

perusal of the judgment shews at least to some extent the learned Chief Justice was influenced by considerations of the credibility of certain of the witnesses. And a perusal of the evidence in the light of his criticism, while it does not disclose what could be called a strong case, seems to shew enough to justify the result.

The defendant's counsel, before us, contended that the girder was unlawfully upon the highway, and a by-law of the city council was put in. But even if I agreed with that contention—which at present I do not—I would still be unable to see how it affords any justification for the act complained of.

The appeal should be dismissed with costs.

HON. SIR WM. MEREDITH, C.J.O., HON. MR. JUSTICE MAGEE and HON. MR. JUSTICE HODGINS agreed.

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SUPREME COURT OF ONTARIO.

FIRST APPELLATE DIVISION.

OCTOBER 22ND, 1913.

RE WOODHOUSE & CHRISTIE BROWN & CO. LTD.

5 O. W. N. 148.

*Land Titles Act—Appeal from Decision of Master—Sec. 140 of Act—Application to Register Objection to Issuance of Certificate of Title—Applicants Barred from Bringing Action for Possession “Action”—Meaning of.*

LATCHFORD, J., *held*, 24 O. W. R. 619; 4 O. W. N. 1265, that an order debarring the holders of the paper title to certain lands from bringing an action against the occupant for possession (see 23 O. W. R. 55) did not prevent them from filing an objection in the Land Titles Office to the said occupant being registered as owner of such lands.

SUP. CT. ONT. (1st App. Div.) reversed above judgment with costs, formal order objected to vacated and set aside.

Appeal by John Woodhouse from an order of Hon. Mr. Justice Latchford, 24 O. W. R. 619; 4 O. W. N. 1265.

The appeal to the Supreme Court of Ontario (First Appellate Division) was heard by HON. SIR WM. MEREDITH, C.J.O., HON. MR. JUSTICE MACLAREN, HON. MR. JUSTICE MAGEE and HON. MR. JUSTICE HODGINS.

Edward Meek, for appellant.

W. B. Milliken, for respondents.