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 REPORTS AND NOTES OF CASES
 

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 Dominion of Canada.
 

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 SUPREME COURT.
 

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B.C.]      McBRYAN *v.* C.P.R. CO.—SHAW, THIRD PARTY.      [Feb. 22.  
*Adjoining lands—Injury to one property by water—Right of owner to guard  
 against without regard to neighbour's rights.*

M. owned land bounded on one side by a river and on the other by land of the C.P.R. Co. On the other side of the railway land was that of S., who was in the habit of irrigating it with water brought from a creek at some distance away. There was a slight depression from S.'s land to the river and the water so used by S. ran across the railway land to the property of M., which was protected from injury by a dam which penned the water back. It was not usually in sufficient quantity to damage the adjoining lands. In 1895 S. used much more water than usual for irrigation, and M.'s dam had to be raised to effectively prevent his land from being flooded and the water sent back on the railway property caused considerable damage. The Co. brought an action against M. for damages and an injunction which was twice tried. (See 5 B.C.R., 187, ordering a new trial). On the second trial the judgment was sustained by the full court (6 B.C.R. 136.)

*Held*, reversing the last mentioned judgment, TASCHEREAU, J., hesitante, that M. had a right to protect his land by all lawful means against the threatened injury without regard to any damage that might result to the adjoining land from the measures he adopted; and that the remedy of the Co. for the injury to its land was against S. the original author. Appeal allowed with costs.

*Aylesworth*, Q.C., and *Wilson*, Q.C., for appellant. *S. H. Blake*, Q.C., for respondent.

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 EXCHEQUER COURT OF CANADA.
 

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Burbidge, J.]      IN RE GRENIER AND THE QUEEN.      [April 4.  
*Government railway—Death resulting from negligence of fellow servant—  
 Common employment—Art. 1056, C.C.L.C.—Widow and children—  
 Right of action—Bar—Measure of damages.*

*Held*, The doctrine of common employment has no place in the law of the Province of Quebec. *Robinson v. Canadian Pacific Railway Co.*, (1892) A.C. 481, and *Filion v. The Queen*, 4 Ex. C.R., 134; 24 S.C.R., 482 followed.

2. The widow and children of a person killed in an accident on a Government railway in the Province of Quebec have a right of action