

146, not to be liable for hastening the flow of surface water therefrom, although it results in the wearing of ditches in the dominant estate.

Where water runs in a well-defined channel, with bed and banks, made by the force of the water, and has a permanent source of supply, it is held, in *Rait v. Furrow* (Kan.), 6 L.R.A. (N.S.) 157, that it is to be regarded as a natural water course, although the stream may be small, its course short, and it may have existed for only a short time.

An owner of land bounded by a navigable stream is held, in *Fowler v. Wood* (Kan.), 6 L.R.A. (N.S.) 162, to have the right to protect his soil against the inroads of the water, to secure accretions which form against his bank, and to erect and maintain improvements necessary to promote commerce, navigation, fishing, and other uses of the river as navigable water, but to have no right by obstruction placed across the main current, to deflect the stream itself into a new channel.

One erecting fences and culverts across a stream is held, in *American Locomotive Co. v. Hoffman* (Va.), 6 L.R.A. (N.S.) 252, not to be liable for injuries to an upper riparian proprietor because they are not sufficient to pass an extraordinary flood due to the giving way of a dam, or to an unprecedented rainfall.

That the water of a navigable lake cannot be withdrawn below the original low-water mark for irrigation purposes, to the injury of a riparian owner who acquired his rights prior to the adoption of the constitutional provision vesting title to the navigable waters in the State, is declared in *Madson v. Spokane Valley L. & W. Co.* (Wash.), 6 L.R.A. (N.S.) 257.

### Flotsam and Jetsam.

PRESUMPTIONS AS TO POSSIBILITY OF ISSUE:—The *Law Times* (p. 405) gives a collection of the authorities in the English reports which would be useful to the practitioner desiring to know the trend of the cases on this subject.

A writer in the *Central Law Journal* (U.S.A.) p. 428) collects the authorities in the United States on the power of a Court to compel a plaintiff in a suit to submit to a physical examination. As the number of accidents is ever increasing and actions of negligence are multiplying in these days, the subject is one of interest.