We have not considered it necessary to say anything of the reasonableness or unreasonableness of the by-law in confining the sale of fresh ment to the market and to the two specified places in the other wards, because there is contradictory evidence on the subject which cannot well be reconciled, and because the municipal council, the most popular representative body in the country, is undoubtedly the best and the safest judge as to what will meet the public wants of the community in that respect. It is especially a local and a popular question, and can generally be best settled where these special influences have the most weight.

We see nothing in this case which leads us to think that any injustice has been done by the council to Mr. Snell or to anyone else, nor any thing which satisfies us why the council has declined to entertain and give effect to the application of Mr. Snell, which was so largely signed and so respectably supported, and about which there has certainly been some degree of public irritation felt.

It is imposrible to interfere on the ground of the present arrangement being unreasonable. It does not seem to be so. It is simply a matter of local reform and agitation to be redressed by local means.

The result is, that the rule as to the by-law will be discharged so far as relates to the first and second sections, the second section having been repealed before the rule was moved for; the 3rd section, excepting the latter portion of it, relating to hucksters and runners; the 4th section; and the 5th section, excepting that part of it relating the application of the penalties;—and that the rule as to the regulations will be discharged, excepting as to that part of the first section which requires the payment of any sum of money to obtain a certificate authorizing the holder of it to sell fresh meat in Coleman or in Baldwin wards, in Belleville, with costs to be paid by the applicant as to such parts of the rule and application as he has failed to sustain. And that the rule will be absolute setting aside or quashing the said by-law as to that part of the third section which relates to hucksters and runners; and as to that part of the fifth section which relates to the application of the penalties; and as to that part of the said regulations which requires the payment of any sum of money for obtaining a certificate to authorize the holder of it to sell fresh meat in Coleman or in Baldwin wards in Belleville, with costs to be paid by the municipal corporation as to such part of the rule and application as the applicant has maintained.

Rule accordingly.

GENERAL SESSIONS OF THE PEACE, COUNTY OF SIMCOE.

Before J. A. ARDAGH, Esq., *Deputy Judge, Chairman.*

IN RE CHARLES C. WEBSTER AND OTHERS.

31 Vic. cap. 66—Affidavit of residence—Certificate of Justices—Oath of allegiance.

[Barrie, Dec. 19, 1870.]

This was an application to prevent certificates of naturalization being issued by the Court of General Sessions of the Peace for the County of Simcoe, to Charles C. Webster, John W. Fisher and B. F. Kendall, under the provisions of the Dominion Act 31 Vic. cap. 66.

The grounds of opposition were—

1. That the time of residence is not stated in the affidavit of residence.

2. That the certificates of the justices of the peace, read on the first day of the Court, do not show that the requisite oaths of allegiance have been taken by the applicants.

3. That initial letters only are used in the headings of the affidavits, and not the full names of the applicants.

ARDAGH, D. J.—As to the first ground, the contestant insists that affidavits of residence having been filed with the Clerk of the Peace, they must be considered as open to objection by any person contesting the granting of the certificates.

The act requires (by section 3) that every alien now residing in any part of this Dominion, and who, after a continued residence therein for a period of three years or upwards, has taken the oaths of residence and allegiance, and procured the same to be filed of record as thereinafter prescribed, so as to entitle him to a certificate of naturalization as thereinafter provided, shall thenceforth enjoy the rights of a natural-born subject.

Now, it will be noticed that no provision is made for filing of record the affidavits of residence and allegiance; the only thing required to be filed of record is the certificate of residence. Section 5 provides that this certificate shall be presented to the court on the first day of some general sittings thereof, and shall be read in open court; and that if the facts mentioned therein are not controverted, nor any other valid objection made to the naturalization, such certificate shall be filed of record on the last day of such general sittings. Here it will be seen that the mere lodging of the certificate is not to be considered as a filing thereof, such filing taking place only upon the order of the court on the last day of its sitting.

Again, the only certificate spoken of is one of residence alone (except, indeed, that mentioned in section 6, to which allusion will be made presently); and this appears from section 4, subsection 3, which provides that a justice of the peace, on being satisfied by evidence produced that the alien has been a resident of Canada for a continuous period of three years or upwards, and is a person of good character, shall grant to him a certificate setting forth that such alien has taken and subscribed the said oath, &c.

Section 5 of the act prescribes the mode of procedure, and enacts that such certificate (that is, in our opinion, the certificate of residence only) shall be presented to the court in open court on the first day of some general sitting thereof, and thereupon such court shall cause the same to be openly read in court

From this we take it that the only thing before the court, and the only thing they are bound to take notice of, is this certificate of residence. Behind this we cannot go, nor have we authority to enquire whether the evidence upon which it was granted was sufficient. We must presume that the justice who granted it saw that the act was complied with. The mere production of *an* affidavit, appearing to have been made by the applicant, is not necessarily conclusive that no