

In the United States, negligence seems to be an important factor. Chancellor Wallworth in *The Mayor &c., of New York v. Bailey, et al* 2 Denio 433, lays down the law as follows:—"The degree of care which a party who constructs a dam across a stream is bound to use, is in proportion to the extent of the injury which will be likely to result to third persons, provided it should prove insufficient. . . . It is not enough that the dam is sufficient to resist ordinary floods. If the stream is occasionally subject to great freshets, those must likewise be guarded against. . . . Such a measure of prudence is required in such cases as a discreet person would see if the whole risk were his own." See also upon the same subject *Livingston v. Adams*, 8 Con. 175; *Losee v. Buchanan*, 51 N. Y. 476; *Marshall v. Wellwood*, 38 N. J. (Law) 339; *Hoffman v. Toulumne Co. Water Co.*, 10 Cal. 413; *Garland v. Torme*, 55 H. H. 55; *Todd v. Cochell*, 17 Cal. 97; *Everett v. Hydraulic Flume Co.*, 23 Cal. 225; *Lapham v. Curtis*, 5 Verm. 371; *Gray v. Harris*, 107 Mass. 492; *Shrewsbury v. Smith*, 12 Cush. 177; *Graham v. Gross*, 125, Mass. 238.

SNOW ON ROOFS.—For an injury resulting from the sliding of a mass of ice or snow from a roof upon a person travelling with due care upon the highway, the owner of the building is liable, if he suffers the ice and snow to remain an unusual time after he had notice of its accumulation, and ought to have removed it. *Shipley v. Fifty Associates*. 101 Mass. 251.

"There is no doubt that the owner of property is not liable for the flow of water, or the sliding of snow, to the injury of another, when such water or snow falls upon his land in a state of nature, or upon an erection that should not cause it to flow differently from what it would if it had fallen on land in a state of nature. But when the owner of property by an act of his does anything to cause the water or snow to be precipitated on his neighbor in an unusual quantity, or with unusual force to the detriment of that neighbor he becomes liable. It is his action, and not