ship of Carr, in the district of Nipissing, on his premises, unlawfully kept liquor for the purpose of sale, barter, and traffic therein, without the license therefor required.

By the conviction the magistrate imposed a penalty of $50 and a sum of $ .00, as it appears by the conviction— that may be a mistake—for costs, and adjudged that, upon failure of the payment of the fine and costs forthwith, the applicant should be imprisoned without hard labour in the common gaol at North Bay, and there be kept for 3 months unless the fine and costs were sooner paid.

Various objections have been made to the conviction, some of them based upon the absence of any jurisdiction in Mr. Brown to entertain the complaint or to make the conviction.

One of these objections is that Mr. Brown was not appointed police magistrate for the town of Cobalt until after the date of the proceedings which are in question. A copy of his commission was put in, which bears date 18th October, 1907, and, if that were the governing date, it is a date subsequent to the adjudication, but the order in council appointing him was put in, and that bears date 11h January, 1907, so that, if the order in council is, as we think it is, the effective act by which the appointment was made, the power being conferred under the Act upon the Lieutenant-Governor in council to appoint a police magistrate, the objection fails.

Then it is said that Cobalt was not at that time a town. Cobalt had been by proclamation erected into a town prior to the date of the proceedings, but it is argued that, because there was no council at that time, it was not a town within the meaning of the Act.

I fail to follow or appreciate the argument of Mr. Mackenzie upon that point. The Act is perfectly clear, I think, and the meaning to be given to the words of the section, I think, is plain, and admits of no question.

Section 6 of the Police Magistrates Act, R. S. O. 1897 ch. 87, provides that the "Lieutenant-Governor in council may at all times, notwithstanding anything in this Act contained, appoint a police magistrate without salary for any town."

Cobalt was erected into a town by proclamation, and I think it is not necessary to follow the argument that because there is in this Act a provision that the council of a town with a population of less than 5,000 may ask for the