

SUPERIOR COURT.

MONTREAL, Jan. 10, 1885.

Before DOHERTY, J.

LA BANQUE JACQUES CARTIER V. THIBAudeau
et al.*Revision of rulings at enquête.*

PER CURIAM. An objection raised at *enquête* was overruled. The defendant asks to have that ruling revised. The reasons given in support of the application are not sufficient in law. But there is a more important point than that. I have consulted some of my brother judges, and I will take this occasion to state the rule to which I shall adhere with regard to appeals to this Court from the *Enquête* Court. To my mind it is exactly like taking an interlocutory judgment from a judge sitting on one side of a wall to a judge sitting on the other side, and asking him to reverse it. It would be like appealing from Philip in one condition to Philip in another condition, but as these conditions do not arise the illustration is irrelevant. The rule, however, which I propose to follow is this: Where an objection has been made at *enquête* if the judge has permitted the answer to be taken down I shall not interfere with the ruling. It is then a matter which can be remedied at the final hearing. But where the question is excluded by the judge at *enquête*, it is then a proper case for appeal to the judge in the Practice Court. The other judges to whom I have spoken, have decided to follow this course. The answer in the present instance was taken down, therefore I will not, sitting here, interfere with the ruling at *enquête*.

Motion rejected without costs.

Lacoste, Globensky, Bisailon & Brosseau for plaintiff.

Mercier, Beausoleil & Martineau for defendants.

SUPERIOR COURT.

MONTREAL, Jan. 12, 1885.

Before JETTE, J.

De MAISONNEUVE V. LARUE, et LABRANCHE et
al., T. S.*Saisie-arrêt* before judgment—Effects removed
after the seizure.Held, that the issue of a writ of *saisie-arrêt*before judgment cannot be justified by facts
subsequent to the seizure.*Saisie-arrêt* quashed.

E. Lareau for the plaintiff.

J. J. Beauchamp for the defendant.

SUPREME COURT OF CANADA.

OTTAWA, Jan. 12, 1885.

SULTE V. THE CORPORATION OF THE CITY OF
THREE RIVERS.

B. N. A. Act, 1867, sections 91, 92 — *Liquor License Act* of 1878—41 Vict. ch. 3 (Quebec) — *Powers of Local Legislature to regulate sale of intoxicating liquors—Delegation of power to Municipal Corporations*—41 Vict. ch. 3, sections 36, 37, 255—20 Vict. ch. 129, and 38 Vict. ch. 76, s. 75.

By a by-law passed by the Corporation of Three Rivers on the 3rd of April, 1877, under the authority conferred upon them by the charter of the city, 20 Vict. ch. 129, and by 38 Vict. c. 76, s. 75, a license fee of \$200 was imposed on persons desirous of obtaining a license to keep a saloon and sell intoxicating liquor.

By section 36 of 41 Vict. (Que.) ch. 3, it is enacted that on each confirmation of a certificate for the purpose of obtaining a license for the cities of Quebec and Montreal, the sum of \$8 is payable to the Corporation of each of these cities, and by other corporations, for the same object, within the limits of their jurisdiction, a sum not exceeding \$20 may be demanded.

Section 37 enacts, "The preceding provision does not deprive cities and incorporated towns of the rights which they have by their charters or by-laws."

Section 255 provides that "the dispositions of this Act shall in no way affect the rights and powers belonging to cities and incorporated towns by virtue of their charter and by-laws and shall not have the effect of abrogating or repealing the same."

On the 31st March, 1880, S. (appellant) filed with the Council of the Corporation of Three Rivers the certificate required by sec. 2 of 41 Vict. ch. 3, (Quebec), and on their refusal to confirm the certificate, except upon payment of the sum of \$200 imposed by the by-law of 7th April, 1877, he petitioned for a writ of