

PARLIAMENTARY ELECTIONS.

The Judge, commenting on the words of the Act, says, "they are large enough to include every sort of intimidation, every sort of conduct which would operate upon the mind of another and terrify or alarm him into doing what the person misconducting himself willed of his own free will. * * * There was terror, whether it be more or less, still a terror amounting to intimidation at H.'s factory for some time before the elections, and a strong feeling that men would be dealt with differently according as they voted one way or the other, which feeling, produced by illegitimate means, is to be prevented, and the persons who are likely to feel it are to be protected by law."

In the *Northallerton case*, 1 O'M. & H. 167; Willes, J., says, "a mere attempt on the part of an agent to intimidate a voter, even though it were unsuccessful, would avoid an election."

In the *Galway case*, *Ib.* 303, Keogh, J., says, "The landlord has his vote, and his tenants have their votes, and is it to be said that the landlord is to use no influence with his tenants? I deny the proposition altogether. I say that it is right and becoming that a landlord should use his influence with his tenants, and so long as he does not exercise that influence in an illegitimate way, no steadier or safer or more legitimate influence can be used."

Again, in reference to priestly influence, he says, "It has been found that in various churches the celebration of the mass was suspended after the first gospel, in order to lecture the people upon the conflicting claims of the different candidates. I think it well that the house of God should not be made a place for delivering political discourses in at all, but I pass that by as a matter of trifling importance. I recognize the full right of the Catholic clergy to address their congregations, to tell them that one man is for the country, and another man is against the country. Nay, more, I would not hold a very hard and fast line as to language which, in excited times, may be used by Catholic ecclesiastics, or by civilians. They may be impatient and zealous and wrathful, provided they do not surpass the bounds of what is known to be legitimate influence."

In the *Longford case*, 2 O'M. & H. 6, Fitzgerald, J., says, "The Catholic priest has, and he ought to have, great influence. * * In the proper exercise of that influence on electors,

the priest may counsel, advise, recommend, entreat and point out the true line of moral duty, and explain why one candidate should be preferred to another, and may, if he think fit, throw the whole weight of his character into the scale, but he may not appeal to the fears, or terrors or superstitions of those he addresses. He must not hold out hopes of reward here or hereafter, and he must not use threats of temporal injury or of disadvantage, or of punishment hereafter. He must not, for instance, threaten to excommunicate or to withhold the sacraments, or to expose the party to any religious disability, or denounce the voting for any particular candidate as a sin, or as an offence involving punishment here or hereafter. If he does so with a view to influence a voter or to affect an election, the law considers him guilty of undue influence. As priestly influence is so great, we must regard its exercise with extreme jealousy, and seek by the utmost vigilance to keep it within due and proper bounds."

In the *Tipperary case*, *Ib.* 31, Hague, B., says, "A priest's true influence ought to be like a landlord's true influence, springing from the same sources, mutual respect and regard, sympathy for troubles, losses, sound advice, generous assistance and kind remonstrance, and when these exist a priest can exercise his just influence without denunciation, and a landlord can use his just influence without threat or violence."

In the *Lichfield case*, 1 O'M. & H. 22, Willes, J., says, "The law cannot strike at the existence of influence. The law can no more take away from a man who has property, or who can give employment, the insensible but powerful influence he has over those, whom, if he has a heart, he can benefit by the proper use of his wealth, than the law could take away his honesty, his good feeling, his courage, his good looks, or any other qualities which give a man influence over his fellows. It is the abuse of influence with which alone the law can deal. Influence cannot be said to be abused because it exists and operates."

Again, referring to our own cases:

The *Stormont Election case*, tried before the Chief Justice of Ontario, so far as it has already proceeded, consisted entirely of a scrutiny. The recriminatory charge of bribery was not pressed, and, as counsel intimated, will most likely be dropped.