

liquor to be given to or furnished to one Clark Graham, an infant under the age of 21 years, without the said Clark Graham producing a requisition from a medical practitioner that such liquor was required for medicinal purposes. The trial took place at Newmarket, before the police magistrate and an associate justice on Jan. 8, 1908. It was objected on behalf of the defendant that the information disclosed no offence, as the sale was under s. 78 of the Liquor License Act, must be to a person apparently or to the knowledge of the person selling or otherwise supplying the liquor under the age of 21 years. The prosecution then applied for an amendment of the information under s. 104 of the License Act, which provides that at any time before judgment the police magistrate may amend any information. An amendment was thereupon made, and after hearing evidence a conviction was made, and a fine of \$10 and costs imposed. A similar case was tried in a similar manner against the same defendant for a sale to Thomas Hodgins with a similar result. From these convictions the defendant appealed to the judge of the County Court of the County of York.

Haverson, K.C., for the appellant, contended that the information as originally laid contained no offence, as the section did not forbid the sale to a person under the age of 21 years, but to a person apparently or to the knowledge of the person selling under that age: *Rex v. Boomer*, 15 O.L.R. 321; and that under s. 95 of the License Act all informations must be laid within 30 days after the commission of the offence and not afterwards. It was therefore too late on Jan. 8 to amend an information which did not disclose any offence.

Choppin, for the respondent submitted that the amendment could be made under s. 104.

MORGAN, JUNIOR Co. J.:—These are appeals to me against convictions under the Liquor License Act. The facts in each case are identical, and one judgment will suffice for both cases.

The defendant charged in each case, for that he did on the third day of December, 1907, at his licensed premises give, sell; or furnish liquor to Graham and Hodgins respectively, who at such time were alleged to be minors under the age of 21 years, and who did not furnish the defendant with a requisition in writing signed by a medical practitioner or justice of the peace that the liquor was required for medical purposes.