

vides for the election of commissioners as therein set forth. Section 41, sub-sec. 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 secs. 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."

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