

said: "Electricity (in the quantity which we are now dealing with) is capable, when uncontrolled, of producing injury to life and limb, and to property; and in the present instance it was artificially generated in such quantity, and it escaped from the respondents' premises and control. So far as the respondents are concerned, it appears to their Lordships that, given resulting injury such as is postulated in *Rylands v. Fletcher*, L. R. 3 H. L. 330, and the principle would apply."

Here plaintiffs allege serious and continuing damage to their property. This must be proved, to entitle them to recover from defendants, and this is the material fact on which plaintiffs must rely. The other allegations of wrongful bonding of the rails to the gas pipes, and of the sprinkling of salt, are in one respect no more than evidence of plaintiffs' right to recover, though in another they may be part of the cause of action. Even if they are viewed as evidence, they could not be objected to as improperly pleaded under the decision in *Millington v. Loring*, 6 Q. B. D. 190. In neither view is there any necessity for particulars as to these.

Except as already stated, the motion cannot be granted, at this stage of the action at least. The only issues that are likely to be dealt with at the trial will be: (1) whether the pipes of the plaintiffs have been damaged by electrolysis as alleged; and (2), if so, whether defendants are for any reason liable to plaintiffs therefor.

If these questions are both answered affirmatively, then the quantum of damages payable must be determined by a referee. This, I understood, was conceded on the argument.

No doubt, when that stage is reached, it will be necessary for plaintiffs to give some evidence, such as is asked for in the demand for particulars, e.g., as to the escape of gas owing to the weakening of the pipes, and as to the ascertained and probable damage to plaintiffs' property resulting from electrolysis.

At present, however, such details are not, in my opinion, necessary, nor can they be usefully considered until the primary question of liability has been finally determined. This may not be reached until a somewhat remote period in this novel case; especially when a similar claim is being made by the corporation of the city of Toronto for damage to their water pipes.