

HON. MR. JUSTICE LENNOX.

JULY 17TH, 1913.

RE MCCOUBREY AND CITY OF TORONTO.

4 O. W. N. 1595.

*Municipal Corporations—Early Closing By-law—Motion to Quash—
Amendment of By-law—Application Refused—Costs.*

LENNOX, J., refused to quash a municipal by-law for the early closing of barber shops but amended the same by striking out certain superfluous words.

Motion to quash a by-law of the city of Toronto providing for the early closing of barber shops.

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

I. S. Fairty, for respondent.

HON. MR. JUSTICE LENNOX:—I see no reason to change the opinion I expressed at the argument, namely, that the by-law substantially complies with the Act. The legislative meaning is not at all clearly expressed, either in 4 Edw. VII. ch. 10, or the Act of the last session, but the exceptions of section 84, as applying to barber shops, would lead to manifest absurdity.

The by-law will be amended by striking out the words "owner complained of," and in all other respects the application will be dismissed and the by-law confirmed.

Owing to the unsatisfactory wording of the statute there will be no costs.