

age occasioned by expropriation of land for a railway, together with the costs of the arbitration, and the only point in question was whether the costs ought to have been awarded. The defendant company under statutory powers diverted a public foot-path. The plaintiff claimed compensation for injury to his land. Prior to arbitration, the defendants sent a letter to the plaintiff's solicitor to this effect: "The company have made arrangements for the construction of a forty-foot road, which will put your client's property in direct connection with the new bridge and will more than counterbalance any injurious affection of that property by reason of the closing of the old foot-path. The road will be made as soon as practicable, and on the understanding that it will be made, we will make your client the offer of £50 in settlement of his claim." This offer was refused and the parties proceeded to arbitration, in which £50 was awarded to the plaintiff as compensation. Sometime before the hearing of the arbitration the forty-foot road was constructed. Phillimore J., held that the offer was not a good offer under the Land Clauses Act, 1845, s. 34, and that the plaintiff was entitled to recover his costs of the arbitration and the Court of Appeal (Lord Alverstone, C.J., and Buckley, and Kennedy, L.JJ.) affirmed his decision, being of the opinion that the offer was embarrassing.

MANDAMUS—INTEREST OF PROSECUTOR—STATUTORY DUTY IMPOSED AT INSTANCE OF THIRD PARTIES—RIGHT OF THIRD PARTIES TO ENFORCE STATUTORY DUTY IMPOSED AT THEIR INSTANCE.

*The King v. Manchester Corporation* (1911) 1 K.B. 560. This was an application for a peremptory mandamus commending the defendant to make a by-law in accordance with the terms of a statute. In the year 1900, the defendants had applied to Parliament for power to construct additional tramways, and an insurance company opposed the bill and at its instance a clause was inserted providing for the making of by-laws by the corporation prescribing the distances at which carriages using the tramways shall be allowed to follow each other. The corporation purporting to act under this power, passed a by-law providing that, in the central area, "the distance at which a carriage shall follow a preceding carriage shall be such as may be directed by the police." The police gave no direction as to the distance at which carriages may follow one another, but the constables on duty regulated the traffic in the usual way. Owing to the lack of prescription of distance, the central area