

evidence that the fence cut off the light and by excluding the air impaired the ventilation, and as the snow and ice collected in the narrow space between the fence and the house from which it could not be removed and when melting in the spring the water could not run away but soaked through the walls of the house, the plaintiff was deprived of the comfortable and reasonable enjoyment of the house, which he had a right to expect and an injunction was granted restraining the defendant from continuing the fence in such a way as to interfere with such enjoyment.

O'Connell and *Gordon*, for plaintiff. *Edminson*, K.C., for defendant.

Britton, J.]

EMBREE v. McCURDY.

[May 10.]

Action pending in Court of Appeal—Application in High Court—Further proceedings—Con. Rule 829.

In an action for a declaration that a partnership existed and for a dissolution and an account, in which judgment was obtained by the plaintiff but by leave an appeal to the Court of Appeal was pending, the security being given.

Held, that an application to a High Court judge for an injunction to restrain the defendant from dealing with partnership moneys was "a further proceeding...other than the issue of the judgment or order and the taxation of costs thereunder" under Con. Rule 829, and the High Court judge could not entertain it.

B. N. Davis, for the motion. *Middleton*, contra.

Correspondence.

THE BENCH AND THE PRESS.

To the Editor of THE CANADA LAW JOURNAL:

SIR.—I note your criticism of the Toronto press on its abuse of the Judicial Committee of the Privy Council. I agree with you, as I believe almost everyone outside Toronto does, and I trust a good many inside it. But I think you take the Toronto press altogether too seriously—you view it at close range and it looks larger than it really is.

There is something peculiar about the greater part of the