

## RECENT ENGLISH PRACTICE CASES—LIQUOR LICENSE ACT.

order, disallowed all the general costs of the suit, and allowed those only which were occasioned exclusively by the defendant's defence. Fry, J. agreed with the taxing-master. The plaintiffs appealed.

*Cookson*, Q.C., and *Creed*, for the appeal.

*North*, Q.C., and *Speed*, contra, were not called upon.

THE COURT (Jessel, M.R., and Baggallay and Lush, L.JJ.) dismissed the appeal.

## LAIRD V. BRIGGS.

*Imp. O. 27, r. 1—Ont. O. 23, r. 1, No. 278.*  
*Amendment of Pleadings—Alteration of case.*

[Ch. D. July 26.—W. N. 120.

This was an appeal by the defendant from a decision of Fry, J., reported 16 Ch. D. 440, granting an injunction to restrain the defendant from removing shingle from a part of the foreshore at Margate, and refusing the defendant leave, at the trial, to amend his defence, so as to turn a qualified denial of the plaintiff's possession to the foreshore in question, into an unqualified denial of mere possession.

THE COURT (Jessel, M.R., Brett, and Cotton, L.JJ.) held that an amendment ought to have been allowed, and that upon the true construction of the building agreement under which the plaintiff claimed to be entitled to the *locus in quo*, he had no title or estate therein whatsoever, but only a right of entry for the purpose of the building agreement, and on this ground allowed the appeal with costs.

[NOTE.—*Imp. O. 27, r. 1 and Ont. O. 23, r. 1 are identical.*]

## IN THE COUNTY COURT OF THE COUNTY OF ELGIN.

FRAZER—APPELLANT, AND THE INSPECTOR OF LICENSES OF THE COUNTY OF ELGIN, RESPONDENT.

*Liquor License Act, Sec. 18.—Locality covered by License.*

A licence to sell spirituous liquors under the Liquor Licence Act gives the licensee the right to sell liquors not merely in the hostelry, but also in build-

ings in its vicinity on the same premises and within the same enclosure.

[St. Thomas, August 17.—Hughes, Co. J.

This was an appeal by an innkeeper, having a licence limited for six months, under the 18th section of the Liquor License Act, his premises being largely resorted to by visitors in summer, and shut up during the rest of the year. The premises consisted of a large summer hotel, pleasure grounds, gardens, a dining booth, a bar-room and ice cream saloon. All (except the two last named, which were contiguous to each other) were in buildings separated from the house. Adjoining his premises and leading into them, are other pleasure grounds belonging to the Railroad Company of which the appellant was the lessee, which were also used by excursionists in summer time. The appellant sold liquors under his licence in the hotel, and also in the bar-room constituting a separate building at the entrance of and on his own premises adjoining the picnic grounds, claiming that he had a right to do so under his licence. The Magistrate, on complaint of the Inspector, decided that the license was confined to the hotel, and convicted and fined him \$20, as for selling in the out-of-doors bar-room without licence.

The innkeeper appealed to the County Judge.

*C. Macdougall*, for the appellant.

*Stanton*, County Crown Attorney, for respondent.

The other facts appear by the following judgment of

HUGHES, Co. J.—This is a question entirely affecting the revenue, and not one of morality or for the suppression of drunkenness. The Inspector of Licences prosecuted here for and on behalf of the public because, as is alleged, the appellant unlawfully sold by retail, liquor in a certain outbuilding erected on the Fraser grounds, at Port Stanley, without having first obtained a License under the Liquor License Act authorizing him to do so, contrary to the 39th section of that Act. The facts are, as I understand them, that the appellant is the proprietor of an hostelry and certain pleasure grounds at Port Stanley, where thousands of pleasure seekers resort during the summer season for recreation, health, and amusement, and is one of those places referred to in the last sentence of the 18th section of the Act. The appellant