

time Harper signed he (Worthall) had with him another petition relating to an increased scale of prices; that the two petitions were handed by him to Harper, one lying above the other, but not attached, and that on examination after Harper had signed he found Harper's signature to the petition for early closing. He admits, too, that it is possible, though not probable, that Harper signed the petition which he did sign in error; and he repudiates the suggestion in Harper's evidence, that any deceit was employed in obtaining the signature.

I find it difficult to escape the conclusion that Worthall did not act candidly towards Harper, and that as a result Harper was misled as to what he was signing, for I have no doubt that Harper never intended to sign the petition for early closing, and he signed in the belief that he was signing for quite a different object. Under such circumstances his signature should be rejected.

In the case of William Batte, there is such doubt as to the manner by which his signature was obtained, that I would hesitate to allow his name to be counted amongst the necessary 273.

It is apparent that there was difficulty in obtaining the signatures of the requisite number.

The by-law, if passed, would not only restrict the rights of the minority opposed to it, who, in many instances, would suffer financial loss in being deprived of the right to keep open after 8 p.m., but also would cause inconvenience to those who have but little opportunity of patronising barber shops during the hours permitted by the by-law. Others than the barbers would be affected by it. By this I do not mean that such a by-law should not be upheld if the proper and necessary means were adopted of bringing it into effect.

The right of the Legislature to give power to municipalities to pass such a by-law is not questioned: *Beauvais v. Montreal*, C. R. [1909] 459. But the necessary formalities should be strictly complied with.

In *Re Robertson & North Easthope*, 16 A. R. 214, an appeal from the judgment of Street, J., refusing to quash a by-law where the condition precedent necessary to give the council jurisdiction was that a petition be presented signed by a majority of those entitled to sign, Hagarty, C.J., at p. 216, said: "We cannot be too careful and we think the council should be equally careful in requiring that this