

and treatment by a doctor provided by Board of Health under the above circumstances.

It appeared that the father had no means whereby to pay the amount of the judgment, but the mother, owning the farm on which the family lived, had ample means.

Held, that the mother is by the statute on the same plane in respect of the liability thereunder as the father, each being liable if able to pay. Judgment was therefore entered for the plaintiffs against the mother with costs for \$100.00, and in favour of the father, without costs.

Held, further, that the sum of \$100.00 was a reasonable sum for the plaintiffs to ask the defendants to pay as their proportion of the amount which the plaintiffs had been called upon to pay their medical health officer.

Reference made to *Ree v. Lewis*, 6 O.L.R. 132. and *Renwick v. Galt P. & H. Ry. Co.*, 12 O.L.R. 35.

Province of Nova Scotia.

SUPREME COURT.

Graham, E.J.]

STARRATT v. BENJAMIN.

[Oct. 21.

Action on account—Plea of set-off—Costs.

In the settlement of an action on an account plaintiff's claim was reduced by set-off from \$707.73 to \$50.

Held, that plaintiff was entitled to costs on the higher scale, but the parties having settled the action on the basis that the question should be decided by the Court whether plaintiff was entitled to costs on the lower scale or whether he should be deprived of costs altogether because he had not given credits, costs were given on the lower scale and no costs of the subsequent proceedings were allowed.

Bill, for plaintiff. *Bigelow*, for defendant.

Graham, E.J.]

REX v. REYNOLDS.

[Oct. 24.

Highway—Obstruction—Defects in—Judicial notice.

Defendant was indicted for having at certain times men-