than the 65,000 lawyers, and it is quite certain that the 285,000 milliners, dressmakers and seamstresses do. The idea of suppressing the lawyers by cutting off their privileges as "officers of the court" is decidedly unique. A small and privileged class of lawyers practising at the pleasure of the court, would be a rather dangerous body. There would be some constitutional objections in the way of this scheme. It is not the lawyers who make the litigation, but the litigation that makes the lawyers. The community should have all the law it wants, and all who desire should be permitted to be lawyers. Such communities are the freest and most prosperous. We do not object to the editors. A great many people think the press ought to be muzzled, but we do not share that opinion. We think the editors should be free to write all the nonsense they choose. But if the *Journal* writes many more columns after this fashion the *Troy Times* must look out for its laurels.—*Albany Law Journal.*

REPORTS

ONTARIO.

MUNICIPAL ELECTION CASES.

REG. EX REL CHOATE V. TURNER.

Qualification of township councillor—Irregularity of Deputy Returning Officer.

[London, Feb, 19.—ELLIOT, Co. J.

This was a writ in the nature of a *quo warranto*, calling upon the respondent to show by what authority he held the office of Township Councillor, made returnable before the county Judge of Middlesex.

Street, for the relator.

Magee, for the respondent.

ELLIOT, Co. J.—The respondent was declared to be elected by a majority of one vote, as Councillor for North Dorchester. The relator, by this application, seeks to have it declared that he is the person who had a majority of votes, and not the respondent.

The respondent has attacked the qualifications of the relator, affirming it to be insufficient. From an inspection of the assessment roll it appears that the relator, his father and a brother were jointly assessed for lots 1 and 2 in concession B, for $16,000. It is not stated on the roll in what capacity they were assessed, but after the assessment, and before the election it appears that it was arranged between the relator and his father that the former should convey to the latter all his interest in the said lands, which interest was confined to the south 100 acres, and that the father should lease this 100 acres to the relator for three years, at a rent of $300 a year. And this arrangement was carried into effect; the relator remained in possession of these 100 acres, which are said to be worth $6,000. It is contended for the respondent that, inasmuch as the relator at the time of the election had ceased to have the same estate in the land which he had when assessed, it must follow that his qualification is insufficient. I cannot adopt this view of the case.

When the relator was assessed he had a sufficient interest or estate in this land to qualify him, and at the time of the election he also had an interest or estate in the same land sufficient for that purpose. The objection appears to be purely of a technical character. It is admitted that the estate which he had in the land at the time of the assessment, and at the time of the election, was in either case sufficient for qualification, and I do not see that section 70 of the Municipal Act, which enacts what the qualification shall be, requires more than that the candidate's estate shall be of a sufficient quality and value, and that it shall be in the same land as that for which he was assessed. The spirit as well as the letter of the Act seems to be in favor of a qualification, whether it rests upon freehold or leasehold, or partly one and partly the other, so long as the candidate's estate is sufficient in value and continues to be in the land assessed. I think the relator's qualification was and is sufficient.

The respondent further objects that in the case of four voters, the Deputy Returning Officer took their votes as being those of persons incapable of marking their ballot papers, and did so without going through the formalities prescribed by section 144 of the Municipal Act. Two persons who had voted in this way were called as witnesses by the respondent. One of them swore that he was physically unable to mark the paper owing to a palsied affection which was plainly visible, and the other swore that he was illiterate and could not read the