borough's doubts as to whether trespass would lie for it. "I understand," said Lord Blackburn, "the good sense of that doubt, though not the legal reason for it."

It is not proposed to enter into an elaborate discussion of the distinction between trespass, trespass on the case, and nuisance. Such a discussion would involve a discursion into remote antiquity. It may, however, be stated that trespass *quare clausum fregit*, the material form of trespass as regards the infringement of the rights of a landowner, was a wrong committed by interference with the physical possession of land. As was pointed out by Mr. Justice Littledale in the case of *Cubitt* v. *Porter* (1828), 8 B. & C. 257, in trespass the breaking and entering into or upon the land is the whole gist of the action. Actual damage or loss to the owner had nothing to do with the giving of the right of action. It is otherwise in the case of the wrong of private nuisance. In the latter case detriment is of the essence of the action. "An action of nuisance," said Lord Justice Vaughan Williams in the comparatively recent case of *Kine* v. *Jolly*, 92 L.T. Rep. 209, (1905), 1 Ch. 480, at p. 487, "is different from an action of trespass. An action of trespass is the action which was brought where the body or the land of a person had been invaded. An action of nuisance is the action which was brought where there was no invasion of the property of somebody else, but where the wrong of the defendant consisted in using his own land so as to injure his neighbour's."

The reader is, no doubt, familiar with some of the most common forms of private nuisances. The case of the infringement of privileged lights is one. So also is the creation of noxious fumes and gases. Brick-burning on neighbouring land, noises from an adjoining factory, and vibration caused by machinery are all familiar cases of actionable wrongs on the ground of nuisance. In such cases, and, indeed, in ninety-nine out of every hundred cases, the cause of trouble emanates from one property to the detriment of the owner or occupier of an adjoining property. But it by no means follows that two tenements are necessary for