

Quebec.]

BRISEBOIS v. THE QUEEN.

Reserved Crown case—Ch. 174, secs. 246 and 259, R. S. C.—Construction of.

B., having been found guilty of having feloniously administered poison with intent to murder, moved to arrest the judgment on the ground that one of the jurors who tried the case had not been returned as such. The general panel of jurors contained the names of Joseph Lamoureux and Moïse Lamoureux. The special panel for the term of the court at which the prisoner was tried contained the name of Joseph Lamoureux. The sheriff served Joseph Lamoureux's summons on Moïse Lamoureux, and returned Joseph Lamoureux as the party summoned. Moïse Lamoureux appeared in court and answered to the name of Joseph Lamoureux, and was sworn as such juror without challenge when B. was tried. On a case reserved it was :

Held, per RITCHIE, C. J., and TASCHEREAU and GWYNNE, JJ., that the point should not have been reserved by the judge at the trial, it not being a question arising at the trial within the meaning of sec. 259, ch. 174, R. S. C.

Held, also affirming the judgment of the Court of Queen's Bench, that sec. 246, ch. 174, R. S. C., clearly covered the irregularity complained of. STRONG and FOURNIER, JJ., dissenting.

Appeal dismissed with costs

Leduc for appellant.

Mathieu & Gormully for the Crown.

Quebec.]

LONGUEUIL NAVIGATION CO. v. THE CORPORATION OF THE CITY OF MONTREAL.

39 V., c. 52 (P. Q.)—*Constitutionality of—By-law—Ultra vires—Taxation of ferry boats—Jurisdiction of harbor commissioners—Injunction.*

By 39 Vic., ch. 52, sec. 1, sub sec. 3, the city of Montreal is authorized to impose an annual tax on "ferry-men or steamboat ferries." Under the authority of the said statute the corporation of the city of Montreal passed a by-law imposing an annual tax of \$200 on the proprietor or proprietors of each and every steamboat ferry conveying to Montreal for

hire travellers from any place not more than nine miles distant from the same, and obtained from the Recorder's Court for the city of Montreal a warrant of distress to levy upon the appellant company the said tax of \$200 for each steamboat employed by them during the year as ferry boats between Longueuil and Montreal. In an action brought by the appellant company, claiming that the provincial statute was *ultra vires* of the provincial legislature, and that the by-law was *ultra vires* of the corporation, and asking for an injunction, it was :

Held, 1. Affirming the judgment of the Court of Queen's Bench, Montreal, M. L. R., 3 Q. B. 172, that the provincial legislation was intra vires.

2. Reversing the judgment of the Court below, that the by-law was *ultra vires*, as the words used in the statute only authorize a single tax on the owner of each ferry, irrespective of the number of boats or vessels by means of which the ferry should be worked.

3. Affirming the judgment of the Court below, that the jurisdiction of the Harbor Commissioners of Montreal within certain limits does not exclude the right of the city to tax and control ferries within such limits.

Appeal allowed with costs.

Archambault, Q.C., for appellants.

Ethier for respondents.

Quebec.]

JOLIETTE ELECTION CASE.

Election petition—Commencement of trial—Order of Judge staying proceedings during session of Parliament—Power to adjourn—Recriminatory charges—Sections 32, 31, ss. 4, 33, s. s. 2, 35, ch. 9, 49 Vic.—Bribery by agent.

Where the proceedings for the commencement of the trial of an election have been stayed during a session of Parliament by an order of a judge, such trial, if commenced within six months from the date of the presentation of the petition (the session of Parliament being excluded in the computation of time) is a valid trial and within section 33 ch. 9, 49 Vic.

After the trial has been commenced the trial judge may adjourn the case from time to time, as to him seems convenient.