

*INTOXICATING LIQUORS.*

The question as to what is an intoxicating liquor within the prohibition of the Ontario Liquor License Act—the Act itself furnishing no assistance in the matter by definition or otherwise—has lately come up for decision in magistrates' courts in the city of Toronto and the county of York. The police magistrate of Toronto held that a beer containing 2.11 per cent. of alcohol was not an intoxicating liquor, and a few days later two county magistrates decided that samples of the same beer showing on analysis 2.43 and 2.66 per cent. of alcohol, respectively, were intoxicating liquors. In deciding as they did the county magistrates followed a considered but unreported judgment of His Honor Judge McDougall, given in November, 1885. This decision was that a beer containing from two to three per cent. of alcohol was an intoxicating liquor within the meaning of the Act.

For some months past light beers showing on analysis two to three per cent. of alcohol, have, under various names, been freely sold throughout the province by unlicensed persons. These drinks are advertised to resemble, as they do in fact, both in taste and appearance, the ordinary lager beer, and it is said that every dive keeper in Toronto has his regal beer or jubilee pumps, and that in the parks and at the fall fairs these beverages have been popular drinks. In seeking to bring them within the License Act the provincial authorities say, not only that the drinks are mild intoxicants, but that being sold as temperance drinks they are taken as such by young persons and others unaccustomed to the use of intoxicants, and thus an appetite for stimulants is unconsciously aroused, and moreover that resembling so closely ordinary lager beer, it is impossible, without an analysis in every case, for the officers of the law to tell whether the booth and dive keepers are selling the diluted forms or the ordinary lager. Lager beer, it may be stated, contains from three to five per cent. of alcohol, and is admittedly an intoxicant.

The decision of Judge McDougall having been reached after a most exhaustive inquiry, extending over several days,