

SMYTH v. HARRIS—RIDDELL, J.—OCT. 15.

Injunction—Nuisance—Locus Standi of Plaintiffs—Enlarge-ment of Motion for Interim Injunction—Leave to Apply—Speedy Trial.]—Motion by the plaintiffs for an interim injunction restraining the defendants from operating his plant for the consumption of offal, etc., in such a way as injuriously to affect the plaintiffs' enjoyment of their neighbouring properties. RIDDELL, J., said that he had come to the conclusion that at least some or one of the plaintiffs could not be said to have no locus standi. Instead of now disposing of the motion, the learned Judge enlarges it before himself at the opening of the Toronto non-jury sittings on Monday the 4th November; reserving leave to the plaintiffs to bring on the motion sooner if the defendant is delaying in pleading or otherwise, or if for any other reason the plaintiffs may be advised to apply. It is manifest that a trial should be had without delay. H. E. Rose, K.C., for the plaintiffs. E. F. B. Johnston, K.C., and F. E. Hodgins, K.C., for the defendant.

 DEUTSCHMANN v. VILLAGE OF HANOVER—DIVISIONAL COURT—
OCT. 15.

Highway—Nonrepair—Fall on Sidewalk—Findings of Fact—Liability of Municipal Corporation—Appeal.]—An appeal by the defendants from the judgment of the Judge of the County Court of the County of Grey, in favour of the plaintiffs, in an action in that Court to recover damages for injuries sustained by the plaintiff Lydia Deutschmann by a fall on a sidewalk in the village of Hanover, alleged to be out of repair, and for damages resulting therefrom to her husband and co-plaintiff. Judgment was given for the plaintiff Lydia for \$400 and for her husband \$50. The appeal was heard by RIDDELL, KELLY, and LENNOX, JJ. RIDDELL, J., said that enough appeared upon the notes of evidence to justify the findings of fact made at the trial, and that the County Court Judge had correctly applied the law. KELLY and LENNOX, JJ., concurred. Appeal dismissed with costs. I. F. Hellmuth, K.C., and W. H. Kirkpatrick, for the defendants. D. Robertson, K.C., for the plaintiffs.