

But what of lands charged with ancient lights? The position in this case is very different. The land is charged with an obligation. But it is charged, not by reason of anything done by the owner, but by the deliberate act of the neighbour. The land is depreciated, but the owner receives nothing on account of this depreciation. Part of his capital is gone—taken from him, as it were—in the short span of twenty years, not because he has done anything wrong, but because he has not raised a hideous hoarding against his neighbour's windows. Here, indeed, is an anomaly, and we may be pardoned if we dwell upon it a little longer.

Let us take, for example, the common case of an owner of an acre or so of land, not in a town nor in the heart of the country, but in a locality where land is utilized in part for building and in part for gardens, grazing, or agriculture. Suppose our owner to use his land as a garden in connection with his residence. Suppose, further, his neighbour to build on the boundary a house with windows on three floors overlooking the garden. Our owner cannot object. His privacy may have been encroached upon. But encroachment on privacy is no actionable wrong: see *Tapling v. Jones*, 12 L.T. Rep. 555; 11 H.L. Cas. 290, at p. 305. The view from the windows of his own residence may have been obstructed. But obstruction of prospect is not wrongful in the eye of the law: see *Dalton v. Angus*, 44 L.T. Rep. 844; 6 App. Cas. 740, at p. 824. He has, in short, no legal power of preventing the building. In this respect, no doubt, the law is founded on just and expedient grounds.

But the new windows overlooking his garden mean something more to our owner than the mere interference with privacy and prospect. For he will lose in time the building value of his garden. He must obtain an acknowledgment from his neighbour that the new windows are not privileged. But the neighbour may not be disposed to give any such acknowledgement; and so our owner must elect to take one of two courses. He may either "let the matter slide," trusting that it will be convenient for him within the next twenty years to build against