

on behalf of the person, with regard to whom the notice has been served, or for his or her use "any liquor" shall for every such act incur a penalty of not less than \$25.00, nor more than \$50.00. It seems impossible to contend that the words "any liquor" used in this part of the section, providing the punishment, can be given a wider meaning than the words "intoxicating liquor" used in the part of the section providing for the notice. The words "any liquor" are quite as comprehensive, it appears to me, as the words "any description of liquor whatever," used in s. 78. In both sections it comes back to the meaning to be given the word "liquor" alone in this Act, and I do not find, to my mind, any greater evidence of a "contrary intention" on the part of the Legislature to the interpretation given in sub-s. 1 of s. 2, in using the words in s. 78, than I do in their using the words "any liquor" in sub-s. 2, of s. 125, where undoubtedly intoxicating liquor is alone intended.

To enlarge their own definition, the Legislature would, I think, in fairness to the license holder, use unmistakable language. Again in sub-s. 7 of s. 52, the Legislature has used the words "any liquor, or soda water, apollinaris, ginger ale, &c., clearly indicating that the words "any liquor" do not include, and are not intended to include, ginger ale, nor any non-intoxicating fluid. Many other sections of the Act are to the same effect.

In *Northcot v. Brunner*, 14 O. A.R., p. 364, Patterson, J., in discussing the meaning to be given to the word "liquor" says "the word 'liquor' popularly means intoxicating liquor," and further on he says: "As I read the interpretation clause of the statute, the word 'liquor' when used in the Act (the Liquor License Act in force in 1886) not only comprehends intoxicating liquor, but is restricted to that meaning."

The Legislature by the interpretation clause directs expressly what is to be understood by the word "liquor" wherever used in this Act, and with all deference to the learned Magistrate's opinion, and appreciating fully his desire to protect minors from the temptation which naturally attends their being allowed to purchase even non-intoxicating drinks in licensed places, I do not think the Legislature has indicated by the words used in s. 78, an intention to include non-intoxicating drinks. The appeal will, therefore, be allowed with costs.

Province of Manitoba.

QUEEN'S BENCH.

Full Court.]

BRECHLEY v. MCLEOD.

[Nov. 20, 1899.]

*Appeal from County Court—County Courts Act, R.S.M., c. 33, ss. 330, 315
—Amendment—Final order or judgment.*

In a suit on a promissory note in a County Court, the date of the note