

A right of way "appurtenant" must be appurtenant to some particular parcel of land, and should refer in the grant to the dominant tenement: *Miller v. Tipling* (1918), 43 D.L.R. 469, 43 O.L.R. 88.

A way in the rear of a house held to be included amongst "easements or privileges appertaining" to the land and to pass as such: *Ennis v. Bell* (1918), 40 D.L.R. 3, 52 N.S.R. 31.

The general words "ways, rights, privileges and appurtenances," in deeds of land, do not include the inchoate enjoyment of a prescriptive right of way until the statutory period has run: *McLean v. McRae* (1917), 33 D.L.R. 128, 50 N.S.R. 536.

A right of way will not pass by implication as appurtenant to land under the general words of "ways, easements and appurtenances" where the strip over which the way is claimed had not been in use as a way *de facto* to the land conveyed: *Peters v. Sinclair* (P.C.) (1914), 18 D.L.R. 754, affirming (1913), 13 D.L.R. 468, 48 Can. S.C.R. 57.

A way of necessity does not arise merely to afford greater convenience of access; nor will it, in the circumstances, pass as an "appurtenant" on the principle of non-derogation from the grant: *Fullerton v. Randall* (1918), 44 D.L.R. 356.

An agreement by an owner of land granting a privilege, to an adjoining owner, for a term of years, to draw water from a spring on his land, is a personal license by the grantor, not an easement, and does not run with the land: *Naegle v. Oke* (1916), 31 D.L.R. 501, 37 O.L.R. 61.

A conveyance of land for mining purposes does not confer upon the grantee the right to carry on the excavations in derogation of a right to a passageway for cattle reserved in the deed: *Canada Cement Co. v. Fitzgerald* (1916), 29 D.L.R. 703, 53 Can. S.C.R. 263.

A right to go on abutting land to draw water from a well there situate may be the subject of an easement created by a partition agreement and evidenced by indicating the well and path to same running from the house on the adjoining lands on the plan accompanying the partition deeds; and such easement will be binding on parties subsequently acquiring the parcel on which the well is situate with notice of such plan and partition agreement: *Publicover v. Power* (1914), 20 D.L.R. 310.

Where adjoining owners construct their buildings according to a party-wall plan, and one is given a passageway to his building by means of a communicating door through the party wall, a valid easement is thereby created, independently of any grant or deed, to the stairways and passageways necessary for the proper use of his building, and it is co-extensive with and as durable as the easement of the party-wall: *Smith v. Curry* (1917), 36 D.L.R. 400; 42 D.L.R. 225.

An easement by prescription in a way, not appurtenant nor essential to the beneficial enjoyment of a dominant tenement, can be acquired only by an uninterrupted use for the full period of twenty years: *Salter v. Everson* (1913), 11 D.L.R. 832.

The doctrine of lost grant as applied to easements was not superseded by the Limitations Act (R.S.O. 1914, c. 75, and previous Acts), but before it can be applied there must be affirmative proof that a burden was imposed on the