

6. The affidavit of a juror as to the motives which influenced either him or his fellow jurors cannot be received (C. C. P. 428).—*Lafamme v. Mail Printing Co.*, Johnson, Doherty, Taschereau, J.J., March 31, 1886.

ALLEGIANCE AND CITIZENSHIP.

The recent elections have afforded much occupation to the Judges in the Royal Courts, and our law reports of to-day and yesterday contain several decisions in election cases of interest and importance. The petition against the return of Mr. Gent-Davis for Kennington has been ignominiously dismissed, Mr. Justice Day qualifying it as "utterly unfounded." Mr. Stafford Howard has also been confirmed in possession of his seat for the Thornbury Division of Gloucestershire. But the most interesting questions have been raised and decided in the Stepney petition, without it being known as yet what the effect upon the poll may be, as the Judges have still to make a final count of the numbers. But, in any event, the petitioner in this case may feel the glow of a good conscience at having supplied the means for the settlement of a vexed legal question. Mr. Isaacson's pertinacity in attacking Mr. Durant's seat for Stepney has elicited a very learned and emphatic judgment of the Queen's Bench Division on the point of allegiance and citizenship, first raised in a definite form in the famous case of Calvin, when Sir Edward Coke was Lord Chief Justice and Lord Bacon was Solicitor-General. Many Hanoverians, in common with other Germans, reside in the Stepney division of the Tower Hamlets. A majority of them, sufficient to turn the election on a scrutiny, are stated to have voted for Mr. Isaacson, the Conservative candidate. He claims that their votes are good, being the votes of natural-born subjects of the Queen, on the ground that either they were born in Hanover when it was ruled by the King of Great Britain or are sons of fathers so born. The Election Judges reserved the question for the decision of the Queen's Bench Division. That, constituted of the Lord Chief Justice and Mr. Justice Hawkins, pronounces that the votes are altogether bad. So clear does the point of law seem to the Court that it will allow no appeal, which is perhaps to

be regretted. The petitioner and respondent evidently have plenty of combativeness unexhausted, and would not mind expenditure for the final elucidation of a legal puzzle. Unhesitating as are Lord Coleridge and Sir Henry Hawkins, it would have been well to sift the matter through all other available judicial wits. Left as it is, it is sure to emerge again in a fresh shape, and for the embarrassment of less public spirited litigants. We have often taken occasion to condemn the boundless power of appeal as a cruel temptation to choleric tempers, and an oppression to the more peaceable, whom the endless vista intimidates into acquiescence in a wrong. Still there are exceptions; and the Stepney petition is one of them. When Englishmen with long purses are moved to let light into the dark corners of jurisprudence at their own expense, it is a pity to balk them.

For the present at any rate, the law is to be taken as it is laid down in Lord Coleridge's judgment. To a certain extent the decision varies the understanding of two centuries and a half on the subject. English, as general European, law has so far recognized the Sovereign as representative of his country as to hold that the subjects he governs by different titles enjoy cross rights of citizenship. William the Conqueror's Norman subjects became Englishmen after his coronation at Westminster; and Scotchmen born after the death of Elizabeth did not need to be naturalized on this side of the Tweed. The Lord Chancellor and the assembled Judges solemnly affirmed this principle in Calvin's case. By it any Hanoverian votes in Stepney would have been valid if Queen Victoria were now reigning over William the Fourth's Hanoverian dominions. Judicial decisions establish the citizenship in Great Britain of subjects of a British Sovereign who rules them by an independent title. The question is whether the right, having attached, ceased with the cause which conferred it. In Calvin's case the opponents of the claim had suggested, by way of *reductio ad absurdum* of the right, the contingency of a future severance of the Scottish and English Crowns. The Judges so far accepted the force of the