

118. Would it have been illegal for you to have done so?—Yes, I consider it would.

119. You consider that you would have been liable to a penalty if you had given Mr. Isitt, or any one else, a ballot-paper?—Yes.

120. Supposing that any Returning Officers had given ballot-papers to Mr. Isitt, could Mr. Isitt have petitioned and upset the election?—I could not say.

121. Supposing you as a Returning Officer had illegally given away ballot-papers, would you not be to some extent gagged, and be prevented from giving evidence afterwards?—I think if any Returning Officer did so he would do it in ignorance, and if I did such a thing it would not gag me.

122. Supposing it was done for some consideration?—I could not imagine that happening.

123. But is such a thing impossible?—Well, it is possible.

124. You admit that it is possible?—It is possible for a man to commit an illegal act.

125. Could a Returning Officer inform the police that he gave Mr. Isitt or any one else two ballot-papers without incriminating himself?—He would incriminate himself supposing sufficient time had not passed.

126. He would be likely to injure himself afterwards, would he not?—Yes, no doubt, even though no criminal prosecution could lie against him.

127. And he would not be likely to be trusted in a similar position any more?—No, certainly not.

128. You say you do not remember the law sufficiently well to say from memory what the effect of giving away ballot-papers would be?—I never like to give a legal opinion without first looking up the section.

129. You do not know of any Returning Officer giving ballot-papers to Mr. Isitt?—No.

130. Were you Returning Officer in Wellington for the local-option poll?—Yes.

131. *Mr. Wood.*] When did you first see this ballot-paper?—Certainly within a week after the election.

132. You did not see it on the same day?—No.

133. "Mr. Thomson examined and compared the ballot-paper with others he possessed, and said it was a genuine one, and he in consequence warned the scrutineers at the various polling-booths that such papers were in circulation." That is the same day?—Yes; but I did not see it. I did warn the Deputy Returning Officers as soon as I heard of it, but I did not see this ballot-paper on the day of the election.

134. You had control of the election: is it possible from your knowledge to protect the ballot-papers in a better way?—The ballot-boxes have to be distributed beforehand, together with the papers. They have to be in each booth ready for use at 9 o'clock the next day. They have to be distributed the night before, and I went round myself and deposited them, and in every case made arrangements for the booth to be opened before 9 o'clock the next morning, so that the officers could get into it. The keys of some of the booths I left with the police. Of others I kept the keys myself, and of some I left the keys with the caretakers. In the case of the Buckle Street booth the keys were left either at the barracks or at the police-station—I think at the barracks.

135. *Hon. Mr. Hall-Jones.*] When you got to the Buckle Street booth to leave the box there did you personally leave the key in charge of some one?—The person who let me in had the key, and the drill-shed is always in charge of the Defence Department.

136. *Mr. Wood.*] This incident and others indicate that great carelessness was displayed by the Returning Officers—and that includes yourself: do you admit that?—The only way I could suggest as a remedy was that I might have left the boxes at the police-station and got the police to deliver them the next morning.

137. The petition says that great carelessness was shown: do you consider that you took reasonable precautions?—I consider that I took every precaution. The only thing I could have done was to get the police to deliver the boxes the next morning before 9 o'clock, and there is always a risk in connection with that, because if the booth was opened a little late it might upset the election.

138. You consider that everything was quite right?—Yes.

139. And that any one who took one of the papers out of the ballot-box went there for the purpose?—I would not say that.

140. Would he have to break into the building?—I do not know that he would have to break into the Buckle Street building, because it is used by the Defence Department, and I do not know whether it was used on the night before the election or not, but it might have been used by the Permanent Artillery practising there. The other places are two public schools, where the key was in the custody of the caretaker in each case, and they might have let any one in.

141. Did you give any instructions that these papers and boxes were to be kept secret and in such a position under lock and key that no one could get at them?—I did not give any special instructions about them. The boxes were all locked and put in the school, and the caretaker was told that he would be called upon for the key by the Returning Officer next morning.

142. If a complaint is made in the petition as to gross carelessness, then you are the responsible person?—Quite so. I certainly do not admit there was gross carelessness.

143. Do you think it must have been a designing person who wanted to take one of these papers? In other words, do you think any one did it just for the sake of doing it, or with some ulterior motive?—It is impossible for me to say what a person would take a ballot-paper for.

144. You do not think it would be done for a lark?—It is possible that it might have been done for a lark just to show that it could be done, and it is possible that it might have been done for the purpose of making an illegal use of it.

145. *The Chairman.*] I presume this was not the only election at which you have been Returning Officer?—It is the second. I had the general election in Wellington in November, and the Licensing Committee election in March.