

the disqualifications mentioned in sec. 80 do not apply to the respondent at the time of the election, as provided for by sec. 76, but only apply to him when he actually takes his seat and acts as a member of the county council. I do not agree with this contention: *Regina ex rel. Rollo v. Beard*, 3 P. R. 357, 364. . . . This judgment is peculiarly applicable to the case under consideration. At the time of the election—which has been decided again and again to commence on the day of nomination: *Regina ex rel. Rollo v. Beard*, 3 P. R. 357; *Regina ex rel. Adamson v. Boyd*, 4 P. R. 204; *Regina ex rel. Clancey v. McIntosh*, 46 U. C. R. at pp. 105-6; *Regina ex rel. Taverner v. Willson*, 12 P. R. 546—the respondent was a member of a school board for which rates are levied; and his resigning from that position subsequent to his election as a county councillor, will not relieve him from disqualification, if he were at the time of nomination actually disqualified. . . .

The second objection is as to the interpretation to be placed on the words of the amending statute, "and no member of a school board for which rates are levied." It is contended that these words refer to a school board for which rates are levied by the municipality for which the disqualified member was elected, and not to a member elected to the council of a municipality which does not levy rates; that, had the Legislature desired to disqualify all school trustees, the word "High" would have been struck out of line 7 of the section, or the words "for which rates are levied" would have been omitted from the amending section. . . . Can I place upon these words an interpretation which the Legislature has not seen fit to adopt? [*Carroll v. Beard*, 27 O. R. 347, 358, referred to, as to the interpretation of statutes, and *Regina ex rel. Baynes v. Detlor*, 4 P. R. 195, as to the question of disqualification.] . . .

It is not at all clear that a county councillor would not have conflicting duties to perform, and would not represent conflicting interests, if he also held the office of school trustee of a school section within the county for which he had been elected a councillor. As to such duties, I would refer to secs. 424 and 435 (4) of the Municipal Act, R. S. O. ch. 223, and secs. 8 (6), 9, 42, 47, 71, 72 (1), 78, 79, 83, 84 (3), 86 (3), (6), (7), (8), (13), of the Public Schools Act, 1901. There is no dispute that rates are levied for the school board in question. The only question is, by what municipality are such rates levied? With considerable hesitation, I have come to the conclusion that it makes no difference what municipality raises or levies the rates; that the words employed by the Legislature disqualify any member of the council of any