would involve the admission that the State should be pecuniarily responsible to litigants for losses incurred from mistakes made by Magistrates and Judges. If the costs in such cases as those referred to were repaid by the Crown, your Committee are convinced such a proceeding would result in the encouragement of very great litigation in filing petitions against the return of members, and that in all probability the demand upon the State would amount to many thousands of pounds after every election.

With regard to the costs of petitions generally,—

Your Committee have to report that, in their opinion, the costs in the cases which have been before the Committee have in all of them been allowed by the Taxing Masters at a very exorbitant rate, and more particularly so in the cases of the Wakanui and Wanganui petitions.

In the Wakanui case, the Registrar not only allowed two counsel, but he allowed (in addition to fees for consultations, &c.) to the leading counsel, as a fee on his brief, £86 2s.; and to the junior counsel, who was the solicitor to the petitioner, the very excessive fee of £57 8s. In this case the costs as allowed by the Taxing Master of the Supreme Court amounted together to about £682.

In the Wanganui case, the Registrar at Wellington allowed £170 for preparing brief, and fee on brief £130.

By reference to the bills of costs in the Wakanui and Wanganui cases it will be seen that, in the former case, the fee allowed for instructions for a brief with about thirty witnesses was only £20; while, in the latter case, with a brief of only about twenty-three witnesses, £210 was claimed and £170 allowed.

The Committee cannot refrain from expressing a very strong opinion that there must be something radically wrong in the system pursued in the various taxing offices of the different branches of the Supreme Court, when it is found that the public officer, who, it may be assumed, is appointed to the office for the protection of litigants from the payment of excessive costs, can justify the allowance of such fees to counsel, and costs generally, as those which have been allowed in the cases referred to. This is specially noticeable when these costs are compared with others taxed by another officer of the same Court, when it is found that he disallowed the second counsel on both sides, and reduced the whole of the costs at a rate which is probably double that taxed off in the Wakanui and Wanganui cases, and yet the cases, it appears, involved equally as serious and important questions of law.

The Committee have no hesitation in stating that they consider the whole of the costs in the various cases out of all proportion to the importance of the questions raised, and are strongly of opinion that steps should be taken by next session to have a scale of charges prepared, which can be added by amendment of the Election Petitions Act; and that such scale should not exceed the amount which a petitioner is now required to deposit as security for costs.

Your Committee also beg to report that the Corrupt Practices Act requires amendment to protect candidates from being persecuted by persons who may commit corrupt practices without their knowledge, and thereby not only defeat their return, but put them to unnecessary and serious legal expenses. The Act also requires amendment as to intimidation, as it appears from the Franklin case that a perfectly innocent candidate was declared unduly elected in consequence of a person, without his knowledge, having, it was alleged, intimidated a voter.

JOHN SHEEHAN,
Chairman.

17th August, 1882.

MINUTES OF PROCEEDINGS.

FRIDAY, 14TH JULY, 1882.

THE Committee met at 10.30 a.m.

Present: Hon. Mr. Dick, Mr. Macandrew, Captain Morris, Mr. Sheehan, Mr. Shrimski, Mr. Turnbull, Mr. Wynn-Williams.

The orders of reference of the 12th and 13th July were read.

Resolved, That Mr. Sheehan take the chair.