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No. 24

APPELLATE DIVISION.

FEBRUARY 8TH, 1915.

HARRISON v. SCHULTZ.

Limitation of Actions—Possessory Title to Land—Evidence—Building—Encroachment—Retention of Land Encroached upon—Improvements under Mistake of Title—Conveyancing and Law of Property Act, R.S.O. 1914 ch. 109, sec. 37—Compensation—Damages for Trespass—Costs.

Appeal by the defendant from the judgment of MIDDLETON, J., ante 131.

The appeal was heard by MEREDITH, C.J.O., GARROW, MACLAREN, MAGEE, and HODGINS, JJ.A.

F. C. Kerby, for the appellant.

F. D. Davis, for the plaintiff, respondent.

THE COURT dismissed the appeal with costs.

FEBRUARY 8TH, 1915.

*LEUSHNER v. LINDEN.

Practice—Affidavit Filed with Appearance to Specially Endorsed Writ—Rule 56 (1), (4)—“Good Defence upon the Merits”—Defective Affidavit—Motion for Summary Judgment under Rule 57—Leave to Move Substantively for Permission to File Proper Affidavit—Duty of Officer of Court Receiving Affidavit.

Appeal by the defendant from the order of RIDDELL, J., ante 456.

The appeal was heard by MEREDITH, C.J.O., GARROW, MACLAREN, and MAGEE, JJ.A.

G. F. Dyke, for the appellant.

J. R. Roaf, for the plaintiff, respondent.

THE COURT dismissed the appeal with costs.

*To be reported in the Ontario Law Reports.