

trial of race horses. A view of the land so used could be obtained from the highway on the plaintiff's land. The defendant was one of the proprietors of a paper which published accounts of the doings of race horses, and for the purpose of getting information as to the performances of horses being trained on the plaintiff's land the defendant walked backwards and forwards on the highway on the plaintiff's land about fifteen yards in length for about an hour and a half, watching and taking notes of the trials of race horses on the plaintiff's land. The plaintiff brought an action against the defendant for trespass in thus using the highway, and the jury found a verdict for the plaintiff, and Day, J., who tried the action, gave judgment for the plaintiff and granted an injunction to restrain further trespass by the defendant. On appeal from that judgment the Court of Appeal (Smith, Collins, and Romer, L.JJ.) following *Harrison v. Rutland* (1893) 1 Q.B. 142, (noted ante vol. 29, p. 178), affirmed the decision. Owing to the difference of the law in Ontario respecting the ownership of the freehold of highways, (see R.S.O. c. 223, ss. 599, 601), it would seem that this case would have but a limited application in Ontario.

PARTNERSHIP—DISSOLUTION—FIRM NAME OF DISSOLVED PARTNERSHIP, RIGHT TO USE—SOLICITORS' BUSINESS.

In *Burchell v. Wilde* (1900) 1 Ch. 551, the right of the partners of a dissolved firm to use the name of the firm is discussed. In this case the business carried on by the firm was that of solicitors. It was formed in 1882 and was composed of Wm. Burchell, senior, and Wm. Burchell, junior, W. G. Wilde, the defendant, and J. W. Burchell and C. T. D. Burchell, the plaintiffs, and the business was carried on under the name of "Burchells." In June, 1893, William Burchell, senior, died and Wm. Burchell, junior, retired, and the other members of the firm agreed to carry on the business under the style of "Burchell & Co." In 1899 the partnership was dissolved by consent, there being no sale of the good will or assets, and no provision as to the use of the firm name. The plaintiffs then proceeded to carry on business in the office of the old firm as "Burchell & Co.," and the defendant, W. G. Wilde, and his son, whom he had taken into partnership, carried on business at a new office as "Burchell & Co." The plaintiffs brought the action to restrain the Wildes from using the name of "Burchell" or "Burchells" in anyway as part of their firm name. On a motion for