

Mansfield has no title to the small strip of land in question, the present appeal is taken. . . .

Mansfield claims title to this strip of land by grant, express or implied, or by possession.

Both lots were originally owned by one Alexander Mutchmor. Having first built the house in respect of which the present difficulty arises, he had a plan prepared and registered in June, 1872, covering, amongst other lands, those subsequently known as lots 3 and 4. The boundary line between these two lots was so run that, while the main part of the house built by Mutchmor stood upon lot 3, a small triangular-shaped portion extended over part of lot 4. According to this plan the subsequent sales were made.

In July, 1872, Alexander Mutchmor conveyed lot 3 to one Campbell; in September, 1872, he conveyed lot 4 to one Lawrence. There can be no doubt that all parties in 1872 acted upon the assumption that the building in question was wholly upon lot 3. The Master so finds. . . . The deed to Campbell describes the lands conveyed to him as lot 3 according to the registered plan. The deed to Lawrence describes the lands conveyed to him as lot 4 according to the same plan. These descriptions have been carried down through all the conveyances and mortgages of the respective properties.

The ownership and possession of the two properties remained distinct until June, 1883. From that time until 1896 one Lucy McCuaig owned both, subject to outstanding mortgages. In 1892 she mortgaged lot 3 to defendant Mansfield, who in 1896 foreclosed and obtained possession, up to that time held by Mrs. McCuaig. In 1893 Mrs. McCuaig mortgaged to Alexander Mutchmor lot 4, and, through foreclosure proceedings in respect of that mortgage and a subsequent mortgage to himself by A. P. Mutchmor, plaintiff claims title. The legal estates in these properties appears to have been from the beginning and throughout outstanding in different mortgagees, holding distinct mortgages on the respective lots.

Whatever might have been the rights of the original grantee of lot 3 in an action for the reformation of the Mutchmor deed of 1872, and whether, if such relief were sought, it would be granted, no such claim is made in this action. Any equity to reformation is probably destroyed by the provisions of the Registry Act. Whatever may have been the effect, upon the state of the title, of the possession