

plans shew, the entrance to it that I have already mentioned, and also one from another part of the bar room, and other entrances. The defendant was fined \$20 and costs, in all \$33.90, and in default of payment distress, and by the adjudication in default of distress imprisonment without hard labour for 15 days, and by the formal conviction, in default of distress, imprisonment at hard labour for 15 days.

Haversan, K.C., for the appellant, urged three objections to the conviction: That it is not a conviction under the regulations or resolutions, as it imposes a penalty of \$20 and costs or 15 days in gaol, which is not warranted by the regulations. That having or placing a structure of the kind mentioned in the hall next to and connecting with the bar of the hotel for one day only is not a breach of the regulations, nor is it contrary to s. 65 of the Liquor License Act, which says, "Not more than one bar shall be kept in any house or premises licensed under the Act." That the regulations and resolutions are all ultra vires and beyond the powers of the License Commissioners.

1. Under clause 17 of these regulations the magistrate had no power to fine the defendant \$20, as the clause states that any person guilty of an infraction of any of these regulations shall forfeit and pay a penalty of *not less than* \$25 or more than \$50 and costs, etc., etc.

2. That the words "the bar room shall consist of one room only," mean exactly what s. 65 of the Act says, namely, "that not more than one bar shall be kept in any house," and that the penalty provided by the statute for a violation of s. 65 is to be found in s. 86 of the Act, which limits the amount to not less than \$20, besides costs, and not more than \$50, besides costs, and in default of payment, imprisonment for a period not exceeding one month.

3. The License Commissioners have no greater power as to passing these regulations or resolutions than the Municipal Councils formerly had, that is, that the power to pass regulations and resolutions was transferred from the latter body to the former, and what the Municipal Councils could formerly do by by-law, the Commissioners may now do by resolution. Under s. 100 of the Liquor License Act, the penalties imposed by the Commissioners for an infraction of any regulation passed by them may be recovered and enforced by summary proceedings before any justice of the peace having jurisdiction, in the manner and to the extent that by-laws of Municipal Councils may be enforced under the authority of the Municipal Act, s. 702, and this section limits the extent of the fine to \$50, and says that in default of sufficient distress imprisonment with or without hard labour for a period