

that the works and operations complained of are in contravention of any of the by-laws of the said municipality or constitute any danger to the inhabitants and rate payers of the municipality ;

Considering that it is established that the works and operations above mentioned have been executed by and on behalf of the local Board of Health of the city of Montreal with the permission, authority and sanction of the Central Board of Health of the province of Quebec, duly appointed by the Lieutenant-Governor-in-council and after proclamation duly issued and published under chapter 38 of the Consolidated Statutes of Canada, putting in force within the said province the provisions of the said act ; that said works and operations have, moreover, received the express sanction of the executive of this province, which, furthermore, has permitted the Central Board and the local Board of Health the use and occupation of the lands and buildings known under the name of the Exhibition buildings, which lands and buildings are the property of the Government of the province of Quebec, though under the temporary control of the Council of Agriculture of the province of Quebec ;

Considering that the defendant (the city), by the effect of the said proclamation and of the nomination of central and local boards of health, has ceased to have the powers, authority and duties which devolved upon it before the issue of the said proclamation ; that from the date of said proclamation and the nomination of said boards, the latter have been invested with all the powers entrusted to them by the said act, ch. 38 of the C. S. C. ; that in virtue of these powers they took possession of said lands and buildings, and have performed the works in the public interest and with the sanction of the executive ;

Considering that the defendant does not appear to have intervened, and had no right to intervene, in the proceedings or acts of said central and local boards of health, and that the petition, so far as directed against the city of Montreal, should in any case be dismissed ;

Considering that said chapter 38 C. S. C., is still in full force and effect, and could not

be repealed or abrogated by any legislative disposition of the Dominion Parliament, seeing that by the B. N. A. Act, 1867, all questions of health, control of hospitals other than marine, and generally all matters of a purely local or private nature within the province are within the exclusive jurisdiction of the Provincial Legislature, which alone had the right to amend or repeal the said statute, and has not done so ; Petition dismissed with costs.

It is curious with what tenacity some antiquated and unreasonable customs are adhered to in England. One of the jury in a recent case of *Regina v. Malcolm*, writes a letter which furnishes an illustration. He says : " We had breakfast on Friday at eight A.M., sat patiently listening to counsel and judge till a few minutes before 3 P.M., when we retired ; and, instead of sitting down to satisfy our cravings, we were locked into a room with bare boards, and coolly told that neither food nor drink would be supplied until we gave in our verdict ; and by way of further exasperation, we were informed that, in an adjoining apartment, luncheon was prepared and ready for us as soon as we agreed. After that, we had four more hours' wrangling amongst hungry and thirsty men—eleven hours in all of a process of exhaustion." It seems that although under an Act passed in 1870, the judge is authorized to allow the jury the use of a fire and reasonable refreshment *at their own expense*, the bailiff who takes charge of them when they retire to consider their verdict, is still sworn, in a case of felony, to keep them "without meat, drink or fire, candle-light excepted." How would this sound if applied to a bench of judges and yet judges and jurymen under our system have often precisely similar functions to discharge.

LONDON LETTER.

The approaching end of the long vacation is shown by the gradual return of those who have been ruralizing or pleasure-seeking these last six weeks. In the common-rooms, in the squares about the Inn, you come upon friends with darkened complexion, and lacking the glossy hat and long coat so proper to