

valuations that were put upon it by Mr. Forman. I entirely dissent from the proposition that a municipal council is not warranted, if in its judgment it is prudent to do so, in selling at even a lower price than that which the officer of the corporation puts on the property. It would be impossible to carry on the affairs of a municipality like this, if any ratepayer, simply because he thought the price which was being paid for a particular property low, could intervene, and by injunction restrain the corporation from carrying out the sale. I think the Court should be slow to interfere in matters of that kind, and that they should not interfere unless there is clear evidence of evasion of the law, or clear evidence of fraud, which is entirely absent in this case. I think the case entirely fails, and that the action must be dismissed.

Bicknell. I, of course, have not gone into the question of valuation; because we had to take the valuations that were put upon it by the council at the time. I know your Lordship could not decide any question of that kind.

MEREDITH, C.J., IN CHAMBERS.

DECEMBER 6TH, 1909.

ROSS v. VOKES.

Costs—Scale of—Jurisdiction of County Courts—Trespass to Land—County Courts Act, sec. 23 (1), (8).

Appeal by the plaintiff from the ruling of the junior taxing officer at Toronto that the costs were to be taxed on the County Court scale.

The action was brought by the plaintiff, as the owner of lot 37 on the west side of Sidney street in the city of Toronto, to recover damages occasioned to him owing to the defendant having placed buildings on a street called Marlborough avenue, into which Sidney street ran, and which led to Avenue road, and thereby obstructed the plaintiff's access to and from Avenue road by way of Marlborough avenue and that means of ingress to and regress from the plaintiff's lot, and these damages were in the statement of claim stated to be \$200, and the plaintiff also claimed a mandatory order requiring the defendant to remove the obstruction complained of.

No statement of defence having been delivered, the plaintiff moved for and obtained judgment by which the defendant was restrained from continuing the obstructions and ordered forthwith to remove them, and also ordered to pay the costs of the action.

The taxing officer ruled that the action was one within the proper competency of the County Court and that the costs of the plaintiff were to be taxed on the scale of that Court.