

Mr. Bell.
7th Sept., 1871.

Mr. Travers : There is no provision in the law of New Zealand to that effect.

The Chairman read some remarks of Lord Brougham on the question, and the impression to be drawn in case of refusal to answer.

Mr. Travers : I do not wish in any degree to mislead the Committee. I will state that one of the standing orders of the House of Representatives bears upon this question, but I would submit that that standing order cannot have any effect upon the criminal law of New Zealand. I would call my friend's attention to it at once, as I do not wish to mislead the Committee in the slightest degree. Standing Order No. 219 says:—"All witnesses examined before this House, or any Committee thereof, are entitled to the protection of this House, in respect of anything that may be said by them in their evidence." That is a matter of privilege in the House, and does not exempt witnesses against any criminal proceedings.

Mr. Allan : The point was raised in England; and it was held that the witness could claim protection—that the objection should come from the witness, and not from counsel in the case.

Mr. Travers : If it was to establish agency, it would be a different matter; but this is a case of bribery and personation.

Mr. Allan : Of course, the Chairman and the Committee will use their discretion with respect to cases in which they would think it proper to caution witnesses.

Mr. Bunny : I would suggest that the evidence be taken, and if the witness objects to answer any question, we can deal with the objection.

Mr. Allan : The witness must assign some cause for the objection.

The Chairman : The Committee themselves have to judge of the validity of the objection.

Mr. Allan : That is really what I have stated to the Committee—that it is entirely within the discretion of the Committee what course they shall pursue; and further, that it is time enough when the witness objects.

The Chairman : I think we should proceed with the examination; and if the witness objects to answer any question that he thinks may criminate himself, he is subject to the inference mentioned by Lord Brougham.

William Bell examined by Mr. Allan.

I believe you are a farmer, residing at Waimea West, in the Province of Nelson?—Yes.

I believe you are an elector upon the electoral roll?—Yes.

For the Electoral District of Motueka?—Yes.

You know Sir David Monro?—Yes, Sir.

You remember, I suppose, the election at Motueka in February last?—Yes, Sir, perfectly.

Well now, before the election took place—before the nomination took place—had you any communication with Sir David Monro?—Yes, I had.

Well now, what was that?—The first and only communication I had was a letter from Sir David Monro; that was the only written communication.

Have you got that letter?—No, Sir, I have not.

I am not speaking of any written communication you had after the nomination, but before Sir David Monro was nominated, and before he came down as a candidate; had you any personal or written communication with him before he became a candidate?—I had some personal conversation with Sir David Monro.

Do you know a gentleman named Charles Elliott?—Yes.

Does he live in Nelson?—He lives in Nelson.

Was he a supporter of Sir David Monro or not?—I believe he was a supporter of Sir David Monro.

Well, before the nomination, and before Sir David Monro came forward as a candidate, had you any communication with Mr. Elliott in reference to Sir David Monro?—Yes, I had.

What was that?

Mr. Travers : I object to that. Although the Committee is not bound by strict rules of evidence, still it would be manifestly inconvenient to take the statement of a third person in reference to any matter, not made in the presence of the person to be affected by it. If you did so, the rule might be extended indefinitely.

The Chairman : It would be for the purpose of proving agency, I presume.

Mr. Allan : It might lead up to that, of course.

Mr. Travers : Even so. I apprehend the Committee would not force the rules of evidence to that extent.

The Chairman : It would be a sub-agency.

Mr. Travers : Before the communication, whatever it is, is revealed to the Committee, they ought, at all events, be shown that Mr. Elliott was acting in the character of an agent; otherwise it cannot be constituted a sub-agency.

Mr. Allan : I will show that he was an agent.

Mr. Bunny : I think, for the present, we may take the evidence.

The Chairman : Upon the understanding that that is the purport.

Mr. Travers : And that my friend undertakes to prove the agency of Elliott.

The Chairman : Yes.

Mr. Allan : I understand that the Committee are not to be bound by strictly legal evidence. Indeed that is the purport of the clause in the Act regulating the proceedings.

Mr. Travers : It must be evident that if the connection of the party to be affected by the statement of a third person is not established, the statement is not evidence of any kind whatever.

The Chairman : If the agency of Elliott is not established, the evidence may be worth nothing.

Mr. Travers : If my friend undertakes that it is given specially to prove the agency of Elliott, then all right.

Mr. Allan : I undertake to do that.

Examination by Mr. Allan continued.

Well, you saw Mr. Elliott before the nomination?—I did.