

of water in a stream, makes a change in a sluice way, which occasions an increase of back water, injurious to the mill of a neighboring owner, who is also part owner of the water power, the latter is entitled to maintain an action therefor."

Le jugement dont est appel est d'accord avec les principes qui sont énoncés dans la jurisprudence ; il nous paraît correct en droit et conforme à la preuve et aux titres produits par les parties. Cette Cour confirme ce jugement et rejette l'appel avec dépens.

Judgment confirmed.*

Lacoste, Globensky & Bisailon, for appellants.

Geoffrion, Rinfret, Laviolette & Dorion, for respondent.

* An appeal has been taken to the Privy Council from the above decision. See the opinion of Mr. Justice Stuart, in the case of *Proulx v. Tremblay*, Court of Review, Quebec, 7 Q. L. R. pp. 360-363.

GENERAL NOTES.

The Hon. Geo. A. Walkem, Q. C., of Victoria, B. C., has been appointed one of the Puisné Judges of the Supreme Court of British Columbia, *vice* Mr. Justice Robertson, deceased.

Mr. G. W. Burbidge, of St. John, N.B., has been appointed Deputy of the Minister of Justice, in the place of Mr. Lash, resigned.

The Hindoo English author of a "Memoir of the late Honorable Justice Onoocool Chunder Mookerjee" thus describes the merits of the subject of the memoir before his elevation to the Bench: "Since he joined the native Bar down *ad finem* of his career as a pleader, he had won a uniform way of pleading. He made no garish of words, never made his sentences long when he could express his thoughts in small ones. Never he counterchanged strong words with the pleaders or barristers of the other party. In defeating or conducting a case his temper was never incalescent and hazy. He well understood the interest of his client, and never ceased to tussle for it until he was flushed with success, or until the shafts of his arguments made his quiver void. He was never seen to illude or trespass upon the time of court with fiddle-faddle arguments to prove his wits going a-wool-gathering, but what he said was nude truth, based upon *ius civile*, *lex non scripta*, *lex scripta*, etc., and relative to his case and in homogeneity to the subject-matter he discussed, and always true to the points he argued. He made no quotation having no bearing whatever to his case, but cited such acts, clauses and precedents that have a direct affinity to his case, or the subject-matter of his argument. By-the-by, I should not here omit to mention that he had one peculiarity in his pleading which I have observed very minutely. Having first expounded before the court the anatomy of his case, he then launched out on the relative position of his client with that of the other, pointing out the *quidproquo* or bolstering up the decision of the lower court

with his sapience and legal acumen and cognoscence, waiting with quietude to see which side the court takes in favorable consideration, knuckling to the arguments of the court, and then inducing it gradually to his favor, giving thereby no offence to the court."

It is by no means an uncommon occurrence now-a-days, for parties to an action to conduct their cases in person, and the practice is by no means confined to male litigants. In a recent instance, where an action was brought by a lady against the Right Hon. W. H. Smith, the First Lord of the Admiralty in the last Conservative Administration, for alleged improper detention of certain securities and documents referring to her income and sanity, for not handing them back to her, on his going out of office, and for libel, the plaintiff had apparently prepared the pleadings herself, in addition to coming into court to support them in person. Her claim was certainly unique. It ran as follows: "The plaintiff claims 40,000, and all legal expenses and outstanding debts paid, and pawn-tickets redeemed, a public apology, and all libels contradicted in all the public newspapers, foreign, domestic and English, and the committal of those who slandered and libelled her, and forged and lithographed her name, to Newgate for life, with twenty strokes from the cat-o-nine tails on the back of each person." Does not the fact that it is possible for a litigant to pursue a claim such as this, to the Court of Appeal, suggest that there is no sufficient check upon the early stages of frivolous actions?—*Law Times*.

In *Dagg v. Dagg*, 51 L. J., N. S. 19, the plaintiff, a porter, sued a female cook in a hydropathic establishment for dissolution of a marriage founded on the following agreement: "This is to certify that whereas the undersigned parties do agree that they will marry, and that only to save the female of us from shaming her friends or telling a lie; and that the said marriage shall be no more thought of except to tell her friends that she is married (unless she should arrive at the following accomplishments, namely, piano, singing, reading, writing, speaking and deportment); and whereas these said accomplishments have in no way been sought after (much less mastered), therefore the aforesaid marriage shall be and is null and void; and whereas we agree that the male of us shall keep his harmonium in the aforesaid female's sitting-room, and agree that it shall be there no more than four months, and that from that time the aforesaid and undersigned shall be free in every respect whatsoever of the aforesaid female, as witness our hands, etc., Catherine L. H. Jeffries, William Pritchard Dagg."

The London *Law Times*, in commenting upon the lawyers in the House of Commons and in the Senate of the United States, says:—It is a matter of common historical knowledge that towards the end of the 16th, and during the earlier part of the 17th century, the House of Commons included among its members a very large proportion of the legal profession, whose energy and eloquence earned for them from Lord Bacon the title of "the *litere vocales* of the House." In later times, even if their actual number has not diminished, it is certain that their proportion to the remainder of the House has become smaller, and it is more than certain that they have never attained the preponderance that the profession enjoys in the Legislature of the United States. In the Senate of that country, no less than fifty-seven out of seventy-six members are lawyers, and in the Lower House as many as 195 out of the 293 representatives; in other words, more than two-thirds of the whole Legislature belong to the legal brotherhood.