

An offence was committed on board an American ship anchored in the Penarth Roads, in the British Channel, three quarters of a mile from the coast of Glamorganshire, at a spot never left dry by the tide, but within a quarter of a mile from the land which is left dry. The place in question was situated between the shore of the county of Glamorgan and two islands, which had always been treated as part of the county of Glamorgan. It was also about ten miles from the opposite shore of Somersetshire. The Penarth Roads are ninety miles from the mouth of the Channel. The venue was held to be properly laid in Glamorganshire. *Reg. vs. Cunningham*, 5 Jur., N. S., part 1, p. 202.

Reg. vs. Webster, 5 Jur., N. S., part 1, p. 604, is a decision as to whether, in an indictment for perjury alleged to have been committed by the defendant, in swearing that a certain person signed a receipt, in the presence of the defendant, at the foot of a bill of account, the bill of account was stated with sufficient certainty.

Rape.—The prisoner had carnal knowledge of a girl, thirteen years' old, by force. The girl was incapable of giving consent from defect of understanding, and it was not shown that the act was done against her will. A conviction was sustained. *Reg. vs. Fletcher*, 5 Jur., N. S., part 1, p. 179.

Receiving.—The prisoner H. was walking by the side of the prosecutrix, and the prisoner E. was seen just previously following behind her. The prosecutrix, felt a tug at her pocket, found her purse gone, and, on looking round, saw H. behind her, walking with E., and saw H. hand something to E. The jury were directed, that if they did not think, from the evidence, that E. was participating in the actual theft, it was open to them, upon the above facts, to convict him of receiving. The court held that this direction was right. *Reg. vs. Hilton and Another*, 5 Jur., N. S., part 1, p. 47.

COMMON LAW.¹

Attorney and Client.—An attorney who compromises an action against the express directions of his client is liable to an action for damages at the suit of his client. The client, and not the attorney, is *dominus litis*. *Fray vs. Vowles*, Q. B. 232.

Easement.—In an action by a reversioner, one count alleged that a messuage and land in fact received lateral support from, and were supported by the land adjoining, yet defendant wrongfully and negligently dug and made excavations in the said land so adjoining, and without sufficiently shoring,

¹ London Law Magazine.

propping or otherwise protecting the said message and land from the effects thereof, and thereby deprived the message and land of their said support, whereby the land and message sank. Another count stated that plaintiff was, by reason of her said interest in the message and land, entitled to have the message supported laterally by certain land adjoining, yet the defendant wrongfully and negligently dug and made divers excavations in the land adjoining, and without sufficiently shoring, propping or otherwise protecting the said message and land, and thereby deprived the said message of the support to which the plaintiff was so entitled as aforesaid, whereby the message and land sank. On demurrer, both counts were held to disclose a right of action, as well in respect of the injury to the house as to the land. *Bibby vs. Carter*, Ex. 182.

Nuisance.—To a declaration complaining of trespasses to plaintiffs' landing-stage or dummy, the same being a barge moored to a wharf alongside a river, defendant pleaded that he had a right to land at a quay upon the banks of such river, which was a public navigable river, and that plaintiffs permanently moored their dummy there so as to obstruct and prevent defendants approach to the quay, and so that it was impossible for him to land without passing over the dummy; and thus the plea justified passing over it and so committing the trespasses complained of, doing no unnecessary damage to plaintiffs in that behalf. This was a good plea, as defendant was, under the above circumstances, justified in exercising his right of landing by so passing over the dummy. At the trial, it appeared, that defendant committed the trespasses of landing upon the dummy both when the tide was so high that but for the dummy being there, he could have landed at the quay, and also when the tide was so low that, if the dummy had not been there, he could not have landed. The plea was held a sufficient answer to the declaration, for if plaintiffs complained of trespasses committed upon occasions of low tide, when the dummy did not interfere with the right to land, they ought to have new assigned in respect of such occasions. There was evidence at the trial of a custom to justify passing over a barge which, when alongside a wharf for the purpose of loading, interfered with another vessel having a right also to load or unload at such wharf. Plaintiffs' dummy was a covered barge permanently fixed to the wharf for the convenience of passing passengers to and from the plaintiffs' vessels at any state of the tide. It was held, the custom did not apply to the case of such dummy, and that the evidence did not, therefore, support a plea justifying under such custom the passing over the dummy. *Eastern Counties Rail. Co. vs. Dorling*, C. P. 202.