to vote against his will. To protect one coward twenty honest men are demoralised. Surely this is paying dear for a trifling benefit.

We have already shown that the much desired object of the promoters of the Ballot—the exclusion of the profession from the conduct of elections—is impracticable. The considerations here suggested with respect to the encouragement and protection it will provide for bribery, fully support that view.—*The Law Times.*

The bill for legalising marriage with a deceased wife's sister has been again rejected by the Lords, although carried repeatedly by large majorities, in the Commons. Surely this is a question on which the opinion of the constituencies ought to prevail. It is merely permissive. It does not compel any person to do anything to which he or she objects; it only enables those who wish to do something, and who have no such objection, to do it if they please. Because some persons have religious scruples upon it, they have no right to impose their creed upon others who have no such scruples. The alliance is simply a question of taste, for the consideration of the parties alone, and to prohibit them from an act harmless in itself is a violation of the liberty of the subject. The alleged social objections are merely pretences, for the law is of very recent date, and no such evils as are prophesied were found to exist before the change to the present prohibition. Previously to the existing statute such marriages were voidable only, and not void; but, inasmuch as nobody cared to take the proceedings necessary to avoid them, they were practically legalised—were largely adopted, and not one mischief was ever found to result from them. It should be well understood that the real opposition comes from a party who object on ecclesiastical grounds, and who, on that account, ought personally to abstain from such an alliance. But there is no reason why they should impose their creed upon others who hold a different opinion.—*Law Times.*

Mr. Wickens is to be the new Vice-Chancellor, and will be sworn in on Monday. Like Mr. Justice Hannen, Mr. Wickens has never "taken silk." Of his appointment there is little more to be said than that it will give general satisfaction, except perhaps to a few Queen's Counsel who would have preferred a selection from among the silk-gownsmen, because it must have set afloat a certain amount of senior business. Mr. Wickens is one of the soundest lawyers at either bar, besides being unusually versed in equity pleading, and he cannot fail to make an excellent Vice-Chancellor. Like Sir W. M. James, he gave great satisfaction as judge of the Lancaster Chancery Court.

CANADA REPORTS.

ONTARIO.

ELECTION CASES.

WEST TORONTO ELECTION CASE.

(Armstrong v. Crooks.)

Controverted elections Act, 1870, 32 Vic., Cap. 21, Sec. 52—Return to writ—Time for filing petition—Holidays—Form of petition—Treating.

Held, 1. That the twenty-one days limited for filing an election petition after the return of the writ are to be reckoned from the time of the receipt of the return by the Clerk of the Crown in Chancery, and not from the time of mailing by the returning officer.

2. Good Friday and Easter Monday are holidays within the meaning of the Act, and they are not to be reckoned in computing the twenty-one days.

3. The joint effect of Stat. Ont. 32 Vic., cap. 21, and the Ontario Interpretation Act, 31 Vic., cap. 7, sec. 1, is, that when the word "holiday" is used it includes the above days as "set apart by Act of the Legislature."

4. The word "treating" refused to be struck out of the petition though not specifically prohibited by the Act

[Chambers, May 17, 1871.—*Hagarty*, C. J., C. P.]

The respondent was the member elect for the West Riding of the City of Toronto. On the 4th April the returning officer mailed his return to the Clerk of the Crown in Chancery, under sec. 52 of 32 Vic. cap. 21; and on the following day this return was received and filed by that officer. On the 1st May the petition was filed, which in general terms charged the respondent or his agents with bribery, treating, and undue influence, following the form recited in the case of *Beal* v. *Smith*, L. R. 4 C. P. 145.

Bethune, on behalf of the respondent, obtained a summons calling on the petitioner to show cause why the petition should not be struck off the files, on the ground that it was filed after the period of twenty-one days from the return to the writ of election; or if filed in time, to amend it by striking out the allegation of "treating" or otherwise, so as to state an offence contrary to the statute in that behalf.

The points mainly relied on were:—that the twenty-one days commence to run from the date of the return, or from the date of mailing: that the first and last of the twenty one days are inclusive, and that Good Friday and Easter Monday, which intervened during that period, are not holidays within the meaning of the act, not having been "set apart by the Legislature."

R. A. Harrison, Q. C., showed cause.

The intention of the Legislature was to give twenty-one clear business days within which to file the petition.

The time runs from the receipt by the Clerk of the Crown in Chancery, and not from the date of or from the time of mailing the return. If never received in the Chancery, great difficulties would arise from holding that the mere mailing of the return was sufficient.

The day on which the return was made is to be excluded: *Pugh* v. *Duke of Leeds*, Cowper, 714; *Wilson* v. *Pears*, 2 Camp. 294; *Ammerman* v. *Digges*, 12 Irish C. L. Rep. Appendix I; *Isaacs* v. *Royal Insurance Co*, L. R. 5 Ex. 296; *Pegler* v. *Gurney*, 17 W. R. 316; *Ib*, L. R. 4 C. P. 235.

As to holidays, the Ontario Interpretation Act and the Election Act must be read together. The latter excludes days set apart as public holidays by the Legislature of Ontario, and in