

## The Legal News.

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### THE SALVATIONISTS IN MONTREAL.

It is generally unsafe as well as unfair to criticise the decision of a magistrate, when the criticism is based exclusively upon a newspaper version of the case—not that reports are not usually correct, but because it is even more dangerous to review a decision of fact by a judge who has seen and heard the witnesses, upon what is necessarily a hasty condensation of the evidence, than when the entire evidence is before us in writing. But if the reports of the trial of the Salvationists in Montreal be not grotesquely one-sided, we fail to see on what grounds the gentleman temporarily discharging the duties of Recorder decided that there had been a breach of the law. Two young men styled "Salvationists" (not to be confounded with the "Salvation Army"), were singing a hymn on a Sunday evening in a large public square. The intention, we presume, was to attract an audience for the observations which were to follow. An over-zealous policeman chose to interfere, and the young men were carried off to a police station, and had to answer next day to a charge of unlawfully causing a disturbance. The following was the by-law under which the charge was brought:

"All persons loitering in the streets, or highways, and obstructing passengers by standing across the pathways, or by using insulting language, or in any other way; or tearing down or defacing signs, breaking windows, breaking doors or door-plates, or the walls of houses, roads or gardens, destroying fences; causing a disturbance in the streets or highways, by screaming, swearing, or singing; or being drunk; or impeding or incommoding peaceable passengers, shall be guilty, etc."

It was evidently necessary to prove the "disturbance by singing," which is the only clause applicable; but this was distinctly negated by the evidence of Lord Cecil and others present. There was no disturbance in the ordinary sense, and it appears that these young men have pursued their evangelical labours unmolested for several years past.

The Acting-Recorder said that the defendants were guilty, but contented himself with dismissing them with a caution. The termination is unsatisfactory, because it deprives the accused of an opportunity of appealing. It leaves an unquiet feeling that we do not enjoy the liberty which we assumed that we possessed. We have no particular sympathy with the people who resort to these methods of instruction: they would act prudently, it seems to us, if they preached and prayed and sang indoors; but until the law is changed it seems too absurd to say that while minstrel bands and ten cent shows are permitted to make their hideous din unchecked in the streets, a religious hymn cannot be sung in a quiet square of the city without bringing upon the actors the penalties enacted against common brawlers. The case might of course have assumed a different aspect if any of the persons resident in the vicinity had invoked the aid of the police, or if the singing and speaking had aroused opposition amongst the hearers. But of this the evidence does not give even a hint.

### THE ANNALS OF A QUIET NEIGHBOURHOOD.

The case of *Lebeau v. Turcot* arises out of an incident which occurred in a rural parish. The circumstances are somewhat peculiar, and like the case of *Cooke v. Penfold* (7 L. N. 176) it has appeared in the newspapers, with variations. It has travelled as far as Columbus and Cincinnati, Ohio, for we find it in the *Weekly Law Bulletin* of those places, but the editor winds up by declaring that "this case must have originated in the imagination of a newspaper reporter." When the facts are understood, however, it does not seem so incredible. St. Laurent is a quiet parish—a very quiet parish indeed, though it lies within cannon shot of Mount Royal. Here, as in other parishes of the same order, before the American Colonies revolted and achieved their independence, the early settlers tilled their farms, and their children and grandchildren are born into the world and marry and die on the same lands. They form a yeomanry of a peculiar type. Joaquin Miller has lately spent some time amongst them, and done