The owners of the buildings bring this action to recover damages against the railroad corporation; and upon the foregoing facts the court hold: (1) that the violation of the statute did not affect the defendants' liability; (2) that the firemen had a right at common law to lay the hose across the railroad; (3) that it was immaterial that they were volunteers from another town; (4) that it was immaterial that the plaintiff did not own the hose; (5) that the severing of the hose was the proximate cause of the destruction of the building; and (6) that the defendants were liable for the negligence of their servants in severing the hose.

Upon the question that the injury was too remote to entitle the plaintiff to recover Mr. Chief Justice Chapman, in pronouncing the judgment of the court, said: "The question of proximate cause is often involved in difficulty, by reason of the endless variety of circumstances in which injuries may occur; and the cases on the subject are very numerous. A case which much resembles the present is *Atkinson* v. *Newcastle & Gateshead Waterworks Co.*, Law Reports, 6. Exch. 404. The plaintiff's saw-mill and lumber-yard took fire; and in consequence of the defendants' neglect in respect to the head of water, the plaintiff could not obtain a supply, and their property was burned. It was held, that the defendants were liable on the common-law principle stated in Comyn's Digest, Action on the Case, A: 'wherever a man has a temporal loss or damage by the wrong of another, he may have an action on the case to be repaired in damages.' The defendants contended that the damages were too remote, but the court held otherwise. Kelly, Ch. B., significantly asked, 'what kind of damage can be more a proximate consequence of the want of water than the destruction by fire of a house which a proper supply of water would have saved?' Baron Bramwell remarked that it was the immediate consequence of the proximate cause. *Couch* v. *Steel*, 3 El. & Bl. 402, was cited as decisive of this principle. Among other cases illustrating the subject of direct consequence are *Scott* v. *Shepherd*, 2 W. Bl. 892; *Gilbertson* v. *Richardson*, 5 C. B. 502; *Lee* v. *Riley*, 18 C. B. (N. S.) 722; *Dickinson* v. *Boyle*, 17 Pick. 78; *Wellington* v. *Downer Kerosene Oil Co.*, 104 Mass., 64. Other cases are cited where the damages are held to be too remote, but they are unlike the present case. The law regards practical distinctions rather than those which are merely theoretical; and practically, when a man cuts off the hose through which the firemen are throwing a stream upon a burning building, and thereupon the building is consumed for want of water to extinguish it, his act is to be regarded as the direct and efficient cause of the injury."—*Central Law Journal.*

DESTRUCTION OF PRIVATE PROPERTY TO PREVENT SPREAD OF FIRES.

It is difficult to conceive how an advocate could face a court of justice—especially such a court as the Supreme Judicial Court of Massachusetts—and assert that, because a railroad company had obtained a legal title to the land occupied by its track, a fire company could not lawfully lay a hose across it for the purpose of extinguishing a fire. Yet this proposition was asserted in *The Metallic Compression Casting Company* v. *Fitchburg Railroad Company*, 1 Am. Law Times' Reports (N. S.) 135; and the court was obliged to reiterate a principle which has been familiar to lawyers, at least, since the time of Lord Coke. In 12 Coke 13, it was said, in illustrating a principle which was resolved by all the judges, that "for the commonwealth a man shall suffer damage; as, for saving of a city or a town, a house shall be plucked down if the next be on fire; and the suburbs of a city, in time of war, for the common safety, shall be plucked down; and a thing for the commonwealth every man may do without being liable to an action." In *British Cast Plate Manufacturers* v. *Meredith*, 4 Term R. 796, it is said, by Butler, J., "there are many cases in which individuals sustain injury for which the law gives no action; for instance, pulling down houses or raising bulwarks for the preservation and defence of the kingdom against the king's enemies. The civil-law writers indeed say that the individuals who suffer have a right to resort to the public for satisfaction; but no one ever thought that the common law gave an action against the individual who pulled down the house, etc. This is one