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## *ELECTION EXPENSES.*

In a case of *Gauthier* v. *Bergevin*, in which Mr. Justice Jetté was counsel (22 L. C. Jurist, 51), it was held by the Court of Review, under the Quebec Election Act, that where a candidate has not incurred any expense, he is not bound to furnish the returning officer with the statement of expenses required by the provincial Election Act; and consequently he cannot be sued for the penalty enacted for failure to furnish such certificate. This decision is supplemented by a judgment recently pronounced by Judge Jetté in *Theriault* v. *Ducharme*, noted in our present issue. In this case the defendant was a candidate in the federal election for Verchères, and it appears that in the course of the whole election he had personally disbursed at hotels, in a large county, the sum of two dollars and forty-five cents. Of this no statement had been furnished, and the question was whether the federal Act obliges candidates to furnish particulars of such expenses as the cost of their supper, if they go to speak at a meeting twenty miles off, or the price of the oats consumed by their horse. The Court finds that the Act distinguishes election expenses from the personal expenses of the candidate. The former can only be paid through the election agent, who must make a statement of what he pays. But the personal expenses of the candidate are excepted from the head of election expenses, and our law, differing in this respect from that of England, does not provide for any statement of such items of personal expenditure. It may be added that in the present instance the expenditure was so insignificant that, even if the law were otherwise, the maxim *de minimis non curat lex* might perhaps be held to apply. It would be somewhat repugnant to one's notions of justice to enforce a serious penalty for an omission to state the expenditure of a few shillings, where it was apparent that no violation of the law was intended or thought of.

## *A WILL CASE.*

The judgment of the Supreme Court of Pennsylvania in *Manner's Appeal*, March 1, 1880, contains some observations which are worthy of attention. A bill was filed by the heirs of Dr. James Rush, contesting his will by which he provided for the endowment of a library. The particular clause objected to by the plaintiffs was as follows:—"I do not wish that any book should be excluded from the library on account of its difference from the ordinary or conventional opinions on the subjects of science, government, theology, morals, or medicine, provided it contains neither ribaldry or indecency." The plaintiffs contended that this language constituted a direction or command that works advocating atheism, infidelity and immorality generally should be included, and that the law would not support such a trust. The Court held that the intention of the testator was not to command, but to express a preference merely, not legally binding on the executor. The following observations were added:—

"We must examine this clause of the will from the testator's standpoint, so far as that is possible, in order to ascertain his meaning in the paragraph in question. He was an educated man of scholarly habits, and of no mean scientific attainments. The ample fortune which he enjoyed gave him the opportunities of indulging his tastes fully. He says in his will: 'My property has enabled me to devote, happily and undisturbed, the latter part of my life to pursuits of scientific inquiry, which I have deemed to be more beneficial than the more common enjoyment of an ample fortune.' In his researches in the paths of science, even in the line of his own profession, it is not unlikely he fully realized that the conventional opinions of yesterday may not be those of to-day, and are not likely to be those of to-morrow. He possibly remembered that, when he commenced the practice of medicine, a patient burning up with fever was not allowed a breath of fresh air or a drink of cold water; that bleeding was resorted to in almost every disease; that the introduction of anæsthetics was by some regarded as impious and unscriptural, and an attempt on the part of females to defy the primeval curse; that before his day Harvey's theory of the cir-