

One of the 273 signatures purported to be that of Thomas Rackstraw, an occupier or owner of a barber shop at 43 Jarvis Street. His signature was not signed by himself, but by his employee in his absence, and without the proprietor's instructions, authority, or sanction. Rackstraw was examined *viva voce* on November 14th, 1912, and his evidence is part of the material used on the motion. I quote the following from his examination:—

"7. Q. Do you remember signing a petition to the council of the corporation of the city of Toronto? A. No, I didn't sign it. I can explain that.

8. Q. You know a by-law has been passed by the city of Toronto recently for the closing of barber shops at the hour of eight o'clock on certain evenings during certain hours? A. Yes.

9. Q. Then I ask you if you signed a petition to the council of the corporation of the city of Toronto, and you said no. I am referring to a petition in the following words (Reads the heading of petition). Now I see on that petition appears the name Thomas Rackstraw, 43 Jarvis street. It is spelled T-o-m-a-s Rackstraw. Did you sign any such petition, Mr. Rackstraw? A. No, I didn't sign any such petition, but I would like to explain that.

10. Q. I will allow you, in a moment. I produce the original petition, handed me by counsel for the city of Toronto, and I ask you if the signature appearing there as being yours is your signature? A. Oh, no, I know it is not by looking at it, and I know it not as well.

10a. Q. Do you know who signed that petition? A. Oh, yes, I know who signed it.

11. Q. Who did it? A. It was my man.

12. Q. Did you tell him to do it? A. Oh, no."

Then in answer to counsel for the city he goes on to speak of his own practice of closing at 8 o'clock, and that the man who signed his name thought that he (Rackstraw) would be willing to sign the petition. He adds that he was not in the shop at the time; that he was not in favour of the petition, and that he told his man he would not have signed. Then he was asked:—

"16. Q. However, you were not there yourself? A. No, I was not in the shop, myself. I wouldn't have been in favour of it at all, but, of course, he signed the petition thinking it was all right, on account of my closing at 8 o'clock. We