

MIDDLETON, J.

MARCH 18TH, 1915.

RE GREIG AND CITY OF LONDON.

Municipal Corporation—Liquor License Reduction By-law—Liquor License Act, R.S.O. 1914 ch. 215, sec. 16—Petition for Submission of By-law to Electors—Petition Insufficiently Signed—Knowledge of Council—Report of Assessment Commissioner—Submission notwithstanding Insufficiency of Petition—By-law Approved by Electors and Passed by Council—Motion to Quash—Municipal Act, R.S.O. 1914 ch. 192, sec. 259—Application of—Powers of Board of Control of City—Powers of Municipal Council—Costs.

Motion by Greig to quash by-law No. 4893 of the City of London, being a by-law to limit the number of tavern licenses to 20.

The motion was heard at the London Weekly Court on the 6th March.

N. P. Graydon, for the applicant.

T. G. Meredith, K.C., for the city corporation.

MIDDLETON, J.:—By sec. 16 of the Liquor License Act, R.S.O. 1914 ch. 215, it is provided: "If a petition in writing, signed by at least 10 per cent. of the total number of persons appearing in the last revised voters' list of the city to be qualified to vote at the municipal elections is filed with the clerk of the city on or before the 1st day of November in any year, praying for the submission of a by-law . . . the council shall submit such proposed by-law to the electors . . ." If the majority of the electors assent, the council shall, within 6 weeks thereafter, finally pass the by-law.

A petition was prepared, and signed by a large number of persons, and lodged with the clerk of the city, and by the Board of Control the petition was referred to the assessment commissioner for the purpose of ascertaining whether it had been adequately signed, it being assumed that sec. 259 of the Municipal Act, R.S.O. 1914 ch. 192, applied.

The assessment commissioner, instead of following the requirements of this section and certifying that the application was sufficiently signed, made a long deliverance, finding the number of signatures on the petition, that a certain number of names did not appear on the voters' lists, and that of the re-