ing rated for any other real property for a sufficient amount to qualify him as such Alderman.

2nd. That the said John Boyd was further disqualified in this, that he had not on the 23rd day of December last, being the day appointed for the nomination of candidates to fill said office of Alderman, paid all municipal taxes due by him in the Ward of St. Lawrence, in the City of Toronto, in compliance with the requirements of the statute in that behalf, and that there was on that day due from and unpaid by him the sum of $518 40 for municipal taxes on the real and personal property for which he was rated in the Ward of St. Lawrence, and that such taxes were not paid until the 4th day of January, 1868.

3rd. That said John Boyd had not a majority of legal votes at said election, inasmuch as the following persons who voted for said John Boyd were not qualified to vote, not having paid all municipal taxes due by them for the year 1867, in the City of Toronto, on or before the 16th day of December, 1867, as required by statute in that behalf (mentioning fifty-seven names); and that by the striking off from the poll at said election the names of said persons who illegally voted for said John Boyd, the relator had a majority of the legal votes on said poll.

4th. That the relator protested at the time of said election against the votes of the electors being received and recorded for said John Boyd, and publicly notified both the returning officers and the electors that the votes of the electors would be thrown away if recorded for said John Boyd, in consequence of said John Boyd not being legally qualified according to the provisions of the act of parliament in that behalf.

The relator made affidavit that he was a duly qualified municipal elector for the Ward of St. David, in said City of Toronto, and at the last municipal election, held on 6th January, 1868, was a candidate for the office of Alderman for said Ward of St. David, and that he believed the several grounds of complaint, as set forth in the above statement, were well founded.

It appeared from the last revised assessment roll for the Ward of St. David for 1867, that the residence of the defendant was assessed to him as tenant, and to John Smith as owner, for $3,000; and by the last revised assessment roll for the Ward of St. Lawrence, for 1867, the warehouses on Wellington Street were assessed to Boyd & Arthurs as tenants, and to Mr. Todd as owner, for $14,560; and Boyd & Arthurs were further assessed for the sum of $20,000 for personal property, making in all $34,560; upon which the taxes for 1867 amounted to $518 40.

The taxes in the Ward of St. David were admitted to have been paid in time, but the taxes in St. Lawrence Ward were not paid until the 4th January, 1868, after the day of nomination, but before the polling day.

The property in St. David's Ward was in itself a sufficient qualification.

The defendant and Arthurs were tenants of the warehouses in St. Lawrence Ward, under a lease from Mr. Todd, for three years, from the 1st day of May, 1863. After the expiration of this lease, on the 1st day of May, 1866, they held over as tenants from year to year, as the defendant alleges, and paid one year and one quarter's rent. During the three months between the 1st of May and the 1st of August, the partnership between them was dissolved, the defendant retiring, leaving Arthurs in possession of the business and of the warehouses in which it was carried on. On the 1st day of August last, a new lease of the warehouses was made by Todd to John Smith and G. A. Arthurs, who, after the dissolution of the firm of Boyd & Arthurs, had formed a new co-partnership, and have ever since carried on business there

In the affidavit of Mr. Todd, attached to the new lease, he said that Mr. Boyd had not then, nor had he since the date of the said lease, any interest either legal or equitable in the said lands and premises, or any part thereof.

In answer to this, Mr. Boyd said that he was neither party nor privy to the lease in any manner to John Smith and George A. Arthurs, nor did he know of the execution thereof, till after the day of the election: that he never surrendered to Mr. Todd the old lease, nor the term thereby granted, nor the term he might in law have in the same and the premises therein mentioned, as co-tenant with the said G. A. Arthurs from year to year.

In a subsequent affidavit, Mr. Todd attached the old lease to it, and said that the said lease having expired on the 1st day of May, 1866, the said John Boyd and George A. Arthurs became and were his tenants from year to year of the said property: that they had not, nor had either of them, given any notice to quit, nor had he given them such notice, whereby the said tenancy would be determined, other than a lease of said property made by him to said George A Arthurs and John Smith referred to in his former affidavit.

Mr. Boyd, in referring to this in his affidavit, said that it was true, and that after the expiration of the said lease, on the 1st of May, he Mr. Boyd and the said George A. Arthurs became and were tenants thereof to Mr. Todd from year to year, and that he has not given any notice to quit the premises in said lease, nor received any such notice from the said Todd. Now it is on a tenancy still subsisting, as the defendant alleges, he claims now to be qualified.

Boyd and the relator were the only two candidates, and the former obtained the majority of the votes polled.

Votes were polled on both sides by electors who had not paid their taxes, and the defendant filed affidavits to shew that there had been some agreement between the candidates that the roll should be taken as it stood, to save any trouble on this head.

The following protest was handed by the relator to the returning officer, and was by him read to the electors present at the opening of the poll and before any vote was recorded for either candidate.

"Take notice that I protest against any votes being taken or recorded at this election for Mr. John Boyd, on the ground that he is not legally qualified according to the provisions of the Acts of Parliament in that behalf. He having no interest in the property assessed on Wellington Street in the names of John Boyd and George A. Arthurs, and the taxes on said property not having been paid.