

TRIAL OF ELECTION PETITIONS.

An important change has been made in England in the composition of the tribunal for the trial of election petitions. The Election Court is no longer to consist of one, but of two Judges. On the 12th of August, the House of Commons decided that all trials should thereafter take place before two Judges, and the Act applies to England, Ireland and Scotland. Sir Charles Dilke was against the change as regards England, and Mr. McLaren opposed it as regards Scotland. Mr. Martin, an Irish member, said "he believed more bad decisions had been rendered by English Judges than by Irish." The Attorney-General, for himself, said that a tribunal of three would be better than one of two. Mr. Courtney considered a tribunal of two Judges to be a bad one. Mr. Monk asked what would be the result if the two Judges differed, to which the Solicitor-General said: "it was not difficult to answer, to wit, if they did not agree, the Act was simply not performed!"

The impression left by the full discussion which the question received, according to the *Times*, is that, though no urgent case for a change has been made out, there are some advantages in the presence of two Judges. "The confidence now reposed in one," it says, "is, if we come to look at it, altogether without example. The business of the Judge who investigates charges of bribery, treating or intimidation brought against a candidate who has been returned is, in the main, to form an intelligent opinion of the value of the evidence put before him. He has to act as a jury; and to commit to any one man duties which usually devolve upon twelve is to exhibit great confidence in his impartiality and sagacity. In several jurisdictions, as, for example, in the Divorce Court, such confidence is shown, but it is important when party feeling runs high that the result should command peculiar respect; and this is most likely to be obtained if the decision is that of two minds. An Election Judge has power to inflict severe punishments. He may virtually deprive one candidate of a seat and give it to another, and he may fasten upon one of them an ineffaceable stigma."

The *Times*, however, points out a difficulty of

detail in putting the Act into operation. The Judges have already complained of the obstruction to their ordinary duties. That obstruction will now be doubled. "The change will be a new strain on the judicial staff of the country. It will be inconvenient to suitors. If candidates at the next general election are free-handed, there will be an abundance of petitions; and for a time a quota of the Judges will be taken from their ordinary work in London, to the detriment of litigants, and be sent to pursue protracted investigations in far-away boroughs. The change may lead to a renewal of the demand for the creation of new Judges; and it will be made with vehemence when, as may happen after a general election, petitions must be tried at a time when the Courts are blocked."

A DEAF MUTE'S WILL.

Some fifteen years ago in England, John Geale, of Yateley, yeoman, deaf, dumb, and unable to read or write, died leaving a will which he had executed by putting his mark to it. Probate of this will was refused by Sir J. P. Wilde, Judge of the Court of Probate, on the ground that there was no sufficient evidence of the testator's understanding and assenting to its provisions. At a later date, Dr. Spinks renewed the motion upon the following joint affidavit of the widow and attesting witnesses: "The signs by which the deceased informed us that the will was the instrument which was to deal with his property upon his death, and that his wife was to have all his property after his death in case she survived him, were in substance, so far as we are able to describe the same in writing, as follows, viz.:—The said John Geale first pointed to the said will itself, then he pointed to himself, and then he laid the side of his head upon the palm of his right hand with his eyes closed, and then lowered his right hand toward the ground, the palm of the same hand being upward. These latter signs were the usual signs by which he referred to his own death or the decease of some one else. He then touched his trowsers pocket (which was the usual sign by which he referred to his money), then he looked all around, and simultaneously raised his arms with a sweeping motion all around (which were the usual signs