

# The Ontario Weekly Notes

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No. 23.

HIGH COURT OF JUSTICE.

TEETZEL, J.

FEBRUARY 17TH, 1910.

ROSS v. TOWNSEND.

*Costs—Scale of—Amount Recovered—Investigation of Accounts  
Involving Large Sums—Jurisdiction of County Court—Con.  
Rule 1132—Set-off.*

Motion by the plaintiff for judgment on further directions and as to costs.

The plaintiff sued for \$505.30 for balance of salary and traveling expenses. Upon a reference directed at the trial, the Master reported that the plaintiff was entitled to recover only \$152.85, of which the defendant had paid into Court \$107.95, with a plea of tender before action.

J. M. Telford, for the plaintiff.

A. O'Heir, for the defendant.

TEETZEL, J.:—While the total accounts investigated by the Master were large, the result of the report is that the plaintiff should have sued for a balance of \$152.85 only. The County Courts having jurisdiction to entertain and investigate accounts and claims of suitors, however large, provided the amount sought to be recovered does not exceed the sum prescribed by the Act, this claim could have been sued for in a County Court: Bennett v. White, 13 P. R. 149. In the result, the case as to costs is governed by Con. Rule 1132.

The order will, therefore, be, that the plaintiff is entitled to judgment against the defendant for \$152.85, including the amount paid into Court, and costs on the County Court scale, subject to the set-off to which the defendant is entitled under Con. Rule 1132.