R.W. Co., 3 A.R. 336; *Manchester R.W. Co.* v. *Fullarton*, 14 C.B.N.S. 54; *Stott* v. *G.T.R.W. Co.*, *ante*; *Maxwell* v. *Township of Clarke*, 4. A.R. 460; *Boyle* v. *Township of Dundas*, 25 C.P. 420; *O'Connor* v. *Otonabee*, 35 U.C.R. 74; *Brown* v. *Eastern Midland R.W. Co.*, 22 Q.B.D. 391; *Wilkins* v. *Day*, 12 Q.B.D. 113; *Nicholls* v. *G.W.R. Co.*, 27 U.C.R. 382; *Rastrick* v. *G.W.R. Co.*, 27 U.C.R. 396; *Bradley* v. *Brown*, 32 U.C.R. 463; *Hutton* v. *Windsor*, 34 U.C.R. 487; *Castor* v. *Uxbridge*, 39 U.C.R. 113; *Tuff* v. *Warman*, 5 C.B.N.S. 573; *Bridge* v. *Grand Junction R.W. Co.*, 3 M. & W. 244; *Davies* v. *Mann*, 10 M. & W. 546; *Radley* v. *London and North-Western R.W. Co.*, 1 App. Cas. 754; Add. Torts, 6 ed. (1890), pp. 23-28.

DOYLE, J.J.: I am of opinion that the facts of this case bring it clearly within the rule followed in *Fletcher* v. *Rylands*, as reported in 3 House Lords 330, where the judgment of the Court of Exchequer Chamber was unanimously upheld. The rule 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, and if he does not do so is *prima facie* answerable for all the damage which is the natural consequence of its escape."

There the trouble complained of was caused by water collected by defendants on their own land, which escaped through unknown defects in the bottom of the basin, and did injury to the plaintiff's mine below.

In the case of *Hilliard* v. *Thurston*, 9 A.R. 523, the injury was caused by fire—sparks—escaping from a passing steamboat, navigating the inland waters of Ontario without legislative authority. The principle of *Fletcher* v. *Rylands* was held to apply, and was adopted in that case, and the owner of the steamboat was held answerable, without proof of negligence, for the destruction by fire of plaintiff's sawmill, on the river bank.

So also in *Powel* v. *Fall*, 5 Q.B.D. 597, defendant was held liable for the destruction of a haystack by sparks from a traction engine passing along the highway, notwithstanding the fact that the use of the engine was authorized by statute. In that statute, however, the right to recover for damages caused was expressly reserved.

But since the cases of *Rex* v. *Pease*, 4 B. & Ad. 30, and *Vaughan* v. *Taff Vale R.W. Co.*, 5 H. & N. 679, the courts have shown a decided inclination not to imply exemption from common law liability in the construction of statutory enactments authorizing the use of dangerous machines: *Jones* v. *Festiniog R.W. Co.*, L.R. 3 Q.B. 733, and *Powel* v. *Fall*, L.R. 5 Q.B.D. 597. Lord Justice Bramwell, in the last case, at page 601, questions the correctness of the decisions in *Rex* v. *Pease* and *Vaughan Taff Vale R.W.Co.*

In the case of *Brown and Wife* v. *Eastern M.R.W.Co.*, L.R. 22 Q.B.D. 291, defendants placed a heap of dirt and rubbish on their own land, adjoining the highway. The plaintiff was driving along the highway, when his horse shied at the heap, upsetting the cart and injuring the plaintiff. The court, in giving judgment, said: "If a person erects on his own land anything whatever calculated to interfere with the convenient use of the road, he commits a nuisance. Every railway which, without express parliamentary sanction, ran by the side of a highway so as to frighten horses, etc., would be a nuisance but for the parliamentary authority under which it was made. So if a man keep a ferocious