

From Roscommon.

"After the declining sun  
Had changed the shadows, and their task was  
done,  
Home with their weary team they took their  
way."

From Dryden.

"He heaved, with more than human force, to  
move,  
A weighty straw the labour of a team."

Again from Dryden.

"Any number, and passing in a line:  
Like a long team of snowy swans on high,  
Which clap their wings, and cleave the liquid  
sky."

From Spenser's "Virgil."

"By this the night, forth from the darksome  
bower  
Of Erebus, her teamed steed you call."

From Martineau.

"In stiff days they may plough an acre of  
wheat with a team of horse."

The "glorious uncertainty of law" brought the duke and farmer into further litigation before they could settle the question. The jury of Oxford decided for the duke; the judges of Westminster decided (two against one) for the farmer; but then it was determined more to the advantage of the lawyers than of the parties concerned, that the case should be held over again, on some other plea, or under some other legal aspect.—*Exchange paper*.

### "KISSING THE BOOK."

Among the not uncommon superstitions which are entertained by schoolboys and uneducated persons, the notion that a person can avoid committing perjury by pretending to "kiss the book," while not really doing so, is apparently still prevalent. A woman who was last week charged at the Central Criminal Court with perjury in having sworn, at a previous Surrey Session, that her nephew who was then convicted had never been convicted on a former occasion, whereas there was distinct evidence to show that he had been an old and convicted offender, sought to excuse herself by saying that when she was sworn she had kissed her *thumb*, and not the book.

Seriously to entertain the idea that such an evasion, or such an excuse, would avail to relieve the perpetrator from the penalties of perjury, stamps the character of anyone who would set it up as an act morally permissible. Supposing, indeed, that any species of sophism is available to ease the conscience of such a person, it must be admitted that, if the act do not amount to perjury, the offence of deceiving the ministers of justice under the false pretence of taking an oath, and thereby obtaining the end which truthful evidence would obtain, is as deserving of the penalties of perjury as perjury itself. In the case we have referred to, the learned Recorder took, and we think rightly, the view that actual perjury had been com-

mitted, and utterly ignored the plea of kissing the thumb. It would be but playing with justice if such an excuse were to be admitted as available to discharge a witness from the duty of speaking the truth, however meritorious it might be thought to try and save a relative from the penalties due to his crimes, in the hope that he might, yet reform. Such considerations must be left to the judge, who will always be found willing to listen to anything that can be urged in a prisoner's favour. The more distinctly it is laid down that the offence of perjury consists in wilfully misleading a court of justice by false evidence as to matters of fact, irrespective of the form in which such evidence is tendered, the better for the interests of public morality and the due administration of justice.—*Solicitors' Journal*.

## MAGISTRATES, MUNICIPAL, INSOLVENCY, & SCHOOL LAW.

### NOTES OF NEW DECISIONS AND LEADING CASES.

MALICIOUS PROSECUTION—CONVICTION OUTSTANDING—NO POWER OF APPEAL.—An action is not maintainable for malicious prosecution where the plaintiff has been convicted, and the conviction is outstanding, although there is no power of appeal from the court where the conviction took place.—*Basee v. Mattheus*, C. P. 15 W. R. 839.

## SIMPLE CONTRACTS & AFFAIRS OF EVERY DAY LIFE.

### NOTES OF NEW DECISIONS AND LEADING CASES.

LANDLORD AND TENANT—LEASE—RESERVATION OF RIGHT OF PASSAGE.—The plaintiffs are under-lessees of one Hall Ashworth, who is a lessee of the Earl of Derby. The lease and underlease are of certain premises with their appurtenances, "except and reserved out of this demise the free running of water and soil coming from any other buildings and lands contiguous to the premises hereby demised in and through the sewers and watercourses made or to be made within, through or under the said premises." The defendant was the occupier, under Lord Derby, of some contiguous tan-pits, and he claimed the right to send water and refuse from those pits down a watercourse on to the premises demised to the plaintiffs. The watercourse had been arched over with brickwork for so much of it as passed through the land leased to the plaintiffs. A stoppage at the plaintiffs' end of the watercourse was proved, but the defendant contended that the stoppage was the plaintiffs' own fault. The jury found that the pipe was stopped in the plaintiff's land; but the judge being of opinion that the defendant had no