

of a watercourse and converted it into a public drain, which, though sufficient at first, proved in course of time to be increasingly insufficient to carry off the mixture of slime and sewage poured into it, whereby the plaintiff's property was flooded. The Judicial Committee of the Privy Council (Lords Macnaghten, Davey and James; and Sir A. Wilson) affirmed the judgment of the Court below in favour of the plaintiff.

TRESPASS—INJUNCTION—EXPROPRIATION ACT—ARBITRATION
 CLAUSE—NEGLECT TO PURSUE STATUTORY PROCEDURE FOR EX-
 PROPRIATION—ACTION—36 VICT. c. 102, s. 5, ONT.

Saunby v. Water Commissioners of London (1906) A.C. 110 is an appeal from the Supreme Court of Canada. The action was brought against the defendants for trespass on the plaintiff's land and interference with his rights of water. The defendants set up as a defence that they were authorized to do the acts complained of by Statute 36 Vict. c. 102, Ont., and that the plaintiff's remedy, if any, was by arbitration as provided by section 5 of that Act. It appeared that the defendants had not adopted the procedure prescribed by the Act for expropriating the plaintiff's property in question, but the Supreme Court of Canada nevertheless held, overruling the Ontario Court of Appeal, that the action would not lie, and the plaintiff's only remedy was by arbitration. The Judicial Committee of the Privy Council (Lords Macnaghten, Davey and James, and Sir A. Wilson) held that the Court of Appeal was right, and reversed the decision of the Supreme Court, and held that an injunction was rightly granted, but that it should be limited in duration until the defendants should have expropriated the property in the manner directed in the Act.

ONT. JUD. ACT, s. 113—INTEREST ON PAYMENTS IN ARREAR.

Toronto Railway Co. v. Toronto (1906) A.C. 117. This case is reported at length ante p. 205.

MASTER AND SERVANT—WRONGFUL DISMISSAL—JUSTIFICATION—
 DUTY OF JUDGE AT TRIAL—NEW TRIAL.

Clouston v. Corry (1906) A.C. 122 was an action for wrongful dismissal in which the defendants justified on the ground that the plaintiff had been guilty of drunken and disorderly conduct. The evidence of the plaintiff's drunken and disorderly