

they had notice of the plaintiff's complaint, and got it completed on the Sunday before the plaintiff's application to the Court, he gave them no costs.

INJUNCTION—BUILDING IN STREET—BUILDING LINE—REFUSAL
TO CONFORM TO BUILDING LINE—MANDATORY INJUNCTION.

Attorney-General v. Parish (1913) 2 Ch. 444. In this case the defendant owned a house on a street, and being desirous of pulling it down and erecting another on its site, deposited plans with the municipal authority for approval. He was notified that the municipal authority had adopted a general building line for the whole street which cut off a considerable slice off the defendant's house, and it therefore did not approve of the defendant's plan. Correspondence ensued in which the defendant insisted on rebuilding on the old site and completed the building. The municipal authority did not give him any notice of the particular section of the Act under which they were acting, nor did it tender compensation, but commenced this action to compel the defendant to pull down that part of the building which was in advance of the building line which had been adopted. Joyce, J., who tried the action, dismissed it with costs, but the Court of Appeal (Cozens-Hardy, M.R., Kennedy, and Eady, L.JJ.), held that the plaintiffs were entitled to the relief claim and ordered the defendant to pull down the part of the building as prayed, but having regard to "the ignorance and blunders" of the plaintiffs, which to a large extent occasioned the difficulty, while they gave them the costs of the appeal, they refused them the costs of the action.

ACTION BY LANDOWNER FOR TRESPASS—ALLEGED RIGHT OF WAY
—RESOLUTION OF MUNICIPAL AUTHORITY TO DEFEND ACTION
—MUNICIPAL AUTHORITY ACTED AS DEFENDANT—PLEADING
—MOTION TO STRIKE OUT PLEADING AS EMBARRASSING.

Thornhill v. Weeks (1913) 2 Ch. 464. This was an action to strike out a pleading as embarrassing. The action was brought to restrain certain persons from passing over a certain premises, in the assertion of an alleged right of way. The municipal authority of the district in which the property was situate passed a resolution to defend the action and were made defendants. With a view to avoiding liability for costs they, by their defence, denied that they threatened or intended to exercise the right of way, and pleaded that they had neither asserted nor denied the existence of the right of way. It was held by Neville, J., that this