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HON. MR. JUSTICE KELLY.

JANUARY 10TH, 1913.

MCCOUBREY v. CITY OF TORONTO.

4 O. W. N. 573.

*Municipal Corporations—Early Closing By-Law—Barber Shops—Motion to Quash—R. S. O. 1897, c. 257, s. 44, s-s. 3-4 Ed. VII. c. 10, s. 61—Petition for By-Law—Sufficiency of Signatures—Method of Computation of Number of Barbers in City—Drastic Legislation—Requirements Strictissimi Juris—Delegation of Duty by Council.*

Application to quash a by-law for the early closing of barber shops in the city of Toronto purporting to be passed under the Ontario Shops Regulation Act, R. S. O. 1897, c. 257, as amended by 4 Ed. VII. c. 10, s. 61. The by-law was passed after the receipt of a petition purporting to be signed by three-fourths of the occupiers of barber shops in the city under sec. 44, s-s. 3, of the Act. The petition was referred to the City Clerk for report, who notified those in favour of the petition and those opposed to attend and make suggestions. The former attended but the latter did not and the Clerk found the number of shops in the city to be 363 and the number of names counted as 273; being precisely the number required. The by-law was attacked on the ground that the petition was insufficiently signed, that some of the names were obtained by misrepresentation and that the City Clerk and the Council erred in the method of computation.

KELLY, J. held, that the requirements of the statute had not been satisfied as at least one of the names counted should not have been so counted and that an attempted ratification after the date of this application was too late.

*Bird v. Brown*, 4 Ex. 786, and other cases referred to.

That the statutory requirements must be strictly complied with in the case of legislation of this character interfering with the right to carry on a legitimate business.

*Re Robertson & North Easthope*, 16 A. R. 214, and *Re Halliday & Ottawa*, 15, O. L. R. 65, referred to.

By-law quashed with costs.

T. J. W. O'Connor, for the applicant.

Irving S. Fairty, for the city.

HON. MR. JUSTICE KELLY:—Under the provisions of The Ontario Shops Regulation Act, R. S. O. 1897, ch. 257, as amended by 4 Edw. VII., ch. 10, sec. 61, the city council of