

Statement.

Geo. F. Henderson, for plaintiff.
Taylor McVeity, for defendants.

The by-laws affecting the questions raised and the plaintiff's license were put in and certain admissions made, but no other evidence was given, and the learned Judge delivered the following judgment:—

May 25, 1898. MACMAHON, J.:—

Action brought to restrain the defendants from interfering with or preventing the plaintiff from exercising his calling as a licensed auctioneer upon the public markets of the city of Ottawa.

On payment by the plaintiff on the 10th of September, 1897, of a fee of \$100, he received a license from the corporation of Ottawa to sell goods by public auction in the said city until the 1st of May, 1898, "subject to the laws of the Province of Ontario and such by-laws, rules and regulations of the corporation of the city of Ottawa as are now and which may hereafter be in force."

By-law No. 1078, sec. 21, which was in force at the time the license was issued, provided that [setting out the by-law *ante* p. 7.]

The 21st section of the above by-law was on the 18th of October, 1897, amended by by-law No. 1785, which came into force on the 1st of January, 1898, and provides that such section is amended by striking out the words [setting out the amendment *ante* p. 8.]

On the 5th of February last, the plaintiff attempted to sell on one of the public markets, known as By ward market, a horse which had been impounded by a pound-keeper of the defendant corporation, and which the pound-keeper was entitled to sell under the provisions of sec. 13 of by-law No. 1086 of the said corporation, but the defendant Hornidge, who is the market inspector of the corporation, refused to permit the sale of the horse by the plaintiff, and laid an information against him before