

278. *The Chairman.*] Have you agreed to accept Mr. Lusk's bill as it stands without taxation?—Yes. He has always been my solicitor, and I would agree to pay whatever he charged.
279. *Mr. Shrimski.*] You have not had many law cases probably?—This is the first I ever had.
280. And you know nothing about taxing bills of costs?—Nothing whatever.
281. You will know better in future.—Yes.

Captain SUTTER, M.H.R., examined.

282. *The Chairman.*] You have had some experience of the working of the Election Petitions Act, having stood for Gladstone, and there being a petition presented against your return?—Yes.
283. Who presented the petition?—John and Robert Rutherford.
284. Were either of them candidates?—No; simply electors.
285. What was their allegation?—That the booth at Fairlie Creek was shut half an hour before the proper time.
286. There was no allegation of any improper or illegal practice on your part?—No; that was the only allegation. I believe the booth was closed too soon.
287. What was your majority?—Fifty-one. Thirteen came to the Fairlie Creek booth after it was shut.
288. Did you take any action?—Yes; I employed a solicitor, and he employed another to assist him in getting up the case.
289. Did you receive any costs from the other side?—No.
290. Was any order made?—No; I think not. I paid a cheque for £22 some time ago. That is all I have paid.
291. That was for your own expenses?—Yes; that was to Mr. White.
292. Have you been called upon to pay any costs by the petitioners?—No.
293. Mr. White's bill has not yet been taxed?—No; the total is £87, I think.
294. *Mr. FitzGerald.*] What was the result of the petition?—It was withdrawn, because they found that if those who came to the booth after it was closed had voted, it could not have altered the result. I have been told by friends that it was closed too soon, as the Returning Officer's watch was wrong.
295. *The Chairman.*] Was the petition withdrawn before the case was called on?—The case was adjourned from Christchurch to Dunedin. I had to employ four solicitors through it being shifted about.
296. Will the costs of all of them be included in this total of £87?—I think so.
297. *Mr. Wynn Williams.*] According to law, as the case came to an end through the action of the other side, you ought to have nothing to pay, there being no extra costs?—They offered to withdraw before it went to Committee, if I would pay my own costs; but I would not listen to it, as the case was in my lawyer's hands. I am told that the petition being withdrawn, the petitioners should pay the taxed costs.
298. *Mr. Williams.*] I think so too.

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WEDNESDAY, 26TH JULY, 1882. (Mr. SHEEHAN, Chairman.)

Mr. H. WATT, examined.

299. *The Chairman.*] Mr. Watt, you were a candidate for the last election at Wanganui against Mr. Ballance?—I was.
300. And you were the person declared returned by the Returning Officer?—I was.
301. A petition was laid against you under the Corrupt Practices Act?—There was.
302. By whom?—I think it was by A. D. Willis and others.
303. Not by your opponent?—I think his name was amongst the number.
304. The result was, your election was confirmed?—Yes.
305. What was the actual allegation under which it was laid?—Several; intimidation, I think, was one, and undue influence. I do not think there was anything about bribery.
306. *Mr. Williams.*] Was there any allegation as to votes being wrongly taken?—No; nothing whatever.
307. Have you any information of the amount of costs incurred in consequence of this petition?—My solicitor was in Wellington about six weeks ago, and he said the bill was £592, but had been taxed down to £450.
308. *Mr. Weston.*] Who was your solicitor?—Mr. Fitzherbert, of Wanganui.
309. *The Chairman.*] How long did your case last?—Two days.
310. Of course these costs are made out by a solicitor?—Yes.
311. *Mr. Williams.*] Does your solicitor ask you to pay the difference?—No.
312. Then you will have nothing to pay?—Before the costs were taxed there were several small items which could not be included, and amounted to £20 or £30, for which sum I gave a cheque.
313. *The Chairman.*] Then you are out of pocket about £25?—Yes.
314. Have you the amount of Mr. Ballance's bill of costs?—No.
315. *Mr. Weston.*] Can we not get these bills of costs, Mr. Sheehan?—I will make it my business to have them obtained.
316. *The Chairman.*] Do you remember what fee was allowed to your own counsel?—No.
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