

## EDITORIAL ITEMS—ELECTION PETITIONS.

testifies to a negative may have forgotten a thing that did happen, but it is not possible to remember a thing that never existed. The like rule was acted upon by the Court of Chancery of this Province in *Wright v. Rankin*, 18 Gr. 625.

One of the results of the English Judicature Act is seen in the appointment of an Equity Counsel, in the person of Richard Paul Amphlett, Q. C., to the vacancy in the Court of Exchequer occasioned by the resignation of Baron Martin. Nothing of the kind has happened since the appointment of Baron Rolph to that Court, but we may expect that the English Common Law Bench will henceforth be leavened with a continuing chancery element, in order that law and equity may be efficiently administered by the same Court. No doubt, a similar result may be looked for in this Province in consequence of the Administration of Justice Act.

The following judicial statistics are worth noting. During the year 1873, the English and Irish Judges who have died are Lord Westbury, Sir Wm. Bovill, Sir Wm. Channel, Sir John Wickens, Dr. Lushington, Chief Baron Pigott, and Mr. Justice Lynch. In the United States, Chief Justice Chase and Mr. Justice Nelson, of the Supreme Court. At present, the oldest Judge in England is Sir Fitzroy Kelly, Lord Chief Baron of the Exchequer, aged 78; the youngest is Sir George Jewel, Master of the Rolls, aged 49. The oldest Judge in Ireland is Chief Justice Monaghan, of the Court of Common Pleas, aged 70; the youngest is Mr. Justice Morris, in the same Court, aged 47.

Chief Justice Thompson, of the Supreme Court of Pennsylvania, lately returned to the practice of his profession, and while engaged in arguing a case,

suddenly paused, and sinking back in his seat, in a few moments breathed his last. He commenced life as a printer, and from that position achieved the highest offices in his State. It is a singular circumstance that the case he was arguing, when arrested by the hand of death, was one on which, as Chief Justice of the Court, he had delivered judgment upon a former writ of error, and he was, in his last utterances, engaged in vindicating the opinion he had himself delivered. Among impressive scenes of a like solemn nature in Courts of justice, may be mentioned the death of Mr. Justice Talford, when in the middle of his charge to the jury.

It has been decided by a Court in one of the United States "on the wrong side of the Rocky Mountains," that shaving by a barber was not a work of necessity within the meaning of the usual exceptions to that effect in Sunday laws, and consequently that the tonsorial professor could not recover for services which were unlawful. A *dictum* to the same effect may be found in *Reg. v. Cleworth*, 9 L. T. N. S. 682, where the question incidentally arose on the argument as to the validity of a conviction against a farmer for work done on Sunday. Crompton, J., remarked, "I take the case of a man shaving another; the one who shaved would be liable, whilst the one who was shaved would not." To that, Mellish, Q. C., replied "that might come under the exception of a case of necessity." Whereupon Cockburn, C. J., observed, "judging from what we see all around, it can hardly be said that shaving is an act of necessity!"

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Either the last elections for the House of Commons of Canada were conducted, in Ontario, in a most grossly corrupt manner, or else there is a wild striving after purity on the part of the defeated