

NEW ONTARIO ELECTION ACT.

of 1868; and any violation of the sixty-sixth section of such last mentioned Act during the times appointed for polling." By the Act of 1871 "corrupt practices," or "corrupt practice," were defined to mean, "bribery and undue influence, and illegal and prohibited acts in reference to elections—or any of such offences—as defined by the Act of the Legislature."

The new definition settles two questions which were left in doubt by the Act of 1871. The first of these was whether all prohibited acts—whether such as would in their nature unduly influence an election, or not—should be considered as corrupt practices, so as to render void the election of the candidate committing them, and subject him to the penalties mentioned in the Act. Or whether those acts should alone be considered "prohibited acts" within the meaning of the definition, which partook of the nature of bribery and undue influence in their tendency to prevent the election from being free. The other question was whether the Common Law of the Parliament of England—or, as it has been otherwise termed, the Common Law of England in reference to parliamentary elections—applied (as far as it related to corrupt practices) to elections to the Legislative Assembly of Ontario. In some of the recent election cases this latter question was indirectly decided in the affirmative, but opinions to the contrary were expressed by two of the most prominent counsel at the bar.

These two questions, which arose under the late Provincial Statute, did not arise in England, for there it was enacted that "corrupt practices," or "corrupt practice," should "mean" bribery, treating and undue influence, "or any of such offences as defined by Act of Parliament, or recognized by the common law of parliament." Imp. Stat. 31 & 32 Vict. cap. 125, sec. 3.

The present definition also expressly

includes, under the term "corrupt practice," the violation of certain sections of the election act of 1868 (32 Vict. cap. 21, O.); namely—section 46, relating to the personation of voters, section 61, as to treating meetings of electors, section 71, as to the hiring of conveyances, and section 66, which directs that taverns shall be closed, and that no spirituous or fermented liquors shall be sold or given upon the day of polling, provided, however, as to the violation of this last mentioned section, that to constitute such violation a corrupt practice it must occur during the hours appointed for polling.

It is probable that the offences, or most of them, pointed out by these sections thus specially referred to, would have been held to come within the meaning of the general expressions used in the definition, but still it cannot be denied that it is better to remove all cause for doubt, and that the definition, as it now stands, will convey a more accurate idea of the actual state of the law to unprofessional persons than it would have done had the special references been omitted.

The second section of the Act repeals the much discussed sixty-first section of the Act of 1868, and enacts in lieu thereof, that "No candidate for the representation of any electoral division shall, nor shall any other person, either provide or furnish drink, or other entertainment, at the expense of such candidate, or other person, to any meeting of electors assembled for the purpose of promoting such election, previous to or during such election, or pay, or promise or engage to pay for any such drink or other entertainment, except only that nothing herein contained shall extend to any entertainment furnished to any such meeting of electors, by or at the expense of any person or persons, at his, her, or their usual place of residence." This section, as it formerly stood, declared that no candidate "with intent to promote his