that none of the money had been paid for illegal expenses. Mr. Préfontaine was contradicted by Gibeau, because he could not speak by personal knowledge and only said what he had been told by Gibeau, as Mr. Tarte has been speaking from the information supplied by Simard. If the latter had been heard, we would have seen between him and Mr. Tarte the same contradiction that was found between Gibeau and Mr. Fréfontaine.

The court cannot therefore, but follow the precedent established in the Chambly case, where the Respondent Jodoin was unseated and disqualified for the payment of a sum of $362 of which no satisfactory explanation had been given.

2nd General System of Spiritual Intimidation.

Each of the facts of Spiritual intimidation that I have mentioned up to this is of itself sufficient to annul the Respondent's election, on the only condition that the agency of those who committed those acts be proved. But I go further, and I maintain that there is in the record sufficient proof to establish a general system of spiritual intimidation, as alleged in the petition, and even supposing that no agency was proved, this suffices to annul the election.

It is useless to discuss the question whether the proof that such a system has been put in practice for the benefit of a candidate is sufficient to annul an election. Our Statute does not mention it, it is true; but the English Statute does not mention it either, and in England, there has never been any hesitation in annulling elections for that reason, according to the common law, which requires that all elections be so made that it can be said they are the expression of the free will of the electors. If so many illegal practices have been committed that it may be believed that the electors have not been free, the election should be set aside.

The principles admitted in England on this point, were applied here in the Dorchester election trial, in which Mr. Rouleau's election was annulled in 1875 by a decision rendered by the Honorable Justices Casault, Taschereau and Meredith, on account of a general system of *treating*.

It is well to remark that for the voiding of an election on account of such a general system of illegal practices, it is not necessary to prove that the result of the election was actually changed by it, it is sufficient to prove that they were of such nature that they deprived many electors of their liberty, and were the cause that the election was not what it would have been.

It is according to that principle that the Court acted in the Dorchester case above cited, The Court annulled that election, not because the sitting member owed his seat to the *treating* practised in his favor, but because it was proved that there was so much treating that the election could not be considered as the result of the free choice of the electors. Judge Keogh had previously given this same interpretation of the law in the Galway case already cited. (O. & H., vol. 1, page 256, 257, Cox and Grady, p. 323, Warren election committees, p. 323.) In the Galway case, out of 150 priests who were in the county, 50 or 60 only were incriminated, and the judge found sufficient evidence against 35 only. Nevertheless he declared there had been a general system of spiritual intimidation. This is easily understood; the electors of the different parishes of a county having frequent intercourse between