

6 Johns.Ch. 439
Chancery Court of New York.

CORNING and others

v.

LOWERRE.

1822.


***439** An injunction granted to restrain a defendant from obstructing a street in the city of *New-York*, by building a house thereon; it being not only a public nuisance, but producing a special injury to the plaintiffs, by affecting the enjoyment of their property in the vicinity, and the value of it.

BILL for an injunction to restrain the defendant from obstructing *Vestry* street, in the city of *New-York*, and averring that he was building a house upon that street, to

***440** the great injury of the plaintiffs, as owners of lots on and adjoining that street, and that *Vestry* street has been laid out, regulated, and paved, for about twenty years.

West Headnotes (1)

[1] [Nuisance](#)

 [Special annoyance, injury, or danger to individuals](#)

One suing for the prevention of a public nuisance must show that he has suffered some special injury other than that shared alike by the public.

[30 Cases that cite this headnote](#)

Attorneys and Law Firms

C. Graham, for the motion.

Opinion

THE CHANCELLOR distinguished this case from that of *The Attorney-General v. The Utica Insurance Company*, (2 *Johns. Ch. Rep.* 371.) inasmuch as here was a special grievance to the plaintiffs, affecting the enjoyment of their property, and the value of it. The obstruction was not only a common or public nuisance, but worked a *special* injury to the plaintiffs.

Injunction granted.

All Citations

6 Johns.Ch. 439, 2 N.Y. Ch. Ann. 178