

LENNOX, J.:—By Dominion letters patent of incorporation, the company, amongst many other things, is authorised to carry on the business, in any part of Canada, of "letters to hire . . . of automobiles, motor cars . . . and carriages and vehicles of all kinds," however propelled, "and to carry on a general garage, livery, and taxicab business, including the business of transferring from place to place goods, wares, merchandise, and persons, by means of vehicles of any kind, drawn or propelled by any kind of power or by any means whatever."

By these letters patent the company became a body corporate in the several Provinces of the Dominion, and the company's rights and liabilities as a corporate body within the Province of Ontario were recognised by a license of the Provincial Government dated the 30th July, 1912.

This company shews that it has been and is, amongst other things, carrying on the business of letters to hire of motor and other vehicles and a general garage, livery, and taxicab business, including the transfer of goods, wares, merchandise, and persons for hire from place to place in the city of Ottawa.

Section 354 of the Municipal Act, R.S.O. 1914 ch. 192, provides that "there shall be for every city . . . a Board of Commissioners of Police;" and sec. 422 enacts that by-laws may be passed by Boards of Commissioners of Police of Cities: (1) for licensing drivers of cabs; (5) for licensing and regulating the owners of livery stables and of horses, cabs, carriages, carts, trucks, sleighs, omnibuses, and other vehicles regularly used for hire within the city, whether such owners reside within or without the city.

A duly constituted Board of Commissioners of Police for the City of Ottawa passed a by-law, No. 35, on the 12th June, 1914, requiring persons and companies carrying on business of the character in which the company is engaged, and their drivers, to take out a license, and imposing a fee of \$5 and \$1 respectively for such licenses.

The motion is to have this by-law—so far as it relates to the matters hereinbefore recited—quashed, upon the grounds: (1) that the passing of such a by-law is beyond the powers and jurisdiction of the said Board of Commissioners of Police and is *ultra vires*; (2) that the company cannot be compelled to take out an *additional* license.

I am not called upon to consider whether all or any of the provisions of the Extra-Provincial Corporations Act of Ontario are *intra* or *ultra vires*.