of which has hitherto made it desirable as a place of residence.

3rd. That it would tend to counteract the beneficial influence of the schools and churches in the neighborhood.

4th. That it would tend to the injury of the many young men who, as volunteers or seekers of amusement, frequent the Skating Rink, as well as those whose houses are in the vicinity.

5th. That it would seriously depreciate the value of property within the circle of its influence.

The formalities required by law have been complied with by the applicant, and no opposition is offered on the ground that he is not personally qualified. A point urged by the opposants is that there is no need for a restaurant in the vicinity. The law as it now reads in the statute book does not require the applicant to allege such need in cities. On the contrary the exception is inserted in the latter end of clause 7, 41 Vic., chap. 3, to the effect that when the license is asked for a house "*situated in the country*," the certificate must allege "that there is need for a house of public entertainment,' in that place. The said exception proves conclusively that no such assertion is required for a license in the city.

I freely admit and fully concur with the opposants that the immediate vicinity of a public drinking place is in general annoying, liable to introduce a disturbing element, to counteract the influence of churches, to do injury to young people and possibly to depreciate the value of property, although it must be admitted that in the present instance the chances are that the contemplated restaurant must be kept as a first-class one, and on as respectable a footing as any place of public entertainment could ever be kept. In fact it stands to reason that none but a high toned restaurant could maintain itself there.

If the Legislature had intended that the majority of the inhabitants of a ward should determine whether there shall exist or not a licensed restaurant within its boundaries, there would be no room left for hesitation in this matter, and the present application would have to be refused. But the law does not so provide. Not only is the majority of the inhabitants of a ward powerless in preventing the issuing of a license within such ward or in limiting the number of licenses therein, but the Corporation of the city itself is denied such right by law. And this is clearly established by articles 561 and 568 of the Municipal Code, and by sec. 3 of the statute of 1879, wherein the very same powers of prohibiting, limiting or reducing the number of licenses are conferred by an exception upon rural municipal councils for their respective municipalities of course. The only conditions required by law to obtain a license are contained in secs. 7, 8 and 10 of the Quebec Act of 1878, and are the following:

1st. The applicant shall furnish the license Inspector with a certificate signed by twenty-five municipal electors of the ward within which is situated the house for which the license is applied for, said certificate to the effect that applicant is personally known to the signers, that he is honest, sober, of good reputation, and that he is qualified to keep a place of public entertainment. 2nd. The said certificate shall be accompanied by an affidavit of the applicant to the effect that he is in all respects duly qualified according to law to keep a house of public entertainment. Such certificate must be confirmed by the municipal council in rural parts, and by the Judge of Sessions, Police Magistrate or the Recorder in the city of Montreal and Quebec. Not a single word is there to be found in these dispositions to the effect that the applicant must allege the need of a public house (in cities), nor that the opening of the same is agreeable to the inhabitants of the locality. But the statute enacts that "The granting or refusal of the confirmation of the certificate is discretionary with the said authorities, and their decision is final."

It is contended by the opposants that this section gives full power to the magistrates to use their own judgment, and refuse or grant a license certificate upon any ground they choose, whether on account of the personal disqualifications of the applicant, or for any other reason or cause whatsoever, as for instance when the public feeling in the ward is opposed to it. The several books by them cited show conclusively that in fact the decision of the magistrates—good or bad—must remain untouched; that no mandamus could issue from a superior tribunal to constrain them to modify their judgment, for the simple reason that the law having left the matter to their discretion, no superior court