

the plaintiffs that the business was being carried on did not in any way render them assenting parties. The decisions of Kekewich, J., *In re Brooks* (1894) 2 Ch. 600, and of the Irish Master of the Rolls *In re Hodges* (1899) 1 I.R. 480, were held to be bad law. If the plaintiffs had made any claim to the assets which had accrued from the subsequent carrying on of the business, that might have amounted to concurrence in the carrying on of the business, but there was no evidence that they had done so.

LUNATIC—REAL ESTATE—ESTATE TAIL—POWER TO BAR ENTAIL  
—LUNACY ACT, 1891 (54-55 VICT., c. 65) s. 27—RE SETTLEMENT OF PROCEEDS.

*In re E. D. S.* (1914) 1 Ch. 618. In this case the Court of Appeal (Cozens-Hardy, M.R., and Buckley and Phillimore, L.J.J.) held that there is jurisdiction under the Lunacy Act, 1891 (54-55 Vict., c. 65) s. 27, to authorize the committee of a lunatic to sell the lunatic's estate tail, and for that purpose to bar the entail, and that, under ordinary circumstances, the proceeds of the sale should be resettled by the Judge under his general jurisdiction, so that the remainderman may not be prejudiced.

NUISANCE—OBSTRUCTION OF HIGHWAY—THEATRE—COLLECTION OF CROWD BEFORE OPENING OF DOORS—INTERFERENCE WITH ACCESS TO ADJACENT PREMISES—INJUNCTION—POLICE REGULATION.

*Lyons v. Gulliver* (1914) 1 Ch. 631. The defendants in this case carried on a theatre on premises near those of the plaintiffs. In order to attend the theatre crowds assembled morning and afternoon in the street during important periods of the day in such large numbers that access to and egress from the plaintiffs' premises were seriously interfered with. The plaintiffs claimed that the defendants were guilty of causing an actionable nuisance and they claimed an injunction. Joyce, J., tried the action and at his suggestion the defendants undertook to open their doors an hour before the commencement of the performance. He therefore refused an injunction and awarded nominal damages. From this decision the defendants appealed, contending that they were lawfully carrying on their business in the ordinary way, and that as the police had undertaken to regulate the crowd the defendants were not responsible. The Court of Appeal (Cozens-Hardy, M.R., and Eady and Phillimore, L.J.J.) held, (Phillimore, L.J., dissenting), that the defendants had committed an action-