

The
Ontario Weekly Notes

VOL. XVIII.

TORONTO, JULY 2, 1920.

No. 16

APPELLATE DIVISION.

FIRST DIVISIONAL COURT.

JUNE 25TH, 1920.

*ADAMSON v. BELL TELEPHONE CO. OF CANADA.
*BELL TELEPHONE CO. OF CANADA v. ADAMSON.

Way—Easement—Strip of Land Set apart by Owner of Block for Use of Lots into which Block Subdivided—Effect of Conveyance—Extension of Easement—Appurtenance—Estate of Grantee in Dominant Tenement—Equitable Right—Estoppel.

Appeal by Mary Adamson, the plaintiff in the first action, and William Adamson, the defendant in the second action, from the judgment of the County Court of the County of Simcoe, dismissing the first action, and in favour of the plaintiff company in the second action.

The first action was for an injunction to restrain the defendant company from trespassing upon the plaintiff's land and for a declaration of the respective rights of the parties. The second action was to restrain the defendant from interfering with the plaintiff company's right of way, for damages, and for a declaration of the rights of the parties.

The appeals were heard by MEREDITH, C.J.O., MACLAREN, MAGEE, and HODGINS, J.J.A.

E. D. Armour, K.C., for the appellants.

A. W. Anglin, K.C., and W. A. Boys, K.C., for the company, respondent.

MEREDITH, C.J.O., reading the judgment of the Court, said that the question for decision was as to the right of the respondent company to a way over a strip of land 10 feet wide and 37 feet in length, being the southerly 10 feet of the westerly 37 feet of the north half of lot 16 on the east side of John street, in the town of Barrie, according to registered plan No. 115.

* This case and all others so marked to be reported in the Ontario Law Reports.