

Mr. Phillips protesting against Mr. Armstrong and holding the colony responsible, I say we have Returning Officers and do our best—the colony is not responsible. The responsibility rests with Mr. Phillips. Any candidate, in a country subject to flood and accidents, who goes away into the bush out of the way, has himself to blame. Any man really intending to be a candidate ought to have left his nomination behind, and not left it to the last moment. I was surprised at his (Mr. Phillips) being there on the day at all. To give you my feeling on the matter, I came to the conclusion that Mr. Phillips had taken that way of getting out of a difficult position. Having been for years, as I believe he was, a supporter of Mr. Buchanan's, and having come forward on this occasion himself, it was just a nice way of getting out of the situation. The mind of the Government in respect to Mr. Armstrong's action was quite the reverse. We cannot interfere, but in this case we intimated to the Returning Officer—simply called his attention to the particular section, so that there should be no mistake as far as the Government were concerned. I think the most liberal interpretation should be given to an Act of Parliament, and no restriction should be put on any election.

2. Are you aware, Mr. Seddon, that Mr. Pollen has furnished the Committee, by request, with a statement of the number of Returning Officers who placed a different interpretation upon the Electoral Act to that which you state you think should have been given to it?—No; I have not seen that statement.

3. If you said in your evidence the Returning Officer of the Wairarapa committed an error of judgment, this would refer to eighteen other Returning Officers. What Minister of the Crown made the appointment?—I think the person who appointed Mr. Armstrong was Mr. Walker.

4. *Mr. Lang.*] I understood Mr. Seddon to say he visited the district and held meetings; was Mr. Armstrong present at those meetings?—He was present at one meeting.

5. That meeting was, I understand, to select candidates?—No; it was a meeting of the party, not solely for the selection of candidates.

6. Did you know, previous to Mr. Armstrong's appointment as Returning Officer, he had taken an active part in politics?—Yes; Mr. Armstrong was a man that would not hide his light under a bushel, although I knew very little of Mr. Armstrong. I do not suppose I met him very often before, and on that point I may say I knew also that those who applied for the position had also taken an active part the other way. We asked Mr. J. C. McKerrow, who was a very fair and impartial man, to take the Returning Officership, and it was on his refusing that we took up Mr. Armstrong.

*Mr. Lewis.*] Was Mr. Armstrong's name ever mentioned to you as a possible Government candidate?—No; and at the meeting that I was at after the banquet we were conferring amongst ourselves as to the chances of local candidates, who, at that time, had intimated their intention of standing. One of them was actually out and addressed meetings. This was a meeting to confer as to the situation, and I think Mr. Armstrong was there at that meeting, but Mr. Armstrong at that time was not appointed Returning Officer as far as my memory will carry me back.

*Rt. Hon. R. J. Seddon:* To show you, Mr. Chairman, Mr. Phillips has no grievance against the Government, he wired and wrote down as follows, and also received the following replies:—

26th November, 1897.—The COLONIAL SECRETARY, Wellington.—Adam Armstrong, Returning Officer, Wairarapa, refuses to accept my nomination to-day, on the grounds that time for it expired yesterday, as advertised by him. I protest strongly against this unwarranted action, relying on section 75, Electoral Act, 1893, and section 15, Electoral Act Amendment Act, 1896. Please instruct him to accept my nomination at once, and reply to me here.—COLEMAN PHILLIPS, Carterton.

Wellington, 26th November, 1896.—COLEMAN PHILLIPS, Esq., Carterton.—I cannot instruct Returning Officer, who is a statutory officer.—HUGH POLLEN.

Wellington, 26th November, 1896.—A. ARMSTRONG, Returning Officer, Carterton.—*Re* Mr. Coleman Phillips's nomination, I would refer you to section 15, "Electoral Act, 1896."—HUGH POLLEN.

Wellington, 27th November, 1896.—A. ARMSTRONG, Returning Officer, Carterton.—It is considered desirable to point out that date for receiving nominations is fixed by Act, and that refusal to accept a nomination might be a ground for petition to declare election void.—HUGH POLLEN.

Featherston, 30th November, 1896.—The COLONIAL SECRETARY, Wellington.—In further reference to my telegram of 26th, I have to request that His Excellency interferes, under clause 168 of "The Electoral Act, 1893," in order to compel Returning Officer to accept my nomination for Wairarapa Electorate. Please reply to Featherston.—COLEMAN PHILLIPS.

The Colonial Secretary's Office, Wellington, New Zealand, 8th December, 1896.—COLEMAN PHILLIPS, Esq., Featherston.—Sir, I have the honour to acknowledge receipt of your telegram of 30th November, requesting that His Excellency the Governor be moved to interfere, under clause 168 of "The Electoral Act, 1893," in order to compel the Returning Officer for the Wairarapa Electoral District to accept your nomination as a candidate for election as a member of the House of Representatives for that Electoral District. In reply, I am directed by the Acting Colonial Secretary to inform you that he does not think this is a case within the terms of section 168 of "The Electoral Act, 1893."—I have, &c., HUGH POLLEN.

The Knoll, Featherston, 24th December, 1896.—The Hon. the COLONIAL SECRETARY, Wellington.—Sir,—I have the honour to acknowledge receipt of your letter of the 8th instant (No. 1407), and to ask you what your Government propose to do in the matter. From all I can hear now I stood an excellent chance of winning the election had my nomination been received. My solicitors advise me that I have a good cause of action against the Returning Officer, but I have no doubt you are aware that it would be folly upon my part looking to him for my expenses or damages. Were he other than a man of straw I should certainly have entered an action against him for £5,000. The question follows: Is it right for the Government to appoint such men to the high judicial position of Returning Officer, who of all men hold the lives and liberties of the people most in their hands in the existing time of a general election. Be good enough to let me know what you intend to do in the matter, as it is useless my holding Mr. Armstrong responsible for what he did. I certainly must hold your Government so for appointing him.—I have, &c., COLEMAN PHILLIPS.

As far as the Government were concerned we could not interfere. Where the Government were to blame was even in sending the above. But as Mr. Phillips had communicated with the Government it was deemed advisable to send what we did, so that there would be no inadvertence. There is no doubt the Returning Officer refused the nomination believing that he was in the right. Mr. Phillips has been treated very well by the Government, and how he could say the Government were to blame in the matter I cannot see.