

tribution, and directing that, upon payment by her of her share, the defendant should indemnify her against further liability. The defence of the Statute of Limitations was also set up to the claim, but it was held that the statute does not begin to run in favour of a co-surety until the liability of the surety has been ascertained, *i.e.*, until the claim of the principal creditor has been established against him, and it is immaterial that at the time the action is brought for contribution the statute has run as between the principal creditor and the co-surety.

PATENT—CO-OWNERS BY PURCHASE—CO-OWNER MORTGAGEE OF OTHER CO-OWNER'S SHARE—PATENT WORKED BY MORTGAGEE CO-OWNER—PROFITS RECEIVED AS MORTGAGEE.

*Steers v. Rogers*, (1893) A.C. 232, was a redemption action by a co-owner of a patent against his co-owner, to whom he had mortgaged his share. During the currency of the mortgage the mortgagee had worked the patent, and the plaintiff claimed an account of the profits so made. The House of Lords (Lords Herschell, L.C., Halsbury, Macnaghten, and Shand), however, unanimously affirmed the decision of the Court of Appeal, (1892) 2 Ch. 13 (noted *ante* Vol. 28, p. 425), that he was not entitled to any share of the profits made by the mortgagee, but that the latter was entitled to the whole of them as co-owner. *Mathers v. Green*, L.R. 1 Ch. 29, which the court below had followed, was approved. Their lordships arrived at this result on the ground that a patent is not a chattel or analogous to a chattel, and does not confer any right to make or use the particular invention, but merely gives a right to prevent others from making it.

RIVER—POLLUTION OF STREAM—PRESCRIPTIVE RIGHT, EXTENSION OF.

*McIntyre v. McGavin*, (1893) A.C. 268, is an appeal from a Scotch Court of Session. The action was brought by certain riparian proprietors of a stream called the Fithie to restrain the defendants from taking the water from that stream and returning it in a polluted state into another stream called the Dighty, which flowed into the Fithie. The defendants had a prescriptive right to take water from the Dighty for the purpose of their business, and to return it to the Dighty in a polluted state; and they contended that by taking the waters from the Fithie, as they did, the plaintiffs had no right to complain, because they were not injured