

1877.
NEW ZEALAND.

COMMITTEE ON PRIVILEGES OF THE HOUSE

(REPORT OF THE, TOGETHER WITH MINUTES OF PROCEEDINGS.)

Report brought up on 5th November, and ordered to be printed.

ORDER OF REFERENCE.

Extract from the Journals of the House of Representatives.

FRIDAY, THE 2ND NOVEMBER, 1877.

Ordered, That a Select Committee be appointed to search for precedents, and to report to this House in relation to the question of privilege raised by Mr. Stout, to consist of the following members, namely:—Mr. Speaker, Hon. Mr. Stafford, Mr. Stout, Mr. Rolleston, Hon. Mr. Gisborne, Mr. R. G. Wood, Mr. Moorhouse, Mr. Rees, Mr. Harper, Mr. Johnston, Mr. Montgomery, Mr. O'Rorke, Mr. Wakefield, Mr. Ballance, and the Mover: with power to call for persons and papers; to report on Monday next; nine to be a quorum; and to have power to sit to-morrow, if necessary. (*Mr. Travers.*)

REPORT.

THE Select Committee appointed to search for precedents and to report to this House in relation to the question of Privilege raised by Mr. Stout, have the honor to report as follows:—

1. 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.

2. Your Committee find that the precedents examined, and the records of Parliament and writers on Constitutional History *passim* establish or recognize 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.

3. 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:—

“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 gentleman 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.

NORMANBY."

4. 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.

5. Your Committee report herewith the minutes of their proceedings.

WILLIAM FITZHERBERT,
Chairman.

5th November, 1877.

MINUTES OF PROCEEDINGS.

FRIDAY, 2ND NOVEMBER, 1877.

The Committee met pursuant to notice at 3.30 o'clock.

PRESENT:

Hon. Mr. Speaker,	Mr. Rees,
Mr. Ballance,	Mr. Rolleston,
Hon. Mr. Gisborne,	Hon. Mr. Stafford,
Mr. Harper,	Mr. Stout,
Mr. Johnston,	Mr. Travers,
Mr. Montgomery,	Mr. Wakefield,
Mr. Moorhouse,	Mr. Reader Wood.
Mr. O'Rorke,	

The order of reference, dated 2nd November, was read.

Resolved, on motion of Mr. Stout, That Mr. Speaker do take the chair.

The Committee deliberated.

Resolved, on motion of Mr. Stout,—

That the Committee proceed to consider, whether any privilege of Parliament has been infringed by His Excellency the Governor in his Memorandum of the 27th of October, 1877, relative to the appointment of Mr. J. N. Wilson to the Legislative Council, in so far as His Excellency has taken notice of a matter in debate in Parliament, and allowed himself to be guided in his conduct as Governor by such a debate.

That the Committee do not consider it necessary to proceed to investigate the fitness or unfitness of Mr. Wilson, nor, as to any difference of opinion between His Excellency and his Ministers not affecting the privileges of the House.

Moved by Hon. Mr. Stafford, That His Excellency the Governor be requested to authorize to be furnished to this Committee the minute from his Ministers, recommending His Excellency to submit the correspondence between His Excellency and his Ministers relative to the appointment of Mr. Wilson to the Legislative Council, together with any minute of His Excellency thereon.

And the question being put, That this motion be agreed to, the Committee divided, and the names were taken down as follows:—

AYES, 8.	NOES, 6.
Hon. Mr. Gisborne.	Mr. Ballance.
Mr. Harper.	Mr. Montgomery.
Mr. Johnston.	Mr. O'Rorke.
Mr. Moorhouse.	Mr. Rees.
Mr. Rolleston.	Mr. Stout.
Hon. Mr. Stafford.	Mr. Wakefield.
Mr. Travers.	
Mr. Reader Wood.	

So it was resolved in the affirmative.

Moved by Mr. Reader Wood, That the papers referred to in Hon. Mr. Stafford's resolution be applied for through the Prime Minister, who should be requested to obtain the sanction of the Governor for their production.

Amendment proposed thereto.

To omit all words after the word "That" in order to insert the words "Mr. Speaker do apply to His Excellency the Governor for the papers mentioned in the resolution just passed by the Committee."
—(*Mr. Montgomery.*)

And the question being put, That the words proposed to be omitted stand part of the question, The Committee divided, and the names were taken down as follows:—

AYES 3.
Hon. Mr. Gisborne,
Hon. Mr. Stafford,
Mr. Reader Wood.

NOES 10.
Mr. Ballance,
Mr. Harper,
Mr. Johnston,
Mr. Montgomery,
Mr. Moorhouse,
Mr. O'Rorke,
Mr. Rees,
Mr. Rolleston,
Mr. Travers,
Mr. Wakefield.

So it passed in the negative.

Mr. Stout declined to vote.

And the question being put, That the words proposed to be inserted be so inserted, it was resolved in the affirmative.

Motion as amended agreed to.

The Committee then adjourned until 8 o'clock p.m.

The Committee re-assembled at 8 o'clock p.m.

All the Members being present,

The Chairman stated to the Committee that he had caused a letter, as follows, to be conveyed to the Governor's Private Secretary by the Clerk of the Committee:—

"Sir,—

"House of Representatives, 2nd November, 1877.

"I am directed by the Select Committee of the House of Representatives appointed to search for precedents in relation to the question of privilege raised by Mr. Stout in the House this day, to apply to His Excellency the Governor for the papers mentioned in the following resolution passed by the Committee:—

"Resolved, That His Excellency the Governor be requested to authorize to be furnished to this Committee the minute from his Ministers, recommending His Excellency to submit the correspondence between His Excellency and his Ministers, relative to the appointment of Mr. Wilson to the Legislative Council, together with any minute of His Excellency thereon."

"I have the honor to request that you will move His Excellency to cause the correspondence required by the Committee to be forwarded to me with as little delay as possible.

"I have, &c.,

"WILLIAM FITZHERBERT,

"Chairman, Privileges of the House Committee.

"The Private Secretary to His Excellency the Governor."

To this letter His Excellency the Governor has been pleased to reply as follows:—

"The Chairman of the Privileges Committee, Parliament Buildings, Wellington.

"Government House, Wellington, 2nd November, 1877.

"The Governor authorizes the production by the Government, to the Select Committee of the House of Representatives appointed to inquire into the question raised by Mr. Stout, M.H.E., relative to the 'Privilege,' of the original covering sheet conveying the advice of Sir George Grey to His Excellency, that the papers relating to the appointment of Mr. Wilson should be laid before Parliament. This covering sheet was simply approval, and initialled by the Governor.

"NORMANBY."

Whereupon he had expressed his acknowledgments to the Governor in these terms:—

"The Speaker of the House of Representatives, who has been appointed to preside over the Committee of Privileges, acknowledges respectfully the receipt of the memorandum signed by His Excellency, giving permission for the production of the papers asked for, and begs to express his acknowledgments for the prompt attention given to his request.

"WILLIAM FITZHERBERT.

"8 o'clock, p.m., 2nd November, 1877."

And, further, that he had addressed a memorandum as follows to the Honorable the Prime Minister:—

"The Speaker of the House of Representatives, who has been appointed Chairman of the Committee on the Question of Privilege raised by Mr. Stout, presents his compliments to the Honorable the Prime Minister, and informs him that His Excellency the Governor has granted permission for the production of the papers relating to the appointment of Mr. Wilson, before the Committee.

"The Chairman accordingly applies to the Prime Minister to cause the papers to be forwarded to the Committee, if he has no objection.

"WILLIAM FITZHERBERT.

"8 o'clock, p.m., 2nd November, 1877."

The Hon. Sir George Grey's reply thereto was laid on the table:—

"Sir George Grey presents his compliments to the Speaker. Sir George Grey has directed that the papers applied for by the Committee shall be forwarded as soon as they can be found, but the enclosed note from the Under Secretary shows that they may possibly not be found before to-morrow morning."

"Friday, 2nd November, 1877."

(Enclosure.)

"2nd November, 1877, 9.25 p.m.

"I have not the paper you want myself, and I cannot find Mr. Smith; neither can I find the document on his table. I am still searching through the office, but send you this *ad interim*.

"Hon. Sir George Grey."

"G. S. COOPER.

Mr. G. S. Cooper, Under Secretary, presently attended, and handed in a paper, as follows:—

"Wellington, 29th October, 1877.

"His Excellency the Governor is respectfully advised to command that the enclosed memoranda relating to the advice tendered by Ministers to His Excellency to summon Mr. John Nathaniel Wilson to the Legislative Council, and His Excellency's declining to accept that advice pending the decision of the Assembly on a vote of want of confidence, may be laid before both Houses of the General Assembly.

"G. GREY.

"Approved—N."

(Enclosures.)

"MEMORANDUM for the Hon. the PREMIER.

"I would feel obliged if you would advise His Excellency to summon Mr. J. N. Wilson, barrister and solicitor, of Napier, to the Legislative Council, provided that you and the rest of the Cabinet agree to the appointment.

"There is but one practising member of the legal profession in the Legislative Council, the Hon. Mr. Hart, and it is exceedingly desirable that the Council should have further legal assistance to assist in their discussions.

"This want has been much felt since the resignation of the Hon. Mr. Sewell. Mr. Wilson stands very high in his profession, and is much respected in his own district. This appointment would not be a political measure, but one of great advantage to the Council, and through the Council to the country, and on this ground it is brought forward. Mr. Wilson has never taken any part in politics in this country, though he has been at the head of his profession in his own district for the past twenty years.

"G. S. WHITMORE.

"I concur in above recommendation.

"J. SHEEHAN.

"J. MACANDREW.

"J. T. FISHER.

"W. J. M. LARNACH.

"24th October, 1877."

"MEMORANDUM for His Excellency the GOVERNOR.

"Wellington, 27th October, 1877.

"His Excellency the Governor is respectfully informed that, notwithstanding the opinion yesterday expressed by His Excellency that notice of a vote of want of confidence in the Government having been given, he ought not to accept any advice given for calling Mr. John Nathaniel Wilson to the Legislative Council until the decision of Parliament upon that vote had been given, when, if it was favourable to the present Government, His Excellency would, in pursuance of advice then given, call Mr. J. N. Wilson to the Legislative Council, it is thought necessary, hoping this can be done without causing embarrassment to His Excellency, respectfully to advise the Governor to sign the accompanying writ summoning John Nathaniel Wilson, Esquire, to the Legislative Council.

"G. GREY."

"MEMORANDUM by His Excellency the GOVERNOR.

"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 gentleman 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.

"NORMANBY."

After deliberation, it was moved by the Hon. Mr. Gisborne, That, whereas certain memoranda relative to calling J. N. Wilson, Esq., to the Legislative Council have been presented to the House of Representatives by command of His Excellency the Governor, and whereas from one of the said memoranda, being the memorandum by His Excellency the Governor, dated the 27th of October, 1877, it appears that His Excellency has taken notice of a matter in debate in the House, and has been influenced in his conduct as Governor towards the Ministry by the fact that a vote of want of confidence in them is pending in debate in this House; and whereas it has been referred to the Committee to consider whether a breach of the privileges of Parliament has been committed by His Excellency the Governor, as disclosed in such memorandum, it be resolved:—

That, in refusing 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, His Excellency the Governor committed a breach of the privileges of the House.

Resolved, on motion of Mr. Travers, That written copies of the Hon. Mr. Gisborne's motion be sent to each member of the Committee by 8 o'clock to-morrow morning.

The Committee then adjourned until 3 o'clock to-morrow afternoon.

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,	Mr. Rees,
Hon. Mr. Gisborne,	Mr. Rolleston,
Mr. Harper,	Hon. Mr. Stafford,
Mr. Johnston,	Mr. Stout,
Mr. Montgomery,	Mr. Travers,
Mr. Moorhouse,	Mr. Wakefield,
Mr. O'Rorke,	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.	NOES 10.
Mr. Harper,	Mr. Ballance,
Mr. Moorhouse,	Hon. Mr. Gisborne,
Mr. Rolleston,	Mr. Johnston,
Mr. Stout.	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.'"

Also at page 450, in a remonstrance to the King, in 1641, on his taking notice of Business depending in the House of Commons:—

“Amongst other privileges of Parliament, they (the Lords and Commons) do, with all dutiful reverence to your Most Excellent Majesty, declare, that it is their ancient and undoubted right, that your Majesty ought not to take notice of any matter in agitation and debate in either of the Houses of Parliament, but by their information or agreement; and that your Majesty ought not to propound any condition, provision, or limitation, to any Bill or Act in debate or preparation in either House of Parliament, or to manifest or declare your consent or dissent, approbation, or dislike of the same, before it be presented to your Majesty in due course of Parliament.”

And again, at page 354:—

“On the 26th of February, 1757, the King having, in a message to the House of Commons, taken notice of what was said the day before by a member in his place, a special entry is ordered to be made, that this case may not be drawn into precedent, to the infringement of the privileges of the House of Commons.”

This entry is as follows:—

“The mention made in the message, of an application being made to this House, by a member of the House in his place, was much excepted to in the House; being conceived that it might affect (although not so intended) the privilege of the House, with regard to freedom of speech in their debates and proceedings; and forasmuch as the maintaining of that privilege must ever be of the utmost consequence to the House, the House did direct, that this special entry should be made in the Journal, lest at any time hereafter this case should be endeavoured to be drawn into precedent, to the infringement of so important and essential a claim and right of the House.”

That, the question referred to your Committee arises out of the refusal of His Excellency the Governor to accede to the advice of his Constitutional Advisers to appoint Mr. John Nathaniel Wilson as a member of the Legislative Council. In the memorandum of the Governor, dated 27th October, 1877, placed on the Table of the House by command of His Excellency, on the 31st October, 1877, it is stated in reference to the proposed appointment:—

* * * * “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.”

That your Committee find that modern constitutional usage is strictly in accordance with the principle as illustrated by the precedents above quoted. They are supported in this view by the opinions of the best authorities on the subject, and they would refer to the observations in *Hatsell on Precedents*, vol. II, page 355:—

“It is highly expedient for the due preservation of the privileges of the separate branches of the Legislature, that neither should encroach upon the other; or interfere in any matter depending before them, so as to preclude, or even influence, that freedom of debate, or of action, which is essential to a free Council.”

And in *May's Treatise on Parliament*, fifth edition, 1863, page 315, it is stated that on the 17th December, 1783, the Commons resolved:—

“That it is now necessary to declare, that to report any opinion or pretended opinion of His Majesty, upon any Bill or other proceeding depending in either House of Parliament, with a view to influence the votes of the members, is a high crime and misdemeanour, derogatory to the honor of the Crown, a breach of the fundamental privileges of Parliament, and subversive to the constitution of this country.”

That it therefore appears, that the action of His Excellency, in noticing a matter in agitation in the House as the reason for refusing to accede to advice tendered by His Minister is opposed to precedents, and your Committee are of opinion that such action is unconstitutional, and an infringement of the privileges of Parliament.—(*Mr Ballance*.)

Amendment to Mr. Ballance's motion, To omit the last clause, and insert in lieu thereof the words “That your Committee is therefore of opinion that the action of His Excellency the Governor, in noticing a matter in agitation in the House as the reason for refusing to accede to advice tendered by his Ministers, was an infringement of the privileges of this House.”—(*Mr. Stout*.)

The Hon. Mr. Gisborne, by leave of the Committee, withdrew his motion in favour of that proposed by Mr. Ballance, in order to enable reference to be made to precedents.

Discussion resumed respecting Mr. Ballance's proposed motion, and it was understood, before the Committee retiring for the adjournment, that the Chairman would sketch out a Report.

The Committee then adjourned until 8 o'clock this evening.

The Committee re-assembled at 8 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. Rees,
Mr. Rolleston,
Hon. Mr. Stafford,
Mr. Stout,
Mr. Wakefield,
Mr. Reader Wood.

After the Committee had deliberated, Mr. Ballance, by leave, withdrew his motion.

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.
Mr. Ballance,
Hon. Mr. Gisborne,
Mr. Montgomery,
Mr. Rees,
Mr. Stout,
Mr. Wakefield,
Mr. Reader Wood,

NOES, 5.
Mr. Harper,
Mr. Johnston,
Mr. Moorhouse,
Mr. Rolleston,
Hon. Mr. Stafford.

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.

And the question being put, That the Draft Report as amended be reported to the House, the Committee divided, and the names were taken down as follows :—

AYES 7.
Mr. Ballance,
Hon. Mr. Gisborne,
Mr. Montgomery,
Mr. Rees,
Mr. Stout,
Mr. Wakefield,
Mr. Reader Wood.

NOES 5.
Mr. Harper,
Mr. Johnston,
Mr. Moorhouse,
Mr. Rolleston,
Hon. Mr. Stafford.

So it resolved in the affirmative.

Report agreed to accordingly.

In reply to a question from Mr. Moorhouse, the Chairman ruled that it was not usual for a member of the Committee to enter on the Minutes a Protest against the finding of the Committee.

Resolved, on motion of Mr. Wakefield, That Mr. Travers, the mover of the resolution appointing the Committee, do bring up the Report to the House at its next sitting.

Resolved, at the suggestion of the Chairman, That, it being a matter of urgency, the minutes of this day's proceedings be taken as read and confirmed, subject to inspection by Messrs. Ballance and Rolleston, who are appointed a Sub-Committee for that purpose.

The Committee then (at half-past 10 o'clock, p.m.), adjourned.

Minutes of the Proceedings on Saturday, 3rd November, examined and approved.

JOHN BALLANCE.
WILLIAM ROLLESTON.

5th November, 1877.

By Authority : GEORGE DIDSBUY, Government Printer, Wellington.—1877.

Price 6d.