

No. 68.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(Circular.)

SIR,—

Downing Street, 29th May, 1872.

With reference to my Circular Despatch of the 13th March, respecting the Communist prisoners who were stated to be on board the French Transport "Le Rhin" on their way to New Caledonia, I have to inform you that, upon further inquiry, it appears that the prisoners on board that vessel were not Communists, but ordinary criminals sent in the usual course to New Caledonia, which, as you are aware, has been for some time a station for French convicts.

I annex an extract from the French newspaper *Patrie*, giving the names of the ships of war which are to be employed in preventing the escape of Communist convicts from New Caledonia.

I have, &c.,

KIMBERLEY.

The Officer Administering the Government
of New Zealand.

Enclosure in No. 68.

EXTRACT from the *Patrie*.

"Les navires de guerre qui doivent composer la division chargée de la surveillance du littoral de la Nouvelle Calédonie viennent d'être désignés. Ces sont: l'avisé à vapeur le 'Bruat,' et les canonnières démontables le 'Caiman,' la 'Rapiere,' la 'Buionnette,' le 'Sabre' et 'l'Escopette.' Ces canonnières seront embarquées sur la frégate-transport la 'Guerrière' et sur la 'France' grand trois mâts frété à Cherbourg par l'Administration de la Marine pour transporter à Nouméa du matériel et des approvisionnements.

"On pense que la 'Guerrière' quittera l'Île d'Aix aussitôt que la liste des condamnés qu'elle doit emmener aura été définitivement arrêtée à Versailles."

No. 69.

COPY of a DESPATCH from the Right Hon. the Earl of KIMBERLEY to Governor Sir G. F. BOWEN, G.C.M.G.

(No. 45.)

SIR,—

Downing Street, 26th June, 1872.

I have to acknowledge your Despatch No. 35, of 30th March, enclosing a Case prepared by the Managers of the two Houses of the Legislature of New Zealand on the subject of a difference which had arisen between them on certain points of law and privilege.

According to the request of your Responsible Advisers, I referred the case to the Law Officers of the Crown, and I transmit to you a copy of their opinion.

I have, &c.,

KIMBERLEY.

Governor Sir G. F. Bowen, G.C.M.G.

Enclosure in No. 69.

THE LAW OFFICERS of the CROWN to the EARL of KIMBERLEY.

MY LORD,—

Temple, 18th June, 1872.

We are honored with your Lordship's commands signified in Mr. Holland's letter of the 12th instant, stating that he was directed by your Lordship to acquaint us that a difference having arisen between the Legislative Council and House of Assembly of New Zealand, concerning certain points of law and privilege, it was agreed that the questions in dispute should be referred for the opinion of the Law Officers of the Crown in England.

That he (Mr. Holland) was accordingly to request us to favour your Lordship with our opinion upon the accompanying case, which had been prepared by the Managers of both Houses.

In obedience to your Lordship's commands, we have the honor to report,—

1. We are of opinion that, independently of "The Parliamentary Privileges Act, 1865," the Legislative Council was not constitutionally justified in amending "The Payments to Provinces Bill, 1871," by striking out the disputed clause 28. We think the Bill was a Money Bill, and such a Bill as the House of Commons in this country would not have allowed to be amended by the House of Lords; and that the limitation proposed to be placed by the Legislative Council on Bills of Aid or Supply is too narrow, and would not be recognized by the House of Commons in England.