

ELECTIONS.—A member was in the habit of sending down to his agent annually a sum of £250 to be distributed in Christmas gifts. He gave no directions as to how it should be expended, and made no inquiries:

Held, that the giving of Christmas gifts was not a matter to avoid the election, unless it was shown that the gifts dispensed by a responsible agent had influenced votes.

Where there is some evidence of intimidation, in considering whether the freedom of election has been so interfered with as to affect its validity, the extent of the majority obtained by the sitting members must be considered.

A member is responsible for the act of an agent done contrary to instruction, but if the agent treacherously or traitorously agrees with the other side, then if he does a corrupt act it would not vacate the seat unless it is proved that the corrupt act was at the especial request of the member himself or that some untainted and authorised agent of the member directed the act to be done.

But the seat would be affected if a man being an agent is tricked by the other party into committing a corrupt act, he himself honestly still intending to act as agent.

It was shewn that committees were formed, having at their heads paid agents for the purpose of getting the men together, so that they might be corrupted at any moment at which it might become necessary. It was not proved that "the tip" to vote was given, but it was proved that several of the voters so collected together did not vote for the other side. Further, the names of many voters were written by an agent upon a card, and it was

Held, that the proceedings of these organizations and of the agents amounted to bribery.

An agent of the sitting member organised a vigilance committee for the purpose of detecting bribery on the other side, and in a public speech exhorted his audience not to allow their voters to vote. This advice was followed on the following day:

Held, intimidation for which the member was responsible.

Seemle, it is illegal to employ a number of persons to actively search for corrupt practices on the part of opponents, and if they use violence in so doing it will amount to intimidation.

There being cross petitions, and each side having failed in part and succeeded in part:

Held, that they should bear their own costs.—*Stafford Borough Election*, 21 L. T. Rep. 210.

SIMPLE CONTRACTS & AFFAIRS OF EVERY DAY LIFE.

NOTES OF NEW DECISIONS AND LEADING CASES.

MORTGAGE—ABSENCE OF COVENANT TO PAY—PLEADING.—*Held*, on demurrer to the plea in this case, that the mere words, contained in the proviso to a mortgage, "in three equal payments to be respectively made," were not sufficient to create a covenant to pay the amount specified — *Jackson v. Yeomans*, 19 U. C. C. P. 394.

ILLEGITIMATE CHILDREN.—1. Testator, after a gift to "my son T." (who was illegitimate), directed a division of his estate into seven parts, one of which he gave to his wife and after her death to "such of my children to whom the other six shares are given." He directed those six shares to be paid "among all my children living at my decease, except my son T." Testator left seven children, of whom two (T. and A.) were illegitimate. *Held*, that A. was not entitled to a share.—*In re Well's Estate*, Law Rep. 6 Eq. 599.

2. An unmarried woman, by will, describing herself as a spinster, gave her property to her children. She had four illegitimate children and in a codicil she described them by name. *Held*, that these children and not the next of kin were entitled to the property.—*Clifton v. Goodbun*, Law Rep. 6 Eq. 278.

3. Testator gave a fund to his daughter M. for life, and after her death to all the children of M. begotten, or to be begotten, in equal shares. At the time of the testator's death M. had four children by A., whom the testator believed to be M's lawful husband, and after the testator's death M. had three more children by A. The marriage between M. and A. turned out not to be lawful. M. never had any legitimate children. *Held*, that the children born before the testator's death took under the gift, but those born after his death did not.—*Holt v. Sindrey*, Law Rep. 7 Eq. 170.

4. Illegitimate children of an unmarried woman described in the will by her maiden name, are entitled to share in a legacy to her "and her two youngest daughters."—*Savage v. Robertson*, Law Rep. 7 Eq. 176.

AGENTS OF CORPORATION.—Parties professing to act as agents of a corporation, cannot be allowed to make a profit on the purchase of property for such corporation, and an action may be maintained by stockholders, in the name of the company, to recover monies thus fraudulently obtained by the promoters of such corporation.