

APRIL 19TH, 1909.

DIVISIONAL COURT.

RE BREWER AND CITY OF TORONTO.

RE ROBINSON AND CITY OF TORONTO.

Liquor License Act—By-law of City Council Reducing Number of Licenses—Powers of Council—Section 20 of Act—Next Ensuing License Year—Future Years—Continuance of By-law in Force until Altered or Repealed—Annexation of Town to City—By-law of Town—Repeal by Implication—Annexation of Territory to City after First Reading of By-law—By-law not Re-introduced—Procedure of Council — Objection to By-law — Discretion as to Quashing—Repeal of Former By-laws.

Appeals by John Brewer and William Robinson from an order of MEREDITH, C.J., refusing to quash a by-law of the municipal corporation of the city of Toronto limiting the number of tavern licenses. The two appeals were argued together.

A. M. Lewis, Hamilton, for Brewer.

J. B. Mackenzie, for Robinson.

W. C. Chisholm, K.C., and F. R. Mackelcan, for the city corporation.

The judgment of the Court (MULOCK, C.J., MACLAREN, J.A., CLUTE, J.), was delivered by

MULOCK, C.J.:—One ground of appeal was that the by-law purported to limit the number of licenses for a longer period than one license year, namely, "for each subsequent license year until this by-law is altered or repealed," and that it was in excess of the powers conferred upon councils by sec. 20 of the Liquor License Act to limit the number for a period longer than the then next ensuing license year.

Section 20 reads as follows: "The council of every city, town, village, or township, may, by by-law to be passed before the 1st day of March in any year, limit the number of tavern licenses to be issued therein for the then ensuing license year, beginning on the 1st day of May, or for any