mere equivocal acts of possession. In the present case the contest was as to the ownership of a narrow strip of land lying between two fields owned by the defendants, which strip had been conveyed to the defendants with the fields, but the plaintiffs had a right of way over the strip to a field belonging to them. The strip was originally open at both ends, and the end farthest from the plaintiffs' field communicated with a public highway. More than twelve years before action, the plaintiffs erected a gate on the strip where it adjoined the highway, and a gate was also erected at the other end of the strip, but it was not clear whether it was on the strip or on the plaintiffs' own land. There was no evidence that the plaintiffs had erected the gates with the intention of excluding the defendants from the strip. The present action was brought to restrain the defendants from trespassing on the strip. Bigham, J., tried the action. It is not stated explicitly in the report what judgment he gave, but it may be inferred that he dismissed the action. The Court of Appeal (Lindley, M.R., Jeune, P.P.D., and Romer, L.J.,) agreed that the plaintiffs could not succeed. The erection of the gates and keeping them locked so as to exclude every one, it was conceded, would have been a sufficient possession to give the plaintiffs a title under the statute, if the plaintiffs had had no right to, or over, the strip in question ; but inasmuch as the plaintiffs had a right of way, the erection of the gates was an equivocal act, and it might be inferred that they were put up merely to protect the plaintiffs' right of way from invasion by the public, and not for the purpose of dispossessing the defendants. When they commenced the action, and for some time before, the plaintiffs only claimed a right of way, and no more ; and, on the evidence, the Court was satisfied that the gates were not put up originally with any intention of excluding the defendants. The judges of the Court of Appeal, however, admit that the case was not free from difficulty.

MORTGAGE—POWER OF SALE—SETTING ASIDE SALE UNDER POWER—LACHES.

In *Nutt* v. *Easton* (1900) 1 Ch. 29, the Court of Appeal (Lindley, M.R., Jeune, P.P.D., and Romer, L.J.,) dismissed an appeal of the plaintiff in person from the judgment of Cosens-Hardy, J., (1899) 1 Ch. 873 (noted ante vol. 35, p. 630). The action was brought by a mortgagee to set aside a sale made by the mortgagee to her own solicitor, under a power of sale contained in the