

PARLIAMENTARY ELECTIONS.—ELECTION PETITIONS.

was used to affect the election, but no decision has been given in the case as it was necessarily adjourned to a future day, and any remarks would of course be premature and useless at the present stage.

In the *Prescott Case*, tried before the Chief Justice of Ontario, evidence of bribery on the part of an agent, but without the knowledge and consent of the candidate, was given, and the counsel for the respondent admitted that sufficient evidence was proved to void the election. The respondent, in his evidence, having distinctly denied any act of bribery whatever, and no act being proved against him, the counsel for the petitioners stated that they did not wish to pursue the matter further.

The learned Chief Justice, in delivering judgment declaring the election void, made the following remarks:—

"I have some doubt whether I ought not to direct that notice be given to the parties under the statute guilty of corrupt practices, that they may have an opportunity of being heard, so that I may decide and report to the Speaker on that subject under sub-section 6 of section 17 of Controverted Elections Act of 1871. The Act, however, having been passed so recently before the election, the practice under the Act being new, the Judges being much pressed for time in carrying out the Act, the delay which must ensue if these proceedings are adjourned to give the proper notice to the parties who are apparently the most active in the corrupt acts, the inconvenience to all parties concerned, and the fact that the parties may still be prosecuted for penalties, induces me to consent to the matter not being prosecuted further."

The Act has been passed too recently to make any remarks on its general merits. The penalties are certainly very severe on any party offending against its provisions; and although it may be admitted that a strong reform was needed in election matters generally, it must be conceded that to enforce at the present time such harsh penalties and disabilities as the Act provides, on persons who were, in most cases, completely ignorant of its provisions, would be unjust and unnecessary. No doubt the Act will be very beneficial as to the future purity of election contests, but in view of the fact that it has been so recently passed, it seems only

reasonable that justice should be tempered with mercy in dealing with offenders.

An enormous amount of extra labor has been thrown on the Judges by the Act, and those of them who have been on the *rota* for the present elections, have had a very great responsibility in deciding the various points that have come up on the trials of the election petitions, so far as they have already gone, and been decided, on most of which the decisions under the English Acts (those which in a measure correspond to our own) have been of little or no service.

There is no doubt but that some machinery is required to relieve the Judges of the interminable process of a scrutiny, but any remarks on the manner this is performed in England, and the work of revising barristers generally there, or as to the propriety of making the assessment rolls conclusive, except in cases of personation, &c., must be left for future discussion.

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We devote most of our space in the present number to the consideration of matters arising under the recent Election Acts. The report of the Stormont case, so far as it has gone, and the notes of decisions in the Brockville case, have been carefully prepared, and will be read with interest, especially by those engaged in working up the election cases which are yet to be tried.

An extra number of copies of this issue of the *Journal* have been struck off, and may be obtained from the publishers.

We are requested to state that Mr. C. A. Brough, barrister, of this city, is preparing a manual on the existing Election Law, with notes of the decisions in England and Canada, and an introduction treating of the subject of agency as affecting Parliamentary Elections.

We trust the work may be attended with that success which the ability of the author warrants us in predicting that it will deserve.

JUDGE FAIRFIELD.

We regret to record the death of David L. Fairfield, Esq., Judge of the County Court of the County of Prince Edward, which took place on the 8th instant.

The deceased gentleman, who was in his 69th year, was one of the earliest settlers of the Bay Quinte district, and had held the posi-