

be certified on or from one of these copies—and, upon applying for a certified copy, he received from the clerk one of these copies. It was upon the faith of the copy so furnished and certified that the motion was launched. The copy reads:—

“1. That the sale by retail of spirituous, fermented, or other manufactured liquors, is or shall be prohibited in every tavern, inn, or other house of public entertainment, in the said municipality, and the sale thereof, except by wholesale, is and shall be prohibited in every shop or place other than a house of public entertainment in the said municipality.” The original by-law, when produced upon the argument before the Chief Justice, read, “in every tavern, inn, or other house or place of public entertainment,” and the punctuation was corrected to “sale thereof, except by wholesale, is and shall be prohibited.” The original by-law being read by the Chief Justice, counsel for the applicant seems to have thought that the copies, as published in the “Argus,” and as posted throughout the municipality, were the same as the original, and, therefore, thought no objection could lie against the form. Upon discovering his error, he asks that we should give effect now to the objection that the by-law was not really published or posted at all, as an exact copy was not put out.

It seems reasonable not to allow a mere inadvertence or mistake of counsel to deprive the applicant of any rights he may have.

The statute R. S. O. 1897 ch. 254, sec. 141 (1), provides: “The council of every township, city, town, and incorporated village, may pass by-laws for prohibiting the sale by retail of spirituous, fermented, or other manufactured liquors, in any tavern, inn, or other house or place of public entertainment, and for prohibiting the sale thereof, except by wholesale, in shops and places other than houses of entertainment.” The legislature has used the double form “prohibiting the sale by retail . . . in any tavern, inn, or other house or place of entertainment,” and “prohibiting the sale . . . , except by wholesale, in shops, and places other than houses of public entertainment.” These are not the same thing in terms, the former being aimed at the prohibition of retail sale in places of public entertainment; and the latter at the prohibition of sale by retail everywhere, except in a