

Mr. D. Bosselmann.
8th Sept., 1871.

After that you spoke among yourselves about it?—Yes.
Who did you agree to vote for?—The same as the rest were going to vote for. I didn't know any of the candidates. I agreed to vote for who they said was the best.

Who did they say was the best?—Some said one and some said another.

Who did they agree to vote for?—They agreed to vote for Sir David Monro—if they got their expenses paid, they would go down.

By Mr. Allan: Had you finished your contract?—No, we had not finished it then; we have finished it now.

And got paid your money?—Yes, we have been paid the contract, but there was deducted £14 for penalties.

How long after the time for finishing the work had you been at the contract?—About fifteen or sixteen weeks.

Witness then withdrew.

Mr. Allan: I propose now to call Frederick Ducker.

The Chairman: If you cannot bring something stronger in the case of bribery—or rather, if the others cannot speak to anything beyond what has been already said by the last witness—is it worth while to call any other witnesses?

Mr. Allan: Their evidence would be to confirm the statement that they would not have voted unless they had been promised their expenses.

Mr. Bunny: Then it is hardly worth while calling additional witnesses.

Mr. Travers: I would like to know whether this witness had not signed the requisition to Sir David Monro.

Mr. Ducker.

Frederick Ducker sworn and examined, through an Interpreter named Baucke.

By Mr. Travers: Did you sign the requisition to Sir David Monro to come forward as a candidate?—Yes.

By Mr. Pearce: Were you one of the partners in the contract at the time of the election; one of the road party with Bosselmann at David Kerr's Hill?—Yes.

Mr. Allan: I take it that these witnesses will confirm what has been already said.

Mr. Bunny: Yes, we will take that to be the case.

By the Chairman: Did you go to Sir David Monro on the 10th February last?—I do not know exactly the day, but I went to him on the day of the election.

Witness then withdrew.

Mr. Allan: Do we leave the bribery question now?

The Chairman: Leave that question now.

Mr. Bunny: That closes the bribery case.

Mr. Gillies: When the bribery case is disposed of, let us deliberate and settle that. Let us decide that point and go on to the next.

Mr. Pearce: That would be a far more convenient course.

The Chairman: It would be as well to hear what Mr. Travers has to say on that point before we go to the other.

Mr. Travers: I was going to ask the Committee whether they would consider that any *prima facie* case had been made out. If they decide that there is a *prima facie* case, they will call upon me to bring forward rebutting evidence. That course would save a great deal of time.

Mr. Allan: I am entirely in the hands of the Committee. If the case is closed, I should address the Committee now; if it is to be re-opened, I should reserve my observations.

Mr. Travers: If the Committee think there is any necessity for rebutting evidence, I will call it. But I submit, in the first instance, there is no sufficient case. If the Committee think there is a sufficient case, requiring me to call rebutting evidence, I must ask for an opportunity of doing so.

Mr. Gillies: Mr. Allan wishes to address us on the point upon which we are about to deliberate, as to whether there is a *prima facie* case or not, before you call further evidence.

Mr. Allan: If the Committee decided that there was no *prima facie* case, there would be no use in my addressing the Committee.

Mr. Travers: The proper course is for me to move that there is no case. It is in the nature of an application for a nonsuit on the ground that there is not sufficient evidence before the Committee. I am considering the petitioner's case as closed on the question of bribery, and not whether he should have an opportunity of calling further evidence. I move that there is not sufficient evidence before the Committee upon which the charge of bribery can be sustained. I would address the Committee on that point, and my friend would have the right to reply.

The Chairman: I think that is the better course to adopt.

Mr. Travers: I submit then that there is no such case as should call upon the sitting Member to produce any rebutting evidence. Upon questions of bribery the Corrupt Practices Act of England is very much the same as that of New Zealand, and the rules which Committees would follow in determining these cases must be similar to those laid down by some of the most eminent English Judges. I need not call the attention of the Committee to the fact that the charge of bribery is one of a very serious nature. It not only exposes the parties concerned to grave criminal consequences, but it also has the effect of absolutely depriving the sitting Member, if proved against him, of the right to become a candidate during the continuance of the existing Parliament; and therefore it is necessary, before arriving at any conclusion upon a point of this kind, that the evidence which is, if I may use the term, to convict him of so grave a charge, should be of the most clear and conclusive character. In order to prove the charge in this case several witnesses have been called on the part of the petitioner. One is Mr. Bell, who was, as we admit, the agent, to a certain extent, of Sir David Monro, in reference to this election. Mr. Bell, I submit to the Committee, gave his evidence with the greatest clearness and without the slightest hesitation,—and he was my friend's own witness. His manner indicated that he was the