

MONDAY, 31ST JULY, 1882. (Mr. SHEEHAN, Chairman.)

Mr. ALLWRIGHT, M.H.R., examined.

317. *The Chairman.*] Mr. Allwright, you know the object of the Committee I presume?—Yes.

318. The Committee would like to hear any information you can give with regard to the petition against your return?—I do not know that I have much to say. The only ground of the petition against me was that there were certain aliens on the roll, and that they had voted for me. Whether they did so or not it is impossible for me to say. The decision of the Judges was that all those on the roll were entitled to vote, and that was the end of the petition.

319. Your won?—Yes.

320. Have you had to pay any expenses in connection with defending your seat?—I have not had my bill of costs yet. Garrick & Cowlshaw were my solicitors.

321. Do you think your bill will be covered by the costs of the other side?—I have been informed, but this is not evidence, as I do not know whether it is correct or not, that my solicitors' bill will be between £80 and £90.

322. *Mr. Macandrew.*] Does not the decision carry costs?—Not between solicitor and client, I understand.

323. *Mr. Wynn Williams.*] Legally the bill would be taxed as between party and party, and you would have to pay nothing I should think.—I am very glad to hear it.

324. *The Chairman.*] I asked Mr. Bloxam the question as to whether the petitioner was a man of straw or not, or whether the costs would be forthcoming from him?—Virtually it was Mr. Richardson's petition.

325. But you cannot make him responsible?—There is no question about who was the petitioner.

326. *Mr. Wynn Williams.*] I suppose the costs have been paid?—They had to give security. Three persons gave security for costs.

327. Security for £200, and the costs were taxed below that?

328. *Mr. Connolly.*] The petitioner's costs were taxed at £180.

329. *Mr. Wynn Williams.*] It is quite clear that unless Mr. Allwright chooses to pay his solicitor out of his own pocket more than would be allowed as between party and party, that he need not pay a penny.

330. *Mr. Allwright.*] I think it is wrong that a wealthy man should have the power to present a petition against a poor man on such paltry grounds as in this case, because the Regulations of Elections Act, under which my case was decided, seems to me so clear that lawyers are not wanted to argue it, because it is stated plainly that all those on the roll shall vote. The Judges decided on that point, that if aliens were on the roll they were entitled to vote. In this case I had not only a wealthy man against me, but it was generally supposed that a wealthy Corporation was fighting against me. In such a case as that it might have the effect of frightening a poor man into throwing up his election, and not defending it.

331. *Mr. Wynn Williams.*] You would still be liable.

332. *Mr. Macandrew.*] In your opinion, is the change of trying election petitions by the Judges, instead of by the House, an improvement?—I do not think it is, if solicitors are allowed to charge such enormous costs as they have done in these cases. The costs are so large that they are calculated to frighten a poor man from contesting.

333. Do you think it would be better to revert to the old system of trying petitions?—I do not say that, but I do not think the change has been an improvement.

WEDNESDAY, 2ND AUGUST, 1882. (Mr. SHEEHAN, Chairman.)

Mr. JOSEPH DEVINE, examined.

334. *The Chairman.*] You are clerk to Messrs. Buckley, Stafford, and Fitzherbert.—Yes. I produce certain papers in the Wanganui Election Petition case. The respondent's costs rendered amount to £593 0s. 5d. On taxation the amount was reduced by £155 18s. 10d., leaving a balance of £437 1s. 7d. There has been sent in an application for a review of the taxation. I cannot say at present what is the amount of Mr. Ballance's own costs.

APPENDIX.

JUDGES' CERTIFICATES IN CONNECTION WITH ELECTION PETITIONS.

A.—WAKANUI ELECTION.

To the Honorable the Speaker of the House of Representatives.

In the matter of "The Election Petitions Act, 1880," and in the matter of the Petition of *Joseph Ivess*, of Ashburton, Journalist, in respect of an Election for the Electoral District of *Wakanui*, holden on the 9th day of December, 1881, a copy of which Petition is hereunto annexed.

WE, the undersigned, two of the Judges of the Supreme Court, duly appointed to try the above-mentioned petition, having tried the same in accordance with the provisions of the said Act, do hereby respectfully certify our determination that John Cathcart Wason was not duly returned and elected as member for the said Electoral District of Wakanui, and that the said election was void.

Witness our hands this 22nd day of February, A.D. 1882.

ALEXANDER J. JOHNSTON,
JOSHUA STRANGE WILLIAMS.