do it, and also as to the place and says it was on the street, not in the hotel, and says that he told him he didn't care to do it. It was curious the reason that he gave why he refused to do it—because he was not used to sleight-of-hand. It was not because he had any horror of it, or anything of that kind, but that he was not used to sleight-of-hand work and that his hands were too small. Now, we have the evidence of this witness, who shows you how the ballot, after it was given to the accused was folded up, making it very much shorter than its full length, and these nine ballots produced here seem to have all been folded in that way. Now the Crown suggests that is the way he succeeded with a small hand in doing it; folded the ballot up in that way, and it would not then project further than the hand and be noticeable. The accused when in the box made no denial of having folded the ballot for this man Stewart who was the witness before him."

In this case Sanders was found guilty, and after being found guilty such, it had been said, was the horror of Mr. Boyd and his friends of the offence with which Sanders was charged that he, Boyd, at once washed his hands of Sanders and refused to provide bail. But it must be remembered that two bondsmen were required and that one of the two gentlemen on the bond was Mr. McKelvie, president of the Conservative association at Gladstone.

HERRIMAN CASE.

There is still another case, that known as the Herriman case, and a great deal has been said about the terrible injustice which has been inflicted upon this man. Let the circumstances be recalled, and he would prove to the House and the electors of the province that, on the facts as they were known to the Crown before action was commenced, that the prosecution was justifiable. Herriman did not live, and was not an elector in the constituency of Macdonald. He is a gentleman whose record is to be found in the police court and the Superior Court, and in the reported case of the Queen vs. Herriman, Manitoba Law Reports, vol. 8, page 630. Herriman was arrested in 1892 on a charge of gambling and vagrancy, and was sentenced by the magistrate to three months in the common jail. The prisoner appealed and the appeal came before Mr. Justice Killam, and he upheld the conviction made by Police Magistrate Peebles. The learned judge said: "Why, then, should effect be given to the opinion of a witness whose means of forming it and the reliability of whose judgment are unknown? Such a course would be to substitute the judgment of the witness for that of the court. I know of no principle of the law of evidence which would justify this. There was, however, evidence which would justify the magistrate in finding the following facts:—The prisoner practised gaming extensively; he had no other ostensible profession or calling (if gaming can be termed such), by which to support himself. The prisoner was a member of what is called in the evidence of one witness 'a combination' for purposes of gaming; although the nature and purposes of this combination are not shown, at least, it can be inferred, they shared together in some way the profits resulting from their gaming. This combination, within eighteen months, won as large an amount as $3,000 from one party; much of the gaming was carried on in a room leased to the prisoner and another party; in the room was kept a table of a character peculiarly suited for the purposes of gaming, and particularly for a game called 'faro'; in some cases the prisoner or the combination took a 'rake off' or a percentage of the stakes; in a few isolated instances, the prisoner made use of marked cards or fraudulent dice; the prisoner lives in a house apart from the room mentioned and very inexpensively."

That was the individual, Mr. Speaker, who was selected by Wm. Richardson, the returning officer for Macdonald, to act as deputy returning officer at a poll in that electoral district. Now, taking it for granted that the theory of the Crown that there was a conspiracy, is correct, then, there was no place where a skilful operator like Herriman was much required as at the poll at Beaver Creek. The figures at the close of the poll stood this way: Rutherford, 49; Boyd, 27; Braithwaite, 49, and rejected, 4. These figures, on their face, show it to be just the very place where a man who used marked cards and fraudulent dice, should be sent. He, therefore, went to Beaver Creek, which is about 9 miles north of the McGregor station. The original arrangement was that Dr. Eaton, of Carberry, was to act as deputy returning officer, but two or three days before election day, Eaton's appointment was cancelled, and Richardson came to the city of Winnipeg and swore Herriman in there. On June 22, he arrived on the train at McGregor. He was recognized there immediately by an old resident, who knew something of the antecedents of Mr. Herriman, and the people there became very much alarmed that he had come there to practise some nefarious work in McGregor. At once a special constable was sworn in, and Herriman was very closely watched. To the surprise of every one, the next morning, Herriman took a buggy and drove northward, and he appeared at the poll at Beaver Creek to the great astonishment of everybody, and produced his credentials to act as deputy returning officer, and so angry were the electors and the representatives of Rutherford and Braithwaite, that they very plainly informed Mr. Herriman that if they caught him engaged in any crooked work, they would make it extremely lively for him. Under the circumstances, there is no doubt whatever the Crown would have failed in its duty, if, with these facts before it, it had not instituted the prosecution. Although a prima facie case had been made which would justify a committal, it was felt that the evidence was hardly strong enough to secure a conviction at the assizes, and the Crown, therefore, withdrew the proceedings.

There has been a great deal of criticism indulged in over the evidence of Freeborn, and, without speaking at length upon that point, he would once more refer to the statement of the chief justice, that it is in some criminal cases absolutely impossible to secure conviction without the evidence of just such men as he. The Crown feel that they have done their duty in this matter, and the circumstances proven at the various trials show their justification.

It has been stated by one hon. member, that Herriman left the court room with his character cleared. There was no such thing. It was no finding of the magistrate that dismissed Herriman, but it was on the statement of the Crown alone that he was let go, and for the reasons stated. The Crown was in duty bound to probe every case of suspicion to the bottom, and to spare no expense in bringing guilty parties to justice, but events have shown that charges like these are very difficult to prove, and, on account of the extreme difficulty of procuring such clear evidence as would secure a conviction, Herriman was let go, and the proceedings deliberately abandoned by the Crown cousel. Having gone over all the cases where there were arrests, he would just touch upon one again, the Scammell case.