

NEW ONTARIO ELECTION ACT.

concerned, introduce an entirely new system, although enactments to the same effect have been long in force in England. These sections follow, with a few unimportant alterations, the Imperial Statute 26 Victoria, cap. 29, which was founded on certain provisions of the Corrupt Practices Prevention Act of 1854 (Imp. stat. 17 & 18 Vict. cap. 102).

By section 7 candidates are required to appoint agents for payment of election expenses, whose names and addresses are to be given in writing to the returning officer on or before the day of nomination, and no payment (except in respect of the personal expenses of the candidate), and no advance, loan or deposit for the purposes of the election, is to be made by or on behalf of the candidate, either before, during or after the election, except through an agent so appointed. The returning officer is required, by section 8, to publish the names and addresses of the agents in a local paper, either on or before the nomination day, and is also, on that day, to announce the names and addresses from the hustings.

Section 10 requires that all bills and claims upon the candidate, in respect of the election, shall be sent to an agent for election expenses within one month from the day of the declaration of the election, otherwise the claim shall be barred; provided, however, that no claim is to be paid or allowed until approved of by the candidate.

The Act also makes provision for the case of the death of any person having a claim against the candidate; or for the death or incapacity to act of any agent.

Section 11 enacts that a detailed statement of all election expenses shall be made out and signed by the agent or agents within two months after the election, and shall be delivered, with all bills and vouchers, to the returning officer, who is required, within fourteen days, to insert an abstract of the statement in a local newspaper.

By section 12 the returning officer is required to preserve the bills and vouchers, and to permit them to be inspected by all voters wishing to examine them.

Sections 13-27 of the Act provide for the preliminary examination of parties to petitions, and others, and the production of documents. These sections introduce, in substance, the practice of the Court of Chancery relating to the examination of parties and production of documents; and they follow very closely the English Chancery Act of 1852: (Imp. stat. 15 & 16 Vict. cap. 86.) Section 13 enacts that any party to the petition may, at any time after the petition is at issue, be examined before an examiner by a party adverse in point of interest touching any matter raised by the petition, and the examination may be followed by a cross-examination and re-examination. A petition is to be deemed at issue as soon as the security to be given by the petitioner has been approved of. (See 34 Vict. cap. 3, s. 9; O.) Section 14 provides that when a seat has been claimed for a candidate, such candidate, although not a party to the petition, may be examined as if he were a petitioner.

Depositions taken under the provisions of the Act are to be committed to writing, and may be used upon the trial of the petition.

With reference to the production of documents, it is enacted by section 23 that any party to a petition may obtain, as of course, a rule requiring the adverse party to produce, within ten days, upon oath, all documents in his custody or power relating to the matter in question, and to deposit the same with the Clerk of the Court. And it is provided further, that when a party called upon to produce, wishes to avail himself of any privilege entitling him to withhold any document, he must state in his affidavit of production the grounds on which he