

prietors or cess-pool owners. The law has been gradually erected by the decisions of the judges as to reasonable and unreasonable conduct, and the system of laws as it stands to-day is a splendid refutation of Bentham's jeremiad against judge-made law. We propose to note here some of the more usual and interesting applications of the rule. Their full ramifications are too extensive for our space.

WATER.—Distinguish between ; (1) water flowing in defined, visible, natural channels ; (2) water flowing in artificial channels ; and (3) subterranean water, not flowing in any ascertained channel.

(1.) *Water flowing in defined, visible, natural channels.* "The flow of a natural stream creates natural rights and liabilities between all the riparian proprietors along the whole of its course. Subject to reasonable use by himself, each proprietor is bound to allow the water to flow on without altering the quantity or quality. These natural rights and liabilities may be altered by grant or by use of an easement to alter the stream, as by diverting, or fouling, or penning back or the like." *Per Earle, C. J., Gaved v. Martyn 19 C. B. N. S. at p. 759.*

(2.) *Water flowing in artificial channels.*—"If an individual collects surface water dispersed on his land, which would naturally disappear by absorption or evaporation, and by means of a trench carries it off in a stream so as appreciably to injure his neighbors, he commits an unlawful act." *Northwood v. Township of Raleigh, 3 Ont. R. 347, 358.* But if the increase in the volume of the stream be inappreciable there is no liability. *Law v. Corporation of Niagara Falls, 6 Ont. R. 467.*

*Right to continue or have continued an artificial flow of water.*—"If the stream flows at its source by the operation of man, that is, if it is an artificial stream, the owner of the land at its source or the commencement of its flow, is not subject to any rights or liabilities towards any other person in respect to the water of that stream." *Gaved v. Martyn, 19 C. B. N. S. p. 759.* "If there is uninterrupted user of the land of the neighbor for receiving the flow as of right for twenty years,