

never had a word on the subject at all; never spoke about it. Of course, he belongs to the Union, and naturally he would sign it on account of being there."

"27. Q. You still are opposed to it? A. I am opposed to shutting anybody else up. I believe in a man running his own business." And then he says the man signed honestly, and not thinking there was anything wrong.

On November 20th, 1912, Rackstraw made an affidavit which was filed by the respondents, in which, after referring to his having been examined, he says that since the examination he has been more fully apprised of the facts in relation to the petition, and its effect upon the outlying barber shops, and he states he is now in favour of the petition, and he attempts to ratify the action of his foreman in signing it.

It is urged, for the respondents, that the attempted ratification by Beamish and Rackstraw entitled them to be counted amongst the signers of the petition. In my opinion these acts of ratification were inoperative. Rackstraw, at the time the by-law was passed and as late as November 14th, 1912, was not in favour of the petition; he did not authorise any one to sign it for him, and not only did he not approve of it but he expressly disapproved. His name is not properly attached to the petition and should not have been counted amongst the 273 signers.

As was said by Hagarty, C.J., in *Taylor v. Ainslie*, 19 U. C. C. P. 78, at p. 85, "the doctrine of ratification is not without important qualifications." One such qualification is in respect of the time of the attempted ratification. In *Bird v. Brown* (1850), 4 Ex. 786, Rolfe, B., at p. 798, says:

"But the authorities . . . shew that in some cases where an act which, if unauthorised, would amount to a trespass has been done in the name and on behalf of another but without previous authority, the subsequent ratification may enable the party on whose behalf the act was done to take advantage of it and to treat it as having been done by his direction. But this doctrine must be taken with the qualification that the act of ratification must take place at a time and under circumstances when the ratifying party might himself have lawfully done the act which he ratifies. Thus in *Lord Audley's Case*, . . . a fine with proclamation was levied of certain land, and a stranger within five years afterwards, in the name of him who had right, entered to avoid the fine. After the five years, and