

which he was admitted on all sides to be admirably qualified, has awakened feelings of no ordinary regret.

THE LATE MR. JUSTICE DUNKIN.

The Bench has sustained another loss, almost simultaneously, in the Province of Quebec. Mr. Justice Dunkin, of the Superior Court, who long took an active part in public affairs, died at his residence, Knowlton, P.Q., on the night of the 6th instant. Judge Dunkin was born in England in 1812. He was educated at the University of London, and at those of Glasgow and Harvard. He was appointed Secretary of the Education Commission under Lord Durham, and held other offices in the Civil Service. Subsequently he was admitted to the Bar in 1846, and was a member of the eminent firms of Meredith, Bethune & Dunkin, and Bethune & Dunkin. He represented Drummond and Arthabaska from the general election in 1857 to the general election in 1861, and subsequently Brome from January, 1862, until the Union, when he was returned to the Commons and the local House by acclamation. He was Treasurer of Quebec Province from July, 1867, until November, 1869, when he became Minister of Agriculture of the Dominion. In October, 1871, he was appointed a judge of the Superior Court, an office which he retained until his death. Mr. Dunkin was the author of the celebrated temperance measure known as the Dunkin Act. He was a sound lawyer, a good speaker, and a careful Judge.

NOTES OF CASES.

COURT OF REVIEW.

MONTREAL, Nov. 30, 1880.

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

[Continued from p. 8.]

Clerical influence in Elections.

JOHNSON, J., continued:—

Let me now, before entering more particularly on any specific charge, refer to the law as settled by the highest authorities, as to what is, and what is not "undue influence." In the Longford case, Mr. Justice Fitzgerald, in his judgment, declared the election void on the ground of corrupt treating. As to undue influence on the part of the clergy, he said: "The

utmost care has been taken by the Legislature for the purpose of defining what undue influence is, and of repressing it. It is defined with a view to embrace almost every case of improper influence, whether by physical intimidation or otherwise; and if we were now applying to the Legislature to amend the law so as to include any case that might have been omitted, it would be difficult to invent language more comprehensive." And subsequently: "In considering what I call here undue clerical influence, it is not my intention to detract from the proper influence which a clergyman has, or, by a single word, to lessen its legitimate exercise. We cannot forget its wholesome operation, and how often, even recently, it has been the great bulwark of the community against insurrection and fruitless attempts at revolution. The Catholic Priest has, and he ought to have, great influence. His position, his sacred character, his superior education, and the identity of his interests with his flock insure it to him; and that influence receives tenfold force from the conviction of his people that it is generally exercised for their benefit. 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 thinks fit, throw the whole weight of his character into the scale; but he may not appeal to the fears or terrors or superstition 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 punishment hereafter. He must not, for instance, threaten to excommunicate, or to withhold the sacraments, or to expose the party to any other religious disability. If he does so with a view to influence a voter, or affect an election, the law considers him guilty of undue influence."

As to the influence of the clergy when not undue, alluding to a meeting of the clergy that had been relied on to some extent in that case, the same judge said:

"I allude to this meeting because it has been made the subject of much commentary, and upon the face of the petition, as well as in the evidence given for the Petitioners, it has been made the foundation of many of the charges which have been put forward. It is