

Sections 219 to 244 provide for the procedure in setting aside the election of a member of the council.

Counsel for the respondent contends that, while sec. 207 provides for the vacancy referred to in sec. 41(5) of the Waterworks Act, the subsequent sections of the Municipal Act do not apply, as the commissioner of waterworks is not named in any of these sections, and that there are no clauses in the Consolidated Municipal Act or Waterworks Act which make procedure under sec. 219 of the Consolidated Municipal Act applicable to a commissioner under the Waterworks Act, it being specifically applied to mayor, warden, reeve, deputy-reeve, etc. (naming them), and that there are no sections of the Act made applicable to a waterworks commissioner; and he submits that being a High School trustee is not a disqualification under the Waterworks Act; and that, if it be a disqualification, the procedure taken herein is not the proper procedure and cannot avail the relator, as the Waterworks Act provides that the place of a commissioner shall become vacant from the same causes as the seat of a member of the council of the corporation.

The question to decide is, what are the causes which will render the seat of a member of the council of the corporation vacant?

Section 80 of the Consolidated Municipal Act provides that a High School trustee is disqualified from being a member of the council of the corporation.

Section 207 states some of the causes by which a member of the council renders his seat in the council vacant.

It appears to me that sec. 208 refers, not only to the causes rendering the seat of the member of the council vacant, after he becomes a member of the council, but also to his disqualification under sec. 80.

In my opinion, the causes which would render the seat of a member of the council vacant are set out in these sections, 207 and 208. In sec. 208 the words are, "or of his seat becoming vacant by disqualification or otherwise." What is the disqualification referred to in this section? The disqualifications referred to in the Act are those set forth in sec. 80: "No Judge . . . no High School trustee . . . shall be qualified to be a member of the council of any municipal corporation." These are disqualifications which affect a member of the council prior to his election, and which would render his seat vacant. If the commissioner of water and light must have the same qualifications as the member of the council, and his seat becomes vacant from the same causes as the seat of a member of the council of the