

existed in this colony to submit the matter, as one purely of law, for the opinion of the Law Officers. I am sure that very great satisfaction will be felt by both Houses of the Legislature if Her Majesty should think fit in this instance to refer the matter to the Privy Council, as prayed by the Joint Address. And I conceive also that such a reference would not involve any departure in principle from ancient theory and practice as to the functions of the Council, although those functions may not in recent times have been exercised under circumstances precisely analogous. But, even if the proposed reference is considered to be not supported by ancient theory or precedent, I venture to suggest that the establishment of such a precedent would not be disadvantageous.

5. In the event of the reference being made, I do not, of course, know whether it would be made to the Judicial Committee of the Council or in some other form, or whether, in either case, it would be thought advisable that the case should be argued by counsel. As to the desirableness or otherwise of its being so argued I have no suggestion to offer; but, if it is proposed, it would be a great convenience if information were given either to your Excellency, by telegraph, or to the Agent-General for Queensland in London, in order that the necessary arrangements may be made without delay for supporting the views of either House, if it should be thought desirable that they or either of them should be represented.

I have, &c.,
S. W. GRIFFITH.

His Excellency Sir Anthony Musgrave,
G.C.M.G., &c.

The COLONIAL OFFICE to the COUNCIL OFFICE.
Downing Street, 3rd February, 1886.

MY LORD,—

I have the honour to transmit to you a copy of a despatch from the Governor of Queensland, enclosing a petition from the Legislative Council and Legislative Assembly of the colony concerning questions which have arisen between those two bodies with regard to their relative rights and powers, together with certain documents which are specified in a schedule to the despatch, and which are in the nature of exhibits to the petition.

I shall feel obliged if you will be so good as to submit these papers to the Queen, with a recommendation that Her Majesty may be graciously pleased to refer this matter to the hearing and consideration of the Judicial Committee of the Privy Council, in pursuance of the power reserved to Her Majesty by the Act 3 and 4 Will. 4, c. 41, s. 4.

I should also be glad to be favoured with your opinion whether it is desirable that the case should be argued by counsel on behalf of the two Houses of the colonial Legislature, and whether each House should be represented separately.

I have, &c.,
FRED. STANLEY.

The Lord President of the Council.

The COUNCIL OFFICE to the COLONIAL OFFICE.
SIR,— Whitehall, 3rd April, 1886.

I am directed by the Lord President of the Council to acquaint you, for the information of Earl Granville, that the Lords of the Judicial Committee have proceeded, in obedience to Her Majesty's order of reference of the 8th March, to consider the petition addressed to Her Majesty in Council by the Legislative Council and the

Legislative Assembly of Queensland, which was transmitted to this office with a letter from the Right Hon. Sir Frederick Stanley on the 3rd February last past.

The Lords of the Committee present on this occasion were the Lord President, the Lord High Chancellor, His Grace the Duke of Richmond and Gordon, Lord Aberdare, Lord Blackburn, Lord Hobhouse, and Sir Richard Couch; and their Lordships, having considered the petition and the two questions therein raised, namely,—

1. Whether the Constitution Act of 1867 confers on the Legislative Council powers co-ordinate with those of the Legislative Assembly in the amendment of all Bills, including money Bills;

2. Whether the claims of the Legislative Assembly, as set forth in their message of the 12th November, are well founded—

agreed humbly to report to Her Majesty that the first of these questions should be answered in the negative, and the second question in the affirmative.

The report of the Judicial Committee has been approved by Her Majesty in Council to-day. Copies of the Order in Council approving the same will shortly be forwarded to you for transmission to Queensland.

I have, &c.,
HENRY REEVE,
Registrar, P.C.

Sir Robert Herbert, K.C.B., &c.

APPENDIX No. 2.

Copy of Despatch from Governor Sir GEORGE GREY, K.C.B., to His Grace the Duke of NEWCASTLE, K.G.

Government House, Auckland,

MY LORD DUKE,— 31st December, 1862.

A question of privilege having arisen between the Legislative Council and the House of Representatives of New Zealand, the Legislative Council has requested me to transmit a case, embodying the facts of the question at issue, to your Grace, with a request that you would be pleased to obtain, for their future guidance, the opinion on this case of the Law Officers of the Crown in England.

2. In compliance with the address of the Legislative Council, I have now the honour to enclose the documents necessary to enable you to obtain for the Council the opinion of the Law Officers of the Crown, if you would be pleased to do so.

I have, &c.,
G. GREY.

His Grace the Duke of Newcastle, K.G.

Enclosure.

Case for the Opinion of the Law Officers of the Crown.

A QUESTION of privilege has arisen between the Legislative Council and House of Representatives of New Zealand, upon which the Legislative Council are anxious to obtain, for their guidance, the opinion of the Law Officers of the Crown in England.

They venture to ask for that opinion partly because the question arises upon the construction of an Act of the Imperial Legislature, and partly because the question depends upon analogy to the practice of other constitutional governments, and in particular of the Imperial Parliament.

The circumstances out of which the question arises occurred in the passing of the Native Lands