

tiff should pay all the costs of the action, including the costs of the motion for the amendment.

When the cause was called for argument counsel for defendant admitted that the order appealed from was wrong, the learned Judge having been in error as to the effect of the amendment, which he regarded as setting up a wholly different case from that originally set up.

*Held*, that the plaintiff was entitled to have his appeal allowed with costs up to the time of the argument, with a fee for attendance before the Court at that time.

*Stairs*, for appeal. *Harrington*, K.C., contra.

Full Court.]

THE KING v. CONRAD.

[Feb. 22.

*N.S. Liquor License Act—Conviction sustained—Sale by person "suffered to be or remain on the premises"—Burden of proof—Word "occupant."*

The N.S. Liquor License Act, R.S. (1900) c. 100, s. 111, provides that "The occupant of any house, shop, room, or other place in which any sale . . . has taken place shall be personally liable to the penalty . . . notwithstanding such sale . . . was made by some other person who cannot be proved to have so acted under or by direction of such occupant."

*Held*, that defendant was properly convicted for sales made by his son who lived with him in a house occupied by defendant and his family.

*Held*, per RITCHIE, J., that the service upon the person convicted of an incorrect copy of the minute of conviction followed by service of a correct one would not in any way invalidate the proceedings or prevent the magistrate from preparing a conviction in accordance with the original minute made by him, and issuing process to enforce the penalty or imprisonment.

*Held*, per GRAHAM, E. J., that the son living with his father was a person suffered to be or remain on the premises within the meaning of the Act, s. 111, sub-s. (2).

*Held*, also, that the burden was on defendant of proving that the sales were made without his authority.

*Held*, also, that defendant was an "occupant" within the meaning of the Act.

*J. J. Power*, for appellant. *Drysdale*, K.C., and *W. W. McLennan*, for respondent.

Full Court.]

THE KING v. BRENNAN.

[March 5.

*Inland Revenue Act—Conviction for having in possession unlicensed still—Words "at any place."*

Defendant was convicted before the Stipendiary Magistrate in and for the city of Halifax for that he did in the said city of Halifax on the 11th day of February, 1892, without having a license under the Inland Revenue