

EDITORIAL ITEMS.

case was referred to with much feeling by a learned Queen's Counsel, as having actually transpired in one of our counties. It appears that a married woman applied to a shopkeeper for goods, informing him however, that she was acting contrary to her husband's instructions. The merchant, nevertheless furnished the goods, and charged the woman personally with their price. He then shortly after sued her alone in the Division Court. The result was that the woman was kept a whole day in attendance at Court, and the equally unfortunate husband was kept at home to take care of the children. To assist him in his onerous duties he had to subsidise a neighbour of the gentler sex at an outlay which he begrudged. He now complains that the Legislature entirely neglects the interests of the unprotected male. The case had its parallel in another—in Wyoming county—cited by the same counsel, where the husband spent the day in walking about outside the court house with the baby in his arms, while the wife performed her duty to the State on the jury.

PROBABLY no stronger illustration could be given of the fact that law does not profess to be co-extensive with morality, than the state of the law relating to drunkenness. It is said by Galt, J., in *Reg. v. Blukely*, 6 Prac. R. 244, that there are certain vices which, in the eye of the law, are punishable only when practised publicly, and that drunkenness is one of these. A man cannot, when drunk in his own house, be forcibly removed therefrom, even at the request of his own family, unless his conduct be such as would constitute him a nuisance to the public, that is, by creating a public disturbance. A case of similar import recently came before the Belfast Police Court. Ann Ryan, a licensed publican, was summoned for being drunk on her

own premises. It was sought to subject her to a penalty under the 12th section of the recent Licensing Act, which inflicts a penalty upon "every person" "found" drunk in any licensed premises. The magistrate, however, held that the Act was not intended to deprive licensed publicans of the privilege of getting drunk in their own public house, but only reached the casual visitor or customer.

THE *Solicitors' Journal* notes the cases on the question as to the right of the prosecuting counsel in a Crown prosecution to reply when no evidence is called on behalf of the prisoner. When the Attorney-General appears officially on behalf of the Crown he is entitled to reply: *Reg. v. Marsden*, M. & M., 439. A similar right has been conceded to the Solicitor-General: *Reg. v. Tonkley*, 10 Cox C. C., 406, and *Reg. v. Burrow*, 10 Cox C. C., 407. By the rules made by the judges in 1837, regulating the practice in trials for felony (7 C. & P., 676), it is taken for granted that the counsel who represent the law officers of the Crown are also entitled to reply in such cases: see *Reg. v. Gardner*, 1 C. & K., 628. But in *Reg. v. Christie*, 1 F. & F., 75, the Court refused to extend the privilege to the Attorney General for the County Palatine of Lancaster,—Martin, B., there remarking that the practice was a bad one. In *Reg. v. Beckwith*, 7 Cox C. C., 505, Byles, J., refused the alleged right to the counsel prosecuting in a matter originating with the Poor Law Board. The claim of the Crown counsel to reply in a prosecution conducted by the Solicitor of the Treasury was, after discussion, recently allowed by Mr. Justice Field. The *Solicitors' Journal* regrets that any exception should have been established in prosecutions on behalf of the Crown, and deprecates any extension of the anomaly: 19 Sol. J., 893.