

petition which were not counted, as it had not been made clear to him that they had a right to be signed, a number of instances occurred where the same person signed twice, and the duplicates of these signatures were properly rejected. Two names were signed, not by the proprietors themselves, but by others for them, and it was not shewn that the parties who signed, had any authority to sign. These signatures also were properly rejected. The city clerk also rejected the signatures of two, whose names do not appear among the names of barbers in the city directory; evidently he was not satisfied that they had any right to sign. In still another instance, the foreman of the shop, in the absence and without the knowledge or authority of the proprietor, signed his own name as foreman of the shop, but without even mentioning the name of the proprietor. In this case it was contended on the argument that the signing should have been allowed. The only evidence, however, to support the contention is an affidavit made by the proprietor, Beamish, on November 21st, 1912—months after the passing of the by-law, and about two weeks after these proceedings were begun—that he was absent at the time the petition was signed by his foreman, and that he is in favour of the objects asked for in the petition and ratifies the action of the foreman in signing the petition. This signature was properly rejected in the count made by the city clerk.

My view is that none of the signatures rejected in the count were entitled to be allowed.

This leaves to be dealt with the 273 names counted by the city clerk as being of persons entitled to sign.

The propriety of the method resorted to of arriving at the number of proprietors in the city—that is, by the use of the city directory—may well be questioned. While I do not now pass upon the question, I am not to be taken as approving of that procedure.

The actual number might have been ascertained by some more accurate method.

But assuming the correct number to be 363, as stated by the city clerk's report (and it is not shewn affirmatively that there were not then more than 363), it was necessary that at least 273 should sign in order to give authority to pass the by-law; if even one of the 273 was improperly allowed, then the petition fell short of having the required number of signatures.