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## *LOCAL OPTION BY-LAWS IN ONTARIO.*

At the present time many municipalities are proposing to submit local option by-laws to the electors. If carried, these by-laws may be attacked for faults either antecedent to, or during the vote, or before the final passage by the council. If the by-law is apparently defeated there is machinery provided by which the courts can compel the passing by the council of the by-law, provided there has, in fact, been a majority of three-fifths of the votes in its favour. But if there is a failure to reach that majority local option is dead for three years. It is in the interests of the community that such a measure should be so adopted or rejected as to leave no loophole for attack. Nothing can do more harm than a victory or a defeat gained in such a manner as to lead to a suspicion that the apparent result is not the real will of the electors.

The most important legislation on the subject is that passed in 1906 (6 Edw. VII. c. 24, as amended by 7 Edw. VII. c. 46, s. 11, and by 8 Edw. VII. c. 54, ss. 10 and 11). The effect of the 1906 statute is to give 25 per cent. of the total number of persons appearing upon the last revised voters' list the power to compel the submission of the by-law. If a majority of three-fifths of the electors voting is in favour of local option, the council is bound to pass the by-law, and no by-law preceded by the petition referred to can be repealed for three years and then only by a like three-fifths majority. The petition must be presented before the 1st of November by filing it with the clerk of the municipality (7 Edw. VII. c. 46, s. 11). There is another sort of by-law, one submitted *sua sponte* by the council to the electors, as to which the power to compel its final passage does not exist, and which may be repealed with the approval of a majority of the electors. To this by-law, s. 373 is applicable