

The statute evidently intended that no one should have the right to be a member of the governing body unless, first, he owned a certain amount of property, and, secondly, that he was assessed therefor, so as to be liable to be called upon to pay his share of the amount to be made up for municipal purposes.

Well, the respondent appears to own a much larger amount of property than is required to qualify, and if he does not appear on the assessment roll as liable for taxes on it, he, as I have said, does, indirectly, do so.

The respondent appears to stand second on the poll, and the ratepayers have thus expressed their confidence in him, so that I would be loath to set aside their choice, unless I was clearly driven to do so.

I come now to the last question to be considered, and that is the alleged disqualification of the respondent.

Section 80 of the Act enacts that "no person having by himself or his partner an interest in any contract with or on behalf of the corporation . . . shall be qualified to be a member of the council of any municipal corporation."

And it is charged that, by reason of the agreement above set out, whereby Chew Bros. are exempt from any taxation beyond \$2,000, the respondent is disqualified.

In the first place, no contract is shewn to exist between respondent and the corporation.

A contract for this exemption exists between the firm of Chew Bros., consisting of George Chew and Thomas Chew, and they gave good consideration for the exemption.

When they transferred the business to the new partners, the respondent (Manley Chew) and Leatherby, they, doubtless, had to pay for the benefit attached to the property by reason of the exemption, and that exemption cannot be said to benefit them so as to bring them within the spirit of the Act.

I think it immaterial, however, to consider that point.

I am referred to the case of *Regina ex rel. Harding v. Bennett*, 27 O. R. 314, in support of the objection. Without, however, going into an examination of that case, I would point out that the Municipal Act of that day has been materially amended since on that point.

The amendment I refer to is that contained in the Municipal Amendment Act, 1903, 3 Edw. VII. ch. 18, sec. 17, and this amendment has been carried into the following Act, ch. 19, that which governs throughout in this case.

There we find it enacted that no person shall be held disqualified . . . (b) "by reason of any such exemption