

SINGER v. PROSKY—FALCONBRIDGE, C.J.K.B.—MARCH 22.

Buildings—Encroachment—Evidence—Deprivation of Light—Nominal Damages—Costs.]—Action by the trustees of a synagogue for a mandatory injunction to the defendant to remove from the plaintiffs' property a portion of a brick building, and for damages for trespass and an injunction against further trespasses. The learned Chief Justice said that the evidence produced by the defendant was overwhelmingly preponderating as to the distance between the church and the old buildings and fences. The encroachment was quite negligible, both as to value of land and alleged deprivation of light. The Chief Justice visited the premises, and saw that the latter alleged element of damage was inappreciable; and it was not even mentioned in argument. Judgment for the plaintiffs for \$2 without costs. The defendant would have been allowed at least a set-off of High Court costs, but that he could have avoided all this trouble by giving notice to the plaintiffs when he was going to take his measurements and make his excavations which destroyed or covered up the ancient landmarks. R. J. McLaughlin, K.C., for the plaintiffs. W. Proudfoot, K.C., for the defendant.

GRIP LIMITED v. DRAKE—MASTER IN CHAMBERS—MARCH 26.

Pleading—Statement of Claim—Conspiracy to Commit Breaches of Several Agreements—Separate Breaches by Different Defendants—Separate Trials.]—The plaintiff company claimed \$5,000 damages from the eight defendants, who, in paragraphs 3 to 10 inclusive of the statement of claim, were said to have agreed in writing to serve the plaintiff company for terms, none of which have as yet expired. In paragraphs 11 and 12 it was stated that the above agreements were observed by the several defendants until on or about the 27th January, 1913; when the defendants induced each other and conspired together to refuse to continue to work for the plaintiff company, and have accordingly absented themselves from the plaintiff company's premises. The defendants moved, before pleading, for an order directing separate trials of the actions against the several defendants, and that the writ of summons and statement of claim be amended, or to strike out paragraphs 4 to 12 inclusive as embarrassing. The Master said that the real issue, as stated on the argument, was that of conspiracy. The allegations as to