

FRIDAY, 8TH SEPTEMBER, 1871.

8th Sept., 1871.

The Committee met at half-past 10 o'clock.

Mr. Brandon in the chair.

Mr. Allan appeared for the petitioner, Mr. Charles Parker; and Mr. Travers for the sitting Member, Sir David Monro.

Minutes of last sitting read and confirmed.

Diedrich Bosselmann was sworn and examined.

Mr. D. Bosselmann.

By Mr. Allan : Is your name Diedrich Bosselmann?—Yes.

Are you a settler living at Moutere?—Yes.

You were living there on 10th February last?—Yes.

By Mr. Travers : What section?—I believe it is 58.

By Mr. Allan : You are on the electoral roll as an elector for Motueka?—Yes.

What is your occupation?—I am a farmer.

You remember the election for Motueka last February?—Yes, I do.

Now, on that day did you go down to Waimea West?—I went down in a dray.

Whose dray?—David Kerr's.

Did you go alone, or did other persons go with you?—There were eleven including myself, and there was another man who went down. (Witness mentioned the names given in the petition).

You went down to Waimea West?—Yes.

Was the election going on when you went down?—It was not going on when we arrived at nine o'clock.

When you got there, did you see two persons named Bell and Arnold?—I met them.

What did they say when you met them?—They said they were glad we were coming down, and that we had better go down to Palmer's.

When you went to Palmer's what took place?—Oh, we had something to drink.

Well, after you had something to drink, what did you do then?—We stopped there, and we were talking about the voting—Mr. Bell, and Arnold and Dreyer, they were speaking about the election.

Did they say anything to you or the other men?—They were telling us that we were to go down and vote for Sir David Monro.

When they told you to go down and vote for Sir David Monro, did you go?—We did not go then.

Why did you not go then?—Because they had promised to pay our expenses, and we would not go down till we would know whether we would be paid our expenses, and how much they would give us. They had promised to pay us our expenses for going down, and for the loss of time.

Did you assign that as a reason or not why you did not go to vote then?—I did not tell them that.

Did you see your brother Henry have any conversation with Mr. Bell or Mr. Arnold?—Yes, I saw them go down the road together; I saw him go down with Mr. Bell and Mr. Arnold.

After your brother had been down with Bell and Arnold, did they say anything to the other men?

Mr. Travers : I object to what his brother said.

Mr. Allan : What the brother states would be evidence, because we have the admission of Bell himself that he was in communication with Henry Bosselmann; that he saw Henry Bosselmann, and he was to pay these men a certain amount of money. He became the agent; it is a sort of link in the chain.

The Chairman : He was not an agent between Bosselmann who spoke to Bell, and his brother who voted.

Mr. Allan : If there is one agent, and then another agent, you show the link as between them.

The Chairman : You say you are not going to bring Henry Bosselmann before the Committee as a witness.

Mr. Allan : No, we cannot get Henry Bosselmann.

Mr. Bunny : I think we might hear what Henry Bosselmann stated.

The Chairman : The Committee are not bound by strict rules of evidence.

Mr. Gillies : Although we are not bound by the strict rules of evidence, yet it is contrary to any rules of evidence that one man should be asked to retail a conversation with another man about a person who was not present.

Mr. Travers : I submit that in this case the charge made is that of bribery, the instrument is supposed to be the agent of Sir David Monro, and the persons acted upon are supposed to be voters. The charge of bribery is one of a criminal character, and if sustained would subject the voters to have their names struck off the roll and to be no longer entitled to the franchise in any degree. I submit that any person shown before the Committee to be guilty of bribery, would be immediately and *ipso facto* indictable for that charge. It would be a very remarkable anomaly if the Committee inquiring into the matter were to decide the case on evidence which could not be given if the party who is to be affected by it were placed on his trial in a Criminal Court. It would involve this absurdity, that the Committee, acting outside of all the ordinary rules of what is termed evidence, might arrive at the conclusion, from loose language used by parties, that there was something done in the nature of bribery, while a Court of Law, acting upon well-known rules of evidence established for preserving the rights of the people, might say that the act done did not amount to bribery. I would submit, with all deference, that although the Committee is not bound by strict rules of evidence, yet the Committee should substantially require precisely the same proof of the fact as would be required for the purpose of securing a conviction in a Court of Law, otherwise it must involve a very great absurdity. Nowhere in the world would such a class of evidence be received. We have no evidence that these statements were made by the principal actor Bell, who was here and not examined upon that point. There is no evidence whatever of his having ever used any language calculated to induce the Henry Bosselmann