

bound by *Robertson v. Defoe*, 25 O.L.R. 286 to hold that the building in question in that case and which was used as an apartment house was a "detached dwelling house." The restriction in this case was as to a lot "to be used only as a site for a detached brick or stone dwelling house to cost at least \$2,000, to be of fair architectural appearance and to be built at the same distance from the street line as the houses on the adjoining lots."

Held, that the erection of a six suite apartment house would be a breach of the above restriction.

J. H. Cooke, for plaintiff. *J. M. Godfrey*, for defendant.

Province of Nova Scotia.

SUPREME COURT.

Full Court.] McCURDY v. NORRIE. [September 12.

Nuisance—Entry upon land of another to abate—Assault committed by owner of land—Liability for in damages.

Plaintiff entered upon defendant's land for the purpose of abating a nuisance and while lawfully so engaged was assaulted by defendant.

Held, affirming the judgment of the trial Judge and dismissing defendant's appeal with costs that plaintiff was entitled to recover damages for the assault so committed.

S. D. McLellan, K.C., for appellant. *J. P. Bill*, for respondent.

Province of Manitoba.

KING'S BENCH.

Mathers, U.J.K.B.] [June 4.

HAFNER v. GRUNDY.

Brokers—Real estate agent—Commission—Liability of owner of land—Proposed purchase on unauthorised terms.

This was an action by an agent against his principals for a commission for procuring a purchaser of real estate.

Held, that the defendant, the owner of property that he had