

the form prescribed by R.S.O. c. 223, s. 238, otherwise it will not be a protection: *Reg. ex rel. Mitchell v. Davidson*, 8 P.R. 834, and this will relieve the person from liability for costs, and will operate as a resignation by him, and the person having the next highest number of votes is thereby elected. The provisions relating to disclaimer have proved to be of great practical utility, and persons whose election is complained of very frequently take advantage of them.

At an election there were three candidates, and the two who received the highest number of votes successively disclaimed; thereupon the remaining candidate made a declaration of office and took his seat, and it was held that what took place constituted the election of respondent and entitled him to seat: *Reg. ex rel. Percy v. Worth*, 23 O.R. 688.

A ground of complaint very frequently raised is that the person elected has not the necessary property qualification prescribed by the Municipal Act. In considering the property qualifications of a candidate, the rating in the last revised assessment roll is final and conclusive: *The Queen ex rel. Hudgin v. Rose*, 33 C.L.J. 398, and occupation of partnership property was held to be "actual occupation" by each of the partners in *The Queen ex rel. Joannis v. Mason*, 28 O.R. 495, and voters' lists are final as to the qualification to vote at a municipal election in Ontario: *The Queen ex rel. McKenzie v. Martin*, 28 O.R. 523.

A frequent ground of objection is that the defendant was disqualified by having some contract with the municipality. In *Reg. ex rel. McGuire v. Birkett*, 21 O.R. 162, the election of a person who had a contract with the corporation of which he was elected an officer was held invalid. A municipal election was set aside, but without costs to the relator, on the ground that he was auditor of the corporation: *Reg. ex rel. Brine v. Booth*, 9 P.R. 452.

Besides lack of personal or property qualification the election of a person may be attacked on account of bribery. Bribery is defined to be giving, lending, or agreeing to give or lend any valuable consideration to any person, or procuring or promising to procure any office for any person on account of his having voted or refrained from voting, but municipal elections are not avoided for bribery of agents without authority where the candidate has a majority of votes cast (*Reg. ex rel. Thornton v. Dewar*, 26 O.R. 512), or the complaint may be of having exercised undue influence,