

thern Colonisation Railway Co. 19 J. 57. *Lang & Temporalities Board*, 8 L. N. 3. *Carter vs Breakey*, 2 Q. L. R. 232. *Black & Stoddart* 4 L. N. 282. *N. B. & M. F. & L. Ins. Co. vs Lambe* 27 L. C. J. 222. *Merlin, Quest. de Droit* vo. "Dénouement de nouvel œuvre," S. III, IV pp. 165-7. *Pigeau vol. I. cap. 3, s. 1.* *Carou, Actions Possessoires*, Nos 39-59. *Dalloz. Rep. Gen.* vo "Actions possessoires" Nos 14, 25, 147, 70. *Aulanier. Actions possessoires*, vo "Dénouement, de nouvel œuvre" Nos 39, 59.

That where a corporate body has been expressly authorized by the legislature of the province to construct and maintain a hospital, and for this purpose to acquire and own real estate, without any restriction or condition as to the locality to be chosen for such establishment, the Court will not interfere to prohibit the work of construction or order the suppression of the establishment, the only recourse of a party injured thereby being an action of damages.—*JETTÉ J.*, 3 APRIL 1887, *Crawford vs Protestant Hospital for the Insane*. V. S. C., 70.

CITATIONS.—12 *Demolombe*, No 647. C. C. 414. *Carou, Actions possessoires* No 39. 6 *Laurent*, no 136, 137.

Where buildings are being erected for a legal and proper object, such as a hospital for the insane, and there is no proof that they are causing or likely to cause any injury to the properties of the neighbours or any diminution of their value, owing to causes for which the proprietors of the asylum would be liable, adjoining proprietors have no right to ask by injunction that the erection of the buildings be discontinued.—*DORION, BABY, DOHERTY, CIMON, JJ.*, 21 MARCH 1891, *Crawford vs Protestant Hospital for the Insane*. VII. Q. B., 57.

(Same authorities as above.)

5. In recovery of money not due.—That assessments voluntarily paid, in accordance with a duly homologated assessment roll, cannot be recovered from the corporation, without alleging specially that the payment was made through error of law or of fact.

The sending of a tax bill, accompanied by notice that if the same be not paid within fifteen days execution will issue, does not constitute compulsion.—*LORANGER J.*, 31 JANUARY 1887, *Haight vs City of Montreal*. III. S. C., 65.

CITATIONS.—C. C. 1047 et 1140.—C. N. 1235, 1376—4 *Aubry et Rhau*, 727.