

*Held*, lastly, that Rules 211, 216 and 224 of the Revised Rules of the Division Courts authorized the Judge in the Division Court to substitute the name of the plaintiff for that of the original holder of the note as plaintiff in the action.

*S. W. Burns*, for the defendants.

*C. J. Holman*, for the plaintiff.

Mr. Cartwright,  
Official Referee.)

[May 21.]

REG. EX REL. *SCARLETT v. WICKS*.

*Municipal Law—Alderman—Property qualification—Assessment roll—Local improvements.*

Respondent having been previously elected alderman for the city of Guelph, was unelected for want of property qualification, but having had his assessment increased to the required amount was afterwards re-elected.

*Held*, that as by 55 Vict., c. 38, s. 52, sub.-sec. 2, the assessment roll did not go into force until approved by the Council, which was not done until after the election, that it did not apply, and the election was governed by the previous roll under which the respondent was not sufficiently qualified. *Reg. ex rel. Clancy v. McIntosh*, 46 U.C. Q.B. 98, followed.

*Held*, also, that looking at s. 73 of 55 Vict., c. 42, in the light of the cases of *Cumberland v. Kearns*, 17 A.R. 387, *Re Graydon*, 20 O.R. 206, and *Armstrong v. Anger*, 21 O.R. 98, the amount of the assessment upon the property for local improvements is to be deducted from the assessed value, and the respondent is only entitled to qualify on the balance, which being less than the amount required by the statute, the respondent is not properly qualified.

Election set aside. Costs of relator to be paid by respondent.

*C. J. Holman*, for relator.

*W. M. Douglas*, for respondent.

ARMOUR, C.J.]

IN RE SOLICITORS.

[May 26.]

*Solicitor—Taxation of bill—Scale of costs—Action—Recovery.*

An appeal by John and William Howarth, the applicants for taxation, from the report or certificate of the junior taxing officer at Toronto, upon the taxation of the solicitors' bill of costs rendered to the applicants in respect of services as plaintiff's solicitors in an action of *Howarth v. Smith Wool Stock Co.*, upon the ground, among others, that the officer should not have allowed the solicitors costs upon the High Court scale, for, although the action was brought in the High Court the plaintiff recovered against the defendants in that action only \$125 and costs on the County Court scale, and the solicitors were entitled to their costs against their client only on that scale.

*Treemear*, for the appellants, relied on *Scanlan v. McDonough*, 10 C.P. 104.

*R. McKay*, for the solicitors, contended that the rule laid down in *Scanlan v. McDonough*, did not apply here, because the solicitors did not themselves bring the action, which was brought by another solicitor, and the conduct transferred to these solicitors during the progress of the action, and