

up the natural watercourse as heretofore, and for an injunction restraining the defendants from raising the highway or closing up the watercourse. SUTHERLAND, J., after setting out the facts at length, said that the work of construction done by the defendants, the county corporation, under a by-law passed pursuant to the Public Highways Improvement Act, 7 Edw. VII. ch. 16, was defective in two ways, namely, that the road was not carried to a sufficient height east of the cove, and that the ditch on the north side should not have been left as it was. The defendants undertook to close up the cave through which the waters of the natural watercourse ran. In these circumstances, they were required to take the very greatest precaution. While the course they followed appeared to be a reasonable one, and was, no doubt, undertaken in good faith, it nevertheless was defective, and the injury sustained by the plaintiff flowed from these defects. The learned Judge also considered that the plaintiff's claim was properly made the subject of an action, instead of an arbitration under the Act: *McGarvey v. Town of Strathroy*, 10 A.R. 631; *Arthur v. Grand Trunk R.W. Co.*, 22 A.R. 89; *Derinzy v. City of Ottawa*, 15 A.R. 712. Judgment for the plaintiff for \$700 damages with costs of the action. P. H. Bartlett, for the plaintiff. J. C. Elliott and W. D. Moss, for the defendants.

MOODIE v. HAWKINS—MASTER IN CHAMBERS—JAN. 24.

*Discovery—Examination of Plaintiff—Relevancy of Questions—Company—Directors—Misfeasance—Status of Plaintiff—Information Obtained from Solicitor.*]—Motion by the defendants for an order requiring the plaintiff to attend for further examination for discovery and to answer certain questions which he refused to answer upon his original examination. The action was brought by a person alleging himself to be a shareholder of the Dominion Power and Transmission Company, the eleven individual defendants, against the latter, as directors of the company, for misfeasance in office. The company was also made a defendant. The defendants denied all the plaintiff's allegations, and also his right and status to maintain the action. The first question not answered was (11), "How did you become a shareholder in that company?" The Master held that the plaintiff was not bound to answer this, as it was not relevant to the issues raised by the pleadings. And so with questions