

THE
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ARDAGH, Co.J. SIMCOE. FEBRUARY 25TH, 1905.

CHAMBERS.

REX EX REL. PAYNE v. CHEW.

*Municipal Elections — Town Councillor — Disqualification—
Contract with Corporation—Exemption of Partnership from
Taxation — Qualification — Interest in Partnership Pro-
perty in Part Exempted—Status of Relator—Voting for
Respondent—Secrecy of Ballot—Prohibition against Vio-
lating.*

Application by the relator in the nature of a quo war-
ranto to declare the respondent disqualified from holding his
seat as a member of the council of the town of Midland, a
fiat for that purpose having been granted.

Before the application came on to be heard, the relator
was cross-examined upon the affidavit he had made before
obtaining a fiat.

The objections made by the relator were: (1) that the
respondent was disqualified by reason of his having an interest
in a contract with the corporation of the town of Midland;
(2) that he was not qualified, by reason of his not being as-
sessed sufficiently under sec. 76 of the Municipal Act, 3 Edw.
VII. ch. 19.

The relator also objected that the respondent did not
reside in the town of Midland, and he claimed the seat on
behalf of one Wilson.

At the hearing it was admitted that the respondent re-
sided within the two miles allowed by sec. 76 of the Act, and
any claim to the seat for Wilson was formally abandoned.

W. A. Finlayson, Midland, for relator.

F. E. Hodgins, K.C., and D. S. Storey, Midland, for re-
spondent.