

following facts were disclosed at the investigation before the magistrate :—

"At the close of the poll, 36 ballots were shown to be marked for Rutherford, while 41 voters swore before the magistrate that they had voted for Rutherford."

There was no direct evidence against Brooks, but the circumstances were so suspicious that the magistrate committed him for trial.

JAMES WALLER.

James Waller, a brother of Henry Waller, was also arrested at Carberry on a similar charge. The charge was, however, abandoned by the Crown before any evidence was taken. It appeared that James Waller had made statements to various persons that he could have made the majority for Boyd at his poll as big as he liked. Although it was believed he knew all about the transactions, the evidence was not obtainable, and the charge was abandoned in this case. Possibly, the man was boasting when he made the statements he did, though he may have known all about it.

FINKELSTEIN'S CASE.

One Finkelstein was another deputy returning officer who was arrested at Carberry. In his poll 38 ballots appeared for Rutherford. There was but one rejected ballot, and that was marked for all three candidates, but it was shown that this was put in by a man named Webb. Forty-two voters appeared and swore that they marked their ballots for Rutherford, and there were several witnesses who refused to answer the necessary questions while in the box, and gave evident impression of having been tampered with at the preliminary investigation.

ANDERSON'S TRIAL.

Another Carberry case was that against Thomas Anderson, who was committed for trial and against whom the grand jury found a true bill at the assizes. The case came to trial before the petit jury, and they disagreed. The Attorney General proceeded to quote the following from the charge of the chief justice to the jury in this case :—

"The return made shows that there were 49 ballots cast for Boyd, 29 for Braithwaite, and 15 for Rutherford. The case which the Crown seeks to make before you is, that it brings here 24 persons who say that they voted for Rutherford, and that these 24 persons did, in fact, vote for Rutherford, but that only 15 ballots were found in the box at the close of the poll marked for him, and the Crown asks you to draw the conclusion that certain of these ballots for Rutherford were withheld and ballots substituted, to the number of nine."

There was some question as to whether the accused was the deputy returning officer before whom some of the witnesses voted, but there is no doubt Anderson was the man appointed to act at Arizona poll. There were 93 ballots in the box, 93 names on the list, and every ballot initialled by the prisoner ; so the chief justice left it to the jury to say whether the accused was the man or not. The jury disagreed.

CHARGE AGAINST CLARKE.

Another case at Carberry was one against William Clarke. This man was committed by the magistrate, and a true bill found against him by

Mr. MACDONNELL (Selkirk.)

the grand jury, and he was tried at the Portage la Prairie assizes, with the result of a disagreement. The speaker read the following extracts from the charge of the chief justice to the jury in this case :—

When the box was opened at the close of the poll there were found in it 121 ballots of which eighty three were marked for Boyd, ten for Braithwaite, nineteen for Rutherford, and nine were spoiled. Spoiled ballots they were called, but they were really rejected ballots. Four of them were properly good ballots, being marked for the candidate in the square at the end of the name instead of in the disc placed there for that purpose; two of the ballots were marked for both Boyd and Rutherford ; two for Boyd with the counterfoils not torn off ; and one ballot was not initialled by the deputy returning officer. The others were initialled, which, with the eighty-three, ten and nineteen make the 121 found in the box, but in the poll-book only 119 names of persons were entered as having voted. Where, then, did those other two ballots come from ? There is something curious there, at all events. Two ballots too many, and one of these initialled by the accused, so it must have come from him. We are told that while Clarke was out no votes came in, so that the whole of the votes and the only votes in the ballot box were put in while the accused was there. There were in the ballot box, as I say, nineteen ballots for Rutherford, then there was one which was marked for Rutherford which was rejected. That would make twenty, and there were two marked for both Boyd and Rutherford, and that would make twenty-two ballots apparently marked for Rutherford by some person or other. There were 31 who swore that they voted for Rutherford, and that would leave nine, at any rate, unaccounted for. Then we come to the evidence of a conversation with Freeborn by the accused. Freeborn says Clarke came up to him while he was going along the street and said to him : "How did you get along with the ballots up where you were ?" And he said, 'All right,' and that then Clarke made the reply, 'We gave them a pretty good dose,' or 'We gave them a pretty good shot of it down here.' Freeborn cannot remember which of these expressions he used, but he says that is the conversation as far as he remembers it."

The jury disagreed, but the Crown considered the circumstances such as to ask for a remand until the next assizes, which was granted, the accused being released on bail.

MALCOLM ORR.

On the south-western branch there were three arrests at Glenborough, and the Attorney General dealt first with the case of Malcolm Orr, who was committed for trial by the magistrates. Orr's return at the close of the poll was : Boyd, 121 ; Rutherford, 70 ; Braithwaite, 2 ; and spoiled ballots, 5. Of these spoiled ballots, one was marked for all three candidates, and initialled ; one for Boyd and Rutherford, and initialled ; one marked for Rutherford and initialled and with counterfoil on ; one not marked, but initialled, and with with four lines across and initialled. The evidence showed that 78 voted for Rutherford. Of these, one (Ashby) voted for both candidates spoiling his ballot ; Grantham spoiled ballot No. 3, and got another, so that his ballot need not be deducted ; ballot No. 1 has to be deducted, leaving 76 Rutherford ballots to be accounted for as against seventy in the box. In addition, four witnesses believed to have