

every case of a private nuisance, although the dictum of Mr. Justice Vaughan Williams quoted above, and, indeed, many other dicta on the subject, would lead to that conclusion. No; a private nuisance may be caused where there is only one tenement concerned, viz., the tenement belonging to the aggrieved party.

This proposition, that there may be an actionable private nuisance where there is only one tenement, is established beyond doubt by the case of *Lyons and Sons v. Wilkins*, 79 L.T. Rep. 709, (1899), 1 Ch. 255. That was a case where persons watched and beset the premises of the plaintiff company. The Court of Appeal (Lord Lindley then Sir Nathaniel Lindley and Master of the Rolls and Lords Justices Chitty and Vaughan Williams) held that this besetting and watching constituted an actionable nuisance at common law, for which an action on the case would have lain. "The truth is," said Lord Lindley, "that to watch or beset a man's house with a view to compel him to do, or not to do, what is lawful for him not to do, or to do, is wrongful and without lawful authority unless some reasonable justification for it is consistent with the evidence. Such conduct seriously interferes with the ordinary comfort of human existence and ordinary enjoyment of the house beset, and such conduct would support an action on the case for a nuisance at common law." Lord Justice Chitty also gave it as his opinion that the acts of watching and besetting the premises with a view of persuading employees constituted a nuisance at common law. "True it is," said his Lordship, "that every annoyance is not a nuisance; the annoyance must be of a serious character, and of such a degree as to interfere with the ordinary comforts of life." Lord Justice Vaughan Williams said that at common law watching and besetting, apart from the law of conspiracy, might or might not be so conducted as to amount to a nuisance.

The form of property most susceptible to a nuisance is a dwelling-house. Hence the great majority of cases wherein the court has laid down definitions of nuisance are cases where discomfort has been caused in the use and enjoyment of buildings, and these definitions reflect this fact by comprising references to