

The
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APPELLATE DIVISION.

FIRST DIVISIONAL COURT.

OCTOBER 11TH, 1920.

CITY OF TORONTO v. TORONTO R.W. CO.

*Street Railway—Agreement with City Corporation—Percentage of
Gross Receipts—Action for—Counterclaim—Account—Items—
Interest—Appeal—Costs.*

An appeal by the plaintiffs from the judgment of LENNOX, J.,
15 O.W.N. 31.

The appeal was heard by MEREDITH, C.J.O., MAGEE, HODGINS,
and FERGUSON, JJ.A.

C. M. Colquhoun, for the appellants.

D. L. McCarthy, K.C., for the defendants, respondents.

THE COURT allowed the appeal from the main question arising under the counterclaim; the respondents' accounts for work done by them, \$14,966.18, to be added to the cost of construction and apportioned according to the order of the Ontario Railway and Municipal Board. The appeal was also allowed as to the item of \$67.44 and disallowed as to other small items. No costs of the appeal.