

cluded by stating that the order would be that, the court being of opinion that the column of air over so much of the room as projected over the site of the ground floor conveyed to the defendants passed to the latter, the bill should stand dismissed.

In *Laybourn v. Gridley* (1892), 2 Ch. 53, Mr. Justice North expressed the view that if a building overhanging adjoining premises was conveyed by the common owner by reference to the ground-floor plan, the grantor would not be entitled to raise the height of the overhanging portion of the building.

In *Finchley Electric Light Company v. Finchley Urban District Council*, 88 L.T. Rep. 215, (1903), 1 Ch. 437, Mr. Justice Farwell, taking the view that under the circumstances of the case the fee simple of the soil of a roadway was vested in the highway authority, refused to grant an injunction to restrain that authority from cutting the wires of an electric lighting company which the latter had carried (at a considerable height) across the roadway. "The plaintiffs had no right," said his Lordship, "to take their wires across the portion of the atmosphere which lies above this piece of land belonging to the defendant council." The Court of Appeal, however, reversed this decision on the grounds that the fee simple of the soil was not vested in the highway authority, but that the highway was only vested in them in the usual way, and that as the wires did not interfere with the user of the roadway, as a highway, the authority could not interfere with them. Previously to this decision the Court of Appeal in *Wandsworth Board of Works v. United Telephone Company*, sup., had held that a statutory authority in whom a road was vested as a highway could not object to the carrying of a wire, 30 feet above the ground, across the highway.

Up to this we have been considering only the question of the legal aspect of mere passage over another's land. Passing now to the question of alighting where contact actually takes place, it would appear that the uninvited entry of an aeronaut is a trespass in the strictest and most technical sense. As we have already pointed out, the mere shooting across another's land would not, in the opinion of Lord Ellenborough, have constituted