

Suppose A, the owner of one tract of land, sold to B another tract of land, so situated that B would have a right of way of necessity over the remaining lands of A, and B would sell his lands to C, who by reason of owning adjoining lands which reach to a public highway, and C be deprived of his way of necessity over A's lands, and thereafter C should sell the lands so acquired to D, who had no way to reach said lands except the old way of necessity or a new one over the lands of C: would D have conveyed to him the right to use the way of necessity over the lands of A?

Here the land is in the same condition and the same necessity exists as when B purchased it from A. If it should be held that D did not acquire such way, then it must be held that he would have a right out over the lands of C, and this would be in a certain sense, taking C's lands for the benefit of A, and give back to A lands which he had sold and for which it is presumed he received a consideration, and yet it would seem if the various decisions of the courts are strictly followed out, this would be just what would happen.—*Central Law Journal*.

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| 1. Volume 2, page 35. | 24. 8 Allen 1. |
| 2. 24 Pick. 102. | 25. 47 Maryland 379. |
| 3. 35 Vt. 52. | 26. 18 Conn. 324. |
| 4. 15 Conn. 39. | 27. 19 Wendell 510. |
| 5. 47 Ver. 451. | 28. 80 Mass. 126. |
| 6. 153 Cal. 677. | 29. 2 Bing. 76. |
| 7. 2 McCord (S. C.) 445. | 30. 1st Barb. Ch. 1. |
| 8. 47 Mass. 105. | 31. 146 Iowa 512. |
| 9. 38 Pa. 491. | 32. 1 Barb. Ch. 1. |
| 10. 8 Rich. (S. C.) 158. | 33. 150 N. Y. 139. |
| 11. 29 Me. 502. | 34. 18 Conn. 321. |
| 12. 11 R. I. 259. | 35. 35 Howard Pr. N. Y. 145. |
| 13. 29 Tex. 74. | 36. 5 Taunt. 311. |