

Liquor may be "had" upon the premises, within the statute, even when the property in it is not in the accused, and the keeper of a boarding-house, who permits a boarder to bring beer upon the premises for unlawful consumption, is guilty of an offence against the Act. This is not in conflict with the Borin case, for there it was shewn that the liquor was brought upon the premises by boarders without the knowledge or consent of the accused or of those for whose conduct she was responsible.

If this case was not duly presented at the trial, that was the misfortune of the accused.

*Motion dismissed with costs.*

MIDDLETON, J., IN CHAMBERS.

DECEMBER 11TH, 1916.

YOUNG v. SPOFFORD.

*Costs — Interpleader Issue — Goods Seized under Execution Claimed by Son of Execution Debtor — Issue Found in Favour of Execution Creditor with Costs — Motion to Compel Execution Debtor to Pay Costs or to Enforce Payment against Surplus of Goods.*

Motion by the execution creditor for an order requiring the execution debtor, the father of the claimant, to pay the costs of an interpleader issue.

R. L. McKinnon, for the applicant.

L. W. Goetz, for the execution debtor.

MIDDLETON, J., in a written judgment, said that goods were seized under an execution against the father; they were claimed by the son, and an issue was directed. At the trial, the late Chancellor found against the son's claim, declared the goods exigible, and awarded costs against the son.

The goods were worth more than the execution, and the son was worth nothing; so an order was now sought to compel the father, as execution debtor, to pay the costs of the contest with the son.

The father and son swore to a gift from the father to the son, but this did not avail against the execution.

Re Sturmer and Town of Beaverton (1911-12), 25 O.L.R. 190, 566, was relied upon; but what was there decided was that, when