

produces a copy of the original collector's tax roll shewing on its face such payment and adjustment, as well as a copy of the official account book of the secretary for trustees in which is duly entered in that year the payment. The fact of payment is also sworn to specifically by Bond and by Virginia Sampson, the wife of Simon Sampson. And again, the auditor's report for 1907 and 1908, and up to February 26th, 1909, presented at the very meeting in question, shews no arrears against these men as claimed. It gives in detail the delinquents and Bond and Sampson are not found in the list of ratepayers that the auditor's report as those in arrears. An effort was made to shew that the former secretary, Andrew Landry, had not reported Bond and Sampson in arrears in 1908, when he went out of office, but I think the paper produced for that purpose has been explained in the affidavit of Andrew Landry in which he deals with it. An examination of the previous year's auditors' reports shews they were not in arrears and that this paper could not have been used. I think that the records of payment are reliable and must be taken to be correct. In the face of all this testimony as to payment I cannot see that there is any question for trial so far as the case rests upon the votes of Bond and Sampson.

The votes of these two men being properly taken, the next question is how is the case affected by the chairman's refusal to accept the vote of Louis Landry against the election of defendant. If Louis Landry were entitled to vote, had been permitted and had carried out his intention of voting against defendant, the position would have been 38 to 38, and the election would then have been decided by the vote of the chairman, who only votes in case of a tie, and the result would, without doubt, have been the same, as he was elected chairman by the followers of defendant. But, apart from speculation as to what would have happened, I am of opinion that the vote of Louis Landry was properly rejected. His claim was based on s. 25 of c. 52 solely, as a person who had deposited \$1 with the secretary. He was not a ratepayer and had never paid taxes of any kind—not even a poll tax. It is contended that because he resided in the section at the time of the meeting, although he had never paid a poll tax, yet by depositing \$1 with the secretary at the meeting, he acquired a right under the section to vote in the election of trustees. Does s. 25 confer any such right? In my opinion it does not. I think the