

"Whatever may be the validity of its conclusion, the Lords' decision in *Cooke v. Midland Great Western Railway of Ireland* must take its place amongst the unchallengeable authorities of the law. Although all the parties to it were to change their views it makes no difference; even though there were demonstrated to be palpable error, the decision stands for the principle it involves. What that principle is, is harder to tell. The Lord Chancellor seems to confine it to 'the peculiar circumstances.' Yet where 'peculiar circumstances' are permitted to overrule principles of law they will on all occasions be sought for as for hid treasure. These 'peculiar circumstances' are unlikely ever to recur; but, though they do not, that will not prevent the decision from being constantly invoked in the inferior Courts, and whole phalanxes of 'peculiar circumstances' adduced as persuasives to philanthropic County Court judges of limited reading and soft hearts.

Those praiseworthy practitioners whose lives are spent in seeking out wrong and injustice done to the poor by rich oppressors, whether private persons or corporations, will recognize *Cooke's* case as a potent new weapon in their armoury; one of the class to which Bramwell, B., referred when he said of it, 'when I have *Rylands v. Fletcher* cited to me I begin to suspect I am being asked to do something wrong.'

Their foredoomed prey—perhaps the phrase is an unkind one—those natural enemies of the predatory juvenile—those who cater for his pleasures or those who carry on business with implements congruent to his tastes (and what dangerous, costly or moveable machine does he not mark down as his prey?); the whole crowd of canoe and boat builders (for what more fascinating for a child than water, what greater 'allurement' than a light canoe or boat resting unprotected on the slope of the river bank or of the foreshore?); the owners of roundabout and swings—not the base makeshift of this case, but the genuine whirling vehicle of pleasure standing unused on private ground; those whose business cannot go on without ropes and cranes and weighing machines; the wholesale vendors of apples or oranges, perchance of any fruit or root (for a raw turnip has before now