

6. That, at 11.45 a.m., your petitioner posted Mr. Armstrong his nomination-paper, which he returned to him the same day.

7. That, on Monday, the 30th of November, your petitioner again sent the Returning Officer his nomination-paper, for the third time, which he returned to him on the 1st December, 1896.

8. That, in acting thus, the said Mr. Adam Armstrong did so, in your petitioner's opinion, in order to favour the candidature of the Government candidate, Mr. J. T. M. Hornsby.

9. That the foundation of our constitutional liberties are at stake if Returning Officers are allowed to act in this manner in future unchecked.

10. That the said Mr. Adam Armstrong is well known to be a man against whom it would be folly to lay an action either for damages or expenses, so that the remedies provided by "The Election Petitions Act, 1880," afforded no relief in your petitioner's case.

11. That your petitioner had been three times round the Wairarapa Electorate, addressing the electors, at much personal expense and trouble; and, from assurances since received, he believes that he would have stood as good a chance of being returned to Parliament as either of the other two candidates had his nomination been accepted.

12. That the questions involved in this humble petition are neither local nor personal, but affecting a great principle of constitutional liberty.

13. Gaining an action for £5,000 damages against the said Returning Officer in the Supreme Court would have afforded no relief to your petitioner, Mr. Armstrong's pecuniary circumstances are such that your petitioner would have had not only to find the money or bond for £200 required by the Act to prosecute him, but also to pay the whole costs of the prosecution. No such liability is thrown upon the respondent. It is, therefore, as everything against nothing. A Returning Officer of no substance, partial to the Government of the day, is consequently protected in every way by the Act. The Government of the day, no matter to which party it belongs, has only to appoint impecunious Returning Officers and the elections can be influenced in any required direction.

Wherefore your petitioner humbly prays that your honourable House will take the circumstances of the case into your gracious consideration, and ordain that in future only responsible men of fair means and position should be appointed as Returning Officers; and, further, afford such relief as to your wisdom may seem meet.

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

COLEMAN PHILLIPS.

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