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TWENTY-FIFTH YEAR

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# SAVED FUND

## OFFER REGARDING COSTS DECLINED BY PETITIONER

Secretary of Reform Association Tells Secrets of the Organization for A. G. Mackay.

Owen Sound, Dec. 12.—(Special.)—The North Grey election, recently resumed in Owen Sound, after a lengthy argument by George H. Watson, K.C., that the election had been voided by the elevation of Hon. A. G. Mackay, K.C., to the executive council, and that there was no objection to the proceeding, it was estimated broadly that if the question of costs was the only thing that prompted the petitioner to proceed, that little matter might be amicably arranged.

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The trial resumed at 10 o'clock tomorrow morning. The trial began this afternoon at 3 o'clock. The absence of A. G. Mackay was not on the scene in numbers. On this occasion Mr. Boyd, the assistant legal luminary for the respondent, was absent from the trial, and his place was taken by Mr. W. H. Wright, Hon. A. G. Mackay, K.C., occupied a seat between the solicitors. George M. Boyd, ex-M.L.A., was present, and was represented by George T. Blackstock, K.C., and W. H. Price. The chief justice nodded that they were prepared to proceed.

Mr. Paterson replied that section 45 was inserted in the act with the very object of preventing election trials by resignation or acceptance of office. There was also the question of costs. The respondent, Mr. Watson, desired to satisfy the court as to the genuineness of charges on his account. They were presented to, and on and show that the most flagrant charges were correct.

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The judges decided that the case should proceed, holding that they should be entitled to stop the proceedings if they deemed it advisable at any time. Mr. Watson asked for an adjournment until Tuesday morning, but the decision regarding organization was taken up the judges decided to go on.

As to organization. George A. Ferguson, secretary of the Reform Association, admitted that he had been asked by Mr. Mackay to take the case to the court. He said he had done so about three weeks before the election. Generally speaking, he was to look after the organization of the case. Besides himself were employed Samuel Payne and Duncan Marshall, then Mr. Watson's secretary. The case was divided by partitions. Ren Kay, the caretaker, who was hired by John Lindsay was also there. Wesley Brandon was not employed there, but Frederick McKinney did some work on the lists. He paid McKinney about \$7 for his work, and did not know of any other one else paying him. He understood that St. was a balance, and Duncan Marshall might have paid him other amounts. He knew Jas. A. Frost, who was a worker, and reported to the

# FIGHT

## WRONG DOING IN ELECTION? COUNTY JUDGE TO INQUIRE

Pro Annexationists in East Toronto Allege Serious Irregularities on Part of Town Officials.

Serious charges, ostensibly against the town officials of East Toronto, and indirectly aimed at the council, as a result of the recent vote on the question of annexation to the city, were preferred last night at the regular meeting of the town council, and will be investigated by the county judge. A petition asking for an investigation was presented, which, while it did not deal with specific cases, was sufficiently outspoken as to warrant earnest attention.

In effect, it is charged that in order to defeat a probable vote in favor of annexation, the voters' lists were interfered with while the vote was being taken; ballots accepted from persons not on the lists, and the property qualification altered, and a typewritten amendment to the oath inserted, by which men were debarred from voting on property held in their wives' names. In the past, it had been customary to allow such a vote. W. H. Grant, the town solicitor, admits having made the change, but says it was done only after his having secured the opinions of two judges and City Solicitor Caswell on the point. Mayor Walters and members of the council deny any attempt at sharp practice and court a full inquiry. The presentation of the petition caused somewhat of a sensation, although there have been rumors afloat for several days that the annexationists were contemplating some such action.

When council met last night, Wallace Maclean handed the petition to Town Clerk Jack, who read, as follows: "The mayor and members of the council of the corporation of the Town of East Toronto.

The undersigned have had placed before them evidence which discloses grave irregularities in the conduct of the vote on the annexation by-law taken Oct. 26 last. These irregularities may be classed under three heads: 1. THE ADDING OF NAMES TO THE VOTERS' LISTS AFTER THE LISTS HAD BEEN PLACED IN THE HANDS OF THE SEVERAL DEPUTY RETURNING OFFICERS AND DIRECTORS AT THE HOUSES WHEN THE POLL WAS IN PROGRESS.

2. THE DISFRANCHISEMENT OF SEVERAL RATEPAYERS WHO WERE LEGALLY ENTITLED TO VOTE AS FREELY AS THE REASON OF THEIR BEING SUBJECT TO AN ILLEGAL OATH WHEN DEMANDING THEIR BALLOTS.

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The undersigned are prepared to substantiate the above charges by producing specific instances under each head. They have further been legally advised that the irregularities which they would have to justify, tampering with the voters' lists while the vote is in progress and the acceptance of ballots from individuals whose names are not on the lists are so manifestly opposed to the public interest that they would have their right to vote contrary to the provisions of the Municipal Act, and therefore illegal. The undersigned have evidence to prove that, except for these irregularities, the voters would have shown a majority for, instead of against, the annexation by-law.

# RULED OFF

## MOTORMAN EXONERATED BY JURY COMPANY CULPABLY NEGLIGENT

Coroner's Jury Return Verdict in Queen St. Crossing Fatality After 3 Hours' Consideration

The jury enquiring into the Thanksgiving Day fatality found, after considering the evidence for three hours last evening, that there was nothing to show that Motorman Armstrong did not do his duty, that he blame could be attached to the Grand Trunk Railway Co., but that the Toronto Railway Co. had been culpably negligent, both by its failure to provide efficient brakes, and by its poor system of inspecting cars.

Coroner Cotton addressed the jury at 11:30 p.m. The full text of their verdict was as follows: "We find that deceased, W. J. McKay, met with his death on the evening of Nov. 17, 1904, as the result of a collision between street railway car No. 642 and a freight train on the G. T. Railway at Queen-street, east crossing."

"We find no evidence to prove that Motorman Armstrong was guilty of any negligence in his duty. We further find that in view of the greater danger on the King-street route the Toronto Railway Co. are culpably negligent in not equipping this car No. 642 and other cars on this route with the most efficient brakes to meet any emergency that may arise, and that the system of inspection provided is very inefficient."

"We further find that the Grand Trunk Railway used every reasonable precaution to prevent the accident. We further recommend that some more effective method of preventing accidents at this and other level crossings be provided either with a spring switch placed against the cars, or that the Scotch blocks be removed at least 50 feet away from the gates."

A full and complete investigation was held, mostly at Dingman's Hall. Thirty-four witnesses were examined, and the coroner's transcript of the evidence covered 85 pages. The enquiry was much hampered by difficulty in obtaining the cars in which the accident occurred, and the jury were unable to see the cars and the machinery involved.

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Owen Sound, Dec. 12.—(Special.)—The North Grey election, recently resumed in Owen Sound, after a lengthy argument by George H. Watson, K.C., that the election had been voided by the elevation of Hon. A. G. Mackay, K.C., to the executive council, and that there was no objection to the proceeding, it was estimated broadly that if the question of costs was the only thing that prompted the petitioner to proceed, that little matter might be amicably arranged.

George M. Boyd, ex-M.L.A., said: "No, go on with the trial." The wonderful scope of C. M. Bowman's generosity was indicated by the admission of George A. Ferguson, that well-known legal aid and contractor had contributed to the North Grey election fund.

The trial resumed at 10 o'clock tomorrow morning. The trial began this afternoon at 3 o'clock. The absence of A. G. Mackay was not on the scene in numbers. On this occasion Mr. Boyd, the assistant legal luminary for the respondent, was absent from the trial, and his place was taken by Mr. W. H. Wright, Hon. A. G. Mackay, K.C., occupied a seat between the solicitors. George M. Boyd, ex-M.L.A., was present, and was represented by George T. Blackstock, K.C., and W. H. Price. The chief justice nodded that they were prepared to proceed.

Mr. Paterson replied that section 45 was inserted in the act with the very object of preventing election trials by resignation or acceptance of office. There was also the question of costs. The respondent, Mr. Watson, desired to satisfy the court as to the genuineness of charges on his account. They were presented to, and on and show that the most flagrant charges were correct.

Mr. Watson seemed to hesitate. Spoke slowly, and in a hesitating manner. He admitted that the seat was vacant as it could be. They were not influenced by any person. He was not influenced by any person. He was not influenced by any person. He was not influenced by any person.

The judges decided that the case should proceed, holding that they should be entitled to stop the proceedings if they deemed it advisable at any time. Mr. Watson asked for an adjournment until Tuesday morning, but the decision regarding organization was taken up the judges decided to go on.

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