

SESS. II.—1879.
NEW ZEALAND.

CITY OF CHRISTCHURCH ELECTION

(REPORT OF SELECT COMMITTEE ON), TOGETHER WITH MINUTES OF PROCEEDINGS
AND APPENDIX.

Report brought up on 28th October, 1879.

REPORT.

THE Committee to whom the petition of the Hon. Edward Richardson, C.M.G., against the return of the Hon. Sir George Grey, K.C.B., as member for the City of Christchurch Electoral District, in the Province of Canterbury, was referred, beg to report as follows:—

1. That His Excellency the Governor did by proclamation fix the 17th day of September, 1879, as the day on which all writs should be returned, and for the meeting of Parliament, and in the writs issued the Returning Officers were required to return the said writs to the Clerk of the Writs on or before the 17th day of September, 1879.

2. That on the 18th day of August, 1879, a writ was issued for the election of two members for the Electoral District of Thames, and was made returnable on or before the 17th day of September, 1879.

3. That the nomination of candidates was appointed by the Returning Officer to take place on the 2nd day of September, 1879, and at such nomination Sir George Grey, K.C.B., was declared to be duly elected as one of the members for the said district.

4. That the 23rd section of "The Regulation of Elections Act, 1870," provides that the names of the persons so declared to be elected shall be indorsed on the writ by the Returning Officer as the persons duly elected in pursuance thereof, and he shall make a return accordingly.

5. That on the 2nd day of September, 1879, the Returning Officer indorsed on the said writ the name of Sir George Grey, K.C.B., as one of the persons duly elected, and returned the same to the Clerk of the Writs, who received the same on the 6th day of September, 1879.

6. That, in pursuance of a writ, dated 18th day of August, 1879, duly issued, the nomination for the City of Christchurch Electoral District took place on the 1st of September, 1879, and the election on the 10th of September, 1879, and Sir George Grey, K.C.B., was, among others, declared to be elected.

7. That on the 11th day of September, 1879, the Returning Officer indorsed the name, among others, of Sir George Grey, K.C.B., on the said writ, and returned the same to the Clerk of the Writs, who received the same on the 12th day of September, 1879.

The Committee, having read the petition and heard the evidence adduced, and counsel for petitioner and the sitting member, do hereby determine:—

1. That the Hon. Sir George Grey, K.C.B., was not duly elected for Christchurch at the last general election of members of the New Zealand House of Representatives.

2. That the Hon. Edward Richardson, C.M.G., was duly elected, and ought to have been returned, as a member in this present House of Representatives for the City of Christchurch.

JAMES FULTON,
Chairman.

28th October, 1879.

Resolution unanimously adopted by the Committee, and reported 28th October, 1879:—

"That this Committee is of opinion that the provisions of the present law for the trial of election petitions are unsatisfactory, and require amendment."

28th October, 1879.

MINUTES OF PROCEEDINGS.

WEDNESDAY, 22ND OCTOBER, 1879.

The Committee met pursuant to order at 11 a.m.

Present : Mr. Moorhouse, Mr. Stewart, Mr. Allwright, Captain Colbeck, Mr. McCaughan, Mr. Tawhai, Mr. Fulton (Chairman).

The petition was read. (*Vide* Appendix.)

Mr. Rees stated that he attended on behalf of Sir George Grey, K.C.B., the person petitioned against.

The Committee adjourned till 12 noon to-morrow.

THURSDAY, 23RD OCTOBER, 1879.

The Committee met pursuant to adjournment at 12 noon.

Present : Mr. Moorhouse, Mr. Stewart, Mr. Allwright, Captain Colbeck, Mr. McCaughan, Mr. Tawhai, Mr. Fulton (Chairman).

The minutes of the previous meeting were read and confirmed.

Mr. G. S. Cooper, Clerk of the Writs, attended, and produced the writs for the elections of the City of Christchurch District and the Thames District.

The petitioner's agent, Mr. Travers, attended, and handed in a declaration of the service of a copy of the petition on Sir George Grey, K.C.B., on Monday, 13th October, 1879.

In reply to a question by Mr. Stewart, Mr. Cooper said that all the writs for the present Parliament were made returnable on or before the 17th of September, 1879.

Mr. Travers then argued the case for the petitioner.

Mr. Rees attended, and argued the case in behalf of Sir George Grey, K.C.B., the person petitioned against.

On the motion of Mr. Moorhouse, the Committee adjourned till to-morrow at 11 a.m.

FRIDAY, 24TH OCTOBER, 1879.

The Committee met pursuant to adjournment at 11 a.m.

Present : Mr. Moorhouse, Mr. Stewart, Mr. Allwright, Captain Colbeck, Mr. McCaughan, Mr. Tawhai, Mr. Fulton (Chairman).

The minutes of the previous meeting were read and confirmed.

The Committee deliberated.

On the motion of Mr. Allwright, the Committee adjourned till 2 p.m.

The Committee met pursuant to adjournment at 2.10 p.m., and, all the members above named being present,

Mr. Stewart moved the following resolution : "The Committee, having read the petition, and heard the evidence adduced and counsel for the petitioner and the sitting member, find that, according to the law and practice of Parliament in England and in the colony, an elector may be returned at a general election as a member for two or more constituencies, and that the election of Sir George Grey, K.C.B., as a member for the electoral district of the City of Christchurch was good, and in accordance with law."

And, the question being put, the Committee divided, and the names were taken down as follow :—

Ayes, 3.—Mr. Stewart, Mr. Tawhai, Captain Colbeck.

Noes, 4.—Mr. Fulton, Mr. Moorhouse, Mr. McCaughan, Mr. Allwright.

So the resolution was negatived.

The Committee then adjourned till to-morrow, at 10.30 a.m.

SATURDAY, 25TH OCTOBER, 1879.

The Committee met pursuant to adjournment at 10.30 a.m.

Present : Mr. Moorhouse, Mr. Stewart, Mr. Allwright, Captain Colbeck, Mr. McCaughan, Mr. Tawhai, Mr. Fulton (Chairman).

The minutes of the previous meeting were read and confirmed.

Mr. Moorhouse moved the following resolution : "That the Hon. Sir George Grey, K.C.B., was not duly elected for Christchurch at the last general election of members of the New Zealand House of Representatives."

And, the question being put, the Committee divided, and the names were taken down as follow :—

Ayes, 4.—Mr. Moorhouse, Mr. Fulton, Mr. Allwright, Mr. McCaughan.

Noes, 3.—Mr. Stewart, Mr. Tawhai, Captain Colbeck.

Mr. Stewart moved the following amendment : "That, as Sir George Grey, K.C.B., was not guilty of any misconduct, and was declared disqualified by a majority of only one of the Committee, the Committee are of opinion that, in justice to all parties interested, a new writ should issue, so as to give the electors of Christchurch an opportunity of deciding who shall represent them in this Parliament."

And, the question being put, the Committee divided, and the names were taken down as follow :—

Ayes, 3.—Mr. Stewart, Mr. Tawhai, Captain Colbeck.

Noes, 4.—Mr. Fulton, Mr. Moorhouse, Mr. McCaughan, Mr. Allwright.

So the amendment was negatived, and the original motion was carried as by votes *supra*.

Mr. Moorhouse moved the following resolution: "That the Hon. Edward Richardson was duly elected, and ought to have been returned, as a member in this present House of Representatives for the City of Christchurch Electoral District."

And, the question being put, the Committee divided, and the names were taken down as follow :—

Ayes, 4.—Mr. Fulton, Mr. Moorhouse, Mr. McCaughan, Mr. Allwright.

Noes, 3.—Mr. Stewart, Mr. Tawhai, Captain Colbeck.

So the resolution was carried.

On the motion of Mr. Allwright it was resolved, That no order as to costs be made by this Committee.

The Committee then adjourned till 2 p.m.

The Committee met pursuant to adjournment at 2 p.m., all the members above named being present.

The reports were approved, and ordered to be reported to the House on first sitting-day.

The following resolution was unanimously adopted: "That this Committee is of opinion that the provisions of the present law for the trial of election petitions are unsatisfactory, and require amendment."

The Committee then adjourned.

APPENDIX.

PETITION.

TO THE HONORABLE THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE COLONY OF NEW ZEALAND, IN PARLIAMENT ASSEMBLED.

The HUMBLE PETITION of the Honorable EDWARD RICHARDSON, C.M.G., of Opawa, in the County of Selwyn, Esquire,

SHOWETH,—

THAT your petitioner is a duly-qualified elector for the Electoral District of City of Christchurch, and that his name and qualification as such are duly set forth in the electoral roll now in force within the said electoral district, as follows :—

No.	Christian Name and Surname of each Elector, at full length.	Place of Abode.	Nature of Qualification.	Place where Property situated, and Description of same.
3162	Richardson, Edward ...	Opawa ...	Leasehold Freehold	(1) Part of Town Section 985, Sumner Road. (2) Part Rural Section 79, Colombo Street, S.

2. That, in consequence of a writ having been issued under the hand of His Excellency the Governor, and addressed to the Returning Officer of the Electoral District of Thames, he did appoint Tuesday, September the second last, to be the day for the nomination of duly-qualified electors to be the members of the House of Representatives for the said Electoral District of Thames.

3. That, in pursuance of such notice, and on the said second day of September, one thousand eight hundred and seventy-nine, Sir George Grey, K.C.B., of Kawau, freeholder, a duly-registered elector, and John Sheehan, of Auckland, freeholder, a duly-registered elector, were, in the absence of any other candidates or opposition of any kind, declared by the said Returning Officer to be duly elected as members of the House of Representatives for the said Electoral District of Thames.

4. That the Returning Officer did, in accordance with law forthwith, indorse the writ to the effect that the said Sir George Grey, K.C.B., and John Sheehan had been duly elected to be the members of the House of Representatives for the Electoral District of Thames, and the said Returning Officer did forthwith return the writ to the Clerk of the Writs.

5. That all things and matters necessary for the due election of the said Sir George Grey, K.C.B., and John Sheehan, which according to law should be done and performed, were duly done and performed by the said Returning Officer, and they were duly elected to be members of the House of Representatives for the said Electoral District of Thames.

6. That your petitioner has never heard nor has any knowledge that the said Sir George Grey, K.C.B., did, between the second day of September and the tenth day of September, one thousand eight hundred and seventy-nine, resign his seat as a duly-elected member of the House of Representatives for the Electoral District of Thames.

7. That, in consequence of a writ under the public Seal of the Colony, bearing date the twenty-seventh day of August, one thousand eight hundred and seventy-nine, addressed to the Returning Officer for the Electoral District of City of Christchurch, the said Returning Officer did give notice that an election would be held for the return of three qualified persons to serve as members of the House of Representatives for the said Electoral District of City of Christchurch, and that the nomination of candidates would take place at noon, at the Odd Fellows' Hall, Lichfield Street, in the City of Christchurch, and the poll, if necessary, would be taken on the tenth day of September, one thousand eight hundred and seventy-nine, between the hours of nine a.m. and four p.m.

8. That, in pursuance of such notice, Edward Cephas John Stevens, Sir George Grey, K.C.B., Samuel Paull Andrews, James Willway Treadwell, and your petitioner, were duly nominated as

candidates for election to serve as members of the House of Representatives for the said Electoral District of City of Christchurch.

9. That the said Sir George Grey, K.C.B., was not present at such nomination.

10. That a poll having been demanded the Returning Officer fixed Wednesday, the tenth day of September, one thousand eight hundred and seventy-nine for the polling of votes.

11. That, on the ninth day of September, one thousand eight hundred and seventy-nine, the said Sir George Grey, K.C.B., well knowing that he was a duly-elected member of the House of Representatives for the Electoral District of Thames, did, in a certain building known as the "Rink," situate in Gloucester Street, in the said Electoral District of City of Christchurch, address a large number of the electors of the said district and announce that he was then a candidate for election as a member of the House of Representatives for the said Electoral District of City of Christchurch.

12. That, on the tenth day of September, one thousand eight hundred and seventy-nine, the polling of votes for the election of three persons to serve as members for the Electoral District of City of Christchurch took place at the principal polling-place, at the Odd Fellows' Hall, in Lichfield Street, in the said city, and the polling-places at the Merivale Schoolhouse, Papanui Road, and the Borough Council Offices, Sydenham, which had been duly appointed to be polling-places for the said Electoral District of City of Christchurch. The candidates then voted for were Sir George Grey, K.C.B., Edward Cephas John Stevens, Samuel Paull Andrews, James Willway Treadwell, and your petitioner.

13. That the election of the said Sir George Grey as a member of the House of Representatives for the Electoral District of Thames, on the second day of September, one thousand eight hundred and seventy-nine, was notorious and well-known to the electors of the Electoral District of City of Christchurch on and before the tenth day of September, one thousand eight hundred and seventy-nine, the day fixed for the polling of votes.

14. That, on the eleventh day of September, one thousand eight hundred and seventy-nine, the official declaration of the polling for the election of three members to serve in the House of Representatives for the said Electoral District of City of Christchurch took place at the said Odd Fellows' Hall, in Lichfield Street; and the Returning Officer said that the returns were as follow:—

Sir George Grey, K.C.B.	...	...	...	...	...	1315 votes.
Edward Cephas John Stevens	...	...	...	...	...	1250 "
Samuel Paull Andrews	...	...	...	...	...	1250 "
Edward Richardson	...	...	...	...	...	1227 "
James Willway Treadwell	...	...	...	...	...	548 "

And the said Returning Officer did declare Sir George Grey, K.C.B., Edward Cephas John Stevens, and Samuel Paull Andrews elected to serve as members in the House of Representatives for the Electoral District of City of Christchurch.

15. That your petitioner believes that the return of the said Sir George Grey, K.C.B., to be a member of the House of Representatives for the Electoral District of City of Christchurch is unlawful and void, and that a person duly elected as a member for one electoral district is not eligible to be elected as a member for another electoral district, unless he shall have previously resigned his seat for the district for which he was first elected.

Your petitioner therefore most humbly prays,—

(1.) That your honorable House will take this petition into consideration, and that your honorable House will make inquiry into all matters and questions concerning the election of the said Sir George Grey, K.C.B., to be a member of the House of Representatives for the Electoral District of City of Christchurch, in order that it may be known and determined whether he, having been declared, on the second day of September, one thousand eight hundred and seventy-nine, to be duly elected as a member of the House of Representatives for the Electoral District of Thames, could afterwards, on the tenth day of September, one thousand eight hundred and seventy-nine, stand as a candidate for election and receive votes as such, and on the eleventh day of September, one thousand eight hundred and seventy-nine, be declared to be duly and lawfully elected as a member of the House of Representatives for the Electoral District of City of Christchurch.

(2.) That the question as to whether Sir George Grey, K.C.B., has been duly elected as a member of the House of Representatives for the Electoral District of City of Christchurch has caused much anxiety to your petitioner and to large numbers of the electors of the Electoral District of City of Christchurch, and of the electors of the Electoral District of Thames, the result being that one or other of those electoral districts is at present not fully represented in the House of Representatives: Your petitioner, therefore, prayeth that your honorable House will declare the election of Sir George Grey, K.C.B., as a member of the House of Representatives for the Electoral District of City of Christchurch to be void, and that your petitioner was duly elected for the Electoral District of City of Christchurch as one of the members to serve in the House of Representatives for the Electoral District of City of Christchurch, and that your honorable House will give the necessary directions for altering the return of the members for the Electoral District of City of Christchurch, or for ordering a return to be made of the election of your petitioner as a member of the House of Representatives for the Electoral District of City of Christchurch, or will give such other directions as the case may in the opinion of your honorable House require, or will take such other steps as will determine the questions, and afford to your petitioner and large numbers of the electors of the Electoral District of City of Christchurch and of the Electoral District of Thames such relief as you in your wisdom shall deem fit.

And your petitioner will ever pray, &c.

EDWARD RICHARDSON.