

of costs comes in, and you find not only are all the formal interviews between you duly recorded and estimated, but every chance meeting, every passing rencontre in the street or the market place, ay, even to little hospitable confabulations over your own sherry in the azure dimness of your own cuban. There they are, all of them, with the formidable title of "Consultation," as if that absurd incident that happened to you at Boulogne, or that little adventure of yours with the widow in Wales, should ever figure in this shape, and come back to your mind associated with a demand for thirteen-and-fourpence. I know of no bitterness to compare with the revulsion of that moment. Never before has human nature appeared to you so mean and so despicable. What! you ask yourself, is this the man you have been associating with, at such a sacrifice to all your tastes and liking? White baiting him at Greenwich, and imposing him upon your friends as a worthy fellow at bottom? for whom you have stooped to what score of meannesses in apologies for this or that in his behaviour? Is this the creature—you call him creature now—whom you have treated as an intimate or an equal; telling him your choicest stories, regaling him with your driest *amontillado*, and recounting for his edification, those little traits of your early life, which, had it not been for the indolence of your disposition, would have, ere this, made you a Cabinet Minister or a Lord Chancellor? Is this the serpent you have been nursing in your bosom? For a while the whole wide universe seems hateful and repulsive, and you actually dread the commonest intercourse with your fellows, lest your passing greeting or your farewell rise against you in six-and-eightpences." [Ed.]

RECENT ENGLISH DECISIONS.

HOUSE OF LORDS.

Corporation—Damages.—The principle on which a private person, or a company, is liable for damages occasioned by the neglect of servants, applies to a corporation which has been entrusted by statute to perform certain works, and to receive tolls for the use of those works, although those tolls, unlike the tolls

received by the private person, or the company, are not applicable to the use of the individual corporators, or to that of the corporation, but are devoted to the maintenance of the works, and, in case of any surplus existing, the tolls themselves are to be proportionably diminished. *Mersey Docks Trustees v. Gibbs*, Law Rep. 1 H. L. 93.

Riparian Ownership—Alveus of a running Stream.—The soil of the *alveus* is not the common property of the respective owners on the opposite sides of the river; the share of each belongs to him in severalty, and extends *usque ad medium filum aquæ*; but neither is entitled to use it in such a manner as to interfere with the natural flow of the stream. A fence or bulwark on the bank is allowable; but the *alveus* is sacred. Any encroachment by one proprietor may be resisted by the other; and the onus of proving that the act is *not* an encroachment falls on the party doing it, who is *prima facie* held responsible. Mere apprehension, without some show of injury, will not ground a complaint; but it is not necessary to obtain or to be guided by scientific opinions. *Per Lord Westbury*:—This decision establishes the important principle, that an encroachment on the *alveus* of a running stream may be complained of, without the necessity of proving that damage has been sustained, or is likely to be sustained. *Bickett v. Morris*, Law Rep. 1 H. L. Sc. 47.

Will—Gift, original and substitutional.—A testator devised his estate and effects to trustees to pay the proceeds to his wife for life, and "after her decease, to distribute and divide the whole, &c., amongst such of my four nephews and two nieces" (naming them) "as shall be living at the time of her decease; but if any or either of them should then be dead, leaving issue, such issue shall be entitled to their father's or mother's share":—*Held*, that "issue" here meant children; and that the words, "should then be dead leaving issue," meant, should before then have died leaving issue.

Three of the nephews died in the life-time of the testator's widow, two of them without ever having had a child, one of them leaving a daughter. This daughter, likewise, died before the widow:—*Held*, that the gift to the