NUISANCE—BY-LAW—MAKING NOISE IN THE STREETS TO THE ANNOYANCE OF INHABITANTS—EVIDENCE.

Innes v. *Newman*, (1894) 2 Q.B. 292; 10 R. Sept., 269, was a case stated by justices. By a by-law of a town it was provided that if any person should make any violent outcry, noise, or disturbance in the market, or any of the streets or public places of the town, to the annoyance of the inhabitants, he should be liable to a penalty. The defendant, a newsboy, was brought up for contravention of the by-law. It was found that he had shouted the name of a newspaper incessantly for about six minutes. No evidence was given that any of the inhabitants had been disturbed thereby except one Matthews. The justices were of opinion that to justify a conviction it was necessary to prove that more than one inhabitant had been annoyed, but Wright and Collins, JJ., were of opinion that if the evidence showed that the act complained of was of such a character as to be likely to annoy the inhabitants generally it was not the less an offence under the by-law because only one inhabitant was, in fact, annoyed.

SOLICITOR AND CLIENT—RETAINER IN COMMON LAW ACTION—RIGHT OF SOLICITOR TO DETERMINE RETAINER—ACTION FOR COSTS.

Underwood v. *Lewis*, (1894) 2 Q.B. 306; 9 R. June, 222, is a decision which has excited some comment and discussion in the profession. The plaintiffs had been retained by the defendant to conduct his defence in three actions of a common law nature. Before the actions were concluded the plaintiffs gave the defendant reasonable notice that they would no longer act as his solicitor, and brought the present action to recover the costs incurred by them in the three actions up to the time of their ceasing to act. At the trial Grantham, J., gave judgment for the plaintiffs subject to a taxation of their bill; but, on appeal, the court (Lord Esher, M.R., and Smith and Davey, L.JJ.) were unanimous that the action would not lie unless some reasonable ground for the plaintiffs' determination of the retainer were shown; that the contract to defend the defendant in the three actions was one which required the plaintiffs to carry on the defence to the termination of the actions; and that, consequently, the plaintiffs could not retire from the defence except for good cause. A new trial was therefore directed. It may be observed that the Court of Appeal does not dissent from the decision of