

each ballot is numbered, so that, should an inquiry arise, each ballot can be traced to the man who polled it. Such was also, he believed, the case in Ontario. However, the matter had lately not been heard of, as the chief justice at Portage la Prairie decided to admit this evidence after consultation with his brother judges, and it was, therefore, admitted.

Shortly after the election in June, information came to the Attorney General which led him to believe that there had been a deliberate conspiracy entered into with the object of stealing the constituency of Macdonald in that election, that the method by which that was to be done was to employ as deputy returning officers men who would manipulate the ballots so that the ballot cast for one candidate would be destroyed, and a ballot already prepared and marked for the other candidate substituted therefor, and placed in the box. The theory of the Crown was that there was a conspiracy, and it was believed to be so widespread as to cover the whole constituency and to extend to other constituencies as well. He did not need to remind the House of the size or configuration of the constituency of Macdonald, stretching about 50 or 70 miles from east to west, and about 85 or 90 miles from north to south. It is traversed by three lines of Railway—the C.P.R. main line, the Glenboro' branch, and the M. & N. W. Railway. On each of these lines are incorporated towns and villages, besides a number of villages not incorporated. Information received from various sources then showed a conspiracy embracing these towns and villages, and so widespread in its operations as to lead to the formation of the theory of which he had already spoken. So much had appeared in the newspapers regarding this part of the question that it was unnecessary for him to say anything further. He would say, in passing, that so far as the new ballot was concerned, the Durocher ballot, experience had proved that it was a failure, especially in preventing tampering and substitution when the counterfoil was removed. In regard to its shape, size and matter of the counterfoil, the new ballot was very much easier to conceal in the hand and manipulate than many other ballots, say for instance, that in use in the provincial elections. Nor need he say anything of the gravity of the offence, which is admitted by men of all parties. The office of deputy returning officer is a very important one. He is the custodian of the ballot box, and the judge of election. He should do his duty faithfully, without respect to party leanings or affiliations. In fact, his oath deals clearly with the nature of his duties and how he is to perform them. Hon. Mr. Cameron then read the two oaths which the deputy returning officer must take before the opening and after the closing of the poll. He pointed out that this showed the serious manner in which the law regarded the office of deputy returning officer.

In pursuance of the information originally received, a persistent attempt was made to obtain further evidence. The Dominion Government was notified of the case and of the information of the Attorney General as to a conspiracy. The Dominion Government was naturally interested in this matter, because it was a federal election, the returning officer was an appointee of that Government direct, and the deputies were appointed indirectly, through him. Moreover, the Dominion Elections Act contemplates the intervention of the Dominion Government in cases which come under that Act. It was quite in accordance with that Act, that communication was opened up with the Dominion Government, and, as he had more than once informed the House, the Department

of Justice at Ottawa had fully sanctioned these prosecutions. To speak of the prosecutions in detail might take some time. However, he would endeavour to be as concise as possible.

THE G. B. ANDERSON CASE.

He would deal first with the case of Anderson, which was dealt with at the last assizes, when the jury twice disagreed, and which was postponed on the application of the Crown officers. He would not say more on this, because he had spoken on it before, and because the case was held over for the next assizes, on the statement of Judge Killam, that the case was of a very serious character, that there was important evidence, and that the Crown was within its rights in asking that the case stand over till next spring.

EVIDENCE IN THE HENRY WALLER CASE.

Leaving aside this case, he would go on to take up one brought at Carberry, on the main line of the C.P.R., against Henry Waller. In this case, the accused was committed by the magistrate, but the grand jury returned "No Bill." And here he might speak of a difficulty which presented itself in all these cases. In a case where it is alleged that forty voted for a candidate and only thirty ballots are found in the box, these forty men must be called and put in the box to tell how they voted in order to make a case. But in the lapse of months these voters move away to Ontario, England, Australia, and other places, some die, some become ill, some never having disclosed how they voted are not on hand to give evidence. The first thirty may be easy enough to get, but the evidence of the last ten is always extremely difficult to obtain. In the Waller case, he would read to the House a portion of the evidence which was given at the preliminary investigation when he was sent up for trial. He alluded to the testimony of Freeborn. Freeborn was a witness there, and testified that "the accused had got this scheme in a letter from Robert Birmingham, of Toronto. That he saw Mr. Boyd, the candidate, about midnight, the evening before he saw Waller, the accused. Boyd said not to go out, that a party would be in to see me in the morning. Boyd mentioned no name, but Waller came to my bedroom on Saturday morning, and proposed the ballot scheme."

They then went through the various phases of instruction. In addition, however, to the evidence of Freeborn, there was the evidence of one Scammell. Scammell had been arrested with the others. He had acted as deputy returning officer at Rathwell, on the Southwestern Branch, and gave evidence at the preliminary trial of Waller and also before the grand jury. Scammell said: "Mr. Waller asked me to go up to a room in the hotel with him. The first thing he asked was 'Can you play cards?' I said yes. He said, 'You'll do.' Next he said, 'I want to show you something.' So he took a small piece of paper, folded it up and showed me how to exchange one ballot for another."

Scammell confessed his guilt, and admitted that he himself had substituted six ballots in the ballot box at Rathwell. Mr. Speaker, this is some of the evidence on which Waller was committed, and that evidence was known to the Crown before the prosecution against him was commenced. It was substantially the evidence put in before the grand jury, and yet the grand jury reported "No bill" against Henry Waller.

There was also a deputy returning officer named Brooks, Poll 41, arrested at Carberry, and the