The Legal News.

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In the case of *Read* v. *Anderson* (7 Leg. News, p. 296), it was decided that a commission agent, who has lost a bet made according to agreement with his principal in the agent's own name, can recover it from the principal, although the latter directed him not to pay it. That is to say, the agent has an action against his principal for a debt arising from a betting transaction, and it seemed to follow that the principal should have a similar action against the agent, *i.e.*, where the agent has won a bet for a client, and has received the money, he should be bound to pay it over to the principal. But against this there was the authority of *Beyer* v. *Adams*, 26 L. J. 841, Ch. Recently, however, the English Court of Appeal in *Bridger* v. *Savage*, 54 L. J. Rep. Q.B. 464, decided in July last, has overruled *Beyer* v. *Adams*, and holds that a better may recover from a commission agent money won by him for the better. This ruling appears to be opposed to the jurisprudence in the United States, and to several decisions of our Superior Court. But the case of *Macdougall & Demers*, which was heard before the Court of Appeal in September, will probably throw additional light upon the question.

The Montreal Law Reports, Queen's Bench Series, for September - October, comprise pages 369—432. Among the cases reported is that of *Pillow & City of Montreal*, in which an important constitutional question was decided. The case of *Fisher & Evans* furnishes a precedent in the law relating to servitudes. The decision in *Starnes & Molson* is of great importance in expropriation proceedings. The case of *McMillan & Hedge* presented an interesting question of law concerning the aggravation of a servitude in the nature of a right of way. *Macmaster & Moffatt* was a case decided in the Court below upon the question whether an agreement was complied with in due time. In appeal, the judgment was reversed upon a different ground.

NEW PUBLICATIONS.

Principles of Canadian Railway Law, with the Canadian Jurisprudence and the leading English and American Cases. By Chas. M. Holt, L.L.L., Advocate. Montreal: A. Periard.

This is a work which will be found useful by those who have occasion to examine questions connected with railways and railway companies. It begins with a statement of principles based upon decisions of the Canadian Courts and the works of the leading writers upon this branch of the law. The text of the Dominion Railway Act, with the amendments up to the present date, is appended. The whole is accompanied by forms of proceedings in expropriation in Quebec and Ontario. A copious index is also furnished. The work is well printed and bound, and will form a desirable addition to the library of counsel throughout the Dominion.

*COURT OF QUEEN'S BENCH.— MONTREAL.**

Contract—Time for fulfilment.

M., against whom a *capias* had issued, deposited a cheque in the hands of appellants, the agreement being that if he appeared with his bail at their office at eleven o'clock on the following morning the cheque was to be returned; if he did not appear, the cheque was to be applied to the payment of debt and costs. There was a conflict of evidence as to whether M. appeared at eleven or a few minutes after, and (as the majority of the Court viewed the evidence) one of the bondsmen agreed upon was not present.

"Held (by the whole Court):— That a difference of a few minutes in a contract of this nature was too slight to be material, and would not have justified the application of the cheque to the payment of the debt and costs, if M. had appeared with his bail as agreed; but *held* by the majority of the Court, the absence of one of the bondsmen was a non-compliance with the agreement which justified the application of the cheque to the payment of the debt and costs. *Macmaster et al. & Moffatt*, Dorion, C. J., Monk, Ramsay, Cross, Baby, JJ. (Dorion, C. J., and Cross, J., *diss.*), May 26, 1885.

* To appear in full in Montreal Law Reports, 1 Q. B.

Audition par privilége—Procédés sommaires—Evocation.

JUGÉ:—Qu'un appel d'un jugement de la Cour Supérieure décidant préalablement de la validité d'une évocation de la Cour de Circuit à la Cour Supérieure, peut être entendu par privilége, la règle étant que toute cause qui doit être jugée sommairement en Cour Supérieure, peut l'être également en appel.—*Coursol et al. & Les Syndics de la Paroisse de Ste. Cunégonde*, Dorion, J.C., Monk, Ramsay, Cross, JJ., 15 septembre 1885.

COUR SUPERIEURE.

FRASERVILLE, Dist. de Kamouraska, 18 octobre 1885.

Coram H. T. TASCHEREAU, J.

BEAULIEU, requérant v. LEBEL et al., intimés.

La Loi des Licences de Québec de 1878—*Tribunal compétent.*

JUGÉ:—*Qu'une poursuite pour contravention à "La loi des Licences de Québec de* 1878*" ne peut être entendue et jugée par trois juges de paix; et sur un bref de Prohibition, la sentence ou conviction rendue par trois juges de paix sera annulée et mise à néant.*

Le percepteur du revenu, pour le district de Kamouraska, fit émaner le 31 août dernier, un bref de sommation, enjoignant au requérant de comparaître, le 4 septembre dernier, devant Joseph Sirois et Jean Daniel Schmouth, deux juges de paix de Sa Majesté, pour le district de Kamouraska, résidants en la paroisse de Ste-Anne Lapocatière, pour répondre à la plainte du percepteur du revenu, LeBel, qui accusait le requérant d'avoir enfreint les dispositions de "La loi des Licences de Québec de 1878" et demandait qu'il fût condamné à payer une amende de $100 pour récidive.

Le 4 septembre dernier, le requérant comparut par son procureur, mais au lieu de deux magistrats ainsi que prescrit par la sec. 196 du dit acte, le tribunal était alors composé de trois juges de paix. Les deux juges de paix ci-dessus nommés s'étaient adjoints un troisième, savoir: Joseph Dionne.

Le percepteur du revenu procéda à faire sa preuve devant ces trois juges de paix et le requérant fut condamné, par le dit tribunal, composé comme ci-dessus mentionné, à payer une amende de $100 et les frais, ou à être emprisonné, à défaut de paiement immédiat, pour l'espace de six mois.

Le procureur du requérant fit immédiatement application à l'honorable juge Taschereau, à Fraserville, pour obtenir un writ de prohibition, afin de faire annuler cette conviction, vu qu'elle avait été rendue par un tribunal qui n'était pas légalement constitué et qui n'avait pas de juridiction pour entendre et juger cette plainte.

Le dit bref lui fut accordé et après avoir entendu les plaidoiries des avocats de chaque partie la cour rendit le jugement dont voici un extrait:

"Considérant l'illégalité de la sentence ou conviction prononcée le quatre septembre 1885 à Ste-Anne Lapocatière, par les dits intimés Joseph Dionne, Joseph Sirois et Jean Daniel Schmouth, juges de paix pour le district de Kamouraska, condamnant le requérant à raison de ce qu'il aurait vendu des liqueurs enivrantes sans licence, contrairement aux dispositions du statut dans tel cas fait et pourvu, à payer à l'intimé LeBel, percepteur du revenu pour le district de Kamouraska, la somme de $100 comme amende pour récidive en vertu de la section 223 de la loi des licences de Québec de 1878, plus $16.25 pour frais, ordonnant le prélèvement des dites sommes par voie de saisie et vente des biens et effets du requérant, et dans le cas de défaut ou insuffisance des dits biens et effets, ordonnant l'emprisonnement du requérant pour une période de six mois dans la prison commune du district de Kamouraska;

"Considérant que la plainte portée contre le requérant par le dit intimé LeBel ne pouvait être entendue et jugée que par les tribunaux indiqués par la loi des licences de Québec et ses amendements, et que par les dispositions législatives susdites, trois juges de paix ne forment pas un tribunal compétent et ayant juridiction pour entendre et juger semblable plainte;

"Considérant que les dits intimés Dionne, Sirois et Schmouth n'avaient en conséquence aucune juridiction pour rendre et prononcer la dite sentence de conviction; qu'ils excèdent encore leur juridiction en menaçant par

leur dite sentence le dit requérant de la saisie et vente de ses biens, et même de l'emprisonnement de sa personne;

"Considérant que le défaut de juridiction est suffisamment allégué et démontré dans la dite requête libellée, et que conséquemment la défense en droit du dit intimé LeBel n'est aucunement fondée;

"Rejette la défense en droit et les autres plaidoyers de l'intimé LeBel, maintient la requête libellée du requérant, déclare illégale et nulle, et met à néant la dite sentence ou conviction, enjoint et ordonne aux dits intimés LeBel, Dionne, Sirois et Schmouth de cesser tous procédés déjà commencés en vertu de la dite sentence ou conviction, et leur défend tous procédés ultérieurs en vertu d'icelle, le tout avec dépens personnellement contre le dit intimé LeBel qui seul a contesté la demande, distraits, etc."

Charles Pacaud, procureur du requérant.

Taché & Taché, procureurs des intimés.

Autorités citées par le procureur du requérant: "La loi des licences de Québec de 1878," secs. 196, 220, 221; *Paige* v. *Griffith*, 18 L. C. J. 119; Statuts de Québec, 34 Vict., c. 2, sec. 153, 37 Vict., c. 3, sec. 14.

SUPERIOR COURT.

MONTREAL, October 3, 1885.

Before DOHERTY, J.

THOMPSON v. THE MOLSONS BANK.

Action—Creditor claiming account of moneys collected for insolvent debtor—Demurrer.

The plaintiff in this cause sued, setting up that he was a creditor of the insolvent firm of Haldane, Haswell & Co., and alleging that the defendants had in their possession large sums arising from the sale of collateral security deposited with them for paper discounted for that firm before its insolvency, and which was not met at maturity; that the firm of Haldane, Haswell & Co. had become insolvent and had assigned in trust all its rights and assets to one Stevenson, in which assignment the plaintiff and defendants had acquiesced, and plaintiff prayed that an account might be rendered to him or the assignee, and the balance due Haldane, Haswell & Co.'s estate paid in for the benefit of the creditors as the *gage commun*.

The defendants demurred to this declaration on the grounds that no privity of contract between plaintiff and defendants was alleged; that the only party entitled to sue was the firm of Haldane, Haswell & Co. or their legal representative, it not being alleged that plaintiff was such; that the alleged insolvency and assignment did not prevent the firm of Haldane, Haswell & Co. or the assignee bringing suit; nor did the assignment give plaintiff any greater rights than he would have had otherwise; that there was no fraud alleged, and that therefore no grounds or rights of action on plaintiff's behalf were disclosed.

At the argument it was submitted on behalf of the defendants that the plaintiff must either sue in his own right or as representing his debtors, Haldane, Haswell & Co. As to his own rights he had none as against defendants, between whom and himself there was no privity or *lien de droit*. The rights of Haldane, Haswell & Co., he did not pretend to be subrogated in, and moreover he expressly alleged that they were all vested in the assignee. C.C. 1031 differs from the Code Napoléon Article 1166, the last paragraph of which does not include the words, "Lorsque à leur préjudice il refuse ou neglige de le faire."

The essentiality of allegations of the debtor's neglecting or refusing to exercise his rights to creditor's prejudice was a question even in France under the Code Napoléon as it stands: and no doubt can exist in Quebec inasmuch as our Code expressly lays it down.

If it were possible for plaintiff to obtain the money or an account without pretending that he was exercising Haldane, Haswell & Co.'s rights it could only be done by *saisie-arrêt*. Authorities in support of these positions are found under Art. 1031 C.C.

The plaintiff's counsel in reply urged that he was exercising his own rights, privity being entirely unnecessary. Article 1981 of the Civil Code provides that the goods of a debtor are the common pledge of his creditors, and plaintiff was exercising his rights in this respect. That defendants had got

into their possession property of the firm of Haldane, Haswell & Co., in which plaintiff was entitled to share as creditor, and that in their refusal to recognise his rights he was entitled to bring an action against them to compel them to do so.—C.C. 1981, 7 L.N. 274, *Boisseau & Thibaudeau.*

The Court after briefly stating the allegations of the declaration did not think the declaration demurrable.

Demurrer dismissed.

Robertson, Ritchie, Fleet & Falconer, Attorneys for plaintiff.

Abbott, Tait & Abbotts, Attorneys for defendants.

(c.s.c.)

COUR D'APPEL DE PARIS (FRANCE).

22 avril 1885.

M. Rousselle, *Président.*

Lefèvre et Palade.

Saisie-arrêt—Dépôt en cour—Droit du saisissant.

Jugé:—1o. *Que la Cour ne peut, sans le consentement du créancier saisissant, autoriser le débiteur à toucher des mains des tiers-saisis les sommes d'argent saisies-arrêtées, lors même que le défendeur offrirait de déposer en Cour le montant suffisant pour désintéresser le créancier saisissant, ce dépôt ne pouvant offrir à celui-ci les mêmes sûretés, ni produire les mêmes effets que la saisie-arrêt.*

2o. *Que le privilège est un droit qui résulte de la qualité de la créance, et qu'un tribunal ne peut étendre les privilèges créés par la loi.*

Le jugement suivant de la Cour d'Appel renferme tous les faits de la cause:

La Cour....

Donne acte à Lefèvre, cessionnaire de Dubreuil de sa reprise d'instance;

Au fond:

Considérant qu'en vertu d'un jugement rendu par défaut à son profit contre Palade par le tribunal de commerce de la Seine le 12 janvier 1884, Dubreuil a formé des saisies-arrêts sur ledit Palade entre les mains des locataires d'immeubles appartenant à celui-ci; que lesdites saisies-arrêts ont été régulièrement dénoncées et contre dénoncées; que Palade ayant constitué avoué sur la demande en validité a suivi l'audience, et conclu à ce qu'il plût au tribunal l'autoriser moyennant le dépôt à la Caisse des Dépôts et Consignations de telle somme complémentaire que le tribunal fixerait avec affectation spéciale aux éventualités de la créance de Dubreuil, à toucher des mains de ses locataires les loyers de ses maisons, et ce, nonobstant les oppositions de Dubreuil et toutes autres qu'il pourrait former ultérieurement;

Considérant que Dubreuil, loin d'adhérer à cette demande, a conclu à ce qu'il plût au tribunal déclarer Palade purement et simplement non recevable, en tous cas mal fondé en sa demande incidente, et l'en débouter;

Considérant que c'est dans cet état de la procédure qu'est intervenu le jugement dont est appel;

Considérant que c'est à tort que les premiers juges ont, malgré la résistance de Dubreuil, autorisé Palade moyennant le dépôt d'une somme de 20,000 francs avec affectation spéciale aux éventualités de la créance de Dubreuil, à toucher des mains des tiers saisis les sommes arrêtées;

Considérant en effet qu'ils n'ont pas pu, sans le consentement de Dubreuil, affecter spécialement à sa créance les sommes qui seraient déposées, et créer à son profit un privilége sur lesdites sommes;

Considérant qu'aux termes de l'article 2095 du Code civil, le privilège est un droit qui résulte de la qualité de la créance; que les privilèges sont énoncés limitativement dans les articles 2100 et suivants du Code, et que les juges n'ont pas le droit d'en créer;

Considérant que si Dubreuil avait consenti à accepter l'affectation spéciale à lui proposée, il serait intervenu entre les parties un contrat judiciaire, que la somme déposée se serait trouvée affectée spécialement à la créance de Dubreuil, soit comme formant l'objet d'un transport conditionnel, Dubreuil étant saisi en conformité de l'article 1690, par la signification du transport, faite à la Caisse des Consignations dépositaire, et par suite débitrice de la somme cédée conditionnellement, soit à un autre point de vue, comme constituant un gage déposé conformément à l'art. 2076 en la possession de la Caisse des Consignations, tiers convenu entre les parties;

Considérant que le consentement des deux parties est nécessaire pour la constitution soit du contrat de cession de créance, soit du contrat de gage ; que le consentement de Dubreuil faisant défaut, il n'y a ni transport conditionnel, ni constitution du gage, ni par suite affectation spéciale à la créance de Dubreuil des sommes consignées ; que le tribunal n'a pu, de sa propre autorité, constituer et établir au profit de Dubreuil un privilège qui n'est écrit nulle part dans la loi ; que par suite les oppositions qui surviendraient ultérieurement sur Palade, frapperaient utilement la somme déposée par Palade et ses locataires ; que Dubreuil, au cas où une contribution viendrait à être ouverte sur ladite somme ne pourrait prétendre à une collocation privilégiée, et serait tenu de venir au marc le franc avec les créanciers postérieurs de Palade ;

Par ces motifs,

Infirme,

Et statuant à nouveau,

Déclare Palade mal fondé dans sa demande.

(J. J. B.)

REGULATIONS OF THE CENTRAL BOARD OF HEALTH.

In an *Extra* of the *Quebec Official Gazette*, 7th Nov., 1885, the following by-laws passed at Montreal by the Central Board of Health, P.Q., 31st Oct., 1885, are promulgated :—

Duty of Municipal Councils.

1. Every city or town council, and every local municipal council within the province of Quebec, shall appoint immediately, if none has yet been appointed, a local board of health for its municipality, in conformity with the provisions of chap. 38, of the Consolidated Statutes of Canada.

Duties of Municipal Corporations.

2. Every city, town or other local municipal corporation within the province of Quebec, shall :—

A.—Establish and provide without delay an hospital or a suitable house, in an isolated place, to receive therein patients affected with small-pox in the municipality.

B.—Establish and provide, upon being required thereto by the local board of health, in the municipality, suitable houses to receive patients suspected of suffering with small-pox, until the nature of the disease has been ascertained, and other suitable houses to receive persons compelled to vacate their lodgings, pending the disinfection of the same.

C.—Supply the local board of health with suitable vehicles for the transportation of small-pox patients, and of the bodies of those who have died of small-pox.

D.—To cause all public places, streets, lanes, public and private property, and all buildings and appurtenances situate within the municipality to be cleansed, and kept in a suitable state of cleanliness.

E.—To aid as much as in their power lies the local board of health, and the officers thereof, in the execution of their duties.

Duties and powers of Local Boards of Health.

3. Every Local Board of Health shall :—

A.—Conform to the instructions of the Central Board of Health.

B.—Execute and cause to be executed with care and diligence the regulations of the central board of health.

C.—Fulfil any of the obligations imposed upon municipal corporations by article 2, sections A. B. C. D., of these regulations, upon refusal or negligence by the said municipal corporations of fulfilling the same.

D.—Cause to be posted on churches, public markets and the town-hall, the regulations of the central board of health at one or more conspicuous places, where they can easily be read.

E.—Visit and cause to be visited by its officers, at reasonable times, during the day, all houses and buildings, and public and private property, situate within the municipality, in order to ascertain whether such houses, buildings and property are kept in a suitable state of cleanliness and whether any case of small-pox exists therein, and in order to execute and cause the regulations of the central board of health to be executed.

F.—Cause to be isolated and to be kept isolated at the domicile, every patient suffering, or suspected of suffering from small-pox, if such isolation is practicable in the opinion of its officer, so long as the disease and the danger of contagion exist.

G.—Cause the front of the house or lodging in which a case of small-pox exists, to be placarded and kept placarded, according to articles 16, 17 and 18 of these regulations, and supply such placards gratuitously to persons asking for them.

H.—Cause the body of any person who has died of small-pox to be buried according to the provisions contained in the present regulations Nos. 28, 29, 30, 31 and 32.

I.—Cause to be disinfected every house or building where small-pox has existed, and every vehicle in which a small-pox patient has been conveyed, and all things and effects which may have been used by or for such patient.

J.—Provide pure vaccine lymph, the source of which shall have been approved by the central board of health, and offer free vaccination to all who have not already been vaccinated, as well as to all who must be revaccinated.

K.—Compel every person to be vaccinated in conformity with articles 7, 8, 9, 10 and 11 of these regulations.

L.—Grant certificates of vaccination gratuitously, whenever required, to every person entitled thereto.

M.—Report to the central board of health all cases of small-pox as soon as ascertained.

4. Every local board of health may:

A.—Cause to be removed to the houses set apart for such purpose any person suspected of suffering from small-pox, and to the small-pox hospital any person suffering therefrom, if in the opinion of the health officers, isolation at the domicile is not practicable, or if the health officers are prevented from effecting such isolation, or if the persons having the care of the patient refuse or neglect to follow their instructions.

B.—Order the closing of any shop, office, saloon, work shop, or other place of business situate in a house in which a case of small-pox exists, and order the same to remain closed until the danger of contagion shall have passed, and the house has been disinfected.

C.—Compel the occupants to vacate any house or building where there is or has been a case of small-pox, in order that it be disinfected.

D.—Prevent, when small-pox exists in a municipality, from being carried on within the whole or part of the same, any trade or business by which the disease may be spread.

5. All the powers conferred upon the local board of health may be exercised, and the duties imposed by the same may be performed by any officer thereto authorized by the same.

Duties of proprietors of Cemeteries.

6. Proprietors and managers of all cemeteries for any municipality, shall cause the body of any person who has died from small-pox, within the limits of such municipality, to be buried under ground, and they are forbidden to allow the body of any person whatever who has died from small-pox to be placed in their vault.

Vaccination and revaccination certificates.

7. Every person who has not been vaccinated shall be vaccinated within eight days from the promulgation of these regulations.

8. Every person who has not been vaccinated successfully within five years, shall be vaccinated within a delay of eight days from the promulgation of these regulations.

Dwelling Houses to be kept clean.

9. Every person having the care of a child in any capacity whatever, shall cause it to be vaccinated, if it has not already been successfully vaccinated, within the same delay of eight days.

10. After the expiration of such delay, every person mentioned in articles 7, 8 and 9 of these regulations shall exhibit, to any health officer requesting it, a certificate of such vaccination or revaccination, but the said health officer shall have the right to examine every person to ascertain that the same has taken place.

11. Any person going to or coming from a locality where small-pox exists must produce a certificate of vaccination, and also a certificate attesting that he has not been exposed to the contagion within the last fifteen days preceding; failing either of which it will be the right of the officer of the municipality to forbid such person to enter or depart as the case may be.

Keeping lodgings clean.

12. Every proprietor who occupies a house, every tenant and every occupant of a house, is bound to maintain the same, and the appurtenances thereof in a suitable state of cleanliness, to the satisfaction of the local board of health.

13. No person shall oppose any visit made at reasonable times, during the day, by the health officers, under the regulations of the central board of health.

Obligation to report small-pox cases.

14. The head of a family in which a case of small-pox has broken out shall be bound to give notice thereof to the local board of health as soon as it may come to his or her knowledge.

15. Every physician must give notice to the local board of health of any case of small-pox to which he has been called professionally.

Placards.

16. The placards which must be posted as aforesaid, shall be printed in letters not less than four inches in length, the placard itself being at least two feet long and one foot six inches wide.

17. Every head of a family occupying the house shall be responsible for the placard inasmuch as he must replace the same every time it is destroyed or defaced.

18. Every placard must remain posted until after the disinfection of the house to the satisfaction of the local board of health.

Isolation—Schools.

19. Every person having the care of a small-pox patient, must keep him isolated according to the instructions received from the health officer.

20. No person suffering from small-pox shall expose himself in any street, church, school, chapel, theatre or other public place, or in any omnibus or any other public conveyance, and any person in charge of any one so suffering from small-pox who exposes the sufferer in any place above mentioned, shall be liable to the penalties imposed by law upon any person contravening to the present regulations.

21. No person residing in a house wherein small-pox exists shall take part in any public or private gathering, nor shall exercise any profession or trade which shall place him in contact with others.

22. Parents and guardians must prevent their children or pupils from attending schools or other gathering places when small-pox exists in the house where such pupils reside, until after fifteen days following the disinfection of the house.

23. The directors and professors of educational establishments shall exact from time to time from the parents or guardians of their pupils, a certificate countersigned by a physician that no small-pox exists in the house where such pupils reside, and such certificate shall be kept for the inspection of the health officer.

24. The directors and professors of any educational establishment shall refuse admission into it of any pupil residing in a house where small-pox exists until after fifteen days following the disinfection of the same.

25. The directors and professors of any educational establishment shall refuse admission into it during a period of fifteen days of any pupil who shall have visited a house in which small-pox exists, or shall have attended the funeral of a person who has died from small-pox.

Conveyance of small-pox patients.

26. The conveyance of any person suffering from small-pox shall be made exclusively in vehicles specially for that purpose and approved of by the local board of health.

27. No small-pox patient shall be conveyed from one municipality into another, without the permission of the local board of health of the municipality to which the patient is being conveyed.

28. The central board of health may give such permission.

Interments of persons who have died of small-pox.

29. The bodies of those who have died from small-pox shall be buried under ground in the cemetery of the municipality within which they have died.

30. The bodies of all persons who have died from small-pox shall be buried under ground within twelve hours of their death.

31. The bodies shall be taken directly to the cemetery and the funeral shall be strictly private.

32. The conveyance of the bodies of all persons who have died from small-pox, shall be made exclusively in vehicles specially set apart for that purpose, and approved of by the local board of health.

Disinfection.

33. Every person is bound to allow his residence to be disinfected by the officer of the local board of health, and to vacate the same for the purpose if required thereto.

34. No person shall rent a house or tenement wherein small-pox shall have existed without causing it to be disinfected to the satisfaction of the local board of health.

35. No article which has been in immediate or mediate contact with a patient suffering from small-pox shall be removed before it has been disinfected.

Sales, &c., of articles infected prohibited.

36. No person shall give or sell any articles, merchandise, products, milk, bread, provisions, &c., if such are coming from a house or property in which small-pox exists or if they are liable to convey the disease.

Power of Central Board of Health to inspect.

37. The Central Board of Health, by any of its members or a person authorised thereto, may, at reasonable times, during the day, visit all public or private property and all houses, tenements and appurtenances within the Province, to ascertain the state of the public health and that its regulations are duly executed.

Penalties.

38. Whosoever refuses or neglects to conform to any of the aforesaid regulations or willingly obstructs any person in the execution of any of them, or willingly contravenes any of the same shall incur the penalty imposed by cap. 38, of the consolidated statutes of Canada.

Previous rules and regulations abrogated.

39. All regulations passed by the central board of health before this date are repealed, except those which concern the imposition and recovery of penalties incurred until this date.

RECENT U. S. DECISIONS.

Innkeeper — Suit for Accommodation and Board—Guest's clothing stolen.—In an action by an innkeeper against a guest to recover for board and accommodation, the defendant may recoup his damages for the value of clothing stolen from his room. It appeared that before the theft, the following printed regulation was posted in the rooms of the inn: "Lock the door when going out and leave the key at the office"; defendant knew of the regulation, and on the occasion when his clothing was stolen, failed to leave his key at the office. The court ruled as matter of law, that defendant having failed to leave his key at the office on the occasion in question, was not entitled to recoup the value of the clothing stolen. *Held* erroneous; that in the absence of any express contract, an innholder is relieved from liability for loss, only when, in the words of the statute, such loss is attributable to the non-compliance with the regulation. At common law innholders, like common carriers, are regarded as insurers of the property committed to their care, and are liable for any loss not caused by the act of God, or of a public enemy, or by the neglect or fault of the guest. *Mason* v. *Thompson*, 9 Pick. 280; *Berkshire Woollen Co.* v. *Proctor*, 7 Cush. 417. Our statutes have in some respects limited this extreme liability. Pub. Stat., ch. 102, §§ 12-16. The statute exonerates an innholder from his common-law liability for a loss sustained by a guest, who has knowingly failed to comply with a reasonable regulation of the inn, if the loss is attributable to such non-compliance. The ruling of the Superior Court went further and held that an innholder is exonerated by the fact of non-compliance, without any inquiry into the question whether the loss was attributable to the non-compliance. The law will not imply a contract against the guest more extensive than the terms of the statute, and in a case like the one before us, in the absence of any express contract, an innholder is relieved from liability for loss, only when, in the words of the statute, such loss is attributable to the non-compliance with the regulations of the inn. *Burbank* v. *Chapin*. Maine Supreme Judicial Court. Opinion by Morten, C. J. (Sept. 21, 1885.)