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POSSESSORY TITLE TO LAND.

In the recent case of *Devault v. Robinson*, 18 O.W.N. 328, the Appellate Division gave its approval to the decision of Riddell, J., in *Rooney v. Petry*, 22 O.L.R. 101. The apparently conflicting decision of the English Court of Appeal in *Kinlock v. Rowlands* (1912), 1 Ch. 527, though it was brought to the attention of the Court, does not appear to have been referred to in the judgment. In the latter case the plaintiffs and defendants were owners of adjoining lands divided by a dry ditch or channel of an ancient watercourse; the true boundary between the properties being the centre line of the ditch. In 1894 the plaintiff built a wall leaving a strip between the wall and the centre line of the ditch unenclosed. The defendant claimed to have acquired title to this strip by possession, the only evidence of which was, that his cattle had been accustomed to graze up to the wall. In 1912, therefore, there had been 18 years possession of this kind, but Joyce, J., held that there had been no abandonment of possession of the strip by the erection of the wall, and that the plaintiff was entitled to judgment, and his decision was affirmed by the Court of Appeal (Cozens-Hardy, M.R., and Moulton, and Farwell, L.JJ.). In *Devault v. Robinson* the lands of the plaintiff and defendant adjoined. The plaintiff's house and the defendant's house were separated by a strip of land of about 4 or 5 feet wide, the paper title to which strip was in the plaintiff, but the strip had been used by the defendant between the house and the street as a passageway. At the rear of the plaintiff's house a fence had been erected in the line of the house and a gate across the strip at this point had been erected by the defendant so as to enclose that part of the strip to the north thereof as the defendant's own property for upwards of ten years, and there was practically no dispute as to the defendant having acquired a possessory