

COLLECTING SUBTERRANEAN WATER.—If a man dig a hole in his own ground and thereby collect a large quantity of water, is he bound, at his peril, to keep it from flowing on to his neighbor. The second rule above quoted seems to say so, but let us see. Supposing A. digs a hole in his land which he wants to keep dry, and B. digs a hole in his land and water precolates into it from the surrounding soil, is B. responsible if the water goes from one hole to the other? Would he be liable if he even helped it on its way by removing what he knew to be the only barrier to its flow? Let us suppose that the holes are mines, and that B. on the higher level is troubled with water, but A. on the lower level is free from it. In such case it has been held that B. can work his mine up to his boundary, although he knows that by so doing the water in his mine will fill up A's, provided he so acts for the purpose of obtaining his coal. *Smith v. Kenrick*, 7 C. B. 513; *Wilson v. Waddell*, 2 App. Ca. 95; *Crompton v. Lea*, L. R. 19, Eq. 115. And this may be justified; if A. had not dug his mine it would not have been filled, and he cannot affect B's right to mine his coal to his boundary by changing the character of his land. The reply to this is, that A. has as good a right to dig a hole as B., and that every owner of a hole must see that it breeds no damage to his neighbors. If B. had collected the water on the surface, as for a reservoir, and then allowed it to run over upon his neighbor's land, he would have been clearly liable. *Rylands v. Fletcher*, L. R. 3 H. L. 330. Or if having built a mound against his own wall the moisture collected in it dampened his neighbour's house he would have suffered in damages. *Broder v. Saillard*, 2 Ch. Div. 692. But having collected the water underground, the law relieves him from liability! He must not, however, rub it in, so to speak—or rather pump it in, upon A. It is hard enough on A. to let it go unassisted. *Baird v. Williamson*, 15 C. B. N. S. 375. Perhaps the distinction drawn by Lord Cairns in *Rylands v. Fletcher*, L. R. 3 H. L. 338-9, between the natural use of land, as mining, and the unnatural use, as a site for a reservoir, may supply the reason for the distinctions in the cases.