

THE SEAT EMPTY AGAIN

Mr. Macnish, West Elgin, Dis-
claims It.

Irregularities in the Last Elec-
tion Admitted.

Mr. Macnish Not Culpable but His
Agents Were Mixed Up in Bad Prac-
tices—The Sheriff Imposed Upon.

St. Thomas, June 27.—The West Elgin election trial, held here yesterday, ending in the hearing of Mr. D. Macnish, the reform member. The latter occupied the seat in the Local House during the whole of last session, but recently, on investigating charges made by Mr. John Munn, of St. Thomas, on behalf of the defeated Conservative candidate, Mr. G. G. Macdunn, he filed a disclaimer. Local Conservatives, however, determined to proceed with the protest, while at the same time admitting that so far as Mr. Macnish was personally concerned there was not the slightest evidence or suspicion of wrongdoing. This view of the case was amply borne out in the evidence submitted at yesterday's trial. In the case of County Sheriff Brown, who was returning officer for the election, and a respondent with Mr. Macnish, the trial judges, Justices Osler and Meredith, commented strongly upon his conduct, and several times during the hearing of the evidence characterized his actions as showing a grave lack of ordinary care.

ADMISSIONS MADE.
Before adjournment Mr. Macnish and his solicitor, after consultation with the solicitors for the other side, signed the following letter: St. Thomas, June 26, 1899. Messrs. Crothers & Price, barristers, etc., St. Thomas. Dear Sirs,—Re West Elgin election petition. We beg to advise you that Mr. Macnish has discussed at length with the solicitors the charges contained in the petition which has been filed against his return as member of the Legislative Assembly of Ontario for West Elgin, and that they have, in the evidence contained therein and other matters which come to their knowledge in connection with the election. And the subscribers hereto make the following statements and admissions respecting the same:

"(1) That a large number of persons were specially sent into the constituency by men working on behalf of the Liberal party for the express purpose of taking part on Mr. Macnish's behalf in the election held on June 12, 1899, and we believe that fraudulent and corrupt means were used by some of such persons to secure his election."

"(2) That several of the said persons illegally and without authority acted as deputy returning officers at the said election, and in at least three cases acted in the names of reputable local men having, under assumed names, been introduced to the returning officer by local agents of Mr. Macnish."

"(3) That in many of the polling subdivisions of the riding there were grave irregularities connected with the return of the ballot boxes and their contents, the voting and the counting of the ballots thereat."

"(4) That there were large numbers of persons brought into the riding for the express purpose of procuring legitimate voters, and assisted by some of Mr. Macnish's local supporters, such persons did personate qualified voters in voting for Mr. Macnish."

"(5) That the declared number of votes for Mr. Macnish largely exceeded the bona fide votes cast for him."

"(6) That a large number of ballots cast for Mr. Macdunn were in some nefarious and corrupt manner manipulated, whereby the result of the election was rendered doubtful, and that in this connection the voting at Shedden and Middlemarch and in several divisions at St. Thomas where said strangers acted as deputy returning officers, merits special mention."

"(7) That there are good reasons to believe that there are many specific and well-authenticated cases where agents of Mr. Macnish concealed at their homes some of those strangers, who there paid large sums of money to electors to induce them to vote for him."

"(8) That Mr. Macnish will forthwith deliver to the Speaker of the Legislative Assembly his resignation as member thereof for the said electoral district."

THE JUDGES DIFFER.
Mr. Justice Meredith expressed the opinion that if Mr. Macnish admitted irregularities nothing more was needed, and the election should be voided. Mr. Justice Osler did not concur, remarking that so far as he was concerned he could not give his consent to voiding an election in which the majority (over 200) was so large, without first hearing some substantial evidence. If it was not desired to give evidence the petition should be dismissed.

Mr. Wallace Nesbitt answered that he had no evidence to disqualify Mr. Macnish in regard to personal corruption. He could give positive proof of the irregularities mentioned by his learned friend and evidence of corruption by party workers, but did not know if it should be voided. The admission made to take up the time of the court. Mr. Justice Meredith reiterated his opinion that so far as he was concerned the matter might end at once, and again Mr. Justice Osler remarked that he could not concur, adding that so far as he was concerned

he would never void an election on mere admission; the petitioner must prove his case.

THE PROCEEDINGS.

Messrs. A. B. Aylesworth, C. C. Toronto, and Mr. L. P. Holmuth, London, appeared for Mr. Macnish; Mr. Wallace Nesbitt, for the petitioner and Mr. Macdunn; and Mr. J. M. Glenn, of St. Thomas, for Sheriff Brown.

When the court opened Mr. Aylesworth, on behalf of Mr. Macnish, said that his client had been returned at the election, and had occupied a seat in the house during the session. On the present charges being made, Mr. Macnish, aided by his solicitor, had investigated them, and on so doing became satisfied that the election had not been properly conducted. There were at least three instances in which men had acted as returning officers, although holding no authority to do so. In each of these cases the parties had assumed names of reputable constituents, and had acted under such names. Not only were there these cases of wrongdoing at the polling subdivisions, but there had been corrupt practices to a certain extent in other directions. In view of these circumstances Mr. Macnish had taken the course of filing a disclaimer of the seat, and notifying his opponents of his action. He, Mr. Aylesworth, had been instructed by his client not to defend the action and thus avoid expense to both sides. If, however, any personal charges were to be made against Mr. Macnish, they were to be defended.

EVIDENCE HEARD.

Sheriff Brown, returning officer, was the first witness. Mr. Brown said he had appointed two men for No. 4 and No. 11 subdivisions, who were introduced to him as Albert Montgomery and Christopher Stratford, but after the election he discovered that these were assumed names, and that he had been misled upon these impostors' explanation that they were not to bring back their ballot boxes, which were brought in, that of No. 4 subdivision by one Langman, and that of No. 11 by one Casey. Asked if he had administered the oath to the persons, he answered in the negative, his explanation being that he had no forms for that purpose.

Mr. Justice Meredith—Forms were not an absolute necessity; the oath could have been administered without them.

Witness said that for No. 6 subdivision, Southwold, a man claiming to be Marshall B. Johnson was appointed, and he again witness found, after the election, that he had been duped. In this subdivision, Duncan, a local clerk, acted as deputy and brought in the ballot box the next day. No oath was administered to Bole.

Cross-examined briefly by Mr. Aylesworth, witness said he had been sheriff of the county for fifteen years. He was well acquainted in the rural districts, but not in the city. On being shown three documents asking him to appoint Montgomery, Stratford and Johnson as deputies, he said he recognized Mr. Macnish's signature, but did not know the handwriting in the body of the document. Again questioned by Mr. Nesbitt, the sheriff said that Dr. Donahue was to have acted in No. 8 subdivision, St. Thomas, but did not. One who gave his name as John Kilroy, St. Thomas, acted. He had not been able to find Kilroy afterwards, and so far as he could ascertain there was no such person in the city.

Mr. A. E. Montgomery swore he was in Southwold on election day, and could not have acted as deputy.

E. W. Trump, St. Thomas, poll clerk at No. 11, St. Thomas, said the deputy there, purporting to be Montgomery, was one Martin J. Cahill.

Christopher Stratford testified that he was not in St. Thomas until late in the afternoon of election day, and so could not have acted as deputy.

Mr. Macnish said the documents referred to by Sheriff Brown as being his signature, were signed by him under the impression that they were authorizations for the appointment of scrutineers in his behalf. They were mixed up among a lot of such authorizations, and he was misled by the secretary of the Liberal Club of St. Thomas, and he had not read them, believing that all were of the same nature. So far as he was concerned he emphatically denied any wrongdoing or any knowledge thereof, and on discovering the irregularities mentioned, had acted in the manner described by Mr. Aylesworth.

Mr. Justice Osler asked if Mr. Glenn desired to say anything on behalf of the sheriff. Mr. Glenn replied that the sheriff had been imposed upon.

Mr. Justice Meredith—There were many irregularities. The sheriff, as returning officer, does not seem to have acted with care. He has been easily imposed upon.

Mr. Justice Osler said Mr. Macnish had not been guilty of any improprieties. There were, however, gross irregularities, of which, I think, the sheriff is largely responsible, owing to his carelessness, to say the least. Costs to the petitioner, and payable by the sheriff as well as the respondent.

The court then adjourned.

B. M. E. CONFERENCE

The Ministerial Appointments Decided Upon.

Brantford, June 26.—The B. M. E. conference was brought to a close here today, the last important item of business being the appointments, which take place in the following order: Windsor, Rev. Henderson Davis; Buxton, Rev. W. R. Drake; Dresden, Rev. R. Holden; Harrow, Rev. G. R. Blount; Chatham, Rev. Herbert Wright; London, Rev. R. R. Ball; Woodstock, Rev. J. W. B. Ball; St. Catharines, Rev. R. A. Ball; Brantford, Rev. Henry Rockhold; Niagara

Falls South, Rev. Dr. Oliver; Montreal, Rev. Robert Brown; Toronto, Rev. W. H. Snowden; Liverpool, N. S., Rev. J. Morley. Revs. Wright and J. W. Brown were ordained into the church on Sunday.

**TALKING ON
THE TARIFF**

Mr. Davin Charges the Govern-
ment With Breaking Faith.

Wants Greater Reductions—Civil Ser-
vants' Debts—The Day in
Parliament.

Ottawa, June 27.—Mr. Davin's motion, declaring that the house is of opinion that faith had not been kept with the tariff of 1891, since that tariff has not been reduced upon certain articles, and that the preferential tariff is delusive, was the subject of discussion at the afternoon sitting of the house yesterday. The debate was not concluded.

Mr. Foster was informed by the premier that up to June 3 the sum of \$122,541 had been expended on the prohibition plebiscite, and it was estimated another \$1,000 would cover outstanding accounts.

The premier, in reply to a question by Mr. Quinn, said that no person had yet been named to the vacant Montreal postmastership, and no appointment would be made until a report had been received of the investigation into the affairs of the office.

Sir Wilfrid Laurier informed Mr. Prior that the government was aware that 14 statutes passed by the Legislature of British Columbia contain a clause prohibiting employment of Chinese and Japanese in various undertakings. As to the government's policy in the matter, the premier said the question was "under consideration."

The minister of militia informed Mr. Clarke that 41,073 applications for the Canadian general service medals and clasps had been received, of which 4,291 had been approved by the claims board. In 152 cases decision had been reserved, pending further particulars.

All applications, with the exception of 41 received during the last few days, have been investigated, classified and recorded for consideration by the board. The question as to how and when the distribution shall take place has not yet been decided.

THE TARIFF QUESTION.

Mr. Davin moved "that in the opinion of the house, faith had not been kept with the farmers of the west since duties have not been reduced on agricultural implements, and have been increased on the cheaper portions."

Mr. Davin, in support of his motion, Mr. Davin cited the tariff declarations of the Liberal platform, the free trade speeches of Sir Wilfrid Laurier and his supporters, and contrasting those with the alleged protectionist policy maintained by the party in power, showed that the Northwest farmers have been badly deceived. Evidently Sir Richard Cartwright was not pleased with the prospect as he had left the house about the middle of the session. The last straw which had broken Sir Richard's back was the iron bounties policy, and he had seemingly come to the conclusion that he had been deceived.

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