Q. C., who temporarily represented the respondent, said that under ordinary circumstances he would have no objection, but that his instructions in the present case made it impossible for him to consent to the application. The Court (Lacoste, C. J., Bossé, Blanchet, Wurtele and Ouimet, JJ.) said that it could not interfere. One counsel for appellant was present, and the case must proceed.

The early closing by-law was never regarded with much respect, for the discriminations and exemptions contained in it were so extraordinary that they indicated narrow and selfish rather than philanthropic motives in those who sought to force the measure through the council. In its way, it was a masterpiece of mischievous meddling with business men, and therefore the fact that it has failed to stand the test of an appeal to the courts may be accepted without regret. Mr. Justice Loranger, in the test case of *Rasconi* v. *The City of Montreal*, in the Superior Court, Nov. 12, held that the by-law was null and void on more than one ground. The question of the constitutionality of the Quebec statute, 57 Vict., c. 60, under the authority of which the by-law was passed, was not pressed by counsel. That Act gives general powers to cities and towns throughout the province to regulate, within certain limits, the hours of opening and closing shops, but says nothing about the imposition of any punishment for infraction of the regulations which might be made under the authority of the Act. The by law in question imposed fine, or imprisonment in default of payment. It was contended that the city had this power under section 141 of 52 Vict., ch. 79. This section merely authorizes the council to impose fine or imprisonment for infraction of the by-laws made under the previous section (140). The early closing by-law was not enacted under the authority of section 140, but under the general Act above mentioned, which applies to all cities and towns, and is silent as to punishment. The court there-