

MINUTES OF EVIDENCE.

TUESDAY, 18TH JULY, 1882. (Mr. SHEEHAN in the Chair.)

Mr. J. IVESS, M.H.R., examined.

1. *The Chairman.*] Have you any evidence, Mr. Ivess, to offer in support of the prayer of this petition of Mr. Wason's?—I have in regard to certain parts of the prayer. As to the bill of costs just placed before the House, there are several items of course to which I would take exception, because I hold they are unfair, inasmuch as the Court disallowed certain parts of the petition, and I find that the petitioners are claiming a refund of those costs. I petitioned that the election should be declared void on several grounds; amongst others, that several aliens and minors had been permitted to vote. I find that the bill of costs claimed for attendance on behalf of aliens and of minors. Those were struck out in my bill, although they were allowed in the other. The Judges said they could not go behind the roll. Then, again, I see that Mr. Pointz, who was Secretary for Mr. Wason's Committee, claims £40 for services rendered in regard to the petition. What those services were I do not know, unless they went in the direction of analysing the roll to find out how many aliens and minors there were, as against me. Then, again, there is £28 for Mr. Crispe, who attended on behalf of the Returning Officer. He certainly attended, but he never spoke once. The other side had Mr. Button and Mr. Harper to watch the case for Mr. Wason. I can support the bill of costs, with the exception of those three items. The election was rendered void through certain *laches* on the part of the Returning Officer, over whose action Mr. Wason had no control. It was entirely through the errors of this gentleman. The voting was so close, 440 and 442 respectively, that these four persons, if they had been permitted to vote, would have turned the scale on either side. There were certainly dual votes recorded, and it was necessary to set machinery in motion to get them restored. Even if those four persons had voted, then it would have been necessary to petition against the election.

2. I do not think there is any doubt about that, that is shown by your having to recontest the seat. I was going to show that Mr. Wason was quite in the hands of the Court; in either case, even if those four men had recorded their votes, it would have been necessary to petition against the election. Twelve persons voted for only six who were qualified. Mr. Wason was quite unconscious of that, and as to in whose favor they would vote. It was only when the roll came to be gone over that this was discovered.

3. Can you point out to the Committee upon what paragraphs in your petition you won and lost respectively?—I won on Nos. 1, 2, 3, and 4, which were formal. I lost on 5 and 6. Won on 7.

4. I understand from you that you only give evidence to show that Mr. Wason was compelled to defend his election at your instance, you having petitioned?—Yes; he had no option at all, because he was quite unconscious as to the action of certain voters.

5. And in the bill of costs of his solicitors against him you take exception to certain items, because similar items were not allowed in your case?—Yes; I do not think them fair.

6. Having been concerned in the trial, being the petitioner in the Court, can you say, as a matter of fact, that the election fell through, not through corrupt practices on behalf of either candidate, but through the mistakes of officers employed by the Government?—Entirely through the mistake of the Returning Officer and Deputy Returning Officer. The candidates were not in any way amenable.

7. And you think it just and reasonable that the persons who had to bear the costs of the trial should be relieved from the Colonial Treasury?—Yes.

Major CAMPBELL, examined.

8. *The Chairman.*] You are Clerk of Parliaments, and also Clerk of the House of Representatives, Major Campbell, I believe?—Yes.

9. As such, have you in your possession the several notifications received from the Election Petition Courts in regard to disputed elections?—I have.

10. Can you tell us the names of the various seats in respect to which a new election was ordered?—The seats for which new elections were ordered are Stanmore, Wakanui, and Franklin North.

11. Are there any seats in respect to which the actual polling was set aside without the election itself being declared void—such as the case of Wanganui for instance?—I have no official knowledge on that point.

12. You have all the reports from the Judges who tried disputed election cases?—Yes. In addition to those I have named, there are reports from the Judges on the petitions against the elections for Wanganui, Wallace, and Lyttelton. A petition was also lodged against the election for Gladstone, but was withdrawn, and the Judges have so reported.

13. Those are all the cases then?—Yes.

14. Do the reports from the Courts show upon what ground the judgment went?—No; they are simply the Judges' reports and certificates of their decisions.

I. 8.—1.