

in the human system. Would it be necessary upon the trial of a case, where any of these facts were involved, to prove to the jury any one of them? We apprehend no lawyer would undertake to burden the record of a case with such proof. If therefore it be unnecessary to prove any of these well-known physical facts, why should it be necessary to prove the equally well-known fact that alcohol is an intoxicant? In the case of *Briffitt v. State*, 58 Wis. 42, the defendant was indicted for selling intoxicating liquors without first having obtained a license therefor. The proof was that he sold beer. The question before the court was whether proof that the defendant had sold beer was sufficient proof that he had sold malt and intoxicating liquor. Orton, J., in delivering the opinion of the court, said: "At the present time we all know that this malt liquor, under the generic name of 'beer,' is made and used in most of European countries, and in our own, and is a common beverage. As long as laws for licensing the sale of intoxicating liquors have existed, brandy, whisky, gin, rum and other alcoholic liquids have been held to be intoxicating liquors *per se*; and why? Simply because it is within the common knowledge and ordinary understanding that they are intoxicating liquors. By this rule of common knowledge, courts take judicial notice that certain things are verities, without proof; as in *Chambers v. George*, 5 Litt. 335, the circulating medium in popular acceptance was held to mean 'currency of the State'; and in *Lampton v. Haggard*, 3 T. B. Mon. 149, the circulating medium was held to mean 'Kentucky currency'; and in *Jones v. Overstreet*, 4 T. B. Mon. 547, the word 'money' was held to mean paper currency. * * * Words in contracts and laws are to be understood in their plain, ordinary and popular sense, unless they are technical, local or provincial, or their meaning is modified by the usage of trade. 1 Greenl. Ev. § 278. When the general or primary meaning of a word is once established by such common usage and general acceptance, we do not require evidence of its meaning by the testimony of witnesses, but look for its definition in the dictionary." There are numerous other cases holding that the courts will take judi-

cial knowledge that beer is an intoxicant, and that the fact need not be proven to the jury. It is true that there are authorities in conflict upon the question of whether beer is such a well-known intoxicant as to need no proof of the fact—some courts holding that it is, and others that it is not; but no case was cited, nor have we been able to find any, that holds that it is necessary to prove that alcohol, whisky, brandy, gin or rum are intoxicants. In the case of *Com. v. Peckham*, 2 Gray, 514, it was held that an "allegation in an indictment of an unlawful sale of intoxicating liquor is supported by proof of such a sale of gin, without proof that gin is intoxicating." The court say in that case: "Jurors are not to be presumed ignorant of what everybody knows; and they are allowed to act upon matters within their general knowledge, without any testimony on those matters. Now, everybody who knows what gin is knows that it is intoxicating; and it might as well have been objected that the jury could not find that gin was a liquor without evidence that it was not a solid substance, as that they could not find that it was intoxicating without testimony to show it to be so. No juror can be supposed to be so ignorant as not to know what gin is. Proof therefore that the defendant sold gin is proof that he sold intoxicating liquor." If this is a sound rule as to gin, and we think it is, it ought to be more so as applied to alcohol, "the hoary-headed mother of all intoxicants," as expressed in the charge of the court below. Of course, if it is not well known and well recognized by the people generally that a drink is intoxicating, proof of the fact that it is intoxicating should be required. If there is a new drink, or a beverage not so well-known, such as "agaric," "rice-beer" and other drinks common under prohibition laws, proof that it is an intoxicating liquor would be necessary.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, June 22.

Judicial Abandonments.

- P. J. Boivin, Quebec, June 14.
 Joseph Louis Gascon, Montreal, June 18.
 Moise Arthur Ouimet, boot and shoe manufacturer, Montreal, June 13.
 Maxime Nadeau, Fraserville, May 31.
 Anselme Poulin, Iberville, June 5.
 H. Samson, tanner, Quebec, June 13.