

prayer of a petition if it is not filed in time, no matter how largely the petition may be signed.

The council may pass and submit a Local Option by-law even if a petition is not filed in time, or if no petition at all is filed, and such passing and the voting upon the by-law would be quite legal, provided all other details of the law are complied with. It is safer, however, to run no risk in the matter. The submission of the by-law is ensured by the proper filing of a sufficient petition.

Council Action

A municipal council may give a Local Option by-law its first and second reading at any time during the year before the voting, provided that this is done in sufficient time to permit of proper advertising of the by-law. It is desirable to have the first and second reading in good time.

The form of by-law supplied by the Alliance is the best form to use. It has stood the test of many court trials. If the council does not use this form, but adopts some other, then a copy of the by-law should be sent by the temperance workers to the Alliance Secretary, so that competent friends of the cause may carefully examine it and make sure that the wording of it is full and legal.

Procedure

The most important provisions of the Municipal Act with which it is necessary to comply are those of Section 338. By-laws have frequently been quashed because the provisions of this section have not been carefully observed. If they are followed the by-law will be safe. Every clause of Section 338 ought, therefore, to be carefully studied. It is in full as follows:

In case a by-law requires the assent

of the electors of a municipality before the final passing thereof, the following proceedings shall, except in cases otherwise provided for, be taken for ascertaining such assent:

(1) The council shall, by the by-law, fix the day and hour for taking the vote of the electors, and the places in the municipality for the purpose, as the council in their discretion deem best, and where the votes are to be taken at more than one place, shall name a deputy returning officer to take the votes at every such place. The day so fixed for taking the votes shall not be less than three, nor more than five weeks after the first publication of the proposed by-law.

(2) The council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published either within the municipality or in the county town, or in a public newspaper published in an adjoining or neighboring local municipality, as the council may designate by resolution; and the publication, shall, for the purpose aforesaid, be continued in at least one number of such paper each week for three successive weeks; and the council shall put up a copy of the by-law at four or more public places in the municipality.

(3) Appended to each copy so published shall be a notice, signed by the clerk of the council, stating that the copy is a true copy of a proposed by-law which has been taken into consideration, and which will be finally passed by the council (in the event of the assent of the electors being obtained thereto), after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held.

We would call special attention to the following points in the above provisions:

Advertising

The by-law must be published in at least one number of a local paper each week for three successive weeks. It will not do for the publication to appear, a week to be skipped, and then