

The plaintiff claimed to be the owner of lots 111 to 121 in block D. according to a registered plan of land in Bertie, all of which lots were originally owned by the Crescent Beach Association. Lots 111 to 114 were conveyed by the association to S. in October, 1899, by deed registered in November, and were conveyed by S. to the plaintiff in September, 1902, by deed registered in that month; lots 115 to 121 were conveyed by the association to the plaintiff in November, 1906, by deed registered in that month.

The defendant had a registered paper title to lots 122 to 129 in block E. according to the same registered plan.

Upon the registered plan there were laid down 162 lots, and there were shewn upon it 6 blocks, lettered A. to F.; between these blocks there was a space marked "no thoroughfare—private entrance for exclusive use of occupants of lots in Crescent Beach tract;" and, except between blocks E. and F., there was at the lake shore end of the space a pear-shaped figure marked "Park Private Reserve." Between blocks E. and F. there were two figures in the space, marked respectively "Park Private Reserve" and "Private Reserve Park."

The defendant's buildings and grounds and roads, as originally erected and laid out, encroached upon lots 114 to 121 in block D.; and the plaintiff brought an action for a declaration of right, damages, and an injunction. A compromise of the action was effected, and judgment was entered for the plaintiff for possession according to the terms of the compromise, without costs.

The defendant's buildings, grounds, and roads at this time were partly on the space between blocks D. and E. already referred to, and partly on that part of it marked "Park Private Reserve."

Shortly after the compromise, the defendant removed her buildings and other property from the plaintiff's lots, and ceased to occupy any of them; the house was removed to the space between blocks D. and E., and it and her grounds and roads were at the time of the present action partly on this space and partly on the part of it marked "Park Private Reserve," and partly on the land to which the defendant had a paper title.

The present action was brought on behalf of the plaintiff and "all other the property holders at Crescent Beach, in the township of Bertie, in the county of Welland," and an injunction was sought to restrain the defendant from obstructing or interfering with in any way or preventing or hindering the plaintiff and the other property owners in the free and uninterrupted use and enjoyment of the private park reserve and the private entrance to lots for the