

be furnished you hereafter, this communication being already too long.

A SUITOR.

PETERBORO', September, 1871.

[Without entering into any discussion of these decisions, we certainly do not recommend that they should be followed, assuming, of course, that the report is complete and accurate.—Eds. L. J.]

Evidence Act.

TO THE EDITORS OF THE LAW JOURNAL.

The 2nd section of the 33rd Vic., cap. 13 Ont. provides that defendants can give evidence in cases before Justices of the Peace. Will you in your next Journal be kind enough to say to what extent they are admissible in their own cases, for instance, breach of by-laws, petty trespass, master and servant, &c.

Yours truly,

NELSON DODGE, J.P.

Milford, 2nd August, 1871.

[This evidence is as admissible as that of a witness other than a party interested would have been before the Evidence Act. The Act applies solely to proceedings in civil cases, evidence in criminal prosecutions not being affected by it.—Eds. L. J.]

REVIEWS.

A GUIDE TO THE LAW OF ELECTIONS. As regulated by 32 Vic. c. 21 and 34 Vic. c. 3. By Charles Allan Brough, Barrister-at-law. Toronto: Henry Rowsell, 1871.

This useful little pamphlet was written at the suggestion of Mr. Vice-Chancellor Mowat, and is dedicated by permission to the judges on the rota for trial of election petitions. It has been very favourably received by them, and by those of the profession who have had occasion to refer to it.

The necessity for some knowledge of the law bearing on contested parliamentary elections came upon the profession here rather suddenly, and naturally found them, in general, unprepared; nor could the necessary books (except a few copies) be obtained here; so that any assistance that could be gained from the sources at command was eagerly sought. Very shortly afterwards this Manual appeared, and

though it did not of course pretend a thorough knowledge of the law on the subject, it has proved very useful, in presenting in a compact shape the pith of the leading decisions in England on the analogous enactments, and the opinions of our own judges in the few cases that had come before them at the time it was published.

The Editor first gives a table shewing the corresponding English and Ontario enactments, which will be of much service when reading the English cases. Before proceeding to discuss the statutes relating to elections, he gives a collection of authorities on the difficult subject of agency as applicable to parliamentary elections, which by the way lead to the irresistible conclusion, that it is much easier for a candidate to appoint an agent, than to prevent all his friends being his agents against his will.

The statutes governing parliamentary elections in this Province are given in full, with appropriate explanatory notes; and we notice with approbation, that wherever he can, the editor has given the language of the judges as found in the reports, instead of merely stating the supposed effect of their decisions; and this, a sensible thing to do in any case, is especially so when the reports are difficult of access to the many.

The Editor, as he explains in his preface, has omitted all preliminary questions connected with the presentation of the petition, confining his attention to those which may arise upon or subsequent to the hearing. This is rather a pity as it would have been convenient to have had as much information as possible under one cover, but we trust that Mr. Brough will do this on a future occasion, when the law is a little better understood, and some doubtful points cleared up, and after any amendments in the law that would seem to be necessary have been made by the legislature. At present an interested reader should, in addition to this pamphlet and the authorities there cited, refer to the rules of court, the report of the Stormont Case published in this Journal, and our remarks on p. 201.

To conclude: though there are a few faults in arrangement and otherwise, we do not care to inspect them too closely, Mr. Brough having done wonders in the few weeks he had at command, and having produced a really useful little book, much wanted at the time, and capable of extension hereafter.