

I. F. Hellmuth, K.C., and A. R. Bartlet, for the appellant company.

T. Mercer Morton, for the plaintiffs, respondents.

THE COURT varied the judgment by adding to para. 3 the words "so as to create or constitute a nuisance," and in other respects affirmed the judgment, and dismissed the appeal with costs.

HIGH COURT DIVISION.

LATCHFORD, J.

MAY 18TH, 1915.

MAJOR HILL TAXICAB AND TRANSFER CO. LIMITED v.
CITY OF OTTAWA.

Municipal Corporation—Police Commissioners' By-laws Imposing License Fees on Owners and Drivers of Motor Vehicles—Prosecutions under—Motion for Injunction.

Motion by the plaintiffs for an injunction restraining the defendants, the Corporation of the City of Ottawa and the Board of Commissioners of Police of the City of Ottawa, from enforcing against the plaintiffs two by-laws passed by the defendants the Board of Commissioners of Police for the City of Ottawa, intituled respectively "Carriage By-law" and "Express Waggon By-law," being by-laws requiring the payment of license fees, and from proceeding with prosecutions of the plaintiffs for offending against the by-laws.

See *Re Major Hill Taxicab and Transfer Co. Limited and City of Ottawa* (1915), 7 O.W.N. 747 and ante 59.

The motion was heard at the Ottawa Weekly Court.

W. C. McCarthy, for the plaintiffs.

F. B. Proctor, for the defendants.

LATCHFORD, J., said that the object of the application was to prevent the defendants from proceeding with certain prosecutions instituted against the plaintiffs before the Police Magistrate for the City of Ottawa for operating motor cars and trucks for hire without the licenses which owners and drivers of such vehicles are required to take out under the by-laws mentioned;