

of the statement that the stock was almost worthless might go to shew the good faith and absence of malice: *McKergow v. Comstock* (1906), 11 O.L.R. 637; *Jenoure v. Delmege*, [1891] A.C. 73; *Watt v. Watt*, [1905] A.C. 115, at p. 118. The questions on this point should be answered.

The order of the Chancellor should be affirmed and the questions by him directed to be answered should, with some few and trifling exceptions, be answered.

LENNOX, J., concurred.

MASTEN, J., read a short judgment in which he expressed the view that an appellate Court could not satisfactorily deal with a case of this kind—a matter of discretion. He concurred in the conclusions of RIDDELL, J., only protesting that he did not apprehend on what ground leave to appeal was granted.

MEREDITH, C.J.C.P., was of opinion, for reasons stated in writing, that the plaintiffs' officer was quite within his right in refusing to answer all the questions to which he objected.

The learned Chief Justice was, however, of opinion that the appeal should be dismissed, because appeals to this Court in respect of matters of practically no consequence should not be brought—they should be discouraged and stopped. Whether the officer did or did not answer these questions was a matter of no substantial consequence. Reference to *Peek v. Ray*, [1894] 3 Ch. 282.

Appeal dismissed with costs.

SECOND DIVISIONAL COURT.

APRIL 14TH, 1916.

*ORMSBY v. TOWNSHIP OF MULMUR.

Municipal Corporations—Action against Township Corporation for Injury to Land by Sand Brought upon it by Escape of Water through Cutting in Highway—Liability—Finding of Jury—Necessity for Notice under Municipal Act, R.S.O. 1914 ch. 192, sec. 460—Claim not Based upon Neglect to Keep Highway in Repair.

Appeal by the plaintiff from the judgment of the Judge of the County Court of the County of Dufferin dismissing an action brought in that Court to recover \$300 for injury to land by sand brought thereon by water, the cause of which was said to be the weakening of an embankment, and unskilful and negligent work