

## JUDGES IN MANITOBA—NEW ONTARIO ELECTION ACT.

chased the property he built upon it; but it is perhaps, not quite correct to say that he built upon it, because it appears to be the custom in that part of Nova Scotia to build houses and run them on the ground, and plant them there ready built." And finally at the conclusion of the judgment the Court lay down the rule that when a case comes before the Judicial Committee on appeal, their Lordships' will exercise their discretion in not regarding strictly the precise terms of the pleadings, and in deciding the case upon its merits. We are indebted for the report of the appeal to the *Weekly Reporter* (21 W. R., 798.)

## JUDGES IN MANITOBA.

One of the inconveniences arising from a mixed nationality, when two languages are spoken and not mutually understood, is exemplified by an incident in a case recently heard before the Court of Queen's Bench, in Manitoba. It was apparently a simple action on a promissory note. The jury consisted, as is usually the case, of a jury composed partly of English and partly of French speaking inhabitants, and who were addressed by counsel in both languages.

Judge McKeagney, one of the two Puisne Judges, who was on the bench at the time, on the conclusion of the case, charged the jury in English, and being unacquainted with French himself, was compelled to direct the Prothonotary of the Court to translate his speech into that language for the benefit of those jurors who were unable to understand the English language. Against this mode of action counsel for defendant objected, on the ground that it was the express duty of a Manitoban Judge to explain his meaning to the jury in both languages *himself*, and not to call on a third party to do so for him.

The Act regulating the Courts in Manitoba provides (see p. 12 *ante*) that all

judges appointed under it must be able to speak both languages. We are not prepared to say whether this is a wise, or even a necessary provision, though possibly it may be said to be for a time at least expedient; nor do we know why a gentleman was selected who has not the required accomplishment if indeed at the time of his appointment the law required it. But one thing may we think be said with truth, and that is, that it is a great pity that the field for the selection of judges for the Province of Manitoba, should be, by virtue of the act referred to, limited practically to the Province of Quebec. We certainly think, and we say so without reference to the many complaints made, rightly or wrongly, against the judiciary of the latter Province, that the selection should be made from the largest circle possible; and we might add our belief, that the better a judge is grounded in the old Common Law of England as modified by modern statutes the more useful he is likely to be, and more especially so when, in the natural order of things, this new Province of Manitoba must eventually be overrun by the Anglo-Saxon race.

## NEW ONTARIO ELECTION ACT.

(Continued from page 249.)

We promised last month to speak of the more important sections of the Act. Our remarks must of necessity be brief.

The first section repeals so much of the third section of The Controverted Elections Act of 1871 (34 Vict. cap. 3, O.) as defines "corrupt practices," or "corrupt practice," and enacts that these expressions "shall mean bribery, treating, and undue influence, or any of such offences, as defined by this or any Act of Legislature, or recognized by the common law of the Parliament of England; also, any violation of the forty-sixth, sixty-first, or seventy-first section of the Election Law