secs. 1 and 2). Under the later statute, "any person may be the prosecutor or complainant" in every case, and "the prosecutor or complainant shall be a competent witness" (sec. 25), even though entitled to a part of the penalty (sec. 27).

By the Dunkin Act it is provided that "every such prosecution shall be commenced within three months after the alleged offence," (sec. 15); by the Ontario Act this is altered, in prosecutions for selling without license, to twenty days, (sec. 25,) and to two months in some other cases, (sec. 26). (See *Regina* v. *Mason*, 29 U. C. Q. B, 434.)

Under the Act of 1864 the penalty is to be disposed of as provided in sec. 34, sub-secs. 1-3: under the Act of 1868-9 one-half goes to the prosecutor and the remaining moiety to the Treasurer of the Municipality in which the offence was committed (sec. 31).

Any prosecution for an offence under the Act of 1864 "may be brought before a Stipendary Magistrate or before any two Justices of the Peace for the county wherein, &c., or before a Recorder or Police Magistrate, or the Mayor of a town not having a Recorder or Police Magistrate, (sec. 14, sub-sec. 3). The analogous case under the later Act, is governed by sec. 26, which provides that prosecutions for selling liquor contrary to a prohibitory by-law may be brought and heard before any *one* or more Justices or before a Police Magistrate, though in prosecutions for selling without license two Justices are still required to form the tribunal (sec. 25).

Sections 26 and 28 of the Dunkin Act which provide for the summoning and examination of witnesses, are not repealed by the Act of 1868-9, and might therefore, it is apprehended, still apply to cases coming under section 6, sub-section 7 of the Ontario Statute.

Section 36 of the Act of 1864 provides that no conviction, &c., shall be removed by *certiorari*, &c., and takes away the right of appeal to the Sessions except in certain cases. The Act of 1868-9 (sec. 36) allows an appeal except on conviction of selling *without license* or for keeping a disorderly house.

Under the Act of 1864 no liquor was to be sold or drunk on the premises in any case (except by a traveller or *bonâ fide* lodger,) from 9 P.M. on Saturday to 6 A.M. on Monday, except for medicinal purposes (sec. 44). The Ontario Act changes the hour of closing on Saturday to 7 P.M., and omits the enabling clause as to travellers and *bonâ fide* residents (sec. 23).

In default of payment of penalty and costs, power is given to the convicting Justice or Justices under either Act to issue a distress warrant or to order imprisonment in the county gaol — under the Act of 1864 for three months, and under the Provincial Act for thirty days; but under the latter Act this can only be ordered after it has been preceded by a distress, (sec. 31,) whereas under the earlier Statutes power was given the Justices to imprison in many cases in the first instance (secs. 30, 31).

The provisions of the Dunkin Act as to the liability of parties who supply liquor to intoxicated persons or after notice, remain, it appears to us, unaffected by our Provincial Statutes, and the clauses of the latter as to cases of compromise or composition have no equivalent sections in the earlier enactment.

The written authority required by sec. 45 of the Dunkin Act to entitle constables to enter an inn, &c., is, by sec. 29 of 32 Vic. c. 32, and its amending section, 33 Vic., c. 28, s. 8, apparently rendered unnecessary; but it is not expressly dispensed with, and a question might fairly arise upon the construction of the two enactments.

We have, we trust, said enough to render apparent the evil effect of such hasty legislation as is disclosed by the preceding remarks, and of allowing such sweeping generalities as "all other Acts or parts of Acts which may be inconsistent with this Act," to take the place of a more definite enumeration of the Statutes intended to be repealed. We venture to think our legislators would better fulfil their duty to their constituents and to the country, if, instead of occupying themselves, at the expense of their constituents, with matters which had much better be left alone, they did the existing Statutes the honour of reading and inwardly digesting them, before attempting to make new ones, and throwing, as they have done, upon the Bench and the Profession, the almost hopeless task of selecting from such a crude mass of chaotic contradictions, the *disjecta membra* of a system of Canadian jurisprudence.