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Martin-McKinnon Election Trial.

THE trial of the election petition of Mr. Alexander Martin against Mr. D. A. McKinnon, which opened in the Supreme Court room in this city on Monday of last week, came to an end on Friday evening, February 1st, when counsel for McKinnon admitted corrupt practices, sufficient to unseat him and void the election. Counsel for the petitioner, Mr. Martin, although prepared to go on and push for personal disqualification, expressed a willingness, in view of the length of time and the enormous expense that would be incurred in continuing the trial to a finish, to accept the confession of guilt made by respondent's counsel and discontinue proceedings. Each party agreed to pay his own expenses. We give in this issue a summary of the evidence offered at the trial so far as it proceeded. From the very beginning of the trial, from the very filing of the petition, McKinnon's counsel tried every possible means to prevent the case from being brought to an issue. When they came into court they had recourse to all manner of legal technicalities with a view to stop the trial. This is not to be wondered at; they knew the rottenness of their cause and were eventually obliged to confess the same. As far as the trial proceeded, the testimony of unwilling witnesses revealed a carnival of political corruption and debauchery of the most disgusting and disgraceful character. This disgraceful condition of affairs was emphasized by the judges in their scathing denunciation, published elsewhere, of the methods persued by McKinnon's workers in this election, as revealed by the evidence. "After hearing the evidence that has been given," said Judge Hodgson, "I feel bound to declare that never before has there been brought to my notice such shameless corruption and debauchery in connection with an election contest." "I do not think," said Judge Fitzgerald in the course of his remarks, "there has ever been in Prince Edward Island such a revelation in the way of deluging the country with intoxicating liquor. I am ashamed as a lifelong resident to find that an electorate during a campaign could be wholly debauched by liquor. We have learned from the evidence that liquor was produced in wholesale quantities at nearly every poll, and as witnesses expressed it men were lying drunk about the place." After these deliberate and carefully weighed declarations of the trial Judges, no one can have the slightest doubt that the election campaign conducted by Mr. McKinnon and his friends was one of reeking corruption and debauchery. According to the evidence, the active Grit workers, when they wanted money and whiskey, went to Mr. McKinnon's office, and there or in the hallway adjoining, or on the stairway or other clandestine nooks, were furnished with orders for whiskey and with money, sometimes by Mr. Whear, and sometimes by others. In his canvass Mr. McKinnon seems never to have asked for votes on principle. He constantly appealed to the avarice and cupidity of the electors. Work on the railway and bridge was constantly promised; letters, holding out inducements were freely written, and officials were threatened with official decapitation if they did not support him. In the wake of all this flowed streams of whiskey, with an occasional case of brandy and money thrown in. These were the pure methods by means of which Mr. McKinnon hoped to obtain a seat in the House of Commons. Despite all his machinations he did not secure a majority of the votes of the riding; but he overcame this inconvenience by having himself counted in by Judge McDonald. As Judge McDonald's representative he considered himself the member for East Queen's until unseated by overwhelming evidence of corrupt practices. After the revelations of last week, will the esteemed Patriot repeat its regret "that the matter has not been left as decided by the Queen's County Court?" Mr. McKinnon seems to possess a wonderful pen chant for ignoring the will of the people. First he held on to the office of Attorney General for the greater part of a year contrary to the expressed will of the electorate. next he attempted to sit in the House of Commons, although a majority of the voters of East Queen's declared against him. Surely Mr. Martin deserves the thanks of the community for exposing the corrupt means by which Mr. McKinnon hoped to sit for East Queen's in the House of Commons.

Important Judicial Decision.

A DECISION was given by the judges in an election case in Ontario, a few days ago, that cannot fail to be of interest to our readers in view of the Martin-McKinnon case, just dismissed from our court. That phase of the case upon which hinged the legal decision given by the Ontario judges had not been reached in the Martin—McKinnon case when it came to an end, but no doubt it would have been adjudicated upon if the trial had continued. Martin had a majority of votes and was declared elected; but the Grits demanded a recount before Judge McDonald of the Queens County Court who undertook to decide that McKinnon was elected regardless of the number of ballots cast for Mr. Martin. A certain number of ballots at one poll were said to bear certain indications that they had been marked on the back by the deputy returning officer, and that the same official had subsequently attempted to erase these marks. On the strength of this the judge threw out these ballots and as a majority of them were in favor of Martin he was put in a minority and McKinnon declared entitled to the seat. It seems unreasonable and unjust that any elector should be disfranchised so long as he has marked his ballot in such a way as to leave no doubt for whom he votes. If a deputy returning officer spoils a ballot intentionally or unintentionally, the elector should not suffer on his account. The deputy returning officers are the appointees of the Government and the nominees of the Government candidates; therefore electors who mark their ballots in such a way as to leave no doubt concerning their intention should not suffer in consequence of this official's blundering. Now this is exactly what Judge McDonald undertook to decide, and decided in favour of the deputy returning officer and against the electors in the case under review. That is to say he threw out the ballots in question, disfranchised the electors who cast those ballots and counted Mr. McKinnon in and Mr. Martin out. Prior to the time Judge McDonold gave his dicision several precedents existed wherein judges had decided directly contrary to his contention and allowed ballots properly marked by voters, but spoiled by returning officers, and now we have against him the decision of Chancellor Boyd, and Justice Street in a similar case. The case tried before these two eminent Judges was that of the North Bruce election. The law there as here requires the deputy returning officer to initial the ballots; but in this case seven ballots were found that had no initials on them. Chancellor Boyd and Judge Street held that these ballots were good notwithstanding, so long as the voters who marked them left no doubt as to their intention in voting. Their decision was that voters should not be made to suffer through the act, or negligence of an official. This decision is reasonable and in accordance with common justice and common sence. Moreover the decision has nothing new in it; it but follows precedents set by several judges in previous cases. Judge McDonald's decision was quite contrary to this and was to the effect that voters should be disfranchised because a partisan deputy returning officer might think fit to tamper with ballots placed in his custody. As we intimated above this phase of the case had not been reached in the Martin-McKinnon trial before it was withdrawn from court. But the Liberal organ in this city made a pitiful plea, a few days before the trial was called, in favour of its friend and whiningly deplored that the matter had "not been left as decided by the Queen's County Court." That is to say McKinnon had been counted in because a number of voters had been disfranchised; therefore he should be allowed to retain the seat. A striking example of Grit desire to mete out political justice!

OUR erudite and classic friend of the Summerside Journal attempts to convey the impression that he has no time to be bothered with us, as we are not the kind of "game" he is after. We well believe this. The contemplation of "black oxen" and kindred lofty subjects is more congenial to his refined and highly cultured mind. It is an advantage to be successful—even a successful humbug.

THE Patriot treats the shocking revelations of the Martin-McKinnon election trial in the lightest possible manner, and disposes of the matter off-hand. The independent, scathing denunciations of the Judges it treats with contempt and refuses to publish them. It devotes considerable space to publishing, under scare headlines, Mr. Martin's oral examination be-Master Longworth, in Judges' Chamber's, but is careful not to publish Mr. McKinnon's examination. All this shows how desirous the Patriot is that its readers shall not know the real facts of the case.

THE bye-election in the first district of Prince County, on Wednesday last resulted in the return of Hon. B. Rogers, Commissioner of Agriculture, though his majority was considerably reduced below that at the general election. His majority at the general election was 164, clear of the special votes, and 172 including the specials. His majority on Wednesday last was 94 votes. He polled 9 votes less than at the general election and Mr. Dalton polled 61 votes more than Birch received. Following are the returns for both elections:

FIRST DISTRICT OF PRINCE.

	Gen. Election Dec. 12, 1900		Bye Election Jan. 30, 1901.	
	Rogers	Birch	Rogers	Dalton
Nail Pond	34	62	38	66
Skinner's Pond	33	53	31	62
Tignish	47	71	46	78
St. Louis	94	39	65	50
Greenmount	65	92	73	95
Dock Road	74	45	65	64
Bloomfield	109	59	121	55
Alberton	113	47	116	86
Gentre Line Road	49	32	40	44
Fortune Cove	72	26	86	37
	690	526	681	587

Rogers' majority over Birch 164
" " " Dalton 94

We congratulate Mr. Dalton on the excellent fight he made.

The Queen's Funeral.

WINDSOR, Feb. 4.—The final rites over the Queen's body were conducted this afternoon and the remains laid to rest in Frogmore mausoleum beside those of the Prince Consort.

The King and Queen, Emperor William and others of the Royal Family attended the services beside the coffin this morning. At 2.45 the choir went to the mausoleum; bells tolled and minute guns fired. At 3.15 the procession passed out of King George's arch in the following order: The Queen's Company of Grenadier Guards with arms reversed. The Governor and Constable of Windsor Castle. The Duke of Argyle Highlanders and Pipers. The Royal Servants. The Band of the Grenadier Guards. The Bishop of Winchester and Dean of Windsor. The Lord Chamberlain and Lord Stewart. The gun carriage with coffin supported by the Queen's equerries and household flanked by the same officers as on Saturday. Following the coffin walked:—King Edward, The Duke of Connaught, Emperor William, The King of the Belgians and Prince Henry of Prussia. Great crowds witnessed the service, but only members of the Royal Family were admitted inside the mausoleum where the service was private because of limited space. The Kings of Portugal, Belgium and Greece attended the ceremony. The belief is that the coronation ceremonies will be not long delayed. The Emperor has appointed Queen Alexandra, Colonel of the Prussian Regiment Dragoons of which the late Queen was Honorary Colonel.

Message from the King

The King has sent the following message to all the British colonies and dependencies:—

"To my people beyond the seas: The countless messages of loyal sympathy that I have received from every part of my dominions over the seas testify to the universal grief in which the whole empire now mourns the loss of my beloved mother. In the welfare and prosperity of her subjects throughout Greater Britain the Queen ever evinced heartfelt interest. She saw with thankfulness the steady progress which under the wide extension of self-government they had made during her reign. She warmly appreciated their unfailing loyalty to her throne and person and was proud to think of those who have so nobly fought and died for the Empire's cause in South Africa. I have declared that it will be my constant endeavour to follow the great example which she has bequeathed to me. In these endeavors I shall have confident trust in the devotion and sympathy of the people and their several representative assemblies throughout my vast Colonial Dominions. With such loyal support I will, with the blessing of God, solemnly work for the promotion of the common welfare of our great empire over which I have been called to reign.

"(Signed) EDWARD."

Election Trial.

SUMMARY OF THE EVIDENCE.

The trial of the petition brought by Alexander Martin against Donald A. McKinnon, commenced Monday morning before Mr. Justice Hodgson and Mr. Justice Fitzgerald. The counsel for Mr. Martin appeared as follews: Mr. W. S. Stewart, K. C., A. A. McLean, K. C., and H. R. McKenzie. The following appeared for the Respondent: Dr. Pugsley, Attorney General of New Brunswick, F. L. Haszard, K. C., A. Peters, Attorney General of P. E. Island. The court-room during each day of the trial was crowded, evidencing the great interest which was taken in the trial. The first witness to be examined and sworn was Peter McGarry; A. A. Mc Lean, examiner. McGarry's evidence is summarised as follows: He lived in Lot 57, owned land to the value of $1000, voted at Eldon, knew both Martin and McKinnon. The latter called on him at his place shortly before election David Irving, of Vernon River Bridge, was with him. Irving, after introducing himself, asked McGarry for support in election, refused. He then introduced Mr. McKinnon, and after some conference the latter asked McGarry what he could do for him. McGarry replied that he could not vote for him. McKinnon said he was sure of getting in as it was a ballot vote. His son Edward was home when Mr. McKinnon came, but afterwards went away. McGarry was here questioned as to what McKinnon said regarding son. Objected to by Dr. Pugsley. He had asked how son was going to vote. McGarry answered, son could please himself. McKinnon said that if he was elected there was work on the railroad for him. There was also work for McGarry, sr., at Vernon River, and on the bridge for three years. Before McKinnon left, McGarry, sr,, had promised his vote to him. Went to McKinnon's office after the election as requested by Mr. McKinnon, to see about getting work. First met McKinnon on the street and was told to go to his office where he would meet McKinnon in a short time. Did not see McKinnon. Had called at his office three times.

Cross-examided by Dr. Pugsley.—Young McGarry was talking of leaving the country as there was no work. McKinnon said that the boy should stay home, and intimated that there was work on the railway to keep him home. McGarry had seen Mr. Martin during the campaign at Eldon. Did not see him any more at election time than any other time. Mr. Martin called on him just before the election and asked McGarry to give him his support. Did not make any promises.

The next witness, William Campbell, was examined by Mr. Stewart. He stated that he lived in Lot 35 with his father, John Campbell. Did not vote at the election. Mr. McKinnon left his wagon on the road one day in charge of Peter Brodie, and crossed over to where he (Campbell) was working in a field. Was asked by McKinnon if there was anything he could do for him. Campbell answered in the negative. McKinnon told him there was work on the railway and bridge, but Campbell answered that he had plenty of work to do home and did not want work on the railway. McKinnon asked for his support in the Dominion election.

The next witness was Mr. D. A. McKinnon, who was charged with voting in a poll without being duly qualified to do so.

Examined by Mr. McLean—He was a candidate at the last Dominion election, and was at Murray Harbor South and Vernon River polls on that day. Voted at Glen William poll between 4 and 5 o'clock. Matheson was the agent, and he believed that Matheson saw him voting. His qualifications were two farms in Lot 61. One is on the south side of the Sturgeon Line Road. He bought the farm last May, about the 6th or 7th. The deed was not signed. The grantee was Harriet Rowe, who lives in Ireland. Warburton and McKinnon were the solicitors. It was sold under mortgage sale by Mr. Warburton, Miss Rowe being the mortgagee. He (McKinnon) bought it. He thought Miss Rowe received the amount of the sale, but was not sure. He voted on this land and on another piece on the same road about one mile distant. Bought this at a mortgage sale two or three years ago. The property was occupied by Roderick Graham. Warburton & McKinnon were the solicitors. John McKinnon since agreed to buy the land and paid part about a year ago.

Mr. McKinnon was the last man to vote at Glen William. On the morning of the late Dominion election after arrival at the Glen William poll he sent for the ballot box. He supposed that he had read the election law. Mr. McKinnon then produced to the Court conditions of sale of Graham and McPherson lands upon which he claimed right to vote. He also submitted the deed of another piece of land on which he claimed he also had the right to vote. He refused to qualify at the local election of 1897 at Murray Harbor poll because he would not submit to the prejudice of the agent. He voted, however, at Montague Bridge at same election. Mr. McLean questioned Mr. McKinnon upon the instructions given to Liberal agents relative to qualifications and asked him (McKinnon) to identify a copy of instructions which he submitted.

Mr. McKinnon said the instructions submitted looked like the ones in his office. He had not compared them, and could not say they were the same.

The different conditions regarding title to property were then entered into at length. Upon suggestion of Mr. McKinnon witness left the Court and returned with his ledger and receipt book containing stub and read an account relating to a third piece of land in possession of John and Hugh McDonald. He took a note of hand from Hugh and John McDonald for $50.40 to pay off land office. There is still due McKinnon $27 and interest.

Mr. McLean here put the question: "What did you vote on at the Dominion election? (Dr. Pugsley objected to the question.) After considerable argument the question was allowed. Mr. McKinnon answered: I cant particularize as I was not asked by the deputy returning officer. I intended to vote on the properties that I had in Lot 61. Those properties are not in Glen William poll. I did not obtain a certificate from the returning officer entitling me to vote there. I did not know that the candidates had to procure a certificate. At present I don't know of any other qualification in the district besides mentioned.

In the afternoon on Wednesday the discussion was resumed. (Mr. McKinnon to Dr. Pugsley.) He thought as a candidate he had a right to vote and with regard to the farms known as the Graham and McPherson properties he considered they were his. The Graham property was worth $400. Annual revenue $30 or $40. He sold it to McKinnon and received $100 on account. He considered McKinnon a tenant at will. The McPherson property is worth $500. The annual revenue $40 or $50. He supposed that he had a deed or he would not have voted.

Mr. McLean then tendered the condition of sale of the Graham and McPherson property also the circular instructions to agents. Dr. Pugsley objected to admission of latter on the ground that there was no evidence that the circular is a true copy of the instructions alleged to have been issued before the election. The Court decided that the entire circular was not admissable as evidence.

Peter R. Emory, of Wood Islands, was next sworn. He knew Mr Horace Haszard of Charlottetown. Had seen him at Capt. Taylor's house there about three days before the election. Mr. Taylor had invited him into his house. Someone invited him to have a drink. He did not recollect who. The liquor was on Taylor's kitchen table. Mr. Haszard was in the next room. He did not think Mr. McKinnon was in the house at the time. He was in the crowd outside, witness stayed about fifteen minutes and left house with a number of others. He was no judge of whiskey. He thought it slightly colored. It warmed him up pretty well. He did not vote. Did not know who canvassed him on the road. They were all talking politics but as he did not intend voting, took no interest.

Duncan Gillis, sworn. Examined by W. S. Stewart. He lived at Wood Islands, remembered Mr. Haszard speaking at the meeting there, made a long speech for Liberals, afterwards saw him at D. Taylor's. He (Gillis) was there on private business, was in shop and afterwards house, Mr. Haszard was there, saw a bottle of whiskey. Invited by Mr. Taylor to have a drink. Did not see Mr. McKinnon in house or on side of the road and was not aware that they both arrived in Wood Islands together. He (Gillis) was election clerk at Belle River. To Dr. Pugsley.—He went as a friend of Mr. McKinnon's to the meeting. No talk of politics while in the house. Took a drink when invited and then went about his business

Anthony Buchanan—(Examined by Mr. Stewart.) Remembered the meeting at Wood Islands, and heard Mr. Haszard speak for McKinnon there. Saw Mr. Haszard afterwards in Taylor's yard, with about half a dozen there. Went into house to look for Mr. Emory, saw bottle. Invited to take a drink. Someone said "help yourself." Had a drink. Did not expect to get liquor on going in the house. Went away with Emory. (To Dr. Pugsley.) Was always a political supporter of McKinnon. Mr. Haszard was not in the room. Mr. McKinnon was just leaving as he entered the house.

Donald J. R. McMillan, sworn. Lived at Wood Islands. Voted there. Saw Mr. Haszard speak for Mr. McKinnon at the meeting. Afterwards saw him on the road and in Taylor's shop. Spoke a few words with him. Did not have anything to drink at Taylor's, and saw no liquor. Owned a schooner last fall which sailed between different points, in district and Charlottetown. Carried liquor from Charlottetown several times. Did not carry liquors for Mr. Hazzard or Angus McDonald on his orders. There was no freight landed for himself by any schooner or conveyance. To Mr. Peters.—He ran the regular government packet and carried all the freight he could get.

John McSwain (Examined by Mr. Stewart.)—Live in Flat River. Voted at Belle Creek. Knew John R. McRae. Saw him every day before election, was at McSwain's house two weeks before election, asked what side be (McSwain) was going to vote on. Had a bottle of whiskey with him. Did not remember whether he canvassed him or not. Treated him once to whiskey. Did not remember being treated on any other occasion. Had a son old enough to vote. Did not know if he had been canvassed.

Wm. Fitzsimmons—(Examined by Mr. McLean.) Live on Johnson's Road. Had a vote last election day. Know J. R. Wisner, was talking to him before election day, was asked by Wisner to support McKinnon. Fitzsimmons enquired what Wisner would do for him, and asked for $25. Afterwards told him $10 would do. Was treated to whiskey by him at Wisner's. Did not see him after that. Wisner was canvassing for McKinnon. (To Mr. Pugsley.)—Was to Mr. Wisner's son's mill, talking about elections there. Knew Martin's agents—Jas. G. and F. Trainor. Attended a committee meeting at which Martin was present. Parties were appointed to come to Ch'town in connection with nomination. Jas. Hughes, of Dromore, was canvassing for Martin. Hughes said that doubtful votes would be purchasable. Hughes left country after election. It was not Wisner who had suggested giving money to him, but he (the witness) had suggested it to him. Wisner said $25 was too much. Could get five or six votes for that. Witness suggested $10. Was offered no money. Did not know if the glass of whiskey had been offered to induce him to vote.

(By Mr. Stewart)—There was a hint that witness might receive an envelope. (By Dr. Pugsley)—Wisner did not promise to send an envelope. He made no promises.

Geo. Singleton—(Examined by Mr McLean)—Lived at Flat River. Voted at Belle Creek last election. Saw Finlay McRae at the poll. Had no liquor from him. Saw him after voting. Can't say whether McRae treated. Supposed he had a drink but only one—it tasted good. Cook's place is a short distance from the poll. Walked there alone. Frank Wood, Finlay McRae and others were there. McRae told witness to go there. Might have had two drinks or one and a half. (Laughter) Thought Johnny McRae drove him to the poll. Walked home. McRae is next neighbor to witness. Got no whiskey or money from John McRae or Finley McRae.

By Dr. Pugsley.—McRae as a neighbor called for witness and took him to the poll. Finley McRae asked him into Cook's to rest. That was all that took place.

James McMillan sworn and examined by Mr Stewart.—Had a conversation with Bruce Leitch before the election about his vote. Was asked to drive voters to the poll. Witness' brother is lighthouse keeper. Went to see Mr McKinnon about a letter. Witness promised to vote for McKinnon. Could not say whether the conversation about lighthouse was before or after he promised to vote.

Cross-examined by Mr Peters. Leitch came and asked witness to vote for Mr. McKinnon. Witness said he would vote but would not drive voters.

Bruce Leitch—(Examined by Mr McLean)—Live in Stanhope. Was Deputy returning officer at Dominion election. Was a delegate at McKinnon's nomination. He and McKinnon went to Jas. McMillan and others. Did some talking for him. Did some canvassing on his behalf among friends at several houses. Had no whiskey. Treated no one. No whiskey or money sent to his house during election by any person. Is director of local Liberal organization. It had only one meeting which was to appoint delegates. Had several letters from McKinnon during campaign. Remembered reading a note from McKinnon at the shore. It was not about lighthouse, probably about the election, was then talking to J. J. Davies. Court adjourned. On Thursday, Leitch was further examined and the evidence of John Angus McKinnon, James Mahar and Michael Mahar was heard. The latter testified that they had been given whiskey by the respondent's brother and promised work on the railway. After the election they received from the respondent letters of recommendation as workmen. John Larkin testified that he had two bottles of whiskey at the poll and may have had eight. At home he had a couple or three cases. He got them in town two or three days before the election. The order was obtained from Mr. Whear at the Liberal headquarters, and the whiskey was obtained from a warehouse near Angus MacDonald's. With it he treated everyone who wanted a drink. He also had $25 for distribution, and got it from Mr. Whear after the whiskey—and gave some of it to two electors.

The letters recommending the Mahars for work on the railway were as follows:

Charlottetown,
Nov. 10th, 1900.

Willard Kitchen, Dear Sir:—The bearer, Mr Jas. Mahar, of Peake's Station, King's Co., is recommended for work on railway. He is recommended to me as a good workman.

D. A. McKinnon.

Charlottetown,
Nov. 10th, 1900.

Willard Kitchen, Dear Sir.—Bearer M. Michael Mahar would like to get