

and two other defendants for unlawfully keeping intoxicating liquor for sale without a license.

H. G. Tucker, for the defendants.

J. R. Cartwright, K.C., for the Crown.

MIDDLETON, J., said that the liquor was alleged to have been kept for sale upon a house-boat on the Saugeen river. Three lager kegs were found, one full, one empty, and one on tap. There were empty bottles, a beer pump, and glasses, the glasses shewing that they had been recently used. The conduct of the defendants was not satisfactory, as the full keg and the empty keg were concealed, and they asserted that the keg on tap was the only liquor they had. A constable deposed to having seen intoxicated men coming from the boat—these men being arrested and fined. The boat was said to be owned by a club, of which the defendants were members.

The contention put forward by the defendants was, that the boat was kept as a place of entertainment, where practically any one might go, and that the individual members of the club bought the beer and presented it to those who desired to consume it. Apparently the magistrate was not convinced of the veracity of this account, even if it was open to him to accept such an explanation, in view of the somewhat stringent provision of sec. 45 (3) of the Liquor License Act, R.S.O. 1914 ch. 215, providing that proof of consumption of liquor in the premises of any incorporated association or club by any member or any person who resorts thereto, "shall be conclusive evidence of sale of such liquor, and the occupant of the premises or any member of the club, association or society . . . shall be taken conclusively to be the person who has or keeps therein such liquor for sale."

The intention of the Legislature is, that it shall be impossible to obtain liquor in an unlicensed club; and this intention can only be effected by legislation not easily circumvented.

In the notice of motion it was contended that the house-boat was not a house, building, room, or place, nor could it be described as "premises." This point was not seriously pressed upon the argument, and was clearly untenable. The boat might well be regarded as a house, a building, a room, a place, and premises.

Motion dismissed with costs.