

or children, which, if valid, would be exercisable beyond the period allowed by law; and that therefore the first power must be held to be good, but the second must be rejected as invalid.

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

Tottenham v. Rowley (1912) 2 Ch. 633. This was an action by a municipal body to restrain the obstruction of a highway by the defendants. The facts were, that the defendant had laid out a building estate and deposited a plan with the plaintiffs on which the road in question was indicated, forty feet wide. One-half of this road was subsequently made up and metalled by the defendant and the other half was left as a footpath. Thereafter the public used the road and as a rule preferred the part which was metalled. The plaintiffs owned property on the unmetalled side of the road and opened an entrance therefrom into the highway, which the defendant obstructed. The Court of Appeal (Cozens-Hardy, M.R., and Farwell and Kennedy, L.JJ.), affirming Joyce, J., held that the deposit of the plan coupled with the subsequent use of the road by the public constituted a sufficient dedication of the whole highway and not merely of the metalled portion, and that the plaintiffs had a right of access thereto as claimed, and that notwithstanding that the unmetalled portion might be intended to be appropriated as a footpath, the plaintiffs had a right to cross it on foot or with vehicles at reasonable times and to a reasonable extent. As the Master of the Rolls puts it, "It is not open to the defendant to say 'I intended to dedicate to the public without giving any right to the adjoining owner.' He doubts whether any such dedication is possible in law. If it is, it must be made out on the clearest evidence, which he held was not forthcoming in the present case.

JOINT TENANCY—CHOSE IN ACTION—POLICY ON TWO LIVES IN
FAVOUR OF SURVIVOR—PREMIUMS PAID BY ONE JOINT TENANT
AT THE REQUEST OF ANOTHER—SET OFF—EQUITY—LIEN—
ASSIGNMENT BY ONE JOINT TENANT.

In re McKerrell, McKerrell v. Gowans (1912) 2 Ch. 648. This was a proceeding to determine the rights to a policy of insurance. The policy in question had been effected by a husband and his wife on their respective lives, the amount insured being payable to the survivor of them. Each party was to pay