

1875.
NEW ZEALAND.

WHEN THE PRESENT PARLIAMENT WILL EXPIRE THROUGH EFFLUXION OF TIME,

(OPINION OF THE SOLICITOR-GENERAL AS TO).

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

THE HON. SIR DONALD MCLEAN,—

I am asked for an opinion upon the question when the present Parliament will expire by effluxion of time.

I find that the General Assembly was dissolved by Proclamation on the 30th of December, 1870, and on that date the Governor signed his warrant for the issue of writs for the election of members of the House of Representatives, such writs to bear date on the 30th day of December, 1870, and to be *returnable* on the 25th day of February then next (see *Gazette* No. 74 of 1870).

The writs were issued accordingly, and by a Proclamation in the same *Gazette* the General Assembly was summoned to meet on the 25th day of February then next.

In England the duration of the Parliament is settled by the terms 1 Geo. I. St. 2, cap. 38, which fixed the continuance of Parliament at seven years (previously fixed by 6 and 7 William and Mary, cap. 2, at three years), "to be accounted from the day on which by the writ of summons * * * Parliament shall be appointed to meet," unless sooner dissolved.

In this colony the continuance of the House of Representatives is fixed by the 40th section of the Constitution Act, which provides that " * * * every such House of Representatives shall, unless the General Assembly shall be sooner dissolved, continue for the period of five years from *the day of the return of the writs* for choosing such House, and no longer." The expression "the day of the return of the writs" is somewhat vague, but I think that it can only be taken to mean the day which the Governor has fixed by his warrant for the return of the writs to the Clerk of the Writs as above mentioned.

It will be seen that the General Assembly was summoned to meet on this day also; the theory being that, as the writs were made returnable on this day, both Houses of the Legislature would be prepared to meet the Governor in Parliament.

I am therefore of opinion that the present House of Representatives will expire by effluxion of time at the expiration of five years from the 25th day of February, 1871.

I may add that the question is not practically of much importance, the usual course being to dissolve the General Assembly by Proclamation.

W. S. REID.

31st July, 1875.

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