

FIRST DIVISION COURT OF THE COUNTY OF YORK.

Morson, J.J.] LAW SOCIETY OF UPPER CANADA v. S. R. CLARKE. [May 5.

Law Society—Solicitor—Annual fees—Recovery by action.

The defendant was alleged to have been practising as a barrister and solicitor without having taken out his annual certificates. An action being brought to recover the same with fines for default it was

Held, 1. The taking out of annual certificates by solicitors is voluntary and not compulsory.

2. A solicitor practising without having taken out his certificate does not give a right to the Law Society to sue for the fees, but only renders the solicitor liable to the penalties provided by the rules of the Law Society or the Solicitors' Act.

3. The Law Society could not recover under the usual bond given when entering as a student as that only covers cases when fees are due, and no certificate being taken out, fees were not due within the condition of the bond.

Walter Read, for plaintiff. Defendant in person.

ASSESSMENT CASES.

Ketchum, Co. J.]

IN RE BURNHAM AND THE TOWNSHIP OF HAMILTON.

Assessment of toll roads—Assessment Act, s. 32.

J. D. Roddick, assessor of Hamilton township, for the year 1899, assessed certain portions of toll roads running through the township and the whole of another toll road in said township at \$11400, following the assessment of previous years, though in the assessor's judgment the amount was too low. Mr. Burnham, the president of the road companies, appealed to the Township Court of Revision, which confirmed the assessment. He thereupon appealed to the county judge and the assessor appealed to have the assessment increased. The case turned upon the interpretation of s. 32 of the Assessment Act, which directs that such roads shall be assessed as real estate in the municipality in which they are situate; and that in making the assessment the assessor shall take into consideration the value of (1) the land occupied by the road, (2) the materials employed in the superstructure, (3) toll houses, buildings and gates on the road, (4) quarries and gravel pits and roads to and from such places and used in connection therewith.

KETCHUM, Co. J., after hearing evidence exhaustively, and argument of counsel, reserved judgment and subsequently delivered a considered judgment, in which he alluded to the fact that the section appeared in the statutes of 1890 but that no reported case upon its construction