

and notwithstanding there was evidence that the wall might have been repaired during the term by underpinning, it was held that the lessee could not be held liable for the cost of rebuilding.

None of the cases in the Probate Division call for any notice here.

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### Notes and Selections.

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REMEDY BY INJUNCTION.—There is a story told of a law student at his final examination being asked a question as to when a court of equity would interfere by injunction, and of his making answer, "Where the conduct of the defendant is such as to shock the conscience of the Lord Chancellor"—then Lord Westbury, about the sensitiveness of whose moral organ doubts had begun to be whispered. The naïve reply of the student may excite a smile; yet more is to be said in support of it than might at first appear. For the equity remedy by injunction is not one *ex debito justitiæ*, but one entirely in the discretion of the court; and when we once get into the region of discretion, the only guide we have is our knowledge of the mental and moral constitution—moral quite as much as mental—of the particular judge from whom an injunction is sought. The tender conscience of one might be roused by conduct on the part of a defendant which would not ruffle the equanimity of another.—*Ex.*

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LOCAL IMPROVEMENTS.—The recent case of *City of Norfolk v. Chamberlain*, decided in the State of Virginia, is commented upon, in a recent number of *The Central Law Journal*, "As to how far a municipality may go in making improvements, such as sidewalks and sewers, and compel the owners of property abutting on the improved streets to pay for them." In this case the city council of Norfolk took by condemnation proceedings almost half of a vacant corner lot in order to widen one of the streets. The remaining part was practically valueless, being a very narrow strip along the newly-widened street the entire depth of the original lot. The city council next voted to build a sewer through this street, and assessed the narrow strip for betterments con-