

## The Legal News.

Vol. VII.

MAY 3, 1884.

No. 18.

### LORD COLERIDGE ON SOCIETY JOURNALS.

Chief Justice Coleridge has had an opportunity of expressing from the bench his opinion of that portion of the press which exists by gratifying the appetite for scandal and gossip. Mr. Edmund Yates, a literary man of some note, who is also proprietor of the *World* newspaper, was prosecuted before the Queen's Bench Division of the High Court of Justice, for a libel in the *World* upon the Earl of Lonsdale. The libel was in these terms:—

"A strange story is in circulation in certain sporting circles concerning the elopement of a young lady of very high rank and noble birth with a young peer, whose marriage was one of affection, but whose wife has unfortunately fallen into a delicate state of health. The elopement is said to have taken place from the hunting field. The young lady, who is only one or two and twenty, is a very fair rider and the gentleman is a master of hounds."

This was generally understood to indicate the Earl of Lonsdale, but to do Mr. Yates justice, it must be stated that he declared in an affidavit that he did not see the paragraph until it was in proof, and did not know that it applied to the Earl. He also endeavoured in subsequent issues to do away with the effect of the paragraph which was entirely unfounded. However, he was prosecuted criminally, and a sentence of four months' imprisonment was pronounced. Mr. Yates has appealed, and it is probable that the sentence may be annulled on a technical ground (that the Public Prosecutor's *fiat* had not been granted prior to the application for the information). The following observations were made by the learned Chief Justice in passing sentence:—

"Now this is certainly not the time nor the place for delivering any discourse upon the subject of the liberty of the Press, nor is it in the least degree necessary. No one who breathes English air or has ever had his heart touched and his judgment moved by the *"Areopagitica"* of Milton will doubt that the

free Press of this country has been, on the whole, an unspeakable blessing, or will desire to narrow in any degree its fair or lawful scope, or impede its lawful exercise. Public affairs, and public men, using the expression "public" in its largest possible sense—literature, art, science, religion, the catalogue might be indefinitely extended—these things are the fair and lawful topics of discussion in the Press, and these may be freely discussed, and I hope discussion of them will always be practically and absolutely unfettered. But when we come to private matters very different considerations obviously arise. Public men—in England, at least—must submit to public comment as one of the necessary ingredients of their career. But private men—and, indeed, all men, public or private—in their private relations are entitled to have their privacy respected. Why should we have our lives pried into, our movements watched, our dress recorded, our company catalogued, our most private relations dragged into the light of day—not for any conceivable good—to the great English people, but only to gratify the foolish vanity or the abject curiosity of a small minority of a privileged class. I find it, I declare, difficult to believe that any man's mind can feel pleasure in feeding on this sort of food, with which the columns of the paper before me are filled. I can hardly believe that any educated man or any gentleman can feel anything but humiliation and self-contempt in having to supply such food. We have, however, in this case to deal with a gross personal libel in a paper which lives on the publication of the most utterly attenuated personalities. It is not the case of a paper of high aim and real public usefulness committing a breach of the law inconsistent with its general conduct and character. We have to deal with a personal libel, occurring in the midst of paragraphs which are not indeed libellous but are made up of personalities so trivial that, prior to experience, one would have supposed they could not possibly have interested for a single moment in the faintest possible degree any human being. More than this, it seems from the defendant's own affidavit that at least one lady of high rank caters, and is paid for catering, to this paper

by supplying it with personalities at a fixed price. It appears that a "lady of title" is paid at the rate of two guineas for such paragraphs. The proprietor of the paper makes no inquiry and the slander appears for the gratification, I must suppose, of the readers of the *World*. The defendant appears to think this makes his case better; but to me and my colleagues it seems to make it worse. To open a sort of "lion's mouth" into which all the personal gossip of what is pleased to call itself "society" is to be "shot" anonymously, at the rate of two guineas a personality, and to take no trouble to inquire into the truth of what is published—one cannot suppose a system more certain to lead, as it has led in this case, to the publication of cruel slander and stories tending to the discomfort and unhappiness of those who are the subjects of them. It has been often said that it is the publisher, not the inventor, of scandal who does the real mischief; and the defendant, to my mind, adds to rather than diminishes his responsibility by the course which he has pursued. But more than this. He has stated that he had no idea that this paragraph, into the truth of which he took no pains to inquire, applied to the Earl of Lonsdale. But he has not stated to whom he believed it to apply, and he has not stated that he believed it to apply to anyone, so that he "shot his bolt" at a venture at the casual passer-by—some one he had never seen, whom he did not know, whom he had never heard of—taking the chance of its doing him a cruel injury. Now, what in such a case is to be done to the defendant? It is a libel unprovoked, unjustifiable, and published in a paper that lives on personalities and pays for their manufacture. The sentences of Courts of Justice should, if possible, be the expression of the intelligent opinion of the public, whom, in a certain sense, they represent. Over-severity takes the shape very often, or appears to take the shape, of personal vengeance; it seems to be the outcome of anger rather than judgment, and creates—and properly—a reaction in favour of the over-punished victim. It is therefore desirable that we should do nothing that may seem to savour of excessive severity. We have considered whether it would suffice

to inflict a fine, but a fine on a person conducting a successful paper with a large circulation is a matter of comparative indifference. It is right, therefore, that the liberty of the defendant should be interfered with, though to no harsh, cruel, or unreasonable extent. The sentence of the Court, therefore, is that the defendant be imprisoned for four months."

#### VIEWS OF MONTREAL ABROAD.

The *Law Journal* (London) publishes a letter from a correspondent in Montreal, treating of our legal system. The view expressed is apparently the superficial observation of a stranger, but in the main it is correct. The writer seems to be under a misapprehension, however, on one or two points. He says, for instance: "The procedure is admirably adapted for trying contested suits, though very halting, slow, and defective as respects undefended causes, there being nothing corresponding to your special endorsement system at home." The difference is more in form than substance, and certainly does not justify the epithets "halting and slow."

The writer also appears to think that the ranks of the unoccupied members of the profession are more thronged here than in London. He says: "The leading offices of the city undoubtedly do well, but outside of these hunger rules the crowd." This is picturesque, but it gives an erroneous impression of our legal world. It would probably be more true to say that "hunger rules the crowd" in London than in Montreal—that is to say, the proportion of the members of the profession whose time is not fairly well occupied is probably much smaller in Montreal than in a great capital like London. After all, does the public lose by this state of things? It is the intensity of competition that gives to every country some of its most valued men, who only find "room at the top." H. B. Thomson, in his "Choice of a profession" (London, A.D. 1857), says: "There are thus 1,500 unsuccessful advocates, each anxious to rise, each contending for the next opening to practice that may occur by the promotion, retire-

ment, or death of any senior member. Amidst such a crowd, disappointment of the cherished hopes of early life is far more common than success; nor is the competition for the other class of legal prizes, namely, legal appointments, less keen." \* \* \* "The law does not maintain one-fourth of those who probably have nothing but their profession to look to for their support." If this be true in London, it certainly has never been true in Montreal or other colonial cities.

Lord Abinger was of opinion that £400 a year was the smallest income on which a barrister should begin. This may have been true in his day. But the toil exacted of a successful barrister is now so infinitely increased that a gentleman with \$2,000 (£400) assured to him would find himself nowhere in the race. When we look into the history of those who have succeeded, we almost invariably find it true that where "hunger rules the crowd," the effect has been increased exertion. Without the stimulus of necessity more than half the distinguished lawyers of the past would never have emerged from obscurity.

## NOTES OF CASES.

### CIRCUIT COURT.

ST. SCHOLASTIQUE, April 2, 1884.

Before BELANGER, J.

MARTIN V. THE CORPORATION OF THE COUNTY OF ARGENTEUIL.

*Municipal Code, Arts. 100, 698—Selection of place for exhibitions of Agricultural Society—Minutes of proceedings of Council.*

1. The declaration prescribed by 32 Vict. c. 15, s. 41, with reference to the organization of agricultural societies, is only required for the formation of the Society. The signature of forty persons at the date of formation is sufficient to give the society a legal existence, and it is not necessary that persons becoming members subsequently should sign the declaration.
2. The choice of a place for exhibitions of an Agricultural Society, within the meaning of 37 Vict. c. 5, s. 2, does not imply that the

*particular site for the permanent buildings must be determined at the meeting of members; e. g., a resolution choosing "Lachute, in the parish of St. Jerusalem d'Argenteuil," is sufficient.*

3. It is not necessary that the resolutions and by-laws passed at a meeting of a municipal council should be written out at length and signed by the presiding officer at the time of the meeting.
4. A by-law of a county council, fixing a permanent place at which all exhibitions of an agricultural society shall be held, is not a by-law within the meaning of Articles 100 and 698 of the Municipal Code.

PER CURIAM. On the 30th June, 1883, the Board of Officers and Directors of the Agricultural Society of the County of Argenteuil, determined to establish and fix a permanent place for the exhibitions of the said Society, and in consequence convoked a special meeting of the members of the said Society at Lachute, to be held at Lachute, in the Parish of St. Jerusalem d'Argenteuil, the 1st August, 1883.

At this meeting, the majority of the members permitted to vote, adopted a resolution choosing Lachute as being the place where the permanent buildings for the exhibitions should be erected, and this notwithstanding the protests of certain interested parties.

On the 12th Sept. following, the County Council decided that a By-law should be prepared fixing Lachute, as being the place where the said permanent buildings should be constructed.

On the 7th November following, the following By-law was submitted to the Council, and adopted unanimously by the members present. "In the future all exhibitions of the Agricultural Society of the County of Argenteuil, shall be held at Lachute in the Parish of St. Jerusalem d'Argenteuil, in the County of Argenteuil."

The petitioner, relying on Articles 100 and 698 of the Municipal Code, demands by his petition the setting aside and annulment of this by-law of the County Council, as well as the annulment of the resolutions of the Board of Officers and Directors of the Agricultural Society, of the 30th June, and of the said meeting of 1st August, 1883, and of the

resolution of the County Council of the 12th Sept. 1883, as being irregular, illegal, null and void, for the following reasons:—

1st. Because the meeting of the pretended members of the said Agricultural Society, was not called by the Board of Officers and Directors of said Society; the said Board not being then nor now in legal existence.

2. Because the pretended choice of Lachute, for the erection of permanent buildings for the exhibitions of the said Society in said County, by the pretended members of said Society, is illegal, null and without effect, and contrary to the letter and spirit of the law.

3. Because a particular place (lot of land) in Lachute or elsewhere should have been indicated or chosen by the resolution of the 1st August, 1883, and not "Lachute" purely and simply, the word "Lachute," meaning a territory without defined limits, but being generally known and recognized as comprising the whole Parish of St. Jerusalem d'Argenteuil, of which the superficial contents are over one hundred miles.

4th. Because at said meeting of the 1st August, 1883, one hundred and thirteen persons, residents of St. Andrews, and who had offered to pay their entrance fee to the Secretary-Treasurer at the meeting of the 12th June, making a sum of \$113, and who had fulfilled all the other requirements of law to become members of the said Society, had been refused their right as members of the said Society, and had been prevented from voting at the said meeting of the 1st August, 1883.

5th. Because the minutes of proceedings of the meeting of the said Council of the 12th September, were not immediately entered in the register of the Council, but were only taken by the Secretary-Treasurer as notes on fly-sheets of paper in pencil, according to memory of said proceedings, and that said notes had not yet been entered in said register nor approved by the Council; nor signed by the Warden and Secretary-Treasurer.

6th. Because the said By-law passed the 7th November, 1883, was passed without any authority in law by said Council, and for an Agricultural Society having no legal

existence; that said By-law was passed and adopted when it was only written upon fly-sheets of paper and in pencil, and that the same had never been approved of, nor signed by the presiding officer, nor entered in the Register of proceedings of the said Council, as required by law.

The Corporation of the County of Argenteuil, *Mise en cause*, replied to this petition by two answers-in-law, and a special reply also.

By its first answer-in-law, it pretends that the petitioner cannot in law demand the annulment of this By-law until the same has been put into force by its promulgation.

By its second answer-in-law, the *Mise en cause* pretends that the petitioner cannot by his petition, attack the validity or illegality of the election of Officers and Directors of the said Society, or their quality as Officers and Directors, *bona fide* of the said Society, nor the validity or illegality of the resolutions of the 30th June, 1883, and of the 1st August, 1883, by invoking as a reason the non-legal existence of the said Society and its officers.

In the second place, it pretends that the resolution of the meeting of members of said Society of the 1st August, 1883, making choice of "Lachute," for the erection of permanent buildings for the exhibitions of the said Society cannot be attacked by such a petition.

The third point of law invoked by the County Council, is that the By-law passed by the said Council on the 7th November, 1883, is not a Municipal By-law, in the sense of the Municipal Code, nor subject to the control of any of the provisions of the Municipal Code, and consequently that said By-law is not susceptible of being quashed or annulled in virtue of the provisions of the said Code, but that the proper remedy to be adopted by the petitioner against the By-law and resolutions was an appeal to the Commissioners of Agriculture, as indicated by the statutes regulating Agricultural Societies.

The special answer is a negation both in law and in fact of all the allegations of the petition; the County Council alleging the fact that the petitioner with others has already appealed to the Commissioner of Agriculture to annul the said resolutions and

By-law, for the same reasons as he does by the said petition.

Lastly, the County Council by a plea says that all the proceedings both of the Board of Officers and Directors of said Society, the members of said Society, and before the County Council, had been made, written and signed as required by law.

By the 37th Vic., Cap. 5, Sec. 2, which amends the 44 Sec. 32 Vic. Chap. 15, it is provided that "when the Board of Officers and Directors of an Agricultural Society of a County determine to establish a permanent place where the exhibitions of the Society shall be held, it shall call a special meeting of the members of the Society, by giving fifteen days' notice thereof, mentioning therein the object of the meeting, and the meeting thus called shall make choice of the place, in its opinion the most central and convenient in the County, on which to erect permanent buildings in which future exhibitions shall be held."

3rd. The proceedings of the said meeting shall be submitted to the Municipal Council of the County for its approval, at its first general meeting after reception of the said proceedings, and if the choice made by the Society be approved of, the Council of the County shall pass a By-Law ordering that in future all exhibitions of said County shall be held at the place so chosen. "Nevertheless if twenty members of the Society, after such approval, disapprove of the choice so made, they may within thirty days from the passing of the said By-law, appeal to the Commissioner of Agriculture, by Petition signed by at least twenty members of the said Society, exposing their complaints, and the decision of the Commissioner shall be final."

One of the reasons invoked by the Petitioner to show the illegality of this By-Law, consists in alleging the nullity of the proceedings of the Board of Officers and Directors of the said Society, and of the nullity of the proceedings of the meetings of members of said Society; and for this he commences to attack the legal existence of the Society itself, by alleging that according to law, to become a member of an Agricultural Society, it is necessary, not only to have paid

the entrance fee, but also to have signed the Declaration contained in the Schedule A. Cap. 15, 32 Vic; and that such a Society cannot exist until forty persons have thus conformed to the law, and have become members; that as a fact none of the persons who pretend to have been members of said Society, at the date of said resolutions, had signed said declaration, and therefore were not in fact nor in law members of the said pretended Society, which in consequence had no legal existence, and could not and were not able to elect a president, vice-president and directors, and thus that the election of the officers and directors of said Society was null. Then he proves that of all those who signed the Declaration, Schedule A., there remained but a small number of about forty.

I do not think this pretention of the petitioner is sustained by law.

The Sec. 41, 32 V. Cap. 15, says that "an Agricultural Society may be formed in each County, when forty persons have become members thereof, and have signed a declaration in the form indicated in Schedule A. "annexed to present Act, and such Society shall be composed of the persons who shall then have signed or who shall hereafter sign such declaration."

In my opinion this declaration is only necessary for the formation of the Society. It is true that the end of this section says, "and such Society shall be composed of the persons who shall then have signed or who shall hereafter sign such declaration," which might be understood to mean, taking these words literally, that those persons only who have signed such declaration shall be members.

But I think that the intention of the Legislature becomes perfectly clear if one examines the terms of the Schedule A, itself: "We the undersigned, agree to form ourselves into a Society in virtue of the provisions of the Act concerning the Board of Agriculture and Public Works, which shall be called "The Agricultural Society of the County of \_\_\_\_\_."

It seems to me very evident that this form of declaration was not made for persons becoming members of the Society, ten years, or a long time after its formation.

It has been proved that more than forty persons have signed this declaration at the time of the formation of the Society, which was sufficient to give a legal existence to the Society, and besides it has been shown to have been in operation for a number of years. Wherefore I conclude that the Officers and Directors of the said Society have been legally elected, and that the resolutions of the 30th June and of the 1st Aug., were also legally passed. Besides what right has the Court to go out of the limits circumscribed by the Municipal Code? None, I think. The Agricultural Society of the County of Argenteuil has performed its functions for a number of years, all its acts and proceedings are presumed to be *bona fide* and in conformity to the law so far.

But, says the Petitioner, the resolution of the 1st August, 1883, at least is null, because one hundred and thirteen persons who had conformed to the requirements of the law to become members, and who were consequently members of the Society, were prevented illegally from voting on the said resolution, although they offered their votes.

Unless the contrary be shown, such questions cannot be raised on such a proceeding as the present one, unless these defects or illegalities be apparent on the face itself of the proceedings.

The jurisdiction of the Court in such a case as this is quite special, limited to certain matters; and the Court has not the right, under the pretext of inquiring into the legality of a By-law of a Council, as in the present case, to scrutinize the legality of the elections of the said Society, or of its proceedings, unless as I have said, all these proceedings of the Society be evidently null and illegal on their face, which is not so in the present case. Of all the illegalities invoked by the Petitioner against the acts and proceedings of the said Agricultural Society and of its Board of Officers and Directors, if there be any illegality, however, there is only one which would appear on the face itself of the proceedings of the meeting of the members of the said Society, that is to say, the resolution of the said meeting of the 1st August, 1883.

It consists as pretended in that the meeting instead of choosing a particular piece of land

in the County whereon to construct permanent buildings for the exhibitions, chose by its resolution, "Lachute," to wit an extent of land comprising the whole Parish of St. Jerusalem d'Argenteuil.

If the law actually authorises the meeting of members of the Society to make choice of a particular piece of land for the exhibitions and buildings, I am then with the petitioner, and I say that it is one of those defects or apparent illegalities which have the effect of vitiating the act of the Council, that is to say the By-law approving such choice; the reason therefor is evident, the Council is indeed authorized to approve by By-law of the choice that the law permits the members of the Society to make, but if the choice so made, instead of being that authorized by the law, is contrary to the law, on the face itself of the resolution making this choice, the authority of the Council is at an end; and in that case the nullity of the one imports the nullity of the other.

But unfortunately, I believe that the petitioner is deceived in the interpretation of the law, and even of the resolution of the members of the Society.

Section 44, Cap. 15, 32 Vic. ordains that "each Agricultural Society organized in a County shall be a corporation under the name of The Agricultural Society of the County of ———," and shall have power "acquire and possess lands whereon to hold exhibitions, to establish thereon a model school of agriculture or a model farm, and it may sell, lease or otherwise dispose of them, but it shall not possess more than two hundred acres at one time."

Sec. 2, Cap. 5, 37 Vic., amends this section by adding the following paragraphs, "2nd: "When the Board of Officers and Directors of an Agricultural Society of a County or part thereof, shall determine to establish a permanent place where the exhibitions of such Society shall be held, it shall call a special meeting of the members of the Society, by giving fifteen days' notice thereof, mentioning the object of such meeting, and the said meeting thus called shall make choice of the place, which in the opinion of such meeting is the most central and most convenient in such County or part of

"County, on which to erect Permanent Buildings in which future exhibitions shall be held."

Sec. 3. "The proceedings of the said meeting shall be submitted to the Municipal Council of such County for its approval, at its first general meeting after the receipt of the said proceedings. If the choice made by the said Agricultural Society is approved, the said County Council shall pass a By-Law ordering that in future all exhibitions of said County or part of County, shall be held at the place so chosen."

On the 30th June last the Board of Officers and Directors passed the following resolution: "That this Board of Officers and Directors of the Agricultural Society of the County of Argenteuil do hereby determine to establish a permanent place for the exhibitions of the said Society."

And another resolution: "That a special meeting of the members of the Agricultural Society of the County of Argenteuil be held in the Court House, at Lachute, in the Parish of St. Jerusalem d'Argenteuil in the said County of Argenteuil, on Wednesday the first day of August next, (1883) at the hour of one of the clock in the afternoon for the purpose of making choice of a place, which, in the opinion of such meeting, is the most central and most convenient in the said County of Argenteuil, on which to erect Permanent Buildings in which future exhibitions of the said Society shall be held."

On the 1st August, 1883, at the place and hour fixed by said Board, this meeting of the members of the Society took place, and adopted the following resolution: "That it is the opinion of this meeting that Lachute, in the Parish of St. Jerusalem d'Argenteuil, in the said County, the County-town of said County, is the most central and most convenient place in the said County of Argenteuil, on which to erect such permanent buildings, and that such permanent buildings shall be erected at Lachute aforesaid."

It is this choice which was approved of by the By-law of the Council, declaring that in future all exhibitions of the said Agricultural Society should be held at Lachute, in the Parish of St. Jerusalem d'Argenteuil, in the County of Argenteuil.

The law as we have seen, says, that the meeting shall make choice of "the place which

"in the opinion of such meeting is the most central and most convenient in such County, on which to erect permanent buildings."

It is true to say that the legislature "might be held to" say by that, that the choice should be made of a particular piece of land and not of a locality, village, town or some territory, relatively restricted comparatively to a whole County.

I do not believe it, for it would thereby reduce the powers to acquire, which belong to the Board alone, almost to uselessness, by forcing them to acquire a lot of land, which in such case, they could not in all probability obtain, or only under most onerous conditions.

It is much more reasonable to suppose that the Legislature had the intention to leave to the members the choice of a place comparatively restricted in the County, to there hold the exhibitions, and for the Board of Officers and Directors to acquire a lot or piece of land in the limits of the place chosen, according to the powers which are conferred upon them by clauses 44 and 69, cap. 15, 32 Vic., who alone have the power to acquire and possess lands for the Society; saving the control of the commissioners of Agriculture to whom they are subject in all cases.

Several dictionaries have been cited about the meaning of the words place, lieu, endroit; these words have evidently a sense more or less extensive or limited, according to the object which they express, or are used in connection with, or compared with, be it territories or expanse of country more or less limited. Besides it is not so much the words that are to be interpreted, but more the intention of the law.

All the authors who treat on the interpretation of laws, tell us that it is necessary before all to seek the intention of the legislator, and not to attach a strict and grammatical sense to each word.

It is pretended that "Lachute" means or comprehends the whole Parish of St. Jerusalem d'Argenteuil, comprising an immense territory more than one hundred thousand acres, and that in consequence the words place, endroit, lieu, of which the law makes use cannot be applied to it.

Witness have even been heard to prove that by "Lachute," all the Parish of St. Jerusalem d'Argenteuil is understood.

This would be all very good, if the resolution of the members of the Agricultural Society, had not limited or explained in some manner, the word, "Lachute." It seems to me that Lachute, "in the Parish of St. Jerusalem d'Argenteuil," does not mean the Parish of St. Jerusalem d'Argenteuil, but indeed the Village known under that name, in the Parish of St. Jerusalem d'Argenteuil.

It is still objected that the Village not being incorporated, comprises an undefined terri-

tory, without appreciable limits. It is true that the limits of an unincorporated Village has not well marked limits, but every one knows what is meant when it is said that something shall be done in such a Village, for example, at Lachute, in such a parish; and it is well understood that such would mean, within the limits of the group of houses, which is known under the name of such village.

I pass now to the allegation of the petitioner that the By-law is null and illegally passed, that it was passed before being prepared and written at length in the register of proceedings; that the Secretary-Treasurer only took notes on fly-sheets of paper, which were not drafted until after the sitting, and that the same was not signed by the presiding officer, nor by the Secretary-Treasurer, as soon as it was passed, and during such sitting.

The Secretary was heard, and proved that the By-law was completely drafted on a fly-sheet of paper, save a word or two which he had to add or modify at the commencement of the minutes of proceedings, but which affected the substance in no way thereof, but only the form of the proceedings, and did not affect the By-law. That he wrote all the proceedings including the By-law in the register of proceedings, as he always did, after the sitting, the same day or the day after, and that the whole was afterwards read at the session of the 12th December, and approved of and signed by the Warden and himself.

I see nothing irregular in all this; the Secretary did thereby, what all the Secretary-Treasurers have always done since the existence of the municipal law, and I will add even that he has only done what our Code authorized him to do. Article 157, cited by the petitioner, seems to me to be clear in this sense. It says, speaking of the duties of the Secretary-Treasurer, "He assists at the sitting of the Council and draws up minutes of all the acts and proceedings thereof, in a register kept for that purpose and called 'The Register of proceedings.' All minutes of the sitting of the Council must be approved of by the Council, signed by the person who presided over the Council during such sitting, and countersigned by the Secretary-Treasurer."

When should these minutes be drawn up, entered in the register, approved of by the Council and signed?

Evidently all this cannot be done during the same sitting, it is never done, and the law does not require it, and I think even the thing is not practicable; for how could the minutes of proceedings of the Council be not only drawn up and entered in the register and signed during the same sitting, and also contain at the same time, the motion for adjournment which puts an end to the sitting?

This motion and the consequent resolution which makes part of the proceedings, could not be entered in the register until after the sitting, and consequently neither the approval nor the signing of the minutes is possible during the same sitting.

For all these reasons, I see no other alternative, but to dismiss the petition of the petitioner.

Independently of these reasons there is another invoked by the County Council, and which seems to me peremptory, and which must take the first place. It is that such a by-law cannot be annulled in virtue of the Municipal Code.

Articles 100 and 698 M. C. well provide in what manner a by-law may be sought to be annulled because of its illegality; but these proceedings are restricted to the matters provided by the Code, that is to say to By-laws, *procès-verbaux*, &c., that the Code authorizes to be made, and not to those matters which have no connection with it, and are only authorized by laws quite distinct from the Code, and which are not amendments to it, and which have not even the most distant relation to municipal affairs.

It is well understood that I do not mean to say, that the petitioner could have recourse to the authority of the Commissioner of Agriculture for the redressal of his complaints here: that is quite another question which I do not conceive it necessary to touch upon.

All that I decide is, that the petitioner has no right to bring his complaints before this Court, and that this Court, the jurisdiction of which is limited, has no right to enquire into this case.

The petition is dismissed with costs.

The following is the text of judgment:—

"The Court having heard the parties, as well on the law pleadings as on the merits of this cause, on the petition of the said petitioner in this cause, and the pleadings of the *Mis-en-cause*, and having heard the respective proofs of the said parties, and upon the whole deliberated;

"Considering that Articles 100 and 698 of the Municipal Code are not applicable to the By-law of the County Council of the County of Argenteuil of the 7th November last, and of which the petitioner demands the setting aside and annulment by his petition in this cause; and that the powers and authority of this Court are not applicable to the said By-law in virtue of the said Article of the Municipal Code—the jurisdiction of the said Court in such cases being limited and restricted to matters arising from or controlled by the said Code only;

"Dismisses the said petition with costs."

J. A. N. Mackay for petitioner.

G. E. Bampton for Corporation of the Co. of Argenteuil.