

THE GOOD MANNERS OF A GOOD NEIGHBORHOOD.

The following case, as reported in *The Architect*, is interesting:

"Unseemly" is a word which is not usually applied to buildings. It is commonly employed to indicate acts. The equivalents given by Johnson are indecent, uncomely, unbecoming. But the word was enough to convince the Scottish courts that certain buildings were not fitted to be erected contiguous to a convent in Edinburgh. The nuns held under a deed which was made in 1863. It was guaranteed that on the adjoining land unseemly buildings were not to be erected. Application was recently made to erect two tenements of houses near the convent grounds. Permission was granted in the Dean of Guild Court, and the occupants of the convent applied to the courts for an interdict to prevent the erection of the buildings. It was argued on the other side that the buildings would be of a superior character. Lord Ardwall said the question he had to decide was whether the proposed build-

ings were unseemly within the meaning of the deed. His Lordship considered the phrase "unseemly building" must be construed with reference to the position and surroundings of the building, and (in a question of servitude) in view of the effect of its erection upon the dominant tenement. Now, the plaintiffs' house was a large and ornamental villa. It stood nearly in the centre of a garden, shrubbery and policies considerably larger than were generally found in connection with a villa. It had a bowling-green attached to it, and altogether might be described as a small *rus in urbe*. It appeared to him that to erect tenements such as proposed up to within ten yards or thirty feet of the pursuers' boundary-wall would have the effect of completely destroying the amenity of the plaintiffs' house and grounds. He was of opinion that having regard to the locality where they were to be erected, namely, a villa locality, and their proximity to the pursuers' handsome villa residence and grounds, they must be regarded as unseemly buildings within the meaning of the bond. Even if his Lordship had any

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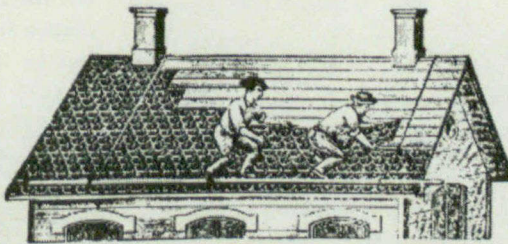
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