

son to all the privileges of the club, including the purchase of liquor, which is claimed to be the property of the club, and kept solely for the use of the members.

There is no evidence that the liquor kept was the property of the club.

The custom of the club is, that a member orders liquor from the steward. He gets the supply and then sells to the members (evidence of defendant).

The club used rooms in the building occupied by John McIsaac, the steward of the club, brother of the defendant. The liquor was kept in a room in the same building, but whether in one of the rooms used, owned and occupied by the members of the club is not shown by the evidence. The defendant admits acting as steward for or in place of his brother on two or three occasions, and says he was so acting at the time he made this sale in which the information in the proceedings was laid.

There was no further evidence taken at the hearing of this appeal, and I have before me the evidence taken by the magistrate at the trial, from whose decision this appeal is asserted.

I think the magistrate was truly justified in coming to the conclusion, that the defendant was guilty of a violation of the License Act, and properly committed him therefor.

I do not see that the case of *Graff v. Evans*, 8 Q. B. D. 37, relied on by the defendant, has any application in this case. The club in that case was an unincorporated association. The sale was by the manager to one of the members of liquor, the property of the club. I think, in the study of the decision in that case the true ground for the decision will appear to be the fact that the Licensing Acts of 1828 never considered or intended clubs to come within their scope: See *Huddleston*, B.'s decision.

These Acts specified the persons to be licensed. The Nova Scotia Act forbids all persons (including firms and corporations) to sell without a license.

This case is in some respects analogous to the *Queen v. Hughes*, 2 Can. C. C. 5. In that case the charter of the club (an inland corporation) forbade the selling of intoxicating liquors by the club.

The liquor was kept by the steward in a room in the building leased by the club, but under the control of the