

the overlooking windows; or he may erect a temporary screen against them.

Now, the erection of a temporary screen to stop the light of windows in a three-storied house is not a small matter. In the first place it is expensive. It is erected at the risk and peril of our owner. It must be substantially built, so as to be proof against heavy winds; and if it falls and damages the neighbour's property, or, for that matter, the property of any other person, our owner is responsible. In the second place it is unsightly. It ruins the appearance of the garden. In the third place it requires support, and support can only be secured by devoting a considerable part of the land to poles, posts, and stakes. Lastly, and this in a residential area, is by no means the least of its drawbacks; passers-by are apt—although most unjustly—to dub its erection a churlish act, and to regard our owner as an unneighbourly person.

Such, then, are the consequences of the recognition of the principle of "ancient lights." That principle is anomalous in inflicting hardship without any countervailing benefit to anyone. Nor can any parallel be drawn between the prescriptive acquisition of the right to light and of the right to affirmative easements, for in the latter case adverse enjoyment of the easement, on which the acquisition is based, can be easily stopped without trouble or expense; whereas in the former case the difficulties of preventing adverse enjoyment are, at any rate as regards small owners, in practice insuperable.

We shall now take the reader a little deeper into the difficulties of the law of light, for the anomaly with which we next propose to deal is one which requires some understanding of that branch of our law before it can be appreciated.

The doctrine of the legal protection of the amenity of light was revolutionized by the judgments delivered less than ten years ago in the House of Lords in the well-known case of *Colls v. Home and Colonial Stores Limited* (sup.), to which we have already referred. It was then held that the right to light was a right to freedom from a particular form of nuisance. Up to then the trend of judicial authority had been towards regarding