

No costs
against pro-
secutor with
probable
cause.

3. Whenever any such prosecution is dismissed, the Justice or Justices, if of opinion that there was probable cause therefor, shall not award costs against the prosecutor.

Liability of
Innkeepers or
persons in
their employ,
&c., who give
liquor to per-
sons who be-
come intoxi-
cated and
commit sui-
cide or perish
from cold, &c.

34. Whenever any person has drunk to excess of intoxicating liquor of any kind, in any inn, tavern, or other house or place of public enter-
tainment, or in any store or place wherein intoxicating liquor of any
kind is sold, whether legally or illegally, and while in a state of intox-
ication from such drinking has come to his death by suicide, or drown-
ing, or perishing from cold, or other accident caused wholly or in part
by such intoxication, the keeper of such inn, tavern, or other house or
place of public entertainment, or of such store or place wherein intoxi-
cating liquor is so sold, and also any other person who for him or in his
employ delivered to such person any of the liquor whereby such intoxi-
cation was caused, shall be liable to be indicted and tried for a misde-
meanor,—if in Lower Canada, then before the Court of Queen's Bench, 15
or Court of General or Quarter Sessions of the Peace, sitting in the
district,—or, if in Upper Canada, then before any Court either of Oyer
and Terminer and General Gaol Delivery, or of General Quarter Ses-
sions of the Peace, sitting in the county or union of counties, or before
the Recorder's Court of the city,—wherein such person met his death; 20
and if convicted, such person shall be liable to a penalty of not less than
one hundred nor more than *one thousand dollars*, payable to the heirs or
legal representatives of the deceased person, in such proportions as the
Court may direct,—or to be imprisoned for a period of not less than *one*
month nor more than *twelve months*. 25

Penalty

Persons who
furnish the
liquor liable
for assault
committed by
a person
thereby intox-
icated.

35. If a person in a state of intoxication assaults any person, or in-
jures any property, whoever furnished him with the liquor which occa-
sioned his intoxication, or with any part thereof,—if such furnishing
was in violation of this Act, or otherwise in violation of law,—shall be
liable to the same action by the party injured as the person intoxicated 30
would be liable to; and such party injured, or his legal representatives,
may bring either a joint action against the person intoxicated and the
person who furnished such liquor, or a separate action against either.

Husband,
wife, &c., may
notify sellers
of liquor not
to furnish it
to any person
addicted to
drinking.

36. The husband, wife, parent, child, brother, sister, tutor, guardian,
or employer, of any person who has the habit of drinking spirituous or 35
other intoxicating liquor to excess,—or the parent, child, brother, or
sister, of the husband or wife of such person,—or the tutor or guardian
of any child or children of such person,—may give notice in writing,
signed by him or her, to any person licensed to sell, or who sells or is
reputed to sell, spirituous or other intoxicating liquor of any kind, not 40
to deliver spirituous or other intoxicating liquor to the person having
such habit; and if the person so notified do at any time within twelve
months after such notice, either himself, or by his clerk, servant or agent,
deliver any such liquor to the person having such habit, the person giving
the notice may in an action as for personal wrong, if brought within six 45
months thereafter, but not otherwise, recover of the person notified,
such sum not less than *twenty* nor more than *five hundred dollars*, as may
be assessed by the Court or Jury as damages; and any married woman
may bring such action in her own name, without authorization by her
husband; and all damages recovered by her shall in that case go to her 50
separate use; and in case of the death of either party, the action and
right of action given by this section shall survive to or against his heirs
or other legal representatives.

Liability of
persons so
notified.

Married
women may
bring action
for damages.