

Blyth v Birmingham Waterworks Company (1856) 11 Ex Ch 781

<https://lawcasesummaries.com/knowledge-base/blyth-v-birmingham-waterworks-company-1856-11-ex-ch-781/>

Facts

- Birmingham Waterworks Co were responsible for laying water pipes and other infrastructure around the Birmingham area
- They installed a water main on the street where Blyth lived.
- 25 years after it was installed, the water main sprung a leak due to extreme frost.
- There was no evidence that Birmingham Waterworks Co had been negligent in installing or maintaining the water main.
- Blyth, whose home was damaged by the leak, sued in negligence.

Issue

- Was Birmingham Waterworks Company liable in negligence?

Held

- No. The Court held that Birmingham Waterworks Co had done everything a reasonable person would have in the situation.
- There was no negligence as there had been no breach of duty; it was simply an accident.

Significance

- This case is famous for laying down the key principle of negligence, as evidenced by the below quote.

Quote

- "Negligence is the omission to do something which a reasonable man, guided upon those considerations which ordinarily regulate the conduct of human affairs, would do, or doing something which a prudent and reasonable man would not do." (Alderson)

Full text

- Full text is available
here: <https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/Exch/1856/J65.html>

Law case summary from www.lawcasesummaries.com