

The Legal News.

VOL. III. DECEMBER 25, 1880. No. 52.

ELECTION BALLOTS.

In the case of *Newton v. Newell*, recently decided by the Supreme Court of Minnesota, the question of the identity of a candidate voted for by incorrect or misspelled names, and the proper practice in such cases, was before the Court. Although under our system, of making a cross on a ballot on which the names of the candidates are printed, the difficulty is not likely to occur, the following extract from the observations of the judges will be of interest, in relation to the doctrine of *idem sonans*:—

“With reference to the name by which a candidate may be sufficiently designated, we regard the following rules to be correct: If, for a certain office, there is but one person running of a given name, say the name of Frank E. Newell, a ballot for ‘Newell’ simply, without any Christian name or initial thereof, will pass, and should be counted for Frank E. Newell, and so should a ballot for Frank Newell, or F. E. Newell, or F. Newell. So, if to designate the person voted for, letters are used which do not properly spell the name of ‘Newell,’ but do spell a word which is *idem sonans*, this should be counted. All these should be counted, for the reason that they designate the person intended to be voted for with reasonable certainty. But unless the ballot is of one of these kinds, or of equivalent certainty (as it possibly may be, though we do not perceive how), it should be rejected. Therefore, a ballot for ‘Nall,’ or ‘Null,’ or ‘Neden,’ or ‘W. Null,’ should not be counted for Newell. Neither should a ballot for ‘New,’ or ‘Newt,’ or ‘Newto,’ or ‘Newn,’ or ‘Neto,’ be counted for a candidate of the name of Newton. ‘Nuton’ and ‘Newten’ may, however, be properly counted for such candidate. What would be the effect of proof before the District Court that a candidate for an office was commonly known by some abbreviation of his surname, as well as by his full surname, and whether upon such proof a vote by such abbreviation could properly be counted for such candidate, are questions that have not

been discussed in this case, and which we are not now called upon to decide. Certainly such proof would not be admissible before a board of town or county canvassers.” To this we will only add that the determination of what is *idem sonans* must be affected in some degree by circumstances. For example, to take the name that was in question in the above case, if a French-Canadian voter spelled the name “Newto,” we do not think the ballot should be rejected. And if the name of the candidate were French, as, for example, Mignault, the ballot of an English voter in which the name was given as “Meenot” or “Migno” should not be rejected. The attempts of a person of one nationality to pronounce or spell the name of a person belonging to a different nationality are sometimes amusing. We remember, many years ago, being puzzled by a reference to an eminent lawyer as “Mr. Jute,” but a moment's reflection suggested that the gentleman alluded to was Mr. Doutré.

MC GILL LAW FACULTY.

The appointment of Mr. W. H. Kerr, Q.C., as Dean of the Law Faculty of McGill University, has been announced, and has proved to be an extremely popular one with the *alumni* of the Faculty. We think there is reason to congratulate the University on this appointment. Mr. Kerr is not only a barrister of eminence in the profession, and a gentleman who will fill the office with dignity, but he possesses a qualification which is perhaps more valuable, as it is certainly more rare,—and that is an unaffected sympathy with the aims and studies of young men, which disposes him, at much sacrifice of time and personal ease, to bestow, with the utmost readiness and courtesy, the valuable aid which ripe experience can afford to youth.

THE LATE CHIEF JUSTICE.

London *Truth* gives a pen and ink portrait of the late Chief Justice Cockburn in the following terms:—“At about half-past four or five o'clock on most afternoons when the courts were sitting in Westminster, a little old man shabbily dressed, and—except for the bright piercing glance with which he now and then