

ment of India that the carrying out of the sentence should be postponed pending the hearing of the petition, but the Committee refused to make any recommendation or to express any opinion, holding that it was a matter for the Executive Government to deal with.

**NUISANCE—COLLIERY COMPANY—LESSEES FROM COMMON LESSOR
—PERMISSION TO CARRY ON TRADE OF MINER—IMPLIED RIGHT
TO COMMIT NUISANCE—DELEGATION FROM GRANT.**

Pullbach Colliery Co. v. Woodman (1915) A.C. 634. The plaintiffs and the defendants were lessees of adjacent properties from the same lessor. The defendants' property was a coal mine; the plaintiffs' property was used for carrying on the business of a butcher and slaughterhouse. Subsequently the defendants erected on the land demised to them screening apparatus near the plaintiffs' trade buildings, and, as a result of their screening operations, coal dust was deposited on these buildings. The action was to restrain this nuisance, and, at the trial, the jury found that a nuisance was caused by the defendants, but that their screening operations were carried on in a reasonable manner and in a way that was usual in the district and without negligence. The Court of Appeal, reversing the decision of Horridge, J., held that the grant of the right to carry on the business of miners did not authorize the committal of a nuisance, and, in the absence of proof that the trade could not be carried on without creating a nuisance, the plaintiff was not precluded by the terms or circumstances of the grant from obtaining relief, and the House of Lords (Lords Loreburn, Atkinson, Parker, Sumner and Parmoor) affirmed the decision.