

ELECTIVE FRANCHISE.

COPY OF A MEMORANDUM BY MR. RICHMOND.

NATIVE AFFAIRS

Auckland, 25th June, 1859.

In accordance with a Resolution of the House of Representatives passed during the late Session of the General Assembly of New Zealand, His Excellency's Responsible Ministers have the honor respectfully to request that the accompanying case on the subject of the Right of the Aborigines to the Elective Franchise under the Constitution Act, may be submitted for the opinion of the Law Officers of the Crown in England.

Ministers also forward for transmission to the Secretary of State Copy of a Memorandum written by Mr. Carleton, a Member of the General Assembly, and the Mover of the Resolution above referred to, explanatory of that gentleman's views upon the subject of the Resolution, together with a copy of a Letter addressed by Mr. Carleton to the Colonial Secretary of New Zealand.

(Signed) C. W. RICHMOND.

CASE.

Right of the Natives to the Elective Franchise under the Constitution Act.

19th August,
1858

The following is a Resolution of the House of Representatives passed in the Session of 1858 :—
Elective Franchise. “ On motion of Mr. Carleton, *Resolved*, That in the opinion of this House, “ the New Zealand Government ought to endeavour to obtain an opinion from the Law Officers of “ the Imperial Government, on the subject of claims to vote, preferred by Aboriginal Natives under the “ seventh and forty-second sections of the Constitution Act, whether Natives can have such possession “ of any land that is used or occupied by them in common as tribes or communities, and not held “ under title derived from the Crown, as would qualify them to become voters under the provisions of “ the forecited sections ; this, with a view to petitioning the Imperial Parliament, or taking other, the “ proper measures, to be relieved from the grave inconveniences and probable dangers to the “ Government of this Country, which are to be apprehended, should it be found that a large body of “ men, who are destitute of political knowledge, who are mainly ignorant of the language in which “ our laws are written, and among whom respect for the law cannot be as yet enforced, have been “ allowed the right of interference with the enactment of law.”—*Journals* p. 185

By the New Zealand Constitution Act (15 & 16 Vic., c. 72,) the Electoral Qualification for the different Representative Assemblies created by that Act is as follows, viz.

“ Every man of the age of 21 years or upwards, having a freehold estate in possession, situate “ within the district for which the vote is to be given, of the clear value of £50, above all charges and “ incumbrances, and of or to which he has been seised or entitled either at law or in equity for at least “ six calendar months next before the last Registration of the Electors ; or, having a leasehold estate “ in possession, situate within such district of the clear annual value of £10, held upon a lease which, “ at the time of such Registration shall not have less than 3 years to run, or having a leasehold estate “ so situate, and of such value as aforesaid of which he has been in possession for three years or “ upwards next before such Registration, or being a householder within such district occupying a “ tenement within the limits of a town (to be proclaimed as such by the Governor for the purposes of “ this Act), of the clear annual value of ten pounds, or without the limits of a town of the clear annual “ value of five pounds, and having resided therein six calendar months next before such Registration “ as aforesaid, shall, if duly registered, be entitled to vote, &c.”

In 1840, the British Crown assumed the sovereignty of the Islands of New Zealand at that time and still inhabited by an Aboriginal Race, believed to be of Malay origin—having certain leading characteristics in common with the inhabitants of other Islands of Polynesia. Their numbers at present have been ascertained at about 56,000—principally resident in the Northern Island.

The circumstances under which the Colony was established, the peculiar relations contracted towards the Natives under the Treaty of Waitangi, the controversies which have arisen respecting the Title of the Natives to their lands, and the dealings with the Natives respecting their lands, are too well known to require recapitulation.

The following documents are referred to as throwing light on these questions.

Abstract of Correspondence between the Colonial Office and the New Zealand Company, &c.—(P. P. 29th July, 1844, Appen. p. 101).

Report of Protector Clarke on the Tenure of Native lands.—(*Ibid.*—Appen. 356.)

The Report of the Committee of the House of Commons, Sess. 1844.—(P. P. 29th July, 1844.)