of the licensed premises: Paton v. Rhymer, 3 E. & E. 1. . . .

The English cases generally require that the element of betting be attached to the playing of cards before it can be called "gaming" in the legal sense, which is synonymous with gambling. But this putting up of money or money's worth is not aimed at in the resolution in question. I note an early Virginia case of repute in which it was held that playing at cards in a tavern is unlawful gaming, whether the party bets or not: Commonwealth v. Terry (1817), 2 Va. Ca. 77. And in more recent American cases the law is to the same effect. Playing cards, though not for money, in a private bedroom in an inn is within a statutory prohibition against gaming in any inn: McCalman v. The State (1891), 96 Ala. 98; Foster v. The State (1887), 84 Ala. 457.

The prohibition is in a manner attached to the premises, and the landlord's ignorance does not afford an excuse. He gave orders to the bar tender not to allow playing of cards in his absence, but his brother and others violated the well-known printed regulations which are exhibited in the most public part of the premises (see resolution 10), and the agent or servant of the proprietor failed in due oversight. The knowledge of the proprietor has not been make an element of the offence, and, if games of chance are played in the premises, the landlord is responsible, because he has undertaken in getting the license that they shall be protected: Cundy v. Leroy, 13 Q. B. D. 210; Collman v. Mills, [1897] 1 Q. B. 396, per Mr. Justice Wright at p. 400.

There are some minor objections raised, e.g., that the adjudication was varied by the conviction, and that the fine could only be enforced by distress, according to resolution 12 of the commissioners. The magistrate imposed a fine of $10, and the 8th resolution says that the fine and penalty is to be recovered and enforced with costs by summary conviction. . . . and enforced by distress as provided by law. Into this resolution is to be read the provisions found in sec. 100 of the Liquor License Act, R. S. O. ch. 245, that when penalties are imposed for the infraction of a resolution of the board of license commissioners the conviction . . . may be in the form set forth in sec. 707 of the Municipal Act, R. S. O. ch. 223. Upon turning to that form it will be found that for the recovery of the penalty by distress and in default of distress imprisonment, the conviction in hand follows the statutory form sanctioned by law.

There appears to be no valid objection as to the costs allowed, $4.20. If the inspector attends Court as prosecutor, etc., he is to be allowed certain expenses by way of costs, as