

The
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APPELLATE DIVISION.

FIRST DIVISIONAL COURT. JANUARY 18TH, 1921.

BATTLE v. QUILLINAN.

Easement—Right of Way over Strip of Land—Unlimited Right Created by Grant—Obstruction of Way by Building—Mandatory Injunction to Compel Removal—Discretion—Costs—Appeal—Extension of Time for Removal.

An appeal by the defendant from the judgment of LATCHFORD, J., 18 O.W.N. 375.

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

I. F. Hellmuth, K.C., for the appellant.

T. D. Cowper and T. F. Battle, for the plaintiff, respondent.

THE COURT dismissed the appeal with costs, but allowed the defendant an extension for one year of the time for the removal of the obstruction.

FIRST DIVISIONAL COURT. JANUARY 20TH, 1921.*

*ROTMAN v. PENNETT.

Damages—Breach of Agreement for Lease of Premises—Infirmary of Title of Lessor—Bona Fides—Measure of Damages—Proper and Necessary Legal Expenses—Costs.

Appeal by the plaintiffs from the judgment of LENNOX, J., 47 O.L.R. 433, 18 O.W.N. 177.

* This case and all others so marked to be reported in the Ontario Law Reports.