Two questions of law arise upon the Code—(1) whether the plaintiffs can succeed without proving negligence or *faute* against the company; (2) whether even so the defendant would succeed, if they proved that they could not have prevented the fire. In the Courts below it was argued for the defendants that they could not have forseen the combination of bad weather overloading the branches with *verglas* and of wind breaking off the branch and driving it laterally on the cables, and that they were accordingly the victims of *force majeure*. As to this the findings of fact are against them. It was also argued for the plaintiffs, that if the defendants had installed suitable apparatus they would have received automatic warning at the central station of the breakdown of the cable in St. Foye Road in time to have cut off the current before any mischief was done, but, as nothing was made of this below, it need not be pursued now.

The question whether and under what circumstances a defendant can be made liable in a case of quasi-delict, unless actual *faute* is proved against him, has been much discussed in Quebec in recent years. The case of *Doucet*, (1) brought the controvesy to a head in 1909, and the Supreme Court was then divided in opinion. The present case renewed both the controvesy and the division. In *Doucet's* case, which arose between employer and employee, no definite cause could be discovered for the explosion by which *Doucet* was injured. In the present case the cause of the occurrence is known. The issue, moreover, arises in the present case between contractor and customer. Accordingly *Doucet's* case might be no authority in the present case, but for the fact that in Quebec both cases de-

(1) [1909] 42 S. C. R., 281.