

Archibald G. Hodge, being a person who, after the passing of the Resolution hereinafter mentioned, received, and who, at the time of the committing of the offence hereinafter mentioned, held a license under the Liquor License Act, for and in respect of the tavern known as the St. James' Hotel, situate on York street, within the city of Toronto, on the seventh day of May in the aforesaid year, at the said city of Toronto, did unlawfully permit, allow, and suffer a billiard table to be used, and a game of billiards to be played thereon in the said tavern, during the time prohibited by the Liquor License Act for the sale of liquor therein, to wit, after the hour of seven o'clock at night on the said seventh day of May, being Saturday, against the form of the Resolution of the License Commissioners for the city of Toronto for regulating taverns and shops, passed on the 25th day of April, in the year aforesaid, in such case made and provided.

"Thomas Dexter, of said city, License Inspector of the city of Toronto, being the complainant.

"And I adjudge the said Archibald G. Hodge, for his said offence, to forfeit and pay the sum of twenty dollars, to be paid and applied according to law; and also to pay to the said Thomas Dexter the sum of two dollars and eighty-five cents for his costs in this behalf; and if the said several sums be not paid forthwith, then I order that the same be levied by distress and sale of goods and chattels of the said Archibald G. Hodge; and in default of sufficient distress, I adjudge the said Archibald G. Hodge to be imprisoned in the common gaol of the said city of Toronto and County of York, and there be kept at hard labour for the space of fifteen days, unless the said sums, and the costs and charges of conveying of the said Archibald G. Hodge to the said gaol, shall be sooner paid."

BEFORE THE QUEEN'S BENCH.

On the 27th May, 1881, a rule *nisi* was obtained to remove that conviction into the Court of Queen's Bench for Ontario, in order that it should be quashed as illegal, on the grounds:— 1st, that the said resolution of the said License Commissioners is illegal and unauthorized; 2nd, that the said License Commissioners had no authority to pass the resolution prohibiting the game of billiards, as in the said resolution, nor had they power to authorize the imposition of a fine, or, in default of payment thereof, imprisonment for a violation of the said resolution; 3rd, the Liquor License Act, under which the said Commissioners