

*The Chairman* : The other point is as to the power of the Committee, after the case has been closed by their own mere motion, to open the papers.

*Mr. Bunny* : The case is closed, and the evidence is before you.

*Mr. Allan* : The Committee have power to do what they like.

*The Chairman* : These are the two points.

*Mr. Allan* : The Committee have clearly the power to examine into the ballot papers themselves, if they have any doubt about it. We have proved certain numbers to be polled; that they were counted up; and that these two men were persons who had voted. Therefore, if any objection was going to be taken, after what the Committee laid down, that it was not necessary for me to go into the ballot papers, the objection ought to have been taken earlier. If objection was going to be taken that these two men were not amongst the persons whose votes were taken into the calculation, evidence ought to have been called to contradict it; and further, if there is any doubt upon the mind of the Committee, they have the power to open these papers. I have always treated it that the Committee had the right to refer to the papers, and to see whether the votes of Hagan and Tomlinson were among the 193 votes given for Sir David Monro. We are told that I was afraid to call another Henry Tomlinson to show that he had voted; I never heard of such a thing. Supposing he had come and voted, that would not have made any difference; he would have been among the 193.

*Mr. Travers* : No; his paper would have been rejected.

*Mr. Allan* : If his paper was rejected, he would not be among the 193; and if not rejected, he would have been among the 193. So it was in the case of Starnes; no objection was ever raised, as it was considered the Committee had the power to refer to the papers, if there was any doubt about it.

*Mr. Travers* : In Starnes' case application was made to have the ballot papers opened, and the Committee decided, on other grounds, that the vote was good, and it would make no difference.

This closed the case, and the Committee deliberated until half-past 2 o'clock, when they adjourned without having come to any decision.

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WEDNESDAY, SEPTEMBER 20, 1871.

20th Sept., 1871.

The Committee met at 11 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.

The Committee, after deliberating for two hours, arrived at their decision.

*The Chairman* : The Committee have come to the following resolutions :—

1. That Sir David Monro was not duly elected as Member for the District of Motueka.
2. That Charles Parker, Esq., was duly elected, and ought to have been returned for the District of Motueka.

With reference to the question of costs, the Committee have decided that, under the circumstances, each party ought to bear his own costs.

*Mr. Allan* : The decision will be reported to the House.

*The Chairman* : Yes, I will report the decision to the House to-day.

The Committee adjourned.

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