

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.