

pass and to inflict the penalty for an infraction of it, as provided in regulation 17. Can it be said that the defendant had, on July 12, a bar room in his hotel which consisted of more than one room. The structure complained of was connected with the regular bar of the house. It was only used on one day, when there was in the Town of Clinton an unusual gathering of people, and the defendant, in order to avoid too much crowding, I suppose, erected this temporary structure, which, in my opinion, would have the effect of keeping the crowd more in order and less liable to create a disturbance. I think the meaning of the word bar is a place over which liquor is usually sold in an hotel, where there are proper appliances, such as beer pumps, shelves, and many other appliances, and where the structure is of a permanent nature, and so constructed, all of which was wanting in the structure complained of. I cannot come to the conclusion that this structure was such a bar as would, by its use for one day only, constitute the hall in which it was, a bar room.

Then, again, it was argued that if the resolution was bad, I should still find the appellant guilty under s. 65 of the Act, which provides for one bar only being kept. I was referred to a case of a man called Herlick, who was convicted of a similar offence in 1896, and who appealed, and whose appeal was sustained and the conviction quashed. The learned judge who heard the appeal was of opinion that the word "kept" in this connection meant that it must be used on more than one occasion.

The Standard Dictionary, p. 976, gives this meaning, among many others, to the word "keep," and I think this perhaps applies better than any of the others to the meaning of the word in this connection: "(3) To manage, conduct, carry on, or attend to as a business, as to keep store or keep an hotel." This signifies something more permanent and lasting than one day, and no doubt the Legislature in passing this section, 65, intended to prevent a licensee maintaining and keeping two separate bars under one roof and for one license fee.

See also the Encyclopedic Dictionary, p. 2704, Sinclair's Liquor License Act, pp. 24, 62, 131; *Marks v. Benjamin*, *Shutt v. Lewis*, and *Syers v. Conquest*, ante, infra.

In view of the authorities quoted, and the meaning therein given to the word "keep," I am of opinion that the defendant, Lewis, did not on the 12th of July last violate s. 65 of the Act, or commit a breach of regulation 12, and I therefore quash the conviction, with such costs as are provided for in s. 119 of the Act, to be paid by the prosecutor to the defendant.