

STATUTE—RETROSPECTIVE EFFECT OF.

Young v. Adams (1898) A.C. 469, may be referred to as bearing on the question when a retrospective effect ought to be given to a statute. The Judicial Committee of the Privy Council (Lords Watson, Macnaghten and Morris, and Sir R. Couch) affirm the rule that a statute ought never to be given a retrospective effect, unless the intention of the legislature that it shall be so construed, is expressed therein in plain and unambiguous language.

MUNICIPAL ELECTION—NOMINATION PAPER—ELECTION ORDER—1898
R. 4 (2)—(R.S.O. c. 223, s. 128 (1)).

Cox v. Davis (1898) 2 Q.B. 202, is a case which may be useful as an authority for the construction of the Municipal Act (R.S.O. c. 223) s. 128 (1). The point in question was as to the validity of a nomination paper, which under the English Election Ord. 1898, r. 4 (2) is required to contain the names of the candidate nominated, and to be signed by the proposer and seconder, as does s. 128 (1) of the Municipal Act. The paper in question was in proper form, but the name of the candidate had been filled in after the paper had been signed by the proposer and seconder, but there was no evidence that the proposer and seconder had not assented to the name filled in as candidate. Grantham and Lawrance, JJ., held that the paper was valid, though conceding that it would not be so if the name filled in had not been assented to by the proposer and seconder. The decision of the returning officer in favour of the validity of the paper was, under the Election Ord. 1898, r. 7, held to be final and conclusive, and the case cannot, therefore, be regarded as an authority.