

he followed them in. The hour of 4 o'clock had then passed. I remarked to the scrutineers that it was then past 4. I felt somewhat embarrassed as to what I should do. I asked the scrutineer for Sir David Monro, "Shall he vote?" I asked the scrutineer for Mr. Parker, "Shall he vote?" They replied "Yes." In the hurry of the moment, being used to the old method of voting at elections, I forgot myself at the time, and said, "Who do you vote for?" He said first, "For Charles Parker." I immediately corrected myself and said "I should not have said that to him." However, I took his vote. I handed him the paper, according to law, and his vote was received. He deposited the paper in the ballot box.

Mr. Robson.
18th Sept., 1871.

Upon the scrutiny taking place afterwards, can you state for whom he voted?—Only by his assertion that he voted for Charles Parker.

You did not identify his special paper?—No, I could not identify the paper.

You have only got his assertion that he voted for Mr. Parker?—That is all; I cannot swear that he voted for Charles Parker; he stated to me that he did.

By the Chairman: Did Starnes retire to the inner part of the booth, where the voters strike out the names?—I am not prepared to swear to it.

By Mr. Travers: What was done?—The paper, on being handed to him, his name, I believe, was obliterated. He deposited it in the ballot box. Instead of going into the inner chamber, I rather think he obliterated the paper openly, and deposited it in the ballot box.

By Mr. Fitzherbert: Had the ballot box been removed from the place where it had been since 9 o'clock?—I did not move the ballot box at all.

By Mr. Travers: Did all this take place after 4 o'clock?—Yes, after 4 o'clock.

Did you report this circumstance to any one?—I reported it to the principal Returning Officer at Motueka.

Was that when you were going over the rolls?—I went down to Motueka immediately after the election was over; I went to the Returning Officer, and reported to him what had taken place in reference to this vote.

By Mr. Allan: Was the Returning Officer Mr. Campbell?—Yes.

Did you tell him all that passed?—Yes, nearly all.

Did you tell him that Starnes said he was going to vote for Parker?—Yes.

Did you read the Ballot Act about scrutineers not disclosing anything?—Yes, I did.

You told the Returning Officer that Starnes had stated he was going to vote for Parker?—Yes.

Did you ever tell any one afterwards?—Yes, I might have done so.

Did you vote yourself?—I did.

For whom?—For Sir David Monro.

At the time when you say you saw the man coming, was the poll closed?—No, it was not.

At what time did you see the man coming?—A few moments before 4 o'clock.

Might it have been one minute, two minutes, or three minutes before four?—It might have been two minutes before four; I cannot exactly swear. When the scrutineers called to him I saw him through the window.

Did he come immediately?—He came in afterwards. I do not know that he hurried himself at all.

How far off was he?—About fifty yards off.

You knew that he was an elector?—Yes.

You inferred that, because he was an elector, he was coming to vote?—Yes.

When he came into the room what was the hour?—Past 4.

How many minutes after 4?—Half a minute.

Did you close the poll then?—No, not till after his vote was taken.

Why did not you close the poll?—Because I was embarrassed.

Why not close the poll at 4 o'clock immediately?—That I cannot say; I should have done so.

Why did not you do so?—The scrutineers entering, and the man coming in, and seeing it was after the time, I felt in a dilemma.

Why did you not close the poll and shut the door before he came in, if 4 o'clock had arrived?—I cannot give any reason for it.

Was it not at least a minute to 4 o'clock when this voter came in?—Most decidedly it was not.

That you will swear to?—I swear to that.

How far had the minute hand got beyond 4 when he came in?—It was to half a minute past 4 o'clock. I sat watching the clock, expecting to see if this man would enter at 4 o'clock. When I saw the man I immediately remarked that the time had passed.

When he came in did not you say, "I am bound to take this vote. I cannot say it is past 4 o'clock"?—I did not say that.

What did you say?—"It is past 4;" and I told him he was too late, that the hour was past.

Did you say that to him?—No, to the scrutineers.

Was he in the room?—Yes.

Did you also say that you could not take the vote?—No, I said the time was past; I do not know that I said the words, "I cannot take the vote."

What did the scrutineers say to you when you said that it was past 4?—I asked them, "Shall I take his vote?" and both the scrutineers replied, "Yes."

Did you say to them it was past 4 o'clock, and that it was illegal for you to take the vote?—No, I said it was past 4 o'clock; I did not say it was illegal for me to take the vote.

And neither of them objected?—Neither of them objected.

When did you ask him for whom he was going to vote?—Immediately after having spoken to the scrutineers.

Were you watching him at the window all the time that he was coming down?—No, not all the time.

Had you been looking out of the window?—I sat looking out of the window; I could see from the window any man coming up.