

corporation, then it appears to me that, under sec. 80, he is disqualified from becoming a waterworks commissioner, as well as for the causes set forth in sec. 207.

It was argued by the relator that there were reasons why a High School trustee should not become a commissioner of water and light, and it may very well be that conflicting interests might arise. The question of disqualification on similar ground, and reasons therefor, were set forth in *Regina ex rel. Boyes v. Detlor*, 4 P.R. 195. The case of a county councillor and a member of a school board came up in *Rex ex rel. Zimmerman v. Steele*, 5 O.L.R. 565, and *Rex ex rel. O'Donnell v. Bloomfield*, 5 O.L.R. 596, where it was held that it was incompatible for a school trustee to qualify as a county councillor.

In my opinion, the words of sec. 41, sub-sec. 5, of the Waterworks Act provide for the disqualification of a commissioner, and refer to the causes for which his seat may become vacant, and these causes are those set forth in secs. 80, 207, and 208 of the Consolidated Municipal Act; and "commissioner" may be read and construed as referring to a member of council in the Consolidated Municipal Act, under sec. 54 of the Waterworks Act.

I hold, therefore, that Dr. Irwin, being a High School trustee, is disqualified from becoming a commissioner of water and light for the same municipality.

I, therefore, declare vacant the seat of Dr. Irwin as commissioner of water and light for the Village of Weston.

---