

the right as a right of property in the light. According to the House of Lords we are henceforth to consider the question only from the point of view of nuisance. It is not so much a question of the quantity of light which has been obscured by the offending building, as a question of the quantity of light which remains. If the owner of the house has sufficient light for the comfortable use and enjoyment of his house according to the usages of ordinary persons in the locality, no actionable wrong has been caused by the diminution of the light: (see per Farwell, J., in *Higgins v. Betts*, 92 L.T. Rep. 850; (1905), 2 Ch. 210, at p. 214). From this it follows that a building owner may to a certain extent rightfully diminish the light of his neighbour's privileged windows. The extent of rightful obscuration—to use an ugly but legitimate term—will depend on circumstances. The most important of these circumstances is the amount of light still available for the privileged windows after the obscuration.

In a great many cases light is derived from over the land of more than one owner. In these cases, in order to discover the extent of rightful obscuration, it becomes material to ask—Is the light available over the land of third parties to be taken into consideration? If so, the building owner can build much closer to the windows than he otherwise could have done.

Let us take a simple example. Suppose A. to own a room lighted by one window overlooking the dividing line between the lands of two adjoining neighbours B. and C. Can B. build close to A.'s window, provided the light from C.'s land is still sufficient for A.'s room? Now observe the anomaly up to which we have been leading, and the strange consequences which result from it. The answer to our question is "Yes," if A. is entitled to light as against C.; and "No," if A. is not so entitled.

"As regards light from other quarters," said Lord Lindley in *Colls' Case*, sup., at p. 210, "such light cannot be disregarded; for the light from other quarters, and the light the obstruction of which is complained of, may be so much in excess of what is protected by law as to render the interference complained of non-actionable. I apprehend, however, that light to which a right has