

qualification as Householder,—and that the Colonial Courts might for this purpose at least, take cognizance of the territorial rights of the Natives *inter se*.

In order that the legal doubts entertained may be if possible removed, it is desirable, that a second and more extensive question should be submitted to the Law Officers of the Crown, viz.,

“Whether the occupation of Lands or Tenements held under the Native Title can in any case confer the Electoral Franchise in New Zealand.”

Whilst desirous that the legal question thus raised should be set at rest, Ministers have to express their conviction that if the right of the Natives should be affirmed, and they should extensively act upon it by getting their names placed on the Electoral Rolls of the Colony, the consequences would be detrimental to both Europeans and Natives.

Ministers consider that it is just in itself, and a political necessity, that no Electoral qualification should be derived from the tenure or occupation of lands or tenements which are not held under a Crown Title.

This dangerous question ought to be finally disposed of in the course of the next Session of the General Assembly, which it is expected will commence about the month of April, 1860. Ministers therefore respectfully submit that it is desirable that His Excellency the Governor should be authorised and instructed by Her Majesty's Secretary of State for the Colonies to assent on behalf of Her Majesty to a Bill, enacting or declaring:—

“That the possession or occupation of Tenements or Hereditaments within the Colony of New Zealand in which the right of the Aboriginal Natives shall not have been released or extinguished, shall not be deemed to confer any qualification to vote at any Election of a Member of the House of Representatives or at any Election of Superintendent of any of the Provinces of New Zealand, or at any Election of a Member of the Provincial Council of any such Province,” or enacting or declaring to similar effect.

(Signed) C. W. RICHMOND.

COPY OF A DESPATCH FROM THE DUKE OF NEWCASTLE TO GOVERNOR GORE BROWNE, C.B.

Downing-Street,
19th December, 1859.

SIR,—

I referred to the Law Officers of the Crown your Despatch, No. 55 of the 18th of July, forwarding a case drawn up by the Law Officers of New Zealand, having reference to the right of the Natives to exercise the Elective Franchise under the Constitution Act of the Colony. (No. 33.)

I transmit for your information a copy of the Report on the case so prepared which has been received from the Attorney and Solicitor-General.

I have, &c.,
(Signed) NEWCASTLE.

Governor Gore Browne, C.B.,
&c., &c., &c.

THE LAW OFFICERS OF THE CROWN TO THE DUKE OF NEWCASTLE.

Lincoln's Inn,
December 7th, 1859

MY LORD DUKE,—

We were honored with Your Grace's commands, signified in Mr. Elliott's Letter of the 12th November ultimo, in which he stated that he was directed by Your Grace to request that we would take into our consideration the accompanying case which had been drawn up by the Local Law Officers in New Zealand, having reference to the right of the Natives to exercise the Elective Franchise under the Constitution Act of that Colony. (Enclosure.)

In connection with this subject, Mr. Elliott was pleased to transmit a copy of the Governor's Despatch forwarding the case in question and the other documents which accompanied it, and also a copy of an Act of the New Zealand Legislature, No. 53 of the 21st and 22nd Victoria, to which reference was made in the first paragraph of the Governor's Despatch, and which was left to its operation.

In obedience to Your Grace's commands we have carefully considered the several documents transmitted to us, and have the honor to *Report*—

That the question on which our opinion is desired appears to be that which is stated in the Resolution of the House of Representatives of the 19th August, 1858, viz.,—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 7th and 42nd Sections of the Constitution Act of New Zealand, that is the 15th and 16th Victoria, c. 72?

In answering this question we must first express our regret that the papers before us do not contain an exact statement of the facts or circumstances, which have given rise to the present difficulty. We assume the case to be this:—The Electoral Districts, which have been constituted in New Zealand under the 41st Section of the Constitution Act, do in many instances comprise within their limits or boundaries, lands and districts which still belong to and are occupied by the Aborigines, and have