

can show that they affect the enjoyment of the plaintiff's property to such an extent that the damages at law will be an insufficient compensation. Upon the same principle the court will not interfere in these matters of public works, unless it can be shewn that there is such an extensive nuisance as materially to interfere with the enjoyment of health or the value of the property. His Honour then referred to the evidence, and said that upon the weight of evidence he was compelled to come to the conclusion that there was not such an extent of nuisance or injury to the plaintiff as would justify the interference of the court. There was also strong concurrent testimony that the nuisance, so far as it existed, was due to the gross neglect of the plaintiff in the cleanliness of his property, and at the suit of such a plaintiff, who had made a most exaggerated statement of his injury, he could not prevent by injunction such an important work as that of the defendant's board. The scientific evidence must, he admitted, be received with caution; but here it was all on one side, and showed that there is less impurity in the water flowing by the plaintiff's mill than in that taken from the Thames above Teddington Lock. He considered that Mr. Bazalgette's report corresponded with the weight of evidence in the case, and that without disregarding the principle laid down in *Attorney General v. The Council of the Borough of Birmingham*, where there was a material private injury, he should, unless such were the case, refuse to grant an injunction which would have the effect of fettering the most important operation of cleansing a town and removing the sewage, done merely for the purpose of producing public health and as conducive to public convenience. The bill must be dismissed, but having regard to all the facts and the admissions in the answer, that there was then some injury produced by the works, and the strength of authorities on the subject, there was not a total want of justification for filing the bill, and the dismissal must be without costs.

CORRESPONDENCE.

Lists of Voters at Parliamentary Elections.

TO THE EDITORS OF THE LOCAL COURTS' GAZETTE.

GENTLEMEN,—I would like to ascertain your opinion as to the following question upon the Act relating to Parliamentary Elections:—

The *first* section of Chap. VI. of the Con. Stats. Canada, names certain persons as those "who shall not vote at elections;" the *fourth* section, those "who may vote at elections" (this was amended as to the amount of qualification, last year); and, finally, the *sixth* section says the Clerk is to make out a list of persons "who are entitled to vote."

Now, what I wish to know is, am I right in leaving off the list the names of those persons who are on the Assessment Roll, and named in the *first* section just referred to.

Your views on the above points will confer a favour on myself as well as others.

I am, &c.,

TOWN CLERK.

[Strictly speaking, perhaps the Clerk should only put upon the list the names of persons "entitled to vote," and therefore not include names of persons who come under the disqualifying clause. But the question immediately arises, how is he to know who are, and who are not disqualified? And even if he could ascertain this without fear of a mistake, might not circumstances, such for example as a judge or custom officer giving up his office before the election, entitle such person, if otherwise qualified, to vote? and if such course were adopted in making the list, the name of such person would not appear. But, however this may be, the practice is, so far as we know, and as in Toronto, for the Clerk not to take upon himself the responsibility of deciding what names are to be left off the list; and this would seem upon the whole, though the subject is not free from doubt, to be the safer course.—Eds. L. C. G.]

The Question of Division Court Costs.

TO THE EDITORS OF THE LOCAL COURTS' GAZETTE.

GENTLEMEN,—The communicated article in your July number, on the subject of "Division Court Costs," suggests a question of serious importance. I allude more particularly to the following paragraph:—

"As the business begins to fall off in these Courts very perceptibly everywhere, many officers appear to exert every possible ingenuity to charge what they legally can, and some, it is feared, go beyond the law."

Here are clearly and forcibly shewn, in a few words, some of the results of what is now pretty freely admitted to be a defect in our Division Court system, viz., inadequate remuneration to the officers of these courts.

When the tariff of fees was passed, and for some years afterwards, the business of these courts was such as to afford a living, more or less comfortable, to many of these officers, notwithstanding the insufficiency of the tariff. Indeed, if report is to be credited, some of them had, from this source, incomes scarcely inferior to those of the Superior Court Judges. This is now entirely changed. The business has decreased by degrees until it is now only a very small proportion of what