

## CHANCERY DIVISION.

LONDON, Dec. 6, 1890.

*Coram* ROMER, J.

BELLAMY v. WELLS, (25 L. J. N. C.)

*Nuisance—Injunction—Club premises—Noises at night—Crowds occasioned by boxing contests—Whistling for cabs—Noise of cabs, concerts, music and applause.*

At a proprietary club in London, the business of which was carried on by the defendant for his own benefit, the plaintiffs (the freeholders, lessee and tenants of an adjoining house) complained that nuisances were caused (1) by boxing contests held inside the club; (2) by whistling for cabs and carriages for members leaving the club, and the noise of the cabs and carriages themselves; (3) by music and singing in the club and the applause consequent thereon.

The club contained about 1,200 members, and was formed for the purpose (*inter alia*) of affording entertainment to its members by boxing contests for large money prizes between celebrated professional pugilists, which were held from time to time, between October and the following August, in the basement of the club, about midnight or later. There was no complaint of noise arising directly from the contests, and the contests were not publicly advertised beforehand, but notice was previously given to the members and to the police, who made special arrangement for the expected crowd.

The contests caused large and rough crowds to assemble in the street in which the club and the plaintiffs' premises were situate, and these crowds remained for hours until the early morning, after the contests were decided, blocked up the street, and cheered, booed and whistled, and prevented the residents in the street from sleeping.

The club was on even ordinary nights largely frequented after midnight, members leaving at all times between midnight and 6 a.m., and during these hours from time to time cabs were whistled for with the usual loud street whistle, and cabs, answering to the whistle, sometimes two or more racing

for the fare, passed rapidly to the club, up the street, which was here paved with cobblestones, the effect being to keep the plaintiffs, who were residents, awake, and to diminish the letting value of their residence.

There had also been concerts inside the club within the above period, and about two dozen times within the same period there had been playing on a piano and singing, with occasional choruses, by some members, at late hours; but these noises, though heard by other residents in the street, had not materially disturbed the residents in the house owned and occupied by the plaintiffs.

The plaintiffs claimed a perpetual injunction against the alleged nuisances.

ROMER, J., held that the collection of the crowds was the probable consequence of the defendant's acts, and that the plaintiffs were entitled to an injunction to restrain the defendant from carrying on the club so as to cause a nuisance to the plaintiffs (1) by cabs or carriages driving to or leaving the club premises, and the whistling for carriages or cabs to the club between midnight and 7 a.m.; and (2) by any crowd caused to be assembled by the boxing contests or entertainments held at the club premises. The claim for an injunction to restrain the concerts, piano-playing, singing, choruses, and applause was dismissed.

## COUR DE MAGISTRAT.

MONTREAL, 24 sept. 1890.

*Coram* CHAMPAGNE, J.C.M.

D'ELLE SIGOUIN v. MONTREAL WOOLLEN MILLS Co.

*Patrons et employés—Règlements.*

JUGÉ:—*Que les patrons ont le droit de faire des règlements pour la régie de leurs employés et que ceux-ci doivent s'y soumettre; néanmoins ces règlements ne lient les employés que lorsqu'il est prouvé qu'ils en ont eu connaissance et s'y sont soumis. Cette preuve incombe aux patrons.*

L'action était en recouvrement d'une semaine de salaire.

La défenderesse rencontra la demande par