

Lots 23 and 28, I fixed on Lot 9 as Mr. Clarke's lot under Meehan's title, and so entered Mr. Clarke's name for it."

Mr. Martin also proves distinctly that *Mr. Winkler* lives on Lot 9, and that there are improvements thereon worth from \$800 to \$1,000.

Joseph Goudon says :—

"Fully a year before he sold out his claim to *Mr. Clarke* the said '*Mike Meehan*' came with his wife and family and took up land near me. He first drew logs and built near to completion a house on the bank of the River *near to where Mr. Winkler's house now stands on Lot 9.*" Trouble arose about cattle, and *Goudon* says further: "So he stopped building at that point and went away out about a mile and a half, more or less, on the prairie in a line with his first building, and built on the west side of the high road then leading to Fort Garry, where he built a good substantial oak log house."

"*Mike Meehan* with his wife and family of several children lived in the house he built on the roadside for, I am certain, over a year, till he sold to *Mr. Clarke*, and it was when I heard that *Clarke* had bought him out that I thought I would try and sell to *Mr. Clarke* also, which I did."

"I have been over the ground within a few days past with *Mr. Martin*, the Surveyor, and others, and I pointed out the remains of *Meehan's* house and stables. They were quite visible—the cellar and a considerable lot of logs half buried under the ground. The site is near and to the north-west of the old oak boundary post, which stands about seven (7) feet high. I cannot be mistaken in the place. I know it well, and have been there very often when *Meehan* lived there, and could see it quite plainly from my house; in fact he was one of my nearest neighbours on that side of the river."

I will not further copy the plaintiff's statements as to the occupation or possession by *Meehan* of the lots in question, but will look at what is said to the contrary.

Joseph Goudon says, in his pretended declaration of 19th July 1879 :—

That *Meehan* built "about three-quarters of a mile to the north of the northerly side line of Lot number nine in said Parish." This is altogether too much, and must refer to the second building of *Meehan*, which he built after he removed, having sold to *Clarke*; otherwise it is probably untrue. It is not reasonable, in view of all the established facts, about which there can be no doubt.