

4. Did I not tell you that I had to go and fix up a polling-booth, and that on the way I called on the secretary of the company to ask if Deller was a shareholder to let me know before the election. I said that the Colonial Secretary had sent me the list of nominations?—It was stated that you had gone out of your way to get certain information. It was upon that, and the other evidence proving partisanship, that you were ordered to pay costs.

5. Did not the Chief Justice say in giving his decision that the Returning Officer was the wrong party?—I said the Chief Justice, giving his judgment on other grounds, expressed an opinion on this point, that the Returning Officer could not recover his expenses.

6. Did he not say that, if it was proved that he “wilfully” did so, he could not recover?—I do not think there is the word “wilful” there: I am not prepared to say on my memory that the word “wilful” is not in it.

7. I am prepared to say that it is, and I will get you a copy of His Honour’s judgment: what he said was, that if I had wilfully refused to receive the nominations I would not be entitled to my expenses?—I cannot speak positively, but I do not think the word “wilfully” is there: I do not think that word was used.

8. *Mr. Phillips.*] Do you remember Armstrong, when he was called on by the Magistrate to defend himself, saying “I offer no defence”?—Those were not the words: he said, as the County Council would not provide him a lawyer, he did not think he could go into his defence: but he may have said so; it was I who put him in the box.

9. You do not remember his saying that he had no defence?—I do not remember; he may have said so.

10. Do you remember him saying in his own evidence, “I am a political opponent of Mr. Deller”?—Yes; I asked him the question.

11. Deller’s was one of the nominations he refused?—Yes.

12. *The Chairman.*] For the Licensing Bench?—Yes.

13. *Mr. Phillips.*] This matter was carried out on political terms?—He said that Deller was a political opponent: he said he would not bother himself about those four shareholders in the Wairarapa Farmers’ Association had not this matter been opened.

14. Do you remember his saying that the nominations were refused for the purpose of keeping off the Committee a body of his political opponents?—I do not think so. I may have put it to him in that form. My impression is, that he frankly admitted that he would not have taken the trouble to inquire about the shares had they not been political opponents.

15. Do you remember the words in the Stipendiary Magistrate’s judgment? Were they, “I am of opinion that the Returning Officer had no right to refuse Deller’s nomination”?—Yes, he said more than that.

16. He said also, “I think the Returning Officer exceeded his duty”?—He said that, but I do not recollect the exact words.

17. Also that “the Returning Officer went out of his way to discover qualifications upon which he might reject the candidate’s nomination”?—I cannot tell you the exact words.

18. Do you recollect him saying that it was necessary for the public safety that Returning Officers should recognise their responsibilities?—Yes.

19. *Mr. Armstrong.*] With reference to my saying that I would not bother myself—was not that in answer to your question, why I did not go to Mr. Deller, and I replied that it was not my duty to run after candidates?—It is very likely, but I do not remember.

Mr. BUCHANAN examined.

20. *The Chairman.*] You presented this petition of Mr. Coleman Phillips?—Yes, I presented the petition at Mr. Coleman Phillips’s request.

21. Do you desire to give evidence on the petition?—The only statement I have to make on the question is this: That it was a matter of public notoriety in the district which I represent that three candidates were to be proposed for the representation of the electorate in Parliament. It was also a matter of notoriety that only two candidates were accepted by the Returning Officer at the nominations: that the nomination of the third candidate (Mr. Coleman Phillips), though admittedly presented within the time prescribed by the Act, and under the conditions prescribed by the Act, was rejected. Public opinion at the rejection of Mr. Phillips’s nomination was very strong; it appeared to be conclusive of either gross partiality on the part of the Returning Officer or absolute ignorance of his duty. It was also a matter of public notoriety that when subsequently a petition was presented against my return as the representative of the district, the Returning Officer had largely connected himself with that petition, and that one of the first counts in that petition was that the election was illegal because the nomination of Coleman Phillips had been rejected. No further proceedings have taken place in the matter until the presentation of the petition now under consideration of the Committee. I may say that personally I have taken no steps to get up details of the matter, although feeling very strongly that the proceedings in connection with the election generally had been very improperly conducted; not only in regard to the rejection of Mr. Coleman Phillips’s nomination, but in regard to other matters as well. I do not know that I have anything further to say than that my position as member for the district suggested that I should abstain from active interference in this matter. Unless called on by yourself as Chairman, or by any other member of the Committee, I did not feel myself called upon to come and voluntarily give evidence here which might be construed as of a prejudiced character against the Returning Officer.

22. *Mr. Phillips.*] I might have upset the election by petitioning against your return?—The only reply I can make to that is that, considering as I did that the rejection of your nomination papers was illegal, it follows that the election must have been declared void.

22A. The country would have been put to the expense of another election?—That also follows.