

FOULING SUBTERRANEAN WATER.—It is well settled that A. may drain B's well by digging a deeper one. This seems a little unfair to B., but of course he may enter into a digging competition with A. and see who can stand it the longest. Is it open to him, however, to say to A: "Now, be reasonable, let us dig to equal depths. If you refuse and dig deeper, you may get my water but I will see to it that it will not be very sweet." Or without threat, or wrong intent, can he change his well into a privy, and so spoil A's water? If B. can injure A. as to the *quantity* of his water, (by digging deeper), is he restricted from interfering with its *quality*? In *Ballard v. Thompson*, 26 Ch. Div., Pearson, J., held that A. had no remedy for the fouling of his well. But the case is unsatisfactory. The learned judge agrees with *Womersly v. Church*, 17 L. T. N. S. 190, in which it was held that "no man is entitled to create on his own land a nuisance of such a nature as to foul the water of his neighbor's well, or to allow sewage to percolate from his land into his neighbor's well." But he distinguishes the case in hand by saying: "That was not a case of dealing with subterranean water." And he bases his decision upon the fact that the course of the water being invisible, the plaintiff takes his chances of what the water may be when it comes to him." The case, moreover, is dissented from in *Snow v. Whitehead*, 27 Ch. Div. 588. In this case the defendant allowed water to collect in his cellar, from which it percolated into the plaintiff's, and it was held that the defendant was liable in damages.

DAMPNESS FROM ARTIFICIAL MOUNDS.—A landowner is not liable for the natural flow of water from his land to that of his neighbor, but he has no right to hold sponges against his neighbor's wall, nor against his own wall if it is not thick enough to keep all the moisture on his own property. *Broder v. Saillard*, 2 Ch. Div. 692; *Hurdman v. N. E. R'y.* Co. 3 C. P. Div. 168.

NOISE.—"A man is entitled to the comfortable enjoyment of his dwelling-house. If his neighbor makes such a noise as to interfere with the ordinary use and enjoyment of his