

1903.
NEW ZEALAND.

PUBLIC PETITIONS A TO L COMMITTEE:

REPORT ON THE PETITION OF FRANK W. ISITT, NO. 720; TOGETHER WITH THE POLICE COMMISSIONER'S REPORT AND MINUTES OF EVIDENCE.

(WALTER SYMES, Esq., CHAIRMAN.)

Report brought up 21st November, 1903, and ordered to be printed.

ORDER OF REFERENCE.

Extract from the Journals of the House of Representatives.

FRIDAY, THE 3RD DAY OF JULY, 1903.

Ordered, "That a Public Petitions A to L Committee, consisting of ten members, be appointed to consider all petitions that may be referred to it by the Petitions Classification Committee, to classify and prepare abstracts of such petitions in such form and manner as shall appear to it best suited to convey to this House all requisite information respecting their contents, and to report the same from time to time to this House, and to have power to report its opinions and observations thereupon to this House; also to have power to call for persons and papers; three to be a quorum; the Committee to consist of Mr. E. G. Allen, Mr. Hall, Mr. Hardy, Mr. Lethbridge, Mr. R. McKenzie, Mr. Remington, Mr. Symes, Mr. Taylor, Mr. Wood, and the mover."—(Hon. Mr. HALL-JONES.)

REPORT.

No. 720.—Petition of FRANK W. ISITT and 6 Others, of Wellington.

PETITIONERS pray that inquiry be made into the abstraction of a ballot-paper, and that steps be taken to prevent a recurrence of such.

I am directed to report,—

1. That the Committee, having taken evidence from various witnesses, finds that Mr. Isitt at 8.53 a.m. on the morning of the day of the election for the Licensing Committee in the City of Wellington, and prior to the opening of the polling-booths thereat, was illegally in possession of a stolen ballot-paper, such paper being printed for and intended to be used at the said election.

2. That the Committee examined Mr. Isitt as to the manner in which the said ballot-paper came into his possession; but, though he alleges that it was given to him, he at different periods of the inquiry absolutely declined to give the Committee the name of the person from whom he received the said ballot-paper.

3. That the Committee is of opinion that the said ballot-paper was stolen for the purpose of manipulating the result of the said election, and thus defeating the will of the electors.

4. That the Committee finds that Mr. Isitt on or about the 29th day of December, 1902, wrote to eleven of the Returning Officers in the colony requesting them to supply him with copies of the ballot-papers used in their respective districts at the local-option poll. Mr. Isitt admits having received such ballot-papers from three of these Returning Officers, but at the inquiry positively declined to give the Committee the name of any of these Returning Officers who had thus illegally supplied him with such ballot-papers.

5. That the Committee is of opinion that these ballot-papers would have been used as a ground for upsetting the local-option poll in some of the electorates.

6. That the limited time at the disposal of the Committee makes it impossible to fully investigate, at this late period of the session, the serious import of the issues involved in the prayer of the petition.

7. The Committee therefore recommends that the prayer of the petition, with the evidence taken thereon, together with the report of the Commissioner, be referred to the Government for consideration, and further recommends that the Government be requested to make further investigation into the matters above referred to, and into the other irregularities as prayed for by the petitioners.

21st November, 1903.

WALTER SYMES, Chairman.

PETITION.

To the Honourable the Speaker and members of the House of Representatives of the Colony of New Zealand in Parliament assembled.

THE humble petition of the undersigned electors of the Colony of New Zealand sheweth,—

That a Wellington City Licensing Committee election ballot-paper was brought by an elector of Wellington to the Rev. Francis Whitmore Isitt, secretary of the New Zealand Alliance, at the office of the Alliance, 100, Willis Street, Wellington, at 8.53 a.m. on the day of the election of the present Licensing Committee for the City of Wellington—that is to say, on the 25th March, 1903—and was subjected to the inspection of Robert Alexander Wright, printer, Wellington, then a candidate for election to the office of a member of the Wellington City Licensing Committee, at 8.55 a.m. on the same day and in the same place. That this incident and others give reason to believe that great carelessness was displayed by officials responsible for the custody of ballot-boxes and ballot-papers both before and after the poll in connection with the election of a Licensing Committee for the City of Wellington on the date aforesaid, and previously—that is to say, on the 25th November, 1902—in connection both with the parliamentary elections and local-option polls in both the City of Wellington and the electorate of Newtown.

Your petitioners therefore humbly pray that your honourable House will make strict inquiry into these matters with the object of taking such measures, if it be proved to be necessary, as will tend to prevent a recurrence of such carelessness at any future parliamentary election or licensing poll, or election of a Licensing Committee, or in connection with any declaration of the will of the people by means of ballot-papers at any such election or poll in the City of Wellington or in the electorate of Newtown.

And your petitioners, as in duty bound, will ever pray, &c.

FRANK W. ISITT, and 6 Others.

REPORT OF POLICE COMMISSIONER.

Memorandum for the Hon. the MINISTER OF JUSTICE *re* Alleged Purloining of Ballot-papers.

5th October, 1903.

WITH reference to this subject, I beg to submit herewith the result of my inquiries, which is as follows, viz. :—

At 8.53 a.m. on the 25th March last (the date of the election of the Wellington Licensing Committee) a gentleman, who is known, but whose identity is at present withheld, called on the Rev. Frank Isitt, Alliance Offices, Upper Willis Street, Wellington, and produced a ballot-paper which he alleged was a genuine one, and said a number of such ballot-papers were in circulation. On the understanding that Mr. Isitt would not divulge his name to any one he left the paper in his possession, saying it had been put on his (the gentleman's) breakfast-table that very morning. Mr. Isitt at once showed the ballot-paper to Mr. R. A. Wright, of Messrs. Wright and Carman, printers, &c., a candidate for election, who called on him, and also to Mr. E. Arnold, J.P., who both indorsed it at the request of Mr. Isitt as having seen it that morning before 9 a.m. Mr. Isitt then had the paper photographed, and took it to Mr. Thomson, the Returning Officer, and informed him how he got possession of it and that a number were alleged to be in circulation. Mr. Thomson examined and compared the ballot-paper with others he possessed, and said it was a genuine one, and he in consequence warned the scrutineers at the various polling-booths that such papers were in circulation, Mr. Isitt taking the document in question to his friend Mr. Arthur Hoby, dentist, Upper Willis Street, who, after it was sealed up, allowed Mr. Isitt to place it in his safe, as he had done with other things previously, Mr. Isitt not then having a safe of his own. Mr. Isitt then proceeded to Lambton Quay Police-station, and reported the matter there, first to Sub-Inspector O'Donovan, and then to Inspector Ellison, who gave directions to Sergeant Twomey to proceed with Mr. Isitt and investigate the matter. Mr. Isitt then positively declined to furnish the name of the person from whom he received the ballot-paper, but said the police were welcome to examine it, although he could not then part with it. Accordingly Sergeant Twomey accompanied Mr. Isitt first to various booths to find Mr. Thomson, and failing to do so went to Mr. Hoby's and carefully examined the ballot-paper, tracings being taken, and the ballot-paper replaced in the safe. The sergeant, who had his vote to record, then went with Mr. Isitt to Herbert Street polling-booth, the sergeant going in and recording his vote, at the same time he compared the tracing with his own paper and found they agreed exactly. The sergeant and Mr. Isitt parted there, and the former went to Shortt's auction mart polling-booth, and there saw Mr. Thomson, with whom he conferred on the subject, Mr. Thomson then stating that he was satisfied the ballot-paper was a genuine one, and that he could not understand how the gentleman who handed it to Mr. Isitt had got possession of it. After informing Mr. Thomson that Mr. Isitt declined to part with the ballot-paper, or tell him from whom he received it, the sergeant returned to Lambton Quay Police-station and reported the result of his inquiry.

About three weeks later this same gentleman, who is well known to Mr. Isitt, told him that on election-day his son handed him the ballot-paper, which he (the son) said had been abstracted from one of the ballot-boxes at a booth where men were drilled, the box having been left there the

previous night with the key attached and hung inside the aperture by a string, so that any one could pull it out and open the ballot-box, a number of voting-papers being thus taken out and distributed.

Mr. Isitt appears to have endeavoured to get further information in this direction, but the gentleman positively declined, and it is just probable that this gentleman's son may have been instrumental in the opening of the ballot-box and abstracting some papers therefrom, or in somehow obtaining possession of this voting-paper.

Mr. Isitt at once informed Mr. Thomson as to the alleged manner in which the ballot-papers had been abstracted, and handed him the voting-paper in question, on condition he should not part with it, and Mr. Thomson in turn acquainted the police, who endeavoured to verify this allegation by inquiring at the Buckle Street polling-booth, where some artillerymen were drilled; but, although all the artillerymen who were in the drill-shed that evening were interviewed, no information of any person having tampered with the ballot-box could be obtained, Mr. Thomson being so informed, and the police reports on the subject being left with him at his request.

It appears that, although it was alleged that a number of voting-papers were abstracted and circulated, no information was forthcoming during the inquiry of any other genuine voting-paper being in circulation.

On certain information being recently given on this subject, the police reports were sought, but could not be traced, having been left in possession of Mr. Thomson, Returning Officer (*vide* Inspector Ellison's report in explanation attached), and in consequence Mr. Thomson has again been interviewed; but, although he believes he left the reports with other election documents in a ballot-box in his office in Wellington, every possible search has been made, but they cannot be found.

From the inquiries Mr. Thomson has made at Mr. Ferguson's, printer, Lambton Quay, he is satisfied beyond doubt that the ballot-paper he now holds is a genuine one, and was printed by that firm with all the others used at the election, and he is also satisfied that it was not taken surreptitiously from their premises. He declined to hand it to me without Mr. Isitt's authority, but Mr. Isitt has now authorised its being handed over, and the document is now herewith annexed.

I have also had an interview with Mr. Ferguson, who identifies the ballot-paper under investigation as a genuine one; and, whilst there are ways and means of obtaining papers of any description from that source, I scarcely think it was thus obtained.

Mr. Isitt, when interviewed, promised to make further endeavours to get permission from the gentleman who handed him the ballot-paper to disclose his identity, but on the 5th instant he informed me by telephone that, although he had again seen him, on the 3rd instant, he still declined, saying it would be the means of ruining his business if it was generally known that he had taken the ballot-paper to Mr. Isitt.

The ballot-papers when printed appear to have been delivered by the printers to Mr. Thomson between the 22nd and the 24th March at the Courthouse, where Mr. McKenzie, Deputy Returning Officer, No. 1 booth, was engaged with Mr. Thomson counting them out and placing them in the ballot-boxes in accordance with a list provided by Mr. Thomson, and as soon as the requisite number was counted out and placed in each box the box was locked, and the key, which was tied to it by a string, was hung inside the aperture, the boxes being sent out to the booths during the afternoon or evening of the 24th March (the day previous to the election).

Whilst the ballot-papers were at the Court they appear to have been deposited either in Mr. Thomson's room or in a room allotted to Mr. McKenzie to count them into the boxes; and, although Mr. Isitt is said to have called on Mr. Thomson several times about this time, it is questionable if he could have got possession of a ballot-paper, the boxes and ballot-papers being always carefully locked up during the absence of Mr. Thomson and Mr. McKenzie.

From the returns sent in by the Deputy Returning Officers of twenty-one booths the following are the only inaccuracies which occurred:—No. 3 Booth, Sydney Street Schoolroom: 700 counted into ballot-box; 699 received by Returning Officer; after ballot only 697 accounted for. No. 8 Booth, Levien, Shalcrass, and Co.'s Mart: 700 counted into ballot-box and received by Returning Officer; after ballot only 697 accounted for. No. 14 Booth, Schoolroom, Pirie Street: 700 counted into ballot-box and received by Returning Officer; an additional 100 supplied and received; after ballot 803 accounted for. No. 15 Booth, Victoria Hall, Adelaide Road: 700 counted into ballot-box and received by Returning Officer; after the ballot only 699 accounted for. No. 16 Booth, Drill-hall, Buckle Street: 700 counted into ballot-box; 698 received and accounted for by Returning Officer: this is the booth where, it is alleged, the box was tampered with. Altogether, therefore, four ballot-papers only were unaccounted for, and this deficiency might easily have occurred in the counting-out of the voting-papers. The allegations that a number of voting-papers were abstracted from the ballot-box at the drill-shed, Buckle Street, and distributed is altogether erroneous, as the total number received there—*viz.*, 698—were accounted for.

It appears, however, that when Messrs. Thomson and McKenzie had finished counting out the requisite number of ballot-papers (which were tied up in packets of 100) into the boxes, on counting the surplus they found they were a packet (100) short, and although they had a recount they were still 100 short, and in consequence made inquiry at the printers, who alleged they supplied the 16,000 as ordered, no trace being found of the missing packet. Mr. Thomson concluded, however, that the printers were in fault, and had printed 100 short. No further information can now be obtained respecting this packet, which if supplied must have been taken from Mr. Thomson's office; but I rather favour Mr. Thomson's conclusion that the printer was in fault, and had printed 100 short, the transaction being a pressing one carried out hurriedly.

During this inquiry the Hon. the Minister of Justice handed me the memorandum annexed marked "A," dated the 29th December last, which is addressed to the Returning Officer at Nelson by Mr. F. W. Isitt, New Zealand Alliance, asking for samples of local-option ballot-papers,

a reply being sent to Mr. Isitt calling his attention to "The Electoral Act, 1902," section 2, clause 133. I find that this is not the only memorandum sent out by Mr. Isitt, similar ones having been also forwarded to Mr. Thomson and Mr. Lyon, Returning Officer for Newtown (and probably others); the latter, with a copy of reply, is attached, marked "B" and "C." The object of obtaining possession of ballot-papers subsequent to the election is a matter for consideration.

As regards Mr. Wright, he appears to know nothing of the matter beyond indorsing the ballot-paper at Mr. Isitt's request. It will be observed, however, that the facilities offered to evil-disposed persons to obtain possession of ballot-papers previous to an election are many. First, it is just possible to obtain some from the persons concerned in the printing department where the ballot-papers are printed; second, I am satisfied they are accessible whilst they are in the possession of the Returning Officer previous to being sent out, and those retained could no doubt be tampered with if any one desired to do so; third, it is evident that during transit to the various booths, and whilst deposited there during the afternoon, evening, and night previous to the election, the facilities offered to abstract voting-papers are manifest, the keys being attached to the boxes, and the necessary care is not exercised in securely locking the booths up during the night. In a serious contest like the present these are all matters worthy of consideration. The difficulties, therefore, which are encountered when endeavouring to trace the source from which the ballot-paper in question emanated are equally great, owing to the facilities above mentioned, and unless there is a means of enforcing Mr. Isitt to disclose the identity of the person from whom he alleges he received the ballot-paper attached all inquiries seem futile.

W. DINNIE, Commissioner.

MINUTES OF EVIDENCE.

TUESDAY, 17TH NOVEMBER, 1903.

FRANCIS WHITMORE ISITT examined. (No. 1.)

1. *Mr. Hardy* (Acting-Chairman, in the absence of Mr. Symes.)] You are the petitioner in this case?—Yes.

2. Do you wish to give evidence or to make a statement?—I should like to make a short statement and to give evidence, and then, if subsequent evidence is called, I should like to have an opportunity of examining the witnesses.

3. It has been decided by the Committee that the evidence shall be taken on oath, and that any statement you make now shall be taken down in the form of evidence?—Yes.

[Witness sworn.]

4. What is your name?—Francis Whitmore Isitt.

5. What statement do you wish to make in reference to this case?—I wish to state that on the 25th March, 1903, I was at my office at about ten minutes to 9 o'clock a.m., when an elector came in and asked me if I would faithfully promise not to disclose his name if he showed me something. I made the promise. He was very imperative about that, and he then showed me what I thought was an imitation ballot-paper, and laid it upon the table. I took it to be an imitation ballot-paper that some one had copied. I said, "Is it an imitation ballot-paper?" and he said "No, it is a genuine one." I asked him where he got it, and he said it was put on his table about an hour before. This was before the poll took place. I said, "Can you not tell me where you got it from?" and he said, "I cannot answer any questions." While I was talking to him Mr. Wright, of the firm of Wright and Carman, came in, and I asked the elector if I could show it to Mr. Wright, and he said, "Yes, if he also promises not to disclose my name." Mr. Wright joined us, gave the promise, and was shown the paper. I then wrote my name on it in case it should be of any value, and the hour, and I asked Mr. Wright to do the same. We then went across to the nearest Justice of the Peace, Mr. E. Arnold, and asked him to certify to our signatures, and that we were there at 8.57 a.m. I felt that it was a serious matter, but did not know quite what ought to be done. The elector went away after leaving the ballot-paper, while we went to the Justice of the Peace. I had a photograph taken of the ballot-paper, to show that we had it an hour before the poll. I deposited it (the paper) with Mr. Hoby for safe custody, and asked a legal friend what we ought to do, and by his advice I went to the Inspector of Police, who sent a sergeant with me, first in search of Mr. Thomson, and afterwards to inspect the paper. My memory is not quite clear about this, but I went down some time in the morning and saw Mr. Thomson, the Chief Returning Officer, and he showed me a pile of papers.

Mr. R. McKenzie: I think these proceedings are somewhat irregular. I think the petition and the report of the Commissioner of Police should be read before any other evidence is taken.

6. *Mr. Hardy*.] Mr. Isitt knows the substance of the petition, but he has not listened to the reading of the report by the Commissioner of Police?—I have no wish to do so, for any discrepancy in what I have to say will simply be a matter of memory. I have heard the petition read, and I had a long interview with the Commissioner. I have no other desire than to state the facts to the best of my knowledge and belief.

[Petition and report of Commissioner of Police read.]

Witness: My memory is a little at fault as to when I actually saw Mr. Thomson and whether I showed him the ballot-paper on the polling-day or not. Mr. Wright saw the ballot-paper in the presence of the witness who gave it to me. I have done everything I could to induce the elector to permit me to disclose his name, but he is afraid of two influences that might ruin his business.

He is not afraid because he had the paper in his possession, but only that it might come out that he brought it to me. I think the Commissioner's report abundantly proves that there were means of tampering with the ballot-papers in connection with the election, and that evil-disposed persons could obtain the ballot-papers if they wished.

[Mr. Symes, at this stage, resumed the Chair.]

7. *Mr. Hardy.*] Do you say that the person you got the ballot-paper from is an evil-disposed person?—No. I say that ballot-papers lying in polling-booths with keys attached to the ballot-boxes afford opportunity for evil-disposed persons to become possessed of them; and, if the ballot-papers are allowed to remain in a polling-booth after the poll has been taken, facilities are afforded for the papers to be tampered with then. If the Committee decides to inquire into the matter I shall be glad if the carters who took and fetched away these ballot-boxes and papers are asked to attend.

8. *Mr. Wood.*] I think the proper witness we should ask to attend would be the person who got the ballot-paper and gave it to you?—I do not know the man who got the ballot-paper, but I know the man who gave it to me.

9. *Mr. R. McKenzie.*] Do you know the man who obtained this stolen property?—I do not say that it is stolen property, so far as the man who gave it to me is concerned. As nearly as I could I gave the particulars to the police, but the man from whom I obtained the paper made me promise that I would not give his name, and before he showed me the paper I gave him my promise.

10. *Hon. Mr. Hall-Jones.*] We have evidence of a ballot-paper having been improperly in the hands of some one. Now, you are the only one who knows who that person is. If we want to go any further we must know who gave that paper to you. Do you see that difficulty?—Yes; but I also recognise the difficulty I am in through giving my sacred promise. I am perfectly sure that the man who showed the paper to me is perfectly honest.

11. *The Chairman.*] I do not think any one's promise ought to shelter a criminal: supposing some one told you that he had committed murder or some other crime, would you consider your promise sufficient to shelter that person from the arm of the law?—Certainly I should not, but if I think and believe, as is still possible, that some young fellows—volunteers, artillerymen, or others—for a lark opened the boxes and took the papers away to show their friends how to vote, and having no recognition of the seriousness of the offence, then I think I am bound by my promise to the father of one of these young men.

12. *Hon. Mr. Hall-Jones.*] That ballot-paper belonged to the State, and was taken out of the ballot-box: have you any witnesses to call?—I have no witnesses to call this morning. I want to call the man who had charge of the ballot-boxes, and my object is to show the difficulties which menace the polls both for the local-option and parliamentary elections.

13. I want to get to the bottom of this matter, and how can we do that?—I think it can be shown that at every polling-booth there were abundant facilities for getting at the ballot-boxes.

14. *Mr. Wood:* I do not care about that at all—that is a matter for us to go into afterwards. The point now is, that some one has taken a ballot-paper out of a booth, and unless Mr. Isitt gives us the name of the person we cannot do anything.

15. *Mr. Commissioner Dinnie.*] Can you enlighten us as to the name of the person who has been dealing with another ballot-paper besides the one that you refer to?—Another Committee of this House is dealing with a question where I think some one has dealt with fourteen different ballot-papers, which were altered between the count and recount.

Mr. R. McKenzie: Mr. Isitt must realise that in the eyes of the law he is in the position of being a receiver of stolen property. In the eyes of the law he is a confederate of a thief or thieves, and he must take the responsibility of the theft himself.

16. *Hon. Mr. Hall-Jones.*] I do not take up that position, but I think Mr. Isitt will realise that it is his duty to assist us to find out who obtained this ballot-paper?—I do; but I also realise the position of the man who brought it to me, and who says that his business would be entirely ruined if his name were disclosed.

17. If he came by the ballot-paper honestly, why should he be afraid of being ruined?—His own words to me were that if it were known that he brought the ballot-paper to me political and trade influences would ruin him.

18. This ballot-paper may have been obtained from an employee at the printing-office, for instance, and it is important that we should know where it came from?—I do not wish the Committee to think I am sheltering myself in any way. I am only afraid of the consequences to a man whom I have known for something like thirty years, and who tells me that they would be serious to him if it were known that he had brought the ballot-paper to me.

19. *Mr. Wood.*] Do you think it was a straightforward course for him to take to give you the ballot-paper: should he not have taken it to the police?—I do not think he dare, for fear that it might ruin his business. He thought he had cleared his conscience when he brought the paper to me.

20. *The Chairman.*] You have no further evidence of your own to give?—No.

21. How do you expect the Committee can arrive at any conclusion upon absolutely hearsay evidence?—I do not want them to. I want merely to submit to them abundant evidence that the ballot-papers are dealt with so carelessly as to afford opportunity for abstraction.

The Chairman: This is the ballot-paper we are dealing with, and it is the only thing the Committee are here to deal with.

22. *Hon. Mr. Hall-Jones.*] And unfortunately we can only trace it back to you?—I shall have to ask to be allowed to consult with a legal adviser, because I cannot see that it is possible for me to accept the responsibility of involving a man in ruin.

23. From whom did you receive that ballot-paper?—At present I cannot answer.

24. Do you know the man?—The man from whom I received that paper?
25. Yes; you can answer that?—Yes; but for the reason given I cannot disclose the name. I have known him for thirty years, or at any rate many years.
26. Do I understand that you want to take legal advice before giving further evidence?—Yes; to find out how far I may be compelled to give evidence that will involve a man in trouble.
27. *Mr. Commissioner Dinnie.*] We might inquire from Mr. Isitt his object in obtaining ballot-papers from Returning Officers after the election was over: you applied for a number of ballot-papers, Mr. Isitt?—The only application I made for a ballot-paper was to see whether a genuine ballot-paper would compare with the one I had.
28. Did you write for a ballot-paper after the poll was taken?—I do not recollect doing so.
29. Is not this an extract from one of your letters: "I am anxious to obtain samples of local-option papers used in various electorates, and shall be glad if you would kindly send me two of those used in your electorate." This was sent to the Returning Officer at Nelson?—I perfectly understand that. That is a totally different matter—after the ballot-papers had been used and done with. We wanted to get samples to send to the Government to show that the headings put on the various ballot-papers were illegal practically, that according to the schedule there should be no word above the line "I vote for So-and-so, or for such-and-such an issue."
30. *Hon. Mr. Hall-Jones.*] It was after the ballot?—Yes; after the poll, and after the question had been inquired into.
31. *Mr. Commissioner Dinnie.*] I say that he was asking the Returning Officers to do an illegal act?—I did not know that the unused ballot-papers were anything else than so much waste paper after the results of the election had been declared.
32. *Mr. R. McKenzie.*] You wrote for ballot-papers to the Returning Officer at Nelson?—Yes; after the election was over.
33. But you wrote to him in time to have a recount?—I do not think so.
34. But you did write to the Returning Officers?—Yes; after we had regarded the remaining ballot-papers as waste paper.
35. What was your object in asking for those ballot-papers?—I have explained that to the Chairman. We wanted—
36. Who are "we." I strongly object to the "we." Mr. F. W. Isitt only is concerned?—I wrote as representing the New Zealand Alliance. The whole question had been discussed by us as to what we believed to be improper proceedings in connection with the local-option election. We took exception to the lines printed above the top voting-line of the ballot-papers, and I asked for these ballot-papers as samples, and which I believed to be mere waste paper. We believed that it was an improper way of dealing with the ballot-papers.
37. Did you get any?—I think two were sent to us.
38. Out of how many applications?—I think the others declined to send them to us, or took no notice of our letters.
39. From whom did you get the two ballot-papers?—I cannot say from memory.
40. Will you be able to tell the Committee later on?—I think so.
41. I suppose you know the electoral law of this colony?—Pretty well.
42. Were you aware that you were committing an illegal or corrupt practice?—Certainly not.
43. Were you not trying to entrap these officers?—Certainly not.
44. Was it not your object to get a recount and upset the local-option poll?—Certainly not.
45. Supposing you had obtained those papers, could you not have asked for a recount with a view of upsetting the election?—I do not think so after the poll had been closed.
46. But if that be the law could you not have done so?—If that be the law, then I carelessly did a thing I ought not to have done; but I do not believe it to be the law, and I had no desire to upset the poll. If the law be as it is now stated to me, it was an error of judgment on my part to ask for the ballot-papers under the circumstances.
47. There were certain papers questioned at Newtown: was there any collusion between you and the Returning Officer at Brooklyn?—Certainly not.
48. Did he supply you with any ballot-papers?—He did not.
49. Is it possible that he could have done so? You say that one Returning Officer gave you two?—I think two came back in answer to our correspondence; but all the correspondence does not pass through my hands, and I am not sure.
50. If you wanted to act straightforwardly, why did you not apply to the Department of Justice or to the Colonial Secretary for the ballot-papers?—It did not occur to me that there would be any harm done in getting these unused ballot-papers, and we wanted to prove our case to the Minister.
51. Why did you not apply to the Colonial Secretary, who has control of the elections, for a copy of the ballot-papers, instead of applying to the Returning Officers, and endeavouring to entrap and gag them?—Our object was merely to obtain the ballot-papers, which I thought were valueless, and then to submit the question to him.
52. If the law has stated that it is illegal, do you not think you have been guilty of a corrupt practice?—No, I do not.
53. *Mr. Commissioner Dinnie.* It is important to us to find out from whom Mr. Isitt obtained those two ballot-papers.
54. *The Chairman.*] Of course, that is so. It certainly should be before the Committee?—I attached no importance to it at all.
55. I understand that you are quite willing, if given time, to bring that before the Committee?—Quite so.
56. *Mr. Commissioner Dinnie.*] I would like to ask you whether, as an honest man, if a ballot-paper was brought you as it was to the man who has been referred to, you would refuse to

answer as to who gave it to you?—If a ballot-paper were brought to me under the same circumstances I should disclose where I got it; but many men are timid who are also honest, and this man is very timid.

57. *The Chairman.*] I understand you to say that you wish to consult with some of your friends before giving the information to the Committee?—I should like to consult my friends and a legal adviser as to whether I must do so. There was no promise given in regard to the Returning Officer and the two ballot-papers.

58. You are quite willing to take the responsibility of any action that may be taken after you have consulted your friends?—Yes; I understand I may be subject to penalties if I do not give the information.

WEDNESDAY, 18TH NOVEMBER, 1903.

F. W. ISITT further examined. (No. 2.)

1. *Mr. R. McKenzie* (Acting-Chairman, in absence of Mr. Symes).] When you left us yesterday I think you said you wanted to call some witnesses?—No; I said I wished to consult my colleagues and our solicitor as to the propriety of my answering a particular question.

2. Have you arrived at any conclusion on the subject?—Yes; I wished to consult Mr. Atkinson, both on account of his legal and parliamentary knowledge. I saw him yesterday, when he was unwell, and for that reason, I presume, he has not been able to meet me, as arranged, before I attended the Committee this morning, and I have not received his advice. I now wish to say, with the utmost respect to the Committee, that I would like to be allowed to state my reasons why I think I cannot disclose any name.

3. You did give the Committee some reasons yesterday. If I recollect rightly, you said that if you gave the name you believed the business of the person would be ruined?—Yes. Directly I received the ballot-paper—within an hour, I think—I saw the Returning Officer and the Police Inspector, and the paper was handed to the police. As soon as I obtained permission I first handed it to the Returning Officer, and afterwards wrote asking him to send it to the Commissioner of Police. I think I could not have done anything more. I do not know that a man could have done anything else who was bound by a promise—a promise made before I knew what the man was going to show me. Then I let the matter stand over for six months, during which term I think the police had the power, if they chose, to take proceedings, and it was not until the expiration of that term that I asked for a parliamentary inquiry into the irregularity of the poll. I am satisfied that the men who got the ballot-paper and brought it to me had no guilty intent.

4. But you cannot say that?—I submit that the evidence of the official who placed the ballot-boxes in position would establish the fact that his story is a reasonable one.

5. That is a matter of opinion?—It is an opinion that weighs with me. I am asked to disclose the name of the man who brought the ballot-paper to me with the best motives, whereas the greater offence, it seems to me, was that there had been carelessness in connection with the ballot-box. In another inquiry before another parliamentary Committee we have laid down the principle that we do not wish to attack persons, but the system. We have said that we bring no charge against the individual except one of participation in a carelessness that seems to have been characteristic, and I do not think when we have refused to get our opponents into trouble that I should be asked to disclose the name of a man who, with the most friendly intent, gave me the paper and told me that he would be ruined if I gave his name. On this ground alone, and more because of my promise, I feel that I must decline to disclose his name.

Mr. R. McKenzie: If you refuse to give the Committee necessary information, then it is for the Committee to consider how much further it will go into the inquiry.

6. *Mr. Wood.*] Did the gentleman who gave you the ballot-paper tell you how he got it?—Yes; he told me that it was given to his son, who had been in some polling-booth, but he did not tell me where.

7. I want to know which polling-booth he got it from?—He did not tell me that. I afterwards communicated to Mr. Commissioner Dinnie all the information I had in order that he might find out where the polling-booth was. The statement was that the ballot-box was in a polling-booth where men were being drilled, and when I afterwards learned that it was not the Drill-shed I concluded the booth was in Buckle Street, and told Commissioner Dinnie so. The statement made to me was that some man—not my informant's son—had handed the ballot-papers round freely.

8. *Mr. R. McKenzie.*] Did you tell the police that that occurred some three weeks afterwards?—Yes; I elicited the information bit by bit. First of all my informant told me that the ballot-paper had been taken from the booth where the ballot-papers had been distributed. Then, some time after that, it was in a place where men were drilling. Bit by bit I got the information seriatim.

9. *Hon. Mr. Hall-Jones.*] I would like to put before you the position in which you are placed. You petition the House with regard to an irregularity connected with ballot-papers, and we desire to get information to show if anybody got the ballot-papers illegally. The only one so obtained is in your possession, and our clear duty is to ascertain where that ballot-paper came from. We can only trace it back to the person who handed it to you. That is our position as a Committee?—I hold myself bound by my promise made before I saw the paper.

10. And do I understand that you decline to give the name?—I respectfully decline to give the name.

[The Committee deliberated. On resuming—]

11. *Mr. R. McKenzie.*] I am requested by the Committee, Mr. Isitt, to ask you formally to give this Committee the name of the person who gave you possession of this ballot-paper?—Yes.

12. You admit that this was the ballot-paper that was given to you [produced]?—Yes.

13. And it was a genuine ballot-paper, that could have been used at the Wellington Licensing Committee election?—Yes, to the best of my knowledge.

14. You grasp the position and yet refuse to give the Committee the name of the person who gave you this ballot-paper?—Yes. I regret that I feel it my duty most respectfully to decline to give you the name.

[Mr. Symes at this stage resumed the chair.]

A. D. THOMSON, S.M., late Returning Officer for City of Wellington, sworn and examined.
(No. 3.)

15. *The Chairman.*] You were the Returning Officer at the last election for the Licensing Committee of Wellington?—Yes, for the Licensing Committee election held in March last.

16. You have heard, no doubt, about the ballot-paper which is the subject of this inquiry?—Yes.

17. Have you ever seen that before [ballot-paper produced]?—Yes; this ballot-paper was the one handed to me subsequently to the election.

18. And it is similar to the ballot-papers used at the election?—Yes.

19. Is it a genuine ballot-paper?—It is.

20. Can you tell the Committee or give any evidence as to how it got into Mr. Isitt's possession?—I have not the slightest idea.

21. You did not give it to him yourself?—No. On the day of the election I heard that there were several ballot-papers similar to those in use at the election in the hands of outsiders. That was the first I knew or heard of it.

22. Could any one besides the printer who had the contract for printing these ballot-papers have printed similar papers to that?—I think not. I am satisfied that this is one of those that were printed by Mr. Ferguson, who was the contractor for printing the ballot-papers. As soon as I got this ballot-paper I took it to him and we examined it carefully together. He also was satisfied that it was one of those printed in his office, and one of the ballot-papers intended to be used at the election. He pointed out—and you will notice it yourselves—a break in the ruled line at the top of the paper. It is not a continuous line, but contains a little break at one end, and all the genuine ballot-papers have exactly the same defect; and, even though the printing were the same in all other respects, that is not a point that could be copied. He was quite satisfied that it was a genuine ballot-paper, and I was also.

23. It was an accident in the printing, and was not done intentionally?—No; it was not intentional. I examined the other genuine ballot-papers and found that they were all the same.

24. There were other ballot-papers missing?—Yes.

25. I think you say that there was one packet of 100 missing, or we have had it from somewhere that one packet could not be accounted for?—Yes; I think 16,000 ballot-papers were ordered, and they came to me in two parcels. I was anxious to get them as soon as possible, so as to get on with the counting and the arranging of them into several boxes, and one package came along a day or two before the other. The bulk of them came along last. After we had put the papers into the ballot-boxes I counted the remainder and found that there were 100 short of the 16,000.

26. You could not account for that except by assuming that the printer sent 100 short?—That is the only way I could account for it; and I went along to the printer and saw the foreman, and asked him whether he could say if they had sent the number short in any way, but he said they were confident they had sent along the whole 16,000. The fact remains that the 100 have never turned up.

27. You had no reason to doubt yourself—you could not well have lost the 100 between your office and the printing-office?—I think not. The whole of the papers were tied up in one big parcel.

28. Were they in bundles?—They were in bundles of 500, and there were 100 short.

29. If a bundle had disappeared you would have been 500 short?—Yes.

30. How were they checked? Were they delivered by the printer at your office?—By his servant.

31. Then, he had to deliver them to you?—Yes.

32. As they arrived did you check them over?—Not as they arrived.

33. Did you give a receipt for the number?—No, not that I remember. I do not recollect giving any receipt. I would not give a receipt for the actual number without counting them. I might have given a receipt for the parcel, but I do not quite recollect. The first lot that came I did count at the time and found them to be correct.

34. How many would be in that lot?—Not more than 2,000, I think. The first lot was in a small parcel, and it was only after we had checked the papers into hundreds, and put 750 into each ballot-box—that was the number I allotted to each ballot-box—that I found I could only make 15,900 of them. My assistant and myself opened up the bundles of 500 and put them into hundreds, and checked each other's count. For instance, if I counted one lot of 100 he checked me, and if my assistant counted another lot I checked him, and by that means we counted the whole lot, and put them into the ballot-boxes.

35. You counted each lot you received from the printer?—Yes.

36. And they were all right?—Yes, except for the 100.

37. How long after they had been delivered to you did you find them 100 short?—I should say at the most two days. The election was on the Wednesday, and I think I got them on the Monday.

38. When was the large parcel opened by you?—Probably on the Monday night. My office, where the delivery was made, was downstairs, and the office where my assistant was working was upstairs. The latter place was where they were counted, and the room where we were working was locked up at night.

39. Who was your assistant?—Mr. Harry McKenzie.

40. What is he?—He is a son of Mr. Thomas McKenzie, and is a general clerk. He has been accustomed to acting in connection with elections for years past.

41. What age is he?—I should say about forty-five.

42. Is it possible for a mistake to have been made in putting the papers into the ballot-boxes—for instance, for ninety-eight to have been put into one box and 102 into another?—It is, of course, possible, but very unlikely, because when I had counted them Mr. McKenzie counted them before they went into the ballot-boxes, and when he counted first I counted them again after him.

43. *Mr. Taylor.*] There were two distinct counts?—Yes.

44. You did not take anything for granted?—No; I am sure of that, because Mr. McKenzie had started to put them into the ballot-boxes before I went up to help him, and I took those out he had put in, and checked them.

45. *Hon. Mr. Hall-Jones.*] Do you know of this—"No. 14 booth, schoolroom, Pirie Street: 700 counted into ballot-box and received by Returning Officer, an additional 100 supplied and received; after ballot 803 accounted for"?—I do not remember whether it was that one, but I know that one of the booths returned two or three extra.

46. In the Sydney Street booth the report says 700 were counted into the ballot-box and 699 were received by the Returning Officer?—Yes. It may have been through our mistake in counting.

47. In Victoria Hall, Adelaide Road, 700 were counted in the ballot-box and received by the Returning Officer, and after the ballot only 699 were accounted for; and in Buckle Street 700 were counted in the ballot-box, 698 were received and accounted for by the Returning Officer. You account for three of these ballot-papers by there being an excess of three in one booth?—Yes.

48. Do you think it possible that there would be errors in counting them into other boxes?—It is possible; but I would be very much surprised to find that our count was in error. Of course, the deputy in counting might make a mistake as well as we.

49. Eight hundred and three are accounted for in the Pirie Street booth, and you say you only sent out 800?—I did not see the number that was returned unused. I have no means of checking them. They are all sealed up when returned, and I have no power to break the seal. The number of used papers is counted, the number of disallowed papers is counted, and the number of destroyed papers is counted, and the balance left is counted. The total was 803, and the Deputy Returning Officer might have made a mistake in returning them just as well as we might have made a mistake in sending them out.

50. Of course, the whole point is this: that a few more might have been sent in this case and a few less in the case of others?—Of course, it is possible.

51. But here it is said that what is said to have been a genuine ballot-paper is found to be in the possession of some one?—I believe it was a genuine paper intended to be used.

52. Have you any idea of how it could have come into the possession of Mr. Isitt?—No, I cannot account for it in any way.

53. You looked upon the ballot-paper as State property?—Yes.

54. And that any one who had it in his possession or abstracted it would possess it illegally?—Yes; no one had a right to have possession of the ballot-paper at the time it was held.

55. When was it brought under your notice that the ballot-paper was improperly in the possession of some one?—On the morning of the election.

56. At what time?—I could not give you the hour, but it was before dinner. The first communication about it I got was by telephone. I had been out visiting the booths, and when I returned one of the clerks in the office told me that an urgent message had come for me, and that Mr. Isitt was anxious to see me—that there was something wrong. He wanted me to telephone, I think it was, to Mr. Hoby. I rang up, I think, Mr. Hoby, and was informed that the matter was so serious that it could not be mentioned by telephone, and would I come up and see Mr. Isitt. I said No, that if there was anything Mr. Isitt wanted to see me about he must come down to the office, and that I would be there at 2 o'clock. At 2 o'clock he came down to the office, and he then told me that bogus ballot-papers, similar to this one unused, were in the hands of outsiders. I did not see the ballot-paper then, because Mr. Isitt had not got it then in his possession.

57. I understand that there were bogus ballot-papers in circulation—coloured papers?—I do not think so. I do not remember seeing any list of names on papers at the Licensing Committee election except on the cards—not an attempted copy of the ballot-paper.

58. Mr. Isitt came to see you?—Yes, that afternoon.

59. Did he give you any indication as to where he had got this paper?—No. I understood that there were numbers of them in circulation, and that it might be a very serious matter, that would upset the whole election.

60. You did not know at that time that there had been only one ascertained?—No, I did not. I went round to every booth immediately and warned all the deputies that it had been alleged to me that bogus ballot-papers were in circulation, and urged them to be very careful in making up the count in the evening, and to examine the papers to see that every one had the genuine official stamp on it, and in every other respect was genuine. Of course, I pointed out to them that the ballot-papers to be counted must have the official stamp on the back of them, so that if bogus ballot-papers were used they would not have that official stamp.

61. *Mr. R. McKenzie.*] Could not this official stamp be imitated?—I suppose it could; but they do not know what it is at the time. Every booth has a different stamp—no two booths have a similar stamp.

62. But if they got one of the ballot-papers and knew the official stamp they could use the papers to work that booth with?—They would have to get the stamp made. They could do it if they got a genuine ballot-paper and had it copied, but they do not get the ballot-paper in time to do that beforehand, and even then the total number of papers in the box at the close would show if there were any bogus papers there.

63. *Hon. Mr. Hall-Jones.*] Were you satisfied that it was a genuine ballot-paper?—I did not see it until a few days afterwards. I told every Deputy Returning Officer that the count at the finish would be a guide to them as to whether any bogus papers had been put in the boxes, and that if they found in making up the total that they had more papers than had been given to them there would be bogus papers amongst them.

64. If they found that 500 had voted, and that 550 papers were there, they would know that there was something wrong?—Yes. If 550 voted they would have 150 left out of 700, but if they had 200 left they would know that 50 ballot-papers in the ballot-box would be wrong.

65. Then you would have the number checked on the roll?—Those are never counted.

66. But you found afterwards that it was a genuine paper that had been complained of?—Yes; but Mr. Isitt could not produce it at the time. He had not got it in his possession at the time, but promised to get it for me so that I might see it as soon as possible. It came to me in an envelope a day or two afterwards—I cannot quite remember how long—and I at once took the paper along to Mr. Ferguson, the printer. I had seen Mr. Ferguson about it before.

67. Was there any accompanying letter?—No.

68. Just the paper itself?—Yes.

69. What did you do with it?—I took it to Mr. Ferguson and we examined it together, and he pointed out the break in the line on the printed form, which satisfied him that the paper was printed from his type.

70. What happened to this paper?—I had it until I sent it to the Commissioner of Police.

71. When did you communicate with the police about it?—I had several discussions with Inspector Ellison.

72. When did you bring it before him?—I was confident that I had shown it to him, but last night he told me that he had never seen the genuine paper, that all he saw was a sort of copy of it that had been made by Sergeant Twomey. I showed it to several, I know, and I thought I had shown it to him, but he says that I did not. At the time he was making inquiries about it not only at my request, but in consequence of what had been said to him by Mr. Isitt. I was anxious to have the matter cleared up, not because I thought it was a very serious matter so far as the election was concerned, but for Mr. Ferguson's sake. I felt that his office was under a certain stigma, and I wanted to get the matter cleared up on his account.

73. Did you have any formal communication from the Police Department in connection with this matter?—The only letter I sent was some time afterwards, when I was informed by Mr. Isitt himself that the paper had been obtained from the Buckle Street booth, and that people at the barracks—men in the Permanent Artillery—knew something about it. I at once wrote to Inspector Ellison giving him this information, and asking him to have further inquiry made. He had an inquiry made, and his report was left for me about three months afterwards, but it could not afterwards be found.

74. That was official correspondence, was it not?—Yes, I suppose it was.

75. It is not usual to destroy official correspondence, is it?—No; but it had not been recorded.

76. But it related to a public matter?—Yes.

77. Has due search been made for these papers?—Yes; the clerks in Wellington have searched all the ballot-papers and official papers. I do not remember destroying the papers, but it is possible that when I was clearing out a lot of my papers before leaving Wellington I may have destroyed that report amongst other papers.

78. What was on this missing file?—Simply the report of the police.

79. Just the one paper?—Just the one report.

80. *Mr. R. McKenzie.*] Which officer was it?—I do not remember the officer who made the report.

81. *Hon. Mr. Hall-Jones.*] Here is a letter from Mr. Isitt to the Returning Officer at Nelson and to the Returning Officer at Newtown: "Dear Sir,—I am anxious to obtain samples of the local-option ballot-papers used in various electorates, and shall be glad if you will kindly send me two of those used in your electorate." That is dated the 29th December, some time after the local-option poll. Did you have any similar application from Mr. Isitt?—I had a communication from some one to that effect, asking me to supply copies of the ballot-papers used.

82. Did you supply them with any?—No; I said I could not.

83. *Mr. Taylor.*] What becomes of the unused ballot-papers that come back to you from your deputies?—They come to me sealed and are put away with the used ballot-papers.

84. Are they put away with the used ballot-papers?—Yes.

85. And if any Returning Officers in reply to that note of Mr. Isitt's supplied any unused ballot-papers they must have taken them?—They could not have taken them from the sealed ones returned by the deputies, but they might send them from the surplus which the Returning Officer always has.

86. What becomes of the surplus papers?—They are made up into a parcel by the Returning Officer and sealed up. They are all kept together.

87. Now, if you received a note from some one asking for sample papers would you think that that meant papers used at the poll?—No, I should think he would mean just a form, and that I should supply him out of the surplus papers I had.

88. *Mr. Hall.*] Do you remember who it was that delivered the ballot-papers to you?—It was a boy, who brought them along on a hand-barrow.

89. When you received the papers were they properly tied or sealed up?—As far as I can remember, they were—in one big parcel.

90. Is the printer bound under any kind of obligation to regard everything as secret?—No; there was no written bond or agreement drawn up in this instance.

91. So that he could, if he thought proper, allow any ballot-papers, or a few stray ballot-papers, to be spread about without incurring any penalty?—I could imagine such a thing, but it would not be the right thing to do.

92. But he is under no obligation with regard to secrecy?—He makes no declaration of secrecy.

93. Is he under any legal penalty?—I do not know of any section in the Act which deals with that. I cannot speak offhand.

94. Would it not be a much better system to have the ballot-papers printed by the Government Printing Department?—I was anxious to get them printed by the Government Printer, but I think the outside printing-offices object very strongly to any little work of that description being done in the Government Printing Office. The Government Printer could not undertake the work at the time. I might say that it was not Government work exactly, because the City Council had to pay for getting it done.

95. In order to prevent a recurrence of a thing of this kind, would it not be better that the printer should be under some bond to prevent any ballot-papers going to any one but the Returning Officer?—Yes. I think all the printers consider themselves bound in honour at present; but only bound in honour, so far as I know.

96. There is some inference that this ballot-paper came from a polling-booth?—Yes.

97. What is your opinion?—I could not possibly say. I have no knowledge of the facts, or anything that would lead me to a conclusion.

98. Is there any possibility of one of these ballot-papers coming from any of the polling-booths?—I could not say there was no possibility. The ballot-boxes, with the papers, were put in the booths on Tuesday evening for use next morning, and it would be possible for any one to break into the rooms, open the ballot-boxes, and abstract papers.

99. *Mr. E. G. Allen.*] Would it be possible for any ballot-papers to be taken from your office without your knowledge?—Not without the knowledge of either myself or Mr. McKenzie.

100. You never left the place open?—No; when we left at night it was locked. It was always locked when nobody was in the room. When we went away to lunch in the middle of the day it was locked, and when it was open either Mr. McKenzie or myself was present.

101. How can you account for more ballot-papers being returned to you in some cases than were given out?—There must have been a mistake in the count either by ourselves or by the deputy when returning the papers.

102. Were public tenders invited for the printing of these ballot-papers?—Not by advertisement. I got prices or estimates from several different printers.

103. And you accepted the lowest offer?—Yes.

104. *Mr. R. McKenzie.*] Do you think it would be any improvement if these ballot-papers were printed in book form, with butts, and consecutively numbered—the number on the corner of the form and also on the butt?—It would be a very bad practice in some respects, because it would be possible to identify the voter by the number.

105. You said there were some police reports left in your possession?—Yes.

106. You cannot account for what became of them?—No, not in any other way than I mentioned before. The report was on the question whether any of the men in the barracks knew anything about the matter.

107. Can you account in any way for Mr. Isitt getting possession of the ballot-paper?—No.

108. You did not give it to him?—No.

109. Did you leave it on your table?—No. I knew nothing about it until Mr. Isitt told me about it himself on the afternoon of the election.

110. It has come to the knowledge of the Committee that you and Mr. Isitt had several interviews?—That is not so.

111. Is this a correct statement: “Whilst the ballot-papers were at the Court they appear to have been deposited either in Mr. Thomson’s room or in a room allotted to Mr. McKenzie to count them into the boxes, and although Mr. Isitt is said to have called on Mr. Thomson several times about this time it is questionable if he could have got possession of a ballot-paper, the boxes and ballot-papers being always carefully locked up during the absence of Mr. Thomson and Mr. McKenzie”? So it is alleged that Mr. Isitt interviewed you several times while you were counting those ballot-papers?—Mr. Isitt was never in the Court-room, so far as I remember, until the afternoon of the election, and it was only when I made a special appointment with him to come down and tell me about the difficulty.

112. When did you count the ballot-papers?—On the Monday.

113. And when was the election?—On the Wednesday.

114. And do you swear that Mr. Isitt never visited you on the Monday or Tuesday before the election?—I do.

115. What time is allowed for petitioning against an election after the day of the election?—Twenty-eight days, I think it is.

116. Not forty?—Forty is the period for a parliamentary election; but I would not speak positively without looking up the statute.

117. You have already stated that Mr. Isitt applied to you for sample ballot-papers?—I received a letter to that effect. I do not know who signed it, but I know it was from the temperance people, and I replied by letter stating that I could not hand over any of the papers left.

118. Would it have been illegal for you to have done so?—Yes, I consider it would.

119. You consider that you would have been liable to a penalty if you had given Mr. Isitt, or any one else, a ballot-paper?—Yes.

120. Supposing that any Returning Officers had given ballot-papers to Mr. Isitt, could Mr. Isitt have petitioned and upset the election?—I could not say.

121. Supposing you as a Returning Officer had illegally given away ballot-papers, would you not be to some extent gagged, and be prevented from giving evidence afterwards?—I think if any Returning Officer did so he would do it in ignorance, and if I did such a thing it would not gag me.

122. Supposing it was done for some consideration?—I could not imagine that happening.

123. But is such a thing impossible?—Well, it is possible.

124. You admit that it is possible?—It is possible for a man to commit an illegal act.

125. Could a Returning Officer inform the police that he gave Mr. Isitt or any one else two ballot-papers without incriminating himself?—He would incriminate himself supposing sufficient time had not passed.

126. He would be likely to injure himself afterwards, would he not?—Yes, no doubt, even though no criminal prosecution could lie against him.

127. And he would not be likely to be trusted in a similar position any more?—No, certainly not.

128. You say you do not remember the law sufficiently well to say from memory what the effect of giving away ballot-papers would be?—I never like to give a legal opinion without first looking up the section.

129. You do not know of any Returning Officer giving ballot-papers to Mr. Isitt?—No.

130. Were you Returning Officer in Wellington for the local-option poll?—Yes.

131. *Mr. Wood.*] When did you first see this ballot-paper?—Certainly within a week after the election.

132. You did not see it on the same day?—No.

133. “Mr. Thomson examined and compared the ballot-paper with others he possessed, and said it was a genuine one, and he in consequence warned the scrutineers at the various polling-booths that such papers were in circulation.” That is the same day?—Yes; but I did not see it. I did warn the Deputy Returning Officers as soon as I heard of it, but I did not see this ballot-paper on the day of the election.

134. You had control of the election: is it possible from your knowledge to protect the ballot-papers in a better way?—The ballot-boxes have to be distributed beforehand, together with the papers. They have to be in each booth ready for use at 9 o'clock the next day. They have to be distributed the night before, and I went round myself and deposited them, and in every case made arrangements for the booth to be opened before 9 o'clock the next morning, so that the officers could get into it. The keys of some of the booths I left with the police. Of others I kept the keys myself, and of some I left the keys with the caretakers. In the case of the Buckle Street booth the keys were left either at the barracks or at the police-station—I think at the barracks.

135. *Hon. Mr. Hall-Jones.*] When you got to the Buckle Street booth to leave the box there did you personally leave the key in charge of some one?—The person who let me in had the key, and the drill-shed is always in charge of the Defence Department.

136. *Mr. Wood.*] This incident and others indicate that great carelessness was displayed by the Returning Officers—and that includes yourself: do you admit that?—The only way I could suggest as a remedy was that I might have left the boxes at the police-station and got the police to deliver them the next morning.

137. The petition says that great carelessness was shown: do you consider that you took reasonable precautions?—I consider that I took every precaution. The only thing I could have done was to get the police to deliver the boxes the next morning before 9 o'clock, and there is always a risk in connection with that, because if the booth was opened a little late it might upset the election.

138. You consider that everything was quite right?—Yes.

139. And that any one who took one of the papers out of the ballot-box went there for the purpose?—I would not say that.

140. Would he have to break into the building?—I do not know that he would have to break into the Buckle Street building, because it is used by the Defence Department, and I do not know whether it was used on the night before the election or not, but it might have been used by the Permanent Artillery practising there. The other places are two public schools, where the key was in the custody of the caretaker in each case, and they might have let any one in.

141. Did you give any instructions that these papers and boxes were to be kept secret and in such a position under lock and key that no one could get at them?—I did not give any special instructions about them. The boxes were all locked and put in the school, and the caretaker was told that he would be called upon for the key by the Returning Officer next morning.

142. If a complaint is made in the petition as to gross carelessness, then you are the responsible person?—Quite so. I certainly do not admit there was gross carelessness.

143. Do you think it must have been a designing person who wanted to take one of these papers? In other words, do you think any one did it just for the sake of doing it, or with some ulterior motive?—It is impossible for me to say what a person would take a ballot-paper for.

144. You do not think it would be done for a lark?—It is possible that it might have been done for a lark just to show that it could be done, and it is possible that it might have been done for the purpose of making an illegal use of it.

145. *The Chairman.*] I presume this was not the only election at which you have been Returning Officer?—It is the second. I had the general election in Wellington in November, and the Licensing Committee election in March.

146. And you say the ordinary precautions at this election were the same as you took at the other election?—I took exactly the same precautions as at the general election, and I consider that I took every precaution.

147. All that was necessary?—All that was necessary.

148. Excepting that you might have sent the boxes to the police-station?—Yes. It has occurred to me since that they might possibly be left with the police.

149. All the Returning Officers are supposed to use the same means of distributing the ballot-boxes?—Yes; but it would not be possible to put the ballot-boxes in charge of the police in a country district.

150. You have already stated that you could not account for any one wanting to take the ballot-paper?—I do not see that a ballot-paper would be of any use to any one.

151. Excepting to get at the Returning Officer: that must be the object, to show gross carelessness?—Of course, it might have been done with that object; but so far as making use of the ballot-paper is concerned I do not see how it could be done. Supposing a person did abstract a hundred ballot-papers, before they could be made use of they would have to get the official stamp at the back of them, and then at the final count the officers would see that they had more papers than there ought to be.

152. When you send the papers out by a carter or carrier are they tied up in bundles?—In the country districts they are wrapped up and sealed, I believe.

153. Have you ever heard of a similar application to that you received asking for samples of used ballot-papers?—I never have; but that was my first election. I had not been Returning Officer before.

154. You could not give the Committee any idea of the object of making such a request?—I cannot say what the object would be.

155. Can you tell us whether all the ballot-papers used, with the exception of the names, would be similar to this ballot-paper?—They would be all the same, but the heading would be a little different. The name of the district is at the top in this case, and that is not according to the schedule.

156. *Mr. R. McKenzie.*] Did you accompany these ballot-papers from your office to the various booths?—I did.

157. You accompanied the carters on this occasion?—Yes; and delivered the boxes with the papers myself.

158. Supposing it was alleged here that those boxes were standing outside one of the hotels for about an hour, would you admit that allegation?—No; I deny that statement.

159. *Rev. Mr. Isitt.*] Did you collect the ballot-boxes as well as deliver them?—No, I did not.

160. How were they collected?—There were three expresses, one starting from the top of Newtown. I forget the order in which the boxes were collected, but one of the poll-clerks was on each express. When collecting the ballot-boxes some of the booths were finished much earlier than others.

161. Do I understand that you collected both the Wellington and Newtown boxes?—No; I had nothing to do with the Newtown election.

162. Were they private expressmen who were employed, or were they employed by the Public Works Department?—They were private expressmen, but the Public Works Department engaged them.

163. Were instructions given that a poll-clerk should accompany each box?—Yes; that one clerk was to stay in each booth until the ballot-box was delivered to the expressman.

164. And after the delivery to the expressman was one of the clerks to accompany him?—Yes; either one of Mr. Smith's men or one of my officers had to accompany the express.

165. Then, you think it would have been impossible for an express loaded with ballot-boxes to have been standing at the Western Hotel?—There certainly should not have been, but one express would have to be at Morrah's polling-booth, which was just about that spot.

166. Could an express full of ballot-boxes have stood at the Western Hotel door?—I think it would be possible, because they would have to wait just about there where Morrah's booth was.

167. Would any of them be there as late as 9 o'clock?—Yes. If I remember rightly, it was pretty well 12 o'clock before we got the ballot-boxes from Morrah's booth.

168. You said that there were two public-school rooms used?—Yes.

169. Both for the local-option and the parliamentary poll?—Yes.

170. Do you know how many doors there would be to those schools?—No; but they would all have keys.

171. You do not know whether the secretary of the School Committee or the charwoman would also have a key?—I do not.

172. If evidence was given that the charwoman or the secretary of the School Committee had a key would you be surprised?—No.

173. Would you think sufficient care was taken in depositing ballot-boxes in a room without knowing how many people had keys to the outer door?—Unless there was something to lead me to believe there were other keys I would be satisfied.

174. Did you examine the windows?—No.

175. Have you any general knowledge as to the security or otherwise of schoolroom-windows?—No.

176. If a schoolroom-window had no catches on them do you think the schoolroom would be sufficiently safe for ballot-boxes?—No.

177. Do you think it is sufficient security to leave ballot-boxes in such a room?—No, I do not think so.

178. Was the key open, or sealed up in any way?—It was just inside the boxes.

179. Have you any knowledge of the facility with which a key can be duplicated?—No.

180. Would you be surprised to learn that a safe-key can be stamped in three minutes?—No.

181. My point is that both parliamentary and local-option polls are menaced by carelessness in the system adopted with regard to the ballot-papers: supposing a person obtained possession of ballot-papers before the poll, could he not make use of them at the poll?

ALEXANDER FERGUSON, Printer and Stationer, sworn and examined. (No. 4.)

182. *The Chairman.*] You were the printer of the ballot-papers for the last Licensing Committee election at Wellington?—Yes, I was.

183. Will you tell the Committee whether that was one of the papers you printed [ballot-paper produced and handed to witness]?—Yes; I have seen this before. I should say it was one of the papers. I could swear almost that it is one, from little points about the type.

184. Did you give any ballot-papers to any one other than the Returning Officer?—No.

185. Would it have been possible for any one to have got that paper?—Yes, quite possible. If I had a dishonest employee he might have taken it out without any one's knowledge. There were a large number of these printed, and on account of the gumming required they had to lie out exposed.

186. Of course, you used every precaution?—Yes. There are all sorts of things that we have to print for racing clubs and others, and we also print examination-papers, and necessarily have to take all kinds of precautions.

187. *Mr. Taylor.*] Did you break up your type directly the required number was printed off?—As a rule we do, but I should not like to say it was done in this case. I do not think any copies would be taken of the printed form by any one, because it would have to be put through so many different processes.

188. *Hon. Mr. Hall-Jones.*] How many different processes would it go through?—It would have to go through a good many hands, and this has not been printed from a hand-press.

189. How many would you print in a sheet?—These were printed singly on a rotary machine.

190. *Mr. Wood.*] Have you ever found similar things to go out from your office?—Yes; we once had a case of damaged tram-tickets. A sheet had been spoilt and thrown amongst the waste paper, and a boy picked it up, and afterwards we found this out through the Tram-manager bringing it under our notice. It was not taken out of our place, because it was not properly numbered, but must have been picked out of the waste paper afterwards.

191. Do you know of any other instance?—None has been brought under my personal knowledge. These ballot-papers were all practically counted by two people into lots of 100.

192. *The Chairman.*] Can you say whether they were packed in hundreds or more?—I did not pack or count them, and it is so long ago that I would not like to swear; but so far as I know they were put up in hundreds.

193. If the Returning Officer said they were in five-hundreds you would not say that he was wrong?—They may have been packed in hundreds first and then repacked in five-hundreds. I believe that is so.

194. *Hon. Mr. Hall-Jones.*] Do you often discover errors in counting?—Yes; that is the reason why we had them counted or checked twice, because it was impressed upon us by Mr. Thomson that he should have them correct. He was very particular about that.

195. *The Chairman.*] There seems to have been a discrepancy of 100?—Yes; but I contend that that did not occur at our end. My people say they counted the papers carefully, jotted them down on paper, and added them up, so that the exact number should be delivered. Unfortunately we did not get a signature for the exact number, but for the parcel. We did not anticipate this trouble.

196. Do you usually get receipts for the exact number, or only for the parcel?—As a rule only for a parcel. We might get a receipt in some cases. It depends upon the importance of the thing.

197. *Hon. Mr. Hall-Jones.*] Was the receipt in this case for the number or for the bundles?—For the bundles. It really should have been for a specified number; but even in that case it would have been of very little benefit, because the Returning Officer could not have counted them, and one paper might have got astray outside.

198. *The Chairman.*] You have not machines for counting papers the same as you have for cards?—We have machines for numbering, but these ballot-papers were not ordered to be numbered. I could have put on a machine while they were being printed that would have shown consecutive numbers, but, of course, we had no instructions to put numbers on them.

199. *Mr. Wood.*] But there are machines that give the number of papers that are printed when going through?—You can put a numbering machine on a cylinder machine that registers the number printed without numbering the papers at all; but if there are any sheets spoiled, or one of the sheets slips, they have to be thrown out. That would hardly check the number printed.

200. *Mr. R. McKenzie.*] Are you satisfied that this paper was not stolen from your printing-office?—Yes; as far as I possibly can be. I do not think there was any one in my office that would be likely to take it.

201. How many people have you employed there?—Between twenty and thirty.

202. Do you know them all personally?—Yes.

203. Do you consider them all trustworthy and honest?—Yes, or I would not have them there. You must have honest people in a printing-office.

204. Are they sworn in?—No.

205. They are under no obligation to observe secrecy?—Not more than any ordinary employee is supposed to be.

206. Have they been working for you long?—Some of them have been there ever since I have been there. Some have been in the establishment for nearly twenty years.

207. With reference to these bundles of ballot-papers, we have it in evidence that they were printed short: what is your version of that—do you think you printed and delivered them all?—I do. As far as my memory goes, when this trouble arose I heard that a parcel of 100 had disappeared. Of course, it worried me, and I went down and saw Mr. Thomson; or, rather, I sent my representative to him. I had seen Mr. Thomson before, because he had been in and seen me about the matter.

208. If they had been printed and got into other hands would they not possibly have been used in the election? Supposing any one had obtained these papers, and got the official stamp, could he not have used them in the election?—This 100?

209. Yes?—If any one got 100 papers like this one, so far as my knowledge of the thing goes, I suppose he could use them.

210. You are satisfied you delivered them?—Yes, I am satisfied I did deliver them. The object in view might have been served by one paper, and it was a very easy thing to put the other ninety-nine into the fire. If they had used the other ninety-nine broadcast I think the evidence would have been so strong that the offence could have been sheeted home to some one. I felt very strongly on the matter.

211. Is it your opinion that this paper was taken out of the 100 parcel that was missing?—Yes, that is my opinion. If 100 have disappeared, then I should say this particular paper came out of that parcel.

212. If these papers were numbered consecutively, and made into a book with a block at one end, do you think it would be a check?—I do not know that it would help it.

213. If one was missing out of a book of 100 would you be able to tell?—I think a very good way would be to adopt the system used in connection with stamps. In this case every sheet is numbered as it comes from the mill, and has to be accounted for. If that were done, and the sheets were sent in to the printer, and there was a number missing, when they came back they could be traced.

214. *Hon. Mr. Hall-Jones.*] But we import the stamp-paper?—It would be an easy thing to import ballot-paper.

215. *Mr. Taylor.*] Your answers to Mr. McKenzie's questions as to safeguards, I presume, must be quite conjectural: you have never had any experience in conducting an election?—No; practically there has been no safeguard over these papers—no special safeguard. Any dishonest person could have got hold of them.

216. *Hon. Mr. Hall-Jones.*] Do you mean from your office?—From my office or anywhere else. If this paper had been taken from my office I should say it had been stolen.

217. *Mr. Taylor.*] It is said that this was taken actually out of the ballot-box just before the ballot commenced. The ballot-box was left in the building, and was not protected against intrusion. Is it not as likely that it was taken from there as by one of your employees from your place?—I suppose it is just as possible.

218. *Mr. R. McKenzie.*] Those ballot-boxes were under lock and key?—I did not suspect my employees, but it is quite possible they might have taken one.

219. *Hon. Mr. Hall-Jones.*] They had every opportunity?—Every opportunity.

220. *Mr. Taylor.*] Is there any limit to the possibilities?—These things were laid out in a room, and ten people had access to them; so that any one of those ten could have taken one of the papers and put it in his pocket.

221. *Mr. R. McKenzie.*] On the other hand, you are satisfied that whoever stole that ballot-paper stole 100?—I am not convinced as to that. I say that 100 disappeared, and my opinion is that that is one of the hundred.

222. *Mr. Hall.*] Do you remember the boy you sent these ballot-papers with?—I cannot remember his name; but I could hardly think that he would do it.

223. Is he in your employ?—Not now. He was a message-boy, and such boys come and go. They just run messages for two or three months, and leave to go to some one else.

224. Did you send these ballot-papers in packets of 100 or in packets of several hundreds?—As far as I can recollect they were put in packets of 100, and then put into larger bundles.

225. Then, this boy would be the sole custodian of those papers between your office and the office of the Returning Officer?—Yes; but I may say that the boy was as good a boy as I have ever had in my employment.

226. *Hon. Mr. Hall-Jones.*] What was his name?—I could not give you his name without looking up my book.

FRIDAY, 20TH NOVEMBER, 1903.

F. W. ISITT further examined. (No. 5.)

1. *The Chairman.*] The other day the Committee deliberated as to their course of action on your declining to give certain information to the Committee. Since then it has come to the knowledge of the Committee that other ballot-papers have to be accounted for, and I have been directed to ask you if you have any other ballot-papers in your possession than the one which has been produced?—I have none at all.

2. Do you know of any one who has?—No.

3. You have no knowledge of any ballot-paper beyond the one that is now before the Committee?—No.

4. I understand from members of the Committee that during my absence you had positively declined to divulge the name of the person from whom you got the ballot-paper?—Yes, I felt bound by my promise.

5. And you still feel bound by that?—Yes.

6. Well, on the ground that you decline to give the Committee that information the Committee have come to the conclusion that you have no standing before them, and that there is nothing before them?—May I make a statement as a witness?

The Chairman : No; there is nothing before the Committee.

Mr. Commissioner Dinnie : Mr. Isitt has stated that he wrote for certain ballot-papers to Returning Officers, and I would like to know from whom he received them?

Witness : I can give a full explanation as to that matter with the aid of another witness. Those ballot-papers, though asked for by me technically, were asked for by the Rev. Mr. Walker.

7. *The Chairman.*] I thought it was the Alliance?—Yes; but the Alliance Executive consists of twenty-four persons, including the President and the Treasurer as an associate, and takes action on behalf of any representative men. When I was absent the Rev. Mr. Walker wanted these samples of ballot-papers, and he is here to make his own statement as to why he wanted them. Although I am technically responsible as signing the letter, that is my only connection with it.

8. *Mr. Hardy.*] You merely say that you were the instrument?—Yes. It occurred a fortnight after the Mataura election. The thought of the ballot-papers being of any value after the poll was over never entered my mind. Mr. Walker was very much interested in the matter, and Mr. Adams had given it as his opinion that there should be nothing on the voting-paper above the top voting-line.

Mr. A. D. Thomson, S.M. : I would like to make one addition to what I stated at the last meeting of the Committee, and would prefer that Mr. Isitt should be present. It is this: that it never crossed my mind until certain questions were asked me on Wednesday morning that it might be suggested that I had been conniving at this ballot-paper being put into the possession of some one who had no right to have it. I desire to emphasize, in the presence of Mr. Isitt and every one else, that I never, directly or indirectly, connived at any ballot-paper being put improperly into the possession of anybody.

Mr. E. G. Allen : That never suggested itself to the Committee, taking into consideration the position you hold.

Mr. Thomson : That may be so, but I thought from two of the questions that were put to me that it was implied. One question was whether I gave the paper to Mr. Isitt, and the next was did I put it on the table in order that it might be obtained.

Rev. E. WALKER made an affirmation and was examined. (No. 6.)

9. *The Chairman.*] I understand from Mr. Isitt that you wish to give evidence before this Committee in connection with certain ballot-papers?—Yes.

10. After the licensing elections, it has been stated before this Committee, Mr. Isitt applied to Returning Officers for certain ballot-papers, and he said that it was at your instigation: is that so?—Yes, that is so; and the explanation of it is this: I was not remembering at the time that those unused voting-papers after the poll had to be packed up and sent with the used papers to the place where they were kept in custody. I understood that they were regarded as so much waste paper.

11. I suppose you had read the Act?—I had read the Act, but I was under the impression that they were so much waste paper after the poll was over, and I suggested to Mr. Isitt, from what I knew in regard to the various printed headings that had been put on these papers, that if he could get samples the matter might be brought under the notice of the Minister, or whoever it concerned, to show that there was no uniformity in the voting-papers over the colony.

12. Did it not occur to you that it would have been better to go to the proper source—the Minister himself—to ask for that information?—That might have occurred to Mr. Isitt, but I am not an official in the matter. I am simply a private person doing what I do in the temperance movement in an honorary capacity. He was the official person, and I made the suggestion to him.

13. He says that he was only the instrument to carry out your wish?—Well, if I thought it was necessary for anything to be done I would generally express a wish that the matter should be taken in hand.

14. You would hardly be the instrument—you would have some authority in such a case?—I have no authority to say what should be done. I am interested in seeing that right is done all over the colony, and I know that things are printed at the head of voting-papers that ought not to be there.

15. Then, you would not consider it right to ask any one to commit a wrong?—Certainly not. If I had had the slightest idea at the time that those voting-papers were anything more than waste paper after the poll, and had to be left in the possession of the Returning Officer, I would never have made such a suggestion.

16. And you say that it was only for the purpose of seeing the various printed headings to those papers that you wanted them?—That is all. Numbers of persons were invited to strike out the top line, and the top line in these papers had no lawful right to be there.

17. But would not one paper have been sufficient for your purpose?—Yes; it would have been sufficient to show us in one instance what had been done, but it was almost universally done.

18. Why did you ask for two papers in each case?—That might have been Mr. Isitt's own suggestion, in order that he might have one to keep in his possession.

19. When was the election held?—Last year.

20. You are quite sure the idea never entered your mind at the time you asked for these ballot-papers that there might be just the possibility of your upsetting some of the late elections?—It was not in my thoughts in the slightest degree.

21. It has been suggested that that was the reason?—One thing that strongly influenced me in making the suggestion was that I had heard that at the recount in Selwyn the Magistrate had said that there were a considerable number of papers on which the local descriptive line at the

top "Selwyn Local-option District," or something of that kind, was struck out by many people. The law gives the franchise to all sorts of people, educated and otherwise, and if they are instructed to strike out the top line and they are not able to read they may strike out the top line of the ballot-paper, which line the law does not provide for being there. I have acted as scrutineer, and seen papers on which people had struck out the two bottom lines below the proposals, and therefore the contention is that there should be absolutely nothing on the voting-paper but what the law requires to be there.

22. *Mr. Hardy.*] You spoke of a recount at Selwyn: when did that take place?—It took place within the prescribed time after the last poll.

23. Surely you must be mistaken about the place—Selwyn?—I think not. Selwyn is the next electorate to Ashburton.

24. It was not Courtenay?—No; I am absolutely sure it was Selwyn.

25. Has it ever occurred to you that the cry about striking out the top line might have the same effect on a candidate at an ordinary election?—It might.

26. I think it was Courtenay where the recount took place?—There was a recount in Selwyn.

27. *Mr. E. G. Allen.*] You say that the heading on the voting-paper was illegal?—Yes; it is illegal in the sense that the law does not prescribe that it shall be there.

28. The law does not say that you shall not put some mark upon the paper to distinguish the district?—I think you will find if you refer to some of the Acts which deal with elections that there is a schedule giving the form for stating what the district is. In the Licensing Act the schedule gives the form of the voting-paper, but there is no provision for the name of the district.

29. Well, perhaps it would be better to put it on the side instead of at the top, but it would not do to have no distinguishing mark, because, in the event of the papers being mixed up and being required for a district months after an election, you would not know where the papers of that particular district were?—I quite believe it would be an advantage to have something on the side so long as it did not confuse the ordinary voter.

30. *Mr. Commissioner Dinnie.*] Have you possession of those two voting-papers obtained at your suggestion by Mr. Isitt after the poll?—I have not got them, and do not know where they came from. I have not been in conference with Mr. Isitt once in the interval about the matter.

31. You have not seen the papers?—No.

32. Although you asked for them for special reasons you have not got them?—No; I simply made a suggestion, and I have not seen Mr. Isitt since in reference to the matter. I have not been up here, but have been principally in the South Island.

33. *Mr. R. McKenzie.*] Do you know anything about the theft of the ballot-paper that is here? Have you any idea as to who gave it to Mr. Isitt?—I have not the slightest idea.

34. Have you gone into the history of this matter before to-day?—No; but I should be sorry to believe there was anything like theft about it.

35. If it was not stolen how do you think Mr. Isitt got possession of it?—I do not know, unless the Returning Officers were under the same impression as myself and did not know what the law provides.

36. This was the paper that was taken on the morning of the election that I am speaking of?—I do not know anything about it. I have not heard of that till this moment.

37. You said you would not use the word "theft": I asked you, if it was not stolen, how do you account for Mr. Isitt having it?—I do not consider Mr. Isitt capable of theft.

38. But if it was stolen?—I should try to account for it in an honourable way.

39. Unless we can get some information as to where he got it we can only look upon it that he obtained it in a dishonourable manner?—I cannot say that.

Mr. R. McKenzie: You would not say he came by the voting-paper honourably if it is illegally in the possession of the person who handed it to Mr. Isitt?

40. *Hon. Mr. Hall-Jones.*] Are you aware that every Returning Officer in the colony is sworn in with a copy of the Licensing Act before him or in his hands?—I know they are all sworn in in some way, but I do not know the particulars.

41. *The Chairman.*] Did I understand you to say that you had acted as scrutineer?—I had acted as scrutineer at Ashburton in connection with the local-option poll.

42. Did you see what was done with the used and unused ballot-papers?—All those papers were sent from my booth to the Returning Officer.

43. What was done with them at your booth?—They were all packed up and sent to the Returning Officer for the district.

44. How were they packed up?—As far as I can remember they were packed up in an ordinary folded parcel, and tied round with string or tape.

45. But you were a scrutineer?—Yes.

46. And you did not scrutinize closely what was done?—Yes; I did what was required of me.

47. Did you not know that every paper was put in a packet, and the packet was tied up and sealed?—Yes; all that was done.

48. Then, you must have known that the used and unused voting-papers were treated in exactly the same way?—That was so in my booth.

49. Have you any reason to believe that your booth was conducted in any different way from every other booth in the colony?—No.

50. And, knowing that, you still suggested to Mr. Isitt that he should ask the various Returning Officers for used ballot-papers?—I never suggested that he should get used papers. Upon your statement now of the case, the suggestion would have been an absurd and useless one, if one had it in one's mind that none of the Returning Officers had any of these things in their possession, because they were all sealed up and sent away.

51. Is it not rather a suggestion that the Returning Officer should commit a crime or do a wrong?—A suggestion that that should happen never came from me.

52. But the suggestion does bear that out on the face of it?—It would if I had known that at the time I made the suggestion. I thought the Returning Officer would have some surplus ones not sent to any booth lying about as waste paper, and could do as he liked.

53. You are interested in doing right in the colony, and are one of the leading members of the Alliance?—I am not a member of the Alliance.

54. You tell the Committee you have acted as scrutineer, and yet do not know the Act?—I did not at the time remember or know that the unused voting-papers were required by the Act to be sent on with the used ones, or I would never have made the suggestion.

55. Do you think Mr. Isitt would have forgotten such a thing?—He tells me that he overlooked the thing and did not know, and that is where the trouble came in.

56. You have told the Committee that you have never seen any result from your suggestion?—I have never seen any result from my suggestion. I do not know that I have spoken to him about it from that time until now.

57. The object of the Committee is to find out whether the business of the colony is being conducted by its officials in a loose and careless manner, and these letters would have been a test if any ballot-papers had been sent in reply: you, yourself, upon the evidence you have given, would know that if any Returning Officer sent those papers he would be committing a wrong?—Undoubtedly, now I should; but I never intended to suggest that he should commit a wrong, because I did not realise it.

A. D. THOMSON, S.M., further examined. (No. 7.)

58. *Mr. R. McKenzie.*] You dispute the assertion that Mr. Isitt interviewed you on several occasions on the Monday and Tuesday before the licensing election? You deny that?—Yes.

59. This is the statement that is in the report: "Whilst the ballot-papers were at the Court they appear to have been deposited either in Mr. Thomson's room, or in a room allotted to Mr. McKenzie to count them into the boxes;"—Of course, that was before the election?—Yes.

60. "—and, although Mr. Isitt is said to have called on Mr. Thomson several times about this time." That would be before the election. I think the police ought to give the reason for putting that in the report?—I am confident that Mr. Isitt was never in my office before the election-day, although he may have been about the Court.

61. This report indicates that Mr. Isitt was in your office and could have put a bundle of ballot-papers in his pocket?—I think I said the parcel of ballot-papers was brought into my office, and was carried by Mr. McKenzie and myself into the room upstairs. We could not carry the whole lot in one parcel, but we carried them up in parcels.

Rev. F. W. ISITT further examined. (No. 8.)

62. *The Chairman.*] You gave the Committee to understand the other day that you had ascertained whether you had any more ballot-papers in reply to your letters to the Returning Officers, and, if necessary, would give the information in Committee: have you found out whether you did get any more?—They were sent from three different places.

63. Can you give us the names of the places from which they were received?—No.

64. Do you know yourself?—I know from what places they were sent, but I could not give you the names.

65. And were you bound by a promise not to do so in this particular case?—No; but the position is this: that it has been publicly stated in a railway-carriage that I was to be prosecuted for the theft of ballot-papers. That was publicly stated, and when I learned that the ballot-papers referred to were these particular papers and not the Buckle Street paper, I realised that if I were to be prosecuted the officials who sent them would also be liable to prosecution. I know that this threat was made in a railway-carriage by the member for Motueka.

66. Do you not think they should be prosecuted for committing a wrong?—Yes, if they did wilfully commit a wrong.

67. Do you not know that before they take the position of Returning Officer they are sworn to do certain things?—Yes; but with my special familiarity with licensing matters at this period—and I had just come from a tour in connection with licensing matters in Matura, and had been searching the Licensing and Electoral Acts very carefully—I did not know that it was their duty under section 9, subsection (3), of the 1895 Act to see that the unused ballot-papers were sent to the Clerk of the nearest Magistrate's Court with the used papers; and I considered that if I were to be prosecuted for theft, and these men had carelessly acted wrongly at our instigation I might involve them in prosecution, and I posted the ballot-papers back to them. I do not now know anything of any ballot-papers except that on this table.

68. And you decline to give the names of those men who committed a wrong?—I regretfully say that I must, because I do not know what may happen to those men.

69. Then, do you think it is right to ask this Committee to investigate a wrong that has been perpetrated, and of which you know, while you deliberately withhold information necessary to the investigation?—Frankly, if I had remembered that the request for these unused papers had gone from my office, signed with my name, I would not have put in the petition. The letters were sent at the request of Mr. Walker, and there are hundreds of things that I sign which I only glance at. If I had known that that had been done I would not have involved these men in the risk of being put in this position. With regard to the other paper, I had full knowledge of the circumstances before asking that the matter should be inquired into. I do think that the facility given for the abstraction of papers is a much greater matter than the abstraction of a single ballot-paper.

70. We can only know the facilities with which these papers can be obtained by knowing how this one was obtained?—I have given my reason for not giving the name.

71. *The Chairman.*] You decline to give the names of those Returning Officers who sent you those papers?—Yes; but with regard to the Buckle Street paper, I would like to give an additional reason.

72. I think you have given us your reasons—that you had given a promise?—Yes; but with the consent of the man who brought me that paper I gave so much information—

73. *Mr. R. McKenzie.*] I rise to a point of order. This Buckle Street paper is not in evidence at all now, because Mr. Isitt has already refused to divulge the name. The two matters are distinct altogether, and consequently I object to Mr. Isitt making a mixed statement?—I maintain that I was asked a question, and was about to reply.

74. You stated that I said in the railway-train that you ought to be prosecuted in connection with the transfer of the papers from the Returning Officers?—The Rev. Mr. Cocker reported to me that you said I was to be prosecuted because I had committed theft—that I was a thief, and that I had incited other men to thieve, and was to be prosecuted.

75. I said that you ought to be prosecuted, and I am still of the same opinion, because you are not so ignorant of the licensing law of this colony as not to know that you were corrupting these men—in fact, one of them wrote and told me so?—My reply is that a request was made to the office by the Rev. E. Walker that we should get samples of these papers, and that eleven requests had been sent out, including one to the Returning Officer of Wellington and one to the Returning Officer of Newtown, when replies came from the two named to the effect that it was not legal to forward these ballot-papers. The Act was then looked up, and no further applications were sent out. At that time I did not know the clause in the Act stating that unused ballot-papers were to be regarded as of any value whatever, or I should not have let my signature be attached to the circular asking for them. I did so because I believed the Rev. Mr. Walker knows more about the Licensing Act than any one in the colony, except the lawyers.

76. *Mr. E. G. Allen.*] You thought so?—Yes; and I think so still, but he did not know this one clause. I still think that, apart from the lawyers, he is the greatest expert in licensing law in the colony. I thought at the time I saw the circular that there was something doubtful or queer about it, but I had confidence in Mr. Walker.

77. *Mr. R. McKenzie.*] Do you receive the replies to your correspondence?—When I am in the office I read all the correspondence, and when I am not there the letters are afterwards submitted to me.

78. Do you read your letters before signing them?—Yes; I glance over them, and read those that are important.

79. Did you read that letter to the Returning Officers before signing it?—Yes; if I did see it before it went I should glance over it before I signed it.

80. Did you receive the replies sent in answer to that letter?—This is the first time I have seen this one. [Letter handed to witness.] I had it quoted to me the other day by a member of the staff, and, to the best of my knowledge and belief, I had not seen one of these replies until after this inquiry began. I should say that had I known what would be the result, and noticed to whom they were being sent, the last two men to whom I would have allowed them to be sent would have been Mr. Thomson and Mr. Lyon; to Mr. Thomson, because I respect him far too highly to get him into trouble, and I would not in any case have sent the letter to Mr. Lyon for other reasons. Until yesterday I thought the only clause that dealt with the matter was in the Electoral Act, but this morning I found there was a clause in the 1895 Act referring to it. The Alliance executive has a correspondence committee, and a great deal of the correspondence that is done is hurriedly submitted to me.

81. Do you realise that you did wrong, whether in ignorance of the law or not, in asking for these ballot-papers?—I stated the first day of the inquiry that a grave error of judgment was made in the office, and I still believe so.

82. You did not have any wrong intention?—There was no intention in the matter except to oblige the Rev. Mr. Walker, formerly an agent of the Alliance, and still a close associate.

83. *Hon. Mr. Hall-Jones.*] Were you personally acquainted with any of the Returning Officers that these letters were sent to? Take Nelson for instance, were you personally acquainted with the Returning Officer there?—At the time the letters went out I did not know where any one of them had been sent. I have since found out that they were intended to go right round the colony, but the answers received from Mr. Lyon and Mr. Thomson checked their circulation.

84. *Mr. R. McKenzie.*] There is a letter addressed to the Returning Officer at Nelson, and the envelope is addressed to the Returning Officer at Motueka?—I am quite sure that no envelope was addressed by me.

85. Do you dispute the papers?—No; but I think it is exceedingly probable that in the rush of business in our office—we were working early and late at that time—a paper might have been put into a wrongly addressed envelope.

86. Did you sign these letters [produced] asking for ballot-papers?—They were signed either by me or for me.

87. The word "Nelson" is written in either by yourself or by somebody else?—This is a boy's writing. In sending out circulars they are sometimes signed for me, and often with a rubber stamp.

88. *Mr. Commissioner Dinnie.*] Mr. Isitt seems to have a record, and has ascertained how many of those notices have been sent out asking for ballot-papers, if that is so he must have in his office the answers filed away with the records, and we should like to have those answers?—I think in most instances no notice has been taken of these matters. I do not think there is any record, and it is a matter of memory on the part of one of the clerks to say that there were eleven sent out, and that replies came from Wellington and Newtown.

89. *The Chairman.*] Of course letters came in in reply from those who sent you the ballot-papers?—No, I do not think that was so. I believe that in two of the three cases the papers were simply sent.

90. They were headed to different licensing districts?—Yes; and directly I found that the Returning Officers had been asked to do a thing that we should not have asked them to do, my instinct would have been to tear them up. Directly I found that we had asked them to do a thing that they ought not to do, I should wish to shield them.

91. You admit that you asked them to do it, and practically you asked them to commit a wrong?—Yes; that the request to do an illegal thing went from our office.

92. *Mr. R. McKenzie.*] Did the Alliance petition to have any of the elections in the colony upset?—No; we had no wish to upset any.

93. Had you anything to do with upsetting the local-option poll in Newtown?—No; we fought hard against it being upset.

94. *Hon. Mr. Hall-Jones.*] You had no object in getting it upset?—No.

95. *Mr. R. McKenzie.*] Did the Alliance, or any one on behalf of the Alliance, petition to have a recount of the votes in any election in the colony?—Yes; speaking from memory, I think the Alliance did in regard to Newtown, but in that case it would be at the request of the district. I think we were directly responsible for the petition in Newtown, and that we advised it in several other districts.

96. Can you tell the Committee of any other districts you advised?—Not positively, but I should say that everything of that kind that was done in Otago was largely done in consultation with our Alliance. I was constantly in correspondence, and for some time in personal intercourse with Mr. A. S. Adams, who is president of the Alliance.

97. Do you admit receiving these ballot-papers from the Returning Officers?—Yes.

98. Did you have any ballot-papers from any district except those in which the Alliance petitioned to have a recount?—Yes.

99. Was the receipt of these ballot-papers given as a ground for upsetting the election?—No. The application made by our office for them was dated the 29th December. The Mataura case had been opened a fortnight before that, and the others at about the same date.

100. Did the Returning Officer at Mataura send you any papers?—I cannot give an answer referring to any of the Returning Officers.

101. *The Chairman* (on behalf of Mr. A. D. Thomson, S.M.)] Were you in Mr. Thomson's office at any time immediately before the election?—I do not remember any personal interview with Mr. Thomson until the day of the licensing election. I thought the other day it was on that morning that I saw him; but afterwards, when I heard his evidence, I remembered that he was right in saying it was in the afternoon. I tried to see him immediately after receiving the ballot-paper. I rang him up, asking him to come and see the paper, not thinking that I had any right to take it down. He declined to come up, and I then went down in the afternoon. I do not remember seeing him again in the office, but I saw him in the street afterwards. To the best of my belief I was not in his office until the 25th March, when I received the ballot-paper. I have been in the Courthouse several times, but not in his office. As affecting this question of my interview with Mr. Thomson, I stated before that I gave the ballot-paper to him. I wish to say now that I sent it to him by a messenger.

102. *Mr. R. McKenzie.*] You are not particular about what you say on your oath; you said you gave it to Mr. Thomson before?—My memory is very overburdened just now, and these events are long past, but I told Mr. Dinnie the true position when he came to see me.

Rev. E. WALKER further examined. (No. 9.)

103. *The Chairman.*] Have you anything further to say in regard to this matter?—I wish to say that the whole thing did not come to me again until this morning. It is quite new. What I have to say is in connection with the question of folding up the ballot-papers in the different booths. The Returning Officers in the district would necessarily get a greater quantity of voting-papers printed than would be likely to be used. A certain quantity has to be sent to every booth, and if there is an unexpected rush at any booth the Returning Officer must have more voting-papers in reserve to be prepared for it. When the poll is over there would be a number not sent to any booth, and therefore they would not be packed up in the parcels. They would not be papers that would be used or unused "at the poll," and it would be from such papers that I would expect the ballot-paper could be obtained.

104. You surely do not imagine that the Returning Officer would consider unused ballot-papers as so much waste paper? What would you say about this one that is under discussion—that is an unused paper?—Yes; it is possible it is a paper that never went into any booth, and was amongst the surplus stuff.

105. The ballot-papers are not the property of the Returning Officer—they are the property of the colony?—They do not come within the provisions of the Act as to sealing up.

106. They are sealed up just the same as the others?—I think it might be argued from the Act that they have not been in any booth to be sealed up.

107. But the ballot-papers are the property of the colony—they are not the Returning Officer's property?—Still, it occurred to me even after reading the clause in the Act—

108. The Returning Officer has no right to dispose of these ballot-papers without consulting his Minister, and I doubt whether the Minister could give authority—they belong to the colony—they are part of our property as colonists?—Supposing they are the property of the colony, they are property that has not actually entered into any polling-booth, and so could not be sealed up in any booth.

109. But they are sealed up by the Returning Officer, and he has to account for them?—Yes.

110. *Mr. R. McKenzie.*] Are you familiar with the electoral law of this colony?—Somewhat; I cannot say I am familiar with it all, but I have read it.

111. You know the mode of getting ballot-papers printed and getting rid of them afterwards?—Only from what I have observed from coming into contact with Returning Officers.

HENRY ALEXANDER WILMOR MCKENZIE sworn and examined. (No. 10.)

112. *The Chairman.*] You were employed in connection with the last licensing election?—Yes.

113. Were you in Mr. Thomson's office prior to the election?—Yes; in and out of the office, but I was mainly in the old Official Assignee's room. I should have to go into Mr. Thomson's office frequently.

114. Did you see Mr. Isitt at any time before the election in your office?—No.

115. Did you see him in attendance anywhere?—I have an idea that I saw him about the place on several occasions.

116. You did not see him either in your office or room or in Mr. Thomson's office?—No, I do not think so—not prior to the election.

117. *Mr. R. McKenzie.*] Will you look at that ballot-paper. [Document produced and handed to witness.] Did you ever see that before?—I would not swear to it.

118. Look at the back of it—there are some indorsements there?—I did not take any particular notice of it when the Commissioner showed it to me. I told him that these papers were no good. A printer could go into the office or into a booth and look at it, and reproduce it by the hundred.

119. Are you satisfied that it is one that was taken from a parcel, or was one intended to be used in that election?—It has the appearance. It is exactly like the others, as far as my memory serves me.

120. You do not know of any markings by which you can identify it?—No.

121. Did you make a statement to the police in connection with the matter?—Yes.

122. Can you give us any information as to what you said?—I just told Mr. Dinnie about the general procedure. I told them that no one had access, to my knowledge, to any ballot-papers, because the papers were locked up after being placed in the boxes—in fact, they were double-locked—and they went to the booths in charge of Mr. Smith, the Government officer who took charge of the boxes.

123. Where did he take charge of them?—At the Courthouse, and they were taken to the booths the night prior to the election.

124. Did you go with them?—No; Mr. Thomson went out to the booths to see whether the keys were right.

125. Did they all leave the police office at the same time?—No; one express would go to Thorndon, and another one to another booth.

126. Did you see them put in the express?—Yes.

127. Was Mr. Thomson present when they were put in the express?—I think he was. I would go back into my room, and Mr. Thomson possibly would be present.

128. Did they all go the same day?—Yes.

129. And at the same hour?—No; the men would be away at different times delivering them.

130. They went out at different times?—Yes.

131. Did you see each load?—Yes; I saw each load go away.

132. And was Mr. Thomson present all the time?—It is more than probable that he was, but I could not swear it, because it is so far back. Mr. Thomson took great interest in the matter—more than I have seen any one else in conducting elections. He was much more particular than others.

133. The elections were on Wednesday, were they not: do you remember that?—No.

134. You do not remember whether the election was on Wednesday or Thursday?—I could not swear to the day.

135. Did Mr. Isitt ever visit your room when you were connected with the election?—No; I have never spoken to Mr. Isitt, although I have seen him on one or two occasions.

136. Did you know him by sight?—Yes; I knew him about that time.

137. Did you ever see Mr. Isitt in Mr. Thomson's office about the time of the election?—I saw him once or twice in the Court buildings. Mr. Thomson's office is isolated, and people would have to go down the corridor to it.

138. Did you ever make a statement to the police, Commissioner Dinnie, or any one else to the effect that Mr. Isitt was having interviews with Mr. Thomson at that time?—I might have seen Mr. Thomson speaking to him, but I do not know whether it was before or after the election.

139. Did you ever make a statement to the police about Mr. Isitt interviewing Mr. Thomson about this time?—I might have mentioned that I saw Mr. Isitt speaking to Mr. Thomson at or after the election.

140. I mean when the ballot-papers were in Mr. Thomson's charge?—No; I had all of the papers in my charge, and they were locked up in a room, and double-locked.

141. Do you think it possible that Mr. Isitt took a bundle of ballot-papers away?—I would be more inclined to think the paper would come from the place where it was printed, because it is useless as it is. It has to be initialled and numbered by a Returning Officer, and have the Government stamp.

142. But afterwards the initials are turned down on the paper?—Yes; but no one can get the Government stamp but the officials.

143. Could not a person get an imitation of the Government stamp made?—I have known in other things that an imitation stamp has been made of cork; but that would be done by experts.

144. Do you think it is possible to get an imitation made of the Returning Officer's stamp?—Everything is possible. I remember, in the Wairarapa, when the stamp used for stamping the totalisator tickets was made during a protest and similar tickets were issued; and while the dispute was on £60 or £70 was paid out on a cork stamp that was a forgery.

145. Are you satisfied that this paper was not taken away from the Courthouse?—I am satisfied that no one had the chance. All the papers were double-counted. They were counted in hundreds. I counted them first, and Mr. Thomson checked them afterwards.

146. Are you sure you did not leave one bundle about or throw it into the waste-paper basket?—I am certain I did not. There were a few kept over, but they were locked in another room and were afterwards used.

147. In your room or in Mr. Thomson's office?—In a room off the Official Assignee's old room.

148. Were they in your room or in Mr. Thomson's room?—In that room only. Mr. Thomson's room is downstairs.

149. Were you ever called away from the room while the ballot-papers were there?—I would not go away without locking the door. It was only the last day before the election that the papers were taken out and put in the boxes.

150. *Mr. E. G. Allen.*] Have you had much experience in electioneering?—Yes; I have been connected with it for years.

151. Are you certain it would be impossible for a person to take papers out of your room without your knowledge?—I should think so.

152. Were the papers placed in the boxes before they were sent out?—Yes.

153. Were the keys in the lock?—No.

154. Do you think that is a safe plan—to put papers in the boxes?—We never anticipated anything like roguery in connection with it, but when ballot-papers are sent away like that they are sent away and given in charge of a responsible person. They are not handed over until the Returning Officer arrives the next morning.

155. Do you not think the papers should be placed in the hands of the various deputies?—It might be an advantage, but it would be a little more trouble.

156. I mean so that he would be responsible after having the papers placed in his hands?—He would have to take them home with him, and with sixty-odd deputies it would be difficult to sheet the loss of a ballot-paper home to one man.

157. Do the deputies count the papers out of the boxes before they take possession?—That is the instruction. He has to count his papers immediately after he opens his booth, and it is done in the presence of scrutineers and clerks.

158. *Mr. R. McKenzie.*] Is a receipt given for them?—Yes; they sign for everything they receive, and they return what is used, and they are set aside.

159. Did you go with these boxes in the vehicle to see to their distribution?—I think I went across with the last boxes that went to the booth in the drill-shed.

160. And in that case you had the keys of the boxes and handed them over to the deputies?—I had the key of my box.

161. And you handed that key over with the papers inside the box to the deputy?—I was the deputy, and am responsible for my box, and not for other people's boxes.

162. Who handed you your box?—I took it with me because I had the keys.

163. Does the person who is in charge of the boxes for distribution hand the box and the key over to the deputy in his presence, and does the Deputy Returning Officer count the ballot-papers and give a receipt for the number?—A receipt-form is put in showing that so many have been issued; and it is imperative, I take it, that the Deputy must count those papers, otherwise he is making a false statement when he says he is receiving, say, four thousand if there should be one short, and he signs the form in the presence of the clerk and scrutineers.

164. You do not know that that was done?—Yes, I know it was done.

165. Does he count them over in the presence of others?—Yes.

166. *The Chairman.*] I suppose all these ballot-papers were not put loose into the ballot-boxes?—They were bound round. They had a wrapper on them as well.

167. But are they not put in in parcels and tied and sealed?—Not sealed. I have been connected with six or seven different electorates in New Zealand, and I have never seen them sealed. The knot is just cut away and they are locked up and put in the charge of a Government person.

168. The keys would be put inside the slot on the top of the box?—Yes.

169. Was that slot sealed over?—No.

170. They appear to be more careful in the country districts in regard to these matters than in the towns?—In the towns you have a number of clerks, and you pick the best. You certainly do not get the quality of men you wish for. The pittance that is given for the duties to be performed will not induce men to undertake the work.

WALTER DINNIE, Commissioner of Police, sworn and examined. (No. 11.)

171. *The Chairman.*] Any information that you can give this Committee, Mr. Dinnie, that will help us in this matter, we shall be very glad to receive?—You have got my report on the matter, and I think I have dealt pretty fully with it, and given you practically all the information I have. Mr. R. McKenzie, M.H.R., has asked me to read Mr. Henry McKenzie's statement to the police, which is as follows: "I remember Mr. Thomson cautioning me about some voting-papers being in circulation unstamped, but I never saw or heard of any otherwise, and have not been asked by any one for ballot-papers or samples, and would not have supplied any if I had. I know Mr. Isitt, and have seen him call on Mr. Thomson several times about the time of the election, but I do not remember if it was before or after the election of the Licensing Committee."

172. *Mr. R. McKenzie.*] That is what he tells us?—Yes.

173. You have been inquiring into this matter?—Yes.

174. What conclusion have you arrived at?—I can only say that the precautions taken were the same as the previous precautions in connection with elections, and it is evident now that the contests are becoming so keen that some special precautions will have to be taken. There is no reason why the ballot-boxes should not have been taken out to the booths on the same morning as the election, instead of the previous evening. That, however, could not be done in country districts. And there were no seals used.

175. I take it that from your position you are an expert in criminal matters?—I have had some experience, certainly.

176. Do you think this ballot-paper was stolen?—Undoubtedly it was taken from a ballot-box, but whether it was with the intention of stealing it is another question.

177. Do you think it was taken to be used for election purposes afterwards?—I should think it would be taken for some purpose—probably to be used to show the irregularities.

178. Do you think whoever took it would be interested in the matter?—We can only look to the parties to whom it might be useful, and that would be the prohibition party. It is a very strange coincidence that Mr. Isitt should get possession of that paper at the time, and that is the only paper we can trace. I wish to say I made a mistake in my report with regard to Buckle Street. Two ballot-papers were found to be missing there, and there is every reason to think that this is one of them. Seven hundred were counted out for that booth and only 698 were received. These 698 were fully accounted for, and these two papers might have been extracted from the ballot-box at the drill-hall, where the men were drilling and might easily have had access to these papers. They might have done it for a lark.

179. When Mr. Isitt first gave information about this paper did he inform the police that there were a number of such papers in circulation?—He suggested that.

180. Now, there is a packet of a hundred papers that are supposed to have gone astray?—Yes.

181. Do you think it possible that this is one of the hundred?—I do not think so. I am inclined to agree with Mr. Thomson that the full number was not printed. I saw the printer, and he was satisfied that they had been printed, but I cannot quite agree with his statement.

182. Are you of opinion that the result of the election could have been influenced by the stolen papers. First of all, the Returning Officer has to put his initial on them, and then the paper is gummed down. Now, by getting hold of these papers, could the names be struck out outside and the paper taken into the booth, and a clean one be taken out and used, and the election result be affected in that manner?—I believe a person could go into the booth and get a paper similar to it and put in the dummy paper.

183. And then go back and do the same thing again?—Yes; but if the person in place of whom he voted recorded his vote there would be two papers for the one name, and I understand both would be cast aside.

184. Could not a man go to another booth and vote for the second paper?—Of course, he could do that, but there would be irregularities then.

185. With reference to the papers that Mr. Isitt asked the Returning Officers to send to him, did you make any inquiries about that?—I have not seen the officers concerned, and I do not know who they are.

186. Mr. Isitt admits that three of the Returning Officers sent him papers?—He said that eleven memorandums were sent out, and in three cases he obtained ballot-papers.

187. Do you know who those three persons are?—No; I have no idea.

188. Would an action lie now under the Criminal Code Act against Mr. Isitt for being in possession of this paper?—I am rather doubtful about it. I have not gone carefully into the matter, but I think he cannot be dealt with.

189. Have you referred the matter to the legal adviser of the Crown?—No.

190. He cannot be dealt with under the Electoral Act on account of the lapse of time?—No.

191. You say that an action could not be brought under the Criminal Code Act against him for having possession of stolen property?—No; there must be value in connection with property.

192. If there is any legal power to deal with Mr. Isitt, do you think he ought to be dealt with?—Certainly, and any one else concerned.

193. He ought to be made to divulge his information?—Yes.

194. Do you think that this person who is alleged to have given him this paper has any existence in fact?—He (Mr. Isitt) is an interested party, and this other party may be interested also.

195. Do you not think that Mr. Isitt may have got it himself, and that the other person is a myth?—It is possible, of course. I think there would be a second party in it, because I do not think Mr. Isitt would run the risk himself.

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