each other, the sermon of a single priest will be reported throughout the whole county ; it will be generally spoken of, and the spiritual threats will have the same effects elsewhere as in his own parish, because the Catholic doctrine is known to be the same every where, and if it is a sin at Bay St. Paul and at St. Hilarion to vote for Mr. Tremblay, it is also a sin in the neighboring parishes.

The Court below has considered the law in a different light, which appears to me to be the result of two important errors. The judge appears to have maintained that to have the election set aside on account of intimidation practised by the clergy, it was necessary to prove that Respondent's majority was obtained through terror, and would not have been obtained otherwise. And perhaps through an excess of good will, finding evidence with regard to four electors only that fear had prevented them from voting, he concluded that the intimidation proved was not sufficient to void the election.

In this there are two errors. In the first place the Court seems to have taken no notice of the attempt at intimidation, which by the statute is assimilated to intimidation itself, inasmuch as the Court, without examining the attempt at intimidation, sought only to find out if electors had been intimidated and to ascertain their number. In the second place, entering as the Court below did, into an examination of the votes influenced by the sermons of the Curés, is really entering into a scrutiny of the votes.

All the authorities agree, and it is also common sense, that there is an essential difference between a procedure which would have the effect of voiding an election on account of the number of illegal votes being sufficient to destroy the majority of the sitting member, and a procedure having for its object the voiding of an election on account of its not having been made with the liberty and the independence required. In the first case the Petitioners ought to have produced a list of the votes objected to, and to have given the reasons invoked to have them set aside. That list is what is called a *scrutiny list*. In the second case they did not require a *scrutiny list*, nor even *particulars*. In a case of *scrutiny*, there must be also an allegation in the petition showing that the majority of the sitting member is only *colorable*, because a certain number of votes given for him are illegal on account of the reasons given. On the contrary in the case of a general system of *corrupt practices*, there is no necessity of inquiring who had or who had not the majority of legal votes.

Such is the law. In reading the petition the Court will see that the question is not whether the Respondent had the majority of legal votes, but whether ; 1o he or his agents have been guilty of corrupt practices which annul an election ; 2o the election has been sufficiently free to be held legal, or has been so affected by corrupt practices or clerical intimidation that it cannot be said to have been the result of the free and independant will of the electors.

The question we shall now examine is this : was the present election made in such a manner that the electors made a free and independent choice ? I do not think that in view of the evidence in the record, it is possible to answer in the affirmative.

Let us see the facts. The number of incriminated priests is much larger in the present that in the Galway case. Out of the twelve priests and the two *vicaires* of the county of Charlevoix, eight curés and one *vicaire* are incriminated, and there is evidence against seven curés and one vicaire. It is evident that the system was much more general than in Galway.