

"management, had a rule of paying two dollars per page for any articles which it would accept and publish. We think we are violating no confidence when we say that every cent which its publishers paid for articles was money lost." This is sad, but not surprising. Long judgments are generally useless as well as tedious, and long articles, unless by writers of world-wide reputation, are still less worthy of study. They cannot be cited as authority, and usually they have nothing but their own dulness to sustain them.

#### EARLY REPORTS.

Mr. Periard, law publisher, has in press a second edition of the volume of reports issued in Montreal thirty years ago by Mr. Justice Ramsay and the late Hon. L. S. Morin. These reports, which were the prelude to the establishment of the *Lower Canada Jurist*, have always been scarce, and for many years it has been very difficult to obtain a copy. The new edition has been revised by the learned judge, and will doubtless be appreciated by the profession.

#### HODGE v. THE QUEEN.

The following peculiar reference to this case was inserted in the speech of the Lieutenant-Governor of Ontario, at the opening of the Legislature:—"You will be pleased to know that by a recent decision of the Judicial Committee of Her Majesty's Privy Council, the right of Provincial Legislatures to regulate the traffic in intoxicating drinks is placed beyond controversy. The judgments in this case and the Insurance case, and the decision that lands escheating to the Crown for want of heirs are the property of the province, taken in connection with the observations made by the learned judges in disposing of these cases, have had a reassuring effect on the public mind, by showing that the federal principle embodied in the British North America Act, and the autonomy it was intended to secure for the individual provinces, are likely to be safe in the hands of the court of final resort in constitutional questions." The Judicial Committee will, no doubt, be duly grateful for the compliment.

#### NOTES OF CASES.

##### PRIVY COUNCIL.

LONDON, Nov. 24, 1883.

*Before* LORD WATSON, SIR BARNES PEACOCK, SIR ROBERT P. COLLIER, SIR RICHARD COUCH and SIR ARTHUR HOBHOUSE.

FRECHETTE, Appellant, and LA COMPAGNIE MANUFACTURIERE DE ST. HYACINTHE, Respondent.

##### *Servitude—Water-course.*

*Where a person complains that the flow of water in a stream passing through his land has been obstructed by the act of the owner of the lower land, and the issue is raised that the plaintiff by his own works has altered the natural course of the stream, it is for him to prove, in order to make out a case entitling him to relief, that the servitude, as it existed previous to the changes made by himself, i.e. the natural or the established flow, has been interfered with by the lower proprietor.*

The appeal was from a judgment of the Queen's Bench, Montreal. See 5 Legal News, p. 187.

PER CURIAM. The parties to this suit are owners of contiguous lands on the left bank of the River Yamaska; the plaintiffs, who are the respondents, being the owners of the upper lands, and the defendants, one of whom is the appellant, of the lower. The complaint is that the defendants have lately erected a barrier which prevents the water flowing in due course from off the land of the plaintiffs.

To understand the position of affairs it is convenient to refer to a plan put in by the defendants. Prior to the year 1878 matters stood as follows:—The whole river was traversed by a dyke marked A, which conducted the water to a mill (No. 4) belonging to the plaintiffs. After working that mill the water escaped into the natural channel of the river, and was not diverted again by the plaintiffs until nearly 100 yards below mill No. 4, where it reached the head of another dyke (Dyke No. 1), which was built near and nearly parallel to the left bank, and which caught a portion of the stream and carried it to another mill (Mill No. 1) belonging to the plaintiffs. The rest of the stream was caught by a dyke