CIRCUIT COURT.

SHERBROOKE, July 11, 1882.

Before DOHERTY, J.

MORIN, Petitioner, v. THE CORPORATION OF THE TOWNSHIP OF GARTHBY, Respondent.

Municipal By-Law not promulgated.

The Petitioner complained that the Corporation illegally passed a by-law on the 8th of April last, repealing a by-law passed on the 29th of March previous, by which the number of licenses to sell liquor was limited to two, and that the by-law of the 8th of April granted two more licenses.

A preliminary hearing was ordered under Art. 355 of the Municipal Code.

Panneton, for Respondent, contended that the attack on the by-law was premature, inasmuch as it had never been promulgated, and never had been put in force, as appeared by the allegations of the Petition; that the entry of an intended by-law in the books of the Council without afterwards giving it effect by promulgation was a mere expression of will which could have no legal effect. M. C., Art. 704: "Tout règle-"ment ou partie de règlement ainsi cassé cesse "d'être en vigueur à compter de la date du juge-"ment." The judgment, if rendered in accordance with the conclusions of the Petition, could not have the only effect intended by such judgment, since it was never put in force. The by-law attacked never existed.

Bélanger, for Petitioner, argued that whether the by-law existed or not, the Corporation acted upon it in granting two licenses, and the by-law had sufficient existence from the time it was entered in the books of the Council, and quoted Art. 693, Sec. 3, M. C.

PER CURIAM. The granting of two more licenses is made part of an intended by-law which never was promulgated, and, consequently, cannot be attacked. Art. 708, M. C., limits the time to demand the annulment of a by-law to thirty days from the date it comes into force.

Petition dismissed without costs.

Bélanger & Vanasse for Petitioner.

Hall, White, Panneton & Cate for Respondents.

THE LAW'S DELAY.

When we hear of a complaint as to the law's delays, we find it is made only with reference to proceedings in our own courts, and it is, no doubt, by very many supposed that they manage these things much better abroad. This is certainly a great mistake, and though no doubt the costs are much heavier in this country than anywhere else, the duration of suits is much the same all the world over. A case tried before Mr. Justice Stephen on Wednesday and Thursday last, and reported by us this week, is a singular illustration of this fact. An action was brought by one Englishwoman against another in the Prætorial Court of Borgo a Mozzano, in Tuscany, in 1875, to recover damages for a breach of agreement to share the expenses of a house at the Baths of Lucca for the season. The sum eventually recovered was but £40, but the suit lasted nearly three years, and the defendant, in addition to that sum, was condemned to pay costs amounting to almost as much as the damages. The only wonder is that the litigation should not have cost three times as much as it did, and the fact that when the defendant, who was leaving Italy, was asked by her advocate to deposit a fund in the bank at Florence, on which he should have authority to draw for his costs in the litigation, he named a sum of only $20, seems to us almost ludicrous. The learned judge who tried the case remarked that it was very difficult to follow the course of the suit in the Italian courts, as it appeared that, after the evidence of any one witness had been taken, there had been an adjournment, followed by an appeal with respect to the legality of such adjournment, and that the record of the proceedings showed adjournment after adjournment and appeal after appeal during the course of two years. Another curious fact in the case was that the plaintiff, when the defendant had wished to leave the house and ignore the agreement between them to share it on certain terms, had got an authority from an Italian court to detain the boxes, etc., of the latter. The lady whose boxes were so ordered to be detained was the widow of a baronet, and it can scarcely be doubted that she could at once have given ample security for the very small sum of £40 which the plaintiff claimed from her. The Italian judge, whose decision on the point was, it should be mentioned, promptly reversed on appeal, seems never to have dreamt of this or of the harshness of the order he made, depriving, as it did, a lady well advanced in years and her invalid daughter of all their clothes other than those they then actually had in wear. It is curious to speculate on the value which the clothes so seized would have had if there had been no appeal and the plaintiff had retained possession of the boxes until the close of the litigation, nearly three years afterwards.—*Law Times.*