

VENDOR AND PURCHASER—DOUBTFUL TITLE—DIFFICULT QUESTION
OF CONSTRUCTION—VENDORS' AND PURCHASERS' ACT—ORIGIN-
ATING SUMMONS—COSTS.

In re Nichols & Von Joel (1910) 1 Ch. 43. In this case an application was made under the Vendors' and Purchasers' Act to determine a question of title, Neville, J., before whom the application was heard, finding that the question turned on the construction of a will, thought the title ought not to be forced on the purchaser, but offered before disposing of the matter to give the vendor an opportunity of applying on an originating summons for a construction of the will, which offer was declined and the application was accordingly dismissed. On appeal to the Court of Appeal (Cozens-Hardy, M.R., and Moulton and Farwell, L.JJ.) that court made the same offer which the vendor then accepted, and an application was then made on an originating summons to determine the question of construction which the court found in favour of the vendor. In these circumstances the Court of Appeal on the new evidence allowed the appeal and declared in favour of the title, but ordered the vendor to pay the costs of the appeal and of the motion before Neville, J.

INJUNCTION—NUISANCE—POLLUTION OF STREAM—SUBSEQUENT
REMEDY OF OBJECTION—REVOCATION OF INJUNCTION.

Attorney-General v. Birmingham (1910) 1 Ch. 48. In this case a perpetual injunction had been granted by Kekewich, J., restraining the defendants, a municipal corporation, from polluting a stream by discharging sewage into it. An appeal was taken from his judgment, and pending the appeal the defendants had, by the expenditure of £500,000, removed all ground of complaint, and it was now contended that although the injunction was rightly granted, yet in the altered state of circumstances it should now be discharged. The Court of Appeal (Cozens-Hardy, M.R., and Moulton and Farwell, L.JJ.) having directed an examination by an expert and being satisfied by his report that all ground of complaint had been removed, discharged the injunction.

WILL—LEGACY TO FOUND BED IN HOSPITAL.

Attorney-General v. Belgrave Hospital (1910) 1 Ch. 73. A testatrix by her will having given a legacy of £1,000 to found a bed in a hospital, Eady, J., was asked to decide in what manner