

## 30 Years' Struggle: Women as Justices of the Peace

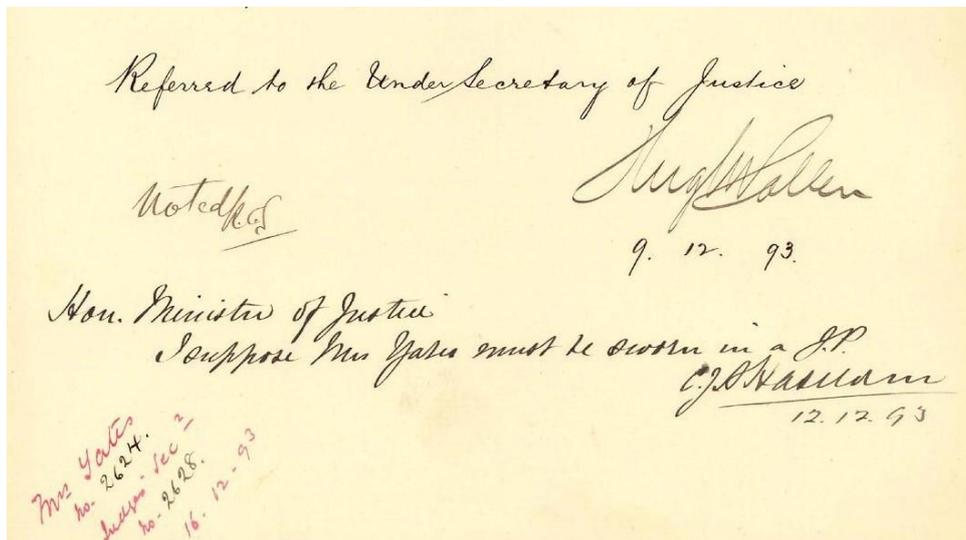
When the Auckland Association was formed in 1922 it was an all-male affair: women had been campaigning to be eligible for the office of Justice of the Peace for at least 30 years. It had been a long, hard, struggle against men who were vehemently opposed.

The possibility and proposition of appointing women as Justices of the Peace was influenced back in the mid-1890s by three events. In September 1893 women were given the right to vote in parliamentary elections. Then the following year Elizabeth Yates was elected Mayor of Onehunga, the first woman Mayor in the British Empire.



Elizabeth Yates, Mayor of Onehunga 1893  
Auckland Museum Collections

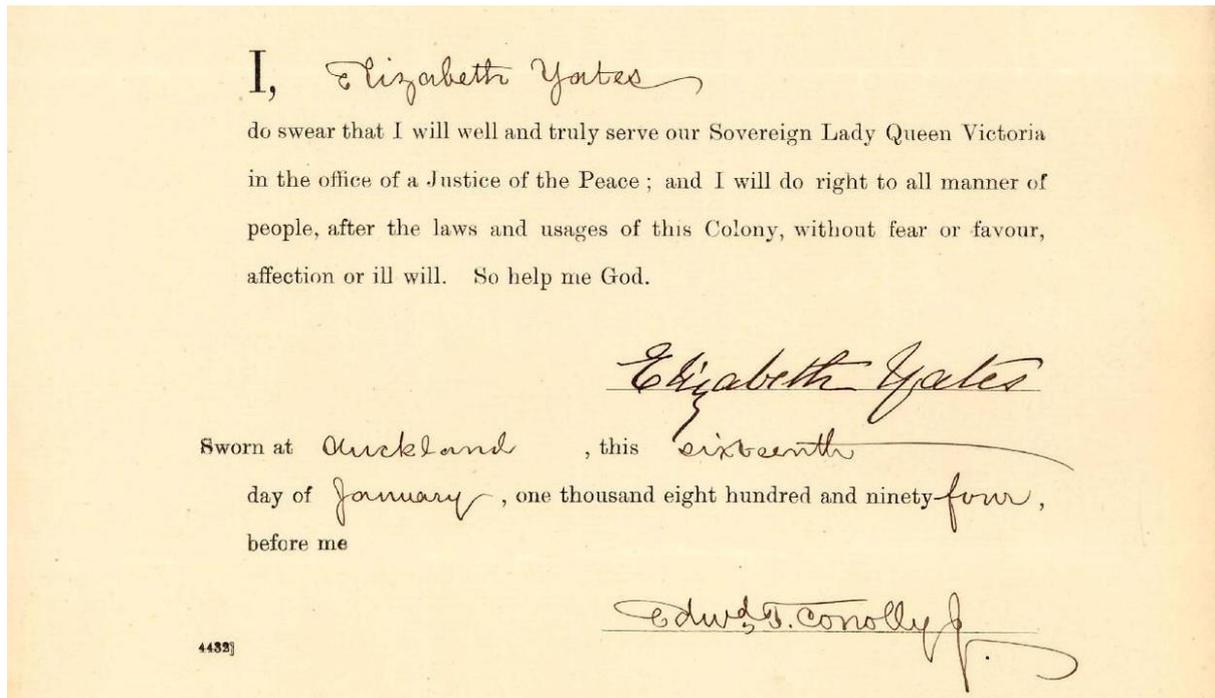
Could she be made a Justice of the Peace, ex officio, like all other Mayors? The Minister of Justice was asked to rule.



Part of the file note: what appears to be a concessionary opinion from Under Secretary Charles Haselden to the Minister.

Auckland Museum Collections

Under-Secretary Charles Haselden formally advised the Minister "I suppose Mrs Yates must be sworn in a JP" . Mrs Yates was duly appointed and swore the oath.

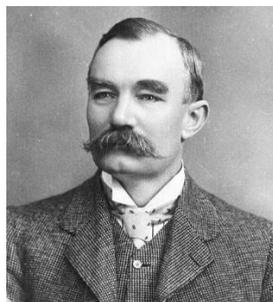


Elizabeth Yates swore the oath, little changed today.  
Auckland Museums Collection

And then, thirdly, the Government added momentum to the cause when it considered appointing female inspectors for lunatic asylums and found, legally, they would have to be Justices of the Peace.

Women's supporters asked: "if the woman Mayor and female inspectors can be Justices of the Peace, why can't women hold the office in their own right?" The Government said they could not ... and women began a campaign, protracted as it turned out, in the all-male Parliament of the time.

The reformist MP from Christchurch, George Russell, introduced the Removal of Women's Disabilities Bill in 1896, a strange title, but his measure would mean that women were eligible for any public office occupied by men. It was turned down.



*"The Bill goes too far and I question whether women want these extra privileges"*  
- James Allen MP

Others reintroduced the Bill, several times, but it was always voted down, then amended to just one aim: enabling women to be Members of Parliament. It lapsed after derisive debate.



*"The women in my district have no desire to occupy seats in parliament"*  
- Thomas Wilford MP

Various women's groups periodically petitioned the Government reviving their campaign. In 1903 a deputation of various women's organisations called on the Prime Minister, Richard Seddon, who was unsympathetic to women serving on juries or serving as Justices of the Peace.



*"I firmly believe women's emotions could warp their judgment"*  
- Richard Seddon, Premier

Debate for the next 10 years centred on women being Justices of the Peace to enable them to be official visitors at mental hospitals, but despite a well-argued proposition this approach did not gain traction.

Support for women Justices was voiced by many, and varied, organisations - including Union, Family, Social, Feminist and Political groups. Their cause was bolstered in 1915 when practically every newspaper in New Zealand reported that South Australia had appointed its first two women Justices of the Peace, followed by similar reports from other Australian States and, later, Canada.

In June 1918 women's organisations sent another deputation to Parliament to put their case to the Minister of Justice, Thomas Wilford. He turned them down in no uncertain terms.

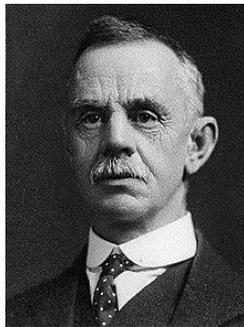


*"I won't help you with women Magistrates or women Justices, or women on juries.  
If I talk for a year I could not make it plainer, could I?"*  
- Thomas Wilford again: speaking as Minister of Justice

During the Election campaign in 1919 the MP for Lyttleton, James McCombs, promised he would introduce a Bill to provide "...for at least 8 women as Justices of the Peace". It got nowhere. There was a further petition, 4,000 signatures, asking a Parliamentary Committee to allow women as Justices. It was voted down. But there was a surprise in July 1922 when Thomas Wilford, now Leader of the Opposition, seemed to acknowledge women with a complete U turn of a few years before.

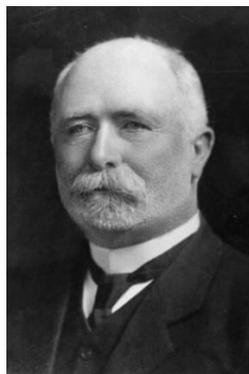
*"I have introduced the Bill to draw the attention of the Government  
to the necessity for appointing women as Justices of the Peace"*  
- Thomas Wilford, this time as Leader of Opposition

Despite James McCombs again drumming up support for the Bill, the measure died once more because of the Government's negative attitude, despite admitting that it was an "easy fix".



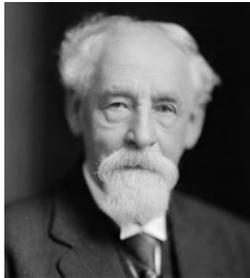
*"The alteration to the Act is a simple one,  
but it's not the present intention of the Government to make the change"*  
- Ernest Lee, Attorney General.

In September 1922 Thomas Wilford, in Opposition, undaunted, introduced another Bill to enable women to be Justices of the Peace. There had been a change of attitude by the Government, meantime, and it was assured of success.



*I'm in favour of the bill and I am asking the House to pass it without delay"*  
- Prime Minister, W. Massey

Women must have welcomed, at long last, this further step towards their acceptance in public office. But it was to be short-lived. Members of the upper Legislative Council did not acquiesce with their counterparts in the House of Representatives and voted it out, 17 - 6.



*"I believe the attempt of women to enter into rivalry with men and leave their proper sphere - the sphere of home life and motherhood - tends to the destruction of civilisation"*

- William Earnshaw in the Legislative Council

Needless to say, women's groups, plus many other supporters, maintained their advocacy for women Justices. Two years after the earlier Bill had been thrown out, the Minister of Justice, Francis Rolleston, brought a similar measure to the House in July 1926. The relevant clause said gender was no bar to being appointed a Justice of the Peace. He pointed out this principle had been affirmed by the House on two or three previous occasions, and that women already served on the bench of the Children's Court. Other Members of the House of Representatives supported the Minister and followed up on Mr McComb's stirring supportive speech.



*I can hardly imagine a broadminded man who would tolerate the present position in a progressive country such as New Zealand.*

- Peter Fraser MP

Rolleston's Bill was passed and sent to the Legislative Council for approval. There was the usual opposition.

*"I have no time for women's meddlesome interference with the functions of men"*

- William Earnshaw, again, in the Legislative Council

But this time the nay-sayers were outnumbered by those in favour of the Bill and the measure could become law. The long struggle was over: it took just 30 words in Clause 2 of the Justices of the Peace Amendment Act 1926, effective from the 23<sup>rd</sup> August 1926, to assure women of their place as Justices of the Peace.

Short Title	1. This Act may be cited as the Justices of the Peace Amendment Act, 1926, and shall be read together with and deemed part of the Justices of the Peace Act, 1908 (hereinafter referred to as the principal Act).
Women may be appointed Justices of the Peace.	2. A woman shall not be disqualified by sex or marriage from being appointed to be, or from being by virtue of her holding any office, a Justice of the Peace.

Red letter day had arrived for those who had been advocating women Justices for more than 30 years... even longer pursuing the general women's cause for equality. Long-time Auckland City Councillor, lawyer and women's advocate was one of those welcoming the new law.



*"This is the women's century... historians of the future will find a strange and fascinating story in the struggle of the women of the twentieth century to be allowed to contribute their great gifts to the welfare of the human family."*  
 – Ellen Melville

Women lost no time taking up the new opportunity to serve their communities as Justices of the Peace: within a month there were scores of nominations.



*"Nominations have already been received from women throughout New Zealand"*  
 Minister of Justice, F. J. Rolleston, 30<sup>th</sup> September 1926

Nominations were considered and on 21<sup>st</sup> December 1926, there was further elation among supporters when the Minister, Francis Rolleston, announced the names of the first women in New Zealand to be appointed Justices of the Peace in their own right, 18 in total - 4 in Auckland: Blanche Carnachan, Nellie Ferner, Sarah Jackson and Hilda Northcroft. Within months they had been sworn in and took office.

It was a turnaround from the then quite recent sentiment against women being appointed: some reticence still evident, perhaps, when the Minister said, "The Government has decided to confine the first appointments to women already serving as associate members of Children's Courts and to those

who hold prominent positions in the community, either on local bodies or in women's or social organisations”.

Footnote: James McCombs, the Labour MP for Lyttleton who had been so supportive in the cause for women Justices, died in office in 1933. His wife, Elizabeth, contested the by-election and won: the first woman to be elected to the New Zealand Parliament.

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