

7th Sept., 1871.

*Major Campbell.**Mr. Fitzherbert* : That does not constitute unwillingness at all.*The Chairman* : I do not see how Major Campbell could attend without receiving an order.*Major Campbell* : I should be happy to attend before any Committee on receiving notice. I am precluded by law from producing those documents without an order to do so.*The Chairman* : The Committee entirely absolve Major Campbell from any charge of unwillingness to attend before this Committee.*Mr. Gillies* : I would wish to ask Major Campbell a question. Are these packets in precisely the condition in which you received them from the Returning Officer?—Were they sealed, as I see by law they are required to be sealed?—They do not appear to be sealed now, and I want to know if they are precisely in the condition in which you received them; I see that one of the most important packages is not sealed.*Major Campbell* : I took a note in a book of the condition of all the packages at the time I received them. I ask the permission of the Committee to go and get that book. (Leave granted.)*Mr. Travers* : When my friend proposes to open those packages I shall object, as the law has not been complied with in respect to them. The requirements of the Statute have not been complied with.*The Chairman* : That objection you propose to take should it become necessary to open the packages.*Mr. Travers* : Yes; it is not necessary to take the objection now.*Mr. Allan* : The witness must be examined as to how he received them.*Mr. Travers* : On the face of the packages they do not purport to be transmitted in the condition required by law, and I shall object if any use is to be made of them.*The Chairman* : All Major Campbell can state is, that that is the condition in which the papers were received from the Returning Officer.*Mr. Travers* : There are other objections also which I shall urge.*Major Campbell* : I produce the book; it contains the counterfoil of the receipt which I supplied to the Returning Officer. These packets are in precisely the same condition in which I received them. In many cases the packages were somewhat loosely put up, and unsealed.*By Mr. Gillies* : Some of these packages were unsealed?—They were tied together, and some of them were not sealed.*Mr. Travers* : The date of transmission is to be proved. There is no proof of the date they were transmitted, and no proof that the person transmitting them was the Returning Officer.*The Chairman* : Would it not be better to reserve those points until it became necessary to raise them?*Major Campbell* : I received the packages on the 3rd March, 1871.*By Mr. Allan* : Was a letter sent with them?—No, not in this case.*By Mr. Travers* : I understand that you noticed that some of packages were not sealed. Were they all sealed?—No, not in this case.*The Chairman* : Would it not be sufficient for him to state that the packets now produced are in the same state in which he received them?*Mr. Travers* : Yes, he has stated so.*Major Campbell* : They were tied together as one parcel, and addressed to the Clerk of the House. The packages were in the same condition as they are in now.*The Chairman* : You do not require Major Campbell any longer?*Mr. Allan* : No, I do not want him just now; I may require his attendance at some future stage of the proceedings.*Major Campbell* : I shall be in attendance when required.

Witness then withdrew.

Mr. Allan : I appear before the Committee on behalf of one of the candidates—the unsuccessful candidate, Mr. Charles Parker—in support of the petition presented to the House of Representatives against the return of Sir David Monro to serve for the Electoral District of Motueka in the present Parliament. The petition prays that a scrutiny be made into the votes taken at the said election, and that the names of all persons found not entitled to vote, or who shall be found to have voted from any corrupt causes, be struck off; and that the election of Sir David Monro be declared null and void, and that his name may be erased from the return, and the name of the petitioner, Mr. Charles Parker, be substituted; and prays for such further or other relief as the House, on the recommendation of the Committee, should deem meet. The Committee will gather from that the nature of the objection which I shall have to take and go into, more in detail. It seems that the nomination took place on the 27th of January, and that the polling took place on the 10th of February. The result of the polling was that 193 votes were given for each side, and that the Returning Officer gave his casting vote, which ended in the election of Sir David Monro. We object to that return on two grounds, or probably two general grounds.*The Chairman* : The prayer of your petition is, that a scrutiny be made into the votes taken at the said election. Can you do that now?*Mr. Travers* : I submit not clearly.*Mr. Allan* : Oh, certainly, sir, you have a right to inquire into the votes given. If a person votes from any corrupt motives, you have clearly the power to make the scrutiny, and also if a person personates a voter.*The Chairman* : That is a different thing. On the one hand you allege bribery and corruption against particular voters, and on the other you speak of personation; but that is a different thing from a scrutiny into the votes, which you pray for in the petition.*Mr. Allan* : We say that we are entitled to do that.*The Chairman* : Do you mean to open the ballot papers and examine them?*Mr. Allan* : Yes; how else can you do it?*The Chairman* : If you rely in your case upon that, I think it is a very important point to settle first.