

## The Legal News.

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### REGULATION OF PUBLIC HOUSES.

In the case of *Blouin v. The Corporation of the City of Quebec*, (7 Q.L.R. 18,) the question came up, whether the local legislature has authority to control and restrict the hours during which houses in which spirituous liquors are sold, may remain open. The plaintiff sued for the recovery of sums of money which he had paid to the Corporation, as penalties for keeping his house open within prohibited hours. The judgment of the Superior Court was rendered by Chief Justice Meredith, who stated that he was clearly of opinion that "the provisions of the Quebec statute requiring houses where spirituous liquors are sold to be closed on Sunday, and for certain parts of the night, are nothing more nor less than police regulations, and as such completely within the power of the provincial legislatures." Reference was made by the learned Chief Justice to a judgment delivered by Mr. Justice Stuart at Quebec, in a case of *Collepy v. The Corporation of Quebec* (not reported,) in which that judge "expressly said that he regarded the provisions of the law, as to the closing of taverns on Sunday, and during the night, as mere police regulations; and therefore within the power of the provincial legislatures." The decision of the Supreme Court in *City of Fredericton v. The Queen* (3 S.C. Rep. 505) was considered. In this case it was held that under sub. sec. 2 of sec. 91, B.N.A. Act, 1867, "regulation of trade and commerce," the Parliament of Canada alone has the power of prohibiting the traffic in intoxicating liquors in the Dominion or in any part of it. But Chief Justice Meredith held that although the Parliament of Canada, under its power to regulate trade and commerce, alone has the power to prohibit the traffic in intoxicating liquors, yet that the provincial legislatures under the powers given to them, may for the preservation of good order in the municipalities specially under their control, make reasonable

police regulations, although such regulations to some extent affect the sale of spirituous liquors, provided they do not improperly interfere with trade and commerce. A decision somewhat similar in principle was given by the Court of Appeal in *Bennett v. The Pharmaceutical Association* (4 L.N. 125) in which Chief Justice Dorion cited the judgment of the Privy Council in *Cushing & Dupuy*, 3 L.N. 171.

### LEGISLATION AT QUEBEC.

Among the bills introduced during the present session at Quebec, is one by Mr. Irvine to amend the law of evidence in civil matters. This bill provides that in all non-appealable cases in the Circuit Court, and in all cases in the Superior Court in which the trial is had before a jury, or is fixed for proof and hearing at the same time, the parties to the issue may be examined as witnesses on their own behalf and shall be subject to cross examination and amenable to all the rules which govern the examination of other witnesses, notwithstanding articles 1232 of the Civil Code and 251 of the Code of Civil Procedure to the contrary.

Mr. Irvine has also proposed a measure to secure more effectually the attendance of witnesses. The bill provides:—1. The first paragraph or section of article 249, C.C.P., is repealed, and the following is substituted in its stead:—249. At the time a witness is served with a subpoena a sufficient sum must be tendered to him for travelling expenses, at the rate usually allowed by the court of his domicile, and he may, moreover, before being sworn at the place and time appointed, require immediate payment of the amount or balance due to him for his taxation as such witness, which amount of taxation shall, in that case, be then and there taxed by the judge or prothonotary. And any witness, duly summoned, who without sufficient cause, fails to attend at the place and time appointed, in obedience to the subpoena, may, on summary application made to the court, or to the judge, on an affidavit that to the best of deponent's knowledge and belief the said witness is material and necessary, and without further notice, be arrested on a warrant issued for that purpose, and brought before the said court or judge, and, if the cause of his failure to attend be considered insufficient, he shall be