

water and light for the Village of Weston at the election held on the 6th January, 1913. It was also admitted that Dr. Irwin was High School trustee for the Village of Weston at that time, and still is, and that the relator was duly qualified to vote at such election and was a proper relator. Counsel for the relator contended that Dr. Irwin, being a High School trustee, was disqualified to become a commissioner of water and light under the statutes. He referred to the Municipal Waterworks Act, R.S.O. 1897 ch. 235, secs. 40 and 54, and the Municipal Act, 1903, secs. 80 and 207.

By sec. 54 of the Municipal Waterworks Act, it is provided that that Act shall be read and construed as part of the Municipal Act. Section 40 of the Waterworks Act provides for the election of commissioners as therein set forth. Section 41, subsec. 5, 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 Consolidated Municipal Act, 3 Edw. VII. ch. 19, sec. 80, sets out a list of persons disqualified from being members of councils. In the list High School trustee is included.

Section 207 of the Consolidated Municipal Act provides as to when the seat of a councillor may become vacant after his elevation, as follows: "If, after the election of a person as a member of council, he is convicted of felony or infamous crime, or becomes insolvent within the meaning of any Insolvent Act in force in this Province, or applies for relief as an indigent debtor, or remains in close custody, or assigns his property for the benefit of the creditors, or absents himself from the meetings of the council for three months without being authorised so to do by a resolution of the council entered upon its minutes, his seat in the council shall thereby become vacant, and the council shall forthwith declare the seat vacant and order a new election."

Section 208 provides for the taking of certain proceedings to unseat a member of the council, as follows: "In the event of a member of council forfeiting his seat at the council or his right thereto, or becoming disqualified to hold his seat, or of his seat becoming vacant by disqualification or otherwise, he shall forthwith resign his seat, and in the event of his omitting to do so within ten days thereafter, proceedings may be taken to unseat such member, as provided by sections 219 to 244, both inclusive, of this Act, and the said section shall, for the purpose of such proceedings, apply to any such forfeiture, disqualification or vacancy."