

40. Did you hear it before the election?—Yes; it was general talk that the Returning Officer would take good care that Mr. Phillips would not split up the votes.

41. The impression was that Mr. Armstrong thwarted Mr. Phillips in placing himself legally before the electors?—That is so. I told Mr. Phillips that Mr. Armstrong was going to refuse his nomination, and he did so.

Mr. Armstrong: The nomination was refused after the legal time for receiving nominations had elapsed.

42. *Mr. Monk*.] Mr. Deller, was the feeling at the time that Mr. Phillips's nomination should have been accepted, but through partisanship his nomination was rejected?—That is so.

43. *Mr. Lang*.] You say you have mixed a good deal with the people, Mr. Deller, in the district. Was Mr. Armstrong's name mentioned as a probable candidate before the election?—I heard it, but I never considered the thing seriously for one moment.

44. I suppose his political views are well known in the district?—Yes; but he has been on both sides of the House.

45. I am speaking of the time just before this election. Was it known by the people which side of politics he was on?—Yes, he was canvassing and electioneering the whole time. In fact, he did nothing else but canvass for his present side of politics.

46. *The Chairman* (to Mr. Phillips).] Do you wish to bring any further witnesses, Mr. Phillips?—I should like to call five or six.

The Chairman: You are at liberty to do so.

47. *The Chairman*.] Do you intend to bring any further witnesses, Mr. Armstrong?—I do not know until I hear what Mr. Phillips's witnesses say.

Mr. Armstrong: I have a letter from the Chairman of the County Council, in answer to a statement that Mr. Phillips made the other day. It is signed H. R. Bunny. I will put it in. [Exhibit No. 23.]

Mr. Phillips (to the Chairman): Mr. Chairman, would the Committee have any objection to place me under oath with regard to my own evidence—that is, would they allow me to swear to the truth of my own evidence?—I do not think it is necessary, Mr. Phillips.

Mr. Phillips: I should like to be sworn as to the truth of my statement, and then I should like Mr. Armstrong to be sworn as to the truth of his also.

Mr. W. Fraser: That will come in afterwards.

Mr. HUGH POLLEN examined.

48. *The Chairman*.] Mr. Pollen, do you desire to make a statement with regard to these alleged irregularities at the Wairarapa election?—The only point of which I have any knowledge at all is the fact that Mr. Armstrong fixed the 25th for the date of receipt of the nominations. As to whether it was right or wrong is a legal question, upon which I cannot offer an opinion, of course. Returning Officers are in a sense judicial officers; they interpret the law, and are responsible for their interpretations. I do not know that I can say any more. The facts are not disputed, I believe, as to his having fixed that particular day.

49. You are aware, Mr. Pollen, the contention is that Mr. Armstrong made a mistake in closing the nominations for election on Wednesday, the 25th, instead of Friday, the 27th?—I understand that.

50. Can you furnish the names of any other Returning Officers who closed the nominations on or about the 25th, or before the 27th?—I was looking through the advertisements of the different Returning Officers, and I find that some five or six of them fixed Thursday, the 26th, instead of Friday, the 27th, as the latest day for receiving nominations.

51. Do you recollect any particular districts?—Ashley, Ellesmere, City of Dunedin, Caversham, Taieri, Waihemo, and Waikouaiti.

52. Have any complaints reached your department from the electoral districts you have just referred to complaining of irregularities on the part of the Returning Officers in fixing those days?—None whatever.

53. *Mr. Phillips*.] No one fixed the 25th?—I could not say that. As far as I know, I did not come across the 25th.

54. If the other Returning Officers had received a nomination on the 25th they would have accepted it. Any person presenting to any one of these Returning Officers a nomination on the 25th, they would have been bound to accept it?—Yes; they had fixed the 26th.

55. Although there had been some irregularities, no one had been so irregular as Mr. Armstrong?—I should not like to say that without looking through all the advertisements.

56. *The Chairman*.] Have you got your papers with you, Mr. Pollen?—Yes.

57. *Mr. Fraser*.] The 27th was the general day, was it not?—Yes.

58. That was arrived at by including the Sunday, was it not?—Yes.

59. The 26th would be arrived at by excluding the Sunday, would it not?—Yes.

60. How could you arrive at the 25th?—That I could not say.

61. It amounts to this: Clearly to your own mind it must appear that any person fixing the 25th was directly contravening the Act?—I should not like to say that.

62. What is your individual opinion?—My individual opinion is that it would have been safer to keep them open till Friday.

63. If you had been a Returning Officer you might have imagined that the Act intended Sunday to be excluded, and therefore it was quite possible any Returning Officer not accustomed to the work might have imagined Sunday was not included, and therefore fixed upon the 26th?—Yes; that is possible.

64. By the same process of reasoning, could he possibly fix upon the 25th unless he made a mistake in arithmetic?—No.

65. Would it not be beyond the Act?—I do not know about that,