snow, forms for itself a visible course or channel, and is of sufficient volume to be serviceable to the persons through or along whose lands it flows, it is a watercourse, and for its diversion an action will lie.

Where such a watercourse has been diverted by a railway company in constructing their line, without filing maps or giving notice, the landowner injuriously affected has a right of action, and is not limited to an arbitration. For such diversion the landowner, in the absence of an undertaking by the company to restore the watercourse to its original condition, is entitled to have the damages assessed as for a permanent injury. (Judgment of the Queen's Bench Division, 25 O. R. 37, affirmed.)—*Arthur* v. *Grand Trunk Railway Co.*, Court of Appeal, 15th January, 1895.

Negligence—Municipal corporations—Public park—Licensee—Knowledge.

A municipal corporation, owner of a public park and building therein, is not liable to a mere licensee for personal injuries sustained owing to want of repair of the building, at all events where knowledge of the want of repair is not shown.—*Schmidt* v. *Town of Berlin*, Queen's Bench Division, 19th December, 1894.

Indians—Capacity to make a will—Indian Act, R. S. C., c. 43, s. 20—Superintendent-General.

Held, that an Indian, male or female, may make a will, and may by such will dispose of any lands or goods or chattels, except as far as such rights may be interfered with by the Indian Act or other statute.

Held, further, that in the case of the will of an Indian widow, where the property bequeathed was personal property, there being nothing in the Indian Act to restrict or interfere with her right to dispose of the same either by act *inter vivos* or by will, the will was valid and sufficient to pass the property named in it.

Quære, however, whether the last part of sec. 20 of the Indian Act does not leave all questions arising in reference to the distribution of the property of a deceased Indian, male or female, to the Superintendent-General, so that his decision, and not that of the Court, should determine such questions.—*Johnson* v. *Jones and Tobicoe*, Chancery Division, Rose, J., 10th January, 1895.