

*Mr. J. Hagan.* cation afterwards, if necessary. The question is a very proper one to put. We have to ascertain how he voted. If what he states is not sufficient evidence, we have a right to open the ballot papers and compare the numbers.

11th Sept., 1871.

*Mr. Allan :* If Hagan had refused to answer as to how he voted, we could have the ballot papers opened to find out the ballot paper; but as he has admitted how he voted, it seems to me to be unnecessary to have the list opened.

*Mr. Fitzherbert :* As the question is not objected to, why continue the discussion.

*The Chairman :* It is for our own guidance. This is the first time we have sat upon an election petition, and I think we have to be cautious as to the extent of our power.

*Mr. Travers :* The German witnesses were asked the same question.

*Mr. Bunny :* I think we had better go on.

*Mr. Pearce :* Whether right or wrong, the other witnesses were asked the question.

*Mr. Allan :* These papers are not to be opened except after every other evidence has been exhausted to get at the truth. All the witnesses have admitted that they have voted for Sir David Monro.

*The Chairman :* The question is, whether the scrutiny at the end of the polling-day should not be final, except in certain cases. If an objection is not taken to the vote, and the ballot paper is not set aside, I think it is a question whether the ballot paper should be produced before the Committee to show for whom the party voted. My opinion is, that unless the scrutineer objects to some voter and requires that the ballot paper should be set aside, the ballot papers should be sacred.

*Mr. Studholme :* The Committee have the power under the Act to open the ballot papers.

*Mr. Bunny :* The 61st clause of the Act is clear upon the point.

*Mr. Allan :* The scrutiny of the scrutineers is not to be final, unless expressly provided for under the Act establishing the ballot.

*Mr. Bunny :* We have got the evidence direct from the witnesses as to how they voted.

*Mr. McGillivray :* The necessity for opening the ballot paper seems to be superseded by the evidence of the witness.

*Mr. Travers :* The witness has a right voluntarily to criminate himself if he chooses, and I do not know how you can refuse it.

*Mr. Bunny :* I think we had better go on.

Examination continued.

*By Mr. Travers :* Had you ever before this voted at any election for Waimea West?—Yes.

Under the same name on the roll?—Yes.

After your father's death?—Yes.

You were objected to at the last revision, were you not?—Yes.

The objection was this, that the James Hagan on the roll was dead?—Yes.

*Mr. Fitzherbert :* What date was that?

*Mr. Travers :* In May last.

*Mr. Fitzherbert :* That was subsequent to this roll being made out.

*Mr. Allan :* The question is, whether this witness had a right to vote in 1870-71.

*Mr. Travers :* The objection to his being on the roll was, that he was dead. The objection was to his being retained on the roll of 1870. The roll states:—"The following persons are objected to as not being entitled to have their names retained on the list of 1870," and the objection in this case was "dead."

*Mr. Allan :* That was after he had voted.

*Mr. Travers :* This was in May, and he voted in January, 1871. (To witness) Was that objection allowed or not? Were you struck off?—I believe it was not allowed. I have seen by the newspapers that the objection was not allowed.

You and your brother, I believe, are entitled to the property, on the death of your mother subject to a life interest?—Yes.

To the 300 acres?—Yes.

Who was the Returning Officer before whom you went; was it Mr. Brunner?—Yes.

Now, did he put a question to you, "Are you the person whose name appears as James Hagan on the roll for the Electoral District of Motueka?"—No.

Well, now, just try and remember?—He did not put any question at all to me.

Did not he ask you if you were twenty-one years of age?—No.

You are quite sure?—Yes.

I am bound to ask you that very distinctly. Did not Mr. Brunner, the Deputy Returning Officer, on the occasion of your voting at the election of Sir David Monro, put the following question to you:—"Are you the person whose name appears as James Hagan in the roll in force for the Electoral District of Motueka?"—No.

Did he ask you, "Are you twenty-one years of age?"—No.

You are quite sure now?—Yes.

How often had you previously voted at elections?—Twice before.

In respect of the same name on the roll?—Yes.

Can you state when that was?—The one before that was for the Provincial Council, between Henry Redwood and somebody else.

Can you remember that? Was there a contest?—Yes.

You voted on that occasion?—Yes.

Did you vote on any other occasion?—Upon the last election for Superintendent.

*The Chairman :* What year was that?

*Mr. Travers :* It was in 1869.

*By Mr. Bunny :* Do you recollect the year?—No.

*By Mr. Travers :* Your vote was never objected to?—No.

Did you believe you had a right to vote?—I believed I had a right; I was told that I had, and I believed that I had a right to vote.