

STREET, J.]

[Feb. 20.

REGINA EX REL. HARDING v. BENNETT.

Municipal corporations—Municipal elections—Quo warranto—Disqualification—Interest in contract—Property qualification.

Quo warranto to unseat R. W. Bennett, who had been declared elected alderman for the City of London.

In 1892 the City Council passed a by-law exempting the property of the respondent's partnership from taxation, except as to school rates.

Held, the exemption not being founded upon any contract, but being an exemption without a contract as provided by 56 Vict., c. 35, sec. 4, there was no disqualification.

Regina ex rel. Lee v. Gilmour, 8 P.R. 514, distinguished.

Held also, as to property qualification, that the respondent was entitled to qualify upon his rating upon the assessment roll of 1895 as the joint owner of a freehold estate in the partnership property aforesaid, the three partners being rated for this property as freeholders to the amount of \$10,000: 55 Vict., c. 42, secs. 73 and 86.

Notwithstanding the exemption by-law above mentioned the partnership property remained liable to pay school rates, which, by 54 Vict., c. 55, sec. 110, had to be levied by the municipality upon the taxable property within it; nor did the amendment in 56 Vict., c. 35, sec. 4, debar the respondent from so qualifying; for the words "exempt from taxation" in that section must be held to mean exempt from payment of all taxes, whereas the property of the respondent was not exempt from school taxes.

Hellmuth, for the relator.

Moss, Q.C., for the respondent.

STREET, J.]

[Feb. 25.

RE HENDRY.

Division Courts—Warrant—"Backing"—Where arrest can be made—R.S.O., c. 51—ss. 242 & 243.

There is no authority for the "backing" of a Division Court warrant by a magistrate, and a defendant in a Division Court action cannot be arrested under a warrant issued under sec. 242 of the Division Courts Act, outside of the county in which the Division Court is situate from which the warrant issued.

History of ss. 242 & 243, R. S. O., c. 51, (Division Courts Act), considered.

F. Cook, for Hendry.

R. McKay, for the plaintiff.

Douglas Armour, for the gaoler.

WINCHESTER, Master.]

[Feb. 24.

REGINA EX REL. PERRY v. ALEXANDER.

Municipal election—Leasehold qualification—Joint assessment.

It being necessary for a candidate for the office of town councillor, who desired to qualify on leasehold, to show that he was possessed of \$1,200 of such