

*Mr. Travers* : He did not say that.

*The Chairman* : He did not say that exactly.

*By Mr. Allan* : You thought you could vote after Arnold told you so?—Yes.

But before Arnold told you so, did you consider that you had a right to vote because that name was there?—I did not think anything about it.

Do you know whether your father had ever voted?—Yes.

When did your father vote?—He had always voted at the elections before.

When Arnold asked you to vote, did not you say you had no vote?—I said my name was not on the roll.

Do you remember your going in to vote? Who took you in to vote?—I went in myself.

Where was that?—At Waimea West Schoolroom.

Well now, when you went in, did the Returning Officer say anything to you?—He looked at me and looked at the roll, and said, "Oh, I thought that was your father's name."

What did you say?—I never answered.

Was the voting paper handed to you?—Yes.

Were you the person on that roll, or was it your father? You know what I mean. You saw a printed paper?—No.

What did you see, then?—The voting paper.

Electoral roll handed witness.

Are you the person described on the roll—"363, Hagan, James, Waimea South, freeholder, Waimea West, 300 acres of section 112"?—No; I am not the person described there.

You never made any application to be registered in 1870, as a freeholder for Waimea West, 300 acres, section 112?—No.

Who owns that section of land now?—It is my mother's till her death.

Are there trustees for your mother?—Yes.

For whom did you vote?—For Sir David Monro.

Had you any intention to vote for Sir David Monro before Arnold asked you to vote?

*The Chairman* : You should first ask whether any objection was taken at the time by the scrutineers; whether the ballot paper that he used had been set aside by the scrutineer for the purpose of future investigation.

*Mr. Allan* : I consider that unimportant. If you ask that question yourself, I cannot prevent it. If the question is to be prohibited; if the House of Representatives is not to inquire into things of this sort, because some scrutineer might not have objected at the time, or because the Revising or Registration Officer did not do his duty, election by ballot must cease.

*The Chairman* : There are provisions made for a scrutiny at the end of the polling, and it is then the objection should be taken to a vote which is considered to be wrongly given, otherwise, what is the use of the ballot?

*Mr. Allan* : In England, it is always allowed that the parties be represented at the polling by persons whom they may chose to appoint; and those persons can always object or not to persons personating, or object to the voting. I never heard in cases of inquiry as to personation, that because some one may not have objected at the time to the vote, that the House of Commons or the House of Representatives is not afterwards to inquire into it.

*The Chairman* : My own opinion is, if the scrutineers wish to object to any voter, to his vote or to his conduct, that the time for meeting that objection is at the end of the polling. If the objection is not then taken, if the voting paper with which he votes is not set aside as a disputed paper, then I consider that we ought not to go further into the question as for whom he voted. The English cases do not bear upon the question. It is not secret voting at home, but here it is secret voting. Personation subsequently disowned would be another matter.

*Mr. Gillies* : The 61st clause of the Regulation of Elections Act provides that the production of the ballot papers used is evidence of a person whose name is on the roll having voted. Unless it was objected to, it is only evidence of some person having voted. In order to prove that it was some person who voted in that name, the production of the ballot paper, I think, is necessary.

*Mr. Allan* : It is not necessary. This has not anything to do with the ultimate decision of the House or Committee. It is evidence, no doubt, of a person having voted. It would not be conclusive evidence, because if that were so, the House of Representatives would be abrogating its privileges. I would request the Chairman, with the consent of the Committee, to have the ballot paper opened and examined.

*Mr. Travers* : I do not object to the question.

*Mr. Allan* : The ballot paper is evidence of the party having so voted, but that ballot paper is not conclusive evidence. If otherwise, the sooner the law is altered the better. What is meant by that section is, that the ballot paper is to be evidence that the party voted; it is evidence against himself.

*Mr. Gillies* : The person who is named in the registration roll.

*Mr. Allan* : A man claims to vote as so and so. The ballot paper is handed to him, and he votes on it; but that is not conclusive evidence that he has the right to vote.

*The Chairman* : Were any of the questions mentioned in the 40th clause of the Act put to the witness at the polling?

*Mr. Allan* : That has nothing to do with it. We are not here to try Mr. Hagan. He is here to answer every question boldly and openly. It is not a question whether he acted contrary to the Act or not; the question is, whether the man who votes in that name is entitled to vote, not having a qualification. The scrutineer may not know every person who comes in. A party says he is the person to vote; he asks for the paper, and votes. It afterwards turns out that a number of people voted under the name of others, and that could not be inquired into at the time.

*The Chairman* : The presumption is that all voting is to be secret.

*Mr. Bunny* : Every voting paper has upon it the number on the roll, for the purpose of identi-

*Mr. J. Hagan.*

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