

## THE ELECTION LAWS.

execution: the Statute of Frauds applies here as introduced with the other general English Law by the above Act of 32 Geo. III. cap. 1, subject to the provisions of 32 Vic. cap. 8.

We have not, in the few remarks made above, touched upon all the points which are open to criticism in the article in *La Revue Critique*; but whilst the observations of the writer, and the mode he has adopted of comparing the law on the subject of wills in the different Provinces, would not, in our opinion, facilitate the object which is stated as the inducement for the article, we are free to admit that it gives the professional reader in Ontario some useful information as to the state of the law as to wills and intestacy in the Provinces of Nova Scotia and New Brunswick, with which the writer is probably more familiar than he is with that in Ontario.

## SELECTIONS.

## THE ELECTION LAWS.\*

The coming year of 1872 will be one of much importance to the Dominion. The first Parliament will have closed its career, and the people will be called upon to choose those to whom they desire the public affairs shall be entrusted. The machinery of government applicable to a large confederation having been devised and set up by the Parliament which shall have passed away, the approval or condemnation of its acts must be submitted to those from whom, under our English constitution, the power emanates. No uniformity in the mode of selecting the representatives to the House of Commons having been agreed upon by Parliament, the selection will be left to each Province, to be made according to its own laws. By an Act passed at the last session of the Dominion Parliament, 34 Vic. c. 20, entitled "The Interim Parliamentary Elections Act, 1871," and to be in force for two years only from the time of its passing, section 2, it is declared: "The laws in force in the several Provinces of Canada, Nova Scotia and New Brunswick, at the time of the Union on the 1st of July, 1867, relative to the following matters, that is to say, the qualifications and disqualifications of persons to be elected or to sit or vote as members of the Legislative Assembly, or House of Assembly, in the said several Provinces respectively; the voters at elections of such members; the oath to be taken by voters; the powers and duties of Returning Officers; and generally the proceed-

ings at and incident to such elections, shall be provided by the British North America Act, 1867, continue to apply respectively to elections of members to serve in the House of Commons for the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick." There are certain exceptions, as to the polling in Ontario and Quebec lasting only for one day, and that the qualification of voters in Ontario shall be such as was by law in force on the 23rd of January, 1869; and a provision that the revisors in Nova Scotia shall add to the list of voters the names of such Dominion officials and employees as would have been qualified to vote under the laws in force in that Province on the 1st of July, 1867, but who may have been disqualified by act of the Legislature of that Province passed since that day. There are also provisions respecting Quebec, British Columbia and Manitoba, and on some other points, but not of a bearing necessary to be observed upon in this article.

Without commenting upon the propriety or impropriety of having the same House composed of representatives chosen under different laws, with different statutory qualifications, and elected in different ways, it is sufficient to say that Parliament in its wisdom thought proper to prefer such a course, leaving to the House hereafter to be chosen to determine whether the continuance of such a course shall be prudent for the future or not. The important questions of the qualifications of the candidates, of the nature and extent of the franchise, and of the mode of election, whether by ballot and simultaneous polling or not, will no doubt form during the discussions preceding, and the canvas pending the elections, the subject of many and exciting arguments.

Assuming that all are desirous of doing what is best for the country, it may be useful to compare the existing laws, and thus by contrast enable the people of all the Provinces to select from the legislation of each that which may be deemed best, not simply in theory but in practical working. For this purpose, it is proposed briefly to point out the salient features of the Election laws in the three Provinces of Ontario, New Brunswick and Nova Scotia (Quebec is not touched upon), and with reference to both British Columbia and Manitoba, it is manifest, a little time must be allowed to those two Provinces to develop their own systems.

In the three Provinces referred to, the Election laws differ very materially, both as to the qualification of the electors and the candidates, the mode and time of voting, and the restrictions imposed upon the exercise of the franchise.

First, as to the qualification of the voters:

In Ontario, every male person 21 years of age, a British subject by birth or naturalization, not coming under any legal disqualification, duly entered on the last revised and certified list of voters, being actually and *bona fide* the owner, tenant or occupant of real

\* We reprint this article, from *La Revue Critique*, as interesting at the present time, and as it gives information as to the law on the subject in the sister Provinces. We have not, however, examined it with the view of seeing how far the writer is correct in his statement of the law in this Province. —Eds. L. J.