

purpose of sub-sec. 16 manifestly was to make it clear that a man could not get a license and put somebody else into the license premises and permit him to carry on the business. It was a license personal to the man to whom it was granted, and for the very premises and no other than those for which the license was issued, and what the legislature desired to accomplish by that provision was to prevent a man, after getting a license in that way withdrawing from the control of the business and putting somebody else in who would operate under his license. To extend the section to such a case as this would make the Act unworkable, and is something which I think was not at all in contemplation of the legislature.

Then it is to be observed that the provision is "so long as such person continues to be the occupant of the premises" so that, taking it even in the most technical sense, this man was never the occupant of the premises, and if technically is to be resorted to upon the one side it may fairly be resorted to upon the other, and there was in this case no ceasing to continue because he never had occupied the premises.

In my opinion the moment the license commissioners granted the transfer or the permission to transfer, or whatever the formal document was, the premises became licensed premises within the meaning of the statute, and therefore upon the application for a license for the incoming year there was no necessity for a new certificate.

Even if that were not so, there is, I think, another complete answer to the application, so far as it rested upon the argument upon which this branch of the case is supported, and that is that there is nothing in the case to shew that the license commissioners have acted yet or that they intend to act contrary to their duty in the premises, and even if the court has jurisdiction to intervene in the matter I ought not to assume that they are going to do so; and that, as I say, seems to me to be a complete answer to this branch of the case.

Then with regard to the absence of the report of the inspector, I am very much inclined to think that that is a matter with which the court has nothing to do. The absence of the report I cannot think would, where the license is issued, make the license void. Surely that is part of the internal machinery. The license commissioners probably would be derelict if without such a report they acted; but the statute seems to have laid down a course of procedure with regard to the removal of licenses