

DRYSDALE, J.:—This is an application for leave to file an information in the nature of a quo warranto against defendant.

The application is based on the allegation that he was improperly elected a school trustee for District No. 8 in the county of Richmond, in that two ratepayers voted for his election who are charged with being in arrears for school rates at the time of so voting, and in that one Lewis Landry desired to vote against him but was not permitted to vote by the chairman of the meeting at which the election took place. The vote as recorded stood 38 for and 37 against the defendant's election.

The first question that presents itself is as to the right of Edward Bond and Simon Sampson to vote at the meeting referred to.

The relator, in support of the allegation that these men were in arrears, read the affidavit of Simon Joyce, who was secretary to the trustees from March, 1908, to March, 1909. The question of arrears related solely to the taxes for the school year ending July 31st, 1908 (being for the assessment authorized at the annual meeting held in March, 1907). As to these taxes Joyce, in his affidavit, states that the tax roll and records show and he verily believes that the said Bond and Sampson were rated at \$2.40 and \$4.73 respectively, and that the said roll and records shew and he verily believes that neither the said Bond nor the said Sampson had paid the same at the time the books and records were handed over to him (in March, 1908); that he had demanded the same and that they had not been paid to him; and that they were unpaid at the time of the vote in question in 1909. It will be noted the contest is over the year previous to Joyce's term of office. It is admitted the taxes rated upon these men during the term of his incumbency were paid. On the strength of Joyce's allegation as to what the tax roll and records shew, his belief and demand, rests the relator's case as to the disqualification of these two ratepayers. Any *prima facie* case so made as to the alleged non-payment by Bond and Sampson has been so fully and satisfactorily met as in my view not to leave the question in dispute.

The secretary, during the year in question (Andrew Landry) distinctly states in his affidavit the fact of payment and adjustment of the rates in question. Felix Landry