

URBAN AUTHORITIES—TREES PLANTED IN HIGHWAY AND PROTECTED BY SPIKED GUARDS—NEGLIGENCE—STREET LIGHTING PROHIBITED UNDER DEFENCE OF REALM REGULATIONS.

*Morrison v. Lord Mayor &c. of Sheffield* (1917) 2 K.B. 866. This was an action against an urban authority to recover damages sustained by the plaintiff in the following circumstances: The defendants planted trees in a public highway under their control, and surrounded such trees with spiked guards. The defendants were prohibited from lighting such highways after dark by the Defence of the Realm Regulations. The plaintiff, after dark, came into contact with the spiked guards around one of the trees, and suffered a severe injury. Rowlatt, J., who tried the action with a special jury, gave judgment in favour of the plaintiff for £660 16s. The defendant appealed but the Court of Appeal (Lord Reading, C.J., Pickford and Scrutton, L.JJ.), held that after the promulgation of the lighting regulations there was a continuing duty on the part of the defendants to take such measures as might be necessary to prevent the guards round the trees from being a source of danger to persons using the highway.

MASTER AND SERVANT—COMMON EMPLOYMENT—LICENSEE WITH INTEREST—LIABILITY OF MASTER FOR NEGLIGENCE OF SERVANT—NEGLIGENCE.

*Hayward v. Drury Lane Theatre* (1917) 2 K.B. 899. This was an action to recover damages for injury to the person of the plaintiff, sustained in the following circumstances: The defendants, "Moss Empires," had hired Drury Lane Theatre for a performance to be given by Moss Empires thereat. The plaintiff was a professional dancer, who was desirous of obtaining employment with Moss Empires as one of the performers. She accordingly at that company's request attended rehearsals, and took part therein in order to test her capacity and fitness for engagement. While thus attending a rehearsal, she was ordered by one Wilson, the producer of the performance, to stand on a staircase which was part of the scenery. Owing to negligent construction the staircase collapsed, and the plaintiff's ankle was crushed. She sued both the Drury Lane Theatre and Moss Empires. The action was dismissed at the trial as against the theatre, and the plaintiff did not appeal, but judgment was given against the Moss Empires in her favour. These defendants appealed contending that the plaintiff was a fellow servant with the defendants' servant who had caused the injury, and that it