

even on this ground it was impossible to say what the result of the election would be, but we rest our decision on the plain ground that a vote was prevented through intimidation, and it is unnecessary to give a ruling on the other points. The recent decision in the Wakanui case was, that a vote refused rendered the election void." Mr. Justice Gillies concurred.

122. *Mr. W. H. W. Williams.*] The Judges refer to intimidation by the man Hattaway?

123. *The Chairman.*] Yes; that he had stopped Dovell from voting, and that the election was void.

124. *Witness.*] I was not within ten miles of him on the day of the polling. Then, as to the decision of the Judges. If this man had been allowed to vote I should have still been one ahead all the time?

125. *The Chairman.*] The question is, whether Mr. Harris has been compelled to contest this election a second time, and pay these costs through any fault of his own. I have sent for the actual papers and bills of costs.

126. *Mr S. E. Shrimski.*] I suppose you were careful with regard to expense?—Of course I was. When I found that my opponent had taken steps to secure the attendance of certain witnesses, I did not do so. There was a great deal of evidence given.

127. *Mr. W. H. W. Williams.*] Have your solicitor's costs been taxed?—No; I have left money in his hands. I have left £400 in his hands. I have no receipt for money from him.

128. *Mr. S. E. Shrimski.*] You did not incur any unnecessary expense, thinking to have it refunded from the Crown?—No; I thought I should have to pay it myself.

129. *The Chairman.*] How many witnesses were there?—I think about six or seven.

130. How many witnesses were called by Mr. Buckland?—I think about thirty.

131. *Mr. R. Turnbull.*] I should like to ask why it was necessary to employ two counsel?—I had not two counsel. Mr. Lusk was assisted by his partner, and no charge was made for that. In Mr. Buckland's case young Mr. Whitaker was employed, and Mr. Buckland asked me to pay him £64, but that amount was struck off in taxation. He would have had to pay that himself.

132. *The Chairman.*] Then the costs of second counsel were not allowed in taxation?—No; those costs were not allowed.

133. *Mr. S. E. Shrimski.*] What distance had counsel to travel from their place of residence to the Court?—I think the distance is twenty miles by rail from Auckland.

134. *The Chairman.*] And the case lasted three days?—Two days and a few hours.

135. *Mr. R. Turnbull.*—At what time does the train leave Auckland in the morning?—At seven o'clock.

136. *The Chairman.*] Returning about what time?—They would get to town again by the six o'clock train in the afternoon.

---

THURSDAY, 20TH JULY. (Mr. SHEEHAN in the Chair.)

Evidence of Mr. BLOXAM, recalled.

137. *The Chairman.*] You have received certain papers I believe?—Yes; I have.

138. What are they?—They are the taxed bills of costs in the petition Hollis against Allwright.

139. Is this the bill as between the parties?—Yes.

140. William Hollis and Harry Allwright?—Yes. In my evidence the other day I referred to what I thought was the amount—namely, £90. Altogether it is about £127.

141. The total amount then was £127 17s. 4d., and £2 14s. 7d. was taxed off, leaving a total of £124 12s. 9d?—Yes.

142. How long did the trial last?—One day, and counsel attended a second day for judgment.

143. How many counsel were employed?—Two counsel.

144. And the fees were allowed?—Fees were allowed as claimed. No objection was raised to them. They were 85 guineas and £27 15s.

145. *Mr. Dick.*] Is that the case of Hollis v. Allwright?—Yes.

146. *The Chairman.*] It is only one bill?—No bill of Allwright's has come in yet at all.

147. You now produce bills of costs between Robert Rutherford and James H. Sutter in the Gladstone case?

148. *Mr. Macandrew.*] May I interrupt by asking you another question? I understand you to say that there was a trial for two days in the case you have mentioned?—No; for one day.

149. And the taxed costs were £124 12s. 9d.?—Yes.

150. For one day?—Yes.

That's pretty sweet.

151. *Mr. Dick.*] Is that for counsel on both sides?—No; two counsel were on one side.

152. *The Chairman.*] This is the bill of costs as between the parties; between Mr. Allwright and the petition against him.

153. *Mr. Dick.*] Was the judgment given that both parties should pay their own costs?—No; the order was that the costs of the respondent, incidental to the petition, be paid by the petitioner.

154. Then Mr. Allwright's claim is to be paid by the other side?—Yes.

155. And yet he has not sent it in?—Petitioner's costs have not yet been sent in.

156. *The Chairman.*] The order is to pay Mr. Allwright?—Yes.

157. Nothing at all about the petitioner?—No.

158. Is he a man of straw, or a person from whom the costs will be forthcoming?—I cannot say that at all, sir.

159. *Mr. Macandrew.*] It would not be a fair question, I suppose, to ask on what principle taxation is conducted?

160. *The Chairman.*] I will get this bill in first of all if you don't mind. (To witness.) This is the bill of costs between Robert Rutherford and James H. Sutter? These are the respondent's costs on the withdrawal of the petition?—Yes. The case was not heard in open Court. It was withdrawn.