

*Mr. Travers*: I would call the attention of the Committee to the prayer of the petition, which is 11th Sept., 1871. not merely that the names of the persons not entitled to vote be struck off, but that the name of Sir David Monro be erased, and that of the petitioner substituted instead. Now, unless the petitioner abandons that prayer, it will be necessary for me to show, as I am in a position to do, that there are votes on the other side which are objectionable: that, for instance, the vote of C. Stephen Starnes is one which must be objected to. I have here a declaration made in the matter of this petition by James Robson, who acted as Deputy Returning Officer at the polling place at Lower Moutere, who positively declares that after the hour of 4 o'clock, Stephen Starnes presented himself, and requested to be allowed to vote after that hour, and that he permitted the vote. There are other cases to show that the persons who voted for Parker voted irregularly. In considering the question whether the return is to be amended by the substitution of Mr. Parker's name, I propose to go into these cases, in order to ascertain whether the number of voters who voted on each side would still remain the same, leaving the decision to the Returning Officer, as the one which would govern the election.

*The Chairman*: You cannot go into that until it is decided whether the return of Sir David Monro is invalid or not.

*Mr. Allan*: Notice ought to have been given of the intended recrimination.

*The Chairman*: He did not know whether it was necessary.

*Mr. Travers*: It can be done as soon as the Committee have determined that point.

*The Chairman*: If we determined that the seat was vacant on account of bribery, there was an end of the whole matter. If we find that, on account of personation, the votes for Sir David Monro are reduced below the votes given for Mr. Parker, then comes the question whether the other party may not reduce the number of votes below the number who voted for Sir David Monro.

*Mr. Allan*: No doubt; but they ought to have given me notice at the commencement.

*Mr. Travers*: It can be given to you according as your case progresses.

*The Chairman*: What better position would you be in? You would have to bring a number of witnesses, without knowing whether you would require them.

*Mr. Allan*: They ought to have given notice at the commencement, to enable us to know what case they meant to make out.

*The Chairman*: I think not, until the Committee decide that he is bound to do so.

*Mr. Bunny*: The petitioner disputes certain votes, and asks that they be struck off the whole number of votes; and the other should say, we have got votes we intend to dispute.

*Mr. Travers*: We are not in a position to do so until the petition is presented to the House.

*Mr. Allan*: You knew what the petition was long before the House sat.

*The Chairman*: How could the other party give you notice until it was known whether you had proved your case.

*Mr. Allan*: If they pretend to claim the seat because some of our votes are bad, they ought to have given notice at the first sitting of the Committee.

*The Chairman*: I do not think that is the practice.

*Mr. Travers*: I have a declaration, made by the Deputy Returning Officer himself, in which he distinctly states that he is the individual who actually accepted the vote.

*Mr. Bunny*: That is another case relating to Higgan and Tomlinson.

*Mr. Travers*: I intend to make a statement before calling the recriminating evidence. I should like to call the attention of the Committee to the case.

*The Chairman*: I do not think you have a right to say anything on the personation question. You may mention what evidence you propose to call to rebut that already given, and when you have called that evidence, you will have your reply.

*Mr. Allan*: If my friend intends to recriminate, he should give me notice of the case.

*Mr. Travers*: I intend to do so.

*Mr. Allan*: No doubt it is the object of the sitting Member to prolong the inquiry as long as he can.

*The Chairman*: You have no right to make such an assertion. If any one has been misled, it has been Mr. Travers. You asked, and obtained an adjournment, for the purpose of getting certain witnesses, and surely he had a right to think they would be here.

*Mr. Travers*: I gave my friend notice that, on the hearing of the petition, objection would be taken to the vote of Stephen Starnes, on the ground that such vote was given after the hour of 4 o'clock, after the time allowed for recording votes at the election.

The Committee adjourned.

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TUESDAY, 12TH SEPTEMBER, 1871.

12th Sept., 1871.

The Committee met at half-past 10 o'clock.

Mr. Brandon in the Chair.

*Mr. Allan* appeared for the petitioner, Mr. Charles Parker; and *Mr. Travers* for the sitting Member, Sir David Monro.

Minutes of last sitting read.

*Mr. Fitzherbert*: I think the decision come to by the Committee on the previous day was rather stronger than is represented on the minutes. I think it is, however, better that we should consider the matter among ourselves.

The Committee deliberated for a short time in private, after which Counsel and parties connected with the case were admitted.

*Mr. Travers*: In reference to the decision of the Committee yesterday, I have to ask the Committee to favour me with an adjournment, as I propose to bring the following evidence before them, in connection with the vote of Henry Tomlinson. I have some observations to address to the Committee on the case in reference to the vote of James Hagan, but I do not propose to bring forward any evi-