

the Legislature which can be given effect to? I cannot, I confess, gather the intention. If I am unable to ascertain with reasonable clearness the intention from the language used, I am not allowed to supply a meaning or guess it. As said by Grove, J., in *Richards v. McBride*, 8 Q.B.D. 122: "We cannot assume a mistake in an Act of Parliament. If we did so we should render many Acts uncertain by putting different constructions upon them according to our individual conjectures. The draftsman of the Act may have made a mistake. If so, the remedy is for the Legislature to amend it."

I am unable to say from the language used in this proviso what limitations the Legislature intended to put on a monthly tenant's right to exemption for certain of his goods when sought to be taken by a distress for rent. Rather than guess at its meaning it is better to say that the words have no meaning at all. I must, therefore, hold that this tenant's goods were exempt from seizure at the time of this distress, and that the plaintiff is entitled to his order for an injunction.

A. F. Lobb, for plaintiff. *R. B. Beaumont*, for defendants.

Province of Nova Scotia.

SUPREME COURT.

Townshend, J.] TOWN OF AMHERST *v.* FILLMORE [Nov. 5, 1897.
Municipal law—Remuneration of councillors—Recovery of money drawn as salary.

This case was tried before Townshend, J., at Amherst, Oct., 1897. The defendant was a member of the town council of Amherst in 1891. The council passed a resolution for the payment of a salary of \$100 to each of the councillors and defendant received said sum. Ss. 68, 81 and 269 of the Towns' Incorporation Act, 1888 gives the council power to provide for the salaries and emoluments to be paid to "the officers" of the town. The town brought an action against the defendant to recover the money paid as salary to defendant as councillor, and the defendant pleaded the resolution of the council under which the payment was made.

Held, that a councillor was not an "officer" of the town within the meaning of the Act; and that the town was entitled to recover the money.

TOWNSHEND, J., in giving judgment said, "One cannot shut their eyes to the strong reasons for debarring a body corporate for municipal purposes voting money to themselves or in any way being interested in municipal contracts. Practical experience has proved it to be a source of corruption and weakness. Public policy is against it. If the council could vote themselves \$100 they might with equal right vote \$1,000 or even more and the citizens would be without remedy. The authorities are numerous and consistent on this subject and it will therefore be unnecessary for me to go through them with any