

law merely, and though I do not say that it is always a necessary part of undue influence that there should be the express intention if the act is of a nature to influence unduly; yet I cannot see that the steps taken here could impede the giving of the vote at all. On the contrary, there is express evidence that Cornellier said: "Je ne vous dis pas que vous ne pouvez pas voter; au contraire, je vous dis que vous pouvez voter;" and the concluding words of the notices show distinctly that the right to object was intended to be reserved, and to serve in case of a scrutiny.

The next two charges related to Liboiron getting work for Vendette at Mahen, in chopping wood; and to the case of Charbonneau, a cripple and a beggar, but a voter for all that, who got broken victuals from Mme. Hudon. I am clear that neither of these cases had anything to do with the election.

The charges against Dutrizac and against Sauvé, were admitted to be without importance.

The case which was noticed next in order was one upon which there was certainly something to be said, and to which the learned counsel for the petitioner did full justice from his point of view.

It consisted in this: There were some votes, two or three I think, at or near a place called Fournierville, where one Morille Malbœuf, who was not a voter, resided. Before the polling Liboire Constant wrote to Malbœuf and asked him to give notice to the electors about there of the day fixed for voting. Malbœuf did so, and the day before the polling, they all came down together as far as Kenyon where they took the railway, and came on to vote, and on the road they all drank, and one of them at least, was a good deal the worse for it. There is no doubt this man, Malbœuf, looked upon the occasion as one of great fun and hilarity. He said: "*nous allons nocer.*" If this word were the equivalent of the latin '*nocere*,' it would have been an unconsciously correct expression. They all appear to have taken too much—and he himself in particular: but the charge, if it has anything in it, means that Liboire Constant treated them to get their votes—as to which there is absolutely no evidence

at all. Then, if it were contended that Malbœuf himself were the party treating,—and it was so contended—(and the particular was amended by leave of the Court to include that) there would still be no evidence of agency. The request to give notice of the day of polling made Malbœuf a messenger or agent for that purpose, but no further. He was not an elector himself, and the others all had their minds made up when they started as to whom they were going to vote for, and no inducement of any kind appears to have been either required or used. The question is, was there any treating by an agent of the candidate—and there is no evidence that there was. The voters themselves caroused on the road; and when they reached Kenyon, their passage was paid on the railway; but that has nothing to do with the charge of treating, nor is there any evidence, how or by whom it was paid. It certainly was not paid by Malbœuf, though he knew it would be paid; for he told Seguin so. I am afraid there is no law efficient to prevent men from making beasts of themselves, though there is to prevent them from making beasts of others in order to get votes.

One François Lalonde, who was an agent of Mr. Bain, was charged with making a promise to Jos. Lalonde. Jos. Lalonde says the other asked him to vote if not for, at all events, not against them, and on the voting day, they met again, and François Lalonde said: "*Je m'en souviendrai.*" This is admitted to be very vague; and it may mean possibly either to convey thanks for his vote, or the reverse; but we have no means of knowing how he voted, and cannot decipher what was meant: certainly if it was a promise, it would be difficult to say of what, and François Lalonde on his oath denies using the words.

The case of Stanislas Filiatrault was: 1st, that he had sent money to Guilbault to come and vote—which is contrary to the fact proved. He certainly said that he wanted to send Guilbault \$4; but the money never was sent; 2nd, that he had paid the taxed expenses of some witnesses. The list of these payments was produced; it is a list of persons taxed and paid at different times with money received for that purpose from