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HOUSE OF REPRESENTATIVES.

OPINION OF MR. ATTORNEY GENERAL
AS TO THE VALIDITY OF APPOINTMENT OF JUSTICES OF THE
PEACE.

Laid on the Table of the House, 27th June, 1856, and ordered to be Printed.

MEMORANDUM FOR THE ATTORNEY-GENERAL

The Attorney General is requested to advise the Government as to the effect of appointments heretofore made of Justices of the Peace.

1. Whether such Appointments simply notified in the Gazette, but not under the Seal of the Colony, are valid.
2. Whether such Appointments made for District Provinces or Districts and not for the Colony at large, are valid.
3. Whether in his opinion it is desirable to pass an Act of the General Assembly to remove doubts as to the validity of such Appointments.

June 25th, 1856.

OPINION.

1. I am of opinion that in order to render the appointment of Justices of the Peace valid, they should be made by a Commission under the Seal of the Colony.

2. The Governor of New Zealand has, I think, the Power to Grant Commissions of the Peace for Provinces only as well as for the Colony at large. The Crown in England appoints for particular Districts, being portions only of larger Districts for which Justices are appointed; and a similar power appears to have been exercised in some of the Colonies.

3. It would be desirable that any question as to the validity of any appointments of Justices heretofore made, should be set at rest by an Act of the Assembly.

(Signed) FREDERICK WHITAKER,
Attorney-General.

Auckland, June 26th, 1856.

