

purpose of putting an end to bribery and corruption that system has become, in the hands of the adroit politician, a means of concealing and protecting corrupt practices of every kind. A man knowing that his case will not bear investigation gets a petition filed against some one on the other side similarly situated. Ultimately some obliging agent comes between them, and the matter is amicably arranged by both petitions being withdrawn. This is called a "saw-off" and ends in the edifying farce of both the parties, with a great array of counsel, appearing before the election court and telling the two judges who have come to try the case that the petitioner has no evidence to offer in support of his charges. The fact that corruption had been practised may be notorious, but the judges have no power to proceed, and must accept the ridiculous position in which they have been placed.

A simple remedy for this and similar abuses under the election law would be not to allow the withdrawal of the deposit, but to require its forfeiture if the party by whom it was made did not go on with his suit. If this rule was put in force the only petitions filed would be those of a bona fide character upon which the parties prosecuting intended to proceed. As matters now stand the filing of a petition is not evidence that the election has been a corrupt one, any more than its withdrawal is a proof of innocence. Very probably the exact reverse has been the case.

W. E. O'BRIEN.

IS THE ENGLISH ARMY ACT APPLICABLE TO
CIVILIANS IN CANADA?

In the case of *Holmes v. Temple*, tried in Quebec before Chauveau, J., in 1882, 8 Q.L.R. 351, the court decided that the English Army Act of 1881 has no application to Canada with respect to persons not connected with the active militia. In giving judgment the court said that the case involved the question "whether, since confederation, England can legislate for Canada in matters affecting the militia and defence of Canada, viz., whether any law passed by the Imperial Parliament respecting these matters can affect civilians or third parties," and the learned judge decided that the Army Act had no force in Canada with respect to citizens or persons not connected with the militia, i.e., civilians. An exactly opposite decision was come to in Ontario in the case of *The Queen*