medicinal purposes, &c. The words of the corresponding English acts are various, viz.: "except as refreshment for travellers;" "except as refreshment to a *bona fide* traveller or a lodger therein;" and, in the last act, "except to a traveller or lodger therein." But it is apprehended that these expressions are all substantially the same.

It may here be remarked that, in our act, the words "*lodging at*" are used in addition to the word "travellers," and it might perhaps be argued that these words imply something more than the simple word "travellers," and that their introduction was intentional, and that they must be interpreted to mean travellers having a temporary habitation or hired room or resting place for the night. But without expressing any opinion on this point, or as to how these words may be affected by the context, "or ordinary boarder lodging at such place," we will now proceed to notice the decisions alluded to.

In the first place, section 282 of the Municipal Institutions Act empowers municipal councils to make by-laws for the preservation of public morals, and particularly alludes, amongst other things, to enforcing the due observance of the Sabbath and the suppression of tippling houses, &c. This power, however, is subject to the provisions of section 254, already referred to, and, as might have been expected, a by-law forbidding the sale of intoxicating liquors *to any one* was adjudged to be bad (*In re Ross* v. *Mun. of York and Peel*, noted in another column.)

The most recent case in England on the question as to who are "travellers" is *Taylor*, appellant v. *Humphries*, respondent, 13 W. R. 136. The facts were these:—The appellant kept a public-house at a village about two miles from Birmingham. One Sunday morning, a police constable, on passing the house, found the door closed, but not fastened. He entered and saw some thirty men and women, in different rooms—some had ale and bread and cheese before them, and some of the men were smoking. The bar-maid said that they were all strangers, and on being asked if they were "travellers," the appellant said they were. The appellant was summoned before the local magistrates, under the act, when it was proved by two of the customers on the occasion that they resided in Birmingham, and that they had walked through lanes and fields seven or eight miles before reaching this public-house, where they had ale and bread and cheese, and that they did not leave home with the intention of stopping at the house, and that before being served they were asked if they were travellers, and they said they were. The magistrates convicted the appellant, but an appeal from this conviction was sustained; Erle, C. J., in giving judgment, saying that "the word 'traveller' ought to be considered to include all those who fare abroad, either from a desire to enjoy country sights and sounds, or from any other motive, either of business or pleasure; but that it should not include a person coming abroad merely because he desired to go to a public-house to obtain drink; and that any supply of refreshment needed by reason of such faring abroad ought to be construed to be refreshment to a traveller; and that the burthen of proving that there had been a breach of the prohibition in the statute is cast on the informer, and that if the publican believed, and had reason to believe, when he supplied drink, that he was supplying refreshment to to a traveller, he ought not to be convicted. The circumstances under which the guest was admitted and supplied, would be matter for consideration in deciding whether the publican had reason to believe, and did believe, that he was a traveller within the description, either when he admitted him, or when he afterwards supplied him, such as whether he was a stranger or neighbour; whether he delayed longer or took more than was consistent with the need of refreshment. The distance also would be relevant, but no rule can be laid down for a definite distance, as that which may be short for the vigorous may be long for the weakly."

It has also lately been decided in England, under the same act, that a person who has taken a ticket and is about to start in a railway train is a "traveller" within the act: (*Fisher* v. *Howard*, 13 W. R. 145.)

From these and similar decisions, it is clear it makes no material difference under the act whether the person supplied is a traveller on business or on pleasure. Some such rule, moreover, as that laid down in the case from which we quote is absolutely necessary for the protection of tavern-keepers. All they can do is to ask their customers the question whether they are travellers; the latter need not submit to a cross examination; and a tavern-keeper refusing to entertain travellers, does so at his peril.