

school purposes, and the sum to be borrowed depends, not on the estimates for the current year, but on the ordinary expenditure of the next preceding year. Both the county rate and the school taxes formed part of the ordinary expenditure of the township corporation for 1918; and so the amount of the borrowing authorised by the by-law was well within the powers of the council, and no penalty was incurred.

The cross-appeal was, therefore, dismissed.

The Master unseated the defendant on the ground that the township corporation had a claim against him for repayment of moneys paid to him out of the funds of the corporation in 1918 and in 1919 for the use of his teams for township road-work.

With regard to the construction to be placed upon sec. 53 of the Municipal Act, the learned Judge said that he thought it was exclusive, and that the defendant could not be unseated, as one disqualified under that section, unless he came within one of the specific provisions of that section. The maxim "*expressio unius exclusio alterius*" applied and displaced any general principle such as that because a candidate had some special interest in the affairs of the corporation he was ineligible for election because his special interest might conflict with his duty if he were elected. Assuming that there was an effective right of action such as was contended for by the relator, it did not come within any of the provisions of sec. 53.

The defendant's appeal should be allowed with costs and the motion to unseat and disqualify the defendant should be dismissed with costs.

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RIDDELL, J.

NOVEMBER 25TH, 1919.

#### RE YOUNG AND ONTARIO AND MINNESOTA POWER CO.

*Arbitration and Award—Submission—Agreement to Pay Damages to "Property-owners"—Award in Favour of Unnamed Owner—Dispute as to Ownership—Reference back to Arbitrator to Determine.*

Motion by Young, under the Arbitration Act, for an order or judgment enforcing an award.

The motion was heard in the Weekly Court, Toronto.

R. T. Harding, for Young.

G. R. Munnoch, for the companies.