

- 1895 ATTORNEY-GENERAL OF CANADA v. EWEN AND
 April 20. MUNN.
 Full Court. (3 B. C. 468.)

Tidal River—Right of Dominion of Canada to Restrain Pollution of—Nuisance—Fish Offal—Injunction.

The Crown, in the right of the Dominion of Canada, has the right to take proceedings to restrain by injunction the pollution of tidal rivers, which right co-exists with the right of the Provincial Attorney-General to restrain any public nuisance, caused by the improper conduct in question.

The fact that a statute makes the conduct in question an offence, and imposes fines and imprisonment for its commission, does not derogate from the right of the Court at the motion of the party injured to restrain its commission by injunction.

An injunction may be granted although the defendant makes affidavits that he has taken precautions against the recurrence of the injury complained of.

- 1889 ATTORNEY-GENERAL OF CANADA v. KEEFER.
 April. (1 B. C. pt. ii, 368.)
 CREASE, J.

Public Harbour—Obstruction in Tidal Waters of—False Creek Harbour—B. N. A. Act—Injunction.

The franchise of public harbours and the ownership of the soil within the limits of public harbours in Canada are both vested in the Dominion Government by sec. 108 of the B. N. A. Act, and False Creek, British Columbia, is such a harbour.

- 1899 CANADIAN PACIFIC RY. CO. v. MCBRYAN.
 Feb. 22. (5 B. C. 187; 6 B. C. 136; 29 S. C. 359.)

Supreme Court of Canada. *Water—Irrigation—Flooding from Embankment—Nuisance—Land Owner Protecting Himself from Injury without Regard to Neighbour—Sic utere tuo, etc.—Damage.*

Where the owner of land is threatened with damage by water used for irrigation purposes coming down from a higher level, he has the right to protect himself against such injury by all lawful means, such as raising an embankment, without regard to any damage that may thereby result to the land of his neighbour.

- 1899 CANADIAN PACIFIC RY. CO. PARKE ET AL.
 June 17. (1899, A. C. 535.)
 Jud. Com. of Privy Council. *Water—Irrigation—Powers of Commissioner—Land Slides from Percolation—Silt—Statutory Powers, Permissive—Damages—Brit. Col. Land Ordinances, 1870, 1871; C. S. B. C. 1888, Cap. 66.*

Wherever, according to the sound construction of a statute, the Legislature has authorized a proprietor to make a particular use of his land, and the authority given is in the strict sense of law permissive merely, and not imperative, the Legislature must be held to have intended that the use sanctioned is not to be in prejudice of the common law right of others.