presumption in its favour. We must, therefore, assume the facts to be as they are stated in the first declaration with which the decree under appeal is prefaced, namely,—

"That those portions of the three streams referred to in the Plaintiff's bill of complaint, where they pass through the lands of the Plaintiff, when in a state of nature were not navigable or floatable for saw logs and other timber, rafts and crafts down the same.

"The Appellant's title to the lands upon which he has made the improvements in question, including the beds of the respective streams, was not seriously disputed, and has been established by the production of his title deeds. The question for this Court to determine is, therefore, purely one of law."

To this their Lordships agree. The Respondent cannot now contend that timber could not be practically floated down those portions of the streams whilst in a state of nature, though not so well or so profitably as after the improvements were made; but the Vice-Chancellor cannot be understood to find that it was impossible to float any timber at all, over High Falls for instance. In an affidavit used by the Plaintiff for the purpose of obtaining an interim injunction, Mr. T. Skead says:—

"I purchased High Falls, in the thirteenth paragraph in the bill referred to, from the Plaintiff's father, and built the dam and slides there; and about the year of our Lord 1849, I took John Allan Snow, a surveyor, with me and surveyed the whole line of the river from High Falls to Cross Lake, and he and I then drew a plan of the improvements which we thought necessary to make the river navigable and floatable for timber and saw logs, which said improvement was substantially carried out by Messrs. Gilmour & Co., who purchased from me the lands and limits bordering on this portion of the said Mississippi.

"Before the improvements at High Falls, a Mr. Playfair, during the highest freshets, used to run a few hundred logs over the falls, but they were so injured and damaged in their transit thereover, that he told me he would have to give it up. I had not made the slide hereinbefore referred to."

The finding of the Vice-Chancellor must be understood as meaning only that in a commercial sense it could not be done; the timber being so difficult to guide over the falls and so liable to be injured that no one can profitably do it, and consequently no one would do it. And it must be taken, as admitted, that at many places above High Falls and for considerable distances, timber could be floated along the streams. Obviously this must have been the case wherever the streams expanded into lakes.

[Concluded in our next issue.]

GENERAL NOTES.

A parochial clergyman writes to the *Times* on the "Working Classes and Divorces." He says that the cheapest divorce case costs £30 to £40, and urges that the cost should be reduced, so that respectable workingmen may enjoy the luxury of a divorce.

The *Solicitors' Journal* says that Benjamin's great characteristic as an advocate 'was his uncommon combination of legal knowledge and accuracy with adroit and persuasive rhetoric.' Another of his characteristics was his manner of his charging fees. At first, he said, 'I charge a retainer, then a reminder, then a refresher, and, lastly, a finisher.'

The late Mr. R. A. R. Hubert, prothonotary of the Superior Court, Montreal, died very suddenly early in the morning of the 17th June. The deceased was at the office as usual until after 5 p.m. on the 16th, and retired about midnight, but soon after was taken ill, and died within an hour. Mr. Hubert was born in 1811, and practised as an advocate for many years. He succeeded the late Mr. Coffin as prothonotary in 1867. He was a courteous gentleman, and enjoyed universal respect during his career at the bar and as an official of the Superior Court.

He was a young lawyer and was delivering his maiden speech. Like most young lawyers, he was florid, rhetorical, scattering and windy. For four weary hours he talked at the court and the jury, until everybody felt like lynching him. When he got through, his opponent, a grizzled old professional, arose, looked sweetly at the judge, and said: "Your Honor, I will follow the example of my young friend who has just finished, and submit the case without argument." Then he sat down and the silence was large and oppressive.—*Central Law Journal.*

A Hereford solicitor was charged at the City Police Court with stealing an orange, value one penny, from the basket of a hawker, who was supposed to be blind. The fact was admitted by the defendant, who, however, explained that he was a customer of the prosecutor's, and disbelieving in his supposed blindness, he took the orange out of the man's basket to test him, as he went about the city with a seemingly perfect knowledge of what he was doing. He intended returning the orange, but the man had disappeared. The magistrates accepted the explanation, and the defendant was discharged, but compensated the prosecutor by giving him half-a-crown.—*Law Journal* (London).