

roll as an elector and I was therefore qualified to vote, and that being legally qualified to vote as an elector I was eligible for election, and that if I was elected I was entitled to take my seat and the oath and to perform the duties of a member of the House. Every effort was made by those who hold different opinions to myself to oppose me both as to my right to be elected and to take my seat, but they have all receded from the position they took up.

55. Was the petition filed?—No; it was prepared, I understand, but not filed.

56. *Mr. Allen.*] You say you took legal advice. You do not propose to submit the names to us?—No; I am here to state my own position. I said I was advised that I was entitled to stand, and to sit. I have the opinion of one of the leading solicitors in the colony, in writing, the others are verbal—but I do not propose to submit them.

57. You make no mention in your telegram of having sent your resignation. There are two telegrams, one on the Tuesday and one on the Wednesday, the 13th and 14th. Did you make any reference to the letter in resigning?—Yes, but I cannot tell you what the date was; the telegrams will show that.

58. *Rt. Hon. Mr. Seddon.*] I suppose you were surprised when you received the communication from the Speaker that your resignation had not reached him?—Yes, I was greatly surprised. I had posted my resignation, addressed to the Speaker, on the 3rd July, and by that had taken a determinate course. I forwarded it to the Acting-Premier with instructions that it should go to the Speaker or the Governor. I was not certain as to whom it should go. I was not certain about it.

59. You were Postmaster-General at one time?—Yes.

60. I want to ascertain how a letter can be intercepted?—The only way it could be done would be by warrant of the Governor. A letter cannot be returned under any circumstances, even if opened by the sender in the presence of the officials. The only way it can be done is by the signature and authority of the Governor.

61. *Mr. Duncan.*] After you have dropped a letter in the Post Office the officials will not allow you to get it out again?—No; or anybody else, as far as I know, unless you get it by warrant of the Governor.

62. *Rt. Hon. Mr. Seddon.*] Did you receive any communication from Mr. McKenzie to the effect that he had delayed or stopped the letter you had sent, or that he had forwarded it?—No; my impression is that when the Speaker wired me I communicated with Mr. McKenzie and asked him whether he had forwarded the letter, and he informed me that he had. That is my recollection of it.

63. *Mr. Skerrett.*] Your resignation of the 3rd July was enclosed in a letter to Mr. McKenzie with instructions to forward the same to the Speaker if he were the proper authority, or to the Governor if he were the proper authority?—I think I said to Mr. McKenzie that I was in doubt as to who should receive the resignation, and asked him kindly to forward it to the Speaker or to the Governor.

64. Did you give authority to Mr. McKenzie to withhold your resignation, or to deal with the same otherwise than in accordance with your instructions?—No.

65. Do you say you had put in a determinate position your resignation to the Speaker in writing?—Certainly; and I say I ceased to act as a member of the House immediately thereafter, which is shown by my paying for my tickets when travelling on the railways.

66. I understand you had resigned your seat by writing under your hand addressed to the Speaker, and placed him in a position to take a determinate course?—Yes.

67. Was the telegram of the 8th July in your own handwriting, and signed by you?—I may have dictated it to a shorthand-writer, but probably I wrote it myself.

68. It was probably signed by you?—It was certainly signed by me.

69. Was that telegram submitted before your filing your petition in bankruptcy?—I feel very positive it was. The petition was forwarded to the Official Assignee not until the afternoon of the 8th, some time after 3 o'clock in the afternoon; and the telegram was put in in the morning.

70. Your telegram to the Speaker on the 8th was transmitted prior to the bankruptcy?—Yes, I feel very positive about that.

71. Was it ever suggested during the course of the electioneering contest that the writ was invalid or that the election was improper or unwise?—Not to my knowledge. The only thing I saw was an opinion gratuitously expressed by a solicitor in Wellington after the election was over, and published throughout the colony.

72. That you were disqualified?—Yes, from standing or sitting.

73. That relates to personal disqualification, but not as to the validity of the writ issued?—No, there was no question raised about it during the course of the election to my knowledge.

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THURSDAY, 7TH OCTOBER, 1897.

Hon. JOHN MCKENZIE, M.H.R., examined.

74. *Rt. Hon. Mr. Seddon.*] Are the name and signature attached to that letter yours [letter handed to witness]?—Yes.

75. What are the contents of the letter?—It was forwarding to Sir Maurice O'Rorke Mr. Ward's resignation as member for Awarua.

76. What is the date of the letter?—8th July.

77. Will you look at the other letter attached to it?—That is 3rd July.

78. What is that letter?—Mr. Ward's resignation.

79. What are the contents?—Stating that he has the honour of tendering his resignation as member for Awarua.