

and paid into Court, for which there will be judgment for the plaintiffs, with Division Court costs, to be set off against the defendant's costs, who will be entitled to issue execution for the balance.

JULY 18TH, 1903.

DIVISIONAL COURT.

RE LIQUOR LICENSE ACT.

RE COOK AND LAIRD.

*Liquor License Act—Resolution of License Commissioners—Prohibition of Games of Chance on Licensed Premises—Intra Vires—Reasonableness—Conviction of Licensee—Absence of Knowledge—Form of Conviction—Fine—Distress—Imprisonment—Costs.*

Appeal by the license inspector of the County of Oxford, under sec. 120 of the Liquor License Act, R. S. O. ch. 245, from an order of the Judge of the County Court of Oxford quashing the conviction of one Laird by the police magistrate for the town of Ingersoll for an infringement of a resolution of the license commissioners of the county providing that "no gambling or any game of chance whatever for gain or amusement or for any other purpose whatever shall be played about any licensed tavern or other house of public entertainment . . . or on the premises." The commissioners have power by sec. 4, sub-sec. 4, of the Act, to pass resolutions for regulating the taverns and shops to be licensed. The evidence before the magistrate shewed that four persons were playing euchre for amusement in a room behind the bar of Laird's hotel, the cards used being the property of one of the players, a boarder in the hotel.

The appeal was heard by BOYD, C., FERGUSON, J., MACMAHON, J.

J. R. Cartwright, K.C., for appellant.

T. A. Gibson, Ingersoll, for Laird, the respondent.

BOYD, C.—The 3rd resolution forbids playing games of chance in the licensed premises. The keeper of the house of entertainment took his license on this condition, and is responsible if it is disregarded. That it was disregarded by playing the game of euchre in a little room back of the bar