

Elec. Case.]

LINCOLN ELECTION PETITION.

[Ontario.]

do it, and will do it." Stewart says respondent began the conversation by saying, "I would like to have you with me at the election." Then Stewart expressed his dissatisfaction as to the compensation made for the injury to his wife, and respondent said if he had not made it right, he was able to make it right. And he wound up his evidence by saying, "Mr. Neelon said to me, 'Mr. Stewart, I want to do what is right. I am able to do what is right. I can do what is right.' It was not said by way of a bargain. Mr. Neelon only told me he wanted me to support him; he did not make the payment depending on my voting for him." Stewart told his wife what had passed, and she wrote a letter to respondent, beginning, "You sent me word by my husband *about voting, and what I had to say, and if you do what is right, he can use his own pleasure about it.* * * * And now you can use your own pleasure about it, but I think you will do what is right. If you do, give me \$100, and I don't think that will be anything out of the way." This letter is dated January, 1875, no day stated. Stewart says he went to the mill about dusk with the letter, and gave it to a man who attends at the mill. He saw King and Sisterson afterwards, and not hearing anything about the letter, he asked Mr. King if he had seen the letter, and he said he had read it, hung it up, and put it on fyle. He afterwards asked Mr. King, and he said respondent had read the letter and placed it on fyle. Then afterwards he saw respondent, who gave him \$30—not all in cash. He deducted a bill Stewart owed at the mill, and gave the balance in money. Sisterson says that about a week before the election, respondent sent him to see Mrs. Stewart. He told her respondent was still able to do justice—he did not say respondent *would* do justice; he was not authorised to say anything of the kind. Mrs. Stewart told him she would write a letter. It was at her own dictation that she wrote the letter stating what her claim was, and Sisterson said, "That will be just as well."

In reference to this the respondent swears:—"I gave him (Stewart) to understand I would not give him a cent to go with me in the election. I used no such language as 'If I had not done the fair thing, I will do it if you will be with me,' or anything in substance the same; nor did I say, 'If I had not made it right, I would make it right.' After the election was over, Stewart came to the mill and asked if I had received a letter he had left there. I said no. He went out and made inquiry of King or Sisterson, and they came in with the letter,

which was found in a pigeon hole in my desk. I opened the letter and read it."

Looking at the whole of this evidence, I cannot resist the conclusion that the respondent errs in his representation—(he does not say so in express words)—that he knew nothing of this letter until after the election. He had heard of Mrs. Stewart's dissatisfaction, and before the election he sent Sisterson to her; she told him she would write, and his statement clearly indicates he was present when she dictated the letter; his remark "that will be just as well," clearly indicates that he knew of its contents, makes it at least highly probable that she had expressed her views to him, which, but for the letter, he would have communicated to respondent. Sent for the express purpose of asking Mrs. Stewart "what was the matter with her." Sisterson must, on his return, have given some account to respondent, and if he said what, if his present account be true, he must have said, that she was going to send a letter, it makes it unlikely that the letter, when it arrived, should have been put away in a pigeon hole unopened. King says, in reference to letters for respondent arriving when he was not at the mill—"If he was not at home I opened them. * * He was not absent, only for meetings, and his letters always remained on his desk." Stewart swears that King told him that he had read this letter and put it on fyle, and afterwards told him that respondent had read it and put it on fyle. If King read it, and it seems to have come to his hands upon or soon after its arrival at the mill, I cannot assume that he put it in respondent's desk without mentioning it. On the whole, I deduce as a fact that respondent became aware of it before the election, and thought it as well to leave Stewart to vote without further interference, being satisfied Mrs. Stewart would not influence him adversely.

But in any event the letter shows what impression the conversation with respondent produced at the time on Stewart, and I attach more value to that than to his subsequent assertion, which literally was no doubt true, that respondent did not make the payment depend on his voting for him. Stewart went to his wife, apparently immediately after parting with respondent, and tells her about it, and she writes, or rather dictates, a letter to respondent, beginning, "You sent me word by my husband *about voting, and what I had to say, and if you do what is right he can use his own pleasure about it.*" I cannot doubt, that whatever were the precise words used by respondent, the