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 IN THE SUPREME COURT OF BRITISH COLUMBIA.

## IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for South Nanaimo Electoral District, holden on the 25th day of June and the 9th day of July, A. D. 1898.

BETWEEN:

 DAVID SAMUEL REES ROBERTS, - - - - - *Petitioner,*

AND

 RALPH SMITH, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that Ralph Smith, the Respondent in this case, was duly returned or elected a Member to represent the said Electoral District of South Nanaimo at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, J.

*To Thornton Fell, Esq.,*
*Clerk of the Legislative Assembly of British Columbia.*


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## IN THE SUPREME COURT OF BRITISH COLUMBIA.

## IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for the Richmond Riding of Westminster Electoral District, holden on the 25th day of June and the 9th day of July, A. D. 1898.

BETWEEN:

 WILLIAM MCKINLAY, - - - - - *Petitioner,*

AND

 THOMAS KIDD, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that Thomas Kidd, the Respondent in this case, was duly returned or elected a Member to represent the said Richmond Riding of Westminster Electoral District at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, J.

*To Thornton Fell, Esq.,*
*Clerk of the Legislative Assembly of British Columbia.*

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 IN THE SUPREME COURT OF BRITISH COLUMBIA.
 

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 IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."
 

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In the matter of the Election for Nanaimo City Electoral District, holden on the 25th day of June and the 9th day of July, A. D. 1898.

BETWEEN:

WALTER RICHARD WILSON, - - - - *Petitioner,*  
 AND  
 ROBERT EDWARD McKECHNIE, - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that Robert Edward McKechnie, the Respondent in this case, was duly returned or elected a Member to represent the said Electoral District of Nanaimo City at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, *J.*

*To Thornton Fell, Esq.,*

*Clerk of the Legislative Assembly of British Columbia.*

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 IN THE SUPREME COURT OF BRITISH COLUMBIA.
 

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 IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."
 

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In the matter of the Election for the Victoria City Electoral District, holden on the 25th day of June and the 9th day of July, A. D. 1898.

BETWEEN:

WILLIAM PATRICK CREGG, - - - - *Petitioner,*  
 AND  
 JOHN HERBERT TURNER, - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that John Herbert Turner, the Respondent in this case, was duly returned or elected a Member to represent the said Electoral District of Victoria City at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, *J.*

*To Thornton Fell, Esq.,*

*Clerk of the Legislative Assembly of British Columbia.*

IN THE SUPREME COURT OF BRITISH COLUMBIA.

IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for the Victoria City Electoral District, holden on the 25th day of June and the 9th day of July, 1898.

BETWEEN :

WILLIAM PATRICK CREGG, - - - - - *Petitioner,*

AND

RICHARD HALL. - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that Richard Hall, the Respondent in this case, was duly returned or elected a Member to represent the said Electoral District of Victoria City at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, J.

*To Thornton Fell, Esq.,*

*Clerk of the Legislative Assembly of British Columbia.*

IN THE SUPREME COURT OF BRITISH COLUMBIA.

IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for the Dewdney Riding of the Electoral District of Westminster, holden on the 25th day of June and the 9th day of July, A.D. 1898.

BETWEEN :

DONALD GILCHRIST, - - - - - *Petitioner,*

AND

RICHARD McBRIDE, : - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that Richard McBride, the Respondent in this case, was duly returned or elected a Member to represent the said Dewdney Riding of the Electoral District of Westminster at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, J.

*To Thornton Fell, Esq.,*

*Clerk of the Legislative Assembly of British Columbia.*

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IN THE SUPREME COURT OF BRITISH COLUMBIA.

IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for Cariboo Electoral District, holden on the 25th day of June and the 9th day of July, A.D. 1898.

BETWEEN :

ARCHIBALD CAMPBELL KNIGHT, - - - *Petitioner,*  
 AND  
 HANS HELGESEN AND JOHN CHARLTON KINCHANT, *Respondents.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in the case presented, have determined and do determine that Hans Helgesen and John Charlton Kinchant, the Respondents in this case, were duly returned or elected Members to represent the said Electoral District of Cariboo at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, *J.*

*To Thornton Fell, Esq.,*  
*Clerk of the Legislative Assembly of British Columbia.*

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IN THE SUPREME COURT OF BRITISH COLUMBIA.

IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for the Victoria City Electoral District, holden on the 25th day of June and the 9th day of July, 1898.

BETWEEN :

WILLIAM PATRICK CREGG, - - - *Petitioner,*  
 AND  
 HARRY DALLAS HELMCKEN, - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that Harry Dallas Helmcken, the Respondent in this case, was duly returned or elected a Member to represent the said Electoral District of Victoria City at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, *J.*

*To Thornton Fell, Esq.,*  
*Clerk of the Legislative Assembly of British Columbia.*

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IN THE SUPREME COURT OF BRITISH COLUMBIA.

IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for the Victoria City Electoral District, holden on the 25th day of June and the 9th day of July, 1898.

BETWEEN :

WILLIAM PATRICK CREGG, - - - - - *Petitioner,*

AND

ALBERT EDWARD MCPHILLIPS, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that Albert Edward McPhillips, the Respondent in this case, was duly returned or elected a Member to represent the said Electoral District of Victoria City at the Election above named, and that the said Election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, J.

*To Thornton Fell, Esq.,*

*Clerk of the Legislative Assembly of British Columbia.*

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IN THE SUPREME COURT OF BRITISH COLUMBIA.

IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for the West Riding of Yale Electoral District, holden on the 25th day of June and the 9th day of July, A. D. 1898.

BETWEEN :

STANLEY T. CREELMAN, - - - - - *Petitioner,*

AND

CHARLES A. SEMLIN, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that Charles A. Semlin, the Respondent in this case, was duly returned or elected a Member to represent the said West Riding of Yale Electoral District at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, J.

*To Thornton Fell, Esq.,*

*Clerk of the Legislative Assembly of British Columbia.*

IN THE SUPREME COURT OF BRITISH COLUMBIA.

IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for the Chilliwack Riding of Westminster Electoral District, holden on the 25th day of June and the 9th day of July, A. D. 1898.

BETWEEN :

LOUIS WILLIAM PAISLEY, - - - - - *Petitioner,*  
AND  
CHARLES WILLIAM MUNRO, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that Charles William Munro, the Respondent in this case, was duly returned or elected a Member to represent the said Chilliwack Riding of Westminster Electoral District at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, J.

*To Thornton Fell, Esq.,  
Clerk of the Legislative Assembly of British Columbia.*

IN THE SUPREME COURT OF BRITISH COLUMBIA.

THE "PARLIAMENTARY ELECTIONS ACT, 1868."

IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT" AND AMENDING ACTS.

In the matter of the Election for the Nelson Riding of West Kootenay District, holden on the 9th day of July, 1898.

BETWEEN :

EDWARD CAWLEY, - - - - - *Petitioner,*  
AND  
JOHN FRED HUME, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that John Fred Hume, the District of the Nelson Riding of West Kootenay at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, J.

*To Thornton Fell, Esq.,  
Clerk of the Legislative Assembly of British Columbia.*

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 IN THE SUPREME COURT OF BRITISH COLUMBIA.

## IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for the Electoral District of New Westminster City, holden on the 25th day of June and the 9th day of July, A. D. 1898.

BETWEEN:

 DUNCAN MUNN, - - - - - *Petitioner,*

AND

 ALEXANDER HENDERSON, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that Alexander Henderson, the Respondent in this case, was duly returned or elected a Member to represent the said Electoral District of New Westminster City at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

 ARCHER MARTIN, *J.*
*To Thornton Fell, Esq.,*
*Clerk of the Legislative Assembly of British Columbia.*


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## IN THE SUPREME COURT OF BRITISH COLUMBIA.

## IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for Vancouver City Electoral District, holden on the 25th day of June and the 9th day of July, A. D. 1898.

BETWEEN:

 JOHN JOSIAH CHAMBERS, - - - - - *Petitioner,*

AND

 JOSEPH MARTIN, ROBERT MCPHERSON, CHARLES  
 EDWARD TISDALL, FRANCIS CARTER-COTTON, - *Respondents.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that Joseph Martin, Robert McPherson, Charles Edward Tisdall, Francis Carter-Cotton, the Respondents in this case, were duly returned or elected Members to represent the said Electoral District of Vancouver City at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

 ARCHER MARTIN, *J.*
*To Thornton Fell, Esq.,*
*Clerk of the Legislative Assembly of British Columbia.*

IN THE SUPREME COURT OF BRITISH COLUMBIA.

IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for South Victoria Electoral District, holden on the 25th day of June and the 9th day of July, A. D. 1898.

BETWEEN:

FRANK SERE, - - - - - *Petitioner,*

AND

DAVID MAC EWEN EBERTS, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that David MacEwen Eberts, the Respondent in this case, was duly returned or elected a Member to represent the said Electoral District of South Victoria at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, J.

*To Thornton Fell, Esq.,  
Clerk of the Legislative Assembly of British Columbia.*

IN THE SUPREME COURT OF BRITISH COLUMBIA.

IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for the Electoral District of North Nanaimo, holden on the 25th day of June and the 9th day of July, A. D. 1898.

BETWEEN:

WILLIAM MORGAN, - - - - - *Petitioner,*

AND

JOHN BRYDEN, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that John Bryden, the Respondent in this case, was duly returned or elected a Member to represent the said Electoral District of North Nanaimo at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, J.

*To Thornton Fell, Esq.  
Clerk of the Legislative Assembly of British Columbia.*

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 IN THE SUPREME COURT OF BRITISH COLUMBIA.

## IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for Esquimalt Electoral District, holden on the 25th day of June and the 9th day of July, 1898.

BETWEEN :

 THOMAS ARGYLE, - - - - - *Petitioner,*

AND

 CHARLES EDWARD POOLEY, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that Charles Edward Pooley, the Respondent in this case, was duly returned or elected a Member to represent the said Electoral District of Esquimalt at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, J.

*To Thornton Fell, Esq.,*
*Clerk of the Legislative Assembly of British Columbia.*


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 IN THE SUPREME COURT OF BRITISH COLUMBIA.

## IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the election for Alberni Electoral District, holden on the 25th day of June and the 9th day of July, A. D. 1898.

BETWEEN :

 JAMES TOLMIE, - - - - - *Petitioner,*

AND

 ALAN WEBSTER NEILL, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that Alan Webster Neill, the Respondent in this case, was duly returned or elected a Member to represent the said Electoral District of Alberni at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, J.

*To Thornton Fell, Esq.,*
*Clerk of the Legislative Assembly of British Columbia.*

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IN THE SUPREME COURT OF BRITISH COLUMBIA.

IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for the South Riding of the Electoral District of East Kootenay, holden on the 25th day of June and the 9th day of July, A. D. 1898.

BETWEEN :

WILLIAM BAILLIE, - - - - - *Petitioner,*

AND

JAMES BAKER, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that James Baker, the Respondent in this case, was duly returned or elected a Member to represent the said South Riding of the Electoral District of East Kootenay at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, *J.*

*To Thornton Fell, Esq.,*

*Clerk of the Legislative Assembly of British Columbia.*

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IN THE SUPREME COURT OF BRITISH COLUMBIA.

IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for the East Riding of the Electoral District of Yale, holden on the 25th day of June and the 9th day of July, A. D. 1898.

BETWEEN :

THOMAS WILLIAM FLETCHER, - - - - - *Petitioner,*

AND

PRICE ELLISON, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that Price Ellison, the Respondent in this case, was duly returned or elected a Member to represent the said East Riding of the Electoral District of Yale at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, *J.*

*To Thornton Fell, Esq.,*

*Clerk of the Legislative Assembly of British Columbia.*

IN THE SUPREME COURT OF BRITISH COLUMBIA.

IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for the Revelstoke Riding of the Electoral District of West Kootenay, holden on the 25th day of June and the 9th day of July, A.D. 1898.

BETWEEN :

WILLIAM M. BROWN, - - - - - *Petitioner,*

AND

JAMES M. KELLIE, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that James M. Kellie, the Respondent in this case, was duly returned or elected a Member to represent the said Revelstoke Riding of the Electoral District of West Kootenay at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, J.

*To Thornton Fell, Esq.,  
Clerk of the Legislative Assembly of British Columbia.*

IN THE SUPREME COURT OF BRITISH COLUMBIA.

IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for the Delta Riding of Westminster Electoral District, holden on the 25th day of June and the 9th day of July, A.D. 1898.

BETWEEN :

DONALD McCASKILL, - - - - - *Petitioner,*

AND

THOMAS FORSTER, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that Thomas Forster, the Respondent in this case, was duly returned or elected a Member to represent the said Delta Riding of Westminster Electoral District at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, J.

*To Thornton Fell, Esq.,  
Clerk of the Legislative Assembly of British Columbia.*

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 IN THE SUPREME COURT OF BRITISH COLUMBIA.
 

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 IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."
 

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In the matter of the Election for Comox Electoral District, holden on the 25th day of June and the 9th day of July, A.D. 1898.

BETWEEN :

DOUGLAS G. GRANT, - - - - - *Petitioner,*

AND

JAMES DUNSMUIR, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that James Dunsmuir, the Respondent in this case, was duly returned or elected a Member to represent the said Comox Electoral District at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, *J.*

*To Thornton Fell, Esq.,*

*Clerk of the Legislative Assembly of British Columbia.*

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 IN THE SUPREME COURT OF BRITISH COLUMBIA.
 

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 "PROVINCIAL ELECTIONS ACT."
 

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Election of a Member for the Legislative Assembly of British Columbia for the North Victoria Electoral District, holden on the 25th day of June and the 9th day of July, 1898.

BETWEEN :

JOHN JAMES DOWNEY AND PETER IMRIE, - - - - - *Petitioners,*

AND

JOHN PATON BOOTH, - - - - - *Respondent.*

I, the undersigned, one of the Judges of the Supreme Court of British Columbia, do hereby certify that I, on the 4th day of January, 1899, at the City of Victoria, held a Court for the trial of the above-mentioned Petition.

At the said Court, counsel appeared for the said Petitioners and stated that he was not prepared to offer any evidence in support of said petition, and no evidence was in fact offered in respect of the same.

I therefore held and determined that the said John Paton Booth, whose election and return so complained of by the said Petition, was duly elected and returned, and, counsel for the Respondent consenting thereto, I dismissed the said Petition, each party to pay their own costs.

(1.) In the said Petition, charges were made that corrupt practices had been committed at the said election, but no evidence whatever having been given at the said trial, I report that no corrupt practice was proved before me, nor had been committed by or with the knowledge and consent of either of the candidates at the said election.

(2.) I have no means of forming a belief whether corrupt practices have or have not extensively prevailed at the said election.

Given at Victoria this 4th day of January, A.D. 1899.

P. Æ. IRVING, *J.*

*To the Honourable*

*The Speaker of the Legislative Assembly, Victoria.*

IN THE SUPREME COURT OF BRITISH COLUMBIA.

IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for the North Riding of the Electoral District of East Kootenay, holden on the 25th day of June and the 9th day of July, A. D. 1898.

BETWEEN :

FREDERICK W. AYLMER, - - - - - *Petitioner,*

AND

WILLIAM G. NEILSON, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that William G. Neilson, the Respondent in this case, was duly returned or elected a Member to represent the said North Riding of the Electoral District of East Kootenay at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, J.

*To Thornton Fell, Esq.,  
Clerk of the Legislative Assembly of British Columbia.*

IN THE SUPREME COURT OF BRITISH COLUMBIA.

IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for the Rossland Riding of West Kootenay Electoral District, holden on the 25th day of June and the 9th day of July, A. D. 1898.

BETWEEN :

HENRY MARYMONT, - - - - - *Petitioner,*

AND

JAMES M. MARTIN, - - - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that James M. Martin, the Respondent in this case, was duly returned or elected a Member to represent the said Rossland Riding of West Kootenay Electoral District at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, J.

*To Thornton Fell, Esq.,  
Clerk of the Legislative Assembly of British Columbia.*

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 IN THE SUPREME COURT OF BRITISH COLUMBIA.

## IN THE MATTER OF THE "PROVINCIAL ELECTIONS ACT."

In the matter of the Election for the Electoral District of Cowichan, holden on the 25th day of June and the 9th day of July, A. D. 1898.

BETWEEN :

WILLIAM HERD, - - - - - *Petitioner,*

AND

WILLIAM RUSSELL ROBERTSON, - - - *Respondent.*

The trial of this Election Petition having been concluded, I, the Honourable Archer Martin, one of the Judges of the Supreme Court of British Columbia, who tried the Petition in this case presented, have determined and do determine that William Russell Robertson, the Respondent in this case, was duly returned or elected a Member to represent the said Electoral District of Cowichan at the election above named, and that the said election was not and is not void.

And I do hereby certify that no evidence was adduced at the trial of the said Election Petition in support thereof.

And in pursuance of the 5th sub-section of section 231 of the "Provincial Elections Act," I do hereby certify in writing the foregoing to the Clerk of the Legislative Assembly, pursuant to section 3 of the said Act, there being at the time no Speaker of the Legislative Assembly of British Columbia.

Dated the 5th day of December, 1898.

ARCHER MARTIN, J.

*To Thornton Fell, Esq.,*

*Clerk of the Legislative Assembly of British Columbia.*

*To the Honourable*

*The Speaker of the Legislative Assembly of British Columbia.*

SIR,—I have the honour to report to you, in accordance with sub-section (5) of section 231 of the "Provincial Elections Act," that I tried the Petition filed by John Jardine, Thomas Atkins, and John McDonald, complaining of the undue return and undue election of William Fitzherbert Bullen to serve in the Legislature of British Columbia for the Esquimalt Electoral District, and, after a scrutiny of rejected ballots was made, I decided that the Returning Officer had improperly rejected three ballots marked for David Williams Higgins.

Thereupon counsel for the Respondent Bullen abandoned the recriminatory charges made by him against the said David Williams Higgins, and evidence was taken in support of the charges in and by the said Petition made against the Respondent Bullen, and after certain witnesses in support of the said Petition were examined, counsel for the Petitioners withdrew the charges made by them against the said Respondent Bullen.

Pursuant to the said sub-section, I further report that, at the conclusion of the said trial, I determined that the said William Fitzherbert Bullen, whose return and election was by said Petition complained of, was not duly returned or elected, and I also determined that the said David Williams Higgins, for whom the seat was by the said Petition claimed, was duly elected and entitled to be returned as chosen to represent the said Esquimalt Electoral District as a Member for the said District in the Legislative Assembly, and I do hereby certify such my determination to you.

And whereas charges were made in the said Petition of corrupt practices having been committed at the said election, I, in pursuance of sub-section (6), report that no corrupt practice was proved to have been committed by or with the knowledge and consent of any candidate at such election.

I further report that it was proved by one Charles Monaghan Brown that one John Samuel Henry Matson did, on the day of the said election, give to the said Charles Monaghan Brown, the said Brown being then a voter at the said election, the sum of \$4.75 in money and one bottle of liquor, under such circumstances as amounted, in my opinion, to bribery.

I return their names under sub-section (b) as persons proved guilty of corrupt practices at the said election.

The trial having been discontinued, I am unable to say whether corrupt practices extensively prevailed at the said election. The evidence adduced was not sufficient to justify me in forming any belief on the point.

A copy of the evidence taken accompanies this certificate.

I have the honour to be,

Sir,

Your obedient servant,

P. Æ. IRVING, J.

17th November, 1898,

Law Courts, Victoria, B.C.

IN THE SUPREME COURT OF BRITISH COLUMBIA.

Court for the trial of Election Petitions, before the HONOURABLE MR. JUSTICE IRVING, Victoria,  
B.C., Friday, 11th November, 1898.

10:30 a.m.

BETWEEN

JOHN JARDINE, THOMAS ATKINS, AND JOHN McDONALD, - *Petitioners,*

AND

WILLIAM FITZHERBERT BULLEN, - - - - - *Respondent.*

MR. DUFF appearing for the Petitioners.

MR. HUNTER appearing for the Respondent.

Mr. Duff put in the Election Writ, dated 7th June, 1898 (marked Exhibit No. 1).

Also the certificate of the Returning Officer, dated 11th July, 1898, showing election of Respondent (marked Exhibit No. 2).

Also the certificate of the Returning Officer, of same date, showing ballots counted and the results of the different Polling Divisions—three documents (marked Exhibit No. 3).

Also the nomination papers for all the candidates—four papers (marked Exhibit No. 4).

Also the return showing the election of Mr. Pooley (marked Exhibit No. 2a).

Mr. Duff: All these documents are produced by Mr. Drake, the Registrar of the Supreme Court. Now, we have produced copies of the votes objected to. That is the only way in which they can be produced. Your Lordship has before you a photographic copy of each vote which is objected to. Of course there is nothing about the document which would enable one to identify it except by producing a copy of it. There are six photographs.

Mr. Duff asked the Registrar to produce the ballots.

Mr. Hunter objected that the Court has no power to hold a scrutiny under the Act—no jurisdiction to review the decision of the Returning Officer as to ballots he allows or disallows.

Objection overruled.

The Deputy Registrar, Mr. Keast, opens three of the ballot boxes, searching for the ballots in question.

Mr. Hunter: I think I am entitled to object to the promiscuous ransacking of the ballot boxes unless Your Lordship makes a special order.

The Court: What section are you proceeding under?

Mr. Duff: Under section 153, I think it is. I may say, My Lord, there has been an order already for the inspection of these documents, and these photographic copies were taken, and it seems, for some curious reason, the originals are not returned in the manner that they ought to have been.

MR. KEAST, being duly sworn, testified :

Examined by Mr. Duff—

Q.—You are Deputy Registrar of the Supreme Court, Mr. Keast? A.—I am ; yes.

Q.—Do you remember opening these ballot boxes? A.—I do.

Q.—And producing for the inspection of Mr. Miller, Mr. Hunter's clerk, certain ballot papers therein? A.—I do.

Q.—And do you remember what was done with these ballot papers? A.—They were put into separate envelopes.

Q.—And what became of them then? A.—They were put into these boxes—returned.

Q.—They were put back into the boxes ; they were rejected ballot papers? A.—I did not examine them ; I saw that ballot papers were taken out and put into an envelope and sealed up, and I initialled them and they were put back again.

Q.—And you do not remember in which box they were placed? A.—No, I could not swear to that.

Q.—You could not swear as to which box they were placed? A.—No.

Mr. Duff asked for an inspection of all the ballot boxes.

Mr. Hunter objected that it must first be shown that the opening or inspection is required for the purpose of a petition, election or return, and the Court must be made aware of that fact by oath.

Objection overruled.

The witness proceeded to look for documents, and finally found same in their proper boxes.

The Court : Now, you know where to look for them, do you, Mr. Keast? A.—Yes.

Mr. Duff : I think we better have them all out, and mark them where they came from.

The Court : Where were they? A.—Taken out of the envelope with the rest of the ballots.

Mr. Duff : Was that in the Metchosin box (referring to Metchosin ballots in question)? A.—Metchosin box. It was inside the envelope with the other ballots ; that is why it was not found.

The Court : They opened the envelope and had them photographed, and then put them back in the place where they were taken from?

Mr. Duff : Apparently, My Lord.

Mr. Hunter : Your Lordship, I understand, will consider the objection I raise to be raised as to all these documents produced.

Mr. Duff : Properly, these should come from the Registrar, but I suppose we can consider that Mr. Keast is—

The Witness : I simply went and superintended while this was being done. That is all I know about it.

Q.—Well, that is taken from the Metchosin ballot box (indicating)? A.—Yes ; the Metchosin ballot box.

The Court : Q.—That is the box in which Mr. Keast put it after it was photographed?

The Witness : This was simply transferred from the bundle of papers and put into the ballot box ; they were returned immediately. The photograph was taken some time before that.

Mr. Hunter : I would like to ask Mr. Keast—what is that you have there? A.—A ballot paper.

The Court : You produce the Metchosin ballot papers? A.—Yes, My Lord. This is the one that was taken out of this bundle (indicating)—ballot papers of Metchosin rejected (producing same).

Ballot put in marked "Metchosin A," being No. 1 of Class 3.

After hearing argument of counsel, the Court sustained the rejected ballot, counting same in favour of Mr. Higgins.

The witness produced rejected ballot from the Esquimalt box, No. 2 of Class 3 ; same was put in marked "Esquimalt A."

After hearing argument of counsel, the Court held the ballot good, counting same in favour of Mr. Higgins.

Mr. Duff : The next will be Parsons' Bridge.

The Witness : Rejected ballot papers, Esquimalt Electoral District, Parsons' Bridge (producing same).

The ballot was put in marked "Parsons' Bridge A."

After the argument of counsel, the Court held the ballot good, counting same in favour of Mr. Higgins.

Mr. Duff: That, My Lord, has the effect of giving Mr. Higgins a majority of one over Mr. Bullen.

Mr. Hunter: There were a number of ballots, My Lord, that were examined by my clerk, and he reported to me that they were marked outside the circular disk, but they were all marked in the sense that they were continuation of the cross. I do not apprehend that it is necessary to run through these ballots to fish out those ballots, of which there were ten marked that way.

The Court: Ten ballots—

Mr. Hunter: They were placed in a separate envelope, were they not, Mr. Keast? A.—All that were selected by the clerk were put in a different envelope.

Mr. Hunter: Just see if you have them there in an envelope.

Mr. Duff here took the objection that no proper notice has been given of this proceeding, under Rule 7.

The Court: You have his notice.

Mr. Duff: I take the objection that the notes are not specific; it simply refers to a certain number of ballot papers.

Objection overruled.

The Registrar produced nine ballots.

Mr. Hunter: Those are the ballots. There is no object in Your Lordship going over them, because I understand Your Lordship has practically given a decision on them; I simply want to have them identified for the purpose of further proceedings.

The nine ballots were marked by the Registrar as exhibits.

The Court (examining them): They are all right, I think, Mr. Hunter. There is one cross a little embellished, but nothing that would cause rejection.

Mr. Duff: I wish to put in the voters' lists. I ask Your Lordship to direct the Registrar to produce those from the ballot boxes.

The Court: The voters' lists should be sent back with the boxes.

Court here adjourned until 2 p.m.

2 P. M.

Court met pursuant to adjournment.

The Court: I adopt, Mr. Hunter, as the grounds for my decisions, the expressions made use of by Mr. Justice McClellan, p. 250 of the 1898 Canadian Law Times. He was a very able judge, and, as you know, a politician himself.

Mr. Hunter: I know of no ballot papers, other than those specified, which we object to. I presume that brings us to the question of the charges of undue influence, corrupt practices, and so on. And I may say, I am instructed on behalf of my client not to go into these matters at all, and they are therefore deemed to be abandoned.

At the request of Mr. Duff, the Court here adjourned for twenty-five minutes.

At the conclusion of twenty-five minutes, Court met pursuant to adjournment.

RODERICK MCKENZIE, being duly sworn, testified:

Examined by Mr. Duff:

Q.—You were the Returning Officer in the election of the Esquimalt Electoral District between the 25th June and the 9th July of this year? A.—I was.

Q.—Will you look at exhibit "Metchosin A"? (Handed to witness.) Do you see a memorandum on the back? A.—Yes; certainly.

Q.—Is that memorandum in your handwriting? A.—Certainly.

Q.—And that ballot was rejected by you on the count? A.—Certainly.

Q.—Now, will you look at exhibit "Esquimalt A"? (Handed to witness.) Is there a memorandum on the back of that in your handwriting? A.—Certainly; rejected by me.

Q.—Rejected by you in accordance with the memorandum? A.—Certainly.

Q.—And "Parsons' Bridge A"? (Handed witness.) A.—Certainly. I don't remember whether this was at Parsons' Bridge—I believe it was—but certainly it was rejected, rejected by me, and the rejection was objected to by Mr. Frank Higgins.

Q.—That was at the final count of ballots on this election you have spoken of? A.—Yes.

Q.—Now, when did this election actually take place? A.—On the 9th of July.

Q.—And who were the candidates? A.—Mr. Higgins, Mr. Pooley, Mr. Bullen, Mr. Hayward, and Mr. Harris.

Q.—Now, the voters' lists which were used at that election are in the ballot boxes, I presume—were returned in the ballot boxes? A.—Yes; mine was returned, at all events, to Esquimalt, and, to the best of my knowledge, they were all returned in their respective boxes.

Mr. Keast here produced the voters' lists from the six boxes. One of the lists (they being all alike) was put in by Mr. Duff. Witness stands aside.

MR. COMBE, being duly sworn, testified:

Examined by Mr. Duff:

Q.—Will you look at that document, Mr. Combe (handing the voters' list to witness)? What was your position on the 6th of July, 1898? A.—Collecting the voters for the Esquimalt Electoral District.

Q.—And do you still hold that position? A.—Yes.

Q.—Will you tell me what that document is? A.—Certified copy of the list as it stood on the 6th of July.

Q.—For what purpose was that? A.—It was furnished to the Returning Officer for the district, for use at the election.

Mr. Hunter: I object to all this evidence, My Lord. This is not the proper time of the trial to produce this evidence. It should be tendered before the scrutiny was gone into.

Objection overruled.

Mr. Duff: I propose to call some witnesses, My Lord, for the purpose of proving certain corrupt acts which took place on election day at Metchosin.

CHARLES MONAHAN BROWN, being duly sworn, testified:

Examined by Mr. Duff:

Q.—What is your full name, Mr. Brown? A.—Charles Monahan Brown.

Q.—Where do you reside? A.—East Sooke.

Q.—Beechy Bay? A.—No, sir; between Beechy Bay and Sooke Bay.

Q.—What is your occupation? A.—Ranching.

Q.—Is this your name here, 62 in the voters' list? A.—Yes, sir.

Mr. Hunter: I submit that that is not the way to prove that the voter is the man on the list. There might be a dozen Charles M. Browns.

The Court: This is evidence for what it is worth. He says, that is my name opposite 62 on the voters' list.

Q.—Did you vote at the Esquimalt election on the 9th of July? A.—Yes; I voted at Metchosin.

Q.—Were you canvassed there by any person? Did any person speak to you with regard to whom you were going to vote for? A.—They did not ask me who I was going to vote for. Mr. Bullen came up to me and spoke to me when I arrived there. He said that he had heard George speak of me.

Q.—Who is George? A.—I took it for Mr. Bushby, sir.

Q.—Who is Mr. Bushby? A.—I didn't know; I understood he was Mr. Bullen's brother-in-law; I don't know for certain.

Q.—What did Mr. Bullen say to you then? A.—Oh, he did not—just talked to me. He did not say anything with regard to who I was going to vote for, or anything.

Q.—Did anybody else speak to you? What did Mr. Bullen do after he spoke to you? A.—He left me and he went and spoke to another gentleman.

Q.—Who is the other gentleman? A.—Mr. Matson.

Q.—Do you see the gentleman in the room here? A.—Yes, sir.

Q.—Well, what happened after that? A.—Mr. Bullen spoke to me—Mr. Matson spoke to me, asked me to go and look at a team of horses. I went with him.

Q.—What occurred after that? A.—I went behind the Agricultural Hall and looked at the team of horses.

Q.—What did Mr. Matson do or say? A.—We talked there awhile. He took a bottle of liquor—

Mr. Hunter objected that no foundation has been laid to warrant the giving of any evidence as to what Mr. Matson said.

Mr. Duff undertook to prove the agency of Matson.

Q.—Then what did Mr. Matson say to you, Mr. Brown? A.—He laid the liquor down behind a log and \$4.50 with it, and went off; and anyone could take it that wanted it.

Q.—Any could take that who wanted it, you said? A.—He went away.

Q.—Did you know Mr. Matson before? A.—No, sir; I don't know as I ever seen the gentleman.

Q.—Did you take the money and the whiskey? A.—Yes, sir.

Q.—Did you vote after that? A.—Yes, sir; I voted the same as I intended to vote before; it didn't make no difference.

Q.—Did Mr. Matson make any excuse for speaking to you at all? A.—No, sir; only asked me to come down and look at the horses; that is all he said; there was no excuse.

Q.—I mean after you got there? A.—No, sir; I don't think he did.

Q.—I think you told us that Mr. Matson spoke to you after you had seen Mr. Bullen? A.—He spoke to Mr. Bullen first—Mr. Bullen spoke to him at least—and then he came from Mr. Bullen to me.

Q.—He came from Mr. Bullen to you? You don't remember whether you had any discussion about the election? A.—No, sir; I don't know that he said anything to me in regards to voting.

Now, Mr. Brown, you were going to tell us something that occurred. Tell us what it was. I asked you whether there was any discussion with regard to the election? A.—None that I am aware of.

Cross-examined by Mr. Hunter:

Q.—Mr. Matson did not tell you to take the whiskey or the money, did he? A.—He did not tell me distinctly to take it; no, sir. I could take it if I wanted it.

Q.—How long after Mr. Matson went away did you apprehend the money and the whiskey? A.—How long?

Q.—Yes. A.—I can't say; it was not a great while.

Q.—What? A.—I could not say just how long.

Q.—Give us an idea? A.—Well, it might have been ten or fifteen minutes.

Witness stands aside.

SAMUEL ROY, being duly sworn, testified:

Examined by Mr. Duff:

Q.—What is your full name, Mr. Roy? A.—Samuel Roy.

Q.—Where do you live? A.—Metchosin.

Q.—What is your occupation? A.—Ranching—farming.

Q.—Will you look at this list? Is that your name opposite 409 (Exhibit 5 handed to witness)?

Mr. Hunter: I object to this method of proving the voters on the registry.

Objection overruled.

A.—409.

Q.—That is your name? A.—Yes.

Q.—You were Mr. Higgins' agent at Metchosin at election day on the 9th of July, weren't you? A.—Yes.

Q.—Did you see Mr. Bullen there during the day? A.—Yes; he was there all day.

Q.—What was he doing? A.—Well, sometimes he was inside and sometimes he was out.

Q.—Did you see him doing anything particular? A.—Well, I saw him—every man who came up to the poll came and talked to him; what he said I don't know.

Q.—Did you have any talk with him? A.—Yes; he came in once and he took the list from his agent and looked over it, and he said he had twenty votes already. So, at this, I called his attention—and I got the Returning Officer to read out some Act, I don't know what Act, to him, and I told him I thought it applied to his case. He read it to him, and I told him he was not doing the right thing.

Q.—Never mind that. By the way, who was Mr. Bullen's agent there? A.—Mr. George Pears.

Q.—Did you see Mr. Bullen later than that? A.—Oh yes.

Q.—What did you see him do then? A.—He would just go on as he had commenced—in and out all day.

Q.—After the poll was closed, did Mr. Bullen come into the polling booth. A.—Yes, sir.

Q.—And what happened? A.—Well, he brought a bottle of whiskey and a box of cigars and asked us to have a drink and a smoke.

Q.—And who were there? A.—Myself, George Pears, John Pears, Mr. Arden, and Mr. Poore—I think it is Walter Poore, from Happy Valley.

Q.—Well, did you all take a drink and a smoke? A.—Yes.

Cross-examined by Mr. Hunter:

Q.—This invitation to take whiskey and cigars was given by Mr. Bullen after the poll was closed? A.—After the voting was closed—after the voting was done.

Q.—After the voting was done? A.—Yes.

Q.—You say Mr. Bullen had been in and out of the polling booth all day? A.—Oh yes.

Q.—Was there other refreshment besides whiskey and cigars? A.—I did not see any.

Q.—Did you see Mr. Bullen partaking of any lunch or anything of that kind at this time? A.—Well, I cannot say that I did.

Q.—Will you undertake to say that he did not? A.—No, I would not swear that he did not.

Q.—Did you see Mr. Bullen with a lunch bag? A.—Not to my knowledge.

Q.—Did you see where he got the whiskey and cigars? A.—No; I did not see it until it was on the table—until it was in the booth.

Q.—And you did not see where these came from? A.—No.

Q.—Did you see Mr. Bullen, or anyone else, eating at this time? A.—No; not to my knowledge.

Q.—Well, will you undertake to say that they were not? A.—No; I don't say I would undertake to say they were not. Really, I could not swear whether anybody was eating or not, because the rest of us had our lunch at twelve, and I didn't know anything about any eating after that.

Q.—Did you see Mr. Bullen having lunch at twelve? A.—Mr. Bullen was not in the booth at noon, I don't think.

Q.—Did you see him eating lunch at any other time? A.—Not to my knowledge.

Witness stands aside.

GEORGE PEARS, being duly sworn, testified:

Examined by Mr. Duff:

Q.—Your full name, Mr. Pears? A.—George Pears.

Q.—Where do you live? A.—Metchosin.

Q.—What is your occupation? A.—Farmer.

Q.—Is that your name there, No. 363 (indicating)?

Mr. Hunter: The same objection, My Lord.

The Court: Noted.

A.—Yes, sir; that is my name.

Q.—363 on Exhibit No. 5. You were agent for Mr. Bullen at Metchosin on polling day, were you not? A.—I was.

Q.—A scrutineer? A.—Yes.

Q.—You had been engaged in canvassing for Mr. Bullen before that for the election, hadn't you? A.—Not at all.

Q.—Not at all? A.—Not at all.

Q.—You did not take any active part in the election? A.—Not at all.

Q.—Are you sure? A.—I am sure.

Q.—You were not interested in Mr. Bullen's success? A.—Oh, I might have made a remark, but I was not interested at all.

Q.—You were not interested at all? A.—Not at all.

Q.—You were not sufficiently interested to canvass for him? A.—No, sir.

Q.—To do gratuitous work for him? A.—No; not at all.

Q.—Were you at Mr. Bullen and Mr. Pooley's meeting on the 5th of July at the Agricultural Hall at Metchosin? A.—I was I believe, if that was the date.

Q.—Do you remember about that time, some three or four days before the election? A.—Yes.

Q.—Who were there; Mr. Pooley and Mr. Bullen both? A.—No, sir; Mr. Pooley.

Q.—Mr. Pooley alone? A.—Alone.

Q.—So that it was Mr. Pooley's meeting, then? A.—It was.

Q.—Did he ask the electors to vote for him? A.—He did the same as any other candidate.

Q.—Yes? Ask the electors to vote for him and Mr. Bullen? A.—Yes.

Q.—You are quite sure about that? A.—I am.

Q.—Now, how much were you paid for acting as agent on polling day? A.—Not one cent.

Q.—You are quite sure of that, are you? A.—I am sure.

Q.—That was the one piece of gratuitous work that you did during the course of the election?

Mr. Hunter: I submit that is not a fair way for my friend to treat his own witness.

Q.—Did you ever do any work on the roads down there? A.—Not one dollar, sir.

Q.—Never did any? Did you ever aspire to the position of road boss? A.—Not at all, sir.

Q.—Are you sure you did not? A.—I am sure.

Q.—Did you see any liquor about the poll on the 9th of July? A.—No, sir.

Q.—None, whatever? A.—Not at all. After the poll, I did.

Q.—After the poll, you did? A.—Yes.

Q.—Who brought it there? You heard what Mr. Roy said, did you? A.—I did.

Q.—That is correct, is it? A.—That is correct.

Witness stands aside.

JOHN PEARS, being duly sworn, testified:

Examined by Mr. Duff:

Q.—Where do you live, Mr. Pears? A.—Metchosin.

Q.—And your full name? A.—John Pears.

Q.—And your occupation? A.—Nothing particular.

Q.—You are not a farmer? Is that your name, No. 364? A.—Yes, sir.

Q.—On Exhibit 5? Were you present at the poll at Metchosin on election day? A.—I was; yes, sir.

Q.—Were you acting as agent for—? A.—No, sir.

Q.—You were not acting as agent for anybody? A.—No.

Q.—You were in the polling booth during the day, were you? A.—Yes, sir.

Q.—How did you come to be there? A.—I was poll clerk.

Q.—You heard what Mr. Roy said about liquor being supplied after the poll was closed? A.—I did.

Q.—Is that correct? A.—Yes, sir.

Q.—Now, did you attend any meetings? A.—I did.

Q.—Where? A.—In Metchosin and at Colwood.

Q.—Mr. Pooley's meetings? A.—Both candidates—Opposition and Government.

Q.—Did you attend Messrs. Pooley and Bullen's meetings? A.—Yes, sir.

Q.—Where? A.—At Metchosin.

Q.—At Metchosin only? A.—Only.

Q.—Was Mr. Bullen there? A.—No, he was not.

Q.—Was Mr. Pooley there? A.—Yes, sir.

Q.—And do you remember his asking you to vote for himself and Mr. Bullen? A.—Well, he said some words to that effect, I believe.

Q.—He said some words to that effect. Were you paid anything as poll clerk? A.—I was.

Q.—How much money were you paid? A.—Five dollars.

Q.—Is that all? A.—Yes, sir.

Q.—Is that all the money you received for your services on election day? A.—No, sir.

Q.—Did you ever do any work on the roads down there? A.—I did.

Q.—When? A.—This last summer.

Q.—Before or after the election? A.—Before the election.

Q.—Not since the election? A.—No, sir.

Q.—Quite sure? A.—Yes.

Q.—How long before the election? A.—I think I did do some work after the election.

Q.—Yes; how soon, or about when? A.—I was working about the time of the election.

Q.—You worked up to the day of the election? A.—Yes, and after.

Q.—When did you begin to work? A.—Some time in June, I think.

Q.—How much were you paid a day? A.—Two dollars a day at first.

Q.—Two dollars a day at the first? A.—Yes, in June.

Q.—In June. For how long? A.—During all the days that I worked in June.

Q.—And then you continued to work on through in July until after the election? A.—Yes, sir.

Q.—Working continuously? A.—I worked a little while after the election.

Q.—You worked continuously? A.—Yes.

Q.—For some time you worked through July until after the election; you were working continuously? A.—Yes.

Q.—Excepting election day and Sundays? A.—Yes.

Q.—And how much a day did you receive during that period? A.—Two dollars and a half, I believe.

Q.—You believe? A.—During July.

Q.—Well, have you any doubt about it?

Objected to as cross-examination.

A.—Two dollars and a half.

Q.—Who informed you first that you were going to receive two dollars and a half? A.—The foreman.

Q.—Who was the foreman? A.—Mr. McDonald.

Q.—And when was this? A.—I don't remember the day.

Q.—After the 1st of July or before? A.—Before, I think.

Q.—Before the 1st of July? A.—I think so.

Q.—How long before? A.—I don't remember.

Q.—A week? A.—It may have been.

Q.—You told us a moment ago, you know, that you received two dollars a day for all the days in June?

Mr. Hunter: That is cross-examining, My Lord; he is bound by the answer.

A.—So I did, during June, two dollars a day.

Q.—And from the 1st of July on you received two dollars and a half. A.—Yes.

Q.—And were you informed by the foreman that the increase had been made? Did he tell you why the increase had been made? A.—I don't remember that.

Q.—Quite sure you don't remember? A.—There was so much talk going on——

Q.—About what? A.—About the elections.

Q.—About elections and the increased pay? A.—About elections and the increased pay.

Q.—The two things went together? A.—They did.

Q.—You got the increased pay because the elections were on, didn't you? A.—I don't know that.

Q.—You have not any supposition even? (No answer.) From whom did you receive your pay? A.—Arthur Peatt, Road Superintendent.

Q.—Where does Mr. Peatt live? A.—At Colwood.

Q.—Under what authority were you absent from work on election day? A.—We could take a holiday any time we asked; we asked for it.

Q.—You could get a holiday any time you asked for it? A.—Yes.

Q.—Under what authority were you absent from your work on election day? A.—Well, I was asked to be poll clerk.

Q.—Who asked you to be poll clerk? The Returning Officer spoke to me.

Q.—The Returning Officer spoke to you. You have not answered my question yet. Under what authority were you absent from your work that day?

Mr. Hunter: Because he was appointed poll clerk.

A.—I was poll clerk.

Q.—You very readily take up the answer suggested by my learned friend.

Mr. Hunter: It does not require any answer.

Q.—Who gave you permission to be absent from your work on election day? A.—The foreman said we would have a holiday.

Q.—For the whole day? A.—Yes.

Q.—And who was the foreman? A.—John McDonald.

Q.—You were to have a holiday and lose your pay, I suppose? A.—Generally lose your pay on a holiday.

Q.—Yes, but did you on this occasion? A.—I don't remember that.

Q.—You don't remember it? I want you to think about that, Mr. Pears. Will you say that you were not paid for election day for work on the road with the other men?

Mr. Hunter: I submit that is an improper way to treat his own witness, unless Your Lordship rules that he is hostile, and there is nothing to show hostility.

The Court (to witness): You must remember whether you got five dollars or seven dollars and a half for that day. You better answer.

A.—I got five dollars for being poll clerk.

Q.—Yes, and you got your two dollars and a half for the other? A.—No, I did not.

Q.—I thought you said you could not remember? A.—I did not get the two dollars and a half.

Q.—Well, how much did you get, then? A.—I mean I could not be sure whether I got half a day's pay for that; I could not answer, certain, I received half a day's pay.

Q.—How do you know you did not get two dollars and a half for that day? Do you remember anything about it at all? A.—No; I never took any trouble to remember it.

Q.—How is it you remember you did not get two dollars and a half?

Mr. Hunter: Is my learned friend going to show that John McDonald was Mr. Bullen's agent—the gentleman from whom he received the pay.

The Court: Section 233 of the Act.

Mr. Hunter: I am instructed that John McDonald was Mr. Higgins' agent.

Q.—Come, Mr. Pears, you better give us an answer? A.—I could not say for certain whether I received a full day's pay or half a day's pay.

Q.—You received, at all events, half a day's pay and did not do any work? A.—I would not be certain. I did not do any work.

Q.—You did not do any work, and you cannot remember whether you got pay or not? A.—No; I do not.

Q.—Now, you were looking for the position of road boss before the election, weren't you? A.—No.

Q.—Quite sure? A.—Yes; quite sure.

Cross-examined by Mr. Hunter:

Q.—Can you tell us whether Mr. John McDonald is Mr. Higgins' agent? A.—I could not say.

Q.—Can you tell us whose agent he was? A.—I don't know whether he was anyone's agent. Witness stands aside.

JOHN FREDERICK WITTY, being duly sworn, testified:

Examined by Mr. Duff:

Q.—Mr. Witty, where do you live? A.—Metchosin.

Q.—What is your full name? A.—John Frederick Witty.

Q.—What do you call your farm? A.—Millstone Farm.

Q.—Look at No. 713. Is that your name on Exhibit 5? A.—Yes.

Q.—Were you at Metchosin at the polling day on July 9th? A.—I was.

Q.—Did you see Mr. Bullen there? A.—Yes, sir.

Q.—Did you see Mr. Matson there? A.—I saw a gentleman who I afterwards found out was Mr. Matson. I did not know him at the time.

Q.—Did you hear any conversation between Mr. Bullen and Mr. Matson and any other persons? A.—Well, I drove up there from towards Happy Valley, and Mr. Matson came up with a grey team, and he let them stand, and he came to Mr. Bullen, and there was some other gentleman, I cannot recollect who, and I heard him say, "This is my son"; so this gentleman came to me and said it is Mr. Bullen's son.

Q.—Never mind that. You heard Mr. Bullen say that with reference to whom? A.—I understood Mr. Matson.

Q.—Now, did you see any whiskey there that day? A.—No, sir.

Q.—You did not? At the polling booth? A.—Liquor—I saw men have liquor to drink—do you mean have any liquor myself?

Q.—No; I mean did you see any? A.—Yes, sir.

Q.—Tell us what you know about it? A.—I saw the boys having several drinks, and I asked them where they got it from, and they said behind the bushes.

Witness stands aside.

THOMAS COXON OLDERSHAW, being duly sworn, testified :

Examined by Mr. Duff :

Q.—Your full name, please? A.—Thomas Coxon Oldershaw.

Q.—You live where? A.—East Sooke—Beechy Bay.

Q.—Is that your name, 350 on the list Exhibit 5? A.—Yes; that is mine.

Q.—Now, were you present at the polling booth at Metchosin on July the 9th?  
A.—Yes.

Q.—Did you vote? A.—Oh, yes.

Q.—Did you see Mr. Matson early in the morning or at any time during the day? A.—I saw the gentleman, but I did not know his name until to-day.

Q.—Did you have any talk with him or any communication with him? A.—I never spoke a word with him.

Q.—You never? Did you get any whiskey from him? A.—I did not get any from him. It came from him indirectly, I believe.

Q.—Who did you get it from? A.—I heard him tell a man named Irving, and we went down there together to get it.

Q.—What did you hear him tell Mr. Irving? A.—He told him he put a bottle of whiskey in a briar bush—a rose bush, to be more correct.

Q.—And you and Mr. Irving went down there together and got it? A.—Certainly.

Q.—Did you take it away with you? A.—The remains of it.

Q.—I see. Did you attend any meetings down at Metchosin? A.—Yes.

Q.—Did you attend a meeting held in the interest of Mr. Pooley and Mr. Bullen's candidature? A.—Yes.

Q.—About the 5th of July, this year? A.—I guess that was about the date; I don't quite remember.

Q.—Did you hear Mr. Pooley speak? A.—Yes.

Q.—Did you hear him ask the electors to vote for himself and Mr. Bullen? A.—Yes; I believe so.

Q.—Did you hear Mr. Matson have any further talk with Mr. Irving? A.—No.

Q.—What time in the day was this? A.—I could not say exactly; somewhere about noon, as near as I can give it.

Q.—You were with Mr. Irving at the time, you say, and were you with anybody else? A.—Yes; I brought two or three up; I brought one up.

Q.—Do you remember being with Mr. Campbell? A.—Yes; he was with me. I gave him a ride up from my place, East Sooke.

Q.—Did he receive any benefit from this donation of whiskey? A.—Yes; he had a wet, I guess.

Q.—Was he with you and Mr. Irving? A.—No; he didn't know anything about the whiskey, only what I told him.

Q.—Do you mean to say you gave it to him, or did he get it independently? A.—No; he had some with us, not with Mr. Irving, not at the time that Mr. Irving had his.

Cross-examined by Mr. Hunter :

Q.—By whose authority did you partake of this whiskey? Who told you you could go and get this whiskey? A.—Mr. Matson told Mr. Irving, and Mr. Irving was with me.

Q.—How do you know Mr. Matson told Mr. Irving? A.—Because I was right there and heard him. Mr. Irving and I were talking together, and Mr. Matson came and told him.

Q.—As a matter of fact, didn't you in some way or other become in possession of the information that there was whiskey under that bush, and take it without anyone's authority? A.—We took it without anyone's authority, I will say that, but not without being invited to have some first.

Q.—Mr. Matson did not invite you to have a drink? A.—No, sir; but the man who he invited invited me.

Q.—He told him that? A.—Yes; I heard the whole business, anyway.

Q.—Did that whiskey influence your vote? A.—No; I had voted before then.

Q.—You had voted before this? A.—Yes. A little drop of that stuff would not do it.

Q.—Had you voted before you were told where the whiskey was? A.—Oh, yes.

Witness stands aside.

GEORGE J. S. COOK, being duly sworn, testified :

Examined by Mr. Duff :

Q.—What is your full name, Mr. Cook? A.—George J. S. Cook.

Q.—Your two second names? A.—Job Stollard.

Q.—Is this your name here, 120 on the list Exhibit 5? A.—I beg your pardon; I cannot see it. I am near-sighted, and I did not bring my spectacles.

Q.—Well, did you vote? A.—I voted, sir; yes.

Q.—Where? A.—At Metchosin.

Q.—On the 9th of July? A.—Yes, sir.

Q.—In the Esquimalt election? A.—Yes.

Q.—And you reside at Metchosin? A.—Yes.

Q.—And you are a farmer? A.—Yes.

Q.—Were you at the polling booth at any time during the 9th, on election day?

A.—Yes.

Q.—The polling booth. Did you see any whiskey? A.—Yes; I saw some around.

Q.—Where? A.—People were handing around a bottle of whiskey there; I saw them.

Q.—Bottles or bottle? A.—Bottle.

Q.—Do you know Mr. Matson? A.—No, sir; I do not.

Witness stands aside.

JOHN SAMUEL HENRY MATSON, being duly sworn, testified :

Examined by Mr. Duff :

Q.—What is your full name? A.—John Samuel Henry Matson.

Q.—You live at Esquimalt, do you not? A.—Yes.

Q.—And you are a life insurance agent? A.—Yes.

Q.—Is that your name, 166 on Exhibit 5? A.—Yes; that is my name.

Q.—You voted at the Esquimalt election? A.—Yes, sir.

Q.—At Metchosin? A.—Yes, sir.

Q.—Was that your registered voting polling place? A.—I don't know; I don't understand. It made no difference where I voted, so long as I voted once during the day.

Q.—That was not your regular registered voting place? A.—No; Esquimalt was.

Q.—But you were engaged during a greater part of the day down there? A.—How do you mean engaged?

Q.—You were there? A.—Yes.

Q.—At Metchosin? A.—Yes.

Q.—You drove some people to the polls, did you not? A.—Well, I drove into the quarantine station and spent the night there, and there were some men going out, I think, to Metchosin the next day, the day of the election, and I said I would drive them out, or that they might ride with me.

Q.—Who were they? A.—I think there were three in all that rode with me.

Q.—Mr. McDonald? A.—Yes.

Q.—Mr. McCahill? A.—Yes.

Q.—And Captain Gould? A.—Yes.

Q.—You had visited the quarantine, hadn't you, during the course of the election campaign, Mr. Matson? A.—Previous to the election?

Q.—During the campaign? A.—Yes.

Q.—Previous to the election day. And you canvassed these people on behalf of Mr. Bullen and Mr. Pooley? A.—Well, I don't know that I really canvassed.

Q.—Well, you discussed election matters with them? A.—No; I did not altogether discuss election matters with them; I talked to them about the Turner Government; I really did not say anything about the coming election.

Q.—I see. However, you did, as a matter of fact, endeavour to create in the minds of these persons an impression favourable to the Turner Government? A.—Well, I really could not say that, Mr. Duff?

Q.—No? A.—Truly speaking. I talked to them about the Turner Government, but I did not say very much about Mr. Pooley or Mr. Bullen.

Q.—I am not talking about Mr. Pooley and Mr. Bullen personally, but I mean to say—well, do you think that you talked in a hostile way? A.—No, no; I don't say that.

Q.—Well, did you talk in a friendly way? A.—Yes; I rather think I did.

Q.—In a way friendly to the Turner Government? A.—Yes.

Q.—How did you come to go to Metchosin that day? A.—You mean the day previous to the election?

Q.—Yes—election day? A.—Well, I only went to Metchosin—I thought I might possibly do some good by going to Metchosin.

Q.—Certainly. You went there to help Mr. Bullen and Mr. Pooley? A.—I did not mention Mr. Bullen or Mr. Pooley on the day of the election. I went there to assist the Turner Government.

Q.—And to assist Mr. Pooley and Mr. Bullen as supporters? A.—I would not say positively that; I went to—

Q.—Well, leave it at that. You went there to help the Turner Government? A.—Yes.

Q.—Well, at all events, you were not trying to help Mr. Higgins? A.—No.

Q.—I suppose Mr. Bullen knew you were going there? A.—I don't really think he knew I was going to the quarantine station.

Q.—You don't think he knew that you were going to the quarantine station? A.—To Metchosin?

Q.—Oh, I see. Did you have any conversations with Mr. Bullen or Mr. Pooley during the campaign? A.—I had about four weeks previous to the election.

Q.—Yes; with regard to their election at Esquimalt? A.—No; not altogether. They came to me and asked me—Mr. Bullen came one day to the office and asked if I would give him a vote, and I said that I was in favour of the Turner Government, and in all probability I would. Mr. Pooley asked me how I was voting, and I told him I thought I would support the Turner Government.

Q.—Did he ask you to do anything more than that? Did they ever ask you to do anything more than that? A.—No; I cannot say that they did really ask me to do anything more.

Q.—You did a little more than that, though? A.—Yes; I did.

Q.—And with their knowledge? A.—Well, I can't say that, Mr. Duff.

Q.—Why? A.—Why I cannot say that is because neither Mr. Pooley nor Mr. Bullen came to me and asked me to do anything further for them.

Q.—No. But do you think you did not see them more frequently than once during the time of the campaign? A.—I probably did; yes; probably I saw them half a dozen times.

Q.—Talk election matters with them? A.—At times, yes.

Q.—Did you see Mr. George Bushby? A.—Never.

Q.—Mr. Harry Bullen? A.—I saw Mr. Harry Bullen twice, I think—three times, probably.

Q.—Mr. Cook—Mr. Harry Cook? A.—No; I don't know him.

Q.—You don't know him? A.—I might know him, but I cannot place him just now.

Q.—How often did you visit the quarantine station during the campaign? A.—Twice.

Q.—Before the election? A.—Once before the election day.

Q.—You went there with the object of talking to these men about election matters; that was one of your objects? A.—I really cannot say that I went with the object of talking to those men about election matters. Of course, I had that feeling myself, but I did not wish to interfere with the men, if you really wish me to be candid about it.

Q.—At all events, in discussing politics with them, and impressing them favourably with the Turner Government you were not departing from the object of your visit? A.—Well, to be candid about it, I think—at least, when I got there, it seemed to me that the men had the situation pretty well to a man in favour of Mr. Higgins and Mr. Hayward, and I may have talked favourable to the Turner Government to them, but I do not think I mentioned either Mr. Pooley or Mr. Bullen's name at all. I do not think I mentioned their names, because I was careful in avoiding it.

Q.—Why were you careful in avoiding it? A.—Well, for one thing, I really did not wish to take a very active part in the election.

Q.—However, there was no doubt about the object of this conversation with them? A.—Well, no; there is not.

Q.—There is no doubt you wanted these men to vote for Messrs. Pooley and Bullen, and you talked to them with the object of bringing that about? A.—Well, yes I did.

Q.—That is correct. Now, you were pretty familiar, I suppose, or you knew pretty well, in a general way, the persons who were actively engaged in the political campaign here on

behalf of the Government? A.—Well, I cannot positively state that, Mr. Duff. I really had no connection with them; I had no connection with the principals in the election.

Q.—Mr. Matson, who did you inform that you were going to the quarantine to talk to these men? A.—Well, I cannot say that.

Q.—You did—? A.—Probably; yes, no doubt I did.

Q.—It was perfectly understood, wasn't it, that you were to look after these men down there? A.—Not altogether; I would not positively state that, because I had been talking about going to the quarantine station many times and talk to the people; in fact, I had once a conversation with Mr. Higgins, and I told Dr. Watt that I thought I would go down and talk to the men at the station, and he said there was no use going.

Q.—Do you think you told your political friends the same thing? A.—Probably, I might.

Q.—Try and think? A.—I might have told you; I don't know. Or Mr. Frank, I mean. I really cannot remember, positively.

Q.—I am speaking of your political friends. You would not say that you did not—at all events, it is altogether likely that both Mr. Pooley and Mr. Bullen knew that you were trying to work the quarantine? A.—Well, probably they might have thought that.

Q.—Probably they might have thought that? Now, with whom did you arrange that you should go to Metchosin on election day? A.—Well, I don't know that I really made any previous arrangement about going. I simply went to Mr. Barlow's, or at least I telephoned to Barlow's, or I met Mr. Barlow, and I told him that I wanted a team and trap to go down to the quarantine station—that I wanted to go down that evening. I asked him to have them ready at ten o'clock—I think nine o'clock. And I got the pair of horses and a trap, and rode to the quarantine station that night. As to who I arranged with about going, there was no further talk with Mr. Barlow about the trap; I simply got them at that hour, and, as I said before, went to the station.

Q.—I suppose you paid him? A.—No; I have not paid him.

Q.—You have not paid him? A.—No.

Q.—Do you know whether anybody has paid him? A.—I really could not say.

Q.—You then went down to the quarantine station the night before, and you picked up these men who were voters, and whom you had been canvassing, and drove them to the poll the next morning? A.—Well, I cannot say that—that I really picked those men up and drove them to the poll. They were at the station, and I had a trap there, and I said, "If you want to ride with me, you can do so." One man refused to ride with me; and another man, who I expected would not ride with me, did.

Q.—Yes. You met Mr. Bullen when you got to the polling place? A.—Yes; I did.

Q.—And did you talk to the people down there generally? A.—In a general way, I talked to everybody.

Q.—You tried to help things along as well as you could? A.—I talked to them; I don't know as to helping along.

Q.—Didn't you try to help things along? A.—I was trying to help the Turner Government.

Q.—That is, Mr. Pooley or Mr. Bullen? A.—No; I was simply helping the Turner Government.

Q.—Weren't you trying to bring about the election of Messrs. Pooley and Bullen there? A.—I expect they were the representatives of the Government.

Q.—You know they were? A.—Yes.

Q.—And you were trying to help the Turner Government by trying to get them elected? A.—I was trying to help the Turner Government.

Q.—By trying to get them elected? A.—You would naturally suppose that.

Q.—Well, isn't it? I am asking the question. A.—Certainly, it is the fact.

Q.—And you were doing that with the concurrence of Mr. Bullen? A.—Not at all; no I was not.

Q.—Not with his concurrence? A.—I don't know that I was.

Q.—Do you mean to say you were not there working with Mr. Bullen's concurrence? You saw him pretty frequently, didn't you? A.—Well, I saw Mr. Bullen there, certainly; yes, he was at the polling booth all day.

Q.—And Mr. Bullen saw you? A.—Yes.

Q.—And he knew what you were doing? A.—I expect he knew that I was, as you say, representing the Turner Government by trying—

Q.—By trying to bring about his election? A.—By trying to help the Turner Government; that is what I was there for.

Q.—Did Mr. Bullen try to discourage your efforts there? A.—No; he did not interfere with me.

Q.—He certainly did not try to discourage your efforts? A.—No; he did not.

Q.—Did you have any whiskey? A.—Yes.

Q.—I don't mean to say did you drink any. What did you do with it? A.—Well, I really did not do anything with it, Mr. Duff.

Q.—You did not? A.—No.

Q.—Are you quite sure you did not do anything with it? A.—I am quite positive I did not; that is, as far as the handling of the whiskey went.

Q.—How did you take it there? A.—Well, I took it in the trap I had.

Q.—How much? A.—Two or three bottles.

Q.—Two or three bottles? More than that? A.—No more.

Q.—Three bottles? A.—Three bottles.

Q.—That is the exact amount? A.—That is it, exactly.

Q.—And what became of it when you got there? A.—Well, I really cannot say that.

Q.—Oh yes you can. A.—Positively, I cannot say; I cannot say positively what became of the whiskey when I got through.

Q.—Did you leave it in the trap? A.—No; I did not.

Q.—What did you do with it? A.—Well, I put one bottle of the whiskey behind the log.

Q.—You put one bottle of the whiskey behind the log. What did you do with the rest?

A.—And I put one bottle behind the briar bush; and the third bottle, I don't remember now just exactly what became of it.

Q.—Perhaps you did not put it anywhere? A.—Probably not; I really don't remember the third bottle.

Q.—Did you see any whiskey in Mr. Bullen's possession during the day? A.—No; I really cannot say that I did see any whiskey in his possession.

Q.—Were you there at the close of the poll? A.—Yes.

Q.—Did you see any whiskey in Mr. Bullen's possession after the closing of the poll? A.—No; I did not.

Q.—Now, did you and Mr. Bullen together talk to people during the day? A.—Not that I remember of.

Q.—Well now, try and remember whether you did or not? A.—I really don't remember; I don't think we did.

Q.—You think you did not? A.—I think not.

The Court: Q.—Mr. Bullen and you did not talk together? A.—No; not to personally solicit anybody at the polls

Mr. Duff: Q.—I did not ask you that. Did you and Mr. Bullen meet that day and talk to other persons? A.—I really don't think we did; not that I remember of.

Q.—How many hours were you there? A.—I was there, I think, the first—about half past nine o'clock, I should think, the first time I went up to Metchosin.

Q.—Until when? A.—Until four o'clock.

Q.—And Mr. Bullen was there the whole of the time? A.—Yes; he was at Metchosin when I got there.

Q.—How many people were there about that polling place? A.—How many during the day?

Q.—Yes; at any particular time, what would be the average number of persons there?

A.—Well, I should say ten to fifteen persons.

Q.—You and Mr. Bullen were there all the time? A.—No; not altogether all the time.

Q.—Not all the time? A.—No.

Q.—The greater part of the time, then? A.—Yes; the greater part of the time.

Q.—And yet you say that you and Mr. Bullen, although you were both there with a common object, did not talk together? A.—No; when I say we were there all the time I don't think, in fact I am sure, I was not there permanently with Mr. Bullen until during the last hour.

Q.—What do you mean by permanently? A.—I mean without going away.

Q.—And were you going away then? Let us see what the arrangements were. Was your team in use all the time? A.—Not altogether all the time, no.

Q.—Well, part of the time? A.—Yes.

Q.—Who was the driver? A.—I was the driver.

Q.—From whom would you receive your instructions then? You used the team to bring in voters, didn't you, during the day? A.—Yes.

Q.—And from whom did you receive your instructions? A.—Well, I did not receive any particular instructions from any person; Mr. Fisher was there, and he would occasionally say, I think a voter lives at, naming the place, and he would give me directions to find the man and I would go, and sometimes I would get him and sometimes I would not.

Q.—Did you receive those instructions from Mr. Fisher alone? A.—Yes, I think I did.

Q.—Anybody else? A.—Not that I remember of.

Q.—What was Mr. Fisher doing there then? Was he one of the scrutineers? A.—No, I think not.

Q.—Did Mr. Bullen know that you were doing this? A.—Well, I expect Mr. Bullen did. He was there.

Q.—Then did you talk to any voters about the polls? A.—No.

Q.—Are you quite sure you did not? A.—In what way do you mean?

Q.—I mean to say, did you talk to any voters about the polls? A.—That were standing about?

A.—That were there at any time during the day? I may have talked to some, yes; no doubt I did.

Q.—Yes, about the election? A.—Well, I was talking politics.

Q.—You were talking politics? A.—Yes.

Q.—You told me that you were talking politics all the day? A.—Yes, I told you that.

Q.—And trying to assist the election of Pooley and Bullen. Are you prepared to say that Mr. Bullen was not aware of this all the time? A.—Well, I expect that Mr. Bullen may have been aware of it?

Q.—He did not object to it, did he? A.—He did not say anything to me nor I to him.

Q.—If you had supposed for one moment he objected to the work that you were doing, would you have carried it on, would you have forced your services upon him? A.—I don't think I would have forced my services upon Mr. Bullen.

Q.—You put the whiskey behind the briar bush and behind the log for what purpose? A.—Well, I had no particular purpose in putting it there. There were some men about the polling booth that looked thirsty, and I thought I would put out the whiskey, and if they got it and drank it all right. I did not give them any instructions about the whiskey.

Q.—Did you take any pains to conceal the whereabouts of the whiskey? A.—Well, no particular pains, no.

Q.—I should think not. Did you inform anybody that the whiskey was there? A.—Well, I probably indirectly did.

Q.—Yes; you took steps to make it known that the whiskey was there? A.—Well, I did not take any very important steps to make it known. I walked down behind the briar bush and dropped the bottle, and that was all of that bottle. I also took a bottle of whiskey from the trap and put it behind the log, and that was all of that. I left it. I don't know who got it, but I heard that this man (if I may refer to his evidence) Oldershaw—I heard that he picked the bottle of whiskey up from behind the briar bush and went away with it. This man Irving came to me and said that he got none; he got no whiskey and the other man got the bottle.

Q.—Mr. Irving was the man you told it was there? A.—No; I did not tell Mr. Irving that the bottle was there.

Q.—What did he do? A.—He saw me put the bottle down.

Q.—At all events, you told us that indirectly you took steps to make it known that the whiskey was there? A.—The man saw me put the bottle of whiskey there; there is no doubt of that.

Q.—You put the bottle of whiskey there in such a way that it would be seen? A.—Yes.

Q.—And you did that purposely? A.—Certainly; I put the bottle of whiskey behind the briar bush.

Q.—I say you put the bottle of whiskey behind the briar bush in the sight of other persons, with the object of having them know that it was there? A.—Well, I put it there with the object if they should see me doing so they could pick it up or do what they liked with it.

Q.—What was the whiskey put there for? A.—For the man that got it; and he went off with the whiskey.

Q.—It was put there for the purpose of being used? A.—I did not ask anybody to use it.

Q.—I don't ask you that. It was put there for the purpose of being used? A.—I did not put it there with the object that it should remain there.

Q.—No; certainly not. And instead of informing people by word of mouth that it was there, you did it ostentatiously, so that they could see you put it there? A.—I expect there were some persons saw me put it there. I had the bottle of whiskey in my trousers pocket, and I walked up to the briar bush and I threw the whiskey down there, and I walked away, and that is all I had to do with it.

Cross-examined by Mr. Hunter:

Q.—You canvassed in the interests of the Turner Government in other places as well as Metchosin? A.—Yes; I did.

Q.—That is, you would have political conversations with the electors in the City of Victoria? A.—Yes.

Q.—In the way in which an ordinary elector having an interest in the elections would do, I presume? A.—Yes.

Q.—Now, are you on terms of personal intimacy with Mr. Bullen? A.—No; I never met Mr. Bullen—I have met him on three different occasions since I have been in Victoria.

Q.—You have only met Mr. Bullen on three different occasions? A.—Yes.

Q.—And there is no confidential arrangement of any kind between you and him? A.—None whatever.

Q.—There were other canvassers out at Metchosin as well as yourself in favour of the Turner Government, I presume? A.—Yes; there were a number of persons talking in favour of the Turner Government.

Q.—And, so far as you know, acting on their own responsibility? A.—So far as I know, yes.

Q.—Are you acquainted with Dr. Watt? A.—Yes.

Q.—Were you, before you went out to the quarantine station this time? A.—Yes; I have known Dr. Watt for eighteen years.

Q.—Then you are personally acquainted—a friend of Dr. Watt? A.—Yes.

Q.—And you have visited that quarantine station simply for the purpose of visiting Dr. Watt before, have you not? A.—Yes.

Q.—Did you ever get any instructions from Mr. Bullen as to your methods of canvassing or anything of that kind? A.—No; Mr. Bullen never spoke to me about canvassing.

Q.—Mr. Bullen never spoke to you about canvassing. Did you ever invite any of these voters to have a drink during the opening of the poll—at least during the time the voting was going on? A.—No.

Q.—The whiskey was not intended for any particular voter, was it? A.—No.

Q.—Any man who saw the bottle behind the bush could go and help himself, whether a friend or enemy, could he? A.—Yes.

Q.—There is no understanding between you and Mr. Bullen that you will be rewarded in any way for your services? A.—No.

Mr. Duff: That is not suggested.

Q.—All your acts on the election were upon your own responsibility? A.—They were.

Q.—You got no instructions from Mr. Pooley or Mr. Bullen? A.—I got no instructions from Mr. Pooley or Mr. Bullen.

Re-examined by Mr. Duff:

Q.—Are you a member of a political association here, Mr. Matson? A.—Yes.

Q.—What is the name of the association? A.—Well, I don't know what one you refer to, Mr. Duff. There are two, I think.

Q.—What are they? A.—Well, I expect the Young Men's Liberal-Conservative Club and the Young Men's Liberal Club.

Q.—You are a member of both of them? A.—Probably. I know this much, that about four years ago I was made a member of the Young Men's Liberal Club—or six years ago; something of that sort.

Q.—And then, this summer, you became a member of the Young Men's Liberal Club? A.—No; I am not a member to-day.

Q.—Are you a member of any political association with——

Objected to as not re-examination.

Objection sustained.

The Witness : I can say I am not a member of any Liberal——

Witness here stands aside.

JOHN McDONALD, being duly sworn, testified :

Examined by Mr. Duff :

Q.—Mr. McDonald, your full name is John McDonald? A.—Yes, sir.

Q.—Where do you live? A.—I live at William Head.

Q.—At the quarantine station? A.—Yes.

Q.—What is your occupation? A.—Assistant caretaker.

Q.—Is this your name, No. 279, on the voting list? A.—Yes, sir.

Q.—Were you living at the quarantine station during the campaign, prior to the last election on the 9th July? A.—Yes, sir.

Q.—Did you see Mr. Bullen or Mr. Pooley there? A.—Yes, sir.

Q.—How long before the election? A.—Well, I really cannot say.

Q.—A week? A.—Oh, possibly a week; a few days.

Q.—A few days? A.—It might be two weeks; I could not say.

Q.—How did they get there? In what way did they come to the quarantine station?

A.—I believe they called in with their sailing boat—with a yacht, what I presume to be.

Q.—Or was it a steam launch? A.—No, no; it was a sailing boat.

Q.—What time in the day? A.—I really could not say, I am sure, what time. It was some time in the forenoon.

Q.—Now, did you go on board? A.—I did.

Q.—With whom? A.—Well, let us see; there was a man by the name of McDougal, and a man by the name of Akin and I went aboard together.

Q.—Did Mr. McCahill go aboard too? A.—Yes; I believe he did soon after or about the time, but he was not with me about the time exactly.

Q.—He was not with you at the time? Was there any discussion or any talk—Mr. Pooley and Mr. Bullen were both there, were they? A.—They were at the quarantine station then.

Q.—Were they on board the yacht? A.—No.

Q.—They were not on board the yacht? A.—No.

Q.—Well, who did you see? A.—On board the yacht?

Q.—Yes. A.—I seen a number of men; I really could not tell you who they were; I did not know any of them.

Q.—Did you see Mr. Pooley or Mr. Bullen during the visit? A.—I did.

Q.—And did anything occur between you? A.—Well, I could not say that there was.

Q.—You did not see them on board the yacht? A.—I did not.

Q.—Did you have any conversation with Mr. Pooley and Mr. Bullen? A.—Yes; I had.

Q.—What about? A.—About things in general—politics.

Q.—Did you have any discussion about politics? A.—Not any discussion, just any more than the talk of the hour, like—the political situation.

Q.—Did Mr. Pooley talk politics to you? A.—Oh, I believe he did; yes.

Q.—The others, too? A.—I believe so.

Q.—What was the other names—what were the names of the others again? A.—McDougal was the name of one of them.

Q.—What is his full name? A.—Edwin McDougal, I believe, is his name.

Q.—Yes; and what are the others? A.—Archie Akin.

Q.—Were they voters, do you know? A.—Yes.

Q.—Any others? A.—Mr. McCahill.

Q.—What drink did you get? A.—Well, I really cannot tell you.

Q.—It was some kind of liquor? A.—Yes; it was liquor. It was not water, anyway.

Cross-examination :

Q.—You were not invited by Mr. Bullen to have any drink, were you? A.—No.

Q.—You had nothing to say to him on the question of drink? A.—No.

Q.—And this occurrence was some two weeks or so before the election? A.—Perhaps might be, if I remember.

Q.—Had you any vivid recollection of the circumstances at the time you voted? A.—Yes.

Q.—I mean of the fact that you had had a drink of whiskey three weeks before?

The Court: He does not know that it was whiskey.

The Witness: I suppose, if I wanted to trace it back, I could tell you the day and the date.

Q.—You know what I mean. Did this drink of whiskey influence your vote one way or the other? A.—No.

Q.—Had you any particular recollection of having this particular drink of whiskey when you voted? A.—No.

Q.—As differing from other drinks of whiskey that you had before? A.—No.

Witness stands aside.

MICHAEL McCahill, being duly sworn, testified:

Examined by Mr. Duff:

Q.—Your name, please? A.—Michael McCahill.

Q.—Where do you live? A.—Williams Head.

Q.—What is your occupation? A.—Mariner.

Q.—Is that your name, No. 284, Michael McCahill? A.—Yes, sir; it is.

Q.—Do you remember seeing Mr. Bullen and Mr. Pooley some little time before the election? A.—Yes.

Q.—Last election; at the quarantine station? A.—Yes.

Q.—How long before the election was it, do you think? A.—It was on a Sunday, either one or two Sundays before.

Q.—Did you have any talk with them? A.—Yes.

Q.—What did they talk with you about? A.—I asked Mr. Bullen how he was getting along with his ways, and whether they were going to lengthen them out.

Q.—Any talk about politics? A.—I started the conversation about politics myself.

Q.—Did they keep it up? A.—Yes; there was not very much of it.

Q.—Where did you see them—on board the yacht? A.—On board the yacht, where I was on board some time. They came on board after I was aboard; I went aboard to look for another man.

Q.—And then they came aboard, and then you had this talk that you speak of? A.—Yes.

Q.—Did you get anything to drink from them? A.—Yes.

Q.—Who gave it to you? A.—I took it myself.

Q.—At the time they were there? A.—I had one at the time they were there, and one before they came there.

Q.—You say you took it yourself? A.—Yes; I helped myself.

Q.—Without being invited? A.—Not by them. I supposed it was the costs of some of the crew. There were several men there, strangers to me.

Q.—Did you take it without invitation? A.—I took it by invitation of some of those men. He asked me to "take some, Mike," and I did.

Q.—And this invitation was done in the presence of Mr. Pooley and Mr. Bullen? A.—He was not there at that time.

Q.—I am speaking of the second drink? A.—Oh, he was there. I don't know whether he heard it or not; I did not ask him.

Q.—Did you tell him how you were going to vote? A.—No, sir.

Q.—You did not tell them how you were going to vote? A.—No, sir.

Q.—Did you know that they were Government candidates at that time? A.—Yes; I knew that they were in the field.

Cross-examined by Mr. Hunter:

Q.—You are an old acquaintance of Mr. Bullen's are you not? A.—Yes.

Q.—Supposing Mr. Bullen had asked you to have a drink, would you connect the asking you to drink necessarily with election purposes? A.—No, sir. I have drunk with Mr. Bullen before he was ever a candidate. I have had a drink with Mr. Bullen years before he was thinking about being a candidate, when he was a clerk.

Witness stands aside.

JOHN LOUIS SECORE, being duly sworn, testified :

Examined by Mr. Duff :

Q.—Your full name, Mr. Secore? A.—John Louis Secore.

Q.—Where do you live? A.—Goldstream.

Q.—Is that your name, No. 425 in Exhibit 5? A.—I cannot see it, sir.

Q.—Well, you are a farmer? A.—Yes.

Q.—Did you vote at the last election at Esquimalt? A.—Yes.

Q.—The 9th of July, where did you vote? A.—At Parsons' Bridge

Q.—You know Mr. Bullen? A.—I saw him once.

Q.—Do you know Henry Cook? A.—I do sir.

Q.—Do you know what his occupation is? A.—I think he is driving the engine for Mr. Bullen.

Q.—Before the election did you have any conversation with Mr. Cook relating to the election? A.—I did.

Q.—Tell us what it was. (Objected to unless counsel gave undertaking to prove agency; which undertaking was given by Mr. Duff.)

Q.—Did you have any conversation with Mr. Cook? A.—I did.

Q.—How long before the election? A.—Oh, a week or ten days.

Q.—What occurred? A.—He was around soliciting votes for Mr. Bullen. He said he did not care so much for Mr. Pooley, but he would like to see Mr. Bullen elected.

Q.—Yes. Anything more? Did he tell you why he talked to you? A.—Oh, he said—he was praising Mr. Bullen up, what a good man he was, and one thing and another he said, a very nice man to work for, good to the poor man, and one thing and another.

Q.—Well, did he say anything about working for him? A.—Yes, he said—directly promised me a job, he said if there was a vacant place when I came to Esquimalt I might get it.

Q.—Well, did he give you anything, or did anything more happen after this? A.—Yes, we had a drink of whiskey on the top of it.

Q.—Where was this? A.—On the Goldstream Road.

Q.—Where did the whiskey come from? A.—I cannot say for that.

Q.—He did not get the whiskey from the road? A.—It came out of a bottle.

Q.—Whose bottle was it, or who had the bottle? A.—Mr. Cook.

Q.—Mr. Cook had the bottle. Now, did you have any conversation on the 8th of July, the night before the election? A.—I did.

Q.—Well, what did he say? A.—He said that Mr. Pooley and Mr. Bullen had sent him up there to see me, thought that I had more influence than Mr. Phair did.

Q.—Did he give you anything, or do anything? A.—Yes, sir.

Q.—What did he give you? A.—Whiskey.

Stenographer read last three questions.

Q.—More influence with whom? A.—More influence with the voters.

Q.—Well, you say the night before the election he gave you some whiskey; did he give you one drink of whiskey or what? A.—Oh, I think it was two that night.

Q.—Two that night? A.—Yes.

Q.—Now, did he tell you anything else? A.—Nothing in particular.

Q.—Did you ever see that object before (handing bottle to witness)? A.—Yes, sir.

Q.—Well, what is that; tell his Lordship where you got that? A.—(Reading on label of bottle) "Ancient stimulants."

Q.—No, no; but where did you get that; who gave it to you? A.—H. Cook, July 8th, 1898 (reading memo. on bottle).

Q.—Who made that memorandum? A.—I did.

Q.—When? A.—About two days after election.

Q.—About two days after election. Was there anything in this (bottle) when you got it? A.—Yes, sir, it was about half full.

Q.—Half full of whiskey? A.—Half full of whiskey.

Q.—Now, did Mr. Cook make any other promises to you? A.—Not that I know of.

Q.—Not that you know of. Was there anybody else at your house at the time? A.—

There was.

Q.—Who was there? A.—Edwin Carlo.

Q.—Anybody else? A.—No, sir.

Q.—Did they get anything? A.—Yes.

- Q.—What did they get? A.—Had a drink out of the same bottle.
- Q.—Who gave it to them? A.—Mr. Cook.
- Q.—Did Mr. Cook promise him anything? A.—I could not say.
- Q.—Did you ever have any discussion with Mr. Cook about working on the Marine Railway? A.—No; only once I asked him if there was any show for a job, and he said if there was a vacancy I might get in.
- Q.—I see. You voted at Parsons' Bridge? A.—Yes.
- Q.—Did you see Mr. Bullen there? A.—I did not.
- Q.—Did you see Mr. Pooley? A.—I did.
- Q.—On election day? A.—Yes.
- Q.—Have any conversation? A.—Yes.
- Q.—What occurred? A.—He solicited my vote.
- Q.—He solicited your vote, anything else? A.—Gave me a cigar.
- Q.—Gave you a cigar. Was that before or after you voted? A.—Before and after, both.
- Q.—Before and after. He gave you two cigars then? A.—Yes.
- Q.—What do you mean by saying that Mr. Pooley solicited your vote? A.—He asked me if I would help him out, and I said I would help him out.
- Q.—Did Mr. Pooley ever give you a cigar before? A.—He did.
- Q.—Before the election? A.—He did.
- Q.—Now, at the time of the election you were working on the road, wer'nt you. A.—I was.
- Q.—Where were you working? A.—I was working on the Sooke Road.
- Q.—How much a day were you getting then? A.—In June we was getting two dollars, and in July \$2.50.
- Q.—How did you get to the poll on polling day? A.—There was—I think it was one of the transfer waggons come after me, I would not be sure.
- Q.—Was there anything in the waggon except voters? A.—Nothing but seats. Nothing to drink or smoke.
- Q.—You did not work on election day, I suppose? A.—We worked half a day.
- Q.—Did you get half a day's pay or full day's pay? A.—Full day.
- Q.—I see. Do you remember seeing Mr. James McClellan with Mr. Cook? A.—I don't know that gentleman.
- Q.—Do you remember seeing William Brown with him? A.—I don't know him; I could not say.
- Q.—James McGuire? A.—I do.
- Q.—Where? A.—He was working with us on the road there.
- Q.—Working with you on the road? A.—Yes.
- Q.—And you saw him with Cook? A.—Yes, he was there with us.
- Q.—What did you see? A.—We all took a drink on the road.
- Q.—How long before the election was this? A.—A few days, I would not say positively.
- Q.—Who brought the whiskey there? A.—Mr. Cook.
- Q.—It was whiskey, was it? A.—Yes.
- Q.—Was there anything else besides whiskey? A.—Not with Mr. Cook; I think it was all whiskey.
- Q.—You think it was all whiskey with him. It was only Mr. Pooley that gave you cigars? A.—Yes; that was before election.
- Q.—When was the McGuire and Cook incident? A.—Four or five days before election.
- Q.—Well, was the campaign going on then, Mr. Secore? A.—Yes.
- Q.—Did you ever attend any of the meetings? A.—One at Goldstream.
- Q.—Whose meeting was it? A.—Mr. Higgins'.
- Q.—Did you ever attend one of Mr. Pooley and Mr. Bullen's meetings? A.—No.
- Q.—You never did? Did Mr. Cook make any suggestion to you about working on the cradle at Esquimalt? A.—He did.
- Q.—What did he say? A.—He said Mr. Bullen gave a job of painting the cradle when it was not needed; he set them to painting it over again.
- Q.—Do you remember seeing Mr. Eden? A.—I do.
- Q.—What happened between you and him? A.—He was soliciting votes for Mr. Pooley and Mr. Bullen. I had whiskey and cigars with him.
- Q.—When was this? A.—Previously to election day; two or three days.

Q.—Was that after the nomination? A.—Yes.

Q.—Those incidents that you have spoken of with regard to Mr. Cook, one was, you said, on the 8th; one incident on the road; and the other conversation you had with Mr. Cook about the cradle and working, were they before or after the nomination? A.—After nomination.

Cross-examined:

Q.—You asked Mr. Pooley for the cigar, did you not? A.—How?

Q.—You asked Mr. Pooley for a cigar before he gave it to you? A.—I did not ask him for any.

Q.—You are quite sure you did not ask Mr. Pooley for a cigar? A.—I did not.

Q.—Did you ask Mr. Cook for a job? A.—I did not.

Q.—Are you quite sure about that? A.—I am sure.

Q.—Did you say anything about getting a job to Mr. Cook? A.—I did not.

Q.—Now, did you think it was an unnatural thing for Mr. Cook to say that Mr. Bullen was a nice man to work for, Mr. Cook being in Mr. Bullen's employ? A.—I did not think it was very strange. He was praising Mr. Bullen up. He said he had worked there for many years, and he was a fine gentleman. There was nothing very odd about it.

Q.—Is this the only occasion that you had a drink with anybody during the campaign? A.—No; I had several drinks with Mr. Cook.

Q.—Did you ever have drinks with anybody else? A.—No.

Q.—Did you ever offer any man a drink yourself? A.—No.

Q.—The operation was all one-sided, then, with you? A.—All one-sided.

Q.—Did you ever get any whiskey at Phair's? A.—Only what I paid for.

Mr. Duff: He is trying to recriminate, after having withdrawn his charges. I must object to that.

Q.—Was your mind influenced when you got your drink of whiskey from Mr. Cook? A.—I don't understand.

Q.—Did the fact that Mr. Cook gave you a drink make you make up your mind to vote for Mr. Bullen? A.—It did not.

Q.—It had no influence over your mind? A.—No influence.

Q.—Mr. Cook met you and had a bottle on his person? A.—He did, on the waggon.

Q.—Did Mr. Cook himself take a drink? A.—I cannot say for that. I don't think he did, at that time.

Q.—Are you quite sure about that? A.—I ain't sure of it; he said he wasn't drinking then.

Q.—But the bottle had been emptied somewhat, hadn't it, when you got it? A.—Yes.

Q.—It was about a third full? A.—About half full, I think.

Q.—About half full. Would you undertake to say that Mr. Cook had not been drinking himself before you met him? A.—I could not say. I could not say whether Mr. Cook had a drink or not.

Q.—If Mr. Cook had a drink it would be natural for him to offer anyone else a drink. Wouldn't you do the same if you had a drink and there was somebody standing around there; wouldn't you offer them a drink? A.—Yes; certainly.

Q.—It would be an unsociable thing, would it not, for a man to take a drink of whiskey and not offer a man standing by a drink? A.—There are cases of that kind, and where a man don't drink and give you a drink, too.

Q.—Can you tell us the exact time when this performance took place, the day of the month? A.—The last time was the 8th of July.

Q.—The last time that you had a drink of whiskey with Mr. Cook? A.—Not the last time. I had one after the election.

Q.—How long have you known Mr. Cook? A.—I only knowed him just after nomination day.

Examined by the Court:

Q.—You told Mr. Hunter that you did not ask Mr. Cook for a job? A.—Yes, My Lord.

Q.—And then you told Mr. Duff you asked Mr. Cook if there was any show for a job at the Esquimalt works—Mr. Bullen's works? A.—I don't recollect that, My Lord. There is a mistake on my part, if I did. I don't recollect saying that I asked for it.

Q.—You know whether you did ask him or not? A.—I never asked him.

Q.—Why did you tell Mr. Duff that you did ask him? A.—I might have misunderstood him.

The Court: No, no.

The stenographer here read the portions of the testimony of the witness upon the point.

Q.—You did not say that? A.—I don't recollect it.

Q.—You don't recollect it? A.—I didn't understand the question.

Mr. Duff: Might I ask Your Lordship to ask the witness—it just occurs to me that there might be some misunderstanding with regard to the time, or something of that sort.

The Court: No; he said he did not ask Mr. Cook for a job.

Mr. Duff: The other might have occurred before the election period.

The Court: No; it was at the time they had the bottle. But he said it never occurred; he only knew Cook after the nomination.

Witness stands aside.

JAMES MCGUIRE, being duly sworn, testified:

Examined by Mr. Duff:

Q.—Mr. McGuire, what is your full name? A.—James.

Q.—Where do you live? A.—Goldstream.

Q.—What is your occupation? A.—Trying to farm.

Q.—Is this your name here, No. 302? A.—I cannot see.

Q.—Did you vote? A.—Yes.

Q.—Where? A.—At Parsons' Bridge.

Q.—The night before the election, did you see anybody canvassing? A.—Well, I think I seen Harry Cook. I don't know whether he was canvassing or not.

Q.—Where did you see him? A.—I saw him at Edward Carlo's, on the road going down to Sooke.

Q.—At Mr. Carlo's house? A.—Opposite, on the road.

Q.—Was anybody else with you? A.—Mr. Carlo was with me and Peter Walmsley.

Q.—Who is he? A.—He keeps a chicken ranch on the road.

Q.—He lives at Goldstream, does he? A.—Yes.

Q.—Keeps a chicken ranch? A.—Yes.

Q.—Three of you saw him. Well, anything happened between you? A.—No; nothing that I am aware of.

Q.—Nothing that you are aware of? A.—Nothing extraordinary, that I know of.

Q.—Did you get any whiskey from him? A.—Oh, yes, and many a time before; before the election at all.

Q.—How much whiskey did you get? A.—I believe I got one drink that night.

Q.—One drink that night? A.—That is all I am aware of.

Q.—You got a good many more during the election previous to that, did you? A.—I don't know; I generally took it any time it came around.

Q.—Were you working on the roads at that time? A.—Yes, sir.

Q.—How did you go to the polls? A.—Came in a waggon.

Q.—Who drove you? A.—I could not tell you.

Q.—You don't know? Did you get your day's pay? A.—Yes.

Witness stands aside.

EDWARD CARLO, being duly sworn, testified:

Examined by Mr. Duff:

Q.—Mr. Carlo, where do you live? A.—Goldstream.

Q.—What is your occupation? A.—Well, I have a small place out there.

Q.—You are a farmer, I suppose? A.—Well, I suppose I am a farmer.

Q.—Is that your name, No. 89? A.—Yes, sir.

Q.—Did you vote on the 9th of July? A.—Yes, sir.

Q.—Where? A.—Parsons' Bridge.

Q.—The night before the election, did you see Mr. Cook? A.—I did.

Q.—Where? A.—I saw him on the road out to Goldstream.

Q.—What time in the evening was it? A.—I should think about seven o'clock.

Q.—He offered you some whiskey? A.—Well, asked me if I would have a drink.

Q.—And you took a drink? A.—A small bottle there, and he and I had a drink.

Q.—Did he give you any cigars? A.—No.

Q.—Did he say anything about the election the next day? A.—No.

Q.—Not a word? A.—Not to me.

Q.—Who did he speak to about the election, then? A.—No one that I am aware of.

Q.—Were you working on the roads? A.—I was.

Q.—Did you see Mr. Cook pretty frequently? A.—I seen him three times.

Q.—When? A.—Twice before and once after the election.

Q.—Twice before. How long before? A.—Oh it might have been two weeks.

Q.—It might have been two weeks and it might have been less? A.—Yes; I am not sure.

Q.—Where did you see him? A.—Driving along the Sooke Road.

Q.—Did you ever see him driving along the Sooke Road before that very much? A.—I was not along the road to see.

Q.—Did you talk to him then? A.—A few words.

Q.—Have a drink of whiskey, too? A.—Yes.

Q.—Each time? A.—Yes.

Q.—How long had you known Mr. Cook before that? A.—Oh I have known him for quite a while, but was not much acquainted with him.

Q.—Not in the habit of drinking whiskey with him? A.—Well, I don't drink, as a rule, very much.

Q.—Except during election time? A.—That does not make much difference.

Q.—That does not make any difference. This is the first time, however, you have had a drink with Mr. Cook, wasn't it? A.—I think so.

Q.—And you met Mr. Cook, then, three times—or saw him driving along the roads three times—before the election, and each time he gave you a drink out of the bottle? A.—I said three times—twice before and once after.

Q.—And each time he gave you a drink? A.—Yes.

Q.—How long after? A.—I think it was on the 12th or 13th of July.

Witness stands aside.

ALFRED TAYLOR, being duly sworn, testified:

Examined by Mr. Duff:

Q.—Where do you live, Mr. Taylor? A.—Goldstream.

Q.—What is your occupation? A.—Engineer.

Q.—Is that your name, No. 465? A.—Yes.

Q.—Now, did you vote at the Esquimalt election? A.—Yes.

Q.—Where did you vote? A.—At Esquimalt.

Q.—You know Mr. Harry Cook? A.—Well, I have only seen him on one occasion.

Q.—When was that? A.—I think it was on the 8th, the night before the election.

Q.—Who was with him? A.—A boy named Woodruff, a neighbour up there.

Q.—Tell us what occurred. A.—Well, they drove up to my place, soliciting votes for Mr. Bullen and Mr. Pooley; they asked me to vote for them.

Q.—Anything more? A.—Oh, general conversation.

Q.—Well, did Mr. Cook have anything to drink with him? A.—Yes.

Q.—And did he give you something to drink? A.—Yes.

Q.—He treated you to whiskey and—? A.—No; I simply took whiskey.

Q.—You simply took whiskey. Did he give you a cigar? A.—No; I did not take a cigar.

Q.—But he gave you whiskey? A.—Yes.

Q.—Once, or more than once? A.—Well, I think I took it twice.

Q.—You think you took it twice. You say that he asked for your vote? A.—Yes.

Q.—For Mr. Bullen? A.—For Mr. Bullen and Mr. Pooley.

Cross-examined by Mr. Hunter:

Q.—Just one occasion on which you were offered whiskey? A.—Only one occasion. I have only seen Mr. Cook once.

Q.—But two nips on that occasion? A.—Yes; I had two nips.

Witness stands aside.

GEORGE WOODRUFF, JR., being duly sworn, testified :

Examined by Mr. Duff :

Q.—Mr. Woodruff, where do you live? A.—In the Goldstream District; on the Sooke Road in the Goldstream District.

Q.—Do you remember the night before the last election—the 8th of July? A.—Yes, sir.

Q.—Were you driving around with Mr. Harry Cook? A.—I came from my work with Mr. Cook.

Q.—You know Mr. Jackson? A.—I have known him during the election.

Q.—How do you mean you came from your work? A.—I was working in Goldstream, and he gave me a ride home.

Q.—Did you stop in a number of places on your way home? A.—Yes.

Q.—How many places? A.—Three places.

Q.—Was Mr. Cook canvassing for votes? A.—I forget now whether he was or not.

Q.—You forget now; you cannot remember? A.—No, sir.

Q.—Well, what did you stop for; do you remember? A.—No; I don't.

Q.—You don't remember. Well, did Mr. Cook have any liquor with him? A.—Yes; he did—some bottles. I don't know what was in it.

Q.—He had some bottles—cigars, too? A.—I never seen none.

Q.—Did you see him treat anybody? A.—Yes, sir.

Q.—Whom did he treat? A.—Mr. Taylor.

Q.—Other people? A.—Mr. Secore, Mr. Carlo, Mr. Walmsley, and Mr. Logan.

Q.—He treated Mr. Taylor? A.—Yes, sir.

Q.—That is the gentleman who was just in the box a moment ago? A.—Yes, sir.

Q.—Mr. Secore? A.—Yes.

Q.—Mr. Carlo? A.—Yes.

Q.—And who else? A.—Mr. Walmsley and Mr. Logan.

Q.—And you heard him ask Mr. Taylor to vote for Mr. Bullen and Mr. Pooley? A.—I don't remember.

Q.—You don't remember anything about that? You don't remember anything about the political part of it? A.—No, sir.

Witness stands aside.

JOSEPH MATTHEWS, being duly sworn, testified :

Examined by Mr. Duff :

Q.—Where do you live, Mr. Matthews? A.—In Victoria.

Q.—What is your occupation? A.—Carpenter.

Q.—Do you remember the night before the last election, the 8th of July? A.—Yes, sir.

Q.—Where were you that evening? A.—I was at the barracks part of the time.

Q.—What do you mean by the barracks? A.—The Work Point Barracks, where they have a sort of—

Q.—Where were you at the barracks? A.—I was at the canteen.

Q.—Tell us what occurred? A.—Well—

Q.—Did you see Mr. Pooley and Mr. Bullen there? A.—I did.

Q.—And did you see anything going on in their presence? A.—Yes, they were—there was a little beer drank.

Q.—There was a little beer drank? A.—And songs sung.

Q.—And who bought the beer? A.—Well, I bought some of it; I don't know who bought it all.

Q.—Did you see a man named Maynard there? A.—I did.

Q.—What was he doing? A.—Like the rest of us, he was enjoying himself.

Q.—Well, was he doing anything more than that? Was he talking politics at all? A.—Yes, I think he was.

Q.—Well, what was he saying; what was he doing? A.—I don't remember particularly what he said.

Q.—What was the general effect of it?

Mr. Hunter: I object to that; that is for the Court to judge what the general effect was. It is for the witness to say what was said.

A.—I don't understand what you mean, Mr. Duff, by the general effect.

Q.—Tell me what occurred, as far as you remember, Mr. Matthews. A.—Well, there was considerable beer drank, and talking and singing; a general good time as far as I could see.

Q.—But what was Mr. Maynard saying on politics? A.—Well, I really could not tell you. I don't remember anything in particular that Mr. Maynard said, not at present.

Q.—Were there any voters there? A.—Yes.

Q.—Tell me what voters there were there, that is Esquimalt District voters? A.—Well, that would be the men in the barracks you mean?

Q.—Yes. A.—Well, there was Mr. Jenkins—

Q.—Do you know what his full name is? A.—Edward, I think.

Q.—Edward Jenkins; who else? A.—There was—I cannot just remember their names.

Q.—Was Mr. Maynard shouting for Pooley and Bullen? A.—I don't think that I heard him shouting for them.

Q.—You cannot remember about that? A.—No, I do not; I cannot remember hearing him.

Q.—Now, what was Mr. Maynard doing then? Well, I seen Mr. Maynard buy a drink or two; he asked the boys to come and have a drink.

Q.—How many were there there altogether? A.—Perhaps fifty; there might have been a few more, and there might have been a few less.

Q.—How many of them were on the voters' list? Q.—I guess the majority of them were.

Q.—Yes; and what were Messrs. Bullen and Pooley doing? A.—Well, they were having a drink along with the rest of us.

Q.—Having a drink along with the rest? Was any demonstration going on in favour of the Government? A.—I cannot say there was particularly.

Cross-examination by Mr. Hunter:

Q.—It was a sort of smoking concert, wasn't it? A.—I don't know whether you would call it a smoking concert; I don't know that it was a smoking concert while I was there; there was lots of smoking done.

Q.—It was a general all-round jollification? A.—It was a general all-round jollification.

Q.—No particular person paying for the whole refreshment? A.—No, it was not, that I could see.

Q.—Some paying for some of it, and others paying for other parts of it? A.—Yes.

Witness stands aside.

JOHN BELL, being duly affirmed, testified:

Examined by Mr. Duff:

Q.—You live in Victoria, Mr. Bell? A.—Yes, sir.

Q.—You were down at the barracks the night before the election? A.—Yes, sir.

Q.—Did you see Mr. Pooley and Mr. Bullen there? A.—Yes.

Q.—Did you see Walter Maynard there? Yes, I believe I did.

Q.—You did? Now did you see any demonstration going on in favour of the Government candidates? A.—Oh, no, nothing in particular. What you would imagine at election time, I suppose. On the eve of an election—the night before, you know.

Q.—Do you know the names of any voters who were there? A.—Yes; I think there was Mr. Jenkins, Jock Stewart, Burt—several.

Q.—Mr. Jenkins, Mr. Stewart, you say, what was his name, do you know? A.—I don't know; he goes by the name of Jock Stewart.

Q.—What was the other name? A.—I could not tell you.

Q.—The last one you mentioned? A.—Stewart.

Q.—Another one? A.—Mr. Jenkins.

Q.—And still a third? A.—Burt.

Q.—Did you see any treating going on? A.—Yes.

Q.—By whom? A.—I could hardly tell you.

Q.—Did you see Mr. Maynard do any treating? A.—Yes, I believe he did.

Q.—Did he do any talking while he was treating? Well, if he did it was not worth paying any attention to; I could not say.

Q.—Did you see Mr. Pooley or Mr. Bullen do any treating? A.—No, sir.

The Court: Q.—What he said was not worth paying attention to. What do you mean? A.—It was on no general subject at all; it might drift on to—you know what a bar-room

conversation is; I never take any stock in it at all. And that is really what it was. There was really nothing in particular. I heard men talking of doing work in the bar-room that could not do anything outside of it at all. A general conversation.

Witness stands aside.

EDWARD CUTTLER, being duly sworn, testified:

Examined by Mr. Duff:

Q.—Where do you live, Mr. Cuttler? A.—Sooke.

Q.—What is your full name? A.—Edward Cuttler.

Q.—Is your name No. 128 on the list? A.—That is my name.

Q.—Did you vote at the last election, the last Esquimalt election? A.—I did.

Q.—Did you, prior to the nomination, have any talk with any person—were you canvassed by anybody on behalf of Mr. Bullen? A.—I was.

Q.—Who? A.—Mr. Bushby.

Q.—What was his full name? A.—I think his name is George Bushby.

Q.—Anybody else? A.—Dunk Robinson.

Q.—Tell me what happened, will you? A.—Yes, they asked me my opinion about the election. I told them I was going to vote for Mr. Higgins. They said, can't you vote for Mr. Pooley and Mr. Bullen? I says, no, sir; I told Mr. Pooley 18 months ago I would never vote for him. Well, won't you vote for Mr. Bullen? Well, I says, I better not vote at all if I vote for Mr. Bullen; I don't know the gentleman; but I am going to vote for Mr. Higgins. And they asked me to take a drink, gave me cigars, and gave me a bottle to take to the house to treat my wife; I done so.

Q.—Yes. A.—Called back again about two days after that—they called back again.

Q.—Did you see any more liquor there? A.—Oh, yes.

Q.—Besides what you have told us? A.—Oh, yes.

Q.—How much? A.—They said they had lots there, to take that bottle. I asked him who Mr. Bullen was, and he said his partner.

Q.—He came back again, you say? A.—Yes.

Q.—When? A.—Two days afterwards. Came from Otter Point around Sooke.

Q.—The second time he came back, have you any idea of fixing the date; was it about the 4th of July? A.—Just about that time.

Q.—You might tell us what happened then? A.—They asked me if I had made up my mind about Mr. Bullen, and I said I had not; I was going to vote for Mr. Higgins.

Q.—Who was with Mr. Bushby at this time? A.—Mr. Robinson—Dunk Robinson. Mr. Cook went by there the time he was going back—Mr. H. Cook, a particular friend of mine; I always respect the man. Mr. Cook was there. Mr. Bushby came along, and I was talking to Mr. Cook, and he asked me if I had made up my mind about Mr. Bullen, and I says no. Still talking to Mr. Cook, and he says, "You talk too damned much; you will do yourself harm." And I says, "I cannot help that; I am going to talk for my man." And Mr. Cook says, "There, if you would have kept your mouth shut, this would have been all right." That is plain English; it has to come out, I suppose.

Q.—By the way, what Cook is this you are speaking of? A.—Henry Cook.

Q.—What does he do? A.—Foreman for Mr. Bullen, the Esquimalt Marine Railway.

Q.—At this time, were there any drinks? A.—Mr. Bushby gave me a drink and Mr. Cook gave me a drink. I would take a drink with the man any time I met him—glad to get it, too.

Q.—Go on. A.—Every time Mr. Cook came along.

Q.—Did you see Mr. Cook again? A.—Oh, yes.

Q.—Were you canvassed by Mr. Cook again? A.—Mr. Cook asked me how I felt again' election, and I told him I had not turned yet; I was still for Mr. Higgins. He asked me if I could not vote for Mr. Pooley and Mr. Bullen, and I told him I didn't think I could yet; I had not made up my mind to vote for Mr. Pooley and Mr. Bullen—that I had told Mr. Pooley that I would never vote for him. Mr. Pooley, I suppose, recollects that well.

Q.—Was anything said about a job on the way? A.—Not particularly to me about getting work from Mr. Cook.

Q.—Anything about sugar? A.—Well, I don't know. When Mr. Cook paid me a visit, I told him I was very sorry we had no sugar to put in his tea; I would like to give a man a sweetener if I could. And I got sugar the next day.

Q.—From whom? A.—I don't know who it came from, but Mr. Cook came by and there was sugar at my house. I don't know how it got there; I was not at home when the sugar was left there.

Q.—Now, was anybody stopping with you at the time of the previous conversation that you have mentioned? A.—Yes.

Q.—Who? A.—He is called Tom Martin and John Martin; I don't know whether it is John or Tom.

Q.—Was he present? A.—He was.

Q.—He is a voter? A.—He is a voter.

Q.—Was he treated, too? A.—Oh, yes.

Q.—He was treated, too? A.—Mr. Bushby treated him like a man. Any true-born Englishman will take a drink of whiskey, anyhow.

Q.—Anything said to him about voting? A.—Well, he suggested his vote; I don't know how he brought it out. I don't trouble my brains with other people's business.

Q.—I see; they were canvassing generally. Now, did you see Mr. Bullen during the election? A.—I did.

Q.—Where? A.—I was working on the Government roads—on the Government works.

Q.—Yes. What happened? A.—The first time I ever met Mr. Bullen he was riding on the Metchosin Cross Road with Mr. Pooley. Me and Mr. Levy Harewood and Mr. Boory were working on the Cross Roads, and Mr. Pooley and Mr. Bullen pulled up. I knew Mr. Pooley; I hadn't much use for him at the time. And he pulled up, and Mr. Boory stopped and talked to him. And Mr. Boory told me the day following that he was soliciting votes, and he was coming to Boory's; and I asked him who was the gentleman with Mr. Pooley, and he said Mr. Bullen. Oh, I says, is that Mr. Bullen. And a few days after that he was on the Sooke Road, near my place. I made his acquaintance at dinner time (I was just eating my lunch, me and my wife), and he talked to me about election—asked me how I felt about it. I told him I was still for Mr. Higgins. "Oh," he says, "I will send Cook up to you." I says, "All right; I will be glad to see Mr. Cook any time; he is a particular friend of mine." Mr. Cook came along.

Q.—Did Mr. Bullen say anything to you about—mention the fact that Mr. Cook was his foreman? A.—Yes, sir. I told Mr. Bullen—I says, "Mr. Bullen, if we elect you, and you get in your office," I says, "we put you in; we meet you on Government Street," I says, "and speak to you, you would say, 'Who in the devil are you? I don't know you'—that is just how you would turn us off." "Oh, no," he says, "I will not say anything like that." And I said, "It is not like the rest of them, then; you get no favours from them after you get them in." He says, talking about work, "Any time you want to get work, you come down and see Cook; he will give you work any time." He said, "I gave Harry Cook \$50 a year to be teetotal, and he is worth it." I says, "I believe he is, and more than that."

Q.—At this interview, Mr. Bullen was canvassing you, was he? A.—Yes, sir.

Q.—After that interview, did you see Mr. Cook? A.—Oh, yes; several times.

Q.—Canvassing? A.—He didn't trouble me.

Q.—Was he canvassing? A.—He was canvassing, I suppose; but I suppose Mr. Cook knew that I was not inclined to turn around; he didn't trouble me.

Q.—Any more whiskey? A.—Oh, if he came along to-day I would be glad to have a drink with him.

Q.—You know Mr. Cook very well? A.—Oh, yes, a particular friend.

Q.—Was it Mr. Cook's habit to be around as a usual thing? A.—Around my place?—yes.

Q.—I mean generally over the country there? A.—Well, he was up there a little more frequently the time of the election than before, but he was up there before the election and after. I expect him up every day.

Q.—But he was up there more frequently during the election campaign? A.—Oh, yes.

Q.—Now, were you working at the road camp? A.—Yes, sir.

Q.—You were working there yourself, were you? A.—Yes, sir.

Q.—And did you see any treating there? A.—Oh, yes; any amount of it.

Q.—By whom? A.—Glad to see it.

Q.—By whom? A.—Mr. Bushby.

Q.—During what time? After nomination? A.—June July; after nomination.

Q.—Yes. How frequently? A.—Oh, every few days.

Q.—Mr. Bushby on the road very much there? A.—Oh, yes. He generally brung a case of liquor around in a lock flask, with a silver cup to drink from. We enjoyed that more than a glass bottle.

Q.—Occasionally you had a glass bottle? A.—Oh, sometimes, yes.

Q.—Well, the whiskey served out in small quantities or in a wholesale to the road camp? A.—I don't know. I visited the camp one night after I had been home, washed, and had my supper; I walked down again, and there was a lot of whiskey.

Q.—Now, will you tell me the names of the men at the road camp, the particular camp that you speak of? A.—I think between twenty and thirty of us; I don't think I can remember them all. There was Edward Cuttler, John Secore, Campbell, foreman—Hugh Campbell, H. Pike, C. Pike, W. Williams, Brown—Clem Brown, W. Cheevers, George Woodruff. It is hard to think of the names but I know all the men.

Q.—Well, that is enough. A.—Peter Jolliby, Joseph Butteste.

Q.—Did you ever see these people—the two Pikes, for example—taking liquor from Mr. Bushby? A.—Oh, yes, they drank with me; he was with the drills with me blasting rock.

Q.—During the time of the campaign? A.—Yes.

Q.—Mr. Cook? A.—No.

Q.—You never saw Mr. Cook there? A.—No.

Q.—Do you remember seeing some whiskey delivered to Mr. Greene at the road camp at Sooke by the stage driver? A.—I never saw any delivered to him, but I was in the road camp after supper—they invited me down there—and there was three bottles drank there that night; and he read the receipt out to Mr. Campbell—I sat close by—and he said “There is the receipt for those bottles of whiskey.”

Q.—Who said that? A.—Mr. Greene.

Q.—Did you have any conversation with Mr. Bushby after that? A.—Yes.

Q.—What was said? A.—I said he was pretty close with his liquor, and he said “Didn't you have that the other day?” and I said “Yes; Frank Greene paid for that.” And he said “No; he did not; I sent that there.”

Q.—When was this? A.—About nomination time.

Q.—Now, you told us one occasion on which Mr. Bushby called at the house and left a bottle of whiskey? A.—Yes.

Q.—Do you remember any other occasion when he did? A.—Not any occasion; I had several drinks with him. There is no doubt I should have been more lenient with Mr. Bullen if it had not been for Mr. Bushby.

Q.—Did Mr. Cook ever say anything to you about seeing Mr. Bullen and Mr. Pooley? A.—He did. He told me that he would like to take a clear report to Mr. Bullen and Mr. Pooley.

Q.—How long before the election was that? A.—Just about the nomination.

Q.—Well, at the interview at which he told you that, was there any liquor, or was there always liquor when he saw you? A.—He told me generally had liquor. If he was to come up to-morrow, I have no doubt we would have a drink of liquor. I do not suppose you would go to a friend's house without getting a glass either.

By leave of the Court, the cross-examination of this witness was postponed until the next sitting of the Court, so that counsel might have transcript of the direct examination.

THOMAS MARTIN, being duly sworn, testified:

Examined by Mr. Duff:

Q.—Your full name, Mr. Martin, is Thomas Martin? A.—Yes, sir.

Q.—Where do you live? A.—I live at Sooke, sir.

Q.—What is your occupation? A.—Labourer, sir.

Q.—And can you read? A.—Yes, sir.

Q.—Number 277 is your name? A.—That is it, sir.

Q.—Now, do you know Harry Cook? A.—I do, sir.

Q.—Did you see him before the last election? A.—About two days before, sir.

Q.—Where did you see him? A.—I saw him at Sooke, sir.

Q.—Who was with him? A.—They were at Cuttler's; Mr. Cuttler was there at the same time.

Q.—Did Mr. Cook say anything to you about the election? A.—Well, he spoke to me—asked me who I was going to vote for, and I told him I had not made up my mind exactly

who I would vote for yet. And he said you had better vote for Mr. Bullen. Says I, I have not made my mind as to I will vote for.

Q.—Did he say anything more? A.—I had a drink of whiskey from him, and he said he thought a nightwatchman would suit me very well.

Q.—A nightwatchman? A.—On a boat, or something of that sort.

Q.—Did he say? A.—He did not say, no; he said he thought a nightwatchman would suit me.

Q.—Had he been talking to you anything about a boat? A.—Not at that time, sir.

Q.—Had he at any other time? A.—Not at all; I had never seen the man before that at all.

Q.—Did he say anything to you about Mr. Bullen's Ways? He did not, sir.

Q.—You had some whiskey? A.—Yes, sir.

Witness stands aside.

Court here adjourned until 10:30 A.M. on Monday next.

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MONDAY, 14th November, 1898, 10:30 A.M.

Court met pursuant to adjournment.

Mr. Duff: I desire to say, my Lord, that the petitioners do not wish to press any further the charges of corrupt acts against the respondent. These charges are withdrawn, with your Lordship's permission.

I may say that my learned friend has intimated to me that Mr. Pooley wishes to make a statement to your Lordship with regard to some evidence which was given with respect to him personally yesterday; and personally I have no objection whatever to that.

Mr. Hunter: I would like to put Mr. Pooley in the box to hear what he has to say about the evidence of Mr. Secore; that, if I recollect, is the only evidence.

The Court: I do not believe anything Mr. Secore said. I made up my mind about that afterwards, after hearing him; he explicitly told Mr. Duff in his examination in chief that he had asked Mr. Cook for work—

Mr. Hunter: Just his evidence that Mr. Pooley tried to bribe him with a cigar.

The Court: He said to Mr. Duff, I asked Mr. Cook if there was any show for a job, and he said if there was any vacancy I could get it. And to you (Mr. Hunter) he said he did not ask Cook for a job. And I (the Court) asked him about that myself, and he said then that he did not make the statement which I first read to him. And we turned to the notes, it was not true. There was no misunderstanding about it. And I am not prepared to believe a gentleman who makes a statement like that.

Mr. Hunter: Your Lordship does not think there is any necessity for it?

The Court: I do not think there is any necessity for it.

The Court here declared William Fitzherbert Bullen not duly elected, and that David Williams Higgins is duly elected.

I hereby certify the foregoing to be a true and accurate report of the said proceedings.

JUSTIN GILBERT,  
*Official Stenographer.*

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