

provided in sec. 117. There is nothing to shew anything wrong in the amount allowed. If it were wrong, it is clearly severable, and cannot affect the conviction as a whole.

Altogether the conviction should be upheld as valid and the judgment quashing it reversed with costs to be paid by Laird, the respondent.

FERGUSON, J.—I concur.

MACMAHON, J., referred to *Jenks v. Turpin*, 13 Q. B. D. 505; *Regina v. Ashtan*, E. B. & E. 286; *Paton v. Rhymer*, 3 E. & E. 1; *Regina v. Rogier*, 2 D. & Ry. at page 435; *Bacon's Abr. tit. "Gaming" (A)*; *Regina v. Martin*, 21 A. R. at p. 148; and concluded:

I think that the resolution which prevents the playing of a game of whist or euchre for amusement in licensed premises is not a reasonable regulation, and it is therefore one which the commissioners were not empowered to make.

In my opinion, the conviction was invalid, and the judgment of the learned County Court Judge quashing it should be affirmed with costs.