

An obligation to fence, based on covenant, may, of course exist. But this obligation goes no further than the first covenantor. It is not an obligation that runs with the land, except, of course, as between landlord and tenant. If A. takes a conveyance of Whiteacre from B. and covenants to keep the fence in repair, and then conveys Whiteacre to C., B. cannot sue C. for failing to repair. A restrictive obligation undertaken by A. would be enforceable by B. against C. if C. had notice of it. But a covenant to repair a fence is not restrictive in this sense; it is an affirmative obligation.

Lastly, we ought to point out that, even in the case of the obligation to fence against a common, there are limits to the duty. In the more recent case of *Coaker v. Willcocks* (104 L.T. Rep. 769; (1911) 2 K.B. 124), the Court of Appeal held that the plaintiff, who was entitled to depasture animals on Dartmoor, could not call in question the defendant's having distrained *damage feasant* the plaintiff's sheep which had strayed over or through the defendant's fence. The defendant occupies a farm inclosed from the commonable land, and in effect admitted that he was bound to keep up the fence as against commonable animals, which, apparently, included sheep. But the plaintiff's sheep were of an imported breed, and it was shewn that a fence that would have kept out ordinary sheep was not sufficient to keep out sheep of this imported breed. The plaintiff's sheep were Scottish, and possessed of powers of jumping greater than those of the native-born breeds.—*Law Times (Eng.)*.

Prevalence of accidents arising from ignorance in experience and carelessness of automobile owners and their families who undertake to act as chauffeurs in the management of their automobiles requires a change in the law. At present only those who drive a motor vehicle for hire are required to take out a license. This is very well so far as it goes, but it does not go far enough. No one should be allowed to drive a vehicle capable, in inexperienced or incapable hands, of causing the death of innocent citizens, without a certificate of qualification for such a position. A few days ago, in the city of Toronto, an automobile driven by a girl who was practising the art ran onto a sidewalk and killed a woman.