"house of public entertainment." It is plain, I think, that the phrases "tavern, inn, or other house or place of public entertainment," and "houses of public entertainment" are used as equivalent, and, therefore, the omission is immaterial. If "place of public entertainment" be included in the expression "house of public entertainment" (as I think), the words "or place" may be omitted without harm; if not, the latter part of the by-law, which prohibits the sale, except by wholesale, in every place other than a house of public entertainment, prohibits the sale by retail in such "place of public entertainment." After the passing of this by-law, any one who kept a "place of public entertainment" and who sold liquor by retail, would be placed in the dilemma—either this place is a "house of public entertainment," or it is not—if it is, the sale is forbidden by the former part of the by-law—if not, the sale is forbidden by the latter. The omission is trivial and should not affect the validity of the by-law.

Before us was raised the objection that there were two independent subject matters voted upon at the same time, as indicated above. But that is for the legislature; sec. 141, above quoted, appears to permit this, and I can find nothing to indicate that the whole subject matter of that section may not be incorporated in one by-law, and be passed upon at the same time by the voters.

On all grounds taken, I am of opinion that the attack upon the by-law fails, and that the appeal should be allowed, with costs in this Court and in the Court below. As we, at the hearing, quashing the proceedings of 29th April, 1907, the costs of that order will be set off against the costs awarded under this order.

I have not thought it necessary to refer to more than a few of the numerous cases cited by counsel. I have read them all, however, and a few others—only a few, there were very few left.

FALCONBRIDGE, C.J., agreed with the opinion of RIDDELL J.

BRITTON, J., agreed in the result, for reasons stated in writing.