

and integral part thereof, it would be idle to insist that a way could not be appurtenant unless contiguous. As between conflicting authorities, the better reasoned seem to be:

Jones v. Stevens, 276 Mass. 318 (1931);
177 N.E. 91; 76 A.L.R. 591

Woodlawn Trustees, Inc. v. Michal,
418 Pa. 398 (1965); 211 A 2d, 454

Refers turning to the extent of the use granted, the Court notes that defendant, at the conclusion of the trial, waived his claim of title by adverse possession (Par. Fourth, Answer), and holds that claims of plaintiffs regarding adverse use have not been proved. The Court further holds that neither side has proven damages, nor any facts which would equitably support the awarding of counsel fees.

The Court will take note of the fact that in 1924, automobiles were in common use. Albert Langwerthy's grant of right of way was "to pass and repass at any and all times and for any and all purposes over and across that certain strip of land owned by me and being about one hundred feet in width * * *" (plaintiffs' Exhibit "6", pp. 2-3). The Court holds the way granted was to permit reasonable access by automobile to the beach, for swimming,