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CARTWRIGHT, MASTER.

FEBRUARY 26TH, 1909.

CHAMBERS.

REX EX REL. INGOLDSBY v. SPEIRS.

*Municipal Elections—Controverted Election of Reeve—Property Qualification—Assessment for Sufficient Property—Remedy by Appeal—Interest in Property—Freehold Estate for Life—Dismissal of Former Motion owing to Defects in Recognition.*

Motion by the relator to have the respondent removed from the office of reeve of the township of Chinguacousy, for want of the necessary qualification.

W. H. McFadden, K.C., for the relator.

B. F. Justin, K.C., for the respondent.

THE MASTER:—The respondent is assessed as owner of a farm of the value of \$4,000 for land and \$2,000 for buildings.

If the decision in *Regina ex rel. Hamilton v. Piper*, 8 P. R. 225, at p. 234, is applicable, then the motion must fail. Section 51 of the Act R. S. O. 1877, as it then was, has been re-enacted exactly in 4 Edw. VII. ch. 23, sec. 66, and the only way in which the respondent's qualification can be attacked would be an appeal from the assessment. But let it be assumed that this is not decisive, and that the judgment of Armour, J., on that section—"This makes the roll absolutely binding, and prevents the relator from going behind the roll"—is not of universal application, the question then will be, is the respondent qualified?