

"I do not mean to say that there must be an absolute and irresistible necessity; an inconvenience must be so great as to amount to that kind of necessity which the law requires, and it is difficult and perhaps impossible to lay down, with exact precision, the degree of inconvenience which will be required to constitute legal necessity."

In this case there was a convenient way out by water, and the court refused to recognize the way out in another direction over land. It is not shewn in this case, however, that the way out over land at all seasons of the year would have been more valuable or more convenient than that by water way.

In *Nichols v. Luce*⁸ this language is used:—

"It is not pretended that the bluff across the defendants' lands is impassable, but only that it is exceedingly difficult to pass it and that it would be much more convenient to the defendants to pass over plaintiff's lands; here is no such necessity as would raise an implication of grant of different way upon different parts of defendants' lot. Convenience, even great convenience, is not sufficient."

In *Ogden v. Grove*⁹ it is said:—

"Convenience is no foundation for the claim, nor is actual detriments to possession of claimant resulting from necessity of a way through his own property, any reason to claim it through that of a neighbour."

In *Screven v. Gregorie*¹⁰ it is said:—

"That great convenience is not sufficient."

In *Trask v. Patterson*¹¹ we find this language:—

"No implication of a grant of a right of way can arise from proof that the land could not conveniently be occupied without it; its foundation rests upon necessity."

In *Oroke v. Smith*¹² we have:—

"Query, whether the grant of a way existing de facto can be applied except in cases of strict necessity."

Semble, that claimant of such grant must be required to shew that without the way he will be subjected to an expense excessive and disproportioned to the value of his estate, or that