

Don't know if Littlefield or the lists were there or not. (A diagram of the room was produced on which witness indicated the position of the parties at the table.) Witness was sitting at the table on which was a partial list; the two enumerators only were present; they were working at the list and I was busy making out voters' certificates and doing general secretary's work. I was doing this when Skelton came to the door. Did not tell Littlefield not to give Skelton the list or any information he might ask for. When I left Littlefield was still working on the list. I took a part in the election, and canvassed, but not publicly. Last saw list in my office when I closed up on Saturday at 7 p.m., and it remained posted until after the election was over. Believe the list made in the committee room was the one used at the election; the enumerator was bound to post two lists and keep one. Littlefield's list was in his possession all the time, and was not in the committee room all the time. Did not examine the list when it was in the committee room. I copied my list off the one in the post office.

I wish to say that in accordance with the Act, the list, the only list with which the electors are concerned, is the list that is posted up, and it is required to be posted up there at a certain time in certain public places and it would be a criminal act to remove that list until after the elections. Malcolm Young, sworn, deposed—and mark you, Mr. Speaker, this is from a member of the Liberal committee, who says that he never went to see the lists and failed to find them.

Malcolm Young, sworn: To Mr. Chisholm—I was a member of the Liberal committee in the campaign of 1896; I was asked to look after the voters' lists; saw one at the Albion Hotel and one at the post office; never went to see the lists and failed to find them. I went to the door of the Conservative committee room in company with Mr. Skelton about 2 p.m. on Saturday; went to speak to the enumerator and saw Mercer there. I did not go in, and do not remember if Skelton did. I noticed on the table some big sheets of paper, but could not say if there was writing on them; could not tell whether they were voters' lists or not. Never went to see the lists and failed to find them. I never knew of the declaration until Mercer got it back from Ottawa. I saw papers I took to be the voters' lists, but they were not in Mercer's possession, but in the enumerator's.

E. C. Laurie, sworn, deposed: The centre of the table is nineteen feet from the door. A person of Skelton's height could see on the table from the door. Did not know that Mercer had voter's lists there. The lists we were working on were in charge of Littlefield. Never knew Mercer to have any charge of any books or lists there except the committee books.

What I want to point out is that the centre of the table was nineteen feet from the door, and the floor was nine inches from the ground outside, and what Skelton swore was that standing outside the door and looking in, he was able to distinguish the voters' list on the table nineteen feet away. He must have had such a magnifying glass as Sam Weller spoke of which would enable him to see all round a corner.

Littlefield, sworn, deposed: Was enumerator for North Battleford at the election in 1896;

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posted one list in the Albion Hotel and one in the post office eight days before the election, and they remained posted until after the election. I saw them every day, and never found them missing when I looked for them.

The Minister of the Interior, who is a lawyer, and is familiar with the Act passed two or three sessions ago, knows that this list being posted up eight days before and remaining there the enumerator entirely filled the condition of the law.

On Saturday before the election I was in the Conservative committee room preparing my revised list; Young and Skelton called in the afternoon; R. C. Laurie was working at his own lists and also helping me; Mercer had nothing to do with my lists; the Conservative committee went by their own private lists; Young and Skelton only came as far as the door; the second time they called, I went to the door and say Young, who wanted to see my lists; Mercer never had my lists in his possession, and a person at the door could not see what papers were on the table; my business was to keep the revised list in my possession.

J. E. Beliveau, sworn—To Mr. Mackenzie—I reside in Battleford and keep the Albion hotel; was proprietor at the time of the last Dominion general election and remember seeing voters' lists posted in the hotel and in the post office, and saw the one in the Albion right along and would have noticed it if it had been removed; changes were made on it every day by Littlefield, but it was never removed until it had been posted the time required by law; last saw the list in the post office the night the lists were posted when Mercer was closing the office.

All this shows that the enumerator had acted carefully, according to the requirements of the Act. Now, it is not necessary that I should read the evidence more in detail. The House will see that the case was proved to the hilt.

This closed the case for the Crown and the defence called no witnesses. Mr. Johnstone renewed his objections—1. That the charges are not laid as they should have been; and 2nd, That the evidence adduced does not support them.

His Lordship said clauses B, C and D were not well laid, and the charge would have to rest on clause A.

Mr. Johnstone—There is no evidence to go to the jury; the copy of the declaration is not evidence against Skelton. "We know" does not mean that we all know, but that two or three may, and that may not necessarily include Skelton. The declaration was ambiguous. It did not follow that Skelton knew; two out of four might know, and he might safely sign.

His Lordship said all who signed the declaration must be amenable to the penalties just as much as if each one had said "I know."

Mr. Chisholm for the Crown spoke, and then Mr. Johnstone, and then his Lordship gave the case to the jury; and I may say of Judge Wetmore that on the bench of Canada, in any province, there is no abler or more upright judge. These are the questions that he put to the jury:

1. Was the declaration false;
2. Did Skelton know it to be false; and
3. Was it made with intent to deceive.