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## DIARY FOR MARCH.

1. Tues. .... Sittings of Court of Appeal, and sittings C. C. of York for trials begin.  
5. Sat. .... Holt, C.J., died 1710, æt. 68.  
6. Sun. .... 2nd Sunday in Lent. Lord Chan. Hardwicke, died 1764, æt. 74. York changed to Toronto, 1834.  
13. Sun. .... 3rd Sunday in Lent. Lord Mansfield born, 1704.

TORONTO, MARCH 1, 1887.

A NEW work on the Election Laws of the Dominion and of the several Provinces, affecting returning officers and their deputies, the qualification and disqualification of candidates, voting by ballot and *fac similes* of ballots, the law of election agency and of corrupt practices at elections, and the practice and procedure at election trials is announced under the authorship of Mr. Thomas Hodgins, Q.C. The work is expected to be published in time for the election trials arising out of the recent Local and Dominion elections.

## UNLAWFUL VOTING AT ELECTIONS.

WE give in this pumber of the LAW JOURNAL a report of the case of *Reg. v. Sturdy*, tried at the Huron assizes of 1882, before Chief Justice Wilson, for the offence of unlawful voting at an election for the House of Commons under the Dominion Elections Act of 1874. The report includes a copy of the indictment—the first precedent of its kind—obtained from the crown counsel at the assizes in question, and the shorthand reporter's notes of the proceedings at the trial.

In the case reported it appears that the defendant had become disqualified as a

voter by his removal from the constituency; and, as contended by his counsel, it was only by implication that he was prohibited from voting. The learned judge, however, overruled the demurrer, and held that an unqualified person voting at an election was guilty of an indictable offence. Non-residence is now under the Ontario Franchise Act a universal disqualification at legislative elections; and by 47 Vict. c. 4, s. 4 (O.) all unqualified persons voting at such elections are liable to the following punishment as well as to indictment for misdemeanour: "any person who votes—or induces or procures any person to vote—at such election, knowing that such person has no right to vote at such election, shall be guilty of a corrupt practice, and shall be liable to a penalty of \$100."

A question was raised at the late Dominion elections whether deputy-returning officers and poll clerks were disqualified under the comprehensive words of section 11 of the Dominion Franchise Act, which prohibits persons who receive pay for election services voting at an election. It was contended that the deputy of the returning officer came within the disqualifying clause, on two grounds—first as included in the term "Returning Officer," since the Interpretation Act, 31 Vict. c. 1 (D.), provides that words applying to a public officer or functionary by his name of office shall include his "lawful deputy;" and secondly, that the disqualification covered all persons employed for reward in any capacity whatever at the election. It was further contended that poll clerks were within the latter disqualification, and also within the term "clerk," used in the section. We express no opinion on the