

# The Ontario Weekly Notes

VOL. XVII. TORONTO, FEBRUARY 6, 1920.

No. 20

## HIGH COURT DIVISION.

MIDDLETON, J., IN CHAMBERS.

JANUARY 26TH, 1920.

\*REX EX REL. DART v. CURRY.

*Costs—Proceeding to Set aside Election to Municipal Office—Municipal Act, R.S.O. 1914 ch. 192, secs. 160, 186—Order Made by Master in Chambers Setting aside Election—Reversal by Judge in Chambers—Taxation of Respondent's Costs—Originating Motion—Tariff A., Item 17—Counsel Fee—Quantum—Discretion of Taxing Officer—Appeal—Costs of Appeal to Judge in Chambers—Case not Covered by Tariff—Rule 2—Analogy to Original Motion—Item 20—Examination of Witnesses upon Motion—Preliminary Proceedings—Item 12—Costs of Appeal from Taxation.*

An appeal by the defendant and a cross-appeal by the relator from the taxation of the defendant's costs of a proceeding under the Municipal Act to set aside his election as reeve of a township and of a successful appeal to a Judge in Chambers from an order of the Master in Chambers setting aside the election. See *Rex ex rel. Dart v. Curry* (1919), ante 203, 46 O.L.R. 297.

H. J. McLaughlin, for the defendant.

H. S. White, for the relator.

MIDDLETON, J., in a written judgment, said that the questions raised mainly related to the application of the present tariff of costs to proceedings under the sections of the Municipal Act relating to controverted elections, R.S.O. 1914 ch. 192, secs. 160-186.

\* This case and all others so marked to be reported in the Ontario Law Reports.