only the cautious habit of not deciding more than needful for the disposition of the case in hand led the court apparently to lay down what would seem to be an unnecessary limitation.—*Harvard Law Review.*

NATURAL RIGHTS.—There are at least three well-recognized natural rights —the right to support of land,* the right to unpolluted air, the right to running water.† These rights have often been called natural easements,‡ from a mistaken notion that they are a benefit in or over the land of another — the common attribute of easements. They are, however, nothing more than rights of property growing out of certain natural conditions of land, and the rights incident to any one parcel do not extend beyond the boundaries of that parcel.

The right of support is not a right to have the adjoining owner's soil *kept* in in its natural condition, but a right to have one's own soil *left* in its natural condition;§ the right to unpolluted air is simply the right to have the air over one's own soil remain in its natural purity; the right to running water confers no right to control its course or use, either above or below one's own land, provided its natural course and condition upon¶ one's own land remain unchanged.*

An interference with my natural rights is but an interference by another with the natural condition of my land. If, through the act of another, less water runs over my land than formerly, or if the air over my premises is polluted, or if the surface of my soil is changed, these natural conditions are altered, and, as a result, my natural rights are infringed. In other words, these rights are rights in one's own property—*corporeal* rights.†

* Lateral or subjacent. *Humphries* v. *Brogden*, 12 Q.B., 739.

† "It—namely, the right of support—is analogous to the flow of a natural river or of air." Per Willes, J., *Bonomi* v. *Backhouse*, Ellis, B. & E., 622, at p. 654.

‡ "Natural rights are a species of easements." Goddard on Easements (Am. ed.), p. 3.

§ *Backhouse* v. *Bonomi*, 9 H.L.Cas., 503; *Mears* v. *Dale*, 135 Mass., 508; *Mayor of Birmingham* v. *Allen*, 6 Chy.D., 284.

‖ The plea in *Flight* v. *Thomas*, 10 A. & E., 590, that "for the full period of twenty years' defendant "had enjoyed the advantage of having and using a certain mixen in and upon the said premises," *held* insufficient to support a prescriptive right. Per Lord Denman, C.J. "The plea may be completely proved without establishing that right. The nuisance may never have passed beyond the limits of the defendant's own land."

¶ Or *along*. "Lateral contact is as good *jure naturæ* as vertical." Per Lord Selborne, *Lyon* v. *Fishmongers' Co.*, 1 App.Cas., 662, at p. 683.

* "I apprehend that a proprietor may, without any illegality, build a mill-dam across a stream within his own property, and divert the water into a mill-lade, without asking leave of the proprietors above him, provided he builds it at a point so much below the lands of those proprietors as not to obstruct the flowing away of water as freely as it was wont; and without asking the leave of the proprietors below him, if he takes care to restore the water to its natural course before it enters their land." Per Lord Blackburn, *Ewing* v. *Colquhoun*, 2 App.Cas., 839, at p. 856.

† "The right to have a stream flow in its natural state without diminution or alteration is an incident of property in the land through which it passes." Per Parke, B., *Embrey* v. *Owen*, 6 Ex., 353, at p. 368.