ing an inquiry as to damages, from which decree both parties appeal. Leek is a town in which the silk manufacture is carried on. The plaintiffs' house faces a street, called Derby Street, to the south, and has a garden of some size to the north; with two stables to the east, separate from the house and from each other. Eastward and southward of the nearer of these stables (called the old stable) which is about nineteen yards from the house and garden, is a silk mill belonging to, and worked by, the defendant. The plaintiffs state that the defendant was formerly in the employment of the plaintiffs' father, who was a mill-owner carrying on the silk manufacture in part of the buildings now occupied by the defendant. The defendant states that the plaintiffs' father (from whom they derive their title) deliberately placed his house (the same house in which the plaintiffs now live) close to the mill. The mill has, however, been much enlarged, by the addition of new buildings, since that time. Down to the winter of 1864-5, it was worked by hand-power; and a narrow strip of land between the northern part of it and the eastern wall of the plaintiff's old stable remained unbuilt upon. In that winter the defendant caused this intervening space to be covered over, and erected a small steam-engine of about 4-horse power in the chamber so formed, connecting this engine by proper gearing with the machinery in the mill, which from that time forward was worked by steam. The plaintiffs made no complaint of any annoyance till the summer of 1870; and they were in the habit of keeping three or more horses or ponies in the old stable, till the end of Oct. in that year. I consider it to be admitted upon the plaintiffs' pleadings, and established by their evidence, that there was no nuisance from noise or vibration, either to the house, or to the garden, or to the stables, prior to the end of May, or the beginning of June, 1870. But the plaintiffs allege that the defendant's mill then began to be worked with such a degree of noise as to become after that time a serious nuisance; that they remonstrated, and received promises of redress; but that nothing was effectually done to remedy the evil; and that in and after Oct., 1870 the noise and vibration increased daily, destroying, or materially diminishing, the comfort, salubrity, and value of their house and garden, and rendering the old stable unsafe and unfit for horses; in consequence of which their horses were removed from it at the end of Oct., or the beginning of Nov., 1870. The bill was filed on the 28th Nov., 1870. The question of trespass has emerged during the progress of the controversy, but this rests on distinct grounds, and must be separately considered. The case, thus made, is met by the defendant with a general denial of the material facts alleged. He says that no changes have been made in his engine or machinery since Jan., 1865, except some which were made in 1870 to meet (as far as possible) the plaintiffs' objections; that the manner of working them has been throughout, both in kind and in degree, the same; that there has been no increase, either of noise or vibration; that the state of things of which the plaintiffs now complain is a mere continuation of that which existed without complaint during the five preceding years, and which is admitted not to have then constituted a nuisance. In these statements he is supported by the evidence of every witness in the cause who has any knowledge of the interior working of the mill. [His Lordship then referred to the evidence.] If the defendant's evidence is believed, the plaintiffs' case fails. The burden of proof as to this part of the case rests wholly on the plaintiffs. The Scotch law has a phrase which in cases of this nature may well admit of a negative, as well as of a positive, application. It forbids a man to use his own rights "*in emulationem vicini*." Neighbours everywhere (and certainly in a manufacturing town) ought not to be extreme or unreasonable, either in the exercise of their own rights or in the restriction of the rights of each other. The ruling approved by the House of Lords in the *St. Helen's Smelting Company's* case that "the law does not regard trifling inconveniences," and that "everything is to be looked at from a reasonable point of view," and the observations of Lord Cranworth seem to be particularly applicable to such a case as the present. [His Lordship then read passages from the report, 11 H. L. Cas. 650.] There may, of course, be such a thing as a legal nuisance from noise in a manufacturing or other populous town, of which the case of *Soltau* v. *De Held* (2 Sim. N. S. 133) is an example. But a nuisance of this kind is much more difficult to prove than when the injury complained of is the demonstrable effect of a visible or tangible cause; as when waters are fouled by sewage, or when the fumes of mineral acids pass from the chimneys of factories or other works over land or houses, producing deleterious physical changes which science can trace and explain. A nuisance by noise (supposing malice to be out of the question) is emphatically a question of degree. If my neighbour builds a house against a party wall next to my own, and