

not my duty to pronounce upon the policy or expediency of that step so taken by the clergy—that is the holding, in the first instance, a meeting confined to the clergy of the county, and their selecting a candidate whose interest they agreed to promote with all their power. All I have to do is to pronounce upon the legality of it, and I am obliged to say that however objectionable it may have been, it was a lawful proceeding. It was quite as open to the clergy, as electors of the county, as it would have been to any other body of electors in the county, to separate themselves from the general mass of the electors, select a candidate, and agree to support that candidate. When we recollect the very great interest which the clergy had in the then pending election, and the crisis which they no doubt considered was imminent, probably, it is a course which one would have expected they would take upon the occasion. The objections to it are that it separates the clergy from the laity; it exposes the former to the imputation of what is called 'clerical dictation.' It creates jealousy and uneasiness, and lays the foundation for the charge of undue influence; and there is this quite certain, that it calls upon the judge who may have to determine the validity of the election, to view with suspicion and criticise with vigilance the course which the clergy may take in the contest."

In the County Tipperary case, Mr. Baron Hughes, in his judgment, declared the respondent duly elected. As to the influence of Roman Catholic priests, he said:—

"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 or losses, sound advice, generous assistance, and kind remonstrance—and where these exist, a priest can exercise his just influence without denunciation, and the landlord can use his just influence, without threat or violence. A priest is entitled, as well as any other subject, to have his political opinions, and to exercise his legitimate influence legitimately. It is a mistake to suppose that on a man taking holy orders he ceases to be a citizen, or ceases to be clothed with all the privileges and rights of a citizen. But a priest has no privilege to violate or abuse the law. He has no right to interfere with the rights and

privileges of other subjects. He may exercise his own privileges, but he must forbear in respect of others. It is also a mistake to suppose that every act of a priest is a spiritual one. An assault by a priest is simply an assault, and not priestly intimidation; and the assault of a priest can and ought to be resented, and prosecuted and punished like any other individual."

In the Borough of Galway case, p. 200, Mr. Justice Lawson declared the election void on account of intimidation by the respondent and his agents. As to spiritual undue influence, he said:—"Undue influence, like other frauds of which it is only a species, must be established by evidence, and cannot be arrived at by conjecture. I need not refer to authorities to establish what, in point of law, constitutes undue spiritual influence. The judgments of Mr. Justice Keogh in the Galway cases, and that of Mr. Justice Fitzgerald in the Longford case *leave nothing to be said as to the law of the matter.*"

Having now referred, I hope not at too great length, to the settled law as to what is undue influence, and what is not, I may just refer again in a general way to these charges taken altogether as completely justifying the language I used in describing them, when I said that a very great part of them charge things which undoubtedly could not constitute "undue influence" in the sense of the law. It was undoubtedly the right not only of the rev. gentlemen here impugned, but of every elector in the county, and the law makes no distinction between the cloth, and the rest of the electors, to take any political side they chose: to denounce one party as the good one, and another as the bad one. It was their right to be earnest and vehement in the assertion of their opinions: to meet among themselves (as was done in the Longford case), and to agree as to what candidate they would support, and to support him by all the lawful means in their power. Up to the point at which we have arrived, I see nothing whatever to blame in the conduct of these gentlemen, and I know of no law even to prevent their alluding to the subject of a public election from their pulpits, if they see fit to do so. Mr. Lorange had a perfect right to send the letter, Mr. Robillard had a perfect right to carry it, and Mr. Champeau to receive and act on it; but we