

1882.
NEW ZEALAND.

ELECTION PETITIONS INQUIRY COMMITTEE

(REPORT OF THE), TOGETHER WITH THE MINUTES OF PROCEEDINGS,
EVIDENCE, AND APPENDICES.

Report brought up 17th August, 1882, and ordered to be printed.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

WEDNESDAY, THE 12TH DAY OF JULY, 1882.

Ordered, "That a Select Committee be appointed to report whether, in any of the cases in which election petitions have been tried by Election Petitions Courts, the circumstances are such as render it just and reasonable that the persons upon whom the costs of such trials have fallen should be relieved therefrom by a grant from the Colonial Treasury. Such Committee also to inquire into the reasonableness of the costs which have been allowed in such trials, and as to the scale of costs to be allowed in the future."—(*Mr. Sheehan.*)

THURSDAY, THE 13TH DAY OF JULY, 1882.

Ordered, "That the Select Committee appointed to report on certain cases tried before the Election Petitions Courts consist of the Hon. Mr. Dick, Captain Morris, Mr. Turnbull, Mr. Wynn-Williams, Mr. FitzGerald, Mr. Weston, Mr. Conolly, Mr. Shrimski, Mr. Macandrew, and the mover. Three to be the quorum; to report in three weeks."—(*Mr. Sheehan.*)

FRIDAY, THE 28TH DAY OF JULY, 1882.

Ordered, "That the Election Petitions Inquiry Committee have leave to postpone the bringing up of their report for a week."—(*Mr. Sheehan.*)

THURSDAY, THE 10TH DAY OF AUGUST, 1882.

Ordered, "That the Election Petitions Inquiry Committee have leave to postpone the bringing up of their report for a week."—(*Mr. Sheehan.*)

REPORT.

YOUR Committee, having carefully considered the matters referred to them, have the honor to report as follows:—

In respect to Mr. Wason's case, it would appear, from the evidence of the taxing officer, that the costs referred to in Mr. Wason's petition as having been taxed on his behalf were not properly taxed, notwithstanding the fact that they were brought before the proper taxing officer of the Court for that purpose.

It appears, from Mr. Bloxam's evidence, that Mr. Wason was represented by a solicitor other than his own private solicitor, and that the items were agreed to as the taxation proceeded; and the Registrar stated that he did not consider it was his business to interfere if the client sent a solicitor before him to consent. It is therefore evident that the costs were not taxed.

The Committee have also had before them a letter from Messrs. Harper and Co., as well as one from Mr. Wason, from which it would appear that the costs were sent up to the Registrar to undergo strict taxation.

On a careful consideration of the whole of the evidence brought forward, as well in the foregoing case as also with regard to the following election petitions, namely, *Buckland v. Harris*, *Hollis v. Allwright*, *Rutherford v. Sutter*, *Hirst v. Daniel*, *Ballance v. Watt*, and *Cowlshaw v. Pilliet*, which have been tried, your Committee have come to the conclusion that they cannot recommend that the petition of Mr. Wason should be complied with, nor can they recommend that any portion of the costs should be refunded by the State to those candidates whose cases have been referred to, as it would be impossible to admit that the Crown can be held liable for the errors of the public officers of State. To do so