

1875.

NEW ZEALAND.

POWER OF THE GENERAL ASSEMBLY TO ABOLISH PROVINCES,

(OPINIONS OF THE LATE ATTORNEY-GENERAL AND THE SOLICITOR-GENERAL AS TO).

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

OPINION OF THE LATE ATTORNEY-GENERAL.

1st December, 1874.

THE Act of the Imperial Parliament (31 and 32 Vict., c. 92) is intituled "An Act to declare the Powers of the General Assembly to abolish any Province, or to withdraw from any such Province any part of the Territory thereof."

It expressly authorizes the General Assembly to abolish any Province. This means any one, or more, or all of the Provinces.

Upon the abolition of a Province or Provinces the Provincial system will have no existence in the district or districts theretofore included within the Province or Provinces abolished, and the General Assembly must provide for the local concerns of such districts.

Questions have been raised as to the construction of the Act above referred to, and though I see no room for doubt or question, I think that it would be well that the Secretary of State should be asked to take the opinion of the Law Officers in England; and if any doubt whatever is entertained by them, that a Bill should at once be passed for removing the doubt.

The Hon. the Colonial Secretary.

JAMES PRENDERGAST.

OPINION OF THE SOLICITOR-GENERAL.

I HAVE carefully read and considered the Act of the Imperial Parliament (31 and 32 Vict., c. 92), declaring the powers of the General Assembly to abolish any Province in the colony.

I think that the power to abolish Provinces is absolute, and that the General Assembly is empowered to abolish any one or all of the Provinces.

Wellington, 29th July, 1875.

W. S. REID.

The Hon. the Colonial Secretary.