HURON ASSIZES.

Conclusion of the Autumn Sittings.

The Record of the Doings—John L. Sturdy Pleads "Guilty" to the Indictment for Unlawfully Voting—Dr. Tennant Receives a Verdict of "Not Guilty."—A Ruling of the Judge Favors the Defendant.

FIFTH DAY.

Court opened at 9 a. m., pursuant to adjournment.

The Queen v. William Higginson—This was a case of aggravated assault with intent to commit rape on one Mrs. Heffernan of Blyth. The evidence went to show that the prisoner was a most degraded specimen of humanity. Higginson was undefended by counsel, and conducted his own defence. His manner of doing so did not gain for him the favor of the Court. He was sentenced to five years in the Penitentiary; and received the sentence with a villainous leer on his countenance and a muttered oath on his lip.

The Queen v. Wm. John Bennett, as principal, and Isabella Bennett and Sarah Ryan, as accessories—Aggravated assault. Indictment traversed until next court, two sureties being found in $400 each for the appearance of defts.

The Queen v. John S. Tennant.

Mr. Hodgins, Q. C., in opening the case of The Queen v. [illegible] Tennant, for the Crown, [illegible] the jury had to find out (1.) whether the defendant had voted or not, and (2.) Had defendant any right to vote. Every man who exercises the franchise should have a proper qualification, either as an owner, a tenant, or an occupant. In this case it was claimed by the prosecution that Tennant up to the 29th of April last was owner of the property, but had disposed of it to Holmes on that day, and therefore, when he swore he was owner on the 20th of June he had done an unlawful act. If his vote was a good one why did Tennant go to Ashfield to poll it on a scrutineer's certificate instead of voting in the polling sub-division in Ashfield where his name was entered? He had not only parted with the ownership, on the day of election, but he was not resident of the county of Huron, and invaded the franchise of this county. He had been warned not to vote, but had persisted in voting. The evidence would be duly laid before them for consideration.

B. Willson, sworn—Was appointed returning officer for election held on 20th June, (commission produced); took the oath of qualification of returning officer and caused an election to be held on the 20th June; M. C. Cameron and Robt Porter were nominated and a poll was demanded; the election was held on the 20th June; appointed Robt. McGrory as deputy returning officer in No, 2 Ashfield; swore him in on the 13th of June; (deputy returning officer's oath produced); have reason to believe McGrory held poll, as I received the required papers from him; believe the signatures to be his; on poll book under the marginal No. "469, John S. Tennant, M. D., No. 3 Div., W. Wawanosh;" under the heading "owner" was "Yes," and a "tick" signifying ditto; "residence" was crossed out; and there was another column with the heading "sworn;" also was produced a certified copy of the last revised voters' list of polling station No. 2, Ashfield, certified to by Ira Lewis, Clerk of the Peace for Huron, custodian of voters' lists. The name of John S, Tennant was not on the list; know defendant, he lives in Lucknow, County of Bruce; have known him for several years, think at one time he lived on the farm in W. Wawanosh; am not positive; he is an M, D. and he practiced in Lucknow; have never been in his house, but have seen it; the papers produced were last received from Mr. Pope, Clerk of the Crown in Chancery, Ottawa, on the day before yesterday, by me here in Goderich, he had received them from me after the election; I identify them as the same documents which I had transmitted to him.

To Mr. Doyle—I produce all the papers I received from the Clerk of the Crown in Chancery; I gave Dr. Tennant a certificate because he was appointed as agent for Mr. Porter; I transmitted all the papers for poll No. 2, Ashfield, do the Clerk of the Crown in Chancery; do not recollect that Tennants' certificate was sent to Ottawa; the certificate should have been returned to me but I have no recollection of receiving it; remember giving it to him; before giving the certificate I required the production of a written appointment from one of the candidates stating he was appointed an agent; such a document was given me; I received the authority for appointing Dr. Tennant from Mr. Porter; do not remember seeing the certificates since; handed both back to Dr. Tennant when I gave him my certificate; on receipt of the box there were sealed envelopes of which I did not know the contents.

Mr. Hodgins submitted that the appointment should be produced if it was in the possession of deft. His Lordship concurred.

Jacob Crozier.—Attended polling division No. 2, Ashfield, for one of the candidates; remember deft. Tennant coming to the booth before the poll was open; he came into the booth when it opened, and voted about the fourth, to the best of my recollection; was present when his name was entered, knew him before he voted; he resided in Lucknow; was not positive to the time, it might be ten years; recognized the voters' list produced, deft's name was not on the list; could not say how long deft. remained in the polling-station, it was not more than half an hour; did not remember seeing him afterward that day; Mr. James Lanes was acting as agent with me for Mr. Cameron; had no conversation with deft as to his right to vote; had no conversation before or after.

To Mr. Doyle—When Dr. Tennant came in to vote he produced a certificate; to act as scrutineer for Mr. Porter, so far as I can recollect; the certificate was produced to Mr. McGrory; it was after this that he voted; I think he remained only about a half an hour; cannot tell how many voted while Tennant was in the booth; did not know that he was called out; know that he has been in active practice as a doctor at Lucknow; do not know why he left; know Mr. Clare's family; can't say that I saw Clare's son there that day; don't know in what capacity Tennant voted.

James Lanes, sworn.—Remember being at No. 2, Ashfield, on polling day as scrutineer for Mr, Cameron; deft came before the poll opened, and voted after the poll opened; deft did not reside in the polling section; I objected to his vote and he produced a certificate; I wanted him to be sworn, because his name was not on the voters' list; knew every one whose name was on the voters' list, and his name was not on; deft. did not remain in the booth over half an hour; he did not return again during the day; this voters' list resembles the one used in the polling booth that day; I believe it to be the same; cannot find John S. Tennant's name on this list.

To Mr. Doyle—Did not say he was not on the voters list; I simply requested him to be sworn; he produced his certificate to the returning officer, and after being sworn voted; can't say how many persons voted in the defendant's presence; was positive he was not in the booth longer than half an hour; can't say that he returned; don't know that defendant was residing in the County of Huron up to last May; could not be sure] that part of Lucknow was in Bruce.

To Mr. Hodgins.—Don't know where No. 3, Wawanosh, was; No. 2, Ashfield, was about 6 miles from Lucknow; don't know what Tennant did with the certificate after he produced it to the returning officer.

Robt. Murray, sworn.—Am township clerk of W. Wawanosh; (witness was asked to define the position of W. Wawanosh, and did so); No 3 is the polling division nearest to Lucknow; know the deft; he resided in Lucknow, the polling place at No. 3 was under five miles from Lucknow.

To Mr. Doyle—Know that Dr. Tennant's residence was formerly in West Wawanosh; think that until the last redistribution, that part of Lucknow was in Huron for election purposes; know that it was in Huron in 1878 for parliamentary purposes.

G. M. Lewis, sworn.—Am deputy Clerk of the Peace, and produce certified copies of voters' list of Ashfield and W. Wawanosh; deft was not on the list of No. 2, Ashfield; this was the last revised list; the name of deft. was on the list of No. 3, Wawanosh; the name was entered "468, Tennant J. S. N. Q. 13, 13, owner 2;" the figure "2," represented Lucknow P. O.; do not know the defendant personally.

Wm. S. Holmes—Know the defendant; know N. ½ lot 13, con. 13, West Wawanosh; purchased it from deft, on the 29th of April 1882; do not know that deft owned any other portion of lot 13, than that which I purchased from him; he was residing at Lucknow when I purchased.

To Mr, Doyle.—Met deft on the morning of the 29th; we met the evening before to make the bargain; next day the deed was drawn and delivered to me; I got possession of the deed, and Dr. Tennant kept possession; I leased it to him for the pasture season on the 29th; that is why deft still retains possession of the property.

To Mr. Hodgins.—Tennant was to pay me $75; there was no arrangement between us regarding his vote; he ceased to be owner when I got the deed.

To Mr. Doyle.—In addition to the $75 I was to get the fruit; the land comprised about 52 acres.

D. E. Cameron.—I reside in Lucknow; know defendant; he was residing in Lucknow on election day; some time before the election I had a conversation concerning his vote; had more than one conversation; I understood he intended to vote on the property he had sold to Holmes; I told him he should not vote, that he had no right to vote; he said he intended to move his family there; Mr. Cameron was in Lucknow a few days before the election, and asked me to warn Tennant not to vote, as he would be prosecuted; I warned him accordingly; he said "I have a right to vote and I intend to vote," he said he was not going to be intimidated from voting; I spoke to him several times and warned him once.

To Mr. Doyle—I had some knowledge of the lease existing; knew Mr. Holmes and Dr. Tennant were opposite in politic; I have some knowledge of the election law, and therefore, believed Tennant had no right to vote.

Mr. Doyle submitted that the case for the Crown had failed, owing to the fact that Dr. Tennant, although not a resident of the electoral division, and although he had sold the property on the 29th of April, had become a tenant for a period from the 29th of April which has not yet expired, and was thereby entitled to vote in respect of that interest as such tenant. He cited the revised Statutes of Ont., chap. 10, sec. 7, and an amendment of 1879, 42 Vic., chap. 4, sec. 17, which governed the case.

Mr. Hodgins contended that the Statute bound that the voter should be sworn positively on his particular quality of title. If his quality was that of owner he should be sworn on that quality, and if tenant or occupant he should be sworn on either of these qualities, but it was never intended that the three qualities should be read in the oath, after an "omnibus" fashion. Whatever was the quality of the voter at the time of the revision of the assessment roll, was the title upon which he should be sworn.

After his Lordship had heard argument as to whether the change of quality on the part of the voter affected his legality as a voter, and had decided that the voter had the privilege of selecting any one of the three, the examination of witnesses was proceeded with.

Robert McGrory, sworn—Was deputy returning officer at polling place No. 2, Ashfield; I knew Dr. Tennant for years; he was present at the polling place on election day; he came about 9 o'clock; he acted as agent for Mr. Porter; he produced a certificate to show that he was; I read it and handed it to the other scrutineers; he gave me only one paper, signed by B. Willson; after the others had seen it, I enclosed it with the other papers in the ballot box at the close of the poll; I have not seen it since; I know I put it in; I gave the sealed box to Mr. Willson's election clerk.

At this point Mr. Willson was recalled to prove that he had received the ballot box apparently in good order, and had transmitted it to the clerk of the Crown in Chancery at Ottawa. He did not know whether the certificate was there or not. There were papers sealed which he had no right to open—the ballot papers.

To Mr. Hodgins—I found some of the ballot boxes with the seals broken, and made the remark what a farce it was; I don't remember seeing the certificate after the election; I did not get all the papers back from Mr. Pope which I sent him.

To Mr. Doyle—I simply referred to the breaking of the seals when I said it was a farce. The key came with it.

R. McGrory, recalled—The certificates were printed, and were the same form for both parties; the contents of the certificate were to the effect that Dr. Tennant was entitled to vote at my polling sub-division from another; I gave him a ballot paper; I administered part of an oath, that as to bribery; he remained there as agent for some after voting; Paul Reid was also present as an agent with the doctor; Dr. Tennant remained half an hour or three-quarters; several votes were polled during that time; he left because Michael Clare's son came for him; I did not know the nature of the case until afterwards; the doctor came back between 11 and 12, shared my lunch, and remained some time; Mr. Crozier, Mr. Lane and John Griffin were there also as agents; in the doctor's absence John Griffin took his place; W. H. Johnstone was my poll clerk.

To Mr. Hodgins—While at lunch Dr. Tennant remained for some time, but did not again take his place as agent, as John Griffin had taken his place; I did not allow more than two agents at a time for one candidate; Griffin and Reid had both certificates; their certificates were from the returning officer; I don't know if they brought anything else; Griffin and Reid were voters; Dr. Tennant did not tell how long he was going to remain; Griffin came in his absence; Dr. Tennant said nothing to me in leaving; I got the certificates for Griffin and Reid from the candidate; Tennant's was from the returning officer, as he came from another polling sub-division; I put in the ballot box all the papers I received in it; I think I put all the certificates in the ballot box; I took them up after examining them; I cannot remember all the forms I put in the ballot box, no man can; I have been a returning officer for 15 years; I put the oaths of secrecy in the ballot box; I cannot remember if I put in the appointing of agents, but can't say for certain; I got five forms of oaths from the returning officer; I held back one, a kind of peculiar one.

The judge declared that the objections of the Crown counsel were merely technical.

Paul Reid, sworn—Was an agent for Mr. Porter at polling place No. 2, Ashfield; Dr. Tennant was present as an agent; the doctor witnessed the recording of several votes; he remained perhaps an hour; Mr. Clare's boy was sick, and they sent for the doctor; I thought I could act as agent without him while he was away; he returned about dinner time; he lunched in the polling place with us; he remained for a short time. Mr. Griffin acted as agent in his absence in the forenoon; he had been employed as agent before.

To Mr. Hodgins—I had conversation with the doctor after he voted: I did not hear him say he had done what he called for and was going away; I cannot tell where Mr. Porter lives; it is south of Goderich; No. 2, Ashfield, is 16 miles from Goderich; I got my appointment from Mr. Johnston.

W. H. Johnston, sworn—I was poll clerk at polling sub-division No. 2, Ashfield, at the last general election; am a school teacher; I know Michael Clare and family; his youngest child was attending my school; I know one of Clare's children was sick at that time; it was the one which attended school.

To Mr. Hodgins—I did not hear the doctor say "Now I have done what I came for and I'll go;" it was 10 or 20 minutes after the docter left that Griffin came.

Mr. Doyle submitted that the evidence should go to jury.

The judge held that it had been clearly proved that the certificate had been given. On the whole evidence I think I should tell the jury not to convict, unless Mr. Hodgin's address changes my mind.

Mr. Hodgins argued that the certificate which the law provided had not been proved, and read authority to prove his contention.

His Lordship thought there was one point on which he was entitled to go to the jury.

The jury retired and returned with a verdict of "not guilty."

The Queen v. Philip Reeve — The grand jury came into Court with a "true bill" against Philip Reeve for malicious injury to property. Defendant was arraigned and pleaded "not guilty." The indictment was traversed to the next Quarter Sessions.

Court adjourned at 7:30 p. m.

SIXTH DAY.

The court opened pursuant to adjournment at 9 a. m.

The Crown counsel asked that sentence be passed on Thomas Smith for forgery, and Archibald Robertson for uttering a forged bank note.

Smith was sentenced to six months in the common gaol with hard labor; and Robertson to twelve months in the Central Prison.

The Grand Jury brought in the following

PRESENTMENT.

That we are sorry to observe that seduction is becoming very common in this country and we believe the ends of justice would be better served and the moral tone of the community improved by making it a criminal offence upon our Statute books.

In all aggravated cases of rape we believe the free use of the last should form a part of the punishment.

We strongly recommend that steps be taken to have witnesses in all Crown cases paid the same as in other cases.

It is lamentable to observe the growing tendency to utter carelessness both in the administering and taking of oaths. Commissioners and others empowered to administer do not do so as a rule in a manner calculated to inspire parties taking oaths with the gravity and responsibility of such acts. Politicians in the heat of party strife too often rashly advise their friends, who may themselves doubt their legal right to vote, to take the oath prescribed by Statute if their votes are challenged, and thus we believe many a man is made to perjure himself through his confidence in the advice and knowledge of his political superiors.

We visited the gaol and found it neat and clean throughout, and the prisoners expressed themselves well pleased with their treatment at the hands of the officials. There are only five persons at present in gaol. One of them, John Moosehead, from Exeter, has been incarcerated since March last for using threatening language. He appears to be idiotic, and we recommend that he be transferred to a suitable asylum. Although his parents are said to be good circumstances, they have not supplied him with sufficient clothing. Mrs. McLean, an insane old woman, is to be removed shortly to one of the asylumns. The Governor kindly referred us to his books, from which we find that there have been fewer prisoners in the gaol during the past year than in any previous year, and the majority of these were confined for short periods for petty offences.

We thank your Lordship for the lucid manner in which you explained the chief points in the cases before us; the Crown counsel for his assistance so cheerfully given, and the County attorney for courtesies.

All of which is respectfully submitted.

JOHN ESSON, Foreman.

His Lordship in reply, said the subjects they had treated are worthy of careful consideration. The matters to which they had referred, would gain publicity through the press and otherwise, and would thus have an opportunity afforded of full discussion. He complimented them upon the able manner in which they had performed the duties entrusted upon them, and stated it had never been his privilege to meet a more intelligent body of grand jurors than those at the present Huron assizes. The Crown counsel had also requested him to convey to the jury his highest praise for and most sincere thanks for the hearty and able manner in which they had aided him in the discharge of his duty.

The jury were then discharged.

The case against John S. Tennant for perjury at the West Huron election was withdrawn by the Crown counsel.

Sturdy's Second Indictment.

John L. Sturdy withdrew his plea of "not guilty," and pleaded "guilty" to the indictment for unlawfully voting at the West Huron election.

Mr. Hodgins, in rising to move for the passing of sentence on Sturdy on the two counts, addressing his Lordship, said, "I am requested, in this case, to state that the prosecution was initiated to put a stop to the practices which were beginning to intrude upon the fair and impartial administration of the election law, and now that the defendant has been convicted by the jury of the charge preferred against him, the prosecution has requested me to supplement the strong recommendation of the jury to your Lordship's mercy in pronouncing sentence. I do so cheerfully; and I may further state that Mr. M. C. Cameron, the member elect, whose election was affected by the vote in question, has made a personal appeal to me to use such strong arguments as I could to ask your Lordship's well-known clemency, as so strongly recommended by the jury.

His Lordship, in addressing the prisoner for sentence, said the offence that had been proved against him, and on which the jury had rendered a verdict of "guilty," was a serious one. That the verdict was reluctantly given, showed that the jury were conscientious, and the verdict fully warranted. The prisoner must have known he was not the owner of the property and not a resident, and was warned beforehand of the consequences of his action. Had there been any reasonable doubt concerning his guilt he would have got the benefit of the doubt. A conviction of this kind must necessarily weaken him in the eyes of the community, and by taking the risk he had injured himself more than the infliction of any penalty by the Court could do. The jury had strongly recommended him to the mercy of the Court, and after hearing the observations of the Crown counsel, the Court was not desirous of imposing a heavy sentence. The prisoner could be relieved from a heavy penalty, but not from the odium consequent upon his wrong doing. The prosecution had done a good thing in bringing the cases of the prisoner and Tennant before the Court, and although, as against the latter the cases had failed, the prosecution has, nevertheless, been justified in bringing him before the Court. He trusted that this case would have a salutary effect not only in Huron but elsewhere. The sentence of the Court was that John L. Sturdy be imprisoned in the common gaol for three days, and fined $50 on each count, the imprisonment on each count to run concurrently.

His Lordship then addressed the petty jury, and paid a high tribute to their intelligence and ability. They were then discharged.

John Mosehead, a weak-minded person, was brought into court, and his Lordship released him from his inability to find bail.

This closed the business before the Court.

A Gold Offer.

The Chicago, Burlington & Quincy Railroad Company has just issued an illustrated treatise, "The Heart of the Continent," describing the wonderful growth of the six Great States. The book is beautifully printed, and numerous engravings of high merit adorn its pages. Any one sending their name and address with two three-cent postage stamps Will receive a copy by return mail, by applying to Perceval Lowell, General Passenger Agent, Chicago, Illinois. 5t

Travelling Guide.

GRAND TRUNK

EAST.

	Pass.	Exp's.	Mix'd..	Mix'd.
Goderich. Lv.	5.45am	12.30 pm	3.15pm	8.30 am

WEST.

	Pass.	Exp's.	Mix'd.	Mix'd.
Goderich. Ar	3.15pm	9.30pm	10.30am	7.15pm

STAGE LINES.

Lucknow Stage (daily) arr. 10.15am .. dep 4pm
Kincardine " " 1 00am .. " 7am