

7th Sept., 1871.

expenses; that after they came down they saw a person of the name of Dreyer, who was also an agent of Sir David Monro, to whom they stated that they must have their expenses paid. They insisted upon being paid. However, they were referred to Bell. Henry Bosselmann was deputed on their part to see Bell. He thereupon told Bell that they would not vote—that they required to be paid, and that the amount of payment should be 8s. a day for two days. Bell demurred to that at first; he said he did not know whether he could do it, or ought to do it. It was suggested that they should go in and have dinner, which was paid for, but not by them; it was paid for by some one acting for Sir David Monro. Then Bell said that he would give them on his own account, or would take the risk of giving them £2, which was all he could command at that time; that he would endeavour to procure the balance and send it after them. This was stated to Henry Bosselmann, and I think others heard it too. It ended in Henry Bosselmann receiving that day £2, which was distributed by him among his comrades. So that we have the actual sum of £2 paid, and a promise to obtain the balance by Bell. That was on the following day; and I believe it will be shown before you that after the money was paid, and the promise made, that they did vote. I think that will be proved to you by several of them; and if the Committee come to examine the ballot papers, unless I am misinformed, they will find that these men did vote for Sir David Monro. I may state that, whatever feeling may be entertained towards the Germans, the sitting Member should consider that they had done him some service—that the charge of those Germans completely routed the forces of Mr. Parker, and contributed very much towards swelling the numbers which placed Sir David Monro in the majority. Shortly after, the balance promised was duly paid. The case when proved will be, therefore, that these men were paid expenses for two days, at the rate of 8s. a day for voting. If I establish these facts, I say I establish, in the first place, a clear case of agency; and I cannot see how my friend can venture to dispute it even before a court of law and before the Committee.

*Mr. Travers*: But I dispute it entirely.

*Mr. Allan*: I dare say you do, as you dispute many other things. I say this, that I think even before a court of law, there could be no doubt that a jury would find that Mr. Bell was an agent of Sir David Monro; and when before a Committee who are to decide according to the broad and general view of the case, who are not to be governed by strict rules of evidence, who are to search and find out for themselves what is true, and whether purity of election prevailed or not, there would be little doubt that a similar conclusion would be arrived at; and I can say, if the Committee should think that these men were paid, and received 8s. a day in order to vote, they would find that the case came within the 1st section of "The Corrupt Practices Prevention Act, 1858," which says:—"Every person who shall directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure, or to endeavour to procure, any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of such elector having voted or refrained from voting at any election."—Therefore, if we establish the agency, that affects the seat.

*The Chairman*: You allege that Kerr is also an agent?

*Mr. Allan*: We propose to show that Bell is an agent as well as Dreyer. If we show that, it will affect the seat. If we show that these men received this money, it will affect their votes, and entitle us to have those votes struck off the list of votes. Then, as to the question of personation, I will be able to show that there were two persons who were guilty of personation, or at any rate who voted in the names of others, and had no right to vote. Those persons were James Hagan and Henry Tomlinson. The facts connected with Hagan are these: He voted in the name of a James Hagan, whose name appears on the electoral roll for Waimea West. This James Hagan had no right to vote; he never made any application to vote.

*Mr. Travers*: I object to this statement, unless my friend can show that he can open that question at all. I submit he has no right to open that question at all. I put it to my friend whether the name of James Hagan on the roll is conclusive evidence that he is the proper person. It is quite immaterial how he got there if he is there. The putting him on the electoral roll is a judicial act, and has been so decided. The revision of the Revising Officer is a judicial act, which is not controverted. The House of Commons does not open the registry, unless under special Act of Parliament.

*The Chairman*: Although there was the name of James Hagan on the roll who had the right to vote, yet it is alleged that the one who had voted was not that James Hagan.

*Mr. Travers*: That is a different question. Before my friend states that any claim was made, I wish to show that he has no right to go into that point. He may show in any way he pleases that James Hagan who is on the roll is not the same James Hagan who voted; but he cannot show that the James Hagan who voted never made a claim to be on the roll.

*Mr. Allan*: I have a right to adduce facts. I am not disputing that there is a James Hagan, of Waimea West, on the roll; but I have a right to show that the James Hagan who voted was not the James Hagan on the roll, and I have seen more of the practice of the House of Commons than you have.

*Mr. Gillies*: It is not right to speak in that way. Counsel are to address the Committee, and not each other in that way.

*Mr. Allan*: I think I have a right to show that although there is a James Hagan on the roll, that the James Hagan who voted was not the person whose name was on the roll.

*Mr. Travers*: Not by showing that this James Hagan never made a claim; that is a different matter.

*Mr. Allan*: I say that is one of the facts of the case; and I contend that I am entitled to use every fact that will go to support my allegation that this James Hagan was not qualified to vote. I will show the Committee that he knew himself that he had no right to vote—that he was told that he had no property there at the time, or at least no legal interest in it, and that he said, that in as much as James Hagan was on the roll, that he had a right to vote. Therefore, if I establish that before you, I would have the right to have his name also struck off. So also is the case of Henry Tomlinson, who