

Magistrate McMicken: 'Yes, Mr. Sullivan was there.'

Mr. Trueman: 'What Mr. Sullivan?'

Magistrate McMicken: 'My God, what questions you ask; Mr. Sullivan, the lawyer.'

Mr. Trueman: 'Are you sure he appeared for the prosecution?'

Magistrate McMicken: 'I don't know anything about that.'

I then made the statement that Mr. Sullivan was not authorized to appear for me and had no instructions to do so; whereupon Magistrate McMicken said 'You shut up, you have no business to speak here.'

I said, 'I have a right to speak here as I am the person who swore out the information against the accused.'

Magistrate McMicken again ordered me to shut up and to stop making a noise.

I then asked Magistrate McMicken why the case had been disposed of in my absence and in the absence of my counsel before the time fixed for trial.

Magistrate McMicken again ordered me to shut up, remarking that he would send me somewhere I wouldn't like, and he called several times for a constable. Mr. Trueman again asked Magistrate McMicken if he would give any information regarding the case, to which Magistrate McMicken replied, 'I won't tell you anything.'

Mr. Trueman: 'What was the amount of fine imposed?'

Magistrate McMicken: 'I won't answer any questions; the men were fined and fined heavily.'

Mr. Trueman asked several times for the amount of the fine imposed, but was constantly met with refusals for the information.

Mr. Trueman asked why the cases had been proceeded with in the absence of the prosecution, to which Magistrate McMicken replied: 'Now go away and don't bother me. I have a lot of business to do here.'

Mr. Trueman: 'You won't say why you did not wait for the people who laid the information.'

Magistrate McMicken: 'I'm not going to stand for nonsense of this kind in court.'

Mr. Trueman: 'It's not nonsense at all; it's a most serious case.'

Magistrate McMicken: 'You shut up and don't bother me.'

Mr. Trueman: 'You refuse to say anything further about the case?'

Magistrate McMicken: 'I don't want to hear you speak any more.'

Mr. Trueman: 'Am I to understand then that you will say nothing further in the matter?'

Magistrate McMicken: 'You can understand what you like, and I can tell you it is not very much. I can tell you that much, that your understanding is not of a very high order.'

Mr. Trueman: 'Well, you are doing nothing to assist me in improving it. What right had you to close the case up without the prosecution being present?'

Magistrate McMicken: 'I want to hear no more of this.'

Mr. Trueman: 'Was Mackenzie or Macdonald present at the trial?'

Magistrate McMicken: 'I don't know, there was a lot of people about.'

Mr. OLIVER.

Mr. Trueman: 'Well, I understand that the reporters were here from 10 o'clock and that they saw nothing of the case going on, and they say there was no case heard in the court here.'

Magistrate McMicken: 'Perhaps they were drunk, I don't know.'

Mr. Trueman: 'In what court was the case tried?'

Magistrate McMicken: 'I won't tell you.'

Thereupon Mr. Trueman and I left the court room.

14. Subsequently I returned to the court room and asked Magistrate McMicken if Mr. Sullivan had stated that he, Sullivan, had appeared in my behalf. Magistrate McMicken replied, 'No, no, he said he appeared for the prosecution. Now you get out of here and don't bother me any more.'

I further asked Magistrate McMicken what extenuating circumstances had been urged on behalf of accused, to which Magistrate McMicken replied that Constable Bain had stated that the accused was drunk. I said: 'But Constable Bain told me that he was sober and gave no evidence of having been drinking.' Constable Bain was present and in answer to my request that he confirm my statement, stated that he had made no statement whatever with reference to the accused having been drinking. Magistrate McMicken then said: 'Now you get out of here and don't bother me any more—go to blazes—go to the devil. I won't give you any more information.'

15. At the time of accused's arrest he appeared to be perfectly sober, and there was nothing whatever about his appearance or conduct to suggest that he was drunk or had been drinking.

16. I am informed and verily believe that the said Arthur Sullivan, barrister-at-law, did not tell the said A. McMicken that he appeared for the prosecution in connection with said case.

17. That on Thursday, the 17th day of October, I went to the Provincial Police Court, and, after stating who I was, requested the clerk of the court and Magistrate McMicken to permit me to make a copy of any record in court in connection with said information, but said clerk and said magistrate refused to permit me to inspect any record or to make a copy thereof, and also refused to permit me to make a copy of said information.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act, Revised Statutes of Canada, 1906, Chap. 145, Sec. 36.

HUGH MACKENZIE.

Declared before me at the City of Winnipeg, in the Province of Manitoba, this 14th day of November, A.D., 1912.

M. A. MACQUEEN,

A Commissioner, &c.

Now, there are one or two points in connection with this to which I would like to draw the attention of the House. One is that, on the affidavit of Mr. Mackenzie, the Conservative scrutineers in this particular poll were absolutely parties to these personations, proving beyond question that personation was a part of the scheme of