

prove for the costs of this protest and commission as part of their claim against the company; but Chitty, J., held that they were not entitled under the Bills of Exchange Act to recover those sums from the acceptors.

NUISANCE—OBSTRUCTION TO HIGHWAY.

In *Barber v. Penley*, (1893) 2 Ch. 447, the plaintiff was a lodging-house keeper, whose house adjoined a theatre kept by the defendant. At this theatre a popular play was being acted which caused great crowds of playgoers to assemble in the street for a couple of hours before the theatre opened, waiting for admission, and thereby obstructing the highway. The action was brought to restrain the nuisance, but pending the action the nuisance was abated through the intervention of the police. North, J., held that the plaintiff was justified in bringing the action, but as the nuisance had been abated he made no order except that the defendant should pay the costs. In his judgment will be found an elaborate review of the authorities bearing on the point in issue. His conclusions, we observe, do not meet with the approval of our contemporaries, *The Law Journal* and *The Law Times*. They take the view that such obstructions to thoroughfares are simply matters for the police to deal with, and they deride the notion that they come within the province of a Court of Equity.

Notes and Selections.

DRUNKENNESS AND CRIME.—Drunkenness, as we know, is no excuse for crime. If it were so, you might as well, as a learned judge once observed, shut up the criminal courts, because drink is the occasion of most of the crime committed; but on the question of intention, of the *mens rea*, drunkenness must now be deemed a material consideration, notwithstanding the strong remarks of Park and Littledale, JJ., on Holroyd's, J., ruling in *Reg. v. Grindley* (1 Russ. Cr., 5th ed., 115). "If the prisoner was so drunk as not to know what she was about," said Jervis, C.J., on a charge of suicide, "how can you say she intended to destroy herself?" This was the case in *H.M. Advocate v. Kane* (3 White's