

THE MASTER.—From the nature of the evidence adduced by the relator, I am of opinion that the real intent of the application is to seat Richardson in the place of the respondent. This, however, cannot be done under the circumstances, as it is not even attempted to be shewn that the respondent's qualification was objected to at the nomination, so that the electors might have an opportunity of nominating another candidate: Regina ex rel. Tinning v. Edgar, 4 P. R. 36; Regina ex rel. Adamson v. Boyd, ib. 204; Regina ex rel. Ford v. McRae, 5 P. R. 309, 315; Regina ex rel. Forward v. Detlor, 4 P. R. 198; Rex ex rel. Steele v. Zimmerman, ante 242.

With reference to the grounds of disqualification alleged against the respondent, I have had occasion to consider these fully in Rex ex rel. O'Donnell v. Broomfield, ante 295, in which I followed the decision of the Chief Justice of the King's Bench in the Zimmerman case, and held the respondent to be disqualified for the reasons stated.

In addition to the arguments put forward in Rex ex rel. O'Donnell v. Broomfield, counsel for the respondent in this case contends that the respondent, being a trustee of union school section number 1 and 5 in the townships of North Oxford and East Nissouri, does not come within the disqualifying clause, which states "and no member of a school board for which rates are levied."

It appears to me that it is not material whether the respondent is a member of a corporation called "The Board of Public School Trustees of Union Section," etc., or whether he is a member of "The ——— Public School Board;" he is a member of a "school board" within the provisions of the Act respecting Public Schools, 1 Edw. VII. ch. 39. . . . It is evident from the different sections of this Act that the school section in question has a board of trustees, and also that rates are levied for its use. Even if the word "board" was not used in the Public Schools Act, there being in fact a corporation formed to carry on the educational system of the township at the public expense, I would hold that the disqualifying clause in question would refer to the members of the corporation for the time being.

With reference to the costs of these proceedings, I am of opinion . . . that the relator has been put forward by the clerk of the township, and that he is in reality the relator—his affidavits to my mind indicate that fact. See Regina ex rel. McMullen v. DeLisle, 8 U. C. L. J. 291, and Regina ex rel. Brine v. Booth, 9 P. R. 452. But I do not think that I should apply these decisions in the absence of actual proof