

" This Court doth reverse the said judgment of the 14th day of October, 1878, and doth condemn the respondent to pay to the appellant the costs on the present appeal, and rendering the judgment which the said Circuit Court ought to have rendered, doth declare the piece or parcel of land described in the declaration as follows, to wit [the description follows] to have become and to be bound, affected and hypothecated for and to the payment of the sum of \$35 and interest from the 8th day of October, 1877, and costs incurred in the said Circuit Court, and the said respondent is hereby condemned to quit, deliver up and abandon the said immoveable within 15 days of the service upon her of the present judgment, in order that the same be sold according to law upon the curator to be appointed to the *délaissement*, the proceeds of the sale thereof to be applied to the payment of the said sum of \$35, with interest on said sum of \$35 from 8th October, 1877, and costs of suit, unless the said respondent prefers to, and do pay to the said appellant the said sum of \$35, interest as aforesaid, and costs of suit, and in default of the said respondent to quit and abandon the said immoveable and to pay the said sum, interest as aforesaid, and costs, within the delay aforesaid, doth condemn the said respondent to pay and satisfy to the said plaintiff the said sum of \$35, with interest on the said sum of \$35 from the 8th October, 1877, and costs incurred in the said Circuit Court. (The Hon. Mr. Justice Monk dissenting.)"

L. C. Bélanger, for appellant.

Hall, White & Panneton, for respondent.

SUPERIOR COURT.

MONTREAL, November, 1879.

SIGOTTE, MACKAY, TORRANCE, JJ.

EASTWOOD v. CORRIVEAU et al.

Deposit in Review.

Held, that the amount of deposit in Review is regulated by the amount of plaintiff's demand, although the proceeding be in compulsory liquidation.

Beaudin for plaintiff.

Beique for defendant.

JOHNSON, TORRANCE, RAINVILLE, JJ.

SAME CASE.

Review—C.C.P. 500.

Held, that the respondent in Review cannot under C.C.P. 500 compel his adversary to argue his appeal sooner than 8 days after the date of the inscription.

RECENT ENGLISH DECISIONS.

Water Course.—The right to the water of a river flowing in a natural channel through a man's land, and the right to water flowing to it through an artificial water course constructed on his neighbor's land, do not rest on the same principle. In the former case each successive riparian proprietor is, *prima facie*, entitled to the unimpeded flow of the water in its natural course, and to its reasonable enjoyment as it passes through his land, as a natural incident to his ownership of it. In the latter, any right to the flow of water must rest on some grant or arrangement, either proved or presumed, from or with the owners of the lands from which the water is artificially brought, or on some legal origin.—*Rameshur, &c., v. Koonj, &c.*, 4 App. Cas. 121.

Will.—E., by will made in 1826, gave certain freehold lands to his mother, "to hold unto her . . . her heirs and assigns for ever." The will was properly attested, the interlineation of two words being mentioned. When the will was produced, the words "her heirs and assigns for ever" were found erased by a line struck through them in ink. *Held*, a valid obliteration under the Statute of Frauds (29 Car. II. c. 3 § 6), and the mother took a life-estate only.—*Swinton v. Bailey*, 4 App. Cas. 70; s. c. 1 Ex. D. 110.

GENERAL NOTES.

THE PROFESSION OF THE LAW.—Lord Bolingbroke was of opinion that "unless men prepare themselves for this profession by climbing what Lord Bacon calls the vantage grounds, law is scarce worthy a place among the learned professions: it degenerates into the practice of the grovelling arts of chicanery."