

12th Sept., 1871.

*Mr. Allan* : If the Returning Officer accepts a vote, the poll is open.

*Mr. Bunny* : Inferring that it is not 4 o'clock.

*Mr. Allan* : That it is not 4 o'clock.

*Mr. Pearce* : The Returning Officer says it was 4 o'clock.

*Mr. Allan* : If he was satisfied that 4 o'clock had arrived, he ought to have closed the poll, and refused the vote.

*The Chairman* : Upon the affidavit or declaration of the Returning Officer himself, inasmuch as he has stated that it was after 4 o'clock, was the vote good, or was it bad ?

*Mr. Allan* : He had a right to receive it, unless he had actually closed the poll before. It was not objected to ; he admitted it.

*The Chairman* : Had the scrutineers any right to interfere after the clock had struck four ?

*Mr. Gillies* : Give us your views on section 63 of the Act. It does not say that the Returning Officer shall finally close the poll ; but it says every polling shall finally close at 4 o'clock, not that the Returning Officer shall close the poll.

*Mr. Allan* : No doubt, but the Returning Officer is the person to close the poll.

*Mr. Bunny* : Is he the clock ?

*Mr. Allan* : He is judge of the clock.

*Mr. Travers* : We are in a position to show that the poll was closed and re-opened.

*The Chairman* : That is not the question. As I said before, admitting that the vote was tendered after 4 o'clock, and received by the Returning Officer, was that a good vote, or not ?

The Committee deliberated for a short time with closed doors, after which

*The Chairman* asked, What time will you want, Mr. Travers ?

*Mr. Travers* : I shall only require an adjournment until Monday next, if I can get the papers off by the steamer which leaves to-day.

*Mr. Bunny* : It would be well to sign the subpoenas, and enable Mr. Travers to send them off.

*Mr. Allan* : You have come to no decision in the case.

*Mr. Bunny* : We have come to no decision at all, except to grant an adjournment.

*The Chairman* : It has been resolved that an adjournment be granted until Monday, the 18th instant, subject to the leave of the House.

The Committee adjourned.

MONDAY, 18TH SEPTEMBER, 1871.

18th 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 and confirmed.

*The Chairman* : Are your witnesses in attendance, Mr. Travers.

*Mr. Travers* : I have some of the witnesses. I have here an affidavit from Mr. Pitt with reference to one of the witnesses, named Winfield Higgin, who resides at Collingwood, and who was unable to arrive in Nelson before the departure of the steamer. [Affidavit produced and read]. The Committee will see that he is an important witness, and I would therefore ask the Committee to favour me with a further adjournment.

*Mr. Allan* : I shall oppose the application for a further adjournment. I asked and obtained an adjournment for the purpose of having Henry Bosselmann, an important witness, here. It was impossible to serve him with the subpoena in time for him to attend before the Committee. I felt that I was bound not to ask for any further adjournment, but proceed with the case with the witnesses I was able to procure. I oppose the adjournment, as the other side knew we were going to object to Henry Tomlinson.

*Mr. Travers* : I have read the affidavit, as I thought it to be my duty to give the Committee every information. If my friend had asked for a further adjournment, for the purpose of bringing Henry Bosselmann, I should not have objected.

*The Chairman* : I think you had better to go on with the case.

*Mr. Travers* : I will shortly state the nature of the evidence I propose to bring before the Committee, in reference to the two matters I have referred to : First, in reference to Henry Tomlinson, who recorded a vote, and who had made application to be placed on the electoral roll. The Registration Officer is here for the purpose of giving evidence in reference to this matter. The Registration Officer will state that in the year 1867 he was Registration Officer for the district ; that he received in that year applications to be placed on the electoral roll from persons named Tomlinson. I understand that he cannot remember, whether he received an application from Henry Tomlinson. On reference to a copy of the list of claimants of that year, he finds that he did receive from the brothers of this Henry Tomlinson applications to be registered as voters, but he has no recollection whether Henry Tomlinson who voted was one of the applicants. He will state, however, the course which he invariably adopts in reference to these matters, acting under instructions from the Revising Officer. He will state that he had been instructed in all cases where additional applications are made by the same persons to be placed on the electoral roll, to set them aside as being unnecessary, and this is the course he invariably adopts. He did so on the last revision, and it was made the subject of complaint by Dunbar and Coppins. Mr Coppins having sent in an application to be placed on the electoral roll in respect of a certain qualification, and his name being already on the roll, the Registration Officer did not appear to have seen the inconvenience that might result from the adoption of the course he had been pursuing. The course he had invariably followed was, that when he found an application made by a person of the same name on the roll, to put the application into the waste paper basket.

*Mr. Allan* : I object to this.