

THE ELECTION BILL AND THE PROFESSION—ARREST BY OFFICER WITHOUT WARRANT.

tion there is nothing wrong in it, and it is only a question of safety from penalty. They think it very wrong to break a promise, and not one in twenty of those who accept a bribe without shame and without the most severe pricking of conscience vote otherwise than they had agreed to vote for the consideration given.

It must not, therefore, be hoped for that bribery will be diminished under the ballot, because the buyer will be unable to secure the vote he has bought. Even if individual votes could not thus be counted on, another form of bribery, practised largely in America, will certainly be adopted here. Wherever the ballot exists, bribery is conducted thus: Clubs, workshops, societies of men, sell themselves, not individually, but in the mass. The negotiation is conducted between a trusted man on both sides. It is intimated that the society will vote together; what one does all do; little is said, but much is understood; signs are more expressive than words: under a stone in a field, in a hole in a hedge, the representatives of the society after the conference with the Man in the Moon find a certain sum of money. It is divided among the members, and the ballot of all is for the same man. If it be asked how they can be trusted, the answer is, that they well know that if they were to prove false they would soon spoil the market. But if there is a fear of such a consequence, the last resort is to buy conditionally that the buyer is returned,—the purchase-money not being paid till after the election.

This is not a theoretical evil, but one rampant at every election in the United States, and as familiar to the people there as was the head money to the electioneers of twenty years ago in this country.

The ballot will practically extend the area of corruption by providing facility for concealment of the facts. It will create a new and large class of corrupt voters.

Our readers experienced in elections are well aware that there are many voters who would gladly take a bribe, but dare not do so for fear of discovery. They have been partisans their lives through; they are connected with some church or chapel; they have always worn one colour, or called themselves by one name; and they know well that, if they were to vote against the party they had been associated with, all the town would be assured, as if it had been done before the eyes of all, that they had been bought. But these men, and they are many, would gladly put money into their purses if they knew that they could do so without discovery, and this the Ballot will enable them to effect without possibility of danger.

But it is said the penalties for bribery will continue as before; why should they be less effective to deter or to punish?

For this reason—that the means of detection are immensely diminished. Bribery is usually discovered now by this; that certain persons

who had promised one party, or who were usually attached to one party, are seen to vote for the other party. It is then well known what was the inducement, and every detective engine is set in motion to obtain proof of the fact. But where the vote is not known, this is impossible; the clue to the act of bribery is lost, and in practice there is perfect impunity.

This, too, is confirmed by the experiences of the Ballot in all countries. If bribery is to be employed, the Ballot makes it easy and safe, as, indeed, its advocates do not deny; they assert merely that no man will think it worth his while to spend money in purchasing votes which he cannot secure. The answer to this is given above, and as it is contended it will be here so is it actually found to be in the United States.

Thus we encourage increased bribery and extended personation, for what?—to prevent one elector in a hundred from being influenced to vote against his will. To protect one coward twenty honest men are demoralised. Surely this is paying dear for a trifling benefit.

We have already shown that the much desired object of the promoters of the Ballot—the exclusion of the profession from the conduct of elections—is impracticable. The considerations here suggested with respect to the encouragement and protection it will provide for bribery, fully support that view—*The Law Times*.

ARREST BY OFFICER WITHOUT WARRANT.

No part of the law is of such importance as that which bears upon the security of life, and hence the vital importance of all that relates to the legality of arrests by officers without warrant, for in the struggles which occur death too often ensues, and the recent case before Mr. Justice Hannen, at the Hertford Assizes, illustrates the importance of the subject. To resist an officer who is lawfully attempting to execute a legal warrant is, of course, unlawful; and if the officer is killed it is murder, while if death is inflicted by him necessarily in enforcing the arrest or resisting attack, it is justifiable homicide. If an officer attempts to arrest unlawfully, either without any warrant at all (in cases where one is required), or with one which is invalid, the attempt is unlawful, and the same principle applies—that if he kills the person arrested, he is guilty of murder; while if the person arrested necessarily kills him in resistance and defence of his personal liberty, then, in like manner, it is justifiable: (*Simpson's case*, 4 Inst. 333; Cro. Car. 537.) It may be laid down as a broad principle that in no case will the law justify homicide unnecessarily inflicted. But, on the other hand, where the law justifies the use of force, it justifies the homicide necessarily and naturally resulting from that lawful use of force.

In the recent case the question arose thus: