

Elec. Case.]

NORTH VICTORIA ELECTION PETITION.

[Dominion.]

know ; he said he could not do anything about it unless with Maclellan's consent. I don't recollect if I told him I would give the dinners. Cameron and I did not speak of the way it was to be done. He did not seem to approve of it, in case it should interfere with his election. * * * I made an arrangement with Ashby that I was to pay for forty of Mr. Cameron's voters. * * * I took no steps to get my money back. I took three bottles of whiskey that day from my place to Ashby's—other people did so too. I left the whiskey in care of Mr. Malally, the father of Mrs. Connors, at Mr. S. Connors' house. I think I gave a treat as well to some of Maclellan's friends as to Cameron's. I refused to give James Sample his bitters because he had not voted. I said to go and vote, I would not treat him till after that in case it should be said I had bribed him. He did not get his bitters. In cross-examination he said—I do not recollect I ever canvassed any voter ; there was no tavern nearer Ashby's than my place, a distance of five miles. I heard the people say they had to come twenty or twenty-five miles to vote there Cameron had his own team at Ashby's the night of the meeting. I asked him to ride with me, and he did so ; it was by chance he rode with me. Cameron told me a candidate could not provide dinners for voters for the purpose of influencing their votes directly or indirectly ; that there was no way of his getting round it only with Maclellan's consent. I never applied to Mr. Cameron for payment of the \$10, and never expected it. I never got from him any money but the ordinary tavern bills while he stopped at my house. I did not know if the persons I gave some of the tickets for dinner to had votes or not ; or whether they were for Maclellan or not. I kept cautious as I was giving dinner not to ask any man for his vote, in case Maclellan got a claw on me. I was not a voter."

The petitioner was examined on his own behalf. He said it was while driving with Peters from Ashby's meeting that Peters first spoke to him of the dinners. Peters said some arrangement should be made for dinners for those who came a long way to vote. He asked me if I could make any such arrangement. I said I could not, directly or indirectly ; the law was very strict, and I would not jeopardise the election by anything of the kind. I was sorry for the people, and I would see Maclellan and speak to him, and we might come to some arrangement about it. When I saw Maclellan it escaped my memory. Some days after that

Peters spoke to me again of the dinners. I said I had forgotten to speak of it to Maclellan, that I could make no arrangement, or be a party to it in any way. He asked me if there was any harm in his paying for the dinners out of his own pocket if he chose to do so. I said I could not prevent him if he chose to do it ; but I did not want him to do it as exceptions might be taken to it ; that if done by an agent it was the same as if done by myself ; and although he was not my agent I would rather he would not do it. I never spoke to Ashby on the subject nor he to me. I did not hear or know of Peters giving dinners on that day, and I was at the poll there from about two p.m. till after the poll closed. I was in the polling room nearly all the time."

That is all the evidence material on this part of the case. Is there upon this statement any evidence of the petitioner having appointed Peters his agent, or of his allowing or authorizing him to act on his behalf ? Is there any evidence that the petitioner to some extent put himself in the hands of Peters for the purpose of the election ? I think I must say that a perusal of the evidence shows there is not a particle of evidence to sustain the assertion that Peters was the agent of the petitioner. The fact of presiding by chance, as it were, at the petitioner's meeting at Ashby's, at which the petitioner was present, and at which Peters was present just as any one of the neighbours in that part upon both sides was present, and of his opening the meeting by speaking a few words in favour of the petitioner, are circumstances not to be wholly disregarded in trying the question of agency or no agency, but they are utterly insufficient of themselves to show that the petitioner had thereby to any extent put himself in the hands of such a person to represent him as a general agent. So also the receiving of some bills by Peters, and his putting some of them up for the intended meeting and some of them up in his own house, and forwarding others for distribution are of no weight whatever alone to show anything like agency on his part. It was not shown the petitioner knew of the bills being so sent to and in turn sent off by Peters, and if he had known it such acts would have had force only by what they could add to other matters, but they would have been of no significance whatever of themselves. Nor do they, with the addition of the fact of the chairmanship and of the short address of Peters, amount to anything requiring any serious consideration. They do not show