

HON. SIR WM. MEREDITH, C.J.O. (v.v.):—We think the learned Judge was wrong in the conclusion he came to that he had no jurisdiction to assess the damages at more than \$500. The effect of his decision, if right, would be that you might as well wipe out the provision of the Act upon which Mr. Phelan relies.

The woman, although 50 odd years of age, was earning something in the occupation of dressmaker. She suffered a pretty severe injury, and it must have caused her a good deal of pain and suffering. She was 17 weeks unable to resume her occupation. She expended upwards of \$200 for medical expenses, and, in addition to that, the flexibility of her fingers would be permanently impaired.

We think the appeal should be allowed and the damages increased to \$750, and that the respondents should pay the costs of the appeal.

MASTER-IN-CHAMBERS.

NOVEMBER 26TH, 1913.

WILLIAMSON v. PLAYFAIR.

5 O. W. N. 354.

Writ of Summons—Special Endorsement—What Constitutes Liquidated Demand—Con. Rules 33, 37, 56—Appearance—Affidavit.

HOLMESTED, K.C., held, that a special endorsement of a writ of summons was valid which stated the precise sum due making proper allowances for credits to be allowed defendant and that since Con. Rule 33 (1913) an interest claim whether payable by way of damages or not can be added to the main claim.

McIntyre v. Munn, 6 O. L. R. 290, distinguished.

Motion by defendant to be relieved from filing an affidavit with his appearance as required by the writ of summons, on the ground that the claim endorsed on the writ was not properly the subject of a special endorsement.

F. McCarthy, for defendant.

H. Cassels, K.C., for plaintiff.

The endorsement reads as follows: "The plaintiff's claim is to recover from the defendant the sum of \$2,963.93, balance due on this date by the defendant from 10,000 shares of