MEREDITH, C.J.C.P., in a written judgment, said that the real question was, whether the defendant had trespassed upon and was now trespassing upon a part of the plaintiff's land.

The learned trial Judge seemed to have considered that the plaintiff could not recover without proving that the land in question—a strip of 10 inches in width—was covered by the deed to him of his property; that that he had failed to do; and so the action was dismissed—the Judge expressly declining to decide where the true boundary is, deeming that the evidence adduced at the trial did not warrant a judgment one way or other on that question, which was the most important matter in contest between the parties.

In the opinion of the Chief Justice, the trial Judge erred in both respects.

The plaintiff had been for several years before the time of the alleged trespass, and he was then, in possession of the land in question. He had been most of the time in possession as tenant of the owner, and then purchased from her and was in as owner.

The defendant purchased his land from the same owner; his purchase and deed were subsequent to the purchase by the plaintiff and the plaintiff's deed; but nothing turned on these facts or on priority of registration, because the land in each was described in the like manner.

The plaintiff's possession was quite enough evidence of title as against any one unable to prove a better title; and so the onus of proof was on the defendant as to the paper-title; and therefore, dealt with on the basis adopted by the trial Judge, the case should be decided in the plaintiff's favour.

But the evidence was quite sufficient to enable the Court to determine the actual rights of the parties under their deeds, and quite sufficient to require that the case should be so determined.

[Review of the evidence.]

The plaintiff was to have that 41 feet frontage of his vendor's land which begins at the point 217 feet from the Regent and Welland streets corner of the block; and the defendant was to have the next adjoining 41 feet frontage, commencing at a point 176 feet from the same corner.

There was no room in either case for doubt, and no excuse for not beginning at the point made plain in each deed.

The judgment should have been in the plaintiff's favour.

Apart from the value of the land in question to the plaintiff, he claimed $200 damages for injury sustained by the defendant's entry upon it, up to the present time; and, all things considered, it might be that County Court jurisdiction was excluded; but, whether it might be found upon a close inquiry to be so or not so, the plaintiff should have his costs of action as if the case were