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With reference to what appeared to be an extraordinary system of publishing officially notes of Supreme Court decisions in a Toronto journal only, on which we made some remarks at pp. 129 and 137, the reporter of the Supreme Court writes to us, assuming the entire responsibility for the blunder, or omission to communicate the notes to the *Legal News*. He says: "Had you written to me "about it, I would have had my attention "drawn to the fact that by an Order in "Council granting me that sum ($100 per "annum), I was obliged to furnish your "Journal with notes as well as the Canada "Law Journal." It strikes us as rather peculiar that the reporter in question should have drawn his salary for six or seven years without becoming aware of the nature of the duties for which he was paid.

What constitutes a navigable stream was a question decided by the Supreme Court of Alabama in *Lewis* v. *Coffee County*. The Court held that a stream "of sufficient capacity in its natural state to float the product of the mines, the forests, or the tillage of country through which it flows, to market," is a navigable water. Though it may not always be technically navigable it is subject to the public right of *user*. To constitute a navigable stream it is not requisite that there should be sufficient water for the common uses of trade and commerce during all seasons of the year. It must, however, as the results of natural causes, be capable of valuable floatage periodically during the year, and so continue long enough at each period to make it susceptible of beneficial use to the public. It must be of such character as to be of actual, practical utility to the public as a channel of trade or commerce. A stream of which the only evidence of navigability was that it "was a stream upon which logs could be floated only at high water, or during a freshet, by the public generally, to Pensacola, Florida, where it was generally marketed," could not be adjudged a navigable stream.

FUNCTIONS OF ADJUDGED CASES.

The annexed correspondence between Judge John F. Dillon and Mr. Justice Miller of the U.S. Supreme Court, is of interest:—

New York, Nov. 13, 1885.

My Dear Judge: I am to deliver next month an Address before the State Bar Association of South Carolina. In a casual conversation, I once heard you make some observations concerning the functions of adjudged cases, which struck me very forcibly. They probably expressed your own course or habit as a Judge in considering the force and effect of "authorities." Some cases, or class of cases, you regarded as absolutely binding, without reference to the original ground of decision; others as simply persuasive, and this only, so far as they rested on sound reasons, the validity or soundness of which reasons any Court asked to adopt or apply them might and even should look into for itself.

If you have time to drop me a note giving me, ever so briefly, your views as to the true office and use of adjudged cases in our law, I would be much obliged.

Very sincerely yours,

John F. Dillon.

Mr. Justice Miller,

Washington, D. C.

Washington, Nov. 16, 1885.

Hon. John F. Dillon:

My Dear Judge—I am in receipt of yours of the 13th instant. The subject you suggest is one which necessarily demands the careful consideration of any Judge of a Court of last resort. The value of authorities, and especially of judicial decisions, in enabling him to make up his own judgment in cases before him is often a question of no little anxiety.

The answer must have large reference to the kind of cases in which they are offered for his examination.

There is a large class of cases, perhaps