

THE  
ONTARIO WEEKLY REPORTER

(TO AND INCLUDING MARCH 3RD, 1906.)

VOL. VII.

TORONTO, MARCH 8, 1906.

No. 8

MORGAN, JUN. J.

FEBRUARY 19TH, 1906.

COUNTY COURT, YORK.

HURWORTH v. CLEMMER.

*Limitation of Actions — Real Property Limitation Act—  
Tax Sale—Purchase by Owner—New Root of Title—In-  
terruption of Possession — Evidence of Possession —  
Conflict.*

Action for possession of a strip of land between 4 and 5 feet wide, being part of lot No. 13, plan 805, on the east side of Fairview avenue, Toronto Junction.

W. E. Raney, for plaintiff.

W. H. Lockhart Gordon, for defendant.

MORGAN, JUN. J.:—The plaintiff purchased the lot in question from the liquidator of the Farmers' Loan and Savings Company in October, 1904. The defendant Louisa Clemmer is the registered owner of lots 14, 15, and 16, the premises next adjoining the plaintiff's premises on the south. She is also the registered owner of two lots fronting on Lakeview avenue and abutting the Fairview avenue lots, all the 5 lots being included in one enclosure, and both defendants residing on the property. All the lots referred to are under one plan, and the plan shews a reservation for a lane between the Fairview avenue lots and the Lakeview avenue lots.

The evidence is that the defendants built a wire fence enclosing, or partly enclosing, lot 14 and other lots south, in