

public right to fish in a navigable river above the tide, and Mr. Justice Field did not put any question to the jury on the point. The defendant, however, did full justice to the argument from the fact that the public had assumed this right with the sufferance of the riparian proprietors, and Mr. Justice Field did full justice to that argument. The ablest part of the summing-up of the learned judge is, perhaps, where he insists on the rights of charity as no derogation of the rights of ownership, and illustrates the matter by a reference to an *angulus terre* which smiles for him—where he is willing that his labourers and their children shall pick watercress, but which he would object to have turned to the purpose of supplying the vegetable market. This Georgic refreshed the jury after a long spell of antiquarian lore, in which the changes were rung on John de la Lee and William Atte Lee, and was directed not to any title the defendant might have as a member of the public, but to the criticism which the defendant was entitled to make on the plaintiff's title. Entrenched behind his position as proprietor of land covered with water, which he owns on both sides for a considerable part of the reach in question, and in the whole of which he has long asserted his title to fish, Mr. Blount may well let his paper title float gracefully down the stream under Caversham Bridge.

The riparian proprietors are to be congratulated on their victory, which is hardly likely to be disputed, but as they are strong so should they be merciful. They should read, mark, learn, and inwardly digest not only the grateful law of Mr. Justice Field, but the sound sense—endorsed by the jury—of his views of the privilege of a proprietor to let the public share in his enjoyment without parting with his own rights. Mr. Justice Field, from one of his illustrations, would seem to go so far as to encourage the admission of one's neighbour's pigs to the luxury of acorns without fear of creating a pannage. In any case where the public—as in a navigable river—has a large right over the soil of land, the proprietor in point of law can well afford to give him privileges in regard to the rest so long as he does not abuse them. Every frequenter of the Upper Thames appre-

ciates the kindness of Mr. Blount's neighbour at Hardwick House, who has appropriated an island in view of the finest Elizabethan mansion on the river to the use of the boating public. Last year the summer-house upon it was burnt down by an accident to a camp-fire, and was promptly replaced. Some means might easily be found of allowing all orderly persons who choose to ask leave to fish in the Thames, if the proprietors were allowed to delegate their rights to a general fishing conservancy.—*Law Journal*.

SUPERIOR COURT—MONTREAL.*

*Commission nommée par le gouvernement—
Destitution d'employés—Mandat révoquant
—Changement du personnel de la commission—Responsabilité pour engagements de
leurs prédécesseurs.*

Par leur charte les commissaires des chemins à barrières de Montréal, nommés par le gouverneur de la province, "auront et "pourront avoir succession perpétuelle et "pourront ester en jugement dans toutes les "cours de justice et autres lieux."

Il est pourvu par une autre section de la charte que "de temps à autre ils pourront "nommer et employer un inspecteur, et tels "officiers et personnes sous leurs ordres "qu'ils jugeront nécessaire pour les fins de "cette ordonnance, et ils pourront destituer "tels inspecteurs et autres officiers et personnes ou aucune d'elles, et en nommer "d'autres à leur place."

Jugé:—1. Que les commissaires n'étaient pas autorisés par leur charte à destituer un secrétaire-trésorier employé à l'année, sans cause ou avis préalable ;

2. Que la commission en question ne constitue pas une branche du service civil, ou un département du gouvernement de la province, et que les commissaires ne peuvent pas réclamer les prérogatives de la couronne pour destituer leurs employés à bon plaisir ;

3. Que le secrétaire-trésorier de la commission, employé à l'année, par une résolution fixant son salaire, et congédié sans cause avant l'expiration de son terme, avait le droit de réclamer la balance de son sa-

* To appear in Montreal Law Reports, 5 S. C.