

## PARLIAMENTARY ELECTIONS.

It will be unnecessary here to notice more than a very few decisions in regard to it (as a full report of the case is given in this number), and these more particularly as showing a business relationship (if it can be so expressed) which is peculiar to Canada, viz.: that of father and son living together on the father's property; the son, in consideration of working the place and supporting his parents, being entitled to a certain share of the proceeds, over which he exercises, or assumes to exercise, a power of disposition uncontrolled by any one; and in many instances, this being extended to the whole of the father's property being made over to the son, on the consideration already stated, of the son supporting his parents.

Nothing seems more natural than for a parent, as he grows old, to desire that his declining years should be provided for by his son, not alone from a feeling of natural affection on the part of the son, but from a sense of gratitude to the father for his generosity in giving up to the son that which he might have retained during his own life. In most cases, of course, everything would eventually belong to the son, but the desire of proprietorship is natural to all, and the son would feel under a stronger obligation to be kind and affectionate to his parents from their trusting him with a management, than if he had been kept in a subordinate position, until in the course of nature he should inherit the property.

No doubt, in most cases, such an arrangement is productive of a very affectionate relationship between the father and the son, more especially in those cases in which the arrangement is made under a sense of right and justice on the part of the father, to mark his acknowledgment of the filial care of the son, and his industry and zeal in improving the place. But every arrangement of this kind could not in the course of nature be expected to be formed on so satisfactory a basis, and it often happened that the son received from the father only what the latter could not avoid giving if he wished to retain the services of the former.

The agreement in general was a mere verbal one; and in consequence the evidence of the father as to the son's right of proprietorship in many cases materially differed from the son's view of the same subject; the father's understanding of the agreement in general

being, that part of the proceeds, or the whole place (as the case might be), was to be absolutely the son's, so far as that ownership was consistent with the father, on his son's displeasing him, immediately resuming complete control of everything. The son's understanding in most cases being, that either as to a share of the proceeds, or as to ownership generally of a part or whole, it was complete and, as he understood it, infeasible.

To lay down any general principle under these circumstances, as to what interests on the part of the son did or did not constitute a vote, might well be considered difficult.

The rota judges, however, seemed to have been quite prepared for the state of things which the evidence in the Stormont and Brockville petitions showed to exist in the country, and they had decided to adhere to certain rules as to what would govern them in determining the franchise, securing in this manner uniformity, so far as this could exist in a matter where the evidence, although in a general way similar, yet in each case presented some peculiarity distinguishing it from the others.

Thus, in the *Stormont Election Case*, the learned Chief Justice held, that where father and son lived together on the father's farm—and the father was in fact the principal to whom money was paid, and who distributed it—and the son had no agreement binding on the father to *compel* him to give the son a share of the proceeds of the farm, or to cultivate a share of the land, and the son merely received what the father's sense of justice dictated, the son had no vote.

And in a milling business where the agreement between the father and the son was, that if the son would take charge of the mill and manage the business, he should have a share of the profits; and the son, in fact, solely managed the business, keeping possession of the mill and applying a portion of the proceeds to his own use, it was held that the son had such an interest in the business, and, while the business lasted, such an interest in the land as entitled him to vote.

And where the father had made a will in his son's favour, and told the son if he would work the place and support the family, he would give it to him, and the entire management remained in the son's hands from that