

# The Ontario Weekly Notes

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## APPELLATE DIVISION.

APRIL 6TH, 1915.

### GOODISON v. DRENNAN.

*Appeal—Items of Account—Questions of Fact — Findings of County Court Judge—Evidence to Support.*

Appeal by the plaintiff from the judgment of the County Court of the County of Peel.

The plaintiff sued to recover \$247.76 as the balance of an account. The defendant counterclaimed \$257.22. The County Court Judge, who tried the action and counterclaim without a jury, found a balance in favour of the defendant of \$27.92, for which amount, with costs fixed at \$60, he gave judgment.

The appeal was heard by FALCONBRIDGE, C.J.K.B., RIDDELL, LATCHFORD, and KELLY, JJ.

W. H. McFadden, K.C., for the appellant.

B. F. Justin, K.C., for the defendant, respondent.

The judgment of the Court was delivered by FALCONBRIDGE, C.J.K.B.:—I have carefully perused the evidence and exhibits, and I find that there is evidence to support the learned Judge's findings as to all the items complained of.

The appeal must be dismissed with costs.

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APRIL 6TH, 1915.

### LUCAS v. CITY OF TORONTO.

*Negligence—Operation of Street Railway Car in City — Running over Valuable Dog—Findings of Jury—“Proper Control” of Dog by Owner—Police Commissioners’ By-law—Contributory Negligence—Evidence.*

Appeal by the plaintiff from the judgment of the County Court of the County of York in favour of the defendant, the