

The Attorney-General, however, introduced into his Bill the provisions of the English law with respect to indemnity to witnesses, and as a consequence any witness who, in the opinion of the Court, answers truly all questions put to him, whether such questions incriminate him or not, will be relieved of the consequences of his acts. Thus a premium is put upon *truth* and not upon falsehood, a result which Mr. Whitney's Bill would not have promoted but would have retarded. Without indemnity to truthful witnesses, the punishments already provided for electoral offences were too severe and were proposed to be made more so by Mr. Whitney. Had his suggestions been adopted the desire of an offender to shield himself by falsehood would only have been increased, the securing of convictions made more difficult, and the cause of electoral purity thrown back.

*Prosecutions under the Elections Act.*

The Opposition have charged the Government with an unwillingness to prosecute persons accused of electoral offences, and have laid particular stress upon the cases of Wildfong and Cummings in connection with the North Waterloo Election. Mr. Whitney charged that the Government "dared not" prosecute these two men. The best refutation of this unfounded charge is that they *were* prosecuted, and no doubt much to Mr. Whitney's disappointment, *acquitted*. More than that, they were tried before the Police Magistrate of Berlin on a criminal charge under the Criminal Code without waiting for the delay necessary to procure the holding of a sittings of the Election Court; and instead of displaying an unwillingness to prosecute, or being guilty of an attempt to "shield" the offenders, the Government went to an expense of nearly \$200 to bring one witness alone (one of Mr. Whitney's affidavit makers) from Carstairs, Alberta, to give evidence for the prosecution. The men were tried on the charge "That they did on May 23rd, 1899, unlawfully, wilfully, without legal justification or excuse, and without colour of right, injure a large number, to-wit, 25, of the ballot papers properly marked in favor of Henry George Lackner at an election of a Member of the Legislative Assembly of the Province of Ontario, electoral district North Riding of Waterloo County."

The charge was laid under section 50 of the Criminal Code, and the cases came on for hearing on the 15th July, 1901. 30 witnesses in all were examined, but not a shadow of wrong-doing on the part of the accused could be proven. Neither the Con-

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