perties, where the roots extend into both. It seems at one time to have been considered that a tree deriving its nourishment from the soil of both the adjoining owners thereby becomes the property of the two owners as tenants in common; but the discussion which the subject has received in the American courts, and the utter impracticability of working out such a view of the law which that discussion has shown, has practically had the effect of establishing that it is not the law of the American courts, and that it cannot be English law. The result of the cases is that a tree belongs to him on whose property the trunk grows, irrespective of where the roots or branches of it extend; and where the boundary line passes through the trunk, then the proprietors of the adjoining lands are tenants in common of the tree: 2 Roll. R. 255. It was at one time suggested that, in the latter case, each owned in severalty the part of the tree which grew on his own land, but the inconvenience of such a rule is apparent, as one owner might destroy his neighbour's part of the tree by cutting away his own portion of it; unless indeed the maxim, *Sic utere tuo ut alienum non lædas*, could be invoked in such a case.

The ownership of trees in the neighbourhood of boundaries being settled, it follows that the fruit which grows upon them belongs to him who owns the tree. If, therefore, our tree extends its branches over our neighbour's land, and its fruit overhangs his land, that fruit is our property and not his; and if he should pick it off and convert it to his own use, we should have a right of action against him for so doing: *Skinner* v. *Wilder*, 38 Vt. 115; and if he should hinder us, or our servant, from picking it, we should also have an action against him: *Hoffman* v. *Barber*, 46 Barb. 337. In the latter case it appears that the servant of the owner of the tree sought to gather the fruit from the branches which overhung the defendant's land, and that the defendant obstructed her in doing so, and had to pay $1,000 damages for his ignorance of the law. From the report, it would seem that the plaintiff's servant did not enter the defendant's premises, but was endeavouring to pick the fruit from the fence which separated the lots. It is laid down in Viner's Abridg. a Tit. Trees (E), that if trees grow in the hedge and the fruit falls into another's ground, the owner may go in and take it; but it might be argued that that applies only to the case of A.'s fruit