

tending to all those under twenty-one years of age actually attending school.

A. H. Clarke, K.C., for railway company. *J. H. Rodd*, for township of Sandwich.

HIGH COURT OF JUSTICE.

Falconbridge, C.J.K.C., Teetzel, J., Riddell, J.] [April 23.

IN RE HASSARD AND CITY OF TORONTO.

Intoxicating liquors—Liquor License Act—Municipal corporations—By-law to reduce number of licenses—Construction of statutes and by-laws—Unauthorized limitation—Ultra vires—Meaning of “year.”

By sub-s. 1 of s. 20 of the Liquor License Act, R.S.O. 1897, c. 245, the council of every city is authorized by by-law passed before March 1 in any year to limit the number of tavern licenses to be issued therein for the then ensuing license year, beginning May 1, or for any future license year until such by-law is altered or repealed, provided such limit is within the limit imposed by the Act. Under the authority of this sub-section, the council of the city of Toronto, on Feb. 22, 1904, passed a by-law, the second section of which provided that “the number of tavern licenses to be issued shall not exceed the number of one hundred and fifty in any one year.” On Jan. 27, 1908, the council passed a by-law entitled, “A by-law to reduce the number of tavern licenses to 110,” the effect of which was to amend the second section of the first by-law, so that it would read: “The number of tavern licenses to be issued shall not exceed the number of one hundred and ten in any one year.” The number of licenses issued by the License Commissioners for the license year commencing May 1, 1907, was 144, but under s. 8, sub-s. 3, of the Act, they had authority, if special grounds were shewn, to issue the six unissued licenses at any time before May 1, 1908.

Held, Riddell, J., dissenting, that the council by the by-law of Jan. 27, 1908, assumed to limit the number of licenses which the License Commissioners had authority to issue for the license