

The
Ontario Weekly Notes

Vol. V,

TORONTO, NOVEMBER 7, 1913.

No. 7

APPELLATE DIVISION.

OCTOBER 27TH, 1913.

KOVINSKI v. CHERRY.

Limitation of Actions—Possession of Land—Statute of Limitations—Boundaries—Fences—Encroachment—Buildings—Survey—Confirming Statute 33 Vict. ch. 66—Tax Sale—Objections to—Taxes not in Arrear.

Appeal by the defendant and cross-appeal by the plaintiff from the judgment of the Judge of the County Court of the County of Kent in an action in that Court to recover possession of land and for other relief.

The appeal and cross-appeal were heard by MULOCK, C.J.Ex., RIDDELL, SUTHERLAND, and LEITCH, JJ.

M. Houston, for the defendant.

O. L. Lewis, K.C., and S. B. Arnold, for the plaintiff.

The judgment of the Court was delivered by LEITCH, J.:—
An appeal from the judgment of His Honour Judge Bell, Judge of the County Court of the County of Kent, sitting without a jury. The judgment is dated the 19th May, 1913. The defendant appeals against the second and third clauses of the judgment, which are as follows:—

“2. This Court doth further order and adjudge that the plaintiff, as the owner of an undivided eight-ninths of lot number 6, plan 9, Beatty’s survey, on the east side of William street, in the city of Chatham, in the county of Kent, recover possession of the said land to the line between lots 6 and 7 in the said survey, as shewn on the plans of W. G. McGeorge, Esq., P.L.S., filed at the trial as exhibits 29 and 30, except that portion there-