

allowance of \$500 as counsel fees to the defendants for the same Court was wrong. The inference is just as strong that too little was allowed upon the first taxation as that too much was allowed on the second. The same is true as to the costs in the Divisional Court; and as to both it is argued and not strenuously questioned that more effort was made to shew the Taxing Officer the actual conditions upon the later than the earlier taxation. As to the \$1,000 allowed for counsel fees before the Appellate Division, it is alleged that, under the direction of the Court, several days of two counsel were spent in preparing a statement to aid the Court. With this explanation, the sum allowed does not appear to be extravagant. Aside from all this, the long experience and judgment of the Senior Taxing Officer should count for a good deal, in matters peculiarly within his province.

The first objection taken, however, rests upon entirely different considerations. Here the question is the tariff applicable to the taxed bill—a question of principle. The officer was bound to tax it according to law. He had no discretionary power. He was at least bound by the decisions of Judges of this Court as I am bound by the judgment of a Judge of co-ordinate jurisdiction. It was held by the Chief Justice of the Common Pleas in *Re Solicitors* (1914), 6 O.W.N. 625, that all taxation after the 1st September, 1913, are governed by the tariff of costs which came into force on that day. With very great respect, I am of opinion that the Senior Taxing Officer was bound to follow this judgment, and erred in taxing under the former tariff.

There will be a reference back to the Taxing Officer with a direction to tax the bills of costs in question under the present tariff of costs; and upon the other objections taken the taxation is confirmed. I make no order as to costs.

LENNOX, J.

MARCH 8TH, 1915.

CRICHTON v. TOWNSHIP OF CHAPLEAU.

Municipal Corporation — Carrying on "Show" Business in Municipal Building—By-law—Lease — Illegality — Action by Ratepayer for Injunction—By-law not Quashed—Contract—Parties—Employment of Manager.

Action by a ratepayer of the township against the township corporation and J. B. Dexter to restrain the defendant corporation from carrying on the business of exhibiting moving pictures