

SICOTTE, J., referred especially to a promise made by the respondent that if elected he would lay sidewalks at his own expense. This promise, his honor considered, was a corrupt inducement to the electors, and had influenced votes in his favor. For this reason the election must be set aside.

MACKAY, J. In the winter and autumn before the election these *trottoirs* were the subject of talk; some were for having them made at the expense of the Municipality, and there had been talk in the Council on the subject; though not upon a Petition.

Before the election there had been rumors that defendant if elected would make the *trottoirs à ses frais*. Albert Adam proves it, and Bérard, defendant's *fermier*, admits having heard it from different persons. The talk of defendant's agent S. Massé, fils, was peculiar; though not proving promise by defendant, it shows that the *trottoirs* question had been the subject of conversation before the polling day.

It is sought to connect the defendant with these rumors. So witnesses are brought up to prove his sayings; the petitioner charges defendant with having promised to make them at his own expense. Did defendant promise? Charles Bertrand says he did, speaking to him, on the *perron* of the church, "si j'ai la chance d'être élu je ferai faire les *trottoirs*," were defendant's words to Bertrand. So does Albert Adam. Defendant speaking to him, (*à moi-même*), said, "si je suis élu je ferai faire les *trottoirs*." Narcisse Hens says defendant *did* promise. Defendant said that "il les ferait faire."

Is the evidence of these three persons invalidated? C. Bertrand voted for defendant. It is said in defendant's factum that Gaspard Trouillet and Simon Massé "n'ont pas entendu les mots rapportés par ces deux témoins," (meaning Bertrand and Adam.) It happens that Trouillet is not asked, and does *not* say so; nor does Massé.

Are there proofs corroborative of those made by the three positive witnesses, or of the charge that defendant had made promise about the *trottoirs*? Yes, there are the proofs resulting from what Paul Adam and Marie Bertrand say, and Guillaume Cheval. Paul Adam and Marie Bertrand swear that defendant said to Paul, before the day for polling, that one Michel Bérard had come to him, and that he (defendant)

had told him, "si je suis élu je donnerai le *madrier*," meaning the "*madrier*" for the *trottoirs*. Cheval swears that defendant, after the election, went to his place and said: "On veut me *tracasser* par rapport à une promesse que j'ai faite, &c., mais on ne peut pas me *tracasser*, parce que j'ai dit que je ferais faire les *trottoirs* qu'en autant que je serais élu par acclamation."

Michel Bérard is *fermier* of defendant. He denies that defendant told him that he would make the *trottoirs*, or give the *madriers*. If defendant never told him so, it was rash of defendant to speak as Paul Adam and Paul Bertrand swear he did, at Paul Adam's. That a conversation did take place at Paul Adam's during which the *trottoirs* were spoken of, and also Bérard's visit to defendant, is proved by defendant himself. But it is contended that Paul Adam and Marie Bertrand are not to be believed in reporting defendant to have said in that conversation, that he had promised to Bérard: "si je suis élu je donnerai le *madrier*." But we can't so hold in face of what defendant himself has said. In answer to the question: "Dans son témoignage, Paul Adam dit que vous lui avez déclaré chez lui: "que Michel Bérard était venu vous trouver pour "vous faire faire une requête pour obtenir des "trottoirs, et que vous aviez répondu à Bérard: "laisse cela tranquille; si je suis élu, je donnerai les *madriers* pour faire les *trottoirs*; quand "il n'y aura plus que les *lambourdes* et la façon "cela ne coutera pas bien cher." Avez-vous déclaré cela à Paul Adam quand vous êtes allé chez lui? Defendant says: "Lorsque je suis allé chez Paul Adam, je m'en rappelle, il a été question des *trottoirs*: je lui ai dit que Michel Bérard était venu chez moi afin de dresser une requête s'adressant au conseil, pour avoir des *trottoirs*, et je lui ai répondu que j'avais dit à Bérard que c'était parfaitement inutile; que le conseil ne voudrait pas. Quant au reste, je ne m'en rappelle pas du tout; j'ai pu peut-être lui dire cela, mais je ne m'en rappelle pas du tout: cela ne m'est pas resté dans la mémoire."

As to defendant's speech to Cheval, as reported by Cheval, going to make out that defendant had only promised to make the *trottoirs* if elected by acclamation, such a speech if made would only be a little less damaging (if at all) to defendant than those proved by Ber-