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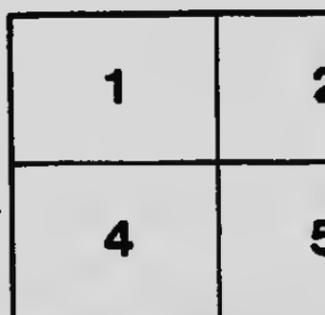
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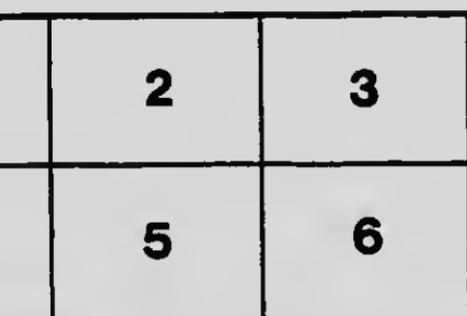
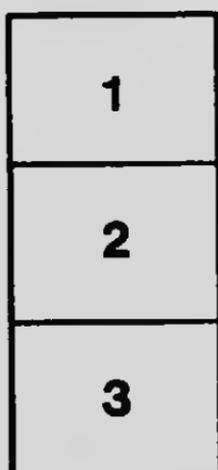
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The West Huron and Brockville Election Cases.

How the Tories Bought False Evidence from a
"Self-convicted Liar."

How the Tories "Funked" before the Royal
Commission.

How the efforts of the Tories to
besmirch the Liberal Party
of Canada failed.

TORY TEMERITY.

With a temerity that is almost incredible, the Conservative party and press still hark back to the well-known West Huron and Brockville election cases.

Their object is no doubt the same now as it was then; to reflect upon the Liberal Party by the utterly discreditable method of purchasing false evidence, a feature of election trails in which, by the way, they are recognized experts.

One wonders, nevertheless, at their hardihood in reintroducing the subject, for the facts, as given below, react upon the alleged "party of purity."

But their hope is, as in the past, to so becloud the issues as to mislead the public and by false statements and half-

truths, to achieve their unworthy purpose.

It becomes necessary therefore to give to the public the facts in the case. These show, in brief,

That the Conservatives stopped at nothing to procure false evidence from a notorious political adventurer whom Judge Morgan denounced as "a self-convicted liar";

That this was engineered by Sam Barker, one of the Ontario Tory organizers;

That the affidavits of Pritchett and others, reflecting upon the character of well-known and respectable citizens in West Huron and Brockville, were answered by flat denials from the latter;

That the Tories sought, under cover of the purchased Pritchett affidavits, to

cast a sweeping reflection upon the Liberal party for use in approaching elections.

THEIR TRICK EXPOSED.

That their trick was exposed and the wind taken out of their sails when Sir Wilfrid Laurier announced the appointment of a Judicial Commission to inquire into not only the two elections specifically mentioned, but all or any elections running back, if necessary, to 1891.

This was just what the "party of purity" did not want. Investigations into certain elections of 1891 and 1896 and later might prove to them as dangerous as a package of dynamite near a fire. Thus they not only fought with great fury the proposition of the Government in the matter, but though the Royal Commission held several meetings, advertised widely calling for complaints and charges to be made, these political "purists" failed to make good a single one of the wild charges made in the House of Commons or on the stump or through the Tory press.

Their whole fabric collapsed, but not until their despicable methods of purchasing false evidence was shown up.

Angry at being thus exposed in their true colors, angry at the exposure of their game of bluff though extravagant charges and cowardly innuendues, they have never since failed to show their chagrin.

A POLITICAL BOOMFRANG.

If ever there was a political boomfrang in the history of Canadian politics, this surely was one, but the leaders of the Purity Party—the party of the Gerrymander and Franchise Acts, the party of the Manitoba wholesale election frauds, the party of seat-stealers in 1896, the grand old party that originated the professions of plugging, personating, ballot switching and the like—are, in their zeal to recapture office, blind to all such facts.

SOME OF THE FACTS REPRODUCED.

It becomes necessary therefore, as has been said, to refresh the mind of the electorate with the outstanding facts in the matter.

THE WEST HURON ELECTION.

This West Huron Dominion Election controversy is connected with an Ontario Election contest of 1899. In connection with the latter election trail, Mr. Whitney laid great stress on statements contained in an affidavit procured from J. G. Pritchett, a defaulting deputy returning officer and defiantly asked the Ontario Government to prosecute this man. What are the facts? A warrant had been sworn out against Pritchett and he fled to Detroit to evade arrest. Mr. Samuel Barker, M. P., acting as an organizer for the Conservative party, went to Detroit, and along with Mr. Fleming, a Conservative lawyer, of Windsor, procured the affidavit. Pritchett has sworn that the affidavit was made by him on the condition that they would withdraw the warrant and protect him.

They had the warrant with them. It had been given to them by the Conservative constable, in whose hands it had been placed, and an illegal, if not criminal, bargain had been made by these gentlemen with Pritchett. That was the method adopted to procure Pritchett's affidavit which, being sworn before some official in Detroit, rendered it impossible to prosecute him for perjury. The statements contained in the affidavit were contradicted at the investigation, and the man was characterized by a judge as a "self-convicted liar."

FALSE AFFIDAVIT EXTORTED BY CORRUPT BARGAIN.

Mr. Whitney's assumed indignation over neglect to prosecute Pritchett was the essence of his insincerity, if not hypocrisy, when everyone knows that his own friends had the warrant for the man's prosecution and that having used it to extort a false affidavit from him,

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they absolutely bargained that the warrant would not be proceeded upon, but that he would be protected.

If Pritchett has escaped punishment, which he deserved, the Tories are responsible. More than one warrant could not be issued, and they hold it, and, in pursuance of their guilty bargain with him, shielded him from prosecution. If anyone has reason to hang his head with shame in connection with the Pritchett business, it is Mr. Whitney and his prominent Tory friends.

THE WEST HURON DOMINION BYE-ELECTION OF 1899.

After the West Huron Dominion bye-election of 1899, the Conservatives evidently decided that something must be done to discredit the whole Liberal party so as to adversely affect the public mind with reference to the Provincial situation in West Huron.

WILD CHARGES RE WEST HURON AND BROCKVILLE DOMINION ELECTIONS.

It was in connection with the West Huron and Brockville Dominion Election trials that the Tories utilized the services of Pritchett as a professional affidavit-maker—for a consideration.

Wild and reckless charges were made in the House of Commons by the Conservative party regarding alleged Liberal wrong-doing in these two elections. Pritchett's name was frequently heard. During the prolonged debate on the general subject, Mr. M. K. Cowan, then M. P. for South Essex, made such a thorough expose of the Tory tactics in the matter that we cannot do better than give a few extracts from his speech: (See Hansard, May 17th, 1900 p. 5,584, et seq.)

Hon. gentleman swore out an information in West Huron, upon which a warrant against Pritchett was issued. They know that another warrant could not be issued on that information. They know that the statutes of limitations stepped in, and that the crimes which Pritchett himself says he was guilty of, were practically outlawed in one year.

Mr. Casgrain. Will the hon. gentleman allow me? The crime is outlawed unless the criminal absconds from the country. If the hon. gentleman will consult the statute, he will find that.

Mr. Cowan. The hon. gentleman knows that the warrant was issued, and the warrant was over one year old.

Mr. Casgrain. That is not the question.

Mr. Cowan. The hon. gentleman knows full well, that that warrant was in the hands of the constable, and that it was got out of the hands of the constable by Mr. Samuel Barker, the organizer of the Conservative party. He knows full well that that warrant was in the possession of Mr. O. E. Fleming a Conservative lawyer in the city of Windsor, and the chief organizer of the Conservative party in the county of Essex; and he knows that Mr. Barker and Mr. Fleming had that warrant in their possession when they made the contract with Pritchett that they would keep it and would not punish him provided he would make this affidavit.

I have before me the evidence of Pritchett; I have before me his own hand, bare statement on oath, as to the consideration he got for making that affidavit. Let me tell the hon. member for West York, what Pritchett himself has sworn to, not in an affidavit drawn by the Conservative organizer, who Pritchett says, afterwards inserted clause which he never swore to at all; but I am reading Pritchett's evidence, question an answer.

A. It was prepared by Mr. Barker, a lawyer of Hamilton, a tall, thin man. The document was written in the Hotel Cadillac.

(That is Sam Barker, their organizer.)

A. "The parties met by appointment, a note being left with Mr. Spence, with whom witness was staying, fixing the place of meeting. Mr. Spence went with him; they met Mr. Barker and Mr. Fleming, of Windsor."

(Mr. Fleming of Windsor, was with Barker.)

(In reply to Barker, witness said he would make an affidavit under certain conditions.

They asked him for an affidavit, and he said: I will make it under certain conditions.)

Q. Under what conditions?—A. That they would withdraw the warrant that was out against me; they would protect me.

(Those two gentlemen, both lawyers and both Conservatives, said that they would withdraw the warrant against Pritchett and would protect him. Mr. O. B. Fleming, I am bound to say, is a good lawyer, one of the leading practitioners of Windsor, and the head of a large firm there. And Mr. Fleming would not go to Detroit and tell that man that he would withdraw that warrant and protect him unless he was in a position to do it. Samuel Barker was there with him. Either of two conclusions to

leader of the opposition must accept. Either that these gentlemen deliberately lied to Pritchett, or else Pritchett told the truth or they were prepared to carry out their promise. The hon. gentleman can choose whichever horn of the dilemma he pleases.)

Q. How?—A. By allowing me to go home; have the warrant withdrawn and not prosecute me, or something to that effect.

(The hon. leader of the opposition knows that that warrant was issued by a magistrate in the county of Elgin. I am not saying this to his detriment at all—who is one of the strongest Conservatives in the riding of West Elgin, and was put into the hands of a Conservative constable, who handed it over to the Conservative organizer.)

Q. In consideration of what?—A. That I tell them what I knew about the West Elgin election.

Q. Have the warrants been withdrawn?—

A. So far as I know. I would not be here if they had not been.

Q. Have you seen the warrants since?—A. I saw them once in Windsor in Mr. Fleming's office.

Further on, Pritchett says:

(It was Mr. Fleming made the promise that I should be allowed to come home if the affidavits were signed.)

That was the consideration given. Now, what is the evidence on which this House is asked to grant an investigation? What is the ground on which the hon. member for Lisgar (Mr. Richardson) feels that an investigation should be had? I say that if we were in a court of law where these men could be punished, well and good. But, these gentlemen know, and know full well, that if they had filed a petition against the return of the hon. member for West Huron and the hon. member for Brockville, that these charges could have been tried out in another form, that a commission could have issued, and these judges could have punished for bribery and corruption, and we could have got the trial away from all biased committees, and these men would have been punished as men were punished in South Ontario and elsewhere.

They got the warrant, but the organizers of hon. gentlemen opposite got possession of that warrant and used that property, illegally, and wrongly acquired from the constable for the purpose of making an illegal and criminal bargain with this man Pritchett.

But the organizer of hon. gentlemen opposite, with that warrant in his possession, gave forth no sound, did not place it in the hands of any law officer, did not even give forth one word to the public press until after the last hour had passed and the year was over, and these men were safe and could not be prosecuted. Then they draw forth the affidavit made by the cut-throat Pritchett and try to father on this side of the House and upon the Liberal party the responsibility of not prosecuting these men. The year had not expired when they got that docu-

ment; and yet, they kept that document a secret and let the criminals escape.

Now, Sir, who is this man Pritchett? We have not a single particle of avoidance adduced in this case more than was adduced last session. Let us analyse these affidavits of Pritchett. I can readily understand that liars sometimes do tell the truth, but they are not often believed when they do, especially when they put their foot in it as often as friend Pritchett has done. Now, what is the position of this man Pritchett? I read his own affidavit where he says he was the deputy returning officer in 1898. In clause 3 of his affidavit, not placed on the records by us, but placed on the *Hansard* by the hon. member for Westmorland, to make out the strongest case he could, Pritchett says:

"From my experience in the various elections I formed the opinion that elections could be more easily and surely won by the manipulation of ballots than by buying voters, and after the said general election, I, in conversation with friends, used words to that effect."

There is the confession of a criminal. The heart and sympathy of juries and of judges on the bench goes out to the unfortunate man who, by reason of strong inducement, by reason of hire or hope of reward, passes from right to wrong and makes the first step in a criminal career. But here is a man with no inducement, nothing held out to him, sitting quietly as a deputy returning officer, and thinking the subject over in 1898, and he says: I formed the conclusion that elections could be won more easily by deliberately falsifying my oath as a deputy returning officer, by switching ballots and substituting others for them, rather than by the purchase of electors at the polls. That is the statement of the man himself. Now, what was his next step? Did he stop there? I find, on looking over the evidence, that he says this:

Q. Did you ever practise slipping ballots before?—A. No, I never had done it. I practised it quite often but never performed it.

Q. Then you had practised tricks for the purpose of changing votes or changing the count of votes?—A. For my own satisfaction, yes.

This preliminary practice the witness said he had done at his own house and alone. He did not think it required very much skill. In actuality his tricks were done after the poll closed.

There is a man who stands up and admits that it occurred to him to break a law unsolicited and unasked. And then he proceeded to carry his criminal thought into effect, and practised the fraud in order to perfect himself in that particular line. That is not the act of a man who had been approached by another. That is the confession of the criminal himself who originated the trick. Then what is his next step? His next step is to try to corrupt his fellow men with the scheme which he had devised; his third and fourth steps carry that nefari-

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ness scheme into effect, and when he is found out he flees the country. In addition to that, he goes and makes three or four affidavits for a consideration, the consideration being that which is dearest to a man, his freedom. After he makes these affidavits and gets his freedom, he goes into a witness box in West Elgin and says that the affidavit that he had sworn to in the city of Detroit before Judge Carpenter, was wrong, and that Mr. Barker had written something into it that he had never said.

Judge Morgan says this man is a self-convicted liar. Now, what ground did he have to go on? He had the fact that Pritchett's freedom had been purchased by the organizer of the Conservative party for the purpose of getting this affidavit, and when one affidavit said one thing and he went into the box and stated deliberately another thing, then Judge Morgan said that he is a self-confessed and a self-convicted liar.

PRITCHETT'S STATEMENTS PROVED UNTRUE.

Reverting to Pritchett again for a moment, Mr. Cowan added:

This man Pritchett made the statement that Robinson, Cowan, Jones, Smith, Truesdale, Bates, with others, he had met, and posted how to switch ballots in Brockville. We had filed the affidavits of seven, flatly contradicting that statement of Pritchett's in every way. We have affidavits from every man who served in the town of Brockville with one exception, and that is a man who is lying at the point of death with typhoid fever. The rest were out in the country. By to-night's mail I received two more affidavits.

CHARGES IN WEST HURON.

But this is not the only evidence of these deliberate attempts to manufacture evidence for partizan purposes. The Conservatives further asserted that a man named Farr and others, had switched ballots in this West Huron bye-election. An additional extract from Mr. Cowan's speech from *Hansard* will best deal with this phase of the matter.

I tell hon. gentlemen opposite that he is still within the jurisdiction of Canada; I tell them that he was in Toronto, and is in Canada and if this statement is false then they can arrest Mr. Farr. But they have not done it, and why? It is because the statement is true. It is because Mr. Mitchell, the town clerk of Goderich, a Conservative, a man appointed by the Goderich town council, swears that he saw Farr's ballot and that it was marked for Mr. McLean, the Conservative candidate in West Huron.

I am not going to depend upon the evidence of a man named Farr; I am not going to ask this House to believe the uncorroborated statement of even Farr, even though he has not been proven a self-convicted liar and perjurer as Pritchett was." (Reads affidavit of one Farr.) "That is the affidavit of Farr. I do not know whether that affidavit is true or not, but I do know, and every gentleman opposite knows, that Mitchell swore in the box that he was a Conservative. Mr. Mitchell holds the respectable position of town clerk in the town of Goderich; he goes into the box and swears that Farr is absolutely correct because he saw his ballot, and yet hon. gentlemen opposite have risen in their places, and have scoffed at the idea that Farr voted for McLean. In making such a statement, these gentlemen opposite say that not only is Farr a liar, but that their own supporter, Mitchell, swore falsely when he swore to this circumstance which was within his own knowledge. Every man and every lawyer knows that when a fact is against the interest of a man, and he swears to it then that can be given double weight because he is swearing against his own interests. Mitchell was swearing against his own interests and against the interests of his own party, for he knew he ought not to have seen Farr's ballot. But, sir, when it comes to scoring a point against the Liberals of this country, hon. gentleman opposite have no scruple in saying that Farr is a liar, and that Mitchell is a perjurer, and that Farr was our special tool and voted for Holmes. Here is an affidavit with a minute particularity of detail that must carry the conviction of truth, as gentlemen opposite argue. Farr swears:—

"EASY TORY MONEY"

"Thomas Marshall and James [redacted] who gave evidence before the court at Ottawa, were not correct in their statements as to when they last saw me before giving their evidence at Ottawa. I saw them on the same day as they left for Ottawa and was told by Nelson that they had got easy money from Mr. W. D. McPherson, the lawyer, on Sunday afternoon, and that the said McPherson wished them to make a statement of their evidence so that he could take it down and post them what to say at Ottawa.

"I asked Thomas Marshall how much they had got, and he said \$26, with a promise to make it more if the evidence was good and strong. The said Marshall and Nelson have informed me since their return from Ottawa that they each get \$13.20 at Ottawa as witness fees, and as they were away ahead on the transaction they had each bought a new suit of clothes. Nelson also said it had been a send-off for him, and he hoped he would get a chance to make another raise in the same way. He also told me that W. D. McPherson, jr."

before bidding them good-bye at the train on the Sunday evening when leaving for Ottawa, had impressed upon them the necessity of telling a story that would look all right, and that if they did that he would not forget them."

THE INVESTIGATIONS OF 1899

During the session of 1899 the charges were dealt with by the Privileges and Elections committee. Ninety-nine witnesses were brought to Ottawa; twenty-five sittings of the committee were held, but the whole proceedings even then were so incomplete and unsatisfactory that the committee decided that it did not feel warranted in reporting any conclusions. Nothing further was done therefore during the session of 1899.

A PARLIAMENTARY INVESTIGATION PROPOSED.

The Conservative opposition in the House of Commons moved soon after the opening of the session of 1900 that the charges in connection with the West Huron and Brockville election be again referred to a Parliamentary Committee on Privileges and Elections. This was opposed by the Government on the ground that such an investigating Committee would not be the most satisfactory, that partisanship might and would defeat the ends of justice, and moved in amendment that

A ROYAL COMMISSION

be appointed to deal with the charges thoroughly and impartially, and also to hold an investigation into all or any charges that might be laid in any election extending back if necessary to 1891 and 1896.

No good purpose would have been served by further discussions of the questions in dispute in a Committee of the House. Such an investigation by a Committee of the House would afford, as it had in 1899, opportunities for statements designed to make political capital, while such a Committee does not possess either the judicial character or the power to deal effectively with questions of fact which are neces-

sary to arrive at right conclusions in cases of the kind in question. This has been practically recognized by both the British and Canadian Parliaments in the past.

This, as has been pointed out, was just what the Conservatives did not want. At one moment so zealous regarding a full parliamentary investigation into charges brought in by themselves, at another they trembled at the thought of what might result if certain other allegations were probed into. Thus they naturally fought the Royal Commission idea with all their power, but to no avail.

THE PERSONNEL OF THE ROYAL COMMISSION.

The personnel of the Royal Commission was above and beyond criticism. viz.: Sir John Boyd, Chancellor; Mr. Justice Falconbridge and Judge McTavish, with Mr. J. D. Falconbridge as Registrar. A stronger Judicial Commission could not be had in the Dominion and this fact was everywhere recognized. The counsel chosen were no less men of standing in their profession, viz., Mr. A. B. Aylesworth, K.C., Mr. Wallace Nesbitt, K.C., Mr. William Lount, (afterwards Mr. Justice Lount).

THE WIDE POWERS OF THE COMMISSION.

The Commissioners were empowered "to investigate any alleged fraudulent alterations, defacing, marking, spoiling, substitution or tampering in respect of election ballots, or by reason of any fraudulent conduct in respect of the poll booths, ballot boxes, or the lawful contents, or what should be lawful contents, of the ballot boxes, whether by way of fraudulent alteration, addition, withdrawal or otherwise, during and until the close of the election, and until the return to the Clerk of the Crown in Chancery."

WHAT WAS THE RESULT?

Strange to say, not a single charge was made by the Tory party. They then, and ever since, have stood con-

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victed of having built up a series of charges in the House of Commons, based for the most part on the purchased evidence of discredited witnesses only to cast obloquy upon their opponents, regardless of the unpatriotic phase of the affair.

Again, let it be repeated, not a single charge was laid by the Tories before this Commission. They threw up their hands and so confessed the baselessness of their parliamentary charges.

ONE MATTER INVESTIGATED.

One matter was, however, brought before the commissioners, at the instance of the Liberals—the famous case of the North Ontario election of 1896.

The candidates were Duncan Graham (Independent with Liberal support), and John A. McGillivray (Conservative). The Tory returning officer declared McGillivray elected. Mr. Graham applied for a recount of the ballots. Upon opening the envelopes it was found that the ballots had been tampered with in a most rascally way in five polling subdivisions, namely:—No. 4 (Thorah), No. 18 (Brechin), No. 19 (Town Hall, Mara), No. 27 (Braebridge), and No. 3 (Draper). In these polls 21 ballots marked for Graham had been extracted, and 21 marked for McGillivray substituted therefor. The substituted ballots were not even folded, and His Honor Judge Burnham, before whom the recount was held, expressed the opinion that they were fraudulent. Major McGillivray occupied the stolen seat in the House for one whole session, and pocketed the sessional indemnity that which rightly belonged to Mr. Graham.

It was shown before the Commission however, that it was impossible to investigate this case as one of the chief witnesses who knew the facts had died; another was either dead or was absent from the country, and the third had been counsel for one of the parties and claimed privilege.

The report of the judges set forth these matters. Not a single charge was brought against the Liberal party and

this fact is a complete answer to any supposed wrong on the part of anyone on the Liberal side.

SOME PERTINENT QUERIES.

If the Tories were so anxious to investigate or have any evidence produced, why did they not appear before the Royal Commission when opportunity was offered?

Why did they so signally fail to make good their charges?

Why did they have not sufficient faith in the affidavits of their friends, Pritchett, *et al*, to have them subjected to the scrutiny of a judicial body?

QUESTIONS FOR MR. BORDEN ANSWER.

Finally, the electors would like have Mr. Borden answer a few questions as the Globe put them. First of all, there is the question of political corruption. On this Mr. Borden should speak with no uncertainty of language or insincerity of tone. Is he in favor of honest, clean, above-board elections? Does he know that the most pronounced agents in the debauch of Ontario constituencies and the devilment of Ontario politics were his own predecessors in the Conservative leadership and their associates? Is there no palliation of recent offences charged against Liberals; they ought not to have followed an example discredited. But the situation is such that the public man who denounces corruption in the opposite party, is silent about the corruption which festers in his own, exposes himself to the ugly charge of hypocrisy, which Mr. Borden should not heedlessly incur.

Apropos of his denunciation of undeserved recognition of unscrupulous political agents, does Mr. Borden know that Mr. A. W. Wright, whom he appointed to the responsible and strategic position of Conservative organizer last week, is the gentleman who was active in the Nelson-Mulloy perjury conspiracy exposed week before last in the election court at Owen Sound? Mr. Borden recalls the words of

Justice Street in the Jackson case of two years ago; has he read the words of Mr. Justice Street in the Wright-Nelson-Mulloy case of two weeks ago:

"Wherever the story is brought into contact with that of persons in this country who are mentioned by them and are called, the statements of the men who are imported from the United States, and who are disreputable men on their own showing, are contradicted by a number of men in this Province who are admittedly respectable

men—men who have not discredited themselves in the way that these two foreigners have done."

And in the light of those words of stern reproof does Mr. Borden think it makes for political purity or indicates sensitive regard for public morality for him to appoint to a confidential and responsible position the man who was instrumental in procuring that perjured evidence?



