extending their jurisdiction to relieve the Central Government of its responsibility. It seems to be fairer to leave the rule of expediency to be applied by a body responsible to the people at large, rather than to a comparatively irresponsible body like a Court. We are therefore to reverse the judgment in this case, with costs.

Judgment reversed.*

COURT OF QUEEN'S BENCH.

QUEBEC, October 5, 1882.

DORION, C. J., RAMSAY, TESSIER, CROSS & BABY, J J.

McKENZIE, Appellant, & TURGEON, Respondent.

Election Act of 1874—*Intimidation.*

RAMSAY, J. This is an action under the Parliamentary Election Act of 1874, for the penalty of $200 for intimidation. Of all the electoral manœuvres this Act is intended to repress, there is none so odious as those which come within the class of intimidation, and this is equally true of the intimidation employed by a creditor to force the conscience of his debtor, as of actual violence. This Court, then, cannot have any sympathy for those who are guilty of such an offence; but we must not permit the natural indignation it creates to mislead us in the matter, so as to give more importance to trumpery accusations than they deserve. The action in the present case is nominally brought by one Turgeon; but the real accuser must be Frs. Roy, the person said to have been intimidated. The threat employed seems to have been conveyed in these words: "France, cette année il faut que tu votes pour M. Amyot; si tu ne votes pas pour M. Amyot, je le sçaurai, et après l'élection tu auras affaire à moi," or "qu'ils joueraient ensemble." The only witnesses were Roy, his wife, and his sister-in-law. In this family party we may suppose that the utmost significance was given to what passed, and yet this is all they can swear to. But, in addition to this, it is proved that these alarming words were pronounced by a man in a considerably advanced state of drunkenness, and that they were treated as nothing by the person intimidated, both at the time and in speaking of them later. It was contended that the menace had some gravity from the fact that Roy was the debtor of McKenzie; but the debt had been transferred, and Roy knew of the transfer. We must not forget the general principles of law in interpreting a statute of this sort, and we must remember that to constitute intimidation the menace must be something that is real and substantial. Including the words "undue influence" adds nothing to the case before us, because it is manifest that the undue influence intended to be proved here was a threat.

We are therefore of opinion that the judgment must be reversed with costs.

Judgment reversed.

* In the case of *Hamilton & The Corporation of the Township of Kingsey*, the same point was also decided at Quebec, 7th Oct., 1882.

SUPERIOR COURT.

MONTREAL, October 5, 1882.

Before RAINVILLE, J.

LEBOURVEAU v. BEARD, & THE BANK OF MONTREAL *et al.*, T. S.

Petition to obtain main-levée of Saisie-Arrêt upon depositing moneys in Court to abide decision in Review.

On the 14th of September, 1881, the plaintiff had obtained a judgment against the defendant for $316.58, and on the 29th of October following, the defendant's petition in revocation of that judgment was dismissed; whereupon the plaintiff immediately issued a *Saisie-Arrêt* after judgment, to attach the moneys of the defendant in the hands of all the Banks in the City of Montreal.

Shortly after the service of this seizure, the defendant inscribed in Review from the judgment of 29th October, which dismissed his *Requête Civile*, and on the 4th November, 1881, presented a petition praying that he might be permitted to deposit in Court the amount of the original judgment in principal, interest and costs, together with a further sum for costs of the seizure, the whole to abide the decision in Review; and that upon so doing *main-levée* of said seizure be granted him.

By the judgment of the Court, the Petition was granted; deposit to be made to abide