

RENWICK AND HAMILTON.

There was also a series of prosecutions undertaken along the line of the Manitoba and North-western Railway. At Poll No. 8, Fred. M. Brown acted as deputy returning officer, and was arrested. In this case, it was proved that Freeborn went to Richardson, the returning officer, who directed him to Brown; that he saw Brown and got 30 blank ballots from him, ten of which he gave to Sanders, of Gladstone. Brown was arrested for manipulating ballots at his own poll, but, owing to the absence of a great number of witnesses in Ontario, the case was not gone on with.

William Renwick, the deputy returning officer at Poll No. 45, near Arden, was arrested and committed by the magistrate for trial. The count at this poll was: Boyd, 56; Braithwaite, 51; Rutherford, 27, and 1 rejected ballot. The deputy returning officer himself voted on a certificate signed by J. H. Howden, of Neepawa, who produced as his authority for that act a letter from Richardson, the returning officer. This was a clear and flagrant violation of the Election Act. It was with great difficulty that Reeve McGregor could get the deputy returning officer to take his oath of office. Thirty-two voters swore they voted for Rutherford, but McNair, Rutherford's agent, and a number of others who voted for Rutherford, were away in Ontario and could not be present.

W. J. Hamilton, of Neepawa, was deputy returning officer for Poll 47. It is alleged that this individual had made the remark at the close of the day that, "Gentlemen had voted during the day for the Conservative ticket, who had never done so before." At this poll, the ballots counted were as follows:—Boyd, 46; Braithwaite, 36; Rutherford, 31; ballots objected to, 2. The evidence showed that William Goodman, the poll clerk, was only here on a visit, his home being in Ontario. He was appointed by the deputy returning officer, but performed none of the duties of a poll clerk, except to write the first name in the book. All the other names were written by Hamilton; in fact, all his other duties were performed by the deputy returning officer. A ballot was given him in a hasty manner by the deputy returning officer, and he had almost proceeded to the polling both when Rutherford's scrutineer challenged his vote, as he was not on the list. The deputy returning officer stated that Goodman's name was on the poll at Glenboro'. It was proven that the name of William Goodman did not appear on the Glenboro' poll or any other poll in the electoral district of Macdonald. The certificates on which R. A. Bruce and the deputy returning officer voted at this poll, were signed by J. H. Howden for the returning officer.

THE McFADDEN CASE.

Moses McFadden was deputy returning officer at poll No. 48, and conducted his poll in a most arbitrary manner. When Rutherford's scrutineer objected to the vote of Alexander McKenzie, he was threatened with arrest. There was something very suspicious about the vote of this Alexander McKenzie. Alexander McKenzie does appear in the poll list at poll 52, but he was at that time acting as hired man for the deputy returning officer, and as he was by no means a man of sufficient substance to have been the owner of the property set down opposite the name of Alexander McKenzie in poll 52, his vote was objected to. Nevertheless he was set down in the poll-book as being in poll 48. One John Robertson voted at this poll, but his name is not

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on the list, nor is there a certificate to him as agent. As the difference between the count and the proved vote was only one, the case was abandoned by the Crown. A number of other witnesses were not obtainable on account of absence, and it was deemed advisable, under the circumstances not to press for a committal.

SANDERS'S CASE.

Another case on this railway line was the one against George W. Sanders, the deputy returning officer at Tupper. Sanders was tried before the magistrate at Gladstone, committed, and sent for trial at the Portage la Prairie assizes, and the jury there found him guilty. The following extracts are taken from the charge to the jury by His Lordship the Chief Justice, in this case:

"What number of blank ballots were sent out? It is said to be 161. It is remarked that that is rather an odd number—161—as they were done up in pads of 50's and 100's. It is said they counted on the morning that the ballot box was opened to see that there was nothing in it except what should be there, and that they were taken out and counted by different people, and that they may have made a mistake." Continuing, the chief justice refers to Freeborn, one of the witnesses, as follows:—"Now, you saw Freeborn and heard him give his evidence, and I must say there is nothing about his character to be commended. The only thing about it is that he frankly owned up to having been engaged in crooked work. He tells you that he was a Conservative, that he acted for the Conservative party, and that he was engaged in crooked work in connection with elections. Then, after the election was over, not having been paid certain expenses that he thought he was entitled to, he thought he would get the better of the candidate for whom he was working, and have him unseated, and he went and disclosed to the opposite party what he professed to have been engaged in for the purpose of having an election protest, and he tells you that he has been engaged working up evidence in connection with that matter, but that he did not expect criminal prosecutions in connection with it, but that the unseating of Mr. Boyd would be the result. Now, it is very often necessary to use such persons in connection with such matters. Frequently criminals who have been engaged in such matters, and who 'split' on their associates, come forward, and the Crown has to use them for the purpose of bringing other criminals to justice, as the saying is: When knaves fall out, honest men get their own.' He, Freeborn, was subjected to a strict cross-examination, and he told a consistent story, but whether that is true or not is for you to say. He tells you that he gave 10 blank ballots to the accused and he returned nine. Now, all these ballots are produced here and are all initialled by the accused as you will see. * * *

Now, the Crown's theory is that a certain number of persons voted at that election and in place of some of the ballots which those people gave to the deputy returning officer he substituted others, really the ballots in place of the nine which he afterwards gave Freeborn, and which are now produced here. There were 20 witnesses called and they all swore they voted for Rutherford. In the box there were only 16 ballots marked for Rutherford, one rejected marked for Rutherford and Braithwaite, so that there are, according to the theory of the Crown, four ballots at all events which were given for Rutherford for which other ballots were put in the box. The accused differs with Freeborn as to the times Freeborn saw him and showed him how to