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## SUPREME COURT OF CANADA.

OTTAWA, 7 June, 1897.

GAUTHIER V. MASSON.

Quebec.]

*Action on disturbance—Possessory action—“Possession annale”—  
Arts. 946 and 948, C.C.P.—Nature of possession of unenclosed  
vacant lands—Boundary marks—Delivery of possession.*

In 1890, G. purchased a lot of land 25 feet wide, and the vendor pointed it out to him, on the ground, and showed him the pickets marking its width and depth. The lot remained vacant and unenclosed up to the time of the disturbance, and was assessed as a 25 foot lot to G., who paid all municipal taxes and rates thereon. In 1895, the adjoining lot, which was also vacant and unenclosed, was sold to another person, who commenced laying foundations for a building, and in doing so, encroached by two feet on the width of the lot so purchased by G., who brought a possessory action within a couple of months from the date of the disturbance.

*Held*, that the *possession annale*, required by article 946 of the Code of Civil Procedure, was sufficiently established to entitle the plaintiff to maintain his action.

Appeal allowed with costs.

*Belcourt*, for the appellant.

*Madore* and *Merrill*, for the respondents.