

houses, are now in legal nomenclature to be classed as buildings. The most recent case in England on the subject appears to be *Nussey v. Provincial Bill Posting Co.* (1909) 1 Chy. 734.

In that case it appears that in the conveyance of some land in the City of Leeds the purchaser had covenanted that no bricks should at any time be burnt upon the lots and no buildings erected thereon to be used for manufacturing purposes for the carrying on of any noisy, noisome, offensive or dangerous trade or calling. The lessee of one of the purchasers erected a permanent hoarding 156 feet long and 15 feet high for bill posting. It was claimed by the plaintiff that this was a breach of the covenant; and it was held by the majority of the court that this advertising erection was a "building." Fletcher Moulton, L.J., whilst agreeing in the result, held that a hoarding is not a "building," adding:—"I cannot help protesting against the process of arriving at the true meaning of words in common use by etymological reasoning based on their derivation." Whilst the court was probably correct in holding that this erection was in a sense a building, it can scarcely be imagined that the parties ever dreamt that such an extended meaning would be given to the word. They probably expected it to be used according to its ordinary use in the English language.

PROTECTION OF CHILDREN.

Mr. Thomas Beven's criticism of the decision of the House of Lords in *Cooke v. Midland Great Western Railway of Ireland* (1909) A.C. 229, is excellent reading both for the matter contained therein as well as being an example of the caustic and amusing style characteristic of this eminent author.

This case, it will be remembered, was a decision in reference to the duty imposed on a landowner, whose property, accessible from the highway, is infested with young children who play upon it, to take precaution that they are not exposed to any greater dangers than would befall them in a well arranged playground. His conclusion is well worth reproducing and is as follows:—