

Par ces motifs, casse et annule le dit jugement et procédant à rendre celui qui aurait dû être rendu: maintient le plaidoyer du défendeur; rejette la requête libellée et l'action du demandeur, et renvoie le bref de *quo warranto* émis en cette cause, le tout avec dépens, contre le demandeur dans les deux cours.

Sir Charles Davidson, chief justice, dissident:—The judgment under review, (district of Iberville Monet, J.), maintained the writ of *quo warranto*, herein issued; declared the defendant incapacitated from sitting as a councillor of the village of St. Rémi; ordered him to cease from acting as such and declared him disqualified to fill the like position for the term of five years counting from the signification of the judgment.

The complaint of the plaintiff is that defendant while being and acting as a councillor of the village of St. Rémi, was, as to himself, his minor son and his horses, employed by the corporation and paid for his services to the extent of \$164.15. This employment is said to date from June 7th. 1913.

It is prayed that he be declared to be illegally usurping, occupying and exercising his office as councillor; that he be removed from office and further disqualified from holding any public office in or under the council for the space of 5 years.

Defendant by his plea admits, that he worked on the roads of the corporation, by the day, at intervals, from June 7th. 1913, to the following August 20th, and received pay in accordance with the tariff fixed by a resolution of May 13th. 1913. But this did not, he asserts, in any wise, disqualify him.

By the Provincial Good Roads Act 1912—3 George V,