

conservators is not simply a power to be exercised by them with any view to the improvement of the navigation of the Thames. It is of course, a power which, like every other power given them by the Act, they are to exercise so as to preserve the navigation from injury; but subject to this, it is a power of granting to individuals, upon a money payment, the privilege of doing what they otherwise could not do in a navigable river, of pushing out an embankment or work in front of their land into the body of the river. . . . Now, it is further to be observed that no compensation whatever is provided by the Conservancy Act, for any injury done to the adjacent owners of lands on the banks of the river, by the execution of a license granted under the 53rd section. Admitting, therefore, as may well be done, that a license under the 53rd section would be a perfect justification for an embankment made by a riparian owner in front of his own land, so far as it merely affected the public right of navigation, it would appear to be, *a priori*, in the very highest degree improbable that an Act of Parliament could intend, through the operation of that section, to authorise the conservators to permit one riparian owner to affect injuriously the land of another riparian owner, in consideration of a payment to be made, not to the person injured, but to the conservators themselves."

Is there any substantial distinction between the two cases? In the one we find the conservators granting a license authorizing the building of an embankment for a pecuniary compensation; in the other they gave a lease for a term of years at an annual rent of a part of the foreshore, not specifically but impliedly authorizing the erection of a wharf on the demised lot. In both cases, while we may assume that the conservators did not consider the erections injurious to the public right of navigation, they became private property and were intended for the special use and advantage of private individuals. In both cases the sole question involved was the right of access to one's property by water. The effect of the license as well as the lease was only to prevent the erections authorised to be built on the lot from being indictable as public nuisances by reason of their interfering with the public rights of navigation. In the same case Lord Cairns says: "Unquestionably the owner of a wharf on the river bank has, like every other subject of the realm, the right of navigating the river as one of the public. This,