

C O R R E S P O N D E N C E

RELATIVE TO THE

REGISTRATION OF NATIVE VOTERS.

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*Presented to the Honourable the House of Representatives by command of His Excellency,  
20th April, 1858, and ordered to be printed.,*

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AUCKLAND:  
1858.

Superintendent's Office,  
Wellington, 24th November, 1856.

SIR,—

I have the honor to call your attention to a subject which appears to me to require the immediate notice of the General Government, I allude to the Registration of Natives, claiming votes, on the Electoral Roll of this Province.

During the year 1854-5, a few Natives were registered as voters, but of these no notice was taken, as their number was wholly insignificant.

During the present year, however, several other claims have been preferred, and there are now on the Roll thirty-five Native voters.

In April last, a list (a copy of which I enclose) of 49 Native claimants was sent in from Otaki; and it was solely owing to the prudence of the bearer, Mr. Eagan, that all these were not registered. The list was given him by Mr. Ashton St. Hill, and as I am informed, in his handwriting. Mr. Ashton St. Hill, who has been appointed Vote Clerk for the Otaki District, intimated to Mr. Eagan that next year he intended to place some hundred Natives on the Electoral Rolls and I have now the authority of Archdeacon Hadfield for stating that a very large number of claims will be made on behalf of Aborigines residing in Otaki and the adjacent Native District. Similar attempts will, I am told, be made in other parts of the Province.

These facts seem to indicate the existence of a scheme to swamp the Europeans at the next elections, and to place the whole representation of this Province in the hands of the Natives, or rather of certain Missionaries. They have already given rise to a feeling of considerable indignation throughout the Province, and they will probably occasion serious disturbances, if this plot be not at once crushed by the Government. Of course two parties could play at this game. It would be quite as easy for the Settlers as for the Missionaries to place any number of Natives on the Roll, and to bring them up to the poll like a flock of sheep. And as the Settlers would not hesitate in order to defeat this Missionary move, to spend considerable sums of money, the Missionaries would inevitably be defeated, but the consequences would be equally disastrous.

It is to prevent the settlers having recourse in self defence, to the dangerous weapon thus proposed to be employed against them, that I have deemed it my duty to bring the subject under your notice, in the hope that the Government will not hesitate to take such steps as shall render all such attempts abortive.

I apprehend that the powers of altering and framing the Electoral Regulations given by the Constitution Act afford ample means of defeating a scheme which if attempted to be carried out, must seriously endanger the peaceful relations which at present subsist between the two Races.

I have, &c.,  
(Signed) I. E. FEATHERSTON,  
Superintendent.

(List enclosed, containing the names of fifty Native Claimants for Registration.)

The Honourable the Colonial Secretary,  
Auckland.

Colonial Secretary's Office, Auckland,  
30th December, 1856.

SIR,—

The subject of your despatch of the 24th of November last, relative to the Registration of Natives, claiming votes on the Electoral Roll of the Province of Wellington, has received the careful consideration which it deserves, and I have now the honor to state the views of the Government of New Zealand with respect to it.

It does not appear from your communication whether the claims on behalf of Natives sent from Otaki in April last, were those of persons who may fairly have been presumed to possess a *bonâ fide* qualification under the Constitution Act, or whether they were preferred without any apparently reasonable grounds to justify their being made. The broad distinction between the two cases is, of course, obvious.

In reference to the first, I have to observe that while any attempt for mere party purposes to make use of even those Natives who possess the requisite qualifications of Electors could not be too strongly condemned and discouraged, the Government could not disapprove of any such Natives being assisted, either at the Registration or otherwise, with a view to an intelligent exercise of their privilege.

The Constitution Act confers the franchise, without distinction of race, on all who possess any of the qualifications enumerated in section 7, and not disqualified under the following section, and the Government has not the power, even if it had the will, to deprive any person of the rights conferred by that Act; nor does it consider that it would be proper that any power which it may possess in this respect should be used for the purpose of throwing difficulties in the way of those, whether Natives or

Europeans, who desire to avail themselves of their constitutional rights. I may also observe that having regard to the limited number of Natives who possess an Electoral qualification, it does not appear that if they were all registered any fear need be entertained that it is possible to "swamp the Europeans at the next Elections, and place the whole representation of the Province of Wellington in the hands of the Natives," or, through them, of "certain Missionaries."

On the other hand, I cannot too strongly express the disapprobation of the Government of any attempt to enrol Natives not entitled to that privilege with a view to their being "brought to the poll like a flock of sheep." The Government altogether agrees with your Honor that the result of a party conflict carried on by means of fictitious Native Votes could not fail to be most disastrous, as seriously endangering the peaceful relations which at present subsist between the two Races. The Government would therefore most unwillingly believe that political parties could so far forget their duty to the Colony as to avail themselves, either for attack or defence, of such dangerous weapons, but would, on the contrary, earnestly hope that a proper recognition of that duty, and a continuance in that line of conduct which was so mainly instrumental in obtaining for them the political powers which they now possess, will induce them to forbear from a course of proceeding so much to be deplored.

The suggestion that the power of framing the Electoral Regulations given to the Governor by the Constitution Act affords ample means of defeating any such scheme, is founded, as it appears to the Government, on a misconception of the provisions of that Act, by which a special power is conferred upon the Governor, to constitute Electoral Districts, to appoint the number of members for each District, to make provision for the registration and revision of lists of all persons qualified to vote, and to make other important provisions; but no power, of the nature assumed by your Honor, of altering regulations in reference to Elections, when once made, and the Proclamation of the 5th March, 1853, appears to have exhausted the authority in this respect conferred on the Governor by the Constitution Act.

While the literal interpretation of the words of the clauses in question would not therefore appear to warrant the Governor in exercising from time to time, powers which are expressly bestowed upon the General Assembly, it cannot be presumed to have been the intention of Parliament, to give general concurrent and conflicting powers both to the Governor and to the Legislature to deal with so very important a subject, as that upon which the whole working of the Constitution Act depended. His Excellency's Ministers cannot therefore recommend to the Governor a course of action in this matter, which neither the letter nor the spirit of that Act appears to justify.

I have at the same time the honor to point out that as the thirtieth and two following sections of the Proclamation of the 5th of March 1853, give to any Elector the power of causing a revision of any Electoral Roll on which his name may be, this provision will enable the Settlers, should it be necessary, to use effective means authorised by law, for their own protection, without resorting to the indefensible course of attempting to counteract a wrong to themselves by the commission of a similar unjustifiable act, it is therefore earnestly to be desired that no political feeling in the Province of Wellington will be permitted to mislead men of any party into the adoption of a course of proceeding calculated, from the inevitable results, so seriously to injure the cause of Self Government.

I have to thank your Honor for bringing this matter under the consideration of the Government.

I have, &c.,  
(Signed) E. W. STAFFORD.

His Honour the Superintendent,  
of Wellington,  
Wellington.

