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The case of *Coffin v. Quinn*, ante, p. 306, is, we believe, the first occasion on which a decision in the Magdalen Islands has appeared in the reports. These Islands, owing to their peculiar position, form a Circuit by themselves. The Court, which sits twice a year, has jurisdiction over civil causes whatever may be the amount. There is no local bar, the population of the Islands being only about five thousand. The pleadings in all cases are oral. There is regular connection with this territory but once a week, and the Judge who goes there to hold the Court is obliged to remain until the steamer returns from Pictou in the following week.

In *O'Connell v. East Tennessee, V. & G. Ry. Co.*, it was held by the Supreme Court of Georgia, May 27, 1891, that when a railway company erects an embankment for its track along the margin of a river, the accumulated waters of which, in times of flood, had previously escaped on that side, it being lower than the other, but which thereafter, and because of the embankment, overflowed the opposite side more than it had done before, and thus injured land there situate, the owner has a right of action against the company; or if, by the erection of such embankment, the river was deflected from its natural course, or deposits were made therein so as to raise its bottom, and from either of these causes such land was injured by the river when swollen, a recovery may be had for the damages thereby occasioned. Reference was made by the Court to the English case of *Rex v. Commissioners, etc., of Pagham*, 8 Barn. & C. 355, in which it was held that an owner of land on the seashore could erect works to protect his land from encroachments by the sea, without liability for damage inflicted on his neighbor. The sea was called a "common enemy," against which each might fortify at will. But this doctrine was held not to apply to a case like that of *Rex v. Trafford*, 1 Barn. & Adol. 874. In the case last cited

it appeared that a canal had been built by authority of Parliament, and carried across a river and the adjoining valley by means of an aqueduct and an embankment containing several arches. A brook fell into the river above its point of intersection with the canal. In times of flood the water, which was penned back into the brook, overflowed its banks, and was carried by the natural level of the country through the arches into the river, doing much mischief to the lands over which it passed. The aqueduct was sufficiently wide for the passage of the river at all times but those of high flood. The occupiers of the injured lands adjoining the river and brook, for the protection thereof, erected banks (called "fenders") so as to prevent the flood-water from escaping, consequently the water, in time of flood, came down in so large a body against the aqueduct and canal as to endanger them and obstruct the navigation. The fenders were not unnecessarily high, and without them many hundred acres of land would be exposed to inundation. It was held that the defendants were not justified, under these circumstances, in altering for their own benefit the course in which the flood-water had been accustomed to run; that there was no difference in this respect between flood-water and an ordinary stream; that an action would have lain at the suit of an individual, and consequently that an indictment lay where the act affected the public. The conviction was accordingly sustained. Tenterden, C. J., observed: "It has long been established that the ordinary course of water cannot be lawfully changed or obstructed for the benefit of one class of persons, to the injury of another. Unless therefore a sound distinction can be made between the ordinary course of water flowing in a bounded channel at all usual seasons, and the extraordinary course which its superabundant quantity has been accustomed to take at particular seasons, the creation and continuance of these fenders cannot be justified."

A point of some interest as to the sufficiency of notices was decided by the English Court of Appeal in *Mercantile Investment and General Trust Co. v. International Company of*