

objection is well founded or not, and whether therefore it is necessary to start another and less acceptable candidate; and besides, the law gives effect to the objection as to all who vote after having notice of it, though it may then be too late to start another candidate with any possibility of success; and even then most of the electors may have voted and returned to their homes before the objection is disclosed. We certainly can perceive no ground on which we could justify extending such a rule beyond the limits within which it appears to us to be confined to England. Had there been a reasonable doubt as to the true result of the more modern authorities on such a point, (which we do not think there is) our duty as an election committee would seem to be, to lean in favor rather of the rights of electors than of the privileges of those who fail to secure a majority of their votes.

On the whole, therefore, four members of the committee have come to the conclusion, that the petitioner has not shown enough upon the evidence to entitle him to the seat, and that all we can do is to declare the election void. Mr. Robitaille dissents from this decision.

As to costs, the petitioner has succeeded in unseating Mr. Rankin, but has failed, in our judgment, to establish a case entitling us to give the seat to the petitioner. He has thus succeeded in part and failed in part. In such a case we appear, under the statute and the decided cases, to be under the necessity of choosing between making one party pay the whole costs on both sides, or leaving each party to pay his own costs. We think the latter course, under the circumstances of the present case, to be more proper than the former, and we will therefore report that neither the petition nor the opposition to it, has been frivolous or vexatious.

GENERAL CORRESPONDENCE.

Eng. C. L. P. A.—U. C. C. L. P. A.—Schedule B.—Variance—Accidental
KINCARDINE, 31st July, 1863.

TO THE EDITORS OF THE LAW JOURNAL.

GENTLEMEN,—In Harrison's C. L. P. Acts, page 547, it is stated in plea No. 33, "It would be objectionable to use 'did not warrant,' 'did not agree,' or any other appropriate denials." So likewise is it stated in Upper Canada Consolidated Statutes, cap. 22, schd. B, page 272; and in U. C. Statute, 19 Vic. cap. 43, schd. B, page 202. But it would seem that the word "objectionable" is "unobjectionable" in the English Act from which this is taken. See Bullen & Leake's Prects. 2nd ed. page 587; and Stephen's on Pleading 145 (the only authorities at hand). Can you inform me if it is an intentional alteration, or merely an inadvertent omission or clerical error, and oblige,

Yours truly, W.

[The discrepancy between the words of the schedule of our C. L. P. A. and the schedule of the English C. L. P. A., of which it professes to be a copy, is very remarkable. We cannot think it was designed. We incline rather to the opinion that the variance is accidental. In fact the reading of the very words to which our correspondent adverts, to our mind, establishes the position that the variance was not intended. Thus, "It would be objectionable to use 'did not warrant,' 'did not agree,' or any other appropriate denial." If the denials intanced are appropriate, in what respect can it be said they are objectionable? The word "objectionable" should, we are convinced, be read "unobjectionable," and so the language of our C. L. P. A. schedule be not only consistent with itself, but with the schedule of the English C. L. P. A., of which it is supposed and intended to be a copy. (See Eng. Stat. 15 & 16 Vic. cap. 76, sch. B, No. 37; Finl. C. L. P. A. 320).]—
Eds. L. J.

New mode of suppressing tipplers and habitual drunkards.

TO THE EDITORS OF THE LAW JOURNAL.

GENTLEMEN,—I send, herewith, a copy of a notice served upon the Inspector of Taverns and Tavern Licenses of this village, which, in its way, is rather a curiosity—not so much on account of its difficult construction and grammar—as that it appears to outstrip the bounds of common sense in an unusual way—and I would ask you to give your opinion as to whether or not it is libellous.

According to this document the transgressors of the By-law are told that "they will be fined;" but it is, by no means, promised that they shall receive a trial, either by their peers or otherwise, or that there will be any notice given to them when the fine "will be" imposed. It would be a curiosity to see the By-law. If it contains a clause forbidding people to allow others "to be treated," does it mean well-treated or ill-treated? You know all the law in the land, and do tell us, Messrs. Editors, if you can explain this, the most extraordinary of all the By-laws, of the different municipal corporations in Upper Canada.

Yours,
A SUBSCRIBER.

Vienna, 1st August, 1863.

[copy.]

Reeve's Office,
Vienna, 14th March, 1863.

Mr. George Chute, License Inspector for the village of Vienna:

SIR,—You are hereby authorized to notify the different tavern keepers in the village that if they furnish liquor to any of the parties named in this notice, that they will be fined according to that clause in the By-law forbidding the giving or furnishing, or allowing any other person to give or furnish; or to allow them to be treated by any person, liquor to tipplers or habitual drunkards.

(Here follow the names, in full, of nine residents of Vienna.)

Yours, &c.,
GEORGE SUFFEL, Reeve.

[The above notice has the merit of novelty. We do not remember ever before to have seen or heard of such a proceeding. We omit the names of the individuals whose welfare seems to be so much an object of concern to the Reeve of Vienna, because we think the notice, however well intended, is a libel. All writings which tend to render men ridiculous or contemptible in the relations of private life are libellous. We should hope that more wisdom and learning have been displayed in the framing of the by-law than of the notice; for if not, it must be a sorry piece of municipal legislation.—
Eds. L. J.

Law School—Rules—Information to Students.

TO THE EDITORS OF THE LAW JOURNAL.

GENTLEMEN,—I noticed in a late issue of the Journal a list of the books to be read for the honors, and being anxious to compete for the honors, I beg leave to ask the following questions:

1st. Is it necessary for a student to attend the first year, in order to compete for the second, third or fourth years?