

acknowledged and recognized by the law of the nation where the dealing takes place; and that it is permitted by the law of that place to exercise there the powers with which it is endowed." See also *Angell & A. on Corp.* 97, 98.

Let the judgment be affirmed.

ABSTRACTS OF RECENT GEORGIA DECISIONS.*

Common Carriers.—Delivery of the goods must be proved, in order to charge a common carrier for their loss. It is a fact for the jury to determine, and if there is any evidence of delivery, the case will go to the jury on that fact. *Dibble vs. Brown & Harris*, 217.

The evidence of the plaintiff, in an action to charge a common carrier for the loss of a trunk, to prove its contents, is in no case admissible, if there is other evidence attainable to prove it. If there is none, and it is proven that defendant has committed spoliation upon the property, then the evidence of the plaintiff is admissible *in odium spoliatoris*. *Ibid.*

A party is also admissible to prove the contents of a trunk, when no other evidence is attainable, upon the policy *in favorem justitæ* springing out of the necessity of the case and the nature of the subject. *Ibid.*

Railroad companies, stage proprietors, steamboat owners and omnibus proprietors, who carry passengers for hire, as regards the passengers' baggage, are, like common carriers, liable for its loss, unless caused by the act of God, or the public enemy. *Ibid.*

Merchandise transported for sale, large sums of money and samples of merchandise, are not comprehended in the term baggage. *Ibid.*

By *baggage*, is understood such articles of necessity, or personal convenience, as are usually carried by passengers for their personal use. What articles are thus included, is a question to be left to the jury, under the instruction of the Court, upon a consideration of the condition in life of the traveller, his habits, vocation and tastes, the length of his journey, and whether he travels alone or with his family, and of the usage of the time and place, and all the circumstances of the case. *Ibid.*

Proprietors of railroads, stage-coaches, steamboats, omnibuses, &c., who are engaged in the business of transporting passengers, holding themselves

* We are indebted to Thos. R. R. Cobb, Esq., the State Reporter, for these Abstracts. The cases themselves will be found in 12 Geo. Rep.

out to the world as persons exercising a public employment, and as being ready to carry goods for hire, if they receive goods or extra baggage to be carried for compensation, are, as to such extra baggage and goods, liable as common carriers. *Ibid.*

Dedication.—A dedication to public use is, where one, being the owner of land, consents, either expressly or by his actions, that it may be used by the public for a particular purpose. *The Mayor, &c., vs. Franklin, 239.*

There is no particular form of making a dedication; all that is necessary is the assent of the owner, and the fact that it has been used by the owner for the purpose of the appropriation. *Ibid.*

It is not necessary that the use should be for the term of years necessary to presume a grant, but may be for a less term. It should, however, be for such a length of time that the public accommodation and private rights might be materially affected by an interruption of the enjoyment. *Ibid.*

A public square, or a common, in a city or town, is the subject of dedication. *Ibid.*

A dedication of land to public use, is in the nature of an estoppel *in pais*; and when an attempt is made by the proprietor to revoke it by a sale of the land, he may be enjoined by any person interested in the use. *Ibid.*

Easement.—A license or liberty attached to real estate must generally be made by grant, and when made by parol, is revocable, unless the enjoyment of it is preceded necessarily, by the expenditure of the money, and the grantee has made improvements and invested capital in consequence of it. In that event, he occupies the position of a purchaser for value. *The Mayor, &c., vs. Franklin, 239.*

Estoppel.—Admissions which have been acted on by others, are conclusive against the party making them, in all cases between him and the person whose conduct he has thus influenced. In such cases the party is estopped, on grounds of public policy and good faith, from repudiating his own representations. *Tompkins vs. Phillips, 52.*

Evidence.—In order to introduce secondary evidence of the contents of a lost paper, it is only necessary to establish a reasonable presumption of its loss or destruction. And this presumption is held to be established when the party shows that in a reasonable degree he has exhausted all the