

Mr. BLAKE. I should have said only one valid election. I thought you would have liked the other to have been forgotten.

Mr. DAVIES. What do you propose to substitute for our present system?

Mr. McCARTHY. I leave it to the ingenuity of the hon. gentleman to devise that.

Mr. WALLACE (York). I beg to move the following amendment: "The Council of every municipal organization not embracing more than one municipality may, by by-law," instead of the "Council of any city, town or village."

Amendment agreed to.

Mr. TAYLOR. By the present law no saloon licenses are allowed in incorporated villages. I would, therefore, move in amendment: "That in incorporated villages, townships, and parish municipalities, no saloon licenses shall be granted."

Mr. FOSTER. That does not quite meet our case in New Brunswick. Our parishes are not municipalities.

Mr. ORTON. I think that is provided for in section 26, which provides that there shall be no saloon licenses except in cities and towns.

Mr. BLAKE. That to which the hon. gentleman refers merely allows in cities and towns to be granted a certain number of saloon licenses without the accommodation which the law prescribes. As the clause stands, I hope it will not pass. A saloon is required to have the accommodation of an eating-house, but the sub-section of this provides that you grant license to a saloon without the accommodation of an eating-house, that is to say, you grant it to a grog-shop.

Mr. McCARTHY. We will accept the amendment of the hon. gentleman (Mr. Taylor) and make it sub-section 6, clause 42.

Mr. JAMIESON. I would like to know whether any town will be affected by this? In 1869 we prohibited the sale of liquor in shops by vote of the people, though that law is not now on the Statute-book. I apprehend that it would require a vote of the people to repeal the law.

On section 45,

Mr. McCARTHY. I propose to leave out all from the word "except," to make a special exception for the Province of Quebec.

On section 46,

Mr. McCARTHY. I understand my hon. friend opposite (Mr. Gigault) has a much better local option clause, if the opinion of the Committee is that there ought to be a local option clause at all.

Mr. BLAKE. When did the hon. gentleman become convinced of the superiority of the local option clause of which the hon. member for Rouville (Mr. Gigault) has given notice?

Mr. McCARTHY. I have been opposed to a local option clause all through, but I had to submit to the voice of the Committee, and a majority of the Committee were in favor of such a clause.

Mr. GIGAULT. I beg to move that section 46 be struck out, and the following substituted therefor:—

46. No license shall be granted by the Board for the sale of liquors within the limits of a town, incorporated village, parish, township or other municipality (save and except counties and cities), when it shall have been made to appear to the Board in manner hereinafter provided, that the majority of the duly qualified Parliamentary electors therein, who have voted at a poll, taken as hereinafter specified, have declared themselves to be in favor of a prohibition of the sale of intoxicating liquors in their locality, and against the issue of licenses therefor.

2. When a requisition shall be presented to any License Commissioner from one-fifth of the Parliamentary electors of any town, incorporated village, parish, township, or other municipality (save and except counties and cities), requiring a vote to be taken as to whether or not such license shall issue or be granted therein, it shall be the duty of such License Commissioner or Chairman, upon the receipt of such requisition, to scrutinize the names of electors of such requisition, and being satisfied that the said electors, whose names are attached to said requisition, are duly qualified and registered, and after the person or persons, who have witnessed the signatures to the said requisition, shall have sworn before a Justice of the Peace or a Notary Public, that he the said witness or they the said witnesses, were present and saw the said electors sign the said requisition, and that the signers constitute one-fifth of the Parliamentary electors of such municipality, to command the holding of a public meeting of the said electors, to ascertain whether or not such licenses shall be granted, and the taking of a poll to that effect. The License Commissioner to whom the requisition has been presented shall, by an order inserted in the Register, (1st) appoint the license inspector or other person to preside at such meeting and act as returning officer, and (2nd) fix the place and day at and in which the poll shall be taken. "The returning officer, in accordance with the order, shall give public notice of such meeting in some newspaper within the Municipality or District, or if there be no newspaper within the District, then in some newspaper as near thereto as may be, the publication to be continued in at least one number of such paper each week for three successive weeks, and also by posting up such notices, or copies of the same, at the polling places within such Municipality fixed in the order, and also at two or more of the most public places in the Municipality. This meeting shall be held in the month of January next ensuing, on such day as shall be most convenient, and not less than four weeks, and not more than seven weeks, from the date of the first publication of such notice, said poll to be taken between the hours of nine A.M. and four P.M. of the day so appointed. Should any riot or disturbance take place, so as to disturb polling, such poll shall be continued on the next succeeding lawful day.

3. On the day appointed for taking the poll the license inspector, or person appointed as returning officer, shall preside over the meeting, and such officer shall have all the powers for the preservation of the peace which are by law vested in a returning officer at any election of a member of the House of Commons of Canada, and shall have the powers of appointing and swearing constables.

4. The returning officer and the election clerks whom he shall employ, shall subscribe and swear to the oath for the due and proper performance of the duties of their respective offices according to the forms *mutatis mutandis* prescribed in the Schedule to the Dominion Elections Act, 1874, before the nearest resident Justice of the Peace or a Commissioner for taking Affidavits, and shall be subject to the same penalties for the neglect or improper discharge of their respective duties as are imposed on similar officers in case of any election of a Member of the House of Commons.

5. The Clerk of the Municipality shall furnish the returning officer with a correct list of the qualified electors within the municipality for which the poll is to be taken; and such returning officer shall, in case of doubt, have the power to administer to voters the oath as to qualification required in cases of the election of a Member of the House of Commons.

6. Each elector, desiring to vote, shall come forward in turn to the person presiding, and shall give his vote upon the question put to him by the presiding officer: "Shall licenses be granted for the sale of intoxicating liquors in this town, village, parish, township, or municipality, as the case may be; "yes" or "no," the word "yes" meaning that he votes for the granting of licenses, and the word "no" that he votes against the granting of the same, and every vote given shall be recorded in a poll-book by the person or persons appointed to act as election clerk or election clerks, and all votes shall be taken under the same restrictions, regulations and penalties with regard to the eligibility of the voter, and as to bribery, as exist under the Dominion Election Acts.

7. If, at four o'clock in the afternoon of the first day of the poll, the votes of all the electors present have not been polled, the meeting shall be adjourned to the hour of nine in the forenoon of the following day, for the purpose of proceeding with the polling of such votes.

The election must be closed at four o'clock in the afternoon of the second day.

If at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapses without any votes having been polled, the presiding officer must close the election.

8. At the close of the poll the returning officer shall count the "yes" and "noes," and ascertain and certify on the face of the poll-book the number of votes given for or against the granting of licenses, respectively. The certificate must also be signed by the poll clerk. The certificate, with the poll-book, shall be deposited in the office of the Board within two days after the close of the poll.

9. Objections to any act or proceeding under this section must be made in writing and filed in the office of the Board of License Commissioners, within eight days after the certificate is deposited in the said office. These objections shall be considered and adjudicated upon by the Board at their next regular meeting. The decision of the Board shall be final, and in the event of the objections being maintained, they shall have the power to cause another poll to be taken on the question whether or not licenses shall be granted.

10. Nothing in this section shall be construed as permitting any of the proceeding had, or paper writings filed, or notices required therein,