has been made for the interim, there was and is in such interval, including the whole period of the election, an absence or suspension of law relating to this particular subject.

If this view of the law be the correct one, the alderman elected cannot be unseated; and whether it is or is not the correct view, depends entirely upon the construction of the language of the statutes which have been referred to.

The Municipal Act, ch 54, of the Consolidated Statutes for Upper Canada, declared that the property qualification for aldermen should be freehold property of the value of $160 per annum, or leasehold property of the value of $320.

The Municipal Act of 1866, chap 51, made the qualification for aldermen,—freehold property of the value of $4,000, or leasehold property of the value of $8,000.

The 427th section of the act is as follows:—"This act shall take effect on the first day of January next [1867], save and except so much thereof as relates to the nominating of candidates for municipal offices, and the passing of by-laws for dividing a municipality or any ward thereof into electoral divisions and appointing returning officers therefor, which shall come into effect on the first day of November next, and also so much thereof as relates to the qualification of electors and candidates [see chap. 52], shall not take effect till the first day of September, 1867.

The 428th section is: "All acts or parts of acts inconsistent with the provisions of this act relating to the municipal institutions of Upper Canada, are hereby repealed"

This act, cap. 51, and the act amending it, cap 52, were passed on the 15th of August, 1866, but the repealing clause, 428, had no operation at that time upon the pre-existing law, because the new act expressly declared that it should not come into operation at all excepting in the manner and at the times therein specially mentioned in the 427th section.

Therefore, until the 1st of November, 1866, no part of the new act was in force, but all remained as before the passing of it, and was carried on under the preceding municipal act, cap. 54, as if the new act had never been passed; but upon that day all that related "to the nominating of candidates for municipal offices, and the passing of by-laws for dividing a municipality or any ward thereof into electoral divisions, and appointing returning officers therefor," came then into effect; and all that was at that time inconsistent with these provisions, but nothing more, was thereby repealed.

Then until the 1st of January, 1867, none of the other provisions of the new act but those which took effect on the 1st day of November, 1866, were in force, but everything with the exception just mentioned remained as before, to be and was carried on under the provisions of the former municipal act; but upon the 1st day of January, 1867, all the rest of the new act, "save and except so much thereof as related to the qualification of electors and candidates," took effect, and as a consequence all acts or parts of acts inconsistent with the provisions which came then into operation were thereby repealed.

And until the 1st day of September, 1867, none of the provisions relating to the qualification of electors and candidates under the new act are to be in force; and as before stated, with respect to the other matters which came into operation from time to time, all the enactments of the former law which related to such qualification, must and do remain as before the new law, to be carried on under the old law, as if the new act had not been passed.

But when the first day of September does arrive, then that part of the new act which relates to the qualification of electors and candidates shall also take effect; and all acts or parts of acts which may be inconsistent with these new provisions will be thereby repealed.

There are at the present time no provisions whatever of the old act relating to the qualification of electors and candidates in any manner "inconsistent with the new act," because these new provisions are not yet in force, and may happen never to be in force; and it is only such acts or parts of acts which are inconsistent with the new act which are declared to be thereby repealed.

I am therefore of opinion, that it was necessary that candidates for the office of alderman should at the time of the last election for the City of Toronto be qualified in the like manner as it was necessary they should have been qualified in order to have been eligible under the former act, cap. 54, of the Consolidated Statutes for Upper Canada.

I think this is the proper construction to be placed upon the Statute, and it is well that it is so; for it would have been a very unfortunate condition of the law if I had been obliged to pronounce a different decision.

The result would have been, that all property qualification would have been suspended, that is, abolished until the first day of September next,—both of the electors and the elected,—and that the council now representing the whole property of the city might be men possessing not one shilling's worth in value of that property which they have the power to tax and to charge with further burdens, which would not and could not affect themselves.

In my opinion, then, Mr. Edgar was not qualified for election as an alderman under the old law, although he would have been qualified to have been elected a councillor if the office of councilman had not been abolished; but there was after the first day of January no such member of the city council as a councilman; the new council, it was provided, should thereafter "consist of three aldermen for every ward, one of whom should be mayor, to be elected in accordance with the provisions of the 105th section.

It was, however, argued, that although Mr. Edgar was not qualified for alderman, yet so long as he was qualified for election to the council by the old law, it was of no consequence whether that qualification was according to the rate which was required for an alderman or for that which was required for a councillor. I cannot adopt this view. There were certain well known functionaries called aldermen, and certain others called councilmen. The one office was quite different from the other in many respects. The aldermen have been continued, the councilmen have been discontinued; and the mere fact that three aldermen are now to be