

of Blackburn, J., in *Baird v. Williamson*, 13 C. B. (n. s.) 317, that "the true rule of law is, that the person who, for his own purposes, brings on his land and collects and keeps there anything likely to do mischief, if it escapes, must keep it in at his peril; if he does not do so is *prima facie* answerable for all the damage which is the natural consequence of its escape. He can excuse himself by shewing that the escape was owing to the plaintiff's default; or, perhaps, that the escape was the consequence of *vis major*, or the act of God; but as nothing of this sort exists here, it is unnecessary to enquire what excuse would be sufficient. The general rule, as above stated, seems on principle just." And "it seems but reasonable and just that the neighbour who has brought something on his own property (which was not naturally there), harmless to others so long as it is confined to his own property, but which he knows will be mischievous if it gets on his neighbour's, should be obliged to make good the damage which ensues if he does not succeed in confining it to his own property. But for his act in bringing it there no mischief could have accrued, and it seems but just that he should at his peril keep it there, so that no mischief may accrue, or answer for the natural and anticipated consequence. And upon authority, this, we think, is established to be the law, whether the thing so brought be beasts, or water, or filth, or stench."

Lord Cranworth, in *Rylands v. Fletcher*, *supra*, says: "The defendants, in order to effect an object of their own, brought on to their lands . . . a large accumulated mass of water, and stored it up in a reservoir. The consequence of this was damage to the plaintiff, and for that damage, however skilfully and carefully the accumulation was made, the defendants, according to the principles and authorities to which I have adverted, were certainly responsible."

The same conclusion was reached in *Whalley v. Lancashire & Yorkshire Rv. Co.*, 13 Q. B. D. 131; where the defendants, to protect their embankment from damage from an accumulation of water, owing to an unprecedented rainfall, cut trenches in it through which the water flowed and reached and injured the lands of the plaintiff.

The circumstances of the present case are much the same as those in *Rylands v. Fletcher*, with the added fact that defendants not only brought upon their premises this large quantity of water and discharged it therefrom, to the