



**The New York Code of civil procedure Volume 4;  
as it is January 1, 1913, with notes on the judicial  
decisions thereon or relating thereto, together ...  
law, rules of the Court of Appeals,**

*New York*

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This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1912 Excerpt: ... fifty dollars, defendant became entitled to the taxable costs; that the action was within the jurisdiction of the justice's court. Walp v. Boyd, 19 State Rep. Ill, N. Y. City Ct. Where a plaintiff sued for \$475, and the defendant interposed a counterclaim for \$146, and the plaintiff recovered a verdict for the difference between these two amounts,--Held, that plaintiff was entitled to costs. Friedman v. Eisenberg, 4 N. Y. Supp. 551; 24 btate Rep. 298, N. Y. City Ct., McAdam, J. Where, in an action by plaintiff as executor, defendant sets up a set-off and succeeds, on a general verdict lie is entitled to have his costs taxed and inserted in the judgment. Cohu v. Husson, 56 N. Y. Supr. 489. Whether the amount of the accounts proved is \$400 or over is expressly left to be decided by the justice. His decision can only be reversed on appeal, not by an order on motion based upon the theory that the accounts did not in fact exceed \$400, and therefore reversing the judgment. White v. Place, 40 Hun 481. Where plaintiff claimed \$333.33, and was found entitled to that amount, but the recovery was reduced by independent counterclaims to \$5.20,--Held, that as a justice's court would have had no jurisdiction, plaintiff was entitled to full costs. Lablache v. Kirkpatrick, 3 How. N. S. 61, N. Y. City Ct. Where, in an action to recover \$1,700, rent for certain premises, defendant set up a counterclaim for \$1,400, moneys had and received by mistake by plaintiff from defendant over and above rents due, and plaintiff had a verdict for six cents, and there was nothing in the record to show that the cross demands originated in the same transaction, or that the sum recovered was the balance due,--Held, that plaintiff was entitled to the costs of the action. Hayes v. O'Reilly, 8 ...

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