

voted for Rutherford refused to answer. W. H. Robertson is in England, R. Steele in Ontario, Thomas Kenyon in England, William Bell could not be found, Wm. Atkinson is in Montreal, W. Thornborough at McGregor, Wm. Robinson in Brussels (Ont.), S. Ezard not known, R. J. Davison in Detroit, and L. F. Kingsley in Winnipeg. These fourteen men were all supposed to be Rutherford voters, and could not be got to the trial. Evidence was also given to show that the accused was under the influence of liquor during poll day.

Robert Roberts and Abram Denison were also arrested, but the cases were abandoned for want of sufficient evidence, though it was known that they interfered with the ballot box and carried it away to the hotel with them.

PARKER AND MAWHINNEY.

In the case of W. J. Parker, of Treherne Poll, there were found in the ballot box at the close of the poll, 52 ballots for Boyd, 46 for Rutherford, 16 for Braithwaite and two rejected ballots. The two rejected ballots were apparently intended for Rutherford, so that it may be said 48 men voted for Rutherford. In this case 49 voters swore before the magistrate that they voted for Rutherford. In this trial, also, there were a number of absent voters unobtainable. Parker received from Anderson, who was deputy returning officer at Arizon, a few days before the election, the sum of \$100, but Anderson swears that he intended it for Alexander, the postmaster at Treherne, and that Parker agreed to give it to Alexander for election purposes.

There was also on the south-western line the case against William Mawhinney. A man named Maxwell had for a long time usually acted as deputy returning officer at Holland in Dominion elections, and so far as known to the speaker, had always been a satisfactory official. Maxwell, however, had, unfortunately for himself, a mutilated right hand, most if not all the fingers were off the right hand. Curiously enough, therefore, this Maxwell was not appointed deputy returning officer last June, but Mawhinney was sent all the way from Portage la Prairie to take the poll at Holland. Mawhinney was committed for trial and a true bill was found against him by the grand jury. Notwithstanding the evidence, however, the petit jury acquitted him. The following are some extracts from the charge to the petit jury by His Lordship the chief justice.

"The charge which the Crown makes against him is, that he unlawfully and wilfully destroyed certain ballots which were complete ballots, by having been in the hands of the electors of that district, marked by them and returned to the deputy returning officer to be placed by him in the ballot box. Now, as to the blank ballots, there seems to be some uncertainty as to the exact number sent out to that poll. Mr. Richardson, the returning officer, does not seem to have properly counted them before sending them out, but he has, however, entered in his book the number as being 245. From the return of the ballots used and unused, there would seem to have been 246, and we find an entry in the poll-book used as if there had been 263. This seems to me to go to this length, at any rate, to show great carelessness in the way this part of the work was done, no doubt about that. There is also a want of signature to one of the returns which should have been made in the poll-book, and the accused says it was an oversight that it was not put there. Now, at the polling place there were 160 persons who voted. According to the ballots produced here from the clerk of the

Crown in Chancery, there were 84 for Boyd, 34 for Braithwaite, 38 for Rutherford, and 4 rejected. The charge of the Crown is, that a much larger number of people voted for Rutherford than 38, and that, therefore, their ballots must have been destroyed and made away with by the accused. We have called here 46 witnesses who swear that they voted for Rutherford, and you have also heard read the depositions taken before the magistrates of one other, who is too ill to come to this trial, but whose evidence I have admitted, who swore before the magistrate that he had voted for Rutherford. We have, then, 47 who swear that they voted for Rutherford, and, as only 38 ballots were found for him in the box when opened, no doubt, according to that statement, there are 9 ballots for Rutherford unaccounted for. But of these 47 a number of the witnesses seem'd to be uncertain whether they marked their ballots in the first, second or third compartment, and counsel for the defence has built a strong argument on this fact. But, in considering that, you must take into account that that is a thing that works both ways, because, if persons intending to vote for Rutherford made a mistake and voted for another person, there may be people who intended to vote for one or other of the other two candidates, but who by mistake marked their ballots for Rutherford. Then, we have the evidence of this man Freeborn, whose character needs to be defended, as I said before. He is a man who has been engaged in a great deal of crooked work. He admits that he was engaged in crooked work before and about that time in the month of June. He, after that, turned round and disclosed the crooked work that he had been engaged in to another party, and he says he did it from a motive which may be a very improper one—a motive of revenge, certainly not a proper one—because he did not get certain moneys which he claimed he should have received for the work which he had been engaged in, and not having obtained these, he says that he determined to unseat Mr. Boyd, and gave the information which he possessed to other parties for the purpose of an election petition to unseat Mr. Boyd; but he says that, when he did so, he had no idea of criminal prosecutions resulting therefrom. At any rate, he is here, and has given the evidence which you have heard, in which he says that he met Mawhinney. He did not know him before that, and Mawhinney came up and spoke to him, and they then had a conversation over election matters, and he seems to have given the accused the impression that he had been a returning officer himself, and he says the accused said to him, 'I don't think the Grits will get on to me unless Sharpe gives me away.' or something like that, and he says that the accused also told him the number of ballots that he had withdrawn and substituted others for, but he cannot remember how many the accused told him had been disposed of in that way."

Mawhinney himself declared that he had never met Freeborn, and His Lordship advised the jury to be careful about accepting the evidence of the accused person in his own behalf.

M'DOLE'S PETITION.

Another case on the same line of railway was that against James McDole, who was committed by the magistrate for trial. McDole was committed on the evidence very largely of Freeborn, and also on a document which was put in signed by McDole himself. This document is in the form of a petition to Boyd, asking him to resign the seat for Macdonald, and thus save many of his supporters from being proceeded against.