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Case Comment: Rylands vs Fletcher

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INTRODUCTION

Rylands v Fletcher, popularly recognized as the case that established the tort of Strict Liability, was one of the most iconic cases in common law history. Strict Liability was the first direct ‘no-fault liability (the only other no-fault liability at that time was Vicarious Liability). It was later modified in Indian courts to establish another supremely important tort- Absolute Liability- in M.C. Mehta v Union of India.¹ As there was no concept of direct no-fault liability before this case, it becomes very important for us to understand the thought process of the judges involved, precedents cited and the arguments of the counsels that led to the invention of such a unique tort, the first one to completely abolish the requirement of both knowledge and intention.

WHAT THE LAW SAYS

When someone brings to his land something dangerous, he uses his land in a non-natural manner. During such use, if the dangerous thing escapes, with or without the negligence of the

¹ M.C. Mehta v Union of India AIR 1987, SC 965

owner or possessor of the land, and that thing causes damage to others or their properties, the said owner or possessor can be held liable for the tort of Strict Liability.

FACTS OF THE CASE

The plaintiff, Fletcher, had leased the Red House Colliery. He had also acquired two neighboring lands with the intention to work under them for mining coal. While working the mines under these neighboring lands, he had discovered old vertical shafts and passages of mines that were long abandoned. These shafts, he discovered, were filled with garbage and debris, making them structurally weaker than they were supposed to be. The defendant, Rylands, wanted to build a water reservoir on the land which was directly above five of these shafts. He hired contractors and engineers for its construction. He, himself, was completely unaware of the presence of the shafts, the mine passages, and the connection between the passages and the colliery.

During construction, the contractors discovered the shafts and despite knowing their vulnerability, continued to build the reservoir, thereby breaching their duty of care. Additionally, they never informed the defendant of the presence and condition of the shafts. Barely a few days after the construction was complete, the shafts, unable to withstand the weight of the reservoir, which was barely half-filled, broke. The entire construction collapsed, flooding the passages below. Due to the connections between passages and the colliery, the latter was completely flooded, stopping all work and causing significant monetary loss to the plaintiff who then sued the defendant for negligence.

The case went to the Court of Exchequer where the judgement was in favour of the defendant. The dissenting opinion of Mr. Barton Bramwell in this case became quite famous later on. On appeal, the case went to the Court of Exchequer Chamber where the previous judgement was reversed and then, finally, the case reached the House of Lords on another appeal. This article concerns itself primarily with the final appeal, at the House of Lords. It was well established in the lower courts that Mr. Rylands, personally, had committed no negligence due to him not

being aware of the presence of the shafts and my passages below the reservoir until after it had collapsed.

QUESTION OF LAW

Whether the defendant could be held liable for the damage caused to the plaintiff due to his actions despite personally having committed no negligence, not having knowledge of any breach of duty of care and there being no reasonable foreseeability of the incident from his side.

ARGUMENTS FOR THE DEFENDANT

As the defendant did not know about the condition of the shafts, and the connections between the mine passages and the colliery, he could not be made liable for negligence. He used his own land in a lawful manner and thus, any damage caused to the plaintiff fell under *Damnum Sine Injuria* (damage without any legal injury).- This was the main defence in this case.

Cases Cited in Support: *Acton v Blundell*,² *Chasemore v Richards*,³ *Pixely v Clark*,⁴ *Smith v Kenrick*,⁵ and *Chadwick v Trower*.⁶

Plaintiff's own fault - He did not inform the defendant even though he was aware of the condition of the shafts and the presence of the passages. It was the plaintiff's responsibility to give notice, beforehand, of any circumstance that was to be used to establish the liability of any other party. This principle was established in *Partridge v Scott*.⁷ Only that person who actually does the wrongful act can be held liable

² *Acton v Blundell* 12 M. & W. 324

³ *Chasemore v Richards* 7 H. L. C. 349

⁴ *Pixely v Clark* 32 Barbour's Reports [New York]

⁵ *Smith v Kenrick* 7 C. B. 515

⁶ *Chadwick v Trower* 6 Bing [N. C.] 1

⁷ *Partridge v Scott* 3 M. & W. 220

Cases Cited in Support: Baker v Hunter,⁸ Richards v Hayward,⁹ Peachy v Rowland,¹⁰ and Allen v Hayward.¹¹

ARGUMENTS FOR THE PLAINTIFF

The plaintiff, being the owner of the mines, is entitled to be protected against harm to them as they were worked lawfully. As the water entered the passages and the colliery due to the act of the defendant (though through his agents), and as no water would have entered without such an act, the defendant must be held liable.

Case Cited in Support: Baird v Williamson.¹²

According to **Smith v Kenrick**, if the injury caused was due to a non-natural use of land, there would be a cause for damages even if there was no negligence on the part of the defendant. In the present case, the construction of the water reservoir was an unnatural use of land.- This was the main argument for the plaintiff.

Cases Cited in Support: Williams v Groucott,¹³ Imperial Gas Company v Broadbent,¹⁴ Bamford v Turnley,¹⁵ and Tipping v St. Helen's Smelting Company.¹⁶

According to **Blackhouse v Bonomi**,¹⁷ if an injury occurs as a consequence of an act several years after the said Act, there would still be a cause for damages. Also, in this case, the defendant was held liable as his act caused mischief to others' property, even though the act was lawful. According to **Lambert v Bessey**,¹⁸ a man can be held liable for causing injury to another through his actions even if that act is lawful. The maxim of 'qui facit per alium facit

⁸ *Baker v Hunter* 7 H. & N. 1

⁹ *Richards v Hayward* 2 Man. & G. 575

¹⁰ *Peachy v Rowland* 13 C. B. 182

¹¹ *Allen v Hayward* 7 Q. B. 960

¹² *Baird v Williamson* 15 C. B. [N. S.] 516

¹³ *Williams v Groucott* 4 B. & S. 149

¹⁴ *Imperial Gas Company v Broadbent* 7 H. L. C. 600

¹⁵ *Bamford v Turnley* 3 B. & S. 62

¹⁶ *Tipping v St. Helen's Smelting Company* 4 B. & S. 609; 11 H. L. C. 642

¹⁷ *Blackhouse v Bonomi* 9 H. L. C. 503

¹⁸ *Lambert v Bessey* Sir T. Raym. 421

per se' (he who acts through another does the act himself) applies here in this case. The defendant, though personally having committed no negligence, is vicariously liable for the negligence of his contractors and engineers, who acted as his agents.

Case Cited in Support: *Pickard v Smith*.¹⁹

In *Tenant v Goldwin*,²⁰ Justice Blackburn had said "...you must not injure the property of your neighbour, and, consequently, if filth is created on any man's land, 'he whose dirt it is must keep it that it may not trespass.' " Based on this precedent, the defendant must be held liable as not only did the water in his reservoir escape, that water caused heavy damage to the plaintiff's property.

JUDGEMENT AND JUDGES' REASONING

The judges gave a unanimous verdict in favour of the plaintiff and the judgement of the Exchequer Chamber was affirmed. Lord Cairns and Lord Cranworth gave the following reason for it. The defendant might have lawfully used the land for any purpose which could be considered a natural use of that land; and if he had done so, and had there been an accumulation of water, and due to natural reasons, that water had entered the mines belonging to the plaintiff, there would have been no cause for damages at all, according to the principles laid down in *Smith v Kenrick*.²¹ It would have been the plaintiff's responsibility to protect his property by putting up barriers between his land and the defendant's. But as the use of land, in this case, was non-natural, the owner of the land had to ensure that the dangerous thing that he had brought to his land, making the use of the land non-natural, did not escape and cause damage to others' properties. This principle was laid down in *Baird v Williamson*²² and was rightly applied by Justice Blackburn in the Court of Exchequer Chamber.

¹⁹ *Pickard v Smith* 10 C. B. [N. S.] 470

²⁰ *Tenant v Goldwin* 2 Ld. Raym. 1089

²¹ *Smith v Kenrick* [1849] S.W. 598

²² *Baird v Williamson* [1863] 15 C.B. [N.S.] 376

The building of a reservoir on a piece of land where such quantities of water could not possibly have entered naturally was a non-natural use of that land. Hence, the defendant was liable for whatever damage the escaped water caused, irrespective of how skillfully and carefully the said reservoir was constructed. The knowledge and intention of the defendant were immaterial.

INTERPRETATION/CONCLUSION

This case was a classic exhibit of how laws evolve in the common law system. We can clearly see, through the cases cited, that most of the essential elements of Strict Liability had already been come up with and used in earlier cases. The only difference was that prior to this case, all these elements were disconnected and Strict Liability had not been established as a separate tort in itself.

This case was unique in its application of the law. More importance was laid on establishing if the rights of the plaintiff were breached rather than finding out if any wrongful act was done by the defendant. Earlier, when the only possible torts in such cases were Negligence and Nuisance, more importance was always given to establishing if the defendant had done an unlawful act. This new perspective in applying the law is still being used today, both in India and in the UK. In one way, this case was a battle between two different generations of interpretation in Common Law. This case, most importantly, combined the principles laid down in *Smith v Kenrick* and *Baird v Williamson* and explained 'non-natural use of land' and the difference in liability in such cases more thoroughly. This was the last missing piece of the jigsaw puzzle and when it fits, the tort of Strict Liability was born.