

to any other person during the five years. The loan was paid off before the five years had elapsed, and the question was whether this collateral agreement could nevertheless be still enforced, and the House of Lords (Lord Haldane, L.C., and Lords Halsbury, Atkinson, Mersey and Parker) were unanimous that it could, and the judgment of the Court of Appeal to the contrary was therefore reversed. In *Biggs v. Hoddinott* (1898) 2 Ch. 307, it had been decided that such a stipulation was good during the continuance of the security, and this case therefore not only affirms that decision, but decides that redemption does not put an end to such agreements.

HIGHWAY—DEDICATION—DEPOSITED PLAN—USER BY PUBLIC—  
ADJOINING OWNER—RIGHT OF ACCESS TO HIGHWAY.

*Rowley v. Tottenham* (1914) A.C. 95. This was an appeal from a decision of the Court of Appeal (1912), 2 Ch. 633 (noted ante vol. 49, p. 107). The action was brought by a municipal body to restrain the obstruction of a highway by the defendants. The facts were briefly, that the defendant had laid out a building estate and deposited a plan thereof with the plaintiffs, on which the road in question was indicated as being forty feet wide. One half of the road was thereafter made up and metalled by the defendant, the other half was left as a foot path. Thereafter the public used the road and as a rule preferred the metalled part. The plaintiffs owned property abutting on the unmetalled side of the road and opened an entrance therefrom into the highway, which the defendant obstructed. The Court of Appeal affirmed the decision of Joyce, J., that there had been a sufficient and effective dedication of the road as a highway, and that the plaintiffs were entitled to access thereto as claimed, and the House of Lords (Lords Dunedin, Atkinson, Parker and Sumner) have now affirmed their decision.

MORTGAGE—PAYMENT OF MORTGAGE—RECONVEYANCE AND NEW  
MORTGAGE WITHOUT NOTICE OF INTERMEDIATE MORTGAGE—  
MERGER—PRIORITY.

*Whiteley v. Delaney* (1914) A.C. 132. This was an appeal from a decision of the Court of Appeal in *Manks v. Whiteley* (1912) 1 Ch. 735 (noted ante vol. 48, p. 454), in which Moulton, L.J., dissented from the other members of the Court and our suggestion that his was the better opinion has turned out to be correct, for the House of Lords (Lord Haldane, L.C., and Lords Kinnear, Dunedin and Atkinson) have reversed the judgment of the Court