

- Mr. J. Hagan.*
11th Sept., 1871.
- Mr. Allan* (handing a written paper to witness) : Is that the authority you gave Mr. Pitt? Is that your signature?—Yes.
- The Chairman* read the document, which was dated at Nelson, 20th June, 1871.
- By Mr. Allan* : Did Mr. Pitt produce that written paper to you?—He read it to me. He had asked you to defend the vote?—He asked me to give him authority. You had never asked him in any way to defend it?—No.
- The Chairman* : There is the positive request in writing.
- Mr. Allan* : I want to know how he got that document, which speaks for itself, of course.
- The Chairman* : I do not think you should go beyond that ; there is the document itself.
- Mr. Allan* : If the Committee take that strict view, I have nothing to say.
- By Mr. Bunny* : You say Mr. Pitt came to you and asked you to authorize him to try and maintain your name on the voting paper?—Yes.
- Did he at that time produce that paper to you?—He read it while I was present. Read it over to you?—Yes.
- And then asked you to sign it?—Yes.
- Which you did?—Yes ; he said it was only merely claiming the name.
- By Mr. Allan* : Were you called as a witness before the Revising Officer?—No.
- By Mr. Fitzherbert* : In this paper, James Hagan, Waimea South, protests against his name being removed from the list, on the ground of his being a freeholder. Are you a freeholder?
- Mr. Travers* ; That is Waimea South, and his claim is in respect of Waimea West.
- By Mr. Fitzherbert* : It is in respect of land held as a freehold. The property is in Waimea West, and he resides in Waimea South. (To witness) I want to know whether you are a freeholder?...The land is my mother's till her death.
- Do you understand what is the meaning of a freehold estate?...I believe I do, Sir.
- Then are you a freeholder?—The property is my mother's till her death, and then it partly becomes mine.
- Mr. Travers* : It is a freehold, but not in possession.
- The Chairman* : It is a vested estate.
- Mr. Bunny* : It is not a freehold, as contemplated by the Act.
- Mr. Fitzherbert* : Two persons cannot claim, therefore, he is not a freeholder.
- The Chairman* : The Act makes no difference in the tenure ; he is the holder in reversion.
- Mr. Allan* : The Constitution Act says that he must be a freeholder in possession.
- The Chairman* : That is not a question of freehold ; that is a question of tenure.
- Mr. Allan* : His mother has a life interest, and after her death he has part of the property. I put in evidence a certified copy of the will, and an affidavit of witness's mother, to show his age : that he was twenty-one years of age at the time he might have registered.
- The Chairman* read the will.
- Mr. Bunny* : According to that, there is no freehold at all.
- Mr. Travers* : No freehold at all in possession.
- Mr. Bunny* : No freehold at present, until certain things take place.
- The Chairman* Are you quite done with this witness?
- Mr. Allan* : Yes.
- Witness withdrew.
- Mr. Allan* : The practice is to consider whether one vote is good, and if it is bad, you might not go into the other.
- The Chairman* : The witnesses want to leave for Nelson. The Committee came to the conclusion that you might go on with the whole case, leaving your summing up until afterwards. What the Committee understood that you desired was, that the evidence of these two parties should be taken to-day, in order that they might go to Nelson themselves afterwards. The Committee assented to that.
- Mr. Allan* : I understand there is to be an application made on the other side for an adjournment, in order to enable them to recriminate. That I shall oppose.
- Mr. Travers* : There will be an application made to rebut the charges. Of course we could not conceive the character of the evidence, and we are obliged to call witnesses.
- Mr. Pearce* : That applies to the bribery case?
- Mr. Travers* : Yes.
- Mr. Bunny* : You had better go on with the present case now.

Mr. Tomlinson.
11th Sept., 1871.

Henry Tomlinson sworn and examined.

- By Mr. Allan* : Where do live now?—At Waimea West.
- In the year 1870-71, were you living at Waimea West?—Yes, Sir.
- On what land were you living ; was it your own land or other persons land or not?—Part of it is mine, and part of it is my father's.
- Upon what section is that?—There are five or six sections.
- Can you name the number of those sections?—No, Sir.
- Now, in the year 1870 were you a householder, occupying a house at Waimea West, upon part of section 133?—No, Sir, I was not.
- You were, I understand, at that time living on these sections?—No, I never was a householder.
- Have you any relation who was a householder there?—Yes, many years ago.
- What was his name?—Henry Tomlinson.
- How many years ago?—He lived there in 1861.
- Do you know where his house was situated?—Yes, Sir.
- Where was it?—It was on part of section 133.
- I see on the electoral roll one Henry Tomlinson, 501, Waimea West, householder, Waimea West,