

13. Before you ordered the issue of the writ you were in possession of Mr. Ward's written resignation, dated the 3rd July?—Yes; and I always satisfy myself, before ordering a writ to issue, that the vacancy has been notified in the *Gazette*.

14. The *Gazette* notice under the Act is the completion of the resignation, the vacancy, and the issue of the writ?—The issue of the writ was not authorised until I was satisfied that the vacancy had been gazetted.

15. *Captain Russell*.] Can you give us the date of the issue of the writ?—I ordered it to issue by my warrant dated on the Friday, the 15th, the day after the *Gazette* was published containing notice of the vacancy.

16. *Rt. Hon. Mr. Seddon*.] You have no date, even when the telegram arrived, if not witnessed by a Justice of the Peace, that there had been a written resignation?—I had two documents—the wire announcing the resignation, and the resignation in writing. I acted on the telegraphic communication because it reached me first. I had also to state in the *Gazette* that the resignation had been received by telegram.

17. You have had the writ returned showing the return of Mr. Ward as member for Awarua? Does it state on the writ that it is by resignation that the vacancy was caused?—Yes; it is stated in the writ that the vacancy was caused by resignation. [Writ produced and read by the Clerk.]

18. The election has not been challenged?—I saw rumours in the newspapers that it might be taken before the Supreme Court; but it was not taken before the Supreme Court.

19. On the Journals of the House are the issue and return of the writ recorded?

*Mr. Otterson*: The letter from the Clerk of Writs, stating that Mr. Ward had been returned, has been recorded.

20. *Rt. Hon. Mr. Seddon*.] Do you know whether there is any possibility, after a writ has been issued, of its being altered, or whether exception can be taken to it? Do you know of any case of that kind?—I am not aware of any case in which a writ has been set aside. You mean, I presume, previous to the election.

21. Yes?—I am not sure that there is provision for that, but I have not heard of any such intention in this case. The Clerk of the Writs would know if writs can be set aside.

22. *Hon. Mr. Rolleston*.] If you had known that the bankruptcy had already occurred, would you have acted on the resignation, seeing that the seat properly becomes vacant by bankruptcy?—If the bankruptcy had been reported to me before I had received the resignation I should have gazetted the member out as a bankrupt.

23. But would you deem that the taking of the resignation created a fault in the matter when the bankruptcy had already taken place?—If I had become aware that the bankruptcy preceded the resignation I should have gazetted the member as bankrupt, not as a member resigning. But no one could have communicated the circumstances of the bankruptcy except the officer by law appointed to do it, namely, the Registrar or Clerk of the Court.

24. That he did not do?—No.

25. Do you think the resignation is vitiated by the fact that the vacancy ought to have arisen on the bankruptcy?—I should not think the election was vitiated at all by that. I was bound to act upon the resignation. To my mind, the resignation could not have been publicly known until it was gazetted, on Thursday, the 15th July. There was a week's interval between the intimation of Mr. Ward to me that he had resigned and the fact of its being notified in the *Gazette*.

26. *Mr. Montgomery*.] Do you know of any precedents bearing on your opinion that a resignation is not complete until the Speaker receives notification of it?—I merely stated that that was the impression on my mind. On the other hand, I think, if you look at the law it says that a member's seat shall become vacant if he resigns by writing, and it may be argued, as a matter of law, that a member has the right to divest himself of membership by communicating such resignation in writing or by telegram to the Speaker.

27. *Hon. Mr. Rolleston*.] Are there not cases of persons holding resignations under certain circumstances? For instance, Mr. Bryce's resignation was written and given into the hands of another person, but it was not to be valid until delivered into your hands?—No. I have not known, myself, of resignations being withheld in that way. I think Mr. Bryce's resignation occurred in Major Steward's Speakership.

28. You may conceive of circumstances under which a resignation had taken place, but which had not reached your hands, and until which you could not declare it?—I can conceive such a case, but I have not experienced it.

29. *Rt. Hon. Mr. Seddon*.] You had a telegram notifying you that the resignation was on its way?—Yes, and stating that I should receive it on Saturday, the 10th July, and I was very much surprised that I did not get it either on that day or the following Monday. I think I sent to the Postal authorities, asking them to let me have it immediately on arrival, and when it did not come on the Monday morning I telegraphed to Mr. Ward, notifying him that I had not received it.

30. And if posted on the 8th it could not have been intercepted?—Mr. Ward told me by telegram that he had resigned, and that his resignation would reach me by letter on the 10th. That telegram came, I think, from Invercargill, and I did not know but that the letter would come from the same place, and that it must have been posted some days. I thought the letter must have been posted before Thursday the 8th to enable it to reach me on Saturday the 10th.

30A. *Rt. Hon. Mr. Seddon*.] The law is that no telegrams can be intercepted unless by order of the Governor. On the 8th the letter was posted and was not interceptible?—Mr. McKenzie's letter is dated the 8th.

31. *Mr. Allen*.] You did not keep the envelope in which the letter came?—I think I have. I think it bears the Wellington postmark of the 9th. I will send it up to the Committee. [Afterwards produced.]