

to succeed to the office of alderman, and had taken the declaration of office and had voted as a member of the council before a majority of the members of the council present had consented to the acceptance of the resignation of Alderman Beatty being received.

At that meeting, on the 21st June, the mayor announced that Alderman Beatty had placed in his hands his resignation as a member of the council. The resignation was then read and filed.

The city clerk thereupon stated that in accordance with the statute of 1901 Mr. John H. Pritchard, being next in succession to the office, had taken the necessary declaration of qualification and of office.

On the minutes of the council, and immediately after the above statement of the city clerk, appears the following: "Alderman Campbell, seconded by Alderman Winnett, moved that this council hereby places on record its high appreciation of the services rendered by Alderman Beatty to his fellow citizens while a member of this council, and that upon the occasion of his resignation as such member we now wish to convey to him our sincere desire for his future welfare and happiness.

"Carried by standing vote of the members."

This is, I consider, a sufficient compliance with the requirements of sec. 210 of the Municipal Act, R. S. O. ch. 223, which provides that "any mayor or other member of the council may, with the consent of the majority of the members present, to be entered on the minutes of the council, resign his seat in the council."

The resolution refers to Alderman Beatty as having been a member of the council, of his having resigned his seat, and it is carried without a division. This is an ample consent by the council to the resignation: see Biggar's Municipal Manual, p. 228.

Judgment for plaintiffs declaring that by-law 2101 is invalid and of no effect. Judgment for defendants declaring that by-laws 2099 and 2100 are valid and subsisting by-laws, and awarding defendants a mandatory order (asked for in their counterclaim) compelling plaintiffs to run their cars in accordance with the provisions of the by-laws, and compelling them immediately to replace the tracks and works illegally removed from Rectory street, restraining them from running their cars on Beaconsfield avenue and Wortley road, and compelling plaintiffs to remove their tracks and works from these streets. Plaintiffs to have so much of the costs of the action as relate to by-law 2101; and defendants to have the costs of the action except those relating to by-law 2101.