

1885), en prescrivant certaines modifications à la pêche pour permettre le libre écoulement des eaux, et en mettant à la charge de Duroizant les frais occasionnés par ces modifications, n'a fait qu'imposer justement à celui-ci les frais d'une réparation qui rendait nécessaire la construction élevée par lui ou ses auteurs en contravention de l'art. 640, § 2, C. civ.; que, par suite, l'arrêt attaqué n'a pas violé les articles visés au pourvoi, mais fait une juste application de l'art. 640 précité; "Rejetta."

NOTE.—V. conf. Cass. 31 mai 1848 (S. 48.1.716—J. du Pal. 48.2.294—D. 48.1.154); 22 janvier 1866 (S. 66.1.68—J. du P. 66.159—D. 66.1.272). *Addé*: Pardessus, Servitudes, no. 82 et suiv.; Daviel, Régime des eaux, no. 737; Duranton, t. V, no. 156; Demolombe, Servitudes, t. I, no. 39; Aubry et Rau, t. III, § 240, texte et note 21, p. 11; Laurent, Pr. de dr. civ., t. VII, no. 370.—*Gazette du Palais*.

LITTLETON ALIAS WESTCOTE.

So Camden calls the famous lawyer; wherefore, is thus explained by Sir Edward Coke:

"Thomas de Littleton" (or Lyttleton, or Luttleton,—the orthography of those days was vague), "Lord of Frankley, had issue Elizabeth, his only child, and did bear the arms of his ancestors, viz., argent a chevron between three escalop-shells sable."

"With this Elizabeth married Thomas Westcote, Esquire, the King's servant in court, a gentleman anciently descended, who bare argent a bend between two cotisses sable, a bordure engrayled gules, bezanty. [This sounds like the classical poem of the Jabberwock.]

"But she being of a fair and of a noble spirit, and having large possessions from her ancestors, De Littleton resolved to continue the honor of her name, and therefore prudently, whilst it was in her own power, provided, by Westcote's assent before marriage, that her issue inheritable should be called by the name of De Littleton."

"Thomas, the eldest of that issue, was our author, who bore his father's Christian name, Thomas, and his mother's surname, De Littleton, and the arms De Littleton also."

His three brothers, however, preferred the name of Westcote. Upon their mother's expostulating with them, and asking them whether they thought better of themselves than their elder brother, they answered that "he had a fair estate to alter his name, and "if they might share with him they would "do the like."

Coke thus goes on to record Littleton's career: "He was of the Inner Temple, and read learnedly upon the statute of W. II., *De donis conditionalibus*. He was afterwards called *ad statum et gradum servientis ad legem*, and was steward of the Court of Marshalsea of the King's household, and for his worthiness was made by King Henry VII. his sergeant and rode justice of assize the Northern Circuit; which places he held under King Edward IV., until he, in the sixth year of his reign, constituted him one of the judges of the Court of Common Pleas [and granted him 110 marks yearly, *ultra consuetum feodum, ut statum suum decentius teneret, et expensas sustinere voleret*, and moreover the sum of 106s. 10½d. for a robe and furs, and 66s. 6d. for a summer robe, called *linura*], and he then rode the Northamptonshire Circuit. He married with Johan, [widow of Sir Philip Chetwynd,] one of the daughters and co-heirs of William Burley, a gentleman of ancient descent, and bare the arms of his family, argent a fess checkie or and azure, upon a lion rampant sable, armed gules."

He wrote his celebrated "Tenures" at some time prior to 1480. There is doubt as to when they were first printed. Sir Edward Coke reasoned that they must have appeared in print for the first time in 1532; but later investigation has disclosed several editions before that time, the first being that printed by Lettou and Machlivia, without date, but probably about 1481. Since then there have been numerous editions of Littleton's Tenures (apart from Coke's Commentaries), the latest and best being that by Tomlins, published in 1841.

Coke considered the Tenures to be "the ornament of the common law, and the most perfect and absolute work that ever was written in any human science, and that it is a work of so absolute perfection in its kind, and as free from error, as any book that I