

to rescind the Registrar's order. A preliminary objection was taken that the Attorney-General had no locus standi and that only the applicant for indemnity was entitled to appeal, but this was overruled by Kekewich, J., who held that the Registrar was, on application for indemnity, in a judicial position and that both the applicant and the Crown should be represented before him. On the merits he affirmed the decision of the Registrar, but, on appeal by the Crown, the Court of Appeal (Williams, Stirling, and Cozens-Hardy, L.JJ.) held that the applicant was not entitled to relief because by presenting the forged transfer for registration he had under the decision in *Sheffield v. Barclay* (1905) A.C. 392 warranted its genuineness and that by this act on his part (though innocently done) he "had caused or contributed" to the loss within the meaning of s. 7 (3) of the Act of 1897, and therefore was precluded from obtaining indemnity; and (2) had not in fact any transfer under s. 40 of the Act of 1875 from "the registered proprietor of the charge" and consequently had not "suffered loss by the rectification" within s. 7 (4) of the Act of 1897. See and compare *Fawkes v. Attorney-General*, 6 O.L.R. 490.

LANDLORD AND TENANT—DEROGATION FROM GRANT—TRESPASS—
ARCHITECT—UNAUTHORIZED ACT OF AGENT—PARTY WALL.

Betts v. Pickfords (1906) 2 Ch. 87 was an action by tenants against landlord for an injunction to restrain an alleged trespass. The plaintiffs leased certain premises from the defendants which adjoined other premises occupied by the defendants. By the terms of the lease the plaintiffs were bound to erect a warehouse on the demised premises according to approved plans, which shewed that the back wall was to contain certain windows overlooking the defendants' premises. In order to make room for the warehouse the defendants pursuant to a collateral agreement, removed the end of a building which stood partly on the demised premises and partly on the defendants' own premises, but by verbal agreement with the plaintiffs' architect made without the plaintiffs' authority certain stanchions and roof beams were left projecting over the demised premises which were built into the warehouse wall which was entirely on the demised premises. Subsequently the plaintiffs were called on by the municipal authority to block up the windows in this wall on the ground that by the projection of the stanchions and roof beams from the adjoining premises into the wall it had become "a party wall" within meaning of the London Building Act, 1894.