

I find that the transaction was a loan upon the security of the stock and not a purchase of the stock. It is not necessary then to consider whether the defendant with the knowledge he possessed could have made a purchase so as to bind the plaintiff.

There will be judgment for the plaintiff for the balance of the \$3,400 after deducting the \$1,000 note and interest, with interest on the balance from the date of its receipt, and the costs of the action. The counterclaim will be dismissed without costs.

Stay of execution for twenty days.

HON. MR. JUSTICE MIDDLETON.

APRIL 1ST, 1914.

NATTRESS v. GOODCHILD.

6 O. W. N. 156.

Limitation of Actions—Possession of Lands—Island in Lake Erie—Abandonment in Winter for Physical Reasons—Alleged Possession as Caretaker—Evidence—Action of Ejectment—Dismissal of—Costs.

MIDDLETON, J., *held*, that the open, obvious, exclusive and continuous possession of property necessary to bring the case within the statute is not destroyed simply because, for physical reasons, during the winter season the person acquiring title ceases to occupy the land.

Piper v. Stevenson, 28 O. L. R. 379, followed.

Action (tried at Sandwich, 24th March, 1914), for possession of an island containing about seven acres, situate in the western end of Lake Erie, known as Middle Sister Island.

E. C. Kenning, for the plaintiff.

M. Sheppard and A. B. Drake, for the defendant.

HON. MR. JUSTICE MIDDLETON:—The original title of Andrew Ross to the island in question is admitted. Mr. Ross resided in Detroit. He died on the 10th January, 1906.

The island was originally regarded as chiefly valuable for a fishing station. There is a deposit of gravel which is also of value, and more recently the trees growing upon the island have given it value not only for the wood, but as an attractive location for a summer residence. The plaintiff