

## The Legal News.

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### THE CASE OF THE BUTCHERS.

The present issue contains a note of the judgment in the case of Levesque, petitioner for a writ of certiorari from a judgment of the Recorder. As the conviction in question is one of a large number affecting an important and energetic class of citizens, the case has attracted considerable attention. The complaint against the petitioner was that he had sold fresh meat within the prohibited distance of five hundred yards from the public markets. It was undoubtedly a hardship for these men, that the limit should be suddenly changed, thus exposing many of them to serious penalties for continuing to do business in premises rented in good faith. The legal grounds, however, are all that were before the Court. The first pretension of the petitioner, viz., that the by-law was in excess of the authority conferred by the Statute, does not require much notice. It is hardly possible to read the clauses of the Act referred to in the judgment without being convinced that they give full power to do what was done here. Power to regulate the sale of fresh meat, etc., to restrict the sale to the public markets, and to license the sale elsewhere at special places designated, includes the right to license only at places more than 500 yards distant. The other objection appeared more serious. The City Council is required to submit the by-laws passed under the Statute to the Lieutenant-Governor, and they may be disapproved within three months. More than three years had elapsed in this case before the submission was made. Had the conviction taken place before the submission, it might have been contended that the defendant should have the advantage of the omission, for the by-law might have been disapproved, if the law had been obeyed. But the submission had been made before the conviction complained of, and the Court considered that the defendant could not complain of the long delay which had occurred. The learned Judge took occasion to refer to the

principles which he conceived should be applied in the construction of municipal by-laws. These are worthy of attention. Technicalities should not be pressed by Courts too strenuously in dealing with by-laws intended for the general good, and City Corporations would have public opinion with them more strongly in this direction if they, on their side, relied less on arbitrary measures. It is a curious commentary on the above, that executions are said to have been issued in a hundred similar cases the very day this judgment was rendered, and that the Mayor incurred the censure of the Chairman of the Finance Committee for asking a respite of forty-eight hours for the unfortunate defendants.

### HUSBAND AND WIFE.

In the case of *Hogue*, insolvent, noted in this issue, the Superior Court had occasion to notice the jurisprudence relating to agreements between husband and wife, and the validity of a renunciation by the wife, who had a valid hypothec for *reprises matrimoniales* on her husband's property, to priority of privilege in favor of another hypothecary creditor of the husband. The cases of *Deslauriers & Bourque* and *Boudria & McLean*, both decisions in appeal, were cited and followed by Mr. Justice Jetté.

### NEW PUBLICATIONS.

THE REFERENCE BOOK, being a detailed index of the statutes affecting the Province of Quebec, from the Consolidated Statutes of Canada and Lower Canada down to Confederation, and of all Acts passed since Confederation by the Parliament of the Dominion and by the Legislature of the Province of Quebec. By J. F. Dubreuil, Advocate, Deputy Clerk of the Crown and Peace. Montreal, Lovell Printing & Publishing Co.

We hail with pleasure the appearance of a work which cannot fail to be of much service to all who have occasion to refer to our statute law. The volume of legislation under our system of government, and in a young and progressive country, is very great, and much valuable time is constantly wasted in ascertaining what Parliament or the Local Legislature