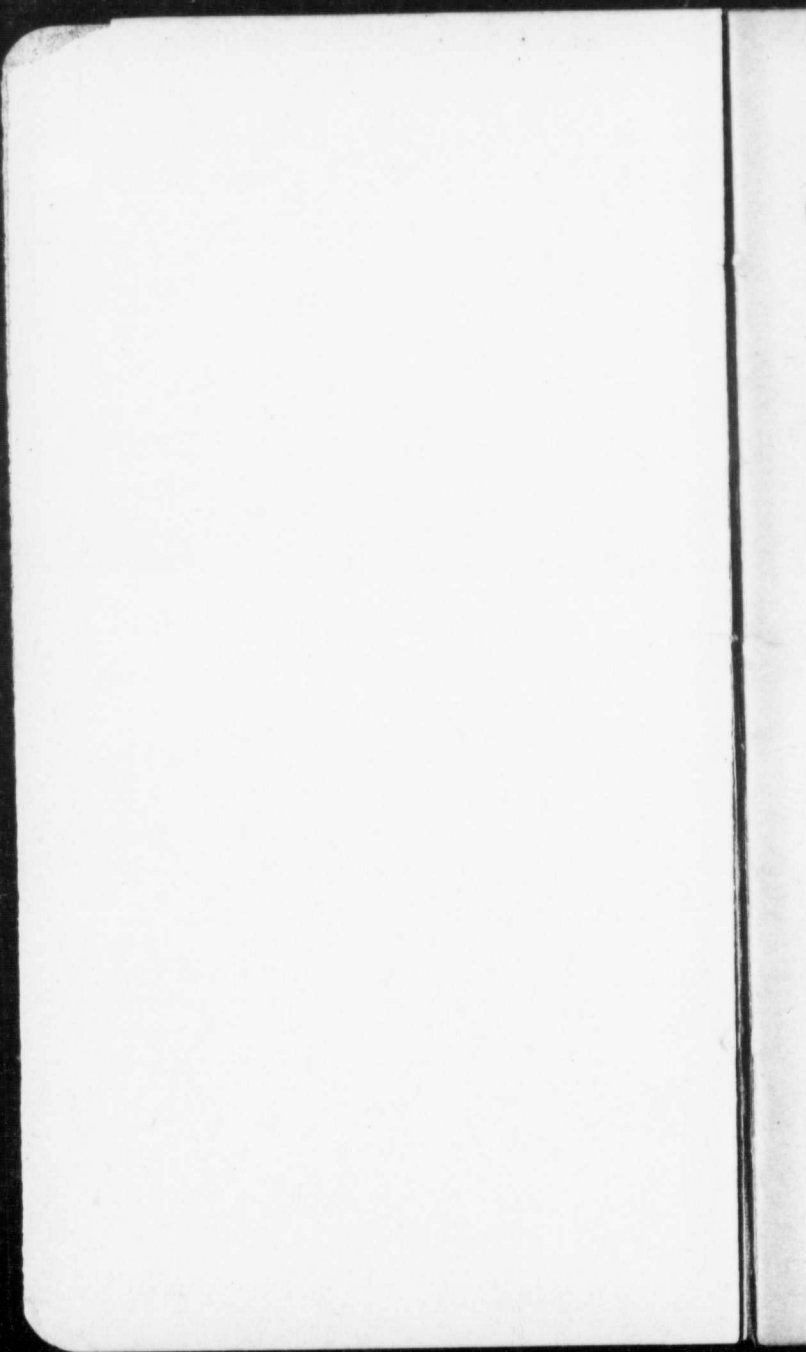
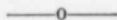


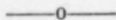
**Ontario
Local Option
HANDBOOK**



Ontario Local Option Handbook



Prepared by F. S. Spence

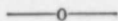


Issued by
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TORONTO

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INTRODUCTION



The object of this Handbook is to provide information concerning the Ontario Local Option law, and instructions for the guidance of those who take part in Local Option campaigns.

It sets out concisely the methods of organization and action that long experience have shown to be most successful. The following of these instructions will make work easier, and the carrying of Local Option by-laws more certain.

A section has been added which gives information concerning the procedure to secure a reduction in the number of liquor licenses in places where such campaigns are thought to be advisable.

Any person desiring further information concerning any of the matters herein referred to, or desiring any guidance or assistance in Local Option work, is advised to write directly to the Secretary of the Ontario Branch of the Dominion Alliance, who will promptly and cheerfully answer all inquiries. His address is—

REV. BEN. H. SPENCE,

Confederation Life Building

Toronto, Ont.

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WHAT LOCAL OPTION IS

Accurately speaking, the term "Local Option" does not mean the prohibition of the sale of liquor. It means the power possessed by the people to locally prohibit or limit the sale of liquor. The provincial statutes give the electors of any municipality the **option** of license or no-license for their **locality**. This power is exercised by a by-law, which must be passed by the municipal council, and ratified by a vote of the electors.

The people have fallen into the practise of calling such a by-law a Local Option by-law, and of talking about the prohibition which may thus be secured, as Local Option. The powers most commonly exercised by councils and electors is the power of prohibiting altogether the retail sale of liquor, and therefore, "carrying Local Option" is generally understood to mean the carrying of a by-law prohibiting the sale of intoxicating liquor in taverns and shops.

The general license law prohibits the issuing of tavern and shop licenses in any municipality in which such a by-law has been passed. Thus Local Option, as commonly understood, prevents the **issuing** of tavern licenses and shop licenses, and prohibits the retail **sale** of intoxicating liquor.

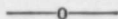
There are however, four different **options** given to the electors in relation to the liquor traffic. A Local Option by-law may (1) prohibit the sale of liquor in taverns, or it may (2) prohibit the sale of liquor in shops, or it may (3) prohibit the sale of liquor in both taverns and shops. Municipalities have also power to (4) limit the number of licenses that may be issued.

The first or second of these powers is not often used by itself. The third is a union of the first and second, and is the power which is most frequently exercised.

The procedure necessary to secure the benefits of all of these forms of Local Option is set out

in this handbook, which is a summary of instructions for committees and workers.

The law is the same in relation to the first, second, and third forms of Local Option. The law governing the exercise of the fourth power is somewhat different, and is explained under the heading, "License Reduction."



HOW TO ORGANIZE

The following suggestions will be helpful to our friends in municipalities in which organization for Local Option work has not yet been undertaken. In others, where work has been begun, these suggestions may also be found helpful in perfecting plans and methods of campaign work:

Preliminary.

It is exceedingly important at the very outset to ensure the co-operation of all who are able and willing to help in the movement. Therefore, the first step ought to be a consultation of friends of the cause, as to the best method of securing this co-operation. Anyone may lead in this, but it is well to ask some trusted, influential and generally respected person to invite all local clergymen and a number of other representatives, reliable and public-spirited citizens, to meet in a conference to consider the question of going into a campaign.

The Public Start.

This initial meeting or conference ought to arrange for the holding of a mass-meeting of electors, which should be wisely planned and well-announced. Some speaker who thoroughly understands the Local Option Legislation ought to be secured. The principal work of this meeting will be the decision to act, and the formation of an organization to carry on the campaign. This meeting ought to be made attractive by good music, short and definite addresses, and

appeals to the heart and conscience of the people. A good beginning is a great help towards success in the contest.

To this meeting ought to be submitted a clearly drawn, definite resolution stating that those present approve of the inauguration of a Local Option campaign in the municipality. This ought to be spoken to briefly by a number of prominent citizens. The cause will be greatly helped by having it carried unanimously and enthusiastically. When this has been done the meeting will be ready to at once take up the questions of organization, ways and means, and methods of work.

Organization.

Some definite organization to superintend the work is absolutely necessary. What it is to be called or what special shape it shall take are minor matters. The "fact" is more important than the "form."

It may simply consist of officers and an Executive Committee, or a more definite organization may be formed with a constitution or set of rules to govern it. Different localities may prefer different methods.

It will generally be found desirable for the meeting to at once elect a President, Vice-President, Secretary, Assistant Secretary, and Treasurer, with as many other persons as are considered necessary to constitute a **good strong committee**, which may again be subdivided into smaller committees to superintend the different lines of work that ought to be part of every campaign. The following are some of these matters: Voters' Lists, Petitioning, Finance, Meetings, Literature, Canvassing, Legal Advice, Polling the Vote.

It may be that one committee may deal with two of these subjects. Sometimes the same persons may be on different committees. The members of all these committees may jointly constitute the Executive Committee, or if

thought more desirable, the chairmen of the committees, with the officers, with or without some other named workers, may constitute the Executive.

If it is decided to have a small Executive which may be easily called, and meet frequently, then there ought to be also a large general or central committee including all workers, which would subsequently meet from time to time to advise and direct the Executive, and to permanently take the place of the organization meeting. This central committee may be named at the organization meeting, or in a smaller municipality it may be agreed that all temperance electors may be members, or there may be arrangements made for having a committee representative of different interests and agencies.

A Union of Forces.

The last named is the ideal method, putting the control of the campaign into the hands of a league or alliance of the churches, temperance societies, and other organizations in harmony with this object for this specific work. Let each co-operating church or other organization appoint representatives who will together constitute the central committee and may be appointed to other working committees and who, together with the officers and members at large will constitute the governing body.

If the organization is thus made up of **representatives** from other organizations, it will have more influence and greater prestige than would a separate society with a stated membership. This is the system adopted in all Alliance work, Provincial, County, and Municipal, and is very satisfactory and successful.

Whatever method is chosen should have in it the purpose of permanency, and the workers should at the very commencement make up their minds that **the organization formed shall be maintained after voting day, whether they win or lose.** The carrying of a Local Option by-law

is one thing. The maintenance of it is another. The results depend upon how the law is sustained after it is carried. Our object is not merely to pass a law, but to obtain the best results from the working of the law after it is passed.

Executive Supervision.

The Executive ought to meet often during the campaign and keep in touch with the work being done by the other committees, details of which work are hereinafter set out under separate headings. It will often be found wise to have the Executive act as the Finance Committee, keeping in touch with the requirements of every part of the work and authorizing all expenditure made.

The Campaign.

Campaign operations on the lines and by the committees mentioned, may be to some extent different in different municipalities, but must always be well-planned and placed under the control of earnest, wise, thorough-going workers who will see to it that every detail is fully carried out. The other articles of this series, giving information concerning these lines of work, ought to be carefully studied.

Information concerning any special matter will be promptly supplied by the Alliance Secretary. Either the President or Secretary of every municipal organization ought to notify the Alliance office of what is being done, and obtain from that office all its petition and by-law forms, and other assistance and advice, all of which will be furnished without any charge. In nearly every case the Alliance if notified will be able to send a well-posted representative to aid in the organizing of the campaign. This help will be found to be of very great value.

THE EXECUTIVE

The Executive Committee is one of the most important and ought to be one of the most useful features of the Local Option campaign organization. Its function is to co-ordinate and direct the work of all other departments. Its constitution has already been discussed in the article headed, "How to Organize."

Either the chairman or the Secretary of the Executive ought to be the manager of the campaign, through whom correspondence with the Alliance office will be carried on and who ought to act officially for the organization in all other matters.

The Executive ought to have a location or headquarters which would also be the office of the secretary, where meetings could be held at any time and where there might be conferences of workers at any time, and where all records and all supplies ought to be kept.

When the Executive Committee is a large body, some arrangement ought to be made by which the principal officers and some other trusted workers would constitute a sub-committee, which could be convened quickly, which would have authority to act in any emergency, and which could superintend some details of work more effectively than the full Executive to which, of course, it must always report and be subject.

Even though it is repeating what has been said before, we would again remind our friends of the wisdom of **keeping in close touch with the Provincial Alliance office** and obtaining therefrom continually during the campaign such information, advice and assistance as that office is able and willing to supply.

FINANCE

The finance committee is charged with very important duties.

In the first place it must carefully estimate the amount of money required for the carrying on of the campaign.

In the second place it must devise and carry out the method of raising this money.

In the third place it must carefully supervise all expenditure; and audit and authorize the payment of all accounts.

It must also make to the general committee, accurate and comprehensive reports concerning its work and requirements.

The Treasurer will generally be an important member of the finance committee.

The raising of money may be done mainly by appeals for personal subscriptions or by collections at public meetings or by assessment on different churches or other organizations provided the parties assessed undertake the payment of the amount allotted them. Any two or more of these methods may be adopted.

Do not be afraid to ask people for money towards carrying on the campaign and do not starve or hamper the work by a penurious reluctance to spend money. If we mean business in temperance work let us act that way, and put up all the money needed for the energetic and successful carrying forward of our plans. We have no great money power back of us as has the liquor traffic. Our movement is one "of the people, by the people, and for the people." Let us therefore not be mealy-mouthed but state publicly and privately the need of funds for a thorough-going business-like campaign. Tell the people what you are going to do. Let them see that you mean business and they will give you financial support.

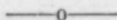
It is very important, however, that the financing of the campaign should be completed in

good time. Other committees should estimate the amount needed for their work, and report their estimates to the Executive, and no expenditure ought to be made without the authority of the Executive, and provision to meet it, by the finance committee.

Many a campaign has been hampered and thwarted for lack of the wise providing in good time of sufficient funds to make it successful.

Sometimes campaigns, through careless financing, have left the temperance organization burdened with debt which it has been hard to meet after the close of the campaign.

For obvious reasons, the finance and executive committees must be in close touch with each other when they are separate committees.



WHO MAY VOTE

The Ontario Liquor License Act provides that a Local Option by-law before being finally passed must be approved "by the electors of the municipality" in which it is to take effect.

The courts have definitely decided that the words "electors of the municipality" are to be construed as meaning such persons in a municipality as would be entitled to vote in an election for members of the municipal council.

A municipal elector must be a British subject not less than twenty-one years of age. His name must be on part one, or part two, of the voters' list of the municipality as finally revised by the county judge. The last revised list is used in the voting.

An unmarried woman, either a spinster or a widow, may have her name on the list and may vote if she is otherwise possessed of the necessary qualifications.

A voter must be qualified in respect of property, either as an owner, a tenant, or a farmer's son, or must be assessed for and pay taxes on an income of not less than \$400.

The property on which an owner or an occupant qualifies as a voter, must be rated on the last revised assessment roll as having at least the following valuation:

In cities	\$400 00
In towns over 3,000 population	300 00
In towns not over 3,000 population ...	200 00
In townships or villages	100 00

If two persons are on the assessment roll as joint owners or joint tenants they may both have votes provided the value of the property is twice as much as would entitle one person to vote. Similarly three or more joint owners may vote on the same property if its value is sufficient.

If, however, persons are jointly assessed for property not large enough to give each of them a vote, then none of them can vote.

-An owner and his tenant may both vote upon the same property, one as owner and the other as occupant, even though the property is only assessed at a valuation sufficient to give one vote in respect of it.

Sometimes there is discussion as to when persons may be assessed as tenants. If one occupies only part of a house he may be assessed as a tenant if the part he occupies is of sufficient value. A person who is merely a lodger, or a lodger and boarder, paying for a furnished room, could not be considered an occupant unless there were some special agreement or circumstance giving him more permanency of occupation than a boarder generally has. All special cases ought, however, to be taken before the county judge, whose decision in the matter is final.

If a married man is not assessed himself as an owner or occupant, he may vote upon property so assessed in his wife's name, if of sufficient value.

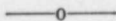
A person assessed as a farmer's son may vote along with his father or mother, provided that

the property is assessed for an amount sufficient to allow of two votes upon it, so with two or more farmer's sons.

A person who has an income of \$400 or more may have his or her name placed on the voters' list, provided he or she is assessed for and pays taxes on not less than \$400. Any person may have his income exempt from taxation to the extent of \$1,000 in cities or towns of over 5,000 population, and to the extent of \$700 in any other municipality provided he is a householder. If not a householder his exemption is \$600 in the larger municipality, and \$400 in the smaller. No one, however, is required to take advantage of the exemption, so that a person who earns \$400 per year or more may be assessed and be an income voter, if willing to pay taxes on \$400 of that income.

No owner, occupant, farmer's son, income voter, or any other person, whether entitled to vote at municipal elections or not, has any right to vote on a Local Option by-law, unless he or she is a resident of the municipality on the day of voting, and has been a resident for three months before the day of voting. This is new legislation passed in 1911 and ought to be carefully noted and closely followed.

No person is entitled to vote unless he has the requisite qualifications, and also has his name upon the voters' list.



VOTERS' LISTS

We cannot too strongly impress upon our workers the necessity of immediate attention to the preparation of the voters' lists in those municipalities in which there is any possibility of a vote being taken upon a Local Option by-law.

The basis of the Voters' List is the Assessment Roll, and great care should be taken to

have all persons entitled to vote duly entered upon the roll. This is the simplest way of making sure that every qualified person is placed on the Voters' List. In doing this, the following information may be found useful.

The Assessment Roll.

Under ordinary conditions, the making of the annual assessment in any municipality must begin not later than February 15th, and be completed on or before April 30th. The municipal councils in cities, towns and villages may however pass by-laws fixing the date for the completion of the assessment at any time not later than September 30th.

In all cases, no matter when the assessment is made, it is the basis of the Voters' Lists which are to be used in the municipal election at the beginning of the following year.

Before the assessor finally closes his roll, he must leave for, or transmit to, every person assessed, a notice giving him the particulars of the assessment which has been made against him. Thus all possible voters should receive assessment notices, except those who vote as farmers' sons, to whom the law does not require assessment notices to be sent.

If any properly qualified person does not receive an assessment notice, or if his assessment, as described in the notice, is not correct, he should at once take steps to have himself properly entered upon the assessment roll. This must be done by the method of appealing.

When the Assessment Roll is completed, it is handed over to the municipal clerk. The clerk must then advertise this fact, and any elector has a right to examine the roll, and to appeal against his own assessment or the assessment of anyone else, within fourteen days after the publication of the notice. This is done by sending to the clerk a statement of intention to appeal, and the reasons. The appeal is heard by the Court of Revision, composed of members

of the council, except in cities. This Court does not sit until ten days after the time for receiving appeals has expired. Then it will consider all appeals, the parties concerned being duly notified. The work of this Court, except when fixed later as in cases already mentioned, must be completed before July 1st.

If any person who appeals is dissatisfied with the decision of the Court of Revision, he may make a further appeal against that decision to the County Judge, by entering notice with the Clerk of the Municipality within five days after the Court of Revision has closed. If any such appeals are made, the County Judge will fix a day for hearing them, and the persons concerned will be duly notified. The Judge's decision concerning the Assessment Roll is final.

Preparation of Voters' Lists.

The Municipal Clerk then proceeds to prepare the Voters' List from the Assessment Roll. In cities and towns in which the roll is not completed before September 30th, he may do this when he receives the roll, without waiting for the Court of Revision. In Parts 1 and 2 of this list he puts the names of all persons whom the roll shows to be entitled to vote at municipal elections. The list is printed, a copy is put in the clerk's office, a copy in every post-office in the municipality, and a copy in every public or separate school. The clerk advertises this posting.

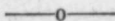
Within thirty days after this is done, any voter or person entitled to be a voter, may appeal against any error or omission in the list. This appeal is made through the municipal clerk. It should be in the form provided in the Voters' Lists Act. Some well-posted member or sub-committee of the Local Option Committee, ought to be appointed to supply forms, and direct these proceedings, and also to make or oppose other appeals when necessary.

The County Judge will hear these appeals at a time and place of which the Clerk will give

ten days' notice, and his decision is final as to what names are to be added to or struck off the lists.

It is easy to see how a little inattention on the part of temperance workers may give to the liquor party an enormous advantage in the preparation of the voters' lists. There is hardly a municipality in which the lists are not defective because of the absence of names that ought to be entered, and because of the enrolling of names of persons not qualified under the law to be enrolled. It must be remembered that no person, however fully qualified, will be permitted to vote, if his name is omitted from the voters' list.

The result of many a voting is decided in the preparation of the lists. Earnestly we urge upon all temperance workers to give their attention to this most important matter. Whatever other campaign work is taken up or deferred, this must not be neglected. A small intelligent committee ought to look after the voters' list in every municipality in the Province of Ontario.



PETITIONING

The law requires a municipal council to submit a Local Option by-law to the electors when such submission is petitioned for by twenty-five per cent. of the total number of persons appearing by the last revised voters' list of the municipality to be qualified to vote at municipal elections. ✓

Therefore, one of the first duties of a Local Option Committee is to circulate petitions requesting the municipal council to submit a Local Option by-law to a vote. This should be done very thoroughly. The town or township should be divided by polling sub-divisions or sections of sub-divisions, and canvassers appointed for each district. ✓

✓ Proper forms of petition will be supplied by the Alliance Secretary without charge. No committee should attempt to prepare its own petition forms. The advantage of having a uniform printed heading to all petitions will be readily understood.

✓ Every voter should be personally canvassed and the more doubt there is regarding a man, the more need there is for him to be interviewed. An early interview may enlist his support, while overlooking him might weaken the cause through lack of his sympathy and support.

It must be remembered that the petition to be mandatory to the council must contain twenty-five per cent. of the names of voters on the list which is in force at the time of the filing of the petition. Persons who might not be qualified to vote may sign the petition if their names appear upon the list. A new voters' list may come into effect between the time that the canvass for signatures is commenced and the time that the petition is presented. Therefore, it is necessary that all the signatures possible shall be secured, so as to make certain of having a full twenty-five per cent. of the correct list when the petition is filed, even though the old list may have been used as a guide by canvassers.

Besides it must be remembered that the stronger the petition, the more confidence there will be throughout the whole campaign. This will give a zest to the work that could not otherwise be secured.

Then again, an early and thorough canvass enables the collating of information which is simply invaluable in dealing with the question of voters' lists, seeing that all entitled to vote are enrolled, and all improper names stricken off.

✓ It is wrong to paste or add blank sheets of paper for signatures to a petition form. Such additions might be thrown out by the officers

who count the names, as the signatures would not show that they were signed to the same heading as that to which they are attached. Every name ought to be signed upon a sheet on which there is a printed heading, and all these different sheets should be fastened together at the upper left-hand corner, with all the printed headings still on them. It is very important that this instruction about signing on printed sheets should be closely followed.

Electors must sign the petitions personally. It will not do for voters to say to the canvasser, "Put my nome down." They must sign themselves. It would be well for each canvasser to initial or mark the forms in some way so that he may know definitely the signatures which he has secured; then, if need should arise, he would be able to positively identify the signatures.

Each signer should write his name upon the petition form in the way that the name is printed on the voters' list unless it is printed wrongly, in which case he ought to sign his name properly, but put in brackets underneath it the name as it appears on the voters' list, so that the name on the petition can be identified with that on the list.

Under the heading, "Address," on the petition, there should be written, not the post-office address, but the street name and number if there are such names and numbers for the municipality, otherwise, the "address" should be the number of the lot and concession for which the voter is assessed, and which are set out in the printed voters' list.

The canvass for signatures to the Local Option petition is good campaign work, and it is well early in the campaign to have all the benefit that is to be had from a thorough canvass. The canvass brings the matter before the attention of the elector, and the more frequently electors are made to think upon this question the better for our cause.

When the petitions are signed there ought to be another meeting or conference of temperance workers to carefully consider the situation and decide as to further action.

The petition ought to be formally handed to the clerk as early as possible after it is completed, and it would be well to ask the clerk to give a written dated receipt for the petition, which receipt should be kept by the campaign committee.

When the municipal council meets to consider the petition, it is generally well to have a deputation of prominent electors wait upon the council to support the request of the petition.

The council must grant the prayer of the petition if twenty-five per cent. of the electors have signed it, and it is duly filed on or before November 1st. While a deputation, therefore, is not needed, it is helpful, as some question may arise, and it is always wise to run no chances.

Then, again, a deputation attracts public attention. We want publicity. The more prominently we can bring our movement before the people the better.



CANVASSING

Canvassers ought to report results of their work to the Executive, or to whatever committee is appointed to superintend the canvass. A special canvassing committee will find plenty of work. This committee should go carefully over the names of all voters reported to be doubtful, and discuss whether or not any special action is necessary in each case. It will sometimes be found useful to arrange for such a voter to be again canvassed by some personal friend for whose opinion he has particular regard.

This committee ought to give attention to the case of every non-resident voter, as such cannot vote. Their names ought to be reported and lists of them supplied to scrutineers.

Sometimes it will be found well to have two persons work together in the canvassing of a division. The canvassers selected for each division ought to be, as far as possible, persons familiar with that division, and such persons as are likely to have influence with the voters of it. In many cases women will be found to be very effective canvassers, especially with women voters.

Voters should be encouraged to go directly to the polls themselves. If there are some who are sick or infirm, or for any reason have to be taken in a conveyance by some other person, a note of that fact ought to be made in the canvass book and reported to the Committee that has charge of the polling-day work.

Every voter ought to be impressed with the duty and necessity of having his vote polled. The lack of one vote may mean defeat, and defeat is very often the result of the negligence of friends who would have voted right if they had voted.

Temperance sermons bearing upon the bar-room evil and the duty of abolishing it will be very helpful. Platform meetings are very important. Literature circulation is indispensable. It would be a serious mistake to neglect any of these methods. **They cannot, however, take the place of the great work of a personal canvass of the electors.**

The municipality ought to be divided into districts, each of which will be thoroughly gone over by well-posted canvassers who will personally ascertain the attitude and purpose of every voter, and will wisely endeavor to secure the active support and the vote of every elector possible.

Canvassers ought to be well-informed. They ought to be earnest and judicious. It is their duty to inform, persuade, and inspire those whom they interview, but they must be careful not to excite any personal antagonism or prejudice.

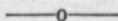
It is not wise to waste time or energy with persons who are determined opponents of Local Option, and not likely to change their attitude. Controversy that is not likely to result in some good, is very undesirable.

The most up-to-date campaign for the carrying on of an effective canvass is the card plan. A card system is being prepared in the Alliance office and full particulars can be had by application to the Secretary.

If the card plan is not used, then every canvasser should have a book in which are written the names and addresses of the electors whom he is to see. Opposite each name the canvasser should mark the result of his enquiry, putting "F" opposite the names of the persons who are for Local Option, "A" opposite the names of those who are against, and "D" opposite the names of those who are doubtful.

If any voter is dead or absent from the municipality, or sick, or for any other reason likely to be unable to go to the polls, that fact ought to be recorded.

The canvass should give the committee full information as to how each voter whose name is upon the list will vote, what hour of the day he is likely to vote, and how he will reach the poll.



LITERATURE

One of the duties of the committee on literature will be the procuring and posting or distributing, of such leaflets, posters, and other documents as they may select for campaign use, and the purchase and preparation of which

the Executive Committee has approved. Another important duty is the making of arrangements by which useful information, arguments, and appeals will be supplied in attractive form to local newspapers, and the making of arrangements for the publication by those papers of the material supplied.

Whether or not the local paper is favorable to Local Option the best plan is to engage regular space which should be paid for at advertising rates, and which will be under the direct control of the Committee. Let one or two of the very wisest and best informed campaigners be put in charge of this department.

Arrange if possible that the space shall have the same location from week to week. Keep the space full of pithy, pointed, up-to-date facts, statements and arguments, being careful that everything shall be absolutely accurate. Let it be distinctly understood that no one is to send anything to that particular space except the men who are officially appointed as editors therefor.

Such a use of the local papers will not interfere at all with general correspondence, news items, or other matter that would naturally be put in the paper in the regular way.

This work cannot be commenced too soon. The space in the local papers should be secured early in the campaign and should be kept going with unflinching regularity.

Other things being equal, the most successful Local Option campaigns will be those in which our workers make the greatest and wisest use of campaign literature. No other method of reaching men can take the place of the terse and judiciously printed message which comes home with special force. It talks to the reader in his quiet hour, when his attention is not distracted by other matters. It speaks to him calmly, deliberately, and forcibly. A spoken sentence is more easily misunderstood than is

one in the definite form of printed matter, which can be read and re-read and considered in detail.

The printed statement or argument is not weakened by the personality of someone who conveys it, and whose manner or method may arouse opposition. It talks to the man when he cannot talk back or misconstrue the motive or the meaning that lies behind the statement made.

It stays after it has given its message and repeats it again and again. Impressions that go through the eye are, as a rule, more permanent than those which are received by the ear. They are more carefully weighed. If they are strong and clear, they are irresistible.

The Ontario Branch of the Dominion Alliance can supply **Posters, Blotters, Badges, Buttons, Leaflets**, and other documents specially adapted for Local Option work, and will send free, upon application, samples and full information concerning them.

Attention is specially drawn to the value for campaign purposes of a wide circulation of the Pioneer. In reference to this matter, the following facts deserve special consideration:

There is a great advantage in distributing literature in the form of a periodical. Newspapers are read by people who will not read tracts or leaflets. The newspaper has in it a freshness and life that make it attractive and acceptable. Thousands of people read newspapers who do not read any other kind of literature.

Therefore, the Alliance Executive, after careful thought, has decided that one of the most effective methods of supplying workers with useful literature would be the publication of special issues of the Pioneer, devoted mainly to the presentation of information, instruction, and argument, that will be useful to Local Option workers, and helpful in convincing electors that it is wise and right to vote for Local Option.

The matter in these special Pioneers will be in as attractive and condensed a form as possible. Striking cartoons will arrest the attention and impress truths. Reliable evidence will be given of the effect of the operation of Local Option by-laws in municipalities where they are in force. Cogent arguments for bar-room abolition will be presented in interesting and concise form.

All the matter published in these special Pioneers will be thoroughly reliable and carefully adapted to the progress of the campaign. It will be exactly what workers will desire to put into the hands of persons whose votes they wish to secure for Local Option by-laws.

Quantities of these special issues will be supplied on terms which will make them easily available, and on a plan by which distribution can be done from this office, or may be left to the local workers as those ordering may desire. The following is the arrangement:

(1) Copies of any of these special issues will be sent in bulk to any address, all charges prepaid, for

90c Per Hundred.

(2) The papers will be mailed in separate wrappers to individual addresses furnished us, postage prepaid, for

\$2 Per Hundred.

On the latter plan we will pay the postage on each one and address wrappers, fold, and stamp the papers separately, and post them to the individual addresses of the voters.

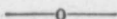
We strongly recommend the latter method. By it thorough distribution is assured. No one is overlooked. The paper goes directly into the home in an impersonal way.

The committee may simply take the voters' list, strike off from it the names of those who are absentees and not likely to vote, the names which appear more than once on the list, and the names of those removed from the municipi-

pality. Where there are two or more voters in one home, and it is thought one paper will be sufficient, all but one of the names may be struck off. Send this marked list to The Pioneer office and the question of literature distribution is settled for the whole campaign.

Again we would earnestly urge our friends to make the best use of this opportunity to develop sentiment, educate opinion, and stir up action in Local Option campaigns.

Orders should be sent in promptly. Address all communications to Ben. H. Spence, 305 Confederation Life Building, Toronto, Ont.



PUBLIC MEETINGS

Wisely planned and well-managed public meetings are among the most effective agencies for informing and stirring up electors and rousing in workers and friends a sense of their personal responsibility and the importance of the occasion. They are educative, informing, and inspiring.

Such meetings are likely to be reported in local newspapers; thus the facts and arguments presented at them reach many people and impress the public with the strength and importance of the movement.

Public meetings are exceedingly important, indeed, a necessary part of the campaign. It would be most unwise, however, for our friends to depend too much upon them. Public meetings are not as good vote-makers as other campaign methods, but they arouse our workers, give them something to do, put ginger and life into the campaign and fill a most important place.

To attempt what is called a "gum-shoe campaign" is generally disastrous. The liquor men would prefer to have the temperance people work quietly, to not stir things up, and it is

good policy to find out what the other fellows don't want you to do and then do it.

Some hints that may be helpful in connection with public meetings are the following:

1. Arrangements for a meeting ought to be completed in good time, and made as perfect as possible, by a small committee, or a few reliable persons. It is sometimes well to have a standing committee to plan and direct all campaign meetings.

2. Generally speaking it is better to hold meetings in a public hall rather than in a church. There is a great deal more freedom of action and expression and we can often reach the class of people we want to touch better by meetings in a hall than in a church.

3. Every meeting ought to be well announced in churches, in schools, and at other meetings. Carefully written announcements ought to be placed in the hands of those who are expected to use them. Hand bills, newspaper advertising, and posters are all helpful.

4. There ought to be certainty that the place of meeting is ready, opened, and properly lighted in good time, and there should be reliable persons appointed to help in seating the audience, taking collections, and looking after other details.

5. The platform ought to be well prepared, with sufficient seats, a table, and some flowers or other simple decoration. Plans should be made for having on the platform the local clergymen, other public men, and leading workers. All singers or others who take part should be given seats convenient to the platform.

6. Newspapers ought to be invited to send reporters, and care taken that tables and seats for these reporters are provided, and placed where hearing will be good and light plentiful.

7. If the audience does not fill the hall or church, those present ought to be requested to

sit at the front. Empty seats between speakers and hearers have a bad effect.

8. A chairman ought to be selected who has influence, who is at home in public business, who has a good voice, and who is generally respected. He ought to be chosen in good time, and to have a complete programme, and be introduced to all speakers before the meeting begins.

9. If a meeting is in a church, the pastor ought to have prominence, either as the chairman, or as a speaker, or a leader in the opening exercises.

10. Opening exercises ought to be brief, but bright, including a rousing hymn or chorus in which the audience can take part.

11. A choir will be helpful. Short, suitable musical selections between addresses may make the meeting more enjoyable, and the speeches more impressive and effective. Singing by children or a good solo, or a short, well-rendered recitation, may be useful; but such matters ought to take very little time, so as not to interfere with the addresses, which are the important feature.

12. There ought to be several speakers, but most of the addresses should be brief. As a rule the interest of the meeting ought to centre around a longer address by a well-posted, experienced speaker, but circumstances must decide what is best in each case. Sometimes the speakers may divide among themselves the subject to be discussed. All addresses ought to be lively and bright.

13. Arrangements with speakers should be definite. If one is to come from a distance, the time of his arrival should be known, and arrangements made to have him met, entertained, brought to the meeting, and given full information about the local situation.

14. Treat your speaker well. Do not let him come into town alone and have to inquire

around as to where he is to go or what the arrangements for the meeting are. If he is a man worth bringing he is a man whom it is worth while to pay some attention to. It will encourage and strengthen him to know that you are right on the job.

15. Discussion is often useful, especially if the meeting is in a public hall. Good is also often accomplished by inviting questions. Any opposition speech or asking of questions ought to come early in the meeting, and always before the principal address, and arrangements made for some speakers to deal with any arguments or enquiries.

16. Every speaker ought to know that he will be called upon in good time. Calling upon unprepared persons is often both unfair and unprofitable. A speaker ought to know that he is to speak, and ought to make himself familiar with the subject he is to discuss.

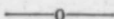
17. The meeting ought not to be so long as to become wearisome. Every address ought to be pointed and bright. Hackneyed recitations should be avoided, and also injudicious or extravagant speakers. The interest ought to be kept up till the end when the meeting should be closed promptly and orderly.

18. The committee ought to arrange as far as practicable with pastors of different churches for the preaching of temperance sermons during the campaign. Sabbath services will often reach and affect a class who may not attend other public meetings. Every pastor will understand how this matter can best be carried out, but the idea ought to be brought before him by a special request from the meetings committee.

19. In summer time outdoor meetings may be very useful. They may take the form of evening meetings in convenient localities or of holiday picnics. Picnics held by Sunday schools, Temperance Societies or other bodies, may be utilized during the campaign by arranging with

the managers to have short addresses on temperance or Local Option made a feature in the programme.

20. The interest of many meetings may be enhanced by wise use of appropriate lantern views. Information concerning this feature can be supplied by the Alliance Secretary.



LEGAL POINTS

It is important to have a committee that will give special attention to the seeing that in every detail of the campaign the requirements of the law are complied with.

Lawyers who are friendly will be valuable members of this committee. It ought also to have on it other citizens of experience and judgment. Its duties will be to see that no mistakes are made that might affect the validity of the by-law which it is sought to procure, or might place any worker in the position of having failed to fully comply with the law in his work.

It would not be wise for such a committee, however well-informed or careful, to rely entirely upon itself. The Alliance office can nearly always supply full information and reliable counsel concerning any point regarding which there may be any uncertainty. The advice of the Alliance Executive, which is freely given, ought always to be followed. The petition forms, by-law forms and other documents supplied by the Alliance office, ought always to be used.

The Legal Committee ought further to see that scrutineers and other workers on election day are fully posted concerning the law which governs the discharge of their duties. This committee should also carefully superintend the passage of the Local Option by-law through the municipal council, and make, to municipal of-

ficers, any suggestion concerning procedure that they may consider necessary. If this is done judiciously and in right spirit, the advice will nearly always be cordially received. Concerning this matter, the following hints will be found helpful:

A Local Option by-law must be read by the municipal council a first time and a second time, then voted upon by the electors at the municipal election next following the first and second reading. If the vote of the electors necessary for its adoption is secured, it must be read a third time by the new council. It then goes into operation on the first day of May of the year in which it receives the third reading.

Powers of Council.

A council is not obliged to grant the 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.

The law provides that if a twenty-five per cent. petition is filed with the clerk of the municipality on or before November 1st, it shall be the duty of the council to submit the by-law.

The putting through the council of the necessary by-law, and attention to the details of the same, ought to be entrusted to the most influential members of the council known to be favorable to the movement. The law relating to procedure is that which governs the voting on by-laws requiring the consent of electors of municipalities, and will be found in the Municipal Act, commencing in Section 338.

Form of By-Law.

A proper form of by-law should be placed in the hands of the member who has charge of the matter, who ought to be in touch with the local Executive and advised and aided by the body.

There is no statutory form of by-law, but the legal committee of the Alliance has carefully prepared a model by-law, copies of which will be sent without charge to any municipality.

This by-law form is the one that has been almost uniformly used throughout the province. It has been through the courts and tested, and can therefore be depended upon as being properly worded and complete in every respect. It is specially desirable that Local Option workers should make every effort to see that this form of by-law is used by the municipal council.

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.

Advertising.

One of the most important matters to be looked after in connection with Local Option by-laws is the proper advertising of the voting. A number of by-laws have been quashed because of mistakes made in this particular. The law concerning it should be carefully read. It will be seen that 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 the advertisement to appear again, but the publication must be as the law says, "three successive weeks."

The council should declare by resolution what paper the by-law is to be advertised in.

The first publication must be not more than five nor less than three weeks before the day of voting. It must not be before the five weeks begin. It must be before the three weeks begin. The municipal elections in 1913 will be held on January 6. The first publication, therefore, of Local Option by-laws, to be voted upon, must not be made before December 1, and should not be later than December 14.

A copy of the by-law must be posted in four or more public places in the municipality. It is by far the safer plan to make it more than four; in fact the by-law should be freely posted, and it would be well if a number of the workers would note four or more public places where copies of the by-law have been posted, so they would be able to testify that they saw the notices, if need should arise for them to do so. In one by-law case the courts held that a notice in a hall not always open could not be counted as one of the necessary number.

The advertisement must contain the by-law in full and must also contain a notice signed by the municipal clerk stating that the copy published is correct and announcing the voting. This form of notice is printed at the foot of the by-law forms which the Alliance supplies. These forms, when properly filled up, can be used as copy for the printers, and may be posted up as the forms which the law requires to be so posted.

The by-law contains a clause naming deputy returning officers and polling places. Instead of this there may be put in a clause stating that the voting shall be at the same time, and at the same places and directed by the same persons as are appointed for the municipal election. All these matters are fixed by the municipal election by-law, and temperance workers ought, therefore, to make sure that the municipal election by-law is also properly drawn and advertised.

POLLING DAY

Early in the campaign there ought to be appointed a strong committee that will lay out plans and work diligently to secure the polling of every available vote. On polling day this committee ought to have the help of all the able workers in the harvest of votes favorable to Local Option, that is the product of wise sowing and careful cultivation.

This Committee will require to arrange beforehand for the supervision of the polls, and for all that is necessary to ensure the bringing to the polls of every elector who is favorable to Local Option.

Provision will have to be made for all horses and rigs, or other conveyances to bring out the voters who have to be sent for. Temperance workers are specially warned against paying traveling expenses of any electors, or hiring teams to carry voters. Teams that are given free for this work may be used. The hiring of conveyances would be a violation of the law by both the person who received or made the payment or arrangement.

The workers in charge of the polling in each subdivision must be on duty early on voting day. They must be fully equipped with special lists of voters who have to be sent for, as well as lists of all who vote in the division. They must stick to their posts till the last ballot is deposited and counted. Upon the diligent performance of their duty, much depends.

Fuller details concerning the work to be done on voting days by agents or scrutineers will be prepared under direction of the Alliance Executive, will be embodied in a special circular and will be forwarded in good time to leading workers in each municipality in which a contest is taking place. The foregoing suggestions are made for the purpose of advising committees to have provision made in good time for an effective staff of qualified workers on polling day.

The most important work of the campaign is the getting out of the vote. There ought to be for every polling subdivision an energetic man or a sub-committee with an energetic chairman or captain, whose business it will be to see that every available Local Option vote is polled. This is where the battle will be won or lost. All aid possible must be secured, but there ought to be one man in charge of each division, directing teams and workers, and wisely looking after every detail.

There ought to be in each polling-place an agent representing the temperance party, appointed by the head of the municipality at the time and place named in the by-law. If no one has been appointed, a friend of the temperance cause who is a voter may act by going before the deputy returning officer at the polling-place, making the declaration, and signing the papers necessary. The Deputy Returning Officer has these papers. It is well also, if possible, to have someone act as outside scrutineer. Both inside and outside men should stay at their places steadily until the last vote is polled.

Only one agent for the by-law and one against it, are allowed inside each polling place. Each candidate at a municipal election is entitled to have agents present in the polling place, and at the counting of votes. If friends of temperance will secure appointments and act as such agents, they will be able also to aid in watching the voting on the by-law.

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SWEARING VOTERS

It is sometimes necessary to require Deputy-Returning Officers to swear persons who claim the right to vote. A Deputy-Returning Officer must administer the oath to a voter before giving him a ballot paper if he is requested to do so by a duly authorized agent of either side. For this reason, and because the oath will give

a reader a fair idea of the law, we subjoin the form of oath which is prescribed for use in Local Option voting. As will be seen it has varying forms, according to the case of the person sworn, differences of wording being required for owners, tenants, women, income voters, farmers' sons, and so on. The outstanding black type will give the form of the oath to be taken by a person who is a freeholder in his own right. The parts printed in other type show the way the wording is to be varied in the different cases described.

You swear (or solemnly affirm) that you are the person named (or intended to be named) by the name of _____ in the list (or supplementary list), of voters now shown to you (*showing the list to the voter*);

And in the case of a married woman or widow claiming to vote,

That you are unmarried (*or a widow, as the case may be*);

And in the case of a freeholder,

That at the date of this election you are in your own right (or your wife is) a freeholder within this municipality.

And in the case of a tenant,

That you were (or your wife was) actually, truly and in good faith possessed to your (or her) own use and benefit as tenant of the real estate in respect of which your name is entered on the said list;

That you are (or your wife is) a tenant within this municipality;

And in the case of a person claiming to vote in respect of income,

That on the _____ day of _____ 19____
(*the day certified by the clerk as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, or at the option of the voter the day certified by the clerk as the last day for making com-*

plaint to the county judge with respect to such voters' list) you were and thenseforward have been continuously and still are a resident of this municipality.

That at the said date and for twelve months previously you were in receipt of an income from your trade (office, calling or profession, as the case may be) of a sum of not less than \$400;

And in the case of a person claiming to vote as a farmer's son,

That on the _____ day of _____ 1911 (the day certified by the clerk as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, or at the option of the voter the day certified by the clerk as the last day for making complaints to the county judge with respect to such voters' list),

A. B. (naming him or her) was actually truly and in good faith possessed to his (or her) own use and benefit as owner (or as tenant under a lease the term of which was not less than five years), as you verily believe, of the lands in respect of which your name was entered on the said list.

That you are a son (or stepson) of the said A. B.

That you resided on the said property for twelve months next before the said day, not having been absent during that period except temporarily and for not more than six months in all.

That you are not a citizen or subject of any foreign country

That you are a natural born (or naturalized) subject of His Majesty and of the full age of twenty-one years.

That you have not voted before upon this bylaw, either at this or at any other polling place.

That you are a bona fide resident of this municipality and have continuously resided therein for three months prior to this date.

And in the case of a municipality divided into polling sub-divisions,

That you reside in this polling sub-division (or that you are not entitled to vote in the polling sub-division in which you reside.)

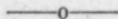
That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender upon this by-law.

That you have not received anything, nor has any thing been promised to you directly or indirectly either to induce you to vote upon this by-law, or for loss of time, travelling expenses, hire of team or any other service connected with the submission of the by-law.

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting upon this by-law.

So help you God.

(In the case of a new municipality in which there has not been any assessment roll, then instead of referring to the list of voters the person offering to vote as a freeholder or tenant may be required to state in the oath the property in respect of which he claims to vote.)



LAW ABOUT VOTING

The law which governs the voting on Local Option by-laws, and proceedings in connection therewith, is fully set out in the consolidated Municipal Act which is Chapter 19 of the Ontario Statutes of 1903. The sections referring to voting on by-laws begin with number 338. They are mainly directory to municipal clerks and other officials, but they ought to be read over

carefully by some member of the Local Option executive who will give special attention to following the procedure of the council and seeing that it is correct. The points which ought to be most carefully watched are these covered by section 338, which reads as follows:—

"338. 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 purposes 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."

Corrupt Practices.

An important change in the law was made during the 1910 session of the legislature by the addition to the Act of a section, numbered 246a, and which is as follows:—

"246a. All the provisions of this Act prohibiting the doing of any act or defining any offence against this Act and imposing penalties therefor applicable to the election of members of municipi-

pal councils shall apply 'mutatis mutandis' to the voting upon any by-law or question submitted to the electors by a municipal council, whether the submission or such by-law or question is optional with or compulsory upon the Council."

This section makes all the provisions concerning corrupt practices which apply to the election of members of municipal councils, applicable also to the voting on by-laws. This includes Division IX. of Part 2 of the Act, which is entitled "Prevention of Corrupt Practices" and which begins at section 245 and is continued to 258. Section 245 defines "Bribery" and declares that an offence is committed by any person who directly or indirectly offers, promises, procures or receives any consideration of any kind for voting in any way or refraining from voting, whether the wrong-doing takes place at or before or after the voting. It also, in sub-section 7, declares guilty of bribery:—

"Every person who hires horses, teams, carriages or other vehicles for the purpose of conveying electors to or from the polls, and every person who receives pay for the use of any horse, team, carriages, or other vehicle, for the purpose of conveying electors to or from any poll as aforesaid."

Section 246 defines "Undue influence," and makes it an offence for any person directly or indirectly to exercise any force, restraint, injury or intimidation of any kind to induce any person to vote or refrain from voting, or to, in any way, interfere with the free exercise of a voter's rights, and provides that any person who commits such an offence shall incur a penalty of \$100 and be disqualified for two years from voting at any municipal election or upon any by-law. The punishment for an offence against section 245 is set out in section 250, which reads thus:—

"Any person who is adjudged guilty of any offence within the meaning of section 245 of this Act, shall incur a penalty of \$20, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years."

Besides imposing penalties on persons who are proved guilty of improper practices, the Municipal Act provides for the quashing of any by-law which is carried by any such means. Section 381 says:—

"Any by-law, the passage of which has been procured through, or by means of any violation of the provisions of sections 245 and 246 of this Act, shall be liable to be quashed upon an application made in conformity with the provisions hereinbefore contained."

In order to help the local workers to safeguard the elections from corrupt practices, the Provincial Executive of the Alliance offers a reward of \$25.00 for information leading to a conviction. Large red cards, which may be posted up in conspicuous places, are supplied by the Alliance Office. These are in the following form:—

\$25 REWARD

Will be paid for evidence that will secure the conviction of any person for paying money, offering money, or guilty of any other corrupt act to secure a vote against Local option.



Dominion Alliance

(Ontario Branch)

Ben H. Spence, Secretary.

THE LOCAL OPTION LAW

The law under which Local Option by-laws may be passed or repealed in the Province of Ontario, is contained in Section 141 of the Liquor License Act, which is Chapter 245 of the Revised Statutes of Ontario as amended by various Acts passed in subsequent years. The most important part of it reads, in full, as follows:—

"141. (1) The council of every township, city, town and incorporated village may pass by-laws prohibiting the sale by retail of spirituous, fermented or other manufactured liquors, in any tavern, inn, or other house or place of public entertainment, and for prohibiting the sale thereof, except by wholesale, in shops and places other than houses of public entertainment: Provided that the by-law before the final passing thereof, has been duly approved of by the electors of the municipality in the manner provided by the section in that behalf of the Municipal Act.

"(2) The day fixed by the by-law for taking the votes of the electors thereon shall be the day upon which under The Consolidated Municipal Act, 1903, or any by-law passed under the said Act, a poll would be held at the annual election of members of the council of the municipality.

"(3) In case a petition, in writing, signed by at least twenty-five per cent. of the total number of persons appearing by the last revised voters' list of the municipality to be qualified to vote at municipal elections, is filed with the clerk of the municipality on or before the first day of November next preceding the day upon which such poll would be held, praying for the submission of such by-law, it shall be the duty of the council to submit the same to a vote of the municipal electors as aforesaid.

"(4) In case three-fifths of the electors voting upon such by-law approve of the same, the council shall within six weeks thereafter finally pass such by-law, and this sub-section shall be construed as compulsory and the duty so imposed upon the council may be enforced at the instance of any municipal elector by mandamus or otherwise.

"(5) In case such by-law does not receive the approval of at least three-fifths of the electors voting thereon the council shall not pass the same, and no by-law for the same purpose shall be submitted to the municipal electors before the date of polling for the third annual election of members of the council to be held after that at which the voting on the first mentioned by-law took place.

"(6) No by-law passed under the provisions of sub-section 1 of this section shall be repealed by the council passing the same until after a by-law for that purpose has been submitted to the electors and approved by three-fifths of the electors voting thereon, in the same manner as the original by-law, on the polling day at the third or some subsequent annual municipal election held after the passing of such original by-law; in case such repealing by-law is not so approved, no other repealing by-law shall be submitted to the electors until the polling at the third annual municipal election thereafter. Provided that any such by-law heretofore passed under sub-section 1 of this section may be so repealed with the approval of a majority of the electors voting upon such repeal.

"(7) Every by-law passed under this section shall come into force and take effect as from the first day of May next after the passing thereof.

"(8) The form of the ballot paper to be used for voting on a by-law under this section or any subsection thereof shall be as follows:—

FORM OF BALLOT

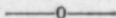
For Local Option.	Against Local Option.
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.....
 Voting on By-law to (insert here
 object of the By-law) to be submit-
 ted to the council of the.....
 of.....

(The same form of ballot is used in voting on the question of adopting and on the question of repealing a Local Option by-law.)

"Whenever an appropriation is made by the Legislature for enforcing the Liquor License Act in Local Option Districts, the Minister in any case in which a by-law passed under subsection 1 of this section is in force in any municipality in any License District in this Province may, by his order, direct the payment out of such appropriation of any sum which he may think necessary to enforce said Act in such License District or any part thereof, including the payment of the salary and expenses or any part thereof of the License Inspector for such district.

"141a. Notwithstanding anything in Section 141 of the Liquor License Act, or the amendments thereto, no person shall vote upon any by-law submitted to the electors under that section, or the amendments thereto, who is not at the date of taking the vote on such by-law, and has not been for three months before that date, a bona fide resident of the municipality to which the by-law relates."



IS IT PROHIBITION?

The Ontario law provides for the issue of nine different kinds of license permitting the sale of liquor. They are: A Distiller's Provincial License, a Brewer's Provincial License, a Distiller's Warehouse License, a Brewer's Warehouse License, a Wholesale License, a Sample and Commission License, a Club License, a Tavern License, and a Shop License. There might be said to be ten kinds of license, inasmuch as a tavern license may be either a license to sell only beer and wine, or a license to sell any kind of intoxicating liquor.

The license commissioners of any district are empowered to issue only three kinds of license—tavern, shop, and club. All the others are issued only by the Provincial Government at Toronto. A Local Option by-law nominally prohibits the issuing of tavern and shop licenses, but the result of the adoption of such by-laws, along with the action of the commissioners and Government,

are effective in preventing liquor-selling under any kind of license in the municipalities in which such by-laws are in operation.

The Government has declared its policy to be not to issue club licenses in Local Option municipalities. The Government will not issue whole-sale or warehouse licenses to take effect in Local Option municipalities. A commission license will not authorize sale to any person excepting a person holding a license. A brewer's or distiller's license will not authorize sale in a Local Option municipality. It follows that a Local Option by-law, while nominally prohibiting only sale under tavern and shop licenses, is actually effective to prohibit all liquor-selling.

A Local Option by-law does not supersede the License Act. It is a part of the Liquor License Act. Where Local Option is carried the License Law is still in force. The simple effect of a Local Option by-law is to prevent the issuing of tavern and shop licenses. All the machinery and authority of the Liquor License Law still remain and are available under Local Option, for the prevention of any liquor-selling or the keeping of liquor for sale without license, just as they are available for the prevention of unlicensed liquor-selling or keeping for sale in communities where licenses are issued. This is made very clear in Section 143 of the Liquor License Act, which is in the following terms:—

"143. No tavern or shop license shall be issued or take effect within any municipality in which there is in force any by-law passed in pursuance of Section 141, or in pursuance of any of the provisions mentioned in Section 142; but the sale or keeping for sale of liquor without license in any such municipality shall nevertheless be a contravention of Sections 49 and 50 of this Act, and all the provisions of this Act respecting the sale or keeping for sale of liquor in contravention of said sections, and the penalties and procedure in reference thereto shall be of full force and effect in such municipality, notwithstanding such prohibitory by-law."

The Ontario law which prohibits the sale of liquor without license is the law that is in force

where Local Option by-laws are adopted. It is the result of many years of study and experience, its provisions are strong, its penalties are severe, and where Local Option by-laws are adopted, it becomes one of the most effective prohibitory laws in operation in any community. It prohibits selling, and it prohibits keeping for sale. The sections of the Liquor License Act which embody these prohibitions are 49 and 50. They read as follows:—

"49. (1) No person shall sell by wholesale or retail any spirituous, fermented or other manufactured liquors without having first obtained a license under this Act authorizing him so to do; but this section shall not apply to sales under legal process or for distress, or sales by assignees in insolvency.

"(2) No person unless duly licensed shall by any sign or notice hold himself out to the public as so licensed; and the use of any sign or notice for this purpose is hereby prohibited.

"50. No person shall keep or have in any house, building, shop, eating-place, saloon, or house of public entertainment, or in any room or place whatsoever, any spirituous, fermented, or other manufactured liquors for the purpose of selling, bartering or trading therein, unless duly licensed thereto under the provisions of this Act; nor shall the occupant of any such shop, eating-house, saloon, or house of public entertainment, unless duly licensed, permit any liquors, whether sold by him or not, to be consumed upon the premises, by any person other than members of his family or employees, or guests not being customers."

The above sections are the strongest and most severe in the whole Liquor License Act. They apply only to non-license holders and, therefore, the power and influence of the License Holders' Association has not been exercised to modify them. The provisions for their enforcement are complete; the penalties for violation severe. They provide effective local prohibition of the retail trade of intoxicating liquors within the municipality.

Sale by Brewers.

There seems to be prevalent in some places an idea that brewers may sell liquor in a Local Option district. It is true that a brewer whose brewery is in a Local Option municipality may

make beer therein, and may hold a Brewer's Provincial License. But the terms of that license do not permit him to disregard Local Option prohibition, even in the municipality in which his brewery is situated. This will be made clear by an examination of the law under which a brewer's license is issued. It is contained in Section 4 of the Act 'Respecting Brewers' and Distillers' and other licenses. Sub-section 1 of that section reads as follows:—

"4. (1) A brewer's provincial license shall be an authority for the holder thereof to sell to persons who are holders of licenses under the Liquor License Act, ale and beer on the premises in or on which they are manufactured in the quantities hereinafter mentioned and shall authorize him to sell by sample in such quantities to such persons in any municipality in the Province for future delivery. The said license shall also be an authority for the holder thereof to sell ale and beer in quantities as heretofore in the building and license district aforesaid to others than licensees. **Provided, however, that no such sale shall be made either directly or indirectly within any municipality in which a by-law passed under Sub-section 1 of Section 141 of the Liquor License Act is in force.**"

It is also true that a brewer's warehouse license authorizes the sale of beer, but such license is issued under conditions which would make it useless for anyone to pay for such a license to take effect in a Local Option district. These conditions are set out in the following addition made to the section just quoted, which was passed by the Legislature at the session of 1912.

"And provided also that in a municipality in which no tavern or shop license is in force, no liquor shall be stored or kept by any brewer or other person whomsoever, for future delivery to any customer or other person notwithstanding that the same or some part thereof may have been previously ordered or appropriated to a customer or other person and any brewer or other person contravening this provision shall be deemed conclusively to have kept liquor for sale without the license therefor by law required."

Any danger from sale or delivery from a liquor warehouse into a Local Option municipality is guarded against by Section 5 (a) of the same Act, which reads as follows:—

"5(a). A brewer's or distiller's warehouse license shall be an authority for the holder thereof to maintain and keep in any city or town for which such license may be issued a warehouse for the storage of unbroken packages of beers or spirits manufactured by him, and to sell and supply therefrom to customers such beers or spirits in the quantities by this Act authorized to be sold under their respective Provincial Licenses in their respective license districts, but no such beers or spirits shall be sold to any unlicensed person in any municipality having a population of less than 4,000, nor shall any beers or spirits be sold or delivered by or on behalf of any holder of a Brewer's Warehouse License within any municipality in which a by-law passed under Sub-section 1 of Section 141 is in force."

The law protecting Local Option municipalities, however, goes further still, prohibiting all taking of orders for liquor by Section 57a of the License Act, which reads as follows:—

"57a. Every person, whether licensed or unlicensed, who by himself, his servant or agent, canvasses for, or receives or solicits orders for liquor within any municipality in which a by-law passed under Section 141 of the Liquor License Act is in force, shall be guilty of an offense against this Act, and shall incur the penalties provided for the sale of liquor without the license therefore by law required."

Druggists Only.

In short, the only sale of liquor that can legally take place in a Local Option municipality, under the present law and practice, is sale by druggists; and that sale can only take place upon a prescription duly signed by a legally qualified medical practitioner, in specified quantities and registered in a book kept for the purpose, except in case of serious injury or fainting of a person brought into the druggist's premises or adjoining premises, and then only in case of urgency and in a small specified quantity.

Bars Prohibited.

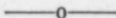
The law prohibits any keeping of a bar or attempt to make it appear that the sale of liquor is carried on or licensed in a Local Option municipality. Section 111 says:—

"111. (1) The fact of any person, not being a licensed person, keeping up any sign, writing, painting or other mark, in or near to his house or

premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that liquor is sold or served therein, or that there is on such premises more liquor than is reasonably required for the persons residing therein, shall be guilty of an offence against this Act."

Drinking Prohibited.

From the latter part of Section 50, already quoted, it will be seen that it is illegal for the keeper of a shop, restaurant or hotel in a Local Option municipality, to permit any liquors, whether sold by him or not, to be consumed upon the premises, by any person other than by members of his family or employees, or guests, not being customers.



PENALTIES

As has already been stated, when a Local Option by-law has been carried in a municipality all the machinery and penalties provided for the sale of liquor without license, are still in operation, but are much more comprehensive in their operation than they were before.

Under Local Option, every kind of liquor-selling is selling without license, and punishable accordingly. Where Local Option by-laws have not been carried, license-holders who sell illegally are only liable to comparatively light punishment. Under Local Option all citizens are treated alike. Selling to a minor, selling on Sunday, selling to a drunken man, or selling in any other way, is really unlicensed selling. Under license law there are small penalties for such offences when committed by a license-holder.

Local Option provides one heavy penalty on all persons guilty of these offences, as well as on all persons who keep liquor for sale or who sell liquor in any way. That penalty is clearly set out in Section 72 of the Act, which is as follows:—

"72. Any person who keeps for sale or sells or barter spirituous, fermented or manufactured liquors of any kind, or intoxicating liquors of any kind, without the license therefore by law required, shall, for the first offence, on conviction thereof, forfeit and pay a penalty of not less than \$100 besides costs, and not more than \$500 besides costs; and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed, for a period of not less than three months and be kept at hard labor, in the discretion of the convicting magistrate; and for a second or any subsequent offence, such person shall, upon conviction, be imprisoned for a period of four months, to be kept at hard labor in the discretion of the convicting magistrate; and in the event of the imprisonment of any person upon several warrants of commitment under different convictions in pursuance of this Act, whether issued in default of distress for a penalty or otherwise, the terms of imprisonment under such warrants shall be consecutive and not concurrent."

The keeping of a bar or doing anything to make it appear that liquor-selling is licensed or carried on under Local Option, is made an offence by Section 111, already quoted, and it is punished by the penalties set out in Section 86 of the License Act, which also apply to any other law violation, for which no specific penalty is provided.

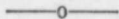
"86. Any person who violates any other provision of this Act, in respect of which violation no other punishment is prescribed, shall for the first offence, on conviction thereof, forfeit and pay a penalty of not less than \$20, besides costs, and not more than \$50, besides costs; and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed for a period not exceeding one month, and may be kept at hard labor, in the discretion of the convicting magistrate; and for the second offence, on conviction thereof, such person shall forfeit and pay a penalty of not less than \$40, besides costs, and not more than \$60, besides cost, and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed, for a period not exceeding two months, and may be kept at hard labor, in the discretion of the convicting magistrate; and for the third or subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of three months, and may be kept at hard labor, in the discretion of the convicting magistrate."

Increased Penalties Must Be Imposed.

Formerly the Liquor License Act authorized the imposition of any number of first offence penalties. It contained a clause which said that any offence might be as for a first offence. The law now is particularly stringent in this regard, and information must be laid according to the facts in each case. The section of the Act containing the new provisions is 101a, and reads as follows:—

"101a. (1) Whenever a prosecution is brought against any person under this Act, for the Liquor License Act, for an offence of which he has been previously convicted and for which a different or greater penalty is imposed in the case of a second or any subsequent offence, it shall be the duty of the Inspector to prosecute as for a second or subsequent offence according to the fact.

"(2) Any Inspector who knowingly or wilfully violates the provisions of this section shall incur a penalty of not less than \$20 nor more than \$50."



LAW ENFORCEMENT

The Liquor License Act—which, as has been shown, remains in force where Local Option by-laws have been carried—requires the appointment for each license district, of a Board of License Commissioners and a License Inspector, charged with the enforcement of the law and specifies their duties. A special section requires these officers to enforce the Canada Temperance Act, the Dunkin Act, or Local Option By-laws, where such laws are in force. The section requiring their appointment in places where licenses are not issued, comes after the Local Option sections and is as follows:—

"145. The Lieutenant-Governor-in-Council may, notwithstanding that any such by-law affects the whole or any part of any county or that the second part of the Canada Temperance Act is in force in the whole or part of any county, nominate a board of license commissioners of the number, and for the period mentioned in section 3 of this Act, and also an Inspector; and the said board and Inspector shall have discharge and exercise of all such powers and duties respective-

ly for preventing the sale, traffic or disposal of liquor contrary to the said Acts or this Act as they respectively have or should perform under this Act."

The license law further authorizes the Government to appoint provincial officers in addition to the local license inspectors. The Government has done this and these officers have been very efficient in securing the enforcement of Local Option By-laws. They act under the following section:—

"127. (1) The Lieutenant-Governor may appoint one or more Provincial officers whose duty it shall be to enforce the provisions of this Act, and especially those for the prevention of traffic in liquor by unlicensed houses."

Local Officers.

Still further in addition to the regular license inspectors and the provincial officers, the council of a municipality in which a Local Option By-law is in force may appoint a special officer to enforce the law. Their power to do so is contained in the following section:—

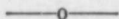
"127a. The council of any municipality in which any by-law passed under Section 141 of this Act or under any of the provisions mentioned in Section 142 of this Act, for prohibiting the sale of liquors by retail, is in force, may by by-law appoint an officer whose duty it shall be to enforce the provisions of this Act and of any such prohibitory by-law within the municipality, and such council may by by-law provide for the payment of such officer or officers and for payment of any expenses incurred in such enforcement out of the general funds of the municipality, and every officer so appointed shall have within the municipality for which he is appointed all the powers possessed by a Provincial officer appointed under Section 127 of this Act, and all the provisions of this Act applicable to any such Provincial officer shall apply as to any officer appointed under this section and acting within the municipality for which he is appointed in the same manner and to the same extent as if such municipal officer were expressly mentioned in such provisions."

Furthermore, Section 128 gives the license commissioners authority with the approval of the Government, to appoint special enforcing officers. The section reads as follows:—

"128. The license commissioners with the sanction of the Lieutenant-Governor in Council, may appoint one or more officers to enforce the provisions of this Act, and especially those for the prevention of traffic in liquor by unlicensed houses, and shall fix the security to be given by such officers for the efficient discharge of the duties of their office, and every such officer shall within the license district for which he is appointed, possess and discharge all the powers and duties of Provincial officers appointed under the next preceding section other than those of the Provincial Inspectors.

It will thus be seen the machinery for the enforcement of Local Option by-laws is very complete and that special provision is made for the appointment of officers to prevent, or to detect, and prosecute, any violation of the law. Power to take action is also given to private persons by Section 94, which reads as follows:—

"94. Any person may be prosecutor or complainant in prosecutions under this Act."



DUTIES OF OFFICERS

The provision for securing enforcement of the law is very complete. Not only the Inspectors specially appointed to enforce the law, but all policemen and constables are empowered and required to enter prosecutions if they have reason to believe that the law has been broken, and they are liable to punishment if they fail to do their duty. The sections of the License Act, dealing with this matter, are as follows:—

"129. Every officer so appointed under this Act, every policeman, or constable, or Inspector, shall be deemed to be within the provisions of this Act; and where any information is given to any such officer, policeman, constable or Inspector, that there is cause to suspect that some person is violating any of the provisions of this Act, it shall be his duty to make diligent inquiry into the truth of such information before the proper court, **without communicating the name of the person giving such information;** and it shall be the duty of the Crown Attorney, within the county in which the offence is committed, to attend to the prosecution of all cases committed to him by an Inspector or officer appointed under this Act by the Lieutenant-Governor.

"134. (1) It shall be the duty of every officer, policeman, constable or Inspector in each municipality, to see that the several provisions of this Act are duly observed, and to proceed by information and otherwise prosecute for the punishment of any offence against the provisions of this Act; and in case of wilful neglect or default in so doing in any case, such officer, policeman, constable or Inspector shall incur a penalty of \$10, besides costs, for each and every such neglect and default.

"(2) It shall be the duty of the board of commissioners of police, and of the chief of police, to enforce the provisions of this section, and any officer or policeman convicted of violating the provisions thereof may be summarily dismissed."

Powers of Officers.

The authority given to Inspectors and police officers is very broad. They may at any time enter any public place where refreshments are sold, or with a search warrant may go into any place in which they have reason to believe law-breaking goes on. One of the sections of the Liquor Act under which they may proceed is the following:—

"130. (1) Any officer, policeman, constable, or Inspector may, for the purpose of preventing or detecting the violation of any of the provisions of this Act which it is his duty to enforce, at any time enter into any and every part of any inn, tavern, or other house or place of public entertainment, shop, warehouse, or other place where in refreshments or liquors are sold, or reputed to be sold, whether under license or not, and may make searches in every part thereof, and of the premises connected therewith, as he may think necessary for the purpose aforesaid."

"These officers are authorized to seize any liquor which they may find on premises searched, which they believe is unlawfully kept for sale. They have power to demand the name and address of persons found on the premises, and to arrest such persons if they refuse to give their names, or if they give false names, and a penalty is provided for such an offence.

Any person who refuses to admit an officer in the discharge of his duties or who attempts to obstruct such officer, is liable to the same penalties as are imposed upon anyone who sells liquor without license.

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Any officer has also the right to seize liquor in transit or to search valises, trunks or vehicles of any kind for liquor, which he suspects to contain liquor for sale illegally. The law in this regard is as follows:—

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(1) Where an officer, policeman, constable, or Inspector finds liquor in transit, or in course of delivery upon the premises of any railway company, or at any wharf, railway station, express office, warehouse or other place, and believes that such liquor is to be sold or kept for sale in contravention of this Act, he may forthwith seize and remove the same.

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(2) Any officer, policeman, constable or Inspector, if he believes that liquor intended for sale or to be kept for sale in violation of this Act, is contained in any vehicle on a public highway or elsewhere, or is concealed upon the lands of any person, may enter and search such vehicles, and may enter upon and search such lands and seize and remove any liquor found there and the vessels in which the same is kept; or if he finds either upon the public highway or elsewhere, any trunk, box, valise, bag or other receptacle whatever, which he believes contains liquor for sale in contravention of this Act he may forthwith seize and remove the same together with the package or packages in which such liquor is contained whether in the custody of or under the control of any person or not. I Geo. V., c. 64, s. 18.”

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The law is very complete and distinct in its provisions as to what shall constitute evidence of sale or keeping for sale of liquor. It is the result of long experience and careful study, and closes up many of the loop-holes through which offenders have heretofore been able to escape from the penalty of their wrongdoing.

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Proof of the actual payment of money is not necessary to secure a conviction if the facts set out are such as to satisfy the court that a transaction in the nature of a sale took place or that liquor was about to be consumed, and consumption of liquor by some other person than the occupant of the premises is evidence that the liquor was sold to such person.

The finding of appliances similar to those usually found in taverns or shops is prima facie evidence that liquor is kept for sale.

The section in this regard reads as follows:—

"Any house, shop, room or other place in which are proved to exist a bar counter, beer pumps, kegs, jars, decanters, tumblers, glasses or any other appliances or preparations similar to those usually found in taverns and shops where spirituous or fermented liquors are accustomed to be sold or trafficked in, shall be deemed to be a place in which spirituous, fermented or other manufactured liquors are kept or had for the purpose of being sold, bartered or traded in, within the meaning of Section 50 of this Act, unless the contrary is proved by the defendant in any prosecution; and the occupant of such house, shop, room or other place, shall be taken conclusively to be the person who has, or who keeps therein, such liquors for sale, barter or traffic therein. R.S.O. 1897, c. 245, s. 108."

Not only so, but the above section is strengthened by the following section:—

"Where upon a prosecution of any person under this Act or the Liquor License Act for the sale or keeping for sale of liquor without the license therefor by law required, the Justice of Justices before whom such prosecution is brought shall find that liquor exceeding two gallons in quantity was kept upon the premises occupied by such person,—the keeping or having upon such premises of any beer pump or other appliance commonly used in a bar-room, shall be conclusive evidence that such liquor was kept upon the premises for sale. 6 Edw. VII., c. 47, s. 15."

To make exceedingly difficult the shipment in of liquor for illicit purposes, the law provides that shipping under a fictitious name is evidence of intention to sell unlawfully. The provision in this regard reads as follows:—

"If it appears to the Justice that such liquor or any part thereof, was consigned to some person in a fictitious name, or was shipped as other goods, or was covered or concealed in such a manner as would probably render discovery of the nature of the contents of the vessel, cask or package in which the same was contained more, it shall be prima facie evidence that the liquor was intended to be sold or kept for sale in contravention of this Act. 9 Edw. VII., c. 82, s. 32."

In all cases, the law is intended to secure reasonable and equitable enforcement of the law without obstruction by technicalities.

Witnesses Must Testify.

Sections 115 and 116 of the Act give magistrates full power to command the attendance of witnesses, to require them to give evidence, and to punish them for contempt if they fail to do so.

The enforcement of the law is much facilitated by a section of the Amending Act of 1912, which authorizes the imprisonment of any person found drunk in a Local Option municipality, unless he states in court the person from whom and the place in which he obtained liquor. The section reads as follows:—

"13. Where in a municipality in which a by-law passed under Section 141 of the Liquor License Act is in force, a person is found upon a street or in any public place in an intoxicated condition owing to the drinking of liquor, he shall be guilty of an offence against the said Act, and upon any prosecution for such offence against the said Act, and upon any prosecution for such offence he shall be compellable to state the name of the person from whom and the place in which he obtained such liquor, and in case of his refusal to do so he shall be imprisoned for a period not exceeding three months or until he discloses such information."

Taken as a whole the enforcement provisions are very full and complete. In practical operation they have been found effective and are probably more so than is the case generally with the details of provisions for the carrying out of legislation.

TECHNICALITIES

It is very important to have every detail of the law, as set out in this Handbook, complied with in every Local Option contest. Many times Local Option by-laws have been quashed because of neglect of some matter that seemed to some people insignificant. The only safe course to take is close adherence to all the requirements of the law.

If, however, a by-law carried by the requisite majority, should be quashed because of some ir-

regularity in procedure, the Government will probably interfere to prevent the issue of licenses in that municipality for three years. To make prohibition permanent, another vote must then be taken, when it will be necessary to again secure three-fifths of the electors who vote; whereas, if the by-law had not been quashed, it could have been sustained in a repeal contest, without this handicap. The section of the Act under which licenses are withheld, when by-laws are quashed, is the following:—

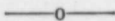
"143. Where a by-law submitted to the electors under the provisions of Sub-section 1 of Section 141 of this Act is declared by the Clerk or other Returning Officer to have received the assent of three-fifths of the electors voting thereon, and is after such declaration quashed or set aside, or held to be invalid or illegal, or where such by-law after having been declared not to have received the assent of three-fifths of the electors, is held upon a scrutiny to have received such assent and is subsequently quashed or held to be invalid or illegal no tavern or shop license shall be issued in the municipality in which the by-law was submitted after the date of such submission and until the first day of May in the year in which a repealing by-law might have been submitted to the electors had the first-mentioned by-law been declared valid, without the written consent of the Minister first had and obtained. This section shall be held to apply to all by-laws submitted to the electors since the 31st day of December, 1906."

The quashing upon mere technicalities of convictions recorded against persons selling liquor under Local Option, is also guarded against by a special provision incorporated in the License Law, which reads as follows:—

"105. (1) No conviction or warrant enforcing the same or other progress or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information or conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of this Act, within the jurisdiction of the Justice or Justices who made or signed the same, and provided there is evidence to prove such offence."

It will be seen that the law concerning the adoption of Local Option by-laws is very com-

prehensive. It is for this reason also, somewhat complicated, therefore it is necessary for our workers to be exceedingly careful in following the regulations and advice herein laid down, and in consulting with the Alliance officers when any point arises concerning which they have any uncertainty.



LICENSE REDUCTION

In municipalities in which workers decide that it is not desirable to immediately bring on a Local Option contest, there may be opportunities for an important and useful reduction in the number of liquor licenses that are granted.

The municipal councils of towns, incorporated villages, and townships have full power to limit the number of tavern and shop licenses that may be issued. There may be some doubt as to the right of a council to limit the shop licenses to a smaller number than two. There is no uncertainty as to the power of a council in a village or township to limit the number of tavern licenses to one. The law setting out the power of councils to take this action is contained in Section 20 of the License Act, and reads as follows:—

“20. (1) The council of every town, village or township may, by by-law to be passed before the first day of March in any year, limit the number of tavern licenses, to be issued therein for the then ensuing license year beginning on the first day of May, or for any future license year until such by-law is altered or repealed, provided such limit is within the limit imposed by this Act, and no such by-law shall in a township or village be quashed or set aside on the ground only that a monopoly has been created by such limitation.”

In cities the municipal council has not power to pass a by-law limiting the number of taverns or shops, unless such by-law is petitioned for by ten per cent. of the persons entitled to vote at the municipal election, and is submitted to a

vote of the electors and approved by a majority of the voters voting upon the question. All this is set out in Section 20a of the License Act. The following is the wording of the law which governs it, and which was enacted in the year 1911:

"20a. (1). If a petition in writing signed by at least ten per cent. of the total number of persons appearing by the last revised voters' list of a city to be qualified to vote at 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 to the electors limiting the number of tavern or shop licenses or both tavern and shop licenses to be issued in the city for the next ensuing license year, beginning on the 1st day of May, and for subsequent years until such by-law is repealed, and if the number of such licenses stated in the petition is within the limit fixed by this Act, it shall be the duty of the council to submit such by-law to the vote of the electors of the municipality qualified to vote at municipal elections in the city in the manner provided by The Consolidated Municipal Act, 1903, and the amendments thereto.

"(2) The day fixed by the by-law for taking the vote of the electors thereon shall be the day upon which under The Consolidated Municipal Act, 1903, or any by-law passed under the said Act, a poll would be held for the annual election of members of the municipal council.

"(3) If a majority of the electors voting upon the by-law assent to the same, the council shall within six weeks thereafter, finally pass the by-law, and this section shall be construed as compulsory and the duty so imposed upon the council may be enforced at the instance of any municipal elector by mandamus or otherwise.

"(4) After the submission of the by-law, no by-law repealing or amending the same shall be submitted to the electors before the day of polling for the third annual election to be held after that at which the voting on the first-mentioned by-law took place, but this shall not affect the submission at any municipal election of a by-law under Section 151 of this Act.

"(5) The clerk of the municipality shall deliver a certified copy of every by-law passed under this section to the Board immediately after the passing thereof."

The law governing the signing of petitions and the taking of the vote on a License Reduction by-law in a city is the same as the law relating to Local Option voting, and is set out in full in this Handbook, under the heading, "The Law About Voting."

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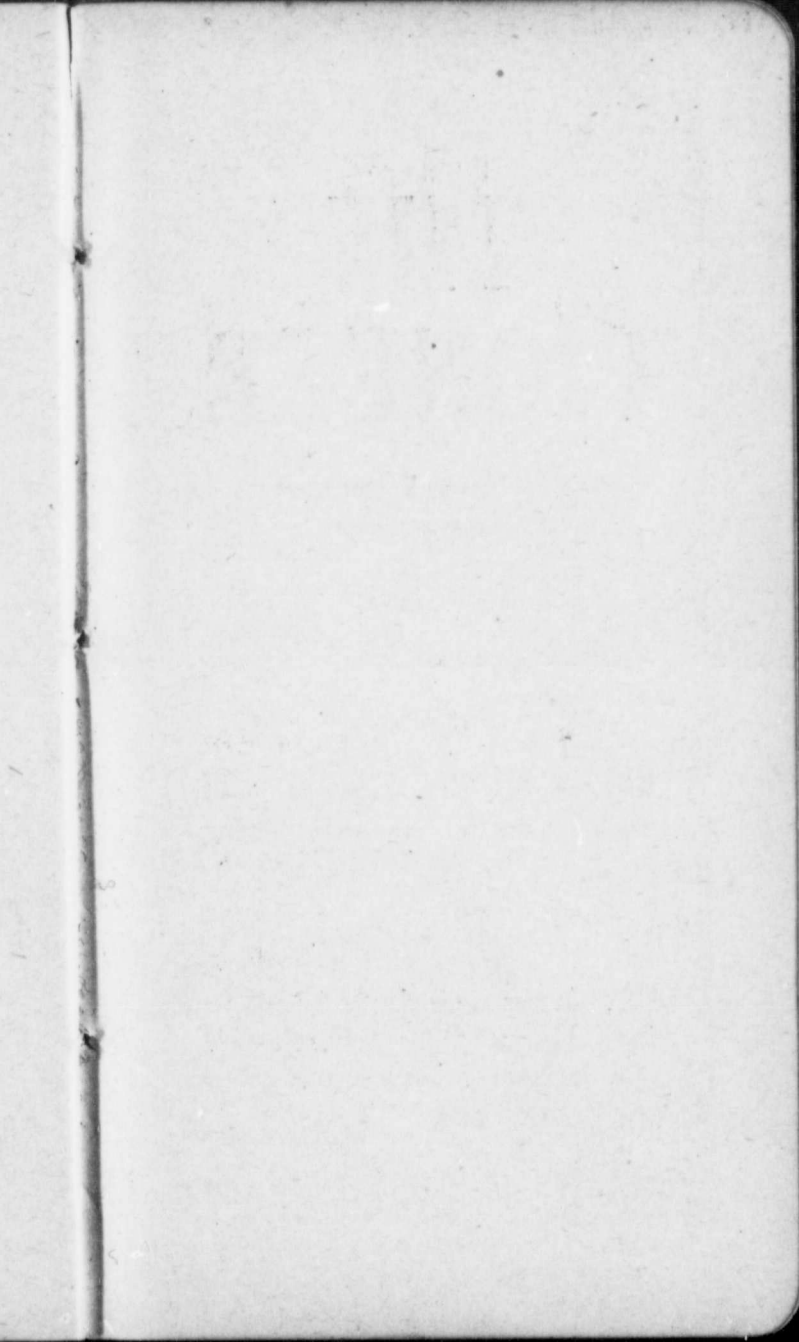
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