

i.e., the remaining 3 directors, who however were by the by-laws of the company, not a quorum of the Board.

G. H. Kilmer and L. F. Stephens, Hamilton, for defendants, contra.

THE COURT (MULOCK, C.J., ANGLIN, J., CLUTE, J.), held that the 3 remaining directors had not power to fill up the vacancies in this case, having regard to the fact that 4 directors were required to constitute a quorum; and the directors having failed, for whatever reason, to fill up the vacancies, the shareholders had the power to do so at a special meeting.

Appeal dismissed with costs, and judgment pronounced dismissing the action with costs, counsel submitting to the appeal being turned into a motion for judgment.

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MACWATT, Co.C.J.

OCTOBER 27TH, 1906.

BRITTON, J.

NOVEMBER 13TH, 1906.

CHAMBERS.

REX EX REL. HUNT v. GENGÉ.

*Municipal Elections—Motion to Avoid Election of Reeve — Delay for Nine Months after Relator's Knowledge of Disqualification—3 Edw. VII. ch. 18, sec. 33 (O.)—Construction—Dismissal of Motion—Interest in Contract with Corporation.*

Motion by the relator to void the election of the respondent as reeve of the village of Alvinston, in the county of Lambton.

The motion was heard by MACWATT, senior Judge of the County Court of Lambton, on 12th October, 1906.

A. Weir, Sarnia, for the relator.

R. V. Lesueur, Sarnia, for the respondent.

MACWATT, Co.C.J.:—As this seems to be the first case to come up under the amendment made by 3 Edw. VII. ch.