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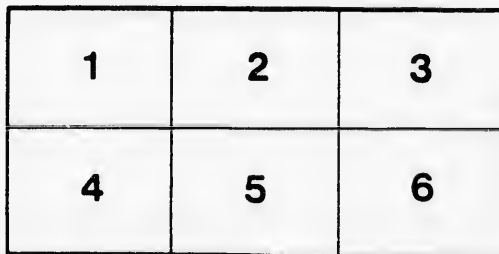
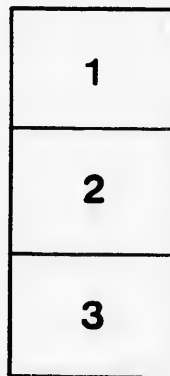
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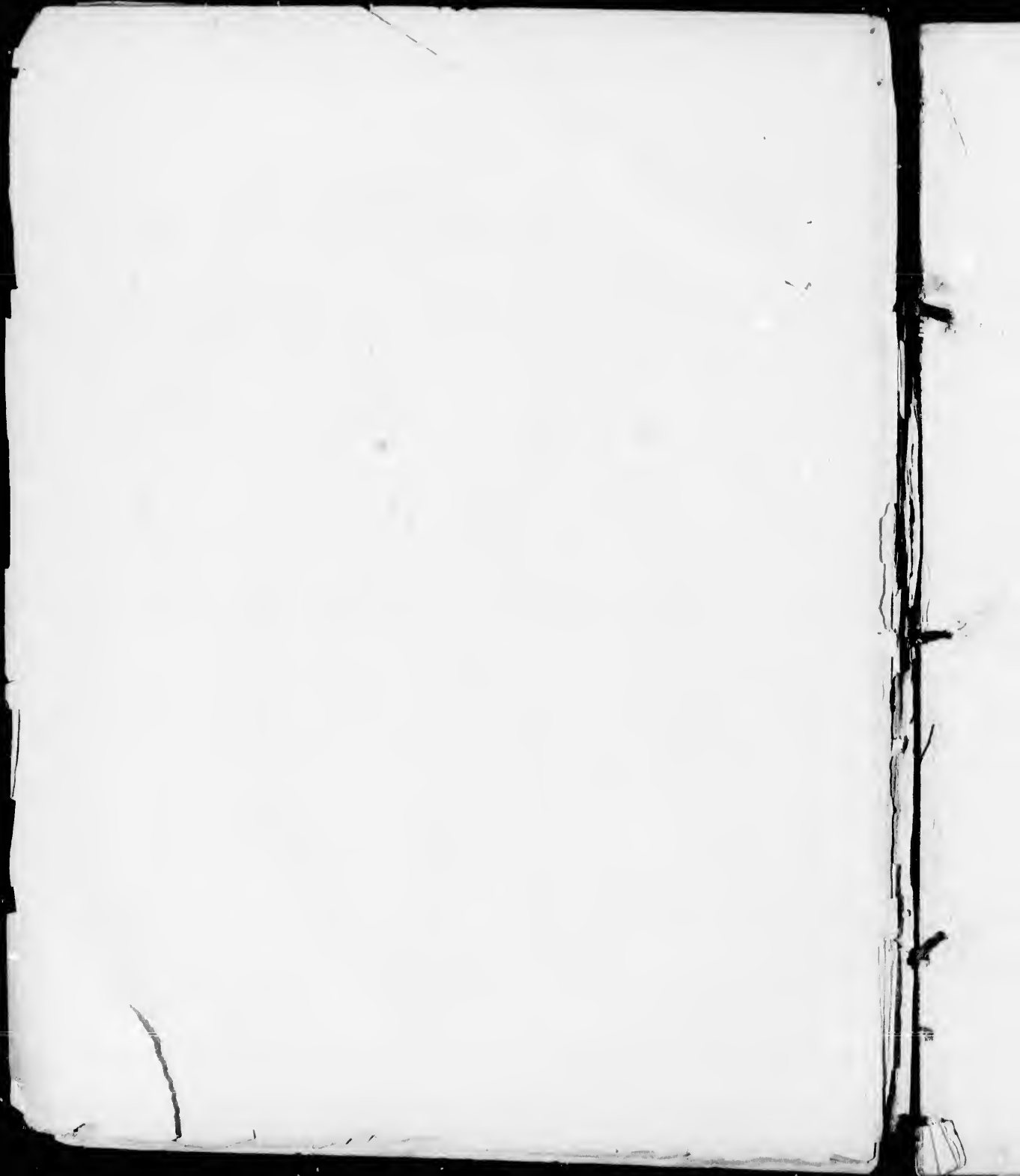
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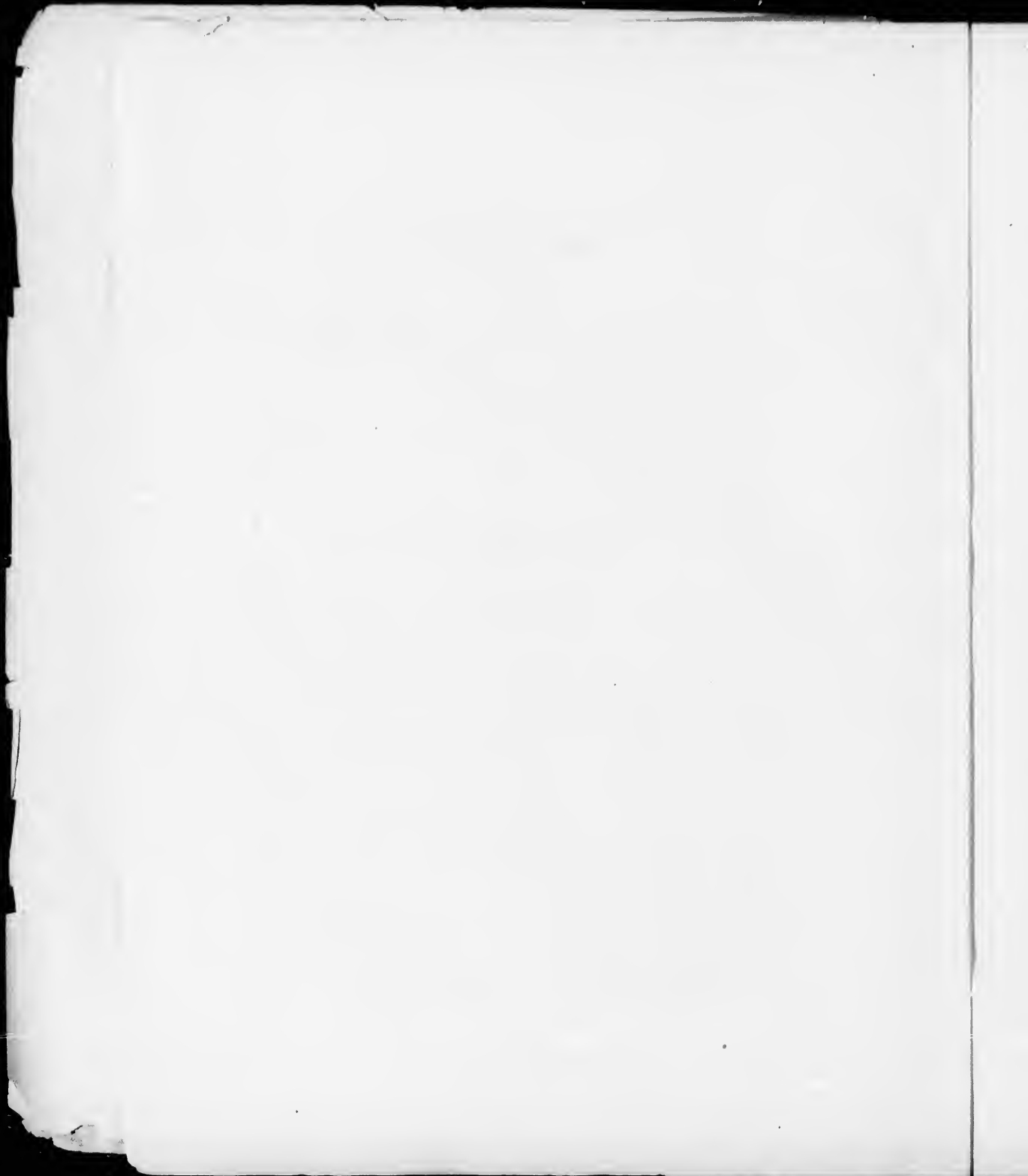
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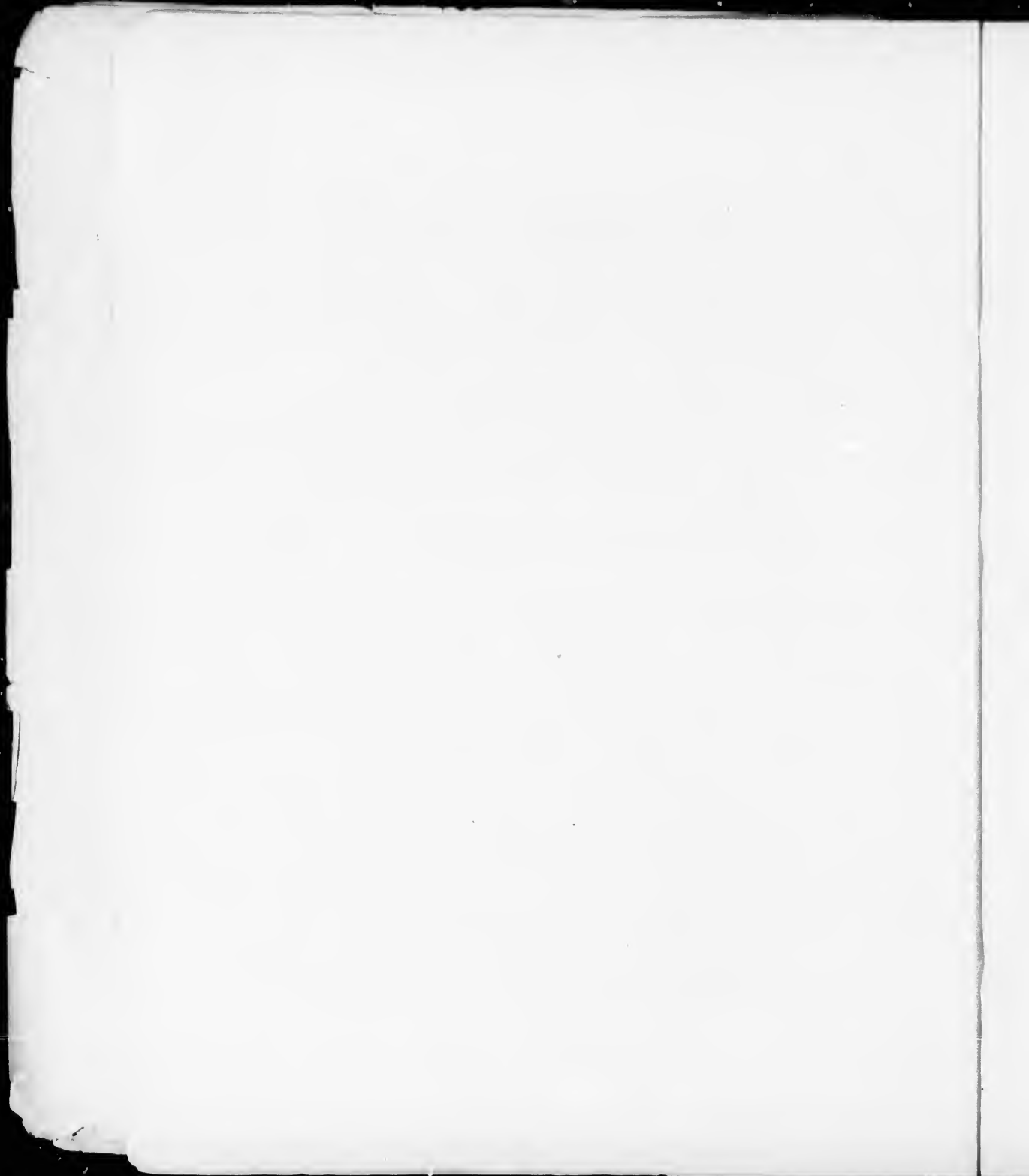
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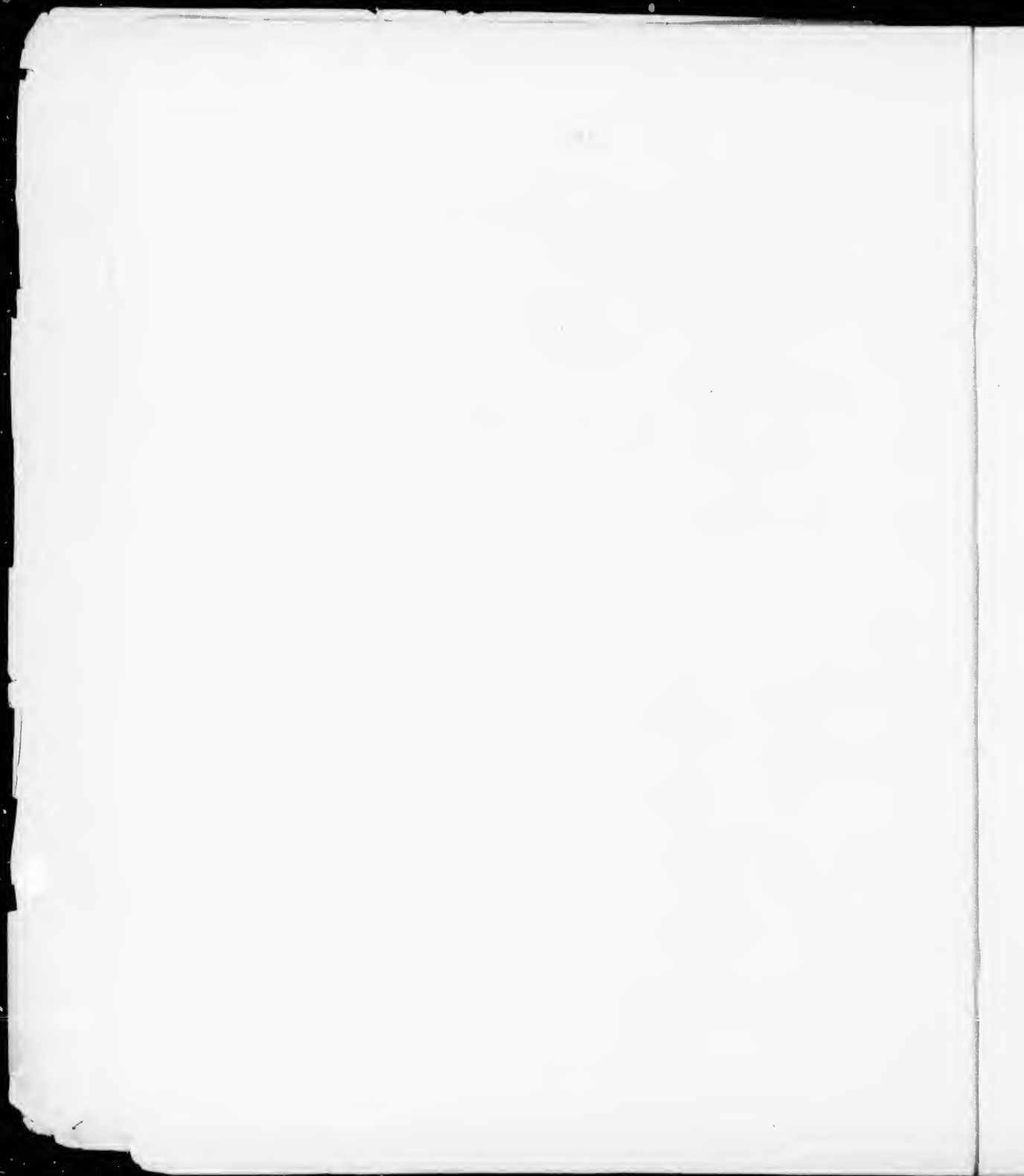


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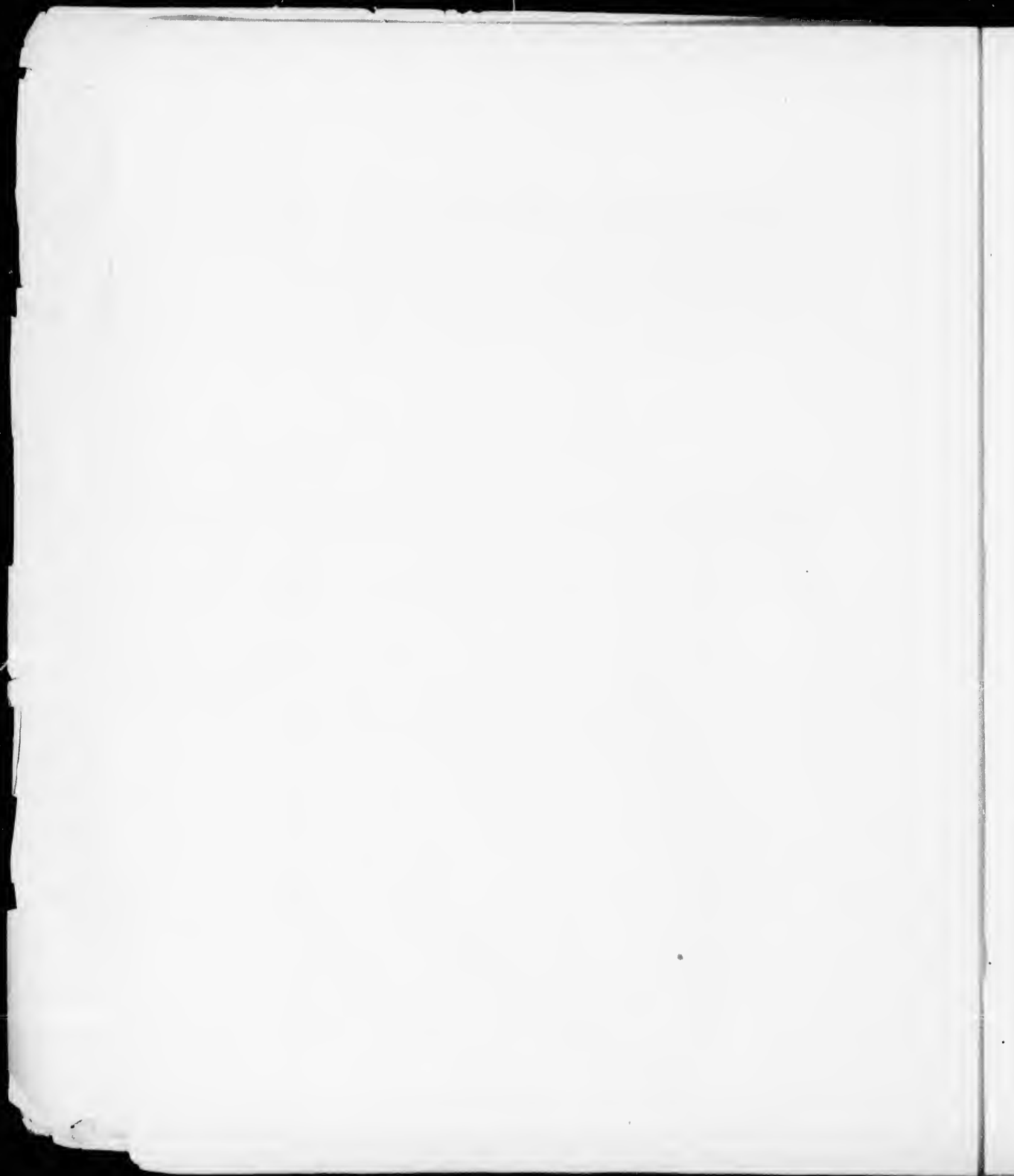


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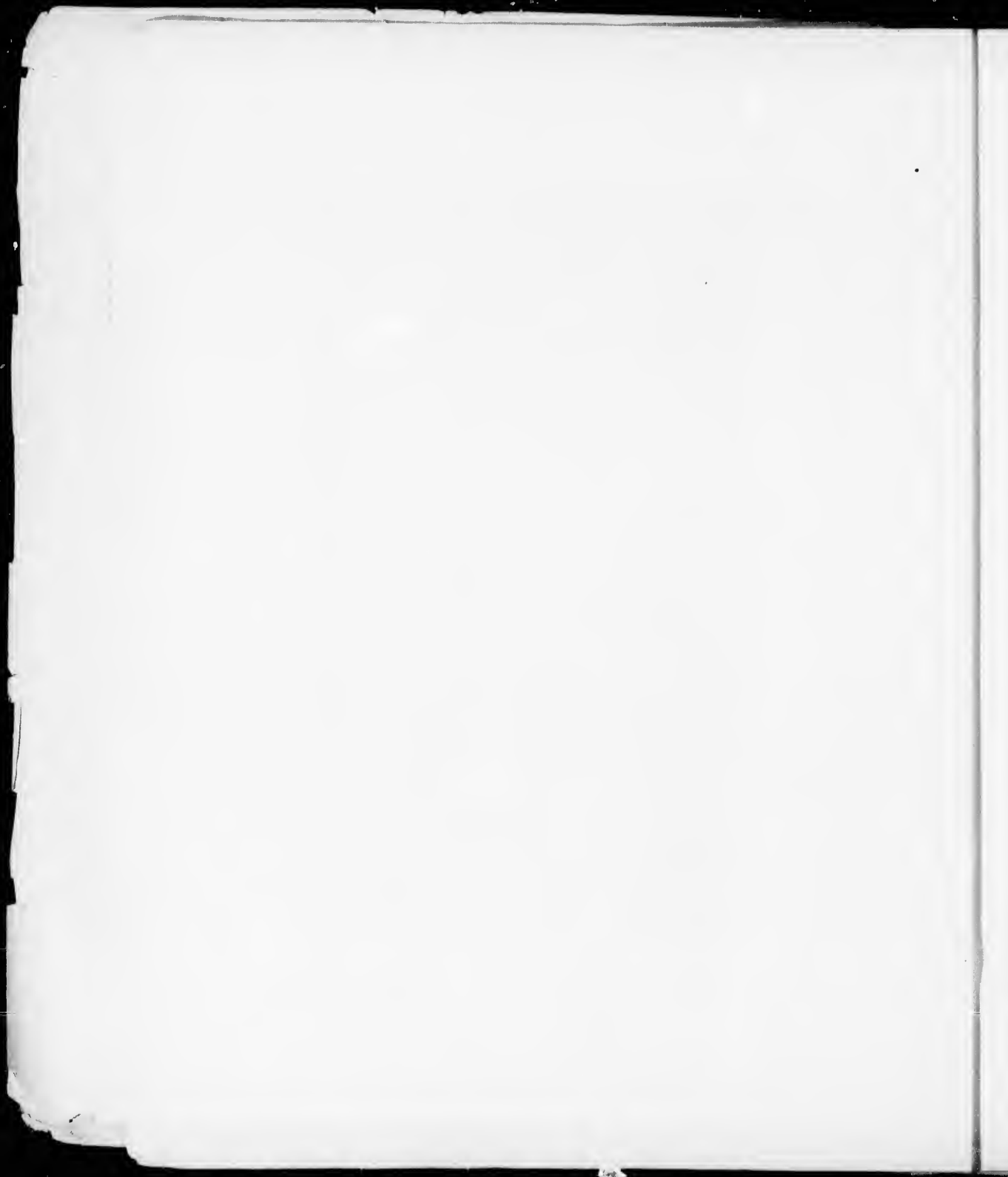
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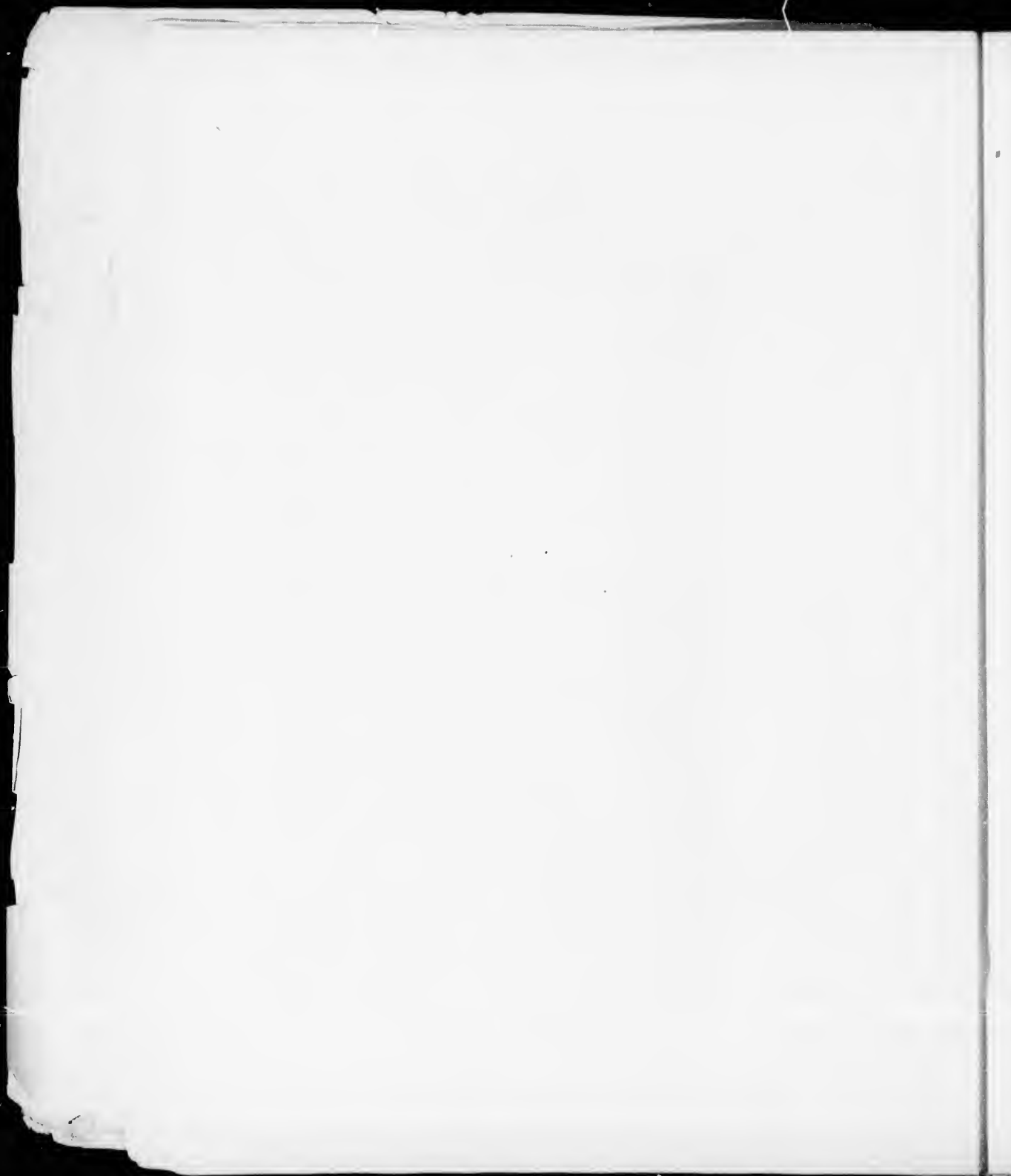
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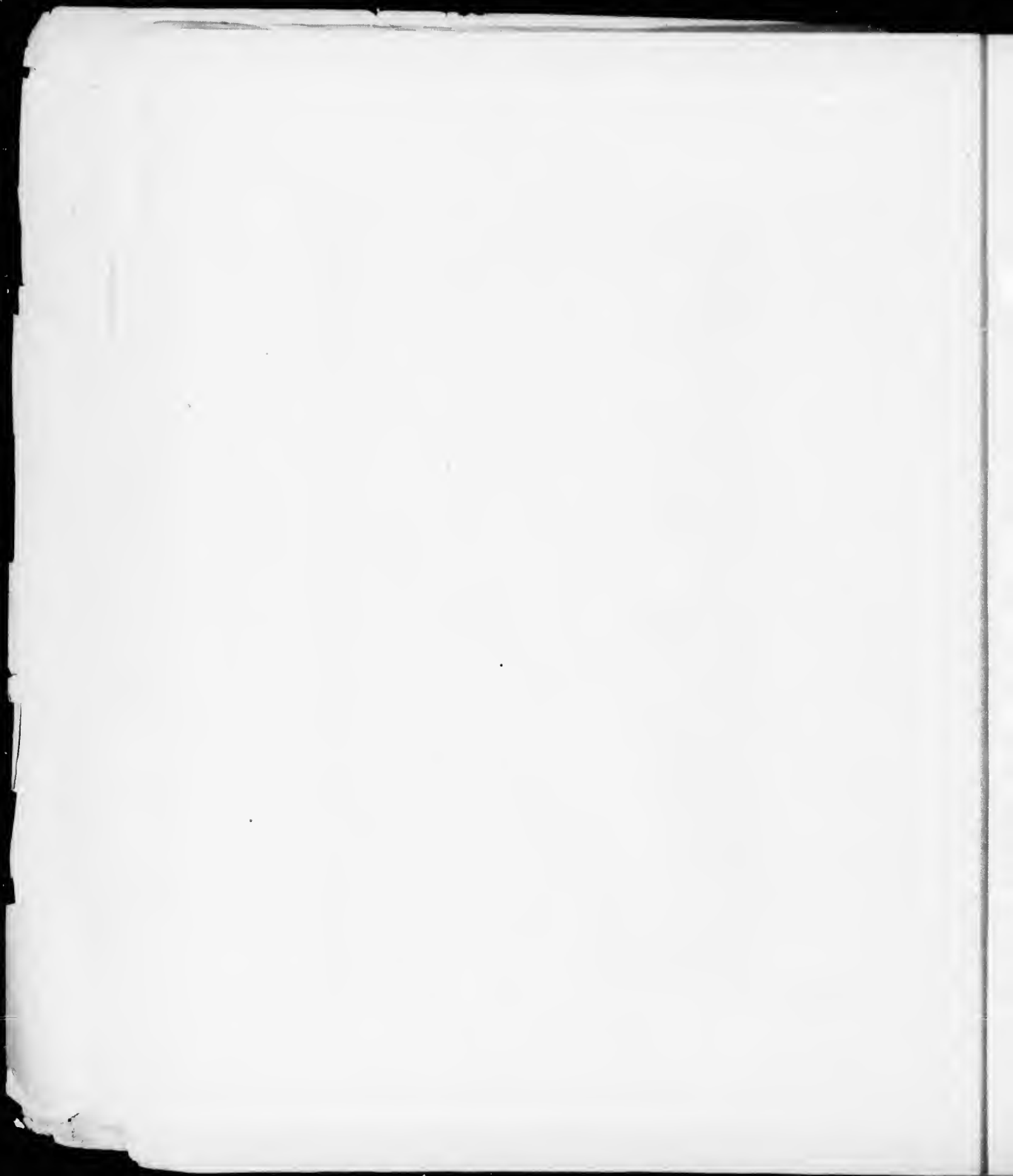
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CANADA.
PROVINCE OF QUEBEC,
District of Saguenay.

} IN THE SUPERIOR COURT.

THE DOMINION CONTROVERTED ELECTIONS ACT, 1874.

No 14.

OSÉE BRASSARD ET AL.,

Petitioners:

AND

HON. H. L. LANGEVIN,

Respondent.

1 TRANSCRIPT OF THE ENTRIES MADE IN THIS CASE IN THE REGISTER.

2nd March, 1876.

One FERDINAND BILODEAU, farmer of St. Fidèle, County of Charlevoix, deposits, in the Clerk's Office (Greffé), with the Prothonotary, the Petition in this case, complaining of the return of the election of the Respondent.

ELIE ANGERS, Esquire, Notary, of Malbaie, deposits with the Clerk of the Election Court the security required by law, to wit: One thousand dollars in Dominion Notes.

The Clerk gives to the depositor a receipt for the same, and enters the said Petition.

4th March, 1876.

10 The Prothonotary furnishes to each of the Returning Officer and Registrars of the two Registry Offices for the Counties of Charlevoix and Saguenay a copy of the said Petition, and notice of the same is sent to be published by the following newspapers, to wit: *The Quebec Gazette, Le Canadien, Le Journal de Quebec, The Morning Chronicle and The Mercury*, all published in Quebec.

9th March, 1876.

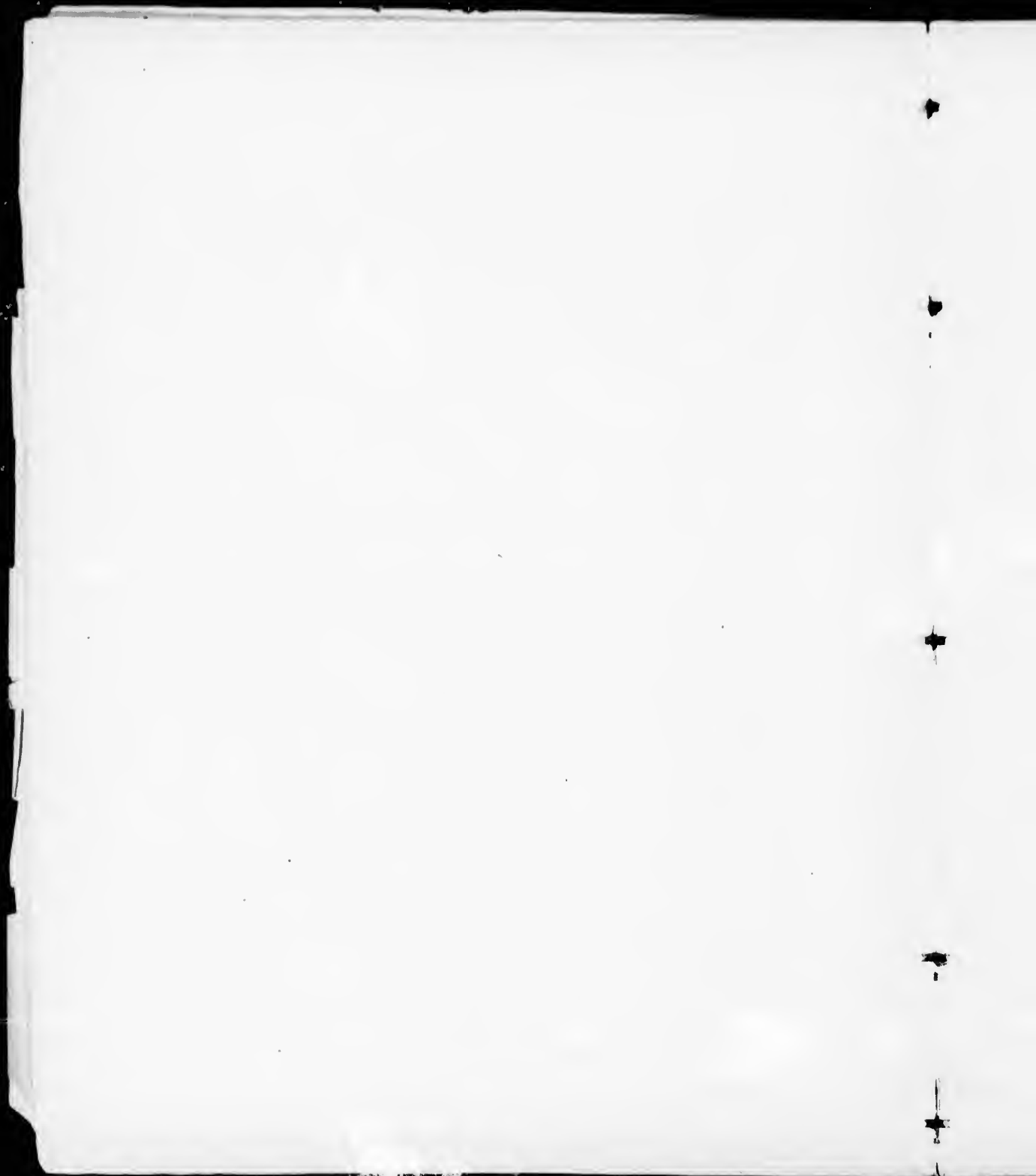
The Respondent, by his attorney, H. Cyrias Pelletier, elects his domicile at the office of J. S. Perrault, advocate.

The Respondent files appearance by H. C. Pelletier. (Copy received.)

The Respondent files preliminary objections and deposits the sum of eight dollars 20 and thirty-six cents. (Copy received.)

11th March, 1876.

The Journal de Quebec and Official Gazette of Quebec, containing a published notice of the contestation of the election in this case, with an account for said publication, are filed.



18th March, 1876.

The Mercury of Quebec containing the notice of publication of the contestation of the election in this case, with an account for the same, and an account from *The Canadian* for the same publication, are filed.

21st March, 1876.

30 This case is inscribed for enquiry and hearing on the preliminary objections for the 20th March, and is taken *en délibéré* on said inscription.

24th March, 1876.

Account furnished by *The Chronicle* for publishing notice of the publication of the contestation of the election in this case.

Parties are heard on the preliminary objections.

Taken *en délibéré*. Hon. Judge Routhier.

11th May, 1876.

Judgment given in Chambers. (Judgment A.)

9th June, 1876.

40 Trial of the petition fixed by consent for the 3rd July, 1876. Consent filed.

10th June, 1876.

Motion on the part of the Respondent for particulars, and notice of the same given for the 20th June, filed.

20th June, 1876.

Parties heard on said motion. *Délibéré*.

26th June, 1876.

Judgment on motion rendered. (Judgment B.)

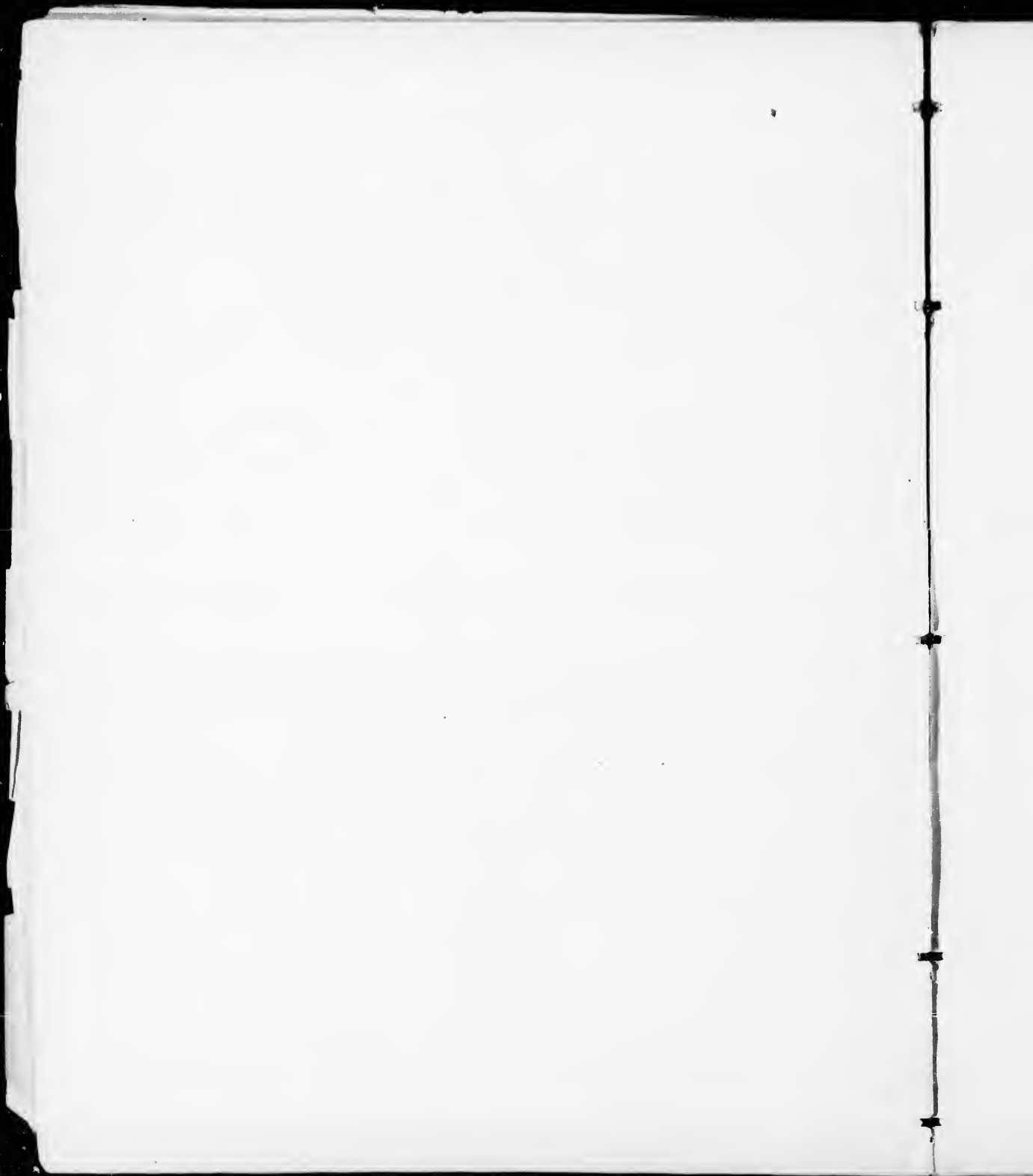
1st July, 1876.

50 Motion on the part of the Petitioners for an order to the Clerk of the Crown in Chancery, to transmit documents. Motion granted. Hon. A. B. Routhier, J. C. S.

3rd July, 1876.

Motion on the part of the Respondent to adjourn trial until the Petitioners have complied with the judgment concerning the bill of particulars. Motion rejected without costs. Hon. A. B. Routhier, J. C. S.

The Petitioners proceed with their enquête from this day until the eighth instant. Petitioners file bill of particulars. J. S. Perrault files an appearance as counsel at enquête. On the 1th July the Petitioners make two motions to amend particulars.



7th July, 1876.

The Petitioners file the order of the Clerk of the Crown in Chancery to produce all 60 documents relating to the late controverted election.

10th July, 1876.

Parties appear. In the absence of the Judge, the Court is adjourned till the 11th instant.

From the 10th July until the 5th August (inclusively) the Court is opened and adjourned from day to day.

7th August, 1876.

The Judge being present, the Petitioners examine André Carré, Thomas Tremblay, Zéphirin Savard, Breuil Asselin and Maurille Bouchard. Court adjourns till the 8th August, 1876.

70

8th August, 1876.

The Judge and parties being present, the following witnesses are examined: Z. Bergeron, (in part), his deposition is adjourned till the 9th August; Jules Tremblay, Nar. Harvey, Denis Harvey and Côme Savard. The Court adjourns till the 9th August, 1876.

9th August, 1876.

The Judge and parties being present, the following witnesses are examined: Vital Harvey. The Petitioners make a motion to amend their bill of particulars, (granted). The witness, Zéphirin Bergeron, proceeds with his deposition. Edouard Simard, Thomas Perron, Wil. Harvey, Flavien Villeneuve, Onézime Bergeron, Jos. Boudreau, Nar. Lajoie and Pierre Danielson. Court adjourns until 10th August, 1876.

80

10th August, 1876.

The Judge and parties being present, the following witnesses are examined: J. B. Gauthier, Gilbert Bouchard, Ferd. Tremblay, Oct. Girard, Ls. Gauthier Florent Côté, Ephrem Gagnon and D. Roy. Court adjourns till 11th August, 1876.

11th August, 1876.

The Judge and parties being present, the following witnesses are examined: George Tremblay, Malvina Dion, Dominique Duchesne, Hyp. Villeneuve, Pitre Gilbert, F. X. Gilbert and P. A. Tremblay, Esquire. The Court adjourns till the 12th August, 1876.

12th August, 1876.

The Petitioners declare their enquête closed, reserving the right to re-examine the 90 Hen. Langevin, and also the right to prove the Petitioners' standing (*qualités*), the nomination of the candidates and that the witnesses are electors. Charles Duberger is heard as a witness. The Respondent moves to adjourn enquête.



19th August, 1876.

The Judge and parties being present, the Petitioners examine Hon. Mr. Langevin as a witness. An admission of certain facts made by the Respondent is filed by the Petitioners. The Respondent proceeds with his enquête, and F. X. Girard is examined as a witness.

21st August, 1876.

The Judge and parties being present, the following witnesses were examined: 100 Maxime Dufour, Adam Simard (deposition adjourned to the 22nd August, 1876), Cléophas Côté and F. X. Desgagners. The Court adjourns till the 22nd August, 1876.

22nd August, 1876.

The Judge and parties being present, the following witnesses are examined: Adam Simard (continued), Augustin Doré and Edouard Fortin. The Court adjourns till the 23rd August, 1876.

23rd August, 1876.

The Judge and parties being present the following witnesses are examined: Thomas Fortin, Cléophas Thibault and Scraphin Villeneuve. The Court adjourns till the 24th August, 1876.

110

24th August, 1876.

The Judge being absent, the Court is adjourned until the 25th August, 1876.

25th August, 1876.

The Judge being absent, the Court is adjourned until the 26th August, 1876.

26th August, 1876.

The Judge and parties being present, the Respondent examines Pierre Tremblay. Court adjourns till 28th August 1876.

28th August, 1876.

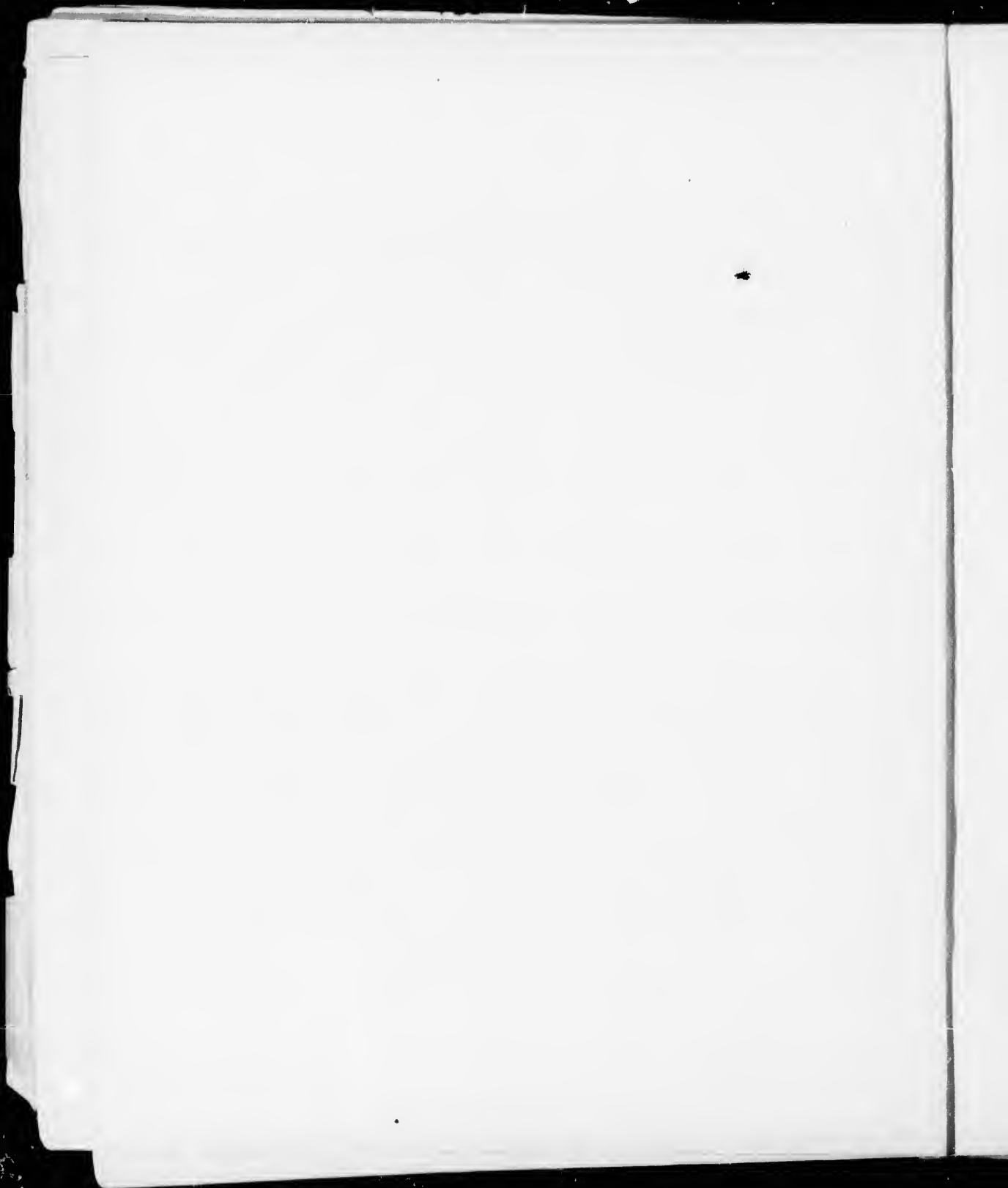
The Judge and parties being present, the Respondent examines Antoine Bouehard, François Tremblay, Gregoire Tremblay, Hypolite Tremblay, J. Bte. Pilote, Toussaint 120 Bergeron, Edouard Bouehard and Meron Gauthier. The Court adjourns till the 29th August, 1876.

29th August, 1876.

The Judge and parties being present, the Respondent examines: Toussaint Bergeron, Hubert Tremblay, Norbert Girard, Onézime Pilot, Etiennie Desgagners, David Gilbert, Antoine Gauthier, Juste Bouehard, Octave Bouehard, Norbert Coulombe, Jean Mailloux, Amable Girard. The Court adjourns to the 30th August.

30th August, 1876.

The Judge and parties being present, the Respondent examines Alexis Girard, Joseph Bouehard, Augustin Tremblay, and Elie Girard. The court is adjourned to the 31st 130 August.



31st August, 1876.

The Judge and parties being present, the Respondent examines Hon. D. E. Price, Jeanne Andet, and Pepin Gagnon. The Petitioners admit that the other witnesses of St. Irnée summoned will prove the same facts proved by the other witnesses summoned from that parish and already examined by Respondent. The Court adjourns to the 1st of September, 1876.

1st September, 1876.

The Judge and parties being present, the Respondent examines Denis Gauthier, Frs. Savard, Loais Tremblay, Barthelemy Bouchard, Ant. Gauthier and Joseph Tremblay, and 140 files an admission (*admission de preuve*). The Court adjourns until the 2nd September, 1876.

2nd September, 1876.

The Judge and parties being present, the Respondent examines John Lapointe, Jean Murray, Vincelas Tremblay. The Court adjourns until the 4th September, 1876.

4th September, 1876.

The Judge and parties being present the Respondent examines: Johnney Desbiens, Jean Savard, and Ephrem Simard. The Court adjourns till the 5th September.

5th September, 1876.

The Judge and parties being present, the Respondent examines, Elie Mailloux, 150 Joseph Chamberland, Joseph Bouchard, Luc Simard, Emmanuel Girard and George Girard. The Court is then adjourned to the 6th September.

6th September, 1876.

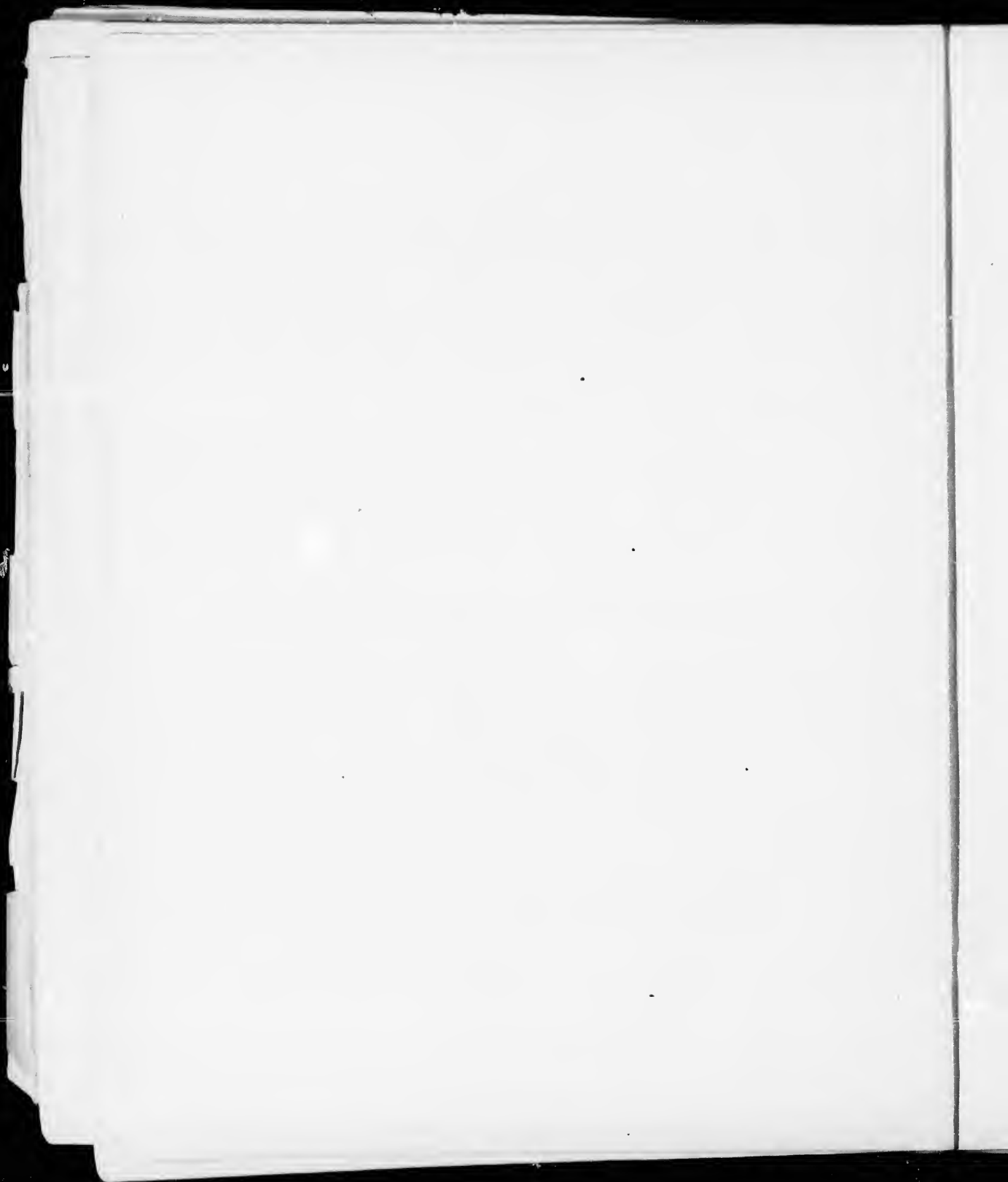
The Judge and parties being present, the Respondent examined: Alfred Tremblay, Cleophas Simard, Téléphore Fortin, Hildebert Tremblay, Joseph Simard, Florent Dufour, Ovide Simard, Jean Bte. Simard, Frédéric Côté, Médéric Bouchard and Zéphirin Guillemet. The Court adjourns till the 7th September.

7th September, 1876.

The Judge and parties being present, the Respondent examines: Ananias Renaud, J. Bte. Renaud, Alfred Lavoie, Epiphane Guillemet, François Tremblay, Auguste Dufour, 160 Narcisse Dassilva, Nazaire Bérubé, Ferdinand Bouchard, Frs. Dalairé, Ouzème Tremblay, Ignace Ouellet and Thomas Savard. The Court adjourns till the 8th September.

8th September, 1876.

The Judge and parties being present, the Respondent examines: Alexander Murray, Joseph Guay, John Chamard, Jules Trudelle and the Rev. Mr. Cinq Mars whose deposition is adjourned to the 9th September.



9th September, 1876.

The Judge and parties being present, the examination of Rev. Mr. Cinq Mars is continued. Respondent files an admission of proof. Deposition continued to the 11th September, 1876.

170

11th September, 1876.

The Judge and parties being present, the examination of the Rev. Mr. Cinq Mars is proceeded with and adjourned till the 12th September, 1876.

12th September, 1876.

The Judge and parties being present, L. S. Perrault is examined as a witness on the part of the Respondent. The Petitioners examine the following witness *in rebuttal*: Romuald Gagné. Court adjourns till the 13th September.

13th September, 1876.

The Judge and parties being present, the Petitioners examine the following witnesses *in rebuttal*: Séraphin Lajoie, Joseph McLean, E. Danais, Zéphirin Savard 180 and Eusébe Martel. The Respondent examines Israël Tarte and *in rebuttal*, and to Petitioners evidence *in rebuttal* examines L. S. Perrault.

15th September, 1876.

The Judge being present on the bench. The parties are heard on the merits of the case. Case (taken *en délibéré*.) reserved.

15th September, 1876.

Judgment delivered on the merits. Hon. Judge Routhier. (Judgment C.)

The Petitioners file an inscription for review before the Supreme Court, having previously deposited in the hands of the Prothonotary the sum of one hundred and ten dollars.

190

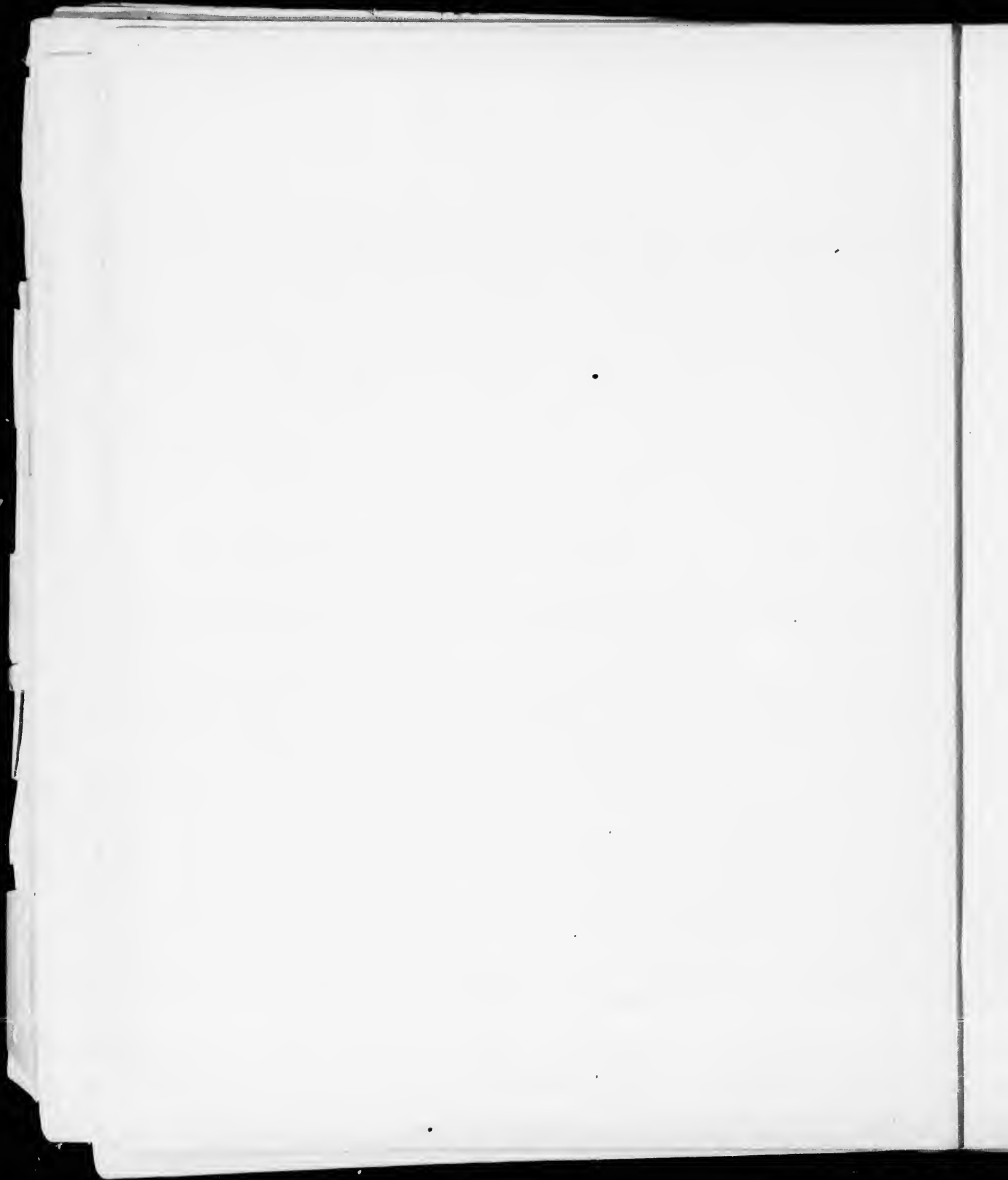
25th November, 1876.

The Prothonotary of this Court, completes and sends to the address of the Registrar of the Supreme Court the record in this case, together with copies of the depositions of the witnesses, prepared in conformity with 32 Vie., ch. 10, sec. 29. The whole forwarded by mail.

[TRUE COPY.]

CHS. DUBERGER,

P. C. S., D. S.



200 CANADA. }
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
 District of Saguenay.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election for a Member of the House of Commons of Canada, for the Electoral District of Charlevoix, holden on the Fifteenth Day of January for the nomination of the candidates, and on the Twenty-Second Day of January for the voting, in the year One Thousand Eight Hundred and Seventy-Six.

The Petition of the undersigned, OSÉE BRASSARD, of the Parish of St. Etienne de la Malbaie, and HENRY BLACKBURN, also of the Parish of St. Etienne de la Malbaie, Farmers:

1. Your Petitioners are parties who had a right to vote at the said election.
2. Your Petitioners allege that the said election was holden, on the above-named 210 dates, in the judicial district of Saguenay, and that Pierre Alexis Tremblay, of the Parish of St. Etienne de la Malbaie, Esquire, Surveyor; and the Honorable Hector Louis Langevin, of the City of Quebec, Advocate; were, then and there, duly nominated as candidates; that the Returning Officer has declared and returned as duly elected the Honorable Hector Louis Langevin, and that the return and the election of the said Honorable Hector Louis Langevin were duly published in the *Canada Gazette*, published under authority, on the fifth day of February instant.
3. Your Petitioners state that the said Honorable Hector Louis Langevin was thus elected and returned as elected, in virtue of a writ of election addressed to Charles Duberger, Esquire, of the parish of St. Etienne de la Malbaie, Registrar, which said 220 writ, as it appears on the face of it, was in fact issued in the month of August last; that at the time the said writ was issued, there was no vacancy of the seat at the said House of Commons of Canada for the said electoral district of Charlevoix, and therefore no writ for an election for the said electoral district could issue; that the said writ and the issuing of said writ are null and void; that no election could and can have taken place under said writ, and therefore the election and the return of said Honorable Hector Louis Langevin as member elected were and are absolutely null and void.
3. (a) Your Petitioners state also, that the said Honorable Hector Louis Langevin was not duly nominated accord^d to law as a candidate for the said election, not 230 having been duly nominated as a candidate according to law, by producing to the Returning Officer within the time allowed, a nomination paper signed by at least twenty-five electors, together with a consent in writing by the said Honorable Hector Louis Langevin, and a deposit of a sum of fifty dollars with the Returning Officer as required by law, and therefore the election and the return of the said Honorable Hector Louis Langevin, as member elected, were and are absolutely null and void.



4. Your Petitioners further say: That at the time of the said election, before and subsequently, the said Honorable Hector Louis Langevin was disqualified and incapable of being elected a member of the said House of Commons of Canada, being guilty of such a conduct as to make him unworthy to sit in the said House of Commons; that in the year one thousand eight hundred and seventy-two the said Honorable Hector Louis Langevin was a member of the Privy Council for Canada and as such he had taken an oath to advise Her Majesty to the best of his ability and discretion, for the honor of Her Majesty and for the public good, without any partiality and to avoid corruption; that in the said year one thousand eight hundred and seventy-two being called upon, in his capacity of a member of the Privy Council of Her Majesty for Canada, to advise Her Majesty with reference to the granting of a Charter for the construction of the Pacific Railway of Canada, he, the said Honorable Louis Langevin, entirely failed to do what he had promised to do by his said oath; that instead of advising Her Majesty to the best of his ability for the public good and the honor of the Crown and without corruption, he allowed himself to be corrupted by Sir Hugh Allan, of the City of Montreal, knight, and merchant, who was soliciting the grant of the said charter, and in consideration of the sum of thirty-two thousand dollars which the said Sir Hugh Allan promised and gave him, he undertook to advise the Crown to grant the said charter to the said Sir Hugh Allan, and this contrary to what the honor of Her Majesty and the public good required; that instead of avoiding corruption, as he was obliged by his said oath of office to do, the said Honorable Hector Louis Langevin was accessory to the corruption practiced by Sir Hugh Allan, who employed a sum exceeding one hundred and fifty thousand dollars to corrupt the electors of the Dominion of Canada at the general elections that took place in the said year one thousand eight hundred and seventy-two; and, that, therefore the election and return of the said Honorable Hector Louis Langevin as member elected were and are absolutely null and void.

5. Your Petitioners further state: That at the said election, before, during and after the same the said Honorable Hector Louis Langevin by himself as well as by his agents and other parties for him and on his behalf, with and without his knowledge and consent, was guilty of bribery and therefore the election and the return of Honorable Hector Louis Langevin as member elected were and are absolutely null and void.

6. Your Petitioners further say: That at the said election, before, during and after the same, the said Hector Louis Langevin, by himself as well as by his agents and other persons for him and on his behalf, with and without his knowledge and consent, was guilty of the offence of treating, and that therefore the election and return of the said Honorable Hector Louis Langevin were and are absolutely null and void.

7. Your Petitioners further say: That at the said election, before, during and after the same, the said Honorable Hector Louis Langevin by himself as well as by his agents and other persons acting for him and on his behalf, with and without his knowledge and consent, was guilty of the offence of undue influence and made use of spiritual and temporal intimidation, and that therefore the election and return of the said Honorable Hector Louis Langevin were and are absolutely null and void.

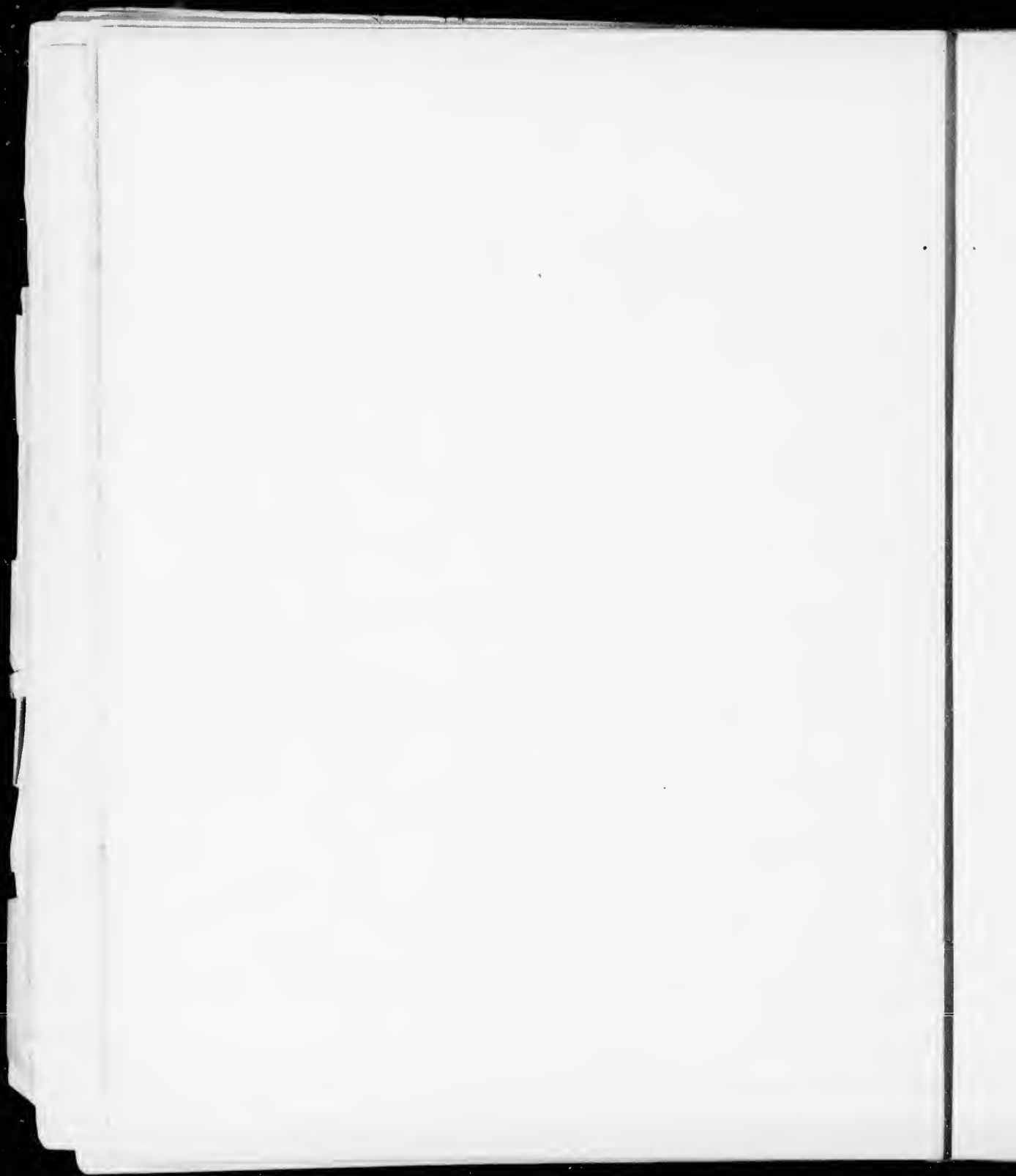


8. Your Petitioners further state: That at the said election, before and during the same, the said Honorable Hector Louis Langevin, by himself as well as by his agents and
 280 other persons acting for him and on his behalf, with and without his knowledge and consent, is guilty of having endeavoured, induced, counselled and facilitated the means of persons to commit the offence of personation; and that thereby the election and return of the said Honorable Hector Louis Langevin were and are absolutely null and void.

9. Your Petitioners state that before, during and after said election the said Honorable Hector Louis Langevin by himself as well as by his agents and other persons for him and on his behalf, with and without his knowledge and consent, is guilty of hiring, promising to pay, and paying for horses, teams, carriages, cabs and other vehicles to convey electors to and from the polls, or to or from the neighborhood of the said polls and paying travelling and other expenses of a great number of electors incurred by said
 290 electors in going to and returning from the said election, and that therefore the said election and the return of the said Honorable Hector Louis Langevin as member elected were and are absolutely null and void.

10. Your Petitioners state that at, before, during and after said election, a general system of bribery, of treating, of undue influence, of intimidation by spiritual and temporal threats, of personation, of inducing persons to commit personation, of hiring vehicles to convey voters to and from the polls, of payment of travelling expenses of electors in going to or returning from said election, of all kinds of corrupt and illegal practices, was exercised in the interest of the candidature of the said Honorable Hector Louis Langevin and that the said general system of corrupt practices was intended to and did in fact unduly
 300 influence a great number of electors to vote against the said Pierre Alexis Tremblay and in favor of the said Honorable Hector Louis Langevin, or to prevent them from voting, and that in consequence of the said general system of corrupt practices, the electors of the said electoral district were deprived of freedom of action, and that the said election instead of being the result of the free exercise of the will of the people, was but the result of illegal practices employed in favor of the candidature of the said Hector Louis Langevin, and, therefore, the said election and the return of the said Honorable Hector Louis Langevin were and are absolutely null and void.

11. Your Petitioners state: That at the said election, the said Honorable Hector Louis Langevin personally engaged as agents and canvassers in relation to the said election,
 310 different persons, who, within eight years previous to such engagement by the said Hector Louis Langevin had been, and who to the knowledge of the said Hector Louis Langevin had been found guilty of corrupt practices, by the report of the judges who adjudicated in appeal on the petition complaining of the return of the said Pierre Alexis Tremblay, Esquire, for the said electoral district of Charlevoix, in January, one thousand eight hundred and seventy-four, and also by the report of the Judge who tried in the first instance the said petition; amongst whom, were: Onésime Gauthier dit Larouche, of the parish of St. Urbain, mining agent, and Member of the Legislative Assembly of Quebec for the said electoral district of Charlevoix, and that therefore the election and return of the said Honorable Hector Louis Langevin were and are absolutely
 320 null and void.



Wherefore your Petitioners pray that it be declared that the said Honorable Hector Louis Langevin was not duly elected and returned as Member elected, and that the said election and return, in so far as it relates to the said Honorable Hector Louis Langevin, were and are absolutely null and void; that it be declared that the said Honorable Hector Louis Langevin was guilty of corrupt practices, by himself and by others, with his knowledge and consent; lastly, that it be ordered that the said Honorable Hector Louis Langevin do pay the costs of the present petition and of all the proceedings in this case, or of those which the Petitioners will be subjected to by reason of this petition.

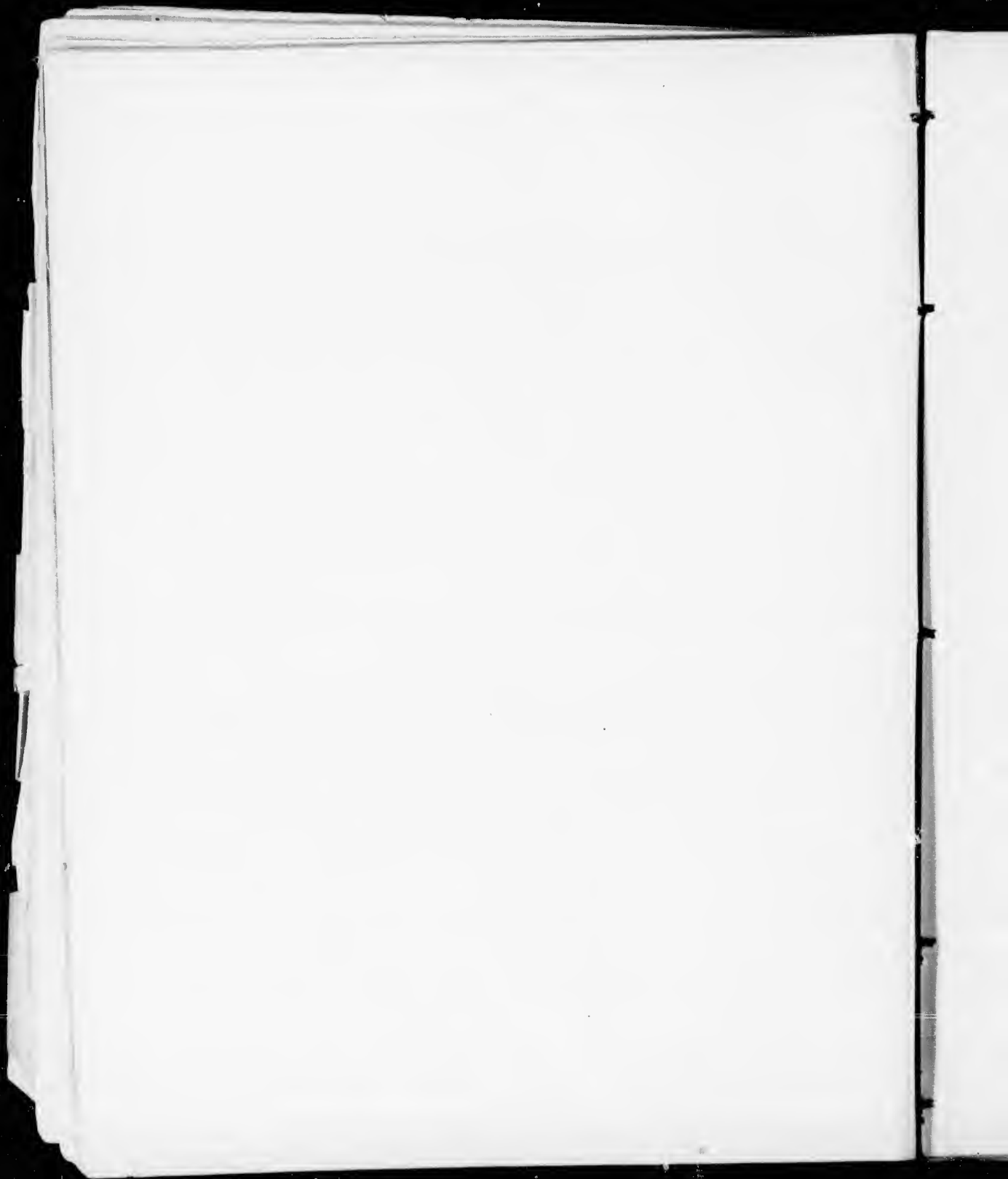
OSEE BRASSARD,

HENRY BLACKBURN.

330
F. LANGELIER,

Attorney for Petitioners.

MALBAIE, 21st February, 1876.



CANADA.
PROVINCE OF QUEBEC. }
District of Saguenay.

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

No. 14.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

340

BRASSARD ET AL.,

Petitioners;

AND

HON. H. L. LANGEVIN,

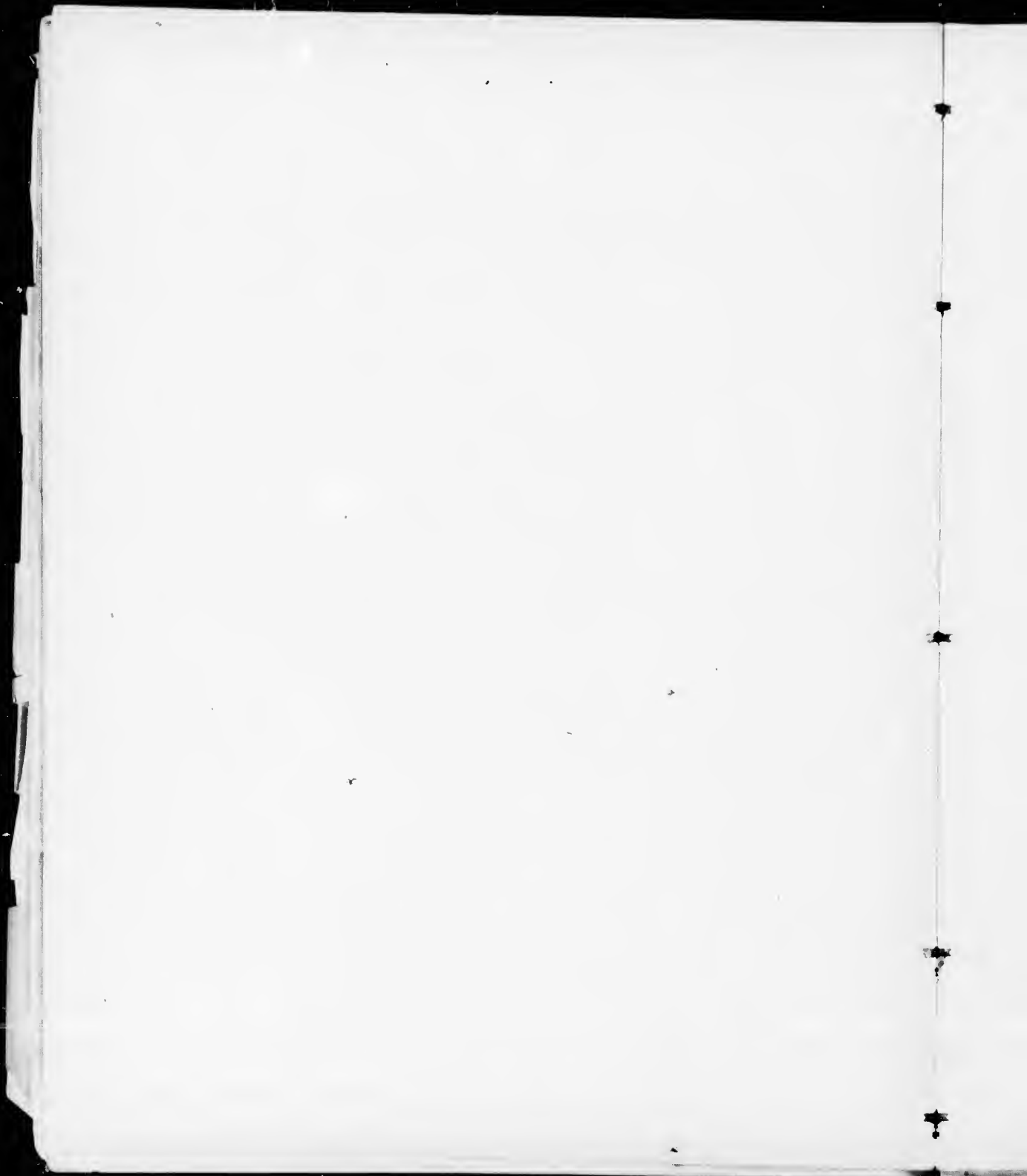
Defendant.

I, the undersigned, in my capacity of Defendant's Attorney, do elect my domicile at the office of Joseph L. Perrault, Esquire, Advocate, in the Village of Malbaie.

H. CYRIAS PELLETIER,

Attorney for Defendant.

ST. ETIENNE OF MALBAIE, 6th March, 1876.



350 CANADA.
PROVINCE OF QUEBEC, }
District of Saguenay.

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

No. 14.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

OSÉE BRASSARD ET AL.,

Petitioners;

AND

HON. H. L. LANGEVIN, C. B.,

360

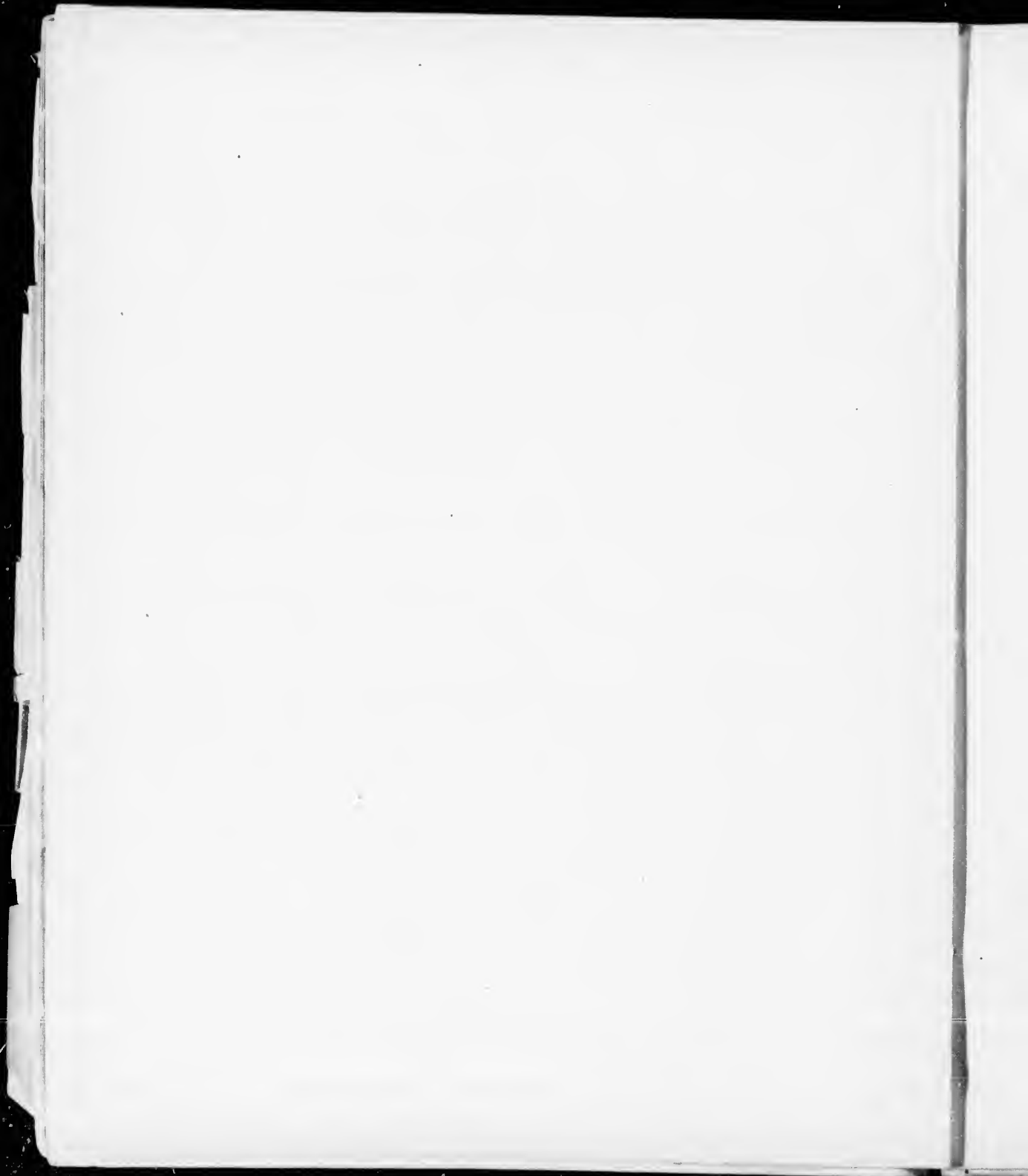
Defendant.

I appear for the Defendant in this cause.

H. CYRIAS PELLETIER,

Attorney for Defendant

MALBAIE, March, 1876.



CANADA,
 PROVINCE OF QUEBEC, }
District of Saguenay.

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

No. 14,

370 *Election of a Member for the House of Commons for the Electoral District of Charlevoix,*

OSEÉ BRASSARD, ET AL.,

Petitioners,

AND

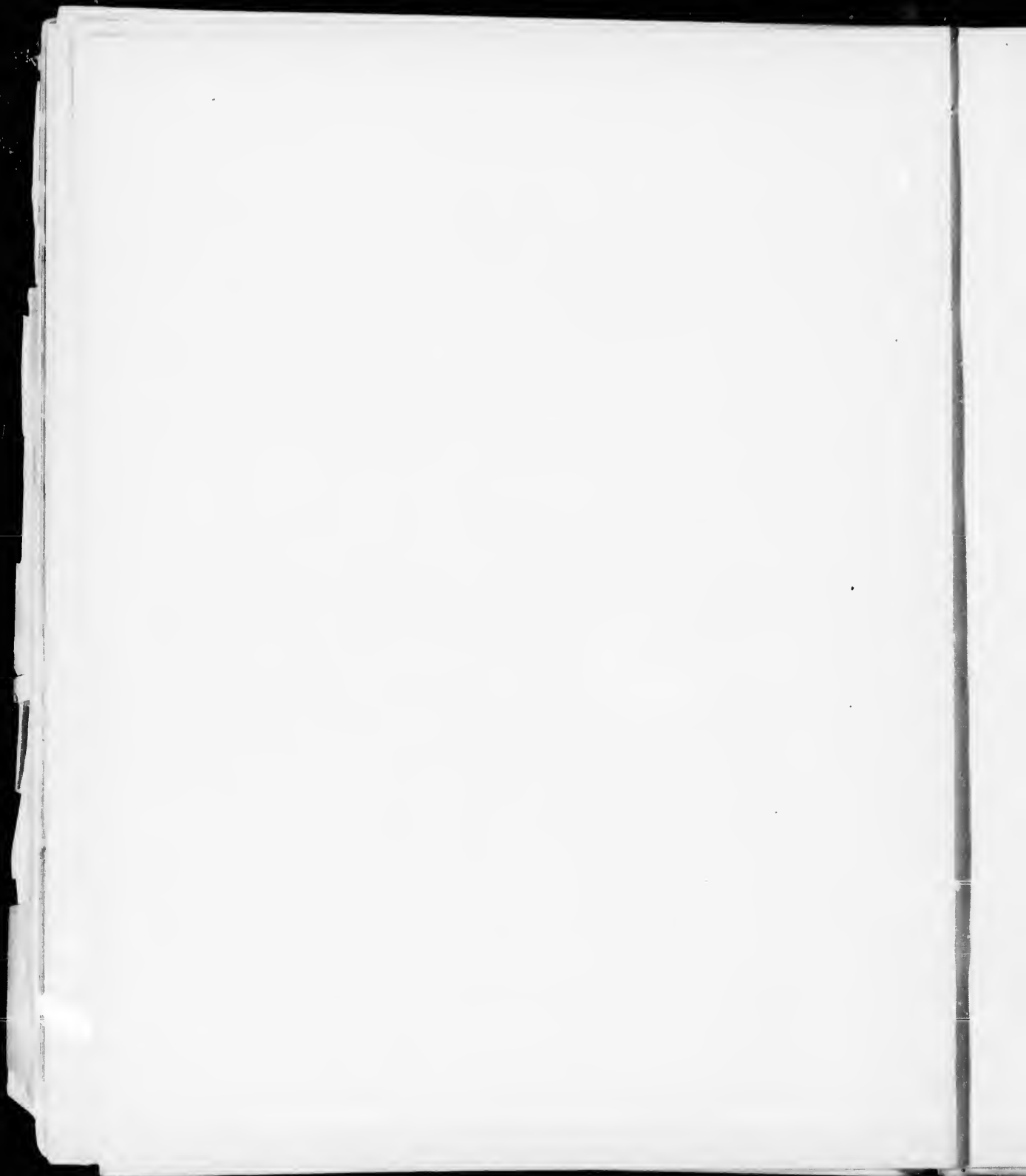
Hon. H. L. LANGEVIN, C.B.,

Defendant.

Honorable Hector Louis Langevin, of the City of Quebec, Advocate, defendant, in answer to the election petition filed in this case, says by his preliminary objections or grounds of insufficiency against the said petition, and specially against the fourth paragraph of the same, that the allegations made in the said petition and in said paragraph
 380 are insufficient in fact and in law, and that the matters therein alleged cannot be proved before this Honorable Court for the following among other reasons.

Because the paragraph which reads as follows:

“Your Petitioners further say: that at the time of the said election, before and subsequently, the said Honorable Hector Louis Langevin was disqualified and incapable of being elected a member of the said House of Commons of Canada, being guilty of such conduct as to make him unworthy to sit in the said House of Commons; that in the year one thousand eight hundred and seventy-two the said Honorable Hector Louis Langevin was a member of the Privy Council for Canada, and as such he had taken an oath to advise Her Majesty to the best of his ability and discretion, for the honor of her Majesty and for the
 390 public good without any partiality and to avoid corruption; that in the said year one thousand eight hundred and seventy-two being called upon, in his capacity of a member of the Privy Council of Her Majesty for Canada to advise Her Majesty with reference to the granting of a charter for the construction of the Pacific Railway of Canada, he, the said Honorable Hector Louis Langevin, entirely failed to do what he had promised to do by his said oath; that instead of advising Her Majesty to the best of his ability for the public good and the honor of the Crown and without corruption, he allowed himself to be corrupted by Sir Hugh Allan of the City of Montreal, knight and merchant, who was soliciting the grant of the said charter, and in consideration of the sum of thirty-two thousand dollars which the said Sir Hugh Allan promised and gave him, he undertook to advise the Crown to grant the
 400 said charter to the said Sir Hugh Allan, and this contrary to what the honor of Her Majesty and the public good required; that instead of avoiding corruption, as he was obliged by his said oath of office so to do, the said Honorable Hector Louis Langevin was



accessory to the corruption practiced by Sir Hugh Allan, who employed a sum exceeding one hundred and fifty thousand dollars to corrupt the electors of the Dominion of Canada, at the general elections that took place in the said year one thousand eight hundred and seventy-two, and that therefore the election and return of the said Honorable Hector Louis Langevin as member elected, were and are absolutely null and void."

has reference to facts which are entirely irrelevant to the matter (*conduite*) of the election in question.

410 Because the allegations of the said paragraph can only raise a question of privilege, of which only the House of Commons of Canada has the right to take cognizance.

Because it appears by the petition itself, that the facts alleged in the said paragraph occurred four years before the election and have no connection therewith.

Because the allegations of the said paragraph do not justify the conclusions therein deduced.

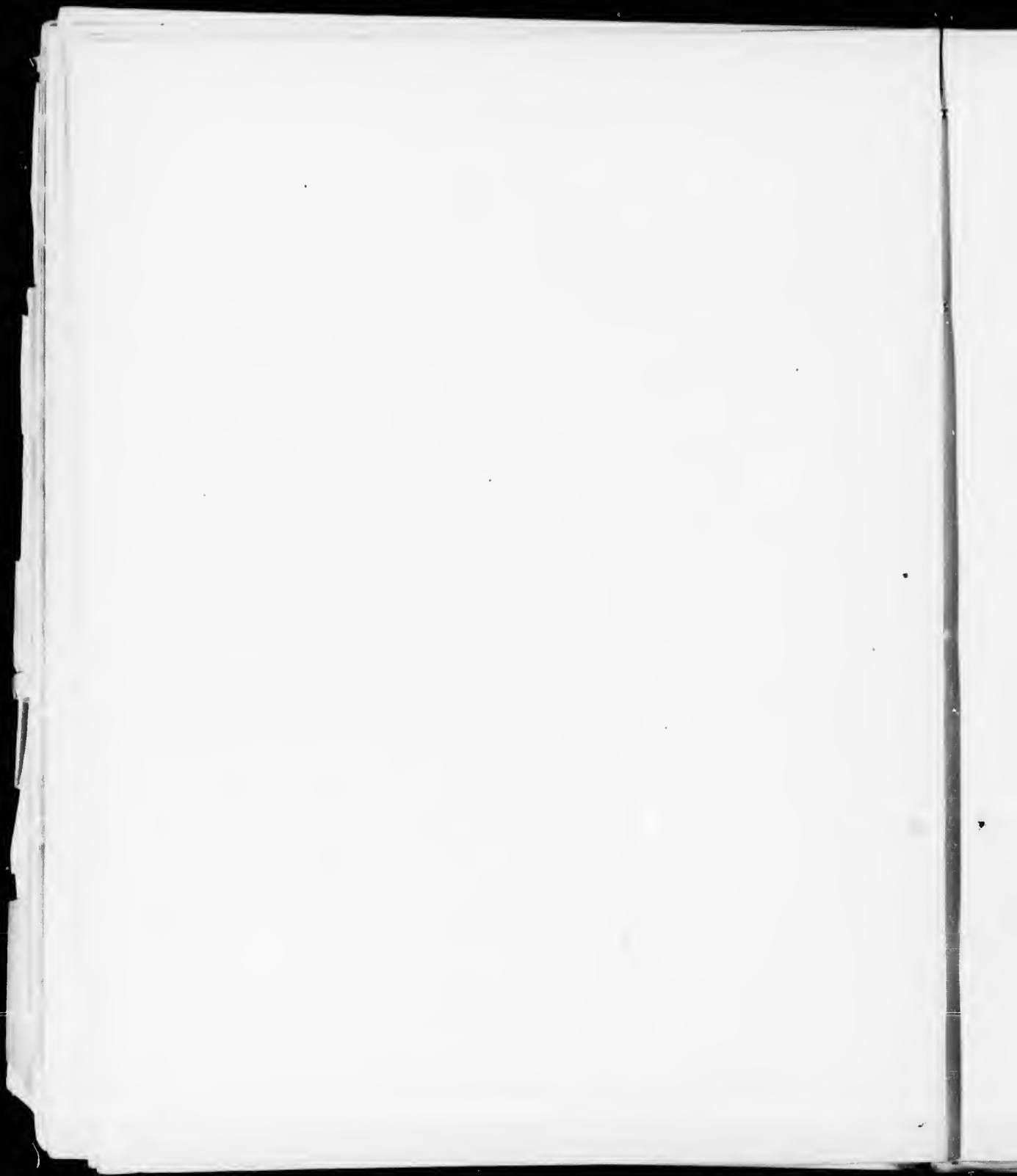
Because the said petition is informal and irregular in all its parts, and especially in the allegations of the said fourth paragraph.

Wherefore the defendant moves for the rejection of the said petition, and applies 420 in any case for the striking out and laying aside of the said fourth paragraph before the production of any evidence upon the merits of the petition, the whole with costs against the Petitioners.

MALBAIE, 7th March, 1876.

H. CYPRIAS PELLETIER.

Defendant's Attorney.



From the *Journal de Quebec*, 10th March, 1876.

IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Contestation of the election of the Hon. Hector Louis Langevin for the Electoral District of Charlevoix.

430 Notice is hereby given of the publication, according to law, of the contestation of the foregoing election.

CHS. DUBERGER,

Returning Officer.

4th March, 1876.

QUEBEC, 11th March, 1876.

CHS. DUBERGER, Esq.,

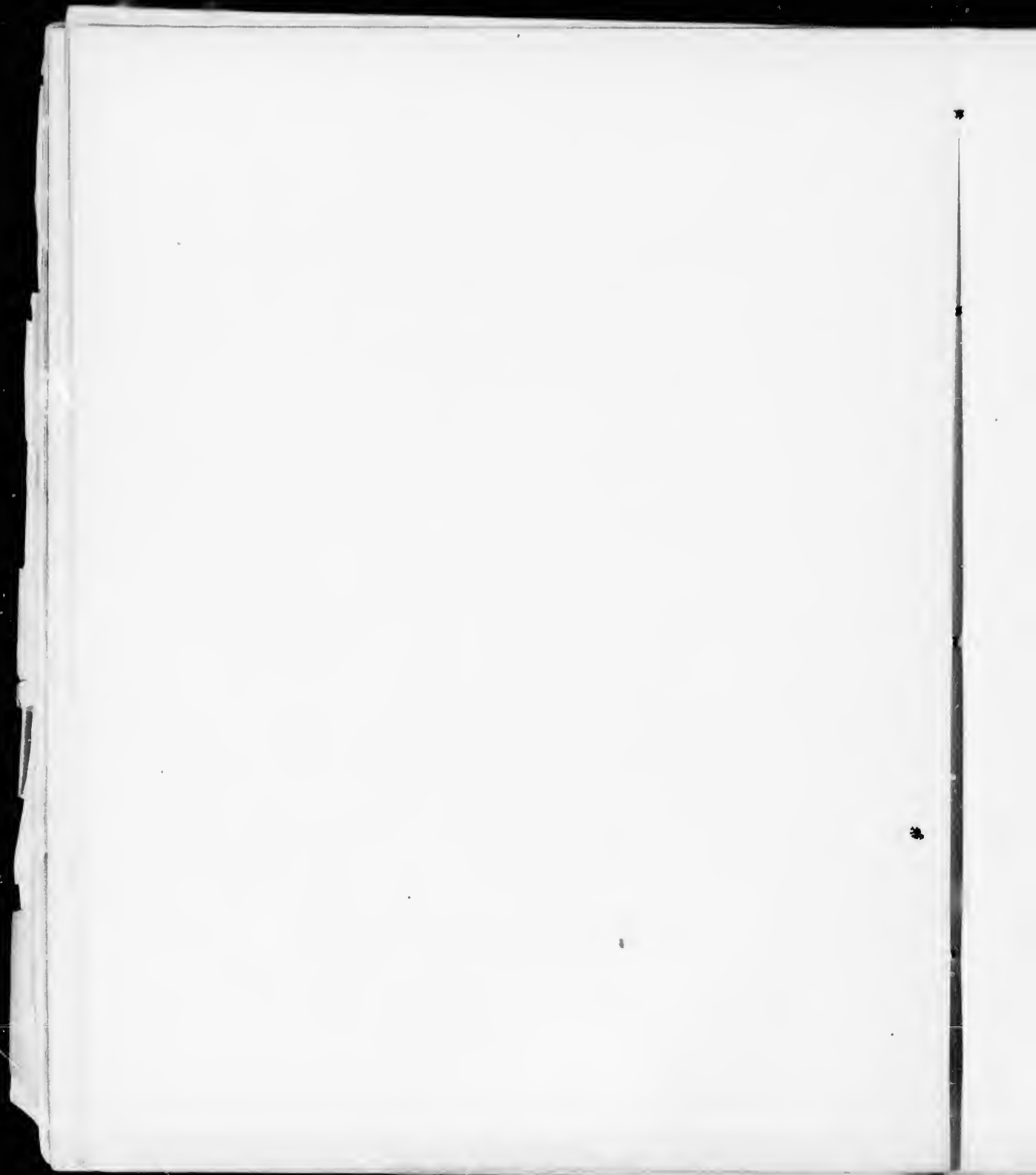
To A. COTE & Co.,

Printers and Publishers,

Upper Town, Place d'Armes

440 1876.

March 10. One notice published in the *Journal de Quebec*, viz:—
Contestation of the election of Hon. H. L. Langevin, 22l. 1t..... 1.76



From the *Quebec Official Gazette*, 11th March, 1876.

IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1876.

Contestation of the election of the Hon. Hector Louis Langevin for the Electoral District of Charlevoix.

Notice is hereby given of the publication, according to law, of the contestation of the foregoing election.

450

CHS. DUBERGER,

Returning Officer.

4th March, 1876.

No. 1631-2

OFFICE OF THE QUEEN'S PRINTER,

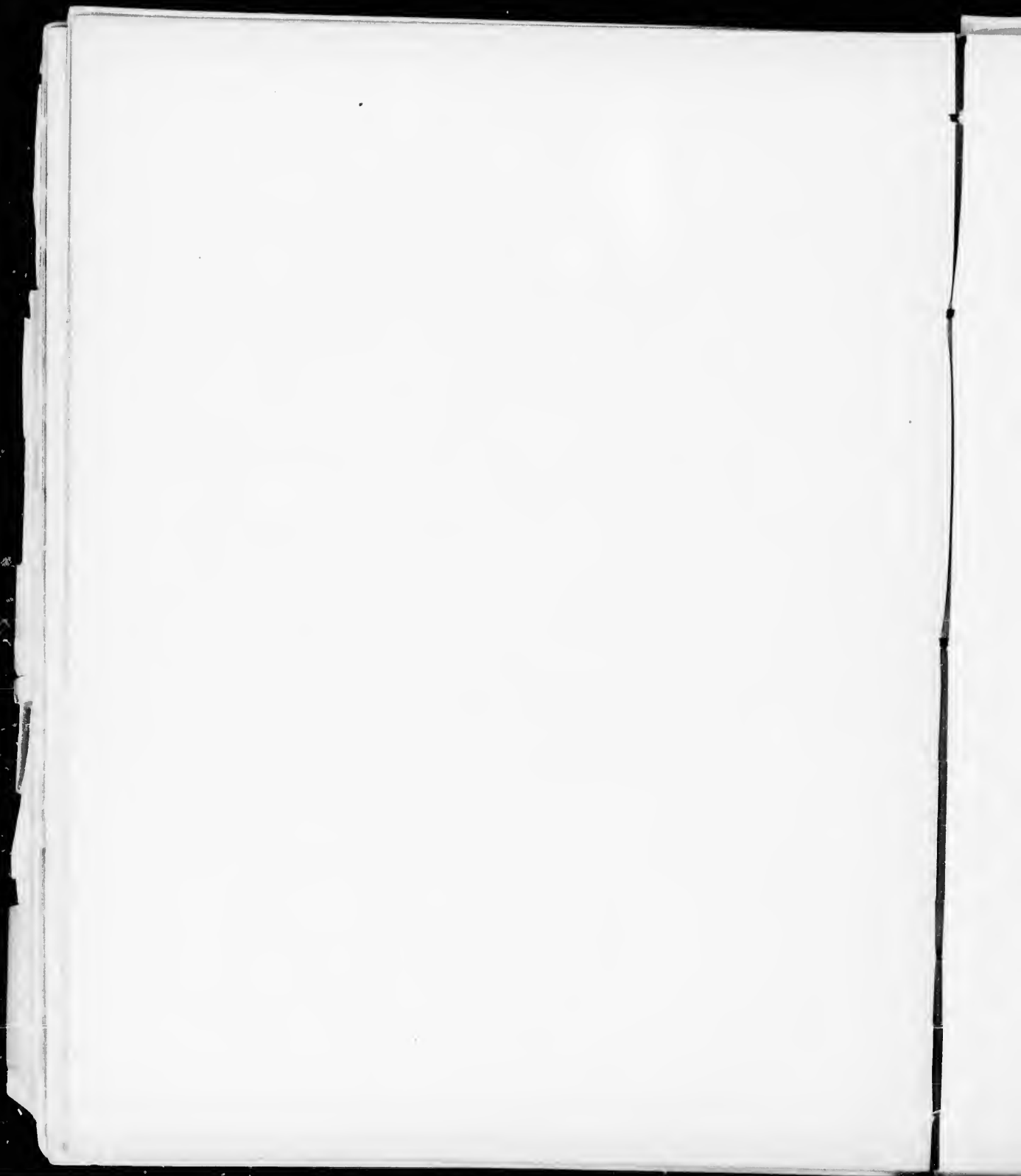
QUEBEC, 11th March, 1876.

CHS. DUBERGER, Esq.,

To THE QUEEN'S PRINTER, Dr.

For publication in the *Official Gazette*:—

	Lines.	Inser- tions.	\$	cts.
460 Publication of notice of contestation of the election of Hon. Mr. Langevin for Charlevoix.	16	1	1	28
Translation at 15 cts. per 100 w.	16	1	1	28
Gazette, 15 cts.				06
Postage				08
				<hr/> 2 80



From the *Quebec Mercury*, 10th March, 1876.

SUPERIOR COURT.

THE DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Contestation of the election of the Hon. Hector Louis Langevin for the Electoral District of Charlevoix.

470 Public Notice is hereby given of the publication, according to law, of the contestation of the above election.

CHS. DUBERGER,

Returning Officer.

4th March, 1876.

QUEBEC, March 10th, 1876.

RETURNING OFFICER, CHARLEVOIX ELECTION,

To GEO. T. CAREY,

Daily Mercury Newspaper and General Printing Office.

March 10th, 1876. To adv. contestation of election, 30 lines, 1 ins..... \$2 40

480

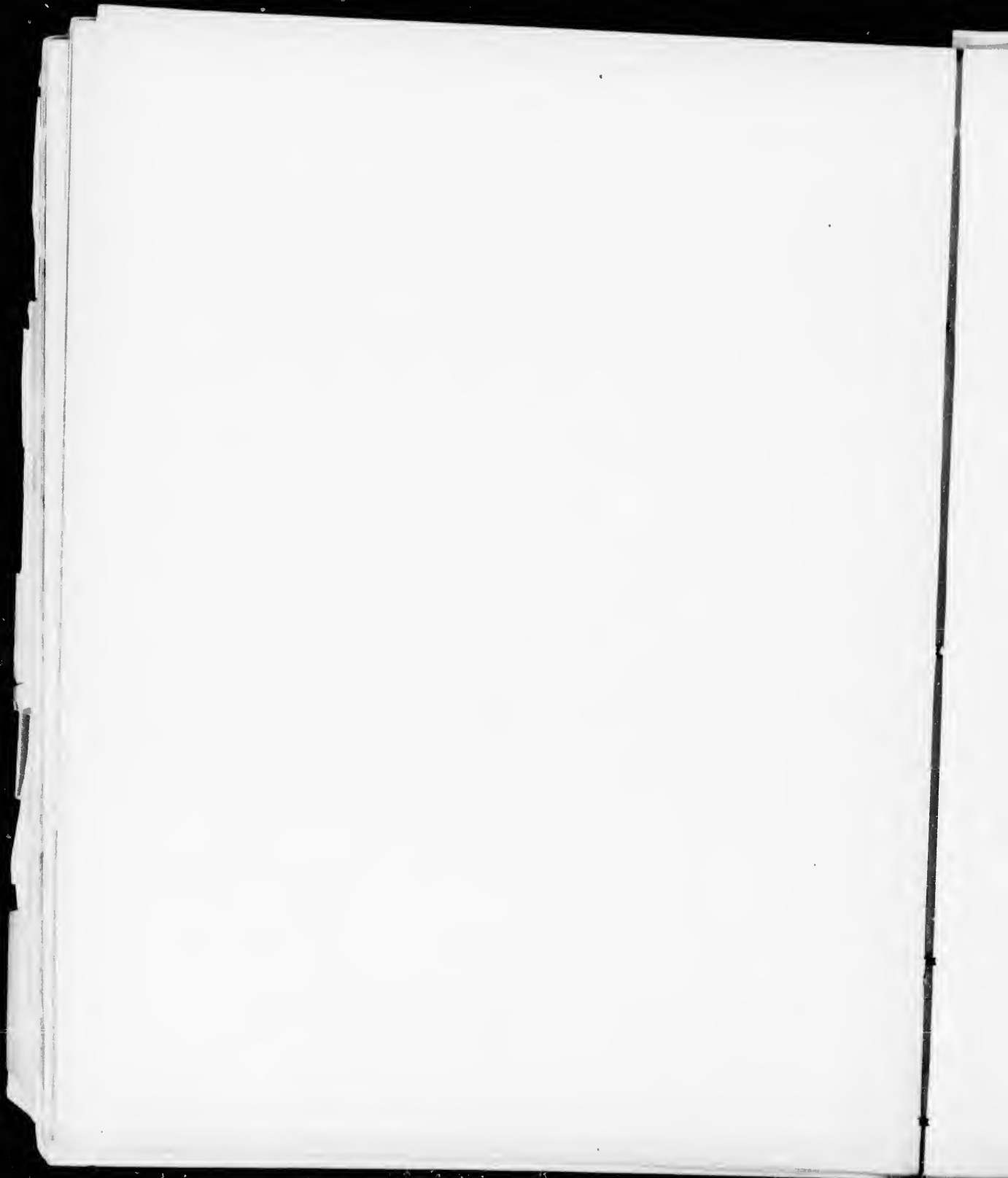
QUEBEC, 11th March, 1876.

CHS. DUBERGER, Returning Officer,

To TARTE & DESJARDINS,

Proprietors and Publishers of the *Canadien*.

For advertising—In the Superior Court—Notice of the contestation of the election of Honorable H. L. Langevin, 30 lines, 1 ins. at 10 cts..... \$3 00



DISTRICT OF SAGUENAY. } SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

O. BRASSARD ET AL.,

Petitioners;

490

vs.

Hon. H. L. LANGEVIN,

Defendant.

We inscribe this cause, by consent, for enquete and hearing upon the preliminary objections for the twentieth March instant.

MALBAIE, March 17th, 1876.

F. LANGELIER,

Attorney for Petitioners.

H. CYRIAS PELLETIER,

Attorney for Defendant.

500 C. DUBERGER, Esq.,

Malbaie.

QUEBEC, 18th March, 1876.

SIR,—Herewith I send you an inscription which you will be kind enough to file, even if it should reach you after the twentieth.

It is made by consent and as a matter of form.

You may then mark the cause as sent up en deliberé upon that inscription. We shall plead it here when Judge Ronthier is passing through.

Truly yours,

F. LANGELIER.

510 CHS. DUBERGER, Esq., Returning Officer,

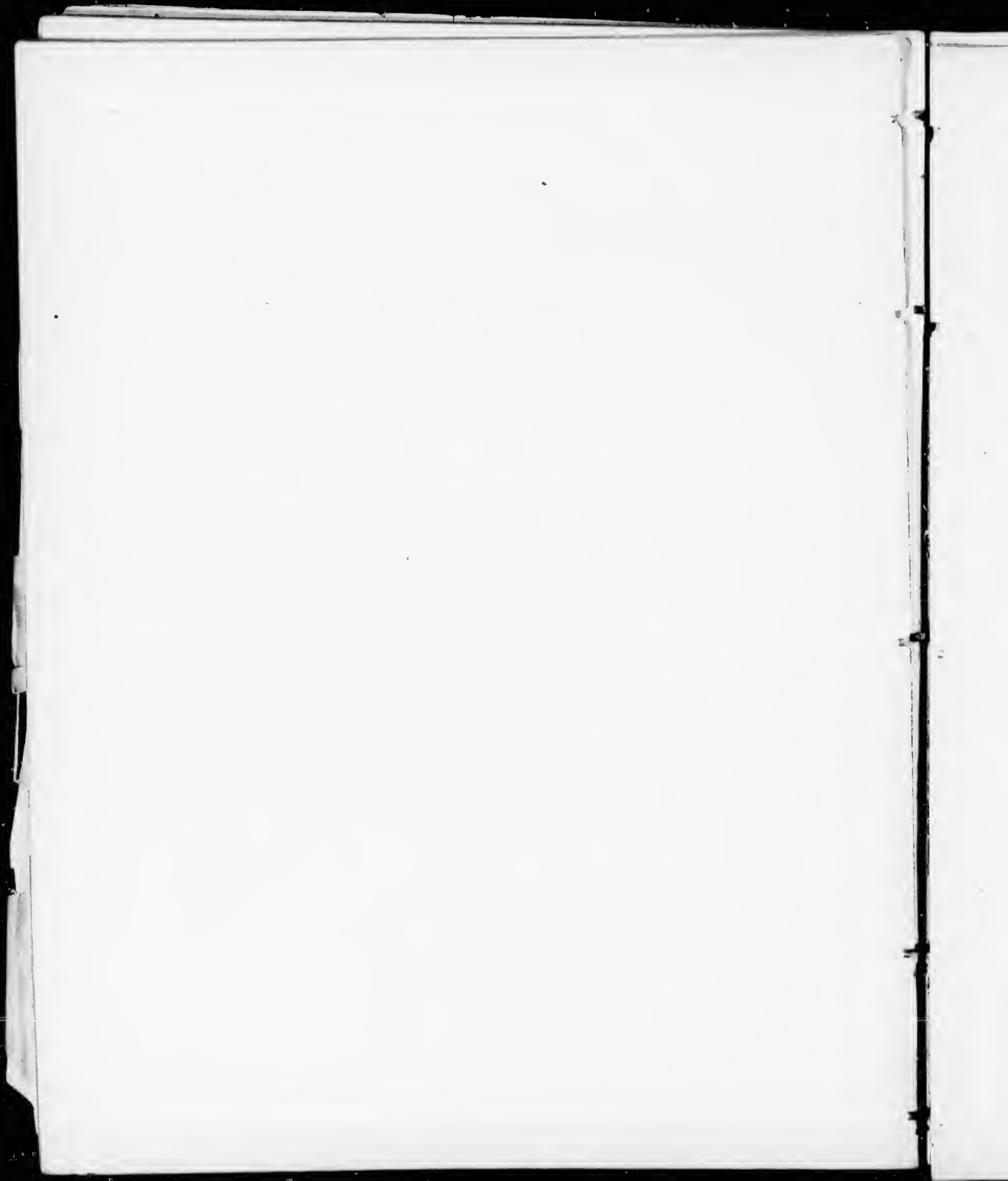
Murray Bay,

QUEBEC.

To JOHN J. FOOTE,

Proprietor of the Morning Chronicle, Dr.

For advertisements, &c., as under:
March 11th, 1876. Notice respecting contestation of Hon. H. L. Langevin's election,
1 insertion, 83 lines..... \$2 64



CANADA.
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
 520 *District of Saguenay.*

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

MALBAIE, 11th May, 1876.

IN CHAMBERS.

PRESENT:—HON. A. B. ROUTIER, J. S. C.

No. 14

OSÉE BRASSARD ET AL.,

Petitioners;

vs.

HON. H. L. LANGEVIN,

Defendant.

530 The Court having heard the Petitioners and the Defendant in this cause by their respective advocates, upon the preliminary objections made by the Defendant to a certain part of the election petition filed in this cause, that is to say to the fourth paragraph of the said petition which reads as follows:—

Your Petitioners further allege: that at the time of the said election before and since the said Honorable Hector Louis Langevin, was disqualified and incapable of being elected a member of the said House of Commons of Canada, having been guilty of conduct which rendered him unworthy to sit in the said House of Commons; that in the year one thousand eight hundred and seventy-two, the said Honorable Hector Louis Langevin was one of the members of Her Majesty's Privy Council for Canada, that as such he had sworn to advise
 540 Her Majesty to the best of his ability and discretion for the honor of Her Majesty and the public good, without any partiality and to avoid corruption; that in the said year eighteen hundred and seventy-two, being called upon in his said capacity of member of Her Majesty's Privy Council for Canada, to advise Her Majesty with reference to the granting of a charter for the construction of the Canadian Pacific Railway, the said Hon. Hector Louis Langevin completely failed to do that which by his said oath he had promised; that instead of advising Her Majesty to the best of his ability for the public good and the honor of the crown and without corruption he allowed himself to be corrupted by Sir Hugh Allan, of the City of Montreal, knight and merchant, who was seeking a grant of the said charter, and in consideration of the sum of thirty-two thousand six hundred dollars which were promised and
 550 given to him by the said Sir Hugh Allan, he undertook to advise the crown to grant the said charter to the said Sir Hugh Allan, contrary to what the honor of Her Majesty and the public good demanded; that instead of avoiding corruption as by his said oath of office he was bound to do, the said Honorable Hector Louis Langevin became a party to the corruption practised by the said Sir Hugh Allan, who applied a sum of over three hundred and



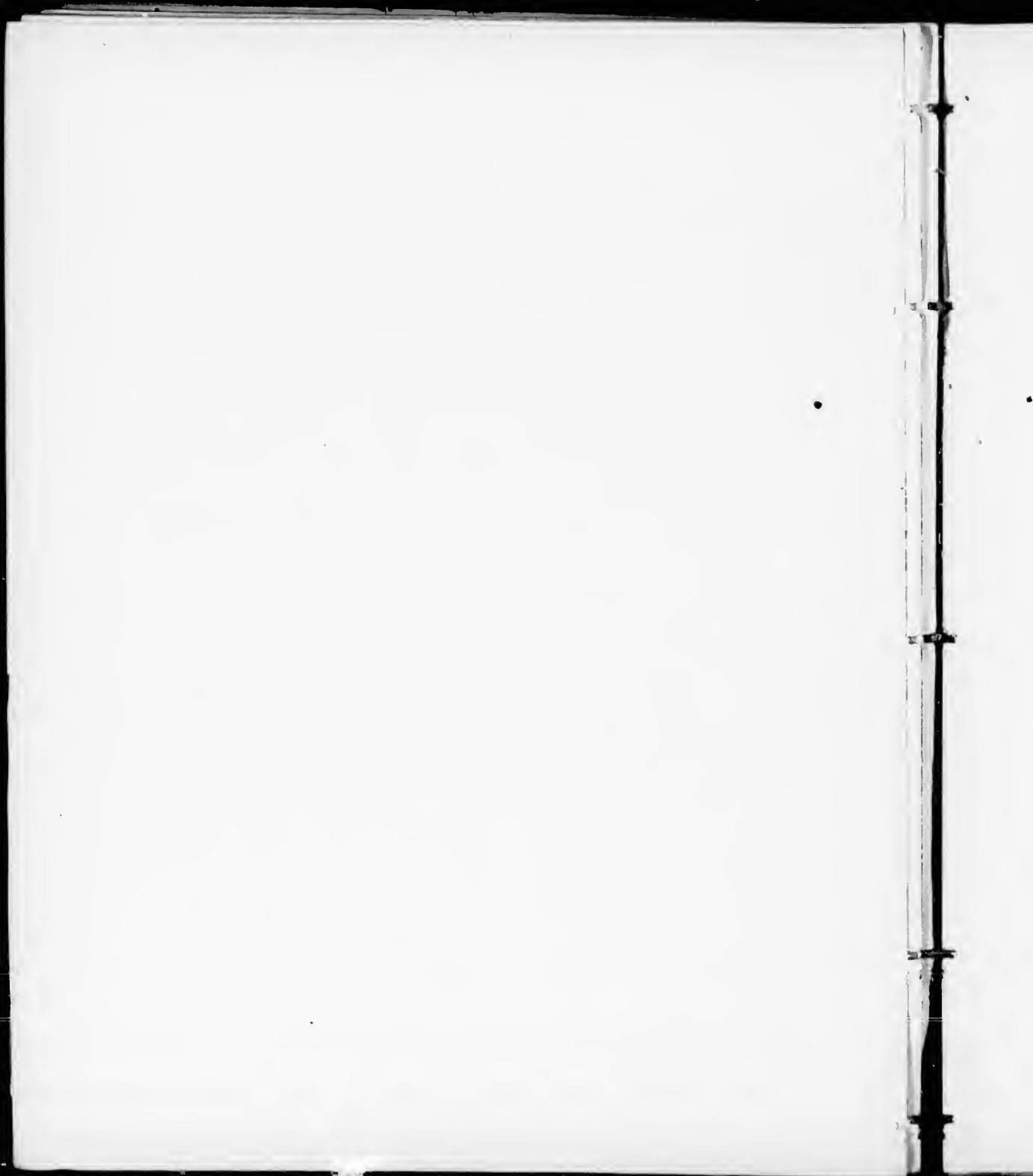
fifty thousand dollars to corrupt the electors of the Dominion of Canada, at the general elections for the said House of Commons, which took place in the said year eighteen hundred and seventy-two, and that therefore the election and the return of the election of the said Honorable H. L. Langevin were and are absolutely null and void in view of the proceedings.

560 Whereas, the facts alleged in the said paragraph by the Petitioners do not constitute in law a cause of disqualification or ineligibility as against the Defendant, and cannot in any way affect the legality or validity of his election, nor justify the conclusions of the said petition, we maintain the preliminary objections of the Defendant in so far as relates to the allegations of the petition above cited, and set aside the said fourth paragraph of the said election petition with costs.

[TRUE COPY.]

C. P. S. DUBERGER,

C. P. S. D. S.



DISTRICT OF SAGUENAY, }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

570

CHARLEVOIX ELECTION.

O. BRASSARD,

Petitioner;

vs.

HON. H. L. LANGEVIN,

Defendant.

The parties in this cause agree that the trial of the petition in this cause do take place at the Court House, in the Parish of St. Etienne de la Malbaie, and do commence on the third of July next, at ten o'clock in the morning.

MALBAIE, 7th June, 1876.

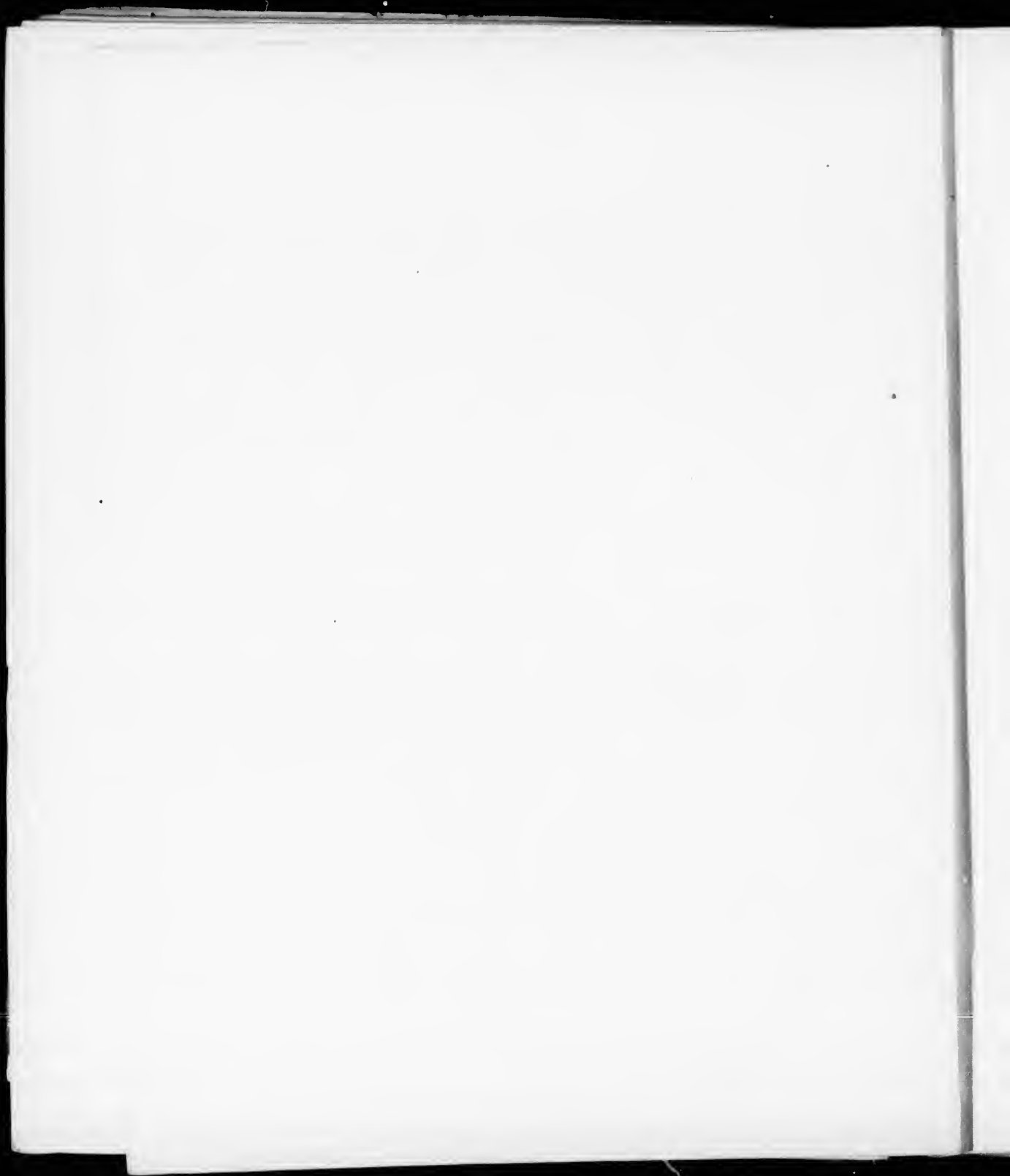
580

F. LANGELIER,

Attorney for Plaintiff.

H. CYRIAS PELLETIER.

Attorney for Defendant.



CANADA,
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

ELECTORAL DISTRICT OF CHARLEVOIX.

O BRASSARD,

590

Petitioner;

vs.

HON. H. L. LANGEVIN,

Defendant.

Motion on behalf of the Defendant that the Petitioners be enjoined to deposit at the office of the Superior Court, at the Court House at St. Etienne de la Malbaie, and to supply the Defendant on or before the thirtieth June instant, with full and complete particulars of all the allegations of that petition and among others:—

1st. As to paragraph five of the said petition, the names, surnames and addresses of all persons who committed acts of bribery, distinguishing those who bribed other persons and those who allowed themselves to be bribed, or whom it was attempted to bribe, and giving the place and date of each of the said acts of bribery.

2nd. As to paragraph six of the said petition, the names, surnames and addresses of each and every person who committed the act called treating, distinguishing those who treated from those who were treated, with the date and place of each act.

3rd. As to paragraph seven, the names, surnames and addresses of all persons guilty of undue influence, spiritual and temporal intimidation, and when and where such undue influence, spiritual and temporal intimidation, was exercised, or when and where it was attempted to exercise the same and on what persons, with the names, surnames and addresses of the persons upon whom such undue influence was exercised, or upon whom it was attempted to exercise the same; in the second place, upon what class of persons such undue influence was exercised, or it was wished or attempted to exercise such undue influence, with as exact a description as possible of the class of persons, and showing in relation to each the nature and character of the undue influence, and whether undue influence purely and simply or spiritual intimidation or temporal intimidation is in question.

4th. As to paragraph eight of the said petition, each act of personation, with the names surnames and addresses of the persons who were guilty of that offence, either by committing the act or by aiding, procuring, counselling and facilitating the commission of that offence, with the place and date of each offence.



5th. As to paragraph nine, the names, surnames and addresses of all persons mentioned in the said paragraph as having hired horses, harness, carriages, cabs, and other vehicles, paid or promised to pay for the use thereof, paid the travelling expenses and other disbursements of any elector, mention being made of the date and place of each offence and of the names, surnames and addresses of each elector mentioned in the said paragraph.

6th. As to paragraph ten, each act which has not been already stated as a particular in relation to the preceding paragraphs, and which the Petitioners propose to prove in order to show a general system of bribery; a general system of acts called treating; a general system of acts called undue influence; a general system of temporal intimidation; a general system of spiritual intimidation; a general system of personation; a general system of subornation; a general system of corrupt practices, with the names and addresses of
630 the persons who practice the same or upon whom they were practiced, and when such acts were practiced, distinguishing whether allusion is made to an individual or to a class of persons, and in such latter case to furnish as exact a description as possible of the class of persons upon whom such acts were practiced, with the place and date of each of the said acts.

7th. As to paragraph eleven, the names, surnames and addresses of the several persons employed by the Defendant as agents and canvassers, and who, during the eight years preceding their employment had been, and whom the Defendant knew had been, found guilty of corrupt practices and so reported.

8th. As to all acts in the aforesaid paragraphs of the said petition which the Petitioners
640 propose to prove, to give without exception a complete statement as to whether such act was committed before the issue of the writ of election, during the election, on the day of nomination or the day of polling, after the polling, with the place where such act was committed, and the date as nearly as possible of each act.

9th. That further, an order do issue to the Petitioners that no proof shall be made of any fact, of any objection which shall not have been specified in the said particulars, the whole with costs against the Petitioners.

(Signed) H. CYRIAS PELLETIER,

Attorney for Defendant.

To F. LANGELIER, Esq.,

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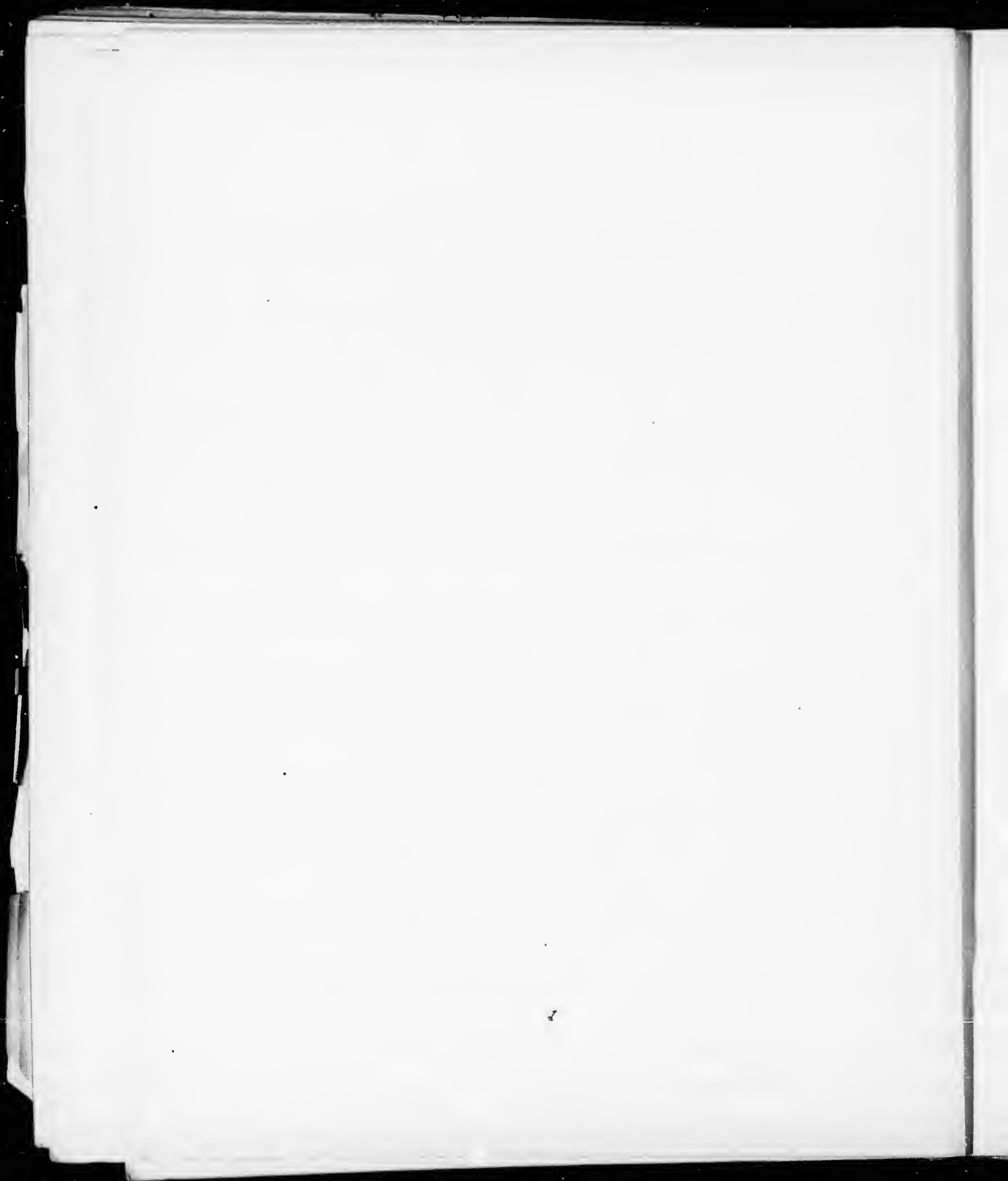
Attorney for Petitioners.

SH.—Take notice on the twentieth June instant, at ten o'clock in the forenoon, or as soon thereafter as Counsel may be heard, the foregoing motion will be made on behalf of the Defendant before one of the Honorable Judges of this Court, at the Court House at St. Etienne de la Malbaie, District of Saguenay, sitting in Chambers according to Law.

H. CYRIAS PELLETIER,

Attorney for Defendant.

MALBAIE, 12th June, 1876.



CANADA.
 PROVINCE OF QUEBEC, }
 660 *District of Saguenay.*

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

MALBAIE, 26th June, 1876.

PRESENT, HON. A. B. ROUTHIER, J. S. C.,

No. 14.

OSÉE BRASSARD ET AL.,

Petitioners.

vs.

HON. H. L. LANGEVIN,

Defendant.

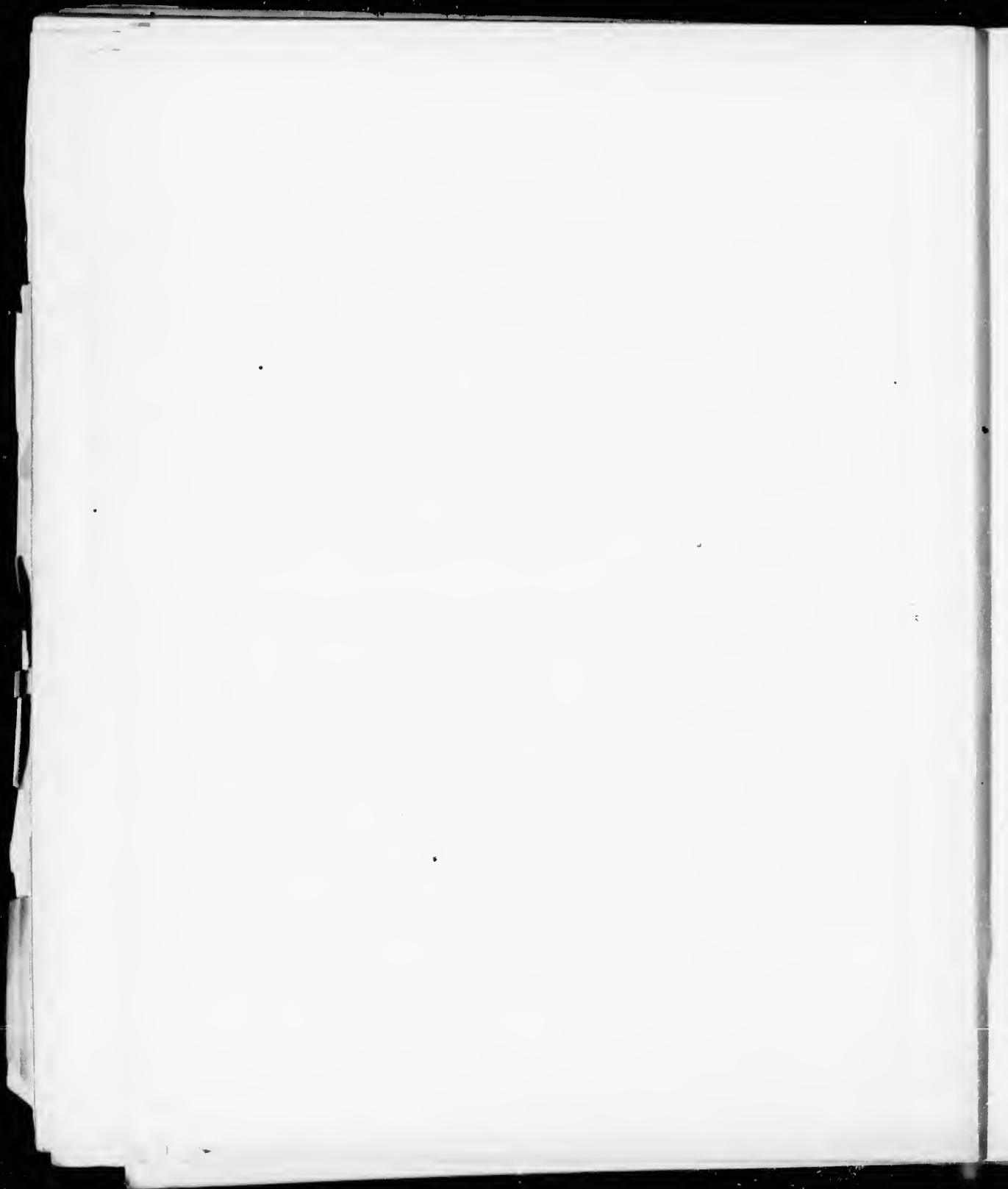
The parties having been heard on the motion of the Defendant for particulars, we
 670 grant the said motion with costs, and the Petitioners are in consequence enjoined to deposit
 in the office of this Court and to supply the Defendant, on or before the first July next, with
 the following particulars, that is to say:—

1st. As to paragraph five of the said petition the names, surnames and addresses of
 all persons who committed acts of bribery, distinguishing those who bribed other
 persons, and those who allowed themselves to be bribed or whom it was attempted to
 bribe, and giving the place and date of each of the said acts of bribery.

2nd. As to paragraph six of the said petition the names, surnames and addresses of
 each and every person who committed the act called treating, distinguishing those who
 treated from those who were treated, with the date and place of each act.

680 3rd. As to paragraph seven, the names, surnames and addresses of all persons
 guilty of undue influence, spiritual and temporal intimidation, and when and where such
 undue influence, spiritual and temporal intimidation was exercised, or when and where it
 was attempted to exercise the same, and on what persons, with the names, surnames and
 addresses of the persons upon whom such undue influence was exercised, or upon whom it
 was attempted to exercise the same; in the second place, upon what class of persons such
 undue influence was exercised or it was wished or attempted to exercise such undue
 influence, with as exact a description as possible of the class of persons, and showing in
 relation to each act the nature and character of the undue influence and whether undue
 influence purely and simply, or spiritual intimidation or temporal intimidation is in
 690 question.

4th. As to paragraph eight of the said petition, each act of personation, with the
 names, surnames and addresses of the persons who were guilty of that offence, either by
 committing the act or by aiding, procuring, counselling and facilitating the commission of
 that offence, with the place and date of each offence.



5th. As to paragraph nine, the names, surnames and addresses of all persons mentioned in the said paragraph as having hired horses, harness, carriages, cabs and other vehicles, paid or promised to pay for the use thereof, paid the travelling expenses and other disbursements of any elector, mention being made of the date and place of each offence and of the names, surnames and addresses of each elector mentioned in the said paragraph.

700 6th. As to paragraph ten, each act which has not been already stated as a particular in relation to the preceding paragraphs, and which the Petitioners propose in order to show a general system of corruption, a general system of acts called treating, a general system of acts called undue influence, a general system of temporal intimidation, a general system of spiritual intimidation, a general system of personation, a general system of subornation, a general system of corrupt practices, with the names and addresses of the persons who practiced the same or upon whom they were practiced, and when such acts were practiced, distinguishing whether allusion is made to an individual or to a class of persons, and in such latter case, to furnish as exact a description of the class of persons upon whom such acts were practiced, with the place and date of each of the said acts.

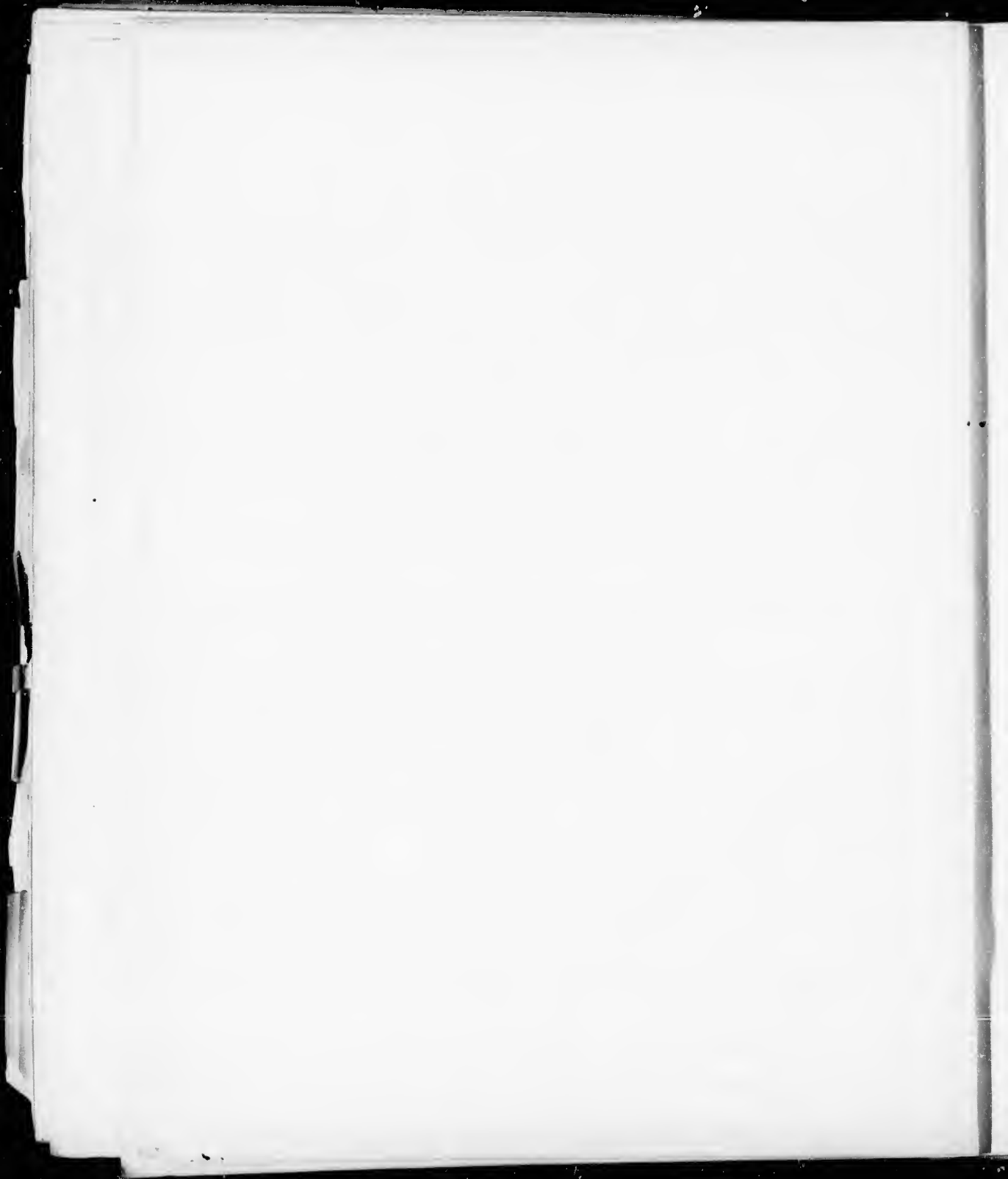
710 7th. As to paragraph eleven, the names, surnames and addresses of the several persons employed by the Defendant as agents and canvassers, and who, during the eight years preceding their employment, had been, and whom the Defendant knew had been found guilty of corrupt practices and so reported.

8th. As to all acts in the aforesaid paragraphs of the said petition which the Petitioners propose to prove, to give without exception a complete statement as to whether such act was committed before the issue of the writ of election, during the election, on the day of nomination, on the day of polling, after the polling, with the place where such act was committed, and the date, as nearly as possible, of each act. And it is further declared that no proof 720 it is with the permission of the Court.

[True copy.]

CHS. DUBERGER,

P. S. C. D. S.



DISTRICT OF SAGUENAY } DOMINION CONTROVERTED ELECTIONS
 ACT, 1874.

CHARLEVOIX ELECTION.

O. BRASSARD ET AL.,

Petitioners ;

AND

THE HON. H. L. LANGEVIN,

Defendant.

730

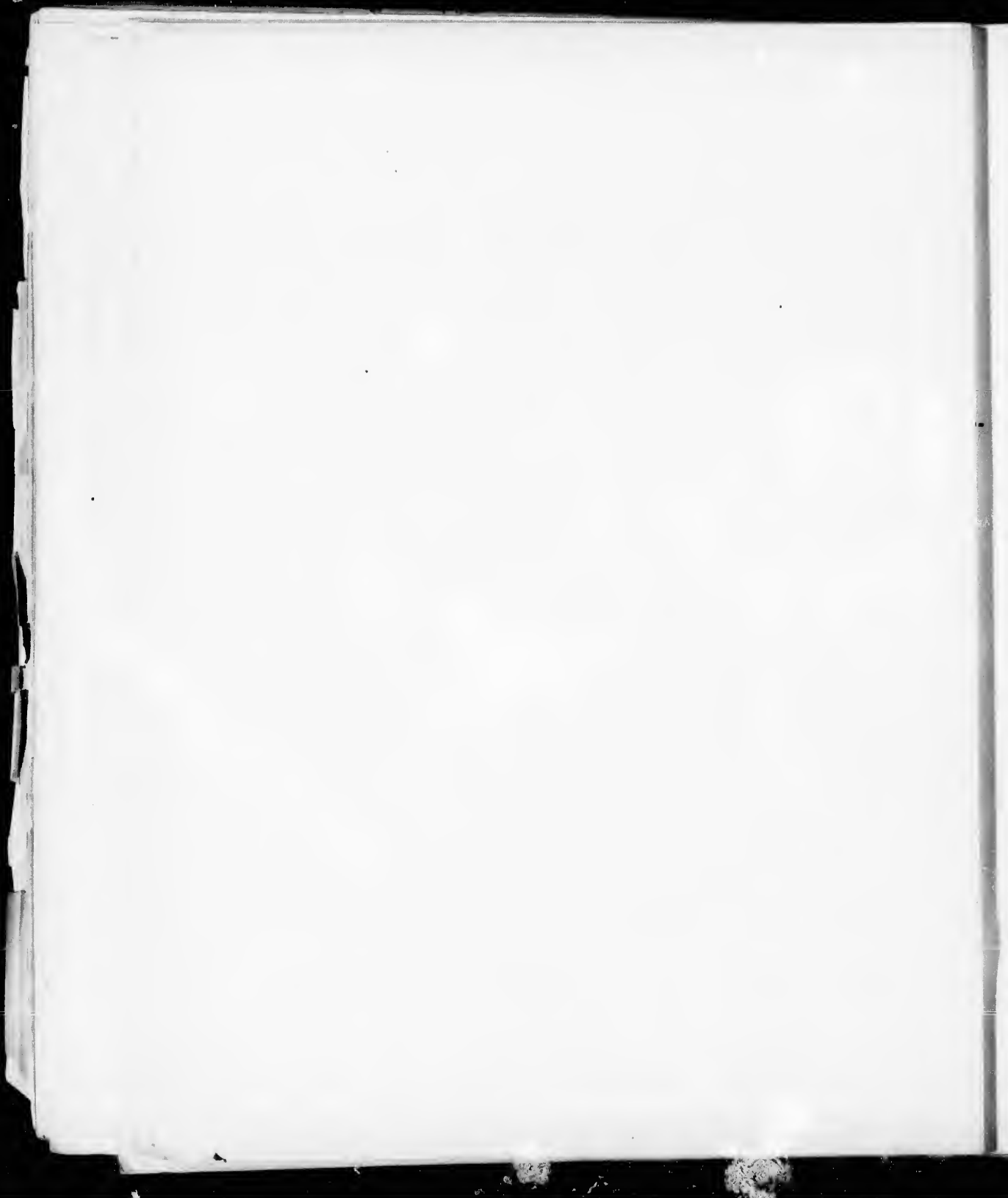
Motion, on the part of Petitioners, that an order do issue to the Clerk of the Crown in Chancery for the Dominion of Canada, to transmit without delay to Charles Du Berger, Esquire, Prothonotary of this Court at Malbaie, all the books, lists, commissions, certificates, statements, papers, documents, and reports whatsoever, relating to the last election, for the electoral district of Charlevoix, of a member to represent the said district in the House of Commons of Canada, the said documents having been returned to the said Clerk of the Crown in Chancery, or in his possession, in order that the said documents may be examined by the parties to the present petition and by the judge trying the election petition, the whole in accordance with rule number 24 of this Court.

740

F. LANGELIER,

Atty. for Petitioners.

MALBAIE, 1st July, 1876.



CANADA,
 PROVINCE OF QUEBEC, }
District of Saguenay

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

ELECTORAL DISTRICT OF CHARLEVOIX.

BRASSARD ET AL.,

Petit.,

750

vs.

HON. H. L. LANGEVIN, C. B.,

Def.

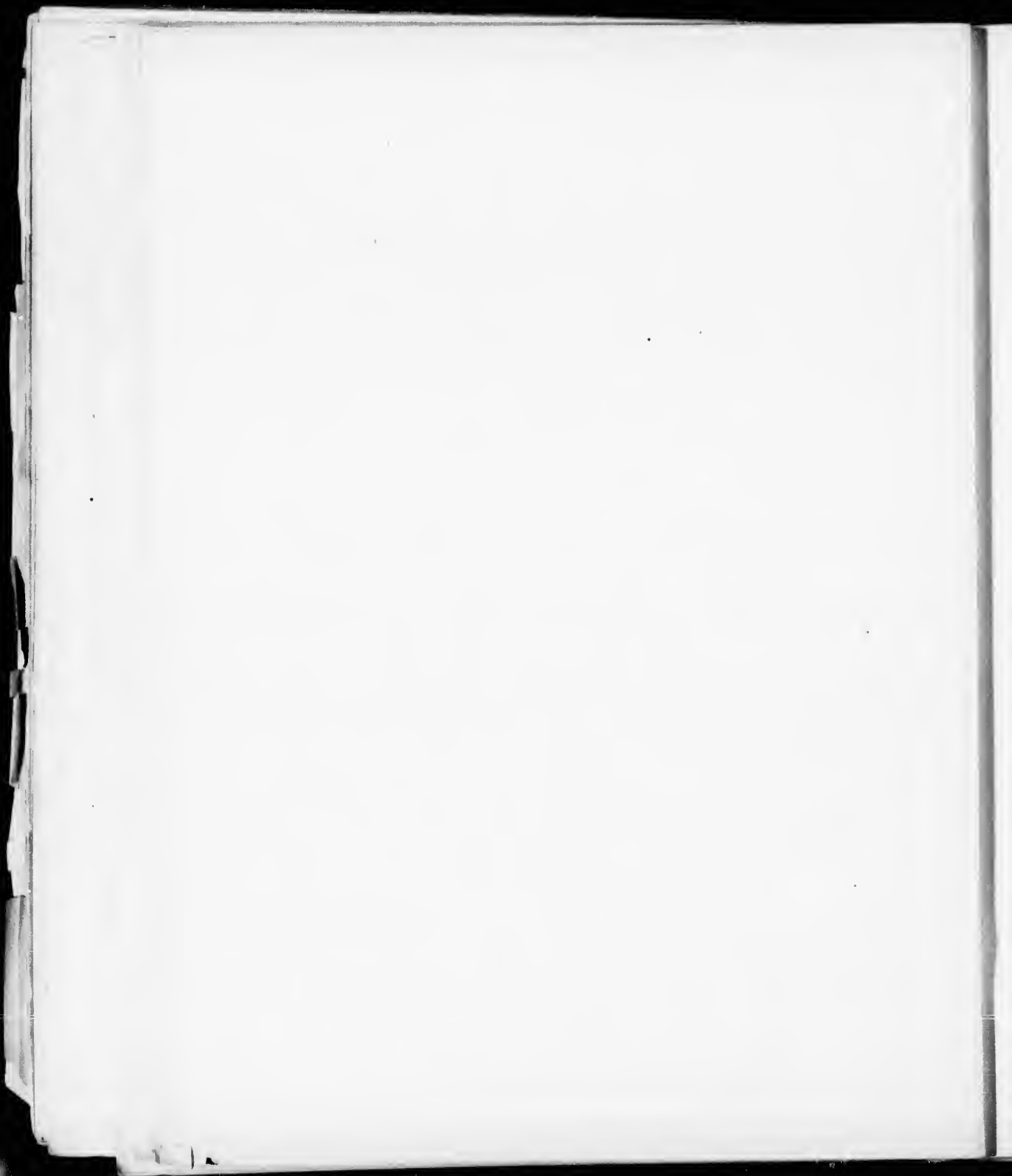
Whereas the Petitioners have not conformed to the judgment of this Honorable Court by producing and filing their bill of particulars.

Motion, on the part of Defendant, that proceedings on the present petition be adjourned until such time as the Petitioners may have produced and filed all the particulars regarding paragraphs five (5) and six (6) of the said petition, by pointing out whether each offence was committed before, during, or after the nomination, or before, during, or after the voting; as to paragraph seven (7), regarding undue clerical influence, by pointing out 760 the place, outside the pulpit, where the Rev. François Cinq-Mars, Curé of St. Siméon, stated that it was a case of conscience, a mortal sin, a grave sin, to vote for the Defendant's opponent, with the precise date of each offence, whether it was before, during, or after the nomination, or before, during, or after the voting; the place where, outside the pulpit, at St. Urbain, the Rev. A. Fafard threatened them with the refusal and the deprivation of the ordinary assistance that he was accustomed to give them, as well as the deprivation of situations, employments and other advantages to the persons mentioned in the bill of 770 particulars, with the date of each offence, showing whether it was before, during, or after the nomination, or before, during, or after the voting.

The place where, outside the pulpit, at Baie St. Paul, the Rev. Joseph Sirois 770 threatened with spiritual penalties the persons mentioned in the bill of particulars, with the precise date of each offence, whether it was before, during, or after the nomination.

The place, outside the pulpit, where, at St. Hilarion, the Rev. Ignace Langlais, intimidated, by threats of spiritual penalties, the persons mentioned in the bill of particulars, showing the date of each offence, whether it was before, during, or after the nomination day, or before, during, or after the day of voting.

The place, outside the pulpit, where, at St. Fidèle, the Rev. W. Tremblay, intimidated by threats of spiritual penalties, the persons mentioned in the particulars, with the date of each offence, showing whether it was before, during, or after the nomination, or before, during, or after the voting.



780 The place, outside the pulpit, at St. Etienne de la Malbaie, where the Rev. N. Doucet said to the persons, mentioned in the particulars, that they rendered themselves liable to be damned by voting for the Defendant's opponent, with the date of each offence, showing whether it was before, during, or after the nomination, or before, during, or after the voting.

The place, outside the pulpit, where at St. Irenée, the Rev. M. E. Roy, stated that it was a case of conscience to vote for the Defendant's opponent, with the date of each offence, showing whether it was before, during, or after the nomination, or before, during, or after the voting.

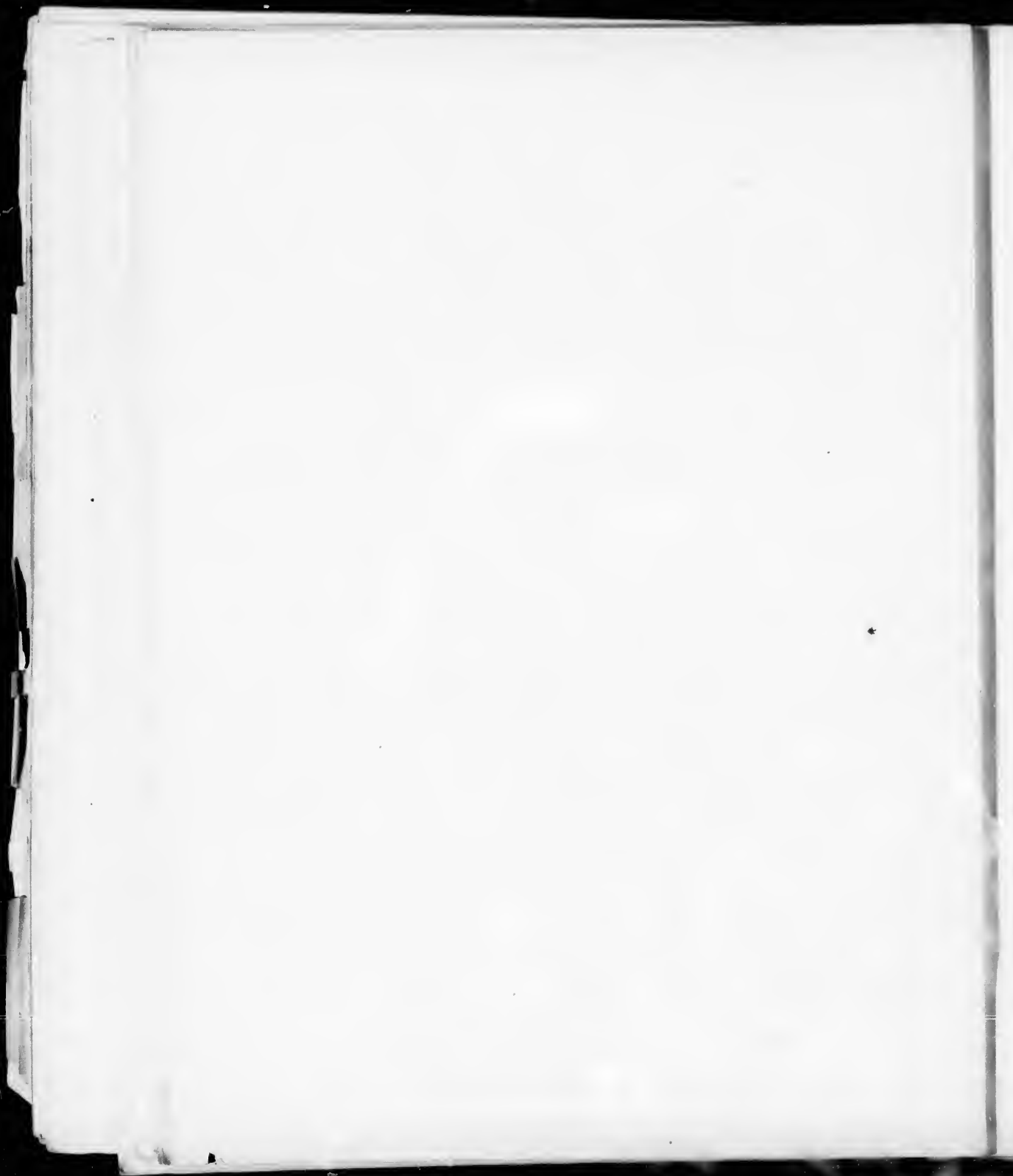
790 The place, outside the pulpit, where, at Petite Rivière St. François, the Rev. L. E. Lauriault intimidated, by threats of spiritual penalties, the persons mentioned in the particulars, if they voted for the Defendant's opponent, with the date of each offence, showing whether it was before, during or after the nomination, or before, during, or after the voting.

The whole conformably to the orders of the Court and with costs against the Petitioners.

H. C. PELLETIER,

Attorney for Defendant.

MALBAIE, 3rd July, 1876.



CANADA,
 SOO PROVINCE OF QUEBEC, }
District of Saguenay.

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

OSÉE BRASSARD ET AL.,

Petitioners;

AND

THE HON. H. L. LANGEVIN,

Defendant.

Particulars furnished by the Petitioners relative to the different paragraphs of their petition.

810

I. PARAGRAPH FIVE.

1. Laurent Pilote, of the parish of Baie St. Paul, carter, had from the Defendant, as well as from Israël Tarte, of Quebec, journalist, from Adolphe Caron, of Quebec, Esquire, advocate, from Onésime Gauthier, of St. Urbain, mining agent, the promise of a situation at Baie St. Paul, in January last.

2. Thomas Larouche, of Baie St. Paul, carriage maker, received money from the said Israël Tarte, in January last, at Baie St. Paul.

3. Jean Baptiste Bolduc, of Baie St. Paul, carter, and Ephrem Gagnon, of the same place, carpenter, received from the said Tarte money and liquor, at Baie St. Paul, in January last.

820

4. Frécl Larouche, of Baie St. Paul, farmer and carter, received money from the said Tarte, at Baie St. Paul, in January last.

5. Alfred Dufour, of Baie St. Paul, blacksmith, was threatened with the loss of his position as Major of Militia, and received a promise of increase of pay, and other promises, at Baie St. Paul, in January last.

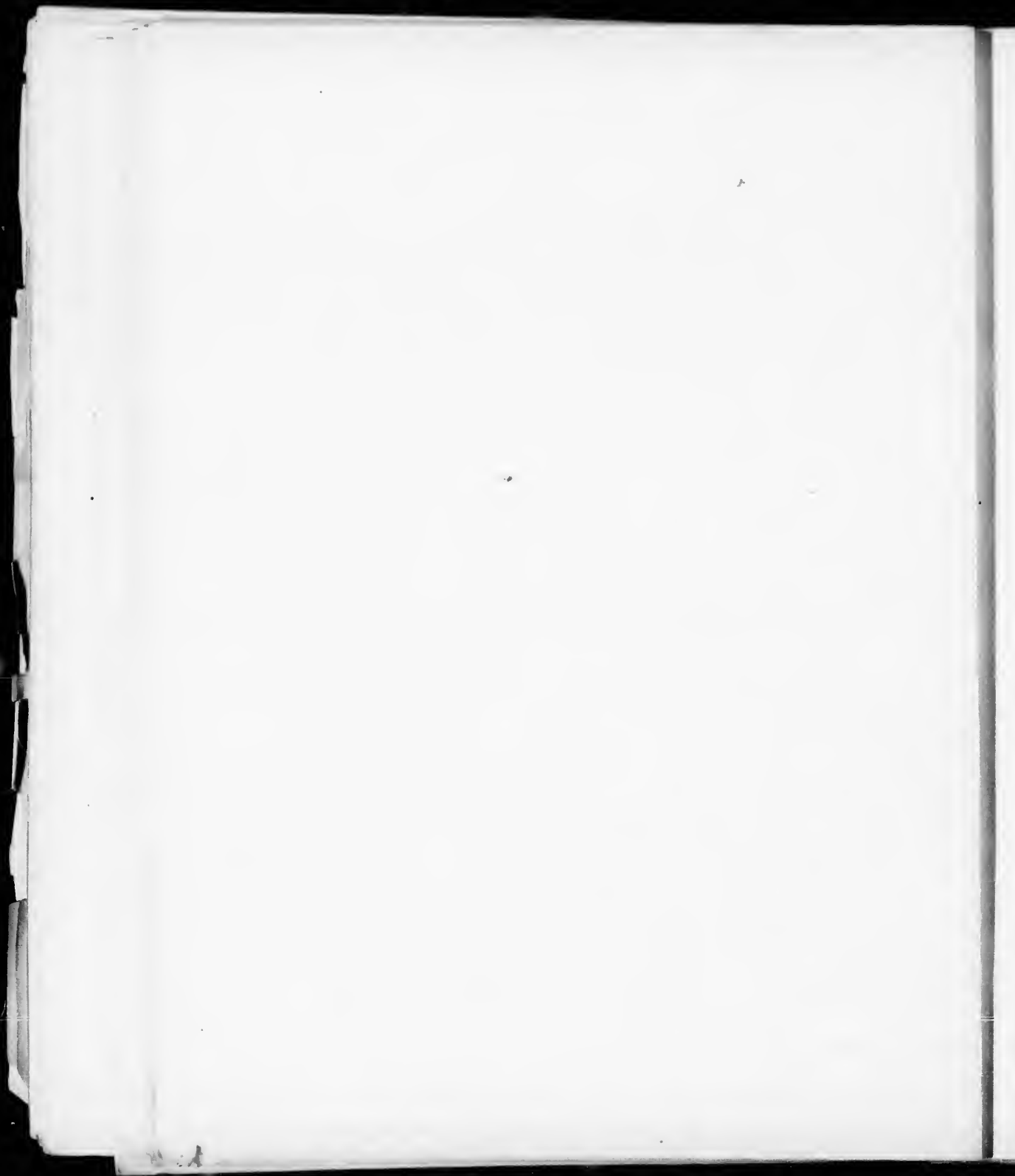
6. Maxime Dufour, of Baie St. Paul, blacksmith, received from the Defendant the same threats and promises, made to his son, already named, Alfred Dufour, in order that he might be informed of them, at Baie St. Paul, in January last.

7. Théophile Simard, of Baie St. Paul, hotel keeper, received money from the Defendant, in January, at Baie St. Paul.

830

8. André Bouchard, of Baie St. Paul, baker, received from the Defendant, and from the said Israël Tarte, the promise of a situation at Baie St. Paul, in January last.

9. Jean Savard, of St. Siméon, fisherman, was threatened at St. Siméon, in January last, by John McLaren, of the same place, Crown Timber Agent, to pay for three timber limits instead of one.



10. Grégoire Jenn, of Malbaie, mason, received in January, at Malbaie, from Joseph Kane, of Malbaie, Esquire, notary, and from Joseph Stanislas Perrault, of the same place, Esquire, advocate, the gift or a promise of a sum of money.

11. Joseph Bouchard, postmaster of Pointe-a-Pic, Malbaie, received in January last, at Malbaie, from the said Joseph Stanislas Perrault, the promise or offer of a loan of money.

840 12. Georges Duberger, of Malbaie, hotel keeper, received from the Defendant, and from the said Joseph Stanislas Perrault, and Joseph Kane, in January last, at Malbaie, the gift or the promise of a sum of money and the promise of a situation and other advantages.

13. David Roy, of Malbaie, bulff, received in January last, at Malbaie, from the Defendant, and from the said Joseph Kane, and Joseph Stanislas Perrault, the promise of a situation.

14. Hubert Warren, son of Jenn, of Malbaie, sailor, received in January last, at Malbaie, from Joseph Kane above-mentioned, a loan, or a promise of a loan of money.

15. Pamphile Tremblay, of Ste. Anne de la Pêrade, surveyor, in January last, at St. Urbain, promised to all the electors of St. Urbain the opening up of a road to go to
850 Settrington.

16. Onésime Gauthier, above-mentioned, promised to François Savard, Côme Savard, Hypolite Tremblay, Juste Bouchard and Origène Dufour, all farmers of St. Hilarion, situations, contracts, money and other advantages, namely, at St. Urbain and at St. Hilarion, in January last.

17. Pamphile Tremblay, already named, promised to Napoléon Tremblay, François Lapointe and Laurent Lapointe, of St. Urbain, farmers, the cutting of the wood for a bridge, to wit, at St. Urbain and at Baie St. Paul, in January last.

18. Thomas Bouchard, of St. Siméon, farmer, received in January last, at Malbaie and at St. Siméon, the gift or the promise of a sum of money from Joseph Stanislas Perrault
860 and Joseph Kane aforesaid.

19. Sésaphin Lajoie, of Malbaie, received in January last, at Malbaie, from the said Joseph Stanislas Perrault, a promise that the said Perrault would stop a suit which the said Lajoie had against his mother.

20. Joseph Dufour, of Isle aux Coudres, farmer and tanner, received in January last, at Baie St. Paul, from Auguste Réal Angers, of Quebec, Esquire, advocate, the promise of favors from the local Government.

21. Edouard Perrault, of Baie St. Paul, farmer, received in January last, at Baie St. Paul, from the Defendant, the promise of money and employment.

22. Florent Tremblay, of Baie St. Paul, farmer, received in January last, at Baie St.
870 Paul, from the Defendant, from the said Israël Tarte and from the Honorable David Price, of Quebec, senator, gifts and promises of money.



23. André Carré, of Malbaie, farmer, received from the said David Price, in January last, at Malbaie, the promise of a situation.

24. Cléophas Tremblay, of Ste. Agnès, farmer, and Léandro Côté, of the same place, also farmer, received in January, at Ste. Agnès and at Malbaie, from the said Joseph Stanislas Perrault and Joseph Kane, gifts and promises of money.

25. Frédéric Otis, Jean Harvey, François Harvey, Thomas Gagnon, all farmers, of Malbaie, received from the Defendant, in January last, at Malbaie, promises of money and pecuniary advantages.

880 26. Vital Harvey, of Malbaie, on the day before the voting, received from the said Joseph Stanislas Perrault, and from the said Joseph Kane gifts and promises of money and pecuniary advantages.

27. Louis Tremblay, son of Malcolm, of St. Hilarion, farmer, received in January last, at St. Hilarion, and St. Urbain, from the said Auguste Réal Angers, the promise of a situation.

28. François Grenon and Joseph Bélanger, farmers, of Baie St. Paul, received in January last, from Benjamin Boivin of Baie St. Paul, farmer, money or promises of money and pecuniary advantages.

890 29. Zacharie Bouchard of Petite Rivière, farmer, about the end of January, at Petite Rivière, received from Abelon Côté, of Quebec, trader, a gift of money.

30. Etienne Gauthier, of Petite Rivière, farmer, received from Vincelas Tremblay, trader, of Baie St. Paul, and from Petit Lavoie, farmer, of Petite Rivière, in January, at Petite Rivière, the promise of a situation.

31. Théophile Bois, of St. Siméon, farmer, in January last, at St. Siméon, received from the said John McLaren, medical attendance, and the remission of his fees for such attendance.

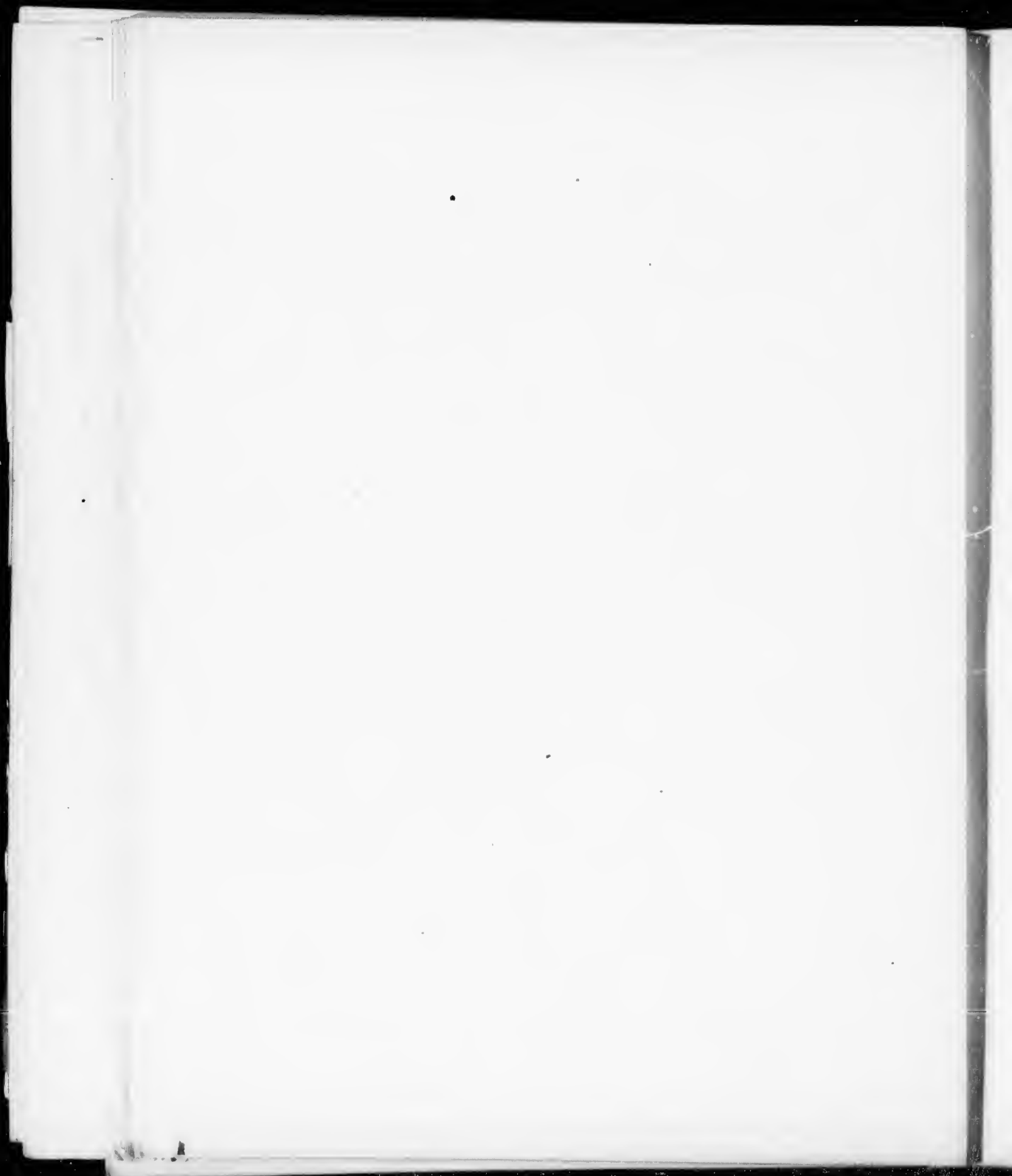
32. Idas Bouchard, of Petite Rivière, farmer, in January, at Petite Rivière, received from the Defendant, gifts and promises of money and employment, and favors and advantages.

900 33. Pamphile Demeule, of Malbaie, surveyor, in January last, at Malbaie, received from the Defendant, and from Simon Xavier Cimon, of Malbaie, contractor, the promise of a situation or of employment.

II. PARTICULARS RELATIVE TO PARAGRAPH SIX OF THE PETITION.

1. Barthélemi B. Bouchard, of Malbaie, trader, in January, at Malbaie, threatened Kessis Desbiens and Félix Lajoie, farmers, of Malbaie, to sue them or to make them pay up at once.

2. Denis Gauthier, of St. Fidèle, trader, some days before the voting at St. Siméon and St. Fidèle, threatened Thomas Simard, Elezéar Chamberland, Charles Bonchard,



Thomas Tremblay, Flavien Gauthier, all of St. Siméon, farmers, with loss of employment or 910 situations, and with suits.

3. Onésime Gauthier, above-named, in January last, at St. Urbain, threatened Pitre Gilbert, and Joseph Gilbert, both of St. Urbain, and Xavier Gilbert, of Ste. Agnès, all farmers, that they would obtain no improvements, nor money from the government.

4. The Reverend François Cinq-Mars, curé of St. Siméon, some days before the voting at St. Siméon, in the pulpit and out of the pulpit, stated to all the Roman Catholic electors of the said parish, and among others to Narcisse Bouchard, Johnny Desbiens, Abraham Tremblay, Michel Ansbeau, farmers, Michel Tremblay, headle, and Séraphin Guérin, trader, that it was a case of conscience, a mortal sin, a heavy sin, to vote for the opponent of the Defendant.

5. The Reverend Joseph Sirois, curé of Baie St. Paul, on the sixteenth of January last, and on the preceding and following days, as well in the pulpit as out of it, threatened with spiritual and temporal penalties, all the Roman Catholic electors of Baie St. Paul, and amongst others François Turgeon, Boniface Larouche, Octave Simard, (Noë) Georges Côté, Timothé Simard, Célestin Bouchard, Adolphe Mirtel, Johnny Dufour, Joseph Larouche, Hippolite Larouche, Xavier Larouche, Johnny Côté, François Perron, Napoléon Potvin, Ferdinand Simard, Adolphe Girard, Henry Girard, Thomas Girard, Georges Larouche, Joseph Boily, Joseph Larouche, son of Boniface, Thomas Perron, Israël Lapierre, Jean Baptiste Larouche, son of Jean, Thomas Fortin, Simon Lavoie, Abraham Larouche, Eloi Tremblay, Ferdinand Tremblay, Augustin Tremblay, Euloge Tremblay, Théophile Tremblay, 930 Xavier Tremblay, Auguste Tremblay, son of Augustin, Charles Tremblay, son of Augustin, Ovide Tremblay, (to Jean Marc), Ephrem Bouchard, son of André, Théophile Boivin, Joseph Boivin, Louis Allard, senior, Louis Allard, the younger, Onésime Simard, (Goth), and Alexis Simard, (Goth), Edmond Simard, senior, Félix Pilote, Dénery Pilote, Luc Truchon, Ferdinand Simard, Hypolite Morin, Moïse Côté, Onésime Truchon, Lucien Tremblay, Zéphirin Simard, Joseph Boivin, Thomas Fortin, Alphonse Côté, all farmers; Octave Guay, blacksmith; Louis Allard, rentier; Eloi Tremblay, carriage-maker; Nérée Asselin, tanner; Ferdinand Danielson, shoemaker.

6. The Reverend Ambroise Fafard, curé of St. Urbain in January last, in the pulpit and out of it, at St. Urbain, threatened with the refusal and deprivation of the ordinary 940 assistance that he was accustomed to give them, as well as with the deprivation of situations, employments and other advantages, all the Roman Catholic electors of the said parish of St. Urbain, and among others, Xavier Girard, Pitre Gilbert, Gédéon Perron, Séraphin Tremblay, Joseph Gilbert, Onésime Pradet, Marie Tremblay, Alphonse Gegnon, all farmers, Pierre Bourassa, trader, Trédé Bouchard, blacksmith and cabinet-maker.

7. The Reverend Ignace Langlais, curé of St. Hilarion, on the sixteenth of January last, and on the preceding and following days, at St. Hilarion, in the pulpit and out of it, intimidated by threats of spiritual penalties, if they voted for the Defendant's opponent, all the Roman Catholic electors of the said parish, and among others; Réule Asselin, Joseph Bonireault, Onésime Bergeron, Aquilas Asselin, Auguste Gilbert, Joseph Bergeron, Flavien 950 Villeneuve, Zéphirin Savard, all farmers; Narcisse Lajoie, blacksmith.



950 8. The Reverend L. E. Lauriault, curé of Petite Rivière St. François, in the said parish, on the sixteenth of January last, and on the preceding and following days, in the pulpit and out of it, intimidated by threats of spiritual penalties, if they voted for the Defendant's opponent, all the Roman Catholic electors of the said parish, and among others, Auguste Racine, Etienne Tremblay, Alexis Tremblay, Martin Lavoie and Idas Bouchard, farmers.

9. The Reverend W. Tremblay, curé of St. Fidèle, on the sixteenth of January last, and on the preceding and following days, at St. Fidèle, in the pulpit and out of it, intimidated by threats of spiritual penalties, if they voted for the Defendant's opponent, all the Roman Catholic electors of the said parish, and among others, Abel Maltais, Exé Gagnon, Emilien 960 Bouchard, farmers, and Johnny Tremblay, trader.

10. The Reverend N. Doucet, curé of St. Etienne of Malbaie, in January last, at Malbaie, out of the pulpit, stated to the Roman Catholic electors of the said parish, and among others to Denis Harvey, Vital Harvey, Narcisse Harvey, farmers, Xavier Warren, hotel keeper, (to himself and his wife) to Cyrille Guérin, senior, and Henri Guérin, farmers, that they would expose themselves to damnation by voting for Defendant's opponent.

11. The Reverend Mr. E. Roy, curé of St. Irénée, on the sixteenth of January last, and on the preceding and following days, in the pulpit and out of it, stated to the Roman Catholic electors of the said parish, and among others to Germain Lajoie, blacksmith, Jean Gauthier, Ferdinand Tremblay, Gilbert Bouchard, Octave Girard and Marc Bouchard, all 970 farmers, that it was a case of conscience to vote for the Defendant's opponent.

F. LANGELIER,

Atty. for Petitioners.

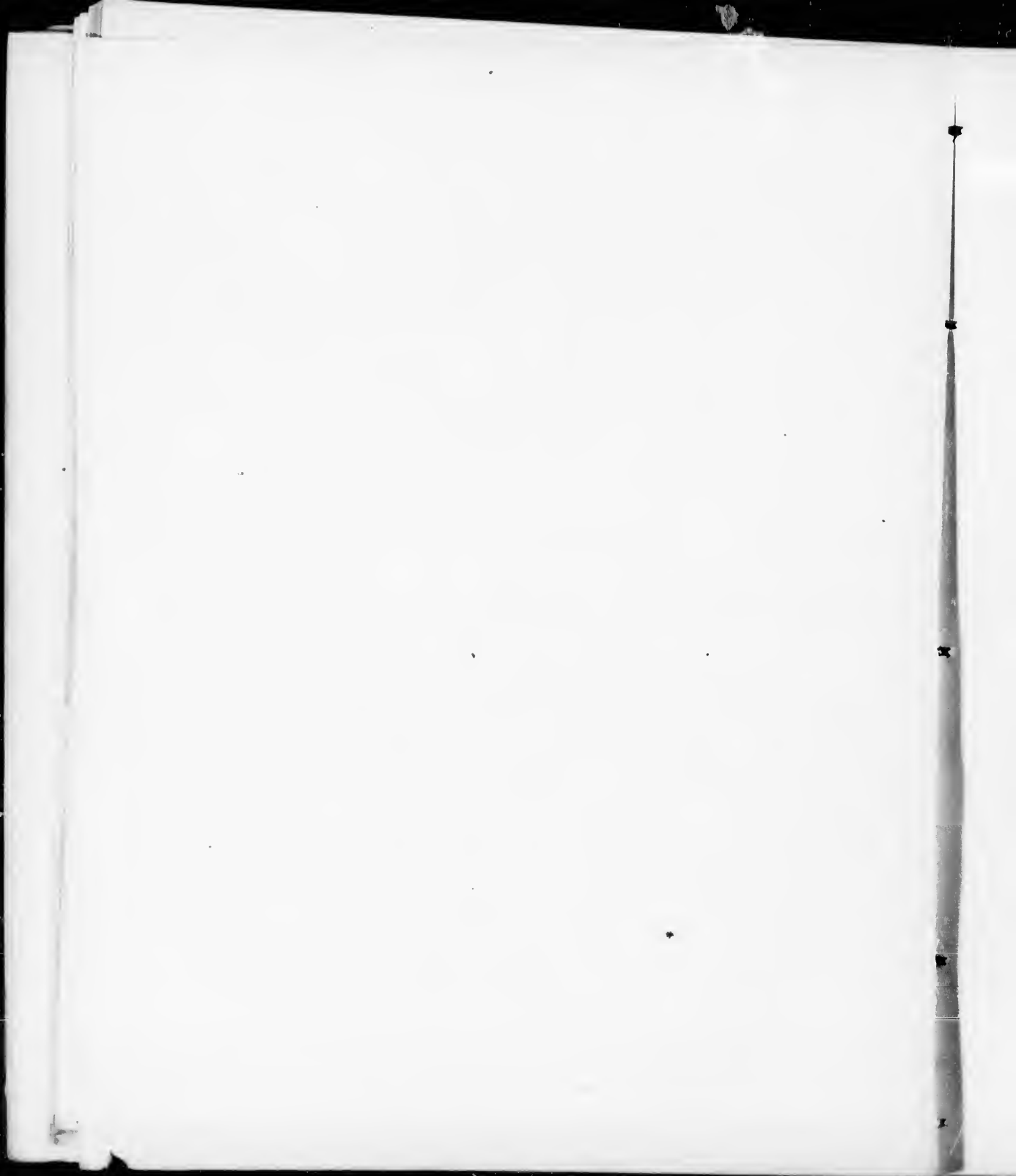
MALBAIE, 27th June, 1876.

Received copy.

H. C. PELLETIER,

Atty. for Def.

The Petitioners declare that all the cases upon which they intend to proceed, except those expressly mentioned in their particulars as having occurred on the day of voting, occurred before the voting.



980 CANADA,
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay.

THE DOMINION CONTROVERTED ELECTIONS ACT, 1874.

OSÉE BRASSARD ET AL.,

Petitioners;

AND

THE HON. H. L. LANGEVIN,

Respondent.

I appear as counsel for the Respondent at the *enquete* in this case.

990

J. V. PERRAULT,

Counsel for Respondent.

MALBAIE, 3rd July, 1876.



DISTRICT OF SAGUENAY. } DOMINION CONTROVERTED ELECTIONS
 ACT, 1874.

IN THE SUPERIOR COURT.

CHARLEVOIX ELECTION.

BRASSARD ET AL.,

Petitioners ;

AND

1000

Hon. H. L. LANGEVIN,

Respondent.

Motion by Petitioners for leave to amend the particulars by them furnished in this cause to Respondent, and to add thereunto the following cases :—

1. Onésime Gaudreault, of Ste. Agnès, merchant and farmer, received from Respondent and from Israël Tarte of Québec, journalist, as also from Joseph Kane, notary, and Joseph Stanislas Perrault, a lawyer, both of Malbaie, a sum of money and drink to be distributed to the electors of Ste. Agnès, and did give some of the same, amongst others, to Cléophas Tremblay, of Ste. Agnès, farmer, the whole at Ste. Agnès on the day of the polling and some days before and on the day of the nomination.

1010 2. Léandre Côté, of Ste. Agnès, farmer, received, at Ste. Agnès, during the fifteen days which preceded the polling, from the said Joseph Kane and Joseph Stanislas Perrault, the offer, promise and gift of sums of money.

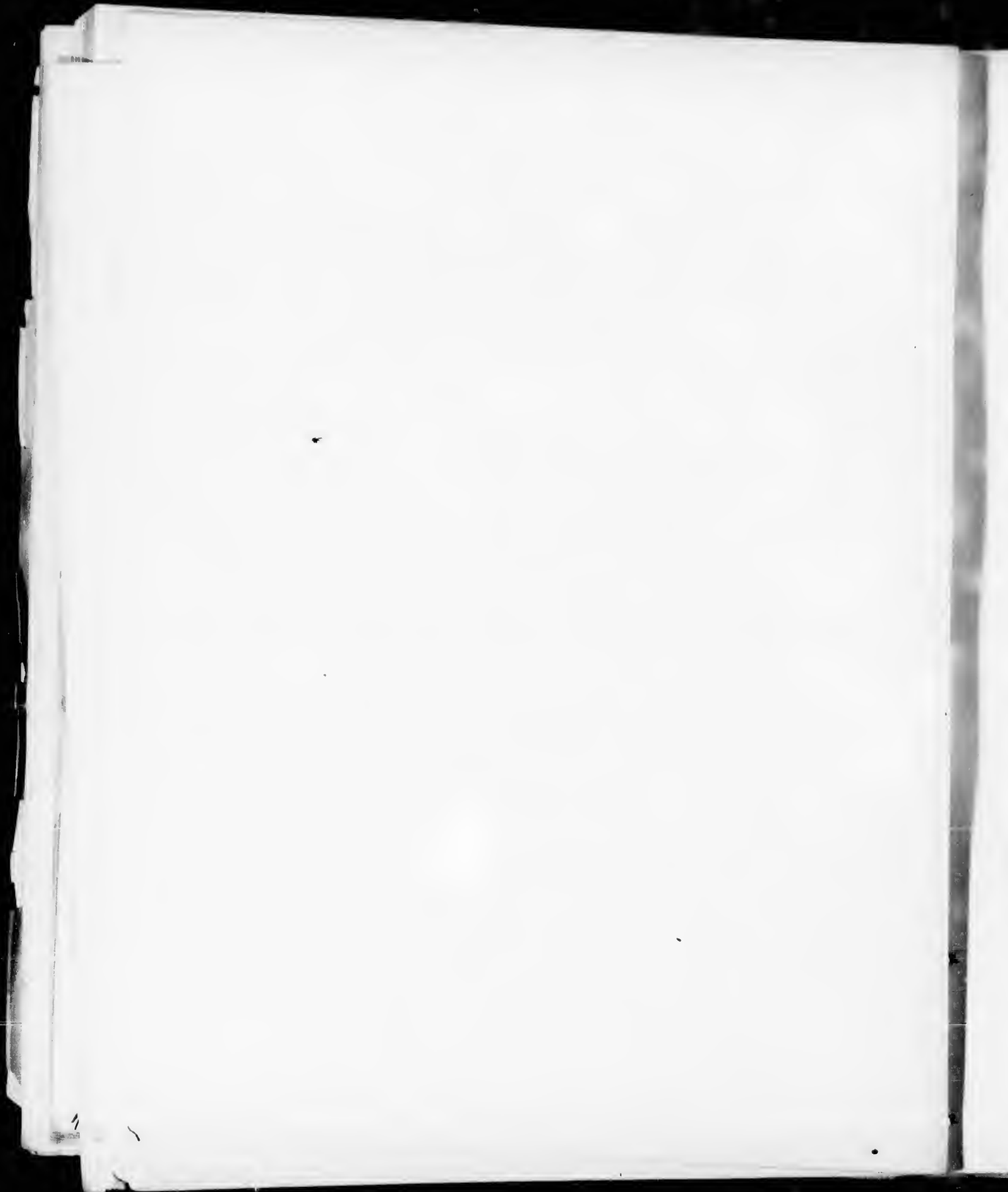
3. Joseph Bergeron, son of Louis Bergeron of Ste. Agnès, farmer, received, at Ste. Agnès, during the last fifteen days of the election the promise and gift of sums of money from Joseph Kane and Joseph Stanislas Perrault aforesaid.

4. Pierre Danielson the younger, of Baie St. Paul, shoemaker, received, at Baie St. Paul, in the last week of the election the offer, promise and gift of a sum of money by the Rev. Joseph Sirois, curé of Baie St. Paul.

1020 5. Elie Lapointe, of Malbaie, farmer, received from the Respondent, at Malbaie, in the last fifteen days of the election the promise of a sum of money.

6. David Dassylva, of Malbaie, farmer, received from Joseph Dassylva, of the same place, farmer, and from the Hon. David Price of the City of Quebec, senator, the promise of a place, employment and other advantages, to wit, at Malbaie in January last.

7. Thomas Tremblay, of St. Fidèle, farmer, received in January last, at St. Fidèle, from the said David Price and from Denis Gauthier, of St. Fidèle, merchant, the promise to pay in effects what he owed them, if he voted for Respondent.



8. Prosper Corneau of St. Irénée, farmer, received from Pascal Gauthier, of the same place, merchant, and from the said Joseph Kane and Joseph Stanislas Perrault a sum of money or received the promise of a sum of money by the same, to wit, at St. Irénée on the 1030 Sunday before the voting.

9. The said Pascal Gauthier, did, in the said parish, on the day of the voting and the preceding days, counting from the sixteenth of January inclusively, distribute drink to a large number of the electors of St. Fidéle.

10. Joseph Laberge, of St. Agnès, farmer, received from Respondent and from Joseph Stanislas Perrault and Joseph Laberge aforesaid, a sum of money to be distributed to the electors of St. Agnès, to wit, at St. Agnès in January last.

11. The said Joseph Laberge, gave to Pierre Lavoie, of St. Agnès, farmer, and to his wife a sum of money in January last, at St. Agnès.

12. François Gagnon, of Malbaie, carter, received from the said Joseph Kane and 1040 Joseph Stanislas Perrault, and from Barthélemi B. Bouchard, of Malbaie, merchant, a sum of money in January last at Malbaie.

13. Gaspard Tremblay, of St. Agnès, farmer, received from Oudème Gauthier, of St. Urbain, agent for mines, the offer of a place, employment and money, or the promise thereof, in January last at St. Agnès.

14. Napoléon Tremblay, of St. Urbain, farmer, was threatened by Rev. Ambroise Fafard, curé of St. Urbain, with refusal and privation of the usual help and privation of employment, to wit in January last at St. Urbain. Barthélemi B. Bouchard aforesaid hired vehicles to carry voters.

F. LANGÉLIER.

Atty. for Petitioners.

1050

MALBAIE, 3rd July, 1876.

Pierre Alexis Tremblay, of Malbaie, Esquire, having been duly sworn on the Holy Evangelist, deposeth and saith:—It was I who acted as agent for the Petitioners and as such have furnished to their Attorney, the information on which he has prepared the particulars of this case; notwithstanding a most active and minute search I was unable to discover the cases mentioned in the foregoing motion until after the production of the particulars in this case, and have signed.

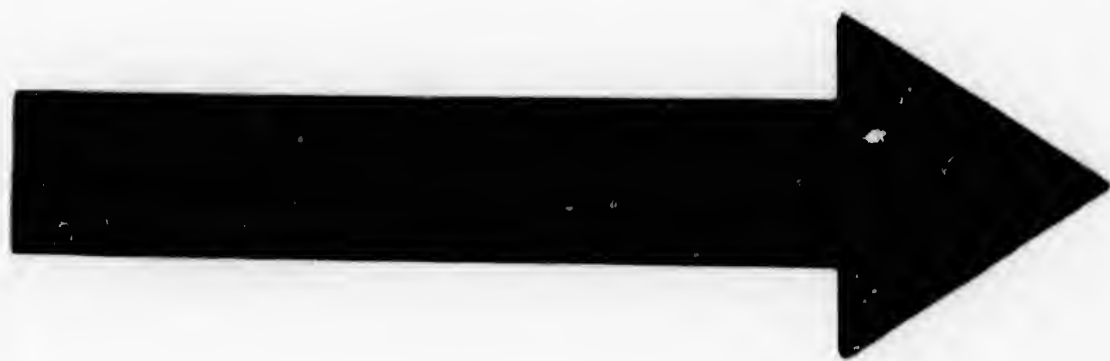
P. A. TREMBLAY.

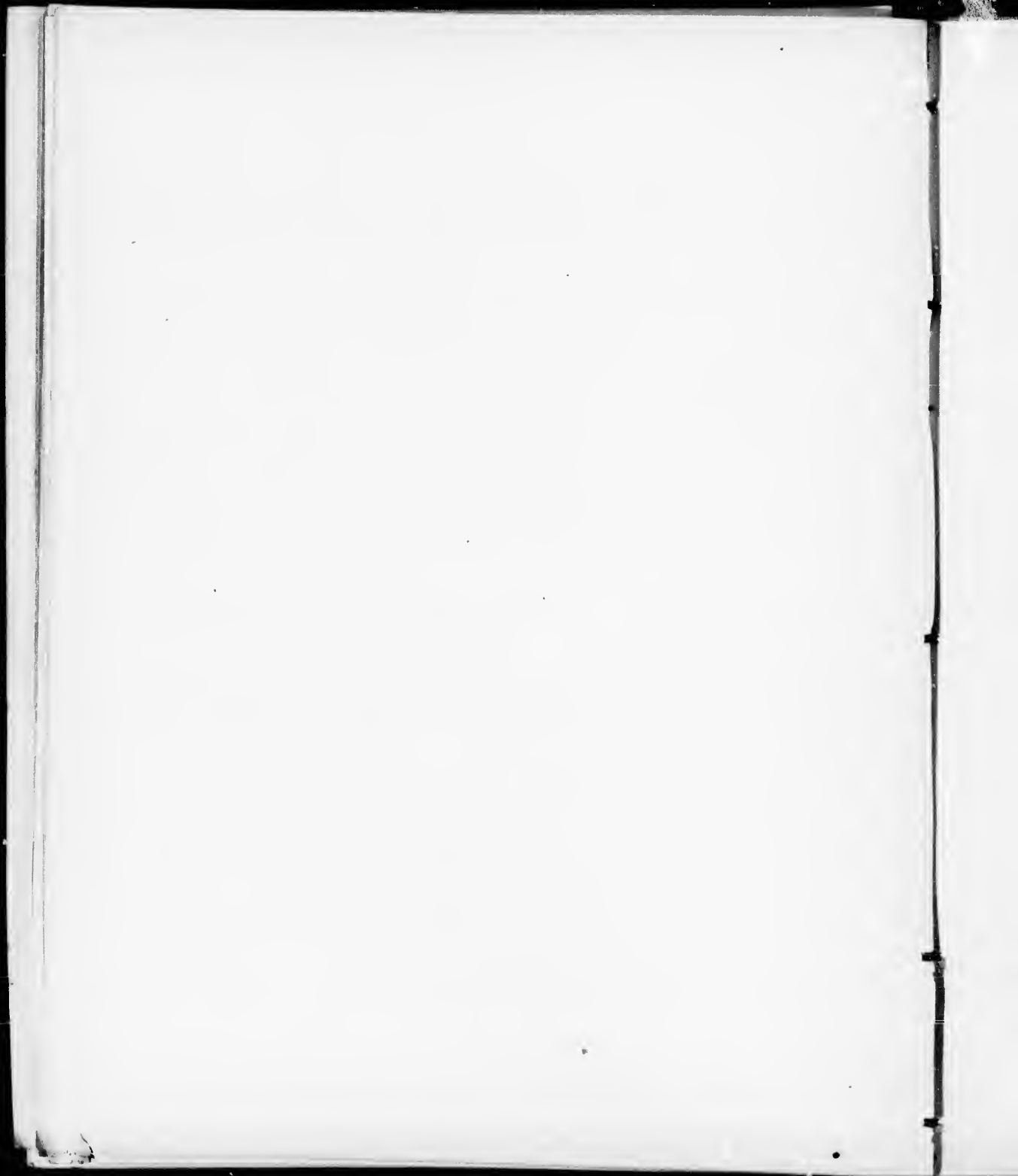
Sworn before me at Malbaie, this 4th July, 1876.

CHAS. DUBERGER,

1060

P. S. C.





DISTRICT OF SAGUENAY. } DOMINION CONTROVERTED ELECTIONS
 ACT, 1874.

IN THE SUPERIOR COURT.

CHARLEVOIX ELECTION.

O. BRASSARD ET AL.,

Petitioners ;

AND

HON. H. L. LANGEVIN,

Respondent.

1070

Motion by Petitioners for leave to add to their particulars in this case the following cases :—

1. On the day of the voting or the preceding days, the Rev. Napoléon H. Leclerc, *curé* of Baie St. Paul, did, in the said parish of Baie St. Paul, say to Isidore Jean, Thomas Jean and Adam Jean, farmers, of the said parish of Baie St. Paul, that in voting for the adversary of the Respondent they would vote for the Devil.

2. In January last, before the voting, at St. Siméon, Denis Gauthier, of St. Fidèle, merchant, threatened Barthélemi Gagné, of St. Siméon, farmer, that he would drive him away from his shanty or that he would not employ him.

1080 3. In January, before the voting, at Baie St. Paul, Wilfrid, or Frid Limard, of Baie St. Paul, carter, received from Israël Tarte, of Quebec, journalist, divers sums of money.

F. LANGELIER,

Atty. for Petitioners.

MALBAIE, 4th July, 1876.

Pierre Alexis Tremblay, of Malbaie, Esquire, having been duly sworn, deposeth and saith :—It was I who furnished to the Advocate for the Petitioners the information on which the particulars in this case were prepared ; I heard only yesterday evening of the three cases mentioned in the foregoing motion, and deponent hath signed,

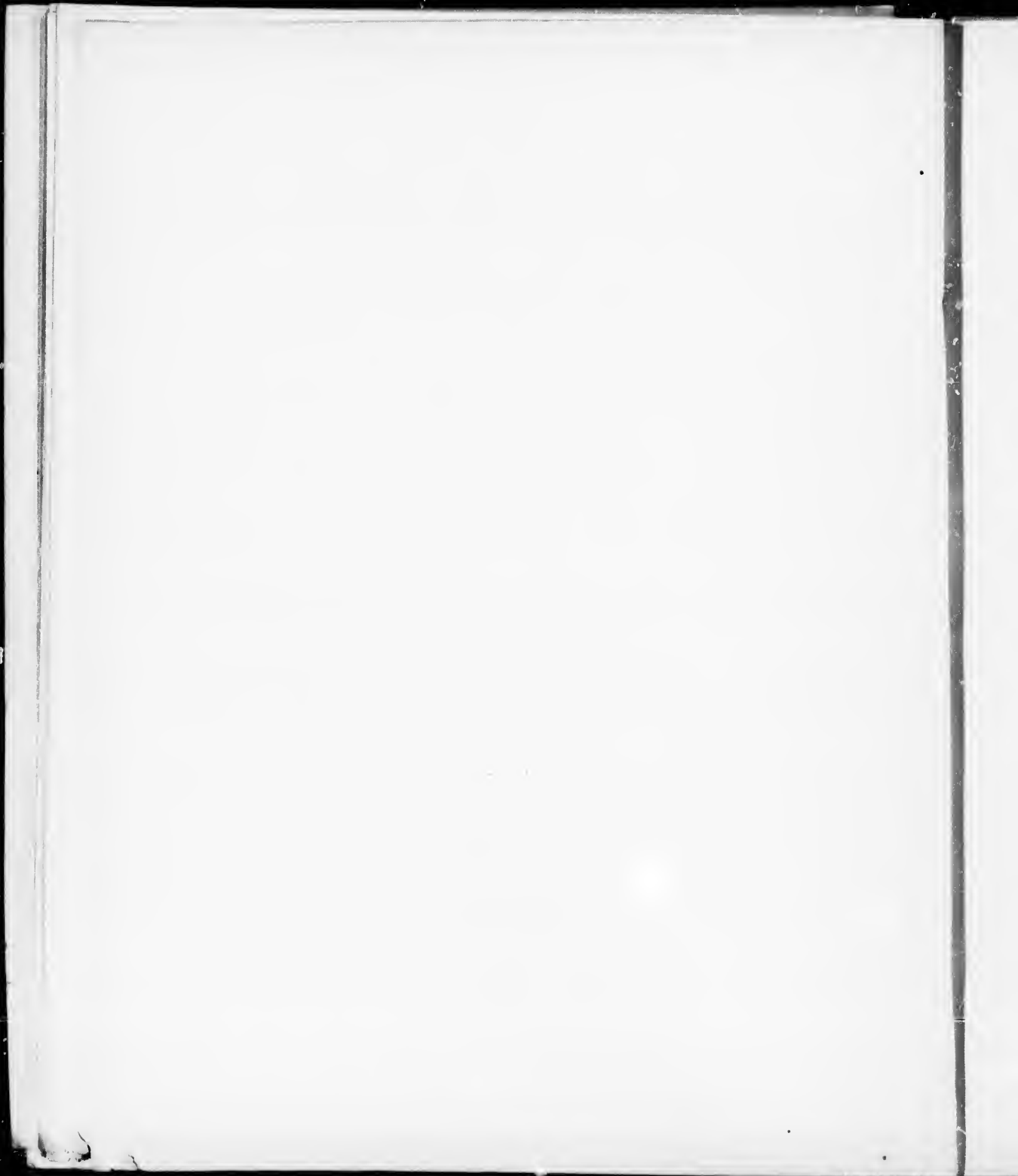
P. A. TREMBLAY.

1090

Sworn before me at Malbaie, 4th July, 1876.

CHS. DUBERGER.

P. S. C.



DISTRICT OF SAGUENAY. } DOMINION CONTROVERTED ELECTIONS
 ACT, 1874.

CHARLEVOIX ELECTION.

O. BRASSARD ET AL.,

Petitioners ;

HON. H. L. LANGEVIN,

Respondent.

1100

PRESENT:—HON. A. B. ROUTHIER, Judge of the Supreme Court.

Ordered, on motion of the Petitioners, that the Clerk of the Crown in Chancery for the Dominion of Canada, do transmit forthwith to Charles Duberger, Prothonotary of this Court at Malbaie, all books, lists, commissions, certificates, statements, papers, documents and reports whatsoever, relating to the last election for the electoral district of Charlevoix, of a member to represent the said district in the House of Commons of Canada, the said documents having been returned to the said Clerk of the Crown in Chancery or in his possession, in order that the said documents may be examined by the parties to this petition and by the Judge charged with the trial thereof, the whole in pursuance of the 24th rule of this Court.

1110

[A TRUE COPY.]

F. LANGELIER,

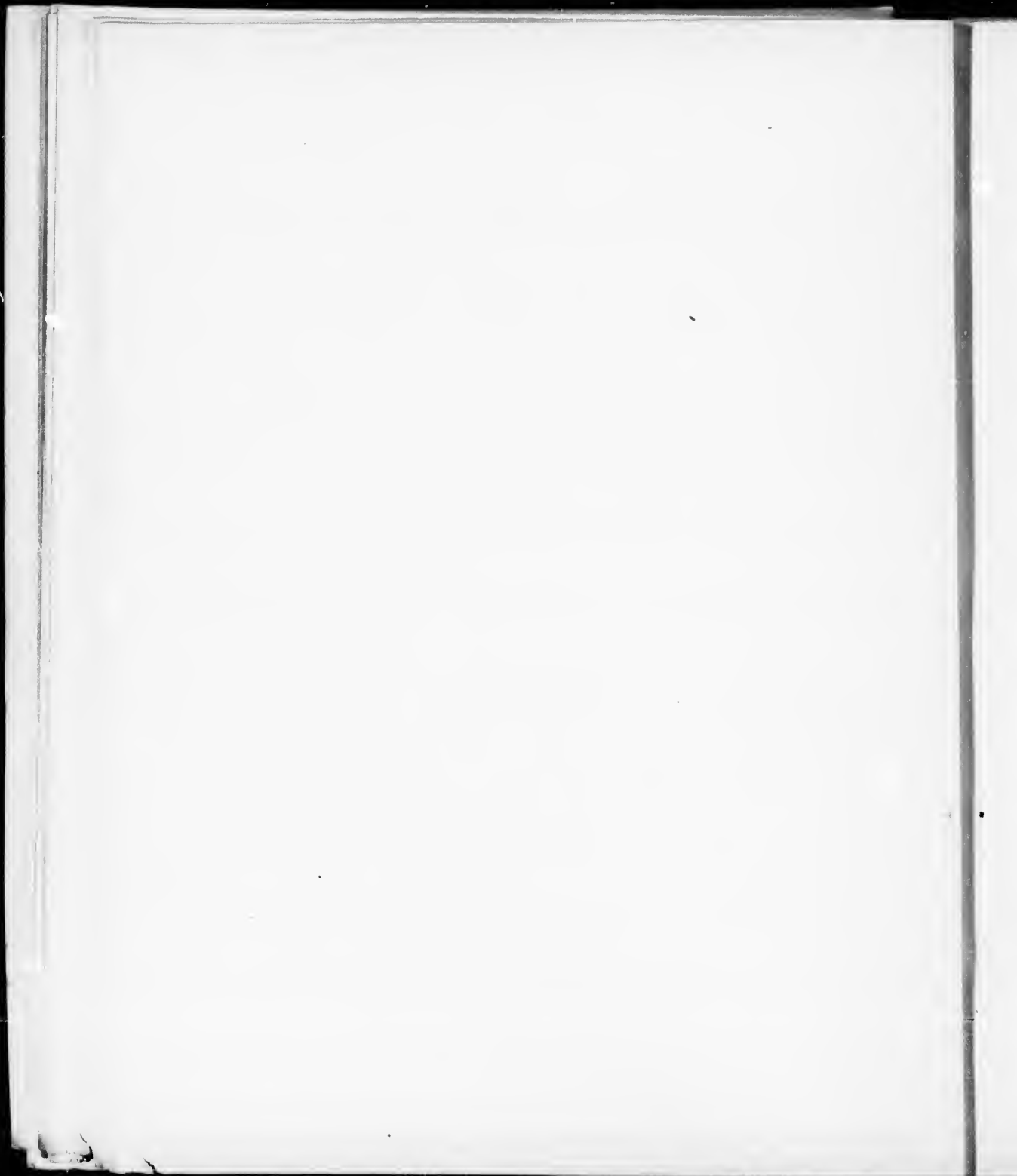
Att'y. for Petitioners.

I, Alphonse Lusignan, of the City of Ottawa, having been duly sworn, say:—That I have delivered and served to Richard Pope, Esquire, Clerk of the Crown in Chancery, a duly certified copy of the foregoing order, addressing myself to him in person in the City of Ottawa.

A. LUSIGNAN.

Sworn before me at Ottawa, this 4th July, 1876.

W. A. HIMSWORTH, J. P.



1120 DISTRICT OF SAGUENAY. } IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

O. BRASSARD ET AL.,

Petitioners :

AND

Hon. H. J. LANGEVIN,

Respondent.

Motion by Petitioners to amend their particulars, by adding thereunto the name of Zéphirin Bergeron, of St. Hilarion, teacher, who had conversations with M. Langlais, *curé* of the said parish, in which conversations M. Langlais tried to practice intimidation on him, 1130 and on the other Roman Catholic electors of the county.

F. LANGEЛИER,

Att'y. for Petitioners.

MALBAIE, 9th August, 1874.



DISTRICT OF SAGUENAY. } SUPERIOR COURT.

No. 14

ELECTION PETITION.

O. BRASSARD ET AL.,

Petitioners;

AND

Hos. H. L. LANGEVIN,

1140

Resp.

Hon. Hector Langevin, the Respondent in this cause, being duly sworn, deposes and saith:

That he cannot begin his *enquete* without dealing with the new facts introduced by the evidence of the Petitioners; that the said facts are numerous and complicated, particularly such as relate to undue clerical influence; that the Petitioners have conducted their *enquete* without following any order in relation to the allegations of the petition, and that he has in consequence, been unable to begin preparing his evidence before the end of the *enquete* of Petitioners; that the distance to be travelled in order to procure the requisite information and secure witnesses is considerable; that for all these reasons it is practically impossible for him to commence his *enquete*, and conduct it uninterruptedly and with celerity without a delay of eight days; that without such delay he will experience great difficulties and that the interests of his defence might be endangered.

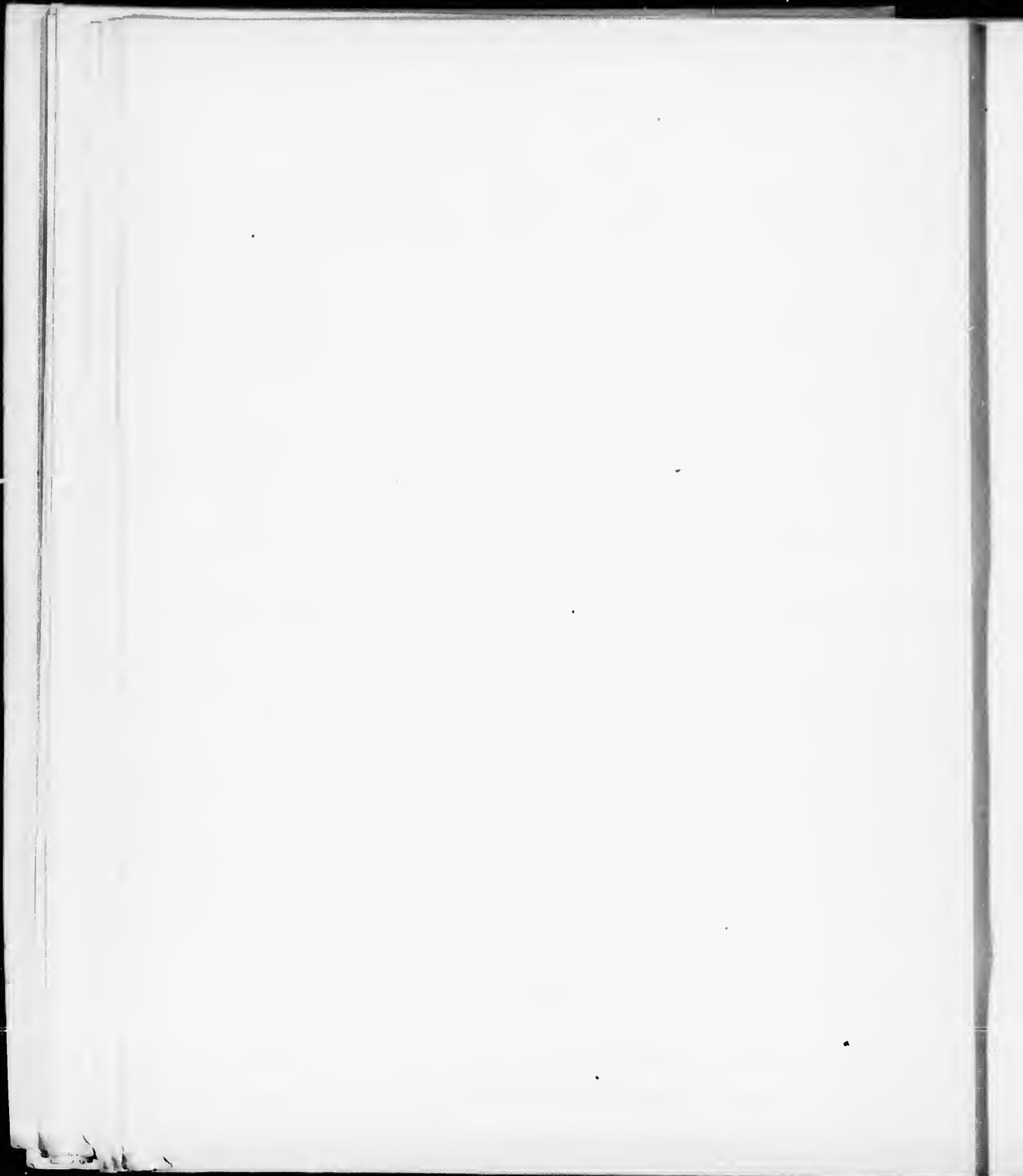
And hath signed,

HECTOR L. LANGEVIN.

Sworn before me at Malbaie, this 12th August, 1876.

CHAS. DUBERGER,

P. S. C. etc.



DISTRICT OF SAGUENAY. } SUPERIOR COURT

No. 14.

ELECTION PETITION.

1160

BRASSARD ET AL.,

Petitioners.

AND

HON. H. L. LANGEVIN,

Resp.

Motion on behalf of Respondent, that the case be adjourned to 19th instant.

H. CYR. PELLETHIER.

Att'y. for Resp.

MALBAIE, 12th Aug., 1876.



CANADA
 1170 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

CHARLEVOIX ELECTION.

O. BRASSARD ET AL.,

Petitioners;

AND

Hon. H. L. LANGEVIN,

Resp.

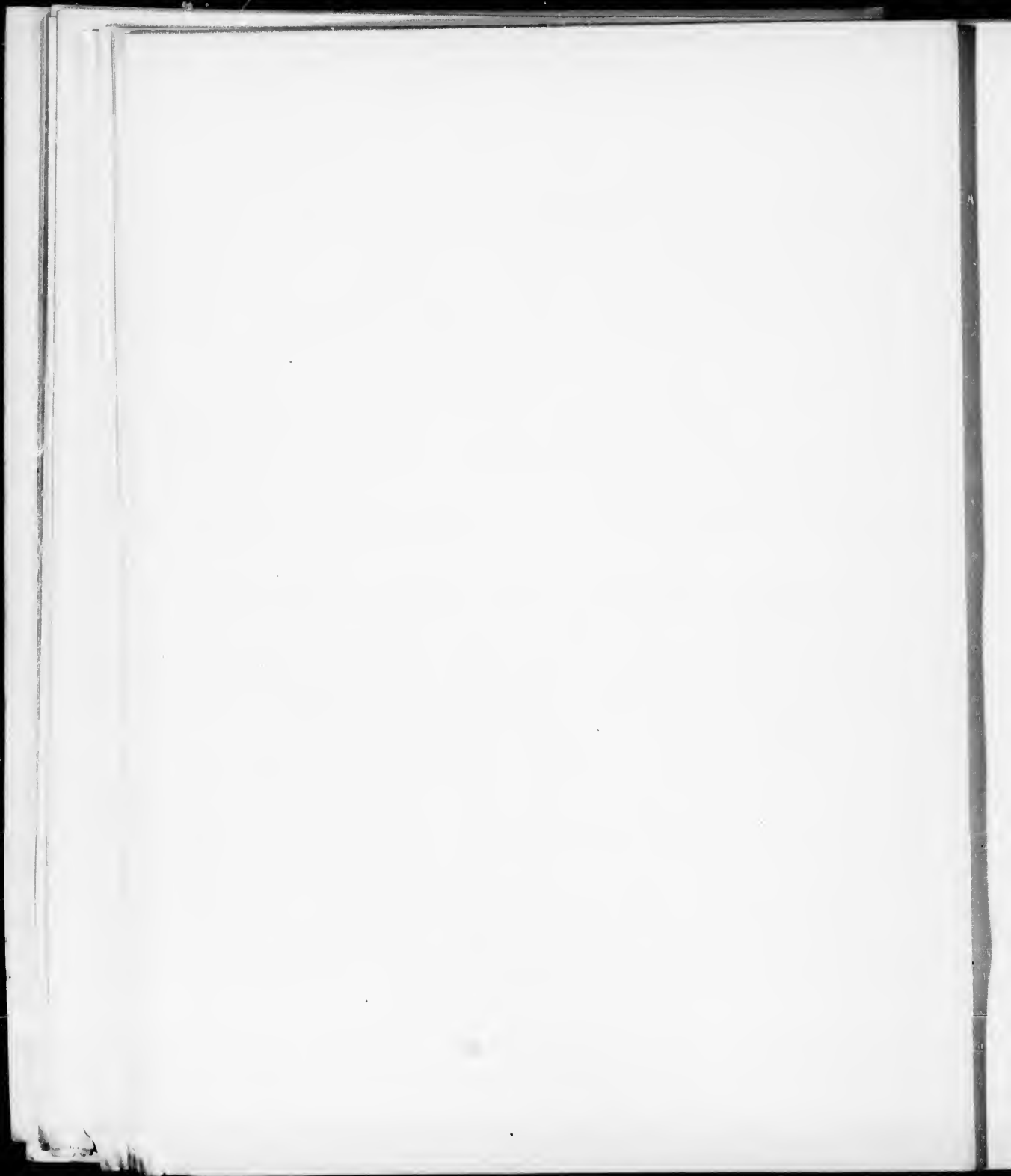
Respondent admits:

- 1180 1. That the Petitioners were electors duly qualified to vote at the election in question, and that they signed the petition in this case.
2. That the said election was held as alleged in the second clause of the petition in this cause.
3. That all the witnesses examined by the Petitioners, except those who declared to the contrary, were electors and entitled to vote at the said election.

H. CYRIAS PELLETIER,

Att'y. for Resp.

MALBAIE, 11th August, 1876.



CERTIFICATE OF SERVICE.

1190 PROVINCE OF QUEBEC, }
District of Saguenay. }

IN THE SUPERIOR COURT.

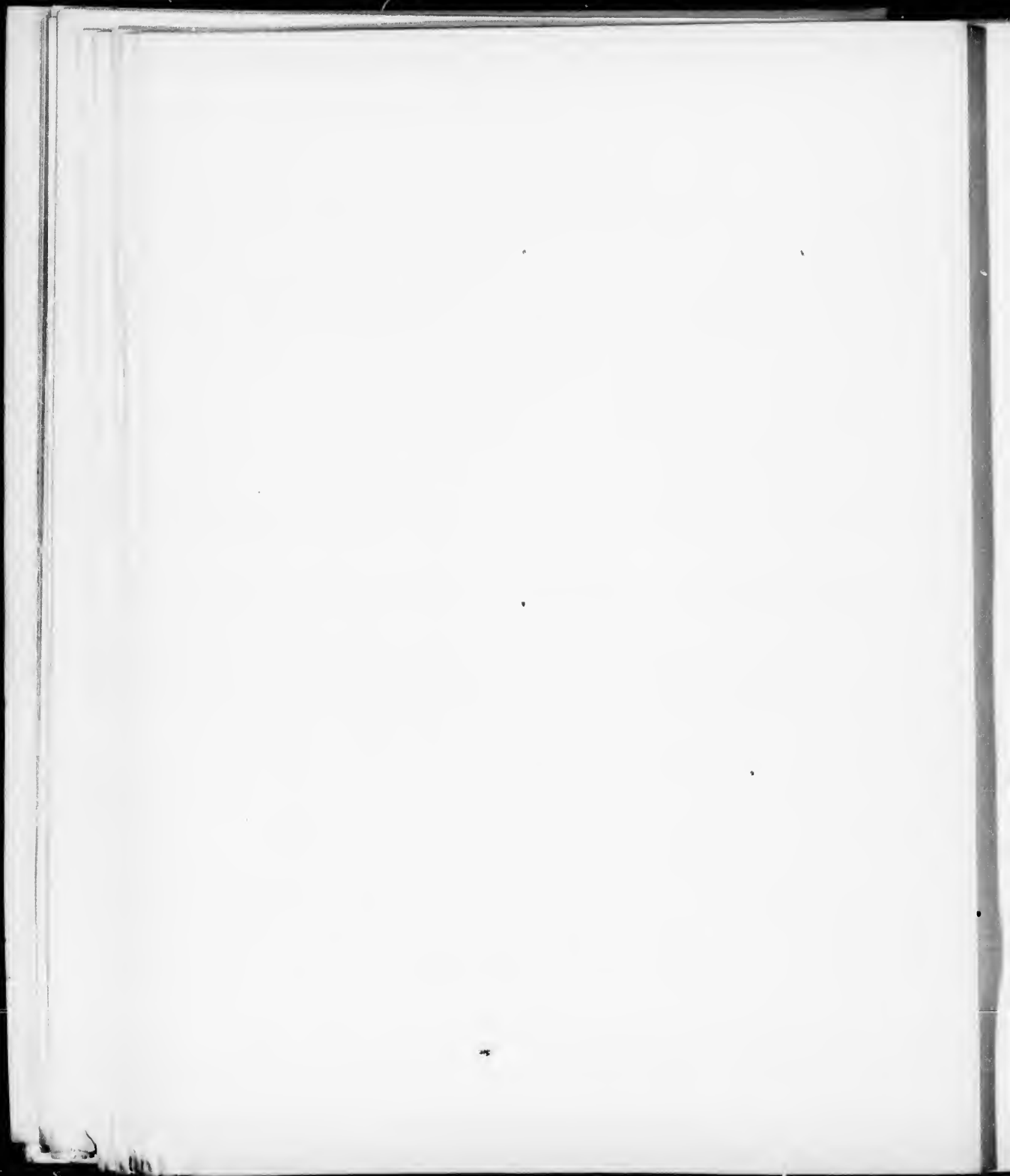
I the undersigned, Bailiff of the Superior Court, certify under my oath of office, that I have served subpoenas on Thomas Jean, and Adam Jean, by leaving with each of them a copy thereof at their domicile at Baie St. Paul, addressing them in person, this 11th July, 1876.

J. BTE. TREMBLAY.

BAIE ST. PAUL, 11th July, 1876.

B. S. C.

Services	5/0.
1200 Travelling ex.	11/3.
	<hr/>
	16/3.



CERTIFICATE OF SERVICE.

PROVINCE OF QUEBEC, }
District of Saguenay, }

IN THE SUPERIOR COURT.

I, the undersigned, Bailiff of the Superior Court, certify under my oath of office, that I have served subpoenas on the witnesses named, by leaving to each of them a copy, at their domicile at Baie St. Paul, addressing them in person this 8th July, 1876. The said Napoléon Potvin, Ephrem Ménard, Célestin Lemieux, Thomas Larouche, having told me that they could not go to the Court without having the money for their travelling expenses.

1210

J. BTE. TREMBLAY,

B. S. C.

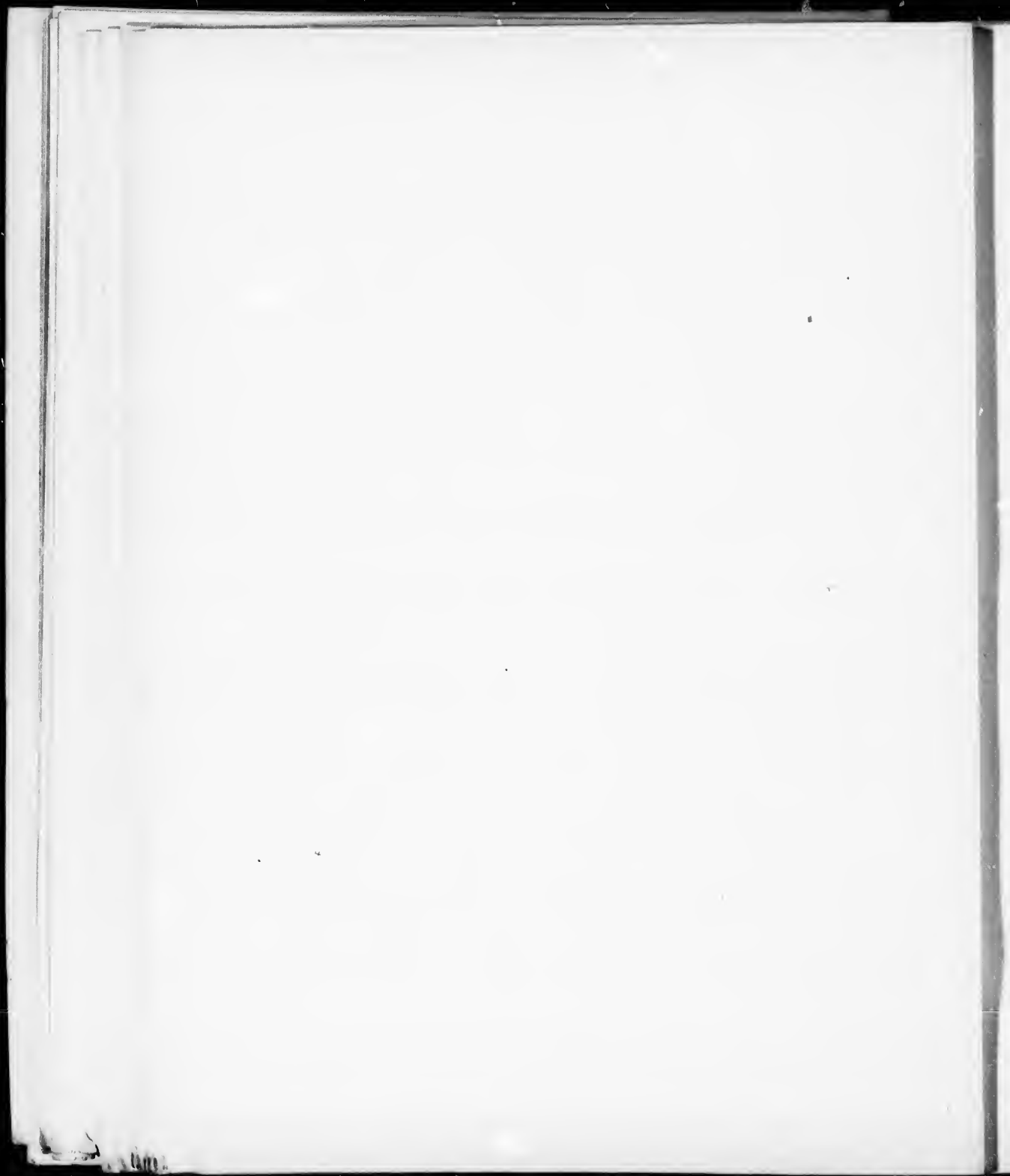
BAIE ST. PAUL, 8th July, 1876.

Services 1/5/0
 Travelling ex. 7/6

 1/12/6

 2/6

 1/15/0



CERTIFICATE OF SERVICE.

I the undersigned, Bailiff of the Superior Court, for the Province of Quebec, 1220 appointed for the District of Saguenay, residing in the parish of Baie St. Paul, hereby certify under my oath of office, that I have served on the witnesses, in the case of Brassard, et al. vs. Hon. H. L. Langevin, Respondent, true certified copies of subpoena: on Telesphore Fortin, Esquire, notary, offering and delivering \$10.00 by him accepted, and on Epiphane Guillemette, carpenter, offering and delivering \$4.00 by him accepted, to Thomas Larouche, carpenter and waggon-maker, offering and paying to him \$4.00 by him accepted, and Alfred Lavoie, carter, all of Baie St. Paul, Alfred Lavoie, accepting \$4.00, delivering there unto them then, true certified copies of the said original subpoena.

HECTOR HUOT,

B. S. C.

1230 BAIE ST. PAUL, 3rd September, 1876.



SUBPENA.

CANADA.
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen,
 Defender of the Faith.

To Epiphane Guilmet, carpenter; Alfred Lavoie, carter; Zéphirin Guilmet, carpenter;
 Thomas Larouche, waggou-maker; Telesphore Fortin, notary; of Baie St. Paul, greeting:

1240 We command you that laying aside all and singular business and excuses you and
 each of you be and appear in your proper persons before us in our Superior Court, for
 Lower Canada, in our parish of St. Etienne de la Malbaie, in the said District, the sixth day
 of September instant, at 10 o'clock in the forenoon of the same day, to testify all and
 singular those things which you know in a certain cause now pending in our said Court
 before us between

O. BRASSARD ET AL.,

Petitioners;

[L. S.]

vs.

HON. H. L. LANGEVIN,

Defendant;

1250

in the contestation of the Charlevoix election, and this you or either of you shall by no means
 omit under the penalty upon each of you of one hundred pounds currency.

In witness whereof, we have caused the Seal of our said Court, to be herunto affixed
 at Malbaie, on the 2nd day of September, in the year of our Lord, 1876, and in the 40th
 year of our reign.

CHS. DUBERGER,

Prothonotary of the Superior Court.



SUBPENA.

CANADA
 1260 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen,
 Defender of the Faith.

To Alexandre Muré and Joseph Guay, son of the late Joseph, farmers, of Ste. Agnès
 greeting:

We command you that, laying aside all and singular business and excuses, you, and
 each of you, be and appear in your proper persons, before us, in our Superior Court for
 Lower Canada, in our parish of St. Etienne de la Malbaie, in the said District, the 8th day
 1270 of September, at ten o'clock in the forenoon of the same day, to testify all and singular those
 things which you know in a certain cause now pending in our said Court before us between

O. BRASSARD ET AL.,

Petitioners;

[L. S.]

vs.

Hon. H. L. LANGEVIN,

Defendant;

in the contestation of the Charlevoix election, and this you, or either of you, shall by no
 means omit under the penalty upon each of you of one hundred pounds currency.

In witness whereof, we have caused the Seal of our said Court to be hereunto affixed
 1280 at Malbaie on the 7th September, in the year of our Lord 1876, and the 40th year of our
 reign.

(Signed,)

CHS. DUBERGER,

P. S. C.

I, the undersigned, one of the sworn Bailiffs of the Superior Court of the Province of
 Quebec, appointed for, and acting as such in the District of Saguenay, residing in the parish
 of St. Etienne dite de la Malbaie, certify, under my oath of office, that I served this subpoena
 on the persons therein mentioned, leaving with each of them a certified copy thereof, in the



parish of Ste Agnès, speaking to themselves, between ten and eleven o'clock in the evening of this 7th day of September instant. I certify further that the distance travelled is ten miles.

1290

A. BOIVIN,

B. S. C.

MALBAIE, 8th September, 1876.

Travelling ex. \$2.50

Serving,60

\$3.10



SUBPENA.

CANADA. }
PROVINCE OF QUEBEC. } IN THE SUPERIOR COURT.
1300 District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1871.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen,
Defender of the Faith.

To Elie Girard, Jean Audette dit Lapointe, Didier Gauthier, Michel Pilote, Alexis
Girard, Emmanuel Girard, seur., David Tremblay, Xavier Tremblay, son of Eusebe,
Palemon Gauthier, Hon. David Price, all of Ste. Irénée, greeting:

\$40.50
Hon. D. E. Price.

We command you, that laying aside all and singular business and excuses, you, and
each of you, be and appear in your proper persons, before us, in our Superior Court for
Lower Canada, in our parish of St. Etienne de la Malbaie, in the said District, on the 30th day
1310 of August instant, at 10 o'clock in the forenoon of the said day, to testify all and singular
those things which you know in a certain cause now pending in our said Court before us
between

O. BLASSARD ET AL.,

Petitioners;

[L. S.]

AND

HON. H. L. LANGEVIN,

Respondent;

in the contestation of the Charlevoix election, and this you, or either of you, shall by no
means omit, under the penalty upon each of you of one hundred pounds currency

M. Price, 5 days at \$4.00 \$20.00
Board, 5 days at \$2.00 10.00
Travelling exp. 10.00

1320 In witness whereof, we have caused the Seal of our said Court to be hereunto affixed
at Malbaie the 29th August, in the year of our Lord, 1876, and the 40th of our reign.

CHS. DUBERGER,

PROTH. S.

I the undersigned, one of the sworn Bailiffs of the Province of Quebec, appointed for
and acting as such in the District of Saguenay, residing in the parish of St. Etienne de la
Malbaie, certify, under my oath of office, that I served this subpoena at their domicile, on the
persons therein mentioned, speaking to themselves. As to Jean Audette dit Lapointe, Alexis
Girard, David Tremblay, Hector Gauthier, I served at their domicile, speaking to a reason-



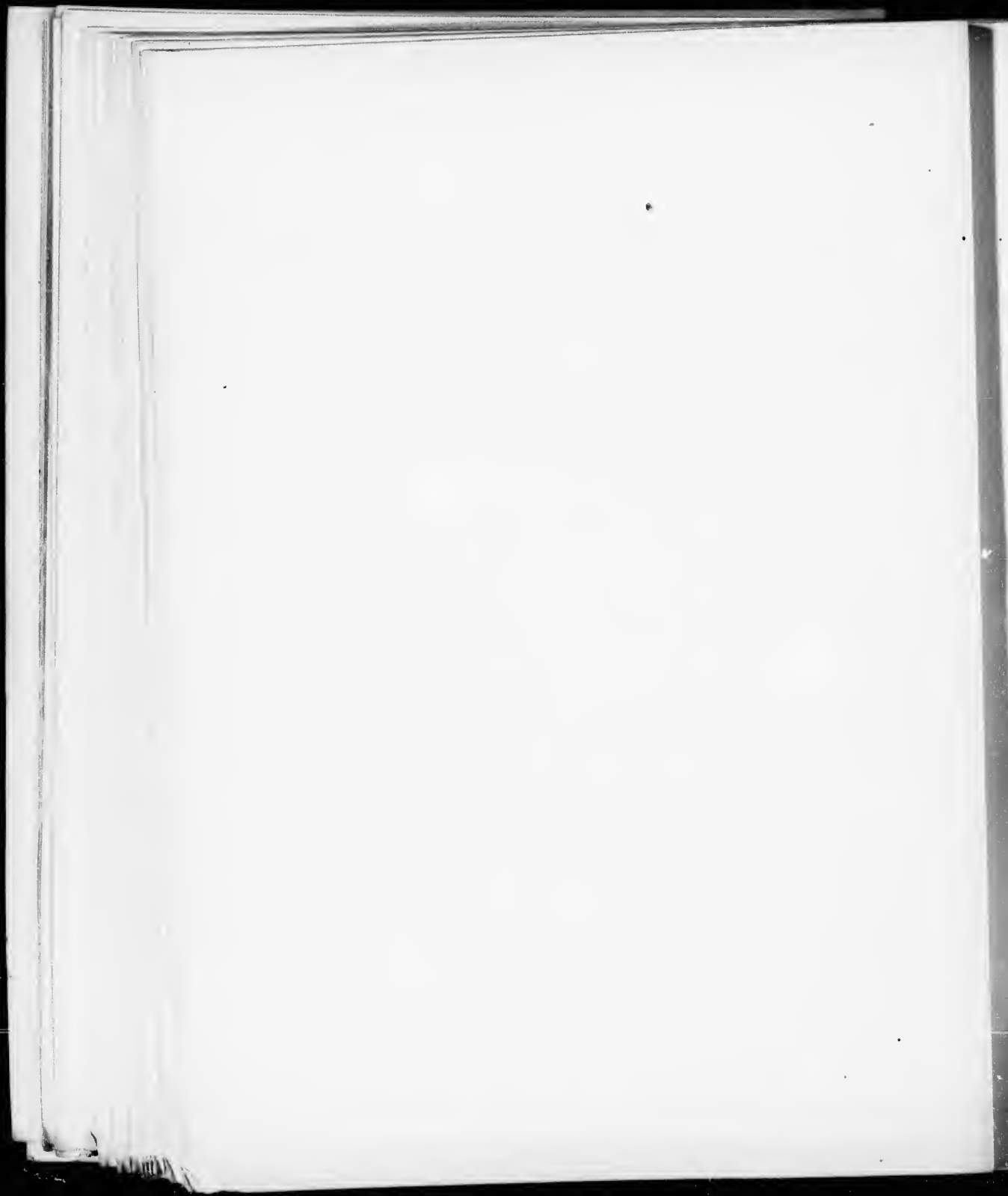
able person of the house, delivering to all and each of them a certified copy thereof in the 1330 parish of Ste. Irénée, between four and nine of the clock in the evening, this 29th day of August instant. I further certify that the distance travelled is 17 miles, about.

A. BOIVIN,

B. S. C.

MALBAIE, 30th August, 1876.

Serving, -	\$2.70
Travelling, -	4.25
	<hr/>
	\$6.95



SUBPENA.

CANADA.
 1340 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen,
 Defender of the Faith.

To Hypolite Tremblay, J. B. Pilote, Toussaint Bergeron, Edouard Bouchard, farmers,
 of St. Hilarion, greeting:

We command you, that laying aside all and singular business and excuses, you, and
 each of you, be and appear in your proper persons, before us, in our Superior Court for
 Lower Canada, in our parish of St. Etienne de la Malbaie, in the said District, the 28th day
 1350 of August instant, at ten o'clock in the forenoon of the said day, to testify all and singular
 those things which you know in a certain cause now pending in our said Court before us
 between

O. BRASSARD ET AL.,

Petitioners;

[L. S.]

AND

HON. H. L. LANGEVIN,

Respondent;

in the contestation of the Charlevoix election, and this you, or either of you, shall by no
 means omit under the penalty, upon each of you, of one hundred pounds currency.

1360 In witness whereof we have caused the Seal of our said Court to be hereunto affixed
 at Malbaie on the 26th August, in the year of our Lord, 1876, and in the 40th year of our
 reign.

CHS. DUBERGER,

P. S. C.

I, the undersigned, bailiff of the Superior Court of the District of Saguenay, residing
 in the parish of St. Etienne de la Malbaie, certify, under my oath of office, that I served this
 subpoena on the persons therein named at St. Etienne de la Malbaie, speaking to themselves,



about nine o'clock in the morning this 28th August instant, delivering to each of them a certified copy thereof, and exhibiting to them this original.

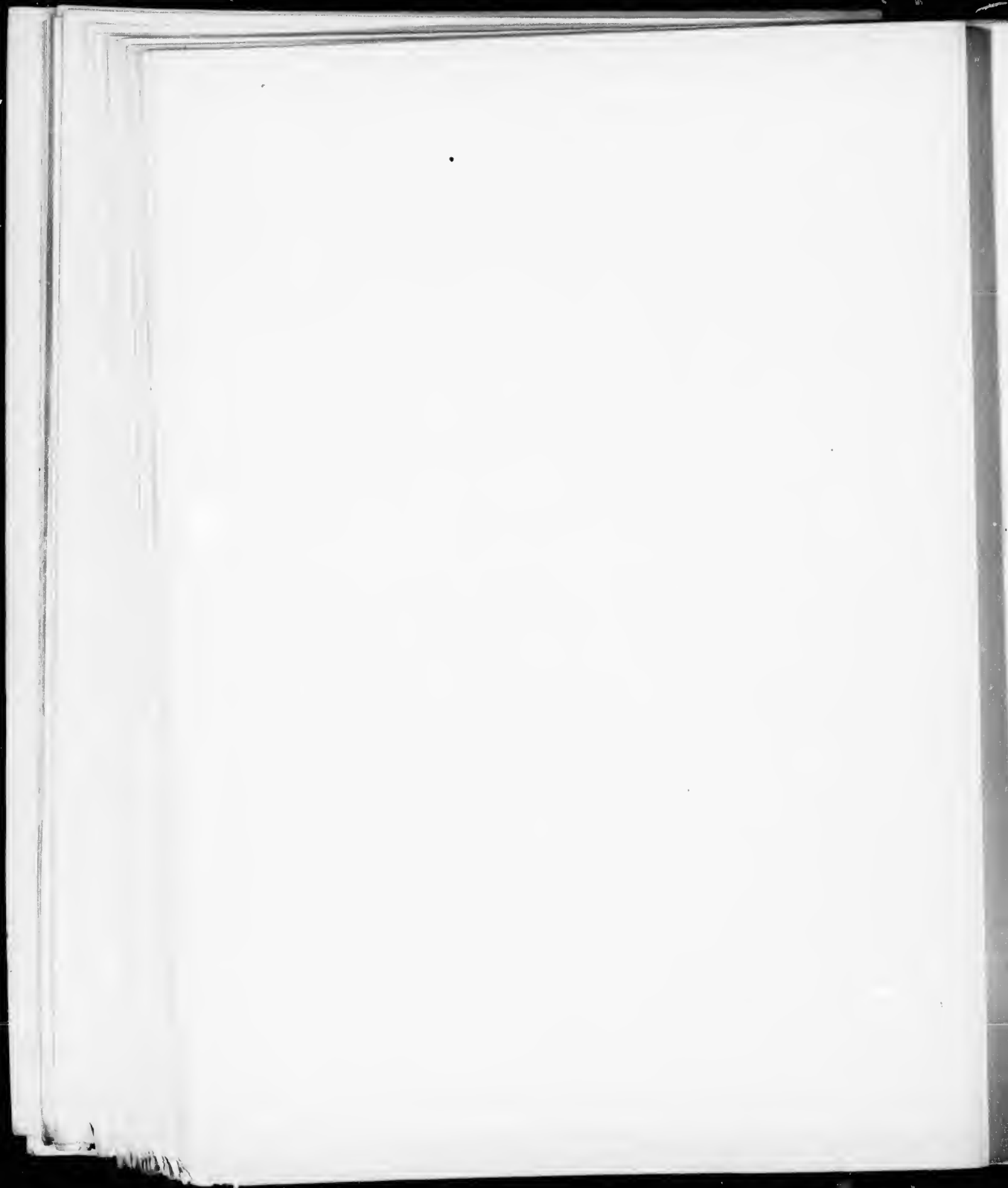
1370

A. BOIVIN,

B. S. C.

MALBAIE, 28th August, 1876.

Service,	\$.60
	.60
	<hr/>
	\$1.20



SUBPENA.

CANADA.
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay. }

1380 DOMINION CONTESTED ELECTIONS ACT, 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen,
 Defender of the Faith.

To Barthélemi Bouchard, merchant, Amable Girard, Séraphin Villeneuve, farmers,
 John Chamard, *jr*, clerk, Herménégilde Caron, Jules Trudel, *jr*, of Malbaie, greeting:

We command you, that, laying aside all and singular business and excuses, you, and
 each of you, be and appear in your proper persons, before us in our Superior Court for
 Lower Canada, in our parish of St. Etienne de la Malbaie, in the said District, the 19th day
 of August, at 10 o'clock in the forenoon of the same day, to testify all and singular those
 things which you know in a certain cause now pending in our said Court before us, between

1390 O. BRASSARD ET AL.,

Petitioners.

[L. S.]

AND

HON. H. L. LANGEVIN,

Respondent;

in the contestation of the Charlevoix election, and this, you or either of you, shall by no
 means omit, under the penalty, upon each of you, of one hundred pounds currency.

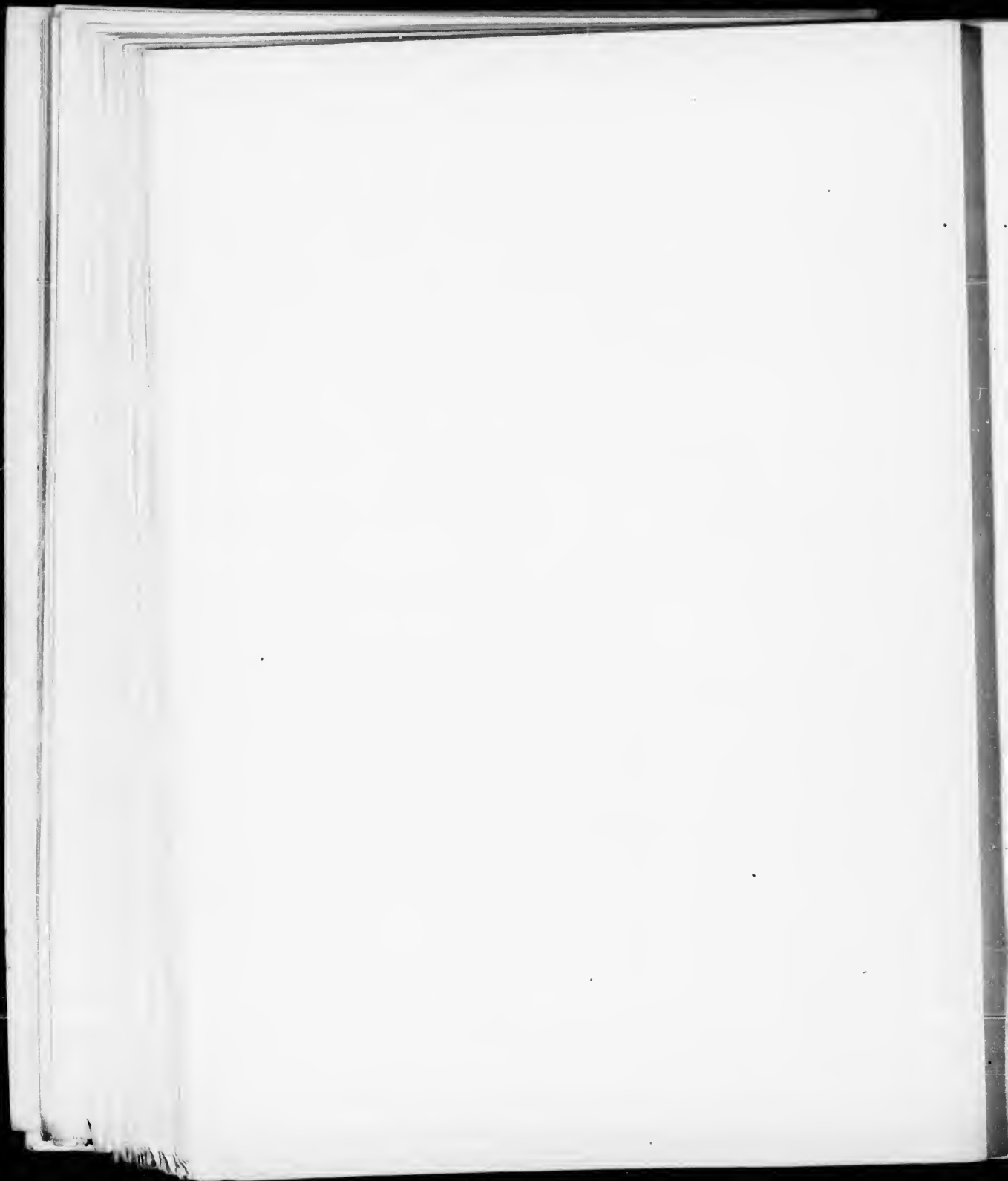
In witness whereof, we have caused the Seal of our said Court to be hereunto affixed
 at Malbaie on 17th day of August, in the year of our Lord 1876, and the 40th year of our
 reign.

1400

CHS. DUBERGER,

P. S. C.

I, the undersigned, one of the sworn Bailiffs of the Superior Court of the Province of
 Quebec, appointed for and acting as such in the District of Saguenay, residing in the parish
 of St. Etienne de la Malbaie, certify, under my oath of office, that I served this subpoena on
 the witnesses therein named at St. Etienne de la Malbaie, on the 18th August instant,
 about five o'clock in the evening, speaking personally to Barthélemi Bouchard, Jules Trudel,
 Amable Girard and John Chamard; as to Herménégilde Caron and Séraphin Villeneuve,



I served at their domicilio, speaking to a reasonable person of the family, leaving to all and each of them a certified copy of the said subpoena and exhibiting to them this original.

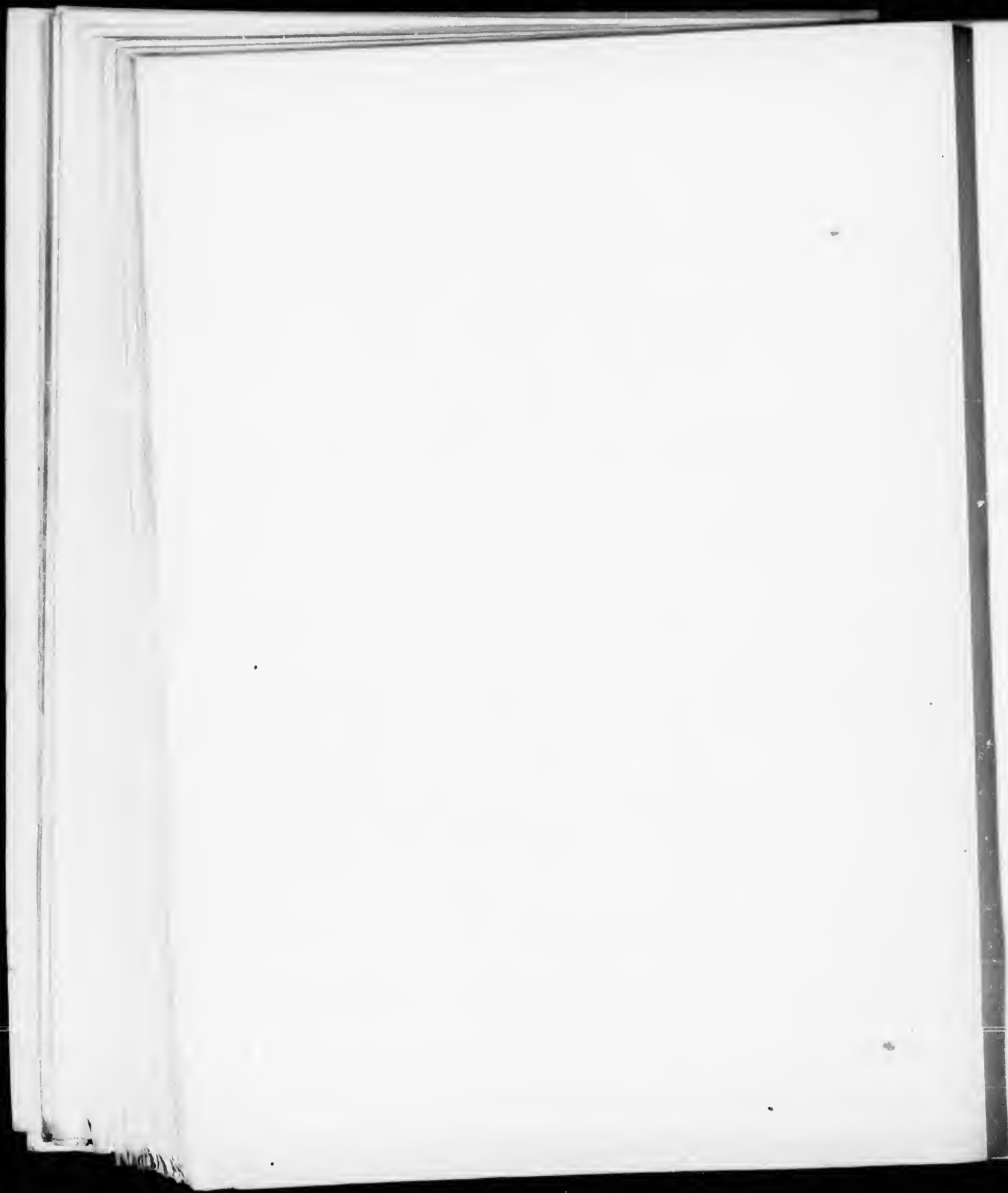
1410

A. BOIVIN,

B. S. C.

MALBAIE, 9th August, 1876.

Service	\$1.80
Travelling ex.	1.25
	<hr/>
	2.75



SUBPENA

CANADA,
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT
District of Saguenay }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

1420 VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen,
 Defender of the Faith.

To Edward Fortin, Adam Simard, Thomas Fortin, Augustin Doré, Cléophas
 Thibault, and F. H. Girard, all of St. Urbain, farmers, greeting :

We command you that, laying aside all and singular business and excuses, you and
 each of you, be and appear in your proper persons before us in our Superior Court for Lower
 Canada, in our parish of St. Etienne de la Malbaie in the said District, the 19th day of
 August instant, at 10 o'clock in the forenoon of the same day, to testify all and singular
 those things which you know in a certain cause now pending in our said Court before us
 between

1430

O. BRASSARD ET AL.,

Petitioners ;

[L. S.]

AND

HON. H. L. LANGEVIN,

Respondent ;

in the contestation of the Charlevoix election, and this, you or either of you, shall by no
 means omit under the penalty upon each of you of one hundred pounds currency.

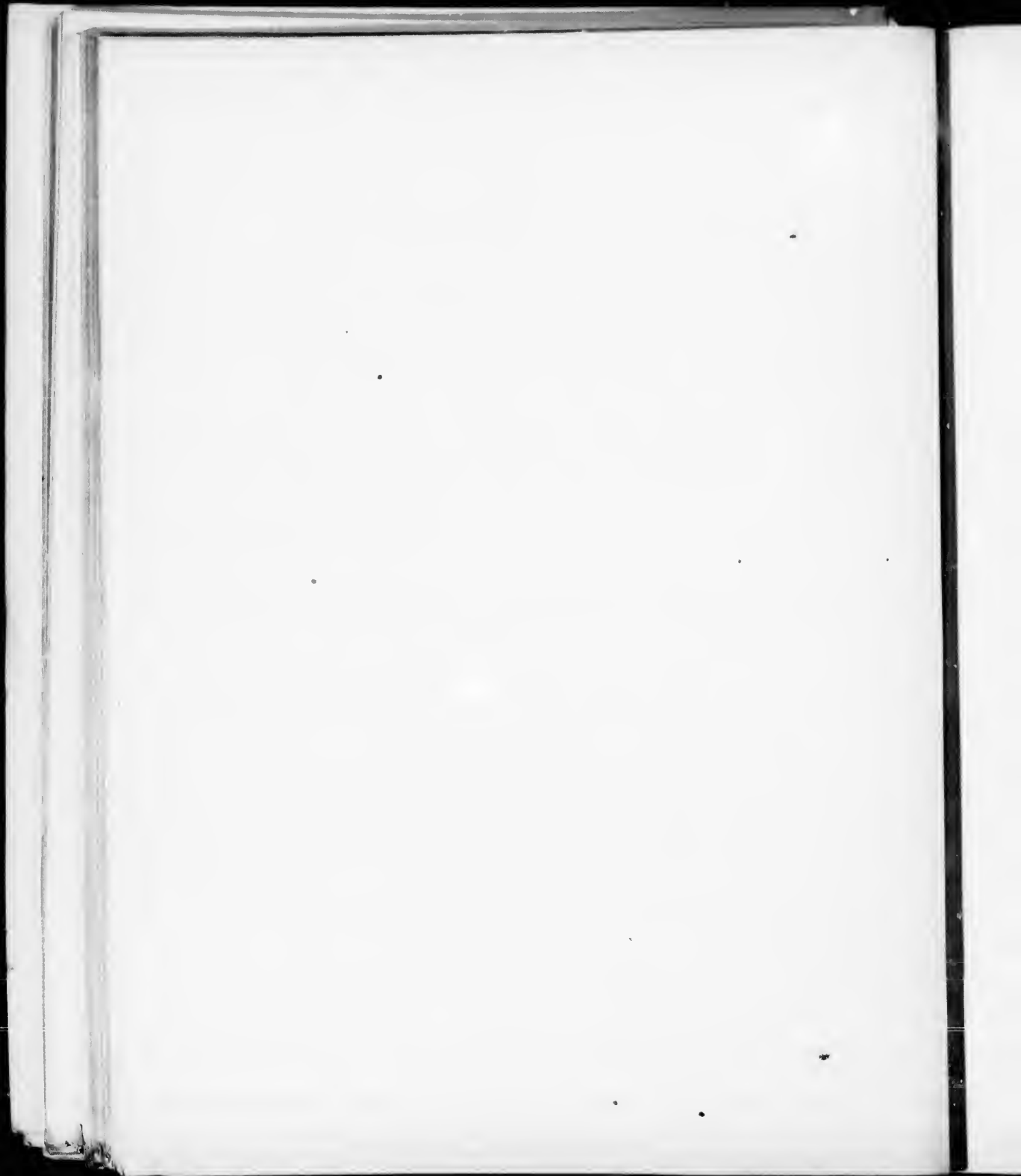
In witness whereof, we have caused the Seal of our said Court to be hereunto affixed
 at Malbaie, on the 18th day of August, A.D. 1876, in the 40th year of our reign.

CHS. DUBERGER,

1440

P. S. C.

I, the undersigned sworn bailiff of the Superior Court of the Province of Quebec
 appointed for and acting as such in the District of Saguenay, residing in the parish of St.
 Etienne de la Malbaie, certify, under my oath of office, that I served this subpoena on the
 witness named therein at St. Etienne de la Malbaie, on the 19th August instant, about nine



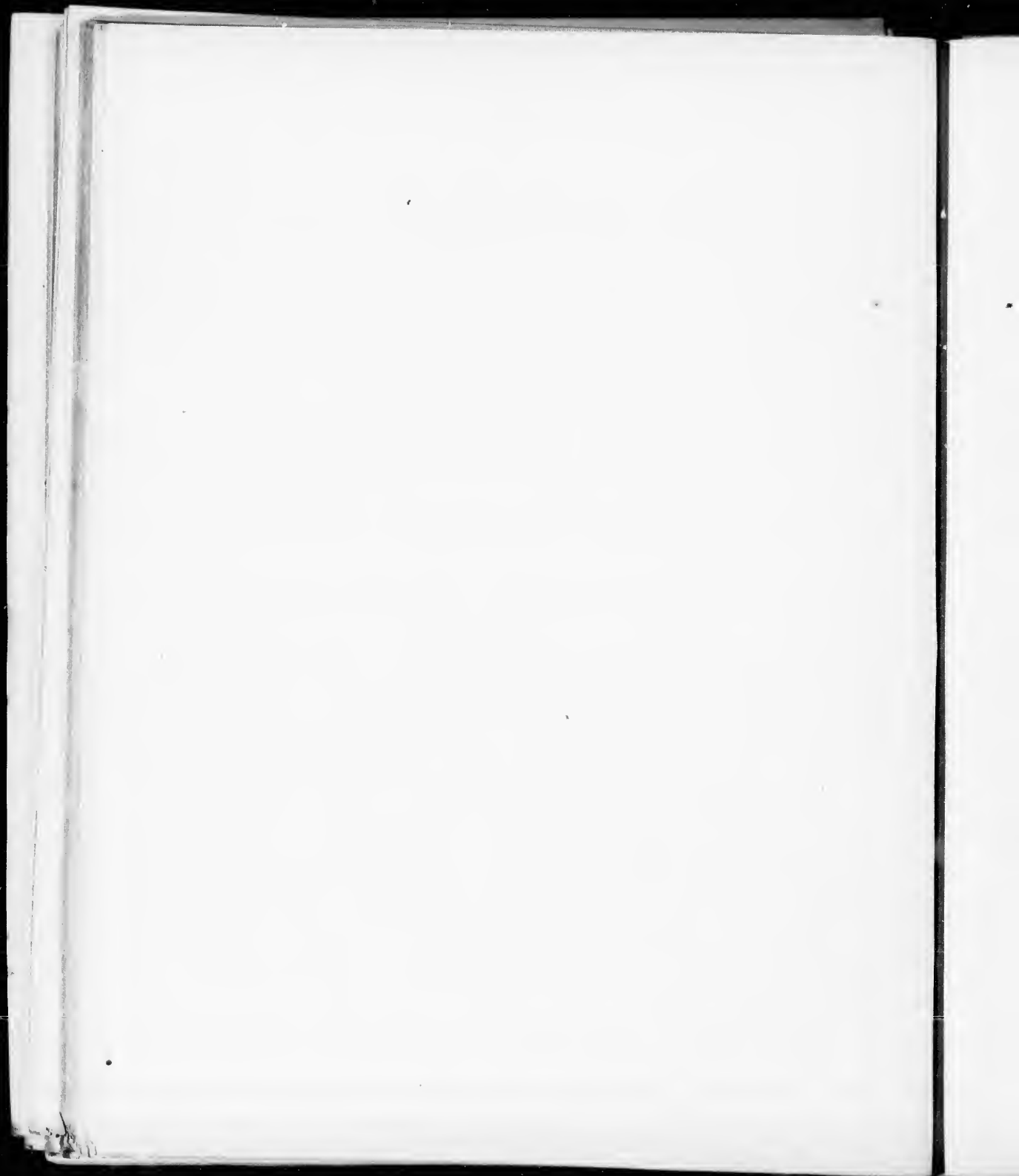
in the forenoon, speaking to each of them in person, delivering to them a certified copy thereof, and exhibiting to them this original.

A. BOIVIN,

B. S. C.

MALDEN, 19th August, 1876.

1450 Service, \$1.80.



SUBPENA.

CANADA
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,
 Queen Defender of the Faith.

To Joseph McLean, François Maltais, of Malbaie, Eusèbe Martel, of Ste. Agnès,
 Zéphirin Savard.

1460 We command you that, laying aside all and singular business and excuses you, and each of you be, and appear in your proper persons before us in our Superior Court for Lower Canada, in our parish of St. Etienne de la Malbaie, in the said District, the 18th day of September, at 10 o'clock in the forenoon of the same day, to testify all and singular those things which you know in a certain cause now pending in our said Court before us between

O. BRASSARD ET AL.,

Petitioners;

[L. S.]

vs.

HON. H. L. LANGEVIN,

Defendant;

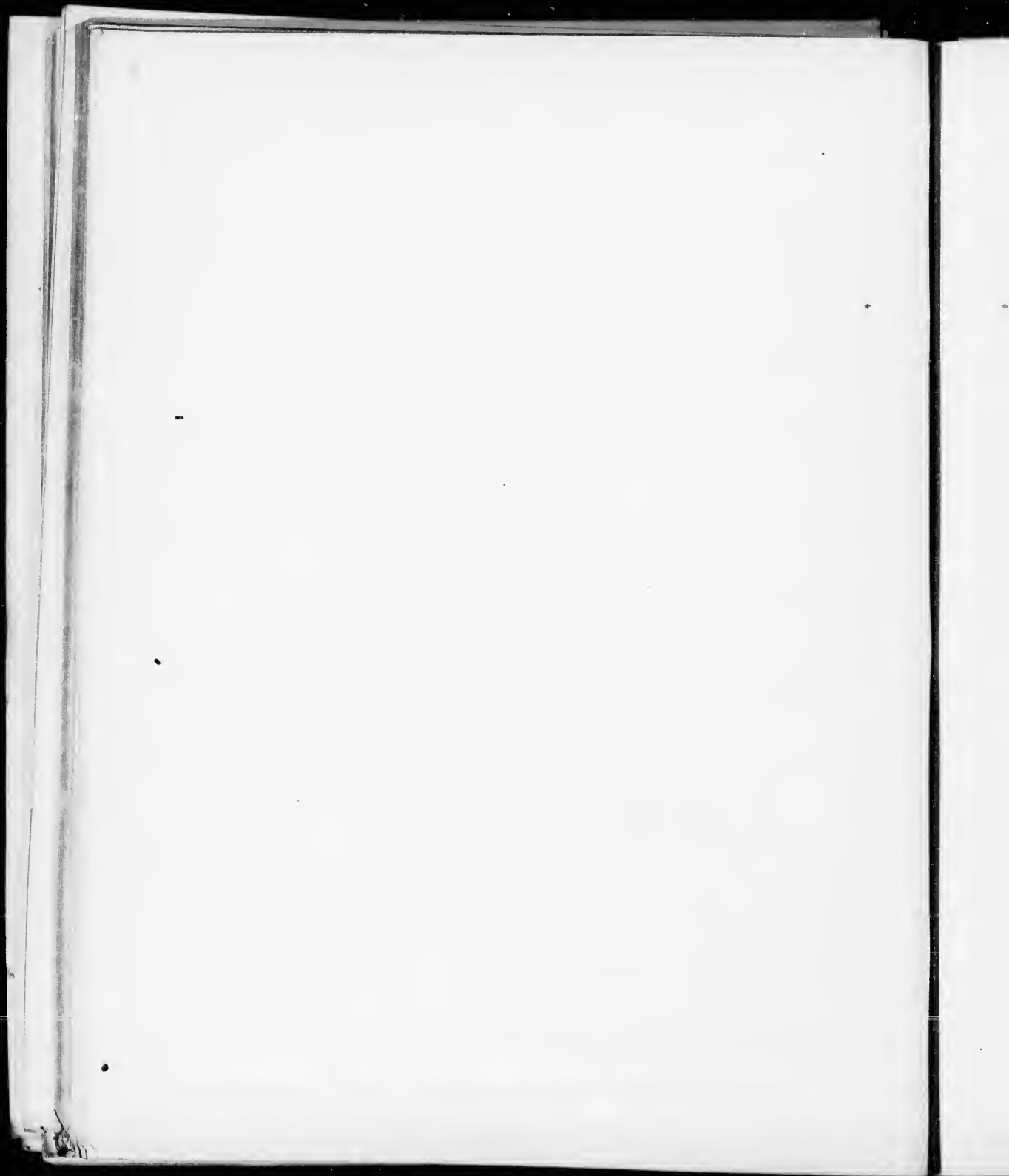
1470 in the contestation of the Charlevoix election, and this you or either of you shall by no means omit under the penalty upon each of you of one hundred pounds currency.

In testimony whereof, we have caused the Seal of our said Court to be hereunto affixed at Malbaie on the 12th day of Sept., in the year of our Lord 1876, and the 40th year of our reign.

(Signed.) CHS. DUBERGER,

P. S. C.

I, the undersigned, David Roy, sworn bailiff of the Superior Court of the Province of Quebec, appointed and acting as such for the District of Saguenay, residing in the parish of St. Etienne de la Malbaie, certify under my oath of office that I did personally, on the 1480 18th day of September, 1876, serve this original on François Maltais at his domicile speaking to himself; on Joseph McLean, also speaking to himself, having met him near the Court House of the parish of St. Etienne de la Malbaie, serving on each of them a true copy



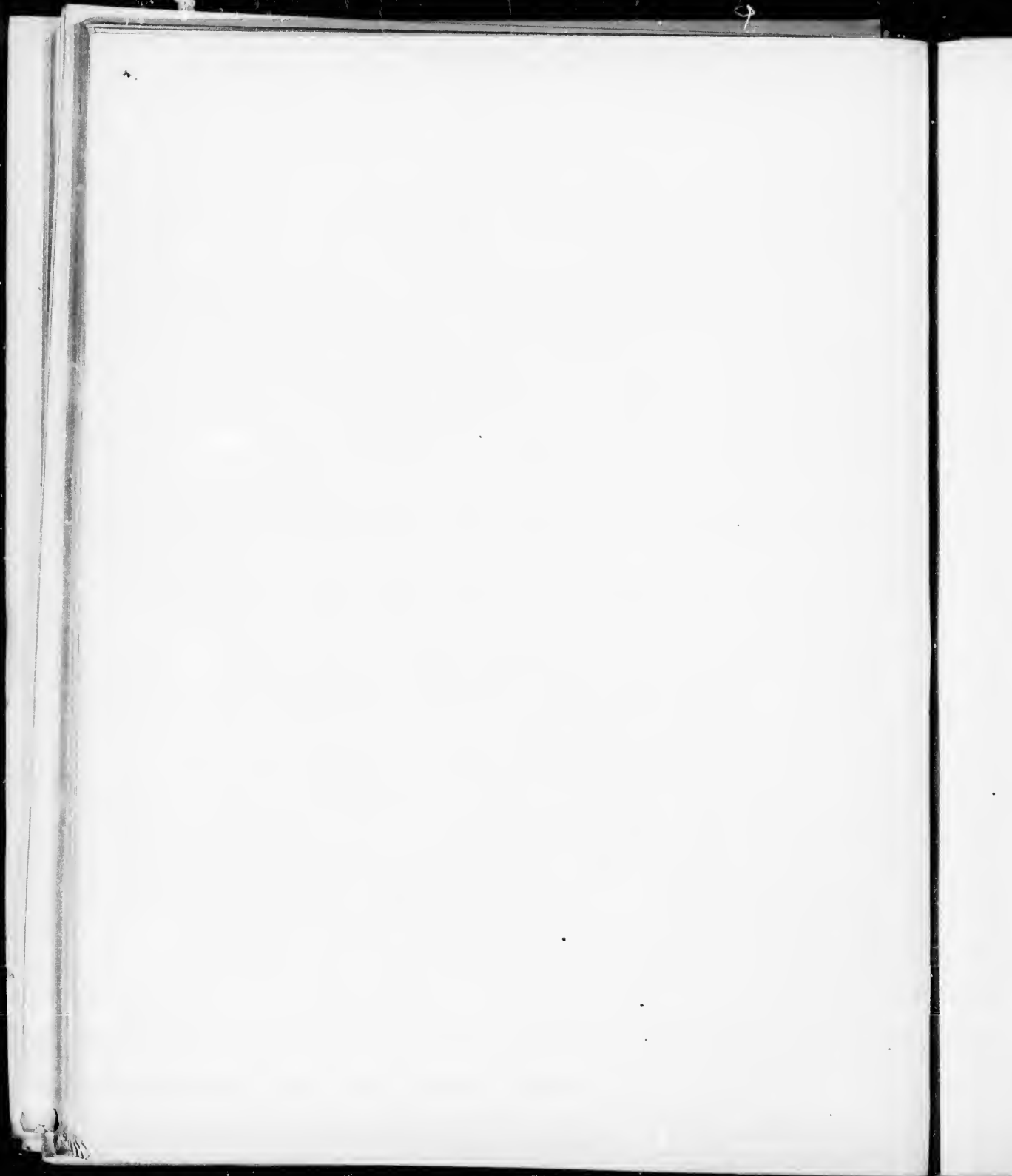
of the said original, and on Eusèbe Martel, having met him near the court room and speaking to himself, serving on him a true and certified copy of this original which I was unable to exhibit to him as I did to the two persons first above mentioned, not having it in my possession.

DAVID ROY,

B. S. C.

MALBAIS, 18th September, 1876.

1490 Service,	\$.90
Travelling ex.	.25
	<hr/>
	\$1.25



SUBPOENA.

CANADA.
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,
 Queen, Defender of the Faith.

1500 To Denis Gauthier, Esq., Merchant of St. Fidèle, greeting :

We command you that, laying aside all and singular business and excuses you, and each of you, be and appear in your proper persons before us in our Superior Court for Lower Canada, in our parish of St. Etienne de la Malbaie, in the said District, on the 1st day of September, at 10 o'clock in the forenoon of the same day, to testify all and singular those things which you know in a certain cause now pending in our said Court before us, between

O. BRASSARD ET AL.,

Petitioners ;

[L. S.]

vs.

Hon. H. L. LANGEVIN,

1510

Defendant ;

in the contestation of the Charlevoix election, and this you or either of you shall by no means omit under the penalty upon each of you of one hundred pounds currency.

In testimony whereof, we have caused the Seal of our said Court to be hereunto affixed at Malbaie, on the 30th day of August, in the year of our Lord, 1876, and the 40th year of our reign.

(Signed,) CHS. DUBERGER,

P. S. C.

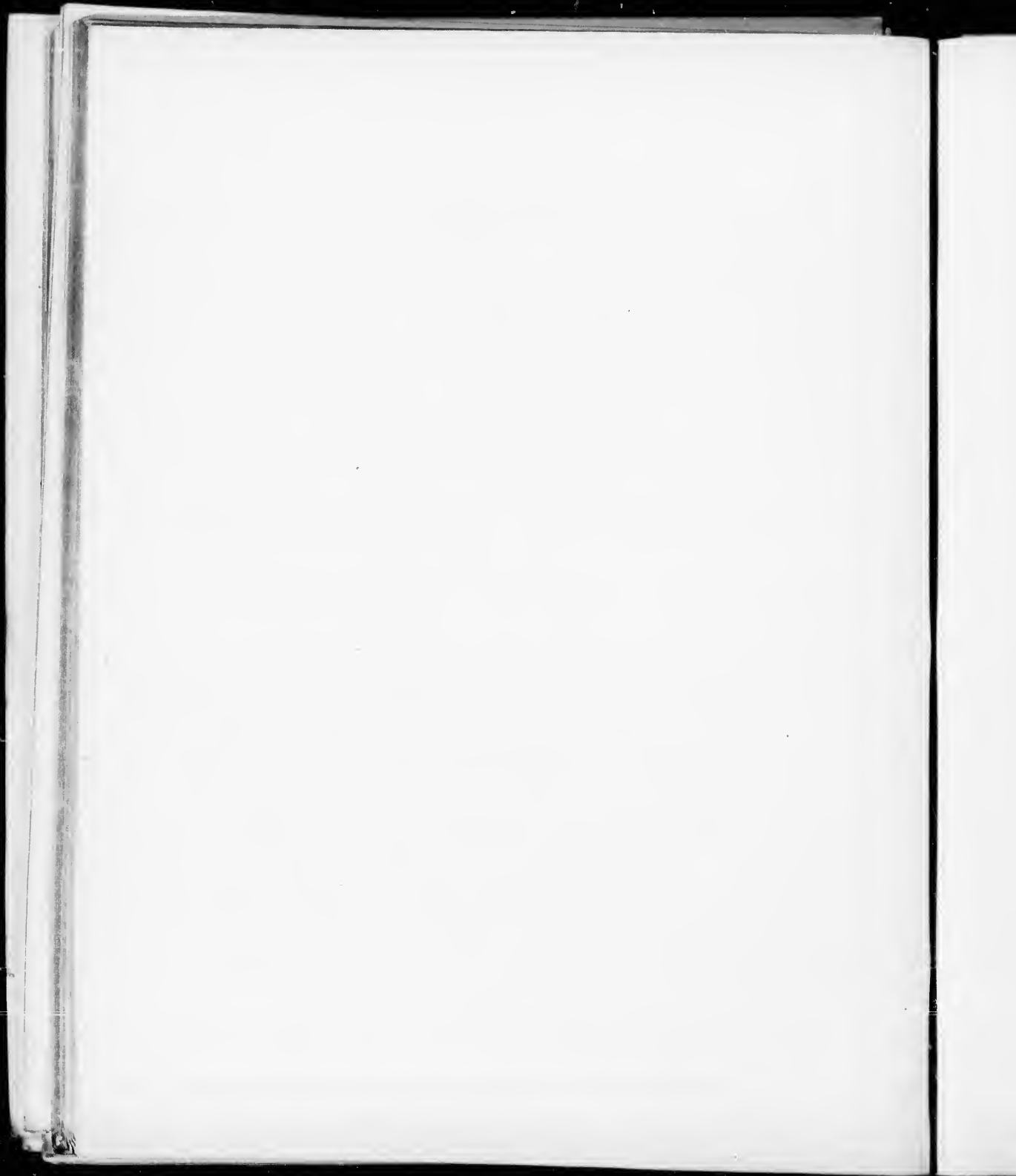
I, the undersigned, David Roy, sworn Bailiff of the Superior Court of the Province of Quebec, appointed for the District of Saguenay and acting therein as such, residing in the
 1520 parish of St. Etienne de la Malbaie, certify under my oath of office that I did, on the 1st of September, 1876, in the forenoon, serve this original on Denis Gauthier, having met him in the village, namely, in Malbaie aforesaid, speaking to himself in person, delivering to him then and there a true and certified copy of this original and there and then exhibiting to him the said original.

THOMAS ROY,

P. S. C.

MALBAIE, 1st September, 1876.

Service; \$.80



SUBPŒNA.

1530 CANADA. }
 PROVINCE OF QUEBEC. } IN THE SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1871.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,
 Queen, Defender of the Faith.

To John Desbiens, of Baie des Rochers, Elie Mailloux, Omer Bouchard, Jean Savard,
 François Bergeron, sr.; William Savard, Joseph Chamberland, Wilfred, *alias* Fril Tremblay
 Dit Bastien, all of St. Simeon, greeting:

1540 We command you, that laying aside all and singular business and excuses you and
 each of you be and appear in your proper persons before us in our Superior Court of Lower
 Canada, in our parish of St. Etienne de la Malbaie, in the said District, on the 4th day of
 September, at 10 o'clock in the forenoon of the same day, to testify all and singular those
 things which you know in a certain cause now pending in our said Court before us between

O. BRASSARD, ET AL.,

Petitioners;

[L. S.]

vs.

HON. H. L. LANGEVIN,

Defendant;

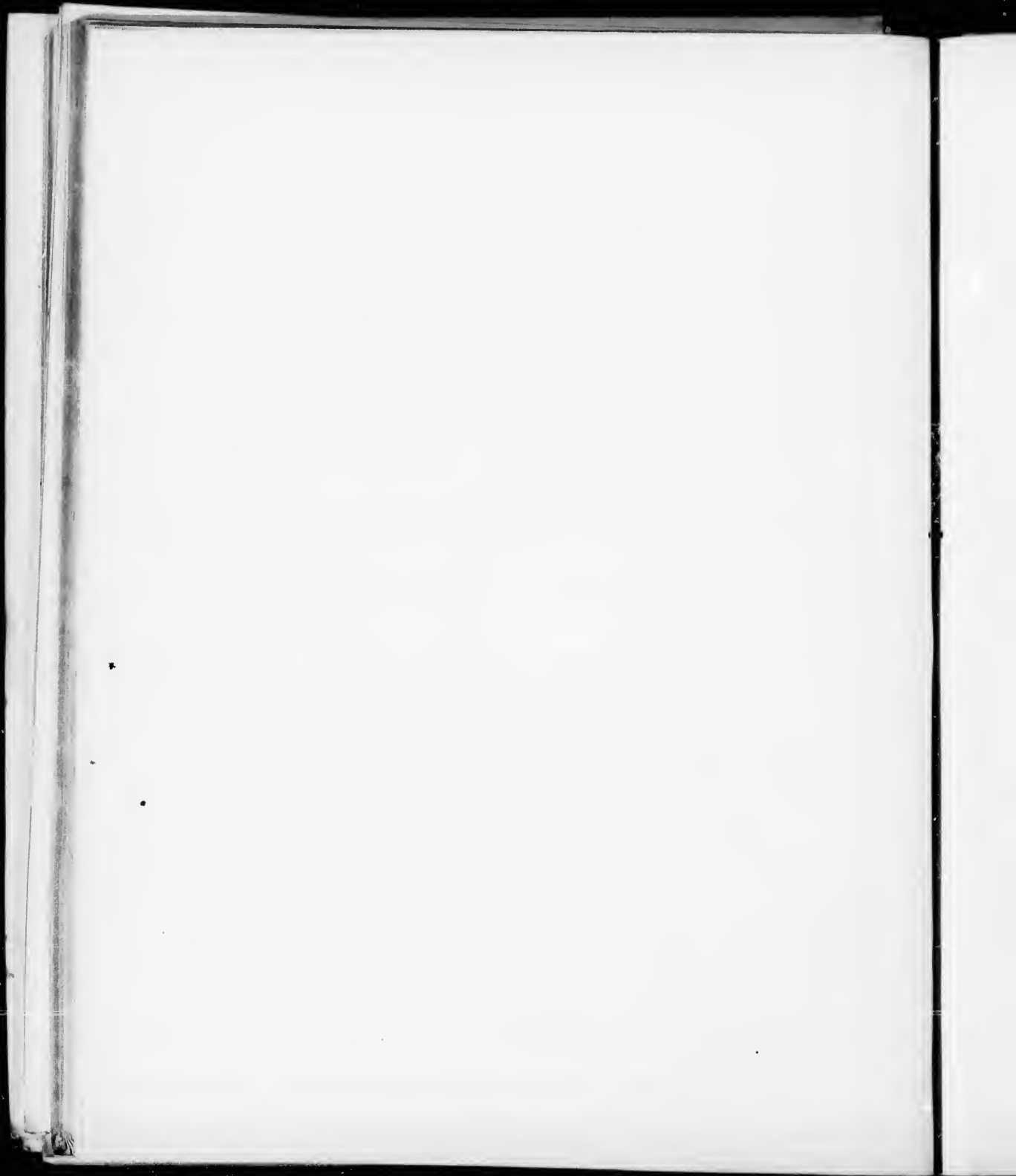
1550 in the contestation of the Charlevoix election, and this you or either of you shall by no
 means omit, under the penalty upon each of you of one hundred pounds currency.

In testimony whereof, we have caused the Seal of our said Court to be hereunto
 affixed, at Malbaie, on the 1st day of September, in the year of our Lord, 1876, and the 40th
 year of our reign.

(Signed) CHS. DUBERGER,

P. S. C.

1560 I, the undersigned, David Roy, sworn Bailiff of the Superior Court of the Province
 of Quebec, appointed for the District of Saguenay, and acting therein as such, residing in
 the parish of St. Etienne de la Malbaie, certify under my oath of office that I did, on the
 second day of September, 1876, in the afternoon, serve this original on Johnny Desbiens, Elie
 Malloux, Omer Bouchard, William Savard, Fril Tremblay, speaking to them in person, and
 François Bergeron and Jean Savard, speaking to reasonable persons of their families, leaving



to each of them true certified copies and exhibiting to them there and then the said original.

MALBAIE, 4th September, 1876.

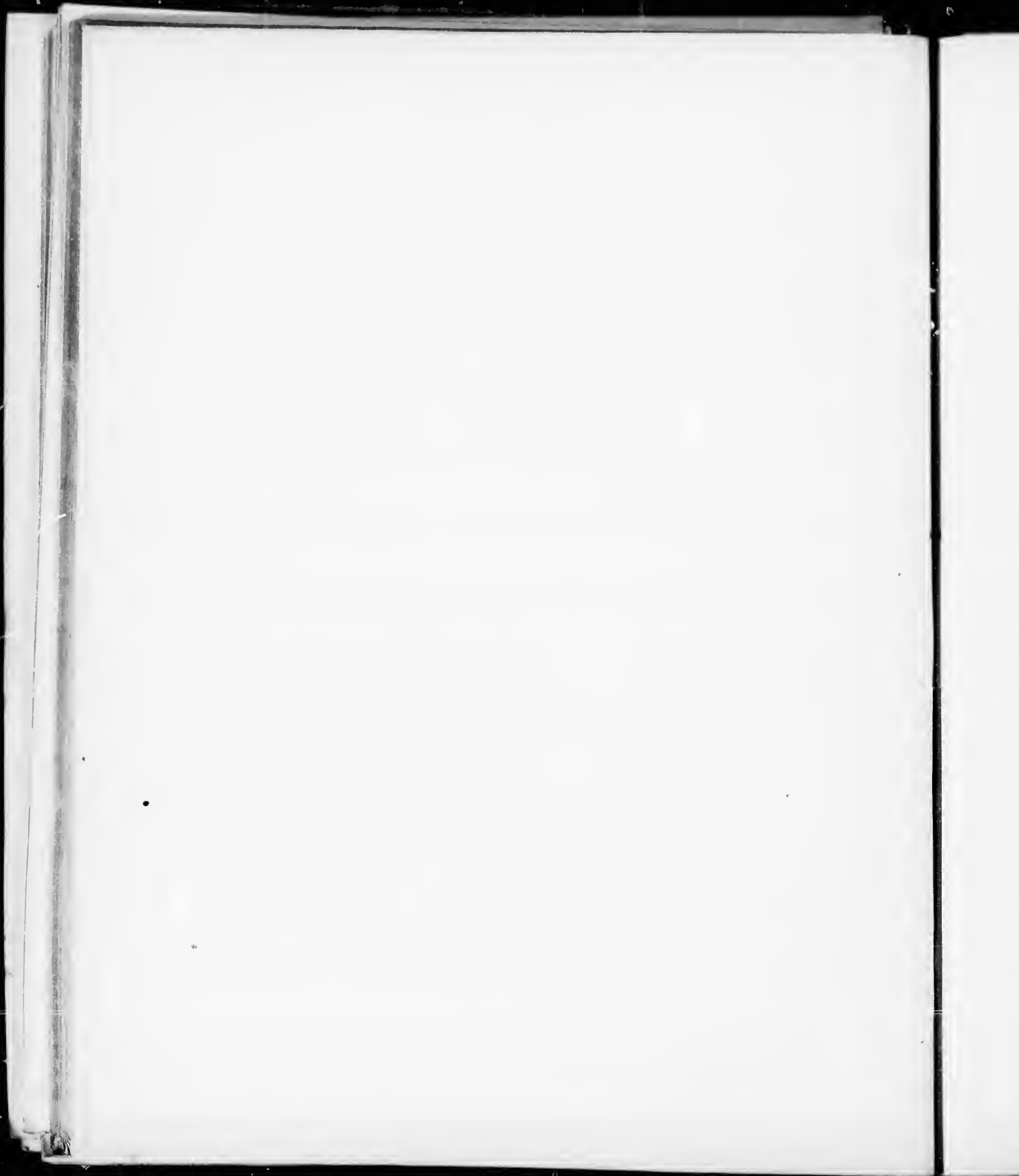
From the Court House at Malbaie to Baie des Rochers, distance travelled 29 miles.

Johnny Desbiens, received his travelling expenses paid by me \$5.00.

DAVID ROY,

B. S. C.

Service	\$2.40
Trav. ex.	7.25
	<hr/>
1570	Total \$9.65



SUBPENA

10 CANADA. } IN THE SUPERIOR COURT.
 PROVINCE OF QUEBEC, }
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,
 Queen Defender of the Faith.

To Achille Bh  rer, G  goire Tremblay, Francois Dallaire *fils de Louis*, Francois
 Tremblay *fils d'Hillaire*, Ferdinand Boucharl, Ignace Onellet, Thomas Savard, Onesime
 1580 Tremblay *fils d'Hillaire*, Auguste Dufour, Nazaire B  rub  , Francois Tremblay *dit Picot  *,
 Narcisse Dassylva, greeting:

We command you, that laying aside all and singular business and excuses you, and
 each of you be and appear in your proper person before us, in our Supreme Court for Lower
 Canada, in our parish of St. Etienne de la Malbaie, in the said district, on the 5th day of
 September, at ten o'clock in the forenoon of the same day, to testify all and singular those
 things which you know in a certain cause now pending in our said Court before us, between

O. BRASSARD, ET AL.,

Petitioners:

[L. S.]

vs.

1590

Hon. H. L. LANGEVIN,

Defendant.

in the contestation of the Charlevoix election, and this you or either of you, shall by no
 means omit under the penalty, upon each of you, of one hundred pounds currency.

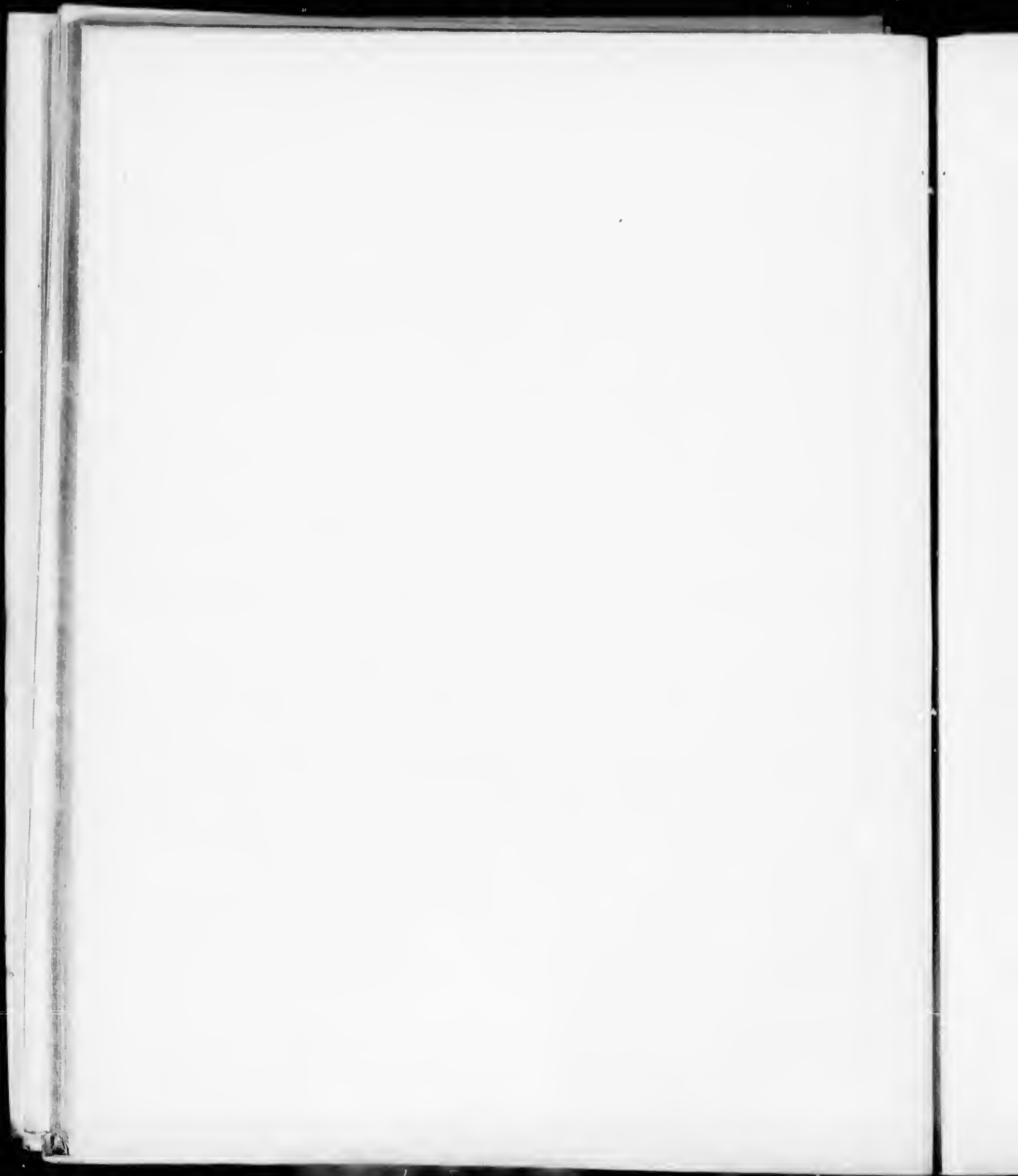
In testimony whereof, we have caused the Seal of our said Court to be hereunto
 affixed at Malbaie, on the 1st day of September in the year of our Lord 1876, and the 40th
 year of our reign.

(Signed.)

CHS. DUBERGER,

P. S. C.

I the undersigned David Roy, sworn Bailiff of the Superior Court of the Province
 1600 of Quebec, appointed for the District of Saguenay, and acting therein as such, residing in
 the parish of St. Etienne de la Malbaie, certify under my oath of office that I did, on the
 2nd day of September, 1876, in the forenoon serve this original on Auguste Dufour, Francois
 Tremblay, Thomas Savard, speaking to them in person, and to Nazaire B  rub  , Onesime
 Tremblay, Gregoire Tremblay, Francois Tremblay, Francois Dallaire, speaking to reasonable



persons of their families, to Ferdinand Bouchard in the afternoon of the same day, speaking to himself in person and to Ignace Onellet, Narcisse Dassylva in the forenoon, on the fifth day of September, speaking to them in person, leaving to each of them, true certified copies and exhibiting to them, there and then, the said original.

DAVID ROY,

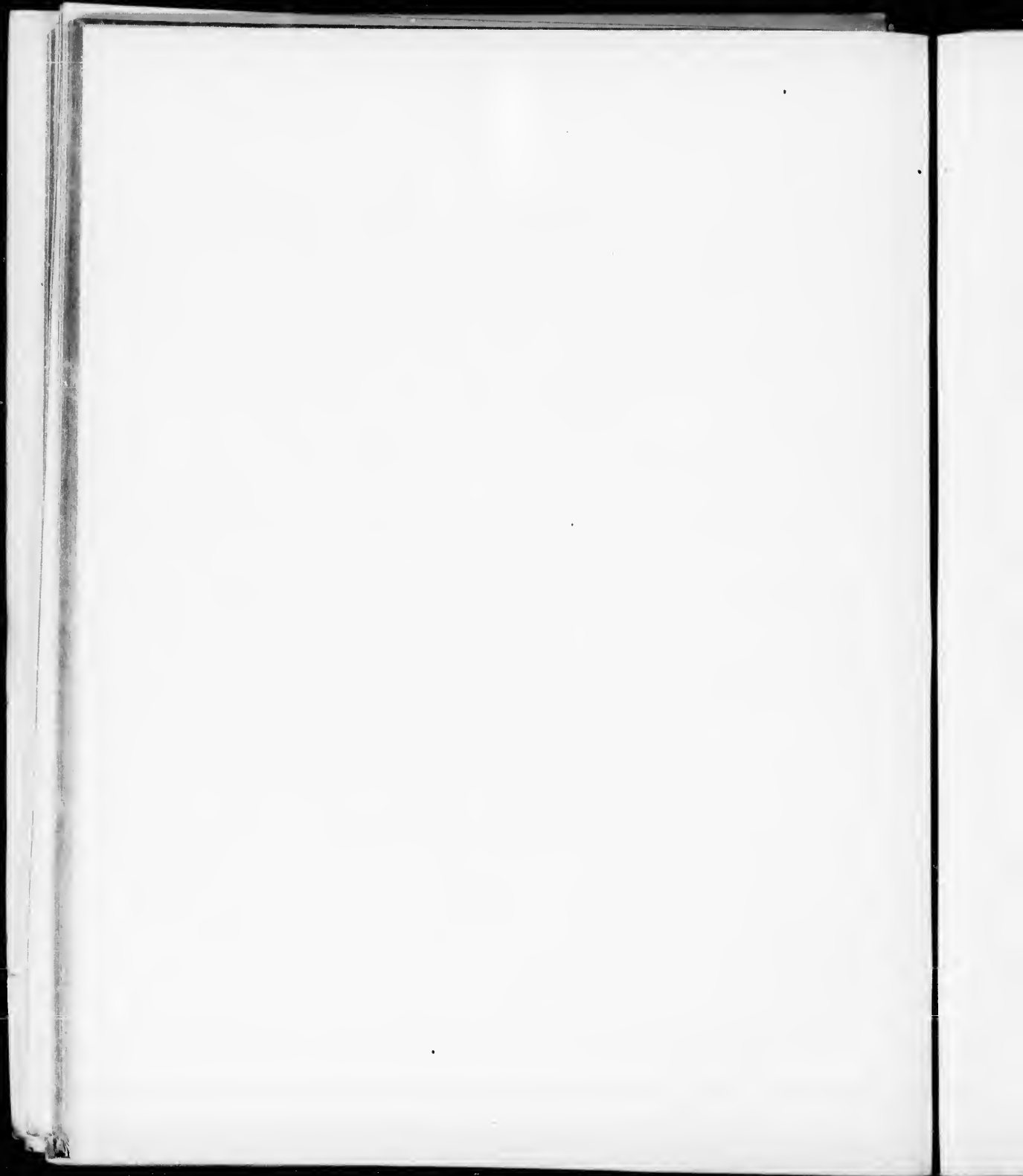
B. S. C.

1610

MALBAIE, 5th September, 1876.

For travelling ex., see the original subpoena for St. Simeon.

Service \$8.80.



SUBPŒNA.

CANADA
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

1620 VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,
 Queen Defender of the Faith.

To P. N. Bois, Joseph Duchene, J. P., Thomas Côté, Andre Bouehard, Louis Gauthier Esq., J.P., Joseph Cimon, Arsène Simard, Simeon Boivin, of Baie St. Paul, greeting :

We command you, that laying aside all and singular business and excuses, you and each of you be and appear in your proper person before us in our Superior Court for Lower Canada, in our parish of St. Etienne de la Malbaie, in the said district, on the 9th day of September, at ten o'clock in the forenoon of the same day, to testify, all and singular those things which you know in a certain cause now pending in our said Court, before us, between

O. BRASSARD ET AL.,

1630

Petitioners;

[L. S.]

vs.

HON. H. L. LANGEVIN,

Defendant.

in the contestation of the Charlevoix election, and this you or either of you, shall by no means omit under the penalty upon each of you, of one hundred pounds currency.

In testimony whereof, we have caused the Seal of our said Court to be hereunto affixed at Malbaie, on the 8th day of September, in the year of our Lord 1876, and 40th year of our reign.

CHS. DUBERGER,

1640

P. S. C.

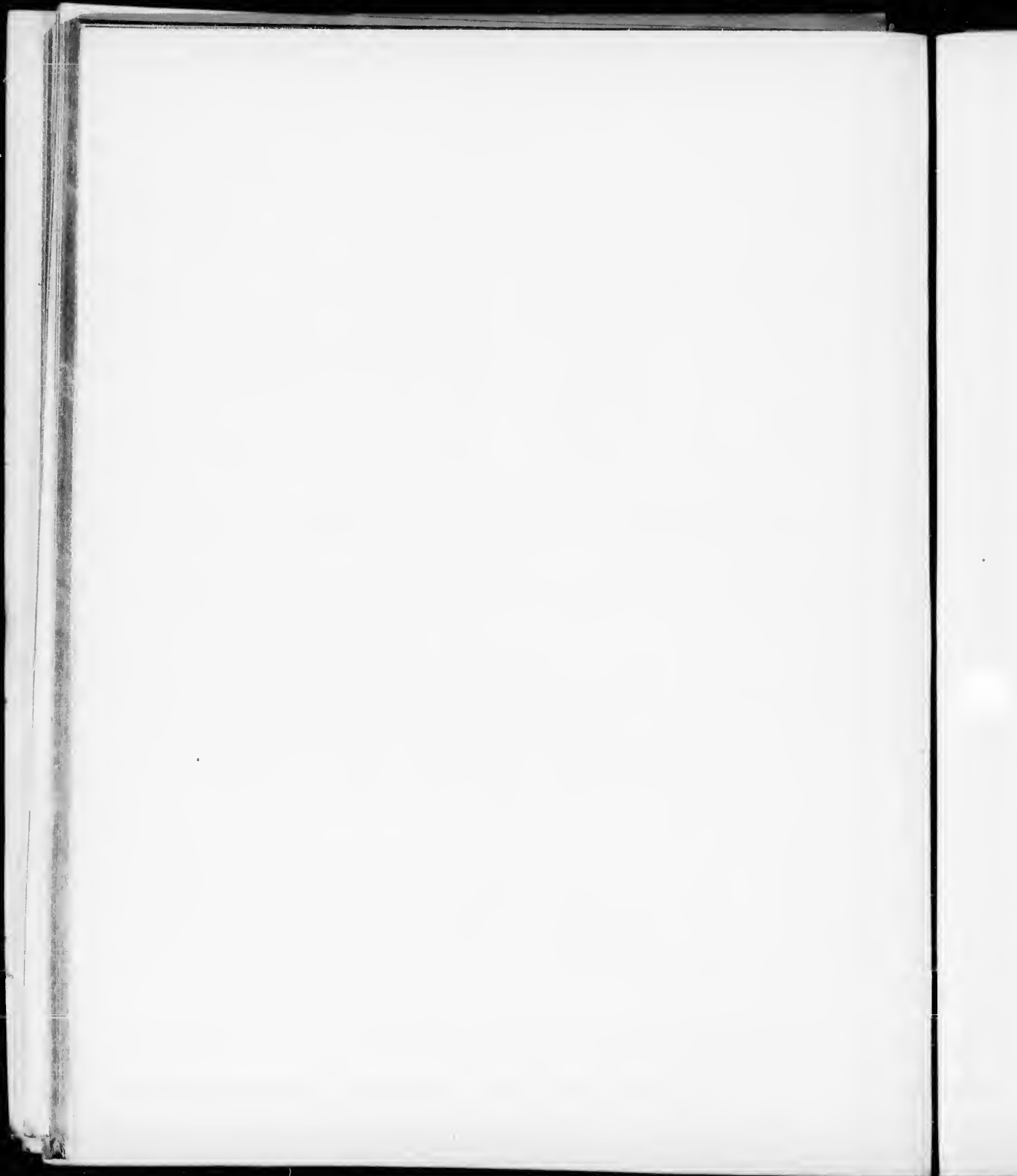
I, the undersigned, A. Boivin, sworn Bailiff of the Superior Court of the Province of Quebec, appointed for and acting as such in the District of Saguenay, residing in the parish of St. Etienne de la Malbaie, certify under my oath of office that I served this subpœna on the persons named therein, leaving to each of them a certified copy thereof in the parish of St. Etienne de la Malbaie, speaking to themselves about nine o'clock in the evening, the 8th day of September instant.

A. BOIVIN,

B. S. C.

MALBAIE, 9th September, 1876.

1650 Service \$2.40



SUBPENA.

12 CANADA, } IN THE SUPERIOR COURT.
 PROVINCE OF QUEBEC, }
District of Saguenay, }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,
 Queen Defender of the Faith.

To Cleophas Coté, and F. X. Desgagné, mariners, both of les Ebonlements, greeting:

1660 We command you, that laying aside all and singular business and excuses, you and
 each of you be and appear in your proper person before us in our Superior Court for Lower
 Canada, in our parish of St. Etienne de la Malbaie, in the said district, on the 21st day of
 August next, at ten o'clock in the forenoon of the same day, to testify all and singular, the
 things which you know in a certain cause now pending in our said Court, before us, between

O. BRASSARD, ET AL.,

Petitioners;

vs.

HON. H. L. LANGEVIN,

Defendant;

1670 in the contestation of the Charlevoix Election, and this you, or either of you, shall by no
 means omit, under the penalty, upon each of you, of one hundred pounds currency.

In testimony whereof, we have caused the Seal of our said Court to be hereunto
 affixed, at Malbaie, on the 19th day of August, in the year of our Lord 1876, and in the 40th
 year of our reign.

[L. S.]

CHS. DUBERGER,

P. S. C.

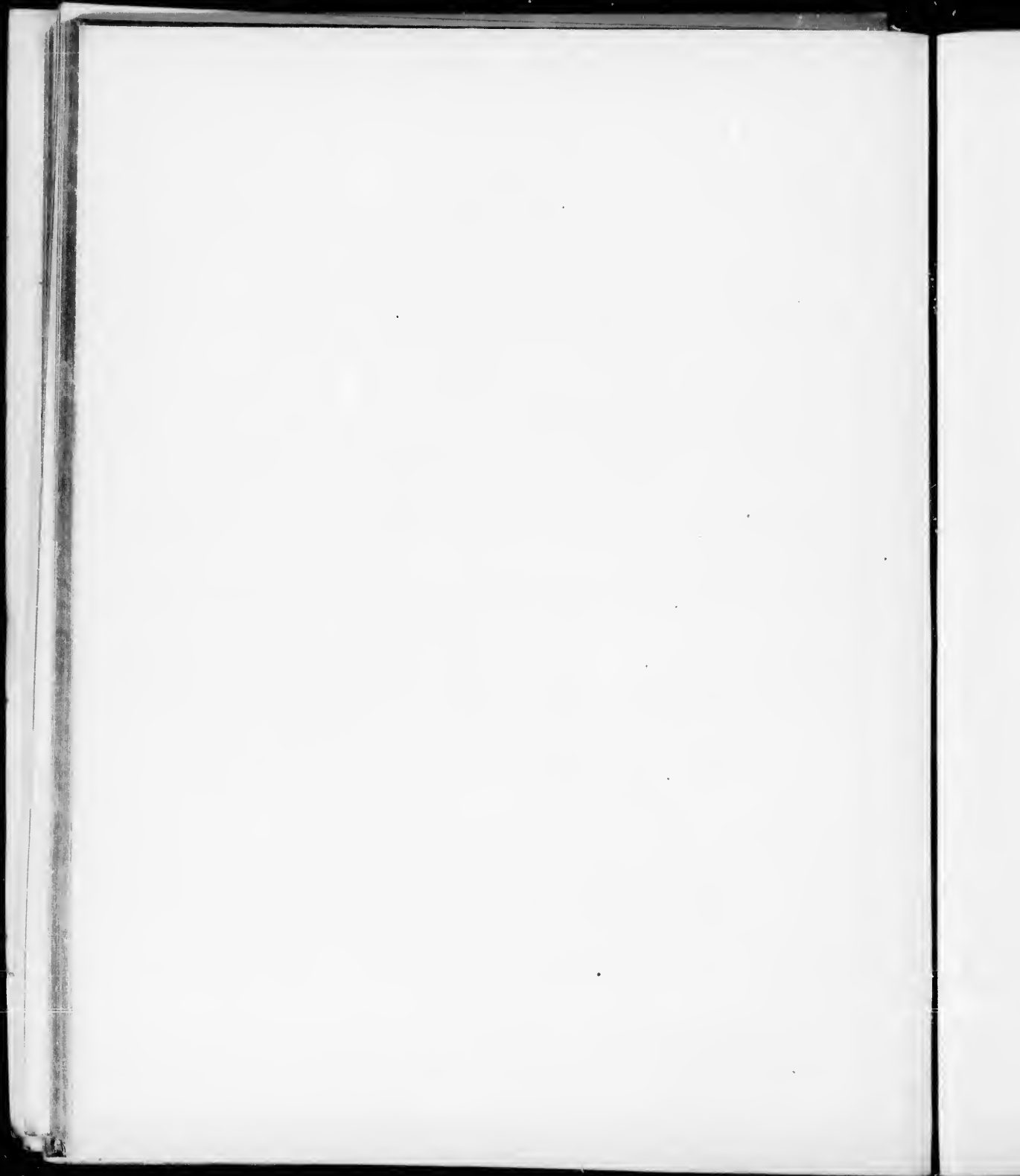
1680 I, the undersigned David Roy, sworn Bailiff of the Superior Court, appointed for the
 District of Saguenay, and acting therein as such, residing in the Parish of St. Etienne de la
 Malbaie, certify, under my oath of office, that I did personally serve, on the 21st August,
 1876, between eight and nine o'clock in the forenoon, true certified copies of this original,
 on Cléophas Coté and François Xavier Desgagné, having met them at the Village of Marie,
 in the Parish of St. Etienne de la Malbaie, speaking to each of them in person, and exhibit-
 ing to them there and then this original.

DAVID ROY,

B. S. C.

MALBAIE, 21st August, 1876.

Service, \$0.60



SUBPENA.

1690 CANADA, }
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,
 Queen Defender of the Faith.

To Maxime Dufour, now of St. Pierre d'Orleans, Greeting:

We command you that, laying aside all and singular business and excuses, you and each of you be and appear in your proper person before us in our Superior Court for Lower Canada, in our Parish of St. Etienne de la Malbaie, in the said District, on the 21st day of August inst., at ten o'clock in the forenoon of the same day, to testify all and singular those things which you know, in a certain cause now pending in our said Court, before us,
 1700 between

O. BRASSARD, ET AL.,

Petitioners;

[L. S.]

vs.

Hon. H. L. LANGEVIN,

Defendant;

in the contestation of the Charlevoix Election, and this you, or either of you, shall by no means omit, under the penalty upon each of you of one hundred pounds currency.

In testimony whereof, we have caused the Seal of our said Court to be hereunto affixed, at Malbaie, on the 19th day of August, in the year of our Lord, 1876, in the 40th
 1710 year of our reign.

CHS. DUBERGER,

P. S. C.

I, the undersigned David Roy, sworn Bailiff for the Province of Quebec, appointed for the District of Saguenay, and acting therein as such, residing in the parish of St. Etienne de la Malbaie, certify under my oath of office that I did personally serve, on the 21st day of August, 1876, between eight and nine o'clock in the forenoon, a true and certified copy of this original on Maxime Dufour, having met him at the Village Marie, in the parish of St. Etienne de la Malbaie, speaking to himself in person, and exhibiting to him there and then this original.

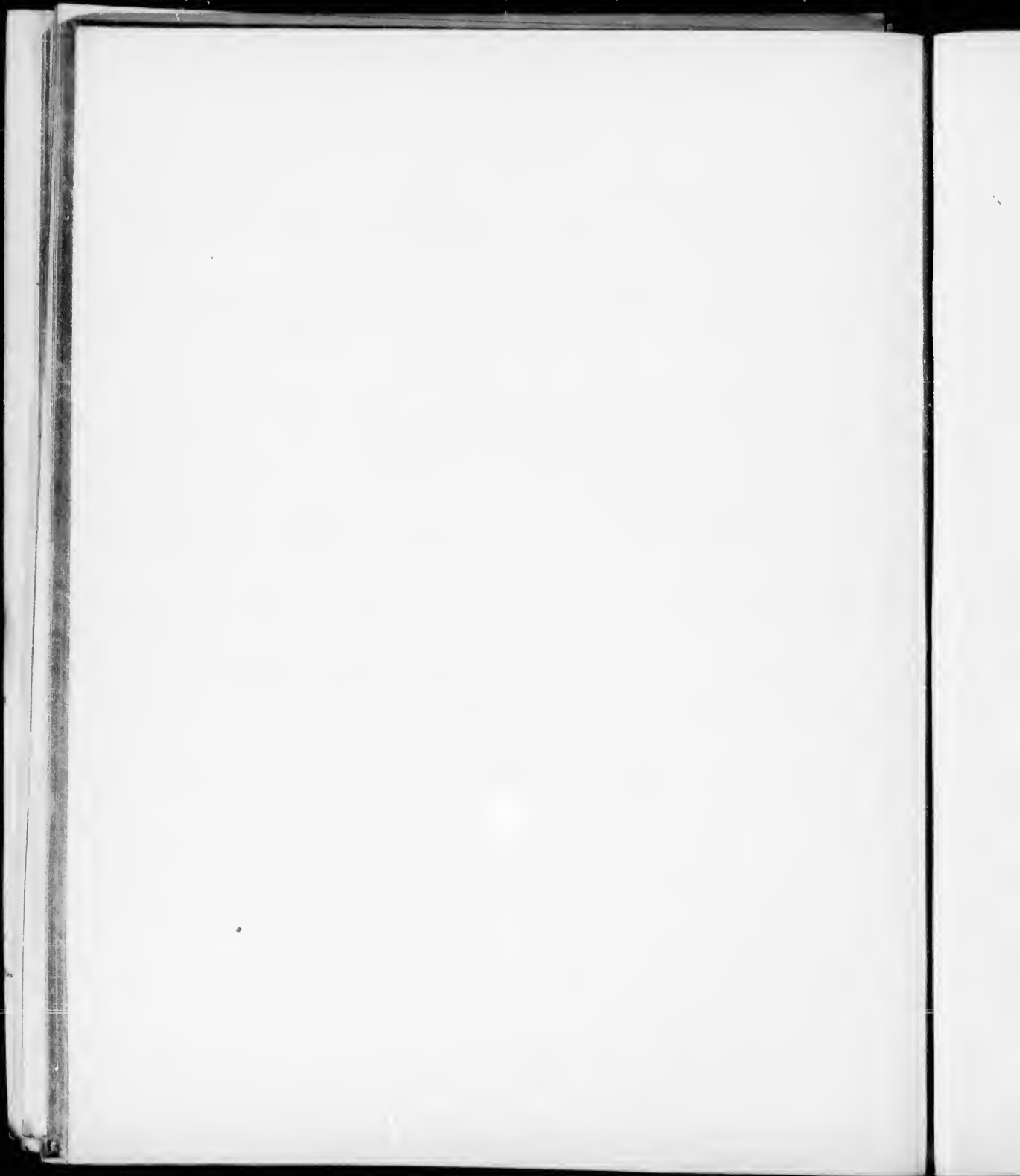
1720

DAVID ROY,

B. S. C.

MALBAIE, 21st August, 1876.

Service, \$0.30.



SUBPENA.

14 CANADA, }
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

1730 VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,
 Queen Defender of the Faith.

To Gregoire Tremblay, Pierre Tremblay, François Tremblay, Antoine Bouchard,
 Antoine Gauthier, Néron Gauthier, all of St. Hilarion, Greeting :

We command you that, laying aside all and singular business and excuses, you and
 each of you be and appear in your proper persons before us in our Superior Court for Lower
 Canada, in the said District, on the 21st day of August instant, at ten o'clock in the forenoon
 of the same day, to testify all and singular the things which you know in a certain cause
 now pending in our said Court, before us, between

O. BRASSARD, ET AL.,

Petitioners :

1740 [L. S.]

VS.

HON. H. L. LANGEVIN,

Defendant :

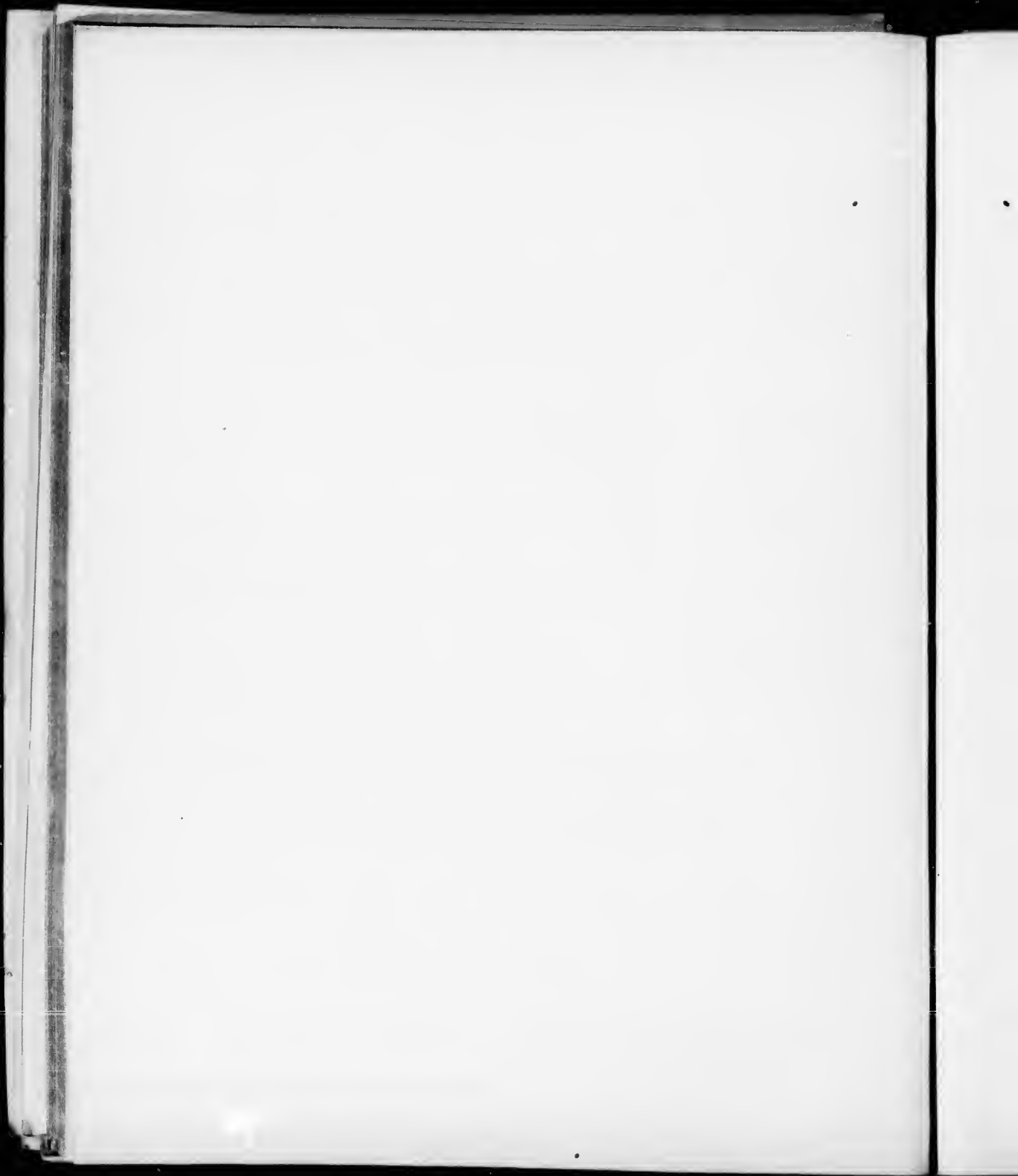
in the contestation of the Charlevoix Election, and this you, or either of you, shall by no
 means omit, under the penalty, upon each of you, of one hundred pounds currency.

In testimony whereof, we have caused the Seal of our said Court to be hereunto
 affixed, at Malbaie, on the 19th day of August, in the year of our Lord 1876, in the 40th
 year of our reign.

CHS. DUBERGER,

P. S. C.

1750 I, the undersigned David Roy, one of the sworn Bailiffs for the Superior Court for the
 Province of Quebec, appointed for the District of Saguenay, and acting therein as such,
 residing in the parish of St. Etienne de la Malbaie, certify under my oath of office that I
 served personally, on the 21st day of August, 1876, between 9 and 10 o'clock in the forenoon,
 two certified copies of this original on Gregoire Tremblay, Pierre Tremblay, François Trem-
 blay, Antoine Bouchard, Antoine Gauthier, Néron Gauthier, having met them at their



temporarily elected domicile, at the house of Norbert Girard, farmer, in the parish of St. Etienne de la Malbaie, speaking to themselves in person, and exhibiting to them there and then this original.

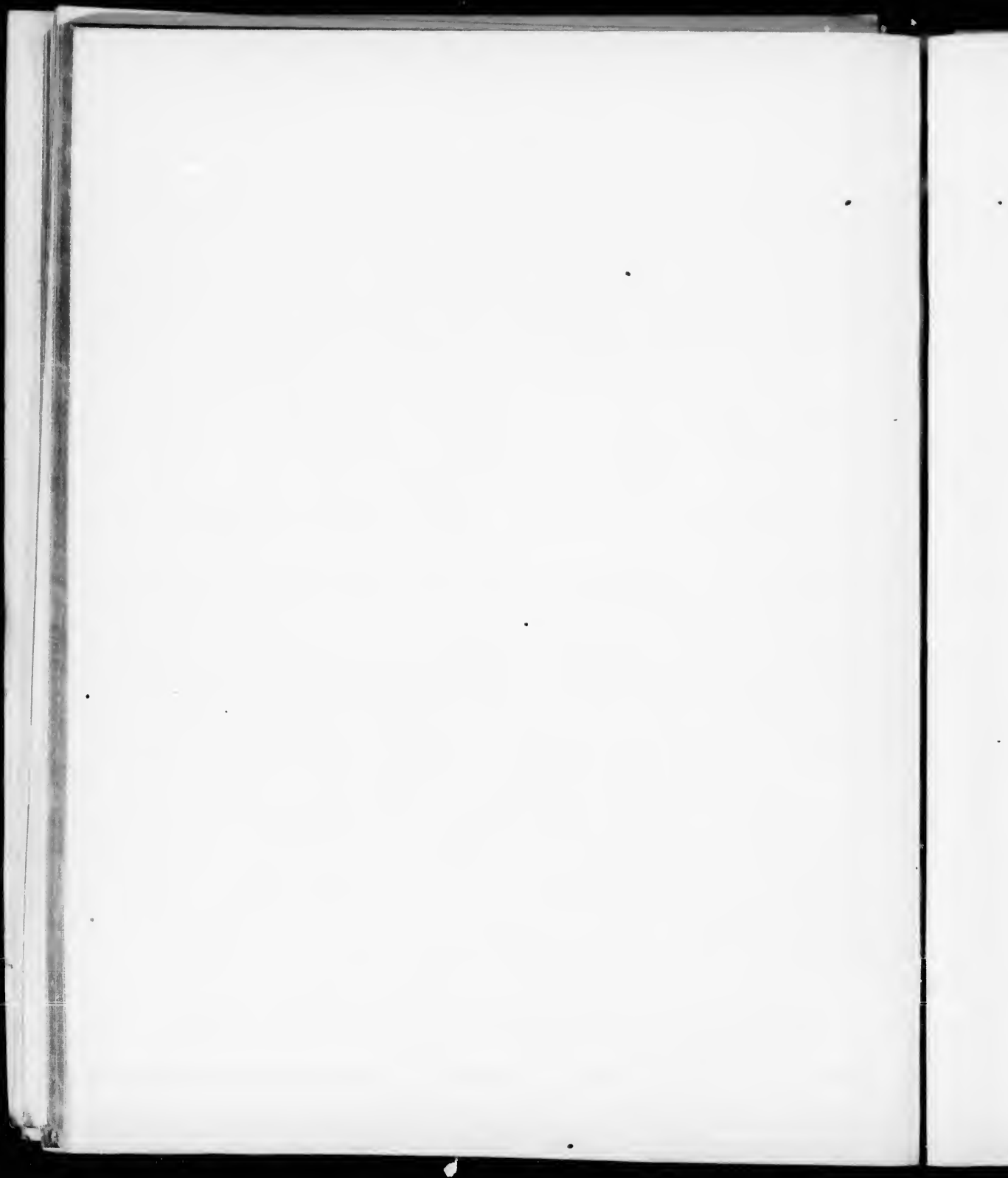
DAVID ROY,

B. S. C.

1760

MALBAIE, 21st August, 1876.

Service, \$1.80.



SUBPENA.

CANADA.
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,
 Queen Defender of the Faith.

1770 To Thomas Lapointe, Augustin Tremblay, Picoté, Jean Murray, Pepin Gagnon, John
 Lapointe, Joseph Bouchard, son of Alexis, Joseph Tremblay, Narcisse Gagnon, Barthélemi
 Bouchard, Amable Girard, all of Malbaie—Greeting.

We command you that, laying aside all and singular business and excuses, you and
 each of you be and appear before us, in your proper persons, in our Superior Court for Lower
 Canada, in our Parish of St. Etienne de la Malbaie, in the said District, the 29th day of
 August instant, at ten of the clock in the forenoon of the same day, to testify all and singular
 those things which you know in a certain cause now pending before us in our said Court,
 between

O. BRASSARD, ET AL.,

Petitioners;

1780

[L. S.]

vs.

Hon. H. L. LANGEVIN,

Defendant;

in the contestation of the Charlevoix election, and this you or either of you shall by no
 means omit, under the penalty upon each of you of one hundred pounds currency.

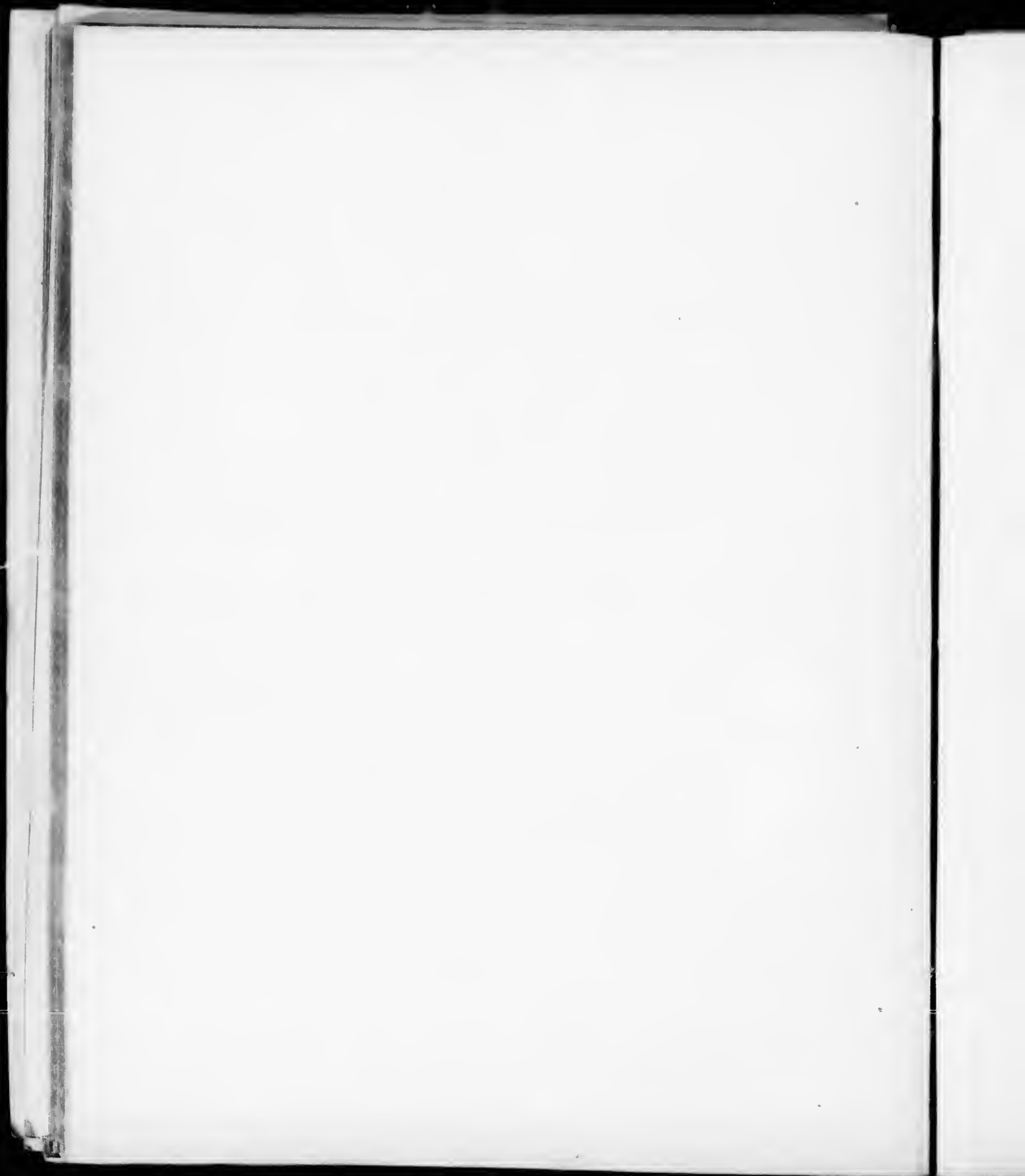
In testimony whereof, we have caused the seal of our said Court to be hereunto
 affixed, at Malbaie, on the 28th day of August, in the year of our Lord, 1876, and the 40th
 year of our reign.

CHS. DUBERGER,

1790

P. S. C.

I, the undersigned, David Roy, sworn Bailiff of the Superior Court of the Province of
 Quebec, appointed for the District of Saguenay, and acting therein as such, residing in the
 Parish of St. Etienne de la Malbaie, certify, under my oath of office, that I did, on the 29th
 day of August, 1876, in the afternoon, serve this original on Frs. Lapointe, Joseph Tremblay
 John Lapointe, Augustin Tremblay, Joseph Bouchard, Pepin Gagnon, Jean Murray, by



leaving to each of them true certified copies of this original, except as to Frs. Lapointe's, where I spoke to a reasonable person of his family, exhibiting to each of them, there and then, this original.

MALBAIE, 29th August, 1876.

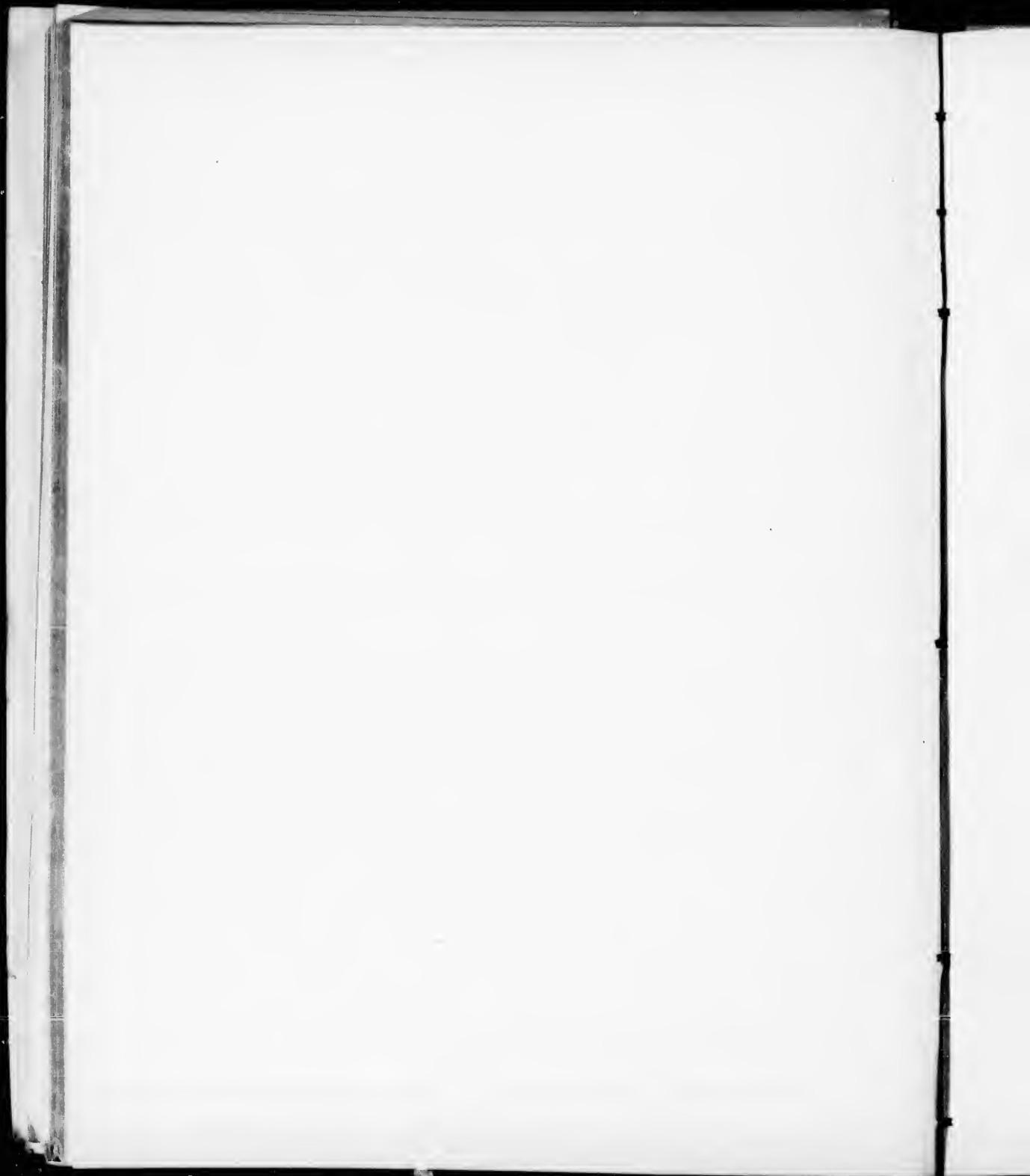
1800 Distance travelled, nearly 9 miles.

DAVID ROY,

B. S. C.

Service, \$2.10
Trav. ex., 2.25

\$4.85



SUBPENA.

CANADA
 PROVINCE OF QUEBEC. } IN THE SUPERIOR COURT.
District of Saguenay. }

1810 DOMINION CONTROVERTED ELECTIONS ACT, 1871.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,
 Queen, Defender of the Faith.

To Hubert Tremblay, Louis Tremblay, Onesime Piloté, Etienne Desgagné, Frs.
 Savard, Antoine Gauthier, Juste Boucharl, Herbert Coulombe, Jean Mailloux, Herbert
 Girard, David Gilbert de St. Hilaire—Greeting.

We command you that, laying aside all and singular business and excuses, you and
 each of you be and appear in your proper persons before us, in our Superior Court for Lower
 Canada, in our Parish of St. Etienne de la Malbaie, in the said District, on the 29th day of
 August instant, at ten o'clock in the forenoon of the same day, to testify all and singular the
 1820 things which you know in a certain cause now pending before us, in our said Court, between

O. BRASSARD ET AL.,

Petitioners :

[L. S.]

vs.

HON. H. L. LANGEVIN,

Defendant ;

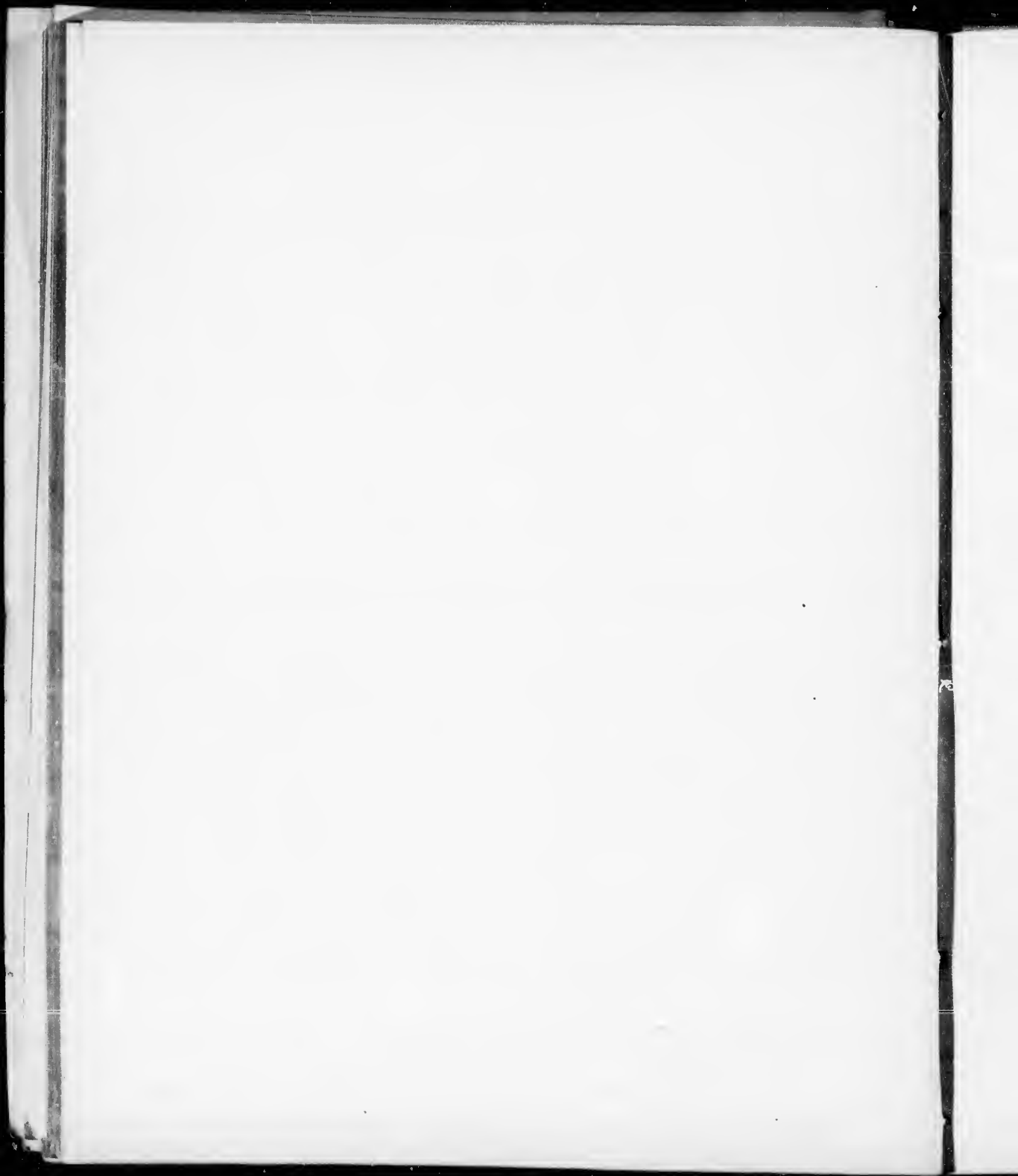
in the contestation of the Charlevoix election, and this you or either of you shall by no means
 omit, under the penalty upon each of you of one hundred pounds currency.

In testimony whereof, we have caused the seal of our said Court to be hereunto
 affixed, at Malbaie, on the 28th day of August, in the year of our Lord 1876, and the 40th
 1830 year of our reign.

CHS. DUBERGER,

P. S. C.

I, the undersigned, David Roy, sworn Bailiff of the Superior Court of the Province of
 Quebec, appointed for the District of Saguenay, and acting as such therein, residing in the
 Parish of St. Etienne de la Malbaie, certify, under my oath of office, that I did, on the 29th
 day of August, 1876, in the forenoon, serve this original on Hubert Tremblay, Onesime
 Pilote, Etienne Desgagné, Antoine Gauthier, Juste Boucharl, Octave Boucharl, Herbert



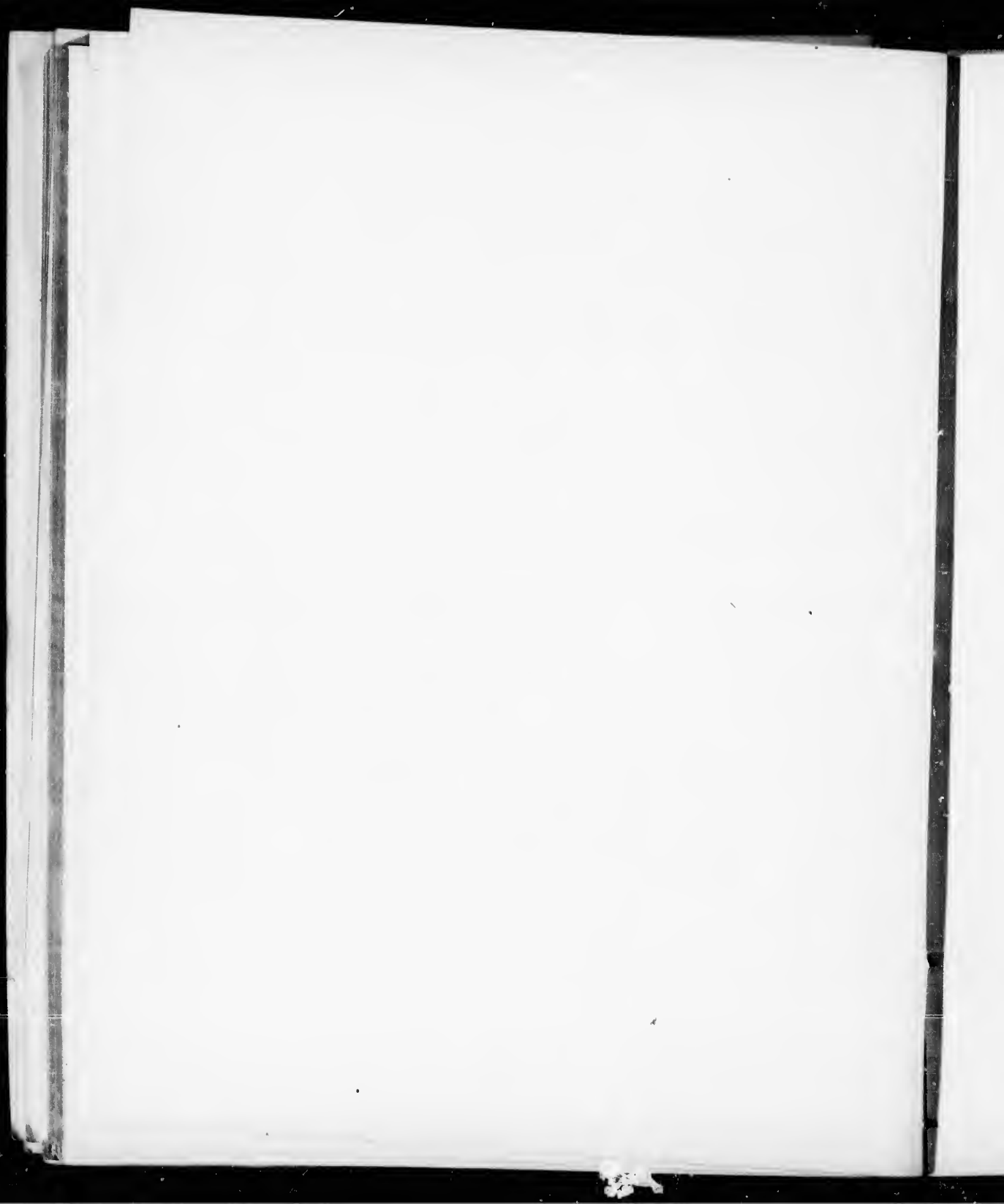
Coulombe, Jean Mailloux, Norbert Girard, David Gilbert, by leaving to each of them true certified copies of this original, speaking to them personally, and exhibiting to them, there 1840 and then, this original.

DAVID ROY,

B. S. C.

MALBATE, 29th August, 1876.

Service, \$8.00.



SUBPENA.

CANADA.
 PROVINCE OF QUEBEC. } IN THE SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT. 1874.

1850 VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,
 Queen, Defender of the Faith.

To Auguste Racine, Moise Tremblay, Petite Rivière,—Greeting.

We command you that, laying aside all and singular business and excuses, you and each of you be and appear in your proper persons before us, in our Superior Court for Lower Canada, in our Parish of St. Etienne de la Malbaie, in the said District, the 12th day of July instant, at ten o'clock in the forenoon of the same day, to testify all and singular those things which you know in a certain cause now pending in our said Court before us, between

O. BRASSARD ET AL.,

Petitioners :

1860 [L.S.]

AND

HON. H. L. LANGEVIN,

Defendant ;

in the contestation of the Charlevoix election, and this you or either of you shall by no means omit, under penalty to each of you of one hundred pounds currency.

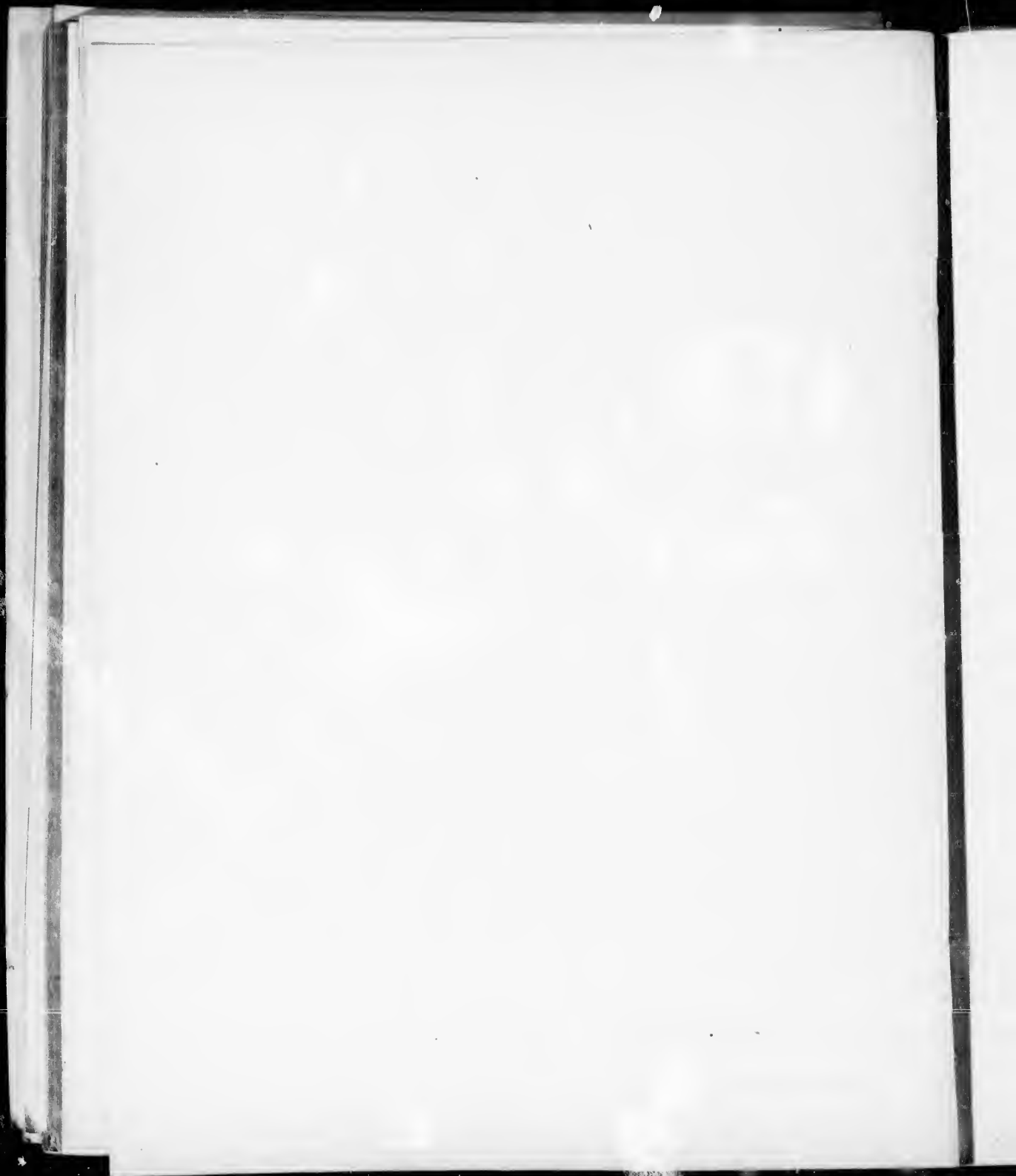
In testimony whereof, we have caused the seal of our said Court to be hereunto affixed at Malbaie, this 5th day of July, in the year of our Lord 1870, and in the 40th year of our reign.

CHS. DUBERGER,

P. S. C.

1870

I, the undersigned, Bailiff of the Superior Court for the District of Saguenay, certify, under my oath of office, that I did serve these Subpœnas on the witnesses named therein, leaving to each of them a copy thereof at their domicile, at la Petite Rivière St. Francois, speaking to Auguste Racine in person, and the other on a reasonable person of his family.



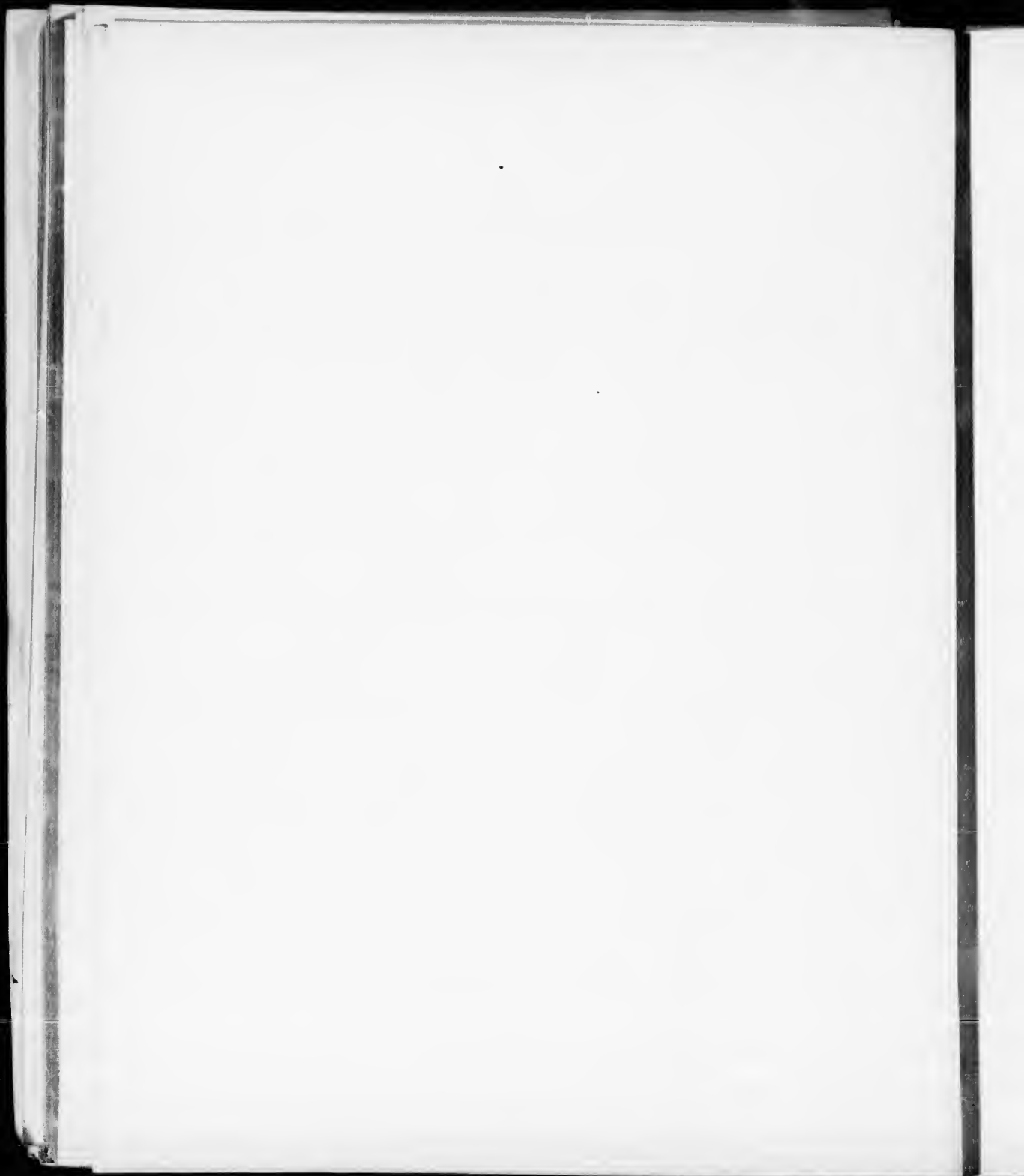
and the said Auguste Racine having told me that he could not go to the Court without receiving his travelling expenses.

J. BTE. TREMBLAY,

B. S. C.

PAIE St. PAUL, 10th July, 1876.

	Serv.	5sh.
1880	Trav. ex.	18 9
		<hr/>
		£1 8 9



SUBPŒNA.

CANADA,
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen,
 Defender of the Faith.

To Séraphin Tremblay, Pitre Gilbert, Napoléon Tremblay, Pierre Bourrasa, Xavier
 1890 Girard, Alphonse Gagnon—Greeting.

We command you that, laying aside all and singular business and excuses, you and
 each of you be and appear in your proper persons before us in our Superior Court for Lower
 Canada, in our parish of St. Etienne de la Malbaie, in the said district, the 12th day of
 , at ten o'clock in the forenoon of the same day, to testify all and singular
 those things which you know in a certain cause now pending in our said Court before us,
 between

O. BRASSARD ET AL.,

Petitioners;

[L. S.]

vs.

1900

Mrs. H. L. LANGEVIN,

Defendant;

in the contestation of the Charlevoix election, and this you or either of you shall by
 no means omit, under the penalty upon each of you of one hundred pounds currency.

In witness whereof, we have caused the seal of our said Court to be hereto affixed
 at Malbaie, on the day of , in the year of our Lord 1876, and in
 the fortieth year of our reign.

CHS. DUBERGER,

Prothonotary of the Superior Court.

[TRUE COPY.]

1910 FRs. LANGELIER,

Attorney for Petitioners.

I, the undersigned bailiff of the Superior Court of the District of Saguenay, certify,
 under my oath of office, that I served this subpœna on the witnesses named, by leaving with
 each copies thereof, at their domiciles at St. Urbain, speaking to themselves, except Pierre



Gilbert, in whose case I spoke to a reasonable person of his family, and Napoléon Tremblay who was not served, and Xavier Girard being absent from the place.

J. BTE. TREMBLAY,

B. S. C.

BAIE ST. PAUL, 8th July, 1875.

1920 Serving,	10
Travelling exp.,	13 9
	<hr/>
	£1 3 9



SUBPENA.

CANADA.
 PROVINCE OF QUEBEC.
District of Saguenay.

IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen,
 Defender of the Faith.

1930 To Thomas Gagnou, François Harvey, and Jean Harvey, all farmers of Malbaie.

We command you that, laying aside all business and excuses, you and each of you be and appear in person before us, in our said Court for the District of Saguenay, on the eighth day of July, at ten o'clock in the forenoon of the same day, to testify all those things which you know in a certain cause now pending in the said Court before us between

O. BRASSARD *ET AL.*,

Petitioners :

vs.

HON. H. L. LANGEVIN,

Defendant ;

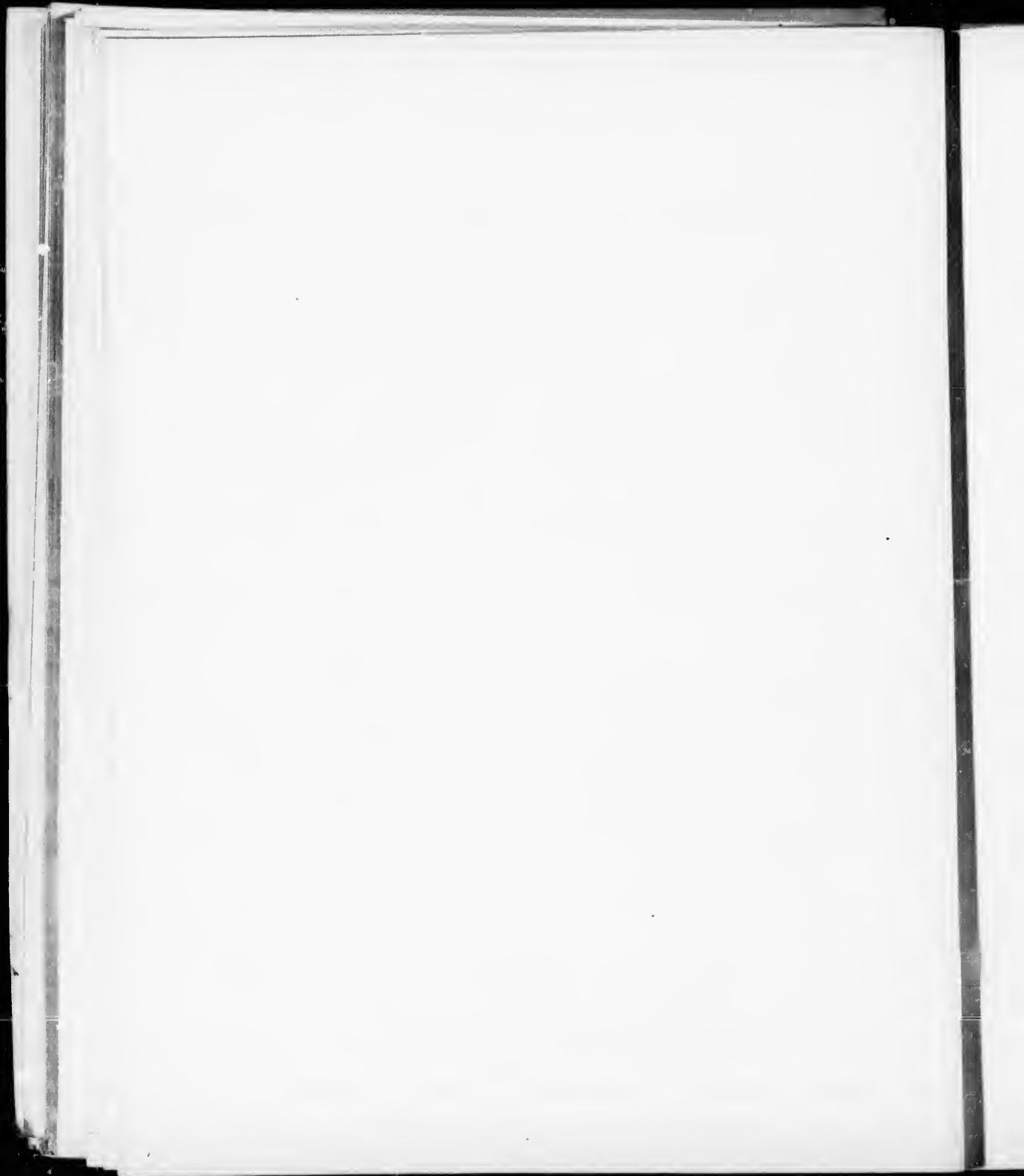
1940 in the contestation of the Charlevoix election, and this you or either of you shall by no means omit, under the penalty upon each of you of ten pounds currency.

In witness whereof, we have caused the seal of our said Court to be herenunto affixed, at Malbaie, on the sixth day of July, in the year of our Lord 1874, and in the year of our reign.

CHS. DUBERGER,

P. S. C. D. S.

I, the undersigned Ernest Boivin, one of the sworn bailiffs of the Superior Court for the Province of Quebec, appointed to act as such in the District of Saguenay, residing in the Parish of St. Etienne de la Malbaie, do hereby certify, under my oath of office, that I served
 1950 this copy of subpoena upon Jean Harvey, François Harvey, and Thomas Gagnou, speaking to them personally, on this 7th day of July, 1874, about three o'clock in the afternoon,



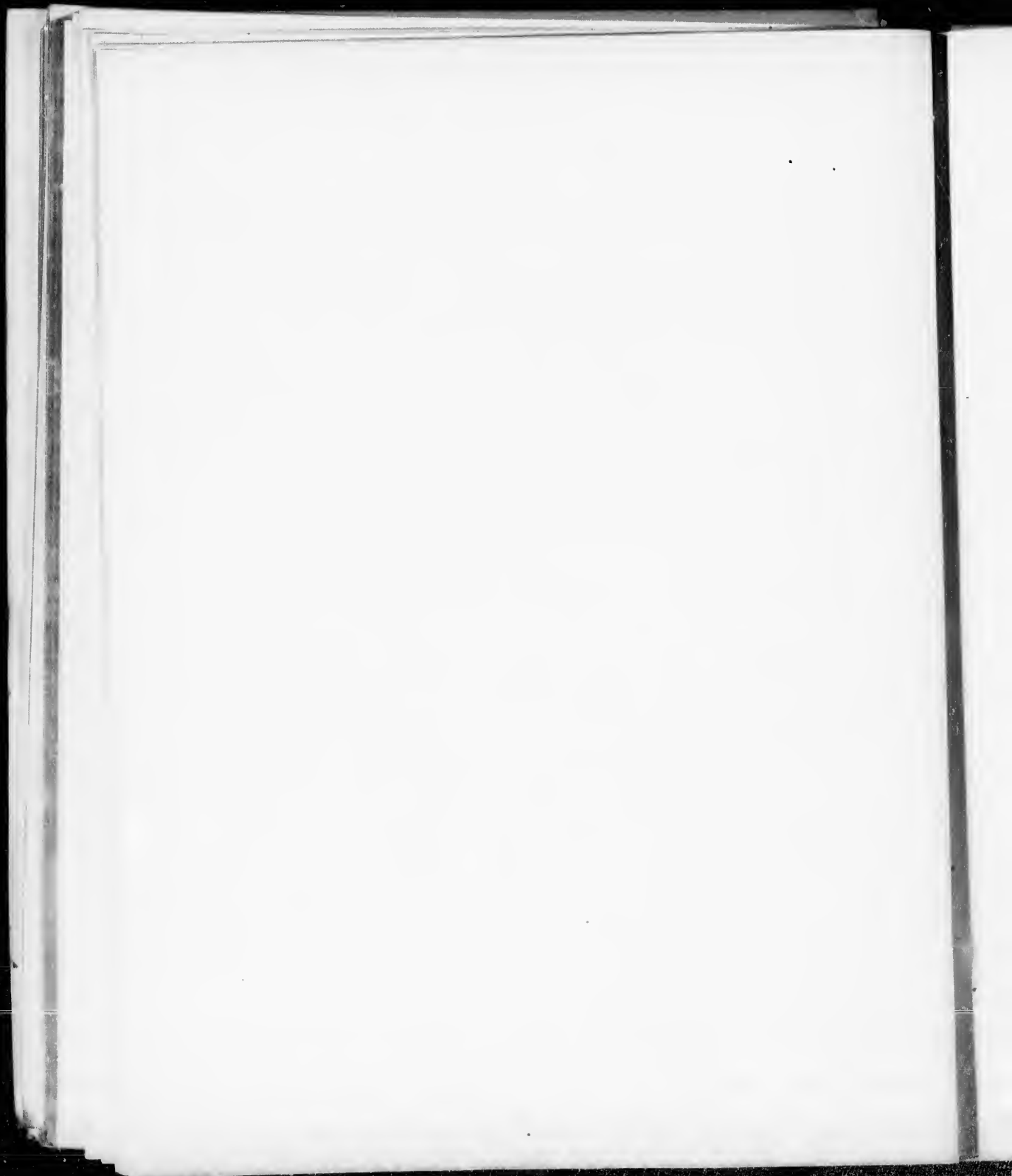
showing them then and there this original, and leaving with each of them a true and certified copy thereof. I certify that the distance travelled by the witnesses is about four miles.

ERNEST BOIVIN,

S. S. C.

MALBAIE, 7th July, 1866.

Serving,	90 cts.
Travelling exp.,	1 00
	<hr/>
	\$1 90



1960

SUBPENA.

CANADA.
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen,
 Defender of the Faith.

To Léandre Côté, Cléophas Tremblay, both farmers of Ste. Agnès, Joseph Bergeron,
 also a farmer of Ste. Agnès, we command you that, laying aside all business and expenses, you
 and each of you be and appear in person before us, in our said Court, in our Parish of St.
 1970 Etienne de la Malbaie, in the said district on the 8th day of July instant, at ten o'clock in
 the forenoon of the said day, to testify all those things which you know in a certain cause
 now pending in the said Court before us, between

O. BRASSARD ET AL.,

Petitioners ;

vs.

HON. H. L. LANGEVIN,

Defendant ;

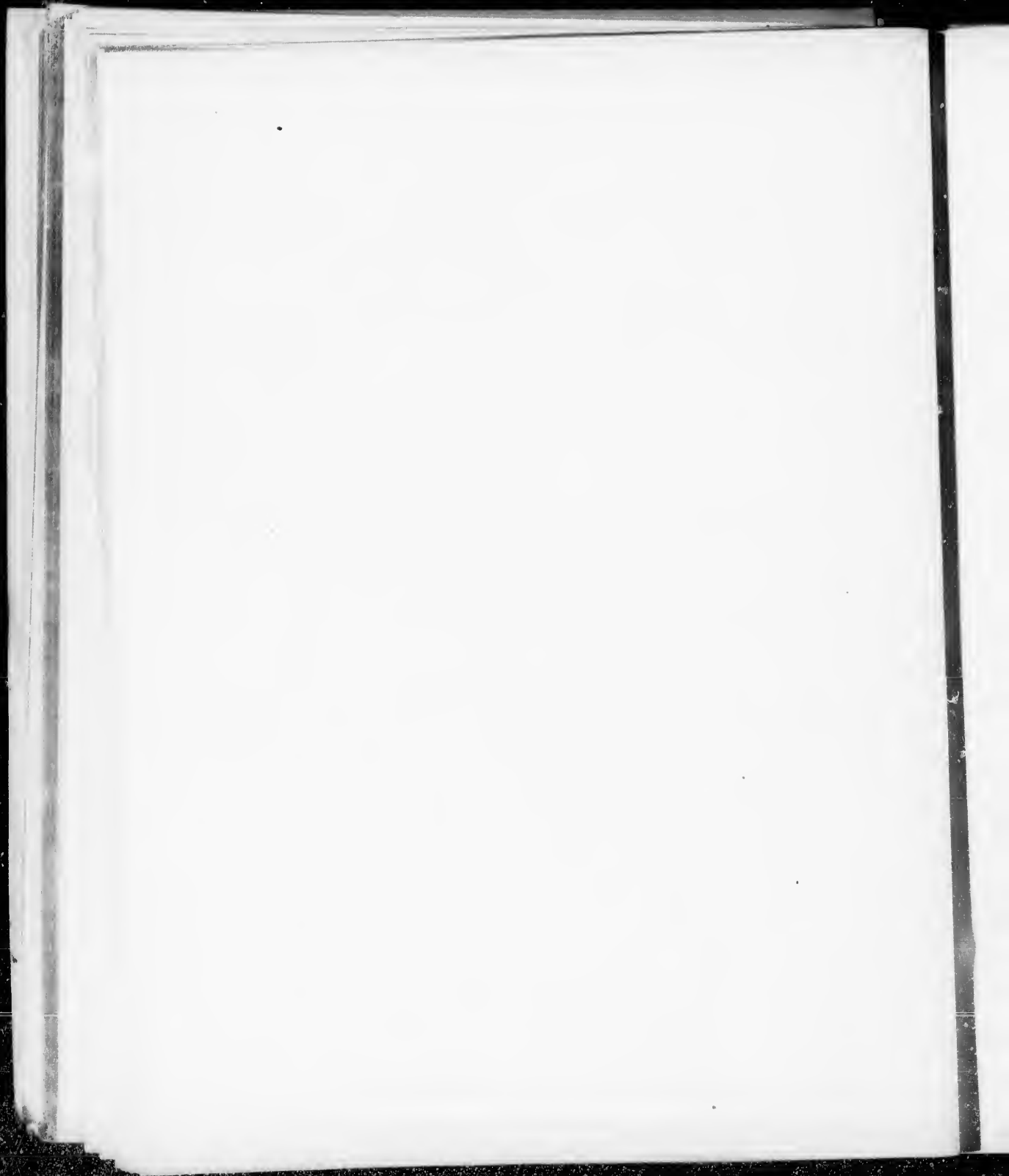
in the contestation of the Charlevoix election ; and this you or either of you shall by no
 means omit, under the penalty upon each of you of ten pounds currency.

1980 In witness whereof, we have caused the seal of our said Court to be hereunto affixed,
 at Malbaie, on the 6th day of July, in the year of our Lord 1876, and in the fortieth year of
 our reign.

CHS. DUBERGER,

P. S. C. D. S.

I, the undersigned Ernest Boivin, one of the sworn bailiffs of the Superior Court for
 the Province of Quebec, appointed for and acting as such in the District of Saguenay
 residing in the Parish of St. Etienne de la Malbaie, do hereby certify, under my oath of
 office, that I served this copy of subpoena on Joseph Bergeron, speaking to himself
 personally, and to Léandre Côté and Cléophas Tremblay, speaking to reasonable persons of



1990 their households, this 8th day of July, 1876, between four and five o'clock in the afternoon, shewing them then and there this original, and leaving with each of them a true and certified copy thereof.

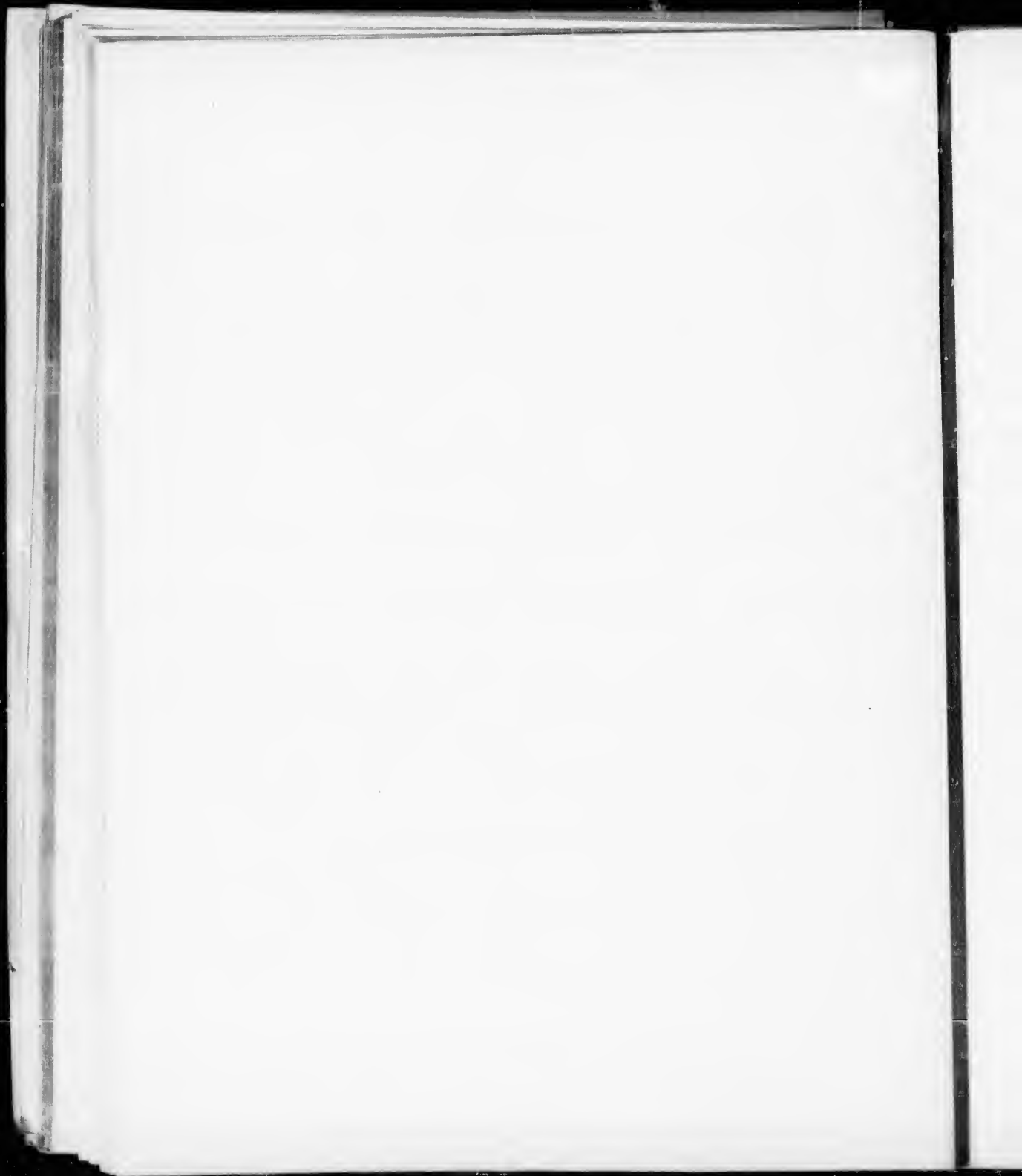
I certify that the distance travelled for the witnesses is about fourteen miles.

ERNEST BOIVIN,

B. S. C.

MALBAIE, 8th July, 1876.

Service,	90 cts.
Travelling ex.,	3 50
	<hr/>
	\$1 40





2030 them personally and showing to them then and there this original and leaving with each of them a true and certified copy thereof.

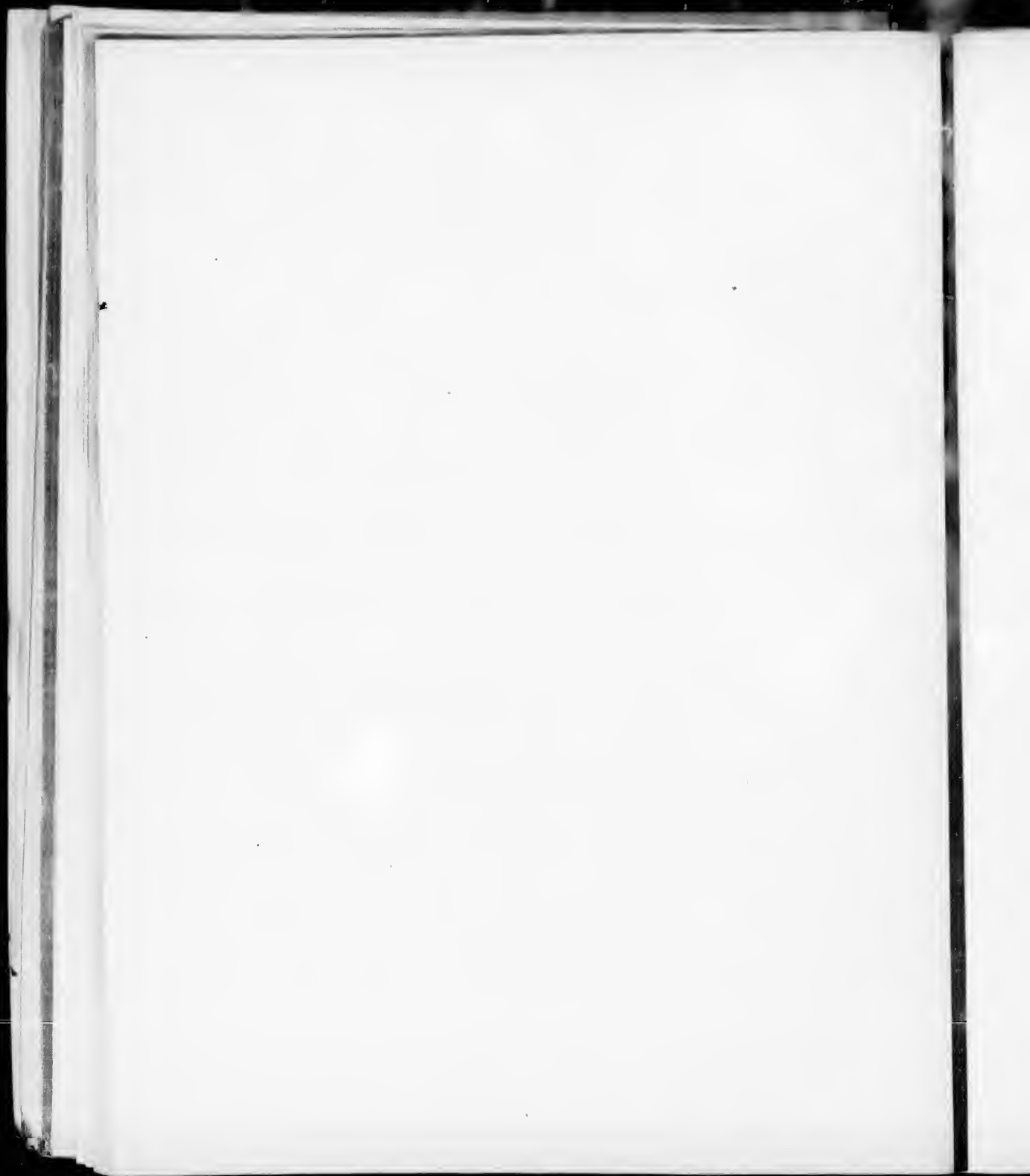
Distance travelled for the witnesses 4 miles.

ERNEST BOIVIN,

B. S. C.

MALBAIE, 7th July, 1876.

Serving,	.60
Travelling expenses	1.00
	<hr/>
	\$1.60



SUBPENA.

2010 CANADA IN THE SUPERIOR COURT.
 PROVINCE OF QUEBEC
District of Saguenay

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

VI TOMA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen
 Defender of the Faith.

To Reule Asselin, Zephirin Savard, Onésime Bergeron, Joseph Boudreau, Zephirin
 Bergeron, Flavien Villeneuve, Aquais Asselin, all farmers, and Narcisse Lajoie, blacksmith,
 all of the township of Settrington, and Corne Savard, farmer, also of the same place.

We command you, that laying aside all business and excuses you and each of you be
 2050 and appear before us in our said Court, in our parish of St. Etienne de la Malbaie,
 in the said township on the 10th day of July instant, at ten o'clock in the forenoon of the
 said day, to testify all those things which you know in a certain cause now pending in the
 said Court before us, between

O. BRASSARD, ET AL.,

Petitioners ;

VS.

Mrs. H. L. LANGEVIN,

Defendant ;

in the contestation of the Charlevoix election, and this you or either of you shall by no
 2060 means omit, under the penalty upon each of you of ten pounds' currency.

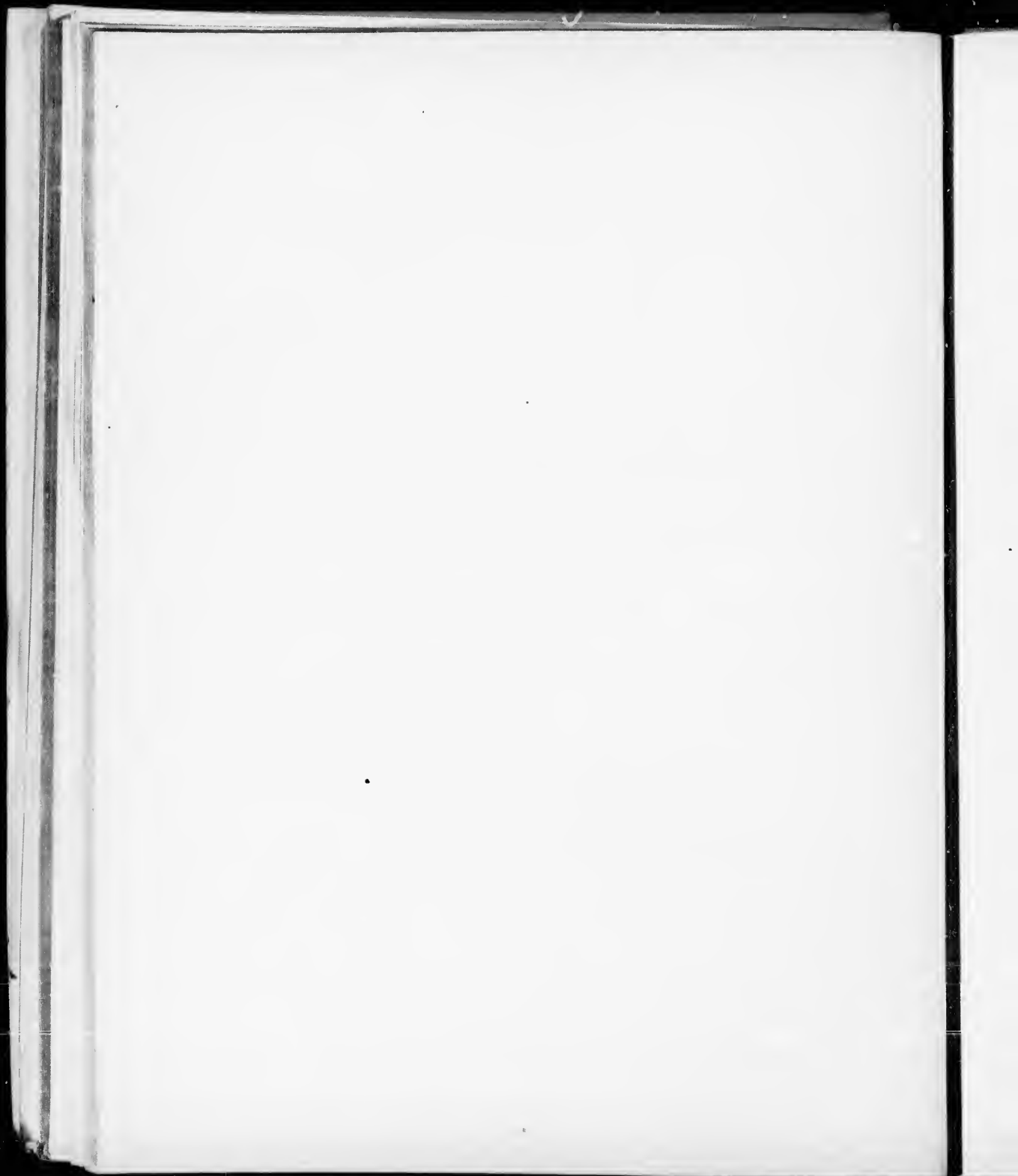
In witness whereof, we have caused the seal of our said Court to be herenuto affixed
 at Malbaie, on the 6th day of July, in the year of our Lord, 1876, and in the 40th year of
 our reign.

CHS. DUBERGER,

P. S. C., &c.

I, the undersigned, Ernest Boivin, one of the sworn Bailiffs of the Superior Court for
 the Province of Quebec, appointed for and acting as such in the District of Saguenay, residing
 in the village of Nairu, in the parish of St. Etienne de la Malbaie, do hereby certify under
 my oath of office that I served this copy of subpoena on Reule Asselin, Zephirin Savard,
 2070 Joseph Boudreau, Zephirin Bergeron, Aquais Asselin, Narcisse Lajoie and Corne Savard,
 speaking to them personally, and upon Onésime Bergeron and Flavien Villeneuve, speaking





to reasonable persons of their households on the 7th and 8th days of July, 1876, and shewing them then and there this original and leaving with each of them a true and certified copy thereof.

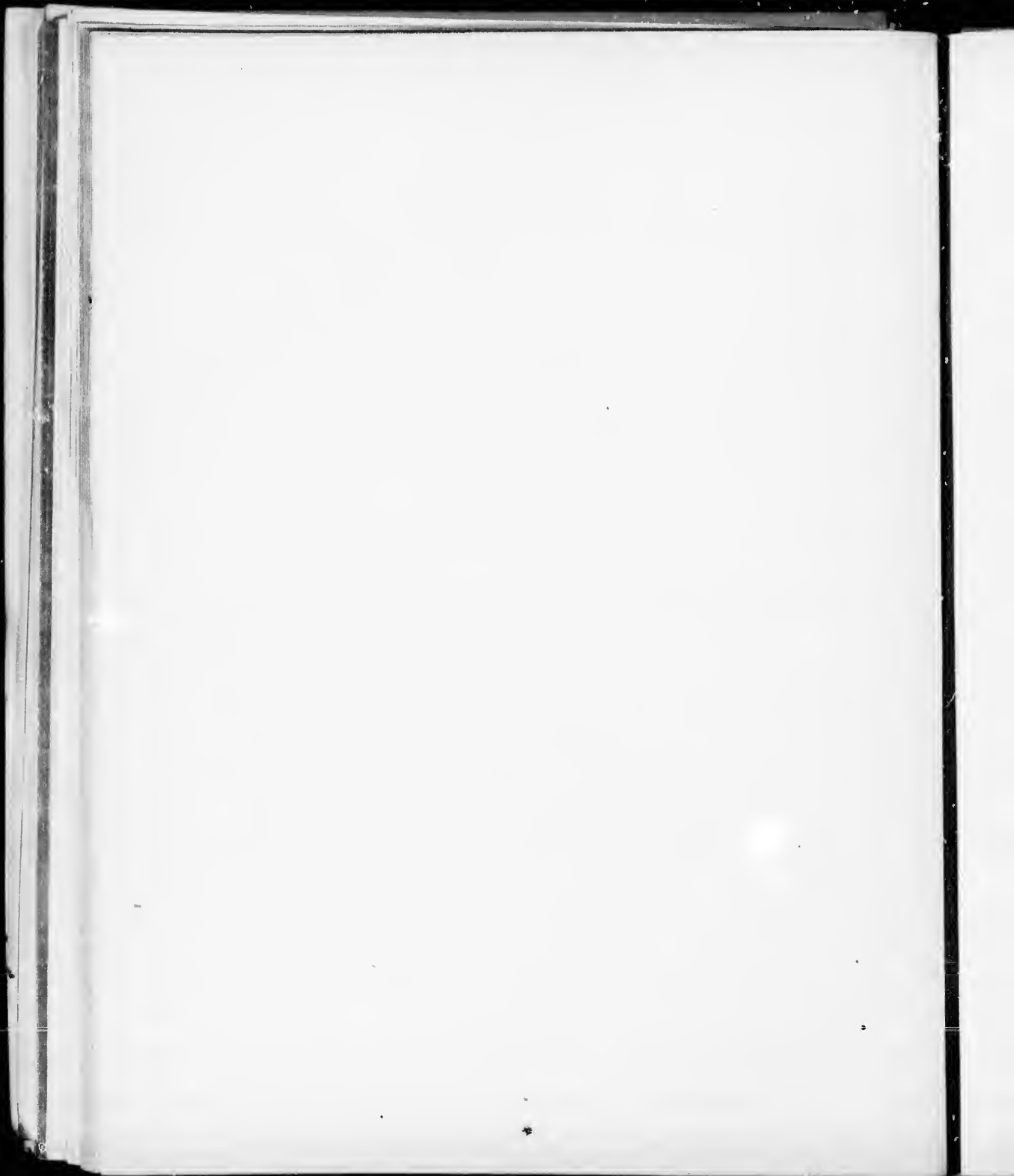
I certify that the distance travelled for the witnesses is about ten leagues.

ERNEST BOIVIN,

B. S. C.

MALBAIE, 8th July, 1876.

Serving,	-	2.70
2080 Travelling expenses		7.50
		<hr/>
		\$10.20



SUBPENA.

CANADA. } IN THE SUPERIOR COURT.
 PROVINCE OF QUEBEC. }
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen
 Defender of the Faith.

To Stanislas Brassard, farmer, of St. Fidèle,—Greeting :

2090 We command you, that laying aside all business and excuses, you and each of you, be
 and appear in person before us in our Superior Court for Lower Canada, in our parish of
 St. Etienne de la Malbaie, in the said District, on the 7th day of July instant, at ten o'clock
 in the forenoon of the said day, to testify all those things which you know in a certain cause
 now pending in our said Court before us, between

O. BRASSARD, ET AL.,

Petitioners ;

vs.

Hon. H. L. LANGEVIN,

Defendant ;

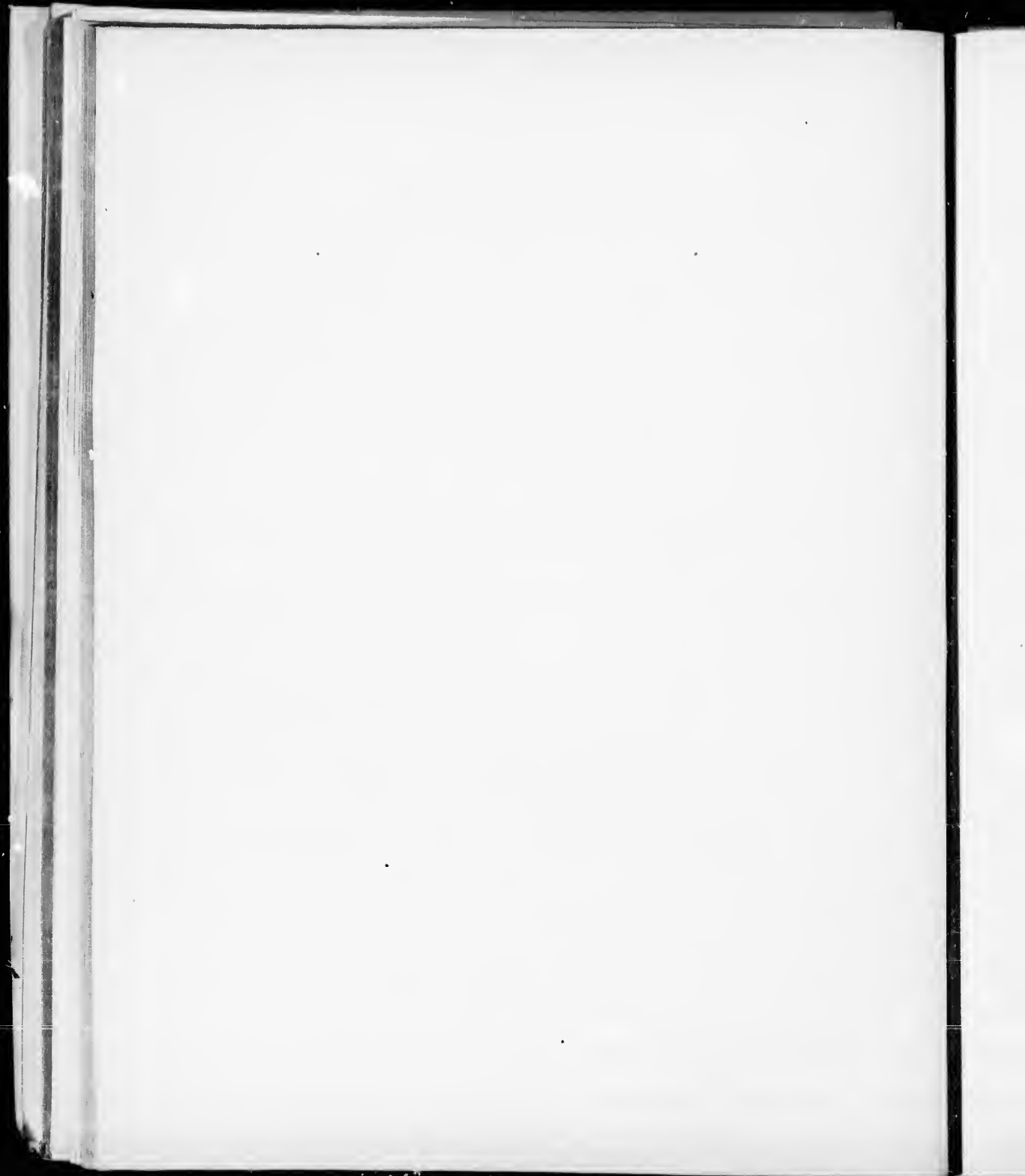
2100 in the contestation of the Charlevoix Election, and this you, or either of you, shall by no
 means omit, under the penalty, upon each of you, of one hundred pounds currency.

In witness whereof, we have caused the Seal of our said Court to be hereunto affixed,
 at Malbaie, on the 7th day of July instant, in the year of our Lord 1876, and in the 40th
 year of our reign.

CHS. DUBERGER,

Prothonotary of the Superior Court.

I, the undersigned Ernest Boivin, a sworn Bailiff of the Superior Court for the
 Province of Quebec, appointed for and acting as such in the District of Saguenay, residing
 in the parish of St. Etienne de la Malbaie, do hereby certify under my oath of office that I
 2110 served this subpoena upon Stanislas Brassard, speaking to him personally, on this 7th day
 of July, 1876, about ten o'clock in the forenoon, and showing to him then and there this



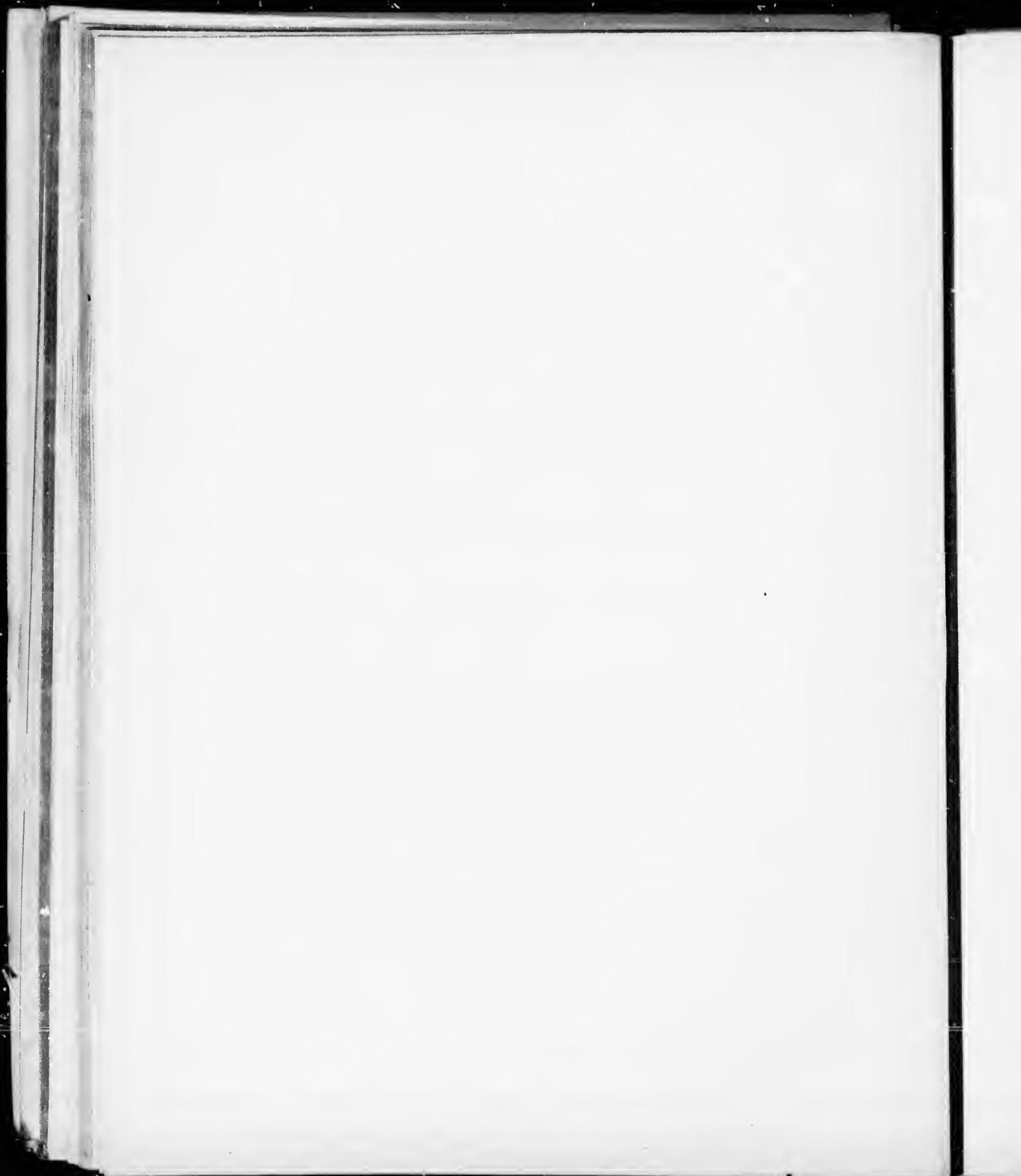
original, and leaving with him a certified copy thereof. I further certify that the distance travelled to summon witness is about two miles.

ERNEST BOIVIN,

B. S. C.

MALBAIE, 7th July, 1876.

Serving	30 cts.
Travelling expenses	50
	<hr/>
	80 cts.



2120

SUBPENA.

CANADA.
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1871.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,
 Queen, Defender of the Faith.

To Thomas Tremblay, farmer, St. Fidèle; André Carré, Malbaie; Thomas Tremblay,
 St. Siméon, farmer; Thomas Bonchard, Port Percil; Vital Harvey, Malbaie; Barthélemi
 Gagné, farmer, St. Siméon; Thomas Savard, farmer, St. Siméon.

2130 We command you that, laying aside all business and excuses, you and each of you
 be and appear in person before us, in our Circuit Court for the District of Saguenay,
 in the said District, on the 8th day of August instant, at ten o'clock in the forenoon of
 the said day, to testify all those things which you know in a certain cause now pending in
 the said Court, before us, between

O. BRASSARD, ET AL.,

Petitioners;

vs.

HON. H. L. LANGEVIN,

Defendant;

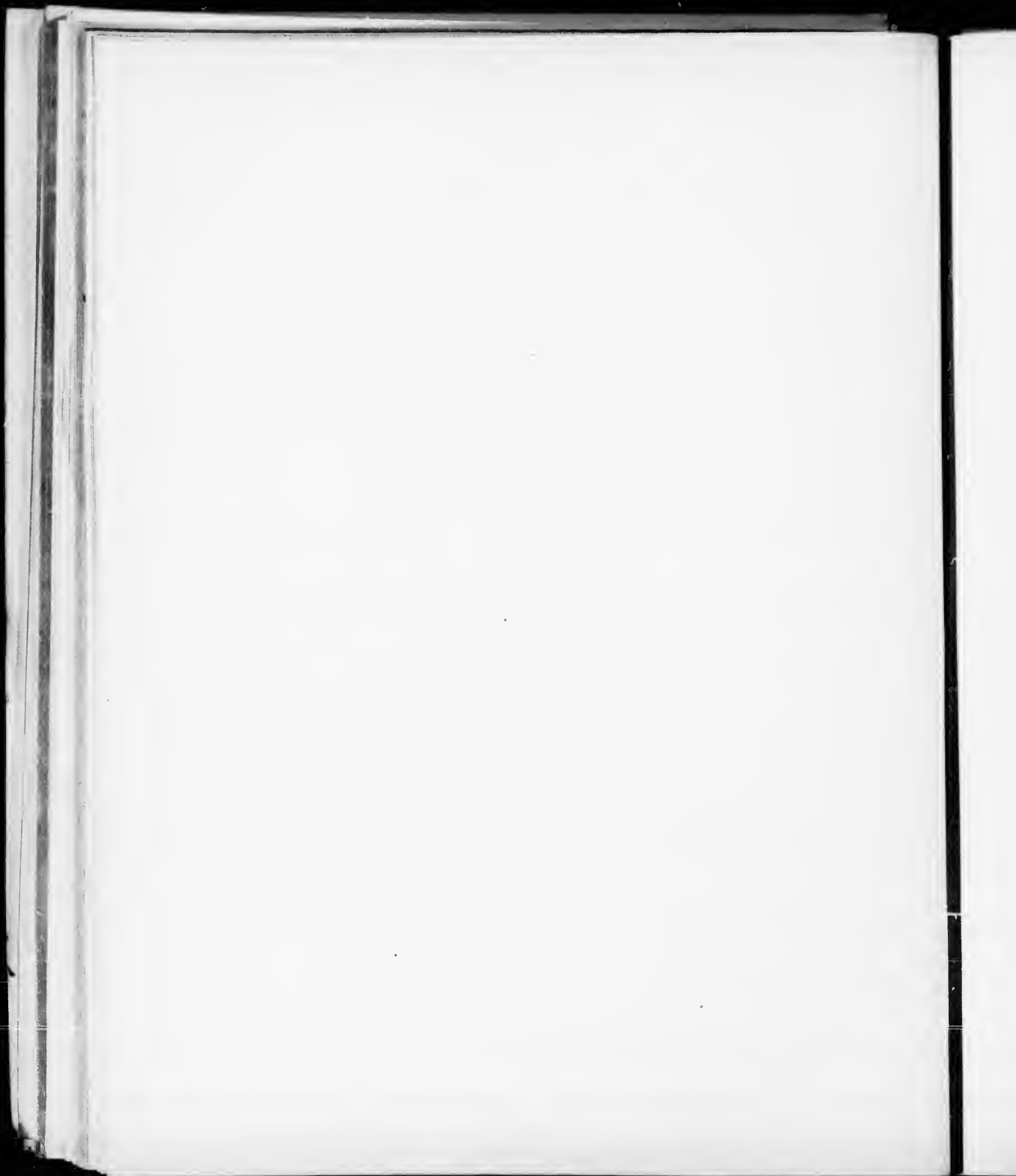
2140 in the contestation of the Charlevoix Election, and this you, or either of you, shall by no
 means omit, under the penalty upon each of you of ten pounds curreney.

In witness whereof, we have caused the Seal of our said Court to be hereunto affixed,
 at Malbaie, on the 4th day of August, in the year of our Lord, 1876, and in the 40th year
 of our reign.

CHS. DUBERGER,

P. S. C.

I, the undersigned Ernest Boivin, one of the sworn Bailiffs of the Superior Court for
 the Province of Quebec, appointed for and acting as such in the District of Saguenay,
 residing in the village of Nuirn, in the parish of St. Etienne de la Malbaie, hereby do
 2150 certify under my oath of office that I served copies of this subpoena on Thomas Tremblay,



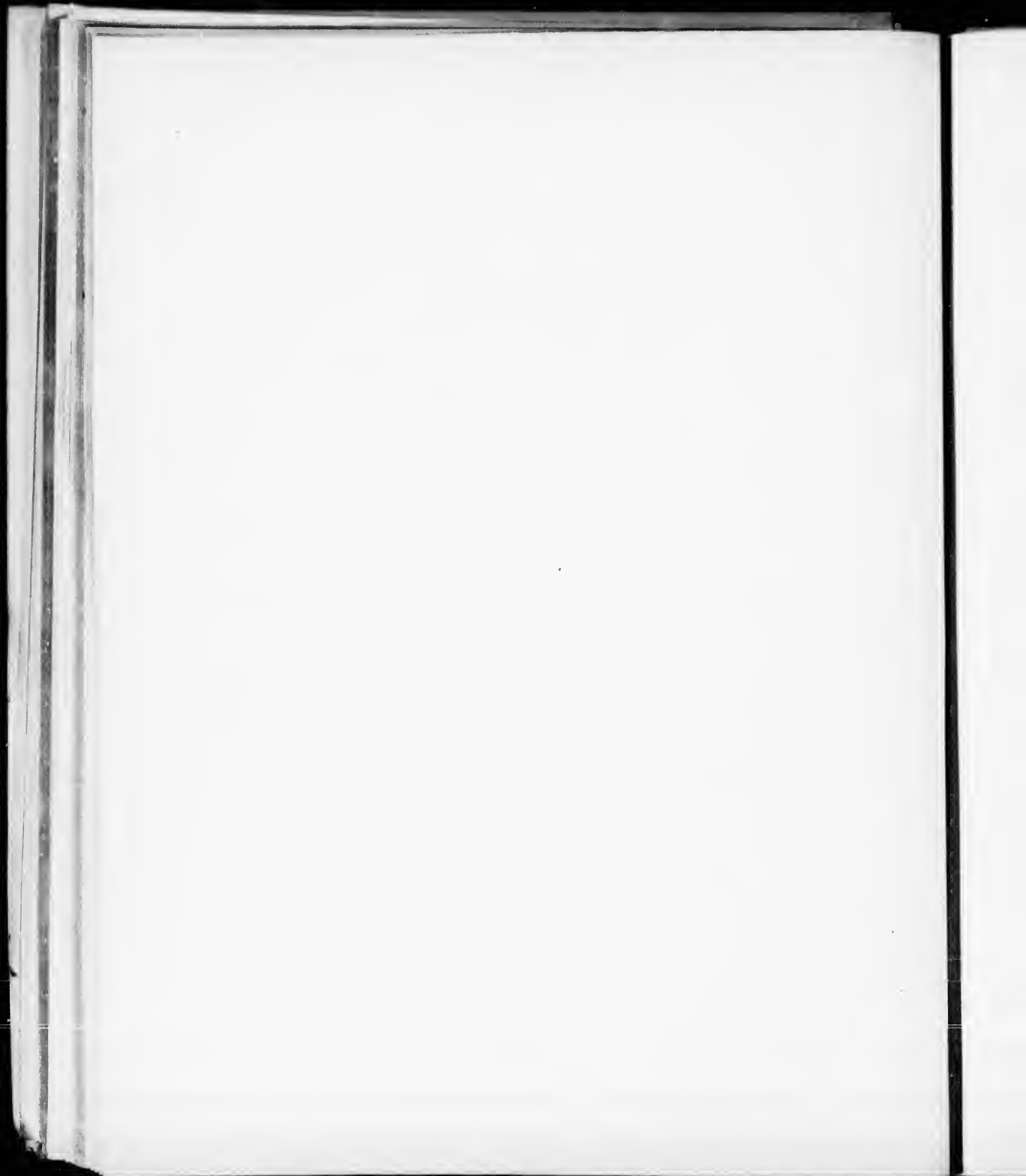
André Caré, Thomas Bouchard and Thomas Savard, speaking to reasonable persons of their households, and on Thomas Tremblay, Vital Harvey and Barthélemi Gagné, speaking to them personally this 5th day of August, 1876, between ten o'clock in the forenoon and six o'clock in the evening, and leaving with each of them a true and certified copy thereof, and showing them then and there this original. I further certify that the distance travelled to summon the witness is about ten leagues.

ERNEST BOIVIN,

B. S. C.

MALBAIE, 5th August, 1876.

2160	Serving	\$1.75
	Travelling expenses	9.00
		<hr/>
		\$10.75



SUBPENA.

CANADA.
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen,
 Defender of the Faith.

2170 To Jules Tremblay, farmer, of St. Hilarion; Elie Lapointe, farmer, Malbaie;
 Narcisse Harvey, Dennis Harvey, Johnny Gauthier, Ferdinand Tremblay, Octave Girard,
 Louis Gauthier, William Harvey and Gilbert Bouchard.

We command you that, laying aside all business and excuses, you and each of you
 be and appear in person before us, in our Circuit Court for the District of Saguenay, in the
 said district, on the 7th day of August instant, at ten o'clock in the forenoon of the said day,
 to testify all those things which you know in a certain cause now pending in the said Court,
 before us, between

O. BRASSARD ET AL.,

Petitioners;

2180

vs.

HON. H. L. LANGEVIN,

Defendant;

in the contestation of the Charlevoix Election, and this you or either of you shall by no
 means omit, under the penalty upon each of you of ten pounds currency.

In witness whereof, we have caused the Seal of our said Court to be herenunto affixed,
 at Malbaie, on the 7th day of August, in the year of our Lord, 1876, and in the 40th year
 of our reign.

CHS. DUBERGER,

P. S. C. D. S.

2190 I, the undersigned, Ernest Boivin, one of the sworn bailiffs of the Superior Court
 for the Province of Quebec, appointed for and acting as such in the District of Saguenay,
 residing in the Village of Nairn, in the Parish of St. Etienne de la Malbaie, do hereby
 certify, under my oath of office, that I served a copy of subpoena upon Narcisse Harvey,
 Denis Harvey, Louis Gauthier, Johnny Gauthier, Ferdinand Tremblay, Gilbert Bouchard.



and Jules Tremblay, speaking to them personally, and upon William Harvey, and Octave Girard, to reasonable persons of their households on this 7th day of August 1876, between four and seven o'clock in the afternoon, and leaving with each of them, a true and certified copy hereof and showing them then and there this original. I further certify that the distance travelled by the witnesses is about ten miles.

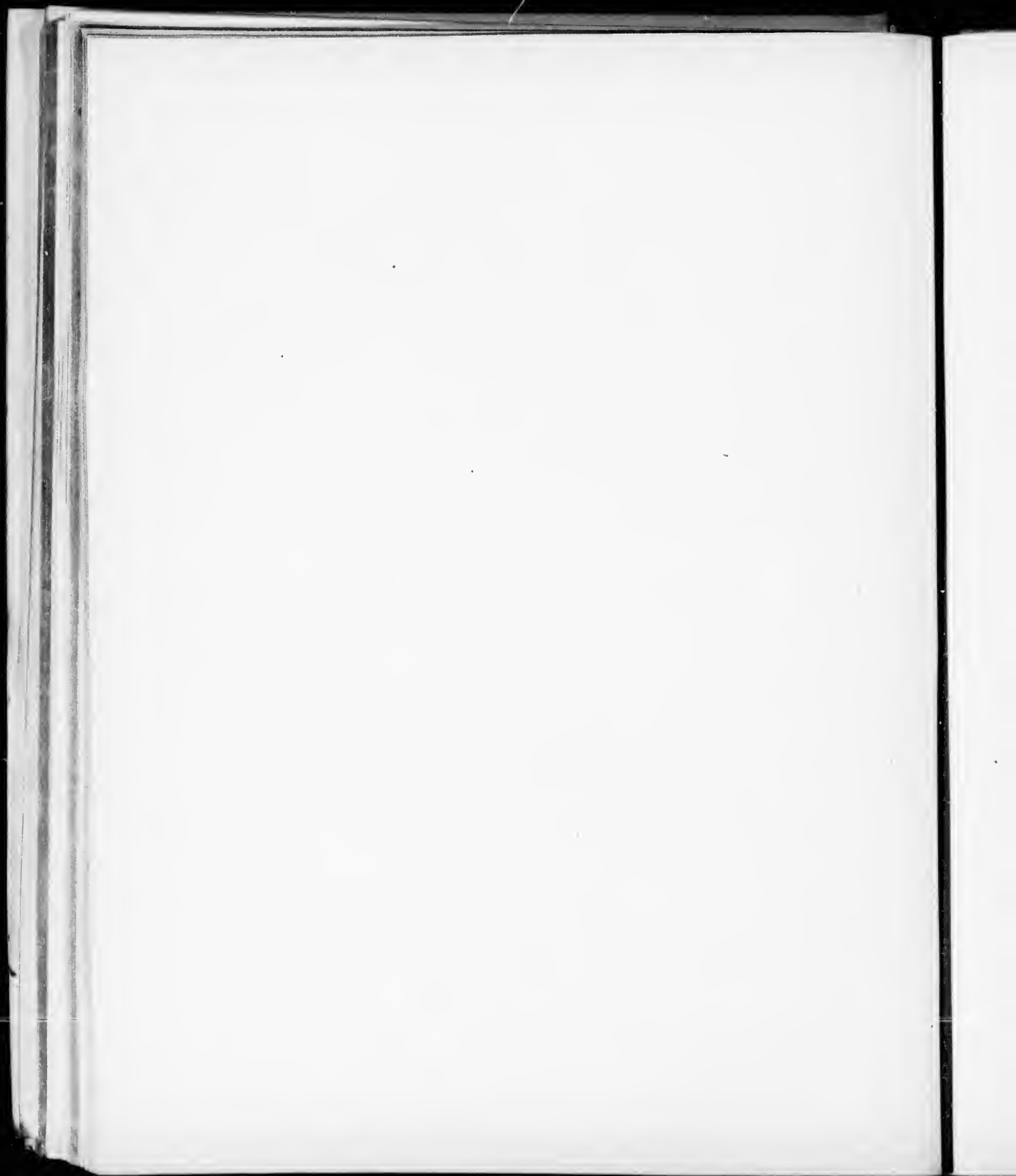
2200

ERNEST BOIVIN,

B. S. C.

MALBAIE, 7th August, 1876.

Serving	2.70
Travelling expenses	2.50
	<hr/>
	\$5.20



SUBPOENA.

CANADA,
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay;

2210 DOMINION CONTROVERTED ELECTIONS ACT 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen
 Defender of the Faith.

To Abel Maltais, Exé Gagnon, Emilien Bouchard, farmers, Johnny Tremblay,
 trader, all of St. Fidèle.

We command you that laying aside all business and excuses, you and each of you
 be and appear in person before us, in our said Court in our Parish of St. Etienne de la
 Malbaie, in the said district, on the third day of July next, at ten o'clock in the forenoon of
 the said day, to testify all those things which you know in a certain cause now pending in
 the said Court, before us, between

2220

O. BRASSARD ET AL.,

Petitioners :

vs.

HON. H. L. LANGEVIN,

Defendant.

in the contestation of the Charlevoix election, and this you or either of you shall by no
 means omit under the penalty upon each of you, of ten pounds currency.

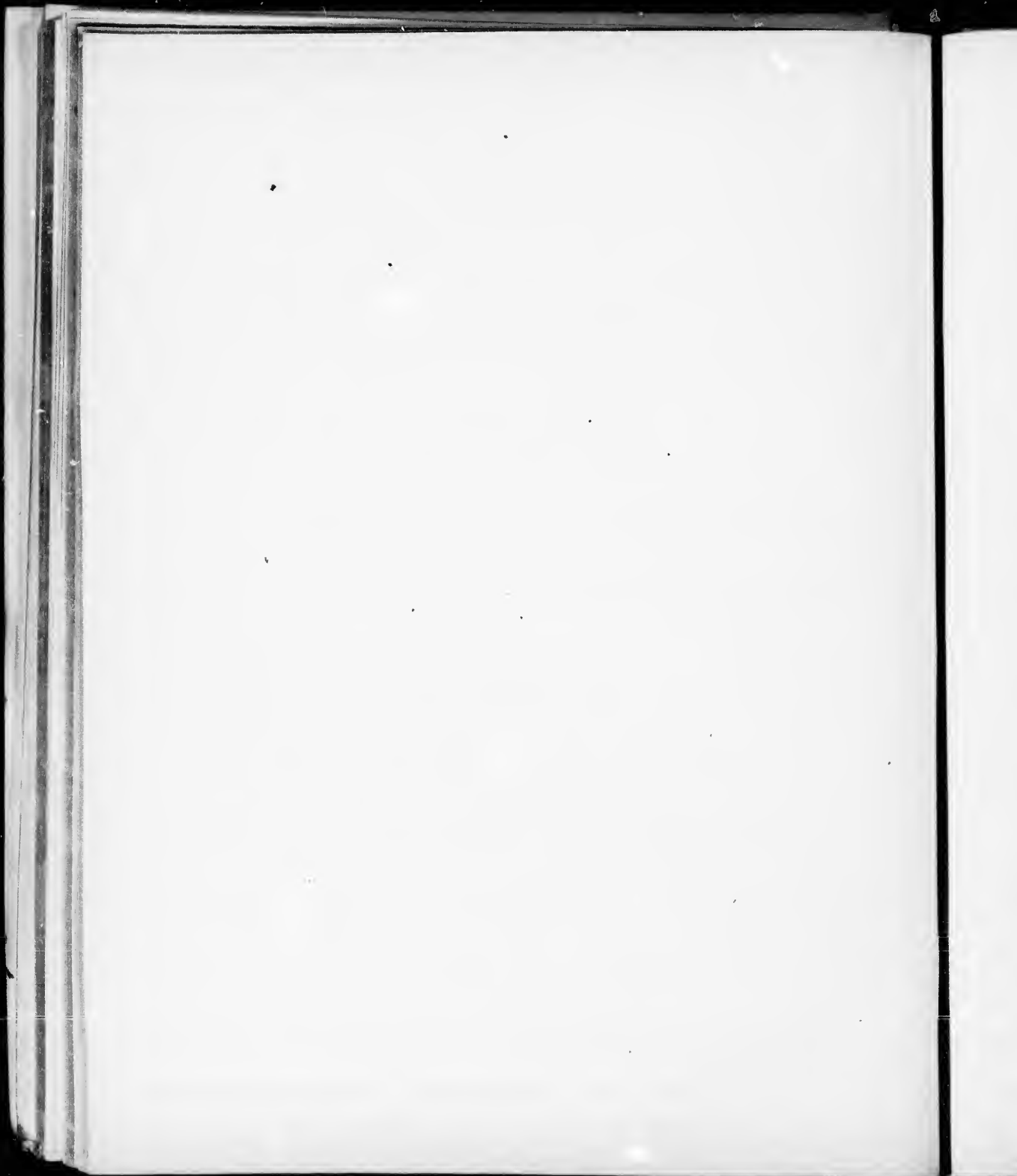
In witness whereof, we have caused the Seal of our said Court, to be herewith affixed
 at Malbaie, on the 30th day of June, in the year of our Lord 1876, and in the fortieth year of
 our reign.

2230

CHAS. DUBERGER,

P. S. C. D. S.

I, the undersigned, Ernest Boivin, one of the sworn Bailiffs of the Superior Court for
 the Province of Quebec, appointed for and acting as such in the District of Saguenay,
 residing in the Village of Nairn in the the Parish of St. Etienne de la Malbaie, do hereby
 certify under my oath of office that I served this subpoena upon Abel Maltais
 Emilien Bouchard, Exé Gagnon, and Johnny Tremblay, speaking to them personally on this



first day of July 1876, between seven o'clock in the morning and six in evening, and showing them then and there this original and leaving with each of them, a true and certified copy thereof.

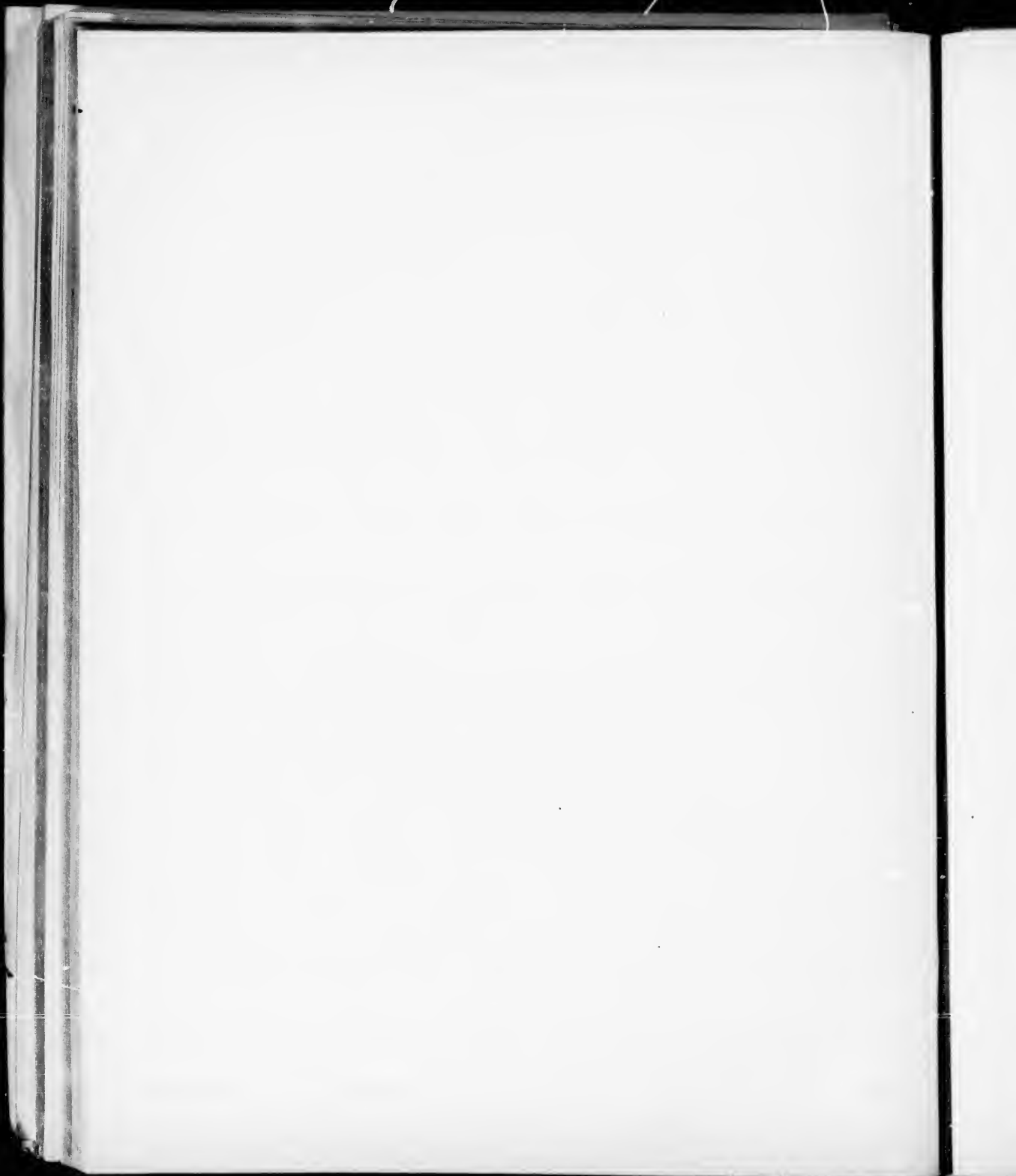
2240

ERNEST BOIVIN,

B. S. C.

MALBAIE, 1st July, 1876.

Serving	1.20
Travelling expenses	2.25
	<hr/>
	\$3.45



SUBPENA.

CANADA.
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
District of Saguenay.

2250 DOMINION CONTROVERTED ELECTIONS ACT, 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,
 Queen, Defender of the Faith.

To Grégoire Jean, mason, Joseph Bouchard, postmaster, Frédéric Otis, Jean Harvey,
 François Harvey, Thomas Gagnon, Séraphin Lajoie, André Carré, the last six farmers,
 Kessy Desbiens, and Félix Lajoie, also farmers, all of Malbaie.

We command you, that laying aside all business and excuses you and each of you be
 and appear in person before us in our said Court in our Parish of St. Etienne de la Malbaie,
 in the said district, on the 3rd day of July next, at ten o'clock in the forenoon of the same
 day, to certify all those things which you know in a certain cause now pending in the said
 2260 Court before us, between

O. BRASSARD ET AL.,

Petitioners;

vs.

HON. H. L. LANGEVIN,

Defendant.

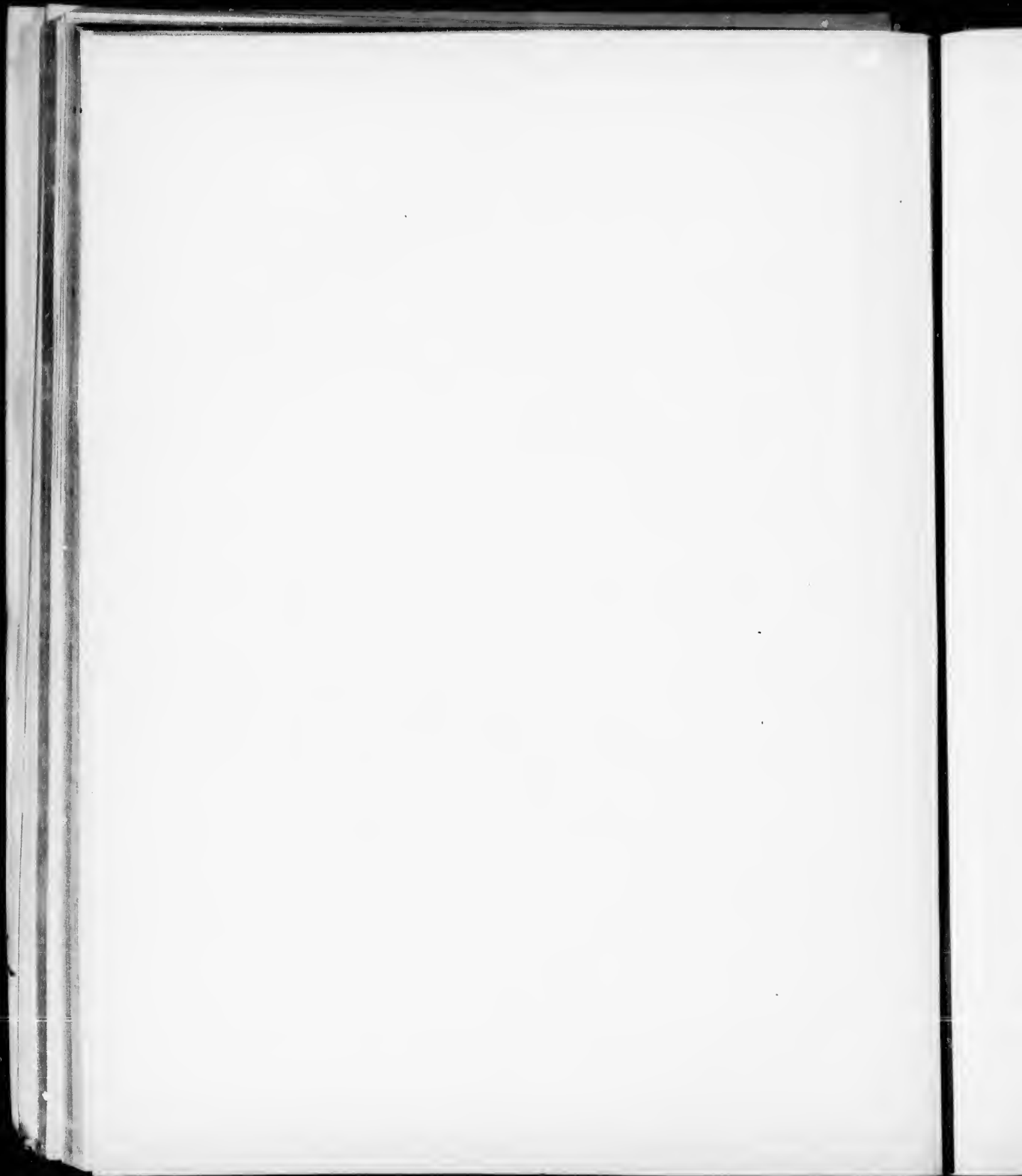
in the contestation of the Charlevoix election, and this you or either of you shall by no
 means omit under the penalty upon each of you of ten pounds currency.

In witness whereof, we have caused the Seal of our said Court to be herenunto affixed
 at Malbaie, on the 30th day of June, in the year of our Lord 1876, and in the fortieth year
 2270 of our reign.

CHS. DUBERGER,

P. S. C. D. S.

I, the undersigned, Ernest Boivin, one of the sworn Bailiffs of the Superior Court, for
 the Province of Quebec, appointed for and acting as such in the District of Saguenay, resid-
 ing in the Village of Nairu, in the Parish of St. Etienne de la Malbaie, do hereby certify,
 under my oath of office, that I served this copy of Subpœna upon Grégoire Jean, Joseph
 Bouchard, Frédéric Otis, Séraphin Lajoie, André Carré, Kessy Desbiens and Félix Lajoie,
 speaking to them personally, on this 1st day of July, 1876, in the course of the day, and shew-



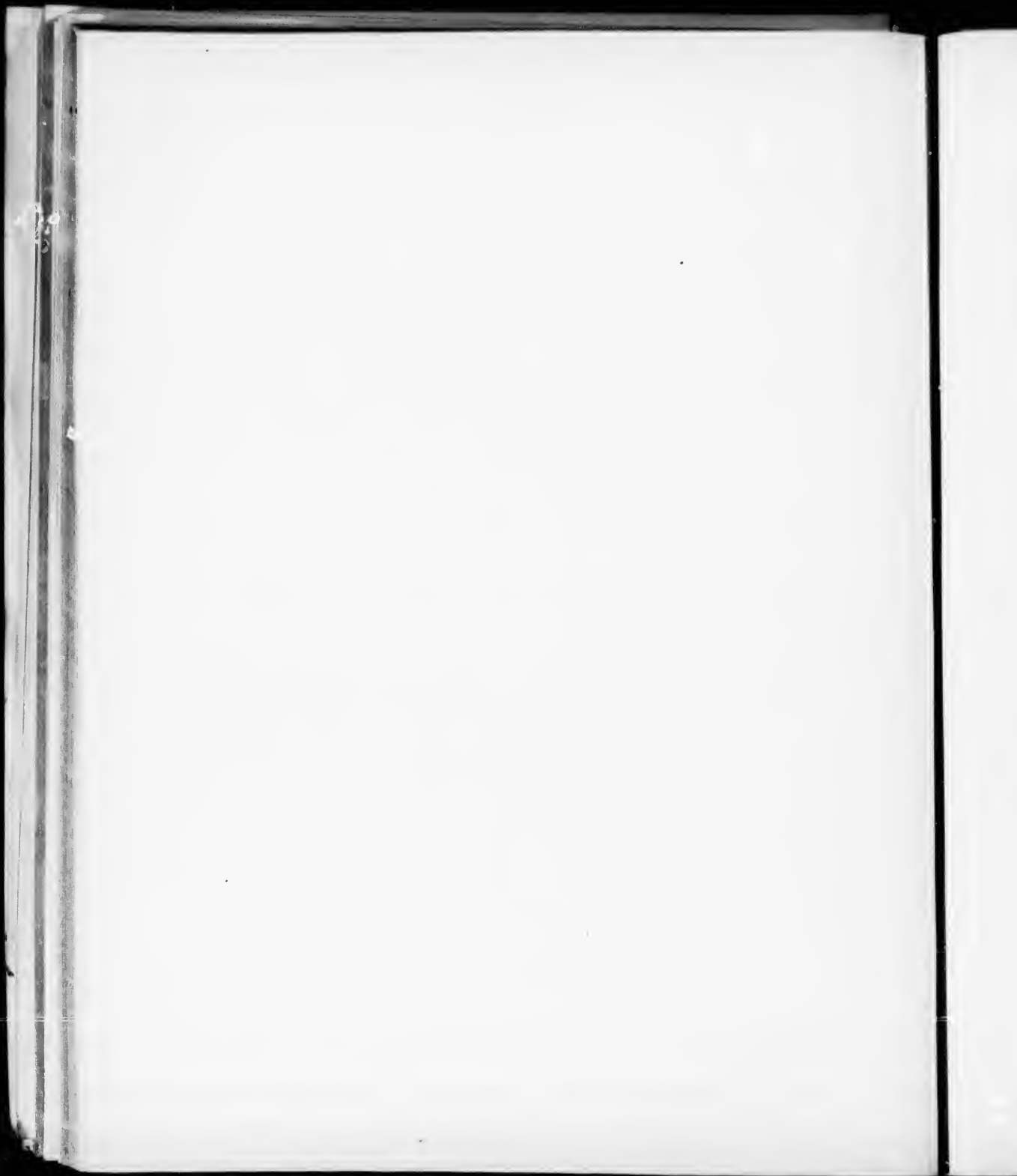
ing them then and there this original, and leaving with each of them a true and certified copy
2280 thereof. I further certify that the distance travelled for the witnesses is about twelve miles.

ERNEST BOIVIN,

B. S. C.

MALBAIE, 1st July, 1876.

Serving	-	1.75
Travelling expenses		3.60
		<hr/>
		\$5.35



SUPPENA.

CANADA, } IN THE SUPERIOR COURT.
 PROVINCE OF QUEBEC }
 2290 *District of Saguenay.* }

DOMINION CONTESTED ELECTIONS ACT 1874.

VITENA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen,
 Defender of the Faith.

To Thomas Sinard, Elzéar Chamberland, Charles Bouchard, Thomas Tremblay, Narcisse Bouchard, Johnny Desbiens, Abraham Tremblay, Michel Jesbean, all farmers, and Michel Tremblay, beadle, all of St. Siméon; Thomas Bouchard, of the same place, farmer.

We command you, that laying aside all business and excuses you and each of you be and appear in person before us in our said Court, in our said Parish of St. Etienne de la Malbaie, in the said District, on the 3rd day of July next, at ten o'clock in the forenoon of
 2300 the said day, to testify all those things which you know in a certain cause now pending in the said Court before us, between

O. BRASSARD ET AL.

Petitioners,

VS.

Hos. H. L. LANGEVIN,

Defendant.

in the contestation of the Charlevoix election, and this you or either of you, shall by no means omit, under the penalty upon each of you of ten pounds currency.

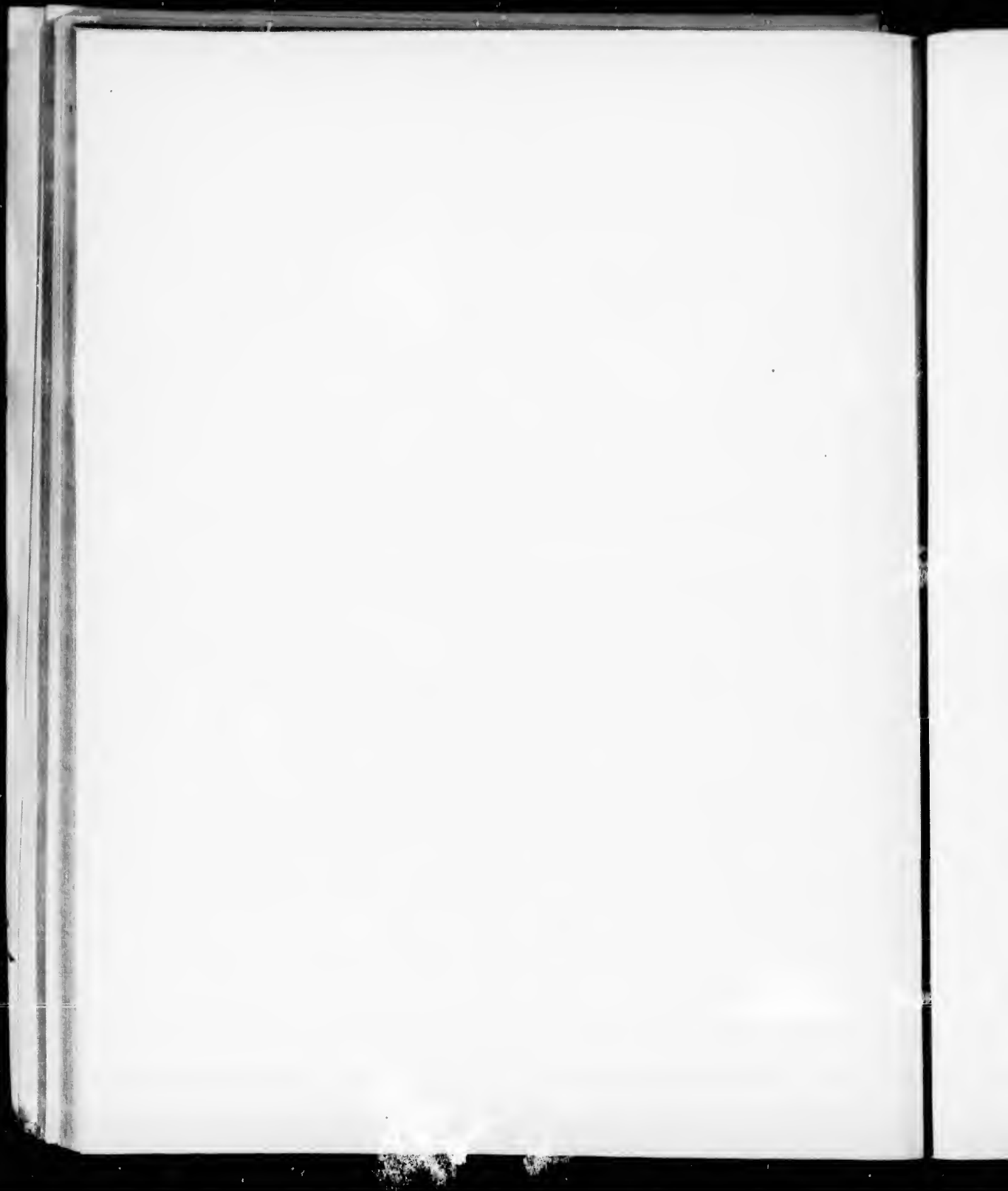
In witness whereof we have caused the seal of our said Court to be herewith affixed, at
 2310 Malbaie, on the 30th day of June, in the year of our Lord, 1876, and in the fortieth year of our reign.

CHR. DUBERGER,

P. S. C. D. S.

Thomas Sinard, Michel Jesbean are taxed against the petitioners.

I, the undersigned Ernest Boivin, one of the sworn Bailiffs of the Superior Court for the Province of Quebec, appointed for and acting as such in the District of Saguenay, residing in the Village of Nairn, in the Parish of St. Etienne de la Malbaie, do hereby certify, under my oath of office, that I served this copy of Subpœna upon Elzéar Chamberland, speaking to his wife, and upon Thomas Sinard, Charles Bouchard, Johnny Desbiens, Abraham



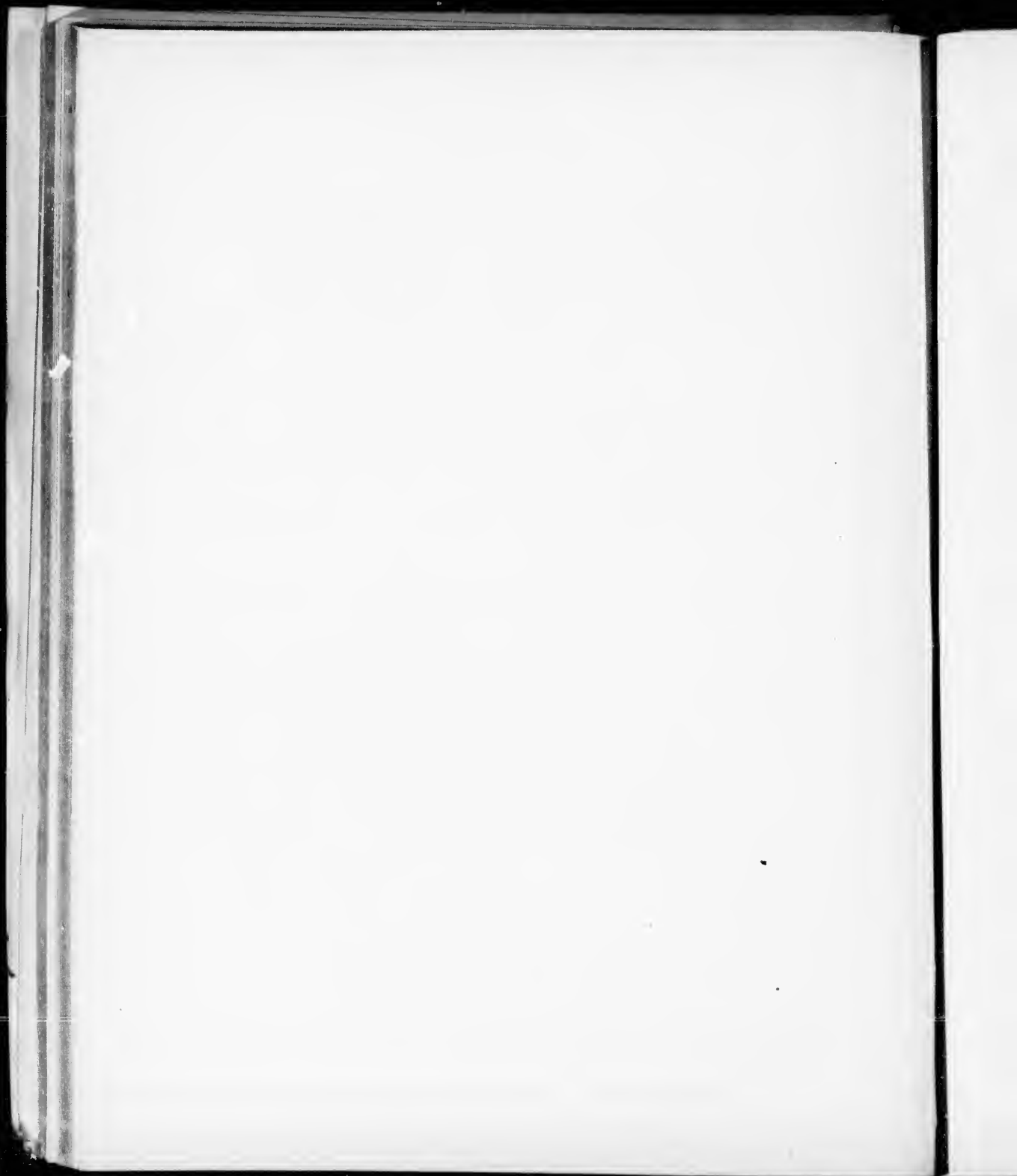
2320 Tremblay, Michel Jusbeau, Michel Tremblay and Thomas Bouchard, speaking to them personally on this 1st day of July, 1876, between seven o'clock in the morning and five o'clock in the evening, and showing them then and there this original, and leaving with each of them a true and certified copy thereof.

ERNEST BOIVIN,

D. S. C.

MALIBIE, 1st July, 1876.

Serving	3.00
Travelling expenses	7.50
	<hr/>
	\$10.50



SUBPENA.

CANADA,
 PROVINCE OF QUEBEC, }
District of Saguenay.

IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen,
 Defender of the Faith.

To Alexis Gagnon and Thomas Tremblay, both farmers of St. Fidèle.

We command you that, laying aside all business and excuses, you and each of you be
 2340 and appear in person before us in our said Court, in our said Parish of St. Etienne de la Mal-
 baie, in the said District, on the seventh day of July instant next, at ten o'clock in the fore-
 noon of the said day, to testify all those things which you know in a certain cause now pend-
 ing in the said Court before us, between

O. BRASSARD ET AL.,

Petitioners.

vs.

HON. H. L. LANGEVIN,

Defendant.

in the contestation of the Charlevoix election, and this you or either of you shall by no means
 omit, under the penalty upon each of you of ten pounds currency.

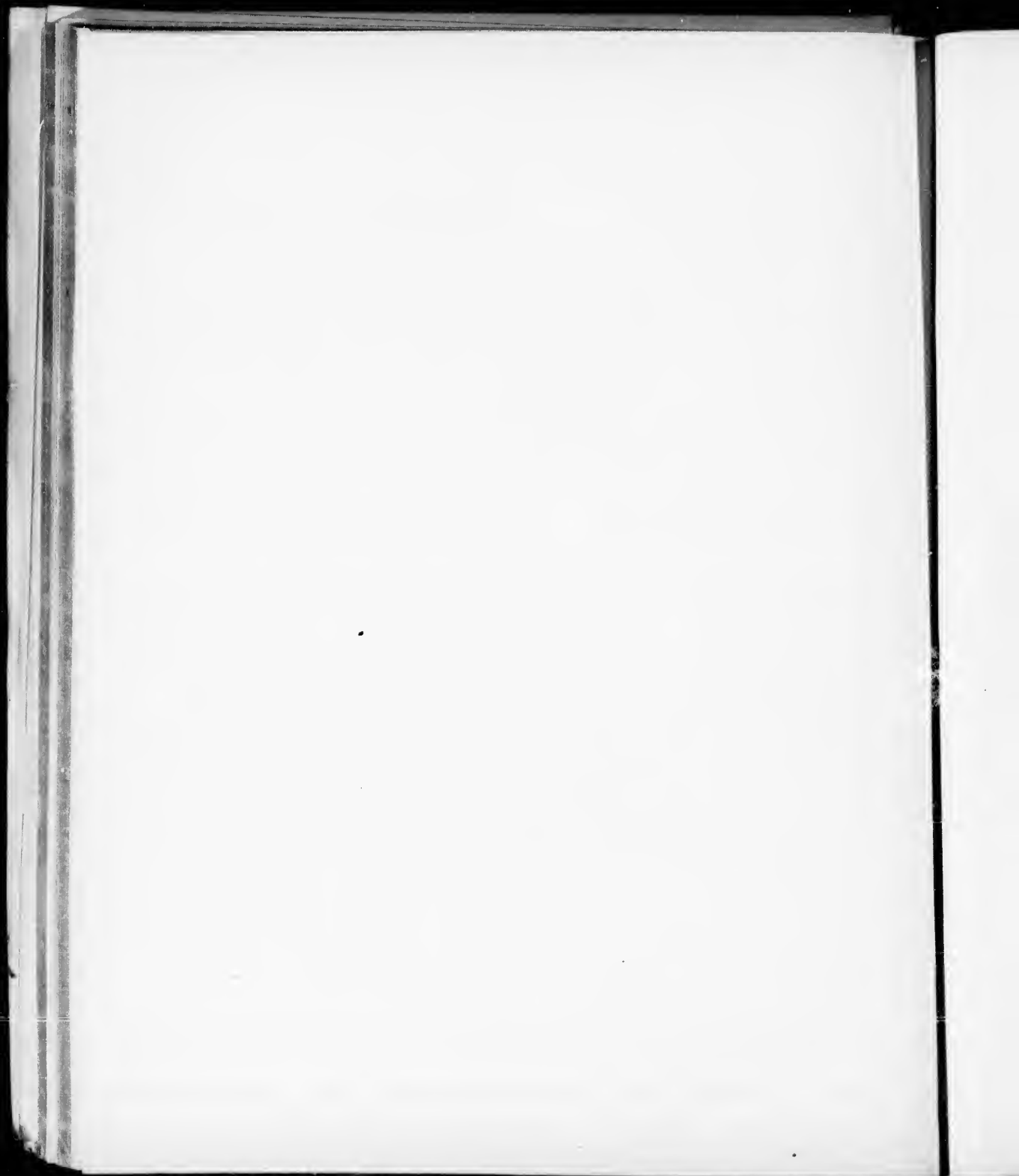
2350 In witness whereof we have caused the seal of our said Court to be hereunto affixed,
 at Malbaie, on the fifth day of July, in the year of our Lord 1876, and the fortieth year of our
 reign.

CHS. DUBERGER,

P. S. C. D. S.

The two witnesses in this subpoena make default this 7th July, 1876.

I, the undersigned Ernest Boivin, one of the sworn Bailiffs of the Superior Court for
 the Province of Quebec, appointed for and acting as such in the District of Saguenay, resid-
 ing in the Village of Nairn, in the Parish of St. Etienne de la Malbaie, do hereby certify,
 under my oath of office, that I served copy of this subpoena upon Alexis Gagnon and Thomas



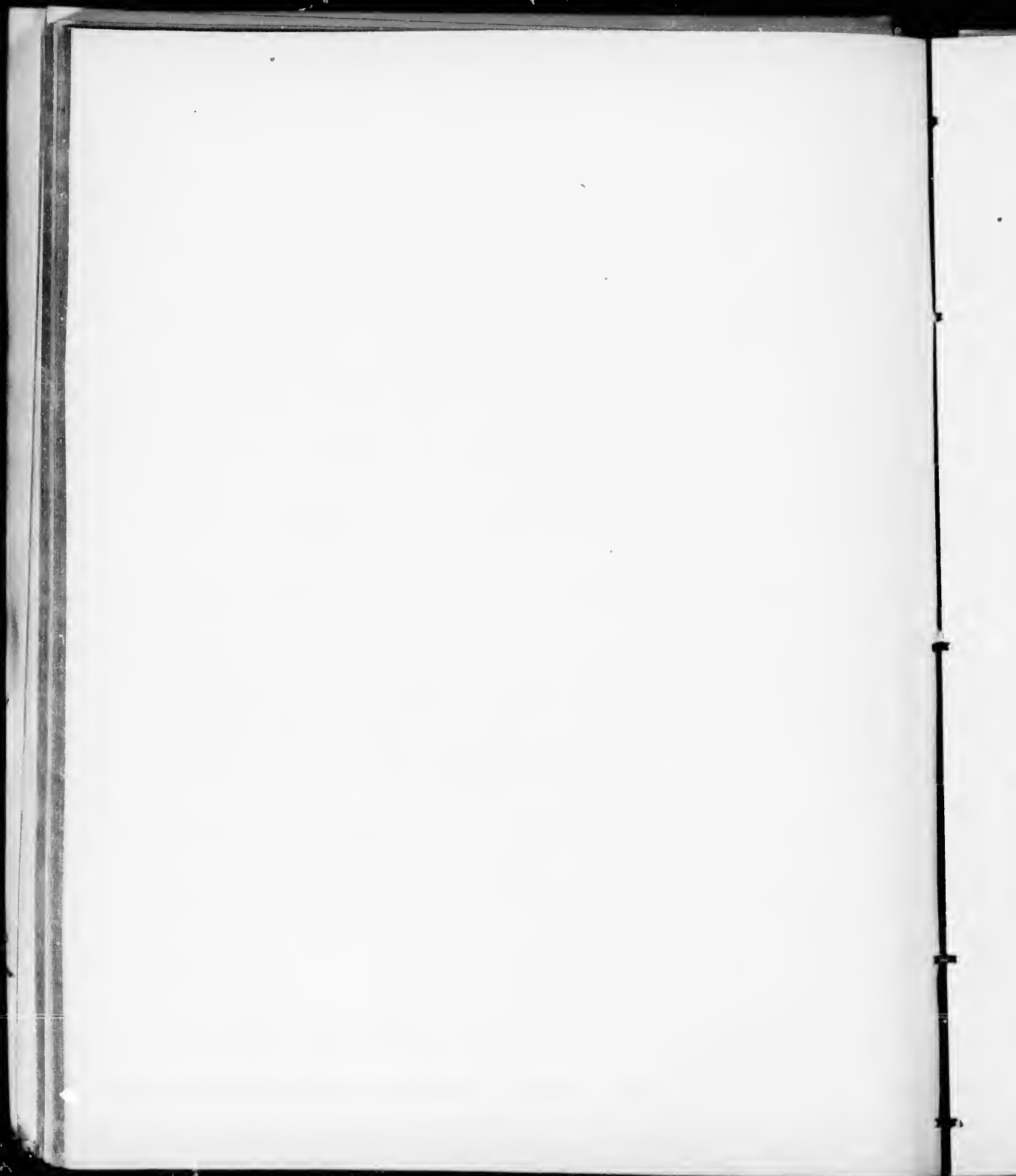
2360 Tremblay, speaking to them personally about five o'clock in the afternoon, and showing them then and there this original, and leaving with each of them a true and certified copy thereof.

ERNEST BOIVIN,

B. S. C.

MALBAIE, 5th July, 1876.

Serving,	60 cts.
Travelling expenses,	2 85
	<hr/>
	\$3 45



SUBPENA.

CANADA
 2370 PROVINCE OF QUEBEC. } IN THE SUPERIOR COURT.
District of Saguenay.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen,
 Defender of the Faith.

To Adolphe Girard, Thomas Girard, François Turgeon, Boniface Larouche, Henri Girard, Joseph Larouche, Johnny Dufour, Georges Larouche, Joseph Larouche, Timothé Simard, Octave Simard (Noré), Xavier Larouche, Adolphe Martel, farmers; Jean Baptiste Bolduc, and Laurent Pilote, carter, Thomas Larouche, wheelwright, all of Baie St. Paul; Alfred Dufour, of the same place, blacksmith.

2380 We command you that, laying aside all business and excuses, you and each of you be and appear in person before us, in our said Court for the District of Saguenay, on the 4th day of July next, at ten o'clock in the forenoon of the said day, to testify all those things which you know in a certain cause now pending in the said Court before us, between

O. BRASSARD ET AL.,

Petitioners :

vs.

HON. H. L. LANGEVIN,

Defendant ;

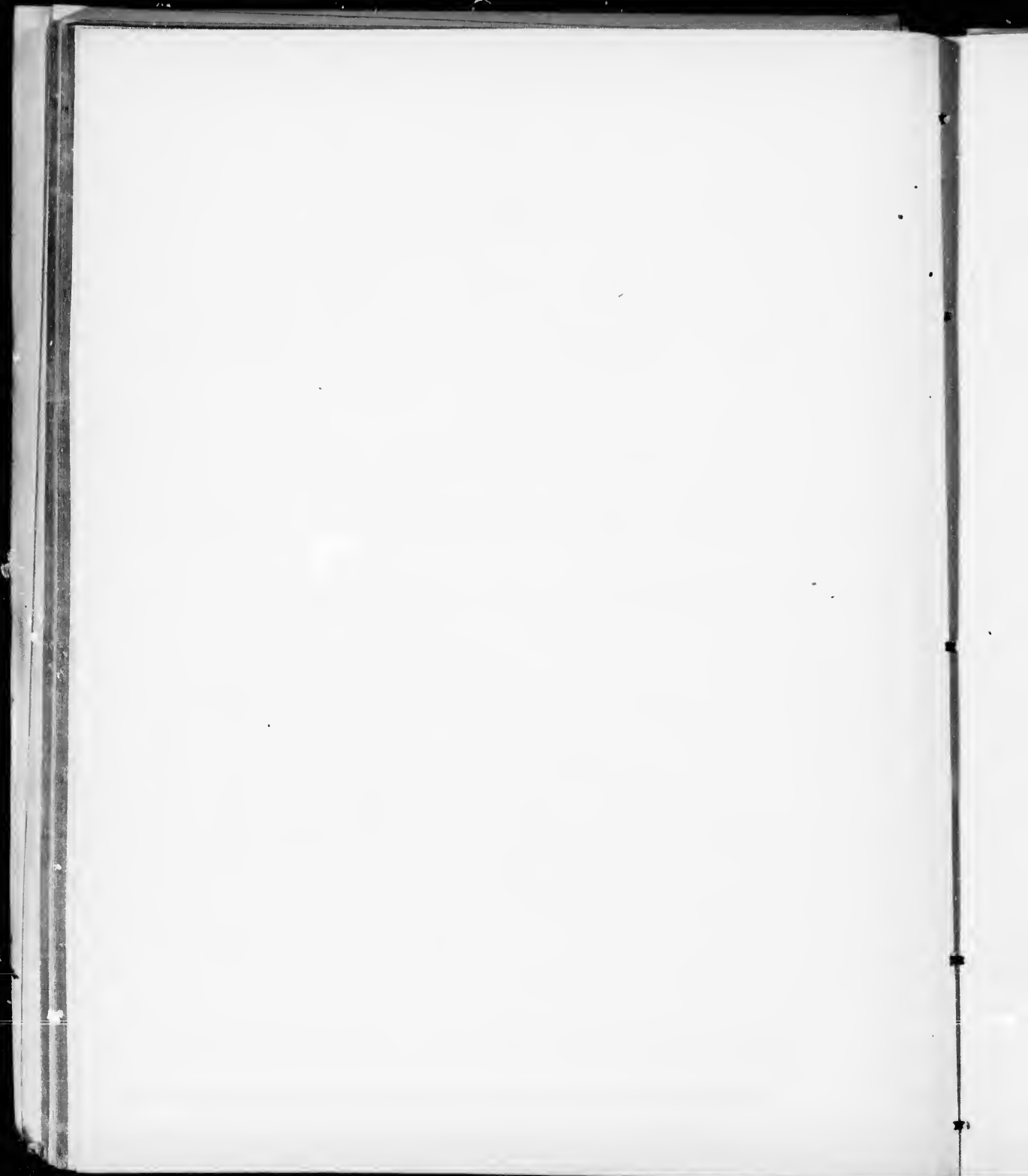
2390 in the contestation of the Charlevoix election, and this you or either of you shall by no means omit, under the penalty upon each of you of ten pounds currency.

In witness whereof, we have caused the seal of our said Court to be hereunto affixed at Malbaie, on the 30th day of June, in the year of our Lord 1876, and in the 40th year of our reign.

CHS. DUBERGER,

P. S. C. D. S.

I, the undersigned, Bailiff of the Superior Court of the District of Saguenay, certify, under my oath of office, that I served this subpoena upon the witnesses mentioned, leaving with each of them a copy hereof, at their domiciles at Baie St. Paul, speaking to themselves, except Thomas Larouche, Thomas Girard, and Adolphe Martel, in which cases I spoke to



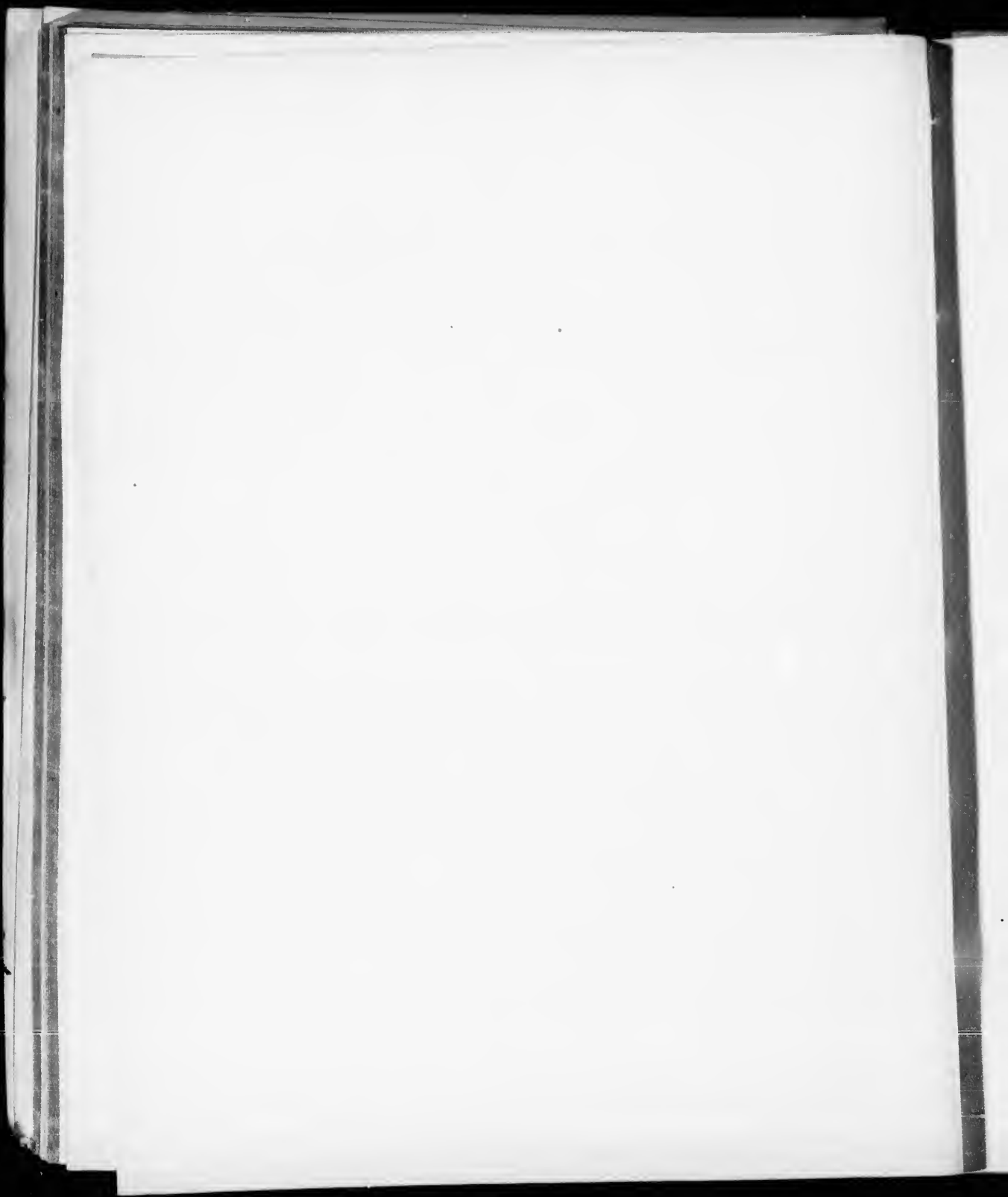
2400 reasonable persons of their families; and the wife of the said Adolphe Martel having told me that her husband would not go without receiving money, and also the said Joseph Larouche, who made me the same reply, this 3rd day of July, 1876.

J. BTE. TREMBLAY,

B. S. C.

BAIE ST. PAUL, 3rd July, 1876.

Serving, 2/6, 16 services,	£2 0 0
Travelling exp.,	18 9
	<hr/>
	£2 18 9



SUBPENA.

2410 CANADA, } IN THE SUPERIOR COURT.
 PROVINCE OF QUEBEC, }
District of Saguenay.

DOMINION CONTROVERTED ELECTIONS ACT, 1876.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen,
 Defender of the Faith.

To Théodore Paquet, of St. Nicholas, Esquire, Notary, and Emile Jacot, of Quebec,
 Jeweller.

We command you that, laying aside all business and excuses, you and each of you
 be and appear in person before us, in our Superior Court, in our Parish of St. Etienne de la
 2420 Malbaie, in our District aforesaid, on the 5th day of July instant, at ten o'clock in the
 forenoon of the said day, to testify all those things which you know in a certain cause now
 pending in the said Court before us, between

O. BRASSARD, ET AL.

Petitioners :

VS.

HON. H. L. LANGEVIN,

Defendant :

in the contestation of the Charlevoix election, and this you or either of you shall by no means
 omit, under the penalty upon each of you of ten pounds currency.

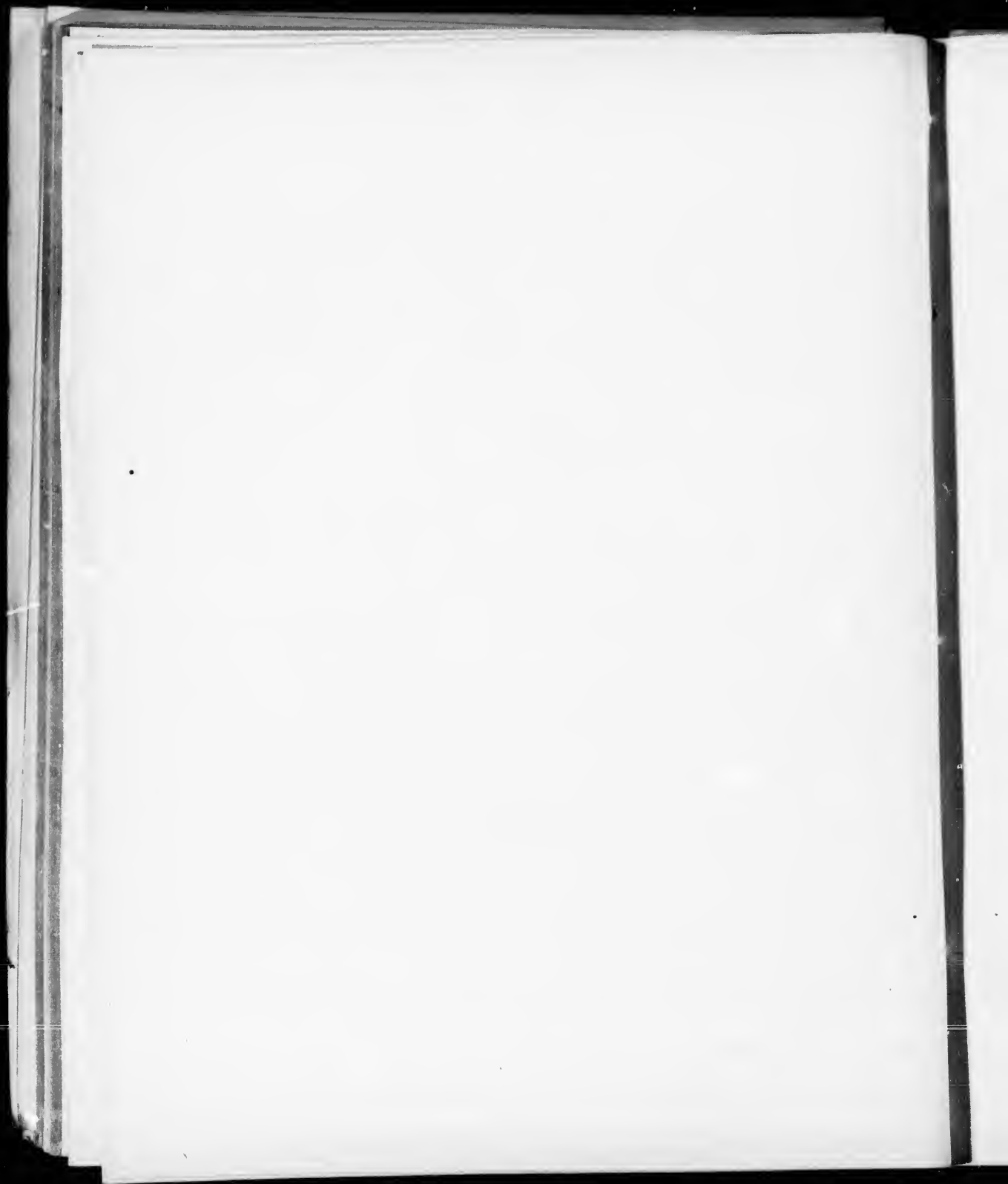
2430 In witness whereof, we have caused the seal of our said Court to be hereunto affixed,
 at Malbaie, on the 3rd day of July, in the year of our Lord 1876, and in the 40th year of
 our reign.

CHS. DUBERGER,

P. S. C. D. S.

3 days at \$8 per day \$9 00
 Board 6 00
 Travelling expenses 12 00

 \$27 00



SUBPENA

2440 CANADA: } IN THE SUPERIOR COURT.
 PROVINCE OF QUEBEC, }
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1871

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen
 Defender of the Faith.

To Joseph Bouchard, Ovide Simard, Hector Huot, Auguste Simard, Amias Remud,
 J. B. Renaud, Thomas Larouche, M^lerie Bouchard, T. Fortin, Esquire, notary; Luc
 Simard, Hildebert Tremblay, Fleurant Dufour, W. Tremblay, Epiphane Guilmette, Zephirin
 Guilmette, Fleurant Tremblay, Camille Bouchard, C. B. Simard, Preme Simard.

2450 We command you, that laying aside all business and excuses you and each of you
 be and appear in person before us in our Superior Court for Lower Canada, in our parish
 of St. Etienne de la Malbaie, in the said district, on the 2nd day of September, at ten o'clock
 in the forenoon of the same day, to testify all those things which you know in a certain
 cause now pending in our said Court before us, between

O. BRASSARD ET AL.,

Petitioners;

vs.

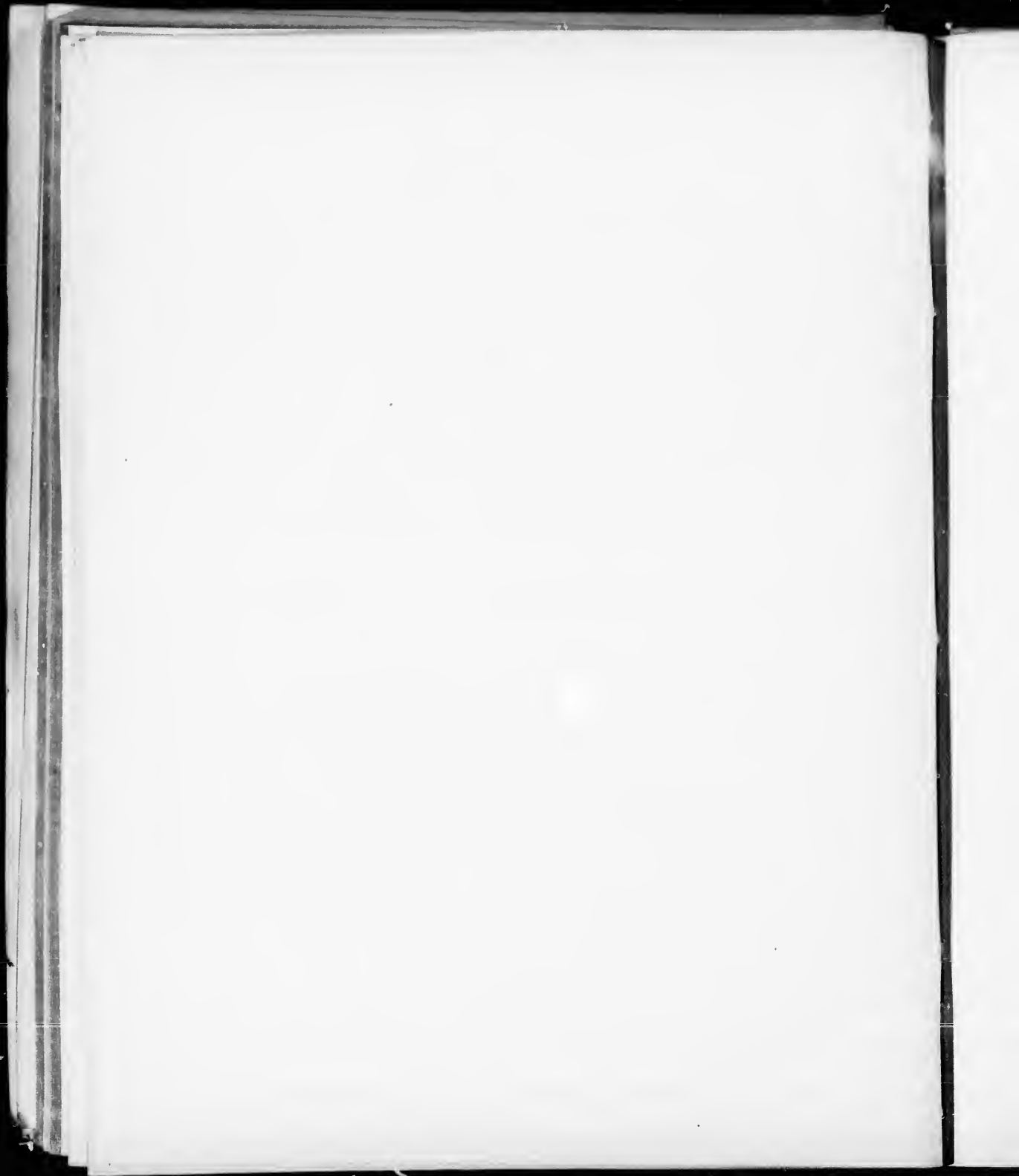
HON. H. L. LANGEVIN,

Defendant.

2460 in the contestation of the Charlevoix election, and this you or either of you shall by no
 means omit, under the penalty upon each of you of one hundred pounds currency.

CHS. DUBERGER,

P. S. C.



SUBPENA.

CANADA,
 PROVINCE OF QUÉBEC, } IN THE SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

MALBAIE, 5th November, 1876.

2470

PRESENT,—HON. A. B. ROUTHIER, J. S. C.

No. 14.

OSÉE BRASSARD, ET AL.,

Petitioners;

VS.

HON. H. L. LANGEVIN,

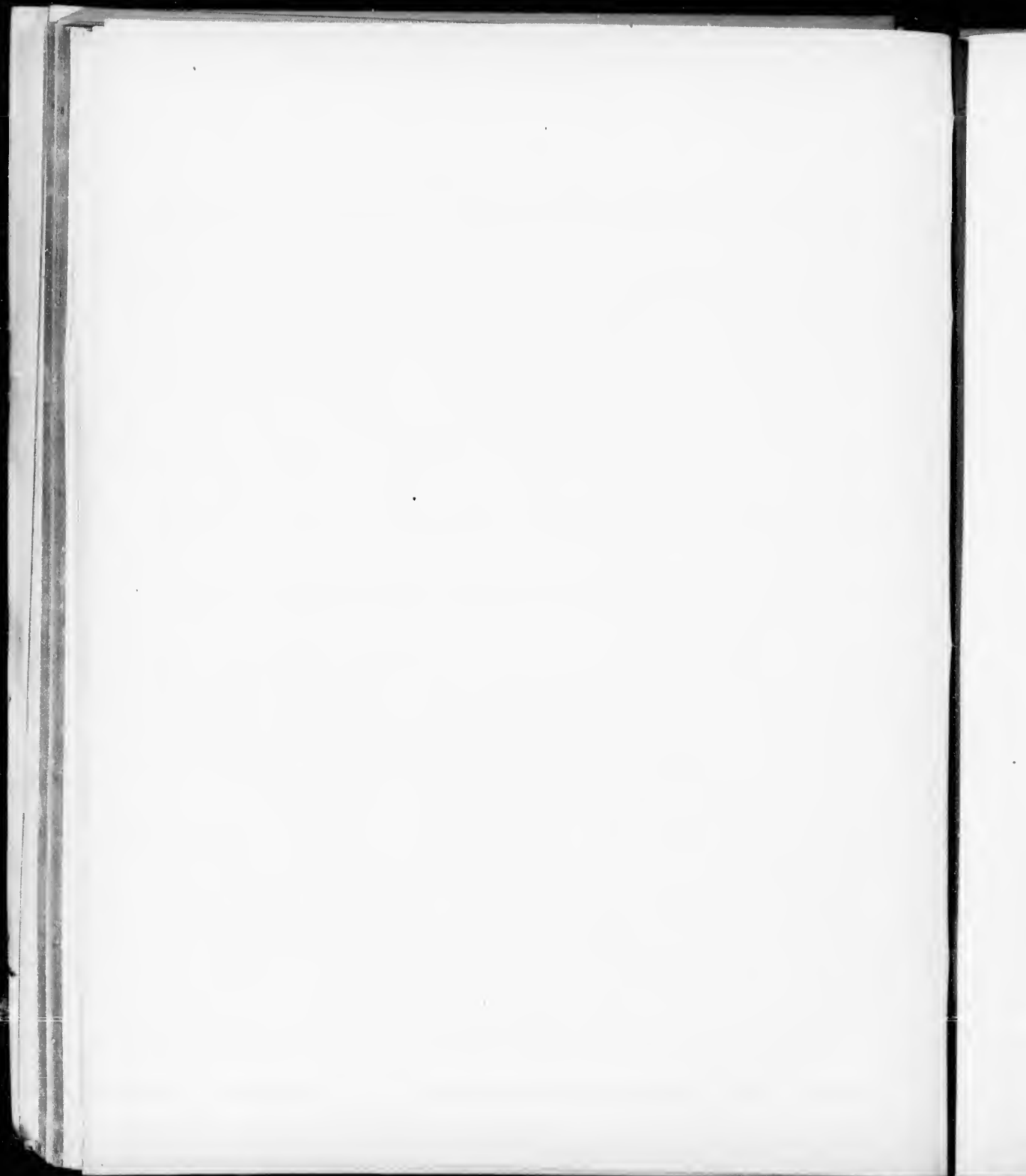
Defendant.

The Court having heard the parties by their Advocates upon the merits of the petition complaining of the illegality of the election of the Hon Mr. Hector Louis Langevin, Defendant in this cause, as a member of the House of Commons of Canada for the electoral District of Charlevoix, having examined the proceedings on record, having heard and read
 2480 the evidence and maturely deliberated,

Rendering judgment in the first place on the objections to the evidence reserved for hearing on the merits, sets aside those which were made by the Petitioners to questions by the Defendant in the evidence of the Rev. Mr. Cinq Mars, of Vincelas Tremblay, and of John Savard, and also those made by the Defendant to the questions of the Petitioners tending to prove the sermons of the Rev. Messrs. Sirois, Fafard, Langlais, Roy and Tremblay, and to a question in cross-examination by the Petitioners in the evidence of Hon. Mr. Price; sets aside also the first objection made by the Defendant to a question made in cross-examination by the Petitioners in the evidence of Rev. Mr. Cinq Mars, but maintains the second and third objections of the Defendant in the same evidence, as well as those made
 2490 by him in the evidence of Xavier Tremblay, Theosphore Fortin and Israel Tarte.

And the Court proceeding to render judgment upon the said petition on the merits,

Whereas the Petitioners have not proved the allegations of their petition and have not established the grounds of nullity which they assert against the election of the Defendant, declares that the said Defendant was duly elected a member of the House of Commons of Canada for the Electoral District of Charlevoix, and sets aside the said petition with costs against the Petitioners, except the costs of summoning and the taxed costs of the witnesses of the Defendant hereinafter named, who will remain at his charge, that is to say: Maxime Dufour, Cléophas Côté, François Xavier Desgagner, Hubert Tremblay, Onésime

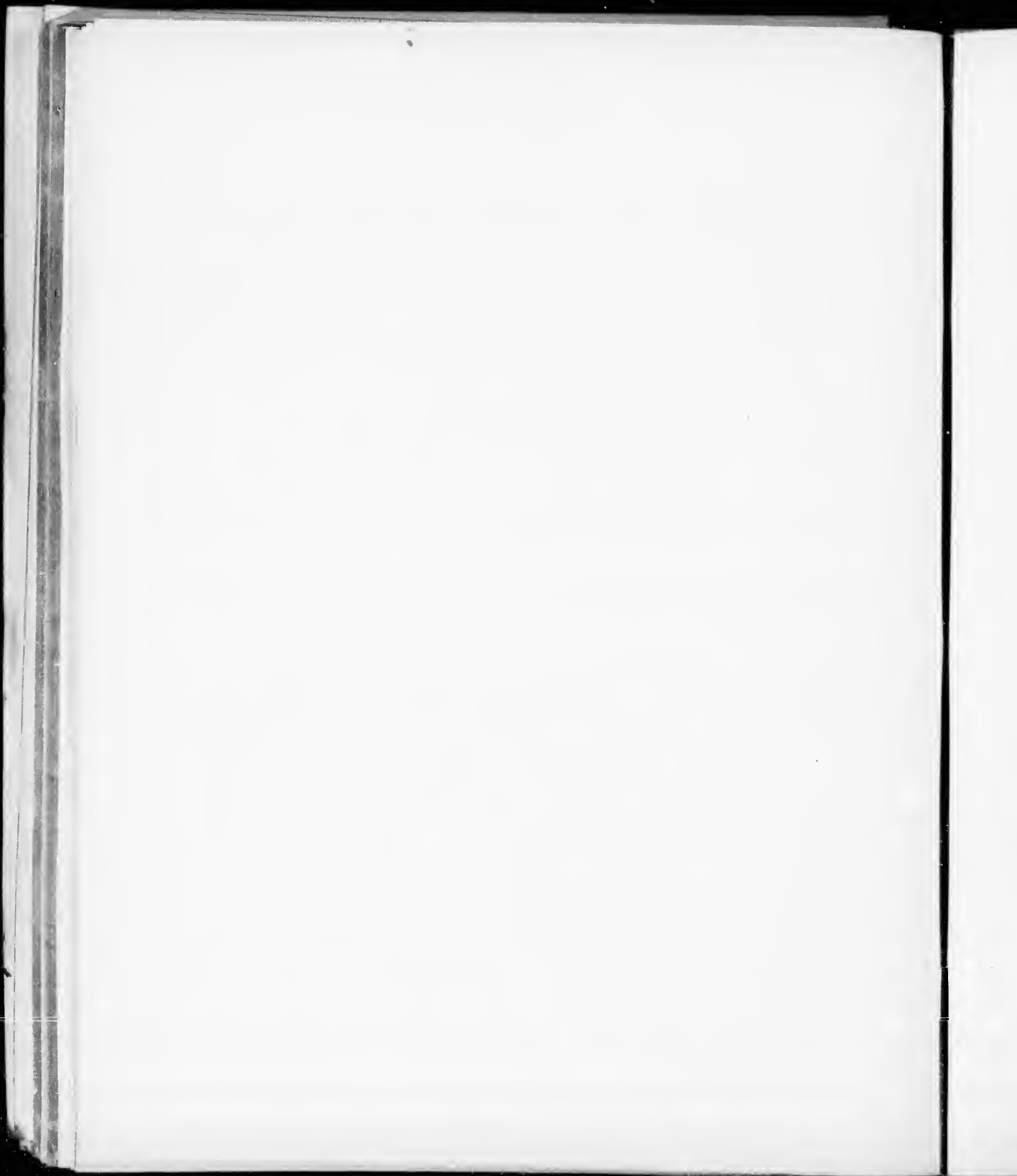


Pilote, Norbert Girard, David Gilbert, Antoine Gauthier, Octave Bouchard, Norbert
2500 Conlombe, Jean Maillieux, François Savard, Louis Tremblay, Joseph Bouchard, (of Baie St.
Paul) George Girard, Omer Bouchard, Ovide Simard, Frédéric Côté, Médéric Bouchard,
Ananias Renaud, J. Bte. Renand, Epiphane Guilmet, Joseph Guay, Joseph Duchesne,
Samuel Boivin, Thomas Côté, André Bouchard, Louis Gauthier, Pierre Narcisse, Bois, and
Arsène Simard.

[TRUE COPY.]

CHS. DUBERGER,

P. S. C., D. S.



CANADA
 PROVINCE OF QUEBEC, } IN THE SUPERIOR COURT.
 2510 *District of Saguenay.*

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

CHARLEVOIX ELECTION.

No. 14.

O. BRASSARD ET AL.,

Petitioners :

AND

Hon. H. L. LANGEVIN,

Defendant.

The Hon. Hector Louis Langevin, Defendant in this cause, being duly sworn, deposeseth and saith:—

2520 That he has written all the depositions of the witnesses in this cause as they were spoken; that among others he wrote that of Zéphirin Guilmet, of Baie St. Paul, on the 6th September instant, which deposition is hereto attached; that to the question put to the said Z. Guilmet in cross-examination that is to say:—“Why did you want to see what passed in the two apartments more on that evening than on another?” the witness answered it was in order to know the news of the election in the two apartments; and that the witness did not add to that reply the following words:—“There were not people in both apartments on that evening”; that there is a clerical error in the deposition of the said Z. Guilmet in his reply to the said question as written by the Clerk, and it was only
 2530 reply in Court and stated that he had himself referred to that deposition to ascertain whether that was really the reply of the witness, and hath signed.

HECTOR L. LANGEVIN.

Sworn before me at Malbaie, this 14th September, 1876.

CHS. DUBERGER,

P. S. C., D. S.

75. Zéphirin Guilmet, joiner, Baie St. Paul.

I reside.

I was present at the Curé's sermons during the election.

The Petitioners admit as for the others.

- 2540 I know Alfred Dufour, of Baie St. Paul, a witness examined in this cause. Alfred Dufour has but little instruction. He is an ordinary blacksmith. I met him several times during the election. He used to say at one time he was for one of the candidates, and at another time for the other; it was difficult to say which he was for. I saw him two or three times at Théophile Simard's with the friends of the Defendant during the election. I remember the evening when the Defendant spoke in the public hall at Baie St. Paul. I think it was the 13th January. The Defendant went on that evening to the public hall about seven or half past seven. The public hall is about two arpents from Théophile Simard's house, where the Defendant resided. Before the meeting I went to Théophile Simard's, between half past five and six o'clock, and I remained there until the departure
- 2550 of the Defendant for the meeting. All the time I so remained at Théophile Simard's, on that evening, I did not see Alfred Dufour there. I left Théophile Simard's to go to the meeting at the same time as the Defendant. Thomas Larouche and many others were with me. When I went out of Théophile Simard's house at the same time with the Defendant, I did not see Alfred Dufour. I accompanied the Defendant as far as the public hall. I walked before him to show him the way, for a little snow had fallen. The Defendant left to go to the meeting about seven or half past seven.

CROSS-EXAMINED.

- There were two apartments at Simard's in which there were people. One of these apartments was immediately at the entrance, and the other, which was the sitting-room
- 2560 was beside it, and behind the sitting-room was a small bedroom. I remained all the time in the door between the entrance hall and the sitting-room. There may have been in the two apartments between twenty and twenty-five persons. I cannot name all those who were there. I remember Thomas Larouche. We had gathered for the meeting that evening, and we spoke about the election while waiting. I did not find the time long, because we were occupied with the election, and I was in the habit of going there nearly every evening, and I interested myself in the election. The Defendant went out before me. We drew up behind the outside door to let Mr. Langevin pass out. We followed him, and when we had gone out he stopped and we passed before him. I remained in the doorway, as it were to keep the door, in order to see into both apartments. I remained there to see
- 2570 all the people at once and to hear what every one said. I did not always station myself at the door on the other evenings. I stationed myself in the doorway because it suited. I said that just now.

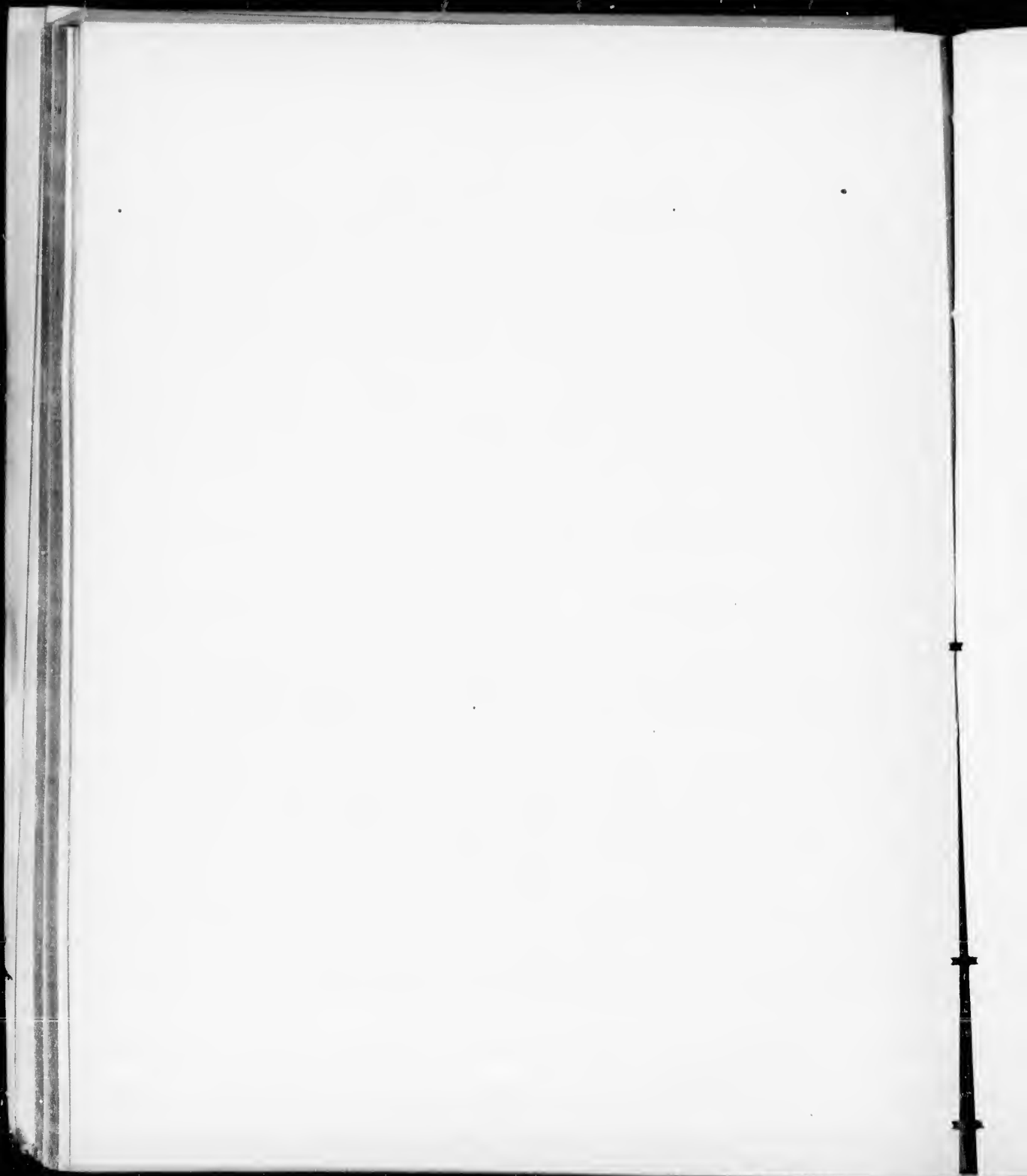
Question.—Why did it suit that evening rather than the other evenings?

Answer.—It is because I wished to station myself there.

Question.—Why did you wish to station yourself there that evening?

Answer.—It was to see what passed in both apartments.

Question.—Why did you want to see what passed in the two apartments more on that evening than on another?



Answer.—It was in order to know the news of the election in the two apartments.
 2580 I was not sitting in the door, but alongside. When I said a moment ago that I had
 remained in the door, I meant to say alongside and near the door in the entrance room.

 SUPERIOR COURT.

No. 14.

BRASSARD ET AL.,

Petitioners;

VS

HON. H. L. LANGEVIN,

Defendant.

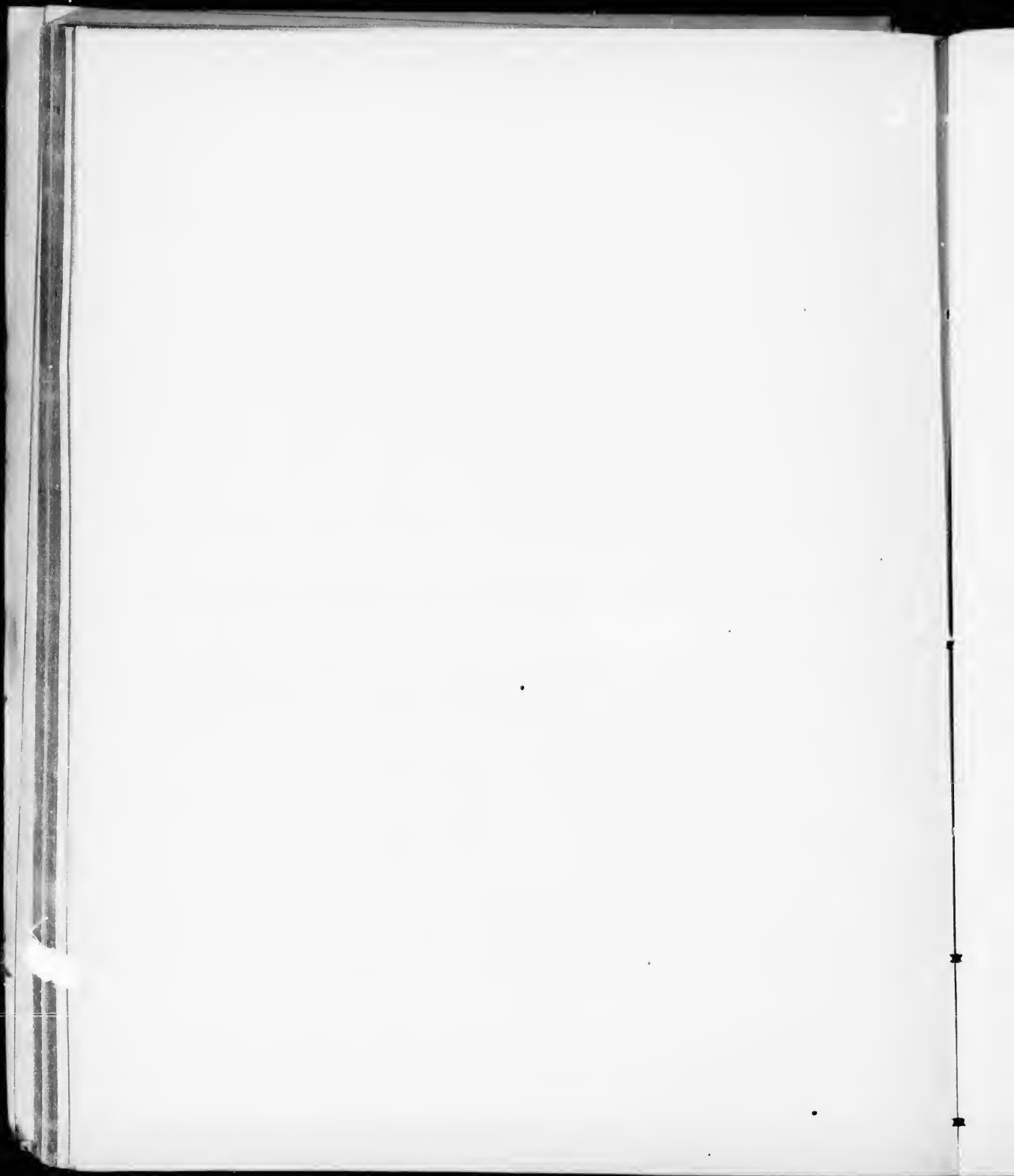
Motion of the Defendant: That whereas he became aware to-day of a clerical error
 made by the Clerk in writing the deposition of Zéphirin Guilmet, as proved by the affidavit
 2590 and the document thereto attached, the *enquête* of the Defendant be re-opened and the said
 Z. Guilmet be again examined to rectify that error.

MALBAIE, 14th September, 1876.

Motion rejected 14th September, 1876.

H. C. PELLETIER,

Attorney of Defendant.









J U D G M E N T

—OF—

HIS HONOR JUDGE ROUTHIER.

— . . . —

CONTESTATION OF THE ELECTION

—OF—

THE HONOURABLE HECTOR LANGEVIN,

Member of the House of Commons for Charlevoix.

— . . . —

OSÉE BRASSARD, ET AL.,

PETITIONERS.

J U D G M E N T.

10

The Case which I am now called upon to decide is perhaps the most important which has ever been submitted to a Canadian tribunal. It interests not only the Petitioners and the Defendant, not only two great political parties which are opposed to each other, not only the electors and the clergy of the County of Charlevoix, but also the whole population of this great British Colony, and especially the Church of Canada.

The legal question is mixed with a religious question brought up for the first time in this country, and the decision which I shall give will be greatly spoken of over the country, and will have serious consequences. I must acknowledge that I am profoundly impressed with the feeling of the terrible responsibility which now weighs on me. When I consider the many and grave questions which come before this Court, I cannot sufficiently express the regret which I feel at having the whole task of deciding upon them. The law which placed such a burden upon the shoulders of a single judge was cruel to me, and, I would add, was also imprudent.—if my judgment was to be final.

Such a case was of a nature to excite public opinion, and the press did not fail to take it up. Several papers have reviewed, argued and decided it, without deliberation—(“sans diliberer”)—as they will review, discuss and perhaps reverse my judgment again, and this also without deliberation—(“sans diliberer”).—The labor of these papers, I must say, have thrown but little light on the case, and I owe them no thanks.

But I must thank the Counsel of both parties for what they have done. If, on the one hand they have by their ability confused questions which I considered clear, on the

11



other hand they greatly facilitated my task by giving me printed notes of their learned arguments and of the evidence.

The enquiry lasted 35 days, and we heard 175 witnesses; to read in manuscript such a voluminous evidence would have required much time and trouble. Without further preamble I enter into the examination of this interesting case.

The 22nd of January, 1876, the Defendant was elected member of the Commons of Canada by the County of Charlevoix.

The Petitioners, who are electors of that County, complain of his election, and request that it be set aside, and that the Defendant be disqualified. The grounds of complaint which they have endeavored to prove and which would justify their prayer (conclusions) are seventeen in number. Three are against the Defendant personally, five against his agents, and the rest against the Clergy whom they accuse of having exercised undue influence on the electors.

From the last charge arises the great importance of the case, and to this part I shall give the most attention. As to the other complaints I will dispose of them as briefly as I can.

I.

CHARGES AGAINST THE DEFENDANT PERSONALLY.

1. *The incompleteness of the accounts furnished the Returning Officer.*

50 We know the law which exacts that a detailed account of the legitimate expenses incurred during an election be prepared by the agents of the Candidate and delivered to the Returning Officer within the two months which follow the election. It is section 123 of the Statute, 37 Vic., Chap. 9. It imposes only a penalty on the agent who does not fulfil this duty; but English precedents (*jurisprudence*) have given to this law a more effective sanction; they consider the absence or incompleteness of this account a presumption of fraud.

I O'Malley & Hardeastle p p. 20, 32, 33.

These precedents (*jurisprudence*) have been followed in our country; and on the 3rd of August, 1876, the Chambly election was annulled on account of the candidate's agent (6) not having given to the Returning Officer, and not having even furnished to the Court, a satisfactory account of the expenses incurred.

19 L. C. Jurist, p p. 185 and 332.

The principal item in dispute in this Chambly case was a sum of \$362 30, paid by Mr. Prefontaine, "election agent," to an hotel keeper named Gibault.

In the present case there is in question a sum of \$305, paid by Mr. Tarte, "election agent," to Theophile Simard, who keeps a boarding-house at Bay St. Paul. It will be seen that the two cases are not dissimilar; but they essentially differ when we carefully weigh all the circumstances.

His Lordship Mr. Justice MacKay explains the facts proved in the Chambly case 70 in the following manner:—



"Now let us take up the Gibeau affair. In the account rendered in March, 1875 to the Returning Officer, by Raymond Préfontaine, (Jodoin's election agent) items are of three hundred and twenty-one dollars for money paid by the agent to orators of Jodoin for their expenses. This item is a block one, no details being given; nor has any reasonable explanation of this item been made to this day. Another item is E. S. Gibeau, board and expenses of orators, \$362 50. It is upon this item that the greatest stress has been laid by the petitioners. No explanation of it was furnished to the Returning Officer. Gibeau is an hotel-keeper, friend of Jodoin's party. His house was full of friends of Jodoin during the election. Any body calling himself a friend of Jodoin's, and an orator, seems to have
 80 been free to eat and drink, come and go, or sleep at Gibeau's house without charge. Sometimes Gibeau's house could not hold all presenting themselves. He was paid the \$362 50 in January, 1875, by Préfontaine, after a bill rendered, made out against Jodoin, stating all the days except one, from December 12th to December 30th, 1874, inclusive, a sum being debited on each day, these debts varying from \$10 00 to \$43 00. The polling day was the 30th December. Jodoin saw this bill, and had it in possession before Préfontaine paid it. The petitioners have sought in vain for particulars of it. Gibeau has been examined as a witness. He swears that no detail has been preserved of the bill for \$362 50. He gave a detailed account to Préfontaine, but 'can't remember any details; pension, cigars and coups
d'appétit were charged for;' can't say 'how much a day he charged for each orator.' He
 90 did not keep account of it in his books. He made up his bill from memory. Afterwards he says, 'he consigned the items in a *petit livret* which probably is at his house.' 'He never counted the *drinks* that the orators' friends had with them.' M. Préfontaine never asked for details. It was Préfontaine who told him the orators would come, and he told him (Gibeau) to give them all they would ask. There is an adjournment during Gibeau's examination and after it he brought his *livret* and showed it to the Court, with the leaves out of it that would have shewn the account in question. He says they were torn out by himself as soon as the account was rendered. On the day of the votation no speeches were made, yet \$43 00 are charged for the day, and no explanation of the charge has been made
 100 to this day; no reasonable explanation has been made. Gibeau says he charged more than his ordinary prices *suiwant sa conscience*. He 'can't say' how much drink is comprised in the account, but it does come out in the course of his evidence that 'champagne, absinthe, coups d'appétit, hennés-ey, and beer' are.

The agent, Raymond Préfontaine (a lawyer) examined as a witness says he kept an account of what he paid the orateurs for their voyages 'dans un petit cahier que je crois avoir détruit; je n'ai pas jugé à propos de donner ce compte en détail à l'officier rapporteur.

He would not "take the trouble to detail it though he had the details in his cahier."

Such were the facts. Two items of the account, one of \$321 and the other of \$362, remained before the Court unexplained, unexplainable, and surrounded with all the appearances of fraud; neither the agent nor the hotelkeeper could explain them in any
 110 manner. We shall see that the present case is very different. The Defendant's agent, Mr. Tarte, produced in Court a detailed account of the amount paid to Simard, and he swore that he paid it only after having himself made the details of the account with Simard, and after having ascertained its accuracy and legality.

This evidence is as follows: "Theophile Simard's account is \$305.50. Theophile Simard keeps a boarding house at Bay St. Paul, but does not sell liquor. I arrived there on December 31st and we did not leave there until January 25th. He did not furnish a written

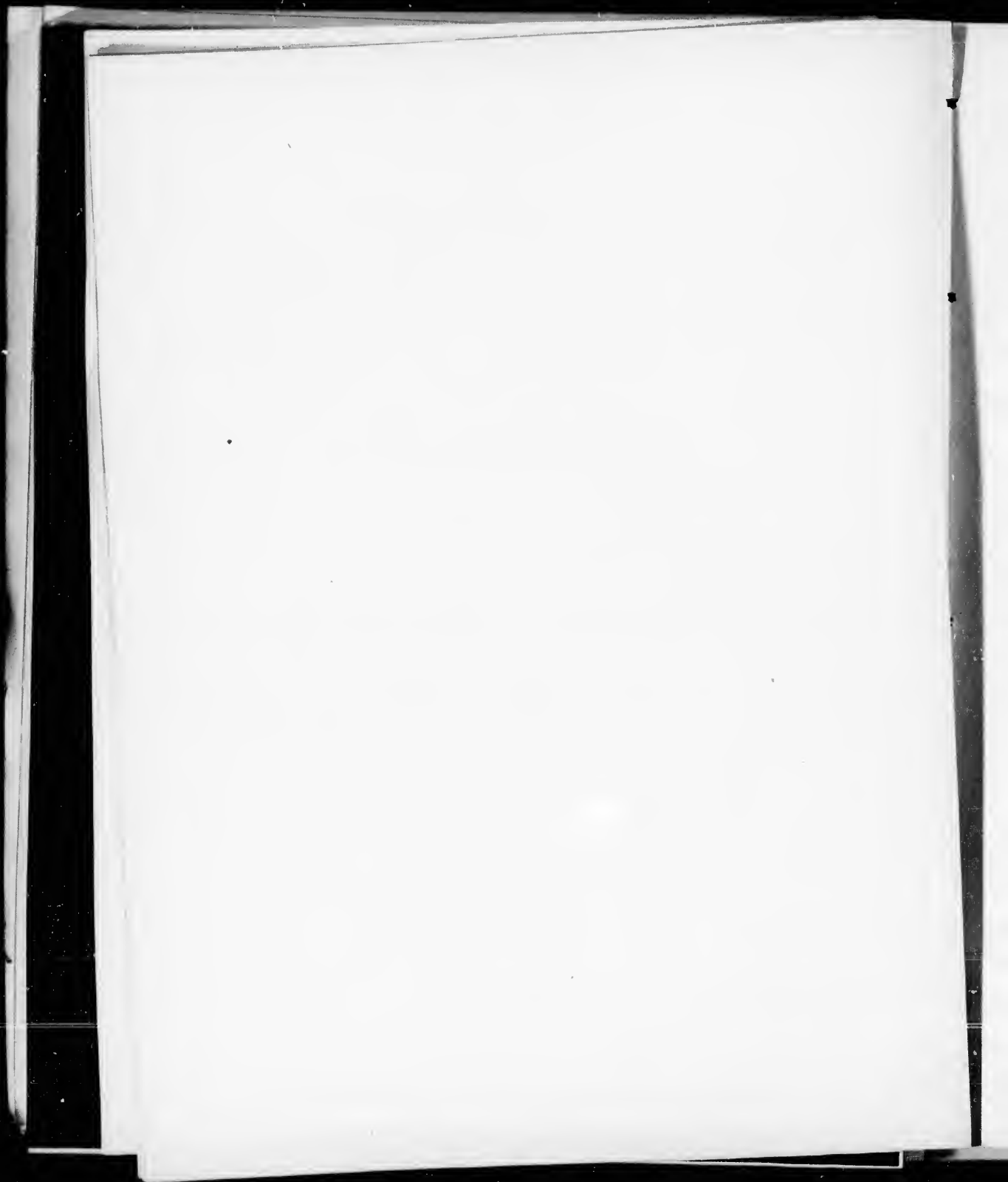


detailed account, but I examined all the details of his claim before paying it. Besides, I had been able to know myself these details as I remained there during all the time of the election, and the expenses were made under my own eyes, and by my order. I paid Simard's account only after having ascertained that it was correct, legal, and for the purposes of the election of the Defendant. I was absent at different times, about three or four days in all. Simard's house was during all the electoral campaign the place of meeting of Mr. Langevin's party and of the central committee, where all the plans were arranged (*toutes les manœuvres étaient expliquées*): by plans (*manœuvres*). I mean to say that all the news of the election from different parts of the country were brought to me there.

It was there that the larger portion of the Defendant's speakers went and put up with their carters and horses. There were public meetings held there almost every evening, and speeches made. During the day friends and others working in our interest, came and brought me the news, and received their orders, or received news of the election. Indeed this house was frequented night and day during the election. Five rooms of the house were thus occupied during the election.

"I paid Simard at Quebec the sum of \$300. The \$5.50 were paid to him previously, as may be seen by my notebook. Simard is an illiterate man and has no clerk nor educated servant. Here are the details:—Simard asked me after the election, \$150, as the amount of his account. I replied, it is possible that this may not be too much, or something similar, but let us see." I then sat at a table and we made pretty much the following calculations, as is shown by exhibit 11 of the Defendant, now produced. I cannot swear to have read all the details to Simard, but I did this to assure myself whether Simard's demand of \$450 was not exorbitant. (In referring to exhibit 11 I see only the item of \$6 a day for rent, which might be overcharged; but we see that Mr. Tarte paid only the half of that amount, as he reduced the account about \$85. When I paid Simard on 27th January, I remembered well all that had passed, and I could control the details of the account, and I paid it only after being convinced that this account, or claim, was legal, and and for the wants and ends of the Defendant's election. Messrs. Rouleau, Pelletier, Lepage, Déry, Caron, Robitaille, Vallee, MacKay, Chabot, Joseph Rouleau, A. Côté, Emond, are all from Quebec, are not electors at Charlevoix, and came to the County for the Defendant's election. I cannot say whether Mr. Emond was an elector of Charlevoix or not. I considered the sum of \$305.50 moderate, on account of the trouble given to Mr. Simard, and the expenses he had incurred. In the account there is no board for residents of the county. To my knowledge, there were but three or four persons of the county who took meals with the speakers of the Defendant, and we invariably warned them that they should pay for their meals, and they did pay for them. Simard told me so; I did not pay for them. Simard did not ask me to pay for them. I gave orders to Simard to make no expense, to give no meals nor liquor to the electors, and I know that no such expense was incurred. Simard's account was for the necessary requirements of the election. These expenses were lawful and in good faith. I consider two dollars a day for board was not too high, for Simard generally gave us four meals a day. After the meetings at night, the speakers took a meal, and there was light burning nearly all night. It was a continual coming and going."

Between the recital of these facts and of those which occurred at Gibean's there are several striking points of difference that all can see. The first ground of complaint against the Defendant is therefore not proved.



2nd. Intimidation of Major Dufour.

Alfred Dufour resides at Baie St. Paul. He is Major of Militia, for which he receives \$120.00 per annum. The Petitioners assert that he was threatened by the Defendant with the loss of his position if he did not vote for him.

This accusation is based on only one testimony, that of Dufour. The Defendant swears positively in his evidence that the fact related by Dufour is false. The learned Counsel of the Petitioners says that the Defendant did not formally contradict Dufour's
170 evidence, and to prove this cited the following sentence of the Defendant's evidence: "I never had any conversation with Major Dufour, knowing that I was speaking to Major Dufour." But this is not "all" which the Defendant has affirmed under oath. At this part of his evidence he wished not only to deny the words which Dufour had attributed to him, but to go further and say that he had never spoken to Major Dufour. However as Major Dufour was unknown to him during the election and as he might have spoken to him without knowing him, he declared that he had no conversation with Major Dufour, knowing him to be Major Dufour.

There may have been a doubt in the mind of the Defendant on the question as to whether he had spoken to Dufour or not during the election; but the fact in reality is of
180 little importance.

The real question is to know if the defendant spoke to Dufour in the manner reported.

Now the Defendant answered on this point without any ambiguity by saying: "I never spoke to Major Dufour and I declare that the conversation which he asserted he had with me is a fabrication" (*est fausse*).

The only evidence on which is founded the complaint which I am examining is therefore formally contradicted by the Defendant. It is, moreover, contradicted by Zepherin Guillemette (witness for the Defendant) as to the circumstances of place, day, and hour which he relates.

The only point to decide then is: whether Dufour's evidence thus contradicted is
190 deserving of sufficient confidence to warrant me in rendering a judgment which would annul the election and disqualify the Defendant.

As I said in the contestation of the election of Montmagny "the ancient maxim, *unus testis, testis nullus* is no more received in our law, but it is precisely because a single witness is now sufficient that it is requisite that his evidence should possess the characteristics of truth, and should produce certainty in the mind. This is especially the case when such a serious sentence is to be pronounced as that demanded by the Petitioners." Let us then examine Dufour's evidence and see what faith it deserves.

The witness relates that during the last election from the first to the last day his convictions were always favourable to Mr. Tremblay; that at a date that he could not
200 indicate his father told him that he would lose his situation "if he showed himself more for Mr. Tremblay than for the Defendant;" that he then went to Theophile Simard's house where he met the Defendant and said to him: "it seems that if I continue to work for Mr. Tremblay I will lose my place"; that the Defendant after enquiring his name answered, "if you continue you will certainly lose it."



The witness adds, in another part of his evidence, that this interview with the Defendant took place towards the end of the election. He thinks that he did not return to the defendant's committee after that; that he had gone there several times before "to get news, and to find out how things were going on on Mr. Langevin's side;" that he was frightened by the words of the defendant, and that he did not interfere any more in the election.

Let us note first, the unlikelihood of this story. Dufour is intelligent and has some knowledge, although not an educated man. He knew, as he says himself, that the Minister of Militia was Mr. Vail; that his position depended on him; that the Honorable Mr. Vail formed part of the Government supported by Mr. Tremblay and opposed by Mr. Langevin. Then how could he fear that Mr. Langevin would make him lose his place, and how could he fear nothing on the part of Mr. Tremblay when it is proved that he showed himself favorable to the Defendant, and that he regularly attended his committee?

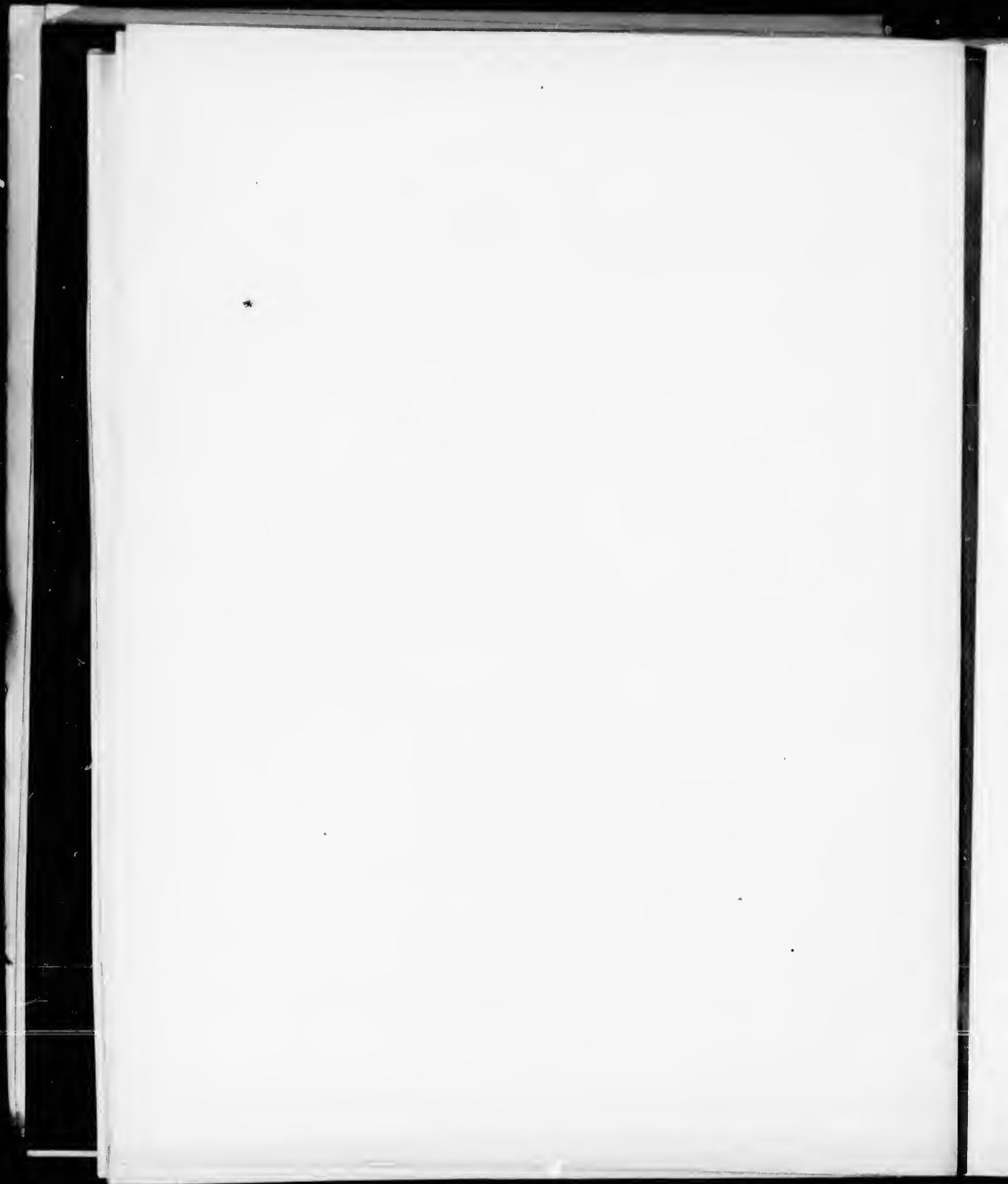
How can we further believe that the Defendant, who showed himself so prudent during the whole of the election, could have committed such a serious fault as this imputed to him—of threatening a man whom he did not know, whose name he is obliged to ask, and in the presence of several persons, "and in the tone of ordinary conversation?" for it is thus that Dufour relates it.

Moreover how can we explain why Dufour did not, after the interview, return to the Defendant's committee? As he was alarmed, he should have shown himself favorable to the Defendant. It was after the interview he ought to have frequented his committee; but such is not the case. According to his own evidence it was before the interview that he often went to Theophile Simard. How could he, therefore, say to the Defendant,—"If I continue to work for Mr. Tremblay, shall I lose my place?" And how could the Defendant reply:—"If you continue you will lose it." The Defendant could not ask anything better than to see Dufour "continue," that is to frequent his committee at Theophile Simard's and speak in his favour; for this is what Dufour did according to the evidence.

Therefore in Dufour's evidence there are glaring unlikelihoods and inexplicable contradictions which would suffice to discredit it. Let us consider them: 1st. His convictions are in favor of Mr. Tremblay, and he shows himself favorable to Mr. Langevin, and frequents his committee. Still more he takes part in the Defendant's triumph and follows him to St. Urbain where he has the courage to give him his hand. 2nd. Mr. Tremblay can make him lose his place and Mr. Langevin cannot; he knows this and still he is afraid of losing it by working for Mr. Tremblay. 3rd. Before the Defendant had threatened him he frequents his committee and declares himself in his favour; we must suppose this what he calls "continuing to work for Mr. Tremblay." 4th. After the threat of the Defendant and when in consequence he should have declared himself more openly for him, he ceases to interfere in the election and to frequent the Defendant's committee.

There is in this conduct and the words of Dufour a character of duplicity and deceit which is not to his honor.

We may add that in assisting at the Defendant's committee "to see how things were going on," he played the part of a spy; and if we wish to know what confidence we can place in the evidence of a spy, let us read the words of Judge Blackburn in the Stafford case (1. O. and H. page 233.)—"There is a peculiar class of evidence occurring upon these



election petitions; I mean that of witnesses who in a criminal court one would call self-discrediting witnesses,—spies, informers, and persons guilty of crime according to their own story, who come to seek the reward that is to be got by telling the truth the other way. In a criminal court a verdict of guilty would never be permitted upon the evidence of such witnesses without confirmation. That has long ago been established. In a civil court, though they are looked upon with distrust, there is no absolute necessity that they should be confirmed. In such inquiries as these we must look upon it with considerable distrust, but still treat it as information which may be true. It calls upon the other side to give evidence in order to explain how it was. In that way these witnesses are valuable, but as a general rule they should not be made *the staple of a case* or be too much relied upon."

250 What I have said suffices to show that Dufour's evidence is far from constituting an irrefutable and certain proof; we must add that it has been contradicted by the Defendant, and by the witness Guillemette. Dufour having mentioned in a precise manner, the day, the place, and the hour when he met the Defendant, Guillemette swears that on the day and hour indicated Dufour did not come to Theophile Simard's, and did not meet the Defendant.

I am right in concluding that the second ground of complaint against the Defendant is not sufficiently proved.

3rd. *Promises of money to the County.*

270 As we see by the heading of this third ground of complaint, there is not only a question as to some individuals that the Defendant would have bribed, or attempted to bribe, but of the whole county he would have wished to have bought, *en bloc*. The net on which this accusation rests, is the most simple, the most common, and at the same time the most innocent, which, in my opinion, a candidate can commit.

The Defendant was addressing a public meeting. An elector interrupted him and inquired if he could obtain money for public works in the county if he is elected, as he is in the opposition. The Defendant answered in the negative, and added that he must upset the Government which will take more or less time, and that afterwards he might perhaps obtain for the county its share of the grants which would be voted for public works; that, at all events, in the present case, it was not a question of money but one of principles.

280 I do not believe that one can seriously maintain that these words of the Defendant constitute an act of corruption.

II.

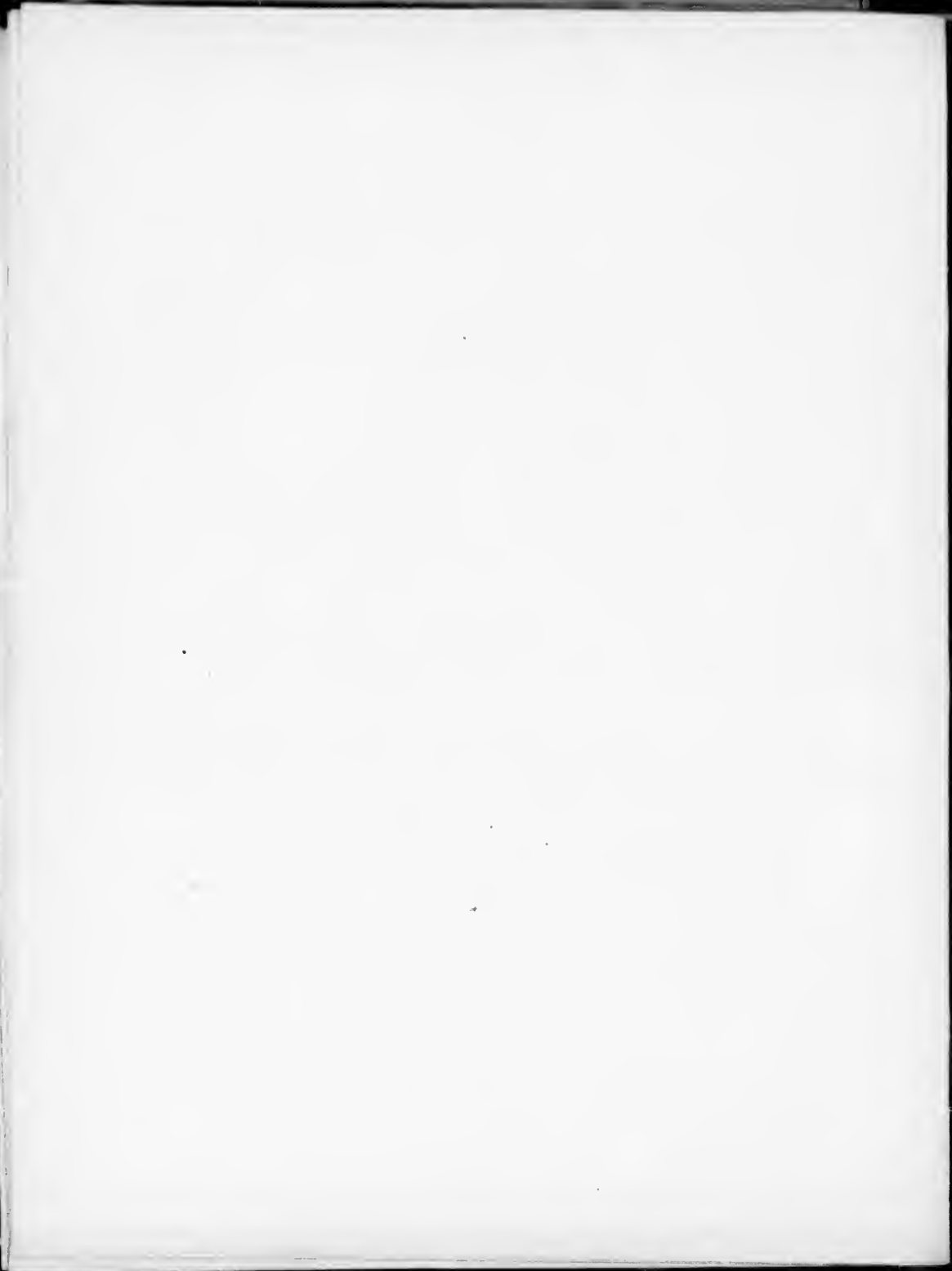
ACCUSATIONS AGAINST THE AGENTS OF THE DEFENDANT.

1st. *Against Mr. Joseph Kane.*

After having heard all the evidence in this case, I expected that the Petitioners would not persist in all the accusations they had attempted to prove, and that they would abandon, at least, some of them, but in this I was mistaken; they did not withdraw one of them, whatever may have been the evidence produced.

The accusation against Mr. Kane is one of those which I believed was not serious.

Grégoire Jean goes to settle his account with Mr. Kane, who is Mrs. Nairn's agent.



290 It was during the week preceding the voting. Very naturally, after the account was settled, the election was spoken of, and Mr. Kane praises the Defendant, who is his candidate. Gregoire Jean replies, even if Mr. Langevin were "rouge" from head to foot he would not vote for him. The answer was energetic, and Gregoire Jean said "this is all that passed between us;" but he immediately added, "but he said that might embarrass me." (*pourrait me gêner*) and this is the sentence which is asserted to be an attempt at intimidation.

How did Mr. Kane come to use these words? To what were they a reply? And what did he really mean? Of this we know nothing. If it was said in answer to Gregoire Jean's last remark, the natural meaning of the words was this, "rouge" as you are it might embarrass you to vote against Mr. Langevin if he were "rouge" from head to
300 foot.

Be that as it may, it would be unjust to annul an election on account of a vague remark, and one without any decided signification, as that which Jean attributes to Mr. Kane; and I share the opinion expressed by Judge Lawson and cited by the Defendant's Lawyers in their factum.

"Where the expressions are doubtful, where they are only used upon one occasion, and where they are susceptible of an innocent meaning, which meaning was put upon them by some of the bystanders, I should not feel myself justified in holding that this amounted to undue influence.

310 "Undue influence, like other brands of which it is only a species, must be established by evidence, and can not be arrived at by conjecture."

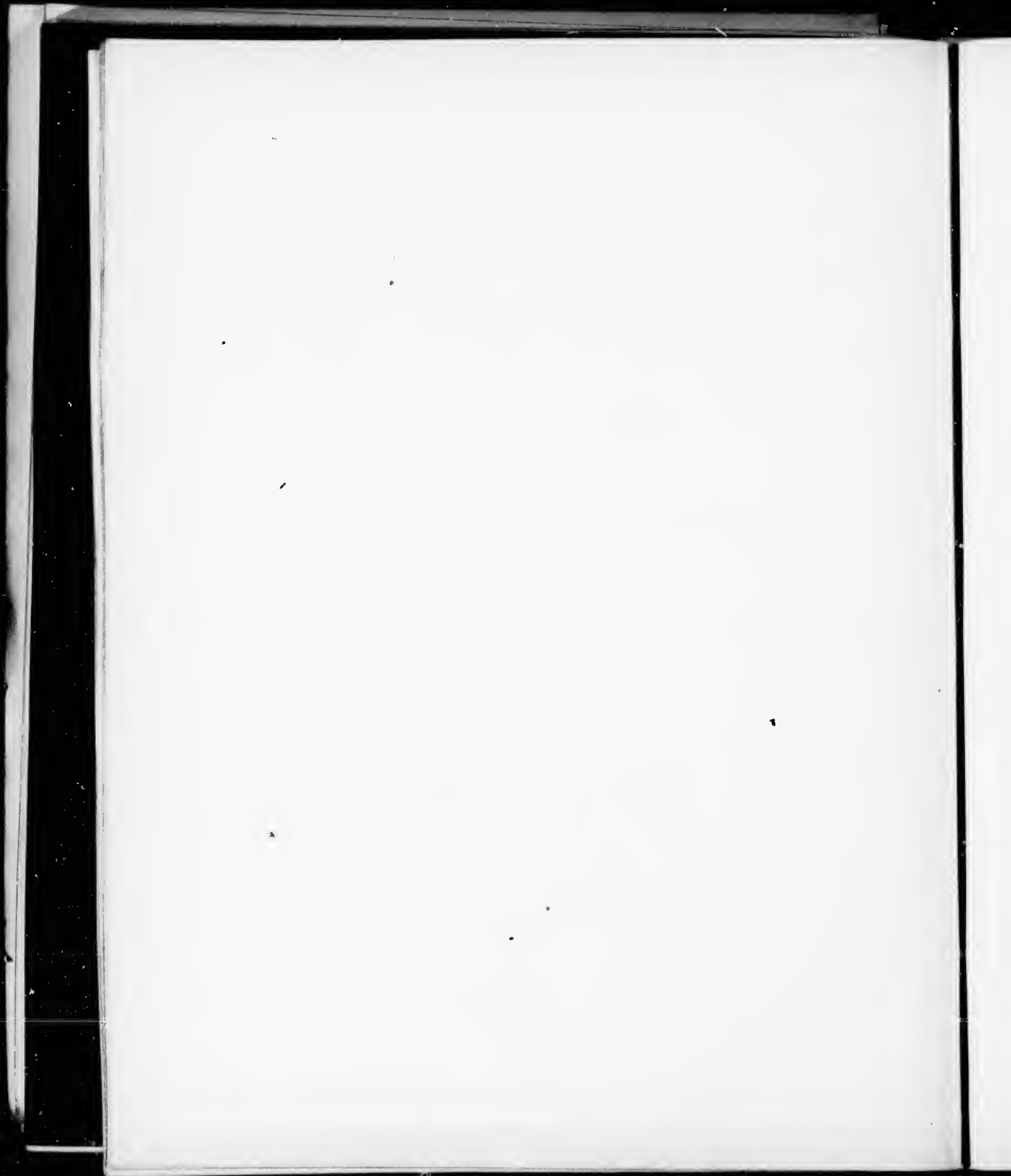
2nd. *Against Mr. Price.*

This accusation is still less founded than the preceding one. Andre Carré relates that Mr. Price called at his house some time before the voting to see a man named Louis Tremblay who was there; that he did not speak of the election, nor of Mr. Langevin, and that, however, he said, we know not why; "If you will be "for me" I will hire you to attend to my fishing at Tadoussac (*pour tendre ma pêche à Tadoussac*). This evidence is formally contradicted by Mr. Price, and therefore, the accusation is entirely unprov'd.

3rd. *Against Mr. Denis Gauthier.*

The Petitioners accuse Mr. Denis Gauthier of having intimidated two electors, Thomas
320 Tremblay and Charles Bouchard, who are the only two witnesses brought up by the Petitioners to sustain their accusation. Thomas Tremblay declares to Denis Gauthier that he does not intend to vote, that he will require to borrow money to pay for his land; he pretends to say that Denis Gauthier told him that he ought to be more independent, that if Mr. Collard would not lend him money, others would; that Mr. Price told him to take goods on account of his debt, but he was quite free not to take them." Admitting these words to be true, they do not really convey either a promise to lend money, or a threat, not to take the goods in payment.

330 These are two facts which Denis Gauthier stated, viz., that others as well as Mr. Collard could lend money to Thomas Tremblay, and that he (Gauthier) was free to take the goods or not; but he does not say to Tremblay what he will do if he votes for one rather than the other. Moreover Denis Gauthier appearing as a witness for the Defendant swears, that he did not address the above words to Thomas Tremblay, and I have no reason to believe the evidence of Thomas Tremblay in preference to that of Denis Gauthier.



I may say the same thing with regard to Charles Bouchard. The words which he pretends were addressed to him by Denis Gauthier, would really constitute an attempt at intimidation. But Denis Gauthier positively denies having said any such thing, and Charles Bouchard himself declared to Alfred Tremblay that Denis Gauthier did not prevent him from voting, but that he had not voted because it did not suit him, (*parce que ça ne lui convenait pas*).

340 We must therefore again conclude in this case that the proof of the Petitioners is insufficient.

11b. *Against Mr. Ousime Gauthier.*

Mr. Gauthier is member of the Quebec Local Legislature for the County of Charlevoix. When the election began, the Session of the Local Parliament had just finished. On arriving in this County, Mr. Gauthier gave an account of his conduct in parliament, and at the same time he announced the candidature of the Defendant.

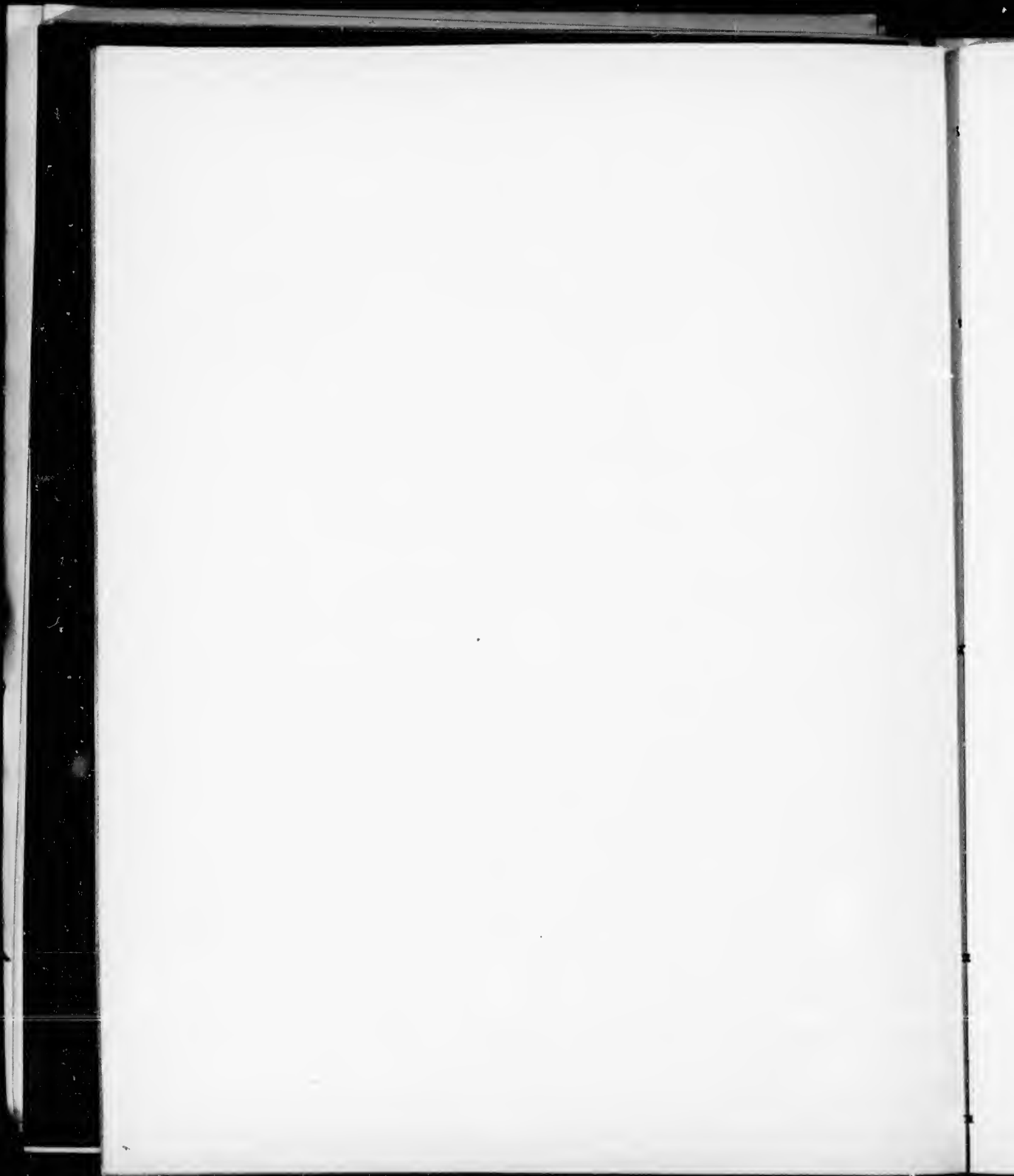
The Petitioners make a crime of his having mentioned in this discourse, the Iron Mines of St. Urbain, the Railway to Lake St. John, and particularly a grant of \$600, which he had obtained from Government for the construction of two bridges in St. Urbain.
350 I can hardly understand how one can find matter for accusation in Mr. Gauthier's words. He had been accused in the parish of having been the cause of the long suspension of the works at the Mines. There could be nothing more natural than that he should seize the first opportunity of exculpating himself, and of proving that he had done his utmost that the works at the Mines be continued, and it is idle to pretend to see in that an electoral bait.

The projected Railway to Lake St. John, engages public attention, but there was not then, nor is there yet any fixed line adopted. Mr. Gauthier informs his constituents that he has strongly urged the Government to have a survey made to see if it would not be possible for the road to pass through his county.

360 There is certainly nothing illegal in that.

Mr. Gauthier also informs the electors of his parish that he has obtained from Government \$600 for the construction of two bridges, but he adds that he will again speak about this after the election. It is with these last words that the petitioners find the most fault. But I believe they are too willing to blame, (*qu'ils y mettent trop de bonne volonté*.) Where is the harm? Is it in announcing that a grant was obtained. In this Mr. Gauthier only fulfilled his duty as a member of Parliament. Was it in deferring until after election, the distribution of the money and the execution of the works? Indeed, I would feel anxious to know what the Petitioners would have said if Mr. Gauthier had spent the \$600 during the election. It is then, I am sure, they would have proclaimed corruption,
370 and I sincerely believe in acting as he did Mr. Gauthier was wise and prudent. With regard to Mr. Gauthier, the Petitioners have accused the Defendant of having employed him as agent in his election, although he had been found guilty of corrupt practices by this court, in a previous election.

Section 103 of our Statutes, which is the base of this accusation, is not clear as to the term of *agent* which it employs, and we may contend with some appearance of reason that it means the agent named by the candidates in virtue of section 121; but I need not



decide this question. In order to make section 103 apply, it would be necessary that the candidate was aware that the agent employed had been found guilty of corrupt practices whereas the Defendant swears positively that it was only after the Election on the 10th of February last that he learned Mr. Gauthier had been found guilty of corrupt practices.

380 5th *Against Mr. J. S. Perrault*

It may be remarked that I entered into few details in disposing of the preceding accusations against the friends of the Defendant; I will be more brief with regard to this one, for the proof is far from satisfactory.

In several preceding cases it was sufficient to destroy the proof of the Plaintiffs to contrast it with the proof of the Defendant; it will be the same with that which I at present examine.

Mr. Perrault is a lawyer, and was entrusted with a suit against Seraphin Lajoie. This Lajoie and his wife say that Mr. Perrault promised them to drop the case if Lajoie would support the Defendant. The charge is serious; but the only two witnesses who
390 sustained it are not worthy of evidence, and they are moreover contradicted in their principal points by Seraphin Villeneuve, Jules Trudelle and Mr. Perrault.

Seraphin Lajoie is a man of no character, and his wife, who, according to the evidence, enjoys a better reputation, does not inspire me with much more confidence. The manner in which she gave her evidence, her apparent disposition to prove even much more than her husband, the care she took to say that Seraphin Villeneuve was not present at the first interview at Mr. Perrault's, while her husband himself admits that Villeneuve was present, the strange fact that Lajoie does not mention that his wife was present on this occasion, and that Villeneuve swears positively that she was not present, all this justifies
400 me in putting little faith in her evidence. Even had the defence produced no other evidence than that of Mr. Perrault, I would not hesitate to declare the accusation unbounded; but there are moreover the testimony of Villeneuve, Trudelle, and of a number of witnesses who came and proved the bad reputation of Lajoie.

III.

UNDE CLERICAL INFLUENCE.

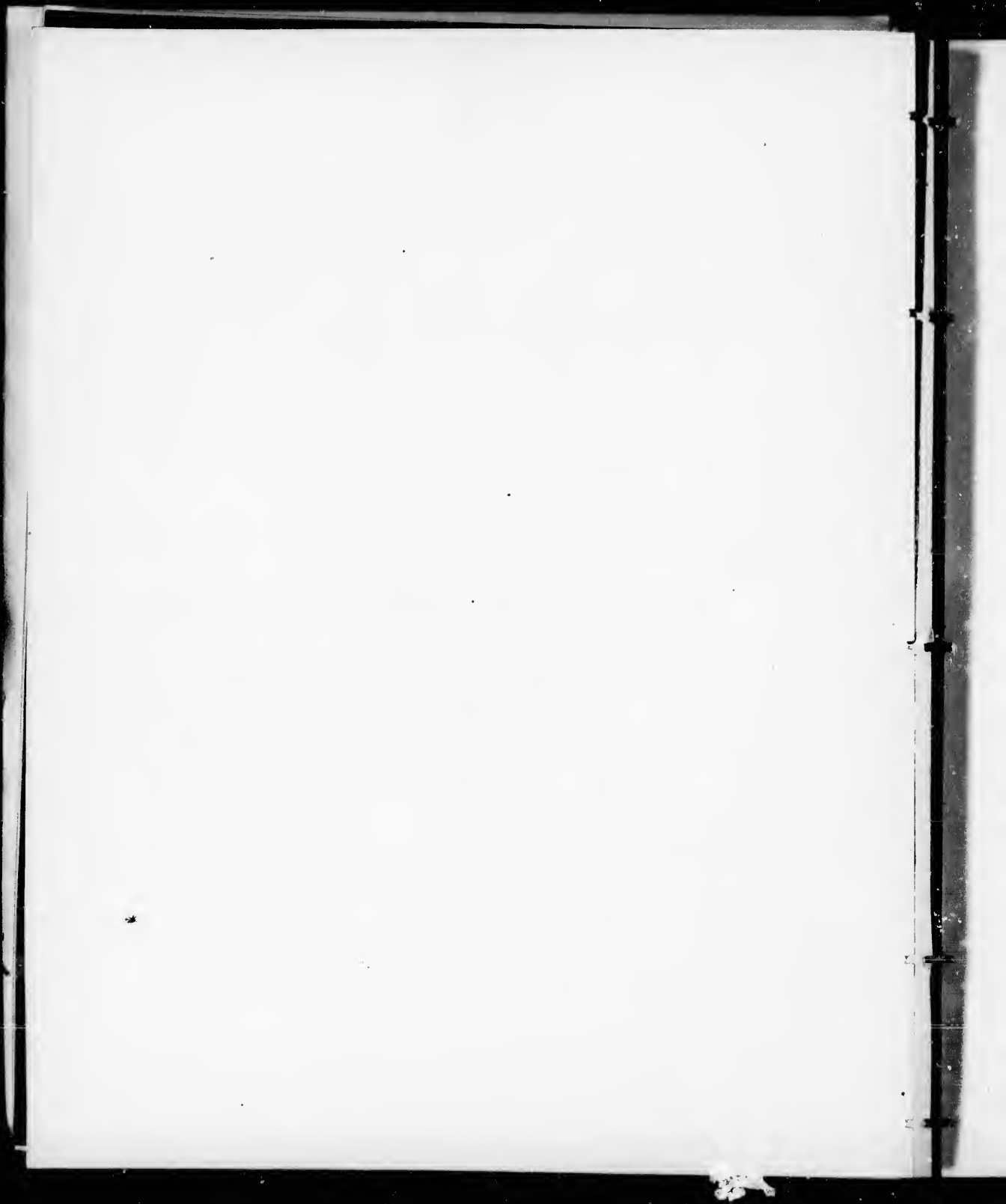
It is not without hesitation and proper diligence that I enter into the last part of this important case. We have now come to the culminating points of the case, and it is not an easy task to dissipate the formidable obscurity which surrounds it.

It would require a volume to give the questions which will arise their proper development. But the nature of the case itself imposes upon me the duty of being brief, and I
410 have not been able to make the work as complete as I would have wished.

On the other hand, I am aware of what awaits me at the issue of this case.

I have not forgotten the invective, the outrages and the threats which a certain press has lavished on me on the occasion of the *judgment* I pronounced at Sorel, and I am quite sure that it will recommence its peaceful denunciations, "*pacifiques requisitoires*."

It has already begun, and a Montreal paper has even threatened to bring me before Parliament, if I do not decide according to its desire. When the liberty and independence



of judges is so understood, it is not surprising they would wish to deprive the clergy of their liberty in preaching. But neither threats nor abuse will prevent me from obeying the inspirations of my conscience, nor from judging according to the light which study
120 and reflection have given me.

I know my duty and I will fulfil it conscientiously, without fearing the consequences.

I will not follow the system adopted by the Counsel of both parties who discussed under different heads the words attributed to each priest. These different accusations are more or less similar, and the same principles apply to all.

I will place them under one head; but to make my remarks clear I will divide them into three chapters:—the "Proof," the "Law," the "Precedents."

The Proof.

1. The first question to be decided is the legality of an important portion of the proof.

430 The Petitioners have alleged that certain Curés of the County of Charlevoix exerted undue influence on the electors by threatening them with spiritual and temporal evils both in the pulpits and elsewhere; and during the *enquête* they brought witnesses to prove remarks made by these priests out of the pulpit, or sermons they had preached from the pulpit. The Defendants objected to this last proof, that is that of sermons preached in the pulpits, and he affirmed that this Court is not competent to receive such evidence.

The objection appearing to me very serious, I reserved it to the merits (*au mérite*) at the same time observing that I did not consider the proof illegal. I think I am right in maintaining this opinion and I will explain the reasons which I then expressed, in a few words.

440 To sustain his objection the Defendant insisted on the *ecclesiastical immunities*, and therefore I must first explain in what those immunities consist. They are of two kinds, (I do not here speak of ecclesiastical property): "Immunity *de causa* and immunity *de persona*."

Immunity de causa is when the case to be decided is spiritual, that is, when it refers to a point of doctrine either dogmatic or moral. For example, should a person ask me to annul his marriage, on account of the conditions necessary for the validity of the sacrament not having been fulfilled, or should a person sue his Curé to oblige him to give absolution or to administer a sacrament, in these cases, or in others of the same sort, there is immunity *de causa*, for these cases belong evidently to the spiritual order, which their very nature shows; but let us remember this "immunity *de causa*" is not a "privilege," it is a "right"
450 founded on the constitution itself of the church, and the spiritual nature of the cases.

Immunity de persona is the "real privilege" of one's own competent court (*du fort compétent*.) It is personal, inherent in every ecclesiastic, and it consists in this, that the ecclesiastic cannot be accused or cited before any other than an ecclesiastical tribunal. This personal immunity of the priest extends to all cases, of whatever nature, with a few rare exceptions which would be too long to enumerate. Whether he acts as a priest or as a citizen, in public life, or as an individual in private life he is always "ecclesiastic" (*personne ecclésiastique*), and as such he enjoys the privilege of the *compétent* tribunal, that is that he may object to the jurisdiction of any lay court.



160 Such is Catholic doctrine, and I can explain it in a few words. I am incompetent in all cases in which the question to be decided appertains to dogmatic doctrine, morals or discipline, and also in those where the person prosecuted is an ecclesiastic. I am competent to judge the acts of a priest in so far as they may affect the rights of third parties, provided these acts be of a temporal nature, and that the person of the priest is not *en cause* before the court.

It will be remembered that in the case of "Derouin and Archambault" which I decided at Sorel, I invoked the privilege of ecclesiastical immunity in order to declare myself incompetent.

I maintained that our Treaties and our Constitution recognizing in this country the 170 "free exercise of the Catholic religion, without any concordat being, made to limit it," it follows that the Catholic Church enjoyed the right to govern itself according to its own rules and to its ecclesiastical law. I inferred that the ecclesiastical immunities should be admitted and acknowledged in our laws, as forming part of the ecclesiastical law, and I consequently dismissed the action which the Plaintiff, Derouin had brought against his Curé.

Several newspapers asserted that this judgment had been condemned at Rome, and they gave us to understand that ecclesiastical immunities were not acknowledged even at Rome as a doctrine susceptible of application in Canada.

I take advantage of this opportunity which is now given to me to establish the 180 truth of the facts, and also to correct what may have been wrong in my judgment at Sorel.

The Roman Doctors to whom a Bishop of this country had submitted my decision approved and praised it in its essential points and in its conclusions. I will mention what they disapproved.

While fully acknowledging, without restriction, "personal immunity" of the ecclesiastic, I saw many difficulties in its application to the priest in purely temporal affairs. The fact of there not being any ecclesiastical court (*officialités*) in this country seemed to me to create very serious embarrassment in the procedure in civil and criminal matters, and I said "it seems to me that this privilege does not extend by divine right further than ecclesiastical functions, and that in purely temporal affairs in countries where 190 there are no ecclesiastical courts (*officialités*) ecclesiastics are like other members of civil society subject to civil tribunals."

I therefore made a distinction between the Priest exercising his sacerdotal ministry and the Priest accomplishing the ordinary acts of civil life, and without denying the privilege of the second, I was of the opinion that personal immunity should be strictly limited to the first.

It is this distinction that the Roman Doctors disapproved of, and they declared that "personal immunity" should be admitted in its integrity.

For the same reason I considered as of a spiritual nature, the case which I had to decide, because it was a sermon which was before me, and I declared myself incompetent, 200 "*ratione materiae*."

They were of opinion at Rome, that the Plaintiff not having asked me to decide



whether the sermon of his Curé was "according to doctrine," or not, but to decide whether his Curé had insulted him in the pulpit, I should have declared myself incompetent, *ratione persone*, and not *ratione materie*.

As may be seen, my decision at Sorel, according to the Roman doctors, was wrong in two points: 1st—It did not sanction "all" the truth in proposing to limit the personal immunity of the priest to "ecclesiastical affairs;" 2nd—It generalized too much in declaring as spiritual all cases where the sermon of a priest is brought before the Court.

Let us now apply the principles which I have just enunciated to the objection of
510 the Defendant, to the proof of some sermons by the Petitioners.

The Defendant cannot invoke the privilege of ecclesiastical personal immunity, as the parties to the cause (*en cause*) are laymen. I know that it was asserted that the priest whose sermons were proved, were in reality made parties to the case (*mis en cause*). But this is an error. I do not try those priests; I cannot pronounce any sentence of condemnation against them, nor is any asked for. No notice of accusation was served on them, and consequently, in virtue of section 104, (37 Vic., chap. 9) they could not be even deprived of their right of suffrage, if the election were annulled for undue influence by them. As to the penalty imposed by section 95, it would require a personal suit against them to condemn them, and it would be only in that case that personal immunity could be claimed.

Neither can the Defendant invoke, to support his objection, *immunity de causa*,
520 for the mere fact on the part of the petitioners, that they allege and try to prove that certain curés have, from the pulpit by threatening sermons, intimidated the electors, does not give this case a "spiritual" character. There are in these sermons, or in these so-called sermons, matters of an entirely temporal nature, which fall necessarily under my jurisdiction. There may be, and we shall see that there are, some others which relate to moral theology, or to the teaching of Catholic truth, and which, consequently, I am not competent to judge. Let us take examples in the case. Two witnesses for the petitioners have declared that the Reverend Mr. Fafard, their curé, said to some of his parishioners, whom he had clearly designated from the pulpit: "that without his assistance and that of some
530 farmers of means, these parishioners would not have been able to sow their lands the previous spring, and that if they wished in the future to have the same assistance on the part of their curé, and of these good farmers, they ought to vote as they did." It is clear that these words do not come within the domain of the spiritual relation, (*ne touchent en rien à l'ordre "spirituel,"*) and if it had not been proved by the Defendant that in reality Mr. Fafard did not speak in this manner, I should be obliged to decide whether these words constitute an attempt at intimidation.

It was said that another Curé, among other things said from the pulpit, that Catholic liberalism was an error condemned by the Church, and that it would be a sin to vote for a liberal Catholic.

It is evident there is in these words a doctrinal teaching on which I am not com-
540 petent to decide.

The sermon is not then in itself above all lay jurisdiction; it is the substance of the sermon and the nature of the demand before the tribunal made with regard to it which determines to which jurisdiction it belongs, provided always that the priest himself is not prosecuted.



Another example may be useful to throw more light on this complicated subject.

A case between two laymen is brought before me. The Plaintiff claims all his father's estate as being his only lawful heir. The Defendant brings forward a will of the deceased which constitutes him his sole legatee; but the Plaintiff asserts that this will was not made of the free will of the testator, and is the result of the suggestion and inveigling used by the Curé of the parish by means of intimidating or threatening remarks made in the pulpit and elsewhere.

Can it be maintained that the Plaintiff has not the right to prove the facts he alleges by saying that I am not competent to judge the acts of the priest? I do not think so. The priest personally not being a party in the case and the question to be decided not relating to Catholic doctrine the Defendant cannot invoke either personal "immunity" or "*immunity de causa*."

In the present case there is not in question a will but a political mandate confided to the Defendant by the majority of the electors of the County of Charlevoix. The petitioners, electors in this County, assert that this mandate was not freely given; that a number of electors were illegally influenced by the sermons of some Curés, and the contract entered into between the electors and their member is thus vitiated and ought to be annulled. The Curés are not personally in the case (*en cause*), and the sermons are mentioned only inasmuch as they affect the rights of the parties in the case.

To decide in what measure they may have affected the rights of third parties, in one word, to judge the effect they have produced upon the minds of those who agreed to this contract of *mandate*, which they ask to be annulled, it is necessary that I should know these sermons. I was therefore obliged to hear the evidence thereof, that I might be able to ascertain what influence was produced by them. But more than this, I must decide, at the demand of the petitioners, whether that influence is "indue," or illegal. If, for that purpose, I am obliged to judge the doctrine of these sermons, and declare it false, I shall declare that I am incompetent, and at the same time that the influence exercised has been legal. But to declare myself incompetent it was necessary to know the words complained of by the petitioners, and consequently I was obliged to allow the evidence thereof. Besides, as I observed before, in this evidence, spiritual and temporal matters are intermixed, and it was impossible, during the hearing of the evidence, to separate them. In short, I believe it necessary to know the whole of a discourse to understand exactly its meaning.

These reasons I think entirely justified me in having allowed the evidence to which the Defendant objected.

2. Let us now see what are the facts proved against the clergy of the County of Charlevoix.

We will first remark that no united action appears to have been concerted between the different curés of the county in view of the election. It has not been established that they made any personal organization, nor that they took any part in the regular organization by the supporters of the Defendant to have been elected.

As to some of them there is no proof at all. Others seem to have made known their opinion in the most irreproachable terms to those who wished to know it, and confined themselves to that.



The Reverend Mr. Doucet, Curé of Malabar, is of that number. None of them took
 590 any part in the public meetings held during the election, except the Reverend Mr. Sheels,
 who had been seen at one of these meetings. None of them interfered in what is called
 electoral canvassing. None of them who are blamed for their speeches or sermons men-
 tioned in the pulpit the names of the candidates, nor treated of the political questions
 which were debated on the hustings. What they are reproached for are the words
 pronounced in the pulpit, or elsewhere, constituting, according to petitioners, threats of
 spiritual evils, and constituting undue influence or intimidation.

I condense as much as possible these words such as established by the evidence, with
 the names of those who uttered them, and will mention only the most important.

By the Reverend Mr. Sirvis :

610 That liberalism is an error condemned by the Church which is insinuating itself
 amongst us like the Serpent in the Garden of Eden * * * that we should combat this
 liberalism, which might lead our country to ruin, that we should hear our priests and
 bishops, and not those "false Christs" and "false prophets" who come into the parish to
 separate the flock from its shepherd, and to proclaim that the priest has nothing to do
 with politics; that if they listened to these "ravening wolves" and separate from their
 clergy, terrible punishments would befall this country; that liberalism had been the cause
 of the French revolution, where priests had been slaughtered; that it was also making
 destructive ravages in Germany, and that the same might occur here * * * that the
 liberal party is dangerous, is opposed to the interests of religion, and is condemned by the
 614 bishops * * * that it is now forbidden in conscience, to be a Catholic liberal, as the
 bishops have condemned this liberalism; that the act of voting is a duty of the highest
 importance; and that at their death they won't reproach themselves if they had contrib-
 uted to the election of men, who wished the separation of Church and State, and who
 were endeavoring to destroy their confidence in their priests; in a word, they should vote
 according to their conscience enlightened by the pastoral letter (*manifestement*) of their bishops.

By the Rev. Mr. Langlais :

That there were in the parish crotchety heads (*têtes crochées*) who were sowing discord
 * * * that they should obey their ecclesiastical superiors who had the right to enlighten
 their conscience * * * that liberalism is condemned by the Sovereign Pontiff * * *
 620 that liberals are deceivers, and that they should not give their support to a liberal * * *
 that it is not sufficient for a candidate to be a Catholic, but that his principles should be con-
 sidered * * * that Victor Emmanuel and Garibaldi are Catholics, and that notwith-
 standing they are making war on the Church * * * that the liberals are also making war
 on the Church, and that it would be a sin to vote for a liberal unless they did not know
 that he was a liberal * * * that it was not permitted in conscience to be a Catholic
 liberal * * * that at the hour of death they would rather have been on the side of the
 Sovereign Pontiff and the Bishops than on the side of Victor Emmanuel and Garibaldi * *

By the Reverend Mr. Tremblay :

That there are not two kinds of liberalism but only one, and it is condemned by the
 630 bishops - - - that for him, with his knowledge he would believe that he would commit
 a sin in voting for the liberal party. - - - (The Reverend Mr. Tremblay said the same
 thing out of the pulpit to an elector who came to consult him.)



The Reverend Mr. Cinq-Mars only read from the pulpit the pastoral letter [*mandement*] of the bishops with some remarks on the definition of Catholic liberalism, to show that it was condemned by the bishops. But out of the pulpit, at his parsonage [*presbytere*], he spoke of the election to three persons, and after having read extracts from Mr. Huntington's speech at Argenteuil, he said: "for me, knowing as I do the meaning and the bearing of Mr. Huntington's speech, and of the pastoral letter [*mandement*] of the Bishops, I would consider that I would sin in voting for Mr. P. A. Tremblay."

640 I do not quote from the Reverend Mr. Fafard, as I do not think it is possible to find fault with what he said relating to the election. He made certain remarks which were mortifying to some of his parishioners, and particularly to one of them, whom he designated as an "escaped prisoner," (*échappé de prison*) but these remarks could have no sensible effect on the election.

I have already said that the witnesses for the defence had destroyed the proof advanced by the petitioners with regard to supposed threats made by Mr. Fafard to a certain class of electors, that in future he would not render the same services as he had previously.

I will, also, only say a few words of Reverend Mr. Roy, who merely reproached his parishioners with the scandal they had caused by fighting at a public meeting, and had made some remarks of a local and personal nature, which could not in any way influence the vote of the electors. To punish them for the scandal they had caused, he thought proper to say only a low mass on the Sunday instead of high mass. This matter is entirely between him and his ecclesiastical superior, and I have nothing to say with regard to it.

650 These are the most important facts which were proved, but there are many details into which I cannot enter.

Before speaking of the effect which was produced by the above sermons or discourses, it is well to remark that several of the sentences quoted, and of the expressions used, are taken almost textually from the Bishops' pastoral letter, (*mandement*) and some of them even from Scripture.

660 Before the Reverend Mr. Sirois, Jesus Christ had said these words, "false Christs and false prophets will arise, believe them not," and in the Old Testament the Shepherd is advised not to abandon his fold "to ravening wolves."

The pastoral letter of the Bishops which he commented on compared "Catholic liberalism" to the serpent which glided into the Garden of Eden and said "that in conscience one could not be a Catholic liberal." Like him and the other Curés, the pastoral letter said that the supporters of this error wished to divide the tie which bound the people to the Bishops; that this error was dangerous; that it had caused calamities in Europe, it might cause the same here, and it should be put down and the teachings of the ecclesiastical hierarchy be obeyed.

670 The pastoral said, also, that the Bishops and Priests could, under certain circumstances, declare, with authority, "that to vote in such a manner is a sin," (*que voter en tel sens est un péché*) and we may consequently see that the Curés accused had really added but few remarks to the pastoral letter of the 22nd September, 1875.

At all events, it is proper, before finishing with the question of facts, to mention the probable effect produced by these discourses.



In my opinion it is perfectly certain, according to the evidence, that the general and final result of the election was not effected by them. By comparing the votes registered in favor of both parties this year and in the preceding elections, one may easily be convinced that the Parishes of St. Urbain and Baie St. Paul are the only two in which the
 680 result was different in the last election. Some witnesses explained this difference by discontent caused by Mr. Tremblay's votes in the House, and by the building of a pier at Baie St. Paul. There is some truth in this, but the real explanation is found in the following fact. Mr. Onésime Gauthier is a man who has a great deal of influence in St. Urbain and Baie St. Paul. In 1874 he used all his influence against Mr. Chauveau and in favor of Mr. Tremblay. In 1875 he ran himself, and was elected by a large majority, which further increased his influence. Now in 1876 he used all his influence against Mr. Tremblay, and he consequently brought over with him a great number of his friends.

This is the explanation given by the Honorable Mr. Price, and I believe it to be correct.

690 I have not the slightest doubt that the sermons of Revd. Messrs. Sirois, Langlais and Tremblay were of a nature to injure Mr. Tremblay; but that they really produced any effect on any considerable number of electors, I am convinced they did not, and the evidence shows it.

I made a very careful examination of the evidence of the Petitioners on this point, and I found that only four electors declared they were influenced by the sermons of their Curés; these are Thomas Perron, of Baie St. Paul; Jules Tremblay, of St. Hilarion; David Dassylva and Alexis Gagnon, of St. Fidèle. Some witnesses declared that these sermons had produced a great effect, but when they were asked to specify and to name
 700 those whose opinions had been changed, or who had abstained from voting on account of those sermons, they could name only six or seven in all who had said so to them, and the Petitioners did not bring up these six or seven persons to declare that they had been influenced. We may observe that those extra-judicial avowals of persons who are not brought before Courts do not constitute legal proof.

I enter into these details only to prove two things: 1st. That the general system of intimidation alleged by the Petitioners is not at all proved by the evidence. 2nd. That the result of the election would have been just the same, with the exception of a difference of a few votes in the majority, even if the above mentioned sermons had not been made.

From this exposition of the facts it results that all this voluminous enquiry to establish clerical intimidation ends with infinitely small results: "Four electors were
 710 influenced, three of whom did not vote," and it is for this that so many newspapers made such an outcry against the intolerable interference of the clergy in politics. But this is not all the question, for one single case of undue influence, one single attempt at intimidation, well defined, is sufficient to annul the election.

I must consider further and see if this influence to which four electors say they had yielded and which might have affected a larger number should be declared undue or illegal. I will consider the facts in a legal light. It is for the Archbishop to decide on the conduct of his clergy in a religious point of view.



THE LAW.

1. Before citing the text of the law, which is to be interpreted, it would be well to
 720 consider what reason and common sense dictate in respect to influence in matters of election. Do they require that the people should vote with only their own lights, and their own knowledge? Evidently not. None will maintain that the perfection of parliamentary rule will be attained when the people will vote without being enlightened by any one.

But who will enlighten the people? It seems to be admitted by all that the first
 comer, either student or clerk, can go to the church doors, or at public meetings to instruct the
 people as to the way in which they should vote. From that tribune which he may, if needs
 be, transform into a tribunal, he can judge the politics of the country, and condemn men,
 political parties, their principles, their tendencies, and their acts. He may even go further
 than the political arena, and rush into the religious domain, denounce political men as enemies
 730 of religion and of society, and members of the clergy as enemies of liberty, of enlightenment, and of progress, and as claiming rights and powers which they do not possess. He may take up the pastoral letter of a Bishop, comment and refute it as he pleases. In a word for the purpose of influencing public opinion, he may apply any means of persuasion, and any cunning of speech, and we know by experience that his most persuasive means are often those of exaggeration, falsehood, and calumny.

It is not necessary to have long seen the working of the electoral system to know
 that in reality electors are not always influenced, though they ought to be, by those who
 are better educated than they, or by those whose position or character inspire confidence,
 by those on whom they are more or less dependent, or by those whose interests are iden-
 740 tical with their own. Newspapers, pamphlets, speeches at the church doors or at meetings,
 everything is brought into requisition to influence their votes. When a candidate is to be chosen, the choice falls on one who has the largest personal influence, who has the greatest number of influential friends in the county, he whose political opinions and conduct are most generally approved, and can command the greatest amount of influence, so that an electoral contest is nothing else than a clashing of respective influences, for obtaining the majority of votes.

Every candidate understands this state of things, and must stand the consequences. He must expect that his adversaries will magnify his faults, will exaggerate their results, will draw false conclusions from his principles, and will represent his party as corrupt, and
 750 calculated to lead the country into ruin, or as a party which will finally bring the country into a religious and social revolution. All this is inevitable and is the necessary consequence of liberty of opinion. Your principles, your antecedents, your alliances, your party will make friends for you, and will bring influences into action in your favor; but they will also raise up adversaries against you, and will cause others to unite against you. If you are a free-trader, you will doubtless have the manufacturers against you. If you are a Conservative, all the Liberals will be opposed to you, who, in addition to the Pacific Scandal will reproach you with having betrayed the interests of the Catholics of New Brunswick and of the North West. If you are a Liberal, the Conservatives will make you responsible for the writings, discourses and acts tainted with Liberalism, and will represent you as dangerous to religion.

760 In certain counties liberal principles will rally around you a large number of electors, and in others they will alienate from you another class of electors, the clergy, for example. You entertain certain political opinions because, I suppose, you believe them to be



true, or favorable to your interests, that is your business—reap their fruits and advantages; but if they should raise prejudice against you, in time of election, so much the worse for you.

This is what reason and common sense teach, and what a single glance at electoral practice shows.

All sorts of influences are exerted and any speaker or scribbler can put them in motion. None think of complaining.

770 But when the priest is in question it is different. Has he a right to influence opinion by sermons or otherwise? Some say he has, others say he has not. Why not? Is the priest a pariah? Because he is a priest is he deprived of civil and political rights? Law and justice answer no. Has he less interest in the prosperity, the progress, and aggrandisement and happiness of his country? Certainly not, unless we maintain, with certain free-thinkers of Europe that the priest seeks the degradation and misfortune of the world.

Is he less enlightened because he is a priest, less capable of judging the political questions and the merits of the candidates? We would not venture to seriously entertain such an idea. The priest has made more complete studies than most of those who speak 780 at church doors during elections. Why should we wish to silence him when he speaks of certain political principles, or of certain questions which appertain more or less to religion? Is it because his words have more authority? It would be more than strange, as it would be asserting that those only whose words have no authority have the right to speak.

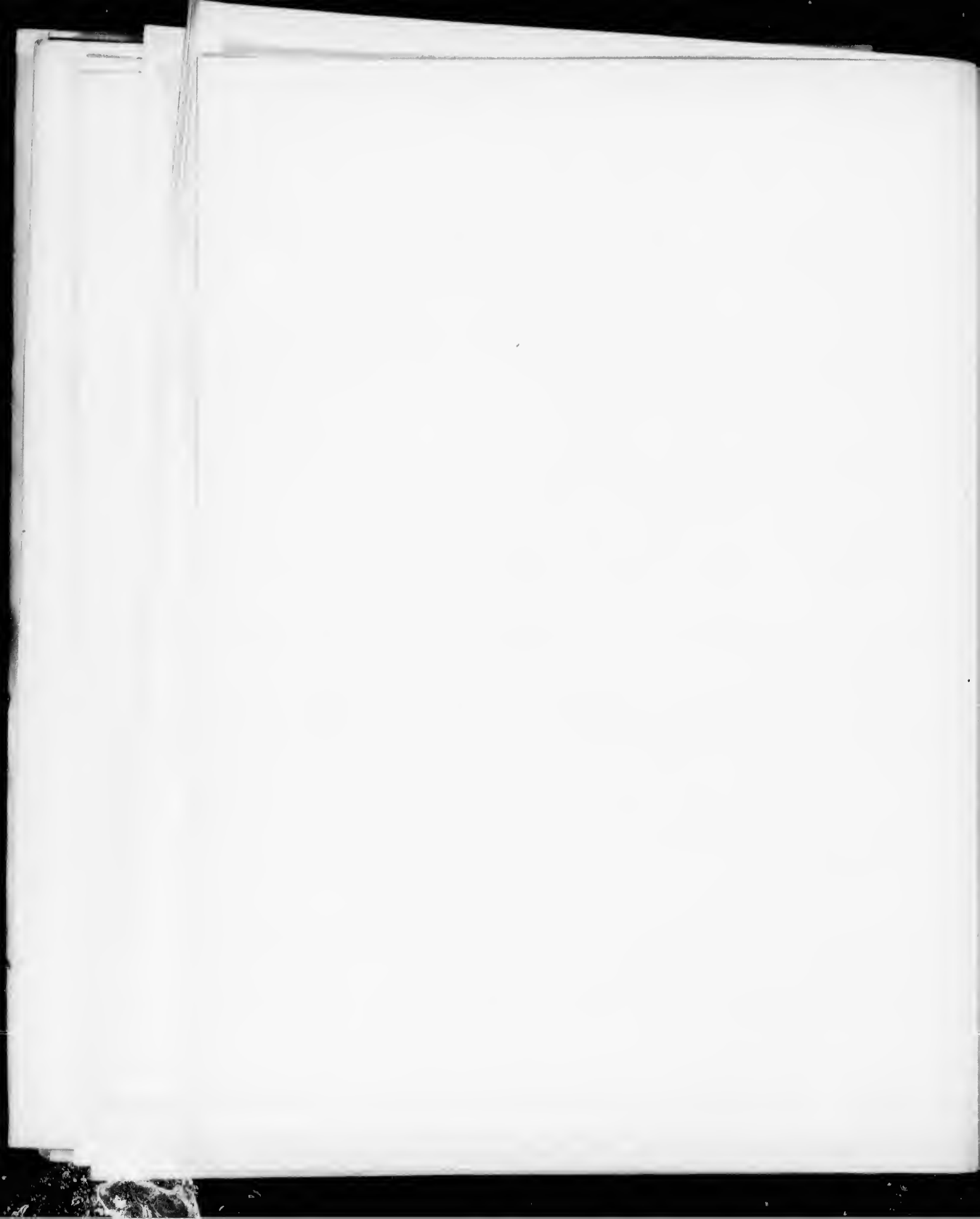
Must the priest then never speak of politics but only of religion? In such case it would be necessary: 1st. That the priest be not a citizen. 2nd. That politics be not connected with religion. Well as the contrary exists, the priest is a citizen, and politics are necessarily in some way connected with religion. The very nature of things require that religions and civil society be united; and even in countries where the separation of Church and State is a part of their constitution it does not exist, and cannot in reality 790 exist. This theory is absurd and impracticable, and it would be unjust and impious to expel the citizen priest from the political domain.

After these preliminary remarks I enter into the judicial examination of our legislation.

II. The text of the law invoked by the Petitioners is as follows:

“95. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of any force, violence or restraint, or inflicts, or threatens the infliction by himself, or by or through any other person, of any injury, damage, harm or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on 800 account of such person having voted or refrained from voting at any election, or who by abduction, duress or any fraudulent device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of any voter, or thereby compels, induces or prevails upon any voter to give or refrain from giving his vote at any election, shall be deemed to have committed the offence of undue influence.”

After this quotation I may be permitted to put this question: If the House of



Commons and the Senate when adopting this law had understood that it could be so interpreted as to limit and restrain the liberty of ecclesiastical preaching, whether Catholic or Protestant, if they had supposed that this law would probably give to civil tribunals the right to draw lines and boundaries to Christian preaching, do you think they would have
 810 adopted it without opposition? Is it likely that no one in these Houses would have proposed an amendment?

I am convinced that a strong opposition would have arisen on this subject, and I have every reason to think that the members did not foresee the immense scope that would be given to their laws.

They are not in the habit of legislating on the transgression of the laws and teachings of the Churches, and on the penalties consequent on these transgressions. It is therefore not probable that they would have wished to prevent the clergy from declaring certain human actions sins, either slight or grave. The things of the other world do not form the
 820 ordinary subjects of their deliberations, and I do not think that they intended to determine when the clergy could not speak of them. In a word when I read attentively the terms of the Statute I see nothing which indicates that our legislators wished to infringe on spiritual order. On the contrary the means of undue influence that the law proscribes and which are called "force, violence, restraint, lesion, damage, prejudice, loss, abduction, stratagem and artifice," show that it did not go out of the temporal order. The following words of the law will be quoted in opposition to my opinion: "Or in any manner practices intimidation;" for it is by this that the legislators have, it is said, intended to reach spiritual intimidation.

These are general terms, I know, and extend, no doubt to all unforeseen cases of temporal intimidation. But the character and the reach of a law, the expressions of which
 830 are indefinite, is drawn from its clear and definite meaning, and all that is definite in this law does not go beyond the strictly temporal order. If our legislators had intended going further, and entering into the spiritual domain, they could easily have added to the word "intimidation" those of "spiritual and temporal."

It must be supposed they would even have gone further and mentioned the acts which would constitute "spiritual intimidation," as they did those which constitute "temporal intimidation." The subject being much more important required more explanation. Threats of hell, or of purgatory, the refusal of the sacraments, or of christian burial, promises of eternal rewards, &c., &c., would have been mentioned as so many acts of undue
 840 influence. The mere mention of these acts makes one smile, and what would appear laughable on the part of a legislator, would it not be still more so on my part, when the law says nothing of it? The more I study this law, the more its spirit seems contrary to the application of it to spiritual matters.

I am aware that the English precedents will be brought up against me, but I will reply to this objection later, when I come to the examination of those precedents. For the present, it is sufficient for me to remark that the relations between the civil and religious bodies are not the same in Canada and in England. In the Mother Country the Church and the State form as it were, but one and the same body. The head of the State is also the head of the Church, and the legislature exercises a supreme control over religious and civil matters. Several tribunals are named by the State, and receive from it both a spiritual
 850 and temporal jurisdiction; so that they are the guardians and interpreters of the doctrines



of the established church. When the English parliament legislates in general terms, it is therefore, not surprising that the Courts apply its laws to spiritual matters, as well as to those of temporal order.

But it appears to me that our Parliament and our Courts are not at all similarly circumstanced. It is true that I, as well as the English Judges, have received my commission from Her Majesty, but the head of the State in Canada is not the head of the Catholic Church, and it cannot give me any authority in spiritual matters over my Church.

I will be asked, no doubt, if our Constitution is not similar to that of England. I answer, it is not, in what concerns the relations of the Catholic Church with the State; for
 850 in this matter, our treaties and relations with the mother country have caused important changes in our Constitution.

While granting to the Catholic religion a complete liberty in this country, in granting by our Constitution the assurance of the "free exercise of the Roman Catholic religion," it is necessarily deprived our parliament of the power to suppress or embarrass its liberty. We have not here, as in England, an established Church, and if we fully recognize the temporal supremacy of Her Majesty, we are exempt, by our treaties, from her spiritual supremacy.

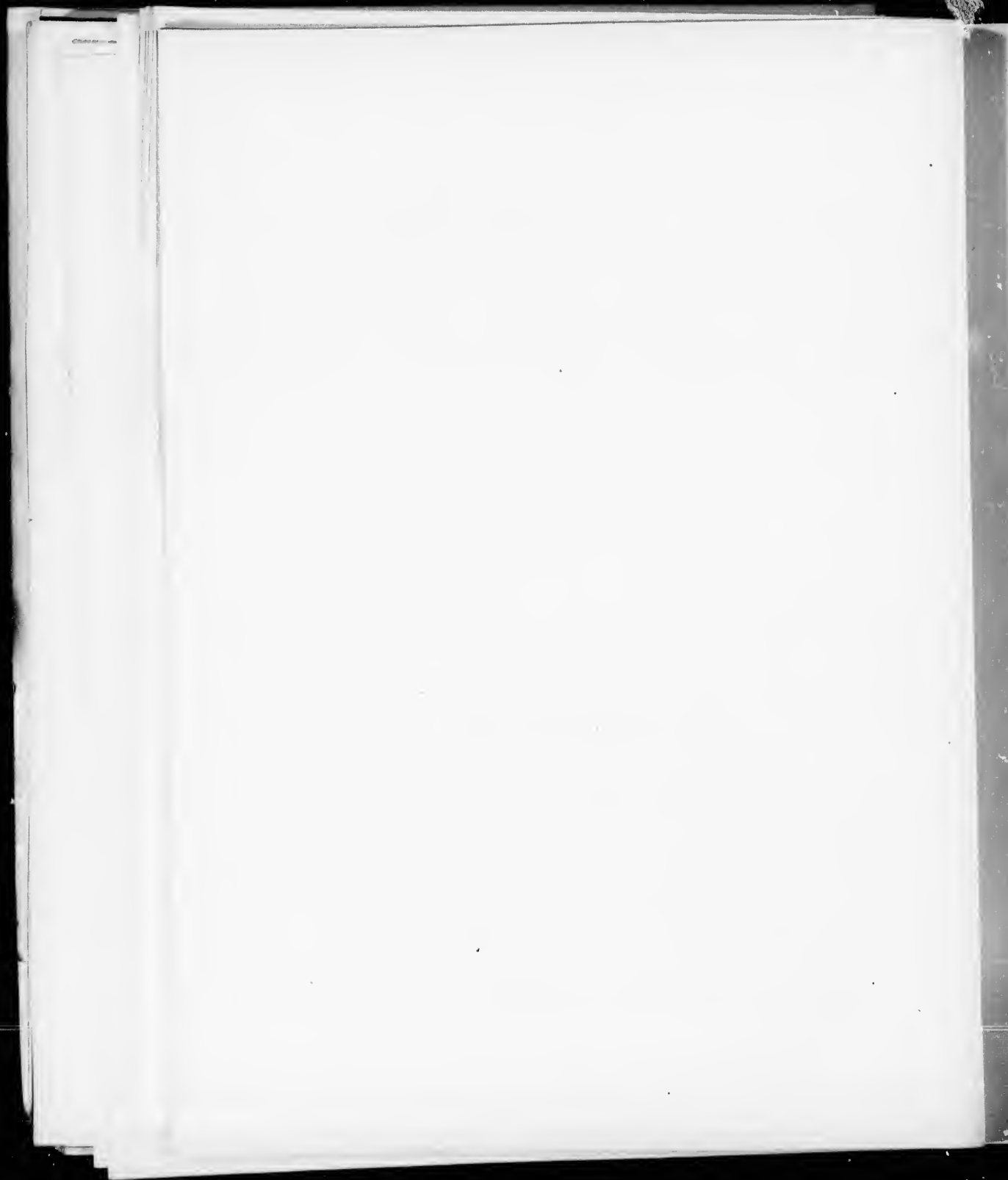
The remarkable good sense and enlightened reason of the English Government have finally, after some resistance, recognized this state of things in our country; and not later
 870 than 1789, when England was still decided on maintaining her supremacy in ecclesiastical affairs, Lord Grenville, Colonial minister, in submitting to the Government of Canada his plan of Constitution in 1791, wrote him thus:

"The object of this Act is to assimilate the Constitution of this Province to that of Great Britain in so far as the difference which exists on account of the customs of the people and the situation of the Province will permit. For that end it is necessary to bear well in mind the prejudices and habits of the French inhabitants who compose so large a proportion of the population, and to do all that is possible to ensure to them *free exercise of those civil and religious rights which were guaranteed to them by the Capitulation of the Province,* or which have since been granted to them by the liberal and enlightened spirit of the
 880 English Government."

Since that time our constitution and our public law were often modified, but always in favor of religious liberty. If I am not mistaken, new guarantees were given to this liberty when Confederation was established, for under this new regime the laws which define the relations between Church and State, as to the Province of Quebec, are under the control of the Local Legislature.

From what precedes, I have the right to conclude, 1st: That the same text of law, the terms of which are not explicit, and which refers to the relations of Church and State, may receive an application in England which would not be admissible here. 2nd: That
 890 it is contrary to the spirit of the constitution to suppose that our Parliament intended raising barriers, or of fixing limits to the liberty of christian preaching, when its laws betray no intention of interfering in these matters. For religious preaching is one of the most important parts of religion; if it is not free, if judges may decide that in certain cases it is liable to fine and imprisonment, the religious liberty guaranteed by our constitution is but a dead letter.





Let us add further, that to create a new category of misdemeanors such as those which are sought to be prosecuted in this suit, it would require a special legislation, that I cannot discover in the general and vague terms of the law above quoted.

III.

I think I have established that our constitution, and our state of society are opposed 900 to the application the petitioners would make of our electoral law. I will now show that if the legislator had really purposed giving to this law the meaning attributed to it it would be both arbitrary and absurd. To demonstrate this, let us study the facts.

What is reproached against the accused priests, is having represented the liberal party as dangerous to religion, and an enemy to the Catholic Hierarchy, having compared it to the French liberal party, and having affirmed it would be a sin for electors to vote for this party.

Such is the accusation submitted to me, and on which I am wished to pronounce. This is evidently asking an impossibility of the Court.

Should I condemn and denounce such words from a Priest without knowing whether 910 they are true or false? This would be arbitrary and tyrannical with regard to the clergy, and to the religion of which he is the minister. It would be denying to this religion the right of protecting itself.

Let us suppose that a free-thinker (of whom there are so many in France) presents himself for the suffrages of a Catholic county, will it be said that the clergy have not the right of opposing his candidature, to make known the dire effects of contempt of religion, and to tell his congregation that it would be a sin to vote for this man? If he has not this right, let us proclaim loudly, and inscribe on our constitution, that impiety is free, but that religion is not; for we cannot call free, a religion which cannot defend itself, for to oppose free-thinking is nothing else than self-defence.

Of course I do not mean to compare Mr. Tremblay to a free-thinker. I merely 920 make an hypothesis, to show that there are circumstances where reason, and natural law make it a duty for the clergy to enter into the political arena.

Leibnitz, one of the greatest of protestant geniuses, foreseeing in the XVIIth century, the disastrous effects that false doctrines would cause later, said: "We should take precautions against false doctrines which influence morals and the practice of piety, although we should not attribute them to people, without good reason. If justice requires that persons be spared, piety demands to expose, in the proper place, the pernicious effects of their dogmas when hurtful."

In these remarks Leibnitz of course did not refer to the clergy; he addressed 930 them to all christians, and the duty he indicated was, to spare persons, but to condemn and denounce "false doctrines." Need I say that this, the duty of every christian, is in an especial manner that of the clergy, who are the advanced guard in war, and the watchful she herd in peace? Need I say that for the clergy, this duty is the height and dignity of their mission, which they hold from Christ himself.

It was in the fulfilment of this mission that all the Bishops of the Province of Quebec addressed a pastoral letter to their flocks strongly condemning Catholic liberalism, which



has been so often mentioned in this trial, and claiming for the clergy free intervention in politics.

It was also to fulfill this mission that the Curés of the County of Charlevoix while explaining and commenting on the pastoral letter of the Bishops denounced before the electors this condemned liberalism, and imposed it as a duty on the electors to refuse their support to any candidate imbued with this doctrine.

Did they really infringe on the political domain?

Did they give their advice on the questions debated on the hustings? Did they give their opinion on the personal merits of the two candidates? Did they attack the character or the reputation of the candidate who complains of them? Did they take part in the public meetings, the organization for the contest, in the canvass? No they did nothing of the kind. Several read the pastoral letter without any comment. Others merely defined Catholic liberalism. Some commented more at length on the pastoral letter of the bishops, speaking strongly against liberalism and liberals, comparing Canadian liberalism and liberals with European liberalism, pointing out the dreadful consequences produced by this error on soul and on society, and making the electors understand that they were in conscience bound to repel liberalism and liberals by their votes. Well, where is the offence and how can I decide on it? Is this Court instituted to decide on the religious merits of political parties and on the orthodoxy of their principles? Evidently not. Is it more competent to declare false and exaggerated the doctrinal teaching of the pastoral letter and of sermons? Still less. Can I say that all which a priest says about politics is a "wrong?" it would be contrary to the simple rules of natural law.

There is an argument which is often invoked against religious intervention in political affairs, and this argument is drawn from these words of Jesus Christ: "My kingdom is not of this world." This text will be better understood by contrasting it with these other grand words of Jesus Christ pronounced immediately afterwards in answer to Pilate's question: "You are then a king?" "You have said it, I am a king, and it is for this I am born and that I came to the world." The latin text is more expressive: "Ego in hoc natus sum et ad hoc veni in mundum," and we might translate it thus: "king I was born, and to be king I came to the world."

But is it really supposed that the Church is of the other world, and that it has nothing to do with this world? Are faith and morals not of this world? Who shall teach them? Is it civil society? No! The Church was established in this world *for* this world, and in view of the other world. It is a divine and not a human institution. It does not derive its power and rights from man, but from God. It is in this sense it is not *of* this world. Its origin, its constitution, and its purpose are not of this world. But it exists in this world, and it is this world it should govern. Therefore wherever morals of nations and individuals are in question, wherever interest of souls is at stake, the Church extends its domain. But in the government of nations it is clear that there are things which belong to Caesar and to him alone. The Church knows these things and leaves their administration to the care and to the solicitude of the State.

If any of the ministers of the Church do not acknowledge these rights of the State, and infringe on its domain, the Church will certainly force them to recognize these rights. The relations between the two may be expressed in the following manner: There should be a distinction between them, but not a separation, union but not intermeddling.



Petitioners will say what we complain of is intermeddling. The priests accused have infringed on the rights of the State, and we want the Court to put them in their place.

In what, if you please, have those priests infringed on the rights of the State? Is the act of voting for a Member of Parliament a moral act or not? No one will maintain it is not. Can the act of voting be accomplished in such a way as to be a sin more or less grave? It certainly can. The priests have only taught the electors the seriousness of the act, and told them how they might sin in the performance of the act. In this they were in their domain, in the accomplishment of their pastoral duties, and in the exercise of their own jurisdiction. They did not trespass on the domain of the State, since evidently the State is not competent and has no mission to teach those things.

Let us suppose that they erred and that they declared criminal an act which was not so, it does not follow that they did not deal with a subject which they had not the right to deal with; that they taught something they had no right to teach, exercised functions that did not belong to their ministry; in a word it does not follow that they interfered with the domain of the State. No, but in exercising the powers belonging to their jurisdiction they committed an error that is all.

Well, say again the Petitioners, let us admit that they did not infringe on the rights of the State; the error they committed troubled souls, intimidated consciences and consequently voting was not free.

Oh, indeed! souls were troubled, consciences intimidated by the preaching of the clergy and the pastoral letter of the bishops, and you require that I, a layman, should tranquilize them? You require that I, from this civil Court, should say to Catholics, —remember well these words, “to Catholics”—: “Your consciences are troubled because your bishops and your priests have told you that you would sin in voting for a Catholic liberal; be comforted, they have deceived you, liberalism is not an error, and to vote for a liberal is not a sin!”

But do you not consider that to speak and act in this manner, would be not only an infringement on the ecclesiastical domain, but also absurd and ridiculous? Do you not think that Catholics to whom a court would hold such language, would turn it into ridicule, and with reason.

Let us elucidate this argument, and give to our idea another development, let us employ analogy, which, though not perfect, will be understood by legists.

There are several inferior courts in this country, from whose judgments there is no appeal. If complaints are made to me of their decisions, I have but to enquire if they have exceeded their jurisdiction or not, if they have, I have but to reverse their judgment, if they have not, even if they had judged wrongly, have erred, or committed an injustice, I declare myself powerless to remedy it, I have not authority to intervene, and their decisions remain in force.

I believe that with regard to the acts of the clergy, I should act in the same manner. If these acts affect the validity of a contract between two persons, but without the priest himself being a party in the case (*mis en cause*) I must ascertain if these acts have been performed by the priest in the exercise of his sacerdotal jurisdiction, if they are spiritual, or



if it is the doctrine preached by him that is referred to me. If this be the case, I cannot interfere, I am incompetent to pronounce on their merits, even if they had produced civil and temporal effects. If not I can consider them, declare them illegal, and annul the contracts resulting from them.

Therefore, to apply this rule to the present trial, let us suppose that a priest, after
 1030 having been proved an agent of the respondents had intimidated his servants or his debtors by threatening the first with dismissal and the latter with a prosecution, if they did not vote for the defendant. I would immediately annul the election because these are strictly temporal acts of the priest, which I would be certainly competent to judge.

But instead of this I am asked to judge of a doctrine preached in the pulpit, or of a theological opinion expressed out of the pulpit. My answer is: You do not address yourself to a competent tribunal (*for competent*). This priest may have erred, but he did not go beyond his jurisdiction, and I cannot interfere. Bring your complaint before his competent judge, who is the bishop. The petitioners affirmed that they did not deny to the priest his right of citizenship, but that he must not enjoy greater privileges than other
 1040 citizens, because all are equal before the law.

The terror which the word "privilege" seems to inspire has no just cause, for there is no well organized society without privileges. If there is a false and destructive principle in society, it is that of equality. Equality before God which would suppress any medium between God and man, as if Jesus Christ had not conferred on the Church, and on its ministers, powers which do not belong to mere laymen. But in reality I do not claim any privilege for the Priest, I only apply to him common law. I can no more condemn his discourses than I can those of a layman, and if I compared them with the political harangues made at church doors during an election, they would certainly be found less extravagant.

Public speakers generally accuse the opposite party of being composed of corrupt
 1050 men, of plunderers, robbers, spoliators of the public treasury, of bringing the country into bankruptcy, of having principles hostile to national prosperity and to religion, and usually terminate by saying "it would be a crime, or at least exceedingly wrong, to vote for such a party, because if this party should succeed, the people would be weighed down with taxes and agriculture and industry would be ruined by maladministration." Such a discourse is certainly of a nature to influence the electors, and in making such speeches I suppose the intention is to influence them. Some electors would be even more influenced through fear of bankruptcy and ruin than by that of committing sin. Can I, however, declare that the words constitute undue influence? certainly not. In the latter case as in that of sermons I would be under the impossibility of deciding if the charge was true or false, and I should at
 1060 all events place it among those free opinions which may be affirmed. This is the only reasonable solution in the case of accusations brought by the priest against the Liberal party. Not having the possession to judge of their weight, I say that they are opinions true or false, but free, which I cannot prevent from being expressed. If they are true the priest was right in expressing them; if they are false he erred or he led others into errors, and he is in the same position as the public speaker to whom I have just alluded.

The liberty of discussion is the proper remedy to these abuses. The accused should answer the accusations, should endeavour to prove that they are unfounded and are calumnies. If the electors are not convinced it is unfortunate for him, as it is always an evil that calumny should be spread and credited. But the evil would be still great if we could
 1070 not express our opinions on political parties, and on the religious and social tendencies.



It is well also to remark in this present case, that each time the priests spoke of liberalism in the pulpit, Mr. Tremblay's friends understood that they were speaking against their candidate, and I recollect that one of them when questioned on what he understood by liberalism and liberals, replied: "liberalism is the candidate and we are the liberals." Another witness named Henri Girard, makes his curé say, that "liberalism is a man who glided like a serpent." Was their candidate a liberal in the sense condemned by the clergy? I am not in a position to decide this question. But what is certain is that his friends called him the liberal candidate, and that this title may have injured him, in leading people to understand that he was designated when perhaps it was not intended. The priest could not for this reason abstain from denouncing liberalism, when that duty was imposed upon him by his ecclesiastical superiors.

A political party is free to change its name; but the clergy is not free not to designate by their true name the errors they condemn, and to call "Buddhism" what the Church calls "liberalism."

One of the most celebrated Bishops of France at the present day, Bishop Pie, said with respect to fault having been found with one of his pastoral letters, by the revolutionary despot who then reigned in that country: Soon we will have to suppress the pages of Scripture which speak of Scribes and Pharisees.

If I maintained the demands of the Petitioners in this case I think I would be obliged to suppress all the condemnations of liberalism and of liberals which are found in the pastoral letters, in the decrees of the Councils and in the evangelical letters. Perhaps the Curé should also refrain from citing the words of the Gospel: "false Christ and false prophets," when friends of a candidate would go into a parish to address the electors in his behalf."

This cannot be. Thank God we live in a profoundly religious country where religion is free. And if I am met with the objection that nations have no soul to be saved, and consequently have nothing to do with religion, I answer that nations have not one soul only but millions of souls to be saved, and that the Gospel ought to be the law of their laws.

The preceding developments which I thought necessary have drawn me from the proposition which I expressed at the beginning of this third point, namely: that by giving to the law the interpretation claimed by the Petitioners, we would become arbitrary or absurd. I return to this proposition which I think I have proved, and I conclude that it would be arbitrary to interdict the clergy from any intervention in politics, and it would be absurd to make this Court judge of the merit of the candidates, and of political parties, and of the orthodoxy of the doctrines preached by the priests and by the bishops.

THE PRECEDENTS.

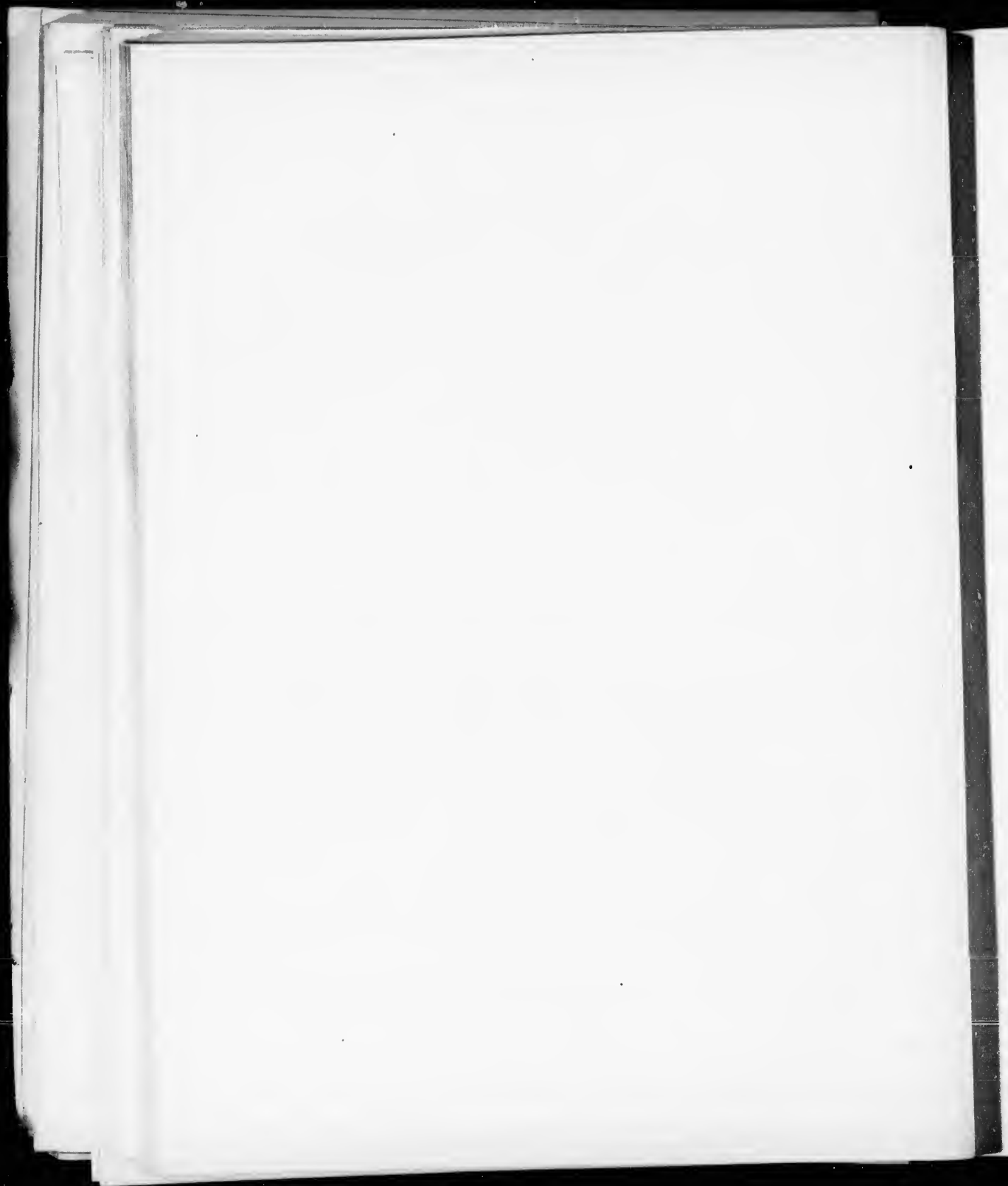
When the petitioners, arrogating rights which they do not possess, and attributing to me powers which do not spring from my jurisdiction, decided to submit matters to me which belong to the ecclesiastical authority, they were necessarily obliged to rely upon precedents rather than law. A decision of Judge Keogh, annulling the Galway election in Ireland for the cause of undue clerical influence, seemed to them particularly conclusive, and it is upon his authority that they relied, at the same time invoking the character of that judge as a Catholic. Voltaire has said that with ten lines of any man he could cause



him to be hung. This is one of the innumerable exaggerations committed by Voltaire, who doubtless was thinking at the time of those of his own works for which he deserved a rope. It is certain that a judgment whose reasons (*motifs*) cover fifty folio pages, ought to be sufficient to show the character of the man who pronounced it. I will, therefore, venture to say that the judgment rendered in the Galway case, reveals in the honorable Judge a great loquacity, 1120 aided by a prodigious memory, and by varied but superficial knowledge. He has read many books, but there appears to be disorder in his erudition, and I nowhere meet in his work with those broad opinions and comprehensive views which denote the scholar and the thinker. It would scarcely be possible to enumerate all the *larses-d'ivoires*,—with which his encyclopedic judgment abounds. Everything, affords him a theme for commentaries, and every person is made the subject of a biographical notice. We find passing one after another before our eyes his personal and classical reminiscences, the history of his old and his new friends, that of the county of Galway for half a century, of the representatives which that county has elected, the qualities which distinguished them, and the political parties to which they belonged. When he names a village, he says: "That beautiful 1130 village, for such it was and such it still is; Clifden, once the proud heritage of the Martins and the D'Arcys."

If he refers to a newspaper article, he tells us about the bad paper on which it was written, of the "sad day" which he passed in reading it, and he adds: "He is not answerable for the badness of the material upon which his paper is printed. I believe that we have lost all the manufactories of paper in this part of the world. There used to be a paper manufactory in Galway; I hope it has not entirely disappeared. But he is not answerable for that. The Dublin or the Manchester makers must be held accountable."

These preliminary observations are necessary, in order to show the kind of man whose opinion has been so often invoked in this case, and to enable people to appreciate 1140 the general character of the "precedent" upon which the petitioners specially rely. I will now enter upon an examination of this celebrated Galway case, and I will commence by a succinct statement of the facts, such as Judge Keogh himself has related them, without myself guaranteeing their exactness. The Galway election took place in February, 1872. It appears that Captain Nolan, the elected, had been a candidate in the preceding election, and had retired before the nomination at the solicitation of some influential friends, among whom was the Archbishop of Tuam, with the promise on the part of those influential friends, to support him in the following election. On July 26, 1871, the Archbishop of Tuam wrote to Captain Trench, who had asked him for an interview on the subject of his 1150 candidature, and referred him in answer, to a number of the *Freeman's Journal* containing a letter from the Archbishop. In this letter the Archbishop mentions the engagement entered into on the preceding election to support Captain Nolan, and says that he cannot break his promise to "give his vote and influence" to Captain Nolan. He adds that the latter, by his conduct, has acquired new titles to the aid of the tenant class, and to the enmity of the landlords. This letter, first published in the *Freeman's Journal*, which had a great circulation, was afterwards reproduced in the *Tuam News*, then it was printed in the form of a circular, and six thousand copies were distributed among the electors, though there were but 4,500 electors in the electoral division. On the 6th August, Archbishop McHale and sixteen or seventeen priests met at the Rev. Mr. McGee's; Captain Nolan 1160 was present at the dinner and his health was drunk. The 27th September, a meeting of priests of the Deanery of Tuam took place, presided over by the Archbishop, and resolutions favorable to the candidature of Captain Nolan were unanimously adopted. They



are too long to be reproduced: It suffices to say that they set out strongly the claims of Captain Nolan to the suffrages of the tenant class, on account of the protection he had accorded them against the landlords. These resolutions were signed by twenty-eight ecclesiastics, of whom one shortly after became Bishop of Clonfert. The 6th of November the clergy of Kilmacnagh met, under the presidency of the Bishop of Galway, and unanimously adopted a resolution in favor of Captain Nolan; and on the 17th of November the priests of the diocese of Galway, presided over by the same bishop, unanimously accepted Captain Nolan's candidature. Copies of the resolutions of the united diocese of
 1170 Kilmacnagh and Killfenora, and of the diocese of Galway were communicated to Nolan by the Rev. Father Dooley. Thousands of circulars containing the resolutions were then printed and distributed among the electors.

Such were the preparatory acts of the clergy in favor of Nolan in the Galway election. Up to that date (16th November) the lay electors had taken no part in the election, and yet before that date Sebastian Nolan, brother of the candidate, and his most active agent, wrote the following words: "That his brother now had all the bishops; that Dr. Mellale (the Archbishop) would propose him; that he had two of the best agents in every parish, the parish priest and his curate; that the bishops and priests would speak a few Sundays before the election to their flocks, and that the people would all vote whatever
 1180 way the bishops and priests told them; that they would have mobs here and mobs there; that it would be hard work against that; finally, that by those means his brother was certain of one thousand majority." Then the organization was extended to other dioceses, and on the 6th December a meeting of the priests of four dioceses was held to concert measures for common and united action. As the election approached, meetings became more frequent, and the action of the clergy was extended. On the 31st December there was a meeting at Galway, presided over by the bishop of that town. There were meetings at Dunmore, at Tnam, and at Tiert, and at the latter a priest said: "cursed be the slaves who have sold their faith and their country." Resolutions were passed declaring "that it was
 1190 the duty of Catholics to vote for Nolan; that every Catholic supporting Capt. Trench was a traitor and a renegade." I will pass over in silence the abuse of Captain Trench and his chief supporters. There were meetings at Headfort, Mount Bellow, Loughrea, Ballinasloe, Portumna, Milltown, and Newbridge. Captain Nolan was everywhere present, and the greater part of the speeches were by priests. At Milltown one of them said "We have for general-in-chief the Archbishop of Tnam, for generals the Bishops of Galway and Clonfert, for captains and officers, the priests of the four dioceses." very here the priests and landlords were put in opposition, and the electors conjured in the name of their religion, of their creed, and of God, not to vote for the candidate of the landlords. Then reports of these meetings were spread abroad. Finally the organization was such that Sebastian
 1200 Nolan was able to say: "We will raise such a panic in the whole county that the landlords will be afraid to leave their homes." We see, in fact, that the panic did prevail, and prevented the electors from voting. Threatening letters were sent to a great many tenants, shots were fired, bands of drunken men assailed the peaceable electors of Captain Trench, military escorts were obliged to accompany other electors, and real battles took place.

Let us note a few of the words of certain priests:—

"That Captain Nolan was the choice and wish of the bishops and priests; that no good Catholic would vote for Captain Trench; that those who did so were wolves in sheep's clothing; that they should not be recognized by their fellow Catholics."



1210 "That any Catholic who would vote for Captain Trench would have the finger of scorn pointed at him; that the people were not to associate with him; that he should not be considered worthy to associate with his fellow Catholics."

"That any person who voted for Captain Trench he would not say mass for in his house during his life."

That all were bound to vote for Captain Nolan as it was a matter of religion, and that even if they had previously promised their landlords, they were bound to break their promise and vote for him."

"That he would take them to Galway, and any of them who did not actually vote for Captain Nolan would be marked as black sheep, rotten branches, and traitors to their country."

1220 "That the landlords were tyrants, and that whoever voted for Captain Trench would be looked upon as acting contrary to the faith and as renegades."

"That it was a matter of religion to vote for Captain Nolan,

"That any one who would vote for Trench would go down to their graves with the brand of Cain upon them, and their children after them."

"If the agents of Trench come among you hunt them from you like devils. Better for those who have horses that their horses should have the legs cut from under them than that they should hire them to Trench. * * * That he would brand them as traitors for ten generations if they did anything for Trench."

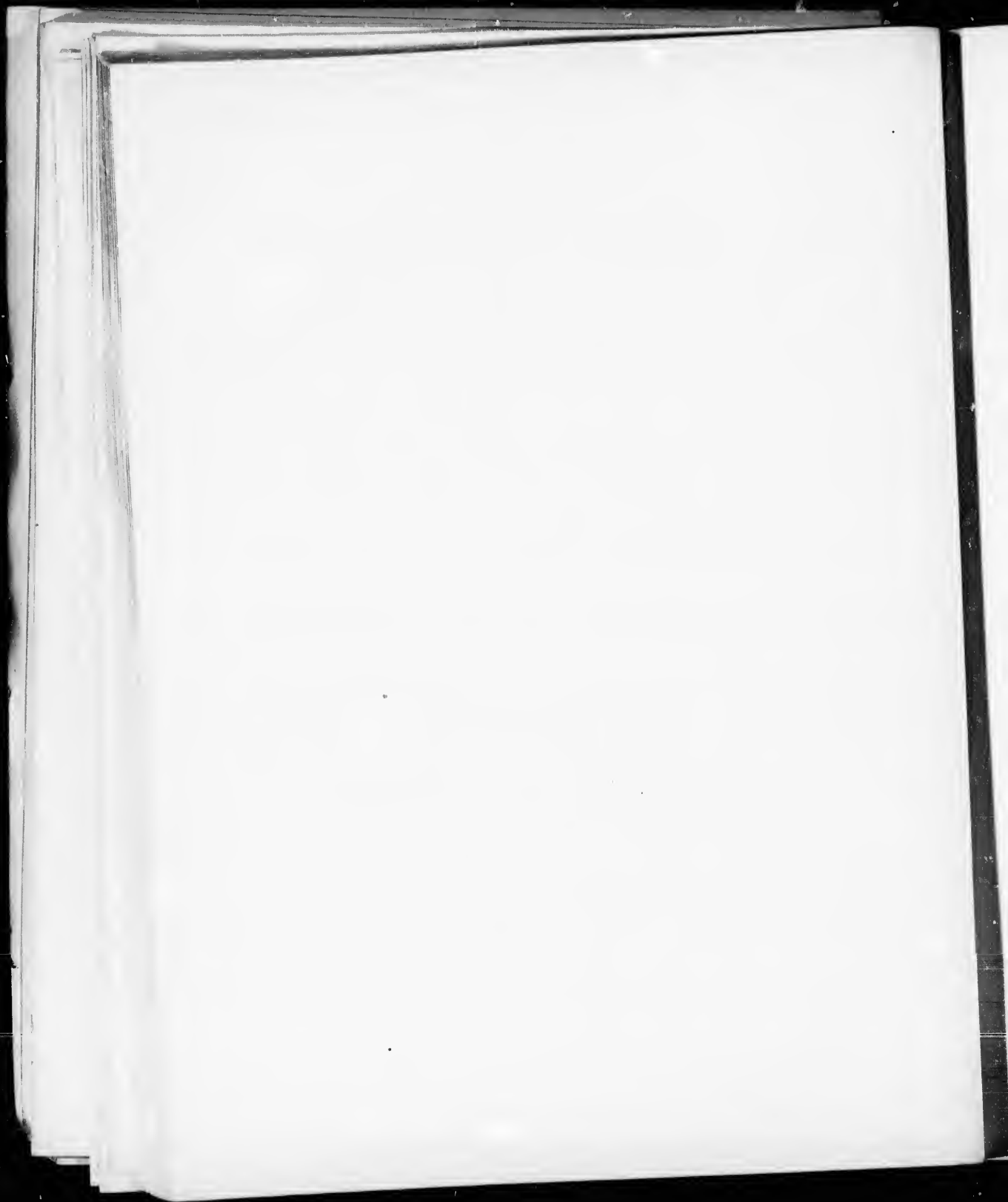
"Anathema would be hurled against all who would not do as the clergy said "

1230 "That any renegade Catholic who would not vote for Capt. Nolan would be a disgrace to his God, his religion, and his country, and that he would go to hell; that there were black sheep, not many, thank God! That any one who would vote for Capt. Trench he would not attend." * * * * *

"Any voter for Capt. Trench should be shunned as if he had small-pox or fever; that it was no longer a question between the two captains, but between faith and infidelity. That they and their children would be handed down for three generations from parish priest to parish priest, as renegades "

"It would be a terrible act of scandal and disaffiliation to vote for Trench."

1240 Many other words as extraordinary were proved, according to Judge Keogh, and, if we are to believe him, the acts were worthy of the language. He represents the clergy of the town of Luam as marching in the streets with banners upon which were inscribed the mottos: "Galway and God," "Nolan and God," and as conducting the electors to the polls. And after having resumed the testimony, he concludes that the archbishop, the bishops, and the greater part of the priests employed all means and all influences to attain their object, and that this object was the "overthrow of all free will and of all civil liberty." I am inclined to believe that the honorable judge has exaggerated, but however that may be, it is evident that there is no possible comparison between the facts of the Galway election and those of the present case.



In the county of Galway the clergy organized the election on a vast scale, for a long time before the election. Leaving the religious domain, they descended to the political lists, and made the election their own affair. Their programme—at least at the commencement—was entirely political, and had reference to the land tenure, and the relation between landlords and tenants. According to Judge Keogh the means of influence to which they had recourse were nothing less than “spiritual,” since they consisted of organized bands scattering terror everywhere.

Under such circumstances it was scarcely possible to carry on the election. The panic caused by the threatening mobs sufficed, according to the common law, to avoid the election; but it cannot be said that the organization and acts of these mobs were due to “spiritual” intimidation.

The Galway election then is not a precedent of authority in this case. It was annulled on account of the action of the clergy, I am well satisfied; but that action had a double character: It was rather “material and political” than “spiritual,” and it may be maintained, I think, that “undue spiritual influence” was not the true reason for this judgment of Judge Keogh. He has *en passant* well expressed his opinion against this influence, but if he had not had other reasons than the sermons of certain *cures*, he would without doubt have taken the trouble to study the question, instead of going into ecstasies over the “incomparable language” of Sir Samuel Romilly, and of accepting without question the opinion of Judge Fitzgerald, and such a study would have convinced him of his incompetency in judging of the doctrinal teaching of the clergy. In order to prove himself consistent he cites the judgment which he had rendered previously in the Drogheda case, and declared that “the undue clerical influence” proven in a particular case, and exercised upon an elector was “one of the reasons” for which he annulled the Drogheda election.

But on referring to the report of this Drogheda election, I have verified the fact that the “undue influence” proven in that case was certainly “clerical,” but not spiritual. The question there is concerning certain members of the clergy who led an elector to the poll, and employed insult, threats and violence to make him vote for their candidate. Neither can this precedent be called up by the petitioners. Now, there is not in all the known precedents another election which has been annulled either in England or Canada on account of undue influence on the part of the clergy. As I have pointed out, the clerical influence in the Drogheda election was not of a spiritual nature, and in that of Galway the spiritual intimidation was but a secondary motive of Judge Keogh. It was purely temporal intimidation, producing, according to Judge Keogh, a veritable terror, which was the principal cause of the invalidation of the election.

There is not, then, a single case which may be cited in which an election has been annulled solely on account of sermons delivered by the clergy.

What remains in favor of the petitioners? The opinions of Sir Samuel Romilly and Judge Fitzgerald. But in the first place Sir Samuel Romilly’s opinion cannot be called up in interpretation of the electoral law, since it was not expressed in a case of a controverted election, but with regard to a gift presented to a priest by a widow, whose agent he was. The “weakness of mind” of the widow, and the “abuse of confidence” by her agent, were particularly alleged as reasons for the annulling of the contract. As to Judge Fitzgerald’s opinion, let us observe that he had not to apply it, and that the Long-



ford election concerning which he expressed it was declared null for "corrupt treating." In this election the members of the clergy met to choose a candidate, and engaged themselves to support with all their might the chosen candidate. Judge Fitzgerald decided that there was nothing illegal in this meeting of the clergy. On this subject he delivered the following words:

"In the proper exercise of his influence on electors, the priest may counsel, advise, recommend, entreat and point out the true line of moral duty, and explain why one
1300 "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 for rewards, here or hereafter, and he must not use threats of temporal injury, or of disadvantage, or of punishment hereafter. He must not, for instance, threaten to excommunicate, or to withhold the sacrament, or to expose the party to any other religious disability, or denounce the voting for any particular candidate as a sin, or as an offence involving punishment here or hereafter."

As may be seen, Judge Fitzgerald seems at first to accord to the priests great liberty of action, but he next imposes restrictions on the exercise of this liberty which reduce it to a mere nothing. I am curious to know how a priest can be free "to teach the elector his
1310 moral duty" without the power of telling him that if he does not fulfil his "moral duty" he sins. It is to the word "sin" that they seem to have objection, and I suppose that they would see no "undue influence" in a priest's words, if he were contented with saying to the electors: By voting in such a manner you fulfil your moral duty, but in voting otherwise you fail thereof, or you commit an act contrary thereto." Nevertheless these words are almost synonymous with the criminated words. Now, I ask, is it possible to proscribe them from the free teaching of morals?

It is well to observe, besides, that from the standpoint of electoral law, there is a great difference between the "refusal of" or the "threatening to refuse the sacraments,"
1320 and the expression of the theological opinion that "to vote in such a manner is a sin." In effect in order that there should be intimidation, it is necessary that he who commits this offence should deprive or threaten to deprive the elector of something at his disposal. Now, the sacraments are spiritual gifts, dispensed by the priests according to certain rules laid down for him by the church. When the priest refuses the sacraments to an elector on account of his vote, I then understand that a judge, "who considers himself competent as to spiritual matters," may say that there was intimidation in that case. But when the priest simply says that "it would be sin to vote in such manner," he neither deprives, nor threatens to deprive the elector of any spiritual gifts which are at his, the priest's disposal. He cannot of himself declare a person to be in a state of grace or of sin.
1330 He expresses then only an opinion of moral theology, which may be true or false.

But neither Judge Fitzgerald nor myself are competent to decide that it is false. It will be understood that, further, we have neither the right nor the power to control the administration of the sacraments, and to decide that any person is worthy or unworthy of them. All the difference which I would have made between the two cases is, that in that of refusal of the sacraments, there is at least, as regards the spiritual order, that privation of gifts, which, as regards temporal order, would constitute "undue influence;" while in the other case I do not see even as regards the spiritual order the constituting element of offence.



If Judge Fitzgerald had occasion to reconsider his opinion, quoted above, and were
 1340 he placed face to face with all the difficulties which its application occasions, I am not far
 from believing that he would modify it.

II. In studying the text of the law which defines the offence called "undue influence," I have pointed out that the relations between Church and State could not be the same in Canada as in England; that those two societies, which in England really form but one, under one head, are here perfectly distinct, and under the control of two different heads; that, in consequence, a text of law where terms are very vague, and very general, may in England be applied to the spiritual order, as well as the temporal, while in our country it could not be applied to the spiritual order, except in virtue of an express provision.

This argument forms a yet stronger answer, when I oppose it to English jurisprudence. It is evident in fact that it is taking a false road to go to England in search of precedents, as to the relations which should exist between Church and State in our country.

The most remarkable statesman which Ireland has ever produced, Burke, said:—"There are in nature sources of justice from which all laws flow, like streams; and in like manner as the waters take their tinge and taste from the different lands they go through, so civil laws vary with the origins or governments of the various countries, even though starting from the same sources."

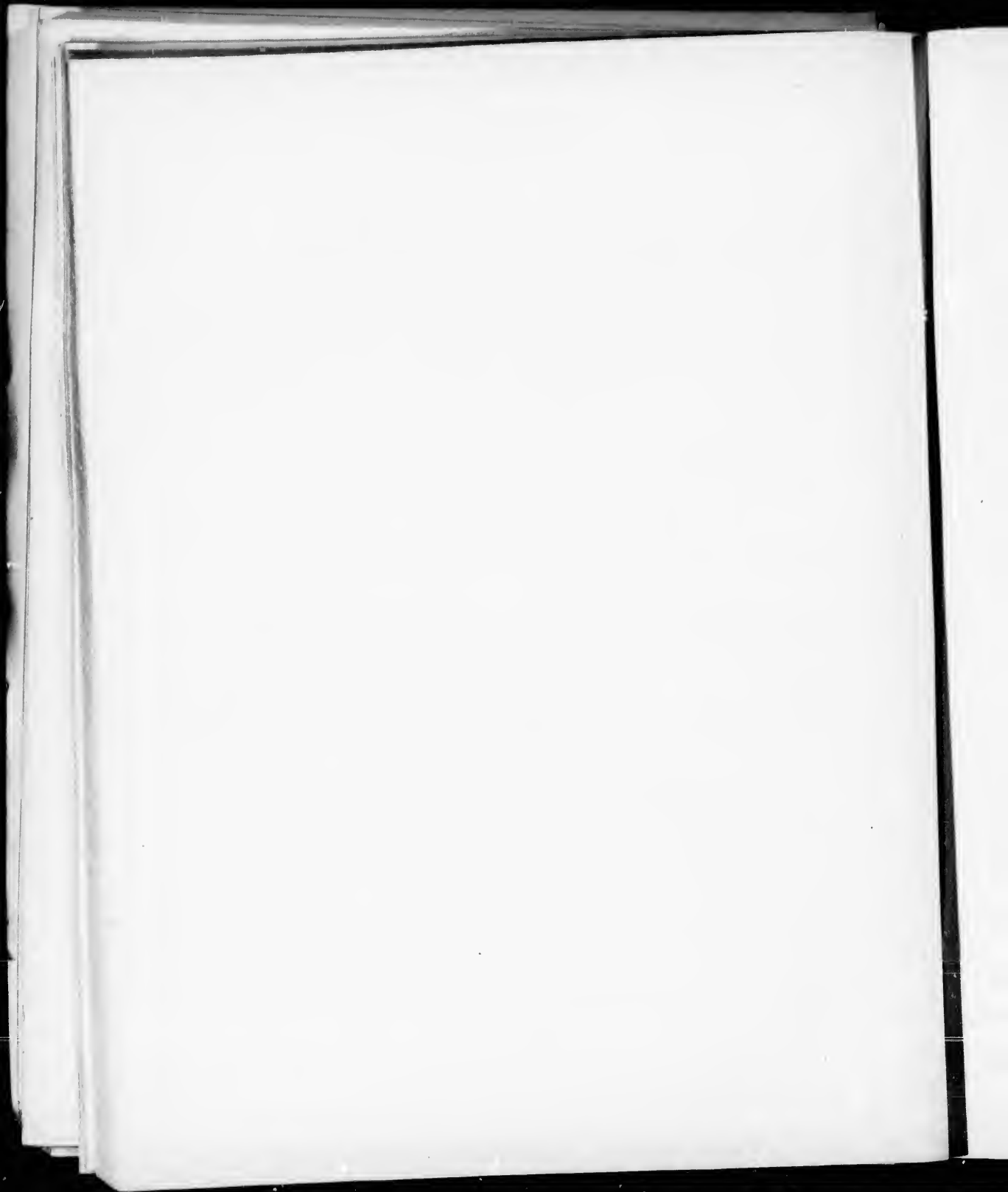
That which the great man said of laws is specially true regarding jurisprudence. It varies, and should vary with the constitution, the state of society, morals, religion, and the character of such people. It is that which caused Dr. Newman, in his splendid work, "The present position of Catholics in England," to say, speaking of English jurisprudence, "Let Protestantism be recognized as a principle of the Constitution, and every decision to the end of time would but illustrate Protestant doctrines, and consolidate Protestant interests." The thing is quite natural, and English jurisprudence should lead "*proprio motu*" to the sanctioning of Protestant doctrines and the consolidating of Protestant interests. It should further particularly be so, as regards questions touching upon public rights and religious liberty.

It is evident, then, that all those questions, and particularly in those which bear at the same time upon both spiritual and temporal matters, English jurisprudence cannot be
 1370 accepted in Canada, above all when it is contrary to that religious liberty guaranteed us by the Constitution.

What become after all this, of the opinions of the Hon. Judges Fitzgerald and Keogh, and how could it be maintained that they should constitute an authority in this country? They, themselves, would have spoken otherwise had they lived in Canada.

III. The petitioners have, besides, cited in support of their pretensions the report of a committee of the House of Commons, in the Bagot election, which report decided that had the spiritual influence invoked against the election been proven, the election would have been annulled.

It costs nothing to state a risky principle when it is known that one will not have
 1380 to apply the same. It was that without doubt which may have lead the committee, without paying much attention to the matter, to admit the erroneous proposition which I have



cited. Besides, I have every reason to believe that no one of the questions examined by me with every possible care in the present case, were before that Committee; and consequently its members were not called upon to decide on those questions.

Finally, if this report of a Committee could be invoked as having coequal authority with a judicial decision, I would oppose to it the report of a Committee of the House of Commons in England in the "Mayo" case (in 1853)—which Committee, entirely composed of Protestants, declare the election valid, saying at the same time "that there had been a great abuse of spiritual influence on the part of the Catholic clergy."

1390 As may be seen, this Committee verified the facts, but did not wish to carry out the legal consequences. Why? Probably because they recognized that they were entering upon ground which did not belong to them. Rather than fetter religious liberty they preferred to err logically.

1400 This obstruction in the way of matters affecting spiritual order was recently revealed in a striking manner, in the *Chambre des Députés*, in France, on the occasion of the invalidation of the election of the illustrious Count de Mun. The revolutionary majority of that Chamber wished at any price to condemn the spiritual influence of the clergy in that election; but it was necessary to find a base upon which to rest their decision; the obstruction was not slight. Mr. Tuquet, charged with this duty, was obliged to go back as far as the celebrated declaration of 1682, in order to find motives of invalidation; and as this declaration, and even the famous "organic articles," which he did not forget, did not furnish him with a single satisfactory foundation, we saw the orator cross the Channel and borrow from England the decision of Judge Keogh in the Galway case.

1410 It will be understood that there must have been a dearth of arguments when this precedent is cited in a French Court, (*Chambre Française*) under a legislation which bears no similitude whatever to English legislation. To avoid these obstructions and difficulties, it is necessary that each one keep to his proper sphere; that the depositaries of civil authority do not arrogate to themselves the right of judging spiritual things, and that the clergy on their side show the greatest prudence when they judge it proper to interfere in politics. On this point, it seems to me that there would be no cause of fear, that the past would guarantee the future.

There are few countries in the world where the clergy in general are less mixed up in political matters. Abuses have, perhaps, been committed by some isolated priests, but the mass of the clergy always keep themselves aloof from party strife, and the State has no citizens more peaceful, more faithful, or more devoted. Proofs are not wanting in our history of their loyalty, and none have more at heart the honor and prosperity of their country than they.

1420 The clergy have been the grand social and civilizing element of the Canadian people, and history is at hand to point out that they have been worthy of their high mission. In order that they may continue to fulfil it they must be free, and that is why the attempt of the petitioners, directed in this case against the influence and teaching of the priest, seems to me to be at the same time an act of a bad Catholic and a bad citizen. For my part, after an attentive and conscientious study, I refuse to see in our electoral law, fetters to the liberty of Christian preaching.



RECAPITULATION AND CONCLUSION.

I sum up in a few words all this lengthy argument.

1st. The law which governs us expressly prohibits all undue influence in "temporal" matters; the context of this law, and the acts of "undue influence" which it enumerates and defines, indicate that it cannot be applied to any act of a "spiritual" nature.

1430 2nd. There is really no English jurisprudence contrary to this interpretation of our law. For the Galway case is the only one in which the election had been annulled for "undue clerical influence," and this influence resulted much less from "spiritual acts" than from "temporal intimidation" knowingly organized and causing a general panic.

3rd. Even though the Galway precedent should be regarded as a jurisprudence opposed to my interpretation of the law, this jurisprudence might have been justifiable in England, but would not be accepted in Canada, because in this colony the Church and the State are not in the same conditions of existence as in the mother country, and because our constitution, our morals, our state of society, and our religious condition differ entirely.

1440 4th. Supposing even that our electoral law might be applied to "spiritual" matters—which would be contrary to the most elementary notions of natural right—still clerical influence should not be declared "undue" in this case, because the facts proved reduce themselves to the expression of certain opinions on moral theology which should be free, and which from their nature itself escape from our jurisdiction.

I conclude that in the name of the constitution, of religious liberty, of law and of justice, I should reject the petition, and declare the defendant legally elected.



EXHIBITS.

I.—OF PETITIONERS.

Exhibit of Petitioners at Enquête A, filed 3rd July, 1876.

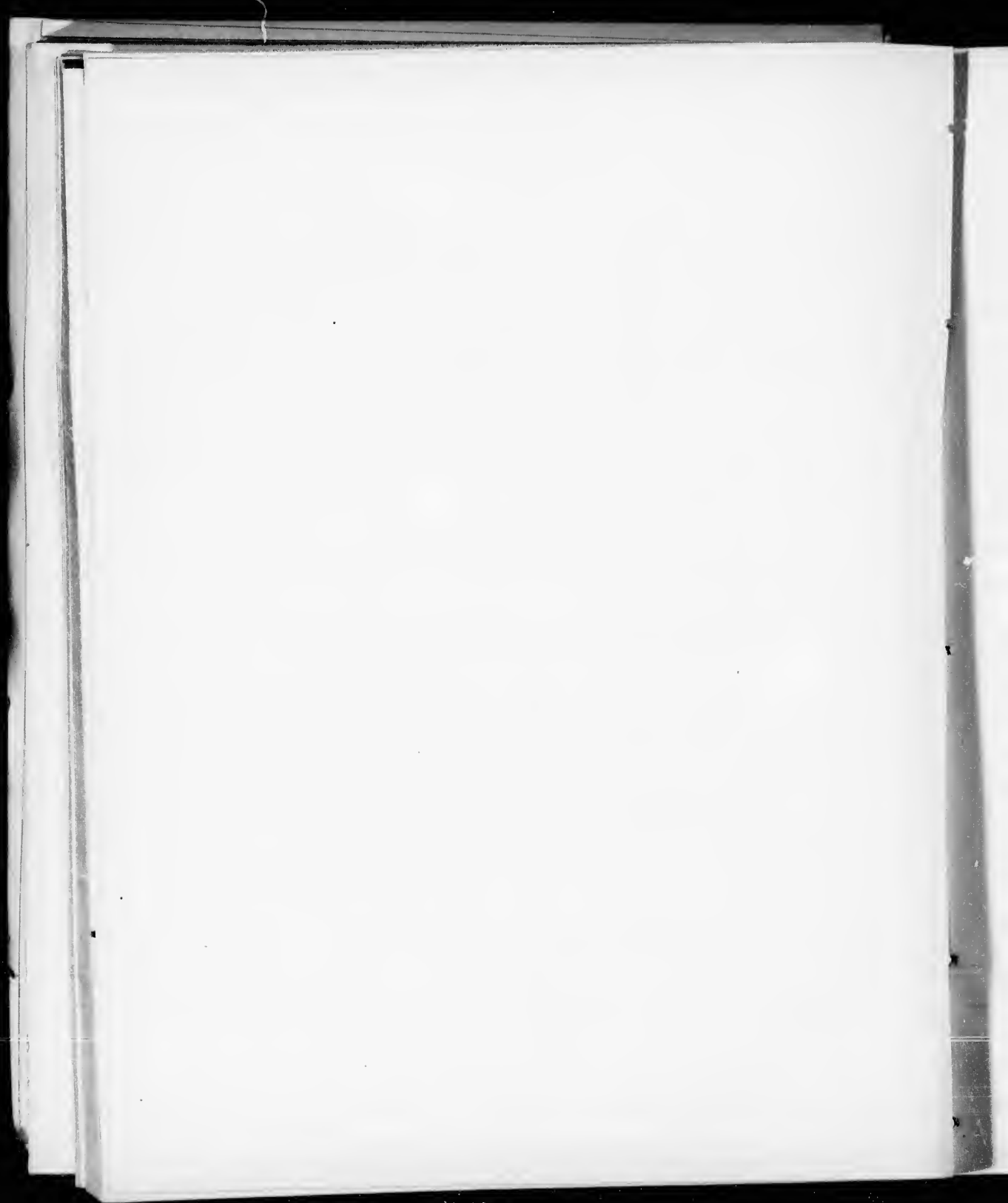
COUNTY OF CHARLEVOIX.

Abstract of the Statement of the Expenses of the Honble. H. L. Langevin, C. B., at the Election of Charlevoix, in January, 1876 :

	By expenses incurred to visit the County from the 30th December, 1875, to the 4th of January, 1876.....	\$ 8 00
	Carters to summon the meetings, &c.....	218 95
10	Telegrams	139 83
	House Rents.....	16 38
	Deposit with the Returning Officer	50 00
	Board and travelling expenses paid to Arsène Simard, Mrs. Riverin, Ismail Lavoie, Lapierre, Alfred Pillion and Theophile Simard.....	371 43
	By accts. from P. Vallie, A. Coté, Isidore Belleau and J. Lepage.....	44 00
	Sundries	7 33
	By accounts of A. Tremblay.....	78 70
20	“ “ J. Poitras	64 00
	“ “ J. Bigaouette	18 00
	“ “ Alexis Deslisle.....	28 00
	“ “ O. Montreuil.....	44 00
		\$1088 62
	Personal expenses paid by the Honble. H. L. Langevin :	
	Paid for Carters and Toll-gates.....	91 20
	“ Telegrams and Postage Stamps.....	30 75
	“ Board	33 30
		155 25
30		\$1243 87

CHS. DUBERGER,
Returning Officer.

J. ISRAËL TARTE,
Agent.



Petitioners' Exhibit A. A., filed with C. Duberger's evidence.

QUEBEC, March 23rd, 1876.

MR. TARTE, to OLIVIER MONTEUILL, Dr.		
	Dec. 18 Trip to St. Roch's.....	\$ 0 25
	" 18 One hour, going to St. John's suburb and other places.....	0 50
	" 18 To St John's suburb and St Louis Hotel.....	1 40
	" 18 Taking Mr. Vallée to the Court House and back to the Railway Office.....	0 50
40	" 21 Taking Mr. Vallée to St. Roch's.....	0 25
	" 21 Driving Mr. Tarte 2 hours.....	1 00
	" 22 Taking Mr. D'Auteuil to the suburb and back.....	0 25
	Jan. 13 Taking another gentleman to St. Roch's.....	0 25
	" 13 7 day's travelling.....	28 00
	" 9 Trip to Baie St. Paul.....	16 00
	" 26 Taking Mr. Vallée to St. Roch's.....	0 25
	" 26 2 Sleighs to go to Mr. Langevin's triumph.....	3 00
	1876	50 65
50	Febry 4 Recd on ac.....	20 00
		30 65

Approved at \$44 00

ac..... 23

\$21

(Admitted,) J. ISRAEL TARTE.

QUEBEC, January, 1876.

MR. _____, to ALEXIS DELISLE, Carter. Dr.		
	January 14—To one trip to Baie St. Paul with two horses—6 days at \$6.00 <i>per diem</i>	\$36 00
	To one trip to St. Joachim, to meet Mr. L——, 2 days at \$4.00	
60	per day.....	12 00
	Off 16	\$48 00
	4	20 00
	20	\$28 00
	Approved for \$28	

J. ISRAEL TARTE.

(Telegram.)

J. I. TARTE, Esq., to Telegraph Office at St. Irénée, Dr.		
	To messages.....	\$10 51
	To Mr. Pelletier's trip.....	2 00
70	Approved,	

J. ISRAEL TARTE.



Eboulements.

F. ROULEAU TO ADOLPHE TREMBLAY, Dr.

1876.			
Jan. 12, 13, 14	To board and bedding.....	4 00	
" "	Carter's board and expenses	3 00	
17, 18	Board and bedding	1 70	
	Carter	2 70	
19, 23 inclusive	Board and bedding for himself and others, and Carter's expenses.	11 90	
			<u>\$23 30</u>

80

Approved.

J. ISRAEL TARTE.

Eboulements

H. C. PELLETIER, TO ADOLPHE TREMBLAY.

1876.			
Jan 12	Board and bedding.....	4 00	
" 13 and 14	Carter's board and expenses	3 00	
" 17 and 18	Board and bedding.....	1 70	
	Carter	2 70	
" 19	Board	1 20	
" 19	Carter	1 10	
" 24	Board.....	60	
	Carter	1 10	
			<u>\$15 40</u>

90

(Approved.)

J. ISRAEL TARTE.

J. ISRAEL TARTE, DR. TO ADOLPHE TREMBLAY

	For Messrs. Vallée and Déry's board.....	11 00	
	" Mr. Larne's, carter, board.....	3 00	
	For one trip made by Mr. Louis Roy to St. Agnès.....	6 00	
	" " " Hamel Tremblay to St. Agnès.....	6 00	
100	" " " Elzéar Tremblay to St. Agnès and Malbaie.....	9 00	
	For trip made by Mr. Hamel Tremblay to St. Thomas	2 00	
	" night trip made by Mr. Edouard Tremblay to St. Joseph.....	2 00	
	" trip made by Mr. Prosper Deschène to St. Agnès.....	6 00	
	For two trips made by Mr. Leandre Bergeron, one to St. Irénée and the other to Misré	5 00	
	For one trip made by Elzéar Tremblay to Baie St. Paul	3 00	
	For one trip made by Edmond Tremblay to St. Thomas	1 50	
	For one night trip made by Elie Tremblay to St. Joseph.....	1 00	
	For one trip made by Wilbrod Tremblay to Misré, <i>all night</i>	2 50	
110	For one trip made by Jédé Audet to St. Maire.....	2 00	
	For one trip made by Elzéar Tremblay to attend meeting at St. Thomas...	2 00	
	For one trip made by Louis Roy to Malbaie	9 00	
	For one night trip made by Prosper Deschène to St. Marie	2 00	
	For one night trip made by Leandro Bergeron to St. Thomas.....	1 50	
			<u>\$96 20</u>

Approved for \$40.

J. ISRAEL TARTE.



HON. H. L. LANGEVIN, DR. TO JOS. POITRAS.

	For one trip made to Baie St. Paul by Messrs. Langevin and Tarte	20 00
120	ditto ditto by Messrs. Robitaille and Belleau.....	20 00
	ditto from from Baie St. Paul to Quebec by Messrs. Bellem and Chabot.....	12 00
	ditto ditto to Quebec, Messrs Lepage and Côté	12 00
	ditto to carry band to Sault Montmorency.....	10
		\$74
		Off. 10
		\$64

Approved for Sixty-four dollars.

MALBAIE, 26th January, 1876.

130 Hon. H. L. LANGEVIN to Montreal Telegraph Co., Dr.

J. S. PERREAULT'S ACCOUNT, Murray Bay.

	1876.		
	Jan. 1	1 Telegram	37
	5	1 "	38
	6	1 "	26
	"	1 "	41
	8	2 " 45, 39	84
	10	1 "	27
	11	1 "	50
140	12	1 "	36
	14	1 "	58
	15	1 "	25
	17	1 "	40
	18	4 " 30, 31, 43, 34	1 38
	19	1 "	68
	"	1 "	30
	22	2 " 25, 27.....	52
			\$7 50

J. A. J. KANE, Esq.

	1875.		
150	Dec. 30	1 Telegram.....	29
	31	1 "	34
	1876.		
	Jan. 1	1 "	25
	5	5 " 35, 33, 32, 65, 31	1 96
	6	5 " 29, 25, 30, 25, 25	1 34
	16	2 " 51, 43.....	94



160	Jan 17	3	Telegram 63, 55, 48	.....	.....	1 66
	19	5	" 32, 44 31, 38, 36	.....	.....	1 81
	20	3	" 59, 79, 61	.....	.....	1 99
	21	1	"	.....	.....	25
	23	1	"	.....	.....	47
	24	1	"	.....	.....	25

Carried 19 05

Brought forward 19 05

1876

S. H. CROMB, Esq.

170	Jan. 4	2	Telegrams 25, 25	.....	.....	50
	5	5	" 31, 37, 25, 25, 35	.....	.....	1 53
	8	1	"	.....	.....	41
	22	2	" 25, 26	.....	.....	51

22 00

1876

R. P. VALLÉE, Esq.

	Jan. 19	2	Telegrams 36, 43	.....	.....	79
	24	1	"	.....	.....	25

\$23 04

Deducted one telegram not sent, party being absent..... 70

Balance due..... 22 34

E. O. E.

180	Besides the above telegrams, which are due by us to the Telegraph office, I have paid five others, one of which 25 c.; another 32 c.; a third one 46 c.; a 4th, 25 c.; a 5th, 25 c..... 1 53					
-----	--	--	--	--	--	--

Being a sum of \$1 53

J. S. PERREAULT.

	I have sent 8 telegrams averaging 30 cents.....	2 10
	Which I have paid cash.	

J. A. J. K.

(Approved.) J. ISRAEL TARTE.

Paid.



Votes and Proceedings of the House of Commons, Ottawa, Thursday 10th Feb., 1876.

190 Mr. Speaker further informed The House, that he had received from the Hon. Mr. Justice Routhier, one of the Judges selected for the trial of Election Petitions, pursuant to the Controverted Elections Act, 1873, a Certificate and Report relating to the Election for the Electoral District of Charlevoix.

And the same was read as follows:—

CHARLEVOIX CONTROVERTED ELECTION.

(Translation.)

Canada. Province of Quebec. District of Saguenay.	}	Election Court, Quebec Division. THE CONTROVERTED ELECTIONS ACT, 1873.
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200 In the matter of an Election Petition between

SIMON XAVIER CIMON,
Petitioner.

AND

PIERRE ALEXIS TREMBLAY,
Respondent.

210 SIR,—In conformity with Sections 19 and 20 of "The Controverted Elections Act, 1873," I send you a certified copy of my Judgment on the above named Election Petition, together with a copy of minutes of evidence thereunto annexed, and I have at the same time the honor to report—inasmuch as the said Petition alleges that corrupt practices were committed at said Election—

That on the trial of the said Petition it has not been proved that any corrupt practice was committed at the said Election by the said Pierre Alexis Tremblay or to his knowledge or with his consent.

220 That it appears from the said trial that the persons following, namely: Henry Simard, merchant, Joseph Alexandre Hamel, physician, Auguste Lemieux, farmer, all three of St. Etienne de la Malbaie, Narcisse Gariépay, merchant of Baie St. Paul, Romuald Lavoie and Thélesphore Lavoie, farmers, both of St. Francois Xaviere de la Petite Rivière, were guilty of corrupt practices at the said Election, which said practices consisted specially in treating the electors and in providing them with drink and provisions for the purpose of influencing their votes,

That Joseph Maectan, of St. Etienne de la Malbaie, blacksmith, Joseph Simard and Pierre Lavoie, farmers, of St. Agnès, Léandre Tremblay of St. Fidèle, merchant, Thomas Duchesne, Alexis Tremblay and Isaac Tremblay, farmers, of Les Ebonnements, Réal Asselin of St. Hilarion, farmer, Charles Potvin, hotel keeper, Baie St. Paul, and Onésime Gauthier, trader of St. Urbain, were also convicted of having opened or caused to be opened houses of public entertainment for the reception of the electors.



That corrupt practices did not prevail extensively at the said Election, except in matter of open houses and treating.

In testimony whereof, I have signed at Malbaie, this 23rd day of August, 1875.

230

A. B. BOUTHER,
J. S. C.

To the Hon. T. W. ANGLIS,
Speaker of the House of Commons of Canada.

Canada }
Province of Quebec, }
District of Saguenay. }

In the Election Court.

THE CONTROVERTED ELECTIONS ACT, 1873

MALBAIE, this twenty-third day of August, 1875.

PRESENT:

THE HONORABLE A. B. BOUTHER, J. S. C.

240

In re

SIMON XAVIER CIMON, Esquire, Contractor, of the Parish of
St. Etienne de la Malbaie

Petitioner

AND

PIERRE ALEXIS TREMBLAY, Esquire, Surveyor, of the Village
of Chicoutimi, District of Chicoutimi.

Respondent.

250

Having heard the parties in this case by their Counsel on the merits of the Petition presented by Simon Xavier Cimon, examined the procedure of record, heard the evidence and maturely deliberated, dealing in the first place with the objections made to the evidence and reserved on the merits, do dismiss the objections made by Petitioner to questions in cross-examination put to witnesses Auguste Lemieux, Joseph McNicol and Joseph Villeneuve and maintain the objection made by Respondent to a certain portion of the evidence of Xavier Milloux,

And proceeding to judge the said Petition on the merits—

Whereas at an election held in January, 1874, in the Electoral District of Charlevoix, Province of Quebec, for the purpose of electing a member to represent the said Electoral District in the House of Commons of Canada, the said Respondent, Pierre Alexis Tremblay and the Honorable Pierre Joseph Olivier Chauveau were candidates, and the
260 Petitioner an elector duly qualified to vote;

Whereas at the said election, the said Pierre Alexis Tremblay was, on the twenty-ninth of the said month of January, 1874, declared duly elected a member of the said House of Commons for the Electoral District of Charlevoix;

Whereas it is manifest from the evidence produced in this case that corrupt practices



prevailed at the said election, and that the same were committed not by Respondent himself, but by his Agents and Sub-Agents, consisting the said corrupt practices in giving or promising to voters in order to secure their votes moneys or other valuable considerations, treating the electors in order to influence the election and opening and maintaining on the credit of Respondent houses of public entertainment for the reception of the electors ;

- 270 The undersigned, Judge of the Superior Court, sitting in pursuance of the Act of the Parliament of Canada entitled the Controverted Elections Act, 1873, declare that the said Pierre Alexis Tremblay was not duly elected a member of the said House of Commons of Canada for the said Electoral District of Charlevoix, and that the said election is null and void,—the whole with costs against the said Pierre Alexis Tremblay, except costs of summonses and taxing of the witnesses following, which shall be payable by Petitioner, namely : Damase Conturier, Elie Maltais, Trille Villeneuve, Abraham Lapointe, Joseph Lavoie, Oliver Rochette, Flavien Langevin, Alfred Girard, Joseph Tremblay, Paul Tremblay, Dominique Tremblay, Elzéar Danais, César Tremblay, Alexandre Savard, Théophile Lavoie, John McLaren, François McNicol, Joseph Gagné, George Warren, Thomas
- 280 Chaperon, Thomas Gagnon, Hector Dufour, Fleurant Tremblay, Jean alias "Johnny" Tremblay, Edouard Gobeil, Hildebert Girard, Abel Audette, François Asselin, Samuel Boivin, Léandre Gobeil, Boniface Larouche, Jean Baptiste Boily, Scraphin Guérin, Epiphane Laforet, Louis Maltais, Romuald Gagné, Jean Théotime Lajoie, Flavien J. B. Belleville, Jean Tremblay, Gonzague Tremblay, André Labbé, Charles Potvin, Sara Simard and Onesime Brassard.

CHAS. DUBERGER,
P. S. C. S. D. and Clerk Election Court.

I, the undersigned, Judge of the Superior Court, certify that the foregoing copy of judgment is a true copy of the judgment rendered by me in the said case.

290

A. B. ROUTHIER,
J. S. C.

MALBAIE, 25th August, 1875.

He also informed the House, that in conformity with the 24th section of the said Act, he had issued his Warrant to the Clerk of the Crown in Chancery to make out a new Writ of Election for the said Electoral District.

He further informed the House, that he thought it his duty to lay the following facts before the House :

" 1st. That the above trial took place and judgment given on the 23rd day of August, 1875.

- 300 " 2nd. That the Judge presiding forwarded him his certificate bearing date the 25th day of August, 1875, voting the election, two days only having elapsed since the decision was given.

" 3rd. That the 29th Section of the Dominion Controverted Elections Act, 1874, as amended by the Act 38 Victoria, Chapter 10, Section 3, provides, 'that within four days after the expiration of eight days from the day on which he shall so have given his decision, certify in writing, such determination to the Speaker, etc.'



" 4th. That the Judge's Certificate was received on the 28th day of August, 1875, and his (the Speaker's) Warrant was issued for a new election on the same day.

310 " 5th. That the Respondent in the said trial filed an inscription for Review in the Superior Court for the District of Quebec, under the 33rd and 34th Sections of the " Dominion Controverted Elections Act, 1874, and the said Court, sitting in Review, did " on the 18th day of December last, determine that the said Election was void.

" 5th. That the said judgment was received by him on the 3rd day of January last."

And the same was read as follows:—

QUEBEC, 18th December, 1875.

SIR,—We beg leave to enclose (annexed hereto) a certified copy of the Judgment of the Superior Court in Review, rendered this day upon a petition of Simon Xavier Cimon, Esquire, against the Return, at the last General Election, of Pierre Alexis Tremblay, Esquire, for the Electoral District of Charlevoix.

320 The said Petition contained charges of corrupt practices having been committed at the Election to which it referred.

We therefore, in pursuance of Section No. 20 of the Controverted Elections Act, of 1873, and of Sections Nos. 30 and 33, of "The Dominion Controverted Elections Act 1874," report as follows:—

Firstly:—That upon the trial of the said Petition, no corrupt practice was found to have been committed at the said Election by or with the knowledge and consent of the said Pierre Alexis Tremblay;

330 Secondly:—That the following persons were found at the trial to have been guilty of corrupt practices at the said Election namely:—Henry Simard, Merchant, Joseph Collard, Merchant, and Joseph A. Hamel, Physician, all three of the Parish of St. Etienne de la Malbaie, Narcisse Gariépy, Merchant, of Baie St. Paul, Auguste Lemieux, Blacksmith, of the Parish of St. Agnès, Séraphin Guérin, Merchant, of the Parish of St. Simon, Romuald Lavoie and Téléphore Lavoie, both of the Parish of St. François Xavier de la Petite Rivière.

Thirdly:—That several houses of public entertainment for the accommodation of Electors were, during the said Election opened and supported in the said Division, and that treating was extensively carried on during the said Election, but that a corrupt intention has not been sufficiently established to warrant us in reporting that corrupt practices extensively prevailed at the said Election.

340 We also beg leave to enclose herewith a certified copy of the notes of evidence adduced on the trial of the said Petition.

We have the honor to be, Sir,

Your very obedient servants,

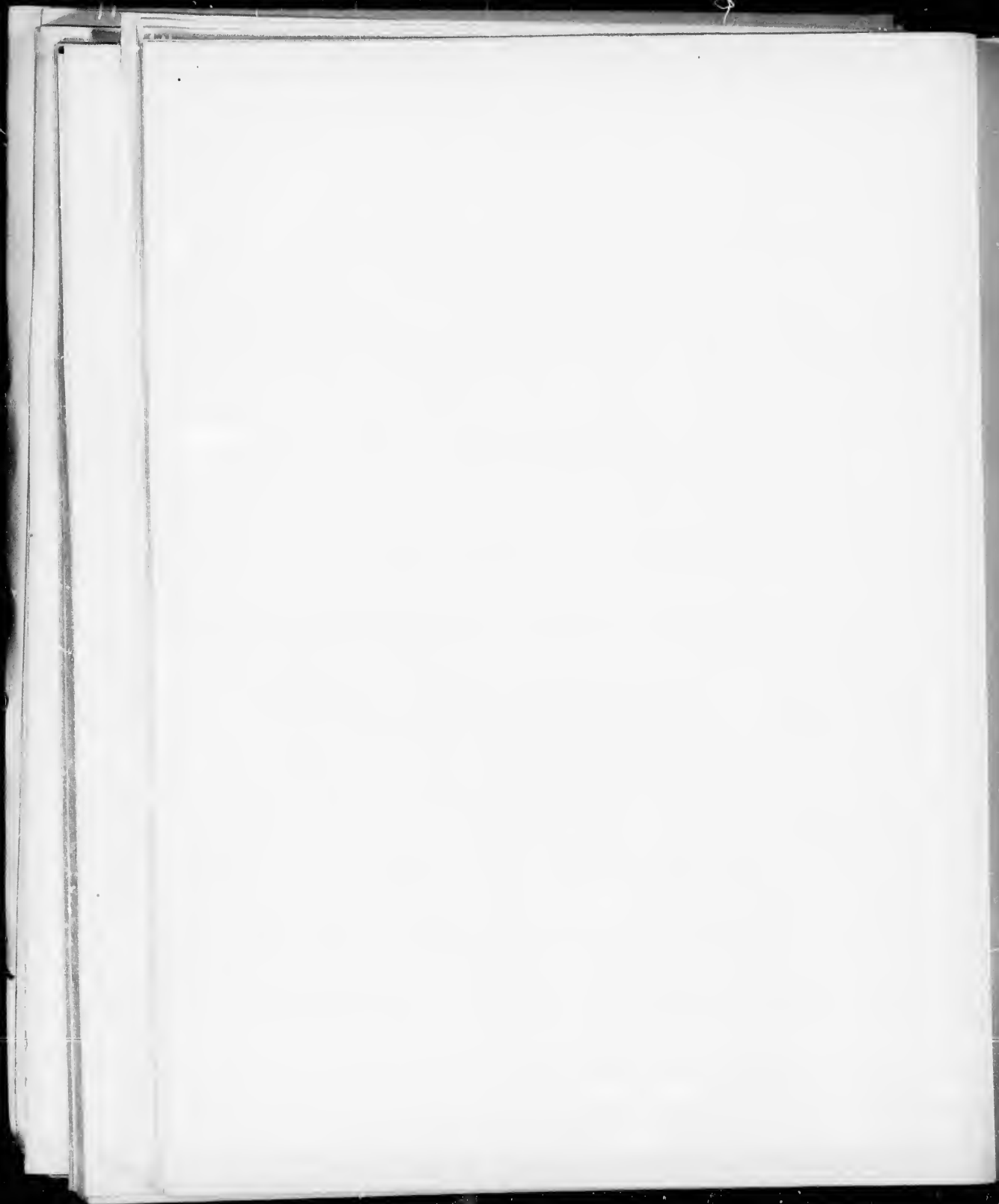
W. C. MEREDITH, C.J., L.C.

A. STUART, J.

N. CASAUET, J.

To the Honorable

The Speaker of the House of Commons of Canada.



CANADA, }
 350 PROVINCE OF QUEBEC, } *In the Superior Court.*
 District of Quebec. } *Sitting in Review at the City of Quebec.*

The Eighteenth day of December one thousand eight hundred and seventy-five.

PRESENT.

THE HONORABLE WILLIAM COLLIS MEREDITH, Chief Justice.
 " Mr. JUSTICE ANDREW STUART. *
 " " NAPOLEON CASAUULT.

In the matter of an Election Petition for the Electoral District of Charlevoix, between

SIMON XAVIER CIMON, Esquire,
Petitioner,

360

AND
 PIERRE ALEXIS TREMBLAY,
Respondent.

Presented under "The Controverted Elections Act, 1873."

The Court now here, sitting in Review in virtue of Sections 33, 34 and 63 of the *Dominion Controverted Elections Act, 1871*, on the inscription in Review filed in this cause by the party thereto; having heard the parties, doth confirm and maintain the decision rendered by the Honorable Mr. Justice Routhier on the twenty-third day of August, one thousand eight hundred and seventy-five, and therefore doth decide, declare and determine:—

370 First:—That the said Pierre Alexis Tremblay, the Member whose Election and Return were complained of by the said Petitioner, was not duly elected, and that the Election and Return of the said Pierre Alexis Tremblay were void;

380 Secondly:—That the said Pierre Alexis Tremblay do pay the costs incurred by the Petitioner on the said Election Petition and the trial thereof, save and except the summoning and taxation of the following witnesses: Dame-se Couturier, Elie Maltais, Tréde Villeneuve, Abraham Lapointe, Joseph Lavoie, Olivier Rochette, Flavien Langevin, Alfred Girard, Joseph Tremblay, Paul Tremblay, Dominique Tremblay, Elzéar Danais, César Tremblay, Alexandre Savard, Théophile Lavoie, John McLaren, François McNeol, Joseph Gagné, George Warren, Thomas Chaperon, Thomas Gagnon, Hector Dufour, Narcisse Harvey, Jean Warren, Toussaint Morin, Israël Dufour, Flourant Tremblay, Jean, *alias* Johnny Tremblay, Edouard Gobiél, Hildebert Girard, Abel Audette, François Asselin, Samuel Boivin, Léandre Gobiél, Boniface Larouche, Jean Baptiste Boily, Séraphin Guérin, Epiphane Laforet, Louis Maltais, Romuald Gagné, Jean Théotime Lajoie, Flavien B. Belleville, Jean Tremblay, Gouzague Tremblay, André Labbé, Charles Potvin, Sara Simard and Onésime Brassard;

Thirdly:—And the Court do moreover decide and determine that the said Pierre Alexis Tremblay do pay the costs of the Petitioner on the Review before this Court, *distracts* to Messieurs Allyn and Chauveau, the said Petitioners' Attorney.

390 Certified a true Copy of the original in our custody forming part of the records of the Superior Court according to Law.

FISER, BURROUGHS & CAMPBELL,
P. S. C.

Exhibit of Petitioners at Enquête C. C., filed 23rd August, 1876.

We, the undersigned, solemnly declare that, on Sabbath, the 16th day of January last, Mr. Fafard, curate of St. Urbain, said in his sermon, in addressing his parishioners:—

1 That there were persons at Décharge (part of St. Urbain) who, because they have gathered a small harvest this year, believe themselves able to live without any help, and who, for that reason, consider themselves as "bosses," warm their feet under the stove, and undertake to call political meetings. Among all those persons, more than one half are unable to form an opinion and to guide themselves

2 That they listen to an ignorant man, who knows neither how to read nor how to write, a man lately escaped from prison, (the man of whom he wished to speak is an honest man and has never been in prison) rather than seek advice from persons able to guide them.

3 That they would do much better to listen to their priest, than to that high priest, (in speaking of the same man he alluded to above) as it was their duty to do.

4 That they were not, also, to listen to the persons coming from Quebec and elsewhere to speak in favor of Mr. Tremblay, because they came to deceive them.

5 That if they had not had their priest and the rich farmers to permit them to sow in the last spring they could not have sown.

6 That if they wished the same persons to help them again in the future, they were to follow them and vote for the same candidate they voted for in the present election, that is, Mr. Langevin.

7. That Mr. Langevin was a man capable of rendering great services to the county.

8 That Mr. Tremblay was a stubborn man, listening to nobody, and no longer worthy of our confidence.

9 That those people (at the Décharge) were to listen to their priest, to follow him in the present election, if they desired to have his services when they should need them, as those belonging to the parish.

And we are making this solemn declaration, believing it conscientiously true, by virtue of the Act in the 37th year of Her Majesty's reign and intitled:—An Act for the suppression of voluntary and extra-judicial oaths.

420

(Signed.) PETRE GILBERT.
 XAVIER GIRARD.

Made and certified before me, this eighth day of February, one thousand eight hundred and seventy-six.

(Signed,) F. ASSELIN, J. P.

(True Copy.) F. LANGELIER,
 Soll. of the Petition.

[Another copy of the foregoing appears to have been filed by Petitioners on 14th September, 1876, as Exhibit I.]



Exhibit F of Petitioners.

430

ST. HILARION. April, 1876.

To My Lord, the Archbishop of Quebec:—

We, the undersigned, parishioners of St. Hilarion, solemnly declare that our priest did not say on the 16th day of January last,

1 That the parishioners of St. Hilarion were crooked heads; but that there are among us some crooked heads, who, instead of submitting themselves to the decisions of the church and obeying the letter of our bishops, make a pastime of keeping and increasing discord in the parish.

2 He did not speak of the Conservative party, but said that we could not conscientiously vote for a Liberal candidate when he is known to be such.

440 3 He did not say, in a general manner, that those who should vote for a Liberal candidate would sin mortally; but, that to vote for a Liberal candidate through contempt of the decisions of the church, constituted a serious fault.

4 It is absolutely false that he said that there are people, in the parish, who call themselves Catholics, and who are Garibaldians and make war against the Pope. Here is as much as we can remember of what he has said: "You are to be called, this week, to choose a man to represent your interests in Parliament. I will tell you to vote according to your conscience, enlightened by your superiors." Do not forget that the bishops of the Province assure you that Liberalism is "like the serpent which crept into the terrestrial paradise to tempt and lead the human race to fall."

450 According to our bishops, the Liberals are deceitful men; then you must not follow them if you do not wish to be deceived. Liberalism is condemned by our Holy Father, the Pope. The Church condemns only what is evil; now Liberalism is condemned, then Liberalism is bad, and therefore you ought not to give your vote to a Liberal, your bishops declare it openly.

Moreover, your first pastors tell you that "the priest and the Bishop, can justly and must conscientiously lift up their voice to point out the danger, and declare authoritatively that to vote in a certain way is sin."

460 Now, if sometimes it is sinful to vote in a certain way rather than in another way, it cannot be, assuredly, when you are voting according to the wise counsels of all the Bishops of the Province; and if it is not in that way, it must be in the opposite. However, I must tell you that if you are voting for a Liberal candidate, not believing him to be so, because your conscience tell you that he is the man that will best represent your interests in Parliament, in such a case you do not sin. But if you know that he is a Liberal, you cannot conscientiously give him your vote; you are sinning by favoring a man who supports principles condemned by the Church, and you assume the responsibility of the evil which that candidate may do in the application of the dangerous principles which he professes.

And mark, brethren, it is not sufficient for a candidate to be a Catholic, in order to



deserve your votes, because it is not precisely the man whom you are to consider, but
470 the political principles as well as the principles of the Government which he supports.

Victor Emmanuel is a Catholic, Garibaldi is a Catholic, and yet, this does not prevent them from rebelling against the Church and from making war against our Holy Father the Pope and from keeping him a prisoner in his castle. In the same manner the Liberals make war against the Church, for Jesus says: "He that is not with me, is against me."

Now, the Liberals are against the Church since she condemns them; therefore they make war against the Church since they refuse to yield to her teachings.

Remember, my dear children, that you shall have to render to God an account of the vote you will cast this week. Tell me on what side would you prefer to be at the hour
480 of your death? Is it on the side of the Church, of your Sovereign Pontiff and your Bishops? or on the side of Victor Emmanuel and Garibaldi? Consider, and decide, like men and not like children.

The net which you are going to perform has, perhaps, more importance than you could imagine.

What is important, then, is to have your conscience enlightened by those whom you believe capable of advising you well, and to follow your conscience thus enlightened as far as you can. By doing this, God will not reproach you, and consequently I shall not do so myself.

And we make this declaration, believing it conscientiously to be true and by virtue
490 of the Act passed in the 37th year of Her Majesty's reign, entitled: An Act for the suppression of voluntary and extra-judicial oaths.

Signed.

Received and certified before me, this second day of April One thousand eight hundred and seventy-six.

(Signed)

FRANÇOIS SAVARD, Mayor.

J. S. LANGLAIS, Priest.

True Copy.

F. LANGELIER,

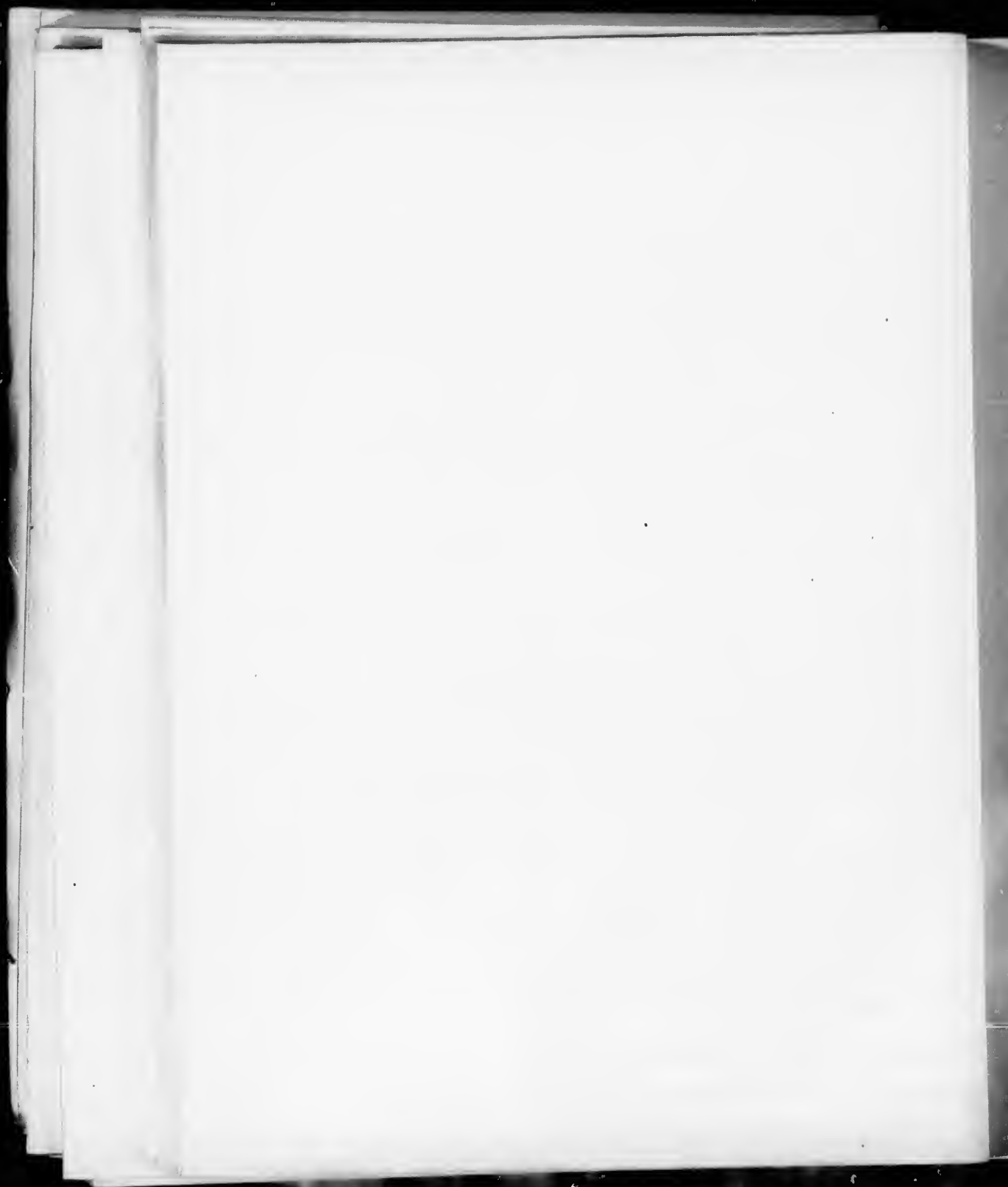
Soll. of the Petition.

500 Signatures appended to the bottom of the above original declaration and other parts, and sent at the same time as the said declaration to the Archbishop of Quebec, and certified before F. Savard, Mayor.

April the 2nd, 1876.

Antoine Bouchard
Côme Savard
Hypolite Tremblay
François Tremblay

David Côté
Cléopâtre Tremblay
Patrice Bouchard
Thomas Tremblay



	Jules Tremblay	Clovis Coulombe
	Louis Tremblay	Jean Bte. Pilote
510	Edouard Boucher	Amable Tremblay
	Gregoire Tremblay	Alfred Savard
	Thelesphore Chérin	Arsene Belanger
	Marion Gauthier	Hubert Tremblay
	Thulée Bouchard	Xavier Gravel
	Isaie Pilote	Pierre Tremblay
	Xavier Tremblay	Norbert Coulombe
	Casimir Tremblay	Antoine Gauthier
	Octave Simard	Joseph Tremblay
	Nazaire Verreun	Onesime Gauthier
520	Theophile Verreun	Helie Gauthier
	Thomas Hervey	Elzear Martel
	Frs. Tremblay	Octave Bouchard
	Ensebe Tremblay	Guillaume Bouchard
	Eucher Tremblay	Euthyme Bouchard
	Alfred Duchesne	Mrs. Duchesne
	Hugues Jarvie	Raphaël Choinard
	François Bergeron	Aurèle Choinard
	Thelesphore Vandal	Filius Desbiens
	George Tremblay	Noël Tremblay
530	Toussaint Bergeron	Joseph Tremblay
	Joseph Verreun	Jean Bouchard
	Edmond Tremblay	Thos. Girard
	Moderic Coulombe	Eustache Simard
	Onésime Bouchard	Pascal Tremblay
	Etienne Desgagnés	Helie Bergeron
	François Bergeron	François Savard
	Charles Desbiens	



*Petitioners' Exhibit II, filed with deposition of the Rev. M. Cinq-Mars.**(From the Courier du Canada, 12th May, 1876.)*

540

MR. P. A. TREMBLAY CONDEMNED.

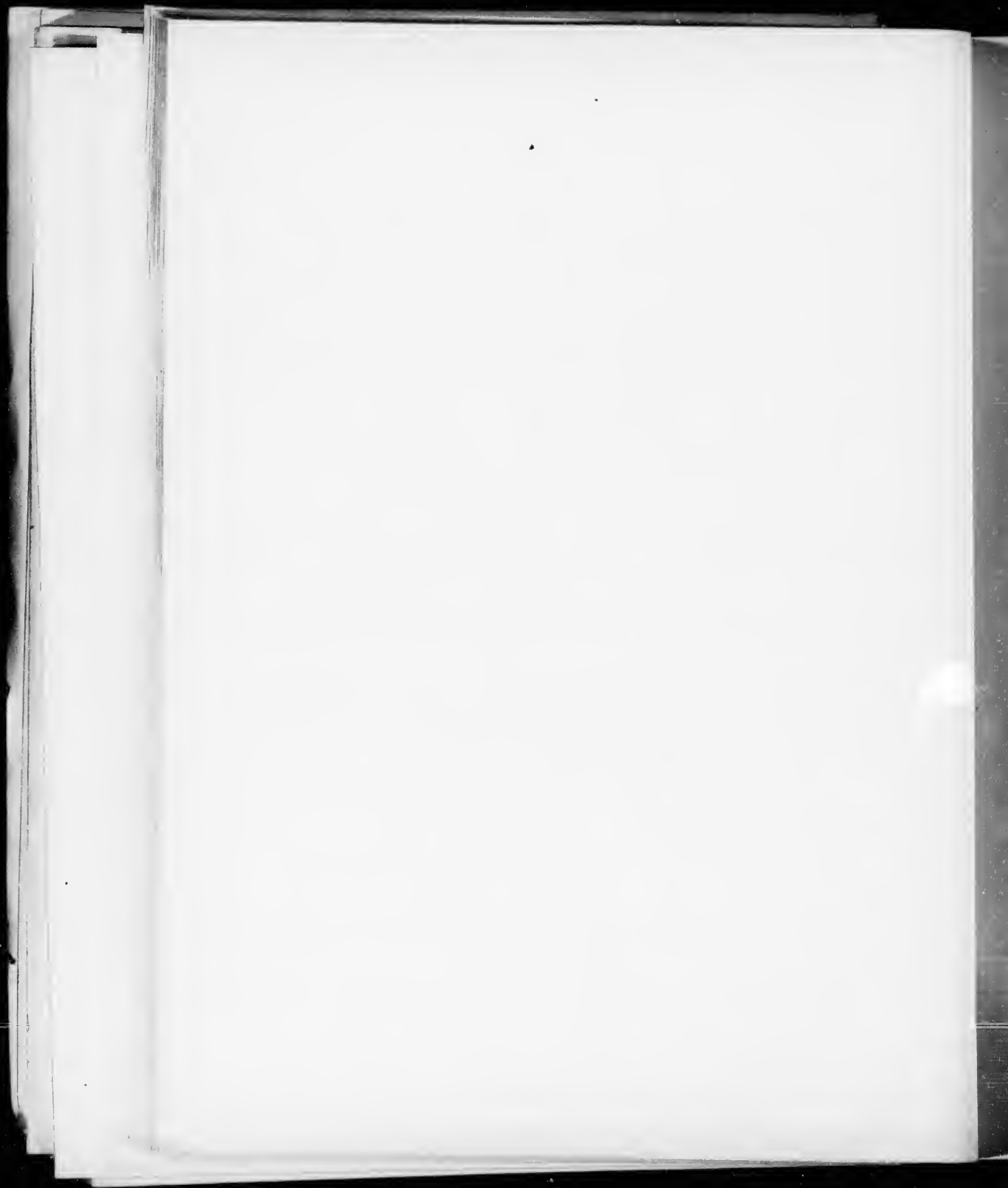
To the Editor.

Sir,—Extraordinary things are now going on beneath Canadian skies to which we were not accustomed in our peaceful country, and which may be looked upon as signs of the times. Sincere Catholics now ask themselves with honor—to what point shall we be carried by this revolutionary blast. I will no longer say Liberal, but revolutionary, which for some time has burst upon our peaceful Canada. For Mr. P. Tremblay was reserved the sad fate of causing us to be present at those scandalous scenes.

The *L'Evenement*, the *National*, the *Journal de Quebec*, had, indeed, up to this time little by little familiarised their readers with contempt of the priest and of religion; they indeed preached to the people the non-intervention of the priests in politics and advised that some people not to obey their spiritual heads in those matters. These same journals indeed went so far as to endorse all the responsibility of Mr. Huntington's programme, they readily rendered their assistance to justify in the eyes of the country that cry of war against Catholicism thundered forth by one of the Ministers of the Crown, and disavowed by none of his colleagues. It even happened one day that a certain writer of the vicinity of Quebec gave himself the useless trouble of going round by Toronto to attack in the *Globe* under the signature "An Ultramontane," the chief pastor of the Church in Montreal, to criticise, to censure, to carp at and to pull to pieces the admirable mandate of the holy prelate on Liberalism. But we were not yet accustomed to see a candidate defeated in an election, devoured with ambition, and the most inordinate thirst for parliamentary glory, cover with monstrous accusations the clergy of a country,—His Lordship, the Archbishop himself,—upset and throw everything into disorder, on his way to succeed in juggling himself into a seat in the House,—go so far as to ask the Pope himself to hand over to his mercy a certain number of priests, that he might then hand them over to the secular arm. If Mr. Tremblay could obtain this point from the Holy Father, how he would rejoice to see his palpitating victims trembling and shrieking under his rod! How the whole Liberal pack who now urge him on to that extravagant act would applaud him in his triumph. It seems to me I already see Mr. Huntington applauding him on his return from Rome, and greeting him by saying: brave, generous, soldier, thou has cleverly understood, and valiantly executed my orders. Thou art worthy of reward; thou deservest as much as the heroes of the Guibord affair; if thy legal acquirements were as vast as thy great heart we would give thee the place of Judge; but we will take care thou dost not lose by it in the meantime. Here is a seat awaiting thee in the Senate; take that as the first pledge of my good intentions. Truly Mr. P. Tremblay, considering his decided taste for the flesh of priests, was born a century too late. He would have been at home, and in his element, in company with the *sans culottes* of the French Revolution. The clergy of Charlevoix overlooked his value in opposing him; they did not know how to appreciate his enormous love for the Church, and above all for the priests!

At the point where the question of the intervention of the clergy in the late election at Charlevoix now is, it is right that the public should receive certain information concerning the facts which accompanied and followed that election, which has assumed the

580



proportions of an event. For four months the press of all political parties has been concerned about us, as very important personages. The Conservative journals have defended our position with a skill and devotion which does them honor, since our cause was the cause of religion.

During that time the journals of the Liberal party seemed to encourage each other in denouncing the Curés of Charlevoix in the most odious manner.

590 None of us thought proper to descend into the arena to confute all the accusations, all the calumnies invented against us. If we kept this long silence, our reserve ought to be attributed to one cause alone; it is this: the whole affair had been carried before the tribunal of his Lordship the Archbishop of Québec by M. Tremblay himself, and we accepted that tribunal with confidence. The suit was going on with as much speed as the unfavorable circumstances of the County of Charlevoix, with regard to distances, and the dilliculty of communication would permit. Full of confidence we awaited a righteous judgment from His Lordship the Archbishop, who, we were sure would acquit us of all the calumnies invented against us. But since Mr. Tremblay now challenges the competency of the tribunal which he himself had chosen, and has deemed proper to make his explanations to enlighten the public, the time has come for the clergy of Charlevoix in their turn, to justify themselves before the public.

600 Let us in the first place, say boldly that the clergy of Charlevoix are not ashamed of having accepted the candidature of the Honorable Mr. Langevin and of having done their best to favor him, *still keeping within the limits of the provincial councils, the pastoral letters, and the civil laws*, and I do not think that in that they did a deed worthy of hanging. Are not we citizens like others? Sharing in all the burdens of society, and therefore worthy of enjoying all the privileges of the law? By what right could we be prevented from interfering in public affairs?

While laying aside all party spirit, it must be acknowledged that between the political worth of these two men, the Hon. Mr. Langevin and Mr. Tremblay, there exists a difference great enough to justify the choice of the clergy. The first, in spite of all that
610 can be said, surpasses the second in political worth, by the distance which separates the giant from the dwarf. The Conservative party, during a long administration, notwithstanding its enormous services, undoubtedly committed certain faults of administration, which they are now expiating. The Hon. Mr. Langevin now remains, in the eyes of Lower Canada, the responsible heir of those faults, some of which were committed less by him than by his friends, who thought to vindicate themselves by subsequently joining the ranks of the enemy. This is what weakens the popularity of that man in the eyes of our great Canadians, whose name will live in history, to our glory and to his honor. His name will remain bound up with the great deeds of the present time like those of the
620 Cartiers, the Taches and others. He is one of those rare soldiers who, during a career of 20 years have resisted the temptation which deprives us of all our able men, the temptation of getting a place; he remains planted in the breach, always ready for the fight.

Let Mr. Tremblay then, in return, shew his account of services. It is very probable that his glory will not survive him; and it, however history should preserve his name, it will be only as a monument of stubbornness and obstinacy, it will only be to connect it with the hackneyed oath of revolt against the ecclesiastical authorities; it will only be to couple it with that of the Doutres.



That solitary difference between the two men was quite sufficient to justify the choice of the clergy. But there was yet more than that. Names, in politics are like the standards which embody the ideas of parties; and it was especially so in the present case. Mr. Tremblay presents himself before us with a compromised past, having made us 630 promises which he afterwards refused to keep, connected with men who refuse every justice to the French element in the Confederation, and declare war on the Catholic Church; whilst the Hon. Mr. Langevin comes to us with the promise to wage war upon those dangerous men; with records of services amply sufficient to cover and redeem the errors into which his party may have fallen in the past. We give him our support. I see not in what we have sinned more grievously than when we lent our help to Mr. Tremblay, then only too confident in his fine promises and lying words.

What! shall it be permitted to the enemies of the Church to league themselves 640 publicly against her, and it shall be a crime for her ministers and her faithful children to unite themselves for the defence of their mother. It will be permitted to you to attack, and defence will be for us a crime. It is not this that we understand our duty.

The clergy of Charlevoix then entered bravely into the struggle, and they labored to lead the strife with all the prudence possible, by keeping within the civil and ecclesiastical laws. Even in the case of being forced to admit that the influence of the clergy had ensured the victory of Mr. Langevin, still that would not in any way prove that that influence was used in an undue or illegal manner. For in the eyes of our population, so sincerely Catholic, that consideration alone,—all our Curés, who know the two men so well are unanimous in rejecting Mr. Tremblay and accepting Mr. Langevin,—that 650 consideration alone, I say, was worth the best argument in favor of Mr. Langevin, and, nevertheless, who could say there was undue influence there.

Whatever was the moving and deciding power of Mr. Langevin's success, when once the struggle was terminated then came the day of recrimination.

In the first place, Mr. Tremblay who is prosecuting clerical influence to-day, systematically turned to effect throughout the whole county the letters of the Abbés Paquet, Audet and Sax, which he did his best to use against the Curés of the county. By means of those letters, he made those gentlemen say that we were ignorant persons, imbeciles; that our people ought not to listen to us. In one of those pretended letters Mr. Tremblay was compared to St. Ignatius, martyr; and we to his executioners; to prove the sacredness of 660 his cause it was loudly urged that in a certain monastery, the holy sacrifice of the mass had been offered up by the chaplain, a communion had been celebrated for the success of his cause. Those are certainly grave facts against which the Hon. Mr. Langevin as well as the clergy of the county were right to appeal. The struggle once ended, Mr. Tremblay and his friends were denounced for these unjustifiable manoeuvres before the tribunal of the Archbishop. You immediately see the accused escape through loop-holes, they become unseizable, or rather they melt like the snow beneath the sun. The authors of the letters say they have been mangled, and Mr. Tremblay who during the struggle had his pockets stuffed with the *originals* and with *copies*, as well as his canvassers and friends, now no longer has 670 private, but he wants to be *excused* and not condemned, for having made the letters of friendship serve for political humbug; that is to say, that this act, wicked in itself, could not be wicked, because it was Mr. P. Tremblay who did it. In the same way it happened one day that the same Mr. Tremblay to jingle into his pocket a sum not of \$32,000, but of



§86 00, made oath that he was poor and needy; it was a falsehood, but it could not be a false oath, because it was Mr. P. Tremblay who took that oath.

Our man acknowledges now that the letters were mangled, but he carefully avoids asserting that it was not he who mangled or falsified them; for the thing might take a bad turn. It is remembered that he one day solemnly declared in full Parliament that he had not taken the famous oath with which he had been so greatly reproached, and that immediately afterwards a certified copy of that oath was laid before his eyes.

On the other hand Mr. Tremblay insinuates that it may be that some of his friends, or even Mr. Langevin, or Mr. Tarte falsified the letters, but that in any case he cannot be responsible for it; and after that he very sincerely believes himself justified in relation to the accusation.

I consider, Mr. Editor, that I have a perfect right to take cognizance in a slight degree of those letters because their nature was highly injurious to all the Curés of Charlevoix. Abbé Paquet gave in relation to his letter satisfactory explanations which throw on P. Tremblay all the responsibility of that affair.

Abbé Andet, it is said, presented to His Lordship the Archbishop excuses in relation to his attacks upon the character of the Hon. Mr. Langevin; but there has been no explanation as regards the Curés of Charlevoix; and of reparation before the eyes of the people there has been no question. As to Abbé Sax, he it is whose name will continue the most compromised in this sad affair. Far be it from me to blame the judgment of His Lordship the Archbishop in respect to him. Impossible as it was for His Lordship to obtain possession of the originals or of certified copies of those letters, the judgment could not be other than it was. But it is not the less true that the defence of Mr. Sax was of the most puerile character and that he was more cowardly in the defence than in the attack; in his letter to His Lordship the Archbishop he had not even the courage to say that supposing that his letters really conveyed the general sense of the copies produced he disavowed them. I will take the liberty of reminding Mr. Sax that the Curés of Charlevoix are not in the habit of interfering in the Lewis elections; and I consider that he would do better to stay shut up in his *cheese* at St. Romuald than to continue to ape the Archbishop by issuing political pastorals, especially during the absence of the latter from his Episcopal city.

P. Tremblay endeavored to prove by means of those letters that he was not a liberal in the sense condemned by the Church. But the proof is useless; the fact that Mr. Tremblay includes a priest, or some priests, even a bishop among his political friends would in no way prove he is not a Liberal; that might, perhaps, at the most, prove that there might be a priest or even a bishop in the Liberal party as there were formerly Gallican priests and bishops, without, however, on that account Gallicanism having been able to escape ruin; it might also, perhaps, at the most, prove that there are still priests among his intimate friends who do not know him thoroughly. That individual formerly had many *intimate* friends among the clergy of Charlevoix and the Saguenay, and now it is those *intimate* friends whom he asperses and whom he would sculp if he could.

II.

In his letter of the 30th April Mr. P. Tremblay says to II. I., the Archbishop, "After having waited in vain for a considerable time for a reply to three letters asking,



not for the condemnation of the Curés against whom I preferred complaints in relation to the Charlevoix election, but for a regular tribunal;" to shew the effrontery and spirit of duplicity displayed by Mr. Tremblay in this insulting letter, against the first ecclesiastical dignitary of this Province I shall briefly set forth the affair in respect of which Mr. Tremblay is now appealing to Rome. In the course of the month of February last Mr. Tremblay formulated before the tribunal of H. L. the Archbishop of Quebec judicial complaints against seven or eight Curés of Charlevoix. In that complaint P. Tremblay did not ask, as he now says, for a regular tribunal; these are the very words of his demand: "I ask Your Grace to cause to be repaired the material damage which has been done me by the unjust intervention of the Curés in the pulpit and out of the pulpit, that is to say, to cause to be restored to me my seat in the Federal Parliament; or if Your Grace is not in a position to cause the immense wrong which has been done me by those Curés to be repaired that you would be pleased to allow me to cite those same Curés before a civil tribunal who will be in a position to do me justice." Thus P. Tremblay unblushingly lies before the whole country when he says that he asked from the Archbishop not the condemnation of the accused Curés but a regular tribunal where he might produce the evidence of his witnesses or plead his cause. First lie: P. Tremblay in his complaint asked the Archbishop for something else than that which he now says he asked him for.

His Lordship the Archbishop deigned to take cognizance of the cause which Mr. Tremblay laid before his tribunal. The complaint of the latter was supported by a great number of affidavits. (If I chose to enter upon these affidavits in detail, I might amuse the public by some very amusing correspondence, but I have not time. Mr. Tremblay seriously tells us that all those documents have been sent to Rome; it is incredible); thus the Archbishop having accepted the task of taking cognizance himself of Mr. Tremblay's complaint a regular tribunal has been granted him. Could there be a more regular tribunal than the Archbishop in person? Consequently, second lie of Mr. Tremblay: a regular tribunal was granted to him.

His Lordship Archbishop Taschereau conducted the whole of that affair with the laborious patience he is known to possess, with the most minute precautions. Copies of the complaint of P. Tremblay and of all the affidavits produced by him were sent by His Lordship the Archbishop himself to each of the Curés accused with orders to reply to them. Each of those Curés had to controvert those affidavits of P. Tremblay by counter affidavits signed by the mass of their parishioners. Further each Curé accompanied that counter evidence by long memorials to explain and condemn his evidence, to confute the assertions of P. Tremblay and to justify himself against the falsehoods which had been invented against him. I do not think I exaggerate when I state that the total of these documents must have covered some hundreds of pages. His Lordship the Archbishop again deigned to take cognizance in person of all those long and tiresome documents. *Copies of all those reports sent in by the Curés accused were communicated to P. Tremblay.* Thus he again utters an insolent lie when he says: "After having waited for a long time for a reply."

Mr. Tremblay certainly received all those documents because he sent into all corners of the county fresh copies (and it is known that he does not mutilate in copying) of certain parts of the papers in defence, sent in by the curés which might arouse the animosity of the parishioners against their pastors. Far more, P. Tremblay, on the reception of all those documents, refused to accept some of them because the evidence was not presented under the favor of a solemn declaration.



His Lordship the Archbishop was equally pleased, graciously to comply with his request, and by his orders those documents were made regular.

That inquiry was made in writing, and all the documents were sent by post. When it is considered that the mail takes two days to reach the extremity of the county, and that certain localities only receive two or three mails a week; when it is considered how much time the accused had to spend preparing their proof, in seeing the persons who had deposed against them, in causing new affidavits to be prepared, and in communicating
 770 several times with the Archbishop; when it is considered that H. L. the Archbishop had to study all those documents himself; that the secretaries of His Lordship had to find time in the midst of other engagements to copy the whole of them in order to communicate correct copies of them to Mr. Tremblay, there is no ground for surprise that such an enquiry should have lasted as long as three months.

Who then could restrain his indignation at the coarseness with which P. Tremblay insults the Archbishop, who has expended so many hours in such tiresome labor, so many nights, to try this cause and to study it thoroughly, and to whom he dares to say in the face of the country, to enlighten the public: "After having waited for a long time, &c."

No. P. Tremblay knows better than any body else that all the accusations which he
 780 preferred against the curés of Charlevoix are false. He also knows that a regular tribunal, constituted as it has always been in the country was granted to him. He knows also that the entirety of the proof adduced by those curés whom he accused, is crushing as against him. He knows also that that enquiry is now complete, and that His Lordship the Archbishop was on the point of pronouncing judgment in that affair. But the severity, benignant as it was, however, with which His Lordship branded his conduct in the affair of the letters made him chicken-hearted in respect of this other matter, and he wished simply to avoid a condemnation. To that end it was necessary to insult the Archbishop publicly, to accuse him of injustice, &c.: no matter. If the clergy of a county must be branded, if an Archbishop must be calumniated before his flock, it is of little consequence; the sacrifice is not too great to secure a seat in parliament to P. Tremblay, to secure to the county
 790 the brilliancy and the services of that great man.

But now why does Mr. Tremblay appeal to Rome? Does he imagine that his cause by going to Rome will become more just? That his documents by traversing the ocean will become more veracious? No; he is perfectly convinced of the contrary; and he himself publicly avows the vile motive which led him to adopt that determination. He says; "I have frankly (!) explained what I believe to be the truth for my honor and for my defence before the electors in the coming election trial, which will soon take place I hope in the County of Charlevoix." The wolf has shown the tips of his ears. He is preparing for a new electoral struggle. P. Tremblay is now contesting the election of the Hon. Mr. Langevin; and drawing his usual inferences, he has concluded in his own mind
 800 that the Courts cannot do otherwise than annul it. In the event of his not being himself disqualified at the close of those contestations he counts upon again coming to impose his precious services upon the county. But if by misfortune the Archbishop had condemned him in that unjust war against the clergy of the county no means would exist for him by which he could enter into the struggle. Therefore, condemnation had to be prevented by appealing to Rome. In that way he will gain time—that audacious act will awaken his apathetic partizans who begun to slumber. At Rome, perhaps, that long enquiry will be

recommenced. At so great a distance things will, perhaps, be dragged out to greater length, and during that time if a new election contest should occur, P. Tremblay might, perhaps, run a chance of not being crushed by the warlike thunderbolts of Mr. Langouin, which he fears so mortally. If you add to this inordinate ambition of P. Tremblay the solicitation of his *intimate* friends, who beginning to believe by dint of hearing themselves, say so, that their Liberalism might indeed become dangerous, wish to obtain a definite declaration from the Pope, at the expense of P. Tremblay, you will have the answer to the question: Why does Mr. Tremblay go to Rome?

'Tis well, Mr. Tremblay! set off for the Eternal City, we will follow you thither. Send your documents; we will send ours. We will accompany them with the speech of Mr. Huntington, the programme of the Protestant League, the writings of Mr. Galt, &c. We will accompany all that with an authentic account of your escapade called the huck-nayed oath, with the edifying writings which you published in the *Evenement* in 1872, against the curés of the Saguenay, adding thereto copies of the insulting letters which you have just published against the Archbishop of Quebec. In a word, we will make you advantageously known at Rome, we promise you. You know that Pope Pius IX does not joke with Liberals, we can therefore promise you fine things.

But can it be imagined that in the event of the Holy Father himself refusing to bend to the demand of P. Tremblay, by delivering over a certain number of priests to the secular arm; can it be imagined I say that P. Tremblay will be satisfied with the decision which he goes to Rome to seek? Those who know him well affirm that he will not. There again he will consider himself a victim of the injustice of his Archbishop, a victim of the injustice of his *curé*. Besides his master, the *Ultramontaine* says himself in his writing, while advising an appeal to the Pope, that no bishop, not even the Pope, can compel him to vote against his personal ideas in politics; if in any case the Pope pronounces upon that question it is already decided that it shall be said: the Pope went too far; he exceeded the limits in his answer; he was not asked that; by what right does he come and mix himself up in the details of our politics? and other trash of the same kind.

I conclude by stating that in my opinion Mr. Tremblay in publishing the black-gondrias which he has just uttered against His Lordship the Archbishop, fully justified the clergy of Charlevoix for having interfered in the last election to prevent him from obtaining the post to which he so eagerly aspires. His revolt against the Archbishop completes his ruin in the opinion of the public, and there will be no means left for him in the future by which he may attempt to seek the votes of the electors in any county.

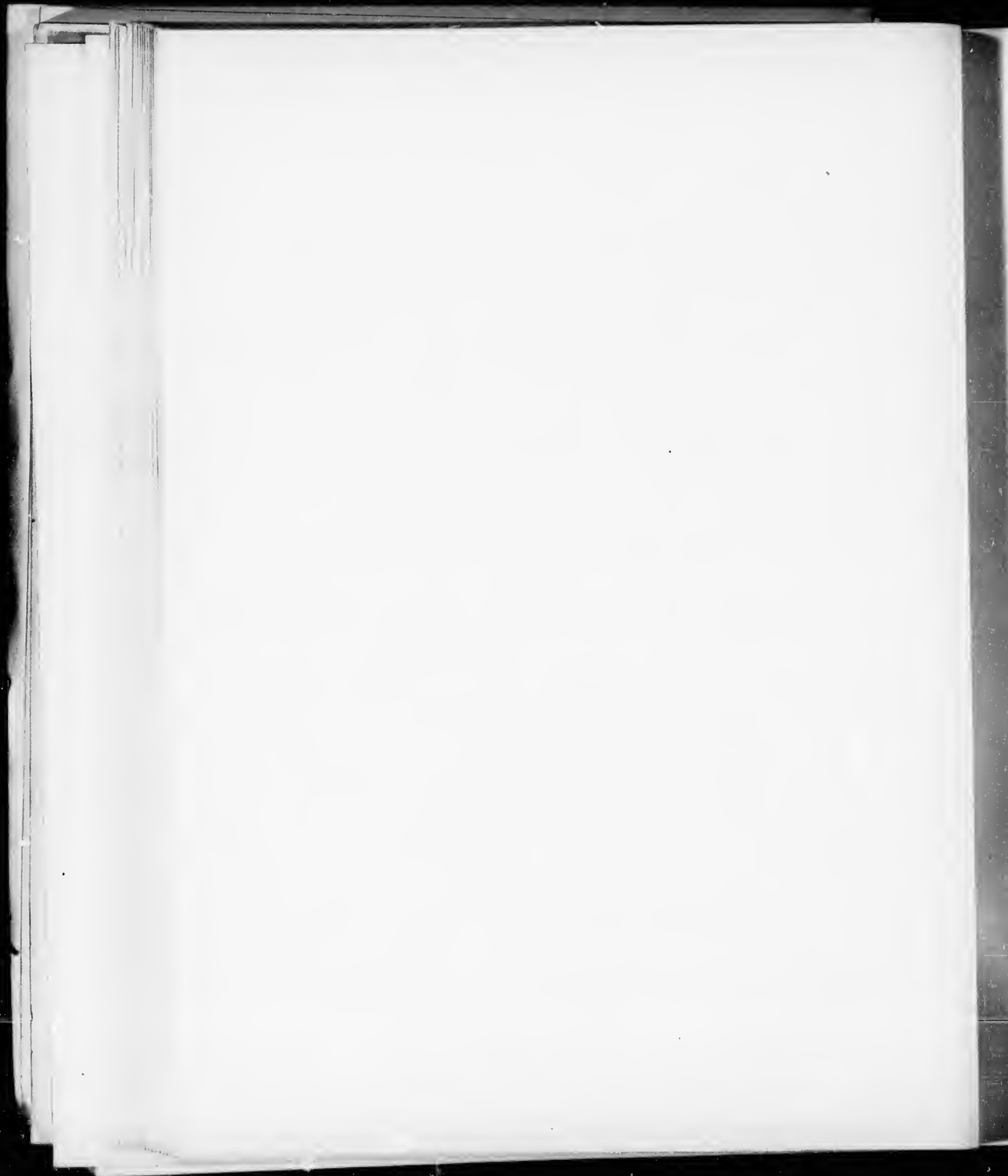
Thanking you for your kindness,

I remain,

Sir,

Your very obedient servant,

A CURÉ OF CHARLEVOIX,



COUNTY OF CHARLEVOIX.

Extract from the Statement of Expenses incurred in the name of Hon. H. L. Langevin, C. B., at the Charlevoix Election.

	Expenses incurred in visiting the County between the 30th Dec. 1875 and the 4th January, 1876.....	8 00
S50	Carters to convene meetings, &c.....	218 95
	Telegraphing.....	139 83
	House hire.....	16 38
	Deposit with the Returning Officer.....	50 00
	Board and journeys paid to Arsène Simard, Jude Riverin, Ismael Lavoie, Lapierre, Alfred Filion, Theophile Simard	371 43
	Accounts of P. Vallée, A. Coté, Isidore Belleau and J. Lepage.....	44 00
	Miscellaneous	7 33
	Account of A. Tremblay.....	78 70
S60	“ J. Poitras, carter.....	64 00
	“ Joseph Bigaonette, do	18 00
	“ Alexis Delisle.....	28 00
	“ O. Montreuil	44 00
		<hr/>
		\$1,088 62

[There is also among the papers a copy of the above with the following addition thereto

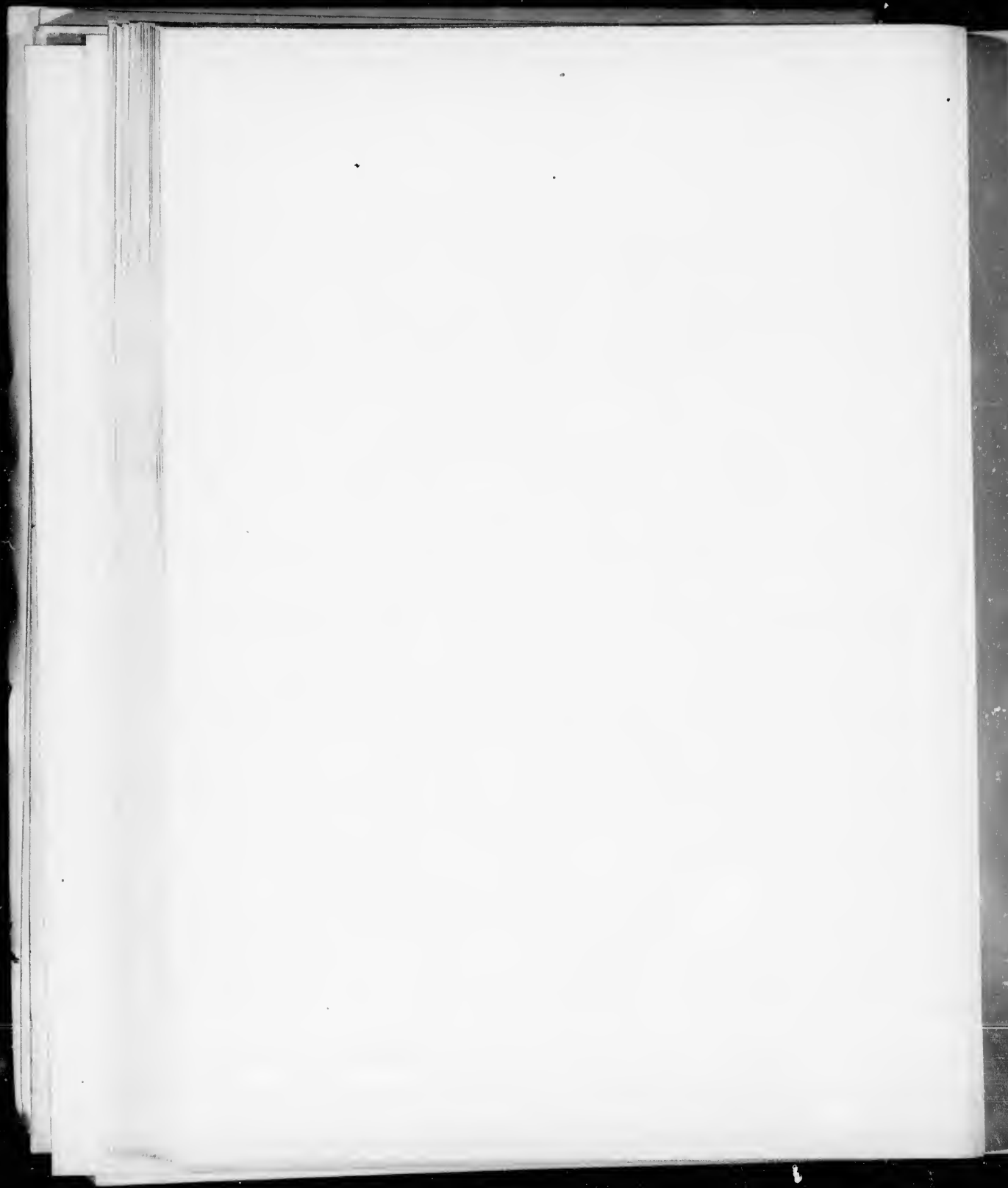
“(Signed)

J. ISRAEL TARTE,
“Agent.

“True Copy,

S70

“CHAS. DUBERGER,
Returning Officer.”]



II.—DEFENDANT'S EXHIBITS.

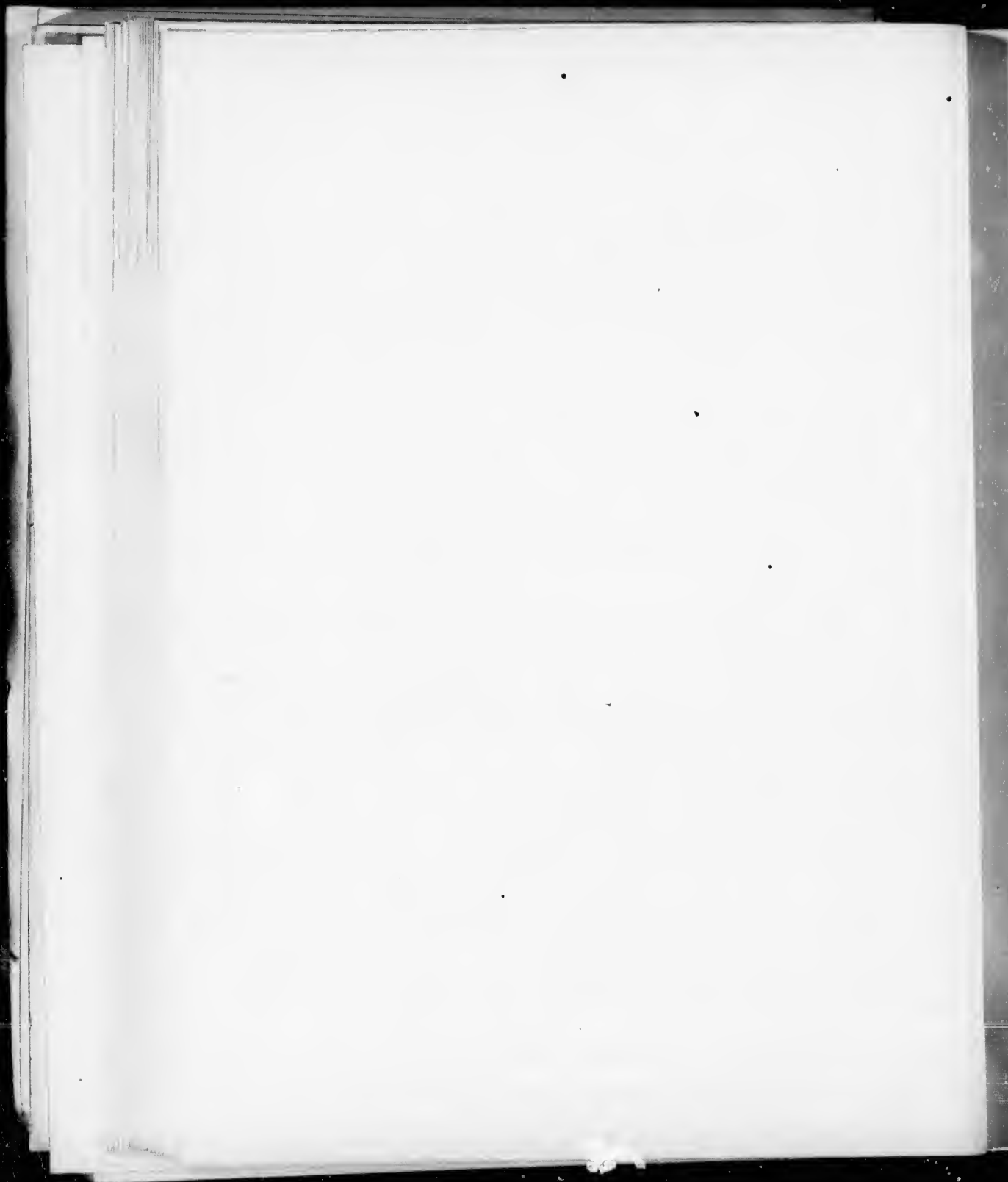
List of Defendant's Exhibits.

- 1 Declaration of Johnny Desbiens under his private signature, 28th February, 1876 St. Fidèle, marked exhibit No. 1, and produced with the evidence of Johnny Dosbiens.
- 2 Summary of the sermon of the Curé Sirois, Curé of Baie St. Paul, delivered on the 16th January, 1876, marked exhibit No. 2, and produced with the evidence of Vincelas Tromblay, Luc Simard, &c.
- 3 Number of the newspaper "*Le Canadien*," bearing date 7th January, 1876, 880 containing an extract from a speech of Mr. Huntington, produced with the deposition of Rev. Frs. Cinq-Mars, marked exhibit No. 3.
- 4 The pastoral letter of the Bishops of the Ecclesiastical Province of Quebec, produced with the evidence of the said Rev. Frs. Cinq Mars, and marked exhibit No. 4 of the Defendant.
5. The circular of the Bishops of the Ecclesiastical Province of Quebec to the clergy of the said Province, 22 September, 1875, produced with the deposition of the said Rev. Frs. Cinq Mars, and marked exhibit No. 5.
- 6 Account of the sums paid to various carters who conveyed the speakers of the Defendant, &c., marked exhibit No. 6, and produced with the deposition of J. Israel Tarte, 890 Esquire.
- 7 Account of the operator at Ebonlements for telegraphing, marked exhibit No. 7, produced with the deposition of J. Israel Tarte, Esquire.
- 8 Account for telegrams paid to the telegraph operator at Baie St. Paul, marked exhibit No. 8, and produced with the deposition of J. Israel Tarte, Esquire.
- 9 Account of the sums paid by the agent for horse hire, marked exhibit No. 9, and produced with the deposition of J. Israel Tarte, Esquire,
- 10 Account of sums paid for board to Mrs. Widow Riverin, marked exhibit No. 10, and produced with the deposition of J. Israel Tarte, Esquire.
- 11 Account of Theophile Simard for the board of the speakers of the Defendant, 900 &c., marked exhibit No. 11, and produced with the deposition of J. Israel Tarte, Esquire.
- 12 Account of the personal expenses of the Defendant in this cause, marked exhibit No. 12, and produced as intended to form part of the deposition of the said Defendant, bearing date 3rd July, 1876, and attached to the said deposition.
13. Affidavit of the Defendant attached to his deposition of 3rd July, 1876, and produced as forming part thereof, and marked exhibit No. 13 of the Defendant.

MALBAIE, 13th September, 1876.

J. S. PERRAULT,
Counsel.

H. CYRIAS PELLETIER,
Attorney for Defendant.



910 *Defendant's Exhibit No. 1, filed at the enquete this 4th September, 1876. Declaration of Johnny Desbiens.*

I Johnny Desbiens, undersigned farmer of Baie Des Rochers, certify to your Lordship and am ready to prove that the Curé of St. Siméon, the Rev. Francois Cinq-Mars, did not speak to me of politics or of election matters except on the 20th January at his parsonage in presence of Francois Bergeron and William Savard.
28th February, 1876, St. Fidèle.

JOHNNY X DESBIENS.

Witnesses, { E. W. TREMBLAY, Priest
{ JOHN SAVARD.

Defendant's Exhibit No. 2, produced at Enquete, January 16th, 1876.

920 ANALYSIS OF A SERMON BY MR. SIROIS, PRIEST AND CURÉ.

Notice proceeding from the pastoral letter the (*mandement*) of our Lords the Bishops, to be given to my parishioners on the Sabbath before the voting, the 16th day of January, 1876.

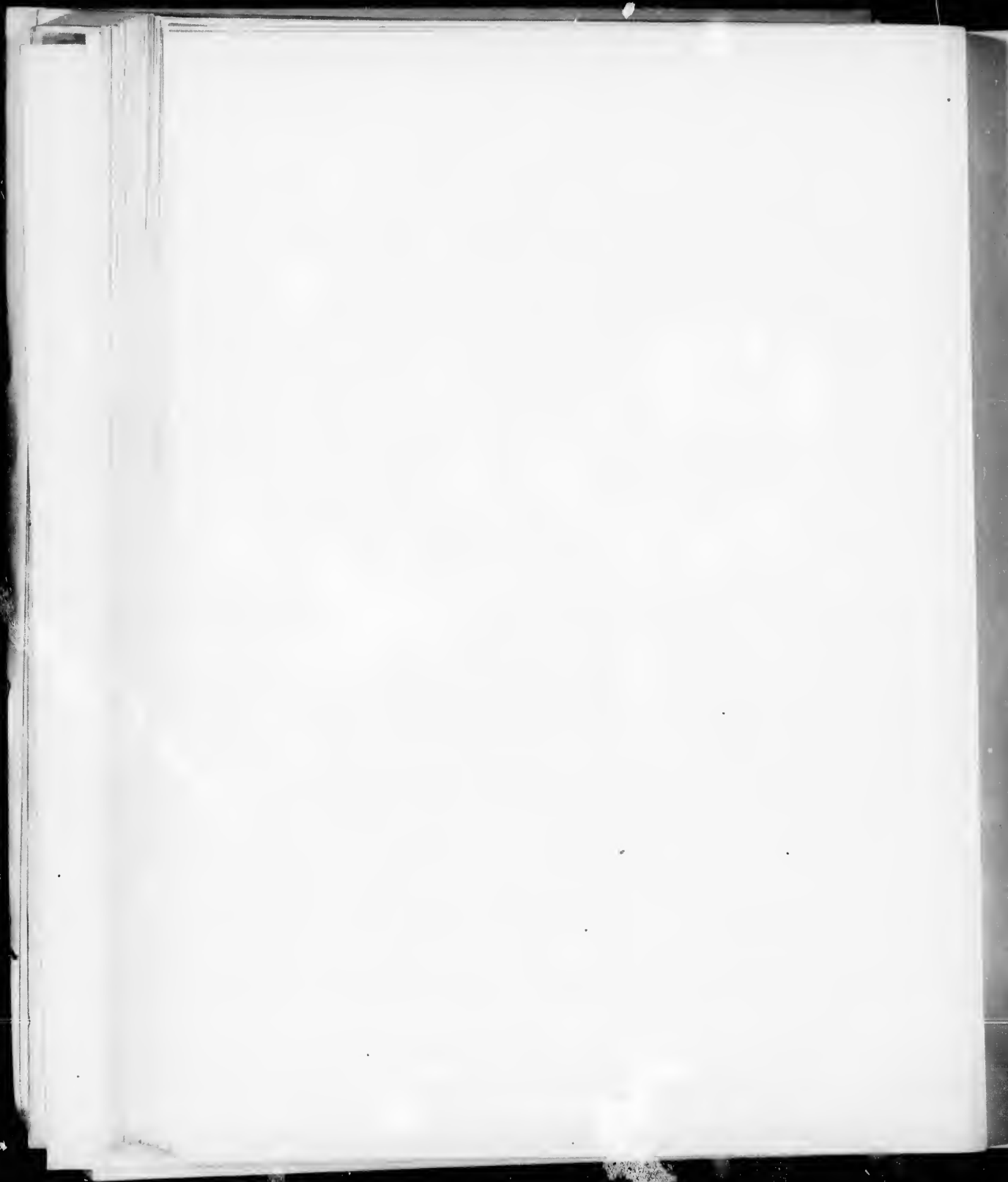
MY BRETHERS :

It is with sorrow and sadness that I see myself under the necessity of making you acquainted with the grief I experience at this moment, with respect to certain light and dis-respectful expressions which several of you are allowing yourselves to utter against our Bishops, their pastoral letter (*mandement*) and against the clergy. It seems that I ought not, in these days of excitement, to lift up my voice to give these
930 christians to understand how wrong they are in speaking in that manner, and that I am astonished to see them criticise to-day those whom they respected yesterday.

And, indeed, brethera, I have just finished, this week, the collection of the infant Jesus, the pastoral visit. Everywhere I have been received as the representative of our Lord, as a father by good children, as a pastor by his flock. Everywhere I have been welcomed with respect, because your faith has made you see, in the person of your pastor, He who formerly was going through the villages and towns to bless them and do them good.

While thanking you for the kind reception which you have given me, I cannot refrain from expressing to you how grieved I am with the unchristian manner with which
940 some people are speaking ill of the priests in our days. How can we explain the improper and unjust criticisms which in these days, several of you are making against the Pope, the Bishops and the Priests? Ah! brethern, I understand it, you have listened to the speeches of certain men who have come from afar to put you on your guard against the clergy, to utter a thousand falsehoods and a thousand calumnies.

Beware! brethern, they are false prophets, ravening wolves who come to



raise a disturbance in the flock, who come to tell you that the Pope, the Bishops and the Clergy have nothing to do with politics. Beware of their perverse teachings! they want to seclude the Priests in the church and the vostry in order to succeed better in their unchristian work; which is to scatter and divide the flock of Jesus Christ.

- 950 These false prophets will tell you that the priests go too far in the time of elections, because they are afraid of losing their rights and their tithes. Yes, brethren, we can never go too far in defending the rights of truth.

The Priests must claim their rights and resist all those who work unjustly to deprive them of them. Let them deprive us of the divine right of collecting tithes and offerings, and the priests will still protest against that encroachment upon their most sacred rights. If an enterprise so criminal was to succeed, do not believe, my brethren, that you would be exempted from contributing to the support of the clergy. No; a heavy taxation would weigh upon you in order to furnish the Government the means to support your Pastors.

- 960 Perhaps our means of living would be lessened, but we would have only to deplore the blindness of those who would have wished to cut off the source of good works and charity.

Whatever may be done to violate the rights of justice and of truth, the bishops and the priests will draw their ranks closer in order to protest and contend against any law that may tend to destroy them.

I, for one, my brethren, would be ready to shed my blood, to see mud thrown in my face, in order to protect the immutable privileges of truth, of which we priests are the born defenders, as well as the rights conferred upon the Church and her ministers by her divine founder.

- 970 (For a few minutes past a young girl whom my predecessor had already rebuked for some reason was taking the liberty of laughing and disturbing those who surrounded her; then I said to her: my daughter, remain quiet, I preach here for everybody, for you as well as for the others.)

Allow me, brethren, to show you the inconsistency of the expression of some of you, with their general conduct. Are they sick? Is one of their animals sick? Have they any difficulty? they come immediately to ask the priest for remedies and advice. They have a full confidence then; and how is it that in the time of an election these very same christians speak ill of the priests, refuse them the right and competency to enlighten and counsel them in a matter of the highest importance, such as the importance of giving a vote.

- 980 Know ye well that one day God shall ask you to give an account of it before his formidable tribunal. Is it not true that on your death-bed you would reproach yourselves bitterly if your conscience should upbraid you for having contributed, by your vote, to the election of men who wish to separate the Church from the State, and who are working to destroy the confidence which you are to have in the priest?

You greatly need to open your eyes, my brethren, on the abyss of evils in which the partisans of Catholic Liberalism would throw you. Listen attentively to the salutary teachings given by our bishops in their pastoral letter (*mandement*) upon the tendencies of the self-styled Catholic Liberal party.



Remain firmly attached to the Church, to her legitimate pastors, and be assured that
990 you will not go wrong.

Shut your ears to the disordered speeches with which they endeavour to impress
you in order to lead you to shake off the yoke of obedience and of submissiveness to the
principles which make the happiness both of individuals and societies.

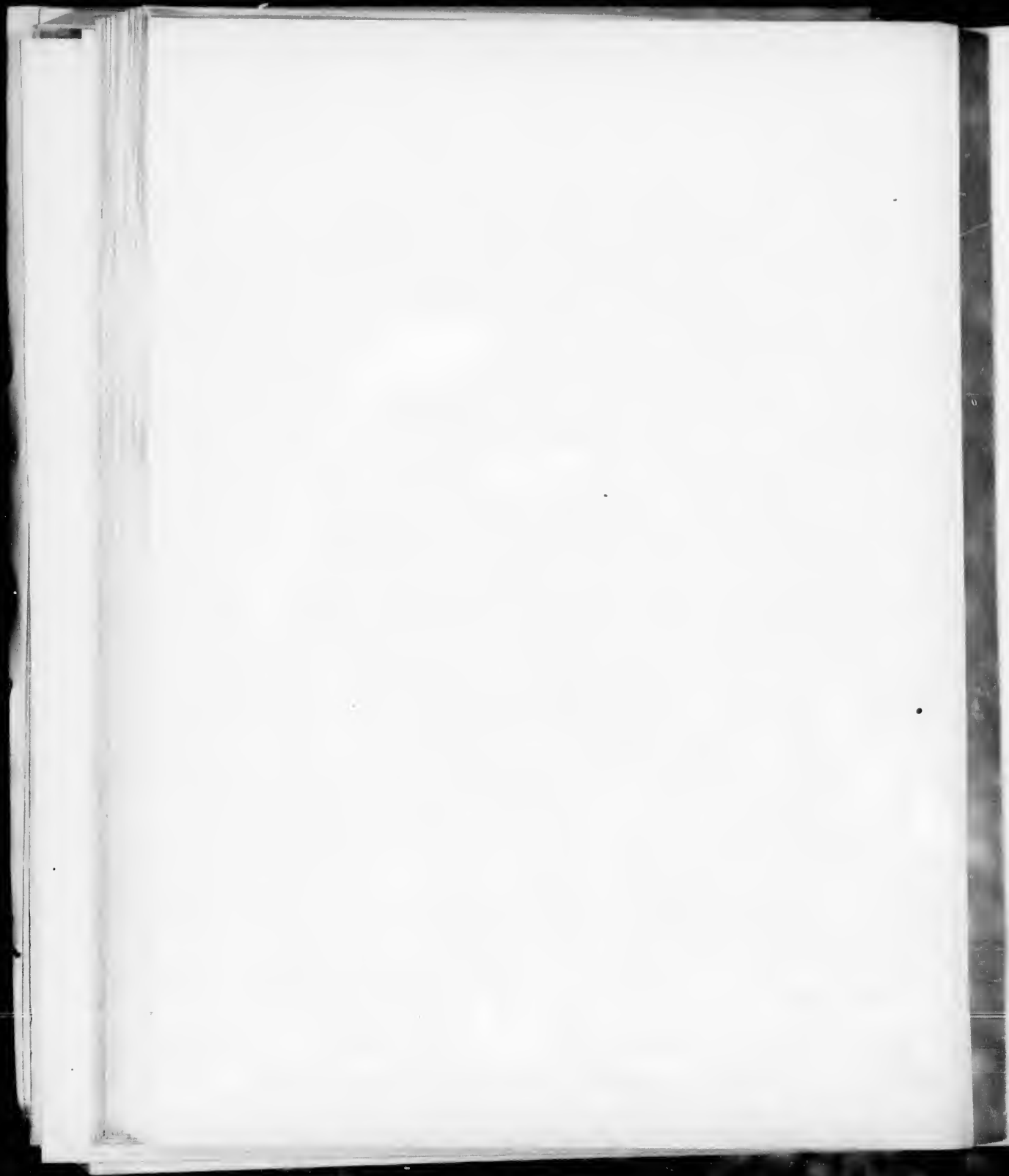
Our country does not count yet many years of existence, and yet it is already agi-
tated by the bad doctrines and the principles which always lead a nation to its ruin and fall.

Behold, my brethren, how the revolution of '89 was prepared in France? It did
not break out suddenly: the perverse men who were the cause of it were very careful not
to say openly: "Down with the Pope! Down with the bishops and the priests! No! for
the catholic spirit of the elder daughter of the church would have revolted; they began by
1000 whispering in the ears of the inhabitants of the cities, distrust for the clergy, and the
principles of insubordination. They set forth the priest as a being greedy of money and
authority, as an obstacle to the progress of sciences and arts. They wished to get rid of
those priests who were opposing themselves to the invasion of rationalism, materialism
and Liberalism. During a certain period, Reason had her temples and her altars.

The gangrene of those errors began to lay hold of the cities of France, thence to
reach the Provinces and the country; then, when the French nation was imbued with
these errors, when they parted with the legitimate pastors of religion, when they refused
to listen to the teachings of the church, then the revolution of '89 broke forth and the
French nation understood, but too late, that it had been deceived. At the rate at which
1010 things are going in Canada, it is to be feared that the same causes will produce the same
effects. Whosoever separates himself from the Holy Church cannot have the true Life.
Whosoever *lays a hand on (touche à)* the church and her ministers, always comes to a bad
end. Behold that great Emperor, who, during a certain time, occupied the most beautiful
throne in the world; who, by the rumor of his victories, caused the whole of Europe to
tremble. Napoleon I, filled with pride, wishes to compel the church to approve of his
divorce; but the church, through her Head, is satisfied with replying to him: "*Non
possumus,*" we cannot! Napoleon will send Pius VII to the prison of Fontainebleau,
but God took care of his vicar on the day when Pius VII came out of his prison.

Napoleon the 1 prisoner in his turn, went to die on an island in the middle of the
1020 ocean. The church of God has no army to defend her rights, but she has an invincible
army: moral resistance and the arm of her divine founder.

Turn your eyes toward Germany! There, also, Liberalism, free thinking, exercise
their destructive ravages. They would wish to force truth to yield to error, justice to
injustice, but without success; therefore we see the Bishops and the priests fearless in
speaking the truth, in affirming it and in opposing an energetic resistance to the encroach-
ments of injustice and of the violation of right. The clergy of Germany is persecuted
hunted, exiled; but, let us wait, they struggle for a holy cause, and God will know well
how to deliver them, and take vengeance of those who laid hands on his Christs. In this
moment, Germany presents, indeed, the spectacle of the first centuries of the church;
1030 its governors, by their implacable persecutions; the clergy, by the firmness of their faith
and their courage in defending the interests of truth. The blast of the evil doctrines has
passed over that country, and the doctors of Liberalism have succeeded in waging a war



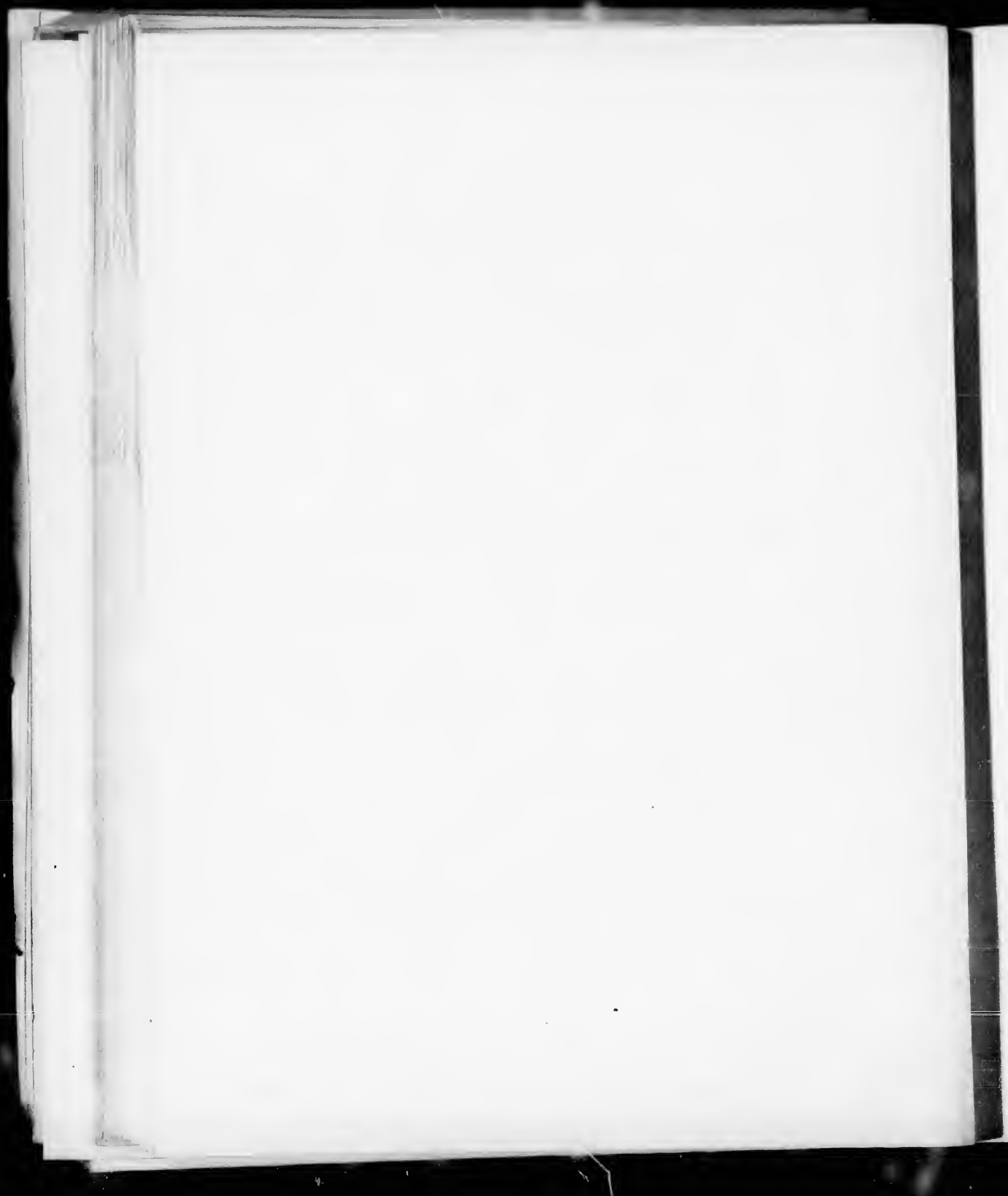
to death with all that bear the name of ministers of the Holy Church. Therefore the day not distant when God shall strike the great blow which is to shew Germany, that, in severing itself from the true church, she has found the cause of her death.

For you, brethren, bind yourselves to the Holy Church, to the salutary teachings which she gives you through the voice of her pastors, if you wish to escape the woes which the false prophets of our days prepare for us. Yea, listen to those to whom it has been said: "Go ye and teach all nations." As long as you will remain docile to them; fear not to err. Be deeply impressed with the truths set forth in the last pastoral letter (*mandement*) of our Bishops, on the Constitution of the Church, on Catholic Liberalism, and on the office which the clergy is to fulfill in the time of elections. Your chief pastors have not made this pastoral (*mandement*) for the United States, but for the Province of Quebec; they do not wish to warn you against phantoms— but, indeed, against Liberalism and its partisans; then, do not listen to those who tell you that there is no Liberalism in our country, that the pastoral (*mandement*) condemning and denouncing it has no right to be issued because those who are the authors of it (Liberalism) do not exist in our country. You shall see men having outward appearances of piety and religion allow themselves to be fascinated without suspecting it, by the deceitful words of the serpent, Catholic Liberal. You know in what manner the serpent found his way into the terrestrial paradise, with what cunning he succeeded in convincing Eve that she should not die, nor Adam either by eating of the forbidden fruit. You all know what took place; the serpent was the cause of the misfortunes that are weighing upon us. In the same manner Catholic Liberalism wishes to find its way into the paradise of the church to lead her children to fall. Be firm, my brethren, our Bishops tells us that it is no longer permitted to be conscientiously a Catholic Liberal; be careful never to taste the fruit of the tree Catholic Liberal.

It is by its faith, its attachment to sound doctrines, by its union to the clergy, that our Canada has prospered and grown up until now; shall it continue in that path in view of the unheeded efforts which certain men are making to break that union? Imitate the example of Catholic Ireland which, in spite of cruel persecutions, has known, by resisting courageously how to keep her faith and her laws, thanks to her union with her clergy. Union of the Throne with the altar, such is, my brethren, what must render a nation invincible.

Respect, my brethren, the Holy Hierarchy of the Church, that is, the Pope, our Bishops and your pastor. As long as I shall remain in communion with my Bishop, as long as I shall preach to you the sound doctrine, you are to obey and hear me; I am here your legitimate pastor, and consequently to enlighten, instruct and counsel you; if you despise my word, you despise the word of your Bishop, then of the Pope, and even thereby the word of our Lord who hath sent us. You will perhaps say; "You go too far, you have your own political party, and, therefore, you cannot force us to follow your opinion." My brethren, if you believe the declarations of the first comer whom you do not know, will you believe me if I declare to you that I have no political party? Yea, believe me, I have no party but that of good principles, I have no politics but those of teaching and defending them.

You will say again: "But how do you explain that? There are respectable priests in Quebec who have written letters stating that the priests here are mistaken and go too far; they are priests like you." My brethren, whatever these priests may say, I will say



to you: They are not your legitimate pastors, they have no mission to advise and direct you. I know, that in this moment, letters are circulated purporting to have been written by priests in Quebec. I shall call that, not only undue influence, but also improper, unbecoming influence. If we acted in the same manner when elections are taking place in Quebec, we could be told, and with reason, that it is not our business.

Do you see, my brethren, how the priest is respected by certain persons? They are not afraid to compromise him by publishing private letters. Do you not see that the design of Catholic Liberalism is, indeed, to labor to break the bond which unites the members of the Holy Church.

Look, once more, brethren, at the picture which has been explained to us during the exercises of the jubilee! That picture represents to us the constitution and the unity of the Church; I am going to explain it to you again. Give me your attention. First, you see a cross and a heart; it is the heart of our Lord dying upon the cross. Two chains depart from the heart of our Lord, and are going to pass through the nave-box of the wheel which you see. The first chain represents the articles of faith; the 2nd the apostolic succession from St. Peter down to Pius IX. Look at the wheel now; the nave-box (the centre) is the Pope; the large spokes are the Bishops, the little ones the priests having the care of the parishes; then the felloes are the faithful.

The Pope being the great doctor of the faith, cannot go everywhere to preach it; he sends the Bishops, who, in their turn, send the Priests to announce it to the faithful. In order that a wheel should work well, it must have a nave, a box, spokes and felloes. Take away the Pope, that is, suppose the case of his dying or no longer teaching the truth, which is impossible, then the nave box falls to pieces; if the Bishops do not hear the Pope, then the large spokes are falling; if the priests do not hear the Bishops, then the little spokes disappear also, and finally, if the faithful do not hear their priest, then the felloes are disjointed and the working of the wheel becomes an impossibility. Thus, my brethren, would the Holy hierarchy of the Church of Jesus Christ be broken, if the principles which tend to compromise that union succeeded in prevailing.

Once more then, brethren, beware of these false prophets who wish to bring division between you and your legitimate pastors! Do not listen to their falsehood and their enmities. Obey the Vicar of Jesus Christ condemning Catholic Liberalism. Obey to our Bishops who have pointed out to us its tenderness, obedience to your pastor who tells you to vote according to your conscience, enlightened by the pastoral letter (*mandement*) of our Lords the Bishops of the Province of Quebec.

Names of those who have testified, &c.

A. G. Dufour, blacksmith, major.
 Andrew Bouchard, baker.
 Thomas Côté, merchant.
 Pamphile Allard, merchant.
 Elzeur Allard, farmer.
 Benjamin Gagnon, sailor.
 Thomas Gauthier, wheelwright.
 Jacques Boivin, farmer.
 Joseph Guillemet, sailor.



- Zéphirin Gagnon, do.
 Thomas Simard, carpenter.
 Benjamin Côté, farmer.
 Joseph Lavoie, sailor.
 Charles Mayer, brickmaker.
 Theodule Tremblay, shoemaker.
 Boniface Verreault, carpenter.
 Joseph Gauthier, captain and merchant.
 1130 Zéphirin Guillemet, joiner.
 Euchèr Guillemet, do.
 Joseph Plante, pilot.
 Thomas Grenon, laborer.
 Auguste Simard, (Nombrette Village,) farmer.
 P. A. Bois, merchant.
 Joseph Duchene, J.P.
 J. B. R. El. Fortin, N.P.
 Arthur Verreault, joiner.
 Emile Simard, farmer.
 1140 W. Tremblay, J.P.
 Joseph Cimon (Cap au Rê) farmer.
 Thomas Lavoie, laborer
 Ovide Simard, farmer
 J. B. L. Dupont, advocate.
 Marc Fortin, farmer.
 Norbert Tremblay, merchant.
 Ovide Tremblay, joiner.
 Antoine Fortin, farmer.
 Robert Boily, do
 1150 Prime Boily, sailor.
 Ovide Tremblay, mayor.
 Louis Allard, gentleman.
 Joseph Boily, farmer.
 Arsène Simard, miller.
 Louis Boulet, farmer.
 Hildebert Tremblay, do
 Octave Guay, do
 Joseph Larouche, do
 George Larouche, do
 1160 Napoleon Tremblay, do
 Pierre Bouchard, do
 Octave Bouchard, do
 Fleurent Dufour, do
 Joseph Otis, do
 J. Marc Boivin, blacksmith.
 Euchèr Potvin, joiner.
 Auguste Gagnon, laborer.
 Joseph Simard, farmer.
 Ovide Boily, do
 1170

Received and certified before me at the Baie St. Paul, the 12th day of February, 1850.

(Copy.)

Signed,

H. SIMARD, J. L.

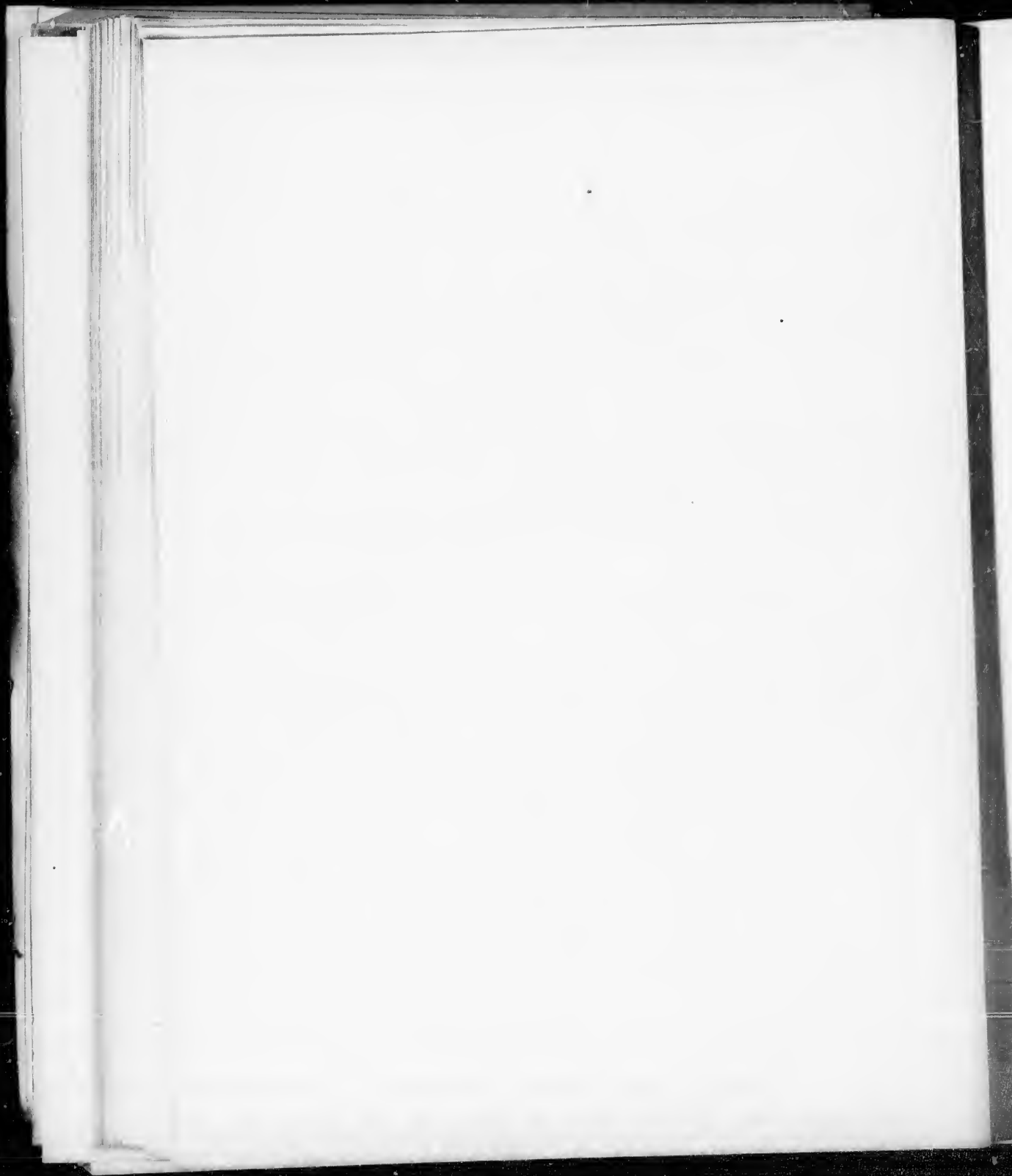


Exhibit 3, filed at Enquête with the evidence of the Rev. Mr. Cinq-Mars,—Extract from "Le Canadien" of the 7th of January, 1876.

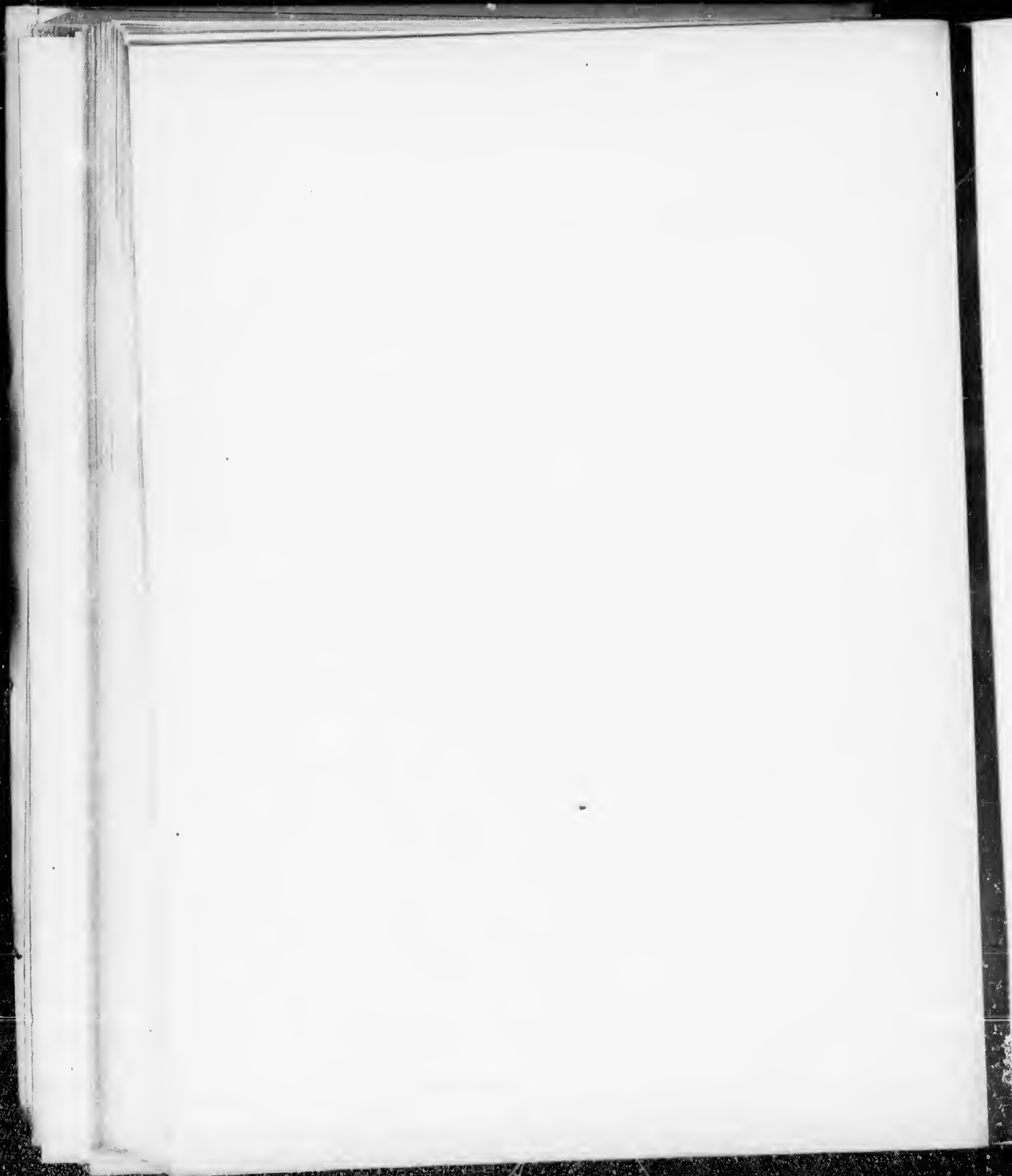
THE PRINCIPLES OF THE "ROUGES."

The Liberals are decidedly unmasked. It is their friend and leader, the Hon. Mr. Huntington who tears from their face the veil of hypocrisy which allowed them to deceive some of our fellow-citizens.

1180 Yes, Mr. Huntington, the Postmaster General, one of the Ministers of the Crown, last week said to the whole people of the Dominion, that the *Rouges* were really guilty of all we charged them with. They are the enemies of Ultramontanism, the enemies of the Church, and the friends of free-thought: Can it be doubted? It is Mr. Huntington himself who tells it to us and glories in it.

Here are his words. Mr. Huntington was at St. Andrews and was addressing the electors of the County of Argenteuil:—

Mr. Huntington followed, deprecating the raising of religious questions at elections. He said that Mr. White, having every right to exercise his religious views, like all electors, was allied in Lower Canada to a party which did not recognize this principle. The time had come when the English Protestants were allying themselves with the French Liberals of Lower Canada. This was the only reasonable alliance in the interest of free thought and free speech (Hear, hear). *Twenty years of British Protestant Toryism in Lower Canada had given birth to Ultramontanism, through which might be worked serious trouble in the future.* Whatever might be Mr. White's personal views, the party with which he acted and which would control him, was regulated by a *power with whom free thought without consorship was a cardinal sin* (Hear, hear). Mr. White was really the tool of those who were fighting in Lower Canada to make the State subservient to the Church, and to declare that the only duties of the former were to allow the domination of the latter. It was useless for Mr. White to attempt to wriggle out of this position. The English members of the Dominion Parliament supported the Liberal party; the majority of those in Quebec were also being brought to the same view, (Cheers) and all the people in Lower Canada were declaring against the Ultramontanism of which Mr. White was the ally. (Hear, hear). *The great battle was imminent, it undoubtedly would be fought and fought soon.* There was nothing for it but that *the English speaking people of Lower Canada must ally themselves with the French Liberals who were and had always been the friends of free institutions.* (Cheers). No more powerful aid could be afforded to the Ultramontanism of Lower Canada, the object of which was to unite Church and State and to subordinate the latter to the former—than the election of such men as Mr. White. *The struggle must come, victory would not be very difficult.* (Applause). Let Mr. White stand forth in his true colours, and let the English speaking people of Argenteuil, if they desired, send him to Parliament as the ally of the programme and the apostle of Ultramontanism, and let them declare that the English speaking people of this Province, were no longer British, that tolerance and fair play had no charms for them, and that their highest pleasure and duty was to make the State the mere machinery for registering the decrees of the Church. *He appealed to the people at this critical hour to maintain their traditions and to send Mr. White back to Montreal, (loud cheers), to take fresh counsel from the reactionary Statesmen who*



1220 *were dominant at Quebec, and the policy of whose masters was to plunge Lower Canada back into the darkness of the middle ages.* It only required action on the part of the English speaking people, and all would be well. (A voice, "That's so.") They had encouraged by their carelessness the pretensions which he dreaded. Once let them assert themselves as the friends of British freedom and justice, and the enemies' guns would be silenced, and the Reactionists and their masters would return to the European countries, where their opinions were dominant, or elsewhere, to seek more hopeful grounds for their operations. *For his own part he had always preached these doctrines, and would be at once prepared to resign his position if he believed the party with whom he acted were not equal to their maintenance.* (Prolonged cheering.)"

We have extracted those lines from the report published in the Montreal *Herald*, the organ of the *Rouge* Government and of Mr. Huntington.

1230 Thus, according to that minister, to that leader of the Liberals, the *Rouges* are preparing for a supreme fight against Ultramontanism and the liberties of the Church. The Postmaster-General, it is clear, wants a religious war. He wants the destruction of the influence of our venerable clergy, and, in order to succeed with his infernal design, he tells us that he relies upon the support and aid of the *Rouges*.

The electors of Charlevoix will soon be called upon to express their sentiments on the principles of the Liberals. We are certain they will repudiate the dangerous and subversive ideas so artfully expounded by one of the ministers who have Mr. Tremblay as one of their most servile supporters.

Can they now register their votes for Mr. Tremblay, one of those who, according to Mr. Huntington's declaration, are working for the triumph of free thought.

1240 Can they vote for a man who, in the future as in the past, would blindly serve Mr. Brown, Mr. Mackenzie and Mr. Huntington, the sworn enemies of all that is French and Catholic?

No, it is impossible. They will condemn energetically and in the most emphatic manner the ideas expressed by Mr. Huntington, ideas which Mr. Tremblay has always defended.

The man who shares the infamy of the faults committed by the *Rouge* Government, is evidently unworthy of the confidence of honest people.

1250 The Toronto *Globe*, the chief organ of the Liberal Government in the whole Dominion, and the journal of Mr. Brown who is our greatest enemy, has endorsed the ideas of Mr. Huntington. The *Globe* says on the subject: "The result is of some significance viewed in the light of the speech delivered in the county the other day by the Postmaster General. It is a protest of the English speaking electors of Argenteuil against the alliance of Liberal thought and intelligence with Tory-Ultramontanism. * * *

"As Mr. Huntington pointed out the natural allies of the English speaking population of Quebec are the French Liberals."

The *Rouges* and the Grits have therefore agreed to wage war against what is dearest to us.



The Charlevoix electors will no doubt do their duty and repudiate Mr. Tremblay and the Government in whose interest he is a candidate.

1250 This is how the *Nouveau-Monde* and the *Minerve* comment upon the unfortunate words uttered by Mr. Huntington in Argenteuil:

THE CONTEST IN ARGENTEUIL.

We read in the *Minerve*:

As we have already stated, Mr. White declined accepting the proposition made to him by the Conservatives of the County of Argenteuil. He came to that decision, which was the most prudent, after having visited the whole County. Everywhere, he and his friends convinced themselves that Mr. Christie was very popular, not for political but for particular reasons. Mr. Christie has practised his profession in the County for twenty-five years, and his practice extends through a good half of it. He never meddled with public affairs, and that is what made him strong when he wanted to enter politics. Thanks to that fortunate selfishness he made no enemies. The contest in Argenteuil has not therefore been a party one: It was but the child of the County triumphing over a stranger.

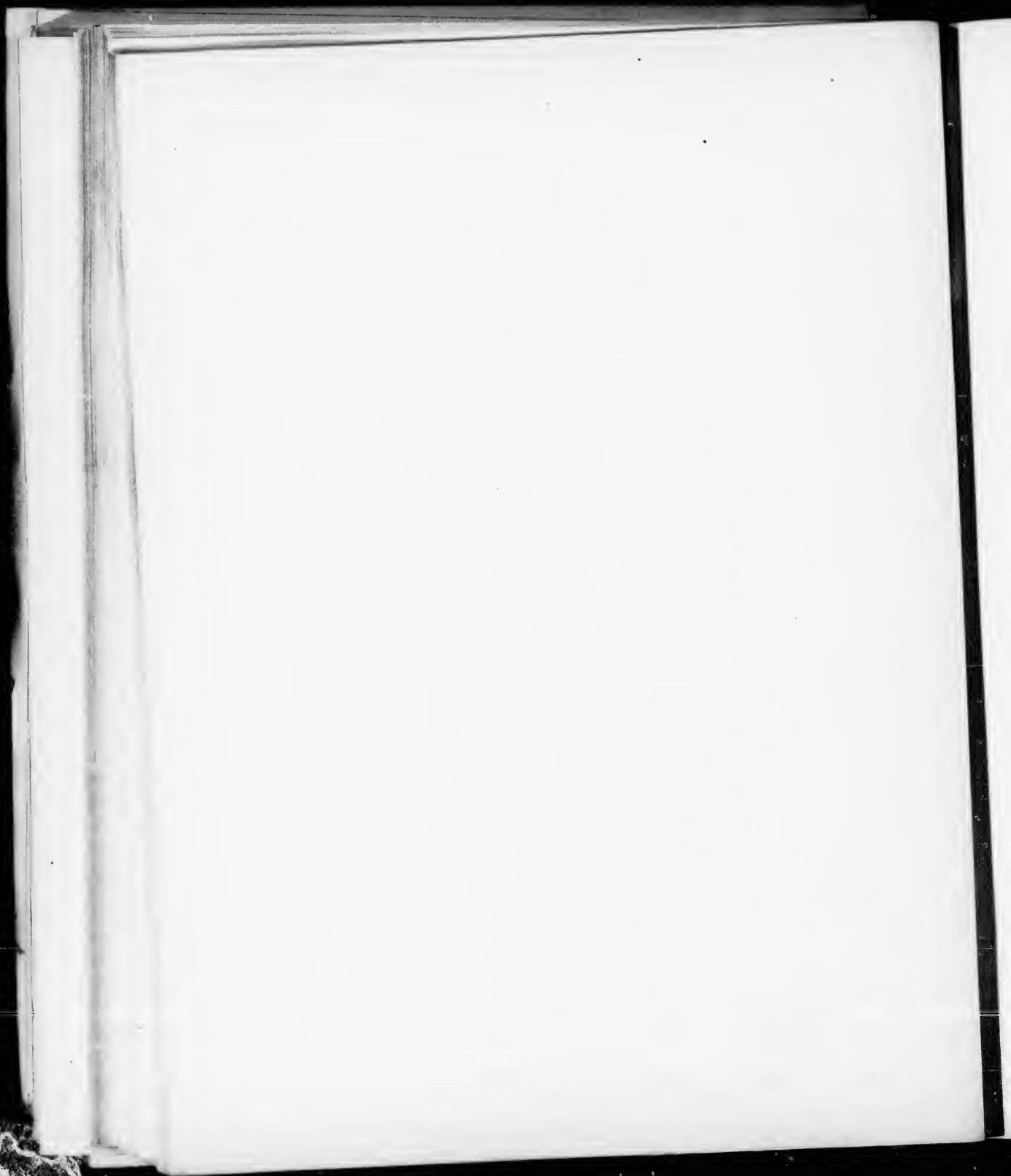
The *ranges*, however, had a mortal fight, and sent to the battlefield the biggest gun (*le plus fort-en-bras*) of the party, the pompous Mr. Huntington, the state man who takes more care of his hair than of his department, which is quite natural if one must busy himself only with what he knows.

The *ranges* left no stone unturned against Mr. White, and there, as well as everywhere, the party of organized hypocrisy blew cold and hot to serve its ends. While one writer was fulminating against Mr. White in the *National* as being hostile to Catholicism, and 1280 a free-mason, who would believe that the *Argenteuil Advertiser* opposed him because, as it said, *he was Bishop Bourget's faithful ally*. French-Canadians were told that Mr. White was a Protestant and a fanatic, and Englishmen were told he was a Catholic in disguise.

Mr. Huntington himself resorted to those unfair arms, and made a fiery speech (*un discours commandé*) which we have translated from the *Herald*, and is to be found in another column. This speech, which was silly because there was no reason for it, and was unequalled for, that harangue of a demagogue is a regular declaration of war against the Catholics, an appeal to the Protestants who never had to complain of us.

It is an undeniable truth that the Catholic majority of this Province has treated the Protestants with the greatest liberality; they have recognized it themselves. Catholic and 1290 Conservative counties have many times returned Protestants to represent them in Parliament. The Conservative Government last session introduced a bill concerning public instruction. It gave to Protestants all they asked for, and no protest was made in the House of Assembly against that measure, and it is with these facts before his eyes that Mr. Huntington exclaims: "*The great battle against Ultramontanism is imminent; it will undoubtedly be fought, and fought soon!*"

Does this language become a Minister of the Crown? And even supposing that Ultramontanism, as Mr. Huntington calls it, was thinking of waging war, would not Mr.



Huntington be obliged by his position to preach moderation and conciliation? Have our statesmen ever spoken that way? Had they shown themselves demagogues like Mr. Huntington, we would have had a religious war in our Province long ago. What have the Catholics done to embitter Mr. Huntington? Let him point to a single act of aggression against Protestantism. They have had disputes between themselves, but Protestants have nothing to do with that. They have no more right to interfere than we would have to intermeddle (*nous effaroucher*) with the difficulties that might arise among Presbyterians or Methodists.

Mr. Huntington unmasked the *Rouge* party with the unskillfulness of a demagogue and showed it to be the friend of free thought. Now when it happened that we denounced the rationalist tendencies of the Liberal press, it rushed against us and called us calumniators and renewed its protestations of orthodoxy. Well, we will leave this press to be dealt with 1310 by Mr. Huntington, who probably knows it better than we do.

We deplore Mr. Huntington's speech, not only from a party stand point, but because it is the harangue of a revolutionist, a real appeal to a war of race and creed. We condemn such diatribes from whatever quarter they come. If one of our friends would forget himself so far as to utter, in a contrary sense, such dangerous words, we would not hesitate to censure him. That is the only means of preserving peace and harmony between elements which all citizens are in duty bound to endeavor to conciliate and unite. Up to this time Mr. Huntington was a man of no importance in politics, he could not be satisfied with this; he now tries to become a mischief breeder, (*un malincaut*).

THE MASK REMOVED.

1320 A DOMINION MINISTER RAISES THE WAR CRY AGAINST THE CATHOLIC CHURCH.

The Hon. Mr. Huntington in a Political Speech seeks to prevent dissensions in this Country.

On Tuesday afternoon, the 30th December, there was a large meeting of the electors of the County at St. Andrews; as usual Mr. White made a solid speech that bore the stamp of moderation. In the course of his remarks he pointed to the arrogant bad faith of Liberals who charge him, when they are in the presence of French Canadians, of being a dangerous enemy of Catholics, and when before Englishmen charge him to the contrary, that is of being a Protestant by name only, and devoted heart and soul to the Catholic Church, of which they represent him as a docile tool.

1330 The Hon. Mr. Huntington then addressed the meeting and declaimed with pompousness the following demagogical harangue which we find in the English Liberal Journal of which he is a joint owner, the *Herald*. So nobody shall think of charging us with putting in his mouth words he never used.

(Our readers will find that speech in another column under the head *The Principles of the Rouges*.)

The first sentence of that speech bears the stamp of a very uncommon hypocrisy. The demagogue minister commences by saying that religious questions should not be



1340 treated of on the hustings. One would naturally expect, after hearing such a declaration, that he will be consequent enough as to censure the editor of the *National* and the other members of his party who had inaugurated the contest against Mr. White in the County of Argenteuil exactly as they had carried it against him in Montreal West, by hypocritically calling religion to the aid. But far from it, his own speech, from the first word to the last, turned on religious questions.

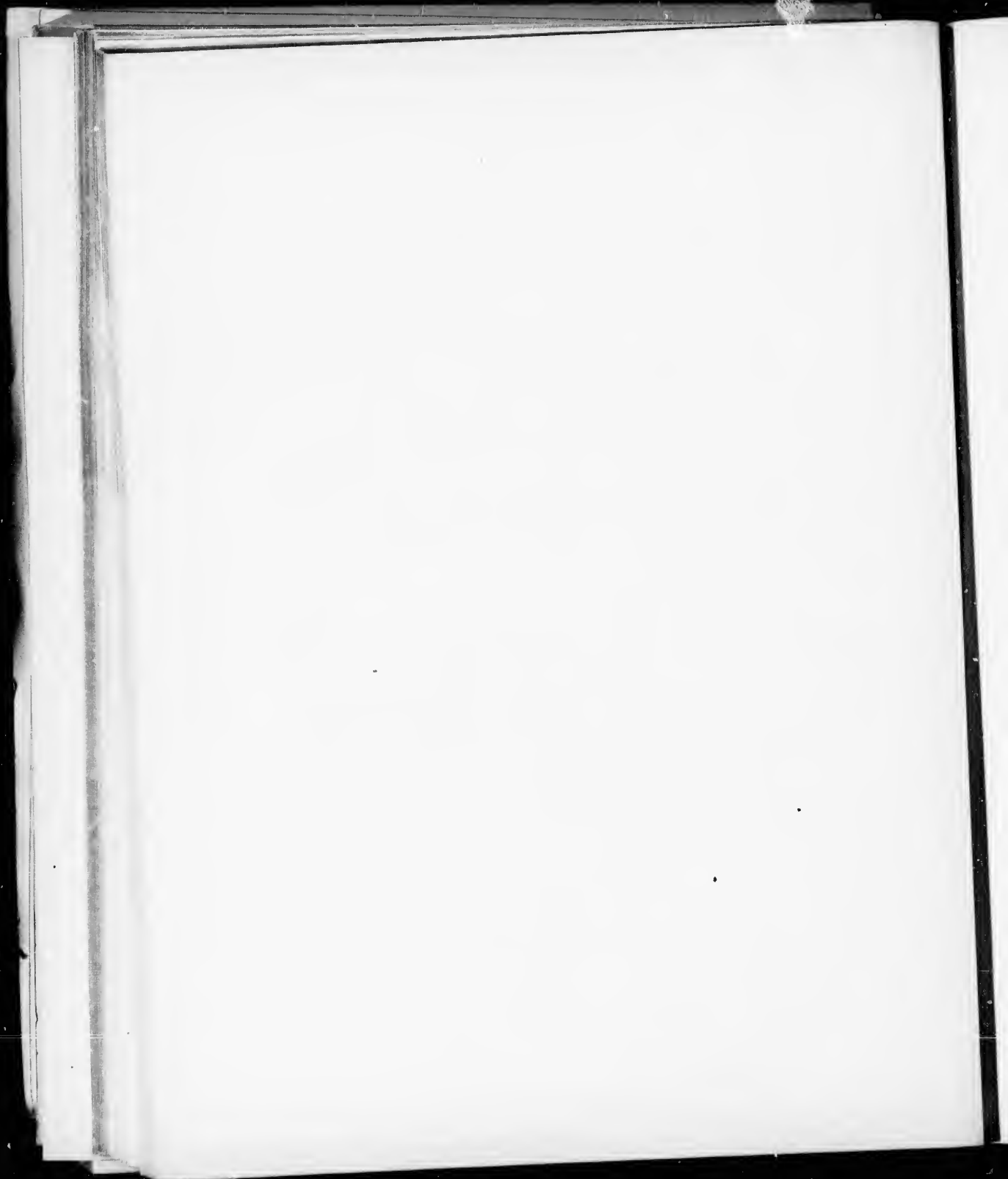
1350 After all, the Liberals as a rule, have always voted so since they have taken hold of the Federal Government. They were the first, after the vote on the amnesty question, to introduce into the debates the names of their Lordships the Archbishops of Quebec and St. Boniface, falsely trying to make people believe that Bishop Taschereau and Bishop Tache approved of the exile of the half-breed leaders. They did the same on the New Brunswick school question, and trumpeted the announcement that Bishop Sweeney was satisfied with the shameful Duchon-Mackenzie motion, which refused justice to the oppressed minority. They also raised the religion cry before and pending the last Provincial elections, and endeavoured to stir up the whole Protestant population of the Province against the Boucherville Government, by falsely attributing to it intolerant tendencies. It never gave the least token. One of the big wigs of the party was despatched by Mr. White, in order to propose to him an offensive and defensive alliance with the Catholics against the Catholic Conservatives. Mr. Douce and Mr. Lallumie tried the same with the Protestants of the County of Soulanges, and during that time *L'Événement* warned all the Protestants of the Province not to believe in the declaration of impartiality Mr. de Boucherville had made in the name of the Local Government.

1360 We know why Mr. Huntington and his compeers accuse Mr. White of being sold to the Catholic Church; it is because the latter gentleman, instead of joining the contemplated league against the Catholic Conservatives, was bold enough to state publicly that the Catholic majority of this Province had always treated the Protestant minority justly and liberally, and it was therefore unfair to charge it with intolerance in the eyes of all well-thinking Catholics. Mr. White could not have been the recipient of a more brilliant certificate of impartiality towards the different nationalities and creeds which divide the people of this country into many heterogeneous sections, than the brutal attack Mr. Huntington made against him the other day. We long to see how the French-Canadian Liberal organs will manage to reconcile that famous speech with what they themselves said of Mr. White to this date. The lie is given them in formal words, and by one of their chiefs whom they hold most in veneration, at that. Mr. White cannot be at the same time a bigoted Protestant and a sworn enemy to the Catholics, as the *National* and the *Bien Public* have it, and a believer in the Catholic programme, an apostle of ultramontaniam, according to Mr. Huntington's allegations. If the *National* and the *Bien Public* said the truth, their chief told a shameful lie, and *vice versa*.

1380 It is the first time since Canada enjoyed responsible government, that a member of the Cabinet, a Minister of the Crown, has in a public speech given proof of so much narrow-mindedness and blind bigotry as Mr. Huntington did last Thursday at St Andrews. The Liberals had it in their lot to make a new stain on the page of Canadian history they are now writing so ingloriously since they reached power.

If the representatives of our Province in the Dominion Cabinet were men of heart and honor, they would force their colleague, Mr. Huntington, immediately to put in his





resignation as a minister of the Crown, of which position he made himself totally unworthy by his recent speech, or they would themselves withdraw from a Cabinet which knows its duty and dignity so little as to keep in its midst a demagogue of the stamp of the Postmaster-General. But they will very likely not move in the matter, for the good reason that they profess the same subversive ideas as preached by Mr. Huntington, for he, who knows them well, declared that he would be at once prepared to resign his position if he believed his colleagues were not equal to the maintenance of the doctrines he had always
1390 preached.

So, when in the future we shall charge the Liberal-National-Reform party with upholding the same doctrines, no ministerial organ shall have the right to accuse us of being dupes, as long as the Liberals shall not have repudiated Mr. Huntington as one of their chiefs and obliged him to leave the Cabinet.

We shall return to that subject, for it is of great moment that the Liberal party be shewn to the people under its true colors. One of the leaders of that party, the ally of MacMullen, of *Pacific* memory, the man extolled by the *Bien Public* and held in veneration by the *National*, has just boldly hoisted his *red flag*, which had been hidden a moment in order only to catch more easily the good faith of the electors. The war-cry has been raised
1400 this time not by the *Evénement* or merely by another journal, but by a member of the Government of Canada, himself. All the men of order, who wish to see the reign of peace and harmony continued between the various religious creeds, must unite and repel the demagogical aggression of the Liberal Government, and ward off the danger of the abyss of misery to which the latter criminally seeks to drive our country. It is high time that all true Conservatives, all those who take to heart the maintenance of the good understanding between the heterogeneous elements which compose the population of Canada, as well as the preservation of our mutual liberties, should open their eyes to the gravity of the situation, and make a common effort, whichever religious denomination they belong to, to hold the country back from the fatal slope where the Liberals intend to push it.

Till we further comment upon that question, we advise the electors of Chambly and
1410 Charlevoix to take into serious consideration Mr. Huntington's words, and not to lose sight of the danger of returning members willing to give assistance to a Government which has such intentions (*Nouveau-Monde*).



Defendant's Exhibit No. 4. Pastoral Letter of the Bishops of the Ecclesiastical Province of Quebec, 22nd September, 1875.

We, by the mercy of God and the favor of the Holy Apostolic See, Archbishop, Bishops and Administrator of the dioceses of the Ecclesiastical Province of Quebec,

To the Clergy, Secular and Regular, and to all the Faithful of the said Province, Greeting and Benediction in our Lord.

1420 We deem it our duty as your Pastors, Our Dearly Beloved Brethren, to address you on many most important subjects to which divers circumstances have given rise.

I.

THE POWER OF THE CHURCH.

Whoever will be saved, says the Athanasian Creed, should hold the Catholic Faith: quicumque vult salvus esse, necesse est ut teneat Catholicam fidem. And to attain the true knowledge of this faith, *without which it is impossible to please God; sine fide impossibile est placere Deo* (Heb. XI. 6.), we must hear the Church, taught by Jesus Christ himself, and out of which naught is found but error, doubt, and uncertainty, for *She is the Church of the living God, the pillar and ground of the truth: Ecclesia Dei vivi, columna et firmamentum veritatis* 1430 (1. Tim. III. 15.) *She has been commissioned to teach all nations to observe all things whatsoever commanded by Jesus Christ: Docete omnes gentes servare omnia quecumque mandavi vobis* (Matt. XXVIII. 20.)

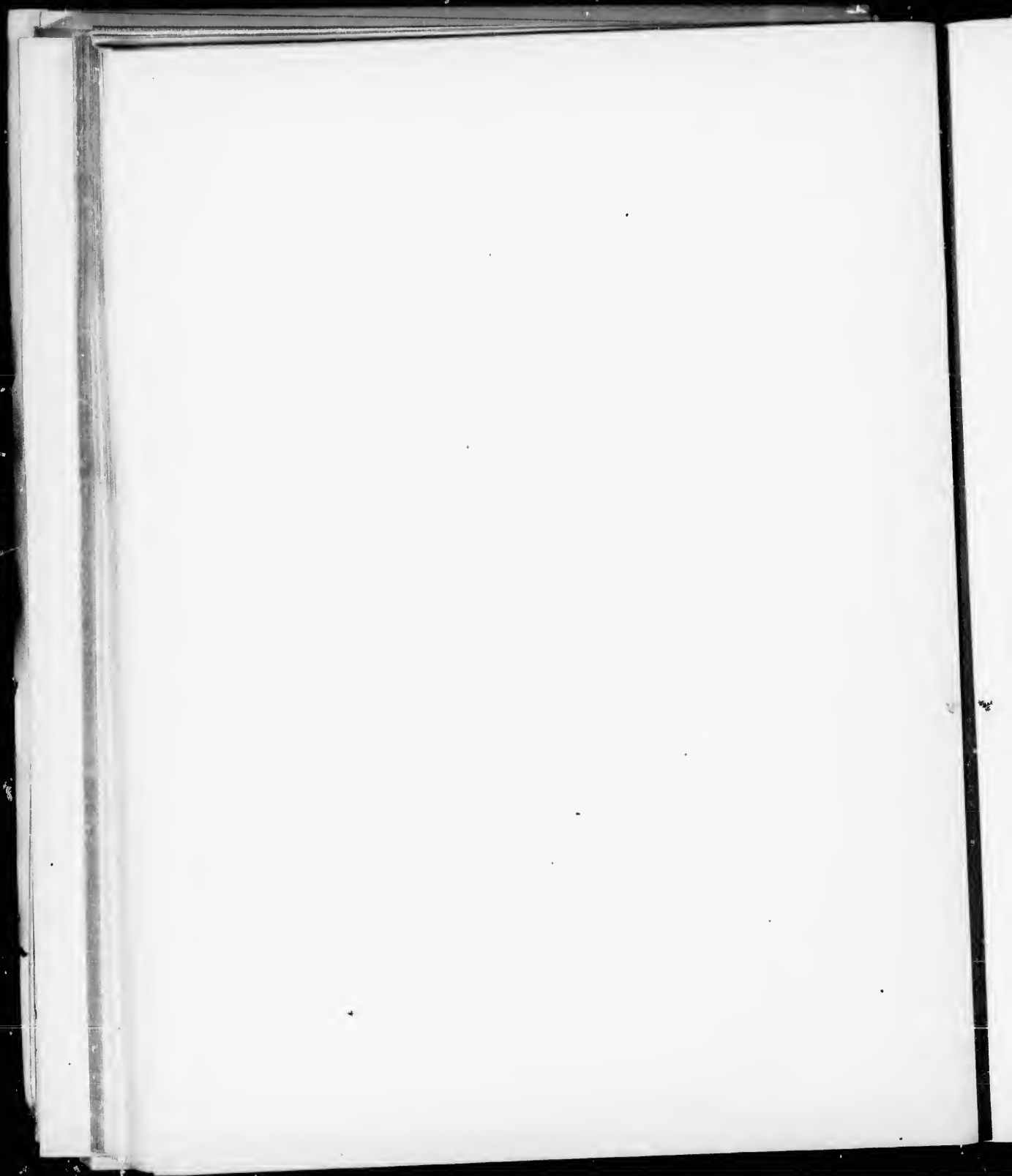
To fulfil this sublime and difficult mission, it was necessary that the Church should be constituted by her Divine Founder under the form of a society, perfect in itself, distinct and independent of civil society.

No society can exist without laws, and consequently without legislators, judges, and the required power to make these laws respected; therefore, has the Church necessarily received from her founder authority over her children to maintain order and unity. To deny this authority would be to deny the wisdom of the Son of God. To subordinate this 1440 authority to the civil power would be to decide in favor of Nero and Diocletian, against those millions of christians who preferred to die rather than to betray their faith; it would be to decide in favor of Pilate and Herod against Jesus Christ himself!

The Church is not only independent of civil society, but is superior to it by her origin, by her comprehensiveness and by her end.

Undoubtedly, civil society originates in the will of God, who has ordained that men should live in society; but the forms of civil society vary with times and places; the Church was born on Calvary of the blood of a God, from His lips She has directly received her immutable constitution, and no power on earth can alter the form thereof.

A civil society comprises but one people; the Church has received as her domain the 1450 whole world; Jesus Christ has commissioned her *to teach all nations; docete omnes gentes* (Matt. XXVIII. 20.) The state is therefore in the Church, and not the Church in the State.



The end of the Church is the eternal happiness of souls, supreme and last end of man; the end of civil society is the temporal happiness of nations. By the nature of things, civil society is *indirectly*, but truly, subordinate; for not only should it refrain from all that opposes the supreme and last end of man, but it should also aid the Church in her divine mission, and if need be, protect and defend her. Besides, is it not evident that the happiness, even temporal, of nations, depends on truth, justice, morals, and consequently on all those truths committed to the keeping of the Church? The experience of the last 1467 hundred years teaches us, that there is neither rest nor stability for the nations that have thrown off the yoke of religion, of which the Church is only the true guardian.

This subordination does not prevent these societies from being distinct, because of their respective ends, and independent each in its proper sphere. But the moment a question touches faith, morals, or the divine constitution of the Church, her independence, or what is necessary for the fulfilment of her spiritual mission, she is the sole judge; for the arch alone Jesus Christ has said: "All power is given to me in heaven and on earth... As the Father hath sent me, I also send you... Going therefore teach ye all nations... He that heareth you, heareth me; and he that despiseth you, despiseth me. And he that despiseth me, despiseth him that sent me... He who will not hear the Church, let him be to 1470 thee as the heathen and publican, that is to say as unworthy to be called her child." (Matt. XXVIII. 18, 19. Luke X. 16. John XX. 21. Matt. XVII. 17.)

But in thus vindicating the rights of the Catholic Church over her children, we do not pretend to encroach on, or hinder in the least, the civil rights of our separated brethren, with whom we shall be always happy to preserve in the future, as in the past, the most friendly intercourse. The principles we now make known are not new, they are as old as the Church herself. We recall them to-day because certain Catholics seem to have forgotten them.

II.

THE CONSTITUTION OF THE CHURCH.

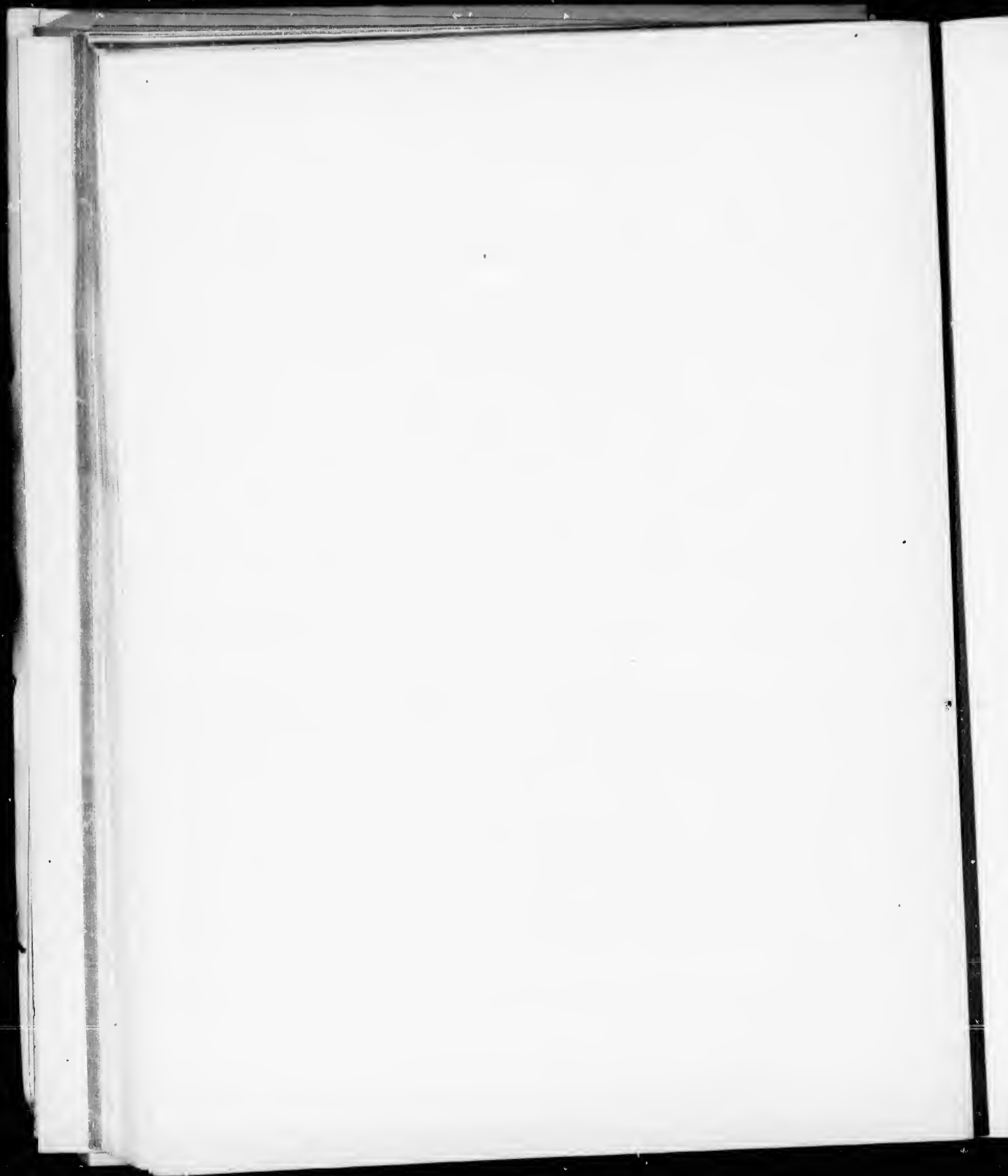
1480 The power to legislate and to judge in the Church exists, in a supreme degree, in the Sovereign Pontiff, the successor of St. Peter, to whom Jesus Christ has confided the keys of the Kingdom of Heaven, and has commanded to confirm his brethren

General Councils convoked, presided over, and confirmed by the Pope possess the same power.

"The Holy Ghost hath placed Bishops to rule the Church of God; *Spiritus Sanctus posuit episcopos regere Ecclesiam Dei* (Acts XX. 28.);" in their respective dioceses they have power to teach, to command, to judge; this power is nevertheless subordinate to that of the head of the Church, in whom alone resides the plenitude of the Apostolic power and doctrinal infallibility. Priests and laymen owe to Bishops docility, respect and obedience.

1490 Each priest, on receiving from his Bishop the mission to preach and administer spiritual help to a certain number of the faithful, has, likewise, a rigorous right to the respect, love, and obedience of those whose spiritual interests are confided to his pastoral solicitude.

Such is the divine plan of the Catholic Church, which Jesus Christ has invested with



His power; such is the Ecclesiastical Hierarchy which, in its admirable whole, shows us a society perfectly organized, and capable of attaining, with certainty, its end, which is eternal salvation of each of its innumerable children, "of every tribe and tongue and people and nation; *ex omnibus, et lingua, et populo et natione* (Apoc. V. 9)"

III.

CATHOLIC LIBERALISM.

1500

Catholic Liberalism, says Pius IX, is the most inveterate and the most dangerous enemy of the divine constitution of the Church. Like unto the serpent which crept into the earthly paradise to tempt and bring to ruin the human race, it presents to the children of Adam, the deceitful allurements of a certain liberty, and a certain science of good and evil; liberty and science which end in death. It seeks to creep imperceptibly into the most holy places; it fascinates the most clear-sighted, and poisons the most ingenuous souls, should their faith in the infallible authority of the Sovereign Pontiff, waver ever so little.

1510 The adherents to this subtle error concentrate all their strength to break the bonds which unite the people to the Bishops, and the Bishops to the Vicar of Jesus Christ. They applaud civil authority each time it invades the sanctuary; they seek, by every means, to induce the faithful to tolerate, if not to approve, iniquitous laws. Enemies the more dangerous, since often, even unconsciously, they favor the most perverse doctrines, which Pius IX has so thoroughly unmasked in calling them a chimerical reconciling of truth to error.

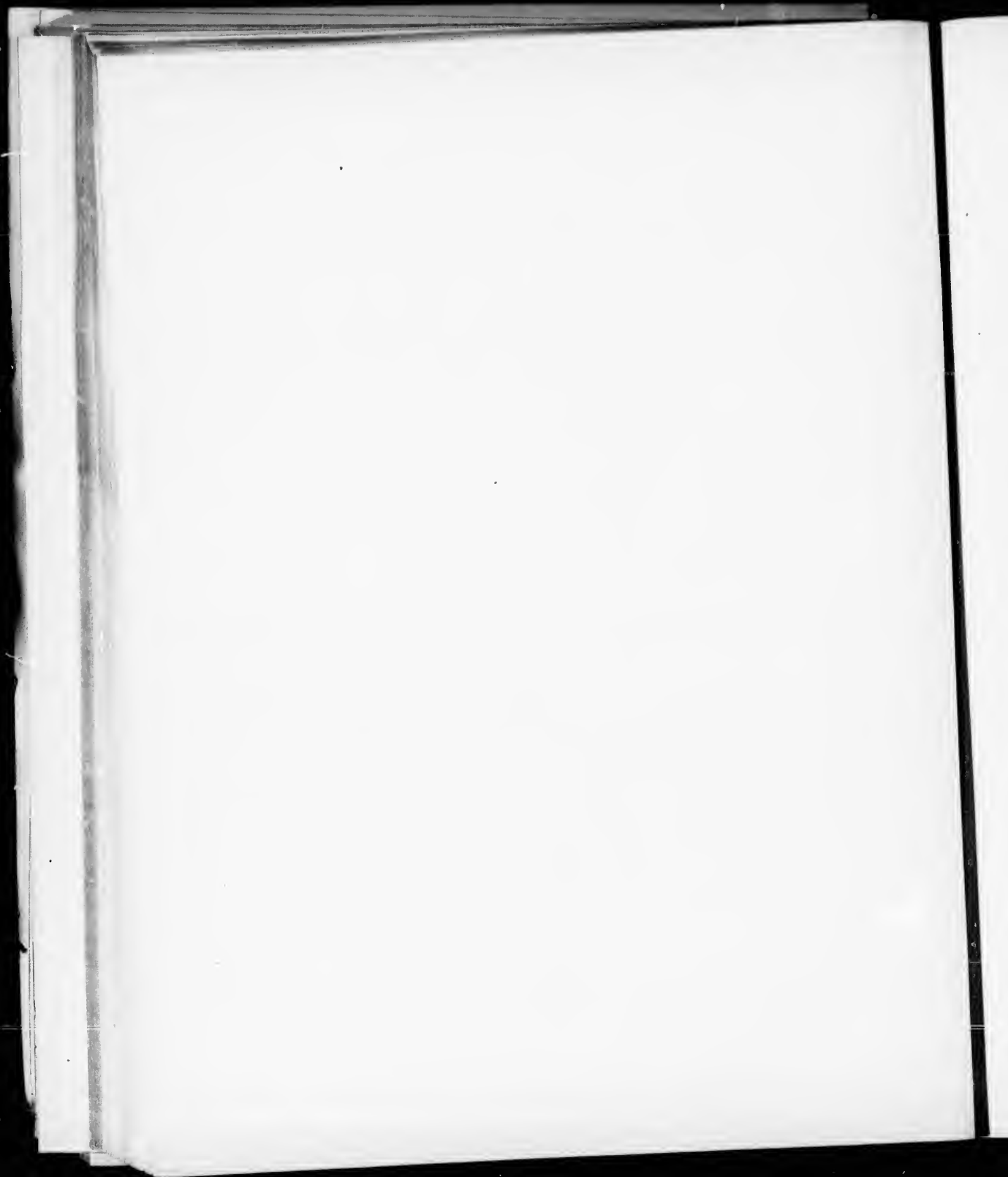
1520 The Liberal Catholic is reassured because he still retains certain practices of piety, a certain amount of faith, and of attachment to the Church; but he carefully closes his eyes on the abyss opened in his heart by this error, which devours it in silence. He also boasts his religious convictions to all comers, and takes offence when warned that his principles are dangerous. He is perhaps sincere in his blindness, God alone knows! But under all these fine appearances, there is an amount of pride which makes him believe that he has more prudence and wisdom, than they to whom the Holy Ghost has given mission and grace to teach and govern the faithful. He will be heard unscrupulously censuring the acts and documents of even the highest religious authority. Under pretence of removing the cause of dissensions, and of reconciling the progress of the society of the day to the Gospel, he enlists in the service of Caesar, and of those who invent pretended rights in favor of a false liberty: as if darkness could co-exist with light, and as if truth did not cease to be truth, when violence is offered to it, diverting it from its true signification, and divesting it of that immutability inherent to its nature!

1530 In presence of five Apostolic briefs declaring "Catholic Liberalism" to be absolutely incompatible with catholic doctrine, although it is not formally condemned as heretical, yet no one can be allowed conscientiously to remain a "Liberal Catholic."

IV.

CATHOLIC POLITICS.

One of the most powerful geniuses the world has seen, St. Thomas Aquinas, has defined law in general: "*Quadam rationis ordinatio ad bonum commune, et ab eo qui*



curam communitatis habet promulgata; Law is a rule dictated by reason for the general good, and promulgated by him who is charged with the care of society."

The Catholic Church recognizes in this short definition all the features of Christian politics.

The *general good* is its supreme and sole end.

Reason should be the source of the law. Reason, that is to say, the conformity of the means to be employed, not only to the end to be attained, but also to justice and to morals; reason, and not party spirit, not the intention to maintain oneself in power, not the will to injure the opposed party.

The authority which imposes the law is here admirably defined. The Holy Ghost frequently represents it, sword in hand, and ready to strike whoever refuses to render it honor, fear and tribute; thus should it appear to nations, as God's minister, an avenger to execute wrath upon him that doeth evil; *Dei minister est, vindicor, in iram ei qui malum* 1550 *agit* [Rom. XIII. 4.]. But our Holy Doctor, considering authority in the person thereof invested, points out to him his duties, while defining his rights: "To you, O princes, "O legislators, has been confided the care of society; *qui eam societatis habet*: not to satisfy your ambition, your thirst for honors and riches, has authority been given you: "it is a charge, an obligation, a duty, imposed on you."

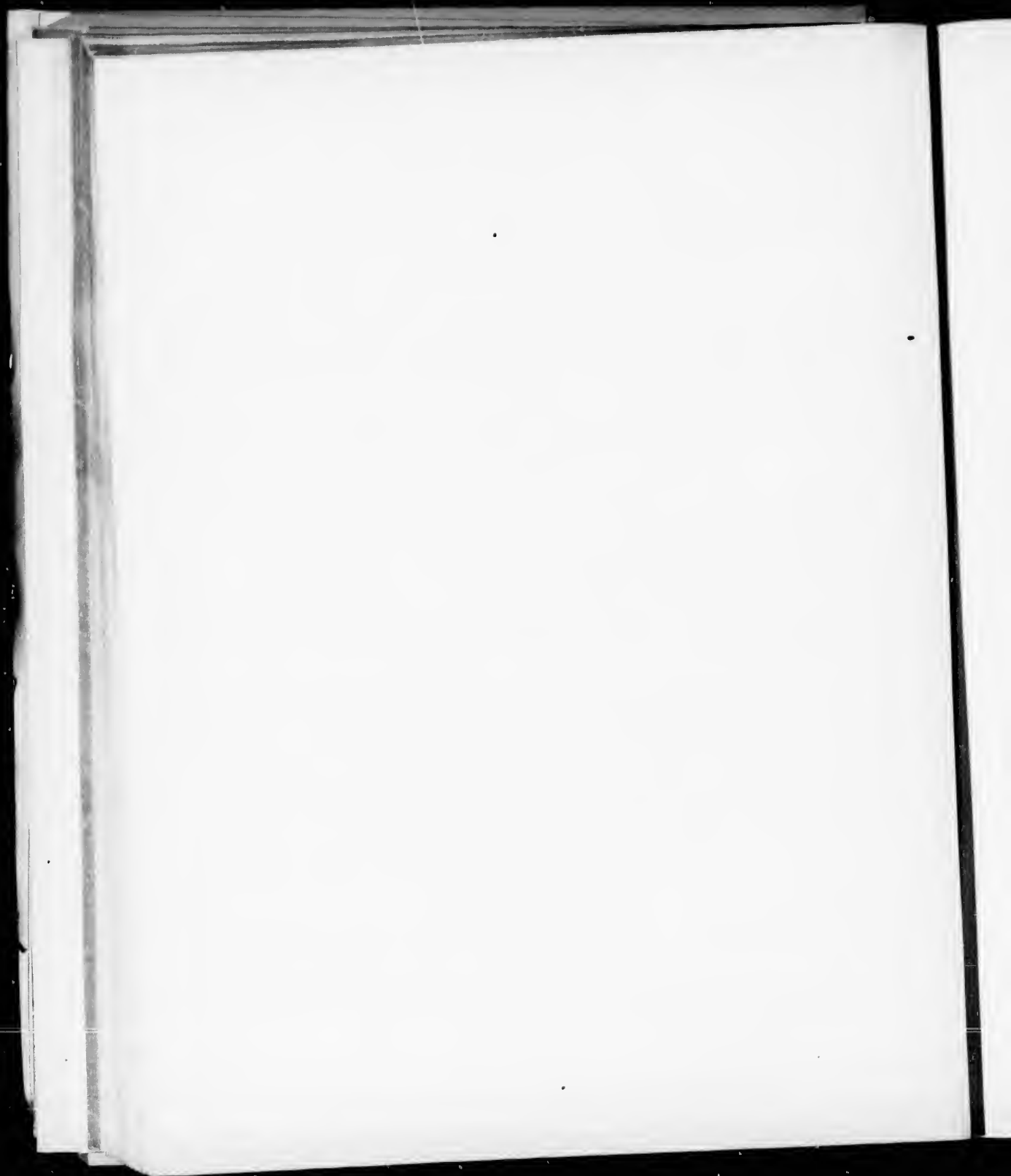
Politics truly divine! O! how far removed from those false and sovereignly unreasonable politics, in which the most important interests of a nation become as a play-toy, with which blindest partizans seek to amuse, to enrich themselves, and to supplant each other.

Far from us the thought of disregarding the advantages of constitutional rule, 1560 considered in itself, and consequently, the utility of those party distinctions, which hold each other in check, to point out and arrest the errors of the party in power. What we deplore, what we condemn, is the abuse thereof; it is the pretension that politics, reduced to the mean and ridiculous proportions of party interests, should become the supreme rule of all public administration. That *everything* should be for the party and nothing for the *common good*; nothing for *that society committed to their care*. What we also condemn, it is that men should permit themselves to say and to dare all that may serve to the triumph of a party. *Give ear to my words* says the Holy Ghost [Wisdom VI.], you that rule the people, consider that power is given you by the Lord, and strength from the Most High, who will examine your works, and search out your thoughts: because being 1570 minister of his Kingdom you have not judged rightly, nor kept the law justice, nor walked according to the will of God. Horribly and speedily will He come to judge you with extreme rigor.

V.

THE PART OF THE CLERGY IN POLITICS.

Men bent upon deceiving you, Our Dearly Beloved Brethren, incessantly repeat that religion has nothing to do with politics, that no attention should be paid to religious principles in the discussion of public affairs; that the clergy has duties to fulfil but in the Church and the sacristy; and that, in politics, the people should practice moral independence!



- 1580 Monstrous errors, O. D. B. B., and woe to the country wherein they should take root! By excluding the clergy, they exclude the Church, and by throwlag the Church aside, they deprive them-selves of all the salutary and immutable principles she contains, God, morals, justice, truth; and when they have destroyed every thing else, nothing is left them but force to rely upon!

Whoever has his salvation at heart should regulate his actions according to the divine law, of which religion is the expression and the guardian. Who does not understand how justice and rectitude would every where prevail, did rulers and people never lose sight of this divine law which is equity itself, nor of the formidable judgment they shall have, one day, to undergo before Him whose look and strong arm nobody can escape.

- 1590 The people have, therefore, no greater enemies than those men who want to banish religion from politics, for under the pretence of freeing the people from what they call *priest tyranny, priest's undue influence*, they are preparing, for the same people, the heaviest chains, and the most difficult to throw off: they put might above right, and they take from the civil power the only moral restraint which can stop it from degenerating into despotism and tyranny!

They want to relegate the priest into the sacristy?

Why? Because, forsooth, he has derived from his studies healthy and true notions on the rights and duties of every one of the faithful confided to his care? Because he sacrifices his means, his time, his health, even his life, for the welfare of his fellow beings?

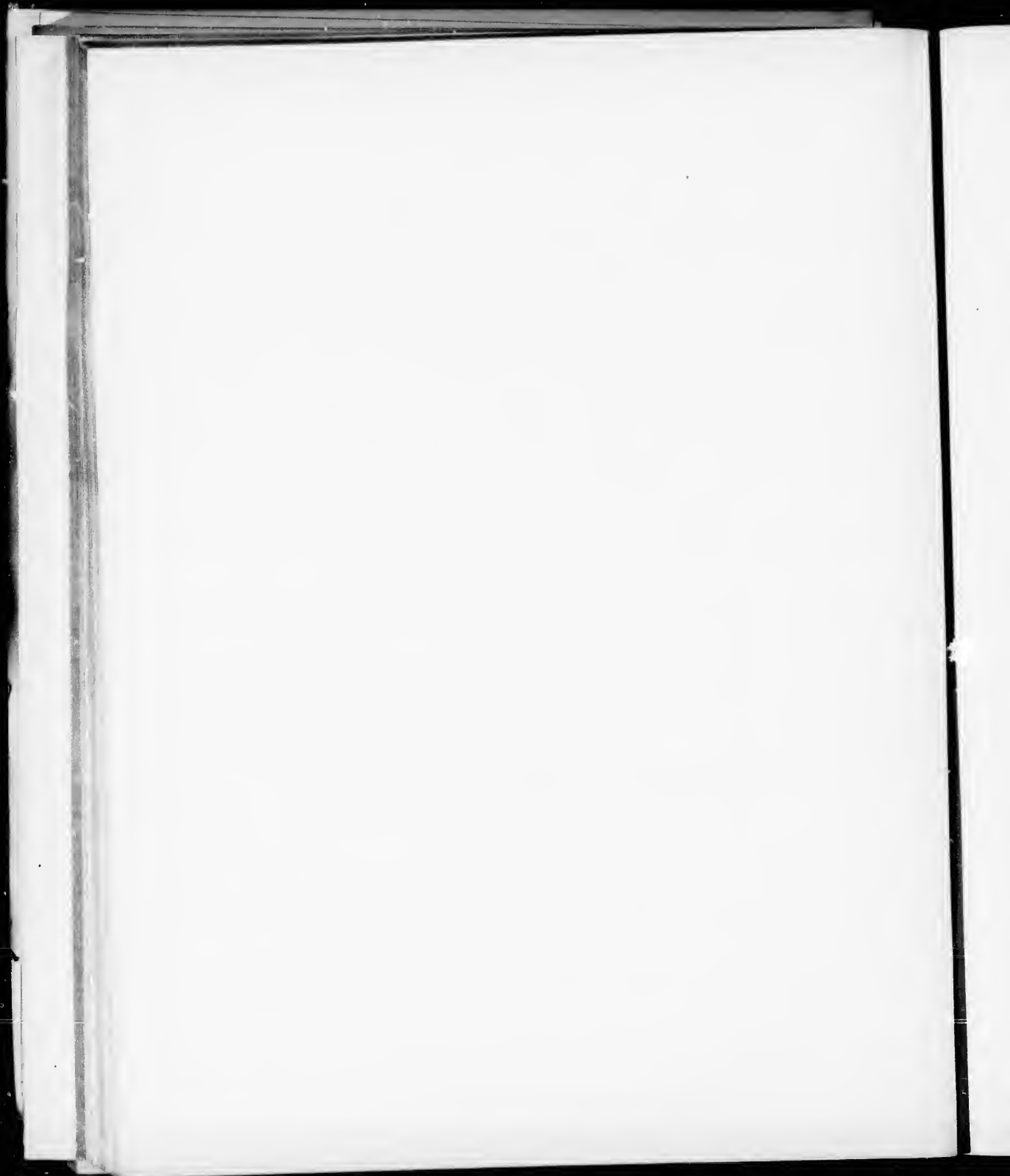
- 1600 Is he not a citizen as much as others? What the first comer may write, speak and act; sometimes are seen flocking towards a country or a parish, strangers, who come thither to fasten upon the people their political opinions; alone, the priest can neither speak nor write! It will be permitted to whomsoever it pleases to come into a parish and hawk about all sorts of principles; and the priest who lives in the midst of his parishioners, like a father in the midst of his children, shall have no right to speak, no right to protest against the enormities which are uttered!

- Some who to-day cry out very loud that the priest has nothing to do with politics; but yeste day found this influence salutary; some who to-day deny the competency of the clergy in these questions, but lately extolled the sureness of principles which gives to a man the study of christian morals! Whence this change, if not that they feel to act against themselves the same influence which they once called salutary and just, and which they are now conscious no more to deserve!

Undoubtedly, O. D. B. B., the exercise of all the rights of a citizen, by a priest, is not always opportune; it may even have its inconveniences and its dangers; but it must not be forgotten that it belongs to the Church alone to give to her ministers the instructions she thinks fit, and to reprehend those who depart therefrom, and the Bishops of this Province have not failed in their duty on this point.

So far we have looked upon the priest as a citizen, and speaking politics in his own and private name, as any other member of civil society.

- 1620 Are there questions in which the Bishop and the priest may, and even sometimes should, interfere in the name of religion?



Without hesitation we answer: Yes, there are political questions in which the clergy may, and even should, interfere in the name of religion. The rule of this right and of this duty is to be found in the distinction we have already pointed out between Church and State. Some political questions in fact touch the spiritual interests of souls, either because they may affect the liberty, the independence, or the existence of the Church, even in a temporal point of view.

A candidate may present himself whose platform is hostile to the Church, or whose antecedents are such that his candidature is a menace for these same interests.

- 1630 A political party may likewise be judged dangerous, not only by its platform and by its antecedents, but also by the particular platforms and antecedents of its chiefs, its principal members, and its press, if this party does not disown them and definitely separate therefrom, when, having been warned, they persist in their error.

Can a Catholic in these cases, without denying his faith, without proving himself hostile to the Church of which he is a member; can a Catholic, we repeat, refuse to the Church the right to defend herself, or rather to defend the spiritual interest of the souls confided to her? But the Church speaks, acts, and combats by her clergy, and to deny those rights to the clergy is to deny them to the Church.

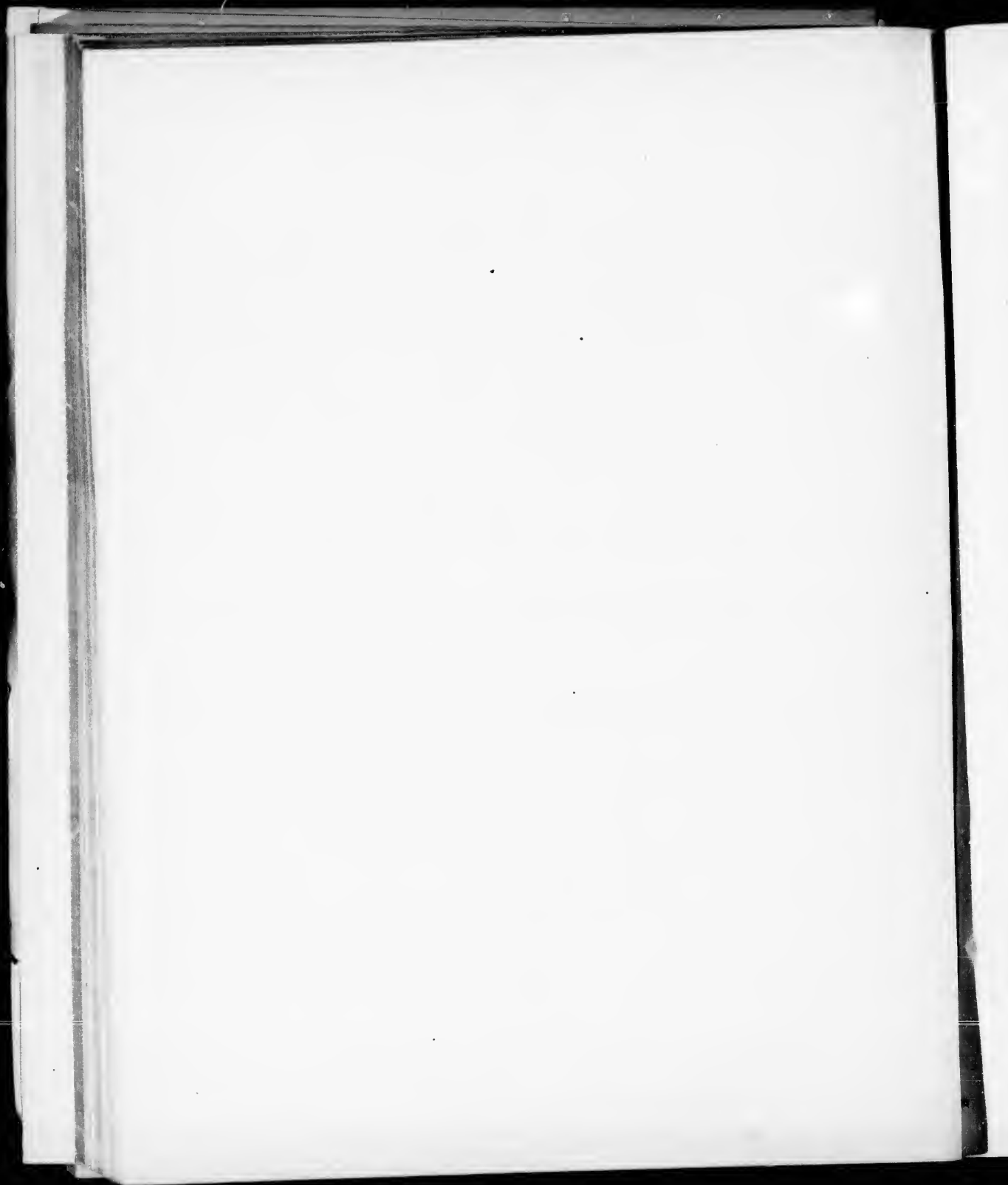
- 1640 The priest and the Bishop may then, in all justice, and should, in conscience, raise their voice, point out the danger, and authoritatively, declare that to vote on such a side is a sin, that to do such an act makes liable to the censures of the Church. They may and should speak, not only to the electors and candidates, but even to the constituted authorities, for the duty of every man who wishes to save his soul is marked out by the divine law, and the Church, like a good mother, owes to her children of every rank, love, and consequently spiritual vigilance. Therefore to enlighten the conscience of the faithful, on all these questions which concern their salvation, is not converting the pulpit of truth into a political tribune.

Doubtless, O. D. B. B., such questions do not arise every day, but that this right exists, no Catholic can deny.

- 1650 The nature of the question makes it evident that, to the Church alone, it belongs to determine, under what circumstances, she should raise her voice in favor of christian faith and morals.

It may be objected that the priest is liable, like every other man, to exceed the limits assigned him, and that then the State has the right to recall him to the path of duty.

- 1660 To this we answer: Firstly, that it is offering a gratuitous insult to the whole Catholic Church, to suppose that in her hierarchy no remedy can be found to the injustice, or to the error of one of her ministers; in effect, the Church has her regularly constituted tribunals, and whoever thinks he has grounds of complaint against a minister of the Church, should arraign him, not before the civil, but before the ecclesiastical tribunal, alone competent to judge the doctrine and the acts of the priest. Therefore, Pius IX in his Bull *Apostolicæ Sedis*, October 1869, declared struck with a major excommunication such as, directly or indirectly, oblige lay judges to arraign ecclesiastical persons before their tribunal, against the dispositions of canon law.



Secondly: When the State shall invade the rights of the Church, trample under foot its privileges the most sacred, as this happens to-day in Italy, in Germany and in Switzerland, were it not the height of derision to give to this same State the right to gag its victims?

Thirdly: If they lay down the principle that a power no longer exists, because some one may abuse it, all civil powers must be denied, for all such as are invested there-
1670 with are fallible men.

VI.

THE PRESS AND ITS DUTIES.

In our century, the press plays a part, for good or evil, the importance of which cannot be over-looked. The Church cannot remain an indifferent spectator of these daily contests, which are carried on either in newspapers or in books. These writings which the press in a manner immortalizes, and daily scatters to the four winds of heaven, are far more productive of edification or of scandal than words, almost as soon forgotten as heard by the few who listen to them. Honor and praise to these Catholic writers whose chief object is to propagate and defend truth; who thoroughly and carefully examine the important questions they are called upon to treat! What shall they answer to the Sovereign
1680 Judge those writers for whom politics, such as understood by them, that is party interest, is the supreme rule; who ignore the Church; who would make this Spouse of Christ the vile slave of Caesar; who neglect, or even despise, the advice of those whom Jesus Christ has commissioned to teach the truths of religion?

The duties of the press, such as pointed out by our last Council of Quebec, may be summed up as follows: 1st. Always to act towards adversaries with charity, moderation and respect; as zeal for truth cannot excuse any excess of language; 2nd. To judge adversaries with impartiality and justice as they themselves would be judged; 3rd. Not to condemn precipitately before having sufficiently examined in detail; 4th. Not to take in a
1690 bad light that which is ambiguous; 5th. To avoid ratteries, sarcasms, suppositions injurious to the reputation, unfounded accusations, the imputation of intentions which God alone can know.

What the Church has not condemned may be combated, but cannot be stigmatized.

When there is question of the ecclesiastical or civil authorities, the language should always be proper and respectful.

Establishments of which Bishops are the protectors and natural judges, must not be arraigned before the incompetent tribunals of public opinion.

Let us add that the priest, and still more the Bishop, in the exercise of his ministry, is not amenable to public opinion, but to his hierarchical superiors alone. Whoever be-
1700 lieves he has grounds to complain, may always do so to those who have a right to render him justice: from the priest one may appeal to the Bishop, from the latter to the Archbishop, and from the Archbishop to the Sovereign Pontiff. But it can never be permitted to repeat on paper the thousand and one reports to which political excitement, like the bellows of a boisterous sea, give rise.



Moreover, it must not be forgotten that the particular laws, enacted by a Bishop, are not, it is true, obligatory out of his diocese, but the principles he lays down in his Pastoral Letters belong to all times and places. Should any one, priest or layman, believe he has the right not to hear a Pastor who is not his own, he has not, on this account, the right to criticize and judge him.

1710

VII.

ON OATHS,

Holy and terrible is the name of the Lord (Ps. CX. 9.); with sovereign respect therefore it should be pronounced, and the Lord will not hold him guiltless that shall take the name of the Lord his God in vain (Exodus XX. 7.)

It is also written in the Holy Scriptures: Thou shalt swear: As the Lord liveth in truth, and in judgment, and in justice (Jeremias IV. 2.).

An oath is an act of religion, and consequently it appertains, above all, to the Church which is alone commissioned to define it, and to make known the nature and conditions thereof.

1720 In every oath there are two distinct parts; 1st, the *affirmation* of some fact, or of some will; 2nd, the *invocation of God* as witness of such fact or of such will. The affirmation takes the name of *formula*, when the expressions thereof are determined by authority, but, in reality, this diversity of name in no way alters the nature itself of this part of the oath.

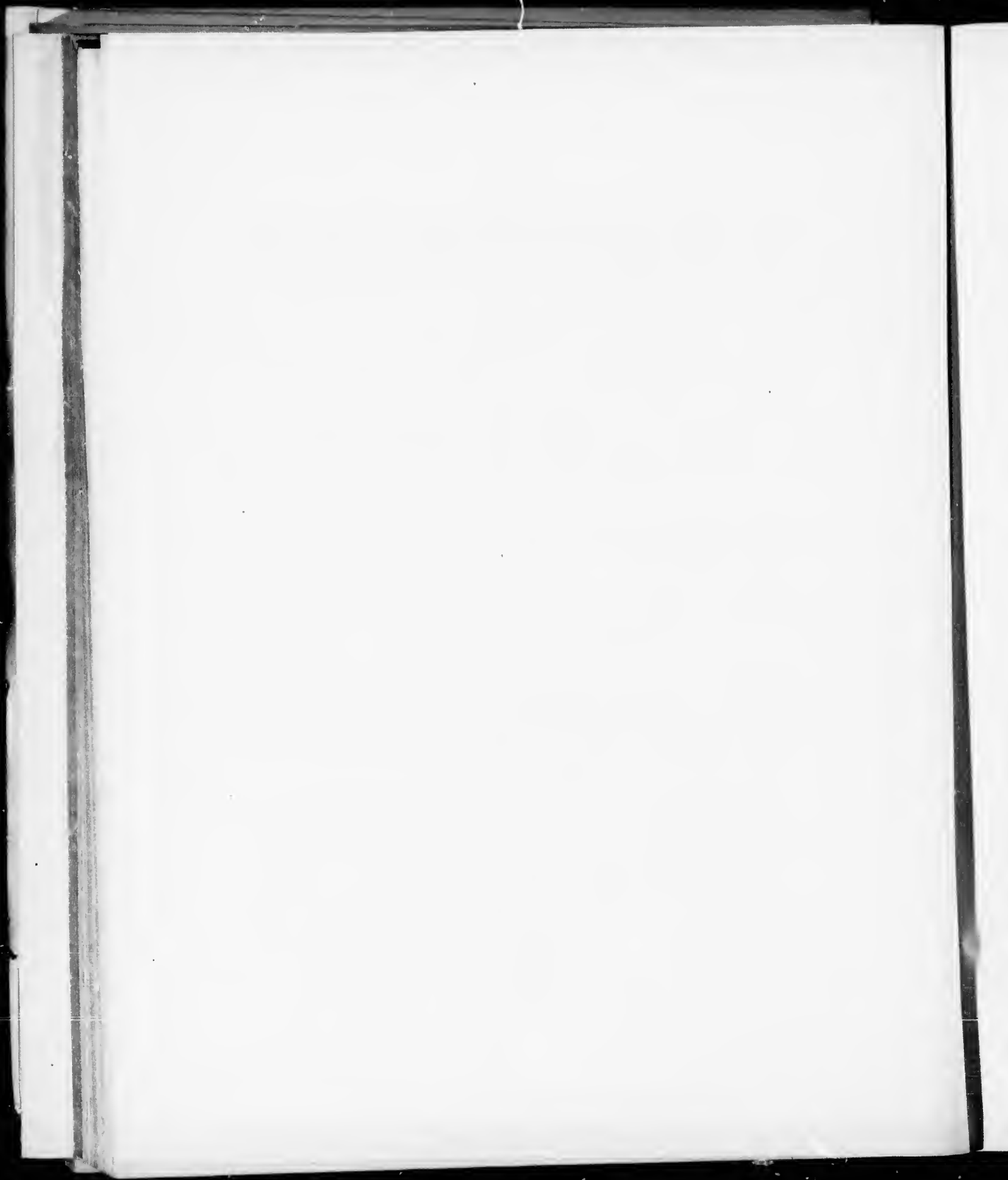
All depends on the conformity of this affirmation or formula to the truth, such as known to him who takes the oath.

When the affirmation or formula is true in all its parts, the oath is good and true.

1730 There is perjury when in the affirmation or formula is to be found something false, known as such to him who takes the oath. Should your affirmation or formula contain a thousand truths, if knowingly you mingle therein one word which is not true, this one falsehood suffices to make you guilty of perjury.

Hence follow two most important practical consequences: 1st. Before taking an oath one must carefully examine, and comprehend, the formula which one is called to affirm, lest it contain something contrary to the truth such as one knows it. Should something not be well understood, should there be any doubt, one must have it explained, and refuse to take the oath until conscience is sufficiently enlightened thereon; otherwise, one is exposed to commit perjury, and consequently, one becomes guilty of a grievous sin; 2nd. The formula of an oath should never be spoken of as a thing of *little importance*; and we absolutely condemn the distinction which one would make between the various formulas, to make 1740 little of some, or to impart to them a meaning which the expressions they contain do not convey. Words, clear in themselves, can admit of no interpretation, as light requires no other light to be perceived. When a formula says clearly and formally that such a thing exists, no possible interpretation can make it say that this thing does not exist.

On entering into the exercise of their charge, public functionaries are obliged to take what is called *an oath of office*. They solemnly promise, before Almighty God, exactly



to fulfil certain duties imposed on them. This is not a vain formula, a promise void of sense, but a most grave obligation, and which lasts us long as one is in office. This should be the matter of a special and attentive examen of conscience, when one prepares to receive the sacraments.

1750 He who takes an oath should respect it, and respect it no less in others. We seize this opportunity to condemn as an impiety, and a kind of scandal, the practice of certain lawyers, who, to win a case, hesitate not to cross-question witnesses so far as to confuse them, and cause them to contradict and perjure themselves. It is not sufficient that a case be good; the means employed to gain it must be conformable to the immutable rules of truth, justice and charity.

VIII.

OF ECCLESIASTICAL BURIAL.

1760 Undoubtedly, *ecclesiastical burial* is not as holy as the sacraments, but it does not the less appertain wholly and solely to the judgment of the Church. We mean *ecclesiastical burial* such as defined and regulated by canon law, that is to say, not only the prayers and religious rites which are used at funerals, but also the spot sanctified and specially consecrated by prayers and blessings for the burial of those who die in peace with the Catholic Church.

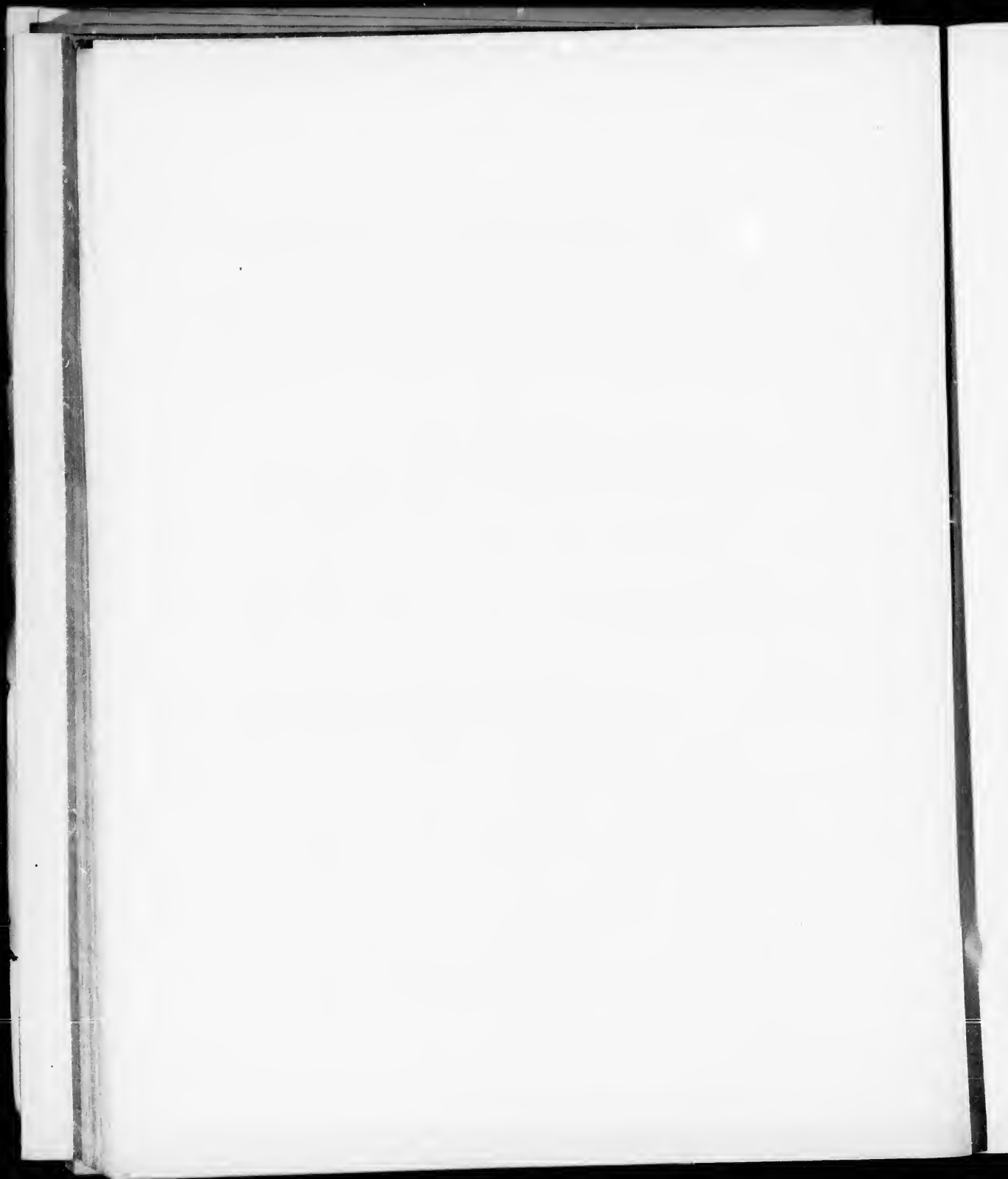
No power on earth can enjoin on the Church to pray over the grave of the dead whom she has judged unworthy of her prayers; it is a sacrilegious outrage to violate by force the sanctity of the ground consecrated by the prayers and blessings of the Church.

It may be said that the privation of the honors of ecclesiastical burial carries with it degradation and infamy, and that, thus considered, it falls within the jurisdiction of civil authority charged to protect the honor of citizens.

1770 We answer that the dishonor and infamy consist rather in the revolt of a child against its mother, and that nothing can wash away the stain of a grave disobedience which perseveres until death. All the lawsuits, all the appeals, all the sentences in the world, can give but a greater publicity to the fault, and render the degradation and infamy more notorious, and more deplorable in the eyes of true catholics.

Jesus Christ, says St. Paul, *loved the Church and delivered himself up for it* (Eph. v. 25). After the example of our Divine Master and Model, nothing should be dearer to us, in this world than this same Church, of which we are the members under one Head, who is Jesus Christ. She is our mother, since she has begotten us to the life of grace; we should love her with a filial love, rejoice in her triumphs, share her sorrows, and, if need be, raise our voice in her defence. When, therefore, we see her liberty and her dignity disregarded, it 1780 cannot be permitted to her children, and still less to her pastors, to preserve a silence which would be tantamount to treachery.

The Holy Catholic Church, faithful to the teachings of her Divine Master, instructs her children *to render to Cæsar the things that are Cæsar's: and to God the things that are God's* (Math. xxii., 21). She re-echoes to them, with the great Apostle: *Render therefore to all men their dues. Tribute to whom tribute is due: custom to whom custom: fear to whom fear: honor to whom honor* [Rom. xiii. 7]. That this duty of justice and of respect, which she incessantly proclaims, shall be fulfilled in her regard, and that the things that are God's Church shall be rendered to the Church of God, she has, more than any other, the right to expect.



1790 But, O. D. B. B., with grief we must proclaim it, an affair, too sadly famous, proves to us that the Catholic Church, in Canada, is threatened in her liberty and her most sacred rights. And the crowding of our affliction is that the Church can exclaim with the prophet: *I have brought up children and reared them, but they have despised me: filios matris et lactis, ipsi autem spreverunt me* [Isaiah i. 2]! The first authors of this outrage have been brought up on the knees of a catholic mother, in their infancy they have partaken of the Divine Banquet, they have received the indelible character of Confirmation, and yet, to-day, in spite of their revolt, they call themselves Catholics, that they may force the entrance of a cemetery consecrated by the prayers of the Church, and by her designet for the burial of her faithful children.

1800 To palliate this criminal usurpation, they have invoked the pretended *Gallican liberties*, as if Catholic unity, founded by Jesus Christ on the supreme authority of Peter and his successors, were but an empty name! What authority is that which, by invoking *his liberties*, the subject can escape! What prince, what republic would acknowledge such a principle, if appealed to by a province, notwithstanding the oft repeated declarations of the constitution, and the supreme tribunals of the State.

That they who are not of the Church find such principles good and admirable, we cannot wonder; because they do not believe in this authority, which constitutes the foundation of the Catholic Church. But that men who dare still to call themselves children of the Church, should disregard to such a degree her teaching and hierarchy, is an inconceivable error.

1810 Those who have begun, supported, or encouraged by their subscriptions, this nameless outrage upon the most certain rights of the Church, we hold guilty of open rebellion against the Church, and a grave injustice for which they cannot receive forgiveness, unless they strive to repair it by all the means in their power.

We invite all the true children of the Church to beseech the Divine Heart of Our Lord, to have Mercy on those who have thus strayed from the paths of faith and of justice, that acknowledging their guilt, and repairing it, they may obtain mercy.

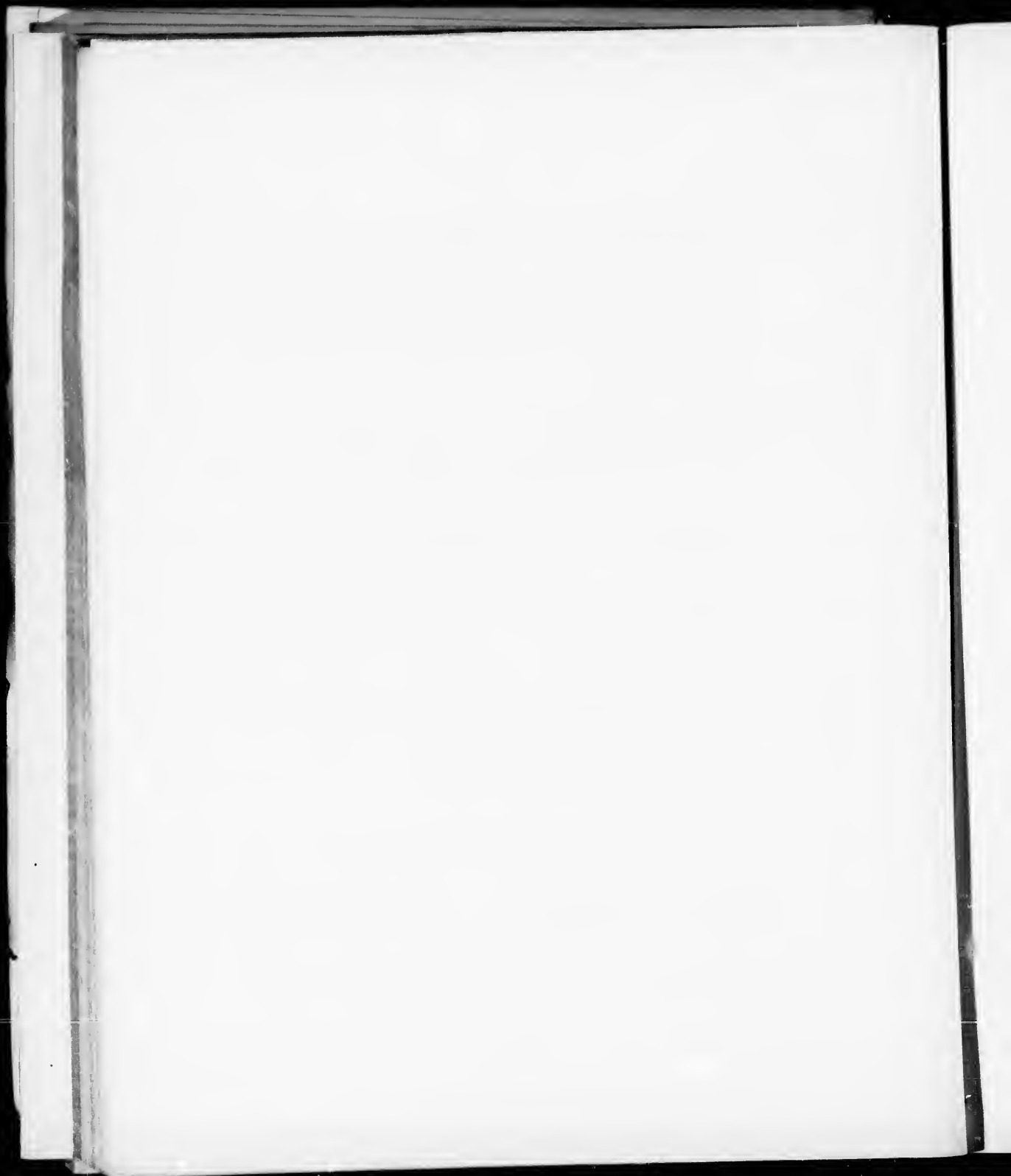
CONCLUSION.

Such, O. D. B. B., are the important advices we deem it our duty to give you under the present circumstances.

1820 Above all, beware of that *Liberalism* which wants to adorn itself with the beautiful name of *Catholic*, the more surely to accomplish its criminal work. Easily will you recognize it by the description thereof so frequently given by the Sovereign Pontiff: 1st. Efforts to enslave the Church to the State; 2nd. unceasing attempts to break the bonds which unite the children of the Church one to the other, and with the clergy; 3rd. monstrous alliance of truth with error, under the pretext of reconciling all things, and avoiding conflicts; 4th. lastly, illusion, and sometimes hypocrisy, which, under the show of religion and fine protestations of submission to the Church, conceals an unbounded pride.

Remember, that true christian politics have but one aim, which is the public good, but one means, which is perfect conformity of laws to truth and justice.

1830 Respect the oath as a most important act of religion: before taking it carefully



examine if the formula be true, to the best of your knowledge, in every particular; scrupulously fulfill the duties of your oath of office, and beware of inducing your neighbor to perjury.

Shall this our present Pastoral Letter be read and published at the prone of all Parochial Churches or Chapels of parishes and missions where public service is performed, on the first Sunday after its reception.

Given under our signatures, the seal of the Archdiocese, and the counter-signature of the secretary of the Archbishopial palace of Quebec, the twenty-second of September, one thousand eight hundred and seventy-five.

1840

† E.-A., ARCH. OF QUEBEC.

† G., BISH. OF MONTREAL,

† L.-F., BISH. OF THREE RIVERS,

† JEAN, BISH. OF S. O. OF BIMOSKI,

† E.-C., BISH. OF GRATANOPOLIS,

† ANTOINE, BISH. OF SHERBROOKE.

† J.-THOMAS, BISH. OF OTTAWA,

L.-Z. MOREAU, PST., ADM. OF S. HYACINTHE.

By their Lordships' command,

C.-A. COLLET, Pst.,
Secretary.

1850

Defendant's Exhibit No. 5.

(No. 2, New Series—No 48 of the Complete Series.)

Circular of the Bishops of the Ecclesiastical Province of Quebec to the clergy of the said Province.

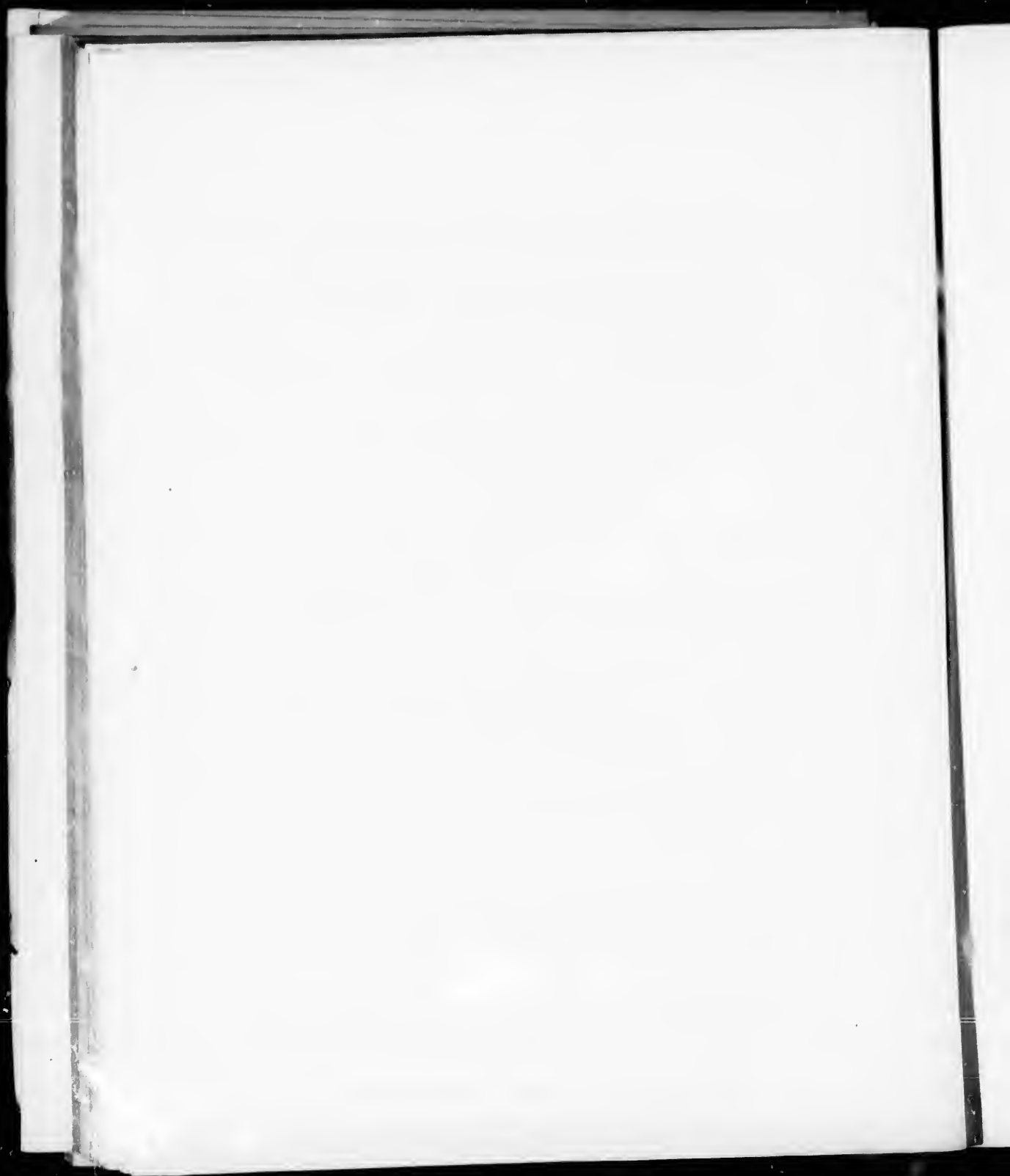
September 22nd, 1875.

GENTLEMEN:—

After having addressed to the faithful committed to our care, the instructions and advice required by the circumstances in which we find ourselves, we believe it to be our duty to point out also to the clergy, rules of conduct that may guide them in the midst of the difficulties of the present hour.

1860

Before everything else, we must insist upon the union which should prevail among all the members of the sacerdotal order. That harmony shall be our strength in the future as it has been in the past. It is to that harmony that the clergy must largely attribute



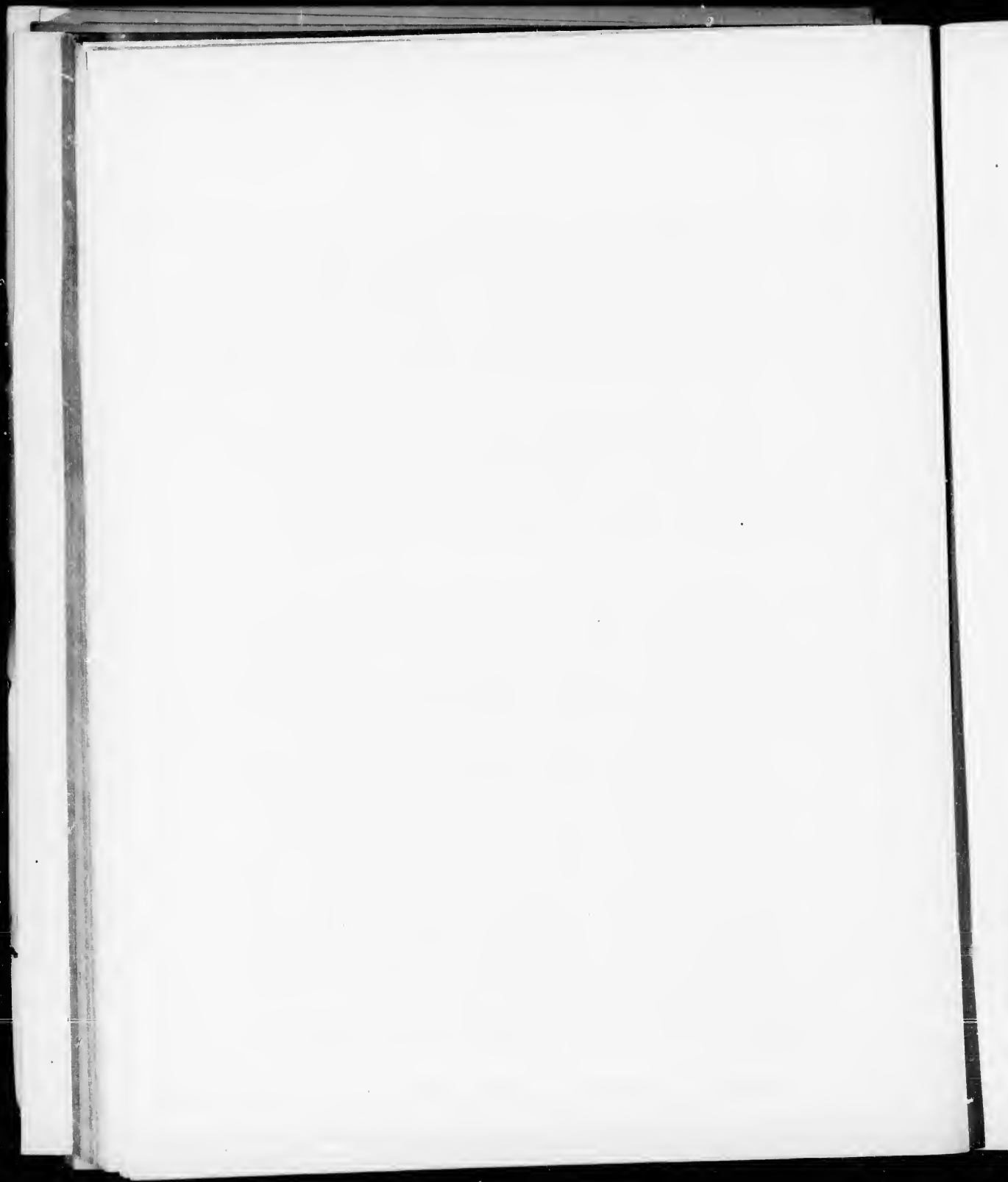
the salutary influence which is exercised upon the people. United together in heart and mind, in feelings and thoughts, under the direction of their chiefs, the priests form a whole, complete, homogeneous and indivisible, as an impenetrable and invincible phalanx *aut coherens acies ordinata*" (Cant. vi. 9). In the true Church alone can thus be found, not only a unity of faith, but also a unity of discipline: "*Observantia omni haec indubita est tessera filiorum Ecclesiae*" saith to us the immortal Pius IX. This beautiful union alone gives to 1870 the Church the power to repel the fury, the craftiness, and the boldness of her enemies: "*ipsa constituit insuperabilem vim illam unitatis, quae sola retundere potest osium illius Invidiam, dolorem, irasciam.*" That is also the reason why the Apostle St. Paul tells us: "*Quod et invicem movetis et constantis videte ne ab invicem consumamini.*" (1 Cor. v. 15).

Ah! gentlemen, the opponents of the clergy have understood it perfectly everywhere, here as elsewhere; therefore they have concentrated all their efforts to divide the minds, to break the unity, and thus to weaken forces, which, all united, should be directed against the common enemy: "*disociant animos, unitatem, disciplinam, viresque conjunctionis opponendas adversariis infirmant.*" And the most direct, the most certain means which they adopt to effect that unfortunate, disastrous division in the ranks of the clergy, is to break 1880 first the bonds which unite the nations to the bishops, to endeavour afterwards to relax those which unite the bishops to the Vicar of Jesus Christ: "*omnes Ecclesiae hostium machinationes eo spectant, ut*" *Præterea, qui populos Episcopus, Episcopus, nunciat Christum Vicarius,*

Let us be careful, gentlemen, let some members of our body, under pretences more or less specious, should communicate the perfidious designs of our skilful enemies, by extending to them a friendly hand: "*amicam eis manum porrigent,*" by separating themselves from their brethren and from their superiors. Every house divided against itself cannot stand, saith the divine Master to us: "*domus domus divisa contra se non stabit.*" (St. Matthew xii 25). On the contrary, let all the members of the holy tribe, in each 1890 diocese, stand close to each other around their bishop: let them accept his commandment, and walk in his footsteps: "*Obedite præceptis vestris et subjacete eis*" (1 Cor. xiv. 17).

To this filial docility you will constantly add respect: these are two inseparable duties. "*Promittis mihi reverentiam et obedientiam*" saith the Pontiff. Whatever the age, science, abilities of a priest, he is never allowed to substitute himself for his ecclesiastical superior, to guide either the clergy or the faithful, to erect, so to speak, pulpit against pulpit, to criticise, to censure, to judge either episcopal acts or documents, and thus to accustom the people to undervalue them, to submit them himself to his private judgment. Neither talents nor knowledge ever give a right to despise the lawful authority of the first 1900 pastors; pride alone can inspire that feeling of superiority over those who have received from above the mission and the grace to govern the Church of God: "*inflatos quæ superbi seculo prudentiores se illo censere eum peculiare et per se promissum fuit divinum auxilium.*" The natural effect of these criticisms is to shake the salutary power of the Episcopacy, and to bring a deplorable anarchy; "*Ubi non est gubernator, populus corrumpit.*" (Prov. xi, 14.) For, according to St. Cyprian, there is but one episcopacy divided between different members, of which each one possesses a part jointly and severally: "*Episcopatus unus est, cuius a singulis in solidum pars tenetur.*" (De unitate Ecclesiae.)

And besides, gentlemen, if we lay out the rules which lay writers have to observe in polemics, shall the priests be able to believe themselves exempt from the rules? If we



1910 remind the people of the obligation to be submissive to the teachings of their pastors in all the things which directly or indirectly relate to morality, conscience, and consequently religion, whether in private or in public life; should we not, much more, require of our priests the same submissiveness, the same respect for our judgments and decisions? Have we not even more numerous reasons for saying to them: Beware of the candidates and of the parties, which through their chiefs, their organs, their friends, uphold principles and doctrines condemned by the church and dangerous to society? They are often hidden enemies; they disguise their tendencies as long as their interest requires it; they unmask themselves as soon as they believe they can do so with impunity.

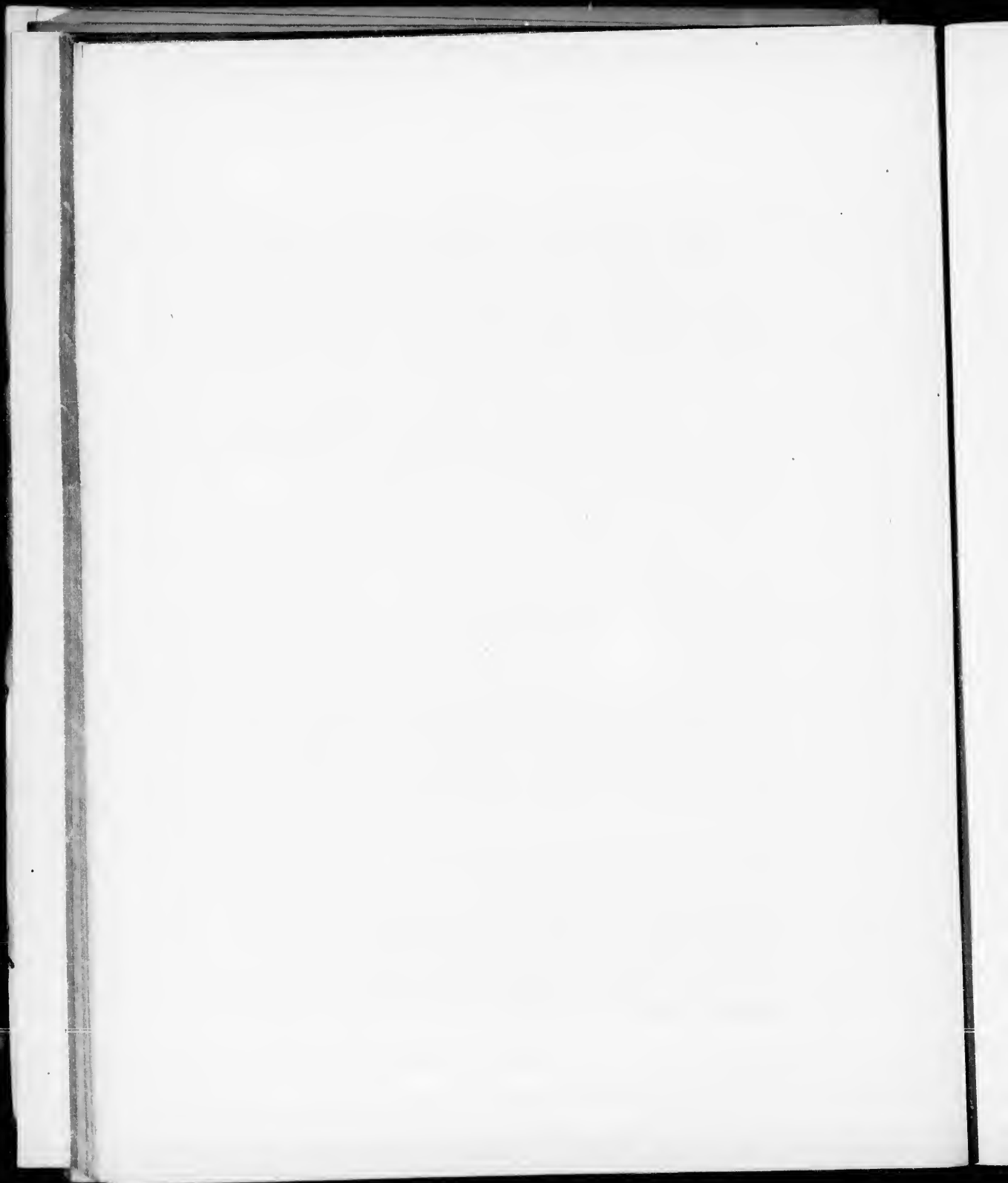
These adversaries of religion, who, however, pretend to the name of Catholics, are the same every where; they flatter those, among her ministers, whom they hope to gain to their cause; they insult, they outrage the priests who denounce or fight their perverse designs. They accuse them of exercising an *undue influence*, of turning the pulpit of truth into a political tribune; they dare sometimes to drag them before the civil courts to give an account of certain functions of their ministry; they will perhaps endeavor even to force them to grant a christian burial in spite of ecclesiastical authority.

In view of such threatenings, several among you, gentlemen have asked us to trace for them a line of conduct. It is clearly pointed out in the canonical rules.

1. A priest, accused of having exercised an *undue influence* in an election, for having fulfilled some priestly office, or given advice as preacher, confessor or pastor, and being summoned before a court, should respectfully but firmly challenge the competency of the civil court, and plead an appeal to an ecclesiastical court.
2. A priest who, having exactly followed the decrees of the Provincial Councils and the Orders of his Bishop, would, nevertheless, be condemned by a civil court for *undue influence*, should suffer patiently that persecution for the sake of the holy Church.

1930 Before bringing this circular to a close, we think it proper, gentlemen, to repeat to you the wise precepts of the 1Xth decree of the Fourth Council of Quebec. In ordinary circumstances, confine yourselves in developing before your people the general rules which ought to guide them in elections: "*nee ultra procedant in circumstantiis consuetis.*" If peculiar or extraordinary circumstances present themselves, be careful to say nothing, to do nothing, without having consulted your Bishop: "*nee quovquam moliantur inconsulto Episcopo.*"

1940 In our pastoral letter we insist strongly upon the rights of the clergy as citizens, because their enemies wish to deny them these rights in order to seal their lip; at all times; but the exercise of these rights, as well as of many others, is necessarily to be limited by the rules which are imposed upon you by your ecclesiastical superiors to whom alone belongs the right to judge how far it is expedient to use them. The decree of the Fourth Council of Quebec is very clear and precise on that subject. Our pastoral letter explains likewise in what case the priest can and must raise his voice, not only as citizen, but also as a minister of religion. We believe it to be useful to remark that, even in these circumstances, you must first seek the advice and the order of your Bishop, because these questions are always of the highest importance and come *a fortiori* under the restriction imposed by our Fourth Council



The present difficulties should impress each of you with the importance of the recommendations contained in the XVIIIth decree of our Fifth Council: "*illud decretum* (the "preceient) *prudenter, breviter, clare et proevia matura preparatione, et dum animi quieti sunt, suis vobis explicent antequam de electiombus faciendis agatur.*"

If it be necessary to put the faithful on their guard against bad doctrines, social and religious, and to teach them true principles, as well as the duties imposed on their conscience, for the choice of a candidate and the vote which they are to give, on the other hand, it is easy to understand that you must abstain from discussing, in the pulpit, questions purely temporal and profane, or from applying insults or personal remarks to any one, as our First Council declares it in the advice given to the preachers. (Decree XV. No. 8.)

Even usually it is proper for a priest not to interfere actively in the contests of parties; his conscience and his character would be likely to gain nothing thereby. Much more, when, on account of the principles, antecedents, or compromising alliances of some candidate, he shall be obliged to speak out in the interests of his religion and country, his remarks will have much more weight and authority, if he has not lavished them uselessly.

Gentlemen, may these paternal warnings, these rules which our pastoral office leads us to address to you, contribute to restore completely that brotherhood, that family union which has always characterized the Canadian Clergy, that uniformity of speech and action which has permitted them to render so many numberless services to our dear country! 1970 May you all have but one heart and one soul with your Bishops, as your Bishops are closely united together and, with the Supreme Head of the Church, by a perfect community in their views and sentiments.

In that hope, We bless you affectionately, as well as all the faithful confided to your care.

† E.-A., ARCH. OF QUEBEC.

† IG., BISH. MONTREAL.

† L.-F. BISH. OF THREE-RIVERS.

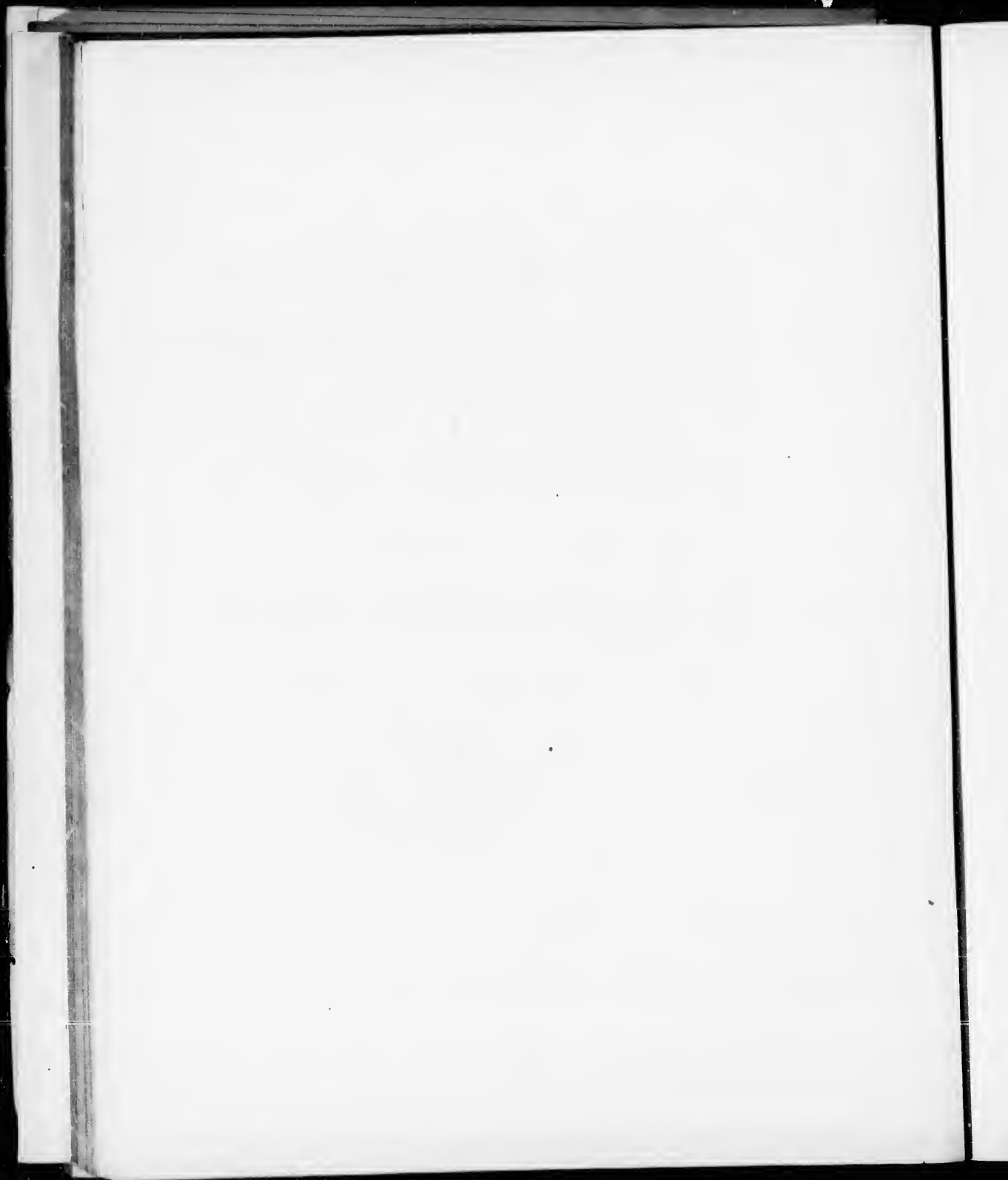
† JEAN, BISH. OF S. G. D. RIMOUSKI.

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† J. THOMAS, BISH. OF OTTAWA.

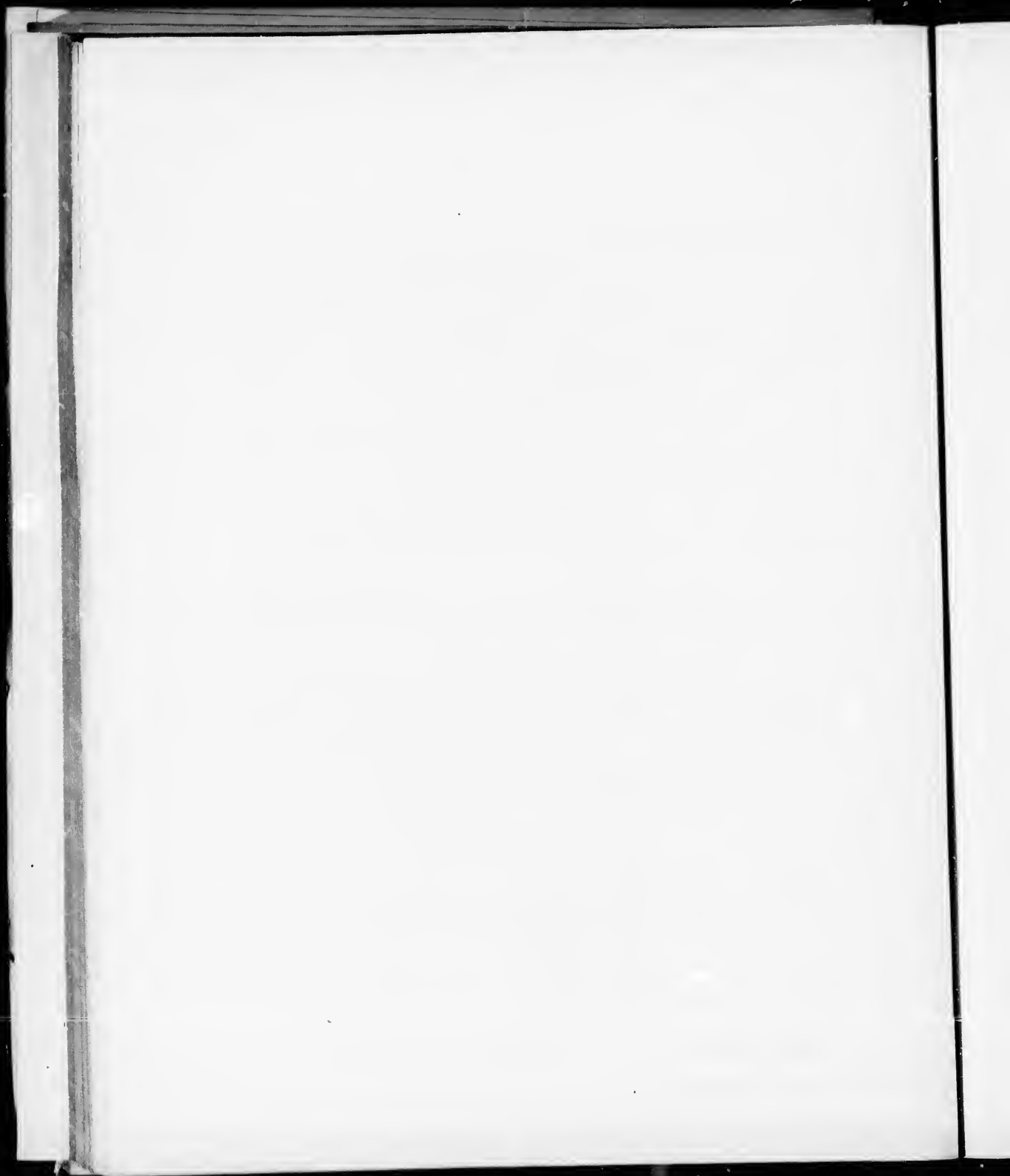
L.-Z. MOREAU, PRIEST, ADM. OF ST. HYACINTHE.



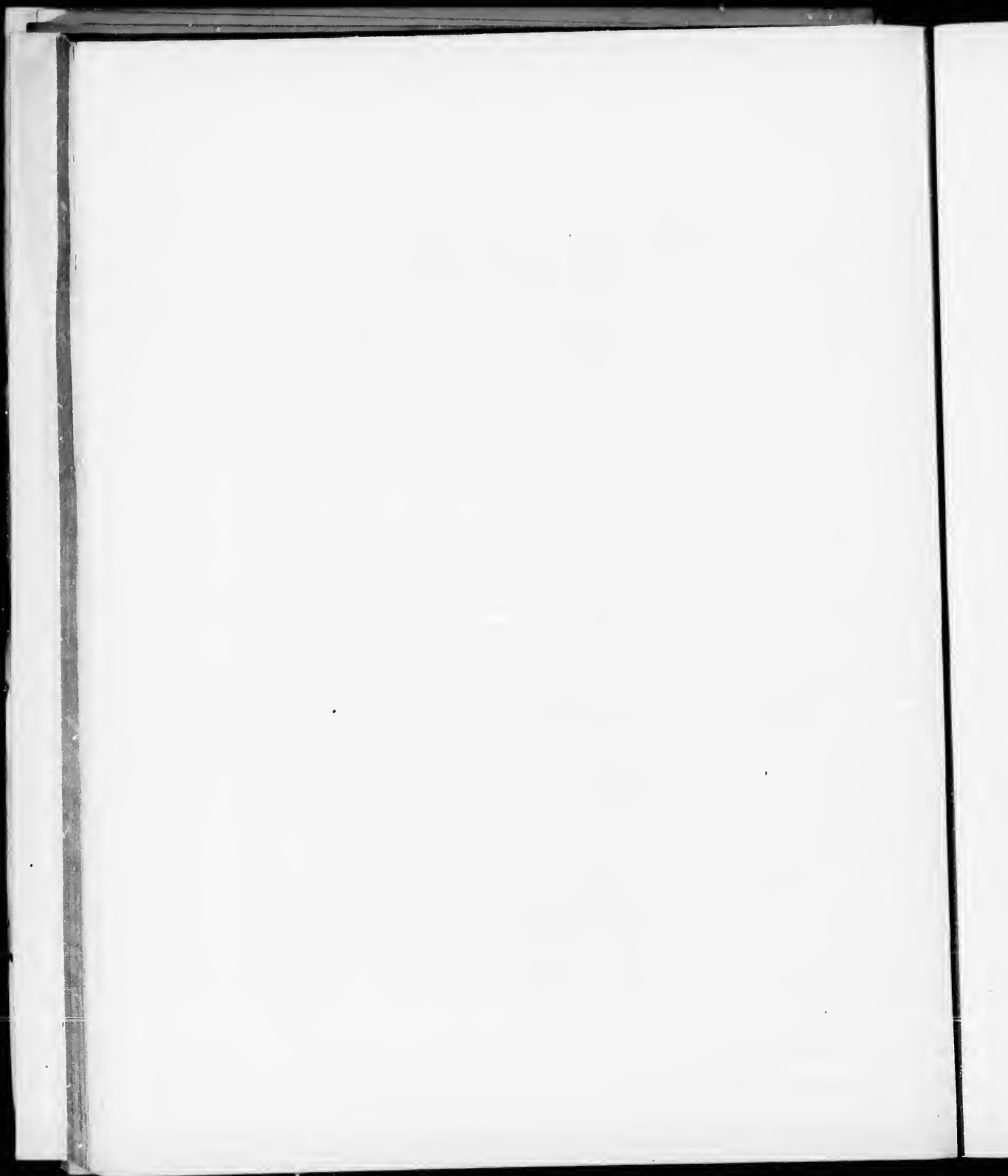
*Defendant's Exhibit No. 6, produced with the evidence of J. Israel Turte, Esquire,
this 13th September, 1876.*

ACCOUNT OF SUMS PAID TO VARIOUS CARTERS.

1876.		1ST CARTERS.		
	Jany. 6th.	Georges Gagnon,	1 journey to St. Urbain	2 60
	" 7th.	Antoine Lavoie, 1 do do		1 50
1990	" 8th.	Georges Gagnon,	1 journey to the lower part of the bay	75
	" 10th.	Joseph Simard,	1 journey to Ebonlements.....	3 00
	" "	Israel Drolet, 1 do to St. Antoine.....		1 00
	" "	Ferdinand Lavoie, to his son Alfred, do do to Potite Riviere		4 00
	" "	Theophile Simard, on acct. of journey's.....		2 00
	" 11th.	do do acct. of 1 journey.....		25
	" 12	Israel Drolet, 1 journey to La Goudronnerie		2 00
	" "	Georges Gagnon, 2 do do to La Remi.....		3 00
	" "	Ferdinand Lavoie, 1 journey to St. Ours.....		1 75
2000	" "	Joseph Gagnon 1 journey to La Goudronnerie and to La Remi		1 75
	" "	Joes Simard do do to Perron.....		1 50
	" "	Alfred Perron do do to St. Antoine.....		1 00
	" "	To the same do do to La Goudronnerie		1 25
	" 13th.	Adolphe Gagné, or Gagnon 1 do do to Martine... ..		2 00
	" "	Ferdinand Lavoie for convening a meeting.....		1 00
	" "	Joseph Cimon 1 journey to Malbaie		5 00
	" "	Paid for 1 journey to St. Joseph.....		1 50
	" 14th.	Paid to Theophile Simard for previous journey's acct.		5 00
	" "	Wilfred Simard 1 journey to Ebonlements		3 00
2010	" "	Israel Drolet do do		3 00
	" "	Ananias Renaud do do to St Ours and Misère		1 75
	" 15th.	Jean Baptiste Boldue 1 journey to St Urbain.....		1 50
	" 17th.	Jean Baptiste Boldue do do to the Cape.....		1 00
	" "	Ferdinand Lavoie 1 journey to Ebonlements		3 00
	" "	Alfred Perron do do to St Antoine		1 20
	" "	Theophile Simard do do		4 00
	" "	do do on acct of previous journeys.....		1 00
	" "	Georges Gagnon 1 journey to St Antoine.....		1 25
	" "	Adolphe Gagnon do do do		1 25
2020	" 18th.	Alfred Perron, 1 journey to Perron and to La Goudronnerie		2 50
	" "	Antoine Simard, 1 journey to St. Agnés à la Baie		4 00
	" 19th.	Wilfred Simard, 1 journey to the lower part of the Bay... ..		50
	" "	Ferdinand Lavoie, [Alfred] do do to Perron.....		1 20
	" "	Norbert Tremblay, do do do		1 20
	" "	Israel Drolet, do do do to St. Ours		1 50
	" "	Georges Gagnon, do do do to Perron.....		1 25
	" "	Jean Baptiste Boldue, do do		1 20
	" "	Norbert Tremblay; canoe to notify the people of La Goudronnerie		1 50
2030	" "	do do from La Goudronnerie to the village		1 00



	1876.				
	Jan'y. 19th.	Joseph Gagnon, 1 journey to Perron		1	25
	" "	Hildebert Tremblay for Lucien Lavoie		1	50
	" "	Joes Simard, 1 journey to St. Ours.....		1	50
	" 20th.	Jean Baptiste Bolduc, 1 journey to the lower part of the Bay		1	00
	" "	Will'ed Simard, do do to La Marre.....		1	25
	" "	Adolphe Gagnon, do do to Misère		1	50
	" "	For a journey to St Urbain.....		2	00
2040	" 21st.	Ferdinand Lavoie, on % of journeys		1	00
	" "	Israel Lavoie, 1 journey to Petite Rivière.....		2	00
	" 22nd.	Ferdinand Lavoie, do do on %.....		50	
	" "	Winceslas Tremblay, on % of a journey.....		4	00
	" "	J. B. Bolduc, two journeys		3	00
	" "	He owes me one dollar (\$1.00)			
	" 23rd	Israel Drolet, journey to the river, on the Cape, St. Antoine		4	00
	" "	Ferdinand Lavoie, 1 journey to St. Irénée.....		4	00
	" "	do do La Goudronnière		1	50
	" "	Georges Gagnon, 1 journey to St. Urbain to La Goudronnerie		3	00
2050	" "	Aphodire Lavoie, St. Joseph, 3 journeys to Rivière des Morts at the Cape		7	00
	" "	Norbert Tremblay, 1 journey to St. Hilarion and Eboulements		5	00
	" "	Alfred Perron, 1 journey to La Marre.....		1	00
	" "	Eduard Perron to La Petite Riviere		4	00
	" "	Joseph Gagnon to St. Ours		4	00
	" "	Wiltred Simard do do to Perron and La Goudronnerie I think.....		2	50
	" "	Joseph Simard, 1 journey to St. Jean and St. Joseph.....		2	50
2060	" 24th	Joes Simard, 1 journey to La Goudronnerie.....		1	50
	" "	To notify the people for the meeting.....		75	
	" "	do do do		1	50
	" "	Mé lérie Bouchard, 1 journey to Malbaie		4	50
	" "	Maxime Dufour, journeys to St. Antoine and Malbaie.....		8	00
	" 25th	J. B. Bolduc, for making the tour of the lake I think.....		2	00
	" "	Theophile Simard, balance of his journeys		14	00
	" "	Ferdinand Lavoie, 1 journey to the Township		3	50
	" "	Adolphe Gagnon, 1 journey to La Petite Rivière and La Marre		4	00
2070	" "	Benjamin Fortin, to notify the people		1	00
	" "	Notier Simard, journey to La Reme.....		1	50
	" 27th.	Paid to the carters employed by P. Du Trembay.....		4	50
	" "	Paid Joseph Bouchard, 1 journey to Quebec		10	00
	" "	Emilien Simard, 1 journey to the city		7	00
	" "	Georges Boulliare, 1 journey to St. Fi lèle and St. Siméon		15	00
	" "	Carter for myself in town		0	75
					<u>\$218 05</u>



*Defendant's Exhibit No 7 produced with the evidence of J. I. Tarte, this 13th
September, 1876.*

ACCOUNT OF THE OPERATOR AT EBOULEMENTS FOR TELEGRAPHING.

2080 DR. Mr. J. ISRAEL TARTE, to the operator at Ebolements.

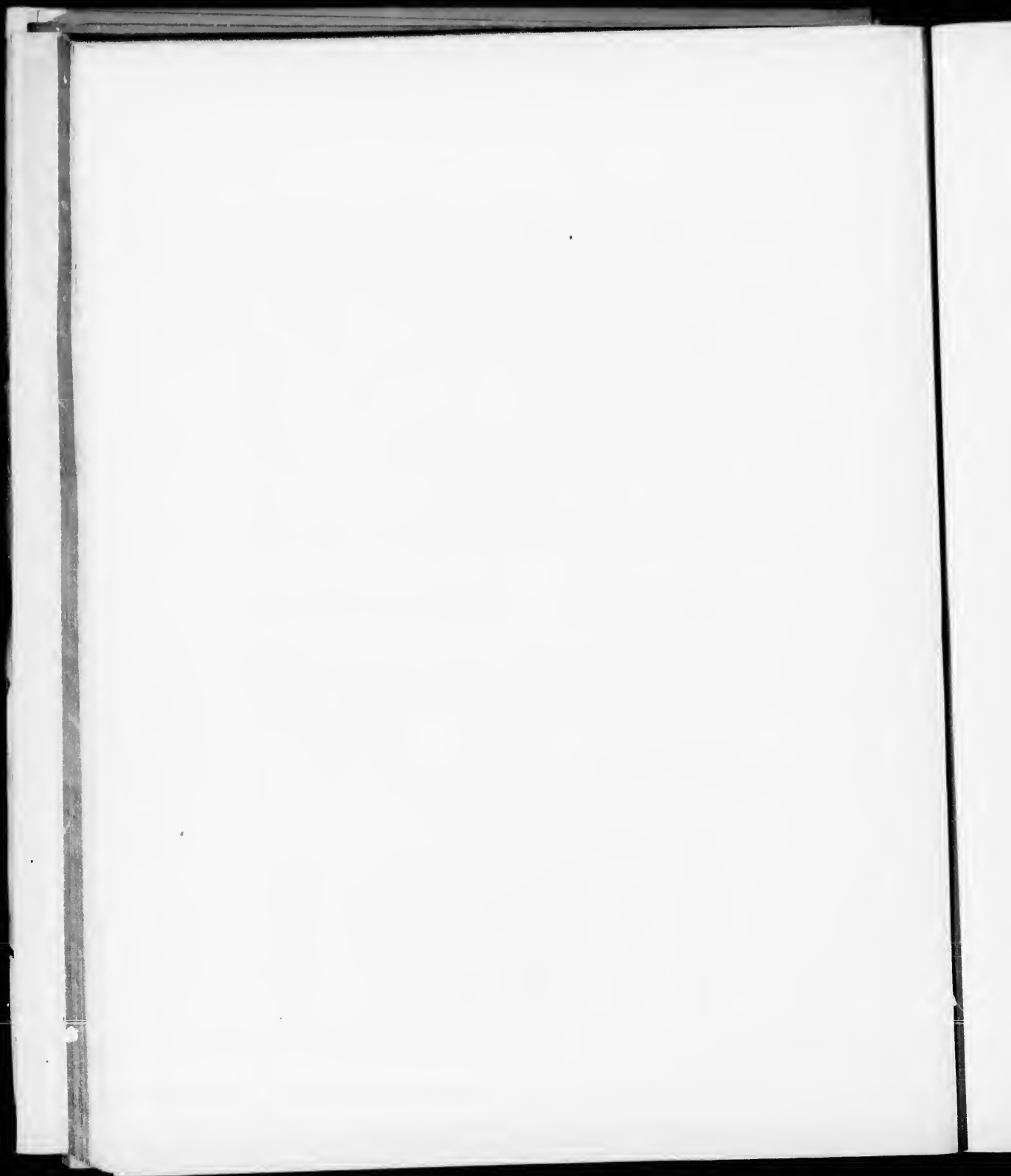
1876.					
	4th. Jany.	2	telegrams, signed Eloi, Degagné, Malbaie.....	40	
	4th. "	2	" " " Eloi	57	
	5th. "	1	" " " Eloi	32	
	8th Jany	1	do signed Eloi	26	
	10th "	1	do do do	25	
	11th "	2	Messages do do	69	
	12th "	1	Message and five letters signed Eloi	39	
	14th "	2	do signed Rouleau and Pelletier	43	
2090	15th "	8	Messages signed Pelletier Degagné	3 47	
	16th "	1	do signed S. Clement.....	42	
	17th "	3	do signed Rouleau Clement.	94	
	18th "	5	Messages signed Rouleau Degagné.....	1 88	
	19th "	6	Messages signed Rouleau Degagné.....	2 50	
	20th "	4	do signed do do	1 35	
	21st "	6	Messages signed do do	1 77	
	22nd "	18	do do	4 27	
	23rd "	1	do signed Rouleau.....	28	
				\$20 19	
2100			Received in cash	50	
				\$19 69	

*Defendant's exhibit No. 8, produced with the evidence of J. I. Tarte, Esquire, this
13th September, 1876*

Account for Telegrams paid to the operator at Baie St. Paul.

TELEGRAMS.

1876.					
	Jany. 4th.		Telegrams.....	1 39	
	" 5th.		do 1.53, 25, 70, 46, 1.00.....	3 94	
	" 6th.		do 30, 1.25, 90	2 45	
	" 7th.		do 40, 20, 50, 30, 37, 27, 30, 17.....	2 71	
2110	" 8th.		do 41, 44, 26, 35, 30, 90, 15, 30.....	3 11	
	" 10th.		do 32, 20, 1.05, 47, 25.....	2 29	
	" 11th.		do 26, 22, 50	98	
	" 12th.		do 3.00, 25 22, 47, 37, 25.....	4 56	
	" 13th.		do 1.30, 1.71, 31, 1.60, 40, 25.....	5 57	
	" 14th.		do 1.00, 32, 25, 50, 52, 20, 15.....	2 84	
	" 15th.		do 1.00, 28, 86, 53, 30, 57, 25, 90, 68, 30	5 67	
	" 17th.		do 27, 2.02, 30, 51, 50, 15, 41, 18.....	4 34	



2120	1876				
	Jan.	18th.	29, 18, 80, 1.11, 1.75	4	33
		19th.	do 2.00, 2.50, 60, 57, 5, 39, 39, 31, 85	6	31
		" 20th.	do 71, 55, 56, 18, 90, 21, 66, 40	4	67
		" 21st.	do 4.00, 12, 25, 38, 23, 25, 30, 24, 40, 37, 41...	7	55
		From 21st to 25th. For various telegrams.....		17	62
		July. 25th.	do 1.60.....	1	00
				\$80	28
		Add.....		20	
					10
				\$80	58
2130					1 30
				\$81	88

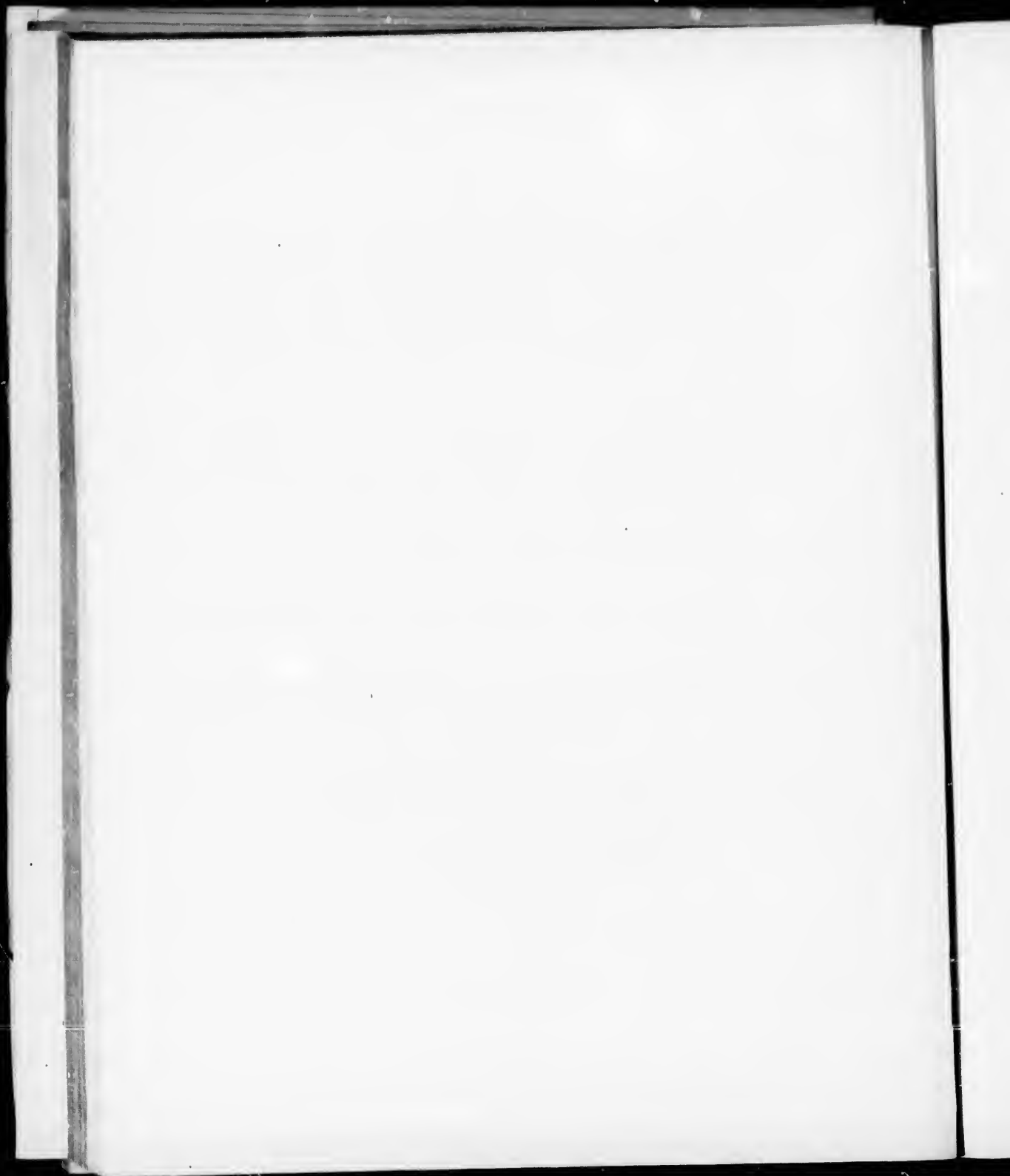
I entered in my book the names of Mde. Langevin, &c., &c., without the amount; I have supposed that to be \$1.30.

Defendant's Exhibit No. 9, produced 13th December, 1876, with the deposition of J. Israel Tarte, Esquire.

ACCOUNT OF SUMS PAID FOR HOUSE HIRE.

HOUSE HIRE.

2140	1876				
	July.	9th	Florent Tremblay, hire of his house for a meeting....	2	00
	"	14th	Bonaventure Dufour, meeting at the Grand Chemin....		80
	"	15th	Francois Turgoon, meeting.....	1	50
	"	19th	Frs Savard.....	3	00
	"	22nd	Alexandre Treisblay.....	3	00
	"	24th	Robert Boily, hire of his house 3 evenings.....	6	00
				\$16	00



Defendant's Exhibit No. 10, produced 13th September, 1876, with the deposition of J. Israel Tarte Esquire.

Account of sums paid to Mrs. Widow Riverin for board

MALBAIE, 24th January, 1876.

2150 Du. HON. H. L. LANGEVIN, To WIDOW P. RIVERIN.

	1876		
	From the 3rd to	Two meals taken by Messrs. Dery and Vallée, Spenkens for Mr.	
	24th January.	Langevin	1 00
		Two meals taken by Messrs. Ronleau and Pelletier, Spenkens for	
		Mr. Langevin.....	2 00
		For board and lodging of Mr. Pelletier's Carter.....	33
		2 meals taken by Mr. Pelletier's Carter, keep and care of his horse	1 00
2160		For trouble and occupation of Mrs. Riverin's house	5 00
		For board of Mr. Dery's Carter and horse [Dufour].....	2 60
		2 meals taken by Mr. Vallée.....	1 00
			<u>812 93</u>

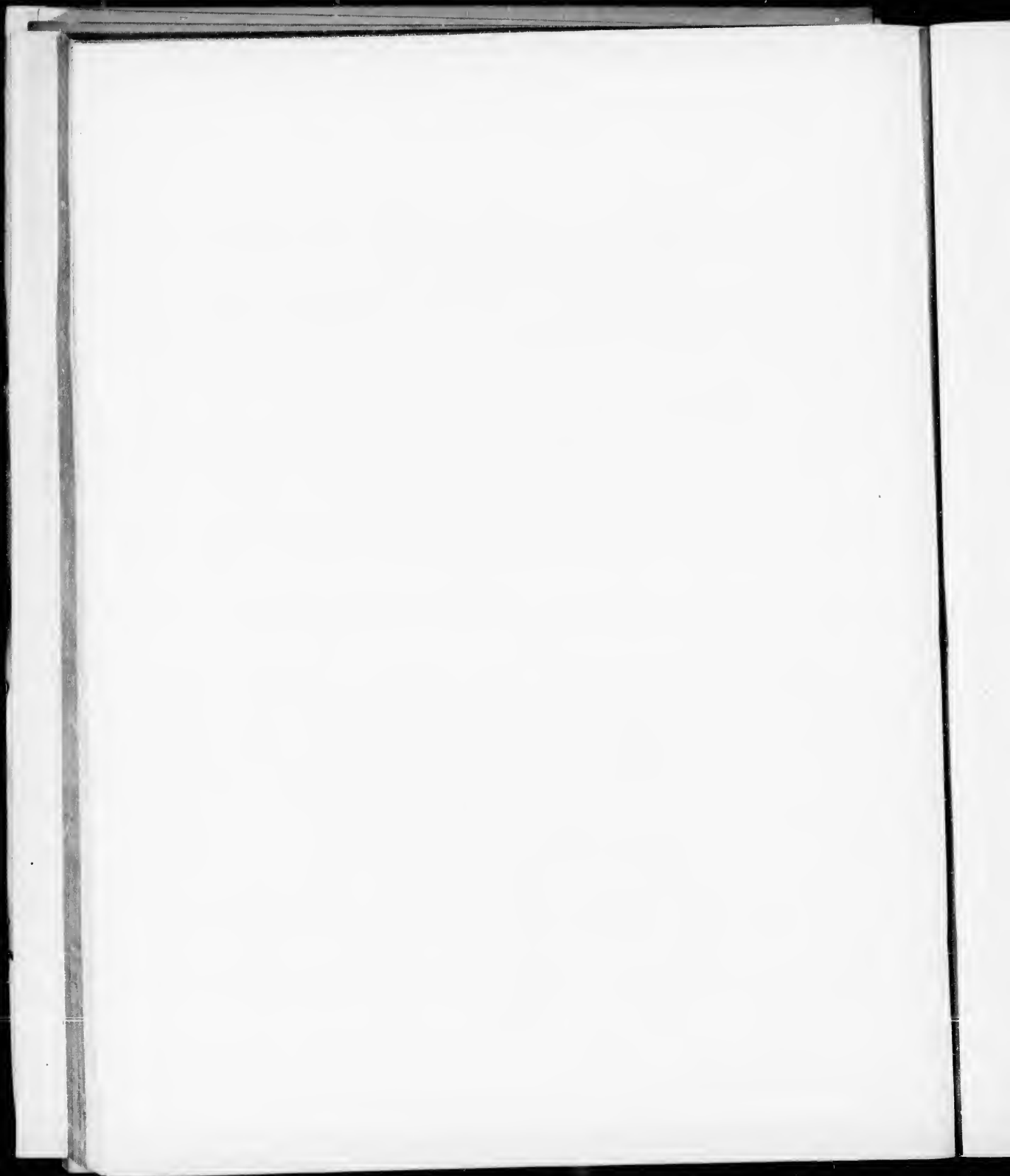
Received Payment,
WIDOW W. RIVERIN.

Defendant's exhibit, No. 11, produced this 13th September, 1876, with the deposition of J. Israel Tarte, Esquire.

ACCOUNT OF THEOPHILE SIMARD FOR BOARD, &c.

We arrived at Simard's on the 31st December.

2170	From that day to the 25th, for hire of his house for meetings, and the Central Committee of the whole County, per day \$6 00...	150 00
	Board for Mr. Tarte for about 20 days at \$2 00	40 00
	His horse, carriage, and man made at least 20 journeys to convene meetings, at \$2 00.....	40 00
	Messrs. Ronleau and Pelletier were there, at least, each six days....	24 00
	Mr. Langevin was there nine or ten days.....	18 00
	Lapage was there about 8 days	16 00
	Dery about 2 days.....	4 00
2180	Caron, Robitaille, Valée, McKay, Mareil, Chabot, Joseph Ronleau, each about one day and a half.....	21 00
	Board of Mr. Langevin's Carter on arriving, and his horses.....	1 50



	Boulianne, Mr. Lungevin's carter, and 2 horses about 6 days at \$2 00	12 00
	Messrs. Pelletier and Rouleau's carter, (coming from Quebec) and 2 horses, 2 days	4 00
	Carter of the same when coming from the lower part of the county 1 day (two carters).....	3 00
	The carter who brought down Messrs. Caron, Larue, (two days and 2 horses)	4 00
		<u>8347 50</u>
2190	The carter who brought down Vallée and Dery was there four times with 2 horses.....	8 00
	The carter who brought down Robitaille and Belleau with two horses, 1 day.....	2 00
	The carter who came to fetch Robitaille and Belleau, 1 day.....	2 00
	The carter who brought down Chabat and Joseph Rouleau, and who waited for them two days with 2 horses.....	4 00
	The carter who came to fetch Lepage and Belleau two days 2 horses	4 00
		<u>\$20 00</u>
2200	The carter who brought down McKay and Enond, 2 days.....	4 00
	The carter who brought up Vallée from St. Agnes, 1 day.....	1 50
	The carter who brought up Pelletier from St. Fidèle, 1 day.....	1 50
	The carter who brought up Robitaille from Malbaie, 2 days.....	3 00
	The carter who brought up McKay from St. Irene.....	1 50
	The carter who brought up Rouleau from Ebonlements.....	1 50
		<u>\$ 12 50</u>
		<u>367 50</u>
		<u>380 00</u>
	1 Journey to Quebec.....	10 00
2210		<u>\$390 00</u>



EVIDENCE ON BEHALF OF THE PETITIONERS.

PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Sagunay. }

THE DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member to the House of Commons for the Electoral District of Charlevoix.
 Malbaie, the third day of July, 1876.*

PRESENT:—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD ET AL.,

Petitioners;

vs.

1

HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of the Petitioners.

The Hon. H. L. LANGEVIN, C. B., of Quebec, being duly sworn upon the Holy Evangelists, doth depose and say:—

I am the Defendant in this case. I know the Rev. Mr. Joseph Sirois, Parish Priest, (curé) of La Baie St. Paul. I have seen him during the election. I have spoken to him. We spoke of the election then going on. The conversation had no special interest: it only ran upon my coming into the parish for the purpose of speaking as a candidate, which had given me an opportunity of offering my respects to him. I do not recollect any thing else about 10 that subject. I had not spoken to him before the election, not knowing him. I have just said that I have spoken to him during the election, and I do not think I have seen him since. He must have then said something to me about the election, but I don't recollect what he said, except that he was not surprised to see me there, or something to that effect. He did not then tell me in favor of whom he was. I understood he was for me: I have no doubt about that.

He did not write to me, and I did not write to him before the election nor during the election, at least I do not recollect.

I think he wrote to me afterwards, but not about the election.

Question.—What was the subject matter of the letter he wrote you since the election?



20 [Objected to by the Defendant, because the witness has declared that said letter had no reference to the election.]

Answer.—I have already said that I had had no relation with the Rev. Mr. Sirois since the election about the said election. The purpose of the letter which he wrote to me was to recommend to me some one of his parish. It did not at all bear upon the election. He did not ask me to run, and to my knowledge, he did not sign any requisition to that effect. I know that my friends in the County said that he was for me, and, as I have already said, I had no doubt about it.

Question.—Did you not say, at a public meeting, at Baie St. Paul, and in various other places, that you had been asked or chosen as a candidate by the whole clergy of the
30 county?

Answer.—I do not recollect whether I used those expressions, but the meaning of my words was that the clergy of the county were in my favor and wished to see me elected.

I did not know that the Rev. Mr. Sirois had spoken for me from the pulpit; but I knew that outside of the pulpit he had declared himself in favor of my candidature. I did not know that he was doing what he could to secure votes for me. I have heard it said, and I knew that he was speaking favorably of my candidature to those who consulted him, in the sense above stated, and I am quite convinced that during the struggle he was not in favor of my opponent.

I arrived at that conviction from what was being said in the parish, namely, that one
40 of the reasons why the Rev. Mr. Sirois was not in favor of Mr. Tremblay's candidature was because Mr. Tremblay supported a party whose principles and tendencies the Rev. Mr. Sirois did not approve of.

Question.—Is it not true that you did not accept the candidature until you had convinced yourself or had been assured that the whole clergy of the county were in your favor and would support you?

Answer.—I convinced myself that the clergy of the county was in my favor, and I would not have run had it not been so, as I would not wish to have been elected against the will of the clergy.

Question.—Is it not true that you reckoned upon the support of the clergy for your
50 election?

Answer.—I reckoned upon the support of the clergy as one of the influences I should reckon upon in that electoral contest. I have never been asked as a candidate by any priest of the county, either directly or indirectly. I did know that the clergy of the county wished to see me in the field. I think that one of the persons that told me so was Mr. Onésime Gauthier, a Member of the Local Legislature. I have neither been asked nor pressed to run by any priest outside of the County of Charlevoix. I do not at present recollect any other name besides Mr. Gauthier's. I have received a requisition signed by a great number of electors, asking me to run, and, as far as I can recollect, the requisition mentioned the fact that the clergy wished to see me a candidate. I recollect having been



60 present at a public meeting, at the church door of Eboulements, on a holiday or a Sunday, where I met the Hon. Mr. Cauchon. The question at stake between Mr. Cauchon on one side, and Mr. Tarte and me on the other, was to know whether the whole clergy of the county was for me, as we stated it.

Question.—Is it not true that on that occasion, Mr. Gosselin, vicar at Eboulements, intervened, and, without any contradiction from your part, stated that you had been requested to run by the whole clergy of the county without exception?

[Objected to by the Defendant, inasmuch as it would tend to prove Mr. Gosselin's agency, whose name is not included in the list of particulars.]

[Objection sustained. The question not allowed as it tends to prove the sayings of a
70 person who is not a party to the case (*qui n'est pas en cause*), nor mentioned in the bill of particulars.]

[The Petitioners take exception to the decision (*excepté à la décision*) of the Court, and reserve for themselves the right of having the same revised.]

I know the Rev. Mr. Cinq Mars, curé of St. Siméon. I have spoken to him twice during the election, and on both occasions we spoke about the election. The first time I saw him at his residence. I had gone to that parish in order to speak at a public meeting. I took advantage of my visit there to go and see the curé of the parish. I told him what my end was in coming to St. Siméon, and he seemed to be in favor of my candidature, as I already supposed he was. I saw the Rev. Mr. Cinq Mars for the second time the day after
80 the voting; I met him at Malbaie; I think he was going to Quebec. He congratulated me upon my election. The first time I saw him, he neither told me nor gave me to understand how he would act. I did not see him long, as the Forty Hours (*Quarante Heures*) were then being held in the parish.

Question.—Did you have any knowledge, directly or indirectly, of what he was saying or doing during the election in regard to said election?

Answer.—No, nothing particular. When I say nothing particular, I mean to say that nobody told me what he was doing during the election. The other things I knew were of the same nature as what I have said above, that is to say, Mr. Onesime Gauthier told me that the whole clergy was for me and desired to see me a candidate.

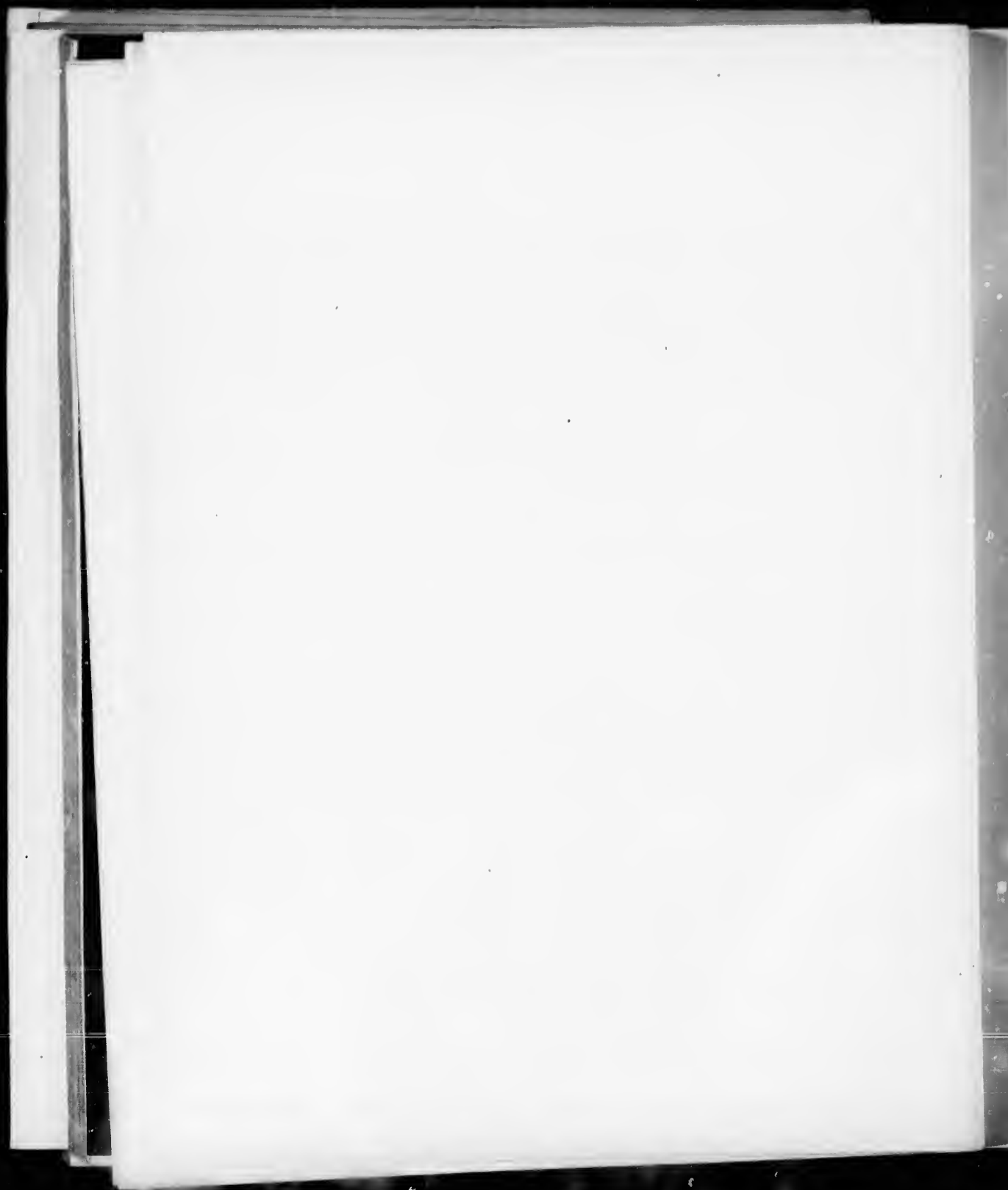
90 I know the Rev. Mr. Tremblay, Curé of St. Fidèle. I saw him once during the election, and I spoke to him about the election, as I did to Mr. Cinq Mars. The information I have had about his conduct during the election, was of the same nature as that I have had touching Mr. Cinq Mars. I know the Rev. Mr. Roy, Curé of St. Irénée. I spoke to him twice during the election. We spoke of my candidature. The first time I was passing through his parish, I went to him to present him my respects and make his acquaintance, for I knew him no more than the other priests of the county to whom I had never spoken before. I told him who I was, and that, while being in his parish, I wished to show him my respect by calling upon him. I think that the above is what took place at the said interview. It was a Sunday evening when I went to see him for the second time. I was going
100 to a meeting in his parish. He told me that it seemed there were some drunken men who

were creating a disturbance before the opening of the meeting, but that he thought they were but few. I went to the meeting, and after that I returned to his place to bid him farewell and to tell him what noise there had been at the meeting. He told me how sorry he was for the conduct of those few persons who were giving a bad repute to a parish otherwise peaceful. I do not pretend to give his very words, but only the general tenor of our conversation. The Rev. Mr. Roy seemed to me to be in my favor. I have received no letters from him either before or during the election. I have received one letter from him since the election, which had no reference to the contest; it was about the trouble they were endeavouring to give him through a complaint laid against him, before the
 110 Archbishop, by Mr. Tremblay. He denied the truth of those charges. I know the Rev. Mr. Doucet, Curé of Malbaie. I spoke to him once during the election. I called on him at his residence and told him why I was calling. It was the same reason that had induced me to visit the others members of the clergy in the county. I did not write him nor did he write me about the election.

Question.—Is it not true that, at a public meeting held at the church door at Malbaie, you publicly stated that you had been asked for by the whole clergy of the county; and that the electors were bound to obey the voice of their curé, (*devaient écouter la voix de leur curé.*) or something in that sense and to that effect?

Answer.—I do not recollect the very words I may have used on that occasion, but
 120 what I may have said was in conformity with what I had said in the other parishes of the county, viz.: That the clergy of the county were in favor of my candidature and desired it. As to whether I have said that the people should listen to the voice of the clergy, I don't know whether I stated it on that occasion, but it was decidedly my opinion; and if I did not then say so I must have said it elsewhere. I know the Rev. Mr. Ambroise Fafard, Curé of St. Urbain. I think I saw him twice. I spoke to that gentleman about the election on that occasion, as I have also done on the other occasions when I met other members of the clergy. That gentleman did not write to me before nor during the election; since the election he wrote once or twice, but I don't think that he spoke of the election in that or those letters. He gave me no special information during the election. It is not to my
 130 knowledge that Mr. Fafard has canvassed the county, or part of it, either alone or with Mr. Gauthier, about the election. I know Mr. Israël Tarte, of Quebec, a journalist. He was my election agent. I do not think that Mr. Tarte did anything to favor my election before the beginning thereof. I did not see him with Mr. Onésime Gauthier before the commencement of the election. During the contest I had frequent intercourse with him about the election. He was instructed to take all legal and necessary measures for the success of my election, especially in the upper part of the county. I had myself to take care of the lower part of the county, and of the parishes below Malbaie. He came only once to Malbaie, and immediately went back to Baie St. Paul.

I know the Rev. Mr. Lauriault, Curé of Petite Rivière St. François-Xavier. I saw him
 140 at his place during the election. I have to state about the said interview what I have already stated about my interview with Mr. Doucet, and the information I have had touching his conduct during the election is of the same nature as that obtained from the other curés above-mentioned. I know Mr. Langlois, Curé of St. Hilarion. I think I saw him once during the election, and I repeat about him what I first said about Mr. Lauriault.



I know Mr. Joseph Kane, of Malbaie, notary. I have met him three or four times during the late election, and every time we spoke of the election. I knew that he was one of my friends, and that he busied himself with the election. From the information I then had, I understood that he was more busy about the election than the generality of my friends. Every time I met Mr. Kane and my other influential friends in the county, I used to
 150 enquire about the election, and they told me what they knew. I think he must have suggested to me to hold one or two of the meetings I called in the parish of Malbaie, where he lived. I understood that he worked for me, but I cannot say how actively, for I only passed through the different parishes to address the electors. I don't think Mr. Kane came to meet me at Baie St. Paul, with a requisition or other documents. I think Mr. Kane told me that he had himself been asked to run by a large portion of the electors from the lower part of the county. I have been informed that he had retired in my favor.

I know Mr. Joseph Stanislas Perrault, of Malbaie, advocate. I met him many times during the election. We spoke together of the election. He told me what he knew and what was going on. I knew he was taking a part in the election
 160 like Mr. Kane, and I must say of him what I have said of Mr. Kane, excepting the latter's candidature. I know that they both worked for my election, especially in the lower part of the county. I know Mr. John McLaren, of St. Siméon. I don't know whether he is a forest ranger. I saw him once at his residence during the last election. I had gone to his parish for a meeting, and I improved the occasion to pay a visit to the Rivière Noire Establishment, and Mr. McLaren who, is I think, at their head. I knew he was a leading man in the parish. I anticipated that he was in my favor, and he gave me to understand so. As far as I can recollect he did not tell me that he had worked or was about to work for me, but he gave me some information about the feeling in the parish with respect to the election. I also recollect having seen Mr. McLaren at the meeting at which I was
 170 present in the parish of St. Siméon, or in that of St. Fidèle; I am not sure where it was, but I think it was at St. Siméon. Nothing particular took place between him and me on that occasion. Mr. McLaren had words with Mr. Tremblay, my opponent, at that meeting, but, as far as I can recollect, he made no speech. Mr. Tremblay had asserted some thing concerning Mr. McLaren, and the latter not agreeing with Mr. Tremblay about it, harsh words were used. I was under the impression that Mr. McLaren was in my favor, but I knew not to what extent he was working for me.

I know Mr. Denis Gauthier, of St. Fidèle, merchant. I saw him two or three times during the late contest. We spoke of the election together. I understood he was for me. I saw him on the occasion of the meeting I held at St. Fidèle. I don't recollect whether
 180 the meeting took place after mass or vespers: I should think he was present. I must say about him what I have said about the above-named gentlemen, that is to say I knew he was in favor of my candidature and worked for me but I do not know to what extent. It is very possible and I even think that the said Mr. Denis Gauthier went the next day with me to St. Siméon. I know Mr. Onésime Gauthier, the local member for the county. I saw him during and before the election: he is one of the first persons who spoke to me about my candidature. I saw him many times during the election. The first time Mr. Gauthier spoke to me, he asked me if I would consent to run against Mr. Tremblay. I answered him that I would run if I were the only



candidate against Mr. Tremblay, if the clergy seemed to me to be in my favor, and if the electors of the county who were opposed to Mr. Tremblay seemed disposed to vote for me. I understood that under those circumstances he would support me. I did not accept the candidature at that interview. He made me the offer a second time, and I then understood that he had gone into the county and satisfied himself that I would be the only candidate against Mr. Tremblay. He told me that I would have the support of the clergy. I understood that he had met at Baie St. Paul a certain number of the priests of the county. I may have met Mr. Onésime Gaudreault, of Ste. Agnès, merchant, but I don't remember him. I know Mr. Pascal Gauthier, of Ste. Iréné, merchant, I met him and spoke to him during the last election. I think I stopped twice at his place, perhaps three times. Every time I went to see him, it was with the object of speaking of the election. I knew he was an influential man in that locality, and I was anxious to secure his support, as well as that of all the influential and even the unimportant men in the county. On passing near his place and that of other electors I knew, I have stopped in order to glean information as to the feeling in the parish, and from him and others I learned how the election stood. From my conversations with him I understood that he was working in the interest of my election. I don't think I asked him to show any zeal, as I knew he was in my favor. I know Mr. Vincelas Tremblay, of Baie St. Paul, merchant. I have spoken to him of the election during the last contest. I saw him many times. I knew he was in my favor. He was taking a part in the election, but I don't know to what extent. I know Mr. Pamphile Tremblay, of Ste. Anne de la Pêrade, land surveyor. He was in the county during the last election, and I have spoken to him many times. We generally spoke of the election. I knew that he was for me; he was working for my election. I know Mr. Barthélemi Bouchard, of Malbaie, merchant. I spoke to him many times during the last election, and generally about said contest. I think he lives in the next house to the one where I stopped. I knew that he was in my favor, and was working in the interest of my election, but I don't know to what extent. I know Mr. Abdou Coté, of Quebec, merchant. I saw him at Baie St. Paul. It was not at my request that he came and worked at my election. I don't know who asked him to come. I was also aware that Hon. Mr. Angers, of Quebec, Advocate, and then Solicitor-General for the Province, had come to work for my election. I saw him once or twice in the county. Mr. Adolphe Carou, of Quebec, advocate, came and worked for my election. I learned that he was in the county. I saw him twice. I know the Hon. David Price, senator. I saw him in the county during the election. I knew he was working for the success of my candidature. I learned that Mr. Carou, Mr. Angers, and Mr. Coté made speeches in the county. I understood that Mr. Price had come to work in my interest, but I don't know what kind of work he was doing.

I know Mr. George DuBerger, of Malbaie, hotelkeeper. I have seen him once during the election; it was at church; he invited me into his pew; he told me his name was DuBerger. I don't think I had anything else to do with that gentleman. The account, exhibit A of the petitioners at *enquête*, being shown to me, I declare it to be correct, at least as my personal expenses, which amount by the said account to one hundred and fifty-five dollars and twenty-five cents. To the best of my knowledge, the twelve hundred and forty-three dollars and eighty-seven cents, being the amount of said account, are the actual



amount of my expenses, during the election now in question. During the election I supplied Mr. Tarte with the money that was necessary for my legal expenses for said election. The sum I so paid him reached one thousand and eighty-eight dollars and sixty-two cents, as mentioned in the said account. I speak of the time when the account was sent to the Returning Officer. Since that time, other small accounts must have been paid, but I don't know the amount thereof. Mr. Tarte never shewed me that account before sending it to the Returning Officer. When I saw it published in the newspapers, I supposed that my agent had paid nothing but legal expenses. I was in my seat in Parliament all that time. 240 Personally, I know nothing of what Mr. Tarte paid. I left all in his hands, being confident that he would not pay anything illegal. The small accounts I mean and which have been paid since the general account has been filed, probably reach \$100 or \$150. I am not positive as to the figure. I left Quebec on the 30th of December, and I think I returned there on the 26th of January. Those who came and spoke for me did not come at the beginning of the electoral campaign, excepting Mr Tarte. I did not hand to Mr. Tarte the said sum of \$1,088.62 at one time, but by various amounts. When Mr. Tarte asked me for money, he did not account for the use of the sums he had already received.

I have read the judgment delivered by the Hon. the President of the Court about the 250 contestation of the election of Charlevoix in the year one thousand eight hundred and seventy-four, after it had been laid and read before the House of Commons at Ottawa in the month of February last, together with the judgment of the Court of Review. I had heard it said that there were two judgments, the first one from the Hon. the President of the Court, and the second one from the Court of Review. I did not know that certain parties had been reported as guilty of corrupt electoral practices. I had not seen those judgments before the month of February last. I knew that Mr. Onésime Gauthier had taken part in the election of 1874, but as I did not then think of being a candidate myself in that county when the judgments were rendered, I had only noticed the voiding of the election. I think it was generally known during the election that the clergy was in my favor and opposed to Mr. Tremblay's 260 candidature. I did not then know that many curés in the county were speaking against Mr. Tremblay and the party he belonged to, but I knew that the clergy condemned the principles of that party and consequently would not support a candidate professing the said principles. I read during the election a letter from the Bishop of Rimouski. Mr. Tremblay was trying to make the electors believe that the Bishop of Rimouski and my other brother, the Vicar-General of Rimouski, were not favorable to my candidature. Mr. Tremblay had also read at a public meeting a letter from the Vicar-General of Rimouski, an through it he had tried to have the electors believe that the Vicar-General of Rimouski censured me as a public man. On that occasion I telegraphed and wrote to my two brothers what had taken place, whereupon the Bishop of Rimouski wrote me a letter in which, alluding 270 to what had occurred and also to the principles of the party that Mr. Tremblay was supporting, he among other things said that a man who acted in such a manner was a dangerous man. I read the said letter at a public meeting. I don't think I have preserved that letter.

CROSS-EXAMINED.

I never hired Mr. Onésime Gauthier as my agent. I never asked him to work for me. I have read the judgments I speak of in my examination in chief at Ottawa in the



Votes and Proceedings of the House of Commons, in February last. I presently produce and fylo a true copy of the said Votes and Proceedings, dated February 10th, 1876, and marked as exhibit B.

RE-EXAMINED.

280

I am in the habit of reading the newspaper *Le Canadian*. I don't recollect having read the above-mentioned judgments in it or elsewhere; in fact I read them only in the Votes and Proceedings of the House of Commons, as already stated by me.

By saying: "When the judgments were rendered, I had noticed only the fact of the voiding of the election," I meant to say that the only thing that struck me then and until the 10th of February last, in that respect, in the announcement which the public press may have made thereof, was the fact that the election of 1874 was voided. But I repeat that I saw and read the said judgments only after the 10th of February last.

The foregoing deposition being read to the witness, the deponent persists therein
290 and declares that it contains the truth, and has signed.

HECTOR L. LANGEVIN.

Taken and Sworn to before me, in open Court, at Malbaie, this 3rd July, 1876.

A. B. ROUTHIER,
J. S. C.



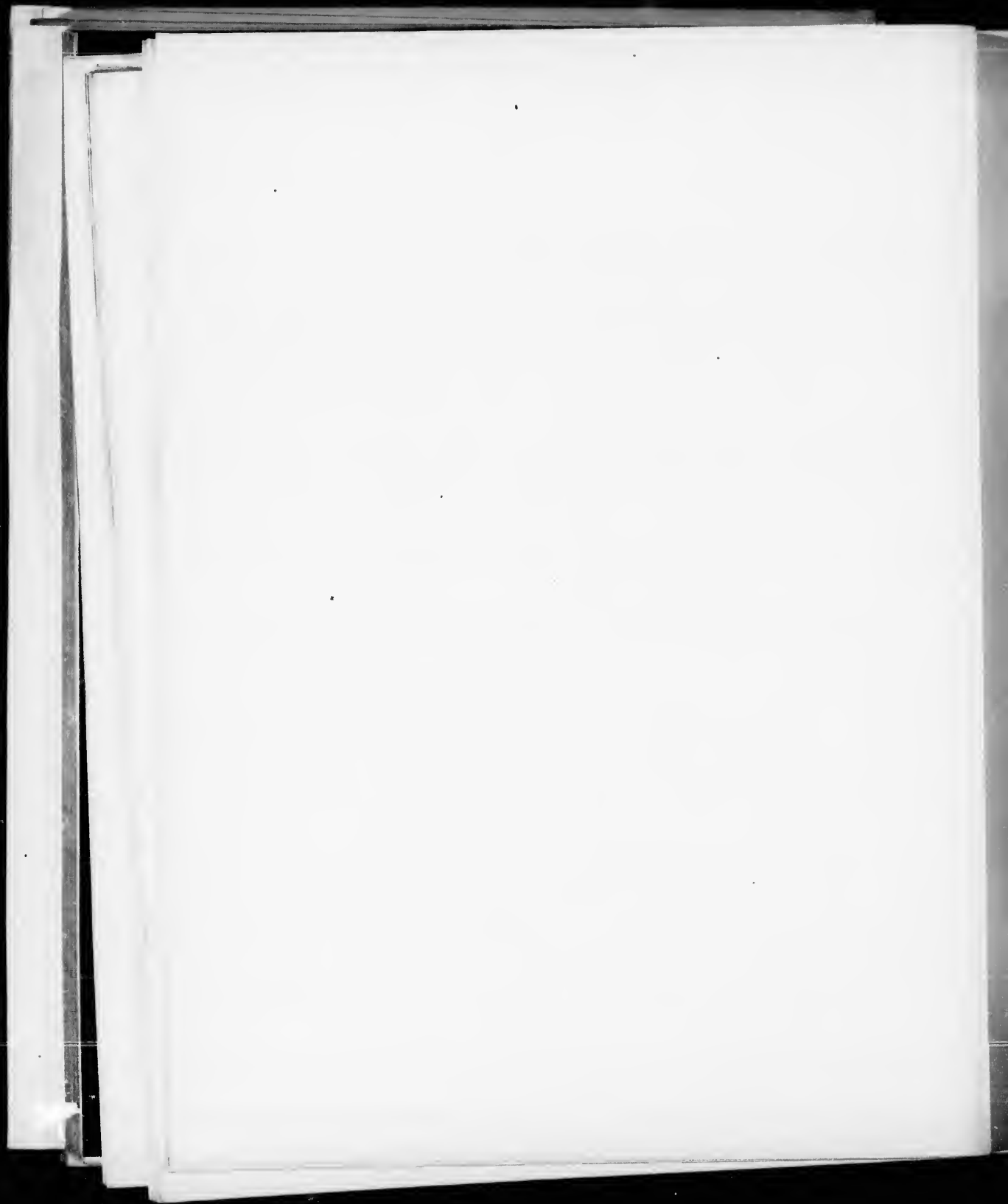
DEFENDANT'S EXHIBIT, No. 12.

Filed 12th September, 1876, C.D.

DETAILED STATEMENT OF MY PERSONAL EXPENSES.

	Dec. 31st, 1875, my Quebec carter.	\$ 2 00	
	Jan. 12th, 1876, George Boulliaue, carter	2 00	
300	" 15th, " " " " "	5 00	} For hire of a two-horse sleigh, from the 6th of January to the 27th of same month.
	" 10th, " " " " "	1 00	
	" 21st, " " " " "	5 00	
	" 27th, " " " " "	75 00	
	1875. Dec. 30th and 31st, Toll-gates.	60	
	1876. Jan. 25th and 26th, "	60	
			91 20
	Dec. 30th and 31st, 1875, Board at Filion's, St. Joachim.	2 35	
	Jan. 2nd, 1876, Board at A Tremblay's, Eboulements	75	
	" 9th, " 2 days for me, carter, &c.	5 00	
310	" 24th, " Mrs. Widow Riverin, 9 days' Board, 1 day for my carter and his horse, and one meal	19 70	
	" " 26th Board at Filion's, St. Joachim	2 50	
	" " 2 meals and those of carter and his horses.	3 00	33 30
	Jan. 1st & 3rd, 1876, Telegram	1 80	
	" 8th, " " "	4 75	
	" 14th, " " "	3 50	
	" 15th, " " "	2 50	
	" 17th, " " "	2 00	
	" 21st, " " "	2 25	
320	" 22nd, " " "	3 00	
	" 23rd, " " "	5 00	
	" " " " "	3 00	
	" 24th, " " "	25	
	" 25th, " " "	2 15	
	" " " " "	25	
	" 3rd, " Stamps	15	
	" 8th, " " "	15	80 75
			\$155 25

(Signed,) H. L. LANGEVIN.



330 CANADA,
 PROVINCE OF QUEBEC, }
District of Saguenay.

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

No. 14.

O. BRASSARD, ET AL.,

Petitioners.

VS.

HON. H. L. LANGEVIN,

Defendant.

The Honorable Hector Louis Langevin, the Defendant in this case, being duly sworn,
 340 deposeseth and saith:

That he has given his evidence in the present case on the third of July last (1876)
 at the demand of the Petitioners:

That, in giving the said evidence, speaking of the expenses of the said election, he
 has said:—"The time I was speaking of is the time when the account was sent to the
 Returning Officer. Since that time other small accounts must have been paid; I don't
 know the amount thereof." That by these words he did not mean to say that those small
 accounts have been paid apart from those mentioned in the extract and the accounts filed
 and produced by the Returning Officer; that he has always meant to say and has said by
 these words: "other small accounts must have been paid," that certain small accounts,
 350 which have not been paid before the sending of the general account to the Returning Officer,
 and which were part of the said general account, have been since paid; that the amount of
 these small accounts and of the other accounts which from the general account, is covered
 by the total of \$1,088.62, being the amount placed in different times at Mr. Tarte's disposal
 by the Defendant, as often as needed for the election expenses, and that said amount is that
 placed by the Deponent at the disposal of Mr. Tarte, and that he has not given any other
 sum; and the Deponent moreover declareth that it was only on Sunday last, the tenth of
 September instant, that he discovered said error of ambiguity when reading over his
 deposition, and has signed,

(Signed) HECTOR L. LANGEVIN,

360 Sworn before me at Malbaie, this 12th day of September, 1876.

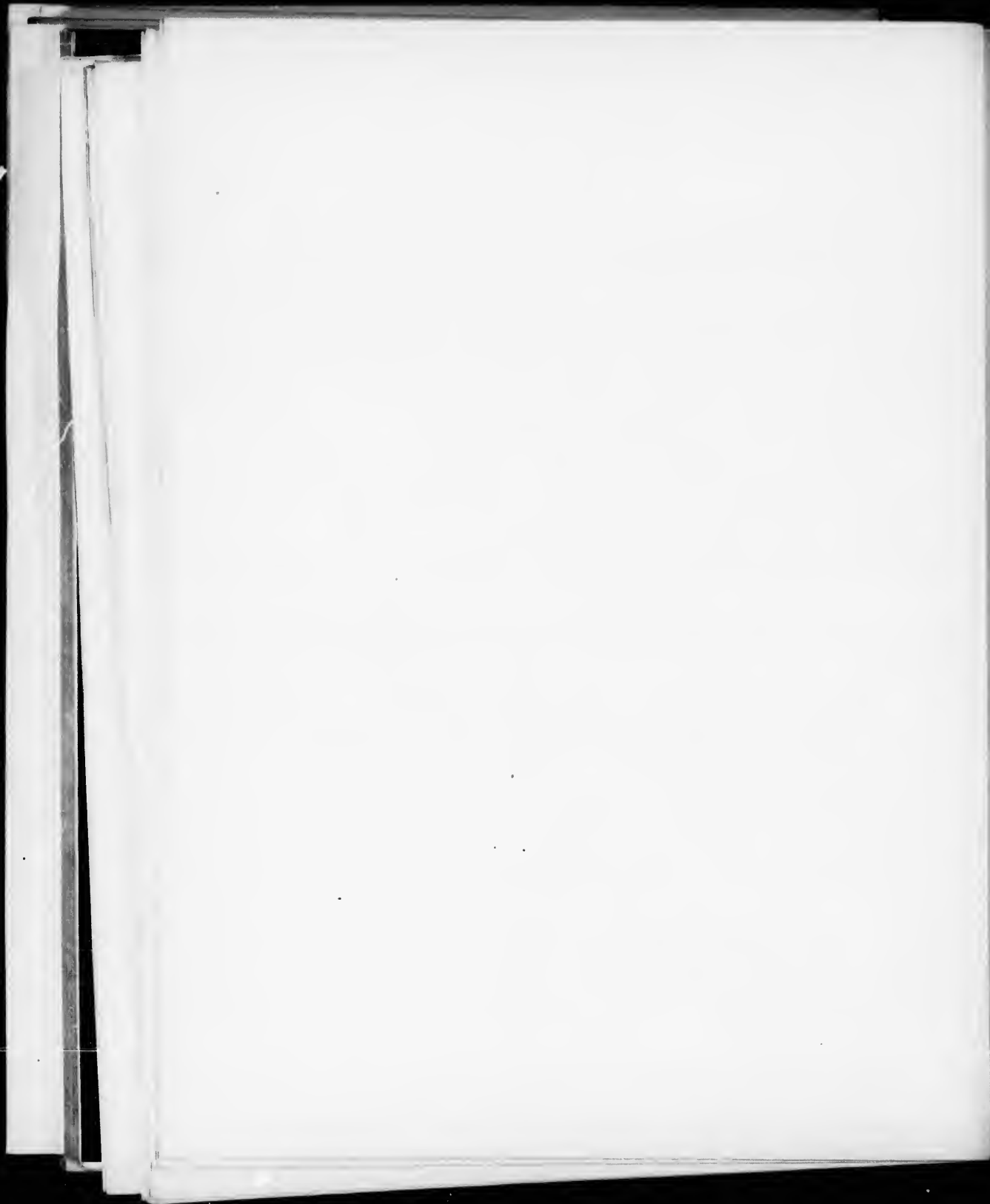
(Signed) CHARLES DUBERGER,

P. S. C. S. D.

The affidavit is filed by consent as being a part of the defendant's former testimony,
 together with the account of the Defendant's personal expenses, the Defendant's exhibit
 No. 12.

(Signed) F. LANGELIER,

Attorney for Petitioners.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay.

370 DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, 3rd day of July, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. C. S.

No. 14.

BRASSARD ET AL.,

Petitioners;

AND

HON. H. L. LANGEVIN, C. B.,

Defendant.

380

Evidence on the part of the Petitioners.

Narcisse Bouchard, aged 25 years, farmer, of the parish of St. Siméon, being duly sworn, doth depose and say:—I know the parties in this case. I am not related, or of kin to, or in the employ of any of the parties in this cause. I am not interested in the event of this suit.

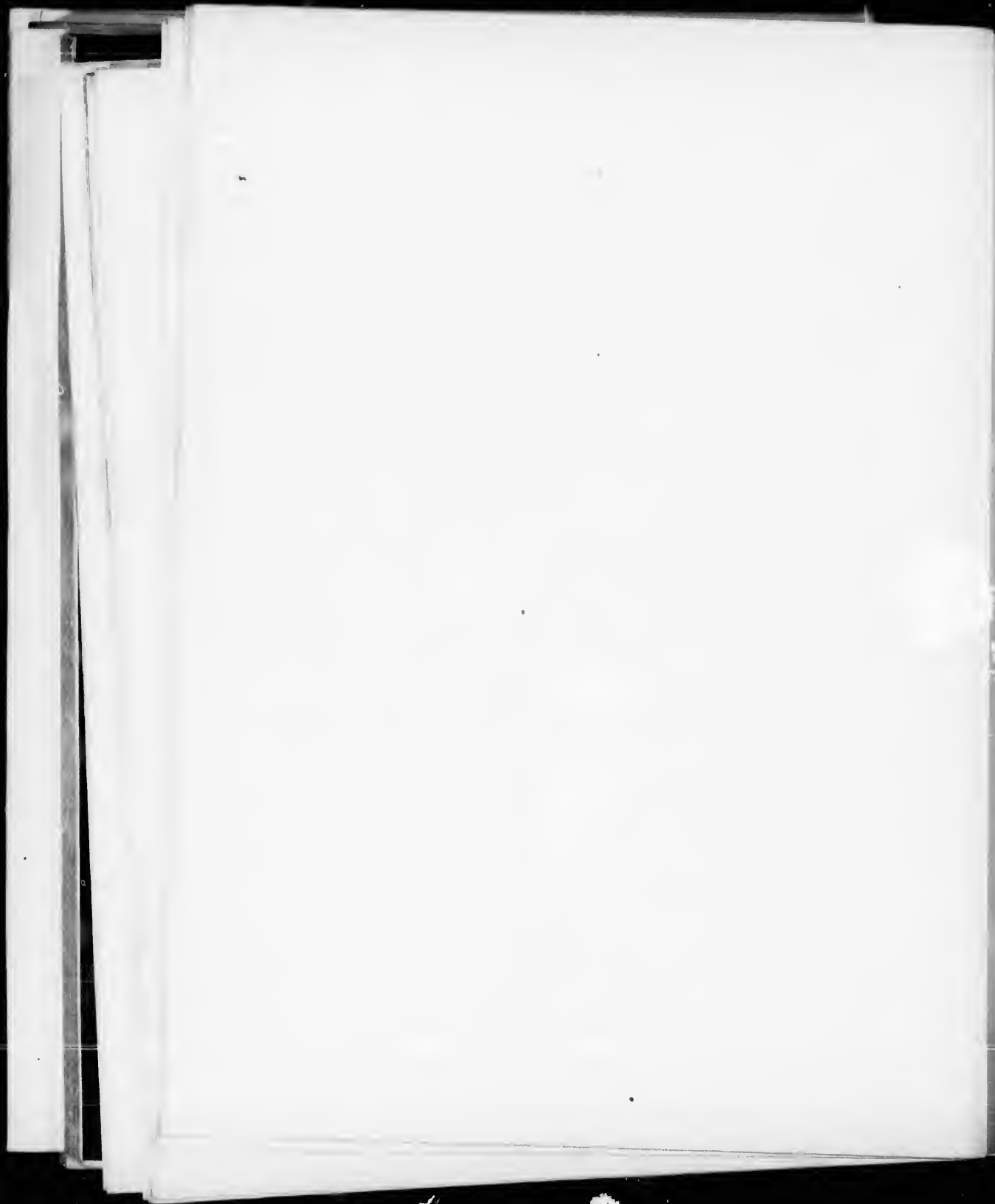
[Objected to by the defendant because it is intended to prove that Mr. Cinq-Mars gave advice in his capacity of pastor and priest.]

[Objection reserved.]

I know well Mr. Cinq-Mars, Curé of St. Siméon. I did not speak to him about the last election, but he spoke to me on the subject. He told me that to vote for Mr. Tremblay would be a matter of conscience (*cas de conscience*). I was then on the road with him. It was the twentieth of January. He told me it was a matter of conscience (*un cas de conscience*) according to the Councils of the Bishops. I was then bringing him to my home to visit some sick persons, and it was on my way there that he thus spoke to me. I had a right to vote at last election, and I did vote.

CROSS-EXAMINED.

On that occasion I went for the Curé to ask him to come and administer to some sick people who were at my house. I did not consult as to what I had to do. I was then alone with him. I did not open the conversation; it was Mr. Cinq-Mars. He told me that he had been kept awake very late. He told me that according to the Councils of the Bishops



- 400 both parties were not on the same footing. I swear there was nothing else said in reference to the Councils of Bishops. He did not refer at all to the Bishops' mandates (*des mandements*). I cannot read or write. When I have made up my mind I follow it, and at the last election I acted according to my convictions. What Mr. Cinq-Mars said did not in the least alter my opinion. I have great confidence in Mr. Cinq-Mars. He was perfectly tranquil when he spoke, and did not at all look like an election canvasser. I have a good memory, and I recollect well what Mr. Cinq-Mars said on that occasion. I reported this circumstance (*circonstance*) to my uncle Epiphane Savard, of Baie des Rochers, on the following day, the 21st January, at my house, where he had come. I spoke of this to him because I thought it so extraordinary, although it did not alter my opinion. I then knew that Mr. Epiphane
- 410 Savard was working in favor of Mr. Tremblay's election. I swear positively that on the occasion in question Mr. Cinq-Mars expressed himself in the following terms: "According to the Councils of the Bishops both parties are not on the same footing; to vote for Mr. Tremblay would be in conscience a sin" (*cas de conscience*). I also swear that I did not repeat this conversation to any one else other than Epiphane Savard. I was summoned at Baie des Rochers to appear before this Court, and I then knew why I was so summoned; because Antoine Belleville who gave me the subpoena, told me why I was summoned. Belleville is not a Bailiff. Belleville, when he handed me the subpoena, asked me if I would sign to what the parish priest had told me on the 20th of January, and I answered "yes." I cannot say on what day Belleville handed me the subpoena; at that time it was one month
- 420 after the election. Belleville read me an affidavit in which it was stated that I had reported that the Curé had told me that it was in conscience a sin (*cas de conscience*) to vote for Mr. Tremblay. I promised to sign this, and I did sign. This took place at my house, and Mr. Lizare Simard, farmer, of Baie des Rochers; my father, Thomas Bouehard, farmer; André Bouehard, my brother, aged 29 years; Johnny Desbiens, farmer, Nazaire Bouehard, farmer, and Louise Desbiens, my wife, were present. I swear that on this last occasion I did speak about the conversation I had had with Mr. Cinq-Mars on the 20th of January last. The voting took place on the twenty-second January. The affidavit was read aloud to me, and I understood it.

RE-EXAMINED.

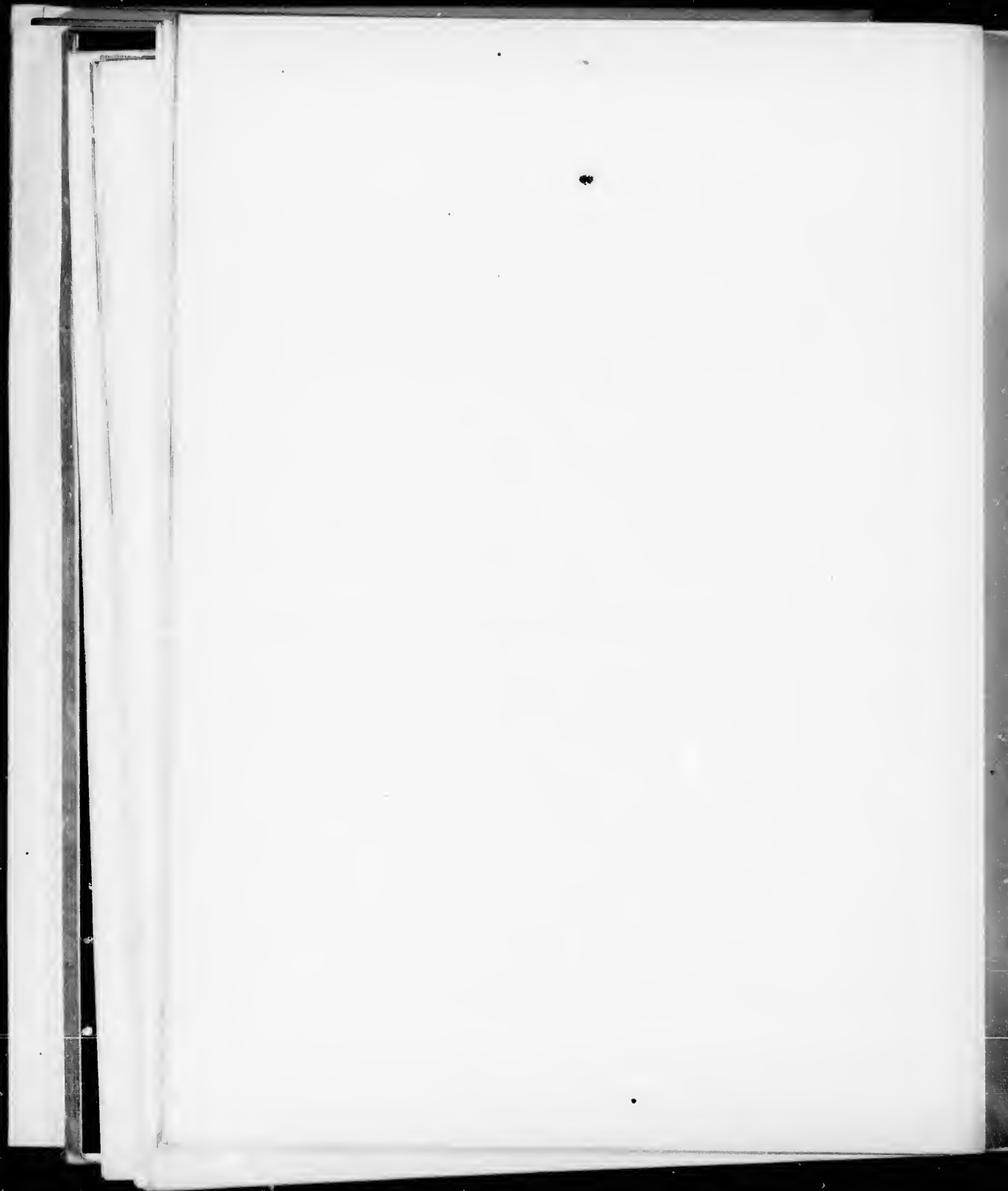
- 430 The subpoena of which I have just spoken was the writing which Belleville gave me to sign, and not the subpoena summoning me to appear as a witness.

The present deposition being read to the witness, he persists in the same, declares it contains the truth, and cannot sign.

Taken and sworn before me in Court, at Malbaie, 3rd July, 1876.

A. B. ROUTHIER,

J. C. S.



PROVINCE OF QUEBEC, }
District of Saguenay.

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

440 *Election of a Member for the House of Commons for the Electoral District of Charlevoix.*

MALBAIE, the fourth day of July, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. C. S.

BRASSARD ET AL.,

Petitioners;

AND

HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of the Petitioners.

Johnny Desbiens, of the parish of St. Siméon, being duly sworn, doth depose and
 450 say:—I know the parties in this case. I am not related, or of kin to, or in the employ of
 any of the parties in this case. I am not interested in the event of this suit. I was an
 elector having a right to vote at the election in question in this case, and I voted in the said
 parish at the said election. During the election Rev. Mr. Cinq-Mars in his parsonage
 (*Presbytère*) spoke to me.

Question.—Please state, as clearly as possible what he then said.

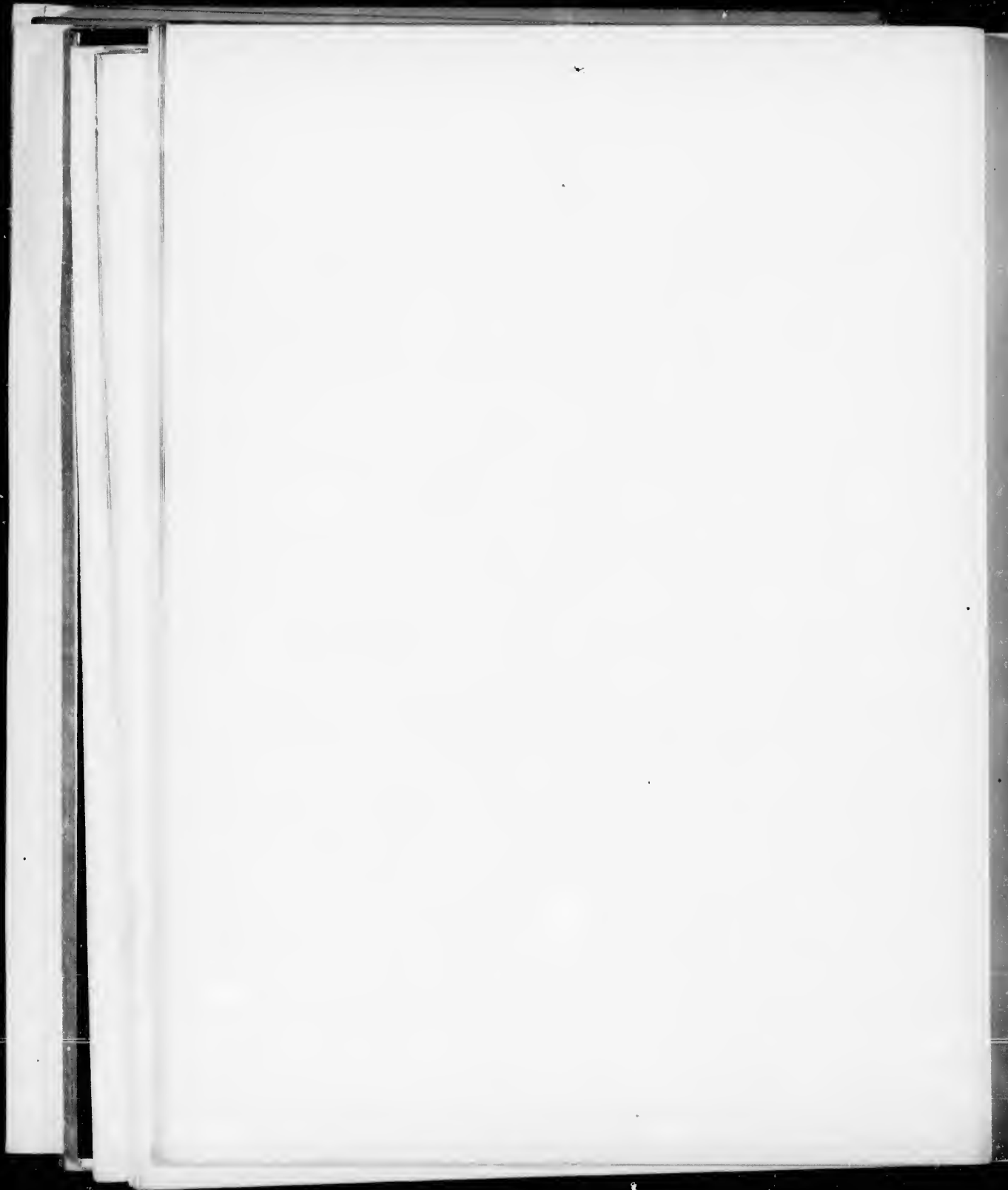
Answer.—He told me in his parsonage (*Presbytère*) that to vote for Mr. Tremblay
 would be a mortal sin. Mr. Tremblay of whom he spoke was the candidate opposed to
 the Defendant at the said election. This was in the afternoon of the 20th of January. I
 was at his place on that occasion because I had brought him back from my father-in-law's
 460 house where I reside, and where he had gone to administer rites to sick people.

[Objected to, by the defendant as tending to adduce evidence against the *cure* giving
 advice as Curé.]

[Objection reserved.]

CROSS-EXAMINED.

It was about two o'clock in the afternoon, when the parish priest Cinq-Mars thus
 spoke to me. On that occasion no other person but the curé and myself was present. I
 know Narcisse Bouchard witness examined in this case, he is my brother-in-law. I live in

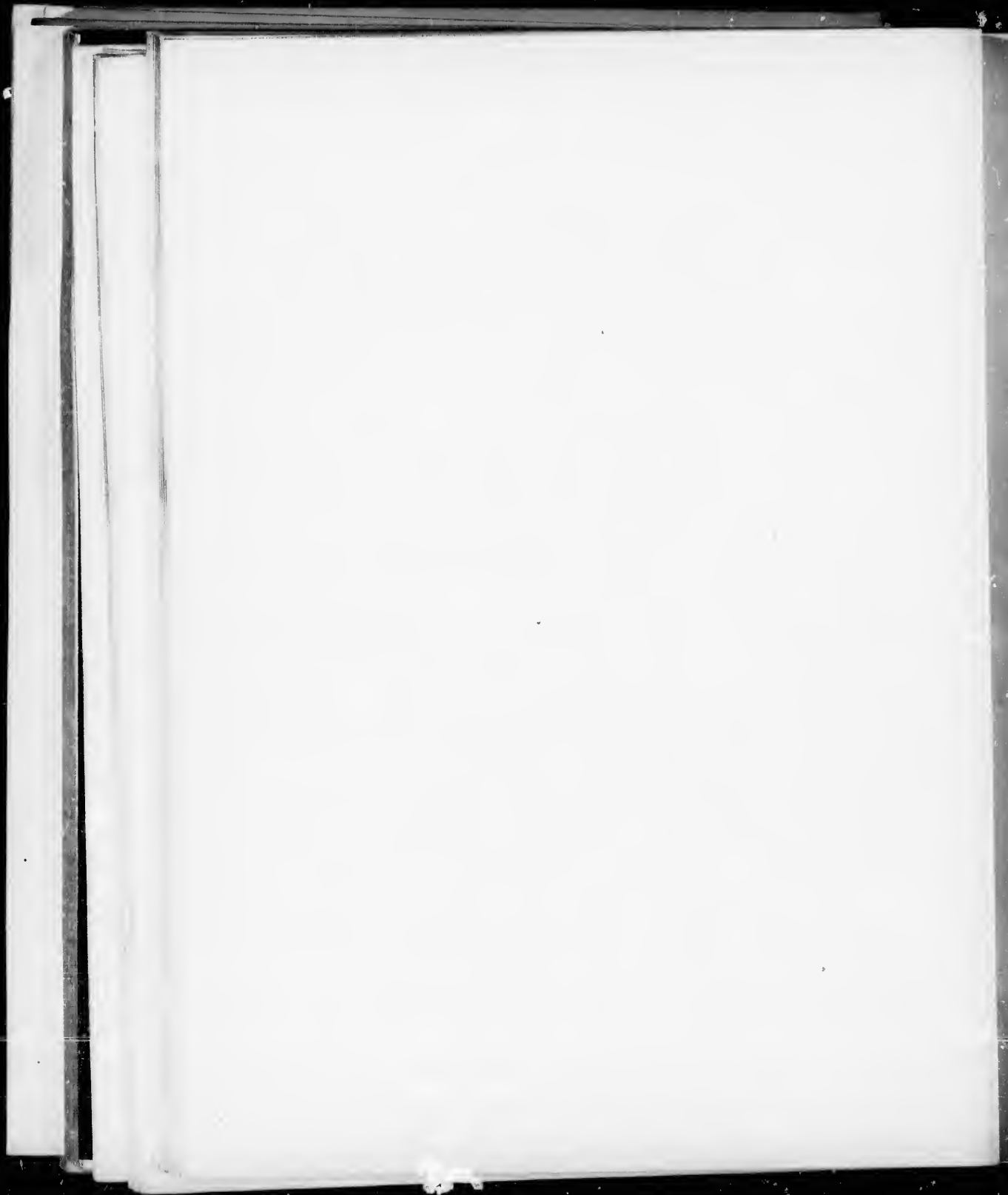


the same house. I was present when Antoine Belleville came to Narcisse Bouchard's house, to get me to sign an affidavit. Narcisse Bouchard then repeated before every one present, 470 the conversation he had had with the Curé Cinq-Mars. He then said that the curé had stated that it was in conscience a sin (*cas de conscience*) to vote for the candidate Tremblay. I swear that Narcisse Bouchard never since, in my presence referred to that conversation. I came up at the same time as Narcisse Bouchard to give my evidence, and he did not speak to me of this conversation. The night before last I slept at Baptiste Bouchard's, St. Fidèle. Yesterday morning, I conversed with Narcisse Bouchard, I did not say anything in reference to his evidence, not a single word. He said we should be paid, and he said he had come to give evidence in relation to what Curé Cinq-Mars had told him. I know François Bergeron, father, and François Bergeron, son, and William Savard, all farmers, of St. Siméon. I met those 480 three persons at Mr. Cinq-Mars' parsonage (*presbytère*). Curé Cinq-Mars told me but once in his parsonage, (*presbytère*) as I said in my examination in chief, that it was a mortal sin to vote for the candidate Tremblay. I cannot say what François Bergeron, father, and William Savard, and François Bergeron, son, said, when Curé Cinq-Mars said to me that it was a mortal sin to vote. But these persons were not present when the curé spoke to me in the words I above stated; they came later on. They entered later into the room in which I was with the curé. They were then outside of the parsonage (*presbytère*) when I was conversing with the curé. It was an hour after that conversation that they entered. On that occasion I remained about four hours in the parsonage (*presbytère*) with the curé. Both Bergerons and William Savard remained about an hour at the Curé's house in the same room as I was. During the time both Bergerons and William Savard were at the curé's, 490 there was not a single word uttered in reference to the election, and I was present all the time. Last night I slept at Hector Dufour's, merchant of Malbaie. I am in the habit of sleeping there when I come to Malbaie. I cannot give the exact date on which the voting took place at the last election. I have not too good a memory. I told yesterday at Malbaie to several persons what I had come for, that is to say, to give evidence. I spoke of it to Hector Dufour, and also to the people of my parish, St. Siméon. At Malbaie, I did not speak of it to any one else than Hector Dufour. This morning I did not speak to Hector Dufour or to any one else except to the ex-candidate Mr. P. A. Tremblay. He asked me if I was able to give good evidence, (*rendre un bon témoignage*); this was at Henry Simard's. I went this morning to Henry Simard's house, in order to meet some other parties from my 500 parish who had been summoned as witnesses in this case, and who were there. The general conversation at Henry Simard's this morning, was in reference to the present suit. I did not say anything and no body questioned me except, as I have already stated, Mr. P. A. Tremblay, and I cannot recollect what the others were saying. I did not pay attention to what the others were saying, and I did not remark a single word of the conversation.

Question.—As you did not remark (*saisi*) a single word of the conversation that took place this morning at Henry Simard's, how can you affirm that the general conversation was in reference to the present suit?

Answer.—I did not speak about it, but the others did. I cannot say what they said. I did not understand what they said.

510 *Question.*—As you did not understand what the persons who were taking part in the



conversation that took place this morning, at Henry Simard's, said, how can you say that they were talking about the present cause ?

Answer.—I do not remember what they said. This morning, at Henry Simard's, Mr. P. A. Tremblay spoke to all those who were there—some twelve persons—amongst whom were witnesses summoned in this cause. I cannot say what he said to them. He spoke to everybody in general, and did not address himself particularly to me.

Question.—If this morning, at Henry Simard's, you did not understand what Mr. P. Tremblay said, and if he did not address himself particularly to you, how can you state that he asked you if you were able to give good evidence (*rendre un bon témoignage*) ?

520 *Answer.*—He spoke of this in speaking to everybody, and this is the reason I thus understood him. Mr. Tremblay did not address himself to me in particular. The only time I heard him was when he said what I have already reported. I did not speak to any one of the evidence I was going to give, neither yesterday, nor to-day, nor before. I gave an affidavit to Belleville at the same time as Narcisse Botchard, to assert that Curé Cinq-Mars had told me it was a mortal sin to vote for Mr. Tremblay. I cannot say who asked me to make that affidavit. Now I say it is Antoine Belleville. I made that affidavit so that it might be given to Mr. Tremblay, but I cannot say wherefore.

Question.—Please state if Curé Cinq-Mars spoke to you about your affidavit ?

Answer.—Yes.

530 *Question.*—Is it not true that you gave to the curé a declaration in these terms, or in words meaning the same thing: "I, Johnny Desbiens, certify that I am ready to prove under oath that the curé did not speak to me of politics or of the election in his parsonage, (*presbytère*), except in the presence of François Bergeron, father; William Savard and François Bergeron, son ?

Objected to on the ground that the witness is questioned relative to a writing which has not been produced in the case. Question withdrawn.

540 *Question.*—Is it not true that you told Curé Cinq-Mars that you were ready to prove under oath that the curé had not spoken to you of politics or the election, except in his parsonage (*presbytère*) in presence of François Bergeron, father; William Savard and François Bergeron, son ?

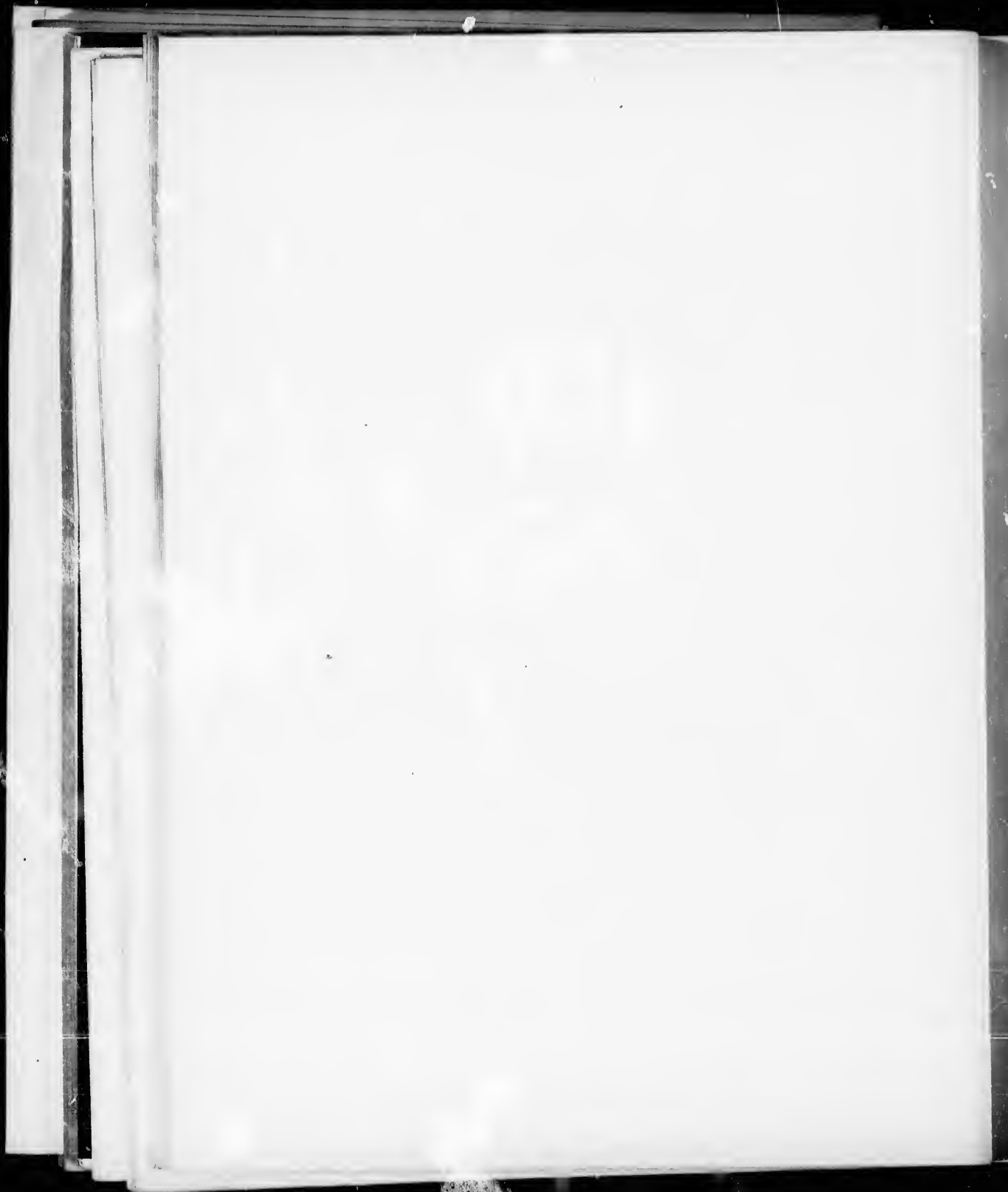
Answer.—No.

Question.—Is it not true that subsequent to making your affidavits you gave a declaration to the curé ?

Answer.—No.

Question.—Is it not true that you gave to the curé a declaration in writing ?

Answer.—No.



Question.—Is it not true that you gave to the curé a declaration in the following words, or in terms meaning the same thing: “ I, Johnny Desbiens, certify, and am ready to “ prove under oath, that the curé did not talk to me about politics or election, except in his
560 “ parsonage (*presbytère*), in presence of François Bergeron, father, William Savard, and “ François Bergeron, son ” ?

Objected to on the ground that it is intended to prove the contents of a writing which has not been produced.

The Defendant not being able to procure the said writing for the present, as it is in the hands of the Archbishop of Quebec, prays to adjourn the *enquete* on this question.

Objection maintained.

I cannot say on what day of the week was the 20th of January. I can remember that date on account of the election. It is the only reason why I remember that date, but I cannot remember the date of the election. I swear that I remember that date of my own
570 accord.

RE-EXAMINED.

I did not come here in the same vehicle as Narcisse Bouchard. The conversation in which Mr. Cinq-Mars told me that it was a mortal sin to vote for Mr. Tremblay, took place two or three days previous to the voting. I can perfectly recollect that the words that I have reported are those made use of by Mr. Cinq-Mars.

The following writing being read to the witness :—“ I, Johnny Desbiens, farmer, of “ St. Simeon, solemnly declare that during the course of the election which took place “ lately in the County of Charlevoix, at which Mr. Tremblay and Mr. Langevin were the “ candidates, Mr. Cinq-Mars, curé of St. Simeon, told me that it was a mortal sin to vote
580 “ for Mr. Tremblay; and I make this solemn declaration believing it conscientiously to be “ true, and in accordance with the Act passed in the thirty-seventh year of Her Majesty’s “ reign, intituled, ‘ An Act for the suppression of Voluntary and Extra-judicial oaths.’

“ (Signed,)

“ JOHNNY DESBIENS.”

Taken and attested before me this 15th day of February, 1876.

(Signed,)

ANTOINE B. BELLEVILLE,

MAYOR.

The witness declares that exhibit marked C, at the *enquete* of Petitioners, is the affidavit
590 of which he spoke in his cross-examination. I never gave to Mr. Cinq-Mars, nor signed any declaration contradicting the said affidavit. He talked to me about it at the parsonage (*Presbytère*) of St. Fidèle. He asked me if it was true that I had made an affidavit



stating that he had said it was a mortal sin to vote for Mr. Tremblay. I answered him, yes. He said it was not true. He did not ask me to sign anything or to make any declaration.

RE-CROSS-EXAMINED.

It was Antoine Belleville who wrote the declaration, Exhibit C. Belleville did not write the whole of the affidavit before me, but he wrote a part of it.

The present deposition having been read to the witness, he persists in the same and declares it contains the truth and cannot sign.

600 *Taken and sworn before me in open court, this fourth day of July, 1876.*

A. B. ROUTHIER,

J. S. C.

[ANNEXED TO DEPOSITION OF JOHNNY DESBIENS]

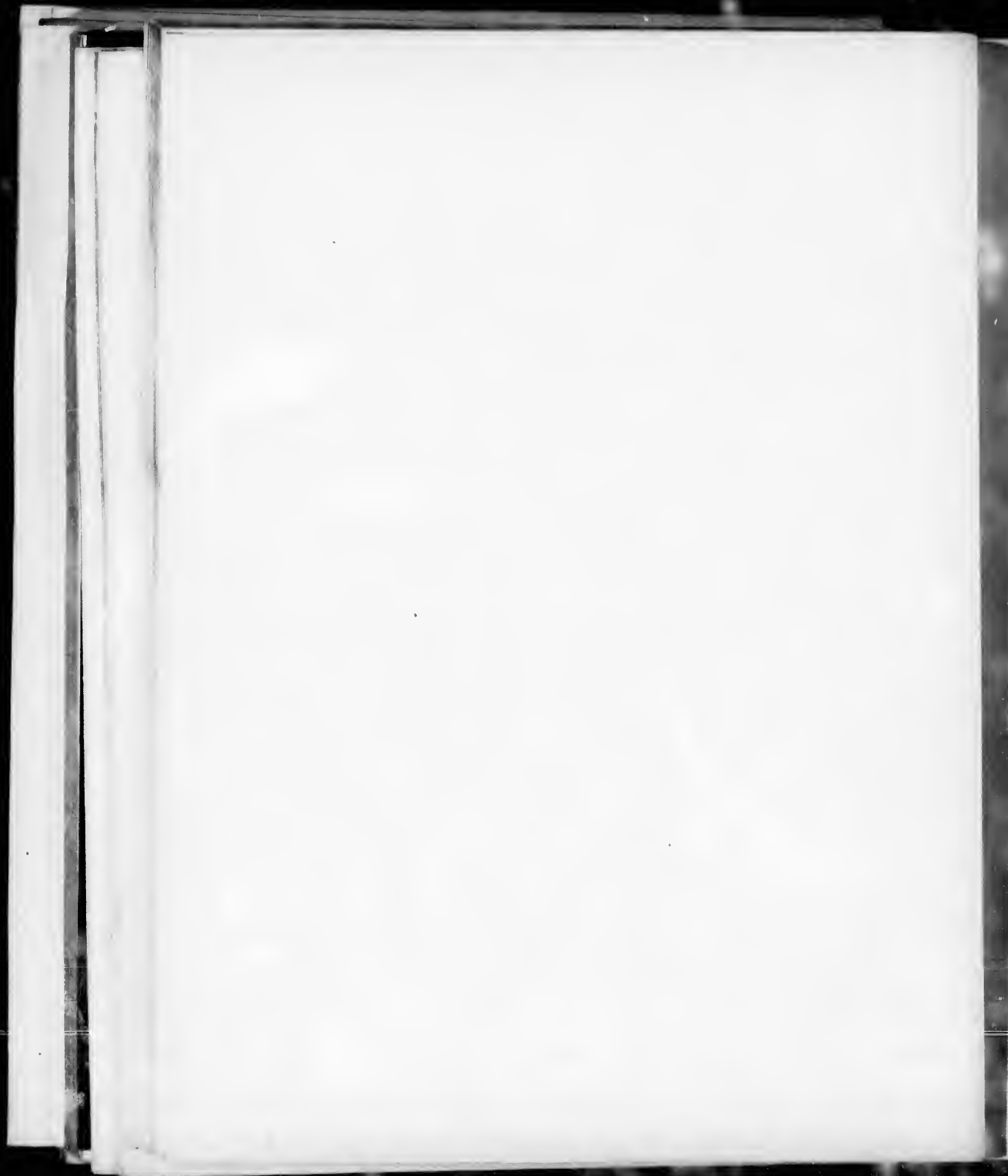
I, Johnny Desbiens, farmer, of St. Simoon, solemnly declare that during the course of the election which took place lately in the County of Charlevoix, at which Mr. Tremblay and Mr. Langevin were the candidates, Mr. Cinq-Mars, Curé of St. Simoon, told me that it was a mortal sin to vote for Mr. Tremblay. I make this solemn declaration, believing it conscientiously to be true, and in accordance with the Act passed in the thirty-seventh year of Her Majesty's reign, intituled "An Act for the suppression of Voluntary and Extra-
610 judicial oaths.

JOHNNY DESBIENS.

Taken and attested before me this fiftenth day of February, 1876.

ANTOINE B. BELLEVILLE

MAYOR.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a member for the House of Commons for the electoral District of Charlevoix.

MALBAIE, 4th day of July 1876.

620

PRESENT:—Hon. A. B. ROUTHIER, J. S. C.

No. 14

BRASSARD ET AL.,

Petitioners;

vs.

Hon. H. L. LANGEVIN,

Defendant.

Evidence on the part of the Petitioners.

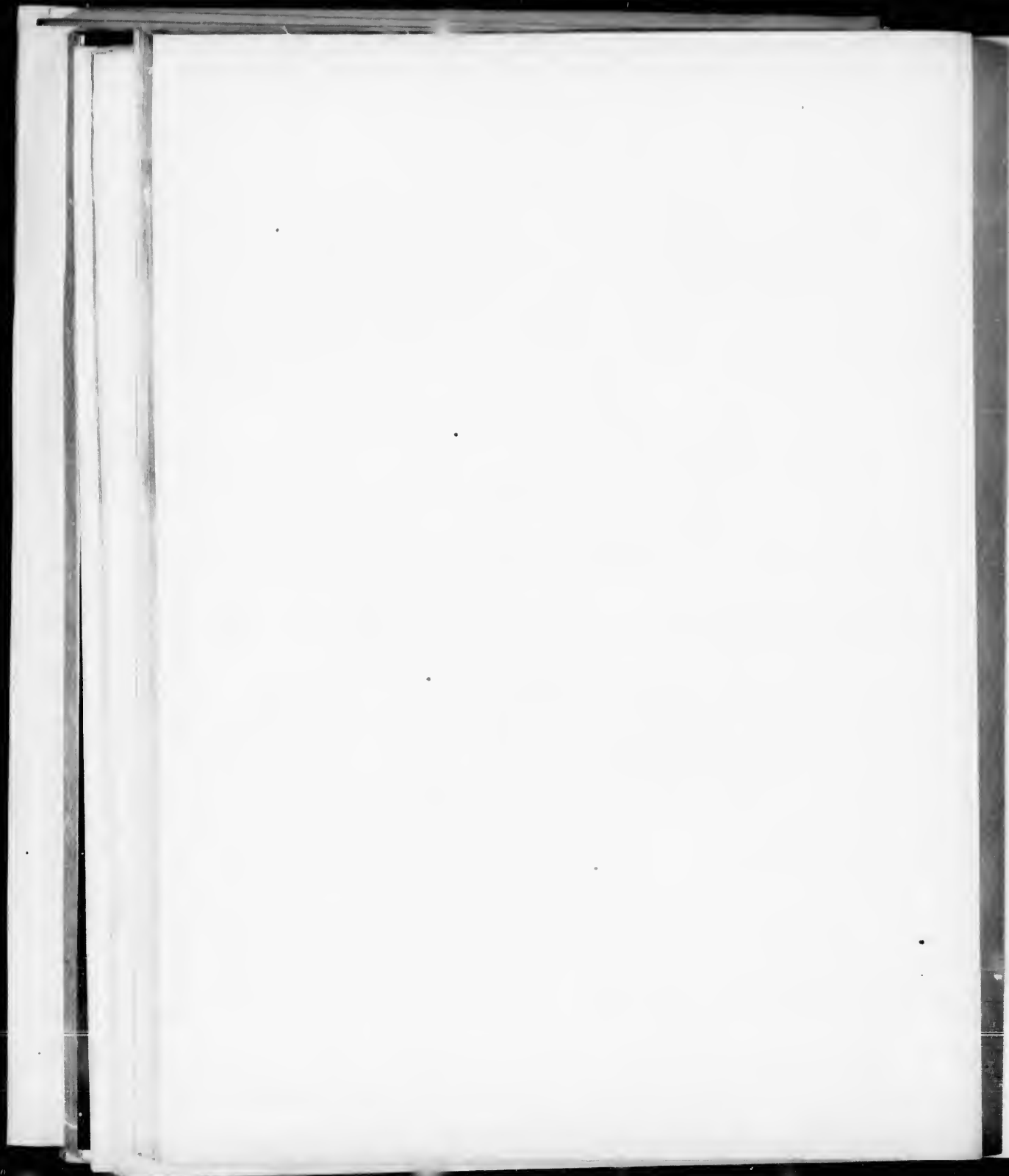
Xavier Larouche, aged forty-four years, of Baie St. Paul, farmer, being duly sworn, doth depose and say I know the parties in this case. I am not related, allied, or of kin to, or in the employ of any of the parties in this cause. I am not interested in the event of this suit. I was an elector at the last election. I did not vote at the said election. I had declared myself at the beginning of the election in favour of Mr. Tremblay. It is my father, Jean Larouche, who prevailed upon me from voting for Mr. Tremblay. He came to my house and said, "My boy, *mon petit*, I am old, and if you want to do like me vote for Mr. Langevin. I was at first in favor of Mr. Tremblay, but have turned round for Mr. Langevin."

Question—Do you know what thus turned your father round?

Objected to for the same reason mentioned in the deposition of Abel Maltus. Objection reserved to the merits.

Answer—It is the last sermon of Curé Sirios, delivered five days previous to the voting I heard the said sermon. What impressed me most in that sermon was that he said respecting the Liberals, he said, that if they were in need of the curé it would be a blessing for them to go. He said it was a matter of conscience (*un cas de conscience*), and it was not right to vote for the Liberals. Mr. Tremblay was the Liberal candidate at the said election. I do not remember if he said anything else in reference to the Liberal party. There were a great number of people in the church when the said sermon was preached. I am unable to say if the sermon impressed those who heard it, but some told me it had done so. I do not know of an elector whom the sermon turned round or prevented from voting. My father, of whom I have before spoken, voted at the said election. On that occasion the curé preached about a quarter of an

640



hour, perhaps more, in reference to the election. He said a few words, as well as I can remember, to the effect that our voting for one candidate or the other might affect religion. I
 650 did not well note this part, I am not instructed. From what I could understand he made us understand that we ought to vote for the Protestant. He told us that if we voted for Mr. Tremblay religion would be destroyed. That is what I understood. I do not remember if he spoke on that occasion of prophesies of Christs.

CROSS-EXAMINED.

I cannot read or write. It was my father who told me he had changed sides on account of the curé's sermon. The priest did not mention Mr. Tremblay, but we perfectly understood that it was about him that he was speaking. The priest spoke about Liberalism. He said that Liberalism was condemned, and that it was Mr. Tremblay's party that might destroy religion.

660 *Question.*—Say in what terms the priest said Mr. Tremblay's party would destroy religion.

Answer.—I am unable to report the exact expression. I am unable to report any expression made use of by the curé in his sermon. I am not learned enough for that.

Question.—Is it not true that in his sermon the priest made use of the following language: "When you are in need of the curé in the ordinary circumstances of life, you know where to find him, but during election times you take no heed of him?"

Answer.—Yes.

RE-EXAMINED.

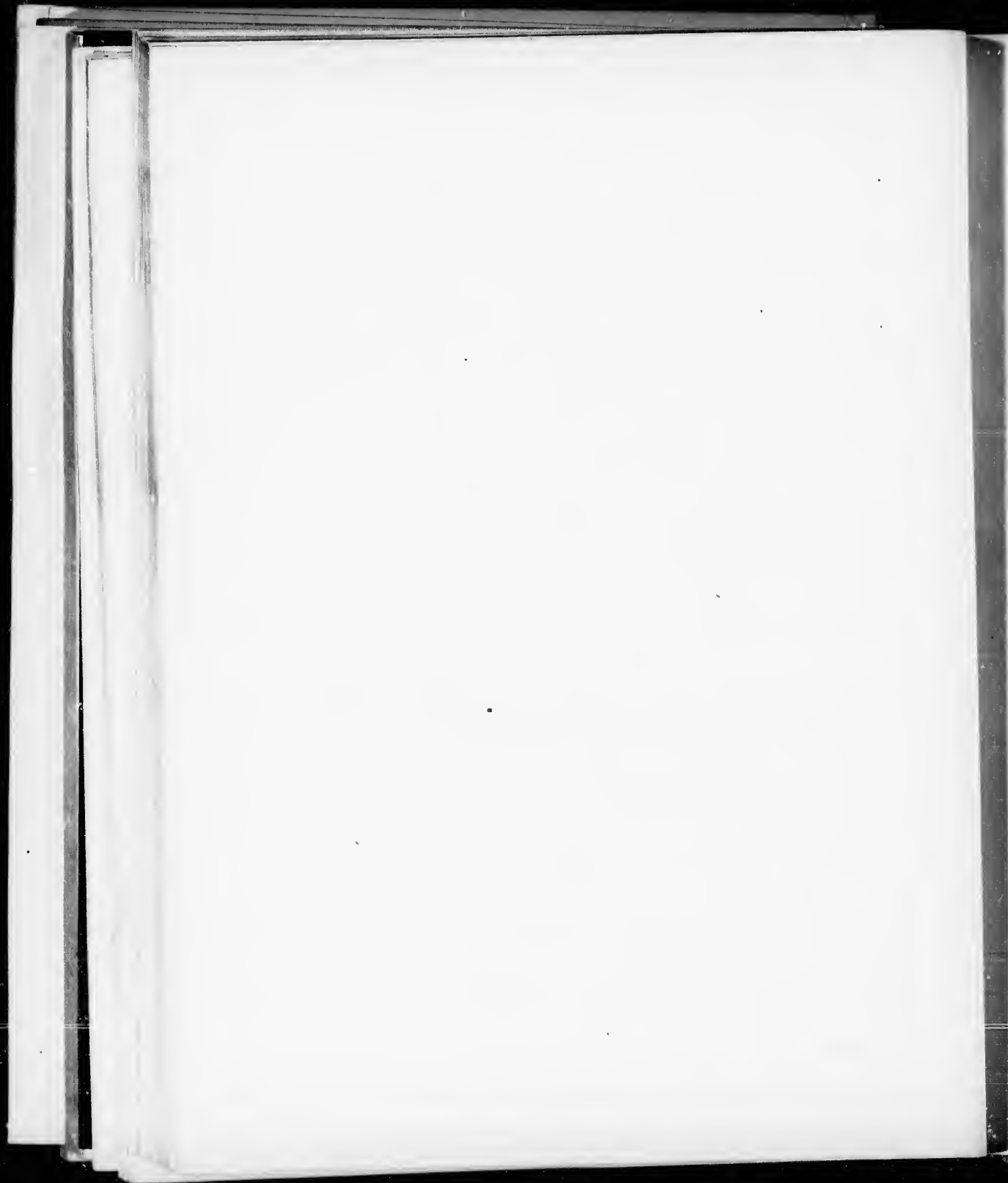
All that I could make out of the sermon was that he condemned all those who belonged
 670 to the Liberal party.

The present deposition having been read to the witness, he persists in the same, declares that it contains the truth and cannot sign.

Taken and sworn before me in open Court at Montreal, this 4th of July, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a member for the House of Commons for the Electoral District of Charlevoix,

680

MALBIE, 4th day of July, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD ET AL.,

Petitioners:

vs.

HON. H. L. LANGEVIN,

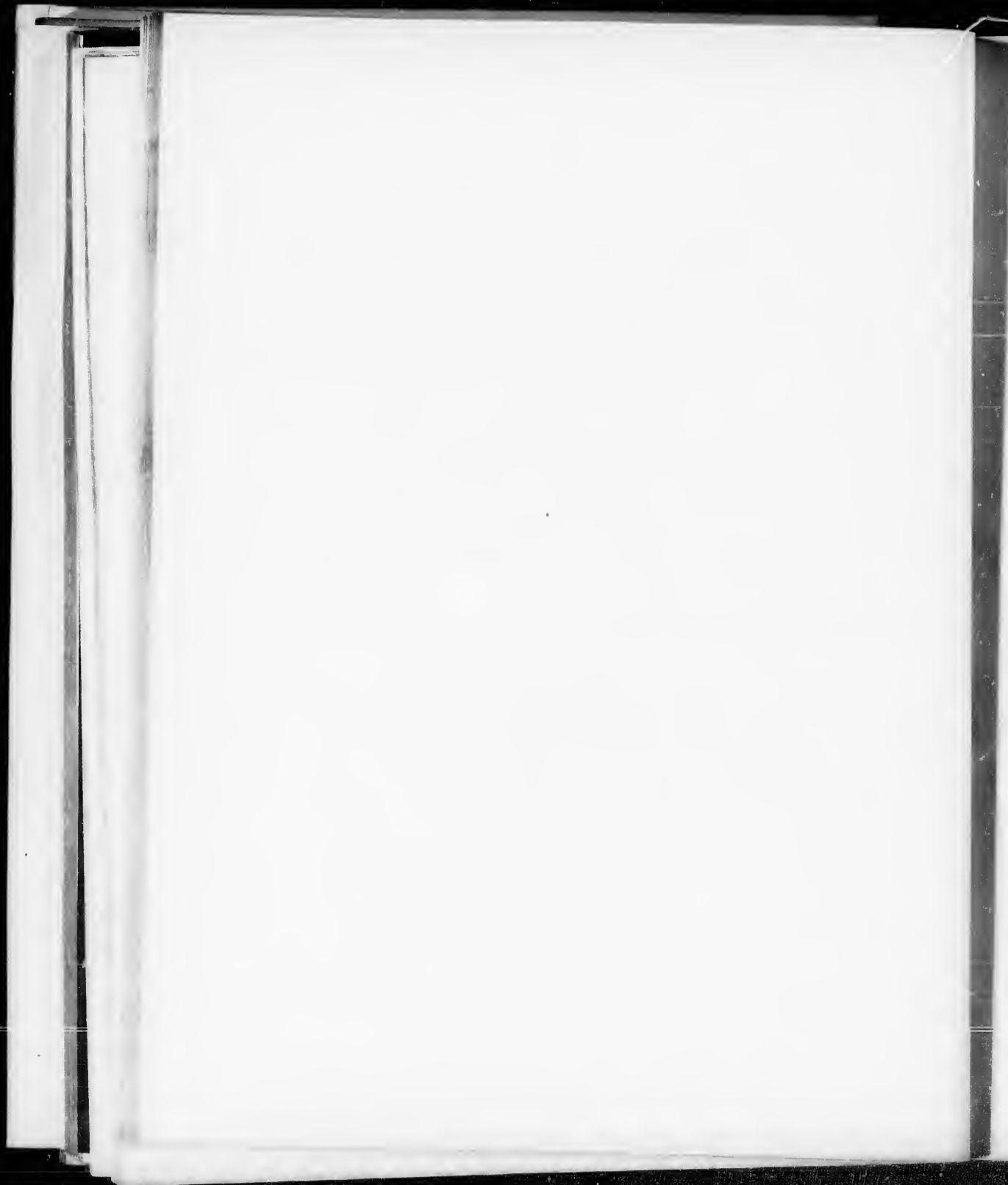
Defendant.

Evidence on the part of the Petitioners.

Emilien Boucard, aged 53 years, of the parish of St. Fidèle, being duly sworn deposes and saith:—I know the parties in the case. I am not related, or of kin to, or in the employ of any of the parties in this cause. I am not interested in the event of this suit.

I had a right to vote at St. Fidèle at the last election. There is no other person of the name of Emilien Boucard than myself in the parish of St. Fidèle. I did not vote at the last election. It was of my own accord that I did not vote, but I had reasons (*toujours des raisons*). I was very sick in bed, and I had stated that I would not take any part in the election. Mr. Tremblay, Curé of St. Fidèle, did not personally speak to me about elections, but I heard him speak of it in the pulpit. It was before the voting, one of the last Sundays, but I did not remark which. I understood as follows, that one who voted for the Liberal party was guilty of a greivous sin, and one that would die in that state would be entitled to the services of a priest. It is all I can remember. These words impressed me a good deal. I have no personal knowledge that these words made any impression on others, but I have heard it said. As far as I am concerned, I am of opinion that a man who wishes to follow his priest, after hearing these words, could not vote. As to me it would have prevented me from voting, for I would have had to renounce my religion to vote. Mr. Tremblay was the candidate of the Liberal party condemned by the Curé; at least that is what I understood. I know Denis Gauthier, marchand, from St. Fidèle. He came to visit me as a friend, and spoke to me about the elections as follows: "I have come to see you, knowing in what position you are. I have not come to influence you to turn." He then invited me to go to a meeting that was to take place that evening in relation to the election.

700



710 Objected to for the same reasons mentioned in the evidence of A. Maltais. Objections reserved to the merits.

CROSS-EXAMINED.

I myself heard the Curé say that a person could not vote for Mr. Tremblay without committing a grievous sin. I cannot remember the words he pronounced. He did not pronounce the name of Mr. Tremblay, but it was easy to understand, as there were only two candidates. The Curé spoke against the Liberal party to which Mr. Tremblay belongs, and that is the reason I understood that he was speaking of Mr. Tremblay.

I am unable to remember a single word of the sermon on that Sunday, but the sermon was entirely about the elections.

720 *Question.*—Do you swear that the Curé said that a person who would vote for the Liberal party and should die in that state, would not be entitled to the services of a priest?

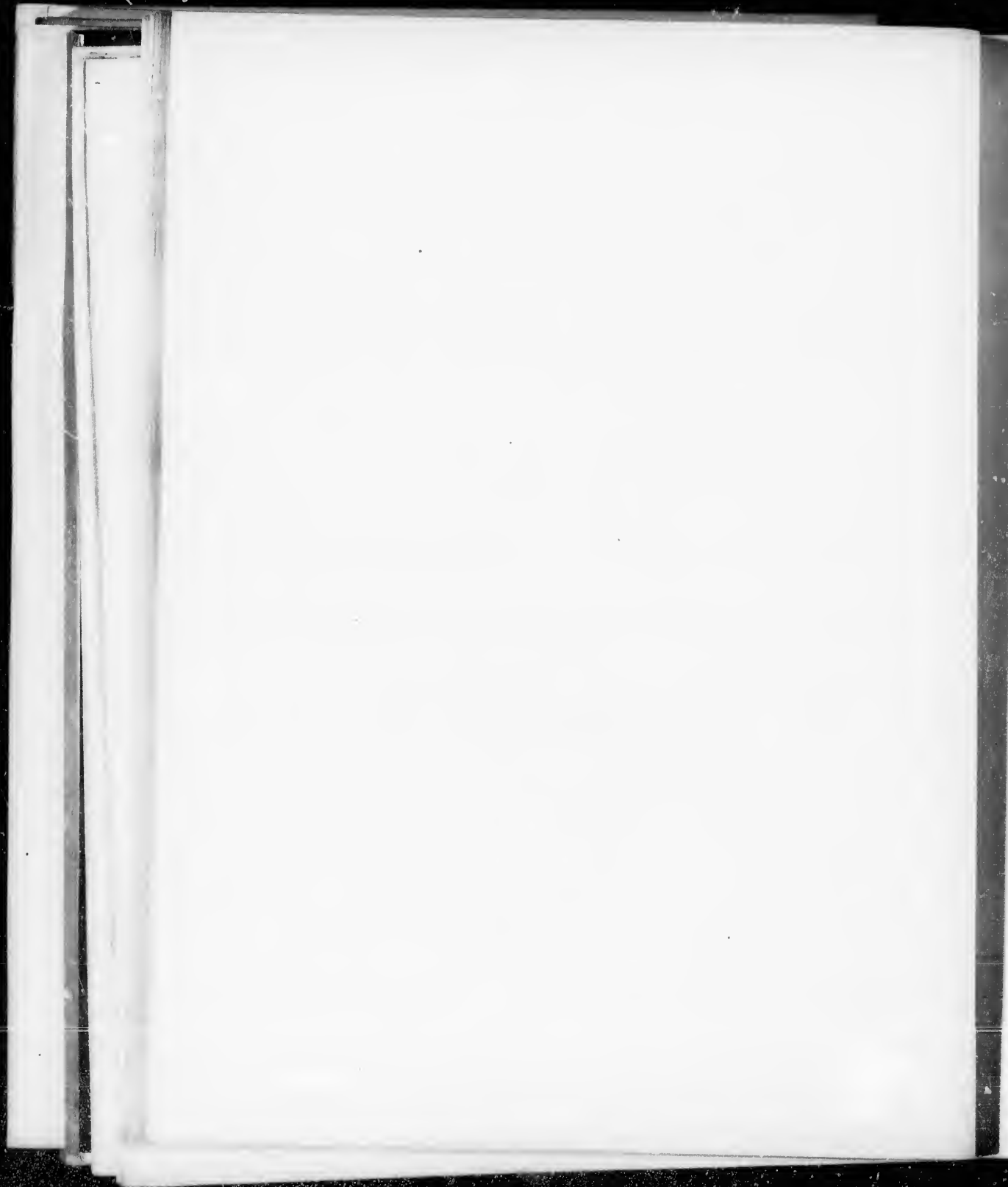
Answer.—Yes. For my part I so understood. I swear that the Curé said what I have related; at least it was what I understood. The priest said, what I have already stated, that a person who would vote for the Liberal party and would die in that state, would not be entitled to the services of the priest. I was in my pew in the back of the Church, where the priest can be well heard. I cannot remember the persons who were then with me, and I cannot name any person who was at Church on that day except the Curé, the beadle and myself. The Curé may have read a mandate on that Sunday, but I did not remark it. I know that one was read on the first Sunday of the election. The following
730 Sunday he again spoke of it, and he said that he thought some had not understood. He modified that, (*il a arrangé cela*) and I did not think it as strong as the first time. The first time, I understood that a person who would vote for the Liberal party would commit a grievous sin. I understood for my part, a mortal sin. The following Sunday, the Curé reviewed this (*il est revenu là-dessus*) and modified (*arrangé*) his sermon as I have already stated. A week elapsed between the Sunday on which he stated that it was a grievous sin to vote for the Liberal party, and the Sunday on which he modified his sermon (*ou il a arrangé cela*), as I have already said. The first Sunday, when the priest spoke as I have said, he read a mandate, I suppose, but I did not remark it. I do not remember to what
740 besides those already mentioned struck me or attracted my attention. This morning I stopped for a moment at Henry Simard's, on my way from Church, where I had heard low mass. I also stopped for a little while at Hector Dufour's.

The present deposition having been read to the witness, he persists in the same, declares it contains the truth, and cannot sign.

Taken and sworn before me in open Court, at Malbaie, this 4th July, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, }
District of Saguenay. }

SUPERIOR COURT.

750 DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, 4th day of July, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD AT AL.,

Petitioners;

vs.

HON. H. L. LANGEVIN,

Defendant.

760

Evidence on the part of the Petitioners.

Abel Maltais of the parish of St. Fidèle, farmer, aged about forty years, being duly sworn, doth depose and say:—I know the parties in this cause. I am not related or of kin to, or in the employ of any of them. I am not interested in the event of this suit. I was an elector, and had a right to vote. I had no conversation with Mr. Tremblay, Curé of St. Fidèle, in reference to the election in question. What I heard was what he said in a sermon delivered the last Sunday, or the Sunday before that, previous to the election.

Question.—Please state as distinctly as possible what he then said in reference to this election.

[Objected to by the Defendant:—1st, because the Petitioners have no right to bring
 770 evidence before this tribunal of any fact or act done by the Rev. Mr. Tremblay in his capacity of priest or Curé of the parish of St. Fidèle, in the pulpit of the church of St. Fidèle, and in the exercise of the functions of his ministry; 2nd, because this tribunal is incompetent to pass a judgment on the conduct of an ecclesiastic in the exercise of the functions of his ministry, inasmuch as an ecclesiastic is only responsible for his conduct to his ecclesiastical superior and to the ecclesiastical tribunals; 3rd, because no ecclesiastic can be summoned before a civil tribunal, either as a plaintiff or as defendant or as a witness, without his having previously obtained leave from his ecclesiastical superior, and that such leave has not been produced in this case; 4th, because, in fact, the Rev. Mr. Tremblay has already been summoned before his ecclesiastical superior to answer the same charges made
 780 in this case and for the words he spoke in the pulpit, and of which it is wished to give evidence in this cause. Objection reserved.] (*Reservé au mérite.*)



Answer.—I heard Mr. Tremblay state in the pulpit at St. Fidèle that, in so far as he knew, knowing the Government as he did, he would believe that he was committing a sin if he voted for the Government which Mr. Tremblay supported. There were a good number of people in church. The whole population of St. Fidèle is Catholic.

Question.—Please state if these words in any way impressed those to whom they were addressed; if so, state why you think they impressed them.

Answer.—I cannot say if it is due to having misunderstood, but the people on coming out of church and on their way home were saying that the Curé had said that the members of the *Rouge* party were all damned. By *Rouge* party they meant Mr. Tremblay's party. Some electors told me that they had not voted because the Curé had spoken in those terms, but I cannot say if they properly understood. Amongst those who told me that they had been thus prevented from voting I can name Paul Lapointe.

CROSS-EXAMINED.

I cannot read or write. I own two pews in the Church of St. Fidèle. On the said Sunday I was in my pew in the body of the church. I cannot name those who were with me or those who were near my pew. I talked about the election to some in favor of Mr. Tremblay. When I have made up my mind I do not change, and the words of the Curé which I have reported did not alter my opinion. In the parish of St. Fidèle there are 800 electors that could hardly be induced to turn, but there are some that are easy to influence (*tendres*).

I know that some were impressed. I cannot say if they were in church. The Curé's sermon was spread fast enough to allow those who were not in church to know of it. The sermon was made appear worse than it had been delivered. The sermon was made worse, because the Curé on the following Sunday was obliged to declare that he had never said that those who would vote for Mr. Tremblay would commit a mortal sin, but what he did say was that, as to him, if he voted he would believe he was committing a sin.

Question.—Will you name one elector of St. Fidèle whose vote was influenced by the Curé's words which I have mentioned?

Answer.—I cannot under oath; the parties did not tell me personally. In the pulpit the Curé did not pronounce Mr. Tremblay's name, but I understood he meant him. The people on returning home, as I have already said in my examination-in-chief, talked about the Curé's sermon, but made it worse than it was. I have confidence in our Curé. Everything I have reported, except the words of the sermon which I gave in my evidence-in-chief, has been from hearsay. It assuredly was reported, because the Curé was obliged to explain (*de se reprendre*), as I have before stated.

RE-EXAMINED.

There were parties who had the reputation of being canvassers for the Defendant in St. Fidèle. Mr. Denis Gauthier was one of them. I cannot say if the canvassers made use of the Curé's sermon. All I can say is that they used every means. The sermon was the subject of a great deal of discussion during the following week.



RE-CROSS-EXAMINED.

I cannot personally state what means were made use of. I do not know of anything personally.

The present deposition having been read to the witness, he persists in the same, declares it contains the truth, and cannot sign.

Taken and sworn before me in open Court this fourth day of July, 1876.

A. B. ROUTHIER,

J. S. C.



830 PROVINCE OF QUEBEC, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, 14th day of July, 1876.

PRESENT:—HON. A. B. ROUTHIER.

No. 14.

BRASSARD ET AL.,

Petitioners:

AND

840

HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of the Petitioners.

Charles Boucard, of the Parish of St. Siméon, aged 27 years, farmer, being duly sworn, doth depose and say:—I know the parties in this case. I am not related or of kin to, or in the employ of any of them. I am not interested in the event of this suit. I know Denis Gauthier, merchant, of St. Fidèle. He was very much engaged during the last election in favor of the Defendant. He canvassed for him and talked to me about the election. Two days before polling day he asked whom I was going to vote for. I answered, if I should vote I would vote for Mr. Tremblay. He answered, "You cannot vote for Mr. Tremblay," and 850 added, "If you vote for Mr. Tremblay, you will remember me on the twenty-fourth." I had business transactions with him then. These transactions consisted in my owing him something, and I was continuing to transact there. By his tone, when he said to me that I should remember him on the twenty-fourth, I understood that he meant he would have nothing more to do with me (qu'il me clairait), and that he would make me pay what I owed him. I was then in his employ, and I understood that he would turn me out of that employment. I had a right to vote in the Parish of St. Siméon for the said election. I did not vote. The reason I did not vote was on account of what Mr. Denis Gauthier said to me, and what I have before stated.

CROSS-EXAMINED.

860

Since the end of April I am not in the employ of Mr. Gauthier. I did not tell Denis Gauthier that I had not voted, but he knew it. What prevented me from voting were the words spoken to me by Denis Gauthier. I have had no row or disagreement with Gauthier



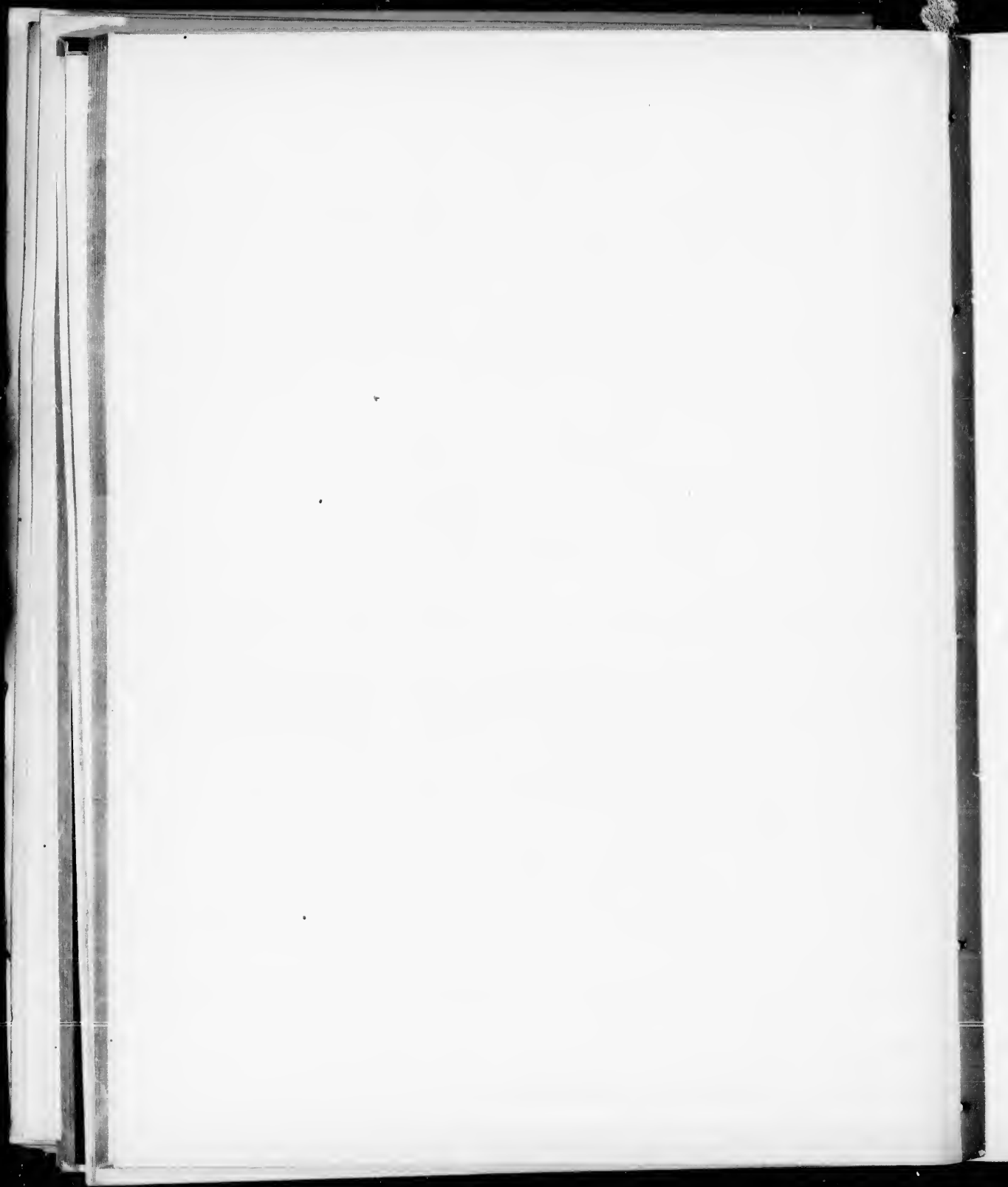
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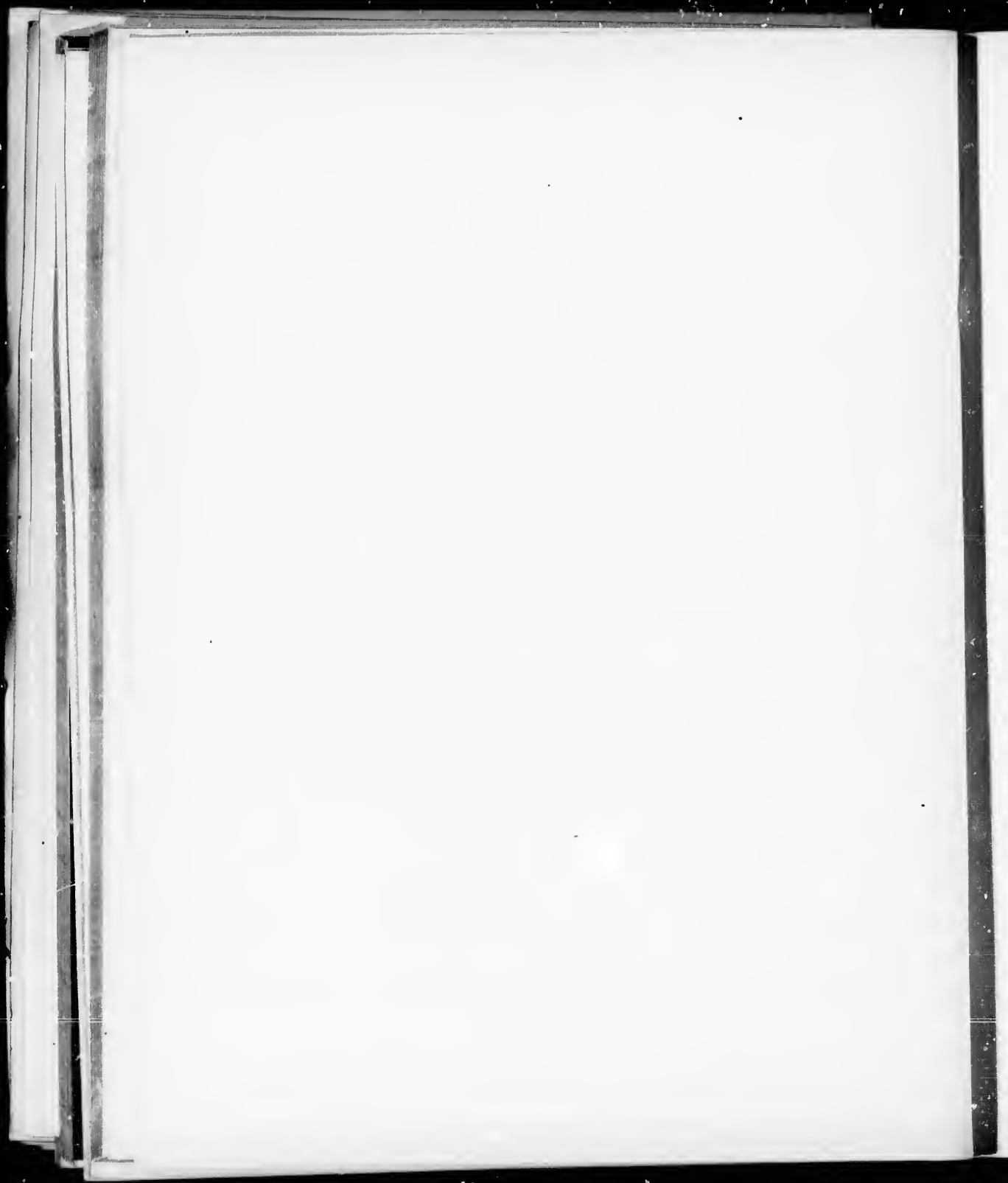
since the election. Gauthier told me, "You will remember me on the 21th of January if you vote for Mr. Tremblay." This was at his establishment at Black River. I was alone with him in the dining room. In the next room there were some people, strangers, who had come to converse. It was the day before polling day, about noon, or a little after. There were four or five strangers in the next room, who had come with Mr. Gauthier. Between that room and the one we were in, there was a partition, with an opening for a door. Mr. Gauthier had closed the door. If there were here present some of the
 870 strangers of whom I have spoken, I would recognize them, but I do not see any. I was only there for a moment, and did not remark who were there. Mr. Gauthier had made me come in, and as soon as he had spoken I left. I was then getting a hammer to shoe my horse. I found myself face to face with him, and he bid me go in. If I had known he was there I should not have gone. It was Elie Mailloux, Mr. Gauthier's foreman, who gave me the hammer. I answered Mr. Gauthier, "If I vote for Mr. Tremblay you will not know it." He said "I will surely know it"—(Je le saurai bien). Gauthier did not tell me that he would turn me out—I simply understood so, and that is the reason I was frightened. I positively swear that it was what Gauthier said to me that prevented me from voting. I then owed Gauthier about fifteen pounds. This morning I went to Henry Simard's,
 880 of Malbaie, in order to get a glass of water. I did not meet anybody. I cannot say how long I remained there. I had no timepiece. I remained about a quarter or half an hour. We were four or five who went in together. I do not know them. I come to Malbaie once or twice a year. I go to Henry Simard's when it suits. Nobody spoke to me of my evidence, nor have I spoken of it to any one. I went in to Henry Simard's because it suited me. Where I slept I was asked what I had to say, and I refused to answer. I was also questioned at Alex. Dufour's on what I had to say. I said, "You will know at Court." I swear no person spoke to me to refresh my memory as to dates or otherwise. This is the 4th of June. Voting took place in the month of January last.

The present deposition being read to the witness, he persists in the same, declares it
 890 contains the truth, and cannot sign.

Taken and sworn before me in open Court at Malbaie, this 4th day of July, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC,

District of Saguenay

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1871.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, Fourth day of July, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. S. C.,

900 No. 14.

BRASSARD ET AL.,

Petit.

VS.

HON. H. L. LANGEVIN, C. B.,

*Def.**Evidence on the part of the Petitioners.*

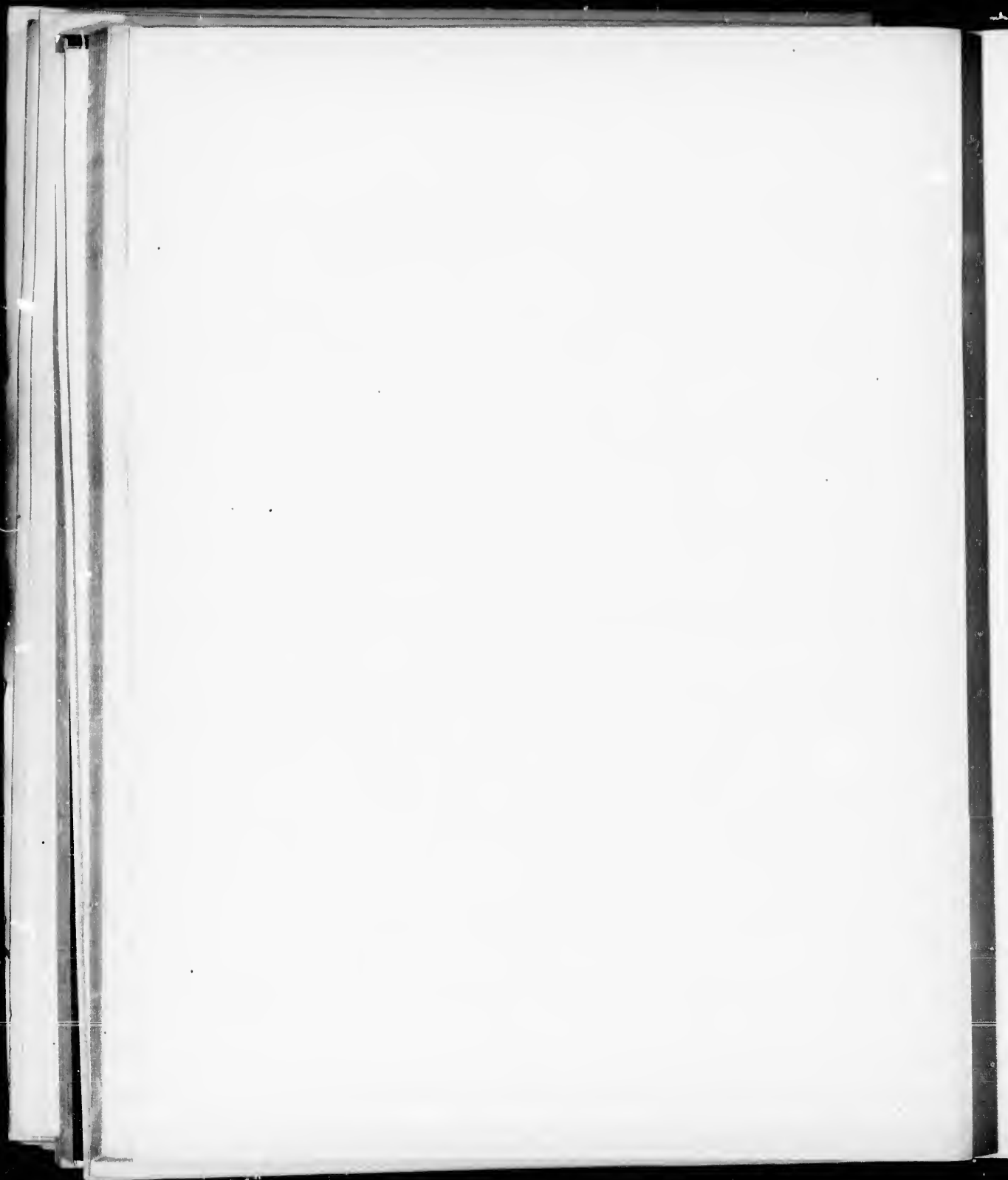
John y Tremblay, of the parish of St. Fidèle, 26 years of age, merchant, being duly sworn doth depose and say:—I know the parties in this cause, I am not related to or of kin to, or in the employ of the parties in this cause; I am not interested in the event of this suit.

910 Objected to by the Defendant, as trying to prove acts done by the curé in his capacity of pastor and priest, Objection reserved an merite.

I heard the Rev. Mr. Tremblay, curé of St. Fidèle, speak about the election at the parsonage (*presbytère*) and at church. He spoke to me about elections at the parsonage (*presbytère*) eight or ten days previous to the voting. I asked him if it was a sin, as I had heard it said, to vote for Mr. Tremblay. He told me: For persons who are ignorant and who are not sufficiently instructed to understand the mandate, it was not a sin. But for him knowing as he did, he should sin by voting for a person who supported the MacKenzie administration. It was Mr. Tremblay who was the candidate supporting the MacKenzie administration. I stated something further on this matter but I cannot recollect it.

920 Objected to for the same reasons given in the deposition of Abel Maltais. Objection reserved.

In church, he commenced by reading the mandate, he explained what is meant by Liberalism. There are some who tell you that there are two kinds of Liberalism, Catholic Liberalism and political Liberalism. He said this was an error, that Catholic Liberalism and



political Liberalism were one and the same thing. He did not name any candidate. I do not recollect if he said in what way the electors should vote; he said: "you have heard the mandate read to you, you are sufficiently instructed, you know now what you have to do, you see that the Bishops condemn Liberalism." He spoke of the candidates; he said there were two, a Liberal and a Conservative; he added you are now sufficiently instructed, you should
 930 be very careful of your vote, and you should vote for the good candidate. The Liberal candidate for the said election was Mr. Tremblay. He said that by voting wrong, it would be like in the old countries. I cannot state if he said this in the pulpit on that occasion, or in his parsonage (*presbytère*), but know he told him that in the old countries they (*on*) wanted to destroy religion. The curé spoke much more to me on the subject in his parsonage (*presbytère*) than he did in the pulpit.

Question.—You did just now that at the parsonage (*presbytère*) the curé told you that he did not think that he could vote for Mr. Tremblay without committing a sin; did he also make use of the same words in the pulpit or words to that effect?

Objected to by the Defendant, 1st because it presumes a fact which has not been
 940 proved. Objection maintained because the question is leading.

Question.—On that occasion did Mr. Tremblay say anything referring to (*dans le sens*) what he had privately told you at the parsonage (*presbytère*).

Answer.—I did not personally hear the parish priest repeat such things. I was absent the Sunday preceding the voting.

CROSS-EXAMINED.

The sermon of which I have spoken was the subject of a great deal of talk in the parish. The Sunday I heard the curé, it was three weeks before the voting. I was present on the Sunday which preceded the voting. The curé then repeated the same things I had heard on the third Sunday. When I was in church, the curé did not complain of
 950 persons repeating things which he had not said; I heard that the curé had complained of people making him say what he had not said and that they had misunderstood. I worked in favor of Mr. Tremblay's election. I took an active part in the contest. What the curé told me in his parsonage (*presbytère*) and what I heard him say in church did not influence my conviction or intimidate me. It was one of the first Sundays in election times that the curé read the mandate, as I have above stated. I do not believe that he spoke of election in the pulpit before he read the mandate on a Sunday.

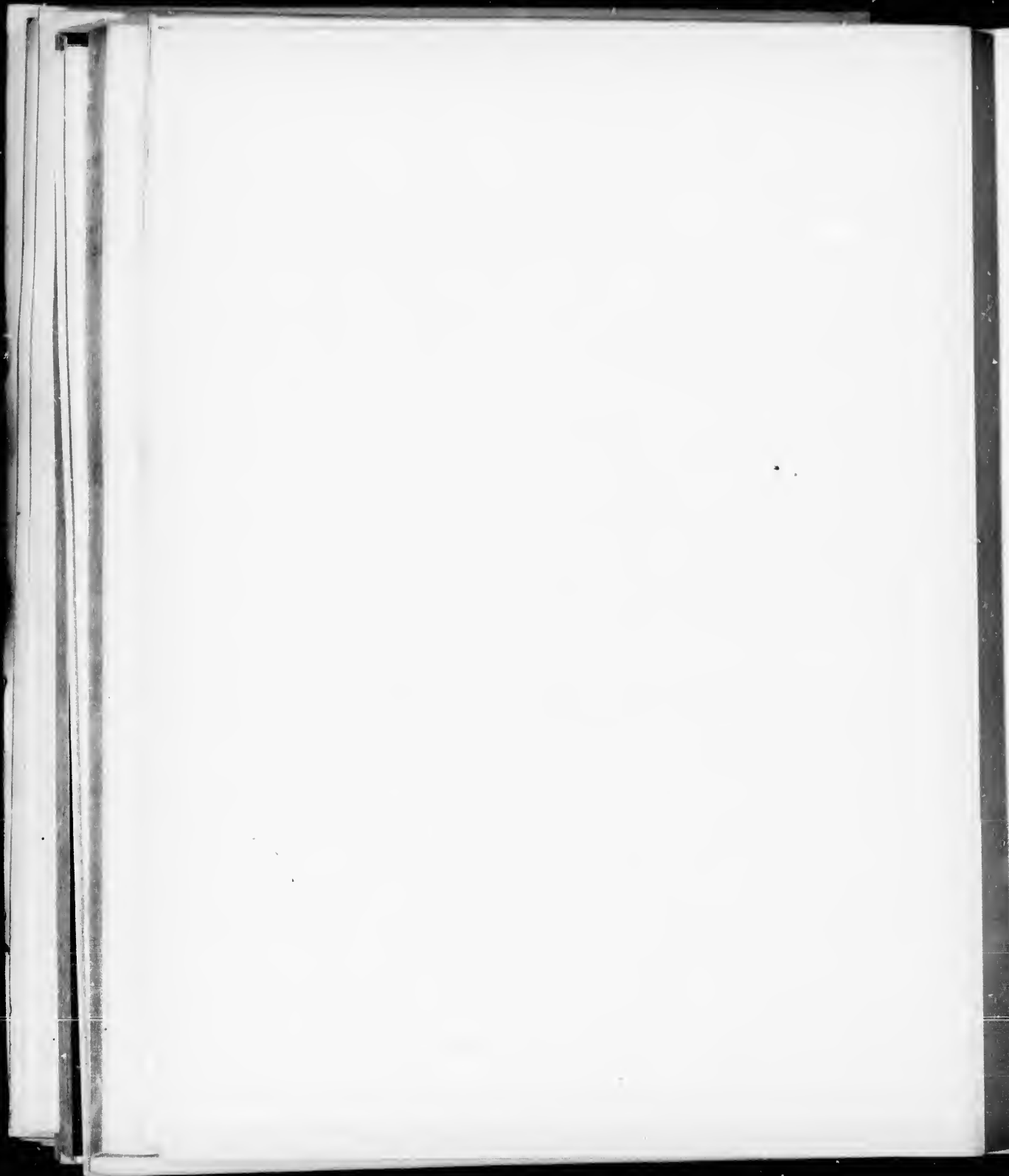
The present deposition being read to the witness, he persists in the same, declares it contains the truth and has signed.

JOHNNY TREMBLAY.

960 Taken and sworn before me in open Court at Malbaie, this 4th day of July 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, 5th day of July, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

No. 14.
 970

BRASSARD ET AL.,

Petitioners.

VS.

HON. H. L. LANGEVIN,

Defendant.

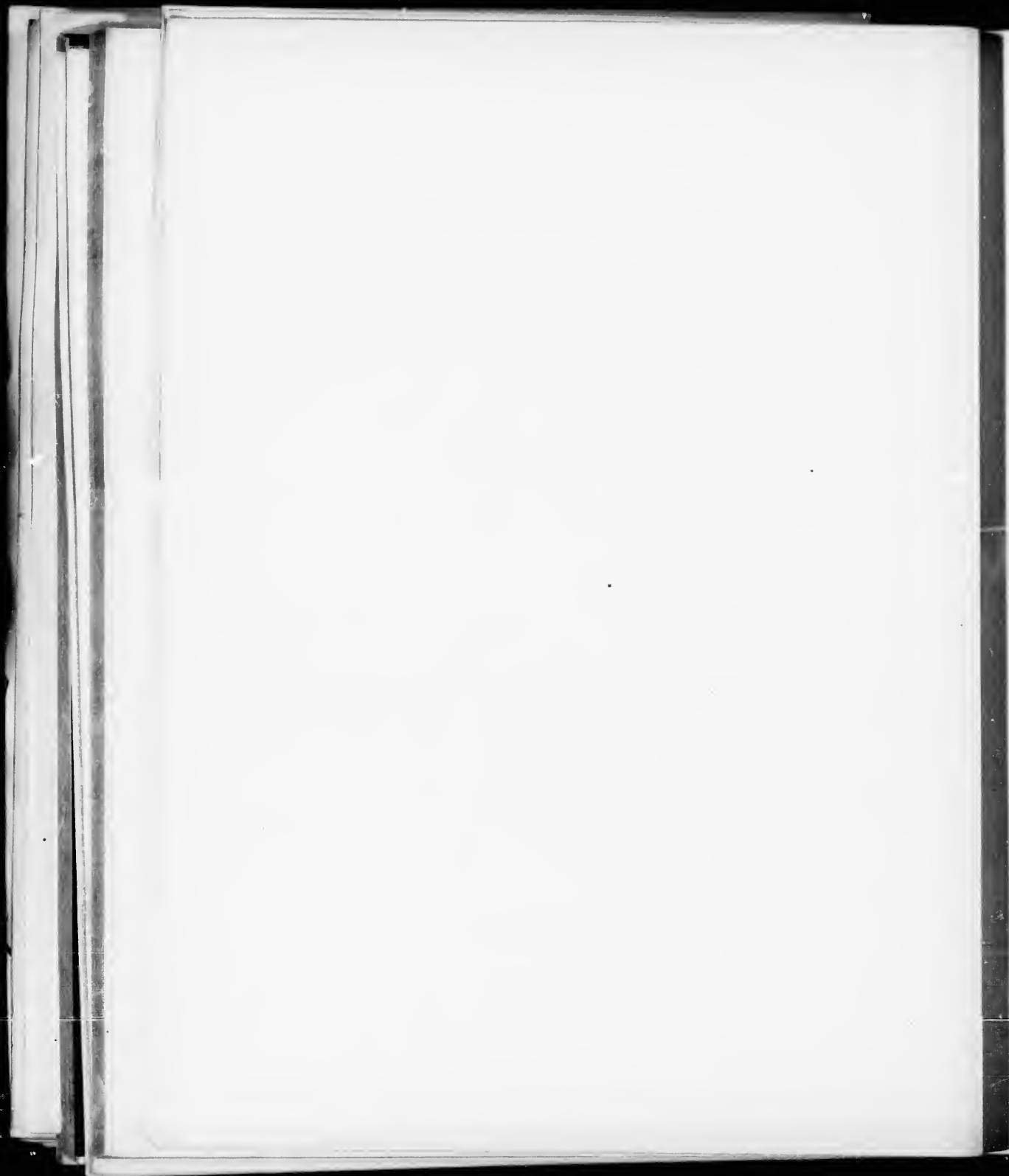
Evidence on the part of the Petitioners.

George Gauthier Laronche, of the parish of Baie St. Paul, aged 35 years, being duly sworn, doth depose and say: I know the parties in this cause. I am not related or of kin to, or in the employ of, any of them. I am not interested in the event of this suit.

980 Objected to by the Defendant for the same reasons mentioned in the deposition of Abel Maltais. Objection reserved.

I was an elector at Baie St. Paul for the last election, and I voted. I am a son of Jean Laronche. I was present at a sermon delivered at Baie St. Paul by Mr. Sirois, curé of the said parish, on the Sunday which preceded the voting. I am unable to repeat one word of the sermon. I was at mass, but did not meddle with the election. I suppose the curé spoke of the election in that sermon, but I do not remember. I cannot personally remember against whom he spoke; I simply heard it said that he had spoken against Mr. Tremblay. Before the sermon I was in favor of Mr. Tremblay. After the sermon I did not pledge myself in favor of any candidate. When I give my word it is settled. I had one conversation in reference to the election with Curé Sirois. He spoke of the two candidates. He 990 asked who I was going to vote for. This was a few days previous to the voting. I cannot say how many.

Objected to by the Defendant, as tending to prove advice and counsel given by the curé—the pastor and priest.



I told him that my father was favorable to Mr. Tremblay, and that I could not be otherwise. He then said; Even if your father is for Mr. Tremblay, you can vote for Mr. Langevin; nobody will know it. This is all he said to me, and I immediately left. He did not speak of Mr. Tremblay, or of the Liberal party. When he told me to vote for the Defendant, I answered that I could not vote otherwise than my father did. My father was at first favorable to Mr. Tremblay, but afterwards declared himself in favor of Mr. Langevin. I cannot say what induced him to change, but he told me he was old and would soon die, and could not vote against the opinion of his curé.

CROSS-EXAMINED.

I voted in accordance with my convictions. I did not change opinion in consequence of the sermon.

The present deposition having been read to the witness, he persists in it, declares it contains the truth, and hath signed,

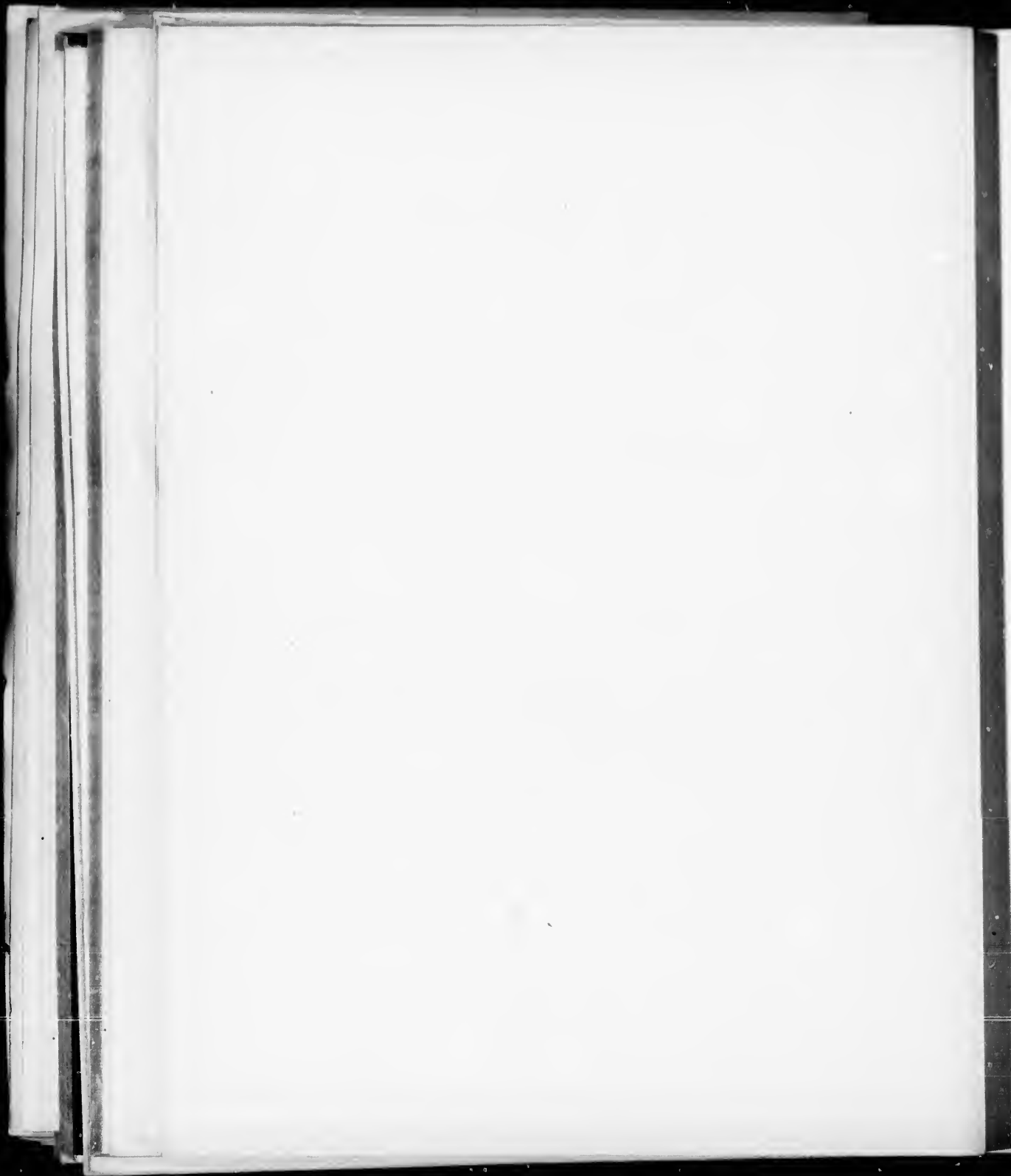
GEORGE GAUTHIER.

Taken and sworn before me in open Court at Malbaie, this 5th day of July, 1876.

A. B. ROUTHIER,

1010

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, this 5th day of July, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD ET AL.,

Petitioners;

AND

1020

THE HON. H. L. LANGEVIN,

Defendant.

Petitioners' Evidence.

François Turgeon, 45 years old, farmer, of the Parish of Baie St. Paul, being duly sworn upon the Holy Evangelists, doth depose and say:—I know the parties in this cause. I am neither a relative, nor of kin, nor a servant, nor in the employ of any of them. I am not interested in the event of this suit. During the last Charlevoix election I heard a sermon on the election, delivered by M. Sirois, curé of Baie St. Paul. I have not noticed the date, but it was in January, and on a date not distant from the voting.

Question.—Please tell what you noticed the most in that sermon.

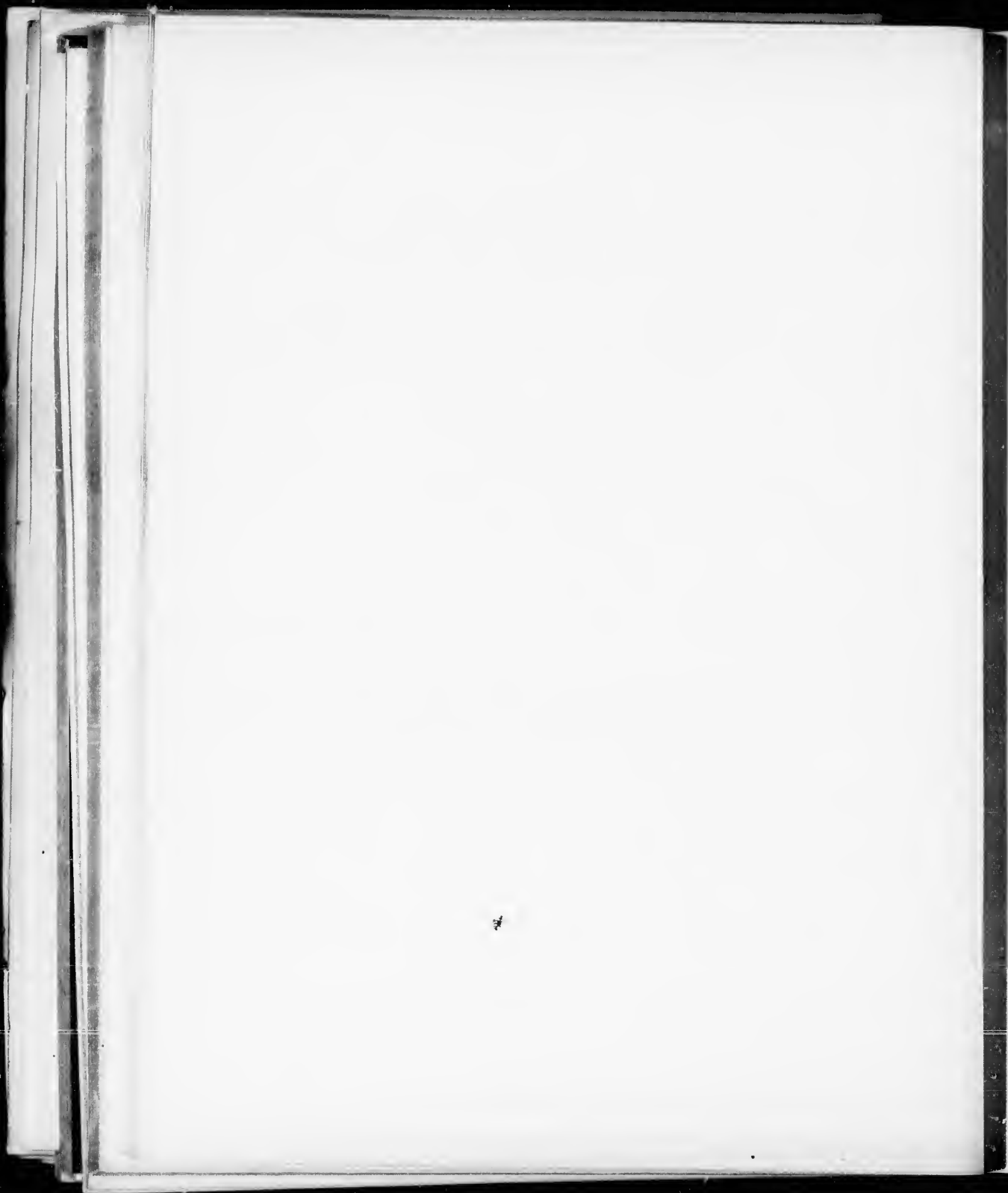
1030 Objected to by the Defendant for the same reason as to the deposition of witness, Abel Maltais.

2nd. Because it has not been proven that the witness has been threatened with spiritual or temporal penalties by the curé Sirois.

3rd. Because the Petitioners have not mentioned in their bill of particulars any general system of intimidation. *

Objection over-ruled as to the two last grounds, and reserved to the merits as to the two first.

Answer.—I assure you that I have not much to say, for I do not remember much. The curé told us that whoever should vote for the Liberal party would be considered as a bad 1040 Catholic. The Liberal candidate at the last federal election was Mr. Tremblay. I do not



remember that the curé spoke of sin or conscience concerning the vote to be given by the electors. I was an elector at the said election and voted as such. Before the said sermon I had declared myself to be in favor of Mr. Tremblay. After the sermon I did not let anybody know in whose favor I was. I did not declare myself to be in favor of Mr. Tremblay after the sermon. I was impressed by this sermon, but not very much. I said to myself there is no sin in voting for a party. There was a large attendance at church when that sermon was delivered.

Question.—Do you know whether this sermon made any impression on the minds of the electors concerning the election?

1050 Objected to by the Defendant on the ground that the witness is not allowed to give his opinions.

2nd. That no general system of intimidation is sustained in the bill of particulars.

Objection over-ruled.

The Defendant respectfully takes exceptions to the ruling, which he intends to have revised.

Answer.—Yes.

I know that this sermon has made some impression, because it has caused many people to vote for the Defendant, who otherwise would have voted for Mr. Tremblay.

I was present at a meeting held at the village of Baie St. Paul, at the church door.
1060 I do not remember the exact date, but it was the first time the defendant and Mr. Tremblay came to speak at Baie St. Paul. At that meeting I was for half an hour by the side of the above mentioned Rev. Mr. Sirois. During the sermon to which I have referred here-above, the Curé spoke of the dangers that might ensue to religion. He said, referring to the Liberal party as I understood, that this party was stealing on like a venomous serpent, and that eventually he expected that priests would walk in blood (*marcheraient dans le sang.*) The Curé also spoke of prophets and Christs, but I do not recollect what he said in connection with that, but I know that at the same time he was speaking against the Liberal party.

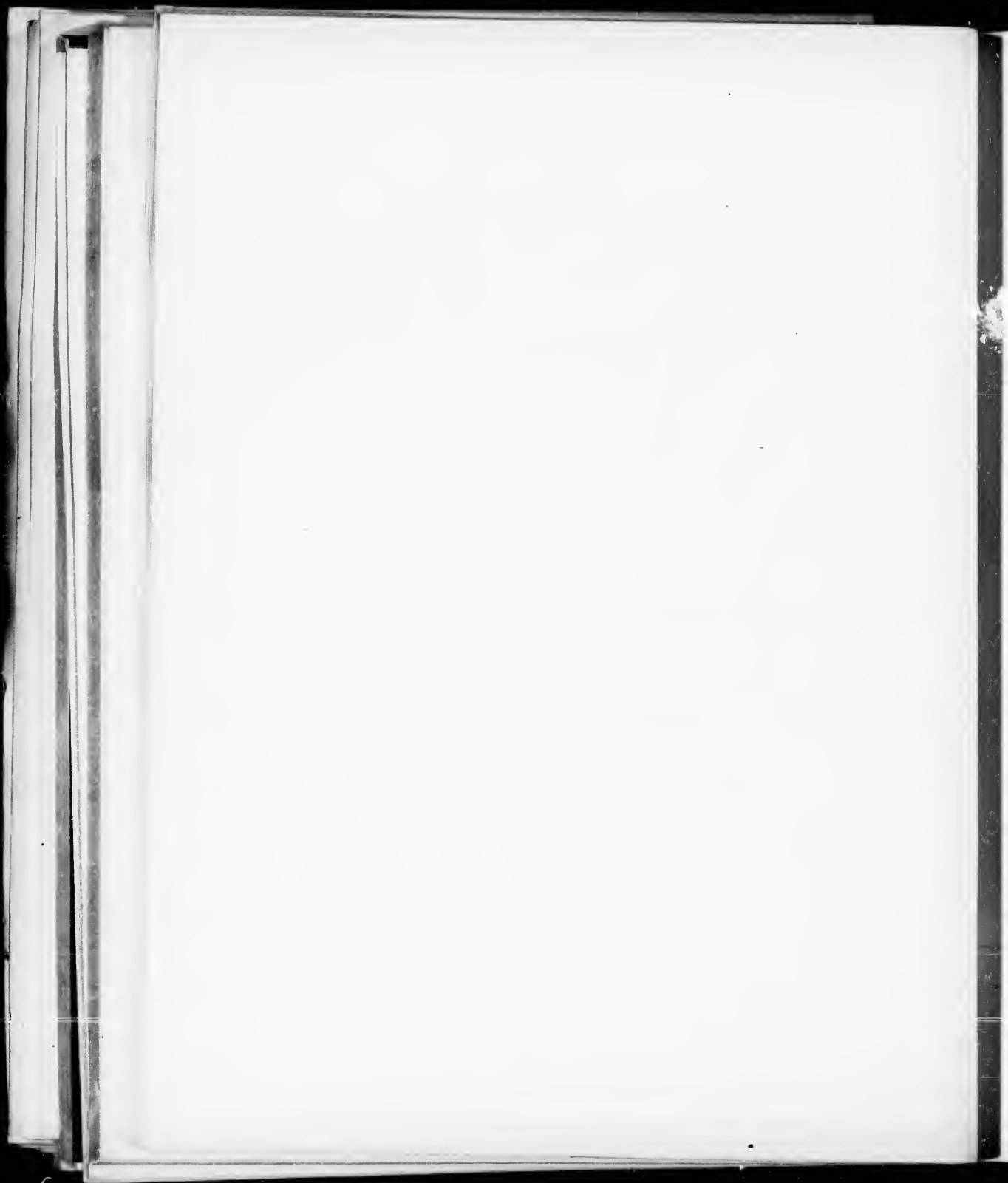
CROSS-EXAMINED.

The words used by the Curé in his sermon were the following: "That whoever should
1070 vote for the Liberal party would be considered as a bad Catholic." I understood that such a man would be considered by him and by the Priests as a bad Catholic.

I don't remember other words used in Mr. Sirois' sermon, but a longer interrogatory might cause me to remember some. I do not know how long it would take me to remember other expressions used by the Curé. I took no notes of the sermon, and I did not expect I should have to speak of it.

Question.—How is it that you only remember this expression alone used by Mr. Sirois.

Answer.—I remember only that now.



Among those who were turned by that sermon, I can name Onésime Trichon; he 1080 said that after that sermon it was not possible to vote for the Liberal party. He was one of Mr. Tremblay's supporters before that.

I know Mr. Tarte. I spoke to him during the election.

Question—Is it not true that on the fifteenth of January, the day previous to the Curé's sermon, you told him or caused him to understand, at Théophile Simard's, in Baie St. Paul, that you were in favor of Mr. Langevin?

Answer.—No. I think it was on the same Sunday that the Curé had used the words that I have reported above, and read the Bishops' pastoral letter, and I am not sure, for he spoke of elections on several Sundays, but I incline to think that it was on that Sunday.

In the pulpit the Curé spoke of Liberalism. He said that Liberalism was con- 1090 demned by the Church, and I understood that it was because Liberalism was condemned by the Church that whoever would vote with the Liberal party would be considered as a bad Catholic. The Curé also said that the Liberal party (and for my part, I understood that Liberalism and the Liberal party were the same thing) were stealing on like a venomous serpent.

Both parties have asked my permission to hold meetings at my place. I gave that permission and the meetings were held.

When he said that the priests would walk in blood, he spoke of the manner in which the priests were treated in the older countries, and said that ultimately the same thing would happen here. He was speaking in general terms, and he added that as to himself he 1100 was ready to walk in blood on behalf of the priests' cause.

RE-EXAMINED.

It is Mr. Langevin himself who asked my permission to hold a meeting at my place.

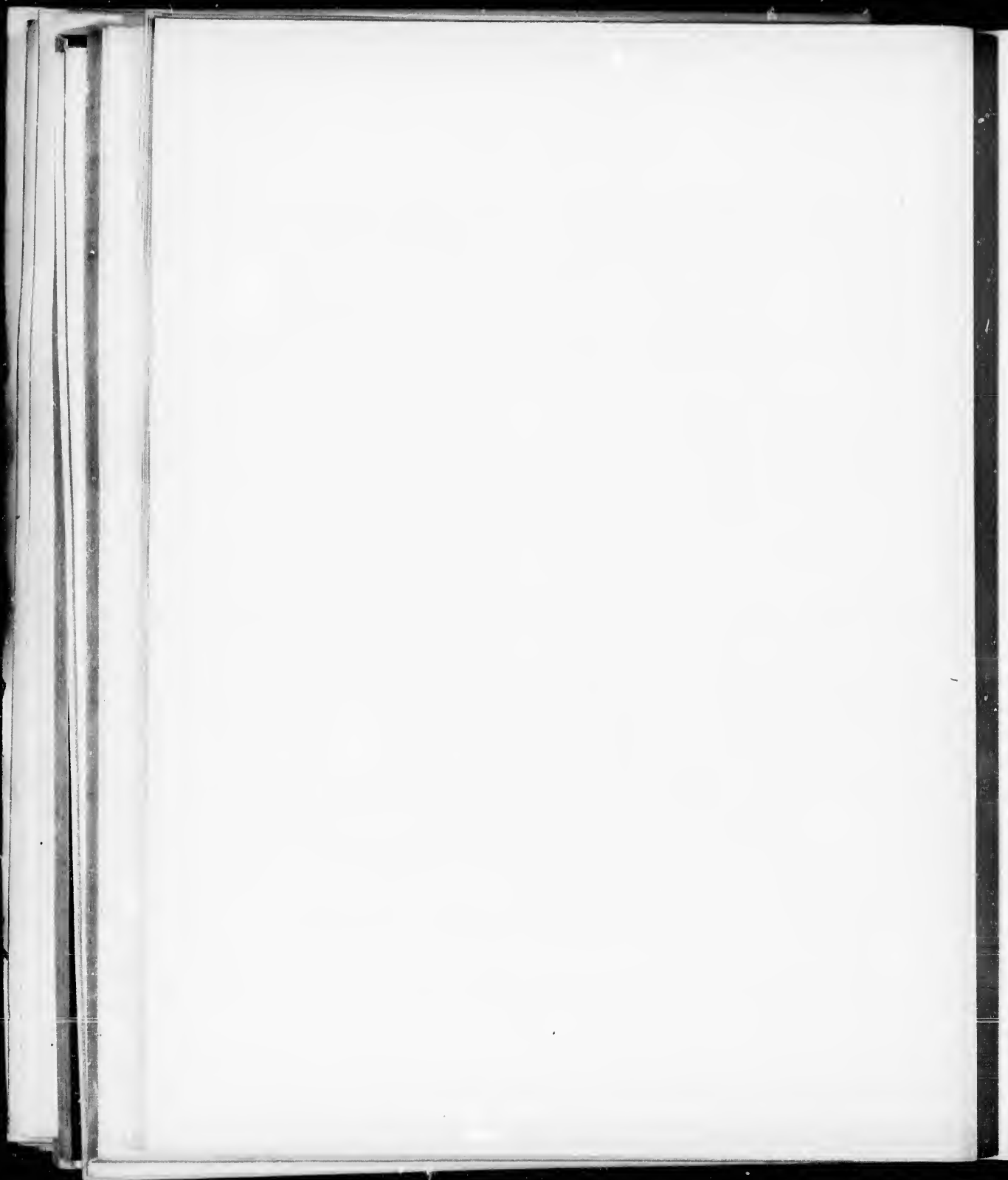
Question.—Have you been paid for holding that meeting at your place.

Objected to by the Defendant on the ground that the witness' name is not mentioned in the bill of particulars as having received money either from the Defendant or his agents.

Answered to the objection :—1st. That the above question results from the cross-examination. 2nd. That the above question bears upon an item of the Defendant's election account, and does not therefore require to be based upon an item of the Petitioners' bill of particulars.

1110 Objection maintained on the ground that the witness was not heard in the examination-in-chief upon any of the items of the accounts filed by the Defendant, and that his name is not mentioned in the bill of particulars as having received money during the said election.

When the Curé said that there would come a time here when the priests would walk in blood, I understood that he meant that the above would happen should we vote for Mr. Tremblay.



The foregoing deposition being read to the deponent. said deponent persists therein.
and declares that it contains the truth, and has signed.

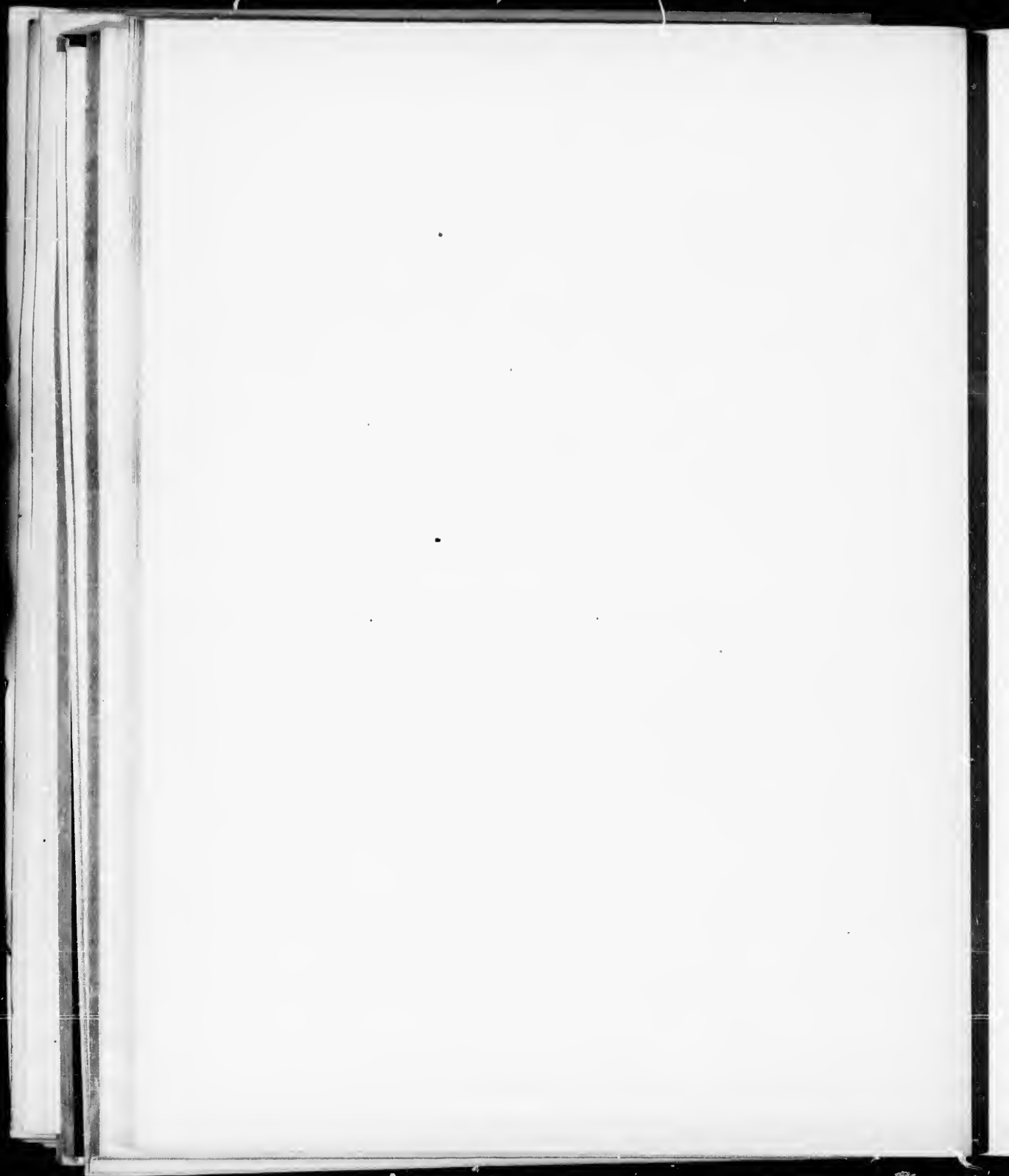
FRANCOIS TURGEON.

1120

Taken and sworn before me at Malbaie this 5th of July, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay.

THE DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, 5th day of July, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

No. 14.
 1130

BRASSARD ET AL.,

Petitioners:

vs.

THE HON. H. L. LANGEVIN,

Defendant.

Petitioners' Evidence.

Etienne Theodore Paquet, Member of the Legislative Assembly for the County of Levy, of the Parish of St. Nicolas, being duly sworn upon the Holy Evangelists, doth depose and say:—

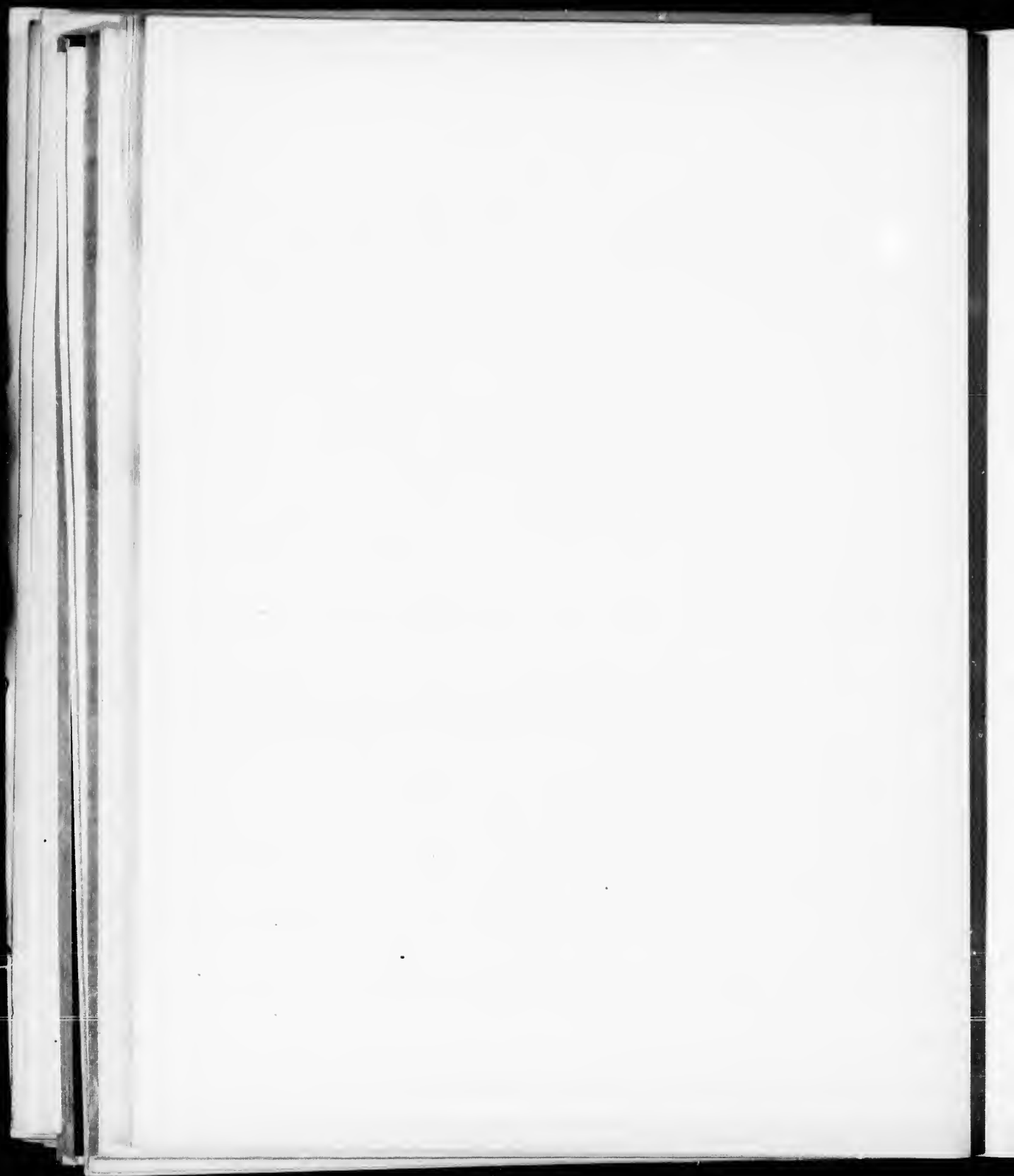
I am acquainted with the parties in this cause. I am neither a relative, nor of kin to, nor a servant, nor in the employ of any of them. I am not interested in the event of this suit.

Objected to by the Defendant on the same ground mentioned in the deposition of Abel Maltais. Objection reserved to the merits.

I was at Baie St. Paul on the last Sunday previous to the voting. I had been requested to address the electors on that day after mass in the interest of Mr. Tremblay's candidature. I was present at high mass on that Sunday, and I heard the sermon which was delivered by the curé of the parish, Mr. Sirois. That sermon treated of the election.

The curé forbade the church-wardens to allow any one to speak on the church grounds on that day. He told the people not to listen to the smooth-tongued speakers who came to address them, and that it was the curé of the parish in particular, and in general the curés of the county, that the electors had to listen to on that occasion, as well as on all others.

He related that he had made a visit through the parish during the week, and that in many places he had been coldly received, and he attributed this to the election which was



going on. He further mentioned that there were in the parish people who had a spite against their curé, and who felt hatred towards him precisely on account of the election excitement; that there were in the parish strangers whom he would qualify as false Christs and false prophets, and whose mission seemed to be to inveigh against the curé, to blacken his reputation, to slander him in all manners, as well as all the other curés of the county. He then said that these strangers came to advocate the abolition of the tithes; now, should

1160 the party of these men, opposed by the clergy of the county, reach their aims, the tithes would be abolished, and the only way to sustain the clergy would be for the Government to grant them pensions, and then the priests, having only what was necessary to live on, would be incapacitated from giving alms or doing deeds of charity, and then the Government would have to tax the people more heavily in order to pay the pensions to the clergy in general. He then asked why the parishioners do not listen to their curé in election times as well as in other times, when they are so prone to go to him for the most troubling trouble or accident. They apply to him when sick, when on their deathbed. Perhaps sooner than they expected these circumstances might have to be faced, and then it would be too late perhaps to repent for the vote they were to give, and vainly they would resort to a tardy repentance. He

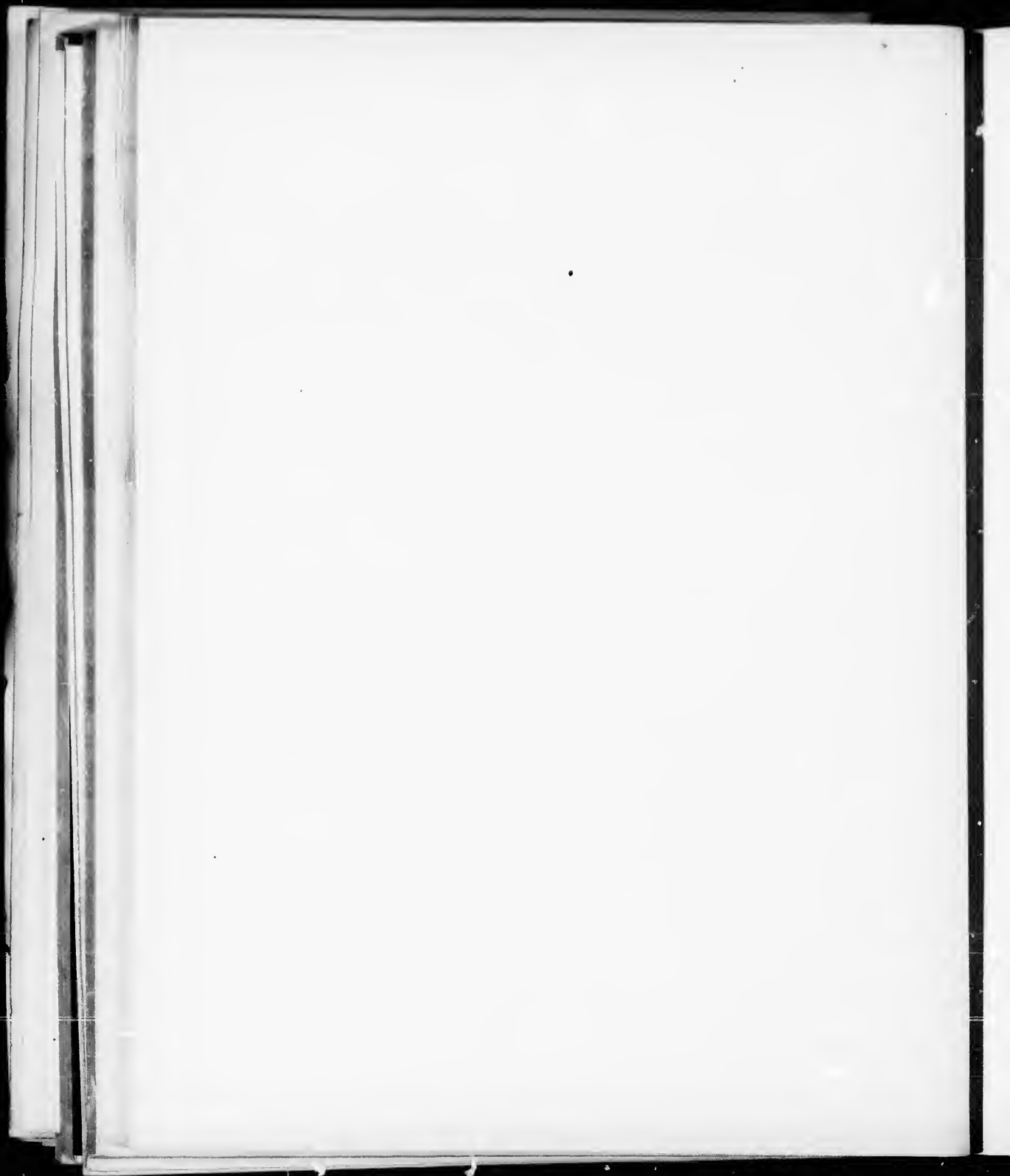
1170 could not repeat at length what he had told them in previous sermons about Catholic Liberalism, condemned by the Bishops' pastoral letter (*mandement*). They knew his opinion on that matter, and, once more, he could not too forcibly warn them against the errors of the Liberals. He recalled, or rather mentioned, Mr. Huntington's speech—a speech full of impieties, and which, together with the Liberal principles, would breed a religious and civil revolution. The priests of the county are united to fight Liberalism, and this in accordance with the Bishops' pastoral letter (*mandement*). They are to be obeyed, for in not obeying them one destroys (*ou brise*) the hierarchy of the Church. This hierarchy is composed of the Pope, of the bishops, of the priests having authority, each in their respective sphere; and by not listening to the curés one disobeys

1180 therefore the bishops and the Pope. He then compared this hierarchy to a picture by the side of the pulpit, in which a wheel was to be seen. In this wheel there were the nave, the felloes, the spokes. Should the spokes be broken, the felloes would give way, and the wheel would fall to pieces. A disobedience to the curé placed the church in a similar position. He once more urged them to listen to the voice of their pastor, and not to listen to those people who stole (*s'introduisent*) into the Parish as preying wolves. They resembled the serpent which deceived Eve in Eden. They rather deserved to be expelled. He said that a religious revolution caused by Liberalism was nearer at hand than was thought. There would happen here what happened elsewhere. Priests would be persecuted, exiled; but as to himself, he was ready, for according to a secret of Divine Providence, religion had to suffer these

1190 trials, priests had to be persecuted, for thus would the world, having grown too corrupt, be regenerated; but woe to those who would be guilty of the shedding of the blood which would then flow; they alone would bear the responsibility.

Thus it had happened in France at the time of the French revolution under Napoleon, when he had persecuted Pius VII., but the penalty had soon followed, for on the day Pius VII. left Fontainebleau Napoleon had taken the road to exile.

He mentioned Germany, and said that Bismarck would soon undergo the penalty which he deserves for his persecution.



To prevent these evils Liberalism had to be crushed by the united efforts of the people and their clergy. This union had caused Canada to grow until now, and the same
 1200 would be in the future. He also said that it was through her union with O'Connell that Ireland had shaken off the yoke of her oppressors. Should the electors follow the false Christs and the false prophets, and sever from their clergy, terrible woes would befall the country.

Few years previous a terrible woe had punished the Province of Quebec for the faults of her people, in the shape of a scourge which had ruined the best of her crops. Should the electors not mind their curé, other similar punishments would soon befall. He once more urged them to mind their curé, and to vote against Catholic Liberalism.

This is all I remember. There was much more said, which I forget now.

The curé Sirois uttered the words "false Christs" and "false prophets" several times
 1210 during the sermon which I have just reported.

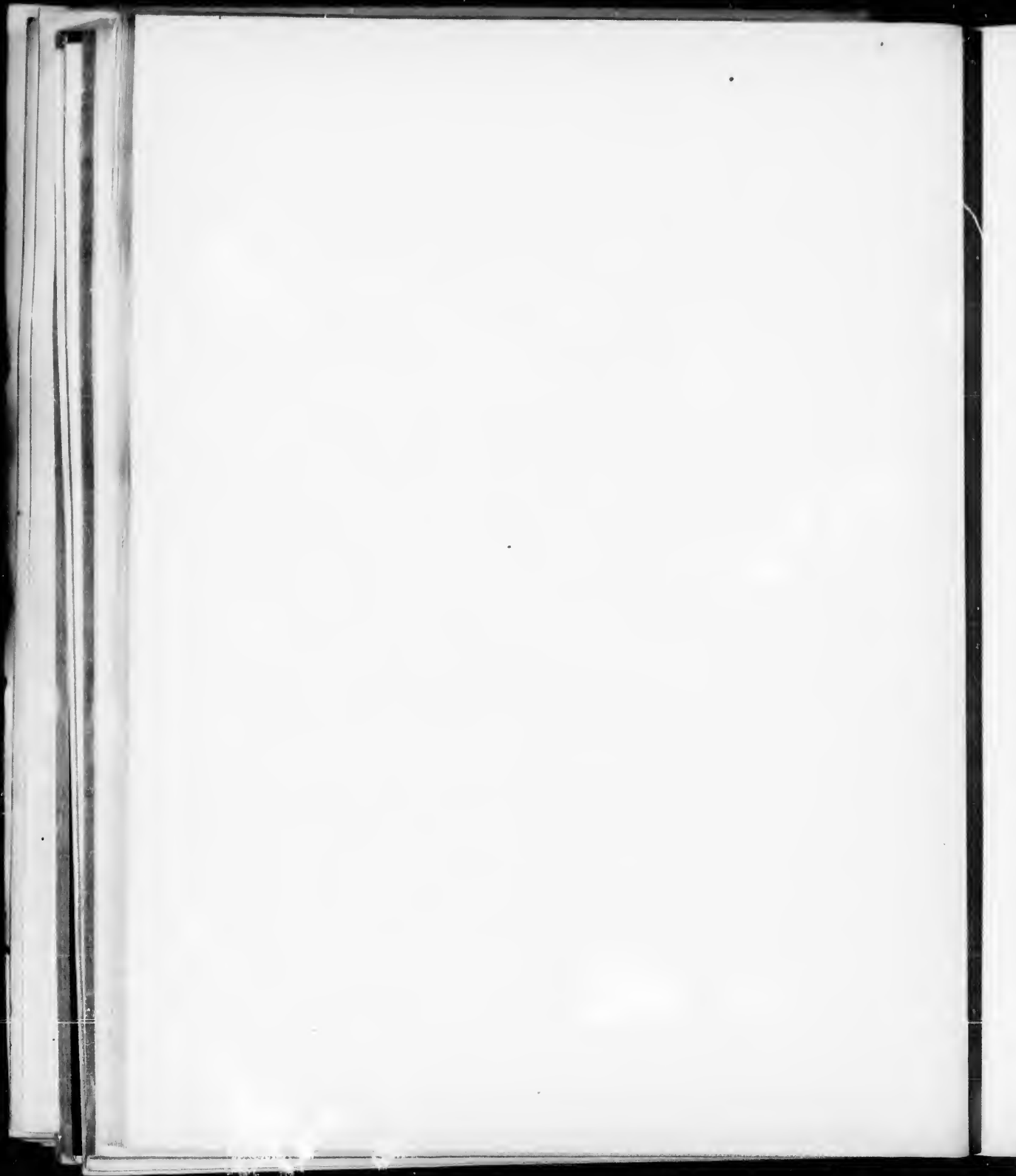
I understood that these remarks of the curé Sirois were meant against the Liberal candidate, Mr. Tremblay. I remained at Baie St. Paul one day after the sermon, and I returned there the day before the voting. I left only the day after the voting. During my stay at Baie St. Paul I conversed with a great number of electors.

From what I have personally observed, this sermon made a deep impression on the electors of the Parish. I cannot say whether this sermon was reported outside the parish during the election.

From what I have been told, and from the opinion of the principal friends of Mr. Tremblay in the parish, this sermon has caused a good number of Mr. Tremblay's partizans to vote
 1220 against him, and prevented a large number from voting. I have also seen persons who were neutral in the election, and who told me the same thing—that is, that the above sermon had greatly injured Mr. Tremblay.

CROSS-EXAMINED.

What I have stated here-above is not said from mere memory. I took notes of that sermon at Quebec on the following Saturday or Sunday after having consulted some who had heard the sermon with me (*qui avoient assisté avec moi à ce sermon*). We made a report of the sermon—Mr. Philéas Huot and Emile Jacob and myself. Before collecting these notes several persons had asked me to publish this sermon in the newspapers. I refused, and when I wrote them it was for my own satisfaction. When I wrote this sermon I did not
 1230 know whether the election was to be controverted or not. I handed those notes to Mr. Tremblay sometime after having written them. I followed as much as possible the order in which the sermon was delivered. The sermon was very diffuse. The same things were repeated several times and in several places in the sermon. I have in my possession some of those notes. I cannot produce them now. I do not believe that Messieurs Jacob and Huot have a copy of those notes. When he spoke of false Christs and false prophets I understood that the expression was applied to the friends who came and spoke in the county in favor of Mr. Tremblay. I took a pretty active part in the election. I made speeches in



the county in three or four parishes in favor of Mr. Tremblay, and I represented him at one of the polls at Baie St. Paul.

1240 *Question* Please tell whether the Curé finished his sermon with the following words or nearly the following words:—"Beware, once more, of those false prophets who want to sever the union between you and your legitimate pastors; take no heed of their lies and their slanders. Obedience to the Vicar of Jesus Christ condemning their Catholic Liberalism; obedience to our Bishops, who have pointed out to us its tendencies; obedience to our pastor, who tells us to vote according to our conscience enlightened by the pastoral letter (*mandement*) of our Lords the Bishops of the Province of Quebec."

Answer. Yes, specially the latter part of the above, which says "vote according to your conscience enlightened," &c., &c., as being the logical sequence of the whole sermon.

1250 The words "vote according to your conscience" surprised me, as they seemed to me to be contradictory to the balance of the sermon; but the other words, "enlightened by the pastoral letter (*mandement*) of our holy Bishops," flowed in due course from the premises.

I positively swear that the Curé said that he had not been received as usual in the parish on the occasion of his visit.

RE-EXAMINED.

I made no speech from the church door on the Sunday the sermon was delivered. I intended to make one, but I dreaded that some trouble might happen in consequence of the sermon, and specially the order prohibiting any speaking to be held on the public ground.

1260 The foregoing deposition being read to the deponent, said deponent persists therein, and declares that it contains the truth, and has signed.

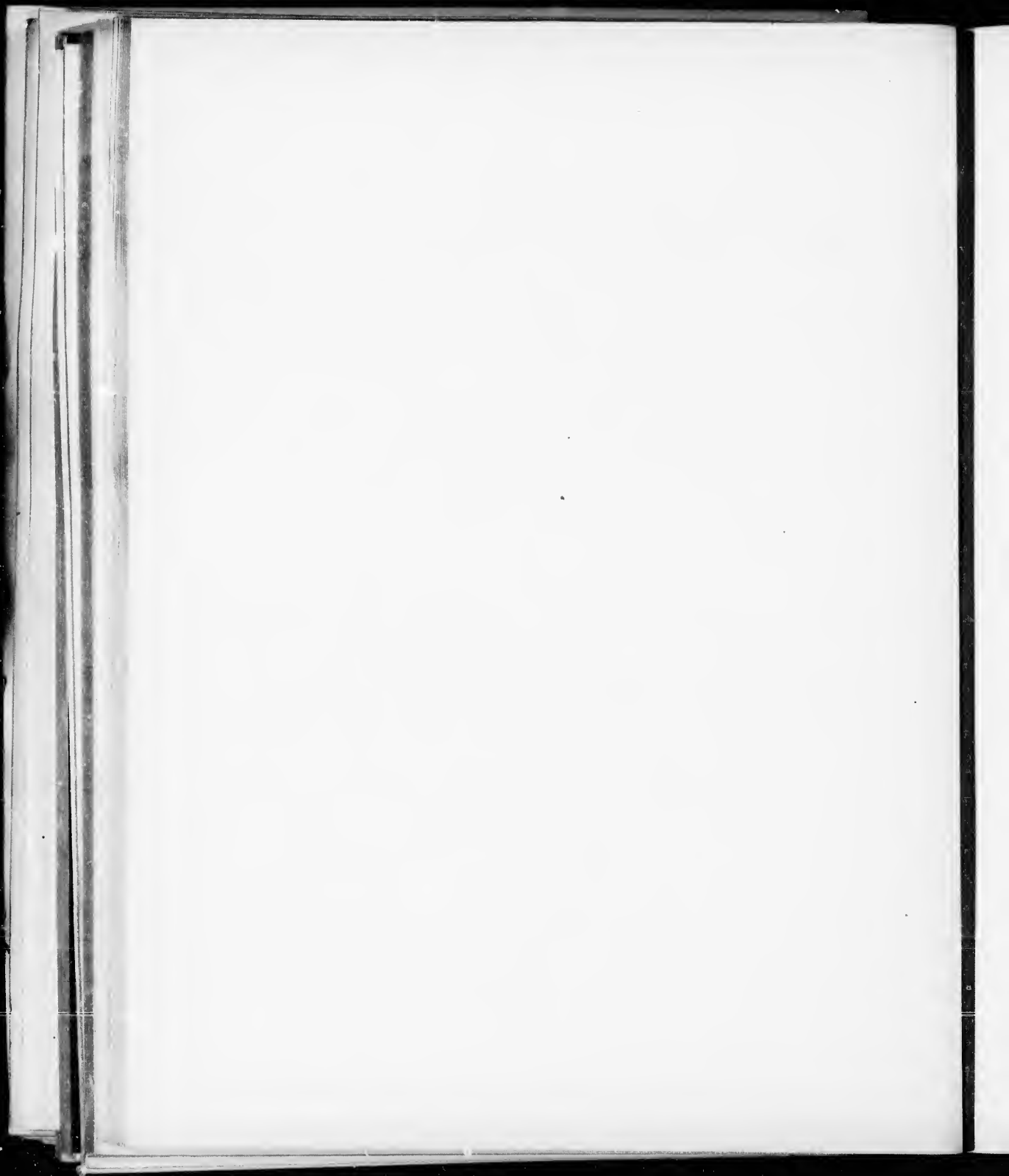
ET. HÉO. PAQUET,

N. P.

Taken and sworn to before me in open Court at Montreal this 5th day of May, 1876.

B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, }
District of Saguenay

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

1270

MALBAIE, this fifth day of July, 1876.

PRESENT :—THE HON. A. ROUTHIER, J. S. C.

No. 14.

O. BRASSARD ET AL.,

Petitioners :

AND

HON. H. L. LANGEVIN,

Respondent.

Petitioners' Evidence.

Jean Baptiste Bolduc, 47 years old, carter, of the Parish of Baie St. Paul, being duly sworn upon the Holy Evangelists, doth depose and say :—

1280

I am acquainted with the parties in this cause. I am neither a relative, nor of kin, nor a servant, nor in the employ of any of them. I am not interested in the event of this suit.

Question.—Did you hear, during the last Charlevoix election, a sermon delivered at Baie St. Paul by Mr. Sirois, curé of said parish, respecting said election ?

Answer.—Yes.

Question.—Please tell what struck you most in that sermon.

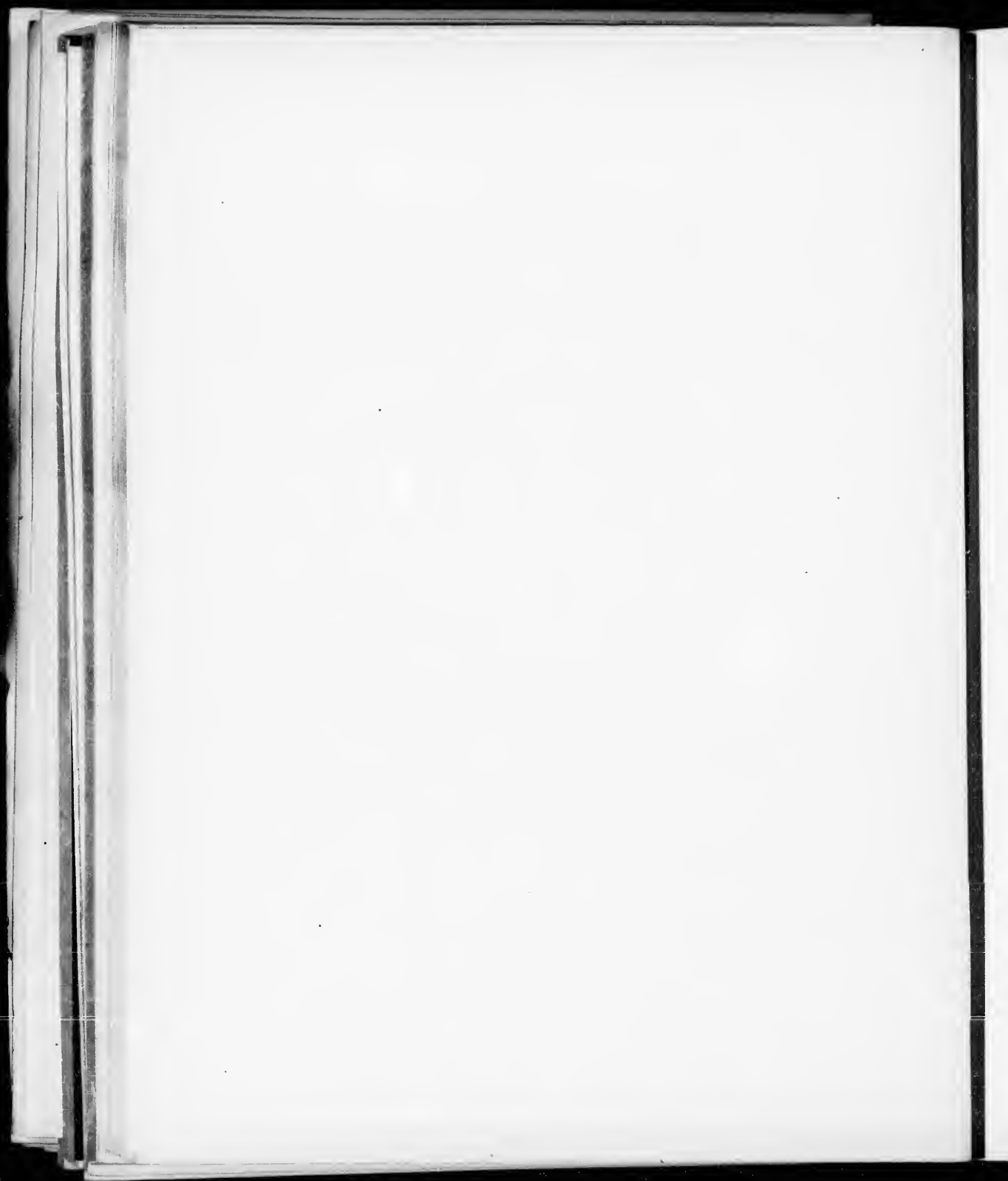
Objected to by the Defendant for the same reasons already mentioned in the deposition of Abel Maltais.

2nd. On the ground that the witness' name is not mentioned in the bill of particulars
 1290 as having been intimidated by curé Sirois.

First objection reserved to the merits, and second objection over-ruled.

A. B. R.,

J. S. C.



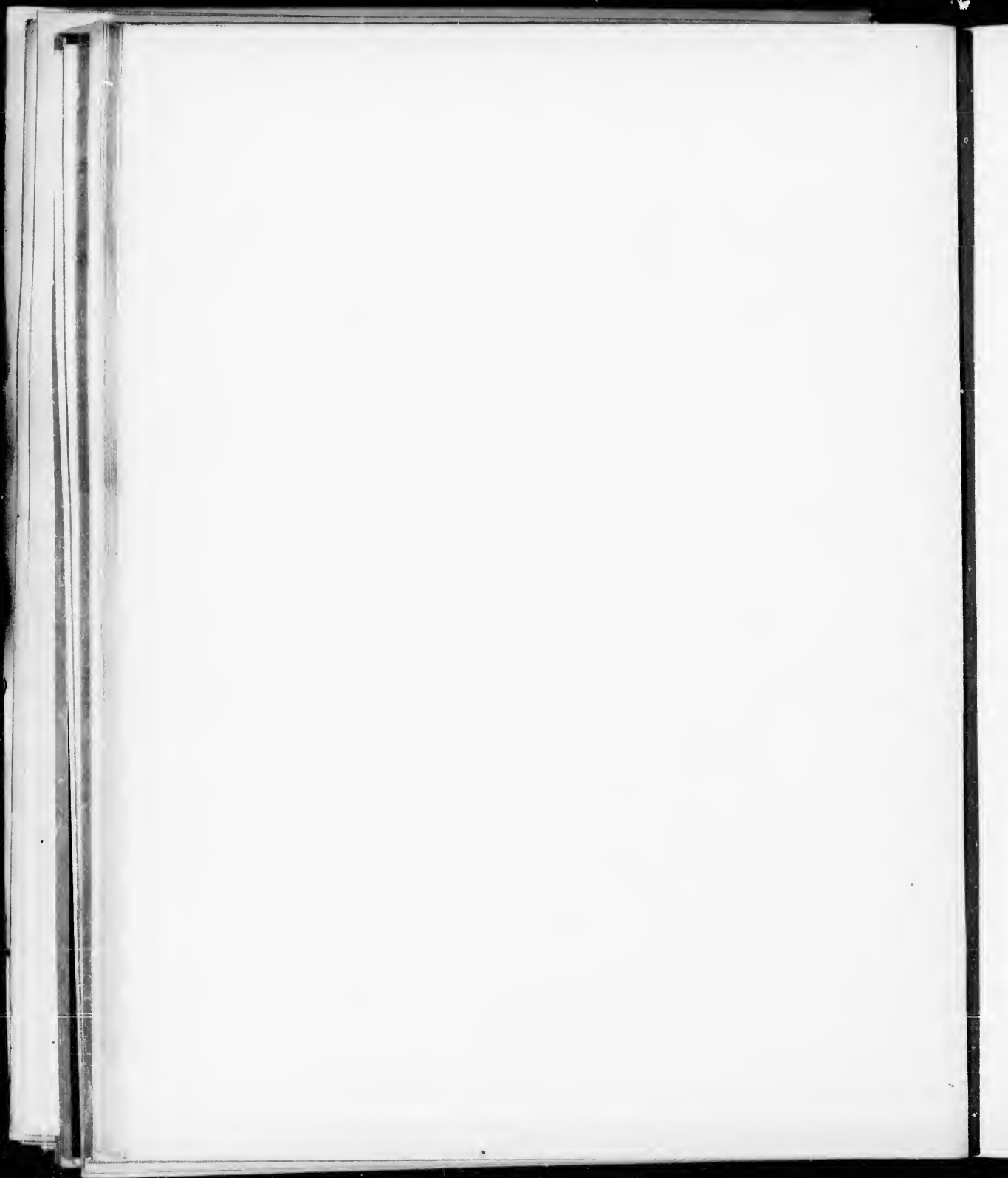
Answer.—What I understood of this sermon was that the sermon was in favor of the Defendant. The curé spoke of Liberalism in the said sermon. According to my knowledge he said that Liberalism was dangerous. He spoke of the Liberal party. I cannot repeat all that he said. He said there was a difference between the Liberal party and the Conservative party. He did not truly draw the distinction as to which of the two was the better, but I for one understood that the Conservative party was the better party. He caused us to understand, in my opinion, that there was some danger in voting for the Liberal party. The Liberal candidate at the last election was Mr. Tremblay. He did not say that there was danger, that is what I understood. The danger of which he spoke was that the Catholic religion might be proscribed. He spoke of older countries and said that the Liberals there were working to abolish religion, and that they were dangerous. I do not, perhaps, give the words used by the curé, but I tell what I understood. I cannot exactly say how he said that but he said that in the future one would walk in the blood of the priests and Bishops. I cannot say exactly how he said that one would come to walk in blood, but I understood that it would happen if we voted for the Liberal party. I cannot say how long before the election this sermon was delivered. The curé delivered a great many, but I cannot remember what he said. They carried the same idea as the one of which I have just spoken.

Question.—Do you know whether this sermon made any impression on the electors of the Parish of Baie St. Paul.

Answer.—I cannot answer as to others; for my part it made no impression on me, for my mind was fully made up; but, according to my humble knowledge, it seemed to make impression on others. It seemed as though this sermon had in the eyes of some people depreciated the cause of the party with which they were to vote.

I know of a meeting which was held in the Peron range, in the Parish of Baie St. Paul, during said election.

I was present at that meeting at the request of M. Tarte, agent for the Defendant. He paid me as a carter to go to that meeting. I cannot remember very well, but I think it was two dollars which he gave me. The meeting was held nearly three miles away from the village. It was not for driving M. Tarte himself that he paid me. It was not mentioned who I was to drive when he hired me. It was to take up the friends of the party who would go to the meeting. I was to take all those who would be ready to go. I heard on this occasion the said M. Tarte give instructions to Théophile Simard, hotel-keeper, to hire all the carters of the village, and I understood thereby all the carters who used to be employed for our party—that is, the Conservative party—thus to be hired to drive people to the meeting. There were, I believe, seven or eight, perhaps eight or nine. I do not know what the others were paid. I drove three persons in my vehicle, and of these three, two had to my knowledge a right to vote at the election. These are—Mr. Samuel Boivin, school inspector, and Eucher—whom we called Euger Guillemet—joiner. I am satisfied that there were some electors in all the vehicles hired to take people to the meeting. M. Tarte had told Théophile Simard to send up all the people of the village, without exception. He made no distinction as to the name. There were at Baie St. Paul a certain number of persons who, during the election, had been given the nickname of Zouaves. When M. Tarte told me to bring up all the people of the village, I understood all the friends of the party.



Question.—Was it to peacefully attend the meeting that these people were taken up by the carters hired on M. Tarte's order.

Objected to by the Defendant.

1340 1st. On the ground that this question relates to no item of the Defendant's agent's account.

2nd. On the ground that the Petitioners can bring no evidence of violence, inasmuch as the persons just mentioned by the witness are not mentioned in the Bill of Particulars.

3rd. On the ground that the question is leading.

Objection maintained.

Question.—Did M. Tarte give any instructions to Théophile Simard as to how they should be equipped, who should go to the meeting, (*de la manière dont devaient se grèer ceux qui seraient à l'assemblée.*)

Objected to by the Defendant on the grounds mentioned in the above objections.

1350 Objection maintained.

The Petitioners take exception to the ruling on the two questions above, and reserve to themselves the right of having it revised by the Supreme Court.

CROSS-EXAMINATION.

When giving me two dollars, M. Tarte did not tell me that I was to give him back one dollar.

I gave him back one dollar once, but it was for another drive.

In the sermons to which I have referred, the curé spoke of Liberalism in the same way. I thought I was to understand that Liberalism was dangerous for religion. For my part, it had no effect, because I belonged to the Conservative party. Liberalism and the
1360 Liberal party are the same thing to me. That is what I understood and what I understand.

Samuel Boivin and Encher Guillemet seemed to take the same interest in the election as all other partisans of Mr. Langevin.

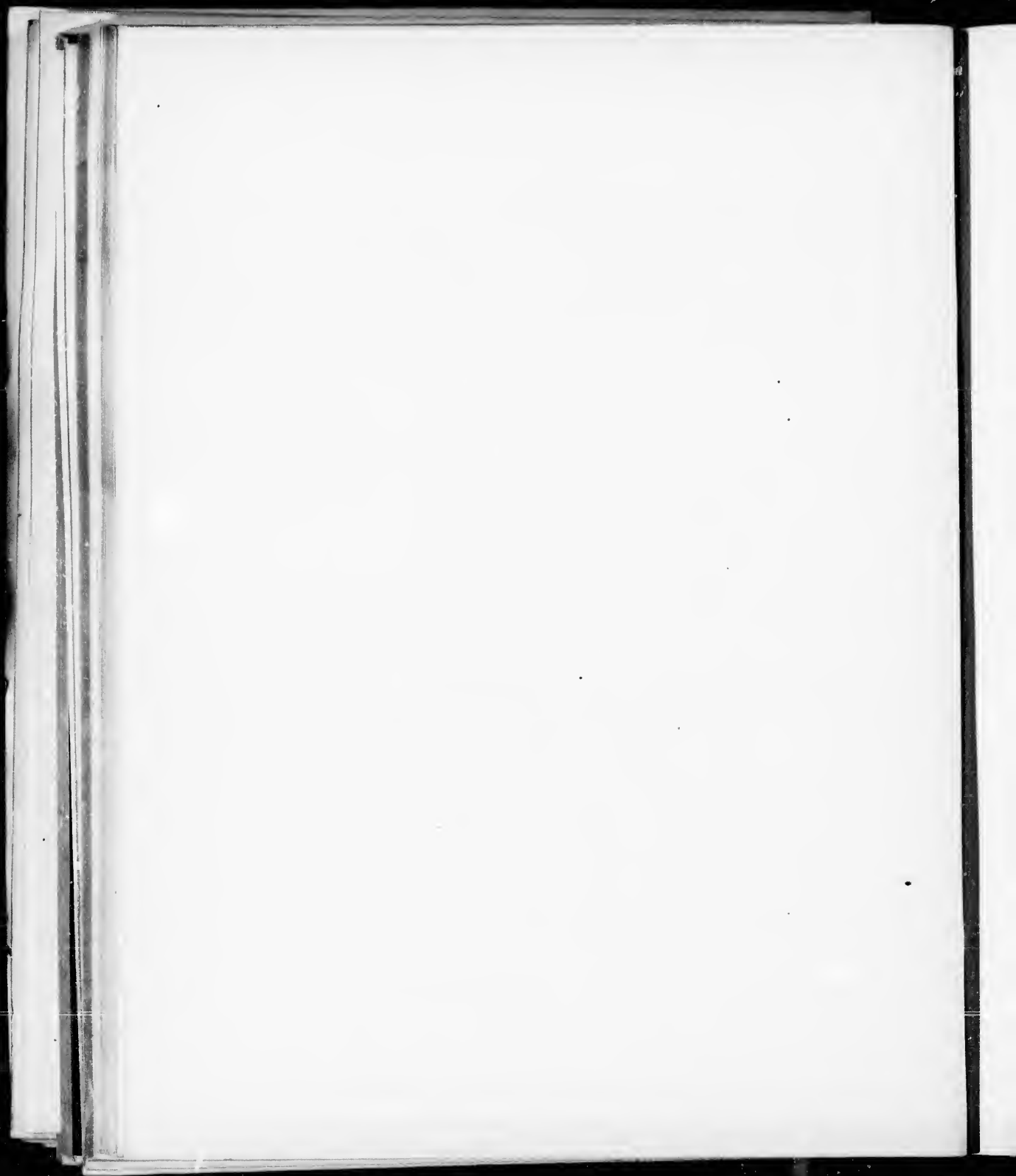
Boivin and Guillemet worked as much as they could for Mr. Langevin. All the members of the party worked the same.

The foregoing deposition being read to the deponent, said deponent persists therein, and declares that it contains the truth, and that he cannot write his name.

Taken and sworn to before me in open Court at Malbaie, this 5th July, 1876.

A. B. ROUTHIER,

J. S. O.



1370 PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, this fifth day of July, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD ET AL.,

Petitioners:

vs.

1380

HON. H. L. LANGEVIN,

Defendant;

Petitioners' Evidence.

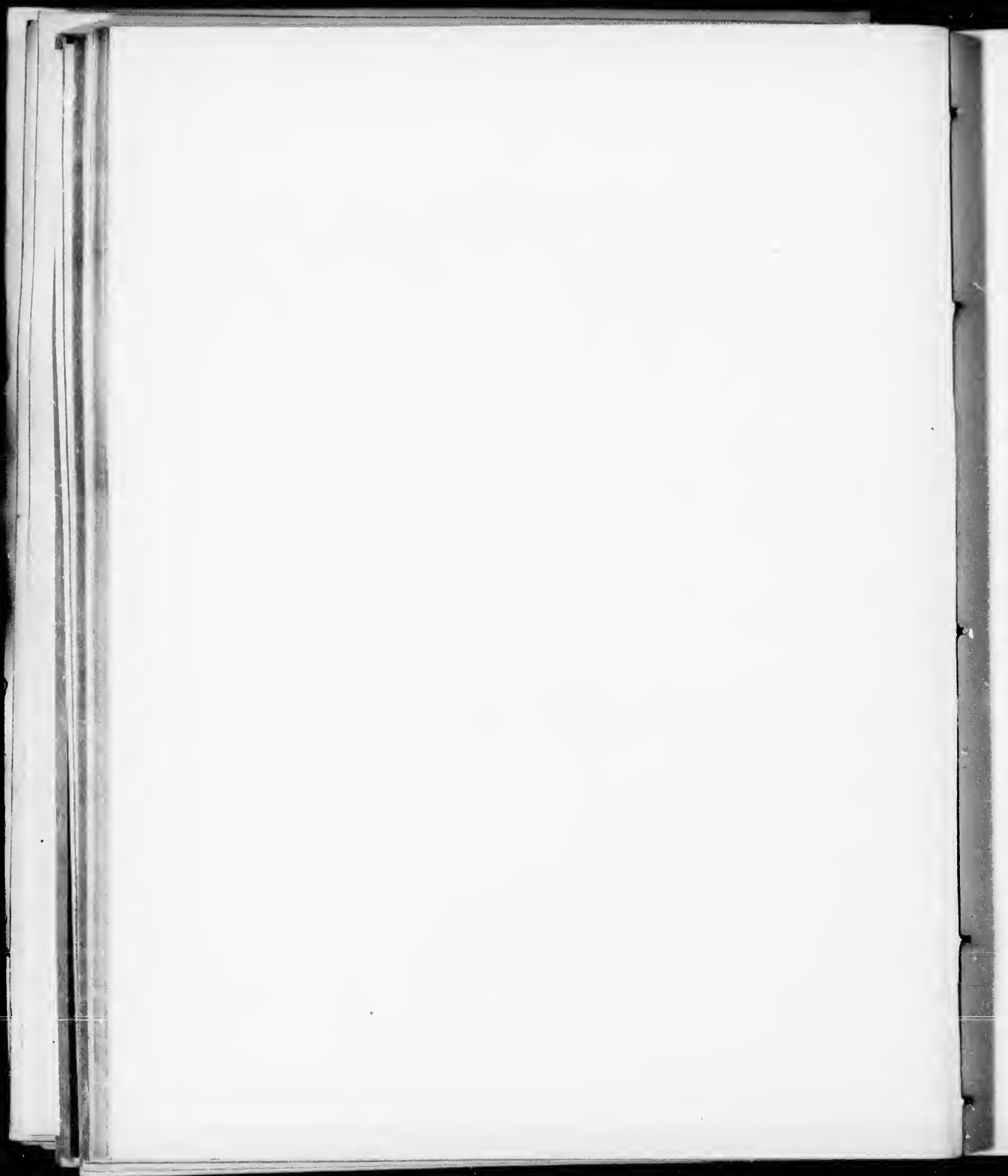
Henry Girard, thirty-six years old, farmer, of the parish of Baie St. Paul, being duly sworn upon the Holy Evangelists, doth depose and say:

I know the parties in this cause. I am neither a relative nor of kin nor a servant to nor in the employ of any of them. I am not interested in the event of this suit.

Same objection as to witness Abel Maltais. Objection reserved to the merits.

I was an elector for the last election of Charlevoix, and I voted as such. I was present at a sermon delivered at Baie St. Paul on the last Sunday before the voting by the Curé of the said parish. This sermon was on (*routait sur*) the election then going on. He spoke of Liberalism and of the Liberal party, and said that this was composed of very dangerous men. He said that the Liberal party was a very dangerous party which opposed the interests of religion. He said that if the electors voted in favor of that party it might prove ruinous in the future.

He said that the Liberals were very dangerous men; he mentioned no name. He might have spoken of what had happened in the old countries, but I do not remember. He said that there might come a revolution against the clergy, and that the Liberal party would be foremost in the slaughter of (*égorger*) the priests. He said that, from the Bishops' pastoral letter, the Liberals were condemned by the Church. He had read that pastoral letter



- 1400 some time previous. He then explained that pastoral letter as purporting that the Church condemned the Liberal party. He made other sermons on the same subject during the time of the election, but I do not remember what he said. They were always utterances against the Liberal party. During the sermon delivered on the last Sunday before the voting the Curé spoke of false prophets and of false Christs. He used these words, applying them to the Liberals. I remember that he also used the words *serpents venimeux* (venomous serpents). He used these words applying them to the Liberals. This sermon as well as others have made some impression on those who heard them. It is to my knowledge that they have changed the mind of a good many electors. One of them has told me so himself; as to others, I have heard so. The Liberal party on last election was that to which Mr. Tremblay belonged. These sermons, and particularly that of the Sunday previous to the voting, greatly injured Mr. Tremblay's candidature.

CROSS-EXAMINED.

I neither know how to read nor how to write. The Curé has said that the Liberals were opposed to religious interests. He has said that the doctrine of Liberalism was adverse to religion. The Curé spoke of the Liberal party in general and not of the Liberal party in Baie St. Paul.

- 1420 When the Curé spoke of false prophets, he said that they were those who speak against the Pope, against the Bishops and against the priests. When he spoke of *serpents* he spoke of Liberalism. He said that Liberalism was a man who glided like a serpent. According to the public rumor, before the sermon the generality of the electors were for Mr. Tremblay; after the sermon this was changed (*ca changé*).

I swear that the Curé said in one of his sermons that if there came a revolution against the clergy the Liberal party would be foremost in slaughtering (*égorger*) the priests. The sermons of the Curé have not changed my convictions.

The foregoing deposition being read to the deponent, the deponent persists therein, declares that it contains the truth, and that he cannot write his name.

Taken and sworn to before me, in open Court, at Malbaie, this 5th July, 1876.

A. B. ROUTHIER,

J. S. C.



1430 PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay

THE DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons, for the Electoral District of Charlevoix.

MALDAIE, the Sixth day of July, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners;

No. 14.

VS.

HON. H. L. LANGEVIN,

Respondent.

1440

Evidence on the part of the Petitioners.

Adolphe Girard, 39 years of age, (*rentier*) farmer, of the parish of the Baie St. Paul, being duly sworn on the Holy Gospels, deposes and says:—I know the parties in this suit, I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them. I have no interest in the event of this suit.

Objected to as in the testimony of Abel Maltais, and the objection reserved to the merits.

I was in the parish of the Baie St. Paul during all the time of the election in question. I was an elector and voted at the said election. I assisted at a sermon delivered on the
 1450 Sunday previous to the voting at the Baie St. Paul by Mr. Sirois the curé of the said parish. This sermon had for subject the election which was then taking place and which is now in question. He spoke of the Liberal party, of which Mr. Tremblay was the candidate. He said that this party wished to walk in the blood of priests. He spoke of false prophets and of false Christs. He treated thus those of that party who were coming to address us. He said that this party might lead them to the gallows. He spoke of what had happened in the old countries; but I don't remember what he said. I don't remember if he spoke of any thing that might happen at the point of death. He spoke in his sermon of a pastoral letter of the Bishops of the Province. He said that one should vote according to the pastoral letter of the Bishops; but he didn't say how this pastoral letter said that one should vote. He
 1460 didn't say that it was necessary to vote for one rather than for the other; but it could be seen in his words; I saw by his words that he wished that one should vote for Mr. Langevin.



I heard the Respondent speaking on New Year's day, at the door of the church of the Bas St Paul. He spoke of the election; but I can't say what he said about it, for I was obliged to keep myself at a little distance on account of the danger there was from the row (*pour le train*.)

Question.—Do you know what had occasioned this danger of a row? (*train*)

Objected to by the Respondent, because this question tends to give evidence of an act of violence for which there are no particulars.

Question permitted, but the witness not giving a legal answer, it is not entered.

- 1470 I don't remember if on that day the curé had spoken of the election, he spoke of it on Christmas day, he spoke of it in a sense favorable to Mr. Langevin. He said that a candidate had gone to his place, and that he said to him: "you only come to see me at election times." He did not name him by his name, but it was understood that it was the Liberal candidate; he added that he had said to him, I don't wish to see you, since you only come to see me at election times, stay at home. He added, "you electors, do as I did." I don't remember if he spoke of the manner in which the electors should treat this candidate, should he come to speak at the church door. He said Mr. Sirois spoke again of the election several other Sundays. I am not able to repeat all he said about it. I only remember some big words which he pronounced and which I related above, in his sermon of the last Sunday; in his other sermons, he always spoke against the Liberal party. In the sermon of last Sunday, he spoke of venomous serpents. I understood that he addressed these words to the Liberal party, to those who would come to address us in favor of that party.

I really think that these sermons, above all that of last Sunday, produced an impression on the electors. I think that this did harm to Mr. Tremblay. It was greatly spoken of in the parish.

I can't exactly say the harm this did to Mr. Tremblay. I heard Mr. Langevin speaking on New Year's day, but don't remember what he said; I don't remember if he spoke of the clergy of the county in reference to his candidature.

1480

CROSS-EXAMINED.

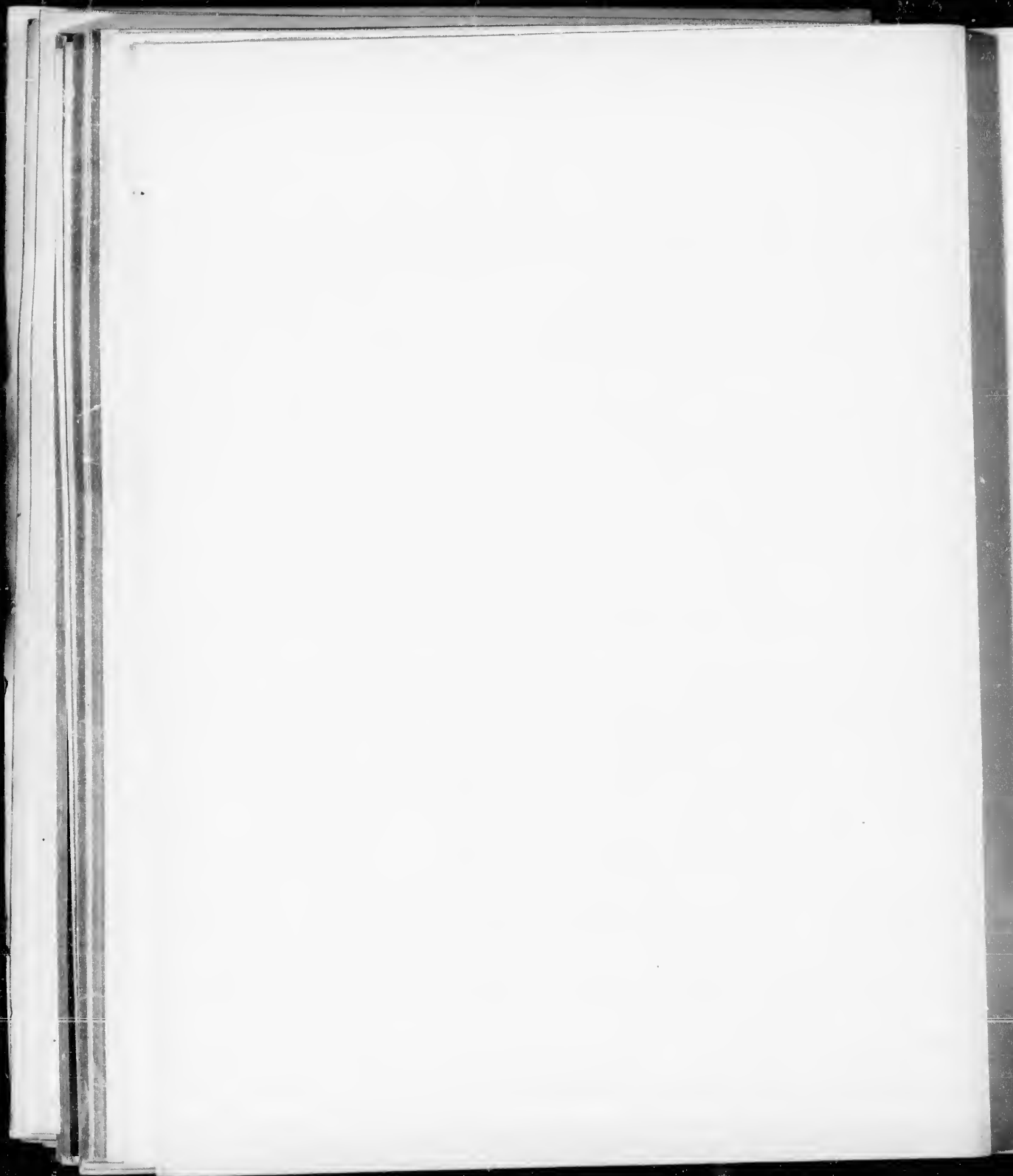
Question.—Is it not true that on the Sunday previous to the voting, the Curé Sirois spoke in his sermon of Liberalism?

Answer.—I tell you that he spoke of the Liberals.

Question.—Is it not true that in this circumstance the curé spoke of Catholic Liberalism and that he said he said that this Liberalism was condemned by the church.

Answer.—I do not remember that. He said that we were all Liberals, those that were of that party.

- Question.*—Is it not true that in speaking of serpents he said that Catholic Liberalism crept into society like a venomous serpent; crept after the fashion of the one that had crept into the terrestrial paradise?
- 1500



Answer.—I don't remember that.

Question.—It is not true that in speaking of prophets, he said that those parties were false prophets who spoke against the Pope, the Bishops and Priests?

Answer.—He may have said so, but I don't remember that.

Question.—Is it not true that in referring to Liberalism, he spoke of persecution against the clergy in Germany and other old countries?

Answer.—That is very certain, he spoke of that, but I don't remember his own words.

Question.—Is it not true that he said that if the same Liberalism triumphed here in
1519 Canada, that it would end by walking in the blood of the priests?

Answer.—He said that, as I said it above, that this party wished to walk in the blood of priests.

Question.—Is it not true that it is after he had spoken of the persecution against the clergy in the old countries, that he said that this party wished to walk in the blood of the priests?

Answer.—I don't remember if that is before or after. He may have spoken of that persecution, but I remember it not. He didn't say that the false Christs are those who speak against religion, but I understood that he called false Christs those that came to speak for the Liberal party.

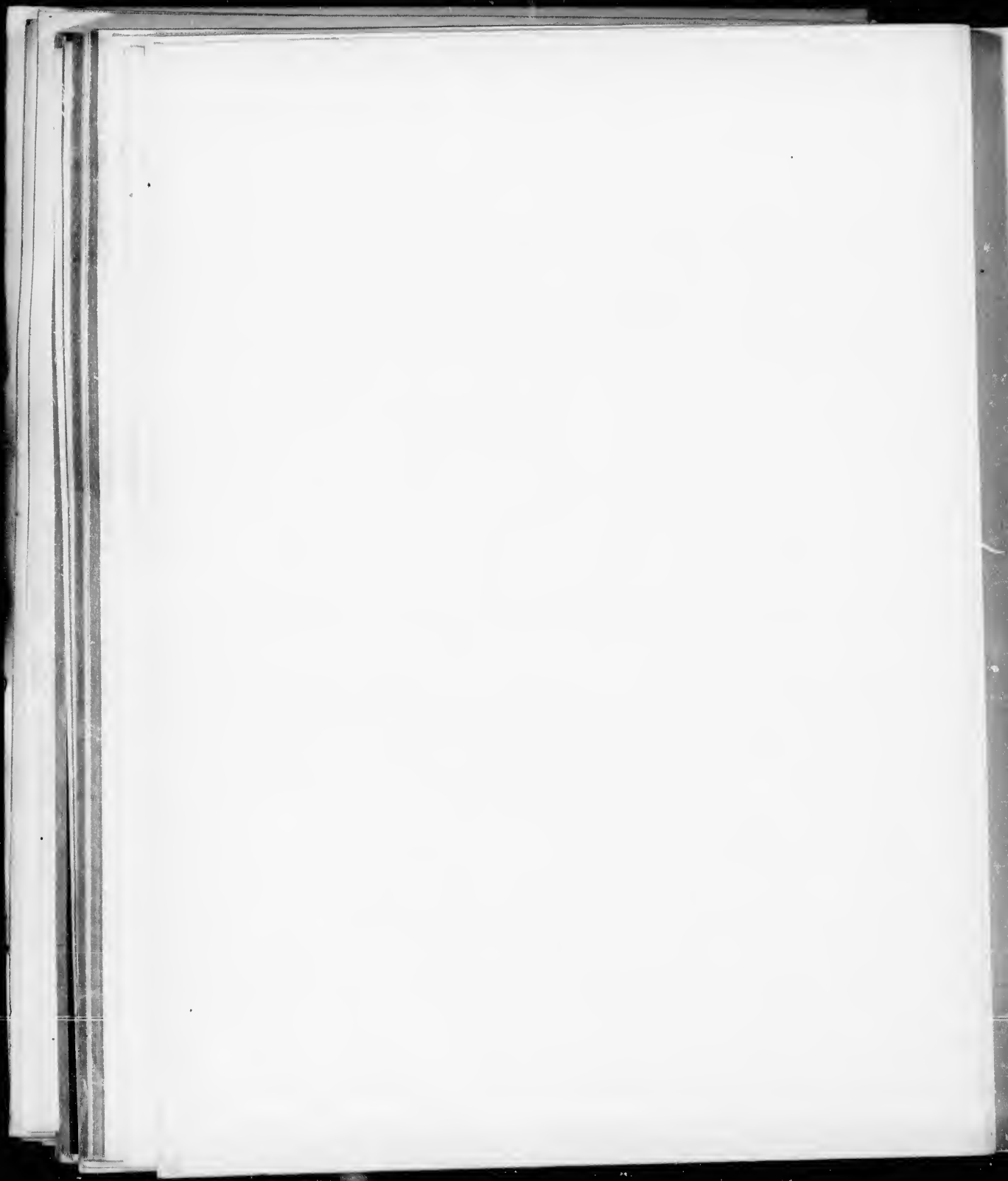
1520 *Question.*—Do you swear that the Curé said that the Liberal party, and those that came to speak for this party, were false Christs?

Answer.—Yes; I understood that it was that. I understood well. I understood it thus because the Curé said it; he was speaking of Mr. Tremblay and of those who were coming to work for him. He didn't name the names. I understood that these words were addressed to Mr. Tremblay, because the Curé said, "Listen not to those false Christs that come to address you." And when the Curé pronounced the words false Christs, I thought immediately of Mr. Tremblay.

1530 When I said in my principal examination that the Liberal party wished to walk in the blood of the priests, I related the Curé's own words. On Christmas Day the Curé spoke against Mr. Tremblay as I said it already, and I understood that he spoke in favor of Mr. Langevin. It was spoken of that Mr. Langevin would come forward.

Question.—Please tell what you did in the interest of Mr. Tremblay's election?

Answer.—I didn't do anything at all at the last election; I only voted. All the sermons of the Curé didn't in the least change my convictions. I am a Catholic. I neither know how to read nor write. We spoke together, many persons, about what the Curé had said in the pulpit, and that before and after the voting. I was summoned as a witness to Baie St. Paul last Monday, and I came here at Malbaie on Tuesday afternoon, about three o'clock. I put up at Malbaie, at George Fillion's, a baker, with three other wit-



nesses. The three other witnesses are Alfred Dufour, François Turgeon, and Henry Girard, these two last witnesses heard in this suit. We didn't speak of our evidence, and we spoke together of what the Curé had said. Elzéar Danais, gentleman (*rentier*), of the Baie St. Paul, spoke to me about it the day before yesterday, and I told him what I had to do, and we spoke together of the sermon of the Curé, and I said to him, "I know what I have to do—to tell the truth alone." Before having been summoned as a witness at Baie St. Paul, Elzéar Danais spoke also to me about it.

RE-EXAMINED.

It circulated among the people, and I have heard it said by many, that the sermon of the Curé had changed their opinion. In my opinion, these sermons have caused Mr. Tremblay to lose from a hundred to a hundred and thirty votes. When the Curé spoke of false Christs, I thought that he was speaking of Mr. Tremblay and of his friends, on account of the discourses that the Curé made. This seemed to me to mean that.

RE-CROSS-EXAMINED.

Question.—Please name the hundred or the hundred and thirty votes, or some of them, that the sermons of the Curé have caused Mr. Tremblay to lose.

Answer.—I am not able to name them. It was said among the people, and I heard it said by some of those who had voted for the Respondent, that their opinions had been changed by the sermon of the Curé.

Question.—Name those who voted for the Respondent, and who told you that they had changed their opinions on account of the sermons of the Curé.

Answer.—Adolphe Martell said to myself that he had voted for Mr. Langevin on account of the Curé. Napoleon Potvin said to myself that he didn't vote for Mr. Tremblay on account of the sermon of the Curé—that he didn't vote at all. I can't name others that said it to myself. They said to me "There is no means to vote for Mr. Tremblay on account of the sermon of the Curé, and they gave me no other reasons than that.

The present deposition being read to the witness, he persists in declaring that it contains the truth, and he can't sign.

Taken and sworn before me in open Court at Malbaie, this 6th July, 1876.

A. B. ROUTHIER,

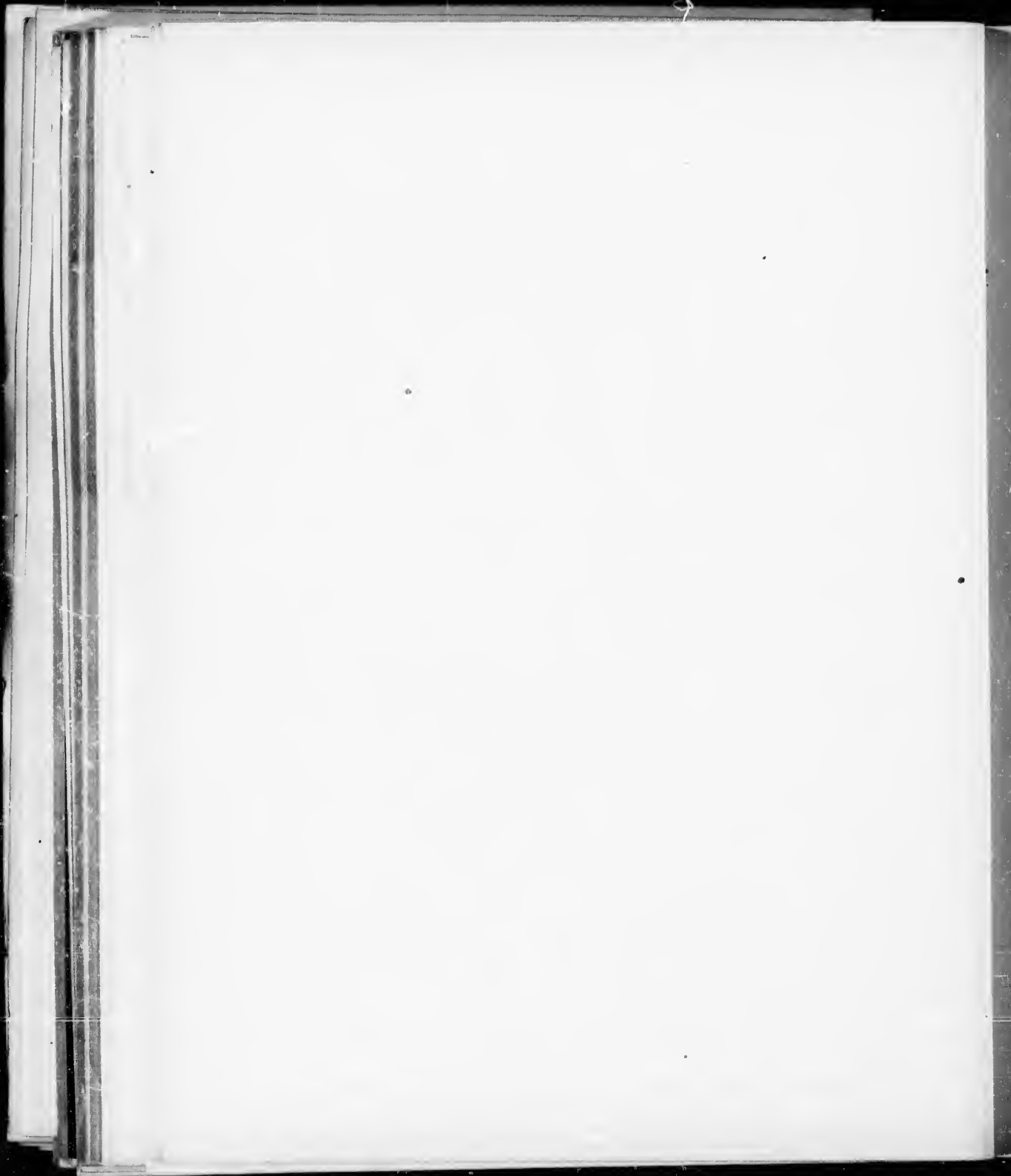
J. S. C.

1570

A true copy.

CHS. DUBERGER,

P. S. C. D. S.



PROVINCE OF QUEBEC, } SUPERIOR COURT
District of Saguenay. }

THE DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member to the House of Commons for the Electoral District of Charlevoix.

MALBAIE, the 6th of July, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

No. 14.
1580

BRASSARD ET AL.,

Petitioners;

VS.

THE HON. H. L. LANGEVIN,

Defendant.

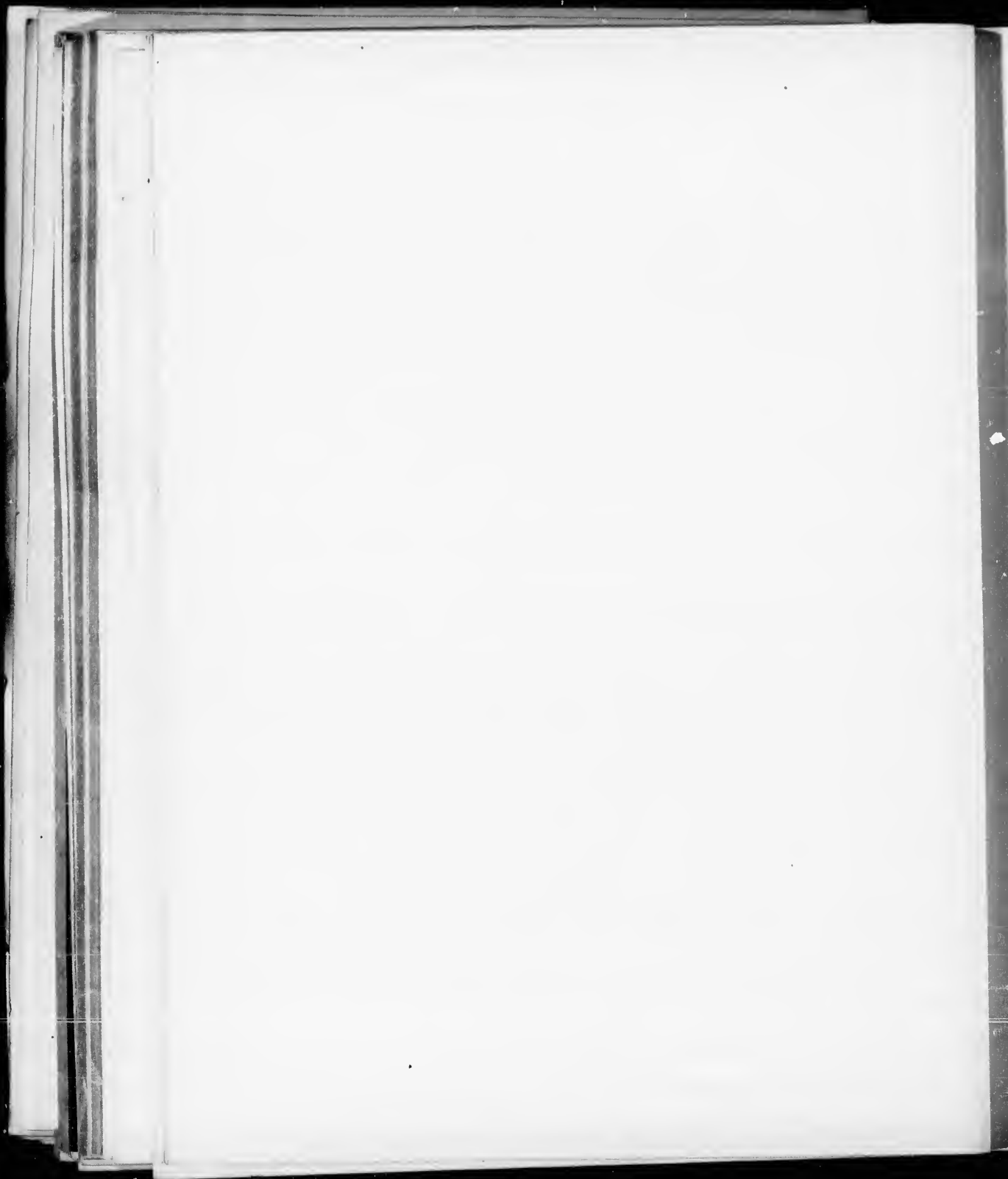
Evidence on the part of the Petitioners.

Alfred Dufour, 30 years old, of the parish of Baie St. Paul, blacksmith, being duly sworn upon the Holy Evangelists, doth depose and say:—

I know the parties in this cause. I am not related nor allied to, nor servant, nor in the employ of, any of them. I have no interest in the event of this suit.

1590 I am a major in the volunteer militia of the County of Charlevoix, and as such I draw from the Government an annual salary of one hundred and twenty dollars. I heard it said during the last election that I would lose my place, and my father among others told me so. My father told me that I would thus lose my place because I showed myself more favorable towards Mr. Tremblay than towards the Defendant; the other parties who told me the same thing assigned it to the same reason. My father was a supporter of the Defendant, and, as far as I can recollect, it was the same with the other persons who told me I would lose my place. I kept quiet after the said warnings, and did not busy myself any more with the election. I wished to meet the Defendant respecting that matter. One evening I went to Theophile Simard's, of Baie St. Paul, hotel-keeper. I met the Defendant and told him:

1600 "They say that if I continue to work for Mr. Tremblay I must lose my place." He answered: "Who are you?" I told him I was Major Dufour. Whereupon he answered: "If you continue, you will almost certainly lose it." (*"Si vous continuez, vous la perdez presque certainement."*) He then left me, I think, to go and make a speech at the parsonage (*presbytère*).



I cannot say if my father saw the Defendant about that time. I went many times to Theophile Simard's place. There were many persons with the Defendant—my father among others; but I don't know whether he spoke to the Defendant. Those who, besides my father, told me I would lose my place, were persons who went every night to Théophile Simard's, where the Defendant was, and where I myself went many times. Had I not heard
 1610 what was told me, I should perhaps have continued to work for Mr. Tremblay, but I dared not. What frightened me the most was what the Defendant had told me.

I was an elector at the election now in question, and I have voted. I saw the Defendant again on the day of the triumph—the same day that he started for Quebec. I saw him that day at the church door of St. Urbain, where I had gone with those who celebrated the Defendant's triumph. I shook hands with him, but I did not speak with him. I was present when the Defendant made a speech on New Year's Day at the church door of Baie St. Paul. I did not hear the whole of that speech, because the row commenced, people fought, and I left. I heard only the commencement, and do not recollect what was said.

CROSS-EXAMINED.

1620 I am thirty years old.

Question.—Is it not true that during the election your convictions were always in favor of Mr. Tremblay?

Answer.—Yes.

Question.—Is it not true that you voted in accordance with your convictions?

Objected to by the Petitioners, as tending to prove for whom the witness had voted.

Answered—That the witness cannot be forced to answer, but that he can answer if he claims the privilege granted by law.

Objection sustained.

The Defendant takes exception to the said ruling, and reserves to himself the right to
 1630 have the same revised.

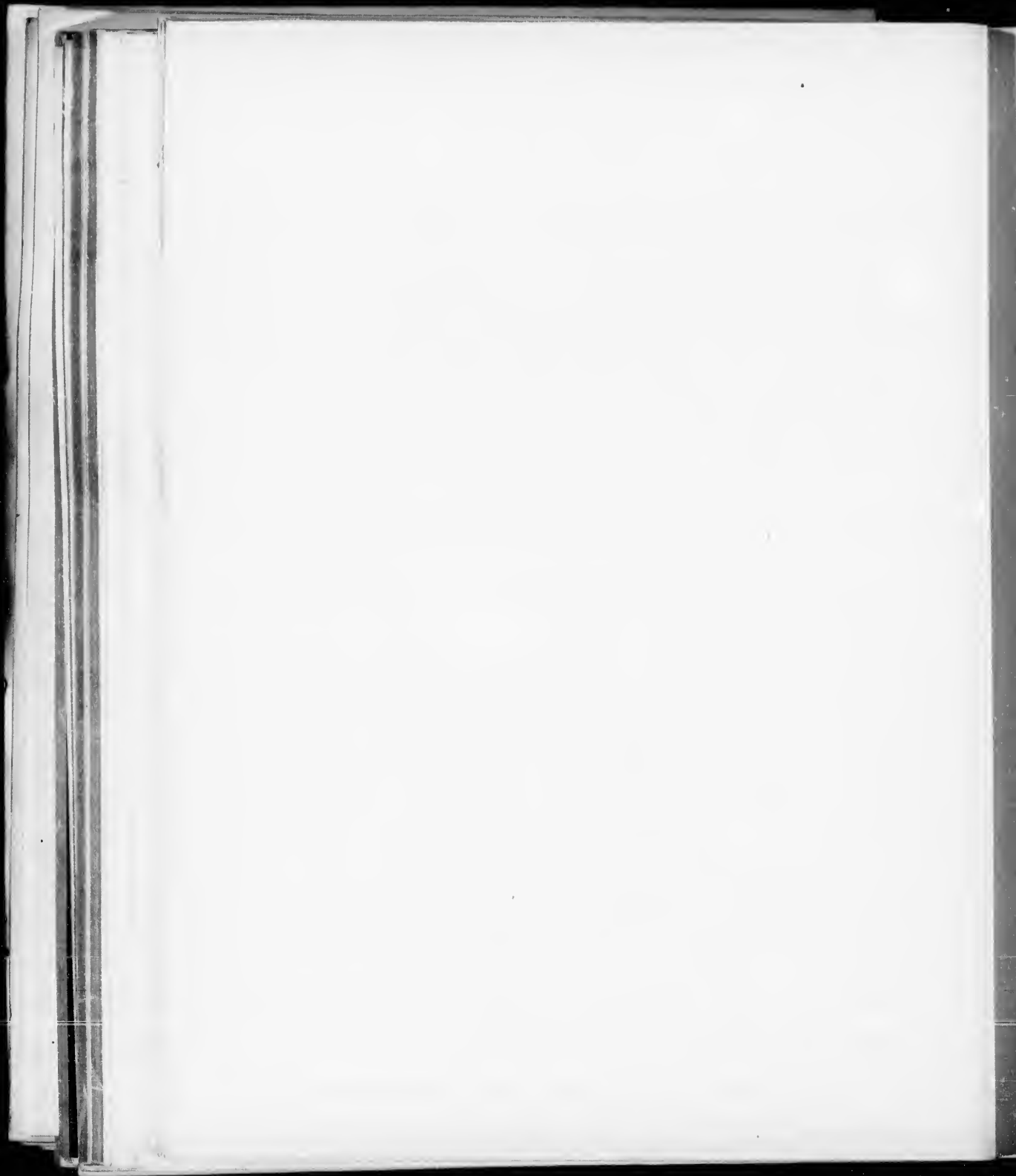
My political convictions did not vary during the election.

I often went to Theophile Simard's at night, but never in day-time. The Defendant's Committee held its sittings at Theophile Simard's.

Question.—Is it not true that you declared at Théophile Simard's that you were a supporter of the Defendant?

Answer.—No.

Question.—Is it not true that you declared or gave it to understand, either at Théophile Simard's or elsewhere, that you were a supporter of the Defendant?



Answer.—No. What led Mr. Langevin to believe that was the fact, that I often went
1640 there. I often went to Théophile Simard's because I had been told that Mr. Langevin was
going to make me lose my place, and because I wanted to have news; that is to say, I wished
to know how things were going on Mr. Langevin's side.

Question.—Is it not true that you went to Théophile Simard's with the intention of
leading people to believe that you were in Mr. Langevin's favor?

Answer.—No.

Question.—What interest made you go with political opponents, at Simard's place, to
learn news and know how things went on Mr. Langevin's side?

Answer.—I had friends there, and I liked as well to meet them there as anywhere
else. They were personal friends, and were in favor of Mr. Langevin.

1650 *Question.*—Please tell the names of those friends.

Answer.—Those friends are—André Bonchard, baker, Dr. Fitzpatrick, Sannet Boivin,
school inspector, all of Baie St. Paul, and many others whose names I do not recollect.

I went seven or eight times to Théophile Simard's. I saw Mr. Langevin only once,
as stated in my examination in chief. When I afterwards went to Théophile Simard's
place, I did not try to see the Defendant again.

I followed the Defendant's triumph party from Baie St. Paul to St. Urbain and back.
The notary Charles Boivin, of Baie St. Paul, one of the Defendant's supporters, as I think,
was in the same vehicle as I was. There was in the vehicle a blue and white flag which
had been made by the notary Charles Boivin. It was he who had hired the vehicle which
1660 conveyed us.

My father's name is Maxime Dufour, of Baie St. Paul, blacksmith.

Question.—Please give the names of the parties who told you, as mentioned in your
examination-in-chief, that you would lose your place as a major should you continue to work
for Mr. Tremblay.

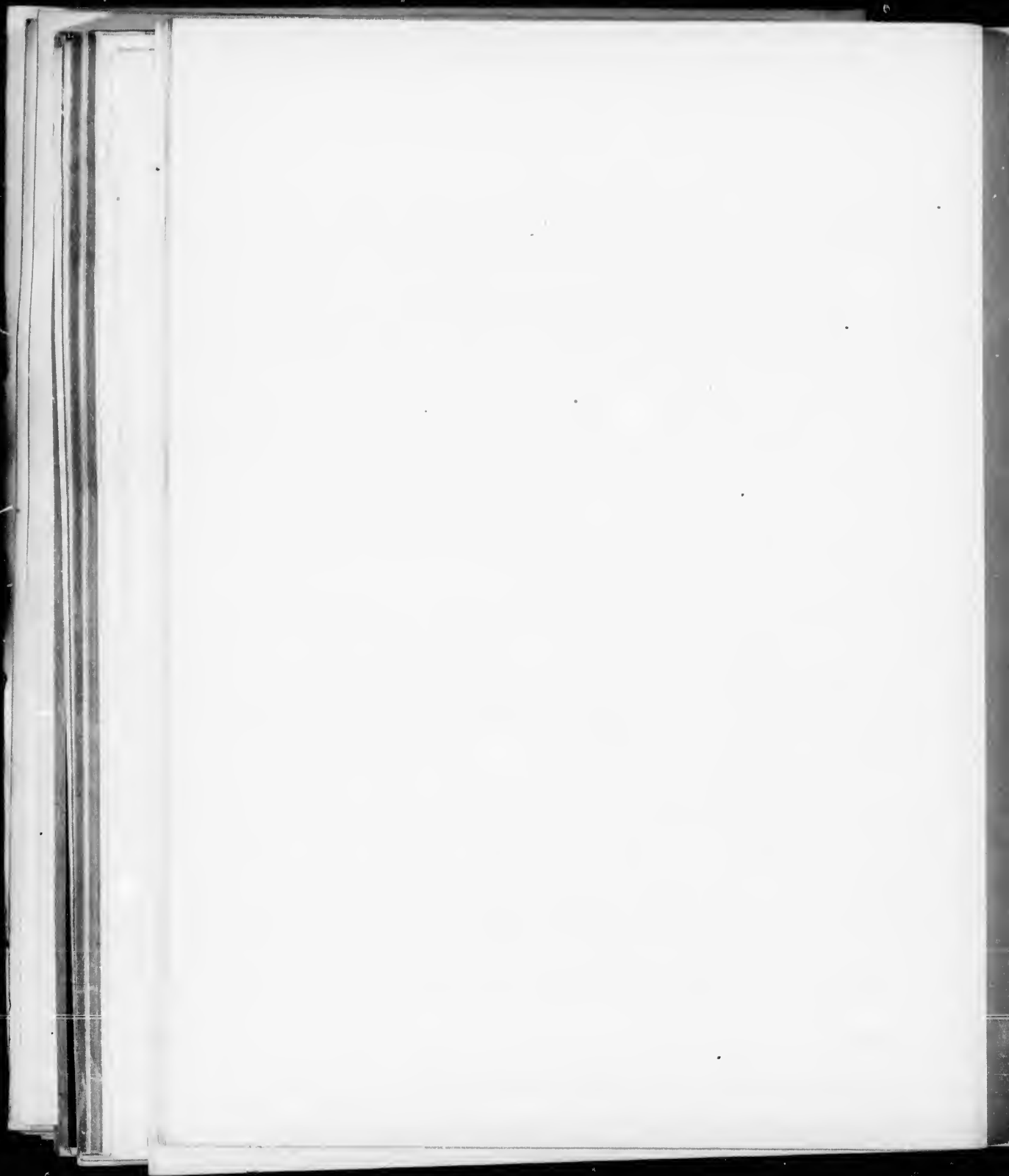
Answer.—I recollect the names of none of those persons except my father, but I re-
member that other persons informed me thereof. Up to that morning I worked in the inter-
ests of Mr. Tremblay.

Question.—Please state what work you did.

Answer.—I spoke, with others, in favor of Mr. Tremblay.

1670 I know Elzéar Danais, of Baie St. Paul, gentleman (*rentier*); he is my brother-in-law.

I met him almost every day during the election, and every time we met we spoke of
the election. He took an active part therein. He was one of Mr. Tremblay's principal lead-
ers. Before I was summoned as a witness I had heard it said that many persons were to be



summoned, and that I would be among them. Mr. Dumas told me so before I was summoned, and the other witnesses summoned, also told me so. We chaffed each other, but I was sure of coming here only when I received the subpoena.

Question.—Is it not true that since you were summoned as witness you declared that you were not sure whether it was the Defendant or Mr. Tarte who said that you would lose your situation should you continue working for Mr. Tremblay?

1680

Answer.—No.

I spoke to the Defendant on one of the last occasions I went to Théophile Simard's. It was about seven or eight days, or about a dozen days after I had been warned by my father and other parties that I should lose my place as a Major, that I spoke to the Defendant. It is likely that I did not return to the Defendant's Committee, after he had spoken to me, but I am not positive.

Question.—Please give the date of the day you thus spoke to the Defendant.

Answer.—I don't remember it.

Question.—Was it at the beginning or at the end of the election?

Answer.—It was towards the end of the election.

1690

Question.—About how many days was it before the end of the election?

Answer.—It is hard for me to give the date, but it was on the evening when the Defendant spoke in the public hall.

Question.—What makes you remember that it was on that evening?

Answer.—I saw him only that evening. He left immediately after to go and speak in the public hall. I spoke to the Defendant in the parlor at Théophile Simard's. It was about half past five or six. I think it was that time.

Question.—Who was present at that conversation?

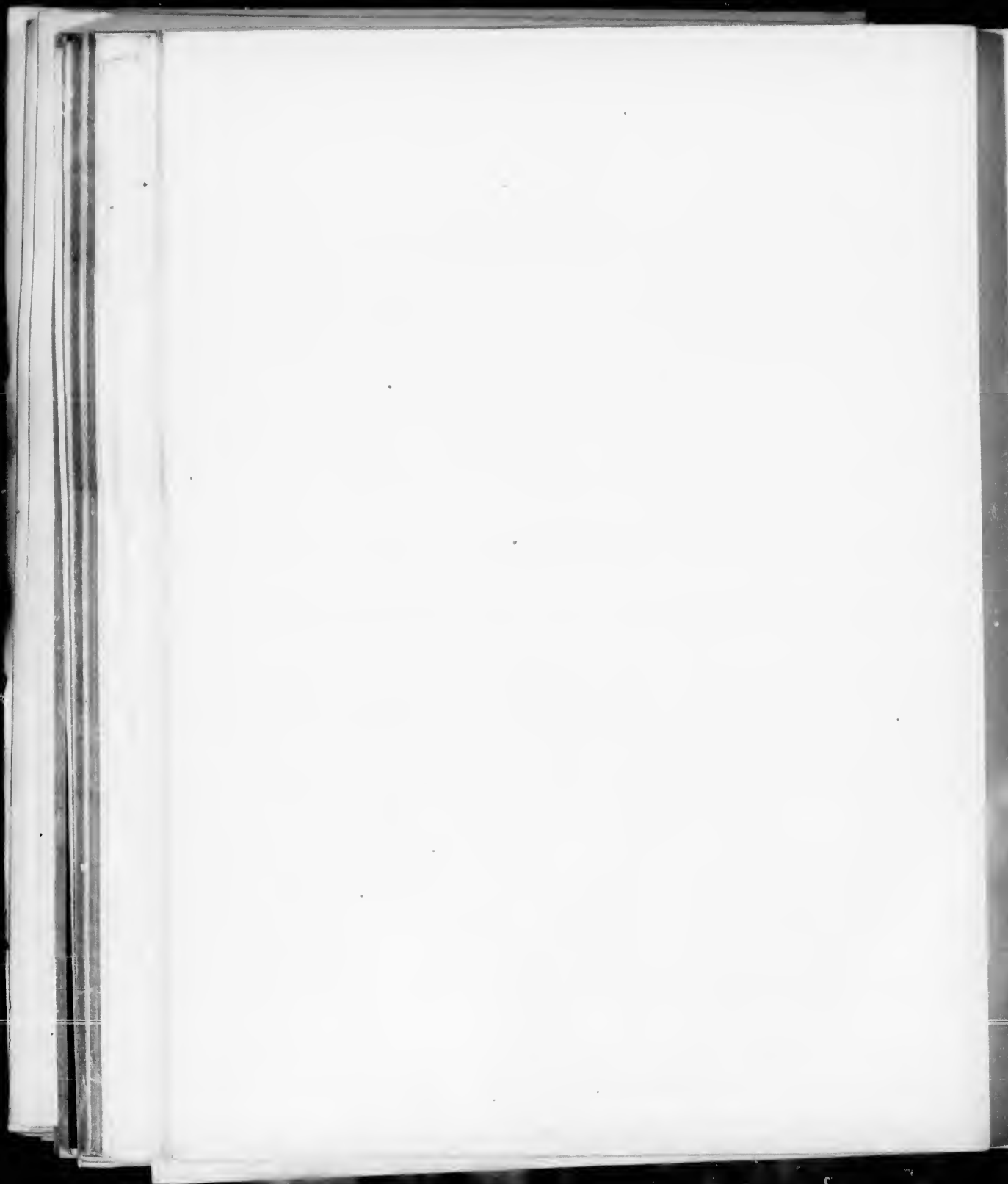
Answer.—I don't remember much. Every one was standing and there were many people in the parlor. The conversation was carried on in the usual tone of voice, and any one being near and paying any attention to it could have heard it. We were near the door of a bedroom at the end of the parlor. The Defendant was standing. He was coming out of the bedroom.

1700 Every time I went to Théophile Simard's I saw Mr. Tarte. I don't know if he was present on that evening. He might have been there, but I did not notice him. I never spoke of the election to Mr. Tarte.

Question.—During the last election did you know who was the Minister of Militia?

Answer.—Mr. Vail.

Question.—Did you then know that your situation was depending on the Minister of Militia?



1710 *Answer.*—Yes.

Question.—Did you know that the Hon. Mr. Vail was a member of a Government that is supported by Mr. Tremblay and his political friends?

Answer.—Yes.

Question.—Did you know that Defendant was a candidate in opposition to the policy of the Government of which the Hon. Mr. Vail was a member?

Answer.—Yes.

Question.—Do you swear that you never stated to anybody during the election that you were one of the Defendant's supporters.

Answer.—I might have said so, but I don't remember. I might have said it as well
1720 as any other thing.

Question.—Please say to whom you related for the first time the conversation you say you had with the Defendant.

Answer.—I think it was Elzéar Damais. I related it to him a month or a month and a half after.

When my father and the parties I referred to warned me that I would lose my place, they told me, I presume, "You go to Mr. Langevin's Committees you will lose your place."

The witness corrects himself and now declares that he has made a mistake. Those persons told him he would lose his place if he continued to work for Mr. Tremblay.

Question.—Please state whether you went to Théophile Simard's place between the
1730 fifth of January, the nomination day, and the twenty-second, the polling day.

Answer.—I don't remember if I went, but it was towards the end of the election that I used to go to Simard's.

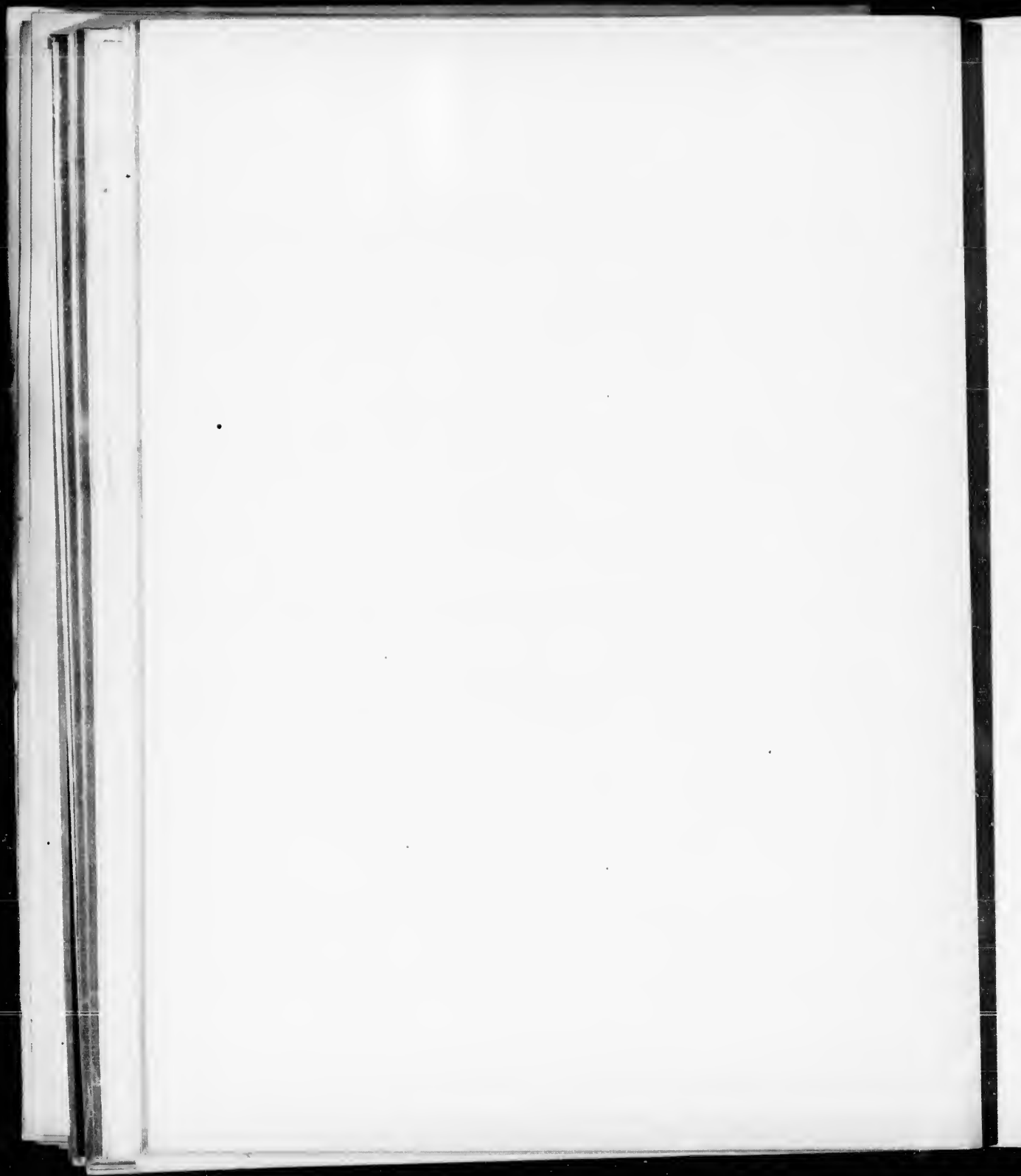
Question.—Please state what your father and the other parties mentioned to you when they said that by working for Mr. Tremblay you would lose your place.

Answer.—They said: "You work for Mr. Tremblay; it is sure that if Langevin is elected you will lose your place."

RE-EXAMINED.

There was no mention made, I think, that the Federal Government would soon fall. I do not exactly recollect, but I think some one told me that it was Mr. Langevin who had
1740 helped Mr. Cartier to secure my appointment as a major in the Militia. Mr. Xavier Cimon was the representative of the County of Charlevoix when I was appointed a major.

When the persons above referred to told me that I should lose my place they said it would be Mr. Langevin who would make me lose it.



There were many persons in the apartment when I spoke to the Defendant, as above-stated. They were all speaking together. There were many persons in the next room, but in the parlor there were none but the notable, (*aristocratic*) persons who liked to talk. All those persons were talking together in the usual tone of voice. I don't know who first brought the conversation on that subject, when I mentioned to Mr. Danais the threat made to me by the Defendant, but I presume I spoke of it first.

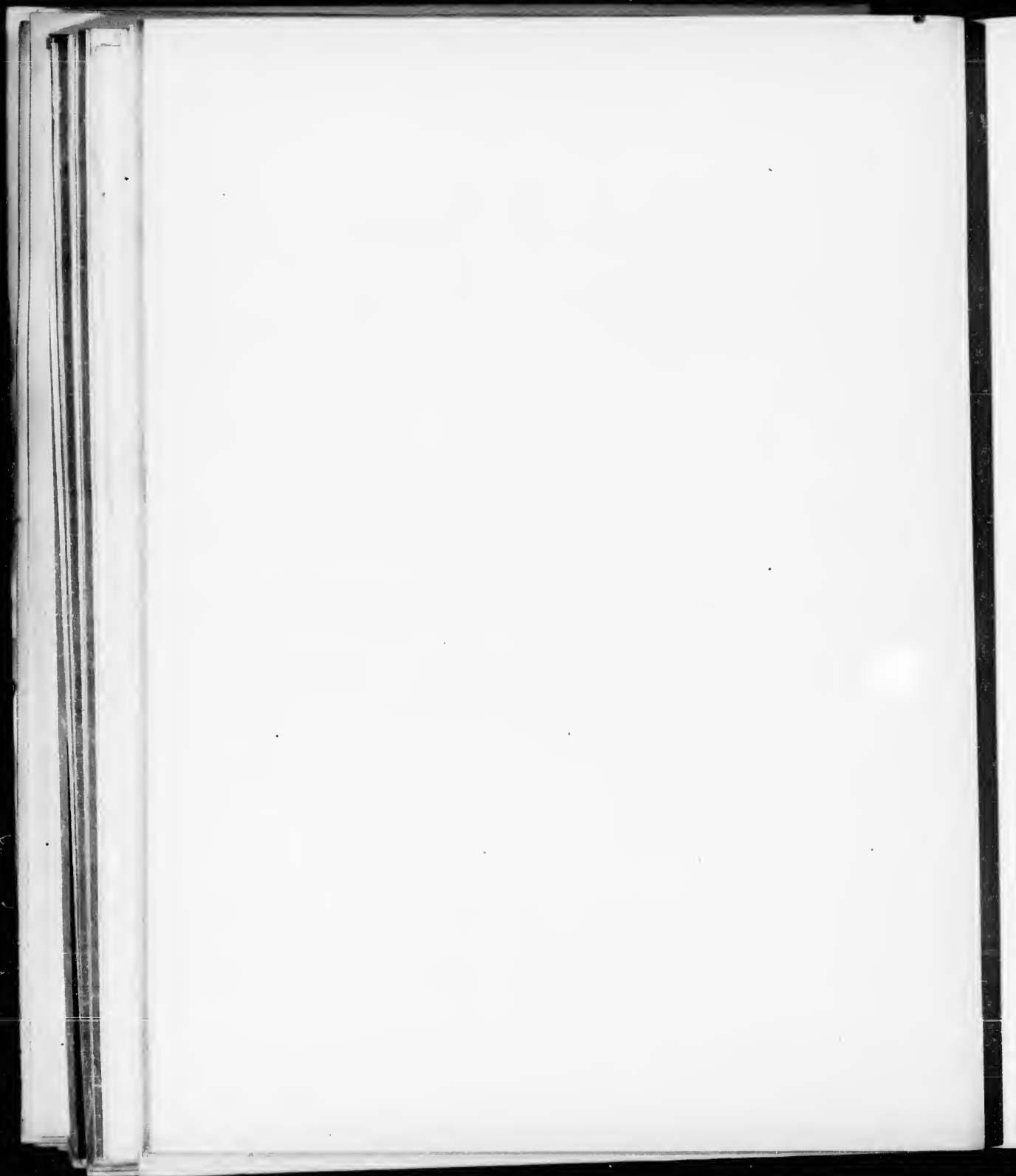
1750 The foregoing deposition being read to the deponent, he persists therein and declares it contains the truth and has signed.

A. G. DUFOUR.

Taken and sworn to before me in open Court at Malbaie, this 6th of July, 1876.

A. B. ROUTHIER.

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay. }

THE DOMINION CONTROVERTED ELECTIONS ACT, 1876.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

1760

MALBAIE, 6th day of July, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

No. 14.

Petitioners.

VS.

THE HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of the Petitioners.

Emile Jacot, 36 years old, of Quebec, jeweller, being duly sworn upon the Holy Evangelists, doth depose and say :

1770

I know the parties in this cause. I am neither related nor of kin to, nor servant nor in the employ of any of them. I am not interested in the issue of the suit.

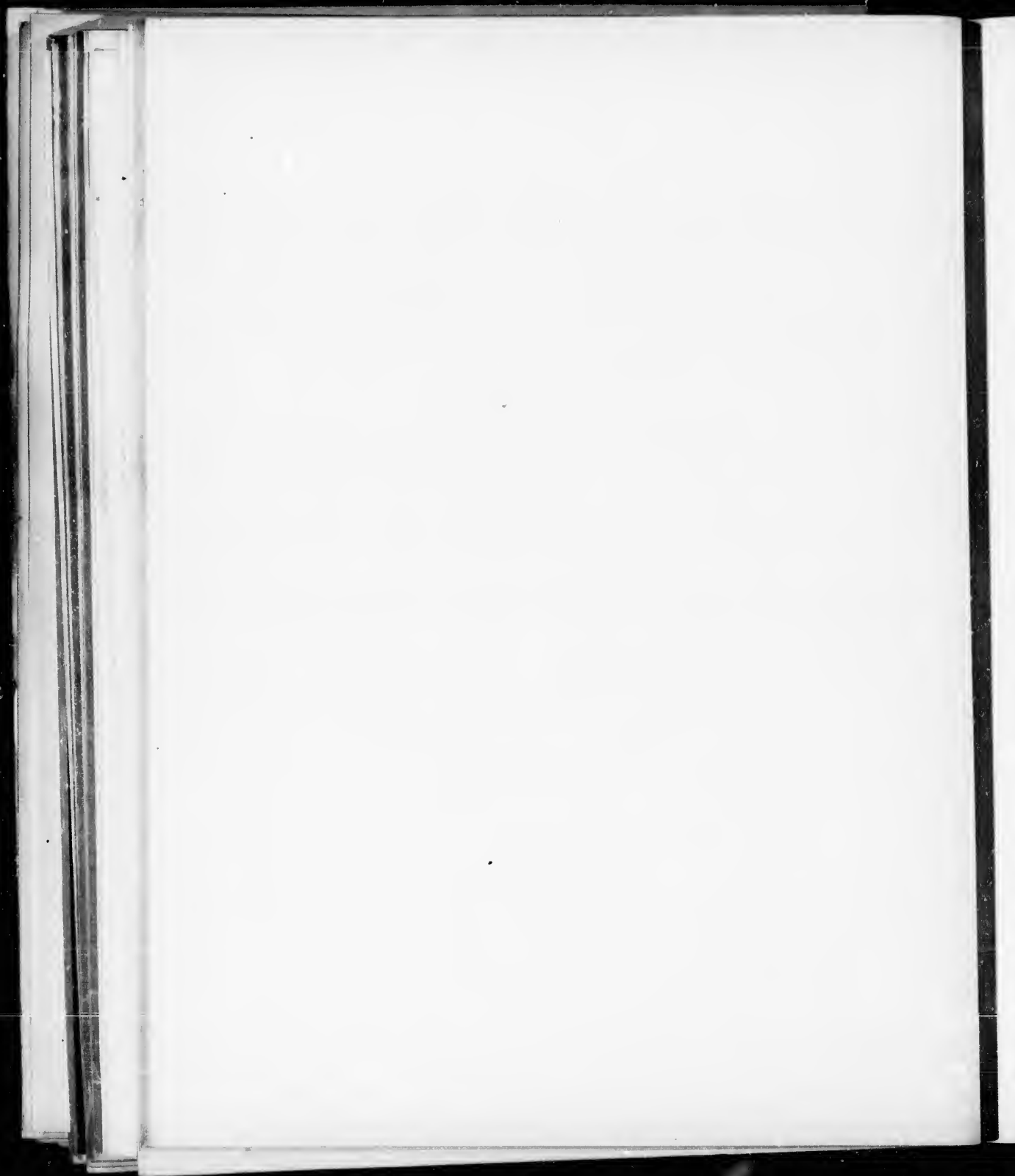
Objected to for the same reason as to the evidence of Abel Maltais. Objection reserved to the merits.

I happened to be at Baie St. Paul on the last Sunday before the voting in the election now in question. I heard the sermon preached by the Curé on that day. The sermon was about the election. The Curé said from the pulpit that we were in the election time in the county, that there were some strangers in the parish and that we should not listen to those fine speakers. It was he who should be listened to on the present as well as on any other occasion. Those people came into the county to tell lies and falsehoods. He first called them false Christs and false Prophets. "Make them disappear from your eyes, do not listen to them."

1780

He advised his parishioners to vote conformably to the pastoral letter (*mandement*), and stated that it condemned Liberalism and the Liberal party. He spoke for a very long time on that subject. He stated in the beginning that he had ordered the church wardens not to allow any one to speak on the church property.

He condemned Liberalism and the Liberal party. Speaking of them, he mentioned what had taken place in the old countries, naming at the same time Bismarck, Napoleon the



- first and Garibaldi. He said that those men had persecuted the clergy, and that Bismarck was still persecuting them. He said the Liberals had the same tendencies as those men.
- 1790 He said that with the Liberals we were driving to a religious revolution, and while on that subject, he stated that in this as well as in the older countries, the blood of the priests might flow. He said that those who followed the Liberal party would cause the blood of the priests to flow, and that they (the parishioners) would then regret having voted for the Liberals, but that it would be too late. He told them they must obey him, and that if they should disobey him on the present occasion, he would not forget it at their death-bed. He long spoke on that subject, and told them that at that supreme moment, they (the electors) would be willing to do any thing he would tell them, but it would perhaps be too late. "When I go and see you on your death-bed, you are ready to do anything I tell you to do; well," said he to them, "do the same now." He forbade them to vote for the candidate who supported the
- 1800 Liberal party. Mr. Tremblay was that candidate, but he did not name him. He told them to vote against the candidate or candidates supporting said party. He said that the party supported by those men would abolish the tithes or were willing to abolish them, and he added that after that the electors would be taxed in order that the government might pay the priest. He spoke of venomous serpents. He compared the Liberal party to a venomous serpent.

He said that the blood of the priests would perhaps flow one day, and that they would repent of not having listened to him, but it would be too late. He said: "If you saw me under the knife of a guillotine, it would pain you, and you would regret not having taken my advice: listen to me now."

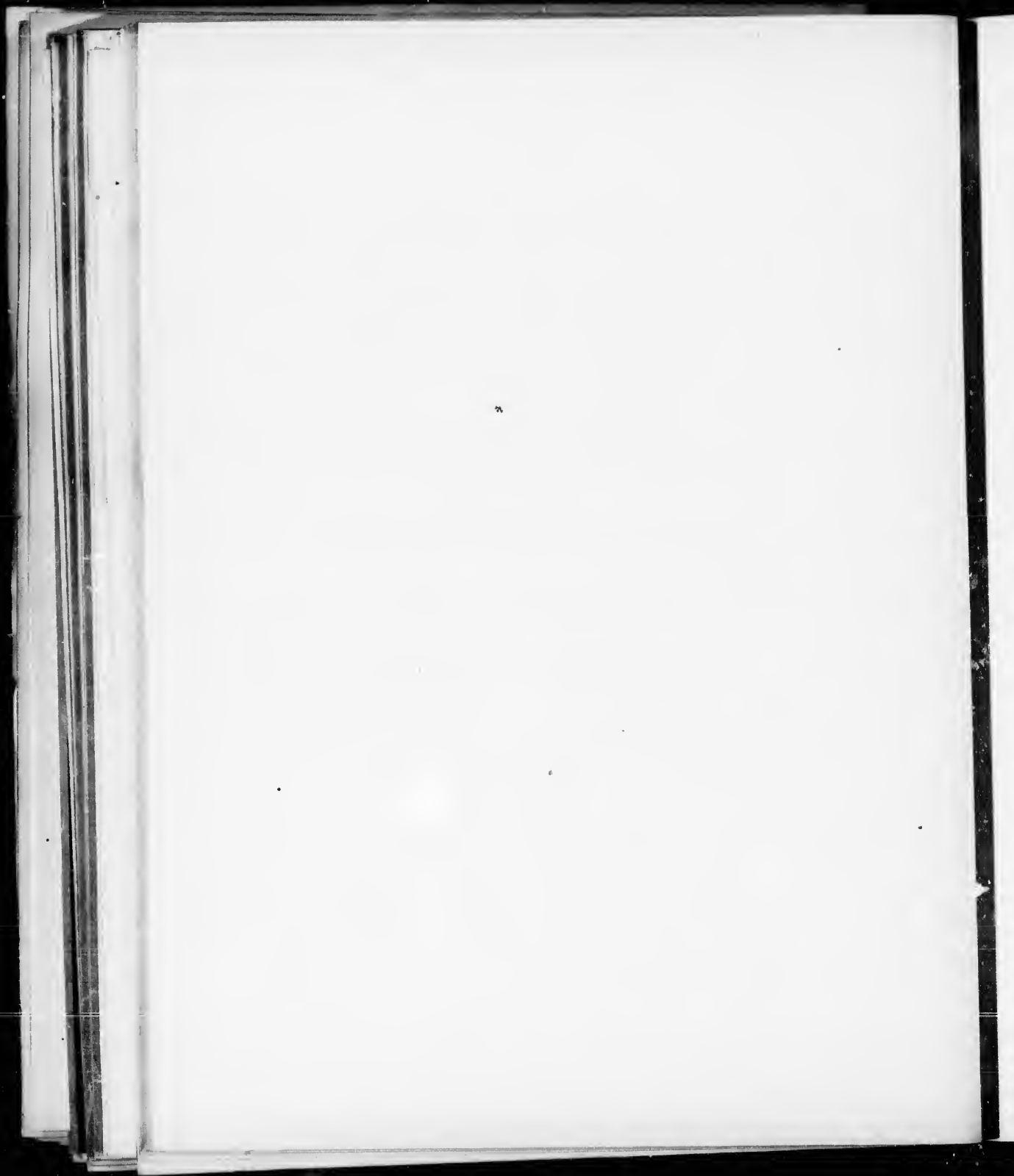
- I stayed at Baie St. Paul for some days after said sermon. When that sermon was
- 1810 preached, the church was full, and the electors spoke considerably of it, and that made a strong impression upon them. After what I have witnessed, it is my opinion that the sermon may have impressed the electors as to the way of voting. Many supporters of Mr. Tremblay said that they were frightened and would not dare to vote; others boasted that they would not be influenced by it.

I cannot state exactly how many votes Mr. Tremblay lost through the said sermon, but it is certain it made him lose a certain number, and I heard it said by some electors since. I believe the number Mr. Tremblay thus lost is a pretty considerable one.

CROSS-EXAMINED

- In politics I belong to the Liberal party. I had come on a trip to the county of
- 1820 Charlevoix in January last, taking advantage of the election time for that. I came down at that time because there was more attraction and there were many of my friends coming down to the county. I did not come down for the purpose of working in the election, because I am not a speaker, but once there if I had been able to do something for Mr. Tremblay, I should have done it. My friends were the Messrs. Larue (Achille and George) of Quebec, Philéas Huot, of Quebec, notary, Abdon Côté. I came down with Philéas Huot, who is an election speaker. I came to the county out of curiosity, to accompany my friends. I had friends in both parties.

Question.—Please say whether the Curé did not speak of a religious revolution only when alluding to what takes place in the older countries and to Mr. Huntingdon's speech.



1830 *Answer.*—He said that the Liberals had such tendencies, that we were driving to a religious revolution by professing Liberalism and following the Liberal party.

Question.—Is it not true that the Curé spoke of Liberalism from the standpoint of the Pastoral letter (*mandement*) ?

Answer.—He spoke of it in two ways, in many different ways. When he spoke of it from the standpoint of the pastoral letter (*mandement*), he said: Vote according to your conscience, in accordance with (*d'après*) the pastoral letter (*mandement*). In another connection (*en d'autres termes*) he did not speak of the pastoral letter (*mandement*); however, he mentioned it once or twice. He after that spoke of the Liberal party and, according to me, completely left the pastoral letter aside. He spoke both of Liberalism and of the

1840 Liberal party.

Question.—Is it not true that the Curé spoke of Catholic Liberalism on that occasion ?

Answer.—It is not what I understood. In religion I am a free-thinker.

Question.—Please state in what terms the Curé forbade his parishioners voting for the Liberal party ?

Answer.—He did it in three or four different manners, and on three or four times. He forbade them to vote for the Liberal party. I am positive of the fact, though unable to report his very words. I understood it from what the Curé said, as deposed in my examination-in-chief.

I remained about four or five days at Baie St. Paul. I put up at the hotel all the
1850 time, and I suppose the greatest number of people with whom I had some intercourse were Liberals.

The Curé said at first that Liberalism was like the serpent that tempted Eve in Paradise; then in his discourse he again alluded to the serpent in a different manner. I cannot give his very words, but according to my impression he compared the Liberal party to the venereal serpent; he afterwards spoke of Liberalism and the Liberal party as going arm in arm (*marchant ensemble*) and having the same tendencies.

I have been present at a couple of meetings where both parties met, in the Baie St. Paul ranges.

The foregoing deposition being read to the witness, he persists therein, and declares
1860 that it contains the truth, and has signed.

EMILE JACOT.

Taken and sworn before me in open Court, at Malbaie, this 6th July, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, the sixth day of July, 1876.

1870

PRESENT:—THE HON. A. B. ROUTIER, J. S. C.

BRASSARD ET AL.,

Petitioners:

No. 14.

vs.

HON. H. L. LANGEVIN,

Defendant:

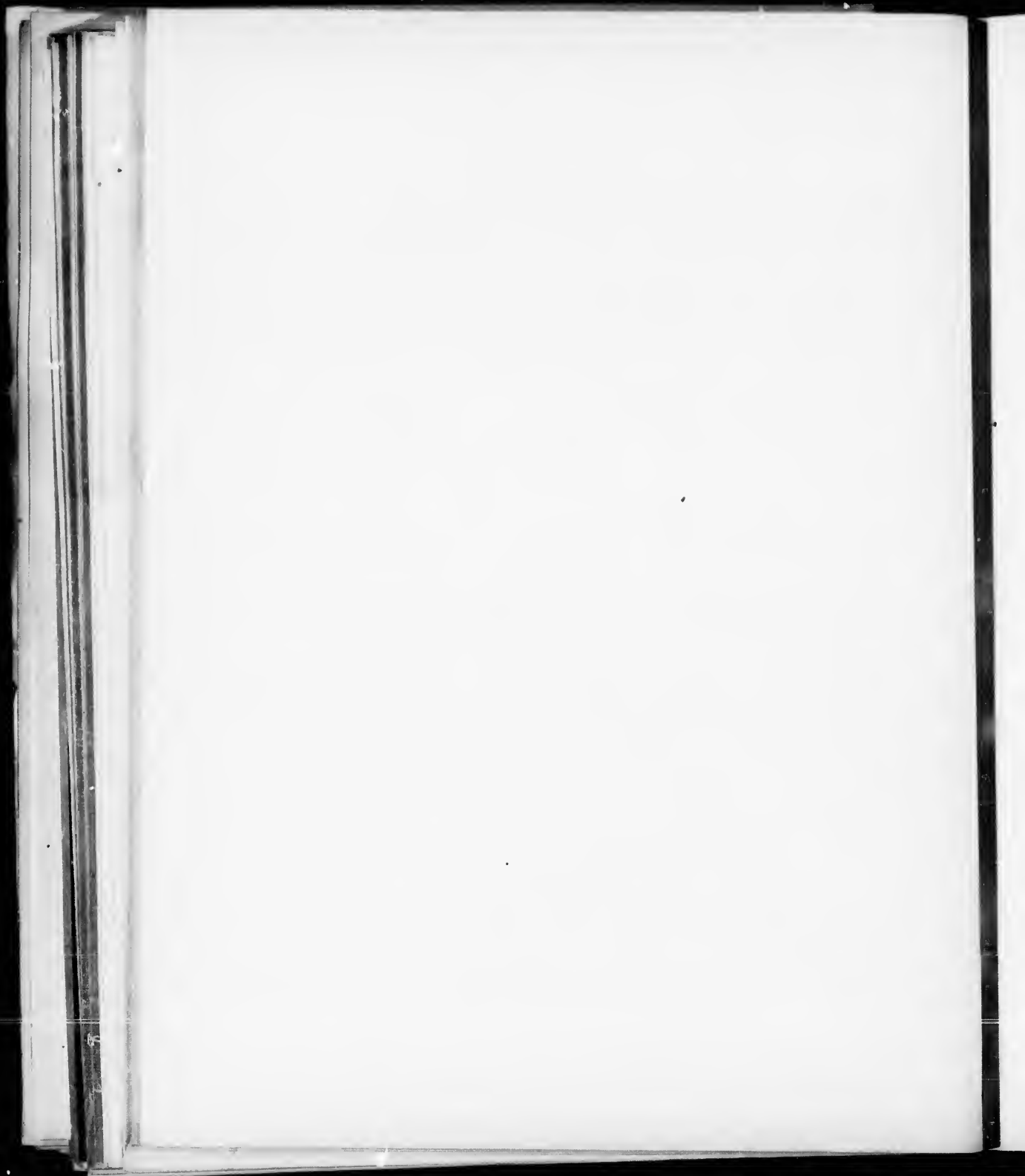
Evidence on the part of the Petitioners.

Octave Simard, 45 years of age, farmer, of the parish of the Baie St. Paul, being duly sworn on the Holy Gospel, deposes and says:

I know the parties in this suit. I am neither a relative nor a connection nor a servant nor a domestic of any of them. I have no interest in the issue of this suit.

Objected to for the same reasons as in the testimony of Abel Maltais. Objection reserved to the merits.

I was an elector, and I voted at the election in question. I was at Baie St. Paul all the time that the last election continued. I was present at a sermon delivered by Mr. Sirois, Curé of the said parish, the Sunday previous to the voting. This sermon had reference to the election. There was quite a number of people in church during the said sermon. In this sermon the Curé spoke of the Liberal party. I cannot remember the words that he employed. But from what I was able to understand of this sermon, he said that for a Catholic to vote for the party to which I was accustomed to give my vote was to be a bad Catholic. I was accustomed to vote for the Liberal party. All the electors of Baie St. Paul are Catholics. I cannot say if it was in this sermon, but I know that in one of his sermons, delivered during the said election, and relative to it, he spoke of false Christs and false prophets. He delivered several sermons on the election.



By false Christs and false prophets he meant that this came from the Liberal party, and that it might end in one losing himself therein; that it was the first step towards losing one's religion. He spoke of what the Liberal party had done in other countries. He said that the French revolution had begun by the Liberal party. He said that in this revolution the priests had been cast into prison and butchered. He said that the same thing might happen in this country, and that advances had been made in this direction. He said that it was the Liberal party that thus hurried us on (*qui nous avanceit ainsi*). He said that in the old countries they had walked in blood, and that one might end by walking in it here by continuing in the same road. He said that people had walked in the blood of Catholics. He said that the Liberal party might end in destroying the priests and in abolishing their tithes. I don't remember if he spoke of taxes relative to the tithes. In another sermon before this he had spoken of a candidate who had gone to see him. He didn't name this candidate; he didn't make one understand who he was, but I understood, as there was but one candidate in the parish, that he was speaking of Mr. Tremblay the candidate.

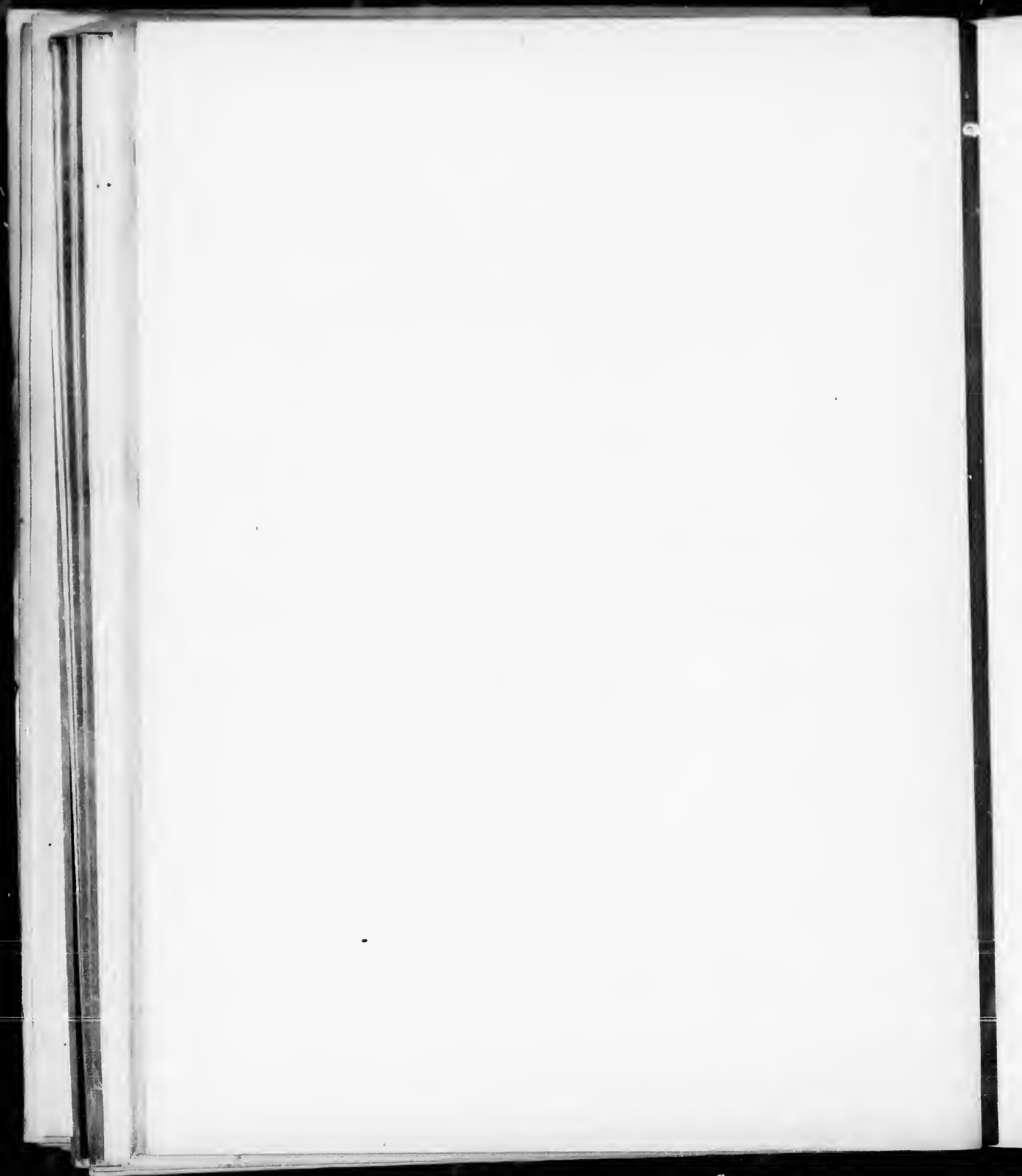
I understood that he said it was well that he was absent when this candidate had called on him, and that had he been present he would have told him such and such a thing. I don't remember exactly his words, but they were to the effect that he would have sent him about his business in such a way as to make him remember it (*pour le molester*). He told us to treat this candidate in the same way that he would have done himself had he been present.

I know that Mr. Sirois spoke of venomous serpents in one of his sermons. I know not in which. He employed these words in relation to Liberalism, which he said entered into us as the serpent had entered into the terrestrial paradise.

I did not understand in his sermons any difference between Liberalism and the Liberal party. The sermons which he delivered during the election showed that they were in favor of Mr. Langevin. His sermons indicated the candidate for whom the electors should vote, because there was a good one and a bad one. It was well understood who was the good one, because there were a Conservative and Liberal, and that it was the Conservative that was the good one. He said that there would be danger for religion in voting for one candidate rather than for another. At the beginning of the election I had declared myself in favor of Mr. Tremblay. After these sermons and that of last Sunday I still declared myself for Mr. Tremblay. To the best of my knowledge and belief this sermon produced a great impression on the electors, and changed a good many of them. I may be mistaken, but this is my conviction.

This sermon was greatly spoken of in the parish. I heard many electors (seven or eight) who told me that this had changed their political opinions. These sermons, and above all the last, have ended by changing my own opinions.

I was at the church door on New Year's Day after mass, when the Defendant delivered thereat a speech. I didn't hear much, because I was obliged to proceed forward so as to have silence kept on the church property in my capacity of Church-warden. I don't remember if, in his sermon of the last Sunday the Curé made any recommendations to the Church-wardens relative to those who were to speak at the church door. I am not sure



enough to be able to say if the Defendant spoke of the clergy in reference to his jurisdiction. The Defendant said that he hoped that he would be supported by the clergy, in his speech on New Year's Day.

The Cure in his sermon of the last Sunday spoke of the electors who would be at the point of death. He said that then they would have remorse, and would be far more willing to listen to him than to listen to the instructions that he was delivering then. He said that they would have remorse for not having followed the instructions which he gave them.

CROSS-QUESTIONED.

I can read a little and sign my name.

Question.—Is it not true that the Curé spoke in his different sermons of Liberalism according to the pastoral letter (*mandement*) of the Bishops?

Answer.—Yes.

Question.—Is it not true that the Curé said that the false prophets are those who speak against the Pope, the Bishops and the priests.

Answer.—He said that and more; he said that the false prophets were those who spoke against the Bishops and priests, and came amongst us with Liberalism.

Question.—Is it not true that the Curé spoke of the persecution against the clergy in the old countries, and that this persecution had been caused by Liberalism?

Answer.—Yes.

Question.—Is it not true that the Curé spoke to you of Catholic Liberalism, and that he said that this Liberalism was condemned by the Church?

Answer.—Yes.

I heard the Curé reading the pastoral letter of the Bishops (*le mandement des évêques*). In the reading of the pastoral letter (*mandement*) I heard the words false prophets and false Christs, venomous serpents. I never declared to any person that I had changed my political opinions. The Curé in all his sermons invited his parishioners to vote according to the teachings of the Bishop's pastoral letter (*mandement*).

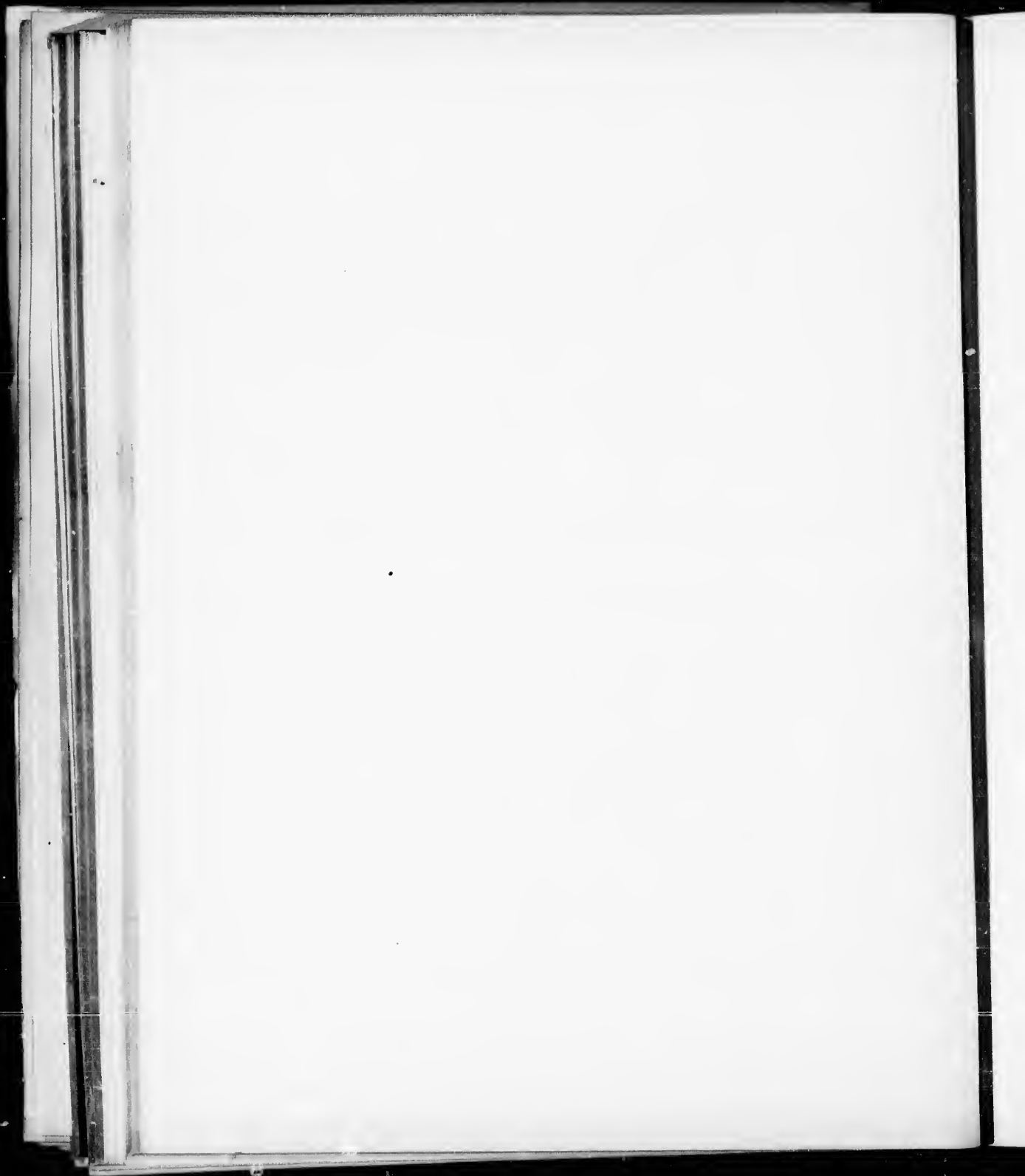
The present deposition having been read to the witness, he persists in declaring that it contains the truth, and has signed.

OCTAVE SIMARD.

Taken and sworn before me, at Malbois, in open Court, this 6th July, 1876.

A. B. ROUTHIER,

J. S. C.



1970 PROVINCE OF QUEBEC. } SUPERIOR COURT.
 District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, 6th July, 1876.

PRESENT :—HON. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD ET AL.,

Petitioners.

AND

HON. H. L. LANGEVIN,

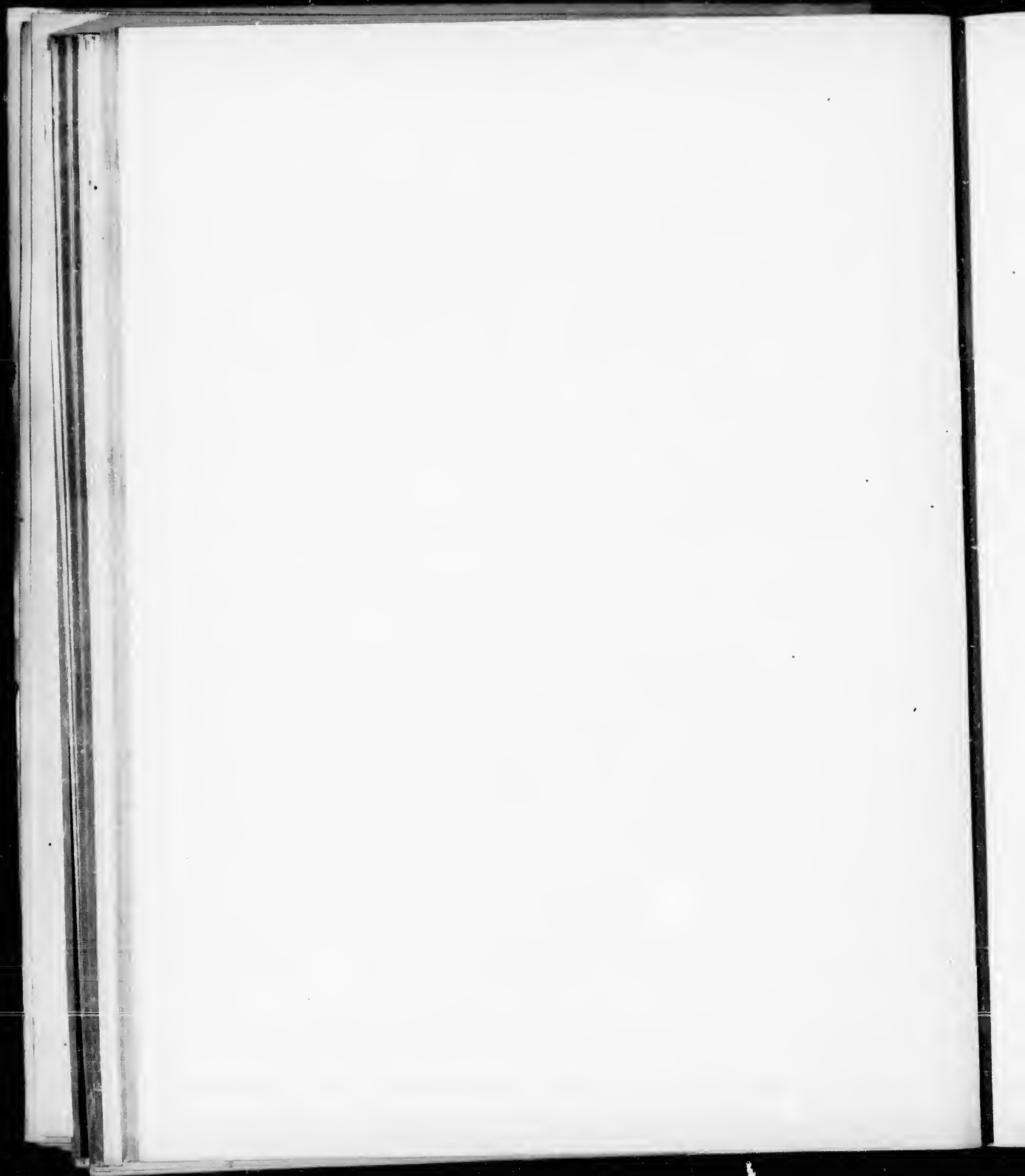
Defendant.

1980

Evidence, on the part of the Petitioners.

Boniface Larouche, aged 51 years, farmer, of the Parish of Baie St. Paul, being duly sworn, doth depose and say:—I know the parties in this case. I am not related allied, or of kin to, or in the employ of any of the parties in this cause. I am not interested in the event of this suit. I was an elector at the election in question, and I voted. I was at Baie St. Paul during all the time of the election. Mr. Sirois, the Curé, preached on the said election every Sunday during the election. The sermons were favorable to the candidature of the Defendant. I heard a sermon delivered on Christmas. In that sermon he spoke of a candidate who had gone to pay him a visit. He did not name Mr. Tremblay, but I understood he was referring to him, because he spoke of the candidate who was before the people or re-election (*dont le mandat était devant le peuple*). He said: this candidate came to visit me, and I told him I was no more in his favor now than I was before. On that occasion he did not tell the people how they were to receive this candidate, but on another occasion, during another sermon, he did so. During that sermon he said he should be received, as he instructed them to do so by his explanation. In his explanations, the words of which I cannot well recollect, he told us that the clergy were the light (*que le clergé était la lumière*), that the people should follow the light—that is, the clergy. I understood him to be in favor of the Defendant; it was quite plain. He did not say for whom, but pointed out for whom we should vote as faithful Christians, and pointed out that we should vote for the Defendant.

2000 He said there was danger for every one who belonged to the Liberal party. He said that that party endangered religion by making use of expressions which we did not understand. He spoke of what had happened in the old countries. He said that in the older countries the people had allowed themselves to be blinded by these men, and that rebellion had followed.



and that rebellion had led to the scaffold priests, bishops and other persons. He said if such principles were not put a stop to here we would have the same result. I was not present at the sermon preached on the last Sunday preceding the election. I can say that these sermons caused Mr. Tremblay's defeat. There was a great deal of talk in the parish about the first and last sermon. A great number of electors told me that they had been very much influenced. To my knowledge the sermon preached on the last Sunday induced many to change
 2010 their opinion. I heard the speech made by the Defendant on New Year's Day, at the church door of Baie St. Paul. He said he had been asked to come forward by a requisition, and that he had the support of all the priests in the county. He said the priests were the leading men, and that we should respect their opinion. He said at that meeting, and at others also, that the County was in need of a religious man, as there were questions before the House in which the Church (*religion*) was interested.

CROSS-EXAMINED.

During the last election I was active, and worked for Mr. Tremblay. I am much in favor of his politics. The Curé read the pastoral letter (*mandement*) on several Sundays, and the Sunday that he told us to receive the Liberal candidate, as he directed us by his explanations the Curé had read a part of the pastoral letter (*mandement*); every Sunday he read
 2020 parts of the pastoral letter (*mandement*).

Question.—Is it not true that the Curé spoke of Liberalism in the same light as did the pastoral letter (*mandement*) of the Bishops, which he read.

Answer.—Yes.

Question.—Is it not true that the said Catholic Liberalism was condemned by the Church?

Answer.—Yes.

Question.—Is it not true that he said that it was the bad principles of Liberalism which had brought on revolution and religious persecution in the old countries?

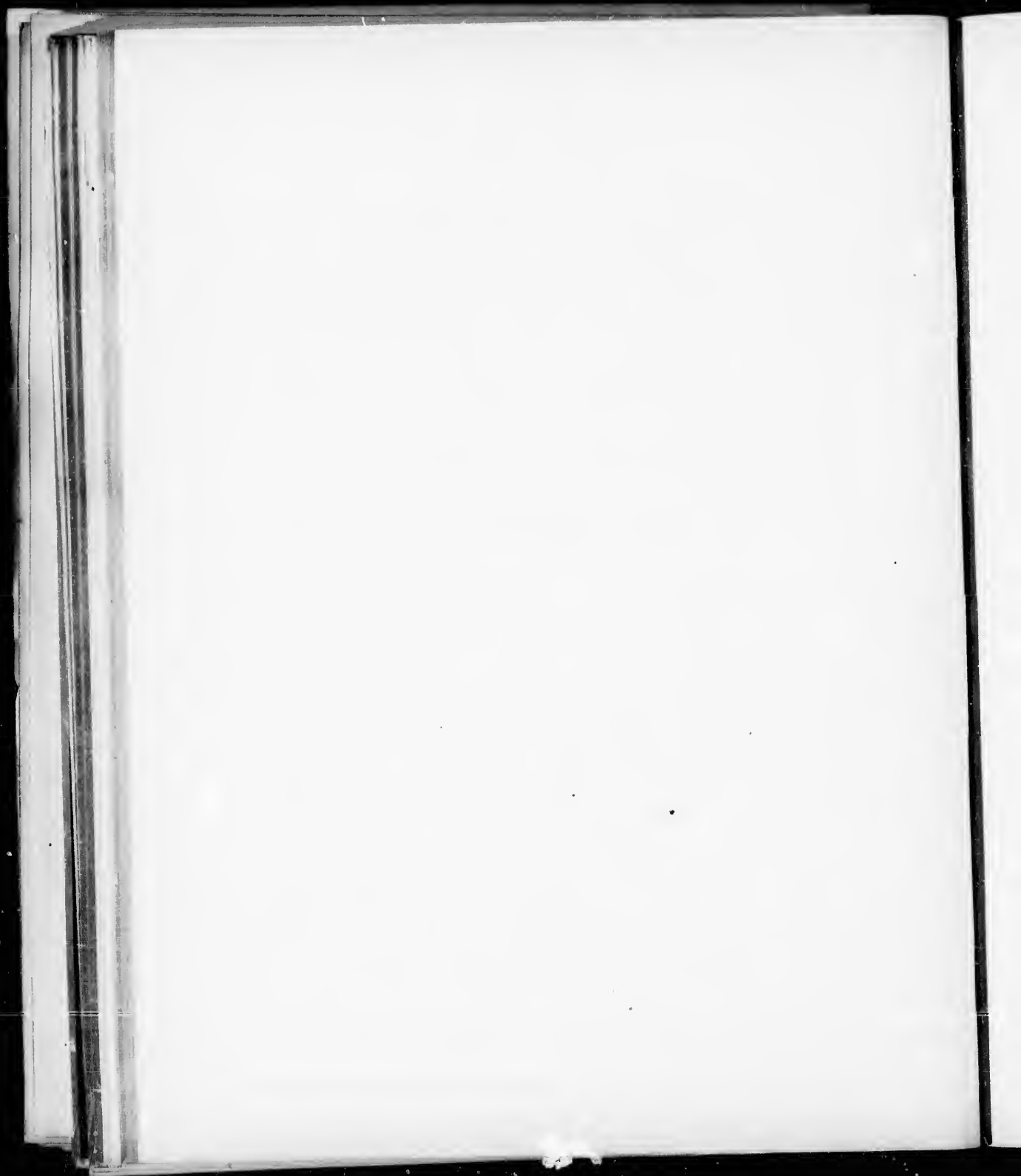
2030 *Answer.*—I did not so understand him. I understood it was on account of the principles advocated by the Liberals (of us here), that all these things had happened.

The present deposition having been read to the witness, he persists in the same, declares it contains the truth, and cannot sign.

Taken and sworn before me, in open Court, at Malbaie, 6th July, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

2040 *Election of a Member for the House of Commons, for the Electoral District of Charlevoix.*
 MALBAIE, Seventh day of July, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners :

AND

No. 14.

HON. H. L. LANGEVIN,

Defendant :

Evidence on the part of the Petitioners.

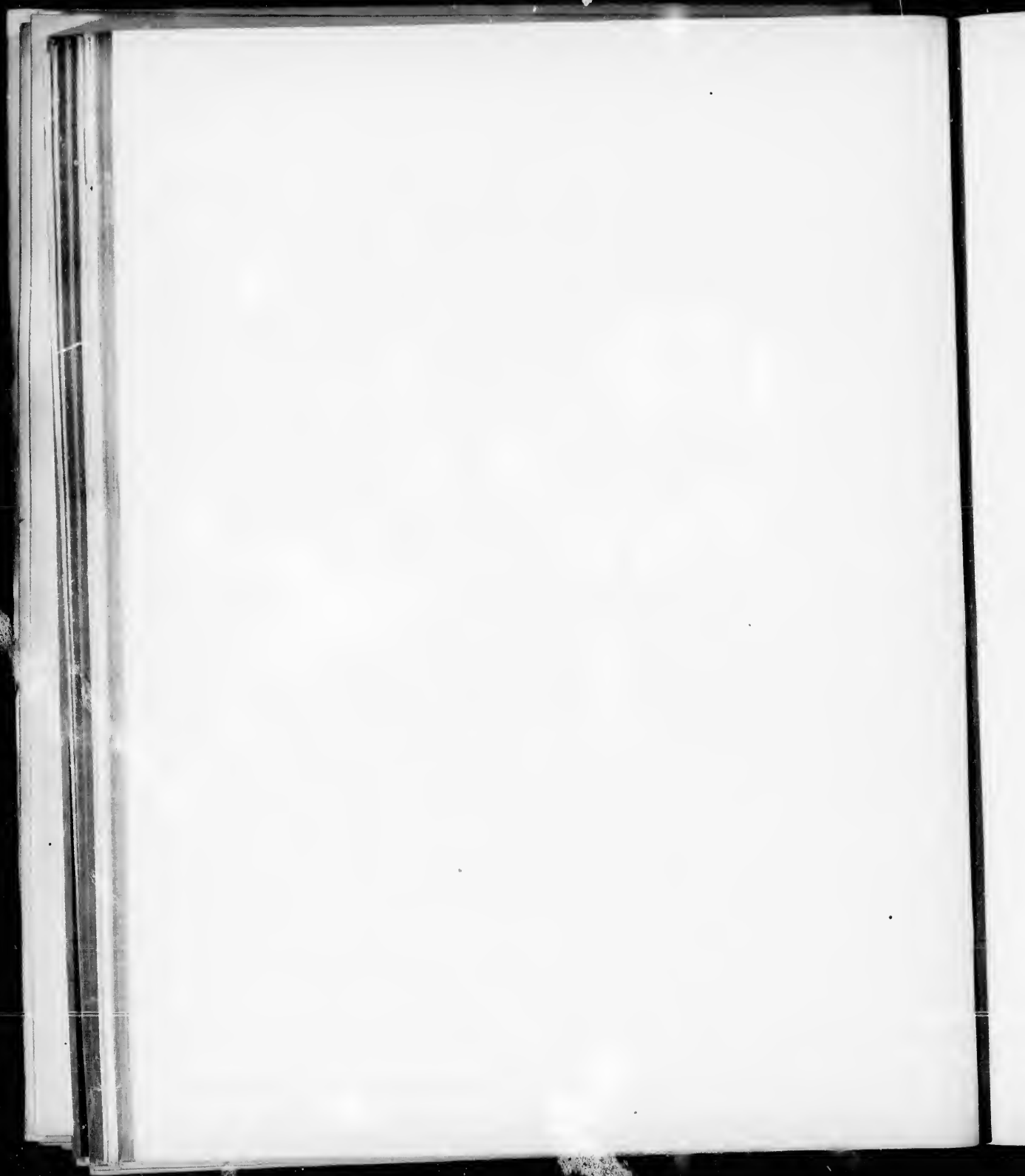
2050 Alexis Gagnon, aged 52 years, merchant, and farmer, of the parish of St. Fidèle, being duly sworn, doth depose and say :—

I know the parties in this case ; I am not related or of kin to or in the employ of any of them. I am not interested in the event of this suit. I had a right to vote at the last election, and I did not vote during the election ; I had declared myself in favor of Mr. Tremblay. The reason I did not vote, was because after I heard the Bishops' explanations, and saw that the clergy came out in a body (*en masse*) against the liberal party, I began to reflect and said to myself that I would withdraw on the polling day.

Objected to by the Defendant, for the same reason given in the deposition of Abel Maltais. Objection reserved to the merits.

2060 The Curé of St. Fidèle, Mr. Tremblay, read us the pastoral letter (*mandement*). I can not say all that the Curé said while commenting on the pastoral letter (*mandement*) of the bishops (*mandement*) but I remember that he concluded by saying "knowing as I do what is going on, I would believe that I was committing a sin if I voted for the Liberal party. It was after this and other things (knowing that gentleman to be better informed than I was) that I was convinced I could not vote for Mr. Tremblay. In speaking of the Liberal party, he said it was an expression imported from the old countries, but added that the same party existed here. When he said that, knowing as he did what was going on, he would believe that he could not vote for the Liberal party without committing a sin. I cannot state if he was referring to the party of the old countries, but that was the way he concluded his sermon. The liberal party of which he was speaking was Mr. Tremblay's party. I had a

2070



conversation with Curé Tremblay and told him that I would probably not vote. He answered you can vote for whom you wish, no one will know. I then said, if I vote it will be known for whom I vote as I have already declared myself. I cannot recollect if at that moment I told him in whose favor I was, but he knew beforehand. I then said to him, "Well what do you say?" He answered "it is your affair." From what he said, as he did not order me to vote, I understood that it was better for me not to vote, the more so, because we then knew that Mr. Tremblay's election was lost. I thought Mr. Tremblay's election was thus lost because all the priests, that is those of the county had met together and were against Mr. Tremblay. From what I can judge on account of this sermon one or two electors voted against Mr. Tremblay who would have otherwise voted for him, and I know of one other who did as I did and did not vote.

CROSS-EXAMINED.

The Curé of St. Fidèle did not speak of Liberalism in relation to the pastoral letter (*mandement*) of the bishops, but he spoke of it when he was explaining the pastoral letter (*mandement*).

The present deposition having been read to the witness, he persists in the same, declares it contains the truth and has signed.

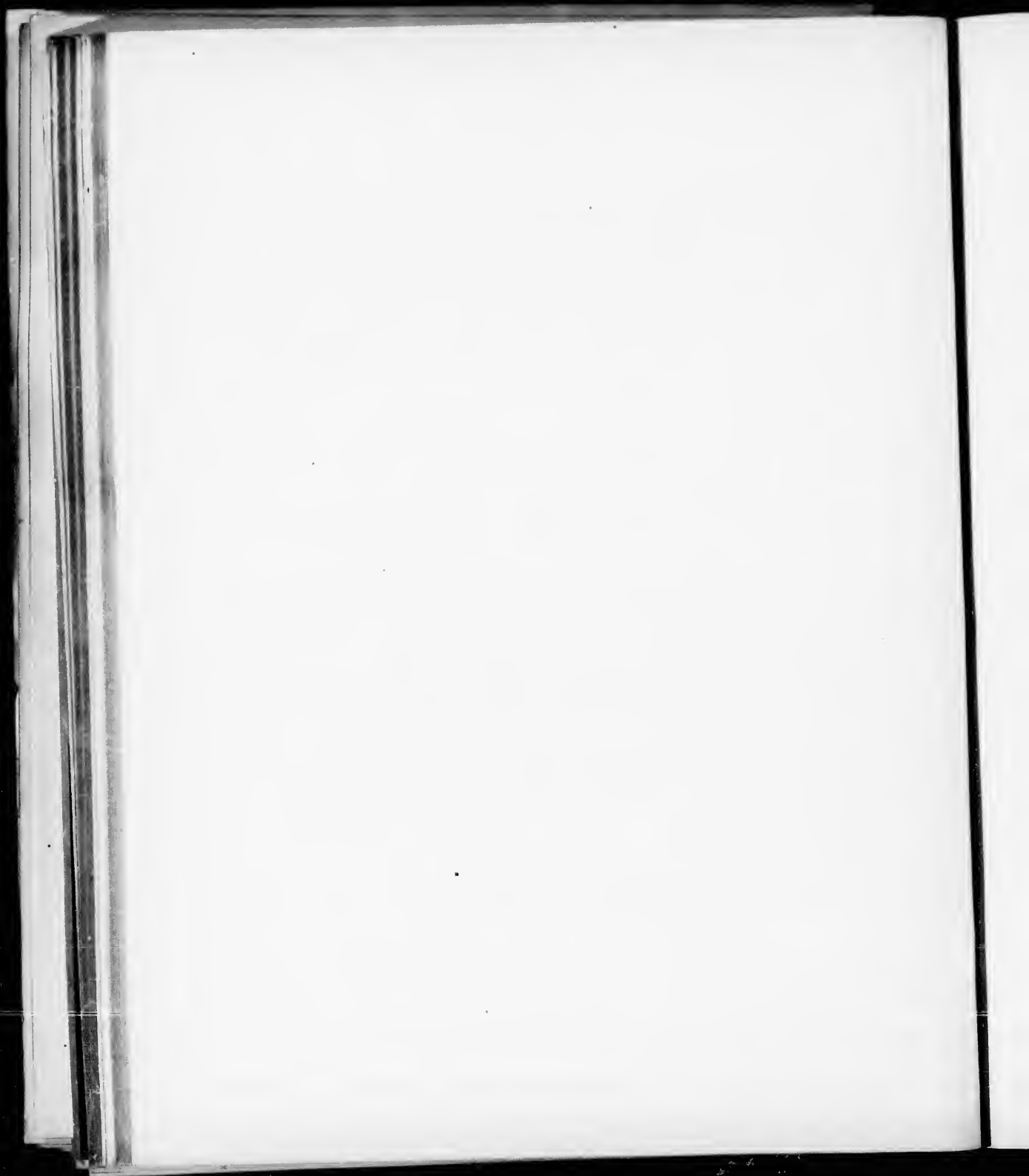
ALEXIS GAGNON,

Taken and sworn before me in open Court at Malbaie, this 7th July, 1876.

A. B. ROUTHIER,

2090

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
 District of Saguenay, }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, this 7th day of June, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners;

2100 No. 14.

vs.

HON. H. L. LANGEVIN,

Defendant;

Petitioners' Evidence.

Elzéar Damiis, of the Parish of Baie St Paul, 84 years old, *rentier*, gentleman, is examined by the Defendant (*sur le voi dire*).

Question.—Please say what religion you belong to.

Answer.—I belong to the religion which believes Jesus Christ came into the world to teach.

Question.—What religion is it that you believe Jesus Christ came to this world to
 2110 teach?

Objected to by the Petitioners, inasmuch as the witness, having declared he professes to be a Christian, is competent to testify before a Court of Justice.

Question withdrawn.

Question.—Do you believe in the existence of God?

Answer.—I do.

Question.—Do you believe in hell?

Answer.—I do.

Question.—Is it not true that you have declared to Mr. Gingras, formerly a curé of Baie St. Paul, that you did not believe in hell, that you were an atheist. If not, state what
 2120 you have declared to him.



Answer.—Seven or eight years ago, I declared to the Curé Gingras that I did not want to belong to a religion of which he was the minister. I have not stated that I was an atheist. The reasons why I made that declaration to him are that that gentleman was converting the pulpit into a rostrum, from which he belied and insulted those who opposed his plans for the construction of buildings which I considered would have ruined the parish. Mr. Gingras styled himself a Catholic priest and was curé of the parish. I have been baptized a Catholic. Since I left the religion whereof the priest (Gingras) was considered one of the ministers, I profess the religion of justice, truth and brotherly love, which I believe Jesus Christ came to teach upon this earth, and I don't believe in the religion from which I notified the priest Gingras that I had withdrawn.

2130 *Question.*—Is it not true that since that declaration which you made to the Curé Gingras, you have declared that you believed neither in God nor in hell.

Answer.—I have never said that I did not believe in God, but I may have said that if I were in the place of many priests I would not wage war against the devil as they do, because it was he who made a living for them, and that he was very useful to them in that they used his name to frighten the farmers and extort tithes from them. I do not recollect having also said that I did not believe in hell; if I have said so, it was against my belief. According to my belief, a perjury shall be punished by hell in the other life.

2140 Objected to by the Defendant, as well as to the evidence of Abel Maltais. Objection reserved to the merits.

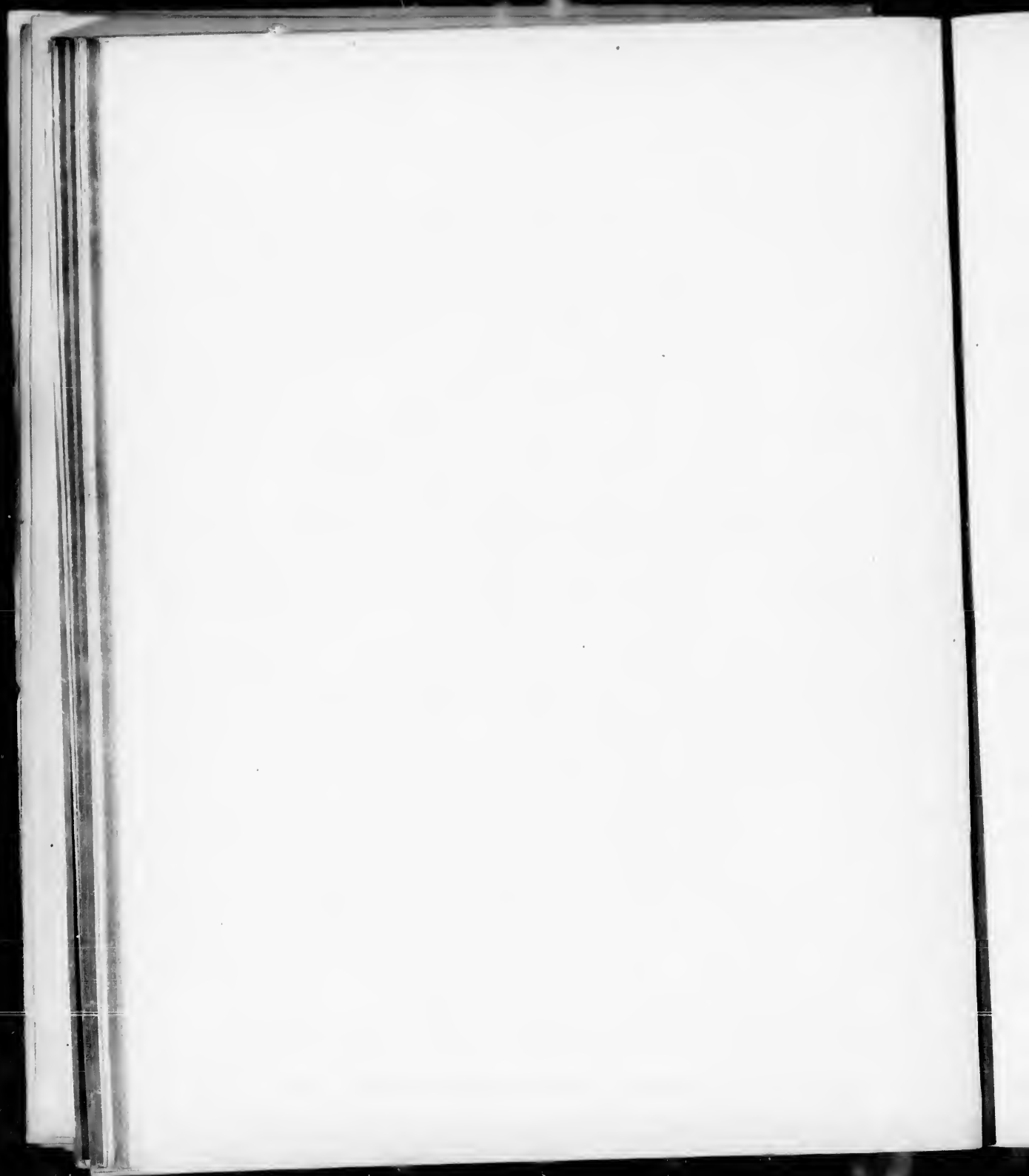
The witness is examined by the Petitioners, upon the oath already taken:

I live in the village of Baie St. Paul, where I was present during the last election. I think I have met the majority of the electors of both parties at Baie St. Paul. According to me, the result of the Curé Sirois' sermons was the loss for Mr. Tremblay of from one hundred to one hundred and fifty votes of majority which he would have had in the parish without the intervention of the clergy. I think the result of the voting was a majority of one hundred and twenty-one or one hundred and thirty-one in favor of the Defendant. The sermons of the Curé were the topic of all the conversations relating to the election, at least of all those I have witnessed in private families where the election was spoken about.

2150 The sermon that created the strongest impression and which was the most spoken of, was the one preached on the last Sunday before the voting. After the sermon of the sixteenth of January just referred to, many persons seemed to me to believe that they would be damned if they voted for Mr. Tremblay; others thought that it was only a ease of conscience (*en cas de conscience*). Three or four persons of range St. Ours told me that the said range was totally lost for Mr. Tremblay in consequence of the above mentioned sermon. I heard the Defendant saying at a meeting held in the parsonage (*presbytère*) of Baie St. Paul that he had come into the county under the auspices of the clergy. The Curé came to the meeting but I cannot say positively whether he was there when the above words were spoken. I cannot conceive how it could have been possible during the election not to hear

2160 comments upon the sermons of the Curé relating to the election.

I know Major Alfred Dufour, who has been heard as a witness. He had declared for Mr. Tremblay at the beginning of the election and was actively working for the latter.



Towards the end of the election, I noticed that he had abandoned or seemed to abandon the party and showed coldness. Dufour did not tell me during the election what the cause of his coldness was. After the election Dufour went to the Defendant's triumph with the Defendant's supporters at St. Urbain. I told him that he had sold himself, and he answered that I would not give him bread when he had none. I understood that it was because he had been threatened to lose his place as Major.

CROSS-EXAMINED.

2170 I have been invited last week by Mr. Tremblay to come here and give my evidence in the contestation. Since I am here, at Malbaie, the Attorney for the Petitioners told me, yesterday or the day before, that I would be heard as a witness. I was not sure of it previously. During a great portion of the time the Court sat yesterday, I was present here in the audience. I don't know whether I have heard the whole of Alfred Dufour's evidence, but I am positive I heard a portion thereof. I was present here when Laurent Pilote gave his evidence. I was present this morning at the opening of the Court.

I have worked for Mr. Tremblay's election. I have gone to the various meetings held by both parties at Baie St. Paul. I may possibly have gone out in the parish. I canvassed the whole parish in Mr. Tremblay's interest. I have also gone to St. Urbain and 2180 Petite Rivière St. Francois in the interest of Mr. Tremblay's election. I did not hear the sermons preached by the Curé Sirois from the pulpit during the election. If the Curé Sirois had not preached as above stated, the result of the voting at Baie St. Paul would not have been the same as that of the election of one thousand eight hundred and seventy-four. I infer that from the manifestations of Mr. Tremblay's former opponents, who then declared for him. Before the present election, I knew of only one of Mr. Tremblay's supporters who intended to oppose him for other causes than the sermon, and I do not know if he had a right to vote; his name is Johnny McLean.

According to me, if Mr. Tremblay has not obtained a majority of from one hundred to one hundred and fifty votes at Baie St. Paul, it was solely owing to the sermons of the 2190 Curé Sirois.

Question.—Is it not true that you are at enmity with the Curé Sirois?

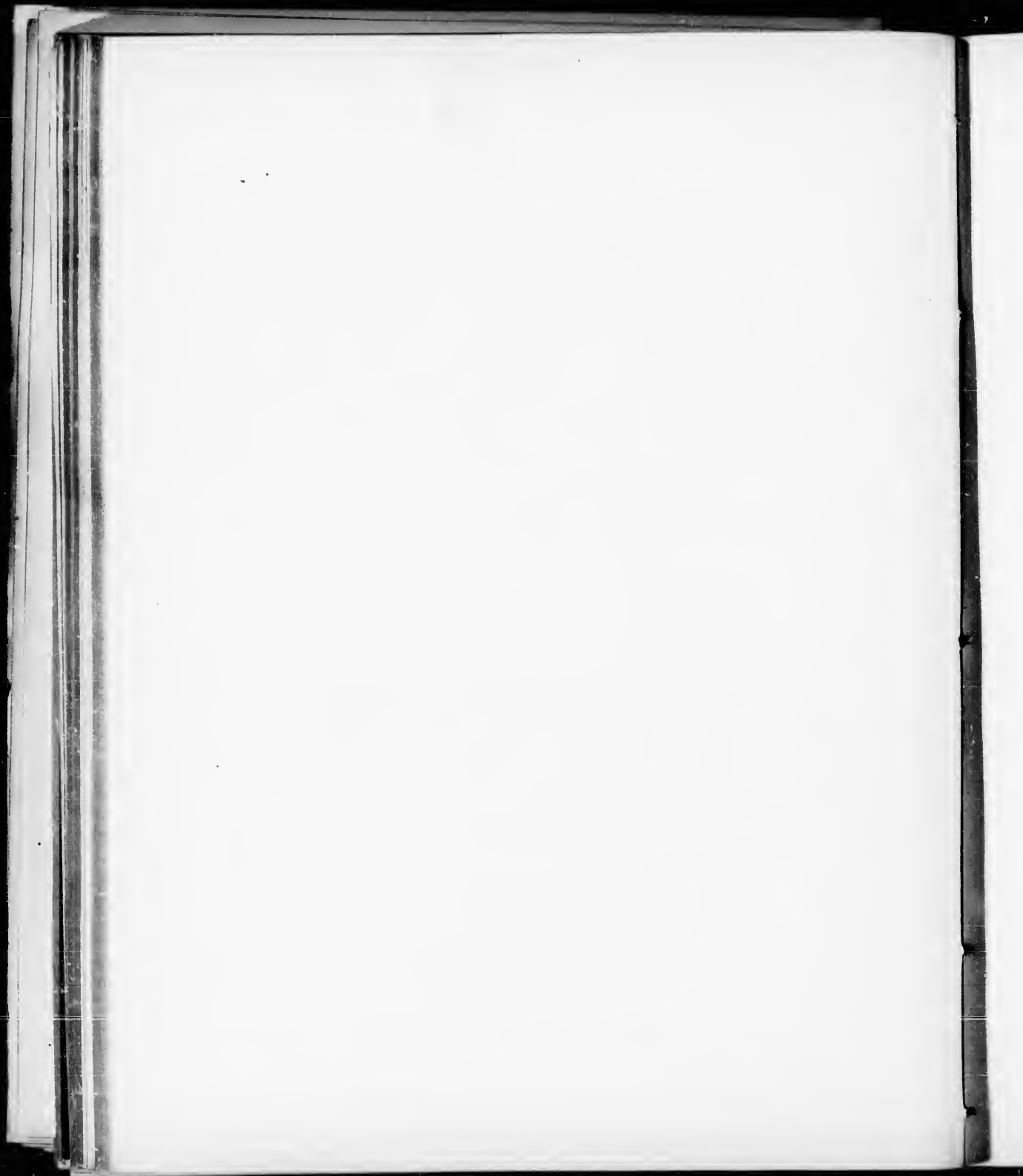
Answer.—I am at enmity with Curé Sirois or rather I have been on bad terms with him since the end of the election, because he has not ceased insulting me from the pulpit as often as he could find a pretence to do so.

Question.—Please mention the insults he has addressed to you from the pulpit?

Answer.—Personally, I know nothing of what he said from the pulpit, but I heard the thing said.

Question.—Is it not true that you are on the footing of enmity or on bad terms with the Curé only since he reproached you with having called your dog Pius IX?

2200 *Answer.*—The Curé said so, but it was a lie. I never had any dog which I called Pius IX. But, during the American war, being one day many friends together and having many



dogs, we decided to give each of them the name of some celebrity. One called his dog Booth, and as for me I said jokingly I am going to call mine Pius IX; that dog's name was Pump. This occurred about ten years before the coming of Curé Sirois into the parish. It may be that afterwards I have some times said Pius IX when speaking to my dog.

RE-EXAMINED.

As far as I can recollect, Mr. Tremblay had a majority of between 37 and 40 votes in 1874 at Baie St. Paul. I have noticed as above stated that Mr. Tremblay had had this year a much larger majority than in 1874. At a meeting held at Baie St. Paul in the month of 2210 June or July last year, Mr. Tremblay addressed the electors. There were as many and even many more people than there is generally the case after mass, because the meeting was prepared before hand and Mr. Gauthier's election was to have been discussed at it. Mr. Tremblay spoke in favor of Mr. Gauthier. I cannot say what Mr. Gauthier's majority was in that election, but nearly the whole of Baie St. Paul was for him. I think he had more than 150 votes of a majority at Baie St. Paul.

I cannot ascribe the whole of that majority to Mr. Tremblay's support, but the greatest portion of that majority was due to the said support.

2220 *Question.*—Please state if, during the visits you made to the electors of St. Urbain and Petite Rivière, and of which you have mentioned when cross-examined, you have satisfied yourself that their opinions had been changed through the sermons of the curés of those parishes.

Objected to by the Defendant as not resulting from the cross-examination.

Objection maintained.

I have never called the dog I have spoken of by the name of Pius IX in earnest. If I did call him by that name it was jocularly. His true name was Pump.

RE-CROSS-EXAMINED.

Question.—Do you consider that at the meeting of June or July of last year the greatest number of Mr. Gauthier's supporters were Mr. Tremblay's political friends?

Answer.—Yes.

2230 The Curé Sirois was opposed to the candidature of Mr. Gauthier.

The foregoing deposition being read to the witness he wishes to make the following correction thereto: I was invited last week by Mr. Tremblay to come to Malbaie in order to bring him some notes that I had taken relating to the contestation of the election.

The witness declareth that his deposition as corrected contains the truth and has signed.

E. DANAIS.

Taken and sworn before me in open Court, at Malbaie, this 7th July, 1876.

A. B. ROUTHIER,

J. S. G.



2240 PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay. }

THE DOMINION CONTROVERTED ELECTIONS ACT 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, the Seventh Day of July, 1876.

PRESENT:—THE HON. A. B. ROUTIER, J. S. C.

BRASSARD, ET AL.,

Petitioners :

AND

HON. H. L. LANGEVIN,

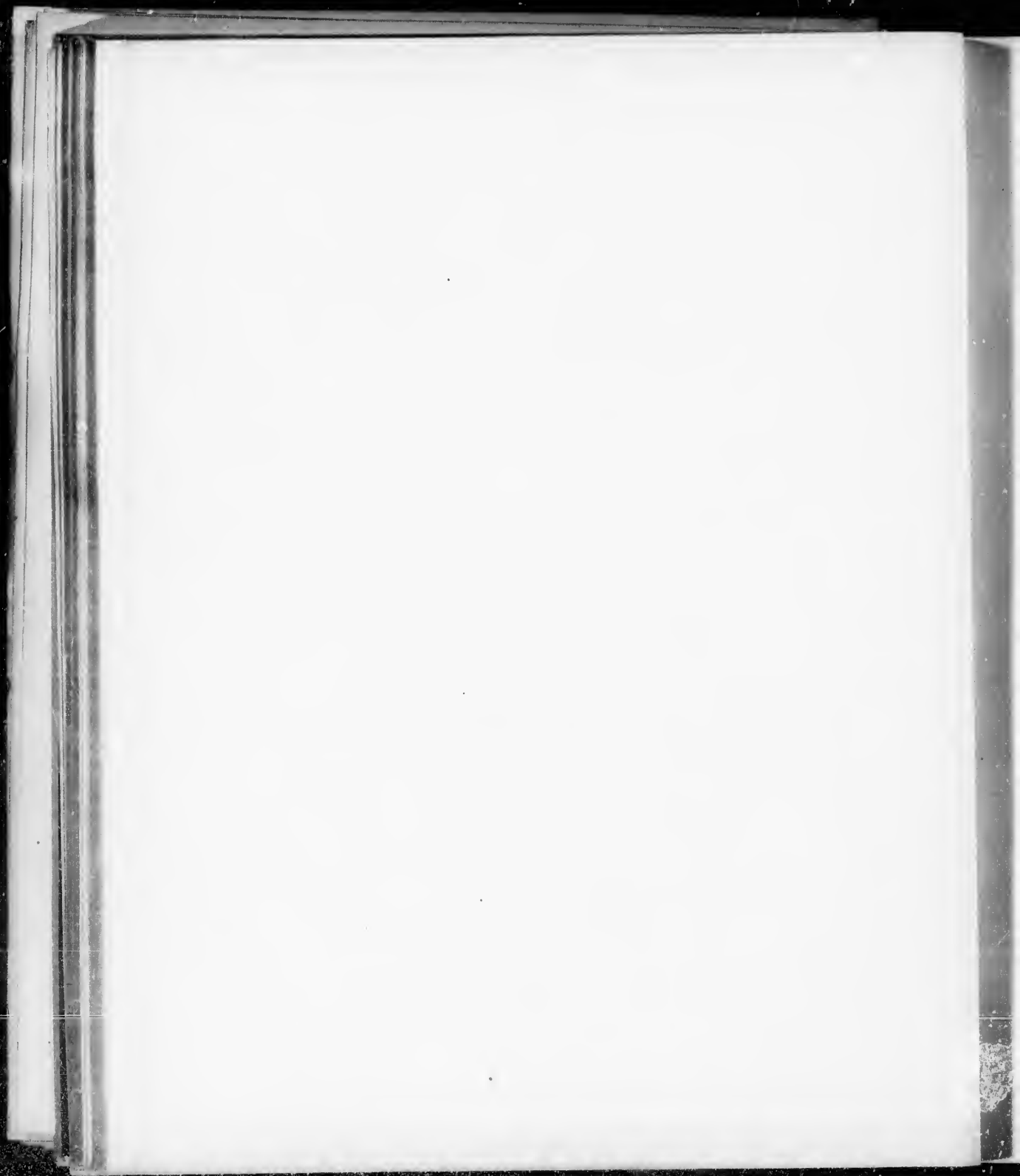
Defendant :

2250

Evidence on the part of the Petitioners.

Laurent Pilotte, aged 43 years, carter, of the Parish of La Baie St. Paul, being duly sworn upon the Holy Evangelists, doth depose and say : I know the parties in this case. I am not related nor allied to, nor a servant to any of them. I have no interest in the issue of this case.

No one spoke to me about a position as lighthouse keeper during the election in question. I myself spoke of it to some electors. I applied for a similar position before the voting, and got Mr. Tarte, the Defendant's agent, to sign it. To the best of my belief I got a lawyer, who came down for election purposes on behalf of the Defendant, to sign it also ; I believe it was Mr. Caron ; and also by Mr. Rouleau, a member of Parliament, who also came down in the County to work for the Defendant. I could not say if I got the Defendant himself to sign. I spoke to him after the voting. When I got the petition signed I was desirous of obtaining the position of lighthouse keeper. The petition was signed by others when I presented it to them for signatures. They looked at it and signed without saying anything. I knew of a meeting that was held in the concession Péron of Baie St. Paul during the election. I was asked by one Simard to attend it—Joseph or Théophile. Théophile keeps a boarding house, and Mr. Tarte and the Defendant used to board there. He again came and asked me to attend the said meeting. He did not ask me to attend it as a carter, and I understood him to ask me to go as an assistant. He said " You will have a carter to drive you," this being provoked by my remark that I could not walk there. I was an elector at the said election, and I voted. I gave nothing to the carter who drove me to the meeting. I went to nearly all the meetings held at Théophile Simard's. I saw no one eat or drink except the Defendant



and Mr. Tarte, and I did not drink myself. Théophile Simard made me no suggestions (*recommendations*) touching the meetings; at least I am not sure, and possibly he may have made me some. I am sure Ephraïm Gagnon made me some.

Question.—Will you state what suggestion he made you, and what took place at his house?

The witness' answer tending to prove preparations of violence, and the Defendant's attorneys objecting thereto, the Court maintains the objection, and does not allow the answer
2280 to be entered, as the particulars do not set forth such violence.

Objected to as in the evidence of Abel Maltais. Objection reserved to the merits.

I was present at a meeting held by the Defendant at Baie St. Paul, at which Mr. Sirois, curé of the said Parish, attended. After the speech he (the Curé) spoke with Defendant, but I do not know what they said to one another. I was present when Mr. Tremblay and the Defendant addressed the electors at Baie St. Paul, on New Year's Day after Mass. The defendant spoke of the clergy in reference to the election, and he said the clergy ought to be helped, and that our member, (who I understood to be Mr. Tremblay) did not help them. He stated he had been asked to run by Onésime Gauthier dit Larouche, member for the Local Legislature, and by the clergy. I was present at Mr. Curé Sirois' sermon, the
2290 last Sunday previous to the voting. The sermons he delivered nearly every Sunday had reference to the election, and he certainly delivered four or five sermons on this subject. I understood him to speak in favor of the Defendant's party. He seemed to me to be opposed to the Liberal Catholic Rouge party. I understood him to say that of a party which existed in Canada from this County upwards. He said this party might become as in France, fall into revolution and destroy religion. I understood for myself it was a case of conscience (*un cas de conscience*) to vote for the Liberal party. Several persons spoke of it in the same way, but I cannot recollect their names. When I went to the meeting at Péron I received nothing for loss of time. According to my knowledge Mr. Curé Sirois' sermon injured Mr. Tremblay's candidature, at least I believe it did. I cannot state to what extent they caused
2300 damage.

CROSS-EXAMINED.

My petition was signed by three or four Liberals before I presented it to Messrs. Tarte, Caron and Ronleau for signatures. They were Dr. Simard, Adolphe Gagnon, Esq., late member for Charlevoix, and Mr. Girardin, advocate, all from Baie St. Paul. Mr. Adolphe Gagnon was working for Mr. Tremblay at that election.

I know Alfred Dufour, blacksmith, and a Major in the Militia and a witness heard in this case. He often went, to my knowledge to Théophile Simard's. It was the place of reunion for the Defendant's supporters. He went there at the end of the election as well as at the beginning. Major Dufour appeared to be a supporter of the Defendant. I say this be-
2310 cause he often went to Théophile Simard's. He spoke with Defendant's supporters, and generally the supporters of another party don't assemble together at private meetings; it might happen once or twice, but it is not the habit for many times. At the last election at



Baie St. Paul the parties were very clearly decided, and Mr. Tremblay's supporters were not in the habit of going to Mr. Simard's.

Question.—Is it not true that the Curé spoke of Liberalism from the point of view of the Bishop's pastoral letter (*le mandement*), and after having read it?

Answer.—Yes.

He read this pastoral letter (*le mandement*) several times. I believe twice, and preached his sermons on it.

2320 *Question.*—Is it not true that the Curé said, speaking of Catholic Liberalism, that it was condemned by the Church?

Answer.—I am not positive whether he said that or not, but I understood that it was a case of conscience (*un cas de conscience*). I am positive in stating that on New Year's Day, the Defendant declared at the church door, to the best of my knowledge, that he had been asked to run by the clergy; but with regard to Onésime Gauthier I am not positive in stating it.

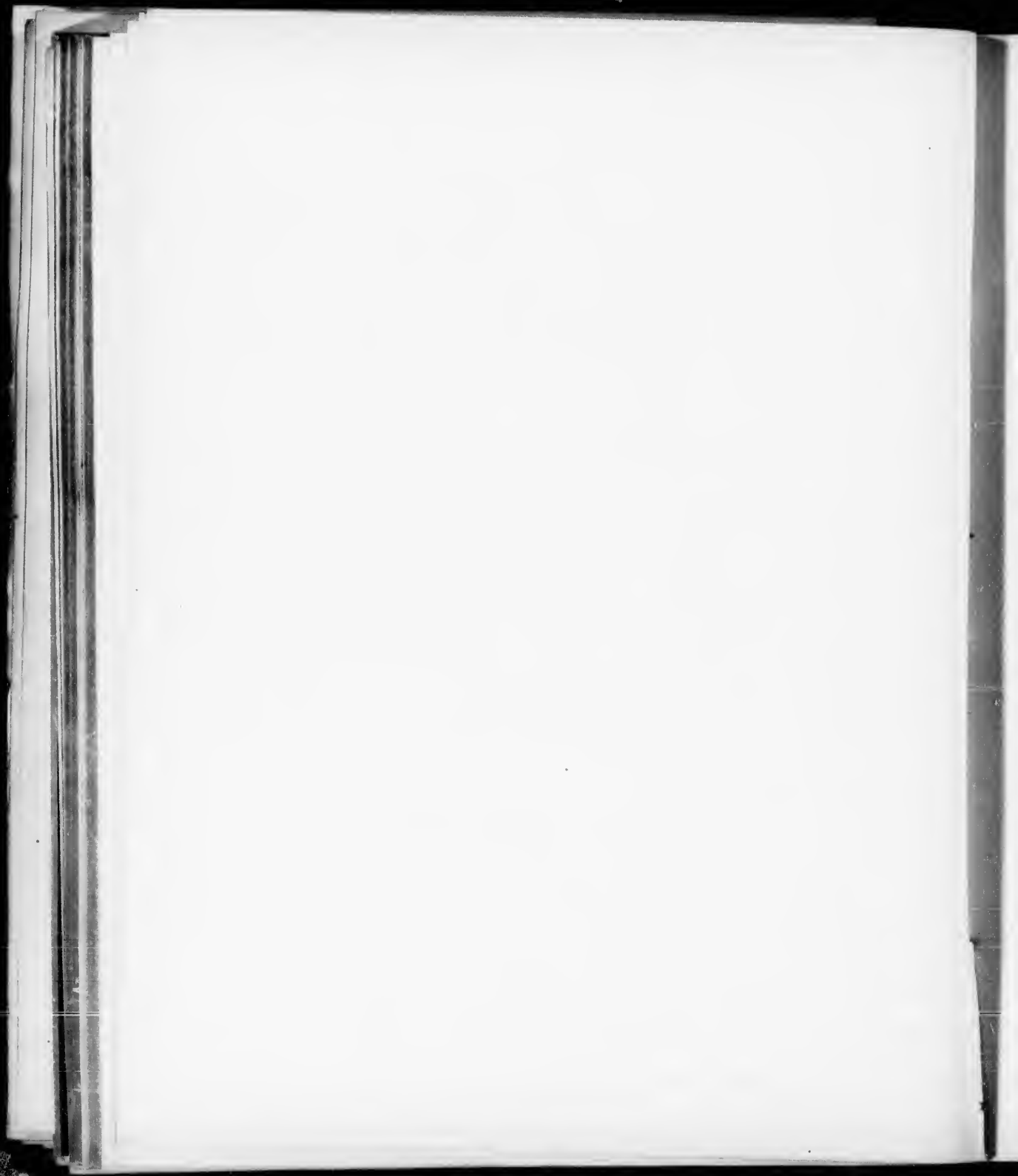
The witness, after the reading of his evidence adds that Mr. Ferdinand Stafford, of Baie St. Paul, supporter of Mr. Tremblay, then spoke to him during said election about the position of lighthouse keeper, as mentioned in his first answer in his examination-in-chief. He 2330 also adds that he did not give Mr. Tarte his application to sign, but to get it signed.

The present deposition being read to the witness, he persists therein, declares it contains the truth, and he cannot sign.

Taken and sworn before me in open Court at Molbaie, this 7th July, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

2340

MALBAIE, the 7th of July, 1876.

PRESENT:—THE HON. A. B. ROUTIER, J. S. C.

No. 14.

BRASSARD, ET AL.,

Petitioners :

VS.

HON. H. L. LANGEVIN,

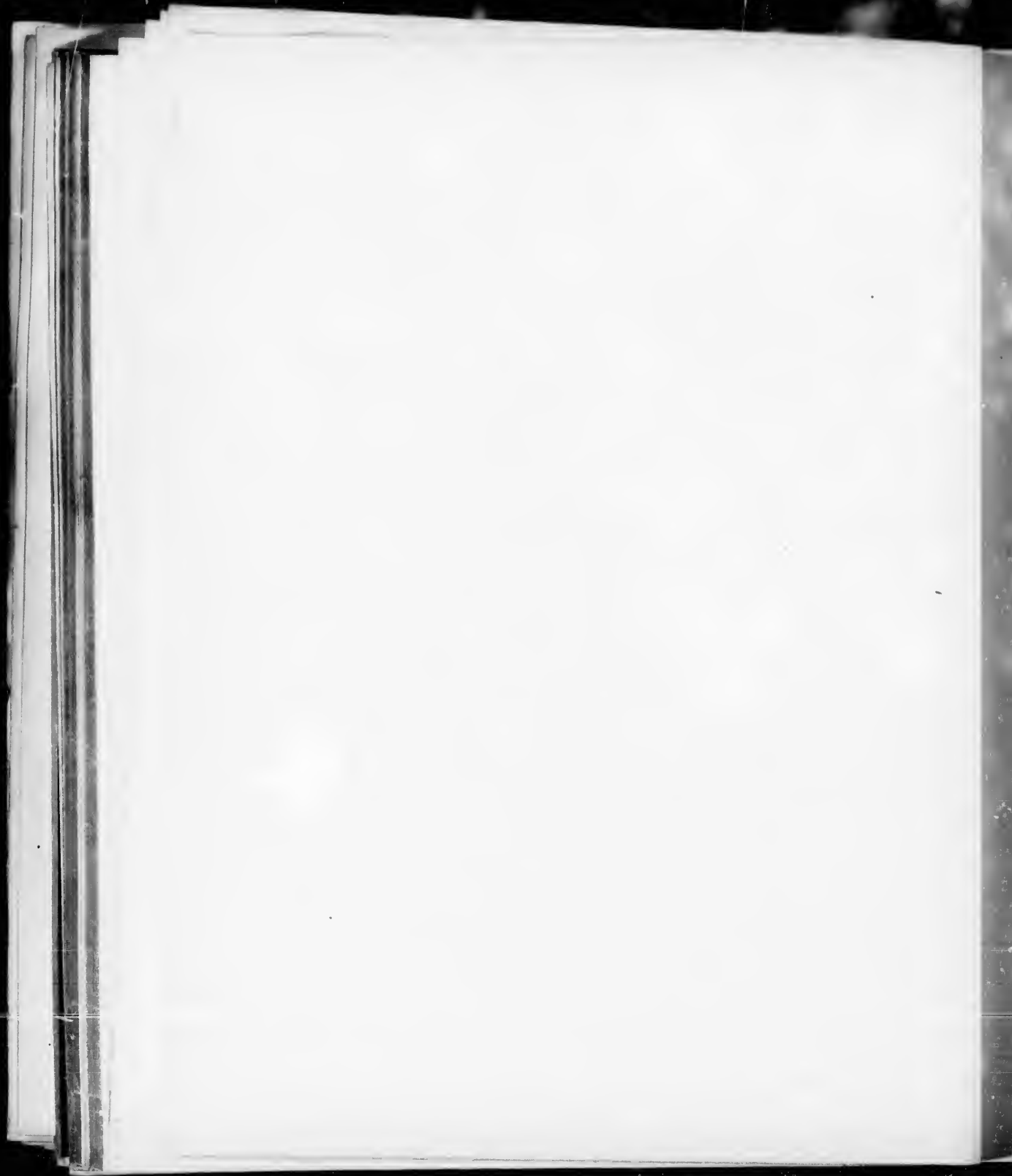
Defendant :

Evidence on the part of Petitioners.

Séraphin Lajoie, aged 45 years, farmer, of the parish of Malbaie, being duly sworn
 2350 upon the Holy Evangelists, doth depose and say :—

I know the parties in this case. I am not related or allied to, nor servant to, any of them. I have no interest in the result of this case. I know Joseph Stanislas Perrault, advocate, of Malbaie. I had a suit in which Mr. Perrault was concerned. I was defendant, and he was the plaintiff's—my mother's—attorney. To my knowledge, the said Mr. Perrault looked as if he took a great interest in the Defendant's candidature at the end, for at first he was favorable to Mr. Joseph Kane. When I used to meet him, during the election, I was in the habit of chaffing him with reference to my suit and to the election. He has pleasing manners. When Mr. Kane's requisition was spoken of, I went to Mr. Perrault's place, and he made me sign Mr. Kane's requisition. When I had signed, he told me that if I joined
 2360 them (*marchais avec eux autres*), I would hear no more of my mother's suit against me.

After the Defendant had become candidate, he again spoke to me about it, and repeated the same words. He asked me if I was for (*si je marchais avec*, the Defendant, saying to me that if I was with him (*si je marchais avec lui*) I would no more hear about my suit. This last time it was I who went to see him about it. The first time it was Séraphin Villeneuve who brought me from Mr. Kane's, where I was, to Mr. Perrault's. The last time he spoke to me about it, he said he scarcely relied upon me, in order to see what I would say. I only declared for whom I was after the voting. The suit was afterwards continued



at the last sitting of the Court, at Malbaie, in May last. I believe I made some observations to Mr. Perrault when I saw the suit was continued, and these remarks are easy to understand. It was, that he was not a man who kept his word. He did not answer much, for little is to be said when we are in fault. I heard a speech of Defendant at the church door of Malbaie during the election. The first words I heard, and which many of my friends also heard were, that he came as candidate at the instance of Mr. Gauthier, local member, and of the clergy of the county. To the best of my belief, this was the beginning of his speech. If he said anything before, I do not recollect it.

CROSS-EXAMINED.

I voted at the last election. My sympathies during the election were for Mr. Tremblay. At the beginning of the election I had changed my convictions, but at the end I came back to the first ones. When I state I had changed my convictions, I add I gave a proof of it when I signed Mr. Kane's requisition. It was on or about the 18th or 19th December last that I signed Mr. Kane's requisition. When I signed his requisition, Mr. Kane was not in Malbaie as a candidate at the said election, but he insisted upon our signing before he came to Malbaie. When we signed said requisition, Mr. Kane told me he would come forward much only as he would be sure of his return.

Question.—Please state when Mr. Perrault told you for the first time if you joined his party you would hear no more of your suit?

Answer.—If I mistake not, it was the 18th or 19th December last. It might be a few days before or after; but it is positively the day I signed Mr. Kane's requisition. It is then I went to Mr. Perrault's with Sémphin Villeneuve.

Question.—Is it not true that Mr. Perrault never told you he would leave your suit drop if you joined his friends, after the Defendant had come forward as candidate?

Answer.—Yes.

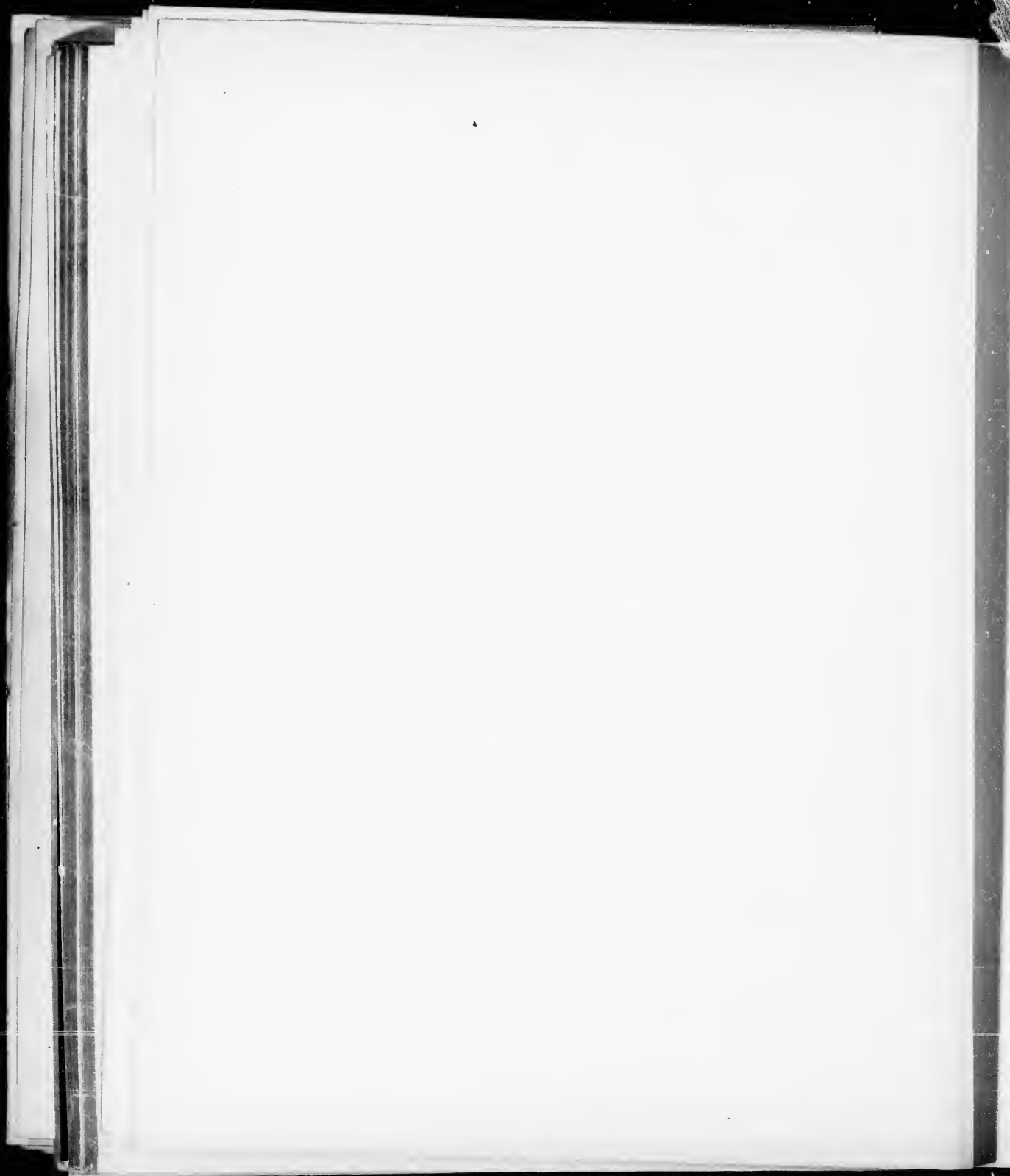
Question.—Is it not true that last spring you told him that Henry Simard, of Malbaie, had made you sign an affidavit—a solemn declaration—accusing him of the facts related by you in your examination-in-chief, and that you assured him (Simard) that he was wrong in alleging such fact in the affidavit or solemn declaration?

Answer.—I did not say that, but I said when Mr. Simard asked me for this declaration, that I did not like it, because I did not want to appear before Court and I added that if he brought me before Court I would say nothing. With regard to this same declaration, I told Mr. Perrault that Mr. Simard had made me sign it, but that I expected,—without knowing much—that it would not amount to much and cause little damage.

Question.—Is it not true that on this occasion, you told Mr. Perrault that this could not cause much damage or harm, for he had never told you the words related in your examination-in-chief?

Answer.—No, this is my answer to the last question.





Question.—Is it not true that you told Jules Trudelle, of Malbaie, wheelwright, last spring or at beginning of summer, that Mr. Perrault never told you, in any time, that he would let your suit drop if you joined his friends?

Answer.—I cannot have said this, for what I say in Court, I swear it, and out of Court 2410 I am not under oath. When people are too anxious to know I pay them off.

Question.—Do you swear you did not say such things to Jules Trudelle?

Answer.—If I was intoxicated, I may have told him, but sober, there is hardly any possibility. If I said it, I have no knowledge of it, and I do not recollect it.

Question.—Is it not true that you told Jules Trudelle, that you would state under oath that Mr. Perrault never told you the words just related?

Answer.—To the best of my knowledge, I never told him; if he states so, he invents it. I have not always good memory, and I have often known myself to lose it. When I fed Jules Trudelle's animals I had not taken any liquor, but I was tired; I am under the impression he did not say much to me then. When I was feeding Trudelle's animals, I 2420 went to Mr. Perrault's office and I told him: "It appears that you are annoyed because I said that if I joined your friends you would cause my suit to drop, well don't believe that, it is a lie." I told him that, for at that time he was about ruining me with that suit.

Question.—Is it not true that you then added "you know well I cannot have said that, for you never told me it?"

Answer.—Certainly.

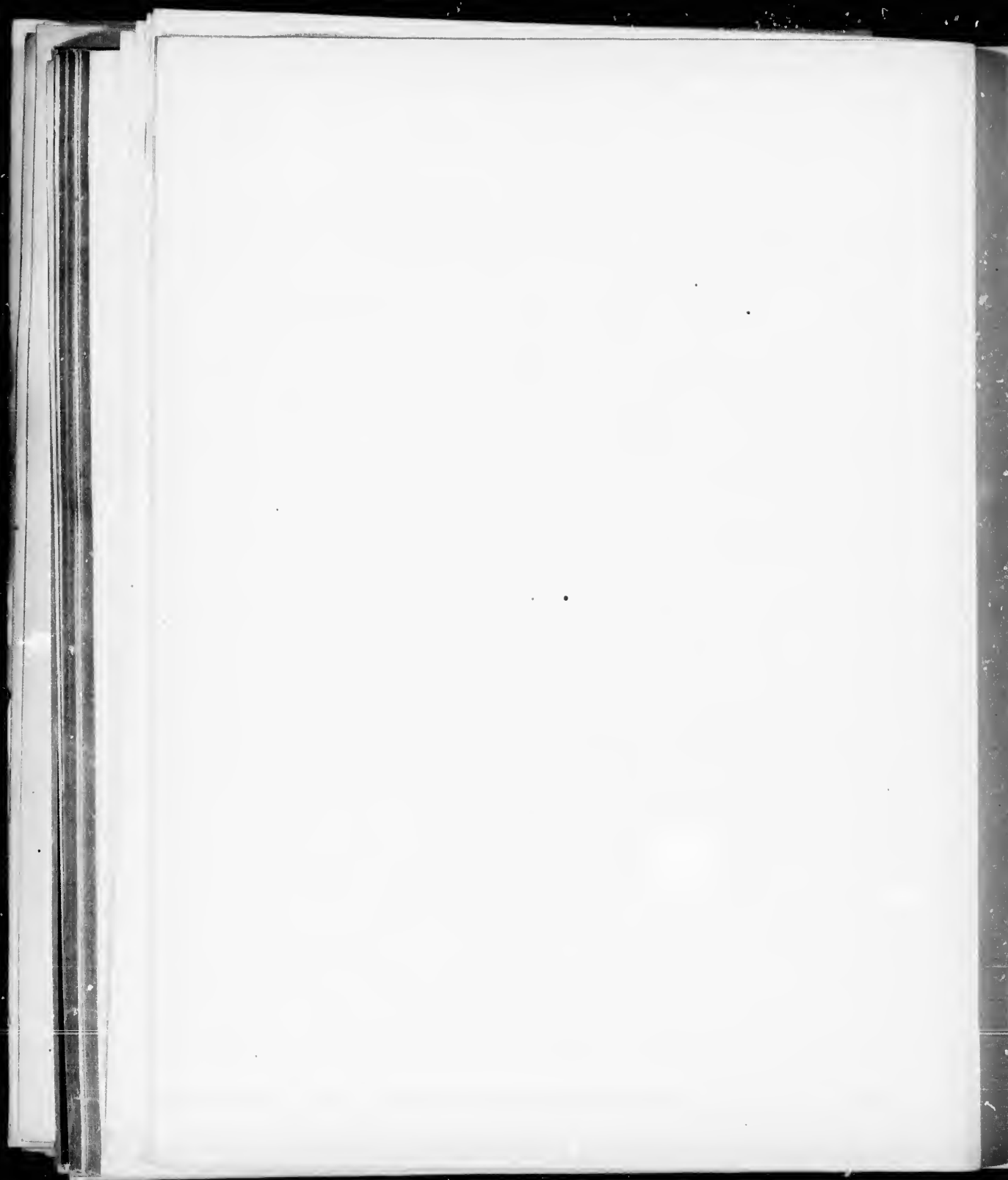
Question.—Is it not true that Mr. Perrault never told you the words imputed in your examination-in-chief, but that he simply answered, when you asked to stop the suit, "we will see to this later"?

Answer.—He pronounced the words related in my examination-in-chief, but what is 2430 supposed to have been told me, he did not say it. During the election in question, I went to Mr. Kanes, notary of la Malbaie, and at Mr. Perrault's place, and I told them I was their political friend, and in favor of Defendant.

After having been engaged as above stated, I had to follow my engagement, but when Mr. Kane resigned at Baie St. Paul, I, thought I was released. It is not true that by my words and deeds during the last election, I showed I was the Defendant's friend. Last Sunday, I think I spoke of my testimony to Messrs. Tremblay and Simard, and they asked me what I would have to say, and I answered then, it is what Mr. Perrault told me, and they did not ask me any more.

RE-EXAMINED.

2440 If in my cross-examination, I answered in such a way as to indicate that Mr. Perrault had not spoken of letting the suit drop, after Mr. Langevin had come forward as a candidate, it is that I wrongly understood the question, for Mr. Perrault spoke to me about it and I believe having stated it in a part of my evidence.



Question.—When Mr. Perrault spoke to you, after the election, of the declaration given Mr. Simard, did you not tell him he had never told you the suit would be dropped?

Objected to by the Defendant, as placing in the witness' mouth words he never said in his cross-examination.

Objection over-ruled.

Answer.—No, no, if I said the contrary in my cross-examination, it is because I did
2450 not understand the question.

The present deposition being read to the witness, he persists therein, declaring it contains the truth and cannot sign.

Taken and sworn before me at Malbaie in open Court this 7th July, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1876.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

2460

MALBAIE, this seventh day of July, 1876.

PRESENT :—THE HON. A. B. ROUTHIER, J. S. C.

BRASSARD, ET AL.,

Petitioners;

No. 14.

vs.

HON. H. L. LANGEVIN,

Defendant.

Petitioners' Evidence.

2470 Francois Harvey, 35 years old, farmer, of the Parish of Malbaie, being duly sworn upon the Holy Evangelists, doth depose and say :—I know the parties in this cause. I am related or allied to, or servant or in the employ of none of them. I am not interes'ed in the issue of this cause. I was present at a meeting held by the Defendant during the last election at Joseph Bouchard's, in Malbaie. The Defendant made a speech. At the end of his speech he said he did not promise any money for the present. He said it would perhaps take a year, perhaps six months, perhaps three months, to overthrow the Government. I do not remember what he said would occur as to money after the expected fall of the Government. There were a good many electors present at the said meeting. I do not remember how he came to thus speak of money. I have not understood what he meant by that.

The Defendant declines cross-examining the witness.

2480 The foregoing deposition being read to the deponent, the said deponent persists therein, declares that it contains the truth, and that he is unable to sign his name, as his hand shakes too much.

Taken and sworn to before me, in open Court at Malbaie, this 7th of July, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay, }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral district of Charlevoix.

MALBAIE, seventh day of July, 1876.

2490

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

BRASSARD, ET AL.,

Petitioners:

No. 14,

vs.

HON. H. L. LANGEVIN,

Defendant:

Evidence on the part of the Petitioners.

Stanilas Brassard, aged 65 years, of the parish of St. Fidèle, farmer, being duly sworn doth depose and say: I know the parties in this case. I am not related or of kin to or in the employ of any of them. I am not interested in the event of this suit. I was an
 2500 elector at the election in question and voted at the beginning of the election. I was indifferent (*comme ça*) to one party or the other. When I saw a man that suited me I inclined towards him, (*qui m'adonnait*) and that man was the Defendant. At first I was not acquainted with him, but after what I heard say of him, I perceived he was a good man and I sided with him. I heard it said that he was a good man to support our party, our religion. As to Mr. Tremblay, I cannot say anything bad of him, but I heard it said that he did not do good. I will confess that what induced me to believe Mr. Langevin a good man to support our religion (*pour la religion*) was that the whole clergy were in his favor, and for such people as we are not knowing much, it was encouraging to see them all in his favor.

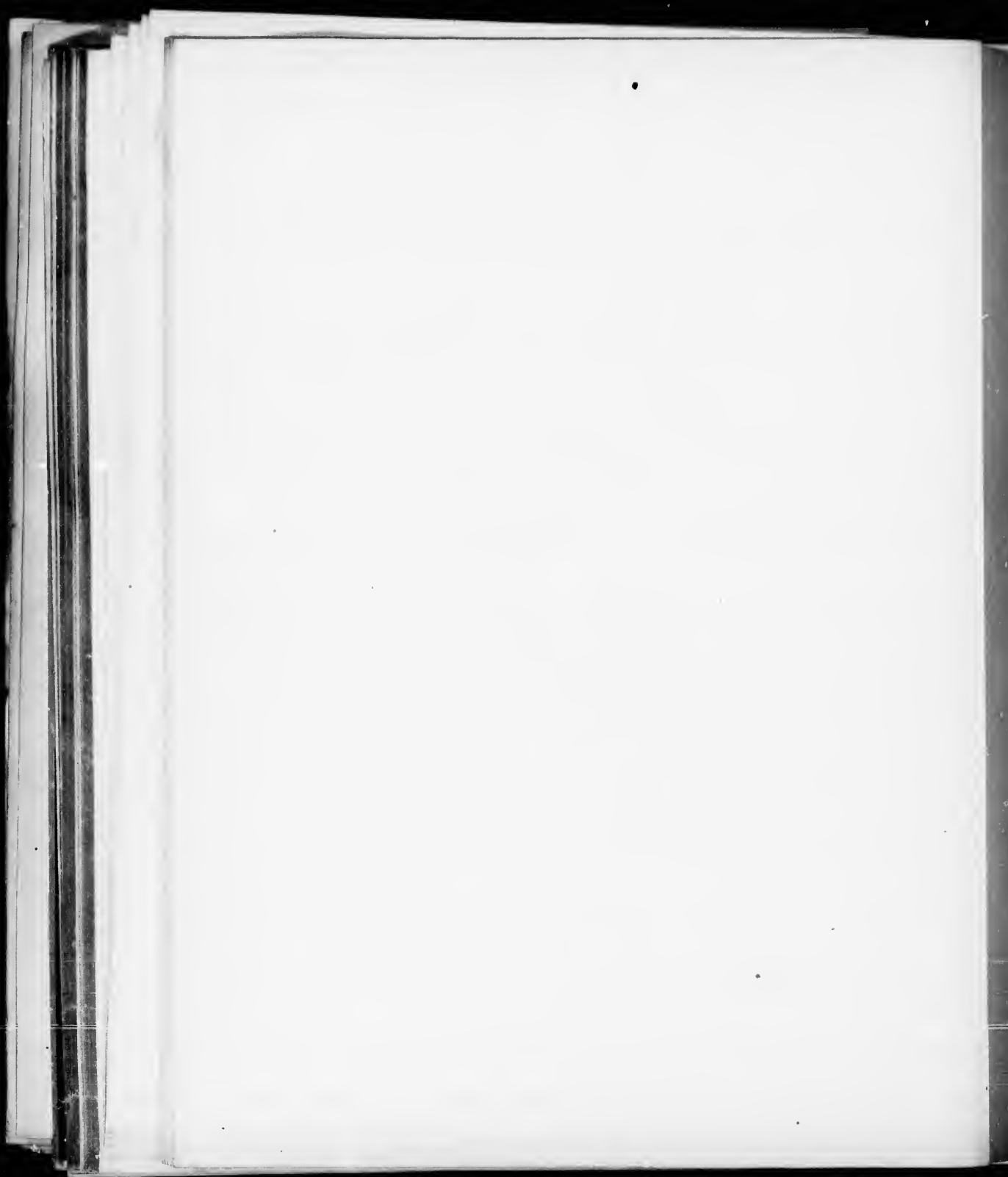
Objected to for the same reasons made in the deposition of Abel Maltais.

2510

Objections reserved to the merits.

Mr. V. Tremblay, curé of St. Fidèle, preached a sermon on elections during the said election. It did not seem to me that he shewed more horror (*montrait plus d'horreur*) for the one than for the other. Every one was at liberty to act in accordance with his opinion. I had an opinion and I was free to exercise it. I have no knowledge of his having spoken of the Liberal party in church, or of the government which Mr. Tremblay supported.

Question.— Did you understand that a person could, without endangering religion, vote as well for Mr. Tremblay as for Mr. Langevin?



Answer.—No, I did not so understand. I understood from the appearances that it would be better to give my vote for Mr. Langevin than for Mr. Tremblay.

2520 *Question.*—Could a person according to that sermon, without committing a sin, vote for Mr. Tremblay?

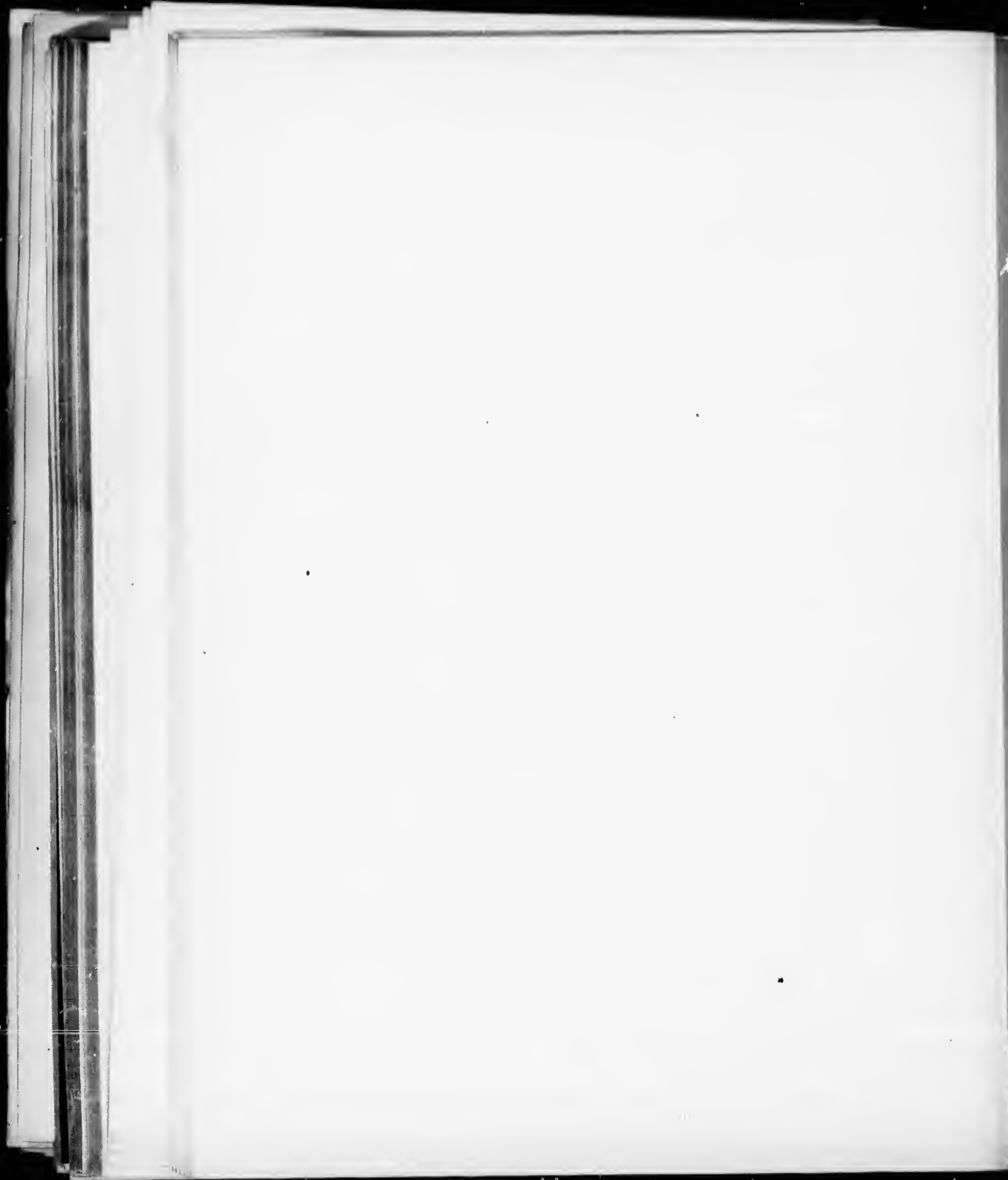
Question withdrawn.

The present deposition being read to the witness, he persists in it, declares it contains the truth and cannot sign.

Taken and sworn before me in open court at Malbaie, this seventh day of July, 1870.

A. B. ROUTHIER,

J. C. S.



PROVINCE OF QUEBEC, }
District of Saguenay. }

SUPERIOR COURT.

2530 DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, seventh of July, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners;

No. 14.

vs.

HON. H. L. LANGEVIN,

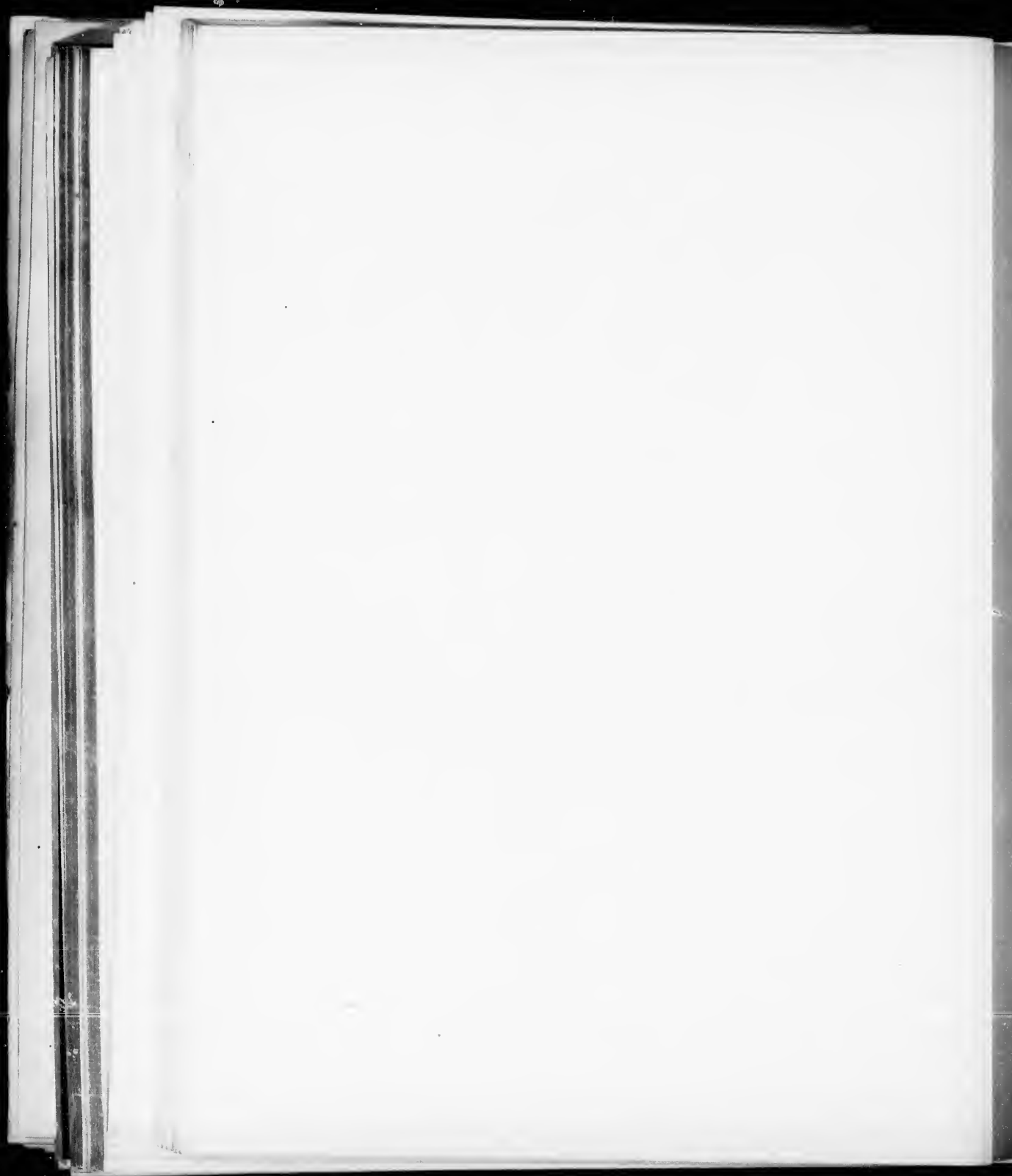
Defendant;

Evidence on the part of the Petitioners.

2540 David Dassilva, of the parish of Malbaie, aged 52 years, farmer, being duly sworn, doth depose and say:—I know the parties in this cause. I am not related or of kin to or in the employ of any of them. I am not interested in the event of this suit.

Objected to by the Defendant on the same grounds as in Abel Maltais' deposition. Objection reserved to the merits.

I was an elector at the election in question. I did not vote. I did not vote for certain reasons, because one of my friends of St. Fidèle, at whose place I was on the fifth January, and who belonged to the same party as I did, told me that after hearing the curé's sermon we should not vote for that party. This friend was Stanislas Brassard, farmer. The party to which we both previously belonged was Mr. Tremblay's party. I heard myself 2550 one of the sermons of the curé of St. Fidèle, and it is on what Mr. Brassard told me that I understood that one couldn't vote (*qu'on ne peut pas voter*) for Mr. Tremblay without endangering religion (*sans danger pour la religion*). I did not meet Hon. David Price during the election. I talked of the election to my brother Joseph while the election was going on, but not much. My brother did not then speak to me about a fishing ground (*place de pêche*). He spoke to me of it in this way—that Mr. Price had said that he had a fishing ground at Petites Isles where my father had formerly been employed, and that it would have to be fished (*qui devait être tendue*) this year. Mr. Price enquired about me, as I had been in his employ six seasons. Mr. Price having said that that fishing ground would have to be fished this year (*devait être tendue*), my brother told him that, as it had been in charge of my



2560 father, he hoped it would be given to him or to me. After the election I wrote to Mr. Price asking him for this place, and he answered that it had been given. My brother, when he thus spoke to me, was a partizan of the Defendant's, but I cannot say if he worked for him. He was then in the employ of Mr. Piton, at the quarry at Cap a l'Aigle.

CROSS-EXAMINED.

When my brother Joseph was talking to me, as I said in my examination-in-chief, there was no question of election. I was not promised any place, employment or other advantage, either by my brother Joseph or by Hon. Mr. Price, in order to influence my vote. I did not vote, because I thought I would have done wrong after hearing what I before stated.

2570 The present deposition being read to the witness, he persists in the same, declares it contains the truth, and hath signed.

DAVID DASSILVA.

Taken and sworn before me, in open Court at Malbaie, this seventh day of July, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

2580

MALBAIE, the 7th day of July, 1876.

PRESENT :—THE HON. A. B. ROUTHIER, J. S. C.

BRASSARD, ET AL.,

Petitioners :

No. 14.

vs.

HON. H. L. LANGEVIN,

Defendant :

Evidence on the part of Petitioners.

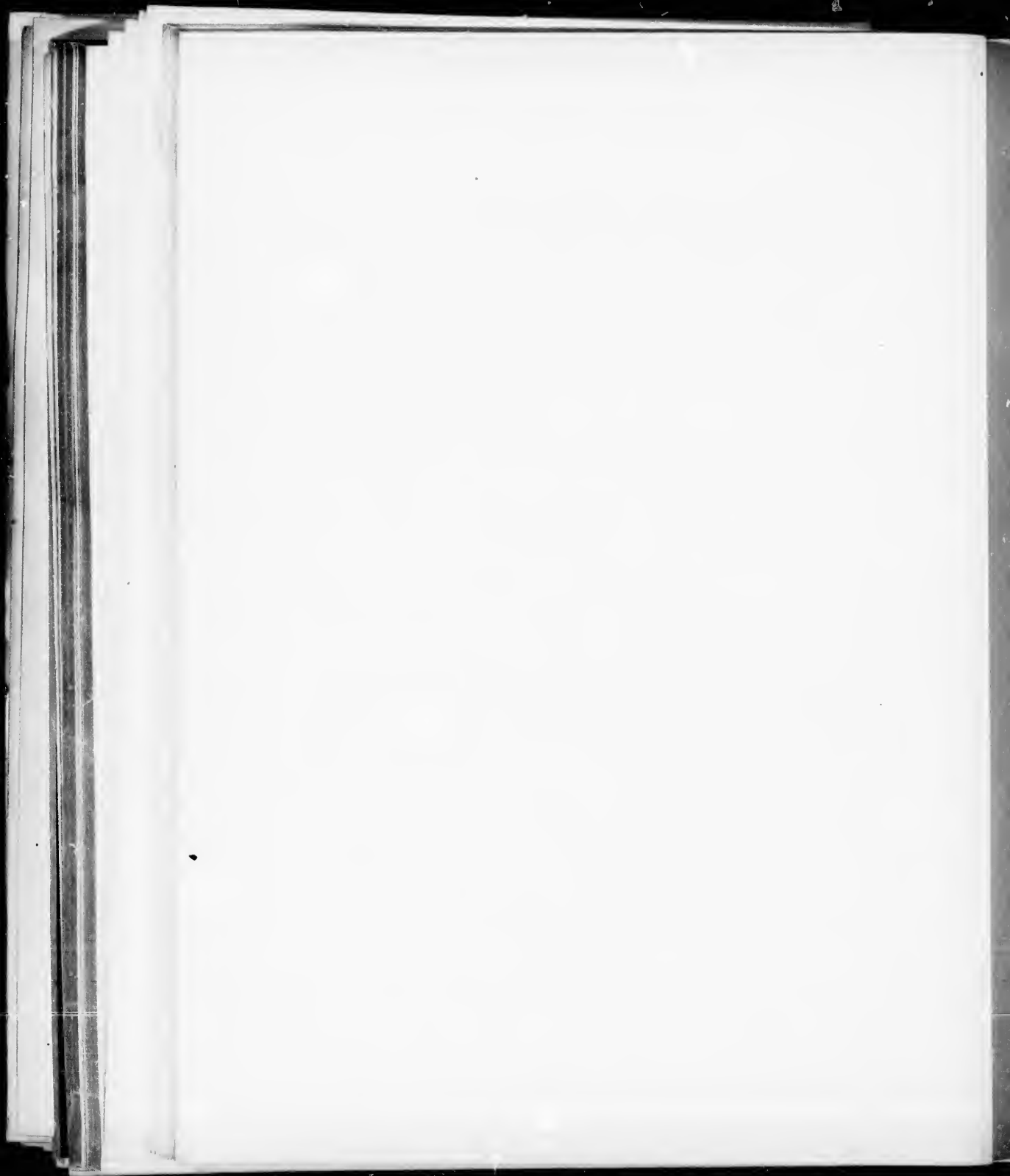
Francois Gagnon, aged 47 years, carter, of the parish of Malbaie, being duly sworn upon the Holy Evangelists, doth depose and say :—

2590 I know the parties in this case. I am not related or allied to, nor in the employ of, or servant to any of them. I have no interest in the issue in this case. I was an elector and voted in the election in question. At the beginning of the election I had not pronounced myself and I was for the *Partie Bleu*.

Question.—Did you not say at the beginning of the election that you would be for the party who would make you earn money or employ you.

Objected to by Defendant as being a leading question. Question withdrawn.

2600 I told nobody to which party I would belong later. Mr. Joseph Kane did not speak to me about the election. As to Mr. Perrault, I met him and he told me to go to his place ; I went next day and he asked me to which party I belonged. I answered: You know it well ; reminding him at the same time for whom I voted at the previous election. This is all which took place that time. I spoke to Barthel mi Bouchard during the election as I spoke to any other one, and did not speak about the election. I once drove Mr. Kane last winter, but cannot say in what month. I once went for Mr. Joseph Stanislas Perrault at Point au Pic during last election. He did not pay me for this trip, I owed it to him. No price was agreed upon between us.



The Defendant declares having no cross-questions.

The present deposition being read to the witness, he persists therein, declaring it to contain the truth, and cannot sign.

Taken and sworn before me this 7th July, 1876, in open Court, at Malbaie.

2610

(Signed) A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, this eighth day of July, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

BRASSARD, ET AL.,

Petitioners;

2620 No. 14.

vs.

HON. H. L. LANGEVIN,

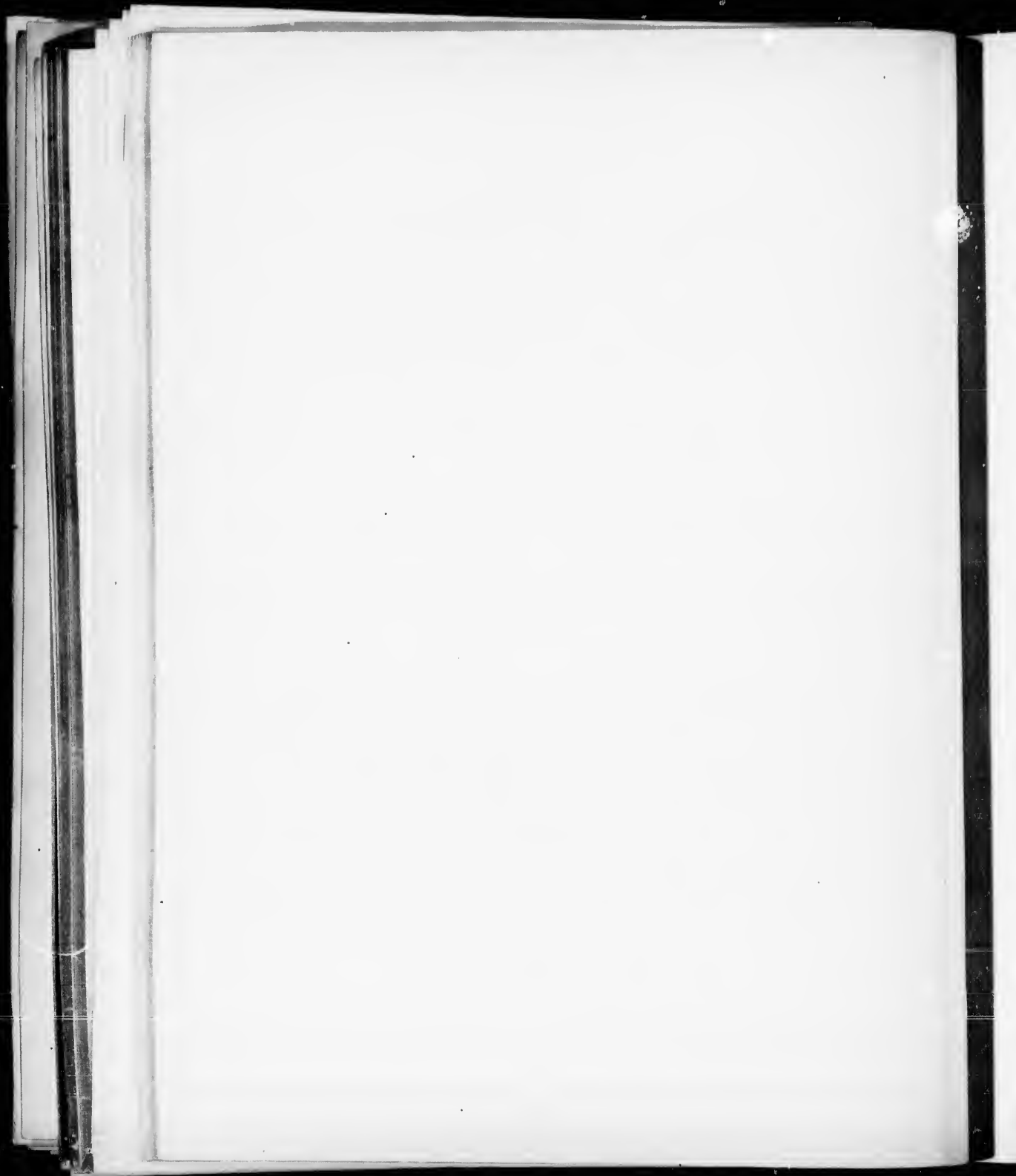
Defendant;

Petitioners' Evidence.

Frederic Otisse, 49 years old, farmer, of the Parish of Malbaie, being duly sworn upon the Holy Evangelists, doth depose and say:—I know the parties in this cause. I am neither a relation, nor of kin, nor a servant, nor in the employ of any of them. I am not interested in the issue of this cause. I was an elector at the last election, and I have voted as such. I heard a speech delivered by the Defendant at Joseph Bouchar'd's, at Malbaie, during and about the present election. He spoke in his speech of the money of the Government. I think I remember his having spoken as follows:—"You will say that you will not secure money, your member being not a friend of the Government; but the Ministry will be defeated; it will take perhaps six months—perhaps a year." It is all that I remember. I do not remember whether he mentioned what would happen as to money after the anticipated fall of the Government. When the Defendant spoke to the electors of their member being adverse to the Government, he spoke of himself, and not of Mr. Tremblay, his opponent. I understood that the Defendant meant that when the Ministry would be defeated he would secure money for us. That is what I understood.

CROSS-EXAMINED.

Question.—Do you swear that at this meeting the Defendant said that when the
 2640 Ministry should be defeated he would secure money for you?



Answer.—He did not say that ; it is what I understood.

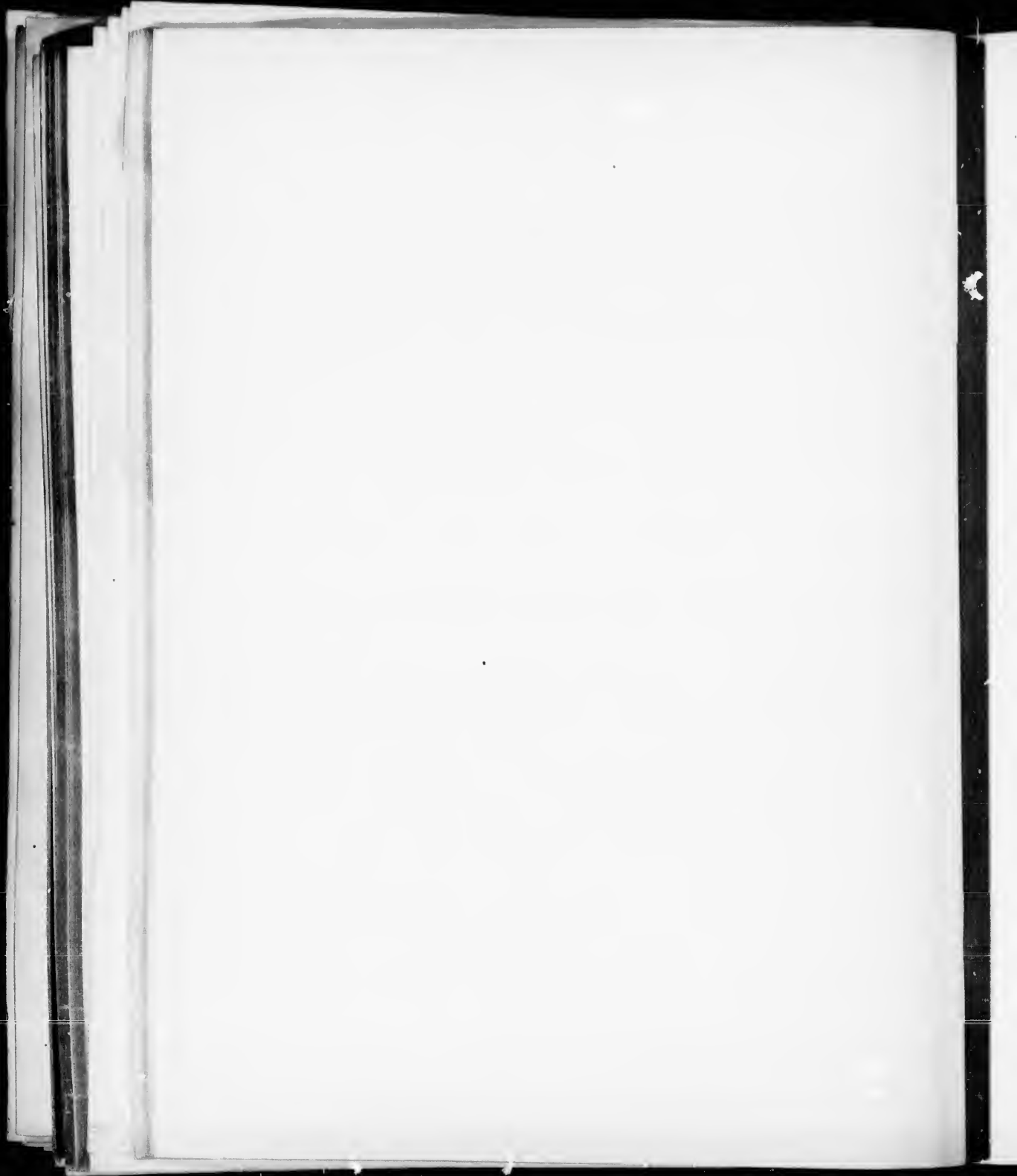
The foregoing deposition being read to the witness, the deponent persists therein, and declares that it contains the truth, and has signed.

FREDERIC OTISSE.

Taken and sworn to before me in open Court, at Malbaie, this 8th July, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, }
District of Saguenay.

SUPERIOR COURT.

2650

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, this 8th day of July, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD ET AL.,

Petitioners;

vs.

HON. H. L. LANGÉVIN,

Defendant.

2660

Petitioners' Evidence.

Joseph Bouchard, of the parish of Malbaie, blacksmith, 62 years old, being duly sworn upon the Holy Evangelists, doth depose and say:—

I know the parties in this cause. I am neither a relative, nor of kin to, nor a servant, nor in the employ of any of them. I am not interested in the issue of this cause.

I was an elector, and as such voted at the election in question. I know Joseph Stanislas Perrault, Esq. The said Mr. Perrault did not come to my place during the election, and I did not go to his place. He did not speak to me about the election during the election. He might have spoken of it before; but I do not remember. He has not spoken to me either of money or of loans of money.

2670

The Defendant declares he has no cross-questions to put to the witness.

The foregoing deposition being read to the deponent, the said deponent persists therein, and declares that it contains the truth, and that he cannot write his name.

Taken and sworn to before me in open Court, at Malbaie, this 8th of July, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay. }

THE DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a member for the House of Commons for the Electoral District of Charlevoix.

2680

MALBAIE, this eighth day of July, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD ET AL.,

Petitioners,

AND

HON. H. L. LANGEVIN,

Defendant.

Petitioners' Evidence.

Léandre Côté, of the parish of Ste. Agnès, 37 years old, farmer, being duly sworn upon
 2690 the Holy Evangelists, doth depose and say:

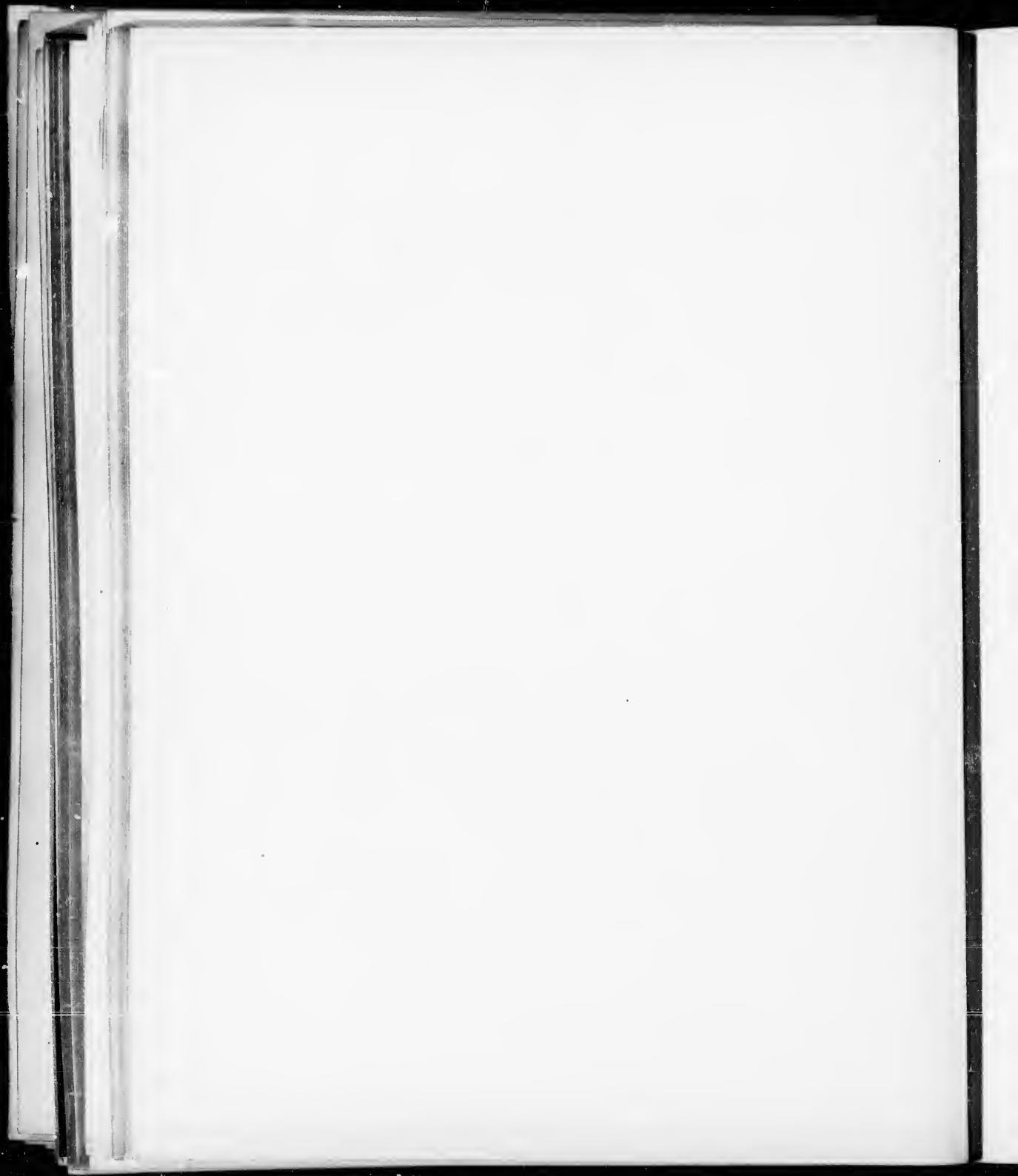
I know the parties in this cause. I am not a relative nor of kin nor a servant nor in the employ of any of them. I am not interested in the issue of this cause.

I was an elector at the election in question and I voted. I know Joseph Stanislas Perrault, Esquire, and Joseph Bergeron, the witness just heard before me. They both met at my place on an evening during the last election. Previously Bergeron had told me: I will not vote this year, I am owed some money for a trip which I have made to the Ebonlements and for different other trips which I have made during the other campaign; this year I will have nothing to do with it. We all spoke to Mr. Perrault that night. I cannot say whether Bergeron spoke to him.

2700

There was a meeting at my place on the occasion of which I have above spoken, in the interest of the Defendant. Mr. Perrault spoke in favor of the Defendant. Mr. Perrault arrived at my place without any one knowing anything about it. I went and told the people to come if they wished to hear a strange gentleman who would address them. It was at Mr. Perrault's request that I convened the electors. I did not receive a cent for the calling of the meeting nor for the use of the house, neither then nor since. I have had nothing promised to me since that.

On that same evening I heard a conversation between the said Mr. Perrault and Cléophas Tremblay. I was in the kitchen and Messieurs Perrault and Cléophas Tremblay were in a small adjoining room. I did not hear all that was said, and I might not have



2710 understood correctly; but I understood that Mr. Perrault said to Mr. Tremblay: "We will settle that when you come down;" which meant when you come to Malbaie. Cléophas Tremblay has not told me, neither on that day nor before, that he was owed anything for the previous election, and I do not know whether anything was due him. The above is all that I know of the above conversation. It is to my knowledge that Cléophas Tremblay went down to Malbaie a few days later. I do not know why he went down. I saw Cléophas Tremblay this morning in the village of Malbaie. He told me that he had been subpoenaed last night to appear as a witness this morning.

CROSS-EXAMINED.

When I heard Mr. Perrault say to Cléophas Tremblay "We will settle that when you
2720 come down," I do not know what was referred to, and I did not understand what was referred to unless it referred to money, but I do not know what for.

The foregoing deposition being read to the deponent the said deponent persists therein, declares that it contains the truth, and he has signed.

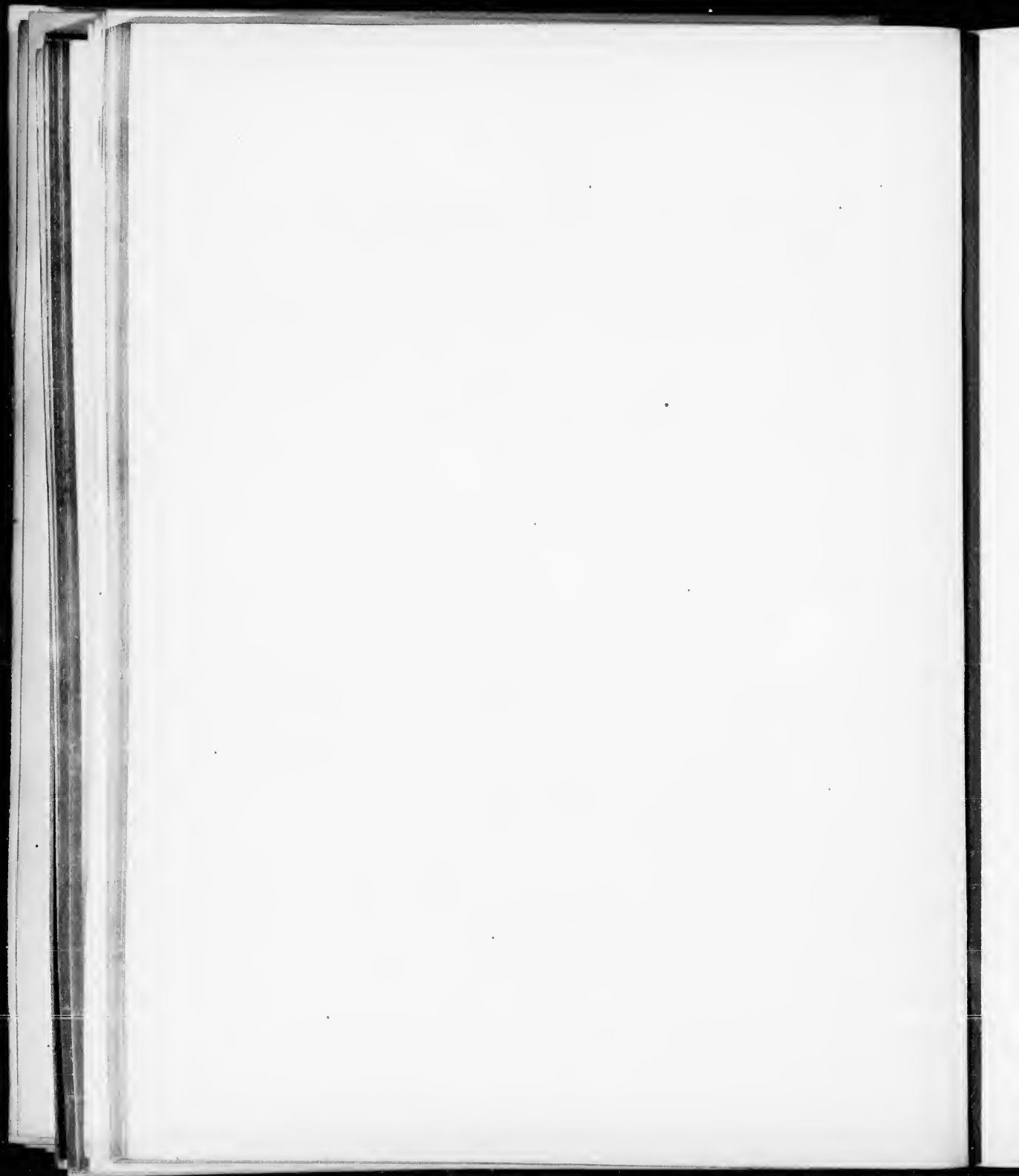
LÉANDRE COTÉ

Taken and sworn before me in open Court, this 8th July, 1876.

(Signed)

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
 District of Saguenay.

2730

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons, for the Electoral District of Charlevoix.

MALBAIE, the Eighth day of July, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

BRASSARD, ET AL.,

Petitioners;

No. 14.

vs.

THE HON. H. L. LANGEVIN,

Defendant;

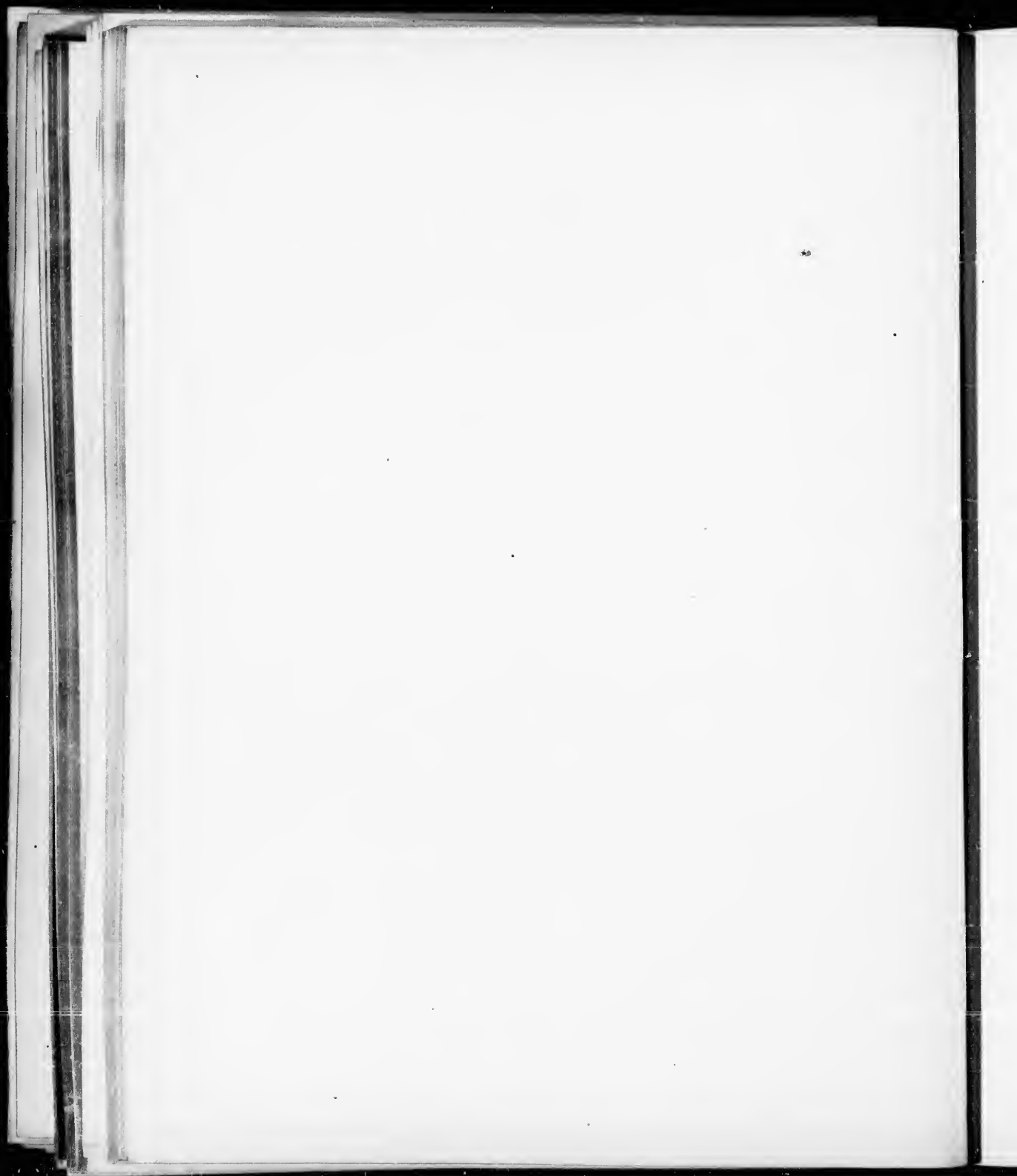
Petitioners' Evidence.

2740 Joseph Bergeron, aged 39, farmer, of the parish of St. Agnès, being duly sworn upon the Holy Evangelists, doth depose and say:

I know the parties in this case. I am not related or allied to, nor in the employ of, or servant to any of them. I am not interested in the event of this suit. I was an elector and voted at the election in question. I know Mr. Joseph Stanislas Perrault, advocate of Malbaie. The said Mr. Perrault did not speak to me of the election, either before or during said election. I spoke to him in this way, upon a report concerning a past election. I mean the election between Mr. Tremblay and Mr. Chauveau in 1874. I asked him to pay me three dollars due me for having driven people on nomination day, at Mr. Chauveau's election as above stated, and also what was due me for driving people on polling day, at said election of Mr. Chauveau's. I don't know the price paid for that day. He answered he could not pay me this, that he had no right to do so, and he did not give me a cent. He gave me nothing at all. He promised me nothing also, and I swear he led me to expect nothing, no employment in said election, nor anything else. I never owed him anything. I was employed by no one during this election. I was not paid what was due me for the election of 1874, and I was not promised payment.

2750

I saw this morning the said Mr. Perrault and he told me that, if I desired to go I could go, as my travelling expenses had not been paid to me. Cléophas Tremblay who, it appears, had come as a witness this morning, came at the same time to Mr. Perrault's: the



2760 latter spoke to him privately. I do not know what he said to him ; but as he came out with him Cléophas Tremblay went away.

CROSS-EXAMINED.

I went this morning to Mr. Perrault's to get news about a case in which I am plaintiff. Mr. Perrault is my attorney. I did not consult him about my travelling expenses. He asked me if I was a witness, if my travelling expenses had been offered to me, and upon my negative answer, he told me I could go. I don't know if it was advice he was giving me, but I was not asking him.

RE-EXAMINED.

The suit of which I spoke a moment ago, began after the election.

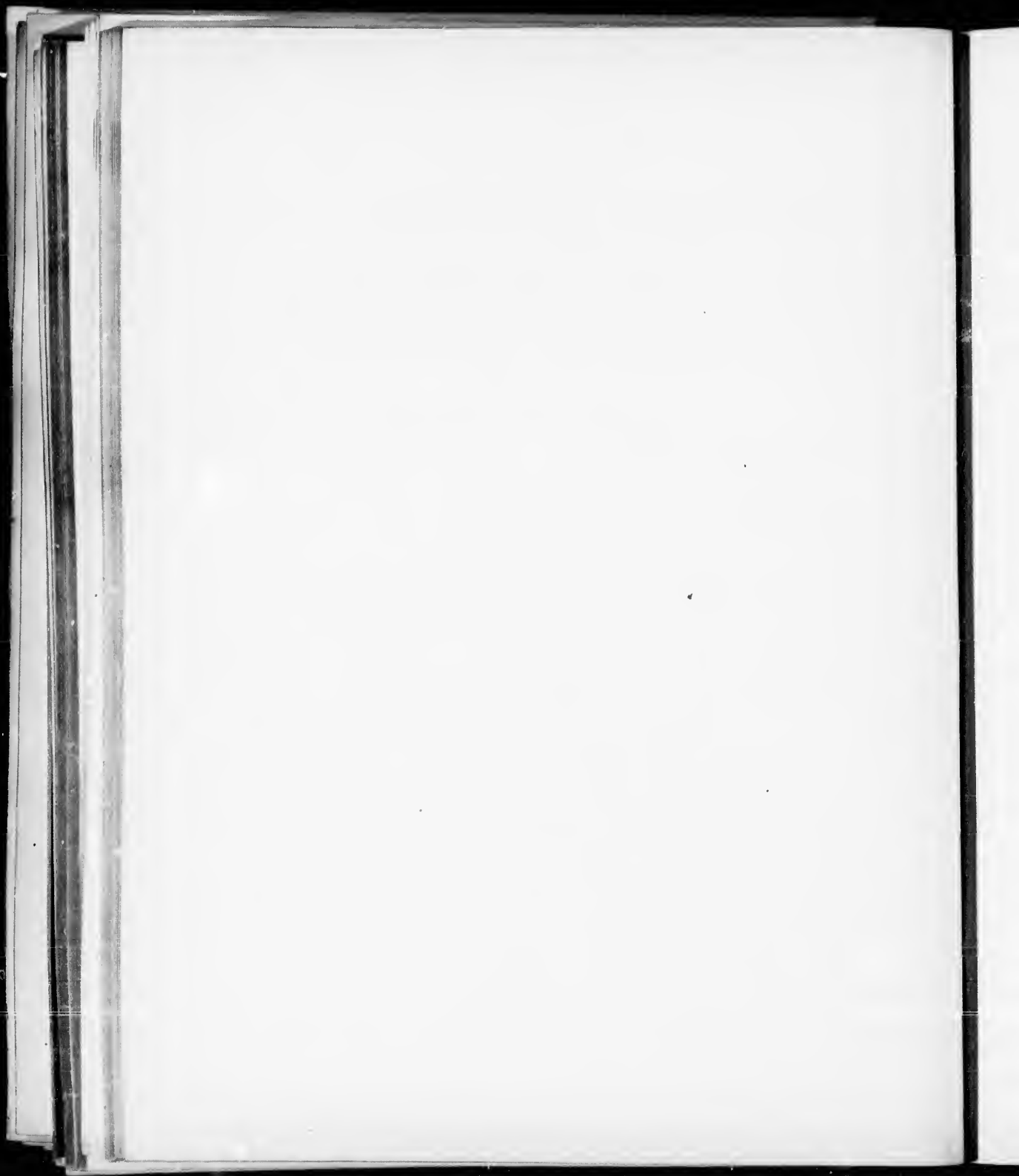
2770 The present deposition being read to the witness he persists therein, stating it contains the truth and has signed.

JOSEPH BERGERON,

Sworn before me in open Court, at Malbaie, this 8th July, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, the eighth day of July, 1876.

2780

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners ;

No. 14.

vs.

HON. H. L. LANGEVIN,

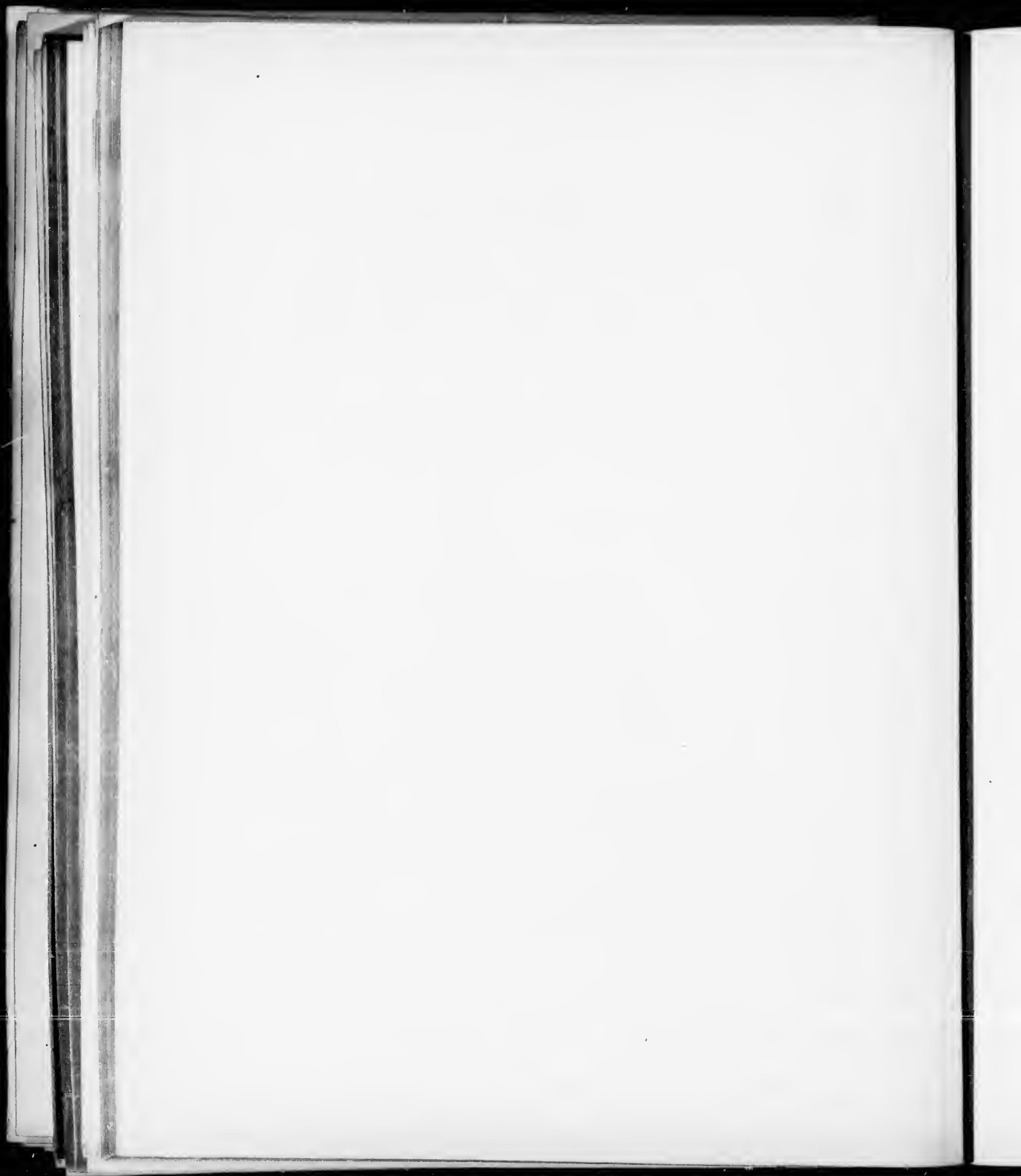
Defendant ;

Petitioners' Evidence.

Gregoire Jean, aged 67 years, farmer, of the parish of Malbaie, being duly sworn upon the Holy Evangelists, doth depose and say :

I know the parties in this case. I am not related or allied to nor in the employ of or
 2790 servant to any of them. I have no interest in the event in this suit.

The week before the election I got flour from Mrs. Nairn's mill, in this parish. I paid it with my wages due for work I had done at the flour mill last fall, and I was through on Christmas eve. It was Mr. Joseph Kane, Notary of Malbaie, and agent for the said Mrs. Nairn, who engaged me to work at the mill. I came and settled the account at Mr. Kane's, and he gave me a *bon*, and I got some grain and got it ground. The *bon* was for four bushels of wheat at six shillings. When my account was settled with Mr. Kane that amount alone was remaining due me on the 24th. Mr. Kane did not offer me a cent during the election. No person, either, offered me sixteen dollars. I did not say before Elie Maltais and Joseph Brassard that Mr. Kane had offered me sixteen dollars during the election.
 2800 When I settled the account with Mr. Kane, as above mentioned, he spoke to me about the election. He asked me on what side I was. I answered I was on the same side as usual—that I was *Rouge*, and did not change. He made the remark to me that Mr. Tremblay was not the one to be followed—that he tried to put down religion. I answered him on this point that if he made Mr. Langevin *Rouge* from the feet to the ears I would not vote for him, for he was not from the county. This is all that took place between us. He answered



that this could injure me, and I answered that I transacted business with the *Blues* and the *Rouges* alike, and that this was not troubling me. I thought that by the words "this could injure you" he meant that this could have something to do with regard to my work from Mrs. Nairn, but it did not trouble me, because I had the *Seigneuresse* on my side, and
2810 felt that Mr. Kano could do nothing against me.

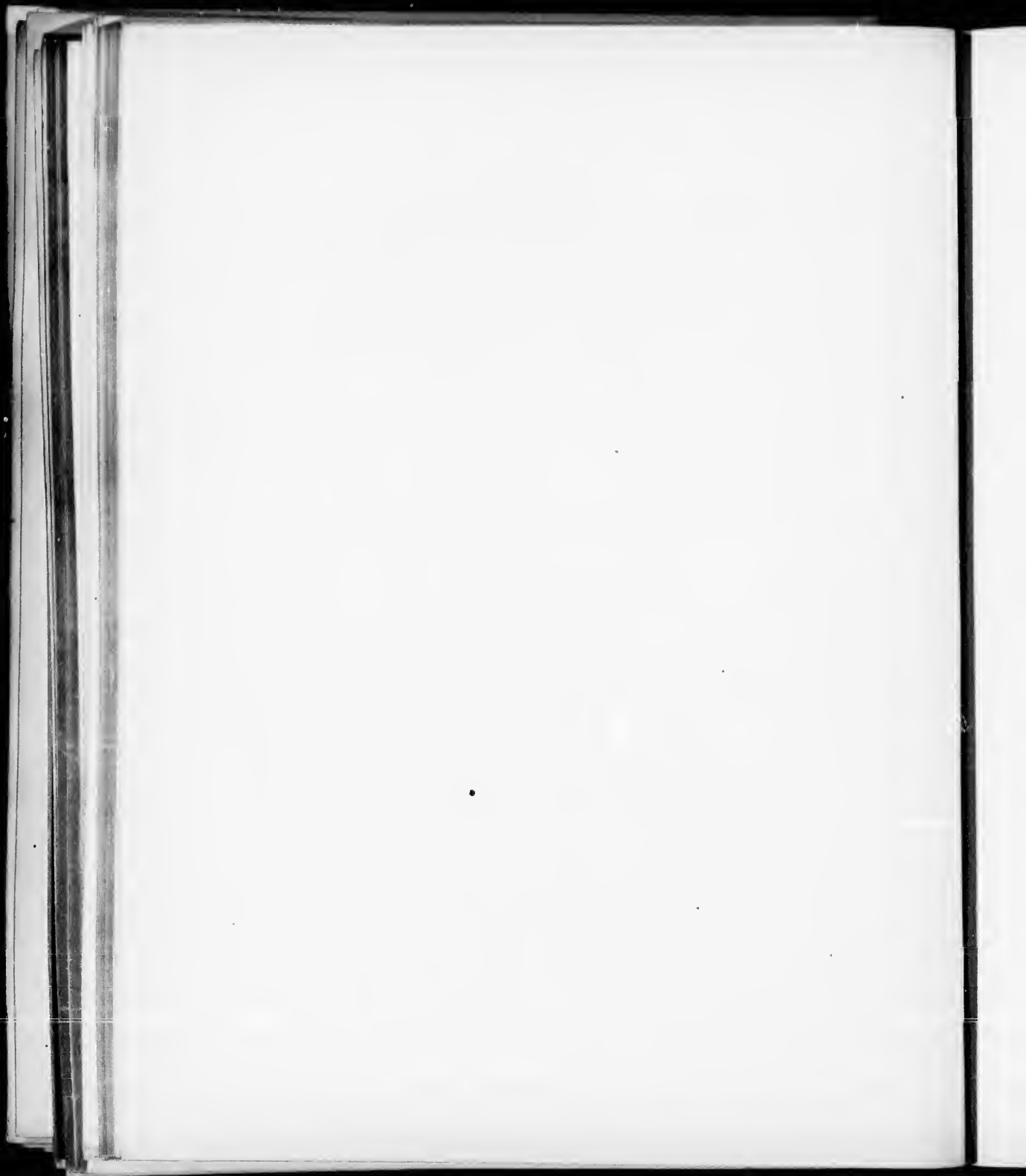
The Defendant declares to have no cross-questions to put to the witness.

The present deposition being read to the witness, he persists therein, declaring it to contain the truth, and cannot sign.

Taken and sworn before me, at Malbaie, in open Court, this 8th of July, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT 574.

2820 *Election of a Member for the House of Commons for the Electoral District of Charlevoix.*

MALBAIE, this eighth day of July, 1876.

PRESENT:—THE HON. A. B. ROUCHER, J. S. C.

BRASSARD ET AL.,

Petitioners

No. 11.

vs.

HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of Petitioners.

2830 Jenn Harvey, aged 49 years, farmer, of the parish of Malbaie, being duly sworn upon the Holy Evangelists, doth depose and say: I know the parties in this case. I am not related nor allied to, nor in the employ of, nor a servant to any of them. I am not interested in the event in this suit.

I was an elector and voted at the election in question. I was present at a meeting held by the Defendant at Joseph Bouchard's, at Malbaie during said election. The Defendant there made a speech respecting the election. I heard him state he did not promise them money before a year; perhaps, he added, it might take over six months, perhaps only three months. He said the Government had to be, first of all, defeated. That he did not promise them any money before the Government was overthrown.

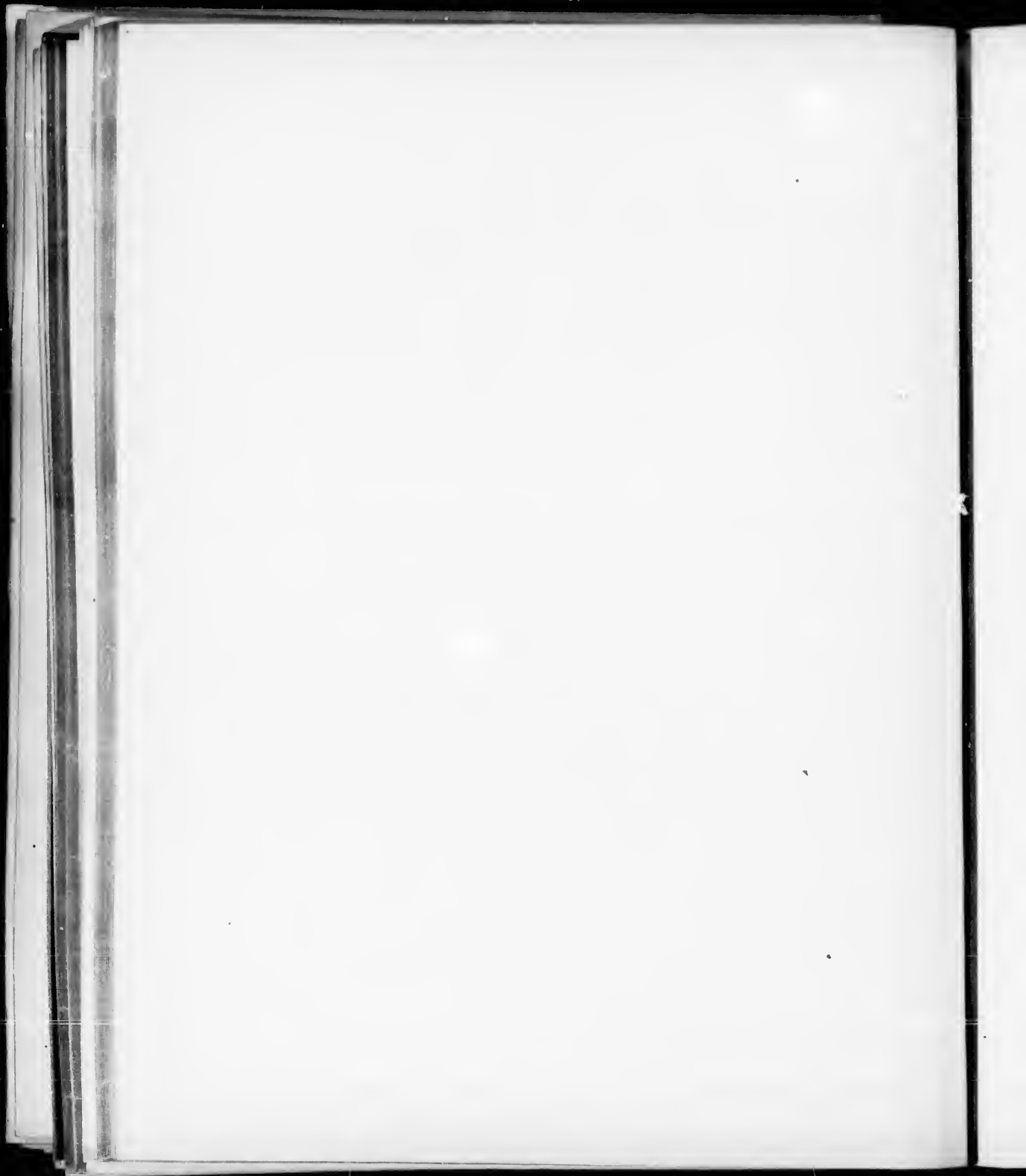
CROSS-EXAMINED.

2840 *Question.*—Is it not true that Defendant spoke of money obtained from the Federal Government for public works?

Answer.—When I arrived the meeting had begun, and I heard nothing about this.

Question.—Is it not true that the Defendant then stated that, as he was opposed to the Government, the county should not expect to obtain money from that Government?

Answer.—I did not remark this.



Question.—Do you swear the Defendant then promised money when the Government would be overthrown, or if he simply said the county could then get money ?

Answer.—I understood that when the Government would be overthrown it would have money.

2850

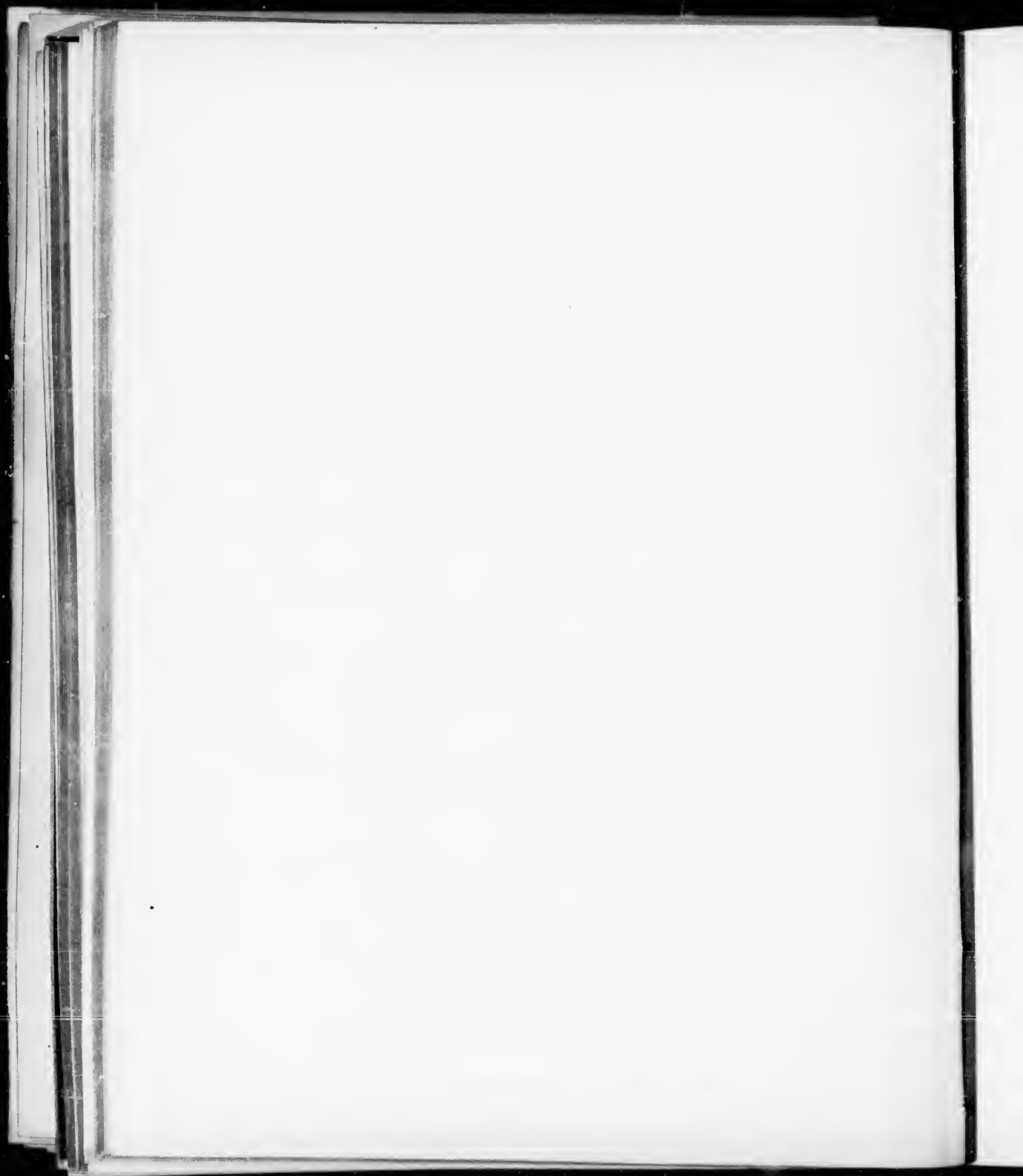
The present deposition being read to the witness he persists therein, declaring it to contain the truth, and has signed.

JEAN HARVEY.

Taken and sworn to before me in open Court this 8th July, 1876, at Malbaie.

A. B. ROUTHIER,

J. B. C.



PROVINCE OF QUEBEC, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

2860

MALBAIE, the 8th day of July, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

BRASSARD, ET AL.,

Petitioners:

vs.

No. 14.

THE HON. H. L. LANGEVIN,

*Defendant:**Evidence on the part of Petitioners.*

Thomas Gagnon, aged 50 years, farmer, of the parish of St. Malbaie, being duly sworn upon the Holy Evangelist, doth depose and say:

2870

I know the parties in this cause. I am not related or allied to, nor in the employ of, or servant to any of them. I have no interest in the event of this suit. I was an elector and voted at the election in question. I was present at a speech delivered by the Defendant during the said election, at Joseph Bouchard's place, at Malbaie. The Defendant, in this speech, spoke of Government money. He said he could not promise any before a year. He stated that it would not, perhaps, take a year, perhaps only six months, perhaps only three months, before getting any, but that this Government had to be overthrown first. I don't remember to what Government he was alluding; I did not take notice of all. He spoke of Mr. Tremblay on this occasion, but I could not say what he stated.

CROSS-EXAMINED.

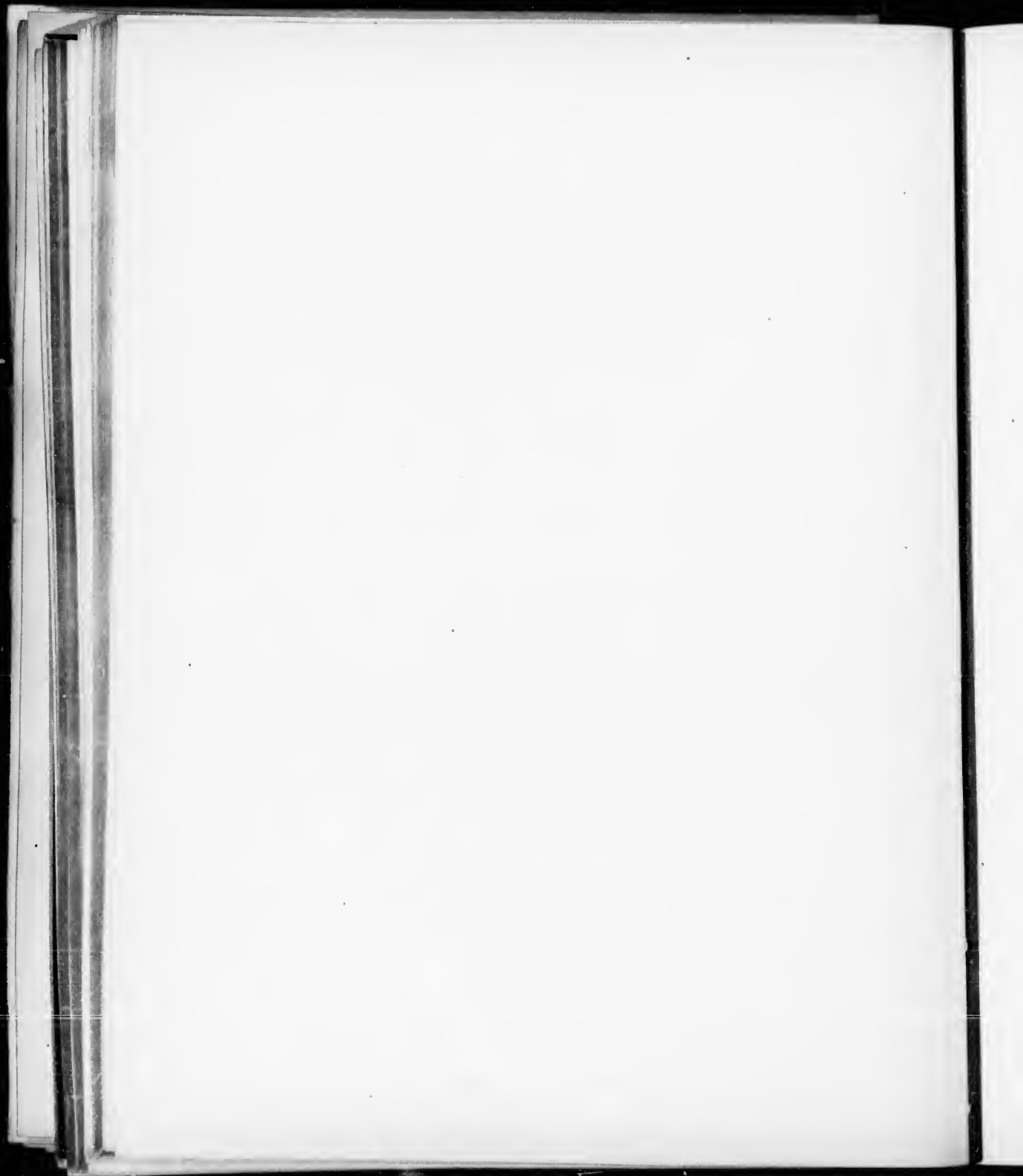
2880

The Defendant spoke of Government money for public improvements, and the earning of money by people working on the roads and by being employed on the works to be done.

Question.—Is it not true that the Defendant spoke of money obtained by Mr. Tremblay from the Government?

Answer.—I do not remember it; he might or might not have spoken of it.

Question.—Is it not true that Mr. Langevin stated that he was opposed to the Government, and if he were elected, you should not have money from this Government?



Answer.—Yes. He said this Government had to be overthrown to obtain money. I 2890 recollected these words better than the rest of the speech, because we always like to earn money. I spoke of what I just stated with the other witnesses and with Mr. P. A. Tremblay this morning. I think Pepin Gagnon, farmer, of Malbaie, was present at that meeting, but I am not sure.

RE-EXAMINED.

This morning, when Mr. Tremblay spoke to me, he asked me if I was at the meeting held at Joseph Bonchard's, and I answered him what I knew; this is all that took place between us. I do believe that when the Defendant spoke of public improvements and of roads, he spoke of wharfs and lighthouses, but I am not sure.

The present deposition being read to the witness, he persists therein, stating it 2900 contains the truth, and cannot sign.

Taken and sworn before me, at Malbaie, in open Court, this 8th of July, 1876.

A. B. ROUTHIER,

J. S. O.

PROVINCE OF QUEBEC, }
 District of Saguenay. }

SUPERIOR COURT.

THE DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, the 7th day of August, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

2910

BRASSARD ET AL.,

Petitioners;

vs.

No. 14.

HON. H. L. LANGEVIN,

*Defendant.**Petitioners' Evidence.*

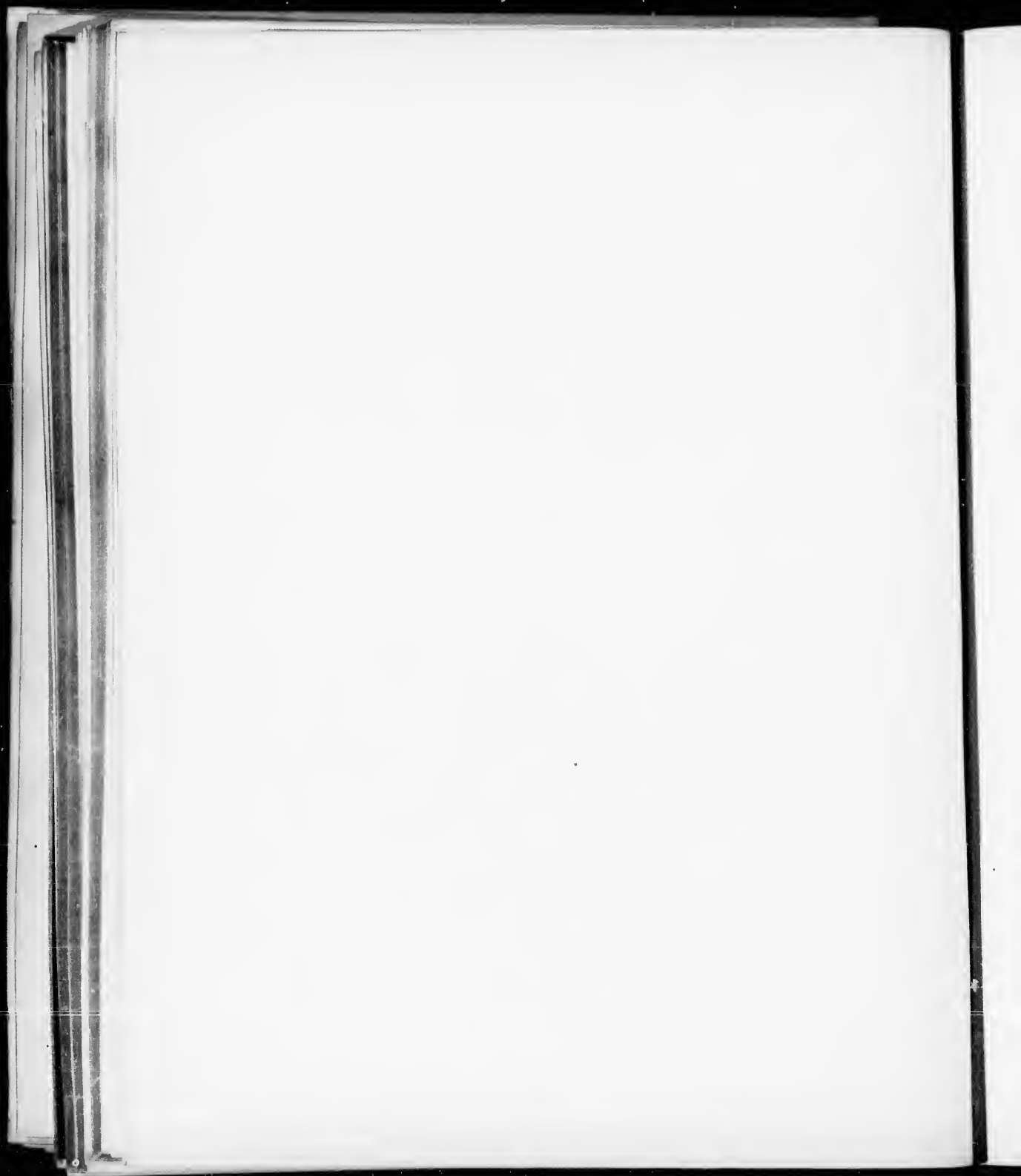
André Carré, of the parish of Malbaie, 77 years old, farmer, being duly sworn upon the Holy Evangelists, doth depose and say:—

I know the parties in this cause. I am neither related nor allied to, nor servant, nor in the employ of, any of them. I am not interested in the issue of this cause.

2920

I was an elector at the election in question, and voted. I know the Hon. David Price, Senator. He came to my place during said election. He did not speak to me of the election; but he spoke to me about salmon-fishing. He told me he was going this year to set a net at Tadoussac, to catch salmon. As I already had had in charge that fishery, I told him, I hope to have a chance if you work the fishery. He thereupon answered: If you are willing to be for me, I will hire you. He explained nothing to me, but I understood that he wanted me to be with him for the election, for it could not mean anything else. I don't recollect exactly how long it was before the voting, but it was about twelve days before. On that occasion Mr. Price was coming to my place to see a man, Louis Tremblay, who had lost his eye-sight. I am unable to say what Mr. Price was then doing in the county. He went from one place to another. From what I saw him doing, I inferred that he was working for the election, but I knew not in whose favor. People were saying that he was working for the Defendant. When Mr. Price told me that he would hire me if I were for him, I understood it to mean if I were for him in the election, I also understood that it meant to be for the Defendant. He did not speak election before me with the above-mentioned Louis Tremblay.

2930



When Mr. Price told me what I have related above, I answered him: "I thank you." I said "I thank you" because he wanted to hire me if I were for him; and I was not willing to be for him, my intention being to vote for Mr. Tremblay, in whose favor I was.

CROSS-EXAMINED.

2940 The witness declares that he is somewhat deaf. At the distance you are from me, I hear well, but when the party speaking to me is a little far, I don't hear well, on account of the echo.

Louis Tremblay was present when I had the above-mentioned conversation with Mr. Price. There was another party in the kitchen. It was Denis Gauthier, of St. Fiddle, merchant, who was driving Mr. Price. Mr. Price, Louis Tremblay, and I were in the room.

Mr. Price had then come for the first time to my place. As already stated, he had come to see Louis Tremblay. Louis Tremblay is one of Mr. Price's old servants.

2950 Mr. Price did not try to canvass me; he only spoke to me of the fishery. It was Mr. Price who commenced to speak of the fishery, not I. I don't care much about the elections. I did not pay attention as to what month it was in, and cannot recollect the month. I have always been for Mr. Tremblay, and voted at the last election according to my conviction. Mr. Price did not speak to me about the election or Mr. Langevin, but I understood that what he told me was about the election. I did not take any notice of what he had told me, and attached no importance to it.

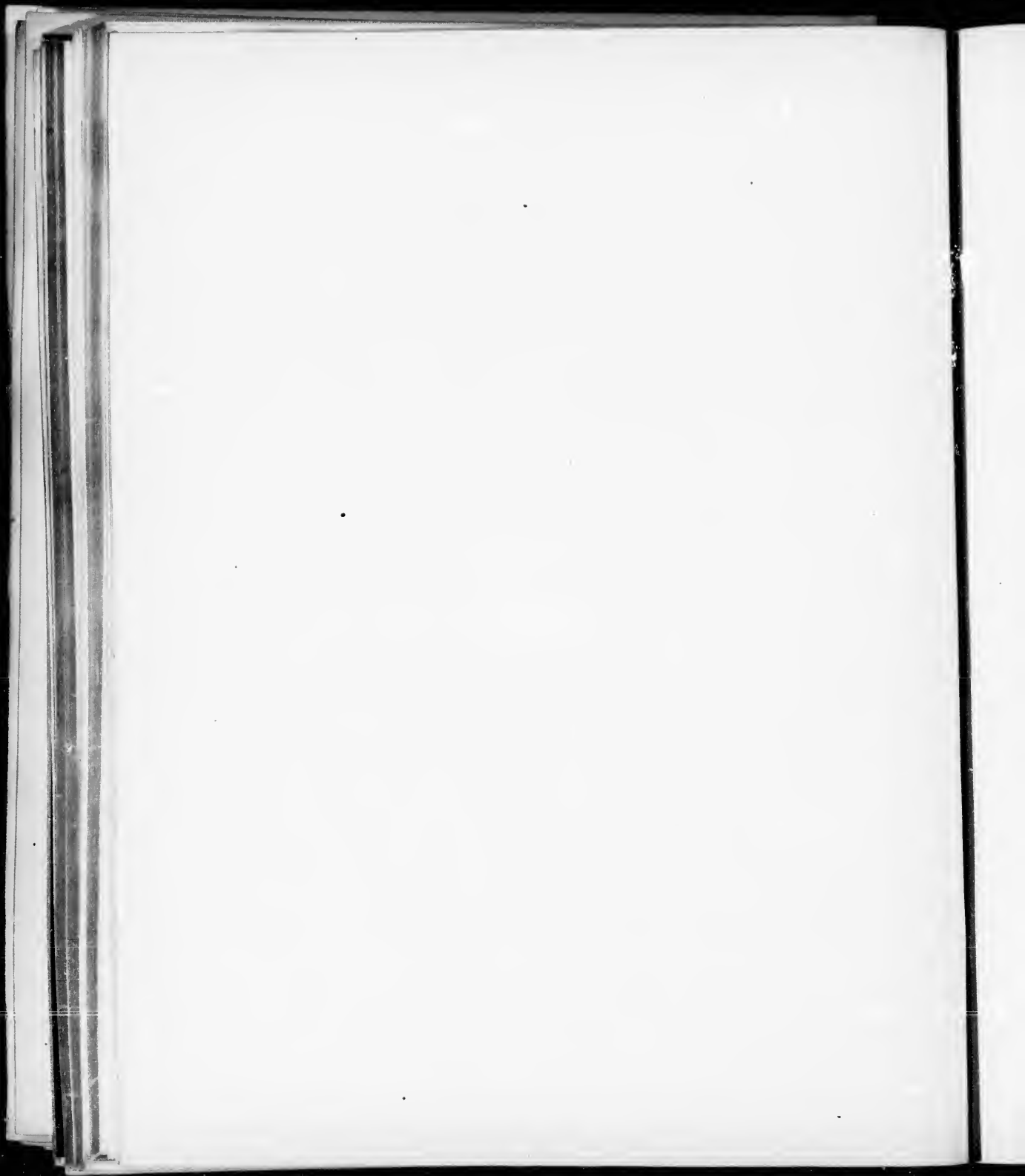
The foregoing deposition being read to the witness, he persists therein, and declares it contains the truth; and he cannot sign his name.

Taken and sworn to before me in open Court, at Malbae, this 7th August, 1876.

(Signed.)

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT
District of Saguenay.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, this 7th day of August, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners.

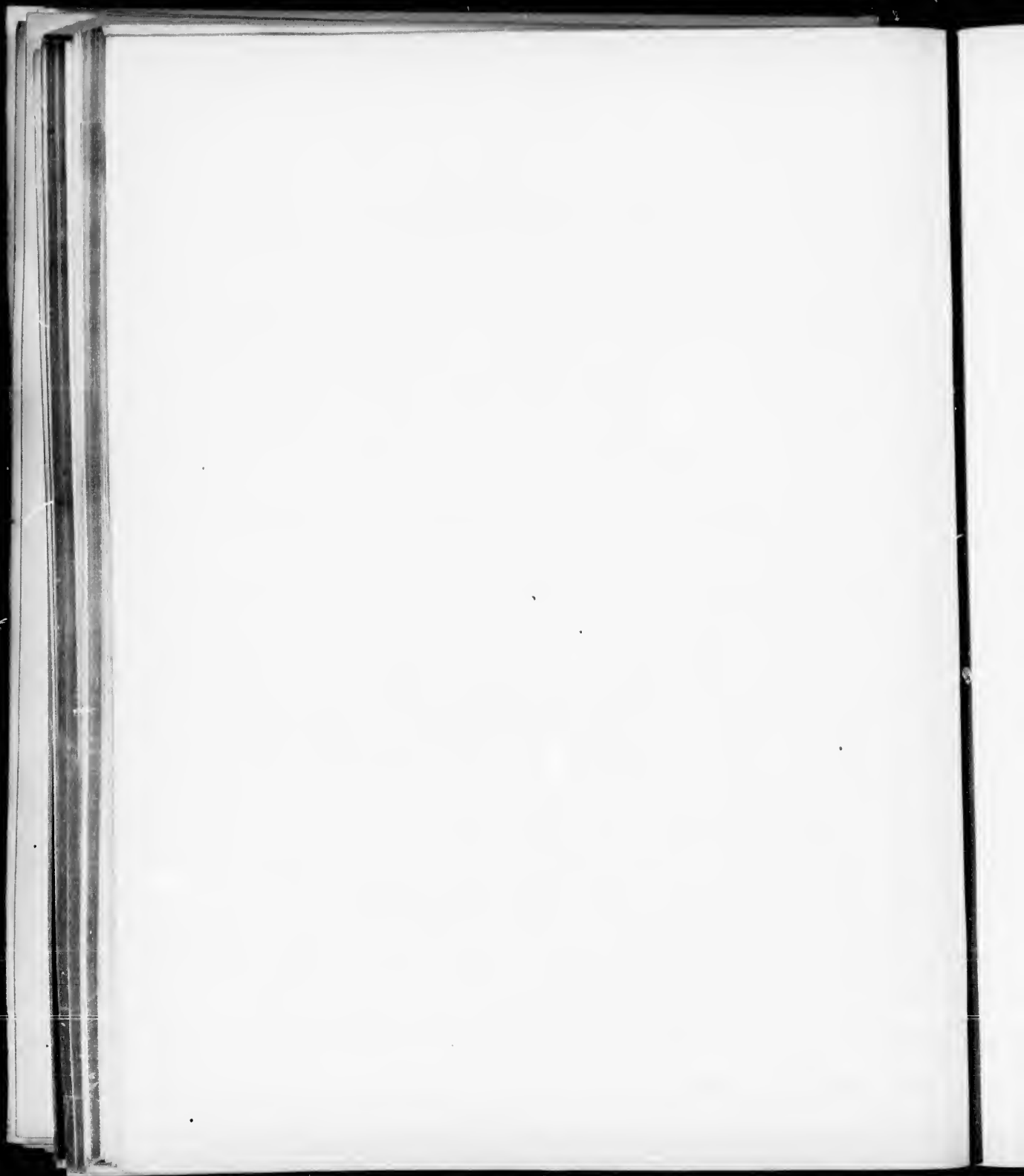
vs.

HON. H. L. LANGEVIN,

Defendant.

Petitioners' Evidence.

- Thomas Tremblay, 45 years old, of the Parish of St. Fidèle, farmer, being duly sworn upon the Holy Evangelists, doth depose and say:—I know the parties in this cause. I am not related nor allied to, nor servant, nor in the employ of any of them. I have no interest in the issue of this cause. I was an elector at the election in question, and have voted as such. I know Denis Gauthier, of St. Fidèle, merchant. He took part in the said election. He never told me for whom he was working, but I knew it was for the Defendant.
- 2980 Two or three days before the voting, I found myself indebted to Mr. Price to the amount of nine hundred and twenty dollars, through a deed of transfer. I began to ask Mr. Price to give me the advantage of paying part thereof in goods. Mr. Price answered that he would speak about it with Mr. Denis Gauthier. I myself spoke with Mr. Denis Gauthier about it. When he spoke to me about it it was about the time of the voting. I told him I thought I would vote neither for one nor the other. He answered me that I should vote by all means, and that I was independent enough to do that. I replied that as a rule I was independent, but that I was not so at the present moment, having bought a farm, and being obliged to borrow the above-mentioned amount to pay it. The deed of transfer above mentioned had been made on account of the purchase of said farm. He thereupon told me that if I were
- 2990 obliged to borrow money, and if Mr. Collard declined to lend me any, others would lend me some. He added that Mr. Price had told him to take my goods on account of what I owed him, and that he was at liberty not to take them. That is about all that passed between us. We spoke longer than that, but it meant the same thing, and I understood it meant that if I would not vote for the Defendant he would not take my goods. There was not a great difference between paying in goods or in money, for one almost always finds to sell his goods;



nevertheless, I found it more advantageous to pay in goods. Eight days, I think, before the election, I spoke about it to the Rev. Mr. Cinq-Mars, Curé of St. Siméon. I opened the conversation on the subject.

Question.—Please state what was said on both sides.

3900 Objected to by the Defendant, because the answer tends to prove a private conversation with the Rev. Mr. Cinq-Mars, and that the name of the witness is included in the bill of particulars as having been threatened by Denis Gauthier, of St. Fidele, and secondly, for the reasons mentioned in the evidence of Abel Maltais.

Question withdrawn.

Question.—On the above-mentioned occasion did the Rev. Mr. Cinq-Mars tell you or lead you to understand that you were bound to vote for one candidate rather than for the other?

Objected to by the Defendant for the above-mentioned reasons.

Objection dismissed as to the first ground, and reserved as to the second.

3010 *Answer.*—He not only led us to understand it, but he actually told me that one should not vote for Mr. Tremblay, because he had promised to be independent, and had not kept his word.

I had a conversation about the election with the Rev. Mr. Tremblay, Curé of St. Fidèle, two days before the voting.

Question.—Please report the said conversation.

Objected to for the same reasons as those concerning the Curé Cinq-Mars.

Objection maintained.

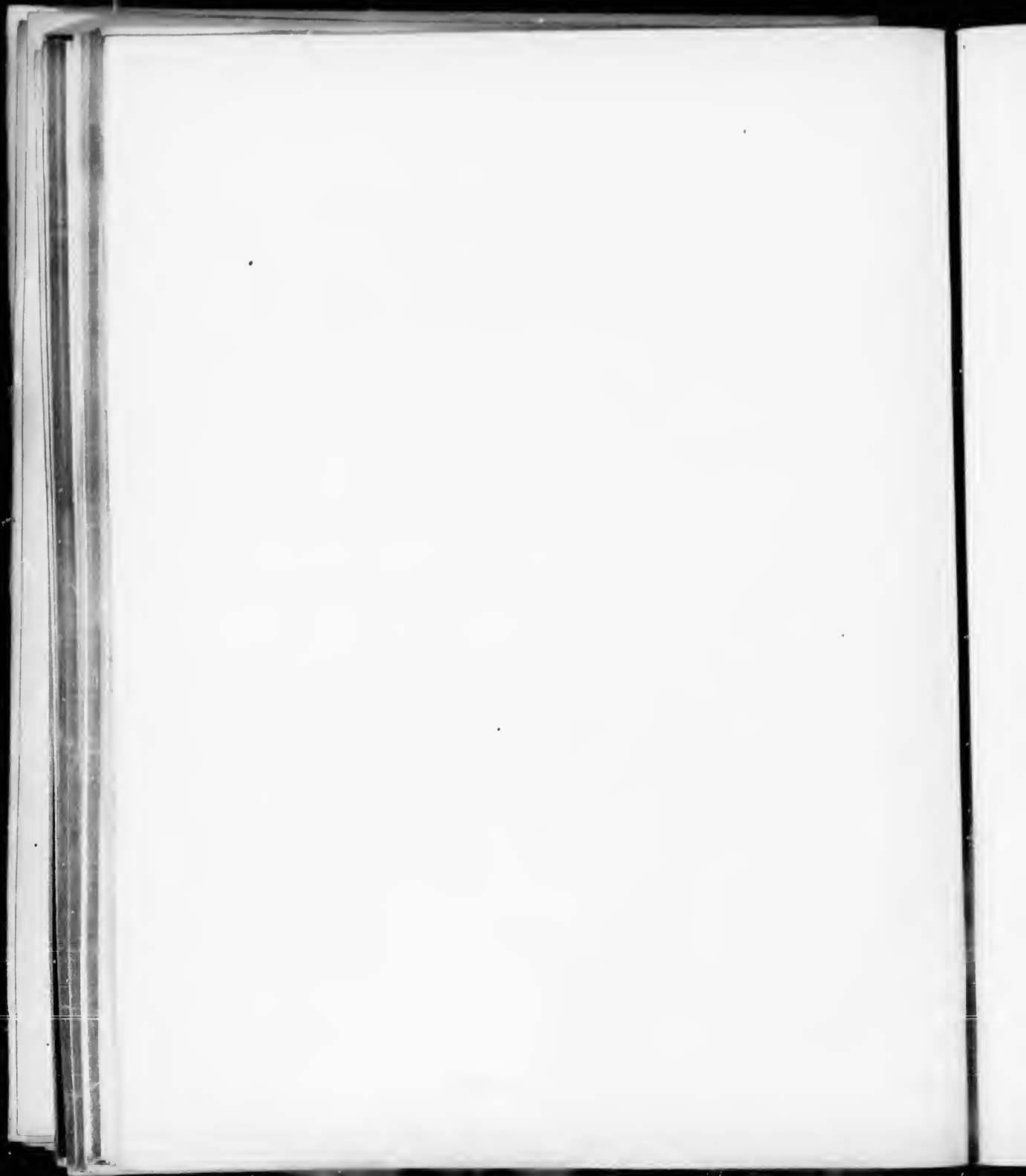
The Petitioners take exception to the decision of the Court, and reserve to themselves the right of having it revised by the Supreme Court.

3020 The Petitioners declare that the Court not allowing them to prove by the witness threats made to him by the Rev. Mr. Tremblay, decline to further examine him under the above reserve.

The Defendant declares that the witness cannot testify to threats made to him by the Rev. Mr. Tremblay, because the name of the witness is not in the bill of particulars, and because the Petitioners have not applied to the Court for the examination of the witness upon that fact.

CROSS-EXAMINED.

3030 When the above-mentioned conversation between Denis Gauthier and me took place, we were on the gallery of said Denis Gauthier's house. We were alone. Denis Gauthier told me that Mr. Price had left him at liberty to take my goods or not. Denis Gauthier told me he was at liberty to take them or not. It is what led me to understand that he would not take my goods if I would not vote for the Defendant. Denis Gauthier never told me that if I did not vote for the Defendant he would not take my goods, but it is what I understood.



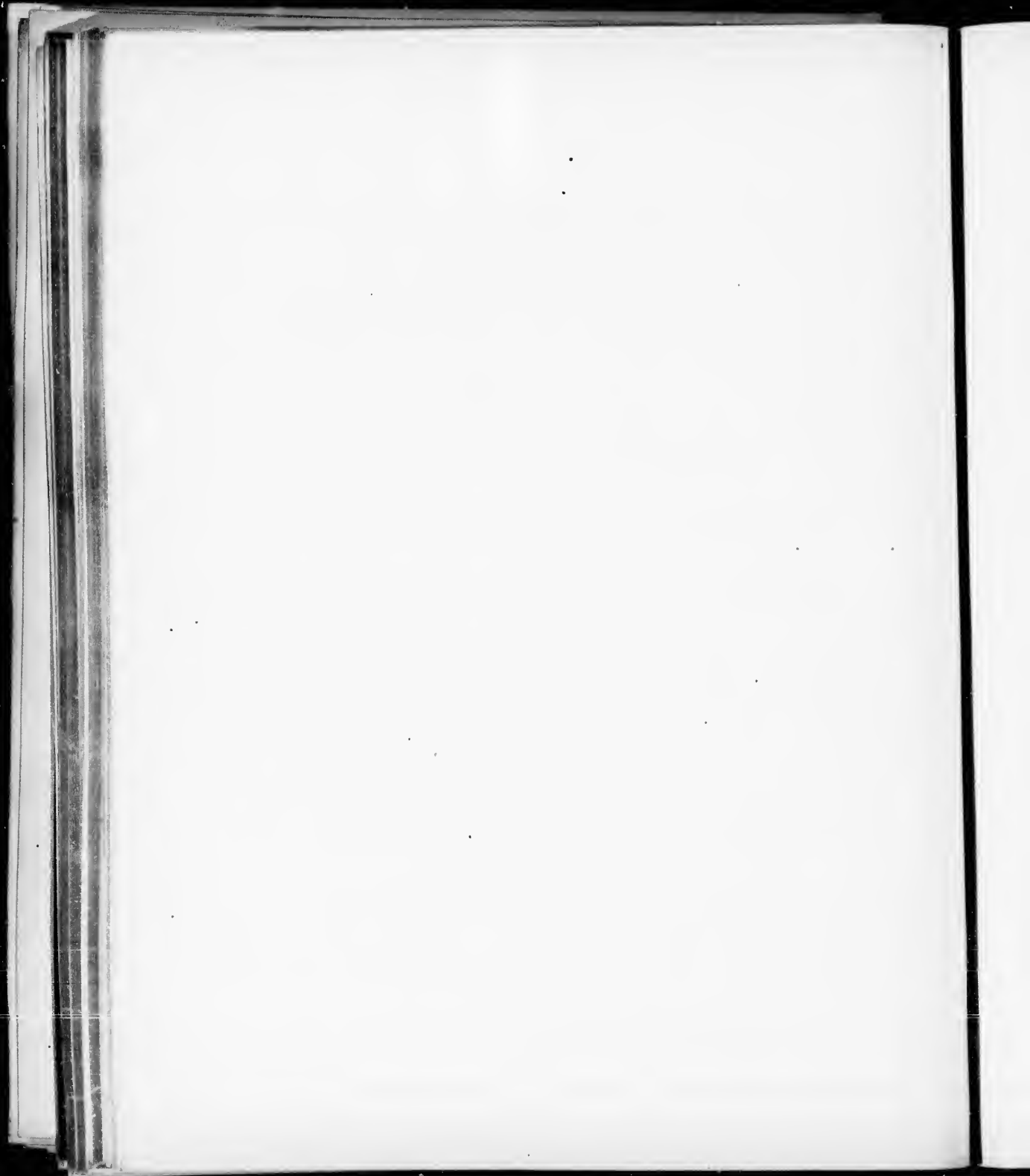
Before the above conversation I was determined not to vote, and I intended to borrow money of Mr. Collard if I needed it.

The foregoing deposition being read to the witness, he persists therein, and declares that it contains the truth, and that he cannot sign his name.

Taken and sworn before me in open Court at Malhale, this 7th day of August, 1876.

A. B. ROUTHIER,

J. S. C.



3040 PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay. }

THE DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons, for the Electoral District of Charlevoix.

MALBAIE, this 7th day of August, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

O. BRASSARD, ET AL.,

Petitioners:

No. 14.

vs.

HON. H. L. LANGEVIN,

Defendant.

3050

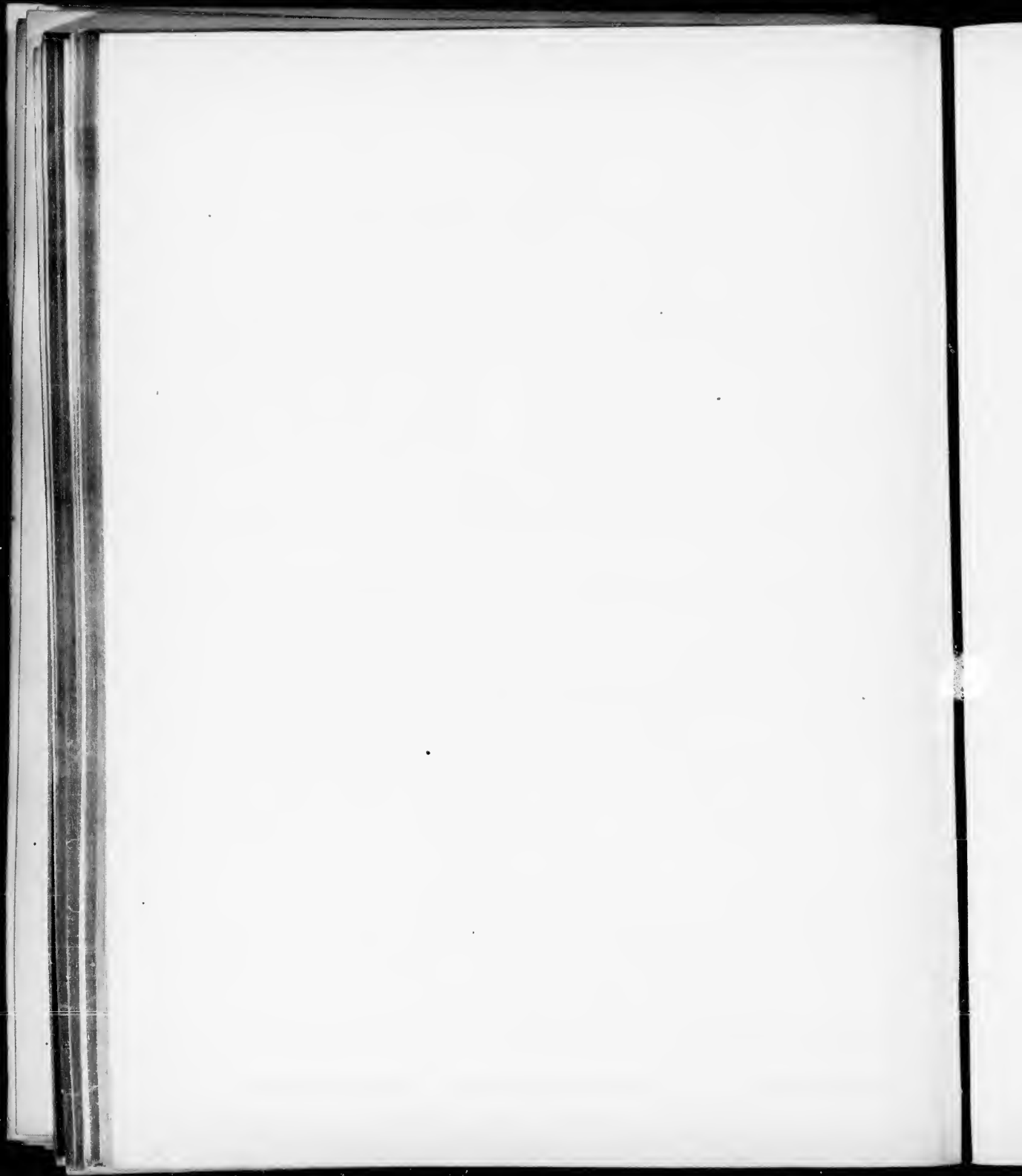
Petitioners' Evidence.

Réville Asselin, of the parish of St. Hilarion, aged 35 years, farmer, being duly sworn upon the Holy Evangelists, doth depose and say:—

I know the parties in this cause, I am neither related, nor allied to, nor servant, nor in the employ of any of them. I am not interested in the issue of this suit.

I was an elector at the election in question and I voted. I am church-warden, in the parish of St. Hilarion, and was so previous to the election. I heard a sermon preached on Sunday the 16th of January last, in the church of St. Hilarion, by the Rev. Mr. Langlais, curate of the said parish, about the election. He said he would explain how people should vote, that they were *têtes croches*, crooked minded men, that they should vote for the Conservative party. He afterwards said to us that it was a mortal sin to vote for the Liberal party. We understood that Mr. Tremblay was the candidate of that party. That to vote for the Liberal party was equivalent to be against the curé, against the bishops and against the Pope himself; that there were two banners to follow, the red one and the blue one; that the blue banner represented that of the Pope and the Church, and the red one represented Victor Emmanuel and Garibaldi. He explained to us that the blue banner was that of the Conservative party, and the red one that of the Liberal party.

3060
 Objected to by the Defendant, as to the evidence of Abel Maltais. Objection reserved to the merits.



3070 He told us: "at the hour of death, on which side will you like to be, with Victor Emmanuel and Garibaldi, or with the Pope and the Church," "you have among you some Garibaldians who style themselves Catholics and, like Victor Emmanuel and Garibaldi, persecute their curé.

He said that we should follow our superiors, and that in case they would give us bad advice, they alone would be responsible therefor. He said that the Liberals were scandal breeders (*scandaleux*) and that there were some in the parish, and he added: "Woe to those through whom the scandal comes."

To the best of my knowledge, that sermon created a strong impression in the parish and as far as I can see, turned one third of the votes in favor of the Defendant. Jules Tremblay, who is an elector, told me himself that the said sermon had changed his opinion, and I have heard the names of many others mentioned as having changed their opinions, but I cannot recollect their names.

I had a private conversation with the said Mr. Langlais about the election, on the eve of New Year's day. Being invited by his brother-in-law Mr. Belanger, I went to the curé's. He asked me if I would side with him in *Fabrique* matters, and even in elections: I answered that I could not promise that. He replied that if I could not promise that to him, he would not keep the *Fabrique* accounts, and he would see us to who should accompany him during the pastoral visit. That visit is the one which the curé makes every year in the parish, about New Year's day. The custom is for the priest to make it in the company of the church-warden
3090 in charge.

Two or three days or so after, when he rendered his accounts, he returned me the books according to what he had previously said, and in doing so told me it was because I did not consent to side with him even in election matters. I have returned the books to him since the election, because I found that the pressure of my business was too strong to allow me to keep them. The following Sunday, he announced from the pulpit that he had ceased to keep the accounts of the *Fabrique*. It is to my knowledge that some persons left the church during the above-mentioned sermon. I heard it said by many persons that they would leave the church because the curé was going too far, insulted them and they could not bear it.

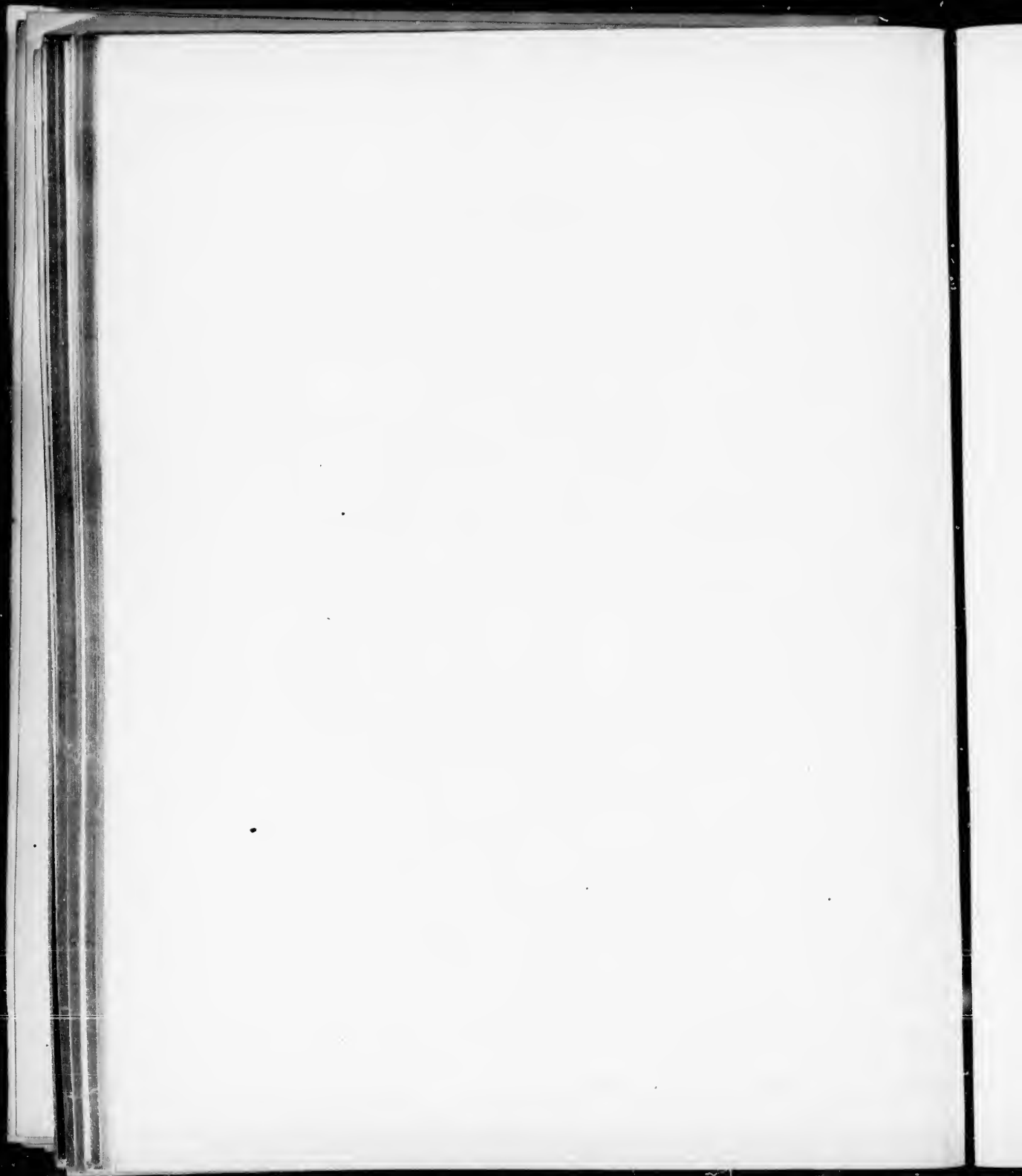
The curé did not make the pastoral visit with me, but with François Tremblay, the
3100 second church-warden.

CROSS-EXAMINED.

I worked a little for Mr. Tremblay during the election. My memory may fail me now and then. I possess a good memory, but it may sometimes fail me.

The other two church-wardens, François Tremblay and Guillaume Bouclard, were with me in the *banc d'œuvre* on the Sixteenth of January. As far as I can recollect, the curé read on that day the pastoral letter (*mandement*) of the Bishops, and it was after reading this letter that he preached. I heard the word Liberalism during the reading of the pastoral letter (*mandement*.)

Question.—Is it not true that the curé then said that Catholic Liberalism was
3110 condemned?



Answer.—He explained to us that there was no distinction to draw between a Liberal in politics and a Liberal in religion, that the one would not go without the other. I swear that the curé said in his sermon that it was a mortal sin to vote for the Liberal party.

Question.—Please give the expression used by the curé on those occasions?

Answer.—He used those very words. He said that those who persecute the priests, the bishops and the Pope were Garibaldians. I swear that the curé said at his sermon that the Liberals are scandal breeders, crooked minded men (*des scandaleux et des têtes crochées.*) He used those very words. I swear that the curé said in his sermon that to vote for the Liberal party was to be against the priests, the bishops and the Pope himself. He used those very words. The curé did not pronounce the names of Mr. Langevin or Mr. Tremblay from the pulpit.

When I said that the sermon of the curé changed one third of the votes in the parish of St. Hilarion, I based my calculations upon what I had seen before Mr. Langevin came into the parish, when nearly every one seemed to be for Mr. Tremblay. Some days after Mr. Langevin's speech, the electors were in the same disposition; it is the sermon of the curé which made all the changes. I have been enabled to ascertain all what I have said about the disposition of the parish and the changes in the voters' minds, by hearing it said and speaking of it at the church door.

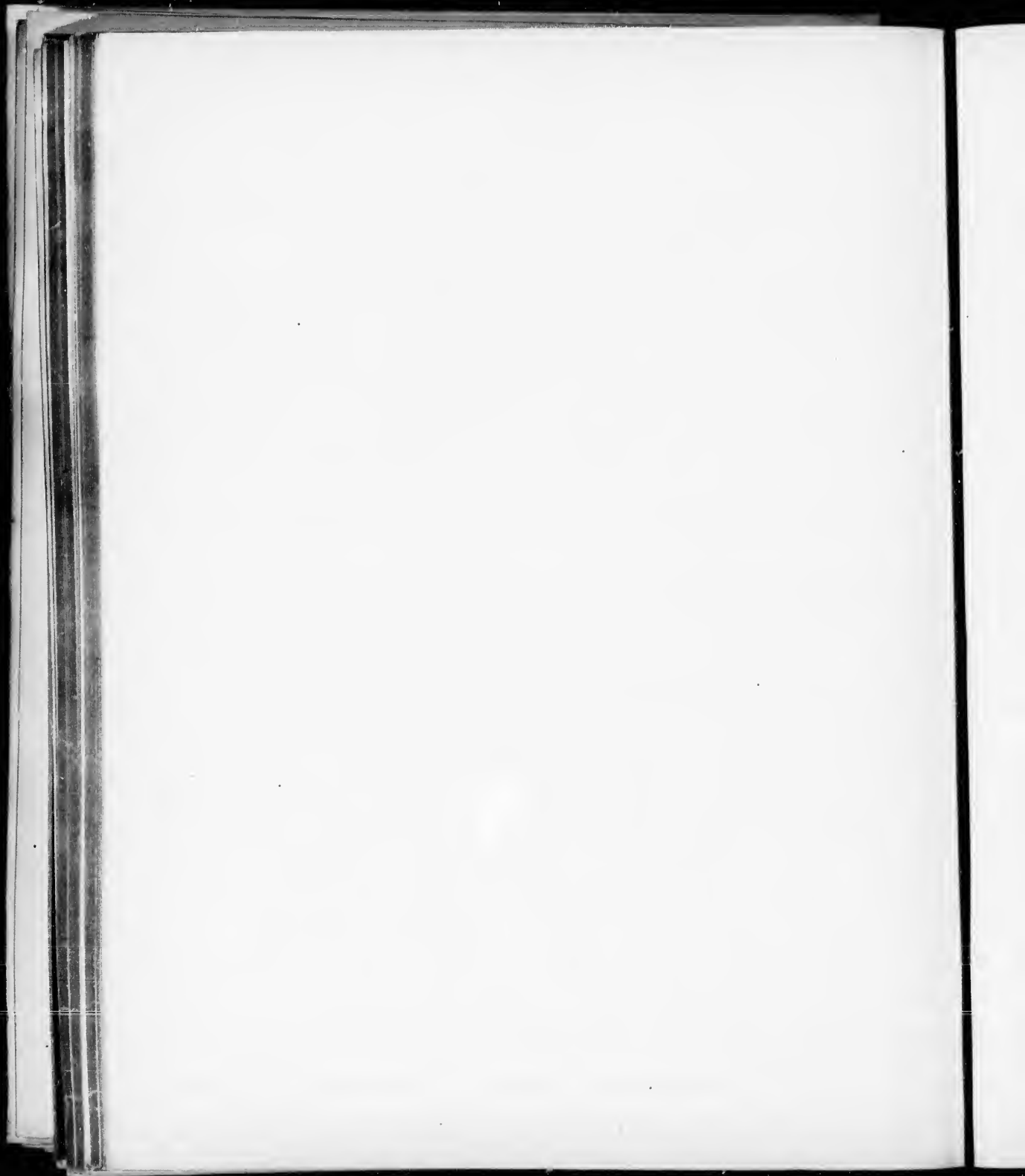
I cannot say what the result of the voting was at the election before the last, I mean the election between Messrs. Gauthier and Cimou. A portion of the electors who had supported Mr. Gauthier, but not all, voted for the Defendant. The reason given to me by Jules Tremblay why he changed his opinion was that the curé had plainly stated that there was no difference between a Liberal in politics and a Catholic Liberal. He told me that at my place after the election. He is a farmer and the son of Eucher Tremblay. I was alone with the curé at his parsonage, on the eve of new year's day when we had the conversation above related.

I was on good terms with the curé and had always been so until New Year's day (1876). I differed from him in the *Fabrique* matters. It was at a meeting of the church-wardens that the curé returned the books to me two or three days after the beginning of the year. François Tremblay, Guillaume Bouchard, Côme Savard, Eliphe Lavoie, Raymond Perron, and Désiré Tremblay were then present; those are about the only names I can recollect.

I don't recollect that Antoine Bouchard and Pierre Tremblay, of St. Hilarion, farmers, were present at the conversation I had with the curé on the eve of New Year's day, but they were present at the parsonage, where we spoke of *Fabrique* matters.

Question.—Is it not true that the curé did not wish to make his pastoral visit with you on account of certain difficulties about *Fabrique* matters?

Answer.—He declined stepping into my sleigh and making the visit with me because I differed in opinion with him about *Fabrique* matters and even about the elections. Arsène Bélanger, brother-in-law to the curé, who had come for me on the eve of New Year's day was in the kitchen; the curé and I were in the office when the conversation in question took place.



Those two rooms are adjacent to one another and as well as I can remember the door was closed and a log wall divides the two rooms. I had no quarrel with the curé on the thirty-first of December, but since we have exchanged pretty harsh words, let every one have his opinion.

I am a Roman Catholic, and the curé's sermon made no impression upon me, and I have always been for Mr. Tremblay.

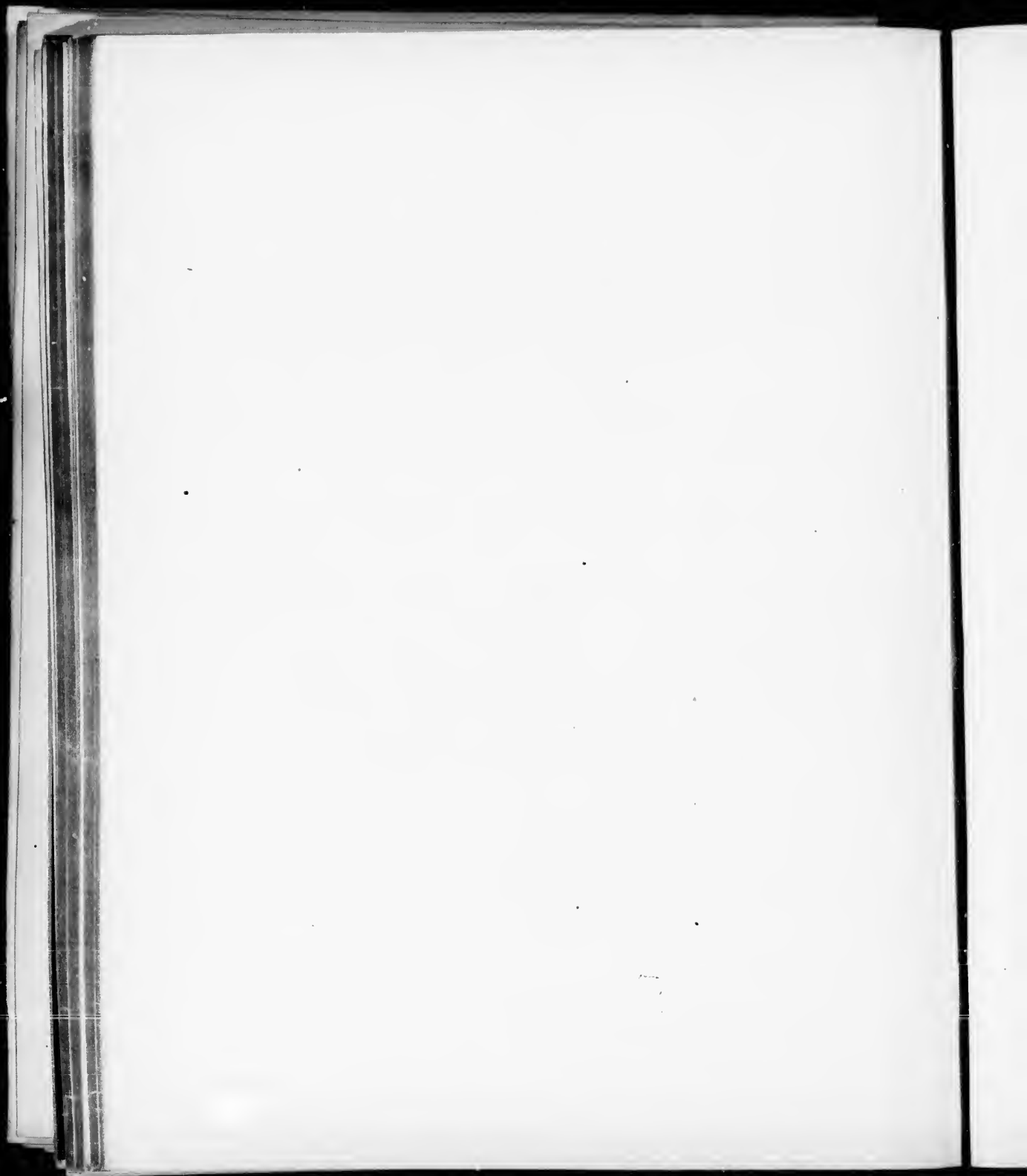
The foregoing deposition being read to the witness, he persists therein, declaring that it contains the truth, and he signed.

R. ASSELIN.

Taken and sworn to before me, in open Court, at Malbau, this 7th of August, 1876.

CHS. DUBERGER,

P. S. C. S. D.



PROVINCE OF QUEBEC, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, the seventh day of August, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners;

3170 No. 14.

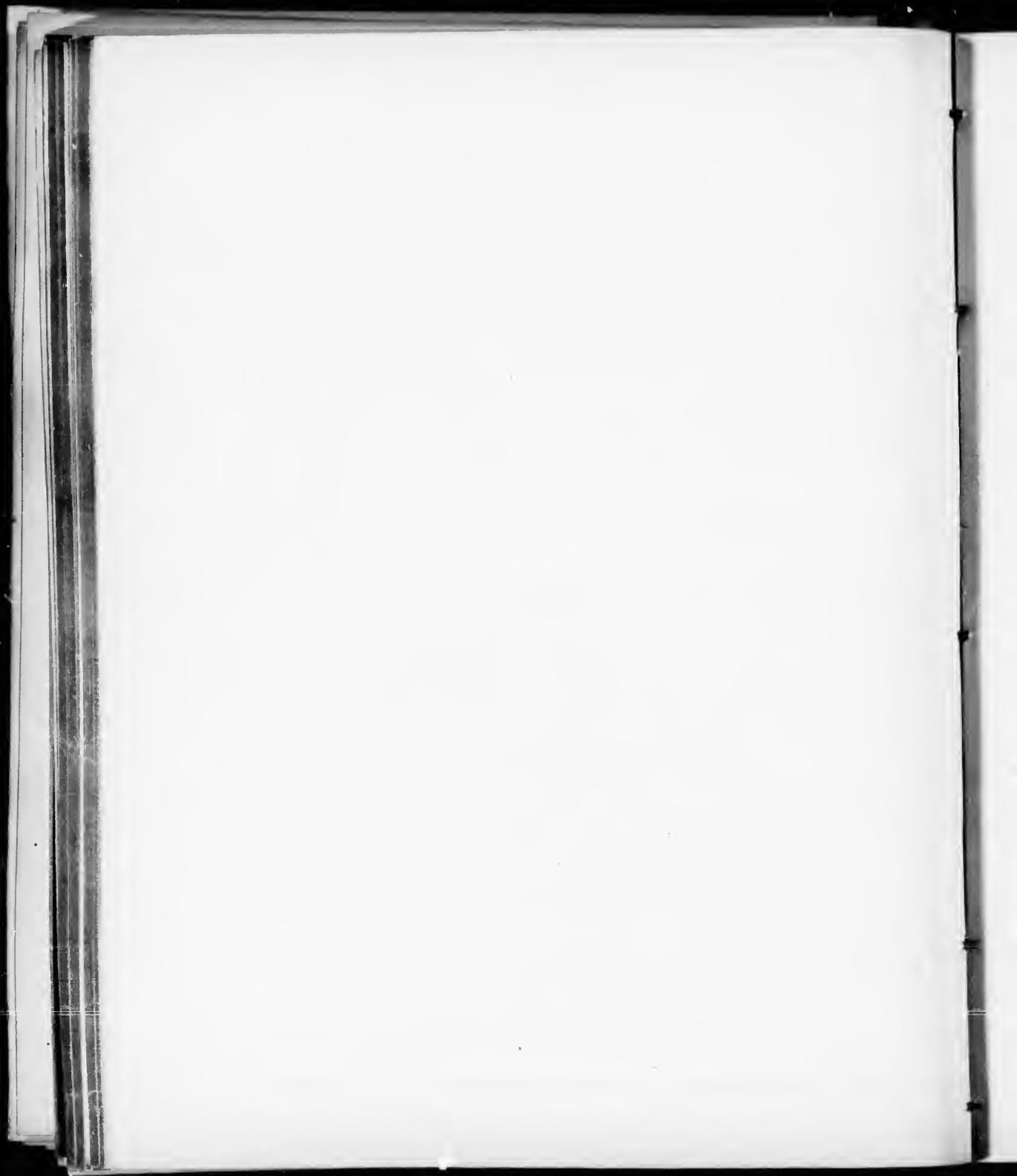
vs.

HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of Petitioners.

Maurice Bouchard, aged 35 years, Advocate, of the parish of Baie St. Paul, being sworn upon the Holy Evangelists, doth depose and say:—I know the parties in this case. I am not related or allied to nor in the employ of or servant to any of them. I have no interest in the issue of this case. I was an elector at the election in question, and I voted. I was present at a sermon, preached, I believe, the last Sunday before the voting, on the 16th January last, in the church of Baie St. Paul, by the Rev. Mr. Sirois, Curé of said parish. He spoke respecting the duties of electors during elections, but without mentioning any of the candidates. He partly read and commented on the Bishops' pastoral letter. I know he condemned Liberalism. He said "you must be on your guard against those who profess Liberalism in our days—they are serpents. They ruined Europe, and we will come to the same end." This is the summing up of his sermon according to me. He spoke of the Condothiero Communists in Italy, who constitute the most advanced branch of Liberalism. He said such Liberals were not to be found in Baie St. Paul—that there was but a small nucleus of them in the large cities, such as Montreal and Quebec. He said these people began by attacking religion, and finished by attacking property. I do not remember whether he said there was in the county a party which had such tendencies or not. He said we ought to beware of Liberalism in general. He said to beware of those who came under a hypocritical mask to implant opinions in our midst. He was then speaking of the propagators of Liberalism. I understood him to be alluding to those who then came and spoke in the county with reference to the election. He was not precise in what he stated, but he was condemning Canadian Liberalism, exhibiting the Bishops' pastoral he held in his



hunts. I remember him stating "allow candidates alone to speak at the church door. He added "if others want to speak, let them find houses." He may have spoken of false prophets and false Christs in his sermon. I believe he did. I could not say with what object, for the sermon lasted very long—an hour or an hour and a half, as far as I can recollect; he spoke a long time. I do not remember all he said. The Curé had preached another sermon on the same subject on a feast day.

3200 According to my impression, this sermon decided many lukewarm electors, who otherwise would not have voted. Others and myself canvassed the *Bouges* with the same idea (*dans le même sens*). At the time of the sermon of the 16th very little was left to be done; the sides were adopted; each party had only to hold its own. What I did do was in favor of Defendant. The Defendant spoke to me lately—a few days ago, I believe—of the sermon of the 16th day January, and asked me if I was present when it was delivered. He did not ask me if I could contradict witnesses already heard, but he enquired if the Curé had explained the Bishops' pastoral letter, and if he held it in his hands. I answered yes. I do not know if others who worked for the Defendant made use of the Curé's sermon.

3210 I made no use of it myself. I must state the same thing with reference to the Bishops' pastoral letter. I heard Mr. Tarte, editor of *Le Canadien*, speak sometime before the election. It was during the last season. Mr. Tarte had the Bishops' pastoral and was explaining it on the hustings against Mr. Tremblay, who was present. He was stating the pastoral letter condemned Mr. Tremblay as a Liberal, and Mr. Tremblay repudiated the Liberalism condemned by the Bishop, stating he did not profess it himself.

CROSS-EXAMINED.

At the time of Mr. Tarte's speech above-mentioned the Defendant was not yet in the field. At the election before last (1875), between Mr. Gauthier and Mr. Cinon, Mr. Gauthier's majority in Baie St. Paul was over two hundred. Mr. Gauthier was supported

3220 by Mr. Tremblay. It was the latter who was the cause of most of the success in his candidature at Baie St. Paul after many meetings. The Curé spoke then also against Liberalism, but I believe he was neutral with regard to the election. I met him often, and he never spoke to me about it—no more than this winter. I know not that canvassing was carried on in Baie St. Paul by speaking against the priests and the tithes. A large number of Mr. Gauthier's supporters became those of the Defendant.

The present deposition being read to the witness, he persists therein, stating it contains the truth, and hath signed.

M. BOUCHARD.

Taken and sworn to before me, in open Court, at Malabar, this 7th of August, 1876.

3230

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, }
District of Saguenay }

SUPERIOR COURT.

THE DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix

MALBAIS, Seventh day of August, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners.

VS.

HON. H. L. LANGEVIN,

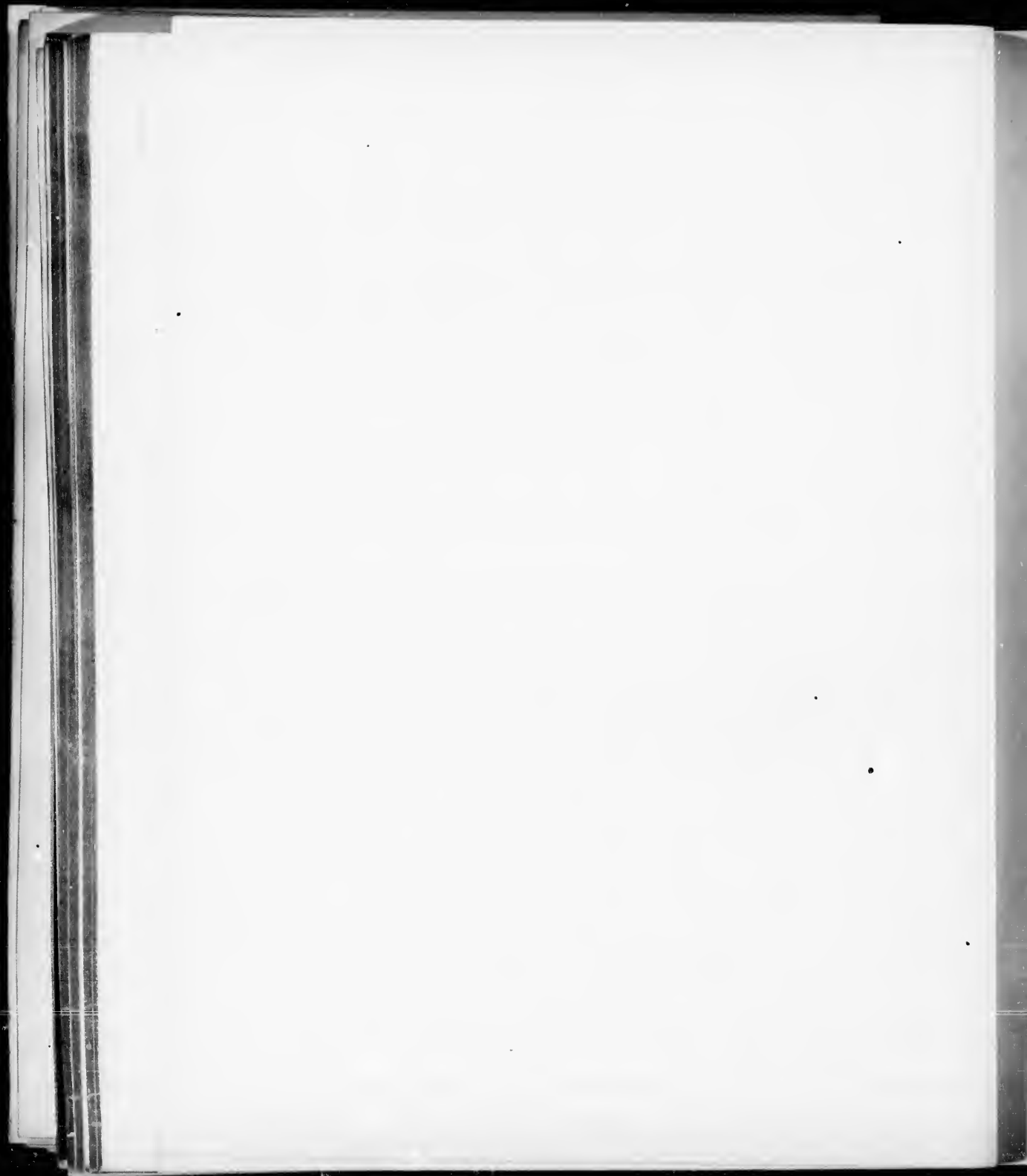
Defendant.

Evidence on the part of Petitioners

Zepherin Savard, aged 38 years, farmer, of the parish of St. Hilarion, being duly sworn upon the Holy Evangelists, doth depose and say: I know the parties in this case. I am not related or allied to, or in the employ of, or servant to any of them. I have no interest in the issue of this case. I was an elector and voted at the election in question. I heard Mr. Langlais, Curé of St. Hilarion's, sermon in the church of said parish, on the sixteenth January last, the last Sunday before the voting.

3240 Objected to by Defendant as in Abel Maltais' evidence. Objection reserved to the merits.

3260 He began his sermon by saying that he was happy to notice the parish had changed their opinions. He stated that some still remain who had not changed; that some crooked heads (*têtes croches*) are always to be found giving scandal to others. He explained Liberalism to us. He said we could not be a Liberal in politics without being a Liberal in religion; that these were two things which could not be separated. He afterwards stated that there were two banners, the blue banner, which was that of the Conservative party, and the red banner, that of the Liberal party. He added that those who followed the red banner followed Victor Emmanuel, Garibaldi, and those who followed the blue banner followed the Pope. He moreover said: "At the moment of death whom do you intend following, the Pope, or Victor Emmanuel and Garibaldi, who persecute the Pope?" He told us we could not give a Liberal vote without being guilty of a mortal sin. He told us this several times and in many sermons. He told us: "The Pope is a Blue, the Bishops are Blue, the priests are Blue, you must follow them and vote Blue; you must even give up your opinion to do so. If they are in error,



- and it is wrong to vote Blue, they will carry the responsibility of the act, but not you. When that sermon was preached several persons left the church on account of it. At the end of his sermon the priest told us that people giving scandal were always to be found. He added: "Woe unto him by whom scandal comes." He said there were some of these who give scandal in the parish, and that they were Liberals; adding that Victor Emmanuel and Garibaldi were also Catholics, but they persecute the Pope, the Bishops and the priests, because they are *Rouges*. He also spoke in his sermon of the New Brunswick school question, but I cannot recollect what he said. He had previously spoken to me about it in a private conversation at the time of his pastoral visit. I was asking him why he was against the Liberal party and against Mr. Tremblay, and he answered that it was because Mr. Tremblay was an able man but had very bad principles, that he was sustaining a bad Government. He said Mr. Tremblay would not vote to give New Brunswick Separate Schools. He said it was the Liberal party's fault if priests were imprisoned in New Brunswick for refusing to pay their school taxes, and he also added that Mr. Tremblay voted against an amnesty to Riel and Lepine. The sermon of the 16th January created a great impression in the parish.
- 3270 Some people told me that only for that sermon and the pastoral visit they would have voted for Mr. Tremblay, adding that it would be impossible to do so after such a sermon.

Up to the time of the pastoral visit we hardly saw any supporters of Mr. Langevin in the parish. Onésime Gauthier himself made such an observation saying: "Much work must have been done in the parish since Mr. Langevin came and spoke, for at that time there was hardly any one for him." I value at one-third of the electors, more or less, the number of persons changed by the pastoral visit and by the Curé's sermons. The pastoral visit was not made by the Curé in company with the church-warden in charge, Mr. Asselin, as it is customary. It is to my knowledge that the Curé said in the pulpit that in future he would not keep the accounts of the *Fabrique*. He did not say why, but it was generally thought that it was on account of a disagreement with the church-warden in charge with regard to the election and to the affairs of the *Fabrique*; I often met Mr. Onésime Gauthier the Local Member, during the election; he spoke to me about the election. He told me he expected the mines of St. Urbain would soon be put in operation. He shewed me a letter in which it was stated the thing was promised; but I do not know by whom the letter was written.

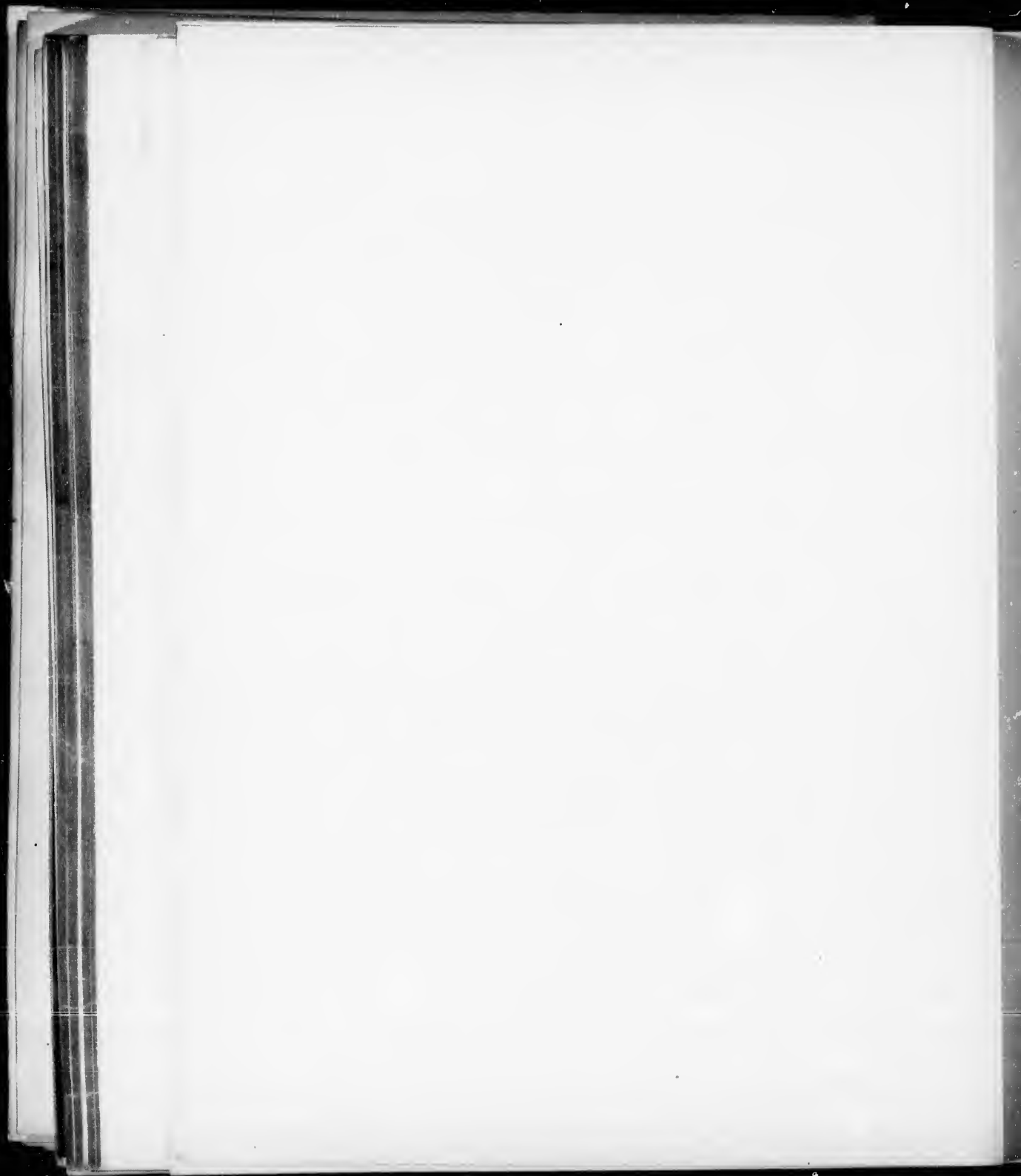
3280

My brother, Côme Savard, farmer, of St. Hilarion, had then an account with the mining company; the Company owed him four or five hundred dollars. M. Gauthier told my brother who wanted the amount of his account, "There is no hurry, the mine is about to be started, and you will be paid." It was not he who paid, but he kept the books and made all the transactions we had with the Company.

3290

CROSS-EXAMINED.

We sometimes spoke of the said sermon. I am a Roman Catholic, and this sermon had no effect on me. The result of the voting at last election, at St. Hilarion, was about the same as at the previous election. Jules Tremblay, Toussaint Bergeron and Etienne Desgagner stated they had changed their political convictions on account of the sermon. One of them, Jules Tremblay, told me he believed he would have been damned if he had voted for Mr. Tremblay.



On the sixteenth January, the Curé read an extract from Mr. Huntington's speech and commented upon it, saying he wanted to subordinate religion to the State. He said
 3300 those who thus wanted to subordinate religion to the State were Liberals, that Mr. Tremblay gave his support to that party. He did not mention Mr. Tremblay's name from the pulpit. When I spoke of amounts given by Mr. Gauthier, I mean the gave us a copy of our account due, for it was not he who paid. The Curé's sermon did not make any impression on me, and did not change my convictions.

The present deposition being read to the witness, he desires too add as follows :—
 When I stated that the Curé said that those who voted for the Liberal party would be guilty of mortal sin, I made a mistake. He said a grievous sin. It is in a previous sermon, that is to say, several months before the election, that he said it was a mortal sin. The present deposition being read to the witness, he declares it contains the truth, and has signed.

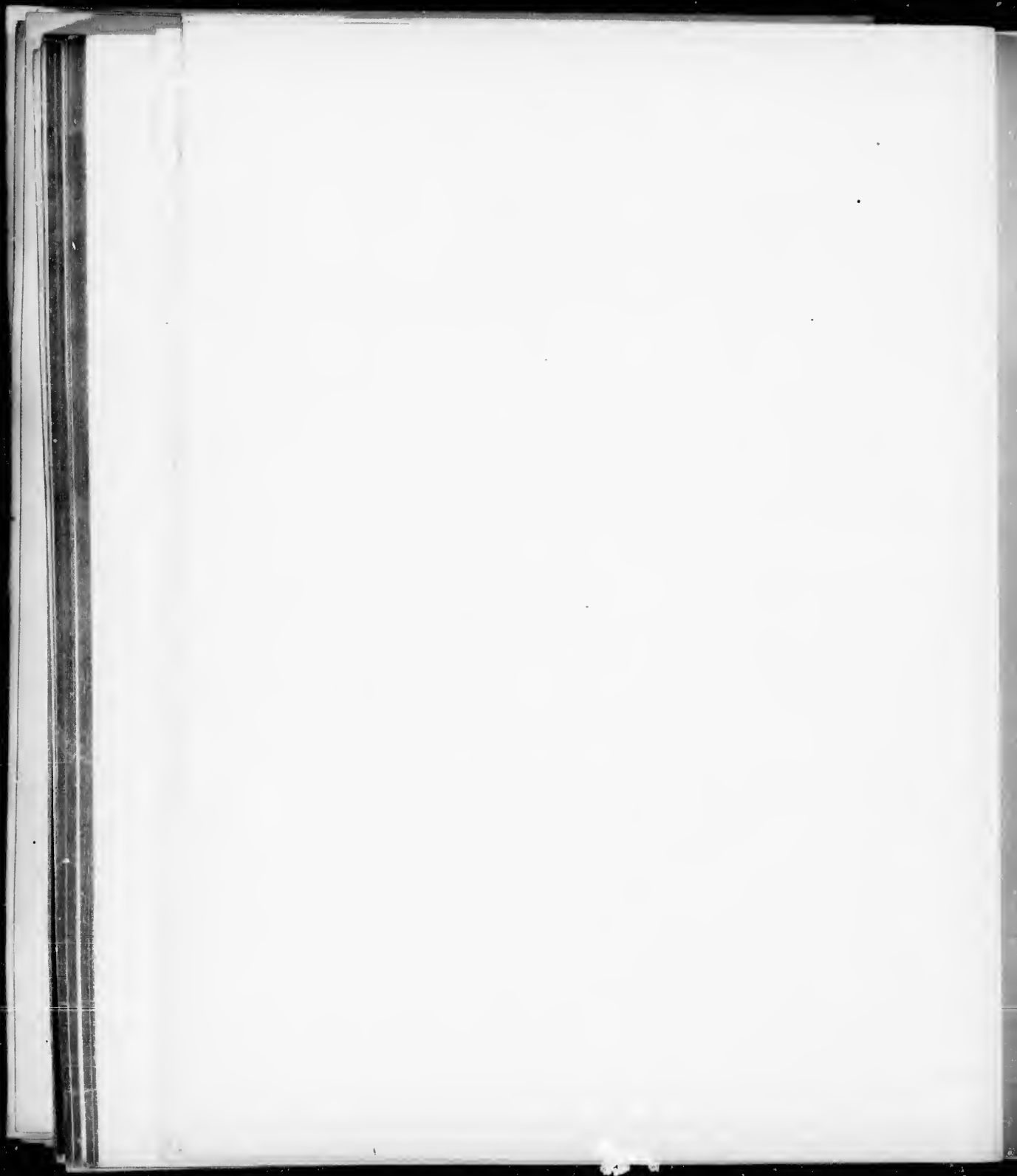
3310

ZÉPHIRIN SAVARD.

Taken and sworn before me, at Malbaie, in open Court, this 8th August, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, }
District of Saguenay.

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, the 8th day of August, 1876.

PRESENT:—THE HON. A. B. ROCHER, J. S. C.

3320 No. 14.

BRASSARD ET AL.,

Petitioners;

vs.

HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of Petitioners.

Narisse Harvey, aged 53 years, farmer, being duly sworn upon the Holy Evangelists, doth depose and say:—

3330 I know the parties in this case. I am not related or allied to, nor in the employ nor servant to any of them. I have no interest in the issue in this case. I was an elector, and voted at said election. Three or four days previous to the election, I had a conversation with the Rev. Mr. Doucet, Curé of Malbaie, touching the election. I had gone for him for the sick.

Objected to by Defendant, as tending to prove against the curé, for giving advice and warnings, as pastor, priest, or curé. Objection reserved to the merits.

3340 When about going up Terrebonne Road, a concession in Malbaie, I spoke to him about the election. I enquired why Mr. Tremblay should not be retained as member, as he was a man of the county. He answered that nothing could be said against Mr. Tremblay; that he was a good member, and that a better one could not be found in the county of Charlevoix. I then enquired why it was that an effort was made to put him out, and he answered: "It is because he is with men who might become dangerous," and he mentioned amongst them Mr. Mackenzie. He was speaking about men of Mr. Tremblay's party when he said they might become dangerous. He did not tell me for whom he was, but I saw he was for Mr. Langevin by his language, and because he refuted all I said in favor of Mr. Tremblay.



CROSS-EXAMINED.

Mr. Doucet is one of my friends, and he would not have spoke to me of the election if I had not commenced. I spoke of this private conversation to some, but I cannot name any. I should not have spoken of it, for I did not like to, be a witness. I only knew yesterday I was to be a witness to-day, when I received my subpœna. Before that I heard now and
3350 then that I would be summoned as a witness, but nothing positive.

The present deposition being read to the witness, he persists therein declaring it contains the truth, and cannot sign.

Taken and sworn before me, at Malbaie, in open Court, this 8th August, 1876.

(Signed,)

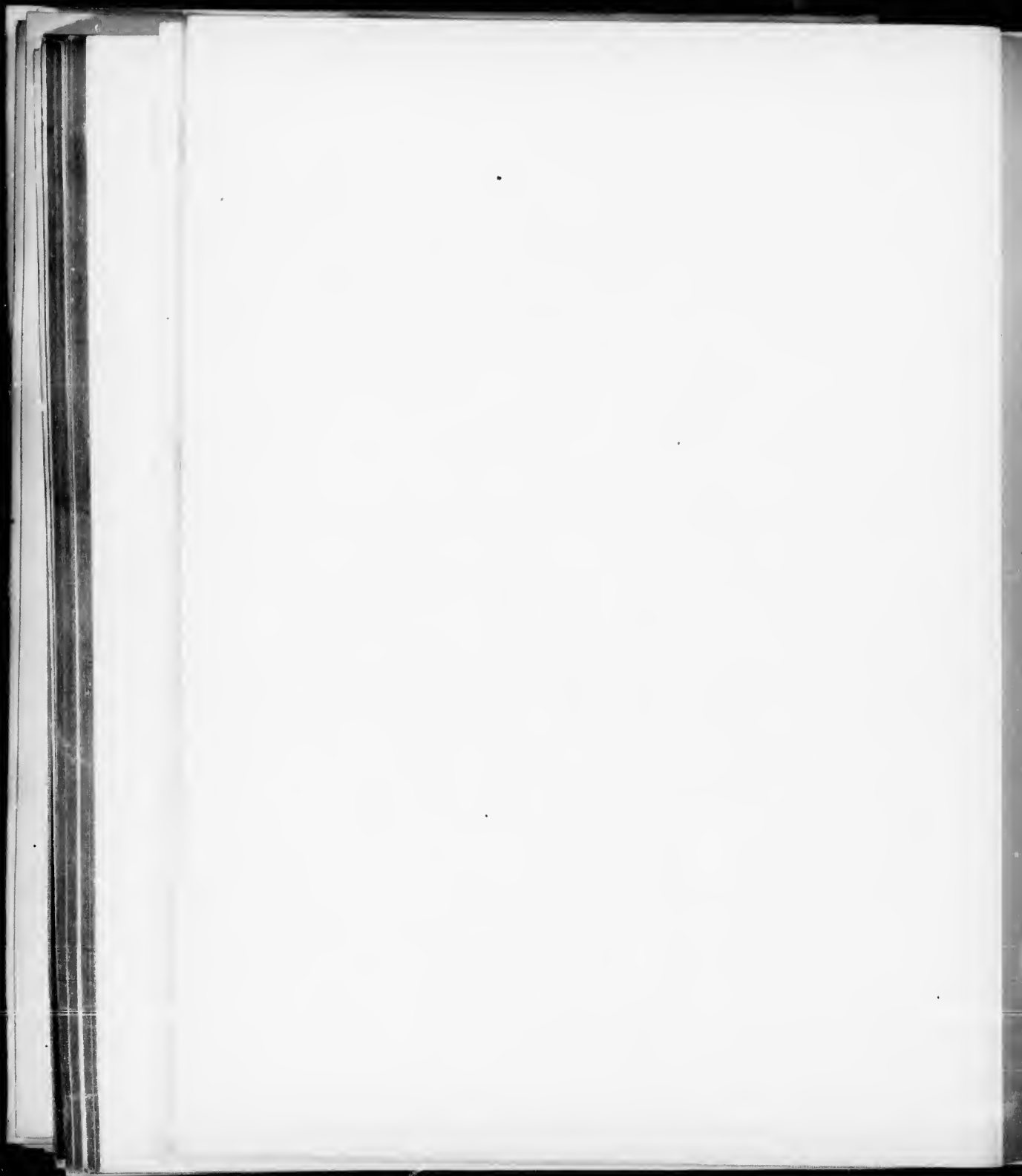
A. B. ROUTHIER,

J. S. C.

[TRUE COPY.]

CHS. DUBERGER,

P. S. C. D. S.



3360 PROVINCE OF QUEBEC, }
District of Saguenay. }

SUPERIOR COURT.

THE DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix

MALBAIE, the 8th day of July, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, ET AL.,

Petitioners,

VS.

HON. H. L. LANGEVIN,

Defendant.

3370

Evidence on the part of the Petitioners.

David Roy, 35 years old, of the parish of Malbaie, bailiff, being duly sworn upon the the Holy Evangelists, doth depose and say :

I know the parties in this case. I am not related nor allied to, nor the servant nor in the employ of any of them. I am not interested in the issue of this suit.

I was an elector at the last election and I voted as such. I received no letter from the Defendant after the election. I received one during the election, answering one I had written. My letter contained an apology for my having gone too far against a public man. The answer stated that I was perfectly free to do what I had done. My letter had no reference to a situation. I preserved two letters and can file them in the Court.

3380

I had pronounced myself for Mr. Kane at the commencement of the election now in question. Mr. Kane having retired, I remained attached to Mr. Tremblay's party, for whom I had been at the previous election. My political opinions had changed at the end of the election, and I was in favor of the Defendant. I had at first been for Mr. Tremblay, believing that Mr. Tremblay knew the history of recent times better (*histoire contemporaine*) and during the election I thought that the Defendant would render me better justice. I mean to say that I found that Mr. Langevin was dealing more loyally and gallantly with the people. As a rule, people coming from all the meetings held by Mr. Langevin and Mr. Tremblay respectively, found that Mr. Tremblay acted rather impolitely. I did not find it so myself, but it was said, even by Mr. Tremblay's supporters. I was present at one meeting only. Amongst those of

3390



Mr. Tremblay's supporters who spoke to me about him, as I have just stated above I may give the name of Joseph LaBerge of Ste. Agnes farmer. This gentleman added, that at every meeting Mr. Tremblay seemed to crush the Defendant with his arguments, and that at a meeting held in Ste. Agnes by Mr. Langevin and Mr. Tremblay, Mr. J. G. Perrault himself, according to the same Mr. LaBerge stated that Mr. Tremblay was abusing the Defendant as with nails. It was not precisely what made me soft towards Defendant and induced me to side with him.

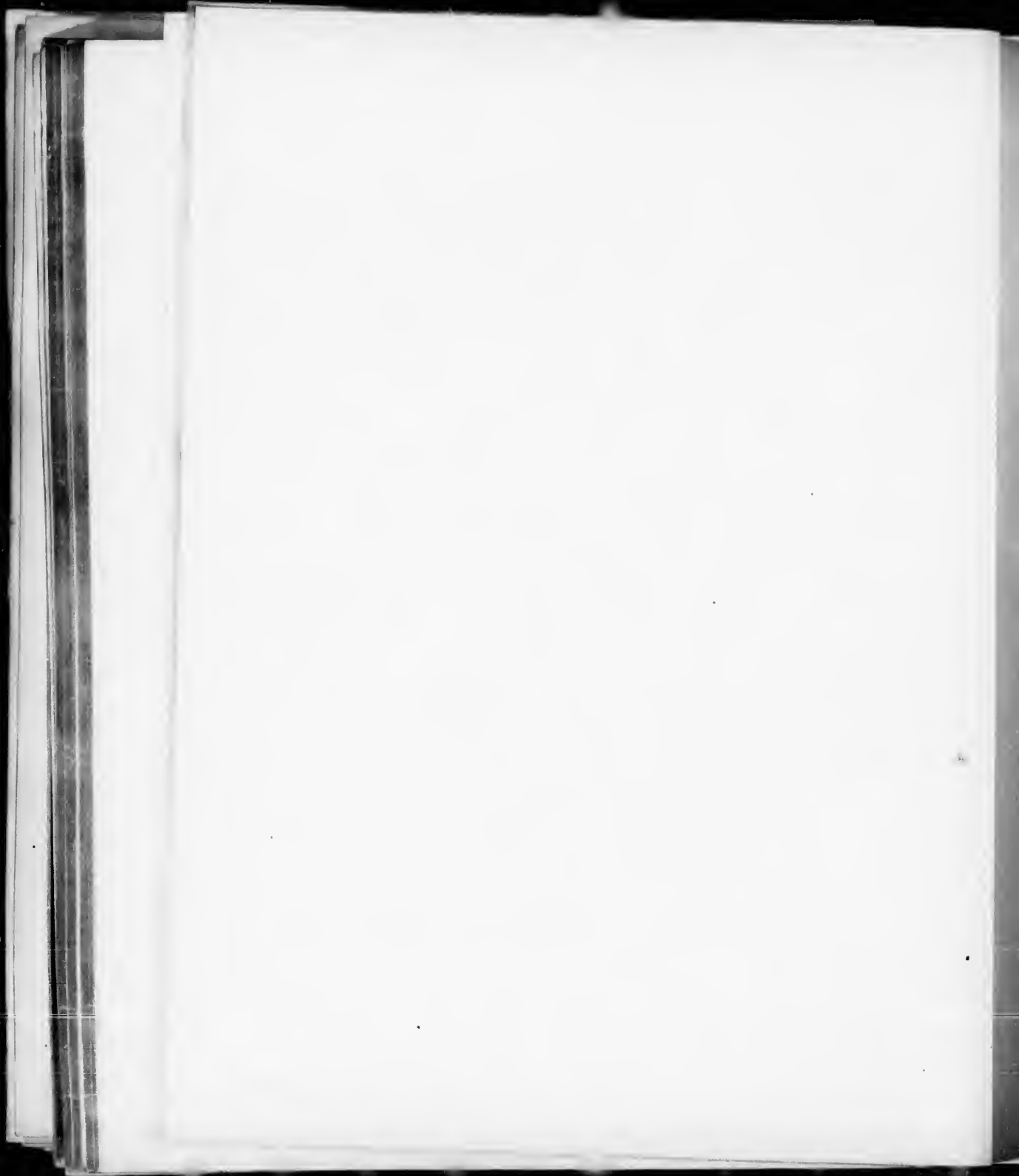
When coming down from Ste. Agnes I learned from what the Liberals said that they were eager to win the election in order to gratify their hatred and their vengeance against all
 3400 that I call religion, honor, justice and probity. By the above words I mean the clergy and the whole ecclesiastical hierarchy, with the Pope at their head. Without slandering anybody I could point out one Mr. Louis M. as one of those Liberals who was spoken of in this manner in my presence. I did not hear him myself, but during the whole time of the election I heard the clergy very badly spoken of. Those who were so speaking against the clergy were Mr. Tremblay's supporters, and would have liked to have walked in the blood of the priests to the knees, or at least to see them driven from the county after a sound castigation. I myself pretty often heard words to that effect, and I thought that by eating my lot with Mr. Tremblay, that is to say, by continuing to him my sympathies, I should approve of unworthy men. I am unable to give the names of those who thus told me that they wished to walk in the
 3410 blood of the priests to the knees, because it was the usual language of some of them. I cannot name any of them. I don't recollect their names. I heard it said in the Post Office, at Pointe au Pic, in the presence of about fifteen persons. I dare not name any of them, as I fear to be unjust towards them, that is I fear to betray some of them (*parce que j'ai plus d'inconséquence à leur égard*). The Post Office is nearly next to my house.

Question.— On the oath you have taken, do you swear that you do not recollect the name of any party who said that he wanted to walk in the blood of the priests to the knees?

Answer.— I am unable to give any name with certainty, but I maintain that I heard the words above spoken.

I am not positive, but I remember, or I think I remember that John St. Pierre, of
 3420 Pointe au Pic, Sailor, is one of those who used the words by me above related, of walking in the blood of the priests to the knees, and I positively declare that he said he wished all the priests of the county should be whipped and banished from the county. I also suspect that one of the sons of Mr. Joseph Bouchard, the postmaster, used the above words. I think the one I now speak of is Charley, but I cannot say so positively.

By the history of recent events (*contemporaine*) I mentioned at the beginning of my examination, and which I thought Mr. Tremblay knew well at the commencement of the election, I had a high estimation of the Defendant which I found was too severe. Where I found him too severe—exaggerated, was about the item of the thirty-two thousand and six hundred dollars which he charged the Defendant with having stolen, saying he was able to
 3430 prove it, and I concluded therefrom that as a thief is given one or two years imprisonment for stealing fourteen or fifteen dollars, Mr. Langevin, having stolen thirty-two thousand six hundred dollars of the public funds, he was all the more amenable to the justice of any country,



whatsoever, which would have a strong recourse against him,—and that Mr. Tremblay had never done anything but raising the cry of thief, without proving anything to my knowledge.

In the beginning of the election, upon Mr. Tremblay's instructions, I seconded a resolution which did not precisely ask Mr. Langevin to become a candidate, but was, to the contrary, a censure against him on account of the \$32,600 and all fruits. I afterwards pleaded easy speech and thoughtlessness. It is not Mr. Tremblay who asked to second that resolution— I did it myself. My name had been put to another resolution, but not finding it strong enough, I asked to have my name put to the above mentioned one; having to do the things, I wanted to do them well. I did not then believe myself deceived by Mr. Tremblay. I found a few days afterwards that it looked as though Mr. Tremblay had deceived us, for he had read to us one or two letters without signatures and telling us that they were from some priests, his friends, and I thought that as those priests were few in number, they might have been mistaken. I declared myself against Mr. Tremblay eight days only previous to the voting. I was thoroughly in his favour in the beginning of the election; afterwards I was only half for him, and at the end I found myself completely against him.

I satisfied myself that Mr. Tremblay had deceived us, when representing to us the Defendant as worse (*plus noir*) than he really was, and also by what I was told by an influential party outside the county, whom I had consulted on the matter, and who observed that he only answered my question, without intending to influence the vote I would soon have to cast. The influential party above mentioned is Mr. ex-Judge Roy, my father. I was for Mr. Tremblay in the election of 1874; the other candidate was then Mr. Chauvean, a distant relation of mine, and a friend of my family. It was said in that election that the clergy were equally divided between the two candidates.

I was appointed crier of this Court, on the Fifteenth of May last, I took many steps to get that place; nobody offered it to me. I commenced looking for it about three weeks after the election, eight days I think after the removal of my predecessor in office, Mr. Anselme Brassard. I had not even the idea of having that place before or during the election. Nobody spoke to me of a situation during the whole month of January last. I was anxious during the election to have a situation, as would do any man having none and wishing to get along, especially when having a family pressing upon him (*qui pousse par derrière*).

I turned in favor of the Defendant *proprio motu*, except that I consulted my father, as above stated, who left me perfectly free. Nobody whatsoever spoke to me about a place or employment or any other advantage during the election, and I spoke thereof to nobody who was able to assist me in that way.

Question.—Did Mr. George DuBerger, of Malbaie, hotel-keeper, speak to you of a place during the said election?

Objected to by the Defendant, as tending to prove George DuBerger, whose name is not in the bill of particulars as having made any promise of a situation to said David Roy.

Answered to the objection that even if it were question of a case not mentioned in the bill of particulars, the evidence thereof should not therefore be prevented, but the Defendant



could only ask time to enquire about the fact: 2nd, that the question not tending to prove a case not mentioned in the bill of particulars, but on the contrary a case therein mentioned, viz: the promise of a situation by Joseph Stanislas Perrault and Joseph Kane, or the Defendant himself for whom the said George DuBerger was but an intermediate, according to the Petitioners.

The Counsel for the Petitioners asks leave to amend the bill of particulars by adding
3480 therein the name of George DuBerger as having offered a place or some other advantage to the witness.

The taking of the deposition is adjourned to the 10th July instant.

The deposition of the witness is continued, this 10th day of August.

Question.—Did Mr. George DuBerger, of Malbaie, hotel-keeper, speak to you of a place during the said election.

Answer.—None at all.

All those I saw told me that the party I should vote for would give me some thing.

I have a bad memory. After many days of reflection, I satisfied myself that I could
3490 not ascribe to Johnny St. Pierre nor to Charles Bouclard the following words: "To walk in the blood of the priests to the knees." Those last words, "to the knees," may have remained in my memory on account of their frequent use either in the newspapers or the quotations which were made from the sermons delivered by the priests of the county. I cannot swear that there were fifteen persons present when those words were uttered, nor can I say with precision who uttered them; the reason whereof being, that during nearly two months both parties, and I in particular, had frequent discussions, generally in the Post Office.

CROSS-EXAMINED.

When I used in my examination-in-chief the following words, "When having a family
3500 pressing upon me," I meant my children and the necessity in which I was of having a situation. I voted for the Defendant from my own impulse, without having the promise of any place or advantage whatever.

The foregoing deposition being read to the witness, he persists therein, and declares it contains the truth, and has signed

DAVID ROY.

Taken and sworn before me, in open court, this 10th day of August, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, }
District of Saguenay. }

SUPERIOR COURT.

3510 THE DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member to the House of Commons for the Electoral District of Charlevoix.

MALBAIE, 8th day of August, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD ET AL.,

Petitioners;

vs.

HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of the Petitioners.

3520 Denis Harvey, aged 73 years, farmer, of the Parish of Malbaie, being duly sworn upon the Holy Evangelists, doth depose and say:—

I know the parties in this cause. I am not related or allied to, nor in the employ or servant to any of them. I have no interest in the event of this cause.

I was an elector, and voted at the election in question. About eight days previous to the voting I had a conversation touching the election with Mr. Doucet, Curé of Malbaie. It was in his office at the Parsonage (*Presbytere*.) I went there purposely to speak to him about the election. I had heard that if we voted for Mr. Tremblay there would be no more religion in two years, and I went to consult him about this. I had heard this from some of my friends in the other parishes. I told him Mr. Tremblay was an honest man, and that I did not believe
 3530 there was any sin, even venial, to vote for him. He answered me, "Yes—M. Tremblay is an honest man, he is my friend; I esteem him; he is a good fellow, and a good member; it is a pity he belongs to that party." Upon this I ceased speaking on the subject. Then he came back on the electoral canvass. He said, "It is strange how people get excited about elections; I don't excite myself, and I remain quiet. Next Sunday I will read the pastoral letter to them, and then, if they want to lose themselves, they may do it." He did not speak to me against Mr. Tremblay's party. I cannot say if this is what he meant when he stated that if they wanted to lose themselves they might, but I thought from the conversation in general that he meant those who would vote for Mr. Tremblay. I cannot say whether or not I understood well what he said, but this is what I thought.



3540

CROSS-EXAMINED

At the time of this conversation with the curé Doucet, I was alone with him. During the conversation somebody came in, and we stopped the conversation.

The present deposition being read to the witness, he persists therein, declaring it to contain the truth, and hath signed.

DENIS HARVEY.

Taken and sworn before me, in open court, at Malbaie, 7th of August, 1876.

A. B. ROUTHIER,

J. S. C.



3550 PROVINCE OF QUEBEC, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1871.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, the 8th day of August, 1876

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

No. 11.

BRASSARD ET AL.,

Petitioners.

AND

HON. H. L. LANGEVIN, C. B.,

Defendant.

3560

Evidence on the part of the Petitioners.

Côme Savard, 44 years old, of the parish of St. Hilarion, farmer, being duly sworn upon the Holy Evangelists, doth depose and say:—

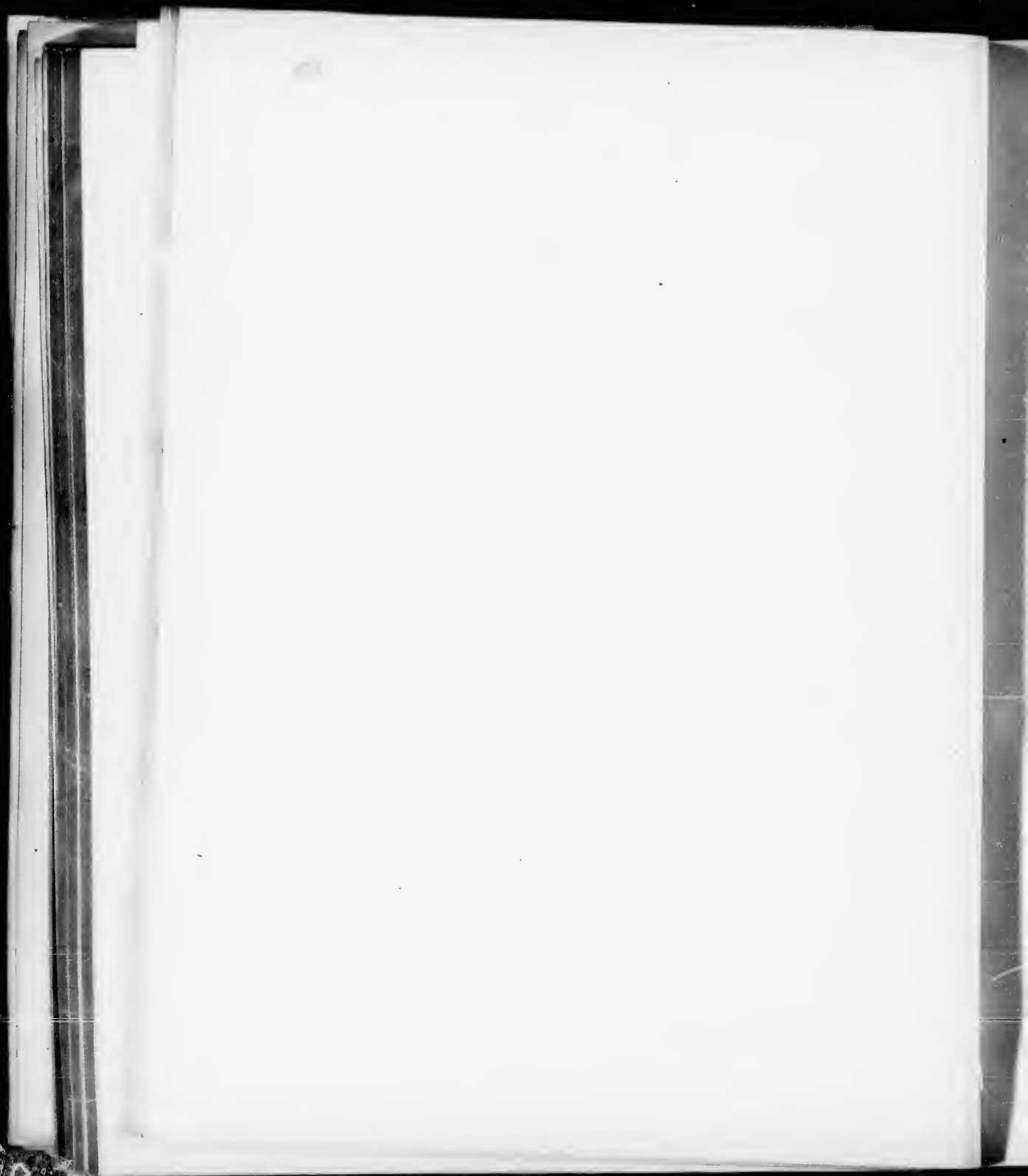
I know the parties in this cause. I am not related nor of kin to, nor servant, nor in the service of any of them. I have no interest in the event of this suit.

Objected to by the Defendant, the same as to the evidence of Abel Maltais. Objection reserved to the merits.

I was an elector at the election in question, and have voted as such. In the first days of January last, Mr. Langlais, Curé of St. Hilarion, returned the books of the *Fabrique* to the church warden in charge, Mr. Asselin, who has been heard as a witness. Mr. Asselin asked me why he would not keep the books as before. The curé answered that it was because he persecuted him and was against him in parish and election matters. The curé did not make the visit of the parish in the company of Mr. Asselin, as it is customary to make it with the church-warden in charge. I don't know his reasons for it. Remarks were made in the parish on that subject.

Objected to by the Defendant. Objection reserved to the merits.

I was present when Mr. Langlais preached his sermon the last Sunday before the voting. The whole parish of St. Hilarion is Catholic, and there was a large concourse of people.



at church that day. He spoke in said sermon of the vote the electors were to cast at the end
3580 of the week.

He gave it to be understood that it would be a sin to vote for Mr. Tremblay, though he did not name the latter. I have always been a supporter of the Defendant, from the beginning to the end of the election. I had been for Mr. Tremblay, and had worked for him in his two previous elections. I turned against him this time through conviction. I changed my opinions after having witnessed the affairs and heard discussion. (*Après avoir vu les affaires et après avoir entendu parler.*) I thus changed my mind because I thought that Mr. Langevin would prove less stubborn a man than Mr. Tremblay.

I know Mr. Onésime Gauthier, the local member for Charlevoix. He came to my place during the election, the very day that the Defendant spoke at St. Hilarion. He did not
3590 speak of the election to me, but told me: "Take note of the number of votes there are, and you will let me know; you will write to me." He meant the number of votes there were for each of the candidates. I went to the said Onésime Gauthier's place eight or ten days before the voting. I went there for the purpose of settling accounts I had with the St. Urbain Mining Company. The St. Urbain Mining Company was indebted to me to the amount of one hundred pounds. I was with my brother Zéphirin, and I wanted him to give me the amount of my claim in order that I should have it discounted by the Curé of St. Urbain, who was buying claims against the Company. He gave my brother his account, but would not give me mine, stating that he did not think Mr. Fafard would discount two notes of such a large amount. He asked me news of the election. I answered I thought the votes were
3600 equally divided in St. Hilarion.

He said on that occasion that he had letters from some gentlemen who spoke of buying the mines. The mines had been stopped since a long time. People then believed in St. Urbain and St. Hilarion, that if the mines were thus bought, that they would be in operation again.

I met my brother Francois during the election, and we spoke about it together. He told me he had just arrived from Baie St. Paul and St. Urbain; that he thought the election was safe; and that there was a large majority at Baie St. Paul and St. Urbain. I don't recollect having spoken to anybody of the expenses incurred at previous elections.

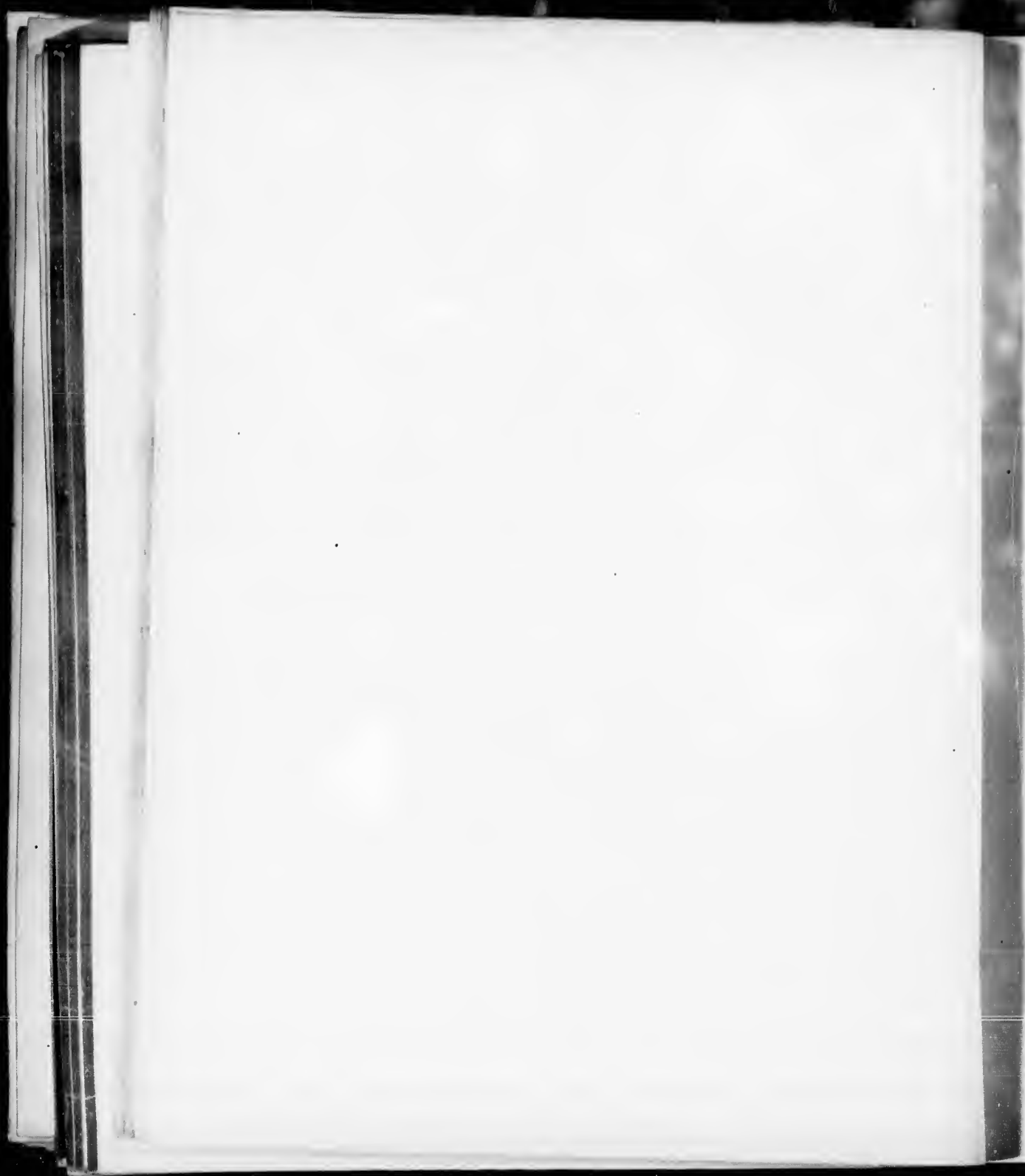
Question.—Did you say to Zéphirin Bergeron, school-teacher at St. Hilarion, that it was
3610 better for a man to be guided by his interest than by his opinion, or something to that effect?

Answer.—I may very possibly have told him something, but not like that.

Question.—What did you tell him, then?

Answer.—It seems to me that I once told him that he would do better not to mix up in the election, on account of his school.

Question.—Did Onésime Gauthier or Francois Savard say to you, or did they say in your presence, that there were advantages to be had on the North Shore Railway, or in the mines, for those who would side with them, or something to that effect?



Answer.—No, they did not speak of that.

Question.—During the time of the election, was the mention of a railway between
3620 Quebec and Beauport, St. Paul made to you?

Answer.—Yes.

The Curé may have changed the minds of a few in the Parish, but not of a large number of people.

CROSS-EXAMINED.

I did not understand that the Curé said in his sermon of the 16th of January, that to vote for the Liberal party was a mortal sin. According to me, he did not exactly say that the Liberals were scandalous (*les scandaleux*). He explained the pastoral letter (*mandement*) of the Bishops, he said that he who would not follow his Bishop and the priests would commit a sin. I don't recollect if he said that we should vote for the Conservative party. He said
3630 that he who did not follow his Bishop and the priests was doing like Victor Emmanuel and Garibaldi.

My foregoing deposition being read to the witness, he persists therein, and declares that it is true, and has signed.

C. SAVARD.

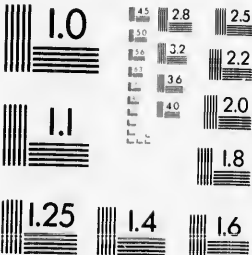
Taken and Sworn to before me, in open Court, at Malbaie, this 8th August, 1876.

A. B. ROUTHIER.



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PROVINCE OF QUEBEC. } SUPERIOR COURT.
District of Saguenay.

3640 DOMINION CONTROVERTED ELECTIONS ACT, 1874

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, August 8th, 1876.

PRESENT,—HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners.

No. 14.

vs.

HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of the Petitioners.

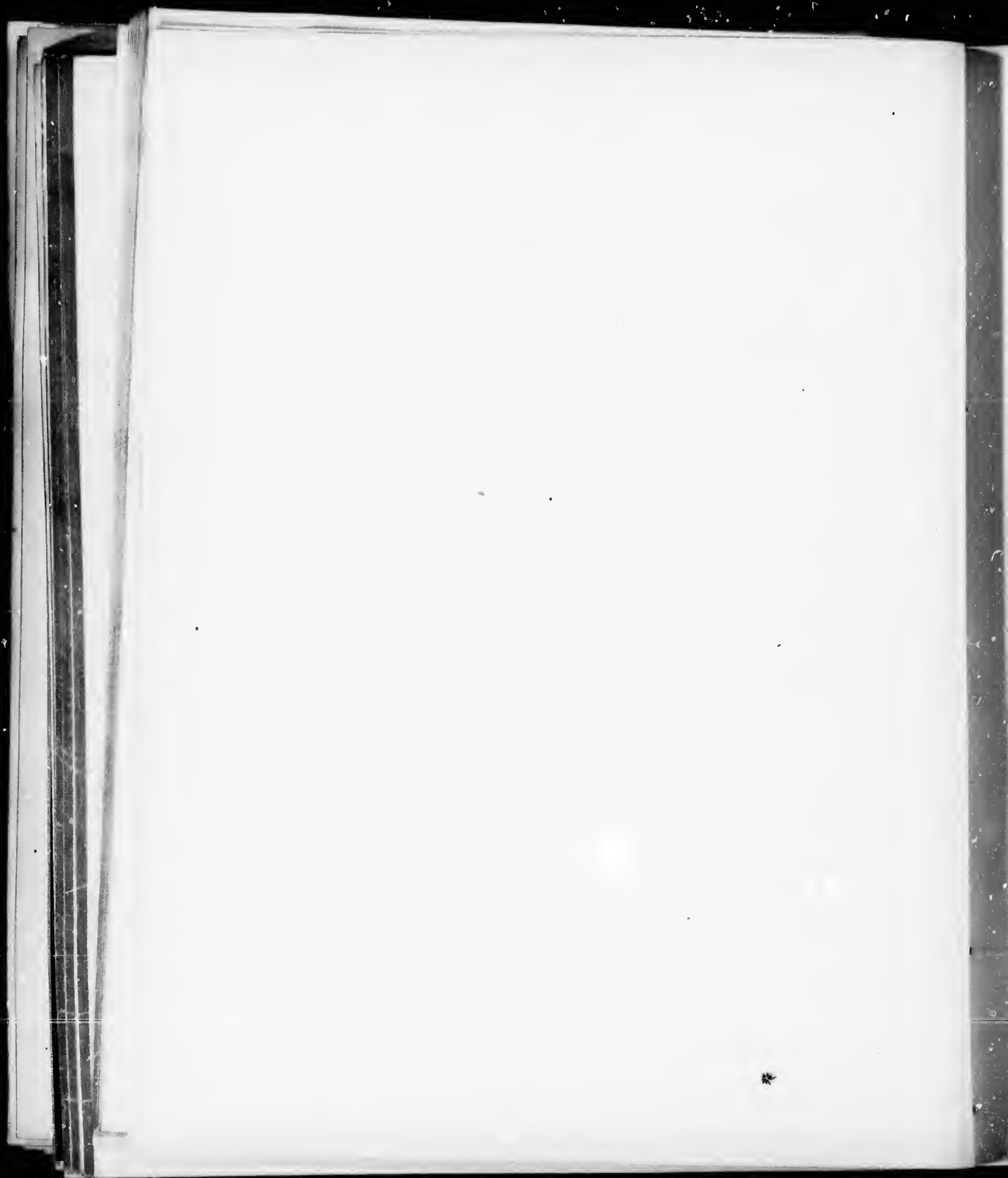
3650 Zephirin Bergeron, of the parish of St. Hilarion, 34 years old, school teacher, being duly sworn upon the Holy Evangelists, doth declare and say :

I am acquainted with the parties in this suit. I am related, allied, servant to or in the employ of none of them. I am not interested in the event of this cause.

I am a late pupil of the Laval Normal School. I studied at the time when Bishop Langevin was its Principal. I heard a sermon preached by the Rev. Mr. Langhaïs, Curé of St. Hilarion, in the church of said parish, on the sixteenth of January last.

Objected to by the Defendant upon the same grounds as to Abel Maltais' evidence. Objection reserved to the merits.

3660 He commenced his sermon by saying that he was going to speak to us about the election a little, not much, as usual. He then said : " Remember well when you'll give your vote that the Eternal Being will weigh it in his scales with great severity." He then said " I am going to symbolise the two parties by two banners—the blue banner representing our Holy Father the Pope and the red one representing Victor Emmanuel and Garibaldi." Then " On which side would you like to be when you die?—with Victor Emmanuel and Garibaldi, or with our Holy Father the Pope? Think of what you are about to do during these eight days, for the vote you will give is of more importance than you think."



3670 He said that the red banner represented the Liberals, and the blue one the Conservatives. He said it was a grievous sin to vote for the Liberals. He said there was no harm in changing one's opinions in order to please the Curé, and if it were a sin the sin should fall upon him, as the electors would have done enough in making the sacrifice of their own opinions. He did not speak of crooked heads in that sermon; he had said so before, but not in my presence. He preached upon the election many times.

He said he was happy that the greatest part of the parish had understood his advice, but that there were still some scandal-breeders (*les scandaleux*). Those he qualified as such were Liberals. He said it was necessary that there should be scandal and scandal-breeders in a parish, but woe to him by whom scandal comes.

He said there were Garibaldians in the parish, men who persecuted their Curé. I understood he meant the Liberals. Garibaldi does not enjoy a very good reputation in the parish.

3680 He said he made no difference between a Liberal in politics and a Liberal in religion—but that the one could not fail to be the other. He told us the Bishops' pastoral condemned the Liberals. I had private conversations with the Curé about the election the day before the voting. I did not speak upon this question first. I had gone and paid my tithes to him. His sister, who lives in the parsonage (*presbytere*), opened the conversation on that subject, and he continued.

Question.—Please relate what he told you during the said conversation.

3690 Cajocted to by the Defendant:—1st, upon the grounds already set forth in the evidence of Abel Maltais; 2nd, because the question tends to prove that the Curé exercised influence upon the witness, or facts which might incriminate the Curé, and because the name of the witness is not in the bill of particulars as having been influenced or intimidated by the Rev. Mr. Langlais.

Thereupon the Petitioners declare that they adjourn the hearing of this witness' evidence until to-morrow, the 9th August, and that they shall then prove by him what conversations he had with the Curé Langlais about the election.

The Defendant objects to the adjournment, and protests against the irregularity and insufficiency of the Petitioners' notice.

The Court adjourns the hearing of the witness until to-morrow (9th August) to allow the Petitioners to take such proceedings as they think fit. The question of costs is reserved.

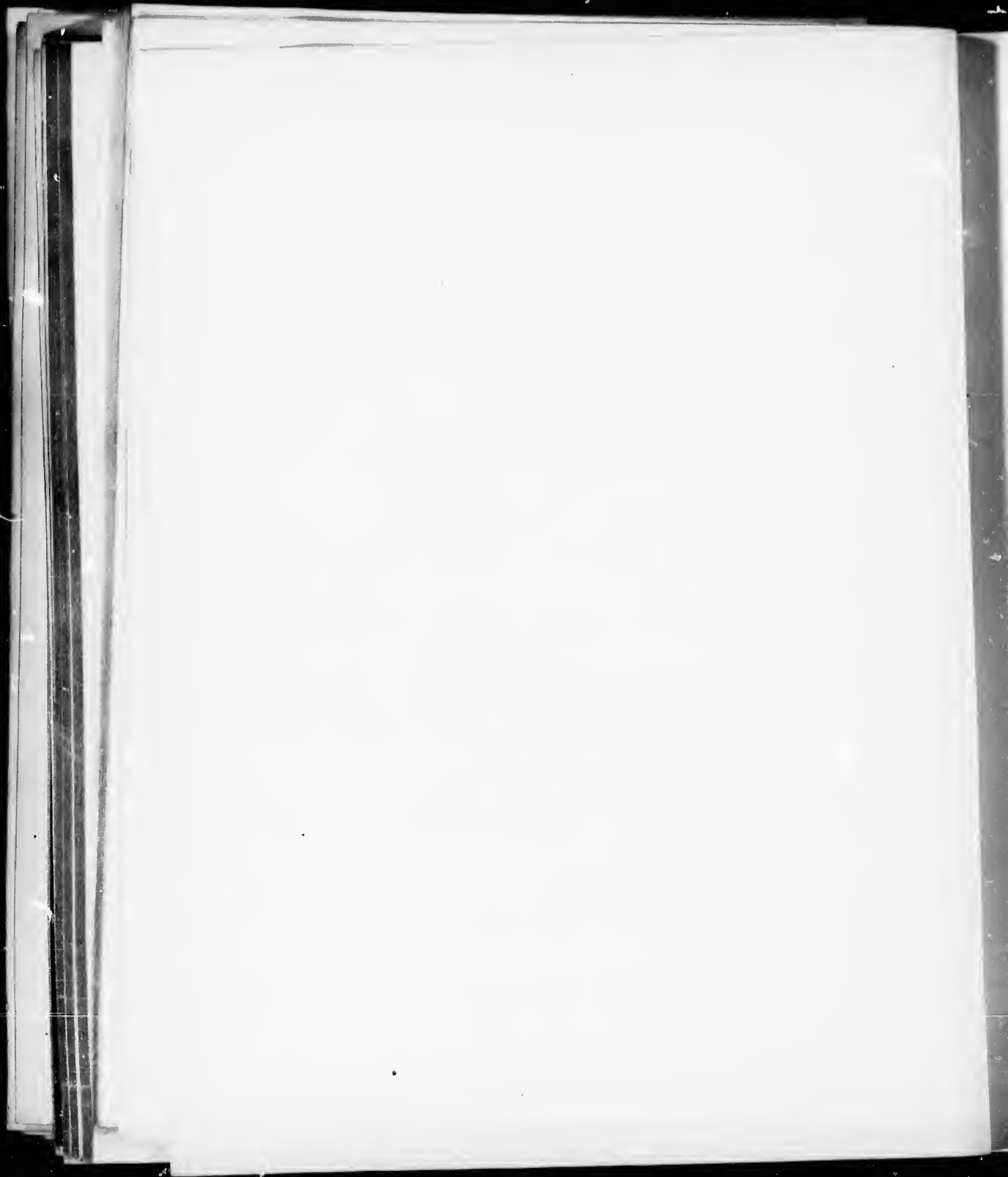
3700

August 9th, 1876.

The evidence is continued.

Question.—Please relate what the Curé told you in the conversations you referred to yesterday.

Objected to by the Defendant upon the same grounds as in the preceding question.



The Petitioners then moved to be allowed to amend their bill of particulars by adding therein the name of the witness as having had conversations with Mr. Langlais, Curé of the said parish, in the course of which Mr. Langlais wanted to intimidate the witness and the other Roman Catholic electors of the County.

Mr. P. A. Tremblay, being sworn, and stating that the above facts concerning the
3710 witness had come to his knowledge only a few days since, the Petitioners' motion is granted, and the witness' answer is therefore allowed.

Answer.—This was on the day before the voting. The Curé having interfered, and said to me, he was not anxious about my vote, because I had understood the sermon of the 16th. He said to me: "You had better try and please your district (*arrondissement*) rather than any other;" adding that there was not a single Liberal in that district (*arrondissement*); your district (*arrondissement*) is a Conservative one (*est bleu*); your father-in-law is a *bleu*, and also your Curé, your bishop and your Pope: think of what you have to do."

The day of the sermon (January 16th), he sent his brother-in-law to invite me to the parsonage (*presbytere*). I went; his sister took me into his office and spoke to me about it;
3720 the Curé himself did not speak to me about it.

The Curé came into the office; I bowed to him and asked him if he had any business with me, to which he answered: "You now know what you have to do; you understood the instructions I gave you."

The Curé was in the vestry; he could not hear the conversation I had with his sister; the latter had locked the door of the parsonage (*presbytere*) after seeing me in.

CROSS-EXAMINED.

I was one of Mr. Tremblay's supporters. Immediately after saying that the electors' votes would be weighed with severity by the Eternal, the Curé compared the two political parties to two banners, as by me stated above.

On that day the Curé read and explained the pastoral letter (*mandement*) of the
3730 Bishops'. He spoke of Liberalism. That Sunday the Curé mentioned the speech made by the Hon. Mr. Huntington, the Postmaster-General, in the Argenteuil County. He added that the said speech contained dangerous doctrines. I don't know if he spoke of Mr. Huntington's speech before he read the *mandement*.

The Curé said it was his duty to declare that to vote in that sense was a sin. After he had read the pastoral letter (*mandement*) and the extract from Mr. Huntington's speech, the Curé added that those who understood the things properly and would vote for the Liberal party would commit a sin. The Curé spoke of grievous sin, and not of mortal sin; at least, I think so; I don't recollect.

When some parties left the church during the sermon, the Curé was then saying that
3740 there were scandal breeders (*des scandaleux*) in the parish, and he repeated those words after they had gone out.



The Curé said that a man cannot in conscience be a Catholic Liberal, and that there was no difference between Catholic Liberalism and political Liberalism.

The Curé spoke many times of the election from the pulpit in my presence.

The Curé said that the electors would have to account for their votes as well as for the other deeds of their life. The last time (of which I spoke a moment ago) the Curé himself told me that he had sent for me three or four times during the week.

I am a Roman Catholic; the Curé and his sermon did not change my political convictions, and I voted according to my political convictions.

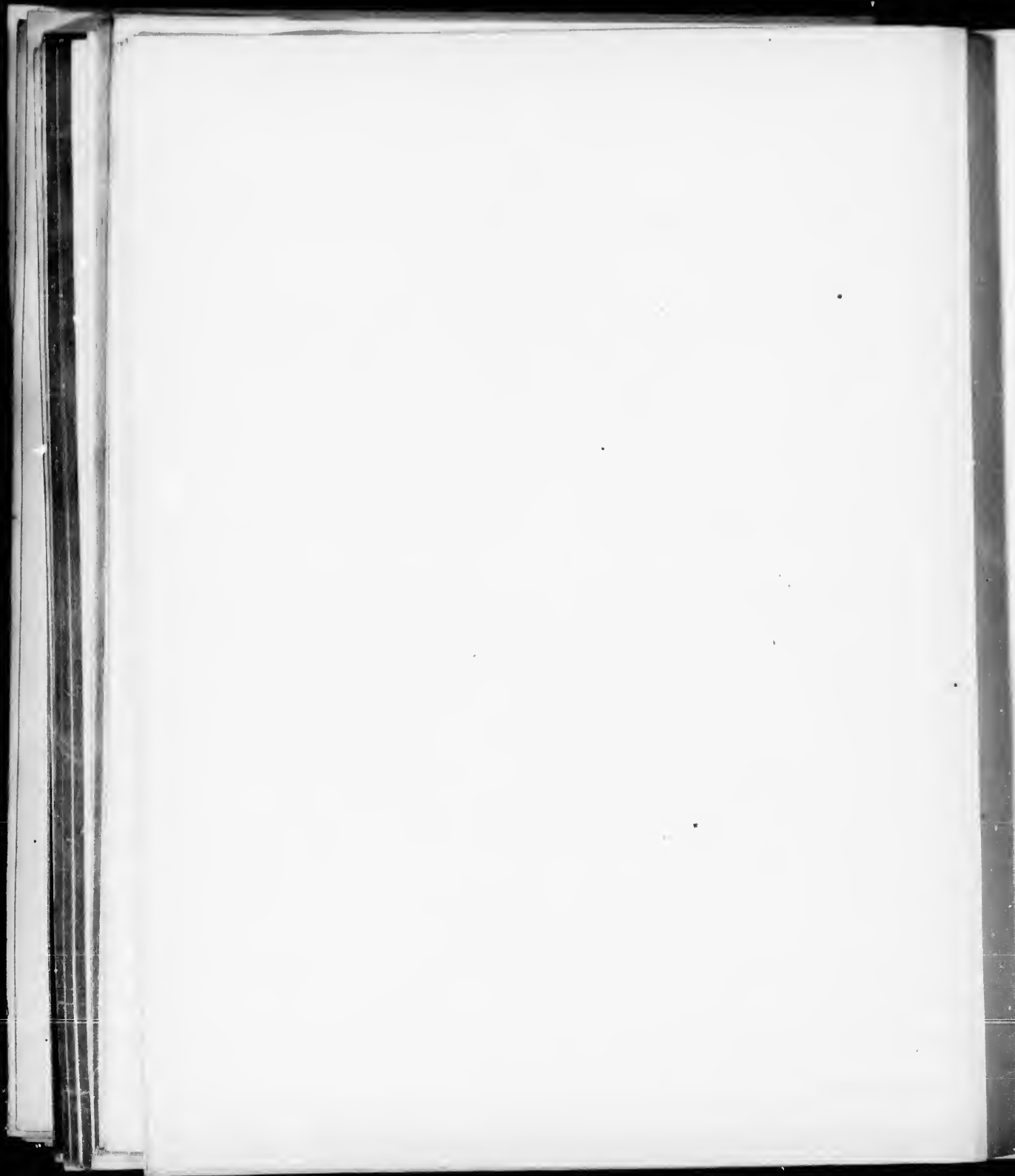
The foregoing deposition being read to the witness, he persists therein, and declares that it contains the truth, and has signed.

ZÉPHIRIN BERGERON.

Taken and sworn before me in open Court, at Malbaie, this 9th day of August, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, ()
District of Saguenay.)

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

3760 *Election of a Member to the House of Commons, for the Electoral District of Charlevoix.*

MALBAIE, August 8th, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

No. 11.

BRASSARD, ET AL.,

Petitioners.

vs.

HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of the Petitioners.

3770 Jules Tremblay, son of Eucher Tremblay, 31 years old, of the parish of St. Hilarion, farmer, being duly sworn upon the Holy Evangelists, doth depose and say:

I am acquainted with the parties in this cause, I am not related, nor akin to, nor servant, nor in the employ of any of them. I am not interested in the issue of this suit.

I was was an elector and voted at the election now in question. It is my name that is written on the list of voters as Jules Tremblay. I had declared myself at the beginning of the election for Mr. Tremblay's party; I was no more for him at the end of the election. What made me change my opinions was the opinion of the clergy, after the instructions they gave in their sermons at church. I heard many sermons on that matter from the Rev. Mr. Lauglais, curé of our parish; but the most explicit one was that preached by him on the last Sunday before the voting.*

3780 Objected to on the same grounds as to Abel Maltais' evidence. Objection reserved to the merits.

In that sermon he said that we were obliged to vote for the Conservative party, which was the Defendant's party. He said it was wrong to vote for the Liberal party, and doing so would lead us to bad things. I cannot give his very words. I don't know if he said it was a mortal sin, but he said that he who voted for the Liberal party worked for hell, for the abolition of religion.

I presume that sermon created a strong impression on the electors. Many of them told me that after such a sermon it was impossible to vote for Mr. Tremblay; and it is what I said



to myself; and it was that which prevented me from voting for Mr. Tremblay. I thought I
 3790 could not vote for him without doing wrong, without going against religion and my pastors.

According to my religious creed, as a Catholic, I believe that he who works against the religion, and his pastors shall go to hell after his death.

I was present at an electoral meeting held by the Defendant, at Hypolite Tremblay's, a farmer, of St. Hilarion. The Defendant then and there made a speech. He explained what was the consequence of belonging to the Liberal party. I don't know whether he had previously mentioned the clergy of the county, but I myself told him: "The clergy seem to be in your favor, but if it were declared so more explicitly, it would do more good to your election." He answered he presumed that the thing would soon be more clearly understood. The said meeting took place during the week before the sermon I have spoken of above.

3800 . From what was generally said, the sermons of the curé have changed the minds of a good number of electors, but I cannot state their number with precision.

CROSS-EXAMINED.

I can read a little and write my name. I understood the curé to say that we must vote for the Conservative party, from the general tenor of his sermons. I cannot precisely report his own words.

Question.—You have stated in your examination-in-chief that the curé had said it was wrong to vote for the Liberal party, please relate the expressions he made use of?

Answer.—He said so when explaining to us the policy of the Liberals. I am unable to report what he said when he spoke of the Liberal policy. The curé said that to vote for the
 3810 Liberal party would lead us to hell; he used that very expression. The curé said that any one who knew better and voted for the Liberal party was doing wrong.

I understood that if I voted for the Liberal party I would be against the religion, because the curé explained to us the laws passed by the Liberal party, which destroy the religion. I did not notice which law he mentioned.

From what I heard said by more able persons than I, Mr. Tremblay had my confidence, I would have voted for him; but I knew nothing by myself and I was waiting for those instructions that would be the most worthy of confidence.

I heard the curé reading the Bishops' pastoral letter. I don't know very well what it was about, but I understood from it that the Bishops were against the Liberal party. The
 3820 reading of this pastoral letter induced me to begin to think over the matter well, and when, afterwards, I saw that the clergy, all the priests were against that party, I changed my opinion.

The curé explained to us Liberalism, and I understood it was the same thing as the Liberal party.

When I heard the pastoral letter (*mandement*) read, I don't know whether I heard the word Liberalism, but there were certainly in it words to the effect that Liberalism was a bad thing and hostile to religion.



Last Sunday eight days the Curé preached and I don't remember a single word of his sermon. I would likely remember what he said were I to think of it. I do recollect the instructions of the curé during the election because we never ceased speaking thereof.

3830 I often talked that over with Reüle Asselin and Zephirin Savard, who were heard as witnesses. I received a subpoena on Sunday last, which was handed to me by Reüle Asselin.

I am unable to give the name of a single elector present at the meeting at Hypolite Tremblay's ; most of those present had no vote. When I spoke to the Defendant, at Hypolite Savard's place, I spoke aloud. The Defendant was at a distance of ten feet from me, and he answered aloud so as to be heard by all those present. I swear the Defendant said that he expected it would soon be even more clearly understood, (*qu'il pensait bien que cela allait être compris plus clairement encore prochainement*) and that he used that very expression.

I have great confidence in the priests and I like to follow their advice, not only in politics, but also in every thing, as far as possible.

3840 The foregoing deposition being read to the deponent, he persists therein and declares that it contains the truth, and has signed.

JULES TREMBLAY,

Taken and sworn to before me in open Court at Malbaie, this 8th day of August, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

3850

MALBAIE, the ninth day of August, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners;

AND

HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of Petitioners.

3860 Edouard Simard, aged forty-five years, farmer, of the parish of Baie St. Paul, being duly sworn upon the Holy Evangelists doth depose and say: I know the parties in this case. I am not related to or of kin to, or in the employ of any of them. I am not interested in the event of this suit.

Objected to by the Defendant as to the evidence of Abel Maltais. Objection reserved to the merits.

3870 The Curé of our parish spoke of the election on some of the Sundays during the said election. I was present at a sermon delivered on the Sixteenth of January. There were a great number of people in church. From what I understood he said that we ought to vote for the Conservative candidate. I did not understand that he wished to lay any sin on that subject. (*Qu'il conviendrait mettre de péché à ce sujet là.*) We can oblige people to do things without imputing sin (*sans qu'il y ait péché.*) He said that the revolutions which took place in the old countries, had been caused by the Liberal party, and that we should not work to bring on the same revolutions.

I think that his sermon produced much effect in the parish. It was much spoken of. I think it changed the electors. From what I understood he spoke of false prophets and false Christs in the following manner: He said that among the candidates there was one who sought to mislead, and that he was a false prophet and a false Christ.



CROSS-EXAMINED.

By false prophets and false Christs I understood the Curé wished to designate Mr. Tremblay, because it was he who was the Liberal candidate. The Curé in speaking of false prophets and of false Christs was making a comparison, and I understood by that that he wished to designate those who wanted to mislead the electors, and those of the Liberal party.

3880 The present deposition being read to the witness he persists in the same, declares it contains the truth and hath signed.

EDOUARD SIMARD.

Taken and sworn before me at Malbaie, in open Court, this 9th August, 1876.

A. B. ROUTHIER.

J. S. C.



PROVINCE OF QUEBEC, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

3890 *Election of a Member for the House of Commons for the Electoral District of Charlevoix.*

MALBAIE, the 9th day of August, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. C. S.

No. 14.

BRASSARD ET AL.,

Petitioners;

vs.

HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of Petitioners.

3900 Thomas Perron, aged forty-two, farmer, of the parish of Baie St. Paul, being duly sworn on the Holy Evangelists, doth depose and say:—

I know of no parties in this cause. I am not related to or of kin to, or in the employment of any of them. I am not interested in the event of this suit.

I was an elector at the election in question, but I did not vote. The reason why I did not vote was because I did not wish to vote against the clergy, who were against the candidate of my choice; that is to say, Mr. Tremblay.

Objected to by the Defendant, as to the evidence of Abel Maltais. Objection reserved to the merits.

3910 The Curé of our parish spoke several times about the election. When he explained the pastoral letter of the bishops, he said that that pastoral letter strictly forbade any one to vote for a Liberal Catholic. He did not name them by their name, but he said that there were some of these Liberals in the country, and he made it understood that one of them was one of the two candidates. I did not hear him say that it was a sin to vote for a Liberal Catholic, but he said that it was a matter of conscience (*qu'on était en conscience*) if we voted for him. It was these sermons of the Curé, and the fact that all the curés of the county were in favor of the Defendant, which were the cause of my not voting.

I heard the Defendant say publicly, at a meeting held at Celestin Bouchard's, at Baie St. Paul, that all the clergy supported him. I was not in church during the sermon of the 16th of January; I was minding my house. After mass every one came back quite sad. Many told me that after that sermon they did not know what to do. They said they did not



3920 see their way any more to vote for Mr. Tremblay after such a sermon as the Curé had just delivered.

CROSS-EXAMINED.

When I said that the people returned sad after church, I mean four or five electors, and I cannot say if they voted Yes or No. Had there been two priests in the county for Mr. Tremblay, I would have voted for him. The sermons alone of Curé Sirois would not have prevented me from voting for him.

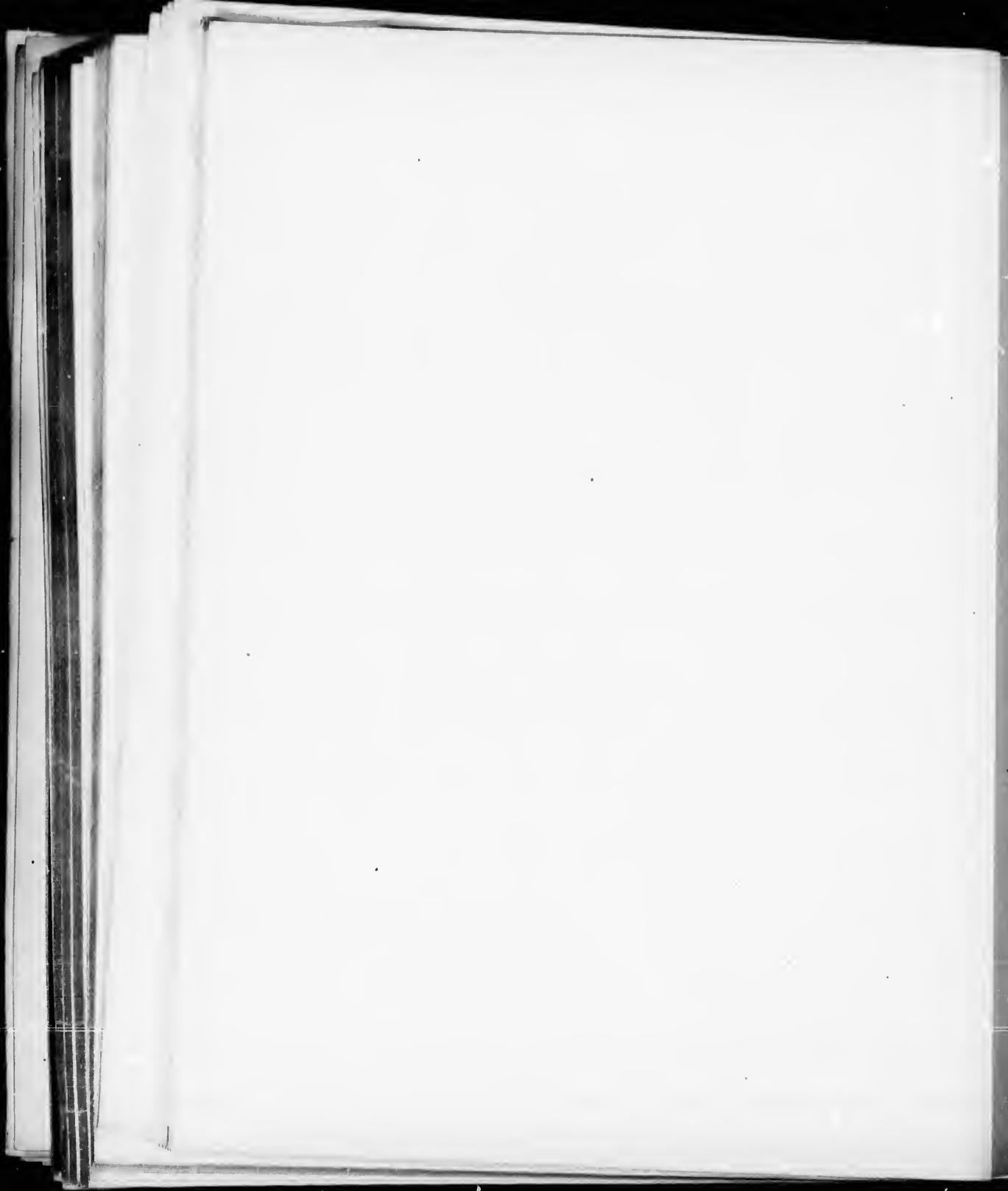
The present deposition being read to the witness, he persists in the same, declares it to contain the truth, and cannot sign.

Taken and sworn before me, at Malbaie, this 9th day of August, 1876.

3930

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, 9th day of August, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

BRASSARD, ET AL.,

Petitioners.

3940 No. 14

vs.

HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of Petitioners.

William Harvey, aged forty-one, of the Parish of St. Irenée, being duly sworn upon the Holy Evangelists, doth depose and say:—

I know the parties in this cause. I am not related to, or of kin to, or in the employ of any of them. I am not interested in the event of this suit. I was an elector, and I voted at the election in question.

The Rev. Mr. Roy, Curé of St. Irenée, delivered a sermon on the election on Sunday, 3950 the 16th January. The Curé did not say openly (*franchement*) for whom we should vote, but I understood him. I understood that we should vote for the Defendant. This is how things came to pass concerning this sermon.

Objected to by the Defendant as to the evidence of Abel Maltais. Objection reserved to the merits.

On the preceding Sunday the Defendant had come to hold a meeting in the Public Hall. He had spoken quietly, but it seems that after the meeting some young men created difficulties. We wanted him to speak a second time. The following Sunday, before mass, the Curé came to the railing (*balustre*), made those who were outside come in, and declared that to punish us he would only say a low mass, adding that after mass he would ascend the pulpit to speak of some- 3960 thing else. That is what he did, and he was as much moved as before mass. He said he had not as yet spoken of the election, but that he would speak of it. He told us to take off the veil which we had before our eyes, and to open our ears to understand that which we had to do. He added, "I will see later whether you side with your priest." He said, "Here in your



parish your party is strong, but go to to the other parishes, and you will see that you have not many people" (*Beaucoup de monde*). These words were addressed to the partizans of Mr. Tremblay, for Mr. Langevin had hardly any partizans in the parish. The Curé did not say for whom it was, but I understood that he was for the Defendant.

CROSS-EXAMINED.

3970 On the 16th, the Curé, before mass, reproached the parishioners who were electors for having fought on the previous Sunday. He told them that to punish us for that scandal he would only say a low mass. He begged of the people to be peaceable, and not to fight. After mass the Curé again reproached them with the fight of the previous Sunday, and it was after that that he spoke of the veil before the eyes as I before said. This sermon produced no effect on the partizans of Mr. Langevin, but it moved (*a enu*) the partizans of Mr. Tremblay. I was one of Mr. Tremblay's partizans.

The present deposition being read to the witness, he persists in the same, declares it contains the truth, and hath signed.

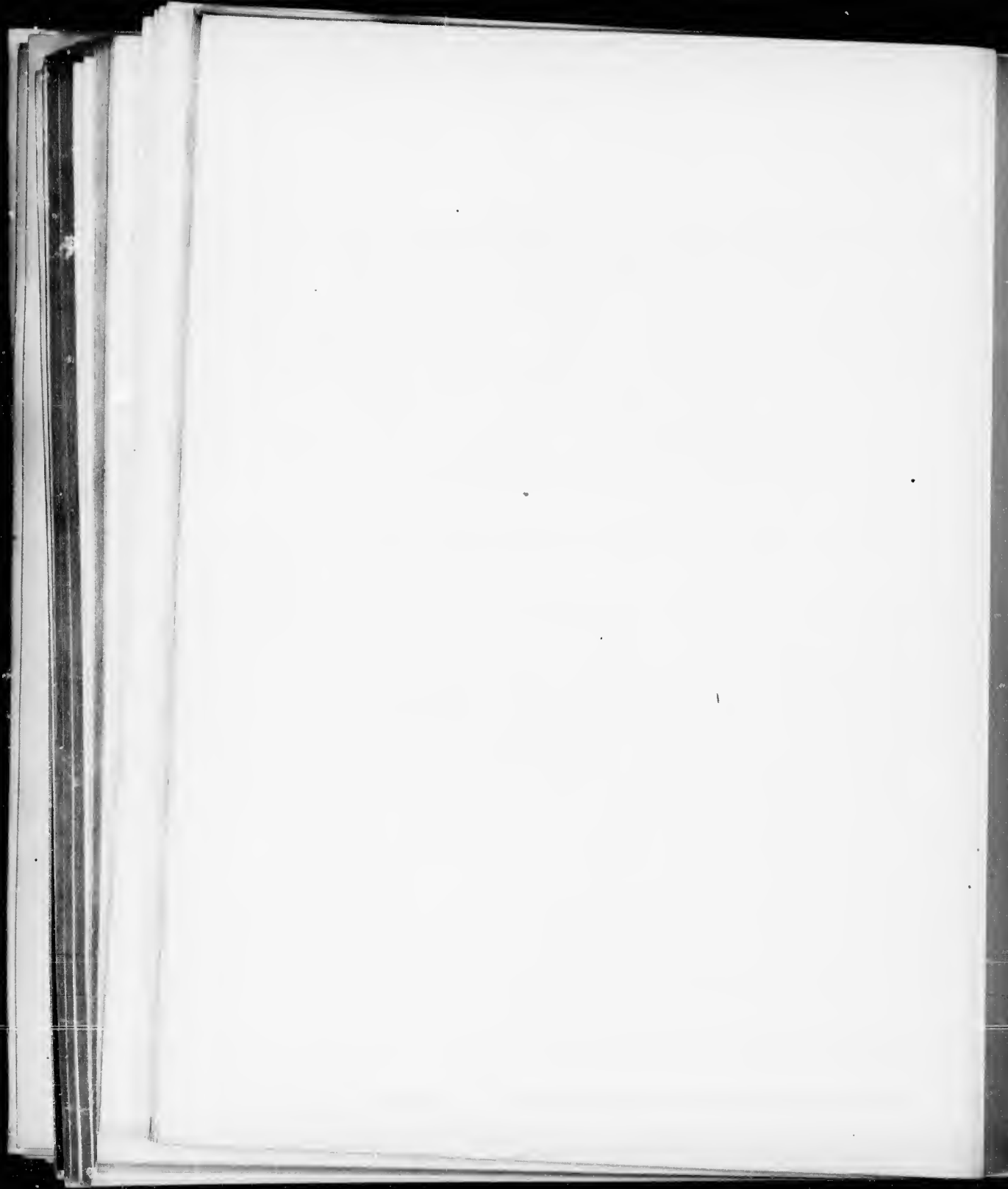
GUILLAUME HARVEY.

Taken and sworn to before me in open court, at Malabar, 9th of August, 1876.

3980

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

No. 14.

MALBAIE, the Ninth day of August, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners.

3990

vs.

HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of Petitioners.

Joseph Boudreault, aged thirty two years, farmer, of the parish of St. Hilarion, being duly sworn upon the Holy Evangelists, doth depose and say:—I know the parties in this cause. I am not related to, or of kin to, or in the employ of any of them, and I am not interested in the event of this suit. I was an elector and voted at the election in question.

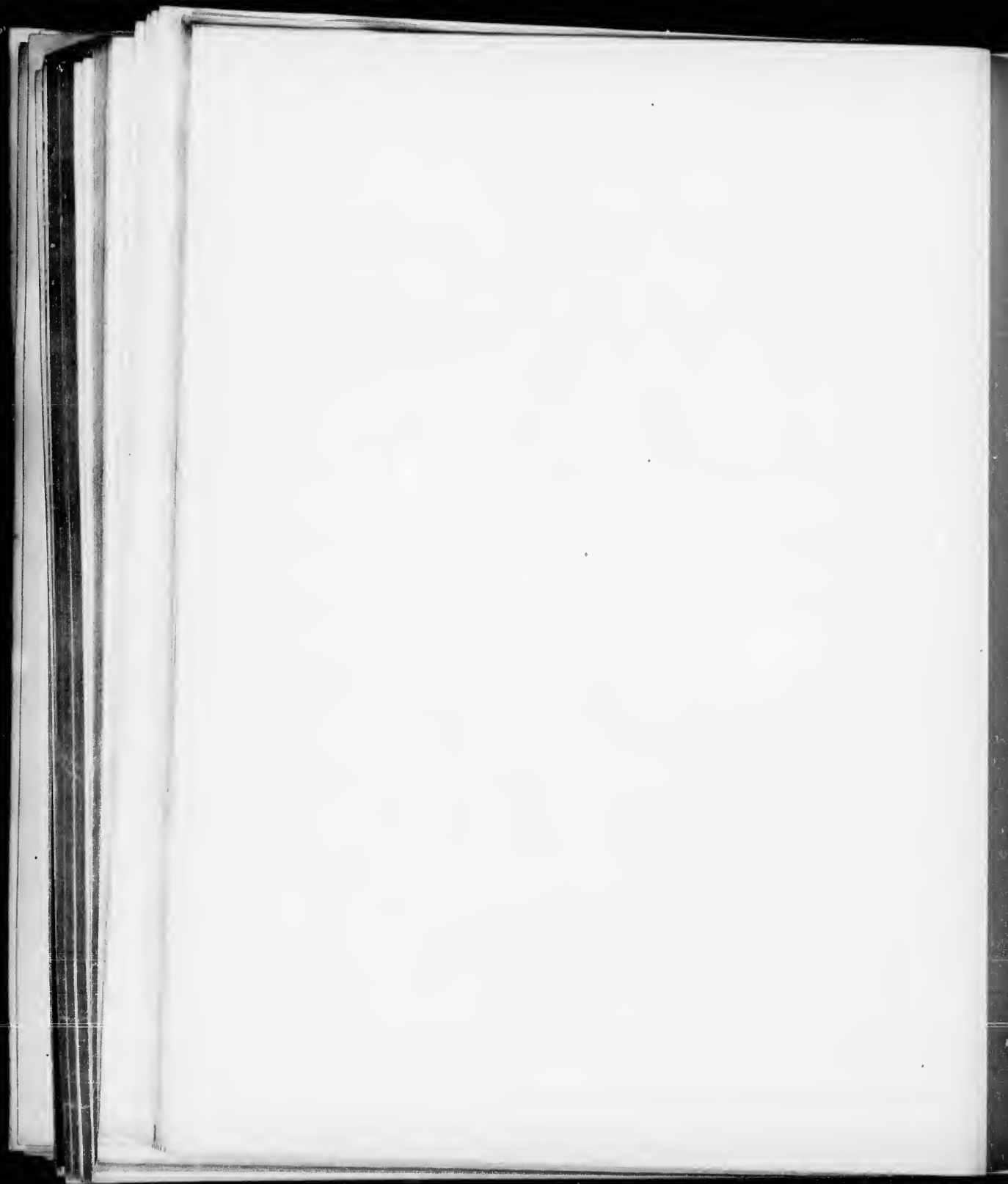
4000 Objected by the Defendant, as to the evidence of Abel Maltais. Objection reserved to the merits.

Mr. Langlais, the Curé of St. Hilarion, delivered a sermon on the election, the Sixteenth day of January last. He said that those who would vote for the Liberals, that it would be before us in heaven, that it was a sin (*cela était rendu dans le ciel avant nous autres, que c'était un péché*). I do not remember what kind of sin he said it was. He said that there were two banners to follow, that of Victor Emmanuel and of Garibaldi, and that of our Holy Father the Pope. He said that those who voted for the Liberals protested against the priests and bishops and that they were Protestants. I do not remember anything else of that sermon.

4010 Nobody spoke to me of this sermon, I have had no knowledge whether it changed the opinion of the electors.

CROSS-EXAMINED.

The curé began by explaining the pastoral letter, and from the explanations which he gave I understood what I said in my examination-in-chief.



The curé spoke of Liberalism ; he said that Catholic Liberalism is condemned by the church, and it was while speaking of Catholic Liberalism, that he spoke of sin. I am certain that he said that Liberals were "protestants" (*protestantismes*). I have but a vague idea of this sermon, and for my part it did not make much impression on me.

The present deposition being read to the witness, he persists in the same, declares it contains the truth, and hath signed.

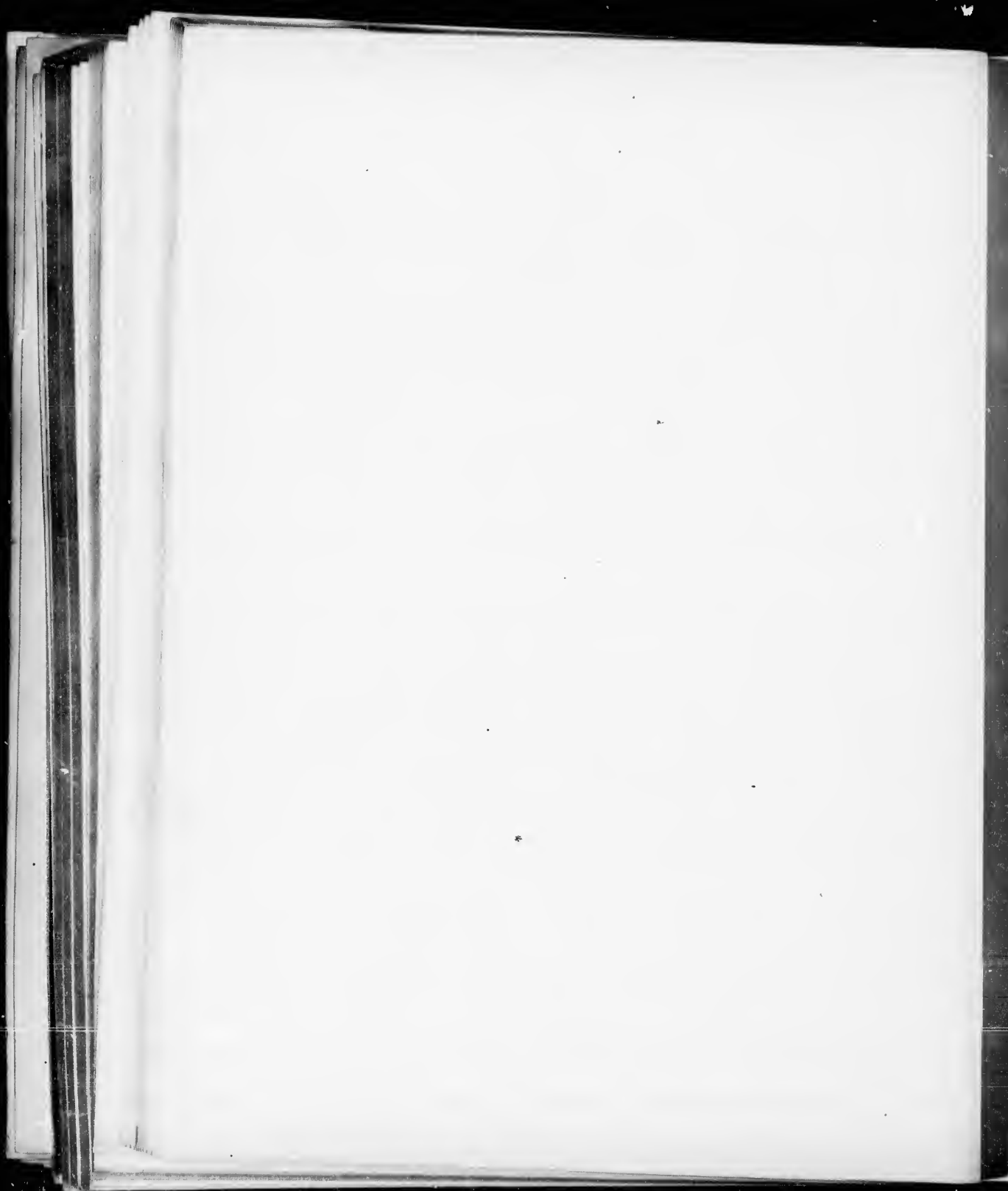
4020

JOSEPH BOUDREAULT.

Taken and sworn before me at Malbaie in open Court, this 9th day of August, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1871.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, the Ninth day of August, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. C. S

4030

BRASSARD ET AL.,

Petitioners;

AND

HON. H. L. LANGEVIN,

Defendant;

Evidence on the part of the Petitioners.

Flavien Villeneuve, aged forty years, farmer, of the parish of St. Hilarion, being duly sworn on the Holy Evangelists, doth depose and say: I know the parties in this cause. I am not related to, or of kin to, or in the employ of any of them and I am not interested in the event of this suit. I was not an elector at the election in question and I did not vote.

4040 Objected to by Defendant as to the evidence of Abel Maltais. Objection reserved to the merits.

4050 Mr. Langlais, Curé of my Parish, spoke of the election several times. He spoke of it in favor of the Defendant. I heard this sermon on the Sixteenth of January. He said there were two banners to follow, the one of Victor Emmanuel and of Garibaldi, and the other of the Pope, of the bishops and of the priests. He said that the banner of the Conservatives was that of the Pope, and that the banner of the Liberals was that of Victor Emmanuel and Garibaldi. He said that after our death we would have to render an account of our having been for the Liberals, and then we would wish to have been for the Pope, the Bishops and the priests. He said in his sermon that those who would vote for the Liberal party would commit a grievous sin. He said that the Liberals were scandal breeders. After that sermon the difficulty took place in the public hall after Mass. By difficulty I mean to say that there were some who fought. I cannot say if that sermon changed the opinions of some electors. I do not busy myself with elections.



CROSS-EXAMINED.

There had never been any row at the elections in our place before this election. The difficulty which took place in the public hall was the result of a discussion which had taken place between two Liberals and two Conservatives. I understood that the Liberals were scandal breeders (*des scandaleux*), because the Curé was preaching for the Conservatives, and that the Liberals would not listen to him. The Curé said that those who protested the opinions of the
4060 priests and of the Bishops were Protestants (*Protestantismes*.)

I cannot say who the Curé wished to point out as scandal breeders (*de scandaleux*), but I knew he made use of that word.

I swear that the curé said that those who would vote for the Liberal party would commit a grievous sin, and those are the very words he made use of. I can not read nor write.

Question.—Do you swear that the curé said that the banner of the Conservatives was that of the Pope, and that the banner of the Liberals was that of Garibaldi?

Answer.—Yes, according to my knowledge he made use of those very words.

When the curé said that after our death we should render an account of our having been for the Liberals, and that then we would wish to have been for the Pope and the bishops,
4070 he made use of those very words.

My sympathies at the last election were for the Liberals and the sermons of the curé did not make any impression upon me.

The present deposition being read to the witness he persists in the same, declares that it contains the truth and can not sign.

Taken and sworn to before me, at Malbaie in open Court, this 9th of August, 1876.

A- B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, }
 District of Saguenay. }

SUPERIOR COURT.

4080

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, the ninth day of August, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners;

No. 14.

vs.

HON. H. L. LANGEVIN,

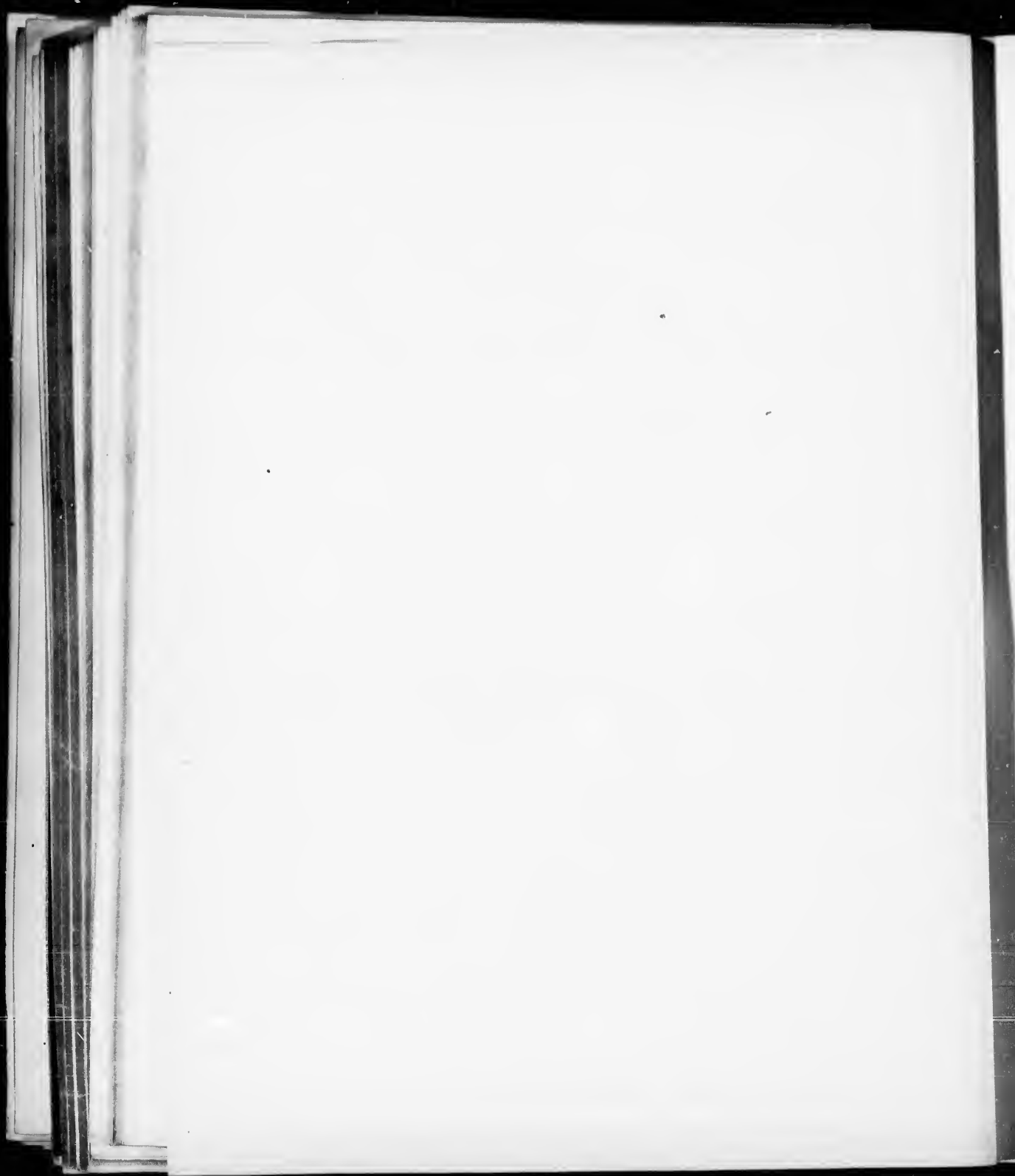
Defendant.

Evidence on the part of the Petitioners.

4090 Onésime Bergeron, aged forty-two years, farmer, of the parish of St. Hilarion, being duly sworn upon the Holy Evangelists, doth depose and say:—I know the parties in this cause. I am not related to or of kin to or in the employ of any of them, and I am not interested in the event of this cause.

Objected to by the Defendant as to the evidence of Abel Maltais. Objection reserved to the merits.

4100 I was an elector, and voted at the last election. The Reverend Mr. Langlais, Curé of St. Hilarion, spoke of the election in the pulpit several times. I did not hear all his sermons, but I was present on the occasion of his big sermon (*gros sermon*). I mean the sermon delivered on the Sunday before the voting. He said there were two banners to follow—the side with the priests and the Bishops we sinned mortally. He said that if we did not side with the Bishops and the Pope was the Blue side, which was the side of the Defendant. He said something in reference to what would happen to the electors at the hour of death. He said that at that moment those who would have followed the banner of the Pope would have a good place, and that those who would have followed that of Victor Emmanuel and Garibaldi would have a bad place. I understood those who would follow that banner would go to hell. He said also that the Liberals were scandal-breeders (*des scandaleux*). Woe to him by whom scandal comes. This sermon produced a great impression in the parish, and caused a great trouble (*tumulte*). It is not to my knowledge that it changed the opinions of the electors.



4110

CROSS-EXAMINED.

The sermon caused great trouble (*trouble*), in that people were driven out of church, and four fought in the public hall. These four persons fought for a discussion on politics, and being excited by the Curé's sermon. The Curé said that the Liberals were scandal-breeders, because they persecuted religion.

I do not remember all the sermon. I only remember the principal things. Besides what I have just related, I do not remember any other part of the sermon.

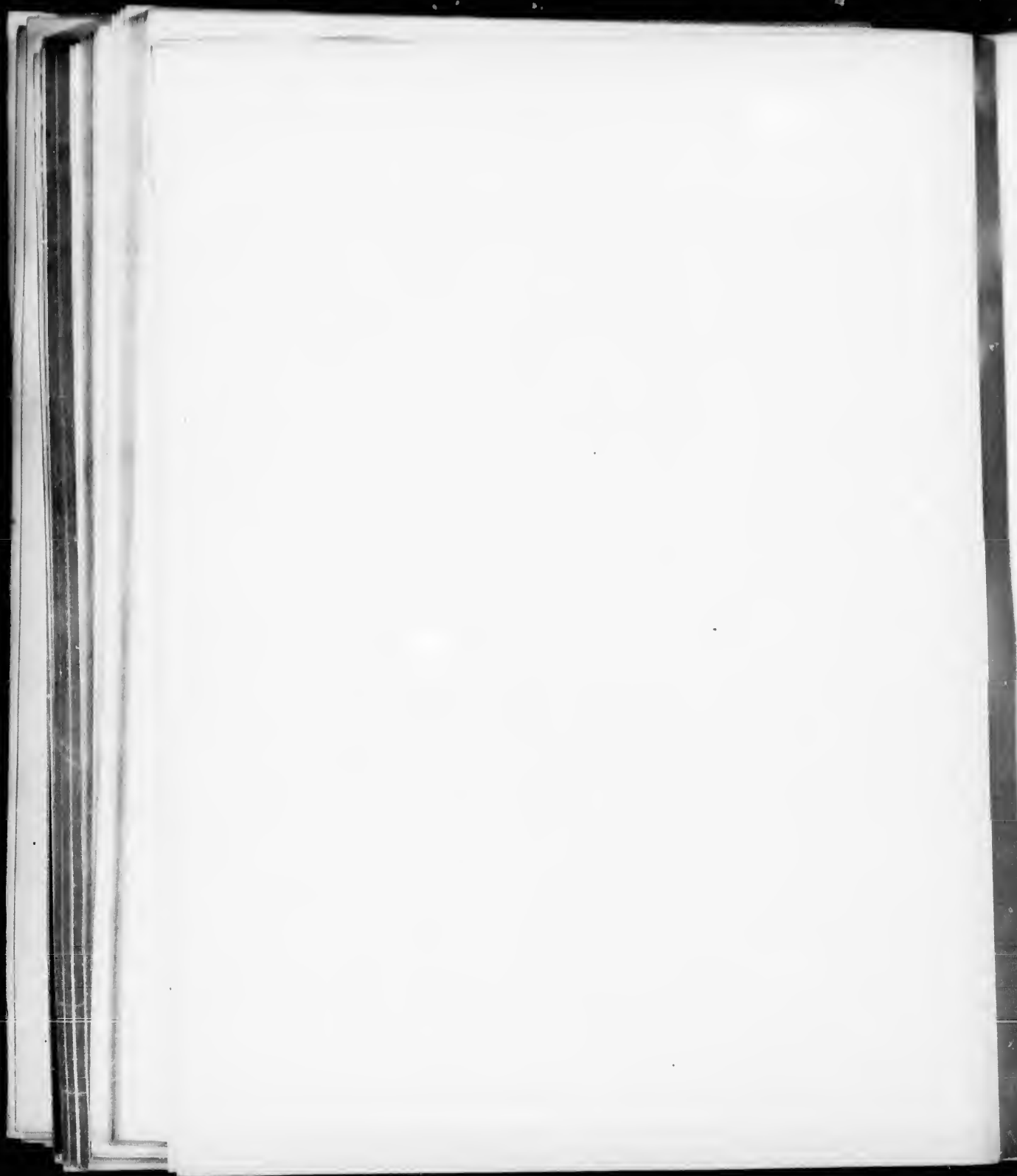
The present deposition being read to the witness, he persists in the same, declares it contains the truth, and cannot sign.

Taken and sworn before me in open Court, at Malbaie, this 9th August, 1876.

4120

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, 9th day of August, 1876.

PRESENT.—HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners;

vs.

HON. H. L. LANGEVIN,

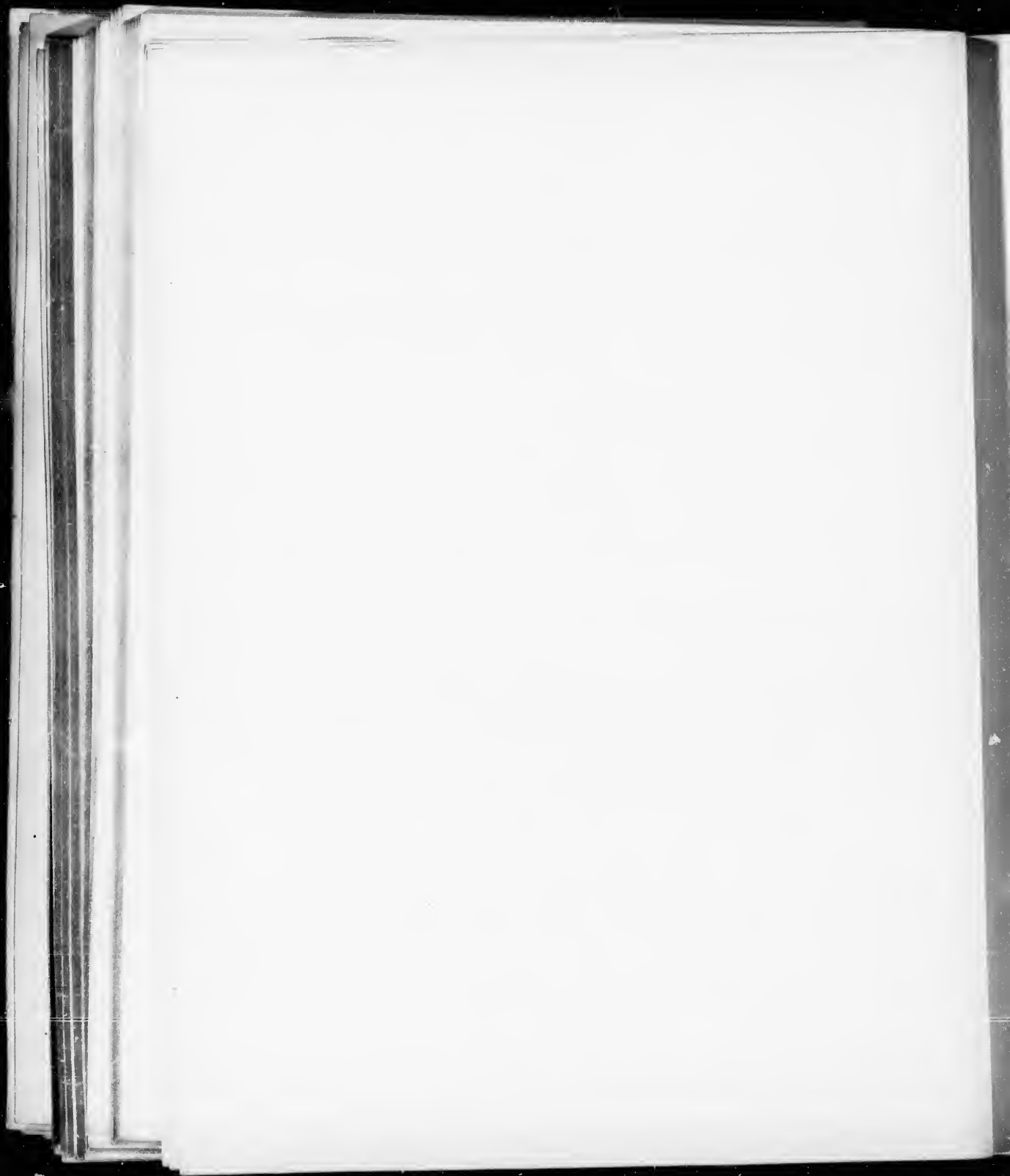
*Defendant.**Evidence on the part of the Petitioners.*

Pierre Danielson, son, age forty-five years, Shoe-maker of the Parish of Baie St. Paul, being duly sworn on the Holy Evangelists, doth depose and say:—I know the parties in this case, I am not related to, or of kin to, or in the employ of any of them, I am not interested in the event of this suit. I heard a speech delivered by the Defendant at the said election, I can not recollect all he said about the clergy because reference was made to it in all the speeches during the election. But I remember that he said that it was wiser to be on the side of the clergy and he said that the clergy supported the Conservative party.

4140 Objected to by the Defendant—as to evidence of Abel Maltais. Objection reserved to the merits.

I was present at a sermon delivered by Curé Sirois on the sixteenth of January. He told us that we might vote according to our convictions, but always according to the pastoral letter of the Bishops—and as he said it to us, the pastoral letter of the Bishops was in favor of the Conservative party.

In the afternoon I went to the house of two Liberals who were very zealous partisans, and who told me that after that sermon they were in doubt as to what they should do. The wife of one of them told me that after that sermon there was not much possibility for her husband to go and vote. To the best of my knowledge that sermon made Mr. Tremblay lose a great number of votes.



At the beginning of the sermon, the Curé said not to allow anyone to speak from the tribune (*rostrum.*) On the public place. It was he who made the speech.

CROSS-EXAMINED.

The Curé did not say that the pastoral letter of the Bishops' was in favor of the Conservatives, but from his explanations, I very clearly understood it to be so. I was one of Mr. Tremblay's partizans.

The present deposition being read to the witness. He persists in the same, declares it contains the truth and hath signed.

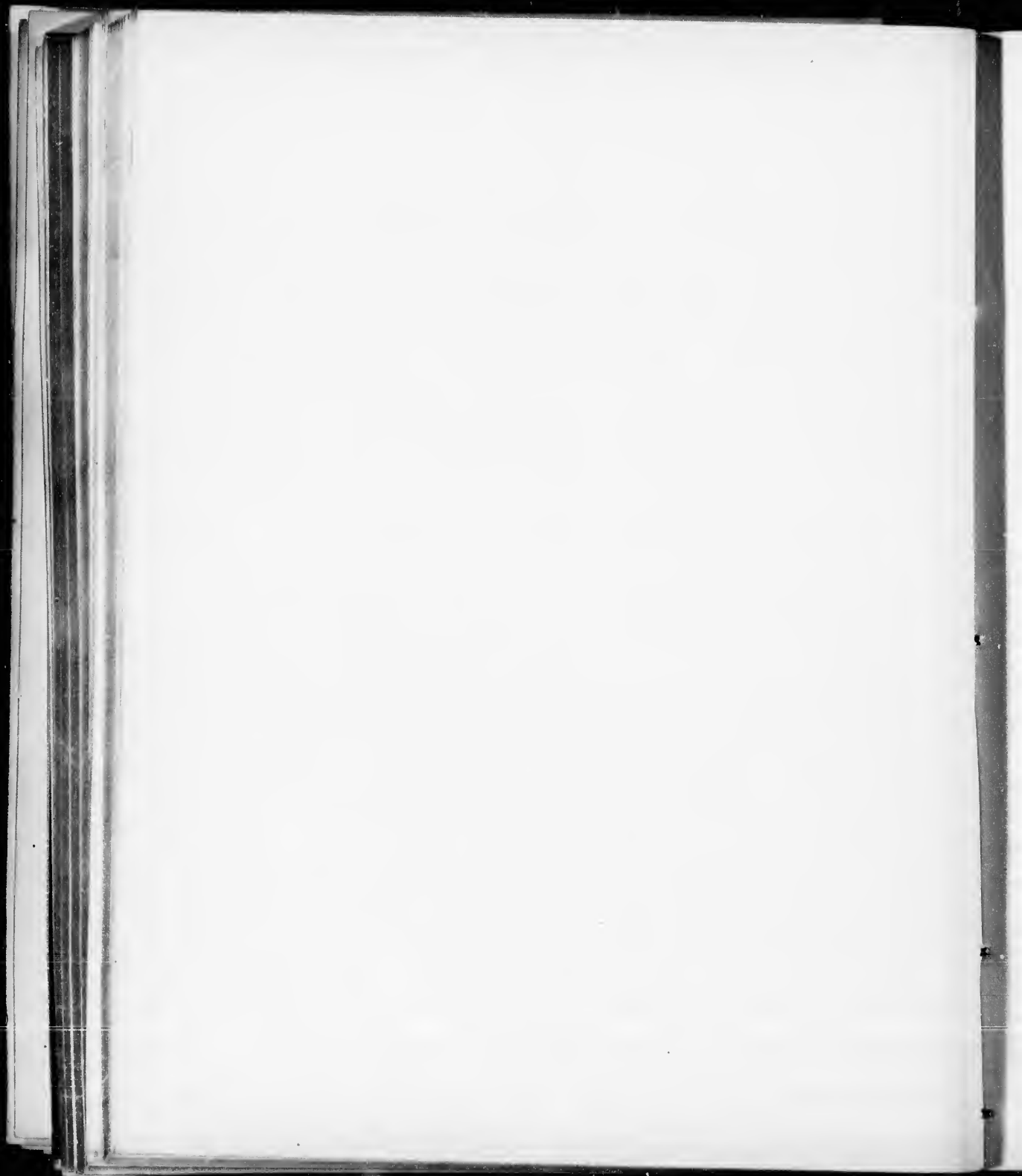
4160

PIERRE DANIELSON, *fil.*

Taken and sworn before me in open Court at Malbaie, this 9th August, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, the 9th day of August, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

4170 No. 14.

BRASSARD ET AL.,

Petitioners.

AND

HON. H. L. LANGEVIN, C. B.,

Defendant.

Evidence on the part of the Petitioners.

Vidal Harvey, aged sixty-seven, farmer, of the Parish of Malbaie, being duly sworn, doth depose and say:—I know the parties in this case. I am not related to, or of kin to, or in the employ of any of them. I am not interested in the event of this suit. I was an elector
 4180 and voted at the election in question. I know Joseph Stanislas Perrault, Esq., Advocate of Malbaie. On the day before the voting he came to my house accompanied by Mr. John Kane, now deceased, and asked me if I was always in favour of Mr. Joseph Kane, whom I had requested to come forward. I answered yes. They told me that Mr. Kane had given up his place to Mr. Langevin, after having been over to the Bay; and, as it was for the same party, I said I would be in favor of Mr. Langevin. They told me that it was better to vote for the Conservative candidate, because we should follow the clergy. That was also my opinion.

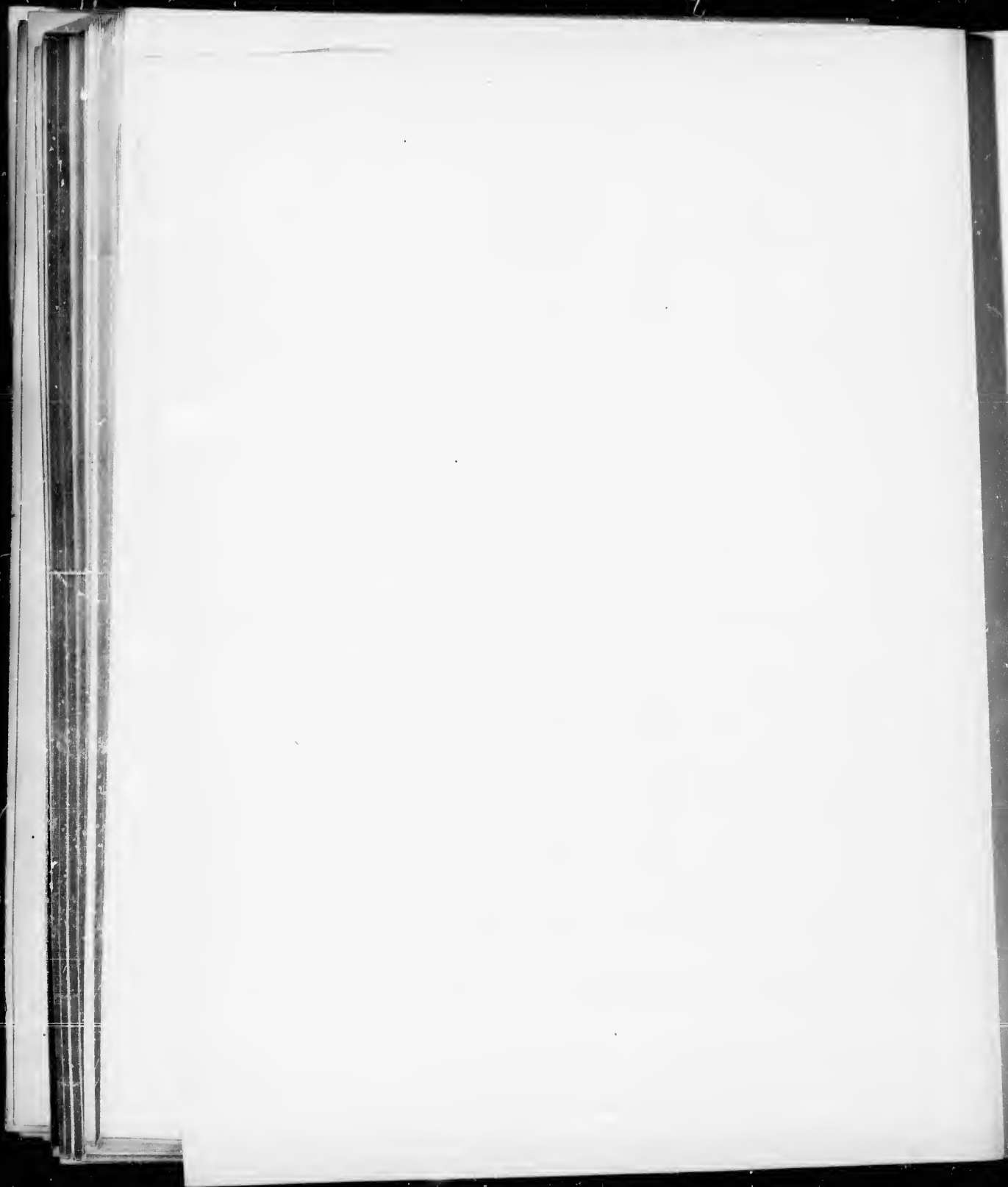
The Defendant declares that he has no cross-questions to put to the witness.

The present deposition having been read to the witness, he persisted in the same, declares that it contains the truth, and cannot sign.

4190 *Taken and sworn before me, at Malbaie, in open Court, this 9th of August, 1876.*

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, 9th day of August, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

No. 14
4200

BRASSARD ET AL.,

Petitioners;

VS.

HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of the Petitioners.

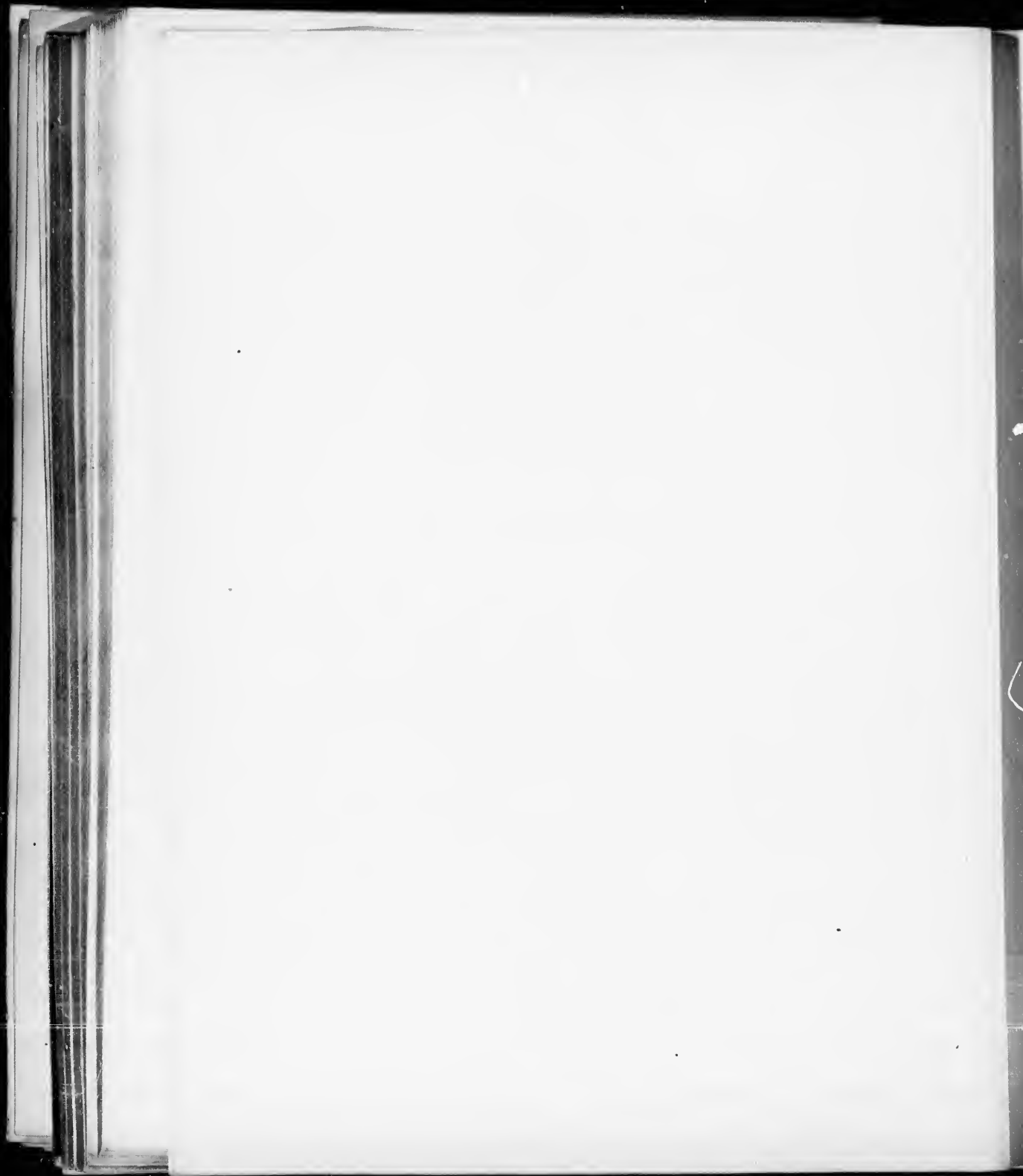
Narcisse Lajoie, aged forty-seven, blacksmith, of the parish of St. Hilarion, being duly sworn on the Holy Evangelists, doth depose and say:—

I know the parties in this cause. I am not related to or of kin to, or in the employ of, any of them. I am not interested in the event of this suit. I was not an elector at the last election.

4210 Objected to by the Defendant, as to the evidence of Abel Maltais. Objection reserved to the merits.

During the whole time of the election Mr. Langlais, the Curé of St. Hilarion, spoke of the election from the pulpit every Sunday more or less. The Sunday on which he spoke most of it was on the 16th January last, the Sunday before the voting. On the preceding Sunday he had told us that he would explain for which party we ought to side with. He explained it to us. He told us that we should not follow the Liberal party. He said that Liberalism in politics and Liberalism in religion were one and the same thing. One could not be without the other. He told us that it would be a grievous sin to vote contrarily to the explanations he gave us. He told us that Victor Emmanuel and Garibaldi were Catholics. He explained Liberalism first.

4220 He said that they had persecuted religion. He represented (*représenté*), two banners—the one of the Pope, of the bishops, and priests, and of God, asking us: “Which do you wish to follow—this one, or the one of Garibaldi and Victor Emmanuel?” He did not speak of the colours of the banners. He added that there were Garibaldians in the parish, but luckily they were few in number. He did not name anybody, but we were quite at liberty to understand that he meant to speak of those whom we name Liberals. He told us that at death we would prefer



having followed the banner of God, as he had depicted it to us. He did not say where the followers of God's banner would go, and where the followers of the other banner would go, but told us that supposing our pastors would lead us into error, we should follow them, as they were there to enlighten us; that if there was sin it would be them who would be responsible, and not us. Nearly all the parishioners were in church on that Sunday, as on other Sundays. There were some who went out during the sermon on account of the sermon. There was great talk about that sermon in the parish, and it produced a great impression. From what I know it had the effect of changing one-third of the votes of the parish in favor of the Defendant.

CROSS-EXAMINED.

When I said that the sermon of the 16th had changed one-third of the electors, I founded my opinion on the conversations I had had with the people. I declare now that I meant to say that this change of one-third of the votes commenced on the 9th of January, or there about, after the sermon pronounced on that day. It is that third which made up the majority of the Defendant. Before that time we counted but ten votes for the Defendant—afterwards thirty-one. Even before the 16th, one perceived that the people were turning to the Conservative side, but the strength of the party was less known than after the 16th. (*Mais on ne connaissait moins le parti qu'après le seize.*)

Question.—Is it not true that on the sixteenth of January the political parties were considered as formed at St. Hilarion?

Answer.—Before the sixteenth of January the Liberal party thought it had a majority in the parish, but after the sermon we perceived we were in a minority. On the oath that I have taken I say that the change which took place between the state of things existing on the sixteenth of January, and what existed afterwards, was caused by the sermon of the sixteenth. It was the people themselves who told me that after the Curé's sermon it was impossible to vote for the Liberal Party. I cannot name any of the persons who thus spoke to me, because I might name some who had told me so before the sixteenth. Among these persons I can name Etienne Desgagners, Toussaint Bergeron, Côme Savard, Edward Bouchard, David Gilbert. The Curé did not say we should not follow the Liberal Party, but understood so from his explanations.

Question.—Please say what makes you remember that the Curé said in his sermon: "Liberalism in politics and Liberalism in religion were the same thing."

Answer.—It is because the Curé said so. We spoke of it among ourselves, but nobody told me to state this in Court. I think that Reule Asselin, Charles Bouchard, Zépherin Savard and Zépherin Bergeron were then present.

4260 During the election there was a difficulty in the parish. It was that the Curé would not make his visits with the church-warden in charge (*marquiller en charge*). This was the only difficulty existing at the time to my knowledge.

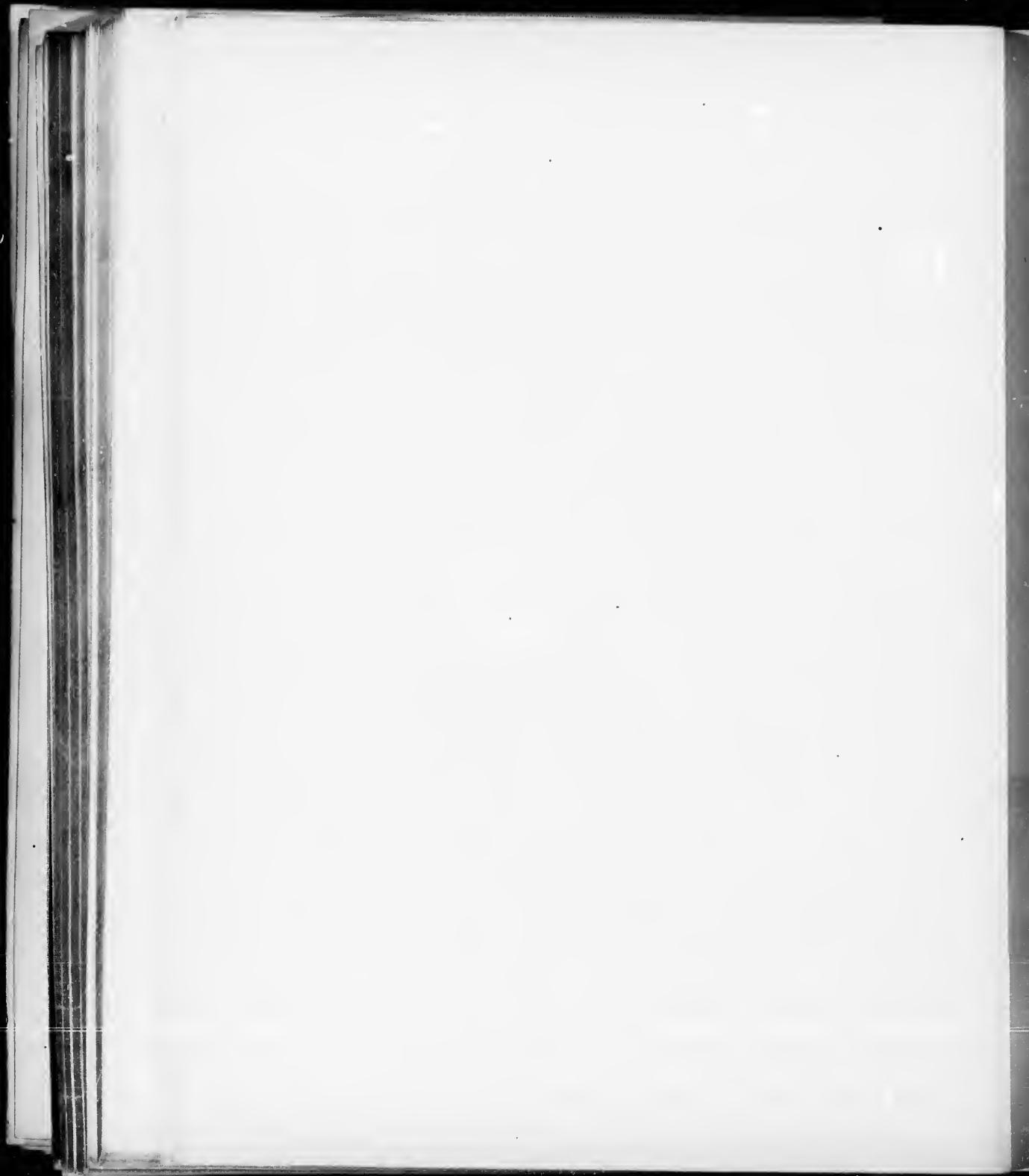
The present deposition being read to the witness, he persists in the same, declares it contains the truth, and hath signed.

NARCISSE LAJOIE.

Taken and sworn before me at Malbaie, in open Court, this 9th August, 1876.

A. B. ROUFHER,

J. S. C.



4270 PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, Tenth August, 1876.

PRESENT :— HON. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD ET AL.,

Petit.,

vs.

HON. H. L. LANGEVIN, C. B.,

Def.

4280

Evidence on the part of the Petitioners.

Jean Baptiste Gauthier, aged 35, farmer, of the Parish of St. Irénée, being duly sworn, doth depose and say :—

I know the parties in this case. I am not related to, or of kin to, or in the employ of any of them. I am not interested in the event of this suit.

Objected to by the Defendant as to the evidence of Abel Maltais. Objection reserved to the merits.

4290 I was an elector, and voted at the election in question. Mr. Roy, Curé of our Parish, spoke of elections at church the 16th January, during mass. He told us that he would not sing a high mass, in order to punish us for the row which had taken place on the previous Sunday. He did not speak of elections at that moment. He told us that he would tell us what was to be said about it after mass. He seemed to be very displeas'd at that moment. There was but a low mass. After mass he told us, "There are some amongst you who wish to know my opinion. I will make it known publicly. I am of the Conservative party, and you "should also belong to it." He added, "See elsewhere: at the Eboulements the people are "enlightened, and are going to follow the clergy. Blind that ye are, open your ears, and open "your eyes; lift the veil which covers them, and in conscience you should also do so, and after "the election we will see if you love your priests, and if you like to follow them." He added that he saw by our school children what respect we had for one another. They call each other names, even call each other rotten bellies (*ventres pourris*). Well, as I belong to that party,



4300 you include me with the others. (*Vous me traitez comme les autres.*) He said it was the "rouges" who called the blues rotten bellies ("*ventres pourris*"). The "rouges" are the Liberals, and the "blues" are the Conservatives. He seemed very much displeased when he made that speech. There was a great deal said of this sermon in the parish.

CROSS-EXAMINED.

The Curé said that he was saying a low mass to punish the people for fighting on the previous Sunday. I suppose so,—and he (the Curé) exhorted them not to fight again. After mass, the Curé said "You fight here in this parish because you think you are strong." The greater number in the parish were Liberals; and he added, "Look elsewhere—the party is not as strong."

4310 *Question.*—Is it not true that in that sermon the Curé reproached some of the Liberals for having come to his Parsonage (*Presbytère*) to say that the Conservative party was rotten?

Answer.—I did not understand that, but he spoke as I above stated about the children.

Question.—Is it not true that the curé said, "until now I have not meddled with elections but since people come into my parsonage (*presbytère*) to say that the Conservative party is a rotten party, I will now tell you, to what party I belong, I am a Conservative."

Answer.—I do not remember that; that people went to his parsonage (*presbytère*) to speak such nonsense (*lui dire ces betises là.*) The curé said that as a rule the people spoke too much and did not respect one another. I swear that the curé said that in conscience we should be Conservative, but he did not say that we should give a Conservative vote, at any rate I do not remember. The curé said we must be blind not to see that elsewhere the party was stronger. He called us blind. The curé did not say "my party" (*Mon partie.*)

4320

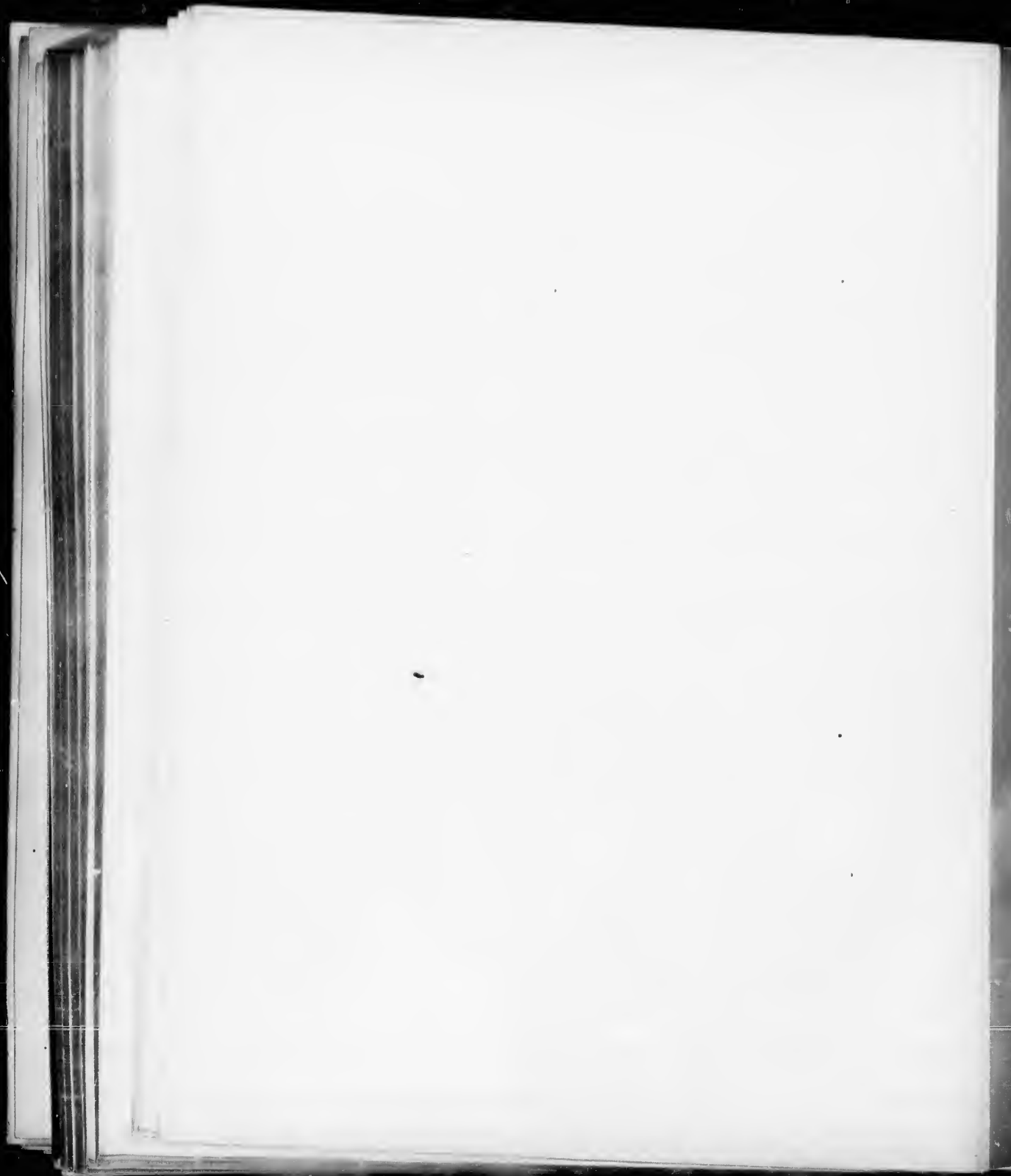
The present deposition being read to the witness, he persists in the same, declares that it contains the truth and hath signed.

JEAN BAPTISTE GAUTHIER.

Taken and sworn before me at Malbaie, in open Court, this 10th day of August, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT
District of Saguenay.

4330 DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, tenth day of August, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners;

vs.

HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of the Petitioners.

4340 Gilbert Bouchard, aged forty-nine, farmer, of the parish of St. Irénée, being duly sworn on the Holy Evangelists, doth depose and say:—I know the parties in this cause. I am not related to, or of kin to, or in the employ of any of them. I am not interested in the event of this :

Objected to by the Defendant as to the evidence of Abel Maltais. Objection reserved.

I was an elector, and voted at the election in question. Mr. Roy, the Curé of our parish, the last Sunday spoke of the election before the voting, the sixteenth of January I believe. Before mass he said there would be no high mass on account of the scandal that had taken place on the previous Sunday. He did not explain to which scandal he alluded, but he said there had been a row (*du train*) on the preceding Sunday in the evening, at a meeting of Mr. Langevin's in the public hall, at which meeting Mr. Langevin had wished to speak. 4350 Mr. Langevin had in fact spoken at that meeting. He had not been interrupted. The first time he spoke some people made a slight noise (*des petits bruits*), but he was not prevented from speaking. Mr. Tremblay was not present at that meeting. There was no stranger to reply, but Germain Lajoie, farmer, of the parish, made a reply. It was when the Defendant tried to speak a second time that there was trouble. Troubles of the same kind had already taken place in the parish some years previous during election times. I am not aware that it prevented high mass as usual.

After having made all the people come into the church, the Curé announced, as I said, that there would be no high mass, and that after the low mass he would explain the pastoral



4360 letter of the Bishop of last autumn. This pastoral letter spoke of the Liberals. There was but a low mass. He ascended the pulpit as he had announced. He read—I cannot exactly say what, but he read the pastoral letter of which I have just spoken. Afterwards he said “Blind that ye are, open your eyes that you may see. You believe yourselves strong here, but go to the Eboulements and you will see that you are not as strong there.” He added “Those people are enlightened: they mind the voice of their Curé. You should belong to the same party as your priests. If you loved your priests you would follow the party of your priests.” He said “You want to know to what party your priests belong. They do not belong to your party.”

The bulk of the electors of St. Irénée were of Mr. Tremblay's party. I am not a well-
4370 educated man. I cannot exactly say what he said. I cannot recollect if he said it was a sin and a matter of conscience (*cas de conscience*) to vote a certain way rather than another, but I know he said “I will know well on Saturday if I am listened to.” The Saturday was the polling day. He said that the school boys were rude, and that they called the Defendant's partizans rotten bellies of Blues (“*ventres pourris de Blues*”). He added “You therefore insult your Curé, who belongs to that party.”

CROSS-EXAMINED.

I was one of Mr. Tremblay's supporters. The Curé explained that the scandal was the row which had taken place on the preceding Sunday.

4380 *Question.*—Is it not true that at the meeting of which you have spoken, there were several persons drunk, and among others, François Gauthier, son of Ambroise, who interrupted the Defendant constantly, while he spoke the first time.

Answer.—Yes; he was drunk (*en train*). He made some noise (*quelques tapages*) but Mr. Langevin said all he wished to say. I did not notice if it was necessary to put out of the hall the said François Gauthier. All that I can say is that he made some noise.

Question.—Is it not true that after low mass, the Curé exhorted the people not to fight?

Answer.—Yes.

Question.—Is it not true that the Curé exhorted the people not to fight at the poll, and that he would see how he would be listened to?

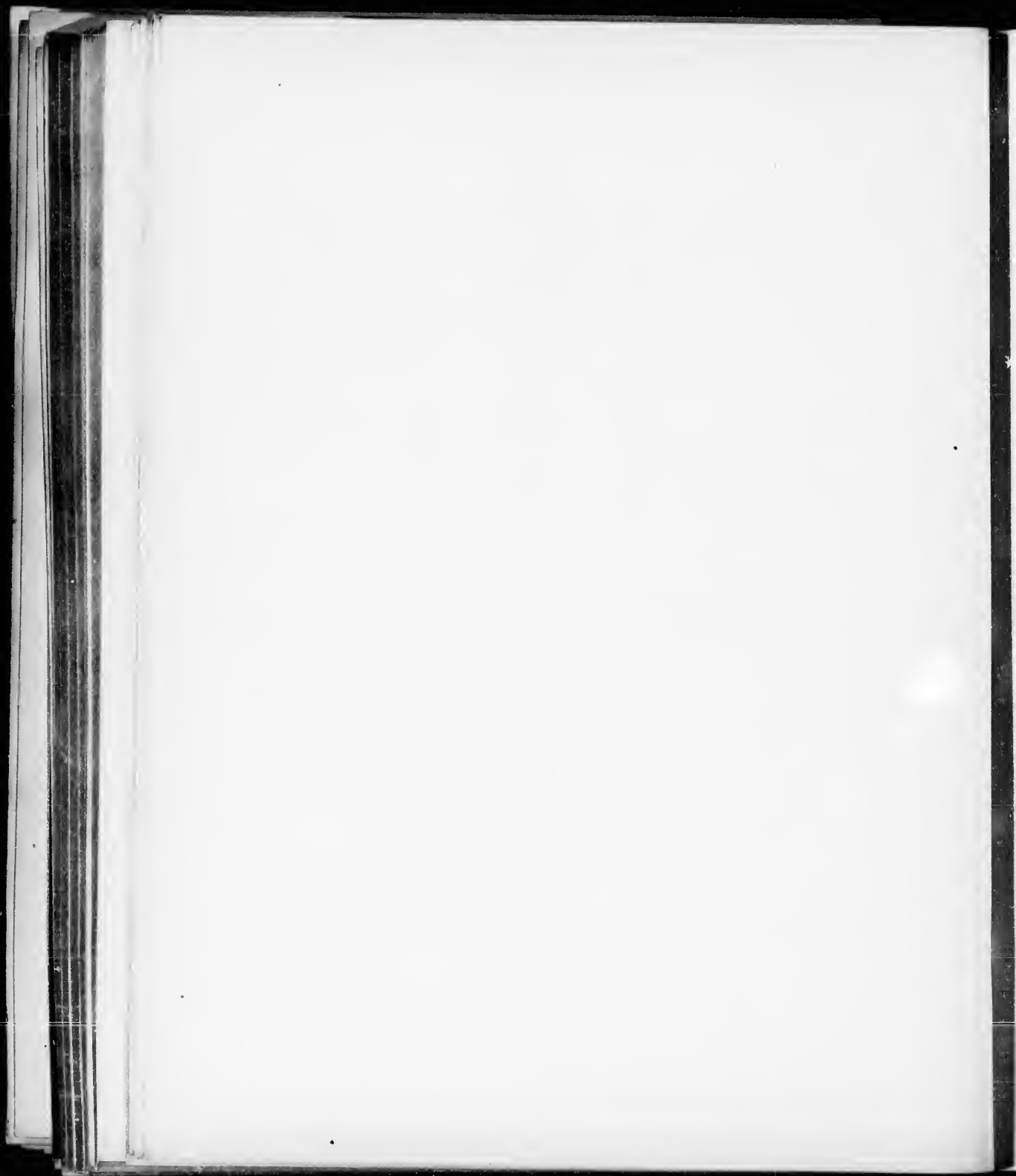
4390 *Answer.*—He did not say that in reference to fighting, but in reference to his sermon.

Question.—Is it not true that the Curé said that if the people continued to fight he would leave the parish, and would make a report of it to the bishop.

Answer.—He may have said so, but I do not recollect.

Question.—Is it not true that the Curé complained, because some had been to his parsonage to insult the Conservative party.

Answer.—I do not recollect.



Question.—Do you swear that on the sixteenth of January the Curé read the pastoral letter?

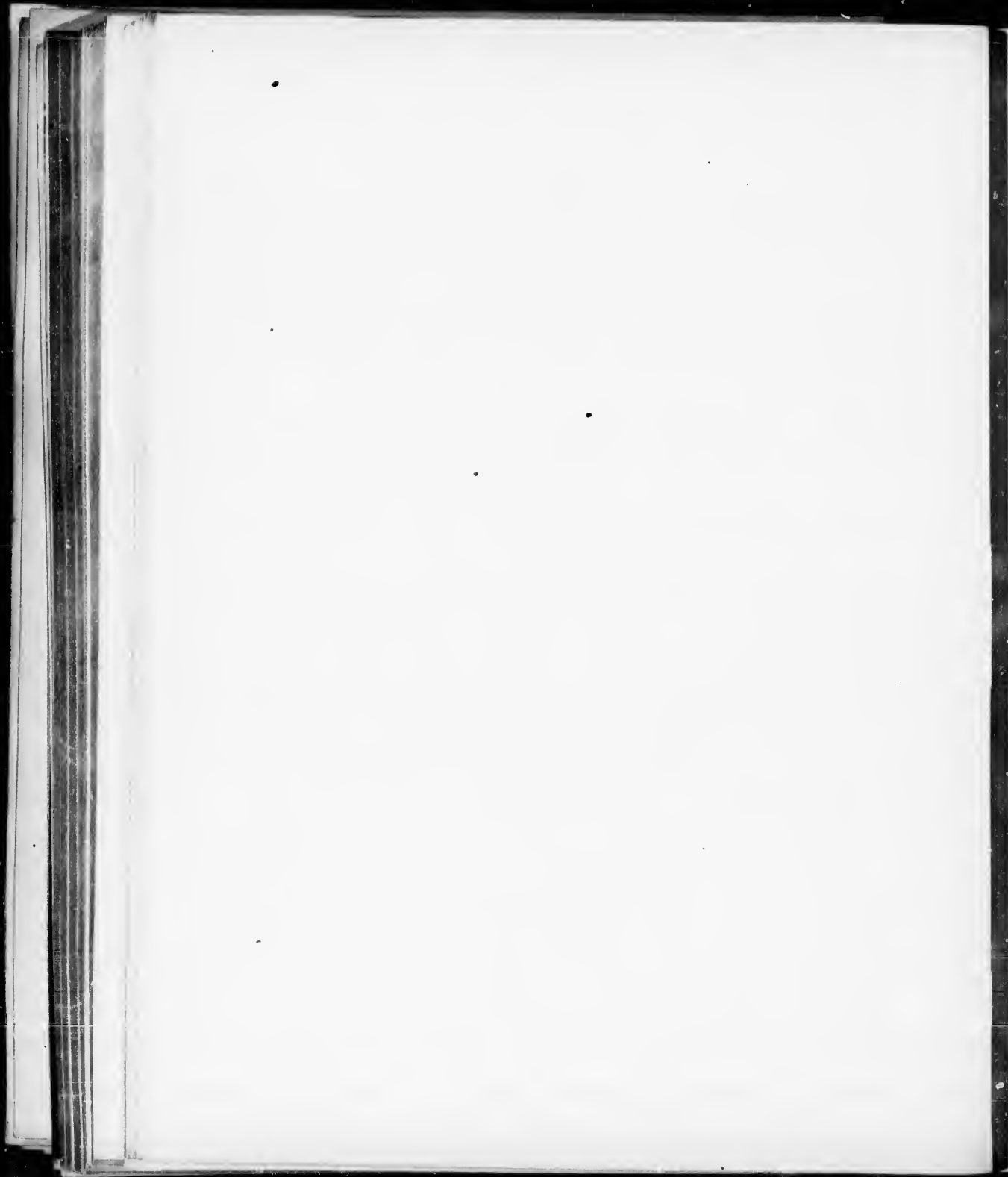
Answer.—Yes. He explained it, but I cannot remember his explanations.

4400 The present deposition being read to the witness, he persists in the same, declares it contains the truth and cannot sign.

Taken and sworn before me at Malbaie, in open Court, this 10th day of August, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC } SUPERIOR COURT
District of Saguenay

DOMINION CONTROVERTED ELECTIONS ACT 1871

Election of a Member for the House of Commons, for the Electoral District of Charlevoix

MALBAIE, the fourth of August, 1876.

4410

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners,

vs.

HON. H. L. LANGEVIN,

Defendant.

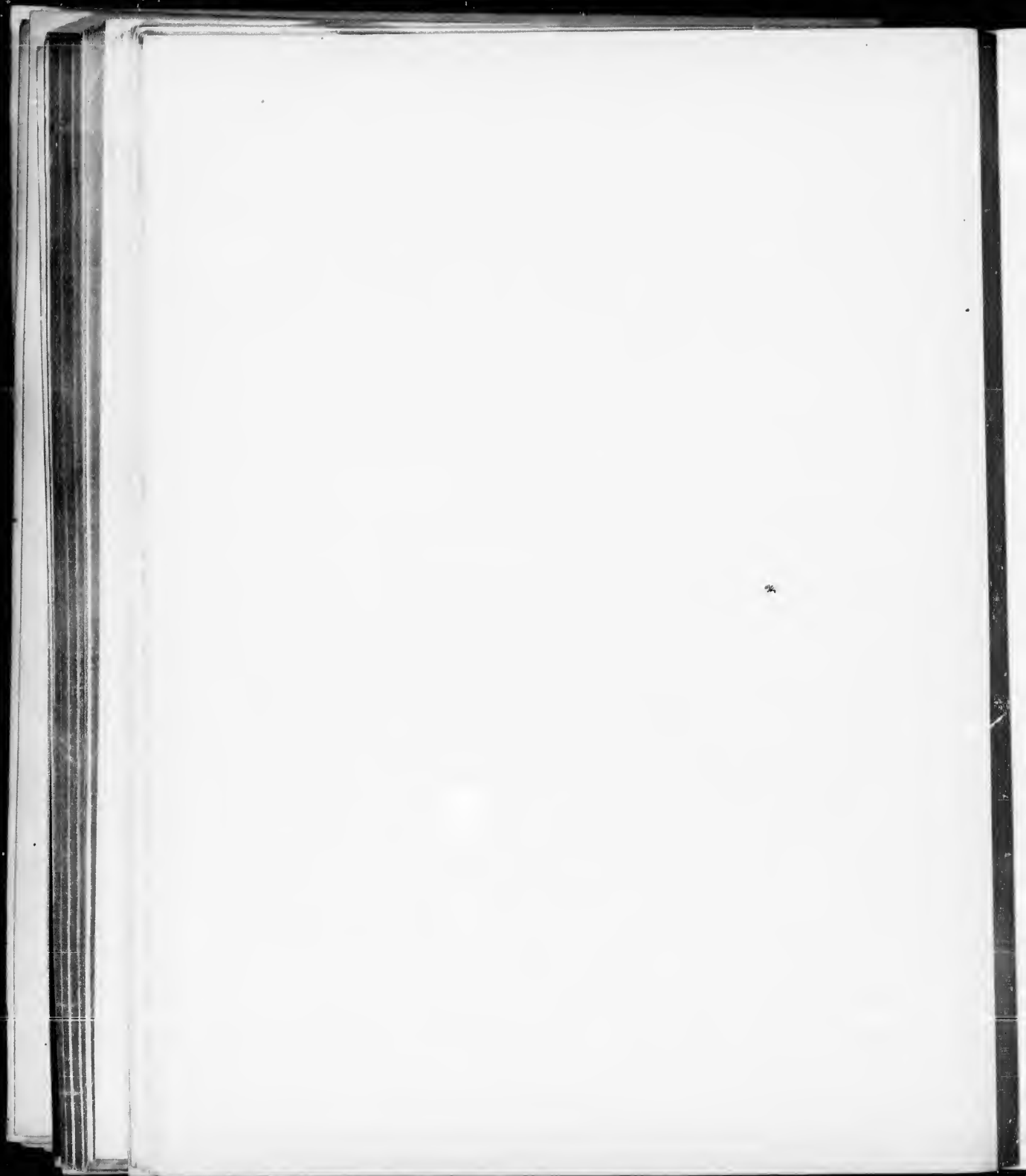
Evidence on the part of the Petitioners.

Ephrem Gagnon, age thirty-one years, carpenter, of the parish of Baie St. Paul, being duly sworn on the Holy Evangelists, doth depose and say:—

I know the parties in this case. I am not related to, or of kin to, or in the employ
 4420 of any of them. I am not interested in the event of this suit. I was not an elector at the election in question. I was present at a meeting held at the house of one named Celestin Bouchard, in the concession of Peron, Baie St. Paul. This was on the eve of the voting.

This meeting had been convoked by Mr. Tremblay's friends, perhaps by both parties. I was asked to go to that meeting by Theophile Sinaard, hotel-keeper, of Baie St. Paul. I went to that meeting in a carter's vehicle which was going there. He told me "there is a meeting convened in Peron, they want to prevent Mr. Langevin from speaking, if you wish him to speak go up." The Defendant spoke without hindrance at the said meeting. In the vehicle in which I was we were two. There were several other vehicles. I do not know if they had been hired (*engagés*). I think I was with my brother-in-law, Charles Magee. He was
 4430 an elector, we did not pay anything for the vehicle which took us. I think that the carter who drove us was, William Lavoie. Among the other vehicles there were carters' vehicles and *habitants* vehicles.

The Defendant declares that he has no cross questions to put.



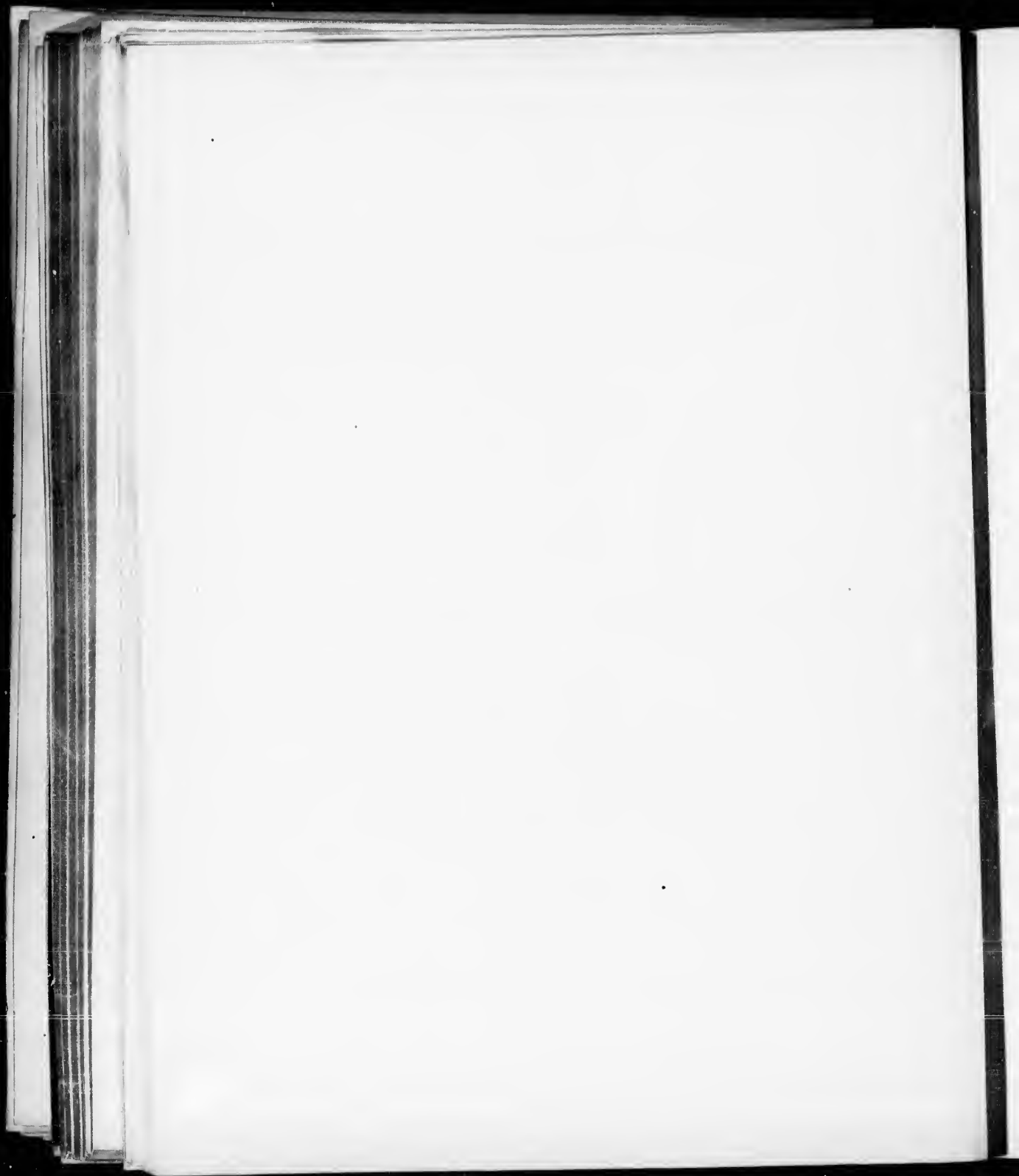
The present deposition being read to the witness he persists in the same and declares it contains the truth and hath signed.

EPHREM GAGNON,

Taken and sworn to before me in open Court at Malbaie, this 10th day of August, 1876.

A. B. ROUTHIER,

J. S. C.



1440 PROVINCE OF QUEBEC,
District of Saguenay.

SUPERIOR COURT

DOMINION CONTROVERTED ELECTIONS ACT, 1871.

Election of a Member for the House of Commons, for the Electoral District of Charlevoix.
 MALBAIE, the Tenth day of August, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners.

THE HON. H. L. LANGEVIN,

Defendant.

4450

Evidence on behalf of Petitioners.

Florent Côte, aged 61 years, farmer, of the parish of Baie St. Paul, being duly sworn upon the Holy Evangelists, doth dispose and say :

I know the parties in this cause. I am neither relation, nor of kin, nor servant or domestic to any of the parties. I have no interest in the event in this cause.

Objected to by the Defendant as to Abel Maltais' evidence. Objection reserved to merits.

I was an elector and voted at the last election. I heard a speech delivered by the Defendant at the Church door of Baie St. Paul, at the beginning of the election. The Defendant said : "How can Mr. Tremblay come against the clergy ; with the clergy there is nothing yet to spare, (*avec le clergé on n'en a pas de reste encore*) and the whole clergy are opposed to him."

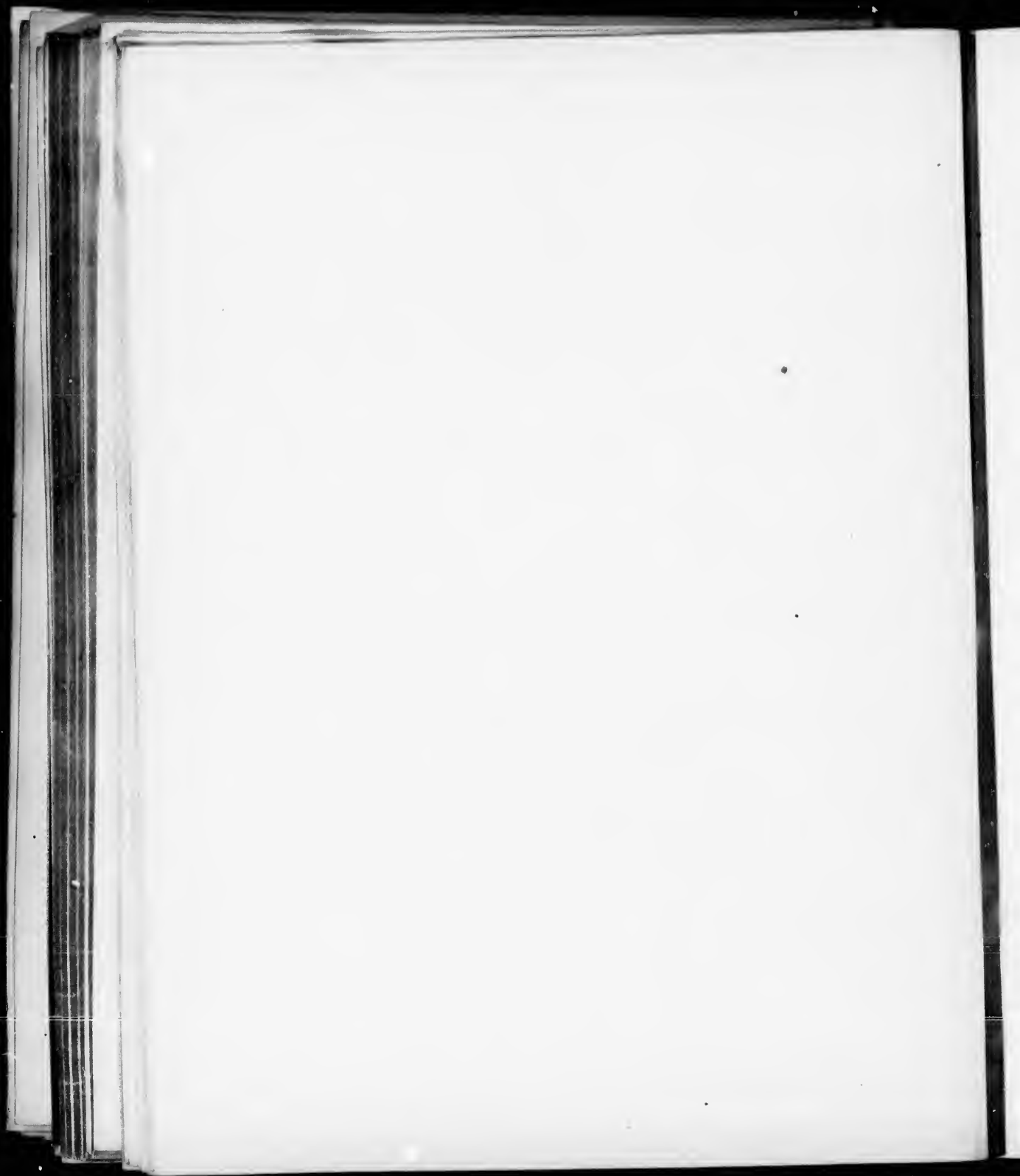
4460

Mr. Sirois, the Curé of Baie St. Paul, spoke of the election nearly every Sunday it lasted. He always gave it to understand not to vote for a Liberal. I cannot say all he stated on this subject, but there were some who feared they would be damned if they voted for a Liberal.

I did not hear the sermon he delivered the last Sunday before the voting ; I was that day at Malbaie. This sermon appeared to me to create much impression in the parish. I returned on the Tuesday.

On my return, my daughter-in-law told me : "Every thing is changed," I answered her : "This cannot be," she said : "It is as I tell you, adding—if you had been there, you yourself would have changed, and you would have been afraid." I told her, "I would not have been frightened." When she stated : "if you had been there," she meant at Church. After arriving,

4470



I found out all was changed, many changed, others did not vote. I could not say how many were changed or prevented from voting, I had not spoken to all the people, but I had seen many, and my belief was that Mr. Tremblay would have had one hundred votes majority in the parish, and he was in a minority of one hundred and thirty, I believe. I was confident of this majority of one hundred before the sermon. After the sermon, I saw that it had been greatly diminished. Some told me: "I prefer not voting, I am afraid; the priests predicted to us misfortunes," I told them there is no reason to be frightened—but I could not reassure them. There were some who were for Mr. Tremblay and who after the sermon, voted against him; some of them told me, and some of them came here as witnesses.

4480

CROSS-EXAMINED.

When the Defendant spoke of the clergy, he used the very expression I used myself in my examination, in chief. When I stated there were some who feared to be damned, if they voted for a Liberal, I mean to say that some women told me they did not want their husbands to vote for a Liberal, because they feared they would be damned. I do not remember if any men told me so. I took some part in the election but not much. I came once at Malbaie to see how things were going on. The priests had not said that misfortunes would happen to those who would vote for the Liberal party, but some feared such misfortunes would happen them—but it was some young men who told me that their folks were afraid. Only one young man told me this, I can name but Octave Simard, witness heard in this cause, 4490 who told me he had modified his opinion in consequence of the Curé's sermon. I heard it stated by many others, but they did not say it to me.

Mr. Onésime Gauthier's supporters were partly those of the Defendant.

RE-EXAMINED.

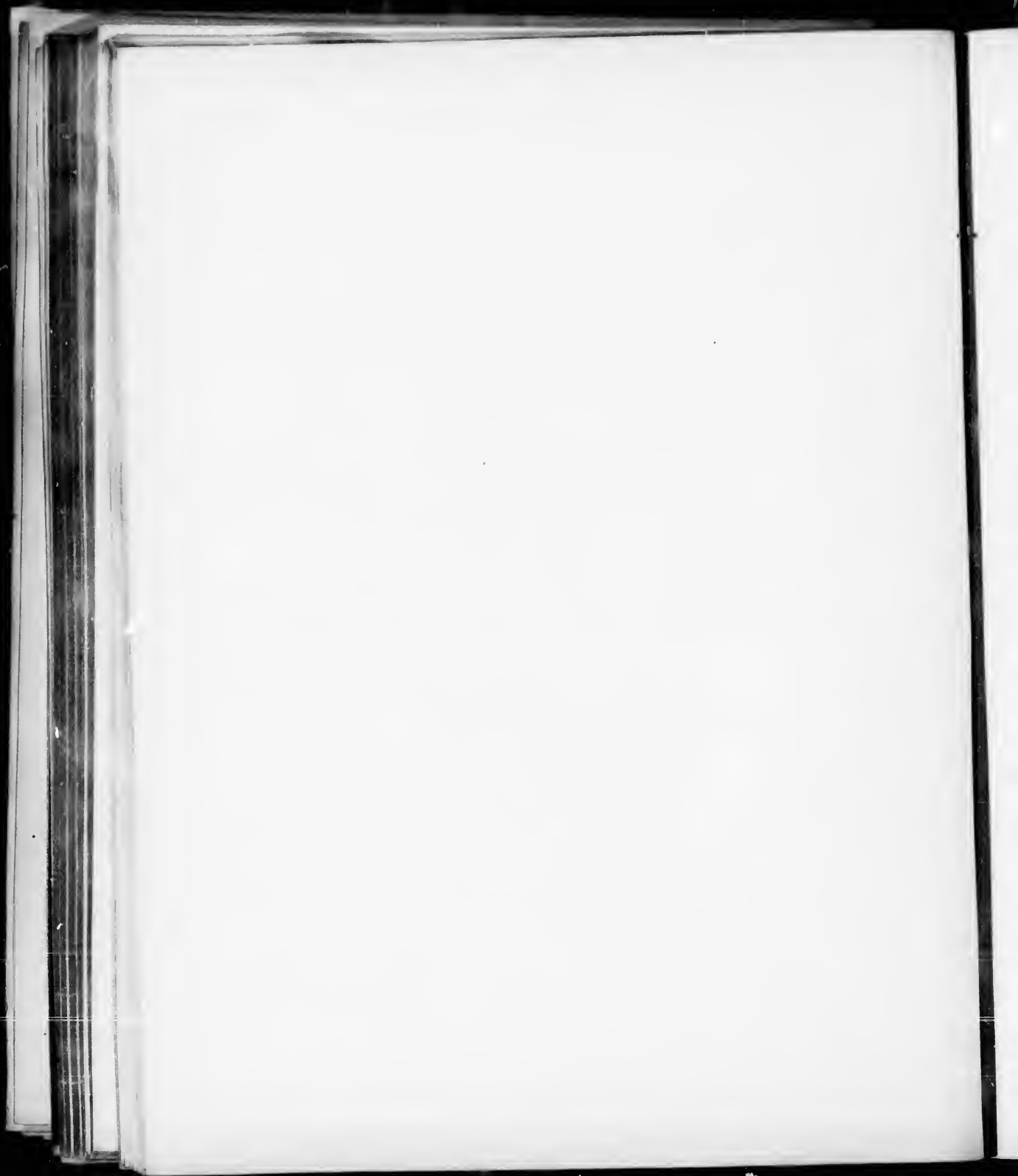
When Mr. Gauthier came forward as candidate, he was partly sustained by the Liberals.

The present deposition being read to the witness he persists therein, declaring it to contain the truth and cannot sign.

Taken and sworn before me in open Court, at Malbaie, this tenth day of August, 1876.

A. B. ROUTHIER,

J. S. C.



4500 PROVINCE OF QUEBEC,
District of Saguenay

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

Election of a member for the House of Commons for the Electoral District of Charlevoix.

MALTAIS, this 10th of August, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD ET AL.,

Petitioners;

vs.

HON. H. L. LANGEVIN,

Defendant.

4510

Evidence on the part of the Petitioners.

Ferdinand Tremblay, fifty-six years old, of the parish of St. Irénée, farmer, being duly sworn upon the Holy Evangelists, doth depose and say:—

I know the parties in this case. I am not related nor allied to, nor servant, nor in the employ of, any of them. I am not interested in the event of this suit.

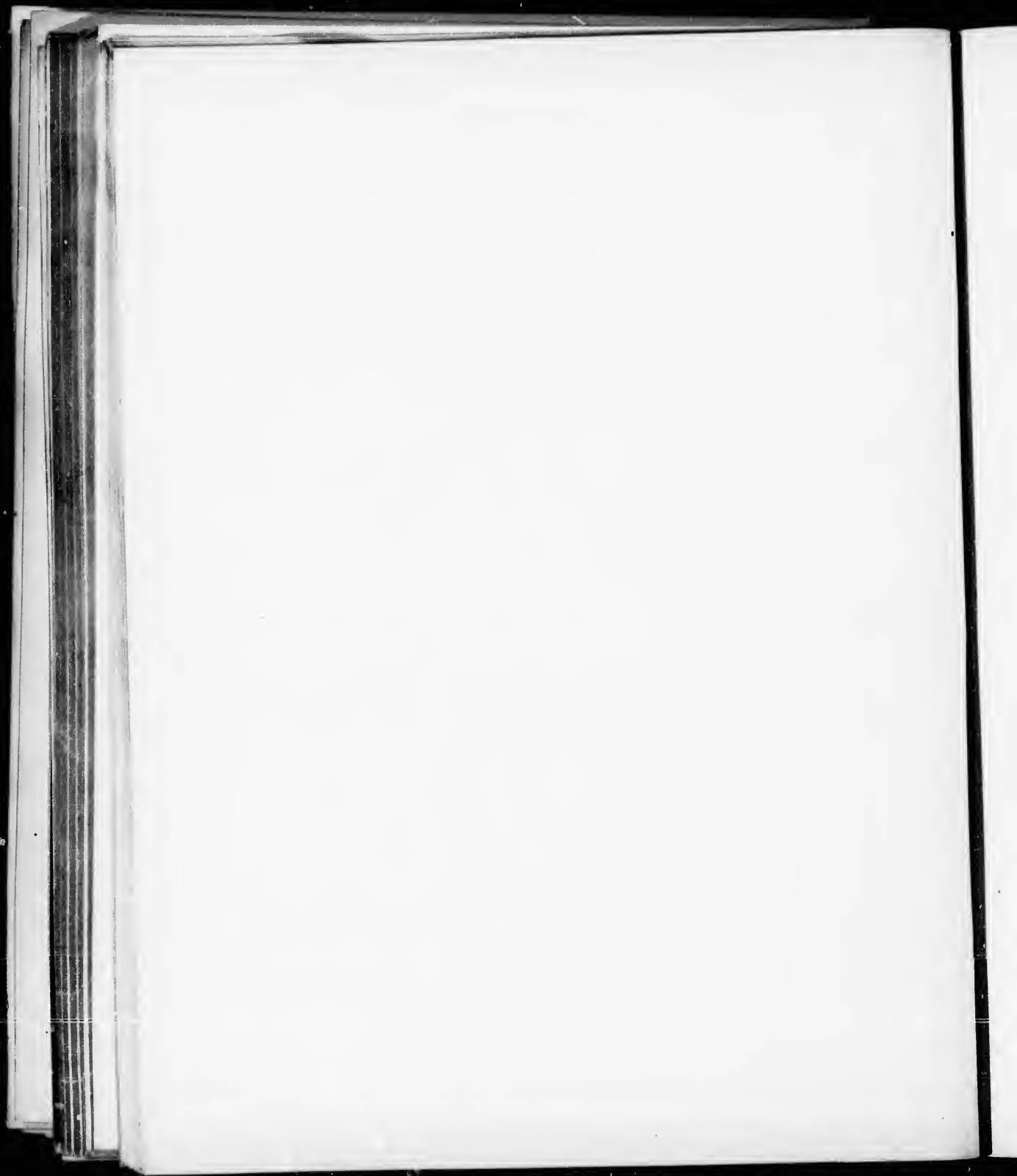
Objected to by the Defendant for the same reasons as those mentioned in Abel Maltais' evidence. Objection reserved to the merits.

I was an elector, and voted at the election in question. I was in the church of St. Irénée on the 16th of January last, the last Sunday before the voting.

4520

Mr. Roy, the curé, spoke twice about the election. Before mass he reproached us with the disturbance that had occurred on the Sunday previous. He said that in order to punish us he would only say a low mass on that day. He then said a low mass, after which he ascended the pulpit and said: "I am going to say a word about what I have mentioned to you this morning. You speak ill of one another; you call the Conservative party 'blue belly,' 'rotten belly;' you insult the whole party. Open your eyes and your ears, and you shall see that your party is strong here, but is far less strong elsewhere—in the neighbouring parishes. He did not say which party he was favorable to, but gave it to understand to what party he belonged, when he said that he would afterwards see if we had followed our pastors. He did not say when he would see that. He said we should follow our pastors. His words gave me

4530 to understand for which party he was, because he said "your party." But I knew beforehand



for whom he was, from one of my uncles, who goes to the Curé's every morning, and who told it to me. I don't recollect whether he spoke of the conscience in relation with the vote or the party of the electors. The said sermon was talked of considerably in the parish. It displeased many persons.

CROSS-EXAMINED.

After mass, the Curé advised his parishioners not to fight, and to go home quietly.

The foregoing deposition being read to the deponent, he persists therein, and declares that it contains the truth, and has signed

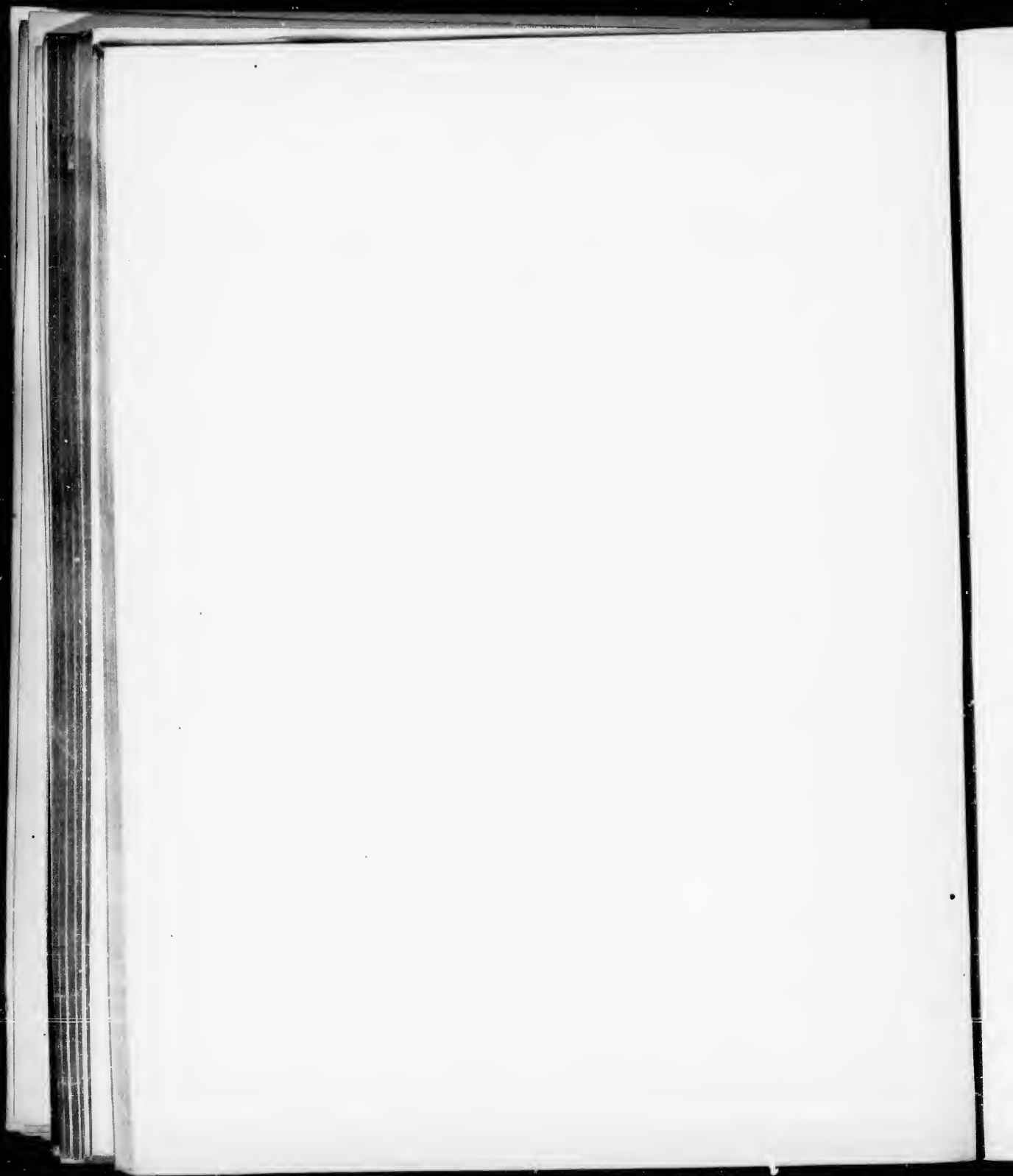
FERDINAND TREMBLAY.

4540

Taken and sworn to before me in open Court, at Malbaie, this 10th August, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC,
District of Saguenay

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, 10th day of August, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

4550 No. 14.

BRASSARD ET AL.,

Petitioners.

vs.

HON. H. L. LANGEVIN,

Defendant.

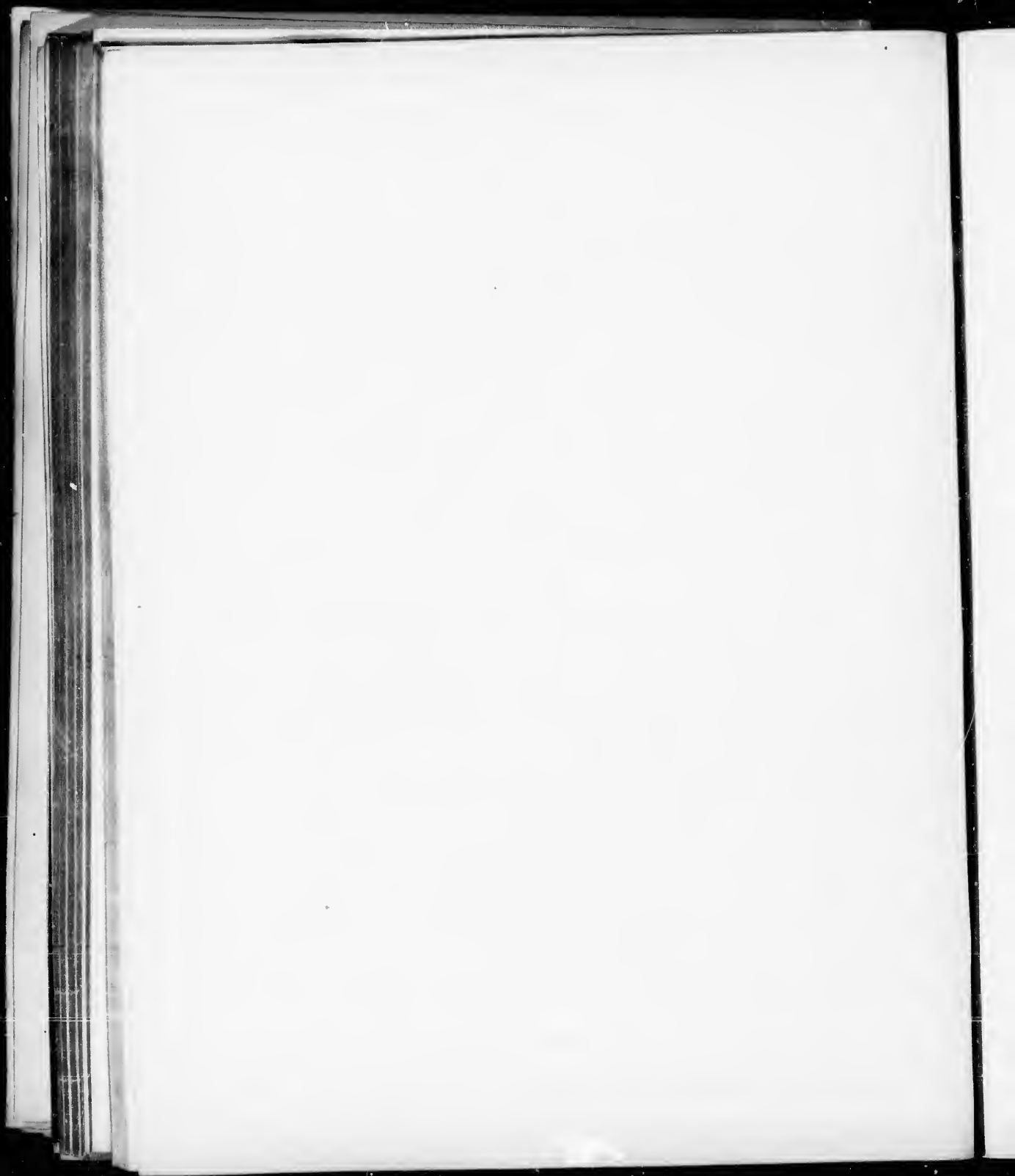
Evidence on the part of the Petitioners.

Louis O. Gauthier, aged thirty years, of the Parish of St. Irénée, being duly sworn, doth depose and say :

I know the parties in this cause. I am not related or of kin to, or in the employ of any of them. I am not interested in the event of this suit.

4560 Objected to by Defendant as to the evidence of Abel Maltais. Objection reserved as to the merits.

I was a voter, and voted at the election in question. I was at church the Sunday before the voting. There was only one low mass. That day I arrived after mass had commenced. When mass was over the Curé went up to the pulpit and spoke of the election. He first read a circular, and said we were obliged to do as he said. He said there had been a scandal and a row, and that was the reason he had not sung high mass. He gave us to understand that he was in favor of the Conservative party, by stating that at the row the Blues had been called rotten bellies (*ventres pourris*), and that the Curé had been insulted. By Blues we mean Conservatives. He told us "You think you are strong here, but go to the boulevards; go to the boulevards, and you will find out that you are not so strong." I cannot say if he said that people were more enlightened in some places than in others. He said that we had a conscience to follow; that it was necessary to follow the advice of the Curé (*savoir son curé*), and that if we did not follow the Curé's advice we would be conscientiously bound (*engagés*). He said that if there was any more quarrelling there would be no high mass on the



following Sunday. I do not recollect his having said anything in reference to the following Saturday. What he said was that he would see if they would mind him. I understood him then to be alluding to the row.

CROSS-EXAMINED.

I swear that the Curé said that the people were in conscience bound to follow the advice
4580 given them by their Curé in relation to elections.

Question—Will you state what the Curé said when he said that in conscience they had to follow the advice of the Curé in relation to elections.

Answer—He said it as I have already just now stated. It was a matter of conscience to follow the Curé, and if we did not follow him we would be conscientiously bound (*engagés*). When finishing his sermon, the Curé left every one free to vote as he chose. I cannot read or write. I was one of Mr. Tremblay's partizans.

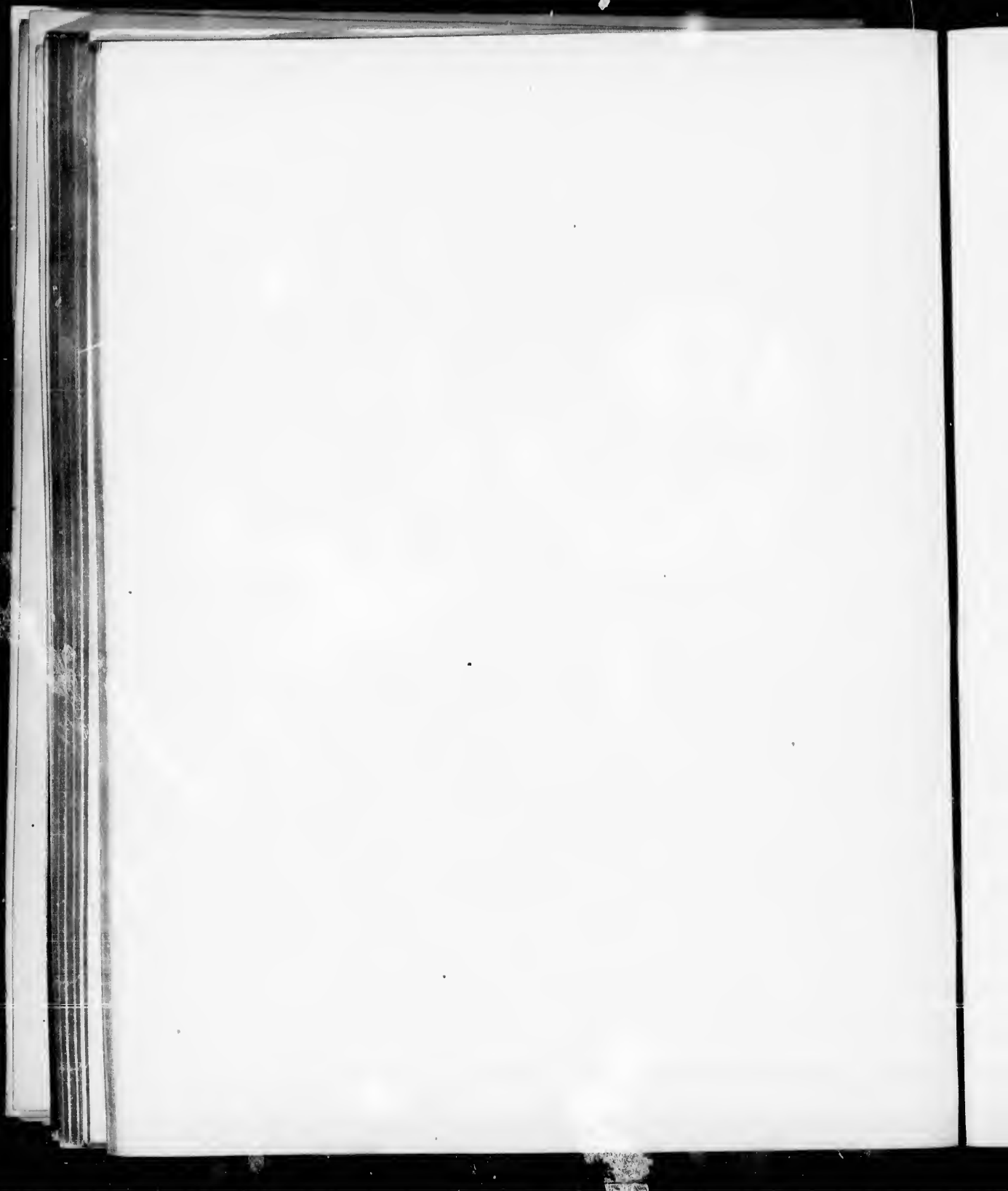
The present deposition being read to the witness, he persists in it, declares it contains the truth, and cannot sign.

Taken and sworn before me in open Court at Malbaie, this 10th of A. just, 1876.

4590

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC,)
District of Saguenay.)

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1871.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, 10th day of August, 1876.

PRESENT: HON. A. B. ROUTHIER

No. 11.

BRASSARD ET AL.,

Petitioners

1600

AND

HON. H. L. LANGEVIN,

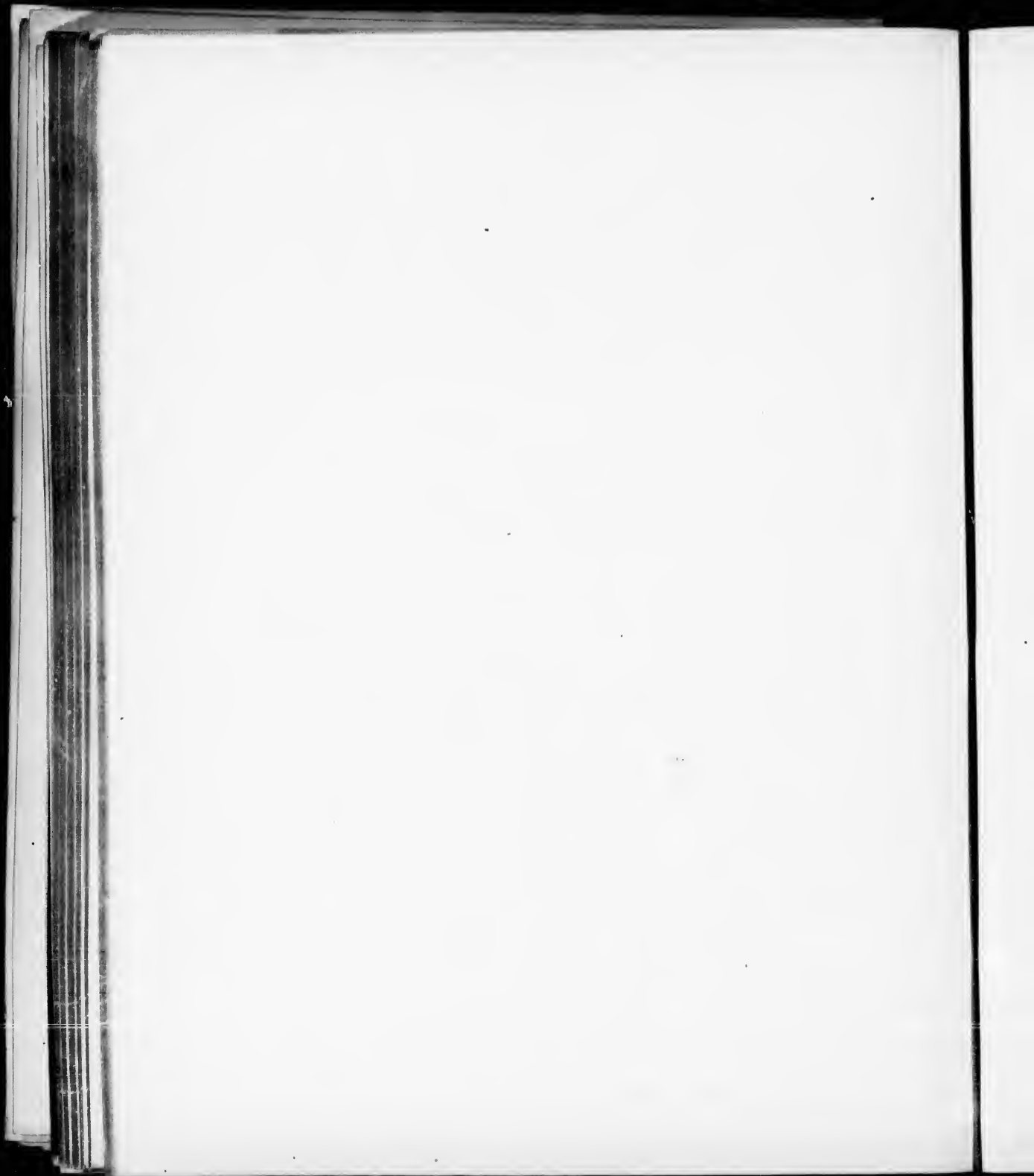
Defendant.

Evidence on the part of the Petitioners.

Octave Girard, 45 years old, of the parish of St. Irénée, being duly sworn upon the Holy Evangelists, doth depose and say: I am acquainted with the parties in this cause; I am neither related or allied to, nor servant, nor in the employment of, any of them; I have no interest in the event of this suit.

4610 Objected to, the same as to Abel Maltais' evidence. Objection reserved to the merits.

I was an elector, and voted at the election in question. I was in the church of St. Irénée the last Sunday before the voting, on the 16th of January. Mr. Roy, the parish priest, spoke of the election, both before and after mass. Before mass, he went to the railing and said there would be no high mass on account of the disturbance that had taken place the previous Sunday. He ascended the pulpit after mass, and said: "You believe yourselves strong here, but you are not strong. Go to Eboulements, and you shall see that your party is very weak." The bulk of the electors of St. Irénée belonged to Mr. Tremblay's party. When he said: "Your party is not as strong as you think," he was addressing reproaches to Mr. Tremblay's party. He said: "You do not respect yourselves very much; the children of the Liberals at school call the children of the Conservatives, rotten-rotten party; you do not respect your Curé very much." He did not say explicitly whom he was for, but what he gave them to understand was that he belonged to the Conservative party. Speaking to the electors, he said: "Unveil your eyes, ye blind men." He said: "We shall see in this election what confidence you have in your priests." He said the electors should follow the clergy. He said it was a matter of conscience to vote on the good side (*bon bord*).



CROSS-EXAMINED.

After mass, the Curé reproached the people with having fought together. He added "Why do you fight? You are not as strong as you think;" and I presume it was after that that he said: "Ye blind men, open your eyes, and see what is going on in other places."

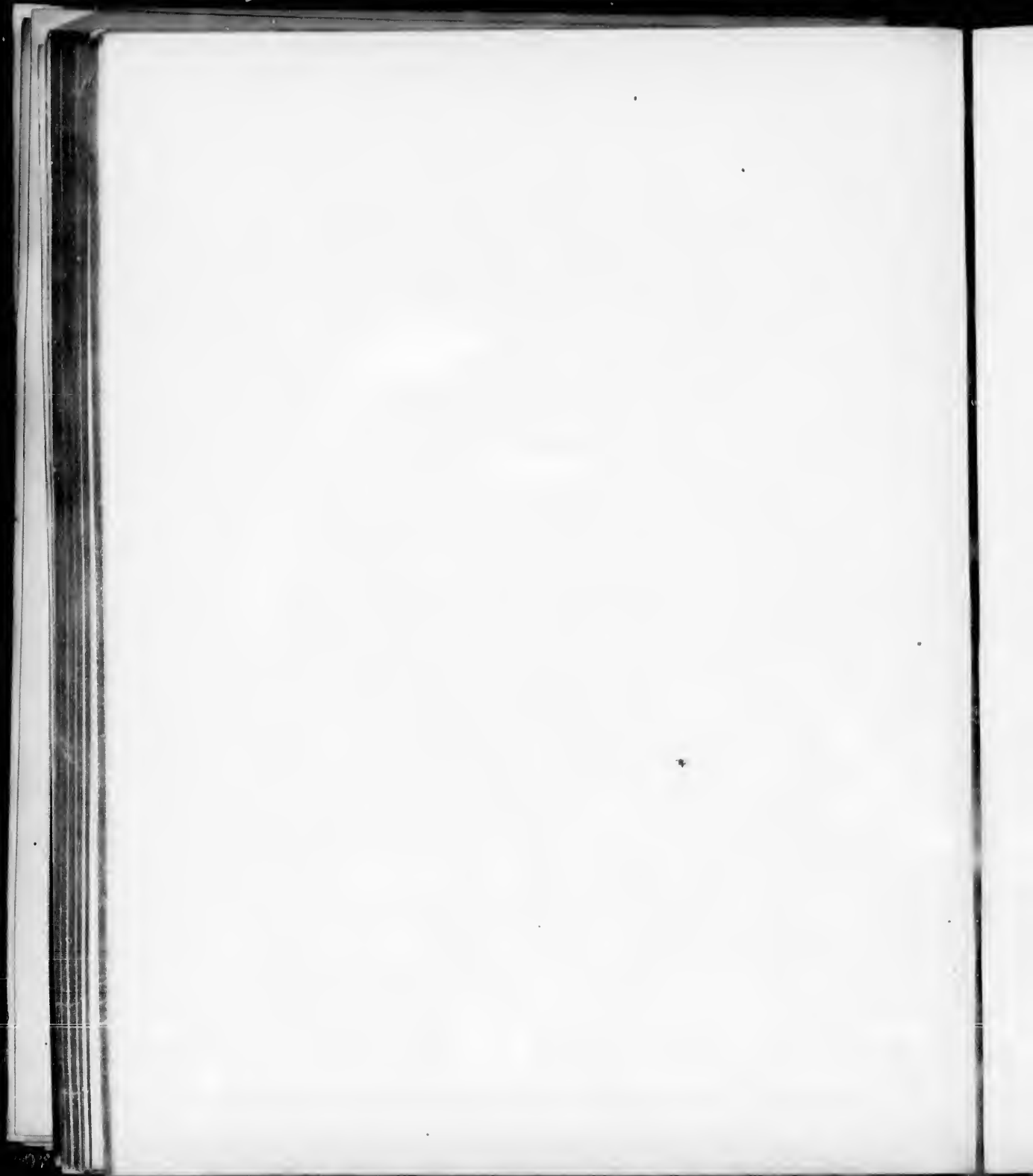
4630 The foregoing deposition being read to the deponent, he persists therein, and declares that it contains the truth, and has signed.

OCTAVE GIRARD.

Taken and sworn before me in open Court, at Malbaie, this tenth day of August, 1876.

A. B. ROUTHIER.

J. S. C.



BISHOP'S PALACE,

St. Germain de Rimouski, P. Q.,

May 31st, 1872.

Sir,

4640 Through their missionary, the Rev. Mr. Siquin, the resident population of Moisie asked the Government to be allowed the privilege of fishing opposite their property, as is the case in the other parts of the country. Very good reasons were alleged, and, among others, the revolting ill usage by a certain individual of the license granted him by the Government. You will please take cognizance of the correspondence which took place in relation thereto between the Department of Fisheries and the Bishop of Rimouski. I suppose that, as the representative of the County of Saguenay, you will be able to give your support to the Moisie population. In case you would not be successful in your efforts with the Hon. Mr. Mitchell, could you not, for instance, put a question in the House.

The above affair is connected with a request the residents of that locality made to the 4650 Quebec Government for the immediate survey of their lands, in order that they may have a title deed. Please see the Hon. the Premier of Quebec or the Land Commissioner, and enquire whether the voyage (*passage*) of Commandant Lavoie, of the *Canadienne*, on the North Coast could not be made available to have the said survey made. Instructions could easily be given to a surveyor residing here, Mr. Alfred Hamel, for instance, who is now available. He could also take passage on the Government schooner at Gaspé.

I shall be very glad to hear from you on those subjects.

Truly yours,

EDMOND LANGEVIN,

A. G.

4660 P. TREMBLAY, Esq., M. P.,

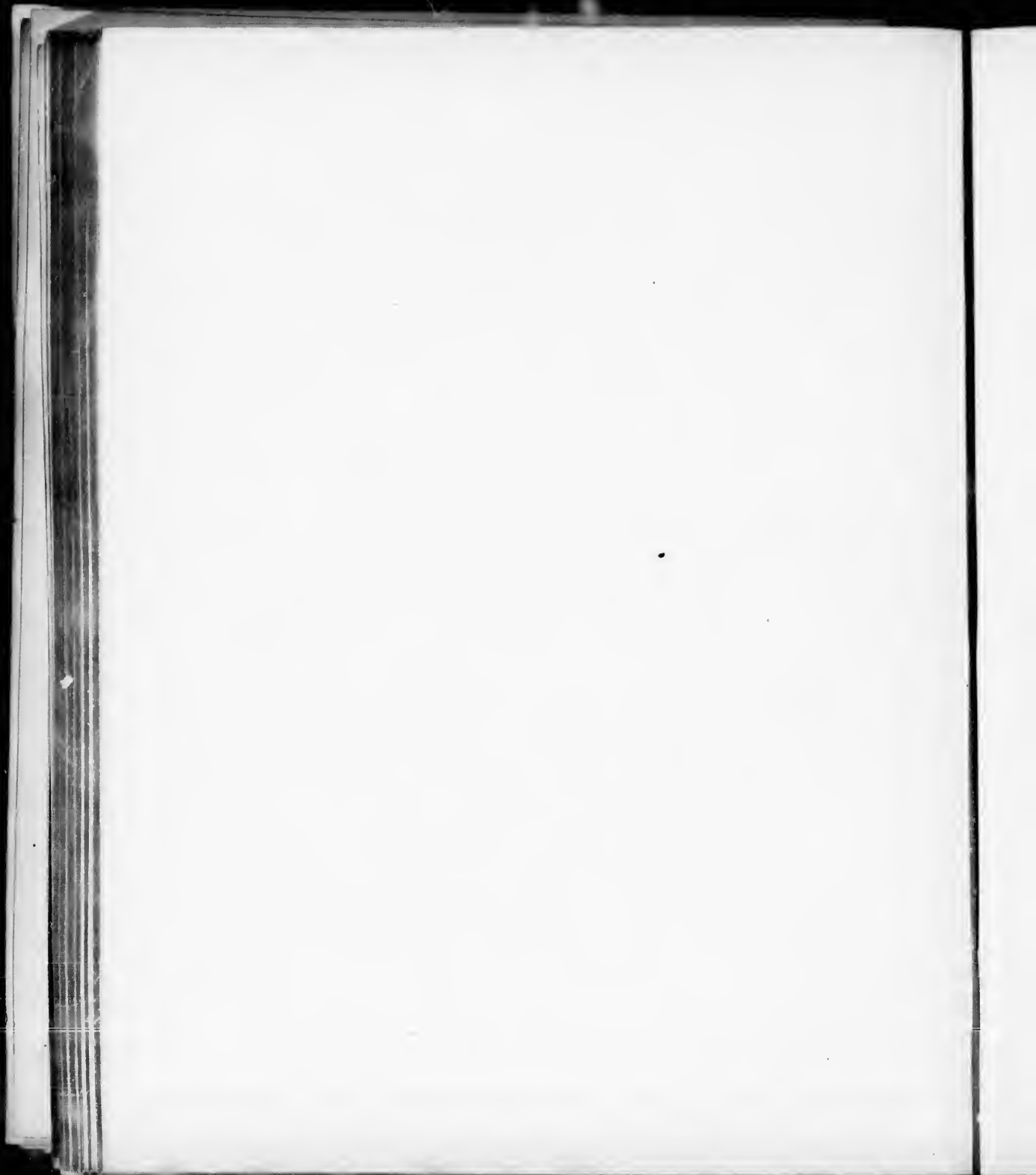
Ottawa.

P.S.— Please return enclosures to me.

E. L.

A true copy.

P. A. TREMBLAY



BISHOP'S PALACE, RIDEAUSKI, P. Q.,

June 10th, 1872.

Sir,—

I beg to acknowledge the receipt of your letter, and thank you for what you have
4670 done.

Mr. Whiteher, whose words you relate to me, very well knows that it was never proposed to deprive any one of *rights secured by a contract*. To try and evade the question in that manner is nothing less than endeavoring to put people off with vain words, and you will see that he will not dare tell me the same thing in the letter you say they are preparing in the Department.

There are two parties to a contract, and I know that the Government are not disposed to allow some individuals to take unfair advantage of the words of their contract with them. I hope that the result of the investigation that has been granted will show this.

You have rendered me a service in letting me know that in Nova Scotia the riparian
4680 proprietors are not treated with the same parsimony as those of the Province of Quebec. I don't know if you will push the matter by means of a question in the House, but rest assured that to leave the exclusive right of fishing (*exploitation de poisson*) in the hands of those who, as it is positively asserted, deal with it in contravention of the terms of the law for the protection of fish, is to cause an irretrievable loss. The residents gave notice thereof in due time, and with the more eagerness that they are interested in the propagation of fish for their own use.

In his answer to M^r. Séguin, Mr. Whiteher is surprised that the petitioners asked for themselves the right of fishing, but he is in error when he finds that they are not consequent with themselves. They wish to *use*, and not to *misuse*, the natural riches within their reach :
4690 that is the difference.

Please watch the question of the survey of the Moisie lands closely. So far, we have only received a letter from the Commissioner, dated the 18th May, stating that the *object of Mr. Séguin's mission would receive the due consideration of the Department*. You see, it is non-committal.

If the present steps are not crowned with success, Protestant strangers will take the place of the French Canadians in that locality. Mr. Molson lately uttered that threat, and that leads our countrymen to wish for a little independence.

I remain,

Sir,

Your very humble servant,

EDMOND LANGEVIN,

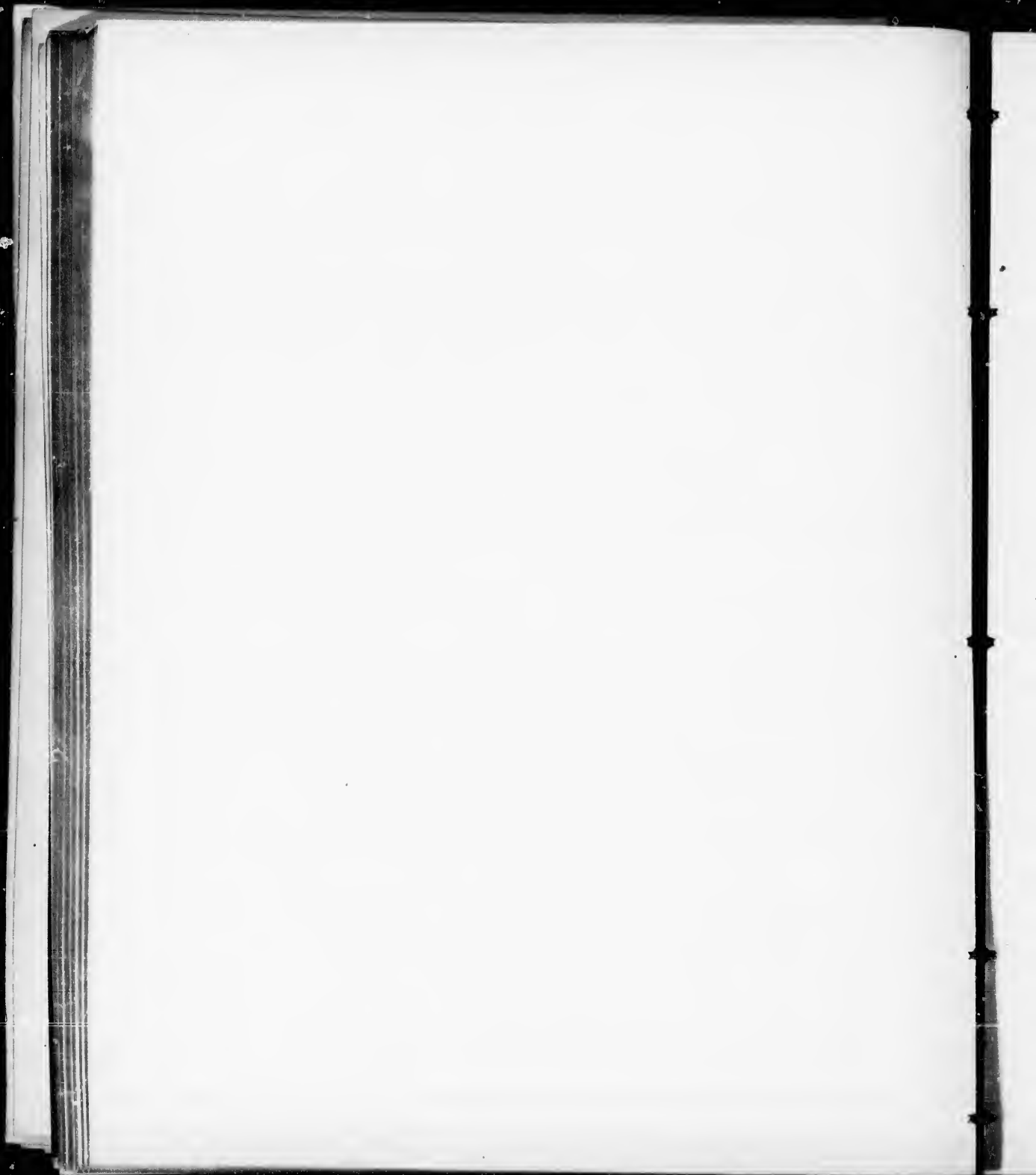
VIC-GEN.

4700

P. A. TREMBLAY, Esq., M. P.,
Ottawa.

A true copy.

P. A. TREMBLAY.



PROVINCE OF QUEBEC, {
District of Saguenay }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

4710 *Election of a Member for the House of Commons for the Electoral district of Charlevoix.*

MALBAIE, August 11th, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners:

No. 14.

vs.

THE HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of the Petitioners.

P. A. Tremblay, Esq., of the parish of Malbaie, being duly sworn upon the Holy
 4720 Evangelists, doth depose and say:

I know the parties in this cause. I was the candidate opposed to the Defendant at the election in question. I met Mr. Langevin in many parishes; and in each of his speeches he invariably spoke of the clergy, stating that the electors were obliged to obey the voice of their pastor and answer to the call of the bishops or of the bishop." For I took a note of that expression at Ste. Agnès, held at Mr. Joseph McNicoll's.

He said in his speeches that he had the unanimous support of the clergy of the county.

At Eboulements, the Hon. Mr. Cauchon having questioned the truth of that allegation, the vicar, Mr. Gosselin, interferred and addressing the audience from the wicket of one of the garret windows of the parsonage, asserted in the presence of Mr. Langevin and Mr. Tarte, that
 4730 he was certain Mr. Langevin had the support of all the curés of the county. He said that he had not personally seen the Rev. Mr. Doncet, curé of Malbaie, and another curé whose name I don't remember very well at this moment, but that he knew beyond a doubt that those two curés were also for Mr. Langevin.

I have taken a note of the following words "resolution passed," and as Mr. Langevin was then speaking of the clergy, as far as I can recollect, he spoke of a resolution passed by the clergy of the county asking him to be a candidate or pledging him their support.

At St. Fidèle, he stated he had the unanimous support of the clergy.



At the meeting at St. Simeon, he opened his coat and showed the insignia of an order with which he had been honored by Our Holy Father the Pope, and remarked that having
4740 received such a mark of honor, the electors should have entire confidence in him.

At the meeting held at Peron, a concession of Baie St. Paul, Mr. Langevin read a letter from his Lordship Bishop Langevin, of Rimouski.

When commenting upon the said letter, Mr. Langevin gave it to be understood or tried to have it understood that I was a dangerous man, or a man belonging to a dangerous party.

I travelled a good deal in the county and had many opportunities of seeing the electors of the whole county.

It was a known fact in all the county that Mr. Langevin had the support of the clergy. In reference to the election the general topic was the cures' utterances; the sermon of Mr. Sirois, curé of Baie St. Paul, was especially mentioned.

4750 It was said everywhere, especially at Baie St. Paul, that the said sermon had produced considerable effect.

I was in a position to ascertain myself by conversing with the electors, and in the families where I went. Women in particular were frightened, and some of them observed to me that it was impossible for their husbands to vote for me after such a sermon, and that they must obey the curé.

According to the best information I had from supporters who busied themselves with my election very much at Baie St. Paul, I reckoned on a majority of from seventy-five to one hundred votes in that parish, where I was one hundred and thirty-three in minority.

Those parties were in a position to know well the sentiment of the electors of Baie St. Paul, and on the 13th of January, eight or ten of them wrote me a letter to inform me that I
4760 could reckon upon the above mentioned majority.

The letter I have just mentioned was perhaps addressed to Mr. Henry Simard and he communicated it to me.

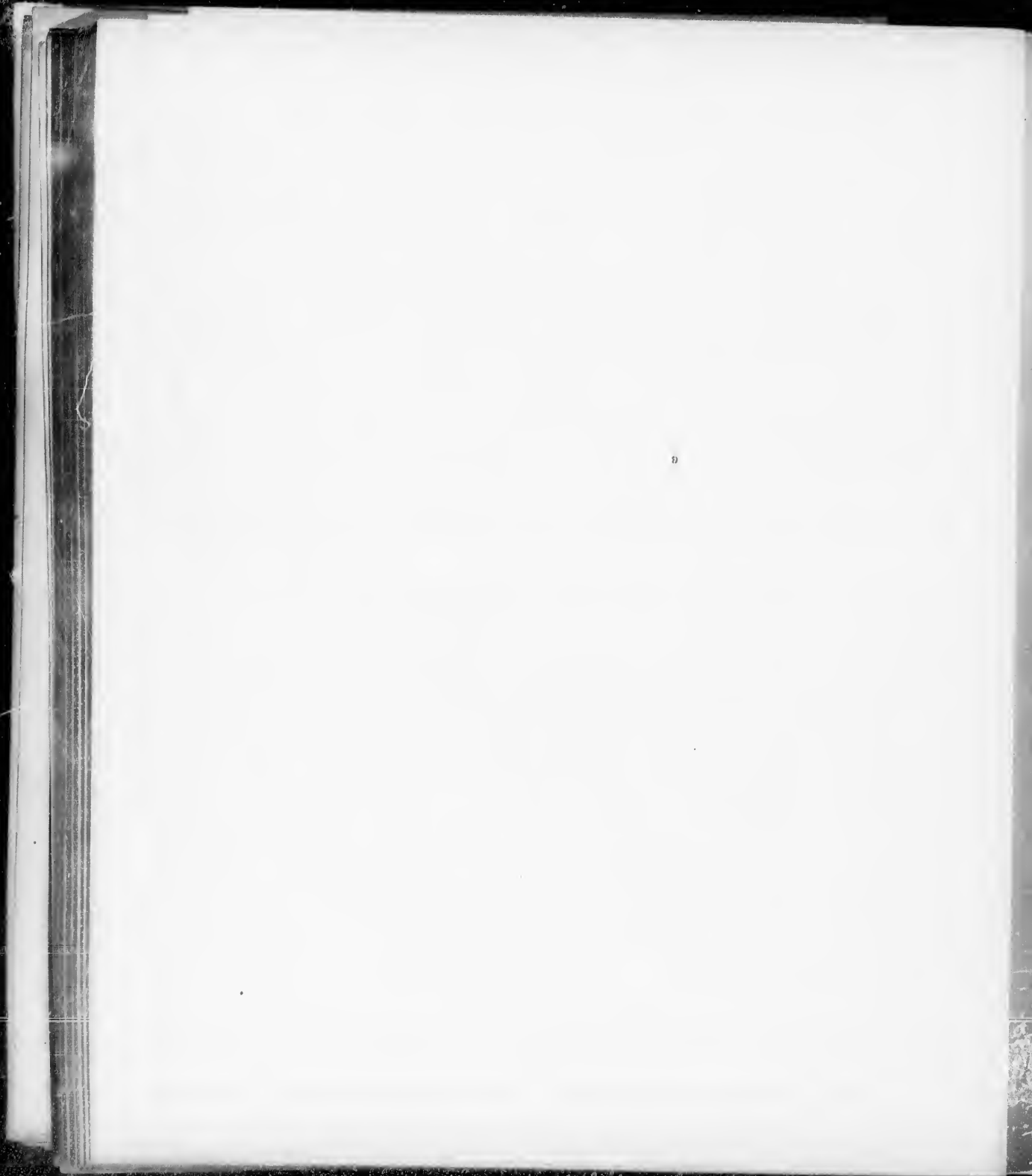
After the 16th of January, when I went again to Baie St. Paul, many of my supporters told me that they could not now vote for me, since they had heard the sermon of the curé of the Sixteenth.

From what I noticed when canvassing the county, no person somewhat busy electioneering could be unaware of the fact that the cures were busily engaged speaking and working for Mr. Langevin.

4770 In the preceding elections, whenever a curé even only alluded to my candidature a little in my favor, the fact was immediately brought to my knowledge.

No man could possibly go to Baie St. Paul and stay there for one day or two, and not hear people speaking of the Curé's sermon.

At Ste. Agnès, Mr. Langevin said that the electors must obey the powerful voice of the clergy; I noted that expression.



CROSS-EXAMINED.

It is I who gave all the necessary instructions for instituting the present enquiry and acted since as though I were the real Petitioner.

To my knowledge, the Petitioners did not trouble themselves about the present case : I
4780 did all the work myself.

The notes I said I took of Mr. Langevin's expressions were in writing. The book they were taken in is in my possession.

As far as I can recollect, Mr. Vieux Gosselin interfered as I stated above at Mr. Tarte's request, but it may be also that some electors requested him to come forward. Mr. Cauchon, as far as I remember, was then asking Mr. Tarte or Mr. Langevin to prove that he, Mr. Langevin, was really supported by all the Curés of the County.

I do not in the least recollect having said, at Baie St. Paul, in a public speech, that there were some priests of the County, among others the Reverend Messrs. Doucet, Fafard and Cinq-Mars, who were in my favor, nor do I recollect having stated it in any of the parishes, either at
4790 the Church-door or at meeting, for no Curé of the County ever told me he was in my favor.

It is not to my knowledge that any person working for the success of my election, stated that some of the Curés of the County were in my favor.

I did my best to convince the electors that they could vote for me without being exposed to damnation, by communicating to them the opinions held of me by many among the most learned and venerable priests of the Province of Quebec.

Question.—Is it not true that you said at your meeting that the Curés of the County were in favor of Mr. Langevin, but that you had for you many venerable priests outside of the County ?

Answer.—I may have said so.

4800 *Question.*—Is it not true that you read at meetings letters from some priests in which the Defendant's political conduct was condemned ?

Objected to by the Petitioners as tending to bring a recriminatory evidence against Mr. Tremblay, who is not into cause.

Objection maintained.

The priests whose opinions in my favor I made known in the County, are the Reverend Messrs. Saxe, Curé of St. Romuald, the Reverend Messrs. Andet, Chaplain to the Convent of Silley, and the Reverend Messire Tremblay, formerly Curé of Ste. Agnès. I also mentioned the name of the Reverend Messire Louis Pâquet, a priest and a professor in the Laval University, whose good wishes seemed to show he desired the success of my candidature.

4810 *Question.*—Please state in what manner you did your best to convince the electors that they could vote for you without exposing themselves to damnation.



Answer.—I succeeded in making a good number of them understand that if the priests I just mentioned approved of my political conduct or at least did not condemn it, there could be no evil in voting for me.

I made the opinions of those priests known, by relating what they said of me.

I read many private letters from certain priests, which I certainly would never have read had I not intended to thwart the disastrous effect of the sermons of the Curés of the County.

I have ascertained that by reading the said letters I succeeded in bringing a good number of electors to understand that I was not a Catholic Liberal holding dangerous doctrines; that I did not profess the opinions of free-thinkers; that I was a Catholic like themselves; that if I were elected they should have nothing to fear for their religious interests; and that the party to which he belonged did not hold the dangerous doctrines which had been mentioned in the sermons of the Curés.

Question—Please say whether those letters were read by you and your friends in the different Parishes of the County, and especially at Baie St. Paul and St. Hilarion.

Objected to as tending to bring recriminatory evidence.

Objection maintained.

I cannot produce the letters; I have not got them.

During the election I read a letter from Mr. the Vicar-General of Rimouski, relative to the fishermen at Moisie on the north coast. The Rev. Vicar-General complained therein of the manner they were treated, and concluded his letter by saying that the Catholics of that place would soon be replaced by Protestants, and that Mr. Molson had threatened it. It was incidentally mentioned in that letter of the survey of the lands the fishermen occupied, but it was, however, in connection with their rights to fishing, as riparian proprietors.

That letter and another on the same subject had been written to me by Mr. Vicar-General Langevin at the time Mr. Hector Louis Langevin was a member of the Dominion Cabinet. I intended to show by those letters that Mr. Hector Langevin had neglected the interests of the fishermen of the north coast, and that the Vicar-General had been obliged to address himself to me to have justice meted out to them; and with regard to the survey of their lands, that although Mr. Hector Langevin was a member of the Dominion Legislature, he was to a certain extent all-powerful with his friends and local ministers, and consequently that he was not deserving of their confidence.

I have those letters in my possession whereof I file copies.

The Defendant charged me with misrepresenting the meaning of those letters, because I had at first omitted the reading of the paragraph relative to the survey of the lands. In order to show that I had not misrepresented the sense, I read the paragraph in question.

I did not say that the Vicar-General and the Bishop Langevin were opposed to their brother—it would have been an absurdity. I used those letters only to show that when Mr. Langevin was a minister he had neglected the interests of the fishermen of the northern coast.



4850 Among those who gave me or Mr. Henry Simard information as to the majority I was to have at Baie St. Paul, I can name Mr. Adolphe Gagnon, an ex-member; Mr. Gariépy, merchant; Mr. Auchair, gentleman (*rentier*); Mr. Phidyne Huot, Mr. Philippe Gagnon.

RE-EXAMINED.

If I had not read the above-mentioned letters I am under the impression that I would have been in a minority of six or eight hundred votes, because the electors seemed to me to be exceedingly frightened by the sermons of the Curés.

The foregoing deposition being read to the deponent, he persists therein, and declares it contains the truth, and has signed.

P. A. TREMBLAY

4860 *Taken and sworn to before me in open Court, this 12th day of August, 1876.*

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874

Election of Members for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, August 11th, 1876.

PRESENT: HON. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners;

VS.

HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of the Petitioners.

Pitre Gilbert, thirty-eight years old, of the parish of St. Urbain, farmer, being duly sworn upon the Holy Evangelists, doth depose and say:—

I know the parties in this cause. I am not related nor akin to, nor servant, nor in the employ of, any of them. I have no interest in the issue of this suit.

I was an elector at the last election, and voted as such. I was in the church of St. 1880 Urbain on the last Sunday before the voting.

Objected to on the same ground as to the evidence of Abel Maltais. Objections reserved to the merits.

Mr. Fafard, the curé of the parish, spoke of the election and of the candidates. He spoke at some length. He first said that he had learned during the week that there were at the Décharge (a portion of St. Urbain) certain parties who, having this year reaped a fair harvest, remained idle and not to discuss politics.

He said that most of them were unable to form an opinion of their own. He added that when they had some wants, when they were sick, they used to take their Curé's advice, but that they would not listen to him on political subjects. But for the Curé and the well-to-do farmers very few would have been able to sow last spring. If you wish to secure the good offices of your Curé and of the well-to-do farmers in the future, vote like them and with them. Do not listen to that "high priest" who calls meetings at the Décharge to talk politics to you, who does not know a B from a bull's foot, and who is a scapegrace (*échappe de prison*.) He



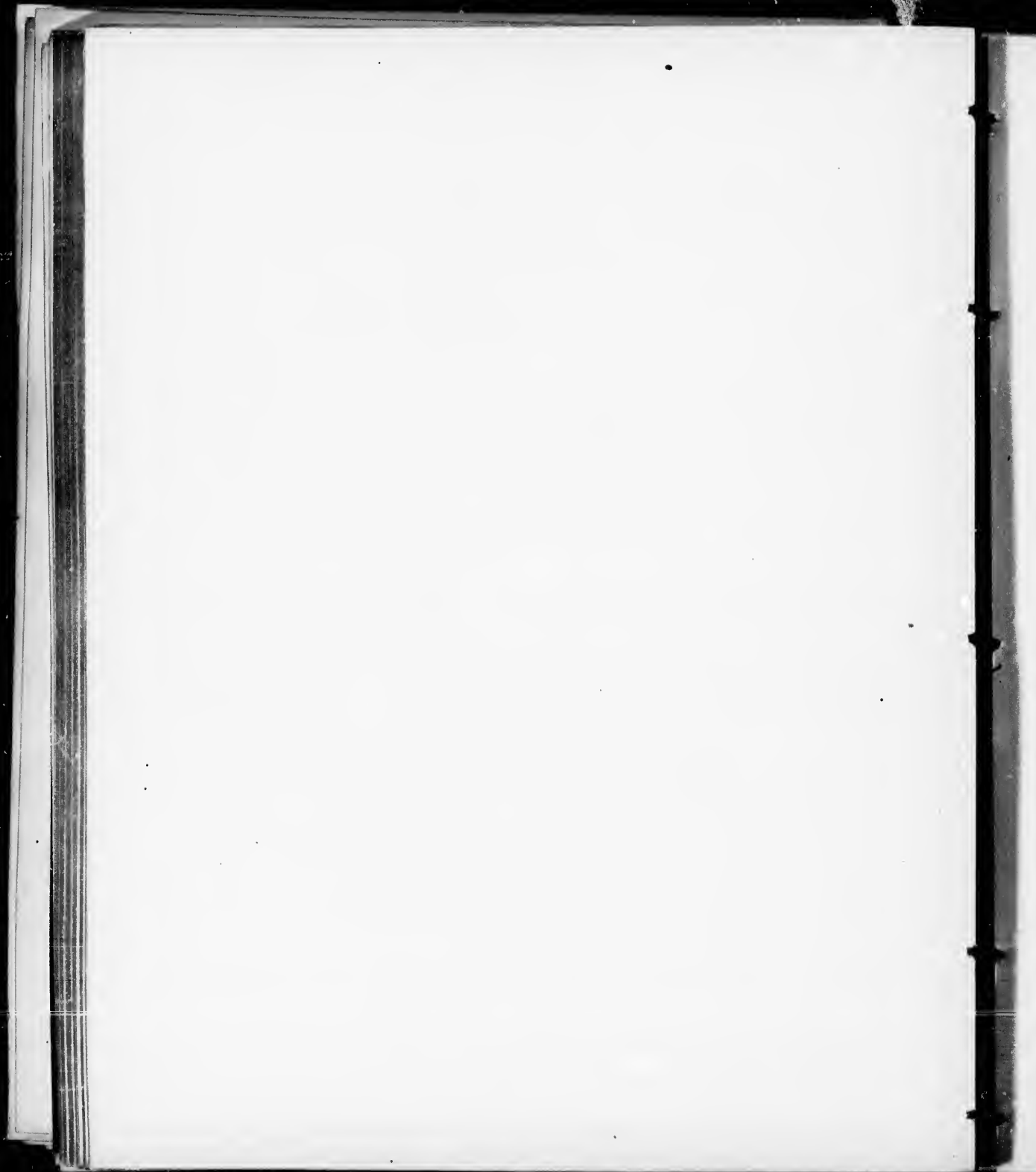
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said those who would vote against the parish (meaning thereby in favor of Mr. Tremblay, as nearly the whole parish was against him) would be considered by him as heartless men (*sans cœur*).

He said that Mr. Tremblay was a stubborn man, representing nothing but his own ideas, and that Mr. Langevin was in a position to render us very great services.

Mr. Fafard was then concerning himself considerably about the business of the St. 4900 Urbain mines.

He did not name the party whom he called "high priest," but he fully gave to understand whom he meant. It was I who called the meetings at the Décharge. Those words could not apply to any one but me. I never was sent to jail during my life.

Mr. Fafard voted at that election. He did not say in the poll whom he voted for, but every one knew very well that he was for Mr. Langevin. He had said it himself from the pulpit (*au proue*), by stating that he had himself made great efforts to change his political opinions; and at the previous election he had been for Mr. Tremblay. At the opening of the poll, and in the presence of a great number of the electors, he recommended to the Returning Officer to fill himself the ballot papers of the electors, adding that most of them were unable to 4910 fill them themselves. I don't know how many electors had their ballot papers thus filled. But as far as I remember, there were about sixty. I represented Mr. Tremblay at the poll.

I know Mr. Oaésime Gauthier, the local member for this county. I had no private conversation with him during the election, but heard him speak at the church door of St. Urbain.

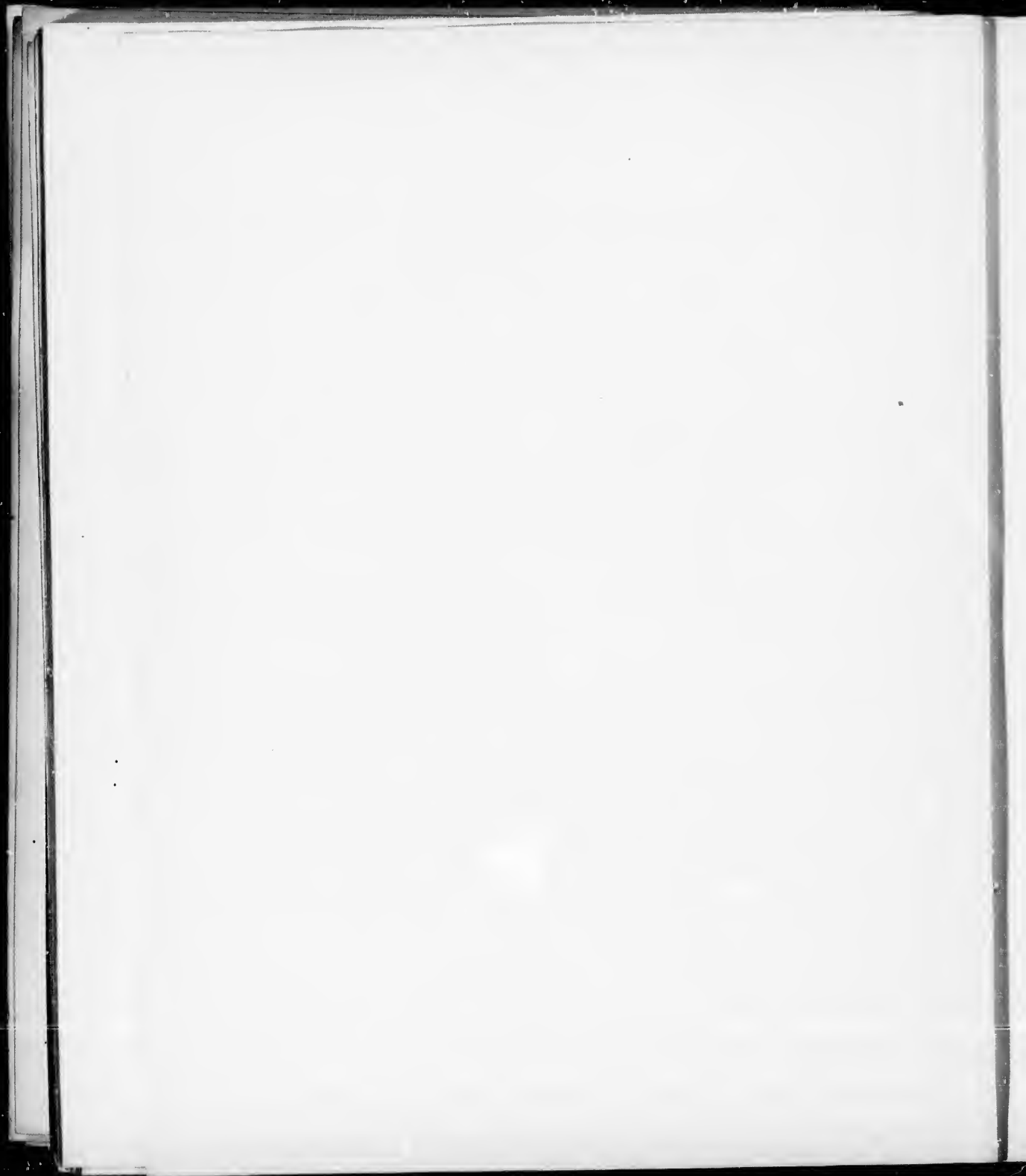
Question.—Did he speak of the clergy in connection with the election?

Objected to by the Defendant, as not tending to prove Mr. Gauthier's agency and his threats to the witness, such evidence not being in accord with the bill of particulars. Objection overruled.

Answer.—Yes; he told us he had met the Archbishop, who had represented Mr. 4920 Langevin to him as a very able man. He added that the clergy were united in favor of Mr. Langevin.

The first Sunday on which he spoke to us was at the end of December or the beginning of January, and it was on the same Sunday that Mr. Langevin spoke at St. Urbain. He told us that the electors had given him a good place in the House, and that he had found a clever man to help him, who was Mr. Langevin. He told us he had good grounds for hoping that the mines would be worked; he was then the owner of the mines. Those mines are of very great importance to the parish of St. Urbain and the neighbouring parishes when they are worked; they furnish the means to the people to earn money. They had been over one year 4930 stopped.

He said he had found a Company to work the mines, and in case he should not succeed with that Company, that the Government would take the working of the mines into its own hands. He did not tell us very clearly that voting for one candidate rather than for the other could have any bearing upon the working of the mines, but he told us that if we could elect Mr. Langevin he would be able to render us very great services. He remarked to us that two



horses hitched in front one of the other, and pulling in the same direction, had strength, but if they were hitched in opposite directions, they could do nothing. He told us: "Once for all, I beseech you not to put the drag on the wheels; do me that favor." He gave us to understand that the said favour consisted in electing Mr. Langevin; that he could do anything with him and nothing with Mr. Tremblay. He did not say what he could do with Mr. Langevin, but I 4940 understood it related to his promises about the mine and the railway. He also spoke of the railway; he told us he had secured from the Government the promise of a survey, in order to carry the Lake St. John Railway through Baie St. Paul. I don't remember whether he spoke of the election or of the vote of the electors in connection with the said railway, but it was after he had spoken of the railway and of the mines that he brought up the question of the election, as above stated. I have no knowledge that the Government has caused the survey promised by Mr. Gauthier to be made. The latter did not mention the matter since; at least, he did not speak of the railway, but he spoke of the mines to me. In one of his speeches during the election, Mr. Gauthier spoke of two bridges, which were since built by the Local Government in May last, with wood supplied by the farmers. The said bridges are in St. 4950 Urbain. He told us he had had from the Government six hundred dollars for the construction of those bridges. I don't recollect whether he mentioned the election at that time. He many times mentioned these bridges during the election. Those bridges were not built on the Government roads, but on the road opened and maintained by the farmers.

CROSS-EXAMINED.

I had some difficulties with the Curé before the election; but when the election began I was on good terms with him. I was not on bad terms with him at the beginning of the election, because he had reproached me with having sold liquor without a license, but it was previous to that.

I was fined for having sold liquor without a license, and I never paid the fine. A 4960 warrant was issued for my apprehension when the case was in appeal. I don't know the date of its issue, but I was arrested three or four days after I had carried the cause into appeal.

Question.—Please state why you fled to the woods when you met or saw Jean Baptiste Tremblay, of Baie St. Paul, bailiff.

Answer.—I fled to the woods in case he should try to arrest me without knowing it, in order that I might appeal without previously paying the fine. The same bailiff apprehended me afterwards and took me to the District Magistrate at Malbaie; it was then three or four days after my appeal had been taken, and I was set at liberty. The appeal has since been dismissed and I have made a settlement with the Collector of Inland Revenue. It was previous to the election.

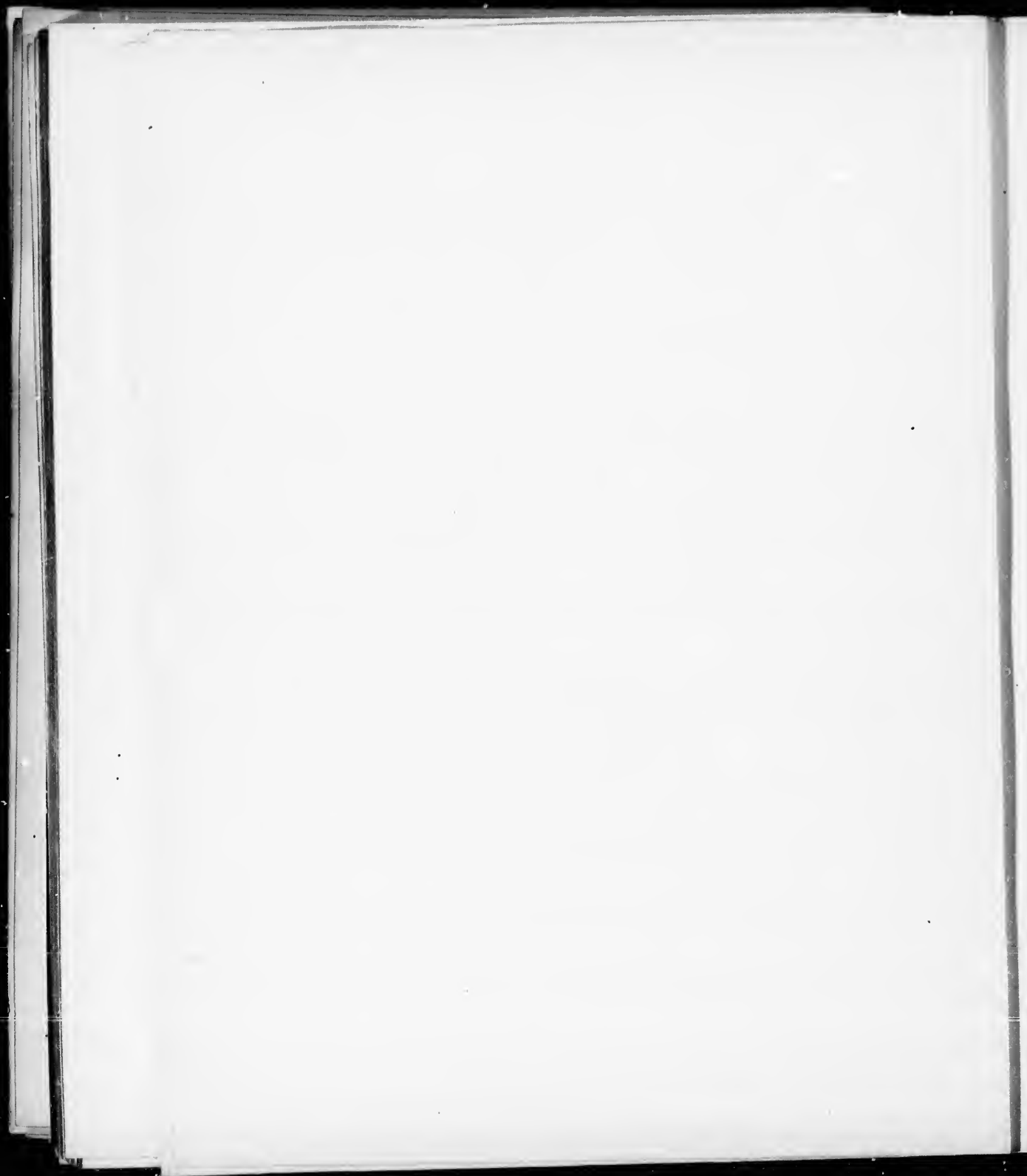
4970 The foregoing deposition being read to the deponent, he persists therein, and declares that it contains the truth, and has signed.

PITRE GILBERT.

Taken and sworn to before me in open court at Malbaie this 11th day of August, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, 11th day of August, 1876.

PRESENT:—HON. A. B. ROUTHIER, J. S. C.

4980 No. 14.

BRASSARD ET AL.,

Petitioners.

VS.

HON. H. L. LANGEVIN,

Defendant.

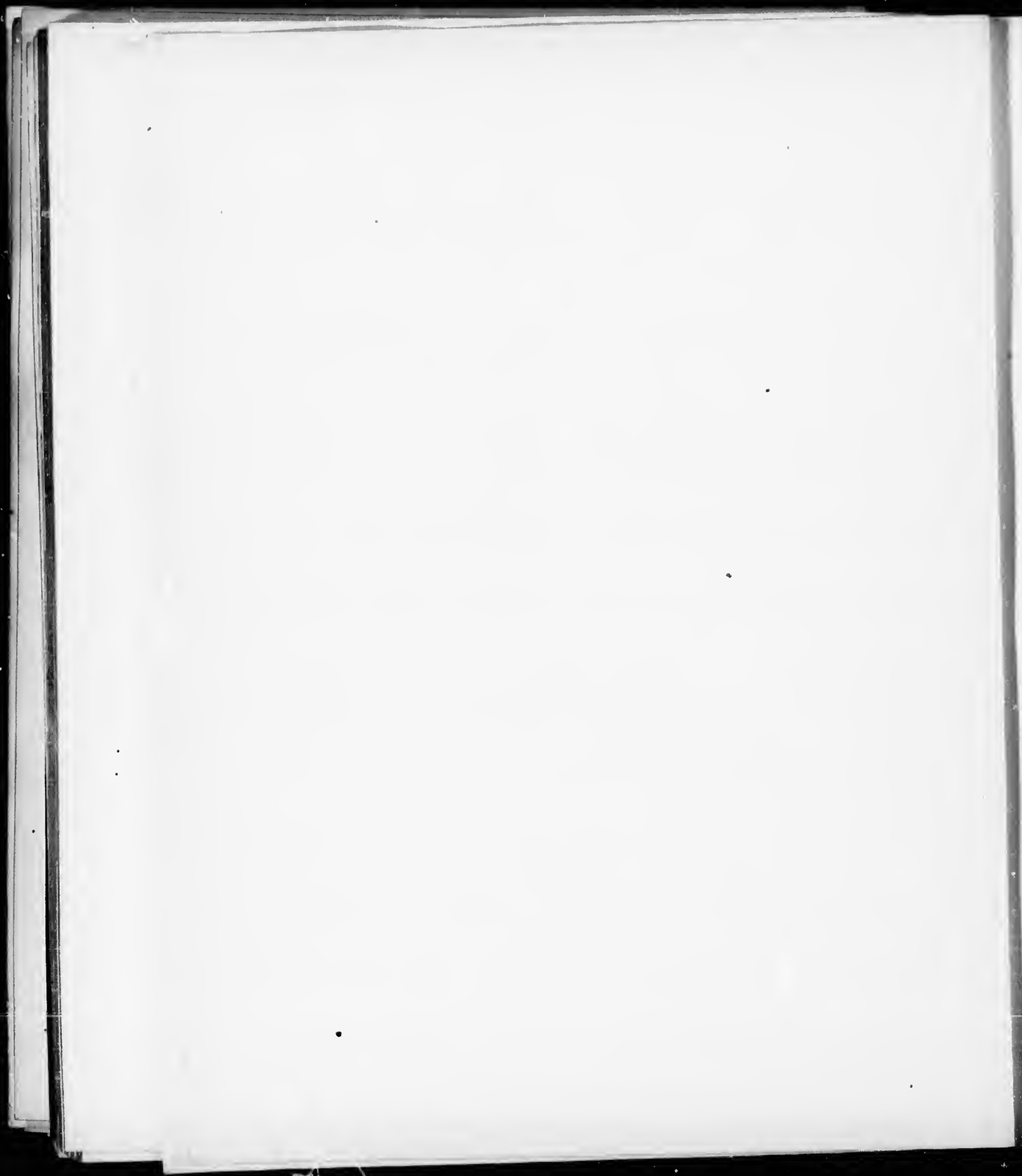
Evidence on the part of the Petitioners.

Dominique Duchêne, aged thirty two years, laborer, of the parish of St. Urbain, being duly sworn doth depose and say:—

I know the parties in this cause. I am not related of kin to or in the employ of any 4990 of them; I am not interested in the event of this suit.

Objected to by Defendant as to the evidence of Abel Maltais. Objection reserved to the merits.

I was not an elector at the election in question. I was at Church on the last Sunday before the voting. The Curé spoke of the people of the *Décharge*. He said that the people of the *Décharge*, met in the houses, put their feet under the table and talked politics. He added: "instead of taking good counsel, they follow the opinion of the high priest of the *Décharge*, a jail bird." (un *échappé de prison*).—He reproached them for following that person's advice instead of taking counsel from their Curé and fellow citizens; that in the spring he had given them the means of sowing grain. He said that when people were sick they were in the habit of coming to him and 5000 not to the high priest. In the parish we well understood that when he spoke of the high priest, he meant Pitre Gilbert, who has just been examined as a witness, and who was working for Mr. Tremblay. In that sermon he did not mention Mr. Langevin's name, but we understood well that he was speaking of him, and all he said was favorable to him. He stated: "that the clergy had met together and that the man whom we should have, had been chosen by the clergy."



(l'homme qui nous fallait)— we understood that it was Mr. Langevin. I heard a speech of Mr. Gauthier the member of the County for the local house. I did not pay much attention to it, as I was not an elector but I can remember that he said that he held more to this election than to his own, and that he had got money to construct bridges in St. Urbain.

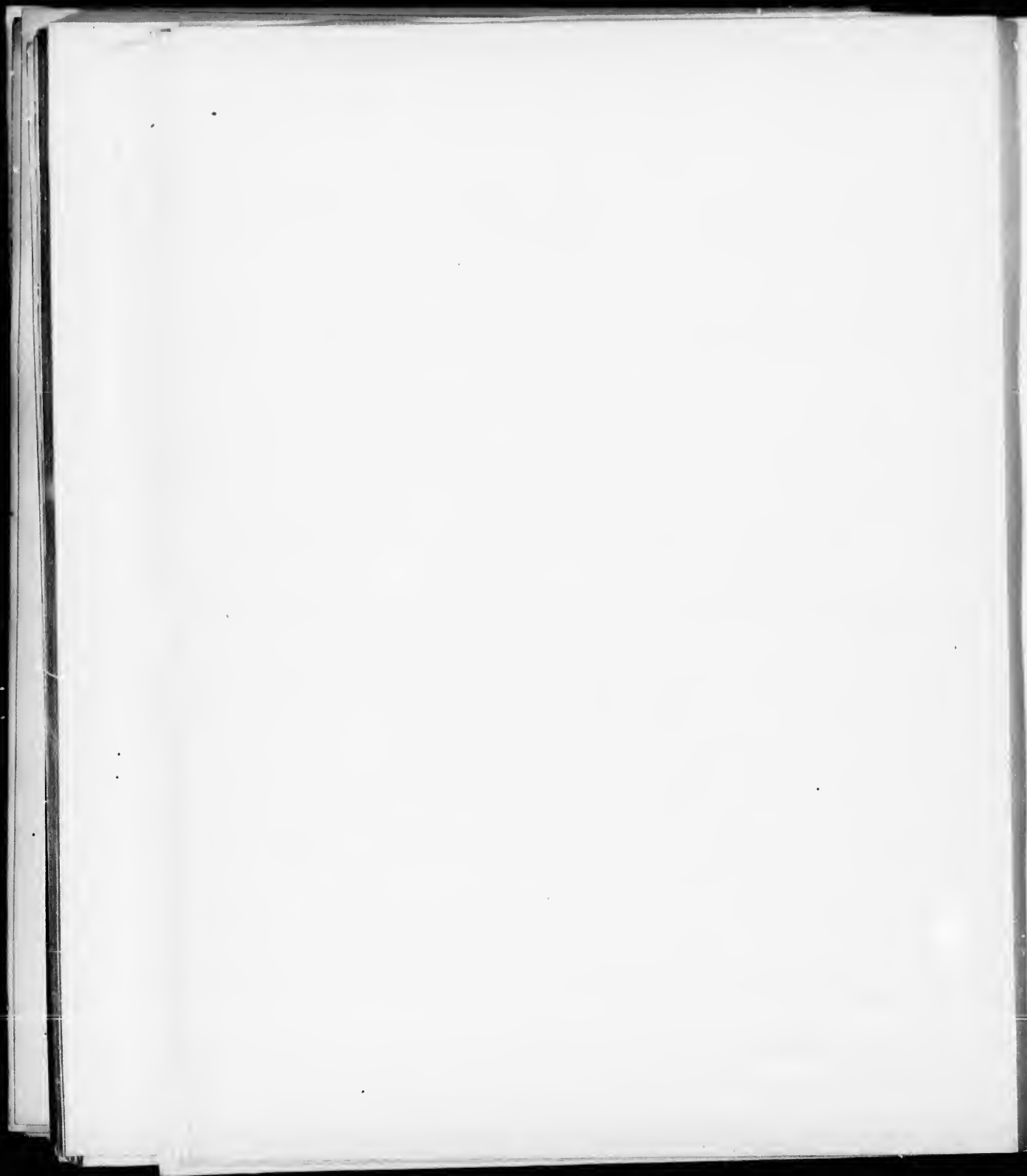
CROSS-EXAMINED.

5010 Pitre Gilbert is a person who is said to be in difficulty with his Curé. The present deposition being read to the witness, he persists in the same, declares it contains the truth and cannot sign.

Taken and sworn before me in open Court at Malbaie, this 11th day of August, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

5020

MALBAIE, this 11th day of August, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD ET AL.,

Petitioners;

vs.

THE HON. H. L. LANCEVIN,

Defendant.

Petitioners' Evidence.

Georges Tremblay, aged twenty-six years, Baker of the parish of St. Irénée, being duly sworn on the Holy Evangelists, doth depose and say: I know the parties in this case, I am not related to, or of kin to, or in the employ of any of them. I am not interested in the event

5030 of this suit.

Objected to by the Defendant as to the evidence of Abel Maltais. Objection reserved to the merits.

I was at the Church of St. Irénée the last Sunday before the voting, and heard the sermon delivered after mass. He said that we were obliged in conscience to follow our curé and to listen to the advice of our curé.

The Defendant declares that he has no cross-questions to put.

The present deposition being read to the witness, he persists in the same, declares it contains the truth and hath signed.

GEORGES TREMBLAY.

5040

Taken and sworn before me in open Court at Malbaie, this 11th day of August, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay.

THE DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, August 11th, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

No. 14.
5050

BRASSARD ET AL.,

Petitioners:

VS.

THE HON. H. L. LANGEVIN,

Defendant.

Evidence on the part of Petitioners.

Malvina Dionne, wife of Scraphin Lajoie, of the parish of Malbaie, being duly sworn upon the Holy Evangelists, doth depose and say:

I am acquainted with the parties in this cause. I am neither related, nor of kin to, nor servant, nor in the employ of any of them. I am not interested in the event of this suit.

5060 During the last election, I went with my husband to the residence of Mr. Perrault, of Malbaie, lawyer. Having come to the Village, we met Mr. Perrault opposite Mr. Collard's place; he asked us to go to his office; we went. He asked my husband to sign the requisition to Mr. Joseph Kane, a notary, and he added that if my husband would sign it we should never hear anything about the law costs which we had incurred. The costs he spoke of were those of an attachment in revoulation he had taken against us on behalf of my husband's mother. My husband answered that if the matter were stopped, if he (Mr. P.) would keep his promise, he would sign Mr. Kane's requisition. My husband then signed the requisition. Mr. Kane was spoken of as a candidate at that time and the above mentioned requisition asked him to become a candidate.

5070 My husband and I saw Mr. Perrault another time, when we had gone to his office on business. It was still during the election, being about the eighth or tenth of January. Mr. Perrault asked my husband if he would still side with them, that is to say with Mr. Perrault's party, and he added that the candidate had been changed and that the Defendant was then their candidate. He said to us: "I promise that the suit will drop and you shall never hear



of it any more if you side with us." My husband answered that he liked as well that the suit would take place now as later. Mr. Perrault rejoined: "Lajoie, if you keep your promise, I will keep mine."

I afterwards went alone to Mr. Perrault's, towards the end of April. He said to me: "You are the cause why the suit is pushed on to-day, because you prevented your husband from working with us." I answered him that, since the suit must be proceeded with to the end, I
5080 hoped the court would mete out justice to us.

We did not fear the issue of the suit, because we had a deed of donation, the conditions of which we had adhered to. My husband often came to the village on account of that suit, but he never attached importance to it.

CROSS-EXAMINED.

I was there when my husband signed Mr. Kane's requisition. Seraphin Villeeneuve of Malbaie, farmer, was not present when my husband signed Mr. Kane's requisition.

The second time we went to Mr. Perrault's, my husband said to him: "if you keep your promise, I shall keep mine." The second time we went to Mr. Perrault's, it was not about the election, but on business. I cannot remember on what business it was.

5100 *Question.*—Please state how it is that you recollect the date of the 8th or 10th of January, and are unable to recollect about what business you went to Mr. Perrault's?

Answer.—It is because my husband did not say on what business he went there.

Question.—Please state how you recollect that it was from the 8th to the 10th of January.

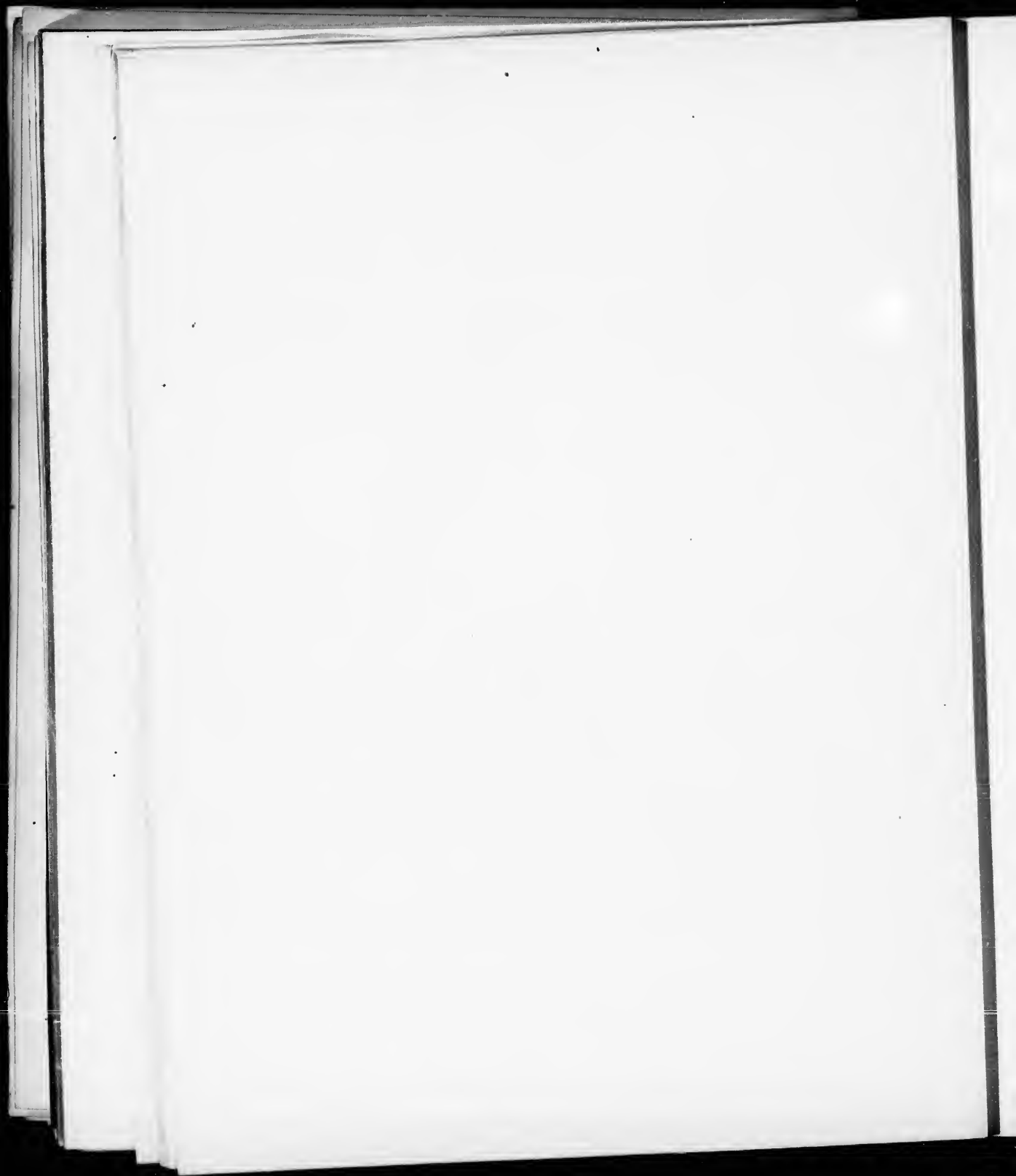
Answer.—I recollect it was the 8th or 10th because a month begins by one and is terminated by its last day.

I did not look into the newspapers to know what day of the week the 8th or the 10th was. The second time we went to Mr. Perrault's, it was in the forenoon. I cannot say what o'clock it was, as I had no watch and there was no clock in the room.

I swear that I don't know on what date of the month it was when I went to Mr.
5100 Perrault's for the third time, in the month of April. At that time the above mentioned suit was not terminated; it ended only in the month of May. That third time, I was alone with Mr. Perrault. I had gone there in order to enquire if he had written a letter I had asked him to send to St. Irénée.

When my husband signed the requisition to Mr. Kane, I was in the same room as he, and saw him signing; it was in the law office of Mr. Perrault, who was then present; it was he who wrote my husband's name; my husband does not know how to write his name.

The above took place in the first room, I did not go into the office which is in rear. My husband signed the said requisition about the 18th or 19th of December. I remember that date, because Mr. Perrault made me take notice of it. My husband never told me for whom he
5110 would vote, but I supposed he was for the Defendant, as he had promised Mr. Perrault to side with him.



Question.—Is it not true that you knew during the election for which candidate your husband was ?

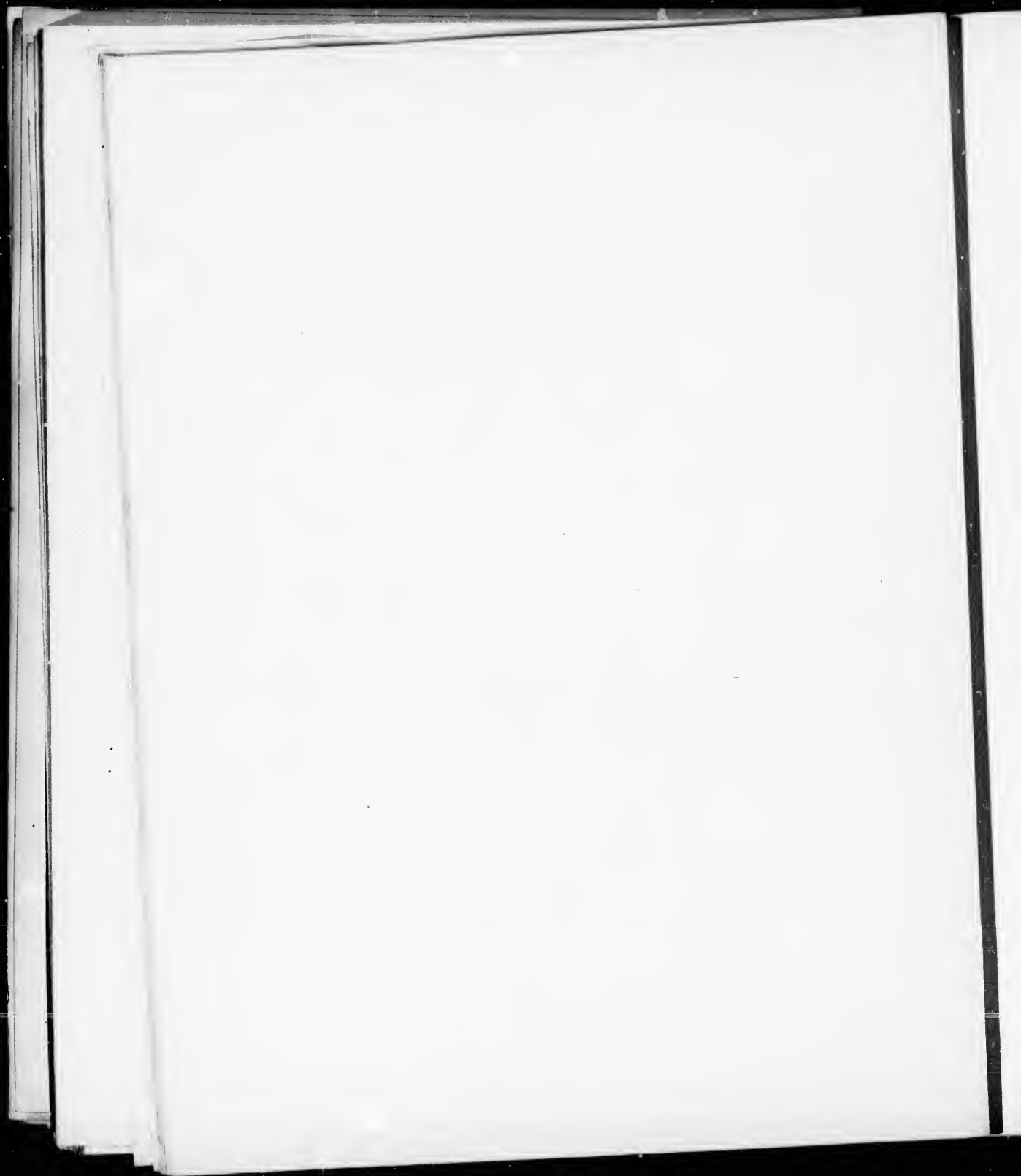
Answer.—I did not know for whom he would vote, as he had never told it to me ; I only knew what he had told Mr. Porrault.

The foregoing deposition being read to the witness, she persists therein and declares that it contains the truth and that she does not know how to write her name.

Taken and sworn before me in open Court, at Malbaie, this 11th July, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, }
District of Saguenay }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALPAIE, 19th day of August, 1876

PRESENT :—THE HON. A. ROUTHIER, J. S. C.

No. 14.

BRASSARD ET AL.,

Petitioners ;

5130

AND

HON. H. L. LANGEVIN,

Defendant.

Petitioners' Evidence.

The Hon. H. L. Langevin, of the City of Quebec, being duly sworn upon the Holy Evangelists, doth depose and say :—

I am the Defendant in this cause.

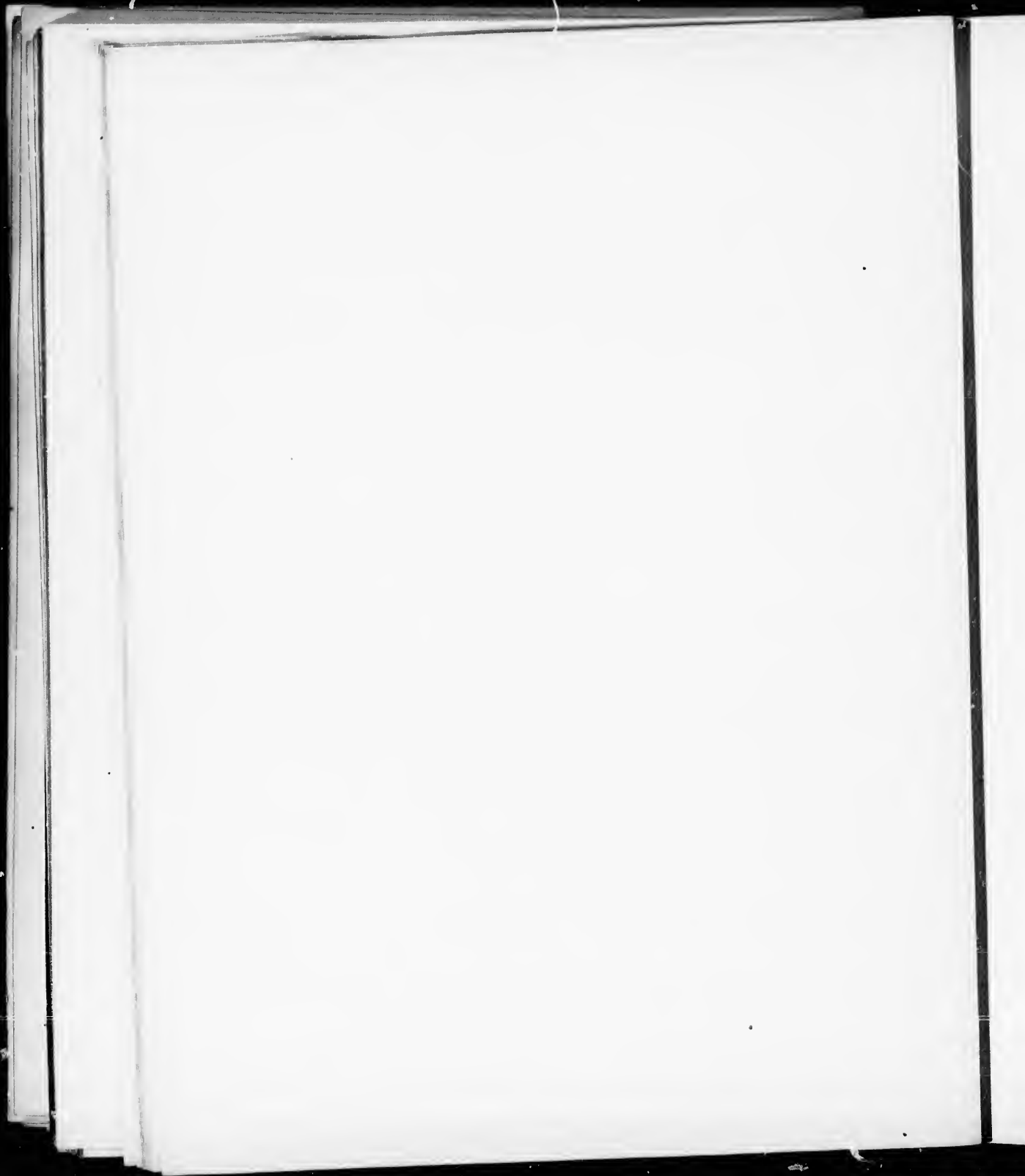
5140 Having taken communication of an article published in the *Courrier du Canada* of Quebec, dated the 12th of May, and signed "Un Curé de Charlevoix," I declare I believe that I read the said article at the time of its publication. I do not know the author thereof. I have not been told who it was.

I take communication of the two following paragraphs of the said article :—

"In the first place let us openly declare that the clergy of Charlevoix are not ashamed of having accepted the candidature of the Honorable Mr. Langevin, and to have favored it as best they could, while keeping themselves within the limits prescribed by the Provincial Councils, the pastoral letters, and the civil laws ; and I don't see that in doing this they did anything worth laughing (*un coup pendable*)."

5150 "The Charlevoix clergy therefore courageously entered the struggle, and they endeavored to lead the fight with all possible prudence, whilst remaining within the bounds of the civil and ecclesiastical laws."

I am well satisfied that it is true the Charlevoix clergy are not ashamed of having supported my candidature. I do not know if they favored it as much as they could ; but I verily believe that whilst supporting my candidature they remained within the limits prescribed by the Provincial Councils, by the pastoral letters, and by the civil laws ; and I share the



opinion of the value of these two paragraphs when he said that he knew not that in doing this they did anything worth hanging (*un coup pendable*)."

I do not know that the Chambouix clergy courageously entered the struggle. I had no opportunity of knowing whether they displayed courage or not. I cannot say either if the clergy tried to fight (*combattre*); but I have no reason to believe that they have not acted with moderation, or that they have gone beyond the limits prescribed by the civil or ecclesiastical laws.

CROSS EXAMINED.

When I addressed the electors of the county at the church doors, and in other public meetings, I caused the electors to understand that the county priests were in my favor and supported me; but I never said that the clergy had asked me as a candidate, presented me a requisition, or had signed one for me.

I did not speak of resolutions passed or adopted by the clergy at St. Simeon; but I might have said that, according to information I had, the clergy of the county had decided to support me. I never said that there existed a resolution adopted by the clergy of the county inviting me to be a candidate. I am not certain whether it is at St. Fidèle or St. Simeon that I referred to the insignia of honor conferred upon me by the Pope; but I remember that Mr. Tremblay, my opponent, having in the meetings which he addressed done his best to convince the electors of my being a man unworthy of their confidence for reasons which he gave them, and which, had they been true, would have affected my honor, I repelled his charges and his utterly false allegations. I then showed the electors the badge which I above referred to, and asked them if they thought that the Sovereign Pontiff would have granted it or would leave it to a man such as Mr. Tremblay represented me to be. I did not use that badge to set myself off before the electors, and I would not have mentioned it had it not been for the violent attacks of my opponent.

I might very well have said that the voice of the clergy is to be minded, but I do not believe having used the words, "answer the appeal of the Bishops." I reckon I must have said, while speaking of the Catholic Liberalism, or other subjects treated in the Bishop's mandement, that the voice of the pastors is to be minded. I have not requested nor solicited the support of the clergy of the County. This answer is not, however, in my mind, a negation of what I already said on this subject. I did not speak of the clergy's support to Major Dufour, nor to Maxime Dufour, of Baie St. Paul, for the good reason that I never spoke to either of them. I never spoke to Major Dufour, and I declare that the conversation which he pretended having had with me is a fabrication.

RE-EXAMINED.

The badge which I wore during the election I wore constantly in Quebec for at least a year before. I swear that in the course of the campaign Mr. Tremblay accused me of being in favor of divorce, but I cannot mention any particular meeting at which he thus accused me. I cannot say whether it is at St. Fidèle or St. Simeon that I exhibited my badge. At several meetings at which I was present I spoke of the clergy being in my favor. At several meetings also I spoke of the Catholic Liberalism, and particularly in connection with the speech of Hon.



Mr. Huntington, who wanted to destroy the influence of the clergy. The connection which, according to me, existed between Mr. Huntington's speech at the Catholic Liberalism was this: I contended that a Minister of the Crown, who professed the principles advocated by Mr. Huntington could not and should not have Catholics as colleagues, and that a Government 5200 having this Minister as one of its members could not be supported by Catholics, except if these accept the nomination of Liberal Catholics, condemned by the Bishops' mandement. I wanted to cause people to understand that if Mr. Tremblay supported the Government to which Mr. Huntington belonged, he was to be considered as holding the opinions expressed by this Minister, and therefore be considered as a Liberal Catholic.

When I spoke at the public meetings I did not always hypothetically speak of Mr. Tremblay in connection with Catholic Liberalism. I must have more than once said that Mr. Tremblay was a Liberal Catholic, for the reasons above given.

I always did my best to believe, and I always believed the teachings of the Church. I have been a colleague to ministers who voted for Bills of Divorce, in the same manner as 5210 Catholic members of the then opposition sat and acted on other matters together with the colleagues who voted for Divorce; but on both sides of the House Divorce measures were called open measures, that is, measures on which each member votes according to his religious sentiment, for in a population composed of men of different creeds, and of which the Catholics did not form the half, it would be impossible to maintain a Government if such a measure was made a Government measure.

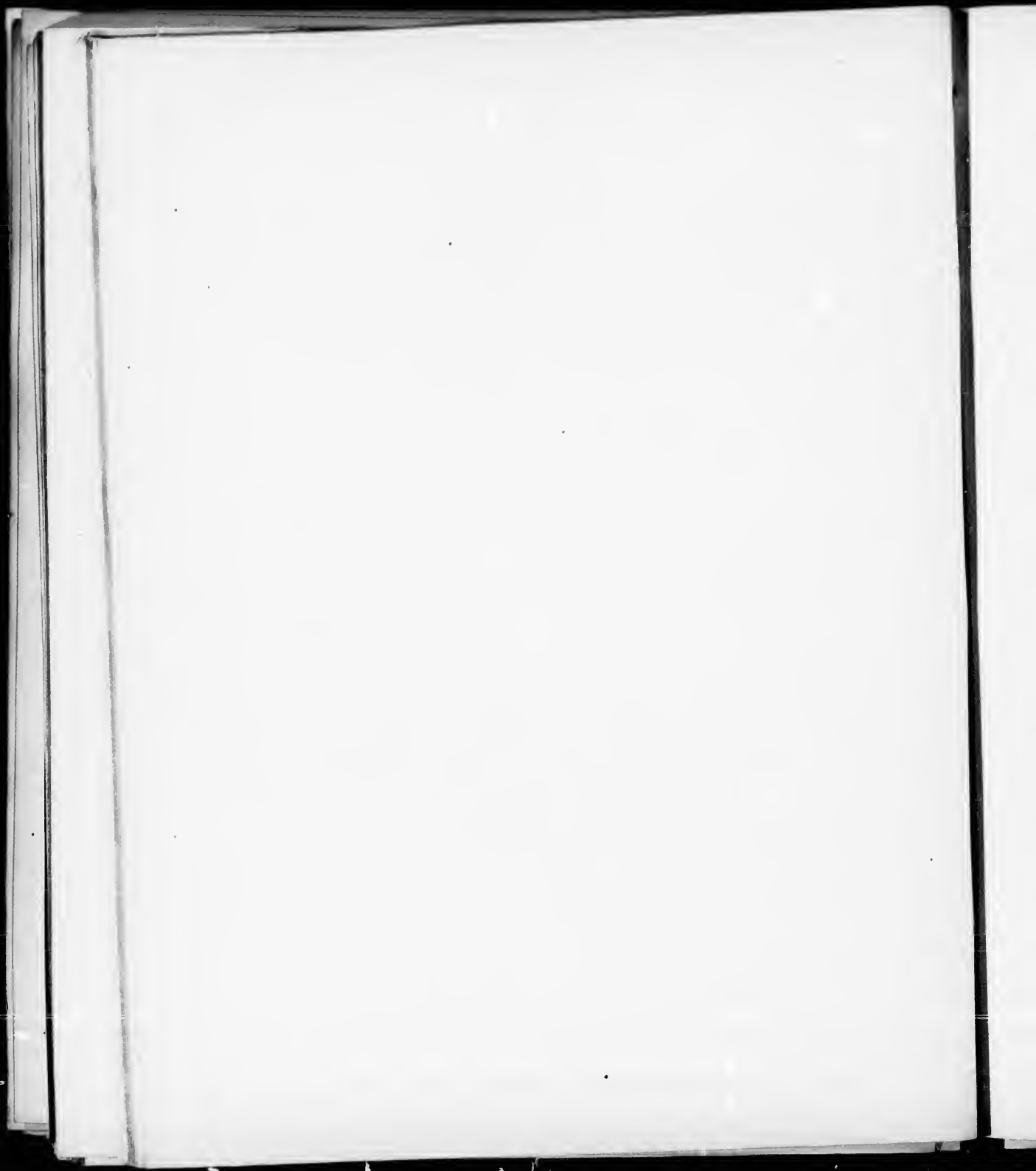
Question.—How do you explain that Mr. Tremblay has to be made responsible for a personal opinion which Mr. Huntington expressed outside of the House as a private citizen, while you should not be made responsible for the vote given in the House by your colleagues in the Government in favor of the Divorce Bill?

Answer.—I do not grant that Mr. Huntington has on that occasion spoken as a private 5220 citizen, and not as a Minister. He was a Minister, and it was in order to secure the election of one of his political friends that he delivered that speech. On another hand, in that speech Mr. Huntington was attacking the liberty of the Catholic Church, and wanted to make the Church subservient to the State. Mr. Huntington still remaining a Minister, I was of opinion that a Catholic should not and could not support that Government, and that Mr. Tremblay, who supported that Administration, was therefore to be classed among the Liberal Catholics, who are condemned by the Bishops' pastoral letter (*mandement*).

As to the question of divorce, the Protestants on the occasion voted on both sides of the House for divorce, while all the Catholics voted against. The protest of the Catholics was 5230 a public one, and it was obvious that, should the Government of the day have been opposed by the Catholics on that ground, it would have been impossible to form another Government whose Protestant heads would have acted otherwise.

Question.—Is it not true that while you were a Minister the Government of which you were a member introduced a Bill for the re-organization of a Divorce Court in New Brunswick.

Answer.—No measure such as mentioned in the question was introduced, but before the Confederation there existed under the law in New Brunswick a Divorce Court. The Judge of that Court being interested in the event of a suit brought before the Court, he was unable to



sit in that suit. He therefore wrote to the Minister of Justice in Ottawa, the Hon. Sir John A. Macdonald, asking that there be a Judge *ad hoc* appointed to hear the cause. Sir John A. Macdonald then prepared a Bill to that effect, introduced it to the House, and turning towards me said "as usual (*comme c'est d'usage*) seconded by Mr. Langevin." This measure being then discussed, and the Catholic members of the House being divided on the subject, I asked Sir John A. Macdonald to postpone to some other day the consideration of that measure, which was done. Then I informed Sir John A. Macdonald that all the Bishops of Canada were then in Rome at the Ecumenical Council, that I was to write to one of them and obtain an authoritative decision. I therefore wrote, but the Bishops of Canada found the question to be of such a moment that they referred it to one of the Holy Congregations competent to judge of questions of that character. The Congregation gave their decision, which was sent to me. It ruled, among other things, that as Catholics we were not at liberty to vote for a measure of that kind. This is why, during the three years which followed, while I continued to be a Minister, the measure was not taken up, for had it been introduced again I would have withdrawn from the Government. I did not ask Sir John A. Macdonald to withdraw from the Government on that ground, because he did not insist on his measure. I knew that Hon. Mr. Huntington having delivered the speech in which he expressed the wrong doctrine which I have above mentioned, had therein expressed his sentiment, and I had no reason to believe that he had changed his mind during the fortnight which had elapsed since he had made that speech. I do not remember having caused any persons outside the county to write to priests of the county concerning last election. I was not present at any sermon in which the Catholic Liberalism was mentioned during the election, but I heard that in many places the subject had been spoken on. I might have written to My Lord the Archbishop, in the complaint I made to him against certain priests, that letters written by the said priests and read by Mr. Tremblay during the election had caused me to lose or were such as to cause me to lose a great number of votes.

I positively swear that during the election Mr. Tremblay has accused me of being in favor of divorce.

I did not know Alfred Dufour during the election. I did not know him before, and I knew of the existence of a Major Dufour in the county but on the thirteenth of June of this year, when I saw his name in the Bill of Particulars. I never had a conversation with Major Dufour while knowing I was speaking to Major Dufour.

5270

RE-CROSS-EXAMINED.

Mr. Tremblay spoke much of the clergy in my presence, and stated there were Curés who were not for me, hinting thereby that they supported him. Towards the end of the election he ceased making such affirmations. He read the letters from the outside priests all through the election. The complaint that I made to My Lord the Archbishop was against the Reverend Messieurs Octave Audet, the chaplain of the Convent of Sillery, in the vicinity of Quebec, and Pierre Saxe, Curé of St. Romuald, also in the vicinity of Quebec. I complained to My Lord that these two Priests, in letters addressed to Mr. Tremblay, the candidate at the election, had attacked my character and injured my reputation, and I asked My Lord the Archbishop to cause justice to be rendered to me. My Lord took my complaint in consideration. Mr. Octave Audet made an apology, but Mr. Saxe declared that the letters attributed to him and read by

5280



Mr. Tremblay during the election were not such as he had written them, that they were curtailed and that he did not acknowledge them to be those he had written.

5290 One of these letters from Mr. Saxe was dated on the twenty fifth of December eighteen hundred and seventy five; it was the one in which it was spoken of "the exaggerations of the basiles." The letter from Mr. Audet was dated "sous les bois," January the second, eighteen hundred and seventy six. Another letter from Rev. M^r. Louis Paquet was dated on the third of January eighteen hundred and seventy six. I do not find the date of Mr. Saxe's other letter. They were certainly read during the week previous to the nomination and probably before. After reading Rev. Mr. Audet's letter, for instance, Mr. Tremblay was sure to place first and rightly the respectability and holiness of these priests, and he added something like this: "You see that Rev. Mr. Audet tells me that if God wants the wicked to triumph it is not our province to make him account for it," and Mr. Tremblay continued so as to cause people to understand that Rev. Mr. Audet in speaking of the wicked meant myself.

In reading one of Mr. Saxe's letters, Mr. Tremblay was intimating that Mr. Saxe said that if the Bishops of the Province of Quebec were Tories, there were some in the Maritime Provinces or elsewhere who held different opinions. Two copies of the letters from Mr. Saxe and others of which I have spoken, were not produced by Mr. Tremblay but by myself to justify my complaint. It is one of those copies which Mr. Saxe does not acknowledge.

5300 When I spoke of the Bill introduced by John A. Macdonald, I said that, turning towards me he had said "comme c'est d'usage, seconded by Mr. Langevin" I meant to translate the English phrase, "As a matter of Course", that is, the seconder of a Bill or a motion is not obliged to vote for that Bill or that motion.

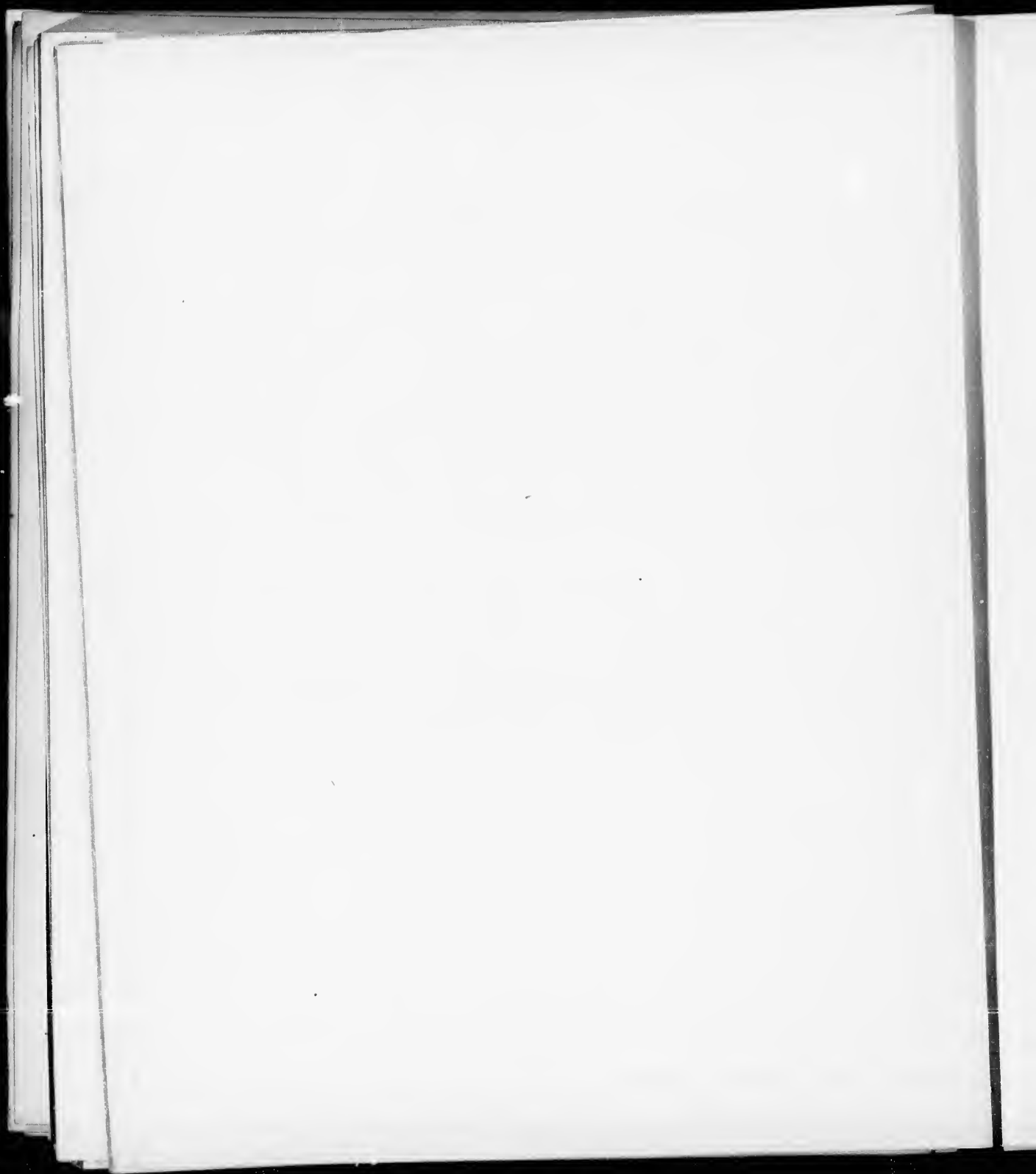
The foregoing deposition being read by the deponent, said deponent persists therein, and declares that it contains the truth and has signed the same.

HECTOR L. LANGEVIN.

taken and sworn to before me, in open Court, at Malbaie, this 21st August, 1876.

A. B. ROUTHIER,

J. S. C.



5310 PROVINCE OF QUEBEC,
District of Saguenay.

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons for the Electoral District of Charlevoix.

MALBAIE, the Twelfth day of August, 1876.

PRESENT:—THE HON. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD ET AL.,

Petitioners,

vs.

THE HON. H. L. LANGEVIN,

Defendant.

Petitioners' Evidence.

5320

Charles Duberger, prothonotary, of the parish of Malbaie, being duly sworn upon the Holy Evangelists, doth depose and say:—

I know the parties in this cause. I am not related to, or of kin to, or in the employ of any of them, and I am not interested in the event of this suit. I produce the accounts of expenses which were given to me by Mr. Tarte, agent for the Defendant. These accounts are eight in number and bear each their number to wit, number one, number two, &c.

Exhibit A of Petitioners is a true extract of these accounts, except the part which concerns the personal expenses of the Hon. Mr. Langevin, which is added in exhibit A.

5330 These are all the accounts which were given to me in my capacity of returning officer by Mr. Tarte, agent for the Defendant. I took no note of the date on which these accounts were given to me by the election agent of the Defendant.

I cannot say positively when they were given to me, it was in the month of March, as much as I can remember.

It was before the publication in the *Canadian* of the extract mentioned in Exhibit A. The Defendant declares that he has no cross questions to put to the witness.

The present deposition being read to the witness, he persists in the same, declares it contains the truth and hath signed.

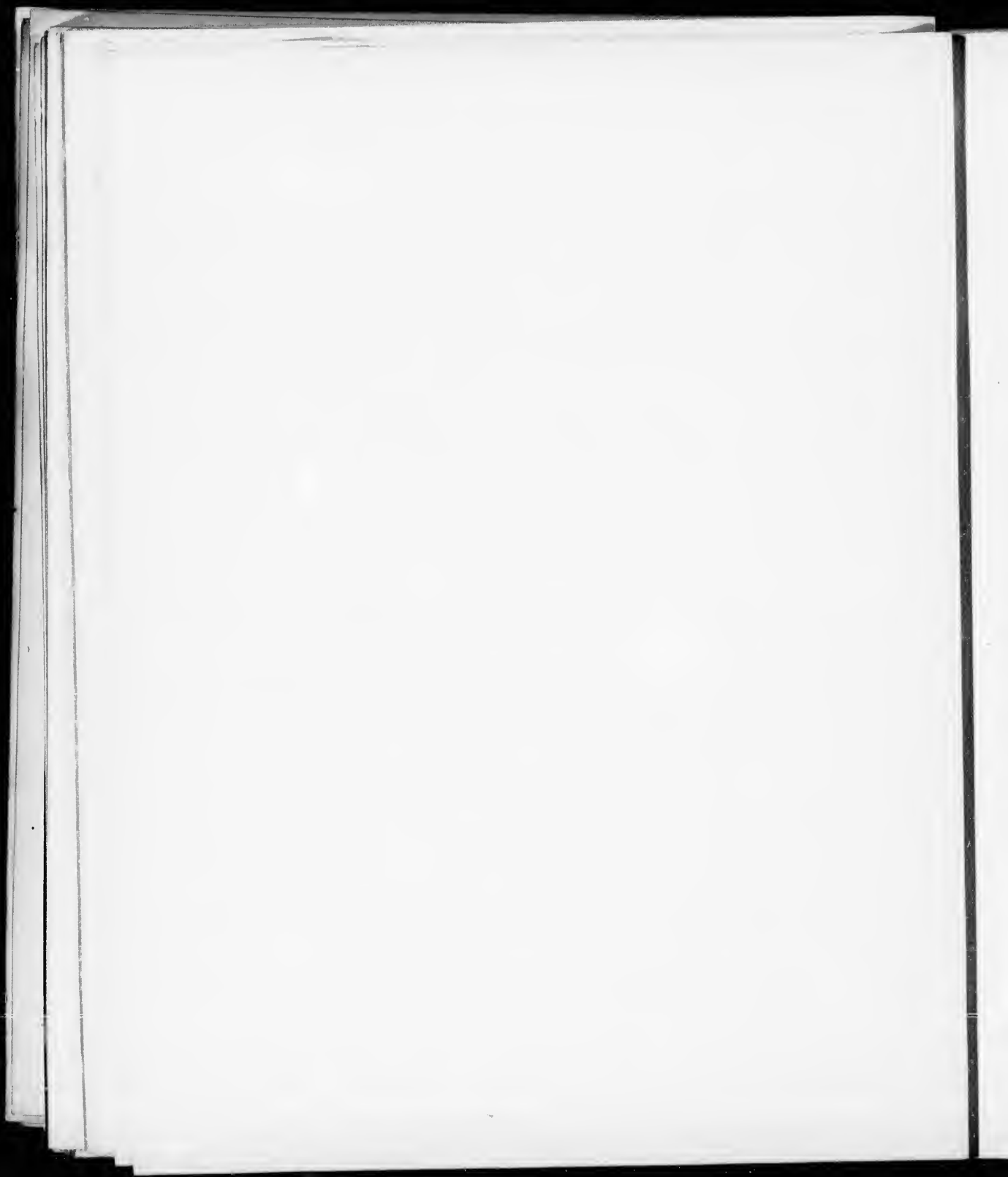
CHARLES DUBERGER.

Taken and sworn before me in open Court, at Malbaie, this twelfth day of August, 1876.

A. B. ROUTHIER,

J. C. S.

5340



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay

THE DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons, for the Electoral District of Charlevoix.

MALBAIE, the 11th day of August, 1876.

PRESENT:—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD ET AL.,

Petitioners:

vs.

HON. H. L. LANGEVIN,

Defendant.

5350 No. 14.

Evidence on the part of the Petitioners.

François X. Gilbert, forty years old, of the parish of Ste. Agnès, farmer, being duly sworn upon the Holy Evangelists, doth depose and say :

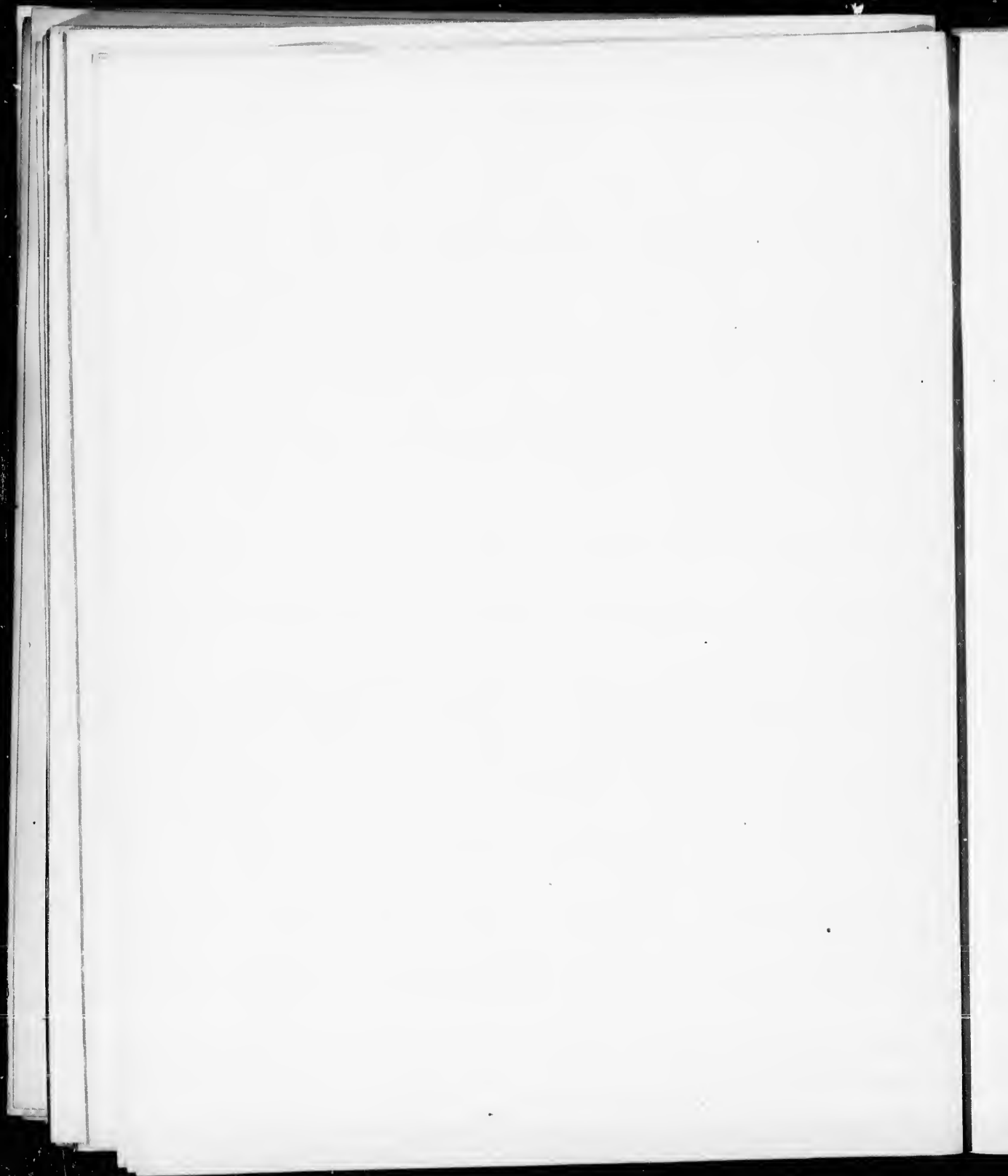
I am acquainted with the parties in this cause. I am neither related or allied to, nor servant or in the employ of any of them. I am not interested in the issue of this suit.

I was an elector and voted at the election in question, I was in Church at St. Hilarion the last Sunday before the voting. I heard the sermon preached by the Curé of that parish on 5360 that day.

He said that great woes could befall those who would vote for the Liberal party ; he said that they would be guilty of a mortal sin and would enter the path to hell.

Objected to by the Defendant as in the case of Abel Maltais. Objection reserved to the merits.

I heard a speech made at St. Urbain, by Mr. Gauthier, the local member during the said election. As far as I can remember, he told the people of St. Urbain to work and elect Mr Langevin, which would strengthen him for the welfare of the parish. In reference to that, he spoke of public improvements of roads and bridges, for which he might obtain money. Two bridges have been built in the parish of St. Urbain since the election. He mentioned the mines 5370 stating that he had discovered a Company which was going to work them, and adding that



should the said Company fail to do it, the Government would work them. He spoke of the road to Lake St. John ; I don't remember exactly what he said, but I know he spoke of a visit by the Government, and said that the road would pass through St. Urbain and Baie St. Paul. He did not clearly commit himself, but his words fully led us to understand that the electors would have a better chance of securing those advantages were they to vote for one candidate rather than for the other, that is if they voted for the candidate of his choice.

CROSS-EXAMINED.

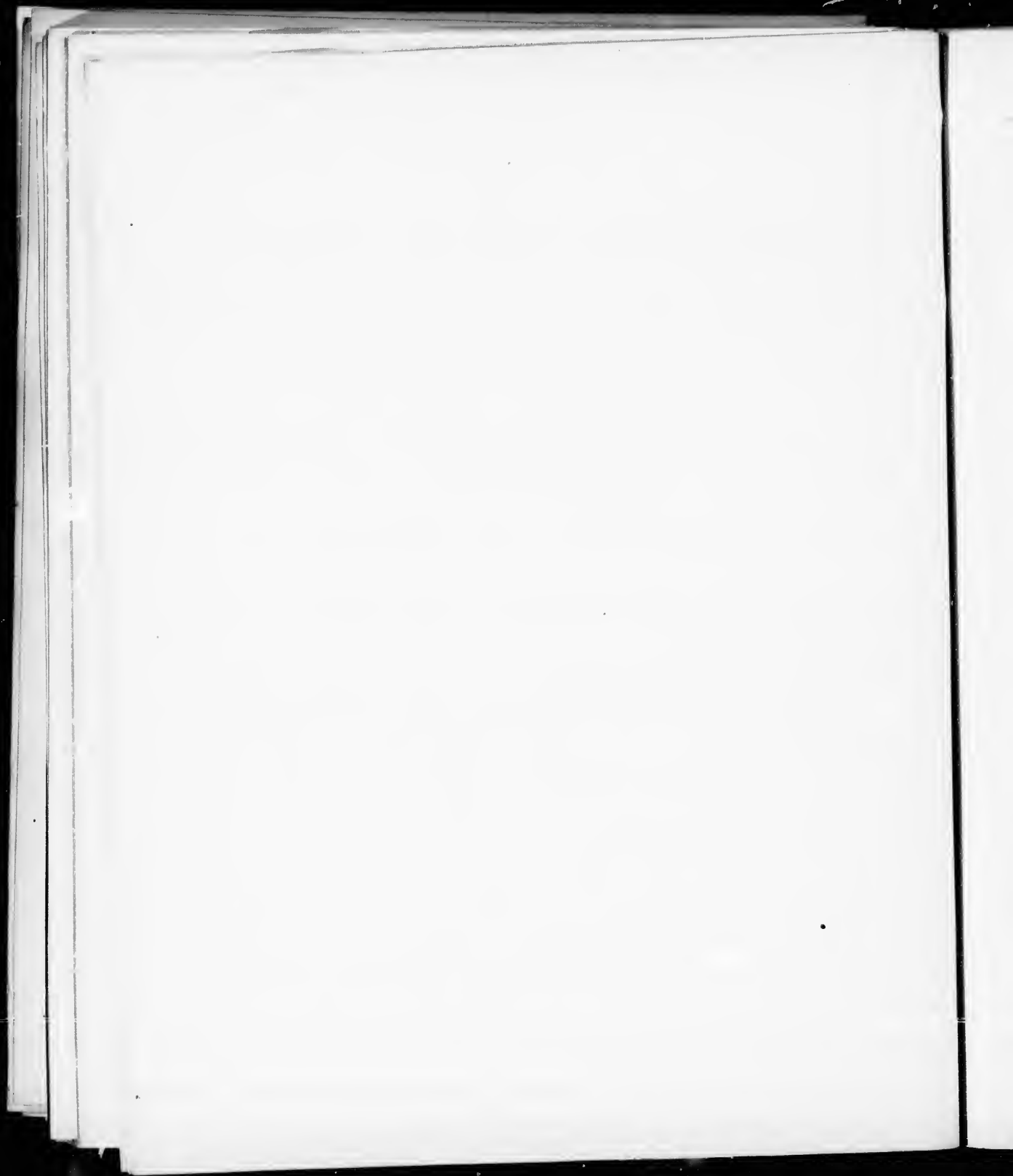
My memory is not very sharp. The Curé spoke of great calamities. I cannot say what terms he used. I am positive he used the words "mortal sin." He said that those who knew better and voted for the Liberal party would commit a mortal sin. I cannot say whether the
5380 Curé read the Bishops' Pastoral on that Sunday. I recollect only the most salient words of the said sermon. I did not pay much attention to it.

The foregoing deposition being read to the witness, he persists therein and declares that it contains the truth, and cannot write his name.

Taken and sworn before me in open court, at Malbaie, this 11th day of August, 1876.

A. B. ROUTHIER,

J. S. C.



PROVINCE OF QUEBEC, } SUPERIOR COURT.
District of Saguenay.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

5390 *Election of a member for the House of Commons for the Electoral District of Charlevoix.*

MALBAIE, the eleventh day of August, 1876

PRESENT: HON. A. B. ROUTHIER

No. 14.

BRASSARD ET AL.,

Petitioners,

vs.

HON. H. L. LANGEVIN,

Defendant;

Evidence on the part of Petitioners.

5400 Hypolite Villeneuve, aged thirty-six, farmer, of the parish of Ste. Agnès, being duly sworn on the Holy Evangelists, doth depose and say: I know the parties in this case. I am not related to, or of kin to, or in the employ of, any of them. I am not interested in the event of this suit.

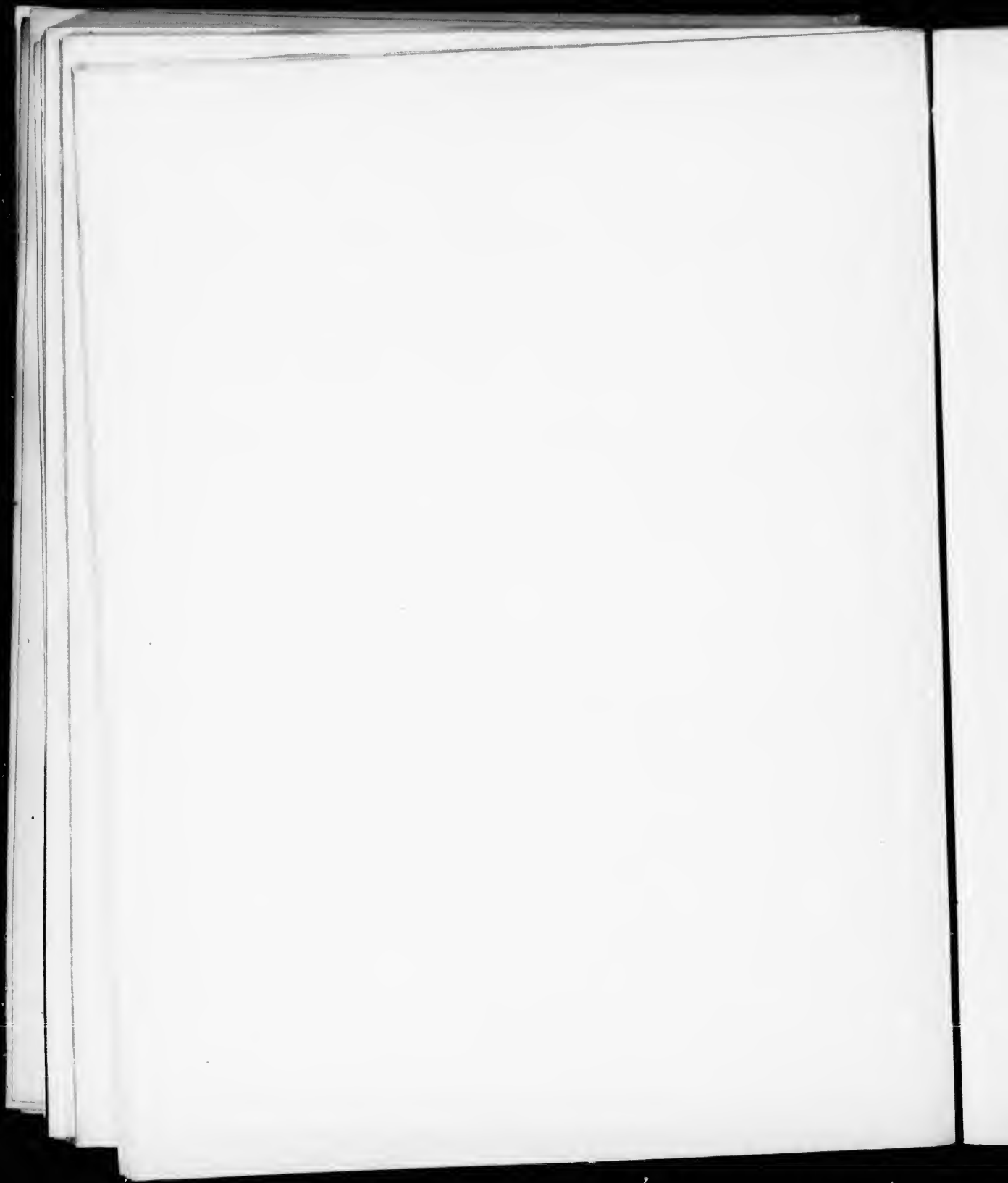
Objected to by the Defendant as to the evidence of Abel Maltais. Objection reserved to the merits.

I was an elector and voted at the election in question. I was present in the church of St. Hilarion when the Curé delivered a sermon on the election. I cannot say if it was the Sunday previous to the voting, or another Sunday during the election. During that sermon, the Curé said that those who voted on the *Rouge* side committed mortal sin.

5410 I do not remember all he said, but I remember that he compared Mr. Tremblay to Victor Emmanuel and Garibaldi. They do not enjoy a good reputation in Ste. Agnès and St. Hilarion. The words which I have related seemed to me to have impressed those who were at church. It was spoken after mass and there was a fight about it.

CROSS-EXAMINED.

I was one of Mr. Tremblay's partisans at the last election. I have not much memory. There are only salient things like these that I can remember. I do not remember that on



that Sunday the Curé read the pastoral letter of the bishops. I remember well that the priest said the word "mortally" (*mortellement*) in speaking of sin.

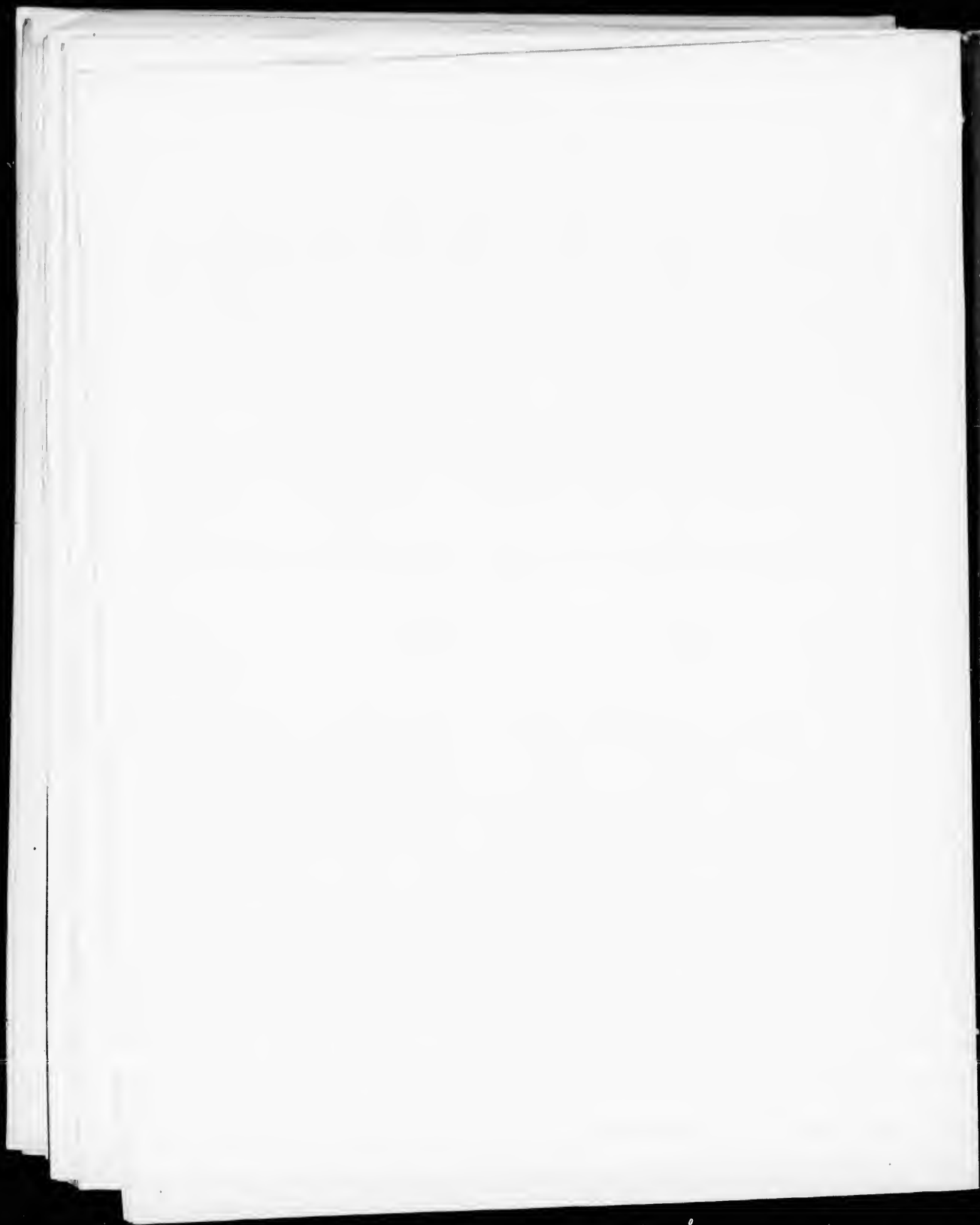
5420 The Curé compared Mr. Tremblay to Victor Emmanuel and Garibaldi, by saying that he wished to do what they had done in their country (*à leur place*): that they wanted to destroy religion.

The present deposition being read to the witness, he persists in the same, declares it contains the truth, and cannot sign.

Taken and sworn to before me in open Court at Malbaie, this 11th August, 1876.

A. B. ROUTHIER,

J. S. C.





EVIDENCE ON BEHALF OF THE DEFENDANT.

Province of Quebec,
District of Saguenay.

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Electoral Act, 1874, s. 11, in Connection with the Electoral District of Charlevoix, Malheur,
On the day of August, 1876.*

Present: The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et. al.*, Petitioners,

VS.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Francis Xavier Girard, of the Parish of St. Urbain, being duly sworn upon the Holy Evangelists, deposes and saith: I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic, of any of them; I have no interest whatever in the result of this suit; I am a Justice of the Peace; I know Pitre Gilbert, of St. Urbain, a witness heard in this cause; I was at the Church of St. Urbain the Sunday before the polling; the evidence of Pitre Gilbert having been read to me, I say that the priest said a few words about the election; before this sermon he had spoken of the election, but not in the manner reported by Pitre Gilbert; he inculcated peace and unity; when the cure spoke of the people of *La Duchesne*, and of Pitre Gilbert, I understood that the cure wished to reprove any disorder, because those people had meetings presided over by that individual, who has not a good reputation in the parish; the cure did not say that, but I understood that he ridiculed that sort of meeting, because they were presided over by an incapable man; the cure did not say, and I did not understand him to say, "If you wish to have favours from your cure, and from the good inhabitants, vote like them and with them; that Pitre Gilbert ought not to be listened to;" I understood that he said that that meeting was presided over by a person escaped from prison.

I did not hear, and I do not believe, that the cure said that those who voted against the parish he would consider as vagabonds; he named neither Mr. Tremblay nor Mr. Langevin from the pulpit, and I cannot remember what he said of Mr. Tremblay; I was poll-clerk at St. Urbain; before the opening of the poll some persons asked Mr. Farabul if they could have their marks made for them on their ballot tickets; he replied that illiterate persons could be assisted by the deputy returning-officer.



There are many illiterate persons who asked to have their marks made for them, and the returning-officers insisted upon their making them themselves; the curé did not speak of sacrifice with regard to the election, nor of his own political opinion; I was present when Mr. Onesime Gauthier and Mr. Langevin spoke at St. Urbain.

Mr. Gauthier said he had been to the Bishop's Palace, that he had spoken of the election with M^{on}seigneur Casault, but he did not speak of the Archbishop; in this speech Mr. Gauthier spoke of the mines, to confute some people in the parish who spread the report that if the mines were not worked it was his fault; he did not speak of the mines in reference to the election of the defendant, and he did not make it understood that voting for the defendant might cause the mines to be worked or give advantages to the parish.

I did not hear Mr. Gauthier speak of a company or of the Government in relation to the mines; it may be that he did speak of them; I was not attending at the moment; he did not say that it would render him a service if Mr. Langevin were elected, and that the election of Mr. Langevin might assist him with regard to the mines; he then said that he had obtained assistance from the local Government to construct two bridges, but that he would not speak of them at that time, that he would speak of them after the election; these bridges have been constructed since, and are used by the public, particularly by a part of the parish; the work on one of these bridges was conducted 40 by Joseph Gilbert, one of Mr. Tremblay's partizans; Mr. Gauthier commenced by giving an account of his conduct during the last session, and it was in relation to that that he spoke to us of railroads and of the assistance that he had obtained from the Government; last autumn a petition had been sent in to obtain the assistance of the Government, and was signed by those interested; Pitre Gilbert has a very bad reputation in the parish: he is always quarrelling with some one, and even with his curé; from the general character which Pitre Gilbert possesses I would not believe him under oath.

I know Dominique Duchesne, a witness heard in this cause.

The curé never spoke of people who were sick, and who were in the habit of going to see him, instead of going to see the High Priest. He did not say that the clergy had united themselves 50 together, that they had chosen the man that we wanted, and that it was Mr. Langevin.

Mr. Onesime Gauthier did not say in his speech that he thought more of the election of the defendant than of his own; he did not speak of the advantages which might result by voting for the defendant, either for the advancement of the mines or that the Government would come and assist in causing the mines to be worked; what the curé had said in the pulpit in no way influenced the elections.

So likewise for the sermons of the neighboring curés with regard to St. Urbain.

Before the arrival of the defendant in the county, since the vote upon the amnesty, the parish of St. Urbain had decided to vote against Mr. Tremblay; the parish had signed a petition in favor of the amnesty of Riel and Lépine, and Mr. Tremblay made no account of it; we understood that 60 he would be a Ministerial, even though he presented himself as an Independant, and it is for that reason that the parish changed.

CROSS-EXAMINED.

I do not remember what was the subject of the sermon that the curé delivered, after having spoken of the election, and I cannot explain why I remember that he spoke of the election, and cannot remember the subject of the sermon preached the same day; one can remember election



affairs better than religious affairs, particularly when one has talked of them for a long time; I swear that no person, other than my father, has spoken to me of what I knew about what the curé had said with regard to the election.

The curé had said that the inhabitants of the *Décharge* had had a good harvest the year before, and that since that, they believe themselves more than they were, or something to that effect.

I cannot swear that the curé did not say that without him and the good inhabitants the people of the *Décharge* would not have been able to sow their farms the year before but I do not remember that he did say it.

I cannot swear that Mr. Gauthier did not say that he had a letter from a person who spoke of a company who wanted to buy the mines, but I swear that he did not say that in default of a company, the Government would work the mines.

Pitre Gilbert is looked upon in the parish as a liar, for a man who has taken many false oaths, and who has made a fraudulent bankruptcy.

I cannot name any other person than Alphonse Gauthier who has thus spoken to me of the bad reputation of Gilbert in the parish.

The greater number of those who speak thus of Gilbert are persons who have had quarrels with him, on the other hand there are some who have had nothing to do with him; I do not know who was wrong or who was right in the quarrels Gilbert had, nor who had begun.

Gilbert has never been in prison, and he is an escaped prisoner—because he missed going there and he was condemned to pay a fine, and he could not pay it—they went to arrest him and he hid himself, that he might not be arrested; I know nothing about this affair; I do not know whether at the time they had any right to imprison him, and whether he had made an appeal. If they came to arrest me when I did not feel myself guilty, I should try to escape prison, but if I felt myself guilty, I should allow myself to be taken to prison.

Privately, Mr. Gauthier told me that he expected much from the election of the defendant. I have no knowledge that, excepting from the pulpit, that M. le Curé Fafard concerned himself with the election or spoke against Mr. Tremblay.

Every person in the parish of St. Urbain does not read the newspapers, there are only a very small number of persons who read them; I cannot say who informed the electors of the vote of Mr. Tremblay with regard to the amnesty; the petition which we presented asked for the amnesty of MM. Riel and Lépine, perhaps of some others besides.

I did not know that there were a great number of half-breeds who were in the same position as Riel and Lépine; it was known that Mr. Tremblay had voted to have Riel and Lépine banished; those persons who informed us of the vote of Mr. Tremblay, did not tell us that he had voted for a complete amnesty in favor of all the other half-breeds implicated in the troubles in the Northwest, who were in the same position as Riel and Lépine; I do not remember that he told us that Mr. Tremblay had voted for putting at liberty, or finally liberating, Nault Legimoière and the other half-breeds who were in the position of Riel and Lépine; I do not remember either that they told us that the opponents of Mr. Tremblay had caused Lépine to be condemned to be hanged and had outlawed Riel.

I do not know exactly what vote Mr. Tremblay gave, and I do not believe that any other in the parish except Mr. Gauthier and the curé knows better than I.

17

I cannot say positively whether the parish was turned against Mr. Tremblay at the time of the election of Mr. Gauthier; I cannot say either in what year, nor in what part of the year, the
 110 parish was thus turned; we had asked for a complete amnesty, and Mr. Tremblay voted for sending Riel and Lépine into banishment; I can swear that Mr. Tremblay voted for sending Riel and Lépine into banishment, and it is in the same manner that I have sworn to all I have said up to the present time, and if I have said anything contradictory it is because I have not understood the question.

I cannot remember whether in his election, Mr. Gauthier spoke against Mr. Tremblay; I swear positively that I remember nothing about that; I do not remember either whether Mr. Gauthier spoke to me of Mr. Tremblay during the election of Mr. Gauthier himself; I did not know, during the said election, if Mr. Gauthier was then against Mr. Tremblay; I believe to have read in the *Nouveau Monde*, and in the *Semaine Agricole*, that Mr. Tremblay voted as I have said above;
 120 I take these two journals.

RE-EXAMINED.

The sermon of the sixteenth of January had no connection with the election.

RE-CROSS-EXAMINED.

I did not reflect well when I replied to the question which was put to me on the re-examination, for I remember nothing of that sermon, and consequently, I cannot say that it did not treat of the election.

This deposition being read over to the witness, he persisteth therein, declaring that it contains the truth, and hath signed.

(Signed),

F. X. GIRARD.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 19th of August, 1876.

(Signed),

A. B. ROUTHIER, J. S. C.
 CHAS. DuBERGER, S. S. C., D. S.



Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie
 21st day of August, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

v. s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Maxime Dufour, aged fifty-four years, blacksmith, of Baie St. Paul, being duly sworn on the
 130 Holy Evangelists, deposes and saith:—

I know the parties in this cause, I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest in the result of this suit.

I am the father of Alfred Dufour of Baie St. Paul, blacksmith, major in the battalion of Charlevoix in the volunteer militia, a witness heard for the petitioners in this cause; I am aware that Alfred Dufour began by taking part with Mr. Tremblay in the last election.

Afterwards I met him several times, and in speaking of the election, I said to him, "I see that you are beginning to go warmly into the election; I am going to give you some advice; you know that you have a small place from the Government, it is better for you not to concern yourself with it at all."

140 Question.—Be good enough to tell what you said to your son during the election, on the subject of his situation, if he was going to lose his place because he showed himself to be for Mr. Tremblay.

Objected to as being suggestive.

Objection maintained.

Defendant requests that the evidence of Alfred Dufour may be read to the witness, so as to make him acquainted with the facts which concern the witness with regard to the conversation reported by Alfred Dufour.

The petitioners object, because this would be to suggest to the witness what he should say.



The application of the defendant is rejected for the time.

150 That is all I said to my son with regard to his place.

I told him that it might be dangerous; he might lose his place by working for either one or the other.

Nobody directed me to speak thus to my son.

When I said to my son that it was dangerous for him to work for either candidate, I did not tell him that it would be more dangerous for him to work for one rather than for the other; I did not even mention the names of the candidates.

Question.—Be good enough to say whether you told your son that he would lose his place if he worked more for Mr. Tremblay than for Mr. Langevin?

Objected to as suggestive of the answer.

160 Objection maintained.

CROSS-EXAMINED.

I was a partisan of the defendant in the election in question.

I did not concern myself much with the election, but when I had occasion to meet people and talk with them about the election; I spoke to them in favor of the defendant.

On the occasion of which I spoke a little while ago, I told my son he would do much better to keep himself quiet, that Mr. Langevin, Mr. Price and Mr. Cimon, had got him his place; I did not say that they would cause him to lose his place, but I said that there might be danger of his losing his place; I wanted to tell him that he would be in danger of losing his place if he meddled with the election.

170 I swear that my son worked as hard for Mr. Tremblay at the end of the election as at the beginning.

After I had spoken to my son as I have before said, I was uncomfortable about going to his house; I was thus uncomfortable about going to his house, because the Danais, his brothers-in-law, were not for Mr. Tremblay, and by continuing to go there, I feared to cause differences between them and him, because they might have believed that I went there to force my son to work for Mr. Langevin.

I am not aware that after the conversation that I had with my son, he canvassed for Mr. Tremblay; I do not know if he worked, because I did not go to his house, and I did not follow him; I think that when my son swore that after what had been said to him he did not dare to
180 work for Mr. Tremblay, he spoke the truth; I cannot say because I did not follow him.

During the election I met Ambroise Trudelle, carpenter, of Mallsie; he told me that my son was going to vote for Mr. Tremblay; I answered him that he knew much more than I did; for I did not know who he was going to vote for; I offered to bet with him that he would vote for the defendant, but that was by way of joking; I thought at that time that he would as soon vote for Mr. Tremblay as for Mr. Langevin, for I never urged him to find out his opinion.

I was served with a subpoena to come and appear here this morning.



They came to the Island of Orleans to fetch me to come and appear here; I do not remember the name of the person who came to fetch me; That person said he had come to fetch me on the part of Mr. Langevin.

190 I arrived here on Saturday at four o'clock; I was not paid the expenses of my journey here; I am staying at Malbaie, with Mde. Riveren, where the defendant is boarding.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and that he cannot sign.

Taken and sworn }
before me, in open Court, at Malbaie, the }
21st August, 1876. }

(Signed),

A. B. BOUTHER, J. S. C.
CHAS. DUBERGER, P. S. C., D. S.

Province of Quebec, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie, twenty-first day of August, 1876.

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

O BRASSARD, *et. al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Adam Simard, aged thirty-two years, farmer, of the Parish of St. Urbain, being duly sworn upon the Holy Evangelists, deposeseth and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I was at Mass at St. Urbain on the Sunday which preceded the polling; the curé did not speak in his sermon of services with relation to the vote of the electors; he did not speak of his services, 200 nor of the services of the good inhabitants; the curé did not say that by voting for a candidate, the voters would assure themselves of his services and those of the good inhabitants; the Curé said nothing to induce the electors to vote for a candidate in order to assure themselves of his services, and of those of the good inhabitants.



I remember that in his sermon the curé spoke of him who held meetings, and said something to turn them into ridicule.

At the place called the *Décharge*, there are about ten electors; the curé did not speak of people without heart with regard to the vote of the electors, and he did not say that those who should vote against the majority of the parish, he should consider as people without heart; the Priest did not say the word sacrifice in that sermon; he did not say that he was going to make
210 sacrifices to change his opinion, and he did not ask the people to make sacrifices to vote in that election.

I do not remember that the curé pronounced the word "headstrong" with regard to Mr. Tremblay, and if he had pronounced it I think that I should remember it; he mentioned neither the name of Mr. Tremblay, nor that of Mr. Langevin, except to say that they must be listened to politely when they should come to speak at the church door.

The curé said nothing, and I did not understand that he endeavored to induce the electors to vote either for Mr. Tremblay, or for the defendant.

I was present when Mr. Onesime Gauthier spoke, in company with the defendant, at St. Urbain; Mr. Gauthier first gave us an account of his conduct during the last session; he spoke of
220 the mines because he was accused of being the cause that they were not working, but he did not speak with regard to the election, and said nothing to make us understand that it was more advantageous to vote for the defendant for the progress of these mines.

He did not say that he had a company to start the mines, and that if this company did not succeed that the Government would come to its assistance; Mr. Gauthier did not then speak of the Archbishop of Quebec; I did not understand, and I do not believe that anybody understood, that Mr. Gauthier said in his speech that the election of the defendant might be favorable to the interests of the mines, of the North Shore Railroad, or of any elector of St. Urbain; he spoke of the North Shore Railroad in giving an account of his Parliamentary conduct.

He informed us that he had obtained assistance from the Local Government to construct two
230 public bridges in St. Urbain, but that he would not concern himself about them at that present time, that he would see about them after the election.

These bridges were constructed at the end of April; he did not speak of the construction of these bridges with regard to the election of the defendant, but only in giving an account of his Parliamentary conduct; the materials of these bridges were furnished by those interested at St. Urbain.

I know Pitre Gilbert, of St. Urbain, a witness heard in this cause; the general reputation of Pitre Gilbert is bad; from the general character borne by Pitre Gilbert I should fear to believe him under oath.

I know Dominique Duchesne, of St. Urbain, a witness heard in this cause.

240 The curé, in his sermon, did not say that the clergy were united, that they had chosen a candidate, and that we must follow them.

Mr. Onesime Gauthier, in his speech, did not make any promise to the electors with regard to the election of the defendant.

The sermons of the curés did not change the tendencies of the electors of St. Urbain; the Parish of St. Urbain had decided to vote against Mr. Tremblay before the arrival of Mr. Langevin



in the county; since we had signed a petition, asking the amnesty of MM. Riël and Lepine, and since Mr. Tremblay had voted against it.

I do not think that the sermons of the neighboring curés of the county changed the tendencies of the electors of St. Urbain.

CROSS EXAMINED.

250 When the curé spoke of the individual who was convening meetings at the *Décharge*, he turned him into ridicule, I understood that he wished to speak of Pitre Gilbert. He said, in speaking of that person, that he was an ignorant man, knowing neither how to read nor write, and an escaped prisoner. Pitre Gilbert was a partisan of Mr. Tremblay, and it was in the interest of Mr. Tremblay that he held these meetings at the *Décharge*, and those of the electors of the *Décharge* who went to those meetings, were looked upon as partisans of Mr. Tremblay.

There were, perhaps, others there besides.

The curé reproached these people with allowing themselves to be guided by Gilbert, but he did not say whom they ought to allow themselves to be guided by.

I quite understood that the curé said that they ought not to follow the opinion of Pitre 260 Gilbert, but I did not understand whether he meant to say that every one ought to follow his own opinion, or whether he ought to follow the opinion of others.

I do not remember that the curé said that without him and the good inhabitants, the people of the *Décharge* would not have been able to sow their farms the year before.

When the curé thus spoke of the election, it was before his sermon.

At the time of that sermon, some persons in the parish should have known who the curé was for; as for me, I did not know, and I could not ascertain from what he said to us in the pulpit that day.

Question.—Is it not true that, on the occasion in question, the curé said to you, in substance, this, or something to the same effect :—“ You ought not to vote according to your fancy and your 270 prejudices, but, according to your conscience, for the candidate that you believe to be the most worthy, but on this point you are not capable of forming a sure, conscientious conclusion by yourselves; you ought to cause yourselves to be enlightened by those who are better in a position to do it ?”

Answer.—Something may have been said with this meaning, but not at length as you say there.

Question.—How do you reconcile the answer you have just given with the answer you gave a while ago, namely, “ I did not understand whether he meant to say that every one ought to follow his own opinion, or whether he should follow the opinion of others ?”

This question was objected to by the defendant, as presuming a contradiction which does not 280 exist in the answers of the witness.

Objection set aside.

Answer.—It is because of having misunderstood that I replied to the preceding question.

I do not remember that the curé said, “ but upon this point (giving of a vote) you are no



capable of forming a sure conscientious conclusion by yourselves; you should get yourselves enlightened by those who are better in a position to do it." If he had said that, I believe I should remember it.

I should be surprised if I learnt that Mr. Fafard himself claims to have said these words.

I remember that in the course of the last winter, after the election, I signed a solemn declaration, at the request of Mr. Fafard, and acknowledged it before Onesime Gauthier, Justice of 290 the Peace.

This is how the thing happened:—Mr. Fafard read us the affidavit given by Pitre Gilbert and Xavier Girard; the said affidavit contained the summary of a sermon that the said Mr. Fafard preached on the sixteenth of last January.

After having read this affidavit to us, Mr. Fafard told us that that was not the sermon that he had preached, and that the affidavit was not correct; that it might contain some words that he had said, but that it contained a great deal that he had not said.

Mr. Fafard did not then read to us the declaration which he made us sign, at least I do not remember it.

Question.—If the curé had read the said declaration to you, do you think you would remember 300 it?

Answer.—I do think it.

Objected by the defendant that the contents of this declaration should be proved, without communicating it to the witness.

The following paper was read to the witness:—

"We, the undersigned, solemnly declare, 1st. That the affidavit made before F. Asselin, J. P., and signed by Pitre Gilbert and Xavier Girard, and designated as No. 8 upon the document hereto annexed, in no way gives the general sense of the sermon preached by the Revd. Messire " Amb. Fafard, in the Church of St. Urbain, on the 16th January last, with regard to the election of " a Member for the County of Charlevoix, in the Dominion Parliament.

310 " 2nd. We positively deny each one of the nine paragraphs in particular, of the said affidavit " No. 8, as well as the said affidavit in its entirety; we affirm that neither at the date of the 16th " January, nor at any other date during that election contest, did we ever hear the sermon " contained in this affidavit preached in the Church of St. Urbain by the Rev. Messire Fafard.

" 3ly. Concerning the 4th paragraph of the affidavit No. 8, we affirm that Mr. Fafard, on the " contrary, has on several occasions in his sermons recommended us to listen with calmness and " politeness to the speakers of the two parties who might come to address us upon political subjects, " guarding ourselves well from preventing their speaking, and giving them every liberty to state their " views upon public questions, because such speeches were our most favorable opportunities for " learning the truth about political men and things, and to guide us in the choice which we 320 " should have to make; we obliged ourselves to follow the advice of our curé in this, and at St. " Urbain all the speakers who wished to speak, Mr. Tremblay as well as all his friends from " Quebec, were listened to with calmness and attention.

" 4ly. We affirm that in his sermon of the 16th of January, nor in any other sermon, did " Mr. Fafard ever threaten to refuse spiritual, material, or bodily help to any person who should " vote for Mr. Tremblay.



"5ly. That the individual named Pitre Gilbert, one of the signers of the affidavit No. 8, and
 " who has been looked upon as the chief of Mr. Tremblay's party at St. Urbain during the last
 " election, does not bear a high character for honesty and credibility in our locality. About two
 " years and a-half ago, in consequence of serious frauds against the civil law, of which he was
 330 " accused and convicted before the civil courts, a warrant of arrest was issued against him, and it
 " was only by running away and hiding himself that he escaped from jail, to which he had been
 " condemned by judicial sentence: consequently, we consider that his affidavit is of no value.

"6ly. We declare that we are not aware that during the last electoral contest Mr. Fafard
 " ever pronounced the name of Mr. Tremblay in a sermon; consequently, he could not have said in
 " his sermon that that gentleman did not deserve the confidence of the electors; that is a thing
 " which it was easy for us to understand, elsewhere and otherwise.

"7ly. We affirm that to our minds, the counsels which Mr. Fafard addressed to us in the
 " sermons during the last electoral contest have always been dictated by prudence, and supported by
 " the provincial councils, mandates, or pastoral letters of the Bishops.

340 " And we make this solemn declaration, conscientiously believing it to be true, in virtue of
 " the Act passed during the 37th year of the reign of Her Majesty, entitled, "An Act for the
 " Suppression of Voluntary and Extrajudicial Oaths."

The advocate for the petitioners then puts the following question to the witness:—

Question.—Is the paper which has just been read to you the declaration which you signed at
 the request of Mr. Fafard, as you have said above?

Objected to by the defence, because the original declaration is neither produced nor read to the
 witness.

The hearing of this witness is adjourned till to-morrow, the twenty-second of August.

DEPOSITION CONTINUED, TWENTY-SECOND OF AUGUST, 1876.

350 The objection is set aside, seeing that the witness has admitted having signed a written
 declaration and that a copy of this declaration is rehearsed for his information in the question which
 has been put to him.

The defendant takes exception to this judgment, considering that there is nothing in the evi-
 dence which proves that the above-mentioned paper is a copy of the said declaration.

Answer.—I cannot say if this writing is the declaration which I signed; it is necessary that
 I should see my signature at the bottom.

At the request of Mr. Fafard, I signed a declaration contradicting the account that Pitre
 Gilbert had given of the curé's sermon; it was Mr. Onesimo Gauthier and the Curé Fafard, as
 well as a great number of others.

360 The document which I signed may have been read in the sacristy, but I have no knowledge of
 it; I signed the first and I went away immediately; it was because of what the curé told us that
 we took, as being the declaration of Pitre Gilbert, the document which he made us contradict;
 there were a great number of persons in the sacristy at that time; after I had signed, other
 persons came immediately to sign, and the thing was going on when I went away.

I do not remember that the document which I signed was read in the sacristy before my
 departure.



The reading being made to the witness of a declaration, signed Pitre Gilbert and Xavier Girard, he is asked if that was the declaration that the curé had read before him and had asked a great number of persons to contradict by another, the witness replied: I may be mistaken, perhaps it 370 may be it, perhaps, too, it may not be it, but I believe that it is the declaration in question.

I know that in the declaration that I signed it was said that the declaration of Pitre Gilbert was not conformable to the sermon of the curé.

The affidavit of Pitre Gilbert accused Mr. Fafard of having pronounced the words, "freshly escaped out of prison;" and in the declaration which I made, I said that he had not made use of those words, because the words that he made use of were not the words "freshly escaped out of prison;" but only the words "escaped out of prison," without the word freshly.

I remember the word freshly.

Question.—Why do you remember this word "freshly" whilst you are sure of nothing which concerns the declaration which you made?

380 Answer.—I cannot reply to that question.

I remember that the curé, in speaking of Pitre Gilbert without naming him, called him the high priest of the *Décharge*.

I did not understand that in this sermon, the curé said, or allowed it to be understood that he had changed his opinion, he did not speak of sacrifice.

I did not understand at all by that sermon for whom the curé was; the curé did not call those who were working for the defendant high priests, nor persons escaped from prison; he did not turn them into ridicule.

I understand that when he turned the Chief of Mr. Tremblay's partisans into ridicule, it was because he was jesting; because he was ignorant like me, and wanted to hold meetings.

390 Probably all those who held meetings for the defendant were educated, at least they knew how to write their names; Pitre Gilbert can hardly sign his name; Pitre Gilbert is not able to write a letter correctly.

Question.—What ground have you for saying that of Pitre Gilbert?

Answer.—Because I know that he has no education.

I do not know myself how to read or write; I only know how to sign my name; I say that Pitre Gilbert has no education, because I have heard it said by everybody, and by himself; amongst those who told me this was the curé.

I cannot answer the question whether the curé said, or caused it to be understood, that all the parish should vote on the same side; it is because I cannot remember it.

400 I cannot explain why I do not remember that the curé did not say "freshly;" and I do not remember that he said that the parish should vote on the same side; a recollection comes I know not how.

I do not remember whether Mr. Gauthier said that he had received a letter in which he was told that a company was going to buy the mines and work them; he may have spoken of it without my remembering it.



I do not remember that Mr. Gauthier said that he had been to the Archbishop's Palace.

I do not believe that he spoke of monseigneur, and that he said that he had spoken to him of the election; he did not speak of any monseigneur; he did not speak of Monseigneur Casault, if he did speak of him I do not know of it.

410 It may have happened that I did not take in all his speech; he may have said many things that I do not remember.

I cannot say whether the parish of St. Urbain was against Mr. Tremblay at the time of the election of Mr. Gauthier; I do not know when it was turned against him; it was at the time of his vote on the amnesty contrary to our petition.

It was Mr. Gauthier who began to say to the priest that Mr. Tremblay had voted against the petition; Joseph Girard and Xavier Girard said so also; Xavier Girard was heard as a witness on Saturday.

I say that all the parish was turned against Mr. Tremblay; I mean to say the greater part of the parish, because it was talked of at the church door.

420 I cannot say whether it was in the autumn, the spring, the summer, or the winter; I do not know either in what year it was; I only know that it was in the nineteenth century; I was a school commissioner two years ago.

When I deserted Mr. Tremblay for Mr. Langevin, on account of the amnesty, it was because I thought we should have more chance of obtaining it with Mr. Langevin.

I do not know whether Mr. Langevin ever promised the amnesty; and I do not know either that Mr. Langevin was four years in power without granting it; I cannot say whether this would have prevented me from voting for Mr. Langevin if I had known it.

I do not remember whether Mr. Langevin spoke of the affair of the amnesty at St. Urbain.

I believe that M. le Curé Fafard has some interest in the mines at St. Urbain; I have heard say
430 that he bought some claims against the company.

I assisted at a meeting at St. Urbain where Mr. Tremblay and Mr. Tarte spoke; Mr. Fafard, the curé, said some words; I do not remember what he said, but I believe that he asked Mr. Tremblay if he had made use of his name in some parishes.

To the best of my knowledge I understood on that occasion that he was against Mr. Tremblay.

This meeting must have been a few days before the polling.

RE-EXAMINED.

It is about two years and a-half, or perhaps three years ago, that we signed a petition to ask for the amnesty; and it is of that petition that I spoke in my examination-in-chief; I heard the words "freshly escaped from prison" in the affidavit of Pitre Gilbert which the advocate for the
440 petitioners has just read to me; in hearing this read, I remembered well that the curé did not pronounce the word "freshly" in his sermon.

The curé first read to us the affidavit of Pitre Gilbert, and then he said that that affidavit was not correct, and that the declaration contradicted the affidavit; among other things, I remember that the curé then made us remark, that he did not use the words "freshly escaped out of prison."



I did not understand that the declaration said that all that Gilbert had said in his affidavit was false, but that there were expressions in it which were not in accordance with the sermon.

RE-CROSS-EXAMINED.

In my opinion it makes a great difference to say "freshly escaped from prison" instead of "escaped from prison."

450 I cannot say whether the other differences between the sermon, such as it was reported by Pitre Gilbert, and the sermon such as it was preached, were more serious than this one, for I do not remember them.

I do not know whether I should remember them by supposing these differences to have been more serious.

This deposition being read to the witness, he persisteth therein, declaring, that it contains the truth, and hath signed.

(Signed),

ADAM SIMARD.

Taken and sworn
before me, in open Court, at Malbaie, the }
22nd August, 1876.

(Signed),

A. B. ROUTHIER, J. S. C.
Cus. DuBROER, P. S. C., D. S.

Province of Quebec, }
District of Saguenay. } SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie.
21st August, 1876.

Present—THE HON. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Cleophas Côté, aged forty-three years, trader, of the parish of Eboulemens, being duly sworn on the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor
460 domestic of any of them; I have no interest in the result of this suit.



I acted at the last election in favor of the defendant.

It was said at the last election that all the priests were against Mr. Tremblay; I knew of none in the county; I was told that there was one in the county for him.

At Eboulemens, on the second January, Mr. Tremblay in a public speech stated that there were some priests of the county for him, without mentioning the number, and it was on that occasion that Mr. Vicar Gosselin declared that the clergy were unanimous against Mr. Tremblay—and I did not understand him to state that the clergy of the county were for Mr. Langevin.

The sermons of the curés of the county had no effect on the tendencies of the electors of Eboulemens, but I heard it said several times that the fact that the clergy were unanimous against 470 Mr. Tremblay had had an effect upon the electors of Eboulemens—upon a good number.

At Eboulemens the curé only read the Bishop's mandate, without making any comment.

Question.—Please say whether Mr. Tremblay, on the second of January, read letters from priests in relation to the election, and state what comments he made.

Answer.—Yes, I remember that he read one; I cannot state what that letter contained nor what he said of it; he did not give the signature of the letter; some one asked him for it, and I do not know whether he gave it.

I do not think that that letter produced a great effect in the parish.

CROSS-EXAMINED.

At the time of the meeting on the second January there was no question of any other candidate, 480 except Mr. Tremblay and the defendant.

This deposition being read over to the witness, he persisteth therein, declaring that it contains the truth, and hath signed.

(Signed),

CLEOPILAS COTÉ.

Taken and sworn }
before me, at Mulbric, in open Court, this }
21st August, 1876. }

(Signed),

A. B. ROUTHIER, J. S. C.
CHAR. DEBERGER, P. S. C., D. S.



Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the twenty-first day of August, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

O. BRASSARD, *et. al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

I, Xavier Dégagné, aged thirty-three years, mariner, of the parish of Eboulements, being duly sworn upon the Holy Evangelists, deposeseth and saith :—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest in the result of this suit.

I was present on the second of January, when Mr. Tremblay, and the defendant, and Mr. Cauchon spoke at Eboulements. Mr. Tremblay commenced by saying that he was happy that several members of the clergy of the county were in his favor, and it was then that he was interrupted by M. Vicar Gosselin, who said that in a re-union of the priests at Baie St. Paul, he had seen several members of the clergy of the county, who were all against Mr. Tremblay, excepting Mr. Doucet, whom he did not see; but that he had a moral certainty that he was against Mr. Tremblay. The sermons of the curés of the county did not produce any effect upon the electors of Eboulements, with regard to their votes.

At Eboulements, the curé did not preach about the elections, the vicar only read the mandate, without any comment. After having read the mandate, he only said that he believed that the parishioners were sufficiently intelligent to understand.

The petitioners declared that they had no cross-examination to make.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and hath signed.

(Signed),

Es. XAVIER DÉGAGNÉ.

Taken and Sworn
 before me, at Malbaie, in open Court, this }
 21 August, 1876. }

(Signed),

A. B. ROUTHIER, J. S. C.
 CHAS. DUBERGER, P. S. C., D. S.



Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

*Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 22nd August, 1876.*

Present—THE HON. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

v.s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Augustin Doré, aged forty-eight years, farmer, of the parish of St. Urbain, being duly sworn upon the Holy Evangelists, deposed and saith:—

I know the parties in this cause; I am neither a relation, nor a connexion, nor a servant, nor a domestic of any of them; I have no interest in the result of this suit; I have been a municipal councillor for twenty years; the curé spoke of the election one Sunday when I was at the church of St. Urbain, during the election; on that Sunday the curé spoke of a certain individual who held meetings at the place called the *Décharge*; he called this individual the "high priest."

The curé did not speak of his services, and of those of the good inhabitants, with regard to the vote that they would have to give.

510 I do not remember that the curé said anything to make the electors understand that they ought to vote for one candidate more than for the other.

The curé did not say that we ought not to listen to any one with regard to the election; he did not mention anybody; I do not remember, either, that he said "do not listen to the high priest of the *Décharge*;" or that he spoke of people without heart.

To my knowledge he did not say that those who should vote against the parish he should consider as having no heart; I am not aware that the curé said that he had made sacrifices to charge his opinion, and that the electors ought to do as much.

I have known Pitre Gilbert for about fifteen or twenty years; he bears a generally bad character.

520 From the general bad character borne by Pitre Gilbert, I would not believe him under oath.

I know Séraphin Lajoie, of Malbaie, farmer, a witness heard in this cause, and he bears a bad character with the public, and from the general reputation which he bears I would not believe him under oath.

To my mind, before the sermon of the curé at St. Urbain, I thought there were fewer who



would vote for Mr. Tremblay than there were; that sermon disturbed nothing; and so it is with the sermons preached by the other curés of the county.

I went to Baie St. Paul during the elections; they told me that the sermons of the curés had not changed them; it appeared to me that the parties were as warm at the beginning of the election as at the end, and I did not ascertain that the sermons of the curé Sirois changed the minds of any
530 electors.

CROSS EXAMINED.

I cannot swear that the curé did not speak of the services which he and the good inhabitants had rendered, or might render; I only say that I do not remember it; I cannot say whether I should remember it, necessarily supposing that the curé should have said it; he may have said many things at that time that I cannot at this time remember.

The opinion of the curé was known before he had spoken in the pulpit; it was generally known in the parish that he was for Mr. Langevin.

In short, I remember very little of the sermon in question.

In speaking of Pitre Gilbert, without naming him, the curé used the expression "escaped
540 from prison."

He said that, on that occasion, they liked better to follow a man like that, and that, under other circumstances, they had need of their curé.

The bad character borne by Gilbert consists in that "there are some who say that he has made them pay twice over when he was a shop-keeper; that he declared bankruptcy; that he is not considered honest;" his bad reputation also consists in having sold liquor without a license, and that he is on bad terms with the curé; he has borne this character since he has been in the parish, that is to say, since the mine was opened.

When I spoke a little while ago of the character borne by Séraphin Lajoie, I wished to speak of the reputation he bears at Malbaie, and with us; I come to Malbaie a couple of times a year; I
550 cannot say how many persons I see every time I come to Malbaie.

I cannot name any person whatever at Malbaie who has spoken ill to me of Séraphin Lajoie, nor any place where I have heard him badly spoken of; it is a general report.

Question.—This general report, be good enough to point out to me a single place where you may have heard it?

Answer.—I cannot specify any place; everywhere one goes, it is a general report; I swear that everywhere one goes at Malbaie, one hears it, when Lajoie is spoken of; I heard that every where I was in the habit of going.

Question.—What are the places where you are accustomed to go when you come to Malbaie?

Answer.—The places where I go most usually are at the Grand Lac, to the house of Epiphane
560 Laforêt, and to Louis Maltais, at the River Mailloux.

I cannot remember any others.

Epiphane Laforêt lives at St. Agnes; Louis Maltais is the only person to whose house I can remember to have gone at Malbaie, but I know that I have been elsewhere; I have been at the house of Séraphin Lajoie himself, once, a long time ago.



Seraphin Lajoie comes to St. Urbain less than four times a year, on an average.

The bad character borne by him consists in his changing horses, and he is considered as overreaching people; there are some who have good horses, and who say that he takes them from them for nothing.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and hath signed.

Taken and sworn
Before me, at Malbaie, in open Court, this }
22nd August, 1876.

A. DORÉ.

A. B. ROUTHIER, J. S. C.
CHS. DU BERGER, P. S. C., D. S.

Province of Quebec, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie, the 22nd August, 1876.

Present—THE Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Edward Fortin, aged thirty-six years, farmer, of the Parish of St. Urbain, being duly sworn upon the Holy Evangelists, deposed and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest in the result of this suit.

I was at the Church of St. Urbain on the Sunday which preceded the polling; the curé did not speak of his services, nor of those of the good inhabitants, with regard to the voting; the curé did not say that to deserve his services, the electors ought to vote for such a candidate rather than for the other; he said nothing to make the electors understand that they ought to vote for the defendant; he did not speak of being headstrong, and did not pronounce the word "headstrong" in speaking of one candidate or the other; he did not pronounce the name of either candidate; he did not speak of people without heart, in relation to those who should vote contrary to the majority of the parish, that is to say, in favor of Mr. Tremblay.



The curé did not say that the clergy were united together, and had chosen a candidate, and that we ought to follow them; he did not say that thus; he may, perhaps, have spoken of the clergy, but I am not able to report the words that he said.

I swear that in that sermon, the curé said nothing to make the electors understand that they ought to vote for the defendant.

He ridiculed certain meetings which were held at the *Décharge*, and which were presided over by an incapable person; he advised us to meet as formerly, and to listen politely to those who would come to address us.

I understood that the curé had ridiculed these meetings because, in the parish, it is not the custom of the inhabitants to hold such meetings, and that at these meetings people spoke against the curé.

Mr. One-sime Gauthier, Member for the County of Charlevoix, only spoke once in public at St. Urbain during the election; I was not at the beginning of his speech; when I arrived, he was giving account of his parliamentary conduct, and afterwards he spoke of the election.

He spoke of the mines to confute those who said in the parish that he was the cause that the mines were not working; he did not say that he had a company to set the mines going, and that if it did not succeed, that the Government itself was going to work them; he did not speak of the Archbishop of Quebec, nor of the clergy, at least I do not remember that he did so.

In this speech, he did not make any promise to the electors to induce them to vote for the defendant, and did not make it understood that the election of the defendant might be favorable to the working of the mines, the interests of the parish or the electors.

After having given account of his parliamentary conduct, he spoke of the North Shore Railroad, not with reference to the election of the defendant, but to tell us that he had obtained an inspection from Government to see whether this railroad could pass through the County of Charlevoix.

He announced to us that he had obtained money from the Government for the building of two bridges; he added, "we will not concern ourselves with that now, but after the election."

These bridges have since been constructed; these bridges are expensive; they are upon the River du Tonfre, and the people obliged to construct these bridges are generally poor.

During the election, he only spoke of these bridges once, as I have just said; it was a long time, several years, since those interested had asked assistance for those bridges; they set greatly by them; I am certain that what the curé may have said in the pulpit at St. Urbain, in no way changed the minds of the electors of the parish.

At the *Décharge* there are a dozen of electors who were almost all adherents of Mr. Tremblay, and the curé's sermon produced no effect on them; they had decided before.

The parish of St. Urbain, in the way it voted at the last election, was decided even before the defendant's arrival in the county; that is to say, it had pronounced against Mr. Tremblay since his vote on the amnesty.

620 A petition, signed by the whole parish, had been sent in, asking for a complete amnesty, and Mr. Tremblay having voted contrary to this petition, the parish had turned against him as I have said.

I had occasion to go several times to Baie St. Paul during the election.



Some political friends of Mr. Tremblay told me there that the sermons of the curé went for nothing to them; I did not state that the sermons of the curé had produced some effect on the electors at Baie St. Paul, parties were chosen from the beginning of the election.

The sermons of the curés of the County produced no effect upon the vote of the electors, in the parish of St. Urbain.

I know Dominique Duchesne, a witness heard in this cause; he enjoys a good character on account of his honesty.

I know Pitre Gilbert, a witness heard in this cause; he bears a bad character; from the character which he bears, I would not believe him under oath.

I know Séraphin Lajoie, of Malbaie, a witness heard in this cause; he bears a bad character with the public, and from his general character I would not believe him under oath.

The bridges, of which I have spoken, are used in the first place by the locality where they are built, and further by the whole parish; Pitre Gilbert is interested in one of these bridges, it was the inhabitants who supplied the materials, and the money given by the Government (six hundred dollars) was not sufficient to pay for the labor.

CROSS-EXAMINED.

640 I swear that Mr. Gauthier did not say that he had been to the Archbishop of Quebec's Palace, but I cannot swear that he did not say that he had seen Monseigneur Cassot; I swear positively that he did not speak of the Clergy.

I was opposed to Mr. Tremblay at the last election, and strongly opposed to him; I remember having questioned Mr. Tremblay at a meeting at St. Urbain; I remember well having told him that we did not love him; I may perhaps have told him some things a little harder even than that.

On the occasion in question, I remember having interrupted Mr. Tremblay while he was reading a document, and having said to him that he was passing something over; from what I have seen, I can swear that he passed over something; that is my conviction; I was at a couple of feet from Mr. Tremblay, by his side and it is from what I could thus see that I take upon myself to
650 swear to-day that Mr. Tremblay passed over something.

I should be ready to swear, no matter what, on information thus obtained.

I swear that in the incident in question, I neither approved nor disapproved of Mr. Tarte.

I swear that the curé did not say that, on the occasion in question, the people followed the High Priest of the *Décharge*; but, that in other circumstances, they had need of the assistance of their curé.

To my mind, there were no means of understanding from the sermon, for whom the curé desired that we should vote.

It was generally known at the time that the curé was for the defendant, even in saying this, I swear that it was impossible to my mind, to know from his sermon for whom he desired that one
650 should vote; I swear that he let no body understand whom he was for.

According to what he said there, it appeared to be perfectly indifferent to him that the electors should vote for one candidate rather than for the other.

I can remember well that Mr. Gauthier did not speak of the clergy to my knowledge.

I swear that Mr. Gauthier did not say that he had received a letter, in which it was said that a company wanted to buy the mines, or something in that sense.

The bridges, for which Mr. Gauthier said he had obtained six hundred dollars, are not upon Government lands, they are in full concession in the hands of the Parish of St. Urbain.

This part of the parish was settled before my recollection.

Only the concession, where these bridges are, was bound to maintain them.

670 If the curé had been for Mr. Tremblay, it would have made a great difference in the parish, because we respect the advice of our curé; the majority would in that case have been for Mr. Tremblay.

I cannot swear that no change was made at Bate St. Paul, from the beginning until the end of the election; what I have said just now on this subject, is from what was told me by a partisan of Mr. Tremblay, named Henri Girard, son of Gaiçoire.

The bad character borne by Gilbert consists of his having had quarrels with a great many persons, and even with his priest; he has spoken ill of his priest; he has told me, cursing, that he would rather follow the advice of his dog than the advice of the priest.

In the sermon of which I spoke a while ago the curé, in speaking of him, without, however, 680 naming him, said that he was one "scaped from prison," an ignorant person, who neither knew how to read nor write; he called him the High Priest of the *Décharge*.

Séraphin Lajoie passes for a dishonest person, because he has the name of trading horses, in which he cheats people; he will say, for example, true as the sun shines, my horse is only of such an age, when he knows the contrary.

Generally he passes for a man who cheats people in exchanging horses; he has cheated me myself.

Mr. Fafard and Mr. Gauthier have both some interest in the mines; Mr. Fafard bought the claims of persons to whom the Company of the mines owes money; he began by paying nearly half the nominal value; then he came to pay only the third of it; he thus bought several claims.

I swear that at the time of the election of Mr. Gauthier last summer, the priest of St. Urbain 690 was already turned against Mr. Tremblay; but I do not know whether Mr. Gauthier was; I think that the curé was.

Question.—On the occasion before mentioned, did not the curé in substance say this: "You ought not to vote according to your caprice or your prejudices, but, conscientiously, for the candidate that you consider the most worthy; but on this point you are not able to form a sure, conscientious conclusion for yourselves; you ought to get yourselves enlightened by those who are more in a position to do so?"

Answer.—The curé said the first part of the words indicated, until and including the words "the most worthy;" and I do not remember that he pronounced the second part of the sentence.

At the request of Mr. Fafard, I signed a declaration to contradict another declaration given by 700 Pitre Gilbert and Xavier Girard.

Question.—Did you sign a solemn declaration containing the following paragraph: "We posi-



"tively deny each of the nine paragraphs in detail of the said affidavit, No. 8, (the declaration of Pitre Gilbert and Xavier Girard) as well as the said affidavit in its entirety: " We affirm that " neither at the date, the sixteenth of January, nor at any other date during this election contest, have we ever heard the sermon contained in this affidavit preached in the Church of St. Urbain by the Rev. Messire Fafard.

Objected to by the defendant, as in the evidence of Adam Simard.

Objection set aside.

The defendant takes exception to this judgment.

710 Answer.—In the declaration which I signed, all which the affidavit of Pitre Gilbert contained was not denied; there were some words which were the same as those in the sermon.

Question.—Did you, or did you not, sign a declaration containing the said paragraph.

Answer.—Yes.

Question.—The declaration of Pitre Gilbert (Exhibit C. of the petitioners at the enquete) being read to the witness, he was asked how he reconciled the denial made by him at the request of Mr. Fafard, in the second paragraph of the said declaration, with the testimony which he has given to-day.

Answer.—The witness replies as follows: When I made denial, at the request of Mr. Fafard, it was because there were some words there which were not the same.

720 If I had understood, as now, that the declaration denied without any exception all that Pitre Gilbert had said, I should not have signed.

Since I have been at Malbaie I have lodged with the defendant; nobody since the election has ever spoken to me of what forms the subject of my evidence.

RE-EXAMINED.

The house where I live at Malbaie is a boarding-house.

When the curé read the affidavit of Pitre Gilbert, I understood that it contained some things that the curé had said, but many things that he had not said; and when I signed the declaration, I only wished to deny that which was not in accordance with the sermon.

This deposition being read over to the witness, he persisteth therein, declaring that it contains 730 the truth, and hath signed.

EDOUARD FORTIN.

Taken and sworn
before me, at Malbaie, in open Court, this }
22nd of August, 1876.

A. B. ROUTHIER, J. S. C.
CHAS. DU BERGER, P. S. C., D. S.



Province of Quebec, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie,
the twenty-first day of August, 1875.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 44.

O BRASSARD, *et. al.*, Petitioners,

v. s.

Hon. H. L. LANGEVIN, Defendant

EVIDENCE ON BEHALF OF THE DEFENDANT.

Thomas Fortin, aged forty-eight years, farmer, of the parish of St. Urbain, being duly sworn upon the Holy Evangelists, deposed and saith:—

I know the parties in this cause; I am neither a relation, nor a connexion, nor a servant, nor a domestic of any of them; I have no interest in the result of this suit.

I am secretary of the schools. I was present at the Church of St. Urbain on the Sunday which preceded the polling.

In his sermon, the curé did not speak of his services, nor of the services of the good inhabitants with regard to the vote which they ought to give, and I did not understand that the curé said that by voting in a certain way the electors might deserve those services; I do not remember that he said that such and such a one ought not to be listened to, among others the "high priest" of the *Décharge*; in speaking of this high priest, he said that there was a certain individual who might be called the high priest, who held meetings at the *Décharge*, that he did not like that, and I understood that he wanted to ridicule those meetings, that he did not like that because that it might create disturbance; I have heard tell that the priests were badly spoken of at these assemblies; I do not remember that the curé spoke of people without heart with regard to their vote, and if he had so spoken I think I should have remembered it.

He did not speak of making a sacrifice in talking of his change of political opinion, nor in talking of the change of other opinions of the electors, nor of the vote which they ought to give, in this sermon the curé did not say that the clergy had met together, that they had chosen a 750 candidate, and that we ought to follow them; he did not speak of the clergy.

I did not understand that the curé said that there was one candidate who was headstrong, and that he only represented his own ideas.

I did not understand from the sermon of the curé that he made it understood that he wished us to vote for one candidate more than for the other, but I understood that he said "vote for whom



you will;" I knew the curé's opinion before that sermon, before that sermon I did not know positively the opinion of the parish, but I knew it up to a certain point.

Before this sermon there were about three-quarters of the parish who were for Mr. Langevin, and things remained the same after the sermon, in my opinion, I am almost positive that the curé's sermon did not change any votes at St. Urbain.

761 The opinion of the parish was pronounced against Mr. Tremblay since the business of Rié and Lépine.

I have known Père Gilbert since he has been in the parish, since about four years; his general character is bad, and from that character I would not believe him under oath.

Onésime Gauthier spoke, as well as I can remember, three times in the public place at St. Urbain during the election.

I was present when he spoke, the day when the defendant spoke himself at St. Urbain, it was on New Year's Day; he began by giving account of his parliamentary conduct, and with relation to that he spoke of the North Shore Railroad, and of the money he had obtained to assist in the construction of two bridges, he added that he had obtained the money for the bridges; that 770 he would not speak about them at that time, and that he would speak about them after the election, he spoke about the mines to confute those who had accused him of being the cause that they were not working, and gave some explanations on this subject.

He did not speak of the Archbishop of Quebec; I have no knowledge of this.

Question.—Please say whether Mr. Gauthier, in this speech, or in his other speeches, spoke of the mines, of the North Shore Railroad, and of the assistance that he has obtained from the Government for two bridges, in connection with the election of the defendant, or of Mr. Tremblay?

Question objected to as leading.

Objection set aside.

Answer.—No.

780 Question.—Please say whether in speaking of the mines, Mr. Gauthier spoke of a company, or of a grant from the Local Government; if it is yes, relate what he said on the subject?

Answer.—I do not remember that.

Question.—Please say whether in his speech on New Year's Day, or in his other public speeches Mr. Gauthier said something to make the electors understand that it was more to their advantage to vote for the defendant, than for Mr. Tremblay, if yes, relate what he said on this subject?

Objected to as leading.

Objection set aside.

The petitioners take exception to this judgment.

Answer.—No.

790 The sermons of the other curés of the county did not produce any effect on the votes of the electors of St. Urbain.



CROSS-EXAMINED.

I do not remember that the curé spoke of the services that he and the good inhabitants had rendered, or might render, to the people of the Décharge, but I cannot make oath that he did not speak of them.

The curé may have spoken of the clergy in that sermon, but I do not know it, and I cannot give the particulars of what he may have said.

Question.—Please report the sermon of the curé?

Answer.—I am not able.

800 Question.—Are you able to report anything of this sermon?

Answer.—No.

The fact is that I can only remember a few words of that sermon.

Question.—Please report those few words?

Answer.—They are the words, the high priest, that is about all I can remember.

Question.—How did you remember just now that the curé did not say certain things which have been mentioned to you?

Answer.—That is because they were asked me, and that they were suggested to me; without that I should not have remembered by myself.

I did not understand, by his sermon, that it would give more pleasure to the curé to see us vote 810 for Mr. Langevin than for Mr. Tremblay.

I am not able to say whether from the sermon there were any means of knowing which candidate the curé was for.

It was understood by all those who were present in the church that it was of Pitre Gilbert that the curé was speaking when he spoke of the high priest of the *Décharge*.

He said that he was escaped from prison, but not freshly; he said he was a man who could neither read nor write; I cannot tell if he said that he was an ignorant person; I understood what he said about him was to turn him into contempt; I did not hear him tell us not to attend Gilbert's meetings, but I understood that he did not like us to go to them.

It was known all over the parish that Pitre Gilbert's meetings were to work in favor of Mr. 820 Tremblay.

I would not believe Pitre Gilbert under oath, because I have heard say that he was a quarrelsome person, a man who was in trouble with his curé, and who spoke ill of the priests.

Question.—Please report the speech made by Mr. Gauthier at the meeting held on New Year's Day.

Answer.—I am not able to report a single word of his political speech; I do not remember what I said just now; I cannot remember his speech at all; he may, indeed, have said a multitude of things that I cannot remember at all.



What I stated just now, was because it was suggested to me.

Question.—Did you, at the request of Mr. Fafard, sign a solemn declaration in which the following sentence occurs:—"We positively deny each one of the nine paragraphs, in detail of the said affidavit No. 8 (the declaration of Pitre Gilbert and Xavier Girard), as well as the said affidavit in its entirety, we affirm that neither at the date of the sixteenth of January, nor at any other date during the electoral contest, have we ever heard the sermon contained in this affidavit preached in the church at St. Urbain, by the Rev. Messire Fafard?"

Answer.—Yes; I signed something nearly like that; I cannot say it was absolutely the same.

Question.—Did you sign a declaration absolutely and positively denying all the contents of the declaration of Pitre Gilbert and Xavier Girard?

Answer.—No; I signed a declaration saying that the declaration of Pitre Gilbert was not in every respect in accordance with the curé's sermon, but I never signed a declaration entirely denying what Pitre Gilbert had asserted, for there were in his declaration things which might be true; I did not believe that I signed a declaration of the nature of that which was read to me just now, and if I had been told that the declaration made me deny all that Pitre Gilbert declared, I would not have signed it.

Since Friday evening I have slept and boarded in the same boarding-house as the defendant.

RE-EXAMINED.

The defendant has not said one word to me in relation to my evidence.

We understood that the curé meant to speak of Pitre Gilbert, as I stated in cross-examination, because it is he who is in the habit of getting up meetings at the *Décharge*; when I said that I had understood from the curé's sermon that he had turned Pitre Gilbert into contempt, I meant to say that I had understood that he wished to ridicule him because he held meetings, and that he wished to put an end to disorder.

When I signed the declaration in question, it was after the explanations given by Mr. Curé Fafard; he then explained to us the declaration which we were about to sign, and why that declaration was made.

I do not believe Pitre Gilbert under oath, in addition to the reasons given in my cross-examination, because he is said to have made a fraudulent bankruptcy, and because he passes in the parish for a liar.

RE CROSS-EXAMINED.

I understood that the curé wished to convey a bad opinion of Pitre Gilbert, and lowered him in the opinion of the people.

I do not know that it was a fraudulent bankruptcy, but I know that it is not honest, and that he is a man who seems to make people lose money.



I cannot name any person who told me that Pitre Gilbert had made such a bankruptcy.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and hath signed.

THOMAS FORTIN.

Taken and sworn
before me, in open Court, at Malbaie, this }
23rd August, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie, the 23rd August, 1876.

BRASSARD, *et al.*, Petitioners.

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Cleophas Thibault, aged forty-three years, of the parish of St. Urbain, farmer, being duly sworn upon the Holy Evangelists deposeth and saith.

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

870 I am secretary-treasurer of the municipality; I was at the Church of St. Urbain, on the Sunday before the polling; the curé spoke about the election for a pretty considerable time; in his sermon, the curé did not speak of his services, nor of those of the good inhabitants, with regard to the vote which the electors ought to give; the curé did not say that to secure his services and those of the good inhabitants for the future, they ought to vote like them; it may have happened that the curé did pronounce the words, people without heart, but I do not believe that it was in connection with the vote which they ought to give.

880 He did not say that there were people incapable of forming an opinion for themselves; that people went to seek him when they were sick, and that in the time of the elections, they would no longer listen to him; he did not speak of the sacrifices which he had made in changing his political opinion nor of the sacrifices that the electors should make, whether by change of opinion or by voting; I do not remember that the curé spoke then of the clergy, nor that the clergy had met; that they had chosen a candidate and that we ought to follow them.

The curé said nothing to induce the electors to vote for one candidate rather than for the other; I think that the curé spoke of a headstrong man.





I am certain that the curé's sermon did not produce any change in the polling at St. Urbain, the parish was as much decided against Mr. Tremblay before that sermon as after; it had been thus decided since the votes of Mr. Tremblay on the affair of Riel and Lépine.

I do not think, and I am not aware, that the sermons that the curés of the county may have preached have influenced any electors at St. Urbain.

890 I was present when Mr. Onesime Gauthier spoke in public at St. Urbain, it was on New Year's Day, and he did not speak of the Archbishop; he spoke of the mines because people said that it was his fault if they were not working; he made some explanations on this subject; I am sure that he did not then speak of a company and of the Government, in regard to these mines.

He also told us that he had obtained some money from the Government to assist in the construction of two bridges, that he only spoke of it to let us know the thing now, seeing it was in the time of the election, but that he would speak about it after the election.

He in no way made it understood that by voting for the defendant, the electors would have more benefit, that it would be favorable to the working of the mines.

I have known Pitre Gilbert since he has resided in the parish; he bears a bad character and 900 from this general character I would not believe him under oath.

CROSS-EXAMINED.

I did not remark in relation to what the curé used the expression, people without heart.

Question.—Be good enough to report the curé's sermon on that occasion.

Answer.—I did not remark it much; he wanted to ridicule certain meetings which had been held in the parish, or to reprove certain disorders; he said that these meetings were held by a certain ignorant individual, who neither knew how to read nor write; the curé may not perhaps have spoken like that, but I understood him thus.

He said that this man was a person escaped out of prison, but he did not say "freshly escaped out of prison"; the man of whom he spoke was Pitre Gilbert, and the general report in the parish 910 was that Gilbert held these meetings for Mr. Tremblay.

I swear that the curé did not say that the people of the *Décharge* were not in a position to form an opinion by themselves; I know that he spoke of the harvest; he said that they had had a small harvest, and that afterwards they wanted to meddle to go into politics.

I think that he said that without him and the good inhabitants they would not have been able to sow their lands.

When the curé spoke of a headstrong man he allowed it to be understood that it was Mr. Tremblay.

I swear that on the occasion of which I have spoken above, Mr. Gauthier did not speak in any manner whatsoever neither of a visit which he had made to the Archbishop's Palace, nor of a 920 meeting which he may have had with Monseigneur Casault.

I swear that he did not pronounce the word Monseigneur, nor the Grand Vicaire Casault.

I did not hear Mr. Gauthier say that he had had a letter mentioning a company who were going to buy the mines.



I am not able to report the explanation which Mr. Gauthier gave with regard to these mines.

It was Mr. Gauthier who requested me to come here as a witness in this cause; he recalled to me very little of what he had said, or rather nothing; he said a few words to us of the speech which he had made during the election.

He did not speak to us of the curé's sermon; when he thus spoke to me of his speech, some of the witnesses were with me; Edward Fortin, Thomas Fortin, Francois Xavier Girard, and Adria
930 Simard were there.

We were at Mr. Gauthier's own house, where we had assembled together.

The paragraphs one and two of the affidavit (petitioners' Exhibit C.) being read to the witness, he declares that the greater part of it is incorrect.

I do not remember whether, in the declaration which I gave to Mr. Fafard, I entirely denied these two paragraphs.

I did not understand that that declaration that I signed entirely denied the declaration of Pitre Gilbert, but that it only denied that Pitre Gilbert had reported the sense.

I would not have signed a declaration to the effect that all that Pitre Gilbert had said was false, I only wished to deny the innocency of the whole, for there were some true things in what he had
940 said.

I was a partizan of the defendant at the last election, the same as the other witnesses of St. Urbain heard for the defendant.

We have lodged and boarded in the same boarding-house as the defendant since Friday night.

We have talked among ourselves (the witnesses) of the evidence which we were to give; we talked of it together to refresh our memories; one would remember in one manner, and the other in another.

I spoke a little about it with the witnesses who have been heard; some before going spoke of it, others said nothing about it.

RE-EXAMINED.

950 The defendant did not tell me a word of my evidence, and neither did I speak to him of it.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and hath signed.

CLEOPHAS THIBAULT.

Taken and sworn
before me, at Malbaie, in open Court, this }
23rd August, 1876.

A. B. ROUTHIER, J. S. C.



Province of Quebec, }
 District of Saguenay. } SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 23rd August, 1876.*

Present—THE HON. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

v. s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Seraphin Villeneuve, aged fifty-one years, farmer, of the parish of Malbaie, being duly sworn upon the Holy Evangelists, deposed and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I know Seraphin Lajoie, of Malbaie, farmer; about three or four weeks before the election in question I myself brought the said Seraphin Lajoie to the office of Mr. J. S. Perrault, at Malbaie, to sign a requisition, praying of Mr. Kane, notary, of Malbaie, to come forward as a candidate in opposition to Mr. P. A. Tremblay.

We found ourselves in the ante-room of Mr. J. S. Perrault's office; we went in there, Seraphin Lajoie and I, and I then said to Mr. Perrault, "I bring you a man," making allusion to Seraphin Lajoie, "to sign the requisition to Mr. Notary Kane."

Thereupon, Seraphin Lajoie said, "I am come to sign the said requisition;" upon this Mr. Perrault said to him, "we will, at any rate, take your signature, if it works good; if it does not work it will be just as usual."

Thereupon, Mr. Perrault began to talk to another man who was in his office with us; Mr. Perrault did not say another thing; this annoyed me, because it was I who had brought Seraphin Lajoie to his place; I am very positive in saying that Mr. Perrault did not say anything else to the said Seraphin Lajoie, that there had not there and then been any question of a suit, before me, at least; upon this Mr. Perrault invited me to come into his office; I went in then, whilst Seraphin Lajoie went out of the office.

I know Malvina Dionne, wife of the said Seraphin Lajoie, well; on the occasion which I have mentioned above, Seraphin Lajoie signed the requisition by putting his hand upon the pen; it was Mr. Perrault who signed his name, at the request of Seraphin Lajoie; I swear positively that the said Malvina Dionne was not in the office of Mr. Perrault, and was not present when the said Seraphin Lajoie signed the requisition to Mr. Kane, nor at any time while we were at Mr. Perrault's place; I did not see the said Malvina Dionne, and if she had been there I must have seen her.

980 As far as I am concerned, Seraphin Lajoie never did me any harm; I have always been friends with him; he has never done me any injury; what I have said by people is that the general character of Seraphin Lajoie is bad; I would not believe him under oath, because in his private life he does things that a credible man under oath does not do.

I was present at the church door, at Malbaie, when Mr. Langevin made a speech; it was during the election.

CROSS-EXAMINED.

I cannot say either the day of the week, nor the hour, when I went to Mr. Perrault's.

It was in the forenoon; it was three or four weeks before the polling; that time I met Lajoie at the store of Henry Simard; we went out together, and it was after that we had gone out that I 990 asked him to come and sign the requisition to Mr. Kane, which I was then engaged in getting signed.

I advised several to sign the requisition, but Lajoie was the only one that I brought to sign, because I thought that he would not go there alone, because he is not to be depended upon.

Question.—What do you mean to express when you say that Seraphin Lajoie is not to be depended upon?

Answer.—I mean that he must be followed to make him do what one wants.

Question.—Will you swear that you yourself always do what you have promised?

Answer.—I do it when I can do it, there are times when one promises things, and when one is put out of countenance (*devisagé*) one cannot do them.

1000 By the term, put out of countenance (*devisagé*), I mean being deceived by persons who have promised me money.

It has happened to me to put my creditors out of countenance, that is to say, not to satisfy them, because I was put out of countenance myself.

Question.—Be good enough to cite some of the cases in which Seraphin Lajoie shewed that he was not a reliable person?

Answer.—I told you a while ago that he had not done me any harm, myself; but I have heard it said, by a great many people, that he was not reliable.

Question.—Name some of those whom you have heard say this?

Answer.—I have heard it said by fifty or sixty; I cannot name them all.

1010 Question.—Name some of them.

Answer.—I did not even remark their names; there were too many of them.

Question.—How do you explain that you cannot name any of these persons?

Answer.—It is because there were too many; I said so just now.

Very often I have been witness of quarrels which he has had, at the door of the church, with persons who said that he had cheated them in the exchanging of horses; I have even, being with him, met women who wanted to give him blows with broom-handles, because he had cheated them

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in the exchange of horses; all the persons who have told me that he was not reliable, told it to me because they asserted that he had thus taken them in on trading of horses.

The time that a woman wanted to beat him with a broomstick, I was going with him to buy
1020 mysell' a horse; I had brought him with me because he understood horses better than I.

Before the election I was often with him; we are not seen with him any longer; we see each other less often since the election; he earns his living partly by dealing in horses; he is too knowing in this trade; he is considered very sharp in horse dealing; he is too sharp, to my mind.

Three or four persons have told me that Seraphin Lajoie is a thief.

I do not remember the names of any of these persons.

I do not say that I have been great friends with Lajoie; when I wanted him I made use of him.

He has never taken a pin's worth from me, and personally I am not aware that he has taken a pin's worth from anybody.

1030 I take liquor sometimes, and I get drunk when it suits; but it does not suit often.

I took a glass to-day, and I take one every day.

I took a glass this morning, and I took another before coming in to give my evidence; the glass which I took before coming in here, I took at Mr. Perrault's; I took another glass late this morning at Mr. Barthelemi Bonchard's.

The glasses that I took were small glasses of Canadian, that is to say, about two fingers in the tumbler; I can carry much more.

It is very seldom that I do not take three similar drinks every day.

I was for Mr. Langevin in the last election; during the election I went to Mr. Tremblay's, but I swear that I neither said nor gave him to understand that I was for him; I was not yet declared
1040 for any candidate, and I only declared myself the evening before the polling.

When I so went to the house of Mr. Tremblay, I went to hear some news of the election.

That time I said to Mr. Tremblay what I have said to several others, that it was impossible to vote for Mr. Langevin: for a man out of the county.

I really think that at this date Mr. Langevin was in the field as a candidate, but I am not sure of it.

Since the last election I have signed a petition asking for the expulsion of the defendant from the House: this is how the thing happened; I had arrived at Quebec, a little fuddled; I went to Mr. Tremblay's house to receive some money, he told me that Mr. Langevin was unworthy to sit in the House, and asked me to sign a petition to expel him from it; I told him if Mr. Langevin
1050 was unworthy, I was ready to sign, and I did sign, for I was honest enough for that; Mr. Tremblay said to me that Mr. Langevin would be dismissed immediately.

I was at the Church of St. Hilariion at the time of a sermon which the curé preached about the election.

This sermon was pretty strongly against the Rouges; I thought it so strong that it made me

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mourn; I left the church; I had also occasion, for my horse was outside, and I had been gone since the morning.

If I had been here, in the parish, I should have gone out sooner.

After I had gone out, I reproached those who were Rouges in the place for not having all gone out, and with being cowards, for I think that if they had all gone out, it would have enlmed the
1060 curé; at that time I had no party; I was for Mr. Kane, it was always thought that he would stand; I was a Blue then, and I have always been that.

RE-EXAMINED.

Seraphin Lajoie is a farrier, who attends sick animals.

Seraphin Lajoie comes to my house, and I go to his, and when I say that I am a friend of Seraphin Lajoie, I mean to say that when I meet him, I salute him like anybody else.

Mr. Perrault is in the habit of showing me attentions when I go to his house, and when it suits he gives me a glass of liquor, as I offer some to him when he comes to my house.

This mid-day it was I who asked Mr. Perrault to give me a glass of liquor, because I wanted some, not having eaten since the morning.

1070 This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and that he cannot sign.

Taken and sworn
before me, by consent, at Malbaie, this }
24th August, 1876.

CHAS. DEBERGER, P. S. C., U. S.

Sworn by Consent.

H. CYRIL PELLETIER,
Attorney for Defendant.
F. LANGELIER,
Attorney for Petitioners.

Province of Quebec, }
 District of Saguenay. } SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 26th August, 1876.*

Present—Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Pierre Tremblay, 50 years of age, farmer, of the Parish of St. Hilarion, being duly sworn on the Holy Evangelists deposed and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest in the result of this suit; I was present in the Church of St. Hilarion on the 16th January last; the curé explained the Bishop's mandate; the curé did not tell the electors how they ought to vote; on the preceding Sunday, the curé had spoken of wrong-headed persons; he also spoke of them on the 16th; he spoke of them in relation to the Bishop's mandate; he said that there were in the parish some wrong-headed persons who thought that the mandate which he read did not come from the Bishops; that it was the mandate of the Bishops which he read and that it was not he who reformed that; I heard that there were in the parish some who said that the mandate which the curé read did not come from the Bishops, that it was a letter that the priests had made up among them.

On the 9th he read a part of the mandate, and the remainder on the 16th.

The curé did not say that the electors ought to vote for the Conservative Party or for the Liberal Party.

In his explanations the curé said that it was not right to support Catholic Liberalism by contempt of the Church; that to support that party would be a grave sin.

I swear that the curé did not say that to vote for the Liberal Party was to be against the curé, against the Bishops, and against the Pope.

At the end of his sermon the curé spoke of two banners, by comparison; it was in relation to Catholic Liberalism; he said look at Garibaldi, Victor Emmanuel, these are Catholics who persecute religion; he said, if you were at the point of death and Victor Emmanuel and Garibaldi came with a banner, and the Pope came also with a banner, which banner would you like to follow.

I understood that the banner of the Pope was the more respectable and that I would prefer to follow it rather than to follow that of Victor Emmanuel and Garibaldi; the curé did not say red banner or blue banner; he did not speak of color, he only said banner.

The curé did not draw any comparison between these banners and political parties; he did not say that the blue banner represented the Conservative Party and the red the Liberal Party; by the
 1100 comparison of the two banners I understood that the curé wished to designate good and bad Catholics.

He did not say that we ought to follow our ecclesiastical superiors, even in the elections, except
 if it was known that a liberalism against the mandate is in question.

I know Reule Asselin, a witness heard in this cause.

All that the curé may have said in the pulpit during the election did not change a single vote so far as I could see the people had decided before the sermons.

Before the arrival of the defendant the people pronounced themselves against Mr. Tremblay, for the party of Mr. Gauthier; it was said that Mr. Tremblay had given some bad votes.

I know Jules Tremblay of St. Hilarion, farmer, a witness examined in this cause.

1110 At the beginning of the election I know that Jules Tremblay was for the party of Mr. Gauthier.

The curé did not say that the bishops' mandate condemned one of the two political parties, either the Conservative or the Liberals; I was church-warden in office, and I ceased to be so on the 1st January last; I sent in my accounts on the 1st January, and it was then that the curé delivered the books of the Fabrique to Reule Asselin, the new church-warden in office.

There had already been difficulties between the curé and Asselin; the curé then delivered to him the books of the Fabrique; Asselin then asked him why; the curé answered, "as I told you yesterday evening, you are always against me in all church matters; in all matters you speak ill of me; this week again you canvassed to elect as church-warden a young man of 25 years
 1120 against a man of 51 years, and that because that young man was of your party; I have nothing to say against that young man, but you have infringed the custom of electing the oldest in the parish; it is an insult to that man; you never do otherwise; you are a blackguard."

I know that Asselin spoke ill of the curé; there was no question at the time of a parliamentary election, and the curé did not allude to it.

The curé made a difference between Catholic Liberalism and Political Liberalism; he said very little of Political Liberalism; he constantly returned to Catholic Liberalism, which he compared to the serpent in terrestrial paradise; the difference which I understood him to make between Catholic Liberalism and Political Liberalism is, that he spoke of Catholic Liberalism, and forbade voting for a Catholic Liberal; he did not forbid voting for a Political Liberal; the man-
 1130 date did not speak of it.

At the time of the delivery of the books the curé said to Asselin that he would not make the pastoral visit with him, for the reason which he had given him on the preceding evening; that he was always against him, that he spoke against him, that he was a blackguard.

In explaining the mandate the curé spoke of disgraceful persons; he began by saying it was a duty to vote; that persons should not sell themselves; that he knew in preceding elections there were some persons who had sold themselves; that people should vote according to their consciences; that those who should sell themselves were disgraceful persons; there was no question of the Liberals being disgraceful persons; the curé did not say that; nor did he say that the Liberals were wrong-headed.



1140 The sermons of the other curés of the county caused no change at St. Hilarion in the vote of the electors.

CROSS-EXAMINED.

At the request of Mr. Langlois, curé of our parish, I signed a declaration to contradict other declarations put forth by Ricule Asselin, Joseph Boudreau, and some others.

The following declaration is read to the witness:—

St. HILARION, April, 1876.

To Monsignor the Archbishop of Quebec:

We, the undersigned parishioners of St. Hilarion, solemnly declare that our curé did not say, on the 16th of January last,

- 1150 1st. That the parishioners of St. Hilarion were wrong-headed people, but that there are among us some wrong-headed people who, instead of submitting to the decisions of the church and obeying the letters of our bishops, take a pleasure in maintaining and increasing discord in our parish.
- 2nd. He did not speak of the Conservative party, but that we could not in conscience vote for a Liberal candidate when he is known to be such.
- 3rd. He did not say in a general manner that those who should vote for a Liberal candidate would sin mortally, but that to vote for a Liberal candidate through contempt for the decisions of the church constituted a grave fault.
- 1160 4th. It is absolutely false that he said that there were in the parish people who call themselves Catholics, and who are Garibaldians, and make war upon the Pope. The following, so far as can be remembered, is what he said to us: You will be called upon this week to select a man to represent your interests in Parliament; I shall tell you to vote according to your conscience, enlightened by your superiors; do not forget that the Bishops of the Province assure you that Liberalism is like the serpent that crawled into terrestrial Paradise to tempt the human race, and make it fall; according to your Bishops the Liberals are deceivers, therefore, you must not follow them if you desire not to be deceived; Liberalism is condemned by our Holy Father the Pope; the church condemns only the evil; now Liberalism is condemned, therefore, Liberalism is bad, therefore, you ought not to give your vote to a Liberal; your bishops declare it openly; further, your chief pastors tell you that the priest and the bishop may
- 1170 in all justice, and should, in all conscience, elevate their voices, point out the danger, and declare with authority, that to vote in such a manner is a sin.

Now, if there is sometimes a sin in voting in one way rather than in another, it certainly must not be when you vote in accordance with the wise counsels of all the Bishops of the Province, and if it is not in that way, it certainly must be in the other.

- I must, however, tell you that if you vote for a Liberal candidate, *not believing him to be so*, because your conscience tells you that that man will best represent your spiritual and temporal interests in the House, in that case you do not sin; but if you know that he is a Liberal you cannot in conscience give him your vote: you sin in favoring that man, since you give your support to a man who maintains principles condemned by the church, and you
- 1180 assume the responsibility for the evil which that candidate may do in the application of the dangerous principles which he professes.



Observe my brethern, that it is not enough that a candidate should deserve your votes that he is a Catholic, for look you, it is not precisely the man whom you should consider, but his political principles, as well as the principles of the Government which he supports; for Victor Emanuel is a Catholic and Garibaldi is a Catholic, yet that does not prevent them from rebelling against the church and making war upon our holy father the Pope, and keeping him prisoner in his castle. So the Liberals make war upon the church, for, saith Jesus Christ, "he who is not with me is against me." Now the Liberals are against the church, for she condemns them; they make war upon her since they refuse to submit to her teaching.

1190 Remember my dear children that you will render an account to the good God of the vote you will give this week; tell me at the hour of your death on which side you will prefer to be, on the side of the church, and the Sovereign Pontiff, and of your bishops; or on the side of Victor Emanuel and Garibaldi; reflect and decide like men, and not like children, for the act you are about to do is perhaps of greater importance than you can imagine. What is important, therefore, to do is to cause your conscience to be enlightened by those whom you believe able to advise you well and to follow that conscience so enlightened to the best of your ability: if you do this the good God will not reproach you, and consequently I cannot do so.

The witness is asked whether that is the declaration which he signed, and he replies that it is; to the best of my knowledge, that declaration, when I signed it in April last, gave the sense of the curé's sermon.

1200 It was Antoine Bonchard who read that declaration, in the presence of the curé and of all those who signed it, and we signed it, convinced that it will give the sense of the sermon; when that declaration was read to us the curé did not explain it to us.

I did not understand that the curé by that sermon meant to speak against one of the candidates; the two only candidates then in the field were the defendant and Mr. Tremblay; Mr. Langevin was the Conservative candidate; I do not know what Mr. Tremblay's politics are; I know well that he was not a Conservative, but I do not know to what school of politics he belonged; I know well that he was the candidate of the party which is called Rouge.

1210 There are only two parties in the country, a Conservative party and a Rouge party; I quite think that the latter party is the same thing as the Liberal party.

When the curé said, "if you vote for a Liberal candidate, not believing him to be so, you do not sin; but if you know that he is a Liberal, you cannot in conscience give him your vote; you sin in favoring that man;" I swear that I did not understand that he wished to put us on our guard against Mr. Tremblay; yet when the curé said that, I quite understood that he spoke for this election.

Question.—Did you understand that he wished to prevent you from voting for one of the two candidates in the field?

Answer.—No.

1220 Question.—Did you understand that the curé liked as well to see you vote for Mr. Tremblay as for Mr. Langevin?

Answer.—Yes; because he had set us free to vote for whom we liked.

Question.—Do you think that an elector is free when he cannot vote for a candidate without sinning?



Answer.—No.

I think that I knew during the election that the curé was against Mr. Tremblay; I did not understand by my knowledge that from what the curé said there were Liberals in the country.

I swear that according to that sermon I understood that we might vote for Mr. Tremblay, still being as good Catholics as in voting for Mr. Langevin; I said that because the curé left us free to vote for whom we would; he left us free to vote for the Conservative candidate or for the Liberal candidate.

I understood that we might vote for a Liberal as well as for a Conservative, provided he was not against the church.

He did not tell us whether the Liberals were against the church or not; he did not speak to us of that.

There were some who went out of the church during that sermon; the curé said that he was going to continue the explanations of the mandate, and it was thereupon that they went out; a large number of persons thus went out; I cannot state the number exactly.

I do not think that the curé said that to vote for a Liberal would be a sin; he often spoke of Catholic Liberalism; he was always upon it.

It may be that he said that the Liberals persecuted the church and the Pope; but I cannot remember it; I understood that the manner in which we should vote would not range us rather with Garibaldi than with the Pope.

What Asselin said against the curé was that it was his fault, if things went ill in the parish, that he was a fool, that he understood nothing, a wrong-headed fellow, an apostate; I do not know what the word apostate means, but I know that it is not a decent word; I swear, and I can swear 500 times, that the curé's sermons did not prevent a single elector from voting for Mr. Tremblay, and did not change a single one of them either.

I spoke to all the electors, or heard them spoken to as to their opinions.

I swear that Jules Tremblay had pronounced for the defendant before the curé's sermons.

I think, but I am not sure of the thing, that the curé did not read the Bishop's mandate until the month of January; he had read none of it before.

The witnesses from St. Hilarion, who were to be heard in this cause for the defendant, met at the curé's last week, last Saturday; the curé was not there; it was Mr. Pelletier, the advocate of the defendant, who sent for me.

Mr. Pelletier read us the evidence heard in this cause; he asked us whether that was the curé's sermon; we said no. There were, at that meeting, Antoine Bouchard, Edouard Bouchard, Jean-Baptiste Pilote, Tonssaint Bergeron, Etienne Desgagner, Grégoire Tremblay, Meron Gauthier, Antoine Gauthier, François Tremblay and Octave Bouchard.

The defendant was present at that meeting; he said nothing; it was Mr. Pelletier, who put questions, but the defendant read us the evidence; since my arrival here on Sunday last I have constantly lodged and boarded at the defendant's boarding-house.

RE-EXAMINED.

The defendant never spoke to me of my evidence; among the persons who went out of the



Church of St. Hilarion; there were electors and non-electors and young people; it was at the beginning of the sermon.

This deposition being read to the witness, he persists therein, declaring that it contains the truth and that he cannot sign.

before me, }
Taken and sworn }
in open Court, at Malbaie, this }
26th August, 1876 }

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie
28th August, 1876.

Present—Hon. A. B. ROUTHIER, J. S. C

No. 14.

BRASSARD, *et al.*, Petitioners.

v.s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Antoine Bouchard, 44 years of age, farmer, of the parish of Hilarion, being duly sworn on the Holy Evangelists, deposes and saith:—

1270 I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest in the result of this suit.

I am secretary-treasurer of the municipality of St. Hilarion.

I was at the church of St. Hilarion on the 16th January last; I did not hear the curé say that he was going to explain to the people how to vote.

The curé said that there were some wrong-headed people, and I understood by that persons who would not submit themselves to the decisions of the church.

It was in connection with the mandate which he had read on the preceding Sunday; people said that the curé had added something to the mandate; I say this as having heard it said; he did not say that the people should vote for the Conservative party or for the Liberal party; he did not 1280 use those words.

In his sermon he did not speak of the Conservative party.



He said that the man who should give his vote for any one whom he knew to hold ideas condemned by the bishops' mandate would commit a grave sin.

He did not speak of mortal sin, at least I do not remember it.

I did not understand from that sermon that to vote for Mr. Tremblay, or against any one of his party, would be a sin; I did not understand that the curé said that to vote for the Liberal party, that is to say Mr. Tremblay's political party, was to be against the curés, against the bishops, and against the Pope, but I understood that he said that of the man who should vote against the mandate such as he had just explained it.

1290 The curé spoke of banners in connection with Victor Emmanuel and Garibaldi; he said, also, that there was, the banner of the Pope; he made that comparison to make us understand that we ought not to vote for anyone who held ideas condemned by the Bishops' mandate, by the church.

He did not speak of any color, blue or red (*rouge*); He did not represent the two political parties by those banners, at least I did not here it, and I should have heard it if he had said it.

He did not represent the two political parties, the Conservatives and the Liberals, by those two banners.

I remember that the curé said that one ought to sacrifice his opinion to submit to the decisions of the church; that when the bishops and the priests had said anything they must be followed, and
1300 that the church must speak out; I did not understand by that, that we must vote for Mr. Tremblay.

The curé made a distinction between Catholic Liberalism and Political Liberalism.

I do not remember that the curé said that the curés, the bishops, the Pope were Blues or Liberals; he did not speak of that; he only spoke of them as I have stated above.

He did not say that there were Garibaldians in the parish; he did not speak of the Brunswick schools.

Edouard Bouchard, farmer, of St. Hilarion, was in favor of the defendant before the sermon of the curés, the curé did not mention the name of Mr. Tremblay, and I did not understand that he spoke of his principles.

1310 The curé said that we should render an account of our vote at death; I understood that we should render an account of it as of all other actions of life, and he said nothing to make us understand anything else; I do not remember that the curé said that there was no harm in changing one's vote to please one's curé, and if he had said it I think I should remember it.

He spoke of the mandate in a general manner; he did not say I did not understand that he condemned Mr. Tremblay or his political friends, but I understood that if Mr. Tremblay held ideas condemned by the mandate, it was for us to look to it; the curé did not speak of Ronges, and did not say that a vote on the Ronge side would be a mortal sin, but he said that to vote for a man who held ideas condemned by the mandate and the church would be a grave sin.

On the 9th of January the curé did not say that on the following Sunday he would explain
1320 what party we must follow; I am not positive, he may have said it, but I do not remember it.

The curé did not say that the priests, the bishops and the Pope are of the Conservative party and that that party must be followed.

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He did not compare Mr. Tremblay to Victor Emmanuel and Garibaldi; he did not pronounce Mr. Tremblay's name, and I did not understand that he intended to draw that comparison; he said that it was a duty to vote and that one should vote according to one's conscience.

From all that the curé said in the pulpit during the election, I understood the people were perfectly free to vote either for the defendant or for Mr. Tremblay without sinning.

I swear positively that the curé did not say that it was wrong to vote for the Liberal party; that that led to evil things; that he who worked for the Liberal party worked for hell, to put
1330 down religion.

He did not speak of the Liberals when he told us that we should render an account of our vote at death, except Liberals condemned by the mandate.

Before the last election there had already been trouble at St. Hilarion; during the other elections the people had fought; he did not say that those who should vote for the Liberals would be Protestants.

I swear positively that the curé did not speak of great misfortune in connection with those who should vote for the Liberal party; he had spoken of it during the preceding autumn in relation to the two children who had died unbaptised.

CROSS-EXAMINED.

1340 The curé may have begun his sermon by saying that he was happy to see that the greater part had understood his instructions, but I do not remember it.

At the date of that sermon there were only two candidates in the field, the defendant and Mr. Tremblay; the defendant was considered as the Conservative candidate, and Mr. Tremblay as the Liberal candidate.

It was generally known that the curé was against Mr. Tremblay, but he did not say so to me.

The distinction which the curé made between Catholic Liberalism and Political Liberalism consisted in saying that the first was more dangerous than the second.

I quite understood that when a candidate was condemned by the mandate, as explained by the curés, that he was to be voted against.

1350 On Sunday, the 16th, I was at the curé's, and several electors who were there spoke of the election among themselves, and perhaps also with the curé; I do not know whether those electors were of both parties or of one only; the conversation was principally about the squabble which took place after mass; I do not know in relation to what that squabble took place; I did not see a single person go out during the sermon, but some may have gone out without my seeing them.

The curé did not say in that sermon that those who professed the principles of condemned Liberalism were drawing near to Protestants; he did not say a word of Protestantism; at least I do not remember it.

It may be that I was told the squabble arose on the subject of the sermon, but I do not remember it; the fact is I did not concern myself at all about the election.

1360 I was for the defendant at the said election.

The curé spoke of his sermon in the pulpit at the end of March or the beginning of April; it was in relation to declarations in which his sermon was reported; I do not remember what he said.

I was present at a meeting of the witnesses for the defence, which was held at St. Hilarion, at the curé's parsonage, a fortnight ago to-day or to-morrow; the curé had been absent since the preceding evening, but his sister was there and spoke with them of what should be the subject of Zéphirin Bergeron's evidence.

The defendant was there; I do not know who convened the meeting, but a man came to tell me from the defendant that the defendant wanted me at the parsonage.

1370 At that meeting the defendant read us the evidence from St. Hilarion, and some questions were put to us and some notes were taken; each of the witnesses said what he knew, I think, but I am unable to swear formally that even without the observations of the other witnesses I should have remembered what I said just now.

I have resided for a week with three other witnesses from St. Hilarion, and we have sometimes chatted together about our evidence, but that was not with the object of gathering knowledge: I swear positively that we did not agree together to say the same thing.

At the request of the curé of St. Hilarion I signed, on the 9th April last, a declaration having as its object the rectification of the other declarations about which the curé had said a word to us from the pulpit, as I have said above; I do not know whether it was the curé himself who prepared the declaration which I signed, but I think that it was he, because it was he who handed it
1380 to us to be signed.

The declaration (exhibit F) of the petitioners being read to the witness, the witness says that that is the declaration which he signed at the request of the curé.

In that sermon the curé said that there were persons in the parish who would not listen to the teachings of the church; I did not understand of whom he meant to speak by that.

I signed that declaration being convinced then as I am still that it contained the truth.

It was generally known that the curés of the county were against Mr. Tremblay.

Mr. Cleophe Simon spoke to me of this contestation in connection with what had been said by the witness already heard; he said little, and I do not remember what he said.

1390 When the curé said that one should vote according to his conscience, he said that one should vote according to his *conscience enlightened by the bishops and the curés.*

RE-EXAMINED.

When the curé said that one must vote according to one's conscience, enlightened by the bishops and the curés, I did not understand those words to apply to the election of the defendant and of Mr. Tremblay, but that he spoke in a general manner according to the mandate.

Every Sunday a great many persons go to the curés.

The declaration (exhibit F.) of the petitioners was made to contradict a declaration which Rieule Asselin and others had sent to the Archbishop of Quebec.

1400 It was Mr. Pellitier, advocate of the defendant, who put the questions to us and took notes at the meetings of some witnesses at St. Hilarion.



This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and hath signed.

Taken and Sworn
before me, in open Court, at Malbaie, this }
28th August, 1876.

ANT. BOUCHARD.

A. B. ROUTHIER, J. S. C.

Province of Quebec } IN THE SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie
the 28th day of August, 1876.*

Present—Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

v.s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

François Tremblay, aged fifty-one years, farmer, of the parish of St. Hilarion, being duly sworn on the Holy Evangelists, deposes and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this trial.

I am a church-warden

[The petitioners admit that this witness will prove the same thing as Pierre Tremblay and Antoine Bouchard in relation to the sermon of the curé of St. Hilarion.]

1410 I was present on New Year's day when Pierre Tremblay rendered his accounts, and the curé delivered the books of the Fabrique to Riéule Asselin.

The rendering of the accounts being over, the curé delivered the books to Asselin, saying, "there is what belongs to you." Asselin asked him why he gave him the books? and the curé answered him; "you know what I said to you, yesterday evening." He added; "you are always persecuting me, and even at the last election of a church-warden you wanted to put in a man to persecute me;" that election of a church-warden was very hotly contested, and polls had been held; in that election, Asselin was opposed to the curé; they were in difficulties together, about the affairs of the Fabrique.

I accompanied the curé in his pastoral visit; in his pastoral visit, the curé did not speak of the elections, except at the house of Zephirin Savard; It was Zephirin Savard who began to speak to

1420 him about it by asking him what he understood by Liberalism? the curé said to him that the aim of Liberalism was to make the church subject to the State; this conversation did not last long.

We did not, at St. Hilarion, hear of the sermons of the curés of the other parishes; when the election was spoken of, the people said in the parish that if Mr. Gauthier was in favor of the candidature of the defendant, they would support him also; the parish was altered since the election of Mr. Onésime Gauthier; the defendant had about the same party that Mr. Gauthier had

Toussaint Bergeron and Etienne Desgagnier declared for the defendant, long before the 16th of January, and Jules Tremblay appeared to me also favorable to the defendant before that day.

CROSS-EXAMINED.

I think it was generally known in the the parish of St. Hilarion that the curé was in favor of 1430 the candidature of the defendant; the defendant and Mr. Tremblay were the only candidates; the defendant was the Conservative candidate and Mr. Tremblay the Liberal candidate.

In the election of church-wardens, of which I have just spoken, Mr. Asselin's candidate was victorious over the candidate of the curé; the thing was not foreseen; we were not in the habit of having elections, but followed the custom, and some had gone away.

I do not know whether those who voted for the defendant are not Liberals; they may be mixed; Mr. Gauthier had been brought forward as candidate by persons of both parties.

Question.—Is it not true that the opponents of Mr. Gauthier were all Conservatives?

Answer.—I do not know.

Question.—Is it not true that there were no Liberals against Mr. Gauthier?

1440 Answer.—I know nothing about it.

Question.—Is it not true that the mass of Mr. Tremblay's party had supported Mr. Gauthier, and that all his opponents were old opponents of Mr. Tremblay?

Answer.—I know nothing about it.

Question.—Do you know who composed Mr. Gauthier's party, and who composed Mr. Langevin's party?

1450 Answer.—They were composed of two parties; Mr. Tremblay's party in 1874 was stronger, I think, than that of Mr. Gauthier in 1875; I do not know whether Mr. Gauthier was backed by more of the supporters than of the adversaries of Mr. Tremblay; colours were not spoken of in that election; it was known at the end of the election that Mr. Tremblay supported Mr. Gauthier; but at the beginning it was said that Mr. Tremblay was against him.

Question.—Is it not true that you boasted that you would say here only what you liked, or something of the kind?

Answer.—No.

RE-EXAMINED.

If the thing had been foreseen, Asselin's party would not have carried the election of the church-warden.

RE-CROSS EXAMINED.

I cannot swear that those who were not present at the meeting would have voted against Asselin's candidate.

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RE-DE-EXAMINED.

Question.—State what would have been the result of the voting if the persons who were not present had voted at the said election of church-wardens, though you cannot swear that all would have voted against Asselin's party?

Objection—The question should have been put in the re-examination.

Objection maintained.

This deposition being read to the witness, he persists therein, declares that it contains the truth, and hath signed.

FRANCOIS TREMBLAY,

before me, }
Taken and sworn }
in open Court, at Malbaie, this }
28th August, 1876. }

A. B. ROUTHIER, J. S. C.

Prothonotary at Quebec, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie, the 28th day of August, 1876.

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

v. s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Gregoire Tremblay, aged twenty-six years, clerk, of the parish of St. Hilarion, duly sworn on the Holy Evangelists, deposeseth and saith:—

1470 I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this trial.

[The petitioners admit that the witness will prove the same thing as Pierre Tremblay, and Antoine Bouchard as to the sermons of the curé of St. Hilarion.]

I attended a meeting held at Hyppolite Tremblay's by the defendant during the election.

I know Jules Tremblay, a witness examined in this cause; I was all the time near the defendant, and think that I saw all that passed at that meeting.

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Jules Tremblay did not speak to the defendant here the evening, I swear this positively; I cannot swear whether he did not speak to him before or after the meeting.

I was present when the curé delivered all the books of the Fabrique to Kienle Asselin.

1480 He delivered the books to him on account of the works of the church, and of the election of church-warden, which had just taken place.

There was nothing said then about the election of the Defendant and of Mr. Tremblay.

The sermons of the curés of the county did not produce any effect at St. Hilarion, I do not think that it changed one vote; I did not hear those sermons spoken of in the parish.

I cannot precisely state the number of supporters of the defendant in St. Hilarion before the sermon of the 16th January, but I can state the number of Mr. Tremblay's supporters.

In my calculations I gave from 25 to 30 votes to Mr. Tremblay; I think that over 25 voted for him; I cannot say who produced this little change, but, in my opinion, I cannot say whether that results from the sermons.

1490 I know that Jules Tremblay, Toussaint Bergeron, and Etienne Desgagnier had declared in favor of the defendant before the sermon of the 16th.

Sides were taken when Mr. Langevin came to speak at St. Hilarion, and when it was learned that he was a candidate.

In my opinion, it is the Gauthier party that gave the majority to the defendant: the curé preaches every Sunday after the Communion.

CROSS-EXAMINED.

I do not remember that when the curé delivered the books to Asselin, he made allusion to a conversation they had had the previous evening; I cannot swear he did not make allusion to it; some persons said in the parish that the curé was for the defendant.

1500 I may have said at a meeting that the curé was for the defendant, but I do not remember it.

There was no other candidate at that election but the defendant, who was the Conservative candidate, and Mr. Tremblay, who was the Liberal candidate.

I cannot say whether those who went out of the church did so on account of the sermon, but I know they went out during the sermon, and I heard one of them say they went out because of the sermon.

I do not remember what the curé was saying when they went out; some went out at the beginning of the sermon, and others about the middle.

This deposition being read to the witness, he persists therein, declares that it contains the truth, and hath signed.

GREGOIRE TREMBLAY,

Taken and sworn
before me, in open Court, at Malbaie, this }
28th August, 1876.

A. B. ROUTHIER, J. S. C.



Province of Quebec, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malabar
the 28th day of August, 1876.

Present—The Hon. A. B. ROUTHIER, J. S. C

BRASSARD, *et al.*, Petitioners.

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

1510 Hyppolite Tremblay, aged 54 years, farmer, of the parish of St. Hilarion, being duly sworn on the Holy Evangelists, deposes and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this trial.

[The petitioners admit that this witness will prove the same thing as Pierre Tremblay and Antoine Bouchard in relation to the sermons of the curé of St. Hilarion.]

The defendant held a meeting at my house during the election; I know Jules Tremblay, the witness examined in this cause; Jules Tremblay did not, to my knowledge, speak to the defendant privately; I was always in the same apartment where the defendant spoke, but I occupied myself in placing the people as they came in; I listened to the defendant all the time he spoke, but it may
1520 be that he said some things which I did not notice for the reason I have just given.

If Jules Tremblay had spoken to the defendant, and the defendant had answered him at a distance of some ten feet, I think I should have heard.

I was present when the curé delivered the books to Riéul Asselin; there was nothing said about the parliamentary election; an election was spoken of, but I understood that it related to the election of the church-warden, which had just taken place; the curé said, "We never agree, when I wish to put in a man, you want to put in another."

The matter in question between them was their differences in relation to the affairs of the Fabrique.

CROSS-EXAMINED.

1530 The curé may, on the rendering of accounts, have reminded Asselin of what he had told him the previous evening in relation to the giving up of the books, but I do not remember it.



This deposition being read to the witness, he persists therein, declares that it contains the truth, and hath signed.

HYPPOLITE TREMBLAY.

Taken and sworn
before me, in open Court, at Malbaie, this }
28th of August, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay. } **IN THE SUPERIOR COURT.**

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
28th day of August, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Jean Baptiste Pilote, aged twenty-seven years, farmer, of the Parish of St. Hilarion, being duly sworn on the Holy Evangelists deposed and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this trial.

[The Petitioners admit that this witness will prove the same thing as Pierre Tremblay and Antoine Bouchard, in relation to the sermons of the Curé of St. Hilarion.]

1540 Jules Tremblay, a witness examined in this cause, declared himself for the defendant long before the sermon of the 16th.

I do not think the sermons of the other curés of the county changed one vote at St. Hilarion: I think it was the Gauthier party that gave the majority to the defendant at St. Hilarion.

CROSS-EXAMINED.

I have been a resident of St. Hilarion, only since the spring of 1875; and I do not know what Mr. Gauthier's party was composed of.



This deposition being read to the witness, he persists therein, declares that it contains the truth, and hath signed.

JEAN BAPTISTE PILOTE,

Taken and sworn
before me, in open Court, at Malbaie, this }
28th August, 1876. }

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay. } **IN THE SUPERIOR COURT.**

DOMINION CONTROVERTED ELECTIONS ACT, 1874

Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie, the 28th day of August, 1876.

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et al.*, Petitioners.

v's.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Toussaint Bergeron, aged 55 years, farmer, of the parish of St. Hilarion, being duly sworn on the Holy Evangelists, deposes and saith:—

1550 I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of either of them; I have no interest whatever in the result of this trial.

[The petitioners admit that this witness will prove the same thing as Pierre Tremblay and Antoine Bonchard in relation to the sermons of the curé of St. Hilarion.]

I know Narcisse Lajoie and Zéphirin Savard, witnesses examined in this cause.

I had declared for the defendant long before the election; I mean before the voting, and I so declared myself from the commencement of the election, because I wanted to follow the party of our member, Mr. Gauthier.

1560 I said to Zéphirin Savard, and also, I think, to Narcisse Lajoie, that I was for Mr. Tremblay, but I was not serious; I was then in favor of the defendant; I never said to them that I had changed my opinion on account of the curé's sermons, and I did not change my opinion on account of the curé's sermons, and I do not think that that changed the opinions in the parish; we wanted to follow Mr. Gauthier.



Those who said that the curé spoke strongly were political friends of Mr. Tremblay.

I was present when the curé delivered the books of the Fabrique to Rieule Asselin; the election of the church-wardens was then in question, but not the parliamentary election.

CROSS-EXAMINED.

The election of the church-warden did not make much noise in the parish.

When I said to Zéphirin Savard that I was for Mr. Tremblay, I did not tell him the truth, but I spoke seriously; I do not remember whether, when the curé delivered the books to Asselin, he made allusion to what he had said to him the previous evening on that subject.

This deposition being read to the witness, he persists therein, declares that it contains the truth, and that he is unable to sign.

1570 Taken and sworn
before me, in open Court, at Malbaie, this }
29th of August, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, } IN THE SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie,
the 28th day of August, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

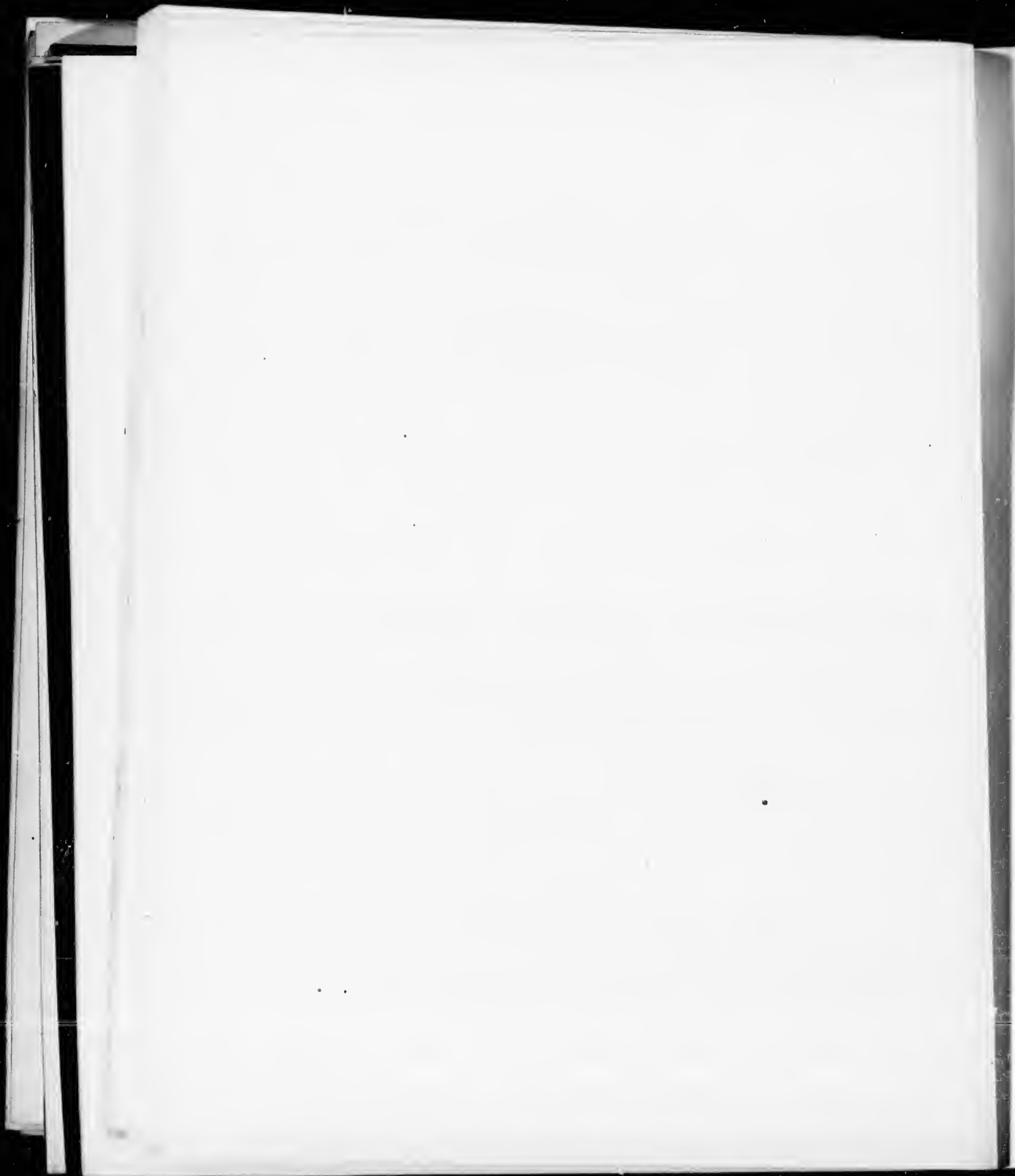
v's.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Edouard Boucher, aged forty-nine years, farmer, of the Parish of St. Hilarion, being duly sworn on the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of either of them; I have no interest whatever in the issue of this trial.



[The petitioners admit that this witness will prove the same thing as Antoine Bonchard and Pierre Tremblay, in relation to the sermons of the cure of St. Hilarion.]

I know Narcisse Lajoie and Zéphirin Savard, witnesses examined in this cause; I spoke to them 1580 sometimes about the election, and I told them for whom I was, that I was for Mr. Langevin, and I never spoke to them about the curés' sermons; that I had changed my conviction on account of those sermons; I spoke to them about these sermons, but in order to tell them that they had not changed me.

I declared myself for the defendant from the beginning of the election.

I do not think that the sermons of the curés of the comty changed a single vote in St. Hilarion; if they changed any, it was not to my knowledge.

I did not hear those sermons spoken of in St. Hilarion; it seems to me that it was the Gauthier party that gave the majority to the defendant in St. Hilarion, and that party declared itself pretty clearly for the defendant.

CROSS-EXAMINED.

1590

Immediately after mass, on the 16th of January, I spoke with Zéphirin Savard about the curé's sermon; he said that that sermon made Mr. Tremblay out worse than Mr. Langevin; and I said to him, "You understood very well that it did not make him out worse, for you are a more intelligent man than I am, but you don't want to admit it; the curé said that merely for us to examine in accordance with the instructions of our bishops, as I said just now."

I did not meddle much with the election in question, and I do not know much about what took place.

This deposition being read to the witness, he persists therein, declares that it contains the truth and hath signed.

EDOUARD BOUCHER.

Taken and Sworn
before me, in open Court, at Malbaie, this }
28th of August, 1876.

A. B. ROUTHIER, J. S. C.



Province of Quebec, }
 District of Saguenay. } IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

*Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie.
 28th day of August, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et al.*, Petitioners.

v.s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

1600 Naron Gauthier, aged twenty-four years, farmer, of the parish of St. Hilarion, being duly sworn on the Holy Evangelists, deposes and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of either of them; I have no interest whatever in the result of this trial.

[The petitioners admit that this witness will prove the same thing as Pierre Tremblay and Antoine Bouchard in relation to the sermons of the curé of St. Hilarion.]

I was at Zéphirin Savard's when the curé stopped there in his pastoral visit; François Tremblay was present; Zéphirin Savard asked the curé to explain to him what Liberalism was; I cannot state all that the curé said, but I noticed that he said to Savard that the party of Catholic Liberalism wanted to subject the Church to the State.

1610 I was present all the time of the conversation; I do not remember that the curé then mentioned the name of Mr. Tremblay, and there was nothing said about his principles nor about those of the Government which Mr. Tremblay supported.

This conversation may have lasted some ten minutes.

I do not remember that on that occasion the curé spoke of the New Brunswick schools, and if he had spoke of them I think that I should remember it, but I am not sure of this.

On the 16th January some persons went out of the Church; some of them began to go out at the commencement of the sermon; I remember the names of three who went out; Flavien Ville neuve, witness examined in this cause, is one of the three persons, and he went out almost at the beginning of the sermon.

1620 I do not think the sermons of the neighbouring curés changed one single vote in St. Hilarion; the strength of the parties was known before the curés began to explain the pastoral letter.

The party for Mr. Langevin was stronger.



CROSS-EXAMINED.

I took no part in the election.

I do not know the meaning of the word State used by the curé in his conversation with Zéphirin Savard, but I understood by that phrase of the curé's that Liberalism wanted to make laws to have the Bishops appointed by the Government.

I now think that the State is the Government.

I swear that I understood well what I have just stated, without any person having suggested to me the idea of causing the Bishops to be appointed by the Government.

This deposition being read to the witness, he persists therein, declares that it contains the truth, and hath signed.

NAIRON GAUTHIER.

Taken and sworn
before me, in open Court, at Mulbaio, this }
28th day of August, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec. }
District of Saguenay. } IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie,
the 29th day of August, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et. al.*, Petitioners,

v. s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Toussaint Bergeron, aged fifty-five years, farmer, of the parish of St Hilarion, being duly sworn on the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of either of them; I have no interest whatever in the result of this trial.

I was present at the meeting at Hyppolite Tromblay's; I know Jules Tremblay, a witness examined in this cause; he came to that meeting after me, but he left it before me; I heard the



speech of the defendant; Jules Tremblay did not, to my knowledge, speak to the defendant, nor did the latter, to my knowledge, answer him at the said meeting; and if a conversation had taken place between them in the ordinary tone, I should have heard it; that meeting took place at St. Hilarion, and during the election there were not any other meetings at Hyppolite Tremblay's.

CROSS-EXAMINED.

Question—Do you swear that Jules Tremblay did not speak to Mr. Langevin privately on that occasion?

Answer.—On my oath, not to my knowledge; if he spoke to him, it was not before me.

This deposition being read to the witness, he persists therein, declares that it contains the truth, and that he is unable to sign.

Taken and sworn
before me, in open Court, at Malbaie, this }
29th of August, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay. }

IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie, the 29th day of August, 1876.

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et al.*, Petitioners.

v.s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Hubert Tremblay, aged sixty-two years, farmer, of the Parish of St. Hilarion, duly sworn on the Holy Evangelists, deposes and saith:—

I know the parties in this cause; I am not a relative, nor a connection, nor a servant, nor a domestic of either of them; I have no interest whatever in the result of this trial.

[The petitioners admit that this witness will prove the same thing as Pierre Tremblay and Antoine Bouchard in relation to the sermons of the curé of St. Hilarion.]

The sermons which the curés may have delivered in the county did not change one vote in St. Hilarion; I think sides were taken from the beginning of the election; I know Seraphin Lajoie, a

witness examined in this cause; his general reputation is that of a "*petit monsieur*," that is to say a person of poor character, and not to be relied upon.

CROSS-EXAMINED.

1660 I think the curé of St. Hilarion was for the defendant at the last election; the defendant and Mr Langevin were the two sole candidates; Mr. Tremblay was the Liberal candidate, and the defendant was the Conservative candidate.

Séraphin Lajoie is a horse-trader, and frequently over-reaches people in exchanging horses; this is what makes me say he is not reliable.

This deposition being read to the witness, he persists therein, declares that it contains the truth, and cannot sign.

Sworn before me,
at Malbaie, in open Court, this }
29th August, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay. } IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

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the 29th day of August, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et. al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Norbert Girard, aged forty-six years, farmer, of the parish of Malbaie, being duly sworn on the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor
1670 a domestic of either of them; I have no interest whatever in the result of this trial.

I know Jules Tremblay, of St. Hilarion, witness examined in this cause.

At the last election he was for Mr. Langevin; in the first week of January he said so to me myself.



I know Séraphin Lajoie, of Malbaie, a witness examined in this cause; he has a poor reputation
[The petitioners declare that they have no questions in cross-examination to put.]

This deposition being read to the witness, he persists therein, declares that it contains the truth, and hath signed.

NORBERT GIRARD.

Taken and sworn
before me, in open Court, at Malbaie, this }
29th August, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay. } IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

*Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie,
the 29th day of August, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Onésime Pilote, aged thirty years, farmer, of the parish of St. Hilarion, being duly sworn on the Holy Evangelists, deposeth and saith:—

1680 I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this trial.

[The petitioners admit that this witness will prove the same thing as Pierre Tremblay and Antoine Bouchard in relation to the sermons of the curé of St. Hilarion.]

On the 16th of January, Flavien Villeneuve, witness examined in this cause went, out of the church, about five minutes after the curé had begun to explain the Liberal party, I think; but I am not sure that Hyppolite Villeneuve, a witness examined in this cause, went out at the same time.

About a dozen persons went out during the sermon; nearly all of them went out at the beginning.

David Gilbert did not say who he was in favor of, but from the beginning of the sermon he 1690 spoke in favor of the defendant.

Zéphirin Savard, a witness examined in this cause, was for Mr. Tremblay, and canvassed a good deal for him.



I do not see, I am positive that the sermons of the other curés of the county did not change one vote in St. Hilarion.

Mr. Langevin had Mr. Gauthier's party, and I am positive that it was that party that gave him the majority at St. Hilarion, and that party declared for the defendant from the beginning of the election.

I know Reûle Asselin, he passes for an honest man in the parish ; I know that he has quarretted with the curé, but I know nothing against his character.

1700 I know Pitre Gilbert, a witness examined in this cause; he does not pass with the public for a truly honest man, but I know nothing about it of my own knowledge, though I have had business with him.

I know Séraphin Lajoie, a witness examined in this cause; he passes for a dishonest man; for my part I know nothing against him; from what people say of him, I would not believe him under oath.

CROSS-EXAMINED.

Néron Gauthier and Hubert Tremblay were supporters of the defendant, and I myself also; the curé never said at my house that he was a supporter of the defendant, but he let me see it in a conversation I had with him; he let me see that because he spoke to me more favorably of the defendant than of Mr. Tremblay; this conversation took place, I think, in the week before the voting; I spoke to him in the week of the voting; I had not the right of vote.

I swear positively that Flavien Villeneuve did not come in again during the sermon; I was on that day in the constable's pew in the church; I cannot say whether the sermon could be heard from outside; I do not think so.

The reputation Zephirin Lajoie bears is that of over-reaching people in horse-dealing.

Mr. Tremblay and Mr. Langevin were the two sole candidates; Mr. Tremblay was the Liberal candidate, and Mr. Langevin the Conservative candidate.

This deposition being read to the witness, he persists therein, declares that it contains the truth, and hath signed.

ONESIME PILOTE

Taken and sworn
before me, in open Court, at Malbaie, this }
29th day of August, 1876.

A. B. ROUTHIER, J. S. C.



Province of Quebec, } IN THE SUPERIOR COURT.
 District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 29th day of August, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et. al.*, Petitioners,

v. s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

1720 Etienne Degagner, aged thirty-four years, farmer, of the Parish of St. Hilarion, being duly sworn on the Holy Evangelists, deposeseth and saith:—

I know the parties in this cause; I am not a relative, nor a connection, nor a servant, nor a domestic to any of them; I have no interest in the result of this trial.

[The Petitioners admit that this witness will prove the same thing as Pierre Tromblay and Antoine Bonchard in relation to the sermons of the Curé of St. Hilarion.]

At the election I was for the defendant; I made up my mind when the defendant spoke in the public hall.

I am well acquainted with Narcisse Lajoie and Zephirin Savard, witnesses examined in this cause.

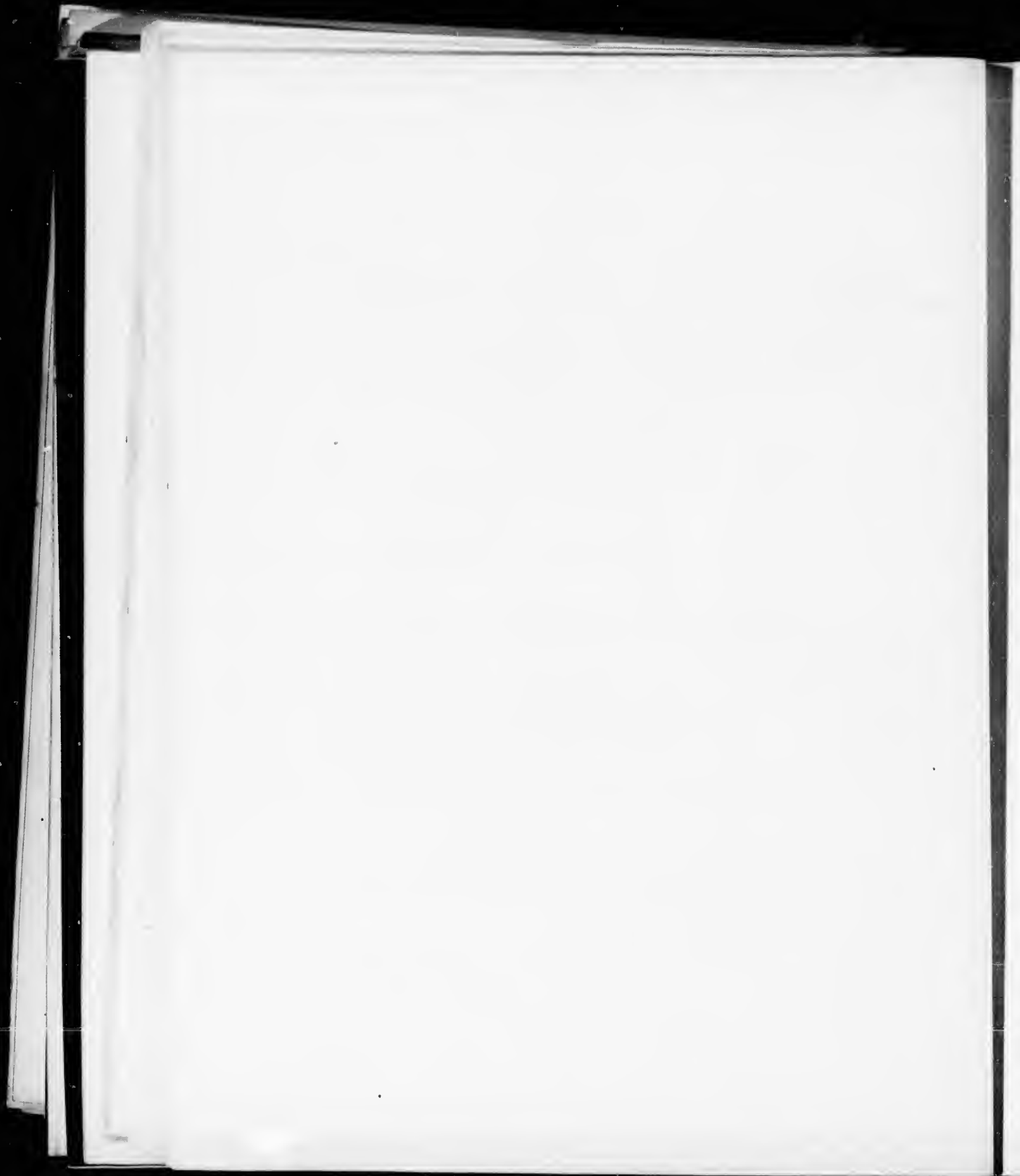
1730 I said sometimes to Zephirin Savard that I had changed my opinion on account of the curé's sermons; I think, perhaps, I also said so to Narcisse Lajoie, but I do not remember it.

Zephirin Savard was always at me; he was the canvasser for Mr. Tremblay; I told him now one thing and now the other, but I was determined to vote for the Defendant; I deceived Savard; I deceived him because I did not like to be canvassed.

I did not change my opinion because of the curé's sermons.

Sides were taken from the beginning of the election at St. Hilarion; the supporters of parties were then known.

I think it was the Gauthier party that gave the majority to the Defendant in St. Hilarion; "we must vote," it was said by some, "for the man whom Mr. Gauthier would bring forward;" Mr. 1740 Gauthier was the man we had elected and we had confidence in him.



The sermons of the other curés of the county did not produce any effect in St. Hilarion; they were not spoken of.

I know Pitro Gilbert, a witness examined in this cause; he lived in St. Hilarion several years, and now lives in St. Urbain; he passes with the public for a man given to quarrelling, fond of going to law, a man who speaks badly of the priests, and does not go to confession.

It is difficult to believe that a man could make a false oath, and I do not believe him capable of it; I would believe him on his oath.

I know Seraphin Lajoie; his reputation is bad, and I should have difficulty in believing him on his oath.

1750

CROSS-EXAMINED.

I did not meddle in the election in question; all I did was to speak to some persons I happened to meet.

The curé of our parish was thought to be in favour of the Defendant.

The Defendant and Mr. Tremblay were the only candidates; Mr. Tremblay was the Liberal candidate, and Mr. Langevin the Conservative candidate.

The sermons of the curés of the neighbouring parishes were spoken of in the parish; it was generally said that those curés spoke against Mr. Tremblay, and that the clergy were against him.

The bad reputation of Seraphin Lajoie consists in that he has the name of over-reaching people in hisdealings about horses; he is distrusted; he has been known to trade another man's horse and 1760 keep the 'boot' for himself; I know that from having heard it said, and it is on account of such tricks I do not believe him under oath.

This deposition being read to witness, he persists therein, declares that it contains the truth, and hath signed.

ETIENNE DESGAGNER.

Taken and sworn
before me, in open Court, at Malbaie, }
this 29th August, 1876

A. B. ROUTHIER, J. S. C.



Province of Quebec, } IN THE SUPERIOR COURT.
 District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 29th day of August, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

v.s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

David Gilbert, aged forty-four years, farmer, of the parish of St. Urbain, being duly sworn on the Holy Evangelists, deposed and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this trial.

[The petitioners admit that this witness will prove the same thing as Pierre Tremblay and Antoine Bonchard, in relation to the sermons of the curé of St. Hilarion.]

1770 I was always for the defendant at the last election; I did not say, during the election, to Narcisse Lajoie, nor to Zephirin Savard, that I had changed my opinion on account of the curé's sermons; on the 16th of January I was at St. Urbain.

After the election Narcisse Lajoie asked me why I had not voted for Mr. Tremblay; I answered him, "I have never voted for Mr. Tremblay, but the curé's sermon, as it has been reported to me, nevertheless makes some difference; I voted for the Defendant because it was my opinion, and not because of the curé's sermons."

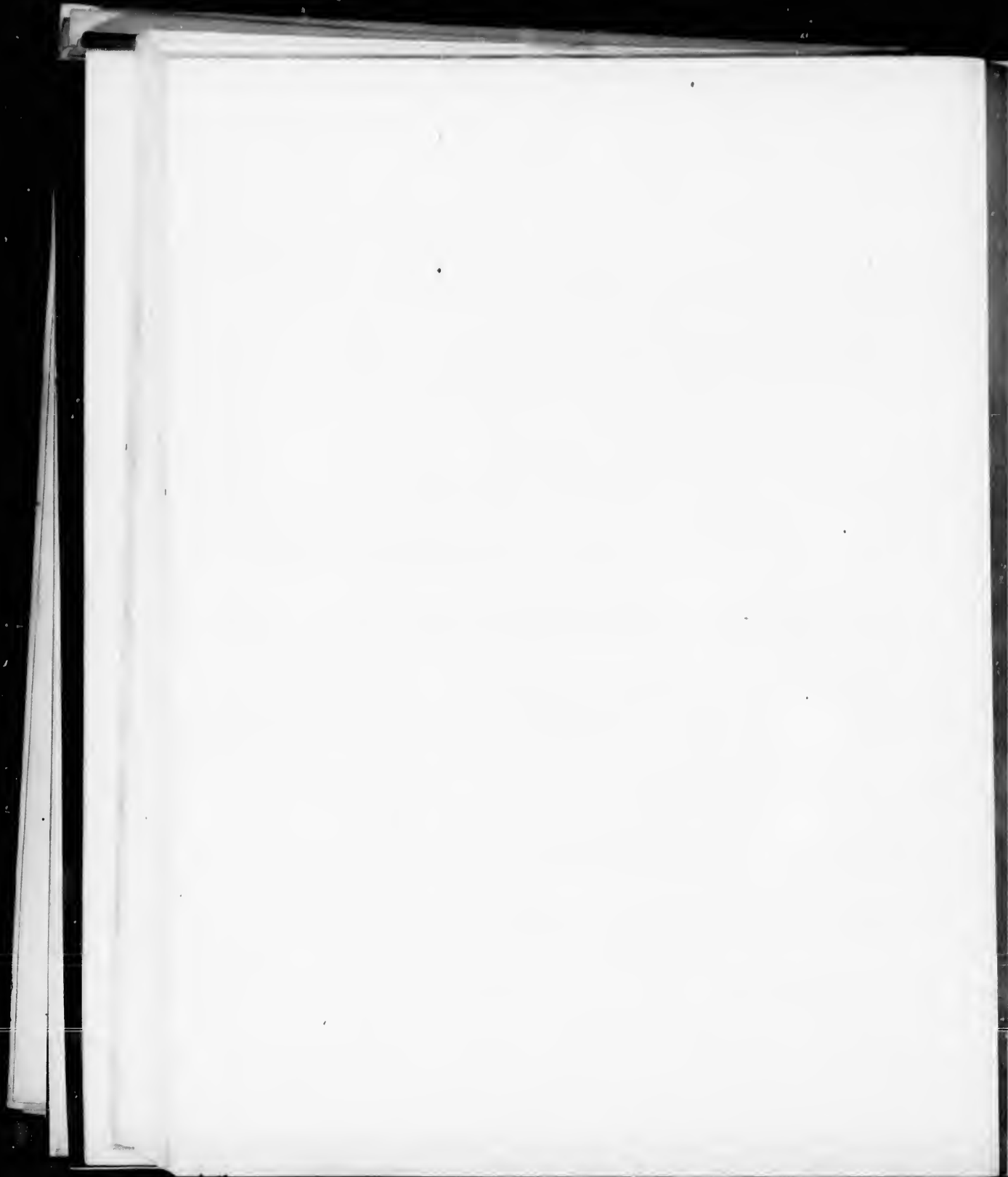
I know Seraphin Lajoie, of Malbaie; it is said that he has no reputation; that he is a horse trader, who has the name of over-reaching people in trading horses; that there is no doing business with him.

1780

CROSS-EXAMINEL.

It was rumoured in our parish that the curés of the other parishes were making sermons against Mr. Tremblay.

The curé of St. Hilarion was reputed to be against Mr. Tremblay, who was the Liberal candidate.



Everybody said that all the clergy were against Mr. Tremblay.

I would believe Pierre Gilbert on his oath, and I never heard it said that he had made a false oath.

This deposition being read to the witness, he persists therein, declares that it contains the truth, and that he cannot sign.

Taken and sworn
before me, in open Court, at Malbaie, this }
29th day of August, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay, }

IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

*Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie,
the 29th day of August, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

v.s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON THE PART OF THE DEFENDANT.

Antoine Gauthier, aged sixty-five years, farmer, of the parish of St. Hilarion, being duly sworn 1790 upon the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am not related, or allied, or in the employ or domestic service of any of them; I am not interested in the event of this suit.

[The petitioners admit that this witness can prove the same thing as Pierre Tremblay and Antoine Bouchard, with respect to the sermons of the curé of St. Hilarion.]

To my knowledge the sermons of the other curés of the county, produced no effect at St. Hilarion.

I know Pierre Gilbert; he is not considered as possessing a very high character; I know nothing about it personally.

I know Sernphin Lajoie; he does not bear a very high general character; it was the party of

1800

1810

1800 Mr. Onésime Gauthier which formed the Defendant's party at St. Hilacion ; this party so declared itself from the beginning of the election.

The partisans of Onésime Gauthier, on learning that he was on the side of Mr. Langevin, declared themselves for the latter, at least so several people told me.

CROSS EXAMINED.

It was generally stated in the parish, that the curé was opposed to Mr. Tremblay, as well as all the curés of the county.

I did not busy myself at all about the election; I have no knowledge that in the parish people talked about the sermons of the other curés, but they might easily have done so without my knowledge; the common report is that Séraphin Lajoie is very sharp as a horse trader, and has 1810 taken in many of those who exchanged horses with him; I have heard nothing else against him.

I would not trust to his evidence on oath; I would never believe on oath a man who cheats others in an exchange of horses.

Mr. Tremblay was the Liberal candidate at the election in question, and every one knew it.

The present declaration having been read over to the witness, he persists therein, declaring that it contains the truth, and that he does not know how to sign his name.

Taken and sworn
before me, in open Court, at Malbaie, this }
29th August, 1876.

A. B. ROUTIER, J. S. C.



Province of Quebec, }
 District of Saguenay. } SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie, the 29th day of August, 1876.

Present—The Hon. A. B. ROUTHIER, J. S. C

No. 14.

BRASSARD, *et al.*, Petitioners.

v. s.

The Hon. H. J. LANGEVIN, Defendant.

EVIDENCE ON THE PART OF THE DEFENDANT.

Juste Bouchard, aged twenty-four years, farmer, of the parish of St. Hilarion, being duly sworn upon the Holy Evangelists, deposesh and saith:—

I know the parties in this cause; I am not related, or allied, or in the employ or domestic service of any of them; I am not interested in the event of this suit.

1820 [The petitioners admit that this witness can prove the same things as Pierre Tremblay and Antoine Bouchard, with respect to the sermons of the curé of St. Hilarion].

I was present at a meeting held by the Defendant at the house of Hyppolite Tremblay, at St. Hilarion, during the election; I saw there Jules Tremblay; I do not know when he came to it; we left it together; I heard the whole of the Defendant's address; I have no knowledge that Jules Tremblay spoke to the Defendant in public, and that the Defendant answered him; at the close of the meeting, everyone spoke at the same time to the Defendant; Jules Tremblay spoke to him like the others, but do not know what he said to him; I do not know what was said there; this conversation lasted about half-an-hour.

When Jules Tremblay spoke to the Defendant; he was about ten paces distant from him, and 1830 I fifteen; if Jules Tremblay had said, under these circumstances, to the Defendant, "the clergy appear to be on your side; if they declared themselves in your favor more clearly, it would be all the better for your election;" and if the Defendant had answered him, "that that would shortly be still more plainly understood;" I would have had a knowledge of this conversation, for the matter is rather remarkable; I know Pitre Gilbert, he is not considered of much account; I know Séraphin Lajoie, of Malbaie; his character is bad, and I would not trust to his oath; the parties declared themselves about the middle of the electoral contest.

CROSS-EXAMINED

Jules Tremblay, of whom I have just spoken, is a perfectly honest man, and I would readily believe him on oath; what prevents my believing Séraphin Lajoie on oath, is because he cheats 1840 people in his horse trades; he has a bad character for other things also; I cannot say what those things are; the bad character which Pitre Gilbert possesses, is due to the fact that he is quarrelling

1850

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with his curé, and does not go often to confession.

Seraphin Lajoie comes on an average two or three times a year to St. Hilarion.

It was generally stated in the parish, that the curé and in general all the clergy were opposed to Mr. Tremblay, the Liberal candidate.

The present deposition having been read over to the witness, he persists therein, declaring that it contains the truth, and has signed.

Taken and sworn
before me, in open Court, at Malbaie, this }
29th August, 1876.

JUSTE BOUCHARD.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay, } SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie,
the 29th day of August, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

v.s.

The Hon. H. L. LANGEVIN, Defendant

EVIDENCE ON THE PART OF THE DEFENDANT.

Octave Bouchard, aged fifty-seven years, farmer, of the parish of St. Hilarion, being duly sworn upon the Holy Evangelists, deposes and saith:—

1850 I know the parties in this cause; I am not related, or allied, or in the employ or domestic service of any of them; I am not interested in the event of this suit.

[The petitioners admit that this witness can prove the same thing as Pierre Tremblay and Antoine Bouchard, with respect to the sermons of the curé of St. Hilarion.]

I attended the meeting at the house of Hyppolite Tremblay, about which the witness, Jules Tremblay, speaks; I arrived before him and we left together, Jules Tremblay and I; I took notice of what passed at this meeting; while at the meeting, I was about twelve feet from Jules Tremblay, and from three to four feet from the Defendant; I do not remember that Jules Tremblay spoke to the Defendant, and that the Defendant spoke to him, at least I have no knowledge of it.



If Jules Tremblay had said, in the ordinary conversational pitch of the voice, to the Defendant, 1860 "the clergy appear to be on your side. If they declared themselves in your favor more openly it "would be all the better for your election;" and if the Defendant had replied to him, "that he was "pretty sure that that would shortly be still more clearly understood," I feel sure that I would have remarked it, and that I would remember the fact as well as other things; this might have been said, but I do not remember it, but if this had been said, I think I should remember it.

The sermons of the neighboring curés produced no effect at St. Hilarion.

CROSS-EXAMINED.

After Mr. Langevin had finished speaking, at the house of Hyppolite Tremblay, a general conversation took place between him and several electors, among whom was Jules Tremblay; I do not recollect what was said during this conversation; Jules Tremblay is considered to be an honest 1870 man, and I know nothing which would prevent my believing him on oath.

It was generally said that our curé and all the clergy were opposed to Mr. Tremblay, who was the Liberal candidate.

It was also said that the curés preached sermons against Mr. Tremblay.

The present deposition having been read over to the witness, he persists therein, declaring that it contains the truth, and that he does not know how to sign.

Taken and Sworn
before me, in open Court, at Malbaie, this }
29th August, 1876.

A. B. ROUTHIER, J. S. C.

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Province of Quebec, }
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SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

*Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 29th day of August, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

v.s.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON THE PART OF THE DEFENDANT.

Norbert Coulombe, aged fifty-five years, farmer, of the parish of St. Hilarion, being duly sworn upon the Holy Evangelists, deposed and saith:—

I know the parties in this cause; I am not related, or allied to, or in the employ or domestic service of any of them; I am not interested in the event of this suit.

1880 [The petitioners admit that this witness can prove the same things as Pierre Tremblay and Antoine Bouchard, with respect to the sermons of the curé of St. Hilarion.]

I am a church-warden; I was present at the making-up of the accounts on New Year's Day.

The curé handed back the books to Roule Asselin, because he did not go with him; and he told him that in as much as he did not go with him, he, the curé, would not make his pastoral visit with Asselin; he referred to their difficulties about the affairs of the Fabrique, and to the election of church-wardens which had just taken place.

CROSS-EXAMINED.

I have never heard it said that the curé of St. Hilarion was opposed to Mr. Tremblay, either during the election or since.

1890 Neither have I ever heard it said that the other curés were opposed to Mr. Tremblay; I was a partisan of the Defendant.

When I spoke about the election to other *habitants* of the parish, they said that it was an advantage to have the clergy on one's side; and the partisans of the Defendant said that the clergy were in their favor, and Mr. Tremblay's people complained that they were opposed to them.

The present deposition having been read over to the witness, he persists therein, declaring that it contains the truth, and that he does not know how to sign.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 29th August, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, } SUPERIOR COURT.
 District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 29th day of August, 1876.*

Present—The Hon. A. B. ROUTHIER J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

vs.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON THE PART OF THE DEFENDANT.

Jean Maillonx, aged twenty-seven years, farmer, of the parish of St. Hilarion, being duly sworn upon the Holy Evangelists, deposed and saith:—

I know the parties in this cause; I am not related, or allied to, or in the employ or domestic service of any of them; I am not interested in the event of this suit.

[The petitioners admit that this witness can prove the same thing as Pierre Tremblay, and Antoine Bouchard, with respect to the sermons of the curé of St. Hilarion.]

The sermons of the other neighbouring curés produced no effect at St. Hilarion; I believe that it was Gauthier's party which gave the majority to Defendant at St. Hilarion.

CROSS-EXAMINED.

They said in our parish that the curé was opposed to Mr. Tremblay; I heard it stated during the election that the curés preached strongly, and that it was not against Mr. Tremblay.

Question.—Against whom did the curés preach strongly; was it against God?

Answer.—I do not understand the question.

1910 Question.—Do you understand anything?

Answer.—I understand nothing about this.

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RE-EXAMINED.

When I said that I understood nothing; I wished to say that I did not understand the questions that were put to me.

The present deposition having been read over to the witness, he persists therein declaring that it contains the truth, and that he does not know how to sign.

Taken and sworn
before me, in open Court, at Malbaie, this }
29th August, 1876

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie, the 23th day of August, 1876.

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

v.s.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON THE PART OF THE DEFENDANT.

Anable Girard, aged sixty-four years, blacksmith, of the parish of Malbaie, being duly sworn upon the Holy Evangelists, deposes and saith:—

I know the parties in this cause; I am not related, or allied to, or in the employ or domestic service of any of them; I am not interested in the event of this suit.

1920 I attended a meeting held by the Defendant, at Malbaie, during the last election at the house of Joseph Bonchard.

Léandre Lapointe, of Malbaie, *rentier*, asked the defendant at this meeting if he could get any money for us, as for a long time we have been suffering for the want of it.

Léandre Lapointe was drunk, and made this remark for the sake of talking; the Defendant replied that as for money it must not be thought of, perhaps for six months, perhaps for a year perhaps for two years; and that so long as we were in the opposition it was not to be dreamed of; the Defendant said nothing else to my knowledge.

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I believe that at this meeting he said that if the Government was put out, by means of a petition setting forth our necessities, it might perhaps happen that we might obtain money.

1830 I have no knowledge that the Defendant promised more than I have said above, or that the people would have money immediately on the fall of the Government; the Defendant did not say, that so soon as the Government had fallen he would cause the money to be given us, and did not say that he could not promise it before one year, or before any period.

That was all that was said with respect to money.

I attended a meeting held at the house of Joseph McNicol, at Ste. Agnès, during the election; the defendant and Mr. Tremblay were present.

When I arrived the defendant had been speaking for about an hour; the defendant in my presence did not speak of the clergy; Mr. Tremblay, in replying to Mr. Langevin, commenced by saying that Mr. Langevin was not the only one who had the clergy on his side that he himself was
1940 also supported by a portion of the clergy.

He showed us letters from priests, and I believe that he had even one from the Bishop of Rimonski.

I know perfectly well Seraphin Lajoie, a witness, examined in this cause; in the locality they say that he is a man of no value; from his general character, I would not believe him on oath; for he was a carter, and it is said that they prevented his continuing as a carter, because he robbed a drunken traveller whom he was carrying.

He has stopped me myself in the road in the middle of the night, he barred our road with his vehicle, in order to prevent our passing ahead of him and in order to insult us; if we had been afraid of him I do not know what would have happened; he might have kept us in the road as long
1950 as he liked; he challenged us to fight with him, and made use of all the offensive expressions possible.

CROSS-EXAMINED.

What Mr. Langevin said in reply to Lapointe, was, "so long as we remained in opposition there was no means of obtaining money;" he added, "that when he would come into power, if local matters required it, some money might be obtained by petitions."

I do not know what he meant by the words, "perhaps for six months, perhaps for one year, perhaps for two years."

When Lapointe asked him for money, it may be that he meant to speak about the bridge which the people of the place are bound to maintain, and of a road which they desire to open; but he
1960 did not say at the time what local requirements he referred to, and I did not think about it at the time; I now think about it for the first time; I understood nothing when Lapointe asked him the question.

Question.—It was, was it not, generally known during the election that all the clergy of the county were opposed to Mr. Tremblay?

Answer—Yes, it may be that I am considered as one who wished to rob the Fabrique of Malbaie, this is how it came about: I had made four iron rods for the Fabrique, each of them weighed seventy pounds; by mistake I thought that the total made three hundred and eighty pounds; it was Andre Harvey who had made the calculation, and who thus led me into error; I do not know well how to calculate.

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1970 The curé having received my account, the church-warden weighed one of the rods, and then the curé remarked to me that the account was over-charged; I wished to take back the rods, alleging that my account was correct; it was only on my return home that I made the calculation over again, and convinced myself that the account was incorrect; Mr. DuBerger, the prothonotary, made the calculation in my shop after the rods had been put up, and did not perceive the error; this was before the difficulty between the clergy and the church-wardens.

Mr. DuBerger made this calculation when I showed him my account, congratulating myself upon having made a good bargain; the mistake was only discovered after the rods had been put up, and at that time I was not paid.

The churchwarden took away one of the rods and weighed it, and ascertained that it weighed 1980 nearly seventy pounds; after he had weighed one of them, he told me that the account was not correct; he found the weight to be the same as I found, less a quarter of a pound; there was an error as to the total of the account.

It may easily be that I may have stated, within the last few days to some one, that I came here as a witness to tell lies, but I do not believe that I said it, and if I did say so, it was for a joke; I am a little deaf.

RE-EXAMINED.

I have been deaf as far back as I can remember; I have been deaf since this spring, for I received a blow.

In the business which I had with the Fabrique, as I stated in my cross-examination, I have 1990 always been in good faith; I acknowledged the error in calculation, and I have only been paid by the Fabrique for the exact weight of the iron; this story made somewhat of a stir among the people, thanks to Louison Turcotte, the church-warden, who had a spite against me.

Immediately that I discovered my mistake, I brought it to the notice of the curé, and offered my excuses to him.

The present deposition having been read over to the witness, he persists therein, and hath signed.

ANABLE GIRARD.

Taken and sworn
before me, in open Court, at Malbaie, this }
31st of August, 1876.

A. B. ROCHER, J. S. C.

Province of Quebec, } SUPERIOR COURT.
 District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 30th day of August, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

v. s.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON THE PART OF THE DEFENDANT.

Alexis Girard, aged twenty-four years, farmer, of the parish of St. Hilarion, being duly sworn upon the Holy Evangelists, deposed and saith:—

I know the parties in this cause; I am not related, or allied to, or in the employ or domestic service of any of them; I am not interested in the event of this suit.

I know William Harvey, Jean Baptiste Gauthier, Gilbert Bouchard, Ferdinand Tremblay, Octave Girard, Louis Gauthier, and George Tremblay, witnesses examined in this cause; they were all partisans of Mr. Tremblay.

On the ninth of January a fight had taken place in the public hall; blood had been shed; this fight had been on a considerable scale; during the week there was much talk about this fight in the parish; we had been informed, as the curé had also been, that there would be a fresh fight on the sixteenth of January; it was known throughout the parish that there would be a fight on Sunday, the sixteenth, at the church door.

On the sixteenth the curé said that he would only say low mass, in order to punish the blackguards who had caused the commotion the preceding Sunday, and advised the people not to fight.

After low mass the curé said that there had already been blood shed in the parish, and that he did not wish that any more should be shed; he added, "if you make any disturbance to-morrow morning I will say my low mass in another place, and on Sunday next I will go away; the parish will remain without a priest;" the spirit of the people had been so excited that even after mass, after the warnings of the curé, there were some who sought to make a disturbance; after mass the curé earnestly enjoined the people not to fight; he said he was neither for Mr.

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Langevin nor Mr. Tremblay; that he was for no party; that he remained quiet in his parsonage; he added, "There is only a handful of people here, and you fight among yourselves; go elsewhere; 2020 "in the large parishes they do not fight, and have far more means of knowing what is going on, "and there you will find whether your party is so strong, for you say that it is strong here."

All the remarks of the curé had reference to the fight; the curé did not speak of the Conservative party, and did not give it to be understood that it was necessary to vote for that party.

Except on the sixteenth of January, the curé did not say a word about the election, and on the sixteenth he said that he did not wish to meddle with it, but the people had no need to come to his parsonage to ask him his opinion; that he belonged to no party; that the people might vote for whom they pleased.

The curé spoke of their being blindfolded with respect to the fight; that the people fought because they believed that they were strong in the parish, but before doing so they ought to see 2030 what was going on in other places, in order to see if their party was really so strong; the curé said that he would see after mass, whether the people loved their curé; whether they were going to follow his advice, whether they were going to fight; all this was said in connection with the disturbance.

I swear that the curé on the sixteenth of January, to my knowledge, did not say that there were people who wished to know his opinion, and that he was going to pronounce it publicly; I was present all the time, and if the curé had said that, I should have remembered it, for everything in the sermon was remarkable, and to be taken notice of, for the Liberals said that the curé preached for the Defendant, while he only spoke about the disturbance.

I swear positively, that the curé did not say, "I am of the Conservative party, and you ought 2040 "also to belong to it;" he did not allow it to be understood for what party he was, he only preached about the disturbance.

The curé said, "go elsewhere;" but he did not speak of les Éboulements, and did not say, that there the people were enlightened, and that they were going to follow the clergy, nor that the people, as a matter of conscience, ought to follow the clergy in election matters; he did not speak about conscience, and did not say, that it was necessary to vote for the Defendant as a matter of conscience; he reproached the people with treating one another badly, and abusing each other at home; that this could be seen from their children at school who called one another *ventres pourris*; that some had come even into the parsonage to insult him; that our party had been called *ventres pourris*, that if he was of that he should hold himself insulted.

2050 He said that he would see after the election whether they wished to take his advice—whether they were wise; that he did not desire a disturbance; he said this with respect to the fight, and not with reference to the election; the sermon was much discussed during the following week, and people said that Mr. Ray went more strongly for Mr. Langevin than for Mr. Tremblay, though the curé had not said that they were to vote rather for one than for the other, nor said anything to give them to understand that they were to vote for one rather than for the other; it was the Liberals who complained in this way; he did not say that in conscience they ought to be conservative; the curé on the sixteenth of January did not read the circular or the mandate, and did not speak of them; he did not say that the people at the Éboulements listened to the voice of their curé; with respect to the election he did not say, "You ought to belong to the party of your priests; if 2060 you love priests you should follow their party.

He did not state to what party the priests belonged.

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The curé said, "Vote according to your conscience; I have no advice to give you, provided you create no disturbance;" he did not say that it was a sin and a case of conscience to vote in a certain way rather than in another; when I said that the curé had not spoken about conscience, as I stated above, I thought that I was asked whether the curé had said that they ought in conscience to vote for the Defendant; the curé never said that, neither for the Defendant nor for Mr. Tremblay, for he did not speak about them.

On the sixteenth, it was said that on Saturday the Blues would not vote; the curé said, "you wish then to create a brawl; I do not wish that you should cause a disturbance, and I shall see on 2070 Saturday whether I have been listened to; allow the people to vote for whomsoever they please; make no disturbance;" he did not say that he was going to see in this election what confidence the people reposed in their priests.

The curé did not say that on the ninth of January they had insulted the Blues, and in this way they had insulted his party; he did not say that if they did not follow their curé in matters of election they committed themselves, nor that the people were obliged, in conscience, to follow whatever the curé told them with reference to elections.

The whole of the sermon of the curé referred to the disturbance which had taken place, and not to the election, and was intended, and did tend, to prevent new brawls.

CROSS-EXAMINED.

2080 The Liberals believed that the curé had spoken against Mr. Tremblay, because he had spoken against the fight; had it not been for this sermon, we should have been assaulted by the Rouges; and, as the curé prevented that, it was believed that he spoke on behalf of the Defendant.

I am not able to state, even roughly, how long the sermon lasted; but I know that it was not very long.

I only remember the more remarkable points of the sermon; the curé punished not only those who had acted as blackguards, but also those who had not so acted; there was no high mass for any one; by blackguards, I mean to say those who fought; the Liberals were the most excited in the parish; and that was because they were in a large majority, and because the Conservatives had, on the preceding Sunday, driven out the Liberals from the public hall, although there were only 2090 about five Conservatives to about eighty Liberals, and because, on the sixteenth, the Liberals wished to take their revenge; I was of the number of blackguards who caused the disturbance.

I do not recollect the whole of the curé's sermon, I only recollect what touched upon the preservation of peace.

To my knowledge the curé spoke of nothing else but the disturbance; when the curé spoke of *ventre pourri*, it was not on this Sunday, but on the following Sunday, that is to say, after the election; everything else about which I have spoken, except what concerns *le ventre pourri*, was said by the curé on the sixteenth of January.

This is what he said:—"I say a low mass in order to punish the blackguards who caused the disturbance;" then he said low mass; he said that if the disturbance occurred after the mass, 2100 that he would go and say his low mass in another place, and that they would have to do without a priest;" he said, "open your eyes, go to other places and see how they conduct themselves; we are but a handful of people, and always disagreeing;" this is all that he said on that Sunday.

It is of this sermon that I have said that the *Rouges* of the parish complained during the following week; they were excited before.

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I may, perhaps, sometimes have remembered, and perhaps, also, sometimes, not remembered; when one is questioned one recollects many things which one could not remember without

Question.—How does it happen that when I questioned you, you did not recollect things which you have stated when the other advocate interrogated you?

Answer.—It is because the questions were not put to me in the same manner; the other gentleman had his paper, from which he read the matters at length, and put them clearly before me; without the questions which he put to me I might have reported the sermon of the curé, as I did in answer to the questions which you put to me.

The Defendant in the address which he delivered at St. Irénée, said that the clergy were on his side; we did not know, during the election, that the curé went with the Defendant; we believed the Defendant when he told us that the clergy were on his side, we believe the Defendant's word, and trusting to it, we believed that the curé was on his side, but the curé did not tell us so.

I was for the Defendant at the election in question when the curé spoke of conscience, it was to say that people ought, in conscience, to respect one another, and not cause a disturbance; he did not speak of conscience in any other sense.

RE-EXAMINED.

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When I said that the curé had punished not only those who had acted as blackguards, but those that had not done so, I wished to say that he had punished the blackguards, and, as a matter of course, the non-blackguards were punished, but not that the curé intended to punish the non-blackguards.

Question.—Be pleased to state under what circumstances the Conservatives chased the Liberals out of the public hall, although they were only about five to eighty, as you stated in your cross examination?

Objected to as irrelevant to the suit.

Objection maintained.

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The Defendant takes exception to this ruling.

The curé might have used the word *pourri* in his sermon, but I don't remember it.

When I said that the other gentleman had his paper from which he read to me the matters at length, and made them clear to me, I wished to say that that caused me to remember things which I should not have remembered without it, and the questions which have been put to me here have never been put to me before.

The present deposition having been read over to the witness, he persists therein, declaring the same to contain the truth, and hath signed.

ALEC. GIRARD.

Taken and sworn
before me, in open court, at Malbaie, this }
30th August, 1876.

A. B. ROUTHIER, J. S. C.



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Province of Quebec, } SUPERIOR COURT.
 District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 30th day of August, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

v. s.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON THE PART OF THE DEFENDANT.

Joseph Bouchard, aged thirty-two years, farmer, of the parish of Malbaie, being sworn upon the Holy Evangelists, deposeth and saith:—

2140 I know the parties in this cause; I am not related, or allied to, or in the employ or domestic service of any of them; I am not interested in the event of this suit.

It was at my house that the Defendant held a meeting during the election, at which were present, Amable Girard, Barthelemi Bouchard, merchant; Pepin Gagnon, Augustin Tremblay, surnamed Picotté, all of Malbaie, and many other persons.

2150 After Mr. Langevin had finished his address, Léandre Lapointe, farmer, of Malbaie, made the following remark, "The Liberals say that if you are elected, we shall not get any money;" the defendant replied, "Certainly the present Government is not in our favor, and is not disposed to give us money inasmuch as I am opposed to it, and ready to fight against it. It is a question of principles; it is first necessary to upset this Government; that, perhaps, will not take long; one can't tell; perhaps six months, perhaps two years;" he did not speak about getting money when the Government had fallen, but that we should have more justice; I swear that he did not promise money to the people as soon as the Government should have fallen; and I do not recollect that he stated, that he could not promise money before the Government had fallen.

The petitioners declare that they have no cross-questions to put to the witness.

The present deposition having been read over to the witness, he persists therein, declaring the same to contain the truth, and hath signed.

JOSEPH BOUCHARD.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 30th August, 1876.
 A. B. ROUTHIER, J. S. C.

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Province of Quebec, }
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SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

*Election of a Member of the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 3th August, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C

No. 14.

BRASSARD, *et al.*, Petitioners.

v. s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Augustin Tremblay, 59 years of age, farmer, of the parish of Malbaie, being duly sworn on the Holy Evangelists, deposed and saith:—

I know the parties in this cause; I am neither a relative, nor a connection nor a servant, nor a domestic of any of them; I have no interest in the result of this suit.

I was present at the meeting held by the Defendant at Joseph Bouchard's.

The Defendant had not spoken of money in his speech; after his speech an elector Leandro Lapointe said to the Defendant, "the Rouges say that if we vote for you we shall have no money from the Government"; the Defendant answered him that, we ought not to expect to have any as he was in opposition; that in this election there was a question of principle; that later, if the Government fell, we might get our share of the grants like the rest; I swear that in this circumstance, in my opinion, the Defendant did not promise any money; when he said that it was a question of principle, religion was in question; the Defendant did not speak of religion at that meeting, but he spoke against the Dominion Government.

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CROSS-EXAMINED.

I understood by a question of principle that religion was concerned, like all important things of the earth; I understood that if the Liberal Party remained in the ascendant, religion would be in a bad way.

Question.—It was generally said, was it not, that all the clergy were against Mr. Tremblay?

Objected to by the Defendant; 1st. because this question tends to prove a general system of undue clerical influence; 2nd. because, it is not pertinent to the issue.

Objection set aside.

The Defendant takes exception to this judgment.

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Answer.—Yes; It was not because all the clergy were said to be for the Defendant that I
2180 understood that by the term a question of principle the Defendant meant to say that religion was
concerned.

This deposition being read over to the witness, he persists therein, declaring that it contains the
truth, and declares that he cannot sign.

Taken and sworn
before me, in open Court, at Malbaie, }
this 30th August, 1876. }

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
30th August, 1876.*

Present—Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Elie Girard, of the age of twenty-four years, farmer, of the parish of St. Irénée, being duly
sworn on the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor
a domestic of any of them; I have no interest in the result of this suit; I was at the church of
St. Irénée on the 16th January last.

The curé in no way spoke of the election; all his sermon turned on the disturbance there had
2190 been, and on the keeping of the peace.

He did not speak of the Liberal party nor of the Conservative party, nor that one ought to be
followed rather than the other; he said nothing to lead to the belief that people ought to vote either
for the Defendant or for Mr. Tremblay; tho did not speak of hat; he did not say that people should
follow their curé or priest in relation to an election.

He did not say that some one was desirous of knowing his opinion; that he was going to tell it
to them publicly; that he was of the Conservative party, and that the electors should be so also.

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he did not say that at les Eboulements the people were so enlightened that they were going to follow the clergy, and that the electors of St. Irénée ought, in conscience, to do the same; the curé did not say that he would see after the election if the people liked to follow the priests; he did not say
2200 that people should, in conscience, be Conservative, he did not speak of les Eboulements.

The curé told the people to take off the bandage they had on their eyes, to see clearly; that the party was too numerous, that they ought not to fight, that he did not wish to see bloodshed, and he did not say to the people to go and see elsewhere how things were going.

The curé said that he should see what confidence the people had in him, if they listened to him, if they made no trouble.

The curé did not say that there was a conscience to be followed; the people must follow their curé; that if they did not follow him, they were pawned (*engagés*); that the people were bound, in conscience, to follow what the curé told them in relation to an election.

The curé said that the Liberal party was strong in the parish, but it was not as strong
2210 elsewhere, and that was in relation to the fight and to prevent the people from fighting again.

He said to them, "look elsewhere, the party is not as strong as it is here."

When I said that the curé did not say to the people to go and see elsewhere how things were going, I did not properly understand.

He said to the people, vote for whom you will, provided you listen to me, and do not quarrel; the curé did not mix himself up in the election to my knowledge.

CROSS-EXAMINED.

There was only the time when I said just now, that I did not understand the question, that I really did not understand it, for I am very sure that I understood all the other questions which were put to me; I am very sure also that all that I have said is correct, and cannot be otherwise.

2220 The curé did not speak of conscience before me; I am very certain that I heard all that he said, and I am very certain that that word was not uttered before me.

I am not sure that I can recall all the sermon, but I am very certain that I can recall all that he said in relation to the quarrel, and he did not utter the word conscience in relation to that subject.

The curé did not speak to my knowledge of anything other than the quarrel.

This was the curé's sermon:—He said that he did not wish that there should be bloodshed, that he knew that they wished to create a quarrel and that he did not wish that there should be one in his time; that if they would not listen to him, he would only say one low mass that day and the next morning he would say his low mass elsewhere; if they did not listen more to him on the next
2230 Sunday he would go away; he then called them blind and told them to take off their bandage, to see clearly, so that they should have no quarrel; he said the party is strong here, but it is not as strong as elsewhere; he said that he would see whether they had confidence in him; that if they had confidence in him they would not have any quarrel; he added, vote for whom you will, provided you have no quarrel; that is all that he said, I am very certain of it; the curé did not say before me to the electors to vote according to their consciences.

The curé did not speak of rotten belly (*ventre pourri*) on that Sunday; he spoke of it on the following Sunday; I did not hear for whom the curé was.

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A person must tell me for whom he is for me to know; if I saw any one working for a candidate that would not make me think that he was for him, because he might work for him, and against 2240 him; I did not even surmise for whom the curé was; he said that he did not mix in elections; he did not show for whom he was; but it was not to me that he said it, it was to one of my friends; I am sure that he did not say it in the sermon of the 16th of January; the curé's sermon lasted about half an hour; he speaks with an ordinary degree of rapidity.

This deposition being read to the witness, he persists therein, declaring that it contains the truth, and hath signed.

ELIE GIRARD.

Taken and Sworn
before me, in open Court, at Malbaie, this }
30th August, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
31st August, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

The Hon. David E. Price, Senator, of the Parish of Chicoutimi, being duly sworn on the Holy Evangelists, deposeseth and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest in the result of this suit.

2250 I have known André Carré, senior, farmer, of Malbaie, a witness heard in this cause, for a long time; during the election, about the 12th or 13th January, while returning from our lumbering shanties on Rivière Noire, at St. Siméon, I stopped at the said André Carré's to see Louis Tremblay dit Quenette, at Pert au Percil, at St. Siméon; I had enquired about the said Louis Tremblay, and was informed that he was at the house of the person named André Carré, and it was specially to see him that I went into André Carré's.

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I have known Louis Tremblay for some thirty years; he was one of our old employees, I had been told that he was blind; I wished to see him, and never passed his door without stopping to see him or to enquire about him.

I spoke a little about elections with Louis Tremblay, and about other things; the conversation generally turned upon all sorts of things; André Carré, the father, asked me if I was setting 2261 fisheries at Tadoussac, and I replied to him that for several years the Government would not have any fishery set in the waters of the Saguenay; that last year they notified me that I might set them at Tadoussac, but not being provided with nets, I had decided to wait until next year, speaking of the year 1877; I paid so little attention to what Carré said about the fisheries that I cannot remember what he may have said, but I am certain that I never made him any offer, nor spoke to him of elections.

I swear that I never spoke to him of elections, and that I never said to him, or made him understand, that if he voted for me or for my party I would hire him; I never made him any offer; Denis Gauthier, trader, of St. Fidèle, was driving me; he was in the house, but I do not think he 2270 was in the same room; I think that Carré spoke to me of the fisheries when I was going out, but I paid so little attention to that that I do not remember.

Carré never said to me, "I thank you," and if he had said those words I should remember them; it never entered into my mind to offer him anything.

If Louis Tremblay had not been at Carré's I should not have gone in there; it was Carré who began to speak of the fisheries, and if he had not spoken of them I see no reason why I should have spoken of them.

I passed through St. Urbain on the 8th January last.

At Chicoutimi I had learned by letter that the parish of St. Urbain was in favor of the Defendant, and I convinced myself of it when I passed through St. Urbain; that parish had then 2280 declared for Mr. Langevin, with the exception of some twelve or thirteen, and then I was convinced that the Defendant's election was carried, and I even then said to my friends that they might bet that the Defendant would have a majority of 200 votes, in consequence solely of St. Urbain, and of the defection of some 30 partizans of Mr. Tremblay at Baie St. Paul, whom I knew of.

Long before the election I had learned that at least 15 votes of old partizans of Mr. Tremblay had changed; it was Denis Gauthier who gave me that information.

It was perfectly well known that Mr. Tremblay would not succeed in the county against a popular and well-known candidate like Mr. Langevin.

On the 9th January I saw a great many people after mass at Baie St. Paul; several of the old partizans of Mr. Tremblay told me squarely that they were no longer for him, giving me as a 2290 reason that they were dissatisfied with him in consequence of the manner in which he had conducted the wharf works at Baie St. Paul, putting all the money and profit into the hands of a single individual, the others having been paid in goods, that is to say, those who had worked at the wharf.

I was told at St. Urbain that the parish had turned against Mr. Tremblay in consequence of his votes upon the Riel and Lépine business and the New Brunswick schools.

CROSS EXAMINED.

Question.—You took a part, did you not, in the last election in favor of the Defendant?

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Answer.—Yes, and I was so certain of the election that I left almost immediately for Quebec, and did not return until two days before the polling; what made me so certain was that at the preceding election, against Mr. Chauveau, Mr. Tremblay only had a majority of 271 or 272, of which St. Urbain gave him 171; St. Urbain having made defection that gave Mr. Langevin a majority of about 50 votes, without counting the changes which had taken place at Baie St. Paul and at St. Fidèle.

Question.—Were you sure that Mr. Langevin, who was concerned in the Pacific scandal, would be as popular and would get as many votes as Mr. Chauveau?

Answer.—1st. I consider the Pacific scandal as fudge; 2nd. if Mr. Chauveau had been here a fortnight earlier he would have beaten Mr. Tremblay by 300 votes; Mr. Langevin was not less popular than Mr. Chauveau.

Question.—How do you explain that Mr. Langevin and Mr. Chauveau, being equally popular, did not obtain the same results?

Answer.—It is because Mr. Chauveau came down too late, and knowing with whom we had to deal in Mr. Tremblay, we this time organized ourselves well to put him out; that organization which we had this time is the secret of friends.

Question.—Please tell us that secret?

Answer.—The whole secret consists in the fact that Mr. Tremblay had lost the confidence of Mr. Onésime Gauthier and St. Urbain; there is no other secret—in that consists all our organization.

In 1875 Mr. Tremblay supported Mr. Gauthier in spite of himself (Mr. Tremblay); he was forced to support him in consequence of correspondence which passed between them, and in which he compromised himself as well as his party.

All that I have just said about that correspondence is from having heard it said by Mr. Gauthier himself.

Mr. Gauthier did not endeavour to prevent Mr. Tremblay from supporting him in 1875; he then offered to Mr. Tremblay to resign his seat, and that he, Mr. Gauthier, would present himself against him; at least Mr. Gauthier told me so.

Question.—You and Mr. D. C. Thompson collected, did you not, \$6,000, or a certain sum, to assist the Defendant in the election which is now in question?

Answer.—I never collected, nor gave, nor asked for a half-penny to assist the Defendant, and do not know that the thing was done by others.

Question.—Some days before the polling, you asked the returning-officer for a certain number of blank ballot-papers, did you not; please say what you proposed to do with them?

Objected to by the Defendant, 1st, as not pertinent to the issue; 2nd, as tending to prove facts not mentioned in the particulars, and that the name of the witness is not given in the particulars as to the facts which it is proposed to prove against him.

Objection reserved for hearing on the merits.

Answer.—It was the first election by ballot, and the electors did not know how to use those ballot-papers, and I asked for a certain number to show them how to use them, and I did not obtain any.

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Question.—Is it not true that during your election as a Legislative Councillor, you personally
2340 gave two dollars and a half to Hyppolite Simard, of Baie St. Paul, under pretence of paying for his vehicle, but in reality because he voted for you?

Objected to by the Defendant as not pertinent to the issue.

Objection set aside.

Answer.—I never paid a half-penny to the only Hyppolite Simard that I know, and I never
ought a vote in my life, and I never was the cause of one being bought.

I spoke for the Defendant to my friends during the election which is in question, and I found all of them right.

Question.—Is it not true that during the said election you made a speech, or speeches, for the Defendant, in which you spoke of the Holy Virgin, and said that you were a Catholic?

2350 Answer.—Yes, I said that I was a Catholic, because all Christians are Catholics, but I did not say that I was a Roman Catholic, and I did not speak of the Holy Virgin.

Question.—Is it not true that you said that with the intention of causing it to be believed that you were a Roman Catholic like your hearers?

Answer.—No, the people remarked to me that it was curious that I, being a Protestant, had always had the confidence of the Catholic clergy; I answered that I was proud of that confidence which had been placed in me, because if I have not deserved it, I should not have had it; that I respected the Catholic clergy like the Protestant clergy.

Question.—Had you, yes or no, the intention of passing yourself off as of the same religion as your hearers?

2360 Answer.—No, and the people knew very well that I was not so.

Question.—Is it not true that you visited one of the curés, and that you told them that Mr. Tremblay was a Catholic Liberal?

Answer.—No.

Question.—Is it not true that, during the fortnight which preceded the polling, you met Mr. Sirois, the curé of Baie St. Paul, and said to him, "thunder loudly, for if you do not thunder loudly we are lost," or something in that sense?

Answer.—It is very certain that I did not say "thunder," nor "enlighten them," for it is not the case; I did not speak to him during the last election, except twice; the first time I wished him a happy New Year; we may have spoken of election matters, but it was in a general manner,
2370 and I do not remember what we said.

Question.—Is it not true that, during your brother's election, in 1875, you endeavored to intimidate the men of your shanty by collecting them, the evening before the polling, or the evening before that, and saying to them, "if you do not vote for my brother, I shall close my establishment, or something to that effect?"

Answer.—I never did that, I never caused it to be done, nor asked to have it done, nor intimidated a single elector at any election whatsoever, and if my brother William was elected, and during his absence by the ballot, it was to show the public that the ballot did us justice, and the corruption and intimidation which had been asserted for so long a time against the Price family, did not come from us, but from our opponents.

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2380 I swear that our opponents practiced intimidation in the county of Chicoutimi.

Question.—Is it not true that as holder of timber limits you have not always rendered to the Government correct account of the duties on the transfers of limits and on timber cut, which you owed to it?

Answer.—All that we have had from the Government, we have well paid for, bonus, selling price, fees on cutting and ground rent every year; we hold our receipts; we never had a transfer of limits from any person, and consequently we never owed duties on transfer.

The limits at Rivière Noire and at Sault-au-Cochon have always been in our name.

Question.—Is it not true that you said at Anse St. Jean that the priests were anti-christs, or something to the same effect?

2390 Answer.—I never said that either at Anse St. Jean or anywhere else, and I shall never say it.

Question.—Is it not true that you said at the beginning of the elections that you were buying the priests, and that all went well afterwards, or something to the same effect?

Answer.—No; I never said that in my life; neither the Defendant nor any person ever assisted us in obtaining timber limits.

The letters which I received from St. Urbain and elsewhere, as I have said above, came, one from Mr. Onésime Gauthier, and the others from I do not remember whom.

2400 In the election of Mr. Chauveau and Mr. Tremblay, I was sure that Mr. Chauveau would lose by the votes of St. Urbain only, in consequence of the insult he had offered to that parish by the appointment of municipal councillors, and I advised Mr. Chauveau to withdraw, not to resign his senatorship, that he was going to lose his election; he told me that it was too late, his resignation had been sent in; this occurred at Mr. Clement's, at les Eboulements.

The Defendant was well known in the county, and had rendered it services by giving, at my request, the money for the wharf at Baie St. Paul.

Mr. Langevin with his party was very popular.

St. Urbain has always been the most Conservative place in the county, and Mr. Tremblay would never have had that parish if he had not promised to be Conservative in his principles, and to vote in an independent manner.

2410 The two elections which Mr. Tremblay gained were due, that of 1872, to the unpopularity of Mr. Xavier Cimon in the county generally at that time; and that of 1874, to the unpopularity of Mr. Chauveau, in St. Urbain, for the reasons given above.

If Mr. Tremblay had done his duty as a member, the Government would have paid every month; that is what was done at the time when my friends were in power.

Unpopularity always results from payments being made in goods instead of in money, when it comes from the Government, for public works.

I do not know personally whether the Government did or did not pay the amount which the people were obliged to receive in goods from the traders; it was the public talk, and it was that which caused the turning against Mr. Tremblay at Baie St. Paul.

2420 I think that the money furnished by Sir Hugh Allan, in 1872, was to assist his political friends, in paying the legitimate expenses of their elections; and I say that under the oath which I have taken.



Question.—Is it not true that at Chicoutimi, where you resided for a part of the year, you have the reputation of not being too scrupulous about the truth?

Question objected to as being insulting.

Answered, that that is not a legal objection.

Objection set aside.

Answer.—No; my word for me has always been a boud.

I swear that never to my knowledge have I ever said anything that was not perfectly true, unless I have done so in banter.

RE-EXAMINED.

2130 When Mr. Langevin gave, or caused to be placed on the estimates, a sum for the wharf of Baie St. Paul, he was Minister of Public Works.

It was only after Mr. Chauveau had been in the county that I perceived that St. Urbain was against him; before leaving, I had asked him at Quebec whether he was sure of St. Urbain, that without that parish he was risking his election; he answered me that he was informed by Monsignor Racine, then curé of the St. John suburb at Quebec, that the parish of St. Urbain was, like the other parishes, favorable to him.

This deposition being read to the witness, he persistoth therein, declaring that it contains the truth, and hath signed.

DAVID E. PRICE.

Taken and sworn
before me, in open Court, at Malbaie, this }
31st August, 1876.

A. B. ROUTHIER, J. S. C.

PROVINCE OF QUEBEC, }
District of Saguenay. }

SUPREME COURT.

2140 The petitioners admit that Michel Pilote, Didier Gauthier, Xavier Tremblay, David Tremblay, and Palemon Gauthier, all of St. Iréné, farmers, will prove the same things as to the sermon of the curé of St. Iréné on the 16th January last, as Alexis Girard, Elie Girard, and Jean Audette.

F. LANGELEIER,
Atty. for Petitioners.

H. C. PELLETIER,
Atty. for Defendant.



Province of Quebec. }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 31st August, 1876.*

Present—Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Jean Aulet, farmer, aged 39 years, of the parish of St. Irené, being duly sworn on the Holy Evangelists, deposed and saith :—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest in the result of this suit.

I was at the Church of St. Irené on the 16th January last; it was known in the parish that the people were to fight on the 16th in consequence of the fight on the preceding Sunday.

After low mass, the curé went up into the pulpit and spoke in relation to the fight which had taken place; he did not speak of the election; he only said, "if you cannot speak of election matters without fighting, you had better not speak of them."

I did not remark all that the curé said in relation to the disturbance, but I quite understood that in all his explanations he said nothing to make the people believe that he was rather on one side than on the other; I did not understand that he said that the Defendant or Mr. Tremblay was to be voted for; if he said it, I did not understand it; he said to vote for whom we would, provided we made no more disturbance such as had already occurred; the curé said, "I shall see later if you go with your priest, if I am listened to; I shall see that on Saturday;" he said that in relation to the advice which he gave us as to the maintenance of the peace, and not because of the election.

He did not say that some desired to know his opinion; that he was going to tell it to them publicly; at least I do not remember it; I did not pay much attention to the sermon, because it only related to the disturbance, and not to the election.

I swear positively that the curé did not say that he was of the Conservative party, and that the electors ought to be so also.

In relation to the quarrel, he said, "you consider yourselves strong here, but go and see at Les Eboulements, in the neighboring parishes, and you will perceive that you are not so strong;" he added, "In all the large parishes, there has been no disorder; it is only here, in a small parish, that there has been any."



I did not understand that the curé said that the people of les Eboulements were enlightened, that they were going to follow the clergy, and that we ought in conscience to do the same.

The remarks of the curé did not change a single vote in the parish.

2470 On the 16th I did not hear the curé speak of the school children, or of rotten belly (*ventre pourri*).

The curé never said that we ought in conscience to be Conservative; I have no knowledge that the curé spoke of a bandage, or of the blind; I am sure that he did not speak of them that day; he may have spoken of them, but I do not remember it.

He did not say that we ought to be of the party of the priests, and that we were bound in conscience to follow what he told us in relation to election matters.

CROSS-EXAMINED.

It had been said during the week that it was the *Rouges* that had commenced the disturbance; that was said in the parish; I do not know whether it was said to the curé; the curé spoke about two, who had commenced the disturbance, against the disturbance.

2480 It is not to my knowledge that in that sermon the curé spoke of the bishops' mandate.

Our curé was not considered as being of any party; there was no means of perceiving for whom he was; he did not mix himself up with it at all; it was said that several curés were against Mr. Tremblay.

I was for the Defendant, but I did not mix myself up with the election matters.

It is not to my knowledge that the curé uttered the term "in conscience" in that sermon.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and hath signed.

JEAN AUDET.

Taken and sworn
before me, in open Court, at Malbaie, this }
31st August, 1876.

A. B. ROUHIER, J. S. C.

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Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons for the Electoral District of Charlevoix, Malbaie,
 1st August, 1876.*

Present—Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

v. s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Pepin Gagnon, of the age of 63 years, proprietor, of the Parish of Malbaie, being duly sworn on the Holy Evangelists, deposeth and saith:—

2490 I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest in the result of this suit.

I was at the meeting at Joseph Bouchard's, and of which the latter spoke in his evidence yesterday.

The Defendant having finished his speech, an elector who was a little in liquor said to the Defendant, "The people on the other side (Liberals) say that if you are elected we shall get no money from the Government."

The Defendant then replied, that as he was in opposition he promised nothing, that he promised to defend our interests, that that was all he could promise.

2500 He did not promise money so soon as the Government had fallen; no mention was made of money, except by the individual who questioned him.

Mr. Langevin made no promise of money to any person whatever, and did not say that so soon as the Government had fallen we should have money.

I live a mile from Joseph Bouchard; I know Seraphin Lajoie, a witness heard in this cause; I have known him for about 20 years.

In public it is said that he is a man without character, and a great many even say that they would not believe him under oath, and I, myself, would not believe him.

CROSS-EXAMINED.

2510 The Defendant did not say at Joseph Bouchard's that an effort must be made to upset the Government, but he said that it might happen to fall, perhaps in three months, perhaps in six months; I do not know when; he did not speak of what would be done after the Government should have fallen.

Lajoie is in the habit of taking in people in the exchanges which he makes of horses, but it is not spoken of, because it is so much the worse for those who have those dealings with him.

I do not believe him under oath, because he is said to have rifled a person, and because I saw him give evidence in court, which was not correct; I do not remember in what cause it was, nor what was in question; so many things are said about him, that it was that that caused me to say that his evidence in court was not correct, and it was not because I was personally aware of the falsity of what he swore.

RE-EXAMINED.

2520 Everybody in Court said that Seraphin Lajoie had not told the truth in the cause in question, and witnesses were brought, who swore that he was not to be believed under oath.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and that he cannot sign.

 Taken and sworn
before me, in open Court, at Malbaie, this }
31st August, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
the 1st day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

v.s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Dennis Gauthier, aged thirty-nine years, merchant, of the parish of St. Fidèle, being duly sworn on the Holy Evangelists, deposeseth and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this trial.



I know Charles Bouchard, of St. Simeon, witness examined in this cause; I saw him on the 21st of January, at St. Simeon, about noon, at my house, at the establishment at Rivière Noire, where
 2530 Mr. Elie Mailloux, my foreman, lives; there were present H. C. Pelletier, attorney for the Defendant, Hon. T. Robitaille, Elie Mailloux, and Adolphe Dufour, farmer, of Malbaie.

Mr. Bouchard entered the house, and having heard that he was working with us, I made him enter my bedroom; there I was alone with him; I told him that I had been informed that he was working with us for Mr. Langevin; he answered me that he was not going to vote; I asked him, why, and he did not tell me; I understood that it was on account of his father, who was sick thereupon I answered him, "You are free to vote as you will, for, with the ballot, by not telling
 2540 anybody, it will not be known for whom you have voted;" he asked me how things were going; I understood him to mean who was going to win; I said to him, I thought that Mr. Langevin was going to win, with at least two hundred votes of a majority; he answered me, thereupon, that he could not make out who was telling the truth, for a man had come down who said that Mr. Tremblay was going to win, with a majority of at least five hundred votes; I asked him who had said that; he said that it was Eloi Tremblay; I said to him that he would see on the 23rd which of the two would be mistaken, speaking of myself and Eloi Tremblay; his last words were that, if he voted, he would vote for Mr. Langevin, for he told me that he did not like Mr. Tremblay, without telling me why; this is all the conversation which took place between him and me: it is the only time during the election that I spoke to Charles Bouchard.

I swear that then he did not tell me that if he voted he would vote for Mr. Tremblay.

I swear that I did not then say to Charles Bouchard that if he voted for Mr. Tremblay he would hear from me on the 24th of January; I am quite positive that I did not say that to Charles
 2550 Bouchard, nor to others during the election; when I thus spoke to Charles Bouchard, I had learned from others that he was hauling cord-wood for our establishment; my foreman, Elie Mailloux, had not told it to me, at least I do not remember it; I had seen him working for us on that day; I had not asked him to come to the house; it was by chance I met him there.

I did not say anything to him to make him understand that if he voted for Mr. Tremblay he would lose his employment; for more, if I had known that he was for Mr. Tremblay, and that he would have been unwilling to vote for him (Mr. Tremblay) on account of me, I would sooner have
 2560 dismissed him on that account; I did not speak to him about accounts, nor of what he owed me; I left him perfectly free, and the proof is that I had then four camps in my shanties; more than half the men were opposed to me, and I would not speak to them about it.

Some one having asked me to go to the camps and force the men to vote, I answered that I would do nothing of the kind; that it mattered little what party my men belonged to, provided they did their duty in the shanty; the bedroom I have spoken of is beside the entrance hall.

Charles Bouchard did not say to me: "If I vote for Mr. Tremblay you will not know it, anyhow;" and I did not say to him, "Yes, I shall know it."

Emilien Bouchard, father of Charles Bouchard, was very ill; on the day before the voting he was a little better; he might, perhaps, have been able to go out, but he could not have gone far; he had been ill for two or three weeks, perhaps more.

I know Thomas Tremblay, of St. Fidèle, farmer, a witness examined by the petitioners in this cause; he is my cousin.

I remember having spoken to him about the election once on my verandah; I do not know if
 2570 it was he who began to speak of it or I; it was perhaps about three or four days before the voting.

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I think I asked him if he was going to vote; he answered that he did not think he would vote, that he owed money to Mr. Price, and wanted to borrow some from Mr. Collard; or that he had business with Mr. Collard, a retired merchant, of Malbaie; I said to him, "Surely an independent man like you ought to vote, and you should vote;" he answered me, "For my part it is not easy; I know my business;" I then said to him, "It is your own business; I have nothing else to say to you;" this is all that was said between us; if anything else was said, I do not remember it.

Mr. Collard was one of Mr. Tremblay's supporters, and Thomas Tremblay knew it.

Mr. Price had told me seven or eight days before the voting, that I could take produce from
2550 Thomas Tremblay on account of his debt; he did not speak to me about the election in that connection; I did not say anything to Thomas Tremblay to make him understand that if he did not vote for the Defendant, I would not take his produce: and the proof is that after the election I asked him to give me produce, though I knew he had voted for Mr. Tremblay; I had no intention, and I did nothing in order to influence the vote of Thomas Tremblay; I do not say that he did not understand that himself, but it was not my intention.

On a Sunday during the election, the curé of St. Fidèle read a portion of the pastoral letter of the bishops, and explained certain things; on the following Sunday the curé complained that the people had not understood his explanations, and that, for his part, knowing things as he knew them, in voting for such a party I should think myself committing a sin, after the pastoral letter
2590 of the bishops; I do not remember whether he said, "voting for the Liberal party;" I understood by that, that he left the electors free to vote for whom they would.

During the week which followed the reading of the pastoral letter, the people said, "it is too bad, now, after the pastoral letter of the bishops, the curés say they will not leave their vestries to attend the Liberals, sick or dying."

The curé referred to the subject again on the following Sunday, and said that the people had not understood him, that he had not said that; but that there were some who said that the curés ought to remain in the vestry; that they had no business meddling in politics.

Then the curé said that God would, perhaps, permit that they should not have time to have the priest at their death, that he would permit that the curé should remain in the vestry.

2600 I did not understand the curé to say in that sermon anything to induce the people to vote for one party rather than for the other; that it was wrong or a sin to vote for Mr. Tremblay or his party.

I do not know any person whose opinion was changed at St. Fidèle by the sermons of the curé during the election; only Stanislas Brassard said to me, after the reading of the pastoral letter of the bishops, "Now it is not possible to vote for the Liberal party;" this was about four weeks before the voting.

I saw a great many people during the election, and if the curé's sermons had produced any effect, I think I should have been able to notice it.

2610 What gave the majority to the Defendant at St. Fidèle was, I believe, the Gauthier party; I think that all those who voted for Mr. Gauthier voted for the Defendant, perhaps not all, but the greater number.

CROSS-EXAMINED.

I think that in the election of 1874 Mr. Tremblay had a majority of 17 or 18 at St. Fidèle; I think so, but I am not sure; at that period Mr. Onésime Gauthier was simply known as a supporter

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of Mr. Tremblay, and as a thoroughly honest man, but he had no party and commanded no influence at St. Fidèle.

I was a supporter of the Defendant in the election in question, and I spoke in his favor each time I had occasion to speak of the election; people of both parties used to come to my house; I did not go out of my house to solicit the votes of the electors, but I think I must have asked many 2620 of these who came to my house whom they were in favor of; I accompanied the Defendant to St. Simeon, where he was going to meet Mr. Tremblay; I was in the same vehicle with the Defendant; it was his vehicle, and it was I who had asked him to take me in his vehicle.

If any person told me that Mr. Bouchard was for Mr. Tremblay I do not remember it; I cannot say who had told me that Bouchard was working with the Defendant.

I cannot name any of those who told me I ought to force my men to vote for the Defendant; I only remember that it was people from St. Simeon; they said to me, some of your men up above are against you, you ought to discharge them.

The mill which I hold at Rivière Noire is run by me, but the firm of Prie are the proprietors of it as also of the limits where I get my logs; it is they who buy my lumber and make me the 2630 advances I need; it is not I who was to receive payment for what Thomas Tremblay owed, only Mr. Prie had told me that I might take Tremblay's produce, if I wished, and charge it to his account.

The report of the sermon of the Revd. Mr. Tremblay, made to His Lordship the Archbishop by Mr. Tremblay himself, having been read to the witness, witness says that he thinks that is the substance of what he said; the witness adds, "I think so, if it is the curé who thus reports his sermon, but if it were another person I should not believe it so well, for there might be some thing which would not be correct, and it is not easy for me to remember all the sermon; I understood the curé to say that for him to vote for such a party, it was a sin, after the pastoral letter of the bishops, as I said above, but that for us we were free to vote as we thought best; I also understood that these 2640 explanations of that Sunday and those of the preceding Sunday had for their object to make us understand the pastoral letter as it was and as he understood it himself; he said that he thought he would be committing a sin in voting for such a party.

The curé did not perhaps pronounce the words "Liberal party," but everybody, I think understood as I did that he meant to speak of the Liberal party; for my part I thought I could vote for the Liberal party without sinning.

The curé said that "as he understood the pastoral letter that letter condemned a party," and by that party I understood that the Liberal party was meant.

Question.—Is it not true that the clear sense of the curé's words was that those who, understanding the pastoral letter as he understood it himself, voted for the Liberal party would commit a sin?

2650 Answer.—I could have voted without committing a sin, for I have not his knowledge; I do not know what words he quoted from the letter, he did not say.

Question.—Did you understand what the curé said?

Answer.—I understood that the curé, knowing the letter as he knows it, if he voted against that letter, would himself consider he was committing a sin.

Question.—Did you, yes or no, understand the letter as the curé understood it?

Answer.—No, for I am not as well able to understand what there is in the letter as he.

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I usually understand the explanations given by the curé.

Question.—Did you or did you not understand on that occasion the curé's sermon?

Answer.—Yes.

2660 Mr. Tremblay was the candidate of the Liberal party in that election; it was known to everybody.

Many said in the parish that the curé was against Mr. Tremblay.

Question.—It was also said, was it not, or it was understood that all the clergy, or the greater part of the clergy, were against Mr. Tremblay?

Objected to by the Defendant as tending to prove a general system of undue clerical influence.

Objection dismissed.

The Defendant takes exception to the ruling.

Answer.—Yes, I thought so, and I think that those who took an interest in the election were of the same opinion with me.

2670 I think that Tanis Brassard, of whom I spoke above, had in the previous election voted for Mr. Tremblay.

Question.—Is it not true that if your curé were to say to you that a thing is forbidden under pain of sin, you would believe you were committing a sin in doing it?

Answer.—Yes.

According to my belief, a man who died in a state of sin could not go to heaven, if it were a mortal sin, but he could go there if it were a venial sin; I think that one can go to heaven in a state of venial sin, but by passing through Purgatory; Tanis Brassard, of whom I have lately spoken, is the same individual with Stanislas Brassard, a witness examined in this cause.

It was Thomas Tremblay who told me that he had voted for Mr. Tremblay.

RE-EXAMINED.

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Stanislas Brassard told me that he had voted for Mr. Gauthier in 1875; I do not remember that the curé gave the reasons why it would be a sin for him to vote for one party; he merely said, knowing what I know from the pastoral letter of the Bishops, I should sin if I voted for such a party

CROSS-EXAMINED.

At the election in 1875 all the supporters of Mr. Tremblay in the lower part of the county voted for Mr. Gauthier; I mean the supporters he had in the election against Mr. Chauveau.

This deposition having been read to the witness, he persists therein, declaring that it contains the truth, and hath signed.

DENIS GAUTHIER.

Taken and sworn
before me, in open Court, at Malbaie, this }
1st September, 1876.

A. B. ROUTHIER, J. S. C.

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Province of Quebec, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Matane
the 1st day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C

No. 14.

BRASSARD, *et al.*, Petitioners.

v. s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

2690 François Savard, farmer, aged 39 years, of the Parish of St. Hilarion, being duly sworn on the Holy Evangelists, deposes and saith:—

I know the parties to this cause; I am neither a relative, nor a connection, nor servant, nor domestic of any of them; I have no interest whatever in the result of this trial; I am the Mayor of St. Hilarion; I know all the electors of that parish; I know Jules Tremblay, a witness examined in this cause; a few days after New Year's day he told me that he was in favor of, and seemed to be in favor of, the Defendant; Mr. Tremblay's party at St. Hilarion began to break-up after the election of Mr. Gauthier.

The parties were formed from the beginning of January last.

2700 I attended the meeting at Hyppolite Tremblay's, held at St. Hilarion by the Defendant during the election; I there met Jules Tremblay, the witness examined in this cause by the Petitioners.

I go. there before him and I left after him, and during the meeting I was always near him

While Mr. Langevin spoke, no person put a question to him, or interrupted him to my knowledge; Jules Tremblay did not speak to him during his speech; after Mr. Langevin's speech was finished, the people left at once, and Jules Tremblay also, and I am sure that he did not speak to the Defendant.

2710 I remained longer, for I live neighbour to Hyppolite Tremblay, and I am not aware that any person spoke to the Defendant after the meeting; I and Grégoire Tremblay, the witness examined in this cause, spoke to the Defendant after the meeting; every one had left; if Jules Tremblay, in an ordinary tone of voice, had spoken to the Defendant during the meeting, and had said to him that "if it were known that the clergy were in favor of him, it would do him good," and if the Defendant had answered him, "that the thing would be explained more clearly soon;" I think I should have heard it.

I witnessed all that took place at the meeting.

The Petitioners admit that the witness will give the same evidence as Pierre Tremblay and Antoine

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Bouchard as to the sermons of the Curé of St. Hilariou, and also as to the effects of the said sermons in the Parish of St. Hilariou.

CROSS-EXAMINED.

I cannot swear that after the meeting no person said a word to the Defendant, even to wish him good evening, but as to election matters, I swear that no person said anything to him.

2720 Some persons may have spoken to the Defendant before or after the meeting; but I cannot say what they may have said to him.

I got a subsection to construct this summer on the North Shore Railway; Mr. Onésime Gauthier had given me a recommendation to Mr. McGreevy, the contractor; but I had no occasion to show it in order to obtain my contract.

I went to Mr. McGreevy, and, after having put me off a couple of times, he gave me a little job without asking me if I had been a supporter of Mr. Langevin in the last election, nor did I speak to him of my having been a supporter of the Defendant; I think Mr. McGreevy would give anybody jobs like that he gave me. I had not the price it was worth for the work I did.

Mr. Onésime Gauthier told me, on returning from the session, that the North Shore Railway 2730 was going to be built; but he did not speak of the contracts that might be obtained in consequence, nor did he speak of the employment that it might furnish; he only said that it might give work to people in our place and elsewhere; neither in this instance, nor on the only occasion when I spoke to him during the election, did he speak to me about my brother Come Savard.

This deposition being read to the witness, he persists therein, declares that it contains the truth, and hath signed.

FRANCOIS SAVARD.

Taken and sworn
before me, in open Court, at Malbaie, }
1st Sept., 1876.

A. B. ROUTHIER, J. S. C.

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Province of Quebec, }
 District of Saguenay. }

IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 1st day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Louis Tremblay, farmer, aged forty-two years, of the parish of St. Hilarion, being duly sworn on the Holy Evangelists, deposeth and saith:—

I know the parties to this cause; I am neither a relative, nor a connection, nor servant, nor domestic of any of them; I have no interest whatever in the result of this trial.

2740 *The Petitioners admit that this witness will prove the same thing as Pierre Tremblay and Antoine Boucard in relation to the sermons of the curé of St. Hilarion, and in relation to their effects.*

I am well acquainted with the electors of St. Hilarion; it is a small parish.

It was in order to follow the Gauthier party that the people voted for the Defendant to follow their opinion.

At the beginning of the election, about the 8th or 10th, up to the 8th of January last, the parties were formed, and these parties did not break up afterwards.

Before the 9th of January, before the 16th, before the sermons of the curés, the supporters of the Defendant were known at St. Hilarion.

I do not think that the Gauthier party has been broken up at St. Hilarion since the election
 2750 of 1875.

Mr. Tremblay's party at St. Hilarion broke up last year, on account of the electoral list; the revision of which caused him to lose from forty to forty-five votes, which had been cast for him; the voting at the last election took place on that last electoral list.

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Since the revision of that list, it was known, at least I think so, that the Tremblay party was in a minority at St. Hilarion.

I am a municipal councillor, and I was present at the council when the list was revised.

CROSS-EXAMINED.

I heard it said sometimes during the election and before, that our curé belonged to the Conservative party; I did not take much part in the election, and I do not know much about what was done and what was said in that matter.

The parties were not yet formed on the first of January; they were formed from that date up to the 8th or 10th.

Question.—Why do you fix that date of the 8th or 10th as being that on which the parties were found to be finally formed?

Answer.—Because the parish is small, and I had seen many of the people; I had seen many of them before the 8th or 10th; enough to know their sentiments as to the election.

I knew all the supporters of the Defendant before the sermon of the 9th; I had spoken to the greater part of them.

This deposition being read to the witness, he persists therein, declares that it contains the truth, and hath signed.

LOUIS TREMBLAY.

Taken and sworn
before me, in open Court, at Malbaie, this }
1st September, 1876.

A. B. ROUTIER, J. S. C.

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Province of Quebec, }
 District of Saguenay. } **IN THE SUPERIOR COURT.**

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie, the 1st day of September, 1876.

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

v. s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Barthelemi Bouchard, merchant, of the parish of la Malbaie, being duly sworn on the Holy Evangelists, deposed and said:—

I know the parties to this cause; I am neither a relative, nor a connection, nor servant, nor domestic of any of them; I have no interest whatever in the result of this trial.

I attended the meeting held by the Defendant, at Joseph Bouchard's, during the election.

Léandre Lapointe having said to Mr. Langevin, "The Rouges say that if we elect you, we shall not get any money," Mr. Langevin answered, "You must not expect to get money if you elect me, for I shall be opposed to the Government, and all those who are elected in opposition to the Government cannot obtain anything from the Government, and in electing me, you must expect
 2780 "that I shall obtain nothing;" he added, "Perhaps in six months, perhaps in two years, the Government will fall, and then Lower Canada will have her just and legitimate share;" "at all events," said he, "I will look after your interests;" I do not know that the Defendant promised money on the fall of the Government, and that he said that he could not promise any before the fall of the present Government; I do not think the matter was spoken of; that conversation may have lasted ten minutes.

I know Seraphin Lajoie, of Malbaie, farmer, a witness examined in this cause.

His general reputation is very bad, and from what I have heard said of him, and from what I know myself, I would not believe him under oath.

During the election Seraphin Lajoie came to my house several times; once at the beginning
 2790 of the election he said at my house that he was angry with Mr. Tremblay about the work at the Malbaie pier; that he would no longer be for Mr. Tremblay, since he was too partial to the Messrs. Warren; he spoke then seriously; he called God to witness, saying that he would not vote any more for Mr. Tremblay, because he had been discharged from his work at the pier by Mr. Tremblay; the candidature of Mr. Joseph Kane was then in question.

On the 15th of January, the day of the nomination, Seraphin Lajoie was at my store, in which there were from fifteen to twenty persons; he then told us that he was for the Defendant, he spok^o

seriously, and I, as I knew him, said to him, that he came to the store as a spy, that he had better go away; he then called God to witness that he was for the Defendant, and that he would vote for him, and even added that he was ready to swear on the Gospel, that he was in favor of the
2800 Defendant.

Séraphin Lajoie is a man who is in the habit in elections of going to both camps, in order to spy, but he has always voted for Mr. Tremblay.

CROSS-EXAMINED.

I cannot say whether I would or would not, believe Sir John MacDonald under oath; I know neither his face, nor his person, nor his reputation: I do not believe under oath him who calls God to witness uselessly when he is not under oath.

This deposition being read to the witness, he persists therein, and declares that it contains the truth, and hath signed.

BARTHELEMI BOUCHARD.

Taken and sworn
before me, in open Court, at Malbaie, this }
1st September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay. } IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
the 1st day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Antoine Gauthier, aged 36 years, carpenter, of the parish of St. Irénée, being duly sworn on
the Holy Evangelists, deposeth and saith:—
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I know the parties in this cause; I am neither a relative, nor a connection nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this trial.

The Petitioners admit that this witness will prove the same thing as Alexis Girard, Elie Girard and Jean Audette as to the sermons of the Curé of St. Irénée.

In view of such admission, Defendant declares he has no question to put to the witness.

Taken and sworn
before me, in open Court, at Malbaie, this }
1st September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, } IN THE SUPERIOR COURT
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
the 1st day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Joseph Tremblay, miller, aged 34 years, of the parish of La Malbaie, being duly sworn on the Holy Evangelists, deposeseth and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this trial.

2820 I live in the neighborhood of Joseph Bouchard's, where a meeting was held by the Defendant, at which I was present, during the last election.

The Defendant did not to my knowledge promise money if the Government should fall, nor say that he could not promise any before the fall of the Government; if he said so I do not remember it.

I knew that he said afterwards that the Government could not stand long, because it was against the clergy; I am sure of that according to my opinion.

Leandre Lapointe having said to the Defendant that the Rouges were saying that if he were elected we should have no money, Mr. Langevin answered, "that we could not expect to get any, as he belonged to the Opposition, that that was not the question, that the thing was to over-throw the Government."

The Petitioners declare that they have no cross-questions to put.

This deposition being read to the witness, he persists therein, declares that it contains the truth, and hath signed.

JOSEPH TREMBLAY.

Taken and sworn
before me, in open Court, at Malbaie,
this 1st day of September, 1876

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay. } **IN THE SUPERIOR COURT.**

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
the 2nd day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et. al.*, Petitioners,

v. s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Johny Lapointe, aged forty years, farmer, of the parish of la Malbaie, being duly sworn on the Holy Evangelists, deposeseth and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this trial.

I was present at a meeting held by the Defendant at Joseph Bouchard's, at Malbaie, during the last election.

2840 After the speech of the Defendant, an elector said to him that the *Rouges* were saying that if the Defendant were elected, the county would have no Government money for public works; during his speech the Defendant did not speak of money.

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The Defendant answered that he was very sure that we should have none, because he was opposed to the Government.

He said that another Government would do us justice, but he did not speak of money, nor that he would get some for us after the fall of this Government; he made no promise whatever to the electors, and did not give them to understand that, by electing him, they would get any gifts or pecuniary advantages.

I was present when the Defendant spoke at the church door at Malbaie; I do not remember that he said then that he had been asked to present himself by the clergy and Mr. Onésime Gauthier.

I attended a meeting held at Joseph McNicols during the election; the two candidates were present; the clergy were then spoken of.

The Defendant may have said that we must respond to the appeal of the clergy, and of the Bishops, but I do not remember it.

This meeting took place at the beginning of the election; a warm discussion took place in relation to the clergy; it was said that the clergy were for the Defendant, and Mr. Tremblay said there were priests out of the county who were for him, and read letters from some priests to show that they were in his favor. I know Seraphin Lajoie, of Malbaie, a witness examined in this case; he has not a very good reputation; I do not know whether I would take his oath.

CROSS-EXAMINED.

At Joseph Bouchard's, the Defendant, after having said that, as he was in the opposition, there was no chance for him to obtain money, added: "It is not a question of money, the chief thing is to overthrow the Government;" he then added that, once the Government fallen, his friends would come into power, and that we should obtain justice.

I only went to the meetings at Joseph Bouchard's and Joseph McNicols'; at that held at McNicols' it was said that the Defendant had the support of the clergy; it was said generally everywhere, that the clergy were against Mr. Tremblay.

This deposition being read to the witness, he persists therein, and declares that it contains the truth, and hath signed.

JOHNY LAPOINTE.

Taken and sworn
before me, in open Court, at Malbaie, this }
2nd September, 1876.

A. B. ROUTHIER, J. S. C.

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Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT

DOMINION CONTROVERTED ELECTIONS ACT, 1874

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 2nd September, 1876*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

v.s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Jean Murray, aged fifty-four years, farmer, of the parish of Malbaie, being duly sworn upon the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I was present at the meeting held by the Defendant at Joseph Bonchard's house, at Malbaie, during the last election.

Leandre Lapointe made him take notice that it was said that with him we had no chance of getting money for public works.

Mr. Langevin answered him that he did not promise anything; that the question was to over-
 289) throw the Government; it was thus that I understood; I do not remember that he promised any-
 thing, once the Government had fallen.

CROSS-EXAMINED.

I did not concern myself with the election, but I have heard say that the Defendant had the support of the clergy, and it did look like it, but I know nothing about it myself.

Objected to by the defendant.

This deposition being read over to the witness, he persisteth therein, declaring that it contains the truth, and hath signed.

JEAN MURRAY.

Taken and Sworn
 before me, in open Court, this }
 2nd September, 1876.

A. B. ROUTHIER, J. S. C.

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Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 2nd September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD *et al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Vincent Tremblay, aged 37 years, trader, of the parish of Baie St. Paul, being duly sworn upon the Holy Evangelists, deposes and saith:—

2890 I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I am a Justice of the Peace; I was at church on the sixteenth of January last, at Baie St. Paul, and I heard the sermon that was preached by the Revd. Mr. Sirois; I took notes of that sermon, and I can answer in an ample manner about the subject and contents of that sermon without referring to my notes; those notes were taken about a week after the sermon; I have those notes in my possession.

2900 Before having read the notes, which were furnished to me by the Curé Sirois himself, about a week after the sixteenth of January I should have been unable to remember that sermon, but after having read those notes I was convinced that they were in accordance with his sermon; the thing was fresh in my memory then; the notes which I have in my possession I copied from those of the curé, and they are like them in every particular; these notes are the same analysis of the sermon which was sent to the Archbishop of Quebec; that analysis was signed by a great number of farmers of Baie St. Paul and others, and I was present when they signed.

When I took those notes, it was said that an analysis of the curé's sermon had been made by Mr. Theodore Paquet, a witness heard in this cause, and that that analysis distorted the sermon of Mr. Sirois.

The rumor was that a complaint was going to be made against Mr. Sirois before the Archbishop, but of myself I knew nothing about it; I took that copy, and several others, with the sole aim of contradicting the analysis made by Mr. Paquet.

2910 Question.—Be good enough now to refer to your notes, and I relate to us what the curé then said.

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Objected to by the petitioners, because the notes had been prepared by the curé, an interested party in a litigation, of which there was then a question on the subject of the sermon itself, at a time when the witness knew he might be called as a witness on the subject of the sermon, and when, consequently, his mind was not in that impartial state which alone can give some guarantee of the correctness of the notes.

Objection reserved for hearing on the merits.

Answer.--In answer to this question, I produce those notes, Defendant's Exhibit No. 2.

When I took these notes I did not know that I should be a witness for the Curé Sirois before
2920 the Archbishop, nor for the Defendant in this cause.

A. T. Dufour, blacksmith, who has signed this analysis, is the same as he who has been heard in this cause.

The Petitioners admit that the signatures affixed to the said exhibit are those that have been acknowledged before Hyppolite Simard, Justice of the Peace, on the 12th of February, 1876.

The curé did not say that it was a case of conscience to vote for Mr. Tremblay or his political friends.

The notes, Exhibit No. 2, of the Defendant, which I produce, give the complete sense of the curé's sermon; if the expressions are not quite the same, at least the sense is completely given in them.

2930 [All that I can say is, that the curé said nothing that is not conformable, at least as to the sense, to the notes which I have produced.]

CROSS-EXAMINED.

I believe that the Curé Sirois was quite opposed to Mr. Tremblay in the election which is in question.

At the time of the sermon of the sixteenth, the curé did not appear more excited than usual; he is not a violent or excitable man, at least he does not give the impression of being such.

The curé does not give me the impression of a man who speaks slowly.

To the best of my knowledge, he spoke that time between half an hour and three quarters of an hour; I can specify nothing about this, for I have a very vague recollection of it.

2940 I claim that the notes which I have given contain not only the ideas, but even the expressions of which the curé made use, although, perhaps, they may not be word for word.

The notes are word for word that which was spoken by the curé, except, perhaps, some words which may have been omitted.

The remark being made to the witness that the reading of his notes had taken twenty minutes, although there had been five or six minutes of that lost, it was pointed out to him that the sermon could therefore only have lasted about a quarter of an hour. The witness answers that he is under the impression, without, however, being positive of it, that the sermon lasted half an hour, or three quarters of an hour.

2950 Question.—Do you swear that the curé did not use many expressions which are not in your notes?

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Answer.—I cannot swear to anything more than that the notes contain the truth.

Question.—Will you swear that the sermon was not longer than the notes which you have furnished to the court?

Answer.—I can swear to nothing more than the notes.

Question.—Is it not possible that the curé may have said something else, and that you cannot remember it?

Answer.—I do not remember; it is possible that the curé may have said something else than that which my notes contain, and that I do not remember it.

I am sure that the curé did not hand me those notes till after it had been reported at Baie St. Paul that Mr. Paquet had prepared a summary of the sermon.

I learned at Quebec that Mr. Paquet had prepared that summary; it was my cousin, Mr. Edmond Rousseau, assistant editor of the *Evenement*, who told it to me.

The journey which I made to Quebec took about three days; it was on my return from that journey that I spoke at Baie St. Paul of the summary prepared by Mr. Paquet; but I think that there had been a report about it before.

I do not remember whether it was I or the curé who spoke the first to the other of this summary of Mr. Paquet's.

I took that copy of the curé's sermon only for my own satisfaction, and because I had been told of a summary of it which Mr. Paquet had made; I had had a discussion with Mr. Rousseau, of whom I have spoken above; he had mentioned to me certain expressions as having been used by the curé in regard to Mr. Paquet; I got that copy from the curé in order to satisfy myself that he had not used those expressions; as well as I can remember, it was I who asked the curé for that copy of his sermon, for the purpose which I have just mentioned.

The copy which I have produced was made by me from the first copy which I had made of the notes which the curé had handed me; this copy which I have produced in court was not quite correct when it was produced by me; and it has been corrected by the advocate of the defendant by another copy which the advocate of the Petitioners had in his possession; until that time I had not perceived that it was incorrect; I perceive now that these corrections are correct, from having heard the copy from which they were made read; but in reading this morning the copy by me produced I did not perceive its incorrectness.

After having read that copy I believed it to be correct; but except the inaccuracies which have been corrected in court by the attorneys, I do not believe there are any others.

Question.—Will you swear that it is not possible that the copy produced by you may contain other inaccuracies?

Answer.—It is possible; I know of no others; I do my best, but I cannot find any others.

Question.—In reading the said notes, can you remember with certainty, and independently of the said notes, what the curé did say?

Answer.—Yes.

The reading being made to the witness of the passage, according to the notes, "You will say again, but how explain this, there are respectable priests at Quebec who have written letters saying that the curés of these parts make a mistake and go too far;" the witness was asked whether

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he could swear that the curé had pronounced those words; the witness replied, "not in that sense; I understood that from the whole."

Question.—How could you swear just now that your notes contained the sermon of the curé, word for word, excepting, perhaps, a few words?

Answer.—When I said "word for word" just now, I had intended to say that my notes were a copy word for word of those of the curé, and I did not want to say that there had been no omissions made in it in making the last copy which I have produced.

At the time when I copied the curé's notes, I believed that they contained word for word, with the exception of a few words, perhaps, the words pronounced by the curé.

I swear that the curé said what there is in the notes, because reading them to me has made me remember it.

Question.—Will you swear that in reading to you, no matter what part of the notes, you will remember that part of the sermon with certainty?

Answer.—By reading all the sermon at once, I might swear that I could remember it, but I could not swear this for each part separately.

Question.—How do you explain that you are able to remember, with the help of notes, the whole of the sermon, and that, with the help of the same notes, you cannot remember the different parts of the same sermon?

Answer.—It is because, when I heard the curé Sirois' sermon, it was in that manner that he proceeded, and that it strikes me more in that manner.

Question.—Is it not true that when you heard the curé's sermon, you heard it in parts?

Answer.—Yes, he did deliver it in parts, the one following the other.

Question.—How is it that you said you could remember the whole of the sermon, word for word, and that just now you declared you could not recollect one sentence of the said sermon, which was read to you word for word?

Answer.—I only remember it word for word when the sermon is read all at once.

If one sentence of the sermon, detached from the rest, were read to me, I might say whether it were in the sermon, but not whether it was, word for word, what the curé had said.

Question.—You have said, that provided the notes were read to you in the order in which they come, you could immediately remember, word for word, the curé's sermon; these notes having been so read to you, be good enough to report that sermon, word for word.

Answer.—I meant to say that when I am read to, word by word, I can remember that that is the truth, and that if I were given words which would change the sense, I should perceive it.

Question.—Yes or no, did the curé say the following words: "You will, perhaps, say, but you go too far; you have taken your political side, consequently you can force us to follow your opinion?"

Answer.—I do not remember that the curé said that in that sense; it is the expression to force your opinion, which is not correct.

Question.—Can you undertake to swear, that by reading these notes to you in the order in which they come, you will be able to tell, on each sentence, whether anything was omitted or added?

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Answer.—Yes, if anything is added which changes the sense; but if words are added which do not change the sense, I should not perceive it.

I do not think that a sentence could be passed over without my perceiving it.

The first page of these notes being read irregularly to the witness, he declares that he is under the impression that something had been added or omitted, but that he could not say which of the two.

The advocate for the Petitioners admits that in reading this part of the notes he had passed over two sentences and added another.

Reading being made to the witness of the passage beginning with the words "while congratulating you," and finishing with the words "a thousand eulamies," the witness was asked whether anything had been omitted; and he answered that he thought there had; and it was established that nothing had been omitted.

I do not remember that at the beginning of his sermon, the curé ordered the church-wardens not to permit any person to speak on the church ground; but I cannot swear that he did not do this, and I have heard say that he had issued that prohibition.

RE-EXAMINED.

The corrections which were made in my notes at this sitting, are indicated by the words, "corrected at the hearing," at the close of each correction.

When I said that my notes were word for word with what the curé said, I meant to say that they conveyed the meaning of the sermon, but that there may be omissions in them, in the words or in the expressions.

The notes produced by me have been copied from the summary of the sermon that the curé Sirois sent to the Archbishop.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and hath signed.

W. TREMBLAY.

Taken and sworn
before me, in open Court, at Malbaie, this }
2nd September, 1876.

A. B. FOUTHER, J. S. C.

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Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie.
 31st September, 1876*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et al.*, Petitioners.

v. s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Johnny Desbiens, farmer, of the parish of St. Simeon, being duly sworn upon the Holy Evangelists deposed and said:—

3360 I know the parties in this cause; I am neither a relation; nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I am Johnny Desbiens, who has already been heard in this cause by the Petitioners; the Exhibit No. 1, of the Defendant being shown to me, I declare that I never signed that document, nor made my mark upon it.

Question.—Is it not true that you acknowledged the contents of the said Exhibit at Ste. Fidèle, on the twenty-eighth February, 1876, before the Rev. E. W. Tremblay, curé of Ste. Fidèle, and John Savard, merchant's clerk, then of Ste. Fidèle?

Answer.—No.

Question.—Is it not true that the said writing was then read to you by the said John Savard?

3370 The question was objected to as leading.

Question withdrawn.

I have never heard the said exhibit read before this morning in court.

I have heard this paper spoken of before at the priest's house at Ste. Fidèle; Mr. Curé Cinq-Mars asked me to sign it and I would not.

I refused to sign this paper because it did not contain the truth; he had asked me to sign this paper because of the affidavit which I had already given.

Question.—The exhibit not having been read to you, how did you know that it did not contain the truth?

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3080 Answer.—I knew it because you told it to me when I came here to give evidence for the petitioners in the present instance; before that I did not know it.

Question.—If you did not know the contents of this exhibit before coming to give your evidence, how could you swear that on the twenty-eighth of February last this writing did not contain the truth?

Answer.—I did not know it, they did not read it to me; the curé Cinq-Mars asked me at the presbytery of St. Fidèle to sign a paper that he had not read to me, and I would not sign it because they wanted to do me some mischief on account of my affidavit, because the curé had told me of it before.

Question.—At what time had the curé thus spoken to you before?

3090 The question was objected to as assuming that the witness said that the curé had spoken at another season before, whilst the witness had not said that the curé had spoken at any other season; he had only said that the curé had spoken to him before.

Objection set aside.

The same day that he had made this writing, he wrote it before me and he did not make me acquainted with what that document contained.

The Curé Tremblay came afterwards, and they sent to fetch John Savard; that writing was neither read nor explained to me by the Curé Cinq-Mars or the Curé Tremblay, nor by John Savard, and I never acknowledged that that writing contained the truth either before the Curé Cinq-Mars, nor before the Curé Tremblay, nor before John Savard.

Question.—Be good enough to report what the Curé Cinq-Mars said to you then?

3100 Answer.—I do not remember.

Question.—Be good enough to say who made you remember that you had refused to sign that document because it might have done you some harm on account of your affidavit?

Answer.—I do not remember.

The Curé Cinq-Mars, the Curé Tremblay and John Savard did not then speak in my presence of the writing in question.

There was no question then (at the priest's house at St. Fidèle), in presence of the Curé Cinq-Mars and the Curé Tremblay, and of John Savard, of the affidavit that I had given before, and of which I have spoken in my first evidence,

3110 When the Curé Tremblay arrived, he signed the writing in question without saying anything, and went away directly, and John Savard also signed it without reading it to me and without saying a word to me.

It was the Curé Cinq-Mars, who had made me come to the priest's house, on account of the affidavit that I had signed; he asked me whether I had given an affidavit declaring that the curé had told me that it was a mortal sin to vote for Mr. Tremblay; I answered him yes; he told me it was not true, that he had not told me that, and I answered him that he had told it to me; that is all the conversation that there was between me and the Curé Cinq-Mars.

I have not a good memory.

A paper being shown to me on which there is a mark, a cross, I cannot say who made it; I

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did not make a cross, when Mr. Cinq-Mars asked me to do so; I could not recognise my mark;
3129 I did not declare to any body that I had signed the writing in question.

CROSS-EXAMINED.

After that Mr. Cinq-Mars, on the occasion of which I have spoken above, had told me that the declaration which I had given to Belleville did not contain the truth; and after that I had answered him that it did contain the truth, he asked me to sign a declaration to contradict that given to Belleville, and I refused; and what made me recollect the tenor of the conversation was, that they wanted to make me contradict my affidavit.

When the Curé Cinq-Mars had prepared the paper, and wanted to make me sign, although he had not read it to me, I understood that the object of this paper was to contradict my declaration given before Belleville, and it was for that that I would not sign it.

3130 When I say that I have not a good memory, I only wished to say that I have an ordinary memory, and I can very well remember the conversation with the Curé Cinq-Mars, if not as to the words, at least as to the sense.

RE-EXAMINED.

Question.—What was the sense of the conversation that you then had with the Curé Cinq-Mars?

Objected to as not resulting from the cross-examination, and because the question should have been put during the examination in chief.

Objection set aside.

3140 Answer.—This is what passed: The curé asked me if I had signed an affidavit, as I have said above, and I told him yes; and I refused to sign the declaration which he had prepared.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and that he cannot sign.

 Taken and Sworn
before me, in open Court, at Malbaie, this }
4th September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaix,
 4th September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD *et al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Jean Savard, aged eighteen years, clerk, of the parish of St. Siméon, being duly sworn upon the Holy Evangelists deposed and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic, of any of them; I have no interest whatever in the result of this suit.

In February last I lived at Ste. Fidèle.

The signature, "John Savard," at the bottom of the Exhibit No. 1, of the Defendant, is mine, I always sign "John Savard;" I do not know whether the signature E. W. Tremblay is that of the
 3150 curé of Ste. Fidèle; I did not see him sign that paper.

I know Johnny Desbiens, of St. Siméon, a witness, heard in this cause.

Question.—Be good enough to say whether you read the document, Exhibit No. 1, of the Defendant, to the said Johnny Desbiens, say where, when, and what occurred between you and him with regard to the said document?

Answer.—First I arrived at the parsonage of Mr. Tremblay, at Ste. Fidèle, for certain business which I had there; whilst I was there Mr. François Cinq-Mars, curé of St. Siméon, arrived at the parsonage; I am sure that this last had not arrived at the parsonage when I went there; Mr. Cinq-Mars asked me whether I knew how to sign; I answered yes; then he asked if I would sign a
 paper.

3160 Question.—Be good enough to say why you signed Exhibit No. 1, of the Defendant; whether Johnny Desbiens, took cognizance of the said exhibit, in what connection, and when, and the declaration which he made in relation to that writing?

Objected to by the petitioners—1st, Because this evidence tends to prove that Johnny Desbiens made a declaration contrary to what he has just said in his capacity as a witness for the Defendant, and that the Defendant cannot thus prove that his own witness has not told the truth,

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261, Supposing that that evidence had as its object to contradict what Desbiens said in reply to the cross-examination of the Defendant when he was called as a witness by the Petitioners, it would only contradict upon a point which is not pertinent to the contest, that is to say on the fact that William Savard and Francois Bergeron, were not present at the first conversation which took place
3179 between Desbiens and the Curé Cinq-Mars.

Objection reserved for hearing on the merits.

Answer.—I signed that writing at the request of the curé; Johnny Desbiens was present and certified that the curé had spoken to him of the election the twentieth of January in the presence of François Bergeron and William Savard; Johnny Desbiens arrived at the parsonage at St. Fidèle, after me; I mean to say at the curé's office; I do not know whether he was in the house before; I went into the office at the same time as Mr. Cinq-Mars; Johnny Desbiens came in directly after; I read the said writing aloud to Johnny Desbiens, who was near me, in presence of Mr. Cinq-Mars; as to Mr. Tremblay, I cannot say whether he was present, I cannot remember it; Desbiens replied "All right," when I had finished reading the writing in question.

3180 Question.—Be good enough to say whether Johnny Desbiens then took cognizance of the contents of the writing in question?

Question objected to as leading.

Objection maintained.

Question.—Be good enough to say whether you read the writing in question to the witness in an intelligible manner, and in a manner to make him understand the contents of the said writing?

This question was objected to as leading.

Objection maintained.

Question.—Be good enough to tell in what manner you read that writing to Johnny Desbiens?

Objected that that question be not put for the present.

3190 Objection set aside.

Answer.—I read that writing as one reads generally; I read it aloud, such as it is on the paper.

Question.—Be good enough to say what passed after you read the said writing to Johnny Desbiens?

Answer.—I went away directly after.

CROSS-EXAMINED.

I am at present clerk in the service of my uncle, Denis Gauthier, a witness heard in this cause; the business which brought me to the parsonage was some money that the Curé Tremblay owed to my father; I went into the parsonage alone, into the kitchen; the curé was not there.

3200 The Curé Tremblay came into the kitchen to speak to me about the business in question; he went away again, and I do not remember to have seen him again that day; from the kitchen, I went into the curé's office, walking behind Mr. Cinq-Mars, who came from out of doors into the kitchen, and asked me to follow him into the office to sign a paper; there was nobody in the office when we went in; I had been about ten minutes in the kitchen when the Curé Cinq-Mars came

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there; the Curé Tremblay was gone out of the kitchen when the Curé Cinq-Mars came, Curé Tremblay did not go out of doors when he left the kitchen; he went out by the door which leads to his office.

The Curé Tremblay thus went out without having given me money; after having been into the office with Mr. Cinq-Mars, I went back to the kitchen, and then the Curé Tremblay came back, 3210 entering by the door which leads from the kitchen to his office; he did not speak to me of the writing of which I spoke in my examination in chief; at least I do not remember it, and I really think I should remember it if he had done it; on the occasion in question, I did not sit down at all in the curé's office; I am certain of it; immediately after we went in, Johnny Desbiens came in coming from the kitchen; not more than two or three minutes had elapsed since we came in perhaps less; my impression is that the time was so short that we had not had time to speak, Mr. Cinq-Mars and I, before the arrival of Desbiens; from the kitchen one can see very well out of doors, on the side of the outer door of the kitchen; I do not remember to have seen Desbiens on that side; one can see to the distance of an acre or two on that side; I do not remember which spoke first, the Curé Cinq-Mars or Desbiens; all I can remember is that the Curé Cinq-Mars asked 3220 me to sign the writing of which I have spoken, which was in his writing.

I cannot swear that the said writing is such as it was when I signed it; I did not pay attention to the exact wording of the writing, but I know that it certifies that the Curé Cinq-Mars had spoken of the elections to Johnny Desbiens only, at his parsonage, on the 20th January, in presence of François Bergeron and William Savard.

I cannot remember having read to Desbiens the date marked below the said writing, nor the signatures, Johnny Desbiens, E. W. Tremblay, Proc., John Savard; I only read the substance of the said writing to him; I do not remember whether these signatures were there then, but I know that there were some of them there, for the Curé Cinq-Mars told me to sign beneath.

I see, on examining the said writing, that the said writing was first dated from St. Simeon, and 3230 that from the words "St. Simeon" have been made the words "St. Fidele"; I ascertain that the over-writing, "St. Fidele," is not in the writing of Mr. Cinq-Mars; at least it does not appear to me to be so.

The over-writing in pencil which is on the word presence was not, if I remember, upon the said writing; I cannot remember whether or no there was a date there when I signed the writing.

Question.—How does it happen that you cannot remember whether the writing was dated, nor whether it was signed, and that you can remember what it contained?

Answer.—It is because generally I pay very little attention to the date and to the signatures except when the signature of a letter is in question.

I do not remember that when I read the writing Desbiens was asked (by me or by the Curé 3240 Cinq-Mars) if he had understood what had just been read to him.

I do not know who made the cross which is upon the said writing, as being that of Johnny Desbiens; I do not know if it was there when I signed; I do not remember that it was Desbiens who made it before me.

I signed without sitting down, leaning upon the curé's desk to write; I was near the desk, Desbiens was before me, and the curé behind, or at the side; I am sure of the position of Desbiens, but not of the curé; I only signed after having read; I went away directly after having signed; I do not know whether Desbiens went away directly or not.

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When the Curé Cinq-Mars asked me to read the writing, he simply said to me, "read this;" I began to read in a low voice, and he said to me, "read aloud;" he did not explain to me at all why he made me read it; if he spoke to me about it I cannot remember it; I do not remember at all to have seen Mr. Desbiens in the kitchen.

RE-EXAMINED.

I signed that writing on Monday or Shrove Tuesday, in presence of Johnny Desbiens, and after his answer, as I have said.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and hath signed.

JOHN SAVARD.

Taken and sworn
before me, in open Court, at Malbaie, this }
4th Sept., 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
4th September, 1876.*

Present—The Hcn. A. B. ROUTHIER, J. S. C.

BRASSARD, *et. al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Ephrem Simard, aged 54 years, carpenter, of the parish of Baie St. Paul, being duly sworn upon the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I attended grand mass at Baie St. Paul every Sunday during the election, and I heard the sermons of the curé.

From all the sermons of the curé, I understood that one ought to vote according to one's

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conscience; if there were others who took offence, because they believed they recognized themselves in those sermons, so much the worse for them.

The curé said it was not necessary to ask him his opinion; that every one was at liberty to vote by his conscience, according to the mandate of the Bishops.

The curé did not say, and did not make it understood, that it was forbidden to vote for Mr. Tremblay or his political friends.

3270 When the curé spoke of the Liberal party, I understood that he wished to say that it would become here as in the old countries.

By the Liberal party I understood what is called the *Rouge* party.

I did not understand that the curé explained the mandate as condemning Mr. Tremblay and his party, but I understood that the curé only wanted to put us on our guard against those who attacked religion; I did not understand the curé to say that if the people voted for Mr. Tremblay, religion would be broken down; I do not think that he said that, and he did not say it; nor that those who voted for Mr. Tremblay or his party would be looked upon as bad Catholics; nor that it was a sin to vote for one candidate or the other.

I was present when the Defendant spoke at the church door at Baie St. Paul; Mr. Tremblay 3280 was present; the Defendant did not say then, "how can Mr. Tremblay go against the clergy; with the clergy, one has not anything to spare, and all the clergy are against him."

When I said that I understood that the *Rouge* party was in question, when the curé spoke of the Liberal party, and that it would become here as in the old country, I ought to say that I understood that from what was said in the newspapers.

I know Alfred Dufour, a witness heard in this cause; I had no occasion to speak to him during the election.

Towards the close of last December, when Onésime Gauthier spoke at Baie St. Paul, and consulted the electors about the choice of a candidate in opposition to Mr. Tremblay, all the parish, with the exception of about fifty, were decided against Mr. Tremblay; Mr. Langevin's party was 3290 as strong at the beginning of the contest as at the end; in the concession where I live (below the Baie), the party remained the same; last year, what, above all, turned parties against Mr. Tremblay, was the work on the crib at Baie St. Paul.

It was thought that an injustice was done to the laborer; that the Government might as well pay at the end of the day as after three months; I do not think that the curé's sermons changed a single vote at Baie St. Paul; on the contrary, I think that those sermons only made the people more firm, that is to say, that they encouraged the people to hold more to their party; the women were not afraid because of the curé's sermons.

CROSS-EXAMINED

I did not see all the women of Baie St. Paul; it might well happen, that in the concessions 3300 women may have been alarmed by the curé's sermons, without my knowing it.

When the curé said that it might become; as in the old countries, he said that in those old countries there had been revolutions, that people had massacred the priests and waded in their blood.

I understood that in order to avoid this we must follow the good path; I did not understand that

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by voting for Mr. Tremblay we entered into the path which conducted to all that; I do not think I could have been mistaken by understanding, as I did understand, that one candidate was better than the other; I did not understand that from the curé's sermon, but after the candidates had spoken of it, I understood the sermon of the curé; I am certain that I understood it perfectly; I swear that I understood it at the time, and I should understand it to-day if it were read to me word
3310 for word.

The curé caused it to be understood that religion was in danger of being attacked in this country, as it had been in the old countries; I did not understand whether it was through one party or through the other that it was thus in danger of being attacked, but I understood that from what the newspapers said of Catholic Liberalism; and I understood that that would happen later; and I did not understand that the curé meant to make it understood that there were people of that party in this country.

I understood that there were not yet any Catholic Liberals in the country; but that there might be later.

I do not remember that the curé said the following words: "They will act in such way as to
3320 unmask themselves, to allow themselves to be seen as they are, and in such a manner as no longer to leave any doubt about their tendencies; and there are some who have hearts black enough, that if a religious persecution were to arise at this moment, they would be the first to hold the cord or the knife which should give us the mortal blow."

After having heard this read, it comes into my head now that the curé did say it, and I really believe that he said it, although I am not sure of it.

The following sentence being read to the witness, "By finding fault with, and by criticising, as they do, in the presence of their children, the word of God and his ministers, some parents assume a terrible responsibility before God. When they are dead and turned to dust, they will have left children who will be ready to steep their hands in the blood of the priests, if ever a
3330 persecution arises against them." The witness answers that the curé did say that; the witness adds, I cannot remember what day he said that.

Question.—Did the curé on Christmas Day, or any other day, speak of a visit which a candidate had paid him?

Objected to by the Defendant as tending to prove acts of intimidation on the part of the Curé Sirois, not mentioned in the particulars, and prior to the month of January.

Objection set aside.

Answer.—Yes.

To my knowledge the curé made it appear that all the candidates were alike to him, that he had no political feeling more for one than for the other.

3340 I cannot remember at all what the Defendant said at the door of the church.

When Mr. Gauthier spoke at the door of the church, I remember that he said that Mr. Tremblay belonged to a party that did not offer us all the necessary guarantees.

When I said that the sermons had made the people more firm, it was because they said, "Let him preach as much as he likes, it will do nothing to us;" I have not heard a single partizan of Mr. Tremblay say that the curé had preached against that gentleman.

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I know Euloge Tremblay and Théophile Tremblay. They are my brothers-in-law; I cannot say whether Théophile was for Mr. Tremblay at the beginning of the election; as for Euloge, he was against him since the reading of the Bishops' mandate last autumn, for, going into his daughter's house after the reading of the mandate, he said before me, he said to his daughter, who observed to him that after that mandate he must turn, that, in effect, one must turn; his daughter and he were before for Mr. Tremblay.

I can remember very little of the sermon of the sixteenth of January; it often happens that I slumber during the sermons, and I believe I did so during that sermon; I meddled very little with the election; I went about with one and another, but I did not talk to anybody to canvass him; I was a partizan of the Defendant.

I was employed a hundred and two days at the crib-work of which I have spoken above, and I was paid a dollar a day; I was paid in orders; those orders were payable in money, but we were obliged to change them to get goods, for which we paid dearer than at Quebec.

We were at liberty to change these orders if we wished.

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RE-EXAMINED.

When the curé said they would act in such way as to unmask themselves, he spoke of those who incriminated the curés of the county.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and that he cannot sign.

Taken and sworn
before me, in open Court, at Malbaie, this }
4th September, 1876

A. B. ROUTHIER, J. S. C.

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Province of Quebec, }
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SUPERIOR COURT

DOMINION CONTROVERTED ELECTIONS ACT, 1874

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 5th September, 1876*

Present—The Hon. A. B. ROUTHIER, J. S. C

BRASSARD, *et al.*, Petitioners.

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Elie Maillonx, aged 39 years, carpenter, of the parish of St. Siméon, being duly sworn upon the Holy Evangelists, deposeseth and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic, of any of them; I have no interest whatever in the result of this suit.

I know Charles Bouchard, of St. Siméon, a witness heard in this cause; he did not vote at the
 3370 last election, because his father, Emilien Bouchard, had asked him not to vote; I knew it, for Charles Bouchard told it to me, myself, the day of the polling.

CROSS-EXAMINED.

I was for the Defendant at the election in question; I swear that I did not say anything to the witness of the Petitioners, except this: That it was their affair to go to the court, or not to go there; these people came to ask me whether they might absent themselves from the mill of Mr. Denis Gauthier, of which I am foreman, to go and give evidence at the request of the Petitioners; I told them that it was not very easy to let them be absent from the mill at that time, but that in any case, that was their business.

I swear that I did not tell any of them that he would lose his place if he came to give evidence;
 3380 and that I did not cause any body to lose his place for that myself; and I do not answer for others.

All that I said to Narcisse Bouchard, one of my men, was, that if, whilst he was gone to give evidence, I was obliged, in order to work the mill, to take some one who would not take his place for a few days, and insisted on being employed the whole season, I could not answer for his place; he has lost it since; he was the only one who did lose it.

There was no means of replacing Narcisse Bouchard whilst he was gone to the Court, except by going to fetch a man outside the village, on the outskirts of the parish; all the men of the village of la Rivière Noire were employed.

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The village is composed of five or six cottages, and we employ the men who are near, outside the village, when there are not enough in the village.

2390 When Charles Bouchard told me what I have related above, it was in answer to the question I put to him joking, why he had not voted; some time before I told him joking, that he was going to lose his election; in the same way he replied that he was going to win with a majority of four or five hundred votes; I told him, always in joke, that if he won, I would give him a quintal of flour; I did not then know personally for whom he was, but among the shanty men he was considered as being for Mr. Tremblay.

RE-EXAMINED.

It was not I who made Narcisse Bouchard lose his place at Mr. Deins Gauthier's mill; it was Mr. Denis Gauthier himself, giving him as a reason that he ought to have returned the day before⁹ in the evening to do his work; that he had spent a day at Malbaie doing nothing after having given
3400 his evidence; that he who had replaced him had kept his place.

From our establishment at St. Siméon we go to Malbaie in four hours and a half; the distance is six leagues; Narcisse Bouchard worked a circular saw; for this work a picked man is needed, to mark off the timber.

RE-CROSS-EXAMINED.

This took place in the first days of July, I think.

Whilst Narcisse Bouchard was here at the Court, I replaced him temporarily by another man of the mill, one of the most able.

The mill might have continued working a day more with the same arrangement, but the work was suffering from it; Bouchard was hired for the summer.

3410 This deposition being read to the witness he persisteth therein declaring that it contains the truth and that he cannot sign.

Taken and sworn
before me, in open Court, at Malbaie, this }
5th September, 1876.

A. B. ROUTIER, J. S. C.

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Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaix,
 5th day of September, 1876*

Present—Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et al.*, Petitioners.

No. 14.

v. s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Joseph Chamberland, aged twenty-six years, farmer, of the parish of St. Siméon, being duly sworn upon the Holy Evangelists, deposeseth and saith:—

I know the parties in this cause; I am not related or allied to, or in the employ or domestic service of any of them; I am not interested in the event of this suit.

I know Charles Bouchard, of St. Siméon, witness examined in this cause; I know that he did not vote, he told me that he did not vote, but it was because his father did not vote.

He told me that, on the day before the voting, Denis Gauthier had said to him, that if he voted for Mr. Tremblay, he would hear from him on the twenty-fourth, and that he would take away 3420 from him all that he had in his hands.

Later, on the Monday after the voting, Charles Bouchard told me that it was not on account of what Denis Gauthier said to him that he had not voted, but because his father had not voted; he told me this in the presence of Elie Mailloux, at St. Siméon, in the cellar of the building.

CROSS-EXAMINED.

When Bouchard said that he had not voted on account of his father, this is how the affair occurred: I had said to Elie Mailloux that Bouchard had stated that he had not voted by reason of the threats which Denis Gauthier had made; Bouchard having come to Mailloux's house in the interval, Mailloux asked him why he had not voted; he replied that it was on account of his father

I am employed in Denis Gauthier's mill; Narcisse Bouchard ceased to be employed there since 3430 the time he gave his evidence.

If Denis Gauthier had wished to find a substitute for Bouchard for a day he could have done so.



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The mill was not stopped during his absence, and the damage caused consisted in the wages which he was obliged to pay to his substitute; when there was a man wanting at the mill caused a considerable derangement.

The present deposition having been read over to the witness, he persists therein declaring that it contains the truth, and that he does not know how to sign his name.

Taken and sworn
before me, in open court, at Malbaie, this }
5th November, 1876.

A. B. ROUTHIER, J. S.

Province of Quebec, }
District of Saguenay, }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
on the 14th day of September, 1876.*

Present The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD *et al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant

EVIDENCE ON THE PART OF THE DEFENDANT.

Joseph Bouchard, aged thirty years, custom house officer, of the parish of Baie St. Paul, being duly sworn upon the Holy Evangelists, deposed and saith—

I know the parties in this cause; I am not related, or allied to, or in the employ or domestic service of any of them; I am not interested in the event of this suit.

I attended mass at Baie St. Paul every Sunday during the election, and heard the sermons of the curé; the curé read the mandate of the Bishops and commented upon it.

I understood that the curé spoke of political Liberalism, that it might become here as dangerous as in other countries; that it was condemned by the mandate of the Bishops and by the Pope.

I understood this because the curé said that Catholic Liberalism was condemned by the Bishops.

By political Liberalism I understand the Liberal party in France, which has done so much mischief; I understand it to be the party of those who speak evil of the clergy, and who hold false political principles.



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By political Liberalism I did not understand that the curé spoke of the Liberal party in
 3450 Canada, but of the Liberal party in Europe; according to me, the sermons of the curé did not
 change any votes; but the reading of the mandate changed a certain number of them; the
 mandate was read on several Sundays; this mandate was read for the first time last autumn; and
 on each Sunday on which the curé read the mandate he commented upon it, and that changed the
 votes.

Question.—Be pleased to state the number of votes which the reading of the mandate changed
 during the election?

Answer.—I cannot state precisely the number of votes this reading changed during the
 election?

Question.—Please name the parties whose votes the reading of the mandate changed during
 3460 the election.

Answer.—Augustine Tremblay and his sons, to the number of three or four; I know that
 because Augustine Tremblay told me so in the presence of his son Jacob.

CROSS-EXAMINED.

The curé spoke of the mandate during the whole time of the election; I believe that he
 commented upon the last part in his sermon of the sixteenth.

RE-EXAMINED.

I know Alfred Dufour, a witness examined in this cause.

During the election he was on the side of the Defendant; it was he himself that told me so.

Question.—Please state whether Alfred Dufour had a conversation with the Defendant during
 3470 the elections at Théophile Simar's house, and say what you know about it?

Answer.—I know nothing about this.

RE-CROSS-EXAMINED.

Major Dufour might have worked for Mr. Tremblay at the commencement of the election,
 and I know nothing about it personally.

The present deposition having been read over to the witness, he persists therein, declaring the
 same to contain the truth, and hath signed.

JOS. BOUCHARD.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 5th September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 5th day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

vs.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON THE PART OF THE DEFENDANT

Emmanuel Girard, aged sixty-two years, of the parish of St. Irénée, farmer, being duly sworn upon the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am not related or allied to, or in the employ or domestic
 3480 service of any of them; I am not interested in the event of this suit.

I attended mass on the sixteenth of January last at St. Irénée.

The petitioners admit that the witness can prove the same things as Elie Girard, Alex. Girard, and Jean Audet, respecting the sermon, of the curé, and as to its effect.

The witness declares that he cannot sign his name.

Sworn before me at Malbaie, this }
 5th August, 1876. }

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. } SUPERIOR COURT

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 5th day of September, 1876*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

v.s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON THE PART OF THE DEFENDANT.

George Girard, sailor, of the parish of St. Irénée, being duly sworn upon the Holy Evangelists, deposesh and saith:—

I know the parties in this cause; I am not related or allied to, or in the employ or domestic service of any of them; I am not interested in the event of this suit.

I attended mass on the sixteenth of January last, at St. Irénée.

3490 The petitioners admit that this witness can prove the same things as Elie Girard, Alexandre Girard and Jean Audet, as to the curé's sermon, and as to its effect.

The witness hath signed.

GEORGE GIRARD.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 5th September, 1876.

A. B. ROUTHIER, J. S. C.

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Province of Quebec, }
 District of Saguenay, }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 5th day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD *et al.*, Petitioners,

vs.

The Hon. H. L. LANGEVIN, Defendant.

! EVIDENCE ON THE PART OF THE DEFENDANT.

Luc Simard, aged thirty-seven years, foreman, of the parish of Baie St. Paul, being duly sworn upon the Holy Evangelists, deposed and saith:—

I know the parties in this cause; I am not related or allied to, or in the domestic service of any of them; I have no interest in the result of this suit.

I attended mass every Sunday at Baie St. Paul during the election.

The curé read the man late, piece-meal, for several Sundays, and explained it.

I know Jean Laronche, the father of Xavier Laronche, the latter having been examined in this
 3500 cause; he is very old and deaf.

The curé, on the sixteenth of January, commenced by speaking of the pastoral visit which he had just made; this visit is made every year at the beginning of January, and this year the curé made it as usual.

He said that he had been favorably received everywhere; then he added that it pained him to hear it said that there were some who spoke evil of the priests.

There were some people in the parish who spoke badly about the priests; I have heard them say myself that the priests went too far.

Then he made allusion to the tithe (*dime*), saying that there were some who spoke against the
 3510 *dime*; that the *dime* ought to be always paid; that if it was abolished the State would pay it; that charity would suffer from this.

He spoke neither about the Defendant or Mr. Tremblay, nor about the Conservative or Liberal parties; I understood that the curé spoke about Catholic Liberalism to put us on our guard against it.

As to Catholic Liberalism, he spoke of the evils that it had caused in the old countries; he compared Catholic Liberalism to the serpent.

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The analysis of the sermon of the Curé Sirois (Defendant's Exhibit No. 2) having been read over to me, I declare that this analysis fairly contains the sense of the sermon of the sixteenth of January; this reading makes me remember well the tenor of the sermon; and this analysis contains the substance of it; it is striking.

The curé did not tell me that it was a case of conscience to vote for the Liberal party.

3520 He at once said, "I have no party; vote according to your conscience, enlightened by the mandate of your Bishops."

I did not understand that the curé said that it was necessary to vote for the Defendant; that if people voted for Mr. Tremblay or his party, it might injure religion or degrade it; this could not be inferred from the sermons of the curé?

He did not say that he who voted for the Liberal party, for the party of Mr. Tremblay, would be regarded as a bad Catholic.

He did not say, in speaking of the Liberal party, of the party of Mr. Tremblay nor give it to be understood that this party glided like a venomous serpent, and that in the end it would seize upon the priests; that it would crawl in blood.

3530 He spoke of the serpent, in speaking of Catholic Liberalism, as I stated.

The curé did not say, nor give it to be understood, that there was any danger in voting to the party of Mr. Tremblay.

The curé said that there were some Liberal Catholics in the country, but he did not speak of Mr. Tremblay.

He said that the same causes which had brought on the revolution in Europe, might produce the same effects here, and he told us to mistrust it.

I did not understand that the curé said, or gave it to be understood, that the Liberal party was condemned by the mandate, and he did not explain it in the sense that the church condemned the Liberal party; after these explanations, the curé gave every one liberty to vote for whomsoever 3540 they wished.

The curé did not say that those who had just spoken in favor of Mr. Tremblay were false prophets; he said that about those who spread disordering doctrines; that these were the people who wished to separate the shepherd from his flock; I did not understand that the curé said, or gave it to be understood, by the people, that they ought not to listen to those who spoke for Mr. Tremblay; I understood that he spoke in a general manner, and in the same spirit as the mandate.

The curé spoke of Christs, and not of false Christs.

He spoke of Christs, I believe, referring to Germany, that God could well protect his Christs.

He did not say that the fine speakers who came to speak on behalf of Mr. Tremblay should not be listened to, and that the people should listen to him and the other priests and curés of the county

3550 The curé said that we should harken to him at election times as at all other times.

He meant to say, I put you on your guard against the party of Catholic Liberalism; you should listen to me.

At the beginning of his sermon, the curé told the churchwardens not to allow any one to speak at the church door; that the people were too much excited; that there was danger of trouble aris-

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ing; in fact there was danger of trouble arising on that Sunday; I did not understand that those who had voted for Mr. Tremblay or his party would regret it hereafter, and that he would hold them to account for it on their death-beds.

The curé, in the sermon of the sixteenth, did not advise the electors to send Mr. Tremblay away, as he himself had done.

3560 I did not understand the curé to say that if they voted for Mr. Tremblay or the Liberal party, this party would take away the *dîme* from the priests.

During the election the curé did not advise the electors to send Mr. Tremblay away, as he himself had done; the curé did not say, or give it to be understood, that those who voted for one of the candidates would commit a sin, and that those who voted for the Liberal party would be seized with remorse on their death-beds.

The curé did not say that they ought to receive Mr. Tremblay, or the Liberal candidate, in accordance with the explanations which he had given us; he did not give it to be understood that one of the candidates was a Liberal Catholic.

3570 He did not say, or give it to be understood, that one of the candidates was endeavoring to deceive them; that he was a false prophet, a false Christ.

In all his sermons, I did not understand that the curé wished to speak against Mr. Tremblay, and injure his election; but I understood that he wished to put us on our guard against the doctrine of Catholic Liberalism; he did not give it to be understood that the mandate condemned the Liberal party, the party of Mr. Tremblay.

The curé, during the last election, did not preach more strongly than during the local election of 1875; indeed, I found that he spoke more strongly in 1875; in 1875, Mr. Onésime Gauthier and Simon Xavier Cimon were the candidates; Mr. Gauthier was considered to be the Liberal candidate, and the parish voted for him in a body.

3580 Mr. Tremblay supported Mr. Onésime Gauthier; the curé spoke almost as he did during the last election of 1875; the sermons of the curé have in no way changed.

The greater part of the Gauthier party voted for the Defendant.

The party against Mr. Tremblay was stronger at the beginning of January than at the close of the election, at least their demonstration was stronger. I mean to speak of the demonstration which took place at the end of December last. Mr. Gauthier proposed the candidature of a Conservative, Mr. Langevin, and almost everybody approved of it. It was on a holiday; all the people were gathered together at the church doors. My opinion is that the sermons of the curé did not change the sentiments of a single elector. I reside at the place called "*Bas de la Baie*;" in this place the sermons effected a change in no one.

3590 I think that what contributed most of all in giving a majority to the Defendant, in Baie St. Paul was the influence exerted by Mr. Onésime Gauthier.

Then, again, the people had signed a petition, asking for an amnesty for Riel and Leprieu; they said that Mr. Tremblay had voted against it, and this had been done to injure Mr. Tremblay; the people of the village complained of the *bas* which had been given them for work done on the wharf, and vowed to vote against Mr. Tremblay.

CROSS-EXAMINED.

The general tenor of the curé's sermon was to the effect that, according to the mandates, we could not vote for a Liberal Catholic; I should consider that I had committed a sin in doing any-

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3609 thing contrary to the mandate of my Bishop; I would not consider Mr. Tremblay to be a Liberal Catholic, at the time of the election, nor before it; I am the only Luc Simard in the parish of Baie St. Paul; I am a *rentier*; I signed a declaration at the request of the curé, in February last, before Louis Gauthier, Justice of the Peace, at Baie St. Paul.

The following declaration having been read over to the witness, namely:—"We, the undersigned, solemnly declare that, in the course of last summer, after a sermon delivered in the church at Baie St. Paul, by the Rev. Messire Joseph Strois, touching Liberalism, Pierre Alexis Tremblay, Esquire, candidate at the last election, got upon the hustings, on the land of the *fabrique* and declared that he greatly approved of all that the curé had said about the Liberals, but that it could not effect him, inasmuch as he himself, though a Liberal, was also a Catholic, and in this way the curé's sermon did not concern him, thus giving it to be understood that he was a Liberal Catholic." The witness states that he is of opinion that this was the declaration that he signed.
3610 To the best of my knowledge what I signed then I believe to be the truth.

I never understood, before the reading of the mandate, what was meant by a Liberal Catholic; in my opinion, there may be Liberal Catholics as well among the Conservatives as among the Liberals.

Question.—You stated in this declaration that Mr. Tremblay gave you to understand last summer that he was a Liberal Catholic, and you now say that you did not know, at the time Mr. Tremblay spoke, what a Liberal Catholic was; you have, therefore, made an inaccurate statement?

Answer.—We did not know it exactly, but we knew, at least we believed, that it had this bearing; I did not believe, that at the time of the election last winter, that Mr. Tremblay leaned in this direction, the mandate not having then been explained to us; I understood when Mr. Tremblay addressed us, that he was a Liberal Catholic, the mandate not having been then explained to us, and we were not enlightened upon it; the curé spoke of Catholic Liberalism as strongly, if not more so, last summer than during the election, but I do not too well remember whether it was Catholic Liberalism or another Liberalism he spoke of last summer; he put us on our guard against bad principles which might introduce themselves; I am confident that, at the time of Mr. Tremblay's address in the summer of 1875, I was under the impression that Mr. Tremblay was a Liberal Catholic; Mr. Tremblay delivered this address, of which I have spoken, during the election of Mr. Gauthier in 1875, at least this is my impression.

In his sermon on Christmas day, or about that time, the curé spoke about the visit which one of the candidates had made him.

3630 At that time Mr. Langevin was not in the county; I swear that I did not understand that the curé meant to speak of Mr. Tremblay; I did not know at the time that Mr. Tremblay would offer himself; there was a rumor to that effect.

At the time when the curé spoke in this way, I do not remember that there was any other candidate but Mr. Tremblay in contemplation; I do not remember if Mr. Gauthier had then announced to us the candidature of the Defendant, of Mr. Kane, or Mr. Clement. The curé said that if he had been at home he would have told this candidate that he (the curé) was not more on his side than he was two years before.

When the curé told us that to beware of those people who had come, or might come, from a distance to tell us things which would not be in accordance with the mandate, I understood that 3640 he spoke of those who came for this election, or might come for other elections; I did not understand that he meant to say that about those who should come for Mr. Tremblay, or for Mr. Langevin.

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Question.—About whom did you understand that he said this ?

Answer.—I understood that there might come some of those Liberal Catholics who might preach something evil ; I am convinced that I understood the curé well ; frankly, I did not at all understand that the curé's sermon referred to the election then in question.

By election, I mean to say that the curé did not make any reference to the men who were candidates ; the curé spoke with respect to the election ; I understood that the curé put us on our guard against a certain sect, Catholic Liberalism.

3650 Question.—Did you understand that the curé stated that it was wished, during the election itself, to imbue you with disturbing doctrines ?

Answer.—I did not understand it so.

Question.—Did you understand the analysis of the curé's sermon, (Defendant's Exhibit No. 2) which you stated this morning contained the curé's sermon ?

Answer.—Yes.

Question.—It is pointed out to the witness that the analysis of the sermon which he recognizes to be correct, speaks in the present tense, and not in the future or conditional, regarding those who disseminated disordering doctrines, and he is asked where the truth is to be found, whether in the analysis of the sermon, or in what he has just said ?

3670 Answer.—If the analysis speaks in the present tense, and gives it to be understood that at that very moment pernicious doctrines were being spread about, it is inexact ; and I understood that the expressions referred to people who might come thereafter to disseminate pernicious doctrines.

Our curé always speaks loud and rather rapidly ; he preached on the sixteenth of January for one-half or three-quarters of an hour ; I voted for Mr. Tremblay at the election in 1874 ; since last summer I commenced to withdraw myself from his party, as others did ; I found that Mr. Tremblay adhered too much to things which we did not like ; I swear that I did not state to Mr. Tremblay last summer that I was in his favor, at least I do not remember it.

3670 I understood when the curé spoke of *Christs*, that he meant to speak of priests and bishops, and I understood that we ought to follow what the priests said, as being what Jesus Christ had said, because they formed the hierarchy.

I understood that the curé's sermons, instead of having given votes to Defendant, had rather taken some away ; I did not at all heed the influence of the clergy ; I swear that I never said to Elzéar Danais that without the support of the clergy the Defendant would have lost his election ; I swear further, that I did not say to Elzéar Danais, lately, that it was from seeing the clergy opposed to Mr. Tremblay that I turned against him.

The present deposition having been read over to the witness, he persists therein, declaring the same to contain the truth and hath signed.

LUC SIMARD.

Taken and sworn
before me, in open Court, at Malbaie, this }
6th September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 6th day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

v. s.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON THE PART OF THE DEFENDANT

Alfred *alias* Fridl Tremblay, surnamed Bastien, aged twenty-eight years, farmer of the parish
 3690 of St. Siméon, being duly sworn upon the Holy Evangelists, deposeseth and saith—

I know the parties in this cause; I am not related or allied to, or in the employ or domestic
 service of any of them; I am not interested in the event of this suit; I know Joseph Chamberland,
 a witness examined in this cause by the Defendant; at the last election he was one of Mr.
 Tremblay's adherents.

I know Charles Bouehard, of St. Siméon, farmer, a witness examined in this cause; I do not
 know for whom he was at the last election; he told me that he had not voted, because it did not
 suit him, and that Denis Gauthier had never prevented his voting.

CROSS-EXAMINED.

It did not surprise me to see that he had not voted, because when he was with me, he made it
 3690 appear that he was for the Defendant, and when he was with the *Rouges*, he made it appear that he
 was for Mr. Tremblay; it was I who asked him why he had not voted; I said to him on that
 occasion: "Mr. Denis Gauthier has not hindered you from voting, has he?" He answered, no.

The present deposition having been read to the witness, he persists therein, declaring the
 same to contain the truth, and that he does not know how to sign his name.

Taken and Sworn
 before me, in open Court, at Malbaie, this }
 6th of September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 6th September, 1876*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

v. s.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON THE PART OF THE DEFENDANT.

Omer Bouchard, aged twenty-nine years, day laborer, of the parish of St. Siméon, being duly sworn upon the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am not related or allied to, or in the employ or domestic service of any of them; I am not interested in the event of this suit.

I know Charles Bouchard, of the parish of St. Siméon, a witness examined in this cause; he told me that he had not voted at the last election, because he did not know what his father's opinions were.

Objection taken to all evidence about statements made by Charles Bouchard, and to which his attention was not drawn when he was examined as a witness.

CROSS-EXAMINED.

He told me this on the day after the voting in answer to the question which I put him, why he did not vote? I was surprised that he had not voted; I knew him to be a partizan of Mr. Tremblay; Frild Tremblay, who has just been examined as a witness, is employed from time to time by Denis Gauthier, and I am myself at the present moment employed by the said Denis Gauthier.

It was rumoured that Narcisse Bouchard had lost his situation because he had given evidence in this cause, but I know nothing about it personally.

The present deposition having been read over to the witness, he persists therein, declaring the same to contain the truth, and that he does not know how to sign his name.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 6th September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Mattheis,
 the 6th September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD *et al.*, Petitioners,

vs.

The Hon. H. L. LANGEVIN, Defendant

EVIDENCE ON THE PART OF THE DEFENDANT.

Auguste Simard, aged forty-four years, farmer, of the parish of Baie St. Paul, being duly sworn upon the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am not related or allied to, or in the employ or domestic service of any of them; I am not interested in the event of this suit.

The Petitioners admit that this witness can prove the contents of the sermon, of the sixteenth of January, in the same way as Luc Simard, Vincelas Tremblay, Joseph Bonchard and Ephrem Simard, have proved them.

8720 I signed the analysis of the sermon, Defendant's Exhibit No. 2; the curé at the beginning of this sermon did not complain that he had been coldly received, during his pastoral visit; on the contrary, he said that he had been well received.

The other sermons which the curé delivered, during the election, were to the same effect, as the sermon of the sixteenth; namely, that the curé, wished to warn us, against Catholic Liberalism.

I reside in the village of Baie St. Paul; all these sermons produced no effect upon the vote of the village, either in favor of one of the candidates, or against the other; to the best of my knowledge these sermons produced no effect upon the vote of the parish; I know all the electors of Baie St. Paul; when I say that these sermons produced no effect, upon the voting, I base my opinion upon the demonstration which had previously taken place, about the end of December.

3780 Mr. Gauthier then proposed to us, the candidature of Mr. Langevin, and the parish seemed to me, to go almost in a body for him; before this date there had been nothing said of the candidature of the Defendant; at least I had no knowledge of it; a sudden change took place against Mr. Tremblay; the wharf business had something to do with it, but the principal cause was the influence of Mr. O. Gauthier; the mass of the parish had voted for Mr. Gauthier in the election; in the election of 1875, the curé preached almost in the same manner, as he did during the last election; Mr.

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Gauthier came forward as being independent; the Defendant's party was formed from the beginning of the contest.

I was present when the Defendant spoke at the church door, at Baie St. Paul, on New Year's day; the Defendant said that if he had believed that he was not supported by the clergy he would not have come into the county; but he did not say that he had been asked to stand by the clergy.

I know Alfred Dufour, a witness examined in this cause; during the election he appeared to be for the Defendant; at least, he seemed so to me; I met him several times, at the house of Theophile Simard, where the Defendant lodged, and where the friends of Mr. Langevin betook themselves; it was the place of meeting of the principal political friends of Mr. Langevin at Baie St. Paul.

I know Elzéar Dumas, of Baie St. Paul, a witness examined in this cause; he is looked upon as a man who drinks and speaks badly of the priests; his general character is bad; I think that I would believe him on oath.

CROSS-EXAMINED.

3800 The bad reputation of Dumas consists, as I have said, in being reported as a man given to holiday-making and speaking ill of the priests; but he is not considered dishonest in ordinary business, as far as I know he is perfectly honorable.

I cannot swear that the electors might not have been influenced by the curé's sermons, but to the best of my knowledge I know of none who were; I do not remember that Wilfred Simard told me that he had been converted by these sermons, but it may be that he said something about it at my house; I do not remember that he spoke about it at Alfred Dufour's shop, but I cannot swear that he did not speak about it.

3810 I know very well Octave Simard, church-warden of Baie St. Paul, a witness already examined. I have no knowledge that he had been turned round, but I cannot affirm that he was not; I do not think that there are any electors who were turned against Mr. Tremblay and who continued to say that they were in his favor.

I know that the curé spoke on Christmas Day of the visit that a candidate had made him, but I did not understand what he said about it; I only remember the general tenor of the sermons; after the instructions the curé gave us, I would have believed it to have been against my conscience to vote for a Liberal Catholic; when I say that I would have believed it to be against my conscience, I mean to say that I should have believed that I had committed a sin by doing so; after these instructions, only the electors disposed to commit a sin, in order to vote, could have voted for a candidate considered by them to be a Liberal Catholic.

3820 It is not, to my knowledge, that people were more disposed to be in favor of Mr. Tremblay at the commencement of the works on the wharf than before that time, but I know that they were disappointed, when these works were completed, on account of the manner in which they were paid.

When Mr. Tremblay came to make his speech, and was met by Mr. Tarte, he appeared to have a strong party in the parish.

The witness corrects himself, saying that he is in error, and did not know the parties at that time, and did not see whether Mr. Tremblay had a strong party; it is possible that the people cried "hurrah" for Mr. Tremblay, after his address.

I cannot say whether, at this date, all the village and the *Bas de la Baie* were or were not in favor of Mr. Tremblay.

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I know that Mr. Tremblay came to speak at Baie St. Paul during Mr. Gauthier's election, and
 3830 I do not remember that he spoke in favor of Mr. Gauthier; the thing is possible, but I do not
 remember it.

So far as I can recollect, in his speech at Baie St. Paul, when he proposed the candidature of
 the Defendant, Mr. Gauthier said that he had seen several important personages at Quebec, and
 they recommended the candidature of the Defendant; I understood that he meant to speak of
 ecclesiastical personages.

Question.—Is it not true that Mr. Gauthier, at that time, said that the clergy, at a meeting at
 Baie St. Paul, were in accord upon the choice of a candidate?

Answer.—Yes, I am not positive of the fact, but I believe Mr. Gauthier said something to the
 following effect: "In case the choice made by the clergy shall not be satisfied by the electors, I
 3840 shall not meddle with the election"; Dufour gave me to understand that he was for the Defendant
 by telling me so; this was towards the close of the election.

I was for the Defendant at the election in question; I spoke in his favor to the friends that I
 met; it is very possible that I said that the Defendant was the candidate of the clergy; I remember
 that the Curé Sirois addressed a few words to some electors assembled at the house of Theophile
 Sinaud, hotel-keeper, about which I have already spoken; I do not remember the terms he made
 use of, but I understood that he spoke in favor of the Defendant; those who were present about the
 election all know that the curé was opposed to Mr. Tremblay.

RE-EXAMINED.

It was after the voting that the curé addressed a few words to some electors, as I stated in my
 3850 cross-examination; I believe that the Defendant was present, but I do not recollect.

The present deposition having been read over to the witness, he persists therein, saying that
 the same contains the truth, and hath signed

AUGUSTE BÉGIN.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 6th of September, 1876. }
 A. B. ROUTHIER, J. S. C.

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Province of Quebec, }
 District of Saguenay. } SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie, the 6th day of September, 1876.

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

v.s.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON THE PART OF THE DEFENDANT

Xavier Tremblay, farmer, aged thirty-six years, of the parish of Baie St. Paul, being duly sworn upon the Holy Evangelists, deposeth and saith :—

I know the parties in this cause; I am not related or allied to, or in the employ or domestic service of any of them; I am not interested in the event of this suit.

I live at the place called La Goudronnerie, where there are about twenty electors; at this place the curé's sermons produced no effect; the electors of La Goudronnerie decided to vote against Mr. Tremblay in the spring or winter of 1875, about February or March; before this time they were in favor of Mr. Tremblay; Mr. Tremblay in his election had promised an amnesty full and complete; we had signed a petition asking for this amnesty; and Mr. Tremblay had not voted for a full and complete amnesty as he had promised us; It was this which turned the electors of La Goudronnerie against him; to my knowledge, this affair produced the same effect upon the other portions of the parish

I do not think that the curé's sermons had produced any effect upon the remainder of the parish.

I know Napoléon Potvin, farmer, of Baie St. Paul; the day but one before the voting he showed that he was for Mr. Tremblay; on the day of the voting, on my arrival after my journey, I met him at the house of the widow of Boniface Cimon, to which we had betaken ourselves after having voted; I made the remark to him that he was now found among us, and that he had always caused himself to be reckoned a partisan of Mr. Tremblay; thereupon he answered, "that was on account of my brothers, who were in favor of Mr. Tremblay; as for me, I knew what I had to do;" I understood from this that he had voted for Mr. Langevin, but he did not tell me so.

Mr. Gauthier had proposed to us the candidature of Mr. Langevin towards the end of December; he asked us if we wished to accept him; that if we did not wish him, we should chose

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a candidate to oppose Mr. Tremblay; in my opinion, looking at the show of hands which then took place, the parish declared against Mr. Tremblay in such a way as to give a majority of one hundred and fifty to one hundred and sixty; and this party remained almost the same for Mr. Langevin.

3880 I know Elzéar Danais; his general character is that of a scamp; from the general character given him, I would not believe him on oath.

CROSS-EXAMINED.

In the matter of business transactions, I should take him to be an honest man, and I would believe him on oath; but in a matter of religion, as he does not believe in the religion of Curé Gingras or Curé Sirois, I would not believe him on oath; by a scamp I mean a man who does not believe in the principles of religion of the Curé Gingras; a drunkard, I mean by drunkard a man who becomes intoxicated and commits scandalous acts.

The scandalous actions which Danais commits, when drunk, is that of speaking against the priests.

3890 I consider as scamps, everyone not believing in the religion of Curé Gingras, although calling themselves Catholics; I believe that at the present moment Danais says that he believes in the Catholic religion.

I swear that I have never taken sufficient drink to lose my wits; I have taken sufficient of it, twice a year, to make me jolly.

I do not consider myself as at all being a scamp; I have always respected myself.

I have myself spoken against the Curé Gingras; I said that he ought not to have built a new church; Danais is a municipal councillor for Baie St. Paul.

When he was elected he was not as well known as he is to-day; he drank at that time, but he did not speak against the priests, as he does now.

3900 Question.—Is it not true that at Baie St. Paul you are considered a worthless fellow?

Answer.—No.

Question.—Is it not true that at Baie St. Paul you are considered at the last election to have sold yourself for a glass of brandy, or for some other liquor?

Answer.—This is not the case; there are some who say it, but it is false.

The majority against Mr. Tremblay, which I ascertained when Mr. Gauthier proposed the candidature of the Defendant, was according to the number of men which I saw in the crowd; I do not believe that in calculating the majority already mentioned, I made an error of fifty votes; I may have made an error of twenty votes.

Question.—Did you count one by one, those who were there?

3910 Answer.—No.

Question.—How then can you be so sure that you did not make an error of more than twenty votes?

Answer.—It was by judging from those I could count in the ranks, who were at the church door, and from those I could see.

Question.—How were you able to see them?

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Answer.—It was from the men that I knew at the church door; we spoke among ourselves, and asked such a one, and such a one, for whom he went; I do not remember all those to whom I spoke in this way; there was too great a crowd; we spoke among ourselves; those whom I can name are Marc Fortin, Médéric Bonnard, Joseph Simard, Hildebert Tremblay, Cléophe Simard; they 3920 are all that I can remember; it is from what these people told me, and from what I could see, that I estimated the majority which I have mentioned.

Question.—The witness is asked, whether Mr. Gauthier, when he proposed the candidature of the Defendant at Baie St. Paul, pronounced the following words, "The clergy having met together at Baie St. Paul, and having agreed upon the choice of a candidate, have commissioned me to submit this choice to the approbation of the other members of the clergy, and of the electors of Charlevoix?"

Objected to by the Defendant, as tending to prove a system of general undue clerical influence and that such proof cannot be made, according to the particulars.

Objection reserved until the hearing on the merits.

3930 Answer.—Yes, in the same speech Mr. Gauthier said that, in case the choice made by the clergy should not be ratified by the electors, we might ourselves choose a candidate, and that he would support him.

When the Defendant came to announce his candidature at Baie St. Paul, he stated that he had the support of the clergy.

I heard it said on several occasions, that it was a pity that Duval spoke against the priests, because he was a man always ready to do a service.

I do not remember that I had any accident inconsistent with chastity before my marriage.

It may be that the cure's sermons had an effect without my knowing it, but this is not to my knowledge.

3940 I was not in the parish on the day of the sermon of the sixteenth of January, and I only arrived there on the day but one before the voting; I was absent from the third of January, and do not know what took place in the parish in the interval.

The present deposition having been read over to the witness, he persists therein, declaring the same to contain the truth, and hath signed.

XAVIER TREMBLAY.

Taken and sworn
before me, in open Court, at Malbaie, this }
6th September, 1876. }
A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbois,
 the 6th day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD *et al.*, Petitioners,

vs.

The Hon. H. L. LANGEVIN, Defendant

EVIDENCE ON THE PART OF THE DEFENDANT.

Cléophe Simard, aged forty-two years, farmer, of the parish of Baie St. Paul, being duly sworn upon the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am not related or allied to, or in the employ or domestic service of any of them; I am not interested in the event of this suit.

The Petitioners admit that this witness can prove the same things, as to the sermons of the
 3950 curé, and as to their effect, as the witnesses already examined, to wit:—Vincelns Tremblay,
 Ephrem Simard, Joseph Bouchard, Luc Simard, Auguste Simard and Xavier Tremblay.

I attended church on the sixteenth of January at the time of the sermon of Curé Sirois, and on the other Sundays during the election.

The present deposition having been read over to the witness, he persists therein, declaring the same to contain the truth, and hath signed.

CLEOPHE SIMARD.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 6th Sept., 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. } IN THE SUPERIOR COURT

DOMINION CONTROVERTED ELECTIONS ACT, 1874

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 6th day of September, 1876*

Present—The Hon. A. B. ROUTHIER, J. S. C

No. 14.

BRASSARD, *et al.*, Petitioners.

v. s.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Theophore Fortin, notary, of the parish of la Baie St. Paul, being duly sworn on the Holy Evangelists, deposes and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

3960 The Petitioners admit that this witness will prove the same things, in relation to the sermons and to their effects, as Vincelas Tremblay, Ephrem Simard, Luc Simard, Joseph Bouchard, Auguste Simard, and Xavier Tremblay.

I know Alfred Dufour, a witness examined in this cause; I do not know for whom he was during the election.

CROSS-EXAMINED.

When Mr. Gauthier came to Baie St. Paul to propose Mr. Langevin as a candidate, he said that he had consulted some of the gentlemen of the clergy on the subject of the choice of a candidate, but he did not say that he had been deputed by them to submit their choice to the electors; I think he let it be understood that those of the clergy whom he had consulted were in favor of the Defendant, 3970 if the electors approved of the choice, or something in that sense.

Question.—Did Mr. Gauthier, during the election, say or let it be understood, that he had had conversations on the subject of the elections with any ecclesiastical personage?

Objected to by the Defendant.—1st, As tending to prove facts not pertinent to the issue; 2nd, To being evidence by hearsay; 3rd, To prove a general system of undue influence; 4th, The name of the witness is not in the particulars as having been intimidated or corrupted by O. Gauthier.

Objection reserved on the merits.

Answer.—Yes; about the end of December, I think, he told me that he had spoken of the choice he had to make for the county to Vicar General Casseault, or perhaps to some other gentle-

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man of the clergy of the Archbishop's Palace and Mr. O. Gauthier gave me to understand that the
3980 choice he had made had been approved by him and by them.

This deposition having been read to the witness, he persists therein, declares that it contains
the truth, and hath signed.

FILS. FC. 11X.

Taken and sworn
before me, in open Court, at Malbaie, this }
6th day of September, 1876. }

A. B. ROUTHIER, J. S. C.

Province of Quebec, } IN THE SUPERIOR COURT.
District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
the 6th day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et. al.*, Petitioners,

vs.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT

Hilbert Tremblay, aged 51 years, farmer, of the parish of Baie St. Paul, being duly sworn
on the Holy Evangelists deposeth and saith:

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor
a domestic of any of them; I have no interest whatever in the result of this suit.

The Petitioners admit that this witness will prove the same thing as Vincelas Tremblay,
Ephrem Simard, Joseph Bouchard, Luc Simard, Auguste Simard and Xavier Tremblay.

I attended mass at Baie St. Paul on the Sundays during the election, and I heard the sermons.

3990 The Petitioners declare that they have no questions in cross-examination to put.

This deposition being read to the witness, he declares that it contains the truth and cannot sign.

Taken and sworn
before me, in open Court, at Malbaie, this }
6th September, 1876. }

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. }

IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 6th day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD *et al.*, Petitioners,

v.s.

The Hon. H. L. LANGEVIN, Defendant

EVIDENCE ON BEHALF OF THE DEFENDANT.

Joseph Simard, aged 46 years, farmer, of the parish of Baie St. Paul, being duly sworn on the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I attended mass at Baie St. Paul on the Sundays during the election, and I heard the cure's sermons.

The Petitioners admit that this witness will prove, as to the sermons and to their effects, the same thing as Vincelas Tremblay, Ephrem Simard, Luc Simard, Joseph Bouchard, Aguste Simard, 4000 and Xavier Tremblay.

I reside at the place called Peron, at Baie St. Paul.

This deposition having been read to the witness, he persists therein, declaring that it contains the truth, and hath signed.

JOSEPH SIMARD.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 6th of September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. } IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 6th day of September, 1876*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et al.*, Petitioners.

v.s.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Florent Dufour, aged 59 years, farmer, of the parish of Baie St. Paul, being duly sworn on the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I reside at Baie St. Paul, at the place called *Concession de St. Antoine*.

The petitioners admit that this witness will prove the same thing, as to the sermons and to
 4010 their effects, as Vincelas Tremblay, Ephrem Simard, Luc Simard, Joseph Bouchard, Augusto
 Simard and Xavier Tremblay.

This deposition being read to the witness, he persists therein, and declares that it contains the truth, and cannot sign.

Taken and Sworn
 before me, in open Court, at Malbaie, this }
 6th Sept., 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. } IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 6th day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et. al.*, Petitioners,

v.s.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT

Ovide Simard, aged 49 years, farmer, of the parish of Baie St. Paul, being duly sworn on the Holy Evangelists, deposed and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit

I reside near the village of Baie St. Paul.

The Petitioners admit that this witness will prove the same thing, as to the sermons and to their effects, as Vincelas Tremblay, Ephrem Simard, Luc Simard, Joseph Bouchard, Auguste Simard and Xavier Tremblay.

I know Alfred Dufour, a witness examined in this cause; I met him often during the election; I believed from the conversations I had with him that he was for the Defendant; he let me see that he was for him.

CROSS-EXAMINED.

The conversation I have just spoken of, and in which Dufour let me see that he was for the Defendant, took place about a week or a fortnight before the voting, perhaps within a shorter period; I cannot say the precise day.

This deposition being read over to the witness, he persisteth therein, declaring that it contains the truth, and cannot sign.

Taken and sworn
 before me, in open Court, at Malbaie, this
 6th September, 1876. }

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. } IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaiz,
 the 6th day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD *et al.*, Petitioners,

v.s.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Jean Baptiste Simard, aged 39 years, farmer, of Baie St. Paul, being duly sworn on the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic, of any of them; I have no interest whatever in the result of this suit.

I reside at Baie St. Paul, at the place called *Péron*.

The Petitioners admit that this witness will prove the same thing, as to the sermons and to their effects, as Vincelas Tremblay, Ephrem Simard, Luc Simard, Joseph Bouchard, Auguste Simard and Xavier Tremblay.

I know Jean Larouche, the father of Xavier Larouche, the latter a witness in this cause; Jean
 4040 Larouche is my father-in-law; he is deaf, and one must speak very loud to make him hear; he is
 not able to hear the curé's sermons from his pew; he told me himself that he did not hear the
 sermons; the church of Baie St. Paul is a large church.

CROSS-EXAMINED.

Jean Larouche usually enquires as to what the curé has said when he has not heard.

This deposition being read to the witness, he persists therein, declares that it contains the truth, and cannot sign.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 6th day of September, 1876. }

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. } IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 6th day of September, 1876*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et al.*, Petitioners.

v.s.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Frédéric Côté, aged 33 years, farmer, of the parish of Baie St. Paul, being duly sworn on the Holy Evangelists, deposeseth and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor 4050 a domestic of any of them; I have no interest whatever in the result of this suit.

I reside at the place called Péron, at Baie St. Paul; at that place there are about from thirty-six to forty electors.

The Petitioners admit that this witness will prove the same thing, as to the sermons and their effects as Vincelas Tromblay, Ephrem Simard, Luc Simard, Joseph Bouchard, Auguste Simard and Xavier Tremblay.

This deposition being read to the witness, he persists therein, declaring that it contains the truth, and hath signed.

FREDERIC COTE.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 6th September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec. }
 District of Saguenay. } IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 6th day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et. al.*, Petitioners,

vs.

The Hon. H. L. LANGEVIN, Defendant

EVIDENCE ON BEHALF OF THE DEFENDANT

Médéric Bouchard, aged 35 years, farmer, of the parish of Baie St. Paul, being duly sworn on the Holy Evangelists, deposeth and saith:—

4060 I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I reside at the place called Peron.

The Petitioners admit that the witness will prove the same thing as to the sermons and to their effects, as Vincelas Tremblay, Ephrem Simard, Luc Simard, Joseph Bouchard, Auguste Simard and Xavier Tremblay.

I attended the church of my parish, and heard the sermons of the rev. curé.

This deposition being read to the witness, he persists therein, declares that it contains the truth, and hath signed.

MÉDÉRIC BOUCHARD.

Taken and sworn
 before me, in open Court, at Malbaie, }
 this 6th day of September, 1876 }

A. B. ROUTHIER, J. S. C.

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Province of Quebec, }
 District of Saguenay. }

IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Maréchal,
 the 6th day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD *et al.*, Petitioners,

v. s.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Zéphirin Guilmet, aged 46 years, joiner, of the parish of Baie St. Paul, being duly sworn on
 4070 the Holy Evangelists, deposeseth and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

The Petitioners admit that this witness will prove the same thing, as to the sermons and their effects, as Vincelas Tremblay, Ephrem Simard, Luc Simard, Joseph Bouchard, Auguste Simard and Xavier Tremblay.

I know Alfred Dufour, blacksmith, of Baie St. Paul, a witness examined in this cause.

Alfred has but little instruction, he is an ordinary blacksmith; I met him several times during the election; he used to say at one time, he was for one of the candidates, and at another time, for the other; it was difficult to say which he was for; I saw him two or three times at Théophile
 4080 Simard's, with the friends of the Defendant, during the election.

I remember the evening when the Defendant spoke in the public hall at Baie St. Paul; I think it was the 13th of January; the Defendant went that evening to the public hall about seven or half-past seven; the public hall is about two arpents from Théophile Simard's house, where the Defendant resided; before the meeting, I went to Théophile Simard's, between half-past five and six o'clock, and I remained there until the departure of the Defendant for the meeting; all the time I so remained at Théophile Simard's, on that evening I did not see Alfred Dufour there; I left Théophile Simard's to go to the meeting at the same time as the Defendant; Thomas Larouche and many others were with me; when I went out of Théophile Simard's house, at the same time with the Defendant, I did not see Alfred Dufour; I accompanied the Defendant as far as the public
 4090 hall, I walked before him to show him the way, for a little snow had fallen; the Defendant left Simard's to go to the meeting about seven or half-past seven.

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CROSS-EXAMINED.

There were two apartments at Simard's, in which there were people; one of these apartments was immediately at the entrance and the other, which was the sitting-room, stood to the left and back of the dining-room; there was a room alongside; I remained all the time in the door between the entrance hall and the sitting-room; there may have been in the two apartments between twenty and twenty-five persons; I cannot name all those who were there; I remember Thomas Larouche; we had gathered for the meeting that evening, and we spoke about the election during that time; I did not find the time long, because we were occupied with the election, and I was in the habit of going there every evening, and I interested myself in the election; the Defendant 4100 went out before me; we drew up behind the outside door to let Mr. Langevin pass out; we followed him and when we had gone out, he stopped and we passed before him; I remained in the doorway, as it were to keep the door, in order to see into both apartments; I remained there to see all the people at once and to hear what every one said; I did not always station myself at the door, the other evenings; I stationed myself in the doorway, because it suited, I said just now that I stationed myself at the door because it suited.

Question.—Why did it suit that evening rather than any other evening?

Answer.—It is because I wished to station myself there.

Question.—Why did you wish to station yourself there that evening?

Answer.—It was to see what passed in both apartments.

4110 Question.—Why did you want to see what passed in the two apartments more on that evening than on another?

Answer.—It was in order to know the news of the election in both apartments (See the affidavit of Defendant to correct this part of the evidence); there were not people in both apartments on that evening.

I was not sitting in the door, but alongside; when I said a moment ago that I had remained in the doorway, I meant to say near the door; I was alongside the door, in the entrance room.

This deposition being read to the witness, he persists therein, declares that it contains the truth, and hath signed.

ZÉPHIRIN GUILMET.

Taken and sworn
before me, in open Court, at Malbaie, this }
6th day of September, 1876.

A. B. ROUTHIER, J. S. C.

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Province of Quebec, }
 District of Saguenay. } IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 7th day of September, 1876*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

v. s.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON THE PART OF THE DEFENDANT.

4120 Ananias Renaud, aged forty years, farmer, of the parish of Baie St. Paul, being duly sworn on the Holy Evangelists, deposes and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

The Petitioners admit that this witness will prove the same thing as to the curé's sermons, and to their effects, as Vincelas Tremblay, Ephrem Simard, Joseph Bouchard, Luc Simard, Auguste Simard and Xavier Tremblay.

I know Alfred Dufour, a witness examined in this cause; I met him often on the road during the last election; I went often to Théophile Simard's during the last election; I saw Alfred Dufour once at Théophile Simard's, in the evening, about seven or half-past seven; he was with supporters 4130 of the Defendant; I think I saw him there between the day of the nomination and that of the voting.

The meeting held by the Defendant in the public hall at Baie St. Paul, took place about the 13th or 14th January; it was before the day of the nomination.

CROSS-EXAMINED.

The curé was present at the meeting I have just spoken of.

It was generally known that our curé was against Mr. Tremblay, at all events, so it was said.

This deposition being read to the witness, he persists therein, declares that it contains the truth, and hath signed.

ANANIAS RENAUD.

Taken and Sworn
 before me, in open Court, at Malbaie, this }
 7th September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec. }
 District of Saguenay. }

IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 7th day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et. al.*, Petitioners,

vs.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT

Jean Baptiste Renaud, aged 31 years, tinsmith, of the parish of Baie St. Paul, being duly
 4140 sworn on the Holy Evangelists, deposes and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor
 a domestic to any of them; I have no interest in the result of this suit.

[The Petitioners admit that this witness will prove the same thing as to the sermons of the
 Curé Sirois, and as to their effects, as Vincelas Tremblay, Ephrem Simard, Joseph Bouchard, Luc
 Simard, Auguste Simard, and Xavier Tremblay].

The meeting held by the Defendant at Baie St. Paul in the public hall, during the last election,
 took place two days before the day of the nomination; I went to that meeting about half, or three-
 quarters past six; the Defendant had not yet arrived; the meeting began about three-quarters past
 seven; I saw Alfred Dufour, a witness examined in this cause, two or three times during the elec-
 4150 tion, at Théophile Simard's, in the evening; it was in the evening, chiefly, that the Defendant's
 supporters used to gather at Théophile Simard's.

CROSS-EXAMINED.

The curé attended the meeting I have just spoken of, but did not remain there all the time;
 the meeting was called in support of the Defendant's candidature; the latter alone spoke.

This deposition being read to the witness, he persists therein, declares that it contains the
 truth, and hath signed.

JEAN BAPTISTE RENAUD.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 7th September, 1876. }

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. }

IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 7th day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD *et al.*, Petitioners,

v.s.

The Hon. H. L. LANGEVIN, Defendant

EVIDENCE ON BEHALF OF THE DEFENDANT.

Alfred Lavoie, aged 22 years, carter, of the parish of Baie St. Paul, being duly sworn upon the Holy Evangelists, deposed and saith:—

I know the parties in this cause; I am neither a relative; nor a connection, nor a servant, nor
 4160 a domestic of any of them; I have no interest whatever in the result of this suit.

[The Petitioners admit that the witness will prove the same thing, as to the sermons of the Curé Sirois and their effects, as Vincelas Tremblay, Ephrem Simard, Joseph Bouchard, Luc Simard, Auguste Simard, and Xavier Tremblay].

I know Alfred Dufour, a witness examined in this cause; I was in the habit of going often, during the election, to Theophile Simard's in order to meet there the supporters of the Defendant; I knew that Alfred Dufour used to go there during the election; I saw him there three or four times during the election; I saw him there in the afternoon and the evening; I saw him there once, about two in the afternoon; I saw him go there one evening with Onesime Danais, the latter a brother of Elzéar Danais, a witness examined in this cause.

CROSS-EXAMINED.

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I was employed by Israel Tarte, who was working for the Defendant, at Baie St. Paul; he gave me four dollars to take him one evening to Petite Rivière; we left about nine or ten o'clock in the morning, and we returned at midnight; the ordinary price for going to Petite Rivière is from seven shillings and sixpence to two dollars; Mr. Tarte wanted to go quickly; it was late, and when we drive fast we charge higher, from three to four dollars; I had never made a trip to Petite Rivière for that price before; I went too fast, and I risked my horse; we went fast in order to arrive before mass was over.

The distance is five leagues; I also drove Mr. Tarte to the St. Ours concession at Baie St. Paul; he gave me for that seven shillings and sixpence; it is the ordinary price; it is two leagues
 4180 and a half or three leagues to go there from the village; I also drove, at Mr. Tarte's request, Mr.

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Pelletier to the Péron concession; it is four miles distant; the roads were bad; I got seven shillings and sixpence: it was not too much for spending the night out in bad weather; I had no right to vote at that election, but my father, Ferdinand Lavoie, had; I live with my father.

Mr. Tarte employed me to go messages in the village, and on the other side of the river, in the part which belongs to the village.

He gave me twenty-five cents for each message that I went on foot; it was four or five arpents to Potvin's, where he sent me three times; I got twenty-five cents for the three times.

RE-EXAMINED.

Between Petite Rivière and Baie St. Paul there are many hills and the roads were bad when I went there; the trip was well worth four dollars; it was cold and drifting; I had never travelled so fast to Petite Rivière; when we make a trip to Petite Rivière for seven shillings and sixpence or ten shillings we do not spend the day or the night there; out of election times I had previously received four dollars for going to les Eboulements, and the distance is not as great as to la Petite Rivière; I drove Mr. Pelletier, attorney for the Defendant, and F. Roubeau, advocate of Quebec, to Péron, as I have stated; the trip lasted from seven in the evening to midnight; there are hills on the road to Péron.

The weather was bad, it was raining and snowing; this trip was certainly worth seven shillings and sixpence.

This deposition being read to the witness, he persists therein, declares that it contains the truth, and cannot sign.

 Taken and sworn
before me, in open Court, at Malbaie, this }
 7th day of September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec. }
 District of Saguenay. }

IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie
 the 7th day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et. al.*, Petitioners,

v. s.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT

Epiphane Guillemet, aged 35 years, joiner, of the parish of Baie St. Paul, being duly sworn on the Holy Evangelists, deposed and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I am well acquainted with Alfred Dufour, witness examined in this cause; he told me several times that he had voted for Mr. Langevin.

[The Petitioners admit that this witness will prove the same thing, as to the sermons of the Curé Sirois and their effects, as Vincelas Tremblay, Ephrem Simard, Joseph Bouchard, Luc Simard, Auguste Simard, and Xavier Tremblay].

4210 I was not at the church at Baie St. Paul on the sixteenth of January last.

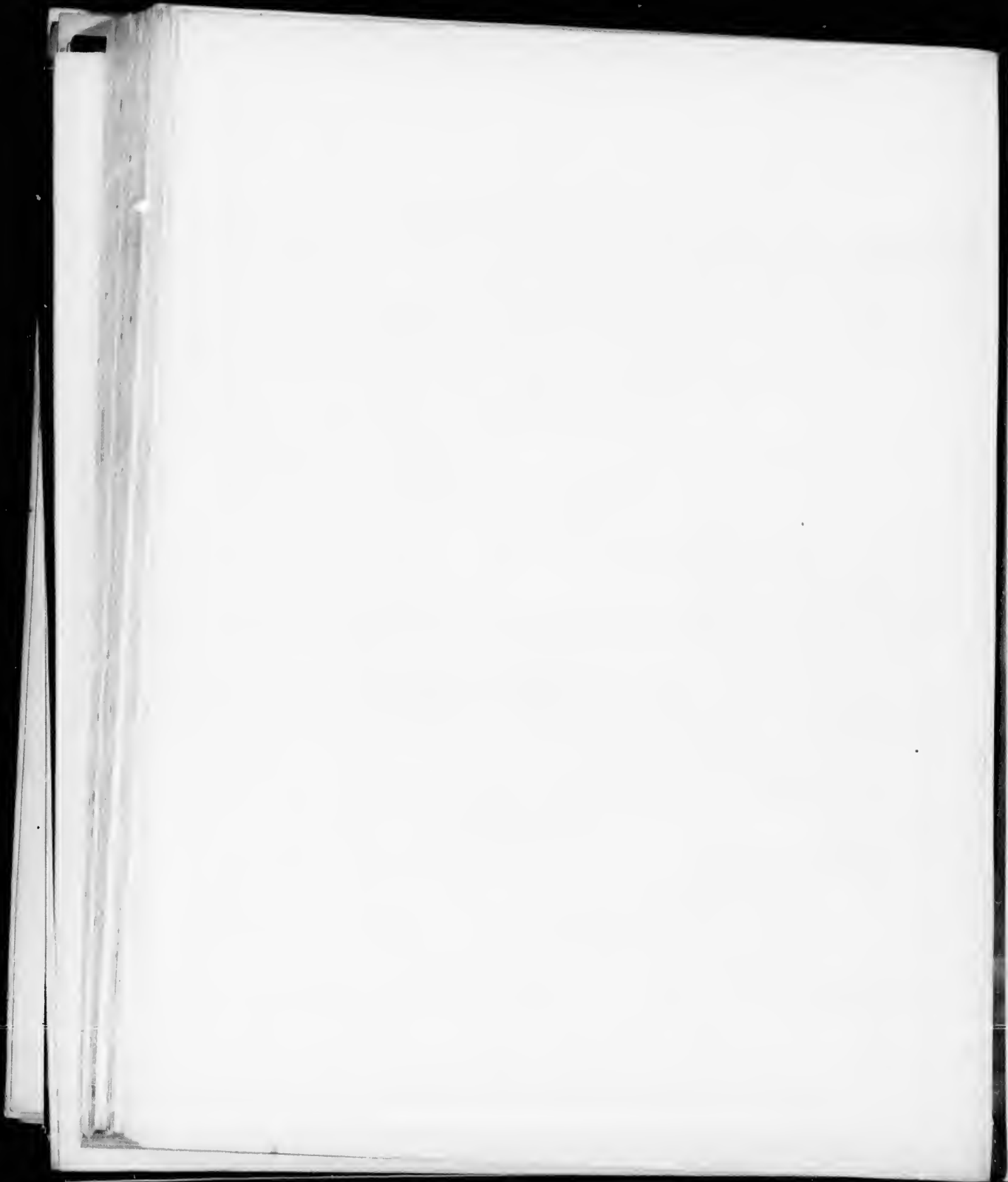
The Petitioners declare that they have no cross-questions to put.

This deposition being read to the witness, he persists therein, declares that it contains the truth, and hath signed.

EPIPHANE GUILLEMET.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 7th day of September, 1876.

A. B. ROUTHIER, J. S. C.



Province of Quebec, }
 District of Saguenay, } IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaix,
 the 7th day of September, 1876*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et al.*, Petitioners.

v. s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

François Tremblay, aged 36 years, farmer, of the parish of St. Fidèle, being duly sworn on the Holy Evangelists, deposed and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic to any of them; I have no interest in the result of this suit.

I was at the Church of St. Fidèle on the last Sunday before the voting; the curé then said that they had not understood him, or that they had been unwilling to understand him: "I will," he said, "repeat to you what I said on Sunday. I told you on Sunday that several persons had come to my presbytery to ask my opinion. I will give it to you as a citizen. For my part, knowing Liberalism as I know it, I should believe I was committing a sin in voting for Liberalism." He added: "There are some who say that the priest should stay in the vestry. Take care! God may easily permit that those persons should not have time to get the priest at their death, and that the priest should then stay in the vestry." Then he said: "vote for whom you like; keep the peace amongst yourselves, that is all I ask of you." On that Sunday he did not read the pastoral letter.

The curé spoke about a quarter of an hour; he was not more excited than usual; the curé did not say that the person who would vote for the Liberal party would commit a grievous sin, and that he who died in that state would not have the help of the priest at his death; he did not say a word about the candidates, nor that there was one good one, and that we must vote for him; he did not speak of the Conservative party.

When coming out of the church, the people said that the curé had left them free to vote for whom they liked; I heard it said by two of Mr. Tremblay's supporters; these two persons had no vote, but they took an active part in favor of Mr. Tremblay's election, especially one of them.

He said that Catholic Liberalism was condemned by the pastoral, and that Political Liberalism might come to a like fate; but I did not understand that it was forbidden to vote for Mr. Tremblay, for he left us free; I know Paul Lapointe, of St. Fidèle, farmer; he did not vote at the last election,

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but he told me that he was not a Rouge; if he had voted, it would have been for the Defendant; he did not vote at the last two elections.

I know David Dassylva, of Malbaie, farmer, a witness examined in this case. He is a relative of mine; he heard the curé's sermon at St. Fidèle on the day of the Epiphany; on that day the curé did not speak of the election; he merely exhorted the electors to be civil to the candidates; David Dassylva did not, to my knowledge, hear any other sermons at St. Fidèle during the election; the curé's sermons did not produce any effect in the parish, nor create any noise.

CROSS-EXAMINED.

Question.—I cannot swear that David Dassylva did not hear other sermons than that on the day of Epiphany; I cannot swear to all those who came to the Church of St. Fidèle; of the two sermons which the curé preached during the election, I heard but one; I was at Malbaie at the time of the other, the 9th; David Dassylva was also at Malbaie on that day; on the Sunday when I heard a sermon of the curé on the election, I did not see David Dassylva; I did not give the whole of the 4250 sermon just now; I only stated the principal parts; I do not remember the rest.

I swear that I understood the sermon in the way I stated just now.

Question.—What would you say if your curé himself had reported his sermon to His Lordship the Archbishop, as follows:—"In my sermon of the 16th January, reading the pastoral letter of the bishops after the paragraph beginning with these words, 'Is he not a citizen by the same right as the others, etc., etc.,' I added, 'You see, the priest can have his opinion like any other citizen. As many have already come to ask me what was my opinion in the present contest, in order that all may know it, and in order that I may be left in peace on this subject, I will tell it to you publicly. Take notice, I say, that I speak to you now as a citizen, that is to say, neither as a priest, nor as your curé. As such then, if I had to declare my opinion in the present contest, with my knowledge 4260 I could not, in conscience, be in favor of a Government which calls itself Liberal, nor for any man who appears that Government. Now, it is for you, with the lights you have to your conscience, and to act accordingly. My conscience is not yours; however, my knowledge is worth that of any of those who come here to influence you in these election times;" would you say that your curé told you the truth?

Answer.—If the curé reports his sermon in that manner, it was not like that I understood it, but it may be that I misunderstood it; I swear that the curé did not say the following words: "If I had to declare my opinion in the present contest, with my knowledge, I could not, in conscience, be in favor of a Government which calls itself Liberal, nor for any man who supports that Government."

4270 The curé said this, "For myself, knowing what I know, in voting for Liberalism I should believe I was committing a sin;" that is how I understood him, and if he spoke otherwise, I misunderstood him.

I cannot say that the curé did not say, "Now, it is for you, with the lights you have, to form your conscience and act accordingly; my conscience is not yours, nevertheless, my knowledge is worth that of those who come here to influence you in these election times;" if he said it, I do not remember it.

The curé had begun by saying that as he had been asked his opinion about the election, he would make it known once for all, in order that he might be left in peace; Mr. Tremblay had said publicly in a speech, that he was not a Liberal Catholic, but that he was a political Liberal.

4280 I do not remember that the curé read the pastoral of the bishops or a part of that pastoral; to

my knowledge only three or two persons came to speak about the first sermon of the curé's at Malbaie; they came to give false reports; this is all the noise the sermon made at St. Fidele, to my knowledge.

The curé repeated his sermon, as I have stated, because it was said that two or three persons had come to Malbaie to swear affidavits against him.

Mr. Tremblay was known as the Liberal candidate, at the date of the curé's sermon.

The curé was in the pulpit when he preached the sermon of which I have just spoken.

RE-EXAMINED.

David Dassylva is my brother-in-law, and if he had come to the church at St. Fidele on the 4290 16th, I think I should have seen him; he is in the habit of coming to my house.

This depositions being read to the witness, he persists therein, declares that it contains the truth, and cannot sign.

 Taken and Sworn
in open Court, before me, at Malbaie, this }
 7th day of September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. } IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 7th day of September, 1876*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et al.*, Petitioners.

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Auguste Dufour, aged 31 years, farmer, of the parish of St. Fidèle, being duly sworn on the Holy Evangelists, deposed and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest in the result of this suit.

I attended High Mass every Sunday at St. Fidèle during the election; the curé spoke on the subject of the election on three Sundays; on the last Sunday he told us to vote for whom we liked, and peaceably; in the three Sundays, I have just spoken of, I include the day of the
 4300 Epiphany; on the Epiphany the curé merely exhorted the electors to be peaceable, and to listen politely to the candidates, who were to speak after mass; on the following Sunday he read the pastoral letter of the bishops, and commented on it, and in explaining it he spoke of Liberalism and said to beware of it; that knowing what he knew, himself, in voting for Liberalism he would do wrong, but that for us, who were not instructed, we ought to vote according to our conscience, for whichever candidate we would; he commented on the pastoral letter for about a quarter of an hour; he was not more excited than usual; I did not understand anything else from that sermon but what I have just stated; on the following Sunday, the 16th, the curé said that he had learned that
 some persons said, in the parish, that on the previous Sunday, the 9th, the curé had given the people to understand that those who would vote for Mr. Tremblay or his party would be damned; the
 4310 curé then added that he had not said that; but the people had misunderstood him; that he had not said that, and then he repeated what he had said on the previous Sunday.

On the 16th the curé did not read the pastoral letter; on the Sunday on which he read the pastoral letter (the 9th January), the curé said that several had come to his presbytery to ask his opinion; that he had not been willing to give it, and that he would give it once for all, and that they were not to go any more to consult him at his presbytery; he then gave his opinion as I have already stated; on the 16th the curé spoke for some ten minutes; I did not understand the curé to say that there was a Conservative candidate, and a Liberal candidate in the field, and that we must vote for the good one.

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After the mass, on the 16th January, some persons said to me: "some pretended that we
4320 could not vote for a Liberal, now the curé has left us free to vote as we like."

I am not aware that the sermon of the 9th created a noise in the parish, nor what he said on the 16th; I am not aware that the curé's sermons changed the disposition of the electors at St. Fidèle.

The people took sides at St. Fidèle, when the candidature of Mr. Joseph Kane was in question.

Seven or eight days before New Year's day, it was stated that Mr. Joseph Kane, Notary of Malbaie, was about to present himself against Mr. Tremblay; requisitions were signed in favor of Mr. Kane; I saw some of them signed.

I know Emelien Bouchard, a witness examined in this cause; during the election he was very ill, very weak.

The curé did not speak of Mr. Tremblay; I swear that the curé did not say that we could not
4330 vote for Mr. Tremblay without committing a grievous sin.

I did not understand the curé to say that we could not vote for Mr. Tremblay or his party without renouncing our religion; I know Paul Lapointe; to my knowledge, he voted but once; it was at the election of Mr. Tremblay and Mr. Chauveau; I distinctly understood that after the sermons of the curé, the people were free to vote for the candidate they liked, and that without any danger of religion.

CROSS-EXAMINED.

François Tremblay, a witness already examined, and I, were supporters of the Def-adaut

When the curé said that he had been asked his opinion, he spoke of his opinion on the manner of voting at the election.

4340 The following having been read to the witness, to wit: "You see the priest can have his opinion, like any other citizen. As many of the people have come to ask what was my opinion in the present contest; in order that all may know it, and that I may be left in peace on this subject, I will state it publicly. Take notice, I said that I am now speaking to you as a citizen—that is to say, neither as a priest nor as your curé. As such, then, if I had to give my opinion in the present contest, with my knowledge, I could not in conscience be in favor of a Government styling itself Liberal, nor for any man who sustained that Government. Now it is for you, with the lights that you have, to form your conscience, and act accordingly. My conscience is not yours; nevertheless, my knowledge is worth that of any of those who come here to influence you in these election times." The witness is asked if that is really the substance of the curé's
4350 sermon on the day when he read the pastoral letter, and the witness answers that he believes it is.

It was reported that Mr. Tremblay was the Liberal candidate, and that he supported the Dominion Government; I did not take part in the election in question; it may be that electors were changed by the sermons of the curé without my knowing it.

RE-EXAMINED.

The curé did not pronounce the words, "the McKenzie Government."

This deposition being read to the witness, he persists therein, declares that it contains the truth, and cannot sign.

Taken and sworn
before me, in open Court, at Malbaie, this }
7th day of September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec. }
 District of Saguenay. } **IN THE SUPERIOR COURT.**

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie
 the 7th day of September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et. al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT

Narcisse Dasilva, aged thirty-four years, farmer, of the parish of St. Fidèle, being duly sworn on the Holy Evangelists, deposes and saith:—

4360 I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I attended the sermons during the election.

The Petitioners admit that this witness will prove the same thing as Denis Gauthier, François Tremblay, of St. Fidèle, and Auguste Dufour, all of St. Fidèle, in relation to the sermons of the curé of St. Fidèle, and their effects.

This deposition being read to the witness, he persist therein, declares that it contains the truth, and hath signed.

NARCISSE DASILVA.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 7th of September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 7th September, 1876.*

Present—Hon. A. B. ROUTHIER, J. S. C.

BRASSARD *et al.*, Petitioners,

vs.

The Hon. H. L. LANGEVIN, Defendant

EVIDENCE ON BEHALF OF THE DEFENDANT.

Nazaire Borubé, of the age of sixty-seven years, farmer, of the parish of St. Fidèle, being duly sworn on the Holy Evangelists, deposeth and saith :—

4370 I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest in the result of this suit.

I was present every Sunday, at mass, at St. Fidèle.

The Petitioners admit that this witness will prove the same thing as Denis Gauthier, François Tremblay and Auguste Dufour, in relation to the sermons of the curé of St. Fidèle, and their effects.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and that he cannot sign.

Taken and sworn,
 before me, in open Court, at Malbaie, this }
 7th September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. } **IN THE SUPERIOR COURT.**

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 the 7th day of September, 1876*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et al.*, Petitioners.

VS.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Ferdinand Bouchard, of the age of 28 years, farmer, of the parish of St. Fidèle, being duly sworn on the Holy Evangelists, deposeth and saith.

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant nor 4380 a domestic of any of them; I have no interest whatever in the result of this suit.

The Petitioners admit that this witness will prove the same thing as Denis Gauthier, Francois Tremblay, and Auguste Dufour, all of St. Fidèle, in relation to the sermons of the curé of St. Fidèle and their effects.

I did not take an active part in the last election, but I was for the Defendant.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and that he cannot sign.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 7th September, 1876.

A. B. ROUTHIER, J. S. C

Province of Quebec. }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Châteaueux, Malbaie,
 7th September, 1876.*

Present—Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT

Francois Dalaire, of the age of 31 years, farmer, of the parish of St. Fidele, being duly sworn on the Holy Evangelists, deposeseth and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest in the result of this suit.

I voted at the last election.

The Petitioners admit that this witness will prove the same thing as Denis Gauthier, Francois Tremblay, and Auguste Dufour in relation to the sermons of the curé of St. Fidele and their effects.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and hath signed.

FRANCOIS DALAIRE.

before me, Taken and sworn
 in open Court, at Malbaie, this }
 7th September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 7th September, 1876.*

Present—Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD *et al.*, Petitioners,

vs.

The Hon. H. L. LANGEVIN, Defendant

EVIDENCE ON BEHALF OF THE DEFENDANT.

Onésime Tremblay, aged 29 years, farmer, of the parish of St. Fidèle, being duly sworn on the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them; I have no interest in the result of this suit.

The petitioners admit that this witness will prove the same thing as Denis Gauthier, François Tremblay and Auguste Dufour, in relation to the sermons of the curé of St. Fidèle, and their effects.

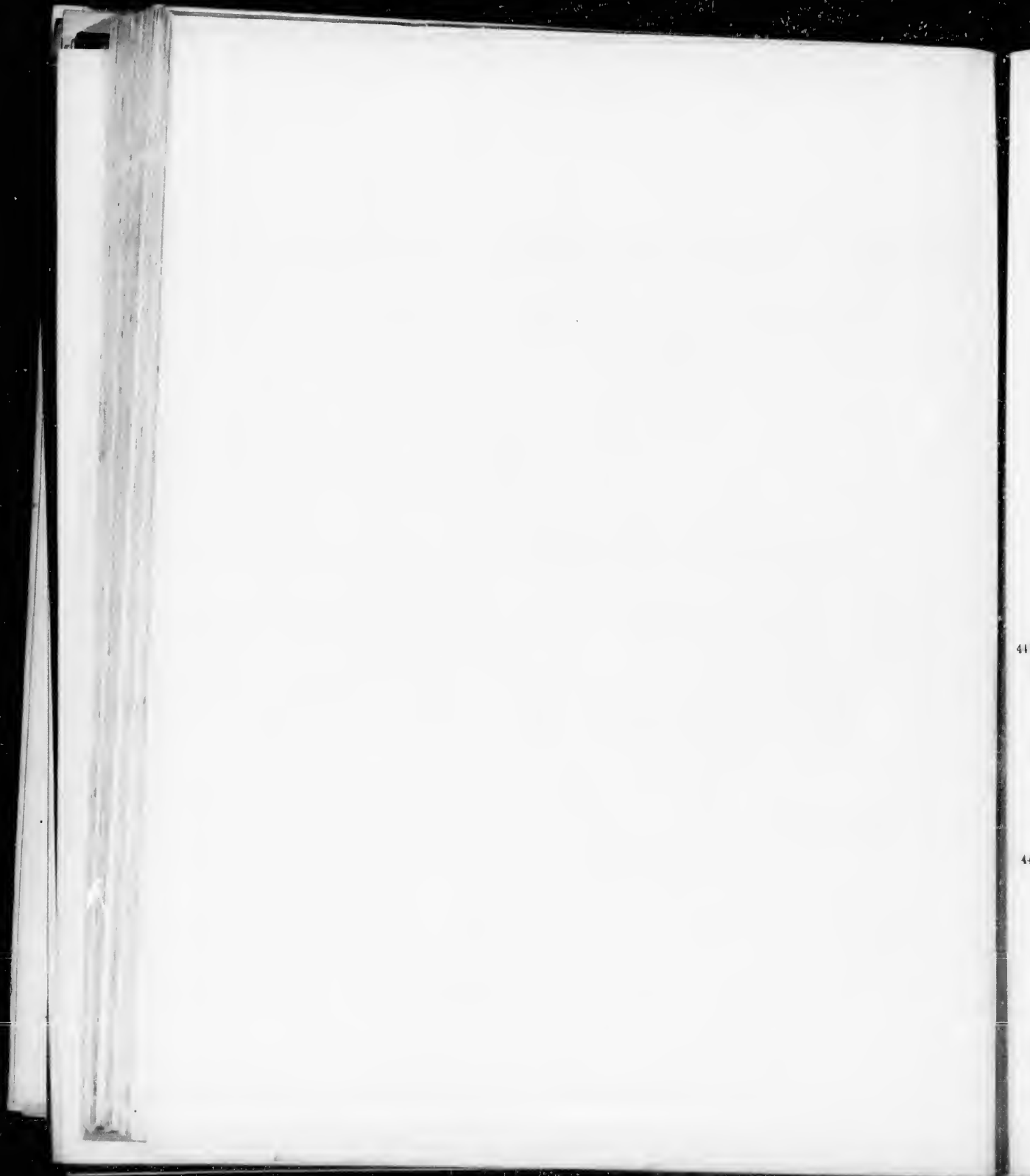
Sides were taken from the commencement of the election.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and hath signed.

ONESIME TREMBLAY.

Taken and sworn
 before me, in open Court, at Malbaie, this
 7th September, 1876.

A. B. ROUTHIER, J. S. C.



Province of Quebec, } SUPERIOR COURT.
 District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 7th September, 1876*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

v. s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Ignace Onellet, aged 41 years, miller, of the parish of St. Fidèle, being duly sworn on the Holy Evangelists, deposed and saith:—

I know the parties in this cause: I am neither a relation, nor a connection, nor a servant, nor a domestic, of any of them; I have no interest whatever in the result of this suit.

4110 The petitioners admit that this witness, will prove the same thing as Denis Gauthier, François Tremblay and Auguste Duroir, with regard to the sermons of the curé of St. Fidèle, and their effects.

I know Malvina Dionne, wife of Seraphin Lajoie, heard in this cause; her character is not too good, and for me I would not trust her, and I would not believe her under oath.

CROSS-EXAMINED.

The bad character borne by Malvina Dionne, consists in its being said that she is not particular; I mean to say, that she does not take care of her behaviour; she is a woman of loose tongue not careful, not particular about herself; some people tell me, amongst others, her mother-in-law accused her of having stolen clothes.

4420 Some people say that her mother-in-law is insane, but for myself I do not know her very well; that is all the harm I have heard said with regard to her; she lived about three years at our house.

It is not on account of her character that I would not believe her under oath; it is on account of the evidence which she gave in a cause in which I was a witness myself; I know it was in the same cause, but I do not know whether it was for the same object; the evidence given by the two of us did not agree.

RE-EXAMINED.

It was in the cause of the Crown against Joseph Guay, accused of perjury; in her evidence she swore to things as having happened in my house of which I never had any knowledge; it was for that that I would not believe her under oath.



430 Malvina Dionne is my sister-in-law.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and that he cannot sign.

Taken and sworn
before me, in open Court, at Malbaie, this |
7th September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec. }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
7th September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

v s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT

Thomas Savard, aged 44 years, blacksmith, of the parish of St. Fidèle, being duly sworn upon the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I attended mass at St. Fidèle during the election.

The Petitioners admit that this witness will prove the same thing as Denis Gauthier, François Tremblay, and Auguste Dufour, with regard to the sermons of the curé of St. Fidèle and their effects.

This deposition being read to the witness, he persisteth therein, declaring that it contains the
4440 truth, and hath signed.

THOS. SAVARD.

Taken and sworn
before me, in open Court, at Malbaie, this |
7th September, 1876.

A. B. ROUTHIER, J. S. C.



Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 8th September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD *et al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant

EVIDENCE ON BEHALF OF THE DEFENDANT.

Alexandre Murray, aged 63 years, farmer, of the parish of St. Agnès, being duly sworn upon the Holy Evangelists, deposeseth and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I know Malvina Dionne, wife of Seraphin Lajoie, both heard as witnesses in this cause; it is impossible to have with the public a worse character than Seraphin Lajoie's; he is abused everywhere one goes.

From his general character, I would not believe him under oath; it is impossible to believe him under oath.

4450 The character of Malvina Dionne is like that of her husband Seraphin Lajoie; I would not believe her under oath.

CROSS-EXAMINED.

I have already been prosecuted for perjury, the cause was sent to Quebec, and the suit is still pending; I went to Quebec to appear at the term, where the suit was to come on; my case was called, but it did not go on; I do not know why; there was a verdict of the grand jury against me.

The cause was borne by Malvina Dionne, consists in her mother-in-law having said before me, at Mr. Perrault's, advocate at Malbaie, that she had stolen all her clothes from her; the mother-in-law was at the time quarreling with her son, Seraphin Lajoie; she came to complain to Mr. Perrault, and showed him the blows, which she said she had received upon her arms from Malvina
 4460 Dionne and Seraphin Lajoie.

I do not know whether they went to law; I was in jail once on that prosecution, but it was a false imprisonment; I was in jail for two days, waiting till I should give bail; the richest and

most respectable people of Malbaie, to the number of about fifty, offered themselves as bail for me, and I had to do with a complainant who would not hear reason.

Question.—What have you heard say, besides what you have just related, about the character of Malvina Dionne?

Answer.—She told me herself, that even when one took a false oath in court, it was not a sin; that was in talking of a suit of Hypolite Coté against one Langevin; it is about seven or eight years since that; it was at her house; we were alone; it was in the afternoon; at that time, her character 4470 was not so knocked about.

That is all I know with regard to her; I have heard say by her present neighbor, also, that her mother-in-law (Malvina Dionne) had made the same complaint to him as to Mr. Perrault; I do not know any other thing about her character.

I know the mother Lajoie; she is not insane; she has more sense than her sons; her sons say that she is insane; but she is not unsettled; it is they who unsettle her by beating her; I have seen them throw her out of doors; she had a stick in her hand; but they were after her like crickets; that is more than seven or eight years ago; her husband was still living; what I know of the bad character of Seraphin Lajoie, is, that he cheats people in exchanging horses.

It is I who am generally known by the name Brunoëke.

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RE-EXAMINET.

The complainant in the action for perjury against me, is John O'Farrell, advocate of Quebec; that complaint was made before Flavien Belleville, then Justice of the Peace, of Malbaie.

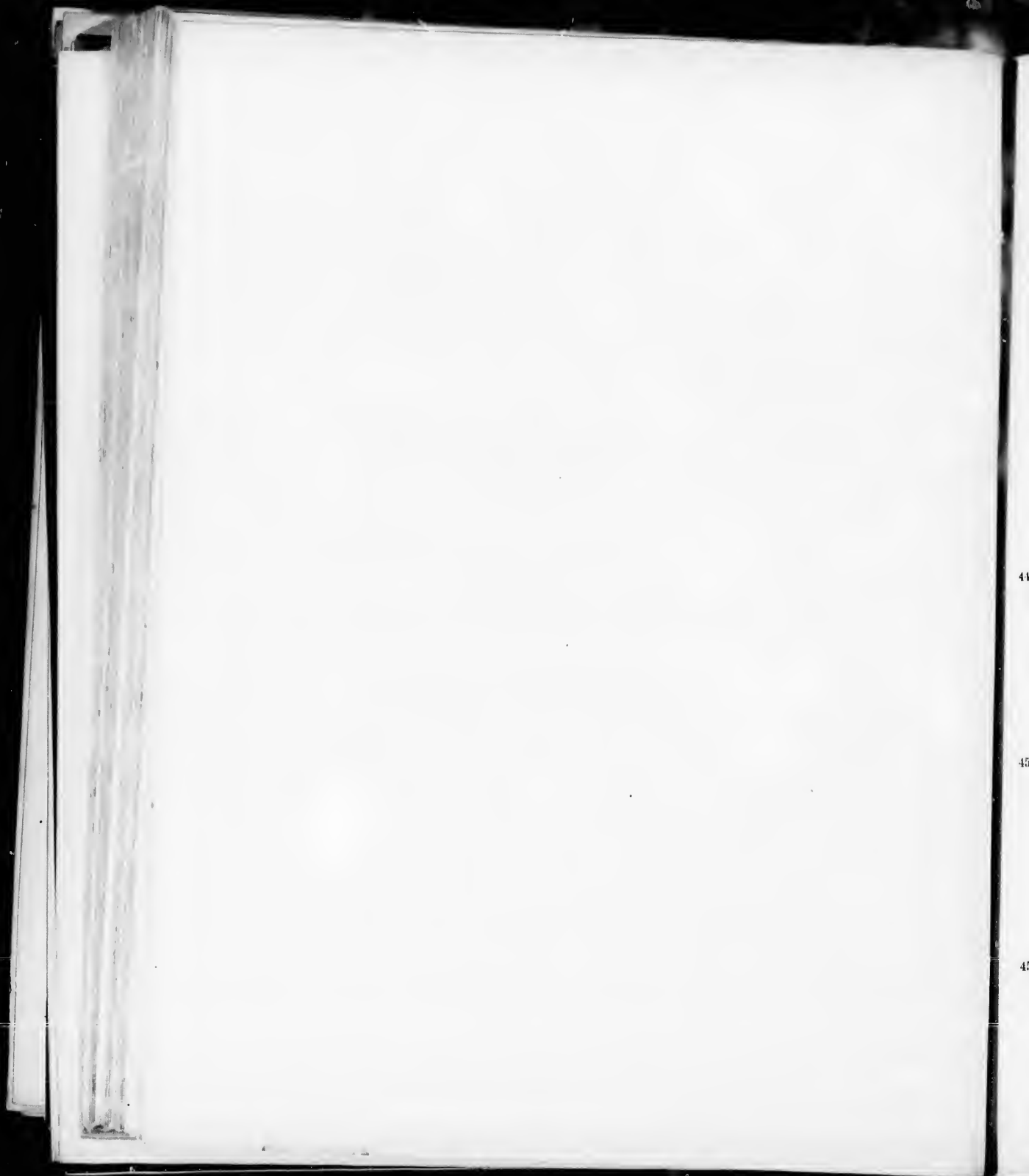
Question.—What do you mean to say, when you say in your cross-examination, I had to do with a complainant who would not hear reason?

Answer.—I meant to say that the complainant would not accept my bail.

This deposition being read over to the witness, he persisteth therein, declaring that it contains the truth, and that he cannot sign.

Taken and sworn
before me, in open court, at Malbaie, this }
8th September, 1876.

A. B. ROUTHIER, J. S. C.



Province of Quebec, }
 District of Saguenay. } **SUPERIOR COURT.**

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 8th September, 1876*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

Joseph Guay, aged forty five years, farmer, of the parish of St. Agnès, being duly sworn upon the Holy Evangelists, deposeseth and saith :—

4490 I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them, and have no interest whatever in the result of this suit.

I know Seraphin Lajoie, and Malvina Dionne, his wife, both of them heard as witnesses in this cause; the general character of Seraphin Lajoie is bad; I would not believe him under oath; Malvina Dionne passes as a person who does not tell the truth under oath; for myself, I would not believe her under oath; I know Alexander Murray, a witness heard in this cause; his character is good according to me, and from what I hear say.

CROSS-EXAMINED.

4500 Seraphin Lajoie bears a bad character; because he is considered as cheating people in the exchange of horses; I cannot remember any of the people who have spoken ill to me of Malvina Dionne; I heard it said in the world; I heard it said at our house and elsewhere, but I cannot say where; it is always going around among people; I really suppose that everybody concerns himself about Malvina Lajoie; all that I heard say with regard to Malvina Dionne, was, that she was a worthless person, but I do not know what was meant by that.

I was prosecuted for perjury at Malbaie, two years ago I think, and I was found guilty by the *petit jury*; the verdict was set aside by the Court of Appeals, I do not know for what reason.

RE-EXAMINED:

The complainant was Louis Maltais, of Malbaie, farmer; I swear that I was not guilty of perjury; John O'Farrell, of Quebec, advocate, was advocate for Louis Maltais.

4510 This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and that he cannot sign.

Taken and sworn
 before me, in open Court, at Malbaie, this
 8th September, 1876. }

A. B. ROUTHIER, J. S. C.



Province of Quebec. }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

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Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT

John Chamard, aged, 20 years, of the parish of Malbaie, being duly sworn upon the Holy Evangelists, deposeseth and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic to any of them; I have no interest whatever in the result of this suit.

On the day of the nomination I went to Barthélemi Bouchard's house, in the village of Malbaie; Séraphin Lajoie, was there; Mr. Tremblay was then speaking to his partisans, at Mr. Collard's house, in the village; everybody who arrived at Barthélemi Bouchard's house asked Séraphin Lajoie why he did not go and listen to his candidate, Mr. Tremblay, and thereupon Séraphin Lajoie, assured us that he was for the Defendant; he endeavoured to make us believe that he was for the
 4520 Defendant.

The Petitioners declare that they have no questions in cross-examination to put.

This deposition being read, the witness persisteth therein, declaring that it contains the truth and hath signed.

JOHN CHAMARD, Jun.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 8th September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

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BRASSARD *et al.*, Petitioners,

v. s.

Hon. H. L. LANGEVIN, Defendant

EVIDENCE ON BEHALF OF THE DEFENDANT.

Jules Trudel, aged 50 years, carpenter, of the parish of Malbaie, being duly sworn upon the Holy Evangelists, deposed and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I know Seraphin Lajoie, of Malbaie, a witness heard in this cause.

About the tenth or twelfth of last May, I had a conversation with the said Seraphin Lajoie at
 4530 my house, at Malbaie, during which he spoke to me of a law-suit which he had with his mother, and of a certain declaration which he had made; I sent for him to bleed my horse, which was then sick; this is pretty nearly what he said to me. "My dear Jules, you might do me a service; you are on good terms with Mr. Perrault, you might tell him to put an end to the affair of mama's, which he has against me; she is always at war with us; she breaks up everything in the house; she tears the feather bed; she beats my wife;" upon this I said to him, "My dear Seraphin, even if I am on good terms with Mr. Perrault, you may well believe that, after the deposition that you have made, he cannot have much kindness for you: you would do much better to go to him yourself;" upon this, he said to me, "My dear Jules, those who told him that, must go to the devil;" he said to me, "Mr. Perrault never spoke to me about it;" he said, "for example, Messrs. Kane and
 4540 Perrault asked me to sign a requisition for Mr. Kane, I could not refuse, but Henry Simard wanted to reproach me with it; I answered him," said Lajoie, "when I want some little services, five or six dollars, I go to those people, and they lend them to me;" he said, I went too see Mr. Tremblay to ask him to lend a few dollars, and he refused them to me; I work," said he, "for people who are useful to me, who render me services when I want them."

Those are the remarks that Lajoie told me then, he had made to Simard; at the time of that conversation, Lajoie declared to me that Mr. Perrault had never wanted to buy him by putting an end to the law-suit which he had then with his mother, and that to induce him to vote in favor of



the Defendant; Lajoie then added that he himself had never said to any body that the said Mr. Perrault had so wished to buy him to make him vote in favor of the Defendant.

4550 At the time of that conversation, Lajoie was quite sober, and appeared to understand what he was saying; the character of the said Seraphin Lajoie, is that he cheats everybody in the exchanging of horses; to my mind it is not a good one; I cannot say whether I should believe him under oath; if he did as much to me, I would not believe him under oath; I mean to say that if he was capable of cheating me, or of making me lose anything, I should believe him capable of taking a false oath.

CROSS-EXAMINED.

I know Seraphin Lajoie quite as well as anybody at Malbaie can know him; he nearly makes his living by dealing in horses, and what gives him the character of which I speak is that he too often deceives those with whom he exchanges.

4560 The last words of the conversation with Lajoie, of which I have spoken, were the following words of Lajoie's: "My dear Jules, speak to him about it at any rate, Mr. Perrault will see well afterwards that I am not a traitor;" " was Seraphin Lajoie who began the conversation on the occasion of which I spoke above; he asked me for some pounds of pork, saying, "I cannot find any to buy, and my mother gives me the devil because I do not get her some."

Seraphin Lajoie's mother is looked upon as insane, but I believe myself she is more wicked than insane; some people say that her children are more insane than she is; Seraphin Lajoie is not insane, he is very clever in his horse dealing; it was directly after the conversation which I reported a minute ago that Lajoie said to me, "Dear Jules, you really might do me a little service;" all that was said in that conversation is reported in my examination in chief between 4570 the words which I have just reported, and the words of Lajoie, which I quoted as being the last of the whole conversation, namely, "Mr. Perrault will see well afterwards that I am not a traitor."

Question.—In what part of the conversation did Lajoie declare to you that he had never said that Mr. Perrault had bought him?

Answer.—It was in that part where I said to him that Mr. Perrault would not do any favors for him, in my opinion.

If that is not in my deposition at that place, it is that I omitted it; I was under the impression of having said it, for it is the truth.

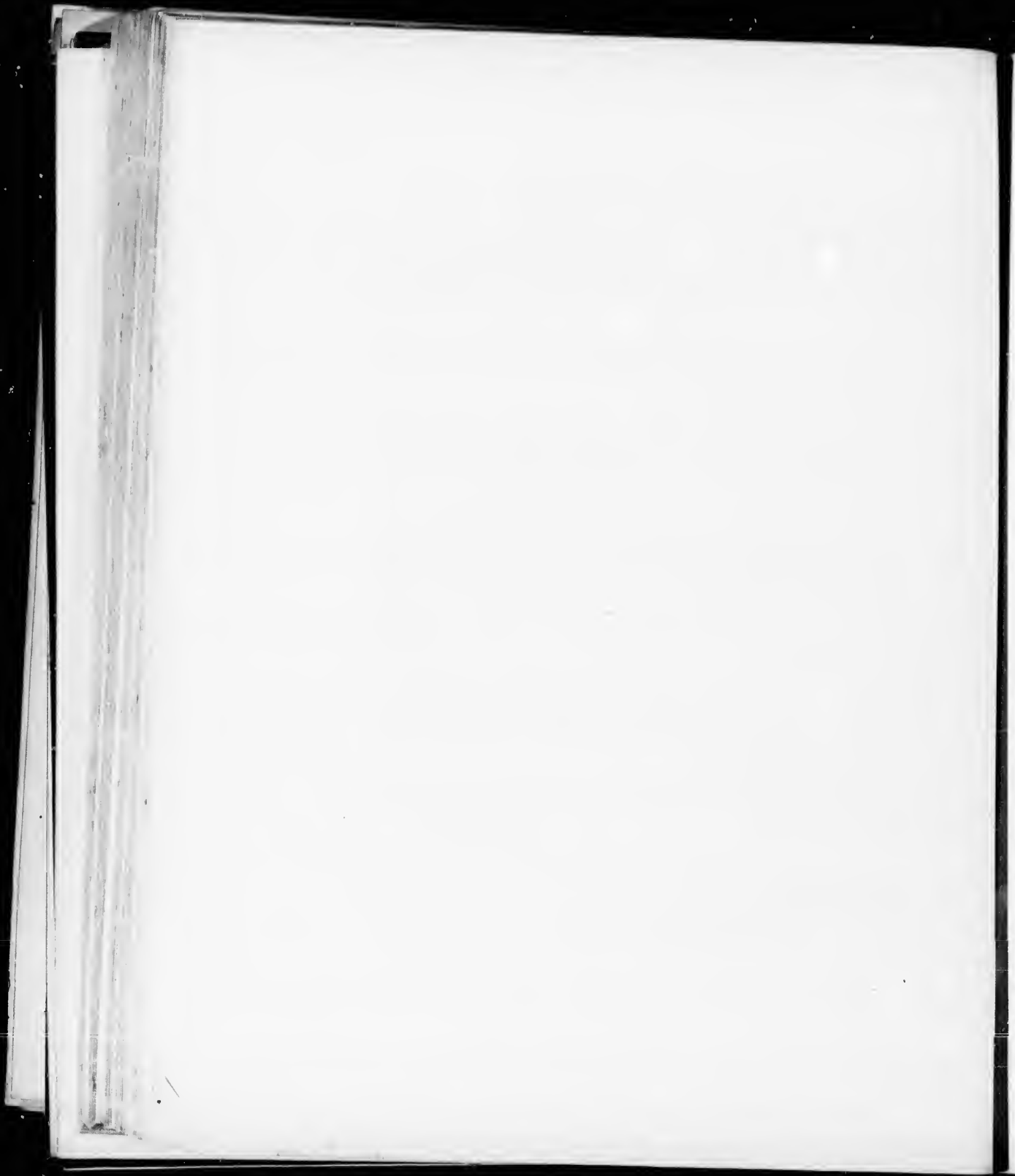
I am sure that I have forgotten no detail.

4580 This deposition being read over to the witness, he persisteth therein, declaring that it contains the truth, and hath signed.

JULES TRUDEL.

Taken and sworn
before me, in open Court, at Malbaie, this }
8th September, 1876.

A. B. ROUTHIER, J. S. C.



Province of Quebec, }
 District of Saguenay. } IN THE SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

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 the 8th day of September, 1876*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et al.*, Petitioners.

v.s.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT.

The Revd. François Cinq-Mars, parish priest, aged 29 years, of the parish of St. Simeon, being duly sworn in the ordinary manner, followed for ecclesiastics.

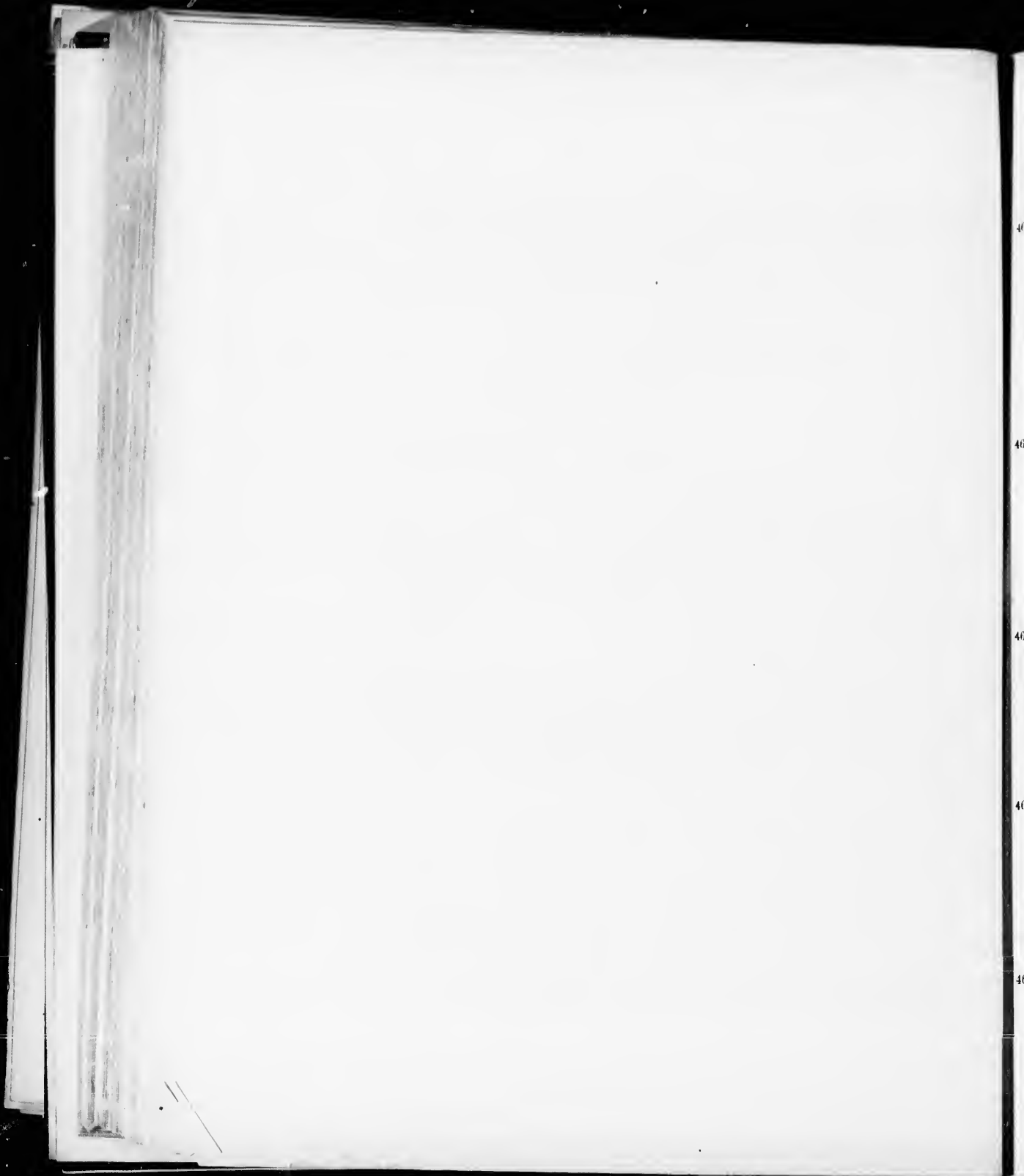
The attorney for the Petitioners points out that the witness has not been sworn on the Holy Evangelists, and that the deposition should set forth the fact, whereupon the attorney for the Defendant asks that the witness be sworn on the Holy Evangelists, and he is in fact sworn in the manner last mentioned.

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any of them. I have no interest in the result of this suit.

4590 The witness asks permission of the court to make the following declaration before giving his evidence: "In accordance with the circular which was sent to all the curés at the same time with the pastoral letter of the bishops, I beg respectfully to take exception to the competence of this tribunal; nevertheless, as I am accused of forgery by a witness named Johnny Desbiens, and as permission has been given by my bishop, the Archbishop of Quebec, to all the curés of the county of Charlevoix to appear as witnesses in this cause, by letter addressed to the attorney for the Defendant and to the curés of the county, I appear voluntarily to give my evidence, while protesting."

The letter hereunto annexed being shewn to the witness, he testifies that it is the hand-writing and bears the signature of H. L. the Archbishop of Quebec.

4500 He produces the circular of the Bishop of the Ecclesiastical Province of Quebec, dated 22nd Sept., 1875, Defendant's Exhibit No. V; this circular was sent to me in September, 1875, at the same time with the pastoral letter of the bishops, dated 22nd September, 1875, which letter I produce, Defendant's Exhibit No. IV; this circular and this pastoral letter were sent at the same time to all the curés of the ecclesiastical Province of Quebec; it was this pastoral letter which was read in the county of Charlevoix during the last election; this circular and this pastoral letter which I have just produced are authentic; this pastoral letter is generally known in the county of Charlevoix under the title of the "Pastoral Letter of the Bishops;" there are no other collective letters of the bishops, which speak of elections sent to the clergy since the 22nd September last.



I swear that the Exhibit No. 1 of the Defendant which is now shown me is written by me, all
4610 but the signatures E. W. Tremblay, Ptre., and John Savard, which appear at foot of the said writing;
the date of said writing is also in my writing, and was affixed on the twenty-eighth February
1876, at St. Fidèle, as expressed in the said writing.

I had begun by writing the words "St. Siméon," by a distraction, and I at once wrote, perceiving
my error, the words "St. Fidèle."

I corrected that error before signing the name of Johnny Desbiens.

Question.—State why that paper was drawn up and signed?

Objected to as tending to prove an extra-judicial declaration of Johnny Desbiens, contrary to
his evidence, when his attention was not called thereunto; and in the second place, because that part
of the testimony of Desbiens, which it is thus sought to contradict, relates to a fact not pertinent
4620 to this cause; in the third place, because this evidence tends to discredit Desbiens, examined as a
witness by the Defendant.

Objection reserved on the merits.

Answer.—This declaration was made in order to be sent to H. L. the Archbishop of Quebec,
under the following circumstances: On the 22nd February, when at the house of Mr. Denis Gauthier,
merchant, at St. Fidèle, I learned that Johnny Desbiens, farmer, of Baie des Rochers, was in the
store. I sent word to Johnny Desbiens, by Achille Bherer, clerk, to come to the presbytery of St.
Fidèle. I went myself to the presbytery. A few minutes afterwards Johnny Desbiens entered the
kitchen of the presbytery. I made him enter the curé's office. The curé of St. Fidèle, the Rev. Mr.
Tremblay was there. I asked Johnny Desbiens if it was really true, as he had affirmed in an affi-
4630 davit, that I had told him that it was a mortal sin to vote for Mr. Pitre A. Tremblay. He answered
in the affirmative. I then put to him these questions: "Did I speak to you of politics in your
house?" He answered in the negative. "Did I speak to you of politics when we were in the
vehicle?" He answered "No." "Then I spoke to you of politics only in my presbytery, in presence
of François Bergeron and William Savard?" He answered "Yes." "Are you prepared to sign a
document containing that truth?" He answered me "Yes." Then I wrote that declaration,
Exhibit No. 1, and after having read it to him aloud, I again asked him permission to sign it. As
he did not know how to write, I wrote his name, with his permission. I do not remember that he
touched the pen; nevertheless, I am in the habit, when an important document is to be signed, of
making people sign. The Reverend Mr. Tremblay, curé of St. Fidèle, after having heard the read-
4640 ing of the declaration, signed as witness. As I wished to have a second witness, I went out of the
presbytery, as I wanted to find some person able to sign at Denis Gauthier's. I turned back,
remembering that a young man named John Savard was capable of being a witness in the matter.
This young man was by chance in the kitchen of the presbytery. I asked him to come with me
into the office of the presbytery; then, when he was in the office, I presented to him the paper on
which was this declaration of Johnny Desbiens. Johnny Desbiens was then in the office, sitting
near the desk. John Savard read the declaration aloud before Johnny Desbiens. Johnny Desbiens
answered that he consented that John Savard should sign the declaration as a witness, and John
Savard affixed his signature. Immediately afterwards Johnny Desbiens went away.

The curé of St. Fidèle was not in the office when John Savard read the writing in question to
4650 Johnny Desbiens, he was in the door or near the door of the office; during the election I spoke of
politics but once only to Johnny Desbiens, in my presbytery; it was on the 20th January, about
two o'clock in the afternoon; William Savard and François Bergeron the elder, farmers and laborer,
of St. Siméon, were present; we were in the kitchen of the presbytery; I think it was William

Savard who began to speak of politics; I was not speaking at all to Johnny Desbiens, who was merely a listener; I spoke not only to Wm. Savard, but also to François Bergeron; I then read some extracts from Hon. Mr. Huntington's speech; these extracts are indicated by my signature in the exhibit No. III, of the Delendant, which I now produce; I then explained what was the bearing of that discourse; I spoke then of the pastoral letter of the Bishops of the ecclesiastical Province of Quebec, and I said that Catholic Liberalism was condemned, and that I myself, knowing the meaning
 4660 of the bearing of Huntington's speech and of the pastoral letter of the Bishops, I should believe I was committing a sin if I voted for Mr. P. A. Tremblay; the widow Jacques Foster, my servant, then spoke to me in these words: "Why did you not say that to my children, I fear that they will commit a sin by voting for Mr. Tremblay?" I answered her, "Let your children vote for Mr. Tremblay, they will not commit a sin by so doing, because they are ignorant."

A few minutes after Mr. John McLaren, of Port-au-cervil, entered the kitchen; I asked him then for news of the county in relation to the election; our conversation related to such news and not to the principle which should govern political men; after that conversation, Mr. John McLaren, William Savard and François Bergeron, went out of my presbytery; immediately afterwards I entered my office alone, and I did not speak any more either to Johnny Desbiens or before
 4670 him; William Savard was not a voter at the last election; William Savard is in the habit of coming often to my presbytery and François Bergeron was then working at my house; during the conversation Johnny Desbiens did not ask me any question and I do not remember if he spoke to me during the conversation I have just given.

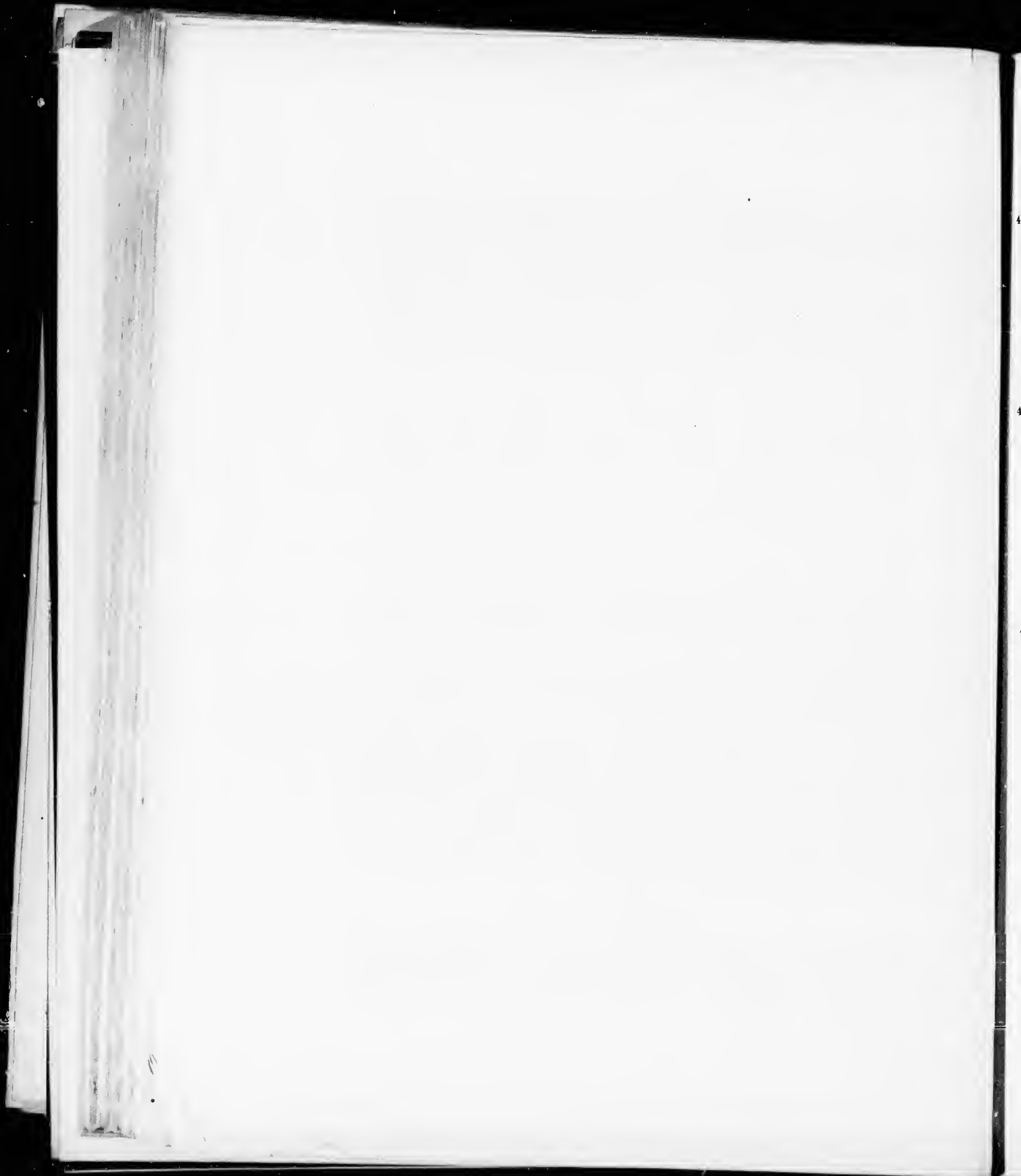
I swear positively that I did not then say to Johnny Desbiens, that to vote for Mr. P. A. Tremblay, was a mortal sin; I said what I have stated above, and I said that to all of them since all of them were listening; this conversation lasted about three-quarters of an hour; it was an ordinary conversation, and I had not the intention of influencing the vote of Johnny Desbiens or François Bergeron; I then knew the opinion of François Bergeron, who was for the Delendant, but I did not know what was the opinion of Johnny Desbiens, and, I did not ask him.

4680 When I answered the widow Foster, as I stated above, William Savard, François Bergeron the elder, and Johnny Desbiens, were present and heard what I said to her; I know Narcisse Bouchard, of St. Siméon, farmer, a witness examined in this cause.

On the 20th January, during the night, I spoke of politics to the said Narcisse Bouchard, while he was driving me for the sick to Baie-des-Rochers, a distance of nine miles from my presbytery; the conversation lasted, at the most, five minutes, I do not remember to have told him that it was a case of conscience to vote for Mr. Tremblay; because, as an ordinary thing, I do not make use of the like expressions when I am speaking to persons who have no education: It is probable that I spoke to him of the letter of the Bishops, and of Huntington's speech; I do not remember to have pronounced even the name of Mr. P. A. Tremblay; I began, myself, by saying that it would be a hotly
 4690 contested election,—the political conversation began in that way; I had no intention whatever of influencing the vote of Narcisse Bouchard, I thought, in fact, that he had no vote; this conversation took place by chance and was of no importance whatever.

CROSS-EXAMINED.

I believe that the word St. Siméon was written in full on the document I spoke of a while ago, when I wrote in place of it St. Fidèle; the change I made, I made immediately after having written St. Siméon, with the same ink and the same pen; the letters are not made in the same manner in the correction which I made of the date; they are so in the body of the writing, because in making a correction one does not write as he usually writes, and because I often change my handwriting.



4700 The extracts from Mr. Huntington's speech, which I read, were taken from *Le Canadien*; I do not think I had any other proof of the fidelity of these extracts, but that they were given in *Le Canadien*; I took at the same time the *Nouveau-Monde* and the *Courrier du Canada*, and they contained probably the same thing; I almost always put faith in what those journals say of their political adversaries, especially as regards public speeches; the bearing I attributed to Mr. Huntington's speech consisted in saying that I considered that man, and those who supported him, as dangerous for religion.

I knew at the time that Mr. Tremblay supported the Government of which Mr. Huntington formed part; I do not know whether those who listened to me knew it; my intention was then to call Mr. Huntington, and all those who supported him (but without naming Mr. Tremblay), as dangerous men, if they did not condemn his speech at the public meetings.

4710 I did not understand Mr. Huntington's speech as being a declaration of war against the party of which *Le Nouveau-Monde* is the reputed organ, and the Abbé Alexis Pelletier the guiding spirit; I considered it as being a declaration of war against the Catholic religion.

Question.—You are aware, are you not, that there is among the Catholic clergy of the Province a fraction represented by the *Nouveau-Monde*, which denounces, not only laymen, but also the rest of the Catholic clergy as entertaining erroneous religious ideas?

Objected to by the Defendant as tending to prove facts not pertinent to the issue of this cause.

Objection sustained.

Question.—Is it not true that you belong to a fraction of the Catholic clergy which considers as contrary to the teaching of the church every opinion favorable to civil political liberty?

4720 Objected to by the Defendant: 1st, in the same way as the preceding question; 2nd, as presuming a fact which is not proved.

Objection sustained.

The Petitioners take exception to this decision, and reserve to themselves the right of causing it to be revised by the Supreme Court.

Question.—Is it not true that Mr. Huntington's speech had only for its object to combat a party in the Province, which makes war against every species of political and civil liberty?

Objected to by the Defendant: 1st, because Mr. Huntington's speech is not proved in this cause; 2nd, because the question tends to elicit the opinion of the witness on facts foreign to the issue in this cause.

4730 Objection dismissed.

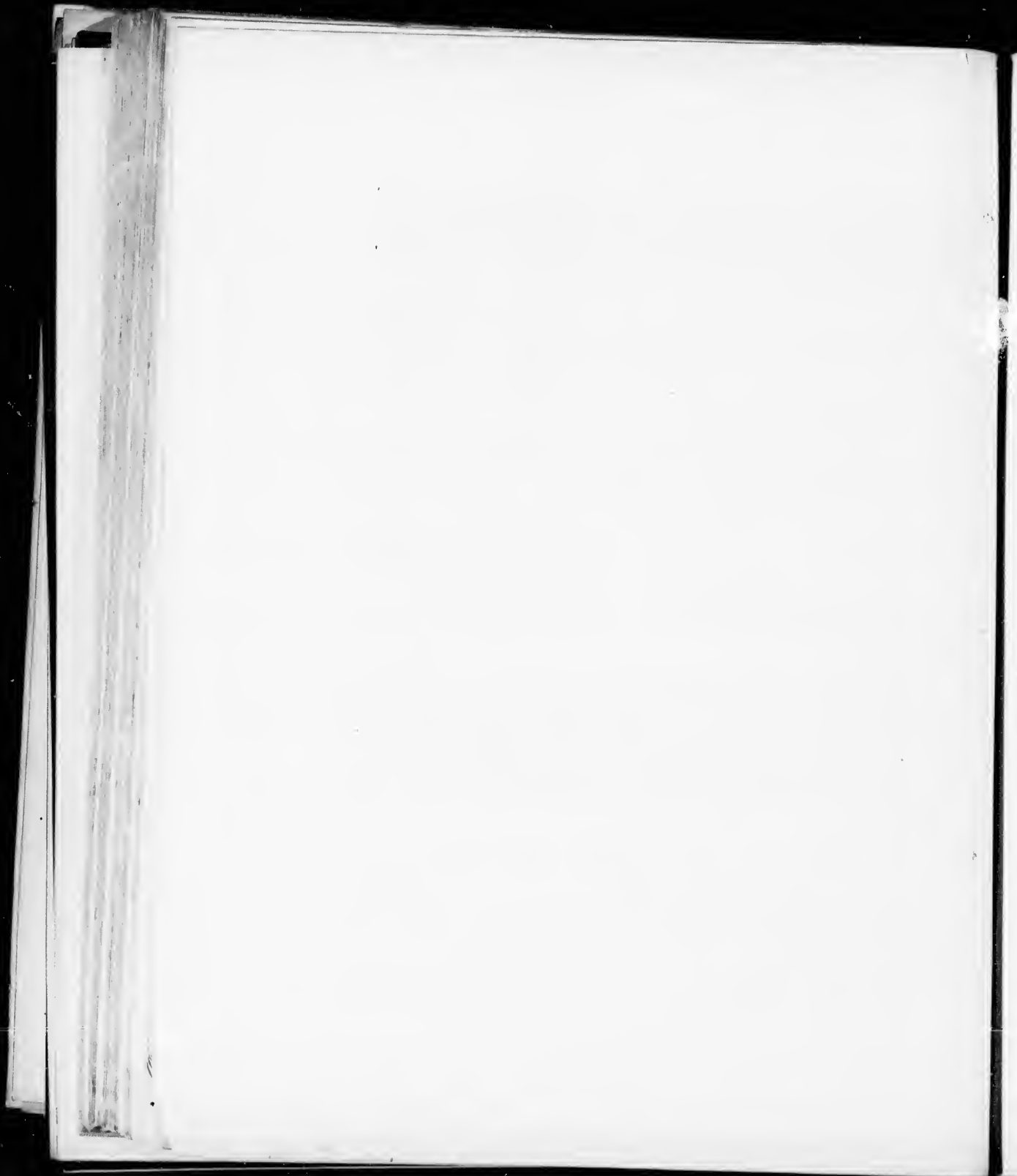
Answer.—I think it is not true, when I read Huntington's speech, and when I look at and consider the sense of the words contained in that speech.

Question.—After what you said to Wm. Savard, François Bergeron and Johny Desbiens, could they, without sinning, vote for Mr. Tremblay, knowing that he supported the Government of which Mr. Huntington formed party.

Objected to by the Defendant, as tending to elicit the opinion of outsiders.

Objection reserved on the merits.

Answer.—I did not hear a word from those persons to lead me to believe that they were under



the impression that they would commit a sin if they voted for Mr. Tremblay; moreover, I could not
4740 see what passed in the secret of their conscience.

Question.—Was it not the object of your words to make them understand that a Catholic could not, without sinning, vote for a candidate supporting a Government of which Mr. Huntingdon formed part?

Answer.—If I had spoken as a pastor, and not as a citizen, my words, if they had been well understood, might perhaps have caused those persons to believe that it was a sin to vote for Mr. P. A. Tremblay.

Question.—Did you say to those persons that you were then speaking as a citizen and not as a pastor?

Answer.—I did not say it to them; I was not asked for counsel or advice.

4750 Question.—Is it not true that when a curé, even privately, says to his parishioner that a thing is a sin, that parishioner cannot do it without sinning?

Objected to by the Defendant, as tending to elicit the opinion of the witness.

Objection sustained.

I was for the Defendant at the election in question, but I was not a voter.

I spoke in favor of his candidature when an opportunity offered.

I let the Defendant see that I was for him, when he came to visit me at the presbytery of St. Siméon; we spoke for hardly more than five minutes; I asked him for news of the election, and he told me the number of votes he calculated on having at Baie St. Paul; I did not tell him on how many votes he might count at St. Siméon, I did not meet Onésime Gauthier during the election;
4760 I had occasion to speak of this election with Mr. Tremblay, curé of St. Fidèle, perhaps also with the curé of Malbaie, but I am not sure; I did not speak of it to any other curé.

This deposition is adjourned to 9th Sept., 1876.

Deposition continued, 9th Sept., 1876.

Question.—State the conversation you say you had with the curé of St. Fidèle, and perhaps also with the curé of Malbaie, on the subject of the election?

Answer.—I do not remember a single word of those conversations.

Question.—State the sense and tenor thereof?

Answer.—The conversation, if I remember well, related solely to the supporters Mr. Langevin might have in this election, and to subjects altogether indifferent to this court.

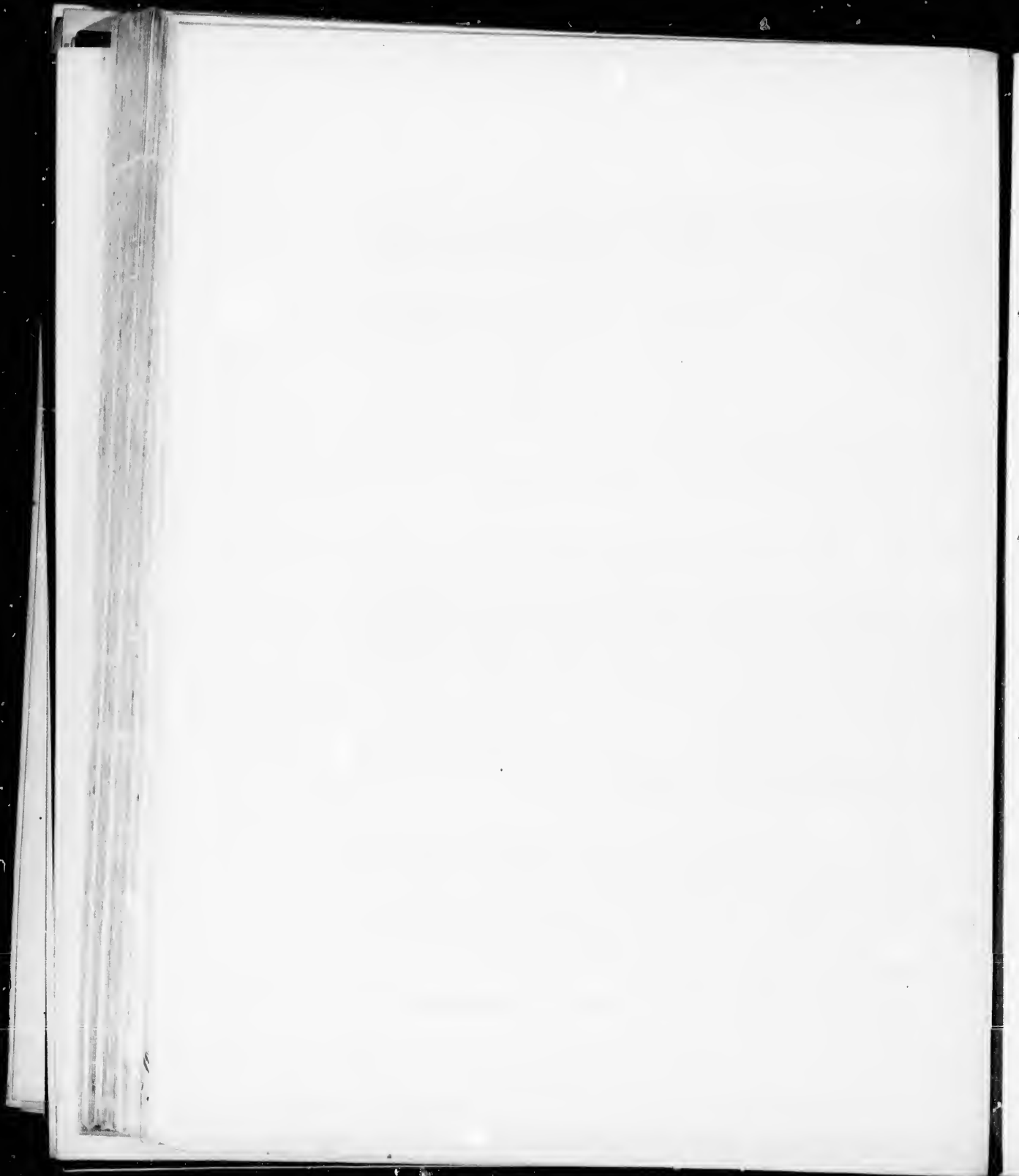
4770 Question.—What are the subjects indifferent to the court to which you make allusion?

Answer.—It would be difficult to enumerate them, but they had no relation to the election.

Question.—Enumerate them to the best of your power?

Answer.—I have no recollection of them at all.

Question.—Do you swear that you remember absolutely nothing of those subjects?



Answer.—Yes.

Question.—How then were you able to swear just now that they were foreign to the court and to the election ?

Answer.—Because I do not remember that we spoke of what concerned the election, apart from the first declaration I made a while ago, namely, that we began to speak of the supporters Mr. 4780 Langevin might have.

I do not remember at this moment whether any answer was made to the question, how many supporters the Defendant might have.

Question.—Did you give to your other parishioners, or to any of them, the same explanations you gave to François Bergeron, the elder, Wm. Savard and Johnny Desbiens ?

Answer.—I gave about the same explanation to Bernard Dallaire, who was not an elector, and I do not remember having done so to any other.

Question.—Did you read from the pulpit to your parishioners the pastoral letter of the bishops by you produced in court ?

Answer.—Yes.

4790 Question.—Did you, then or since during the election, or shortly before give in the pulpit or elsewhere, to your parishioners, explanations on the said pastoral letter ?

Answer.—Yes.

Question.—State the tenor and sense of those explanations ?

Answer.—I remember a definition, which might be called vulgar, which I gave of Catholic Liberalism, condemned by the said pastoral letter; this definition consisted in this—“Catholic Liberalism, condemned by our Holy Father Pius IX, and by the bishops of this Province is a “certain coward in affirming the truth, and through which men seek to palliate error under whatever form it presents itself;” I remember also having said to my hearers, that it was not allowed to say in public meetings that the clergy had no right to meddle in politics, and that the priest should 4800 stay in the vestry; these words I have just quoted served to comment on and explain the chapter of the pastoral letter of the bishops, entitled, “Part to be taken (*Role*) of the clergy in politics,” I also said that that pastoral of the bishops was binding *sub grave*.

I then explained that *sub grave* meant under pain of grievous sin.

It had not been said at the door of the church, nor elsewhere in my parish, that the priests had not the right to meddle in politics and that they ought to remain in the vestry

Question.—Was it the object of your explanations to let it be understood, that the pastoral condemned one of the parties then competing for the votes of the electors ?

Answer.—I only remember having said what I have quoted above in order to explain the pastoral letter; I do not know whether by those words, and those explanations or comments, my 4810 hearers found that one party was condemned by the said explanations or comments, had for object to condemn political Liberalism.

The witness declares that he meant to say Catholic Liberalism, and not political Liberalism, just now.



Question.—Was it the object of your explanations that Mr. Tremblay's party was condemned by the pastoral?

Answer.—My explanations had for their object to condemn Catholic Liberalism and, if, then, Mr. P. A. Tremblay was a Catholic Liberal, and the party which he sustained, evidently my explanations might have been calculated to condemn Mr. Tremblay's party.

Question.—Would you consider Mr. Tremblay's party as professing the doctrine of Liberal
4820 Catholicism?

Objected to by Defendant as tending to elicit the opinion of the witness.

Objection set aside.

The Defendant takes exception to this judgment.

Answer.—Yes.

Question.—You wished, did you not, to cause it to be considered so by your hearers?

Objected to by the Defendant on the same grounds as the preceding question.

Objection set aside.

The Defendant takes exception to this judgment.

Answer.—Yes.

4830 Question.—And you so expressed yourself, did you not, as to make your hearers share your opinions?

Answer.—Yes.

Apart from the persons I have mentioned, I do not remember having spoken to any person whomsoever about the election; the name of Michel Tremblay being suggested to me, I remember having spoken to him about the election, during the election.

I read to him a letter from my brother, the Rev. Napoleon Cinq-Mars, ex-curé of St. Fidèle.

Question.—Is it not true that in that letter, so read by you, the Catholic Liberalism condemned by the bishops was not in the moon, but in certain political men?

Answer.—Yes.

4840 Question.—You tried, did you not, to bring Michel Tremblay to understand the same thing?

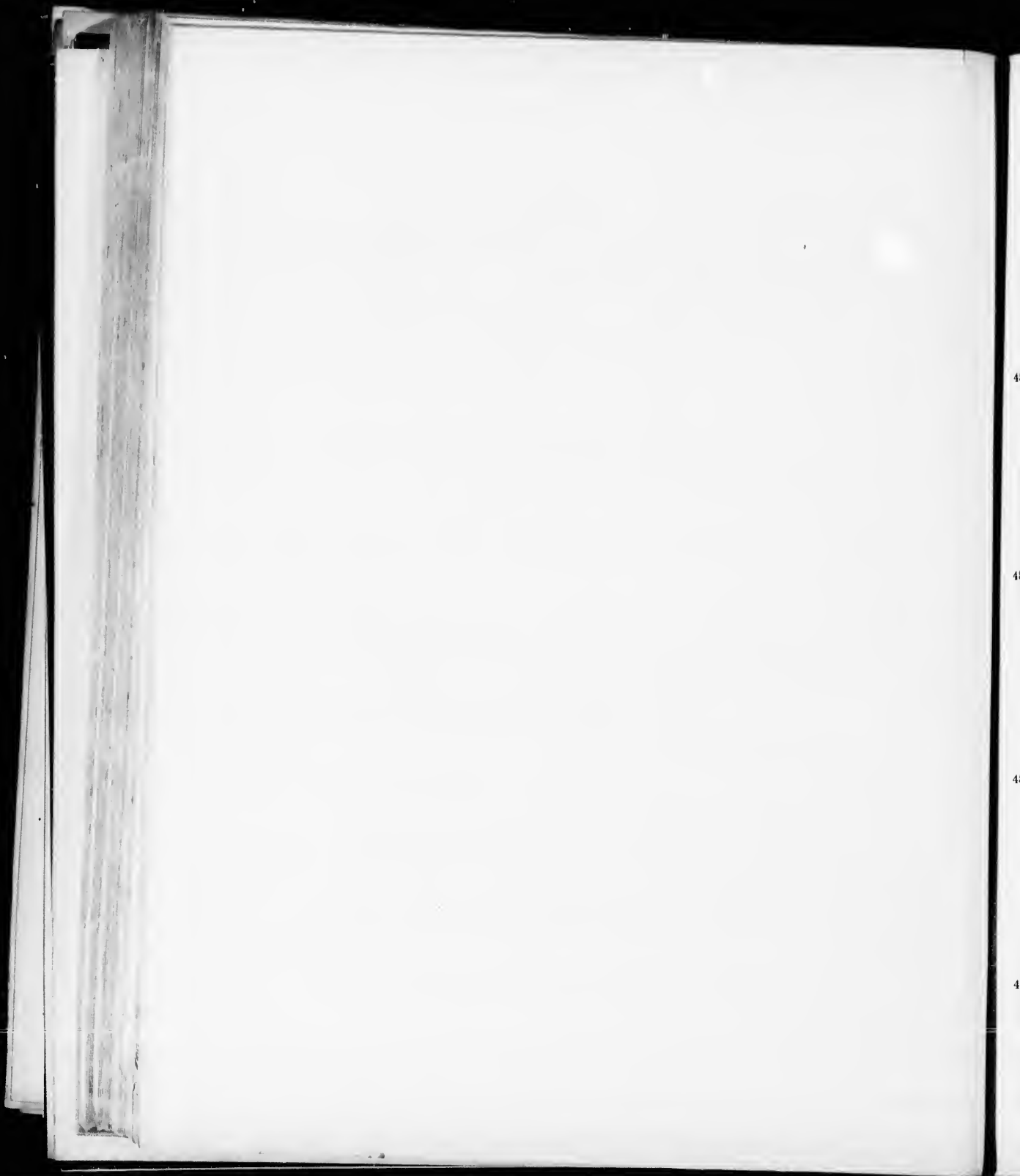
Answer.—I only remember having read to him the said letter, and I do not remember having commented on that letter, because I had other things to read, such as other letters and newspapers.

I chatted about the election sometimes with Mr. John McLaren, when he came to see me, which he does pretty often, even out of election times; I did not speak with him about Catholic Liberalism, but only about Huntington's speech.

Question.—Is it not true that the said Mr. McLaren discharges the duties of a minister for the Protestants of that part of the country, and strives to make proselytes amongst the Catholics of the locality?

Answer.—I know nothing at all of the kind, for I have no proof in order to answer affirmatively.

4850 Question.—Did you, last autumn, see Mr. Fafard, curé of St. Urbain, and Mr. Onésime Gauthier, the local member?



Answer.—Yes; in the beginning of October.

Question.—Is it not true that the object of their visit to St. Siméon, and to the lower part of the county in general, was to induce the clergy to oppose Mr. Tremblay, if a new election took place?

Objected to by the Defendant.—1st, Because the object is to prove facts against Messrs. Gauthier and Pafard, not mentioned in the particulars; 2nd, Because this question tends to prove a general system of undue clerical influence.

Objection reserved on the merits.

4860 Answer.—From the conversation I had with those gentlemen, on their visit to St. Siméon, I know that the object of their visit was only to come to see me; I frankly admit that, in fact, from the conversation, I thought them in favor of Mr. Tremblay.

I met those gentlemen at the presbytery of St. Fidèle on the following day, and I do not remember that any one spoke against Mr. Tremblay; I only remember that we spoke of Riel, to deplore his fate.

I have read the correspondence signed, "un Curé de Charlevoix," in "Le Courrier du Canada."

The witness is handed a number of "Le Courrier du Canada," dated the 12th May last, filed as Exhibit II of the Petitioners at the *enquête*, and he is asked if the correspondence therein is that of which he has just spoken.

4870 The Defendant objects to the production of the exhibit in question as proving a tract posterior to the election, and of a nature to prove a general system of undue clerical influence.

Objection reserved on the merits.

The witness answers yes.

I do not know the writer of it.

Question.—State whether the following passages contain the truth as to the action of the clergy in the election in question, "1st, The clergy of Charlevoix have then courageously entered into the struggle, and they have endeavored to conduct the contest with all possible prudence remaining within the limits of the civil and ecclesiastical laws; 2nd, In the first place, let us say distinctly that the clergy of Charlevoix are not ashamed of having accepted the candidature of 4880 the Honorable Mr. Langevin, and of having done their best in his favor, while restricting themselves within the limits of the provincial councils, the pastoral letters, and the civil laws. And "I do not see that they have committed a crime in so doing. Are we not citizens like others?"

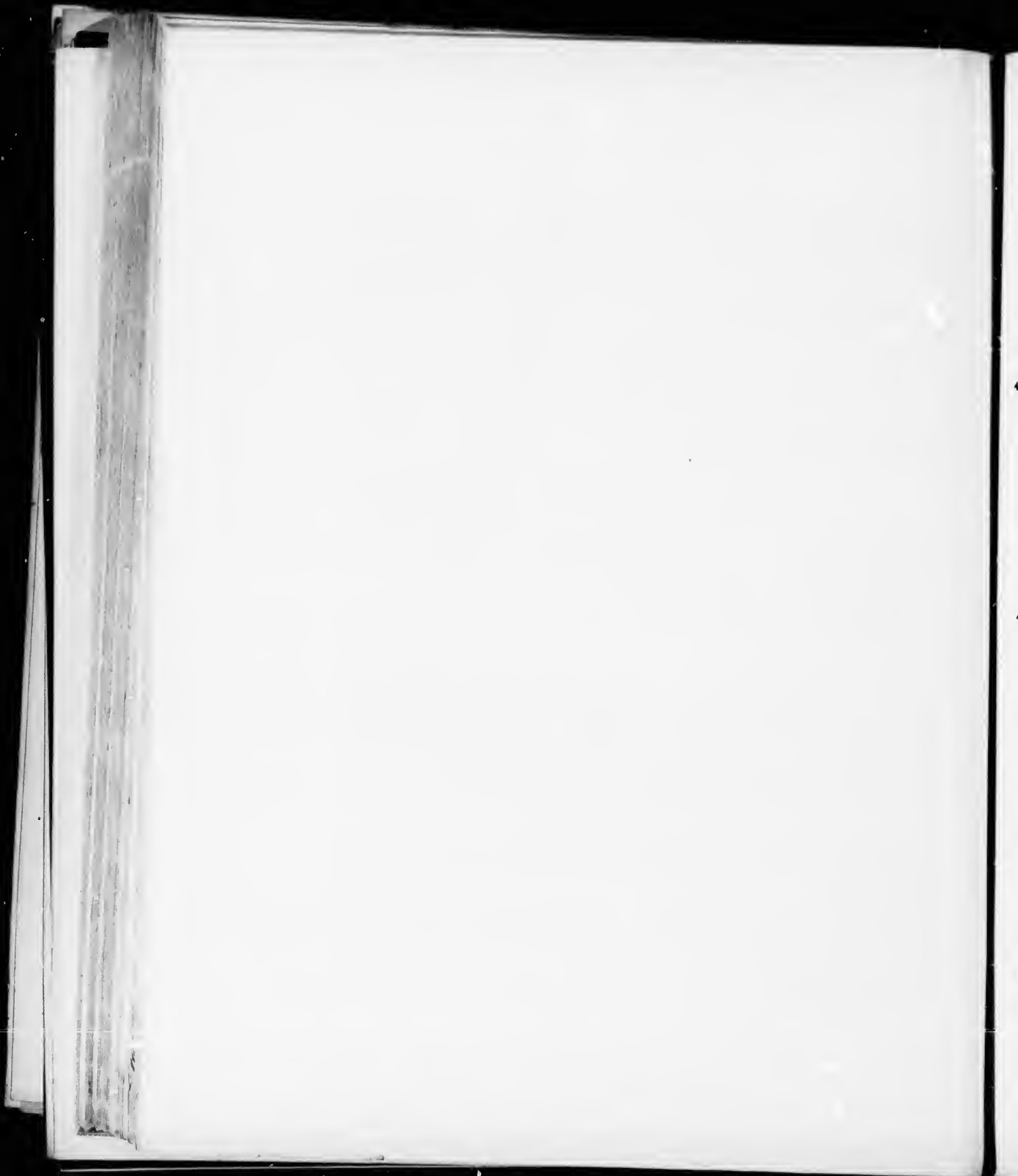
Answer taken under the same objection as the preceding question.

Answer.—I admit the truth of what is stated in the second of the said extracts; but I do not admit the truth of the first, beginning by the words, "the clergy of Charlevoix," because the terms used therein are exaggerated, because it speaks of conducting the contest, and not merely of favoring.

I have denied in a letter to His Lordship the Archbishop having ever said to any of my parishioners that it was a mortal sin to vote for Mr. Tremblay.

4890 Question.—Is it not true that in the same letter you said that you had never insinuated the same thing from the pulpit?

Objected to by the Defendant because the letter is not produced.



Objection set aside.

Answer.—I do not remember these words, "never insinuated;" what I wanted to deny in that letter was the fact of having said that it was a mortal sin.

Question.—Did you mean in that letter to give His Lordship the Archbishop to understand, not only that you had not said that it was a mortal sin to vote for Mr. Tremblay, but even that you had not said at all that it was a sin of any kind?

Answer.—Yes.

4900 Question.—In the election of 1874, between Mr. Tremblay and Mr. Chauveau, you were at first neutral, were you not? then you became hostile to Mr. Tremblay? State the reason of that hostility.

Objected to by the Defendant as not pertinent to the issue.

Objection sustained.

Question.—Is it not true that you changed your opinion in the said election because you received from Mr. Chauveau, or from some other person, the promise of a sum of one hundred and fifty dollars, or any other sum?

Objected to by the Defendant as not pertinent to the issue.

Objection set aside.

4910 Answer.—No.

Question.—Did you get any premises or any gifts of money from Mr. Chauveau during the said election?

Objected to by the Defendant as not pertinent.

Objection sustained.

Question.—Were you, in the said election of 1874, influenced in your conduct towards the candidates by any promises or any gifts, or any expectations of money, or other advantages?

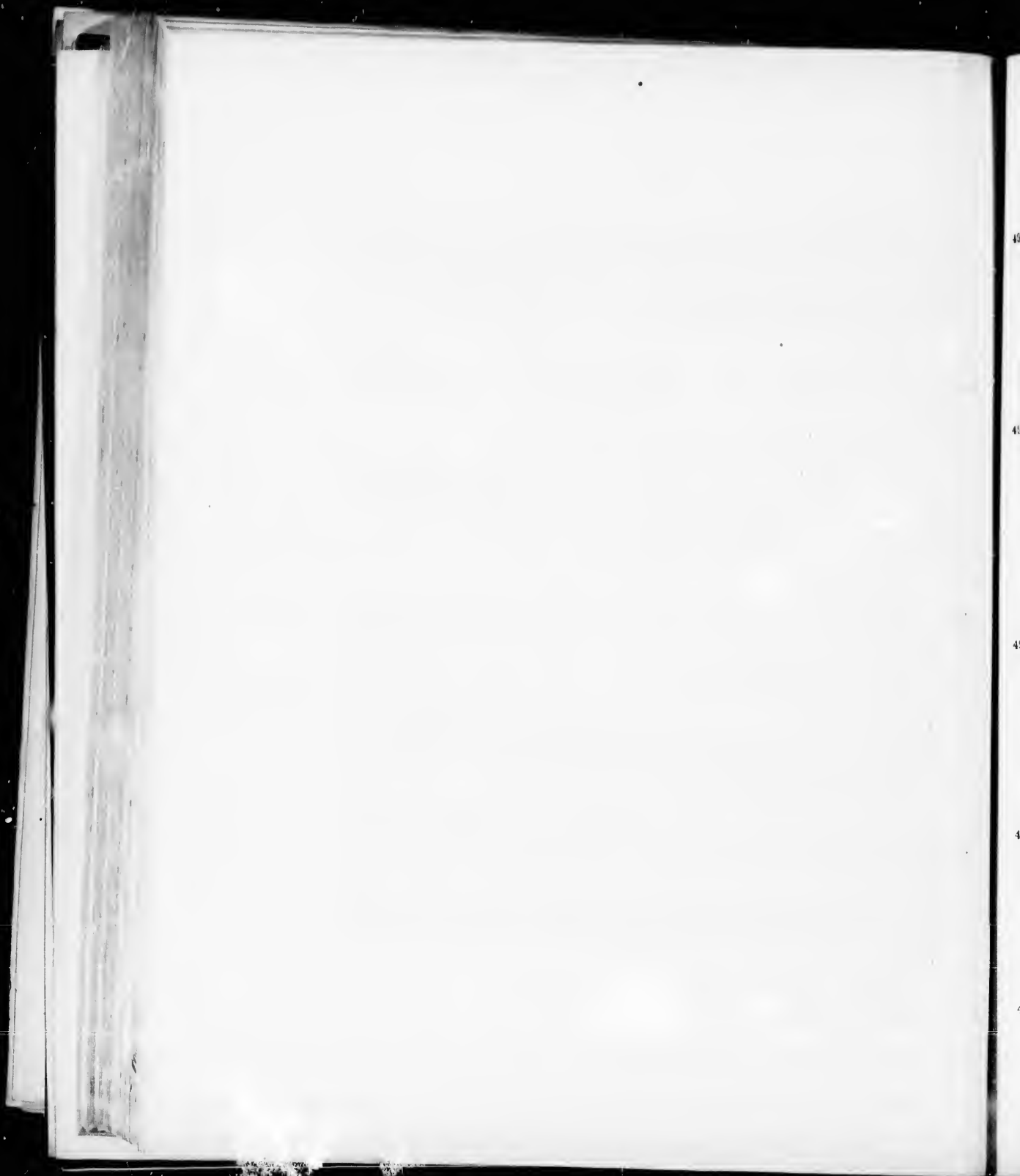
Answer.—I was not influenced by the promise of a certain sum of money which was made to me for the *Fabrique* of St. Simeon.

4920 The conversation I had at my presbytery with William Savard, Francois Bergeron and Johnny Desbeins, took place on my return of a visit I had made to the sick; I had gone to the house of Thomas Bouehard, the father of Narcisse; the latter had driven me there, and Desbiens had brought me back.

I do not think that Savard and Bergeron were there when I arrived; they came only after dinner, and Desbiens had arrived before, but had gone to unharness his horse; I cannot say who entered the kitchen first; it is quite probable that it was Bergeron, seeing that he was working at my place.

Deposition adjourned to 11th September, 1876.

Deposition put off to 12th September, 1876.



12th September, 1876; deposition resumed.

4930

RE-EXAMINED.

I spoke sometimes of the elections in my presbytery, incidentally, to some persons who came to see me on any other subjects, but not for the purpose of canvassing for Mr. Langevin; I only saw Mr. Langevin during the election for five or six minutes; it was but a simple visit of ceremony or politeness; he did not ask me to work for him, nor did I promise to work for him.

That is all I did for the Defendant, and that is what I wanted to state when saying in my cross-examination that I had spoken in favor of the candidature of the Defendant when the occasion offered; the parish of St. Siméon is the last parish at the eastern extremity of the county, and is a small parish.

The adjoining parish to the west is St. Fidèle the curé of which is Mr. Tremblay; I had not
4940 heard it stated that it had been said at the door of the church, or elsewhere in my parish, that the priests had no right to meddle in politics; I spoke of that because it was referred to in the pastoral letter.

Question.—State why you considered Mr. Tremblay's party as professing the doctrines of Catholic Liberalism, as you have said in your cross-examination?

Answer.—When I said that I considered Mr. Tremblay's party as professing the ideas of Catholic Liberalism, I meant to speak of those who, in that party, professed such ideas; I did not mean to say that I considered Mr. Tremblay as a Catholic Liberal.

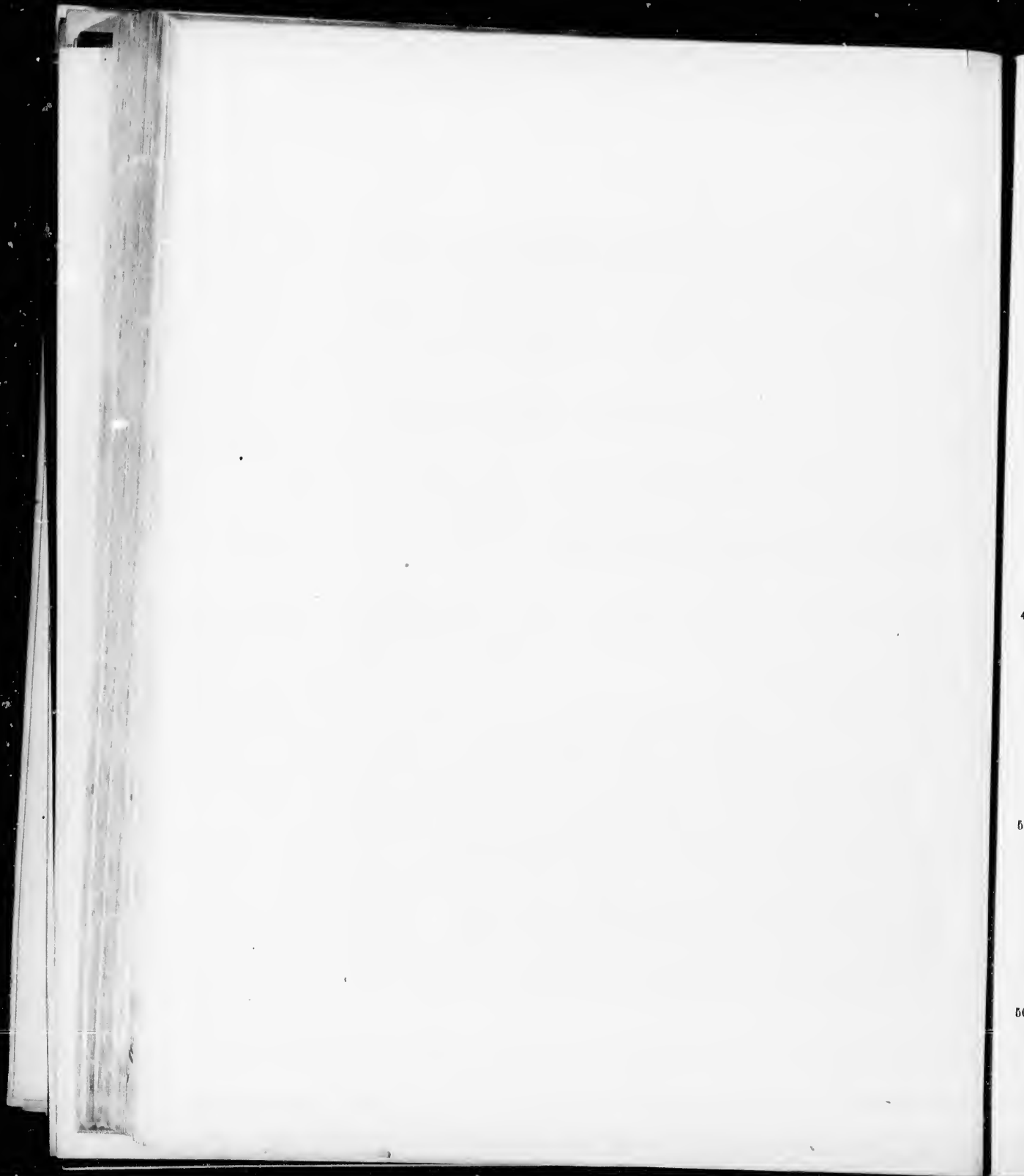
Question.—State how your explanations could lead your hearers to consider Mr. Tremblay's party as professing the idea of Catholic Liberalism?

4950 Answer.—I spoke in a general way; it was sufficient, in my opinion, to read the pastoral letter and explain the sense of certain words; I did not make allusion to any political party; I swear positively that I did not say in the pulpit these words: "Mr. Tremblay's party" "Mr. Tremblay himself;" "the present Government."

Question.—State how you expressed yourself in order to lead your hearers to adopt your opinion, as you have said in your cross-examination?

4960 Answer.—I confined myself to defining Catholic Liberalism, in order to put my hearers on their guard against those who might be in that error; as quoted by me above in my evidence, I also stated that those who said that the clergy had nothing to do with politics, were dangerous men and disobedient to the bishops; this is not insinuating to my hearers that Mr. Tremblay was a Catholic Liberal, and that his party was condemned as a political party; I contented myself with explaining the pastoral letter in a general manner; that is what I meant to say when I stated that I had imparted my opinion to my hearers; if I had insinuated to my hearers that Mr. Tremblay's party was condemned by the bishops, and that Mr. Tremblay was a Catholic Liberal, I am firmly convinced that few would have voted for Mr. Tremblay, while the contrary took place in my parish; Mr. Tremblay had the majority, and Mr. Tremblay's leaders in my parish are devoted Catholics; what I thought does not change the meaning of what I said; I did not insinuate to my hearers that it was a mortal sin to vote for Mr. Tremblay, since a few days after the sermon I said the contrary in my kitchen to my house-keeper, who consulted me to know whether her children—who, nevertheless, had heard the sermon—would commit a mortal sin in voting for Mr. Tremblay.

4970 Question.—State what was the part played by the clergy of Charlevoix in the said election,



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and what makes you think that the second paragraph of a correspondence in "Le Courrier du Canada" contains the truth, as you have stated in your cross-examination?

Answer.—Personally, I do not know of any organization of the clergy to make Mr. Langevin succeed in his election; when I said that I admitted the truth of the said extract from that journal, I understood by the words, "accepted the condition of Hon. Mr. Langevin," that the sympathies of the clergy were for the Defendant.

As to the words, "having done their best in his favor, while restricting themselves within the limits of the provincial councils, the pastoral letters," I meant that I thought that the clergy had read and explained the pastoral letter as I had done it myself, and because I thought that the curés 4980 were obliged to read the said letter, and explain it; I thought that they had all fulfilled that obligation.

I do not know how the curés commented on the pastoral letter; I do not, in fact, know whether all the curés read that pastoral letter.

I do not know what the clergy did in order to favor the candidature of the Defendant; I know nothing about it.

RE-CROSS-EXAMINED.

Question.—Have you any reasons to believe that the other curés of the county have less authority over their parishioners than you have over yours?

Answer.—No.

4990 My object in explaining the pastoral letter was to show that Catholic Liberalism was condemned, and in the event that there might be political men professing the ideas of Catholic Liberalism.

Question.—Was it your object, yes or no, to apply what you then said to the election.

Answer.—Yes; but it was not my intention to lead my hearers to believe by those explanations that Mr. Tremblay was a Catholic Liberal; those explanations applied to the election, and I conformed, I think, to the spirit of the pastoral letter.

Question.—Were those explanations in your intention, yes or no, directed against Mr. Tremblay, against his party, or against any of his friends?

Answer.—My intention was to apply the explanations, as I said before, to those in his party 5000 who professed the ideas of Catholic Liberalism; as to Mr. Tremblay's party, as a political party, I have stated above what was my intention in giving those explanations; as to Mr. Tremblay himself, I have stated above, in my re-examination, what my intention was; as to Mr. Tremblay's friends, at the particular time when I gave those explanations I was not thinking of his friends, consequently I had no intention of applying to them those explanations; I should have been hard set at the moment to tell the name of Mr. Tremblay's friends.

I have spoken, since I was examined in court the other day, of the first part of my evidence with the Defendant's advocate, and I have read that part of my evidence, and I read it through mere curiosity.

Question.—Is it not true that you have read and spoken about it to the Defendant's advocate in 5010 order to prepare yourself for the re-examination you were to undergo?

Answer.—Yes.

Question.—Was it the object of your explanations of the pastoral, yes or no, to influence the electors in the election then going on?

Answer.—No; the object of my explanation was to put the electors on their guard against Catholic Liberalism, wherever found.

Question.—Was it the object of your explanations, yes or no, to produce an effect on your hearers?

Answer.—The only effect I had the intention of producing on my hearers was to persuade them that Catholic Liberalism was dangerous, and that it was condemned; my explanations were, but in
5020 other words, a repetition of the pastoral.

I wished to apply those explanations to those to whom they properly applied.

Question.—Did they apply, in your intention, to Mr. Langevin or his party?

Answer.—Those explanations or comments did not apply, I think, more to Mr. Langevin than to another; they did not apply, I think, to his party.

Question.—Were they directed against Mr. Langevin, or against his party?

Answer.—I think not.

Question.—Were they directed against persons, or against a party, you believe to exist in this country?

Answer.—I do not believe they were directed against a party which exists in this country; I
5030 said just now that my explanations or comments were but a repetition of the pastoral letter of the bishops, and that pastoral letter, if I remember well, does not speak of party; in that pastoral letter, I do not remember, in relation to Liberalism, that it is stated that there are persons who professed those ideas; I remember only that Catholic Liberalism is condemned in a general manner.

My intention was that there might be in the country Catholic Liberals, since the pastoral denounced them; I confined myself to giving a definition of Catholic Liberalism; I did not comment on that part of the pastoral which commences by the words, "Thus a political party."

Question.—Do you swear in your soul and conscience, without reticence or mental restriction, that by the reading of the pastoral and the explanations you gave thereof, you had no intention
5040 whatever of injuring the election of Mr. Tremblay, and of favoring that of Mr. Langevin?

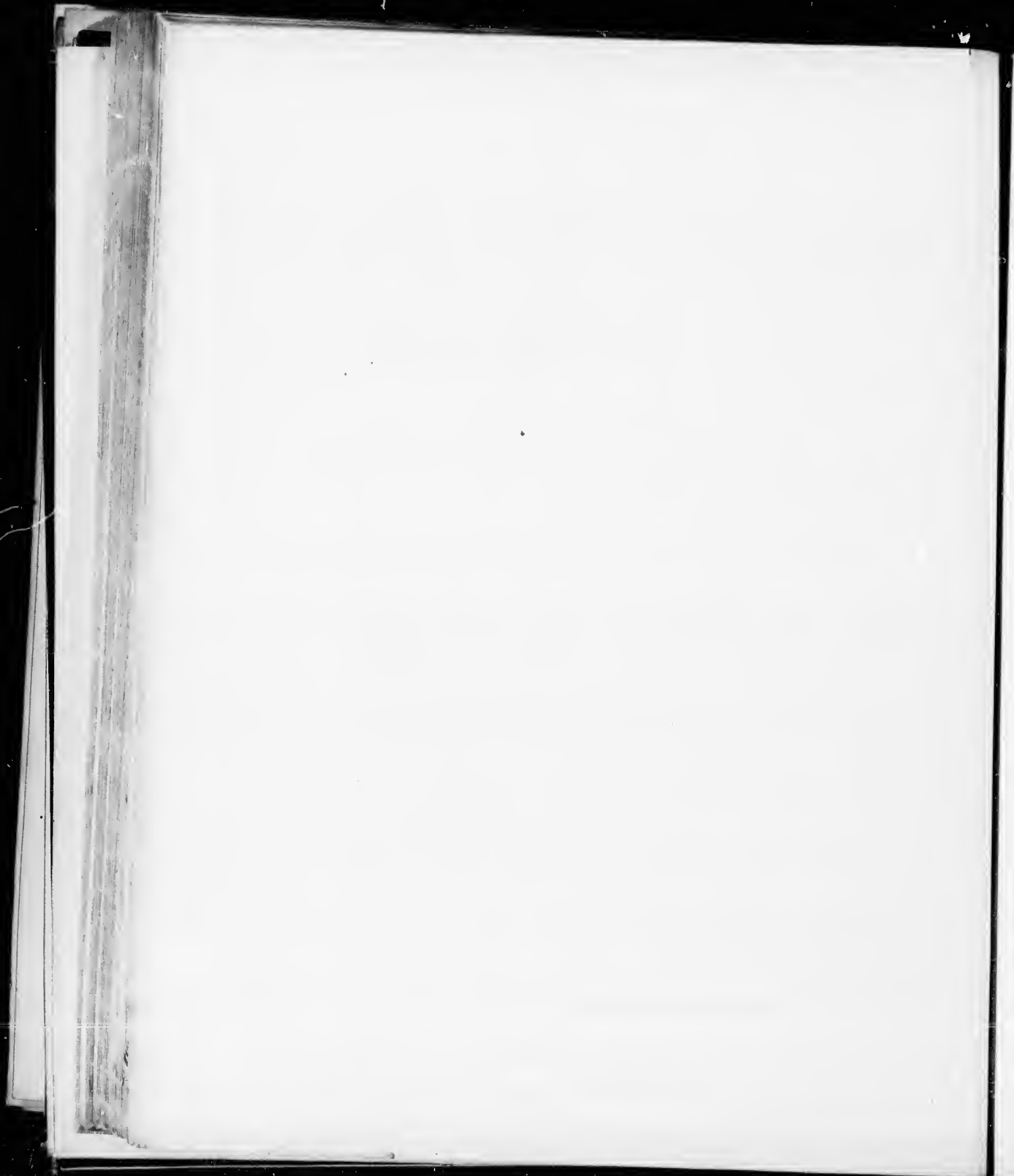
Answer.—I had no intention whatever of injuring Mr. Tremblay; nor had I the intention when I read that pastoral letter, if I remember well, of favoring Mr. Langevin; I deemed myself obliged to read that pastoral letter, and to explain it during the election; my intention was to obey the bishops.

Question.—Do you swear that it was a matter of indifference to you that the election should be gained by Mr. Langevin or by Mr. Tremblay?

Objected to by the Defendant as not pertinent.

Objection set aside.

Answer.—No, for my sympathies were for Mr. Langevin.



5060 Question.—Why were your sympathies for Mr. Langevin rather than for Mr. Tremblay?

Objected to by the Defendant as not arising from re-examination and tending to elicit useless and illegal evidence.

Question withdrawn.

Question.—Is it not true that your sympathies were for Mr. Langevin, because you thought that religion would be more in safety with Mr. Langevin than with Mr. Tremblay?

Objected to by the Defendant as tending to elicit the opinion of the witness and the motives of his sympathy, and because such proof is useless and illegal.

Objection set aside.

Answer.—I believed that the interests of religion would be more favored by Mr. Langevin, 5070 because in Mr. Tremblay's party there was a man of the name of Huntington who, I believed, had made a declaration of war against religion.

It was my intention that the answers I gave on Saturday should contain the truth, and they do contain it, if I was not mistaken; I did not speak of Mr. Huntington from the pulpit.

This deposition being read by the witness, he desires to add the following words, to wit: When he said herein before in the re-examination that he had read a part of his evidence, he adds, "and also to see whether my answers were sufficiently explicit, that is to say, explained well my full intention in answering; and, moreover, the witness desires to state that on Saturday, last in the afternoon, he was greatly fatigued and in fact indisposed, so much so that he was unable to proceed to his parish, in order to officiate therein on the following day.

FRS. CINQ-MARS, Priest.

 Taken and sworn
before me, in open Court, at Malbaie, this }
12th day of September, 1876.

A. J. ROUTHIER, J. S. C.



Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 12th September, 1876.*

Present—Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et. al.*, Petitioners,

v. s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE ON BEHALF OF THE DEFENDANT

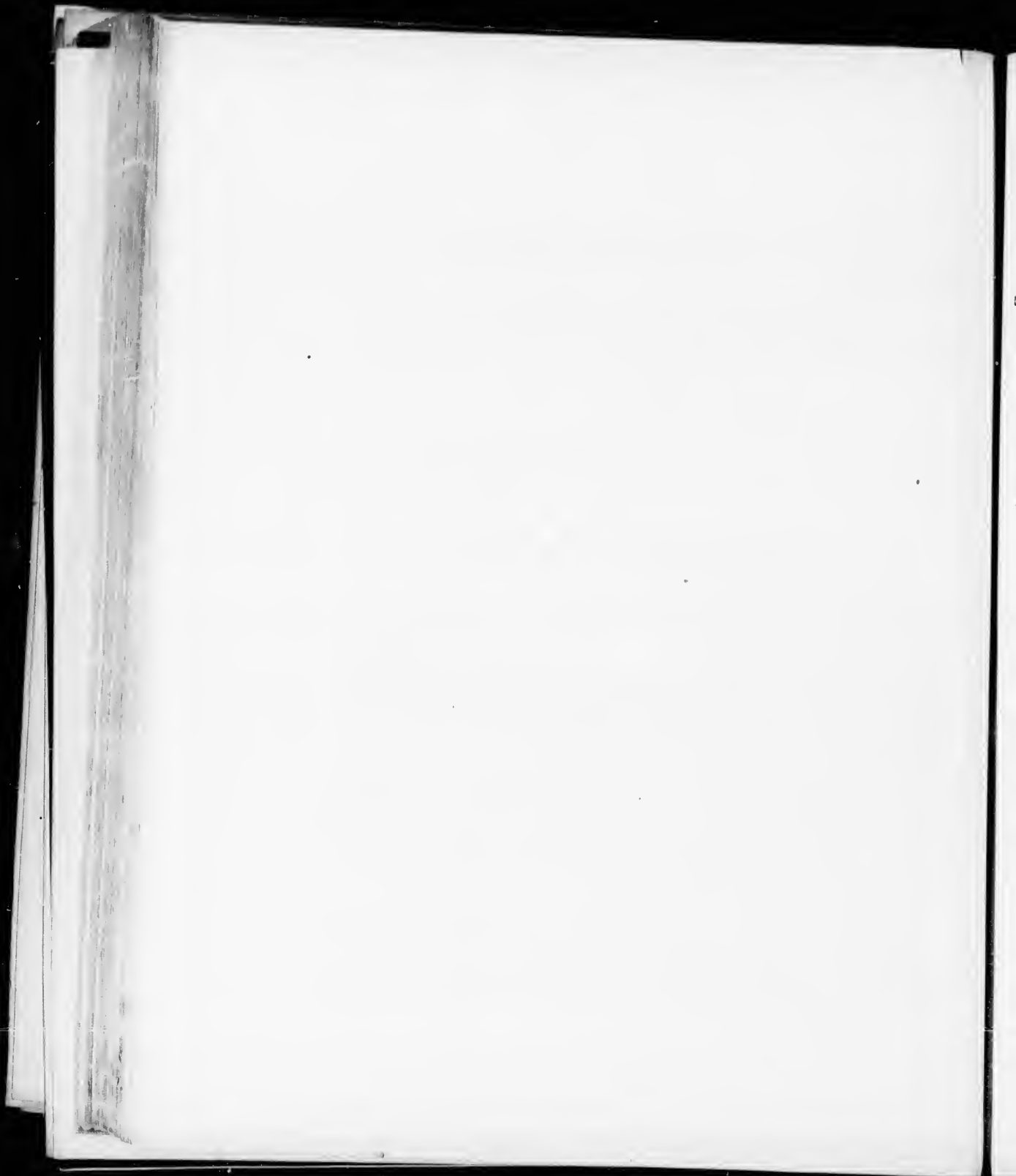
5080 Joseph Stanislas Perrault, Esquire, advocate, of the parish of Malbaie, being duly sworn on the Holy Evangelists, deposesh and saith:—

I know Seraphin Lajoie and Malvina Dionne (his wife), witnesses heard in this cause; I was present in court when they gave there evidence.

When the requisition to Mr. Kane, of which the said Lajoie and the said Malvina Dionne speak, was signed by the said Lajoie, there were present in my office Seraphin Villeneuve, of Malbaie, farmer, a witness heard in this cause, Lajoie himself, and myself; I am under the impression that there was then another man in my office, but I cannot say at what time he arrived; I believe that the requisition was signed in the first room of my office; when Seraphin Lajoie signed the requisition, Malvina Dionne, his wife, certainly was not in my office.

5090 Lajoie came into my said office with the said Seraphin Villeneuve; the latter said to me, I bring you a man disposed to sign the requisition to Mr. Kane, or something to that effect, then I proposed to Lajoie that I should attach his signature to the requisition if he consented, and I added, half seriously and a little in joke, that I had doubts as to his conversion, or something to that effect; thereupon he protested his sincerity, saying that he could not be against Mr. Kane, who had done him services; he then told me to attach his signature below the requisition, which I did; then I took leave of Seraphin Lajoie; I went into the back room, as well as I can remember, with Seraphin Villeneuve; I think also that the other man, of whom I have spoken, went in with us, and this while the said Lajoie was going out of my office.

5100 On the day of the signing of the requisition by Lajoie, I did not meet the latter, nor his wife, at the door of Mr. Collard's house, to give them the invitation of which she speaks in her deposition; I never said to Seraphin Lajoie, nor to his wife, the said Malvina Dionne, that if the said Seraphin Lajoie went with Mr. Kane, or with the Defendant, in this cause, he would hear nothing more of the action which he had with his mother; that he would pay no costs in relation to the said action, or other words having the same sense and the same bearing, which I could not do, as I was a mere



attorney in his suit with his mother; I have further to declare that in the election in question I had been several times informed that the said Lajoie was a spy; that he declared himself to be in favour of Mr. Langevin in order to find out the secrets of the party.

The said Malvina Dionne came to my office once after the election to ask me if I had sent the letter which her husband had directed me to write to a person I think of St. Irénée; she told me 5110 that her husband was then absent, and that he had directed her to get that information; I did not see the said Malvina Dionne in my office in company with her husband during the said election.

I swear positively that I did not say to Malvina Dionne what she states in her evidence, that is to say, "It is you who are the cause that the action is now going on, because it is you who prevented your husband from going with us;" I saw that woman at my office, as I have just said, two or three months after the election; I do not remember having seen her at my office at any other time, and never did I speak to her of the suit which I had against her husband, at least I do not remember it.

There was never any question between me and Lajoie in relation to a promise connected with his vote in favor of the Defendant, or of Mr. Kane.

5120 Question.—Please state who in the parish of St. Siméon are the persons who are reputed to be the principal partizans of Mr. Tremblay?

Objected to as being foreign to the suit.

Objection maintained

Question.—Do you know Seraphin Guerin, of St Siméon, farmer, and please state if he took an active part in the said election, and for what candidate?

Objected to as foreign to the suit.

Objection maintained.

I was present during the election at a meeting held at Joseph McNicols, at St Agnes; so far as I can remember, the Defendant at that meeting said that he had the support of the clergy, or 5130 that the clergy sympathized with him; but he did not say that the electors—at least I do not remember it—ought to listen to the voice of their pastor and respond to the appeal of their bishops, or of the bishop.

CROSS-EXAMINED.

I have acted in this suit as counsel to the advocate of the Defendant, and in that capacity I cross-examined some witnesses, especially Seraphin Lajoie.

I think, without, however, being able to assert it positively, that Lajoie spoke to me during the course of the election of his suit and of the desire which he felt to get rid of it.

This deposition being read, the witness persisteth therein, declaring that it contains the truth, and hath signed.

J. S. PERRAULT.

Taken and sworn
before me, in open Court, at Malbaie, this }
12th September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay, }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 13th September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD *et al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant

EVIDENCE ON BEHALF OF THE DEFENDANT.

5140 Israel Tarte, Esquire, journalist, of Quebec, being duly sworn on the Holy Evangelists, deposesh and saith:—

I know the parties in this cause; I am neither a relative, nor a connection, nor a servant, nor a domestic of any them; I have no interest in the result of this suit.

I was the agent of the Defendant during the last election.

The extract and accounts fyled in this cause by Charles DuBerger, Esquire, returning-officer, were produced by me; the expenses mentioned in the extract and the account produced were incurred and paid for the purposes of the said election, and were necessary for the election, and I considered them as legal.

5150 The outlay of eight dollars, entered as the 1st item in the extract of account, was incurred and paid by me for travelling expenses and the calling of meetings, before my appointment as Mr. Langevin's agent was fyled with the returning-officer; Mr. Langevin had, however, then asked me to be his agent.

I accompanied the Defendant in the county, and those expenses were incurred from the 31st December last (1875) to the 4th January, also, last (1876); no account was fyled with me for that item; they were paid to various persons, and in cash, and for purposes necessary to the said election; the Defendant arrived in the county for the first time on the 31st December.

From the 31st December, 1875, to the 4th January, I went through a part of the county with the Defendant, and it was during that journey that those eight dollars were paid for outlay and expenses, as I have said.

5160 As to the 2nd item of the extract (carters, to call the meetings, &c., \$218.95) I did not produce a detailed account to the returning-officer, because no account had been fyled with me; those



expenses were paid by me as soon as incurred, and I kept an account of them day by day in a note book which I have in my possession.

I now produce a detailed account in reference to that 2nd item, which is taken from my note book; there is a difference in the amount which appears in the extract fyled, and the extract which I now produce of 90 cents; the adding of the amount which appears in the extract fyled was done by Mr. Pelletier, advocate for the Defendant, and that difference of 90 cents is in the addition only; all that there is in that extract, Exhibit No. 6 of the Defendant, is true; the amounts entered in the said extract were paid to the persons, and at the dates therein mentioned, for purposes necessary to 5170 the election, and in good faith; the sums so paid represent the true value of the articles and services mentioned in the said account.

The sum of four dollars, of which Alfred Lavoie, a witness heard in this cause, spoke, is mentioned in the said account under the date of 10th January, 1876; Ferdinand Lavoie is the father of Alfred Lavoie; they live together, and as Ferdinand Lavoie is the head, I entered that sum in his name; I paid those four dollars to Ferdinand Lavoie or to Alfred Lavoie.

I heard the evidence of Jean Baptiste Boldue, and I paid him one dollar and twenty cents for a journey to Peron; that sum is entered in my said account, under the date of the 19th January; Jean Baptiste Boldue at that journey conveyed, I think, Samuel Boivin, school inspector, who engaged in the election, and who was one of the Defendant's speakers; on that day, the 19th, 5180 Boldue received from me the sum of two dollars and twenty cents; I had only a two dollar note, and, as he wished to be paid at once, I gave him two dollars and twenty cents; saying to him at the same time "you owe me a dollar," and later I was repaid that dollar, and I mentioned it in my note-book, and the said exhibit proves it; I gave a dollar and twenty cents to Alfred Lavoie for a journey to Peron on the 19th, to convey Mr. Pelletier, the attorney for the Defendant; I am sure that I did not pay him more, for I took a note of it immediately in my note-book, and, farther, that is the price which I gave that evening to the carters who were paid for that journey; during the election there were a great number of meetings, and it was especially for the purposes of those meetings held in the interest of the election of the Defendant that the carters were employed.

I think that in Baie St. Paul, there were about forty meetings held during the election; that 5190 parish is very large, and we did a great deal of work in it; I remember that one evening there were as many as five meetings in the different parts of the parish, and during three consecutive days there were twelve meetings, at which speakers for the Defendant from Quebec and the county were present.

During the election there were many meetings held by each candidate; at Baie St. Paul there were more meetings held for the Defendant than for Mr. Tremblay; many speakers came down from Quebec to work in the interest of one or the other candidate; the electoral contest was carried on very actively on both sides.

In relation to item 3, telegraphing one hundred and thirty-nine dollars and eighty cents, I fyled with the returning-officer two accounts, that of St. Irénée and that of Malbaie; they were the 5200 only two accounts that had been fyled with me.

As to the balance of the telegraphing account, apart from that of Baie St. Paul, I only knew the amount, that is to say that of Eboulements; but I knew that the total was correct by the details which the operator had previously given to me; I now produce the account for telegraphing at Eboulements, Defendant's Exhibit No. 7.

The operator at Eboulements had told me that he had sent me his account; in any case the operator had communicated to me all the details after the election; those details correspond with

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amount mentioned in Defendant's Exhibit No. 7, less sixty-nine cents, which I did not pay to the operator, because neither he nor I had change to settle that amount; as to the telegraphing at Baie St. Paul, I paid for it day by day, and I kept an account of it in my note-book.

5210 I now produce an extract from my notes as to the telegraphing at Baie St. Paul, Defendant's Exhibit No. 8, and that amount was paid to the operator, as mentioned in the said Exhibit; that extract is not exactly a faithful extract from my note-book, as my book contains pretty nearly the names of the persons to whom those telegrams were sent, or from whom they were received; but as to the amounts and the dates that extract is in accordance with my note book.

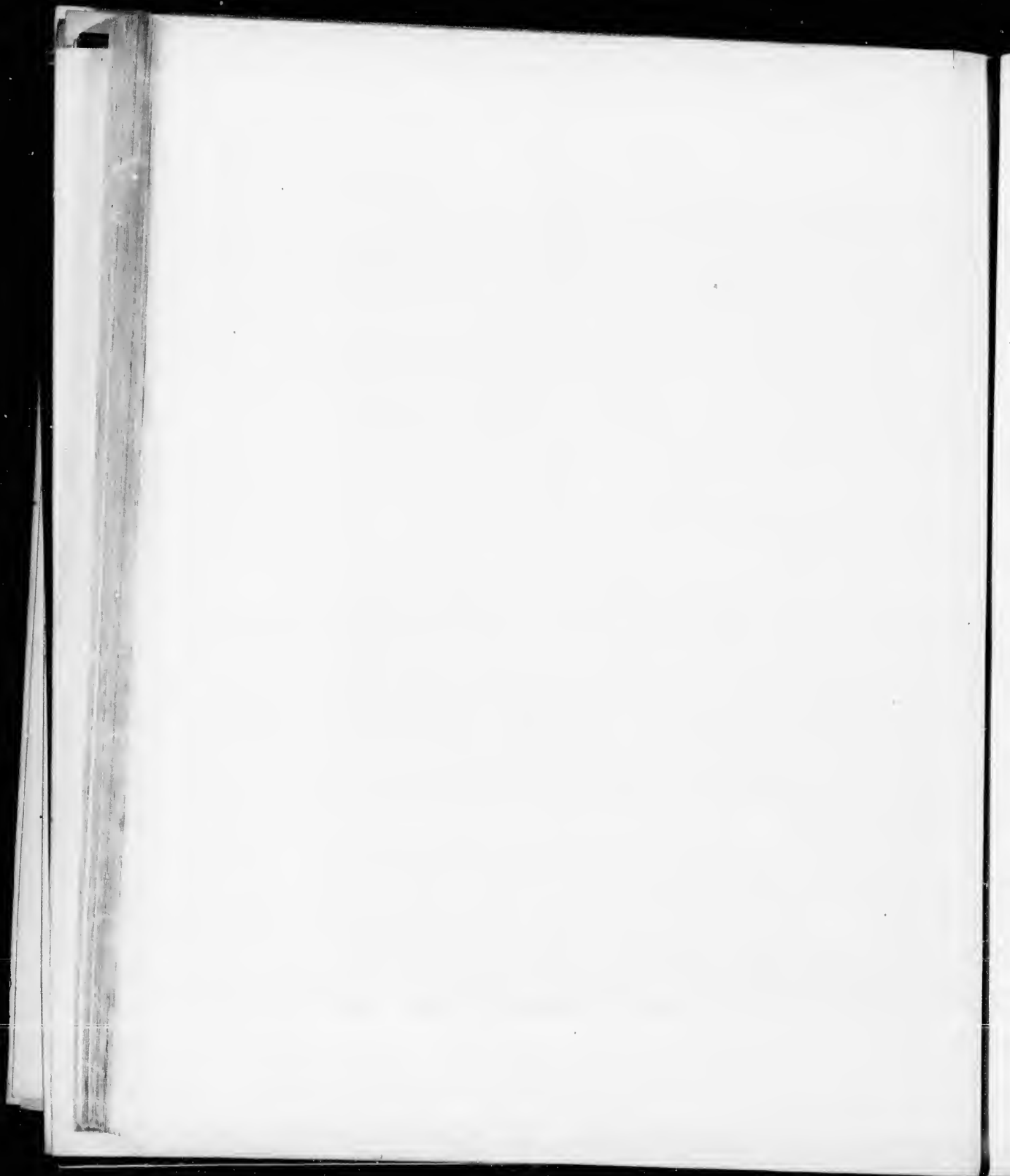
In the county we only had business with the telegraph officers at Matbaie, St. Irénée, Ebonlements, and Baie St. Paul; all these expenses for telegraphing were incurred and paid in good faith for the purposes and requirements of the election of the Defendant; and those accounts were not paid until after I had examined them, and had convinced myself that they were correct; as to item 4, hire of houses (sixteen dollars and thirty-eight cents), the account was not produced nor filed with
5220 me; those expenses were paid, as shown in Defendant's Exhibit No. 9, which is an extract from my note-book; I noted those expenses in my said book; they were incurred and paid in good faith, for the purposes and requirements of the election of the Defendant.

As to item 6, with the exception of Madame Riverin, who, I think, gave me an account or a receipt, no written account was furnished to me, but all the details were given to me, and I did not pay until I had satisfied myself that the claims were legitimate and legal for the purposes and requirements of the election.

I now produce Madame Riverin's account, Defendant's Exhibit No. 10; I examined that account before paying; if that account was not handed to the returning-officer, it was by inadvertence, for, being ill, I had desired the attorney for the Defendant to prepare the accounts to be
5230 sent and filed with the returning-officer; and if that account was not sent to the returning-officer, it was not with the object of keeping it from the knowledge of any person whatever; and the amount of that account, twelve dollars and ninety-three cents, is included in item No. 6 of the extract; I cannot swear whether that account was delivered to me, but I know that I examined it on the 24th January, the day that I paid it, and I took a note of it in my book; I paid Arsène Simard, mentioned in item No. 6 of the extract, the sum of sixteen dollars and some cents, perhaps; he gave me no written account, but I examined that account before paying it; it was to pay for the board of Dr. Samson and his two brothers for three days, for two meals for Mr. Jacob LaPage, for
5240 journeys during three days to convey Dr. Samson or his brothers, for election purposes, and for the keeping of Dr. Samson's two horses during three days; I caused that account to be explained to me, and having satisfied myself that it was correct, I paid it: Dr. Samson, his two brothers, and Jacob LaPage, are of Quebec, non-electors in Charlevoix, and had come to work, and did work, for the election of the Defendant.

Ismael Lavoie's account, mentioned in the said item 6, is for five dollars; no written account was filed with me: I paid it on the 24th January, for board of Mr. Langevin and his carter, and for a journey, and I think for convening a meeting; it was for the purposes and requirements of the election.

The account of Lapierre, mentioned in the said item 6, is for twenty-six dollars; I paid that account on the 25th January; I knew all the details of that account; I could even check it, for those expenses had been incurred with my knowledge; the account was for the board of the Hon.
5250 T. Robitaille and Mr. Issidore Belleau, of Lévis, Mr. Langevin himself (after the election), Mr. Rouleau, advocate, H. C. Pelletier; it was an account for board of gentlemen from Quebec and elsewhere, non-electors in the county, and who had come to work, and did work, for the Defendant.



The account of Alfred Fillion, mentioned in the said item 6, is for six dollars; that expense was incurred at St. Jochim, where the said Alfred Fillion resides, and outside the county, and after the election; it was on account of board.

The account of Theophile Simard, mentioned in the said item 6, is for three hundred and five dollars and a half; Theophile Simard keeps a boarding house at Baie St. Paul, but does not sell liquor; I arrived there on the 31st December, and we went away from thence on the 25th January; he did not produce to me a detailed account in writing, but I examined all the details of his claim
5260 before paying it; further, I was able myself to check those details, for I resided there during the whole election, and the expenditure took place before my eyes, and by my orders; I did not pay Simard's account until I had convinced myself that it was correct, legitimate, and for the purposes of the election of the Defendant; I had to be absent at different times; about 3 or 4 days in all.

Simard's house was, during the whole election campaign, the place of meeting of Mr. Langevin's party, and of the central committee, where all the tactics were explained; by tactics I mean that people came there to bring me all the election news of the county; it was there that most of the Defendant's speakers, and their carters and horses, came and stayed; nearly every evening there was a public meeting there, at which speeches were made; all day long the friends who were working for us, and others, came to bring me news and to get orders, or to hear news of the election; to
5270 sum up, that house was frequented day and night during the election; five apartments of the house were so occupied during the election; I paid Simard an amount of three hundred dollars at Quebec the five dollars and fifty cents having been paid to him before, as appeared by my note-book; Simard is an illiterate man, and has no clerk or educated domestic in his service.

These are the details; after the election, Simard asked me four hundred and fifty dollars for his bill; I answered him, it is possible that is not too much, or something of the kind, but let us see; I then sat down at a table, and we made pretty nearly the following calculations, as shown in Defendant's Exhibit No. 11, now produced, but I cannot swear that I read all those details to Simard; but that work was done to assure myself whether Simard's demand (\$450.00) was too high; when I paid Simard on the 27th January, I perfectly remembered all that had passed, and I could check
5280 the details of the account, and I did not pay it until I had satisfied myself that that account or that claim was legitimate, and for the purposes and requirements of the election of the Defendant.

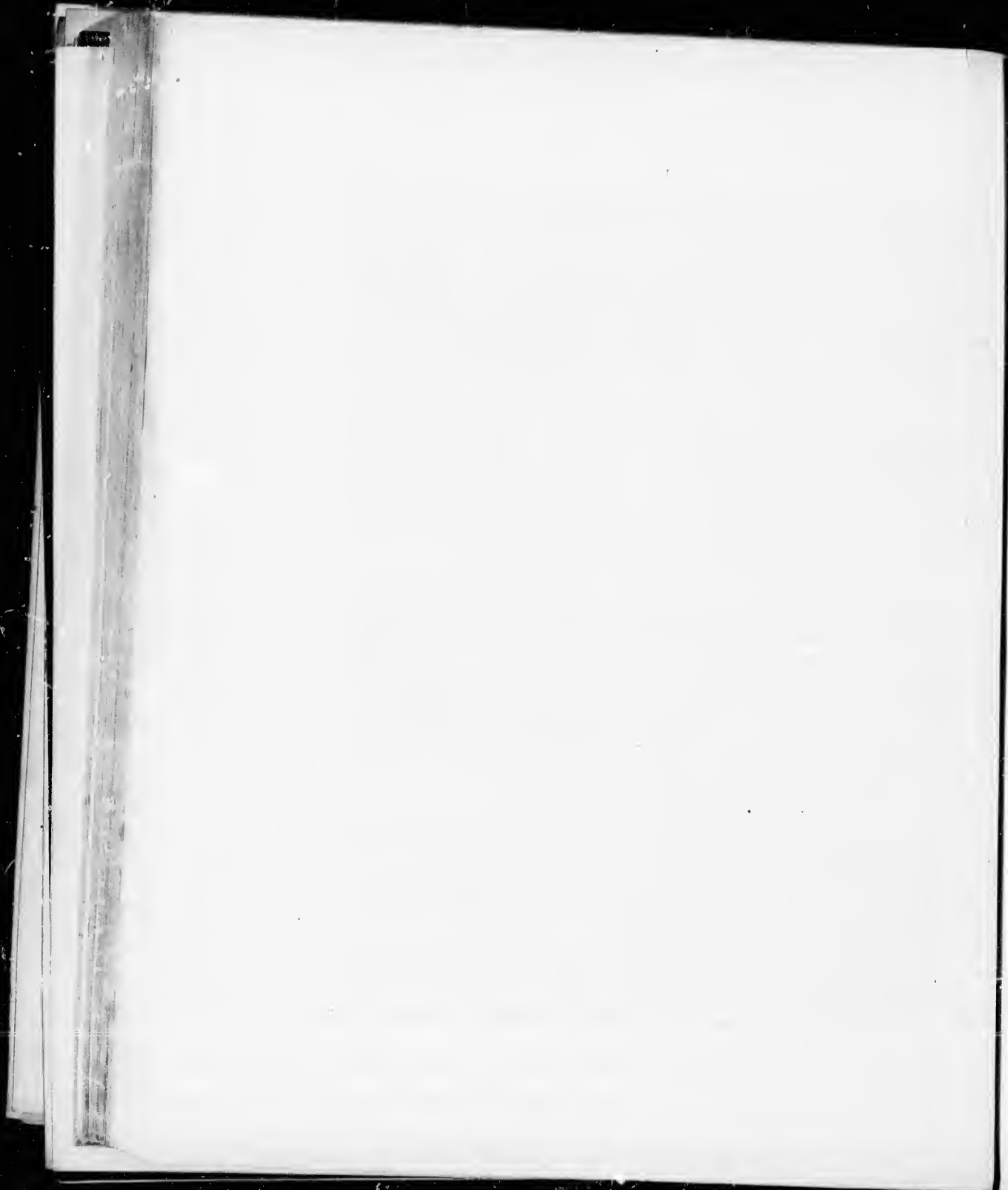
Messrs. Rouleau, Pelletier, Lepage, Déry, Caron, Robitaille, Vallée, McKay, Chabot, Joseph Rouleau, A. Coté, Emond, are all from Quebec, non-electors of Charlevoix, and had come into the county for the election of the Defendant; I cannot say if Mr. Emond is not an elector of Charlevoix.

I considered the sum of three hundred and five dollars and a half was moderate, in consequence of the trouble caused to Simard, and the expenditure which he had made.

In that account there is no board for people of the county; to my knowledge, there were only three or four people of the county who took a few meals with the Defendant's speakers, and we invariably notified them that they would have to pay for their meals, and they did pay for them;
5290 Simard told me so; I did not pay for them; Simard did not ask me to pay for them; I had given orders to Simard to incur no expense, and to give no meals, no drink, to the electors, and I know that no such expense was incurred; that claim of Simard's was for purposes necessary to the requirements of the election; those expenses were legitimate and in good faith.

I consider that two dollars a day for board was not too high, for Simard generally gave us four meals a day; after the meetings in the evening the speakers had a meal, and there was light nearly all the night; there was coming and going all the time.

As to item 7, forty-four dollars, no written account was produced for me; that expenditure,



was incurred for travelling expenses and professional services as follows :— Pamphile Vallée, editor of the *Courrier du Canada*, twenty dollars; Isidore Belleau, advocate, of Levis, eight dollars for 5300 travelling expenses; Jacob Lepage, architect, of Quebec, four dollars for travelling expenses; A. Côté, of Quebec, trader, twelve dollars for travelling expenses; I swear positively that all the expenditure which was incurred during the said election, and which I paid, as appears by the accounts produced and by my present evidence, was in good faith, and I did not pay it until after I had satisfied myself that it was legitimate and legal.

There is at Baie St. Paul a carter of the name of Theophile Simard, and it is he who is mentioned in the account, Defendaat's Exhibit No. 6.

The Defendant and I always used the utmost prudence, and we ordered our friends to be very prudent, for we were certain of the result of the election, and we desired to do nothing to compromise it.

5310 I filed with the returning-officer all the accounts which I had, and I was disposed to file my note-book with him, and I did not file it because that book contained certain things foreign to the election, confidential and personal, and I did not wish to detach any leaf from that note-book, and as to the accounts which were filed with the returning-officer, they are correct, and I examined them before passing them.

The extract, Petitioner's Exhibit A., is in accordance with the accounts produced and with my note-book; those accounts and my note-book were used to prepare that extract, and in paying the accounts I acted as the authorized agent of the Defendant.

CROSS-EXAMINED.

The average number of speakers from Quebec who came for the Defendant, and who boarded 5320 at Theophile Simard's, was, I think, between three and four for the whole time of the election; I did not forbid Theophile Simard from taking outside boarders during the election, but to my knowledge he did not take any, and besides we occupied nearly all his rooms; I do not know how much a day Simard is in the habit of charging for board.

I do not remember having said, during the course of the election, that Mr. Tremblay and his party were condemned by the pastoral of the 22nd September; this is what I may have said: "The speakers who come to speak for Mr. Tremblay have many times declared before me that the bishops had nothing to do with politics, as well as the priests; I have even heard some of them who appeared to approve of the Hon. Mr. Huntington's speech at Argenteuil;" I must have said that those people supported principles that were condemned.

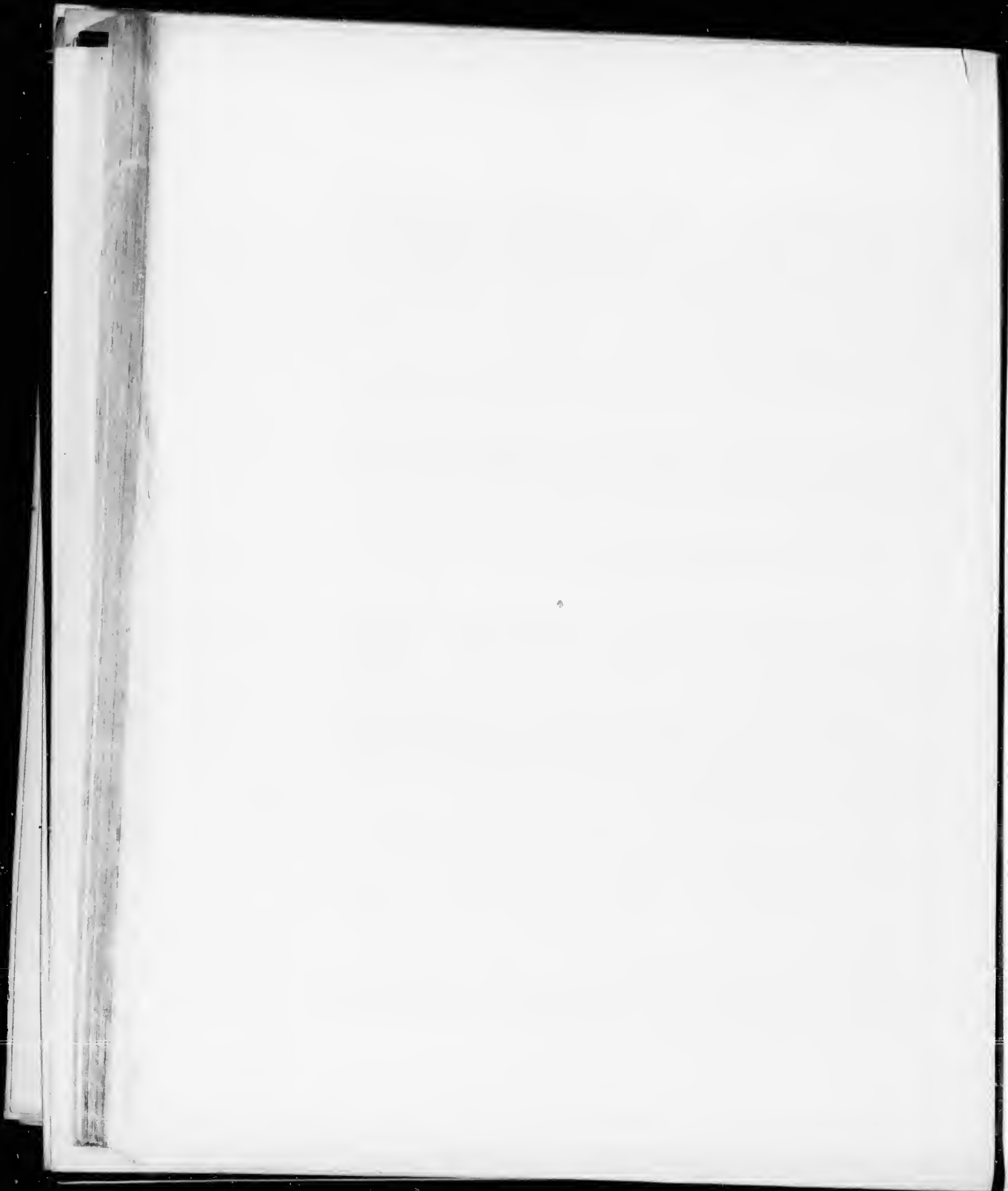
5330 Question.—Is it not true that, before and after the election in question, you wrote in the *Canadien*, of which you are proprietor, articles in which you desired it to be understood that Mr. Tremblay and his party were condemned by the church?

Objected to by the Defendant: 1st, As foreign to the issue; 2nd, Because the name of the witness is not in the particulars as having exercised undue influence.

Objection maintained.

The Petitioners take exception to that judgment.

I think I saw Rev. Mr. Sirois three or four times during the election; we spoke of election matters; I understood that he sympathised with the candidature of Mr. Langevin, but in those interviews I did not perceive that that sympathy was very great.



5340 Question.—Is it to your knowledge that Mr. Sirois took a very lively interest in the Defendant's success?

Answer.—I knew nothing else, except that Mr. Curé Sirois was in sympathy with Mr. Langevin.

Question.—Is it not true that it was the general report at Baie St. Paul during the election, that Mr. Sirois was strongly opposed to Mr. Tremblay?

Answer.—I think it was the general report that Mr. Curé Sirois was in sympathy with the candidature of Mr. Langevin.

Question.—Is it not true that it was the general report in Baie St. Paul during the election, that Mr. Sirois was strongly opposed to Mr. Tremblay?

5350 Answer.—I think that the general report at Baie St. Paul was that Mr. Curé Sirois was not in sympathy with Mr. Tremblay, but I cannot say if the report was that the curé was strongly opposed to Mr. Tremblay.

Question.—Did you take cognizance of what passed at Baie St. Paul during the election?

Answer.—Yes.

Question.—Is it not true that before coming into the county, the Defendant, Mr. Onésime Gauthier and yourself, came to an understanding to use the influence of the clergy in the election?

Objected to by the Defendant: Because neither the witness nor Mr. Gauthier are accused in the particulars of having exercised undue clerical influence; 2nd, Because this question tends to prove a general system of undue clerical influence.

Objection reserved for hearing on the merits.

5360 Answer.—There was never any such understanding.

Question.—Is it not true that, in your conversations with the Defendant, the assistance which he might obtain from the influence of the clergy was discussed?

Same objection—reserved.

Answer.—I do not remember that that was discussed.

Question.—Was the part to be taken by the clergy in the election discussed between you and the Defendant?

Objection, and reserved.

Answer.—We must have spoken of some priests during the election, but I do not know whether we talked of the part to be taken by the clergy during that election.

5370 The ten dollars which are due to Pascal Gauthier, of St. Irénée, are for telegrams, as appears by the accounts; I met Mr. Fafard, curé of St. Urbain, two or three times during the election; he appeared to me to be in sympathy with the Defendant, but I do not know if he engaged in the election.

This deposition being read, the witness persisteth therein, declaring that it contains the truth, and hath signed,

Taken and sworn
before me, in open Court, at Malbaie, this
13th September, 1876.

I. ISRAEL TARTE.

A. B. ROUTHIER, J. S. C.

Province of Quebec. }
 District of Saguenay. }

SUPERIOR COURT.

No. 14.

O. BRASSARD, *et. al.*, Petitioners,

v.s.

Hon. H. L. LANGEVIN, Defendant.

The Petitioners admit that Joseph Duchesne, Justice of the Peace, 50 years of age; Samuel Boivin, School Inspector, 41 years of age; Thomas Coté, Trader, 31 years of age; André Bouchard, Baker, Louis Gauthier, J. P., 58 years of age; P. N. Bois, Collector of Revenue, and Arsène Simard, Miller, all of Baie St. Paul, will prove the same thing as Vincelas Tremblay, Ephrem 5380 Simard, Jos. Bouchard, Xavier Tremblay, Luc Simard, and Auguste Simard.

Malbaie, 9th September, 1876.

F. LANGELIER,
Attorney for Petitioners.

H. C. PELLETIER,
Attorney for Defendant.

Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 12th September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD *et al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant

EVIDENCE OF THE PETITIONERS IN REBUTTAL.

Romuald Gagné, of Malbaie, farmer, being duly sworn upon the Holy Evangelists, deposesh and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I know Seraphin Lajoie and his wife; I live in the same concession as they do, and at a short distance; I know well the character which they bear in the locality.

From that character, I should certainly believe them under oath; he is a horse-dealer; he is looked upon as pretty often cheating people who trade horses with him.

Apart from that, I know nothing against him; I know nothing against the character of his 5390 wife; I should certainly believe her under oath.

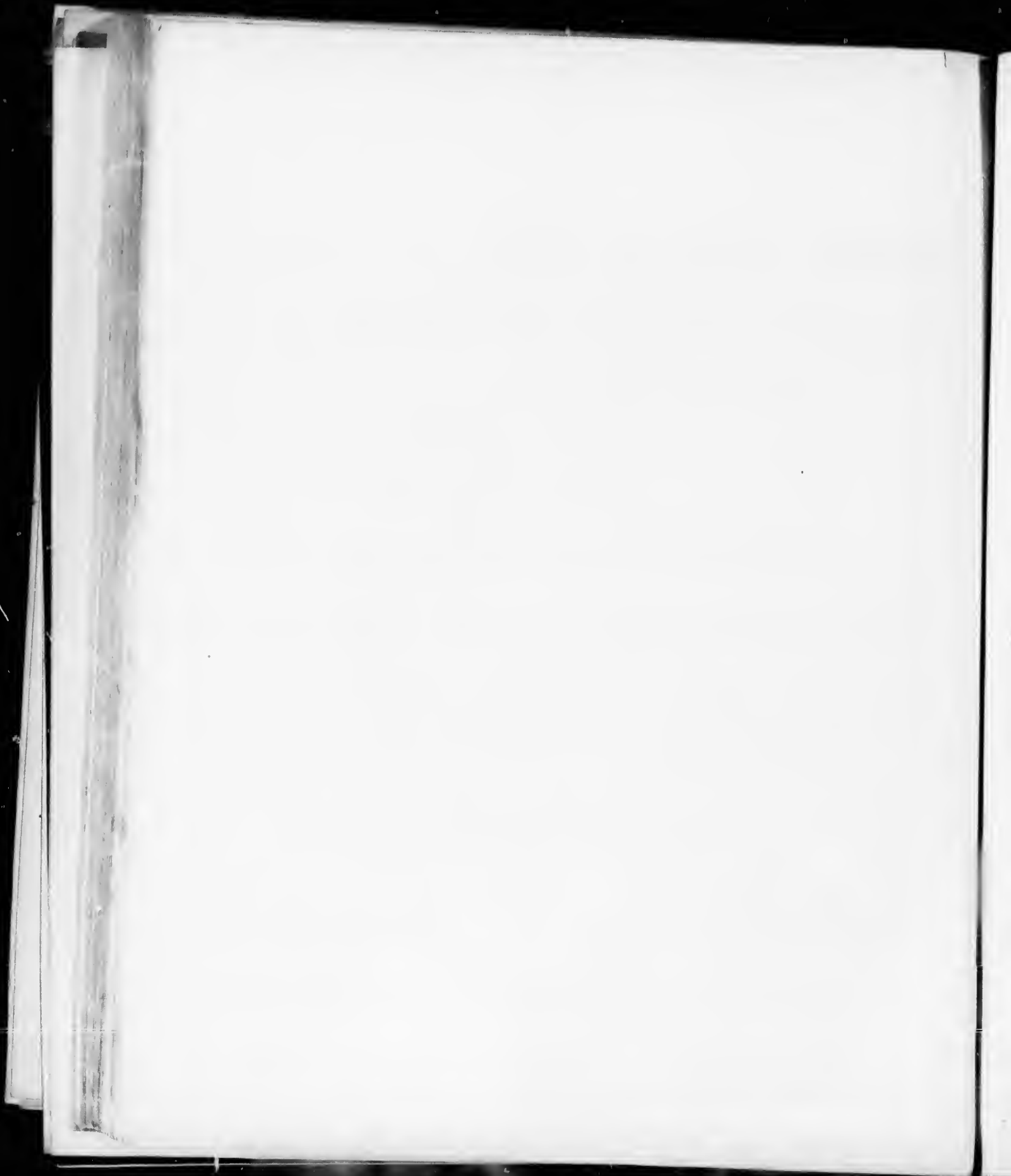
I have known them both since I have lived in the Concession des Calumets, that is to say, for about ten years.

They have always lived, since that time, the fourth neighbor from my house.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and that he cannot sign.

Taken and Sworn
 before me, in open Court, at Malbaie, this }
 12th September, 1876.

A. B. ROUTHIER, J. S. C



Province of Quebec, } SUPERIOR COURT.
 District of Saguenay. }

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 13th September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

vs.

The Hon. H. L. LANGEVIN, Defendant.

EVIDENCE OF THE PETITIONERS IN REBUTTAL.

Seraphin Lajoie, a witness already heard, of the parish of Malbaie, being duly sworn on the Holy Evangelists, deposed and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

5400 When Seraphin Villeneuve came to take me to Mr. Perrault's, as I have already said in my first evidence, he was half intoxicated, and when he left the village he was so drunk that I went to take care of him, for fear that some accident might happen him.

It was in the afternoon that I went thus to Mr. Perrault's; I do not remember to have seen Mr. Perrault anywhere that day but at his office.

CROSS-EXAMINED.

I drank many times on that day in question with Seraphin Villeneuve.

Seraphin Villeneuve was only an instant at Mr. Perrault's; he went in there to get me to sign the requisition to Mr. Kane; he only went in and came out; and I swear readily, because it is really the truth, that Seraphin Villeneuve was not present when I signed the requisition to Mr. Kane; and I remained there about ten or twelve minutes; I went away from Mr. Perrault's two or three minutes after having signed, and to speak correctly, I signed almost on entering; there were only a few words about it at the time to make the promise, that if I signed the requisition, I should hear no more about my law-suit.

Villeneuve, on entering Mr. Perrault's, said to the latter that he had brought an elector to sign the requisition to Mr. Kane.

Question.—Is it not true that formerly you were the driver of a caleche, and that you ceased driving a caleche about four years ago?

Answer.—Yes.

Question.—Is it not true that you ceased to drive a caleche because you were accused of having
5420 tried to rob a traveller?

Answer.—No; I did not cease driving a caleche till two years after the affair of which you speak, because it no longer paid.

During the last election, I gave myself out as a partizan of the Defendant, because I did not want to be put out into the street, and because Mr. Perrault promised me that if I signed for Mr. Kane, I should hear no more said about my law-suit; it was against my convictions, but I made that sacrifice not to be put out into the street.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and that he cannot sign.

Taken and Sworn
before me, in open Court, at Malbaie, this }
12th September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
13th September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD *et al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant

EVIDENCE OF THE PETITIONERS IN REBUTTAL.

Joseph McLean, aged fifty-four years, blacksmith, of the parish of Malbaie, being duly sworn
5430 upon the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I know Seraphin Lajoie well; know his wife also; I know nothing against their characters.

From what I know of their characters, I should believe them under oath.

CROSS-EXAMINED.

He is looked upon as a man who cheats people in trading horses; he trades not only on his own account, but also trades horses for other people; I have often heard evil spoken of Seraphin Lajoie; everybody is spoken against.

Question.—Is it not true that you have heard it said that Seraphin Lajoie was a thief?

5440 Answer.—No.

I have never heard it said that he had robbed anybody.

Question.—Is it not true that you have heard it said that Seraphin Lajoie had taken false oaths?

Answer.—Yes.

Question.—Is it not true that the character of Seraphin Lajoie is not as good as that of a good citizen?

Answer.—If the church-warden in office exchanged horses like him, his character would be like his; I often deal in horses myself, and when I am not too well provided I endeavor to provide myself better; and when I change horses I do not tell all I know about my horse, in order to provide myself better.

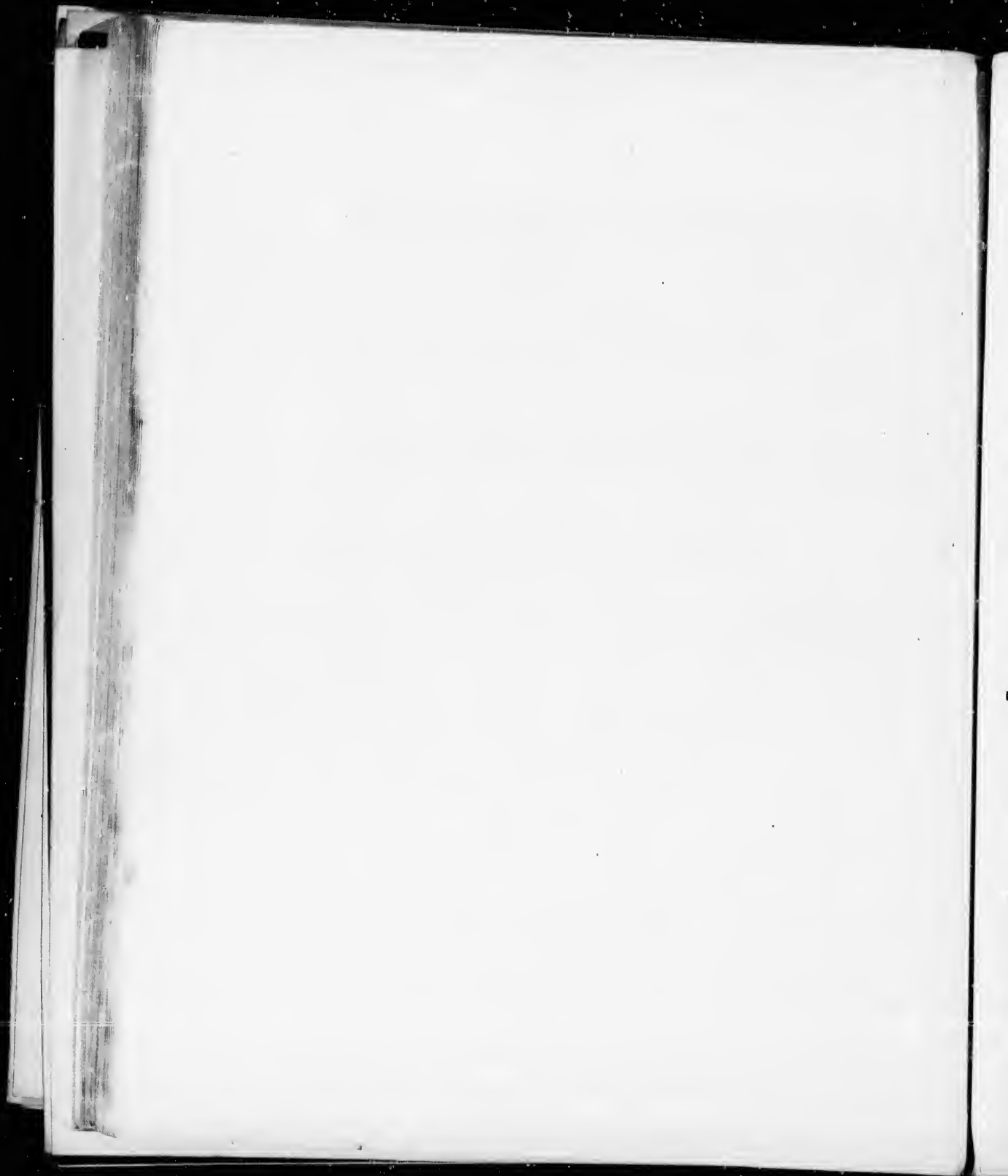
5450 I know little of Malvina Dionne, wife of Seraphin Lajoie; I have only seen her a couple of times; I have heard it said of her that she was a good woman.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and hath signed.

JOSEPH McLEAN.

Taken and sworn
before me, in open Court, at Malbaie, this }
13th September, 1876.

A. B. ROUTHIER, J. S. C.



Province of Quebec, }
 District of Saguenay, }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 13th September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et. al.*, Petitioners,

vs.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE OF THE PETITIONERS IN REBUTTAL.

Elzéar Danais, proprietor, of the parish of Baie St. Paul, being duly sworn on the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I know Théophile Simard, hotel-keeper at Baie St. Paul, well.

I understand very well the value of property at Baie St. Paul; a house such as he occupies is worth thirty or forty dollars of rent a year; I have already taken several meals at his house, and I paid a quarter for a meal; and I consider that a quarter is more than the value of a bed in that house; I consider that a dollar a day is more than he is accustomed to charge travellers.

I think that half a dollar a day is the value of the keep of a horse at Baie St. Paul.

CROSS-EXAMINED.

Simard's house and lot may be worth about two hundred pounds; that house may be about fifty-five or fifty feet long; there is a gallery in front, and two entrance doors; there are six or seven rooms in the first story; I have never been into the upper story, and I do not know the number of rooms it contains.

I was present when Mr. Tarte gave his evidence, and I consider that board is worth more in election times; to my knowledge a great number of persons, many people and carriages from Quebec, went to Simard's during the election; Simard does not pass for a man that sells liquor.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and hath signed.

ELZ. DANAIS.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 13th September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
 District of Saguenay. } SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 13th September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD, *et al.*, Petitioners.

v.s.

Hon. H. L. LANGEVIN, Defendant.

EVIDENCE OF THE PETITIONERS IN REBUTTAL.

Zephirin Savard, aged 38 years, farmer, of the parish of St. Hilarion, being duly sworn upon the Holy Evangelists, deposes and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I know Seraphin Lajoie and his wife; I have never heard anything said against their characters.

5480 From what I have heard said of them, I should not have any objection to believe them under oath.

CROSS-EXAMINED.

I am a little of a horse-dealer.

Question.—It is not true that Seraphin Lajoie is considered as cheating people?

Answer.—He is not so considered at St. Hilarion, but I know nothing about it here.

I often see him come to St. Hilarion with people from Malbaie, who trust to him to change their horses.

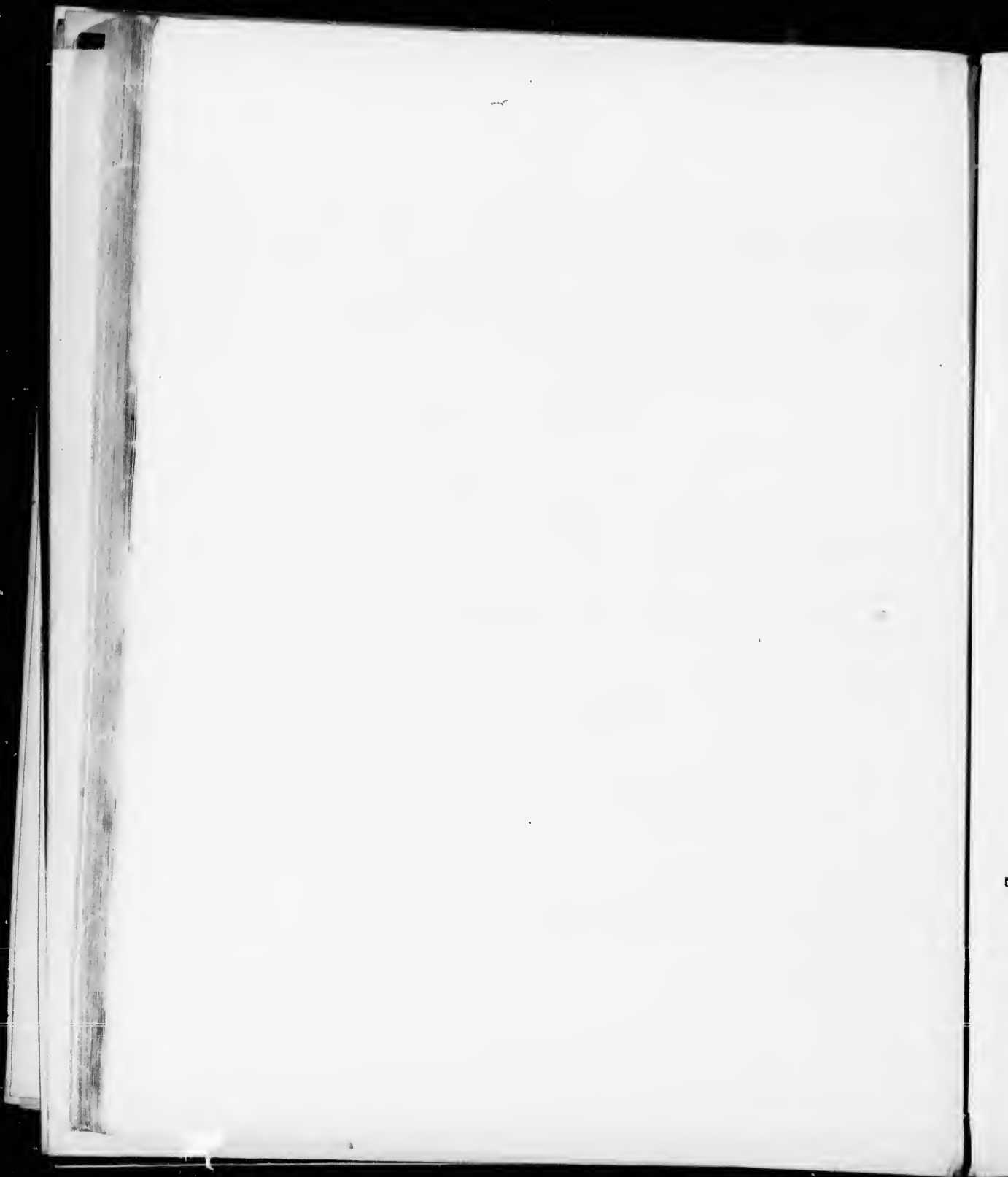
Question.—Is it not true that Seraphin Lajoie is looked upon as a man who does not trouble himself much about speaking the truth?

5490 Answer.—I know nothing about that, when he had any business with me he told me the truth.

Question.—Is it not true that there are people at St. Hilarion who complain of having been cheated by Seraphin Lajoie?

Answer.—I know nothing about it.

I have never heard any harm said about the character of Seraphin Lajoie; I only know the



wife of Seraphin Lajoie by sight, and I have slept their several times; I do not know the character of that woman; she looks like a decent woman, and I have never heard any harm said of her; when I come to Malbaie, I go sometimes to sleep at his house by accident.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and hath signed.

ZEPHIRIN SAVARD.

Taken and Sworn
before me, in open Court, at Malbaie, this }
13 September, 1876.

A. B. ROUTHIER, J. S. C.

Province of Quebec, }
District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
13th September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

No. 14.

BRASSARD *et al.*, Petitioners,

v. s.

Hon. H. L. LANGEVIN, Defendant

EVIDENCE OF THE PETITIONERS IN REBUTTAL.

5500 Ensôbe Martel, aged 41 years, farmer, of the parish of St. Agnès, being duly sworn upon the Holy Evangelists, deposeth and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor a domestic of any of them; I have no interest whatever in the result of this suit.

I know Seraphin Lajoie, of Malbaie, and his wife, well; I know the character which they bear, well; for my part, I have nothing to say against them.

From what I know of them, I should believe them under oath.

CROSS-EXAMINED.

I sometimes stop at Seraphin Lajoie's in passing by to light my pipe; I know little of the wife of Seraphin Lajoie; Seraphin Lajoie often exchanges horses, and cheats people; that is likewise the custom of all who trade horses; Seraphin Lajoie has not as good a character as a good citizen who does not exchange horses.

I live one league from Seraphin Lajoie; the latter farms a little; his principal occupation consists in changing horses.

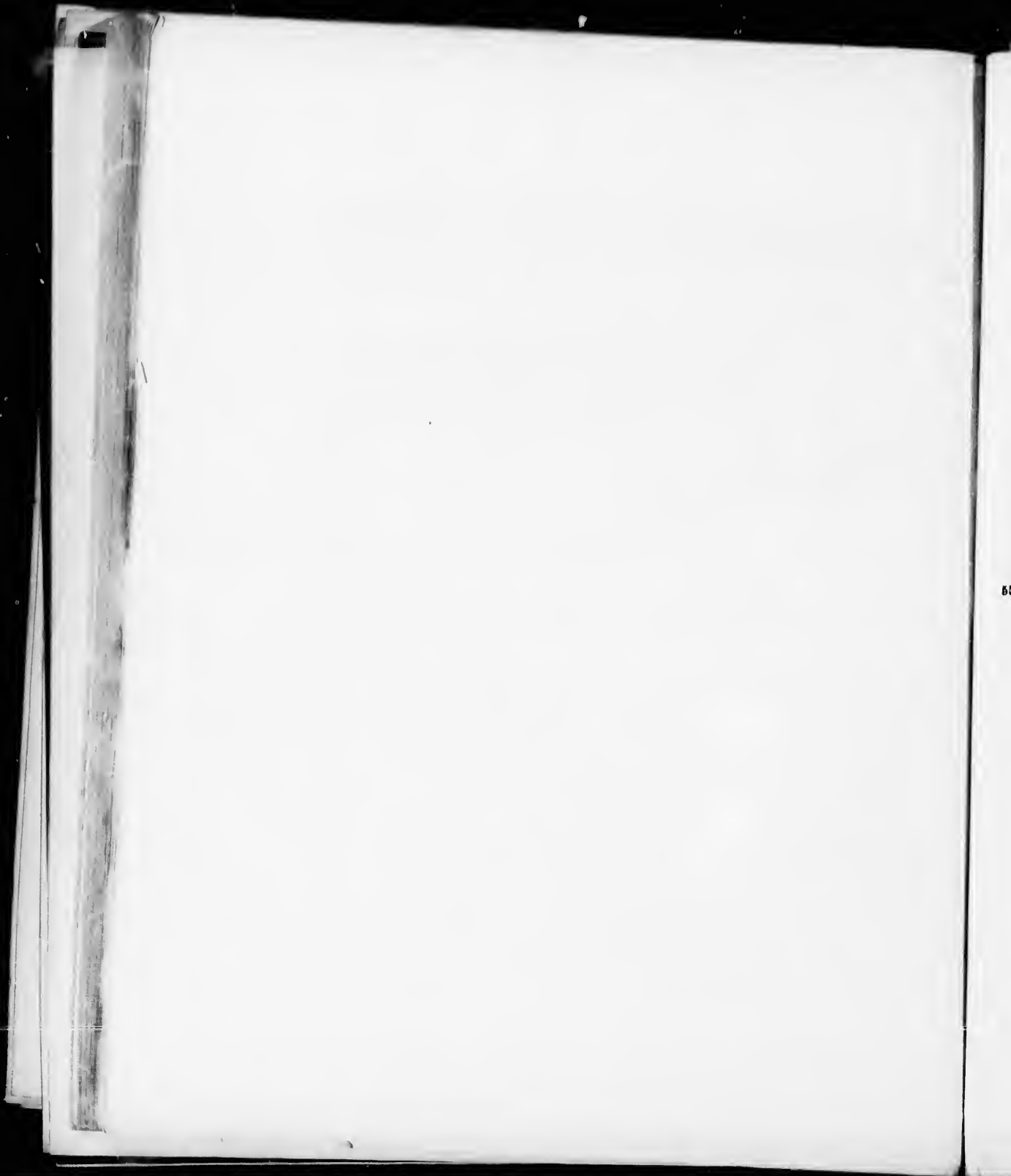
Question.—Say whether the character of Seraphin Lajoie is good or bad?

Answer.—For my part I can say nothing; I have not done any business with him; once I changed a horse with him; he did not deceive me, but I gave him a horse that had diseased legs; it was a disease that was very visible; that mare was not worth much.

This deposition being read to the witness, he persisteth therein, declaring that it contains the truth, and that he cannot sign.

Taken and sworn
before me, in open Court, at Malbaie, this }
13th September, 1876.

A. B. ROUTHIER, J. S. C.



Province of Quebec, }
 District of Saguenay. }

SUPERIOR COURT.

DOMINION CONTROVERTED ELECTIONS ACT, 1874.

*Election of a Member for the House of Commons, for the Electoral District of Charlevoix, Malbaie,
 13th September, 1876.*

Present—The Hon. A. B. ROUTHIER, J. S. C.

BRASSARD, *et. al.*, Petitioners,

v. s.

Hon. H. L. LANGEVIN, Defendant.

COUNTER EVIDENCE OF THE DEFENDANT TO THE EVIDENCE OF THE PETITIONERS IN REBUTTAL.

Stéphane Perrault, Esq., advocate, of the parish of Malbaie, being duly sworn upon the Holy
 5520 Evangelists, deposeth and saith:—

I know the parties in this cause; I am neither a relation, nor a connection, nor a servant, nor
 a domestic of any of them; I have no interest whatever in the result of this suit.

When Seraphin Villeneuve came to my house with Seraphin Lajoie, I do not know whether he
 had had some glasses of liquor, but he had his ordinary good sense.

The Petitioners have no questions to put.

This deposition being read to the witness, he persisteth therein, declaring that it contains the
 truth, and hath signed.

J. S. PERRAULT.

Taken and sworn
 before me, in open Court, at Malbaie, this }
 13th September, 1876.

A. B. ROUTHIER, J. S. C.

