

*QUO WARRANTO.*

The earliest form of quo warranto proceedings was by a prerogative writ in the nature of a writ of right by the King against one who had usurped or claimed any office, franchise or liberty of the Crown, enquiring by what authority he supported his claim ; and the writ was issued out of Chancery.

The first proceeding of which we have record was in A.D., 1198, during the reign of Richard I., and was against the incumbent of a Church, calling upon him to shew " Quo Warranto " he held the church. It was frequently employed during the Feudal period to strengthen the power of the King against the Barons.

The encroachments of the Crown caused statutes to be passed in the reign of Edward I., curtailing its authority under the writ. Shortly after this time, the form of an information was substituted; and in lieu of the original writ, Charles II. and James II. used the information for the purpose of forfeiting the charters of large numbers of municipal corporations throughout the Kingdom ; and these actions brought about the passing the statutes in the reigns of William III. and Anne, restricting the power of the Crown very considerably.

Whether the original writ or its successor has or has not any legal existence in Ontario at the present day it is not the purpose of this article to inquire. For practical purposes the only proceeding now in use in Ontario bearing the title of quo warranto is that authorized and provided by the Municipal Act R.S.O. c. 233, s. 219, et seq., for the purpose of inquiring and declaring whether persons assuming to act as municipal officers have been duly elected to the office which they assume to hold.

The proceedings may be taken in Chambers either before the Master in Chambers, or before a Judge of the High Court, or before the Judge of the County Court of the County in which the election took place.

*Who may be a relator.*—Any candidate at the election or any voter who gave or tendered his vote at that election, or, in the case of an election by acclamation, any person entitled to vote may institute the proceedings and is known as a relator. The style of cause being " The Queen upon the relation of *John Doe v. Richard Roe.*"

*Proceedings and time for instituting.*—Proceedings must be instituted within six weeks after the election, or four weeks after the