

Canada Law Journal.

VOL. XLI.

MARCH 15.

NO. 6.

PROPOSED AMENDMENTS TO THE ELECTION LAW.

For the reason promised by Mr. McLeod, your readers who are students of political reform will have welcomed the articles published in THE CANADA LAW JOURNAL. Being of opinion that the arguments of Mr. McLeod, very interesting and excellently put, are nevertheless unsound, I venture a further word upon the subject.

The respective theories of the autocrat and the democrat are doubtless well defined by that writer; but I think that he has misread Judge Wallace in imputing to the latter the autocratic idea in his proposed reform. No one will contend that our Canadian legislative or administrative ideas are other than those of a pure democracy, and I accept his Honour's suggestion as well conceived and in complete harmony with our theories of government and a step forward in perfecting the machinery for the effective enforcement of our election law. It is true that men must be governed in accordance with such well developed customs and sentiments as then exist; and laws to be useful and to be used must be in answer to and supported by the matured sentiment of the mass of the people. This principle, however, must be applied in a reasonable sense.

Again I submit that Mr. McLeod is wrong in assuming that Canadian sentiment is not ripe for a severe and drastic law against electoral corruption. It is precisely because the sentiment is ripe that I applaud Judge Wallace's effort to devise improvement in the existing law. Nor do I agree that such a law is of a sumptuary nature. Political morality is not in our day and country a matter of taste or caprice but an admitted basic principle of our free institutions. Go into any decent community in Canada, and you will hear a unanimous deprecation of corrupt methods at elections. Mr. McLeod himself unconsciously admits at least ninety-five per cent. Even those who practise irregular methods will readily confess to the desirability of clean elections and justify the alternative only as necessary to fight "the other side" with their own weapons.