

maining names the addresses given did not correspond with the addresses on the voters' list. Appended to this certificate was a list of the names appearing under these two classes. The commissioner then gave the total number of names on the voters' list, and finished thus: "I hereby certify that this statement is correct to the best of my knowledge and judgment."

Upon receipt of this document, the Board of Control referred the petition back to the commissioner "for the certificate required by the provisions of the Act," and authorised him to obtain the opinion of the city solicitor as to his procedure. The commissioner then held a court under the provisions of sec. 16 of the Local Improvement Act, which is embodied in sec. 259 of the Municipal Act, but most of the witnesses subpoenaed, it is said, refused to attend.

There was much argument and controversy before the commissioner, and in the result he found that he had made substantial errors in counting the total number of voters upon the list, and he changed his rulings as to some of the voters' names on the petition, and in the end found that the petition fell short of the adequate number of required signatures by one-tenth of one signature. Thereupon he signed a certificate, perfect in form, stating that the "petition has not been signed by at least 10 per cent. of the total number of persons," etc.

This certificate was taken before the municipal council . . . was ignored, and a by-law was passed directing the submission of the proposed by-law in due course.

The by-law was submitted, and received the approval of the majority of the electors voting, and was thereafter finally passed by the municipal council.

The motion attacks the by-law upon two grounds: first, that the petition was not in fact signed by the requisite number of ratepayers; and, secondly, that the by-law had been passed without the certificate of the assessment commissioner, which, it is contended, was necessary under sec. 259 of the Municipal Act.

It appears that the petition had been prepared by having the signatures of similar petitions obtained by different persons and at different places, and that the same course had been adopted as was followed in regard to the petition in *Re Williams and Town of Brampton* (1908), 17 O.L.R. 398: the signatures had in several instances been cut off from the heading and pasted below similar headings; and, notwithstanding the decision in that case, these signatures had been counted by the commissioner. If, as was determined in that case, these signatures should be disregarded, the petition was clearly in fact insufficiently signed.