

obligation as *A* regarding the off-flow of rain or flood water from *D*'s land.

*II.* — If *A*'s land was subject to a right of way to the benefit of *D*'s land and *B* can produce conclusive evidence that the way used by *D* was always on the part sold to *C*, he may ask for an acknowledgement by *D* or apply for an order of the Court declaring that his part is not subject to any right of way to the benefit of *D*'s land.

134. — If the dominant property be divided, the servitude as a rule continues in favour of all the parts thereof.

If the use of the servitude is limited to one part according to the circumstances, the owner of the servient property can demand that it be extinguished in respect to the other parts.

G. 1025. J. 282. S. 743.

*Illustration:* — *A*'s land, being situated along a watercourse, is subject to the servitude provided by Section 140 allowing *B*, the owner of the land situated on the opposite bank of the watercourse, to rest a dam on *A*'s land. *B* divides his land into two parts, one of which is along the watercourse and the other further inland. He sells the former part to *C* and the latter to *D*. *A*'s land remains subject to the aforesaid servitude as regards the part sold to *C*, but it can be freed from the servitude as regards the part sold to *D* because *D* can no longer avail himself of Section 140.

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