

It appears to me that the petitions are signed by three-fourths of the proprietors of the barber shops doing business in the city.

I may add that there are a number of names on the petitions which have not been counted, as it has not yet been made clear to me that they had a right to sign. In several cases this could not be done owing to the absence of the parties from the city. If any of these names were counted, it would, of course, add to the number in favour of early closing.

I return herewith the petitions.

Your obedient servant,

W. A. Littlejohn,
City Clerk."

The city council passed the by-law on August 8th.

The present application is to quash the by-law on the following grounds:—

- (1) That the petition was insufficiently signed.
- (2) That certain of the signatures appearing on the petition were obtained by misrepresentation;
- (3) That certain persons whose names appear on the petition, did not in fact, sign it;
- (4) That the city clerk and the city council erred in the method adopted to ascertain the number of shops and the number of occupiers thereof, in determining whether three-fourths in number of the occupiers of such shops had signed the petition.

On the application there was filed an affidavit of the solicitor who represented the opponents of the petition, to the effect that on the day on which the by-law was passed, he requested the council to defer for two weeks the passing of the by-law in order that those opposing it might have an opportunity of shewing that the petition was not properly and fully signed, within the meaning of the statute; that no reply was given his request, and that later on the same day the by-law was passed.

The council may have been, and very probably was, influenced by the advice which one of the members thereof stated he had received from the city solicitor, namely, that the council had no option in the matter if the petition were sufficiently signed.

Referring to the statement of the city clerk in his letter of the 19th July, that there were a number of names on the