

obligations of those agreements, so far as they relate to such portion of the track. As has already been said, there has been no statutable release from those obligations, and it is clear beyond the necessity of argument, that if those obligations still exist, the proposed new line is not in conformity with them. Their Lordships further are of the opinion that the proposed line is neither a deviation nor a deflection within the meaning of the statutes quoted in the argument, relative to the powers of railway companies in general, or the appellants in particular, to deviate or deflect their track, but is a new line which the appellants are desirous of constructing and operating without having obtained any franchise or statutory authority so to do.

Their Lordships will, therefore, humbly advise His Majesty that this appeal should be dismissed. The appellants will pay the costs of the appeal.

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#### PEARCE v. CITY OF TORONTO.

*County Court Jurisdiction—Amount Claimed Beyond Ordinary Jurisdiction—No Dispute by Defendant—10 Edw. VII., c. 30, s. 22, ss. 2—3 & 4 Geo. V. c. 18, s. 15—Unlimited Jurisdiction Conferred upon County Court by Operation of Section—Action against Municipal Corporation—Ice and Snow on Sidewalk—Quantum of Damages—Appeal—Increase of same by Appellate Court.*

SUP. CT. ONT. (1st App. Div.) *held*, that 10 Edw. VII., c. 30, s. 22, ss. 2, as amended by 3 and 4 Geo. V. c. 18, s. 15, confers upon County Courts jurisdiction to any amount named in the statement of claim, where the defendant does not dispute the jurisdiction either in his appearance or statement of defence.

Judgment of WINCHESTER, Co.J., varied by increasing the damages awarded plaintiff from \$500 to \$750, with costs.

Appeal by plaintiff from judgment of HIS HONOUR JUDGE WINCHESTER, Senior Judge of York County Court, awarding the plaintiff, a dressmaker, the sum of \$500 damages, by reason of injuries sustained by her through a fall upon an icy sidewalk. The action was brought for \$2,000 damages, and the defendants did not dispute the jurisdiction. The learned trial Judge, while not making a definite finding on the point, intimated that he did not consider that he had jurisdiction to award the plaintiff over \$500 as damages.

T. N. Phelan, for plaintiff, appellant.

Irving S. Fairty, for defendants, respondents.