

ground for believing that, if all these witnesses came and told the same story, it looked uncommonly like an understanding. I cannot consent to treat the evidence as being evidence which every one of them would give precisely alike; and although they did, I should treat it as unworthy of credence, as it would look uncommonly like a made-up story, and that they had agreed to swear to the same effect.

*Mr. Gillies*: I wish to understand exactly what you mean. As I understand it, you applied yesterday for what we may call a nonsuit, on the ground that there was no *primâ facie* case to call upon you to enter into rebutting evidence. But supposing the Committee were of opinion that there is a *primâ facie* case, then you would still have the opportunity of calling those witnesses for any purpose you might wish.

*Mr. Travers*: I may assume that they are not going to state the same story, except they prove that there is not a *primâ facie* case.

*Mr. Gillies*: You cannot be prejudiced in any way.

*Mr. Travers*: I cannot consent to their evidence being taken as if given, except for that one purpose. If the Committee are of opinion that there is a *primâ facie* case the witnesses must be examined.

*Mr. Gillies*: You would have an opportunity of calling them.

*Mr. Travers*: If I do not call them, they have not given any evidence. I tell my friend at once, that I will not be a party to submit, in any degree, that the evidence the other witness would give is, item for item, the evidence already given.

*Mr. Bunny*: Then go on, and call the witnesses.

*Mr. Allan*: Of course, I could not say that the evidence would be word for word what the other witnesses stated. I consider the witnesses I proposed to call would support the evidence given by the one witness we did call. I said, certainly, as far as I was instructed, that was so. I understood the Committee decided the witnesses need not be called. The witnesses are here, but the interpreter is not.

*The Chairman*: Might I ask whether the other witnesses could go farther than those the Committee have examined? I understood not; upon which *Mr. Travers* asked if there was any *primâ facie* case. I considered, therefore, that your case was closed, and that he had assented.

*Mr. Travers*: I only assented for that purpose; but what I submit is this, that if the Committee feel that there was a *primâ facie* case, I must have the opportunity of cross-examining the other witnesses.

*The Chairman*: If that be so, if we say there is a *primâ facie* case, it will be for you to call witnesses.

*Mr. Travers*: I must have the witnesses for the purpose of cross-examining them.

*Mr. Allan*: I am willing to call the witnesses, but I have not my interpreter here.

*Mr. Fitzherbert*: It is all very well to have an interpreter, but I consider that the witnesses may be intelligible witnesses without the assistance of an interpreter.

*Mr. Travers*: I am perfectly well acquainted with the men, and those I shall call can speak English very well.

*The Chairman*: It would be a pity to detain the witnesses beyond the day you stated they could leave—Monday next. You had better arrange which way it should be, and call the witnesses at once.

*Mr. Allan*: I should like to have my interpreter here.

*The Chairman*: As the stoppage of the case arose from the suggestion of the Committee and myself, it will be but fair to you to allow you to continue the case as to bribery.

*Mr. Travers*: I would call your attention to the newspaper report, which represents what I understood to be the decision come to yesterday:—"It was agreed that no further witnesses should be called to prove the complaint of the petition as to bribery, until Counsel had addressed the Committee as to whether, *primâ facie*, a case had been made out."

*The Chairman*: That was so. The Committee not having yet decided upon that point, and the desire being that the witnesses might go home, we think it would enable us to let the witnesses go, if you continued now the examination, without waiting until we had decided the question.

*Mr. Allan*: If I had known, I should have taken care to have the interpreter here.

*The Chairman*: The Committee do not attribute any blame whatever to you.

*Mr. Allan*: I understand one of the witnesses, Sixtus, can speak English.

### Johann Henry Sixtus, sworn and examined.

*Mr. Sixtus.*

9th Sept., 1871.

*By Mr. Allan*: Is your name Johann Henry Sixtus?—Yes, Sir.

Where do you live, Mr. Sixtus?—I live in Moutere.

Were you, at the last election, on the roll of electors for the Motueka District?—Yes, Sir.

Now, do you remember the 10th February last?—Yes.

Before I go to that, let me ask you, were you one of twelve persons engaged on the road at Kerr's Hill?—Yes, Sir.

Were you engaged in the contract with Bosselmann and others?—Yes.

What were you making by that contract—how much a week?—We were making about £1 a week.

Had you to pay for your provisions out of what you were making?—Yes, I had.

Well now, before the 10th February, the day on which the election took place, do you remember a person of the name of David Kerr coming to see you and the other men?—Yes.

How many days was that before the 10th February?—It might have been about a week previous to the election day, as near as I can recollect.

Was that at Kerr's Hill?—Yes, on the work.

When he met you did he say anything about the election?—He asked us if we intended to go down to the election.

Then what did you say to that?—We said "What election was going off?" and he said, "For the House of Representatives." He asked us if we would go down, and vote for Sir David Monro. We