

must be substantially true. Now, what do the words complained of import—that Mr. Mercier had contributed to the election of Mr. Mousseau; that he had tried to snatch a portfolio; and, the most serious charge of all, that failing to do this he sold himself for \$5,000. We need not deal with the last words, for it will at once be conceded that if he did all this, the expression would be justified.

As to the first point, the evidence chiefly establishes a negative support of Mr. Mousseau. Mr. Mercier tells us that he preferred Mr. Mousseau as a candidate to Mr. Descarries, and that he and the other party leaders agreed not to interfere in the election. They were to leave their supporters free to vote for whom they liked, as both candidates were of the same party. This was already some assistance to Mr. Mousseau; but the evidence establishes something more than this. Several members of the liberal party took an active part in the election. One of them, a Mr. Aurelie Cauchon, now dead, obtained a letter from Mr. Laflamme, another of the liberal leaders, recommending Mr. Mousseau to the electors of Jacques Cartier in preference to the other candidate, Mr. Descarries. Mr. Cauchon took that letter to Mr. Mercier and asked him to sign it. Mr. Mercier declined. Cauchon then told him, he was being abused for the part he was taking in the election, and asked him to give him a certificate of honesty and respectability. This Mr. Mercier, unwillingly, did. To this man, armed with Mr. Laflamme's letter, he gave a special certificate, knowing it was to be used, and on purpose that it should be used, in furthering Mr. Mousseau's election. It can hardly then be said that it was not true that Mr. Mercier had contributed (for that is the mild word used) to the election of Mr. Mousseau. The next part of the charge is not supported as fully. It would be an exaggeration to say that there was no evidence about a portfolio; but it would be a total exaggeration to say that there was any evidence that Mr. Mercier had done anything improper in the negotiations referred to. It seems that in 1882 a proposition was made to Mr. Mercier by Mr. Senecal, whose influence or position is not proved in any way, that there

should be a coalition. Mr. Mercier did not absolutely reject this proposition, and meeting Mr. Dansereau some time later, he asked him if it meant anything? This led to further negotiations, and a meeting took place at Quebec, in the house of Mr. Descazes, Mr. Mercier's brother-in-law, where certain propositions were drawn up, to be submitted to both parties. It seems that Mr. Mercier demanded that three seats in the cabinet should be reserved for him and his friends. The conservatives would not consent to this, and the negotiation was broken off. It may perhaps be said that in seeking to go into the ministry, Mr. Mercier tried to snatch a portfolio; but it is a pretty rough way of expressing it. Snatching or seizing a portfolio (*arracher un portefeuille*) is putting his conduct in an evil light. Perhaps if it stood alone it might hardly justify a condemnation for libel, and if the more serious part of the charge is fully justified, it may be a matter of consideration what weight to attach to it. But if the rest of the charge is not justified, it is an aggravation that his motive was to avenge himself for not getting a portfolio. Something was said during the trial about a presumption arising from the dates of the election and the negotiation; but this has not been insisted on at the argument, and I don't see exactly the necessary consequence of these facts.

The last part of the words complained of is the most important part of the charge. With regard to it there is no difficulty as to the evidence. We have almost the whole story before us by Mr. Mercier's own evidence. We have a frank admission of what he did, and we have his justification. Now what he tells us is that he did receive \$5,000, which, he says, he never denied. His evidence also establishes that he instituted an election petition against Mr. Mousseau to protect his political friends in other counties, in the name of one Belanger; that having succeeded in establishing sufficiently that corrupt practices had been resorted to in the election, Mr. Mousseau was willing to let the election be annulled if Mr. Mercier would abandon the personal charges against him. That Mr. Mercier agreed to this if his costs were paid, and if his friends consented to it. That in