

BRITTON, J., IN CHAMBERS.

MAY 22ND, 1914.

REX EX REL. BAND v. McVEITY.

Municipal Election—Validity of Election of Mayor of City—Attempt to Disqualify—Liability for Arrears of Taxes—Municipal Act, 1913, sec. 53, sub-sec. 1(s)—Evidence—Settlement with Treasurer—Collector's Rolls—Mayor Elect Acting as Solicitor in Actions against City Corporation—Termination of Relationship of Solicitor and Client before Election—Litigation Ended before Election—Costs — Payment of Cheque of Corporation for.

Motion by the relator, under the Municipal Act, for an order declaring that Taylor McVeity, the defendant, was not duly elected to and had usurped the office of Mayor of the City of Ottawa.

The motion was heard at Ottawa on the 15th May, 1914.

R. A. Pringle, K.C., for the relator.

T. A. Beament, for the defendant.

BRITTON, J.:—The grounds of attack are: (1) that at the time of the defendant's pretended election he was indebted to the city corporation in the sum of \$170.61, or some other sum, for taxes; (2) that at the said time he was solicitor for one Thomas O'Connell, of Ottawa, who claimed damages from the city corporation; (3) that at the said time the defendant was acting as solicitor for one Thomas Clarey in proceedings to have a by-law or by-laws of the city quashed; (4) that the defendant, since the election, has continued to act for the said Thomas Clarey in Clarey's proceeding against the city corporation; (5) that, since the election, the defendant had and has against the city corporation a claim for the costs of the proceedings taken by Clarey. . . .

It is asked that the office of mayor may be declared vacant, and the defendant disqualified. . . .

As to taxes, sec. 53, sub-sec. 1, of the Municipal Act, 1913, is as follows: "The following shall not be eligible to be elected a member of a council or be entitled to sit or vote therein: . . .

(s) a person who at the time of the election is liable for any arrears of taxes to the corporation of the municipality." "Liable for" means "obliged in law or equity to pay;" and that condi-