

petition ; and have no power to determine the question, except upon proofs adduced in support of those charges. It lies on my friend to show the act of wilful personation, and not the mere fact that a man, under the *bonâ fide* supposition that he was actually on the electoral roll, had gone and voted. If that had been charged, the whole question would have assumed a different aspect, and this evidence would probably have been unnecessary. It is upon this ground I tender the evidence. My friend objects to it, and of course, if the Committee hold with him on the point, that ends the matter. The ground on which I tender the evidence is, to prove that the man was acting under the *bonâ fide* impression that he was entitled to vote, that he was on the electoral roll, and to disprove the charge that he wilfully and knowingly pretended to be an entirely different person.

*Mr. Allan* : Whether he wilfully personated or not, there was a personation which comes under the Act, and any person who personates will be punished.

*The Chairman* : I think you will find that it is scarcely so.

*Mr. Allan* : The language of the Act is, that any person who shall wilfully make a false declaration, or personates another elector, shall be guilty of a punishable offence. The Committee must not be led away from the real object of the inquiry, and it is this : Whether a witness personated or voted in the name of another elector. We are not trying Tomlinson ; this is a question of personation. I have proved it before the Committee, by calling Tomlinson, who stated that what appeared on the roll was not his qualification, never was his qualification, and that he had no right to vote under that qualification. That comes under what is clearly understood to be personation. If that were not allowed, grave frauds might be committed, and persons might be returned by those who had no right to vote.

*Mr. Travers* : He did not state that he voted under that qualification.

*Mr. Allan* : He stated that he voted as Henry Tomlinson, householder, and that he had no right to vote under that qualification at all.

*The Chairman* : Clause 38 says :—“ Every person tendering his vote shall do so in the manner following that is to say he shall state to the Returning Officer or Deputy his Christian or other names and surname and such other particulars of those required by law to be expressed in the electoral roll as the said Returning Officer or Deputy may for the purpose only of ascertaining upon the roll the name intended by such person require.”

*Mr. Travers* : The Committee will remember that Henry Tomlinson said that all that took place when he went into the polling place was this :—The Returning Officer, Mr. Brunner, said, “ This is Henry Tomlinson,” and handed him the ballot paper. He asked him no question, and the man would naturally suppose that he was on the electoral roll. Nothing was more calculated to throw him off his guard than that the Returning Officer should say to him at once, upon his going into the polling booth, “ This is Henry Tomlinson,” and hand him the voting paper.

*The Chairman* : The only question is, whether he was the person on the roll. We cannot go into the qualification. Is he on the roll ?

*Mr. Allan* : He states that he was not on the roll.

*The Chairman* : Was he the Henry Tomlinson in respect of that qualification, or not ?

*Mr. Allan* : He was not ; he had not that qualification, and had no right to vote.

*Mr. Bunny* : We had better consider the matter among ourselves.

The Committee deliberated in private for a short time ; after which

*The Chairman* said : The Committee have decided to receive the evidence.

Examination continued.

*By Mr. Travers* : You say that this is your signature to that list ?—Yes.

And that on that occasion several persons of the name of Tomlinson had applied to be placed on the roll ?—Yes.

Can you state how many applications in the name of Tomlinson you have received ?—I do not remember.

Can you remember whether you received one from a person by the name of Henry Tomlinson ?—No, I do not remember at all.

Have you at any time received special instructions of any kind, verbal or otherwise, from the Returning Officer, with reference to the preparation of the List of Claimants ?—Yes, I have received verbal instructions.

What was the nature of these instructions ?—They were, not to publish or write out a list of claims which I thought were not of any use ; not to write the claims of any persons already on the roll.

*By Mr. Fitzherbert* : You mean not to insert the names that you knew were already on the roll ?—Yes, not to insert the names of those already on the roll.

*The Chairman* : Or in respect of the same or any other qualification ?—I cannot remember the words of the instructions, as they were given four or five years ago.

*By Mr. Fitzherbert* : Whether it referred to the identity of names only, or whether it included the identity of qualification ?

*Mr. Travers* : I shall show that in other evidence. [To witness] Have you acted upon those instructions in any cases ?—Yes, I have.

In many ?—Yes, in a good many cases. I cannot state the number now ; every year there were one or two.

Did you act upon those instructions very recently ?—Yes, I acted in the same way with regard to one claim last year.

To whose claim was that ?—It was that of a person named Mr. Coppins.

Was not the qualification in that case a different one from that on the roll ?—Yes.

Did I understand you to say that in cases where the names appeared to be the same, that you have frequently omitted the claim ?—Exactly.

In the list of claims for revision ?—Yes. I omitted the claims which I believed were already on the roll.

*By Mr. Fitzherbert* : You treated such an application to be registered as being unnecessary ?—Yes, I treated it as unnecessary to be published.