

File No. 9764 Continued.

CORRESPONDENCE.

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the State Laws; and that the By Law is not necessarily void because the Legislature has regulated the same subject by statute; but the By Law must be in harmony with the Laws of the State and with the provisions of the Charter of the municipality, and when it comes in conflict with either the By Law must give way. There may be different regulations without conflict.

In illustrating this position the Court refers to a case in the Supreme Court of New York, in which the revised Statute of the State prohibited the sale of liquor on Sunday to any but lodgers or travelers; the Ordinance of the City of Brooklyn prohibited the sale of liquors on Sunday to anyone; the New York Court said the provision of the revised Statute was not merely prohibitory but permissive, because it authorized the sale to lodgers and travelers; it, therefore, needs no reasoning to show that two provisions, one permitting and the other prohibiting, are in direct conflict with each other. But where the statute, as in the California case, required the registry of names, and the making of certain inquiries by the officials, to make valid a permit for the sale of poison, an Ordinance which also made it necessary to have the prescription of a physician before the permit could be issued, was not in conflict with the State statute, because both could stand together; and, therefore, as the offence under the Ordinance was different from that under the statute, there is no violation of the constitutional provision which prohibits a person from being, for the second time, put in jeopardy for the same offence.

95 Missouri 621.
19 Missouri of Appeals, 20.
82 Michigan 471.

1. A city may, by Ordinance, prohibit the doing of an act which is also made unlawful by statutes of the State.

2. But no Ordinance will be valid the provisions of which are inconsistent with the Statute Law of the State.

114 Ill. 46. The Police regulations of a city or village may differ from those of a State on the same subject, if they are not inconsistent therewith.

Commenting upon the particular Ordinance before the Court in that case, the Court says, pages 50 and 51: