

## PETERBORO' ELECTION CASE.

Justice MacMahon Orders Witness Out of Box.

More Men Swear They Got Money in Liberal Rooms.

Several Charges Dismissed—Almost "Broke the Bank."

Peterboro, Sept. 29.—Mr. J. H. Burnham's petition for the unseating of Mr. J. R. Stratton, member for West Peterboro, is encountering stormy weather. Twice in the course of to-day's hearing Justice MacMahon and Magee stated that they refused to believe witnesses for the petitioner, and in one instance a witness was peremptorily ordered to leave the box, as being unworthy of belief. The case in point was that of James Gates, who shamelessly admitted that, providing he was paid, he would be willing to make a false affidavit or sell his vote. Then it transpired that he had been paid \$50 by Mr. J. H. Burnham for a statement alleging that various electors had been bribed by prominent Liberals on election day. Judge MacMahon ordered the man to leave the witness box, and after, at the intervention of Mr. E. A. DuVernet, K.C., leading counsel for the petitioner, he had been allowed an opportunity to rehabilitate himself. Judge Magee informed counsel for the defence that there was no necessity to call evidence in rebuttal, as the court did not believe the witness, and said: "The discrediting of Gates would seem to point to the rapid closing of the proceedings, for it is apparent that upon his statements the petitioner principally rested his case."

At the opening of the court, Mr. Watson raised a question of procedure. He pointed out that if the charges were not considered as they came before the court, it was impossible for him to keep in mind all the points for purposes of cross examination in order that his client might have the full benefit of his assistance. Mr. DuVernet—What I am endeavoring to show is that there was a regular system of corruption. Every obstacle has been put in our way, moved from the country, others have been seen and statements obtained from them, and all sorts of intimidation and bribery resorted to. Mr. Watson—My learned friend has no right to say that. Mr. DuVernet—The evidence shows it.

Judge MacMahon—I don't think that there was anything shown. Mr. DuVernet—If people adopt a wholesale system of bribery they must take the consequences.

IN THE LITTLE ROOM. Anthony Mongourer was then called, and gave evidence as to his visit to the Liberal committee room. He walked right upstairs to the now famous little room and saw a man he did not know. "Did you get any money?" asked Mr. DuVernet, and Mr. Watson at once objected on the ground that no specific charge had been laid in connection with this witness, and in his contention their lordships upheld him. Mongourer stated that he did not see anything wrong. Sidney Pope went down to the Stratton's Liberal rooms after he voted. Mr. DuVernet—Did you get any money there?

"Oh, yes." "How much?" "Two dollars." "Where did you get it?" "Upstairs in a little room." "Who gave it to you?" "Bob Leary." Pope went on to say that when he walked into the room Leary put a two-dollar bill under a box, he picked it up and walked out. Leary had a wad of bills, "quite a size" it was, said Pope, who also said that he saw several other men go into the room, and Harland and Pritchard were with him, and he heard a man whose name he didn't know tell Harland to come back in the afternoon. Mr. Watson objected to a later statement. "Your Lordships will see that it might have been one of the detectives employed by the Conservative party. To spread these rumors was part of a scheme."

Mr. DuVernet contended that all such evidence was admissible as showing that it was a regular system for men to go to the committee room and then be told to return after they had voted to get money. Again the court upheld Mr. Watson. Pope said that he was told to go and vote, and to come back in the afternoon. Then he was driven to the polls with Harland and Pritchard in a buggy which was standing outside the rooms.

About 3 o'clock he returned to the committee room and Harland and Pritchard also turned up. After hanging around a bit, he heard that money was passing, and saw a man come out of the room. "So I walked in," said he, "and I've told you what happened." Sometime after the election he heard that proceedings were to be taken. He got a little afraid when Fairs came to see him and took him to see Mr. Stratton. "Mr. Stratton asked," said Pope, "if I had received any money, and I told him no, and Fairs then took me to an office where Mr. W. S. Davidson prepared an affidavit, read it to me, and I signed it."

JUDGE SAYS NO AGENCY. Mr. DuVernet—Did Fairs say anything about money?

Mr. Watson—I object. Mr. DuVernet—It is a question of agency. Judge MacMahon—Oh, no; there is no agency. The election was over. Pope said that before the election he got a dollar and a half a day of delivering hand bills and doing clerical work.

Mr. Watson in cross-examination, pressed Pope for his birthplace. "You come from the east end of London?" he asked, and Pope promptly replied: "I came from South London, and it is a good place as any in Canada." Then Pope was asked if he had not been supported last winter at a public soup kitchen; he admitted he was hard up, but denied receiving charity, and when he got work he helped to support his mother in England.

"Are you a man who tells a lie easily?" "Not easily."

"Well, if you think it is in your interest?" "If I am afraid."

"You will lie in your own interest?"

"Yes." In addition to telling Mr. Stratton that he received no money, he repeated the statement to Mr. Davidson, as well as others. In fact he told both stories freely.

"How many lies have you told in this matter?" asked Mr. Watson, and the witness ingeniously answered: "Not an awful lot."

"You were looking for money for your vote?" "You made up your mind to sell your vote in the morning?"

"Yes, I did." "When did you make up your mind?" "On Monday morning, when I heard money was about."

"Anybody ask you for your vote?" "Men on both sides asked me."

"Who paid you yesterday?" "Mr. Burnham."

Mr. DuVernet—Did Bryson say anything about money?

"He never mentioned it."

"Who introduced you?" "Deacon O'Brien."

"What did he say?" "Mr. Watson—I object."

Mr. DuVernet—I can establish agency very clearly with Mr. O'Brien, and ask that his name should be added to the charge.

Judge MacMahon—No you cannot do that.

Witness went on to state that he had made a declaration seven weeks ago. Judge Magee—Is this necessary?

Mr. DuVernet—Well, I think it is vital. All our witnesses have been tampered with, declarations taken and signed statements.

Under Mr. Watson's cross-examination, the witness admitted that money was never even mentioned to him by anybody in connection with the election.

SEVERAL CHARGES FAIL. Aaron Bouskill, who accompanied Swanger, was put in the box, but his evidence was merely gossip, and the court ruled it out, and in view of the decision Mr. DuVernet abandoned a number of other witnesses, and stated that he was needing out a number of charges which admittedly could not be substantiated. Mr. Watson again protested that it was unfair, and bound to lead to injustice to his client if the petitioner was to be allowed to take up charge after charge, finishing none, and the court ordered that the whole of the evidence regarding Leary's conduct should be concluded before any other matter was touched upon.

Harry Butler claimed that on election day he was escorted to the little room by Leary, who put \$2 under a card box, "and," said Butler, "I told him I didn't think it enough, and he said, 'By Mr. Butler, if they were all like you they'd break a bank.'"

Mr. DuVernet—How much did you want? "I don't know; I got \$4."

"Was that after or before you voted?" "Before."

Witness went on to say that he saw several other men go into the room. At the opening of the afternoon sitting Mr. DuVernet announced that he had no other evidence to offer in support of the charges against J. P. Bryson and Mr. W. S. Davidson.

Judge MacMahon—Mr. Bryson has sworn that he paid money simply for clerical work. Mr. Davidson, who is a member of the legal profession, has also sworn that he supplied money to Bryson for the purpose of paying for this clerical work.

Mr. Watson—Then, your Lordship, I understand these charges to be dismissed.

Judge MacMahon—Yes. The charges against Messrs. J. R. Stratton, W. S. Davidson, R. H. Leary and R. Glover, arising in connection with the Bryson charges, were dismissed.

WILMAN GOT TWO DOLLARS. Another charge against Messrs. Leary and Davidson was immediately proceeded with, it being alleged that two dollars had been paid to Charles Wilman. W. J. Meharry, one of the town constables, was first called, but his evidence was entirely of a negative character. Then Wilman was placed in the box, and he stated that after seeing Butler leave the little room upstairs he went in and saw Leary. A cardboard box was introduced to him, and on picking it up he found a two dollar bill, which he annexed. Butler was with him, and prior to going to the Liberal rooms they visited the Conservative headquarters together. In cross-examination Wilman stated that he had been called to the office of Mr. Burnham's solicitor shortly before the sitting of the court.

James Gates, the gentleman who promised to make things lively, was then called. He described himself as 27 months from England, and was not a voter at the last election. Still he went down to the Liberal committee rooms to see Mr. Leary, and after waiting a long time got into the little room.

Mr. DuVernet—What happened? "Witness—I went in and Mr. Leary said, 'Is it all right?' I said, 'Good morning, Mr. Leary.' Then he said, 'I know,' and put a \$2 bill under a cardboard cover on the table, turned away, and I put the money in my pocket quite natural."

"Did you see any other money pass?" "No, sir, but I saw men come out, and when they were asked if it was all right they said 'You bet.' None of them grumbled."

Mr. Watson ascertained in cross-examination that Gates was acting as a sort of agent, paying witnesses for the petitioner's cause.

Mr. Watson—If you had a vote would you have sold it?

"You bet I would, if the money was all right, the same as other people here."

Then matters between the lawyer and the witness commenced to get warm. He resented insinuations against his countrymen, particularly did he resent being called an immigrant.

"Don't you think it would be a good thing to have the franchise?" "I don't know that it would in this country."

"If you had it you would sell your vote?" "Yes, to get level with other people."

Judge MacMahon—He wants to be on the same plane. Mr. Watson—And you tried to get \$400 out of Mr. Stratton and Mr. Hall? Or did they try and get rid of you for \$400? Did you try and get \$400?

"No."

Gates went on to say that on the 13th of September Francis Ferrill asked him to go to Mr. Hall's office. He went on the 14th, 15th, 16th and 21st of September. On the last-named date he was accompanied by William Ashby.

Mr. Watson—Did you say that for \$400 you would make an affidavit saying that you saw and knew of no money being paid?

"I did."

"You would have made a false affidavit?" "Yes."

"Four hundred dollars is a good sum to get hold of?"

"It would be a good sum for Mr. Burnham to get. I should have given it to him."

"You would have been proud of it?" "Yes, making it out of the party."

"That's the kind of a man you are—you would swear falsely for money?" "Yes."

"This is no laughing matter."

"I am laughing because you're laughing, and you're laughing because you think you've caught me, and you haven't."

"And that's your value of an oath?" "Yes, in Canada."

"Did Ashby say that he would also make an affidavit for \$200?" "Yes."

"You were told by Mr. Hall that it was impossible?"

"Mr. Ashby says so."

"I am not Ashby; I'm Gates."

"What did they say when you made the offer?"

"They made the offer of \$400 to me to clear the country."

"What did Mr. Hall say?"

"He said, 'I'm waiting for Mr. Leary to arrive,' and then he went to the door of another room and said, 'O, here you are,' and in walked Leary and Davidson. They had been listening all the time."

"You don't know that?"

"Yes, they were, for Mr. Hall says, 'What do you think of the story?' and Mr. Davidson said, 'I wouldn't give you cents for it,' and I tapped Ashby on the shoulder and said, 'Come on; they don't mean to give us the money; they're fooling us.'"

"You would have left the country for \$400?"

"No."

"Then you have no regard for your word?"

"Promises are like pie crusts, made to be broken."

"You have no honor in it?"

"Not much."

"Didn't you say, 'Come on, Ashby, we will meet you at the Sessions with a bunch of Englishmen who will surprise you?'"

"No, sir; I said, 'Good night, gentlemen, we meet you at the Sessions.'"

"You will tell a lie as freely as the truth?"

"What, for nothing?"

"If there's anything in it you are ready?"

"Yes."

"If you had got the money you would have sworn a false affidavit, and then come here and sworn directly opposite?"

"I would, and have brought \$400 with me."

"Who did you tell the cardboard story to—the cardboard and the \$2 bill?"

"Nobody; we talked it over amongst ourselves—those that had gone through the same experience."

"You have been taking an interest to elevate the public morals?"

"No."

"You're a friend of Mr. Burnham's?"

"I'm no more a friend of Mr. Burnham's than Mr. Stratton's; in fact, more a friend of Mr. Stratton's, because my wife works for his wife."

"Did anybody beside Mr. Leary offer you money?"

"No, sir."

"GOT \$50 FROM MR. BURNHAM."

"Anybody ever pay you any money in connection with the election?"

"Yes."

"Who paid you?"

"Mr. Burnham."

"Himself?"

"No, Mr. Moore."

"Did he pay you before the election?"

"No, since the election."

"How much did he pay you?"

"Fifty dollars."

JUSTICE MACMAHON CONDEMNNS WITNESS.

Mr. Watson was proceeding with his cross-examination when Mr. Justice MacMahon interrupted him to say: "In view of the statements he has made here, he is ready to swear black and white, and that \$400 is his limit for making a false affidavit. I think he is not worthy of belief."

The witness—That was a joke, my Lord.

Judge MacMahon—Well, it would be a very costly joke on any other occasion but an election trial. You can go.

The witness was then leaving the box, when Mr. DuVernet intervened, and asked that he should be allowed to re-examine him.

Judge MacMahon—Very well, if you think it any good.

Gates then said that he was approached by a man named Ferrill and asked if he would leave the country. He was taken to Mr. R. R. Hall and he then offered to leave Ontario to go to Vancouver or California. Mr. Hall asked if he needed leave the country, and suggested that instead of such an expensive scheme he should "come over and be with them, and there he is six weeks with me when I am doing five years for perjury?" Mr. Hall then told him to try and evade being served on the first day of the trial and then disappear.

Mr. Watson—Your Lordship has already dismissed the witness as untruthful. Is it right that the witness should be allowed to make a record of this character in evidence against Mr. Hall?

The court ruled that Mr. DuVernet should confine his examination to the interview of the 21st of September in relation to the \$400.

Mr. Watson—Shall I call Mr. R. R. Hall in rebuttal?

Mr. Justice Magee—There is nothing this witness says that I believe.

The hearing was then adjourned until to-morrow morning.

Captain Newton, A. D. C. to the Governor-General, has resigned from the vice-regal staff to take up a permanent position in Canada. He will continue to reside in Ottawa.

"Don't you think it would be a good thing to have the franchise?"

"I don't know that it would in this country."

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"Yes, to get level with other people."

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