

FERGUSON *v.* INNES.*Title to land—Boundaries—Evidence—Prescription.*

1894

\*Oct. 23.

1895

\*Mar. 11.

APPEAL from a decision of the Court of Appeal for Ontario (1), reversing the judgment of the Divisional Court in favour of the appellants.

The plaintiffs (respondents) were the Rector and Wardens of St. Paul Church, London, Ont., and brought the action for possession of land fenced in by defendants who pleaded title to a part of said lands and a right of way over the remainder. The Court of Appeal reversed the decision of the Chancery Division and gave judgment for plaintiffs who, however, were not satisfied as they claimed a greater width of land than the judgment allowed and they brought a cross-appeal to defendant's appeal from such judgment.

The appeal and cross-appeal were dismissed with costs, the court adopting the reasoning of Mr. Justice Maclellan in the Court of Appeal.

*Appeal and cross-appeal dismissed  
with costs.*

*Purdum* for the appellants.

*Bayly* Q.C. for the respondents.

\*PRESENT:—Sir Henry Strong C.J., and Taschereau, Gwynne, Sedgewick and King JJ.