MIDDLETON, J.   MARCH 23RD, 1912.

RE HEWITT.

*Land Titles Act—Special Case for Determination by Court—
Ex Parte Application—Practice—Possessory Title—Limi-
tation of Actions—Character of Occupation—Fences.*

A person applying for registration as the owner of land
under the Land Titles Act, 1 Geo. V. ch. 28, moved, ex parte,
under sec. 88 of the Act, for an order of the Court determining
a doubtful question arising in the office of the Master of Titles.

R. L. Defries, for the applicant.

MIDDLETON, J.:—The applicant desires to have the case dis-
posed of ex parte, because he does not know in whom the paper
title is now vested.

I very much doubt whether there is authority to hear a
special case ex parte, as the statute in question directs that the
practice and procedure shall be the same as on a special case or
on an issue directed in an action; and no actor in an action can
obtain an adjudication without first finding a respondent and
giving notice to him.

Apart from this difficulty, I do not think that a possessory
title is made out. The land has been fenced since 1882; but that
is not enough; there must be an "actual, constant, and visible
occupation;" and this is not met by the statement that "for
twenty years off and on I have stored lumber on the lot, also
other building material," even when supplemented by the vague
and unsatisfactory statement, "some material would remain
there continuously."

I had occasion to consider this question, and to collect the
authorities, in Campeau v. May, 2 O.W.N. 1420.

Upon both grounds, I refuse to interfere.

MIDDLETON, J.   MARCH 23RD, 1912.

RE MATTHEW GUY CARRIAGE AND AUTOMOBILE CO. THOMAS'S CASE.

*Company—Winding-up—Contributory—Absence of Allotment
and Notice—Estoppel—Recall of Bonus Shares—Intra Vires
—Appeal—Costs.*

Appeal by the liquidator of the company from the certificate
of the Master in Ordinary dismissing the application of the liqui-
dator to place the name of R. W. Thomas upon the list of con-
tributories in the winding-up of the company.