

Sup. Ct.]

NOTES OF CANADIAN CASES.

[Chan. Div.]

**NOTES OF CANADIAN CASES.**PUBLISHED IN ADVANCE BY ORDER OF THE  
LAW SOCIETY.**SUPREME COURT OF CANADA.****SULTE V. THE CORPORATION OF THE CITY  
OF THREE RIVERS.**

*British North America Act*, 1867, secs. 91, 92—*Liquor License Act* of 1878—41 Vic. ch. 3 (P.Q.)—*Powers of Local Legislature to regulate sale of intoxicating liquors—Delegation of power to Municipal Corporations*—41 Vic. ch. 3, secs. 36, 37, 255—*Construction of—By-law—Validity of*—20 Vic. ch. 129, and 38 Vic. ch. 76, sec. 75.

By a by-law passed by the Corporation of the City of Three Rivers on the 3rd of April, 1877, under the authority conferred upon them by the charter of the city, 20 Vic. ch. 129, and by 38 Vic. ch. 76, sec. 75, a license fee of \$200 was imposed on persons who were desirous of obtaining a license to keep a saloon and sell intoxicating liquor.

By sec. 36, 41 Vic. ch. 3 (Q.), it is enacted that on each confirmation of a certificate for the purpose of obtaining a license for the cities of Quebec and Montreal, the sum of \$8 is payable to the corporation of each of those cities, and by other corporations, for the same object, within the limits of their jurisdiction, a sum not exceeding \$20 may be demanded.

Sec. 37 enacts, "The preceding provision does not deprive cities and incorporated towns of the rights which they have by their charters or by-laws."

Sec. 255 provides that "the dispositions of this Act shall in no way affect the rights and powers belonging to cities and incorporated towns by virtue of their charter and by-laws, and shall not have the effect of abrogating or repealing the same."

On the 31st of March, 1880, S. (appellant) filed with the Council of the Corporation of Three Rivers the certificate required by sec. 2 of 41 Vic. ch. 3 (Q.), and on their refusal to confirm the certificate except upon payment of the sum of \$200 imposed by the by-law of the 7th April, 1877, he petitioned for a writ of mandamus to declare the by-law null, and that

the officials of the Council be ordered to sign and deliver the certificate in question.

*Held*, affirming the judgment a quo that the provisions of the Liquor License Act, 1878, (P.Q.), are *intra vires* of the powers of the Legislature of the Province of Quebec. (See *Queen v. Hodge*, 9 App. Cas. 117.)

2nd. That the powers of sec. 37 excepts the by-law made on the 7th April, 1877, from the provision of sec. 36, and that the powers which the Corporation of Three Rivers has to impose license fees on the sale of intoxicating liquors in virtue of 21 Vict. ch. 109, and 38 Vict. ch. 76, have not been repealed by the Liquor License Act, 1878.

*Doutre*, Q.C., for appellants.

*Denoncourt*, Q.C., and *MacDougall* for respondents.

*Appeal dismissed with costs.*

**CHANCERY DIVISION.**

Proudfoot, J.]

[October 27.]

Re STANDARD FIRE INS. CO.

*Winding up proceedings—Contributories.*

Appeal from Master's report which placed certain parties on the list of stockholders as contributories to the extent of their unpaid stock.

**CHISHOLM'S CASE.**

C. having been communicated with by the president of the company, agreed to act as a director and gave his note for \$500 in order to obtain a qualification. The president subscribed for fifty shares stock for him which would be the amount that the \$500 note would pay ten per cent. on. C. then acted as a director for some time without (as he alleged) knowing that any stock had been subscribed for him. Subsequently he was notified of a five per cent. call on fifty shares, and he at once communicated with the president who told him not to mind and that the secretary would be instructed, and he was not troubled again about it. At this time his note had been carried by the company and he had paid nothing. The president then absconded and he was notified of a five per cent. call, and he gave a note for \$250 in payment of same, not (as he alleged) because he was liable but because he was told that would settle his total liability, and he did not wish to enter into a suit.