

the negligence of one of defendant's workmen making repairs to a roof. The defendant tendered \$50.

PER CURIAM. This is entirely a question of evidence. There are two doctors' bills which should only be allowed in part so far as the defendant is concerned. There is no specific damage proved by loss of practice as a lawyer but I do not consider that the \$50 offered by defendant is sufficient. It is to be regretted that the workman through whose negligence this action has arisen is not to bear all the consequences of his negligence. As it is, the Court has to assess the damages which should reasonably be paid by the master, who is responsible for the act of his journeyman. The Court has before it the case of *Glass v. Deblois*. That was a much more serious case, the plaintiff narrowly escaping with his life, and the damages given were only \$200. Here the damages are assessed at \$100 and costs.

Duhamel, Pagnuelo & Rainville for plaintiff.
Bethune & Bethune for defendant.

COURT OF REVIEW.

MONTREAL, November 30, 1880.

JOHNSON, OLIVIER, BOURGEOIS, J.J.

MASSÉ et al., Petitioners, and ROBILLARD, Respondent.

(Quebec Controverted Elections Act, 1875).

Clerical Influence in Elections.

A priest or clergyman may take the side of a candidate in an election, and support it by all lawful means, even from the pulpit. But if a priest does any unlawful act, such as using intimidation by refusing the sacraments to a person who will not vote as he wishes, he will be deemed the agent of the candidate, and the fact that he has committed the unlawful act in the exercise of his priestly office, will not protect the candidate from the consequences of such unlawful act on the part of an agent.

JOHNSON, J. This is an Election Petition from the County of Berthier, and the Petitioners alleged in the first instance almost every possible species of infraction of the provisions of the election law; but it is now perfectly understood, and it was so expressly stated at the long and careful argument of counsel on one side and on the other, that the present pretensions of the Petitioners are reduced to one class of offences against the Election Act, viz., the class of offences or corrupt practices mentioned in the 258th section of that statute, and called by the general name of "undue influence;" and they allege this undue influence to have been practised, not only by the Respondent's agents, but also with his own personal knowledge and consent; and they pray that the election may be avoided, and the Respondent be disqualified under the 267th and the 268th sections.

The election in question took place on the 1st of March, 1878, and the Respondent was returned as duly elected.

The Petition was presented on the 8th of June, 1878, and the Respondent, on the 14th, filed a general answer in fact and in law, and there was a hearing on that, and the Petitioners moved for particulars, which were furnished on the 5th of January, 1880. Some or most of these particulars related to the general charges not now insisted upon; but with respect to the particulars numbered from 6 to 18 inclusive, they related to the charges which are now before us, and to which, as I said before, the consideration of the case is now to be restricted. These particulars refer to the acts of six Roman Catholic clergymen of the County, of whom five are named; and, though in discussing this case, I use my own native tongue as being more familiar to me, yet, in a matter of so much importance, it may be desirable that the exact pretensions of the Petitioners in their own language, as they appear in the record, should be repeated, and that nothing should be risked by translation as to their exact meaning. They are as follows:—

INFLUENCE INDUE.

6ième particularité:—"Les Révérends Messieurs Clément Loranger, curé de la Paroisse de Lanoraie, Jean-Baptiste Champeau, curé de la Paroisse de Berthier, Urgèle Archambault, curé de la Paroisse de St. Barthélemy, Joseph St. Aubin, curé de la Paroisse de St. Norbert, André Brien, curé de St. Cuthbert, ont, immédiatement avant la dite élection, et pendant icelle, organisé un système général d'intimidation, dans le but d'influencer indûment le vote de tous les électeurs du dit District Electoral de Berthier, et particulièrement le vote de tous les électeurs des dites paroisses, situées dans le dit District Electoral de Berthier, en faveur du Défendeur et contre Louis Sylvestre, Ecuyer, l'autre candidat opposé au défendeur, et cela en dénonçant en leur qualité de pasteurs des dites