

## The Legal News.

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### POWERS OF LOCAL LEGISLATURES.

A majority of the Court of Queen's Bench of Quebec, comprising one Judge *ad hoc*, in the case of *Dobie & Board for Management of Temporalities Fund*, generally known as the Presbyterian Church case, have decided adversely to the power of the Legislature of Quebec to change the constitution of a Board for the administration of a Fund belonging to a body incorporated by an Act of the Legislature of Canada prior to Confederation. As one of the three Judges, however, supported the judgment of the Court below on another ground, it was not disturbed. This decision was rendered on Saturday (June 19) in Montreal. On the following Monday several cases before the Supreme Court of Canada, which were referred to by Chief Justice Dorion, as involving a point very much like that raised in the *Dobie* case, were decided by the Supreme Court at Ottawa. We have not yet seen the reasons of the Judges, but according to the statement telegraphed, the majority of the Supreme Court have taken the same view that was expressed by two Judges—Sir A. A. Dorion and Judge Monk—in the *Dobie* case. The question raised in one of these cases, *Parsons v. The Citizens Insurance Co.*, was this: The Ontario Legislature has passed an Act prescribing a certain set of conditions for all policies, and unless Insurance Companies put other conditions upon their policies as variations, the only conditions applicable to the contract are those of the Statute. In this instance the Company simply issued the same policy that they would have issued had the Ontario Act never been passed. The Insurance Company was incorporated by an Act of the old Province of Canada, which gave them power to insure risks upon such terms as they agree upon with the parties insured, and they relied on this Act as authorizing them to issue policies with their own conditions as formerly. It was contended

on the part of the Company that the B. N. A. Act never contemplated that Insurance Companies must in every respect conform to the will of the several local legislatures; that under sub-sec. 2 of sec. 91 of that Act, insurance companies are placed under the exclusive control and jurisdiction of the Dominion. The opposite side claimed that the Ontario Legislature had jurisdiction under sub-sec. 13 of sec. 92 of the B. N. A. Act, which gives control over property and civil rights to the Provincial legislatures. The question is evidently very much like the constitutional question discussed in the *Dobie* case, of which a note will appear in a future issue. In each case the unsuccessful party is endeavoring to obtain an appeal to the Privy Council in England.

### BAIL.

In the case of *Ex parte Jones*, which will be found in this issue, the Court of Queen's Bench has given an intimation of some importance on the question of admitting to bail. It is remarked that the geographical situation of this country, and the absence of any system of passports, &c., renders it necessary to be extremely careful in admitting to bail strangers charged with robbery or theft. The facilities for evading pursuit are so convenient that the giving of bail may often, as one learned Judge observed, involve merely the loss to the accused of a portion of his plunder. Increased stringency in the matter of bail is undoubtedly in accordance with public sentiment.

### CONSOLIDATION OF STATUTES.

A measure to be submitted to the Quebec legislature, for the consolidation of the general statutes of the Province of Quebec, contains the following provisions:

1. The lieutenant-governor in council may appoint a commission to consolidate the general statutes of this province, which shall be under the direct control of the law officers of the Crown, and which shall be composed of a commissioner and two secretaries, one speaking the French, and the other the English language.
2. Any judge of the Superior Court of this