

Mr. Tomlinson.

In respect of section 10?—Yes. My own freehold, it was then, and is now.

11th Sept., 1871.

Can you read and write now?—No.

You made a formal claim on a regular printed form?—Yes.

Mr. Travers: Is that your case?

Mr. Allan: Yes, that is my case.

The Chairman: Supposing the Committee should think that the election of Sir David Monro was erroneous, and that the return is improperly made as far as he is concerned, do you purpose going into evidence to show that Mr. Parker ought not to be returned, or to make any application to that effect?

Mr. Travers: Certainly, Sir. The Committee will see that there are two cases before them; two special questions before them. The first question is, as to whether the parties were guilty of bribery, and whether the seat is vacant on account of bribery. The second is, whether it is vacant on the ground of personation. On both of these points I should wish to address the Committee, and independent of which, I should bring evidence to rebut that given as to the charge of bribery. I also wish to address the Committee on the question of personation, if my friend has closed his case.

Mr. Allan: I should like to know when you are going to close your case?

Mr. Travers: I would now, unless the Committee are prepared to decide that there is not a *prima facie* case as regards the charge of bribery, ask the Committee for an adjournment, in order to produce evidence to rebut the statements made by the witnesses. Of course, they have brought Mr. Bell, who was so far acting as a committee-man, or as an agent for Sir David Monro, at the election. We wish to go to the fountain-head of the matter. We wish to produce some of those persons with whom there was direct communication, at Kerr's Hill. We wish to produce Kerr, Schwass, and Henry Bosselmann, to show that there was no promise or inducement held out to these persons; and that what the witnesses have stated is entirely false in regard to any promise having been made, or inducement held out to them to go down and vote: to show that the parties were most careful in that respect not to make any promise whatever; and to show that these men came down entirely of their own free will. The promise given was simply this, that whatever travelling expenses were incurred, reasonable remuneration for their expenses should be recommended to the committee for payment; and that it was left entirely optional whether payment was to be made or not. Bell gave them £2, to provide refreshments on their way back; but, in any other respect, Bell never made any promise whatsoever, or entered into any arrangement. Bosselmann and Schwass will declare that they came down to vote without being induced by any promise whatsoever, except the promise made by Bell, that the matter should be mentioned as a question involving merely the actual and bare remuneration for the loss of time. If my friend has closed his case on the question of personation, I should be prepared to address the Committee, after the question connected with bribery has been further investigated, but not at present.

Mr. Allan: I shall oppose this adjournment, although most willing in every way to oblige my friend, with the consent of the Committee. I contend that there is no ground for an adjournment. The Election Acts of New Zealand require the petitioner to state his objections. The petition states that the petitioner objects to these votes.

Mr. Travers: I never got notice of the objection till this morning.

Mr. Allan: I am speaking of the petition of which you have a copy, and most likely had a copy long before the House sat. It sets forth the various parties whose names are objected to for bribery. I have no doubt your agent had as much opportunity of examining them as the agent representing Mr. Parker before this Committee. The names of the two persons objected to for personation were stated.

The Chairman: He might have fairly supposed that you were to bring forward these parties.

Mr. Travers: I thought Bosselmann and Kerr would have been here.

Mr. Allan: All I can say is, that they had ample notice of the objections we were going to take, and the kind of objections, and they ought to have had their witnesses here.

Mr. Travers: My friend obtained an adjournment for the purpose of sending for Henry Bosselmann, who was at the Grey.

Mr. Bunny: We have heard Mr. Travers' application, and the objection to it. Let the Committee think the matter over.

Mr. Travers: My friend applied for an adjournment in order to send for Bosselmann and other witnesses. He did not send for Bosselmann, and thus he threw me off my guard, as I thought this witness would have been present.

Mr. Gillies: It was specially mentioned that the application for adjournment would be made, if required, in order to enable Mr. Travers to obtain rebutting evidence. It was distinctly stated, that if the one adjournment was granted, the other application must be granted also.

The Chairman: You surely do not mean to say that Mr. Travers has no right to bring evidence to rebut the evidence already given.

Mr. Allan: Having had ample time, he should have had his witnesses here.

Mr. Bunny: The Committee will discuss the matter among themselves.

After a lengthened deliberation in private,

The Chairman informed the parties of the result arrived at. He said, "The Committee have decided that it was not proved that the sitting Member had been, either by himself or his agents, guilty of bribery, treating, or undue influence. The Committee agree that in the cases of personation by James Higgan and Henry Tomlinson, sufficient cases have been made out to call upon Mr. Travers to bring evidence to rebut the evidence given on the part of the petitioner."

Mr. Allan: I understand it that the charge of bribery has not been proved, but that with regard to the two votes, they should be disallowed, unless my friend can bring forward rebutting evidence.

Mr. Gillies: That there is a *prima facie* case made out, calling upon Mr. Travers to disprove the statements made.

Mr. Allan: The Committee consider that these cases have been proved, unless such evidence is brought forward on the other side as will rebut them.

The Chairman: It is scarcely that. It is that you have made out such a case as to require some rebutting evidence on the part of the sitting Member.