

FINLAYSON, Co.C.J.:—This is an appeal from a conviction by the stipendiary magistrate, under sec. 62, Nova Scotia License Act, by which defendant was convicted of supplying or furnishing liquor to minors.

The evidence discloses on these different occasions that liquors were supplied to minors by employees, of the defendant, on the written order of one Peter Carlin. On none of these occasions was the defendant present. The defendant swears that his instructions to his employees were not to supply any liquor to minors, except on the written order of their parents. It was admitted that none of the minors, to whom liquor was furnished, was the child of Peter Carlin. There is no doubt the object aimed at by this section was to prevent minors frequenting bar-rooms and preventing them getting liquors under any pretence whatever. And it is probable that the magistrate did not consider the prohibition to supply minors wide enough, that under the instructions an offence could have been committed; that supplying the minors on the parent's written order would not constitute a defence. In this case, however, the furnishing of the liquor to the minors was in distinct violation of the master's instructions. It was done without his knowledge or consent. Is the master liable for the illegal act of his servant committed without his knowledge? The cases support the proposition that if the master's business is illegal, he is responsible for the acts of his servants whether he had knowledge or not. But if the business is lawful, the master is not criminally liable for the illegal acts of his servants alone, without his knowledge or consent, express or implied, or in his absence and in disobedience to his instructions, unless the particular statute, under which the offence is committed is broad enough to hold him so liable. In this case the defendant is conducting a legitimate business. Section 62 enacts that a licensee shall not supply or furnish or allow to be given, supplied or furnished on or about the licensee's premises, any liquor to minors. It is a violation of this section which is complained of. Besides the money penalty, the licensee forfeits his license and is thereafter disqualified from holding a license. The section being a highly penal one, must be given the strict interpretation of a penal statute, and the defendant should not be held liable, unless he is clearly within its terms. The word "allow" in this section, must, at least, be deemed to