

## DIARY FOR MARCH.

1. SUN. . 1st Sunday in Lent. St. David.
2. Mon. . Last day for notice of trial County Court. Recorder's Court sits. Last day for setting down for re-hearing.
4. Wed. . Last day for notice re-hearing.
3. SUN. . 2nd Sunday in Le. t.
10. Tues. . Quarter Sessions and County Court Sittings in each County.
12. Thurs. Error and Appeal Sittings. Re-hearing Term commences.
15. SUN. . 3rd Sunday in Lent.
18. Tues. . St. Patrick's Day.
22. SUN. . 4th Sunday in Lent.
25. Wed. . Lady Day. Appeals from Chancery Chambers.
30. SUN. . 5th Sunday in Lent.

## The Local Courts'

AND

## MUNICIPAL GAZETTE.

MARCH, 1868.

### THE CHIEF JUSTICE OF ONTARIO.

We are glad to learn that Chief Justice Draper has at length been induced to take a short repose from the severe and unremitting labours incident to his high position.

For nearly twenty-one years, his pre-eminent abilities have been devoted to the service of his country, in a judicial capacity. His position has been no sinecure; and if any man ever earned a holiday, that man is he whom those of the profession are proud to call their Chief.

His request for six months' leave of absence, made at the urgent solicitation of his many friends, was acceded to with the alacrity of a government that had the good sense to appreciate the services of such an able and faithful servant; and though his absence even for a short time will be a severe loss, it will be borne patiently in the knowledge that he is enjoying and benefiting by his holiday, and in the confident hope that we shall soon again see him take his place in renewed health and strength.

### RECENT MUNICIPAL DECISIONS.

Several interesting questions have lately come up for decision before the Judges of the Superior Courts at Toronto, which it may be useful shortly to notice.

The much debated question as to the payment of taxes by candidates and voters has at length been settled, though in what man-

ner is not of much importance, as the law of 1866 as to this point is not likely to trouble us again, at least in the unmanageable shape in which it was originally passed. The decisions carry out the intention of the act despite all difficulties experienced in working it; and non payment of taxes, either by candidates or voters is held to be an absolute disqualification. Candidates must have paid their taxes before the nomination day, (which it has also been established is the first day of the election,) and voters must have paid them before the 16th December.

Curiously enough however, in the many cases brought before the judges on the ground of non-payment of taxes, it has never been expressly decided whether when taxes have been due in different wards or municipalities they must have been paid in each, or only for that ward or municipality in which the party resided. Off hand opinions have been expressed both ways, but it is not worth while to discuss it further now.

The position of a person who has been elected to municipal honours by acclamation is still as impregnable as it was under the decisions on the former act. The wording of the act being such as to justify the opinion that if electors themselves take so little interest in municipal matters that an unqualified person is elected without any opposition on the part of those who ought to be most interested, they must make the best of him, and wait for another year to put another in his place.

This brings us to another decision which it will be useful for future candidates to take a note of, and it is this: if two candidates are nominated, one qualified and the other not, the former may as well at once make his choice either to stand upon his rights as the only candidate who can legally be elected, and refuse to contest the seat by going to the polls, and notify the electors to that effect at the nomination and on the polling days, and claim to be seated in lieu of his opponent who goes to the polls; or, he may try the fortune of an election and then, if defeated, claim a new election, for it is held that by going to the polls he waives all right he may have had to the seat without an election.

Another decision has lately been given which though we do not at present contend to have been erroneous, certainly left a candidate in the same awkward position in which circum-