

voted in the name of Henry Tomlinson, who was on the roll for a household qualification upon Section 133. I will prove to you that that Henry Tomlinson was really the cousin of the Henry Tomlinson on the roll; that he has no property on Section 133; that he never claimed a vote as a householder on Section 133; and upon that proof, I shall also have the right to have that name struck off. 7th Sept., 1871.

The Chairman: You mean that this Henry Tomlinson had no qualification at all: that he was not the man and had no qualification?

Mr. Allan: I should show that he is not on the roll, and that he has not that qualification on the roll.

The Chairman: That is what I understand you mean: that he has not the qualification on the roll, and that he is not the person entitled to vote.

Mr. Allan: Yes, I think these are the short facts which I shall proceed to prove before you; and if I prove them, I shall have established my case. I propose to call the Clerk of the Writs to produce the writ.

G. S. Cooper, Esq., Clerk of the Writs, examined.

G. S. Cooper, Esq.

Mr. George Sisson Cooper: Before producing this document, I was about to make a similar statement to that made by Major Campbell regarding the imputation cast upon us; but after having heard the explanation given by Mr. Allan, I do not desire to say anything more about it. 7th Sept., 1871.

Mr. Allan: I am very sorry that it should be supposed that I made any imputation against Major Campbell or Mr. Cooper.

Mr. Cooper: The statement that appeared in the newspaper is contrary to the facts of the case. I thought it only right that I should mention the matter.

The Chairman: The Committee are perfectly satisfied that there was no unwillingness on your part or on the part of Major Campbell to attend here.

Mr. Cooper: I produce the writ of election for Motueka, and the envelope covering it. It is the writ that was issued and returned to me.

By Mr. Travers: What time did you receive that?—I think it was on the 17th February. The date is marked on the corner of the writ, 17th February, 1871.

Witness then withdrew.

Charles Parker sworn and examined.

C. Parker, Esq.

By Mr. Allan: What is your name, Mr. Parker?—Charles Parker.

You are a registered elector?

Mr. Travers: I object; that must be otherwise proved in proper form.

The Chairman: We are not bound by strict rules.

Mr. Travers: No doubt.

Mr. Fitzherbert: Mr. Parker could not become a candidate without being an elector.

Mr. Travers: Mr. Parker might have good reason for believing himself to be on the roll and at the same time not be there. There is that possibility. We have two persons charged with personation, who might have believed themselves to be entitled to vote. The electoral roll is in itself evidence, and therefore, if produced, would prove the matter at once.

The electoral roll was here produced.

By the Chairman: You are the party that is on the roll?—I am the party who is on the roll, No. 178.

By Mr. Allan: Were you one of the candidates?—I was.

A candidate for Motueka at the last election?—I was.

Were you and Sir David Monro proposed separately as candidates?—Yes.

Were you the only candidates?—We were the only candidates.

And the polling took place on the 10th February?—Yes, it did.

When was the result of the election declared, do you remember?—On the 13th; I believe it was on the 13th.

Did you hear the number of votes declared?—Yes; I understood that there were 193 each, and that the Returning Officer gave the casting vote in favour of Sir David Monro.

You are the petitioner in this case?—I am the petitioner in this case.

By Mr. Travers: Did you vote yourself on that occasion, Mr. Parker?—I did.

And for yourself?—That is my own business.

Nevertheless, I would ask you the question?—I voted under the ballot.

Mr. Travers: You are bound to declare whether you voted for yourself.

Mr. Parker: I do not think I am, but I will ask the Committee whether I should answer the question.

Mr. Fitzherbert: It is an important question.

Mr. Parker: Then I say that I voted for myself. Having seen Sir David Monro going to vote, I thought I would go.

You cannot say who he voted for?—I cannot say, but I should think he voted for himself.

Mr. Travers: I have no further questions to put to you.

Mr. Allan: I proposed to go into the question of personation, but perhaps it would be as well to go into the case of bribery first. I propose to call Mr. William Bell.

William Bell in attendance, and sworn.

Mr. Bell.

Mr. Travers: As my friend, in his opening statement, stated that Mr. Bell was implicated in the charge of bribery, and the party actually committing it, probably he would consider it necessary to give the ordinary caution to the witness in reference to the answering of any question that might tend to criminate himself. There is a special provision in the law in England, exempting witnesses from the consequences of any evidence given by them that otherwise might tend to criminate them. 7th Sept., 1871.

Mr. Fitzherbert: That is a recent law.