But I am far from being able to find as a fact that defendant really never had any knowledge of the notice until, as he says, this action was brought or threatened. . . . The whole evidence would lead one to the conclusion that defendant had knowledge of the service of the notice, but had forgotten it.

At the trial I was inclined to the view that, as the enactment expressly makes the licensee answerable for the delivery of the liquor "by his clerk, servant, or agent," as well as by himself, and as it, immediately before such provision, provides for the notice being given to the licensee, without adding any such other words as "his clerk, servant, or agent," there might be an indication that actual notice to the licensee himself is required, and that only after such personal notice does he become liable for the act of his "clerk, servant, or agent." But it is clear that, unless an enactment requires personal service, personal service is not, generally speaking, necessary: see The Queen v. Lancaster, 15 Q. B. 671, and Ex p. Porlingee, [1892] 1 Q. B. 15: and any one aware of such general rule might well think it mere surplusage, indicating a want of knowledge of the law, expressly to provide for service upon an agent when personal service was not plainly indicated. The purpose of the legislation seems to me to have been rather to leave as few loop-holes as possible by which, under any manner of cunning devices, the legislation might be made practically a dead letter. There is nothing extraordinary in making a master answerable for the negligence of his servant.

The opinion expressed by Osler, J., in Austin v. Davis, 7 A. R. 478, at p. 484, that "clearly, the person to be notified is the master or owner of the business, and not the mere clerk or servant employed, it may be for a day, or a longer or shorter period," has caused me to pause long and to search carefully for reasons and authorities in support of that opinion. But it was purely an obiter dictum of the learned Judge, no question as to service of the notice having arisen in that case, and so, like every other dictum—no matter how able and experienced the Judge—has no binding effect upon any other Judge, and affords no excuse for his failing to give the question consideration, and the parties the benefit of an exercise of his judgment upon it.

I have been unable to find any authority for requiring personal service. . . . The general rule seems to me to be settled to the contrary; and I can find nothing in the enactment itself to warrant the taking of it out of the general rule. . . . The person served in this case was, as I