proof that damage has been caused by things under the defendant's care does not raise a mere presumption of *faute*, which the defendant may rebut by proving affirmatively that he was guilty of no *faute*. It establishes a liability, unless in cases where the exculpatory paragraph applies, the defendant brings himself within its terms. There is a difference, slight in fact but clear in law, between a rebuttable presumption of *faute* and a liability defeasible by proof of inability to prevent the damage.

Their Lordships fully appreciate that considerable number of points can be made against this construction. It is said that absolute liability without *faute* shown was unknown in Quebec before *Doucet's* case. It would, perhaps, be more correct to say that the occasion for so deciding has only recently arisen with the growth of scientific inventions and their industrial exploitation. It may be said that art. 1054 is not the place for obligations arising from what art. 983 calls "the operation of the law solely," but is confined by the title of this group of articles to "delicts and quasi-delicts;" that absolute liability for damage done for things under a man's care, whether those things be in themselves dangerous or not and whether or not they have been brought into the condition which makes them dangerous for purposes of the defendant's own, is a liability transcending the rule in *Fletcher* v. *Rylands*, (1) and *Nichols* v. *Marsland* (2), and might work great injustice; that article 1054 does not begin with the words "Toute personne est responsable," but with the words "Elle est responsable," *Elle* referring to the words of art. 1053, viz., "Toute personne capable de discerner le bien

(1) L. R. 3 H. L. 330. (2) 2 Ex. D. 1.