

*Mr. Allan* : How possibly can it be discovered afterwards how a person voted unless by the ballot papers. Power is given under the Act to ascertain that. 7th Sept., 1871.

*The Chairman* : Yes, if you name a particular party and show that he voted and was bribed ; it matters not for whom he voted if you show that he was bribed.

*Mr. Allan* : You must look at the electoral roll and papers to see how he voted.

*The Chairman* : I do not think it signifies ; if the voter has been bribed, it upsets the election.

*Mr. Allan* : I go further, and say that if I show he was bribed and had voted for so and so, I have a right to have the vote taken off.

*The Chairman* : I think not—not to defeat the other party.

*Mr. Travers* : It is provided by the Act that the scrutiny is to take place immediately after the poll, and is taken to be final.

*Mr. Allan* : Clearly we cannot interfere with the power of the House ; but if it were discovered that any person had personated another individual wrongly, the House has power to inquire into it.

*The Chairman* : I do not say that you have no right to open the packet and take out any particular number that you may require for the purpose of supporting the allegation of bribery, corruption, or personation. I do not say that we have not the power to do that ; but we have no power to scrutinize the votes, and reject this or the other elector.

*Mr. Travers* : It is perfectly immaterial for whom a person voted, if it can be shown that a bribe was given to him. There can be no scrutiny such as my friend asks for.

*Mr. Allan* : I do not understand your point to be this : whether this Committee or whether the House would have the right to open those papers and look at every vote to ascertain how that person voted. I never contended that for a moment.

*The Chairman* : In your petition you pray that a scrutiny may be made into the votes taken at the election, and that the names of all persons found not entitled to vote, or who shall have been found to have voted from any corrupt causes, be struck off. That goes a long way.

*Mr. Allan* : It means that we have specified in our petition the persons who we say have been bribed and who voted from a corrupt motive, and also the persons who have been guilty of personation. What I mean by scrutiny is that the Committee should inquire into those votes. I never supposed that the Committee of the House would open the ballot papers and examine every vote, unless I gave a good reason for requiring the ballot papers to be opened. You understand what I mean ?

*The Chairman* : I quite understand it.

*Mr. Fitzherbert* : The prayer of the petition is evidently loosely drawn.

*Mr. Allan* : The scrutiny would be confined to the particular votes objected to.

*The Chairman* : There is a scrutiny immediately after the poll is taken.

*Mr. Allan* : As I was saying, we complain of this election on two grounds, or two grounds which probably may include others. First of all, we say that at that election the persons whose names we have given in the petition, were bribed ; and on the second ground—that of personation—we say that a person of the name of James Hagan and a person of the name of Henry Tomlinson personated voters on the electoral roll. Now, Sir, of course, in order to establish bribery to affect the seat of the sitting Member, it will be necessary on my part to show agency—to show that it was done by himself, or, if not by himself, that it was done by some recognized agent.

*Mr. Travers* : By his authority ?

*Mr. Allan* : No ; it is to be shown that it was done by some recognized agent. If we produce before the Committee evidence sufficient in their minds to enable them to arrive at a conclusion that the person who made the promises to bribe, or did bribe, was acting as an agent at that election, then we are entitled to have the election annulled, and to have those votes struck off. The question of agency has been before Committees of the House of Commons on numerous occasions. Some Committees have ruled one way and some the other, as to particular kinds of agency. Of course it must be for us to establish, in the opinion of the Committee, that the party was an agent. It is not necessary that there should be actual or written authority ; you gather it from the acts of the two parties interested—the principal and the agent—in reference to the proceedings at the election. If the Committee came to that conclusion, then anything that agent does will vitiate the election. It is clearly laid down that the principles that apply to courts of justice are never held to apply before Committees, as they take a much broader view ; and unless they did that, bribery would be practised, and the persons guilty of the offence would escape from the consequences of their acts. In this case, therefore, we state that those persons whose names I have given were paid moneys under conditions which would be held to be bribery ; that there were promises of money made ; that part of the money was paid by a person of the name of William Bell. I shall be able to prove before you that Mr. William Bell, who is a farmer at Waimea West, was a person who would clearly be considered, according to the rules which apply to agency in Parliamentary matters, as the agent for the sitting Member ; that he was one of his most active supporters ; that he was the person who in fact suggested to Sir David Monro to come and stand for the district ; that he was one of his Committee ; that he was chairman of his Committee ; that communications passed between them ; that further, he sent in claims for expenses to the sitting Member ; that the sitting Member recognized the claim of £1 a day for his services, and directed him to apply to Mr. Elliott for its payment. I believe Mr. Elliott paid him. If I establish that, I think that in any Court, or before any Court of law, it would be conceded that Mr. Bell was at that time acting as Sir David Monro's agent, and that Sir David Monro was liable for his acts. It has been constantly held in Committees that the principal is liable for even the illegal acts of his agent ; that if an electoral agent gives bribes, or acts against the provisions of the Corrupt Practices Act, the person on whose behalf he may have done those acts will be held responsible, although it might not be brought to his knowledge or cognizance, or he might not know that there was any intention to bribe. I will further prove to you that the men alleged to be bribed were labourers, were asked by a person named David Kerr to come down and vote ; that they said they could not vote, and must be paid for coming down ; that they were promised their