it was so when the matter was before the Chancellor. If the grounds were not taken or brought to the attention of the Chancellor, the fault does not lie with the Court.

I do not dismiss the petition, but enlarge the hearing of it sine die; either party to bring it on, on two days' notice. Costs of this enlargement to be to the petitioners in any event.

DIVISIONAL COURT. OCTOBER 15TH, 1912.

*ROBINSON v. OSBORNE.

Limitation of Actions—Possession of Land—Successive Intruders—Break in Occupation—Ejectment—Proof of Plaintiff's Title—Possession by Predecessor.

Appeal by the defendant from the judgment of the County Court of the County of Halton, in favour of the plaintiff, in an action to recover possession of a lot of land (10) in the village of Bronté.

The defence was the Statute of Limitations.

The County Court Judge found that the plaintiff proved sufficient paper title in himself to entitle him to have the actual and visible occupation of the land, if his title and right had not been extinguished under the statute; and that the defendant had failed to prove actual, continuous, open, visible, and exclusive occupation of the land, either by himself or those under whom he claimed in succession, for a period of ten consecutive years.

The appeal was heard by RIDDELL, KELLY, and LENNOX, JJ.

W. Laidlaw, K.C., for the defendant.

J. P. MacGregor, for the plaintiff.

RIDDELL, J. (after setting out the facts), said that if the possession of Dobson (the defendant's predecessor as an intruder) had been such as to answer the statute, the defendant could have taken advantage of it, even though his deed covered lot 9 only. . . .

[Reference to Simmons v. Chipman, 15 O.R. 301; Burrows v. McCreight, 1 Jo. & Lat. at p. 203; Dixon v. Gayfere, 17 Beav. 44; McConaghey v. Denmark, 4 S.C.R. 609; Trustees Executors and Agency Co. v. Short, 13 App. Cas. 793;

*To be reported in the Ontario Law Reports.