

Section 580 (5) provides for the regulation of the place and manner of selling meat, and sec. 581 (1) for licensing and regulating the sale of fresh meat by retail. These do, no doubt, refer specifically to meat, but it is under a heading and with a collocation of subjects, in the scheme of the Municipal Act, which betokens making general provision for the disposal of commodities at fairs or in public markets.

The broad classifications under which these sections fall is division XVII., "Fairs and markets," and the municipality may enact laws to localize the sale of all sorts of meat, miscellaneous products and things, in markets and other fixed places. But the section under which this by-law is framed is under a different heading, viz., division XVIII., "Regulation of Trade," which also deals with a strange medley of subjects in the sub-headings, such as bread and bill-posters; bagatelle and ferries; auctioneers and tobacconists; runners and milk dealers; plumbers and hawkers; transient traders and victualling houses. Now, a man may be a hawker of potatoes, fruits, and vegetables (commodities dealt with specifically under division XVII.: *Howard v. Lupton*, L. R. 10 Q. B. 60); and a "transient trader" may be a person who follows the trade of a butcher: *Gaskell v. Spry*, 1 B. & Ald. 617; and in *Dr. Murray's Oxford Dictionary*, sub voce, it is said, "one whose trade is the slaughtering of large tame animals for food; one who kills such animals and sells their flesh; in modern use it sometimes denotes a tradesman who merely deals in meat."

The rule should be discharged with costs.

CARTWRIGHT, MASTER.

JUNE 23RD, 1903.

CHAMBERS.

BURNHAM v. HAYS.

*Action—Motion to Dismiss as against one Defendant—Negotiations for Settlement with other Defendants.*

Motion by defendant Hays to dismiss the action for want of prosecution.

W. A. Skeans, for applicant.

W. E. Middleton, for plaintiff.

THE MASTER.—Jeremiah Amey by his will dated 9th February, 1893, gave all his estate to his four daughters equally, subject to the life estate of his widow.

Mrs. Amey died 27th March, 1902. Probate of her will was granted on the 10th May following to defendant Hays, the sole executor.