

3. The word "claim" in the second paragraph of s. 4 of the first-named Act, providing that no lien shall exist under the Act for any claim under twenty dollars, means the amount actually due to the contractor, sub-contractor or workman, under his contract or employment, and not the amount to which his right or remedy against the land may on enquiry be found to be limited.

*Crichton*, for plaintiff. *Machray*, for defendant *Shinbane*.

Richards, J.]      *CROSS v. TOWN OF GLADSTONE.*      [July 29.

*Liquor License Act—Local option by-law—Sufficiency of notice of by-law—Costs.*

Application to quash a local option by-law of the town of Gladstone. Section 66 of the Liquor License Act, R.S.M. 1902, c. 101, provides that, after the first and second readings of a by-law of a municipality prohibiting the issue of licenses and before the third reading and passing thereof, the council shall publish . . . a notice stating, among other things, that the proposed by-law, or a true copy thereof, can be seen on file until the day of taking the vote at the office of the clerk of the municipality and that further consideration of the proposed by-law, after taking the said vote, is fixed for the time and place appointed therefor by the council, naming such time and place, etc., etc. The notice published in this case omitted to state that the by-law or a true copy of it could be seen at the office of the clerk and made no reference at all to that point; it did however give the necessary information as to the further consideration of the by-law on May 1, 1905. The by-law was carried by the vote of the electors; but, an application for a recount of the votes having been made, the council, in obedience to s. 73 of the Act, took no action on the by-law at their meeting on the first of May, and did not formally adjourn the further consideration of the by-law to any named day. No other notice of further consideration was ever given and, on June 5, 1905, after the disposal of the application for a recount, the council gave the by-law its third reading and passed it.

*Held*, that the by-law was bad and should be quashed for the defect in the published notice and also because no notice was given of the time and place when the by-law was finally passed.

*Re Mace and Frontenac*, 42 U.C.R. 85, and *Hall v. South Norfolk*, 8 M.R. 430, followed.