

## The Legal News.

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### FEDERAL AND LOCAL JURISDICTION.

Two cases are noted in the present issue, bearing upon the respective powers of the Provinces and the Parliament of Canada. In the case of *Poulin & Corporation of Quebec*, the Court of Queen's Bench of the Province of Quebec affirmed a decision of Chief Justice Meredith, holding that a local Act, regulating the times at which saloons and taverns should be open for the sale of intoxicating liquors, is within the powers of a local legislature, being a mere matter of municipal police regulation, and that such legislation is not an interference with the Dominion power to regulate trade and commerce. The appeal taken from that judgment has now been dismissed by the Supreme Court. There can be little difficulty as to the soundness of this decision, and even those who have advocated the contrary opinion must, we think, be convinced by the reasons which have been given for refusing concurrence with their views. In the same sense is the decision given by Mr. Justice Torrance in *Pillow & City of Montreal*, also noted in our present issue. It was said that the local legislature, in authorizing the passing of a by-law against chimneys casting forth their smoke into the common air, had dealt with nuisance—a matter of criminal law—and, therefore, had exceeded its powers. The learned Judge before whom the point came in the Superior Court overruled this pretension. The decision seems to be fully justified by the judgment of the Supreme Court in *Poulin & Corporation of Quebec*, and it conforms to the principles which have governed several decisions of the same class.

### THE STAMP QUESTION.

In *Coughlin v. Clark*, noticed on page 169, in which an appeal was taken from the judgment of Wilson, C.J., on the ground that the promissory note sued on was not properly stamped before the repeal of the Stamp Act, and that double stamping after the repeal did not cure the defect, judgment was rendered by the Queen's Bench Division, at Toronto, June 30, dismissing the appeal.

### THE MARRIAGE BILL.

The cry of clerical influence, with which we have become so familiar in this Province, reaches us in a new form from England, in connection with the bill legalizing marriage with a deceased wife's sister. The second reading was carried this year in the Lords, after a struggle of many years, by a vote of 165 for and 158 contra. It was remarked that twenty bishops voted against the bill, and not one for it. But, at a later stage, the bill was defeated, and now it is said that the bishops not only recorded their own votes against the measure, but used private influence with lay peers who favoured the bill, to induce them to abstain from voting. So the cry is raised, turn the bishops out of the House of Lords. We imagine that if the bishops have sufficient "private influence" to defeat the bill, they were perfectly justified in using it. Their influence is the influence of men of culture and intelligence, and the Upper House would decidedly be the loser by their expulsion. A measure which they agree to oppose can afford to stand over, and so the Marriage Bill can well afford to await the event of another session or two.

### SUPREME COURT DECISIONS.

The judgment of the Court of Queen's Bench, Montreal, has been reversed by the Supreme Court in the following cases:—*Loranger & Reed*, 5 L. N. 363; *Lionais & La Banque Molson*, 5 L. N. 364. The judgment in *Grange & McLellan*, 6 L. N. 138, has also been reversed. In the case of *Loranger & Reed*, in which the question is as to the constitutionality of the Provincial Act imposing a stamp duty of ten cents on exhibits, Justices Taschereau and Strong dissented.

### NOTES OF CASES.

#### SUPERIOR COURT.

MONTREAL, July 5, 1883.

Before TORRANCE, J.

Ex parte *Pillow et al.*, Petitioners for Writ of *Certiorari*, and *THE CITY OF MONTREAL*, Respondent.

*Local and federal jurisdiction—Municipal institutions—Nuisance.*