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PARLIAMENT AND THE PEOPLE: TOWARDS UNIVERSAL MALE SUFFRAGE IN 19TH CENTURY NEW ZEALAND

Neill Atkinson*

While much has been written about women's suffrage and separate Maori representation in New Zealand, less attention has been paid to the third great expansion of the electoral franchise in the 19th century: the granting of the vote to all adult European men in 1879. This paper traces New Zealand's struggle towards universal male suffrage from the 1850s to 1879 and considers its role in shaping a new era of parliamentary politics in the 1880s and beyond.

New Zealanders generally think of themselves as belonging to a young nation, but over 150 years of parliamentary elections – and more than a century of universal adult suffrage – makes this country one of the world's oldest continuous democracies. Indeed, New Zealand can with some justification claim to have been the world's first truly democratic nation. Within four decades of the establishment of responsible government in the mid-1850s, the colonial Parliament had significantly extended the scope of the already comparatively broad electoral franchise established under the United Kingdom's New Zealand Constitution Act 1852 (UK). By granting the right to vote to adult Maori males in 1867, to all European men in 1879 and – most famously – to women in 1893, New Zealand led the world in the democratisation of government. Certainly, universal adult suffrage was attained here decades before it was achieved in older democracies such as the United Kingdom and the United States.

Much has been written about New Zealand's world-leading campaign for women's suffrage, while the development and continued existence of separate Maori representation remains a contentious topic. Considerably less attention, however, has been paid to the

* Historian, Ministry for Culture and Heritage. This paper is based on research for the book Adventures in Democracy: A History of the Vote in New Zealand (University of Otago Press in association with the Electoral Commission, Dunedin, 2003).
third great expansion of the electoral franchise in the 19th century: the introduction of universal male (or "manhood") suffrage in 1879. Yet this reform, which followed a decade of passionate parliamentary debates and numerous false starts, arguably had a greater immediate impact on the character of New Zealand politics and the personnel of the House of Representatives than either Maori or women's suffrage.

New Zealand's electoral framework was established by the Constitution Act 1852 (UK). In line with British political tradition, the right to vote was defined by sex, nationality, age and the possession of property. All male British subjects aged 21 years or older were able to register and vote in any electoral district in which they: (a) owned a freehold estate of the capital value of £50 or more, and had done so for at least six months prior to registration; or (b) possessed a leasehold estate of the annual value of £10, and either had done so for at least three years prior to registration or had three years left to run on the lease; or (c) were householders occupying a dwelling with an annual rental value of £10 (within the limits of a town) or £5 (outside a town), and had resided there for at least six months. Specifically excluded were "aliens" (that is, non-British subjects) and any person convicted of treason, felony or another "infamous" offence, unless he had received a free pardon or completed his sentence. Any registered voter was eligible to stand for election.

This was no "one man, one vote" system: freeholders and leaseholders could register and vote in every electorate in which they held property (although they could only vote once in each district, regardless of how many properties they possessed there). This practice, known as "plural voting", was justified on the grounds that property owners had a legitimate "stake" in a district, even if they did not normally reside there. It was facilitated by the fact that until 1881 voting in different electorates was usually held on different days; moreover, polling stations for rural districts were usually close to – or sometimes even in – adjacent urban centres. In multi-member seats (in 1853 there were

1 New Zealand Constitution Act 1852 (UK), ss 7, 42.
2 New Zealand Constitution Act 1852 (UK), s 8. The term 'infamous' was applied to treason, felonies and other serious offences (as distinct from misdemeanours), including 'crimes against nature', such as buggery, bestiality and incest, and dishonesty offences, such as perjury and forgery.
3 See Neill Atkinson Adventures in Democracy: A History of the Vote in New Zealand (University of Otago Press, Dunedin, 2003) 27, 38. In 1853, for example, the only polling stations for the Christchurch Country seat, which on paper covered about a third of the South Island, were at the resident magistrate's offices in Christchurch and Lyttelton, (30 July 1853) Lyttleton Times Lyttleton 1. This was an arrangement that obviously encouraged plural voting by absentee country landowners residing in those towns.
two three-member and nine two-member districts) electors were able to cast as many votes as there were places to fill and could even give all their votes to the same candidate. 4

By the standards of the time, and especially compared to England and Scotland, New Zealand’s founding franchise was generous – for European men at least. The £5 or £10 “householder” qualification was a fairly low threshold; labourers in New Zealand could earn £40–60 a year in the 1850s and the acquisition of property – “getting on” – was one of the main ambitions of those migrating from Britain to the colonies. Although only about half of the adult European men in New Zealand were enrolled to vote in the 1850s, probably three-quarters of them were qualified. Eligibility and enrolments were generally higher in urban districts: in Wellington City in 1858, for example, 84 per cent of adult males were said to be qualified, although only 60 per cent were registered; in the sprawling Ahuriri (Hawke’s Bay) seat, the comparative figures were 46 per cent qualified and 32 per cent registered. 5 Most of the European males excluded from voting were itinerant manual workers such as shearsers, drovers, labourers, timber workers and seafarers, many of whom lived in communal shacks, bush camps, boarding houses or aboard ships. For these men, isolation, high mobility, the six-month residential requirement, the narrow registration window (electors could only enrol during a one-month period early each year, widened to three months in 1861) and the lack of any provision for absentee voting presented serious obstacles to electoral participation. 6

There was another significant group of New Zealanders who were effectively excluded from voting – Maori. Although the 1852 franchise was nominally colour-blind, its reliance on European property law seriously disadvantaged Maori, most of whom owned land communally rather than under the required individual title. A tiny minority of Maori men (typically tribal leaders) did register and vote in the 1850s and early 1860s – about 100 in 1853, for example, out of a total electorate of 5849 registered voters – but the issue of wider Maori participation was to stalk electoral debates for decades.

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4 See Atkinson, above n 3, 269, fn 21.
5 Wellington provincial census, 31 Mar 1858, Government Gazette (Province of Wellington), 8 Nov 1858 (supplement). Overall, 74 per cent of the adult European males in the six Wellington provincial seats were said to be eligible, but only 49 per cent were enrolled.
6 Note that residence was not required for those qualifying as freeholders or leaseholders: they only had to be present to cast their vote on election day (and, as mentioned above n 3, this could sometimes be achieved without even setting foot in the actual district). The first absentee voting rights were introduced in 1890 for merchant seafarers, followed by shearsers and commercial travellers in 1893. Also in the latter year, the residential qualification was reduced from six to three months.
New Zealand’s founding franchise was to remain essentially intact for a quarter of a century – with two important exceptions. The first was gold miners, who were granted special representation as their numbers swelled in the 1860s. Anxious to avoid the protest and violence that had flared on the Victorian diggings, in 1860 Parliament extended the vote to all adult British males who had held a miner’s right (which cost £1 per year) for at least three months. In 1862, a new Gold Fields electorate was superimposed over the existing Otago districts and the following year voting was extended to holders of £5 goldfield business licences. Later that decade, two further electorates, Gold Fields Towns (Otago) and Westland Boroughs, were established to represent the burgeoning South Island mining communities. In 1867, a similar, supposedly temporary, solution was found to the contentious question of Maori voting rights, with universal suffrage for Maori males and four special seats covering the whole country. Conveniently, the three North Island Maori seats neatly balanced the new southern gold districts – a key factor in an era when electoral redistributions were a source of intense provincial and inter-island squabbling. It is also possible that some Pakeha politicians saw the Maori vote as a counterbalance to the radical miners’ voice in the House.

While Maori men now had universal suffrage, their Pakeha counterparts still did not. Manhood suffrage had been periodically debated in New Zealand since the 1840s, but although colonial society was clearly infused with a democratic spirit, in the 1850s and 1860s, there was little popular agitation for the further extension of the franchise. Parliamentary elections remained fundamentally local events, dominated by local personalities and local issues. Despite the broad franchise, popular participation varied widely from seat to seat. While urban elections were often hotly contested, in the larger rural electorates registration rates and turnouts were generally low. In 1861, for example, just 17 per cent of the adult males in the Timaru district and 23 per cent of those in Cheviot were enrolled. In the new Canterbury seat of Avon, which had 273 registered electors and a total population of over 2100, only three people bothered to turn up on nomination day; the sole candidates for the House of Representatives and Provincial Council proposed each other, the third man seconded them both, and the returning officer duly declared them

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7 Atkinson, above n 3, 44–47.


elected. In the 1870s and 1880s, however, the abolition of the provinces, strengthening of central government, large-scale immigration and the impact of economic depression would begin to transform colonial society and politics – and with it, New Zealand’s electoral system.

This new era began with a significant electoral reform – the adoption of the secret (or “Australian”) ballot in 1870, which opened the door for the expansion of the franchise later that decade. As both its advocates and opponents recognised, secret voting reinforced the idea that the vote was an individual right rather than a privilege or public trust to be exercised by a favoured few on behalf of society. Electoral reformers such as Dunedin MP William Reynolds now turned their attention to the democratisation of the franchise. Drawing on the writings of John Stuart Mill, they argued that no man who was capable of exercising his vote freely and without influence should be disqualified from voting except through his own default (such as committing a criminal act). A minority, again following Mill, even proposed to extend the vote to all adults, regardless of sex – but in the 1870s women’s suffrage was not yet a major public issue.

In short, reformers argued that New Zealand’s 1852 franchise, although generous for its time, had lost its liberal character. By 1860, South Australia, Victoria, New South Wales and Queensland had introduced universal male suffrage (at least for Europeans), while in Britain the Representation of the People Act 1867 (or “Second Reform Act”), which enfranchised all male borough householders, had doubled the electorate to 2.4 million. Moreover, by the 1870s, population growth, assisted immigration, urbanisation and the increasing complexity of colonial society had contributed to the emergence of a sizeable group of disfranchised New Zealand males: chiefly young tradesmen and office clerks living in boarding or lodging houses in towns and cities, and adult farmers’ sons who did not possess their own land.

At this time, however, universal suffrage was not an issue that greatly interested the wider public. In contrast to the women’s suffrage movement that was to follow a decade later, there were no mass demonstrations or movements organised to campaign for it and only a few petitions presented to Parliament. Equally, there was little organised opposition. A small number of colonial politicians were implacably opposed to any expansion of the franchise, including the ever-quotable “Father of the House” Hugh Carleton, who thundered that excessive democracy would suck New Zealand into "the

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10 (2 February 1861) Lyttelton Times Lyttleton 3. Public nomination proceedings played an important role in early elections and on other occasions attracted large crowds. If the seat was uncontested, the nominee(s) would be declared elected immediately. If there were more candidates than places to be filled, those assembled would vote by a show of hands. The losing candidate(s) would then invariably demand a poll, which would be held a few days later.
howling maelstrom of radicalism.\textsuperscript{11} But this was a minority view. Most politicians publicly supported the principle of universal suffrage, but were preoccupied with more urgent issues or distracted by the troublesome details of Maori and miners’ voting rights.

In the early 1870s, reform seemed just around the corner. Between 1871 and 1874, Parliament debated a series of Bills, including several government-sponsored measures, to extend the franchise variously to lodgers, ratepayers, those earning an annual salary of at least £100 or to all adult European males after twelve months’ residence in the electoral district. All were withdrawn or defeated, not because of any great hostility towards them but largely because of complications relating to the special voting rights of miners and Maori in general seats. In 1875, Parliament passed a Lodgers Franchise Act, which gave the vote to adult males who had lived for twelve months as the sole tenant in lodgings for which the rent was at least £10 a year unfurnished. This measure soon proved “utterly unworkable”, however, and only served to fuel growing demands for a simplified franchise.\textsuperscript{12}

Another electoral measure passed in the same session – the Registration of Electors Act 1875 – was an even greater failure. This was designed to streamline the registration process by relieving qualified voters of the burden of filling in claim forms and having them witnessed. Instead, each year the clerks of municipal councils, road or highway boards would forward to the local registration officer a list of all adult males who had paid rates during the preceding year.\textsuperscript{13} Although promoted as a purely administrative measure, this was a de facto extension of the franchise – an interpretation later confirmed by a Supreme Court judge who concluded that all ratepayers were now enfranchised, regardless of the value of their property or the amount of rates they paid. In some districts registration officers were overwhelmed by enormous lists of claimants, most of whom were already registered; elsewhere, overworked local-body clerks simply ignored the requirement.\textsuperscript{14}

By 1876, then, there were different franchises for freeholders, leaseholders, urban and rural householders, lodgers, ratepayers, holders of goldfield miner’s rights and business licences, and Maori. Most politicians recognised that the system was ridiculously complicated. Parliament had debated the franchise every year since 1870 and every year since 1871 government ministers had promised liberal electoral reforms. Change appeared inevitable, but there was one final obstacle – the unstable political scene of the late 1870s.

\textsuperscript{11} (20 July 1870) 7 NZPD 254, 257.
\textsuperscript{12} As described by Attorney-General Robert Stout in 1878. See (9 August 1878) 28 NZPD 154.
\textsuperscript{13} Registration of Electors Act 1875, ss 3–5; (30 September 1875) 19 NZPD 118–126.
\textsuperscript{14} See (5 July 1876) 20 NZPD 341–350.
Five different ministries held office between 1876 and 1879 and the mercurial Sir George Grey was Premier for two turbulent years.

In October 1876, then on the opposition benches, Grey introduced his own Manhood Suffrage Bill, which would have enfranchised all adult European males who had lived in a district for six months. Although sympathetic to this measure, Frederick Whitaker, Postmaster-General in Harry Atkinson’s ministry, urged the House to wait until the following year, when he promised to undertake a thorough overhaul of electoral law; Grey’s Bill was duly rejected by seven votes.\(^\text{15}\) Whitaker, however, failed to deliver: in July 1877, he reported that his Bill was at the printer; in September, he waved before the House proof sheets of this “most liberal” measure, which, he claimed, would repeal 35 acts – but no Bill had appeared by the time the Atkinson government fell on 9 October 1877.\(^\text{16}\)

Grey now became Premier, but with a fragile majority and the end of the session looming, electoral reform was deferred until the following year. During the parliamentary recess, Grey embarked on New Zealand’s first national political campaign, stumping the colony to stir up support for manhood suffrage and other radical reforms he claimed as his own. Everywhere huge crowds were mesmerised by the old man’s impassioned oratory and egocentric version of colonial history. His opponents, some of whom had promoted the same causes for years and remembered Grey as the dictatorial Governor of the 1840s, denounced his campaign as shameless demagoguery. But if Parliament remained sceptical, Grey convinced much of the public that he was the true champion of liberalism and electoral reform.

When the new session opened in July 1878, two reform proposals appeared: a government Bill introduced by Grey’s gifted young Attorney-General, Robert Stout; and, from the opposition benches, Whitaker’s long-delayed 1877 measure. Stout’s Electoral Bill simplified registration procedures, gave the vote to all European male residents and ratepayers – and even proposed to extend it to women ratepayers, who were already eligible to vote in municipal elections.\(^\text{17}\) Leaseholders’, miners’ and lodgers’ franchises would be abolished as redundant. To qualify under the new residential franchise, however, an elector had to have lived in the colony for two years and be able to write his own name. Plural voting was to be retained, the freehold qualification reduced from £50 to £25, and property-holders were exempted from the literacy test. Finally, the Maori “dual vote” – a small minority of Maori who owned property had, since 1867, been eligible to

\(^{15}\) Whitaker and the Premier, Atkinson, urged Grey to withdraw his Bill; he refused, and it was put to a vote. See (21 October 1876) 23 NZPD 531–538.

\(^{16}\) (24 July 1877) 24 NZPD 29, 30, 490; (5 September 1877) 25 NZPD 262-263.

\(^{17}\) (9 August 1878) 28 NZPD 152-158.
vote both in the Maori seats and in general seats – was sharply circumscribed: only those Maori who actually paid rates would be able to vote in general seats; all other rights under the 1852 franchise would be eliminated. Stout promoted it as "not a very dangerous measure",\textsuperscript{18} and he was right – even allowing for the radical concept of (limited) women's suffrage, Grey's government had produced what has been described as "the most illiberal and conservative" franchise proposal of the 1870s.\textsuperscript{19}

A few days later, Whitaker's Parliamentary Representation Bill at last arrived from the printer. This would replace all existing franchises with a simple six-month residential qualification (for adult males), abolish plural voting and provide for electoral districts of equal population. The Maori "problem" would be solved by separating the two electoral systems: Maori would be able to vote only for their own members, but significantly the number of Maori seats would be allocated on a per capita basis.\textsuperscript{20} Whitaker's Bill contained another unusual feature, one that would ultimately prove a liability – the "Hare system" of proportional representation, better known today as the single transferable vote (STV). Government supporters naturally focused their attacks on this "faddish" proposal, but in reality Whitaker lacked the support to abolish plural voting or increase Maori membership, let alone introduce proportional representation. All he could do was withdraw his Bill and hope – forlornly – to amend Stout's measure in committee.\textsuperscript{21}

The passage of the government's Bill, however, was itself far from assured. The problem was not, as might be expected, voting by women ratepayers (which was endorsed by both houses), but the Maori dual vote. Native Minister John Sheehan condemned the restriction of Maori voting rights and proposed an amendment to the Electoral Bill to grant the vote to all Maori males holding freehold land worth £25, regardless of whether or not they paid rates. This was moved in committee by Stout and quickly passed – so quickly that some members later claimed they had not grasped its implications.\textsuperscript{22} The amended Bill was read a third time and proceeded to the Legislative Council.

The Councillors, however, were determined to curtail the Maori dual vote and promptly restored the relevant clause to its original state, enfranchising Maori ratepayers

\textsuperscript{18} (9 August 1878) 28 NZPD 153, 158-159.
\textsuperscript{19} G A Wood "The 1878 Electoral Bill and Franchise Reform in Nineteenth Century New Zealand" (1976) 28 Political Science 41, 48.
\textsuperscript{20} (7 August 1878) 28 NZPD 104–105; (14 August 1878) 28 NZPD 235–257; Wood, above n 19, 49–50.
\textsuperscript{21} (21 August 1878) 28 NZPD 394; Wood, above n 19, 50.
\textsuperscript{22} (20 September 1878) 29 NZPD 277–279; (26 September 1989) 29 NZPD 376–394; Wood, above n 19, 50–51.
only. Back in the House the issue provoked furious debate. Ironically, given that the Council's version was basically the same as Stout's original Bill, the Grey ministry decided to make a stand on principle. A powerful committee made up of Grey, Stout, Sheehan and Vincent Pyke confronted an equally obstinate Council delegation in an inter-house conference. Both sides refused to budge, and in the dying days of the session the whole Electoral Bill, which had been before Parliament for three months, was abandoned.

Grey vowed to continue the fight next session, but his ministry was heavily defeated soon after Parliament met in July 1879. A dissolution was granted, and at the general election in August–September, Grey again campaigned as the champion of liberalism, manhood suffrage and other radical causes. Yet, as his opponents pointed out, for all his grand promises he had little to show for his two years in office.

The overall outcome of the 1879 election was initially unclear, but in late October the Canterbury politician John Hall – backed by four renegade Auckland Greyites – emerged with the numbers to form a government. The "Auckland rats", as Grey loyalists branded them, had made electoral reform a condition of their support for Hall, but in any case there was now a clear mandate for liberalisation of the franchise; as one of the defectors explained, "there is no difference between the two sides in this House". Whitaker returned as Attorney-General to take up his old cause and the Hall government promptly produced its own Qualification of Electors Bill. A simpler version of Stout's 1878 measure, it would grant the vote to all adult European males after twelve months' residence in New Zealand and six months in the district and abolish all other franchises except the freehold qualification, which would be reduced to £25. Plural voting by freeholders, defended by Hall as "a moderate recognition of the rights of property", was to be retained.

Initially, the Bill ignored the issue of women's rights, but in committee Wanganui MP John Ballance moved amendments to allow women to vote under both its freehold and residential provisions; the former was passed, the latter rejected. Refusing to compromise,

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23 (15 October 1878) Journals of the Legislative Council 142–143.
24 (28 October 1878) Journals of the Legislative Council 203; (1878) Journals of the House of Representatives xxiii; (25 October 1878) 30 NZPD 1105–1118; (26 October 1878) 30 NZPD 1135–1138; (31 October 1878) 30 NZPD 1284.
25 (24 October 1879) 32 NZPD 524.
26 Qualification of Electors Act 1879, s 2.
27 (31 October 1879) 33 NZPD 11.
a handful of supporters of unrestricted adult suffrage now joined with conservatives to strike out female freeholders' rights. Once again, women ratepayers lost out.

The original Bill also proposed to exclude Maori from voting in general seats, without any commitment to expand their special representation. After spirited resistance from Maori members, the government inserted an amended version of the previous year's troublesome clause, which granted general voting rights to 'every male Maori of the age of twenty-one years and upwards, whose name is enrolled upon a ratepayers' roll in force within the electoral district in respect of which he claims to vote, or who is seized in severalty of a freehold estate of the value of twenty-five pounds.' The devil was in the detail: the word "severalty" (meaning held as an individual, not joined with other owners), which was not used in connection with European voters, was deliberately chosen to exclude Maori who held an interest in communal tribal land. This sleight of hand would soon produce the intended effect, with the number of Maori on general rolls falling from 2115 in 1879 to 918 in 1881. Although the Maori dual vote would survive until 1893, demographic change had effectively laid to rest Pakeha politicians' earlier fear that Maori could 'swamp' settlers' votes in North Island rural seats.

Once the thorny issues of Maori and women's rights had been dealt with, Hall's Qualification of Electors Bill was comfortably passed by both houses in December 1879. The same month, a new Registration of Electors Act greatly simplified voter registration procedures, most notably by replacing the narrow enrolment window that had existed since 1853 with year-round registration – a reform that Hall would later claim was of even 'greater practical value than the alteration of the franchise'.

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Alongside 1893 and 1993, 1879 ranks as one of the most important dates in New Zealand's political history. After the most drawn-out and controversial electoral debates

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28 (7 November 1879) 33 NZPD 173; (11 November 1879) 33 NZPD 182; (14 November 1879) 33 NZPD 272–280, 283, 292. See also Patricia Grimshaw Women's Suffrage in New Zealand (2 ed, Auckland University Press, Auckland, 1987) 18–19.

29 Qualification of Electors Act 1879, s 2(3).

30 Qualification of Electors Act 1879, s 2(3). Compare this section with the European qualification in s 2(1), which used the same wording as the New Zealand Constitution Act 1852 (UK): "seized or entitled either at law or in equity".

31 Statistics of New Zealand 1879 (Registrar-General's Office, Wellington, 1880) 263; Statistics of New Zealand 1881 (Registrar-General's Office, Wellington, 1882) 289–290. The latter total was made up of 682 freeholders and 236 ratepayers.

32 Registration of Electors Act 1879; (12 August 1881) 39 NZPD 470.
yet seen in this country, Parliament had significantly expanded the franchise for the first time since its inception, 27 years before, under the New Zealand Constitution Act 1852 (UK). The impact of the 1879 reforms was immediately obvious. That year, there were 82,271 registered European electors, about 71 per cent of the adult European male population. In 1881, when the next election was held, that figure would be 91 per cent.33 In Otago and Southland during those two years, the proportion of adult males in urban electorates who actually voted increased from 48 to 67 per cent; by 1887, it was 85 per cent.34 Increased participation was matched by a heightened public interest in national politics in the 1880s, fuelled by social change, improved communications, the impact of economic depression and the emergence of a working-class political movement.

That decade saw further important electoral reforms: most notably, the establishment in 1887 of an independent Representation Commission to determine electoral boundaries according to population (albeit subject to a "country quota") and, in 1889, the abolition of plural voting, a cause latterly championed in Parliament by George Grey himself. Although the struggle for women's suffrage was still to be won, by the end of the 1880s, many of the key elements of the modern electoral system - barely discernible in the 1860s - were now clearly visible: voting by secret ballot; universal male suffrage and "one man, one vote"; triennial general elections held on a single day throughout the country; the Representation Commission; and the determination of election petitions by the courts rather than Parliament itself. While there were as yet no organised political parties, the old colonial political order based on provincialism, personalities and local issues was beginning to weaken. From the early 1880s, national issues began to assume a new importance in electoral debates, and emerging political distinctions and labels - town versus country, conservative versus liberal, capital versus labour - began to assume a sharper focus. These divisions, which would become more marked during the following two decades, were to dominate New Zealand politics and elections for much of the next century.

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33 In each case, the number of electors includes plural registrations. See "The General Election, 1879" [1879] AJHR H 18, 3; "Adult Male Population of Each Electoral District" [1882] AJHR H 1A, 3.
