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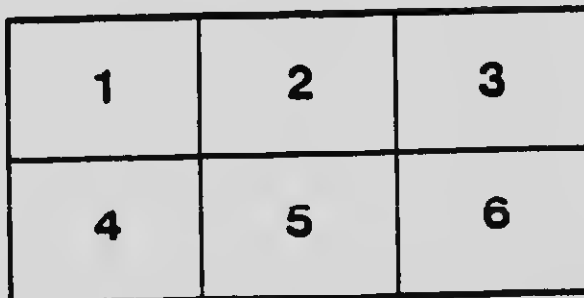
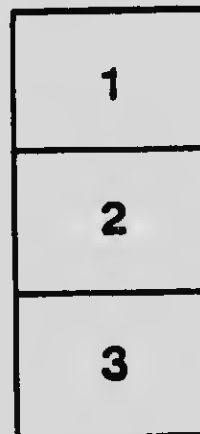
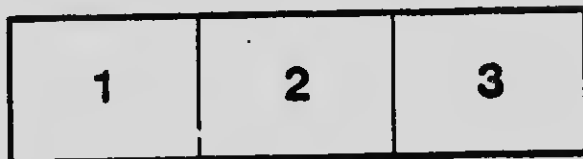
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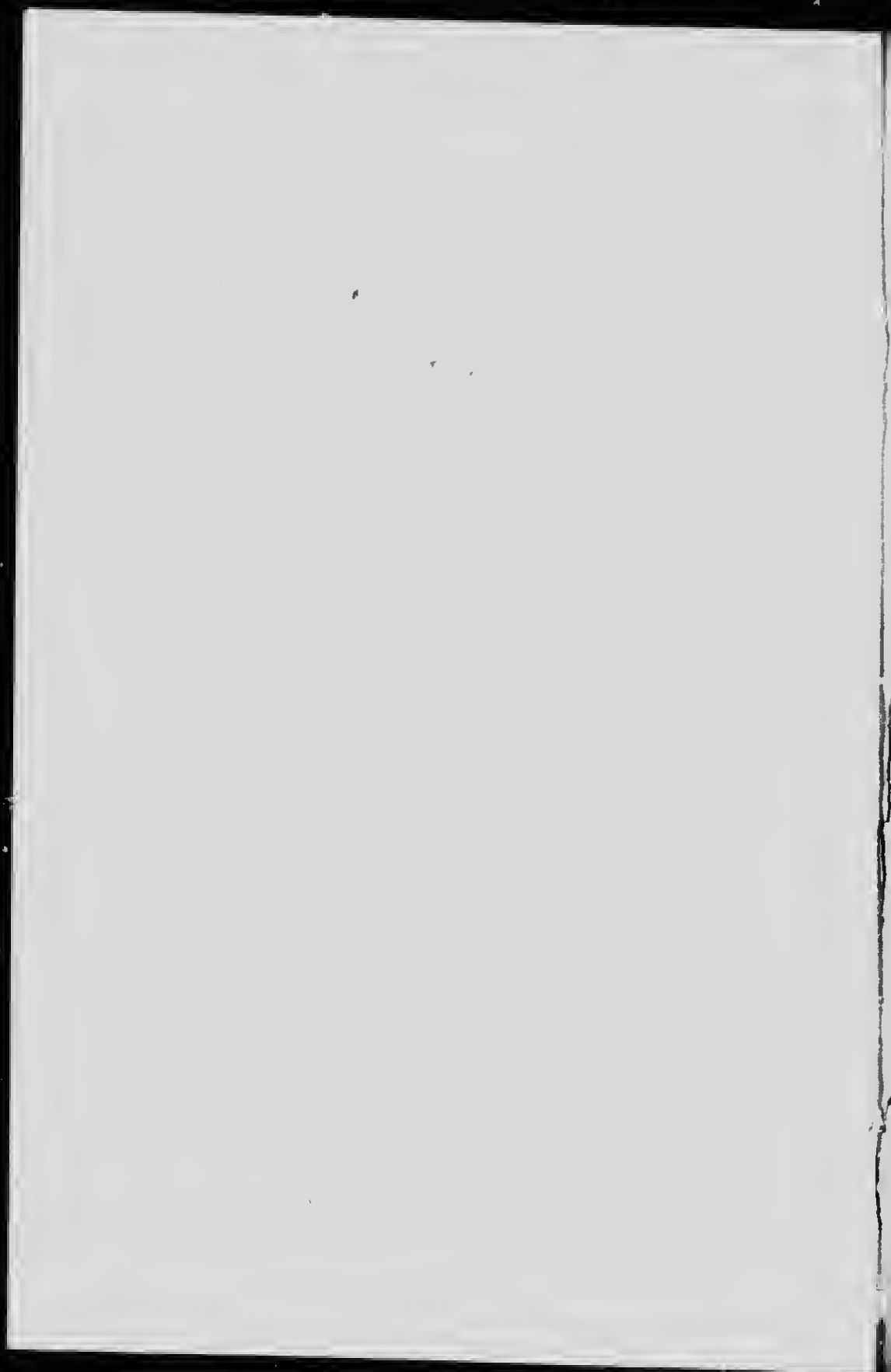
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West Elgin and North Waterloo

ELECTION CASES

Billings

Conservative Candidate in West Elgin secured his Seat in 1898 by Personation—Evidence against the Liberals in North Waterloo was Bought—Commission of Three Judges investigate West Elgin Charges against the Liberals—The Tory Star Witness described by a Judge as

“ A Self-Convicted Liar ”

Whitney's Proposed Bill a Premium on Falsehood.

Tory System for Stealing Elections by Slipping,
Switching, Stuffing and Spoiling Ballots.

The methods as described by The Toronto World
(Conservative.)

Splendid Record of Liberal Officials—
Election Returns Contrasted.

0 900547

West Elgin and North Waterloo Election Cases.

WHITNEY'S POLICY.

A few words about these cases, which seem to constitute the whole policy of Mr. Whitney and his associates:—

The Government appointed a commission of three County Court Judges to enquire into the alleged irregularities in West Elgin, and every opportunity was given Mr. Whitney to prove his allegations. The Judges' report is a death-blow to Mr. Whitney's charges. In North Waterloo the Government caused the prosecution of two men who were alleged to have done the crooked work, and the prosecution was placed in the hands of a Conservative lawyer, and the matter thoroughly investigated, with the result that both men were honorably acquitted.

In the North Waterloo election trial the Conservatives had two star witnesses, whose names were Allan R. Shantz and Albert Bossard. Shantz gave evidence of alleged ballot stuffing, and Bossard had a weird tale of bribery and corruption. No doubt the Judges at the trial were influenced to a certain extent by the stories told by these men, and all of Mr. Whitney's denunciations have been based on their evidence. And now it transpires that both of these men were bought to give their evidence, and it is proven out of their own mouths. Here is what Shantz was forced to admit on oath:—

Q. What bargain was ultimately made as to your telling?

A. I was to get paid for it.

Q. How much?

A. That was left to them at the time.

Q. Who do you mean by them?

A. Ed. Scully.

* * * * *

His Lordship (Meredith)—How much were you to get? What was the bargain afterwards?

A. They deposited a cheque for \$50.00.

His Lordship (Osler)—Who?

A. Mr. Reid has the cheque.

Q. Whose was the cheque?

A. It was signed by Mr. J. M. Scully (President of the Conservative Association).

* * * * *

Q. (Reading from letter written by Shantz to one Lewis.) "As I have been fooled so long, I must have the same in twenty-four

hours or I will close the deal with the others for more. I am determined to sell." Sell what? Your evidence, you mean?

A. I suppose so.

And Bossard in an affidavit since made by him voluntarily, and read in the Legislature by Mr. Graham, M.P.P., gives the whole plot away. The affidavit is quite lengthy, and only extracts are given here. The whole affidavit was published in the *Toronto Globe* in March, 1901. Among other things Bossard says:

"That John H. Stumpf, Edward Scully and other prominent supporters of the Conservative candidate interviewed me, stating that the Conservative party would be in power and I would have to look to them for an extension of my license, and further, that Messrs. Randall & Roos, liquor merchants, and other influential Conservatives, controlled the License Board of Commissioners of said district and could procure an extension of said license. In view of said circumstances I promised them my support with the understanding that I was openly to pretend that I was supporting the Liberal candidate. They also told me to try and work in with the Grit organizers and get all the money I could out of them.

* * * * *

"That my license was not extended at the expiration of the said two months, but was subsequently granted after the said Edward Scully paid me a visit and promised me that if I would make a certain affidavit or declaration, which I did, as to the election and give evidence at the trial he would, through prominent friends, get an extension of my license, which was carried out.

* * * * *

"That the said Stumpf and Scully individually saw me on different occasions about my evidence and instructed me what to say, and informed me that they had been told by Mr. W. D. McPherson what I had to say. They also told me the story Sheutz, Bohl, Wancke and Polonski were going to swear to at the trial, and that if I told the same story and asked for the protection of the Court I would not get into any trouble, and that if I did not I would be fined and sent to jail.

"That in consideration of my making the affidavit and giving evidence at the trial as before mentioned, the said Edward Scully and William Reade, apparently acting on behalf of the petitioner and the Conservative organization of North Waterloo, further agreed to pay me the sum of \$100. A day or two afterwards the said Scully came to me and said: '\$100 is too much. We will help you in your business and will see that you get your license, and you ought to be satisfied with \$50' I said: 'All right.' Scully then showed me a bank cheque for \$50, signed by

the proper officers of the Conservative Association, as I was informed. Scully then said: 'This cheque will be placed in the hands of Stumpf and held by him until after the election trial, when it will be handed over to you.'

• • • • • • •

"A few days afterwards I saw Stumpf, when he said: 'You need some clothes, and you better take that \$50.00 out with me in clothing.' Between the election trial and the first of April of the present year (1900), I received clothing from the said Stumpf, to the extent of \$50.00, which has been paid for by said Stumpf as agreed."

The Alleged Ballot-Stuffers Acquitted.

Mr. Whitney took great delight in calling upon the Government to prosecute Wildfong and Cummings, who were reported by the two Judges at the trial for spoiling ballots, on evidence a great deal of which has been shown to have been purchased. The case was before the Court of Appeal, and the findings of the trial Judges might have been reversed, and the character of these two young men cleared, but this made no difference to Mr. Whitney so long as he thought he could score a point against the Government. The case before the Court of Appeal never came to judgment, as the Liberal member, Mr. Breithaupt, wishing to take his seat in the House, and not being able to do so while the case was before the Court, withdrew his Appeal, resigned his seat and again offered himself to the electors. **So disgusted were the better class of Conservatives in North Waterloo, with the conduct of their party leaders in connection with the whole matter, that no opposition was offered to Mr. Breithaupt, and he was elected by acclamation.** Just as soon as possible after the matter was out of the Courts the Ontario Government, *although not legally bound to do so*, caused proceedings to be taken against Wildfong and Cummings. The prosecution was placed in the hands of County Crown Attorney Bowlby, a strong Conservative, who did his whole duty in the matter, and the two men were placed on trial at Berlin on July 15th, 1901. Allan R. Shantz, above referred to, was brought 2,300 miles, at the expense of the Government to give his evidence. After hearing the evidence of all the officials, including C. H. Doerr, of Berlin, and F. J. Collins, of Dundas, the two Conservative scrutineers, all of whom completely exonerated Wildfong and Cummings, the two prisoners were honorably acquitted, and left the Court room without the slightest suspicion of wrong-doing having been proven against either of them.

West Elgin Commission.

Mr. Whitney challenged the Government to investigate the West Elgin election, in which Donald Macnish, the Liberal, was elected, and assured the people with a great show of bombast that they would never dare to do so. The Government, however, accepted the challenge, and appointed a Royal Commission of three Judges, with power to enquire fully into any alleged acts of wrong-doing on the part of any official connected with the election. The Judges were His Honor Judge McTavish, of Carleton County; His Honor Judge Barron, of Perth County; and His Honor Judge Morgan, of York County. Mr. George H. Watson, K.C., of Toronto, was appointed as counsel. The Commission sat for days taking evidence, and everybody, including Mr. Whitney, was invited to produce evidence in support of any charges of wrong-doing. Every polling subdivision was carefully inquired into, and the famous Pritchett was subpoenaed by the solicitors appointed by the Government (not by Mr. Whitney or the Tory party), and gave his evidence. He cut a sorry figure in the witness-box. He admitted that he had been a fugitive from justice, and had lived in Detroit for months, afraid to return to Canada. He said that he had been visited there by Mr. Samuel Barker (then Tory organizer), and Mr. Fleming, a Tory lawyer residing in Windsor, and induced to swear to an affidavit in connection with the West Elgin Election, in consideration of immunity from prosecution if he should return to Canada. A pretty bargain, indeed! Pritchett told a tale of wrong-doing, which was denied by a number of respectable men, and His Honor Judge Morgan referred to him later as "a self-convicted liar."

Following is an extract from the unanimous report of the three Judges:— "It is impossible for the commissioners to make any finding as to facts, the existence of which depends on the uncorroborated testimony of the said Pritchett, distinctly denied as it is as aforesaid."

Baseless Charges.

Among charges made by the opposition with reference to West Elgin was one of slipping or the miscalling of ballots. On examination of the ballots by solicitors for both political parties at Osgoode Hall, Toronto this charge was found to be without foundation. It was also charged that the ballots could not be procured for the election trial even after they had been examined at Osgoode Hall, because they had been burned. The ballots cast in elections are kept in the vault at the Parliament Buildings for a year unless they are required by legal process.

Ballots in the bye elections are also placed in the vault at the Parliament Buildings and when the time expired for keeping the ballots of the general election of 1898 they were disposed of in the regular way, and the ballots cast in the West Elgin bye election were accidentally destroyed with the rest. On this point the Commissioners report is as follows:—

"The Commissioners can arrive at no other conclusion upon the evidence of all parties engaged in the destructions of the ballots, etc., than that the said box with its contents was inadvertently taken with the other boxes containing the general election returns from the vault to the furnace and there burnt. The evidence satisfies us that the said box with its contents was not destroyed with design or deliberate purpose."

It is a favorite past-time with the opposition writers and speakers to insinuate and suggest that a system for committing election wrongs is in vogue amongst the Liberals but the Commissioners in their report deal clearly with the point as follows:—

"At the instance and by the request of the said Donald McNish one Alexander Smith the secretary of the Ontario Liberal Association, and W. T. R. Preston, a former secretary of the said Association, went into the electoral district for the purpose of promoting the election of the said McNish. The said Preston admits that he procured the assistance for the said purpose of four outsiders, namely, D. F. McDonald, J. J. Bell, one Sullivan, one Hoppins, and the said Smith secured the service of one Vance. The Commissioners cannot trace to these persons or to any of them any knowledge of the participation in the fraudulent and illegal practices hereinbefore related."

55,000 Officers.

Speaking at Whitby in November, 1899, Hon. Geo. W. Ross amongst other things said:—"Since 1867 there have been 927 elections in the Province of Ontario. For these elections there have been appointed by the Crown, mostly by the Liberal party, 927 returning officers. Out of these 927 returning officers appointed by the Liberal Government not one has to this hour been reported as having been guilty of any corrupt irregularity or having used his position to favor the Government candidate, and no evidence has been given in court to sustain a suspicion of such a thing. Compare this record with that of the other side if you want to go into details. Now, take the deputy returning officers, 30 in each constituency, or 27,000 in all, and 27,000 poll clerks. No fewer than 55,000 officers in the last 33 years have been employed in Ontario, appointed by the return-

ing officers mainly from the Liberal party, and there has been no suspicion against these deputy returning officers. How does that compare with what is on record as to the conduct of the other side? I mention these strong substantial facts because it has been suggested that in the past, by malice aforethought, or by arrangement with the Government, the officers of the Crown have been used to aid the Liberal party. If that were so, then it could be said that the Liberal party is corrupt. No Government that ever existed can suppress or eradicate human perversity, but it is a proud boast, and I make it with feelings of true generous satisfaction, that our officers have been impartial and faithful to their trust and that without a single exception to the contrary."

Opposition Hypocrisy.

The Hon. J. R. Stratton, speaking on the floor of the House, said:—

"And a word in reference to West Elgin. The leader of the Opposition has expended a large amount of energy and eloquence in denouncing the alleged election irregularities in this riding. He, however, fails to mention the fact that the present member for West Elgin (Mr. Macdiarmid) secured his seat at the general election of 1898 by personation. (Applause)

"Mr. Macdiarmid—Who was the personator?

"Mr. Stratton—John Taylor was the personator."

"Mr. Macdiarmid—In whose name did he vote at that election, and at whose request?

Mr. Stratton—"He voted, of course, for a man of the same name as his own, and the trial Judges unseated Mr. Macdiarmid in West Elgin on account of personation. Yet we do not hear from Mr. Whitney a single chirp of condemnation of this personation, of which his party was guilty of profiting in West Elgin, and one of the most vicious forms of political corruption. Mr. Whitney has been very severe in this House, and upon many platforms, on bribers who happened to be Liberals, but I defy him to point out or cite any speech of his in which he condemned the action of "Billy" Smith, a Conservative ex-M. P., in South Ontario, a Conservative corruptionist who, at the trial of an election petition, admitted under oath that he had distributed at least \$1,200 for bribery, whose evidence, Judge Ferguson said, was 'the most brazen piece of corruption he ever heard.' And yet Mr. Whitney had no word of condemnation for him. On the other hand, Mr. Smith was selected as the Conservative candidate, and, more than that, he was banqueted, and the member for West Toronto, who sits at the back of Mr. Whitney, regretted that he could not do himself the pleasure of being present. We never heard of Mr. Whitney de-

nouncing this 'brazen' briber, any more than he has denounced the 'Brawling Brood of Bribers,' who attempted to buy up a whole Legislature with money in the shape of \$1,000.00 bills. (Applause.) Mr. Whitney will never get the people to take any stock in the honesty and sincerity of his denunciation of political corruption applied to Liberal offenders only, when by his silence he gives consent to and endorses the glaring corruption practised by members of his own party in his party's interests. Neither does Mr. Whitney condemn the evident attempt of the Conservative party at the last election to buy up the electorate. Mr. Whitney's posing as a political purist and champion redresser of political wrongs, and his countenancing and tacit, if not expressed, approval of the unspeakable political corruption of his party associates, constitutes the most transparent hypocrisy in the annals of political transactions. (Hear, hear.)"—*Legislative Assembly, Feb. 27, 1901.*

Poses as a Purist.

Mr. Whitney poses as the apostle of electoral purity, and claims that his proposed punishments for electoral offences have been the most stringent. The best answer to these boasts is a comparison of the punishments for various offences as proposed by Mr. Whitney on the one hand and by the Attorney-General (Mr. Gibson) on the other in Bills introduced in the session of 1900.

OFFENCE.	MR. WHITNEY'S PUNISHMENTS.	THE ATTORNEY-GENERAL'S PUNISHMENTS.
Unlawful influence.	Penalty of \$200 and 6 months' imprisonment.	Penalty of \$200 and imprisonment for 1 year.
Personation.	Penalty of \$200 and 6 months' imprisonment.	Penalty of \$400 and 1 year's imprisonment.
Voting more than once.	Penalty of \$200 and 3 months' imprisonment.	Penalty of \$200 and 6 months' imprisonment.
Returning Officer, etc., falsifying or altering list of voters or poll-book.	Penalty of \$2,000 and 6 months' imprisonment.	Penalty of \$2,000 and 12 months' imprisonment.
Offences respecting ballot boxes and ballot papers (a) By Returning Officers. (b) By other persons.	(a) 2 years' imprisonment. (b) 6 months' imprisonment.	(a) 3 years' imprisonment. (b) 1 year's imprisonment.
Unlawfully destroying or injuring documents relating to elections or aiding or abetting therein.	Penalty of \$2,000 and 6 months' imprisonment.	Penalty of \$2,000 and 12 months' imprisonment.

But the Bill introduced by Mr Whitney had the very serious defect that it lacked any provision for indemnity to witnesses who speak the truth in connection with electoral corruption. 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.

HOW THE CONSERVATIVES WIN ELECTIONS.

"The Toronto World" gives some hints as to how the Tories work.

W. F. McLean, M.P. (Conservative), proprietor of *The World*, Toronto, was a candidate for the office of mayor of the City of Toronto in January, 1902. His opponent was O. A. Howland, ex-M.P.P., and one of the leading Conservatives of the Province. Mr. McLean was defeated, and on Wednesday morning, January 8, 1902, *The World* gave prominence to the following:—

"The Surest Way."

- "Are you a worker in that sub-division?"
 "Yes, I can handle it."
 "How much will it cost?"
 "Two hundred dollars."
 "And you will guarantee to keep the vote even for that?"
 "Yes."
 "All right. Here is the money. But do you see this other hundred dollar bill?"
 "Yes."
 "And you know this gentleman here?"
 "Yes, I know him and can trust him."
 "Well, I am going to give the hundred dollars to him, and if you make the majority in your division ten or better he will hand the bill to you when the count is made and the majority is shown."
 "I understand, and I'll do it."

On Thursday morning, January 9, 1902, *The World* had a number of pointed articles on the methods employed to elect Mayor Howland. One of these was headed "Wholesale Demoralization," it said, "The more the voting of Monday is investigated, the more evident it is that wholesale demoralization prevailed in the polling booths. *The World* acquits Mr. Howland of it. The men who did it were agents of one of the corporations, and all Sunday and Monday they were at work spending thousands in heading off what promised to be a Waterloo. There was no such vote polled for Howland as the ballot boxes show. John o' the East, John o' the West, (and) the old experienced bird, that has made his boast of hauling St. John's Ward for thirty years or more were all in it."

The Albany Club, King street, Toronto, the head centre of Toryism in the Province, was in favor of Mayor Howland, and here is how *The World* of Thursday morning, January 9, 1902, refers to the nest under the heading "Professional Corruptionists." "The public are being aroused at last to the existence in Toronto of an organized machine of professional corruptionists. They have a nest in the centre of the city. They handle the money of corporations; their mission has been to corrupt representatives of the people and to corrupt electors; most of all to invade the one thing that ought to be sacred in our politics—the ballot box."

Here was an opportunity for Mr. Whitney to demand of his friends, the Conservative mayor and Conservative council of the City of Toronto, an investigation into the above charges made by one of their papers, *The World*, but he did not do so.

The Manitoba Election Frauds of 1896.

It was proved before the Public Accounts Committee that wholesale frauds were perpetuated in Manitoba during the Dominion General Election of 1896. The conspiracy was hatched in Winnipeg. One, Freeborn, went up from Ontario, stating that he came from the chief organizer of the Tory party, Mr. N. Boyd, the Conservative candidate in Marquette, to whom Freeborn was sent, telegraphed to the organizer, and received in answer:—

"He was a first-class man in North Bruce."

Freeborn was thereupon employed in the election, and his employment was for the express purpose of teaching deputy returning officers how to manipulate ballots. In this nefarious business he was helped by two men named Anderson and Waller. These three worthies went through the Province into several

constituencies, and it was proved by incontestable evidence that they instructed many deputy returning officers, through whose crimes hundreds of Tory ballots were substituted for Liberal ballots. Several of the criminals confessed their guilt; prosecutions were entered against others, and some of them were convicted.

This man Freeborn swore that he got certain instructions from one Turner, who told him they were given him by the Conservative organizer in Toronto. The instructions read:—

"We have the printing of the ballots, therefore a sufficient number should be printed extra to enable the deputy returning officer to have them marked for our candidate and ready to use after the count to replace those read out wrongly to the scrutineers. Or the deputy returning officer can have them marked and folded in his pocket to slip into the box in place of an opposition ballot if the opportunity happens. This, of course, will occur quite frequently if we have control of both scrutineers.

"To get control of both scrutineers have one of our men, not a prominent one, but a supposed kicker, or instance, apply to the opposition to be put on as scrutineer inside. They are generally short of workers, and a few plausible men will turn the election in a close constituency. Or the men can write to their headquarters for scrutineer papers if he lives in the country.

"Efforts should be made to make these methods work in wards that give the heaviest of opposition vote.

"Having control of both scrutineers, a large vote can be polled—dead and absent voters, etc., can have their ballots marked; there is no redress if both scrutineers were present.

"A friendly constable should be present to keep the poll clear of loungers and inquisitive people.

"The deputy returning officer should be a reliable, sharp and plausible man, so that if we do not get control of the opposition scrutineer, he can, when the counting time arrives, ask both scrutineers to take a piece of paper and record the vote of their candidate as he reads the ballots, which have been emptied on the table. He will then have a chance to read out wrongly, so that a majority can be secured for our candidate. The ballots should be put back into the box as quickly as they are read. The extra ones will do to fix things correctly when he goes home.

"Spoiled ballots can be made sure by a little doctoring. Opposition ballots can be spoiled by the lead out of a pencil fastened under the little finger with beeswax, drawn across opposite our candidate's name in opening the ballot.

"If you cannot get control of opposition scrutineers, have your deputy returning officer announce that he is against you, so as to lead him astray if possible."

In the city of Winnipeg where 5,000 or 6,000 ballots would have been sufficient in an honest election, there were 10,000 printed, and yet all had been used up at two o'clock and the polls had to be closed while more were printed. Altogether the Manitoba elections furnished an instance of the boldest and most colossal election fraud in history, under the auspices of the "party of purity."

Tory plot to Steal the Seats of the Liberal Members in 1896.

The circular of instructions sent out from the Conservative headquarters King St. Toronto in 1896 pointed out four methods of doing up the Grits as follows:—

- (1) *Slipping*—(i.e. calling out a ballot for the Tory candidate when it is in reality marked for the Liberal.)
- (2) *Switching*—(i.e. stealing ballots marked for the Liberal candidate, and putting into the ballot box ballots marked for the Tory candidate.)
- (3) *Stuffing*—(i.e. polling votes of the dead and absent men with the connivance of both scrutineers.)
- (4) *Spoiling*—(i.e. by making a mark on the ballot marked for the Liberal candidate opposite the name of the Tory candidate with a piece of lead fastened under the finger nail.)

The extent to which the last method (Spoiling) was practised is shown by the very large number of rejected ballots in 1896 as compared with other elections. The following table is taken from the official returns:—

	Number of rejected Ballots in	
	1896	1900
Addington.....	181	32
Bothwell.....	167	37
Brant South.....	165	32
Brockville.....	101	38
Bruce East.....	133	34
Bruce West.....	115	16
Cornwall and Stormont.....	103	42
Durham East.....	59	6
Elgin East.....	99	32
Essex North.....	96	28
Grey North.....	125	37
Hastings East.....	79	25
Hastings West.....	84	27
Huron South.....	70	8
Ken.....	180	49
Kingston.....	215	32

	Number of rejected ballots in	
	1896	1900
Lambton East.....	133	25
Lambton West.....	70	19
Lincoln and Niagara.....	136	47
London.....	296	47
Middlesex South.....	100	23
Muskoka and Parry Sound.....	175	58
Norfolk North.....	114	accl.
Perth South.....	129	14
Prince Edward.....	115	25
Russell.....	72	22
Simcoe East.....	93	23
Victoria South.....	78	29
Waterloo South.....	164	28
Wellington Centre.....	129	22
Wellington South.....	101	33
Wentworth South.....	304	50
Total for 32 Ridings.....	4190	951
Average.....	131	30

In the Provincial general elections of 1898 there were two acclamations and the returns for the Ottawa seats do not contain any statement with reference to rejected ballots, but in the remaining 90 ridings there was only an average of 28 rejected ballots.

In the Provincial bye-elections held since 1898 the average of rejected ballots was 30 to a riding.

The Corruption of 1891.

The shameful revelations of 1891 at Ottawa when Whitney's friends were in power, being reported abroad, caused the *London Graphic* to say that "the government rested on a stupendous and all-prevailing system of bribery and corruption, and that even Tammany Hall smells sweet and clean in comparison with that huge stink-pot of the Canadian Government."

The *London Telegraph* was forced to declare that "only the most resolute and drastic purification can redeem public life in Canada from the taint of corruption, the like of which we have not seen in our own country for hundreds of years."

The *London Echo* said that "no country could prosper where public departments are in league with fraudulent contractors and where Ministers are open to offers."

The *St. James' Gazette* added that "the existence of an organized system of corruption among public officials in Canada has been conclusively proved, and, like everything else on the American continent, the bribery has been colossal."

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**For fuller information on this subject
see pamphlet entitled**

**"A Partial History of the Corruption
and Electoral Frauds of the Tory Party
in Canada — Whitney's Legislative Re-
cord."**

