

will you not telegraph to the Colonial Secretary?" He said, "No; certainly not." I said, "Will you not extend the time to receive nominations to the seven days provided by the Act?" We then counted up the days, excluding Sunday, and we found that there were eight clear days. He said, "No; certainly not." On Friday, the 27th of November, at 11 a.m., I went to see Mr. Fairbrother, whose office was the head-quarters of the Government party. I found Mr. Armstrong there; he also appeared to use it as his office. I said to Mr. Fairbrother, "Do you think it will be of any use to tender my nomination-paper again to him." Mr. Fairbrother said, "You can ask him if you like"; and he called him out of the office. I said, "Well, Mr. Armstrong, I wish to tender you my nomination-paper again if you have not the one I gave you yesterday." He said, "I carefully returned it to you yesterday by the afternoon train." "Well," I said, "I can now give you another." He said it would be no good, as he should not receive it; and he added, "Just you show me in the Act how I can accept a nomination after the time for it has closed." I said, "There is plenty of time for you to put an extension of the time in the *Standard*, which does not publish until 2 o'clock, or by the *Times*, which does not close until 5 o'clock; that committees often extended their time in case of racing meetings to receive nominations." He refused; and I was advised by certain of his friends in the room not to "bother," that I would "get in next time," that they had a good chance with Mr. Hornsby of turning out Mr. Buchanan. On the Friday afternoon, at 4 p.m., I called on Mr. Hornblow, J.P.; his two sons were there, and whilst I was pointing out the difference between the 75th section of the Act of 1893 and section 53 of the Act of 1896 a young lad brought in two voting-papers for the ballot. I think he said they were printing the ballot-papers already. Young Mr. Hornblow said, "You are out of it"; to which I replied "Do not be so sure of that." Hornblow, junior, had the contract for printing the papers. I said, "Let me see those, if you please." As they were lying open on the table I could not help seeing them. One was a green paper, the other white. On the white were three names printed, "Buchanan," "Hornsby," and my own. Mine was scratched out in pencil. On the green paper there were only two names "Buchanan," and "Hornsby." Young Hornblow said he would telegraph to Mr. Armstrong so as to make certain about my name being left out. Mr. Hornblow said he had had a reply from Armstrong, who said he was to go on printing and leave my name out. I said to Mr. Hornblow, "What is your time." He replied, "Four o'clock." I said, "The time does not close until 5 o'clock." [Papers put in evidence: Nomination-papers with Armstrong's refusal indorsed, Exhibit No. 1. Armstrong's advertisement of the polling-day, Exhibit No. 2. Telegram to Colonial Secretary and reply, Exhibit No. 3. Notice of polling-day, Exhibit No. 4.] I next telegraphed to the Colonial Secretary requesting that His Excellency be moved to interfere under the Electoral Act of 1893. [Telegram and answer of the Colonial Secretary put in, Exhibit No. 5.] I sent my nomination, with the money enclosed, £10, to Mr. Armstrong in the ordinary way, just telling him that if he refused again he would be laying himself open to a severe penalty. It was strictly an official letter of mine. The election was not held until the 4th December. There is a letter from Armstrong of the 1st December in which he writes, "Your papers are returned. We know now that there is one subject in the Wairarapa fit for a lunatic asylum." [Exhibit No. 6.] On the back of my nomination-paper [see Exhibit No. 1] he wrote, "Nominations closed on the 25th, therefore enclosed are returned." I consider that indorsement very important. Then, on the 4th December I went to the chief polling-place and handed in this protest. [Exhibit No. 7.] I took a witness with me; but Mr. Armstrong treated the protest with the most supreme contempt.

*Mr. Fraser*: What section of the 1893 Act was it that you referred to just now?

*Mr. Phillips*: Clause 168. This Committee, like his Honour Mr. Justice Conolly at the trial of the petition by Armstrong's friends afterwards against Mr. Buchanan, may be of opinion that, while Armstrong's proceedings were illegal, he evidently did not understand the Act under which he was working. Judge Conolly did not know Mr. Armstrong. I am sorry to say it, as I must say it to his face.

*An Hon. Member*: I think, if Mr. Phillips is going to quote a judgment of the Supreme Court we ought to have it here.

*The Chairman*: Mr. Armstrong objects.

*Mr. Phillips*: If he objects to what I say—

*The Chairman*: Not to what you say, but he objects to what purports to be an extract from a judgment of the Supreme Court.

*Mr. Phillips*: The whole question depends upon this: viz., whether Armstrong made a mistake or whether he acted out of pure partisanship. I am going to show that Mr. Armstrong made no mistake; that he is a man perfectly unscrupulous on any course he may take to suit his own purpose. Here is the proof. One witness whom I asked you to subpoena declined to come. He states certain facts, but declined to attend.

*The Chairman*: Are you prepared to put that in evidence.

*Mr. Phillips*: I am not prepared to put in his letter without his permission. I will ask the clerk to read the letter I sent you stating the names of the witnesses I wish to call, and what they were to prove. [Letter from Mr. Phillips to the Chairman, asking that certain witnesses should be summoned, Exhibit No. 8.]

*The Chairman*: If you, Mr. Phillips, are prepared to defray the expenses of the witnesses you want summoned, the Committee will have them summoned.

*Mr. Phillips*: I am about £160 already out of pocket through Mr. Armstrong, and I cannot afford to go to any more expense. The whole of this case depends upon the witnesses. I do not say it out of any disrespect, but I cannot go to great expense in presenting this petition. I thought the Committee would see the importance of this case, and itself summon the necessary witnesses. I cannot put in this letter until authorised by the writer. I cannot give Mr. Gardiner's evidence. I cannot prove that Armstrong canvassed for Mr. Hornsby, the Government candidate, against Mr. Buchanan and myself—that Armstrong canvassed for subscriptions to pay Mr. Hornsby's expenses—unless I am allowed to bring here the witnesses who can speak to the facts.