

J. M. Skelton, of the town of Battleford, in the judicial district of Saskatchewan, in the said Territories, stands charged—

(a) For that he said J. M. Skelton, on or about Friday, April 16, 1897, in a certain solemn declaration made voluntarily before one John Cotton, one of Her Majesty's justices of the peace in and for the North-west Territories, did falsely and corruptly declare and state of J. B. Mercer, of Battleford aforesaid, to the effect and in the words following, that is to say: "We know that the said J. B. Mercer kept in the Conservative committee rooms the Battleford list of voters that had been made out and posted by the enumerator. This, we believe, was done to allow the Conservative committee to examine and revise such lists, and also to prevent their being always open to examination by the public, as required by law. And that by such action injury was done to the Liberal candidate. He, the said J. M. Skelton, being then duly authorized by law to make any statements or solemn declarations.

The further counts in the indictment I do not read, because they were struck out.

Mr. Chisholm, for the Crown, objected to the change, as the expense of summoning a jury had been incurred, and no change in the substance of the charge had been made since the defence had made their choice to be tried by a jury.

The calling of a jury was next in order. Twenty-three jurors had been summoned so as to give a chance of having a new jury on each of the cases to be tried. When they had answered to their names a lively skirmish took place, and the limit of challenge, both peremptory and for cause, was soon reached. J. A. Fraser was allowed to withdraw from the panel on the ground that he was agent for Mr. Mackenzie, the counsel for Mr. Mercer, the private prosecutor. The following gentlemen were finally accepted:—

J. C. DeGear, Alex. Sutter, R. W. Latimer, J. N. Pomerleau, Otto Morin and J. Michael.

The jury having been sworn, Mr. Chisholm addressed them, and read and explained the clauses in the Criminal Code bearing on the case of J. M. Skelton, which they were about to try. He also asked them to divest their minds of any impressions that might have been formed as to the guilt or innocence of the accused, and to confine themselves strictly to the evidence that might be laid before them. The trial was then proceeded with.

John Cotton, sworn: I am a superintendent in the North-west Mounted Police and an ex-officio a justice of the peace for the Territories, and was such on the 16th of April last. I recognize the declaration now shown as one that was made before me on April 16, by Skelton, Daunais, Latour and Dewan; the signatures were made before me, and I recognize that of J. M. Skelton as having been made before me. I wrote the declaration at the dictation principally of Skelton. I was writing and the others were talking, and I cannot state positively who made the dictation. I am not sure whether some of it was written, or whether some of it was given me to copy; the document was read over to the parties before they declared to it. (Here the declaration was filed in evidence.) I see a memo. in lead pencil that was not on it when taken. I acknowledge my signature; all but the pencil memo. was on it when the document was declared.

He describes in detail under the cross-examination of Mr. Johnstone, how the de-

claration was made, and then Mercer was sworn:

J. B. Mercer, sworn: I am a druggist by profession; I recollect the last general election; I was then postmaster at Battleford, but am not now; I was notified by the department that my services were no longer required. I first heard of the declaration when I received a copy from the department; cannot remember when I first saw it; I got it by mail from the Postmaster General; did not ask for it. I know it to be a true copy of the declaration filed to-day. I recollect the official voters' list used at the Dominion general election on June 23, 1896; know of two copies being posted up—one in the Albion Hotel and one in the post office; saw the one in the post office every day during the time I was in town, and never knew it to be tampered with. People coming in and out of the office could see it; no complaints were ever made to me that it had been tampered with. I never removed or tampered with that or any other voters' list during that election, and never kept in the Conservative committee room a list of voters that had been made out and posted by the enumerator; never took an enumerator's list of voters to the committee room. During that time a list was made out from one that was made up by the enumerator; it was not an official list, but one that I made myself. I saw a partial official list in the committee room; it was in possession of Mr. Littlefield, the enumerator. As far as I know it never left his possession while in the room. I saw Skelton come to the door of the committee room once only. He stood outside the door and did not enter. I am not certain, but think Littlefield and R. C. Laurie, enumerators, were present, and were working on the list. As I remember it was not fastened, but was in loose sheets; do not think the list was completed at that time. If the list was there I had nothing to do with it. Did not see any one with Skelton when he came to the door. From the position I was in I do not think it possible Skelton could have read anything on the table. (The plan of the building was here submitted, and the position of the parties present indicated.) I was at the back of the table; the relative position of the parties as indicated is correct. I was at the back of the table. I measured the distances in the room. From the ground to the doorstep was nine inches; from where he was Skelton could not have told whether the papers he saw on the table were lists or no; I tried myself, and my eyesight is pretty good. Skelton may have been there oftener than once, but I did not see him. A list was posted in the Albion, and I frequently saw it. There was also one in the post office, but I never tampered with either of them. Littlefield, the enumerator, used it as his office; but not before or after the election. Littlefield had no office in town at the time. He lived half a mile or more from the committee room. I don't know whether or not he used the committee room for making up and revising his lists or not. Any alterations to be made in the voters' lists were made on those posted in the Albion or the post office; the enumerator told me so, and that is all I know of it. Skelton came to the committee room between 2 and 3 p.m., when Littlefield and Laurie were there. I don't know what Skelton wanted, but was told he wanted to see the list; did not see Young there. The list was closed about 9 p.m. on Saturday, but I did not care. I was at the committee room after 7 p.m., when I had closed my shop, but don't know how long.