

ONTARIO CONTROVERTED ELECTIONS.

Since the meeting of the local House in December last, two petitions have been presented under "The Controverted Elections Act of 1871."

The first of these was complaining of the election of Mr. James S. McCuaig, who had been returned for the County of Prince Edward, upon the vacancy caused by a former election for the county being declared void upon a petition. The election was held on the 22nd and 29th of last December, and the petition was filed on the 22nd of January following. The complainants were four voters at the election, and the seat was claimed for his opponent, Mr. Gideon Striker. The case came on for hearing before Mr. Justice Morrison, at Picton, on the 23rd of August last, and resulted in the respondent being unseated, and Mr. Striker declared duly elected. The trial occupied little more than an hour, and no point of special importance was determined.

The other petition was against the return of Mr. Christopher Finlay Fraser, who had been elected to fill the vacancy caused by the death of the late Mr. McNeil Clarke, for the South Riding of the County of Grenville. The election was held on the 19th and 20th of March last, and the petition, claiming the seat, was filed on the 25th of April by Mr. William Ellis, the opposing candidate at the election. The respondent was charged, both personally and by his agents, with the commission of corrupt practices. Recriminatory charges of a similar nature were made by the respondent against the petitioner. The trial began at Prescott, before Vice-Chancellor Mowat, on the 3rd of September last, and continued until the 14th of the same month, when judgment was given declaring the election of Mr. Fraser void, and that no person was duly elected. The case was determined, by consent of parties, upon the scrutiny, the petitioner having abandoned his charges of corrupt practices. No decision was given upon the recriminatory charges. The present case was another illustration of the practical impossibility of carrying a lengthened scrutiny to its conclusion under the system now in force, owing to the immense expense which such a process involves. Here the scrutiny occupied the greater part of a week, at the end of which time comparatively small progress had been made, and a final decision was

arrived at by the respondent admitting to be bad a number of votes sufficient to deprive him of his majority.

Some idea may be formed of the expense entailed upon the parties, when it is stated, that besides the respondent, who is himself a member of the legal profession, and took an active part in the management of the case, four counsel, together with the attorneys for each party, attended daily in court during the fortnight which the trial occupied, and that the number of witnesses subpoenaed was several hundred.

Mr. Brough, the very efficient Registrar of the Court on this petition, is preparing a report of the case for this journal, which, from his thorough knowledge of the subject, cannot fail to be a valuable addition to the series of election cases which we have published from time to time, and which cannot be elsewhere obtained.

MAGISTRATES, MUNICIPAL, INSOLVENCY & SCHOOL LAW.

NOTES OF NEW DECISIONS AND LEADING CASES.

MUNICIPAL CORPORATIONS.

Held, that the fact of a municipal council having undertaken to indemnify an officer for lawful acts done in his official capacity, does not entitle him to look to them for indemnity against the consequences of unlawful acts, as for instance, in this case, of a wrongful distress; and that plaintiff could not be allowed to impeach the judgment of a competent Court by which he was held to be a wrongdoer.—*Irwin v. Corporation of Mariposa*, 22 C. P. 387.

SIMPLE CONTRACTS & AFFAIRS OF EVERY DAY LIFE.

NOTES OF NEW DECISIONS AND LEADING CASES.

CARRIAGE BY SEA.

A special contract, entered into between a shipowner and a passenger by sea, contained a provision that the shipowner would not be answerable for loss of baggage, "under any circumstances whatsoever."

Held, that such a stipulation covers the case of wilful default and misfeasance by a shipowner's servants.

Martin v. The Great Indian Peninsular Railway Company, (17 L. T. Rep. N. S. 349; 37