

*Mr. Allan*: I presume the Committee will not require me now to answer the objection raised. 23rd Aug., 1871.

*The Chairman*: I think not.

*Mr. Fitzherbert*: The question has already been raised by the Speaker, and the House has confirmed his views. It seems to me that it would be a mere waste of time for us to enter upon the merits of that question. It is not as if we had been appointed without the question being raised; the question was raised, and the Committee subsequently appointed, so that any action taken must be through the Speaker. I would suggest whether it would not be better to take advantage of the suggestion made by the Speaker—that although very large powers were given to this Committee, in the case of any difficulty arising, the Committee could refer it to the House.

*Mr. Gillies*: The point has been raised and determined by the House.

*The Chairman*: The Speaker referred to Cushing and showed by reference to a report in *Hansard* that Cushing was not correct in the conclusions he had arrived at.

*Mr. Travers*: If you will make a note of the objection, it is all I require.

*The Chairman*: I will do so.

*Mr. Allan*: I propose, with the permission of the Committee, to ask for an adjournment. There are certain witnesses whose attendance we shall require. I shall furnish you with a list of the witnesses. There are two witnesses who can be obtained at once to prove the formal parts of the petition; but the material and essential witnesses to prove the cases we shall set up live within the Electoral District of Motueka, and we have been unable as yet to secure their attendance. As this is the first occasion upon which such a Committee of the General Assembly of New Zealand has been appointed, the practice is of course, entirely new. We did not know on what day the Committee would sit, or whether it was necessary to get the Speaker's warrant, or the warrant of the Chairman of the Committee; I wish, therefore, to apply to the Committee for an adjournment, in order to enable me to obtain the Chairman's warrant for the summoning of the witnesses. Although the 28th section of the Act limits the time of adjournment to thirty hours, yet, if sufficient reasons are shown, a motion might be made to the House for a longer adjournment. Having stated that it is essential we should have the attendance of those witnesses, and that we have been unable to procure them without a special warrant, I apprehend the Committee will consent to an adjournment for a certain time, subject to the approval of the House. The witnesses could not all be here before the 3rd of September.

*Mr. Fitzherbert*: It is not possible for us to go into the evidence piecemeal on the one side or the other, and we had better wait until such time as the whole of the evidence could be produced.

*Mr. Travers*: It would be necessary for the sitting Member to know the statements of the witnesses on the other side before he could be called upon to refute them; it would be impossible for him to conjecture what the witnesses were going to prove.

*The Chairman*: It will be necessary for the petitioner, not only to furnish the names of witnesses to the opposite party, but the particular cases upon which they would be examined.

*Mr. Allan*: Of course the Committee have a right to order that I should give as explicit particulars as they may think necessary. I have drawn up a list of persons whose cases we purpose inquiring into, in respect of personation, bribery, and treating. [Reads the names.]

*Mr. Gillies*: A statement of the specific acts of treating or bribery complained of should also be furnished.

*Mr. Travers*: My friend should lay before the Committee an affidavit of the fact that these are necessary witnesses, and that he is unable to proceed in their absence. That is the usual course to adopt in applying for an adjournment.

*Mr. Bunney*: We are not bound by the same strict rules as are observed in Courts of Justice.

*The Chairman*: The Committee will be satisfied with the assurance of the petitioner's agent.

*Mr. Gillies*: Are the Committee to understand that these are all the witnesses the petitioner wishes to call?

*Mr. Allan*: It may be possible that we shall have to call more witnesses.

*The Chairman*: The Committee may call any witnesses they please. The summons must be issued under my hand.

*Mr. Gillies*: I think the Committee, before agreeing to the adjournment, had better take into consideration another matter with regard to the witnesses. Under clause 35 of the Act, the Committee has power to receive affidavits, and they might consider whether they should not save the parties the large expense of attending before them by accepting their affidavits.

*Mr. Allan*: There will be one affidavit which I wish to submit.

*The Chairman*: We would receive an affidavit of service; but if a witness gave evidence as to the merits of the case, he should be placed in the position of being cross-examined by the other side. We could not receive such affidavits unless notice were given to the other side.

*Mr. Gillies*: The clause states that it shall be competent for the Committee to receive affidavits as to any matters referred to it.

*The Chairman*: I do not think such affidavits should be received, unless the other side had an opportunity of cross-examining the witnesses.

*Mr. Travers*: The Justice of the Peace has merely the power of administering the oath; he had no power to put questions on the matters to which it related. If he did put questions, the parties making the affidavit would be under no legal obligation or penalty if the answers given were false. The opportunity of cross-examining the witnesses as to the statements contained in the affidavits was the important point to be considered.

*Mr. Allan*: I propose to submit the affidavit of the mother of James Hagan as to his identity and the date of his birth. I do not think an affidavit of that description would be objected to.

*The Chairman*: We would require to receive the assent of both parties.

*Mr. Allan*: If the Committee will not receive the affidavit of Mrs. Hagan as to the age of her son, I must get the order of the Chairman requiring her attendance.

*The Chairman*: The other side would not object to an affidavit of Mrs. Hagan, stating the age of her son, being received by the Committee.