

This sec. 20 did not either expressly or by implication override or repeal sec. 330 of R.S.O. 1897 ch. 223, which was in force when sec. 20 was enacted. Section 330 has been re-enacted by the same number in 3 Edw. VII. ch. 19. This section . . . prohibits any council from giving to any person an exclusive right of exercising within the municipality any trade or calling and from imposing a special tax on any person exercising the same. . . .

By the Interpretation Act, sec. 8, clause 13, "the word 'person' shall include any body corporate or politic or party . . . to whom the contract can apply according to law." Section 8, clause 24, "Words importing the singular number . . . shall include more . . ."

It is not necessary to name a person who, under a by-law such as this, is to get the exclusive right. He is sufficiently designated as the one person or firm or corporation who may be qualified by license and otherwise to carry on, to exercise, the trade or calling. "Trade" in sec. 330 means an engaging in a traffic or in business transactions of bargain and sale for profit or for subsistence. Selling liquor is a trade. Tavern-keeping is a calling, an occupation. . . .

[Reference to sec 2, sub-sec. 2, of R.S.O. 1897 ch. 245.]

The tavern-keeper, having the tavern license and otherwise complying with the regulations to which he is properly subject, supplying travellers and customers, is a person engaged in a trade or calling. The council has no right, unless authorised or required by statute, to give to such a person the exclusive right to exercise that trade. He is given the exclusive right if he is designated as the only one who can carry on the trade in these townships. . . .

The point involved in this case in no way touches the power of License Commissioners or of Inspectors. The qualification of license-holders, the equipment of taverns, their locality within the limits of municipal corporations, are dealt with in the Act, and authorised by the Legislature of Ontario.

For the above reasons, as well as for reasons given by the learned Judge from whose decision this appeal has been taken, I am of opinion that the appeal should be dismissed and with costs.

FALCONBRIDGE, C.J., concurred.

RIDDELL, J., dissented, for reasons stated in writing.