

1802. *March 2.*ROBERTSON and Others, *against* CAMPBELL and PILLANS.

## No. 3.

A printing-house occupying one of the floors of a tenement in Edinburgh, is a nuisance.

JAMES CAMPBELL, writer to the Signet, purchased a floor of a tenement in the Old Assembly Close, in the High Street of Edinburgh. This house was let to James Pillans, printer, who used it as a printing-house, and erected several printing presses for the purposes of his trade. The proprietors of the other floors of the tenement, conceived that their property was injured, and that they had a right to have the printing-house removed as a nuisance. For this purpose, they applied in the usual form of suspension and interdict; and the Lord Ordinary ordered the case to be stated to the Court in memorials.

Their Lordships (24th January 1801) found the letters orderly proceeded, and removed the interdict. But upon advising a reclaiming petition, with answers, they (2d December) by a narrow majority, altered their interlocutor, suspended the letters *simpliciter*, and ordained the interdict to be perpetual.

A petition against this interlocutor, upon being advised with answers, was refused, and the printing-house ordered to be removed as a nuisance.

But it appeared from the observations of the Bench, that some of the Judges were moved by certain specialties in the case, upon which the argument for the pursuer was partly founded.

Lord Ordinary, *Cullen.* Act. *Turnbull.* Agent, *Geo. Andrew.* Alt. *Erskine.*  
Agent, *Ja. Campbell, W. S.* Clerk, *Menzies.*

J.

*Fac. Coll. No. 30. p. 61.*

## No. 4.

A Smith's shop in a thatched house, and in the neighbourhood of thatched houses in Lanark, found to be a nuisance.

1805. *July 2.* VARY *against* THOMSON and Another.

THIS was an action brought by Richard Vary, provost of Lanark, and Sheriff-clerk of the county, against Chancellor Thomson, the proprietor, and Mungo Aitken, the occupier, of a tenement in Lanark, which it was proposed to convert into a smithy, and which Vary contended he was entitled to prevent, as being dangerous in the situation in which it was placed, and a nuisance to his house and garden, in the immediate vicinity, besides being attended with