

in the following circumstances. The plaintiff was travelling along a highway on a bicycle, the defendant's chickens had, as the custom of chickens is in rural parts, escaped from his premises and were quietly pursuing their way along the road, when as the plaintiff approached a dog owned by some other person suddenly darted out and frightened the chickens, and in the confusion one of the chickens flew into the wheel of the plaintiff's bicycle, and upset the plaintiff and damaged his wheel for which he claimed to recover compensation from the defendant; but the Divisional Court (Phillimore and Bray, JJ.) agreed with the judge of the County Court that the damages were too remote, following *Cox v. Burbidge*, 13 C.B. (N.S.) 430, and they held that the damage occasioned was not what could be reasonably apprehended from suffering chickens to go upon the highway—as the chickens would have done no harm but for the wrongful act of the dog.

NUISANCE—TRADE DISTRICT—NOISY NEIGHBOURHOOD—PRINTING
MACHINERY—INCREASE OF NOISE—RESIDENCE—INJUNCTION.

In *Polsue v. Rushmer* (1907) A.C. 121 the House of Lords (Lord Loreburn, L.C., and Lords Macnaghten, James, Robertson, and Atkinson) have affirmed the judgment of the Court of Appeal (1906) 1 Ch. 234 (noted ante, vol. 42, p. 335). The appeal was brought on the ground, as the appellants contended, that the Court below had failed to take into account the fact that the neighbourhood was a noisy one due to the presence of other manufacturing establishments besides the defendants, and that the plaintiff was not entitled to insist on the same amount of comfort and freedom from noise as in a quiet neighbourhood. Their Lordships, however, thought that on the facts the injunction was rightly granted and dismissed the appeal.