

St Helen's Smelting Co v Tipping [1865] UKHL J81

<http://lawcasesummaries.com/knowledge-base/st-helens-smelting-co-v-tipping-1865-ukhl-j81/>

Facts

- A man bought a property near a copper smelter
- The vapours caused damage to trees & livestock
- He brought an action against them
- The judge directed the jury that a man cannot use his property to cause injury but everything must be looked at with a reasonable view. The law does not regard trifling inconvenience as actionable.

Issue

- Whether the direction was correct, in relation to nuisance

Held

- The directions were correct
- The copper smelter did create a nuisance
- There is a distinction between a nuisance that creates injury, versus discomfort. In the latter, it would depend on where it exists (e.g. a town is noisy).
- It is a question of compound facts
- Copper smelter was in a manufacturing area but the business was not carried on properly due to proximity to the town
- Material injury to property and value of property; this was achieved.

Law case summary from www.lawcasesummaries.com