

before him, the provisions of the section were satisfied. Two authorities cited in the course of the argument in that case in some measure supported the view taken by Mr. Justice Kekewich. They were *Coventry v. London, Brighton and South Coast Railway Company*, 17 L. T. Rep. 368, L. Rep. 5 Eq. 104, and *London and South Western Railway Company v. Blackmore*, 23 L. T. Rep. 504, L. Rep. 4 E. & I. App. 610. In the former, the court, construing s. 128 of the Lands Clauses Consolidation Act, 1845, held that land separated by a private road was immediately adjoining certain superfluous lands. In the latter, lands were held to be adjoining though divided by a wall.

An even stronger case than the above-mentioned was that of *Haynes v. King*, 69 L. T. Rep. 855, (1893) 3 Ch. 439, decided by Mr. Justice North. His Lordship there held that, where the document of title is sufficient to pass the soil *ad medium flumina*, houses on opposite sides of a street are "adjoining or contiguous" to each other. Those words were contained in covenants by lessees not to obstruct any access of light to the lessors' premises, and a reservation to the lessors of the right to erect or suffer to be erected, on the "adjoining or contiguous" premises, buildings obstructing the access of light to the demised houses. Inasmuch as the leases passed the subsoil to the middle of the street, the houses on the opposite sides of the street were held to be "adjoining or contiguous" to each other. Mr. Justice North was of opinion that the word "contiguous" was used in the covenants by someone who did not fully understand its meaning. The learned judge did not think that it was intended to have its strict meaning, viz., "touching." He thought that the two words "adjoining" and "contiguous" were not intended to be merely synonymous, but were meant to be alternative, and that the meaning really was "such adjoining or neighbourly premises." Even, however, if the word was to be construed strictly, that did not affect the conclusion arrived at by his Lordship. In *Vale and Sons v. Moorgate Street and Broad Street Buildings, Limited, and Albert Baker and Co., Limited*, 80 L. T. Rep. 487, on the contrary, it was decided by the present Master