

1900.

NEW ZEALAND.

# “COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT, 1900,”

TOGETHER WITH CORRESPONDENCE RESPECTING CLAUSE 74 THEREOF.

*Presented to both Houses of the General Assembly by Command of His Excellency.*

No. 1.

(No. 1415.)  
SIR,—Westminster Chambers, 13, Victoria Street, London, S.W.,  
26th June, 1900.

I have the honour to forward herewith, for your information, a copy of a letter addressed by me to the Under-Secretary of State for the Colonies on the subject of the Australian Commonwealth Constitution Bill, together with Mr. Chamberlain's reply.

The point raised related to the position of New Zealand under clause 74 of the Commonwealth Bill in the event of some lawsuit arising in which both the interest of New Zealand and some matter relating to the Constitution of the Commonwealth were involved. Mr. Chamberlain's reply is important, and may be of great value to New Zealand in the event of any difference of opinion arising under the circumstances indicated. The Crown Law Officers will no doubt find the correspondence of interest, and will also be interested to read the discussion in the House of Commons on Monday, 18th, and Thursday, 21st, especially the speeches of the Attorney-General, Mr. Haldane, Q.C., and Professor Bryce. I annexed the reports of these debates, published in the *Times* newspaper of the 19th and 22nd, to my letter of 22nd inst.—No. 1409.

I have, &c.,  
W. P. REEVES.

The Hon. the Premier, Wellington.

Enclosure 1 in No. 1.

SIR,—

13, Victoria Street, 19th June, 1900.

I have the honour to further address you on the subject of the Commonwealth of Australia Constitution Act.

I have not had the opportunity of perusing any authenticated copy of the amendment of clause 74, which it is now proposed to insert in the Bill. Assuming, however, that the version published in the *Times* newspaper of this morning is correct, it appears to me that under it the position of outside States which may become involved in litigation with the Commonwealth, or one of its provinces, is open to doubt. I have read with attention the speech of the Attorney-General, Sir Robert Finlay; but there seems to be at least a difference of opinion as to whether the right of appeal to the Privy Council may not be taken away in cases which involve at once the constitutional position of the Commonwealth in regard to its provinces and also the interest of some outside community.

It is the earnest desire and request of the New Zealand Government that the present rights which our colony and colonists enjoy of appealing to the Privy Council may not be taken away, diminished, or left in any doubt whatever. I have therefore the honour to ask that Her Majesty's Government may be pleased—if the point before referred to seems, on reflection, to admit of doubt—to insert in the clause such language as may put the matter beyond the possibility of controversy. My Government confidently believes that it is not the intention of the Right Hon. the Secretary of State for the Colonies to allow the existing rights of any of Her Majesty's subjects outside the proposed Commonwealth to be impaired or abridged. The Australians themselves have never set up any claim to do this, and the request of the New Zealand Government would therefore seem to be in accordance with the manifest wishes of all parties.

I have, &c.,  
W. P. REEVES.

The Under-Secretary of State for the Colonies.

1—A. 5.