within the prescribed time, and before such transmission. His Honour was of the opinion that the indorsement upon the writ was a sufficient compliance with the terms of section 120, which require the Returning Officer to declare the name of the candidate who had been elected. It was a distinct statement by the Returning Officer to that effect, and, having made it, and parted with the writ, it would not have been possible for him to make a different declaration or alter his return. Even if it had been made in error he could not have made another return, and the one which he had made could only have been questioned upon petition. It was not, in his Honour's opinion, necessary that public notice should be given of this declaration. That is only required as to the number of votes given; and the Court would not be justified in altering the grammatical construction of the section in a case when it is intelligible as it stands, and in inferring a different intention on the part of the Legislature. As to what was the date of the notice given by advertisement, neither date, the 11th or the 12th, would help the petitioner. If the Court had ruled that the 11th was the date of the declaration, the petition would have been too late; and if the 12th, the notice would have been too late. The language of section 121 is imperative that in no case shall the official declaration be delayed for longer than seven days after the day of polling. If, therefore, it had been dated the 12th, as the Returning Officer says it should have been dated, it would have been invalid on the face of it. The objections to the form of the bond did not appear to his Honour to be material. There was negligence on the part of the parties who signed it, and on the part of the Returning Officer in receiving and being satisfied with such an ungrammatical document; still, his Honour thought it could be enforced if necessary.

The petition would be removed from the file, as prayed.

Sir Robert Stout, who appeared in support of the motion that the petition should be removed, asked that costs be allowed.

Mr. Skerrett pointed out that the fault was entirely that of the Returning Officer, not that of the petitioner. It would be unjust and unfair under the circumstances to allow costs against the petitioner.

Sir Robert Stout said that if the petitioner had followed the advertisement of the Returning Officer there might be some excuse for him, but he did not do this.

Mr. Justice Conolly said that before making up his mind about the matter he would like to know the future intentions regarding the petition.

Mr. Skerrett said he would submit to the dismissal of the petition. He pointed out that he had offered every facility for arguing the matter.

Their Honours thought that the case was not one for costs.

The question of the dismissal or withdrawal of the petition from the Election Court was allowed to stand over, in order that Sir Robert Stout and Mr. Skerrett might confer on the subject.

EXHIBIT No. 18.

[Extract from the *Wairarapa Leader*, 21st October, 1897.]

A Malicious Cock-and-Bull Story.

In another column we publish from *Hansard* the remarks of Mr. W. C. Buchanan, M.H.R., on the corrupt abuse of patronage by the Government, particularly as applied to Mr. Adam Armstrong, and we feel sure, when these remarks are read by his honest supporters—we believe that amongst his supporters there are many such—they will hang their heads with shame as they reflect that their votes have been cast to elect a man to represent them who should be so cowardly as to use his position in the House to utter words intended to besmirch a man denied the opportunity of reply.

And what, after all, is there in what Mr. Buchanan says? Let us run through with him. He says that "the conduct of the Returning Officer was, in the last degree, discreditable," which, we all know, is, "not to put too fine a point upon it," a far-stretched statement. On no former occasion was the wants of electors, as to polling-booths, more carefully attended to; never before were deputies chosen with more judgment to secure efficiency; never before was there greater despatch in furnishing returns; and never before was less opportunity given for picking holes in the conduct of a Wairarapa election than on the occasion when Mr. Buchanan defeated Mr. Hornsby—and Mr. Buchanan knows all this as well as we do. Then Mr. Buchanan complains that the Colonial Secretary asked him for a recommendation, and did not adopt it. Now, we will ask Mr. Buchanan one question, and it is this: Was the man Mr. Buchanan recommended a sane man? The Supreme Court exonerated Mr. Armstrong from Mr. Buchanan's contention that he (Mr. Armstrong) was "guilty of practices of the gravest character." The Government did not "immediately reward him by appointing him Returning Officer for the licensing election," for the simple reason that, being already appointed Returning Officer for Wairarapa, no special appointment to conduct the licensing election was necessary. A man in Mr. Buchanan's position must be aware of this. Then, as to the written protests from residents of the district, the protests were published in the *Leader*, and, if Mr. Buchanan were in touch with his constituents and knew the ridicule which was meted out on the said protests he would hardly have mentioned them. His supporters should keep him better informed on such matters. At the licensing election Mr. Buchanan says the Returning Officer "deliberately rejected the nominations of two of the candidates, though he was legally advised that he was acting contrary to law"; but Mr. Buchanan did not act honestly and add that the advice in question came from the counsel of a rejected nominator, nor go further and tell the House that Mr. Armstrong was supported in his opinion by the highest legal talent in this colony; nor was Mr. Buchanan honest enough to tell the House that it was Mr. Buchanan's duty, as a member of the County Council, to see that the Returning Officer was provided with counsel to support him in the hearing of the petition, and that it was undoubtedly through Mr. Buchanan's and other people's neglect in this direction that the election was declared void. Mr. Buchanan, if he were a candid, truthful man, would have explained to the House that it was his (Mr. Buchanan's) fault that the election was declared void, owing to his neglect of duty, and that the grounds upon which the Returning Officer refused certain nominations remain still to be argued.

We wish to be distinctly understood. We do not blame the Magistrate for his decision, but we say no Magistrate can arrive at a decision with only one side of a case shown to him. As to Mr. Armstrong's appointment as valuer, it is the very general opinion, and ours, that the Government has chosen a man with every qualification for the work; but of this we shall be better able to judge when the result is open to our inspection. "He has been appointed, Sir, to value the property of decent, hard-working, honest settlers," says Mr. Buchanan. But why does Mr. Buchanan stop there? Has Mr. Armstrong not also to value the property of the dishonest settlers, the indecent settlers, and the lazy settlers? Will he not also have to value the property of the slanderous settlers, the cowardly settlers—the settlers who malign a man they are afraid of? Will he not also even have to certify to the value of the property of Mr. Buchanan?

There is one feature of Mr. Buchanan's remarks that compensates the electors of Wairarapa for the extravagance thereof, and it is this: "Charges have been levelled at the Government of corrupt abuse of patronage on many sides, and it is interesting to get at the bottom of these allegations." Mr. Buchanan, no doubt, took the strongest case he could as his instance, and now that it is public we find it is nothing more than a malicious cock-and-bull story. If other allegations under the same head are fully investigated they will, no doubt, prove to have as little foundation, and the fact will remain that, notwithstanding the croaking, we now have the most trustworthy Government that this fair colony has ever had.

EXHIBIT No. 19.

Judgment by Chief Justice.

Armstrong v. *The Wairarapa County Council.*

In the Supreme Court of New Zealand, Wellington District.

Section 16 (1) of "The Alcoholic Liquors Control Act, 1895," provides that all costs and expenses incident to the