

those who qualify under Crown Title, as well as to those who qualify under Native tenure. In one sense, they do ; but these remarks are not intended against the ultimate participation by the Native race, in all European privileges. Whether, as a body, they will ever become fit, is a separate question. It is doubtful ; yet the possibility must be admitted. But the Electoral qualification proposed by the Ministry is worthy of support, because it undoubtedly does stave off immediate danger to the community, without doing any real injustice to the Native race. The number of those who apply for Crown Titles will be comparatively small, as yet ; and the European Constituency will not be swamped. When that number shall be very much increased, there will be time to reconsider the question, with the advantage of more ample experience and information.

It has been already stated that the question was, until now, practically speaking, in abeyance, on account of a doubt entertained as to the construction of the qualification clauses in the Constitution Act. Unfortunately, it is no longer so ; the question having been raised, although with conflicting views by two branches of the Legislature. Issue has been joined in the suit. The Council have negatived the restriction upon the qualification imposed by the House,—a restriction, be it observed, applying not only to Natives but also to Europeans residing in Native districts. And more than this, the *onus* of an authoritative decision, as to the right interpretation of the Constitution Act, would seem to be forced upon the Government. For until now, the Electoral Roll has been of spontaneous formation. Those who applied for the franchise obtained it, and the Natives were persuaded not to apply. Now, however, under the Registration Act of this Session, the Government undertake the formation of the Electoral Roll. For the Government appoint the officers whose duty it will be to make up the Roll, and will, of course, if applied to, be obliged to guide those officers with advice. How will they construe the Constitution Act ? Will the Government, or will they not, feel bound to take the initiative in placing the great body of Natives upon the Roll ? The setting apart of Native districts, under the 71st clause of the Constitution Act, appears to afford the only escape from the dilemma ; and even that clause like many others of that careless enactment, is open to more than one interpretation.

It is unfortunate that all the main amendments made by the Legislative Council in the Qualification of Electors Bill should tend in the same direction,—namely, to the lowering of the standard of the House of Representatives ; one amendment among the number bidding fair, if persisted in, to render the proceedings of the House a burlesque upon legislation. Not that any such intention can be supposed ; but had they been less exclusively absorbed in themselves, they must necessarily have perceived the danger to the other House. Had they begun by petitioning the Governor to introduce a certain number of Natives among themselves, their desire of bringing Natives into the House of Representatives would have been manifested with a better grace.

A very serious consideration arises, from the peculiar position of the Governor in regard to the Natives. The practical result of a mixture of Native Members in the Assembly, would be to invest the Governor with almost despotic authority, notwithstanding Responsible Government. The only remaining check upon the Governor would be the Legislative Council, who have themselves been nominated by the Crown. His influence with the Native members in the House would be paramount because of the large powers retained by him in the management of Native Affairs. By means of the votes of the Native members, he could oust any Ministry that differed from him in opinion, and replace them by such as, for the name of office, might be willing to obey.

Not that any objection is entertained to the Governor's retaining the management of Native Affairs so far at least as originally agreed to by the House in 1856 ; on the contrary, the arrangement in the Auckland Province, is almost universally approved. The object of these remarks is merely to shew the absolute incompatibility of his retainment of that power, with the election of Natives to the House of Representatives. Either that power must be abandoned, or the Natives must be excluded from the House. Nor is it easy to perceive any preferable mode of effecting the latter object, or less offensive to the feelings of the Native population, than that which was proposed by the Ministers, adopted by the Representatives, but rejected by the Council.

It is not easy to foresee the end of this. The collision between the two Houses, which has not ended with the Session, is serious. The Representatives will resist to the uttermost the introduction of semi-barbarian Members among themselves. Either the Council in some future Session, must give way ; or the House must appeal to the Imperial Parliament, in the hope of effecting there, what they have failed to effect out here.

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COPY OF A MEMORANDUM BY MR. RICHMOND.

Auckland, 30th June, 1859.

NATIVE AFFAIRS

Referring to their Memorandum of the 25th instant on the subject of the right of Aborigines of New Zealand to the Electoral Franchise, His Excellency's Responsible Ministers observe, that the terms in which the question for the opinion of the Law Officers of the Crown is stated by the Resolution of the House of Representatives transmitted in that Memorandum, appear not sufficiently extensive to embrace the whole question which has been actually mooted in the Colony with reference to the Native right to the Electoral Franchise.

The Resolution of the House refers merely to the possession of land used or occupied by the Natives as tribes or communities. It is however asserted that, in certain cases, individual Natives do, as individuals, occupy lands and houses to the exclusion of other members of their Tribe. And it is contended that such exclusive occupation of a house is sufficient to confer on the Native occupier a