

1. The powers given to the City of Montreal by an Act passed by the Legislature Council and the Legislative Assembly, of the province of Canada, in 1851 (14-15 Vict., ch. 128) to enact by laws for the good rule, peace, welfare, improvement, cleanliness, health, internal economy and local government of the city, and for the suppression of all nuisances, and confirmed since by 30-31 Vict. (1867), ch. 3; 37 Vict. (1874), ch. 51; 62 Vict. (1899), ch. 58; 63 Vict. (1900), ch. 49, have never repealed and are still in force.

2. These powers and that specially given by 63 Vict. (1900), ch. 49, art. 7 to secure by bylaws that milk sold by dealers holding licences to retail milk within the limits of the city should deliver pure milk, free from contamination, under a penalty, are not creating a criminal offence, but has in view the protection of public health.

3. Under this statutes the City of Montreal has the powers to passed bylaws for the protection of public health not repugnant to or in conflict with the federal legislation and to impose a fine or penalty for a violation thereof.

4. The bylaws of the City of Montreal enacting that: "no person shall sell, or offer for sale, or have in his possession for sale in the City of Montreal, adulterated or unwholesome milk, or milk the quality of which shall not come up to the following standard: 3 p. c., of butter fat; 12 p. c., of solid matter; and a specific gravity of 10.29 to 10.33 at a temperature of 60o Fahrenheit", under a penalty, are *intra vires* of the powers of the City of Montreal.

*Certiorari* against the Recorder's Court for the City of Montreal.

The petitioner is a licensed milk dealer found guilty, on November 5, 1915, of having in his possession, with intent to sell, in the City of Montreal, milk below the standard fixed by bylaws. [See the above last summary.] He