

The Legal News.

Vol. II. AUGUST 23, 1879. No. 34.

LEGISLATION AT QUEBEC.

A bill introduced by Mr. Wurtele, Q.C., to amend 33 Vict., chap. 26, proposed that "the interdiction of any person interdicted as an habitual drunkard, shall have the same effects as those conferred by the laws in force in this Province, in the case of the interdiction of any person for prodigality." The bill was read a third time and passed, Aug. 13.

Another measure submitted by the same gentleman proposes to declare that articles 1489 and 2268 of the Civil Code "have always applied and apply to the contract of pledge." This seems very clear, and was, in fact, distinctly affirmed in the case of *Cassils & Crawford*, 21 L. C. Jurist, p. 1. At page 7, Ramsay, J., remarks: "It has been questioned whether the rule that is applicable to a purchaser is applicable to the pledgee. On this point I think that there is no distinction. The right to sell implies the right to pledge." It might seem unnecessary to declare by statute that the opinion of the highest provincial tribunal is really the law, but the preamble states that "doubts have been raised outside the Province of Quebec, as to the right of the creditor who has received a pledge in this Province, to be maintained in the possession thereof, against the owner when the same was obtained in good faith, from a trader dealing in similar articles; and that it is important to remove such doubts."

An important bill respecting Coroner's Inquests has been introduced by the Hon. Mr. Mercier. The first section enacts that "no coroner shall hold an inquest on the death of any person, except when it is established by sworn complaint information that there is reason to suspect that such death has been caused by the commission of a crime." The proposed change in the law is avowedly based on motives of economy, and undoubtedly a great many useless inquests are held. But the

bill seems to go rather far. The difficulty in many cases in which inquests ought to be held, will be in getting people to swear to their suspicion that the deceased has been the victim of foul play. In cases of poisoning, for instance, it may easily be imagined that the guilty will often have a good chance of escape, owing to the natural hesitation of people to swear to suspicions which may prove to be totally unfounded.

Doubts having been entertained (see *Parent v. Shearer*, 23 Lower Canada Jurist, page 42,) whether the writ of injunction can be obtained, save as provided by 41 Vict. chap. 14, the Hon. Mr. Mercier has introduced an amendment adding, after sub-section 6 of the first section of the above act, the following: "And generally, in all cases in which the writ of injunction may be granted in England, and under the same rules, conditions and restrictions." And the bill proposes to replace section 3 by the following: "3. A copy of the date of its presentation, with a notice of the date of its presentation, shall, in all cases, be served upon the party against whom the injunction is demanded, within the delays prescribed by law."

A lengthy bill, comprising thirty-three pages, has just been issued, respecting the bar of the Province of Quebec. It is stated that the bill will be allowed to remain over till next session.

THE QUEUE ORDINANCE.

We have received a pamphlet containing a copy of the judgment rendered by the Circuit Court of the United States in a *cause célèbre* of California, *Ho Ah Kow v. Nunan*. The Board of Supervisors of the City and County of San Francisco had made an ordinance, popularly known as the "Queue ordinance," directed against the Chinese, declaring that every male person imprisoned in the county jail, should have his hair "cut or clipped to an uniform length of one inch from the scalp thereof." It seems that Ho Ah Kow had been fined \$5, or, in default, five days' imprisonment in the county jail, for an offence against a statute of the State. Not paying his fine, the Chinaman was sent to prison, and while there his queue