On the main question, the appeal failed because neither at the trial nor in the notice of appeal were any of the grounds upon which the appeal was argued set forth. The case certainly presented many elements of doubt and confusion.

Reference to Wilson v. United Counties Bank Limited, [1920] A.C. 102, 105.

No objection was taken at the trial to the charge, and no such objection was set out in the notice of appeal, as required by Rule 493.

Reference to the Wilson case, at pp. 106, 139, 141; Lowry v. Robins (1919), 45 O.L.R. 84.

The damages appeared to be excessive; but, as there was some evidence to support the finding of the jury, the Court should not interfere.

The appeal should be dismissed.

Mulock, C.J. Ex., and Sutherland, J., agreed with Masten, J.

Riddell, J., reached the same result. He read a judgment in which, after discussing the evidence and the Judge's charge, he said that he had come to the conclusion that it could not be said that there was no evidence upon which the jury could reasonably find damages of $500, and that the verdict could not be disturbed. The damages were large, but not so large as to shock the conscience of the Court.

The appeal should be dismissed.

Appeal dismissed with costs.

Second Divisional Court. December 20th, 1920.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO v. ALBRIGHT.

Contract—Sale Agreement—Construction—Sales of Shares and Assets of Company—Liabilities—Mortgages to Secure Bondholders—Provisions of—Sinking Fund Payments—Interest—"Accrued"—"Proportion"—"Electrical Horse Power"—Computation of Time—Estimate—Payment of Sum in Adjustment—Method of Ascertaining—Declaration.

Appeal by the defendant from the judgment of Orde, J., ante 54.