

3rd line so as to make it clear that this charge is one of slander. If plaintiff wishes to avail herself of R. S. O. 1897 ch. 68, sec. 5, sub-secs. 1 and 2, it should now be done. There is no allegation in the statement of claim of any special damage.

The statement of claim otherwise seems to comply with the provisions of Rule 268. To give what defendants ask would be to require disclosure of plaintiff's evidence. So far as this is to be had, it can be obtained on discovery.

The motion is dismissed, but with costs in the cause, as paragraph 4 was not clear, and may perhaps be further amended as indicated above. . . .

The indorsement on the writ of summons is only for libel and slander. From this it would appear that plaintiff is not making any separate claim for conspiracy. It would seem to be self-evident that the real ground of action must be what took place at the council meeting when the petition was presented and the alleged slander uttered.

MAY 28TH, 1907.

DIVISIONAL COURT.

MOFFAT v. CARMICHAEL.

*Costs — Scale of — Action for Injury to Land — Easement —
Disturbance — Value of Land — Amount of Damages —
County Courts Act — Jurisdiction of County Courts.*

Appeal by defendant from order of CLUTE, J., in Chambers, reversing ruling of a taxing officer upon taxation of plaintiff's costs of an action in the High Court, and directing that the costs be taxed upon the High Court scale.

The appeal was heard by BOYD, C., ANGLIN, J., MAGEE, J. W. Proudfoot, K.C., for defendant.

T. P. Galt, for plaintiff.

BOYD, C.:—The learned Chief Justice who tried the case succinctly sums up what was the subject of the litigation in these words: "The action is for damages for the