

into another agreement with C, giving C a right of way on A's land across the line along which the canal is to be dug. If B has entered the former agreement in the Land Register before C enters the latter, C cannot object to B digging a canal across the line of the way to be made by C. But, if B was negligent and let C register his agreement first, he may dig his canal only on condition that it will not interfere with C's right of way; he may therefore be compelled to give up the digging of the canal or to do such works as may be required by the existence of a right of way across the line of the canal, e.g. he may be compelled to build and maintain at his own expense a bridge allowing C to cross the canal.

148. — If the necessities of the dominant property alter, an increased encumbrance cannot be imposed upon the servient property.

B. 739.

*Illustration:* — A has entered into an agreement with B, giving B the right to lay on A's land the pipes necessary to bring to B's house the water required for B's domestic needs. Later on B erects on his land a factory for the working of which a very large quantity of water is needed. He cannot avail himself of the agreement entered into with A to lay on A's land the pipes necessary to meet his present industrial needs. He must enter into a new agreement with A to that effect, and, if A refuses to do so, B must lay his pipes elsewhere.

149. — A servitude created by contract or will is extinguished :

(1) by the extinction of the contract;

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