

the election of a member for the said district until the completion of the said election." In our opinion a Revision Court should be held at a reasonable time before every election, and after that has been held a subsequent sitting might be provided for with a specifically limited jurisdiction, as in section 41. In section 51 the Registrar is prohibited from removing the name of a person who is registered in another district unless such removal is prior to the election-writ or subsequent to the election; but immediately following this specific prohibition there is a provision that, notwithstanding anything in the Act, the Registrar, on being satisfied that the name of any person has been omitted or expunged from any roll by mistake or clerical error or through false information, may restore the name of such person to the roll at any time, and after the issue of the writ, but not later than ten clear days before the election. Then follows section 52, which says the Registrar shall at any time expunge from the roll the name of any person proved to have left the district for six months.

We do not attempt to indicate the course a Registrar can best adopt amid the difficulties created by this statute. The Registrar is not recognised as a Civil servant who is entitled to the advice and direction of a superior, and is informed that he must construe the law for himself and act on his own responsibility. Probably this is the sound constitutional position for the authorities to take up, and any other position would probably lead to danger and distrust; but when an accusation of corruption is made against the Registrar, and part of the proof relied on in support of the charge is that the Registrar omitted to do some act contemplated, or alleged to be contemplated, by the statute, it must be remembered that skilled lawyers find the Act difficult to interpret, and so far no satisfactory solution of many of the problems arising in the interpretation has been found.

The Registrar appears to have held that he could receive no claims after the moment at which he received notification of the issue of the writ; he received a telegram on the 12th November informing him that the writs were issued on the 11th. Section 58 says, "after the day of the issue of the writ"; but the interpretation clause says "issue of the writ" means the "day on which the Registrar receives a notification by letter or telegram that the Clerk of the Writs or person acting for him has signed a writ for an election for the district." The question arises whether the use of the expression "day of the issue of the writ" removes it from the interpretation of the bare words "issue of the writ." Probably it does not, but, coupled with the fact that the telegram did not come to hand until the day after its despatch, it creates one more difficulty for the Registrar, and, if our view is correct, the Registrar would not have erred if he had continued to receive claims until the close of his office on the 12th. He seems to have again adopted the *via media*, but not to have obtained safety in doing so. With the exception of one case, treated of hereafter, it is certain the Registrar treated all parties alike, and refused to receive claims after the telegram announcing the issue of the writ reached him.

The question of allowing the rolls to be inspected raises the doubt whether there was any legal roll for any districts until after the dissolution of Parliament on the 5th November, 1902. If there had been no change in the districts the rolls for each district, altered and amended from time to time in pursuance of section 40, would have been the rolls in force, but the redivision of the districts produces a peculiar situation. Subsection (8) of section 75 enacts that every new electoral district shall be deemed to have been constituted six months prior to the report of the Representation Commission taking effect, but subsection (9) says that all electoral districts existing, and all electoral rolls in force at the time of the redivision, shall continue in existence and force until the dissolution or expiration of the Parliament in being at the time when such division is made. Taking the 5th November, 1902, as the date of dissolution of Parliament, the old electoral rolls remained in force, and the new rolls, although published, were not in force until that date. Further, the new districts were to be supposed to have been constituted six months before they really were constituted, and the position was therefore this: the new district of Grey Lynn was, by a fiction of law, supposed to have been constituted six months before it was in fact constituted or defined; but as there never had, up to the time of its constitution, been any such district, or any roll for such district, there could not *de facto* be any roll for Grey Lynn until the same was compiled, and *de jure* there could be no such roll until the 5th November. The same state of things existed as to the other districts, which, though continued in name, differed in boundaries. The district of Auckland City was not the same after as before the redivision, and, however well the roll for the former district might have been kept up to date, it was not only unreliable, but actually misleading, if trusted to as a roll of the new Auckland City district, which by the said fiction had been six months in existence. By section 69 any person is entitled to inspect the roll without payment, but which roll is not stated. If such person be shown the roll of Auckland City as it existed prior to the redivision, he might well complain that such roll is not the roll of the district which *de jure* had been constituted six months prior to the redivision, and if he require the roll for the new district he must be told that such roll is not in force until Parliament is dissolved, and in fact is only in course of preparation.

When the Registrar was proceeded against at the instance of Mr. Spedding for not keeping a roll, his counsel appears to have avoided the dilemma just pointed out, by pleading that the place for keeping the roll (section 68) had not been fixed by the Colonial Secretary, and this plea was apparently allowed to prevail, and the information was dismissed.

NOTICE TO ELECTORS OF ENROLMENT.

Section 38 says that the Registrar shall, "as soon as convenient notify all persons whose claims are sent in after the printing of the general roll that they have been duly enrolled." It is presumed that this means that notice is to be sent to persons whose names have been placed upon supplementary rolls, and not to all persons who have sent in claims. It is admitted by Mr. King that such notices were not sent to such persons, and the term "notify" is not interpreted in the Act. Mr. King says that owing to pressure of business he could not send notices to such persons,