EASEMENT—RESERVATION OF EASEMENT—CONTRACT FOR SALE OF LAND RESERVING "RIGHTS OF WAY HITHERTO EXERCISED"—DEED NOT EXECUTED BY PURCHASER.

May v. *Belleville* (1905) 2 Ch. 605 was an action brought to restrain interference with the plaintiff's use of a right of way, the right to which arose as follows. From 1867 to 1902 two farms called "White Lodge" and "Coxhill" had been owned by the same person, and during all that time the tenants of Coxhill had used a way over White Lodge. In 1902 the owner sold White Lodge, the agreement for sale stating that there were reserved to the vendor, his heirs and assigns, the owners and occupiers for the time being of Coxhill and their servants and others authorized by them, all rights of way hitherto exercised by them in respect of Coxhill over any portion of White Lodge, and the conveyance contained a similar reservation, but was not executed by the purchaser. It was contended for the purchaser that there being a unity of title in the two farms there was no right of way, and, therefore, the reservation was of something which did not exist and was, therefore, inoperative, but Buckley, J., found as a fact on the evidence that the right of using the way in question had in fact been used and exercised by the tenants of Coxhill, and that though not in strictness a legal right of way, it was a right to which the reservation in the deed referred and that the purchaser and those claiming under him with notice of the reservation were bound to give effect to it.

INJUNCTION—TRESPASS—DISCRETION TO REFUSE INJUNCTION.

Behrens v. *Richards* (1905) 2 Ch. 614 was an action by a landowner to restrain trespass. The plaintiff's land was situate on an unfrequented part of the sea coast, and he stopped up certain paths running through the property to the sea shore which the defendants claimed were public highways. The defendants having removed the obstructions the action was brought claiming an injunction. The Attorney-General was not a party. Buckley, J., held, on the evidence, that as between the plaintiff and defendants there were no public rights of way over the property in question, and the defendants must pay nominal damages; but he held that inasmuch as the plaintiff was not, in the present state of the neighbourhood, injured by the public use of ways in question, no injunction ought to be granted.