

beyond doubt, and we may now lay it down as a sound proposition of law that danger to property alone may be a good justification for trespass.

It is conceived that the most important question in relation to the matter we have in hand is the question of the degree of necessity which must subsist to justify a stranger in entering upon the premises of another and doing some act to prevent further damage. This was the point that was very fully considered by the Court of Appeal in the last-mentioned case. It must be remembered that the slightest interference with the property of another amounts to a trespass, which must be justified if the party interfering is to escape the consequences of his acts. "Scratching the panel of a carriage," said Baron Alderson in the case of *Fouldes v. Willoughby* (8 M. & W. 540, at p. 549), "would be a trespass." Ordinarily speaking, a man would be well advised to avoid interfering with any other person's effects, however slight the act of interference may be.

It is stated in *Williams on Executors* (10th ed., p. 187) that there are many acts which a stranger may perform without incurring the hazard of being involved as an executor *de son tort*. As instances of such acts, the locking up of the deceased's goods for preservation purposes, the feeding of the deceased's cattle, and the repairing of his house are given. In *Kirk v. Gregory* (1 Ex. Div. 55) a near relative of a deceased person who was in the house at the time of the death removed some jewellery of the deceased from one room to another. The executors brought an action for trespass, and the jury found that the defendant had removed the jewellery *bonâ fide* for its preservation. But the court held that this was not a sufficient answer to the action, although, had a reasonable necessity for such interference been shewn, the case would have been different. In the opinion of the court the defendant ought to have shewn that the interference was reasonably necessary and that the articles were in such a position as to require the interference, and, further, that such interference was reasonably carried out.