

The Ontario Weekly Notes

Vol. II.

TORONTO, MAY 24, 1911.

No. 35.

COURT OF APPEAL.

MAY 10TH, 1911.

PARENT v. LATIMER.

Improvements on Land—Honest Belief in Ownership—R.S.O. 1897 ch. 119, sec. 30—Evidence—Agreement—Survey—Boundaries—Wall Built on Strip in Dispute—Knowledge that Rights Disputed.

Appeal by the defendants from the judgment of a Divisional Court, ante 210, affirming the judgment of BOYD, C., in favour of the plaintiffs in an action to recover possession of land. The facts are fully stated in the judgment of MEREDITH, C.J., in the Divisional Court, ante 210-214.

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

J. H. Moss, K.C., for the defendants.

J. Sale, for the plaintiffs.

At the close of the argument of counsel for the appellants, the judgment of the Court was delivered orally by MOSS, C.J.O., dismissing the appeal with costs, and affirming the judgment of the Divisional Court.

HIGH COURT OF JUSTICE.

DIVISIONAL COURT.

MAY 11TH, 1911.

GELLER v. LOUGHRIN.

Intoxicating Liquors—Amendment of Criminal Code—6-7 Edw. VII. ch. 9 (D.)—Irregular Conviction—Payment of Fine and Costs under Duress—Destruction of Liquor—Action against Commissioner of Police—Claim that Commission Void—Ultra Vires—R.S.C. ch. 92—Notice of Action—Nominal Damages—New Trial—Costs.

Appeal by the plaintiff from the judgment of VALIN, J., Judge of the District Court of Nipissing, in an action tried with