

The order will go as asked, and the trial must be postponed. As the last of the plaintiff's sales were made 5 years before action brought, he cannot complain of delay to enable defendant to meet a stale claim. The costs of this motion will be in the cause.

MEREDITH, C.J.

MARCH 30TH, 1906.

CHAMBERS.

REX EX REL. CAVERS v. KELLY.

*Municipal Elections—Irregularities—Declarations of Qualification—Saving Clause of Statute—Compliance with Statute—Subscription—Commissioner.*

Appeal by relator from order of Master in Chambers, ante 280, dismissing a motion to set aside the election of the defendants as mayor and councillors of the town of Oakville, upon the ground that the declarations of qualification made by defendants were invalid.

W. R. Riddell, K.C., and A. F. Lobb, for the relator.

W. E. Middleton and D. O. Cameron, for defendants.

MEREDITH, C.J.:—I do not think that anything will be gained by further consideration of this matter. If I had any doubt at all, I would certainly reserve judgment, as my decision is final.

I have come to the clear conclusion that the amendment of sec. 129 of the Municipal Act is not to be read further than the provisions of the amendment expressly require it into sec. 311, and that sec. 315 of the Act is not applicable to the statutory declaration which the amendment requires to be taken.

It is plain that it was not intended to be a substitute for the declaration of qualification which a person elected or appointed to an office is, under the Municipal Act, required to take. If the legislature had intended that, they would have said that, in lieu of the declaration required by sec. 315 to be taken after election or appointment, the declaration for which it was providing should be taken.

By the very terms of sec. 311, its application is limited to a person elected or appointed to an office, and sec. 315 had reference in the original Act to the declaration of qualification which was required by sec. 311.