

the alleged perjury was committed, was told to hold up his right hand which he did, when the usual formula, the evidence you shall give, etc., was repeated. He had not been asked if he had any objection to being sworn on the Bible. He was convicted of perjury and his conviction affirmed on appeal by an equally divided court (47 N.S. Rep. 176).

Held, that, having made no objection to being sworn as he was he must be held to have assented and was properly convicted.

Appeal dismissed with costs.

[NOTE: The report in 47 N.S. Rep. 176 erroneously states that the conviction was quashed.]

Madden, for appellant. *Jenks*, Dep. A.-G., for respondent.

Province of Ontario.

COUNTY COURT OF THE COUNTY OF WATERLOO.

REX v. GENZ.

Liquor License Act—Meaning of the word "kept."

Held, 1. The sale of liquor in more than one bar, in licensed premises, even though in a temporary structure, is a breach of R.S.O. 1897, c. 245, s. 65.

2. The word "kept" in the above section is to be interpreted as meaning "had in use."

Reg. v. Lewis, 41 C.L.J. 842, not followed.

[BERLIN, Nov. 18, 1913.—Reade, C.J.]

The defendant, a licensed hotelkeeper in the village of Elmira, in the county of Waterloo, was charged before a Police Magistrate under the License Act, R.S.O. 1897, c. 245, s. 65, with keeping more than one bar, contrary to the provisions of that enactment.

The facts were that the defendant put up a temporary structure in the sitting-room of his hotel across the hall from the ordinary bar-room, for the sale of liquor, and sold liquor there in the regular way.

The Police Magistrate found the defendant guilty of the offence charged and imposed a fine of \$20 and costs. An appeal was taken to the judge of the County Court.