

The Chairman submitted a draft Report he had prepared, in accordance with the request of the Committee.

Moved by Mr. Harper, That 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 not necessarily affecting the privileges of Parliament. Your Committee, however, is of opinion, that the subsequent notification to the House, by command of His Excellency the Governor, of the reference by His Excellency to a debate pending in the House, is to be regretted, and should not be drawn into a precedent.

Motion was, by leave of the Committee, withdrawn.

Draft Report, paragraph 1, read.

That your Committee, in obedience to the urgency imposed on them by the House, met immediately after the adjournment of the House on Friday last, and have since then given their undivided attention to the subject remitted to them. Ample discussions have taken place, and a careful research after precedents has been instituted.

Paragraph 1 agreed to.

Draft Report, paragraph 2, read.

That this investigation has not resulted in obtaining any precedents in point. But they find it laid down in the records of Parliament, and by writers on constitutional history *passim*, that it is a broad and well established parliamentary privilege that the Crown shall not "take notice" of any proceedings pending in Parliament.

Amendment proposed thereto, To substitute for paragraph 2 the words, "that your Committee find that the precedents examined, and the Records of Parliament, and writers on constitutional history (*passim*), establish or recognise the principle, that any notice by the Crown of any matter in agitation or debate in Parliament, but by the information or agreement of Parliament, is an infringement of the privileges of Parliament."—(*Mr. Stout.*)

Amendment agreed to.

Paragraph 2, as amended, agreed to.

Draft Report, paragraph 3, read,—

That, they apply this principle to the Memorandum of His Excellency the Governor, of the 27th October, ultimo, as laid on the Table of the House of Representatives by command of His Excellency upon advice of Ministers, in which in effect His Excellency declines to take the advice of his Ministers upon a question to which he otherwise raises no objection, on the distinct ground that a vote of want of confidence in his Ministers is pending. The exact words of the Memorandum of His Excellency the Governor are as follows, viz. :—

"Wellington, 27th October, 1877.

"The Governor presents his compliments to Sir George Grey, and in reply to his memorandum on the subject of the appointment of Mr. Wilson to the Legislative Council, the Governor regrets that after the opinion expressed by him yesterday to Sir George Grey, the Government should have considered it necessary to press this appointment upon him, and he can only repeat in a more formal manner what he said yesterday. If Sir George Grey informs the Governor that he requires this appointment for the purpose of enabling Mr. Wilson to take office in the Government, he will make it at once. If, however, it is as Sir George Grey informed him yesterday, simply for the purpose of adding to the Legislative Council another gentlemen belonging to the legal profession, there can be no pressing urgency for the appointment; and the Governor is of opinion that it would be undesirable to make it at a time when a vote of want of confidence is pending.

"If the Government are supported by a majority of the House, the Governor will be happy to accept their advice and appoint Mr. Wilson to the Legislative Council; but, pending the decision of the Assembly, the Governor must decline to make the appointment.

"NOBMANBY."

Paragraph 3 agreed to.

Draft Report, paragraph 4, read,—

That under this view your Committee are unable to come to any other conclusion than this, namely, that the notice so taken and published by His Excellency the Governor of the deliberations then pending in Parliament was an infringement of the privileges of Parliament.

Amendment proposed thereto, To substitute,—under this view your Committee have been unable to come to any other conclusion than the following:—That the action of His Excellency the Governor, in noticing a matter in agitation or debate in the House as the reason for refusing to accede to advice tendered by his Ministers, was an infringement of the privileges of the House.—(*Mr. Stout.*)

And the question being put, That all words after the word "That," at the commencement of paragraph 4, be omitted, in order to insert the words proposed,

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

AYES, 7.		NOES, 5.
Mr. Ballance,		Mr. Harper,
Hon. Mr. Gisborne,		Mr. Johnston,
Mr. Montgomery,		Mr. Moorhouse,
Mr. Rees,		Mr. Rolleston,
Mr. Stout,		Hon. Mr. Stafford.
Mr. Wakefield,		
Mr. Reader Wood,		

So it was resolved in the affirmative.

And the question being put, That paragraph 4 as amended be agreed to.

It was resolved in the affirmative.

Draft Report, paragraph 5, read,—

That your Committee report herewith the Minutes of their Proceedings.

Paragraph 5 agreed to.