

File No. 14984 Continued.

material question discussed before you at the trial of the cases above referred to - has frequently been before that Court, and it has been uniformly held that, where proper notice by publication has been given, all parties are bound by it whether they had actual knowledge of the proceedings or not. You will find, at the bottom of Section 179, a collection of cases bearing upon this question, but the doctrine is nowhere better stated than in one of the first cases which arose in connection with this subject, - the case of the Methodist Protestant Church vs. the Mayor and City Council, reported in 6th Gill, page 391.

In view of the fact that the city practically rests its entire case, in these proceedings, upon the sufficiency of notice, I have deemed the question of attornment an immaterial one, - or, at best, one of secondary importance - and have, therefore, not discussed it.

Thanking you for the painstaking care with which you have considered these two cases, and trusting that the authorities to which I have referred you will assist you in arriving at the proper conclusion in the premises, I beg to remain

Very truly yours,

(Signed) Edward J. Colgan, Jr.

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