

The Legal News.

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The Judicial Committee of the Privy Council heard the appeal of Louis Riel on the 21st inst., and on the following morning an opinion was read by the Lord Chancellor, holding that the Court of first instance had jurisdiction, and affirming the conviction. The points determined in this case at Winnipeg are summarized as follows by the editor of the *Manitoba Law Journal*, who was of counsel for the prisoner:—

1. A stipendiary magistrate and a justice of the peace, with the intervention of a jury of six, may try any charge of murder or treason in the North-West Territories.
2. The information may be laid before a stipendiary magistrate alone. An associate justice of the peace is necessary for the trial only.
3. Except for the purpose of arrest, it is not necessary that there should be an information at all; nor need the trial be based upon an indictment by a grand jury, or a coroner's inquisition. All that is necessary is a charge, and this need not be under oath.
4. The evidence may be taken in short-hand.
5. Writs of *certiorari* and *habeas corpus* cannot be issued by the Court of Queen's Bench in Manitoba to bring up the papers and prisoner upon an appeal to that Court.
6. The Court of Queen's Bench will hear an appeal in the absence of the prisoner.

The September-October numbers of the *Montreal Law Reports*, Superior Court series, contain pages 369 to 448. Thirty-three cases are reported. Among these may be mentioned the case of *Elliot v. Lord*, extending the privilege of the plaintiff for costs of suit, so as to include all costs in appeal up to the final judgment of the Privy Council. In *Riendeau v. Blondin*, an action by a person who had won a bet against the stakeholder was maintained. In *Levesque v. Daigneault*, the action of a tenant was maintained, to resiliate the lease and recover damages

caused by the use of wall paper which communicated an offensive smell to the goods of the tenant. In *Jones v. Laurent*, arbitrators appointed to value a property were compelled by writ of *mandamus* to admit evidence of the annual revenue as a basis of valuation. In *Brazier v. Léonard*, it was decided that the person expending money for the feed and care of a horse has a lien on the animal for his disbursements. In *Sardon v. Lefebvre*, it was held that a lawyer's letter is not a *mise en demeure* within the meaning of 1152 C. C.

Mr. Justice Taschereau, in the case of *La Municipalité du Village du Mile End v. La Cité de Montréal*, decided, on the 14th inst., that the power to legislate with reference to health matters and hospitals (with the exception of marine hospitals and quarantine) is vested in the local legislature. There is no doubt that this judgment is in accordance with the current of decisions on the subject. The late Mr. Loranger inserted the provisions of ch. 38 of the Consolidated Statutes of Canada in his draft of consolidation of the Statutes in force in Quebec, and his successor Mr. Würtele, in a letter which has been shown to us, says he will "not recommend that they be struck from the roll." The following are in substance the reasons given in Mr. Justice Taschereau's judgment: The petition, it may be observed, was for a writ of injunction to prevent certain buildings belonging to the Provincial Government, situated within the limits of the municipality, and known as the Exhibition buildings, from being used as a smallpox hospital:—

Considering that the plaintiffs, petitioners, have not shown any right of property or any interest in the ownership of the land and buildings mentioned in their petition, permitting them to apply to this court to obtain the writ of injunction asked for;

Considering that the plaintiffs, petitioners, have not shown that they had, as a municipal corporation having under their control the land and buildings in question, any sufficient interest to support the allegations and conclusions of their petition;

Considering that the petitioners have not established to the satisfaction of this court