

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 of 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 had 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 defendants have paid \$25 into Court. I think this is enough to compensate for this damage.

Under all the circumstances, while I dismiss the action, I think it is not a case for costs.

Some question was raised as to the conveyance from Dickey to Standish by reason of the description forming a cloud on the Lawsons' title to the land conveyed to them. No claim is made under it to more than the lane; and, if so desired, the judgment may declare that it does not form any cloud on the plaintiff's title to the land on which the house stands.