

dwelling-house, so as to cause serious annoyance and disturbance, the occupier of the dwelling-house is entitled to be protected from it. It is no answer to say that the defendant is only making a reasonable use of his own property, because there are many trades and many occupations which are not only reasonable, but necessary to be followed, and which still cannot be allowed to be followed in the proximity of dwelling-houses, so as to interfere with the comfort of their inhabitants. *Per Jessel, M. R. in Broder v. Saillard*, 2 Ch. Div. p. 701; and see *Ball v. Ray*, L. R. 8 Ch. Ap. 467.

"The sounds from a piano," (no distinction as to quality of instrument or performer) and a nursery "are noises we must reasonably expect, and must to a considerable extent put up with." *Per Mellish, L. J. in Ball v. Ray*, L. R. 8 Ch. Ap. 471. As to the amount of annoyance which will induce the Court to interfere, see *Grant v. Fynney*, L. R. 8 Ch. Ap. 8.

NOXIOUS FUMES.—There is a distinction between an action for a nuisance in respect of an act producing a material injury to property, and one brought in respect of an act producing personal discomfort. As to the latter, a person must, in the interest of the public generally, submit to the discomfort of the circumstances of the place, and the trades carried on around him. The fact, however, that the locality where a trade is carried on, is one generally employed for the purpose of that and similar trades, will not exempt the person carrying it on from liability to an action for damages, in respect of injury created by it to property in the neighborhood. The law does not regard trifling inconveniences. Everything must be looked at from a reasonable point of view, and therefore in an alleged injury to property, as from noxious vapors from a manufactory, the injury to be actionable must be such as visibly to diminish the value of the property. Locality and all other circumstances must be taken into consideration, and in places where great works have been and are carried on, parties must not stand on extreme rights. *St. Helen's Smelting Co., v. Tipping*, 11 H. L. C. 641.

(To be continued.)