

hotel keeper has the actual custody of the liquor. As said by Wills, J., in *Platt v. Beattie*, [1896] 1 Q.B. 523: "The provisions of the License Act were not framed with regard to the niceties which sometimes enter into the consideration of a contract for goods sold and delivered."

The learned Judge has dealt with this case as if it turned upon the question of title to the liquor. The actual sale may have given the purchaser title to it, but the Act prohibits more than mere selling, and in view of this object a liberal construction should be placed on the words "or other disposal."

In my opinion, these words as here used are intended to include transactions respecting liquor whether or not connected with its sale. If the words were to be given the narrow construction contended for by the respondent, the object of the Act in seeking to suppress the traffic in liquor on Sunday could readily be defeated. Any person desiring to obtain liquor on Sunday could complete his purchase within lawful hours on Sunday, leaving the liquor then purchased in the hotel until Sunday and then call and obtain it. The legislation in question does not, I think, contemplate a licensed hotel becoming a base for such operations, and I interpret them as covered by the prohibitory words "or other disposal." The word "disposal" is not here used in a strict technical, but in a liberal sense. According to the dictionaries it has many meanings; some of them associated with selling, others with the mere matter of possession. The following are some of the meanings given by the dictionaries: "An act disposing of something by gift, sale, conveyance, transfer, or the like; the act of putting away, getting rid of, settling or definitely dealing with; bestowing, giving, making over, alienation or parting with by sale or the like," etc.

The handing of the bottle of whiskey to the purchaser was a transfer of the actual possession of it and as such was, in my opinion, an act of disposal prohibited by the section.

I, therefore, think this appeal should be allowed with costs here and below, and the case should be referred back to the magistrate to be dealt with.

SUTHERLAND and MIDDLETON, JJ., concurred in allowing the appeal, giving written reasons.