

LIQUOR LICENSE ACT.

does, in fact, hold a licence authorizing him to sell spirituous and fermented liquors in and upon "*the premises known as Fraser House in the village of Port Stanley, under a tavern licence as defined by the statutes in that behalf.*"

It must be observed that the words in the licence are general, the definite article "*the*" is not used to designate the house, "*the premises known as Fraser House*" &c., are the words employed; it is limited in duration for it is a licence for six months, as being a place largely resorted to in summer by visitors.

The 14th section of the Act limits the operation of every licence to *the person* of the appellant, and for *the premises* therein described, to remain valid only so long as he continues to be the occupant of the premises, and the true owner of the business carried on therein. This provision is made for obvious reasons. First, as I take the meaning to be, that the sale shall be restricted to the person, whose character has been duly vouched for as one who may be properly trusted with a licence; and secondly, that the premises are suited to the accommodation of the public, for the purposes for which they are licensed; in proof of this, if we refer to the 9th section we find that the licence to sell is granted only upon petition by the applicant to the License Commissioners, and upon the report of the Inspector that the applicant is a fit and proper person to have a licence, that he has all the accommodation required by law, and that the applicant is known to the Inspector to be of good character and repute, so that the character of the applicant and accommodation for the public are prime essentials. The question then arises, how far and to what extent does this licence reach, so as to justify the appellant in the sale of liquor within proper and prescribed hours? and should the accommodation be confined or extended as much as possible, according to the necessity of the case? There is no doubt in my mind that he may sell in every room of the dwelling-house, from the garret to the cellar inclusive, if he chooses, all kinds of liquors; he is not confined to the bar-room, although, for purposes of convenience, the holders of licences, it is presumed, for the most part confine the sale of liquors to bar-rooms; the vital question here is, may he sell outside of the dwelling-house? In other words, what ground is covered by the licence? It must be borne in mind that the Act in ques-

tion is not primarily one for the better prevention of drunkenness, as is the case with the Imperial Act, 35-36 Vict., cap. 94, for, although it puts restrictions upon the persons and provides for the regulation of taverns, it is primarily and ostensibly a "Liquor License Act" with a view to revenue for the Province and the municipalities, and the duties of the Inspector are more pointed to the objects of revenue than they are to the suppression of drunkenness and vice.

This case is not precisely the same in *form*, but it is largely in *principle* like *The Queen v. Raffles*, L. R., 1 Q. B. Div. 207. In that case an information was laid against an innkeeper for selling intoxicating liquors *at a place not authorized by his licence*; here it is *for selling without a licence*—the effect of both is the same. There the licence was to sell intoxicating liquors by retail at 1 Blundell Street, Liverpool, and when the licence was granted there was adjacent to the house a vacant piece of land in different occupation and ownership, having a frontage on Blundell Street of twelve feet eight inches, and a frontage in another street called Jamaica Street of thirteen or fourteen feet. That vacant land was subsequently leased to the owner of 1 Blundell Street, who then enlarged the house by building on the vacant land, and an entrance was made on Jamaica Street. The whole building was in the occupation of the licensee, and intoxicating liquors were sold in the added part. An information was laid charging that Stedman, the licensee, sold liquor in a place where he was not authorized by his licence. The Magistrate decided that the premises were the same. It was held that the licence must be taken to mean whatever could be fairly called 1 Blundell Street, and that the Magistrate's decision was not wrong; that if he had held that the addition of a whole street of houses had been made it would have been covered by the licence, the case might be different, but the adding of only twelve feet was immaterial.

In this case I think the premises known as "*Fraser House*" comprehended what is colloquially intended by the expression *premises, i. e.*, lands as well as houses, and not one house, but the dining booth, the sheds, outhouses, and all the appurtenances within the curtilage, and the appellant's licence covers the whole premises occupied by him for purposes for which the li-