Rees,
Mr. Rolleston,
Hon. Mr. Stafford,
Mr. Stout,
Mr. Travers,
Mr. Wakefield,
Mr. Reader Wood.

The minutes of the previous meeting were read and confirmed.

The Chairman stated to the Committee that the business before the Committee was the consideration of the motion moved by the Hon. Mr. Gisborne.

Amendment proposed to the Hon. Mr. Gisborne's motion,—

To omit all words after the word "That," at the commencement of the motion, in order to insert the words, "The refusal of the Governor to act in accordance with the advice of responsible Ministers upon the expressed ground that there was a question pending in the House of Representatives affecting the position of Ministers, was a question involving the confidential relations between the Governor and his Ministers, but not necessarily affecting the privileges of Parliament. Your Committee, however, is of opinion, that the subsequent laying upon the Table of the House of the confidential memoranda, referring, as they do, to a debate pending in the House, is to be regretted, and should not be drawn into a precedent."—(*Mr. Harper.*)

The Chairman ruled that the motion proposed by Mr. Harper could not be put, without rescinding the resolution by Mr. Stout, passed yesterday.

The question was thereupon put, That that resolution be rescinded, in order to enable Mr. Harper's motion to be put.

The Committee divided, and the names were taken down as follows:—

AYES 4.

Mr. Harper,
Mr. Moorhouse,
Mr. Rolleston,
Mr. Stout.

NOES 10.

Mr. Ballance,
Hon. Mr. Gisborne,
Mr. Johnston,
Mr. Montgomery,
Mr. O'Rorke,
Mr. Rees,
Hon. Mr. Stafford,
Mr. Travers,
Mr. Wakefield,
Mr. Reader Wood.

So it passed in the negative.

Another amendment proposed, To negative the motion proposed by the Hon. Mr. Gisborne, in order to adopt the following report to the House:—

That, in obedience to the instructions of the House, your Committee have carefully sought for precedents bearing on the question referred to them, and find it stated in *Hatsell's Precedents of Proceedings in the House of Commons*, vol. II., page 355:—

"On Wednesday, the 25th day of January, in the second year of Henry IV. (1401), the Commons pray the King not to give any hearing or belief to the relation of matters moved by the Commons amongst themselves, 'devant qu'ells fussent determinez et 'discussez ou accordez entre mesmes les Communes.' To which the King answers, 'that he will not listen or give credit to any person respecting such things before they are 'monstrez au Roy par advis et assent des toutz les Communes.'"

"On Friday, the last day of the Parliament held in the ninth year of Henry IV. (1407), some disputes having arisen between the Lords and Commons, touching the grant of a subsidy, it was resolved, 'That in all Parliaments, in the absence of the King, it should be lawful, as well to the Lords by themselves, as to the Commons by themselves, to debate of all matters touching the realm, and of the remedies, and not to disclose the same to the King, before a determination thereof made, and that by the mouth of the Speaker.' The which order was made, for that part of the aforesaid displeasure arose by the means, that, in the question of the subsidy, the Lords made the King sundry times privy thereto, and brought answer therein from the King; upon which the Commons answered, that the same was against their liberties."

Also at page 352,—

"On the 12th November, 1640, upon Mr. Controller saying 'that His Majesty taking notice, '&c.' it was observed, the great inconvenience that might fall upon the House,* if His Majesty should be informed of anything that is in agitation in this House, before it is determined; and it was moved, 'That some course might be taken for preventing this 'inconvenience.'"

* On the 14th of May, 1621, Mr. Alford says, 'It is an ancient order in both Houses of Parliament, that 'whilst anything is in debate in either of these Houses of Parliament, the King should not be 'acquainted with it, till the House had taken some course in it.'"