

Statement. markets or in any of the public streets contiguous thereto or in any of the vacant lots adjoining any of such streets or in any buildings that have been allowed frontages on the public market squares, except in that portion of the Eastern meat, fish and produce market known as the Hucksters' shed, and in the open space lying immediately to the south thereof as far as George street." (3) That by by-law No. 1785 of the defendant corporation passed on the 18th day of October, A.D. 1897, the said 21st section of by-law No. 1078 was amended by striking out the words "excepting in that portion of the Eastern meat, fish and produce market known as the Hucksters' shed and in the open space lying immediately to the south thereof as far as George street." (4) That the said 21st section of the said by-law, as so amended, enacted a total prohibition or prevention of an auctioneer or bailiff as to the practise of his calling upon the public markets of the city of Ottawa, which were a substantial portion of the said city; and that the said section of the said by-law as so amended was *ultra vires* of the defendant corporation and of no legal effect. (5) That the defendants pretended that they were entitled under the provisions of the said section of the said by-law, as so amended, to prevent the plaintiff from practising his calling as a licensed auctioneer upon the public markets of the city of Ottawa, and particularly the market known as the Eastern meat, fish and produce market, which was commonly known as the By ward market. That on or about the 5th day of February, A.D. 1898, the defendants forcibly prevented the plaintiff from practising his calling upon the said market as aforesaid, the defendant, Hornidge, acting therein as the market inspector of the defendant corporation, and since the said date the defendants had continuously so prevented the plaintiff and had threatened to eject him from the said market, in the event of his attempting to practise his calling as aforesaid thereon. (7) That the plaintiff had for a long time prior to the said lastly mentioned date and prior to the passing of the said amending by-law regularly and continuously