

On the 19th April, 1871, Messrs. Vogel and Julyan, Agents appointed by the Governor for the purpose, intimated to the Treasury the acceptance by the Colony of the guarantee offered by the Imperial Government upon the terms stipulated in the Imperial Act.

The Treasury assented by letter of the 20th May, 1871, and under the arrangement so made, debentures to the value of £200,000 have been issued with the Imperial guarantee, and are now held at the disposal of the Colonial Government.

But the claim now made by the House of Representatives, of the right of its sole authority "by Act of one Session to vary the appropriation or management of money prescribed by Act of a previous Session," and by virtue of such right to divert at pleasure the moneys raised under the Loan Act of 1870 to other purposes than those prescribed by such Act, if admitted, might possibly have the effect of subverting the objects of the loan, and might conflict with the conditions imposed by the Imperial Act.

Another distinct question has been raised as to the constitutional powers of the Legislative Council under an Act passed in the year 1865, entitled "The Parliamentary Privileges Act," a copy of which is herewith. The object of this Act was to define more exactly by Statute the powers and privileges of the two Houses of the Legislature, and the respective members thereof, which had been partially defined by a former Act of 1856, a copy of which is herewith.

By the 4th section of the Act of 1865, it is enacted that "the Legislative Council or House of Representatives of New Zealand respectively shall hold, enjoy, and exercise such and the like privileges, immunities, and powers, as, on the 1st January, 1865, were held, enjoyed, and exercised by the Commons House of Parliament of Great Britain and Ireland, and by the Committees and Members thereof, so far as the same are not inconsistent with or repugnant to such and so many of the sections and provisions of the Constitution Act as, at the time of the coming into operation of this Act, are unrepealed, whether such privileges, immunities, or powers were so held, possessed, or enjoyed by custom, "statute, or otherwise; and such privileges, immunities, and powers shall be deemed to be and shall be part of the general and public law of the Colony; and it shall not be necessary to plead the same, and the same shall in all Courts, and by and before all Judges, be judicially taken notice of."

It has, ever since the passing of this Act, been maintained and insisted on by the Legislative Council, that its effect is to invest that body with all the constitutional authority of the House of Commons, and so to place it on an equal footing with the House of Representatives as regards the power of dealing with money Bills.

The only unrepealed clause in "The Constitution Act" which touches this question, is the 54th, by which it is enacted that "It shall not be lawful for the House of Representatives or the Legislative Council to pass, or for the Governor to assent to, any Bill appropriating to the public service any sum of money from or out of Her Majesty's Revenue within New Zealand, unless the Governor, on Her Majesty's behalf, shall first have recommended to the House of Representatives to make provision for the specific public service towards which such money is to be appropriated."

All supplies for the public service are, or are presumed to be, recommended by the Governor to the House of Representatives, either by message or by the mouth of a Minister.

Practically the Legislative Council, though it has from time to time claimed co-ordinate power with the House of Representatives in the matter of money Bills, under "The Parliamentary Privileges Act, 1865," has governed itself by the usage of the House of Peers in the Imperial Parliament.

Under the foregoing circumstances, the opinion of the Law Officers of the Crown in England is requested upon the following points:—

- I. Whether, independently of "The Parliamentary Privileges Act, 1865," the Legislative Council was constitutionally justified in amending "The Payments to Provinces Bill, 1871," by striking out the disputed clause (clause 28)?
- II. Whether "The Parliamentary Privileges Act, 1865," confers on it any larger powers in this respect than it would otherwise have possessed?
- III. Whether the claims asserted by the House of Representatives in their messages to the Legislative Council are well grounded, or what are the proper limitations thereof?

HENRY SEWELL,
W. B. D. MANTELL.

No. 59.

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

(No. 36.)

Government House, Wellington,

MY LORD,—

New Zealand, 1st April, 1872.

In continuation of many previous Despatches describing my official tours in various parts of New Zealand, I have now the honor to report that, during the past months of February and March, I visited the Kaikoura Mountains,* in the Province of Marlborough; the District of Amuri, in the Province of Nelson; and the northern districts of the Province of Canterbury; which had not previously been visited by myself nor by any of my predecessors.

2. Leaving Wellington by sea, I landed at the small port of Kaikoura, in the north-eastern portion of the South (or Middle) Island, and under the magnificent mountains of the same name, the highest peaks of which, crowned with perpetual snow, rise to nearly ten thousand (10,000) feet above the shore. Riding inland,

* Any good map of New Zealand will show all the places mentioned in this Despatch.