

old "portable tanks" of the plaintiffs, which the plaintiffs had sold, and had no property in or possession of.

So long as purchasers had been in some way quite undeceived, as to the gas they were purchasing, the plaintiffs had, as a matter of law, no sufficient cause of complaint against the defendants; and that, according to the evidence adduced at the trial, was found by the trial Judge to be the case; and the learned Chief Justice could not say that the finding was wrong: but it was plainly one which ought not to be an encouragement to sailing closer to the wind.

It was not contended that the "inscription" upon the portable tanks gave the plaintiffs any right of action in this case; and it could not be so contended in respect of any of the claims made in the pleadings, the tanks having been sold "out-and-out," as it was said. But it does not follow that there is no means by which a refilling of the tanks by others than themselves might be legally provided against; nor that an action does not lie for inducing the breach of a contract.

The appeal must be dismissed.

RIDDELL and KELLY, JJ., concurred.

MASTEN, J., also concurred, for reasons stated in writing.

Appeal dismissed.

SECOND DIVISIONAL COURT.

DECEMBER 12TH, 1916.

*SIMPSON v. LOCAL BOARD OF HEALTH OF
BELLEVILLE.

*Security for Costs—Action against Local Board of Health and
Medical Officer of Health—Amount of Security.*

Appeal by the plaintiffs from the order of MIDDLETON, J., in Chambers, ante 139, affirming an order of the Junior Local Judge at Belleville requiring the appellants to give security for the defendants' costs of the action in the sum of \$400.

The appeal was heard by MEREDITH, C.J.C.P., HODGINS, J.A., LENNOX and MASTEN, JJ.

W. C. Mikel, K.C., for the appellants.

A. A. Macdonald, for the defendants, respondents.

*This case and all others so marked to be reported in the Ontario Law Reports.