

to his death had his principal residence in Scotland. During this time, however, he continued principal partner in a private bank in Manchester and was proprietor of large landed estates in England, and continued his occupancy as a tenant of a mansion in Manchester and of a house in London. He left a very large personal estate, and a will in English form, made a short time before his death, in which he was designated as of Manchester. He also made a will in Scottish form. Apart from making his home in Scotland there was nothing in his conduct to suggest any intention of his abandoning his English domicile. Whether or not he had in fact done so was important, because if he had in fact done so his power of disposition over his estate would by Scotch law be limited; and his children, of whom the plaintiff was one, would have been entitled to a certain share in spite of any testamentary disposition to the contrary. The Court of Session held that the testator had not lost his domicile of origin and the House of Lords (Lord Halsbury, L.C., and Lords Robertson and Lindley) affirmed that decision.

RIVER—RIPARIAN RIGHTS—ABSTRACTION OF THE WHOLE OF THE WATER FROM A RIVER—EX ADVERSO MILL OWNERS.

*White v. White* (1906) A.C. 72, although an appeal from a Scotch Court, deals with a question of general interest. The controversy concerned the alleged right of a riparian owner to abstract and use the whole water of a river. This right was claimed under a Crown charter which purported to grant the water of the river in question to the owners of the plaintiff's mill. The mill was situate on the River Kelvin, and it was conceded that it had the right to a certain preference, which was called the right to the first water, but the plaintiffs had recently considerably enlarged their consumption of water for this mill and claimed a declaration if need be to use the whole of the water of the river. The defendants were owners of a mill on the opposite bank of the stream, and denied the plaintiffs' rights to increase their consumption of water as they claimed. They contended that each opposite riparian proprietor is entitled to the natural flow of the stream as it passes his ground, and that such right does not depend on the ownership of any part of the volume of the stream. Lord Halsbury, L.C., remarked that the grant of a tract of a natural river and apparently of all the waters in it, is a novelty in the law, and one which, upon the facts of this case, it was impossible to insist on. Notwithstanding,