

and thus keep down costs by confining the proofs to the items or facts really disputed. People often complain that costs mount up rapidly, and complain of the law, when the fault lies at their own doors.

### SUNDAY TRAVELLERS—THE TEMPERANCE ACT.

In our January number we discussed the question as to who are *bona fide* "travellers," and when intoxicating liquors may not be sold to persons not coming within that denomination. We return to the subject in connection with the Act passed last session for the prevention of drunkenness, or as it is more generally called, "Dunkin's Act."

The first part of the Act is taken up with provisions relative to the prohibition of the sale of intoxicating liquors in certain localities, and most of our readers are doubtless more or less familiar with these provisions, from information gleaned from the public prints.

Sections 39, 40, 41, 42, 43 and 44 are provisions of general interest, irrespective of local prohibition.

Section 39 refers to witnesses and evidence in prosecutions for selling liquor without license.

Section 40 is a novel enactment, but one which, we think, is calculated to work a benefit in the community, by touching the pockets of many who, utterly regardless of the consequences of their acts, make a profit out of the sins and follies of their fellow men. It provides that when any person who has drunk to excess in any tavern, or other place where liquor is sold, and whilst in a consequent state of intoxication, comes to death by suicide, or drowning, or perishing from cold, or other accident caused by such intoxication, the tavern-keeper, &c., shall be liable to an action at the suit of the legal representatives of the deceased for any sum by way of damages, of not less than one hundred, nor more than one thousand dollars. We sincerely trust that the legal representatives of all such unfortunates as are here referred to will for the sake of public morality, and as a punishment to evil doers, if not for the sake of those who may perhaps have been dependent upon the deceased for their support, without fear or favor, commence and rigorously prosecute all offenders within the meaning of the statute.

By section 41 it is provided that any person who furnishes liquor which causes the intoxication of another, who, whilst in that state, commits an assault, or injures property (if such furnishing be in violation of law), shall be liable, either by himself or jointly with the intoxicated person, to any action which might be brought against the latter.

Under section 42 husbands, wives, parents, &c., can notify sellers of liquor not to furnish it to any person addicted to drinking, and recover damages against such person if he acts contrary to such notice.

Section 44 takes the place of section 254 of the Municipal Institutions Act, and is substantially the same. There is an unimportant change made in the time within which intoxicating liquors may not be supplied to others than travellers, &c., or for medicinal purposes—the hours now being from nine o'clock on Saturday evening till six o'clock on the Monday morning thereafter.

What we have said is not to be taken as approving of more than the principle involved in these enactments, for we really fear that when the law comes to be worked much difficulty will be found in settling the exact meaning of the language used, more particularly that in section 40. We must, however, hope for the best. It is, at all events, a point gained in obtaining such a law even in its present shape.

### COUNTY ATTORNEYS AND DIVISION COURT CLERKS.

We have received a communication from a County Attorney with reference to an article which appeared in the January number of the *Local Courts' Gazette*, from which we are glad to learn, that we have been misinformed as to all the County Attorneys having come to the understanding there alluded to. Our correspondent allows to the Division Court Clerks of his county residing out of the county town, purchasing stamps to the amount of ten dollars at a time, two and a half per cent commission, being one half of what he himself receives.

This is as it ought to be, and we are also glad to find that, as a County Attorney, he endorses our views. He says "I quite agree with you that where Division Court Clerks are compelled to lay in a stock of stamps, or to state it better, do so to obviate the necessity of the