pied by the defendants, yet no noisy machinery had been worked at night in that house; but near the plaintiff's house were other printing establishments in which the work had proceeded at night, but no disturbance was caused thereby to the plaintiff. Since the establishment of the defendant's business the noise therefrom at night had created annoyance to the plaintiff, and a serious disturbance to himself and family. Warrington, J., in these circumstances granted a perpetual injunction restraining the defendants from so carrying on their printing works as by reason of noise to cause a nuisance to the plaintiff or to his family or to persons resorting to his house. The defendants appealed, contending that the neighbourhood being one devoted to the printing trade, and the plaintiff's being the only residence there he could not insist on its being kept free from noise incidental to that trade, and that he had come to the nuisance and could not complain. The Court of Appeal (Williams, Stirling and Cozens-Hardy, L.JJ.,) although assenting to the proposition that a party residing in a district devoted to trade is not entitled to the same standard of comfort as persons residing elsewhere, held that, in the present case, the noise and discomfort created by the defendants' operations were in excess of what an ordinary person could reasonably be expected to put up with in the neighbourhood in question, and, therefore, that the injunction was rightly granted.

PATENT—COMBINATION—INFRINGEMENT—REPAIR OF PATENTED ARTICLE.

Sirdar Rubber Co. v. *Wallington* (1906) 1 Ch. 252. This was an action to restrain the infringement of plaintiffs' patent for a rim for holding a solid rubber tyre without pinching, and without wire or bands for securing it. The defendant had made and fitted a new tyre on one of the plaintiffs' rims to replace a worn out one. Eady, J., dismissed the action on two grounds, (1) that the act complained of was not an infringement and was nothing more than a repair; and, (2), because there was no patent for the tyre, and the combination of rim and tyre, was not a patentable combination (1905) 1 Ch. 451 (noted ante, vol. 41, p. 483). The Court of Appeal (Collins, M.R., Romer and Cozens-Hardy, L.JJ.,) affirmed the judgment solely on the latter ground, viz., that the patent was bad for insufficient specification, but on the point, whether the act complained of would be an infringement if the patent had been good, Cozens-Hardy, L.JJ., expressly disclaims concurrence with the view of Eady, J.