

to Bond street affords an easy access to the yard at the rear of his houses.

For these several reasons the action fails and must be dismissed with costs.

I am asked to assess damages under the undertaking on the injunction motion. Why any interim injunction was sought I cannot understand. There was no real inconvenience in using the Bond street lane pending the trial, and no object in preventing the erection of the buildings. The defendant would have gone on pending the action at his own risk.

The delay has made the erection of the buildings more expensive and has resulted in loss of rent. While anxious not to award too much, I cannot see how to cut the amount claimed down to less than \$300.
