

EDEN v. BIRKS—FALCONBRIDGE, C.J.K.B.—Aug. 2.

*Nuisance—Established Business—Motion for Interim Injunction.*]—Motion by the plaintiff for an interim injunction restraining the defendant from operating cleaning-works next door to the plaintiff's dwelling-house in such a way as to constitute a nuisance. The motion was heard in the Weekly Court, Toronto. FALCONBRIDGE, C.J.K.B., in a written judgment, quoted with approval the remark of Middleton, J., in *Danforth Glebe Estates Limited v. Harris* (1917), 12 O.W.N. 189, 190, that there are no cases "in which a business established and in operation for some time and which is alleged to constitute a nuisance has been interfered with by an interim order." The decisions cited by the plaintiff's counsel were pronounced after trials. The motion should be adjourned till the trial without an injunction in the meantime; costs to be costs in the cause unless the trial Judge should otherwise order. W. H. Hodge, for the plaintiff. G. H. Kilmer, K.C., for the defendant.

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#### CORRECTION.

In *FERRIS v. EDWARDS*, ante 311, at p. 312, line 11, for "carried" read "conned."

*YOUNG v. CANADIAN PACIFIC R.W. Co.*, ante 352, was in the District Court of the District of Parry Sound.