

to say, it will toll the knell of the Seddon Government. For when our chief citizen, Mr. Seddon, appoints unfitting men to high judicial positions, the liberties—aye, sir, and lives—of the people are in danger. Mr. Armstrong has denied that he acted as agent for Mr. Hornsby in the Whareama, and I accepted his denial. I wish now to ask him: (1.) Did he form one of the party who invited Mr. Seddon up here? (2.) Did he attend any of the Seddon meetings? (3.) Did he write to Messrs. Buick and Mills to come up and contest the seat against Mr. Buchanan? (4.) Is he not a pronounced partisan of the present Government? (5.) Is he not appointing Deputy Returning Officers also pronounced partisans? (6.) Will any man's votes be safe under such pronounced partisanship? (7.) Has he attended any of Mr. Hornsby's political meetings? I demand, sir, that the list of Deputy Returning Officers be published, in order that the whole electorate may know in whose hands the conduct of this election rests. Meantime I request all lovers of our rights and privileges to abstain from voting; to demand that a fresh election be held, and under the Stipendiary Magistrate, as of old, and not under Mr. Armstrong.

I am, &c.,  
COLEMAN PHILLIPS.

## EXHIBIT No. 12.

A PUBLIC address upon the present state of the colony and the purification of Parliament, by Coleman Phillips, will be delivered at the Dalefield School, Wednesday, 29th; Carterton—Lyceum, Friday, 1st May; Waihakeke School, Saturday, 2nd May; Gladstone Town Hall, Monday, 4th May; in each instance at 8 p.m. Ladies invited to attend.

## EXHIBIT No. 13.

[Extract from the *Wairarapa Observer*, 9th February, 1897.]

## THE WAIRARAPA ELECTION PETITION.

ARGUMENT, which was begun on Wednesday, on the motion to upset the petition filed against the return of Mr. W. C. Buchanan for the Wairarapa seat, on the grounds that the petition was not presented in time, and that security for costs was not given as required by law, was continued in the Supreme Court on Saturday morning, before the Chief Justice and Mr. Justice Conolly.

On the question of the date of the declaration of the poll, Sir Robert Stout—who, with Mr. Gray, supported the motion—submitted that the return of the writ was the declaration of the poll by the Returning Officer, who could not afterwards alter it. The indorsement on the writ, which was sent to the Clerk of Polls on 8th December, declared that Mr. Buchanan was returned. If that was not the official declaration, he (Sir Robert) did not know what was. He contended that that was the official declaration, which the Returning Officer could not afterwards withdraw; that on returning the writ he fulfilled his office of Returning Officer, and had no power to make any alteration on the 17th. Sir Robert intimated that he wished to examine the Returning Officer on his affidavit.

Adam Armstrong, the Returning Officer, cross-examined by Sir Robert Stout, said he was a commission agent, residing at Carterton. Said he had never been a Returning Officer before. He was not a candidate at the recent election. Prior to his appointment he had taken an interest in politics. Had invited Mr. Buick to become a candidate for the Wairarapa seat. He was one of those who had invited Mr. Seddon to visit the Wairarapa and give an address. It was not for the purpose of influencing the election, but to hear him speak in the Wairarapa. He had generally attended the political meetings if he happened to be in the township. Had attended political meetings after the writs were issued. Did not ask any of the Deputy Returning Officers how they intended to vote. Knew they had a right to vote. The sureties to the bond were G. A. Fairbrother and J. Applin: the former was a brother-in-law of his. Had no consultation particularly with them about the petition. It was not a fact that he had been colloquing and talking with them. Might have spoken to them in a casual way. Did not see anything in the Act requiring him to take from the bondsmen an affidavit as to their standing. Was satisfied they could meet the bond. The petition was served on him on the 9th January, before 7 p.m. Fairbrother gave it to him in his (witness's) house; the bond was given to him in his house on the 12th January by Fairbrother during the afternoon. The bond was witnessed by another brother-in-law. Saw Mr. Brown, of the *Wairarapa Observer*, on the 11th December. Did not give him an advertisement that day. Had asked Brown to bring in the form of declaration published by Mr. Hutchison, Returning Officer at the previous election. Preferred the form used for the Wellington Suburbs. Brown brought in a copy, and altered it to suit the local requirements. Told him the figures might be altered next day. Had commenced to write out the form of advertisement giving the result of the licensing poll. Mr. Brown completed this form, and took the two away, with instructions to bring in proof next day, which he did. Told Brown to alter two figures on the 12th, and send copy to the *Wairarapa Star*. Never signed the advertisement at all.

Sir R. Stout at this stage produced an affidavit filed by witness, stating that he wrote out the notice of the election of Mr. Buchanan on the 12th, and signed it that day, but in mistake inserted "11th" for "12th." He asked witness what he meant by swearing to that effect.

Witness said it was wrong; he had made a mistake. On the 10th he found there was a case of double voting. That was two days after the writ was returned by him to the Clerk of Writs. Made up a list on Thursday showing the state of the poll so far as they knew. Appointed 7 p.m. to meet the scrutineers on Friday night. Mr. Moncrieff only came. Opened the Waingawa packet, and altered the total of the poll by one. Did not think he said on Thursday night "That gives Buchanan a majority of 337." The figures were jotted down on paper on Thursday, and on Friday night they were altered. There were present on Friday himself, his son, Mr. Moncrieff, and Constable Smart. Mr. Rathbone, another scrutineer, came in later. Told those present on Friday night what the exact numbers were. Told Mr. Brown on Saturday morning to send a copy of the advertisements to the *Star*. The specimen produced was a copy taken by Mr. Brown for the licensing advertisement. The pencil-writing was in Brown's hand, and that written in ink was by witness. The signature was his, and the date 11th December, 1896. The date of the general election was 4th December, and he returned the writ on the 8th December.

To Mr. Skerrett: The double voting was discussed on Thursday, and the scrutiny was made on Friday. The writ was returned before the beginning of the scrutiny. The scrutiny altered the result of the poll, and affected the aggregate record at first announced. One vote was taken off Mr. Buchanan, and his majority reduced by one. He said at the time that one vote was taken off Mr. Buchanan's total, but did not mention how it would affect the result. Opened the gummed-down corners of the Waingawa ballot-papers until he came to the number which showed on the roll had been twice voted for. The true voter was at Carterton, the personator at Waingawa.

Judge Conolly said it was not for the Returning Officer to decide which one had the right to vote: he should have disallowed both.

Mr. Skerrett agreed with his Honour that that would be the course where a man voted in two places, but not where one man personates another.

Judge Conolly said it appeared from the evidence that on a verbal message from the Deputy Returning Officer at Waingawa one vote had been taken off Mr. Buchanan's total.

Sir Robert submitted it was perfectly apparent that no declaration had been made later than Friday. There was no proof of any declaration having been made in writing at all. The declaration made, whether right or wrong, in the writ transmitted on the 8th, with the indorsement upon it, was the only declaration that could be made, and was therefore the official declaration of the poll, which the Returning Officer could not alter. He had no power to make any declaration after the expiration of seven days, nor had he power to delegate his authority to a newspaper. He had no more authority to declare Mr. Buchanan elected on the 12th than he had to declare Mr. Hornsby, the other candidate. If so, where was the line to be drawn? The petition clearly was not in time, and should be taken off the file. Regarding the petition itself, it would be shown in the Election Court that when Mr. Grantham signed it he did not know what it was about. The bond, too, was informal, and could not be sued upon.

Mr. Skerrett, in reply, said he would submit that the only purposes of a declaration were—first, to make public the result of the election; and, secondly, to fix the date on which certain periods were to commence, such as the