

Some time about 1904, the city officials started assessing the owners of the fee in lanes which had never been formally dedicated to the public. About that time, Mr. Dickey, on receiving his assessment notice, came up and looked at the property, no doubt going upon it. This is relied upon as an entry which would stop the statute from running.

Some other minor incidents have been mentioned, which appear to me to have no bearing whatever upon the dispute.

I am not here concerned with the question as to whether there ever was an easement in favour of the northern houses, nor am I here concerned with the question whether that easement has been extinguished. The dispute before me is, I think, quite apart from these questions.

When Mr. Baird recently sold to Mr. Bullen, Bullen undertook to erect his apartment house up to the northern boundary of his own land. He then found the so-called lane enclosed and apparently forming part of the Lawson property. He knew that he had no title of any kind to it, yet he took down the southern fence—as to which there is probably no objection—removed the gates, and proceeded to use the lane as a means of access to his property. He hunted up Mr. Dickey, and on the 18th March, 1912, obtained from him a conveyance of the lane, taken in the name of Mr. Ira Standish, his solicitor; and he justifies the user of this lane by his ownership under this conveyance. He is within his right, unless the Lawsons have acquired a possessory title, as against Dickey, his grantor.

I think it is very doubtful whether the plaintiff has shewn any such continuous possession as would in any aspect of the case establish a possessory title; but I need not discuss this at length, as *Littledale v. Liverpool College*, [1900] 1 Ch. 19, shews that the erection of gates at the ends of the lane over which the person erecting the gates has a right of way is an equivocal act which may have been done merely with the intention of protecting the right of way from invasion by the public, and does not amount to a dispossession of the owner, and so does not give a possessory title.

Here, as already pointed out, the inference from the facts proved is, that there was no intention of doing more than necessary to exclude those members of the public who were making this strip a nuisance; so the case in hand does not raise as many difficulties as there were in the English case.

In the use of the lane there was some injury to the building. The defendant has paid \$25 into Court. I think this is enough to compensate for this damage.